

Shire of Tammin
ORDINARY COUNCIL MEETING
Thursday 26th October, 2017

Minutes

NOTICE OF MEETING

Dear Elected Member

The ordinary meeting of the Shire of Tammin was held on **Thursday October 26th, 2017** in the Council Chambers, 1 Donnan St, Tammin, commencing at **5:00pm**.



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"

Contents

AGENDA.....	3
1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	3
1.1 SWEARING-IN OF COUNCIL MEMBERS.....	3
1.2 ELECTION OF SHIRE PRESIDENT.....	3
1.3 ELECTION OF DEPUTY SHIRE PRESIDENT	4
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE.....	4
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	4
4. PUBLIC QUESTION TIME.....	5
5. APPLICATIONS FOR LEAVE OF ABSENCE	5
6. DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS.....	5
7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	6
7.1 ORDINARY COUNCIL MEETING MINUTES- (28 th September 2017)	6
7.2 JOINT (SHIRE OF TAMMIN & SHIRE OF CUNDERDIN) CEO SELECTION PANEL MEETING MINUTES - (12 TH OCTOBER 2017).....	6
8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION	6
9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSION.....	6
10. AGENDA ITEMS	7
10.1 List of Payments for September 2017.....	7
10.2 Financial Management Report for the month of September 2017	10
10.3 Manager of Works and Services Report	12
10.4 Council Committees.....	15
10.5 Office Closure 2017-18 Christmas Break.....	17
10.6 Ordinary Council Meeting Dates for 2018	19
10.7 Development Assessment Panel – Local Government Nominations.....	21
10.8 Application to keep more than Two Dogs – Mr Raymond Jefferies	23
10.9 Application to keep more than Two Dogs – Ms Rebecca Anderson	27
11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN	30
12 MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	30
13 CLOSURE OF MEETING	30
14 REFERENCES	31

AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chief Executive Officer will declare the meeting open at 5:00pm.

1.1 SWEARING-IN OF COUNCIL MEMBERS

Members of council who were declared elected by the Returning Officer at the local government elections held on Saturday 21 October 2017 are required to take the Declaration of Office.

Newly elected Councillors Nicholas Caffell, Tania Daniels and Michael Greenwood took the Declaration of Elected Member before Mr David Rees, Justice of the Peace.

1.2 ELECTION OF SHIRE PRESIDENT

In accordance with Schedule 2.3 of the Local Government Act 1995, the following process is required for the election of Shire President:-

Section 3 – CEO to President

The CEO is to preside at the meeting until the office is filled.

Section 4 – How the President is elected

- (1) The Council is to elect a councillor to fill the office
- (2) The election is to be conducted by the CEO
- (3) Nominations for the office are to be given to the CEO in writing (refer to Nomination form attached)
- (4) If a Councillor is nominated by another Councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office
- (5) The Councillors are to vote on the matter by secret ballot as if they were electors voting at an election

Councillors Please Note:

Nominations in writing for the positions of Shire President & Deputy Shire President will be received by the CEO up to the commencement of the Ordinary Meeting of Council.

Following the election process, the successful candidate is required to take the mandatory Declaration of Office.

Once the above process has been completed, the CEO will vacate the Chair and the newly elected Shire President will preside over the meeting.

The Chief Executive Officer advised that two written nominations have been received, for Cr's Crane and Greenwood, for the position of Shire President. Both Councillors accepted the nominations and therefore a Secret Ballot was conducted.

The result of the secret ballot was in favour of Cr Greenwood who was therefore declared elected to the position of Shire President for the Shire of Tammin for the two year period October 2017 to October 2019.

Cr Greenwood duly took the Declaration by Elected Member for the position of Shire President before Mr David Rees, Justice of the Peace.

1.3 ELECTION OF DEPUTY SHIRE PRESIDENT

The process for election of the Deputy Shire President is the same as outlined above.

