

Shire of Tammin
ORDINARY COUNCIL MEETING
Tuesday 19th December, 2017

MINUTES

The ordinary meeting of the Shire of Tammin was held on ***Tuesday December 19th, 2017*** in the Council Chambers, 1 Donnan St, Tammin, commencing at ***5:04pm***.



Stephen Tindale
Acting 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 will declare the meeting open at 5:04pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Attendance:

Cr M Greenwood	Shire President
Cr D Thomson	Deputy President
Cr G Batchelor	Member
Cr C Crane	Member
Cr T Daniels	Member
Cr N Caffell	Member
Stephen Tindale	Acting Chief Executive Officer
Kelsey Pryer	Manager Finance & Administration (until 5:42pm)
Greg Stephens	Manager Works & Services (until 5:42pm)

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

Nil

6. DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Ordinary Council Meeting Minutes

MIN 101/17 MOTION:

That the Minutes of the Ordinary Council meeting held on 23rd November 2017 be confirmed.

Moved: Cr Batchelor

Seconded: Cr Caffell

Vote: Simple Majority

Carried: 6/0

7.2 CEO Selection Panel Minutes

MIN 102/17 MOTION:

That the Minutes of the CEO Selection Panel meeting held on 6th November 2017 be received and the recommendations endorsed.

Moved: Cr Daniels

Seconded: Cr Thomson

Vote: Simple Majority

Carried: 6/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10. AGENDA ITEMS

10.1 List of Payments for November 2017

Location:	Shire of Tammin
Applicant:	Manager of Finance and Administration
Date:	1 st December 2017
Author:	Kelsey Pryer, MFA
Item Approved by:	Acting Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachments (7 pages)

BACKGROUND

Accounts paid for November 2017 is listed totaling:

Cheque numbers	6678 – 6679	\$5,125.55
Direct debit payments	01/11/17 – 30/11/17	\$5,058.84
Licensing transfers	01/11/17 – 30/11/17	\$11,052.35
Bank fees	01/11/17 – 30/11/17	\$177.46
VISA payments	01/11/17 – 30/11/17	\$2,290.48
EFT payments	EFT 1836 – 1914	\$307,441.06
Salaries and Wages	01/11/17 – 30/11/17	\$55,950.21
Total payments	01/11/17 – 30/11/17	\$387,095.95

Comment

Nil

Financial Implications

Directly impacts the 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

Community Consultation

Nil

MIN 103/17 MOTION:

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

- 1. Municipal Fund payments totaling \$387,095.95 on licensing transactions, bank fees, EFT, Cheque, Visa, Direct Debit and salaries and wages payments.**

Moved: Cr Crane

Seconded: Cr Thomson

Vote: Simple Majority

Carried: 6/0

10.2 Financial Management Report for the month of November 2017

Location:	Shire of Tammin
Applicant:	Shire of Tammin
Date:	13 th December 2017
Author:	Kelsey Pryer, MFA
Item Approved by:	Acting 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 November 2017.

Financial Implications

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

Community Consultation

Nil

MIN 104/17 MOTION

That the Financial Report for the month of November 2017 comprising;

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

be adopted.

Moved: Cr Crane

Seconded: Cr Daniels

Vote: Simple Majority

Carried: 6/0

10.3 Manager of Works and Services Report

Location:	Shire of Tammin
Applicant:	Manager of Works and Services
Date:	13 th December 2017
Author:	Greg Stephens, MWS
Item Approved by:	Acting Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

