

# 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 22<sup>nd</sup> February 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  
17 February 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 November 2022**

**Officers Recommendation**

That the minutes of the Ordinary Council Meeting held on 15 December 2022 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 December 2022

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Administration & Finance Officer
<b>Date:</b>	06/01/2023
<b>Author:</b>	Racheal King
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	FIN05
<b>Attachment/s:</b>	Attachment Item 12.1 – Payment List Attachment Item 12.1 - Credit Card Statement

#### **Purpose of Report**

For Council to ratify the accounts paid under delegated authority.

#### **Background**

The attached List of Accounts paid during the month of December 2022 totaling \$659,882.68 by way of:

Cheque numbers	6820 - 6821	\$15,788.76
Direct debit payments	01/12/22 – 31/12/22	\$9,434.48
Licensing transfers	01/12/22 – 31/12/22	\$1,123.05
Bank fees	01/12/22 – 31/12/22	\$330.01
VISA payments	01/12/22 – 31/12/22	\$5,104.85
EFT payments	EFT 5840 – EFT 5915	\$574,095.83
Salaries and wages	01/12/22 – 31/12/22	\$54,005.70
<b>Total payments</b>	<b>01/12/22 – 31/12/22</b>	<b>\$659,882.68</b>

**The Shire of Tammin made the following significant purchases during the month of December 2022**

<b>Porter Consulting Engineers</b> Works completed to 19 December 2022 - STATS Australia additional geotechnical work as approved by the Shire Teams meeting 16th Nov. (\$2,500 plus PCE 10% for management of sub-consultant)	<b>\$ 5,555.00</b>
<b>Porter Consulting Engineers</b> Claim for work completed to 25 November 2022	<b>\$6,121.50</b>
<b>Buchanan's Roofing Repairs &amp; Tree Services Pty Ltd</b> Tree pruning as per the Western Power list for vegetation near power lines	<b>\$ 9,900.00</b>
<b>Wright Express Australia Pty Ltd (Puma)</b> Fuel Charges for November 2022	<b>\$10,682.69</b>
<b>KW &amp; AJ Swann</b> Push topsoil and clay at the tip	<b>\$ 26,419.80</b>
<b>Earthstyle Contracting Pty Ltd</b> Item 4.01 Topsoil Strip and Respread (average 100mm)	<b>\$92,070.00</b>
<b>All Portable Supplies</b> Supply of 15000 x 8400 golf club room building 50% payable	<b>\$136,715.09</b>
<b>Earthstyle Contracting Pty Ltd</b> Tammin Southern Link Roadworks Claim #2 16/12/2022	<b>\$245,520.00</b>

**Comment**

Nil

**Financial Implications**

All liabilities have been settled in accordance with the Shire of Tammin 2022/2023 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.

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 Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* receives the report from the Chief Executive Officer on the exercise of delegated authority in relation to payments made from municipal funds for the period 1 December 2022 to 31 December 2022 totaling \$659,882.68 as contained in attachments 12.1.

Municipal Fund payments totaling \$659,882.68 detailed:

Cheque numbers	6820 - 6821	\$15,788.76
Direct debit payments	01/12/22 – 31/12/22	\$9,434.48
Licensing transfers	01/12/22 – 31/12/22	\$1,123.05
Bank fees	01/12/22 – 31/12/22	\$330.01
VISA payments	01/12/22 – 31/12/22	\$5,104.85
EFT payments	EFT5840 – EFT 5915	\$574,095.83
Salaries and wages	01/12/22 – 31/12/22	\$54,005.70

Moved: Cr

Seconded: Cr

Vote: Simple Majority

Carried/Lost:



## 12.2 List of Payments for January 2023

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Administration & Finance Officer
<b>Date:</b>	02/01/2023
<b>Author:</b>	Racheal King
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	FIN05
<b>Attachment/s:</b>	Attachment Item 12.2 – Payment List Attachment Item 12.2 - Credit Card Statement

### **Purpose of Report**

For Council to ratify the accounts paid under delegated authority.

