

Shire of Tammin  
ORDINARY COUNCIL MEETING  
Thursday 28<sup>th</sup> September, 2017

MINUTES

**NOTICE OF MEETING**

Dear Elected Member

The ordinary meeting of the Shire of Tammin was held on **Thursday September 28<sup>th</sup>, 2017** in the Council Chambers, 1 Donnan St, Tammin, commencing at **5:11pm**.



Peter Naylor  
Chief Executive Officer

**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 5:11pm.

The Shire President welcomed Councillors Elect, Mrs Tania Daniels and Mr Nicholas Caffell, to the meeting and congratulated them on their recent successful nomination to Council, the President also congratulated Cr Michael Greenwood on his successful re-nomination to Council.

### **2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

#### **Attendance:**

Cr S Uppill	Shire President
Cr C Crane	Deputy President
Cr G Batchelor	Member
Cr P Bell	Member
Cr M Greenwood	Member
Mrs Tania Daniels	Councillor Elect
Mr Nicholas Caffell	Councillor Elect
Peter Naylor	Chief Executive Officer
Kelsey Pryer	Manager Finance & Administration
Greg Stephens	Manager Works & Services

#### **Leave of Absence:**

#### **Apologies:**

Cr D Thomson	Member
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### **3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

### **4. PUBLIC QUESTION TIME**

Nil

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

Nil

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

Nil

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**7.1 ORDINARY COUNCIL MEETING MINUTES- (24<sup>th</sup> August 2017)**

**MIN 74/17 MOTION:**

That the Minutes of the Ordinary Council meeting held on 24<sup>th</sup> August 2017 be confirmed as a true record of proceedings.

Moved: Cr Bell

Seconded: Cr Greenwood

Vote: Simple Majority

Carried: 5/0

**7.2 JOINT (SHIRE OF TAMMIN & SHIRE OF CUNDERDIN) COUNCIL MEETING MINUTES- (12<sup>th</sup> September 2017)**

**MIN 75/17 MOTION:**

That the Minutes of the Joint Council meeting, between the Shires of Tammin and Cunderdin, held on 12<sup>th</sup> September 2017 be endorsed.

Moved: Cr Bell

Seconded: Cr Uppill

Vote: Simple Majority

Carried: 5/0

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

Nil

**9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSION**

Nil

## 10. AGENDA ITEMS

### 10.1 List of Payments for August 2017

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Manager of Finance and Administration
<b>Date:</b>	4 <sup>th</sup> September 2017
<b>Author:</b>	Kelsey Pryer
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachments (7 pages)

### **BACKGROUND**

Accounts paid for August 2017 is listed totaling:

Cheque numbers	6670 - 6671	\$4,216.66
Direct debit payments	01/08/17 – 31/08/17	\$4,487.15
Licensing transfers	01/08/17 – 31/08/17	\$3,812.25
Bank fees	01/08/17 – 31/08/17	\$241.50
VISA payments	01/08/17 – 31/08/17	\$1,026.84
EFT payments	EFT 1566 - 1621	\$127,525.14
Salaries and Wages	01/08/17 – 31/08/17	\$32,355.01
<b>Total payments</b>	01/08/17 – 31/08/17	<b>\$173,664.55</b>

### **COMMENT**

Nil

### **FINANCIAL IMPLICATIONS (ANNUAL BUDGET)**

Shire of Tammin 2017/2018 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 IMPLICATIONS**

Nil

**FUTURE PLAN IMPLICATIONS**

Nil

**COMMUNITY CONSULTATION**

Nil

**MIN 76/17 MOTION:**

**That Council notes that during the month of August 2017, the Chief Executive Officer has made the following payments.**

- 1. Municipal Fund payments totaling \$173,664.55 on licensing transactions, bank fees, EFT, Cheque, Visa, Direct Debit and salaries and wages payments.**

**Moved: Cr Greenwood**

**Seconded: Cr Bell**

**Simple Majority Required**

**Carried: 5/0**

## 10.2 Financial Management Report for the month of August 2017

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>Date:</b>	7 <sup>th</sup> September 2017
<b>Author:</b>	Kelsey Pryer, MFA
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	N/A
<b>File Reference:</b>	N/A
<b>Attachment/s:</b>	Attachments (19 Pages)

### **BACKGROUND**

Enclosed is the Monthly Financial Report for the month of August 2017.

