

## Shire of Tammin



### DECLARATION

I declare that the minutes of the:

Ordinary Council Meeting held on 27 April 2022 was confirmed at the Ordinary Council Meeting held on 25 May 2022.

Name: Glenice Batchelor

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

A handwritten signature in black ink, appearing to read 'G. Batchelor', written over a horizontal line.

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

Date: \_\_\_\_\_

25 | 5 | 2022.

# Shire of Tammin

## ORDINARY COUNCIL MEETING

### UNCONFIRMED MINUTES



An Ordinary meeting of the Shire of Tammin was held on *Wednesday 27 April 2022* in Council Chambers 1 Donnan Street Tammin, commencing at *4:04pm*.

Joanne Soderlund  
Chief Executive Officer  
27 April 2022

#### MISSION STATEMENT

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

# Shire of Tammin

## ORDINARY COUNCIL MEETING

### MINUTES



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Joanne Soderlund  
Chief Executive Officer  
27 April 2022

#### MISSION STATEMENT

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

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## **AGENDA**

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

The Shire President declared the meeting open at 4:04pm.

### **2. ACKNOWLEDGMENT TO COUNTRY**

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

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

#### **Present:**

Cr G Batchelor	Shire President
Cr T Nicholls	Deputy Shire President
Cr N Caffell	Councillor
Cr Thomson (Charmaine)	Councillor
Cr B Leslie	Councillor ( <i>Attendance electronically as per Admin Regulation 14C(2)</i> )
Cr C Thomson (Courtney)	Councillor ( <i>4:04pm arrival</i> )

#### **In Attendance:**

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

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

Nil

#### **Apologies:**

Nil

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

Nil

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

Nil

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

Nil

7. DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS
8. DECLARATION OF RELATED PARTY DISCLOSURE IN AGENDA ITEMS
9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS
- 9.1 Ordinary Council Meeting Minutes – 23 March 2022

**TSC 22/22 MOTION**

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

Moved: Cr Caffell

Seconded: Cr Nicholls

Vote: Simple Majority

Carried: 6/0

10. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

11. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil



## 12. MATTERS FOR CONSIDERATION – FINANCE

### 12.1 List of Payments for March 2022

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Administration & Finance Officer
<b>Date:</b>	04 April 2022
<b>Author:</b>	Keira Wirth
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	FIN05
<b>Attachment/s:</b>	Attachment Item 12.1 – Payment List Attachment Item 12.1 - Credit Card Statement

#### Purpose of Report

For Council to ratify the accounts paid under delegated authority.

#### Background

The attached List of Accounts paid during the month of March 2022 totaling \$593,162.18 by way of:

Cheque numbers	6808 - 6808	\$663.80
Direct debit payments	01/03/22 – 31/03/22	\$12,585.98
Licensing transfers	01/03/22 – 31/03/22	\$39,381.55
Bank fees	01/03/22 – 31/03/22	\$99.37
VISA payments	01/03/22 – 31/03/22	\$5,216.55
EFT payments	EFT 5199 – EFT 5288	\$466,004.72
Salaries and wages	01/03/22 – 31/03/22	\$69,210.21
<b>Total payments</b>	<b>01/03/22 – 31/03/22</b>	<b>\$593,162.18</b>

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

<b>Fire &amp; Safety WA</b> PPE/PPC including helmet, torch, face masks & gloves for Shire of Tammin Bush Fire Brigade	<b>\$ 5,464.26</b>
<b>Stewart &amp; Heaton Clothing Co</b> PPE/PPC including certified coats and jackets for Shire of Tammin Bush Fire Brigade as per Quote: SQN-1012776. Arranged by CESM - Simon Bell	<b>\$ 5,621.77</b>
<b>MNB Contracting T/A Brickmart</b> Install and preparation work for laying supplied pavers at the KEP park in Tammin as per your quote n <sup>o</sup> QU-0372 Extra over for laying pavers in curve as per email dated 21/02/2022	<b>\$ 6,611.00</b>
<b>Wright Express Australia Pty Ltd (Puma)</b> Fuel charges for various vehicles for the month of February	<b>\$ 6,901.37</b>
<b>RCPA (WA) Pty Ltd</b> Various items for road works to Bungulla North Rd, Tammin Wyalkatchem & Tammin South Road	<b>\$ 6,965.20</b>
<b>Western Australian Local Government Association (WALGA)</b> Rapid Antigen Tests x 10000 (1.20.10.1.5.3453), Shared costs with neighboring Shires	<b>\$ 8,030.00</b>
<b>Horizon Surveys PTY LTD</b> Supply cadastral survey services as per quote dated 15 June 2021 for the Tammin South Link	<b>\$ 10,579.50</b>
<b>Porter Consulting Engineers</b> Schedule 1B Lump Sum Cost Provision for Geotechnical Investigation	<b>\$ 32,945.00</b>
<b>Office of the Auditor General</b> Fee for the attest audit for the year ended 30 June 2021	<b>\$ 35,640.00</b>
<b>Downer EDI Works Pty Ltd</b> Wet mix road works Bungulla North Road & Tammin - Wyalkatchem Road	<b>\$ 92,367.29</b>
<b>Downer EDI Works Pty Ltd</b> Supply and spray 50/50 prime coat BAR 0.6l/m <sup>2</sup> as per specification on Vendor Panel request n <sup>o</sup> 282923. Bungulla North Rd & South Road & Tammin Wyalkatchem Road	<b>\$ 197,064.45</b>

