

SHIRE OF WAGIN



MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 21st OCTOBER 2003

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Shire of Wagin

Minutes of the Ordinary Council Meeting of the Council held in the Council Chambers on Tuesday 21st October 2003.

1. Declaration of Opening

In the absence of the Shire President, the Deputy Shire president Cr Johnson opened the meeting at 7.06pm.

2. Attendance, Apologies and Leave of Absence (Previously Approved)

Present:	Cr R P Johnson	Deputy Shire President	
	Cr P I Piesse	Member	
	Cr I C Cumming	Member	
	Cr A C Hansen	Member	
	Cr E N Pugh	Member	
	Cr K M Draper	Member	
	Cr P J Blight	Member	7.11pm
	Cr G J Riseborough	Member	
	Cr D K Morgan	Member	
Staff:	Mr I B Fitzgerald	Chief Executive Officer	
	Mr B K Fisher	Deputy Chief Executive Officer	
	Mr D A Archer	Principal Environmental Health Officer/Building Surveyor	
Visitors:	Mr Jim Wallis JP		
	Mr John Morgan	Customer Service Manager Telstra Countrywide Southern WA	
Apologies:	Nil		
Leave of Absence:	Cr Brockway and Cr Rowell		

Swearing In of Councillor

Cr Johnson welcomed Councillor elect Mr Dean Morgan to the meeting and Mr Jim Wallis JP who would officiate in the swearing services for Cr Morgan.

The Chief Executive Officer invited Mr Jim Wallis JP to officiate at the swearing in ceremony for Councillor Morgan who was elected at the 2003 extraordinary election.

Cr Morgan took an Oath of Allegiance and made the Declaration by an Elected Member.

Cr Johnson also welcomed the new Chief Executive Officer Mr Ian Fitzgerald to Wagin and thanked the Deputy Chief Executive Officer for relieving in this capacity for the past eleven weeks.

3. Response to Previous Public Questions taken on notice

Nil

4. Public Question Time

Nil

5. Application for Leave of Absence

Nil

6. Public Forum (Petition/Deputations/Presentations)

Mr John Morgan Customer Service Manager – Telstra Country Wide addressed the meeting and gave a brief overview of Telstra products such as Digital and CDMA mobile services and Internet access available using ADSL and ISDN services.

Mr John Morgan left the meeting at 7.48pm.

7. Confirmation of Previous Meeting Minutes

10704 HANSEN/BLIGHT

That the minutes of the;

- a) Ordinary Council Meeting held on 16th September 2003 and
- b) Special Council Meeting held on Wednesday 1st October 2003 be confirmed as a true and correct record.

CARRIED

Vote 9/0

8. Disclosure of Financial and other Interests

Cr Johnson declared a financial interest in item 9.1.2

Cr Pugh declared a financial interest in item 9.1.3

9. Reports of Committees and Officers

9.1. Health, Planning and Building

9.1.1	Risk Assessment and Risk Management Plan
Location:	Shire of Wagin
Proponent:	Office of the Gene Technology Regulator on behalf Monsanto Australia Ltd
Reporting Officer:	Principal Environmental Health Officer/Building Surveyor
File:	DEP2/1

Summary

The proponent seeks comment on the Risk Assessment and Risk Management Plan prepared by their Office, developed for the advice received from expert groups and key stakeholders.

Background

In April 2003 Council commented on the then draft Risk Assessment and Risk Management Plan and advised; "Council on 15th April 2003 considered your report on the risk assessment and risk management plan for DIR 021/2002 from Bayer Cropscience Pty Ltd to commercially release genetically modified canola and advise that the commercial release of genetically modified canola be withheld pending the enactment of the Genetically Modified Crops Free Areas Bill which may be seriously compromised by the commercial release to all canola grouping regions as proposed."

Comment

To generalise:-

1. What is Roundup Ready canola?

Monsanto's Roundup Ready canola has been genetically modified to be tolerant to the popular herbicide glyphosate enabling the application of the herbicide to control weeds while the crop is being grown. Glyphosate is the active constituent in a range of herbicides marketed under such trade names as Roundup and Roundup Ready.

2. What is this Risk Assessment all about?

An extensive range of possible risks including potential for toxicity, allergenicity, spread as a weed, and adverse effects from gene transfer, have all been thoroughly investigated. The Risk Assessment & Risk Management Plan is available at www.ogtr.gov.au/new/index.htm. The Gene Technology Regulator welcomes comments relating to the protection of health and safety or the environment to help finalise the Risk Assessment and Risk Management Plan. The Regulator will not make a decision until after comments from this consultation have been taken into account.

3. What has Monsanto applied for?

Monsanto has applied for a licence to grow Roundup Ready canola on a commercial basis. Roundup Ready canola has been previously trialled under limited and controlled conditions in Australia over many years and has already been approved for commercial release and food use in Japan, Canada and the USA and for food use in Australia and Europe.

4. How is Monsanto Roundup Ready canola different from conventional (non-GM) Canola?

Traditional (non-GM) breeding techniques have previously enabled the incorporation of herbicide tolerance into conventional (non-GM) canola. For example, about 60% of all Australian non-GM canola is tolerant to the herbicide atrazine. The main difference between this GM canola and conventional canola is that gene technology has been used to incorporate tolerance to a different herbicide (glyphosate).

