



MINUTES

Ordinary Council Meeting
16 March 2023

SHIRE OF BROOMEHILL-TAMBELLUP

**Minutes of an Ordinary Meeting of the Council of the Shire of Broomehill-Tambellup
held in the Tambellup Council Chambers, 46-48 Norrish Street, Tambellup
on 16 March 2023 commencing at 4.36pm.**



**Anthony Middleton
Chief Executive Officer**

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Strategic Community Plan 2023-2033

'People Power'



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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Presiding Member, Cr White declared the meeting open at 4.36pm.

2. ATTENDANCE

Councillors

Cr ME White	President
Cr DT Barritt	Deputy President
Cr CJ Letter	
Cr CM Dewar	
Cr MC Paganoni	
Cr SH Penny	

Staff

AP Middleton	Chief Executive Officer
KP O'Neill	Manager of Finance & Administration
PA Hull	Strategic Support & Projects Officer (from 4.45pm)
P Vlahov	Manager of Works

Leave of Absence

Cr JL Wills

Apologies

Nil

3. DISCLOSURE OF INTEREST

Councillors White, Barritt, Paganoni, Letter and Dewar declared a financial interest in Item 11.1 as a Shareholder of Co-operative Bulk Handling. In order to maintain a quorum and allow a decision to be made on this item, Ministerial approval was sought for the Councillors to participate in the meeting and vote on the recommendation.

Approval was granted on 14 March 2023 for Cr White and Cr Paganoni to 'fully participate in the discussion and decision making' for this item.

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. PRESENTATIONS/PETITIONS/DEPUTATIONS

Nil

7. APPLICATION FOR LEAVE OF ABSENCE

Nil

8. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

9. CONFIRMATION OF MINUTES

9.1 ORDINARY COUNCIL MEETING 16 FEBRUARY 2023

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Dewar, seconded Cr Penny that the minutes of the Ordinary Meeting of Council held on 16 February 2023 be confirmed as a true and accurate record of proceedings.

**CARRIED 6/0
Motion No. 16/23**

9.2 SPECIAL COUNCIL MEETING 2 MARCH 2023

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Penny, seconded Cr Paganoni that the minutes of the Special Meeting of Council held on 2 March 2023 be confirmed as a true and accurate record of proceedings.

**CARRIED 6/0
Motion No. 17/23**

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

Pam Hull, Strategic Support & Projects Officer, entered the meeting at 4.45pm.

10.1 SOUTH WEST NATIVE TITLE SETTLEMENT - LAND BASE CONSULTATION - LAND LIST 641

ATTACHMENT(S)	Nil
FILE NO	ADM0147
APPLICANT	n/a
AUTHOR	Anthony Middleton – Chief Executive Officer
DATE	3 March 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcome	Corporate Actions
3: An Appreciated Culture 3.1: BT community reconciliation: This is a community-wide and celebrated Reconciliation Action Process to enable the Broomehill-Tambellup region to be even more spirited and renowned to achieve the vision of ‘a region driven by community spirit’.	Corporate Business Plan is in development

SUMMARY

The purpose of this report is to provide feedback to the Native Title Agreements and Partnerships section of the Department of Planning, Lands and Heritage with regards to the proposed transfer of land under the South West Native Title Settlement.

BACKGROUND

The South West Native Title Settlement (Settlement) is a landmark native title agreement reached between the State Government (State) and the six Noongar Agreement Groups. The six requisite Indigenous Land Use Agreements (ILUAs) were conclusively registered, leading to the Settlement commencing on 25 February 2021. The Settlement recognises the Agreement Groups as the Traditional Owners of the south west of Western Australia, while resolving native title in exchange for a negotiated package of benefits.

A key negotiated benefit is the delivery of a 320,000 hectare Noongar Land Estate, in accordance with the Noongar Land Base Strategy (Annexure J to the ILUAs). The Noongar Land Estate will contain up to 300,000 hectares of land transferred in reserve or leasehold, and up to 20,000 hectares of land transferred in freehold. The Landholding Body for all land transferred is the Noongar Boodja Land Sub Pty Ltd, which will hold and manage the land in the Noongar Land Estate in consultation with the soon to be established Noongar Regional Corporations. All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

Over the next five years, the Department of Planning, Lands and Heritage (DPLH) will progress selected land parcels through to transfer under the Settlement, subject to all necessary consultation and approvals with stakeholders. Land eligible for inclusion in the Noongar Land Estate includes:

- Unallocated Crown land;
- Unmanaged reserves;
- Land owned or held by the Aboriginal Lands Trust / Aboriginal Affairs Planning Authority; and
- Land owned or held by State agencies or Local Government Authorities, at the discretion of the State agency or Local Government Authority.

A key part of the process being followed by the DPLH involves the referral of land under consideration for inclusion in the Noongar Land Estate to relevant State agencies and Local Government Authorities. As a result, the DPLH have requested the Shire's comments on:

- 29 March 2021 - Council Meeting - 44 parcels of land within the Tambellup town site;
- 16 February 2023 Council Meeting - 53 parcels of land within the Broomehill town site; and
- This request for 17 parcels of land within the Pootenup town site.

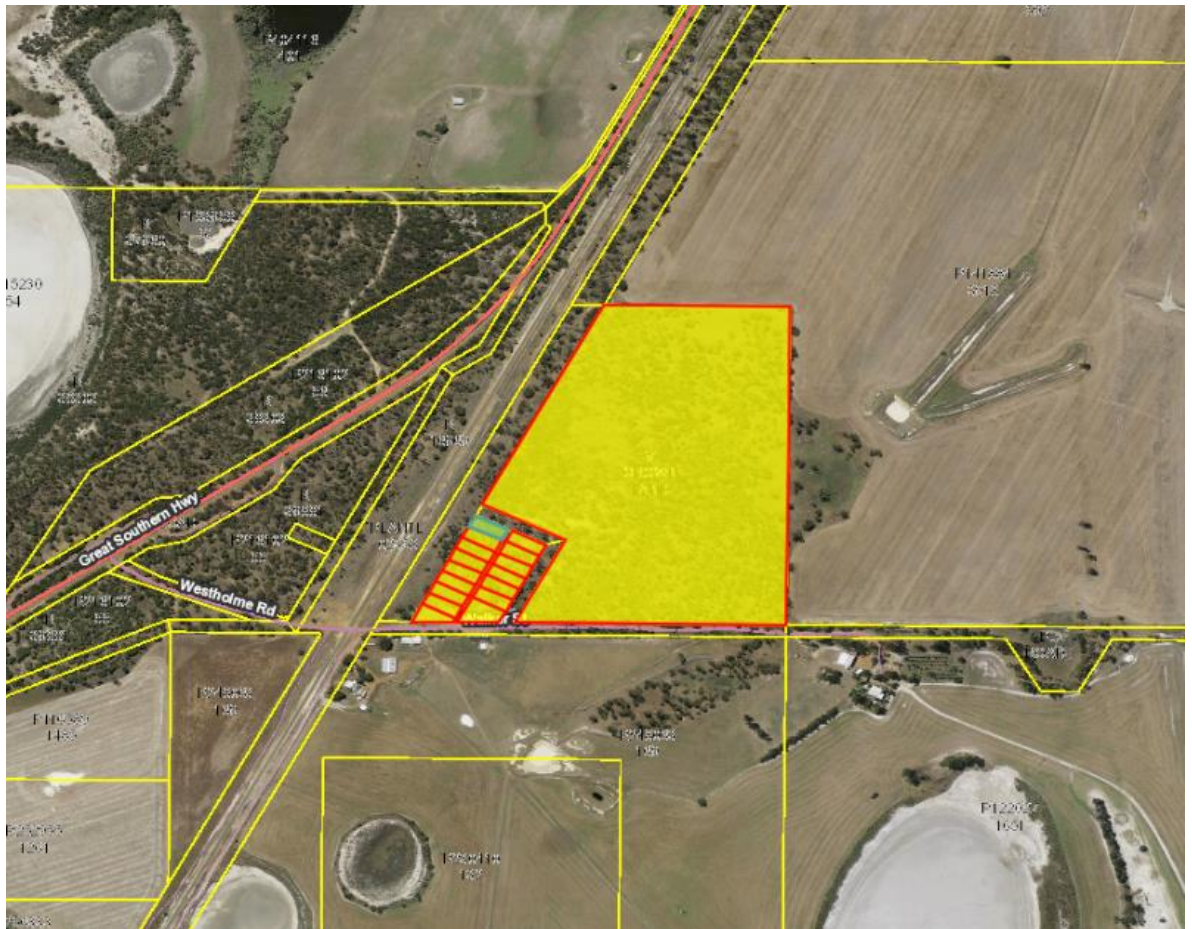
Specifically, DPLH have requested comments on each of the following nine (9) questions:

1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
2. Does the Shire have any interest in the land?
3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
4. Is the land parcel subject to any mandatory connection to services?
5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

COMMENT

The DPLH request for comment was received on 28 February 2023 and the Shire's advice is required to be returned within 40 days of receiving the email (by 9 April 2023). Unfortunately, providing the DPLH with the answers to nine questions on 17 land parcels in the very short time frame provided has not allowed for a thorough analysis or extensive community consultation to be undertaken. Ideally, community and elected member input would also have been sought to provide a more robust response.

