

# Shire of Tammin

## ORDINARY COUNCIL MEETING

### Agenda



#### NOTICE OF MEETING

Dear Elected Member

The next ordinary meeting of the Shire of Tammin will be held on **Wednesday 22<sup>nd</sup> May 2024** at the Council Chambers at 1 Donnan Street Tammin, commencing at **5:00pm**.

A handwritten signature in black ink, appearing to read 'Joanne Soderlund'.

Joanne Soderlund  
Chief Executive Officer  
17 May 2024

#### MISSION STATEMENT

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

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## **AGENDA**

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

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

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

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

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

**Present:**

**In Attendance:**

**Leave of Absence previously granted:**

**Apologies:**

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

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

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

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

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

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**9.1 Ordinary Council Meeting Minutes – 24 April 2024**

**Officers Recommendation**

That the minutes of the Ordinary Council Meeting held on 24 April 2024 be confirmed as a true and accurate record of proceedings.

Moved: Cr

Seconded: Cr

Vote: Simple Majority

Carried/Lost:

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

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

## 12. MATTERS FOR CONSIDERATION – FINANCE

### 12.1 List of Payments for April 2024

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Administration & Finance Officer
<b>Date:</b>	17 May 2024
<b>Author:</b>	Teresa Brindley-Stevens
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	FIN05
<b>Attachment/s:</b>	Attachment Item 12.1 – Payment Listing Attachment Item 12.1 - Credit Card Statement Attachment Item 12.1 – Credit Card Summary Attachment Item 12.1 – Fuel allocation costs

#### Purpose of Report

For Council to ratify the accounts paid under delegated authority.

#### Background

The attached List of Accounts paid during the month of April 2024 totaling \$262,195.46 by way of:

Cheque numbers	6841 - 6841	10,979.23
Direct debit payments	01/04/2024 – 30/04/2024	\$9,635.84
Licensing transfers	01/04/2024 – 30/04/2024	\$4,004.15
Bank fees	01/04/2024 – 30/04/2024	\$67.03
VISA payments	01/04/2024 – 30/04/2024	\$8,207.02
EFT payments	EFT6836 – EFT6875	\$158,855.73
Salaries and wages	01/04/2024 – 30/04/2024	\$70,446.46
<b>Total payments</b>	01/04/2024 – 30/04/2024	\$262,195.46

The Shire of Tammin made the following significant purchases during the month of April 2024:

<b>Luke Stewart</b> Pavilion double door replacement and hardware to suit.	<b>\$ 26,565.00</b>
<b>Youlie and Son Spreading Services</b> Labour hire and preparation works on bungulla rd in the month of March 2024	<b>\$ 21,004.50</b>
<b>Innes &amp; Co</b> Semi trailer hire for carting material for Bungulla north rd	<b>\$ 19,717.50</b>
<b>AP Concreting Pty Ltd</b> Construct concrete floodway Yorkrakine north rd	<b>\$ 18,403.00</b>
<b>Westrac CAT</b> Repairs to track Loader TN246	<b>\$ 12,801.43</b>
<b>Water Corporation</b> Standpipe water supply charges used for Bungulla North rd	<b>\$ 10,979.23</b>
<b>Wright Express Australia Pty Ltd (Caltex)</b> Fuel and oil charges for the month of March	<b>\$ 10,851.98</b>
<b>Sherrin Rentals PTY LTD</b> Hire of padfoot roller	<b>\$ 8,921.00</b>
<b>Martins Painting Services (WA) PTY LTD</b> Painting of Club room and umpires room	<b>\$ 8,800.00</b>
<b>NAB Business Visa</b> Credit card charges for CEO MWS MFC March 2024	<b>\$ 8,207.02</b>
<b>Avon Valley Glass</b> Carryout counter modifications at the Tammin Shire Office	<b>\$ 6,731.55</b>

**Comment**

Nil

**Financial Implications**

All liabilities have been settled in accordance with the Shire of Tammin 2023/2024 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.





