



Ordinary Meeting of Council

MINUTES

17 October 2019

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SHIRE OF BROOMEHILL-TAMBELLUP**Minutes of an Ordinary Meeting of the Council of the Shire of Broomehill-Tambellup held in the Tambellup Council Chambers on Thursday 17 October 2019 commencing at 4.43pm.****1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The President welcomed Councillors and Staff and declared the meeting open at 4.43pm.

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Cr Thompson, in his final meeting as Councillor and President of the Shire of Broomehill-Tambellup, thanked Councillors and staff who have all contributed to making his term on Council enjoyable. He extended best wishes to Cr Sheridan who is retiring, Councillors elect Douglas Barritt and Steve Penny and returning Councillor in Cr White.

3. ATTENDANCE

Cr SJF Thompson	President
Cr MC Paganoni	Deputy President
Cr GM Sheridan	
Cr ME White	
Cr MC Nazzari	
Cr KJ Holzknecht	
Cr CJ Letter	
KB Williams	Chief Executive Officer (CEO)
P Vlahov	Manager Works
KP O'Neill	Manager Finance and Administration
S Penny	Observer
D Barritt	Observer

3.1 APOLOGIES

PA Hull	Strategic Support & Projects Officer
LK Cristinelli	Executive Assistant

3.2 APPROVED LEAVE OF ABSENCE**4. DECLARATION OF INTEREST**

Cr Thompson declared a Proximity Interest and a Financial Interest in item 10.06
Cr Paganoni declared a Financial Interest in item 10.06
Cr Sheridan declared a Financial Interest in item 10.06
Cr White declared a Financial Interest in item 10.06
Cr Holzknecht declared a Financial Interest in item 10.06
Cr Nazzari declared a Financial Interest in item 10.06
Cr Letter declared a Financial Interest in item 10.06

Item 10.06: Application for Development Approval – CBH Facility, Broomehill
Cr Thompson, Cr Paganoni, Cr Sheridan, Cr White, Cr Holzknecht, Cr Nazzari and Cr Letter have declared in writing, a Financial Interest in Item 10.06.

Cr Thompson has a Proximity Interest as well as a Financial Interest, and will therefore vacate the chair for the decision.

An application has been made to the Minister for Local Government for approval for all seven members to participate in the discussion and decision of Item 10.06.

Ministerial approval was granted on 15 October 2019 for disclosing members Cr Paganoni, Cr Letter, Cr Nazzari, Cr Sheridan and Cr White to fully participate in the discussion and decision making process for Item 10.06 subject to the following conditions:

1. *The approval is only valid for the 17 October 2019 Ordinary Council Meeting when agenda item 10.06 is considered;*
2. *The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
3. *The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillors;*
4. *The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting when the item is considered;*
5. *The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department to allow the Department to verify compliance with the conditions of this approval; and*
6. *The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act would apply.*

Approval was not granted for Cr Scott Thompson and Cr Kelly Holzkecht to participate.

5. PUBLIC QUESTION TIME

Nil

6. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil

7. ITEMS BROUGHT FORWARD BY DECISION OF COUNCIL

Nil

8. CONFIRMATION OF PREVIOUS MEETING MINUTES

8.1 ORDINARY MEETING OF COUNCIL MINUTES 19 SEPTEMBER 2019

191001

Moved Cr Letter, seconded Cr Holzkecht

That the Ordinary Meeting of Council Minutes of 19 September 2019 be accepted.

CARRIED 7/0

9. RECEIPT OF COMMITTEE MEETING MINUTES HELD SINCE LAST MEETING

9.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MINUTES 24 SEPTEMBER 2019

191002

Moved Cr Paganoni, seconded Cr Holzknicht

That the Local Emergency Management Committee (LEMC) Minutes of 24 September 2019 be accepted.

CARRIED 7/0

9.2 ADOPTION OF THE RECOMMENDATIONS OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING MINUTES OF 24 SEPTEMBER 2019

191003

Moved Cr Paganoni, seconded Cr Nazzari

That the draft Critical Infrastructure Register and associated mapping be endorsed as presented for inclusion into the Local Emergency Management Arrangements.

CARRIED 7/0

10. REPORTS OF OFFICERS

10.1	FINANCIAL STATEMENTS FOR SEPTEMBER 2019
Attachment:	Monthly Financial Statements for September 2019
File Ref:	Nil
Author:	KP O'Neill - Manager Finance and Administration
Date:	11 October 2019
Disclosure of Interest:	Nil

SUMMARY

Council to consider the monthly financial report for the period ending 30 September 2019.

