



MINUTES

Ordinary Council Meeting
20 October 2022

These minutes were confirmed at the Ordinary Meeting held on Thursday 17 November 2022.

Signed: Cr White, Shire President
Thursday 17 November 2022

SHIRE OF BROOMEHILL-TAMBELLUP

MINUTES

Minutes of an Ordinary Meeting of Council of the Shire of Broomehill-Tambellup held in the Tambellup Council Chambers on 20 October 2022 commencing at 4.36pm.



Anthony Middleton
Chief Executive Officer

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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

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

2. ATTENDANCE

Councillors

Cr ME White	President
Cr DT Barritt	Deputy President
Cr CM Dewar	
Cr MC Paganoni	
Cr JL Wills	

Staff

AP Middleton	Chief Executive Officer
KP O'Neill	Manager of Finance & Administration
PA Hull	Strategic Support & Projects Officer
HA Richardson	Governance & Executive Assistant

Apologies

Cr SH Penny	
P Vlahov	Manager of Works

Leave of Absence

Cr CJ Letter

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil.

4. DISCLOSURE OF INTEREST

Item 11.1

Councillors D Barritt, C Dewar, M Paganoni and J Wills declared an Indirect Financial Interest in item 11.3 at the 15 September 2022 Council Meeting. Councillors disclosed holding shares in the Broomehill Village Co-operative Ltd.

Permission has been granted from the Minister for Local Government for Councillors D Barritt, M Paganoni and J Wills to consider this item at item 11.1 under the following conditions:

1. The approval is only valid for the 20 October 2022 Council Meeting when agenda item 11.1 is considered;
2. The abovementioned Councillors must declare the nature and extent of their interest at the above mentioned meeting when the matter is considered, together with the approval provided;
3. The Chief Executive Officer (CEO) is to provide a copy of the Department of Local Government, Sport and Cultural Industries (DLGSC) letter 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 DLGSC, to allow DLGSC 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 will apply.

Item 11.2

Councillor C Dewar declared a Financial Interest in item 11.2.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6. PUBLIC QUESTION TIME

Nil.

7. APPLICATION FOR LEAVE OF ABSENCE

Nil.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING 15 SEPTEMBER 2022

RECOMMENDATION/COUNCIL DECISION

Moved Cr J Wills, seconded Cr C Dewar that the Minutes of the Ordinary Meeting of Council held on 15 September 2022 be confirmed as a true and accurate record of proceedings.

CARRIED 5/0
Motion No. 134/22

9. PRESENTATIONS/PETITIONS/DEPUTATIONS

Nil.

10. KEY RESULTS AREA (KRA) ONE – OUR PEOPLE

10.1 FINANCIAL STATEMENTS – SEPTEMBER 2022

ATTACHMENT(S)	10.1.1 – Financial Statements September 2022
FILE NO	ADM0619
APPLICANT	n/a
AUTHOR	Kay O’Neill – Manager Finance & Administration
DATE	11 October 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Strategic Community Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA One – Our People 1.5 – Our Shire demonstrates strong leadership, effective governance and efficient service delivery to our community	S1.5.1 – Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents	A1.5.1.3 – Demonstrate a high standard of legislative compliance and internal controls A1.5.1.4 – Demonstrate sound financial planning and management

SUMMARY

The Council to consider the monthly financial statements for September 2022.

BACKGROUND

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

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

As part of the 2022/23 budget process, the Council adopted 10% or \$10,000 (whichever is the greater) as the material variance for reporting purposes for the year.

COMMENT

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

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

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

A major variance is the allocation of asset depreciation, which will be processed once the final audit for the year ending 30 June 2022 has been conducted and finalised.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –*
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
 - (b) budget estimates to the end of the month to which the statement relates; and*
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) the net current assets at the end of the month to which the statement relates.*

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

- (3) The information in a statement of financial activity must be shown according to nature or type classification.*

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

A control measure to ensure transparency of financial systems and controls regarding creditor payments.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Wills, seconded Cr D Barritt that the monthly financial statements for the period ending 30 September 2022 be received.

CARRIED 5/0
Motion No. 135/22

10.2 MONTHLY LIST OF PAYMENTS SEPTEMBER 2022

ATTACHMENT(S)	10.2.1 - Monthly Payments Listing September 2022
FILE NO	ADM0619
APPLICANT	n/a
AUTHOR	Kay O’Neill – Manager Finance & Administration
DATE	11 October 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Strategic Community Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA One – Our People 1.5 – Our Shire demonstrates strong leadership, effective governance and efficient service delivery to our community	S1.5.1 – Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents	A1.5.1.3 – Demonstrate a high standard of legislative compliance and internal controls A1.5.1.4 – Demonstrate sound financial planning and management

SUMMARY

The Council to consider the list of payments made from the Municipal and Trust Funds during September 2022.