Tammin Shire Council	WORKS ACTIVITY STATEMENT	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 ➤ Multi-Purpose Courts - Site meetings with contractor ➤ Site Inspections Road signage Bitumen Roads - Rural Roads Area 1 Area 2 and Area 3 inspections 	
URBAN - TAMMIN	
Various Streets	Routine Maintenance program <ul style="list-style-type: none"> ➤ Town street storm water drainage repairs and maintenance ➤ Street, Verge and Reserves maintenance
UNSEALED ROADS NETWORK	
Unsealed Roads	General Inspections Maintenance Grading <ul style="list-style-type: none"> ➤ Blakiston Road – Replace Culvert and gravel sheet through low section
SEALED ROAD NETWORK	
Sealed Roads	General Inspections Pot hole patching - Ongoing Guide post replacement - Ongoing
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
Kadjininy Kep	General clean up General maintenance, Mowing
Tammin Oval (Donnan Park)	General clean up General maintenance, Mowing Weed control ongoing
Town Dam Dam levels are measured on the actual volume that can be held in the cells not the design volume.	Dam Levels 12 th December 2017 Rear dam 95% Front dam 95%
BUILDING MAINTENANCE	
All Buildings	General Maintenance as required Spider and Pest annual spraying
Tamma Village Units	General Maintenance Replace Solar HWS on unit 2 and 4
Staff Housing	General Maintenance
Admin and Hall Buildings	General minor maintenance
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). Preparation works for events
TOWN BLOCKS AND FIRE BREAKS AROUND TOWN	
Fire Control	Complete fire breaks around town
VANDALISM	
	Nil
PLANT	
Plant and Vehicle repairs/maintenance	General Maintenance
PRIVATE WORKS	
Town and Rural works	Block Slashing, Gravel and Sand delivery, Excavator and Loader Wet Hire
MULTI-PURPOSE COURTS	
Works Progress Contractor	Earthworks to base level - Completed Lighting – Completed Asphalt layer – Completed Concrete Kerb – Completed

<p>Works Progress Shire</p>	<p>Fencing – In Progress Acrylic hard court surface - Early January 2018 NOTE; Asphalt needs to cure for at least 28 days before Acrylic surface is applied.</p> <p>Cart in Sand fill Box out footpath area, Station Road Remove existing brick boundary fence Back fill between existing and new works</p>
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MIN 105/17 MOTION:

That Council receives the Manager of Works and Services Report.

Moved: Cr Thomson Seconded: Cr Daniels

Vote: Simple majority Carried: 6/0

10.4 REPRESENTED - Extension Request – Extractive Industry & Class I Landfill Site (Tyre Disposal) at Avon Location 12967 (Lot 12967) Yorkrakine Rd, Tammin.

Location:	Avon Location 12967 (Lot 12967) Yorkrakine Rd, Tammin
Applicant:	Tambo Nominees
Date:	13 th November 2017
Author:	Jacky Jurmann – Consultant Planner
Item Approved by:	Acting Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

Correspondence has been received from the Applicant requesting an extension of the development approval through the modification of condition 3, which states:

“This approval is time limited and will expire five (5) years from the date of determination. The Applicant may apply for an extension of the approval for further periods.”

The Applicant has requested a further period of 10 years, which will align with their License issued by the Department of Water and Environment Regulation under the provisions of Part V of the *Environmental Protection Act 1986*.

Background

This matter was last considered by Council at its November 2017 Ordinary Council Meeting where the Shire President reported that he had inspected the site along with the Acting CEO. It appeared that the area was being used as a dump for abandoned street sweepers, compactor refuse trucks and miscellaneous items.

Council resolved to defer the matter to the next Council meeting pending a further staff report on any non-compliance associated with the original approval.

Comments

As reported to Council last month, a check of Shire records indicates that the reporting requirements of the approval have not been met. It is appropriate to remind the Applicant of the reporting requirements and request that the information be provided to the Shire as soon as practicable.

Accordingly, the Council’s town planning consultant has been in contact with the Applicant to advise that further information is required. At the time of preparing this report the information had yet to be received.

Accordingly it is recommended that any further consideration of an extension is deferred until such time as the requested information is provided by the applicant.

Consultation

Extensive consultation was undertaken as part of the original assessment process. There have been no complaints or concerns raised during the operation period of the approval. Accordingly no consultation is deemed necessary or required to modify the subject condition of approval.

Statutory Implications

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 77 of the Regulations enables a condition to be amended or deleted. In this instance, the Applicant has requested amendment of condition 3 to enable the development to operate for a further 10 years.

