

# Shire of Tammin

## ORDINARY COUNCIL MEETING

### UNCONFIRMED MINUTES



An ordinary meeting of the Shire of Tammin was held on **Thursday 15 December 2022** in Council Chambers 1 Donnan Street Tammin, commencing at **4:06pm**.

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

Joanne Soderlund  
Chief Executive Officer  
15 December 2022

#### 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 declared the meeting open at 4:06pm.

### **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:**

Cr G Batchelor	Shire President
Cr Nicholls	Deputy Shire President
Cr N Caffell	Councillor
Cr Thomson (Charmaine)	Councillor
Cr Leslie	Councillor
Cr C Thomson (Courtney)	Councillor

#### **In Attendance:**

Joanne Soderlund	Chief Executive Officer
Fabian Houbrechts	Manager of Works
Morgan Ware	Manager of Finance & Administration

#### **Leave of Absence previously granted:**

Nil

#### **Apologies:**

Nil

### **4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

### **5. PUBLIC QUESTION TIME**

Nil

### **6. APPLICATIONS FOR LEAVE OF ABSENCE**

#### **TSC 84/22 MOTION**

Cr Leslie requested a leave of absence for the Ordinary Council Meeting on Wednesday 22 February 2023.

Moved: Cr Caffell

Seconded: Cr Nicholls

Vote: Simple Majority

Carried: 6/0

**7. DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS**

Cr Caffell declared an interest affecting proximity for Item 13.2 due to being a landowner.  
Cr Leslie declared an interest affecting proximity for Item 13.2 due to being a landowner.

**8. DECLARATION OF RELATED PARTY DISCLOSURE IN AGENDA ITEMS**

Nil

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**9.1 Ordinary Council Meeting Minutes – 23 November 2022**

**TSC 85/22 MOTION**

**That the minutes of the Ordinary Council Meeting held on 23 November 2022 be confirmed as a true and accurate record of proceedings.**

**Moved: Cr Nicholls**

**Seconded: Cr Leslie**

**Vote: Simple Majority**

**Carried: 6/0**

**9.2 Audit Committee Minutes – 8 December 2022**

**TSC 86/22 MOTION**

**That the minutes of the Audit Committee Meeting held on 8 December 2022 be confirmed as a true and accurate record of proceedings.**

**Moved: Cr Nicholls**

**Seconded: Cr Thomson**

**Vote: Simple Majority**

**Carried: 6/0**

**10. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

Nil

**11. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

## 12. MATTERS FOR CONSIDERATION – FINANCE

### 12.1 List of Payments for November 2022

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Administration & Finance Officer
<b>Date:</b>	02 December 2022
<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 November 2022 totaling \$175,047.32 by way of:

Cheque numbers	6819	\$16.78
Direct debit payments	01/11/22 – 30/11/22	\$8,727.76
Licensing transfers	01/11/22 – 30/11/22	\$6,519.20
Bank fees	01/11/22 – 30/11/22	\$144.96
VISA payments	01/11/22 – 30/11/22	\$5,104.85
EFT payments	EFT 5771 – EFT 5839	\$103,521.16
Salaries and wages	01/11/22 – 30/11/22	\$51,012.61
<b>Total payments</b>	<b>01/11/22 – 30/11/22</b>	<b>\$175,047.32</b>

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

<b>Shire of Quairading</b> CESM Shared Costs July to September 2022	<b>\$ 5,740.43</b>
<b>Wright Express Australia Pty Ltd (Puma)</b> Fuel charges on all plant vehicles for the month of November 2022	<b>\$ 7,660.23</b>
<b>Accwest Pty Ltd</b> Monthly Financial reporting for the month of July and September. General assistance for August. Site visit. Annual Financial Reports	<b>\$ 9,636.00</b>
<b>Grillex Pty Ltd</b> Edge Double BBQ - Double Cabinet 2 Hotplates 15 AMP	<b>\$ 10,776.70</b>
<b>Department of Fire and Emergency Services</b> ESLB 2nd Quarter Contribution 2022/23 ESL Quarter 2 in accordance with the Department of Fire and Emergency Services of WA Act 1998 Part 6a - Emergency Services Levy	<b>\$ 27,730.24</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

#### **TSC 87/22 MOTION**

**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 November 2022 to 30 November 2022 totaling \$175,047.61 as contained in attachments 12.1.**

**Municipal Fund payments totaling \$286,337.07 detailed:**

<b>Cheque numbers</b>	<b>01/11/22 – 30/11/22</b>	<b>\$16.79</b>
<b>Direct debit payments</b>	<b>01/11/22 – 30/11/22</b>	<b>\$8,727.76</b>
<b>Licensing transfers</b>	<b>01/11/22 – 30/11/22</b>	<b>\$6,519.20</b>
<b>Bank fees</b>	<b>01/11/22 – 30/11/22</b>	<b>\$144.96</b>
<b>VISA payments</b>	<b>01/11/22 – 30/11/22</b>	<b>\$5,104.85</b>
<b>EFT payments</b>	<b>EFT5771 – EFT 5839</b>	<b>\$103,521.16</b>
<b>Salaries and wages</b>	<b>01/11/22 – 30/11/22</b>	<b>\$51,012.61</b>

**Moved: Cr C Thomson**

**Seconded: Cr Nicholls**

**Vote: Simple Majority**

**Carried: 6/0**



## 12.2 Financial Management Report for the month of November 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 12.2 - November 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 November 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 30 November 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 confirmation of the Southern Link project first payment.