The Shire President advised that two written nominations have been received, for Cr's Batchelor and Thomson, for the position of Deputy Shire President.

Cr Thomson accepted the nomination however Cr Batchelor declined.

Cr Thomson was therefore declared elected unopposed to the position of Deputy Shire President for the Shire of Tammin for the two year period October 2017 to October 2019.

Cr Thomson duly took the Declaration by Elected Member for the position of Deputy Shire President before Mr David Rees, Justice of the Peace.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Attendance:

Cr M Greenwood	Shire President
Cr D Thomson	Deputy Shire President
Cr G Batchelor	Member
Cr N Caffell	Member
Cr C Crane	Member
Cr T Daniels	Member
Peter Naylor	Chief Executive Officer
Kelsey Pryer	Manager Finance & Administration
Greg Stephens	Manager Works & Services

Guests of Council

Mr David Rees	Justice of the Peace (to 5:12pm)
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Leave of Absence:

Nil

Apologies:

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

MIN 84/17 MOTION:

That Leave of Absence be granted to Cr Crane for the Ordinary Meeting of Council scheduled to be held on Thursday 23rd November 2017.

Moved: Cr Thomson

Seconded: Cr Batchelor

Simple Majority Required

Carried: 6/0

6. DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 ORDINARY COUNCIL MEETING MINUTES- (28th September 2017)

MIN 85/17 MOTION:

That the Minutes of the Ordinary Council meeting held on 28th September 2017 be confirmed as a true record of proceedings.

Moved: Cr Batchelor

Seconded: Cr Crane

Vote: Simple Majority

Carried: 6/0

7.2 JOINT (SHIRE OF TAMMIN & SHIRE OF CUNDERDIN) CEO SELECTION PANEL MEETING MINUTES - (12TH OCTOBER 2017)

MIN 86/17 MOTION:

That the Minutes of the Joint CEO selection panel meeting, between the Shires of Tammin and Cunderdin, held on 12th October 2017 be received and the recommendation be endorsed.

Moved: Cr Thomson

Seconded: Cr Crane

Vote: Simple Majority

Carried: 6/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSION

Nil

10. AGENDA ITEMS

10.1 List of Payments for September 2017

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

BACKGROUND

Accounts paid for August 2017 is listed totaling:

Cheque numbers	6672- 6674	\$1,333.30
Direct debit payments	01/09/17- 30/09/17	\$4,757.20
Licensing transfers	01/09/17- 30/09/17	\$7,649.75
Bank fees	01/09/17- 30/09/17	\$283.90
VISA payments	01/09/17- 30/09/17	\$2,376.07
EFT payments	EFT 1695- 1771	\$87,014.16
Salaries and Wages	01/09/17- 30/09/17	\$34,737.27
Total payments	01/09/17- 30/09/17	\$138,151.65

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 87/17 MOTION:

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

1. Municipal Fund payments totaling \$138,151.65 on licensing transactions, bank fees, EFT, Cheque, Visa, Direct Debit and salaries and wages payments.

Moved: Cr Batchelor

Seconded: Cr Thomson

Simple Majority Required

Carried: 6/0

10.2 Financial Management Report for the month of September 2017

Location:	Shire of Tammin
Applicant:	Shire of Tammin
Date:	4 th October 2017
Author:	Kelsey Pryer, MFA
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	N/A
File Reference:	N/A
Attachment/s:	Attachments (19 Pages)

BACKGROUND

Enclosed is the Monthly Financial Report for the month of September 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 88/17 MOTION:

- (1) That the Financial Report for the month of September 2017 comprising;
- a) Statement of Financial Activity
 - b) Note 1 to Note 12

Be adopted.