Policy Implications

There are no policy implications associated with this proposal.

Financial Implications

Condition 11 of the development approval required payment of a rehabilitation bond by the Applicant, which was paid prior to operations commencing. No change to this condition is proposed and consequently, the bond will continue to be held by the Shire.

Strategic Implications

There are no strategic implications associated with this proposal.

MIN 106/17 MOTION:

That Council defers consideration of the request for an extension of the development approval until such time as the requested information is received.

Moved: Cr Crane

Seconded: Cr Batchelor

Vote: Simple Majority

Carried: 6/0

10.5 Development Application – Telstra Telecommunications Facility, South Yelbini

Location:	Lot 11461 Tammin-Wyalkatchem Road, North Tammin
Applicant:	Planning Solutions on behalf of Telstra
Date:	11 th December 2017
Author:	Jacky Jurmann – Consultant Planner
Item Approved by:	Acting Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	DA 17/18 - 1
Attachment/s:	10.5.1 – Telstra Planning Application - Letter 10.5.2 – Telstra Planning Application – Plans 10.5.3 – Nock Submission

Proposal/Summary

A development application has been submitted requesting approval to construct a Telstra Telecommunications Facility on Lot 11461 Tammin-Wyalkatchem Road, North Tammin.

The application is being recommended for conditional approval.

Background

The application proposes to construct a Telstra telecommunications facility on Lot 11461 Tammin-Wyalkatchem Road, North Tammin known as the South Yelbini site.

The telecommunications facility will have an overall height of 63.6m and be contained in a 15.24m x 30.24m fenced compound and will consist of:

- A 61m high Lattice tower;
- Six panel antennas, to be mounted on a triangular headframe;
- One GPS antenna mounted on the equipment shelter;
- One equipment shelter coloured 'Pale Eucalypt' (floor area of 7.5m²) adjacent to the new tower; and
- Ancillary equipment, including nine radio remote units and three tower mounted amplifiers associated with the operation of the facility.

The subject site contains an existing Telstra telephone exchange and communications lattice tower and ancillary equipment shelter. The lot is cleared land with remnant vegetation.

Attached to this Report are the plans and supporting information submitted with the development application.

Comments

Nil.

Consultation

The application was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* to nearby landowners by letter and on the Shire's website. One submission was received raising concerns regarding the location of the proposed facility. In accordance with the Act and Regulations, the application must be assessed as submitted, including the site selected. It can be assumed that the Applicant has conducted research to determine the most appropriate location for the facility. In addition, the Telecommunications legislation encourages co-location of facilities to minimise impacts, as proposed in this application.

Statutory Implications

Tammin Town Planning Scheme No. 1 (TPS1)

The subject property is zoned Rural and currently contains an existing Telstra telephone exchange and communications lattice tower and equipment shelter.

The proposed use is defined as Telecommunications Infrastructure, which is not listed in the Zoning Table, and accordingly is a 'use not listed'. A use not listed can be considered under clause 3.2.5 of TPS1 if Council determines that the use is or may be consistent with the objectives and purposes of the zone. If it is determined that the use is not consistent with the objectives of the zone, then the use cannot be permitted.

There are no zone objectives identified in TPS1, however generally the Rural zone is for the purposes of agricultural uses, including broad hectare farming and uses that are beneficial to the district as outlined in the Model Scheme Text.

In circumstances where the use may be consistent with the objectives and purposes of the zone, it is recommended that Council assess the application on this premise to enable advertising to be carried out in accordance with the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 64(1) requires development applications where the use is not listed in the Zoning Table to be advertised in one or more of the ways outlined in sub-clause (3). The application was advertised in accordance with this clause by notifying adjoining landowners in writing and publishing a notice on the Shire's website and noticeboards. As indicated in the Consultation Section of this Report, one submission was received raising concerns about the proposed location of the facility.

