



# MINUTES

Ordinary Council Meeting

19 October 2023

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

**An Ordinary Meeting of the Council of the Shire of Broomehill-Tambellup was held  
in the Tambellup Council Chambers 46-48 Norrish Street, Tambellup  
on 19 October 2023 commencing at 4.30pm.**



**Anthony Middleton  
Chief Executive Officer**

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# Strategic Community Plan 2023-2033

## 'People Power'



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**Minutes for the Ordinary Council Meeting held on 19 October 2023  
in the Tambellup Council Chambers, 46-48 Norrish Street, Tambellup.**

**1. DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

The Presiding Member, Cr Barritt declared the meeting open at 4.33pm.

**2. ATTENDANCE**

**Councillors**

Cr DT Barritt Deputy President (Presiding Member)

Cr CJ Letter

Cr MC Paganoni

Cr JL Wills

Cr CM Dewar

Cr SH Penny

**Staff**

AP Middleton Chief Executive Officer

KP Squibb Manager of Finance & Administration

P Vlahov Manager of Works

PA Hull Strategic Support & Projects Officer

TO Korthuis Governance & Executive Assistant

**Apologies**

Nil.

**Leave of Absence**

Cr ME White Shire President

**Visitors**

Sara Robinson (Councillor elect)

**3. DISCLOSURE OF INTEREST**

Nil

**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 21 SEPTEMBER 2023

Recommendation:

Moved Cr Dewar, seconded Cr Wills that the minutes of the Ordinary Meeting of Council held on 21 September 2023 be confirmed as a true and accurate record of proceedings.

CARRIED 6/0  
Motion No 105/23

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

10.1 BUSH FIRE BRIGADE STANDARD OPERATING PROCEDURES ANNUAL REVIEW

ATTACHMENT(S)	10.1.1 – Draft Bush Fire Brigade Standard Operating Procedures 2023/2024
FILE NO	ADM0118
APPLICANT	n/a
AUTHOR	Pam Hull – Strategic Support & Projects Officer
DATE	4 October 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
<b>Key Pillar: BT Point of Difference</b>	
<p><b>2.2 BT Volunteering</b> This is community and Shire assisting and growing new-age BT-spirit, volunteering models and celebrating the spirit created through volunteering. This includes school and youth volunteering ‘action-oriented’ programs to develop the volunteers-of-the-future.</p>	<p>2.2.2 Regularly survey community groups to determine volunteer issues and provide training opportunities and/or assistance with resources where appropriate</p>

**SUMMARY**

The purpose of this report is for the Council to consider the reviewed Bush Fire Brigade Standard Operating Procedures for 2023/2024.

**BACKGROUND**

The Standard Operating Procedures (SOPs) provide information that will assist the Shire’s Bush Fire Brigade volunteer members to conduct their activities safely and in accordance with legislation and established Shire and Department of Fire and Emergency Services (DFES) procedures.

Each year, following review by the Community Emergency Services Manager and senior staff, the SOPs are provided to the Bush Fire Advisory Committee (BFAC) for comment, and subsequently are presented to the Council for consideration and endorsement if appropriate. Once endorsed, the SOPs are circulated to all members electronically and are also available on the Shire website.

**COMMENT**

The SOPs were endorsed by the BFAC at its meeting held on 26 September 2023, subject to several amendments which have been incorporated into the final draft as presented.

The review of the document this year has resulted in the inclusion of new SOPs as follows:

- **SOP 1.09 Bush Fire Brigade Volunteers – Minimum Training Requirements**  
In accordance with Work Health and Safety legislation, the Council has a duty of care to all its brigade volunteers to provide a safe working environment. This extends to ensuring the volunteers responding to a fire incident have received the appropriate training.
- **SOP 4.10 *Aboriginal Cultural Heritage Act 1972* – Bushfire Incident**  
To provide a standard process for brigade members to follow in support of the *Aboriginal Cultural Heritage Act 1972*.
- **SOP 4.11 Wind Farm Fire Fighting Procedures**  
To provide a standard procedure for fighting fire in the Wind Farm area. This SOP has been informed by the procedures contained within the Flat Rocks Wind Farm Fire Management Plan as endorsed by the Council at the August 2022 Ordinary Council Meeting.
- **SOP 4.12 St John Ambulance Notification**  
To ensure medical support is available to volunteer Bushfire Fighters in case of injury during a fire incident that is expected to be difficult to bring under control in a timely manner, and to ensure St John Ambulance have available volunteers to maintain an ambulance in case members are involved with the fire incident or roads are closed.

Amendments were made to the following SOPs:

- **SOP 1.03 Work Health & Safety – Incident/Injury/Hazard Reporting**  
Appendix 1 – Shire of Broomehill-Tambellup Notification of Hazard/Injury/Incident Form updated.
- **SOP 1.05 Shire Owned Equipment at a Wildfire**  
Appendix 2 –DFES Contract Machinery Log Sheet inserted.
- References to the *Occupational Safety and Health Act 1984* have been replaced with '*Work Health and Safety Act 2020*' throughout the document.
- **SOP 1.02 Permits to Set Fire to the Bush**  
The BFAC identified at its meeting that while conditions during the 2022/2023 fire season were relatively mild, forecasts for the 2023/2024 fire season indicate hotter drier conditions, which may impact on the ability to undertake an effective level of protective burning. Current arrangements at the BFAC level include the requirement for a buffer of two (2) days with conditions not exceeding Moderate Fire Danger Rating prior to the burn. The BFAC discussed amendments to current arrangements that may allow additional opportunity for protective burning to be completed safely.

Two (2) recommendation were made by the BFAC at its meeting held on 26 September 2023. As per the minutes of the meeting, these were as follows:

**Recommendation/Committee Decision**

That during the Restricted Burning period 14 March to 15 April:

- a. Permits to burn (not including timber or chaff piles) may be issued with burns to be completed up to midnight on the day before the day of a HIGH Fire Danger Rating with a Fire Behaviour Index not exceeding 35;
- b. Permits issued for days with HIGH Fire Danger Rating and a Fire Behaviour Index exceeding 35 will not be valid in accordance with existing procedures;
- c. All permits are suspended for the two days prior to a forecast EXTREME or CATASTROPHIC day.