BACKGROUND

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

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

As part of the 2019/20 budget process, Council adopted 10% or \$10,000 as the material variance for reporting purposes for the year.

COMMENT

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

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

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

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

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of the month to which the statement relates;

- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) the net current assets at the end of the month to which the statement relates.*
- (2) Each statement of financial activity is to be accompanied by documents containing –*
- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) such other supporting information as is considered relevant by the local government.*

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This issue is not dealt with in the Plan

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION

191004

Moved Cr Holzknecht, seconded Cr Sheridan

That the Financial Statement for the period ending 30 September 2019 be adopted.

CARRIED 7/0

10.2	CREDITORS ACCOUNTS PAID SEPTEMBER 2019
Attachment:	List of Payments for September 2019
File Ref:	Nil
Author:	KP O'Neill – Manager Finance and Administration
Date:	11 October 2019
Disclosure of Interest:	Nil

SUMMARY

Council to consider the list of payments made from the Municipal and Trust Funds during September 2019.

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	\$1,345,259.69
Trust Fund	\$550.00
Credit Cards	\$6,638.99
Total	\$1,352,448.68

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

13. Lists of accounts

- (1) *If the local government has delegated authority to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –*
- (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.*

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This issue is not dealt with in the Plan

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION

191005

Moved Cr Letter, seconded Cr Nazzari

That the list of accounts paid during September 2019, consisting of –

- ***Municipal Fund cheque, EFT and direct debit payments totalling \$1,345,259.69;***
- ***Trust Fund cheque payments totalling \$550.00; and***
- ***Credit Card payments totalling \$6,638.99***

be endorsed.

CARRIED 7/0

10.3	DISPOSAL OF PROPERTY – STAFF HOUSING
Attachment:	Nil
File Ref:	A1101; A1070; A640 & A379
Author:	KP O'Neill – Manager Finance and Administration
Date:	01 October 2019
Disclosure of Interest:	Nil

SUMMARY

For Council to approve sale of four staff houses and authorise the method of sale; with delegation to the CEO.

BACKGROUND

The Shire is a participant in the Great Southern Housing Initiative; a partnership of seven local governments for construction of Independent Living Units (ILU's) and Key Worker Accommodation across the great southern.

In this project the Shire of Broomehill-Tambellup is constructing –

- 4 x Independent Living Units in Broomehill;
- 2 x Key Worker Accommodation dwellings in Broomehill;
- 2 x Key Worker Accommodation chalets at Broomehill Caravan Park;
- 1 x Key Worker Accommodation dwelling in Tambellup;
- 3 x Key Worker Accommodation dwellings in Tambellup for Government Regional Officers Housing.

Funding has been approved from the Building Better Regions Fund (BBRF) and the Regional Aged Accommodation Program (RAAP). This funding is required to be matched 50/50 by participating local governments.

To meet the Shire's funding requirements, it has previously been identified that proceeds from sale of four existing staff houses will be utilised towards construction of two dwellings in Broomehill and one in Tambellup. The houses identified for sale are –

- 1 Janus Street, Broomehill
- 11 Lavarock Street, Broomehill
- 20 Henry Street, Tambellup
- 27 East Terrace, Tambellup

All four properties will be surplus to requirements once the new houses are complete and will not be required to be kept for their current purpose, which is for provision of staff housing.

COMMENT

Tenders have been awarded for construction of the new ILU's and dwellings, and the projects are well underway. Sale of the four staff houses should now be progressed to ensure funds are available for the projects.

Councils Delegation 1.6 – Property, Acquisition and Disposal states –

The Chief Executive Officer is delegated authority to dispose of property (other than land) with a market value not exceeding \$20,000 or if the goods are disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$75,000. Appropriate budget provision must have been included in the Shire's annual budget.

The estimated value of the houses far exceed the \$20,000 stated in the Delegation, thereby Council decision is sought to progress disposal of the four properties.

The *Local Government Act 1995 s3.58* provides guidance in relation to disposal of property, and specifies the methods by which a local government can dispose of property. These methods are –

1. Public Auction – s3.58(2)(a)
2. Public Tender – s3.58(2)(b)
3. Private Treaty – s3.58(3)

The Officer's recommendation is that the method for sale of the four properties be by Private Treaty in accordance with the requirements of section 3.58(3) of the Local Government Act 1995 and that delegated authority be granted to the CEO to negotiate the sale of each property within -10% of the valuation and consider public submissions, if any, in relation to the disposal of the properties.

Under Councils current delegation, authority for the decision making process is not granted to the CEO. Awarding a tender or negotiating the 'offer and acceptance' process would need to be referred back to Council for decision, further prolonging the sale.