Moved: Cr Thomson

Seconded: Cr Crane

Simple Majority Required

Carried: 6/0

10.3 Manager of Works and Services Report

Location:	Shire of Tammin
Applicant:	Manager of Works and Services
Date:	19 th October 2017
Author:	Greg Stephens
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

PROPOSAL/SUMMARY

Tammin Shire Council	WORKS REPORT Thursday 19th October 2017	Works and Services Department
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ADMINISTRATION, MEETINGS AND INSPECTIONS DURING THIS REPORTING PERIOD	
<ul style="list-style-type: none"> ➤ Customer enquiries ➤ Staff works program ➤ Capital Works Program ➤ Staff and Plant records ➤ Ordering parts and materials ➤ Depot General Duties - phone, emails ➤ Meetings - Admin, Works, Depot, Staff ➤ Site Inspections Road signage Bitumen Roads - Rural Roads Area 1 Area 2 and Area 3 inspections ➤ Multi-Purpose Courts - First site meeting with contractor to discuss scope of works 	
URBAN - TAMMIN	
Various Streets	Routine Maintenance program <ul style="list-style-type: none"> ➤ Town street storm water drainage repairs and maintenance ➤ Street cleaning
UNSEALED ROADS NETWORK	
Unsealed Roads	General Inspections Maintenance Grading <ul style="list-style-type: none"> ➤ Barrack Road (section) ➤ Youering Road (Section) ➤ Chappell Wheeldon Road ➤ Yorkrakine West Road ➤ Yorkrakine East Road
SEALED ROAD NETWORK	
Sealed Roads	General Inspections Pot hole patching - Ongoing Guide post replacement - Ongoing Bungulla North Road - <ul style="list-style-type: none"> ➤ Verge clearing for Construction project ➤ Shoulder Grading Tammin Wyalkatchem Road -

	<ul style="list-style-type: none"> ➤ Verge clearing for Construction project. ➤ Shoulder maintenance <p>Tammin South Road</p> <ul style="list-style-type: none"> ➤ Bitumen seal road patch
PARKS AND OPEN SPACE AREAS - GARDENS, PARKS, OVALS AND VILLAGE.	
Fearson Park	General clean up
Memorial Park	General maintenance, Mowing Weed control ongoing
Heritage Park	General clean up General maintenance Weed control ongoing
Reserves, Open Areas	General clean up Weed control ongoing General maintenance, Mowing, Slashing
Tamma Village	General clean up General maintenance, Mowing Weed control ongoing Fencing - In Progress
Kadjininy Kep	General clean up Repairs to Shelter General maintenance, Mowing Set up for function
Tammin Oval (Donnan Park)	General clean up General maintenance, Mowing Weed control ongoing Contractors carrying out annual maintenance - verti mowing, coring and fertilising
Town Dam Dam levels are measured on the actual volume that can be held in the cells not the design volume.	Dam Levels 17 th October 2017 Rear dam 100% Front dam 100%
BUILDING MAINTENANCE	
All Buildings	General Maintenance as required
Tamma Village Units	General Maintenance
Staff Housing	General Maintenance ➤ 3 Nottage Way - Landscaping and fencing
Admin and Hall Buildings	<ul style="list-style-type: none"> ➤ General minor maintenance ➤ Walkway repairs ➤ Issue with floor boards buckling - engaging contractors to quote for repairs
PUBLIC CONVENIENCES	
Public Ablution Block (Behind Admin)	Cleaned Mondays, Wednesdays and Fridays
Public Ablution Block (At Oval)	Cleaned Mondays, Wednesdays and Fridays
WASTE SITE TAMMIN	
General waste area's	Weekly - waste pushed up and covered
Surrounds	Vegetation control, site clean-up as per conditions of license
WATER AND SEWER	
Oval Water System	All O.K

Donnan Park - Change Room and Public Toilets	General repairs and maintenance Cleaned Mondays, Wednesdays and Fridays (and after events).
TOWN BLOCKS AND FIRE BREAKS AROUND TOWN	
Fire Control	Nil
VANDALISM	
	Nil
PLANT	
Plant and Vehicle repairs/maintenance	General Maintenance
PRIVATE WORKS	
Town and Rural works	Block Slashing, Gravel delivery, Excavator Wet Hire for works

MIN 89/17 MOTION:

That Council receives the Manager of Works and Services Report.