Clause 67 outlines the matters to be considered when determining an application for development approval. The following sub-clauses have been considered in the assessment of this application:

- (a) The proposal is consistent with the aims and provisions of TPS1, in particular objective (b) that aims to secure the amenity, health and convenience of residents.
- (c) SPP 5.2 – Telecommunications Infrastructure has been considered in this assessment. The proposal is consistent with the provisions of the SPP.
- (i) The Scheme Review Report for TPS1 has been approved by the WAPC. Any new local planning scheme will identify the land use in the zoning table as a discretionary use that may or may not require advertising.

- (m) The proposed development is compatible with the current use of the site and existing infrastructure. It is acknowledged that the tower will be visible from surrounding properties due to the height of the structure, which is necessary to provide coverage.
- (n) The character of the locality can be described as typical Wheatbelt broad hectare farming landscape. The proposed structure is typical of modern telecommunications infrastructure. The proposed colours and materials will reduce the visual impact together with landscaping.
- (s) & (t) Access to the site is existing from the Tammin-Wyalkatchem Road. Once constructed the traffic will be intermittent for maintenance purposes.
- (w) As mentioned earlier in this report, the subject site is already used by Telstra for telecommunications.
- (y) One submission was received raising concerns regarding the proposed location of the facility. This submission, although acknowledged, must be dismissed as explained in the Consultation section of this Report.
- (zb) It is worthwhile noting that improved telecommunications coverage in rural and remote areas benefits the whole community and therefore this proposal is considered beneficial to the locality.

Policy Implications

There are no policy implications associated with this development proposal.

Financial Implications

There are no financial implications associated with this development proposal.

Strategic Implications

There are no strategic implications associated with this development proposal.

MIN 107/17 MOTION:

That Council:

- 1. Determines in accordance with clause 3.2.5(b) of the Tammin Town Planning Scheme No. 1 that the use may be consistent with the objectives and purpose of the zone.**
- 2. Approves the development application (No. 1-17/18) to construct a Telstra telecommunications facility at Lot 11461 Tammin-Wyalkatchem Road, North Tammin, in accordance with the provisions of the Tammin Town Planning Scheme No. 1, subject to the following conditions and advice notes:**

Conditions

- 1. Development must substantially commence within two (2) years from the date of determination.**
- 2. Development shall take place in accordance with the stamped approved plans.**
- 3. The compound shall be landscaped to minimise visual impact from public spaces, to the satisfaction of the Shire within 6 months of completion of the development and must be retained and maintained in a satisfactory condition at all times.**
- 4. The development shall not include any light (whether flashing or otherwise) or any other form of illumination.**

Advice Notes

5. **If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.**
6. **Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.**
7. **If an applicant or owner 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 made within 28 days of the determination.**
8. **Prior to commencement of the development hereby determined, a Building Permit or Demolition Permit may be required in accordance with the provisions of the Building Act 2011.**

Moved: Cr Thomson

Seconded: Cr Caffell

Vote: Simple Majority

Carried: 6/0

10.6 Third Party Appeal Rights in Planning – WALGA Model

Location:	N/a
Applicant:	WALGA
Date:	12 th December 2017
Author:	Jacky Jurmann – Consultant Planner
Item Approved by:	Acting Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	10.6 – WALGA Discussion Paper

Proposal/Summary

Correspondence has been received from WALGA requesting Council consider their proposed model to support Third Party Appeal Rights for Planning for decisions made by Development Assessment Panels.

WALGA has requested members to advise their support or otherwise of their model Third Party Appeal Rights by Council resolution by 15 March 2018.

It is recommended that Council support WALGA's model.

Background

Attached to this Report is WALGA's discussion paper on the results of consultation carried out in relation to this matter.

Comments

Currently there are no third party appeal rights to decisions relating to planning matters in Western Australia, with the exception of appealing to the Supreme Court regarding process.

Western Australia is the only State in Australia that does not have third party appeal rights in their planning legislation.