### **FINANCIAL IMPLICATIONS (ANNUAL BUDGET)**

Financial Management of 2017/2018

### **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.

### **COMMENT**

Nil

### **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 IMPLICATIONS**

Nil

### **FUTURE PLAN IMPLICATIONS**

Nil

### **COMMUNITY CONSULTATION**

Nil

#### **MIN 77/17 MOTION:**

**(1) That the Financial Report for the month of August 2017 comprising;**

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

**Be adopted.**

**Moved: Cr Crane**

**Seconded: Cr Batchelor**

**Simple Majority Required**

**Carried: 5/0**

### 10.3 Manager of Works and Services Report

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Manager of Works and Services
<b>Date:</b>	21 <sup>st</sup> September 2017
<b>Author:</b>	Greg Stephens
<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

<b>Tammin Shire Council</b>	<b>WORKS REPORT Thursday 21<sup>st</sup> September 2017</b>	<b>Works and Services Department</b>
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<b>ADMINISTRATION, MEETINGS AND INSPECTIONS DURING THIS REPORTING PERIOD</b>	
<ul style="list-style-type: none"> <li>➤ Customer enquiries</li> <li>➤ Staff works program</li> <li>➤ Capital Works Program</li> <li>➤ Staff and Plant records</li> <li>➤ Ordering parts and materials</li> <li>➤ Asset Management &amp; RAMM data</li> <li>➤ Depot General Duties - phone, emails</li> <li>➤ Meetings - Admin, Works, Depot, Staff</li> <li>➤ Site Inspections Road signage Bitumen Roads - Rural Roads Area 1 Area 2 and Area 3 inspections</li> </ul>	
<b>URBAN - TAMMIN</b>	
<b>Various Streets</b>	Routine Maintenance program <ul style="list-style-type: none"> <li>➤ Town street storm water drainage repairs and maintenance</li> <li>➤ Street cleaning</li> </ul>
<b>UNSEALED ROADS NETWORK</b>	
<b>Unsealed Roads</b>	General Inspections Maintenance Grading <ul style="list-style-type: none"> <li>➤ Cubbine Road</li> <li>➤ Moore Road</li> <li>➤ Finey Road</li> <li>➤ Tammin South Road</li> <li>➤ Nelson Road</li> <li>➤ Livesey North Road</li> <li>➤ Wyola South Road</li> <li>➤ Wyola North Road</li> <li>➤ Quinn Rodgers Road</li> <li>➤ Franklin Road</li> <li>➤ Parrawilla Road</li> <li>➤ Packham Road</li> <li>➤ Youering Road</li> <li>➤ Chappell Wheeldon Road</li> </ul>