CONSULTATION

Chief Executive Officer

WALGA – Lynn Fogg, Governance Advisor

WALGA – Ellinor Buchan, Procurement Advisor

STATUTORY ENVIRONMENT

Local Government Act 1995

s3.58 Disposing of Property

(1) *In this section –*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to –*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –*

(a) *it gives local public notice of the proposed disposition –*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include –*
- (a) the names of all other parties concerned; and*
 - (b) the consideration to be received by the local government for the disposition; and*
 - (c) the market value of the disposition –*
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

POLICY IMPLICATIONS

There is no policy applicable to this item.

Should Council approve the delegations to the CEO, these will sit alongside Delegation 1.6 – Property, Acquisition and Disposal.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA Two – Our Economy

FINANCIAL IMPLICATIONS

Provision has been made in the 2019/20 Budget for sale of the four properties.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION

191006

Moved Cr Paganoni, seconded Cr White

That Council –

- 1. Disposes of staff housing that is surplus to requirements and no longer required to be kept for the purpose of staff housing at –***
 - 1 Janus Street, Broomehill;***
 - 11 Lavarock Street, Broomehill;***
 - 20 Henry Street, Tambellup; and***
 - 27 East Terrace, Tambellup.***
- 2. Determines that, in accordance with section 3.58(3) of the Local Government Act 1995, the method for disposal of the four properties will be by Private Treaty.***
- 3. Delegates authority to the Chief Executive Officer to –***
 - a) negotiate the sale of each property up to a -10% variance on the valuation; and***
 - b) consider any public submissions received and determine whether to proceed with the disposal, ensuring that the reasons for such a decision are recorded.***

***CARRIED 7/0
by Absolute Majority***

10.4	NEW POLICY – 2.13 MOTOR VEHICLES
Attachment:	Draft Policy 2.13 Motor Vehicles
File Ref:	ADM0165
Author:	KP O'Neill – Manager Finance and Administration
Date:	4 October 2019
Disclosure of Interest:	Nil

SUMMARY

Council to consider adoption of a new policy in relation to motor vehicles.

BACKGROUND

Council has not previously had a policy relating to provision of shire vehicles to employees or the general use of its vehicles.

COMMENT

The policy objective is to -

'establish parameters for provision of motor vehicles to senior officers, general guidelines for use of Shire vehicles and facilitation for private use of vehicles, where applicable.'

The policy provides guidance around flexibility in the remuneration packages of senior employees to facilitate Novated Lease arrangements if requested, and also allows other employees to enter into a Novated Lease provided there is no cost to the Shire.

Adoption of a formal policy clearly outlines the Council's expectations for use of Shire vehicles, in both work related and private use situations.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government Act 1995

Australian Taxation Law

POLICY IMPLICATIONS

Adoption of a new Policy.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA One – Our People

Objective 1.5

FINANCIAL IMPLICATIONS

Potential savings if employees provided with vehicles opt into Novated Lease arrangements, as future changeovers and operating costs would no longer be met by the Shire. Proceeds from the sale of those vehicles would be retained in the Plant Reserve for future use.

Other employees entering into Novated Lease arrangements can do so provided there is no cost to the Shire.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION

191007

Moved Cr Nazzari, seconded Cr Holzknecht

That Council adopt Policy 2.13 – Motor Vehicles as presented.

CARRIED 7/0

10.5	CORPORATE BUSINESS PLAN 2018-2022 QUARTERLY PROGRESS REPORT
Attachment:	Corporate Business Plan 2018-2022 Quarterly Progress Report – July to September 2019
File Ref:	ADM0543
Author:	PA Hull - Strategic Support & Projects Officer
Date:	04 October 2019
Disclosure of Interest:	Nil

SUMMARY

Council to receive the Corporate Business Plan 2018-2022 Quarterly Progress Report for the period July-September 2019.

BACKGROUND

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

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

Council adopted the Corporate Business Plan 2018-2022 at the April 2019 Ordinary Meeting.

While an annual review of the Plan will be completed in April 2020, it is considered good practice for a quarterly progress report to be provided for Council's information.

COMMENT

As Council will be aware, staff have been participating in the regional Peer Support Program, which was initiated to provide support in the development and maintenance of Integrated Planning documents as required under the Local Government Act 1996.

An outcome of the Program is the development of the attached reporting template which provides Council with a snapshot of progress towards achieving the community aspirations of the Strategic Community Plan. Objectives and strategies have been imported from the Strategic Community Plan, and actions and timelines from the Corporate Business Plan are noted. A 'traffic light' status and comments are assigned to each action, based on the following:

Action Status**Means**

Action is on track. Includes actions that are considered 'day to day' including advocacy, identified support, ongoing liaison, routine and scheduled reporting and activities, and progress on specific projects.



