

# Shire of Tammin

## ORDINARY COUNCIL MEETING

### Agenda



### NOTICE OF MEETING

Dear Elected Member

The next ordinary meeting of the Shire of Tammin will be held on **Wednesday 26<sup>th</sup> February 2025** at the Council Chambers at 1 Donnan Street Tammin, commencing at **5:00pm**.

Andrew Malone  
Chief Executive Officer  
18<sup>th</sup> February 2025

### MISSION STATEMENT

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

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## **AGENDA**

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

The Shire President will declare the meeting open at \_\_\_\_ pm.

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

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

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

**Present:** President Charmaine Thomson  
Deputy President Nicholls  
Cr Courtney Thomson  
Cr Caffell  
Cr Leslie  
Cr Rogers

**In Attendance:** CEO Andrew Malone  
Manager of Finance & Corporate Services Racheal King  
Manager of Works and Services Bevan Klein

**Leave of Absence previously granted:**

**Apologies:**

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

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

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

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

In accordance with section 5.65 of the Local Government Act 1995, the following disclosures of **financial** interest were made at the Council meeting.

Date	Name	Item No	Reason

In accordance with section 5.65 of the Local Government Act 1995, the following disclosures of **Closely Associated Person and Impartiality** interest were made at the Council meeting.

Date	Name	Item No	Reason

In accordance with sections 5.60B and 5.65 of the Local Government Act 1995, the following disclosures of **Proximity** interest were made at the Council meeting.

Date	Name	Item No	Reason

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

## 9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

## 9.1 Ordinary Council Meeting Minutes – 11th December 2024

### Officers Recommendation

That the minutes of the Ordinary Council Meeting held on 11<sup>th</sup> December 2024 be confirmed as a true and accurate record of proceedings.

Moved: Cr                      Seconded: Cr

Vote: Simple Majority      Carried/Lost:

## 9.2 Special Council Meeting Minutes – 16th December 2024

### Officers Recommendation

That the minutes of the Special Council Meeting held on 16<sup>th</sup> December 2024 be confirmed as a true and accurate record of proceedings.

Moved: Cr                      Seconded: Cr

Vote: Simple Majority                      Carried/Lost:

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

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

## 12. MATTERS FOR CONSIDERATION – FINANCE

### 12.1 List of Payments for December 2024

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Finance Officer
<b>Date:</b>	17/02/2025
<b>Author:</b>	Kelsey Pryer
<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 Listing Attachment Item 12.1 - Credit Card Statement and Summary Attachment Item 12.1 – Fuel allocation costs

#### **Purpose of Report**

For Council to ratify the accounts paid under delegated authority.

#### **Background**

The attached List of Accounts paid during the month of December 2024 totaling \$241,376.40 by way of:

Cheque numbers	01/12/2024 -31/12/2024	Nil
Direct debit payments	01/12/2024 -31/12/2024	15,805.00
Licensing transfers	01/12/2024 -31/12/2024	5,862.55
Bank fees	01/12/2024 -31/12/2024	87.26
VISA payments	01/12/2024 -31/12/2024	3,168.07
EFT payments	EFT7407- EFT7457	136,140.84
Salaries and wages	01/12/2024 -31/12/2024	80,312.68
<b>Total payments</b>	<b>01/12/2024 -31/12/2024</b>	<b>241,376.40</b>

**The Shire of Tammin made the following significant expenditure during the month of December 2024:**

<b>Creditor</b>	<b>Description</b>	<b>Amount</b>
Dun Direct - Dunnings	Supply and delivery Fuel storage tank as per quote	\$13,127.40
KW & AJ Swann	Produce gravel for roadworks project at Jaspers Pit	\$7,565.80
Water Corporation	Water usage and service charges, various locations	\$12,668.49
Wright Express Australia Pty Ltd (Caltex)	Fuel charges for November 2024	\$7,042.73
thinkproject Australia Pty Ltd	RAAM Transport Asset Annual Support and Maintenance fee for FY 24/25	\$8,424.09
Dun Direct - Dunnings	Supply and Deliver 5000 litres of diesel as per quote	\$7,709.88
Office of the Auditor General	Fee for the attest audit for the year ended 30 June 2024	\$37,400.00
Wheatbelt Diesel Services	Carryout repairs and servicing as required	\$6,165.70

**Comment**

Nil

**Financial Implications**

All liabilities have been settled in accordance with the Shire of Tammin 2024/2025 Operating Budget.



**Risks**

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Payments are made without appropriate budget authority	Unlikely (2)	Moderate (3)	Moderate (5-9)	COMPLIANCE Minor regulatory or statutory impact	Manage by internal controls, policies and procedures
Accounting Fraud	Unlikely (2)	Extreme (5)	Moderate (5-9)	FINANCIAL IMPACT \$50,000 - \$250,000	Manage by internal controls, policies and procedures
Delayed Payments Leading to Penalties or Loss of Supplier Relationships	Possible (3)	Moderate (3)	Moderate (5-9)	REPUTATIONAL Unsubstantiated, low impact, low profile or 'now news' item	Manage by internal policies and procedures

## Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

## Risk Rating

<b>Risk Rating</b>	7
<b>Does this item need to be added to the Town's Risk Register</b>	No
<b>Is a Risk Treatment Plan Required</b>	No

## Policy Implications

Nil

## Statutory Implications

### Local Government (Financial Management) Regulations 1996

#### 11. Payment of accounts

(1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —

- a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
- b) Petty cash systems.

(1) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.

(2) Payments made by a local government —

- a) Subject to sub-regulation (4), are not to be made in cash; and
- b) Are to be made in a manner which allows identification of —
  - (i) The method of payment;
  - (ii) The authority for the payment; and
  - (iii) The identity of the person who authorised the payment.

- (3) *Nothing in sub-regulation (3) (a) prevents a local government from making payments in cash from a petty cash system.*

*[Regulation 11 amended in Gazette 31 Mar 2005 p. 1048.]*

## **12. Payments from municipal fund or trust fund**

- (1) *A payment may only be made from the municipal fund or the trust fund —*
- a) If the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
  - b) Otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

*[Regulation 12 inserted in Gazette 20 Jun 1997 p. 2838.]*

## **13. Lists of accounts**

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
- a) The payee's name;*
  - b) The amount of the payment;*
  - c) The date of the payment; and*
  - d) Sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
- a) For each account which requires council authorisation in that month —*
    - (i) The payee's name;*
    - (ii) The amount of the payment; and*
    - (iii) Sufficient information to identify the transaction; and*
  - b) The date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under sub-regulation (1) or (2) is to be —*
- a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and*
  - b) Recorded in the minutes of that meeting.*

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

### **Civic Leadership Strategies**

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

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

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

6.1.1 Deliver sustainable governance through transparent and robust policy and processes

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

Outcome 6.2 An efficient and effective organisation

- 6.2.1 Ensure sound long-term financial management and deliver value for money
- 6.2.2 Provide community leadership and lobby Federal and State Government to strengthen service provision within the Shire. Explore diverse income streams including grants

**Officers Recommendation**

That Council, pursuant to Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* receives the report from the Chief Executive Officer on the exercise of delegated authority in relation to payments made from municipal funds for the period 1 December 2024 to 31 December 2024 totaling \$241,376.40 as contained in attachments 12.1.

Municipal Fund payments totaling \$241,376.40 detailed:

Cheque numbers	01/12/2024 -31/12/2024	Nil
Direct debit payments	01/12/2024 -31/12/2024	15,805.00
Licensing transfers	01/12/2024 -31/12/2024	5,862.55
Bank fees	01/12/2024 -31/12/2024	87.26
VISA payments	01/12/2024 -31/12/2024	3,168.07
EFT payments	EFT7407- EFT7457	136,140.84
Salaries and wages	01/12/2024 -31/12/2024	80,312.68
<b>Total payments</b>	<b>01/12/2024 -31/12/2024</b>	<b>241,376.40</b>

Moved: Cr

Seconded: Cr

Vote: Simple Majority

Carried/Lost:

## 12.2 List of Payments for January 2025

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Finance Officer
<b>Date:</b>	17/02/2025
<b>Author:</b>	Kelsey Pryer
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	FIN05
<b>Attachment/s:</b>	Attachment Item 12.2 – Payment Listing Attachment Item 12.2 - Credit Card Statement and Summary Attachment Item 12.2 – Fuel allocation costs

### Purpose of Report

For Council to ratify the accounts paid under delegated authority.

### Background

The attached List of Accounts paid during the month of January 2025 totaling \$181,438.70 by way of:

Cheque numbers	01/01/2025 – 31/01/2025	Nil
Direct debit payments	01/01/2025 – 31/01/2025	10,616.66
Licensing transfers	01/01/2025 – 31/01/2025	6,254.75
Bank fees	01/01/2025 – 31/01/2025	108.17
VISA payments	01/01/2025 – 31/01/2025	5,095.36
EFT payments	EFT7459- EFT7499	101,996.08
Salaries and wages	01/01/2025 – 31/01/2025	57,367.68
<b>Total payments</b>	<b>01/01/2025 – 31/01/2025</b>	<b>181,438.70</b>

**The Shire of Tammin made the following significant expenditure during the month of January 2025:**

<b>Creditor</b>	<b>Description</b>	<b>Amount</b>
KW & AJ Swann	Maintenance grading on Cubbine Road, Tammin South Road & fire mitigation works at Yorkrakine Rock Fire incident	\$9,108.00
Wheatbelt Diesel Services	1000km service and repairs on Komatsu grader, fit and wire plug on ute, 1000-hour service on Bomag roller & fit beacons and wire up on ute	\$5,826.74
Wheatbelt Mobile Tyre Service	Supply and fit turf tyres to tractor	\$13,310.00
Luke Stephen Stewart	Donnan Park Pavilion men's toilets project - Internal demolition of existing men's toilet facility, level and patch floors and walls ready for tiles and build shower cubical frame. Supply and fit weather signs at Donnan Park & Tamma Village	\$17,435.00
Wheatbelt Diesel Services	2000-hour service and repairs to case tractor and repairs to slasher	\$6,189.08

**Comment**

Nil

**Financial Implications**

All liabilities have been settled in accordance with the Shire of Tammin 2024/2025 Operating Budget.

## Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Payments are made without appropriate budget authority	Unlikely (2)	Moderate (3)	Moderate (5-9)	COMPLIANCE Minor regulatory or statutory impact	Manage by internal controls, policies and procedures
Accounting Fraud	Unlikely (2)	Extreme (5)	Moderate (5-9)	FINANCIAL IMPACT \$50,000 - \$250,000	Manage by internal controls, policies and procedures
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Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating

<b>Risk Rating</b>	7
<b>Does this item need to be added to the Town's Risk Register</b>	No
<b>Is a Risk Treatment Plan Required</b>	No

### **Policy Implications**

Nil

### **Statutory Implications**

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

#### **11. Payment of accounts**

- (2) *A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —*
  - c) *cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and*
  - d) *Petty cash systems.*
- (4) *A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.*
- (5) *Payments made by a local government —*
  - c) *Subject to sub-regulation (4), are not to be made in cash; and*
  - d) *Are to be made in a manner which allows identification of —*
    - (i) *The method of payment;*
    - (ii) *The authority for the payment; and*
    - (iii) *The identity of the person who authorised the payment.*
- (6) *Nothing in sub-regulation (3) (a) prevents a local government from making payments in cash from a petty cash system.*

*[Regulation 11 amended in Gazette 31 Mar 2005 p. 1048.]*

#### **12. Payments from municipal fund or trust fund**

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



- (4) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

*[Regulation 12 inserted in Gazette 20 Jun 1997 p. 2838.]*

### **13. Lists of accounts**

- (4) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
- e) The payee's name;*
  - f) The amount of the payment;*
  - g) The date of the payment; and*
  - h) Sufficient information to identify the transaction.*
- (5) A list of accounts for approval to be paid is to be prepared each month showing —*
- c) For each account which requires council authorisation in that month —*
    - (iv) The payee's name;*
    - (v) The amount of the payment; and*
    - (vi) Sufficient information to identify the transaction; and*
  - d) The date of the meeting of the council to which the list is to be presented.*
- (6) A list prepared under sub-regulation (1) or (2) is to be —*
- c) Presented to the council at the next ordinary meeting of the council after the list is prepared; and*
  - d) Recorded in the minutes of that meeting.*

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

### **Civic Leadership Strategies**

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

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

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

Outcome 6.2 An efficient and effective organisation

- 6.2.1 Ensure sound long-term financial management and deliver value for money
- 6.2.2 Provide community leadership and lobby Federal and State Government to strengthen service provision within the Shire. Explore diverse income streams including grants

**Officers Recommendation**

That Council, pursuant to Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* receives the report from the Chief Executive Officer on the exercise of delegated authority in relation to payments made from municipal funds for the period 1 January 2025 to 31 January 2025 totaling \$181,438.70 as contained in attachments 12.1.

Municipal Fund payments totaling \$181,438.70 detailed:

Cheque numbers	01/01/2025 – 31/01/2025	Nil
Direct debit payments	01/01/2025 – 31/01/2025	10,616.66
Licensing transfers	01/01/2025 – 31/01/2025	6,254.75
Bank fees	01/01/2025 – 31/01/2025	108.17
VISA payments	01/01/2025 – 31/01/2025	5,095.36
EFT payments	EFT7459- EFT7499	101,996.08
Salaries and wages	01/01/2025 – 31/01/2025	57,367.68
<b>Total payments</b>	<b>01/01/2025 – 31/01/2025</b>	<b>181,438.70</b>

Moved: Cr

Seconded: Cr

Vote: Simple Majority

Carried/Lost:

### 12.3 Financial Management Report for the month of December 2024

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Manager of Finance and Corporate Services
<b>Date:</b>	21 January 2025
<b>Author:</b>	Racheal King
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment Item 12.3 December 2024 Monthly Financial Report

#### **Purpose of Report**

For Council to receive the Monthly Financial Statement.

#### **Background**

Enclosed is the Monthly Financial Report for the month of December 2024 inclusive of the Statement of Financial Activity, Current Ratios and Capital Expenditure Report.

#### **Comment**

Rates were issued on 20<sup>th</sup> August 2024 with payments due in full by 28 October 2024. As of 31 December 2024, 82.3% of rates have been received, with a number of rate payers selecting the installment option. Payment arrangements will be made for those requiring it.

#### **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.

## Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Errors or inaccuracies in financial reports	Possible (3)	Moderate (3)	Moderate (5-9)	COMPLIANCE Minor regulatory or statutory impact	Manage by following internal policies and procedures
Non-compliance with financial reporting standards	Unlikely (2)	Major (4)	Moderate (5-9)	COMPLIANCE Some temporary non-compliances	Manage by following internal policies and procedures
System failure delaying financial reporting	Possible (3)	Moderate (3)	Moderate (5-9)	COMPLIANCE Some temporary non-compliances	Manage by following internal policies and procedures
External audit findings impacting future reporting	Unlikely (2)	Moderate (3)	Moderate (5-9)	COMPLIANCE Some temporary non-compliances	Manage by following internal policies and procedures

## Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating

<b>Risk Rating</b>	7
<b>Does this item need to be added to the Town's Risk Register</b>	No
<b>Is a Risk Treatment Plan Required</b>	No

**Statutory Implications**

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

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

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

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

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

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

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

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

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

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

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

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

### **Policy Implications**

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

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

#### **Civic Leadership Strategies**

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

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

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

6.1.1 Deliver sustainable governance through transparent and robust policy and processes

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

Outcome 6.2 An efficient and effective organisation

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

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

#### **Officers Recommendation**

That Council, pursuant to the *Local Government (Financial Management) Regulations 1996* adopt the Monthly Financial Report as contained in attachment 12.3 for the period ending 31 December 2024 comprising;

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

Moved: Cr

Seconded: Cr

Vote: Simple Majority

Carried/Lost:

## 12.4 Financial Management Report for the month of January 2025

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Manager of Finance and Corporate Services
<b>Date:</b>	18 February 2025
<b>Author:</b>	Racheal King
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment Item 12.4 January 2025 Monthly Financial Report

### **Purpose of Report**

For Council to receive the Monthly Financial Statement.

### **Background**

Enclosed is the Monthly Financial Report for the month of January 2025 inclusive of the Statement of Financial Activity, Current Ratios and Capital Expenditure Report.

### **Comment**

Rates were issued on 20<sup>th</sup> August 2024 with payments due in full by 28 October 2024. As of 31 January 2025, 83.4% of rates have been received, with a number of rate payers selecting the installment option. Payment arrangements will be made for those requiring it.

### **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.

## Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Errors or inaccuracies in financial reports	Possible (3)	Moderate (3)	Moderate (5-9)	COMPLIANCE Minor regulatory or statutory impact	Manage by following internal policies and procedures
Non-compliance with financial reporting standards	Unlikely (2)	Major (4)	Moderate (5-9)	COMPLIANCE Some temporary non-compliances	Manage by following internal policies and procedures
System failure delaying financial reporting	Possible (3)	Moderate (3)	Moderate (5-9)	COMPLIANCE Some temporary non-compliances	Manage by following internal policies and procedures
External audit findings impacting future reporting	Unlikely (2)	Moderate (3)	Moderate (5-9)	COMPLIANCE Some temporary non-compliances	Manage by following internal policies and procedures

## Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.



## Risk Rating

<b>Risk Rating</b>	7
<b>Does this item need to be added to the Town's Risk Register</b>	No
<b>Is a Risk Treatment Plan Required</b>	No

## Statutory Implications

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

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

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

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

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

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

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

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

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

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

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

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

### **Policy Implications**

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

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

#### **Civic Leadership Strategies**

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

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

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

6.1.1 Deliver sustainable governance through transparent and robust policy and processes

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

Outcome 6.2 An efficient and effective organisation

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

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

#### **Officers Recommendation**

That Council, pursuant to the *Local Government (Financial Management) Regulations 1996* adopt the Monthly Financial Report as contained in attachment 12.3 for the period ending 31 January 2025 comprising;

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

Moved: Cr

Seconded: Cr

Vote: Simple Majority

Carried/Lost:

*Impartiality declarations had been made by CEO Andrew Malone as his daughter attends Tammin Primary School. A Financial declaration had been made by CEO Andrew Malone as his partner works at the school. Given there may be a perception that his impartiality on the matter may be affected, he has declared he considered the matter on its merits in terms of the benefit and risk to the Shire and made his recommendation accordingly.*

## **12.5 Tammin Primary School – Financial Assistance**

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin/ Tammin Primary School
<b>Date:</b>	4 February 2025
<b>Author:</b>	Chief Executive Officer
<b>Item Approved by:</b>	Manager Financial Services
<b>Disclosure of Interest:</b>	Chief Executive Officer
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

### **Proposal/Summary**

For Council to consider a donation to provide five Galaxy S4 Tablets to the Tammin Primary School.

### **Background**

The Shire purchased Galaxy S4 Tablets in 2023. These Tablets were utilised for the purpose of Council meetings and Councillor's administration. These Tablets become surplus to the Shire's requirements. They are currently unused in Council storage. The Shire has become aware of an opportunity to provide assistance to the Tammin Primary School by providing the Tablets to the school.

