

Shire of Tammin



DECLARATION

I declare that the minutes of the:

Ordinary Council Meeting held on 24th May 2023 was confirmed at the Ordinary Council Meeting held on 22nd June 2023.

Name: Glenice Batchelor

Signed: 

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

Date: 22 / 6 / 2023

Shire of Tammin

ORDINARY COUNCIL MEETING

UNCONFIRMED MINUTES



An ordinary meeting of the Shire of Tammin was held on **Wednesday 24th May 2023** in Council Chambers, 1 Donnan Street Tammin, commencing at **4:10pm**.

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

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"

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AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4:10pm.

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 T Nicholls	Deputy Shire President
Cr N Caffell	Councillor
Cr Thomson (Charmaine)	Councillor
Cr C Thomson (Courtney)	Councillor
Cr B Leslie	Councillors (<i>Attendance electronically as per Admin Regulation 14A</i>).

In Attendance:

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

Leave of Absence previously granted:

Apologies:

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

TSC 27/23 MOTION

Cr Caffell applied for a leave of for the 28 June Ordinary Council Meeting

Moved: Cr Thomson

Seconded: Cr Nicholls

Vote: Simple Majority

Carried: 5/0

TSC 28/23 MOTION

Cr C Thomson applied for a leave of for the 28 June Ordinary Council Meeting

Moved: Cr Nicholls

Seconded: Cr Caffell

Vote: Simple Majority

Carried: 5/0

7. DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS

Chief Executive Officer Joanne Soderlund noted an interest in Item 13.2 Travel policy due to being the author of the policy and directly impacted by the policy.

Cr Thomson declared an impartiality interest in Item 13.1 due to being a member of a Sporting Group who have applied for the Community Grant.

Cr C Thomson declared an impartiality interest in Item 13.1 due to being a member of a Sporting Group who have applied for the Community Grant.

8. DECLARATION OF RELATED PARTY DISCLOSURE IN AGENDA ITEMS

Nil

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 Ordinary Council Meeting Minutes – 26 April 2023

TSC 29/23 MOTION

That the minutes of the Ordinary Council Meeting held on 26 April 2023 be confirmed as a true and accurate record of proceedings.

Moved: Cr Caffell

Seconded: Cr Nicholls

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 April 2023

Location:	Shire of Tammin
Applicant:	Administration & Finance Officer
Date:	01/05/2023
Author:	Keira Wirth
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	FIN05
Attachment/s:	Attachment Item 12.1 – Payment List Attachment Item 12.1 - Credit Card Statement

Purpose of Report

For Council to ratify the accounts paid under delegated authority.

Background

The attached List of Accounts paid during the month of April 2023 totaling \$1,240,129.91 by way of:

Cheque numbers	6823 - 6824	\$1,865.39
Direct debit payments	01/04/23 – 30/04/23	\$9,253.99
Licensing transfers	01/04/23 – 30/04/23	\$570.05
Bank fees	01/04/23 – 30/04/23	\$90.98
VISA payments	01/04/23 – 30/04/23	\$1,865.39
EFT payments	EFT 6012 – EFT 6094	\$1,168,004.82
Salaries and wages	01/04/23 – 30/04/23	\$51,963.59
Total payments	01/04/23 – 30/04/23	\$ \$1,240,129.91

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

Wright Express Australia Pty Ltd (Puma) Fuel charges for various vehicles	\$6,126.10
RCPA (WA) Pty Ltd Headwall 600 as per quote 101276 MJB 450 Headwall as per quote 101276 delivery as per quote 101276	\$8,478.80
AP Concreting Pty Ltd Foot path & crossover labour and supplied on Walston, Ridley & Shields Street	\$50,655.00
ATM Asphalt Pty Ltd Supply and install asphalt resheet as per quote ASP3046 for approximately 1,900sqm of 50mm thick AC14/75 DGGA15E Asphalt. Profiling and Traffic Management included. No core testing	\$87,325.06
Earthstyle Contracting Pty Ltd Variation 2 for extra earthworks at subgrade level, including removal of extra soil and installation of extra gravel Variation 3 for coating of stones for seal as per recommendation from seal design issued after tender.	\$243,249.78
Earthstyle Contracting Pty Ltd Tammin Bypass project Claim 5	\$734,789.00

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 30/23 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 April 2023 2022 to 30 April 2023 totaling \$1,240,129.91 as contained in attachments 12.1.

Municipal Fund payments totaling \$1,240,129.91 detailed:

Cheque numbers	NIL	\$8,381.09
Direct debit payments	01/04/23 – 30/04/23	\$9,253.99
Licensing transfers	01/04/23 – 30/04/23	\$570.05
Bank fees	01/04/23 – 30/04/23	\$90.98
VISA payments	01/04/23 – 30/04/23	\$1,865.39
EFT payments	EFT 5964 – EFT 6011	\$1,168,004.82
Salaries and wages	01/04/23 – 30/04/23	\$51,963.59

Moved: Cr C Thomson

Seconded: Cr Caffell

Vote: Simple Majority

Carried: 6/0

12.2 Financial Management Report for the month of April 2023

Location:	Shire of Tammin
Applicant:	Manager of Finance and Administration
Date:	19 May 2023
Author:	Morgan Ware
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment Item 12.2 - April 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 April 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. 92.3% of rates have been received as of 31 March 2023. Capex projects and maintenance works are underway, with the Southern Link Project completed.