## 12.2 Financial Management Report for the month of April 2024

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Manager of Finance and Corporate Services
<b>Date:</b>	17 May 2024
<b>Author:</b>	Racheal King
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment Item 12.2 – April 2024 Monthly Financial Report

### Purpose of Report

For Council to receive the Monthly Financial Statement.

### Background

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

### Comment

Rates were issued on 8 August 2023 with payments due in full by 12 September 2023. Payment arrangements have been made with rate payers if required. 91.7% of rates have been received as of 30 April 2024 with minimal overdue rates. The works crew have been busy finalising jobs before end of year with the majority of Capex jobs being completed with the remaining due to be finalised within the financial year.

### Financial Implications

There are currently no financial implications as income and expenditure is in accordance with Budget. Amendments will be made at Budget review in terms of Grant Income and Expenditure.

### Statutory Implications

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

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

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
- a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - b) budget estimates to the end of the month to which the statement relates;
  - c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
- a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
  - c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity December be shown —
- a) according to nature and type classification; or
  - b) by program; or
  - c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
- a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - b) recorded in the minutes of the meeting at which it is presented.

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

### **Policy Implications**

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

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

### **Civic Leadership Strategies**

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

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

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

6.1.1 Deliver sustainable governance through transparent and robust policy and processes

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

Outcome 6.2 An efficient and effective organisation

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

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

**Officers Recommendation**

That Council, pursuant to the *Local Government (Financial Management) Regulations 1996* adopt the Monthly Financial Report as contained in attachment 12.2 for the period ending 30 April 2024 comprising;

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

Moved: Cr

Seconded: Cr

Vote: Simple Majority

Carried/Lost:

## 13 MATTERS FOR CONSIDERATION – ADMINISTRATION

### 13.1 Bush Fire Advisory Committee Meeting Minutes – 22 April 2024

<b>Location:</b>	N/A
<b>Applicant:</b>	CEO
<b>Date:</b>	16 May 2024
<b>Author:</b>	Joanne Soderlund
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	Nil
<b>Attachment/s:</b>	Attachment Item 13.1 – BFAC Minutes

#### Proposal/Summary

For Council to consider the recommendations made by the Bush Fire Advisory Committee.

#### Background

The Bush Fire Advisory Committee met on Monday 22 April 2024 at the Shire Council Chambers.

#### Comments

The Committee discussed various agenda items and has put forward to Council a recommendation for Council's consideration to remove a Bush Fire Control Officer. The Committee also reviewed the current burning periods and did not recommend any alternations.

#### Consultation

Tammin Bushfire Brigade Members

#### Statutory Implications

Bush Fires Act 1954 Part 4 s38 Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

(2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

**Policy Implications**

The Bush Fires Act 1954 Section 41 (1) states the below:

**41. Bush fire brigades**

- (1) For the purpose of carrying out normal brigade activities a local government may, in accordance with its local laws made for the purpose, establish and maintain one or more bush fire brigades and may, in accordance with those local laws, equip each bush fire brigade so established with appliances, equipment and apparatus.

**Financial Implications**

Nil

**Strategic Implications**

**Strategic Community Plan 2018 - 2027**

**Outcome 1.2 A growing, healthy and safe community**

1.2.3 Support provision of emergency services and encourage community volunteers.

**Officers Recommendation 1**

That Council receive the Minutes of the Bush Fire Advisory Committee for its meeting on 22 April 2024.

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

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

Vote: Simple Majority

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

**Bush Fire Advisory Committee Recommendation 2**

That the Bush Fire Advisory Committee Meeting recommend to Council that: -

Mr Roger Uppill be removed as a Fire Control Officer, as previously discussed at the Bush Fire Advisory Committee Meeting held on the 11<sup>th</sup> October 2023.

