

Shire of Tammin



DECLARATION

I declare that the minutes of the:

Ordinary Council Meeting held on 22 June 2022 was confirmed at the Ordinary Council Meeting held on 27 July 2022.

Name: Glenice Batchelor

Signed: _____

Glenice Batchelor

Being the person presiding at the meeting at which these minutes were confirmed.

Date: _____

27 / 7 / 2022.

Shire of Tammin

ORDINARY COUNCIL MEETING

MINUTES



An Ordinary meeting of the Shire of Tammin was held on **Wednesday 22 June 2022** 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
22 June 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 4:00pm.

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 (<i>Attendance electronically as per Admin Regulation 14C(2)</i>)
Cr N Caffell	Councillor
Cr Thomson (Charmaine)	Councillor
Cr B Leslie	Councillor (<i>Attendance electronically as per Admin Regulation 14C(2)</i>) <i>Joined the meeting in person at 4:17pm.</i>
Cr C Thomson (Courtney)	Councillor (<i>Attendance electronically as per Admin Regulation 14C(2)</i>)

In Attendance:

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

Leave of Absence previously granted:

Cr Nicholls	Member
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Apologies:

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS

Nil

8. DECLARATION OF RELATED PARTY DISCLOSURE IN AGENDA ITEMS

Nil

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Council Meeting Minutes – 25 May 2022

TSC 36/22 MOTION

That the minutes of the Ordinary Council Meeting held on 25 May 2022 be confirmed as a true and accurate record of proceedings.

Moved: Cr Leslie

Seconded: Cr Caffell

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 May 2022

Location:	Shire of Tammin
Applicant:	Administration & Finance Officer
Date:	30 May 2022
Author:	Keira Wirth
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	FIN05
Attachment/s:	Attachment Item 12.1 – Payment List Attachment Item 12.1 - Credit Card Statement

Purpose of Report

For Council to ratify the accounts paid under delegated authority.

Background

The attached List of Accounts paid during the month of May 2022 totaling \$225,426.60 by way of:

Cheque numbers	NIL	\$
Direct debit payments	01/05/22 – 31/05/22	\$16,134.83
Licensing transfers	01/05/22 – 31/05/22	\$6,030.80
Bank fees	01/05/22 – 31/05/22	\$62.31
VISA payments	01/05/22 – 31/05/22	\$1,387.15
EFT payments	EFT 5334 – EFT 5418	\$155,535.92
Salaries and wages	01/05/22 – 31/05/22	\$46,275.59
Total payments	01/05/22 – 31/05/22	\$225,426.60

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

Adapt Electrical Solutions Supply air compressor Westair WP20/70 5.5Hp, freight via Shire account	\$ 5,275.01
Wright Express Australia Pty Ltd (Puma) Fuel charges for all vehicles for the month of April	\$ 5,594.61
Accwest Pty Ltd Budget review assistance, budget preparation and general accounting assistance 28/02/2022 - 30/04/2022	\$ 5,885.00
Felton Industries Pty Ltd Supply and deliver 10 bench seat with back rest and leg supports (2 legs per benches) model FELIGB2 as per your quote n ^o 00125457 & Delivery	\$ 6,270.00
Shire of Quairading Contribution - CESM Officer, Salary, On Costs, Vehicle and Phone	\$ 11,703.58
Porter Consulting Engineers Schedule 1G Lump Sum Cost Provision of Bill of Quantities, Schedule 1F Lump Sum Cost Provision of CAD Design Plans & Schedule 1D Lump Sum Cost Provision of Geometric Design	\$ 19,460.38
Buttco Fencing & Gates Supply and install fencing on approximately 4,370m, including all strainer posts and star pickets. 4 wire gates and one top plain wire as per your quote dated 1/12/2021 - additional 2 wire cocky gates	\$ 37,678.00

Comment

Nil

Financial Implications

All liabilities have been settled in accordance with the Shire of Tammin 2021/2022 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 37/22 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 May 2022 to 31 May 2022 totaling \$225,426.60 as contained in attachments 12.1

Municipal Fund payments totaling \$225,426.60 detailed:

Cheque numbers	NIL	\$
Direct debit payments	01/05/22 – 31/05/22	\$16,134.83
Licensing transfers	01/05/22 – 31/05/22	\$6,030.80
Bank fees	01/05/22 – 31/05/22	\$62.31
VISA payments	01/05/22 – 31/05/22	\$1,387.15
EFT payments	EFT5334 – EFT 5418	\$155,535.92
Salaries and wages	01/05/22 – 31/05/22	\$46,275.59

Moved: Cr Thomson

Seconded: Cr Caffell

Vote: Simple Majority

Carried:6/0

12.2 Financial Management Report for the month of May 2022

Location:	Shire of Tammin
Applicant:	Manager of Finance and Administration
Date:	14 June 2022
Author:	Morgan Ware
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment Item 12.2 - May 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 May 2022 inclusive of the Statement of Financial Activity, Current Ratios and Capital Expenditure Report.

Comment

94.5% of rates have been received with current installment and payment plans in place for rate payers. Council road works program are well underway with maintenance grading achieved and capex road works to be completed by end of June 2022. Additional capex projects have been commenced or in procurement progress. 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

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 38/22 MOTION

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 May 2022 comprising;

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

Moved: Cr C Thomson

Seconded: Cr Caffell

Vote: Simple Majority

Carried: 6/0

13. MATTERS FOR CONSIDERATION – ADMINISTRATION

13.1 New Policy – Information and Communication Technology Acceptable Use

Location:	N/A
Applicant:	Shire of Tammin
Date:	14/06/2022
Author:	Chief Executive Officer
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	
Attachment/s:	Attachment Item 13.1 - Draft Information and Communication Technology Acceptable Use Policy

Proposal/Summary

This item brings a new policy entitled Information and Communication Technology Acceptable Use before Council and seeks a Council resolution to adopt the policy.

Background

The Shire does not currently have a policy governing the acceptable use of the organisations Information and Communication Technology (ICT) resources.

Comment

An item that has been raised by the Shire’s auditors is the lack of a policy governing the use of the Shire’s ICT. A comprehensive policy has been drafted which establishes guidelines on the appropriate usage of the Shire’s ICT systems and devices.

Consultation

Other WA Local Governments
Manager Works and Services
Manager Finance and Administration

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Community Plan - Outcome 6.1 Strong governance and leadership, demonstrating fair and equitable community values.

TSC 39/22 MOTION

That Council, by Simple Majority, pursuant to Section 3.18 of the *Local Government Act 1995 (WA)* resolves to adopt the Shire of Tammin Information and Communication Technology Acceptable Use Policy.

Moved: Cr Thomson

Seconded: Cr Leslie

Vote: Simple Majority

Carried: 6/0

13.2 Amendment – Risk Management Policy

Location:	N/A
Applicant:	Shire of Tammin
Date:	14/06/2022
Author:	Chief Executive Officer
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment Item 13.2 - Draft Risk Management Policy Attachment Item 13.2 - Current Risk Management Policy

Proposal/Summary

This item brings an amendment to the Risk Management Policy before Council and seeks a Council resolution to adopt the amended policy.

Background

The Shire adopted the current Risk Management Policy on the 28th of June 2018. The Shire's Auditors have raised that the policy has not been reviewed since it was adopted and that it would be good practice for the policy to be reviewed and updated if necessary.

Comment

Both the existing policy and the new amended policy are attached to this item. As the policy has been converted into the new policy template a track changes version was not practical.

A review of the existing policy has been undertaken and the policy has been updated to reflect the current operating environment of the organisation.

Consultation

Manager Works and Services
Manager Finance and Administration

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Community Plan - Outcome 6.1 Strong governance and leadership, demonstrating fair and equitable community values.

TSC 40/22 MOTION

That Council, by Simple Majority, pursuant to Section 3.18 of the *Local Government Act 1995 (WA)* resolves to amend the Shire of Tammin Risk Management Policy.

Moved: Cr C Thomson

Seconded: Cr Caffell

Vote: Simple Majority

Carried: 6/0

13.3 Arrangements for Management of Volunteer Bush Fire Brigades – WALGA Proposed Advocacy Position

Location:	N/A
Applicant:	Shire of Tammin
Date:	17/06/2022
Author:	Chief Executive Officer
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment Item 13.3 - WALGA Proposed Advocacy Position Report Attachment Item 13.3 – Info page WALGA

Proposal/Summary

This item brings a request from WALGA to provide comments in regard to the proposed Advocacy position on Arrangements for Management of Volunteer Bushfire Brigades (BFB) in order to allow WALGA to provide guidance in its engagement with the State Government on the drafting of the Consolidated Emergency Services Act (CES Act).