If Council did not agree with the decision made by a Development Assessment Panel, at present there would be no avenue for an appeal and it is likely that Council would be excluded from any proceedings in the State Administrative Tribunal brought forward by the DAP or Applicant. This instance occurred during the appeal to refuse to grant approval for the Allawuna Landfill in the Shire of York. Although the Shire were invited to participate in the proceedings, their role was consultative and did not have any weight when decisions were made and the development was approved by SAT, which was contradictory to the community's wishes.

Consultation

The outcomes of the consultation indicate that WALGA members support third party appeal rights in some form. A number of options were presented during the consultation process and the highest support is for the establishment of third party appeal rights for decisions made by Development Assessment Panels.

Statutory Implications

Amendments would be required to the Development Assessment Panels Regulations and the State Administrative Tribunal Act to introduce third party appeal rights as proposed by WALGA.

Policy Implications

There are no policy implications associated with this proposal.

Financial Implications

There are no financial implications at this stage associated with this proposal. If legislative amendments were introduced, then Council would need to decide whether to allocate a budget for legal expenses should the need arise.

Strategic Implications

Third party appeal rights to decisions made by Development Assessment Panels would provide better representation for the community, which is consistent with the aims and objectives of the local planning scheme and other corporate strategic documents.

MIN 108/17 MOTION:

That Council advise WALGA that they support the introduction of third party appeal rights for planning decisions made by Development Assessment Panels.

Moved: Cr Batchelor

Seconded: Cr Thomson

Vote: Simple Majority

Carried: 6/0

10.7 Shire of Tammin Annual Report 2016/2017

Location:	Shire of Tammin
Applicant:	Chief Executive Officer
Date:	24 th November 2017
Author:	Stephen Tindale
Item Approved by:	Acting Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	10.7.1 – Management Letter & Audit Report 10.7.2 – 2016/17 Financial Statement 10.7.3 – 2016/17 Annual Report

Proposal/Summary

Council is requested to:

- a) accept the recommendations of the Audit Committee meeting held on 19 December 2017,
- b) accept the Annual Report for the 2016/2017 Financial Year, and
- c) set a date for the holding of the Annual General Meeting of Electors.

Background

The Shire of Tammin has received the Audit Report for the 2016/17 financial year from the Shire's auditors, Anderson Munro & Wyllie (Attachment 10.7.1).

Following the receipt of the Audit Report, the Shire's Audit Committee is scheduled to meet at 3.15pm on the same day as the Council meeting. The committee is expected to recommend to Council the adoption of the Financial Statement (Attachment 10.7.2) and Audit Report and Management Letter from Anderson Munro & Wyllie Partners for the 2016/17 financial year.

The Annual Report (Attachment 10.7.3), which includes the Annual Financial Statements and the Audit Report referred to above, is now submitted for acceptance by Council.

Having accepted the Annual Report, a date is to be set for the Annual General Meeting of Electors.

Comment

A copy of the Audit Committee agenda and the Annual Report has been circulated to Councillors.

Statutory Environment

Local Government Act 1995

5.53. Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain —*
 - (a) *a report from the mayor or president; and*
 - (b) *a report from the CEO; and*

[(c), (d)deleted]

- (e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*
- (f) the financial report for the financial year; and*
- (g) such information as may be prescribed in relation to the payments made to employees; and*
- (h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and*
- (ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
- (hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —*
 - (i) the number of complaints recorded in the register of complaints; and*
 - (ii) how the recorded complaints were dealt with; and*
 - (iii) any other details that the regulations may require;**and*
 - (i) such other information as may be prescribed.*

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.55A. Publication of annual reports

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

Local Government (Administration) Regulations 1996

19B. Information about numbers of certain employees to be included (Act s. 5.53(2)(g))

For the purposes of section 5.53(2)(g) the annual report of a local government for a financial year is to contain the following information —

- (a) the number of employees of the local government entitled to an annual salary of \$100 000 or more;*

- (b) *the number of those employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000.*

5.27. Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Community Consultation

Nil

MIN 109/17 MOTION:

That Council:

- a) **Adopt the recommendations of the Audit Committee meeting held on 19th December 2017**
- b) **Accept the 2016/17 Annual Report.**
- c) **Hold the Annual General Electors Meeting on Monday 12th February 2018 commencing at 6.00pm at the Shire of Tammin Lesser Hall, 3 Donnan Street, Tammin.**

Moved: Cr Batchelor

Seconded: Cr Thomson

Vote: Absolute Majority

Carried: 6/0

10.8 Corporate Business Plan

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	11 th December 2017
Author:	Stephen Tindale
Item Approved by:	Acting Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	10.8 - Corporate Business Plan Spreadsheet

Proposal/Summary

A recommendation is made to introduce quarterly reporting to Council on the implementation of the Corporate Business Plan by staff.

Background

All local governments are currently required to produce a plan for the future under Sec. 5.56 (1) of the *Local Government Act 1995*.

Regulations made under the Act outline the minimum requirements of a plan for the future namely:-

- A **Strategic Community Plan** to cover a period of at least 10 financial years.
- A **Corporate Business Plan** to cover a period of at least 4 financial years.

The Shire of Tammin has recently undertaken a comprehensive review of its Strategic Community Plan.

Once completed, the Corporate Business Plan should spill out of (and be driven by) the Strategic Community Plan if the Strategic Community Plan is to mean anything and not gather dust on the shelf.

In other words, it is the Corporate Business Plan that activates the Strategic Community Plan by responding to Council's broad objectives and prioritisation of the community's short, medium and long term aspirations.

The process by which the Corporate Business Plan is developed incorporates:

- Activating the Strategic Community Plan.
- Operations Planning
- Annual reviews and reprioritisation of the Corporate Business Plan

A critical accountability and transparency element is the reporting process that which the local government to inform the community and statutory bodies on its progress in delivering services, projects and other operations to meet the community's short term, medium term and long term aspirations.

Comment

If the Strategic Community Plan and reporting process is to be effective, then the Council (and the community) need to be kept regularly informed by the Shire CEO of progress made in completing specific actions identified in the Corporate Business Plan. These actions are intended to bring life to the Strategic Community Plan.

An annual review and report on the implementation of the Corporate Business Plan is insufficient in terms of keeping Councillors (and the community) regularly informed.

In support of quarterly reporting it is not untypical for staff and elected members to be consumed by local issues of the day that see staff time and Council resources being diverted away from the achievement of the community aspirations identified in the Strategic Community Plan and, in particular, the specific actions identified in the Corporate Business Plan.

Attached to this agenda item is a sample spreadsheet developed by the Acting CEO for the Shire of Mt Marshall for the purpose of reporting to Council on a regular basis.

It identifies the strategies and actions for each Community Strategic Plan objective and the year/s of implementation for the four-year life of the Corporate Business Plan. It also identifies the particular Shire officer charged with responsibility for implementing the action while noting that ultimate responsibility for the implementation of the Corporate Business Plan rests with the CEO.

As shown on the spreadsheets, the attainment of certain strategies and actions can be hampered by;

- insufficient funding and cost blowouts,
- scheduling difficulties arising from external blockages or narrow windows of opportunity,
- resource constraints (lack of staff time, knowledge, technology or materials).

A set of traffic lights alongside these three potential areas of constraint quickly flags to staff, Councillors and community members, those Corporate Business Plan actions that may need collective consideration and attention.

If a red or amber traffic light appears alongside any particular constraint, it doesn't necessarily mean the whole project is jeopardised.

Instead the 'Project Standing' traffic light is intended to disclose the **overall** standing of the project irrespective of glitches that may have been previously signalled. The comments field is intended to include brief notes on the project so that at any point in time staff and elected members can update, or remind themselves, on where a particular project is at a particular point in time.

The traffic light system also enables Council and staff discussion to be focussed on the things that matter rather than wading through page after page of the report.