	<ul style="list-style-type: none"> <li>➤ Doongin Peak Road</li> <li>➤ Lowles Road</li> <li>➤ Golf Links Road</li> </ul>
<b>SEALED ROAD NETWORK</b>	
<b>Sealed Roads</b>	General Inspections Pot hole patching Guide post replacement Yorkrakine/Turon Intersection <ul style="list-style-type: none"> <li>➤ Intersection upgrade</li> </ul>
<b>PARKS AND OPEN SPACE AREAS - GARDENS, PARKS, OVALS AND VILLAGE.</b>	
<b>Fearson Park</b>	General clean up
<b>Memorial Park</b>	General maintenance, Mowing Weed control ongoing
<b>Heritage Park</b>	General clean up General maintenance Weed control ongoing
<b>Reserves, Open Areas</b>	General clean up Weed control ongoing General maintenance, Mowing, Slashing
<b>Tamma Village</b>	General clean up General maintenance, Mowing Weed control ongoing Fencing - In Progress
<b>Kadjininy Kep</b>	General clean up Tree Pruning General maintenance, Mowing Weed control ongoing
<b>Tammin Oval (Donnan Park)</b>	General clean up General maintenance, Mowing Weed control ongoing
<b>Town Dam</b> Dam levels are measured on the actual volume that can be held in the cells not the design volume.	Dam Levels 17 <sup>th</sup> September 2017 Rear dam 90% Front dam 95%
<b>BUILDING MAINTENANCE</b>	
<b>All Buildings</b>	General Maintenance as required
<b>Tamma Village Units</b>	General programmed Maintenance <ul style="list-style-type: none"> <li>➤ Repairs to Roof Unit 10</li> <li>➤ Replace cloths line Unit 10</li> <li>➤ Repairs to Carport Unit 3</li> </ul>
<b>Staff Housing</b>	General Maintenance <ul style="list-style-type: none"> <li>➤ 5 Nottage Way Earthworks for Shed, fencing (Lock up yard)</li> <li>➤ 7 Nottage way - fencing (Lock up Block)</li> </ul> Issues with vehicles driving through 7 & 5 Nottage Way rear blocks- vehicles have driven over leach system (5 Nottage) causing damage to plastic leach cells - Reason for the fencing requirements.
<b>Admin and Hall Buildings</b>	General minor maintenance Issue with floor boards buckling - engaging

	contractors to quote for repairs
<b>PUBLIC CONVENIENCES</b>	
<b>Public Ablution Block (Behind Admin)</b>	Cleaned Mondays, Wednesdays and Fridays
<b>Public Ablution Block (At Oval)</b>	Cleaned Mondays, Wednesdays and Fridays
<b>WASTE SITE TAMMIN</b>	
<b>General waste area's</b>	Weekly - waste pushed up and covered
<b>Surrounds</b>	Vegetation control, site clean-up as per conditions of license
<b>WATER AND SEWER</b>	
<b>Oval Water System</b>	All O.K
<b>Donnan Park - Change Room and Public Toilets</b>	General repairs and maintenance Cleaned Mondays, Wednesdays and Fridays (and after events).
<b>TOWN BLOCKS AND FIRE BREAKS AROUND TOWN</b>	
<b>Fire Control</b>	Nil
<b>VANDALISM</b>	
	Ladies public toilet- toilet roll holder pulled off wall.
<b>PLANT</b>	
<b>Plant and Vehicle repairs/maintenance</b>	General Maintenance Hino 13t Tipper - Perth for repairs
<b>PRIVATE WORKS</b>	
<b>Town and Rural works</b>	5 Private works jobs completed this month.

**MIN 78/17 MOTION:**

**That Council receives the Manager of Works and Services Report.**

**Moved: Cr Bell**

**Seconded: Cr Batchelor**

**Vote – Simple majority**

**Carried: 5/0**

## 10.4 Tammin Parents and Citizens Association

<b>Location:</b>	Tammin Primary School
<b>Applicant:</b>	Tammin P & C Association
<b>Date:</b>	22 September 2017
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>File Reference:</b>	EDU00
<b>Attachment/s:</b>	8 Pages (2 attachments)

5:23pm Councillor Elect, Mr Nicholas Caffell, as a member of the Tammin P & C Association declared an interest and departed the Council Chamber.

### **Proposal/Summary**

Council to consider a request from the Tammin P & C Association for financial assistance towards the costs associated with resurfacing of the netball / basketball courts at the Tammin Primary School.

### **Background**

Please refer to attached correspondence from the Tammin P & C Association.

### **Comments**

As per the P & C letter, advice has been received that the Tammin P & C and the Tammin Primary School have agreed to provide additional funding of \$6,000 and \$4,000 respectively.