### **Background**

The attached List of Accounts paid during the month of January 2023 totaling \$471,366.84 by way of:

Cheque numbers	No Cheques Produced	\$0
Direct debit payments	01/01/23 - 31/01/23	\$24,900.18
Licensing transfers	01/12/22 – 31/12/22	\$4,788.60
Bank fees	01/12/22 – 31/12/22	\$102.31
VISA payments	01/12/22 – 31/12/22	\$1,493.07
EFT payments	EFT 5840 – EFT 5915	\$387,421.07
Salaries and wages	01/12/22 – 31/12/22	\$52,661.61
<b>Total payments</b>	<b>01/12/22 – 31/12/22</b>	<b>\$471,366.84</b>

**The Shire of Tammin made the following significant purchases during the month of January 2023**

<b>Western Australian Treasury Corporation</b> Loan Payments 80 & 81	<b>\$15,205.26</b>
<b>Office of the Auditor General</b> Fee to attest Audit for the year ended 30 June 2022	<b>\$38,060.00</b>
<b>Buchanan's Roofing Repairs &amp; Tree Services Pty Ltd</b> Tree pruning within town site and extra work for tree branches above house on 26 Dreyer St As per your quote QU5005	<b>\$6,820.00</b>
<b>KW &amp; AJ Swann</b> Wet hire of dozer to push gravel at Caffell pit for the Southern Link project 47hrs and 2,600ltrs of fuel	<b>\$19,625.50</b>
<b>Wheatbelt Plumbing &amp; Gas</b> Repairing of backflow valve, Check hot water system (5 Nottage Way), repairs to HWS at Tamma Village, cistern repair, install HWS, backflow testing	<b>\$7,491.00</b>
<b>Earthstyle Contracting Pty Ltd</b> Supervision and survey of Southern Link Project as per schedule	<b>\$271,920.00</b>

**Comment**

Nil

**Financial Implications**

All liabilities have been settled in accordance with the Shire of Tammin 2022/2023 Operating Budget.

**Policy Implications**

Nil

**Statutory Implications**

***Local Government (Financial Management) Regulations 1996***

**11. Payment of accounts**

- (2) 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 —
  - c) 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
  - d) Petty cash systems.
- (4) 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.
- (5) Payments made by a local government —
  - c) Subject to sub-regulation (4), are not to be made in cash; and
  - d) 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.*

*(6) 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**

- (3) A payment may only be made from the municipal fund or the trust fund —*
  - c) If the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
  - d) Otherwise, if the payment is authorised in advance by a resolution of the council.*
- (4) 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**

- (4) 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 —*
  - e) The payee's name;*
  - f) The amount of the payment;*
  - g) The date of the payment; and*
  - h) Sufficient information to identify the transaction.*
- (5) A list of accounts for approval to be paid is to be prepared each month showing —*
  - c) For each account which requires council authorisation in that month —*
    - (iv) The payee's name;*
    - (v) The amount of the payment; and*
    - (vi) Sufficient information to identify the transaction; and*
  - d) The date of the meeting of the council to which the list is to be presented.*
- (6) A list prepared under sub-regulation (1) or (2) is to be —*
  - c) Presented to the council at the next ordinary meeting of the council after the list is prepared; and*
  - d) 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.

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 Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* receives the report from the Chief Executive Officer on the exercise of delegated authority in relation to payments made from municipal funds for the period 1 January 2023 2022 to 31 January 2023 totaling \$471,366.84 as contained in attachments 12.1.

Municipal Fund payments totaling \$471,336.84 detailed:

Cheque numbers	No Cheques Produced	\$0
Direct debit payments	01/01/23 – 31/01/23	\$24,900.18
Licensing transfers	01/01/23 – 31/01/23	\$4,788.60
Bank fees	01/01/23 – 31/01/23	\$92.31
VISA payments	01/01/23 – 31/01/23	\$1,493.07
EFT payments	EFT 5916 – EFT 5963	\$387,421.07
Salaries and wages	01/01/23 – 31/01/23	\$52,661.61

Moved: Cr

Seconded: Cr

Vote: Simple Majority

Carried/Lost:

### 12.3 Financial Management Report for the month of December 2022

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Manager of Finance and Administration
<b>Date:</b>	12 December 2022
<b>Author:</b>	Morgan Ware
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment Item 12.3 - December 2022 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 December 2022 inclusive of the Statement of Financial Activity, Current Ratios and Capital Expenditure Report.

