

Shire of Tammin

ORDINARY COUNCIL MEETING

AGENDA



NOTICE OF MEETING

Dear Elected Member

The next ordinary meeting of the Shire of Tammin will be held on **Wednesday 25 October 2023** in Council Chambers, 1 Donnan Street Tammin, commencing at **4:00pm**.

A handwritten signature in black ink, appearing to read 'Joanne Soderlund'.

Joanne Soderlund
Chief Executive Officer
15 September 2023

MISSION STATEMENT

"Together with the people of Tammin we will provide leadership, vision and progress to achieve sustainability and growth"

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AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President will declare the meeting open at _____ pm.

2. ACKNOWLEDGEMENT TO COUNTRY

We begin today by acknowledging the Ballardong Noongar People as traditional custodians of the land and skies on which we gather, and we pay our respects to their Elders, past, present and emerging.

3. PRESENT / IN ATTENDANCE / LEAVE OF ABSENCE PREVIOUSLY GRANTED / APOLOGIES

Present:

In Attendance:

Leave of Absence previously granted:

Apologies:

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5. PUBLIC QUESTION TIME

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS

8. DECLARATION OF RELATED PARTY DISCLOSURE IN AGENDA ITEMS

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Council Meeting Minutes – 23 August 2023

Officers Recommendation

That the minutes of the Ordinary Council Meeting held on 23 August 2023 be confirmed as a true and accurate record of proceedings.

Moved: Cr

Seconded: Cr

Vote: Simple Majority

Carried/Lost:

10. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

11. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

12. MATTERS FOR CONSIDERATION – FINANCE

12.1 List of Payments for August 2023

Location:	Shire of Tammin
Applicant:	Administration & Finance Officer
Date:	11/09/2023
Author:	Keira Wirth
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	FIN05
Attachment/s:	Attachment Item 12.1 – Payment List Attachment Item 12.1 - Credit Card Statement Attachment Item 12.1 – Credit Card Summary Attachment Item 12.1 – Fuel allocation costs

Purpose of Report

For Council to ratify the accounts paid under delegated authority.

Background

The attached List of Accounts paid during the month of August 2023 totaling \$288,109.38 by way of:

Cheque numbers	Nil	\$0
Direct debit payments	01/08/23 – 31/08/23	\$13,819.08
Licensing transfers	01/08/23 – 31/08/23	\$16,068.25
Bank fees	01/08/23 – 31/08/23	\$63.08
VISA payments	01/08/23 – 31/08/23	\$1,264.77
EFT payments	EFT 6360 – EFT 6425	\$ 158,664.25
Salaries and wages	01/08/23 – 31/08/23	\$98,229.95
Total payments	01/08/23 – 31/08/23	\$288,109.38

The Shire of Tammin made the following significant purchases during the month of August 2023:

Wright Express Australia Pty Ltd (Caltex) Fuel charges for various vehicles for the month of July 2023	\$ 8,718.03
Scavenger Supplies Pty Ltd SCAVENGER BUSH FIRE KITS C/W WITH DURRAMAX FIRE GOGGLES 43.00 162.05 10% 6,968.15 KITS CONSISTS OF THE FOLLOWING: 3M HALF MASKS 6059 FILTERS P2 PARTICULATE FILTER 501A RETAINER CLIPS DURRAMAX FIRE GOGGLES SUPPLIED IN A CLIP DOWN CONTAINER. SCAVENGER BUSH FIRE CLASS A FOAM, 20 LTR PAILS. PRICE EXCLUDES FREIGHT	\$ 8,764.97
Youlie and Son Spreading Services Wet hire of grader for road maintenance service on Wyola North Rd	\$ 9,163.00
Department of Fire and Emergency Services 2023/24 ESL Quarter - ESLB 1st Qtr Contribution	\$ 10,138.16
Avon Valley Toyota Prado DSL WGN GXL Vehicle colour - Glacier White Tow bar rubber floor Mats	\$ 66,880.55

Comment

Nil

Financial Implications

All liabilities have been settled in accordance with the Shire of Tammin 2023/2024 Operating Budget.

Policy Implications

Nil

Statutory Implications

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —
 - a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
 - b) Petty cash systems.
- (1) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.

- (2) *Payments made by a local government —*
- a) *Subject to sub-regulation (4), are not to be made in cash; and*
 - b) *Are to be made in a manner which allows identification of —*
 - (i) *The method of payment;*
 - (ii) *The authority for the payment; and*
 - (iii) *The identity of the person who authorised the payment.*

- (3) *Nothing in sub-regulation (3) (a) prevents a local government from making payments in cash from a petty cash system.*

[Regulation 11 amended in Gazette 31 Mar 2005 p. 1048.]

