

## Shire of Tammin



### DECLARATION

I declare that the minutes of the:

Ordinary Council Meeting held on 22<sup>nd</sup> June 2023 was confirmed at the Ordinary Council Meeting held on 26<sup>th</sup> July 2023.

**Name:** Glenice Batchelor

**Signed:**  \_\_\_\_\_

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

**Date:** 26/7/2023




# Shire of Tammin

## ORDINARY COUNCIL MEETING

### MINUTES



An ordinary meeting of the Shire of Tammin was held on **Thursday 22 June 2023** in Council Chambers, 1 Donnan Street Tammin, commencing at **4.06pm** .



Joanne Soderlund  
**CHIEF EXECUTIVE OFFICER**  
24 May 2023

#### MISSION STATEMENT

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

## Contents

|  |    |
|--|----|
| AGENDA .....   | 3  |
| 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS .....                           | 3  |
| 2. ACKNOWLEDGEMENT TO COUNTRY .....  | 3  |
| 3. PRESENT / IN ATTENDANCE / LEAVE OF ABSENCE PREVIOUSLY GRANTED / APOLOGIES ..... | 3  |
| 4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....                     | 3  |
| 5. PUBLIC QUESTION TIME .....  | 3  |
| 6. APPLICATIONS FOR LEAVE OF ABSENCE .....   | 3  |
| 7. DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS .....                         | 3  |
| 8. DECLARATION OF RELATED PARTY DISCLOSURE IN AGENDA ITEMS .....                   | 4  |
| 9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS .....                              | 4  |
| 9.1 Ordinary Council Meeting Minutes – 24 May 2023 .....                           | 4  |
| 10. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION .....                     | 4  |
| 11. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS .....                          | 4  |
| 12. MATTERS FOR CONSIDERATION – FINANCE .....                                      | 5  |
| 12.1 List of Payments for May 2023 .....   | 5  |
| 12.2 Financial Management Report for the month of May 2023 .....                   | 9  |
| 12.3 Sponsorship Request – KATS Indigenous Jumpers .....                           | 12 |
| 13 MATTERS FOR CONSIDERATION – ADMINISTRATION .....                                | 15 |
| MATTERS FOR CONSIDERATION – ADMINISTRATION .....                                   | 15 |
| 13.1 Review of Shire of Tammin's Register of Delegations – June 2023 .....         | 15 |
| 13.2 New Policy – Curtilage Policy .....   | 18 |
| 13.3 New Policy – Rates Exemption Policy .....                                     | 20 |
| 13.4 Rates Exemption – Application for Exemption .....                             | 22 |
| 13.5 Rates – Sale of Land .....  | 24 |
| 13.6 WALGA 2023 Annual General Meeting (AGM) .....                                 | 28 |
| 14. MATTERS FOR CONSIDERATION – BUILDING & HEALTH .....                            | 30 |
| 15. MATTERS FOR CONSIDERATION – TOWN PLANNING .....                                | 30 |
| 16. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN .....                   | 30 |
| Nil  | 30 |
| 17. MATTERS FOR WHICH THE MEETING MAY BE CLOSED (S'5.23) .....                     | 30 |
| 18. CLOSURE OF MEETING .....   | 30 |

## **AGENDA**

### **1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Shire President will declare the meeting open at 4.06 pm.

### **2. ACKNOWLEDGEMENT TO COUNTRY**

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

Acknowledgement of Previous councilor Ron York.

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

Present: Cr Batchelor, Cr Thomson, Cr C Thomson, Cr Nichols, Cr Caffell,

In Attendance:

Leave of Absence previously granted: Cr Leslie late arrival 4.10

Apologies:

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

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

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

Cr Thomson - Away

#### **TSC 36/23 MOTION**

Moved: Cr Caffell      Seconded: Cr Nichols

Vote: Simple Majority                      Carried: 5/0

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

**8. DECLARATION OF RELATED PARTY DISCLOSURE IN AGENDA ITEMS**  
**Cr Caffell – Related Party to Gravel**

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

**9.1 Ordinary Council Meeting Minutes – 24 May 2023**

**TSC 37/23 Motion**

That the minutes of the Ordinary Council Meeting held on 24 May 2023 be confirmed as a true and accurate record of proceedings.