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 31/23 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 30 April 2023 comprising;

a) Statement of Financial Activity

b) Note 1 to Note 12

Moved: Cr Leslie

Seconded: Cr Nicholls

Vote: Simple Majority

Carried: 6/0

12.3 Ruby York – Financial Assistance

Location:	Shire of Tammin
Applicant:	Ruby York
Date:	5 th May 2023
Author:	Chief Executive Officer
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	N/A
File Reference:	Nil
Attachment/s:	Attachment Item 12.3 - Request Letter
	Attachment Item 12.3 - Team Confirmation Letter

Proposal/Summary

For Council to consider a request for financial assistance for Ruby York to attend the 2023 Cricket Australia Junior National Indoor Cricket Titles (the Titles).

Background

Ruby York has made an application in accordance with Shire Policy for financial assistance. Ruby has been selected in the Western Australian Indoor Cricket 17 & Under Girl's Team. The Titles are being held in Ipswich, Queensland from 23rd June 2023 to 2nd July 2023. Refer to letter attached.

Comments

The application is made in accordance with Shire Policy 3.4 – Requests for Financial and Other Assistance. The maximum grant that may be awarded under the policy is \$200 for interstate travel. The application being made meets the eligibility criteria set out in the policy.

Consultation

N/A

Statutory Implications

Nil

Policy Implications

Policy 3.4 Requests for financial and other assistance

The key relevant points of the Policy are:

- only residents of the Shire of Tammin are eligible to apply.
- applicants must be selected to represent Western Australia or Australia in the area of sport, arts, cultural or educational activities.

- applications must be supported either by the relevant governing body of sport or the state/federal/voluntary organisation supporting the activity.
- there must be a demonstrated selection process which entitles the applicant to represent the state or national body or activity.
- only one application per financial year may be funded for any one individual.
- a maximum of \$500 per year will be funded per family.
- funds will only be provided towards travel or accommodation expenses.
- priority will be given to applicants who have demonstrated initiative and endeavor in raising funds for themselves.

Financial Implications

The Policy provides for a maximum grant of \$200 for interstate travel. The Shire's 2022/23 Budget has a provision for Donations and Contributions with a current available balance of \$1,750.

Strategic Implications

Nil

TSC 32/23 MOTION

That Council, by Simple Majority, pursuant to Section 3.18(2) of the *Local Government Act 1995*, approves the payment of \$200.00 to Ruby York to assist with travel and accommodation expenses to attend the National Indoor Cricket Titles in July 2023.

Moved: Cr Nicholls

Seconded: Cr Thomson

Vote – Simple Majority

Carried: 6/0

13 MATTERS FOR CONSIDERATION – ADMINISTRATION

13.1 2023/2024 Community Grant Applications

Cr Thomson declared an impartiality interest in Item 13.1 due to being a member of a Sporting Group who have applied for the Community Grant.

Cr C Thomson declared an impartiality interest in Item 13.1 due to being a member of a Sporting Group who have applied for the Community Grant.

Location:	Tammin
Applicant:	Community Development Officer
Date:	11 th May 2023
Author:	Kelsey Cox
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	FIN-21
Attachment/s:	Attachment Item 13.1 – Tammin Women’s Hockey Club Attachment Item 13.1 - Tammin Garden Recycling & Heritage Club Attachment Item 13.1 - Tammin P&C.

Proposal/Summary

Council to consider including funds in the following financial year budget to contribute towards the projects planned and outlined in the attached Community Grant application from the Tammin Women’s Hockey Club, Tammin Garden Recycling & Heritage Club and the Tammin P&C.

Background

In March, April & May 2023, Council advertised for Community Grant applications for all sporting, community or community groups requiring financial assistance from Council in the 2023/2024 financial year.

Applications were to be received by Monday, 8th May 2023 9am, which were to include the organisation’s last financial statement and a current bank statement.

Comments

Council received 3 applications this year:

1. Tammin Women’s Hockey Club
2. The Garden Recycling & Heritage Club
3. Tammin P&C

Please see the following table for a list of application requests including project specifications and amounts requested.

No	Organisation	Project	Total Project Cost	Self-Contribution	Amount requested
1	Tammin Women's Hockey Club	Purchase of new line marker for the oval.	\$2,699.00		\$2,699.00
2	The Garden Recycling & Heritage Club	Heritage photo gallery – the first hundred years of Tammin.	\$30,000.00	\$29,000.00	\$1,000.00
3	Tammin P&C	Shade Sails over school playground	\$6,300.00	\$3,300.00	\$3000.00
Total			\$38,999.00	\$3,300.00	\$6,699.00

Please see attached the full Community Grants Application forms for Council reference.

