



Ordinary Meeting of Council

AGENDA

11 February 2021

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DISABILITY.



SHIRE OF BROOMEHILL-TAMBELLUP

NOTICE OF MEETING

An Ordinary Meeting of Council of the Shire of Broomehill-Tambellup will be held in the Tambellup Council Chambers on 11 February 2021 commencing at 4.30pm.



KB Williams
Chief Executive Officer

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Broomehill-Tambellup for any act, omission or statement or intimation occurring during Council or Committee meetings. The Shire of Broomehill-Tambellup disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the Shire of Broomehill-Tambellup during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Broomehill-Tambellup. The Shire of Broomehill-Tambellup warns that anyone who has any application lodged with the Shire of Broomehill-Tambellup must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Broomehill-Tambellup in respect of the application.

Shire of Broomehill–Tambellup

REGISTER OF INTERESTS

RECORD OF DISCLOSURES MADE

NAME OF PERSON MAKING DISCLOSURE

Full Name _____

Date of Disclosure _____

Date of Meeting _____

Council Meeting YES [] NO [] (Tick Box)

OR

Committee Meeting YES [] NO []

Name of Committee Meeting: _____

Item Number _____

Nature and Extent of Interest:

Date _____ Signature _____

(OFFICE USE ONLY)

Minute Book Page No: _____

Signature of Staff Recording Interest



NOTICE OF MOTION

SUBMITTED BY COUNCILLOR: _____

COUNCIL MEETING: _____

I give notice of my intention to move the following motion at the next Ordinary Meeting of the Council pursuant to Clause 3.7 of Standing Orders:

MOTION:

COUNCILLOR COMMENT

.....
Councillor

.....
Date



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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3. ATTENDANCE

Cr MC Paganoni	President
Cr ME White	Deputy President
Cr MC Nazzari	
Cr KJ Holzknecht	
Cr CJ Letter	
Cr DT Barritt	
Cr SH Penny	
KB Williams	Chief Executive Officer (CEO)
P Vlahov	Manager Works
KP O’Neill	Manager Finance and Administration
PA Hull	Strategic Support & Projects Officer
LK Cristinelli	Executive Assistant

3.1 APOLOGIES

3.2 APPROVED LEAVE OF ABSENCE

4. DECLARATION OF INTEREST

5. PUBLIC QUESTION TIME

6. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

7. ITEMS BROUGHT FORWARD BY DECISION OF COUNCIL

8. CONFIRMATION OF PREVIOUS MEETING MINUTES

8.1 ORDINARY MEETING OF COUNCIL MINUTES 18 DECEMBER 2020

Recommendation:

That the Ordinary Meeting of Council Minutes of 18 December 2020 be accepted.

9. RECEIPT OF COMMITTEE MEETING MINUTES HELD SINCE LAST MEETING

Nil

10. REPORTS OF OFFICERS

10.01	FINANCIAL STATEMENTS FOR DECEMBER 2020
Attachment:	Monthly Financial Statements for December 2020
File Ref:	Nil
Author:	KP O'Neill - Manager Finance and Administration
Date:	05 February 2021
Disclosure of Interest:	Nil

SUMMARY

Council to consider the monthly financial report for the period ending 31 December 2020.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* require a statement of financial activity to be prepared each month and prescribe the contents of that report and accompanying documents. The report is to be presented at an ordinary meeting of the Council within 2 months after the end of the month to which the report relates.

Each financial year, Council is required to adopt a percentage or value to be used in the statement of financial activity for reporting material variances.

As part of the 2020/21 budget process, Council adopted 10% or \$10,000 as the material variance for reporting purposes for the year.

COMMENT

Note 2 in the financial statements provides commentary on the material variances shown in the statement of financial activity by reporting program, which is a requirement of the Local Government (Financial Management) Regulations 1996.

Receivables - which includes outstanding rates, emergency services levy, pensioner rebates and other 'sundry' debtors - is reported at Note 6.

Note 8 tracks capital grants and contributions, the unspent balance of which is reported as 'Restricted Cash' throughout the financial report.

Capital revenue and expenditure is detailed in Note 12, which includes plant replacement, road construction, building improvements, reserve transfers and loan transactions.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report

(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 subregulation (1)(d); and*
 - (c) such other supporting information as is considered relevant by the local government.*

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This issue is not dealt with in the Plan

FINANCIAL IMPLICATIONS

The report represents the financial position of the Council at the end of the previous month.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Financial Statement for the period ending 31 December 2020 be adopted.

10.02	CREDITORS ACCOUNTS PAID DECEMBER 2020 & JANUARY 2021
Attachment:	List of Payments for December 2020 & January 2021
File Ref:	Nil
Author:	KP O’Neill – Manager Finance and Administration
Date:	5 February 2021
Disclosure of Interest:	Nil

SUMMARY

Council to consider the list of payments made from the Municipal and Trust Funds during December 2020 and January 2021.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* prescribe that a list of accounts paid under delegated authority by the CEO is to be prepared each month, providing sufficient information to identify the transactions.

The list is to be presented to the Council at the next ordinary meeting after the list is prepared and recorded in the minutes of that meeting.