5. How is this (Monsanto) Roundup Ready canola different from the recently approved (Bayer) In Vigor canola?

Roundup Ready canola is tolerant to the widely used herbicide glyphosate whereas Bayer's In Vigor canola is tolerant to the less widely used herbicide glufosinate ammonium. In Vigor canola also incorporates a hybrid breeding system.

6. Why has it taken so long to prepare the Risk Assessment and Risk Management plan?

The Roundup Ready canola application was received in June 2002. After a preliminary assessment, the Gene Technology Regulator decided that she required additional information and stopped the 170-day application 'clock'. The 'clock' remained stopped until the Regulator was satisfied that the additional information particularly on the potential impact of the proposed release on herbicide resistance had been received. Only after this information had been analysed could the Regulator release the consultation version of the Risk Assessment and Risk Management Plan for comment by expert groups and key stakeholders, including the public.

7. Has the evaluation process relied only on industry data and information?

No. The Gene Technology Regulator requires extensive data as part of any application and often asks applicants for new and additional information. All data supplied by applicants is reviewed by OGTR staff and independent experts, together with relevant independent local and international research. Approximately 400 studies and papers have been reviewed as part of this evaluation, most of which are detailed in the extensive Reference section of the Risk Assessment & Risk Management Plan. In Addition, the OGTR has prepared the literature review *The Biology and Ecology of Canola (Brassica napus)* as a reference document for the evaluation of applications involving GM canola.

8. What impact do recent State Governments agreements, legislation and 'policy principle' have on this decision?

The national gene technology regulatory system is designed to address risks to human health, safety and the environment that may be posed by genetically modified organisms. This consultation version of the Risk Assessment and Risk Management Plan suggests that Roundup Ready canola is as safe as non-GM canola.

However, the *Gene Technology Act 2000* anticipated that State and Territory governments may choose to respond to market access issues in relation to the commercial introduction of GM crops. The recently enacted *Gene Technology (Recognition of Designated Areas) Principle 2003* allows for recognition of GM or non-GM designated areas under State or Territory legislation for marketing

purposes. The Principle is designated to ensure the valid operation of these State and Territory laws. More information on the policy principle is available from the Gene Technology Ministerial Council's website at www.tga.gov.au/gene/gtmc.htm#policy

HUMAN HEALTH & SAFETY

9. How can we be sure that the Monsanto Roundup Ready canola is safe for humans?

The detailed assessment of the Monsanto Roundup Ready canola application looked at the differences between this GM canola and GM-canola *eg* whether the new proteins were toxic or likely to trigger allergies. The assessment also looked at other changes that might result from the genetic modifications (as detailed in the *Risk Assessment and Risk Management Plan*). None of the new proteins were found to be toxic or allergenic and the nutrient composition of this *GM* canola is the same as that of non-GM canola.

10. How is GM food assessed for safety?

Food Standards Australia New Zealand (FSANZ) assesses approves and sets standards for food and food ingredients and is responsible for food labelling. Only the oil from canola seeds (for both GMM and non-GM) is used in human food. Canola oil is highly refined during processing which removes both GM and non-GM DNA and proteins. The remaining canola meal is used as a high protein animal feed. FSANZ approved the use in food of oil derived from Roundup Ready canola in November 2000..

11. Will the Roundup Ready canola genes spread to other plants and create 'super weeds'?

No. Most things that humans and animals eat contain millions of genes but they are broken down by mammalian digestive system. Even though we all eat plant genes in vegetables each day, no study has been able to demonstrate conclusively the presence of functional plant genes (or even plant gene fragments) in the human or any other animal genome. In the case of canola, the oil is highly refined which removes DNA in the process. Therefore it is extremely unlikely that nay of the introduced genes could become incorporated into food and then transferred to humans or animals.

ENVIRONMENT

12. How can we be sure that the Monsanto Roundup Ready canola is not harmful to the environment?

Monsanto's proposal to commercially release Roundup Ready canola has been thoroughly assessed by a wide range of independent specialists with skills in many disciplines, including ecology, biochemistry, agronomy, biology, molecular biology, genetics and agricultural science. The evaluation has involved months of detailed assessment, including input from a wide range of expert groups and authorities and detailed reviews of Australian and overseas research, all of which are discussed in the Risk Assessment and Risk management Plan.

13 Will the Monsanto Roundup Ready canola harm grazing / native animals?

No. The proteins produced by the introduced genes in Roundup Ready canola are not toxic, nor are the compounds into which the herbicide is broken down. The Risk Assessment has found that canola seed and meal derived from Roundup Ready canola is safe as non-GM canola seed and meal.

14 Will the Roundup Ready canola genes spread to other plants and create super weeds?

Some transfer of the herbicide tolerance gene will occur to other canola at a low level, and to a small number of related plants at an even lower level. Even if this does occur, it will not pose an environmental risk. Like non-GM canola, Roundup Ready canola is not invasive. Plants which acquire the herbicide tolerance gene only have a survival advantage in the presence of glyphosate and would still remain susceptible to other herbicides, cultivation practices and other environmental factors (such as climate). Therefore, conventional canola which acquires this herbicide tolerant gene can be controlled in the same way as Roundup Ready canola. Some current weeds cannot be controlled using glyphosate alone and it is not uncommon for mixtures of herbicides to be used in this situation. The conditions of use of all registered chemicals are regulated by the Australian Pesticides and Veterinary Medicines Authority (APVMA).