Moved: Cr Greenwood

Seconded: Cr Daniels

Vote – Simple majority

Carried: 6/0

10.4 Council Committees

Location:	Shire of Tammin
Applicant:	Manager of Finance & Administration
Date:	10 th October 2017
Author:	Kelsey Pryer
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to review committee appointments and delegations for the next 12 month period.

Background

At the October 2016 Ordinary Council meeting Council appointed Councillors to Committees as detailed below:

Committee	Members
Kellerberrin Regional Road Sub Group	Cr Uppill Cr Greenwood
WALGA Great Eastern Zone	Cr Uppill Cr Crane Cr Batchelor
Senior Citizens Management Committee	Cr Crane Cr Bell
Audit Committee	Cr Uppill Cr Greenwood Cr Thomson Cr Batchelor
East Avon Voluntary Regional Organisation of Councils	Cr Uppill Cr Crane
Chief Executive Officer Resource Sharing Committee	Cr Uppill Cr Crane

Comment

For Council consideration.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

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.*

MIN 90/17 MOTION:

That Council makes the following appointments to various committees/portfolios:

Committee	Members
Kellerberrin Regional Road Sub Group	Cr Greenwood Cr Thomson
WALGA Great Eastern Zone	Cr Batchelor Cr Daniels
Senior Citizens Management Committee	Cr Crane Cr Daniels
Audit Committee	Cr Greenwood Cr Thomson Cr Batchelor Cr Caffell
East Avon Voluntary Regional Organisation of Councils	Shire President Deputy Shire President
Chief Executive Officer Resource Sharing Committee	Shire President Deputy Shire President

Moved: Cr Batchelor

Seconded: Cr Caffell

Vote – Simple majority

Carried: 6/0

10.5 Office Closure 2017-18 Christmas Break

Location:	Shire of Tammin
Applicant:	Manager of Finance & Administration
Date:	10 th October 2017
Author:	Kelsey Pryer
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to consider the closure of the Shire Administration Office over the Christmas / New Year period.

No complaints and / or adverse comments have been received in relation to the office closure in the past.

Background

Nil

Comment

As a general rule no significant business is conducted between the Christmas and New Year period, therefore it is considered an ideal time to close the office and allow staff to clear some of their accrued leave entitlements, and enjoy a relaxed festive period with their families.

It is proposed the office be closed from 2pm Friday 22nd December 2017 to Monday 1st January 2018 inclusive, reopening on Tuesday 2nd January 2018.

Notification of the office closure will be displayed in the Tabloid, on local notice boards and the Shire website.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

MIN 91/17 MOTION:

That Council:

- 1. Approves the closure of the Shire of Tammin Administration Office during the Christmas / New Year period from 2pm Friday 22nd December 2017 to Monday 1st January 2017 inclusive, reopening on Tuesday 2nd January 2018.**
- 2. Advertises the Administration Office closure in the Tabloid, on local notice boards and the Shire website.**

Moved: Cr Daniels

Seconded: Cr Batchelor

Vote – Simple majority

Carried: 6/0

10.6 Ordinary Council Meeting Dates for 2018

Location:	Shire of Tammin
Applicant:	Manager of Finance & Administration
Date:	10 th October 2017
Author:	Kelsey Pryer
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

Council to continue to hold Council Meetings on the fourth Thursday of each month, except for the months of January and December 2018.

Background

Council has previously agreed to hold Council Meetings on the fourth Thursday of every month, commencing at 5.00pm, in the Council Chambers at 1 Donnan Street, with the expectations of the September Council Meeting which is traditionally held in Yorkrakine Hall.

