



# Ordinary Meeting of Council

## MINUTES

**22 July 2021**

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# SHIRE OF BROOMEHILL-TAMBELLUP

## Minutes of an Ordinary Meeting of Council of the Shire of Broomehill-Tambellup held in the Tambellup Council Chambers on Thursday 22 July 2021.

### 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President welcomes Councillors and staff and declared the meeting open at 4.50pm.

### 2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

### 3. ATTENDANCE

Cr MC Paganoni	President
Cr ME White	Deputy President
Cr CJ Letter	
Cr DT Barritt	
Cr SH Penny	
KB Williams	Chief Executive Officer (CEO)
P Vlahov	Manager Works
KP O'Neill	Manager Finance and Administration
PA Hull	Strategic Support & Projects Officer
HA Richardson	Governance and Executive Assistant

#### 3.1 APOLOGIES

Cr KJ Holzknecht

#### 3.2 APPROVED LEAVE OF ABSENCE

Cr MC Nazzari July – October 2021

### 4. DECLARATION OF INTEREST

Nil

### 5. PUBLIC QUESTION TIME

Nil

### 6. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil

### 7. ITEMS BROUGHT FORWARD BY DECISION OF COUNCIL

Nil

**8. CONFIRMATION OF PREVIOUS MEETING MINUTES**

**8.1 ORDINARY MEETING OF COUNCIL MINUTES 17 JUNE 2021**

COUNCIL DECISION

**210701**

*Moved Cr Letter, seconded Cr Penny*

*That the Ordinary Meeting of Council Minutes of 17 June 2021 be accepted.*

**CARRIED 5/0**

**8.2 SPECIAL MEETING OF COUNCIL MINUTES 5 JULY 2021**

COUNCIL DECISION

**210702**

*Moved Cr White, seconded Cr Letter*

*That the Special Council Meeting Minutes of 5 July 2021 be accepted.*

**CARRIED 5/0**

**9. RECEIPT OF COMMITTEE MEETING MINUTES HELD SINCE LAST MEETING**

Nil

## 10. REPORTS OF OFFICERS

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<b>10.01</b>	<b>FINANCIAL STATEMENTS FOR JUNE 2021</b>
<b>Attachment:</b>	<b>Interim Monthly Financial Statements for June 2021</b>
<b>File Ref:</b>	Nil
<b>Author:</b>	KP O'Neill - Manager Finance and Administration
<b>Date:</b>	16 July 2021
<b>Disclosure of Interest:</b>	Nil

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### SUMMARY

Council to consider the monthly financial report for the period ending 30 June 2021.

### BACKGROUND

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

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

As part of the 2020/21 budget process, Council adopted 10% or \$10,000 as the material variance for reporting purposes for the year.

### COMMENT

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

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

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

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

The June financial report presented is an interim report, and subject to end of financial year adjustments and allocations. Councillors should note that some of the numbers contained in the report are subject to change.

### CONSULTATION

Nil

**STATUTORY ENVIRONMENT*****Local Government (Financial Management) Regulations 1996******34. Financial activity statement report***

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

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

This issue is not dealt with in the Plan

**FINANCIAL IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple Majority

*An interim financial report was not available for the Council meeting as final accruals and adjustments are still being processed for 30 June 2021 which have a significant effect on the content of the statements. The unaudited financial report for June 2021 will be presented at the August 2021 meeting.*

**COUNCIL DECISION**

**210703**

***Moved Cr White, seconded Cr Letter***

***That item 10.01 be deferred to 19 August 2021 Ordinary Council Meeting.***

***CARRIED 5/0***

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<b>10.02</b>	<b>CREDITORS ACCOUNTS PAID JUNE 2021</b>
<b>Attachment:</b>	List of Payments for June 2021
<b>File Ref:</b>	Nil
<b>Author:</b>	KP O'Neill – Manager Finance and Administration
<b>Date:</b>	16 July 2021
<b>Disclosure of Interest:</b>	Nil

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SUMMARY

Council to consider the list of payments made from the Municipal and Trust Funds during June 2021.

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	\$805,364.71
Trust Fund	\$0.00
Credit Cards	\$4,394.60
<u>Total</u>	<u>\$809,759.31</u>

CONSULTATION

Nil

STATUTORY ENVIRONMENT

*Local Government (Financial Management) Regulations 1996*

*13. Lists of accounts*

- (1) *If the local government has delegated authority to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –*
- (a) the payee's name;*
  - (b) the amount of the payment;*
  - (c) the date of the payment; and*
  - (d) sufficient information to identify the transaction.*

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This issue is not dealt with in the Plan

FINANCIAL IMPLICATIONS

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



**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION**

**210704**

***Moved Cr Barritt, seconded Cr White***

***That the list of accounts paid during June 2021, consisting of***

- Municipal Fund cheque, EFT and direct debit payments totalling \$805,364.71;***
- Trust Fund cheque payments totalling \$Nil; and***
- Credit Card payments totalling \$4,394.60***