#### **Comment**

Rates were issued on 5 August 2022 with payments due in full by 12 September 2022. Payment arrangements have been made with rate payers if required. 90% of rates have been received as of 31 December 2022. Maintenance road works underway and Capex projects commencing in the coming months. Accordingly, our cash flow position is currently strong having received an advance payment of the Financial Assistance Grants and received the Southern Link project first payment.

#### **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.*

*(5) 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.*

*(7) 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 12.3 for the period ending 31 December 2022 comprising;

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

Moved: Cr

Seconded: Cr

Vote: Simple Majority

Carried/Lost:

## 12.4 Financial Management Report for the month of January 2023

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Manager of Finance and Administration
<b>Date:</b>	12 December 2022
<b>Author:</b>	Morgan Ware
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment Item 12.4 - January 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 January 2023 inclusive of the Statement of Financial Activity, Current Ratios and Capital Expenditure Report.

### **Comment**

Rates were issued on 5 August 2022 with payments due in full by 12 September 2022. Payment arrangements have been made with rate payers if required. 90% of rates have been received as of 31 December 2022. Maintenance road works underway and Capex projects commencing in the coming months. Accordingly, our cash flow position is currently strong having received an advance payment of the Financial Assistance Grants and received the Southern Link project first payment.

### **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.*

*(3) 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 —*



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

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

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

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

- d) according to nature and type classification; or*
- e) by program; or*
- f) by business unit.*

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

- c) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
- d) 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 12.3 for the period ending 31 January 2023 comprising;

- c) Statement of Financial Activity
- d) Note 1 to Note 12

Moved: Cr

Seconded: Cr

Vote: Simple Majority

Carried/Lost:

## 12.5 Donation – Lord Mayor’s Distress Relief Fund – Kimberley Floods

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Lord Mayor’s Distress Relief Fund (LMDRF)
<b>Date:</b>	17 February 2023
<b>Author:</b>	Joanne Soderlund
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

### Purpose of Report

For Council to endorse a donation of \$1,000 to the Lord Mayor’s Distress Relief Fund.

### Background

Destruction and property damage across the Kimberley region caused by the flood emergency has led to the activation of the Lord Mayor’s Distress Relief Fund (LMDRF). People in the Kimberley are experiencing a one-in-100-year flood event, the worst flooding Western Australia has ever seen.

More than 100 people have been rescued from the floodwaters at communities in the Fitzroy River Catchment including at Looma, Willare and Camballin. The clean-up efforts are expected to be both complex and costly.

### Comments

The LMDRF is the recognized state emergency fund and provides relief for personal hardship and distress arising from natural disasters occurring within Western Australia. Through the LMDRF members of the wider community can help those who are affected by this unprecedented disaster to rebuild their lives.

The Fund is operated by an independent Board and donations over \$2 are tax deductible. The cost of administering the Fund are generally absorbed by the City of Perth, so all money raised will go directly to those who need it most.

### Consultation

Nil

### Statutory Implications

Local Government Act, 1995

**6.8.** Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
  - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

*\* Absolute majority required.*

- (1a) In subsection (1) —

**additional purpose** means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

Notwithstanding s 6.8 1(a), provision is made in the Shire's FY2022/23 Budget, A/C 041115 – Donations and Contributions for instances such as this likely request.

#### **Policy Implications**

N/A

#### **Financial Implications**

The Shire has budgeted \$2,750 for donations & contributions in FY2022/23 of which zero (0) has been spent to date. Accordingly, a donation to the LMDRF is not an unbudgeted expenditure.

#### **Risk Implications**

Nil

#### **Strategic Implications**

##### Social /Community Strategies

Grow and sustain the population through planned provision of services. Maintain the sense of community, which is inclusive and welcoming for all.

Support of communities in distress is considered to be a natural extension of the above

#### **Voting Requirements**

Simple Majority

**Officers Recommendation**

That Council:

1. Agree to make a donation of \$1,000 to the Lord Mayor's Distress Relief Fund; and,
2. Authorise the Chief Executive Officer to arrange payment of \$1,000 to the Fund

in support of those impacted by the Kimberley Floods.