A map showing the 17 lots concerned is as follows:



Land details of the 17 lots concerned are as follows:

PIN	Lot Number	Locality Suburb	Townsite	Area (Ha)	Selected Tenure
617433	45	WANSBROUGH	POOTENUP	0.1	Reserve with Power to Lease
617426	39	WANSBROUGH	POOTENUP	0.1	Reserve with Power to Lease
617435	50	WANSBROUGH	POOTENUP	0.1	Reserve with Power to Lease
617429	42	WANSBROUGH	POOTENUP	0.1	Reserve with Power to Lease
617430	52	WANSBROUGH	POOTENUP	0.16	Reserve with Power to Lease
617424	37	WANSBROUGH	POOTENUP	0.1	Reserve with Power to Lease
617427	40	WANSBROUGH	POOTENUP	0.1	Reserve with Power to Lease
617431	43	WANSBROUGH	POOTENUP	0.1	Reserve with Power to Lease
617428	41	WANSBROUGH	POOTENUP	0.1	Reserve with Power to Lease
617437	48	WANSBROUGH	POOTENUP	0.1	Reserve with Power to Lease
617436	49	WANSBROUGH	POOTENUP	0.1	Reserve with Power to Lease
617439	46	WANSBROUGH	POOTENUP	0.1	Reserve with Power to Lease
617425	38	WANSBROUGH	POOTENUP	0.1	Reserve with Power to Lease
617432	44	WANSBROUGH	POOTENUP	0.1	Reserve with Power to Lease
617438	47	WANSBROUGH	POOTENUP	0.1	Reserve with Power to Lease
617434	51	WANSBROUGH	POOTENUP	0.1	Reserve with Power to Lease
617385		WANSBROUGH	POOTENUP	17.26	Reserve with Power to Lease

It is not known if there Shire has any interest or infrastructure located on this land nor is it envisaged that the Shire would have any objection to the transfer of these lots under the native title process. As such, it is recommended that the DPLH be advised that the Council supports the proposed transfer.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

This agenda item only provides comment to the DPLH.

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” and can be managed by routine procedures and with current resources.

ASSET MANAGEMENT IMPLICATIONS

All land proposed is currently unallocated crown land and therefore does not relate to Shire assets.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Dewar, seconded Cr Barritt that the proposed transfer of land under the South West Native Title Settlement, land list 641, as listed below, be supported

PIN	Lot Number	Locality Suburb	Town site	Area (Ha)
617433	45	WANSBROUGH	POOTENUP	0.1
617426	39	WANSBROUGH	POOTENUP	0.1
617435	50	WANSBROUGH	POOTENUP	0.1
617429	42	WANSBROUGH	POOTENUP	0.1
617430	52	WANSBROUGH	POOTENUP	0.16
617424	37	WANSBROUGH	POOTENUP	0.1
617427	40	WANSBROUGH	POOTENUP	0.1
617431	43	WANSBROUGH	POOTENUP	0.1
617428	41	WANSBROUGH	POOTENUP	0.1
617437	48	WANSBROUGH	POOTENUP	0.1
617436	49	WANSBROUGH	POOTENUP	0.1
617439	46	WANSBROUGH	POOTENUP	0.1
617425	38	WANSBROUGH	POOTENUP	0.1
617432	44	WANSBROUGH	POOTENUP	0.1
617438	47	WANSBROUGH	POOTENUP	0.1
617434	51	WANSBROUGH	POOTENUP	0.1
617385		WANSBROUGH	POOTENUP	17.26

CARRIED 6/0
Motion No. 18/23

11. KEY PILLAR 2: BROOMEHILL-TAMBELLUP ECONOMY

11.1 PROPOSED DRAINAGE/WATER DISCHARGE INTO LOT 536 NARDLAH ROAD, BROOMEHILL

ATTACHMENT(S)	11.1.1 CBH Drainage Plan
FILE NO	ADM0582
APPLICANT	Co-operative Bulk Handling [CBH]
AUTHOR	Liz Bushby, Town Planning Innovations
DATE	3 March 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
<p>6. Attracted New Businesses 6.4 BT New business This is the Shire making it easy for any new business to be attracted to the area such as a supportive Town Planning Scheme, commercial or industrial land development and encouraging value-adding to current business and industry.</p>	<p>Corporate Business Plan is in development</p>

SUMMARY

The purpose of this report is for the Council is to consider a development application allowing water discharge to occur on Lot 536.

BACKGROUND

In 2021, CBH lodged an application seeking planning approval for a Rural Industry on Lots 2 and 535 Nardlah Road in Broomehill. A rail siding was also proposed on Lot 553 which forms part of railway reserve.

The application was determined by a Development Assessment Panel (DAP), and conditional approval was issued on the 21 January 2022. Condition 8 of the approval required that *'the Operator (CBH) to lodge detailed drainage design drawings to the local government for separate approval prior to the commencement of development.'*

A drainage report was lodged with the DAP application, however it was known at the time that the drainage drawings may be further developed and refined. For that reason the drainage condition was worded to provide flexibility.

CBH has further progressed detailed drainage design for the loadout facility. All drainage infrastructure will still be contained on CBH land, however water overflow/ discharge is now proposed within adjacent Lot 536.

Location

The DAP approval was specifically issued for the ‘property location’ of Lot 2, Lot 533 and Lot 535. The approval includes conditions which specifically limit the approved development to Lot 2, Lot 533 and Lot 535.

This application is for water overflow onto Lot 536 which is to the immediate south of the lots owned by CBH. Lot 536 has an approximate area of 66.4 hectares.



Above: Location Plan showing Lot 536

Drainage

The original drainage report lodged with the DAP application examined a range of drainage options, including the potential to expand the size of existing drainage infrastructure on site. After investigating several options, the report identified that a new drainage basin would be installed approximately 700 metres to the south of the proposed development, within Lot 535.

At the time that the DAP application was processed, CBH confirmed that they would lodge more detailed drainage design drawings to the Shire prior to installation.

Drainage is still proposed in the form of a basin in the south west portion of Lot 535, however the design has been refined – refer Attachment 11.1.1.

Water will be directed to the new basin via swale drains. There is capacity for basin overflow into a concrete weir (shown as an insert on the drainage map).

COMMENT

In the event that the proposed drainage weir overflows, then there will be water discharge into adjacent Lot 536. The overflow will occur via the existing natural contours, and no infrastructure is proposed in Lot 536.

Lot 536 is owned by Pardoo Holdings Pty Ltd who have consented to lodgement of this application.

In terms of drainage management is it proposed to discharge water over a portion of Lot 536 subject to the following:

- Peak outflow from the drainage basin is 0.14m³/s (or 140L/s). The water will be spread evenly from the level spreader to avoid soil erosion.
- The volume of outflow for the 1 in 20 year flood event is 2,430m³ over a duration of 7.8 hours.
- The volume of outflow from the 1 in 100 years flood event is 3,750m³ over a duration of 9 hours.

CBH has advised that the water discharge will be secured via a private agreement with Pardoo Holdings Pty Ltd, and that they have agreements across various sites for off site disposal of stormwater.

TPI has highlighted to CBH that they need a contingency plan in the event that:

1. The owner of Lot 536 withdraws their consent to the water discharge;
2. The lot is sold or circumstances change.

CBH has advised that 'to ensure that adequate provision for retention of stormwater, CBH are willing to entertain a condition of Development Approval to require drainage be contained on site if an owner of Lot 536 no longer agrees to the water discharge.'

The conditions recommended by TPI are unorthodox, however it is considered that safeguards need to be put in place in the event that Lot 536 becomes unavailable for water discharge.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015 –

The *Regulations* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include 'Deemed Provisions' that automatically apply and override parts of the Shire of Broomehill Town Planning Scheme No 1.

Regulation 34 outlines discretion to vary a site or development requirement.

Regulation 67 outlines application considerations including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining

land, the objectives of a reserve, the likely effect on the natural environment, amenity, loading, access, traffic and any submissions received on a proposal.

Shire of Broomehill Town Planning Scheme No 1 (the Scheme) –

Lot 536 is zoned Farming under the Scheme. The proposal does not conflict with the objectives of the Farming zone, particular that *‘the Council intends the predominant form of rural activity in the Farming Zone will continue to be based on large farming units’*.