### **Comments**

The application is made in accordance with Shire Policy 3.4 – Requests for Financial and Other Assistance.

The Shire CEO became aware of the Tammin Primary school seeking options for the purchase of tablets for educational purposes for the school children. The CEO was aware that in 2023 the Shire purchased Tablets for the purpose of Council meetings and administration purposes. Given the Tablets are surplus to Council requirements and are becoming obsolete, it is considered appropriate to donate the Tablets to the school.

There is no risk to Council. All Tablets have been hard reset wiping all Council information and returning the Tablets to factory settings. There is no financial impact to the Shire's budget.

Given the perception that the CEO's impartiality on the matter may be affected, this matter requires a Council determination. This report was also reviewed and approved by the Manager of Finance and Corporate Services.

### **Consultation**

Tammin Primary School.

### **Statutory Implications**

Nil

### **Policy Implications**

#### **Policy 3.4 Requests for financial and other assistance**

The key relevant points of the Policy are:

- *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 may also consider a donation to Tammin residents who have been selected as National or State representatives.*

The Policy addresses capital projects, Annual contributions to local groups and Assistance for Individuals. A donation as proposed here, is not specifically addressed by the criteria of the report. The Tablets are surplus to the Shire's requirements and therefore they can be better utilised by the school. The Tablets have been depreciated meaning the actual Tablets have no financial value to the Shire. Council can consider and approve of this donation even though it does not specifically address the criteria of the Policy.

### **Financial Implications**

The Tammin Primary School currently receives an In-Kind donation of \$2000 per year for labour throughout the year at the school.

The Tablets have been depreciated by the Shire and therefore have an asset value of close of zero. The cost to the Shire is zero. The Tablets are currently not used by the Shire.

However, were a second hand value to be given to the Tablets, each Tablet and keyboard case could be estimated to have a value of \$250, therefore an estimated value of the donation would be \$1,250 were the Tablets to be bought from a second hand retailer. Were the Shire to sell the Tablets, it may not receive the same amount and would more than likely receive less than the second hand value noted above.

### **Strategic Implications**

Nil

#### **Officers Recommendation**

That Council, by Simple Majority, pursuant to Section 3.18(2) of the *Local Government Act 1995*, approves a donation to provide five Galaxy S4 Tablets to the Tammin Primary School.

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

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

Vote – Simple Majority

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

## 12.6 Budget Amendment – Yorkrakine Toilet Upgrade

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Manager of Finance
<b>Date:</b>	21 January 2025
<b>Author:</b>	Racheal King
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Nil

### **Proposal/Summary**

For Council to endorse an amendment to the 2024/25 Budget to allow for the upgrade of the toilets at Yorkrakine Hall, ensuring the facilities meet required standards and can accommodate upcoming community events.

### **Background**

The toilets at Yorkrakine Hall are in poor condition and require extensive work to bring them up to an acceptable standard for public use. Given the scheduled events at the hall in the upcoming year, it is essential to ensure the amenities are safe, functional, and compliant with health and accessibility standards

### **Comments**

Yorkrakine Hall serves as a historic part of Tammin's history. The current state of the toilet facilities currently impact the hall's usability and reputation.

The proposed upgrade would include necessary refurbishments such as:

- Plumbing repairs and fixture replacements
- Structural repairs, if required

Given the significance of these improvements in maintaining the hall's viability as a community venue, it is recommended that Council approve an amendment to the 2024/25 Budget to allocate the necessary funds for the toilet upgrade.

### **Consultation**

Yorkrakine Hall Committee  
Tim Jurman – Senior Health and Building Surveyor

### **Statutory Implications**

**Local Government Act, 1995**

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

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

\* Absolute majority required

### Policy Implications

N/A

### Financial Implications

Cost of the fuel tank and installation will be funded through a reduction in budget of the completed plant purchase of the Tractor which currently has an excess of \$6,000 and the completed plant purchase of the heavy duty slasher which currently has an excess of \$13,000.

### Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Non-compliance with budget policies and procedures	Unlikely (2)	Major (4)	Moderate (5-9)	COMPLIANCE Some temporary non-compliances	Manage by following internal policies and procedures
Audit or regulatory scrutiny of fund reallocation	Unlikely (2)	Major (4)	Moderate (5-9)	COMPLIANCE Minor regulatory or statutory impact	Manage by following internal policies and procedures
Insufficient funds remaining for unforeseen expenses in the completed job	Possible (3)	Minor (2)	Moderate (5-9)	FINANCIAL IMPACT Less than \$10,000	Manage by following internal policies and procedures

## Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

## Risk Rating

<b>Risk Rating</b>	7
<b>Does this item need to be added to the Town's Risk Register</b>	No
<b>Is a Risk Treatment Plan Required</b>	No

## Strategic Implications

### Civic Leadership Strategies

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

### Outcome 6.2 An efficient and effective organisation

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

#### Officers Recommendation

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

- Increase expenditure budget for Job YH003 – Yorkkraine Hall – Toilet Upgrade by \$15,000
- Reduce expenditure budget for Job PT00016 by \$5,000
- Reduce expenditure budget for Job PT0017 by \$10,000

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

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

Vote: Absolute Majority

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

### 13 MATTERS FOR CONSIDERATION – ADMINISTRATION

#### 13.1 Establishment of CEO Performance Criteria

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	30 January 2025
<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 – PRIVATE AND CONFIDENTIAL - Draft CEO Performance Criteria 2024-25

#### Proposal/Summary

To establish performance criteria for the CEO, in accordance with the requirements of the CEO's contract and the Local Government Act 1995.

#### Background

Mr Malone commenced employment as the Chief Executive Officer of the Shire of Tammin on 18 November 2024. Clause 4.2.1 of the contract of employment states that within three months of the commencement date, the Council and CEO must negotiate and determine the performance criteria.

There is no performance criteria listed in the contract of employment.

#### Comment

Draft performance criteria are presented in the attached document. The criteria seek to identify the key focus areas (KFAs) for which Council requires the CEO to have 'line of sight' responsibility and are within the CEO's reasonable control.

The KFAs are proposed as:

- Delivery of Council approved plans
- Governance and Compliance
- Organisational Effectiveness
- Workplace Health and Safety
- Leadership

The CEO's contract of employment also allows for performance criteria to be amended from time to time, by agreement in writing with the CEO following consultation.

An annual review of the CEO's performance is a legislative requirement. This process is planned to be undertaken in August-September each year (noting the CEO's anniversary date is 18 November). This timeframe also enables the performance review schedule to be undertaken in close alignment with the financial year to enable the projects of the annual budget to be included in the CEO's performance criteria. However, it is important to note that in 2024/25 there will be a shortened period of time for the achievement of agreed outcomes, due to the fact that Mr Malone commenced on 18 November 2024 and the performance criteria will only be determined from the resolution of this report.

#### Statutory Environment



s5.39(3)(b) of the Local Government Act 1995 states that a contract of employment is of no effect unless performance criteria is specified in the CEO's contract "for the purpose of reviewing the person's performance".

### Policy Implications

N/A

### Financial Implications

N/A

### Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Failure to establish performance criteria resulting in non-compliance	Rare (1)	Minor (2)	Low (1-4)	COMPLIANCE Minor regulatory or statutory impact	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

Risk Rating

<b>Risk Rating</b>	2
<b>Does this item need to be added to the Town's Risk Register</b>	No
<b>Is a Risk Treatment Plan Required</b>	No

**Strategic Implications**

Strategic Community Plan 2020-2030

**Community Consultation**

Nil

**Officers Recommendation**

That Council approves the performance criteria for the CEO in accordance with Confidential Attachment One to this report.

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

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

Vote: Simple Majority

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

### 13.2 Making of Bush Fire Brigades Local Law 2025

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>Date:</b>	16 February 2025
<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 13.2 - Draft - Bush Fire Brigades Local Law 2023 Attachment Item 13.2 - Notice to enact Bush Fire Brigade Local Law 2023

#### **Purpose of Report**

The purpose of this report is for Council to:

1. Consider the proposed Bush Fire Brigade Local Law 2025 as per Attachment [1];
2. Adopt the Bush Fire Brigade Local Law 2025 for advertising purposes; and
3. Endorse the advertising of the proposed Bush Fire Brigade Local Law 2025 for public comment.

For the Presiding Person to:

1. Give notice to the meeting of the intent to make a new Bush Fire Brigade Local Law 2025; and
2. Give notice of the purpose and effect of the proposed Bush Fire Brigade Local Law 2025.

#### **Background**

In January 2023 the Shire received information from DFES and WALGA stating that Council is currently noncompliant with the Bush Fires Act 1954 (BF Act) as Council has an established Bush Fire Brigade (BFB), but no associated Local Law. This causes a number of issues with regards to the validity of the current bush fire brigade members. It would appear that at that time no action was undertaken to advertise or adopt a Local Law.

In January 2025 DFES contacted the Shire and requested information on the Shire's Bushfire Local Law. To date the Shire has not adopted such a Local Law.

In circumstances where there are no BFB local laws and BFBs have been set up informally by the LG (for example, by LG policies and procedures), the BFBs will not be in compliance with section 41 of the BF Act and will not be considered BFBs within the BF Act.

There is a very high risk that the volunteers in the BFBs not established in accordance with local laws, as required by section 41 of the BF Act, will not:

1. be able to exercise the powers of a "registered volunteer";
2. be covered by the protection from personal liability in Part 7 of the Fire and Emergency Services Act 1988 (WA) (FES Act); or
3. be covered by the compensation provisions in Part 6B of the FES Act.

