



# Special Meeting of Council

## MINUTES

26 October 2017

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## SHIRE OF BROOMEHILL - TAMBELLUP

### Minutes of the Special Meeting of Council of the Shire of Broomehill-Tambellup held in the Tambellup Council Chambers on Thursday 26 October 2017 commencing at 5.00pm

#### 1. ATTENDANCE AND APOLOGIES

<b>Present:</b>	Cr GM Sheridan	President
	Cr SJF Thompson	Deputy President
	Cr ME White	
	Cr MC Paganoni	
	Cr MC Nazzari	
	Cr KJ Holzknacht	
	Cr CJ Letter	
	KB Williams	Chief Executive Officer
	JA Stewart	Manager Corporate Services
	GC Brigg	Works Manager
	LK Cristinelli	Executive Assistant
	K Schlueter	JP
	C Brown	

**Apologies:** Nil

**Leave of Absence:** Nil

The Chief Executive Officer took the chair and declared the meeting open at 5.00pm.

**2. SWEARING IN OF COUNCILLORS**


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<b>Program:</b>	<b>Governance</b>
<b>Attachment:</b>	<b>Copy of Declaration by Elected Member of Council</b>
<b>File Ref:</b>	<b>ADM0109</b>
<b>Author:</b>	<b>KB Williams</b> <b>Chief Executive Officer</b>
<b>Date:</b>	<b>23 October 2017</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

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**Summary:** All newly elected Councillors must be sworn in.

**Background:** Section 2.29 of the Local Government Act 1995 requires that all Councillors have to make a declaration stating that they will undertake the duties of Councillors fairly and honestly before they can act in the office. Councillors must also agree to observe the *Local Government (Rules of Conduct) Regulations 2007*.

**Comment:** A copy of the declaration is included for Councillors information. A copy of the Rules of Conduct Regulations has previously been provided to each Councillor.

**Consultation:** Nil

**Statutory Environment:** *Local Government Act 1995 sec 2.29*

**Policy Implications:** Nil

**Strategic Implications:** This issue is not dealt with in the Plan.

**Asset Management Implications:** This issue has no asset management implications for Council

**Financial Implications:** This issue has no financial implications for Council

**Workforce Plan Implications:** There are no workforce plan implications

**Voting Requirements:** Simple Majority

Officer  
Recommendation:

**Council Decision:** *Councillors Paganoni, Nazzari, Holzknicht and Letter read aloud the Declaration of Elected Member of Council before Kenneth Schlueter JP.*

**Reason For Change to Recommendation:**

**3. ELECTION OF PRESIDENT**


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<b>Program:</b>	<b>Governance</b>
<b>Attachment:</b>	<b>Copy of Nomination form for the position of President</b>
<b>File Ref:</b>	<b>ADM0109</b>
<b>Author:</b>	<b>KB Williams                      Chief Executive Officer</b>
<b>Date:</b>	<b>23 October 2017</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

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**Summary:** Members are required to elect a President from amongst themselves.

**Background:** Schedule 2.3 of the *Local Government Act 1995* sets out the process for the election of President of the Council:

- The office is to be the first matter to be dealt with;
- The CEO is to preside until the office is filled and conduct the election;
- The Councillors elect the President;
- Nominations for the position are to be in writing and given to the CEO;
- If a Councillor is nominated by another Councillor, the CEO cannot accept the nomination unless the nominee has advised the CEO that they are willing to be nominated. This advice can be given in writing or orally;
- If there is more than one nomination, voting is by secret ballot;
- Under the current legislation, the count for such elections is to be conducted in accordance with Schedule 4.1 of the *Local Government Act 1995* (first past the post method);
- If there is a tied vote at the first ballot, the count is to be discontinued and the meeting is to be adjourned for not more than seven days. Any nomination for the office may be withdrawn and further nominations may be made, before or when the meeting resumes. When the meeting resumes, the Councillors are to vote again;
- If, when votes are cast a second time, there is an equality of votes between two candidates who are the only candidates in, or remaining in the count, lots are to be drawn to determine who is elected. The candidate whose name is drawn out is elected.