The drainage overflow into Lot 536 will provide additional water supply, and the lot can continue to be used for agricultural activities.

POLICY IMPLICATIONS

There are no Local Planning Policy Implications.

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. The unorthodox recommendation assists to protect the Shire in this regard.

FINANCIAL IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

Councillors White, Barritt, Paganoni, Letter and Dewar declared a financial interest in this item as a Shareholder of Co-operative Bulk Handling. In order to maintain a quorum and allow a decision to be made on this item, Ministerial approval was sought for the Councillors to participate in the meeting and vote on the recommendation.

Approval was granted for Councillors White and Paganoni to ‘fully participate in the discussion and decision making’ for this item.

OFFICER RECOMMENDATION

That Council approve the application for drainage /water discharge onto a portion of Lot 536 Nardlah Road, Broomehill subject to the following conditions and footnote:

1. The peak and volume outflows are to generally be in accordance with those stated in the application to the satisfaction of the Chief Executive Officer, unless otherwise approved in writing.
2. This approval is issued with consent from Pardoo Holdings Pty Ltd being the landowner of Lot 536 Nardlah Road. This approval is cancelled and shall expire if:
 - (a) There is a change of ownership that is registered on the Certificate of Title; and/or
 - (b) The title becomes subject of a deceased estate; and /or
 - (c) The registered owner of Certificate of Title, Volume 2983, Volume 383 withdraws consent to use of Lot 536 for water discharge.

Footnote:

The applicant, CBH, is advised that:

- (i) A new development application will need to be lodged with a new owners consent in the event that Lot 536 is sold.
- (ii) In the event that any owner of Lot 536 withdraws consent for water discharge into their property, CBH will need to provide an alternative drainage solution.

After Councillors disclosed financial interests and having received Ministerial approval to participate in discussion and decision on this matter, there were insufficient members present to reach a quorum. As a result this item has been deferred.

11.2 PROPOSED ADDITION TO EXISTING BUILDING – LOT 57 BRIDGE STREET, TAMBELLUP

ATTACHMENT(S)	11.2.1 – Lot 57 Bridge St Site Plan
FILE NO	A199
APPLICANT	Walsh Family Super Fund
AUTHOR	Liz Bushby, Town Planning Innovations
DATE	7 March 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
<p>6. Attracted New Businesses 6.4 BT New business This is the Shire making it easy for any new business to be attracted to the area such as a supportive Town Planning Scheme, commercial or industrial land development and encouraging value-adding to current business and industry.</p>	<p>Corporate Business Plan is in development</p>

SUMMARY

The purpose of this report is for the Council to consider an application for a lean-to addition to an existing building on Lot 57 Bridge Street, Tambellup.

BACKGROUND

Location

Lot 57 is located on the corner of Bridge Street and Donald Street in Tambellup. An aerial location plan is included over page for ease of reference.

Existing Development

There is an existing building on the lot used for the storage and sale of a wide range of agricultural related supplies.



COMMENT

Description of Application

The application proposes a 30.5 metre by 6 metre lean-to on the west side of the existing building. The applicant has advised that the lean to will be used for storage, display and sale of products such as fencing posts, wire, stormwater pipes and gates.

No changes to the existing opening hours or number of employees is proposed.

A site plan is included as Attachment 11.2.1.

Zoning and Proposed land use

Lot 57 is zoned 'Town Centre' under the Shire of Tambellup Town Planning Scheme No 2 ('the Scheme').

Under Clause 6.2.1 of the Scheme the objectives of the Town Centre zone are:

- to ensure the town centre remains the principal place for business and administration within the District
- to encourage a high standard of development including buildings, landscaping, and car parking.

Under the Scheme, Table 1 lists land uses in a table format with different symbols listed under different zones.

Each symbol has a different meaning and determines whether Council has discretion to consider a land use in the corresponding zone (ie if the land use is permitted, not permitted, discretionary or requires advertising).

TPI recommends that the proposal be construed as a shop.

A 'shop' is defined in the Scheme as *'means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in the Scheme.'*

A 'shop' is permitted in the Town Centre zone under the Scheme.

CONSULTATION

As the lot is located in an area liable to flooding, the application was referred to the Department of Water, Environment and Regulation (DWER) for advice.

DWER has advised that:

- a) The Department of Water and Environmental Regulation in carrying out its role in floodplain management provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage.
- b) The Gordon River (Tambellup) Flood Study shows the general area was significantly affected by major flooding in an event in January 1982. The January 1982 event is expected to be larger than the 1 in 100 (1%) AEP event. The flood level around the Lot in the 1982 event was about 264.9 m AHD.
- c) When development is proposed within the floodplain our Department assesses each proposal based on its merits and the factors examined include depth of flooding, velocity of flow, its obstructive effects on flow, possible structural and potential flood damage, difficulty in evacuation during major floods and its regional benefit.
- d) With regard to this proposal the following comments with regard to major flooding are provided:
 - We have no information on the level of flood protection to the existing (or proposed extension) of the existing building
 - A lean-to addition to an existing commercial premises will not obstruct flows and detrimentally impact flooding
 - The proposal is not considered habitable.
- e) Based on the above discussion, we have no objection to the proposal with regard to major flooding.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015 - The *Regulations* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include 'Deemed Provisions' that automatically apply and override parts of the Shire of Tambellup Town Planning Scheme No 2.

Regulation 67 outlines application considerations including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining

land, the objectives of a reserve, the likely effect on the natural environment, amenity, loading, access, traffic and any submissions received on a proposal.

Shire of Tambellup Town Planning Scheme No 2 (the Scheme) –

Clause 7.5 outlines requirements for ‘land liable to river flooding’.

Land liable to flooding was identified in the "Gordon River (Tambellup) Flood Study" (the "Flood Study") prepared by Sinclair Knight & Partners January 1983. The Scheme provisions are mainly orientated towards subdivision, however stipulate that all development on ‘land liable to flooding’ requires planning approval.

The Scheme outlines minimum finished floor levels for habitable rooms, which do not apply to this development as it will be non-habitable.

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

There are no policy implications associated with this development.

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/COUNCIL DECISION

Moved Cr Paganoni, seconded Cr Barritt that the Council

- A. Note that development is proposed on ‘land liable to flooding’ however that the Department of Water, Environment and Regulation (DWER) has no objections to the proposal as it is for non habitable development.
- B. Approves the application for a lean-to (shop) addition to the existing building on Lot 57 Bridge Street, Tambellup subject to the following conditions and footnotes:
 - 1. The plans lodged with this application shall form part of this planning approval. All development shall generally be in accordance with the approved plans unless otherwise approved separately in writing by the Chief Executive Officer.
 - 2. 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.

3. All loading and unloading shall continue to occur on site within the boundaries of Lot 57 at all times.
4. 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.

Footnotes:

- (a) Planning consent is not an approval to commence construction. A building permit must be obtained for all work.
- (b) The Gordon River (Tambellup) Flood Study shows the general area was significantly affected by major flooding in an event in January 1982. The Shire has liaised with the Department of Water, Environment and Regulation (DWER) who confirmed that the flood level around the Lot in the 1982 event was about 264.9 m AHD.

CARRIED 6/0
Motion No. 19/23

11.3 PROPOSED OUTBUILDING : LOT 402 MCGUIRE ROAD, BROOMEHILL VILLAGE

ATTACHMENT(S)	Nil
FILE NO	A7769
APPLICANT	J Ronchi and C Ramirez Suazo
AUTHOR	Liz Bushby, Town Planning Innovations Pty Ltd
DATE	7 March 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
6. Attracted New Businesses 6.4 BT New business This is the Shire making it easy for any new business to be attracted to the area such as a supportive Town Planning Scheme, commercial or industrial land development and encouraging value-adding to current business and industry.	Corporate Business Plan is in development

SUMMARY

The purpose of this report is for the Council to consider an application for an outbuilding and associated water tank proposed on Lot 402 McGuire Road, Broomehill.