COMMENT

Summary of payments made for the month:-

December 2020

Municipal Fund	\$373,474.67
Trust Fund	\$0.00
Credit Cards	\$1,059.83
Total	\$374,534.50

January 2021

Municipal Fund	\$675,309.46
Trust Fund	\$0.00
Credit Cards	\$3,146.59
Total	\$678,456.05

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

13. Lists of accounts

- (1) *If the local government has delegated authority 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 –*
- the payee’s name;*
 - the amount of the payment;*
 - the date of the payment; and*
 - sufficient information to identify the transaction.*

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This issue is not dealt with in the Plan

FINANCIAL IMPLICATIONS

Lists the payments made from Municipal and Trust Funds during the previous month.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the list of accounts paid during December 2020, consisting of –

- ***Municipal Fund cheque, EFT and direct debit payments totalling \$373,474.67;***
- ***Trust Fund cheque payments totalling \$0.00; and***
- ***Credit Card payments totalling \$1,059.83***

and

That the list of accounts paid during January 2021, consisting of –

- ***Municipal Fund cheque, EFT and direct debit payments totalling \$675,309.46;***
- ***Trust Fund cheque payments totalling \$0.00; and***
- ***Credit Card payments totalling \$3,146.59***

be endorsed.

10.03	LOCAL GOVERNMENT ORDINARY ELECTION: 2021
Attachment:	Nil
File Ref:	ADM0566
Author:	KP O’Neill – Manager Finance & Administration
Date:	20 January 2021
Disclosure of Interest:	Nil

SUMMARY

Council to resolve if it wishes to conduct the 2021 Ordinary Council Elections as a postal election.

BACKGROUND

The next Local Government Ordinary Elections will be held on 16 October 2021. The Electoral Commissioner has written inviting Council to again conduct its election as a postal election.

The *Local Government Act 1995* requires that written agreement must be obtained from the Electoral Commissioner before Council can determine if it wishes to hold a postal election. The Commissioners letter includes his agreement to be responsible for the conduct of the ordinary elections in 2021 in accordance with section 4.20(4) of the *Local Government Act 1995*, together with any other elections or polls that may also be required. The Commissioners agreement is subject to the proviso that the Shire of Broomehill-Tambellup wishes to have the election undertaken as a postal election.

In order to take up the postal election option Council will need to pass two resolutions by absolute majority.

COMMENT

The Shire of Broomehill-Tambellup has, since its formation in 2008, conducted the ordinary elections as a postal vote. The participation by the community indicates that conducting Council elections as a postal election was a positive initiative by Council.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 4.20

(4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

**Absolute majority required*

Section 4.61

(2) The local government may decide to conduct the election as a postal election.*

**Absolute majority required*

POLICY IMPLICATIONS

There is no policy applicable to this item.

STRATEGIC IMPLICATIONS

This issue is not dealt with in the Plan

FINANCIAL IMPLICATIONS

The estimated cost for the 2021 election is \$13,000 (GST inc) which has been based on the following assumptions by the Electoral Commission:

- 720 electors;
- response rate of approximately 65%;
- 4 vacancies;
- count to be conducted at the offices of the Shire of Broomehill-Tambellup
- appointment of a local Returning Officer; and
- regular Australia Post delivery service to apply for the lodgement of election packages

The cost estimate does not include

- non-statutory advertising (ie any additional advertisements in community newspapers and promotional advertising)
- any legal expenses other than those that are determined to be borne by the WA Electoral Commission in a Court of Disputed Returns
- one local government staff member to work in the polling place on election day.

The Commission has indicated that recent experience with Australia Post priority mail has not significantly sped up the delivery of the election packages, hence the recommendation to utilise regular post. Opting to use the Australia Post priority service will increase the cost estimate by approximately \$144.

Provision will be made in the 2021/22 budget for costs associated with the elections. The Commission is required by the Local Government Act to conduct local government elections on a full cost recovery basis. Should there not be an election, the cost will be on a pro rata basis.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council

- ***Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2021 ordinary elections together with any other elections or polls which may be required; and***
- ***Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.***

10.04**LOCAL LAW REVIEW****Attachment:**

- Draft Local Laws (February 2020 versions)
- Amendment summary table
- Proposed Local Laws (February 2021 versions):
 - Draft Activities on Thoroughfares and Public Places and Trading Local Law 2020
 - Draft Cemeteries Local Law 2020
 - Draft Dogs Local Law 2020
 - Draft Extractive Industries Local Law 2020
 - Draft Fencing Local Law 2020
 - Draft Local Government (Council Meetings) Local Law 2020
 - Draft Local Government Property Local Law 2020
 - Draft Repeal Local Law 2020
 - Draft Waste Local Law 2020
 - Draft Bushfire Brigades Local Law 2020
 - Draft Health Local Law 2020
 - Draft Removal of Refuse, Rubbish and Disused Material Local Law 2020

File Ref:

ADM0471

Author:

PA Hull – Strategic Support & Projects Officer

Date:

08 January 2021

Disclosure of Interest:

Nil

SUMMARY

The purpose of this report is for Council to consider:

- Adopting eleven local laws, based, where applicable, on Western Australian Local Government Association (WALGA) model local laws, to replace existing local laws; and
- Adopting one new local law based on WALGA model local laws

as proposed at its 20 February 2020 Ordinary Meeting and following the required public advertising period.