***be endorsed.***

***CARRIED 5/0***

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**10.03 DISABILITY ACCESS AND INCLUSION PLAN – PROGRESS REPORT**

<b>Attachment:</b>	<ul style="list-style-type: none"><li>• Disability Access and Inclusion Plan – Progress Report 2020-2021</li><li>• DAIP Implementation Plan update – 2020-2021</li></ul>
<b>File Ref:</b>	ADM0124
<b>Author:</b>	PA Hull, Strategic Support & Projects Officer
<b>Date:</b>	14 July 2021
<b>Disclosure of Interest:</b>	Nil

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**SUMMARY**

Council to receive the Disability Access and Inclusion Plan Progress Report for 2020-2021

**BACKGROUND**

The Disability Services Act WA (1993) requires local governments to implement a Disability Access and Inclusion Plan (DAIP) to ensure people with disability have equal access to its services and facilities.

Council's DAIP outlines seven desired outcome areas and the strategies developed to achieve those outcomes. Legislation requires a progress report to be forwarded to the Department of Communities annually and the DAIP itself stipulates that a report be made to Council on a yearly basis.

The DAIP was reviewed and endorsed in July 2020 for a further five year period to 2025.

**COMMENT**

This year's DAIP Progress Report has been completed and is presented for Council's information. The report has been forwarded to the Department of Communities.

As the DAIP Progress Report only requires detail of projects showing new or significant progress to be noted, the Shire's internal implementation plan is also attached outlining all actions taken during 2020-2021 to ensure the Shires services and facilities are accessible. This is provided for information and is not submitted to the Department of Communities.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

*Disability Services Act WA (1993) – Part 5: Disability Services Regulations*

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Key Result Area 1: Our People

1.1 Our community is safe, connected, harmonious and inclusive

1.1.1 Promote inclusive community participation and engagement in Council and community events and activities.

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION**

**210705**

***Moved Cr Letter/ seconded Cr Penny***

***That Council receives the 'Disability Access and Inclusion Plan – Progress Report 2020-2021' as presented.***

***CARRIED 5/0.***

<b>10.04</b>	<b>CORPORATE BUSINESS PLAN 2018-2022 QUARTERLY PROGRESS REPORT</b>
<b>Attachment:</b>	Corporate Business Plan 2018-2022 Quarterly Progress Report – April-June 2021
<b>File Ref:</b>	ADM0543
<b>Author:</b>	PA Hull, Strategic Support & Projects Officer
<b>Date:</b>	13 July 2021
<b>Disclosure of Interest:</b>	Nil

SUMMARY

Council to receive the Corporate Business Plan 2018-2022 Quarterly Progress Report for the period April-June 2021.

BACKGROUND

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





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

Council adopted the Corporate Business Plan 2018-2022 at the April 2019 Ordinary Meeting. A desktop review of the document was completed and endorsed at the July 2020 Ordinary Council meeting.

COMMENT

The attached report provides Council and the community with a 'snapshot' of progress towards achieving the objectives of the Strategic Community Plan, for the quarter April-June 2021.

A 'traffic light' status and comments are assigned to each action, based on the following:

<b>Action Status</b>	<b>Means</b>
	Action is <u>on track</u> . Includes actions that are considered 'day to day' including advocacy, identified support, ongoing liaison, routine and scheduled reporting and activities, and progress on specific projects.
	Action is being <u>monitored</u> . Includes actions that are awaiting further information or consideration by staff or Council, initiatives that are planned, and actions where there has been little or no progress or activity.
	Action is <u>on hold</u> . Generally includes actions that are planned for a future financial year (refer to 'Delivery Timelines' column), or if it has been determined through review that an action is no longer relevant.
	Action is <u>complete</u> . Will generally relate to discrete time- or funding-specific projects and initiatives.

Senior staff have provided input into the April-June 2021 quarterly report.

The report will be made available for community information.

## CONSULTATION

CEO

Senior staff

## STATUTORY ENVIRONMENT

*Local Government (Administration) Regulations 1996:*

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

## POLICY IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

Key Result Area 1: Our People

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

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

## FINANCIAL IMPLICATIONS

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

## VOTING REQUIREMENTS

Simple majority

## COUNCIL DECISION

**210706**

***Moved Cr Barritt, seconded Cr White***

***That Council receives the Corporate Business Plan 2018-2022 Quarterly Progress Report for the period April-June 2021.***

***CARRIED 5/0***

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<b>10.05</b>	<b>CORPORATE BUSINESS PLAN 2018-2022 – INTERIM REVIEW</b>
<b>Attachment:</b>	<b>Draft Corporate Business Plan 2018-2022</b>
<b>File Ref:</b>	ADM0543
<b>Author:</b>	PA Hull – Strategic Support & Projects Officer
<b>Date:</b>	06 July 2020
<b>Disclosure of Interest:</b>	Nil

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### SUMMARY

Council to consider the reviewed Corporate Business Plan 2018-2022.

### BACKGROUND

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

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

### COMMENT

An interim review of the Corporate Business Plan has been undertaken by staff, with minor amendments required as follows:

#### **P4 – Review Schedule:**

Date of next interim review amended to June 2022.