Action is being monitored. Includes actions that are awaiting further information or consideration by staff or Council, initiatives that are planned, and actions where there has been little or no progress or activity.



Action is on hold. Generally includes actions that are planned for a future financial year (refer to 'Delivery Timelines' column), or if it has been determined through review that an action is no longer relevant.



Action is complete. Will generally relate to discrete time- or funding-specific projects and initiatives.

Senior staff have provided input into the July-September 2019 quarterly report attached. Most actions have had some progress to the end of September and are 'On track', and a number noted as 'Monitored' have actions that are planned for 2019-2020 that have not yet commenced.

It is intended that the report be made available on the Shire's website, communicating progress to date to the wider community.

For Council's information and discussion.

CONSULTATION

CEO

Senior staff

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996:

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

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

Key Result Area 1: Our People

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

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

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION

191008

Moved Cr Paganoni, seconded Cr Letter

That Council receives the Corporate Business Plan 2018-2022 Quarterly Progress Report for the period July-September 2019.

CARRIED 7/0

10.6	APPLICATION FOR DEVELOPMENT APPROVAL – CBH FACILITY, BROOMEHILL
Attachment:	Application for Planning Consent, Development Application Plans, Dust Management Plan, Current Planning Approval
File Ref:	ADM0284 & A6042
Author:	Keith Williams - Chief Executive Officer
Date:	11 October 2019
Disclosure of Interest:	Crs Thompson, Paganoni, Sheridan, White, Holzknecht, Nazzari and Letter have declared a Financial Interest in this matter.

In order to maintain a quorum the declarations have been forwarded to the Minister for Local Government to seek 'approval to participate' for each of the Councillors.

Councillor Thompson has a Proximity Interest as well as a Financial Interest, and has not sought consent to participate, and will therefore vacate the chair for the decision.

Ministerial approval was not granted for Cr Thompson and Cr Holzknecht to participate.

Cr Thompson vacated the chair at 5.27pm; Deputy President Cr Paganoni took the chair at 5.27pm. Cr Thompson and Cr Holzknecht left the meeting at 5.27pm.

SUMMARY

Council to consider an application to amend an existing development approval.

BACKGROUND

The CBH Group has applied to vary its current planning approval, to allow grain storage in the two open bulkheads on Lot 4 Nardlah Road Broomehill East until 30 June 2021.

COMMENT

The application relates to the existing CBH facility in Broomehill, specifically its two open bulkheads. On 21 November 2018 the Shire issued approval to use the bulkheads for the storage of grain to 30 June 2019. The applicant seeks an extension of this timeframe, to allow the use of the bulkheads for the storage of grain to 30 June 2021.

The land is reserved for 'Railway' under the Shire of Broomehill Local Planning Scheme No. 1 (LPS1). Under Clause 2.2 of LPS1 it is open to Council to approve land use and development within its local scheme reserves having regard to the ultimate purpose intended for the reserve. Noting that the CBH facility exists and the approval already issued by the Shire, Council has previously determined that the proposed use of the land for grain storage is consistent with the purpose of the reserve.

An objective of the Shire's 2014 Local Planning Strategy is to 'promote the continued development of existing businesses and encourage new businesses that add to and strengthen the economic base of the Shire.' To achieve this, the Strategy advocate the 'retention of all infrastructure associated with agriculture including CBH facilities.'

The Planning and Development Regulations of 2015 (the Regulations) include ‘deemed’ provisions that apply irrespective of the content of local planning schemes. The deemed provisions relevant to this application are contained within Part 8 of the Regulations, which deal with development applications:

- Clause 62 of the Regulations allow the Shire to issue temporary development approval.
- Clause 77 of the Regulations allow proponents to apply to amend an existing approval including the modification of conditions, and for local governments to approve the same.

In summary, the proposal is consistent with the Shire’s town planning framework. It represents the continuation of an existing use. It also reflects the designation of the land under LPS1 and the recommended actions of the Local Planning Strategy. It also reflects a previous approval issued by Council. The application is enabled by the Regulations.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Shire of Broomehill Local Planning Scheme No. 1

Planning and Development Act 2005/Planning and Development (Local Planning Schemes) Regulations 2015

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The CBH facility is an important employer and business generator for the Shire. Rates are also derived from the land.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION

191009

***Moved Cr White, seconded Cr Sheridan
That Council***

A. Pursuant to the Planning and Development Act 2005 and Local Planning Scheme No 1 hereby grants Planning Consent to Cooperative Bulk Handling Limited for the proposed development of two (2) grain storage bulkheads at Lot 4 Nardlah Road, Broomehill, subject to the following conditions:

- 1. The term of this approval is limited and expires 24 months from the date of this planning consent;***
- 2. All development shall be in accordance with the submitted plans;***

- 3. Stormwater Basin 'B' shall be increased in capacity in accordance with the submitted Stormwater Management Plan to ensure compliance with this plan;**
- 4. The construction of the bulkheads shall be undertaken in accordance with a Dust Management Plan.**

B. That Council approve an extension to the temporary approval granted by Council on 21 November 2018 for the use of the two open bulkheads constructed on Lot 4 Nardlah Road to allow their use until 30 June 2021, subject to the following condition:

- 1. Written consent of Council is required to use the bulkheads beyond 30 June 2021.**

CARRIED 5/0

Cr Thompson and Cr Holzknacht returned to the meeting at 5.29pm.

Cr Paganoni informed the elected members of the Council decision for Item 10.06.

Cr Paganoni vacated the chair and Cr Thompson resumed the chair at 5.29pm.

10.7	PROPOSED SIGNAGE - TAMBELLUP-GNOWANGERUP ROAD, TAMBELLUP
Attachment:	Image of proposed signage
File Ref:	RD294
Author:	KB Williams – Chief Executive Officer
Date:	11 October 2019
Disclosure of Interest:	

Cr White left the meeting at 5.31pm.

SUMMARY

For Council to consider an application for Signage to be developed within the road reserve on the Tambellup-Gnowangerup Road.

BACKGROUND

An application for the development of Signage within the Tambellup-Gnowangerup Road road reserve has been received.

The proposed development consists of a two metre by two metre metal sheet sign to be located on two posts.

The proposed signage will advertise the Tambellup Delicatessen.

The Delicatessen is owned by the Tambellup Cooperative, however, the Road Reserve is managed by Council, and consequently the application is signed by the Shire President.

COMMENT

Zoning

The subject lot is not zoned or Reserved under the Shire of Tambellup Local Planning Scheme No 2 ('the Scheme').

Description of Application

The applicant is seeking planning approval to develop a sign.

Relevant Scheme Provisions

Zoning

There are no specific requirements for Signage contained within the Planning Scheme.

Clause 60 of Part 7 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines what forms of development require Planning Consent. Signage is specifically referred to under these regulations, and as the regulations form deemed provisions of the Scheme, the application requires Planning Consent.

Development Standards:

The Scheme does not contain any provisions related to signage to provide any guidance on the application, and assessment therefore requires an objective perspective on whether the signage is appropriate or not.

The signage appears appropriate for the location, and is recommended for approval.

CONSULTATION

Council has the ability to advertise any application under the Scheme. The application has not been advertised.

Consultation has occurred with the applicant.

STATUTORY ENVIRONMENT

Shire of Tambellup Town Planning Scheme No 2.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA Two – Our Economy – Objective 2.3

FINANCIAL IMPLICATIONS

The applicant has paid the planning application fees.

VOTING REQUIREMENTS

Simple Majority

Cr White returned to the meeting at 5.35pm and participated in the vote.

OFFICER RECOMMENDATION

That Council grant planning consent for the application lodged by P Singh for the use and development of the Tambellup-Gnowangerup Road road reserve for signage, subject to the following conditions:

- 1. The term of this approval is limited and expires 12 months from the date of this planning consent.*
- 2. The proposed signage will be required to be relocated should it be determined that the sign presents a hazard due to glare or blocking of sight lines.*

COUNCIL DECISION

191010

Moved Cr Nazzari, seconded Cr Letter

That the officers recommendation be amended to include the following conditions to be numbered 3 and 4 -

- 3. That the proposed signage design be submitted to Council for review prior to installation, with delegation to the CEO to approve the signage design.***
- 4. That the signage be maintained in a condition satisfactory to Council at all times.***

CARRIED 7/0

THE AMENDED MOTION WAS PUT

191011

Moved Cr Nazzari, seconded Cr Paganoni

That Council grant planning consent for the application lodged by P Singh for the use and development of the Tambellup-Gnowangerup Road road reserve for signage, subject to the following conditions:

- 1. The term of this approval is limited and expires 12 months from the date of this planning consent.***
- 2. The proposed signage will be required to be relocated should it be determined that the sign presents a hazard due to glare or blocking of sight lines.***
- 3. That the proposed signage design be submitted to Council for review prior to installation, with delegation to the CEO to approve the signage design.***
- 4. That the signage be maintained in a condition satisfactory to Council at all times.***

CARRIED 7/0

REASON FOR CHANGE TO RECOMMENDATION

To ensure the signage design is appropriate and that it will be maintained in a satisfactory condition once installed.