BACKGROUND

Section 3.16 (1) of the *Local Government Act 1995* (the Act) requires a local government to review a local law within a period of eight years from when it commenced. The Shire of Broomehill-Tambellup local laws commenced on 1 July 2008, and have not been reviewed within that period.

Southern Link VROC members identified the opportunity for reviews to be conducted across all four Councils as a joint project, and following an initial comparison of local laws by CEO Keith Williams, Ms Judy Stewart was engaged by the VROC to complete the review.

Draft local laws were presented to the February 2020 Ordinary meeting for endorsement prior to advertising for public comment. As part of the consultation required copies of the draft local laws were forwarded to relevant State Government Departments for feedback. This process was significantly delayed due to the impacts of COVID-19 on public sector working arrangements, however all responses have now been received, and amendments made.

Subject to any further amendments, Council is required to adopt the proposed local laws by absolute majority.

COMMENT

At the February 2020 Council meeting, Council resolved the following:

COUNCIL DECISION

200211

*Recommendations for Items 1 – 4 were passed En Bloc
Moved Cr White, seconded Cr Letter*

1. *That the following replacement local laws be endorsed for proposal, as presented, and advertised for public comment in accordance with s. 3.12 (3) of the Local Government Act 1995:*

- *Activities in Thoroughfares and Public Places and Trading Local Law 2020*

Purpose: To stipulate activities that can or cannot occur in thoroughfares and public places within the Shire of Broomehill-Tambellup and provide information on how activities are to take place.

Effect: To provide for orderly conduct in thoroughfares and public places in the local government district.

- *Cemeteries Local Law 2020*

Purpose: To provide administrative instruction on funeral matters, burials, memorials and placement of ashes, and general information related to conduct within cemeteries in the Shire of Broomehill-Tambellup.

Effect: To specify appropriate and respectful conduct by all persons involved in the administration of cemetery matters within the district.

- *Dogs Local Law 2020*

Purpose: To address the impounding of dogs, requirements and limitations on the keeping of dogs, and the requirements of approved kennel establishments within the district.

Effect: To provide for consistent and effective management of the dog population within the Shire of Broomehill-Tambellup.

- *Extractive Industries Local Law 2020*

Purpose: To specify licensing requirements for people carrying on extractive activities in the Shire of Broomehill-Tambellup.

Effect: Regulation of extractive activities in order to protect the environment and safety of people and to provide for restoration and reinstatement of excavation sites.

- *Fencing Local Law 2020*

Purpose: To prescribe a sufficient fence and the standard for the construction of fences throughout the district.

Effect: The establishment of minimum requirements for fencing within the district.

- *Local Government (Council Meetings) Local Law 2020*

Purpose: To provide rules and guidelines which apply to the conduct of meetings of the Shire of Broomehill-Tambellup Council and its committees and to meetings of electors, in accordance with legislative requirements.

Effect: To result in better decision making, orderly conduct of meetings dealing with Council business, a better understanding of the process of conducting meetings, and more efficient and effective use of time at meetings conducted by the Shire of Broomehill-Tambellup Council.

- *Local Government Property Local Law 2020*

Purpose: To provide for determination of the use of local government property by defining activities that may be pursued or prohibited thereon and to specify requirements of use and appropriate behaviour on local government property in the district.

Effect: To define allowable and disallowed local government property uses and conditions of allowed uses within the Shire of Broomehill-Tambellup.

- *Repeal Local Law 2020*

Purpose: To repeal obsolete local laws that no longer have relevance.

Effect: To ensure that no irrelevant local laws are in force within the Shire of Broomehill-Tambellup

- *Waste Local Law 2020*

Purpose: To specify requirements for orderly management of waste in the local government district.

Effect: The enabling of a safe and efficient waste management system within the Shire of Broomehill-Tambellup.

COUNCIL DECISION

2. *That the following new local law be endorsed for proposal, as presented, and advertised for public comment, in accordance with s. 3.12 (3) of the Local Government Act 1995:*

- *Bush Fire Brigades Local Law 2020*

Purpose: To provide administrative instruction/detail for establishment, organisation and maintenance of bush fire brigades, types of membership and management of members, provision of equipment, and rules governing brigade operations within the Shire of Broomehill-Tambellup.

Effect: The enabling of consistency and effective governance within the Shire of Broomehill-Tambellup's bush fire brigades.

COUNCIL DECISION

3. *That the following existing local laws be endorsed for retention without any changes and advertised for public comment, in accordance with s. 3.12 of the Local Government Act 1995:*

- *Health Local Law 2020*

Purpose: To prescribe minimum requirements for Sanitary Conveniences; Maintenance and Ventilation of houses; Water Supplies; Secondhand Furniture, Bedding and Clothing; Liquid Waste; Nuisances; Keeping of Animals, Birds, Large Birds, Poultry and Pigeons; Feedlots; Piggeries; Pest Control; Infectious Disease; Lodging Houses; and Offensive Trades.

Effect: The establishment of minimum health requirements and the mitigation of health risks.