Background

The State Government is proposing to consolidate the Fire Brigades Act 1942, Bush Fires Act 1954 and the Fire and Emergency Services Act 1998, into a single piece of legislation, which is anticipated to be released as a Green Bill for consultation in early 2023.

Western Australian Local Governments have extensive roles and responsibilities embedded in the State Emergency Management Framework across the emergency management spectrum of prevention, preparedness, response, and recovery. Under the Bush Fires Act 1954, Local Governments have responsibility for bushfire and the management of volunteer Bush Fire Brigades (BFBs). 111 Local Governments manage 563 BFBs involving approximately 20,000 volunteers.

As part of WALGA's 2021 Emergency Management Survey, Local Governments were asked about their level of satisfaction with current arrangements for managing BFBs. 92 Local Governments (69 of which manage BFBs) provided the following feedback:

- 93% were not wholly satisfied with the current arrangements for the management of BFBs; and
- 51% expressed that their Local Government does not support the requirements for Local Governments to manage BFBs.

These Survey responses reinforce that it is timely to engage with the sector on this issue.

The introduction of the Work Health and Safety Act 2020 has also shone a spotlight on Local Government responsibilities for managing volunteer BFBs. The development of the CES Act represents an important and timely opportunity for the sector to determine its position on the management of volunteer BFBs. An endorsed advocacy position will guide the Association in its engagement with the

State Government on this issue. WALGA has prepared the attached proposed Advocacy Position for the sector's consideration.

Comment

In recent years there has been increasing concern by local governments about the direction that it is being pushed into in regards to, the increased requirements for the management of its Bushfire Brigade Service and the volunteers, the increased standard and sophistication of appliances supplied, the lack of adequate funding from the ESL Local Government Grant Scheme and DFES insistence on increased levels of training by volunteers.

These ongoing concerns have now resulted in the above results of the WALGA survey, where 51% of those local governments surveyed have indicated that they don't consider that local government should continue to be responsible for managing Bushfire Fire Brigades any longer and support the establishment of a 'Rural Fire Service' by the State Government (as recommended by the Ferguson Report into the January 2016 Waroona Fire).

There has also been an increasing concern by those volunteers in control of fires (CBFCO, FCO's) about the risk of liability to themselves, should incidents occur, where volunteers are injured or killed and/or property is destroyed. The recent introduction of the Work Health and Safety Act 2020 (WHS Act), replacing the Occupational Health and Safety Act has heightened this concern amongst volunteers, especially with wording like 'Industrial Manslaughter' and the increased penalties.

The WHSA now raises a number of questions for local government such as:

1. Is local government still the right entity to be discharging the duty of care and the duty of provision of extreme risk bush fire management services in Western Australia: and
2. Is local government able to meet the management and duty of care expectations enunciated in the Work, Health and Safety Act 2020 in the extreme risk area of bush firefighting. This new legislation potentially exposes the gap between the extreme risk of bushfires and the capabilities of local governments to meet this risk.

The decision by the State Government to commence the drafting of a new Consolidated Emergency Services Act, which will consolidate the Bush Fires Act 1954 and several other Acts into one Act, is seen by many in local government as an ideal opportunity to hand back control of the bushfire fire brigades and the management of volunteers to the State Government and if the opportunity is not taken now it will not be achievable in the future.

When determining its position council should give consideration to:

1. What effects would occur on the ground if management of the BFB was taken from the local Shire to a state agency? Would this impact volunteer rates, participation etc?
2. Is there support for mandatory training? It is the officer's recommendation that the training is non mandatory. There is concern that during an emergency event the last thing the fire control officer in charge should be worrying about is which volunteers have the required paperwork.

3. Should there be a completely separate entity from DFES such as a Rural Fire Service to take on all BFB's?

Finally, should the Council consider that the transferring of control of bushfires and the volunteers should be the preferred position rather than the 'Hybrid Model' (transfer of management of Bushfire Brigades only happens when a local government considers it no longer has the capacity, capability and resources to continue), then it's suggested that the following decision be endorsed by Council in lieu of the Officer Recommendation. The proposed alternative decision below is part of a document provided by the Shire of Waroona, in an email to all local government CEO's in the state, and is the decision that their Council has endorsed and they are now seeking the support of other local governments throughout WA.