While BFB members can still conduct their usual duties under elected Bush Fire Control Officers (BFCO's) and are covered by insurance when fighting fires, in the absence of the required Local Law the registration to the brigade, election and duties of BFB officers and BFB officer powers relevant to preventing, controlling and extinguishing a bush fire are all likely to be invalid.

Council officers have tabled a proposed Bush Fire Brigade Local Law 2025 (BFB Local Law) for Council consideration before commencing the process of creating the local law

Local governments may establish and maintain BFBs as part of its organisation for the prevention, control and extinguishment of bush fires. If a BFB is established, it must be done in accordance with a local governments Local Law, pursuant to the powers given by section 41 of the BF Act. A Model Local Law was provided by DFES to enable the Shire to adopt the standard Local Government Local Law.

In January 2023, WALGA was contacted by the Dept of Fire and Emergency Services (DFES), who informed them of State Solicitor's Office advice questioning the legality of BFBs established by local governments in the absence of an associated BFB Local Law.

It has been identified the Shire of Tammin currently does not have a BFB Local Law established. In the absence of the BFB Local Law, the CEO has confirmed that protections are in place for Council and volunteers. WALGA has provided advice as per the below.

### **Comment**

#### **The Issues**

1. DFES and WALGA have received separate, independent legal advice on the establishment of BFBs by local governments under s.41 of the BF Act;
2. The consistent legal position is that a local government, having exercised discretion to establish a BFB, must do so by making a Local Law – ref s.41(1) of the BF Act;
3. The head of power to make a BFB Local Law is under s.62 of the BF Act; and
4. The Parliamentary Joint Standing Committee on Delegated Legislation has reported a similar requirement: *'Where a local government elects to establish a bush fire brigade it must do so in accordance with local laws it has made for that purpose'* (Ref: Report 16, June 2019 at 2.2)

#### **Relevant Consequences**

1. Where a BFB has been established in the absence of a Local Law, WALGA's legal advice indicates that the registration of the brigade and brigade membership under s.41(2) is likely to be invalid;
2. In the absence of a Local Law, the election and duties of BFB officers under s.43 is likely to be invalid.
3. In the absence of a Local Law, the powers of BFB officers relevant to preventing, controlling and extinguishing a bush fire under s.44 is likely to be invalid.

Although not having adopted a BFB Local Law will mean that Tammin's Brigades are not properly constituted, WALGA advised Council officers that the appointment of BFCO's will mean that local governments can effectively ensure the conduct of normal brigade activities, including responding to bush fires and directing firefighting assets and volunteers.

Legal advice from WALGA provides further reassurances that volunteers will be covered for compensation and protected from liability if conducting normal brigade activities under the direction of a BFCO.

#### Arrangements – Short Term

1. In the short term, local governments should ensure that a sufficient number of BFCO's are appointed under s.38(1) of the BF Act:  
*'A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it';*
2. BFCO's special powers are set out in s.39 of the BF Act and this appointment will also ensure the proper direction of brigades in responding to a bush fire, as set out in s.44(4) of the BF Act:  
*'(4) Subject to the provisions of sections 13(6) and 45, where a bush fire control officer of a local government is present at a fire which is burning in the district of the local government, he has supreme control and charge of all operations, and the officers and members of all bush fire brigades present at the fire are subject to and shall act under his orders and directions.'*
3. WALGA's legal advice notes that a BFCO could manage a BFB established without a Local Law however this is not recommended as a permanent solution as BFBs will not have direct authority and powers otherwise provided under the BF Act.

#### Protections

1. WALGA sought legal advice on the application of Part 6B And Part 7 of the Fire and Emergency Services Act 1998 (FES Act);
2. WALGA advised that part 6B applies to compensation entitlements for volunteers engaged in emergency response activities including firefighting;
3. Legal advice is that the compensation provisions will cover a person who engages in volunteer activities by participating in 'normal brigade activities' under the direction of a BFCO;
4. Part 7 applies to protection of persons acting in good faith when performing functions under emergency services Acts, including volunteer firefighters;
5. Similarly, the advice from WALGA confirms that a volunteer acting under the direction of a BFCO when carrying out 'normal brigade activities' will be able to rely upon the statutory protection under s.37 of the FES Act.

#### Arrangements – Intermediate Term

As all local governments are requested to adopt a BFB Local Law, Council administration have created a proposed Bush Fire Brigades Local Law 2025 (Attachment [1]) utilizing the model text for Council consideration and are moving through the process to enact the Law as a matter of priority. This will ensure Council BFBs are properly established, and brigade officers are properly registered and empowered.

In making a new Local Law, the Shire must comply with the provisions of section 3.12 of the Local Government Act 1995 (The Act).

The Local Government (Functions and General) Regulations 1996 (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a council meeting is to give notice of the purpose of the Local Law by ensuring that the purpose and effect of the proposed Local Law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed Local Law.

The purpose of the proposed Bush Fire Brigades Local Law 2025 is so Council is acting legally with the establishment of the BFB, and it gives elected BFB officers power to conduct their duties within their role.

The effect of the proposed Bush Fire Brigades Local Law 2025 will make the Shire of Tammin compliant with the requirements under the Bush Fires Act 1954 in reference to the establishment of a BFB and the elected BFB officers.

The advertisement requesting public submissions/comment on the creation of the Local Law will go to the West Australian in the Saturday Local Government Notices on Saturday 8 March 2025.

The closing date for submissions will be 30 April 2025. Council will receive any comments from the public for consideration at the May Ordinary Council meeting before the Local Law goes to the Gazette.

### **Financial Implications**

There is a minimal cost associated with advertising the local law in the West Australian.

### **Risks**

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
The Shire is currently not compliant under the Bush Fires Act 1954  Council is ultimately liable for the Tammin BFB. If Council chooses to remain uncompliant, Council could be held liable.	Possible (3)	Major (4)	High (10-16)	COMPLIANCE Non-compliance results in termination of services or imposed penalties	Accept Officer Recommendation

## Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

## Risk Rating

Risk Rating	12
Does this item need to be added to the Shire's Risk Register	No
Is a Risk Treatment Plan Required	No

## Consultation

As required by section 3.12 the Local Government Act 1995, an advertisement is to be placed, in a state-wide newspaper, inviting the public to comment on the proposed Local Law, with submissions being open until the 30 April 2025.

The advertisement will be placed once Council has resolved its intent to make the Local Law.

In addition, copies of the proposed Bush Fire Brigade Local Law 2025 must be sent to the relevant Minister/s for comment.

## Statutory Implications

*Local Government Act 1995 (s)3.12*

*Procedure for making local laws*

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
  - (a) *give local public notice stating that —*
    - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*

- (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
- (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
- and*
- (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
- (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

*[(3a) deleted]*

- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed. \* Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
  - (a) *stating the title of the local law; and*
  - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
  - (c) *advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*  
*making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

*[Section 3.12 amended: No. 1 of 1998 s. 8; No. 64 of 1998 s. 6; No. 49 of 2004 s. 16(4) and 23; No. 26 of 2016 s. 5; No. 16 of 2019 s. 8.]*

#### *Local Government (Functions and General) Regulations 1996 (s)3*

#### *3. Prescribed manner of giving notice of purpose and effect of proposed local law (Act s. 3.12(2))*

*For the purpose of section 3.12 of the Act, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that —*

- (a) *the purpose and effect of the proposed local law is included in the agenda for that meeting; and*
- (b) *the minutes of the meeting of the council include the purpose and effect of the proposed local law.*

*[Regulation 3 inserted: Gazette 31 Mar 2005 p. 1057; amended: Gazette 27 Sep 2011 p. 3846.]*



*Bush Fire Act 1954 (S)41,43, 44,62 41.*

*Bush fire brigades*

- (1) For the purpose of carrying out normal brigade activities a local government may, in accordance with its local laws made for the purpose, establish and maintain one or more bush fire brigades and may, in accordance with those local laws, equip each bush fire brigade so established with appliances, equipment and apparatus.*
- (2) A local government shall keep a register of bush fire brigades and their members in accordance with the regulations and shall register therein each bush fire brigade established by it under subsection (1) and each member of each such brigade.*
- (2a) A local government is to notify the FES Commissioner as soon as practicable after any changes occur in any of the details required to be recorded in the register under subsection (2).*
- (3) A local government may at any time cancel the registration of a bush fire brigade.*

*[Section 41 inserted: No. 65 of 1977 s. 37; amended: No. 60 of 1992 s. 22; No. 14 of 1996 s. 4; No. 38 of 2002 s. 32; No. 22 of 2012 s. 69.]*

*43. Election and duties of officers of bush fire brigades*

*A local government which establishes a bush fire brigade shall by its local laws provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of the bush fire brigade, and prescribe their respective duties.*

*[Section 43 amended: No. 51 of 1979 s. 5; No. 14 of 1996 s. 4.]*

*44. Powers and authorities of officers of bush fire brigade*

- (1) Subject to this Act, and except as provided in section 45 for the purpose of controlling and extinguishing or preventing the occurrence or spread or extension of a bush fire, or for any other prescribed purpose, the captain, or, in his absence, the next senior officer of a bush fire brigade, or in the absence of the captain and all other officers, any other member of the bush fire brigade, after consulting with the occupier of the land if he be present, has and may exercise all or any of the following powers and authorities, he may —*
  - (a) control and direct the bush fire brigade at the fire or a person who voluntarily places his service at his disposal;*
  - (b) either alone or with others under his command or direction, enter on land or into premises which may be on fire or in the neighbourhood of a fire for the purpose of taking such steps as he deems necessary for the control or extinguishment or for the prevention of the spread or extension of the fire, or take or give directions for taking such apparatus required to be used at a fire into, though, or upon land or premises as he considers convenient for the purpose;*
  - (c) take any measures which in the circumstances are reasonable and appear to him to be necessary or expedient for the protection of life and property; and, for the purpose of controlling or extinguishing or for preventing the spread or extension of a fire, cause fences to be pulled down or removed, and bush or other inflammable material to be burnt, or otherwise destroyed or removed;*
  - (d) enter or give directions for entering land or premises, and take or cause to be taken water from any source whatsoever, other than that for use at a school or the domestic supply of an occupier contained in a tank at his dwelling-house, whether the water is upon private land or other land,*