**Comment**

Nil

**Financial Implications**

All liabilities have been settled in accordance with the Shire of Tammin 2021/2022 Operating Budget



## **Policy Implications**

Nil

## **Statutory Implications**

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

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

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

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

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

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

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

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

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
- a) The payee's name;
  - b) The amount of the payment;
  - c) The date of the payment; and
  - d) Sufficient information to identify the transaction.

- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- a) For each account which requires council authorisation in that month —
    - (i) The payee's name;
    - (ii) The amount of the payment; and
    - (iii) Sufficient information to identify the transaction; and
  - b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
- a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - b) Recorded in the minutes of that meeting.

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

### **Civic Leadership Strategies**

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

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

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

- 6.1.1 Deliver sustainable governance through transparent and robust policy and processes
- 6.1.2 Undertake the civic duties of Council with the highest degree of ethics

Outcome 6.2 An efficient and effective organisation

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

**TSC 23/22 MOTION**

That Council, pursuant to Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* receives the report from the Chief Executive Officer on the exercise of delegated authority in relation to payments made from municipal funds for the period 1 March 2022 to 31 March 2022 totaling \$593,162.18 as contained in attachments 12.1

Municipal Fund payments totaling \$593,162.18 detailed:

Cheque numbers	6808 - 6808	\$663.80
Direct debit payments	01/03/22 – 31/03/22	\$12,585.98
Licensing transfers	01/03/22 – 31/03/22	\$39,381.55
Bank fees	01/03/22 – 31/03/22	\$99.37
VISA payments	01/03/22 – 31/03/22	\$5,216.55
EFT payments	EFT 5199 – EFT 5288	\$466,004.72
Salaries and wages	01/03/22 – 31/03/22	\$69,210.21

Moved: Cr Nicholls

Seconded: Cr Caffell

Vote: Simple Majority

Carried: 6/0

## 12.2 Financial Management Report for the month of March 2022

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Manager of Finance and Administration
<b>Date:</b>	20 April 2022
<b>Author:</b>	Morgan Ware
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment Item 12.2 - March 2022 Monthly Financial Report

### Purpose of Report

For Council to receive the Monthly Financial Statement.

### Background

Enclosed is the Monthly Financial Report for the month of March 2022 inclusive of the Statement of Financial Activity, Current Ratios and Capital Expenditure Report.

### Comment

90.3% of rates have been received with current installment and payment plans in place for rate payers. Council road works program is underway with maintenance grading achieved and capex road works commencing in January 2022 through to April 2022. Additional capex projects have been commenced or in procurement progress. Accordingly, our cash flow position is currently strong; additionally, we have received an advance payment of the Financial Assistance Grants and confirmation of the Southern Link project first payment.