15 Will the commercial release of Roundup Ready canola result in increased use of more toxic or persistent herbicides?

This issue has been assessed by the APVMA in considering the application to register Roundup Ready herbicide for use on Roundup Ready canola. Mixtures of herbicides are commonly used to achieve effective weed control. The APVMA can also review registration of herbicides. For example, the herbicide 2, 4-D (one of the most commonly used tank-mix herbicides) is currently under review by the APVMA.

16. Will the commercial release of Roundup Ready canola promote development of resistance to glyphosate?

Glyphosate is a very important agricultural chemical with a broad spectrum action, low toxicity to animals and microbes, and minimal persistence in the environment. Glyphosate is not currently registered for use on canola crops and therefore separate approval is required from the APVMA before Roundup Ready herbicide can be used on Roundup Ready canola for weed control. The APVMA considers efficacy as part of its assessment process for all herbicide registrations. As an outcome of this process it may be necessary to implement herbicide management plans. This risk of herbicide has been comprehensively assessed by the APVMA and will be addressed by the APVMA placing registration conditions on the herbicide.

17 Why hasn't the Gene Technology Regulator proposed any conditions to protect against the development of herbicide resistance?

The development of resistance is a potential problem with the use of all agricultural chemicals. Management of herbicide resistance is a key factor in the APVMA decision whether to register a chemical for a particular use and what conditions will be applied. The Risk Assessment and Risk Management Plan identifies the potential for development of resistance to glyphosate if the herbicide is used inappropriately and notes that the use of glyphosate on Roundup Ready canola requires approval by the APVMA. This risk has been comprehensively assessed by the APVMA, to consider how the proposed change in use of glyphosate for the control of weeds may alter the risk of herbicide-resistant weeds developing. The APVMA will address this risk by placing registration conditions on Roundup Ready herbicide. The Regulator strongly supports the APVMA imposing conditions on the application of this herbicide to counteract the possible risk of resistance associated with the

proposed extension of use of glyphosate as a Roundup Ready herbicide to in-crop application on Roundup Ready canola.

MARKETING & SEGREGATION

18 Why hasn't the Gene Technology Regulator imposed conditions on the Monsanto Roundup Ready canola licence to separate GM canola from other plants?

Licence conditions are only imposed by the Gene Technology Regulator if there are risks to human health and safety or the environment that need to be managed. Proposed industry supply chain management strategies (*eg* Gene Technology Grains Committee *Canola Industry Stewardship Protocols for Co-existence of Production System and Supply Chains* and *Monsanto's Canola Crop Management Plan*) propose good agricultural practice in relation to seed purity, cultivation, handling, transport *etc.* They are intended to enable the segregation of GM and non-GM canola to the level required by markets. The current evaluation considered the risks that might occur without *any* control measures and concluded that Monsanto Roundup Ready canola is as safe for human health, safety and the environment as non-GM canola.

19. Why doesn't the OGTR assess marketing trade or economic impact?

Feedback from extensive stakeholder consultation during the development of the *Gene Technology Act 2000* made it clear that the community wanted the regulatory system to focus exclusively on the protection of human health and safety and the environment. This is to prevent the possibility of decisions being influenced by economic considerations. This was agreed to by all Australian governments and Opposition parties. The States and Territories are primarily responsible for economic development and market access issues in their respective jurisdictions.

The Regulator advises the application from Monsanto has been evaluated and a RARMP has been prepared in accordance with the Act and the Regulations, using the Risk Analysis Framework. This Framework was developed by the Regulator in consultation with the public, key State, Territory and Australian government stakeholders, and the Gene Technology Technical Advisory Committee.

Details of the process that the Regulator must follow including the prescribed consultation process on the application, and the matters that must be considered in preparing a RARMP.

The risk assessment considered information contained in the application (including information required by the Act and the Regulations on the GMO, the parent organism, and the proposed dealings and on potential impacts on human health and safety and the environment), submissions received from expert groups and authorities consulted on the application as prescribed by the Act, invited advice from the public and current scientific knowledge,

The risk assessment evaluated potential hazards that might be posed by the release of the GM canola based on the combined consideration of the likelihood of the hazard occurring and the previously for the same GM canola under the Roundup Ready canola field trial application DIR 011/2002, but were reassessed to determine whether the proposal *commercial* scale of the release posed additional risks.

Conventional canola is sensitive to glyphosate, and it is not registered for post-emergent weed control, in canola crops (ie: once the crop has been planted and

germinated), Glyphosate could be used for this purpose on Roundup Ready canola because of the introduced herbicide tolerance trait.

Glyphosate is registered under the trade name Roundup Ready herbicide for use on Roundup Ready cotton in Australia, but is not currently registered for use on Roundup Ready canola.

A parallel application has been made to the APVMA for an extension use on the registration of Roundup Ready herbicide to enable over the top application for post emergent weed control in Roundup Ready canola crops. Appendices 4 and 6 of the RARMP contain further details.