That Council requests:

1. *WA Local Government Association (WALGA) to advocate for the:*
 - a. *Modernisation of Western Australian emergency services legislation, including alignment of the WA Bush Fires Act 1954 with the rest of Australia by removing the legislative requirement for WA Local Governments to manage Volunteer Bush Fire Brigades (VBFB); and*
 - b. *Provision of a legislated State Government department or agency to do so, fully implementing recommendation 15 of the "Reframing Rural Fire Management" Report of the Special Inquiry Into the January 2016 Waroona Fire (Ferguson Report), which states;*

"The State Government to create a Rural Fire Service to enhance the capability for rural fire management and bushfire risk management at a State, regional and local level. The proposed Rural Fire Service will:

 - *be established as a separate entity from the Department of Fire and Emergency Services or, alternatively, be established as a sub-department of the Department of Fire and Emergency Services;*
 - *have an independent budget;*
 - *be able to employ staff;*
 - *have a leadership structure which, to the greatest degree possible, is regionally based and runs the entity;*
 - *be led by a Chief Officer who reports to the responsible Minister on policy and administrative matters; and to the Commissioner for Fire and Emergency Services during operational and emergency response;*
 - *have responsibilities and powers relating to bushfire prevention, preparedness and response; and*
 - *operate collaboratively with the Department of Fire and Emergency Services, the Department of Parks and Wildlife, Local Government and volunteer Bush Fire Brigades.*

"In creating the Rural Fire Service, the State Government to consider whether back office and corporate support services could be effectively provided by an existing Department, such as the Department of Fire and Emergency Services or the Department of Parks and Wildlife."

“The State Government to review the creation of the Rural Fire Service two years after its establishment, to assess whether its structure and operations are achieving the intended outcome.”

2. WALGA to support, in the review of the emergency services legislation, a comprehensive plan by the Department of Fire and Emergency Services and the State Government for;
 - a. Full engagement with the VBFs, local governments and WALGA to understand their successes, challenges, ideas and hopes for this service;
 - b. Inclusion of a review of the history and past performance of the volunteer bush fire brigades in Western Australia, including all previous studies and findings, with volunteer safety as a key theme;
 - c. A best practice assessment of volunteer bush fire brigades departmental/agency structures and legislative underpinnings across Australia; and
 - d. A legislative outcome goal that ensures that organisational structures, expertise, strategy, management and control, best meet the health and safety mandates of the WHS Act 2020;

3. WALGA to support Option 4 of its “Arrangements for Management of Volunteer Bush Fire Brigades: Proposed Advocacy Position” paper, being, “Transfer - Responsibility for management of all BFBs is transferred to the State Government, consistent with the arrangements in other States and Territories”.

Consultation

The Shire’s CBFCO and DCBFCO

Policy Implications

Nil

Financial Implications

Up to \$10 Million in uninsurable organisational maximum penalties for the most serious failures to comply with the new WHS Act 2020.

Whilst most of the BFB costs are covered by the ESL grant each year from DFES there is still staff time utilised in the management and oversight of BFB activities.

Strategic Implications

Strategic Community Plan - Outcome 6.1 Strong governance and leadership, demonstrating fair and equitable community values.

TSC 41/22 MOTION

That Council advises WALGA that it supports:

1. The Association advocating that the State Government must provide:
 - a) A clear pathway for Local Governments to transfer responsibility for the management of Bush Fire Brigades to the State Government when ongoing management is beyond the capacity, capability and resources of the Local Government;
 - b) The co-design of a suite of relevant guidelines and materials to assist those Local Governments that manage Bush Fire Brigades;
 - c) Non mandatory and minimum training requirements for Bush Fire Brigade volunteers supported by a universally accessible training program managed by the Department of Fire and Emergency Services (DFES); and
 - d) the recognition of prior learning, experience and competency of Bush Fire Brigade volunteers.
2. That a Working Group comprising representatives of WALGA and DFES be established to develop a process and timeline for the transfer of responsibility for Bush Fire Brigades in accordance with 1(a);
3. Where management of Bush Fire Brigades is transferred to DFES in accordance with 1(a), DFES should be resourced to undertake the additional responsibility; and
4. The WALGA 'Proposed Emergency Management Advocacy Position Statements' outlined in Appendix 1 of the attached Discussion Paper (pages 11-13).