For Council consideration please.

### **Consultation**

Nil

### **Statutory Implications**

Nil

### **Policy Implications**

## 1.2 REQUESTS FOR FINANCIAL / OTHER ASSISTANCE

### **Background**

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

This Policy deals with the process and criteria for organisations seeking assistance from the Shire in three categories: annual operating contributions; contributions to capital projects; and individual donations.

### Annual Operating Contributions

Council has agreed to include the following contributions in the draft budget each year. These contributions are reviewed by Council during the annual review of Shire Policies, when finalising each year's Shire Budget or if requested by any of the Clubs / organisations.

	In-kind	Cash
• Tammin CWA - WA Week luncheon (plus in-kind chair & trestle hire)		\$650
• Tammin Fitness Group - in-kind donation hire of lesser hall/pavilion/ oval for two hours a week	\$400	
• Tammin Bowling Club - to subsidise employment of a greenkeeper		\$20,000
• Tammin Golf Club – In-kind labour – mowing of fairways:	\$1,500	
• Tammin Economy Shop (Cooinda) - towards wages for the co-ordinator and assistant		\$5,000
• Tammin Primary School - In-kind labour – various	\$2,000	
• Tammin Art Prize - Tammin Art Show (plus in-kind hall hire, photocopying etc)		\$1,000
• Tammin Community Christmas Tree - towards cost of function (plus in kind oval hire, extra bins)		\$1,000
• Tammin Playgroup – In-kind labour	\$500	
• Wheatbelt Agcare – counselling services donation		\$900
• Eastern Districts Display Committee		\$350
• Royal Flying Doctor Service		\$500
• Lord Mayors Disaster Appeal		\$200
• Significant local achievements program		\$500
• Other as per CEO discretion		\$500

### Contributions to Capital projects

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

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

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

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

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

### **Financial Implications**

\$6,000 (Potentially)

### **Strategic Implications**

Shire of Tammin Strategic Community Plan:

#### Social

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

#### Environmental

- Provide leadership and promote local and regional sustainability principles and practices.
- Enhance local natural areas and open spaces.

#### Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.

### **MIN 79/17 MOTION:**

**That Council having considered the financial request from the Tammin P & C Association:**

- 1. Defers the matter to the Council meeting to be held on Thursday 26<sup>th</sup> October 2017;**
- 2. Requests additional information to be provided pertaining to the overall project budget, both from an income and expenditure perspective, and the Tammin P & C's financial position;**
- 3. Requests the Chief Executive Officer to ascertain the Shires financial position in regards to the 2017/2018 Budget following the reduction of grant funding from the announcement of the Stage Government Budget on Thursday 7<sup>th</sup> September 2017 and the outcome of the 2016/2017 Audit process.**

**Moved: Cr Greenwood**

**Seconded: Cr Bell**

**Vote – Simple majority**

**Carried: 5/0**

5:36pm Councillor Elect, Nicholas Caffell, re-entered the Council Chamber.

## 10.5 Scheme Review – Tammin Town Planning Scheme No. 1

<b>Location:</b>	Shire wide
<b>Applicant:</b>	Shire of Tammin
<b>Date:</b>	22 September 2017
<b>Author:</b>	Jacky Jurmann – Consultant Planner
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	TP
<b>Attachment/s:</b>	Scheme Review Report

### **Proposal/Summary**

As a first step towards preparing a Regional Local Planning Strategy for the Shires of Cunderdin, Quairading and Tammin and a new Local Planning Scheme for each Shire, a Local Planning Scheme Review Report has been drafted following each Shire's resolution to formally initiate a Scheme review in order to formulate the new Local Planning Schemes and the accompanying Regional Local Planning Strategy.

The next step is to forward the Scheme Review Report to the Western Australian Planning Commission for endorsement.