### **Financial Implications**

There are currently no financial implications as income and expenditure is in accordance with Budget.

### **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**

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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

**TSC 88/22 MOTION**

**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 30 November 2022 comprising;**

**a) Statement of Financial Activity**

**b) Note 1 to Note 12**

**Moved: Cr Nicholls**

**Seconded: Cr C Thomson**

**Vote: Simple Majority**

**Carried: 6/0**

### 12.3 Annual CEO Performance Review

<b>Location:</b>	N/A
<b>Applicant:</b>	CEO
<b>Date:</b>	20 October 2022
<b>Author:</b>	Shayne Silcox - Consultant
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	CEO as the approver of this report has a Financial Interest
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment Item 12.3 - PRIVATE & CONFIDENTIAL: CEO Review Report Attachment Item 12.3 – PRIVATE & CONFIDENTIAL: J Soderlund CEO Fixed Term Contract

#### Proposal/Summary

That the CEO Review Report be received and that Council consider its recommendations.

#### Background

Section 5.38 of the *Local Government Act 1995* outlines the requirements for an annual review of an employee's performance as follows:

- (1) A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.
- (2) The CEO must ensure that the performance of each other employee who is employed for more than 1 year is reviewed.
- (3) A review under subsection (1) or (2) must be conducted at least once in relation to each year of the person's employment.

The Department of Local Government, Sport and Cultural Industries (DLGSC) has published operational Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination (the Guidelines).

The Guidelines state that the minimum standard for performance review will be met if:

- 2.1 Performance criteria is specific, relevant, measurable, achievable and time-based.
- S2.2 The performance criteria and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and council.
- S2.3 The CEO is informed about how their performance will be assessed and managed and the results of their performance assessment.
- S2.4 The collection of evidence regarding performance outcomes is thorough and comprehensive.
- S2.5 Assessment is made free from bias and based on the CEO's achievements against documented performance criteria, and decisions and actions are impartial and transparent.
- S2.6 The council has endorsed the performance review assessment by absolute majority.

## **Comments**

At the October Ordinary Council Meeting the Shire of Tammin resolved to appoint Mr Shayne Silcox of Strategic Leadership Consulting to assist Council with the Annual Review process of the CEO.

Mr Silcox's report is provided as a confidential attachment to this report.

## **Consultation**

Elected Members

CEO

## **Statutory Implications**

Admin. Reg. Schedule 2 CEO Standards

CEO Contract of Employment

Section 5.38 of the Local Government Act 1995

## **Policy Implications**

Standards for CEO recruitment and selection, performance review and termination.

## **Financial Implications**

The financial implications of any increase to the CEO's Total Remuneration Package are as outlined in the confidential report.

## **Strategic Implications**

### **Strategic Community Plan 2018 - 2027**

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

### **Officer Recommendation**

That Council:

1. Notes the Salaries and Allowances Tribunal Determination of 7 April 2022 (effective 1st of July 2022).
2. Notes the outcomes of the Elected Member Performance Survey undertaken in November 2022 with the Chief Executive Officer being assessed at 'Exceeds Expectations' in this year's performance appraisal.
3. Adopts the performance criteria metrics for the 2022-2023 performance period outlined in section 4.6 of this confidential report.
4. Notes that the Superannuation Guarantee Levy has increased from 10% to 10.5% effective 1st July 2022.
5. Adopt option (\_\_\_\_\_) outlined in section 4.5 of the report in setting the Chief Executive Officers total remuneration package (TRP) to finalise the salary review process, to take effect from the 18th of October 2022.
6. Agree to a new five-year (5) Employment Contract with the CEO as per the attachment and authorise the Shire President to finalise the contract with the inclusion of:
  - a. The ability for the CEO to have an executive leave day off per month.
  - b. The ability to accumulate executive days off with agreement from the Shire President.
  - c. The rectification of clauses that are deemed inconsistent with the Local Government Act 1995 and the Local Government (Administration) Amendment Regulations 2021 (CEO Standards).
7. Schedules the next review of the Chief Executive Officers performance and total remuneration package (TRP) for consideration by Council no later than October-November 2023.
8. Comply, as per Division 3 of the Local Government (Administration) Regulations Schedule 2 clause 18, by resolution of an absolute majority of the council, endorse this review.
9. Comply, as per Division 3 of the Local Government (Administration) Regulations Schedule 2 clause 19, by notify the Chief Executive Officer of results of this performance review.

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

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

Vote: Absolute Majority

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

## **TSC 89/22 MOTION**

**That Council:**

- 1. Notes the Salaries and Allowances Tribunal Determination of 7 April 2022 (effective 1st of July 2022).**
- 2. Notes the outcomes of the Elected Member Performance Survey undertaken in November 2022 with the Chief Executive Officer being assessed at 'Exceeds Expectations' in this year's performance appraisal.**
- 3. Adopts the performance criteria metrics for the 2022-2023 performance period outlined in section 4.6 of this confidential report.**
- 4. Notes that the Superannuation Guarantee Levy has increased from 10% to 10.5% effective 1st July 2022.**
- 5. Adopt option 5 for 2022/23 to be reviewed annually (not year on year) outlined in section 4.5 of the report in setting the Chief Executive Officers total remuneration package (TRP) to finalise the salary review process, to take effect from the 18th of October 2022.**
- 6. Agree to a new five-year (5) Employment Contract with the CEO as per the attachment and authorise the Shire President to finalise the contract from 15 December 2022 to 14 December 2027 including the rectification of clauses that are deemed inconsistent with the Local Government Act 1995 and the Local Government (Administration) Amendment Regulations 2021 (CEO Standards).**
- 7. Schedules the next review of the Chief Executive Officers performance and total remuneration package (TRP) for consideration by Council no later than October-November 2023.**
- 8. Comply, as per Division 3 of the Local Government (Administration) Regulations Schedule 2 clause 18, by resolution of an absolute majority of the council, endorse this review.**
- 9. Comply, as per Division 3 of the Local Government (Administration) Regulations Schedule 2 clause 19, by notify the Chief Executive Officer of results of this performance review.**

**Moved: Cr Nicholls**

**Seconded: Cr Leslie**

**Vote: Absolute Majority**

**Carried: 6/0**

**Reason for change:**

An alternative motion was moved to ensure greater clarity about what was being approved by Council and the relevant dates involved.