**CARRIED**



### Recommendation/Committee Decision

That during the period 1 October to 30 November, permits to burn may be issued for protective burning to be completed in accordance with the Fire Break Order. Additionally, burns may be conducted on days with a HIGH Fire Danger Rating and Fire Behaviour Index not exceeding 35, between the hours of 6pm -12 midnight of the same day, at the discretion of the Gazetted Fire Weather Officer.

CARRIED

Following the meeting, further clarification of the intent and wording of the recommendation was provided by the Chief Bush Fire Control Officer (CBFCO) and Community Emergency Services Manager (CESM).

1. The first recommendation deals with permits issued during the Restricted Burning period 14 March – 15 April, and removes the informal arrangement established by the BFAC for a two day buffer of Moderate Fire Danger Rating prior to conducting a burn. Burning can be completed up to midnight the day before a day with forecast High Fire Danger Rating. Permit issuing officers will consider the forecast Fire Burning Index of the High day (to a maximum of 35) in setting permit conditions.

Reference to timber and chaff piles has been removed – the decision on whether to allow these types of material to be burnt during the Restricted Burning period will be managed by the permit issuing officer, with regard to seasonal conditions (i.e. if rain has fallen).

2. The second recommendation deals with permits for protective burning conducted during the period 1 October – 30 November. This period crosses over both the Restricted and Prohibited Burning Periods. The recommendation confirms the ability under s38(17) *Bush Fires Act 1954* for a Gazetted Fire Weather Officer to authorize a permit for a day with a High Fire Danger Rating but imposes the local requirements for the Fire Behaviour Index to be a maximum of 35, and for the burn to be completed between 6pm and midnight the same day.

It is considered that the implementation of these measures will enable protective burning to be completed when conditions are most suitable, contributing to the safety of the district.

If deemed appropriate, the Council's endorsement of these recommendations is required prior to inclusion in the SOP.

Anticipating the Council's endorsement of the recommendations, *SOP 1.02 Permits to Set Fire to the Bush* has been amended to include the following additional information:

***Permits to do Protective Burning***

*To ensure an appropriate level of protective burning can be carried out throughout the Shire when conditions are suitable, the following arrangements have been set in place:*

***During the Restricted Burning period 14 March to 15 April:***

- a. Permits to burn may be issued for burns to be completed up to midnight on the day before the day of a HIGH Fire Danger Rating with a Fire Behaviour Index not exceeding 35;*
- b. Permits issued for days with HIGH Fire Danger Rating and a Fire Behaviour Index exceeding 35 will not be valid in accordance with existing procedures;*
- c. All permits are suspended for the two days prior to a forecast EXTREME or CATASTROPHIC day.*

*During the period 1 October to 30 November, permits to burn may be issued for protective burning to be completed in accordance with the Fire Break Order. Additionally, burns may be conducted on days with a HIGH Fire Danger Rating and Fire Behaviour Index not exceeding 35, between the hours of 6pm -12 midnight of the same day, at the discretion of the Gazetted Fire Weather Officer.*

*These arrangements will be reviewed regularly in response to seasonal conditions. Any amendments to the arrangements will be communicated to all Brigade Fire Control officers.*

The SOPs are presented for the Council's consideration and endorsement.

**CONSULTATION**

Chief Bush Fire Control Officer  
Community Emergency Services Manager  
Bush Fire Advisory Committee

**STATUTORY ENVIRONMENT**

*Bush Fires Act 1954*  
Shire of Broomehill-Tambellup Bush Fire Brigades Local Law

**FINANCIAL IMPLICATIONS**

Nil.

**POLICY IMPLICATIONS**

Nil.

**RISK MANAGEMENT IMPLICATIONS**

The Standard Operating Procedures provide guidance to Bush Fire Brigade volunteers in undertaking their administrative and operational activities, with the intent of reducing risk to volunteers, the community, and the Shire.

**ASSET MANAGEMENT IMPLICATIONS**

Nil.

## VOTING REQUIREMENTS

Simple majority

## OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Letter, seconded Cr Dewar that the following recommendations be endorsed for inclusion in the Bush Fire Brigades Standard Operating Procedures 2023/2024:

1. During the Restricted Burning period 14 March to 15 April:
  - a. Permits to burn may be issued for burns to be completed up to midnight on the day before the day of a HIGH Fire Danger Rating with a Fire Behaviour Index not exceeding 35;
  - b. Permits issued for days with HIGH Fire Danger Rating and a Fire Behaviour Index exceeding 35 will not be valid in accordance with existing procedures;
  - c. All permits are suspended for the two days prior to a forecast EXTREME or CATASTROPHIC day.
  
2. During the period 1 October to 30 November, permits to burn may be issued for protective burning to be completed in accordance with the Fire Break Order. Additionally, burns may be conducted on days with a HIGH Fire Danger Rating and Fire Behaviour Index not exceeding 35, between the hours of 6pm -12 midnight of the same day, at the discretion of the Gazetted Fire Weather Officer.

CARRIED 6/0  
Motion 106/23

## OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Letter, seconded Cr Dewar that the Bush Fire Brigades Standard Operating Procedures 2023/2024, as presented, be endorsed.

CARRIED 6/0  
Motion 107/23

## 10.2 BROOMEHILL CEMETERY – PROPOSED 5 YEAR PLAN

ATTACHMENT(S)	10.2.1 – Draft Broomehill Cemetery 5 Year Plan
FILE NO	RES1699
APPLICANT	n/a
AUTHOR	Anthony Middleton – Chief Executive Officer
DATE	11 October 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
<b>Key Pillar: BT Point of Difference</b>	
<b>3. An Appreciated Culture</b> <b>3.2 BT history appreciation:</b> 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.	3.2.5 Council adoption of a master plan for all Cemeteries in the Shire. 3.2.6 Implement an electronic cemetery administration system and install map and directional signage at all cemeteries 3.2.7 Re-survey of Broomehill and Pindellup Cemeteries and renew cemetery maps

### SUMMARY

The purpose of the report is to consider implementing a five (5) year plan for upgrades and improvements to the Broomehill Cemetery.