Comment

Nil

Consultation

Nil

Statutory Environment

Regulation 12 of the Local Government (Administration) Regulations provides:

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
- (a) *the ordinary council meetings; and*
 - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

MIN 92/17 MOTION:

That Council:

- 1. Ordinary Council Meeting date for December to be changed from Thursday 28 December 2018 to Tuesday 18 December 2018 at 5.00pm, in the Council Chambers at 1 Donnan Street.**

- 2. 2018 Council Meeting dates be as follows:**
 - **January – no council meeting**
 - **22 February 2018**
 - **22 March 2018 (Yorkrakine)**
 - **26 April 2018**
 - **24 May 2018**
 - **28 June 2018**
 - **26 July 2018**
 - **23 August 2018**
 - **27 September 2018**
 - **25 October 2018**
 - **22 November 2018**
 - **18 December 2018 (Tuesday)**

Moved: Cr Thomson

Seconded: Cr Batchelor

Vote – Simple majority

Carried: 6/0

10.7 Development Assessment Panel – Local Government Nominations

Location:	N/a
Applicant:	Department of Planning, Lands & Heritage
Date:	6 th October 2017
Author:	Jacky Jurmann – Planner
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	TP
Attachment/s:	3 Pages (DAP Correspondence & Nomination Form)

Proposal/Summary

Correspondence has been received from the DAP Secretariat regarding potential changes in the Shire's DAP membership following the local government elections.

Council may choose to maintain the same DAP members or nominate 4 new members.

Background

The current DAP members for the Shire of Tammin, nominated at the Ordinary meeting held on 23rd February 2017, are; Councillors Crane & Greenwood, Local members, and Councillors Batchelor & Thomson, Alternate Local Members.

Comments

The correspondence from the DAP Secretariat notes the McGowan Government's recently launched program, OnBoardWA, which aims to increase the total number of women appointed to Government board and committees to 50 per cent by 2019. Council is therefore encouraged to consider diversity of representation when putting forward the DAP nominations.

Consultation

Not required.

Statutory Implications

Under regulation 24 of the *Planning and Development (Development Assessment Panels) Regulations 2011* Council is required to nominate, as soon as possible following elections, four elected council members to sit as DAP members.

Nominations are to be completed on the attached authorised form.

Policy Implications

There are no policy implications associated with this proposal.

Financial Implications

Nominated Councillors are remunerated for their time and travel attending training and meetings. Councillors must attend training prior to being eligible to sit on a DAP. The current primary members have received training and are eligible to sit on any future DAPs.

Strategic Implications

Representation of local interests is a key aspect of the DAPs system and therefore it is important for Council to nominate members to the Mid-West / Wheatbelt Joint Development Assessment Panel.

MIN 93/17 MOTION:

That Council:

- 1. Advises the DAP Secretariat that there are no changes to the Shire of Tammin's DAP membership.**

Moved: Cr Crane

Seconded: Cr Thomson

Vote – Simple Majority

Carried: 6/0

10.8 Application to keep more than Two Dogs – Mr Raymond Jefferies

Location:	20 Ridley Street, Tammin
Applicant:	Mr Raymond Jefferies
Date:	12 th October 2017
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	PUBH-00
Attachment/s:	1 Page

Proposal/Summary

An application has been received from Mr Raymond Jefferies requesting permission to keep more than Two Dogs on the property he occupies at 20 Ridley Street, Tammin.

Background

It is a requirement of the Shire of Tammin Dogs Local Law 2006 that the maximum number of dogs that can be kept on a premise within a townsite is two (2) unless an exemption is granted by Council under the provisions of section 26(3) of the *Dog Act 1976* (as amended).

Comment

The property is owned by the Shire of Tammin and Mr Jefferies has tenanted for a number of years, in some respects there is an additional issue should Council not wish to approve the keeping of three (3) dogs at the property.

WA Contract Ranger Services have inspected the applicants property and contacted adjoining neighbours to establish if they have any concerns regarding the application. The Rangers confirm that no objections have been received, and that the property can effectively contain the dogs. Therefore the Ranger recommendation is to approve the application with the normal conditions as per previous approvals.