### Financial Implications

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

### Statutory Implications

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

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

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



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

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

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

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

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

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

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

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

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

### **Policy Implications**

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

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

#### **Civic Leadership Strategies**

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

6.1.1 Deliver sustainable governance through transparent and robust policy and processes

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

Outcome 6.2 An efficient and effective organisation

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

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

**TSC 24/22 MOTION**

**That Council, pursuant to the *Local Government (Financial Management) Regulations 1996* adopt the Monthly Financial Report as contained in attachment 12.3 for the period ending 31 March 2022 comprising;**

**a) Statement of Financial Activity**

**b) Note 1 to Note 12**

**Moved: Cr Nicholls**

**Seconded: Cr C Thomson**

**Vote: Simple Majority**

**Carried: 6/0**



### 12.3 Investment Policy

<b>Location:</b>	N/A
<b>Applicant:</b>	Shire of Tammin
<b>Date:</b>	20/04/2022
<b>Author:</b>	Manager of Finance & Administration
<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 - Draft Investment Policy Attachment Item 12.3 – Investment Policy 2013

#### **Proposal/Summary**

For Council to adopt a new policy in respect to the investment of municipal funds.

#### **Background**

This policy applies to all officers with delegated authority to invest/control surplus funds. To invest funds to ensure the maximisation of returns with due consideration of the associated risks. The policy ensures that Council conforms with its fiduciary responsibilities under Section 6.14 of the Local Government Act.

Following the completion of the 2020/21 audit the lack of policy in regards to investments was considered an item of moderate significance. Based on the advice from the Office of the Auditor General and MACRI partners a policy and procedure for the investment of surplus funds has been established.

#### **Comment**

The draft investment policy is attached for Council consideration and adoption. It is noted that an Investment Policy was created in November 2013 and adopted by Council at the 23 November 2013 Ordinary Council Meeting. The 2013 adopted policy is attached for Council perusal. The investment policy was however not included in the Council Policy Manual and therefore has not been reviewed. Following the 2020/21 audit, MACRI partners identified the outdated investment policy, and lack of investment register and procedure as a moderate finding.

The amended policy in the new template is attached, outlining the objective, scope and policy detail. The investment procedure and register forms part of the newly established Procedure Manual.

#### **Consultation**

Office of the Auditor General (OAG)  
MACRI Partners

## **Policy Implications**

New Policy 3.9 – Investment Policy

## **Financial Implications**

This policy outlines the procedure of the investment of surplus funds therefore having direct impact on the budget.

## **Strategic Implications**

Extract from Strategic Community Plan 2017 - 2027

### 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

12.1.1 Deliver sustainable governance through transparent and robust policy and processes

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

### **TSC 25/22 MOTION**

**That Council, by Absolute Majority, pursuant to Section 3.18 of the *Local Government Act 1995 (WA)* resolves to adopt the Investment Policy.**

**Moved: Cr C Thomson**

**Seconded: Cr Nicholls**

**Vote: Simple Majority**

**Carried: 6/0**

### 13. MATTERS FOR CONSIDERATION – ADMINISTRATION

#### 13.1 Bushfire Use of Equipment Policy

<b>Location:</b>	N/A
<b>Applicant:</b>	Shire of Tammin
<b>Date:</b>	21/04/2022
<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 - Draft Bushfire Use of Equipment Policy

#### Proposal/Summary

This item brings a draft Bushfire Use of Equipment Policy before Council and seeks a Council resolution to adopt the policy. (See Attachment 13.1)

#### Background

Each year the bushfire season poses a major emergency risk within the Shire of Tammin. Many Shire resources are already dedicated to addressing and managing the Bushfire risk including the employment of a Community Emergency Services Manager and the establishment of a Bush Fire Brigade.

#### Comment

A review into the Shire's bushfire readiness and response procedures has been undertaken to ensure that the Shire is best able to support Emergency Services agencies and volunteers in the event of a fire. Part of that process has highlighted the need to establish a policy to allow Council owned plant and equipment to be utilised in the event of a fire emergency or as part of a controlled burn. As a predominately agricultural area fire's pose a significant risk to both infrastructure and livelihoods. Allowing Council plant and equipment to be utilised during an incident is an important way for the Shire to support the community at such a critical time.

#### Consultation

Other WA Local Governments

#### Policy Implications

Nil

#### Financial Implications

When an item of plant is used during an incident it will incur fuel and labour (unless being operated by a volunteer as per the policy) costs as well as extra wear and tear on the plant.