It should be noted that the Tammin's Women Hockey Club and the Garden Recycling & Heritage Club have both received previous funding.

Tammin Women's Hockey Club:

The hockey club has put in an application for a new line marking machine. Although the hockey club is the entity putting in the request the line marking machine will be used and will benefit other clubs such as the football club and cricket club along with the primary school for athletics days. The Council policy outlines that the Shire generally would only contribute one third to a project. This application is asking for 100% of the costs however Council may take into consideration that this asset will be used for the benefit of a number of local Clubs and the school.

The Garden Recycling & Heritage Club:

The garden recycling and heritage club have requested assistance for their heritage photo gallery project. Stage one of this project is already complete and on display at the Tammin Road House. There isn't a lot of detail about the next stage of the project in the application however it appears to be an extension of stage one and further history boards.

Tammin P&C:

The Tammin P & C have applied for Shade Sails over the school playground. Our grant application form notes the following:

* Please bear in mind that a privately owned asset i.e buildings owned by overarching institutions, will fall outside of the scope for which the Shire would normally provide a contribution.

Shade sails at a school would become the asset of the Department of Education and therefore questionable if this is something that the Shire would normally provide a contribution for. Whilst ordinarily capital improvements would be paid for by the Department of Education it would appear they are not intending on installing shade sails over play areas at Tammin hence the request from the P&C. The P&C appear to be proactively stepping in to enhance the experience of the local school kids and actively seeking alternative ways to fund the required capital improvements.

The request for \$3,000 of the \$6,300 project equates to more than the 1/3 that the policy says will generally be considered however council has the ability to consider each application on a case by case basis.

Consultation

Chief Executive Officer
Manager of Finance and Administration
Community Development Officer

Statutory Implications

Nil

Policy Implications

3.4 REQUESTS FOR FINANCIAL / OTHER ASSISTANCE

Background

The Shire of Tammin provides financial and in-kind assistance to sporting, community and welfare groups /organisations to support both normal operational requirements and for specific projects or capital purchases which respond to identified community needs. The Shire also makes a donation to Tammin residents who have been selected to represent the State or Nation.

For capital projects

The Shire will advertise each year inviting applications from local sporting and community groups, for Council to consider including funds in the following financial year budget to contribute towards a planned capital project within the Shire.

All sporting and community groups that are applying for funding must complete the approved application form and lodge with the Shire by specified date. Applications are to be accompanied by the groups/organisations most recent audited financial statement.

All requests for a contribution will be decided by Council and must demonstrate a thorough planned approach and Council will not generally consider contributing more than one-third of the total cost of the project.

Successful applicants must provide a financial acquittal of funds including receipts relating to the grant and complete a brief evaluation by May 31 of the funding period.

Council may request a presentation to Council prior to considering the request.

Financial Implications

The total of compliant applications received is \$6,699.00. This amount would be included in Council's 2023/2024 Budget deliberations.

Strategic Implications

Social: Building a Sense of Community Our Vision

- Our community will be inclusive and inviting; a place where all people, young and old, are accepted and valued.
- Community leadership and involvement will ensure our different communities recreate, network and interact, building strong relationships and support.
- Our diverse community has access to services within their local area.

TSC 33/23 MOTION

That Council assess the applications received for Community Grants and agree to include the following in the 2023/24 Budget:

- 1. Tammin Women's Hockey Club – purchase new line marker
\$900 (being a third of the project. Council suggest to approach the Tammin Progress Inc.)**
- 2. The Garden Recycling & Heritage Club – Heritage Photo Gallery
\$1000**
- 4. Tammin P&C – Shade sails over the school playground
\$2100 (being a third of the project. Council suggest to approach local business and Progress Inc.)**

Moved: Cr Caffell

Seconded: Cr Nicholls

Vote – Simple Majority

Carried: 6/0

13.2 New Policy – Travel Allowance

Chief Executive Officer Joanne Soderlund noted an interest in Item 13.2 Travel policy due to being directly impacted by the policy.

Location:	N/A
Applicant:	Shire of Tammin
Date:	19/05/2023
Author:	Chief Executive Officer
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Chief Executive Officer as author of the report and will be affected by the policy as an employee.
File Reference:	Nil
Attachment/s:	Attachment Item 13.2– Draft amended policy - Travel Allowance Policy Attachment Item 13.2 - Current policy – Employees – Training Study and Education Attachment Item 13.2 - Current policy – Elected Members – Conference & Training Expenses

Proposal/Summary

This item brings a new Travel Allowance Policy before Council and seeks a Council resolution to replace the two current policies relating to travel.

Background

The Shire presently has two separate policies relating to travel and other out of pocket expenses when travelling on local government business. Currently there is both a policy that relates to employees and another that relates to Elected Members.

