



Minutes of the Ordinary Council Meeting

24 August 2010

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Shire of Wagin

Minutes of the ordinary Council Meeting of Council held in Council Chambers on Tuesday 24 August 2010.

1. DECLARATION OF OPENING

The Shire President Cr Blight declared the meeting open at 7.05pm.

2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Present:	Cr P J Blight	President
	Cr G R Ball	Member
	Cr J L C Ballantyne	Member
	Cr C Cumming	Member
	Cr J P Reed	Member
	Cr G T Hegarty	Member
	Cr K M Draper	Member
	Cr E N Pugh	Member
	Cr J G Shaw	Member
	Cr G K B West	Member

Staff:	Mr L J Calneggia	Chief Executive Officer
	Mr A D Hicks	Manager of Works
	Ms C A Webster	Manager of Community & Regulatory Services
	Mrs D J Thompson	Executive Assistant

Visitors: Mr Greg Steadman

Apologies: Cr D K Morgan
Mr B A Roderick

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

NIL

4. PUBLIC QUESTION TIME

Nil

5. APPLICATION FOR LEAVE OF ABSENCE

Nil

6. APPLICATION FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF PREVIOUS MEETING MINUTES

1427 Council Decision

Moved: Cr I C Cumming

Seconded: Cr. E N Pugh

That the Minutes of the Special Council Meeting and the Ordinary Council Meeting held on 27 July 2010 and the Special Council Meeting held on 17 August 2010 are confirmed as true and accurate.

Carried 10/0

8. DISCLOSURES OF FINANCIAL AND OTHER INTERESTS

Nil

9. STATUS REPORT AUGUST 2010

**Shire of Wagin – Status Report
August 2010**

Date	Resolution #	Officer	Description	Action	Status	Questions & Comments
			FINANCE & ADMINISTRATION			
25 August 2009	1144	CEO	Country Local Government Fund – Nomination Regional Groupings	Advise Dept of LG that their nominated regional group for the purpose of Royalties for Regions allocations is the 4WD Voluntary Regional Organisation of Councils	Letter sent to Department	Agenda Item 27 July 2010
27 Oct 2009	1171	CEO	Security Cameras for the Wagin Town Site	CEO to pursue the installation of security cameras in the CBD	Grant application \$25,000 made to Office of Crime.	MCRS Report
24 Nov 2009	1209	CEO	Proposal for an Integrated Energy & Water System	That Council agree to be the lead proponent for the funding application, work in conjunction with Rural Towns Program to finalise Water Management Plans, and pay Karne De Boar funding application and co-ordination work upon receipt of application being successful.	Grant application sent on due date.	Grant – Unsuccessful. Meeting with stakeholders held 16 August 2010(phone conference). Letter written to WDC asking \$7,000 for business plan.

15 Dec 2009	1233	MFCS	Wagin Cricket and Hockey Club Rooms – Financial Assistance	Engage John Thompson to draw up suitable plans and assist both clubs to apply for grant funding.	Awaiting meeting with Steve Friend and Cricket Club	Not feasible, now looking at presence in Scout Hall – on-going
15 Dec 2009	1234	MFCS	Cash in lieu of public open space	Create a new account “Cash in Lieu”, staff to develop policy on how to apply monies in accordance with the act. Write to the owners of lots 31, 64 & 150 Tudhoe St to seek interest in Council acquiring these lots.	Account created, Policy to be developed	Refer to Planning
15 Dec 2009	1261	CEO	Piesseville Standpipe	Apply for a Lotterywest grant toward provision of a storage tank for emergency service operations.	Grant application sent for 2 concrete tanks.	Grant Successful Ground works commenced tanks ordered.
27 April 2010	1353	CEO	Country Local Government Fund (Royalties for Regions)	Prepare proposal to Dept of Regional Development & Lands in accordance with CLGF.	Proposal forwarded – Grant \$35,000 requested	Grant received Morrison/Low consultants for Asset Management/Lt financial plans visited.
27 April 2010	1356	CEO	WA Local Government Convention	Undertake arrangements to attend convention.	Accommodation booked,	Booking confirmed Crs Blight, Ball, West & CEO attended.

25 May 2010	1369	MFCS	Large Screen Television – Recreation Centre	Purchase a large screen for the main Recreation Centre lounge.		Rec services – Manager has in-hand. TV Purchased
25 May 2010	1370	MFCS	Woolorama Costings	Finance and General Purposes Committee to meet with Wagin Agricultural Society, re. Woolorama costings		Meeting held 8 July 2010.
25 May 2010	1374	CEO	Reconciliation Action Plan	Council invite the wider community to participate in developing a Reconciliation Action Plan		Letters sent to community inviting to workshop group – ad placed in newspaper.
25 May 2010	1375	CEO	Local Government Elected Members Records	Staff to prepare a procedure to be considered by Council.		Agenda item 24 August 2010.
25 May 2010	1374	MFCS	Rural Towns Project – Wagin Water Management Plan Reserve	Create a reserve account title Wagin Water Management Plan		Reserve transfer will be completed at 30 June 2010
22 June 2010	1390	MFCS	Increase Council Contribution to meet current Landcare MOU shortfall	Refer amount of \$54,952.50 to the 2010/11 budget		\$55,000 in 10/11 Budget
22 June 2010	1392	CEO	Strategic Plan	Council endorse the plan with the inclusions outlined in resolution.		Meeting held 17/08/2010 final adjustments to Doc to be submitted for adoption.
22 June 2010	1393	CEO	Expansion of VROC	Council to advise 4WD VROC it supports the expansion of the VROC.		Ongoing

27 July 2010	1415	CEO	Country Local Government Fund (CLGF) Regional Component – Royalties for Regions	Advise Wheatbelt Development Commission that Council support the projects outlined for the next year.		Letters sent meeting in Northam on 8 September 2010.
27 July 2010	1416	CEO	Emergency Services	Advise (4WD VROC) that council supports the employment of an Emergency Services person for a period of three years subject to five councils participating in the scheme.		Letter sent

			Health, Building & Planning			
20 Nov 2007	599	CEO	Apply for regional headwork's grants in relation to the Lefroy/Vernal St subdivision	Make grant application R 4 R	Requires design to be completed, awaiting development approval.	Grant Unsuccessful
23 June 2009	1072	CEO	Strategic Waste Management Plans	Write to neighbouring shires, seek permission to dig test holes and prepare itinerary for visit to other waste facilities.	Replies received from 8 shires, EOI to be called for consultants to assess 2 x sites – 1 Piesseville and 1 Cuballing.	Consultants report to agenda item 24 August 2010.
24 Nov 2009	1200	MOW/CEO	Wagin District Farmers Co-operative Signage	Advise the Co-op their request for signage will be considered at the next Townscape and Tidy towns Committee Meeting.	Wagin on feedback from the Chamber of Commerce	Still awaiting feedback from the Chamber of Commerce - Same
24 Nov 2009	1205	CEO	Electronic Waste & Household Hazardous Waste	Staff to investigate disposal of electronic and hazardous waste		In progress
24 Nov 2009	1211	CEO	Wagin Community Centre	That the Wagin Community Centre building management plan be referred to the Assets Management Comm. for deliberation on the plan & related responsibilities.	Meeting to be advised.	Asset Management Committee aborted. Further meeting required. Date to be set.
24 Nov 2009	1214	CEO	Light Industrial Land	Council to authorised the ACEO to negotiate with the DPI – State Land Services to facilitate an agreement,	Contact made with Department.	DPI advised Reserve #16548 offered in lieu of Heritage survey