Monsanto's application proposes the commercial cultivation of Roundup Ready canola in all the current and future canola growing regions of Australia, which potentially includes New South Wales, Victoria, South Australia, Western Australia, Queensland, Tasmania and the Australian Capital Territory.

Monsanto proposes a phased introduction of Roundup Ready canola with a limited release of approximately 5000 hectares in the first year in the canola growing regions of south eastern Australia. Monsanto expects a steady increase in the area sown to Roundup Ready canola over a number of years across the canola growing regions of Australia, with the rate of increase being determined by market acceptance, and seed and variety availability. Monsanto proposes to continue to work closely with the grains industry, including the Gene Technology Grains Committee and State and Territory Governments to manage the introduction of Roundup Ready canola.

Roundup Ready canola from the proposed release would be used as oil in human food or in animal feed in the same way as conventional (non-GM) canola. Roundup Ready canola has been approved for growing and human consumption in Japan, Canada and the USA. It is approved for food use in Europe and an application is pending for environmental release. Roundup Ready canola has been trialled previously in Australia under limited and controlled conditions and oil derived from Roundup Ready canola has been approved by Food Standards Australia New Zealand (FSANZ) for use in human food in Australia. Chapter 1 of the RARMP provides further details.

Roundup Ready canola has been genetically modified to be tolerant to the herbicide glyphosate by the introduction of two genes, the *CP4 EPSPS* gene from the bacterium *Agrobacterium* sp. Strain CP4 and the *goxv247* gene from the bacterium *Ochrobactrum anthropi*. The *CP4 EPSPS* gene encodes the enzyme 5-enolpyruvylshikimate-3-phosphate synthase (EPSPS) and the *goxv247* gene encodes the enzyme glyphosate oxidoreductase (GOX).

Glyphosate kills plants by inhibiting the endogenous plant EPSPS enzyme which is involved in the pathway for synthesis of aromatic amino acids. The pathway is not present in mammalian, avian or aquatic animals which explains the herbicide's selective action on plants. The enzyme produced by the *CP4 EPSPS* gene has a higher tolerance to the action of glyphosate than the plant's equivalent protein. The GOX enzyme detoxifies glyphosate.

Under the former voluntary system overseen by the Genetic Manipulation Advisory Committee (GMAC), Monsanto conducted five limited and controlled releases (PR77 and while herbicide resistance does not represent a risk to human health and safety or

the environment the Regulator is mindful of the importance of glyphosate to Australia in both the agricultural and non-agricultural environments. Feedback from stakeholders has also raised the issue of inappropriate use of the herbicide leading to resistance. The Regulator strongly supports the APVMA imposing conditions on the registration of glyphosate to address the possibility of resistance development associated with any extension of use of the Roundup Ready herbicide to Roundup Ready canola crops.

The OGTR and the APVMA will continue to liaise to ensure the consistent identification and management of issues relating to herbicide use and GMOs.

Summary of the risk management plan

Risk of toxicity or allergenicity

Based on the risk assessment no management conditions have been imposed in relation to toxicity or allergenicity.

Risk of weediness

Based on the risk assessment no management conditions have been imposed in relation to weediness.

Risk of gene transfer

Based on the risk assessment no management conditions have been imposed in relation to gene transfer.

The licence includes a condition that requires the applicant to provide the Regulator with a testing methodology that is able to reliably detect the presence of the GMO or its novel genetic material.

Herbicide resistance

This issue has been assessed by the APVMA and will be addressed by conditions of registration for the herbicide resistance are included in the Regulator's proposed licence for Roundup Ready canola. The licence holder's obligation to comply with any condition imposed by the APVMA would be noted in the licence, if issued.

Reporting Conditions

It is proposed that the licence holder would be required to provide an annual report on the commercial release. The Act requires all licence holders to inform the Regulator as soon as they become aware of any new information about risks to human health and safety or the environment, or of any unintended effects so that remedial action could be taken. The annual report would also include information on any adverse impacts on human health and safety or the environment caused by the GMO. In addition, Monsanto would be required to report to the Regulator the amount of Roundup Ready canola sold commercially or otherwise grown in each growing season for each State and Territory.

As previously mentioned I have no expertise in this subject so I am unable to give meaningful comment other than to re-iterate that our best interests may be served if the State Government enacts the Genetically Modified Crops Free Areas Bill 2003.

Statutory Environment: Gene Technology Act 2000
 Gene Technology Regulations 2001

Policy Implications Nil

Budget Implications: Nil

Officer's Recommendation

That Council advise The Gene Technology Regulator that the Risk Assessment and Risk Management Plan for application DIR20/2002 from Monsanto Australia Ltd, which covers the commercial release of genetically modified canola be withheld until this State has enacted the Genetically Modified Crop Free Areas Bill 2003.

Council Resolution

10705 CUMMING/RISEBOROUGH

That the Officer's Recommendation be adopted.

CARRIED
Vote 9/0

Cr Johnson declared a finance interest in item 9.1.2 and left the meeting at 7.52pm.

10706 PUGH/CUMMING

That Cr Piesse resume the chair.