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

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

Vote: Simple Majority

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

### 13.2 Councillor Vacancy - Extraordinary Election

<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Chief Executive Officer
<b>Date:</b>	16 <sup>th</sup> May 2024
<b>Author:</b>	Joanne Soderlund
<b>Item Approved by:</b>	Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil
<b>File Reference:</b>	ADM41
<b>Attachment/s:</b>	Attachment Item 13.2 – Letter of resignation Attachment Item 13.2 - Election Timetable

#### **Proposal/Summary**

For Council to set a day for the extraordinary election required to fill a Council vacancy.

#### **Background**

In accordance with s2.31(3) of the Local Government Act 1995, former Cr Stephens tendered his resignation with immediate effect on 8<sup>th</sup> May 2024.

Accordingly, Council is now requested, in accordance with s4.9(1)(b) of the Local Government Act 1995, to fix a day for the holding of the extraordinary election.

#### **Comments**

The Local Government Act 1995 requires Council, within one month after the vacancy occurs, to set a day for the extraordinary meeting.

The Election Day should be such that it allows enough time for the electoral requirements to be complied with but, unless otherwise approved by the Electoral Commissioner, it cannot be later than 4 months after the vacancy occurs (i.e. 7<sup>th</sup> September 2024).

An Election Timetable showing key dates is attached for Council's information.

It is proposed to fix the date of Thursday 5<sup>th</sup> of September 2024. This date takes into consideration the actions and timeframes that need to occur before the election can be held. It also considered when the nomination period will occur to ensure it does not fall during school holidays. The nomination period for the proposed election date would run from Tuesday the 23<sup>rd</sup> of July 2024 through to Tuesday the 30<sup>th</sup> of July 2024.

In accordance with s4.20 of the Local Government Act 1995, the CEO is to be the returning officer unless Council determines otherwise. The CEO has requested a quotation from the Western Australian

Electoral Commission (WAEC) however has not yet received an estimate. For some comparison the Shire of West Authur which is also a Band 4 Council received a quote from WAEC to conduct its extraordinary election for one vacancy with the estimate being \$13,500. Given the likely costs involved in having the WAEC run the elections it is suggested that the CEO remain the returning officer similar to last years ordinary elections.

### **Consultation**

WA Electoral Commission  
Department of Local Government, Sport and Cultural Industries  
WALGA

### **Statutory Implications**

Local Government Act 1995

#### **2.31. Resignation**

- (1) *An elector mayor or president may resign from the office of mayor or president.*
- (2) *A councillor may —*
  - (a) *resign from the office of councillor;*
  - (b) *resign from the office of councillor mayor or president, deputy mayor or deputy president.*
- (3) *Written notice of resignation is to be signed and dated by the person who is resigning and delivered to the CEO.*
- (4) *The resignation takes effect from the date of delivery of the notice or from a later day specified in the notice.*

#### **4.9. Election day for extraordinary election**

- (1) *Any poll needed for an extraordinary election is to be held on a day decided on and fixed —*
  - (a) *by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or*
  - (b) *by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).*
- (2) *The Election Day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.*
- (3) *If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —*
  - (a) *fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and*
  - (b) *advise the CEO of the day fixed.*

### **Policy Implications**

Nil

**Financial Implications**

The holding of an extraordinary election is likely to cost in the order of \$4,000 for advertising, software and staffing of polling booths if required.

A provision for this cost can be included in the 2024/25 Budget.

**Strategic Implications**

**Governance: Strengthen Shire Leadership**

Our Vision

- We will provide leadership and make informed decisions for the benefit of the community.
- We will provide good governance to ensure our local area is sustainable and advocate and lobby on behalf of our community for the provision of services and infrastructure.
- We will work in partnership with our community and support our community as leaders.

**Recommendation**

That Council, in accordance with Section 4.9 of the Local Government Act 1995, to fill the vacancy resulting from the resignation of former Cr Stephens, fix the day for the extraordinary election to be 5<sup>th</sup> September 2024.

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

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

Vote – Simple Majority

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



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

Nil

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

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

Nil

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

Nil

**18. CLOSURE OF MEETING**

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