15 Dec 2009	1247	CEO	Wagin Townscape Plan	Engage a Landscape Architect to townscape the CDB. And approach land owner of the lot in Tudhoe Street re; potential of Council acquiring.	City of Gosnells urban designer offered.	Report received to be presented at next Townscape meeting. Plan out for public comment 28 Days.
15 Dec 2009	1252	MOW	Wagin Medical Centre Lawn	Item to be refer to next townscape and tidy Towns Committee Meeting.	Council to refer to Medical Centre – a reply to be presented to next Townscape meeting	On going - Same
23 Feb 2010	1287	CEO	Skate Park	Make application to relevant funding bodies for grants to construct purpose built bowl; Seek approval from the Sportsground Advisory Committee on location. Funding allocated from the 10/11 budget	Preparing grant application. Awaiting Sportsground Advisory meeting to obtain endorsement of site.	Dummy design received from CONVIC grant application in progress. Refer to budget. Further steering committee meeting to discuss Lotteries Funding on 19 August 2010.
27 April 2010	1354	CEO	Tender New Drs Residence	Advise S & SJ Scardetta that they are the successful tenderers.	J McDougall Architect engage to draw plans and specifications	Construction commenced 16 August 2010.
25 May 2010	1367	MFCS	Sportsground Master Plan	Develop a Sportsground Master Plan		Budget 10/11
22 June 2010	1388	CEO	Proposed Residential Subdivision – Arnott Street	This item lay on the table for future consideration.		
22 June 2010	1389	CEO	Extractive Industry Licence	Reconvene at the close of the advertising period.		Advice received from L Piesse – Letter sent.

27 July 2010	1407	CEO	Street Tree Policy	A brief with specification on plan for Street Trees be prepared.		MCRS to respond.
27 July 2010	1408	CEO	Tavistock Street Upgrade	Advertise Tavistock Street Upgrade report for public comment and send copies to businesses in the street.		Comments to next Townscape and Tidy Town Committee.
27 July 2010	1409	CEO	Rotary and District Signs	Receive quote for enlarging the signage structure at the ram park.		On -going
27 July 2010	1410	CEO	Service Club Signs	The old signs be removed and new signs erected at the ram park, historical village and town park.		On - going
27 July 2010	1414	CEO	Extractive Industry Licence	Advise proponent that Council approval the application subject to conditions.		Letter sent
27 July 2010	1418	EHO	Application to erect addition to existing shed	Advise proponents that Council supports their application subject to issue of a building permit.	Proponents advised. Forwarding plans to FESA to enable permit to be issued.	

WORKS & SERVICES						
28 April 2009	1014	MOW	Blackspot Project Jaloran Road	That the proposed works be carried out utilising Blackspot and Royalties for Regions funding and Council have no objections to subdivision applications from land owners and dedication of the road reserve.	Harley Group finish surveying – waiting for fencing contractor.	Estimate seal will take place November.
26 May 2009	1049	CEO	Recycled Water Supply agreement	SP and ACEO to sign agreement with water corp and investigate the installation of a 220,000kl storage tank.	Tank installed awaiting licence to use water from Health Department.	Licence received, work to be completed to comply before commence usage.
28 July 2009	1102	MOW	Wagin Airfield	Staff to prepare costings and apply for RAD's grants as per resolution	Grant application submitted to RAD's	Agenda item 24 August 2010.
24 Nov 2009	1198	MOW	Watering Street Planter Boxes and Trees	Approach local business to tap into their water supply to reticulate Tudor Street planter boxes and street trees.	Only reticulate pots near shire owned buildings.	As time permits. Same
23 Feb 2010	1277	MOW	Street Tree Policy	That Council except the quotation of costs from Michael Brown and engage his services to attend the meeting with Urban Design Personnel.	Cr Draper to follow up with quotes	Waiting for two more quotes as per the Purchasing Policy. Brief and specification to be drafted.

	1278	MOW	Tavistock Street – Upgrade	Engage the services of the City of Gosnells Urban Design Personnel, walk the area and collect a photo log and site analysis, review concepts etc		Awaiting feedback from Business Owners.
27 April 2010	1338	MOW	Signage	That Council install the Stick Map, the Tourist and Business Information sign (both to be double sided) at the Wetlands Park and a additional Stick Map to be placed at the Bus Depot, the Shire of Wagin RV sign to be installed on the three entrances to Wagin.		Waiting for quote from Lock's Workshop to house signs.
27 April 2010	1340	MOW	Nenke and Sirdar Streets – Tree Removal and Footpath Upgrade	Staff research Councils Minutes from Feb/Mar 2007 for recommendations and a letter of reply is written stating that when a Building permit is issued this matter will be addressed.		When a permit is issued the matter can be addressed. Same
27 April 2010	1346	MOW	Construction and Seal of Unicorn Street	That Council give consideration to construct and seal Unicorn Street.	For budget consideration	Works to commence in November.

10. REPORTS OF ADVISORY COMMITTEES

Nil

11. RECEIVAL & ADOPTION OF OCCASIONAL COMMITTEE MINUTES

Nil

12. REPORTS OF OFFICERS**12.1 WORKS REPORT**

PROPONENT: Shire of Wagin
LOCATION:
REPORTING OFFICER: Manager of Works

Summary

A Works Report is provided for Councils information.

Background

Council has previously requested that this information be presented to the Ordinary Council meetings.

Comment

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Shire of Wagin
Works Report – August 2010

Works Completed	Description
BOCKARING ROAD	Clear widen gravel sheet 3km
SUTHERLAND / BLACK SPOT	Realign intersection of Sutherland and Behn-Ord
Future Works	Description
DONGOLOCKING ROAD	Clear widen and Gravel Sheet shoulders
DWELYERDINE ROAD	Clear widen and gravel sheet 3km
On Going Works	Description
MAINTENANCE GRADING	Various Roads as weather permits
GENERAL	Odd jobs as required
Plant Down Time	Description
Other	
ANNUAL LEAVE	A Hicks 8 th – 27 th of September

1428 Officer's Recommendation / Council Decision

Moved : Cr. E N Pugh

Seconded: Cr. K M Draper

That Council adopts the Works Progress Report for August 2010.

Carried 10/0

12.2 MANAGER COMMUNITY AND REGULATORY SERVICES REPORT

REPORTING OFFICER: **Manager Carolyn Webster**

Summary

The following report details the activities of this Division over the past 4 weeks. The activity focussed on improving work practices and commenced planning for community services development.

Statutory Environment

A verbal complaint re burning off on Dalyanine-Norring Rd was received. Follow up did not result in a warning once the matter was clarified.

Police assistance has been sought on matters concerning a family allegedly living in both the caravan park and a shed at the rear of 29 Vespar St.

Policy Implications

An improved management system has been established in terms of identifying long term users of the caravan park and tracking their method of payment.

Financial Implications

Nil

COMMUNITY AND REGULATORY SERVICES **REPORT AUGUST 2010**

Item	Notes
Performance Management	Position Descriptions have been sourced and are being modified for our positions. Once complete a clear picture of available HR capacity will be known and performance management can commence
Community Safety	Met with the OIC Police, Paul Lydiate, to discuss a number of new community safety/crime prevention strategies. He is undertaking several grant applications to fund Burglar Beware free packs for every household including an invisible marking pen for valuables, Fuel Dye , an Elders sponsored initiative to track stolen fuel, re visit the Eyes on the Street program and provide new training, Be Seen Be Safe education package for all Wagin school students which includes a visible vest for each student. A second meeting was held with Sharon Diver from Wagin School, who is running the Safety House Program, to create a Shire/School/Police Community Safety Working Group at which further safety activities were added to those above. They included Safety Tips for Elderly Residents article for the Argus, Elderly Security Packs sponsored by Bunnings, Safety House Show to be held at the School 30 th Aug 2010, increase access to community information using radio, print media, school and shire Newsletters.