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote: Simple Majority

Carried/Lost: \_\_\_\_/\_\_\_\_

### 13. MATTERS FOR CONSIDERATION – ADMINISTRATION

#### 13.1 Tammin Achievement Awards 2023

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Community Development Officer
<b>Date:</b>	17 <sup>th</sup> February 2023
<b>Author:</b>	Kelsey Cox
<b>Item Approved by:</b>	Chief Executive Officer – Joanne Soderlund
<b>Disclosure of Interest:</b>	Nil PUB00
<b>File Reference:</b>	Attachment Item 13. – Private & Confidential Nomination Citizen of the Year
<b>Attachment/s:</b>	Attachment Item 13.1 – Private & Confidential Nomination Senior Citizen of the Year Attachment Item 13.1 – Private & Confidential Nomination Recognition Award

#### Proposal/Summary

Council is asked to consider the nominations received for the Tammin Achievement Awards 2023 to be held on 24<sup>th</sup> March 2023.

#### Background

The Tammin Achievement Awards acknowledge Tammin residents for their contribution in making a difference to our community and recognise those who put in the extra effort to become role models and encourage and motivate others to step out and set new boundaries of achievement.

Nominations opened mid-January with copies of the nomination form was available on the Shire of Tammin's Website as well as hard copies from the Post Office, Cooina, Administration Office and a mail drop to all post office boxes. Opening of nominations were advertised on the electronic notice board, the Shire Facebook page, website, Tabloid publication, in Cooina and Shire newsletter.

There are four (4) categories which a local community member or group can be nominated for:

- a) 2022 Citizen of the Year Award
- b) 2022 Senior Citizen of the Year Award (for a person over 65 years)
- c) 2022 Youth Citizen of the Year Award (for a person under 25 years)
- d) 2022 Recognition Award

The Tammin Achievement Awards are also a good opportunity for new members in our community to get to know the 'locals' and find out what Tammin has to offer. It is an open invitation for all residents.

## **Comments**

An impressive six (6) nominations have been received highlighting the Tammin community spirit and volunteer support. From these nominations three (3) of the four (4) categories are represented.

At Council's discretion, it may wish to nominate a deserving recipient to fill the category of Youth Citizen of the Year or leave the position unfilled for this year's Achievement Awards Night.

## **Consultation**

- Chief Executive Officer
- Manager of Finance and Administration
- Community Development Officer
- Tammin's Sporting Clubs and Community Groups
- Shire of Tammin's Newsletter Email Groups
- Shire of Tammin's Newsletter
- Tammin Tabloid (Community Newsletter)
- Tammin Post Office
- Cooina (Tammin's Second Hand Store)

## **Statutory Implications**

Nil

## **Policy Implications**

### **7.1 Tammin Achievement Awards**

#### **POLICY STATEMENT**

1. The purpose of the Awards is to –
  - a) Acknowledge Tammin residents for their contribution in making a difference to our community and recognise those who put in that extra effort not only in their contribution, but those that become role models and encourage and motivate others to step out and set new boundaries of achievement.
  - b) Honour and recognise Tammin residents who have achieved success in sporting, cultural and community pursuits.

#### **STATUTORY CONTEXT**

Nil

#### **REFERENCES**

Nil

### **Financial Implications**

This event has been budgeted for in the 2022 / 2023 Budget.

### **Strategic Implication**

Nil

### **Officers Recommendation**

For Council to recognise the following Tammin Achievement Awards 2022 recipients

- 1) 2022 Senior Citizen of the Year \_\_\_\_\_
- 2) 2022 Citizen of the Year \_\_\_\_\_
- 3) 2022 Youth Citizen of the Year (25 & under) \_\_\_\_\_
- 4) Recognition Award \_\_\_\_\_

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote: Simple Majority

Carried/Lost: \_\_\_\_/\_\_\_\_



### 13.2 CESM Council Report – December 2022

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Community Emergency Services Manager
<b>Date:</b>	17 February 2023
<b>Author:</b>	Ben Davies
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment Item 13.2 - CESM Council Report December 2022

#### **Proposal/Summary**

For Council to review and note the report prepared by the Shire of Tammin's Community Emergency Services Manager (CESM) Ben Davies.