#### **P4 – Informing Documents:**

Amended chart – moved documents to correct area of responsibility

#### **P6 – Financials:**

Insert 2022-2023 financials from Strategic Resource Plan

#### **P7 – Workforce Plan:**

Update with outcomes from Workforce Plan review 2021 and implications for Corporate Business Plan

### **Amendments to Key Result areas:**

#### **1.3 Our community provides opportunities to enhance local employment**

- A1.3.1.2 Investigate and initiate traineeship program – works/admin: Delete FY 20/21, add action to FY 21/22 – no action is 20/21

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

- A1.5.1.2 Review and communicate Council's Customer Service Charter: Amend to reflect review in FY20/21, and add to ongoing for future scheduling FY22/23
- A1.5.2.1 Conduct biennial Community Perceptions Survey: Amend to delete from FY20/21, add as action FY21/22

## **2.1 Our community provides a unique tourism and visitor experience**

- A2.1.1.1 Review information signage across the Shire: Add to FY21/22 and Ongoing

The amended document is provided for Council's consideration, and endorsement if deemed appropriate.

The next interim review will be completed in June 2022, with a full review to be completed following the full review of the Strategic Community Plan late in 2022.

### CONSULTATION

Chief Executive Officer  
Senior staff

### STATUTORY ENVIRONMENT

*Local Government (Administration) Regulations 1996:*  
*r. 19DA. Corporate business plans, requirements for (Act s. 5.56)*

### POLICY IMPLICATIONS

Nil

### STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

Key Result Area 1: Our People

- 1.5 Our Shire demonstrates strong leadership, effective governance and efficient service delivery to our community
- 1.5.1 Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents

### FINANCIAL IMPLICATIONS

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

### VOTING REQUIREMENTS

Simple majority

### COUNCIL DECISION

**210707**

***Moved Cr Barritt, seconded Cr Letter.***

***That Council endorses the amended Corporate Business Plan 2018-2022 as presented.***

***CARRIED 5/0***

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**10.06 VOTING DELEGATES FOR WALGA ANNUAL GENERAL MEETING****Attachment:****File Ref:** ADM0159**Author:** HA Richardson – Governance and Executive Assistant**Date:** 13 July 2021**Disclosure of Interest:** Nil

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**SUMMARY**

Registration of delegates for the Western Australian Local Government Association's (WALGA) Annual General Meeting (AGM) is required. The WALGA Convention will be held 19-21 September 2021 with the AGM to be held on Monday 20<sup>th</sup> September 2021.

**BACKGROUND**

The 2021 AGM of WALGA will be held at the Crown Towers Perth. If an in-person event is not able to be held due to social distancing restrictions, the meeting will be conducted virtually.

All member Councils are entitled to be represented by two (2) voting delegates at the AGM. Voting delegates may be either elected members or serving officers. Councils seeking to exercise their voting entitlements must ensure that their voting delegates are appropriately registered. Registrations must be returned to WALGA by Friday 28 August 2020.

Only registered delegates or proxy registered delegates will be permitted to exercise voting entitlements on behalf of Member Councils.

Member Local Governments are invited to submit motions for inclusion on the Agenda for consideration at the 2021 Annual General Meeting of WALGA. Motions should be submitted in writing to the Chief Executive Officer of WALGA.

**COMMENT**

At June 2021's Council Discussion Session it was decided that for best practice, the Great Southern Zone would put forward any clear and concise proposals for a decision to WALGA Annual General Meeting. Any motions or amendments to be submitted to WALGA by 16 July 2021.

Council will need to nominate its delegates to the Annual General Meeting.

**CONSULTATION**

Council

Chief Executive Officer

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

This issue is not dealt with in the Plan.

**FINANCIAL IMPLICATIONS**

There are no financial implications.



**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION**

**210708**

***Moved Cr White, seconded Cr Letter***

***That Councils registered delegates and proxy delegates to the 2021 Annual General Meeting of the Western Australian Local Government Association be:***

***Voting Delegates: President Paganoni and Cr White***

***Proxy Delegates: Cr Barritt and Cr Penny***

***CARRIED 5/0***

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<b>10.07</b>	<b>2021-2022 FIRE BREAK ORDER AND INFORMATION BOOKLET</b>
<b>Attachment:</b>	<b>Draft Fire Break Order</b>
<b>File Ref:</b>	ADM0146
<b>Author:</b>	Lesley Paskevicius, Finance/Administration Officer
<b>Date:</b>	9 July 2021
<b>Disclosure of Interest:</b>	Nil

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### SUMMARY

Council to endorse the 2021-2022 Fire Break Order and Information Booklet.

### BACKGROUND

The Fire Break Order and Information Booklet is published annually and distributed to all residents in the Shire.

The Fire Break Order provides landowners with information on their responsibilities with regard to fire prevention, in accordance with the *Bush Fires Act 1954*. Updated contact details for Councils bushfire brigades and the Tambellup Volunteer Fire and Emergency Services are included.