12. Payments from municipal fund or trust fund

- (1) *A payment may only be made from the municipal fund or the trust fund —*
- a) *If the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
 - b) *Otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

[Regulation 12 inserted in Gazette 20 Jun 1997 p. 2838.]

13. Lists of accounts

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
- a) *The payee's name;*
 - b) *The amount of the payment;*
 - c) *The date of the payment; and*
 - d) *Sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
- a) *For each account which requires council authorisation in that month —*
 - (i) *The payee's name;*
 - (ii) *The amount of the payment; and*
 - (iii) *Sufficient information to identify the transaction; and*
 - b) *The date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under sub-regulation (1) or (2) is to be —*
- a) *Presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - b) *Recorded in the minutes of that meeting.*

Strategic Plan & Corporate Business Plan Implications

Civic Leadership Strategies

Our Councillors and community leaders have vision, are accessible, act with transparency and integrity, and act in good faith on behalf of their constituents.

12.2 Financial Management Report for the month of August 2023

Location:	Shire of Tammin
Applicant:	Manager of Finance and Corporate Services
Date:	15 September 2023
Author:	Racheal King
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment Item 12.2 - August 2023 Monthly Financial Report

Purpose of Report

For Council to receive the Monthly Financial Statement.

Background

Enclosed is the Monthly Financial Report for the month of August 2023 inclusive of the Statement of Financial Activity, Current Ratios and Capital Expenditure Report.

Comment

Rates were issued on 8 August 2022 with payments due in full by 12 September 2022. Payment arrangements have been made with rate payers if required. 9.8% of rates have been received as of 31 August 2023 however with as the due date has not occurred, we expect a significant amount will be paid before next Council meeting. Capex projects and maintenance works are underway.

Financial Implications

There are currently no financial implications as income and expenditure is in accordance with Budget. Amendments will be made at Budget review in terms of Grant Income and Expenditure.

Statutory Implications

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

*(1A) In this regulation — **committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.*

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- b) budget estimates to the end of the month to which the statement relates;
- c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —

- a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
- b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
- c) such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity December be shown —

- a) according to nature and type classification; or
- b) by program; or
- c) by business unit.

(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —

- a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
- b) recorded in the minutes of the meeting at which it is presented.

Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Policy Implications

Council resolved that in accordance with Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996* a variance percentage of 10% or \$10,000, whichever is greater, be adopted for reporting material variances.

Strategic Plan & Corporate Business Plan Implications

Civic Leadership Strategies

Our Councillors and community leaders have vision, are accessible, act with transparency and integrity, and act in good faith on behalf of their constituents.

The following outcomes and strategies have been identified to achieve this vision.

Outcome 6.1 Strong governance and leadership, demonstrating fair and equitable community values

6.1.1 Deliver sustainable governance through transparent and robust policy and processes

6.1.2 Undertake the civic duties of Council with the highest degree of ethics

Outcome 6.2 An efficient and effective organisation

6.2.1 Ensure sound long-term financial management and deliver value for money

6.2.2 Provide community leadership and lobby Federal and State Government to strengthen service provision within the Shire. Explore diverse income streams including grants

Officers Recommendation

That Council, pursuant to the *Local Government (Financial Management) Regulations 1996* adopt the Monthly Financial Report as contained in attachment 12.2 for the period ending 31 August 2023 comprising;

- a) Statement of Financial Activity
- b) Note 1 to Note 12

Moved: Cr

Seconded: Cr

Vote: Simple Majority

Carried/Lost:

13. MATTERS FOR CONSIDERATION – ADMINISTRATION

Nil

14. MATTERS FOR CONSIDERATION – BUILDING & HEALTH

Nil

15. MATTERS FOR CONSIDERATION – TOWN PLANNING

15.1 Application for Development Approval – Proposed Ancillary Dwelling

Location:	Lot 51 (No.10) Walston Street, Tammin
Applicant:	Fox Modular Homes on behalf of Kim Maree Bondarenko (Landowner)
Date:	14 September 2023
Author:	Mr Joe Douglas – Town Planner
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	TBC
Attachments:	Attachment 15.1 – Development Application Documentation & Plans

Purpose of Report

Consideration and determination of a development application submitted by Fox Modular Homes on behalf of Kim Maree Bondarenko (Landowner) for the placement and use of a new transportable building on Lot 51 (No.10) Walston Street, Tammin for ancillary accommodation purposes (i.e. a granny flat).

Background

Fox Modular Homes has prepared and submitted a development application on behalf of Kim Maree Bondarenko (Landowner) requesting Council's approval for the placement and use of a new 64.80m² steel framed and Colorbond clad transportable building on Lot 51 (No.10) Walston Street, Tammin for ancillary accommodation purposes (i.e. a granny flat).