- *Removal of Refuse, Rubbish and Disused Material Local Law 2020*

Purpose: To prescribe the management of refuse, rubbish and disused materials and their storage.

Effect: Prevention of adverse effects on health, comfort or convenience of inhabitants of a property or any adjoining property; to ensure a general property appearance that conforms with that of other property in the locality.

COUNCIL DECISION

4. *That, following public advertising, these local laws are brought back to Council for consideration of submissions or amendments, if any, and subsequent adoption.*

CARRIED 7/0

The proposed local laws were advertised for public comment for the required 42 day period, ending 3 April 2020. No submissions were received from the public.

As part of the consultation process, copies of proposed local laws were provided to the relevant Ministers through State Departments for comment. These included the Department of Local Government, Sport & Cultural Industries, Department of Fire & Emergency Services, Department of Water & Environmental Regulation and Department of Health.

For Council's reference, the following attachments are provided:

- Proposed local laws as endorsed at the February 2020 Ordinary meeting;
- Summary of amendments as recommended by the relevant State Departments
- Final proposed local laws incorporating amendments, for adoption.

Amendments have been made to each of the proposed local laws, in accordance with feedback from relevant State Government Departments. While it was resolved that the Health Local Law and Removal of Refuse, Rubbish and Disused Material Local Law would be retained without amendment, some minor changes were required to both.

Councillors are also reminded the Health Local Law will be retained as presented, pending the full implementation of the new *Public Health Act 2016*. The *Public Health Act 2016* is currently in Stage 4 of implementation, with no confirmed timeframe for commencement of Stage 5, which will have the most impact on local government.

The amendments are all considered minor, and have not resulted in changes significantly different from the proposed local laws. As such, it is recommended that Council adopt the local laws as presented.

Following adoption of the local laws, the following actions will be undertaken to complete the process:

- Adopted local laws are published in the Government Gazette;
- Copies of gazetted laws are forwarded to relevant Minister/s;
- Local public notice of adoption of local laws is given;
- Prepare and forward Explanatory Memorandum to Joint Standing Committee on Delegated Legislation.

CONSULTATION

Chief Executive Officer

Senior Staff

Judy Stewart (for the Southern Link VROC)

Department of Local Government Sport & Cultural Industries

Department of Health

Department of Fire & Emergency Services

Department of Water & Environmental Regulation

STATUTORY ENVIRONMENT

The specific head of power for making Local Laws is the *Local Government Act 1995* (s. 3.5 and s. 3.10 specifically):

3.5. Legislative power of local governments

- (1) *A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*
- (3) *The power conferred on a local government by subsection (1) is in addition to any power to make local laws conferred on it by any other Act.*

3.10. Creating offences and prescribing penalties

- (1) *A local law made under this Act may provide that contravention of a provision of the local law is an offence, and may provide for the offence to be punishable on conviction by a penalty not exceeding a fine of \$5 000.*
- (2) *If the offence is of a continuing nature, the local law may make the person liable to a further penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.*
- (3) *The local law may provide for the imposition of a minimum penalty for the offence.*
- (4) *The level of the penalty may be related to —*
 - (a) *the circumstances or extent of the offence;*
 - (b) *whether the offender has committed previous offences and, if so, the number of previous offences that the offender has committed.*
- [(5) *deleted*]
- (6) *A local law made under this Act may specify the method and the means by which any fines imposed are to be paid and collected, or recovered.*

[Section 3.10 amended: No. 1 of 1998 s. 7.]

Sections 3.12 to 3.16 of the *Local Government Act 1995* set out the procedures for making, advertising, changing, commencing, publishing and reviewing local laws.

A Council may determine (by absolute majority) whether or not it considers that a Local Law should be repealed or amended. All existing local laws being replaced will be repealed as the updated local law comes into effect; this is reflected in each replacement local law.

If a Council resolves to repeal and/or amend any Local Law outside the above process (that is, other than when an existing local law is being replaced or updated as above), then the process to do so must be undertaken in the same manner as adoption of a Local Law under s. 3.12. If a Council resolves not to repeal and/or amend any Local Law, no further action is required and the review process is finalised.

Sections 3.12 to 3.16:

3.12. Procedure for making local laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
 - (a) *give local public notice stating that —*

- (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- and
- (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.
- * Absolute majority required.
- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the Gazette the local government is to give local public notice —
- (a) stating the title of the local law; and
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —
- making** in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

3.13. Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14. Commencement of local laws

- (1) Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.
- (2) A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.

3.15. Local laws to be publicised

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

3.16. Periodic review of local laws

- (1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local

- government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) The local government is to give local public notice stating that —*
- (a) the local government proposes to review the local law; and*
 - (b) a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*
- * Absolute majority required.*

Further, Council must give notice of the purpose and effect of a local law, as per r. 3 of the *Local Government (Functions and General) Regulations 1996*:

3. Prescribed manner of giving notice of purpose and effect of proposed local law (Act s. 3.12(2))

For the purpose of section 3.12 of the Act, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that —

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and*
- (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.*

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028: Key Result Area One - Our People

1.5 Our Shire demonstrates strong leadership, effective governance, and efficient service delivery to our community.

1.5.1 Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents.