### BACKGROUND

The Broomehill Cemetery requires both operational improvements and an upgrade of the built environment. To ensure this is completed in a planned and coordinated manner and to garnish both the Council’s and the communities wishes, the Senior Management Team (SMT) has prepared a draft five (5) year plan that was presented to the Council at its July meeting.

At its meeting held on 28 July 2023, the Council resolved as follows:

*‘that the Broomehill Cemetery Draft 5 Year Plan:*

- 1. As attached, be endorsed for community consultation;*
- 2. Be advertised for public comment and feedback via The Topics, Shire website and Facebook page for the month of August 2023; and*
- 3. Along with all community feedback received, be considered for adoption at the 21 September 2023 Council Meeting.’*

The draft plan was advertised for community input in accordance with the above decision and one (1) submission was received.

### COMMENT

The submission received has been assessed in the following table:

1 <sup>st</sup> Submission	Officer Comment
<p>The most important issue is that the new graves need to stop being placed in the front row. This is because those who already have double graves and reserved plots in the middle rows can no longer access them.</p>	<p>Noted. Draft Plan includes the following:</p> <ul style="list-style-type: none"> <li>• Survey entire cemetery;</li> <li>• Map &amp; design future sections of the Cemetery to allow for future needs;</li> <li>• Redefine rows, roads and walkways and clear unwanted vegetation; and</li> <li>• Remove select trees in centre road access way</li> </ul>
<p>The maps are well out of date, some of the plots on these maps state they are empty when they are definitely occupied.</p>	<p>Noted. Draft Plan includes the following:</p> <ul style="list-style-type: none"> <li>• Survey entire cemetery;</li> <li>• Map &amp; design future sections of the Cemetery to allow for future needs;</li> <li>• Purchase on-line Cemetery database for use by staff and the public</li> <li>• Sign at the entrance showing cemetery map and QR code to on-line cemetery database</li> <li>• Repaint existing way finding markers in cemetery to show grave numbers, row numbers/sections &amp; mark individual (unmarked) graves</li> </ul>
<p>Some of the Pioneer graves have been destroyed by age and termites. These could be replaced to look original by using pvc fencing. Not a lot would be needed</p>	<p>Noted. Draft Plan includes the following:</p> <ol style="list-style-type: none"> <li>1. Pioneer Section: <ul style="list-style-type: none"> <li>• Source volunteer labour (i.e. Pardellup Prison), engage an existing community group (e.g. Broomehill Heritage Group) or create a new ‘Friends of the Broomehill Cemetery’ group to take interest in the history &amp; preservation of the Pioneer section;</li> <li>• Renew individual grave sites within the pioneer section</li> <li>• Tell the story of the history of the Broomehill Cemetery through interpretive signage and other means.</li> </ul> </li> </ol>
<p>Firebreaks need to be done on the outside and the fence needs to be tightened or replaced</p>	<p>Noted. Draft Plan includes the following:</p> <ul style="list-style-type: none"> <li>• New Perimeter fencing installed (excluding front fence – where required)</li> </ul> <p>Add firebreaks to the plan at item 2(h).</p>
<p>A couple of seats in between the new and religious sections and one in the Pioneer section would be nice</p>	<p>Noted. Draft Plan includes the following:</p> <ul style="list-style-type: none"> <li>• Seating installed in Gazebo</li> <li>• Bench seats for rest and reflection</li> </ul>

<p>A drinking fountain would be of no use. Most people carry water and the safety of it would be uncertain</p>	<p>The Officer considers that a water fountain would be a valuable addition to the cemetery. Note – not planned until 2025/2026 so limited details on possible cost etc..</p>
<p>A pathway would be the last to be needed. Most people use vehicles around that area</p>	<p>Noted. Plan states: “The Broomehill Cemetery is 1.5kms from the town centre and considered too far to warrant a constructed footpath.” And “This is possibly a project that could be completed in stages at some time in the future.”</p>
<p>Finally, a Busy bee could be organized. Most people resting in the cemetery still have family in the area</p>	<p>Agreed. <b>Recommend add “busy bee” to item 1(a).</b></p>

**CONSULTATION**

Senior Management Team and Customer Service Officer – Broomehill.

The draft plan was endorsed by the Council for advertising, with public comment/feedback invited via the Topics, Shire website and Facebook page for the month of June.

**STATUTORY ENVIRONMENT**

The Shire of Broomehill-Tambellup Cemeteries Local Law applies to the Broomehill, Tambellup and Pindellup Cemeteries.

**FINANCIAL IMPLICATIONS**

Individual upgrade or improvement projects contained within the adopted five (5) year plan will be budgeted for in the corresponding year of the life of the plan. Planning in a coordinated and consultative way reduces the chances of wasted money through projects being completed that are not accepted to either the Council or the community.

**POLICY IMPLICATIONS**

Nil.

**RISK MANAGEMENT IMPLICATIONS**

This agenda item deals with a Council asset that is open to the public 24 hours a day, 7 days per week. A robust plan that addresses the issues identified assists in the reduction of possible harm to the public and ensures that funerals can be held at the cemetery without possible embarrassment or reputational risk to the Shire.

**ASSET MANAGEMENT IMPLICATIONS**

This agenda item deals with a Council asset that is always open to the public. An improved level of maintenance and upgrade will increase the life of the asset and ensure that it is fit for purpose.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr Paganoni, seconded Cr Letter that:

1. The written submission received be noted and thanked for their input and interest into this process; and
2. The Broomehill Cemetery Draft 5 Year Plan, as attached, be adopted, subject to the following changes:
  - a. Adding a new item 2(h) that states “Create and maintain boundary firebreaks” in year 1 of the plan; and
  - b. Adding “or community busy bee” to item 1(a).

CARRIED 6/0  
Motion No 108/23

**11. KEY PILLAR 2: BROOMEHILL-TAMBELLUP ECONOMY**

**11.1 DRAFT LOCAL PLANNING SCHEME POLICY – WIND & SOLAR FARMS**

ATTACHMENT(S)	<b>11.1.1 – Draft Local Planning Policy – Wind and Solar Farms</b>
FILE NO	ADM0165
APPLICANT	n/a
AUTHOR	Phil Shephard – Planning Officer
DATE	6 October 2023
DISCLOSURE OF INTEREST	Nil.