10.8	PROPOSED SIGNAGE - TAMBELLUP WEST ROAD, TAMBELLUP
Attachment:	Image of proposed signage
File Ref:	RD297
Author:	KB Williams – Chief Executive Officer
Date:	17 October 2019
Disclosure of Interest:	

SUMMARY

For Council to consider an application for Signage to be developed within the road reserve on the Tambellup West Road.

BACKGROUND

An application for the development of Signage within the Tambellup West Road road reserve has been received.

The proposed development consists of a two metre by two metre metal sheet sign to be located on two posts.

The proposed signage will advertise the Tambellup Delicatessen.

The delicatessen is owned by the Tambellup Cooperative, however, the Road Reserve is managed by Council, and consequently the application is signed by the Shire President.

COMMENT

Zoning

The subject lot is not zoned or Reserved under the Shire of Tambellup Local Planning Scheme No 2 ('the Scheme').

Description of Application

The applicant is seeking planning approval to develop a sign.

Relevant Scheme Provisions

Zoning

There are no specific requirements for Signage contained within the Planning Scheme.

Clause 60 of Part 7 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines what forms of development require Planning Consent. Signage is specifically referred to under these regulations, and as the regulations form deemed provisions of the Scheme, the application requires Planning Consent.

Development Standards:

The Scheme does not contain any provisions related to signage to provide any guidance on the application, and assessment therefore requires an objective perspective on whether the signage is appropriate or not.

The signage appears appropriate for the location, and is recommended for approval.

CONSULTATION

Council has the ability to advertise any application under the Scheme. The application has not been advertised.

Consultation has occurred with the applicant.

STATUTORY ENVIRONMENT

Shire of Tambellup Town Planning Scheme No 2.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA Two – Our Economy – Objective 2.3

FINANCIAL IMPLICATIONS

The applicant has paid the planning application fees.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council grant planning consent for the application lodged by P Singh for the use and development of the Tambellup West Road road reserve for signage, subject to the following conditions:

- 1. The term of this approval is limited and expires 12 months from the date of this planning consent.*
- 2. The proposed signage will be required to be relocated should it be determined that the sign presents a hazard due to glare or blocking of sight lines.*

COUNCIL DECISION

191012

Moved Cr Nazzari, seconded Cr White

That the officers recommendation be amended to include the following conditions to be numbered 3 and 4 -

- 3. That the proposed signage design be submitted to Council for review prior to installation, with delegation to the CEO to approve the signage design.***
- 4. That the signage be maintained in a condition satisfactory to Council at all times.***

CARRIED 7/0

THE AMENDED MOTION WAS PUT

191013

Moved Cr Nazzari, seconded Cr Paganoni

That Council grant planning consent for the application lodged by P Singh for the use and development of the Tambellup West Road road reserve for signage, subject to the following conditions:

- 1. The term of this approval is limited and expires 12 months from the date of this planning consent.***
- 2. The proposed signage will be required to be relocated should it be determined that the sign presents a hazard due to glare or blocking of sight lines.***
- 3. That the proposed signage design be submitted to Council for review prior to installation, with delegation to the CEO to approve the signage design.***
- 4. That the signage be maintained in a condition satisfactory to Council at all times.***

CARRIED 7/0

REASON FOR CHANGE TO RECOMMENDATION

To ensure the signage design is appropriate and that it will be maintained in a satisfactory condition once installed.

10.9	PROPOSED SHED - LOT 1652 GREENHILLS SOUTH ROAD, TAMBELLUP
Attachment:	Site Plan and Location Plan
File Ref:	A46
Author:	KB Williams – Chief Executive Officer
Date:	11 October 2019
Disclosure of Interest:	Nil

SUMMARY

For Council to consider an application for a storage shed proposed to be developed for agricultural purposes at Lot 1652 Greenhills South Road Tambellup.

BACKGROUND

An application for the development of an agricultural storage shed was received on 23 September 2019.

The proposed development consists of a two metre by 22.5 metre by 13 metre metal framed and metal clad shed with a floor area of 293 square metres. The proposed shed has a wall height of 5.1 metres, with the roof height at 6.3 metres at the apex.

The proposed shed will be located near existing dwellings and storage sheds.

COMMENT

The subject lot is zoned for 'Farming' land uses under the Shire of Tambellup Local Planning Scheme No 2 ('the Scheme').

Description of Application

The applicant is seeking a planning approval to develop an agricultural storage shed.