FINANCIAL IMPLICATIONS

Costs associated with the review will include advertising and gazettal of the reviewed local laws. There is provision within the budget for advertising.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION

1. That Council adopt the following local laws as presented, following advertising for public comment, in accordance with s. 3.12 (3) of the Local Government Act 1995, and no comments being received:

- **Activities in Thoroughfares and Public Places and Trading Local Law 2020**

Purpose: To stipulate activities that can or cannot occur in thoroughfares and public places within the Shire of Broomehill-Tambellup and provide information on how activities are to take place.

Effect: To provide for orderly conduct in thoroughfares and public places in the local government district.

- **Cemeteries Local Law 2020**

Purpose: To provide administrative instruction on funeral matters, burials, memorials and placement of ashes, and general information related to conduct within cemeteries in the Shire of Broomehill-Tambellup.

Effect: To specify appropriate and respectful conduct by all persons involved in the administration of cemetery matters within the district.

- **Dogs Local Law 2020**

Purpose: To address the impounding of dogs, requirements and limitations on the keeping of dogs, and the requirements of approved kennel establishments within the district.

Effect: To provide for consistent and effective management of the dog population within the Shire of Broomehill-Tambellup.

- **Extractive Industries Local Law 2020**

Purpose: To specify licensing requirements for people carrying on extractive activities in the Shire of Broomehill-Tambellup.

Effect: Regulation of extractive activities in order to protect the environment and safety of people and to provide for restoration and reinstatement of excavation sites.

- **Fencing Local Law 2020**

Purpose: To prescribe a sufficient fence and the standard for the construction of fences throughout the district.

Effect: The establishment of minimum requirements for fencing within the district.

- **Local Government (Council Meetings) Local Law 2020**

Purpose: To provide rules and guidelines which apply to the conduct of meetings of the Shire of Broomehill-Tambellup Council and its committees and to meetings of electors, in accordance with legislative requirements.

Effect: To result in better decision making, orderly conduct of meetings dealing with Council business, a better understanding of the process of conducting meetings, and more efficient and effective use of time at meetings conducted by the Shire of Broomehill-Tambellup Council.

- **Local Government Property Local Law 2020**

Purpose: To provide for determination of the use of local government property by defining activities that may be pursued or prohibited thereon and to specify requirements of use and appropriate behaviour on local government property in the district.

Effect: To define allowable and disallowed local government property uses and conditions of allowed uses within the Shire of Broomehill-Tambellup.

- **Repeal Local Law 2020**

Purpose: To repeal obsolete local laws that no longer have relevance.

Effect: To ensure that no irrelevant local laws are in force within the Shire of Broomehill-Tambellup

- **Waste Local Law 2020**

Purpose: To specify requirements for orderly management of waste in the local government district.

Effect: The enabling of a safe and efficient waste management system within the Shire of Broomehill-Tambellup.

- **Health Local Law 2020**

Purpose: To prescribe minimum requirements for Sanitary Conveniences; Maintenance and Ventilation of houses; Water Supplies; Secondhand Furniture, Bedding and Clothing; Liquid Waste; Nuisances; Keeping of Animals, Birds, Large Birds, Poultry and Pigeons; Feedlots; Piggeries; Pest Control; Infectious Disease; Lodging Houses; and Offensive Trades.

Effect: The establishment of minimum health requirements and the mitigation of health risks.

- **Removal of Refuse, Rubbish and Disused Material Local Law 2020**

Purpose: To prescribe the management of refuse, rubbish and disused materials and their storage.

Effect: Prevention of adverse effects on health, comfort or convenience of inhabitants of a property or any adjoining property; to ensure a general property appearance that conforms with that of other property in the locality.

OFFICER RECOMMENDATION

2. That Council adopt the following new local law as presented, following advertising for public comment, in accordance with s. 3.12 (3) of the Local Government Act 1995, and no comments being received:

- **Bush Fire Brigades Local Law 2020**

Purpose: To provide administrative instruction/detail for establishment, organisation and maintenance of bush fire brigades, types of membership and management of members, provision of equipment, and rules governing brigade operations within the Shire of Broomehill-Tambellup.

Effect: The enabling of consistency and effective governance within the Shire of Broomehill-Tambellup's bush fire brigades.

10.05	POLICY MANUAL REVIEW : PART 2 – EMPLOYEES
Attachment:	Draft Policy Manual : Part 2 – Employees
File Ref:	ADM0165
Author:	PA Hull – Strategic Support & Projects Officer
Date:	12 January 2021
Disclosure of Interest:	Nil

SUMMARY

Council to review Part 2 – Employees, of the Shire of Broomehill-Tambellup Policy Manual.

BACKGROUND

Council's Policy Manual was adopted in 2008 and includes six parts – 1 - Governance; 2 - Employees; 3 - Finance; 4 - Engineering; 5 - Building, Health and Planning and 6 - Other.

Council policies are reviewed every three years, or more frequently if changes to legislation or circumstances require.

Rather than undertake a review of the Policy Manual in its entirety, which is onerous for both Councillors and Staff, Parts 1 – 6 of the Policy Manual will be reviewed separately and presented to Council for endorsement over the coming months.