- and in all other respects, when and as often as in his opinion he deems it necessary or expedient to do so, exercise all the powers and authorities of a bush fire control officer under this Act;*
- (e) *either alone or with others under his command or direction enter a building which he believes to be on fire and take such steps as he considers necessary to extinguish such fire or prevent it from spreading.*
- (2) *The powers conferred by subsection (1)(e) shall not be exercised —*
- (a) *in an area which has been declared a fire district under the Fire Brigades Act 1942, unless at the express request of an officer of a fire brigade established under that Act; or*
- (b) *in an area in which there is a fire brigade or volunteer fire brigade formed under the provisions of that Act, unless at the express request of an officer of the fire brigade or volunteer fire brigade as the case may be.*
- (3) *Subject to the provisions of sections 13(6) and 45, where the bush fire brigade of a local government is present at a fire which is burning within the district of the local government, if a bush fire control officer of the local government is not present, the captain or in his absence the next senior officer of the bush fire brigade of the local government, or in the absence of the captain and all other officers of that bush fire brigade, any other member of that bush fire brigade has and shall take supreme control and charge of all operations and the officers and members of another bush fire brigade if present are subject to and shall act under his orders and directions.*
- (4) *Subject to the provisions of sections 13(6) and 45, where a bush fire control officer of a local government is present at a fire which is burning in the district of the local government, he has supreme control and charge of all operations, and the officers and members of all bush fire brigades present at the fire are subject to and shall act under his orders and directions.*
- [Section 44 amended: No. 35 of 1957 s. 9; No. 14 of 1996 s. 4; No. 25 of 2009 s. 14; No. 19 of 2010 s. 52(4); No. 17 of 2014 s. 17(4).]*

## **62. Local government may make local laws**

- (1) *A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 for and in relation to —*
- (a) *the appointment, employment, payment, dismissal and duties of bush fire control officers; and*
- (b) *the organisation, establishment, maintenance and equipment with appliances and apparatus of bush fire brigades to be established and maintained by the local government; and*
- (c) *any other matters affecting the exercise of any powers or authorities conferred and the performance of any duties imposed upon the local government by this Act.*
- (2) *Where a regulation made by the Governor under this Act is inconsistent with or repugnant to a local law previously made by a local government under subsection (1) and still in force, the regulation prevails and the local law to the extent by which it is inconsistent with or repugnant to the regulation is deemed to be repealed.*

*[Section 62 amended: No. 14 of 1996 s. 4.]*

## **Fire and Emergency Services Act 1998 Part 6B & Part 7**

### **Policy Implications**

Nil. Policies will be required to be drafted and adopted by Council subsequent to the Local Law being gazetted.

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

The Shire's Strategic Community Plan states:

*Social/ Community*

*S1.2.3 Support provision of emergency services and encourage Community volunteers.*

*Civic Leadership*

*CL6.1.1 Deliver sustainable governance through transparent and robust policy and processes.*

*CL6.1.2 Undertake the civic duties of Council with the highest degree of ethics.*

### **Officers Recommendation**

That Council:

1. Adopt the proposed draft Shire of Tammin Bush Fire Brigades Local Law 2025, as contained in Attachment [1] for advertising purposes;
2. Pursuant to section 3.12 of the Local Government Act 1995, give State-wide public notice that it intends to make the Shire of Tammin Bush Fire Brigades Local Law 2025, as contained in the Attachment:
  - (a) The purpose of the proposed Bush Fire Brigades Local Law 2025 is so Council is acting legally with the establishment of the Bush Fire Brigade and;
  - (b) The effect of the proposed Bush Fire Brigades Local Law 2025 will make the Shire of Tammin compliant with the requirements under the Bush Fires Act 1954 in reference to the establishment of a Bush Fire Brigade.
3. Send a copy of the proposed Shire of Tammin Bush Fire Brigades Local Law 2025 to the Minister for Local Government and communities for comment.

Moved: Cr

Seconded: Cr

Vote: Absolute Majority

Carried/Lost:

### 13.3 Review of Shire of Tammin's Register of Delegations – 2024-2025

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>Date:</b>	9 January 2025
<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 13.3 – Delegation Register February 2025 Draft

#### **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**

The Council's Delegations Register has been reviewed for relevance to current circumstances and operational effectiveness. The Local Government Act 21995 Section 5.46 (2) requires the Council to review the delegations to the CEO annually. The Council last reviewed its delegations on 19 June 2023.

The Delegations Register fit into a hierarchy of requirements, which are noted within the Appendix to the draft document. Accordingly, it is necessary that it integrates with legislative requirements and the local laws, planning policy and general policy as made by Council.

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 June 2023 and therefore is overdue for review.

### **Comments**

In assessing the current delegations, the review has concluded the current delegation levels overall are appropriate, effective and provide for administrative efficiencies. Delegations may be made, amended, or revoked at any time by an absolute majority.

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.

The 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 placed 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

## Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council chose not to endorse the Delegations by Absolute Majority	Rare (1)	Moderate (3)	Low (1-4)	COMPLIANCE Short term non-compliance but with significant regulatory requirements imposed	Accept Officer Recommendation

### Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

### Risk Rating

<b>Risk Rating</b>	3
<b>Does this item need to be added to the Town's Risk Register</b>	No
<b>Is a Risk Treatment Plan Required</b>	No

## Strategic Implications

Strategic Community Plan – Civic Leadership

**Officers Recommendation**

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 February 2025.

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

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

Vote: Absolute Majority

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

### 13.4 Wheatbelt Secondary Freight Network Funding Application

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of York
<b>Date:</b>	16 January 2025
<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 13.4 – Letter – Seeking Support WSFN New Route Proposal Attachment Item 13.4 - WSFN Proposal Route Plan Attachment Item 13.4 - WSFN Route Overlay

#### **Purpose of Report**

For Council to consider a request by the Shire of York to support their application to the Wheatbelt Secondary Freight Network (WSFN) Steering Committee for a combined Council road (Goldfields Road - York-Tammin) to be added to the WSFN program which includes a request for both Quellington Road and Goldfields Road and seek funding towards these projects.

#### **Background**

The WSFN is a jointly funded program between the Commonwealth, State and forty-two (42) Wheatbelt Local Governments working together to strategically improve the regional road freight safety and efficiency across the key transport routes that support the region's major industries. The scope of the WSFN Program is to upgrade local roads that play a key role in the movement of primarily agricultural freight in the Wheatbelt Region of Western Australia. The Secondary Freight Network in the Wheatbelt region currently comprises some 4,400km of Local Government roads upgraded in a rolling program. An overview of the current routes included in the WSFN program is included in Attachment 1.

The WSFN program and associated funding is overseen by a Steering Committee comprised of the representatives from the Wheatbelt North and Wheatbelt South Regional Road Groups, Main Roads Western Australia, the WA Local Government Association, Wheatbelt Development Commission and Regional Development Australia Wheatbelt. All road projects are delivered by Local Government members.

Along key freight routes within the Wheatbelt region of Western Australia the outcomes being sought from the WSFN are to:

- Improve road infrastructure assets suitable to accommodate increased heavy vehicle numbers;
- Increase freight efficiency and productivity;
- Reduce vehicle operating costs; and
- Improve road safety.

The Shire of Tammin is currently part of the WSFN program after participating in the original business



case developed for funding towards the program. Council has previously been supportive of being a part of this program.

### **Comment**

In May 2023 the Shire of York administration began discussions with WSFN Projects Manager and Program Director about the opportunity of the Shire of York being able to add new projects in the program.

In preparation of a future application, the administration developed possible routes and discussed with Council in the August 2024 Concept forum. The administration also had initial discussions to gauge support from the Avon Sub Regional Road members and sent letters to the Shire of Northam, Shire of Cunderdin and Shire of Quairading, also seeking their input. The Shire received support from the Avon Sub Regional Road Group for its application. It cannot be determined if the Shire engaged with the Shire of Tammin at this time.

In September 2024 the WSFN Steering Committee endorsed new road assessment criteria for any Council who is seeking to add or amend a road to the current network.

The assessment criteria are as follows:

- Each route/road should connect to the Main Roads WA or State network.
- Parallel routes/roads should be at least 20 kms apart.
- Roads and/or routes should not duplicate State roads or routes.
- The road should be listed on the Mainroads Roads 2040 list.
- Shires who are applying to change across the whole route/road within their shire should provide Council resolution in writing.

Based on the criteria, Quellington Rd and Goldfields Rd (York-Tammin Rd) are seen to be as suitable routes to be nominated for the program for the following reasons:

#### **Goldfields (York-Tammin) Road**

- Connects the Northam-York Road to Great Eastern Highway which are both Mainroads WA networks.
- Is over 20km from what could be considered a parallel route.
- Is listed as a Roads 2040 road.
- Provides a strategic connection from York to Tammin
- Connects York to the existing WSFN route 13 Cunderdin to Corrigin Route

A localised map showing the proposed routes are included as Attachment 2. A map showing the connections to the existing WSFN routes is included as Attachment 3. The extent of the Goldfields Road within the Shire is approximately 20Km.