As indicated by the Rangers Report, and as in previous applications, it would be appropriate for Council, should it be in favour of granting an exemption, to impose certain conditions in respect to the absolute number of dogs that can be housed at the property to provide an opportunity for the exemption to be revoked or varied, in accordance with the provisions of the *Dog Act 1976*, as mentioned above.

Consultation

Contract Ranger Services
Neighbouring property Owners / Occupiers

Statutory Implications

***Dog Act 1976* (as amended)**

Part V — The keeping of dogs

6. Limitation as to numbers

(1) *A local government may, by a local law under this Act —*

- (a) *limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or*
- (b) *limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.*
- (2) *A local law mentioned in subsection (1) —*
 - (a) *may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and*
 - (b) *cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and*
 - (c) *cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and*
 - (d) *cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).*
- (3) *Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —*
 - (a) *may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and*
 - (b) *cannot authorise the keeping in or at those premises of —*
 - (i) *more than 6 dogs that have reached 3 months of age; or*
 - (ii) *a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;*

and

 - (c) *may be revoked or varied at any time.*
- (4) *A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —*
 - (a) *in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —*
 - (i) *a local law mentioned in subsection (1); or*
 - (ii) *an exemption granted under subsection (3);*

or

 - (b) *more than —*
 - (i) *2 dangerous dogs (declared); or*
 - (ii) *2 dangerous dogs (restricted breed); or*
 - (iii) *one of each of those kinds of dangerous dogs, that have reached 3 months of age; or*
 - (c) *any pup, of a dangerous dog (restricted breed), that is under 3 months of age.*

Penalty:

 - (a) *for an offence relating to a dangerous dog —*
 - (i) *a fine of \$10 000, but the minimum penalty is a fine of \$500;*
 - (ii) *for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$500;*
 - (b) *for an offence relating to a dog other than a dangerous dog —*
 - (i) *a fine of \$5 000;*
 - (ii) *for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$100.*
- (5) *Any person who is aggrieved —*
 - (a) *by the conditions imposed in relation to any exemption under subsection (3); or*
 - (b) *by the refusal of a local government to grant such an exemption, or by the revocation of an exemption, may apply to the State Administrative Tribunal for a review of the decision.*

- (6) *An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.*

Shire of Tammin Dogs Local Law 2006

PART 3 - REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must -
- (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

Penalty: Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been -
- (a) licensed under Part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act -
- (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
 - (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.
- (3) Subject to subclause (1) where an owner or occupier fails to comply with subclause (2), he or she commits an offence.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

MIN 94/17 MOTION:

That Council approves the application to keep three dogs at 20 Ridley Street, Tammin, subject to the following conditions:

- 1. That the exemption be reviewed in twelve months to ensure that no adverse problems have been experienced as a result of the exemption.**
- 2. That Council reserves the right to withdraw the exemption at any time if any major or substantial problems are experienced prior to the review period.**
- 3. The applicant must maintain and hold valid registrations for each of the dogs kept at the premises.**
- 4. The exemption is only valid for the life of the three dogs initially registered to the property, should one (1) of the dogs become deceased it cannot be replaced prior to seeking further approval from Council.**
- 5. Should there be any significant breach of the *Dog Act 1976*, or the *Shire of Tammin Dogs Local Law 2006*, then the exemption may be withdrawn at any time.**

Moved: Cr Batchelor

Seconded: Cr Daniels

Simple Majority Required

Carried: 6/0

10.9 Application to keep more than Two Dogs – Ms Rebecca Anderson

Location:	11 Uppill Street, Tammin
Applicant:	Ms Rebecca Anderson
Date:	12 th October 2017
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	PUBH-00
Attachment/s:	1 Page

Proposal/Summary

An application has been received from Ms Rebecca Anderson requesting permission to keep more than Two Dogs on the property she occupies at 11 Uppill Street, Tammin.