## 12.4 Budget Amendment – CBH Funding Agreement – Underwood Rd

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	8 December 2022
<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

### Proposal/Summary

For Council to endorse an amendment to the 2022/23 Budget to recognise an agreement made with CBH for works on Underwood Rd.

### Background

At the August 2022 Council Meeting the Shire considered a request that Main Roads – Heavy Vehicle services had received for an upgrade of a section of Underwood Rd from RAV N7.1 to RAV N7.3. Council resolved the following in relation to this request:

#### **That Council:**

**Agree to the amendment of the RAV rating of current approved road in the Restricted Access Vehicle (RAV) Network**

Dimension Requirements					
Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Network	Requested Network
4250084	Little Underwood Rd	0.06	0.16	7	N7.3
Mass Requirements					
Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Mass Level	Requested Mass Level
4250084	Little Underwood Rd	0.06	0.16	115	123.5

**subject to:**

- 1. Advise Main Roads – Heavy Vehicle services that Council supports having it assess the above mentioned roads.**



2. Any roads that require maintenance or works, not be added to the network until the condition of the road is to the requirements of the assessment.
3. CBH funding the upgrade of the intersection with a 50mm thick asphalt AC14 intersection mix. Once work is completed, Council will notify Main Roads HVS to proceed with the upgrade to the network level.

### **Comments**

CBH was subsequently contacted in regards to funding the upgrade to intersection mix as per the Council Resolution.

CBH have agreed to fund the upgrade to intersection mix to allow the RAV upgrade to occur given that they are the main beneficiary. They however do not have the capacity to complete the works themselves however will enter into a funding arrangement with the Shire for the full cost of the works.

Therefore, a budget amendment is required to recognise both the unanticipated income and expenditure as a result of this project.

It is expected that the works will go ahead sometime in February. A funding agreement is currently being drafted between the Shire and CBH. The budget amendment will allow the Shire to issue a PO for the works as soon as the funding agreement is signed off.

### **Consultation**

CBH Group

### **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*

### **Policy Implications**

N/A

### **Financial Implications**

As CBH will be fully funding the work there are no direct financial costs.

## **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.

### **Outcome 6.2 An efficient and effective organisation**

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

#### **TSC 90/22 MOTION**

That Council, *pursuant to Section 6.8 of the Local Government Act 1995*, approve the below budget amendment:

- Increase expenditure budget for GL 11214000 – Roads Construction Council by \$100,000
- Increase income budget for GL 11220100 – Roads Funding Agreement by \$100,000

Moved: Cr Nicholls

Seconded: Cr Caffell

Vote: Absolute Majority

Carried: 6/0

## 12.5 Audit Report 2021/22 Financial Year

<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>Attachments:</b>	Attachment Item 12.5 – Audit Report 30 June 2022 Attachment Item 12.5 - Annual Financial Statement 30 June 2022

### Proposal / Summary

To receive the Audit Report for the 2021/22 Financial Year and recognise the meeting held with the Shire's Auditors.

### Background

Section 7.12A, clause 2, of the *Local Government Act 1995* requires that a local government is to meet with the auditor as least once in each financial year. MACRI Partners were engaged to conduct the 2021/22 audit to present to the Office of Auditor General (OAG).

The 2021/22 Annual Financial Report and Independent Auditors Report for the 2021/22 financial year have been circulated to all Council members. The Audit Committee representatives Cr Batchelor and Cr Thomson alongside Executive team Joanne Soderlund and Morgan Ware met with representatives of MACRI and the Office of the Auditor General (OAG) for the exit meeting on Thursday 17 November 2022 to discuss the Audit Closing Report and Annual Financial Statements.

### Comment

The Shire of Tammin has been issued a 'clean' unqualified audit report. No issues were raised by the OAG in the audit report.

### Consultation

Nil

### Statutory Environment

#### ***Local Government Act 1995***

#### ***7.1A. Audit committee***

- 1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- 2) *The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*

***\* Absolute majority required.***

- 3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.*
- 4) *An employee is not to be a member of an audit committee.*

#### **7.1B. Delegation of some powers and duties to audit committees**

- 1) *Despite section 5.16, the only powers and duties that a local government may delegate\* to its audit committee are any of its powers and duties under this Part other than this power of delegation.*

**\*Absolute majority required.**

- 2) *A delegation to an audit committee is not subject to section 5.17.*

#### **7.1C. Decisions of audit committees**

*Despite section 5.20, a decision of an audit committee is to be made by a simple majority.*

#### **7.12A. Duties of local government with respect to audits**

- 1) *A local government is to do everything in its power to —*
  - a) *assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and*
  - b) *ensure that audits are conducted successfully and expeditiously.*
- 2) *Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year*