The Shire of York is proposing the following works (details to be finalised):

- Pavement widening to 9 or 10 metres.
- Shoulder construction and drainage improvements.
- Line marking and signage.
- A reseal over the entire road area would be planned as well.

The Shire of Tammin has undertaken and complete work under its current capital works program similar to the above proposal. Therefore, it is considered the proposed is consistent with the Shire's program.

Council's support of the proposal is required to progress the application further with the Shire of York, understanding there will be a financial commitment from the Shire that comes with this funding. More details regarding the funding are noted in the Financial section of this report.

Additionally, before the proposed routes can be confirmed, support will be required from the other surrounding Councils confirming they endorse the parts of the routes being proposed which fall within their boundaries. These Councils include the Shires of Cunderdin, Northam, and Quairading. The Shire of York has requested letters of support from all these Councils.

It is worth noting if the Shire of York is successful in the proposal, the projects proposed will still need to be prioritised within the WSNF existing projects program. The current 5-year program is already agreed, with funds already allocated, so it isn't guaranteed that these roads will be funded. This proposal is seen as a long-term approach to be proactive about seeking funding for the future to help improve the Shire's road network.

## **OPTIONS**

Council has following options:

**Option 1:** Council could choose to support the application by the Shire of York to the WSNF Steering Committee for two (2) roads to be added to the WSNF program which include Quellington Road and Goldfields (York-Tammin) Road.

**Option 2:** Council could choose not to support the application by the Shire of York to the WSNF Steering Committee for two (2) roads to be added to the WSNF program which include Quellington Road and Goldfields (York-Tammin) Road.

Option 1 is the recommended option.

## **Financial Implications**

The WSNF program is currently a jointly funded program which includes 80% Federal government contribution, 13.3% State Government contribution and 6.67% Local Government contribution. Compared to grant funding sources it requires a very low commitment from the Shire to fund the projects. With that in mind, it will still require an additional allocation in the budget and the funding cannot be combined with other State and Federal grant funds. The Shire has about 20Km of road within the Shire's boundary.

There has been discussion that the LG contribution may increase in future funding rounds of the program, which may increase the required funds the Shire may need to allocate to these projects.

The Goldfields Road is part of the Shire's Regional Road Group (RRG) funding program currently. By having these projects funded through the WSNF funding program, this will allow RRG funds to be allocated to other projects, increasing the Shire's ability to renew the rest of the existing road network.

It is believed additional road projects which will come through the WSNF program can be achieved within existing workforce provisions and incorporated with other road upgrade projects being completed through RRG funds.

### Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council chose not to take this opportunity to seek funding	Unlikely (2)	Minor (2)	Low (1-4)	REPUTATIONAL Substantiated, low impact, low news item	Accept Officer Recommendation
The proposed project includes sections of road within other council boundaries. If those Councils were not supportive of these roads being included in the WSNF program this may negatively impact the result of the Shires application/support/relationships	Unlikely (2)	Minor (2)	Low (1-4)	REPUTATIONAL Substantiated, low impact, low news item	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

#### Risk Rating

<b>Risk Rating</b>	4
<b>Does this item need to be added to the Town's Risk Register</b>	No
<b>Is a Risk Treatment Plan Required</b>	No

#### Statutory Implications

Nil

#### Policy Implications

Nil

#### Strategic Plan & Corporate Business Plan Implications

##### Infrastructure and 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*

*5.1.1 Advocate for the needs of our residents for improved levels of health, water, energy, communications and transport infrastructure to be provided by State Government, to meet increasing demand and to support our growth as a community*

*5.1.2 Develop partnerships with government agencies for improved services.*

*Outcome 5.2 Improved road maintenance*

*5.2.1 Review roads, kerbs and footpaths for safety breaches. Consider the use of gophers and wheelchairs utilising these facilities (Cunderdin - Tammin Age Friendly Communities Plan 2017)*

#### Officers Recommendation

That with regard to the request by the Shire of York for their application to the Wheatbelt Secondary Freight Network Funding Application, Council:

1. Resolves to support the Shire of Yorks application for Quellington Road and Goldfields (York-Tammin) Road to be included in the Wheatbelt Secondary Freight Network program.
2. Authorises the Chief Executive Officer to write to the Shires York to provide formal support towards the proposal.

Moved: Cr

Seconded: Cr

Vote: Simple Majority

Carried/Lost:

### 13.5 Tammin Achievement Awards 2025

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Community Development Officer
<b>Date:</b>	18 February 2025
<b>Author:</b>	Pixie O'Neill
<b>Item Approved by:</b>	Chief Executive Officer – Andrew Malone
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Attachment Item 13.5 – Private & Confidential Nomination
<b>Attachment/s:</b>	Citizen of the Year. Attachment Item 13.5 – Achievement Award Nominations Previous Winners

#### **Proposal/Summary**

Council is asked to consider the nominations received for the Tammin Achievement Awards 2024 to be held on Friday, 28<sup>th</sup> March 2025.

#### **Background**

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

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

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

- 2024 Citizen of the Year Award
- 2024 Senior Citizen of the Year Award (for a person over 65 years)
- 2024 Youth Citizen of the Year Award (for a person under 25 years)
- 2024 Recognition Award

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

## **Comments**

Nil

## **Consultation**

Tammin's Sporting Clubs and Community Groups  
Shire of Tammin's Newsletter Email Groups  
Shire of Tammin's Newsletter  
Tammin Tabloid (Community Newsletter)  
Tammin Post Office

## **Statutory Implications**

Nil

## **Policy Implications**

7.1 Tammin Achievement Awards

### **POLICY STATEMENT**

The purpose of the Awards is to –

Acknowledge Tammin residents for their contribution in making a difference to our community and recognise those who put in that extra effort not only in their contribution, but those that become role models and encourage and motivate others to step out and set new boundaries of achievement.

Honour and recognise Tammin residents who have achieved success in sporting, cultural and community pursuits.

### **APPLICATION**

Categories

These include, but are not limited to –

- arts and culture,
- sports and recreation,
- environment,
- education,
- civic duty,
- community volunteerism and
- youth or seniors' leadership.
- Sporting Awards, as recommended by each respective Tammin Sports Club, for example –
  - best & fairest winners,
  - club champion,
  - team achievement,

Nominees will have made a significant contribution through a unique achievement or outstanding service – as a volunteer;

- in the course of their work, or
- in any area that provides a benefit to the Tammin community.

### **Nominations and eligibility**

All Tammin clubs and organisations will be invited to nominate members and/or teams for an award. The nominees do not have to be the winner or champions of their respective sport. Who is nominated is entirely at the discretion of the respective club.

To nominate, a completed nomination form including a description of why the person and or team should be considered for an award, is to be submitted within the deadline.

No awards will be granted without a duly completed nomination and nominations received which do not meet the criteria will not be accepted.

### **When**

The presentation shall be held on Friday, 28<sup>th</sup> March 2025 from 6pm.

### **Venue**

Kadjininy Kep.

### **Format**

- Fun Run (all abilities) from 5pm
- Achievement Awards ceremony from 6.30pm
- Canapes, beef and gravy rolls and light refreshments will be provided

### **OBJECTIVE**

To recognise achievements by members of the community and invite new residents to make social connections within the Tammin Community.

### **STATUTORY CONTEXT**

None

### **CORPORATE CONTEXT**

Annual Budget

## REFERENCES

None

## Financial Implications

2024 / 2025 Budget - \$1,500

## Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Perceived bias or unfair selection process	Possible (3)	Moderate (3)	Moderate (5-9)	REPUTATIONAL Substantiated, low impact, low news item	Manage by ensuring a transparent selection process based on nominations
Insufficient nominations or lack of diversity in nominations	Possible (3)	Minor (2)	Moderate (5-9)	COMMUNITY ENGAGEMENT Limited representation	Manage by internal policies and procedures

## Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)



A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

#### Risk Rating

<b>Risk Rating</b>	6
<b>Does this item need to be added to the Town's Risk Register</b>	No
<b>Is a Risk Treatment Plan Required</b>	No

#### Strategic Implication

##### Recommendation

For Council to recognize the following Tammin Achievement Awards 2024 recipients:

- a) 2024 Citizen of the Year
- b) 2024 Senior Citizen of the Year (over 65)
- c) 2024 Youth Citizen of the Year (25 & Under)
- d) 2024 Recognition Award

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

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

Vote: Simple Majority

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

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

Nil

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

##### 15.1 Lease – Shire of Tammin to Lease (Licence Agreement) Public Transport Authority Land

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>Date:</b>	16 January 2025
<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 - 15.1 - Public Transport Authority Plan Attachment Item 15.1 - Public Transport Authority Licence to Occupy

#### **Purpose of Report**

This report recommends that Council authorises the Chief Executive Officer to negotiate and sign a new ten-year lease (License Agreement) between the Shire and the Public Transport Authority Western Australia (PTAWA) on similar terms and conditions as the previous lease (Licence attached).

#### **Background**

The existing lease with the PTA was signed in 1989 and expired in 1999. Since that time the Shire has been on a month-by-month agreement to lease the parcel of land located in the rail reserve at L3576C on Plan 1980 within the Shire of Tammin. The following are key terms of the new License to Occupy Agreement:

- Ten (10) year lease term.
- Annual Licence fee of \$1.
- The Shire to pay all maintenance and outgoing costs.

#### **Comment**

The term of the Shire's licence expired on the 31/12/1999 with the PTAWA. PTAWA requested Burgess Rawson to formally seek the Shire's interest in renewing the licence in April 2023.