### COMMENT

There are no major changes in this years' Fire Break Order and Information Booklet. Fire Control Officers and Fire Weather Officers were endorsed at the April 15 2021 and May 20 2021 Council meetings and the relevant details have been updated.

### CONSULTATION

Broomehill-Tambellup Bush Fire Brigades  
Community Emergency Services Manager  
Chief Executive Officer

### STATUTORY ENVIRONMENT

*Bush Fires Act 1954*

### POLICY IMPLICATIONS

NIL

### STRATEGIC IMPLICATIONS

Council's Strategic Community Plan has identified 'Living in a Safe Community' as an important community aspiration. Within that aspiration is the acknowledgement that Council's volunteer Bush Fire Brigades play a vital role in keeping our community safe.

### FINANCIAL IMPLICATIONS

Provision is made in the budget for the printing of the booklet.

### VOTING REQUIREMENTS

Simple Majority

### OFFICER RECOMMENDATION

***"That Council endorses the 2021-2022 Shire of Broomehill-Tambellup Fire Break Order and Information Booklet as presented."***

**COUNCIL DECISION**

**210709**

***Moved Cr White, seconded Cr Letter***

***That Council endorses the 2021-2022 Shire of Broomehill-Tambellup Fire Break Order and Information Booklet with the following addition:***

***Broomehill Town Tank – Stock/non potable***

***CARRIED 5/0***

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<b>10.08</b>	<b>REVIEW OF POLICY 1.24 – HIRE OF EQUIPMENT SHIRE HALLS</b>
<b>Attachment:</b>	<b>Copy of amended Policy 1.24</b>
<b>File Ref:</b>	ADM0165
<b>Author:</b>	KP O'Neill – Manager Finance & Administration
<b>Date:</b>	15 July 2021
<b>Disclosure of Interest:</b>	Nil

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### SUMMARY

Council to consider an amendment to Policy 1.24 Hire of Equipment – Shire Halls.

### BACKGROUND

Council adopted a policy outlining use of equipment from the Broomehill and Tambellup Halls in May 2016.

The purpose of the policy is to ensure that the equipment provided in the Town Halls is maintained in appropriate quantities and good condition for hirers of the facilities. Equipment kept specifically for use in the halls is not available for hire away from the facility.

The policy specifies that a limited number of older tables and chairs are available for hire and use away from the facilities.

### COMMENT

Requests for provision of chairs at the cemeteries is becoming more frequent. There has been occasion where chairs have been made available at no cost, and on other occasions customers have been charged the relevant hire fees.

For consistency and to ensure processes are clear for staff when receiving a request for chairs at the cemeteries, it is proposed that Policy 1.24 be amended to allow for up to 20 chairs to be made available at no cost for funerals at the Broomehill, Tambellup and Pindellup cemeteries. Shire staff may be available to deliver and return chairs, if assistance is requested by customers.

### CONSULTATION

Chief Executive Officer  
Administration Staff

### STATUTORY ENVIRONMENT

Nil

### POLICY IMPLICATIONS

Amendment to Policy 1.24 Hire of Equipment – Shire Halls

### STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA One – Our People

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

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

**FINANCIAL IMPLICATIONS**

Chair hire is currently \$2.00 per chair. Maximum reduction in revenue on each occasion is \$40.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION**

**210710**

***Moved Cr Letter, seconded Cr White***

***That Policy 1.24 Use of Equipment – Shire Halls be amended as presented to include provision to allow up to 20 chairs being made available at no cost for funerals at the Broomehill, Tambellup and Pindellup cemeteries if requested.***

***CARRIED 5/0***

**10.09****LOCAL LAW REVIEW 2020****Attachment:**

- Extract from Activities in Thoroughfares and Public Places and Trading Local Law
- Extract from Health Local Law
- Extract from Waste Local Law
- Extract from Cemeteries Local Law

**File Ref:**

ADM0471

**Author:**

PA Hull, Strategic Support &amp; Projects Officer

**Date:**

9 July 2021

**Disclosure of Interest:**

Nil

**SUMMARY**

Council to consider response from the Joint Standing Committee on Delegated Legislation in relation to the Local Law review.

**BACKGROUND**

Section 3.16 (1) of the *Local Government Act 1995* (the Act) requires a local government to review a local law within a period of eight years from when it commenced. The Shire of Broomehill-Tambellup local laws commenced in 2008, and required review.

In accordance with the Act, the following local laws were reviewed or commenced in 2020, and following the required public notification periods and stakeholder consultation, were adopted by Council in February 2021:

- Activities on Thoroughfares and Public Places and Trading Local Law 2020
- Cemeteries Local Law 2020
- Dogs Local Law 2020
- Extractive Industries Local Law 2020
- Fencing Local Law 2020
- Local Government (Council Meetings) Local Law 2020
- Local Government Property Local Law 2020
- Repeal Local Law 2020
- Waste Local Law 2020
- Bushfire Brigades Local Law 2020 (new local law)
- Health Local Law 2020
- Removal of Refuse, Rubbish and Disused Material Local Law 2020

The Joint Standing Committee on Delegated Legislation (JSCDL) is a committee of the Western Australian Parliament consisting of eight members, with equal representation from the Legislative Council and Legislative Assembly.