#### **Local Government (Audit) Regulations 1996**

#### **16. Audit committee, functions of**

*An audit committee —*

- (a) is to provide guidance and assistance to the local government —*
  - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
  - (ii) as to the development of a process to be used to select and appoint a person to be an auditor; and*
- (b) may provide guidance and assistance to the local government as to —*
  - (i) matters to be audited; and*
  - (ii) the scope of audits; and*
  - (iii) its functions under Part 6 of the Act; and*
  - (iv) the carrying out of its functions relating to other audits and other matters related to financial management; ...*

#### **Policy Implications**

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nil

**TSC 91/22 MOTION**

**That the Audit Committee recommend to Council:**

- 1. That it, pursuant to *Section 7.12A (3) of the Local Government Act 1995*, receive the “Unqualified” Independent Audit Report from the Office of the Auditor General for the 2021/22 financial year**
- 2. That it, pursuant to *Section 7.12A (2) of the Local Government Act 1995*, recognises the exit meeting held with the Office of the Auditor General and MACRI partners on the 17 November 2022 as a meeting with the auditor of the Local Government.**

**Moved: Cr Thomson**

**Seconded: Cr C Thomson**

**Vote: Absolute Majority**

**Carried: 6/0**

## 12.6 Presentation of the 2021/2022 Annual Report incorporating the 2021/2022 Annual Financial Statements

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	12 December 2022
<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 12.6 - Shire of Tammin Annual Report

### **Proposal/Summary**

To seek Council acceptance of the Annual Report and Annual Financial Statements for the 2021/2022 financial year.

### **Background**

The *Local Government Act 1995* requires Councils to prepare and accept an Annual Report for each financial year by 31 December following the financial year end or no later than two months after receiving the Audit Report.

### **Comments**

The Annual Report, prepared in accordance with the requirements of the Local Government Act, is included with the Agenda for Council's perusal, consideration and acceptance.

Council's Auditors, Macri Partners, have completed an audit of Council's financial records for the financial year ending 30 June 2022. The Auditors Report was received on the Tuesday 29 November 2022.

Once the Annual Report has been accepted Council is required to give local public notice of the availability of the Annual Report as soon as practicable.

### **Consultation**

Nil

### **Statutory Implications**

Section 5.53(1) of the Local Government Act 1995 requires a Local Government to prepare an annual report for each financial year. Section 5.53(2) (f) of the Local Government Act 1995 specifies that the annual report is to contain the financial report of the financial year and Section 5.53(2) (h) specifies that it must contain the auditor's report for the financial year.

In accordance with Section 5.54 of the Local Government Act 1995 an annual report for the financial year is to be accepted by the Local Government by the 31 December after that financial year or no later than 2 months after the auditor's report becomes available.

### **Policy Implications**

N/A

### **Financial 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.

#### **Outcome 6.2 An efficient and effective organisation**

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

#### **TSC 92/22 MOTION**

**That Council, by Absolute Majority, pursuant to Section 5.54 of the Local Government Act 1995, resolves to:**

- 1. Accept the 2021/22 Annual Report for the Shire of Tammin;**
- 2. Authorise the Chief Executive Officer to give local public notice of the availability of the Annual Report;**
- 3. Set the date for the Annual Electors General Meeting as Monday 6 February 2023 commencing at 5:00pm at the Shire of Tammin Council Chambers.**

**Moved: Cr Thomson**

**Seconded: Cr C Thomson**

**Vote: Absolute Majority**

**Carried: 6/0**

### 13. MATTERS FOR CONSIDERATION – ADMINISTRATION

#### 13.1 WALGA Governance Review

<b>Location:</b>	N/A
<b>Applicant:</b>	WALGA
<b>Date:</b>	6 December 2022
<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 13.1 - Best Practice Governance Review Consultation Paper

#### Proposal/Summary

The Western Australian Local Government Association (WALGA) is seeking feedback from local governments on its Best Practice Governance Review. This an opportunity to review and reshape the governance model, where necessary, so that WALGA is well-placed to represent, respond and deliver outcomes for their members.

#### Background

WALGA has, as a part of its Corporate Strategy 2020-25, identified a key strategic priority, to undertake a Best Practice Governance Review. The objective of the review is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members. Other drivers for the review include:

- Misalignment between key governance documents; Constitution, Corporate Governance Charter, State Council Code of Conduct, and Standing Orders – stemming from varying amendments;
- State Council's 3 September 2021 resolution requesting amendment to the Constitution to "deal with matters related to State Councillors' Candidature for State and Federal elections";
- Proposed legislative reforms to remove WALGA from being constituted under the Local Government Act 1995 (WA); and
- Constitutional requirements for WALGA to become a registered organisation under the Industrial Relations Act 1979 (WA), which would enable WALGA to make applications in its own right to the Western Australian Industrial Relations Commission.

In March 2022 WALGA's State Council commissioned the Best Practice Governance Review (BPGR) and established a Steering Committee to guide the Review. The BPGR Steering Committee had its first meeting on 5 May 2022. There was wide-ranging discussions regarding WALGA's current governance model, better membership engagement, and opportunities for change. At the meeting, five (5) comparator organisations were identified to be used as part of the comparative analysis. The subsequent Steering Committee meetings focused on the development of governance model principles.