	<p>CCTV a quote from Powel Security Services was received however it was an all inclusive quote for the entire Business and Industrial area, Sports Ground and Golf Club. They have been asked to re-submit and new quote for the CBD (10) cameras. Additionally the CEO located another Perth based company who will also be providing advice as to what is the best option for our CBD.</p>
Asset Management and Maintenance Schedule	<p>The BMO has completed 11 maintenance jobs over this period. Mark has resigned from the position as of Wed 25th August 2010 to take up another position within the district. The incoming BMO will be Andy Taylor of our Works Division.</p> <p>The new Doctors House has commenced and the Schedule of Finishes has been received. This is on view in the MCRS Office for those interested councillors.</p> <p>The new location for the Narrogin School Bus Stop is now signed and marked outside the Coop. This has reduced congestion next to the Wagin High School and also provides the students with shelter.</p> <p>Long standing issue with the air-conditioning at the Medical Centre has been resolved.</p>
Community Development	<p>Attended a workshop on Sport and Recreation at the Kulin Sport and Rec Centre along with our Sport and Rec Officer Stuart Johansson. This workshop focussed on the Active After School Program, Grant applications, Co-location initiatives, Club Development and the establishment of Single Licensed Sports Clubs within a town as opposed to many small ones. The viability of these combined clubs is very rewarding and scope exists here in Wagin for us to follow that course.</p> <p>Following the Kulin workshop a second meeting was held in Wagin with DSR representative Chelsea Gellard. A highly productive meeting looking at improved opportunities for Wagin that outlined the approach to Community Sporting and Recreation Facilities Fund (CSRFF) for 2010/11, Stuart's role as a club Development Officer and possible events and new recreation activities.</p>
Youth	<p>Youth Volunteers Abroad Program application for Hosting has been completed and awaiting final clearance this month.</p> <p>An approach by a local Martial Arts Teacher to establish a school for children, youth and adults has been discussed. He is arranging his various legal clearances and liability cover. It appears that should these classes be set up they will attract a number of students.</p>

OH & S	<p>An OSH meeting was held on 17th August key outcomes from this meeting include the following: the excavation at the swimming pool requires urgent formwork, the unfinished area outside the front of Eric Farrow needs to be completed, covers for the halogen lights at the Rec Centre need to be fitted, a desk top audit was completed on 17th August 2010 and an external audit will be undertaken in April 2011, we are hoping for a Silver Award!</p>
Grants	<p>Sponsorship funding has been secured through Care and Share/Rotary Club of Wagin for \$3,000. This money will purchase an Inflatable Obstacle Course and pump to be used at the swimming pool. This is an example of money raised in the community and then spent back on community facilities.</p> <p>An application for the Volunteer Bushfire Brigade Grant through Western power has been lodged. The amount we are seeking is which if successful will cover the additional cost of raising \$5,000 the pad for the water tanks at the Piesseville Fire Shed and flood lighting.</p> <p>Nomination for the “Living Lakes 2030” feasibility project has been submitted. This study will look at revitalising inland lake systems, to develop recreational, social and economic opportunities. Consultants TBH/Niche alerted us to this initiative</p>
Local Emergency Management	<p>We were visited by a Pingelly manufacturer of a rapid fill trailer. Specifications and photos have been distributed to the members of the Volunteer Bushfire Fighting Brigade.</p>
Consultants	<p>We invited Mr Emiliano Barzotto of TBH/Niche to visit the Shire and receive an orientation to Wagin. He has extensive experience in Local Government and was identified by the MCRS as a possible partner in building the Shire’s capacity to plan and apply for various grants that could support initiatives identified within our strategic plan. He has subsequently forwarded a Proposal to provide a consultancy which is in 2 Parts. Firstly to conduct a Planning Workshop which will further the projects identified as part of our Strategic Plan and secondly to provide services in the area of developing plans and grant applications as prioritised at the workshop and where the Shire lacks the capacity and expertise to undertake such activities. The CEO has suggested that the workshop include Shire Staff, Councillors and also involve interested parties from nearby Shires.</p> <p>Another identified expert, Ian Molyneux, architect, heritage conservator and planner visited the Shire and has also offered his services in the areas of Asset Management and Maintenance, Townscapes and Streetscapes, Street Verge Vegetation, Identification Survey of Heritage of Town sites for Wagin and other towns within the Shire. He has submitted a discussion paper, a list of completed projects, publications and his CV. He is past Heritage Commissioner for WA and his papers outline an</p>

	<p>extensive number of projects that relate to some major possibilities for Wagin. His documents are with the MCRS and available to interested Councillors. He has the ability also to attract grant funding based on his plans and in the case of his work in the Bunbury Shire, this has attracted millions of dollars in grant funding over recent times.</p> <p>It is suggested that next month he be invited to do a presentation to the Shire, interested Councillors and the Streetscape Committee.</p>
Meetings	<p>OS&H Committee Executive Meetings 4WD Meeting Williams. Strategic Planning Meeting Special Council Meeting</p>

1429 Officer's Recommendation / Council Decision

Moved: Cr. J G Shaw

Seconded: Cr. G R Ball

That Council receive this report.

Carried 10/0

12.3 RECREATION SERVICES MANAGERS REPORT

REPORTING OFFICER: Manager Stuart Johansson

Club Development Officer- CDO

In conjunction with Chelsea Gellard from DSR and Mat Glasson, the Regional Coordinator for the Active After School Program, I will be holding an information session for all our local sporting clubs on Wednesday the 20th of October. This will provide the chance for local clubs to learn about Clubs Online (DSR), Junior Membership/Attraction and benefits of Active After School Program plus have information for clubs on constitutions changes and the importance of being incorporated.

I will be attending a meeting in Darkan on Thursday the 16th of September with the CDO's from the shires of West Arthur and Williams along with Chelsea Gellard from DSR. This will provide us a chance to share information and ideas to better serve our communities through the CDO program.

Swimming Centre

The start up process for the coming summer has begun and I hope to have the pool up and running in good order by the end of September.

The Education Department has granted the centre the Early Start Program for the coming summer VacSwim Program which will run on the following dates:

Program 1 Friday 17th December – Thursday 23rd December

Program 2 Wednesday 29th December – Friday 7 January 2011

Recreation Centre

The following events have happened at the Recreation Centre/Eric Farrow Pavilion in the months of July and August:

WAFL Game Saturday 3rd July

AusKick Clinic, Junior Development Game and WAFL match between South Fremantle and Claremont Football Clubs with the Wagin Football Club being the host club.

School Football Game Thursday 29th July & Friday 13th August

Games played in Wagin because of being a neutral venue, halfway between Albany and Perth.

Family Reunion Saturday 31st July
Held in the Eric Farrow Pavilion

Wagin Football Club Presentation Night Saturday 21st August
Held in the Recreation Centre

Current Events for the Wagin Recreation Centre

Sport	Description	When
Netball	Junior Training Senior Training	Tuesday Thursday
Hockey	Ladies Training Men's Training Junior Training	Tuesday Thursday Thursday – pending weather
Indoor Soccer	Juniors- Skills & Game Seniors- Social Game	Tuesday and Wednesday Monday
Tennis	Ladies Social Game	Tuesday and Thursday Pending weather
Stay on Your Feet	Exercises for Seniors	Monday and Thursday
Badminton	Social Club	Wednesday
Floor Ball	Junior Indoor Street Hockey	Monday
Mixed Sports	Junior Sports Afternoon	Thursday

1430 Officer's Recommendation / Council Decision

Moved: Cr. G K B West

Seconded: Cr. J G Shaw

That Council receive this report.