BACKGROUND

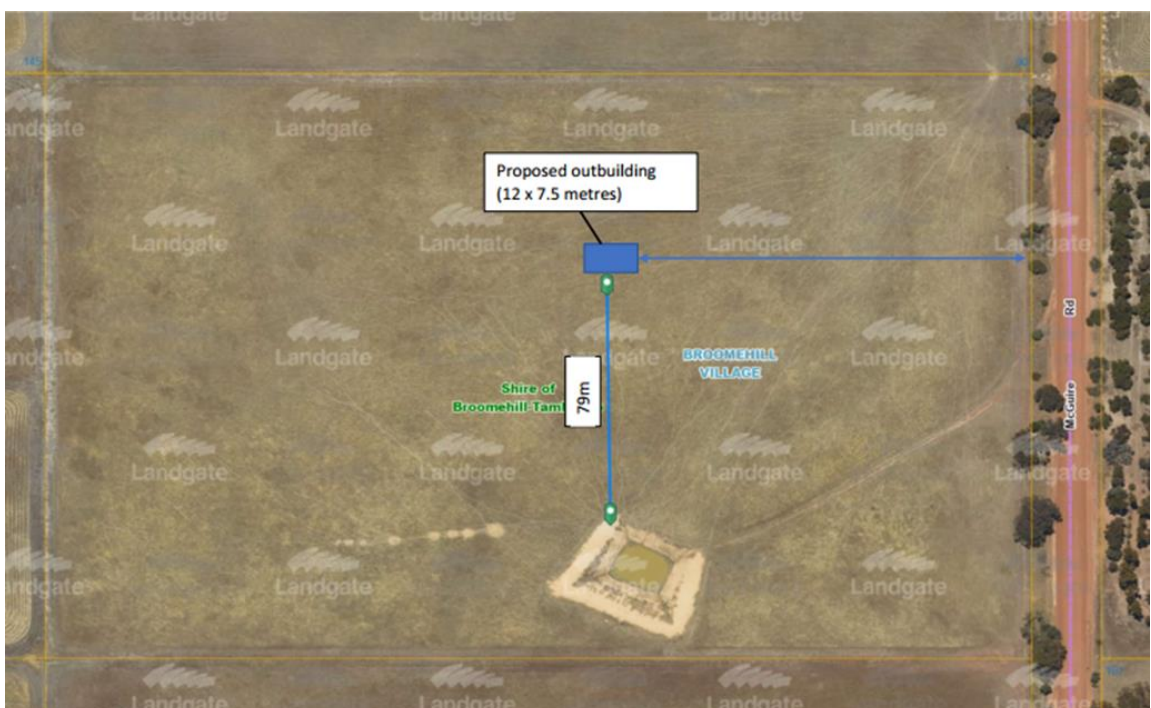
Lot 402 is vacant and has an approximate area of 5.7 hectares. A location plan is below.



COMMENT

The owner proposes to construct an outbuilding with a 90m² floor area, a wall height of 3.6 metres and maximum roof peak height of 4.26 metres. Ancillary water tanks are also proposed.

The outbuilding is proposed to be installed approximately 79 metres north of an existing dam on the lot, and over 100 metres from the front lot boundary.



CONSULTATION

Nil

STATUTORY ENVIRONMENT

Shire of Broomehill Town Planning Scheme No 1 (the Scheme)

The lot is zoned Rural Residential. All development requires planning approval under Clause 5.12.5 b) of the Scheme.

The proposed development complies with the minimum setback requirements applicable to the Rural Residential zone being 15 metres to the front lot boundary, and 10 metres to any side or rear lot boundary.

Development (Local Planning Schemes) Regulations 2015 were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include ‘Deemed Provisions’ that automatically apply and override parts of the Shire of Broomehill Town Planning Scheme No 1.

Regulation 60 of the ‘deemed provisions’ requires that a person must not commence or carry out works on, or use, land in the Scheme area unless the person has obtained the development approval of the local government or it is exempt from the requirement for planning.

Under the Regulations there is a list of development that does not require planning approval. There is only an exemption for outbuildings that comply with the Residential Design Codes, where the Codes apply (ie in residential areas). This exemption does not apply to outbuildings in the Rural Residential zone.

Regulation 67 outlines ‘matters to be considered by Council’ including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

There are no Policy implications associated with this report.

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/COUNCIL DECISION

Moved Cr Dewar, seconded Cr Penny that the Council approve the application for an outbuilding and water tank(s) on Lot 402 McGuire Road, Broomehill Village subject to the following conditions:

- i. The plans lodged with this application shall generally form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.
- ii. All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and stormwater tank 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.
- iii. The outbuilding shall not be used for habitable purpose at any time.
- iv. 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.

CARRIED 6/0
Motion No. 20/23

11.4 PROPOSED EXPANSION OF DELEGATION TO CHIEF EXECUTIVE OFFICER

ATTACHMENT(S)	Nil
FILE NO	ADM0239
APPLICANT	n/a
AUTHOR	Liz Bushby, Town Planning Innovations
DATE	7 March 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
6. Attracted New Businesses 6.4 BT New business This is the Shire making it easy for any new business to be attracted to the area such as a supportive Town Planning Scheme, commercial or industrial land development and encouraging value-adding to current business and industry.	Corporate Business Plan is in development

SUMMARY

The purpose of this report is for the Council to consider expanding the town planning delegated authority powers to the Chief Executive Officer (CEO) to determine certain applications.

This matter is raised by TPI as increased delegation will assist to streamline the planning process, and ‘cut red tape’ in line with state planning reforms.

BACKGROUND**Existing Delegations**

The Chief Executive Officer (CEO) has delegated authority (Council Delegation 4.13 – Planning Approvals) to determine all Applications for Planning Approval submitted under Planning Scheme 1 and Planning Scheme 2, with the following exceptions:

- The value of the application is over \$500,000;
- The proposed use or development is located in a Town Centre, Industrial, Light Industrial or Special Use zone;
- The application involves an agricultural shed over 500 square metres;
- The application does not comply with the relevant Scheme provisions;
- The use or development of the land is not permitted; and
- Where the application is to be refused.

All applications that meet these exceptions must be considered by Council.

The above mentioned delegation was adopted by Council at its Ordinary Meeting held on the 19 August 2021.

At the Ordinary Meeting held on the 28 July 2022, the Council also resolved to grant delegated authority to the CEO to grant an exemption from the need for planning approval for temporary works (not exceeding a 12 month period) in accordance with Clause 61(2) (f) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Council Delegation 4.13 – Planning Approvals).

Economic challenges

There are a number of economic challenges being faced in Western Australian including and not limited to rising interest rates, increases in the cost of living, interruptions to supply chains, a shortage of workers, increased transport costs and the demand for housing (rentals and new constructions).

At a state level there have been changes implemented to the planning system across the board in an effort to ‘cut red tape’ and promote a more streamlined planning process.

COMMENT

Increased delegation to the Shire CEO to determine more applications will assist to streamline the planning application process for some proponents.

It should be noted that the CEO does not have any obligation to act on a delegation, so maintains the ability to communicate with the Council over applications, and can still refer any application to Council where deemed desirable.

TPI proposes that delegation to the CEO be increased to include:

	Description of Delegation	Relevant Legislation
a.	Determination of applications for development of land that is within any Local Scheme Reserve	Local Scheme reserves under the Shire of <i>Broomehill Town Planning Scheme No 1</i> and the Shire of <i>Tambellup Town Planning Scheme No 2</i> Clause 68 and 70 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
b.	Determination of compliance or non-compliance with conditions of any development approval including an approval issued by a Development Assessment Panel	<i>Shire of Broomehill Town Planning Scheme No 1</i> <i>Shire of Tambellup Town Planning Scheme No 2</i>
c.	Accept a development application for processing or request lodgement of additional information Note: Includes Development Assessment Panel applications	Clause 63A <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>

d.	After an application has been accepted for processing, request an applicant provide additional information Note: Includes lodging a 'stop the clock' request to a Development Assessment Panel	Clause 65A <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
e.	Determine the extent and means of advertising for all development applications	Clause 64 and Clause 66 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
f.	Issue a 'deemed refusal' where an application has been lodged and has not been determined within the 60 or 90 day statutory time period	Clause 75 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
g.	Determine any application to amend or cancel an existing development (including modification of conditions)	Clause 77 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Regulation 17 and 17A <i>Planning and Development (Development Assessment Panels) Regulations 2011</i>
h.	Lodge any accepted DAP application to the administrative officer of the Regional Development Assessment Panel	Regulation 11 <i>Planning and Development (Development Assessment Panels) Regulations 2011</i>
The above delegation is not subject to any of the conditions or limits under the existing Delegation 4.13 – Planning Approvals contained in the Shire of Broomehill Tambellup Delegation Register (August 2021)		

It should be noted that some of the abovementioned tasks, such as accepting planning applications, are already undertaken by Shire Administration, in consultation with TPI.

Council should also note that Shire Administration often commences public advertising of applications prior to any report being referred to Council to try and expedite processing times.

The proposed delegation will make it clearer that the Chief Executive Officer has the power to make certain decisions as part of the normal planning process.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015 –

The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include ‘Deemed Provisions’ that automatically apply and override parts of the Shire of Broomehill Tambellup Schemes.

Clause 82(1) gives the local government the ability to delegate its powers to the Chief Executive Officer. Clause 82(2) requires any delegation to be by Absolute Majority.

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

There are no known Policy Implications.