It is important to note, that until a new agreement is formalised, after the term expiry, the Shire has an overholding tenancy as outlined in your lease, meaning the Shire's is still a currently lease holder over the land on a month-by-month basis.

For various reasons the License was not finalised and was brought to the Acting CEOs attention in October 2024. The matter was passed onto the CEO to progress the Licence agreement.

The CEO and Burgess Rawson have discussed the new licence and continue to progress the finalisation of the Licence.

The land adjoins the southern section of the PTAWA land and forms part of the rail reserve at L3576C on Plan 1980. The area of land has no general purpose. The Shire has maintained the land since 1989. This Licence will continue to allow the land to be utilised by the Shire for the purposes of access, beautification and as part of the drainage/ access ways for the townsite.

It is recommended that Council continue with the finalisation of a new ten year Licence Agreement.

### **Financial Implications**

The licence fee payable by the Licensee (the Shire) for this Licence is \$1.00 each year payable if and when demanded.

The Shire must also pay to the relevant supplier or Authority or as otherwise directed by the PTA before they become overdue the following:

- *all charges for services (including but not limited to electricity, gas water and sewerage and telephone and communication services) used by the Licensee in connection with the Licensed Area;*
  - *any rates and taxes and similar charges and assessments levied in respect of the Licensed Area or the Licensee's use or occupation of the Licensed Area; and*
  - *management and administration fees reasonably charged by the PTA in respect of this Licence,*
- as invoiced to the Licensee by the PTA. In the case of any amounts which are levied on other land as well as the Licensed Area, the Licensee must pay reasonable proportion of such charges, rates, and taxes relevant to the Licensed Area as reasonably determined by the PTA.*

The Shire must also cover all reasonable insurances on the land.

## Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Property risks and liability issues may arise should a lease not be implemented	Possible (3)	Moderate (3)	Moderate (5-9)	PROPERTY Localised damage requiring external resources to rectify	Accept Officer Recommendation

### Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

### Risk Rating

<b>Risk Rating</b>	9
<b>Does this item need to be added to the Town's Risk Register</b>	No
<b>Is a Risk Treatment Plan Required</b>	No

## Statutory Implications

Section 3.55 of the Local Government Act 1995 outlines the requirements with regards to the acquisition of property. A local government can only take land under Part 9 of the Land Administration Act 1997 if it is in, or is to be regarded as being included in, its own district.

## **Policy Implications**

Nil

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

### **Infrastructure and 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*

*5.1.1 Advocate for the needs of our residents for improved levels of health, water, energy, communications and transport infrastructure to be provided by State Government, to meet increasing demand and to support our growth as a community*

*5.1.2 Develop partnerships with government agencies for improved services.*

*Outcome 5.2 Improved road maintenance*

*5.2.1 Review roads, kerbs and footpaths for safety breaches. Consider the use of gophers and wheelchairs utilising these facilities (Cunderdin - Tammin Age Friendly Communities Plan 2017)*

### **Officers Recommendation**

That Council, with respect to the Licensed Area the subject of this Licence, located in the rail reserve at L3576C on Plan 1980 within the Shire of Tammin:

1. authorises the Chief Executive Officer to negotiate and finalise a new Licence with the Public Transport Authority Western Australia in accordance with the Licence to Occupy Agreement.
2. authorises the Shire President and the Chief Executive Officer to sign the finalised document
3. authorise the Chief Executive Officer to affix the Shire of Tammin Common Seal on the agreement.

Moved: Cr

Seconded: Cr

Vote: Simple Majority

Carried/Lost:

## 15.2 Dreyer Street No 42 (Lot 111) Installation of sea container shed as outbuilding

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Jamie Haskins
<b>Date:</b>	22 January 2025
<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 15.2 - Location Plan

### **Purpose of Report**

This report considers a planning application for the installation of a sea container for the purposes of a shed/ outbuilding at 42 (Lot 111) Dreyer Street, Tammin.

### **Background**

The applicant is seeking Council approval to install a sea container for the purposes of a shed.  
The zoning of the land is R12.5. Site area: 1000sqm

### **Comment**

#### **Statutory Assessment**

The proposal has been assessed against the provisions of the Local Planning Scheme and the Residential Design Codes. A summary of the assessment is provided in the following tables.

<b>Legend</b> <i>(refer to tables below)</i>	
A	Acceptable
D	Discretionary
N/A	Not Applicable

## Residential Design Codes Assessment

	Required	Proposed	Status
Street Front Setback	6.0m	7.5m	A
Secondary Street Setback	N/A	N/A	N/A
<b>Lot boundary setbacks</b>			
South (Rear)	1.0m	6.0m	D
West	1.0m	1.0m	A
Open Space	50%	>50%	A
Outdoor Living Areas	Accessible from habitable rooms	Access from habitable room	N/A
Car Parking	N/A	N/A	N/A
Vehicle Access	N/A	N/A	N/A
Site Works	N/A	N/A	N/A
Visual privacy setback	N/A	N/A	N/A
Overshadowing	≤25%	Overshadows rear lane	A
Stormwater management	On-site	To be conditioned	A

The

application proposes a sea container as a shed to be located on the south western side of the subject property to the rear yard. It has been assessed as an outbuilding Type B from the Residential Design Codes. Two variation is requested to the requirements of the Residential Design Codes in relation to the outbuilding height.

### Outbuildings – Wall Height

The sea container is defined as an outbuilding according to the deemed to comply requirements of Clause 5.4.3 C3 of the Residential Design Codes. It is not attached to the dwelling, non-habitable, does not exceed 60m<sup>2</sup> in area, ridge height is below 4.2m, setback in accordance with Table 2a, not located within primary or secondary street setback area, and does not reduce open space and outdoor living area requirements.

The key variation is the wall height is in excess of 2.4m. The structure is approximately 2.59m high which does not meet the deemed to comply requirements of clause 5.4.3 B (iii). However, the structure will achieve design principles 5.4.3 P3 and the requirement that outbuildings do not detract from the streetscape and the visual amenity of the residents and neighbouring properties as the structure is located to the area of the property and is substantially screened by the perimeter boundary fence.

### Rear Lot Boundary Setback

There is a requirement for structures to be located a minimum of 6m from the rear boundary. In this case the sea container wall is located 1.0m from the southern (rear) lot boundary. The structure is not in compliance with Table 2a of the Residential Design Codes in accordance with Clause 5.1.3 C3.1 (i), however, given the sea container will adjoin a rear laneway (and neighbouring rear yard) and the fact that it does not impact on sunlight or ventilation to the adjoining site in accordance with design principles Clause 5.1.3 P3.1 the rear setback is considered acceptable.

### Conclusion

Although the location of the sea container does vary the 'Deemed to Comply' requirements of the Residential Design Codes the proposal is considered to be appropriate to the area. It is proposed to sympathetically locate the structure to the rear of the property away from the streetscape, limiting the visual impact of the sea container. The proposal has minimal impact to adjoining properties.

Based on the assessment the proposed development can be supported.

### Financial Implications

Nil

### Risks

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council do not approve the proposed sea container.	Unlikely (2)	Minor (2)	Low (1-4)	COMPLIANCE Some temporary non-compliances	Accept Officer Recommendation

### Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

### Risk Rating

<b>Risk Rating</b>	4
<b>Does this item need to be added to the Shire's Risk Register</b>	No
<b>Is a Risk Treatment Plan Required</b>	No



**Consultation**

Advertised to adjoining landowners was not undertaken as the potential impacts to adjoining properties is considered minor.

**Statutory Implications**

Nil

**Policy Implications**

Nil

**Strategic Plan & Corporate Business Plan Implications**

No specific Corporate Plan strategies relate to this development application.

### **Officers Recommendation**

That development approval is granted and Council exercises its discretion in regard to the following;

- (i) Clause 5.4.3 – Residential Design Codes – Outbuilding – Wall Height – 2.4m required, 2.59m provided
- (ii) Clause 5.1.3 – Residential Design Codes – Lot Boundary Setbacks - Sea Container – 6.0m required, 1.0 m provided;

for a sea container (outbuilding) at No. 42 (Lot 111) Dreyer Street, Tammin, in accordance with the information received 22 January 2025, subject to the following conditions:

1. The works are to be constructed in conformity with the written information and standard specifications of a 20 foot sea container accompanying the application for planning approval other than where varied in compliance with the conditions of this planning approval or with Council's further approval.
2. The sea container is not to be modified from the standard specifications of a 20 foot sea container without the prior approval of Council.
3. All stormwater is to be disposed of on site, an interceptor channel installed if required and a drainage plan submitted to the satisfaction of the Chief Executive Officer in consultation with the Building Surveyor prior to the issue of a Building Permit.
4. All introduced filling of earth to the lot or excavated cutting into the existing ground level of the lot, either temporary or permanent, shall be adequately controlled to prevent damage to structures on adjoining lots or in the case of fill, not be allowed to encroach beyond the lot boundaries. This shall be in the form of structurally adequate retaining walls and/or sloping of fill at the natural angle of repose and/or another method as approved by the Shire of Tammin.
5. Where this development requires that any facility or service within a street verge (street trees, footpath, crossover, light pole, drainage point or similar) is to be removed, modified or relocated then such works must be approved by Council and if approved, the total cost to be borne by the applicant. Council must act reasonably and not refuse any reasonable proposal for the removal, modification or relocation of such facilities or services (including, without limitation any works associated with the proposal) which are required by another statutory or public authority.
6. This approval does not relate to other works or uses. A development application is required to be submitted to the Shire for any other proposed works or changes of use for the consideration of Council.
7. This planning approval is to remain valid for a period of 24 months from date of this approval.