Once a local law is published in the Government Gazette, it is referred to the JSCDL to consider under its terms of reference. Where the JSCDL finds that a local law offends one or more of its terms of reference, it will usually seek a written undertaking from the local government to amend or repeal the instrument in question.

Where a local government does not comply with the committee's request for an undertaking, the committee may, as a last resort, resolve to report to the Parliament recommending the disallowance of the instrument in the Legislative Council.

**COMMENT**

The Shire of Broomehill-Tambellup local laws as above were gazetted on 5 March 2021, and subsequently referred to the JSCDL for consideration.

The JSCDL has identified a number of issues with the following local laws, and has requested that council provide written undertakings that amendment or clarification of the issues as summarised below will be completed within six months. Extracts of relevant local laws are attached showing the required amendments. Councillors are directed to the February 2021 Ordinary Meeting of council minutes for the full versions of adopted local laws.

Local Law	Issue	Response
All local laws	Title should be 2021 to reflect the date of adoption and gazettal	Noted - change at next review
Activities in Thoroughfares and Public Places and Trading Local Law	Delete clause 2.4 and replace it with the equivalent clause in the WALGA template to ensure permits are required for temporary crossings	As per attached extract – cl. 2.4 deleted, replaced by cl.2.4 WALGA model local law
	Correct the typographical errors as noted	Noted
	Provide clarification of the purpose of clause 5.16(b)(i)	As per attached extract - remove cl. 5.16(b)(i) – covered by cl. 5.15
Health Local Law	Correct the typographical errors as noted	Noted
	Insert missing objections and appeals rights clause (Div 1 Part 9 LG Act 1995)	As per attached extract – Part 10 Objections and Appeals inserted.
	Clarify arrangements for public access to Australian Standards quoted in the local law	Australian Standards to be purchased and made available to the public
	Clarify the reason for open ended discretion in clause 8.1.7(1)	As per attached extract – from previous local law. To be clarified
Local Government (Council Meetings) Local Law	At next review of the Local law, correct the typographical errors as noted	Next review - noted
Waste Local Law	Delete clause 2.7(c)	As per attached extract – cl. 2.7(c) to be deleted – replicated at cl. 3.1(a)
	Correct the typographical errors as noted	Noted
Cemeteries Local Law	Add clause 8.8	As per attached extract – cl. 8.8 inserted
	Explain the inclusion of clause 5.7	As per attached extract - Provides for placement of ashes in the Shire's cemeteries as prescribed

Additionally:

Health Local Law: The proposed and adopted local law was made under the provisions of section 342 of the *Health (Miscellaneous Provisions) Act 1911*, in accordance with advice received at the time from the Department of Health, notwithstanding the passing of the *Public Health Act 2016*, which is progressively being implemented.

JSCDL has noted that with the introduction of the *Public Health Act 2016*, changes were made to the *Local Government Act 1995* which allow local governments to make health local laws under the *Local Government Act 1995* without reference to the *Health (Miscellaneous Provisions) Act 1911* and without the need to obtain the approval of the Chief Health Officer. The approval of the Chief Health Officer has not been obtained for the adopted local law, and staff will liaise with JSCDL to resolve this matter and refer back to Council if required.

Cemeteries Local Law: During the consultation period, the Department of Local Government, Sport & Cultural Industries recommended that clause 7.17 *Cancellation of monumental mason's licence* be added to the proposed local law. This clause was included in the adopted local law.

JSCDL considers the inclusion of this clause may make the adopted local law 'significantly different' from the proposed local law that was advertised for comment, within the meaning of section 3.12(4) of the *Local Government Act 1995*. If this position is upheld, Council may be required to recommence the process to adopt the amended local law, including advertising for public comment prior to endorsing the final local law. Staff will discuss with JSCDL, and if required, this matter will be referred back to Council for consideration.

#### Next steps:

Staff have contacted JSCDL to discuss the next steps. Initially JSCDL requires Council to provide separate undertakings for each of the local laws noted in the table above, as per the recommendations of this agenda item. In terms of the definition of 'significantly different' the amendments required will possibly trigger clause 3.13 of the *Local Government Act 1995*, making the amended local law 'significantly different' to the adopted versions, and Council may be required to recommence the review and consultation process, including advertising in the Government Gazette.

At the time of preparing this report, the relevant staff member at JSCDL was on leave, returning Monday 19 July 2021. It is anticipated more information will be available at the Council meeting.

### CONSULTATION

Senior staff  
JSCDL

### STATUTORY ENVIRONMENT

*Local Government Act 1995*

#### *3.5. Legislative power of local governments*

*(1) A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*

.....