COMMENT

Senior Staff have reviewed, and amended where necessary, the policies contained within Part 2 – Employees.

All policies now include reference to relevant Legislation or Internal Documents/Procedures where appropriate, to refer users to additional information that should be read in conjunction with the policy.

Minor amendments to the policies have been highlighted in red text.

For Council consideration.

CONSULTATION

Senior Staff

STATUTORY ENVIRONMENT

Section 2.7 (2) (b) of the *Local Government Act 1995* states that Council is to 'determine the local government's policies'.

POLICY IMPLICATIONS

Review of the Shire of Broomehill-Tambellup Policy Manual – Part 2 Employees.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA One - Our People

1.5 Our Shire demonstrates strong leadership, effective governance and efficient service delivery to our community

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FINANCIAL IMPLICATIONS

This issue has no financial implications for Council.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council endorses the review of the Shire of Broomehill-Tambellup Policy Manual, Part 2 – Employees, as presented.

10.06	CORPORATE BUSINESS PLAN 2018-2022 QUARTERLY PROGRESS REPORT
Attachment:	Corporate Business Plan 2018-2022 Quarterly Progress Report – October to December 2020
File Ref:	ADM0543
Author:	PA Hull - Strategic Support & Projects Officer
Date:	12 January 2021
Disclosure of Interest:	Nil

SUMMARY

Council to receive the Corporate Business Plan 2018-2022 Quarterly Progress Report for the period October-December 2020.

BACKGROUND

Local Government (Administration) Regulations 1996 requires that Council prepares a Corporate Business Plan which reflects the aspirations of the Strategic Community Plan and translates these into Council priorities and operations within available resources.





The Corporate Business Plan is a medium term document which covers the first four years of the Strategic Community Plan 2018-2028. A major review is completed at the end of the four year period in conjunction with the major review of the Strategic Community Plan. A yearly desktop review is also conducted to review the financial implications for the year ahead in context of the annual budget, Strategic Resource Plan and other informing documents.

Council adopted the Corporate Business Plan 2018-2022 at the April 2019 Ordinary Meeting. A desktop review of the document was completed and endorsed at the July 2020 Ordinary Council meeting.

COMMENT

The attached report provides Council and the community with a ‘snapshot’ of progress towards achieving the objectives of the Strategic Community Plan, for the quarter October-December 2020.

A ‘traffic light’ status and comments are assigned to each action, based on the following:

Action Status	Means
	Action is <u>on track</u> . Includes actions that are considered ‘day to day’ including advocacy, identified support, ongoing liaison, routine and scheduled reporting and activities, and progress on specific projects.
	Action is being <u>monitored</u> . Includes actions that are awaiting further information or consideration by staff or Council, initiatives that are planned, and actions where there has been little or no progress or activity.
	Action is <u>on hold</u> . Generally includes actions that are planned for a future financial year (refer to ‘Delivery Timelines’ column), or if it has been determined through review that an action is no longer relevant.
	Action is <u>complete</u> . Will generally relate to discrete time- or funding-specific projects and initiatives.

Senior staff have provided input into the October-December 2020 quarterly report.

The report will be made available for community information.

CONSULTATION

Chief Executive Officer
Senior staff

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996:
r. 19DA. Corporate business plans, requirements for (Act s. 5.56)

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

Key Result Area 1: Our People

1.5 Our Shire demonstrates strong leadership, effective governance and efficient service delivery to our community

1.5.1 Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents

FINANCIAL IMPLICATIONS

Provision for actions contained within the Corporate Business Plan is made in the current budget, or will be considered as part of future budget deliberations.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council receives the Corporate Business Plan 2018-2022 Quarterly Progress Report for the period October-December 2020.

10.07	LOT 547 TIELINE ROAD, BROOMEHILL-CHANGE TO ANCILLARY DWELLING
Attachment:	Ancillary Dwellings Fact Sheet
File Ref:	A4074
Author:	KB Williams – Chief Executive Officer
Date:	02 February 2021
Disclosure of Interest:	Nil

SUMMARY

The Shire has received a letter requesting removal of a condition on title deeds that were imposed by the Shire under a previous planning consent.

BACKGROUND

A Planning Application was received from RA Skinn in 2009 Lot 547 Tie Line Road (formally Norrish) Broomehill for the construction of a dwelling and ancillary building. One of the conditions of the Planning Approval was that the ancillary accommodation must only be used for the accommodation of a member of the family of the occupier of the main dwelling:

- 1. The ancillary accommodation must only be used for the accommodation of a member of the family of the occupier of the main dwelling.***
- 2. Development is to be in accordance with the plans and applications approved by Council.***
- 3. A notification under Section 70A of the Transfer Land Act 1893 must be prepared by Councils solicitors and placed on the Certificate of Title of the land at the owners cost to advise owners and potential owners of the land of the restriction on occupation (that it can only be occupied by person(s) related to the occupiers of the main dwelling). The Notification shall be placed on the Certificate of Title prior to the issue of a building licence unless otherwise agreed to in writing by Council.***

This was captured via a Section 70A Notification on the title, to ensure that the planning condition could be applied to successive land owners as an encumbrance on the title.