Carried 10/0

12.4 HOME AND COMMUNITY CARE REPORT JULY 2010

PROPONENT: Home and Community Care
LOCATION:
REPORTING OFFICER: Home and Community Care Coordinator

Summary

Eighty seven clients received one or more services in July.

These services included;

2 Clients Assessments
 2 Clients Case Planning
 19 Clients Centre Based Day care
 19 Clients Transport
 27 Clients Gardening
 17 Clients Meals on Wheels
 55 Clients Housekeeping
 2 Clients Personal Care
 1 Client Shopping
 13 Clients Social Support

Wagin will be host to the Regional Co-ordinators meeting to be held on 30 August 2010.

HOME AND COMMUNITY CARE – MDS FOR JULY 2010

TYPE OF SERVICES PROVIDED – TOTAL TIME (HOURS)	MONTHLY CONTRACTED	HOURS PROVIDED	VARIANCE	CONTRACTED	YEAR TO DATE
Domestic Assistance	250	252	+ 2	3000	252
Social Support	58	58		896	58
Personal Care	4	16	+ 12	197	16
Centre Based Day Care	125	222	+ 97	1500	222
Respite Care	1½			20	
Assessment	24	6	- 18	289	6
Case Planning / Review	3	3		32	3
Home Maintenance	121	83	-38	1459	83
Transport	87	87			87
Nursing Care	13	-	-	156	
Meals on Wheels	510	398	- 112	6122	398

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

1431 Officer's Recommendation / Council Decision

Moved: Cr. I C Cumming

Seconded: Cr. J L C Ballantyne

That Council receive this report.
 Carried 10/0

12.5 CEO REPORT

PROPONENT: Shire of Wagin
LOCATION:
REPORTING OFFICER: Chief Executive Officer

To Shire President and Councillors,

The annual WALGA conference took place during the month. Apart from some valuable “networking” and a few interesting highlights one has to question the worth of attending both in time and money as a fair portion of the conference program did not have relevance.

It has been an extremely busy period once again.

Staff

Allen Hicks attended the LGSA Conference in Perth on 11 – 13 August 2010.

Mark Dudenhoeffer, Building Maintenance Officer resigned as from 11 August 2010. Andy Taylor, Backhoe Operator has been promoted to Building Maintenance Officer. A replacement Backhoe Operator is being advertised and sought.

Manager of Finance and Corporate Services has re-shuffled positions in the Finance section. Tegan Murray and Sue English will share duties associated with Kerry Tacken’s position and a position for a trainee will soon be advertised with the workload involved. However it may mean that a part time Finance / Admin person is needed to fulfil all tasks and duties.

Asset Management / Long Term Financial Plans

Morrison Low, Consultants Tim McCarthy and Helen Davies met with the Chief Executive Officer and Manager Finance & Corporate Services recently and gleaned some information that will assist them in preparing the above plans. As council is aware these plans are a prerequisite to be submitted to DRL to enable Council to access Royalties for Regions Funding. It is expected that the consultants will have plans in readiness for the deadline 31 December 2010. They are also undertaking neighbouring councils work including Williams, Cuballing, Narrogin, Kellerberrin, Merredin and Narrogin Shires.

Doctors

Gemini medical have advised that two doctors to act as locums during Dr Sanjay holidays have been secured. Dr Judith Findlay will be in attendance from 3 November 2010 until 12th November 2010 and Dr Siva (Sinnappu Sivacolundhu) will take over from 15 November 2010 until 3rd December 2010.

We have been asked to source accommodation and it is proposed that 32 Ballagin be furnished with basic equipment for the locums. Dr Sanjay will move back to 1 Nenke Street sometime in Mid October. A recent inspection of 1 Nenke has detected no further “mould” problem. However we will paint a few of the affected rooms before the doctor’s move back.

Diary

27/07/2010	4WD VROC meeting - Woodanilling
04/08/2010	RAC Perth Airport re: Driver Training School
5, 6, & 7/08/2010	L G Conference Perth
09/08/2010	OAG Meeting (Teleconference)
10/08/2010	4WD Works Managers Meeting Roman II Morrison / Low – Asset Management / LT Financial Plans
11/08/2010	C Y O'Connor of TAFE – Barbara Keyes
12/08/2010	Choose Respect meeting – Wagin School
16/08/2010	Teleconference WIWI Project – Stakeholders Community Centre (Telecentre) meeting - AGM
17/08/2010	Special Council Meeting – Adopt Budget Strategic Planning
18/08/2010	6GS Radio - Interview
18/08/2010	Wagin Community Centre - AGM
19/08/2010	Skate Park Steering Committee
24/08/2010	RAD's – M Trenorden re: Grant Council Meeting

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

1432 Officer's Recommendation / Council Decision

Moved: Cr. J P Reed

Seconded: Cr. J L C Ballantyne

That Council receive and endorse the Chief Executive Officer's report.

Carried 10/0

12.6 REGIONAL LANDFILL SITE

PROPONENT: Wagin Regional Waste Group
LOCATION:
REPORTING OFFICER: Chief Executive Officer
ATTACHED: Report Landform Research and Maps - Lindsay Stephens
Please see **BLUE ATTACHMENT**

Summary

To decide upon a course of action regarding the establishment of a Regional Landfill Site(s).

Background

Wagin Council is the lead council in a group of twelve (12) councils that came together as a result of the WARR act and the resultant "Zero" waste by 2020 plans. The 12 council including Wandering, Pingelly, Cuballing, West Arthur, Williams, Narrogin (T) & (S), Wickepin, Dumbleyung, Lake Grace, Woodanilling & Wagin have undertaken Strategic Waste Management plans together, employed a project manager to partly implement these plans. More recently the group has engaged the services of consultant – Landform Research (Lindsay Stephens) to undertake a study on the best site for a regional waste facility. Members will be aware that there is a need for council to vacate its existing Brockman Rd site which the consultant has identified as having a life of less than two (2) years.

Comment

The consultant, Lindsay Stephens has posed some questions for all members of the group to consider. In Wagin's case, he has agreed that the Walker Road, Piesseville site is a good site; however it is probably only suited to the Shire of Wagin's needs. Council have the option of "going alone" or to continue with the prospect of staying with nearby councils to develop a regional refuse site, with a whatever number of other councils that remain in the group. The author is of the opinion that of the twelve councils now in the group it is likely that a couple will withdraw and others will most probably divide into one or two other groupings. There will be a meeting of the "Wagin" group on 30 August 2010 to hear back from each council and receive feedback on the Landform Research report. Each council is now being asked to consider their options and position with regards a regional waste site.

The Shire of Wagin has some of these options to consider including;

- Establishing a site for Wagin's Refuse only (say the Walker Rd site)
- Joining with a number still to be identified adjoining councils to establish a regional facility.
- Look at a site more advanced than the other options above (i.e.: Katanning has been identified as a regional site).

Wagin's landfill site is quickly coming to its use by date, and some action is overdue. The future of this site needs careful thought also for the introduction of a Regional or site specific landfill site on some other location only solves some of the problems faced at the current site. Council will need to identify and address the other forms of waste besides putrescent domestic and recyclable waste including building rubble, metal, white goods, green-waste, sewage, and hazardous waste and whether to convert the existing site to a transfer station.