Moved: Cr Caffell

Seconded: Cr C Thomson

Vote: Simple Majority

Carried: 6/0

14. MATTERS FOR CONSIDERATION – BUILDING & HEALTH

Nil

15. MATTERS FOR CONSIDERATION – TOWN PLANNING

15.1 Application to Amend Previous Development Approval – Proposed Addition to Existing Approved Abattoir

Location:	Lot 8290 on Deposited Plan 121410 Great Eastern Highway, North Tammin
Applicant:	Mr Jacques van Rooyen on behalf of Minerva Foods Australia Pty Ltd (Landowner)
Date:	14 June 2022
Author:	Mr Joe Douglas – Town Planner
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachments:	Attachment Item 15.1 – Development Application Documentation and Plans

Purpose of Report

Consideration and determination of a development application to amend a previous development granted by Council in April 2022 for a proposed new 90m² steel framed and Colorbond clad shed on Lot 8290 Great Eastern Highway, North Tammin to support the continued operation of an existing approved abattoir on the land.

Background

Mr Jacques van Rooyen has submitted a development application on behalf of Minerva Foods Australia Pty Ltd (Landowner) to construct a new 90m² steel framed and Colorbond clad shed on Lot 8290 Great Eastern Highway, North Tammin.

Under the terms of the application submitted approval is being sought, pursuant to the rights afforded by clause 77 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to amend the previous development approval granted by Council on 27 April 2022 to allow the new shed to be used for storage purposes to support the continued operation of an existing approved abattoir on the land instead of a workshop for general maintenance purposes.

It is understood the proposed new storage shed will replace a workshop building previously constructed in the same general location on the land that was recently demolished.

Lot 8290 is located approximately 1.1 kilometres immediately east of the Tammin townsite and comprises a total area of approximately 4.39 hectares. The land has direct frontage to Great Eastern Highway along its southern boundary and forms part of an existing approved abattoir that has been

developed on Lot 1 (No.15489) Great Eastern Highway located immediately west. It is significant to note all vehicle access to the abattoir, including the proposed new workshop building, is via Lot 1.

The subject land has been extensively developed and used for the purposes of an abattoir for many years and contains numerous associated improvements, the majority of which have been constructed in relatively close proximity to the land's frontage to Great Eastern Highway. The proposed new workshop building will be constructed in the same general location with a setback of approximately 53 metres to Great Eastern Highway and approximately 70 metres to the land's

Lot 8290 is relatively flat throughout, is not identified as being subject to any inundation or flooding, and has not been designated by the Fire and Emergency Services Commissioner of Western Australia as being bushfire prone.

Immediately adjoining and other nearby land uses are predominantly rural in nature (i.e. broadacre cropping and grazing) on lots ranging in size from 20 to 326 hectares.



Location & Lot Configuration Plan (Source: Landgate)

Comments

Lot 8290 is classified 'Special Use' zone (i.e. SU1) under the Shire of Tammin's new Local Planning Scheme No.2 (LPS2).

Under the terms of Table 4 in LPS2 any new development on Lot 8290 is not permitted without

Council's development approval.

The application has been assessed with due regard for all relevant objectives, standards and requirements prescribed in LPS2 and clause 67 of the Deemed Provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* including State Planning Policy 2.5 entitled 'Rural Planning'. This assessment has confirmed the proposal is compliant or capable of compliance with the following requirements:

- Land capability and suitability including topography, soil types and stability, drainage and flood risk;
- Land use compatibility;
- Environmental protection and conservation;
- Visual character and amenity;
- Vehicle access and parking; and
- Stormwater drainage and bushfire risk management.

In light of the above findings and conclusions, it is recommended Council exercise its discretion and approve the application subject to the same conditions and advice notes as the development approval granted in April 2022 to ensure the development proceeds in a proper and orderly manner.

Consultation

Not required or deemed necessary given the limited impact the proposed development is likely to have on the amenity, character, functionality and safety of the immediate locality.