### **Background**

Council at its Ordinary Meeting held on 23 March 2017 considered an Agenda Item regarding this matter and resolved as follows:

#### *That Council*

- 1. Request the Chief Executive Officer to commence the review of the Tammin Town Planning Scheme No. 1 as required by the Planning and Development (Local Planning Schemes) Regulations 2015.*
- 2. Review a further report to consider the review of the Tammin Town Planning Scheme No. 1 prior to submission to the Western Australian Planning Commission.*
- 3. Authorise the Chief Executive Officer to commence discussions with the Shires of Cunderdin and Quairading to agree to commence the development of a regional local planning strategy.*
- 4. Receive a further report on the outcome of the discussions and a timeline for the project.*
- 5. Also invites the Shires of Kellerberrin and Wyalkatchem to participate in the proposed regional local planning strategy project.*

In accordance with item 2, the Scheme Review Report is presented to Council for consideration. Note in relation to item 3, each Shire has resolved to cooperate in developing a Regional Local Planning Strategy. Timing is addressed in the comments section of this Report.



With regards to item 5 of the resolution, the CEO has approach each Shire and due to the timing of the project and age of their schemes, have declined to participate.

### **Comments**

The Scheme Review Report provides a summary assessment of what is presently known of the existing Scheme's performance in light of current conditions and circumstances, the likely issues and emerging trends that affect land use planning in the Shire in the future and guidance to addressing the key issues in the Regional Local Planning Strategy and new Scheme.

It is anticipated that the process for the development of the Regional Local Planning Strategy and new local planning schemes will take approximately 18 months to complete to gazettal.

### **Consultation**

Statutory consultation processes will apply to the development of the Local Planning Strategy and the new Local Planning Scheme.

### **Statutory Implications**

The *Planning and Development (Local Planning Schemes) Regulations 2015* require every local government have a local planning scheme and any new scheme prepared to be accompanied by a local planning strategy. The Regulations also require local governments to review their local planning schemes every five years with initial review periods for existing schemes prepared under the previous regulations stipulated as follows:

- 2020 – If the scheme is less than five years old (i.e. Gazetted from 19 October 2010 to present).
- 2017 – If the scheme is more than five years old (i.e. Gazetted from 18 October 2010 or older).

The Tammin scheme was first gazetted on 23 February 2001, which is more than five years old and therefore must be reviewed in 2017.

A Scheme Review Report has been prepared in the form specified in the Regulations (see attached), which recommends that due to the age of the Scheme and the non-conformance with the new Model Scheme Text, that a new local planning scheme is developed, in conjunction with the development of a regional local planning strategy.

### **Policy Implications**

In conjunction with the Scheme review, the local planning policies will be reviewed to ensure that they are consistent and current with the new Scheme provisions.

### **Financial Implications**

The Scheme review has been carried out by the Shire's Consultant Planner as part of her contracted duties and the development of the new documents will be undertaken similarly. Within the existing budgetary allocation, funds are identified for the production of the

mapping associated with the Strategy and Scheme and costs associated with the formal advertising that will be carried out as part of the consultation process, which will be shared with the Shires of Cunderdin and Quairading.

### **Strategic Implications**

The Local Planning Strategy is the framework for local planning and the strategic basis for local planning schemes. It provides the interface between regional and local planning, and is increasingly being seen by other agencies as the means by which to address economic, resource management, environmental and social issues at a strategic level.

Local Planning Schemes are the principal statutory tool for implementing the local planning strategy and achieving the local government's aims and objectives with respect to the development of its local area. While Schemes deal mainly with land use, development control and infrastructure coordination, they must be developed in the context of the Strategic Framework and the broader environmental, social and economic goals and objectives to ensure consistency.

The Local Planning Strategy and Scheme is part of the Shire's suite of Strategic Planning Documents, including the Strategic Community Plan. The review of the Scheme will assist in achieving the goals of the SCP, which are:

#### **Social**

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

#### **Environmental**

- Provide leadership and promote local and regional sustainability
- principles and practices.
- Enhance local natural areas and open spaces.