Comment

The new proposed Travel Allowance Policy is proposed to cover both employees and Elected Members providing a uniform approach to covering these expenses. The major change being proposed is that instead of a reimbursement model an allowance model is proposed for the payment of meals and incidentals. The ATO each year releases a Tax Determination of what it considers reasonable amounts for meal and travel expenses. Being an allowance means that employees and elected members then don't need to keep receipts etc for meals as we are using the ATO accepted rates.

The policy also outlines when accommodation will be provided i.e if the event/training begins before 9:00am accommodation will be provided the night before etc. This parameters are in line with the details in the Councils attendance at events policy.

Both of the existing policies are attached to this item along with the proposed new policy.

Consultation

Other Local Governments

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 34/23 MOTION

That Council, by Simple Majority, pursuant to Section 3.18 of the *Local Government Act 1995 (WA)* resolves to:

- Adopt the proposed new Travel Allowance Policy
- Revoke the Employees – Training, Study and Education Policy
- Revoke the Elected Members – Conference and Training Expenses Policy

Moved: Cr Thomson

Seconded: Cr Leslie

Vote: Simple Majority

Carried: 6/0

14. MATTERS FOR CONSIDERATION – BUILDING & HEALTH

Nil

15. MATTERS FOR CONSIDERATION – TOWN PLANNING

15.1 Application for Development Approval – Proposed Unmanned Fuel Facility

Location:	Lot 251 on Deposited Plan 401154 Great Eastern Highway, Tammin
Applicant:	Mr Chris Cornelius – Aksara on behalf of West 9 Pty Ltd (Landowner)
Date:	17 May 2023
Author:	Mr Joe Douglas – Town Planner
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	
Attachments:	Attachment Item 15.1 – Development Application Documentation & Plans (Latest Revised Version) Attachment Item 15.1 – Site Photographs Attachment Item 15.1 – Copy of Submissions

Purpose of Report

Consideration and final determination of a development application received for the construction and operation of a proposed new unmanned fuel facility on Lot 251 on Deposited Plan 401154 Great Eastern Highway, Tammin.

Background

At its October 2022 Ordinary Meeting Council resolved, pursuant to clause 18(4)b) of the Shire of Tammin Local Planning Scheme No.2, that the proposed development of an unmanned fuel facility on Lot 251 on Deposited Plan 401154 Great Eastern Highway, Tammin may be consistent with the objectives of the land's 'Rural' zoning classification and authorised the Shire Administration to advertise the application for public comment in accordance with the procedural requirements of clause 64 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* before considering and finally determining the application (Motion TSC77/22).

Public advertising of the application was undertaken from 1 November to 2 December 2022 pursuant to Council's resolution which included publication of a notice and all documentation and plans on the Shire's website and public display of the application at the Shire's Administration Centre.

The application was also referred to the following State government agencies for review and comment:

- Department of Biodiversity, Conservation and Attractions;

- Department of Mines, Industry Regulation and Safety;
- Department of Planning, Lands and Heritage;
- Department of Primary Industries and Regional Development;
- Department of Water and Environmental Regulation;
- Main Roads WA; and
- Public Transport Authority.

A total of twelve (12) submissions were received following completion of the abovementioned public advertising and agency referral process, full copies of which are provided in Attachment 3, and itemised as follows:

1. Ceri Coetzer – No objection;
2. David Rees – Objection;
3. Gavin & Gemma Charlton – Objection;
4. Gregory Stephens – Objection;
5. Joe Hunt – Objection;
6. Michael Greenwood – Objection;
7. Tammin Developments Pty Ltd – Objection;
8. Department of Biodiversity, Conservation and Attractions – No objection;
9. Department of Mines, Industry Regulation and Safety (Resource and Environmental Regulation Division) – No objection;
10. Department of Mines, Industry Regulation and Safety (Resources Safety Division) – No objection;
11. Department of Water and Environmental Regulation – No objection;
12. Main Roads WA – No objection subject to conditions.

As can be seen from the above list a total of six (6) objections were received, all from private individuals/entities. The remaining six (6) submissions, including five (5) from State government agencies, raised no objections to the proposed development.

It is significant to note that as a consequence of the applicant's discussions and negotiations with Main Roads WA following completion of public advertising, the proposal has now been amended as follows to address various issues and concerns raised regarding traffic safety:

- a) relocation of the proposed refueling facilities on the land with a greater setback distance to Great Eastern Highway, including demolition of the existing train station building on the land which is in a poor state of repair and of no commercial or recognised heritage value;
- b) reconfiguration of and upgrades to the two (2) existing crossovers to Great Eastern Highway that will be used to accommodate all vehicle movements;
- c) prohibition of access to the facility by all east-bound vehicles along Great Eastern Highway, including the installation of suitable directional signage to alert motorists; and
- d) display of all proposed new advertising signage to west-bound vehicles only.

The applicant, which is now Mr Chris Cornelis of Aksara and no longer Planning Solutions, also confirmed during discussions with Main Roads WA that the new fuel bowsers to be installed at the facility are super high-flow and not suitable for refuelling light vehicles (i.e. the facility will only accommodate and provide fuel for heavy vehicles).