Moved: Cr C Thomson

Seconded: Cr Caffell

Vote: Simple Majority

Carried/Lost: 6/0

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

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

## 12. MATTERS FOR CONSIDERATION – FINANCE

### 12.1 List of Payments for May 2023

|                                |   |
|--------------------------------|---|
| <b>Location:</b>               | Shire of Tammin   |
| <b>Applicant:</b>              | Administration & Finance Officer  |
| <b>Date:</b>                   | 01/06/2023  |
| <b>Author:</b>                 | Keira Wirth   |
| <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<br>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 2023 totaling \$262,922.25 by way of:

|                       |                            |                     |
|-----------------------|----------------------------|---------------------|
| Cheque numbers        | 6825 - 6825                | \$4,001.55          |
| Direct debit payments | 01/05/23 – 31/05/23        | \$9,220.09          |
| Licensing transfers   | 01/05/23 – 31/05/23        | \$12,907.82         |
| Bank fees             | 01/05/23 – 31/05/23        | \$38.92             |
| VISA payments         | 01/05/23 – 31/05/23        | \$1,031.09          |
| EFT payments          | EFT 6156 – EFT 6209        | \$182,086.05        |
| Salaries and wages    | 01/05/23 – 31/05/23        | \$53,636.73         |
| <b>Total payments</b> | <b>01/05/23 – 31/05/23</b> | <b>\$262,922.25</b> |

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

|   |              |
|---|--------------|
| Department of Fire and Emergency Services<br>2022/23 ELS Quarter 4 / ESLB 4th Qtr Contribution  | \$ 6,215.81  |
| AP Concreting Pty Ltd<br>Supply and install concrete footpath on Ridley St  | \$ 26,620.00 |
| Australian Taxation Office - BAS<br>BAS MARCH 2023  | \$ 42,875.00 |
| Caffell & Son<br>Supply of gravel for the Southern Link project as per Gravel Extraction Agreement 2020. Details of gravel quantities attached to PO. | \$ 57,499.20 |

**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 38/23 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 2023 to 31 May 2023 totaling \$262,922.25 as contained in attachments 12.1.

Municipal Fund payments totaling \$262,922.25 detailed:

|                       |                     |              |
|-----------------------|---------------------|--------------|
| Cheque numbers        | 6825 - 6825         | \$4,001.55   |
| Direct debit payments | 01/05/23 – 31/05/23 | \$9,220.09   |
| Licensing transfers   | 01/05/23 – 31/05/23 | \$12,907.82  |
| Bank fees             | 01/05/23 – 31/05/23 | \$38.92      |
| VISA payments         | 01/05/23 – 31/05/23 | \$1,031.09   |
| EFT payments          | EFT 6156 – EFT 6209 | \$182,086.05 |
| Salaries and wages    | 01/05/23 – 31/05/23 | \$53,636.73  |

Moved: Cr Nichols

Seconded: Cr Leslie

Vote: Simple Majority

Carried/Lost: 6/0

## 12.2 Financial Management Report for the month of May 2023

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

### Purpose of Report

For Council to receive the Monthly Financial Statement.

### Background

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

### Comment

Rates were issued on 5 August 2022 with payments due in full by 12 September 2022. Payment arrangements have been made with rate payers if required. 93.62% of rates have been received as of 31 May 2023. Capex projects and maintenance works are underway.