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
<b>Key Pillar: BT Shire Support</b>	
<p><b>6.4 BT new business</b> 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 and industrial land development and encouraging value-adding to current business and industry.</p> <p><b>10.3 SoBT contribution to environment</b> This is the way the Shire contributes to the environment (such as introducing Containers for Change, solar panels and EV charging sites).</p>	<p>6.4.5 Amalgamation of the two Town Planning Scheme’s into a new Local Planning Scheme with a “can-do” approach to value adding development.</p>

**SUMMARY**

The purpose of the report is to consider the adoption of a draft local planning policy regarding future wind and solar farm developments within the Shire.

**BACKGROUND**

The Council has requested the preparation of a draft local planning policy to require future wind and solar farm developments achieve setbacks to ensure they 12imize impacts on adjoining/surrounding uses.

**COMMENT**

The adoption of a new draft local planning policy, if adopted, will be subject to consultation and then consideration of any submissions received. The draft local planning policy will not affect existing approved wind farm developments and will become a matter to be considered when assessing future applications only.

**CONSULTATION**

Councillor Workshop 21 September 2023

The draft local planning policy, if adopted, is then required to be advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.



## STATUTORY ENVIRONMENT

*Planning and Development (Local Planning Schemes) Regulations 2015* – sets out the following requirements for draft local planning policies:

### 3. *Local planning policies*

- (1) *The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.*
- (2) *A local planning policy —*
  - (a) *may apply generally or in respect of a particular class or classes of matters specified in the policy; and*
  - (b) *may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.*

### 4. *Procedure for making local planning policy*

- (1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*
  - (a) *publish in accordance with clause 87 the proposed policy and a notice giving details of —*
    - (i) *the subject and nature of the proposed policy; and*
    - (ii) *the objectives of the proposed policy; and*
    - (iii) *how the proposed policy is made available to the public in accordance with clause 87; and*
    - (iv) *the manner and form in which submissions may be made; and*
    - (v) *the period for making submissions and the last day of that period;*
  - (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
  - © *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
- (2) *The period for making submissions specified in a notice under subclause (1)(a)(v) must not be less than the period of 21 days after the day on which the notice is first published under subclause (1)(a).*
- (3) *After the expiry of the period within which submissions may be made, the local government must —*
  - (a) *review the proposed policy in the light of any submissions made; and*
  - (b) *resolve to —*
    - (i) *proceed with the policy without modification; or*
    - (ii) *proceed with the policy with modification; or*
    - (iii) *not to proceed with the policy.*
- (3A) *The local government must not resolve under subclause (3) to proceed with the policy if —*
  - (c) *the proposed policy amends or replaces a deemed-to-comply provision of the R-Codes; and*

- (b) *under the R-Codes, the Commission’s approval is required for the policy; and*
- © *the Commission has not approved the policy.*

**FINANCIAL IMPLICATIONS**

Budget provision has been made for advertising costs relating to this matter.

**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 Paganoni, seconded Cr Letter that the draft Local Planning Policy – Wind and Solar Farms be adopted under the *Planning and Development (Local Planning Schemes) Regulations 2015* and advertised for 21 days for submissions.

CARRIED 6/0  
Motion No 109/23

**12. KEY PILLAR 3: BROOMEHILL-TAMBELLUP LIFESTYLE**

Nil.

### 13. KEY PILLAR 4: BROOMEHILL-TAMBELLUP SHIRE SUPPORT

#### 13.1 FINANCIAL STATEMENTS – SEPTEMBER 2023

ATTACHMENT(S)	13.1.1 Financial Statements September 2023
FILE NO	ADM0619
APPLICANT	n/a
AUTHOR	Kay Squibb - Manager Finance & Administration
DATE	10 October 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
<b>Key Pillar: SoBT Shire Support</b>	
<b>11. Delivered Shire Trust and Performance</b> <b>11.2 SoBT financial sharing</b> 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.	<b>11.2.1</b> Undertaking specific initiatives to improve meaning and understanding of the Shire’s monthly financial reports.

#### SUMMARY

The Council to consider the monthly financial statements for September 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.

#### COMMENT

Each financial year, the Council is required to adopt a percentage or value to be used in the statement of financial activity for reporting material variances. As part of the 2023/24 budget process, the Council adopted 10% or \$10,000 (whichever is the greater) as the material variance for reporting purposes for the year.

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

Councillors should note that until the audit is finalised for the year ending 30 June 2023 some figures may change which may affect the opening position for the current year. Depreciation for 2023/24 cannot be processed until the audit for the previous year is finalised, this will affect the variances reported in the statement of financial activity.

## CONSULTATION

Chief Executive Officer

## STATUTORY ENVIRONMENT

*Local Government (Financial Management) Regulations 1996*

### 34. Financial activity statement report

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22 (1)(d), for the previous month (the **relevant month**) in the following detail –
- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
  - (b) budget estimates to the end of the month to which the statement relates; and
  - (c) actual amounts of expenditure, revenue and income to the end of the relevant month; and
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the relevant month and a note containing a summary explaining the composition of the net current assets.
- (2) Each statement of financial activity is to be accompanied by documents containing –
- (a) [deleted].
  - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
  - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity must be shown according to nature classification.

## FINANCIAL IMPLICATIONS

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

## POLICY IMPLICATIONS

Nil

## RISK MANAGEMENT IMPLICATIONS

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

## ASSET MANAGEMENT IMPLICATIONS

Nil

## VOTING REQUIREMENTS

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr Wills, seconded Cr Penny that the monthly financial statements for the period ending 30 September 2023 be received.