Comments

The application has been assessed with due regard for the specific objectives and standards of the Shire's local planning framework including Local Planning Scheme No.2 (LPS2), the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the outcomes from public advertising including advice received from all agency referrals. This assessment has confirmed the proposal is compliant, or capable of compliance, with the following relevant considerations and requirements:

- The general aims, objectives and provisions of LPS2 including those specific to all land classified 'Rural' zone;
- All relevant State Planning Policies itemised below;
- The *Shire of Cunderdin, Quairading & Tammin Joint Local Planning Strategy (2021)*;
- Land capability and suitability including possible risks to human health and safety;
- Land use compatibility;
- Amenity of the locality including potential environmental, visual and social impacts;
- Maintenance of existing services of benefit to the local community;
- Protection of the natural environment, water resources and cultural heritage significance;
- Traffic safety including vehicle access and parking;
- Storage, management and collection of waste;
- Flood, stormwater drainage and bushfire risk management.

Notwithstanding the above conclusion, Council should note the following key points when considering and determining the application:

1. Zone Objectives

Having regard for:

- i) The subject land's current poor state of repair, including lack of regular ongoing maintenance over many years where the proposed development will be undertaken, and the significant improvements that will arise following completion of all proposed works, including demolition of the now disused and derelict train station building;
- ii) The subject land's existing lot configuration which is not conducive to broadacre agricultural activities such as cropping and grazing and/or intensive uses such as horticulture;
- iii) The proposed development's small scale and the fact it will have no impact at all upon the continuation of existing broadacre agricultural activities or the establishment of intensive agricultural uses on any nearby land;
- iv) The proposed development's limited impact on the existing environmental qualities of the local

landscape, vegetation, soils and water bodies and other environmentally sensitive areas;

- v) The proposed development's significant separation distance to existing sensitive land uses in the immediate locality and compliance with the Environmental Protection Authority's buffer separation distance requirements for fuel storage and distribution facilities; and
- vi) The compatibility of the proposed development with existing land uses in the immediate locality and potential benefit in terms of increased choice and fuel price competitiveness for consumers,

it is concluded the development will be consistent with the objectives of the land's current 'Rural' zoning classification and is therefore a use that may be permitted within the zone subject to any conditions Council considers appropriate.

2. Boundary Setbacks

Under the terms of Table 7 in Schedule 2 of LPS2 all new buildings on any lot classified 'Rural' zone are required to have a minimum setback of 20 metres to all front, rear and side boundaries.

Under the terms of the latest revised site development plans contained in Appendix A to C of the updated Concept Design Report prepared by Transcore dated 28 March 2023 (see Attachment 1) the proposed setbacks of the canopy structure to be erected above the refueling facilities on the land will be as follows:

- Front Boundary – 16.90 metres;
- Rear Boundary – 17.45 metres; and
- Side Boundaries – More than 20 metres.

It is significant to note the setback of the proposed canopy structure to Great Eastern Highway (i.e. the land's front boundary) has been increased by 9 metres and the setback to the railway corridor immediately south (i.e. the land's rear boundary) has been reduced by 9 metres.

Notwithstanding the proposal's non-compliance with the minimum front and rear lot boundary setback requirements of LPS2, clause 34 in LPS2 allows variations to prescribed site and development requirements to be approved if the local government is satisfied that:

- a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
- b) the non-compliance with any additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

Having regard for the limited width of the subject land, the relatively small scale of the proposed development and the fact the proposed setback variations are only minor in nature, it is concluded the proposed setbacks of the canopy structure are reasonable and acceptable in the context of the relevant considerations set out in clause 67 of the Deemed Provisions of the *Planning and*

Development (Local Planning Schemes) Regulations 2015 and will not have any significant negative impacts on the occupiers or users of the proposed development, the inhabitants of the locality or the likely future development of the locality.

3. Traffic Safety

Due to the various concerns raised by Main Roads WA regarding traffic safety following its assessment of the original site development plans referred to it for comment, the applicant and their traffic consultant Transcore met with Main Roads WA and subsequently prepared and submitted an amended Concept Design Report, including revised site development plans.

Following further assessment of the application Main Roads WA confirmed it is now satisfied access to the proposed development can be constructed to comply with its standards and requirements and is therefore supportive of the proposal subject to the following conditions and advice notes:

Conditions:

1. *The applicant makes suitable arrangements to upgrade the existing access points to the site and seeks approval from Main Roads WA in this regard.*
2. *The access points to and from Great Eastern Highway are to be constructed at 70 degrees to enable adequate lane correct, turning movements of heavy vehicles visiting the site.*
3. *Access to the site is strictly limited to westbound vehicles only, which will be controlled by design and appropriate signage.*
4. *The information contained on the pylon sign is visible to westbound traffic only, with no information visible to eastbound traffic.*
5. *A route management plan for the delivery of fuel to the site must be prepared and implemented by the applicant to ensure that fuel deliveries are made by westbound vehicles only.*

Advice Notes:

1. *In relation to Condition 1, the applicant is advised to contact Main Roads Wheatbelt Region Development Planning and Road Access Coordinator, Cherie Wallace, cherie.wallace@mainroads.wa.gov.au or 08 9080 1422 for further advice and information.*
2. *In relation to Condition 5, the applicant is to submit the route management plan for delivery of fuel to Main Roads Wheatbelt Region for review and approval prior to the facility commencing operations.*

In light of this outcome, Main Roads WA's advice and recommendations have been reflected in the final recommendation to Council below, albeit in a slightly amended form to ensure the conditions are valid and legally enforceable.