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	487,267.46
Trust Fund	0.00
Credit Cards	1,855.63
TOTAL	489,123.09

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

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

r13. Lists of accounts

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

(a) the payee’s name;

(b) the amount of the payment;

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

Council Policy ‘3.1 Purchasing Policy’ provides guidance and restrictions relative to purchasing commitments.

RISK MANAGEMENT IMPLICATIONS

A control measure to ensure transparency of financial systems and controls regarding creditor payments.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Paganoni, seconded Cr C Dewar that, in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments for September 2022 paid under delegated authority be noted; comprising –

- Municipal Fund cheque, electronic funds transfer (EFT) and direct debit payments totalling \$487,267.46; and
- Credit Card payments totalling \$1,855.63

CARRIED 5/0
Motion No. 136/22

10.3 ANNUAL ELECTORS MEETING 2020/2021

ATTACHMENT(S)	10.3.1 - Minutes of 2020/2021 Annual Electors Meeting held on 15 September 2022
FILE NO	ADM0091
APPLICANT	n/a
AUTHOR	Annie Richardson, Governance & Executive Assistant
DATE	10 October 2022
DISCLOSURE OF INTEREST	Nil.

STRATEGIC IMPLICATIONS		
Strategic Community Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA One – Our People 1.5 – Our Shire demonstrates strong leadership, effective governance and efficient service delivery to our community	S1.5.1 – Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents	A1.5.1.3 – Demonstrate a high standard of legislative compliance and internal controls A1.5.1.5 Ensure transparency of Council decision making through effective communication with residents.

SUMMARY

The purpose of this report is to receive the unconfirmed minutes of the Annual Meeting of Electors held on 15 September 2022.

BACKGROUND

An Annual Meeting of Electors must be held within 56 days of the Council adopting the Annual Report.

COMMENT

The item is solely for Council to receive the minutes of 15 September 2022 Annual Meeting of Electors.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Division 2, Subdivision 4, Section 5.32 to 5.33 of the *Local Government Act 1995* deals with the minutes of Electors' General Meetings.

Subdivision 4 – Electors’ meetings

5.32. *Minutes of electors’ meetings*

The CEO is to –

- (a) cause minutes of the proceedings at an electors’ meeting to be kept and preserved; and*
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors’ meeting are first considered.*

5.33. *Decisions made at electors’ meetings*

- (1) All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable –*
 - (a) at the first ordinary council meeting after that meeting; or*
 - (b) at a special meeting called for that purpose, whichever happens first.*

- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

There were no decisions made at the electors meeting that requires the Councils consideration.

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simply Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr D Barritt, seconded Cr J Wills that Council receives the minutes of its 2020/2021 Annual Electors Meeting held on 15 September 2022.

CARRIED 5/0
Motion No. 137/22

10.4 LOCAL EMERGENCY MANAGEMENT COMMITTEE - MINUTES

ATTACHMENT(S)	10.4.1 Local Emergency Management Committee – Minutes 20 September 2022
FILE NO	ADM0336
APPLICANT	n/a
AUTHOR	Pam Hull – Strategic Support & Projects Officer
DATE	3 October 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Community Strategic Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA– One – Our People: 1.1 – Our community is safe, connected, harmonious and inclusive.	S1.1.3 – Promote and support activities that enhance the community’s sense of safety and wellbeing.	A1.1.3.2 – Coordinate the activities and resources of the Local Emergency Management Committee

SUMMARY

The purpose of this report is for the Council to receive the minutes of the Local Emergency Management Committee meeting held 20 September 2022.

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 20 September 2022 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*
- (c) 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 effectively during an emergency situation.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr D Barritt, seconded Cr J Wills that the minutes of the Local Emergency Management Committee meeting held 20 September 2022 be received.

CARRIED 5/0
Motion No. 138/22

10.5 FREEDOM OF INFORMATION - INFORMATION STATEMENT 2022/2023

ATTACHMENT(S)	10.5.1 – FOI Information Statement 2022/2023
FILE NO	ADM0274
APPLICANT	n/a
AUTHOR	Kay O’Neill – Manager Finance & Administration
DATE	21 September 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Community Strategic Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA One – Our People 1.5 – Our Shire demonstrates strong leadership, effective governance and efficient service delivery to our community	S1.5.1 – Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents	A1.5.1.3 – Demonstrate a high standard of legislative compliance and internal controls

SUMMARY

To review, prior to publishing, the Shire of Broomehill-Tambellup Information Statement.