Certainly better management (more money) of the existing site may extend the life a little further.

Whatever happens to the Wagin Group” it is very likely that the timing of any regional site(s) will not come soon enough for Wagin and it is felt that some sort of other arrangement will need to be made in the interim.

The author is at a loss to make any recommendation with any confidence however to say that it would seem that there will be some advantages in staying with a group of councils and perhaps this should be council stance.

The Waste management issue is a moving target as advances in technology and directives coming from the Waste Authority will mean that Local Authorities will be asked to do more with waste in years ahead. This is another reason to not try and do this alone but to endeavour to stay with a grouping of councils to some extent.

The consultant used in this exercise was used by the Roe group of councils that successfully engineered the Benndering regional site at Kondinin and has good experience and knowledge in these matters.

The meeting on the 30 August 2010 of the group will be an important one and it has been requested that a council member be in attendance to hear from others and to assist in putting council’s position forward. Cr Pugh has indicated his willingness to be involved.

Whatever happens the author believes that a working group be established to make recommendations on the short to medium term solutions for Wagin’s existing (Brockman Rd) Site.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Will impact on future budgets.

1433 Officer’s Recommendation / Council Decision

Moved: Cr. G R Ball

Seconded: Cr. J L C Ballantyne

That council continue its involvement with the Wagin group in the establishment of a regional site. That a working group be established of council members and staff to determine the short to medium solutions and to try and extend the life of the current Brockman Rd site.

Carried 10/0

1434 Council Decision

Moved: Cr. J P Reed

Seconded: Cr. K M Draper

That a Working Group comprising of Crs E N Pugh, J G Shaw and J L C Ballantyne together with the Chief Executive Officer and the Manager of Works be established to determine the short to medium solutions and extent of life of the current Brockman Rd site.

Carried 10/0

12.7 REGIONAL ALLIANCE

PROPONENT: Shire of Wagin
LOCATION:
REPORTING OFFICER: Chief Executive Officer
ATTACHMENTS: Draft MOU
Please see **PINK ATTACHMENTS:**

Summary

To consider entering into a Regional Collaborative Alliance with the Shire of Katanning and the Town of Narrogin.

Background

Council are aware that during the reform process it had agreed to explore the merger with Shire of Woodanilling and the result and frustrations caused. Very few Local Authorities have embraced the call for Structural Reform and made the decision to voluntarily amalgamate or to enter into a Regional Transition Grouping.

Council cannot force change without the co-operation of its neighbors and as such it is not within the auspices of Council to progress the issue. As such, in an effort to encourage co-operation and working together; the Administration and Shire President have been endeavoring to develop Regional Alliances with other shires in the region.

Recently Local Governments have been advised that the Royalties for Regions funding and particularly the "regional component" of the Country Local Government Fund (CLGF) will require councils to work together and co-operate on infrastructure projects that clearly demonstrate wider community benefit across a region.

The Shire of Wagin currently has a number of projects that may or may not fit CLGF guidelines, and much further work is required to "prove up" these projects for funding under the regional component of the CLGF. Business plans for each project will have to be developed.

Although the guidelines have recently been issued for the CLGF they are far from comprehensive and the mechanism and process for allocating funding between local governments is still uncertain.

Comment

Council currently has an Alliance with the 4WD VROC and has the opportunity to enter into another Regional Collaborative Alliance with the Shire of Katanning and the Town of Narrogin.

The Town of Narrogin is an important centre in its own right and are in a similar position to Katanning. They also encounter opposition from their smaller neighbours in forming co-operative bonds and making decisions on a regional basis.

The Shire of Wagin although not as large as the Town of Narrogin or the Shire of Katanning in population are strategically placed to benefit from such a Regional Alliance. Wagin is a significant business hub within the region and also provides many of the services to smaller neighbouring local governments, including Katanning and to a lesser extent Narrogin.

The Town of Narrogin, Shire of Wagin and the Shire of Katanning have proposed a draft "Memorandum of Understanding" which acknowledges the developing goodwill and co-

operation between the three Councils and opportunities to work together into the future.
(Copy Attached)

The three Councils should be committed to look at meaningful and positive opportunities to deliver improvements to their local communities and the region and to share their considerable resources. These resources include a combined revenue base of \$20.0M, Population of >.11,000 and combined employees of excess of 180. The grouping of regional centres offers a viable strategic 'fit' to the participants and gives good opportunities to work together for worthwhile joint sharing activities and for the purposes of the Regional Component of the CLGF. Such an alliance would certainly have much more presence and influence than the current VROC arrangements.

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Nil at this stage

Officer's Recommendation

Moved: Cr.

Seconded: Cr.

That council endorse the Memorandum of Understanding between the Shire of Katanning, the Shire of Wagin and the Town of Narrogin as an appropriate Regional Collaborative Alliance.

1435 Council Decision

Moved: Cr. G K B West

Seconded: Cr. J G Shaw

That council endorse the Memorandum of Understanding between the Shire of Katanning, the Shire of Wagin and the Town of Narrogin as an appropriate Regional Collaborative Alliance subject to the following amendment to third paragraph, page three, of the Statement of Understanding which will now state;

This MOU recognises that the Shires of Katanning and Wagin and the Town of Narrogin have many interests in common and that this alliance is an attempt to harness the combined powers of these interests.

Carried 10/0

Note: Reason for difference with Officer's Recommendation is Council considered the change to the wording to be more appropriate for inclusion in the MOU.

12.8 REGIONAL DEVELOPMENT SCHEME – WAGIN AERODROME

PROPONENT: Shire of Wagin
LOCATION:
REPORTING OFFICER: Chief Executive Officer
ATTACHMENTS: (1) Department of Transport
(2) Minister for Transport; Disability Services
Hon Simon O'Brien MLC

Please see **SAND ATTACHMENT**

Summary

To decide on acceptance of grant from RADS – for Wagin Aerodrome upgrade.

Background

Council applied in the latest round of RAD Grants Scheme and were notified by letter (attachment 1) that an amount of \$310,685 has been approved to create a master airport plan and construct a new east/west runway.

The grant application was in fact for more than the above amount and on the basis that council would provide \$100,000 in-kind contribution from a total project cost of \$638,770.

Comment

The author upon seeking clarification on why the project was partly funded received a second letter (attachment 2) stating that the grant was for 50% of the project (less a contingency amount) and that Council would have to provide the remaining funding to complete the project. Although this is in accordance with RAD guidelines there have been other instances of organisations (eg. Wyalkatchem Shire) receiving substantial grants without the need to match funds. The thrust of Wagin's application was based on the above precedence and the perceived need to provide "State" facilities to cater for aviation training demand. The author and Deputy Shire President have arranged a meeting with RADS at 2.30pm on Tuesday 24 August 2010 to clarify council's position, the Hon Max Trenorden will also be in attendance to offer support.

Discussion: CEO advised the meeting that after meeting with RAD representatives and Max Trenorden it was suggested that further planning and assessment works were required by RADS and they would accept a change of scope along these lines. A re-allocation of council budget will be required.

Statutory Environment

Local Government Act sect 5.10

Policy Implications

Nil

Financial Implications

Nil

1436 Council Decision

Moved: Cr. G R Ball

Seconded: Cr. J P Reed

That the Chief Executive Officer change scope of works to complete an economic/business plan, take out runway construction and re-submit application to RADS.

Carried 10/0

12.9 TOWNSCAPE AND TIDY TOWNS COMMITTEE - APPOINTMENT

PROPONENT: Shire of Wagin
LOCATION:
REPORTING OFFICER: Chief Executive Officer

Summary

To approve the appointment of Dennis Bishop to the Townscape and Tidy Towns Committee.