WALGA has presented 5 governance model options:



- Option 1 – Two tier model, existing zones;
- Option 2 – Board, regional bodies;
- Option 3 – Board, amalgamated zones;
- Option 4 – Member elected board, regional groups; and
- Option 5 – current model

### **Comments**

WALGA's Corporate Strategy 2020-2025 identifies its governance model as a key enabler of performance, with the following description: "We have contemporary governance and engagement models." Member and stakeholder feedback from a range of sources over several years has highlighted dissatisfaction with the current governance model. Specifically:

- Structure – WALGA's governance structure is seen by members and stakeholders as creating roadblocks, hindering decision-making, and holding WALGA back;
- Responsiveness – there is a perception among members and stakeholders that WALGA's governance model is slow and bureaucratic in an environment that requires agility;
- Prioritisation and Focus – members and stakeholders acknowledge the challenges of developing unified Local Government policy positions and advocacy priorities given the diversity of Local Government sector interests;
- Transparency and Accountability – feedback from members and stakeholders suggests that WALGA should be more transparent about its decision-making processes; and
- Zones – Feedback from members and stakeholders in relation to Zones and Zone meetings is mixed. A proportion of WALGA's membership believes that Zones are not as representative, strategic nor effective as they potentially could be.
















The following principles were endorsed at the State Conference Annual General Meeting which was held on 2 October 2022.

- Representative – WALGA unites and represents the entire Local Government sector in WA and understands the diverse nature and needs of members, regional communities and economies;
- Responsive – WALGA is an agile association which acts quickly to respond to the needs of members and stakeholders; and
- Results Oriented – WALGA dedicates resources and efforts to secure the best outcomes for Local Government and supports the delivery of high-quality projects, programs and services.

WALGA is now seeking formal feedback by 23 December 2022, via a Council decision, on governance model options as presented in the Consultation Paper.

In addition, WALGA will be undertaking independent consultations from CEOs and Elected Members.

Below are the 5 options, including the current model, with details of each of their key governance bodies.

Option 1 – Two tier model, existing Zones	Option 2 – Board, Regional Bodies	Option 3 – Board, Amalgamated Zones	Option 4 – Member elected Board, Regional Groups	Option 5 – Current Model
 Board (11 members) 8 elected from Policy Council, incl. Board elected President Up to 3 independents	 Board (11 members) 8 elected from Regional Bodies, incl. Board elected President Up to 3 independents	 Board (15 members) 12 elected from Zones, incl. Board elected President Up to 2 independents	 Board (11 members) 8 elected via direct election, incl. Board elected President Up to 3 independents	 State Council (25 members) 24 State Councillors 1 President
 Policy Council (25 members) 24 members plus President	 Regional Bodies (4 metro, 4 country)	 Zones (6 metro, 6 country)	 Policy Teams / Forums / Committees	 Zones (5 metro, 12 country)
 Zones (5 metro, 12 country)	 Policy Teams / Forums / Committees	 Policy Teams / Forums / Committees	 Regional Groups	 Policy Teams / Forums / Committees

The consultation paper attached illustrates the nuances of each option.

Importantly, each option put forward retains the equal county / metropolitan representation that the WALGA State Council/board currently has.

A smaller board will allow WALGA to be more agile and responsive and be more in line with other similar representative bodies.

Options 1 through to 4 all include up to 2-3 independent members. It is reasonable to expect that these independent members would be remunerated in some way for their service and thus increase the operating costs of WALGA. There is potential though that these independent members would bring different skill sets and could help fill any identified skills gaps and bring further diversity and value to the board. Three independent members of a board of eleven constitutes over 27% of the total vote. If this is of concern than perhaps budgetary allowance could be made instead to obtain expert opinions where a need exists.

Option 4 gives the greatest freedom and flexibility with regards to the 'zones' or 'regional groups' to ensure that they are a useful and valuing adding layer. There is a risk that if these groupings get too large that it will become too hard to facilitate regular face to face interactions and therefore lose its relevance and usefulness.

WALGA has requested that Council's rank each option and not just submit a preferred option.

## **Consultation**

Shire President

## **Statutory Implications**

Proposed Legislative reforms could also impact WALGA's governance arrangements.

- The Minister for Local Government's reforms to the Local Government Act 1995 proposes to remove WALGA from being constituted under the Local Government Act.

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### **Strategic Implications**

#### **Strategic Community Plan 2018 – 2027**

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

#### **Officers Recommendation**

That Council respond to the request of the Western Australian Local Government Association (WALGA) for feedback and advised WALGA of its model preferences in the following order starting with most preferred:

- 1) Option 4
- 2) Option 1
- 3) Option 3
- 4) Option 2
- 5) Option 5

Moved: Cr Nicholls

Seconded: Cr Leslie

Vote: Simple Majority

Carried/Lost:

### **Amendment**

During debate Cr Batchelor moved the following amendment to the officer's recommendation:

That all options include wording to note that no independent member be elected and instead that WALGA procure a professional opinion when necessary.

#### **Amendment of Officers Recommendation**

That Council respond to the request of the Western Australian Local Government Association (WALGA) for feedback and advised WALGA of its model preferences in the following order starting with most preferred:

- 1) Option 4
- 2) Option 1
- 3) Option 3
- 4) Option 2
- 5) Option 5

Noting however that the Shire does not support having independent members on the board and that instead use the funds it would use to remunerate independent members on professional opinions when the need arises.