A full copy of the development application received, including supporting documentation and plans, is provided in Attachment 1.

Lot 51 is located in the south-western portion of the Tammin townsite, comprises a total area of approximately 1,084m² and is generally flat throughout.

The subject land has direct frontage and access to Walston Street along its front boundary to the north which is a sealed and drained local road under the care, control and management of the Shire of Tammin.

The property contains an existing older style single storey dwelling in its northern half in good habitable condition and two (2) separate outbuildings (i.e. domestic storage sheds) to the side and rear.

Lot 51 is not designated as being flood prone, contains no buildings or places of cultural heritage significance, and is not located in a designated public drinking water source or sewage sensitive area.

The rear half of the property has however been designated by the Fire and Emergency Services Commissioner as being bushfire prone. Notwithstanding this fact, as the land comprises a total area less than 1,100m² a bushfire attack level assessment and bushfire management plan are not required for the purposes of development approval given the exemption afforded by clause 78B(1) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Existing adjoining and other nearby land uses are broadly described as follows:

- North: The Walston Street road reserve with a railway reserve and operational railway line beyond;
- South: Vacant undeveloped ‘Residential’ zoned lots comprising an average area of approximately 1,084m² with the Dreyer Street road reserve and a large vacant undeveloped ‘Residential’ zoned lot beyond;
- East: Vacant undeveloped ‘Residential’ zoned lots comprising an average area of approximately 1,084m² with the Jameson Street road reserve and low density residential development beyond;
- and
- West: Low density residential development on lots comprising an average area of approximately 1,084m² with the Station Road road reserve beyond.



Location & Lot Configuration Plan (Source: Landgate)

Comments

Lot 51 is classified ‘Residential’ zone in the Shire of Tammin Local Planning Scheme No.2 (LPS2) with a density coding of R12.5.

Under the terms of LPS2 the development of an ancillary dwelling in association with a single house is listed in the Zoning Table as a permitted (i.e. 'P') use on any land classified 'Residential' zone. Notwithstanding this fact, development approval is still required for the construction/placement and use of an ancillary dwelling on any land classified 'Residential' zone (i.e. no exemption to the need for development approval is applicable).

An assessment of the proposal for Lot 51 has confirmed it satisfies or is capable of satisfying all relevant deemed-to-comply requirements of the Residential Design Codes (Volume 1) and LPS2 as they apply specifically to minimum required lot area, maximum permitted plot ratio area, vehicle access and on-site parking, location, site works, compatibility with the existing dwelling on the land, open space, outdoor living areas, building height, visual privacy, solar access, external fixtures, utilities and facilities, and stormwater drainage management.

Notwithstanding these assessment findings, the proposed development does not comply with the minimum rear boundary setback requirements of the Residential Design Codes (Volume 1). Under the terms of the R-Codes a minimum setback of six (6) metres is required to the land's rear boundary. Under the terms of the plans submitted in support of the application a setback of 1.5 metres is proposed to the land's rear boundary.

In considering whether or not to approve this proposed variation to the deemed-to-comply requirement of the R-Codes as they apply to ancillary dwellings Council must decide whether it is likely to have a detrimental impact upon the amenity, character, functionality and safety of the immediate locality or any immediately adjoining or other nearby properties.

It is concluded, following a detailed assessment of the application, that the proposed variation to the minimum required rear boundary setback for the new dwelling is unlikely to have any adverse impacts and may therefore be supported and approved by Council for the following reasons:

- i) The proposed dwelling is not excessively large in terms of its overall bulk and scale and will be finished using visually appealing materials and colours. As such, it is unlikely to have any negative visual impacts on any immediately adjoining or other nearby properties in the immediate locality;
- ii) Adequate levels of direct sunlight and ventilation will be available to the existing and proposed dwelling and open spaces on the subject land and all immediately adjoining residential properties; and
- iii) The reduced rear setback of the proposed dwelling will not give rise to any overlooking and resultant loss of privacy on adjoining properties.

With respect to effluent disposal Council should note the subject land is not served by reticulated sewerage disposal infrastructure. As such, the proposed dwelling will need to be served by an on-site effluent disposal system approved by the Shire or the Department of Health pursuant to the specific requirements of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*. Whilst the existing dwelling on the land is served by an existing on-site effluent disposal system (i.e. septic tank/s and leach drains) which is understood to be fit-for-purpose, the ability to connect the proposed dwelling to this system and comply with the specific requirements of the *Government Sewerage Policy 2019* and the abovementioned regulations is a matter for the

applicant/landowner to address during the septic tank application stage of the approval process. It is considered unreasonable to require the applicant/landowner to spend \$8,000 to \$10,000 excluding GST on a site and soil investigation as part of the development application process when there is significant scope to consider and address this issue during the next stage of the approval process in direct consultation with a licensed plumbing contractor and the Shire's Environmental Health Officer who will have a clear understanding of the site conditions, including soil capability and suitability, and all relevant design and construction requirements.