4. Community Benefit & Economic Competition

A common theme in the submissions received from local residents and businesses was the lack of community benefit arising from the proposed development and its potential negative impact on the future commercial viability of the Tammin Roadhouse which provides a wide range of goods and

services to the local community.

Discussions with the applicant have confirmed their intention to engage local contractors to assist with the construction process and ongoing maintenance of the facility once it has been completed and is operational, all of which will be of some economic benefit to the local community. Furthermore, there are potential benefits in terms of increased choice and fuel price competitiveness for consumers.

In relation to increased competition, Council should note the threat of competition to existing businesses is not a relevant planning consideration. It only becomes a relevant planning consideration if there is a prospect there will be a reduction in the facilities available to the community. This was confirmed in the High Court decision of *Kentucky Fried Chicken Pty Ltd v Gantidis* (1979) 140 CLR 675.

It is acknowledged the proposed development may have some impact on the profitability of the Tammin Roadhouse however the ability to quantify that is extremely difficult without a detailed and costly financial analysis. Furthermore, it needs to be recognised the Tammin Roadhouse has a distinct competitive advantage over the proposed development in terms of its accessibility with no vehicle access restrictions to/from Great Eastern Highway, the extensive facilities that have been constructed for the benefit of its customers and the broad range of goods and services on offer. As such, any claim the proposed development will adversely impact the commercial viability of the Tammin Roadhouse and its capacity to continue servicing the needs of the local community cannot be proven with sufficient certainty to warrant refusal of the application on these grounds.

Conclusion

In light of all the above findings it is concluded the development proposal for Lot 251 is acceptable and unlikely to have any negative impact on the general amenity, character, functionality and safety of the immediate locality or the continued supply of goods and services to the local community subject to compliance with a number of conditions. As such, it is recommended Council exercise its discretion and grant conditional approval to the application to ensure the development proceeds in a proper and orderly manner.

An alternative to the recommendation for conditional development approval provided below is not considered necessary or recommended for the following reasons:

- i) The proposal is well founded, permissible and has scope to be approved immediately;
- ii) Most of the issues identified/raised are capable of being suitably addressed through the imposition of conditions on any development approval that may ultimately be granted;
- iii) The proponent is obliged to address/satisfy all other statutory and regulatory requirements applicable to the proposed development to ensure it has no negative impacts; and
- iv) If the applicant/landowner were to request a review by the State Administrative Tribunal of any decision by Council to refuse the application, the cost to the Shire to defend that decision would be significant and is unlikely to be successful.

Consultation

The application was advertised for public comment in accordance with the procedural requirements of clause 64 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as they apply specifically to 'complex applications'. The application was also referred to a number of State government agencies for review and comment in accordance with clause 66 of the aforementioned regulations. Details of the outcomes from public advertising and referrals to State government agencies were documented previously above with copies all submissions received provided in Attachment 3 of this report.

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*
- State Planning Policy 2.9 – *Water Resources*
- Draft State Planning Policy 2.9 – *Planning for Water*
- State Planning Policy 4.1 – *State Industrial Buffer*

Financial Implications

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

It is significant to note should the applicant/landowner be aggrieved by Council's final decision in this matter they have the right to seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason, which is considered unlikely in this particular case given the recommendation for conditional approval, 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 and possibly more depending upon how far the matter proceeds through the review process.

Risk Implications

Financial – Risk rating is assessed as Low. Any potential financial risk will be mitigated through a

detailed assessment process.

Health – Risk rating is assessed as Low subject to compliance with all regulatory requirements. Notwithstanding this conclusion, there are some concerns regarding traffic safety which will be considered and addressed during the assessment process.

Reputation – Risk rating is assessed as Low. The application will be thoroughly assessed in due course, including a detailed report and final recommendation to Council.

Operational – Risk rating is assessed as Low. The application will be 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 subject to compliance with all regulatory requirements.