### Financial Implications

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

### Statutory Implications

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

#### ***34. Financial activity statement report — s. 6.4***

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

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

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

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

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

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

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

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

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

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

### **Policy Implications**

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

### **Strategic Plan & Corporate Business Plan Implications**

#### **Civic Leadership Strategies**

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

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

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

6.1.1 Deliver sustainable governance through transparent and robust policy and processes

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

Outcome 6.2 An efficient and effective organisation

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

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

**TSC 39/23 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 31 May 2023 comprising;

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

Moved: Cr Leslie

Seconded: Cr Nichols

Vote: Simple Majority

Carried/Lost: 6/0

### 12.3 Sponsorship Request – KATS Indigenous Jumpers

|                                |   |
|--------------------------------|---|
| <b>Location:</b>               | Shire of Tammin                                   |
| <b>Applicant:</b>              | Kellerberrin Tammin Football Club                 |
| <b>Date:</b>                   | 19 June 2023                                      |
| <b>Author:</b>                 | Joanne Soderlund                                  |
| <b>Item Approved by:</b>       | Chief Executive Officer                           |
| <b>Disclosure of Interest:</b> | Nil   |
| <b>File Reference:</b>         | Nil   |
| <b>Attachment/s:</b>           | Attachment Item 12.3 - Request Email 14 June 2023 |

#### Purpose of Report

For Council to determine a sponsorship request from the Kellerberrin Tammin Football Club.

#### Background

A request has been received from the Kellerberrin Tammin Football Club asking if the Shire would sponsor the Indigenous jumpers that they have had made.

#### Comments

An email from the President of the Kellerberrin Tammin Football Club was received on the 14<sup>th</sup> of June 2023 asking if the Shire would sponsor their Indigenous Jumpers which they plan to wear during the NAIDOC round at their home game in Tammin on the 1<sup>st</sup> of July.

The email mentions that they would recognise the Shire if we were to sponsor the jumpers but does not detail how they would do this.

They plan to retain and use these jumpers for 4 seasons, wearing them for 1 or 2 rounds each season. They hope to create discussion about the jumpers in the hope to encourage more people to help design the next round of jumpers in a few years time.

The club have also supplied a copy of the invoice for the jumpers which show they came to a total cost of \$2,004.75. The request does not specify if they are seeking sponsorship for the whole or part of the cost.

The Shire has \$1,550 remaining in its Donations Budget for the 22/23 financial year which is about to come to a close. If Council would like to support this initiative Council could resolve to donate the remainder of the budget they have left or alternatively they could consider donating 1/3 of the total costs in line with the Community Grants program.

#### Consultation

Nil

### Statutory Implications

Local Government Act, 1995

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

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

*\* Absolute majority required.*

- (1a) In subsection (1) —

**additional purpose** means a purpose for which no expenditure estimate is included in the local government's annual budget.
- (2) Where expenditure has been incurred by a local government —
  - (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
  - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

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

### Policy Implications

N/A

### Financial Implications

The Shire has budgeted \$2,750 for donations & contributions in FY2022/23 of which \$1,200 has been spent to date. Therefore there is \$1,550 remaining in the current budget.

### Risk Implications

Nil

### Strategic Implications

#### Social /Community Strategies

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

## Voting Requirements

Simple Majority

### **TSC 40/23 MOTION**

That Council agree to provide \$1,550 in sponsorship to the Kellerberrin Tammin Football Club in recognition of NAIDOC week and commend the KATS on this initiative with the expectation of appropriate acknowledgment for the Indigenous rounds.

Moved: Cr Batchelor

Seconded: Cr Nichols

Vote: Simple Majority

Carried/Lost: 6/0



## 13 MATTERS FOR CONSIDERATION – ADMINISTRATION

### MATTERS FOR CONSIDERATION – ADMINISTRATION

#### 13.1 Review of Shire of Tammin’s Register of Delegations – June 2023

|                                |   |
|--------------------------------|---|
| <b>Location:</b>               | Shire of Tammin   |
| <b>Applicant:</b>              | Shire of Tammin   |
| <b>Date:</b>                   | 19 June 2023  |
| <b>Author:</b>                 | Chief Executive Officer   |
| <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 – Delegation Register June 2023 Track Changes Version<br>Attachment Item 13.1 – Delegation Register June 2023 Changes Accepted |

#### Proposal/Summary

Under s. 5.46 of the *Local Government Act 1995* (the Act) the CEO is to maintain a register of delegations that must be reviewed by Council at least once every financial year. This report brings a formal review before Council as per the legislative requirements.