#### **Economic**

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.

### **Comments**

Currently, the Shire does not have a Local Planning Strategy and it is worthwhile noting that prior to the introduction of the Regulations in 2015, there was no requirement for local governments to prepare a Local Planning Strategy.

The Shires of Cunderdin, Quairading and Tammin have agreed on a collaborative approach to prepare a Regional Local Planning Strategy acknowledging the common issues facing the rural areas.

**MIN 80/17 MOTION:**

**That Council:**

- 1. Receives the Review Report of the Tammin Town Planning Scheme No. 1.**
- 2. Authorises the CEO to forward the Report to the Western Australian Planning Commission for their endorsement.**
- 3. Instructs the CEO to commence the development of the Regional Local Planning Strategy in collaboration with the Shires of Cunderdin and Quairading.**

**Moved: Cr Uppill**

**Seconded: Cr Greenwood**

**Vote – Simple Majority**

**Carried: 5/0**

## 11 URGENT ITEMS

### **MIN 81/17 MOTION:**

That Council receives Urgent Late Agenda Item 11.1, Establish Chief Executive Officer Recruitment Committee and Delegate Authority under *Local Government (Administration) Regulations 1996*, Regulation 18C.

**Moved: Cr Uppill**

**Seconded: Cr Crane**

**Vote – Simple majority**

**Carried: 5/0**

### **11.1 Establish Chief Executive Officer Recruitment Committee and Delegate Authority under *Local Government (Administration) Regulations 1996*, Regulation 18C**

<b>Location:</b>	Shire of Tammin and Shire of Cunderdin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	26 <sup>th</sup> September 2017
<b>Author:</b>	Peter Naylor
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	PERS
<b>Attachment/s:</b>	19 Pages (3 attachments)

### **Proposal/Summary**

To establish a Committee of Council, with limited delegated authority, to facilitate the recruitment of a new Chief Executive Officer (CEO).

### **Background**

The Councils of Cunderdin and Tammin, at its joint Council meeting held on Tuesday 12<sup>th</sup> September 2017, resolved to appoint WA Local Government Association (WALGA) Recruitment to assist in the recruitment of a new Chief Executive Officer.

The Councils tested the market through competitive quotes and has appointed WALGA Recruitment Services to undertake this contract.

The Councils also appointed a CEO Selection Panel to assist with the process.

The Panel members:

Shire of Tammin – The Shire President and Councillors Glenice Batchelor & Michael Greenwood. Proxy member is Cr Don Thomson.

Shire of Cunderdin –The Shire President and Councillors Alison Harris and Bernie Daly.  
Proxy member is the Deputy Shire President.

### **Comment**

Council is now required to determine matters arising from compliance with the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*, specifically related to the recruitment, selection and appointment process for a new CEO, in consultation with the appointed recruitment consultant.

It is recommended that the Selection Panel is now established as a Committee of Council in accordance with section 5.8 of the Act, to enable the Committee to be delegated authority and to expedite the recruitment and preliminary selection process, with the Panel delegated to undertake specific functions under Section 5.39 of the *Local Government Act 1995* and Regulations 18A and 18C of the *Local Government (Administration) Regulations 1996*.

A Council meeting will then be convened to accept the CEO Selection Committee's identified preferred applicant, with the recruitment consultant completing employment contract negotiations in consultation with the Chair and Deputy Chair of the Committee, within the parameters detailed in the advertisement in accordance with Administration Regulation 18A.

The Recruitment Consultant will then provide a Council report including recommendations for appointment of the most suitably qualified person and the employment contract for approval.