BACKGROUND

Section 96(1) of the *Freedom of Information Act 1992* requires each government agency, which includes local governments, to prepare and publish annually an Information Statement.

Section 94 of the *Freedom of Information Act 1992* states that the Information Statement must set out –

- The agency’s Mission Statement;
- Details of legislation administered;
- Details of the agency structure;
- Details of decision making functions;
- Opportunities for public participation in the formulation of policy and performance of agency functions;
- Documents held by the agency;
- The operation of Freedom of Information (FOI) in the agency.

COMMENT

The Shire of Broomehill-Tambellup Information Statement 2022/2023 is attached. The document complies with the requirements of the *Freedom of Information Act 1992*, as outlined above.

Once adopted, a copy of the Information Statement will be forwarded to the Information Commissioner as required, and published on the Shire's website.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Freedom of Information Act 1992

s94. Term used: information statement

A reference in this Act to an **information statement**, in relation to an agency, is a reference to a statement that contains —

- (a) a statement of the structure and functions of the agency;
- (b) a description of the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public;
- (c) a description of any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the performance of the agency's functions;
- (d) a description of the kinds of documents that are usually held by the agency including —
 - (i) which kinds of documents can be inspected at the agency under a written law other than this Act (whether or not inspection is subject to a fee or charge); and
 - (ii) which kinds of documents can be purchased; and
 - (iii) which kinds of documents can be obtained free of charge;
- (e) a description of the agency's arrangements for giving members of the public access to documents mentioned in paragraph (d)(i), (ii) or (iii) including details of library facilities of the agency that are available for use by members of the public;
- (f) a description of the agency's procedures for giving members of the public access to the documents of the agency under Part 2 including —
 - (i) the designation of the officer or officers to whom initial inquiries as to access to documents can be made; and
 - (ii) the address or addresses at which access applications can be lodged;
- (g) a description of the agency's procedures for amending personal information in the documents of the agency under Part 3 including —
 - (i) the designation of the officer or officers to whom initial inquiries as to amendment of personal information can be made; and
 - (ii) the address or addresses at which applications for amendment of personal information can be lodged.

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

Review of the Information Statement ensures compliance with relevant legislation.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Paganoni, seconded Cr C Dewar that the Information Statement 2022/2023 as attached, be adopted, and published in accordance with the requirements of the *Freedom of Information Act 1992*.

CARRIED 5/0
Motion No. 139/22

11. KEY RESULT AREA (KRA) TWO – OUR ECONOMY**11.1 BROOMEHILL VILLAGE CO-OPERATIVE LTD – RATE CONCESSION**

ATTACHMENT(S)	Nil
FILE NO	A1066
APPLICANT	Broomehill Village Co-operative Ltd.
AUTHOR	Kay O’Neill – Manager Finance & Administration
DATE	1 September 2022
DISCLOSURE OF INTEREST	Councillors’ D Barritt, C Dewar, M Paganoni and J Wills declared an Indirect Financial Interest in this item at the 15 September 2022 Council Meeting. Councillors’ disclosed holding shares in the Broomehill Village Co-operative Ltd.

STRATEGIC IMPLICATIONS		
Community Strategic Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA Two – Our Economy 2.3 – Our Shire actively supports existing local businesses and encourages new business initiatives	S2.3.1 – Encourage and facilitate appropriate development in the Shire.	There are no known Corporate Business Plan implications associated with this report.

SUMMARY

The Council to consider a request for a rate concession for the 2022/2023 financial year.

BACKGROUND

The Broomehill Village Co-operative Ltd. (the Co-op) purchased the Imperial Hotel, Broomehill in April 2022 as an inactive business with the building and amenities requiring significant investment to bring up to a standard for re-opening. The Co-op are in the very early stages of this process, and are applying for grants and raising funds to enable the renovations required to open the doors. It will be some time before they are in a position to open and generate an income themselves.

With this in mind, the Co-op have written requesting the Council’s assistance by way of granting a rate exemption for the Imperial Hotel for the 2022/2023 financial year.

COMMENT

The rates levied on this assessment is \$5,063.29 for the 2022/2023 financial year. When considering similar applications for a rate concession, the Council has required the property owners to pay the refuse collection service charge and the Emergency Services Levy (the Tambellup Golf Club and Tambellup Business Centre).