*(4B) Nothing in the Health (Miscellaneous Provisions) Act 1911 or the Public Health Act 2016 prevents a local government from making local laws under this Act about matters relating to public health (as defined in the Public Health Act 2016 section 4(1)).*



Sections 3.12 to 3.16 of the *Local Government Act 1995* set out the procedures for making, advertising, changing, commencing, publishing and reviewing local laws. Specifically:

### *3.12. Procedure for making local laws*

.....

*(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*

*\* Absolute majority required.*

### *3.13. Procedure where significant change in proposal*

*If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.*

## POLICY IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028: Key Result Area One - Our People

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

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

## FINANCIAL IMPLICATIONS

Nil at this time. If Council is required to recommence the review process of the local laws noted in this report, there will be advertising costs incurred.

## VOTING REQUIREMENTS

Simple majority

## COUNCIL DECISION

### **2107011**

#### ***Moved Cr Letter, seconded Cr Penny***

**That Council notes the requirement to amend the titles of adopted local laws, as follows:**

- **Activities on Thoroughfares and Public Places and Trading Local Law 2021**
- **Cemeteries Local Law 2021**
- **Dogs Local Law 2021**
- **Extractive Industries Local Law 2021**
- **Fencing Local Law 2021**
- **Local Government (Council Meetings) Local Law 2021**
- **Local Government Property Local Law 2021**
- **Repeal Local Law 2021**
- **Waste Local Law 2021**
- **Bushfire Brigades Local Law 2021**
- **Health Local Law 2021**
- **Removal of Refuse, Rubbish and Disused Material Local Law 2021**

**CARRIED 5/0**

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**OFFICER RECOMMENDATION**

That Council resolves to undertake to the Joint Standing Committee on Delegated Legislation that:

1. Within six months, amend the Activities in Thoroughfares and Public Places and Trading Local Law as follows:
  - a. delete clause 2.4 and replace it with the equivalent clause in the WALGA template to ensure permits are required for temporary crossings;
  - b. correct the typographical errors in clauses 2.8(2)(c); 6.7(2) and 6.11(1);
2. The Shire will not enforce the local law contrary to undertaking 1;
3. Ensure all consequential amendments arising from the undertaking will be made;
4. Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking;
5. Provide clarification of the purpose of clause 5.16(b)(i).

**COUNCIL DECISION****210712*****Moved Cr Letter, seconded Cr Penny******That Council move an amendment to the motion from six months to nine months:******Moved Cr Letter, seconded Cr White******THE AMENDMENT WAS PUT AND CARRIED 5/0******THE MOTION AS AMENDED NOW READS:***

That Council resolves to undertake to the Joint Standing Committee on Delegated Legislation that:

6. Within **nine** months, amend the Activities in Thoroughfares and Public Places and Trading Local Law as follows:
    - c. delete clause 2.4 and replace it with the equivalent clause in the WALGA template to ensure permits are required for temporary crossings;
    - d. correct the typographical errors in clauses 2.8(2)(c); 6.7(2) and 6.11(1);
  7. The Shire will not enforce the local law contrary to undertaking 1;
  8. Ensure all consequential amendments arising from the undertaking will be made;
  9. Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking;
  10. Provide clarification of the purpose of clause 5.16(b)(i).
-

## OFFICER RECOMMENDATION

That Council resolves (subject to the Committee's consideration of the Shire's feedback on compliance with section 342 of the *Health (Miscellaneous Provisions) Act 1911*, which may affect the validity of the local law), to undertake to the Joint Standing Committee on Delegated Legislation that:

1. Within six months, amend the Health Local Law as follows
  - a) correct the typographical errors in clauses 5.2.4(6); Clause 5.6.2; 6.1.4; 8.1.5(b); 8.1.6 and 8.1.7
  - b) insert an Objections and Appeals clause;
2. The Shire will not enforce the local law contrary to undertaking 1;
3. Ensure all consequential amendments arising from the undertaking will be made;
4. Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking;
5. Provide the Committee with information on how the standards referred to above can be accessed by residents without charge;
6. Clarify the reason for the open ended discretion in clause 8.1.7(1).

## COUNCIL DECISION

**210713**

***Moved Cr Letter, seconded Cr Penny***

***That Council move an amendment to the motion from six months to nine months:***

***Moved Cr Letter, seconded Cr White***

***THE AMENDMENT WAS PUT AND CARRIED 5/0***

***THE MOTION AS AMENDED NOW READS:***

***That Council accept the amendment to the motion and the amended motion read as follows:***

That Council resolves (subject to the Committee's consideration of the Shire's feedback on compliance with section 342 of the *Health (Miscellaneous Provisions) Act 1911*, which may affect the validity of the local law), to undertake to the Joint Standing Committee on Delegated Legislation that:

1. Within **nine** months, amend the Health Local Law as follows
  - a) correct the typographical errors in clauses 5.2.4(6); Clause 5.6.2; 6.1.4; 8.1.5(b); 8.1.6 and 8.1.7
  - b) insert an Objections and Appeals clause;
2. The Shire will not enforce the local law contrary to undertaking 1;
3. Ensure all consequential amendments arising from the undertaking will be made;
4. Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking;
5. Provide the Committee with information on how the standards referred to above can be accessed by residents without charge;
6. Clarify the reason for the open ended discretion in clause 8.1.7(1).