### **Statutory Implications**

#### ***Local Government Act 1995***

##### ***5.8. Establishment of committees***

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\* Absolute majority required.*

##### ***5.36 Local government employees***

(1) *A local government is to employ —*

*(a) a person to be the CEO of the local government; and*

*(b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*

(2) *A person is not to be employed in the position of CEO unless the council —*

*(a) believes that the person is suitably qualified for the position; and*

*(b) is satisfied\* with the provisions of the proposed employment contract.*

*\* Absolute majority required.*

(3) *A person is not to be employed by a local government in any other position unless the CEO —*

*(a) believes that the person is suitably qualified for the position; and*

- (b) *is satisfied with the proposed arrangements relating to the person's employment.*
- (4) *Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
- (5A) *Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
- (5) *For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.*

## **Local Government (Administration) Regulations 1996**

### **18C. Selection and appointment process for CEOs**

Local Government (Administration) Regulation 18C requires the Local Government to approve a process to be used for the selection and appointment of a CEO before the position is advertised.

Approval of the CEO selection and appointment process is a Local Government discretion and is therefore a Council decision unless delegated under s.5.16 to a Committee of Council (with the Committee established in accordance with s.5.8 of the *Local Government Act 1995*).

### **18G. Delegations to CEOs, limits on (Act s. 5.43)**

Administration Regulation 18G prohibits the delegation of duties under Administration Regulation 18C to the CEO.

### **18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))**

Administration Regulation 18A prescribes three recruitment options:

- that the position of CEO be advertised state-wide; or
- that advertising is not required if the position is to be filled by a person who is, and will continue to be, employed by another local government; or
- that advertising is not required if a person will be acting in the position for a term not exceeding one year.

Administration Regulation 18A also requires that the recruitment advertisement must include the following information:

- Details of the remuneration and benefits offered which must be within the Salaries and Allowances Tribunal Band 4 total reward package range of \$126,956 – to a maximum of \$218,031 (which represents the top of Band 4 plus 10%)
- Details of the place where applications are to be submitted;
- The date and time that applications close;
- The duration of the proposed contract;
- Contact details for a person who can provide information about the position (which will be the contracted Recruitment Consultant);
- Any other information that the Local Government considers relevant).

### **18B. Contracts of CEOs and senior employees, content of (Act s. 5.39(3)(c))**

Administration Regulation 18B prescribes that a contract is to provide for a maximum amount of money (or a method for calculating such an amount) to which the person is

entitled if the contract is terminated before the expiry date. This amount must not exceed the value of one year's remuneration or the value of the remuneration that the person would have been entitled to had the contract not been terminated.

#### **18F. Remuneration and benefits of CEO to be as advertised**

Administration Regulation 18F prescribes that the remuneration and benefits paid to a CEO are not to differ from the remuneration and benefits contained in the advertisement.

### ***Local Government Act 1995***

#### **5.39. Contracts for CEO and senior employees**

Section 5.39 of the Act prescribes that the CEO contract:

- cannot exceed a term of 5-years;
- must specify the contract expiry date, be renewable and be capable of contract variation;
- must include performance criteria, for the purposes of reviewing the CEO's performance.

#### **5.38. Annual review of certain employees' performances**

Section 5.38 of the Act requires the CEO performance to be reviewed at least once in relation to every year of employment and further Administration Regulation 18D requires the Local Government to consider each review and accept the review, with or without modification, or to reject the review. The performance criteria are established in the contract under section 5.39 above.

#### **Policy Implications**

Nil

#### **Risk Management Considerations**

Non-compliance with the requirements of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*, must be reported in the statutory Compliance Audit Return and may incur contractual risks.

#### **Financial Implications**

The Shire's budget includes sufficient allocation to facilitate remuneration and benefits offered in the recruitment process and contract for the position of CEO within the Salaries and Allowances Tribunal Band 4 (plus 10%) range of \$126,956 – to a maximum of \$218,031.