Background

Council appoints committees each election year and is able to replace/members from time to time by a resolution. Community members of this committee are currently listed as; A Longmuir, C Nieuwhof, and H Pederick. The terms of reference adopted by council in July 2008 requires at least four community representatives. There is currently room for an additional community member.

Comment

Mr Nieuwhof has advised that due to family illness it is unlikely that he would be able to attend future meetings.

Statutory Environment

Local Government Act sect 5.10

Policy Implications

Nil

Financial Implications

Nil

Officer's Recommendation

Moved: Cr. G T Hegarty

Seconded: Cr. G K B West

That Council appoint Dennis Bishop to the committee of the Townscape and Tidy Towns Advisory Committee.

Motion Withdrawn

1437 Council Decision

Moved: Cr. G T Hegarty

Seconded: Cr. K M Draper

That Council advertise for expressions of interest to fill the vacancy on the Townscape and Tidy Towns Committee.

Carried 10/0

Note: Reason for difference with Officer's Recommendation is Council wished to seek expressions of interest from all interested persons to fill the vacancy on the Townscape and Tidy Towns Committee.

Carolyn Webster and Greg Steadman left the meeting at 8.20pm.

12.10 LOCAL GOVERNMENT ELECTED MEMBERS RECORDS POLICY

PROPONENT: Shire of Wagin
LOCATION:
REPORTING OFFICER: Chief Executive Officer

Summary

To establish procedures for capturing relevant Elected Members records.

Background

The State Records Commission has formally revised its policy statement regarding the records of local government Elected Members. Local governments are requested to establish procedures for capturing relevant Elected Members records that fall within the scope of the policy.

This item was previously present to Council at the Ordinary Council meeting 25 May 2010. Council resolved that staff prepare a procedure to be considered by Council.

Comment

A new policy has been prepared 'Council 9' Council Elected Members Records Policy' to formalise the Elected Members' responsibilities with regard to creating and keeping records relating to local government business or functions.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Officer's Recommendation

Moved: Cr.

Seconded: Cr.

That the policy Council 9. Council Elected Members Records Policy be adopted as follows;

Local Government Elected Members Records Policy

Council 9. Council Elected Members Records Policy

Manager: Chief Executive Officer
Category: Council Services
Policy Owner: Council Services
Implementation: Adopted 24 August 2010
Next Reviewed:

Objectives

To ensure compliance with the State Records Act 2000 and its amendments and the Shire of Wagin's Record Keeping Plan.

To establish procedures for capturing relevant Elected Members' records that falls within the scope of this policy.

To properly maintain and preserve records of continuing value for legal, evidential administrative, financial purposes or historical value.

Policy Statement

Elected members **must** create and keep records of communications or transactions, which convey information relating to **local government business or functions**. These records should be forwarded on a weekly basis to the local government administration for capture into the official recordkeeping system.

Records to be forwarded to the Shire's Record Keeping Officer for recording-

1. Communications in any form (i.e. – email, letter, fax, verbal etc)-
 - complaints and compliments;
 - correspondence concerning corporate matters;
 - submission, petitions and lobbying;
 - information for Council's interest relating to local government business activity and functions.
2. Telephone, meetings and other verbal conversation between an elected member and another party, that are directly related to the formal decision making function of elected members regarding local government projects or business activities. Details of the discussion should be noted in an email and forwarded to the Records Keeping Officer.

Council requested this item lay on the table for future consideration.

12.11 COUNCILLORS TRAINING

PROPONENT: Chief Executive Officer
LOCATION:
REPORTING OFFICER: Chief Executive Officer
ATTACHMENT: (1) WALGA Training Course
(2) Civic Legal Course

Please see **YELLOW ATTACHMENT**

Summary

To decide on Councillors Training courses.

Background

The author has been asked to put forward options for Councillor training courses.

Comment

WALGA are the usual course providers and have what they call a Diploma in Local Government – (Local Members) course (attachment 1) which there are five blocks to the course making up the Diploma. While Councillors may not be interested in undertaking the full Diploma, there could be topics that may be of interest.

Another source of training is our preferred solicitors, Civil and Legal. The author has obtained a course outline and cost proposal from the company which is shown on (attachment 2). A neighbouring shire council recently had some training from this source and the feedback was very good.

It is proposed that if there is sufficient interest a training session (in Wagin) can be organised. Other councils in the vicinity will be contacted to see if there is any interest also.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

1438 Officer's Recommendation / Council Decision

Moved: Cr. I C Cumming

Seconded: Cr. J G Shaw

That if sufficient numbers of members are interested the Chief Executive Officer will arrange a training workshop.

Carried 10/0

12.12 SHED LOT 1773 BALLAGIN STREET - WAGIN AGRICULTURAL SOCIETY

PROPONENT: Arthur Pederick
LOCATION: Lot 1773 Ballagin Street Wagin
REPORTING OFFICER: Principal Environmental Health Officer/Building Surveyor

Summary

A request by the proponent, on behalf of the Wagin Agricultural Society, to re – erect a 92m2 colorbond walled shed with a zinc roof.

Background

Mr Pederick, acting as the builder, has applied to erect a 92m2 shed on land owned by the Wagin Agricultural Society at Lot 1773 Ballagin Street.

The land is the old drive in theatre which has been converted to a youth centre.

The shed in question was donated by the WAGR and was previously situated near the station in Wagin.

The shed has colorbond walls but had a zinc roof. There is no intention to replace the zinc with colorbond.

Council has a policy on sheds which states:

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.
- 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 110 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 3.9 metres at the

- ix) apex of a pitched roof unless otherwise approved by Council.
- ix) The setback of all outbuildings and carports shall be as required by the R-Codes.
- x) 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.
- xi) 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.
- xii) 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 land is zoned Residential in the Town Planning Scheme.

Comment

The shed is 92m² with a wall height of 2.4m. The roof of the shed is a flat roof.

The shed varies from the policy by the fact that it has a zinc roof whereas the policy does not allow any reflective building materials (zinc) on an outbuilding over 45m².

It is also second hand however I have looked at the wall cladding, which is arranged in panels, and this looks quite acceptable apart from the bottom few millimetres which were in contact with the ground. There also appears to be some graffiti on some of the panels which will detract from the appearance.

Previously several sheds have been approved by me that allowed a zinc roof that was contrary to the policy. I brought this to the attention of Council when I realised my mistake.

The converse of this is that more than a few applications have been rejected as the policy would not be met. As reported to Council this has caused some outrage.

Although this is a not for profit, community project, those people that have had their applications rejected could very well be unhappy that they had to spend the extra money to put a colorbond roof on their shed when this one maybe allowed.

It could also be argued that the roof on this shed is a flat roof and may not be very visible, but some of the others that have been rejected may well have had the same argument without success.

Ironically the Wagin Agricultural Society buildings on the lots adjacent comprise a variety of sheds, some very large, that are a mixture of colorbond, zinc and colorbond and zinc.

The land that they are situated on is zoned Public Purposes or Parks and Recreation so the provisions of the policy do not apply. The policy only applies to land zoned Residential.

Statutory Environment

Shire of Wagin Town Planning Scheme #2
Policy Manual

Policy Implications

I have reported to Council on several occasions the difficulties that the public sometimes have with the current policy.

This is clearly contrary to the policy, and apart from those approved by mistake, in the interests of consistency, should be rejected.

Budget Implications

Nil for Council

If the policy is adhered to, there will be a substantial cost to the Wagin Youth Centre to replace the zinc with colorbond.