#### **Background**

The Shire of Tammin resources shares a CESM with the Shire's of Cunderdin and Quairading. The Department of Fire and Emergency Services (DFES) covers 60% of the CESM wages with the remaining three Shire's equally contributing to the remaining 40%.

#### **Comment**

The CESM will be preparing a report for Council information on their activities every few months to ensure Elected Members are well informed of the work the CESM is undertaking.

#### **Consultation**

Nil

#### **Statutory Implications**

Nil

#### **Policy Implications**

N/A

#### **Financial Implications**

Nil

## **Strategic Implications**

### **Strategic Community Plan**

#### **1. Social / Community Strategies**

##### **1.2.3 Support provision of emergency services and encourage community volunteers**

### **Officers Recommendation**

That Council, by simple majority, notes the December 2022 CESM report for information only.

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote: Simple Majority

Carried/Lost: \_\_\_\_/\_\_\_\_

### 13.3 Annual Electors Meeting 2022

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	
<b>Date:</b>	17 February 2023
<b>Author:</b>	Joanne Soderlund
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment Item 12.1 – General Meeting of Electors Minutes

#### **Proposal/Summary**

The Annual General Meeting of Electors was held on Monday, 6<sup>th</sup> of February 2023 at the Shire of Tammin Council Chambers.

#### **Background**

At its 15 December 2022 Ordinary Council Meeting, Council adopted the Financial Statements and Audit Report from the Office of Auditor General for the 21/22 financial year.

The Annual Report (which includes the Annual Financial Statements and the Audit Report referred to above) was accepted by Council and a date set for the Annual General Meeting of Electors.

Under the *Local Government Act 1995* decisions made at the Annual General Meeting of Electors are to be referred through to the next Council meeting for further consideration.

Accordingly, any decisions made at the electors' meeting are to be considered by Council at its Ordinary Council Meeting to be held on 22 February 2023.

#### **Comment**

Minutes of the Annual General Meeting of Electors are attached. No decisions were made at the elector's meeting for recommendation through to Council.

#### **Statutory Environment**

##### Local Government Act 1995

##### *5.27. Electors' general meetings*

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

### 5.33. Decisions made at electors' meetings

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*
  - (a) *at the first ordinary council meeting after that meeting; or*
  - (b) *at a special meeting called for that purpose, whichever happens first.*
- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Risk Implications**

Nil

#### **Strategic 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.

#### **Officers Recommendation**

That Council, pursuant to *Section 5.27 of the Local Government Act 1995*, receive the minutes of the Annual General Electors Meeting held on Monday, 6<sup>th</sup> of February 2023 and note that there were no decisions made at the Meeting that required further consideration by Council.

Moved: Cr \_\_\_\_\_

Seconded: Cr \_\_\_\_\_

Vote: Simple Majority

Carried/Lost: \_\_\_\_/\_\_\_\_

#### **14. MATTERS FOR CONSIDERATION – BUILDING & HEALTH**

Nil

#### **15. MATTERS FOR CONSIDERATION – TOWN PLANNING**

##### **15.1 Application for Development Approval – Proposed Telecommunications Infrastructure**

<b>Location:</b>	Lot 12607 on Deposited Plan 132750 with all access via Lot 1 (No.361) Ralston Road, South Tammin
<b>Applicant:</b>	CRISP Wireless Pty Ltd under authority from PL & WT Button (Landowners)
<b>Date:</b>	9 February 2023
<b>Author:</b>	Mr Joe Douglas – Town Planner
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	TBA
<b>Attachments:</b>	Attachment Item 15.1 – Development Application Documentation & Plans

##### **Purpose of Report**

Consideration and determination of a development application submitted by CRISP Wireless Pty Ltd under authority from PL & WT Button (Landowners) for the construction and use of proposed new telecommunications infrastructure on portion of Lot 12607 on Deposited Plan 132750 with all access via Lot 1 (No.361) Ralston Road, South Tammin.