#### Background

Under s. 5.42 of the *Local Government Act 1995*, a local government may delegate to the CEO the exercise of any of its powers or the discharge of its duties under the Act. This is subject to the limitations in s. 5.43, and Regulation. This section states:

#### 5.43 . *Limits on delegations to CEO*

*A local government cannot delegate to a CEO any of the following powers or duties:*

- (a) any power or duty that requires a decision of an absolute majority of the council;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government’s powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) any power or duty that requires the approval of the Minister or the Governor;*

(i) *such other powers or duties as may be prescribed.*

The Shire of Tammin's Delegations Register was last reviewed by Council in March 2022 and therefore requires a review by June 2023.

### **Comments**

The annual review process does not preclude the Council from granting new delegations to the CEO if and when required, nor for it to review existing delegations at any time during the course of the financial year.

A review of the Shire of Tammin's Register of Delegations has been undertaken against the WALGA template delegations manual. This review has highlighted an additional delegation that has been added, being the Recovery of Rates Debts – Actions to Take Possession of the Land delegation.

The other minor change is to change is one to staff member title from Manager of Finance and Administration (MFA) to Manager of Finance and Corporate Services (MFC). For completeness this has also been updated through the register.

Council may place limits on each delegation, including who a sub-delegation is permitted to be made to. Unless there is a specific need for a restriction, no comment is made but has been left to the CEO's discretion. The CEO is not required to further delegate, except in some instances as outlined. The CEO may impose further restrictions on any sub-delegation, so that the recipient of the sub-delegation is required to comply not only with the limits as resolved by Council, but also any restriction place by the CEO.

### **Consultation**

WALGA

### **Statutory Implications**

Section 5.46 of the *Local Government Act 1995* deals with the need for CEOs to maintain a register of delegations and the requirement to conduct annual reviews of delegations.

### **Policy Implications**

A review of the Delegations Register for Council's consideration.

### **Financial Implications**

Nil

### **Strategic Implications**

Strategic Community Plan – Civic Leadership

**TSC 41/23 Motion**

That Council, by absolute majority, pursuant to *Sections 5.46, 5.45 and 5.42 of the Local Government Act 1995* resolves to adopt the ***Delegations of Power by Council to CEO***, as detailed in the attached Register of Delegations June 2023 without the inclusion of the new proposed delegation 3.12 – Rates Debt Recovery.

Moved: Cr Leslie

Seconded: Cr Char Thomson

Voting on Amendment

Moved: Cr Char Tomson

Seconded: Cr Leslie

Vote: Absolute Majority

Carried/Lost 6/0

## 13.2 New Policy – Curtilage Policy

|                                |   |
|--------------------------------|---|
| <b>Location:</b>               | N/A   |
| <b>Applicant:</b>              | Shire of Tammin                                       |
| <b>Date:</b>                   | 15 June 2023  |
| <b>Author:</b>                 | Manager of Finance & Corporate Services               |
| <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– Draft policy – Curtilage Policy |

### Proposal/Summary

This item brings a new Curtilage Policy before Council and seeks a Council resolution to implement a policy relating to curtilage.

### Background

Each Shire is required under the Local Government Act 1995 to adopt a curtilage policy where offered to ratepayers. The Shire presently has no curtilage policy in place. Section 28(2) of the Rates and Charges (Rebates and Deferments) Act 1992 provides that:

*“Where although land is used as the ordinary place of residence of an applicant or registered person it is not the sole use of that land, the administrative authority may apportion the prescribed charge, and any rebate allowable, according to  
(a) the extent to which the land is so used as a place of residence; and  
(b) any other use,  
On a basis proportionate to the respective uses.”*

This provision enables an administrative authority (the Shire of Tammin) to allow a concession, in an equitable way, to the part of the rates levied relating to the residential use of a commercial property, if the circumstances warrant. For example, if a pensioner resides in a house that is on land also used for cropping.