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/COUNCIL DECISION

Moved Cr Penny, seconded Cr Dewar that Council:

1. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer as follows:

	Description of Delegation	Relevant Legislation
a.	Determination of applications for development of land that is within any Local Scheme Reserve	Local Scheme reserves under the <i>Shire of Broomehill Town Planning Scheme No 1</i> and the <i>Shire of Tambellup Town Planning Scheme No 2</i> Clause 68 and 70 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
b.	Determination of compliance or non-compliance with conditions of any development approval including an approval issued by a Development Assessment Panel	<i>Shire of Broomehill Town Planning Scheme No 1</i> <i>Shire of Tambellup Town Planning Scheme No 2</i>
c.	Accept a development application for processing or request lodgement of additional information Note: Includes Development Assessment Panel applications	Clause 63A <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>

d.	After an application has been accepted for processing, request an applicant provide additional information Note: Includes lodging a 'stop the clock' request to a Development Assessment Panel	Clause 65A <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
e.	Determine the extent and means of advertising for all development applications	Clause 64 and Clause 66 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
f.	Issue a 'deemed refusal' where an application has been lodged and has not been determined within the 60 or 90 day statutory time period	Clause 75 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
g.	Determine any application to amend or cancel an existing development (including modification of conditions) Note: Includes Development Assessment Panel applications	Clause 77 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Regulation 17 and 17A <i>Planning and Development (Development Assessment Panels) Regulations 2011</i>
h.	Lodge any accepted DAP application to the administrative officer of the Regional Development Assessment Panel	Regulation 11 <i>Planning and Development (Development Assessment Panels) Regulations 2011</i>

The above delegation is not subject to any of the conditions or limits under the existing Delegation 4.13 – Planning Approvals contained in the Shire of Broomehill Tambellup Delegation Register (August 2021).

The above delegation is subject to approvals being discussed at the Councillor Briefing Session first.

CARRIED 6/0
Motion No. 21/23

12. KEY PILLAR 3: BROOMEHILL-TAMBELLUP LIFESTYLE

12.1 JOURNAL ST FOOTPATH EXTENSION

ATTACHMENT(S)	12.1.1 – Journal St – Proposed Path Extension 12.1.2 – Broomehill Heritage Trail Map
FILE NO	ADM0492; RD14
APPLICANT	n/a
AUTHOR	Pam Hull, Strategic Support & Projects Officer
DATE	7 March 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
8.1 Broomehill Heritage Precinct Renewal This is the renewal of the Broomehill Heritage Precinct (including Broomehill Roads Board Museum, and Holland Track Start point). The renewal includes footpaths, seating, interpretive panels, photo opportunity sites, static machinery displays and advocacy with Coolgardie to support and promote the Track.	Corporate Business Plan in development

SUMMARY

The purpose of this report is for the Council to consider a proposal to construct an extension to the existing footpath on Journal St.

BACKGROUND

In 2021 the Shire commenced a number of projects which were funded by the Federal Government’s Drought Communities Program, and specifically relevant to this item, the Broomehill Town Centre Upgrade and the Holland Track Interpretive Centre.

The Broomehill Town Centre Upgrade was completed in 2022, with works including the widening of the Great Southern Highway/Journal St intersection to comply with requirements for heavy vehicles, replacement of kerbing and paving on both sides of the intersection, installation of new street furniture (benches, bins), creation of a courtyard entry to the Broomehill Museum, construction of new garden beds with reticulation, and planting of garden beds and street trees.

The Holland Track Interpretive Centre project (now known as the Holland Track Start Point) included the installation of a new gazebo and three information panels adjacent to the Broomehill Museum, the development of a new heritage walk trail with information panels around the townsite and production of new directional signage for the town centre. The trail and directional signage is presently being finalised. The Heritage Walk Trail starts at the Broomehill Museum, with the first site being St Elizabeth’s Church on Janitor St – see Attachment 12.1.2 – Broomehill Heritage Trail Map.

COMMENT

The new paving on the south side of Journal St extends from Great Southern Highway to the crossover to the west of the Museum, opposite Annice St. There is no defined path from this point to India St. In order to guide visitors around the new heritage walk trail, it is proposed that the new paving be extended to India St opposite the Post Office.

A site inspection has been undertaken with the Manager of Works and CEO, and quotes obtained to undertake this work. It is noted an open drain runs along the south side of the trees along Journal St. The quote obtained includes provision for the construction of concrete ‘bridges’ over the two culverts that direct water to the drain through Holland Park. The path will be constructed without disturbance to the trees.

The Council’s approval of these works is sought.

CONSULTATION

CEO

Manager of Works

STATUTORY ENVIRONMENT

Nil.

FINANCIAL IMPLICATIONS

A quote of \$18,200 ex GST has been obtained for this work. Capital job CAP127 Streetscape Works Broomehill (Great Southern Hwy/Journal St) has a budget allocation of \$590,000, with funds expended to date of \$543,525. CAP127 is funded through Drought Communities Program funds (\$490,000) and the Townscape Plan Implementation Reserve (\$100,000).

It is noted that in order to claim against the Drought Communities Program funding, projects must be completed by 31 March 2023.

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” and can be managed by routine procedures and with current resources.

ASSET MANAGEMENT IMPLICATIONS

The new section of footpath will be incorporated into the Shire’s Footpath Plan, with associated budget allocation annually for maintenance.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Barritt seconded Cr Dewar that the Council approves the proposal to extend the paved footpath on Journal St, from the Broomehill Museum to India St.

CARRIED 6/0
Motion No. 22/23

12.2 BUTCHERS SHOP (FORMER) - LOT 9 (50) NORRISH STREET, TAMBELLUP – PROPOSED DEMOLITION

ATTACHMENT(S)	12.2.1 – Heritage Report for 50 Norrish Street, Tambellup
FILE NO	ADM0275
APPLICANT	n/a
AUTHOR	Anthony Middleton – Chief Executive Officer
DATE	8 March 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
3.2 - BT history appreciation This is community and Shire working with partners to complete the Municipal Inventory Review program and subsequent storytelling, and actioning specific heritage works in the future.	Corporate business Plan in development
8.3 - Tambellup Civic and Community Precinct Exploration This is the exploration of the potential use of the old butcher and general store area, along the east side of Norrish Street, Tambellup, as a civic and community precinct.	Corporate business Plan in development

SUMMARY

The purpose of this report is to consider the community input received for the proposed demolition of the old Butcher's Shop, Lot 9 (50) Norrish Street, Tambellup.

BACKGROUND

The Shire purchased the old Butcher's Shop, Lot 9 (50) Norrish Street, Tambellup in June 2022 to enable the possible future extension of the Shire Administration Building, or other opportunity that may arise.

Provision was made for the demolition of the existing building on lot 9 in the 2022/2023 Annual Budget, however, as this building is located on the Shire of Tambellup Municipal Heritage Inventory, it is appropriate for the Council to consider the proposed demolition in accordance with its Town Planning Scheme.

To progress this issue, the Shire's Heritage Consultant (Laura Gray - Heritage Intelligence (WA)) was requested to undertake a Heritage Report of the proposed demolition to satisfy clause 5.4 of the Shire of Tambellup Town Planning Scheme No. 2. This Heritage Assessment undertaken is attached.

The recommendation contained within the Heritage Report is as follows:

'The former Alan Jones' Butcher Shop has some significance to the community of the Shire of Broomehill-Tambellup for the services and socialising that took place at

the butcher's shop, in association with the butcher, Alan Jones, as evidenced by the Heritage Trail plaque on the front of the building.

However, over the 20 plus years since the shop closed it has deteriorated significantly and the dangerous friable asbestos on the roof and veranda canopy has exacerbated the situation.

To retain and restore the shop building would require significant upgrades and interventions to bring it to acceptable contemporary statutory standards for any business or occupation. A considerable degree of intervention raises the issue of "what are we saving?"

The loss of a building of heritage value is not an easy decision but this proposed demolition is supported by the poor condition and no viable re-purposing options that could retain the original fabric or integrity of the place.

Reluctantly, the option of demolition is a reasonable outcome given the situation as detailed.

The existing heritage plaque with a photograph of better days would be appropriate to continue to inform of the place and its part of the Shire of Broomehill-Tambellup's history.'

At its meeting held on 16 December 2022, the Council resolved as follows:

- 1. The Heritage Report prepared by Laura Gray, Heritage Intelligence (WA), as attached, be received;***
- 2. Community consultation be undertaken inviting written comments on the proposal to demolish the old butchers shop located on Lot 9 (50) Norrish Street, Tambellup, inclusive of the contents of the Heritage Report prepared; and***
- 3. Subject to no adverse submissions being received, the demolition of the old butcher's shop located on Lot 9 (50) Norrish Street, Tambellup be approved.***

COMMENT

The community consultation referred to in point 2 of the Council's decision of 16 December 2022 was undertaken in January and February 2023 via personal approaches, public notices, The Topics and Facebook. Submissions were requested prior to 2 March 2023.