Strategic Implications

The proposed development is generally consistent with the following elements of the *Shire of Cunderdin, Quairading & Tammin Joint Local Planning Strategy (2021)*:

6.4.2 - Tammin Townsite - Employment & Tourism			
Strategic Directions	Strategies	Actions	Priority
27. The local community is offered a diverse range of local business and employment opportunities within settlements.	27.2 Promote the diversification of Tammin's economy by encouraging the development of a wide range of new commerce and industry that provides employment opportunities.	27.2.1 Ensure that the local planning scheme is sufficiently flexible that it contributes to the diversification of the economy by providing opportunity for the establishment of new commerce and industry in appropriate locations.	SHORT TERM
6.4.3 – Tammin Townsite - Infrastructure & Transport			
29. The Shire has a safe, logical and efficient movement network.	29.1 Provide a safe, efficient and effective movement network for people and freight that is integrated with land uses to provide for better accessibility and sustainability.	29.1.1 Identify the location and extent of all existing and proposed transport infrastructure on the scheme maps including National Highways, State roads, significant local government roads, railway corridors and public airfields.	SHORT TERM

The proposed development is also generally consistent with the following elements of the *Shire of Tammin Strategic Community Plan 2017-2027* and *Corporate Business Plan 2018-2022*:

Housing and Facilities Strategies	
Our local area will be maintained through the	Outcome 3.1 - Improved quality and maintenance of

provision of housing and employment choices for all ages, whilst protecting our viable farmland.	our infrastructure including upgrade and maintenance of infrastructure to ensure transport routes are safe.
Economic Development Strategies	
Strengthen local business and employment capacity. Support and encourage sustainable business growth.	Outcome 4.1 - Support and foster industry, initiative and innovation in seeking new opportunities to enhance our Shire's economic health
Infrastructure & Transport Strategies	
Our local town, amenities and facilities will be maintained and enhanced, ensuring that our town is one that community loves to be in and is proud of.	Outcome 5.1 - A well-connected and serviced community accessible to all. Outcome 5.2 - Improved road maintenance.

Voting Requirements

Simple Majority

TSC 35/23 MOTION

That Council:

1. Determine that the proposed development of an unmanned fuel facility on Lot 251 on Deposited Plan 401154 Great Eastern Highway, Tammin is consistent with the objectives of the land's 'Rural' zoning classification in the Shire of Tammin Local Planning Scheme No.2 and may therefore be permitted in the zone; and
2. Approve the development application submitted by Mr Chris Cornelius – Aksara on behalf of West 9 Pty Ltd (Landowner) for the construction and use of an unmanned fuel facility on Lot 251 on Deposited Plan 401154 Great Eastern Highway, Tammin subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval shall lapse and be of no further effect. Where an approval has so lapsed, the use shall not be carried out without the further approval of the local government having first being sought and obtained.
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. Prior to the commencement of development final detailed engineering design drawings for the proposed development, based on a recent contour and feature survey of the relevant portion of the subject land by a licensed surveyor, shall be prepared and submitted to the local government for consideration and endorsement by the local government's Chief Executive Officer in consultation with the local government's Manager of Works and Services and Main Roads WA. The drawings required by this condition must provide details of:
 - i) Existing and proposed finished ground levels, including the location and extent of all earthworks proposed to be undertaken and finished ground levels at the boundaries of the land the subject of this approval which are required to match or otherwise coordinate with the existing finished ground levels of all abutting land;
 - ii) The location and dimensions of all proposed new built form improvements and associated infrastructure, including advertising signage;
 - iii) The location, dimensions and sealed surface treatments for all new on-site vehicle accessways, parking and hardstand areas;
 - iv) The location of all proposed new line marking and directional signage; and
 - v) The location and dimensions of the proposed landscaping strip between the two (2) crossovers along the land's Great Eastern Highway frontage including details of the types of plants to be used, their mature heights and proposed planting densities.
4. Prior to the commencement of development a detailed Stormwater Drainage Management Plan shall be prepared and submitted to the local government for

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consideration and endorsement by the local government's Chief Executive Officer in consultation with the local government's Manager of Works and Services, Main Roads WA and the Public Transport Authority.

5. The proposed development shall be constructed strictly in accordance with the detailed engineering design drawings and Stormwater Drainage Management Plan required by Conditions 3 and 4 of this approval prior to its occupation and use, unless otherwise approved by the local government, and maintained thereafter for the life of the development in accordance with the local government's requirements.
6. Prior to the commencement of development a Construction Management Plan shall be prepared and submitted to the local government for consideration and endorsement by the local government's Chief Executive Officer in consultation with the local government's Manager of Works and Services and Main Roads WA. The management plan required by this condition shall detail how the following matters are proposed to be managed:
 - All forward works for the site;
 - Site office/s and ablution facilities including effluent disposal arrangements;
 - Security fencing;
 - Sand drift and dust management;
 - Access to and from the site by construction vehicles including directional signage;
 - The delivery of materials and equipment to the site;
 - Parking arrangements for all contractors and subcontractors;
 - Traffic management;
 - The installation of all required essential service infrastructure;
 - The storage of materials and equipment on the site; and
 - Construction and demolition waste management and disposal.
7. Any disused vehicles, vehicle parts, equipment, machinery, construction materials and infrastructure shall be removed from that portion of the subject land proposed to be developed and disposed of at an approved waste disposal and/or recycling facility prior to occupation and use of the proposed development.
8. Prior to occupation and use of the proposed development the two (2) existing crossovers along the land's frontage to Great Eastern Highway proposed to be utilised for vehicle access purposes must be designed and reconstructed at 70 degrees, including sealing and draining, to enable adequate lane-correct turning movements for all heavy vehicles intended to be accommodated.
9. Access to the subject land and proposed development thereon shall be strictly limited to westbound heavy vehicles only. No light vehicle access is permitted at any time except during the initial construction phase of the development and for ongoing maintenance and repair purposes thereafter. All directional signage shown on Transcore Drawing No.t22.286-sk10 in Transcore's Concept Design Report (i.e.