#### **Strategic Implications**

Nil

#### **MIN 82/17 MOTION:**

**That Council receives the Minutes from the meeting of the Chief Executive Officer Recruitment Panel held on Thursday 21<sup>st</sup> September 2017.**

**Moved: Cr Crane**

**Seconded: Cr Bell**

**Vote – Simple majority**

**Carried: 5/0**

**MIN 83/17 MOTION:**

**That the Councils, by absolute majority:**

- 1. In accordance with section 5.8 of the Local Government Act 1995 and by absolute majority, establishes a Chief Executive Officer (CEO) Recruitment Committee, with the following membership:**

**Shire of Tammin – The Shire President and Councillors Glenice Batchelor & Michael Greenwood. Proxy member is Cr Don Thomson.**

**Shire of Cunderdin – The Shire President and Councillors Alison Harris and Bernie Daly. Proxy member is the Deputy Shire President**

- 2. In accordance with section 5.16 of the Local Government Act 1995 and by absolute majority, delegates authority to the CEO Selection Panel as follows:**

- a. Local Government (Administration) Regulations 1996, Regulation 18C, limited to:**

- i. Determining the selection criteria for recruitment and selection for the position of CEO.**
- ii. Determining the advertising, recruitment and preliminary selection process.**
- iii. Determining the short-list of candidates and undertaking the interviews.**
- iv. Making recommendations for Council's consideration of the Panel's Preferred Applicant.**

- b. Local Government (Administration) Regulations 1996, Regulation 18A, limited to:**

- i. Determining other information, relevant to the position and the recruitment process, to be provided to applicants.**

- c. Local Government Act 1995, section 5.39(3)(b), limited to:**

- i. Determining the performance criteria to be included in the employment contract.**
- ii. Determining the total remuneration package to be offered in the recruitment advertisement.**
- iii. Delegating the Chair and Deputy Chair of the CEO Selection Committee to negotiate the employment contract with the preferred Applicant.**

**Moved: Cr Uppill**

**Seconded: Cr Bell**

**Vote – ABSOLUTE majority**

**Carried: 5/0**



## **12 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

## **13 CLOSURE OF MEETING**

There being no further business the Shire President declared the meeting closed at 5:46pm.

Following the closure of the meeting retiring members, Cr's Uppill and Bell, thanked fellow Councillors and staff for their support and guidance during their respective periods on Council and wished the Shire of Tammin best wishes for the future.

## 14 REFERENCES

### 6 DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS

*The Local Government Act (Section 5.60 – 5.62) provides that it is the Councillor's obligation to declare an interest if they believe that they have a financial interest, proximity interest, closely associated persons interest or an interest affecting impartiality in a matter being discussed by Council.*

*The Act provides that the interest may be declared in writing to the CEO prior to the meeting or declared prior to discussion of the agenda item at the meeting. Forms for this purpose are available to Councillors.*

*The Act further provides that the extent of the interest needs to be declared if the Councillor seeks to remain in the Chamber during the discussion, debate or voting on the item.*

*A Councillor declaring a financial or proximity interest must leave the meeting prior to the matter being discussed or voted on (including the question as to whether they are permitted to remain in the Chamber). Councillors remaining in the Chamber may resolve to allow the member to return to the meeting to participate in the proceedings.*

### 7.1 STATUTORY ENVIRONMENT

*Section 5.22(2) of the Local Government Act provides that minutes of all meetings to be kept and submitted to the next full Council meeting for confirmation.*

#### 11.1 List of Financial Payments Reference -STATUTORY ENVIRONMENT

*Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that:*

- (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.*

#### 11.2 Financial Report Reference - STATUTORY ENVIRONMENT

*Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires a Statement of Financial Activity to be prepared each month, which is to contain the following details:*

- (a) *annual budget estimates;*
- (b) *budget estimates to the end of the month;*
- (c) *actual amount of expenditure and revenue;*
- (d) *material variances between comparable amounts in (b) and (c) above; and*
- (e) *the net current assets at the end of the month to which the statement relates (i.e. surplus / (deficit) position).*

*The Statement is to be accompanied by:*

- (a) *explanation of the composition of net current assets, less committed assets and restricted assets;*
- (b) *explanation of the material variances; and*
- (c) *such other information considered relevant by the local government.*