Two public submissions were received, one in favour of the proposal and one against. They are as follows:

Received 23 February 2023:

Good afternoon,

Re: Butchers Shop

Having read Laura's report and considered what I know about the butcher's shop I do not consider it is worth preserving. A lot of money would need to be spent to bring it up to any standard. Even then, what could it be used for?

Probably best to get a few photo's together and the history and do up a book. Could even include the story behind some of the other butcher shops that were in town.

I know there was one on Garrity Street and another on Norrish Street.

Sadly everything has a whole of life cost, which will give it a use by date.

Trevor Prout

Received 24 February 2023:

Dear Mr Middleton and Councillors,

I am writing in response to your call for public submissions concerning the proposed demolition of the former Butchers Shop in Norrish St, Tambellup.

I would like to record my opposition to the proposal and thank you for the opportunity to voice my concern.

My reasons for retaining the building stem from my interest in my community and the preservation of local history and heritage buildings. I see this as an opportunity for the Shire to initiate a change in the town and unlock the potential we have in retaining an existing, serviced building in a prominent position on the main street.

I note the deterioration of the building and the presence of asbestos but these can be overcome with renovation and replacement

Reasons to retain building

- *Accurate in the historical layout of the town from 1960 onwards*
- *Very visible position on the main street. Renovation would bring vibrancy and colour.*
- *Provides an opportunity to do something positive ie. Investing in the visual landscape of the town*
- *Opportunity to repurpose an existing building into a pop-up/business space attracting investment and employment to the town*

Possible steps in improving the premises -

1. *Remove existing roof and replace with Colorbond sheeting.*
2. *Replace front window and door. Improve security by replacing exterior windows and existing back door.*
3. *Remove front overhang. Replace with verandah posts and skillion roof similar to the verandah outside the CRC*
4. *Upgrade exterior lighting.*
5. *Chip back front plaster, clean and seal original brick façade*
6. *Design and complete a mural on the northern exterior wall. The mural could reflect the building's former use or the themes of Tambellup history e.g., transport, original vendors on the main street, items sold/purchased in the town.*
7. *Remove all debris from around the building.*
8. *Repaint building in an eye-catching colour/colours. Include signage on the verandah*
9. *Revamp footpath area with paving, seating, and plants/large pot plants, consider a shade tree.*
10. *Advertise for a tenant.*

Why bother when it is easier to demolish?

I believe we need to start with what we've got and turn a negative into a positive. Towns that value their built heritage add a sense of pride to those who live there and make the town more visually appealing to those who visit. Repurposed buildings can contribute to the 'feeling' of a town especially if they are colourful and well cared for. We have the opportunity to do this with the Butcher's Shop.

While in 2023 a 1960 building may not be considered 'heritage', to the children of today it is already 60 years old. Buildings from this period are fast becoming classics (a style known as Mid-Century Modern) examples of which we have many in Tambellup. It is these buildings that, over time, add the 'layers' to a town's history and accurately represent its' changes.

*I ask that the Shire consider these points and **Be the Change** Tambellup needs. Bring the Butcher's Shop back into use and make it a positive, visual endorsement that our town is worthy of investment.*

Who knows?

Restoring the Butcher's Shop may be the catalyst for other exciting projects to emerge and add a new layer to our town in the future.

Yours sincerely

Jennifer Miller

Whilst acknowledging the public submissions received and recognizing that it would be ideal to preserve this building to maintain the existing street façade in Tambellup, it is not recommended due to:

1. The small size and limited alternate uses of the building;
2. The deteriorated nature of the structure of the building; and
3. Its asbestos roof in poor condition.

Future Shire Office extensions could incorporate a new build replica butcher's shop component, serving a purpose such as an entry foyer to a Council Chamber or Administration Counter, if considered appropriate by the Council of the day.

CONSULTATION

Shire's Heritage Consultant, Laura Gray - Heritage Intelligence (WA)

The community consultation referred to in point 2 of the Council's decision of 16 December 2022 was undertaken in January and February 2023 via personal approaches, public notices, The Topics and Facebook. Submissions were requested prior to 2 March 2023. Two public submissions were received and are copied into the Officer Comments section of this report.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) – Part 3, Schedule 2 deals with Heritage Protection.

Clause 8, Schedule 2 outlines that the local government must establish and maintain a Heritage List to identify places within the Scheme area that are of cultural significance and are worthy of built heritage conservation.

The Shires Municipal Inventory is not a Heritage List, has not established whether each property meets the criteria of the Regulations, and has not been adopted and advertised in accordance with the Regulations.

Under the Regulations planning approval is required for demolition of any building located in a 'heritage protected place'. The term 'heritage listed place' is defined in the Regulations and includes places on the state register, places being considered for entry to the state register, and places included on a Heritage List.

The Shire's Planning Consultant, TPI, has advised that planning approval is not required for demolition in this case as the property is only listed in the Shires Municipal Inventory, which is not a Heritage List that has been adopted and advertised in accordance with requirements of the Regulations.

Shire of Tambellup Town Planning Scheme No. 2 (the Scheme)-

Clause 5.4 of the Shire of Tambellup Town Planning Scheme No. 2 states:

- 5.4.1 In dealing with any matters which may affect a Heritage Precinct or individual entry on the Heritage List, including any application for planning approval, the Council shall have regard to any heritage policy of the Council.
- 5.4.2 The Council may, in considering any application that may affect a Heritage Precinct or individual entry on the Heritage List, solicit the views of the Heritage Council of WA, and those of any other relevant bodies, and take those views into account when determining the application.
- 5.4.3 Notwithstanding any existing assessment on record, the Council may require a heritage assessment to be carried out prior to the approval for any development proposed in a Heritage Precinct or individual entry listed on the Heritage List.

The Scheme provisions have been taken into account, and a heritage assessment of the former butchers shop has been undertaken. As the Municipal Inventory is not a Heritage List, there are no statutory planning requirements applicable to this proposal.

Building Act 2011 - a demolition permit is required before any demolition work can commence on a property. In addition, there are health requirements that would need to be complied with, particularly for removing asbestos.

FINANCIAL IMPLICATIONS

A budget provision of \$20,000 exists in account 14759.16 as part of the 2022/2023 Adopted Budget for the demolition of this building. Initial quotes are \$15,000.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

The current condition of the building, especially the asbestos roof, will result in significant upgrade and maintenance work being required if the demolition is not supported. This has not been costed at this stage. Public access to the building has been restricted since it was acquired by the Shire.

The heritage risk has been addressed through the engagement of a heritage professional providing a written report.

ASSET MANAGEMENT IMPLICATIONS

This agenda item deals with a newly acquired building asset that is in very poor state, remembering that the Council purchased the *land* asset. The building is not presently included in the Shire's Strategic Resource Plan or Asbestos Register.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Paganoni, seconded Cr Penny that:

1. The two written submissions received from Trevor Prout and Jennifer Miller be noted and both individuals be thanked for their input and interest into this process; and
2. The demolition of the old butchers shop located on Lot 9 (50) Norrish Street, Tambellup be approved.

CARRIED 6/0
Motion No. 23/23

13. KEY PILLAR 4: BROOMEHILL-TAMBELLUP SHIRE SUPPORT**13.1 FINANCIAL STATEMENTS – FEBRUARY 2023**

ATTACHMENT(S)	13.1.1 – Financial Statements February 2023
FILE NO	ADM0619
APPLICANT	n/a
AUTHOR	Kay O’Neill, Manager Finance & Administration
DATE	8 March 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
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.	Corporate Business Plan is in development

SUMMARY

The Council to consider the monthly financial statements for February 2023.

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, 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 2022/23 budget process, the Council adopted 10% or \$10,000 (whichever is the greater) 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 nature or type, which is a requirement of the *Local Government (Financial Management) Regulations 1996*.

Receivables are detailed in Note 6, which includes outstanding rates, emergency services levy, pensioner rebates and other ‘sundry’ debtors.

Non-operating grants and contributions are shown in Note 8. These funds are spent on capital projects outlined in Note 12, which details capital revenue and expenditure; including plant replacement, road construction, building improvements and other projects, reserve transfers and loan transactions.

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 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); 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 month to which the statement relates; 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 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; and*
- (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 or type 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/COUNCIL DECISION

Moved Cr Penny, seconded Cr Paganoni that the monthly financial statements for the period ending 28 February 2023 be received.