This policy was created to identify the method that the Shire of Tammin will use to determine the pensioner rebate on curtilage/dual use properties.

### Comment

Currently the Shire does not have an existing policy. Where curtilage is offered by a Shire, the method of determining curtilage is to be identified through council approved policy. We currently have a pensioner receiving a partial rebate/curtilage and therefore a policy must be implemented.

### Consultation

Other Local Governments

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

**Civic Leadership Strategies**

Our Councilor’s 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

Outcome 6.2 An efficient and effective organisation

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

**TSC 42/23 Motion**

That Council, by Simple Majority, pursuant to section 28(2) of the *Rates and Charges (Rebates and Deferments) Act 1992* resolves to:

- Adopt the proposed new Curtilage Policy

Moved: Cr Nichols

Seconded: Cr Caffell

Vote: Simple Majority

Carried/Lost: 6/0

### 13.3 New Policy – Rates Exemption Policy

|                                |  |
|--------------------------------|--|
| <b>Location:</b>               | N/A  |
| <b>Applicant:</b>              | Shire of Tammin  |
| <b>Date:</b>                   | 15 June 2023   |
| <b>Author:</b>                 | Manager of Finance & Corporate Services  |
| <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 13.3– Draft policy – Rates Exemption Policy<br>Attachment Item 13.3 – Rate Exemption Best Practice Guideline |

#### Proposal/Summary

This item brings a new Rates Exemption Policy before Council and seeks a Council resolution to implement a policy relating to Rates Exemption.

#### Background

Each Shire is required under the Local Government Act 1995 to adopt a Rate Exemption Policy. The policy is to provide a framework by which Rates Exemptions can be claimed.

This policy is applicable to ratepayers within the Shire of Tammin who are eligible to apply for:

- Land to be considered not rateable land pursuant to section 6.26(2) of the *Local Government Act 1995* (hereinafter referred to as a rate exemption);
- A waiver or concession on relation to rates or service charge pursuant to section 6.47 of the *Local Government Act 1995*.

This policy does not apply to ratepayers who are eligible for a rate concession pursuant to the *Rates and Charges (Rebates and deferrals) Act 1992*.

#### Comment

The Shire of Tammin does not currently have a Rates Exemption policy to determine where Rate exemptions can be applied. The proposed Rate Exemption Policy is based on the WALGA template and both the Best Practice Guideline and proposed policy are attached to this item.

#### Consultation

WALGA and Other Local Governments  
WA Rates Officers Association

#### Policy Implications

Nil

### Financial Implications

Nil

### Strategic Implications

#### Civic Leadership Strategies

Our Councilor's 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

Outcome 6.2 An efficient and effective organisation

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

#### **TSC 43/23 Motion**

That Council, by Simple Majority, pursuant to section 6.26(2) and 6.47 of the *Local Government Act 1995* resolves to:

- Adopt the proposed Rates Exemption Policy

Moved: Cr Courtney Thomson

Seconded: Cr Leslie

Vote: Simple Majority

Carried/Lost: 6/0

### 13.4 Rates Exemption – Application for Exemption

|                                |  |
|--------------------------------|--|
| <b>Location:</b>               | N/A  |
| <b>Applicant:</b>              | Shire of Tammin  |
| <b>Date:</b>                   | 15 June 2023   |
| <b>Author:</b>                 | Manager of Finance & Corporate Services  |
| <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 13.4 – Rate Exemption<br>Application – Uniting Church<br>Attachment Item 13.4 – Rate exemption<br>Register |

#### Proposal/Summary

To seek Council approval to grant a Rates Exemption for Uniting Church, Assessment number 1151, located at 46 Walston Street. Uniting Church currently own the property and were previously granted a Rates Exemption due to religious exemption Place of worship, convent under the *Local Government Act 1995 Section 6.26(2)(d)*.