CARRIED

Vote 8/0

9.1.2	Proposed Subdivision
Location:	Lot 1773 Ballagin Street Wagin – zoned Residential R17.5
Proponent:	Harley Survey Group, on behalf of Wagin Agricultural Society Inc, referred from the Western Australian Planning Commission
Reporting Officer:	Principal Environmental Health Officer/Building Surveyor
File:	A941

Summary

The proponent wishes to subdivide Lot 1773 which is a 3.4ha site and create one Lot of 1000m² with the existing residence and the remaining portion forms as another Lot.

Background

Lot 1773 was originally the Drive-In site with associated residence. In recent times the Wagin Agricultural Society Inc purchased the Lot and has used the area, other than the residence, for Woolorama purposes.

Comment

The proponent states “ the Wagin Agricultural Society is a non-profit organisation which coordinates the Wagin Woolorama. As such, they have a large land requirement for Show infrastructure and parking. They utilise this parcel of land for Show purposes and as such, have no particular interest in having a dwelling as part of their land. However, being a community focussed organisation, they do not wish to demolish the house and deny the town of Wagin another residence.

Therefore, the proposal is to excise the dwelling from the remainder of the land and sell it to a private landowner. The remainder of the land can then continue to be used solely for its intended purpose.”

Despite being the only residence on that side of the street, it is opposite an established residential area which makes this proposal a practical solution and warrants support.

Statutory Environment: Town Planning Scheme No 2.

Policy Implications: Nil

Budget Implications: Nil

Officer's Recommendation

That Council advise the Western Australian Planning Commission that it supports the proposal by Harley Survey Group to subdivide Lot 1773 Ballagin Street Wagin consistent with the proposal dated 2nd October 2003 considering this orderly planning within the objectives of the Shire of Wagin Town Planning Scheme No2.

Council Resolution

10707 PUGH/BLIGHT

That the Officer's Recommendation be adopted.

CARRIED

Vote 8/0

Cr Johnson returned to the meeting at 7.54pm

Cr Pugh declared an impartiality interest in this item as the proponent is his son and left the meeting at 7.54pm.

Cr Johnson resumed the chair.

9.1.3

Oversized Shed

Location:	Lot 42 (No 11) Nalder Road Wagin – zoned Residential R17.5
Proponent:	W Pugh
Reporting Officer:	Principal Environmental Health Officer/Building Surveyor
File:	A1523

Summary

The Proponent wishes to erect a 12m x 7.5m x 3.0m (wall height) gable roofed, fully enclosed colourbond shed.

Background

Lot 42 Nalder Road Wagin is a 1651m² site with an existing residence and the proponent advises the 90m² shed is for storage purposes.

Comment

Council has a policy on outbuildings in the residential areas which states;

Objective

To ensure that the development of all new outbuildings on “Residential” zoned land does not have a detrimental impact upon the general amenity and character of these areas.

Policy Provisions

- i) The erection of an outbuilding on any lot zoned “Residential” is not permitted unless a building licence has been issued for the erection of a house on the lot and construction of the house has substantially commenced.
- ii) A building licence application is not required for an outbuilding of less than 9 square metres (3m x 3m) in floor area and not greater than 2.1 metres in height providing it complies with the following:
 - a) It shall be constructed of new non-flammable material and be easily dismantled; and
 - b) It shall be adequately anchored.
- iii) A building licence application is required for any outbuilding having a total floor area in excess of 9 square metres.
- iv) The maximum floor area of an outbuilding constructed of reflective cladding (e.g.

zincalume) shall be 45 square metres.

- v) The maximum floor area of an outbuilding constructed of non-reflective cladding (e.g. brick, colorbond or timber) shall be 80 square metres.
- vi) In all instances the open space requirements of the Residential Planning Codes (R-Codes) are to be complied with unless otherwise approved by Council.
- vii) An outbuilding shall be separated from the building to which it is appurtenant in accordance with the Building Code of Australia.
- viii) The wall height of any outbuilding shall not exceed 3 metres or 3.3 metres at the apex of a pitched roof unless otherwise approved by Council.
- ix) An outbuilding shall not be sited within the building setback to the street frontage as prescribed by the Scheme nor within six (6) metres of any other street unless Council approves of a lesser distance.
- x) The setback of all outbuildings from any side or rear boundary shall be as required by the R-Codes unless otherwise approved by Council.
- xi) Notwithstanding any other provision of this policy, Council may approve of the siting of an outbuilding that is a carport (being an open-sided garage without doors) in a position other than that prescribed by other provisions of this policy.
- xii) Council will not permit the use of second-hand or used building materials for an outbuilding without its prior approval.
- xiii) Council will not grant approval to the use of second-hand or used building materials for an outbuilding unless it is satisfied that it will not have a detrimental impact on the visual appearance of the immediate locality.
- xiv) Where an application is received for the erection of an outbuilding which does not comply with any provision of this policy the applicant shall submit to Council in writing the reason(s) why such variation is required.

The Town Planning Scheme No2 also incorporates the R Codes and this proposal satisfies that Code.

The proposed position may seem dominate to the adjoining residence on Lot 29 Gordon Street, but unfortunately the driveway for that residence is on the northern side therefore visibility should still be adequate.