Footnote:

*The following are not conditions but notes of advice to the applicant/owner:*

- i. this decision does not include acknowledgement or approval of any unauthorised development which may be on the site.*
- ii. a copy of the approved plans as stamped by Council are attached and the application for a Building Permit is to conform with the approved plans unless otherwise approved by Council.*
- iii. it is recommended that the applicant provides a Structural Engineer's dilapidation report, at the applicant's expense, specifying which structures on adjoining sites may be adversely affected by the works and providing a record of the existing condition of the structures. Two copies of each dilapidation report should be lodged with Council and one copy should be given to the owner of any affected property.*
- iv. all noise levels produced by the construction of the development are to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (as amended).*
- v. matters relating to dividing fences are subject to the Dividing Fences Act 1961.*

Moved: Cr

Seconded: Cr

Vote: Simple Majority

Carried/Lost:

### 15.3 Proposed Road Closures and Crown Reserve Excision and Creation

<b>Location:</b>	Lot 28813 (No.7338) Goldfields Road, South Tammin being Crown Reserve 2083 and immediately abutting portions of Goldfields Road (Landgate Land ID Numbers 3172073 & 3172078).
<b>Applicant:</b>	ACORPP on behalf of the Department of Fire and Emergency Services
<b>Date:</b>	12 February 2025
<b>Author:</b>	Joe Douglas – Town Planner
<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 15.3 – Proposed Road Closures and Reserve Excision Plans Attachment Item 15.3 - Landgate Reserve Report

#### **Purpose of Report**

Consideration and determination of a request from ACORPP on behalf of the Department of Fire and Emergency Services to initiate the process required to:

- i) permanently close a 400m<sup>2</sup> portion of Goldfields Road (Landgate Land ID Number 3172073) in South Tammin pursuant to section 58 of the *Land Administration Act 1997*;
- ii) permanently close a 179m<sup>2</sup> portion of Goldfields Road (Landgate Land ID Number 3172078) in South Tammin pursuant to section 58 of the *Land Administration Act 1997*;
- iii) excise a 44m<sup>2</sup> portion of Lot 28813 (No.7338) Goldfields Road, South Tammin being Crown Reserve 2083 pursuant to section 51 of the *Land Administration Act 1997*;
- iv) amalgamate the closed portions of Goldfields Road referred to in points i) and ii) above with the excised portion of Lot 28813 (No.7338) Goldfields Road, South Tammin referred to in point iii) above to create a new Crown Reserve comprising a total area of approximately 623m<sup>2</sup> pursuant to section 41 of the *Land Administration Act 1997* for the designated purpose ‘Telecommunications Infrastructure’; and
- v) allow for the issuance a management order to the Department of Fire and Emergency Services for the new Crown Reserve proposed in point iv) above pursuant to section 46 of the *Land Administration Act 1997*.

## **Background**

ACORPP, acting on behalf of the Department of Fire and Emergency Services (DFES), has requested the Shire's approval to initiate the process required under the *Land Administration Act 1997* and associated regulations to permanently close two (2) separate portions of Goldfields Road in South Tammin, excise a small portion of Lot 28813 (No.7338) Goldfields Road, South Tammin being Crown Reserve 2083, and amalgamate the closed road reserves and portion of Crown Reserve 2083 to create a new Crown Reserve with a management order in favour of DFES for the designated purpose 'Telecommunications Infrastructure'.

The purpose of the various actions proposed above, which are shown in the plans provided in Attachment 1, is to ensure the existing telecommunications infrastructure constructed by DFES on the various landholdings are contained within a designated Crown Reserve under the care, control and management of DFES and allow any future works that may be required to be undertaken lawfully on land it controls.

## **Comments**

In order to progress the proposals outlined above Council must resolve to initiate the process required to satisfy the requirements of the *Land Administration Act 1997* before formally requesting the Minister for Lands' approval.

Having regard for the procedural requirements of the *Land Administration Act 1997* and associated regulations as they apply specifically to the permanent closure of public roads, it is recommended the proposal, if supported by Council, be advertised in a newspaper circulating throughout the local district for a minimum period 35 days inviting feedback and comment from anyone who may have an interest. This process will also include publication of the proposal on the Shire's website and referral of the proposal to all key essential service authorities.

At the conclusion of public advertising and consideration of any submissions received, Council may then resolve to formally request the Minister for Land's approval to the abovementioned proposals and submit the request accordingly.

Upon receiving Council's formal request the Minister may, if satisfied the Shire has complied with the procedural requirements of the relevant sections of the *Land Administration Act 1997* and associated regulations, approve the request, direct Council to reconsider the request having regard to such matters as the Minister thinks fit, or refuse the request in its entirety.

When considering the proposal Council should also note the following key points:

1. It is understood DFES has agreed to pay all costs associated with the proposal and indemnify the State of Western Australia and Minister for Lands against any possible costs and/or claims arising from the project's implementation;
2. The proposed road closures will reduce the width of the two road reserves comprising the relevant portions of Goldfields Road however this will not constrain the continued use of these roads for public access purposes or the provision of key essential service infrastructure in the future;
3. The proposed excision of the northern portion of Lot 28813 (No.7338) Goldfields Road, South Tammin being Crown Reserve 2083 will not impede the continued management and use of the majority balance portion of the land by the Shire in its capacity as the designated management body for the specified purpose 'Stopping place for travellers and stock' (see Attachment 2);
4. Whilst the reserve classifications in the Shire of Tammin Local Planning Scheme No.2 applicable to the new Crown Reserve to be created for DFES's benefit and use will vary as a consequence of the proposal, this will not constrain the ability for the land be developed and used by DFES for the intended purpose. This minor issue can be suitably addressed at minimal cost when Local Planning Scheme No.2 is formally reviewed by the Shire in due course; and
5. It is expected any potential issues of concern arising from the proposal will be identified during the mandatory 35 public advertising process for Council's further consideration in due course.

In light of all the above and the proposal's general consistency with the aims and objectives of the *Shires of Cunderdin, Quairading and Tammin Joint Local Planning Strategy 2022* and the *Shire of Tammin Strategic Community Plan 2017-2027* as they apply specifically to the provision of key essential service infrastructure for community benefit and safety, it is recommended Council initiate the process required to give effect to DFES's request and proceed to public advertising in accordance with the procedural requirements of the *Land Administration Act 1997* and associated regulations.

### **Consultation**

To be undertaken by the Shire for the minimum required period 35 days which will include publication of a notice in a newspaper circulating throughout the local district, the Shire's website, Facebook page and local newsletter as well as correspondence to all immediately adjoining private landowners and essential service authorities inviting their feedback / comment.

### **Statutory Implications**

- *Land Administration Act 1997*
- *Land Administration Regulations 1998*
- *Planning and Development Act 2005*

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Shire of Tammin Local Planning Scheme No.2*

### **Policy Implications**

Nil

### **Financial Implications**

Nil. As previously stated above DFES has agreed to pay all costs associated with the proposal, including all administrative and public advertising costs incurred by the Shire, and indemnify the State of Western Australia and Minister for Lands against any possible costs and/or claims arising from the project's implementation.

### **Risk Implications**

**Financial** – Risk rating is assessed as Low.

**Health** – Risk rating is assessed as Low subject to compliance with all regulatory requirements.

**Reputation** – Risk rating is assessed as Low. The proposal has been thoroughly assessed with due regard for all relevant requirements and will be subject to public advertising to give the local community an opportunity to provide comment before any final decision is made by Council.

**Operational** – Risk rating is assessed as Low. The proposal will be dealt with in accordance the Shire's current Organisational Structure and the procedural requirements of the *Land Administration Act 1997* and associated regulations.

**Natural Environment** – Risk rating is assessed as Low due to the minimal impact the proposal is likely to have on the natural environment.

### **Strategic Implications**

As stated previously above the proposal is generally consistent with the aims and objectives of the *Shires of Cunderdin, Quairading and Tammin Joint Local Planning Strategy 2022* and the *Shire of Tammin Strategic Community Plan 2017-2027* as they apply specifically to the provision of key essential service infrastructure for community benefit and safety.

### **Voting Requirements**

Simple Majority

**Officer's Recommendation / Resolution**

That Council resolve to initiate the process required to:

- i) permanently close a 400m<sup>2</sup> portion of Goldfields Road (Landgate Land ID Number 3172073) in South Tammin pursuant to section 58 of the *Land Administration Act 1997*;
- ii) permanently close a 179m<sup>2</sup> portion of Goldfields Road (Landgate Land ID Number 3172078) in South Tammin pursuant to section 58 of the *Land Administration Act 1997*;
- iii) excise a 44m<sup>2</sup> portion of Lot 28813 (No.7338) Goldfields Road, South Tammin being Crown Reserve 2083 pursuant to section 51 of the *Land Administration Act 1997*;
- iv) amalgamate the closed portions of Goldfields Road referred to in points i) and ii) above with the excised portion of Lot 28813 (No.7338) Goldfields Road, South Tammin referred to in point iii) above to create a new Crown Reserve comprising a total area of approximately 623m<sup>2</sup> pursuant to section 41 of the *Land Administration Act 1997* for the designated purpose 'Telecommunications Infrastructure';
- v) allow for the issuance a management order to the Department of Fire and Emergency Services for the new Crown Reserve proposed in point iv) above pursuant to section 46 of the *Land Administration Act 1997*; and

authorise the Shire Administration to commence public advertising for the minimum required period 35 days.

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

Vote: Simple Majority

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



**16. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

**17. MATTERS FOR WHICH THE MEETING MAY BE CLOSED (S`5.23)**

**18. CLOSURE OF MEETING**

There being no further business the Shire President declared the meeting closed at \_\_\_\_pm