The Council's support to the Co-op during the initial stages of clean-up and planning, by way of a rate exemption, will ensure their limited funds are available towards renovation of the building and amenities.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government Act 1995

s6.47 Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

**Absolute majority required*

FINANCIAL IMPLICATIONS

Provision of \$4,000 has been included in the 2022/2023 budget against general ledger account 03111.70 – Rates Written Off. The Council have granted concessions already in 2022/2023 to the Tambellup Golf Club and Tambellup Business Centre totalling \$3,387.52, which leaves a balance of \$612.48 available.

Should the Council approve this request, the account will exceed its budget allocation by \$4,450.81. The overspend can be addressed as part of the 2022/2023 mid-year budget review.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications for the Shire.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute Majority

Councillors' D Barritt, M Paganoni, J Wills and C Dewar declared an indirect financial interest as shareholders of the Broomehill Village Co-operative Ltd.

Permission was sought from the Minister for Local Government for these Councillors to participate and Councillors' D Barritt, M Paganoni and J Wills were given permission with the following six (6) conditions:

1. The approval is only valid for the 20 October 2022 Council Meeting when agenda item 11.1 is considered;
2. The abovementioned Councillors must declare the nature and extent of their interest at the above mentioned meeting when the matter is considered, together with the approval provided;
3. The Chief Executive Officer (CEO) is to provide a copy of the Department of Local Government, Sport and Cultural Industries (DLGSC) letter 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 DLGSC, to allow DLGSC 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 will apply.

Cr C Dewar declared an interest in 11.1 and 11.2 and left the meeting at 4.44pm

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Paganoni, seconded Cr D Barritt that the Broomehill Village Co-operative Ltd. be granted a rate concession of \$5,063.29 on assessment A1066 for the 2022/2023 financial year.

**CARRIED BY AN ABSOLUTE MAJORITY 4/0
Motion No. 140/22**

11.2 SUBDIVISION / BOUNDARY RE-ALIGNMENT – VARIOUS LOTS, BROOMEHILL-GNOWANGERUP ROAD, BROOMEHILL EAST

ATTACHMENT(S)	11.2.1 Subdivision Application Plan
FILE NO	S162874
APPLICANT	35 Degrees South (Applicant) on behalf of Cord Developments Pty Ltd (Owner)
AUTHOR	Liz Bushby, Town Planning Innovations Pty Ltd
DATE	6 October 2022
DISCLOSURE OF INTEREST	Nil.

STRATEGIC IMPLICATIONS		
Community Strategic Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA Two – Our Economy 2.3 – Our Shire actively supports existing local businesses and encourages new business initiatives	S2.3.1 – Encourage and facilitate appropriate development within the shire	There are no known Corporate Business Plan implications associated with this report.

SUMMARY

Council to consider a referral by the Western Australian Planning Commission (WAPC) seeking the Shires comments and a recommendation on a proposed subdivision (WAPC Reference: 162874).

The Western Australian Planning Commission is the determining authority for the application.