Until recently, planning regulations only permitted a direct family member of the main home to occupy an ancillary dwelling. However recent changes to State Planning Policy 3.1 (SPP 3.1) Residential Design Codes have made it possible to rent ancillary dwellings to non-family members. Ancillary dwellings can now be used to provide housing opportunities for private tenants, carers or unrelated seniors and students.

COMMENT

It is proposed to permit the removal of the Restrictive Covenant from the title of the land. This will allow conformity to the new State Planning Policy.

It should be noted that the new State Planning Policy permits other landholders to develop ancillary accommodation on their residential properties.

CONSULTATION

Consultation with the landowner

STATUTORY ENVIRONMENT

Shire of Broomehill Town Planning Scheme No 1
State Planning Policy (SPP 3.1)

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no financial implications for Council

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council approve the removal of the Section 70A Notification from the title of Lot 547 Tieline Road, Broomehill and authorises the Chief Executive Officer to undertake necessary actions required to do so.

10.08	DEVELOPMENT APPLICATION – LOT 386 SPENCER ROAD BROOMEHILL
Attachment:	Site Plan
File Ref:	A6067
Author:	KB Williams – Chief Executive Officer
Date:	02 February 2021
Disclosure of Interest:	Nil

SUMMARY

For Council to consider a development application for a shed and sea container on Lot 386 (No 9) Spencer Road, Broomehill.

BACKGROUND

An application for Development Approval for a shed and sea container was submitted by John and Robyn Brookes on 27 January 2021.

The lot has an area of 5.9 hectares.

COMMENT

The application proposes to construct a steel shed and a sea container on the lot. The sea container is proposed to be located within the shed, and fixed properly to the ground.

The proposed shed will be setback 38 metres from Spencer Road, 43 metres from the south boundary and over 50 metres from the north boundary. The proposed shed complies with the setbacks required by the Scheme for the Special Rural zone.

it is not considered that the development will have any adverse impact on streetscape or amenity.

The proposed shed is located within a bushfire prone area, however, as a non-habitable building, a BAL assessment is not required.

The proposed shed is recommended for approval, with conditions.

The applicant has temporarily located a transportable dwelling on the site that does not meet building code requirements. To ensure that the shed and sea container are not used for habitation, a condition should be included prohibiting their use for this purpose.

CONSULTATION

There has not been any public consultation in regards to this application.

STATUTORY ENVIRONMENT

Shire of Broomehill Town Planning Scheme No 1

Lot 386 is zoned 'Special Rural' under the Shire of Broomehill Town Planning Scheme No 1 ('the Scheme').

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Relevant Development Application fees have been paid to the Shire.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION***That Council:***

- 1. *Approve the development application submitted by John and Robyn Brookes for a shed on Lot 386 (No 9) Spencer Road, Broomehill subject to the following Conditions:***
 - (i) The shed and sea container shall not be used for habitation at any time;***
 - (ii) The shed shall be enclosed on the street frontage and norther elevations;***
 - (iii) All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer;***
 - (iv) All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer; and***
 - (v) If the development, the subject of this approval, is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.***

- 2. *Include the following advice notes on the development approval:***
 - (a) Planning consent is not an approval to commence construction. A building permit must be obtained for all work.***

10.09	DEVELOPMENT APPLICATION – LOT 3 PALLINUP ROAD, BROOMEHILL
Attachment:	Site Plan
File Ref:	A6015
Author:	KB Williams – Chief Executive Officer
Date:	02 February 2021
Disclosure of Interest:	Nil

SUMMARY

For Council to consider a development application for a single dwelling on Lot 3 (No 503) Pallinup Road, Broomehill.

BACKGROUND

An application for Development Approval for a single dwelling was submitted by Pocock Building Company Pty Ltd on 01 February 2021.

The dwelling is proposed to be constructed of brick veneer with a corrugated iron roof, with a timber frame. The dwelling will have a floor area of 245 square metres, excluding verandas and garage.

The lot has been developed with an existing residence and ancillary outbuildings. The lot has an area exceeding 30 hectares and is used for agricultural purposes.

COMMENT

The application proposes to construct a second dwelling to the north east of the existing dwelling on the lot. The proposed dwelling will be setback over 200 metres from Pallinup Road. The proposed dwelling complies with the setbacks required by the Scheme for the Farming zone.

The applicant has advised that the landowner occupies the existing dwelling.

Having regard for the proposed setbacks, and that the dwelling will be located near to existing buildings, it is not considered that the development will have any adverse impact on streetscape or amenity.

The proposed dwelling is not located within a bushfire prone area.

The proposed dwelling is recommended for approval, with conditions.

CONSULTATION

There has not been any public consultation in regards to this application.

STATUTORY ENVIRONMENT

Shire of Broomehill Town Planning Scheme No 1

Lot 3 is zoned 'Farming' under the Shire of Broomehill Town Planning Scheme No 1 ('the Scheme').