Officer's Recommendation

Moved: Cr.

Seconded: Cr.

That the proposed 92m2 shed at lot 1773 Ballagin Street Wagin to be re-erected by the Wagin Youth Centre be approved subject to all walls and the roof being properly prepared and painted to

- effectively hide any visible graffiti and
- reduce any reflective value of the zincalume roof with the painting to be effected prior to the shed being used.

1439 Council Recommendation

Moved: Cr. G T Hegarty

Seconded: Cr. J L C Ballantyne

That the proposed 92m2 shed at lot 1773 Ballagin Street Wagin to be re-erected by the Wagin Youth Centre be approved subject to all walls being properly prepared and painted to effectively hide any visible graffiti.

Carried 10/0

Note: Reason for difference with Officer's Recommendation is Council considered the zincalume roof not to be reflective as it is already weathered.

12.13 FOOD ACT 2008 – AUTHORISED OFFICERS**PROPONENT:****LOCATION:****REPORTING OFFICER: Principal Environmental Health Officer/Building Surveyor**Please see **GREEN ATTACHMENT****Summary**

The purpose of this report is to consider the appointment of the Council's Environmental Health Officer (EHO) as an Authorised Officer, the appointment of the Chief Executive Officer (CEO) and the EHO as Designated Officers and to provide for the delegation of certain powers to the Chief Executive Officer pursuant to the provisions of the Food Act 2008.

Background

The introduction of the Food Act 2008 (the Act) and Food Regulations 2009 (the Regulations) requires Local Government appointment of certain 'Authorised Officers' and 'Designated Officers' to enable routine enforcement of the statutory functions and obligations of the legislation.

The Act and Regulations are now the principle legislation regulating the safe and suitable production of food in Western Australia, replacing and repealing the food provisions within the Health Act 1911 and Health (Food Hygiene) Regulations 1993. The Act is based on 'Model Food Provisions' agreed to by all States and Territories of Australia and New Zealand and includes references to the Food Standards Australia and New Zealand – 'Food Standards Code'.

Previous food related statutory functions were conferred upon EHOs defined and appointed in accordance with the Health Act 1911.

A local government can appoint any suitably qualified person to the position of Authorised Officer, whereas an EHO is automatically qualified to act as an Authorised Officer. The resultant change of classification from the EHO to Authorised Officer will therefore require additional appointment of that officer by the local government to enable the officer to continue to enforce the statutory functions, obligations and provisions of the Act and Regulations.

Council therefore is required to have an EHO to enforce the rest of the provisions of the Health Act (Health Act minus any Food related provisions) and an Authorised Officer to enforce the provisions of the Food Act.

Administration of the Act is conferred upon enforcement agencies (local governments) under Section 118 of the Act and such performances and functions may be further delegated by the local government to its CEO to enable the timely and effective administration of the provisions of the Act. Those administrative functions include the power to appoint Authorised Officers (Section 122) and Designated Officers (Section 126 (13)).

Designated Officers are required to be appointed and may have limited authority to issue, extend or withdraw an infringement notices or receive money for the payment of an infringement notice pursuant to the Act.

The Act places greater responsibilities upon food businesses to ensure that food is both safe and suitable for human consumption. Penalty provisions have been substantially increased

to reflect the serious nature of food safety and penalties for breaches of the Act range from \$10,000.00 to \$100,000.00 and imprisonment for up to two years for individuals and \$50,000.00 to \$500,000.00 for a body corporate. Infringement notice and modified penalty provisions range from \$150.00 to \$500.00 for individuals and \$1,000.00 for a body corporate.

Comment

The Council's appointment of Authorised Officers, Designated Officers and delegation to the CEO is a necessary statutory and administrative procedure to enable the Council's Officers to perform statutory and regulatory functions within the provisions of the Act and Regulations within the Shire of Wagin.

Provisions of the Act enable the issue, extension and clearance of prohibition orders and improvement and infringement notices. These powers are operational and are appropriate to be delegated to Authorised Officers (Environmental Health Officers).

Matters relating to the issuing of infringement notices (Section 126) for breaches of the Act are considered to be potentially contentious, however are still operational and often need to be dealt with expeditiously, rather than awaiting the outcome of a Council meeting. It is therefore recommended that a delegation to the CEO be granted for administrative matters relating to infringement notices.

It is also considered prudent to delegate to the CEO the ability to appoint Authorised Officers (Section 122) and Designated Officers (Section 126 (13)).

Because of the legislative complexities associated with the appointment and administration of Designated Officers issuing, extending, withdrawing or receipting payments for infringement notice modified penalties, it is considered appropriate that this administrative function is also delegated to the CEO.

Statutory Environment

Health Act 1911

Food Act 2008

Food Regulations 2009

Policy Implications

N/A

Budget Implications

Nil (Unless Council appoints a separate Authorised Officer)

1440 Officer's Recommendation / Council Decision

Moved: Cr. E N Pugh

Seconded: Cr. J G Shaw

That:

1. The Environmental Health Officer be appointed as an Authorised Officer in accordance with the provisions of Sections 122(1)(b) of the Food Act 2008.
2. The Authorised Officer (Environmental Health Officer) be appointed as a Designated Officer for the purposes of issuing infringement notices under the provisions of Section 126(2) of the Food Act 2008.
3. The Chief Executive Officer be appointed as a Designated Officer to receive payments, extend or revoke infringement notices in accordance with Sections 126(3), 126(6) and 126(7) of the Food Act 2008.
4. That pursuant to the following Sections of the Food Act 2008, the Chief Executive Officer is delegated authority to perform the functions listed:
 - a) Section 122(1) – Appoint Authorised officers;
 - b) Sections 123(1) and 123(2) – Issue certificates of authority to Authorised Officers;
 - c) Section 126(2) – Appoint Designated Officers to issue infringement notices;
 - d) Sections 126(3) – Appoint Designated officers to receive payment from infringement notices; and
 - e) Sections 126(6) and 126(7) – Appoint Designated Officers to extend the payment period for infringement notices or revoke infringement notices.
5. That pursuant to the Food Act 2008 the Authorised Officer is delegated authority to perform the functions listed:
 - a) Issue prohibition notices in accordance with Section 65 of the Food Act 2008;
 - b) Clear and remove prohibition notices in accordance with Section 66 of the Food Act 2008;
 - c) Provide written notification not to issue a certificate of clearance in accordance with Section 67 of the Food Act, 2008; and
 - d) grant, apply conditions, refuse, vary or cancel registration of a food business in accordance with the Sections 110 and 112 of the food Act 2008.'

Carried 10/0

12.14 TOW TRUCK BUSINESS APPLICATION

PROPONENT: Glenn Mountford
LOCATION: 4 Vera Street
REPORTING OFFICER: Principal Environmental Health Officer/Building Surveyor
ATTACHMENT: Glenn Mountford - Application
Please see **GREY ATTACHMENT**

Summary

A request for an in principle approval to “run” a tow truck business from 4 Vera St and to be able to erect a 10m radio mast for amateur radio.

Background

The applicant has emailed the Shire seeking approval prior to purchasing 4 Vera St to be able to “run” a tow truck business from that address.

He is also seeking to be able to erect a 10m radio mast at the rear of the lot so that he and his son can enjoy amateur radio.

A copy of his request is attached.

Comment

4 Vera St is zoned Residential in the Town Planning Scheme.

During a phone conversation with the applicant, he has mentioned that he wishes to relocate to Wagin as his business is struggling in Cockburn Shire due to restrictions placed on him by the local authority (hours of operation).