In light of the above findings and conclusions it is recommended Council exercise its discretion and approve the application subject to a number of conditions to ensure the development proceeds in a proper and orderly manner.

Consultation

Public advertising and referral of the development application to State government agencies and key essential services providers was not required or deemed necessary. The proposal was however the subject of email communications with the applicant to explain the Shire's development standards and requirements and assist finalisation of the application to ensure all key issues identified following a preliminary assessment were suitably addressed.

Statutory Implications

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Shire of Tammin Local Planning Scheme No.2*

Policy Implications

- *State Planning Policy 7.3 – Residential Design Codes (Volume 1)*
- *Government Sewerage Policy 2019*

Financial Implications

There are no immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are accounted for in the Shire's annual budget and have been offset in part by the development application fee paid by the applicant/landowner. All costs associated with the proposed development will be met by the landowner.

It is significant to note should the applicant/landowner be aggrieved by Council's final decision in this matter they have the right to seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason the Shire would need to respond. The cost to respond to an appeal cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

Risk Implications

Financial – Risk rating is assessed as Low.

Health – Risk rating is assessed as Low subject to compliance with all regulatory requirements.

Reputation – Risk rating is assessed as Low. The application has been thoroughly assessed with due regard for all relevant development standards and requirements.

Operational – Risk rating is assessed as Low. The application has been dealt with in accordance the Shire’s current Organisational Structure and the procedural requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Natural Environment – Risk rating is assessed as Low due to the minimal impact the proposed development is likely to have on the natural environment.

Strategic Implications

The proposed development is broadly consistent with the aims and objectives of the Shire of Tammin Local Planning Strategy as well as the Shire’s Strategic Community Plan 2017-2027 and Corporate Business Plan 2018-2022.

Voting Requirements

Simple Majority

Officer’s Recommendation / Resolution

That Council resolve to approve the development application submitted by Fox Modular Homes on behalf of Kim Maree Bondarenko (Landowner) for the placement and use of a new transportable building on Lot 51 (No.10) Walston Street, Tammin for ancillary accommodation purposes subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.
3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period it shall not be carried out without the further approval of the local government having first being sought and obtained.
4. The proposed dwelling shall be a brand new structure only.
5. An adequate on-site effluent disposal system, as determined by the local government’s Environmental Health Officer or Executive Director of Public Health, shall be provided within the land’s designated lot boundaries with all such work to be undertaken to the specifications and satisfaction of the local government’s Environmental Health Officer or the Executive

Director of Public Health prior to occupation and use of the proposed dwelling.

6. The proposed dwelling shall be provided with a reticulated potable water supply service to the specifications of the relevant service provider prior to its occupation and use.
7. The proposed dwelling shall be provided with an electricity supply service to the specifications of the relevant service provider prior to its occupation and use.
8. All storm water shall be directed away from the proposed dwelling and retained and disposed on-site to ensure its structural integrity is not compromised and no immediately adjoining property is impacted.
9. The final finished floor level of the proposed dwelling shall not exceed 500mm above the land's natural ground level.
10. The subfloor area of the proposed dwelling shall be enclosed with vermin proof battens in a colour that complements the external appearance of the dwelling prior to its occupation and use.
11. All external fixtures for the proposed dwelling must:
 - i) not be visible from the land's primary street frontage (i.e. Walston Street); and
 - ii) be designed to integrate with the building; or
 - iii) located so as not to be visually obtrusive.

Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant/landowner and not the local government to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.
2. This is a development approval of the Shire of Tammin under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. An 'Application to Construct or Install an Apparatus for the Treatment of Sewage' prepared pursuant to the specific requirements of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* must be prepared and submitted to the local government or the Executive Director of Public Health for consideration and determination prior to preparation and lodgement of a building permit application.
4. In accordance with the *Building Act 2011* and *Building Regulations 2012*, suitable demolition and/or building permit applications must be submitted to and approved by the local government's Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land.
5. The proposed dwelling is required to comply in all respects with the National Construction

Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.

6. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted on Sundays or Public Holidays.
7. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.
8. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Tammin Local Planning Scheme No.2 and may result in legal action being initiated by the local government.
9. If the applicant/landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

Moved: Cr _____

Seconded: Cr _____

Vote: Simple Majority

Carried/Lost: ___/___

16. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

17. MATTERS FOR WHICH THE MEETING MAY BE CLOSED (S`5.23)

Nil

18. CLOSURE OF MEETING

There being no further business the Shire President declared the meeting closed at ___