BACKGROUND

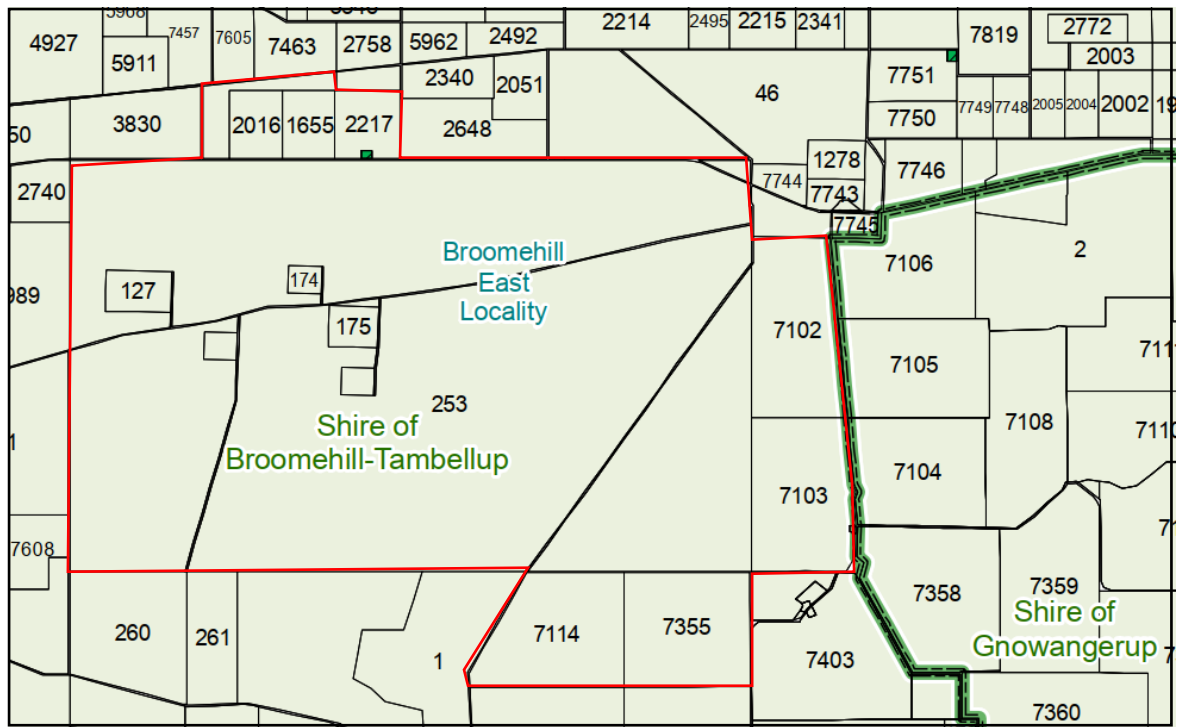
The applicant has advised that the 18 existing lots are part of two separate farming enterprises, being:

- (1) Woodyarrup operated by Craig Dewar; and
- (2) Strath Haddon operated by Peter Dewar.

The applicant advises that a similar application was lodged in 2010, and was approved at the time. The owners did not proceed with the application.

The existing lots are used for agricultural activities, and are substantially cleared. The existing lot sizes range from 1.1 hectares to 4851.9 hectares.

A location plan is included over page for ease of reference.



Above: Location Plan with red outline around the existing 18 lots

COMMENT

Description of Application

The application will result in boundary adjustments between the existing lots, and the number of lots will be reduced from 18 to 10. The new lot sizes will range from 63 hectares to 1200 hectares.

The applicant has advised that:

- The existing lot boundaries do not reflect the physical (paddock) boundaries of the two farm enterprises;
- The boundary re-alignment is to facilitate the succession of the properties from the retiring generation (Gavin Dewar) to his two sons (Peter & Craig Dewar);
- The proposal will rationalise the lot configuration and better reflect existing land uses and the major paddock layout of each of the farms;
- Proposed Lots A to D form part of the Woodyarrup stud and Lots E-H, J & K form part of the Strath Haddon Stud.

The subdivision plan is included as Attachment 1.

Relevant State Planning Policy

The WAPC has a Development Control Policy 3.4 that outlines the circumstances where the subdivision of rural land can be considered.

The Policy requirements are summarised below:

Clause 6.3 Property rationalisation to improve land management	Assessment / Officer Comment
Multiple lots in one ownership may be rationalised provided that:	
(a) there is no increase in the number of lots;	There are 18 existing lots and 10 proposed lots.
(b) the new boundaries achieve improved environmental and land management practices and minimise adverse impacts on rural land use	The proposal is an adjustment between existing farm lot boundaries, and will not result in any adverse impacts. The proposed lot boundaries take into account existing farm management, the location of major paddocks, existing roads and fence lines.
(c) no new roads are created, unless supported by the local government;	No new roads are proposed.
(d) new vehicle access points on State roads are minimised;	No access points to state roads are proposed.
(e) rural living sized lots (1-40 hectares), created as a result of the rationalisation, have appropriate buffer from adjoining farming uses and water resources, and may have notifications placed on title advising that the lot is in a rural area and may be impacted by primary production.	All lots are proposed to have areas exceeding 40 hectares.

Bushfire Management Plan

A Bushfire Management Plan has been lodged in support of the application as the lots are within a bushfire prone area.

State Planning Policy 3.7 requires bushfire to be addressed as part of the subdivision process, and to ensure that any lots can be developed with a dwelling and achieve a suitable Bushfire Attack Level (BAL) rating.

The Bushfire Management Plan concludes that acceptable BAL ratings can be achieved for any future dwellings.

CONSULTATION

The WAPC has referred the application to the Department of Education, Western Power; Water Corporation; Telstra, Main Roads WA, Department of Primary Industries and Regional Development; Department of Mines, Industry and Regulation; and the Department of Biodiversity, Conservation and Attractions, the Department of Water, Environment and Regulation and the Shire for comment.