**Strategic Implications**

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

**TSC 26/22 MOTION**

**That Council, by Simple Majority, pursuant to Section 3.18 of the *Local Government Act 1995 (WA)* resolves to adopt the Shire of Tammin Bushfire Use of Equipment Policy.**

**Moved: Cr Leslie**

**Seconded: Cr Caffell**

**Vote: Simple Majority**

**Carried: 6/0**



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

Nil

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

##### 15.1 Application for Development Approval – Proposed Addition to Existing Approved Abattoir

<b>Location:</b>	Lot 8290 on Deposited Plan 121410 Great Eastern Highway, North Tammin
<b>Applicant:</b>	Mr Jacques van Rooyen on behalf of Minerva Foods Australia Pty Ltd (Landowner)
<b>Date:</b>	20 April 2022
<b>Author:</b>	Mr Joe Douglas – Town Planner
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachments:</b>	Attachment Item 15.1 – Development Application Documentation and Plans

#### Purpose of Report

Consideration and determination of a development application for a proposed new 90m<sup>2</sup> steel framed and Colorbond clad shed on Lot 8290 Great Eastern Highway, North Tammin which will be used as a workshop for general maintenance purposes associated with the continued operation of an existing approved abattoir on the land.

#### Background

Mr Jacques van Rooyen has submitted a development application on behalf of Minerva Foods Australia Pty Ltd (Landowner) to construct a new 90m<sup>2</sup> steel framed and Colorbond clad shed on Lot 8290 Great Eastern Highway, North Tammin.

It is understood the proposed new shed will replace a workshop building previously constructed in the same general location on the land that was recently demolished and will be used for general maintenance purposes associated with the continued operation of an existing approved abattoir on the land.

Lot 8290 is located approximately 1.1 kilometres immediately east of the Tammin townsite and comprises a total area of approximately 4.39 hectares. The land has direct frontage to Great Eastern Highway along its southern boundary and forms part of an existing approved abattoir that has been developed on Lot 1 (No.15489) Great Eastern Highway located immediately west. It is significant to note all vehicle access to the abattoir, including the proposed new workshop building, is via Lot 1.

The subject land has been extensively developed and used for the purposes of an abattoir for many

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

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

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



Location & Lot Configuration Plan (Source: Landgate)

### Comments

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

Under the terms of Table 4 in LPS2 any new development on Lot 8290 is not permitted without Council's development approval.

The application has been assessed with due regard for all relevant objectives, standards and requirements prescribed in LPS2 and clause 67 of the Deemed Provisions of the *Planning and*



*Development (Local Planning Scheme) Regulations 2015* including State Planning Policy 2.5 entitled 'Rural Planning'. This assessment has confirmed the proposal is compliant or capable of compliance with the following requirements:

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

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

### **Consultation**

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

### **Statutory Implications**

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Shire of Tammin Local Planning Scheme No.2*

### **Policy Implications**

- State Planning Policy 2.5 – *Rural Planning*

### **Financial Implications**

There are no immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are accounted for in the Shire's annual budget. All costs associated with the proposed development will be met by the landowner.

It is significant to note should the applicant/landowner be aggrieved by Council's final decision in this matter, they have the right seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason, which is considered highly unlikely in this particular instance, the Shire would need to respond. The cost to respond to an appeal cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

### Risk Implications

**Financial** – Risk rating is assessed as Low. The risk is mitigated through a detailed assessment process and recommendation to support the application with conditions.

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

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

**Operational** – Risk rating is assessed as Low. The application has been dealt with in accordance the Shire's current Organisational Structure and the procedural requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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

### Strategic Implications

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

### Voting Requirements

Simple Majority

#### TSC 27/22 MOTION

That Council resolve to approve the development application submitted by Mr Jacques van Rooyen on behalf of Minerva Foods Australia Pty Ltd (Landowner) to construct a new 90m<sup>2</sup> steel framed and Colorbond clad shed on Lot 8290 on Deposited Plan 121410 Great Eastern Highway, North Tammin to be used as a workshop for general maintenance purposes associated with the continued operation of an existing approved abattoir on the land subject to the following conditions and advice notes:

#### Conditions

1. The proposed development shall be substantially commenced, as defined in Clause 1, Schedule 2, Part 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of the local government having first being sought and obtained.
2. The proposed development shall be undertaken in a manner consistent with the information and plans submitted in support of the application received on 12 April 2022 subject to any modifications required as a consequence of any condition/s of this approval



or otherwise approved by Council.

3. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of Council.
4. The proposed workshop building shall be constructed using new materials only and clad with non-reflective wall and roof sheeting.
5. All stormwater drainage from the roof of the proposed workshop building shall be directed away from the structure's footings and managed and disposed of on-site to the specifications and satisfaction of the Shire's Chief Executive Officer.
6. All waste generated by the proposed construction works shall be disposed of in a timely manner following completion of those works to the specifications and satisfaction of the Shire's Chief Executive Officer.

#### Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant/landowner to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.
2. This is a development approval of the Shire of Tammin under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction or earthworks on the land.
4. The proposed workshop building is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
5. No works shall commence on the land prior to 7am without the Shire's written approval. No works are permitted to be undertaken on Sundays or Public Holidays unless otherwise approved by the Shire's Chief Executive Officer.
6. The noise generated by any activities on-site shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.
7. The applicant/landowner is reminded of their obligation to ensure compliance with the specific standards and requirements of the Shire of Tammin Annual Fire Break Notice as it applies specifically to all rural land within the Shire's municipal district.
8. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Tammin Local Planning Scheme No.2 and may result in legal action being initiated by the local government.

9. If the applicant/landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

Moved: Cr Nicholls

Seconded: Cr Caffell

Vote: Simple Majority

Carried: 6/0

## 15.2 Request for the Temporary Placement and Use of an Unauthorised Sea Container

<b>Location:</b>	Lot 9 (No.14) Shields Street, Tammin
<b>Applicant:</b>	Mr Charles Smith (Landowner)
<b>Date:</b>	20 April 2022
<b>Author:</b>	Mr Joe Douglas – Town Planner
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	
<b>Attachments:</b>	Attachment Item 15.2 – Correspondence from Applicant dated 7 April 2022

### **Purpose of Report**

Consideration and determination of a request for the temporary placement and use of an unauthorised sea container on Lot 9 (No.14) Shields Street, Tammin for personal storage purposes.

### **Background**

Mr Charles Smith (Landowner) has written to the Shire requesting Council's approval for the temporary placement and use of a 20 foot long sea container on Lot 9 (No.14) Shields Street, Tammin for personal storage purposes.

It is understood Mr Smith recently placed the sea container in the front setback area of the abovementioned property to store a number of personal belongings for a period of up to twelve (12) months.

The Shire became aware of the sea container on the property in late March. A review of records confirmed the sea container was placed on the land without any formal approval from the Shire (i.e. the structure is unauthorised).

Mr Smith was contacted by the Shire's CEO and the reporting officer to discuss the matter and advise him of the need for Council's formal approval. He was advised there is scope for Council to grant a temporary approval for the unauthorised sea container without the need for a development application for a period of up to twelve (12) months.

Mr Smith has since written to the Shire with some background to the proposal, including a request for Council's temporary approval to keep the sea container on the property for a twelve (12) month period. It is clear from Mr Smith's letter he was not aware of the Shire's approval requirements and mistakenly believed he could place and use the sea container on the property without Council's approval (see Attachment 15.2).

Lot 9 is located centrally in the Tammin townsite in a well-established residential precinct and comprises a total area of approximately 1,678m<sup>2</sup>.



The property has direct frontage and access to Shields Street along its northern front boundary and an existing public right-of-way along its western side and southern rear boundaries which has been constructed to a basic unsealed standard.

The property contains an existing single house, free standing garage, driveway and landscaping in its front half and a swimming pool and landscaping in its rear portion (i.e. backyard). It is significant to note the backyard area contains a large open area that could accommodate a 20 foot long sea container with relative ease.

It is significant to also note the property is not identified as being subject to any inundation or flooding, has not been designated by the Fire and Emergency Services Commissioner of Western Australia as being bushfire prone, and has not been identified as being of cultural heritage significance.



Location & Lot Configuration Plan (Source: Landgate)

### Comments

Lot 9 is classified 'Residential' zone under the Shire of Tammin's new Local Planning Scheme No.2 (LPS2) with a density coding of R12.5.

Council's stated objectives for the development of any land classified 'Residential' zone are as follows:

- i) *To provide for a range of housing and a choice of residential densities to meet the needs of the community;*
- ii) *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas; and*
- iii) *To provide for a range of non-residential uses, which are compatible with and complementary to*



*residential development.*

A sea container used for domestic storage purposes on 'Residential' zoned land is typically defined as an outbuilding which is exempt from the need for Council's development approval if a property is not heritage listed and the works comply with the deemed-to-comply provisions of the R-Codes and Council's Local Planning Policy entitled 'Sea Containers'.

In this case the proposal does not comply with the deemed-to-comply provisions of the R-Codes and Council's 'Sea Containers' policy due to the structure's location in the front setback area of the property, external colour, design and high visibility when viewed from the public realm and other privately owned properties in the immediate locality.