It is recommended that the updated Corporate Business Plan be presented to quarterly meetings of Council in the months of September, December, March and June. The June Council meeting should be the meeting at which a comprehensive evaluation of progress made in the past year is discussed to better inform Council deliberations for the next financial year pending the adoption of the Annual Budget in July (or August). The September meeting should be the meeting where the CEO presents the revised Corporate Business Plan to Council for endorsement in light of the adopted Annual Budget for the year.

The Corporate Business Plan also presents the CEO with the opportunity of better managing the performance of Shire officers. The CEO in turn can then be better managed by the Council if certain (but not all) strategies and actions identified in the Corporate Business Plan are incorporated into his/her contract of employment and annual performance review in, say, August of each year when the previous year's efforts are known and the current year's revised Corporate Business Plan is about to be presented to Council in September.

Consultation

Shire President – Michael Greenwood

Statutory Implications

Local Government (Administration) Regulations 1996

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Tammin Strategic Community Plan

One of the objectives of the Strategic Community Plan is to “Ensure the responsible management of resources.”

MIN 110/17 MOTION:

That Council adopt the format of the attached Corporate Business Plan spreadsheet for the purposes of quarterly reporting to the ordinary meetings of Council held in the months of September, December, March and June of each financial year.

Moved: Cr Batchelor

Seconded: Cr Daniels

Vote: Simple Majority

Carried: 6/0

10.9 Tammin Volunteer Fire and Emergency Service – Contribution to Works

Location:	Tammin
Applicant:	Tammin Volunteer Fire and Emergency Service
Date:	12 th December 2017
Author:	Stephen Tindale
Item Approved by:	Acting Chief Executive Officer
Attachment/s:	10.9 – Tammin VFES AGM Minutes

Proposal/Summary

Council is asked to accept a donation of \$15,000 from the Tammin Volunteer Fire and Emergency Service to “be utilised accordingly to benefit the wider community of Tammin.”

Background

The Tammin Volunteer Fire and Emergency Service held its Annual General Meeting on 23rd October 2017 (see attached minutes).

Under the heading of General Business, the meeting discussed “...the amount of funds accumulated over a long period of time, 1990s to present day.” A resolution was subsequently passed at the meeting which would see the Tammin Volunteer Fire and Emergency Service donating the sum of \$15,000 to the Shire of Tammin as a contribution to works subject to acceptance by the Shire.

Comments

An obvious project for the Shire to apply the donated funds to is the proposed installation of four firefighting water tanks in both south and north Tammin. The tanks are to be located on the corner of Yorkrakine Rock Road & Bungulla North Road, corner of Yorkrakine Road & Waltham Road, Tammin South Road and Quartermaine Road.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

The Shire of Tammin will incur expense in leveling and preparing the sites for the tanks. This includes connections to the existing standpipes. The estimated nett cost of \$5,000 to the Shire can be found from savings from within the 2017/18 annual budget.

Strategic Implications

Shire of Tammin Strategic Community Plan

One of the objectives of the Strategic Community Plan is to “Improve local access to services.” An associated priority is to “Strengthen emergency services”.

MIN 111/17 MOTION:

That Council

- a) **accept the proposed contribution to works of \$15,000 from the Tammin Volunteer Fire and Emergency Service, and**
- b) **express its appreciation to the Tammin Volunteer Fire and Emergency Service for the contribution.**

Moved: Cr Thomson

Seconded: Cr Caffell

Vote: Absolute majority

Carried: 6/0

10.10 Shape Urban – Tammin Visioning Plan

Location:	Tammin
Applicant:	Shire of Tammin
Date:	12 th December 2017
Author:	Stephen Tindale
Item Approved by:	Acting Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	10.10 - Tammin Visioning Plan Report

Proposal/Summary

Council is asked to receive and adopt the ‘Tammin Visioning Plan Report’ for the purposes of further community consultation.

Background

In May 2017 Shape Urban was engaged by the Shire of Tammin to prepare a vision or concept plan for the Tammin Townsite.