Moved: Cr Batchelor  
Vote: Simple Majority

Seconded: Cr Thomson  
Carried: 6/0

The amendment was put and carried: The Shire President then put the substantive motion as amended which read

**TSC 93/22 MOTION**

**That Council respond to the request of the Western Australian Local Government Association (WALGA) for feedback and advised WALGA of its model preferences in the following order starting with most preferred:**

- 1) Option 4**
- 2) Option 1**
- 3) Option 3**
- 4) Option 2**
- 5) Option 5**

**Noting however that the Shire does not support having independent members on the board and that instead use the funds it would use to remunerate independent members on professional opinions when the need arises.**

**Moved: Cr Batchelor**

**Seconded: Cr Thomson**

**Vote: Simple Majority**

**Carried: 6/0**

### 13.2 Application for Exploration License 70/6319 by Pinnacle Minerals Limited

*Cr Caffell declared an interest affecting proximity and vacated the chamber at 4:59pm.*

*Cr Leslie declared an interest affecting proximity and vacated the chamber at 4:59pm.*

<b>Location:</b>	N/A
<b>Applicant:</b>	Pinnacle Minerals Limited
<b>Date:</b>	12 December 2022
<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 13.2 - Application for Mining Tenement Form & associated letter and maps.

#### **Proposal/Summary**

This report seeks Council's consideration in relation to an application for an exploration license over various lots that has been submitted on behalf of Pinnacle Minerals Limited by Austwide Mining Title Management.

#### **Background**

Council has received notice of an application for an exploration license from Austwide Mining Title Management for a mining exploration license over various lots within the Tammin Shire.

The land subject to the application is understood to consist of privately owned land. A copy of the application is included as an Attachment.

#### **Comments**

Where Council believes there are good grounds to raise an objection to the application, an objection may be lodged to the application with the Mining Registrar within 21 days of being served the Notice (before 21 December 2022). In relation to the matter before Council, the Shire is not aware of any such grounds to raise an objection to the application.

Under Sections 23 to 26 of the Mining Act 1978, mining may be carried out on certain classes of land with the written consent of the Minister for Mines and Petroleum. The Mining Act 1978 and its associated Regulations sets out the process for a variety of licences and lease types, including requirements for mineral exploration.

A guideline summary of exploration licences from Department of Mines and Petroleum documentation is provided as follows:

## **12. Exploration Licence**

- *On 28 June 1991 a graticular boundary (or block) system was introduced for Exploration Licences.*
- *The minimum size of an Exploration Licence is one block, and the maximum size is 70 blocks, except in areas not designated as mineralised areas, where the maximum size is 200 blocks.*
- *An Exploration Licence is not marked out.*
- *An application may be made at any Mining Registrar's office (see Appendix A); or lodged electronically via the department's website using MTO.*
- *An application fee and rental is payable.*
- *There is no limit to the number of licences a person or company may hold but a security (\$5,000) is required in respect of each licence.*
- *Term and Compulsory Surrender:*
  - o *For licences applied for prior to 10 February 2006, the term is five years plus two possible extensions of two years and further periods of one year thereafter. At the end of both the third and fourth year of its term, the licensee is required to surrender 50 per cent of the licence.*
  - o *For licences applied after 10 February 2006, the term is five years plus possible extension of five years and further periods of two years thereafter, 40 per cent of ground to be surrendered at the end of year six.*
- *The holder of an Exploration Licence may in accordance with the licence conditions, extract or disturb up to 1000 tonnes of material from the ground, including overburden, and the Minister may approve extraction of larger tonnages.*

### **Consultation**

Department of Mines, Industry Regulation and Safety

### **Statutory Implications**

Mining Act 1978

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### **Strategic Implications**

## **Strategic Community Plan 2018 - 2027**

Outcome 4.1 Support and foster industry, initiative and innovation in seeking new opportunities to enhance our Shire's economic health.

**TSC 94/22 MOTION**

That Council, in accordance with Section 2.7(1)(a) of the *Local Government Act 1995*, raise no objection in principle to the Application subject to the following conditions:

- a) That dust suppression is carried out so that others are not adversely affected;
- b) That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
- c) Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;
- d) All plastic bags used for soil samples are to be removed from the site and disposed of in a suitable manner;
- e) All rubbish is to be disposed of in the appropriate manner;
- f) A firefighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
- g) No drill holes are to extend under any public roadways or interfere with road drainage;
- h) All drill holes are to be capped as soon as possible/practical after drilling; and
- i) No drilling is to occur within any Shire gravel pits.

Moved: Cr Nicholls

Seconded: Cr C Thomson

Vote: Simple Majority

Carried: 4/0

*Cr Leslie & Cr Caffell returned to the chamber at 5:00pm.*

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

Nil

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

##### **15.1 Application for Development Approval – Proposed Oversize Outbuilding (i.e. Domestic Storage Shed)**

<b>Location:</b>	Lot 29 (No.28) Walston Street, Tammin
<b>Applicant:</b>	Mr GW Stephens (Landowner)
<b>Date:</b>	7 December 2022
<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>	
<b>Attachments:</b>	Attachment Item 15.1 – Development Application Documentation & Plans

#### **Purpose of Report**

Consideration and determination of a development application submitted by Mr GW Stephens (Landowner) for the construction and use of a proposed new 92m<sup>2</sup> steel framed, Colorbond clad outbuilding (i.e. shed) on Lot 29 (No.28) Walston Street, Tammin for domestic storage, vehicle parking and hobby purposes.

#### **Background**

Mr GW Stephens (Landowner) has prepared and submitted a development application requesting Council's approval to construct a proposed new 92m<sup>2</sup> steel framed, Colorbond clad outbuilding (i.e. shed) at the rear of Lot 29 (No.28) Walston Street, Tammin for domestic storage, vehicle parking and hobby purposes including installation of a new concrete driveway crossover to McLaren Street and a 23,000 litre rainwater tank for stormwater drainage management purposes.