#### Background

Recently the Shire undertook a Rate Exemption review of existing ratepayers receiving exemptions from as required by the *Local Government Act 1995*. The Shire is required to periodically review properties (within a maximum period of three years) previously classified as exempt to ensure that the use of land still qualifies as used for religious purposes.

Following this review, we have received an application from Uniting Church for a Rates Exemption under a religious exemption.

#### Comment

Currently the Uniting Church has had an exemption based on religious grounds since ownership of the property. Currently the property is used for Church services on a monthly basis as well as funerals, fellowship and prayer.

The stated grounds of use, does meet the religious exemption basis under the *Local Government Act 1995 Section 6.26(2)(d)*.

Council, by not approving the application for rate exemption may be required to defend its decision if the matter were to be appealed by the applicant to the State Administrative Tribunal and legal costs may be incurred as a result.

#### Consultation

WALGA and Other Local Governments



## Policy Implications

Nil

## Financial Implications

The property assessment is currently rateable and the total loss of revenue for the full financial year would be \$1,830.67. Exempt properties are still required to pay the Emergency Services Levy and rubbish collection charges.

## Strategic Implications

### Civic Leadership Strategies

Our Councilor's 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

### **TSC 44/23 Motion**

That Council, by Simple Majority, pursuant to *Section 6.26(2)(d) of the Local Government Act 1995* resolves to:

- Approve a rates exemption to the Uniting Church on the properties being 46 Walston Street (Rates A1551), on the basis they are being used exclusively for a religious purpose; and
- Approve the exemptions to take effect from the date of application being 21 May 2023, and to remain in force for a period of 3 years.

Moved: Cr Nichols

Seconded: Cr Caffell

Vote: Simple Majority

Carried/Lost: 6/0

### 13.5 Rates – Sale of Land

|                                |   |
|--------------------------------|---|
| <b>Location:</b>               | N/A                                     |
| <b>Applicant:</b>              | Shire of Tammin                         |
| <b>Date:</b>                   | 16/06/2023                              |
| <b>Author:</b>                 | Manager of Finance & Corporate Services |
| <b>Item Approved by:</b>       | Chief Executive Officer                 |
| <b>Disclosure of Interest:</b> | Nil                                     |
| <b>File Reference:</b>         | Nil                                     |
| <b>Attachment/s:</b>           |   |

#### Proposal/Summary

It is proposed to sell the land to recover outstanding rates and charges in excess of 3 years, in accordance with Section 6.64(1)(b) of the *Local Government Act 1995*.

#### Background

There are currently 6 properties that have rates outstanding by three or more for which it has not been possible to enter into acceptable and successful arrangements for the payment of the balance owing. In each instance, a written notification has been directed to the last known postal address of the ratepayers and the property advising that it will be our intention to refer the matter to Council with a recommendation to sell the property in order to recover the outstanding balance

The following is a list of those properties that have rates currently in arrears by three or more years, together with a brief history of the action taken to date.

| <b>1.</b>                 |   | <b>2.</b>                 |  |
|---------------------------|---|---------------------------|--|
| <b>Assessment</b>         | 506   | <b>Assessment</b>         | 335  |
| <b>Type/Zoning</b>        | Residential - House   | <b>Type/Zoning</b>        | Residential – Vacant Land  |
| <b>Period Outstanding</b> | 2019/20 – 2022/23   | <b>Period Outstanding</b> | 2019/20 – 2022/23  |
| <b>Amount Outstanding</b> | \$6,646.68 (includes \$747.65 deferred)   | <b>Amount Outstanding</b> | \$2,414.77   |
| <b>Payment</b>            | 6 July 2020 \$931.75  | <b>Payment</b>            | 16 April 2020 \$600.00   |
| <b>Recovery Action</b>    | Feb 22 – Intention to MCC Letter<br><br>Nov 22 – Skip Trace Completed<br><br>Mar 23 – Default Judgement applied | <b>Recovery Action</b>    | Sep 22 – Intention to MCC Letter<br><br>May 23 – Intention to MCC Letter |
| <b>Response</b>           | The owner has not responded to recent notices or correspondence   | <b>Response</b>           | The owner has not responded to recent notices or correspondence          |