CARRIED 6/0
Motion No. 24/23

13.2 MONTHLY LIST OF PAYMENTS – FEBRUARY 2023

ATTACHMENT(S)	13.3.1 - Monthly Payments Listing February 2023
FILE NO	ADM0619
APPLICANT	N/A
AUTHOR	Kay O’Neill, Manager Finance & Administration
DATE	8 March 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
<p>11. Delivered Shire Trust and Performance 11.2 SoBT financials 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.</p>	<p>Corporate Business Plan is in development</p>

SUMMARY

The Council to consider the list of payments made from the Municipal and Trust Funds during February 2023.

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 –

	\$
Municipal Fund	704,008.16
Trust Fund	0.00
Credit Cards	1,941.30
TOTAL	705,949.46

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.

FINANCIAL IMPLICATIONS

Reports the payments made from Municipal and Trust Funds for the previous month.

POLICY IMPLICATIONS

Council Policy '3.1 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/COUNCIL DECISION

Moved Cr Letter, seconded Cr Penny that, in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments paid under delegated authority be noted for February 2023; comprising –

- Municipal Fund cheque, electronic funds transfer (EFT) and direct debit payments totalling \$704,008.16; and
- Credit Card payments totalling \$1,941.30.

CARRIED 6/0
Motion No. 25/23

13.3 STAFF HOUSING – STAFF BENEFITS POLICY REVIEW

ATTACHMENT(S)	13.3.1 – (Current) Policy 2.5 - Staff Benefits 13.3.2 – (Proposed) Policy 2.5 - Staff Housing
FILE NO	ADM0345
APPLICANT	n/a
AUTHOR	Anthony Middleton – Chief Executive Officer
DATE	10 March 2023
DISCLOSURE OF INTEREST	Nil, however, it is noted that the Author is a tenant of an existing staff house with conditions of tenancy covered by employment contract.

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
11: Delivering Shire Trust and Performance 11.3 – This is the Shire advancing workforce satisfaction through reconciliation progress, celebrating milestone achievements, developing a sense of pride and confidence, and the workforce contributing to pieces of ‘People Power’ at any time.	Corporate Business Plan in development

SUMMARY

The purpose of this report is to review Council Policy 2.5 - Staff Benefits to increase clarity and equity in the provision of staff housing.

BACKGROUND

The current Council Policy 2.5 - Staff Benefits is attached.

COMMENT

The provision of staff housing is primarily used to attract and retain suitable applicants to key positions within the Shire. Outside of this function, the Shire administration receives numerous requests for private rentals of staff housing when any vacancies occur. As such, Policy 2.5 has been amended to give direction in the following areas:

1. Defining which Shire owned executive housing is applicable to Senior Management Team positions;
2. Identifying staffing positions that require specific technical knowledge and/or qualifications and therefore may require staff housing to attract suitable applicants; and
3. Conditions which staff housing could be privately rented, if not required for points 1 or 2 above.

The proposed updated Council Policy 2.5, now renamed ‘Staff Housing’ is attached for the Council’s consideration.

CONSULTATION

Senior Management Team.

STATUTORY ENVIRONMENT

Nil.

FINANCIAL IMPLICATIONS

Presently all staff housing rentals are in accordance with the adopted list of fees and charges, which are all currently \$115 per week. The proposed amendments to Council Policy 2.5 includes the change of all ‘private rentals’ to be at market value, presently between \$280 and \$420 per week. This represents a significant increase in rental yield possible if staff housing is not required for designated positions.

POLICY IMPLICATIONS

This item recommends significant changes to Council Policy 2.5.

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” and can be managed by routine procedures and with current resources.

ASSET MANAGEMENT IMPLICATIONS

This agenda item involves a proactive approach to the Shire’s housing asset. Any increase in rental received assists to fund maintenance and renewal expenditure requirements on Shire assets.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Paganoni, seconded Cr Letter that Council Policy 2.5 - Staff Benefits, be amended as per attachment 13.3.2.

CARRIED 6/0
Motion No. 26/23

13.4 ANNUAL BUDGET REVIEW 2022/23

ATTACHMENT(S)	13.4.1 2022/23 Budget Review
FILE NO	ADM0163
APPLICANT	Nil
AUTHOR	Kay O’Neill – Manager Finance & Administration
DATE	10 March 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
11. Delivered Shire Trust and Performance 11.2 SoBT financials 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.	Corporate Business Plan is in development

SUMMARY

The purpose of this report is to consider the review of the 2022/23 Annual Budget, for the period 1 July 2022 to 31 January 2023.

BACKGROUND

The Local Government (Financial Management) Regulations 1996, regulation 33A require local governments to conduct a review of their annual budget between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

Regardless of statutory requirements, conducting a budget review at least once each year is sound financial management practice. It enables the Council to analyse the financial performance of the year to date and make changes to the authorisations that it puts in place for the performance of the local government’s functions.

The Council adopted a 10% or \$10,000 minimum for the reporting of material variances to be used in the statement of financial activity and the annual budget review.

COMMENT

The detailed budget papers are attached to the agenda as a separate document. This review has resulted in the following proposed changes:-

- Increase in 22/23 Financial Assistance Grants of \$74,100 (p2);
- Increase of \$15,900 interest earned on Reserve Funds (p2). Interest earned is retained in each Reserve (p30-31);
- The Shire hosted the inter-Shire ‘Hollow Log Golf Day’ in 2022, resulting in cost neutral revenue and expense (p26);
- Reduced allocation of \$10,000 for purchase of additional COVID-19 PPE (p26);

- Addition of \$10,000 for renovation of Unit 3 at Lavieville Lodge (p27), which is funded by an increased transfer of \$10,000 from Reserve Funds (p30)
- Addition of \$10,000 to undertake landscaping of the new spectator area at the Broomehill Recreation Complex (p27);
- Addition of \$6,000 to purchase and install signage at the Broomehill Heritage Precinct and Holland Park (p27);
- Addition of \$20,000 to install a Fuel Management System at the Broomehill and Tambellup Depots (p27);
- Addition of \$8,000 to install a security camera system at the Broomehill Depot (p27);
- Numerous minor changes within operating accounts to better reflect actual revenue and expenditure.

CONSULTATION

The Senior Management Team has assisted in the compilation of the Budget Review document.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996 - regulation 33A -

- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year;*
- (2A) *The review of an annual budget for a financial year must –*
 - (a) consider the local governments financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) consider the local governments financial position as at the date of the review;*
and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
** Absolute majority required.*
- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

FINANCIAL IMPLICATIONS

The budget review document reviews the Shire's financial operations for the financial year to date, and recommends changes to the adopted budget and the projects previously approved by the Council. A balanced budget is still achieved after the proposed amendments have been made.

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

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Barritt, seconded Cr Letter that the 2022/23 Mid-Year Budget Review for the period 1 July 2022 to 31 January 2023 be adopted, and the 2022/23 Annual Budget be amended with the changes outlined in the budget review document.

CARRIED by Absolute Majority 6/0
Motion No. 27/23

13.5 COMPLIANCE AUDIT RETURN FOR 2022

ATTACHMENT(S)	13.5.1 Copy of the Compliance Audit Return for 2022
FILE NO	ADM0302
APPLICANT	n/a
AUTHOR	Kay O’Neill, Manager Finance and Administration
DATE	10 March 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
12.2 SoBT Shire data This is the Shire collecting and releasing specific data on Shire-related activities (such as health provisions, roads, safety, traffic measures). Data is being used to drive advocacy and attract support.	Corporate Business Plan is in development.

SUMMARY

The purpose of this report is for the Council to consider the Audit Committee’s review of the 2022 Compliance Audit Return and recommendation for adoption.

BACKGROUND

Local Governments are required to complete the Compliance Audit Return (CAR) annually in relation to the period 1 January to 31 December.

Local Government (Audit) Regulations 1996, Regulation 14 requires the Audit Committee to review the CAR and report the results of the review to the Council. Following adoption of the CAR by Council, a certified copy of the return along with the relevant section of the minutes is to be submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2023.

Once adopted by Council, the Shire President and Chief Executive Officer are required to certify that the statutory obligations of the Shire of Broomehill-Tambellup have been complied with.

The CAR will be considered by the Audit Committee at its meeting held on 16 March 2023.

COMMENT

The CAR is comprehensive and gives an indication of the Shire’s level of compliance with legislative requirements, relating only to compliance with the *Local Government Act 1995* and associated Regulations. The current structure of the CAR is restricted to the areas of compliance and reporting considered high risk. The questions contained in the CAR relate to the prescribed statutory requirements in Regulation 13 of the *Local Government (Audit) Regulations 1996*.