Under the Scheme a single dwelling does not require Planning Consent, however, as the lot has an existing approved single dwelling, the new dwelling constitutes a grouped dwelling or caretakers dwellings (dependant on proposed use) and consequently a planning application is required for the new dwelling.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Relevant Development Application fees have been paid to the Shire.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

- 1. *Approve the development application submitted by Pocock Building Company Pty Ltd for a single dwelling on Lot 3 (No 503) Pallinup Road, Broomehill subject to the following Conditions:***
 - (i) All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer;***
 - (ii) The existing dwelling shall be removed within three months of completion of the proposed dwelling, and a demolition permit shall be obtained prior to the issuance of a building permit. Alternatively an application to retain the existing dwelling as workers accommodation shall be submitted prior to submission of a building permit application; and***
 - (iii) If the development, the subject of this approval, is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.***

- 2. *Include the following advice notes on the development approval:***
 - (a) Planning consent is not an approval to commence construction. A building permit must be obtained for all work.***

10.10	WORKS REPORT FOR FEBRUARY 2021
Attachment:	Plant Maintenance Report – February 2021
File Ref:	Nil
Author:	P Vlahov – Manager of Works
Date:	02 February 2021
Disclosure of Interest:	Nil

SUMMARY

Council to consider the Manager of Works Report for February 2021.

BACKGROUND

The Manager of Works Report is provided for Council's information.

COMMENT

Programmed Construction Works

- Toolbrunup Road Construction – This project has now been completed.
- Pallinup Road sealing – Bitumen sealing has been completed.
- Black Spot Project corner of Flat Rocks Road and Greenhills South Road – Work has commenced on this project. Clearing and culvert extensions have been completed.

Plant Replacement

- Orders have been issued to Westrac for the supply of a new Cat 140 Grader and a new Cat 444 Backhoe loader as per Councils decision from the November 2020 Ordinary Meeting. Delivery is expected prior to February 2021.
- Two utilities have been replaced.

Maintenance Works

- Installed various signs. Replaced various damaged or missing signs.
- Asphalt repairs to various intersections and footpaths.
- Repaired various pot holes.
- Guidepost installation at various roads.
- Removed various fallen trees and limbs.
- Maintenance grading.
- On duty during the Christmas break.

Occupational Health and Safety

- Nothing to report.

Parks and Gardens

- General maintenance at Holland Court units in Broomehill.
- The Water Corporation reuse water system is currently being utilised at the Tambellup oval as per Health Department and Water Corporation guidelines.
- The solar pumping system located at the Cooperative Bulk Handling (CBH) has had some maintenance work on the pumps and floats completed.
- The Jam Creek dams are not in use while the reuse water is being utilised.
- General planting, pruning, mowing and weed control.
- Watering plants located on street verges has been ongoing.

Building Maintenance Report

- Ongoing Works request forms and general maintenance completed
- Installed plaque at the Broomehill Fire Brigade Building
- Repairs to taps at Diprose ablutions
- Repairs to a toilet seat at Sandalwood Villas
- Inspection of Broomehill shire owned properties to identify any items that need repairs and added them to the item list for final completion
- Damaged shade sales removed from the Broomehill Playgroup Building
- U1 Lavieville Lodge painted
- U1 Lavieville Lodge carpets and linoleum replaced
- Fire extinguishers serviced at all shire buildings and vehicles
- Replaced kitchen tap washers at 11 Lavarock Street, Broomehill
- Follow up investigation regarding water charges for the Information Bay in Broomehill
- Organised for paving extensions to be installed at the Broomehill Independent Living Units
- Safety glass installed at the Tambellup Infant Health Building to meet Safety Standards
- Lighting issue at the Tambellup Pavilion being resolved
- Follow up regarding gas account at U4 Lavieville Lodge

Ranger Report

- Patrols of Broomehill and Tambellup town sites
- Patrols of bush reserves
- Installed camera at Information Bay in Broomehill
- Investigated illegal campers at the Broomehill Caravan Park
- Report to Police after a car was spotted damaging the oval in Broomehill
- Report of dog attack from civilian, infringement given out
- Follow up on infringements given to non-compliant blocks in the Broomehill and Tambellup town sites
- Assisted RSPCA on an animal welfare check
- Dog found on a farm property and returned to owner

For Council discussion and comment.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

KRA 1: Our People - Objectives 1.5.1; 1.5.2; 1.5.3

KRA 3: Our Places - Objectives 3.1.2; 3.3.3; 3.3.1; 3.4.1

FINANCIAL IMPLICATIONS

Costs for activities outlined within the Manager of Works monthly report are reflected in the annual budget.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council receives the report from the Manager of Works for the month of February 2021.

11. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

PROCEDURAL MOTION

Moved seconded

That Council in accordance with the Local Government Act s5.23 (2) closes the meeting to members of the public to deal with confidential items behind closed doors.

11.01	CONFIDENTIAL: PROPOSED WIRELESS COMMUNICATIONS TOWER UPGRADE ON JAM CREEK ROAD, DARTNALL
Attachment:	<ul style="list-style-type: none"> • Site Map • Elevations
File Ref:	Nil
Author:	KB Williams – Chief Executive Officer
Date:	02 February 2021
Disclosure of Interest:	Nil

PROCEDURAL MOTION

Moved seconded

That Council re-opens the meeting to members of the public.

12. APPLICATIONS FOR LEAVE OF ABSENCE

13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14. QUESTIONS FROM MEMBERS WITHOUT NOTICE

15. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

16. CLOSURE