It may be possible to move the shed 2m further west, but the submitted site is preferred.

The proponent is seeking comment from the owners of Lot 29, and this may be available by the 21st October 2003.

Considering this proposal exceeds point v) of Council's policy by 12.5% and is a lesser distance than is required by point ix) being 6m, then the less preferred option, being 4m from the secondary street, may be a reasonable compromise.

Statutory Environment: Town Planning Scheme No 2.

Policy Implications: Health, Building and Planning No 18.

Budget Implications: Nil

Officer's Recommendation

That Council approve the erection of a 12m x 7.5m x 3.0m (wall height) gabled roofed fully enclosed colourbond shed to be erected on Lot 42 (No11 Nalder Road) Wagin subject to

- 1) The shed being no closer than 1.5m to the northern boundary and no closer than 5m from the eastern boundary.
- 2) Design consistent with the submission dated 11th October 2003.
- 3) Obtaining building approval.
- 4) Approval will lapse if not substantially completed within two (2) years from the date of Council Planning approval.

Council Resolution

10708 PIESSE/DRAPER

That the Officer's Recommendation be adopted.

CARRIED
Vote 7/1

Cr Hansen voted against the motion.

Cr Pugh returned to the meeting at 8.02pm.

9.1.4	Keeping of Dogs
Location:	Lot 529 Cnr Lloyd / Beaufort Street Wagin – zoned Rural
Proponent:	S & F Dawson
Reporting Officer:	Principal Environmental Health Officer/Building Surveyor
File:	A1783

Summary

The proponents wish to keep three (3) working dogs at this residence.

Background

The Dog Act 1976, and Councils Dogs Local Law 2001 limit the number of dogs over the age of three (3) months within the townsite to two (2).

The proponent's residence is on Lot 529 and they own Lots 530, 531 and 532. Additionally there are no residence on the adjoining properties.

Comment

The Dog Act 1976 provides that Council if satisfied in relation to a particular premises may authorise the keeping of up to six dogs with conditions that;

- (a) Specifies the dogs
- (b) Approval may be revoked or varied at any time

As there are no close residences and the dogs have adequate area in which to be confined I believe the request is reasonable provided the dogs do not create a nuisance by barking or straying from the property.

Statutory Environment: Dog Act 1976 Section 26 (3)
Dog Local Law 2001

Policy Implications: Nil

Budget Implications: Nil

Officer's Recommendation

That Council approve the keeping of three (3) registered working dogs on Lot 529 – 532 Lloyd /Beaufort Street Wagin subject to;

- 1) Those dogs not creating a nuisance
- 2) This approval may be revoked or varied if the dogs do create a nuisance

Council Resolution

10709 PIESSE/BLIGHT

That the Officer's Recommendation be adopted.

CARRIED
Vote 9/0

9.2 Administration and Finance

9.2.1	Chief Executive Officer Appointment
Proponent:	Chief Executive Officer
Reporting Officer:	Chief Executive Officer
File:	PSN1/1

Summary

Section 5.36 of the Local Government Act 1995 requires the local government to employ a person to be the Chief Executive Officer.

Background

At the Council Meeting held on 6th August 2003 Council resolved to appoint Mr Ian Fitzgerald as the Chief Executive Officer for the Shire of Wagin with a 5 years contract. At this time the final terms of the contract were left for the Shire President to negotiate with Mr Fitzgerald.

The terms have been agreed and the contract has been signed. The Department of Local Government and Regional Development advise there is a requirement for the full term and conditions of the contract to be endorsed by Council and for these to be recorded in the official minutes.

As the contract is a confidential staff matter a copy has been forwarded to Councillors under separate cover marked confidential.

Statutory Environment: Local Government Act 1995 sections 5.36 and 5.39 refer.

Budget Implications: Nil

Officer's Recommendation

That Council appoint Mr Ian Fitzgerald as Chief Executive Officer to the Shire of Wagin with a five year contract as attached as Appendix 1 to these minutes.

Council Resolution

10710 PUGH/HANSEN

That the Officer's Recommendation be adopted.

CARRIED
Vote 9/0

9.2.2

Donations – Wagin District High School

Proponent:

Wagin District High School

Reporting Officer:

Chief Executive Officer

File:

DEP11

Summary

Letters have been received from the Wagin District High School seeking donations towards the School Presentation Night and the Senior Citizens Christmas Dinner.

Background

Council has previously made a donation of \$30 towards a book award for the School Presentation Night and a donation of \$100 towards the Senior Citizens Christmas Dinner both from Council and HACC funds.

Comment

These donation requests have become an annual occurrence and funding is available within the 2003 – 04 Budget.

Statutory Environment: Nil

Budget Implications: Funds are available to meet these donation requests from the 2003 – 04 Budget.

Officer's Recommendation

That Council approve;

- a donation of \$30 towards a book award for the School Presentation Night.
- a donation of \$100 towards the Senior Citizens Christmas Dinner.
- a donation of \$100 towards the Senior Citizens Christmas Dinner from HACC funds.

Council Resolution

10711 RISEBOROUGH/PUGH

That the Officer's Recommendation be adopted.