Relevant Scheme Provisions

Zoning

Clause 8.1 of the Scheme requires that unless a use is exempt or identified as a 'P' or Permitted use under the zoning table then Planning Consent is required.

A storage shed is not exempt or currently listed as a 'P' use in the zoning table. The proposed development therefore requires planning approval.

Development Standards:

The Scheme contains the following setback provisions relevant to the application:

5.5 SITE REQUIREMENTS

The site building requirements for land in various zones shall be as set out in Table 2.

TABLE 2 - SITE REQUIREMENTS - MINIMUM SETBACKS FROM BOUNDARIES

ZONE	STREET	REAR	SIDE
<i>Residential</i>	<i>As in the R Codes</i>		
<i>Town Centre</i>	<i>0m</i>	<i>At the Council's discretion</i>	
<i>Industrial</i>	<i>7.5m</i>	<i>7.5m</i>	<i>5m on one side</i>
<i>Rural</i>	<i>15.0m</i>	<i>10.0m</i>	<i>10.0m</i>
<i>Residential</i>			
<i>Farming</i>	<i>15.0m</i>	<i>10.0m</i>	<i>10.0m</i>

The shed complies with the development standards. The nearest property boundary is over 500 metres away.

The proposed shed is not located within a Bushfire Prone Area.

It is recommended that the proposed use is consistent with the Scheme objectives and can be approved.

CONSULTATION

Council has the ability to advertise any application under the Scheme. The application has not been advertised.

Consultation has occurred with the applicant.

STATUTORY ENVIRONMENT

Shire of Tambellup Town Planning Scheme No 2.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA Two – Our Economy – Objective 2.3

FINANCIAL IMPLICATIONS

The applicant has paid the planning application fees.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION

191014

Moved Cr Holzkecht, seconded Cr Sheridan

That Council grant planning consent for the application lodged by B Trevaskis for the use and development of an agricultural storage shed at Lot 1652 Greenhills South Road, Tambellup, subject to the following condition:

- 1. The term of this approval is limited and expires 24 months from the date of this planning consent.***

CARRIED 7/0

10.10	PROPOSED TRANSIENT WORKERS ACCOMMODATION - LOT 572 PALLINUP ROAD, BROOMEHILL EAST
Attachment:	Site Plan and Floor Plans
File Ref:	A6020
Author:	Keith Williams - Chief Executive Officer
Date:	11 October 2019
Disclosure of Interest:	Nil

SUMMARY

For Council to consider an application for planning consent for transient workers accommodation at Lot 572 Pallinup Road Broomehill East.

BACKGROUND

An application for Planning Consent was received on 9 October 2019 for the development of transient workers accommodation at Lot 572 Pallinup Road, Broomehill East.

The proposed development consists of a pre-fabricated metal clad accommodation unit. The building will have a floor area of 48 square metres, measuring 14.4 x 3.3 metres. The roof will have a height of 2.4 metres at the sides and 2.7 metres at the roof apex.

The unit has two bedrooms, a kitchen, living and 'utility' room, which is a combined bathroom and laundry.

COMMENT

The subject land is zoned 'Farming' under Town Planning Scheme No 1 - Broomehill.

Transient Workers Accommodation is not a use listed within the Scheme. Other similar use listed include Caretakers Dwellings or Residential Building. However, a Caretakers Dwelling would be considered to accommodate a single person employed on site and their family, while a Residential Building is a boarding house or hostel. Neither is considered to adequately capture the proposed use and development.

Clause 3.2.5 of the Scheme provides for uses that are not listed in the Scheme:

- 3.2.5 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*
- a) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted; or*
 - b) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of clause 7.2 in considering an application for planning consent.*

It is considered that the application is consistent with the objectives of the Scheme, and can be advertised.

Front development setbacks requirement is 15, and side and rear setbacks are required to be 10 metres. The proposed development complies with all development standards.

The proposed Transient Workers Accommodation is not located in a bush fire prone area. Other structures located on the lot include farm storage sheds and dwellings.

The proposed transient workers accommodation is recommended for approval, with conditions, subject to advertising.

CONSULTATION

No consultation is required.