|                           |   |                           |   |
|---------------------------|---|---------------------------|---|
| <b>3.</b>                 |   | <b>4.</b>                 |   |
| <b>Assessment</b>         | 1085  | <b>Assessment</b>         | 6   |
| <b>Type/Zoning</b>        | Residential – Vacant Land   | <b>Type/Zoning</b>        | Rural - Unimproved  |
| <b>Period Outstanding</b> | 2019/20 – 2022/23   | <b>Period Outstanding</b> | 2019/20 – 2022/23   |
| <b>Amount Outstanding</b> | \$4,508.04  | <b>Amount Outstanding</b> | \$2,359.79  |
| <b>Payment</b>            | 16 November 2018<br>\$645.21  | <b>Payment</b>            | 26 June 2020<br>\$60.00<br><br>12 June 2020<br>\$60.00                      |
| <b>Recovery Action</b>    | Sep 22 – Final Notice issued<br><br>Sep 22 – Debt recovery commenced<br><br>Feb 22 – Final Notice sent<br><br>Feb 22 - Intention to MCC Letter issued<br><br>Nov 22 – Default Judgement Applied<br><br>Mar 23 – PSSO issued | <b>Recovery Action</b>    | Sep 22 – Final Notice issued<br><br>Sep 22 – Intention to MCC letter issued |
| <b>Response</b>           | The owner has not responded to recent notices or correspondence   | <b>Response</b>           | The owner has not responded to recent notices or correspondence             |

|                           |  |                           |  |
|---------------------------|--|---------------------------|--|
| <b>5.</b>                 |  | <b>6.</b>                 |  |
| <b>Assessment</b>         | 377  | <b>Assessment</b>         | 512  |
| <b>Type/Zoning</b>        | Residential – Vacant Land  | <b>Type/Zoning</b>        | Residential – Vacant Land  |
| <b>Period Outstanding</b> | 2019/20 – 2022/23  | <b>Period Outstanding</b> | 2019/20 – 2022/23  |
| <b>Amount Outstanding</b> | \$2,305.83   | <b>Amount Outstanding</b> | \$2,305.83   |
| <b>Payment</b>            | 10 September 2019<br>\$645.54  | <b>Payment</b>            | 10 September 2019<br>\$645.54  |
| <b>Recovery Action</b>    | Sep 22 – Final notice issued<br><br>Sep 22 – Intention to MCC issued<br><br>May 23 – Final Notice issued | <b>Recovery Action</b>    | Sep 22 – Final notice issued<br><br>Sep 22 – Intention to MCC issued<br><br>May 23 – Final Notice issued |
| <b>Response</b>           | The owner has not responded to recent notices or correspondence  | <b>Response</b>           | The owner has not responded to recent notices or correspondence  |

*Abbreviations Used*

|                               |                                       |
|-------------------------------|---------------------------------------|
| Minor Case Claim              | <b>MCC</b> (ne General Procedure)     |
| Property Sale & Seizure Order | <b>PSSO</b> (ne Warrant of execution) |

A summary of the owners of the properties referred to above is contained in a confidential attachment to this Agenda.

**Comment**

*Options*

**Option 1** – Exercise the provisions of Section 6.64 of the *Local Government Act 1995*.

- Given the high level of debt, and the amount of time that has been afforded to enable the ratepayers to either clear or reduce the debt, it is appropriate to apply the relevant section of the *Local Government Act 1995*, empowering the sale of land provision in relation to unpaid rates and charges.