CARRIED

Vote 9/0

9.2.3 Office Closure Christmas / New Year Period

Proponent: Chief Executive Officer
Location: Shire of Wagin
Reporting Officer: Chief Executive Officer

Summary

Planning has commenced for the annual Christmas function and manning of the office over the Christmas / New Year period. It is suggested the function be held on Thursday 18th December and the office be closed on Friday 2nd January 2004.

Comment

As Councillors would be aware, in addition to the normal public holidays Council staff have in their awards a days paid leave of absence (public holiday) for the day after New Years Day. This can be taken at any time but for 2004 it may be appropriate for the day it is due being Friday 2nd January. It is therefore proposed that the timetable over the Christmas / New Year period would be:

Thursday 18 th December	Council Christmas function
Friday 19 th December	Last working day outside staff
Monday 22 nd December	Normal working day
Tuesday 23 rd December	Normal working day
Wednesday 24 th December	Normal working day
Thursday 25 th December	Christmas Day – office closed
Friday 26 th December	Boxing Day – office closed
Saturday 27 th December	Weekend
Sunday 28 th December	Weekend
Monday 29 th December	Normal working day
Tuesday 30 th December	Normal working day
Wednesday 31 st December	Normal working day
Thursday 1 st January	New Years Day – office closed
Friday 2 nd January	Public Holiday

A skeleton staff will be arranged to man the office around the Christmas / New Year period. Many Councils close their offices in the period between Christmas and New Year but this Shire has chosen not to do this due to Police licensing requirements over this period.

Closing the office on Friday 2nd January would allow staff to utilise the award holiday as it falls due rather than accruing it and taking it at some other time. It will also give staff two 4 day weekend breaks over the Christmas / New Year period.

Statutory Environment: The Local Government Officers (Western Australia) Award 1999 And the Municipal Employees (Western Australia) Award provides for an extra days paid leave of absence after new Years Day.

Officer's Recommendation

- a) That Council authorise the closure of the Council office on Friday 2nd January 2004.
- b)
- c) That Council hold an annual Christmas function on Thursday 18th December 2003.

Council Resolution

10712 DRAPER/BLIGHT

That the Officer's Recommendation be adopted.

CARRIED
Vote 9/0

9.2.4 List of Payment – September 2003**Reporting Officer: Deputy Chief Executive Officer**

Summary

In accordance with the Local Government (Financial Management) Regulations 1996, regulation 34 stipulates that a local authority is to prepare monthly financial reports in such a form as the local authority considers appropriate.

Background

Due to the completion of a Quarterly Financial Statement for the period ending 30th September 2003 Council now only needs to consider the list of payments made from all bank during the period from the last ordinary Council meeting onwards. As the Quarterly financial statement has been prepared for the same reporting period, Council does only need to consider the list of payments.

Comment

A copy of the list of payments made from each of Councils bank accounts is attached to this item.

Statutory Requirement: Local Government (Financial Management) Regulation 34(1)(a).
Budget Implications: Nil

Officer's Recommendation

That Council approve for payment the following list of vouchers;

Municipal Account	from 17599 to 17714	total	\$ 277,279.99
Trust Account	from 1291 to 1302	total	\$ 1,500.00
Municipal Account	(Direct Debit)	total	<u>\$ 200,490.02</u>
			<u>\$ 479,270.01</u>

Council Resolution

10713 BLIGHT/PUGH

That the Officer's Recommendation be adopted.

CARRIED
Vote 9/0

9.2.5**Quarterly Financial Report – September 2003****Reporting Officer:** Deputy Chief Executive Officer

Summary

In accordance with the Local Government (Financial Management) Regulations 1996, regulation 34 requires the Local Authority to prepare a Quarterly Financial Report.

Background

The form of the Quarterly Financial Report for the period ending 30th September 2003 is an Operating Statement, Statement of Financial Position, Statement of Changes in Equity, Operating Statement by Function / Activity, Schedule 1 – General Purpose Income, Statement of Rating information, Detailed Operating Statement by Function / Activity, and Statement of Non Operating income and Expenditure.

Comment

Council does not have a policy on the format of the Quarterly Financial Reports presented to Council. As a result the basis of previous reports has been used.

Statutory Environment: Local Government (Financial Management) Regulations 1996, regulation 34

Budget Implications: Nil, subject to the review being conducted by the Finance and General Purposes committee.

Officer's Recommendation

That the Quarterly Financial report for the quarter ending 30th September 2003 as presented be adopted by Council.

Council Resolution

10714 PUGH/PIESSE

That the Officer's Recommendation be adopted.

CARRIED

Vote 6/3

9.2.6**Wagin Medical Centre Financial Statements****Reporting Officer:****Deputy Chief Executive Officer**

Summary

In accordance with the Local Government (Financial Management) Regulations 1996, regulation 34 stipulates that a local authority is to prepare monthly financial reports in such a form as the local authority considers appropriate.

Background

The Wagin Medical Centre has been running under the control of Council since 1st March 2003. Like the monthly financial reports Council already receives relating to the Municipal fund and list of payments made from the Municipal, Trust and Reserve accounts, Council is required to disclose the same information regarding the Wagin Medical Centre.

Comment

A Profit and Loss statement and Balance Sheet have been prepared for the period ending 30th September 2003, and a list of payments made from the cheque account are attached to this item.