Notwithstanding these non-compliance issues, given the landowner's intention to only keep the sea container on the land for a limited period of time, there is scope for Council to allow the sea container to remain on the land for domestic storage purposes without the need for development approval in accordance with clauses 61(1) and (2) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as they apply specifically to temporary works and uses.

It is therefore recommended Council support and approve the landowner's request subject to the following requirements:

1. The sea container being relocated to the rear of the property by no later than 31 May 2022 with a minimum setback of one (1) metre to the land's side and rear boundaries to ensure it is suitably screened from public view;
2. The sea container being used for domestic storage purposes only; and
3. The sea container being removed from the land in its entirety by no later than 28 February 2023.

In relation to the unauthorised works and use of the property, Council should note section 218 of the *Planning and Development Act 2005* states any person who commences, continues or carries out any development in any part of an area the subject of a local planning scheme or otherwise than in accordance with the provisions of the planning scheme commits an offence. Section 223 of the same Act states that a person who commits an offence is liable to a fine of \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues.

The fines for unauthorised development are clearly significant. In this particular case however it is recommended Council not proceed with prosecution action as the landowner appears to have made an honest mistake by not realising there was a need for Council's approval prior to undertaking the unauthorised works and use. He has therefore sought to rectify the situation by following the advice and guidance provided by the Shire regarding the necessary approval requirements.

### **Consultation**

Public consultation is not required or deemed necessary given the limited impact the proposed development is likely to have on the amenity, character, functionality and safety of the immediate locality if it is undertaken in accordance with the two conditions recommended previously above.

The proposal was however the subject of discussion with the landowner and the Shire's Chief Executive Officer and Building Surveyor with the latter confirming a building permit application is not required given the temporary nature and use of the structure.

### **Statutory Implications**

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Shire of Tammin Local Planning Scheme No.2*

### **Policy Implications**

- State Planning Policy 7.3 – *Residential Design Codes*
- Shire of Tammin Local Planning Policy - *Sea Containers*

### **Financial Implications**

There are no immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are accounted for in the Shire's annual budget. All costs associated with the proposed development will be met by the landowner.

It is significant to note should the applicant/landowner be aggrieved by Council's final decision in this matter, they have the right seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason, which is considered highly unlikely in this particular instance, the Shire would need to respond. The cost to respond to an appeal cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

### **Risk Implications**

**Financial** – Risk rating is assessed as Low. The risk is mitigated through a detailed assessment process and recommendation to support the application with conditions.

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

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

**Operational** – Risk rating is assessed as Low. The application has been dealt with in accordance the Shire's current Organisational Structure and the procedural requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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



## Strategic Implications

The proposal for Lot 9 will be consistent with the Shire of Tammin Strategic Community Plan 2017-2027 and Corporate Business Plan 2018-2022 as they apply to the key objective of creating a well maintained and attractive environment servicing the needs of the local community subject to compliance with a number of conditions outlined previously above.

## Voting Requirements

Simple Majority

### TSC 28/22 MOTION

That Council resolve to approve the written request received from Mr Charles Smith (Landowner) for the temporary placement and use of a sea container on Lot 9 (No.14) Shields Street, Tammin for personal storage purposes subject to the following conditions and advice notes:

#### Conditions

7. The existing unauthorised sea container shall be relocated to the rear of the property by no later than 31 May 2022 with a minimum setback of one (1) metre to the land's side and rear boundaries to ensure it is suitably screened from public view.
8. The sea container shall only be used for domestic storage purposes.
9. The sea container shall be removed from the land in its entirety by no later than 28 February 2023.

#### Advice Notes

10. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant/landowner to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.
11. The applicant/landowner is reminded of their obligation to ensure compliance with the specific standards and requirements of the Shire of Tammin Annual Fire Break Notice as it applies specifically to all land within the Shire's designated townsites.
12. Failure to comply with any of the conditions of this temporary approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Tammin Local Planning Scheme No.2 and may result in legal action being initiated by the local government.
13. If the applicant/landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.

Moved: Cr C Thomson

Seconded: Cr Nicholls

Vote: Simple Majority

Carried: 6/0

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

Nil

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

Nil

**18. CLOSURE OF MEETING**

There being no further business the Shire President declared the meeting closed at 4:25pm