**CARRIED 6/0**  
**Motion No: 110/23**

**13.2 MONTHLY LIST OF PAYMENTS – SEPTEMBER 2023**

ATTACHMENT(S)	13.2.1 Monthly Payments Listing September 2023
FILE NO	ADM0619
APPLICANT	N/A
AUTHOR	Kay Squibb – Manager Finance & Administration
DATE	9 October 2023
DISCLOSURE OF INTEREST	Nil

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

**SUMMARY**

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

**BACKGROUND**

The *Local Government (Financial Management) Regulations 1996* (the Regulations) 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.

The Regulations were amended, effective 1 September 2023, to include new regulation 13A which prescribes the reporting of payments made via purchasing cards. The reporting requirements are the same as those of payments made from the Municipal and Trust Funds. Credit card purchases have always been disclosed to the Council on the monthly list of payments, however the list of payments has been amended to report purchases using the Ampol Fuel Cards (issued to the Chief Executive Officer, Manager of Finance & Administration and Manager of Works).

**COMMENT**

Summary of payments made for the month –

	\$
Municipal Fund	406,654.35
Trust Fund	0.00
Purchasing Cards	3,835.53
<b>TOTAL</b>	<b><u>410,189.88</u></b>

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. Payments from municipal fund or trust fund by CEO, CEO’s duties as to etc.*

*(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;*
- © the date of the payment; and*
- (d) sufficient information to identify the transaction.*

*R13A. Payments by employees via purchasing cards*

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

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

**FINANCIAL IMPLICATIONS**

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

**POLICY IMPLICATIONS**

Council Policy ‘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 Penny, seconded Cr Dewar that, in accordance with regulations 13(1) and 13A(1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments paid under delegated authority or with Shire purchasing cards be noted for September 2023; comprising

- Municipal Fund cheque, electronic funds transfer (EFT) and direct debit payments totalling \$406,654.35; and
- Credit/Purchasing Card payments totalling \$3,835.53.

CARRIED 6/0  
Motion No 111/23

**13.3 BUSH FIRE ADVISORY COMMITTEE - MINUTES**

ATTACHMENT(S)	<b>13.3.1 – Bush Fire Advisory Committee – Minutes 26 September 2023</b>
FILE NO	ADM0119
APPLICANT	n/a
AUTHOR	Pam Hull - Strategic Support & Projects Officer
DATE	3 October 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
<b>Key Pillar: SoBT Shire Support</b>	
<b>10. Grown Shire Leadership</b> No specific community outcome	No relevant Corporate Initiative.

**SUMMARY**

The purpose of this report is for the Council to receive the minutes of the Bush Fire Advisory Committee meeting held 22 March 2023.

**BACKGROUND**

The Bush Fire Advisory Committee (BFAC) is a statutory committee of the Council, comprised of representatives from the Council, and captains of the five (5) Shire Bush Fire Brigades and the Tambellup Volunteer Fire and Emergency Service.

The function of the BFAC (as defined by the *Bush Fires Act 1954*) is to advise the local government regarding all matters relating to:

- the preventing, controlling and extinguishing of bush fires;
- the planning of the layout of fire breaks in the district and prosecutions for breaches of the Act;
- the formation of bush fire brigades and the grouping thereof under group brigade officers;
- the ensuring of cooperation and coordination of bush fire brigades in their efforts and activities; and
- any other matter relating to bush fire control.

The BFAC generally meets twice a year in March & October.

**COMMENT**

The minutes from the meeting of the BFAC held on 26 September 2023 are presented for the Council's information. Recommendations made within these minutes to the Council will be the subject of a separate agenda item.

## CONSULTATION

Nil.

## STATUTORY ENVIRONMENT

Shire of Broomehill-Tambellup Bush Fire Brigades Local Law

### ***Bush Fires Act 1954:***

#### 67. *Advisory committees*

- (1) *A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co- operation and coordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.*
- (2) *A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.*
- (3) *In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —*
  - (a) *make rules for the guidance of the committee; and*
  - (b) *accept the resignation in writing of, or remove, any member of the committee; and*
  - (c) *where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.*
- (4) *A committee appointed under this section —*
  - (a) *may from time to time meet and adjourn as the committee thinks fit;*
  - (b) *shall not transact business at a meeting unless the quorum fixed by the local government is present;*
  - (c) *is answerable to the local government and shall, as and when required by the local government, report fully on its activities.*

## FINANCIAL IMPLICATIONS

Nil.

## POLICY IMPLICATIONS

Nil.

## RISK MANAGEMENT IMPLICATIONS

Activities of the BFAC contribute to ensuring our community is well prepared and able to respond effectively during a bush fire emergency situation.

**ASSET MANAGEMENT IMPLICATIONS**

Nil.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr Letter, seconded Cr Wills that the minutes of the Bush Fire Advisory Committee meeting held 26 September 2023 be received.

CARRIED 6/0  
Motion No 112/23

### 13.4 LOCAL EMERGENCY MANAGEMENT COMMITTEE – MINUTES

ATTACHMENT(S)	13.4.1 – Local Emergency Management Committee – Minutes 15 August 2023
FILE NO	ADM0336
APPLICANT	n/a
AUTHOR	Pam Hull – Strategic Support & Projects Officer
DATE	3 October 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
<b>Key Pillar: BT Shire Support</b>	
<b>10. Grown Shire Leadership</b> No specific community outcome.	No relevant Corporate initiative

#### SUMMARY

The purpose of this report is for the Council to receive the minutes from the Local Emergency Management Committee meeting held 15 August 2023.

#### BACKGROUND

The Local Emergency Management Committee (LEMC) is a statutory committee of the Council, comprised of representation from local government, emergency response and service organisations, local business, and community.

The function of the LEMC is to assist the local government in establishing and maintaining appropriate local emergency management arrangements for the district.

The LEMC meets on a quarterly basis.

#### COMMENT

The minutes from the meeting of the LEMC held on 15 August 2023 are presented for the Council’s information.

#### CONSULTATION

Nil.

#### STATUTORY ENVIRONMENT

##### *Emergency Management Act 2005*

##### *38. Local emergency management committees*

*(1) A local government is to establish one or more local emergency management committees for the local government’s district.*

##### *39. Functions of local emergency management committees*

*The functions of a local emergency management committee are, in relation to its district or the area for which it is established –*

*(a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and  
(b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and  
© to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.*

**FINANCIAL IMPLICATIONS**

Nil.