Comments are being requested by the 16 November 2022.

STATUTORY ENVIRONMENT

Planning and Development Act 2005 – Section 142, Part 10, Division 2 sets out the consultation requirements for subdivision.

Section 143, Part 10, Division 2 sets out the WAPC’s duties when dealing with a plan of subdivision.

Shire of Broomehill Town Planning Scheme No 1 (the Scheme) – The lots subject of this report are zoned Farming under the Scheme.

Clause 5.13 (d) of the Scheme states that *‘The Council will favourably consider applications for adjustment of lot boundaries where the application if approved will not result in the creation of one or more additional lots.’*

There is a general presumption against subdivision within the Farming zone under the Scheme, with exceptions including for *‘farm adjustment and the erection of dwellings is restricted’* under Clause 5.13.1(b).

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

There are no known risks associated with this report. The WAPC will determine the application.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

Councillor C Dewar declared a Financial Interest in item 11.2 ‘that the parcels of land referred to is operated by Cr C Dewar (Woodyarrup) and brother Peter Dewar (Strath Haddon) and that the realignment is part of succession planning’ and Cr C Dewar left the room at 4.44pm (prior to Item 11.1).

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr D Barritt, seconded Cr J Wills that it be recommended to the Western Australian Planning Commission that the subdivision application (No 162874) seeking a boundary realignment between Lots 127, 173--175, 253, 1655, 2016, 2217, 3606, 7102-7103, 7114, 7356, 8175, 8218, 8249, 8220 & 8221 Broomehill-Gnowangerup Road, Broomehill East be approved.

CARRIED 4/0
Motion No. 141/22

Cr C Dewar returned to the meeting at 4.52pm

11.3 LOT 4484 (NO 44) BATCHELOR ROAD, LAKE TOOLBRUNUP - PROPOSED AGRICULTURAL SHED

ATTACHMENT(S)	11.3.1 Site Plans
FILE NO	A132
APPLICANT	Auspan Building Systems Pty Ltd (Applicant) on behalf of Roslyn Joyce Bowman (Owner)
AUTHOR	Liz Bushby – Town Planning Innovations
DATE	11 October 2022
DISCLOSURE OF INTEREST	Nil.

STRATEGIC IMPLICATIONS		
Community Strategic Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA Two – Our Economy 2.3 – Our Shire actively supports existing local businesses and encourages new business initiatives	S2.3.1 – Encourage and facilitate appropriate development within the Shire	There are no known Corporate Business Plan implications associated with this report.

