



AGENDA

Ordinary Council Meeting

15 August 2024

**SHIRE OF BROOMEHILL-TAMBELLUP
NOTICE OF MEETING**

**An Ordinary Meeting of the Council of the Shire of Broomehill-Tambellup will be held
in the Council Chambers, 46-48 Norrish Street, Tambellup
on 15 August 2024 commencing at 4.30pm.**



**Karen Callaghan
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.

This document is available in other formats on request for people with disability.



Shire of Broomehill–Tambellup

DISCLOSURE OF INTEREST FORM

To: Chief Executive Officer
Shire of Broomehill-Tambellup
46-48 Norrish Street
TAMBELLUP WA 6320

I, **(1)** _____ wish to disclose an interest in the
Following item to be considered by Council at its meeting to be held on **(2)** _____
Agenda Item **(3)** _____

The **type** of Interest I wish to declare is **(4)**

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Clause 22 of the Shire’s Code of Conduct for Council Members, Committee Members & Candidates.

The nature of my interest is **(5)** _____

The extent of my interest is **(6)** _____

I understand that the above information will be recorded in the minutes of the meeting and placed in the Disclosure of Financial and Impartiality of Interest Register.

Yours sincerely

Signed

Date

NOTES:

1. Insert your name (print)
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title
4. Tick box to indicate type of interest
5. Describe the nature of your interest
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 & 5.69 of the Act)

DISCLOSURE OF INTERESTS (NOTES FOR YOUR GUIDANCE)

A Member, who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting that will be attended by the Member, must disclose the nature of the interest:

- a) In a written notice given to the Chief Executive Officer before the Meeting or;
- b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- a) Preside at the part of the Meeting, relating to the matter or;
- b) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (NOTES FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a Financial Interest in a matter. These notes will be included in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc.), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. **If in doubt declare.**
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences.

The only exceptions are:

- 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
- 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY DEFINITION:

An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'. A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- a) in a written notice given to the Chief Executive Officer before the Meeting; or
- b) at the Meeting, immediately before the matter is discussed

IMPACT OF AN IMPARTIALITY DISCLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote. With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

Strategic Community Plan 2023-2033

'People Power'



TABLE OF CONTENTS

1.	DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS	1
2.	ATTENDANCE	1
3.	DISCLOSURE OF INTEREST	1
4.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1
5.	PUBLIC QUESTION TIME	1
6.	PRESENTATIONS/PETITIONS/DEPUTATIONS	1
7.	APPLICATION FOR LEAVE OF ABSENCE	1
8.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	1
9.	CONFIRMATION OF MINUTES	2
9.1	ORDINARY COUNCIL MEETING 25 JULY 2024	2
10.	KEY PILLAR 1: BROOMEHILL-TAMBELLUP POINT OF DIFFERENCE	2
11.	KEY PILLAR 2: BROOMEHILL-TAMBELLUP ECONOMY	2
12.	KEY PILLAR 3: BROOMEHILL-TAMBELLUP LIFESTYLE	2
13.	KEY PILLAR 4: BROOMEHILL-TAMBELLUP SHIRE SUPPORT	3
13.1	FINANCIAL STATEMENTS – JULY 2024	3
13.2	MONTHLY LIST OF PAYMENTS – JULY 2024	5
13.3	CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE	7
14.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	9
14.1	CONFIDENTIAL DEPARTMENT OF FIRE AND EMERGENCY SERVICES; LEASE FOR PORTION OF LOT 21 (18) CROWDEN STREET, TAMBELLUP AND PORTION OF LOT 22 (29) TAYLOR STREET, TAMBELLUP	9
15.	ELECTED MEMBERS’ MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	9
16.	QUESTIONS FROM MEMBERS WITHOUT NOTICE	9
17.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	9
18.	CLOSURE	9

**Agenda for the Ordinary Council Meeting to be held on 15 August 2024
in the Council Chambers, 46-48 Norrish Street, Tambellup.**

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Presiding Member, Cr White shall declare the meeting open at ____pm.

2. ATTENDANCE

Councillors

Cr ME White	President
Cr DT Barritt	Deputy President
Cr CJ Letter	
Cr SH Penny	
Cr SJ Robinson	
Cr JL Wills	
Cr CM Dewar	

Staff

KP Callaghan	Chief Executive Officer
KP Squibb	Manager of Finance & Administration
TO Korthuis	Governance & Executive Assistant
P Vlahov	Manager of Works

Apologies

3. DISCLOSURE OF INTEREST

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5. PUBLIC QUESTION TIME

6. PRESENTATIONS/PETITIONS/DEPUTATIONS

Nil

7. APPLICATION FOR LEAVE OF ABSENCE

8. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

9. CONFIRMATION OF MINUTES

9.1 ORDINARY COUNCIL MEETING 25 JULY 2024

Recommendation:

That the minutes of the Ordinary Meeting of Council held on 25 July 2024 be confirmed as a true and accurate record of proceedings.