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 2.5 – *Rural Planning*

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. All costs associated with the proposed development will be met by the landowner.

It is significant to note should the applicant/landowner be aggrieved by Council's final decision in this matter, they have the right 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 instance, 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. The risk is mitigated through a detailed assessment process and recommendation to support the application with conditions.

Health – Risk rating is assessed as Low.

Reputation – Risk rating is assessed as Low. The application has been thoroughly assessed by the reporting officer, including a detailed report and recommendation to Council.

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 development is likely to have on the natural environment.

Strategic Implications

The proposal for Lot 8290 is considered to be consistent with the Shire of Tammin Strategic Community Plan 2017-2027 and Corporate Business Plan 2018-2022 as they apply to the key objective of strengthening local business and employment capacity and supporting and encouraging sustainable business growth.

Voting Requirements

Simple Majority

TSC 42/22 MOTION

That Council resolve to approve the development application submitted by Mr Jacques van Rooyen on behalf of Minerva Foods Australia Pty Ltd (Landowner) to amend the previous development approval granted on 27 April 2022 to construct a new 90m² steel framed and Colorbond clad shed on Lot 8290 on Deposited Plan 121410 Great Eastern Highway, North Tammin to allow the new shed to be used for storage purposes instead of a workshop for general maintenance purposes subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be substantially commenced, as defined in Clause 1, Schedule 2, Part 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, 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 proposed development shall not be carried out without the further approval of the local government having first being sought and obtained.
2. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application received on 23 May 2022 subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.
3. 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 Council.
4. The proposed storage shed shall be constructed using new materials only and clad with non-reflective wall and roof sheeting.
5. All stormwater drainage from the roof of the proposed storage shed shall be directed away from the structure's footings and managed and disposed of on-site to the specifications and satisfaction of the Shire's Chief Executive Officer.
6. All waste generated by the proposed construction works shall be disposed of in a timely manner following completion of those works to the specifications and satisfaction of the Shire's Chief Executive Officer.

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, memorial or restrictive covenant. It is the responsibility of the applicant/landowner 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 must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction or earthworks on the land.

4. The proposed storage shed 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 works shall commence on the land prior to 7am without the Shire's written approval. No works are permitted to be undertaken on Sundays or Public Holidays unless otherwise approved by the Shire's Chief Executive Officer.
6. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.
7. The applicant/landowner is reminded of their obligation to ensure compliance with the specific standards and requirements of the Shire of Tammin Annual Fire Break Notice as it applies specifically to all rural land within the Shire's municipal district.
8. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Tammin Local Planning Scheme No.2 and may result in legal action being initiated by the local government.
9. If the applicant/landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

Moved: Cr Leslie

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)

The matter will be considered behind closed doors in accordance with Section 5.23(2) (b) and (e) of the Local Government Act as it related to the personal affairs of a person and a contract that may be entered into.

TSC 43/22 MOTION

That the meeting be moved behind closed doors at 4:22 in accordance with Section 5.23(2) (b) and (e) of the Local Government Act 1995.

Moved: Cr Thomson

Seconded: Cr Caffell

Vote: Simple Majority

Carried: 6/0

17.1 Private & Confidential Item

TSC 44/22 MOTION

That Council agree to include the following Community Grants in its 2022/23 Budget:

1. The RSL – Tammin Sub-Branch - \$2,000.00

Moved: Cr Caffell

Seconded: Cr Leslie

Vote: Simple Majority

Carried: 6/0

17.2 Private & Confidential Item

TSC 45/22 MOTION

That Council, pursuant to Section 949A(4) of the Local Government Act 1995;

1. Authorise the CEO and Shire President to executive contract documentation and affix the Common Seal, for the purchase of land identified in this report at the purchase price set in this report.

Moved: Cr Thomson

Seconded: Cr Caffell

Vote: Simple Majority

Carried: 6/0

TSC 46/22 MOTION

That the meeting move from behind closed doors at 4:27pm.

Moved: Cr Leslie

Seconded: Cr Caffell

Vote: Simple Majority

Carried: 6/0

The President read aloud the motions pertaining to the Private & Confidential Items.

18. CLOSURE OF MEETING

There being no further business the Shire President declared the meeting closed at 4:29pm.