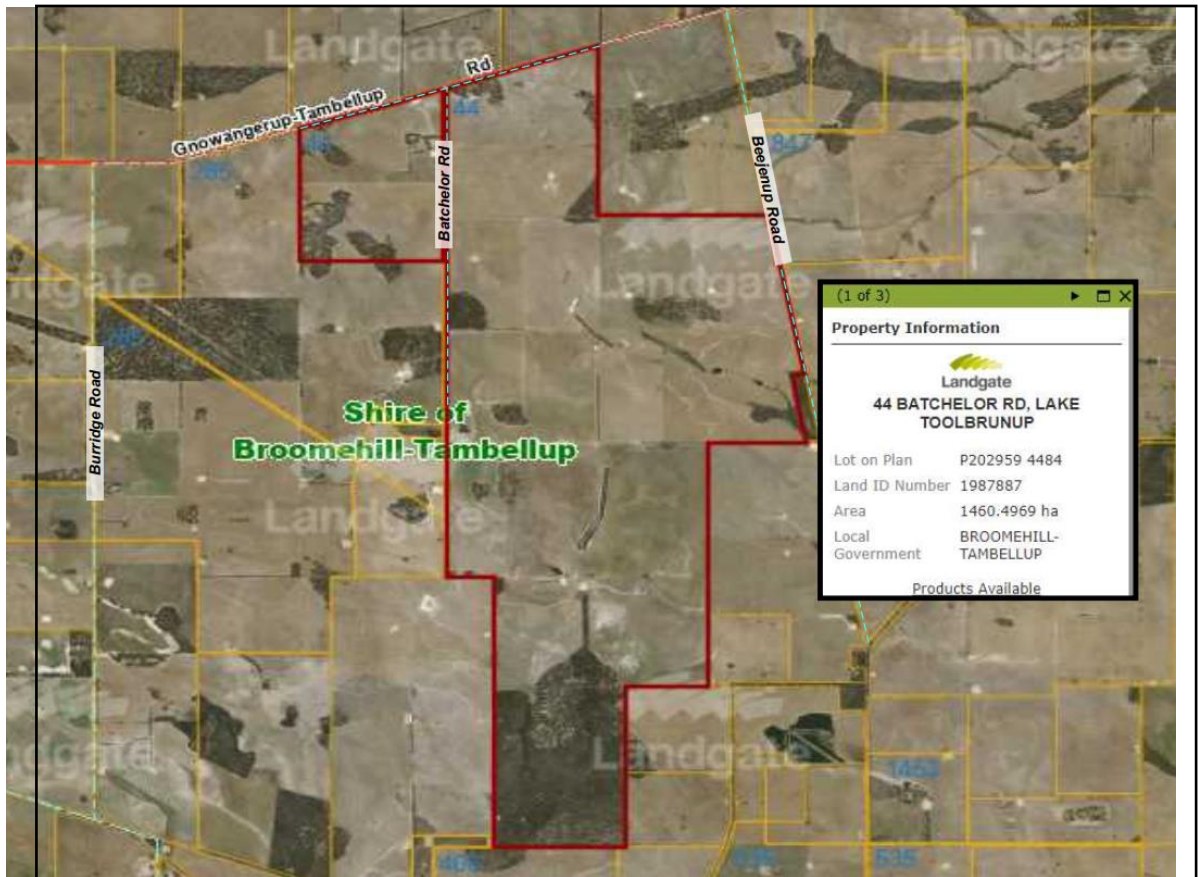
SUMMARY

Council to consider an application for an outbuilding proposed on Lot 4484 (No 44) Batchelor Road, Lake Toolbrunup.

BACKGROUND

Lot 4484 contains an existing dwelling and associated outbuildings. The majority of the lot is cleared and used for extensive agriculture. The main driveway access is from Batchelor Road.

A location plan is included over page for ease of reference.



Above : Location Plan

COMMENT

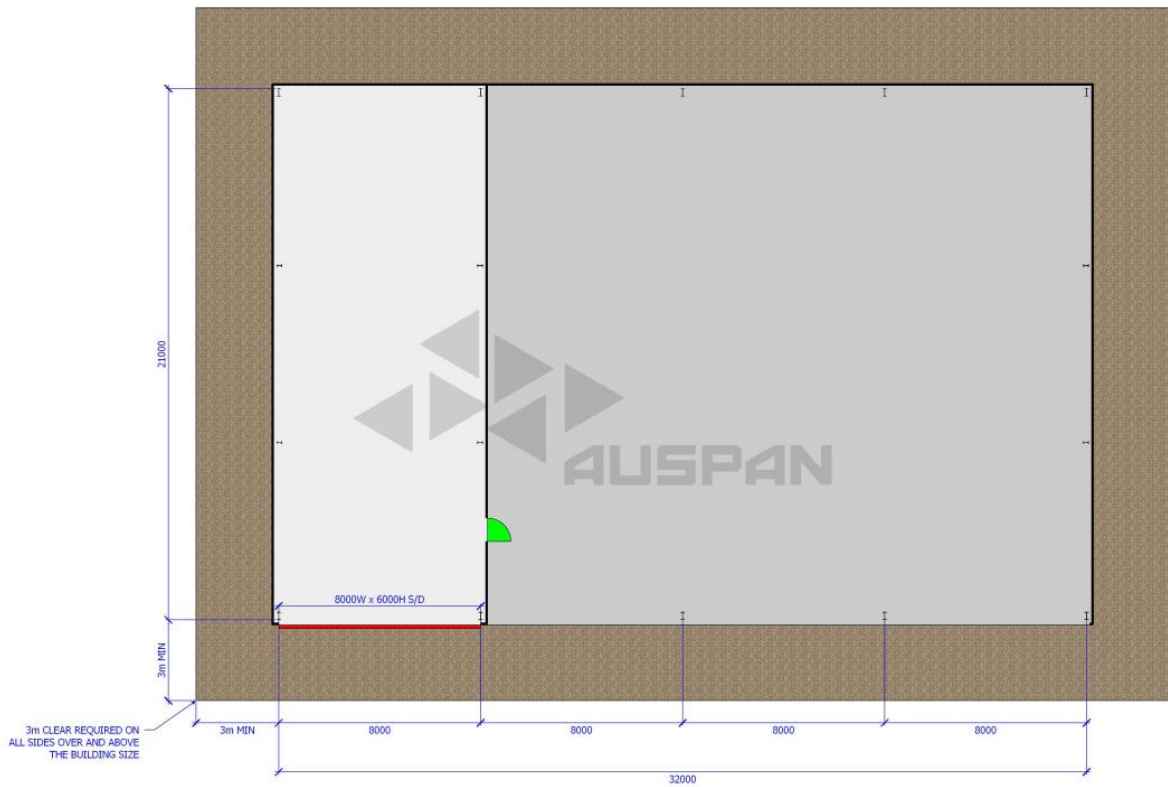
The building is proposed to be setback approximately 404 metres from the north lot boundary, and 146 metres from the Batchelor Road lot boundary – refer Attachment 1.