**Option 2** – Exercise the provisions of Section 6.74 of the *Local Government Act 1995*

- Apply to the Minister to have the land re-vested in the Crown in the right of the State.

**Option 3** – Exercise the provisions of Section 6.75 of the *Local Government Act 1995*

- Make application for the land to be vested in the Local Government

*Conclusion*

It is suggested that Council apply the provisions of Section 6.64 of the *Local Government Act 1995* and sell the land in respect of the unpaid rates and charges, which are in arrears for a period of excess of 3 years.

**Consultation**

Other Local Governments

Department of Local Government, Sport and Cultural Industries

**Policy Implications**

**Financial Implications**

The sale of this land will equate to a decrease in the level of outstanding rates of \$20,540.94.

**Strategic Implications**

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
  
- Outcome 6.2 An efficient and effective organisation
  - 6.2.1 Ensure sound long-term financial management and deliver value for money

**TSC 45/23 MOTION**

That Council pursuant to Section 6.64(1)(b) of the *Local Government Act 1995*, proceed to sell the properties listed hereunder which have rates in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balances which total \$20,540.94

List of Properties by Assessment Number:

- Assessment 506
- Assessment 335
- Assessment 1085
- Assessment 6
- Assessment 377
- Assessment 512

Moved: Cr Nichols

Seconded: Cr Courtney Thomson

Vote: Absolute Majority

Carried/Lost: 5/0

Char Thomson left at 4.54

### 13.6 WALGA 2023 Annual General Meeting (AGM)

|                                |                         |
|--------------------------------|-------------------------|
| <b>Location:</b>               | Crown Perth             |
| <b>Applicant:</b>              | Council                 |
| <b>Date:</b>                   | 19 June 2023            |
| <b>Author:</b>                 | Joanne Soderlund        |
| <b>Item Approved by:</b>       | Chief Executive Officer |
| <b>Disclosure of Interest:</b> | Nil                     |
| <b>File Reference:</b>         | Nil                     |
| <b>Attachment/s:</b>           | Nil                     |

#### Proposal/Summary

For Council to appoint its delegates and proxy delegates to the 2023 WALGA Annual General Meeting (AGM).

#### Background

WA Local Government Association is holding its 2023 Annual General Meeting on Monday, 18 September 2023 at Crown Perth, commencing at 2:00pm.

As a Member of the Association the Shire of Tammin has been asked to register the attendance and voting entitlements of Council's delegates to the AGM.

In this regard, Council has been requested to register two Voting Delegates and up to two Proxy Voting Delegates.

#### Comment

It is usual practice for the Shire President and Shire Deputy President to be the Shire's Voting Delegates. However, should one not be available another Councillor will need to be nominated together with the required Proxy Voting Delegates.

#### Consultation

Nil

#### Statutory Implications

Nil

#### Policy Implications

Policy No. 1.9 – Attendance at Events

**Financial Implications**

Attendance at the Annual General Meeting is free of charge to all member local governments.

All Annual Convention Delegates will be required to register separately at a cost of approximately \$1,400 per person.

**TSC 46/23 MOTION**

That Council:

1. appoints its Delegates to the 2023 Annual General Meeting of the WA Local Government Association to be held on 18 September 2023 at Crown Perth as follows:

| <b>Voting Delegates</b>             | <b>Proxy Voting Delegates</b>             |
|-------------------------------------|---|
| <i>Name of Voting Delegates (2)</i> | <i>Name of Proxy Voting Delegates (2)</i> |
| Glenice Batchelor                   | Char Thomson                              |
| Tanya Nichols                       | Joanne Soderlund                          |

And,

2. In accordance with Policy 1.9 – Attendance at Events, authorises the attendance of all Councillors and the CEO to the WA Local Government Association 2023 Annual Convention.

Moved: Cr Caffell      Seconded: Cr \_Leslie\_\_\_\_\_

Vote: Simple Majority      Carried/Lost: 6/0

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

Nil

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

Nil

**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 5.00pm.