STATUTORY ENVIRONMENT

Town Planning and Development Act 2005

Local Planning Scheme No 1 - Broomehill

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Planning application fees have been paid.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION

191015

Moved Cr White, seconded Cr Holzknacht

That Council;

- 1. Determines by absolute majority that the proposed use and development of Lot 572 Pallinup Road is consistent with the objectives of the Planning Scheme and advertise the proposed development for 21 days as required under Part 7.2 of the Scheme,***
- 2. Subject to receiving no objections during advertising, grant planning consent to T Kempin for the use and development of Lot 572 Pallinup Road, Broomehill East for Transient Workers Accommodation, subject to the following conditions:***
 - a. The term of this approval is two years.***
- 3. Should any objections be received during advertising, the application will be referred to Council for further determination.***

CARRIED 7/0
By Absolute Majority

10.11	ENDORSEMENT OF APPOINTMENT OF FIRE CONTROL OFFICER
Attachment:	Nil
File Ref:	ADM0461
Author:	M Lloyd-Woods – Finance/Administration Officer
Date:	07 October 2019
Disclosure of Interest:	Nil

SUMMARY

Council to endorse the appointment of Shire Ranger Damon Powell as Fire Control Officer (FCO).

BACKGROUND

In the past Council has utilised the services of a contract Ranger service. In July 2019, this arrangement ended, and a part time Shire Ranger position was created. Damon Powell was appointed to the role.

The position objectives of the Shire Ranger role include:

‘Act as an authorized officer to implement enforcement of the Dog Act, Cat Act, Bush Fires Act, Local Government Act and other miscellaneous legislation and regulations, in accordance with Council Local Laws and policies.’

Section 38 of the Bush Fire Act 1954 gives local authorities the authority to appoint such persons as it deems necessary.

Council’s endorsement of this appointments is required.

COMMENT

The appointment of the Shire Ranger as an FCO will assist the current FCOs, Community Emergency Services Manager and other shire staff in undertaking seasonal tasks such as the property inspections and any issuing of infringements as per the Bush Fires Act 1954.

The Shire Ranger’s FCO appointment will be reviewed on an annual basis in the future, to fall in with the other brigade FCO appointments.

The required training has been completed.

CONSULTATION

Shire Ranger
Community Emergency Service Manager
Chief Executive Officer

STATUTORY ENVIRONMENT

Bush Fires Act 1954

POLICY IMPLICATIONS

Council Policy 6.2 – ‘Appointment of Bush Fire Control Officers’ which states:

- ‘1. To be eligible for appointment as a Bush Fire Control Officer a person must have completed the Bush Fire Control Officer Training Program not more than five years prior to appointment.
2. Notwithstanding Item 1 above, a person will be eligible for appointment as a Bush Fire Control Officer if they complete the Bush Fire Control Officer Training Program within six months of appointment.’

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

Key Result Area 1: Our People

1.1.3 Promote and support activities that enhance the community's sense of safety and wellbeing.

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

FINANCIAL IMPLICATIONS

There are no financial implications associated with this matter.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION

191016

Moved Cr Paganoni, seconded Cr Nazzari

That Council endorses the appointment of Shire Ranger Damon Powell as a Fire Control Officer for the 2019-2020 fire season.

CARRIED 7/0

10.12	WORKS REPORT FOR OCTOBER 2019
Attachment:	Plant Maintenance Report October 2019
File Ref:	Nil
Author:	P Vlahov – Manager of Works
Date:	10 October 2019
Disclosure of Interest:	Nil

SUMMARY

Council to consider the Manager of Works Report for October 2019.

BACKGROUND

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

Programmed Construction Works

- Pallinup Road reconstruction. Clearing and overburden removal has been completed. Culvert extensions and replacements are now underway. Gravel carting has commenced.

Plant Replacement

- The small tip truck that is based at Broomehill has been replaced as per the plant replacement program 2019/2020.
- Repairs to the Jet Patcher are under way.

Maintenance Works

- The maintenance team has been assisting with various aspects associated with the housing projects.
- Various signage maintenance and bin installations.
- Various potholes have been repaired.
- Other ongoing and general maintenance.

Parks and Gardens

- Weeding.
- Spraying.
- General maintenance.
- Several new plantings around Broomehill to revitalise old garden beds.
- Mulching various garden beds in Tambellup and Broomehill.
- Mowing ovals.
- Construct garden beds at the gazebo located in Tambellup.

For Council discussion and comment.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION

191017

Moved Cr Letter, seconded Cr White

That Council receives the report from the Manager of Works for the month of October 2019.

CARRIED 7/0

11. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

12. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Holzknicht requested a Leave of Absence from the Special Meeting of Council on Monday 21 October 2019.

COUNCIL DECISION

191018

Moved Cr Paganoni, seconded Cr White

That Cr Holzknicht be granted a Leave of Absence from the Special Meeting of Council on Monday 21 October 2019.

CARRIED 7/0

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

Nil

14. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

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

Nil

16. CLOSURE

There being no further business, the President thanked Councillors and Staff for their attendance and declared the meeting closed at 6.13pm.