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Document Number/File Name t22.286.r02 dated 28 March 2023) shall be designed and constructed in accordance with the relevant Australian Standard/s and installed prior to occupation and use of the proposed development.

10. A Route Management Plan for the delivery of fuel to the subject land by westbound heavy vehicles only shall be prepared and submitted to the local government for consideration and endorsement by the local government in consultation with Main Roads WA prior to occupation and use of the proposed development and implemented thereafter by the applicant/landowner for the life of the development to the satisfaction of the local government.
11. A Waste Management Plan shall be prepared and submitted to the local government for consideration and endorsement by the local government's Chief Executive Officer in consultation with the local government's Environmental Health Officer prior to occupation and use of the proposed development and implemented thereafter by the applicant/landowner for the life of the development to the satisfaction of the local government.
12. A completed and signed 'Form 2' application for the proposed new pylon-type advertising sign must be prepared and submitted for consideration and determination by the local government in consultation with Main Roads WA prior to occupation and use of the proposed development.
13. The information contained on the proposed pylon-type advertising sign shall only be visible to westbound traffic, with no information visible to eastbound traffic.
14. The proposed pylon-type advertising sign shall be maintained in a neat, tidy, functional and safe condition at all times to the specifications and satisfaction of the local government's Chief Executive Officer.
15. In the event the proposed pylon-type advertising sign is damaged, vandalised and/or falls into a state of disrepair it shall be repaired, removed or replaced within fourteen (14) days of receipt of written notice from the local government, including reinstatement of the relevant portion of the subject land to its original state insofar as practicable prior to installation as may be required.
16. All external lighting associated with the proposed development shall be designed, baffled and located to prevent any light spill onto adjoining properties and to motorists on Great Eastern Highway in accordance with Australian Standard AS4282-1997 entitled 'Control of the Obtrusive Effects of Outdoor Lighting' to the satisfaction of the local government in consultation with Main Roads WA.

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. The applicant/landowner is reminded of their obligation to:
 - i) prepare and submit a suitable application pursuant to regulation 12 and 14 of the *Local Government (Uniform Local Provisions) Regulations 1996* to reconstruct the two (2) existing crossovers along the subject land's frontage to Great Eastern Highway for consideration and determination by the local government in consultation with the Commissioner of Main Roads; and
 - ii) prepare and submit an application to Main Roads WA for approval to proceed with reconstruction of the two (2) existing crossovers along the subject land's frontage to Great Eastern Highway. Applications must conform to the Main Roads WA document entitled 'Procedure for Seeking Approval to Undertake Works within the Main Roads Reserve' which is available from the Main Roads WA website <http://www.mainroads.wa.gov.au>. No works are to commence within the Great Eastern Highway road reserve until Main Roads WA has approved the required application.
4. The proponent is advised Main Roads WA requires permits to be obtained for any overweight and oversized vehicles associated with the proposed development. It is recommended the applicant/landowner liaise with Main Roads WA Heavy Vehicle Services Division to confirm and address the requirements for Over Sized Over Mass (OSOM) loads on all roads proposed to be used by any oversized vehicles during the construction phase of the development including any maintenance or repair works that may be required thereafter.
5. 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 to all land within the local government's municipal district.
6. The applicant/landowner is reminded of their obligation to ensure compliance with the requirements of the *Dangerous Goods Safety Act 2004*, the Australian Dangerous Goods Code 2011 and Australian Standard AS1940 entitled 'The Storage and Handling of Flammable and Combustible Liquids'. For further information please contact the Department of Mines, Industry Regulation and Safety on 9358 8002.
7. In accordance with the *Building Act 2011* and *Building Regulations 2012*, demolition and building permit applications must be submitted to and approved by the local government's Building Surveyor prior to the commencement of any construction or

TSC 35/23 MOTION continued

8. earthworks on the land.
9. All buildings proposed to be constructed and/or placed on the land are 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.
10. The applicant/landowner is responsible for ensuring the correct siting of all structures on the land the subject of this approval. An identification survey demonstrating correct siting and setbacks of structures may be requested by the local government to ensure compliance with this determination notice and all applicable provisions.
11. 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.
12. 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 directly to the State Administrative Tribunal within 28 days of this determination.

Moved: Cr Nicholls

Seconded: Cr C Thomson

Vote: Simple Majority

Carried: 4/2

(Voted against: Cr Charmaine Thomson & Cr Nick Caffell)

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 5:09pm.