##### **Background**

CRISP Wireless Pty Ltd has submitted a development application under the authority of PL & WT Button (Landowners) seeking Council's approval to install and operate telecommunications infrastructure on a portion of Lot 12607 on Deposited Plan 132750 with all access via Lot 1 (No.361) Ralston Road, South Tammin to improve wireless broadband coverage throughout the locality.

It is understood the project is being undertaken pursuant to the Commonwealth Government's 'Regional Connectivity Program' which provides grant funding for the delivery of 'place-based' telecommunications infrastructure projects to improve digital connectivity across regional, rural and remote Australia.

The proposed development will be sited on a high point in the north-western corner of Lot 12607 on land previously cleared for agricultural purposes. All access to the proposed telecommunications tower and associated infrastructure will be via an existing farm access track along the western boundary of Lot 12607 and via Lot 1 located immediately south through to this property's frontage to Ralston Road which is also owned by PL & WT Button.

A full copy of the development application received, including supporting documentation and plans, is provided in Attachment 1. Council should note the proposed infrastructure will not transmit electromagnetic waves/fields to mobile phones and will not therefore emit any electromagnetic radiation. As such, an electromagnetic energy (i.e. EME) compliance report is not required to be prepared and submitted in support of the application.

Lot 12607 is a regular shaped lot comprising a total area of 113.43 hectares which is located approximately 3.1 kilometres south-south-east of the Tammin townsite in the locality of South Tammin. As the property does not have direct frontage and access to a constructed public road, all access to the proposed development will be via Lot 1 located immediately south which has direct frontage and access to Ralston Road, a local road under the care, control and management of the Shire that has been constructed to a sealed and drained standard.

Lot 12607 is gently sloping from north-to-south, is predominantly cleared of all native vegetation, with the exception of a few small stands in select locations for land management purposes, and has been extensively developed and used for extensive agricultural purposes (i.e. cropping and grazing) for many years.

Existing adjoining and other nearby land uses are also predominantly rural in nature comprising broadacre agricultural activities on lots ranging in size from 40 to 838 hectares. The only exceptions to this are Crown Reserves 2083 and 13163 located approximately 500 and 800 metres to the north-west which have been set aside as a stopping place for travellers and stock and waste disposal purposes respectively.

That portion of the land where the development is proposed to be undertaken has been predominantly cleared of all native vegetation, does not contain any sites of cultural heritage significance, is not subject to inundation or flooding during extreme storm events, and has not been designated by the Fire and Emergency Services Commissioner as being bushfire prone.



Location & Lot Configuration Plan (Source: Landgate 2023)

## Comments

Both lots the subject of this application are classified 'Rural' zone under the Shire of Tammin Local Planning Scheme No.2 (LPS2).

Under the terms of LPS2 the development of any land classified 'Rural' zone for the purpose of telecommunications infrastructure is listed as a discretionary (i.e. 'A') use which means it is not permitted unless Council has exercised its discretion by granting development approval following completion of public advertising for a minimum required period of 14 days. Council should note the application was advertised for public comment in excess of the minimum required period with no submissions received at the conclusion of advertising.

The application has been assessed with due regard for the specific objectives and standards of the Shire's local planning framework including LPS2 and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* including State Planning Policy No.5.2 entitled '*Telecommunications Infrastructure*'. This assessment has confirmed the proposal is generally compliant or capable of compliance with the following relevant requirements:

- Land capability and land use compatibility;
- Lot boundary setbacks;
- Preservation of productive agricultural land;
- Preservation of rural character and amenity and places of cultural heritage significance;

- Preservation of natural environmental features, drainage patterns and catchments; and
- Bushfire risk and stormwater drainage management.

Notwithstanding this general conclusion, Council should note a key objective of the statutory planning process is to ensure a right of vehicular access unfettered as to time, place and circumstance exists to any land which is the subject of an application for development approval.