10. KEY PILLAR 1: BROOMEHILL-TAMBELLUP POINT OF DIFFERENCE

Nil.

11. KEY PILLAR 2: BROOMEHILL-TAMBELLUP ECONOMY

Nil.

12. KEY PILLAR 3: BROOMEHILL-TAMBELLUP LIFESTYLE

Nil.

13. KEY PILLAR 4: BROOMEHILL-TAMBELLUP SHIRE SUPPORT

13.1 FINANCIAL STATEMENTS – JULY 2024

ATTACHMENT(S)	13.1.1 Financial Statements July 2024
FILE NO	N/A
AUTHOR	Kay Squibb, Manager Finance & Administration
DATE	6 August 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: Broomehill Tambellup Shire Support	
11. Delivered Shire Trust and Performance 11.2 SoBT financial sharing This is the Shire workforce releasing financial trends and results quarterly, transparently indicating where funds come from for each piece of work. The Shire is working well with the community to develop new revenue options to achieve community driven pieces of work.	11.2.1 Undertaking specific initiatives to improve meaning and understanding of the Shire’s monthly financial reports.

SUMMARY

The Council to consider the monthly financial statements for July 2024.

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 two months after the end of the month to which the report relates.

COMMENT

Each financial year, the 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 2024/25 budget process, the Council adopted 10% or \$10,000 (whichever is the greater) as the material variance for reporting purposes for the year.

The statement of financial activity identifies material variances, which is a requirement of the *Local Government (Financial Management) Regulations 1996*.

Final allocations are still being processed for the year ending 30 June 2024 which may affect the opening position for the current year. Depreciation for 2024/25 cannot be processed until the audit for the previous year is finalised, this will affect the variances reported in the statement of financial activity.

CONSULTATION

Chief Executive Officer

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 the previous month (the relevant 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); and*
 - (b) budget estimates to the end of the month to which the statement relates; and*
 - (c) actual amounts of expenditure, revenue and income to the end of the relevant month; and*
 - (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 relevant month and a note containing a summary explaining the composition of the net current assets.*
- (2) Each statement of financial activity is to be accompanied by documents containing –*
- (a) [deleted].*
 - (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.*
- (3) The information in a statement of financial activity must be shown according to nature classification.*

FINANCIAL IMPLICATIONS

The report represents the financial position of the Shire at the end of the reporting period.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

This item has been evaluated against the Shire’s Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedures and with current resources.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That the monthly financial statement for the period ending 31 July 2024 be received.

13.2 MONTHLY LIST OF PAYMENTS – JULY 2024

ATTACHMENT(S)	13.2.1 Monthly Payments Listing July 2024
FILE NO	N/A
AUTHOR	Kay Squibb, Manager Finance & Administration
DATE	6 August 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: Broomehill Tambellup Shire Support	
11. Delivered Shire Trust and Performance 11.2 SoBT financial sharing This is the Shire workforce releasing financial trends and results quarterly, transparently indicating where funds come from for each piece of work. The Shire is working well with the community to develop new revenue options to achieve community driven pieces of work.	11.2.1 Undertaking specific initiatives to improve meaning and understanding of the Shire’s monthly financial reports.

SUMMARY

The Council to consider the list of payments made from the Municipal and Trust Funds during July 2024.

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 –

July 2024

	\$
Municipal Fund	768,257.02
Trust Fund	0.00
Purchasing Cards	3,641.67
TOTAL	771,898.69

Any comments or queries regarding the list of payments is to be directed to the Manager of Finance and Administration prior to the meeting.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

r13. 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—

- (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.*

r13A. Payments by employees via purchasing cards

(1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —

- (a) the payee’s name;*
- (b) the amount of the payment;*
- (c) the date of the payment;*
- (d) sufficient information to identify the payment.*

FINANCIAL IMPLICATIONS

The List of payments reports the payments made for the previous month from the Municipal and Trust Funds, and purchases made using Shire credit cards or purchasing cards.

POLICY IMPLICATIONS

Council Policy ‘2.1 Purchasing Policy’ provides guidance and restrictions relative to purchasing commitments.

RISK MANAGEMENT IMPLICATIONS

This item has been evaluated against the Shire’s Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedures and with current resources.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That, in accordance with regulations 13(1) and 13A(1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments paid under delegated authority or with Shire purchasing cards for July 2024 be endorsed; comprising -

- Municipal Fund cheque, electronic funds transfer (EFT) and direct debit payments totalling \$768,257.02; and
- Credit/Purchasing Card payments totalling \$3,641.67.