Statutory Requirement: Local Government (Financial Management) Regulation 34(1)(a).

Budget Implications: Nil

Officer's Recommendation

That Council;

1. Receive the Profit and Loss Statement and Balance Sheet for the period ending 30th September 2003.
2. Approve for payment the following list of vouchers;

Wagin Medical Centre Account	from 000074 to 000082	\$62,593.39
	Including Direct Debit	

Council Resolution

10715 BLIGHT/CUMMING

That the Officer's Recommendation be adopted.

CARRIED

Vote 9/0

9.3 Works and Services

9.3.1

Truck Tenders

Proponent:

Chief Executive Officer

Reporting Officer:

Chief Executive Officer

File:

TEN4

Summary

The 2003/04 Budget allows for the changeover of Councils 1998 Isuzu tip truck and tenders have been called.

Comment

Tenders were called for the replacement of the 1998 Isuzu tip truck with a truck of a similar size complete with a 11 cubic metre dual action tipping body.

Three dealers have submitted tenders on the basis of supply and trade with another four tenders received on an outright purchase basis.

Dealer	Truck	GCM	HP(KW)	GROSS \$	TRADE \$	NETT \$
Jem Trucks	Isuzu FVZ 1400	39,000kg	216	134,596	75,141	59,455
WA Hino	Hino Ranger – PRO 14	33,000kg	191	131,450	77,270	54,180
Skipper Trucks	Mitsubishi Fighter 14	28,500kg	199	133,740	70,000	63,740
Skipper Trucks	Mitsubishi FV51	50,000kg	257	150,510	70,000	80,510
Flank Holdings				82,200		
Smith Broughton				69,770		
Wagga Trucks				74,340		
East Coast Commercials				69,190		

All prices are GST exempt

The Isuzu and Mitsubishi FV51 trucks meet the tender specifications. There have been a no major problems with the Isuzu truck that has been offered for trade.

Statutory Environment:

Tender Regulation requirements have been met.

Policy Implications:

Nil

Budget Implications:

The Isuzu, Hino and Mitsubishi Fighter trucks are within the budget allowance of \$73,000 nett of GST for this changeover.

Officer's Recommendation

That Council accept the tender from Jem Truck Sales for an Isuzu FVZ 1400 at a changeover of \$59,455 ex GST with the Chief Executive Officer to negotiate on vehicle options and servicing.

Council Resolution

10716 RISEBOROUGH/CUMMING

That the Officer's Recommendation be adopted.

CARRIED

Vote 9/0

9.4 Other Committees and Reports

9.4.1 Minutes of a Townscape and Tidy Towns Committee Meeting held on Tuesday 7th October 2003.

Council Resolution

10717 PIESSE/DRAPER

That the minutes of a Townscape and Tidy Towns Committee Meeting held on Tuesday 7th October 2003 be received.

CARRIED

Vote 9/0

10 Announcement by the President and Councillors

Cr Johnson advised;

- On 3rd October with the Acting Chief Executive Officer attended the Wheatbelt Development Commission board meeting in Wagin.
- On 15th October attended the joint dinner with Woodanilling and West Arthur Councils.
- On 17th October attended the informal staff drinks session at the Works Depot.

Cr Draper advised;

- That he attended a Wagin Frail Aged Committee meeting.
- On 13th October with the Chief Executive Officer attended a Tidy Towns function in Wyalkatchem where Wagin was announced as a finalist.

11. Elected Members Motions of which previous notice has been given

Nil

12. Urgent Business introduced by decisions of the meeting

a) Elected Members

Great Southern Kart Club Australian Titles

10718 CUMMING/DRAPER

That Council agree to discuss the Great Southern Kart Club Australian Titles event recently held.

CARRIED

Vote 9/0

Cr Riseborough requested that Council write a letter of congratulations to the Great Southern Kart Club for successfully holding the 2003 Australian Dirt Kart Titles in Wagin.

10719 RISEBOROUGH/PUGH

That Council write a letter of congratulations to the Great Southern Kart Club for successfully holding the 2003 Australian Dirt Kart Titles in Wagin.

CARRIED

Vote 9/0

Trees at School Bus Bays

10720 PIESSE/CUMMING

That Council discuss the trees situated at the Wagin District School Bus bays.

CARRIED

Vote 9/0

Cr Johnson expressed concerns that the Works Committee gave an agreement to remove some trees that were located at the School bus assembly area and to this date this work has not been completed.

BLIGHT/

That Council agree not to remove any trees at the School Bus assembly area until further negotiations have taken place with the School Bus operators.

Motion lapsed due to no seconder

Rural Tree Pruning Program

10721 BLIGHT/CUMMING

That Council discuss the Rural Tree Pruning Program.

CARRIED

Vote 9/0

Cr Blight expressed concern that the rural tree pruning program has skipped Edwards Road which definitely needs pruning.

Council agreed the Chief Executive Officer would consult with the Works Manager regarding Edwards Road not being pruned.

b) Officers

Nil

13. Confidential Business as per Local Government Act s5.23 (2)

Nil

14. Closure

The Deputy Shire President closed the meeting at 9.00pm.

These Minutes were confirmed at a meeting held on _____

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed.

Dated _____