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

Lot 29 is located centrally in the southern portion of the Tammin townsite, comprises a total area of approximately 1,012m<sup>2</sup> and is generally flat throughout.

The subject land has direct frontage and access to Walston Street along its front boundary to the north and McLaren Street along its western side boundary, both of which are sealed and drained local roads under the care, control and management of the Shire of Tammin.

The property contains an existing single storey brick building in its northern half which is used for the



purposes of a post office (i.e. shop) and caretaker's dwelling. The land also contains four (4) existing outbuildings, two (2) of which will be demolished in their entirety to accommodate construction of the proposed new outbuilding the subject of this application.

Lot 29 is not designated as being bushfire prone or flood prone and contains no buildings or places of cultural heritage significance.

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: Low density residential development immediately south with a place of public worship (i.e. church) beyond;
- East: Low density residential development on lots comprising an average area of approximately 1,012m<sup>2</sup>; and
- West: Public open space, a telecommunications exchange building and low density residential development beyond.



Location & Lot Configuration Plan (Source: Landgate)

## **Comments**

Lot 29 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 and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* the development of an outbuilding in association with a single house is listed as a permitted (i.e. 'P') use on any land classified 'Residential' zone provided it satisfies the deemed-to-comply requirements of the Residential Design Codes of Western Australia (i.e. the 'R-Codes') as well as any specific standards and requirements of LPS2.

An assessment of the proposal for Lot 29 has confirmed it satisfies all relevant deemed-to-comply requirements of the R-Codes and LPS2 as they apply specifically to location, lot boundary setbacks, site works, maximum permitted building height, external cladding, stormwater drainage management, vehicle access and sight lines, private open space and solar access for adjoining properties.

Notwithstanding these assessment findings, the proposed development does not comply with the following deemed-to-comply requirements:

- i) Maximum permitted collective floor area for all residential outbuildings (i.e. 75m<sup>2</sup> required by LPS2 / 132.5m<sup>2</sup> proposed which includes two (2) existing 4.5 metre x 4.5 metre sheds to be retained and the proposed new 92m<sup>2</sup> outbuilding the subject of this application); and
- ii) Maximum permitted wall height for residential outbuildings (i.e. 3.5 metres required by the LPS2 / 3.8 metres proposed which constitutes a variation of 0.3 metres).

In considering whether or not to approve these proposed variations to the deemed-to-comply requirements as they apply to residential outbuildings Council must decide whether they are 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 variations to the abovementioned deemed-to-comply requirements are unlikely to have any adverse impacts and may therefore be supported and approved by Council for the following reasons:

- i) The proposed new outbuilding is not considered to be excessively large in its local context and will be finished using visual appealing materials and colours;
- ii) The proposed outbuilding will be located at the rear of the land with fully compliant setbacks to all lot boundaries. As such, it is expected to have minimal impact on the visual amenity of the local streetscape or any neighbouring properties and will not give rise to any overshadowing or access to natural sunlight for any dwellings on immediately adjoining or other nearby properties;
- iii) The two (2) adjoining landowners located immediately east and south have confirmed in writing they have viewed the plans, have no objections to and are fully supportive of the proposed development; and
- iv) Council has previously approved oversize outbuildings on other 'Residential' zoned properties in the Tammin townsite and will not therefore create an undesirable precedent for development of

this type should it resolve to approve this application.

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**

Given the comments received in writing from the two (2) immediately adjoining landowners most likely to be impacted by the proposed development, public advertising of the application was not considered necessary. The proposal was however the subject of email communications with the applicant/landowner 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)*

### **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 applicant/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, 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 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

#### **TSC 95/22 MOTION**

That Council resolve to approve the development application submitted by Mr GW Stephens (Landowner) to construct a proposed new 92m<sup>2</sup> steel framed, Colorbond clad outbuilding (i.e. shed) at the rear of Lot 29 (No.28) Walston Street, Tammin for domestic storage, vehicle parking and hobby purposes, including installation of a new concrete driveway crossover to McLaren Street and a 23,000 litre rainwater tank for stormwater drainage management purposes, subject to the following conditions and advice notes:

#### **Conditions**

1. The proposed outbuilding (i.e. shed) shall be constructed 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 this approval shall lapse and have no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of the local government having first being sought and obtained.
4. All external surfaces of the proposed outbuilding shall be clad with new materials only.
5. All stormwater drainage from the proposed outbuilding shall be retained and managed on-site. The new 23,000 litre rainwater tank proposed to be used for this purpose must be

sited with a minimum setback of 2.5 metres to the land's McLaren Street frontage and 1.5 metres from its southern rear boundary.

6. The proposed new concrete crossover shall be constructed at the applicant's/landowner's expense from the bituminised edge of McLaren Street road carriageway to the main opening to the proposed outbuilding along its McLaren Street frontage. The crossover shall be a minimum of 125mm thick and constructed 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 prior to occupation and use of the proposed outbuilding.
7. The proposed outbuilding shall only be used for domestic storage, maintenance and hobby purposes unless otherwise approved by the local government.

#### **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*, suitable demolition and 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.
4. The proposed new outbuilding 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.
5. 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.
6. The noise generated by any activities on-site shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.
7. 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.
8. 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 Nicholls**

**Seconded: Cr Caffell**

**Vote: Simple Majority**

**Carried: 6/0**

## 15.2 Temporary Approval Request – Proposed Home Business

<b>Location:</b>	Lot 10 (No.1) Shields Street, Tammin
<b>Applicant:</b>	JW & IC Greenwood (Landowners)
<b>Date:</b>	7 December 2022
<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>	
<b>Attachments:</b>	Attachment Item 15.2 – Correspondence, Plan & Adjoining Landowner Comment Forms

### **Purpose of Report**

Consideration and determination of a written request received from JW & IC Greenwood (Landowners) to conduct a 'home business' on Lot 10 (No.1) Shields Street, Tammin on a temporary basis only until 28 February 2023.