13.3 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE

ATTACHMENT(S)	13.3.1 – Terms of Reference for the CEO Performance Review Committee
FILE NO	GV.CT.1
AUTHOR	Kay Squibb – Manager Finance & Administration
DATE	8 August 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: SoBT Shire Support	
10. Grown Shire Leadership 10.4 SoBT workforce development	No specific corporate action.

SUMMARY

The purpose of this report is to establish a new Committee of the Council to be known as the Chief Executive Officer Performance Review Committee (Committee), adopt the terms of reference and appoint members.

BACKGROUND

Section 5.38 of the *Local Government Act 1995* establishes that the performance of the Chief Executive Officer (CEO) must be reviewed annually. The requirements associated with the review of the CEO are expanded upon in a combination of regulations, including the Model Standards for CEO Recruitment, Performance and Termination, Council Policy and the stipulations of the CEO’s contract of employment.

Council Policy 1.1.5 CEO Performance Review outlines the procedure for undertaking the CEO performance review and should be read in conjunction with the proposed terms of reference for the Committee.

COMMENT

Establishing a formal Committee of the Council will ensure that a structured process is followed for evaluating the CEO’s performance reviews. The proposed membership of four Councillors (including the Shire President) as opposed to the full Council will allow for efficient and agile meetings and for ease of convening meetings more frequently if required.

It is timely to establish the proposed Committee given the incumbent CEO has been in the role since 5 February 2024 and has recently completed the 6-month probationary period stated in clause 1.1 of the employment contract. A probationary review is required under Clause 7(4) of the CEO’s contract of employment, to ‘discuss the Performance Criteria (if any) that apply in addition to the Performance Criteria set out in Schedule 3 of this Contract’.

The terms of reference and Council Policy 1.1.5 CEO Performance Review state that an independent, external person will be appointed to assist with the review process.

Proposals will be sought from suitably qualified people to assist with the review, for appointment by the Committee at their first meeting which should be convened as soon as possible.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Administration) Regulations 1996

Schedule 2 – Model standards for CEO recruitment, performance and termination

Division 3 – Standards for review of performance of CEOs

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Policy 1.1.4 CEO Recruitment, Performance and Termination Standards

Policy 1.1.5 CEO Performance Review

RISK MANAGEMENT IMPLICATIONS

This item has been evaluated against the Shire’s Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedures and with current resources.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That

1. The Chief Executive Officer Performance Review Committee be established and the terms of reference for the Committee be adopted, as presented.
2. In accordance with the terms of reference, the Committee membership consist of the Shire President and
 - Councillor _____
 - Councillor _____
 - Councillor _____with terms expiring at the ordinary Council election in 2025.
3. A meeting of the Chief Executive Officer Performance Review Committee be held in August 2024 for the purpose of finalising the CEO’s probationary review, and to appoint an independent, external person to progress the CEO performance review process.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.1 **CONFIDENTIAL** DEPARTMENT OF FIRE AND EMERGENCY SERVICES; LEASE FOR PORTION OF LOT 21 (18) CROWDEN STREET, TAMBELLUP AND PORTION OF LOT 22 (29) TAYLOR STREET, TAMBELLUP

ATTACHMENT(S)	14.1.1 – Draft Lease – 18 Crowden Street, Tambellup 14.1.2 – Draft License – 29 Taylor Street, Tambellup
FILE NO	CLAF064
AUTHOR	Kay Squibb – Manager Finance & Administration
DATE	1 August 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: Broomehill Tambellup Point of Difference	
2. A United Community 2.1 BT well-being and safety	No specific corporate action.

OFFICER RECOMMENDATION

That –

1. the lease agreement between the Shire of Broomehill-Tambellup and the Department of Fire and Emergency Services for use of portion of Lot 21 (18) Crowden Street Tambellup (Tambellup Fire Shed), for a 10 year term with the option of two further terms of 5 years, be endorsed for signing under seal by the Shire President and Chief Executive Officer; and
2. the license agreement between the Shire of Broomehill-Tambellup and the Department of Fire and Emergency Services for use of portion of Lot 22 (29) Taylor Street Tambellup (for parking, fire and emergency services training and ancillary uses), for a 10 year term with the option of two further terms of 5 years, be endorsed for signing under seal by the Shire President and Chief Executive Officer.

15. ELECTED MEMBERS’ MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16. QUESTIONS FROM MEMBERS WITHOUT NOTICE

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

18. CLOSURE

There being no further business to discuss, the Presiding Member, Cr White, declared the meeting closed at _____pm.