In July 2017 Shape Urban provided the Shire a plan illustrating “...one way of responding to the unique aspects of Tammin, respecting the existing town, but focusing on the experience of the passer-by to try and encourage them to stay a while.”

Further consultation was undertaken with Council and community members and in response to that consultation; Shape Urban has presented its draft report (see Attachment 10.10) for Council’s consideration.

Comments

The Acting CEO has little knowledge of the work undertaken to date in terms of feedback provided to Shape Urban by Council and community members and how that has influenced the draft report that is now to hand.

In the absence of knowledge and any strong comment from Council members, it would be prudent to submit the draft report to the community for final comment.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

An amount of \$3,168 (August 2017) has been spent on the preparation of the report to date.

Strategic Implications

Nil

MIN 112/17 MOTION:

That Council:

- 1. Receives the Tammin Visioning Plan Report prepared by Shape Urban.**
- 2. Seeks public submissions on the report with a view to adopting the report (as amended) at Council's March 2018 Ordinary Council Meeting.**

Moved: Cr Daniels

Seconded: Cr Batchelor

Vote: Simple Majority

Carried: 6/0

11 Elected Members Motions of which Notice has been Given

Nil

12 Matters for which the Meeting may be Closed

That under section 5.23.2 (a), (b) and (c) of the *Local Government Act 1995*, Council move behind closed doors to consider Agenda Item 12.1.

Moved: Cr Thomson

Seconded: Cr Batchelor

Vote: Simple majority

Carried: 6/0

Ms Kelsey Pryer and Mr Greg Stephens left the meeting at 5:42pm.

12.1 Appointment of a Chief Executive Officer

Proposal/Summary

Council is asked to receive the minutes and adopt the recommendation of the CEO Selection Panel Meeting held on 13 December, 2017 to appoint a permanent Chief Executive Officer.

Background

With the resignation of the former Chief Executive Officer, Peter Naylor, the CEO Selection Panel has recently interviewed a candidate for the vacant position of Chief Executive Officer with the assistance of Lydia Highfield from WALGA Recruitment Services.

Shire of Tammin Councillors present at the meeting were Cr Greenwood, Cr Batchelor and Cr Daniels. The Acting CEO, Stephen Tindale, also sat in on the meeting.

CONFIDENTIAL copies of the minutes of the meeting and candidate's curriculum vitae are attached (Attachments 12.1 and 12.2).

Subject to two conditions being met, the CEO Selection Panel recommends the appointment of the candidate to the vacant CEO position.

Comments

Shire of Tammin Councillors who were present at the meeting are best placed to speak to the merits of the candidate or otherwise at the Council meeting.

In the event that no appointment is made, it is intended that the vacancy be advertised again at the end of January 2018.

Consultation

Nil

Statutory Implications

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.**

5.39. Contracts for CEO and senior employees

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
- (1a) *Despite subsection (1) —*
 - (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
 - (b) *a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*
- (2) *A contract under this section —*
 - (a) *in the case of an acting or temporary position, cannot be for a term exceeding one year;*
 - (b) *in every other case, cannot be for a term exceeding 5 years.*
- (3) *A contract under this section is of no effect unless —*
 - (a) *the expiry date is specified in the contract; and*
 - (b) *there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
 - (c) *any other matter that has been prescribed as a matter to be included in the contract has been included.*
- (4) *A contract under this section is to be renewable and subject to subsection (5), may be varied.*
- (5) *A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.*
- (6) *Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.*
- (7) *A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7A.*
- (8) *A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

MIN 113/17 MOTION:

That Council receives the minutes and adopts the recommendation of the CEO Selection Panel Meeting held on 13 December, 2017 to appoint a permanent Chief Executive Officer.

Moved: Cr Crane

Seconded: Cr Thomson

Vote: Simple Majority

Carried: 6/0

That Council move from behind closed doors.

Moved: Cr Crane

Seconded: Cr Batchelor

Vote: Simple Majority

Carried: 6/0

13 Closure of Meeting

There being no further business, the Shire President declared the meeting closed at 6:35pm.

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.*