Background

It is a requirement of the Shire of Tammin Dogs Local Law 2006 that the maximum number of dogs that can be kept on a premise within a townsite is two (2) unless an exemption is granted by Council under the provisions of section 26(3) of the *Dog Act 1976* (as amended).

Comment

WA Contract Ranger Services have inspected the applicants property and contacted adjoining neighbours to establish if they have any concerns regarding the application. The Rangers confirm that no objections have been received, and that the property can effectively contain the dogs. Therefore the Ranger recommendation is to approve the application with the normal conditions as per previous approvals.

As indicated by the Rangers Report, and as in previous applications, it would be appropriate for Council, should it be in favour of granting an exemption, to impose certain conditions in respect to the absolute number of dogs that can be housed at the property to provide an opportunity for the exemption to be revoked or varied, in accordance with the provisions of the *Dog Act 1976*, as mentioned above.

Consultation

Contract Ranger Services
Neighbouring property Owners / Occupiers

Statutory Implications

***Dog Act 1976* (as amended)**

Part V — The keeping of dogs

6. Limitation as to numbers

- (1) *A local government may, by a local law under this Act —*
 - (a) *limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or*
 - (b) *limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.*
- (2) *A local law mentioned in subsection (1) —*

- (a) may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and
 - (b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and
 - (c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and
 - (d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and
 - (b) cannot authorise the keeping in or at those premises of —
 - (i) more than 6 dogs that have reached 3 months of age; or
 - (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;
- and
- (c) may be revoked or varied at any time.
- (4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —
- (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under —
 - (i) a local law mentioned in subsection (1); or
 - (ii) an exemption granted under subsection (3);
- or
- (b) more than —
 - (i) 2 dangerous dogs (declared); or
 - (ii) 2 dangerous dogs (restricted breed); or
 - (iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or
 - (c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age.
- Penalty:
- (a) for an offence relating to a dangerous dog —
 - (i) a fine of \$10 000, but the minimum penalty is a fine of \$500;
 - (ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$500;
 - (b) for an offence relating to a dog other than a dangerous dog —
 - (i) a fine of \$5 000;
 - (ii) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$100.
- (5) Any person who is aggrieved —
- (a) by the conditions imposed in relation to any exemption under subsection (3); or
 - (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption, may apply to the State Administrative Tribunal for a review of the decision.
- (6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.

Shire of Tammin Dogs Local Law 2006

PART 3 - REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must -
 - (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

Penalty: Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been -
 - (a) licensed under Part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act -
 - (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
 - (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.
- (3) Subject to subclause (1) where an owner or occupier fails to comply with subclause (2), he or she commits an offence.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

MIN 95/17 MOTION:

That Council approves the application to keep four (4) dogs at 11 Uppill Street, Tammin, subject to the following conditions:

1. That the exemption be reviewed in twelve months to ensure that no adverse problems have been experienced as a result of the exemption.
2. That Council reserves the right to withdraw the exemption at any time if any major or substantial problems are experienced prior to the review period.
3. The applicant must maintain and hold valid registrations for each of the dogs kept at the premises.
4. The exemption is only valid for the life of the four dogs initially registered to the property, should one (1) of the dogs become deceased it cannot be replaced prior to seeking further approval from Council.
5. Should there be any significant breach of the *Dog Act 1976*, or the *Shire of Tammin Dogs Local Law 2006*, then the exemption may be withdrawn at any time.

Moved: Cr Thomson

Seconded: Cr Greenwood

Simple Majority Required

Carried: 6/0

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13 CLOSURE OF MEETING

There being no further business the Shire President declared the meeting closed at 5:42pm.

Cr Greenwood expressed his appreciation to Council for electing him to the position of Shire President and that he looked forward to working with the Council and for the future of the Tammin Shire.

Mr Peter Naylor, departing Chief Executive Officer, thanked Council for their support over the past two years whilst in the shared CEO role with Tammin and Cunderdin.

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.*