**COUNCIL DECISION****210714*****Moved Cr White, seconded Cr Barritt*****That Council resolves to undertake to the Joint Standing Committee on Delegated Legislation that:**

- 1. When the Local Government (Council Meetings) Local Law is next reviewed and amended, correct the typographical and formatting;**
- 2. Ensure all consequential amendments arising from the undertaking will be made;**
- 3. Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking**

***CARRIED 5/0***

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**OFFICER RECOMMENDATION****That Council resolves to undertake to the Joint Standing Committee on Delegated Legislation that:**

- 1. Within six months, amend the Waste Local Law to:**
  - a) delete clause 2.7(c)**
  - b) correct the typographical error in the short title of the Local Law;**
- 2. Until the Local Law is amended, the Shire will not enforce the Local Law contrary to undertaking 1;**
- 3. Ensure all consequential amendments arising from the undertaking will be made;**
- 4. Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.**

**COUNCIL DECISION****210715*****Moved Cr White, seconded Cr Barritt******That Council move an amendment to the motion from six month to nine months:******Moved Cr Letter, seconded Cr White******THE AMENDMENT WAS PUT AND CARRIED 5/0******THE MOTION AS AMENDED NOW READS:***

- 1. Within **nine** months, amend the Waste Local Law to:**
  - a) delete clause 2.7(c)**
  - b) correct the typographical error in the short title of the Local Law;**
- 2. Until the Local Law is amended, the Shire will not enforce the Local Law contrary to undertaking 1;**
- 3. Ensure all consequential amendments arising from the undertaking will be made;**
- 4. Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.**

## OFFICER RECOMMENDATION

That Council, (subject to the Committee's consideration of the Shire's feedback on compliance with section 3.12(4), which may affect whether the Local Law was validly made), resolves to undertake to the Joint Standing Committee on Delegated Legislation that:

1. Within six months, amend the Cemeteries Local Law to insert clause 8.8;
2. The Shire will not enforce the Local Law contrary to undertaking 1;
3. Ensure all consequential amendments arising from the undertaking will be made;
4. Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking;
5. Explain the inclusion of clause 5.7.

## COUNCIL DECISION

**210716**

***Moved Cr Letter, seconded Cr Penny***

***That Council move an amendment to the motion from six month to nine months:***

***Moved Cr Letter, seconded Cr White***

***THE AMENDMENT WAS PUT AND CARRIED 5/0***

### ***THE MOTION AS AMENDED NOW READS:***

That Council, (subject to the Committee's consideration of the Shire's feedback on compliance with section 3.12(4), which may affect whether the Local Law was validly made), resolves to undertake to the Joint Standing Committee on Delegated Legislation that:

1. Within **nine** months, amend the Cemeteries Local Law to insert clause 8.8;
2. The Shire will not enforce the Local Law contrary to undertaking 1;
3. Ensure all consequential amendments arising from the undertaking will be made;
4. Where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking;
5. Explain the inclusion of clause 5.7.

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## COUNCIL DECISION

**210717**

***Moved Cr White, seconded Cr Barritt***

That Council authorise the CEO to write to the Minister for Local Government and the Department of Local Government, Sport & Cultural Industries to express concern that the process for review of Local Laws by the Joint Standing Committee on Delegated Legislation after Gazettal is onerous financially and administratively on small local governments and should be reviewed, or financial support should be provided to assist.

***CARRIED 5/0***

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<b>10.10</b>	<b>WORKS REPORT FOR JULY 2021</b>
<b>Attachment:</b>	<b>Plant Maintenance Report – July 2021</b>
<b>File Ref:</b>	Nil
<b>Author:</b>	P Vlahov – Manager of Works
<b>Date:</b>	15 July 2021
<b>Disclosure of Interest:</b>	Nil

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### SUMMARY

Council to consider the Manager of Works Report for July 2021.

### BACKGROUND

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

### COMMENT

#### Road Construction Program

- Road construction has been significantly slowed down due to the wet weather. 3000 m3 of gravel has been pushed up in White Road. This gravel will be used for various projects in Round One of the Local Roads and Community Infrastructure Program;
- Some gravel sheeting has been completed on Birt Road;
- Gravel sheeting has commenced on Flat Rocks Road but progress has been inhibited by the wet weather.

#### Plant Replacement

- Staff have commenced compiling and costing items to be considered for the next financial year budget.

#### Maintenance Works

- Extremely wet weather has made it difficult to repair damage to gravel roads;
- Installation of guide posts on various roads;
- Sign repairs and installations;
- Grave digging;
- Various pothole patching. ( Broomehill Kojonup Road );
- Ongoing general maintenance as required;
- Many fallen trees have been attended to;
- Many water over road issues have been attended to.

#### Occupational Safety and Health

- There have been no incidents to report.