**POLICY IMPLICATIONS**

Nil.

**RISK MANAGEMENT IMPLICATIONS**

Activities of the LEMC contribute to ensuring our community is well prepared and able to respond and recover effectively during an emergency situation.

**ASSET MANAGEMENT IMPLICATIONS**

Nil.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr Penny, seconded Cr Paganoni that the minutes of the Local Emergency Management Committee meeting held 15 August 2023 be received.

CARRIED 6/0  
Motion No 113/23

**13.5 CORPORATE BUSINESS PLAN – QUARTERLY PROGRESS REPORT JULY-SEPTEMBER 2023**

ATTACHMENT(S)	<b>13.5.1 – Corporate Business Plan 2023-2027 Quarterly Progress Report – July-September 2023</b>
FILE NO	ADM0382
APPLICANT	n/a
AUTHOR	Pam Hull - Strategic Support & Projects Officer
DATE	5 October 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
<b>Key Pillar: SoBT Shire Support</b>	
<b>11. Delivered Shire Trust and Performance</b> <b>11.1 SoBT monitoring and reporting.</b> This is the Shire workforce scoring all SCP pieces of work with a traffic light scoring system, and passing these results to all community members, quarterly.	<b>11.1.1</b> Undertake quarterly assessment of all Corporate Business Plan initiatives using a traffic light scoring system, and reporting these in a meaningful summary (showing highlights) to the community via the Topics, Facebook and Shire website.

**SUMMARY**

The purpose of this report is for the Council to receive the Corporate Business Plan 2023-2027 Quarterly Report for the period July – September 2023.

**BACKGROUND**

Section 5.56(1) of the *Local Government Act 1995* requires all local governments to have a plan for the future of the district. In accordance with the *Local Government (Administration) Regulations 1996*, all local governments in Western Australia are required to have adopted two key documents: a Strategic Community Plan (SCP) and a Corporate Business Plan (CBP). These documents are supported by informing plans, strategies, and other documents. Together these documents drive the development of each local government's Annual Budget.

The Corporate Business Plan outlines the Shire's key priorities and actions over the next four years and sets a road map to achieve the community's aspirations as outlined in 'People Power', the community's ten year Strategic Plan which was adopted by the Council on 17 November 2022. This plan integrates the community's aspirations into the Shire's operations and sets out the specific actions that will deliver on the objectives and strategies outlined in 'People Power'.

The Corporate Business Plan 2023-2027 was adopted by the Council on 18 May 2023.

**COMMENT**

Initiatives contained in the Corporate Business Plan are centred on the four Key Pillars of the Strategic Community Plan ‘People Power’:

- Broomehill-Tambellup Point of Difference
- Broomehill-Tambellup Economy
- Broomehill-Tambellup Lifestyle
- SoBT Shire Support

Twelve (12) aspirational areas sit under the Key Pillars, and it is within each of these that the Corporate Business Plan initiatives sit. Each initiative has been assigned to a member of the Senior Management Team as the coordinating officer and each member of the team has provided input into the Quarterly Report.

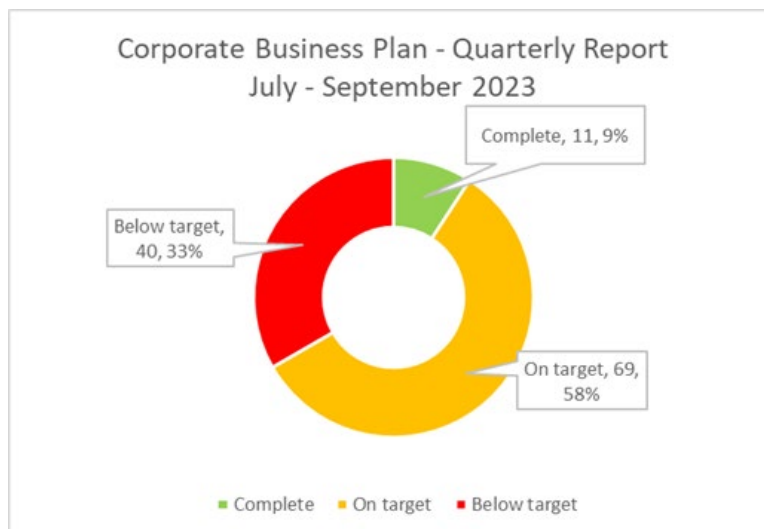
The Quarterly Report is provided as an attachment to the agenda for the Council’s reference. The report provides an update on progress of the first year initiatives (2023/2024) for the period July – September 2023. Initiatives not scheduled to be actioned this financial year are not reported on.

The status of each initiative has been colour coded using a traffic-light system as follows:

- Green – initiative is ‘Complete’ – action has been completed;
- Orange – initiative is ‘On Target’ – action has commenced and is on track to be delivered on time and on budget;
- Red – initiative is ‘Below Target’ – action has not commenced or has fallen behind its projected timeframe.

The following table illustrates progress against the 120 initiatives scheduled to be actioned in 2023/2024:

Status	Definition	Number of initiatives	%
Complete	Action has been completed	11	9%
On target	Action has commenced and is on track to be delivered on time and on budget	69	58%
Below target	Action has not commenced or has fallen behind its projected timeframe.	40	33%
		120	100%





At this early stage in the financial year, it is pleasing to report that a number of initiatives are noted as complete, as follows:

1.1.4	Establish a Social Media theme and style/branding consistency	Facebook post template designed and in use
1.4.1	Be an active partner in regional groups such as: <ul style="list-style-type: none"> <li>· Great Southern Treasures</li> <li>· Southern Link VROC</li> </ul>	New MOU & Service Level Agreement signed. CEO regularly attends meetings. CEO re-invented VROC to focus more on operational issues (CEO focus).
1.4.2	Continue to support Great Southern Treasures/regional tourism organisations.	New MOU & Service Level Agreement signed. CEO regularly attends meetings.
2.1.1	Adoption by the Council of the Tambellup Youth Precinct Master Plan	Adopted at the September 2023 OCM.
4.1.3	Launch and promotion of an on-line caravan park booking system for Broomehill.	System launched, promoted on the Shire website.
4.1.4	Develop master plan for the Broomehill Caravan Park showing future cabin locations	Adopted by the Council in June 2023.
6.1.2	Adoption of a 'Roads Hierarchy' to ensure the transport task for a highly productive and responsive agricultural community is met.	Adopted at the April 2023 Ordinary Council Meeting
9.3.1	Council adoption of the first Shire BT Public Health Plan	Adopted at the April 2023 Ordinary Council Meeting
10.1.1	<i>(Planned community engagement sessions)</i> Council to decide format of event, purpose and outcomes	First two events held. Format will be continually fine-tuned.
10.1.2	Hold regular events, fine tuning based on previous event feedback.	Next event planned for March 2024.
10.4.1	Host an Administration Officer trainee in the Office	Current trainee will complete studies in October 2023

The progress on initiatives noted as 'On Track' ranges from just commenced, to almost complete, and ongoing. Many initiatives noted as 'Below Target' are not yet commenced.

The report as attached will be published for community information through the Shire website and in Topics.

## CONSULTATION

Senior Management Team

## STATUTORY ENVIRONMENT

### *Local Government (Administration) Regulations 1996*

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

*(1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*

*(2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*

- (3) A corporate business plan for a district is to —
- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and
  - (b) govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and
  - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.
- \*Absolute majority required.*
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

#### **FINANCIAL IMPLICATIONS**

Provision is made in the annual budget for the delivery of initiatives in the Corporate Business Plan.

#### **POLICY IMPLICATIONS**

Nil.

#### **RISK MANAGEMENT IMPLICATIONS**

Failing to provide the Council with updates such as the attached progress report will contribute to a lack of Council knowledge about the Shire’s current business activities. Quarterly updates as proposed will allow Councillors to provide accurate responses to resident enquiries.

#### **ASSET MANAGEMENT IMPLICATIONS**

Nil.

#### **VOTING REQUIREMENTS**

Simple majority

#### **OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr Wills, seconded Cr Penny that the Corporate Business Plan 2023-2027 Quarterly Progress Report for the period July-September 2023, as presented, be received.

**CARRIED 6/0**  
**Motion No 114/23**

### 13.6 POLICY MANUAL REVIEW

ATTACHMENT(S)	13.6.1 – Policy Manual (Showing Proposed Changes) 13.6.2 – Updated Policy Manual
FILE NO	ADM0165
APPLICANT	n/a
AUTHOR	Anthony Middleton – Chief Executive Officer
DATE	11 October 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
<b>Key Pillar: BT Shire Support</b>	
<b>10. Grown Shire Leadership</b> No specific Community Outcome.	No specific Corporate Initiative

#### SUMMARY

The purpose of this report is to conduct an annual review of the Council Policy Manual.

#### BACKGROUND

17 November 2022 was the first time in recent memory that the Council’s Policy Manual has been reviewed in its entirety. Previous reviews were either done on individual policies or sections of the policy manual. The process of completing an annual review of the Council’s Policy Manual now allows for regular fine tuning and changes to be highlighted.

New or significantly amended individual policies are brought before the Council on an as needs basis and following their consideration, are incorporated into the attached policy manual.

#### COMMENT

The structure of the attached Policy Manual has changed slightly to better reflect the organisational structure, resulting in some policies being moved within the manual. Subsequently, many policies have also been renumbered as a result. As the content or intent of these policies has not changed, the movements have not been highlighted within the attachment.

The review of the Council Policy Manual has been undertaken and the proposed amendments are clearly shown in attachment 13.6.1. A summary of these proposed changes are as follows:

#### Policies proposed for deletion:

- Policy 1.22 – Meeting to Swear in Newly Elected Members and elect the President, Deputy President, Committee Members and Council Representatives (page 59) – suggested for deletion as this is purely a process that occurs after each local government election in accordance with the Local Government Act.

#### Policies proposed for amendment:

- Policy 1.2.6 (Staff Housing) – Addition of the Mechanic position to the ‘Other Staff’ category.

Other minor typographical and emphasis changes are made throughout the policy manual as shown in the attachment.

#### **CONSULTATION**

Senior Management Team.

#### **STATUTORY ENVIRONMENT**

The Council may adopt, amend or waive policies under Section 2.7(2)(b) of the *Local Government Act 1995*.

Policies have no legal status but are guidelines for staff to act on various matters without the need for continual referral to the Council.

#### **FINANCIAL IMPLICATIONS**

Nil.

#### **POLICY IMPLICATIONS**

This item recommends modification to several existing Council Policies, as outlined above, and the deletion or repeal of others.

#### **RISK MANAGEMENT IMPLICATIONS**

Robust systems and controls that integrate with delegations from the Council reduce the risks associated with legislative compliance of the Shire's operations.

#### **ASSET MANAGEMENT IMPLICATIONS**

Nil.

#### **VOTING REQUIREMENTS**

Simple majority

#### **OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr Penny, seconded Cr Paganoni that:

1. Policy 1.22 – Meeting to Swear in Newly Elected Members and Elect the President, Deputy President, Committee Members and Council Representatives be repealed.
2. Policy 1.2.6 (Staff Housing) be amended to include the addition of the Mechanic position to the 'Other Staff' category.
3. The Council Policy Manual dated October 2023, as attached, be adopted.

CARRIED 6/0  
Motion No 115/23

### 13.7 RATE DEBTORS – LONG OVERDUE ASSESSMENTS

ATTACHMENT(S)	13.7.1 - Listing of Long Overdue Assessments 13.7.2 - Maps showing location of properties
FILE NO	ADM0065
APPLICANT	n/a
AUTHOR	Kay Squibb – Manager of Finance & Administration
DATE	11 October 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
<b>Key Pillar: BT Shire Support</b>	
<b>11. Delivered Shire Trust and Performance</b> <b>11.2 SoBT financial sharing</b> 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.	No relevant Corporate action

#### SUMMARY

To review the list of long overdue rate assessments and form a position on debt recovery action to be taken.

#### BACKGROUND

Staff have reviewed outstanding rate debtors and identified several properties that have long overdue balances and where debt collection action is proving difficult.