The proposed outbuilding (agricultural shed) is proposed to be 32 metres long, 21 metres wide, and 6.4 metres in height to the gutter, made from fabricated structural steel, clad with Zinalume cladding to roof and walls, with gutters capturing the rainwater to be stored in an existing stormwater tank on the property. A total floor area of 672m² is proposed.

A floor plan and an elevation are included over page.

The proposed structure will only be used for general storage associated with the current agricultural use of the land.

The applicant has advised that none of the neighbouring properties have residences near to the proposed development.



The outbuilding is ancillary to the existing dwelling on the lot, and established agricultural activities. TPI is supportive of the application and recommends conditional approval.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Shire of Tambellup Town Planning Scheme No 2 (the Scheme) – The lot is zoned ‘Farming’ under the Scheme.

Under Clause 6.6.2 the following minimum building setbacks apply:

- Front: 20 metres
- Rear: 15 metres
- Side: 15 metres

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

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

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

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

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

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATION

Nil.

RISK MANAGEMENT IMPLICATIONS

Nil.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Paganoni, seconded Cr J Wills that Council approve the application for an outbuilding (agricultural storage shed) on Lot 4484 (No 44) Batchelor Road, Lake Toolbrunup subject to the following conditions:

1. All plans lodged with this application dated 27 July 2022 (Drawing Numbers A101 to A104, Revision 1) shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.
2. The structure has been approved for storage purposes only. The structure shall not be used for human habitation at any time.
3. All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and stormwater tank shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.
4. If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.

Footnote:

- (i) Please be advised that any future change of use of the structure may result in it falling under a different building classification for the purposes of applying the Building Code of Australia (BCA). Under the BCA, a building's classification is determined by the purpose for which it is designed, constructed or adapted to be used. This planning approval is based on a proposed storage use only.

CARRIED 5/0
Motion No. 142/22

12. KEY RESULT AREA (KRA) THREE – OUR PLACES

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Moved Cr M Paganoni, seconded Cr C Dewar that council proceed behind closed doors.

That in accordance with Section 5.23(2) of the Local Government Act 1995 the meeting closed at 4.54 pm 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 5/0
Motion No. 143/22

13.1 FRONT END WHEEL LOADER REPLACEMENT - CONFIDENTIAL

ATTACHMENT(S)	13.1.1 Responses to VP323928 (2) 13.1.2 Evaluation Matrix
FILE NO	ADM0613
APPLICANT	n/a
AUTHOR	Peter Vlahov – Manager of Works
DATE	10 October 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Strategic Community Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA 3 – Our Places 3.4 – Our Council facilities and infrastructure are managed sustainably to meet current and future needs.	S3.4.1 – Implement a program of maintenance, servicing and renewal of Council assets to maximize life and performance.	A3.4.1.2 – Review and implement the Asset Management Strategy.

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr C Dewar, seconded Cr M Paganoni that:

1. The specifications as contained in Request for Quote VP323928 be endorsed in accordance with Policy 4.6;
2. The e-quote submitted by WesTrac of \$344,671 (excluding GST) for the purchase of one (1) Caterpillar 938K Front End Wheel Loader be accepted; and
3. The price submitted by WesTrac of \$147,500 (excluding GST) for the trade in of one (1) Caterpillar 930K TA281 Front End Wheel Loader be accepted.

CARRIED 5/0
Motion No. 144/22

PROCEDURAL MOTION

Moved Cr D Barritt, seconded Cr C Dewar that the meeting be reopened to members of the public at 4.57pm.

CARRIED 5/0
Motion No. 145/22

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

Nil.

15. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil.

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

Nil.

17. CLOSURE

There being no further business to discuss, the Presiding Member, Cr White, declared the meeting closed at 4.58pm.