#### Parks and Gardens

- The parks and gardens team has been engaged in general maintenance. This has included mowing, weeding, spraying and pruning;
- Work has commenced on the installation of two new small gardens and everlastings seeds have been planted at various locations;
- The CBH dams are full, the Broomehill town dam is full and water from this dam is being transferred to the Broomehill Complex dam;
- The Jam Creek Road dams are at 80 % capacity;
- All pumping systems are working;
- All powerline pruning has been completed in Broomehill;

- Burn the green waste stockpiles at the waste facilities.

#### RAV Requests Update

- All requests have been finalised.

#### Depot Maintenance

##### Tambellup Depot

- Nothing to report.

##### Broomehill Depot

- Nothing to report.

#### Ranger Report

- Patrols of Broomehill and Tambellup town sites;
- Patrols of bush reserves;
- Follow up report of stock on the road;
- Investigate possible stock theft.

#### Building Maintenance Report

- Ongoing works request forms and general maintenance completed;
- Replaced hot water system at Tambellup Museum;
- Taps in shower at unit 5 sandalwood villas replaced;
- Gutter repaired at Broomehill Hall;
- Gutter to be repaired at info bay in Broomehill ;
- Roof leak repaired at Tambellup Pavilion;
- Quotes coming in for Broomehill Pavilion upgrades;
- Air-conditioner repaired at unit 2 Sandalwood Villas ;
- Termite inspections returned and responding to suggested actions;
- East Tce house put on the market.
- Norrish street toilet block painted and finished with anti-graffiti paint
- Continue completion of Broomehill houses
- Unblock drain in Diprose park
- Service air con in unit sandalwood villas
- Install air con in 17 Taylor street
- Inspections of Holland court ILU houses

For Council discussion and comment.

#### CONSULTATION

Nil

#### STATUTORY ENVIRONMENT

*Local Government Act 1995*

#### POLICY IMPLICATIONS

Nil

#### STRATEGIC IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION

**210718**

***Moved Cr Penny, seconded Cr Barritt***

***That Council receives the report from the Manager of Works for the month of July 2021.***

***CARRIED 5/0***



**11. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**PROCEDURAL MOTION**

**Motion to close the meeting to the public and proceed behind closed doors.**

***Motion 210719***

***Moved Cr Letter, seconded Cr Barritt***

***That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed 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 —***

***(ii) information that has a commercial value to a person;***

***CARRIED 5/0***

<b>11.01</b>	<b>CONFIDENTIAL: RESCISON OF AWARDING OF TENDER - LOT 19 TAYLOR STREET, TAMBELLUP</b>
<b>Attachment:</b>	<b>Concept Plan</b>
<b>File Ref:</b>	A255
<b>Author:</b>	KB Williams – Chief Executive Officer
<b>Date:</b>	22 July 2020
<b>Disclosure of Interest:</b>	Nil

## COUNCIL DECISION

### **Motion 210720**

**Moved Cr Letter, seconded Cr White**

**That Council;**

**1. Rescind Council Resolution 200222 to award Tender BHT 02/2019 to Manj Sing Pty Ltd awarded at the February 2020 meeting of Council as follows:**

- 1. Authorise the CEO to award Tender BHT 02/2019 to Manj Singh Pty Ltd for the purchase of Lot 19 on Deposited Plan 223135, number 19 Taylor Street, Tambellup.**
- 2. Authorise the CEO to liaise with the successful tenderer to achieve a price of \$50,000 as the purchase price of Lot 19 on Deposited Plan 223135, number 19 Taylor Street, Tambellup;**
- 3. In the event that agreement on purchase price cannot be agreed, authorise the CEO to negotiate a purchase price between the tenderers offer of \$40,000 and \$50,000.**
- 4. Authorise the CEO to liaise with the successful tenderer to achieve desirable design outcomes, including:**
  - **Separating tent sites from caravan sites to reduce potential conflict;**
  - **Redesigned circulation to reduce turning areas;**
  - **The caretakers dwelling to include separate dedicated parking;**
  - **Screening to existing residential dwellings;**
  - **Removal of existing water tank;**
  - **Compliance with the provisions of the Caravan and Camping Ground Regulations 1997;**
  - **The laneway between the Tambellup store and Lot 19 is required to be excised from Lot 19;**
- 5. Authorises the CEO, in accordance with section 9.49A(4) of the Local Government Act 1995, to execute the contract of sale for Tender BHT RFT 06/2019 to Manj Singh Pty Ltd, in accordance with the terms and conditions specified in the tender documentation once the above matters are addressed;**

**2. Advise the successful tenderer of the decision to rescind Resolution 20022.**

**CARRIED 5/0**

## **PROCEDURAL MOTION**

### ***Motion 210721***

***Moved Cr Penny, seconded Cr Barritt***

***That Council re-opens the meeting to members of the public.***

***CARRIED 5/0***

### **12. APPLICATIONS FOR LEAVE OF ABSENCE**

**Nil**

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

**Nil**

### **14. QUESTIONS FROM MEMBERS WITHOUT NOTICE**

**Nil**

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

**Nil**

### **16. CLOSURE**

There being no further business, the President thanked Councillor and staff and declared the meeting closed at 6.40pm.