In some instances, the owner of the property is deceased and without family to transfer the property to which makes the debt collection process almost impossible; other owners are simply recalcitrant and don't pay rates and charges levied on their property despite legal action having been commenced against them.

The Council would be aware that recovery of rates and charges is a lengthy process (approximately 12-18 months) to ensure compliance with the *Local Government Act 1995* and associated regulations.

All properties have rates and charges unpaid for periods far exceeding the three (3) years prescribed in the *Local Government Act 1995*.

#### COMMENT

Given the significant value of rates and charges owing, and the amount of time that has been afforded attempting to locate owners or family members to clear or reduce the debt, it is appropriate to apply the relevant section of the *Local Government Act 1995*

empowering the Council to take possession of the land, and pursue the provisions that allow for sale of land, transfer of the land to the crown or itself.

Staff recommend that the Council apply the provisions of Section 6.64 of the *Local Government Act 1995* and either sell the property to recover outstanding rates and charges which are in arrears for a period in excess of three (3) years or transfer the land to itself in lieu of outstanding rates and charges.

While the Council is not required to make a determination resolving to exercise its power of sale where recovery attempts through the Court have occurred within the past three (3) years, the matter has been brought to the Council so the resolution is recorded in the minutes where the decision is made.

The attached table lists the properties with long overdue balances and staff recommendations for each.

## **CONSULTATION**

Chief Executive Officer

## **STATUTORY ENVIRONMENT**

### ***Local Government Act 1995***

#### ***Subdivision 6 – Actions against land where rates or service charges unpaid***

#### **6.64 Actions to be taken**

- (1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and –*
  - (a) *from time to time lease the land; or*
  - (b) *sell the land; or*
  - (c) *cause the land to be transferred to the Crown; or*
  - (d) *cause the land to be transferred to itself.*
  
- (2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*
  
- (3) *Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.*

## **FINANCIAL IMPLICATIONS**

The Shire will continue to incur collection costs associated with these properties until each are resolved. Penalty interest continues to be allocated each month.

## **POLICY IMPLICATIONS**

Nil.

#### RISK MANAGEMENT IMPLICATIONS

Monitoring overdue rate debtors and commencing action to recover long overdue amounts reduces the risk of these debts escalating further.

#### ASSET MANAGEMENT IMPLICATIONS

Nil.

#### VOTING REQUIREMENTS

Simple Majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Penny, seconded Cr Paganoni that the Council, pursuant to section 6.64(1)(b) and 6.64(1)(d) of the *Local Government Act 1995*, proceed with the following actions against the listed properties which have rates in arrears for three (3) or more years –

- A1001 - 41 India Street, Broomehill – transfer to the Shire;
- A1014 - 29 Ivy Street, Broomehill – sell to recover outstanding balance;
- A1024 - 45 India Street, Broomehill – transfer to the Shire;
- A2042 - 27 Keith Street, Broomehill – transfer to the Shire;
- A2043 - 23 Keith Street, Broomehill – transfer to the Shire;
- A2055 - 7 Laveter Street, Broomehill – sell to recover outstanding balance;
- A2061 - 14 Lathom Street, Broomehill – sell to recover outstanding balance;
- A338 - 10 Norrish Street, Tambellup – sell to recover outstanding balance;
- A346 - 59 Garrity Street, Tambellup – sell to recover outstanding balance;
- A411 – 82 Norrish Street, Tambellup - sell to recover outstanding balance;
- A450 - 50 Paul Valley Road, Tambellup – sell to recover outstanding balance.

CARRIED 6/0  
Motion No 116/23

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr Letter, seconded Cr Penny that in accordance with Section 5.23(2) of the Local Government Act 1995 the meeting is closed at 4.58pm to members of the public with the following aspect(s) of the Act being applicable to this matter:

(e) a matter that if disclosed, would reveal —

- (i) a trade secret;
- (ii) information that has a commercial value to a person; or
- (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;

CARRIED 6/0  
Motion No. 117/22



14.1 BITUMEN SUPPLY EQUOTES– 2023/2024 - **CONFIDENTIAL**

ATTACHMENT(S)	14.1.1 Colas WA eQuote
FILE NO	ADM0647
APPLICANT	N/A
AUTHOR	Peter Vlahov – Manager of Works
DATE	06 October 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
<b>Key Pillar: BT Shire Support</b>	
11. Delivered Shire Trust and Performance No specific Community Outcome	No relevant Corporate initiative

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr Penny, seconded Cr Dewar that the quote submitted by Colas Western Australia Pty Ltd of \$802,781.10 (ex GST) for the full-service supply and laying of Bitumen product for the 2023/2024 road construction program be accepted.

CARRIED 6/0  
Motion No 118/23

14.2 GRADER REPLACEMENT EQUOTES - **CONFIDENTIAL**

ATTACHMENT(S)	14.2.1 Responses to Request for Quote VPR653272_2 14.2.2 Evaluation Matrix - Analysis of Quotations Received
FILE NO	ADM0648
APPLICANT	N/A
AUTHOR	Peter Vlahov – Manager of Works
DATE	06 October 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
<b>Key Pillar: BT Shire Support</b>	
11. Delivered Shire Trust and Performance No specific Community Outcome	No relevant Corporate initiative

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr Dewar, seconded Cr Wills that:

- The eQuote submitted by WesTrac Pty Ltd of \$437,241.09 (excluding GST) for the purchase of one (1) Caterpillar 140 Grader be accepted; and
- The price submitted by WesTrac Pty Ltd of \$206,000 (excluding GST) for the trade in of one (1) Caterpillar 12M Grader be accepted; noting the net cost of the changeover is \$231,241.09.

CARRIED 6/0  
Motion No 119/23

**PRODECURAL MOTION**

Moved Cr Penny, seconded Cr Dewar that the Council re-opens the meeting to members of the public at 5.02pm

CARRIED 6/0  
Motion No 120/23

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

Cr Barritt thanked Cr Paganoni for his ten years as councillor as this was his last Council Meeting.

**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 Barritt, declared the meeting closed at 5.12pm.