Given Lot 12607 is effectively 'landlocked' as described previously above (i.e. it has no direct frontage and access to a dedicated constructed public road), there is a need to consider and address the proposed vehicle access arrangements to the new telecommunications infrastructure on this lot via Lot 1 located immediately south to avoid any potential disputes regarding access, including restrictions to access and claims of trespass, particularly in the event one of these lots is ever sold to a third party in the future. This issue can be resolved by imposing a condition on any development approval that may ultimately be granted requiring the preparation and registration of a right-of-carriageway easement on the certificate of title of Lot 1 to provide legal access rights through this lot to/from Lot 12607 within ninety (90) days of settlement of any future contract for the sale of any of these two lots to a third party.

Council should note this condition will run with the land in perpetuity as part of any development approval that may ultimately be granted and will not apply if both lots are sold at the same time to one (1) new landowner only. It is recommended an advice note be included on any approval granted to inform the applicant and landowner accordingly.

In light of the above findings, it is concluded the proposal to install and operate telecommunications infrastructure on Lot 12607 with all access via Lot 1 immediately south is acceptable and unlikely to have any negative impact on the general amenity, character, functionality and safety of the immediate locality. As such, it is recommended Council exercise its discretion and grant conditional approval to the application to ensure the proposed development proceeds in a proper and orderly manner.

### **Consultation**

Public advertising was undertaken in accordance with the specific requirements of the Shire of Tammin Local Planning Scheme No.2 and the *Planning and Development (Local Planning Schemes) Regulations 2015* with no submissions received. Referral of the application to government agencies and essential service providers for review and comment was considered unnecessary.

### **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 5.2 – *Telecommunications Infrastructure*

### **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. All costs associated with the proposed development will be met by the applicant.

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, which is considered highly unlikely in this particular case, 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 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* and will assist implementation of the *State Planning Strategy 2050* (2014) which advocates for the provision of an effective state-wide telecommunications network.

### **Voting Requirements**

Simple Majority

### **Officer's Recommendation**

That Council resolve to approve the development application submitted by CRISP Wireless Pty Ltd under authority from PL & WT Button (Landowners) for the construction and use of proposed new telecommunications infrastructure on portion of Lot 12607 on Deposited Plan 132750 with all access via Lot 1 (No.361) Ralston Road, South Tammin subject to the following conditions and advice notes:

#### **Conditions**

1. The proposed development shall be undertaken in a manner consistent with all the information 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 this approval shall lapse and be of no further effect. Where an approval has so lapsed, the use shall not be carried out without the further approval of the local government having first being sought and obtained.
4. Safe and convenient on-site vehicle access to the proposed new telecommunications infrastructure on Lot 12607 on Deposited Plan 132750 shall be provided and maintained for the life of the development to the specifications and satisfaction of the local government's Chief Executive Officer in consultation with the local government's Manager of Works and Services.
5. The proposed telecommunications infrastructure and all associated improvements shall be maintained in good working order for the full term of their operational lifespan to avoid any potential risk or hazards.
6. The external surfaces of the sea container to be installed to contain some of the telecommunication infrastructure shall be of a colour that blends into and complements the local rural landscape (i.e. it must not be a bright colour that is visually obtrusive when viewed from any adjoining property and/or the public realm).
7. The proposed telecommunications infrastructure and all associated improvements must be decommissioned and removed from Lot 12607 on Deposited Plan 132750 at the end of their operational lifespan with the ground rehabilitated to its natural state (i.e. bare earth with no vegetation) and stabilised as may be required no later than six (6) months thereafter to the satisfaction of the local government unless otherwise approved.
8. In the event one (1) of the lots the subject of this approval is ever sold to a third party in the future, the relevant landowners shall, within ninety (90) days of settlement of the contract of sale, arrange for the preparation and registration of a right-of-carriageway easement on the certificate of title of Lot 1 to provide legal access rights through this lot to/from Lot 12607 on Deposited Plan 132750.

#### 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. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a building permit application may need to be submitted to and approved by the local government's Building Surveyor prior to the commencement of any construction or earthworks on the land. To confirm the relevant requirements in this regard please contact the local government's Building Surveyor Mr Tim Jurmann on 0448 014 022 or [tim@crowecertification.com](mailto:tim@crowecertification.com).
4. In relation to Condition 8, please note this condition will run with the land in perpetuity and will not apply if both lots are sold at the same time to one (1) new landowner only.
5. 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.
6. 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 local government's 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 \_\_\_\_.