The applicant has mentioned that the vehicle he uses is a Ford 350, set up with winch etc.

He can be called out 24 hours a day which is the nature of the business.

As stated in his email, he does not intend to store vehicles on the property, however if the situation arises, a wrecked car could be stored for up to 48 hours prior to being able to be moved.

The Town Planning Scheme (TPS) is silent on this activity so Council has to determine the appropriateness on its merits.

Certainly wrecking yards or service stations are not permitted in a Residential area however this is neither of these.

Apart from maybe having a wrecked car in the yard for up to 48 hours occasionally, the fact that the tow truck could be coming and going anytime in the day or night could cause a problem with neighbours.

However this also has to be taken into context. The reality is that the truck maybe called out occasionally and the time could occasionally be during the late night, early morning.

This would not be much different to living next door to the Police Station of the Fire Shed.

The matter of the radio mast is different in that the TPS states that:

Radio and TV installation – means any land or buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.

It can be argued that “ham” radio is not domestic, but it is not commercial either.

If considered a Radio and TV installation, the application is required to be advertised before a decision can be made as the use is SA in the scheme.

The mast will be 10m high with a domestic type antenna on the top.

This could cause some visual pollution and perhaps some interference to radio and TV reception however I cannot say this any authority.

I am unsure if there are any other tall radio masts within the town site so cannot make any comment as to the appropriateness the request.

Statutory Environment

Shire of Wagin Town Planning Scheme #2

Policy Implications

N/A

Budget Implications

N/A

Officer's Recommendation

Moved: Cr.G R Ball

Seconded: Cr. J P Reed

That the request to be able to operate a tow truck business and erect a 10m radio mast at 4 Vera Street Wagin be advertised for the Statutory time to ascertain the level of opposition to either concept, prior to Council making a final decision.

Motion Withdrawn

1441 Officer's Recommendation

Moved: Cr. J L C Ballantyne

Seconded: Cr. G T Hegarty

That Council advise the proponent that the running of a business of this nature in a residential area is not acceptable to Council on planning grounds.

Carried 10/0

Note: Reason for difference with Officer's Recommendation is Council is unable to support this application as it does not comply with the Town Planning Scheme.

12.15 COMMUNITY EMERGENCY SERVICES MANAGER**PROPONENT:** Chief Executive Officer**LOCATION:****REPORTING OFFICER:** Manager of Community and Regulatory Services**Summary**

At today's 4WD Resource Sharing Working Group Meeting further discussion took place concerning the application to Fire and Emergency Services to co-fund a shared community emergency services manager (CESM) between the 4WD VROC participating Shires. Council at its July 2010 meeting supported this shared position providing it was between 5 Shires.

Background

It was suggested that upon examining the FESA draft budget to support this position some potential savings are possible.

Firstly that the Shire of Katanning will be approached to determine if that Shire is prepared to have the CESM on a pro-rata basis for 2 days a week and secondly that the Shire of Woodanilling is in a position to assist with the provision of a vehicle.

Comment

The cost to the Wagin Shire to part fund this position would be possible due to recent staff changes in the Shire's Administration area. These changes have generated salary savings which could be used for this shared position.

Additionally the expertise to undertake the full suite of Emergency Management activities including planning, training and response is not within the current staff capacity. This is an area that the Shire needs to work at more diligently as it has not been fully compliant in this area of operations.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Within Budget scope as stated above.

Strategic Implications

Such a shared resource is conducive to the intent of the 4WD arrangements.

1442 Officer's Recommendation / Council Decision

Moved: Cr. K M Draper

Seconded: Cr. J G Shaw

That Council reconsider its previous decision requiring 5 Shires to participate in the light of savings as described here at the 4WD meeting of today's date.

Carried 9/1

Cr Ballantyne left the meeting at 9.09 and returned to the meeting at 9.10pm.

Cr Shaw left the meeting at 9.11 and returned to the meeting at 9.13pm.

13. ANNOUNCEMENT OF PRESIDENT AND COUNCILLORS

Cr West expressed his thanks to all fellow Councillors for their support with the Driver Training Program. Cr West attended the Local Government Conference on held on 5 – 7 August 2010. He gave a brief outline on the conference sighting networking with fellow Councillors as extremely valuable.

Cr Ball also attended the Local Government Conference; he cited one highlight being the inspirational address given by Gill Hicks, a survivor of the 2005 London bombing. Networking with fellow Councillors was also seen as invaluable, but he questioned the relevance of the conference from a country shire point of view and suggested that perhaps council may look at other options for professional development.

Cr Blight attended the Local Government Conference held between 5 – 7 August 2010. He provided council with a report from the conference and the various meetings that he attended through the duration of the conference which included a visit to the Forum on Rural GP's, City of Belmont to view their Skate Park and CCTV cameras, RAC Driver training school, which proved very positive, and the Alliance Dinner, which was very well received by all that attended. Cr Blight concurred with Cr Ball regarding the relevance of the conference.

Shire President Cr P Blight reported that he had also attended the following events;

16/08/2010	Teleconference WIWI Project – Stakeholders Community Centre (Telecentre) meeting - AGM
17/08/2010	Special Council Meeting – Adopt Budget Strategic Planning

14. ELECTED MEMBERS/MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15. URGENT BUSINESS INTRODUCED BY DECISIONS OF THE MEETING

- a) Elected Members
- b) Officer's

Nil

Cr Hegarty left the meeting at 9.18.

16. CONFIDENTIAL BUSINESS AS PER LOCAL GOVERNMENT ACT s5.23(2)

Under the Local Government Act 1995, Part 5, and Section 5.23, states in part:

(2) If a meeting is being held by Council or by a committee referred to in subsection (1)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:

- (a) a matter affecting an employee or employees;*
- (b) the personal affairs of any person;*
- (c) a contract entered in to, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
- (e) a matter that if disclosed, would reveal:
 - (i) a trade secret;*
 - (ii) information that has a commercial value to a person; or*
 - (iii) information about the business, professional, commercial or financial affairs of a person;**

Where the trade secret or information is held by, or is about, a person other than the local government.

(f) a matter that if disclosed, could be reasonably expected to:

- (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
- (ii) endanger the security of the local government's property; or*
- (iii) prejudice the maintenance or enforcement of any lawful measure for protecting public safety;*

(g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981;and

(h) such other matters as may be prescribed.

1443 Council Decision

Moved: Cr I C Cumming

Seconded: Cr. J G Shaw

That Council close the meeting to the public at pursuant to sub section 5.23 (a) and (d) of the Local Government Act 1995.

Carried 9/0

Cr Hegarty returned to the meeting at 9.19pm.

16.1 LAND DEVELOPMENT PROPOSAL

PROPONENT: Shire of Wagin
LOCATION: Shire of Wagin
REPORTING OFFICER: Chief Executive Officer
DATE REPORT WRITTEN: 20 August 2010

Disclosure or Financial Interest: The author has no financial interest in this matter.

Please refer to Confidential Attachments 20 August 2010 under separate cover.

1444 Council Decision

Moved : Cr. G R Ball

Seconded Cr. E N Pugh

That Staff complete a business plan and the Chief Executive Officer to undertake due diligence and bring back to Council for future consideration of this land.

Carried 10/0

1445 Council Decision

Moved : Cr. I C Cumming

Seconded Cr. E N Pugh

That Council open the meeting to the public at pursuant to sub section 5.23 (a) and (d) of the Local Government Act 1995.

Carried 10/0

17. CLOSURE

The meeting closed at 9.50pm.

These Minutes were confirmed at a meeting held on

Signed _____

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

Dated _____