The CAR contains 85 questions that are required to be answered, plus 9 optional questions. The following areas of activity are covered by the CAR –

1. Commercial Enterprises by Local Governments
2. Delegation of Power / Duty
3. Disclosure of Interest
4. Disposal of Property
5. Elections
6. Finance
7. Integrated Planning and Reporting
8. Local Government Employees
9. Official Conduct
10. Optional Questions
11. Tenders for Providing Goods and Services

The Audit Committee is required to review the CAR and report the results of that review to the Council prior to adoption by the full Council and submission to the Department of Local Government Sport and Cultural Industries.

The 2022 CAR has been completed by the Manager Finance and Administration, with assistance from the Senior Management Team.

CONSULTATION

Senior Management Team

STATUTORY ENVIRONMENT

Local Government Act 1995 s7.13(1)(i)

Local Government (Audit) Regulations 1996

14. *Compliance audits by local governments*

- (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3A) *The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*
- (3) *After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be –*
 - (a) *presented to the council at a meeting of the council; and*
 - (b) *adopted by the council; and*
 - (c) *recorded in the minutes of the meeting at which it is adopted.*

15. *Certified copy of compliance audit return and other documents to be given to Departmental CEO*

- (1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with –*
 - (a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
 - (b) *any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.*

- (2) *In this regulation —
certified in relation to a compliance audit return means signed by —
(a) the mayor or president; and
(b) the CEO.*

FINANCIAL IMPLICATIONS

This issue has no financial implications for Council

POLICY IMPLICATIONS

There is no policy applicable to this item.

RISK MANAGEMENT IMPLICATIONS

The Compliance Audit Return, external audits and risk reviews are an integral part of ensuring that financial and compliance risks are minimised and legislative compliance is maintained.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COMMITTEE RECOMMENDATION/COUNCIL DECISION

Moved Cr Paganoni, seconded Cr Barritt that it be recommended to the Council that the Compliance Audit Return for 2022 be adopted and forwarded to the Department of Local Government, Sport and Cultural Industries by 31 March 2023.

CARRIED 6/0
Motion No. 28/23

13.6 RISK MANAGEMENT – OPERATIONAL RISK SUMMARY REPORT DECEMBER 2022

ATTACHMENT(S)	13.6.1 - Operational Risk Summary Report – December 2022 13.6.2 – Risk Management Procedures – December 2022 13.6.3 – Risk Dashboard
FILE NO	ADM0165
APPLICANT	n/a
AUTHOR	Pam Hull, Strategic Support & Projects Officer
DATE	1 February 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
12.2 SoBT Shire data This is the Shire collecting and releasing specific data on Shire-related activities (such as health provisions, roads, safety, traffic measures). Data is being used to drive advocacy and attract support.	Corporate Business plan is in development.

SUMMARY

The purpose of this report is to receive the Operational Risk Summary Report dated December 2022.

BACKGROUND

In accordance with the *Local Government (Audit) Regulations 1996*, and the Western Australian Local Government Accounting Manual, risk management is required to be demonstrated as part of planning and decision making for all strategic development, major projects and operations to meet the needs and aspirations of the community.

As risk management is about addressing the effect of uncertainty on objectives, it is critical that an organisation follows the best practice principles of the international standard for risk management AS/NZS ISO 31000:2018. This involves implementing a robust framework, system and processes, underpinned by determining the risk appetite and tolerance of the Organisation and ensuring cultural change approach to ensure effectiveness and sustainability.

This allows for the effective achievement of strategic and operational objectives while minimising the potential for harm or loss.

The Shire’s Risk Management Framework was reviewed late in 2022 with the assistance of risk consultant MS Consulting.

The revised Framework comprises the following documents:

- Risk Management Policy (inclusive of Risk Assessment and Acceptance Criteria)
- Risk Management procedures
- Risk Profiles Risk Register.

The Risk Management Policy and procedures were endorsed by the Council at the December 2022 Ordinary Council meeting.

An electronic Risk Profiles Risk Register has been developed to document risks associated with the various areas of Shire operations, being:

Asset Management	Compliance
Business Disruption	Document Management
Community Engagement	Environment
Errors, Omissions, Delays	External Theft and Fraud
Facilities and Venues	Human Resources
IT and Communications	Misconduct
Project-Change Management	Supplier – Contracts
Work Health and Safety	

Staff will regularly monitor the Register, assigning a rating (Effective, Adequate or Inadequate) to key control indicators for each area. This provides an overall Control Rating and Risk level for the area in consideration. If an overall Control Rating is noted as 'Inadequate' or the risk level is outside the Shire's accepted risk acceptance criteria (as per Risk Management Procedures – Appendix B, attached), then treatments or actions must be documented and implemented to lower the risk level.

Staff are able to generate a summary report of the Risk Register, the Risk Dashboard, for the Council's consideration. A copy of the Dashboard is attached.

COMMENT

This matter will be considered by the Audit Committee at the meeting held on 16 March 2023.

Senior staff have worked through the Risk Register in consultation with the risk consultant, and an initial Operational Risk Summary Report has been prepared, as attached.

With reference to the Shire's Risk Assessment and Acceptance Criteria contained in the Risk Management Policy and Procedures, the report notes the following:

'Referencing these Risk Assessment and Acceptance Criteria, the Shire's External Theft and Fraud and Document Management Processes classify as unacceptable operational risk due to having inadequate Controls in place and require prioritised corrective action by the Shire.'

External Theft and Fraud is rated as a higher overall risk to Shire operations and should therefore be prioritised ahead of Document Management Processes.

All remaining Risk Profiles fall within appetite, are acceptable operational risk, have adequate controls in place, managed by routine or specific procedures, and are subject to annual or semi-annual monitoring.

- *There are no Operational risk profiles rated 'Extreme'.*
- *There are no Operational risk profiles rated 'High'.*
- *The Likelihood of risks materialising in the current reporting period, across all risk areas, is considered 'Unlikely' to 'Possible'. There are no Operational risk profiles with a Likelihood considered 'Almost Certain'.*

- *There are two Operational Risk profiles with Consequences considered 'Major'. These are in the areas of Business & Community Disruption and Environment Management; however, both are considered unlikely to materialise within the current reporting period.*
- *The overall risk trend between the current and previous reporting periods has not been assessed due to differing risk monitoring methods used in the past.*
- *Thirty-seven improvements or actions were identified to strengthen controls and are listed on the following pages according to due date and responsibility.'*

The report provides a summary list of improvements or actions, along with timeframes and responsible officers, which, once implemented, will improve the risk rating (and subsequently lower the risk of loss or harm to the Council) for each specific area.

Two areas have been assessed as presenting unacceptable operational risk:

- External Theft and Fraud – Loss of funds or assets, (whether attempted or successful) by external parties, through any means (including electronic), for the purposes of:
 - Fraud: benefit or gain by deceit;
 - Malicious Damage: breaking or reducing the integrity or performance of systems.
 - Theft: stealing of assets or information
- Document Management Processes - Failure to adequately capture, store, archive, retrieve, provide or dispose of documentation. This includes:
 - Contact lists.
 - Procedural documents, personnel files, complaints.
 - Applications, proposals or documents.
 - Contracts.
 - Forms or requests.

External Theft and Fraud has been prioritised for treatments, specifically in relation to system security and minor assets. An alternate IT support provider has been engaged and it is anticipated this will result in upgraded security access protocols to all Shire systems. A register of fixed, minor and attractive assets is to be developed as a priority.

Work is underway at present to review and update procedures around document management, including the training of staff to better utilise the features of the Shire's Synergy Records module. These actions will enhance the quality of the Shire's records, and contribute to reducing the level of operational risk to the Shire.

CONSULTATION

Michael Sparks - MS Consulting
Senior Management Team

STATUTORY ENVIRONMENT

Local Government (Audit) Regulations 1996:

17. CEO to review certain systems and procedures

(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —

(a) risk management; and

(b) internal control; and

(c) legislative compliance.

(2) The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.

(3) The CEO is to report to the audit committee the results of that review.

FINANCIAL IMPLICATIONS

There are no financial implications directly associated with this matter. Budget provision will be made where required for implementation of treatments to minimise risk levels.

POLICY IMPLICATIONS

New Policy 1.16 – Risk Management was adopted at the December 2022 Ordinary Council meeting.

RISK MANAGEMENT IMPLICATIONS

This report provides the Council with a summary of the assessment of risk levels across all areas of Shire operations, and identification of treatments and actions to be implemented that will reduce risk levels.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications directly related to this matter.

VOTING REQUIREMENTS

Simple majority.

COMMITTEE RECOMMENDATION/COUNCIL DECISION

Moved Cr Paganoni, seconded Cr Letter that it be recommended to the Council that the Operational Risk Summary Report dated December 2022 as presented be received.

CARRIED 6/0
Motion No. 29/23

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

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

Nil

16. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Nil

18. CLOSURE

There being no further business to discuss, the Presiding Member, Cr White, declared the meeting closed at 5.25pm.