### **Background**

JW & IC Greenwood (Landowners) have written to the Shire requesting Council's temporary approval to conduct a 'home business' on Lot 10 (No.1) Shields Street, Tammin until 28 February 2023.

Under the terms of the proposal received an existing domestic storage shed on the property and concrete apron adjacent to the shed's main opening fronting Shields Street are proposed to be used to modify one (1) sea container, including installation of a photovoltaic array, which will be transported for use on a property owned by Kylagh Cattle in the Shire of Quairading to support the continued operation of the company's existing feedlot.

A full copy of the written request received, including site plan and adjoining landowner comment forms, is provided in Attachment 1.

Lot 10 is located centrally in the northern portion of the Tammin townsite, comprises a total area of approximately 1,014m<sup>2</sup> and is generally flat throughout.

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

The property contains an existing steel framed and clad domestic storage shed (i.e. outbuilding) located in its rear half with a concrete apron along its main opening fronting Shields Street. Vehicle access and parking are provided in the property's front half.



The existing shed on Lot 10 is used in association with the current residential use of Lots 11 and 12 immediately west which are also owned and occupied by JW & IC Greenwood.

Lot 10 is not designated as being bushfire prone or flood prone and contains no buildings or places of cultural heritage significance.

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

- North: Low density residential development immediately north and beyond on lots ranging in size from 1,012 to 3,017m<sup>2</sup>;
- South: The Shields Street road reserve immediately south with low density residential and commercial development (i.e. the Tammin Motel) beyond;
- East: Low density residential development on lots comprising an average area of approximately 1,010m<sup>2</sup>; and
- West: Low density residential development with the Redmond Street road reserve and Tammin Primary School beyond.



Location & Lot Configuration Plan (Source: Landgate)



## **Comments**

Clause 61 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides an exemption to the need for development approval for temporary works and/or uses where they are in existence for less than 48 hours, or a longer period agreed by a local government, in any twelve (12) month period.

Having regard for:

- i) The small scale of the proposed use of Lot 10 for the intended purpose and the fact it will be conducted by two (2) people only for a short period during clearly designated times;
- ii) The intention to store all materials associated with the proposed use inside the existing shed on the property;
- iii) The applicants'/landowners' stated commitments regarding general management of the proposed use including waste disposal arrangements;
- iv) The permissibility of the proposed use under the subject land's current 'Residential' zoning classification in Local Planning Scheme No.2 and general compliance with all relevant development standards and requirements;
- v) The minimal impact the proposed use will have on the natural environment and amenity of the immediate locality subject to compliance with the *Environmental Protection (Noise) Regulations 1997*; and
- vi) The written submissions received from four (4) immediately adjoining and other nearby private landowners confirming they have no objections to or concerns with the proposed use,

it is recommended Council support the applicants'/landowners' request for an exemption to the need for development approval in this particular instance and allow the proposed use to proceed on a temporary basis only until 28 February 2023.

## **Consultation**

Given the written comments received from four (4) immediately adjoining and other nearby landowners most likely to be impacted by the proposed development, public advertising of the application was not considered necessary. The proposal was however the subject of email communications with the applicants/landowners to explain the Shire's requirements and assist finalisation of the temporary approval request to ensure all key issues identified following 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**

Nil

### **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. Any costs associated with the proposed development will be met by the applicants/landowners.

It is significant to note should the applicants/landowners 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 request 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 limited impact the proposed use is likely to have on the natural environment.

### **Strategic Implications**

The proposed temporary use 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

### **TSC 96/22 MOTION**

That Council resolve, pursuant to clause 61 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to support the written request received from JW & IC Greenwood (Landowners) to conduct a 'home business' on Lot 10 (No.1) Shields Street, Tammin on a temporary basis only until 28 February 2023 subject to the following conditions and advice notes:

#### **Conditions**

1. The proposed use shall be undertaken strictly in accordance with the information and plan submitted in support of the request 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 request the subject of this approval or any condition of approval will require the further approval of the local government.
3. The proposed use shall be conducted by two (2) people only between 7.30am and 5.00pm until 28 February 2023 unless otherwise approved by the local government.
4. The land shall be maintained in a neat and tidy condition at all times to the specifications and satisfaction of the local government's Chief Executive Officer.
5. All raw materials associated with the proposed use shall be stored inside the existing outbuilding (i.e. shed) on the land.
6. All vehicle parking associated with the proposed use, including the loading/unloading of goods and materials, shall be undertaken on the land the subject of this approval.
7. All waste generated by the proposed use shall be disposed of on a weekly basis. The stockpiling of waste on the land is not permitted.

#### **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 applicants/landowners 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 temporary approval of the Shire of Tammin issued pursuant to clause 61 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. 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 applicants/landowners 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. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.
4. The applicants/landowners are reminded of their obligation to ensure compliance with the local government's annual firebreak notice and any 'hot works' bans issued pursuant to the

***Bushfires Act 1954*** to help mitigate any potential bushfire risk.

5. Failure to comply with any of the conditions of this temporary 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 applicants/landowners are 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 Nicholls

Seconded: Cr Thomson

Vote: Simple Majority

Carried: 6/0

**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 5:06pm