**Comment:** Nil

**Consultation:** Nil

**Statutory Environment:** *Local Government Act 1995 Schedules 2.3 & 4.1*

**Policy Implications:** Nil

**Strategic Implications:** This issue is not dealt with in the Plan.

**Asset Management**

**Implications:** This issue has no asset management implications for Council

**Financial**

**Implications:** This issue has no financial implications for Council

**Workforce Plan**

**Implications:** There are no workforce plan implications

**Voting Results:**

*The Chief Executive Officer stated that one nomination had been received for the position of Shire President.*

*Cr Sheridan nominated Cr Thompson, who accepted the nomination.*

*There being no further nominations, the Chief Executive Officer declared Cr Thompson elected to the position of Shire President.*

*Cr Thompson read aloud the Declaration by Elected Member of Council before Kenneth Schlueter JP.*

*Cr Thompson took the chair.*

**4. ELECTION OF DEPUTY PRESIDENT**


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<b>Program:</b>	<b>Governance</b>
<b>Attachment:</b>	<b>Copy of nomination form for the position of Deputy President</b>
<b>File Ref:</b>	<b>ADM0109</b>
<b>Author:</b>	<b>KB Williams                      Chief Executive Officer</b>
<b>Date:</b>	<b>23 October 2017</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

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**Summary:** Members are required to elect a Deputy President from amongst themselves.

**Background:** Schedule 2.3 of the *Local Government Act 1995* sets out the process for the election of Deputy President of the Council:

- The office is to be the second matter to be dealt with;
- The President or CEO is to preside until the office is filled and conduct the election;
- The Councillors elect the Deputy President;
- Nominations for the position are to be in writing and given to the CEO;
- If a Councillor is nominated by another Councillor, the CEO cannot accept the nomination unless the nominee has advised the CEO that they are willing to be nominated. This advice can be given in writing or orally;
- If there is more than one nomination, voting is by secret ballot;
- Under the current legislation, the count for such elections is to be conducted in accordance with Schedule 4.1 of the *Local Government Act 1995* (first past the post method);
- If there is a tied vote at the first ballot, the count is to be discontinued and the meeting is to be adjourned for not more than seven days. Any nomination for the office may be withdrawn and further nominations may be made, before or when the meeting resumes. When the meeting resumes, the Councillors are to vote again;
- If, when votes are cast a second time, there is an equality of votes between two candidates who are the only candidates in, or remaining in the count, lots are to be drawn to determine who is elected. The candidate whose name is drawn out is elected.

**Comment:** Nil

**Consultation:** Nil

**Statutory Environment:** *Local Government Act 1995 Schedule 2.3 and 4.1*

**Policy Implications:** Nil

**Strategic Implications:** This issue is not dealt with in the Plan.

**Asset Management**

**Implications:** This issue has no asset management implications for Council

**Financial**

**Implications:** This issue has no financial implications for Council

**Workforce Plan**

**Implications:** There are no workforce plan implications

**Voting Results:**

*The Chief Executive Officer stated that there had been one nomination received for the position of Deputy Shire President.*

*Cr Thompson nominated Cr Paganoni, who accepted the nomination.*

*There being no further nominations, Cr Thompson declared Cr Paganoni elected to the position of Deputy Shire President.*

*Cr Paganoni read aloud the Declaration by Elected Member of Council before Kenneth Schlueter JP.*

Chief Executive Officer Keith Williams thanked Kenneth Schlueter for his assistance in swearing in the Councillors and the positions of President and Deputy President and also thanked Elizabeth and Amy Schlueter for all of their efforts in being Returning Officers for the 2017 Local Government Elections.

Kenneth Schlueter congratulated the members on becoming Councillors and to their commitment to the community and wished them every success for the coming years.

Kenneth Schlueter retired from the meeting at 5.14pm  
Colleen Brown retired from the meeting at 5.14pm

## 5. ELECTION OF COMMITTEE MEMBERS

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<b>Program:</b>	<b>Governance</b>	
<b>Attachment:</b>	<b>Nil</b>	
<b>File Ref:</b>	<b>ADM0109</b>	
<b>Author:</b>	<b>KB Williams</b>	<b>Chief Executive Officer</b>
<b>Date:</b>	<b>23 October 2017</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Summary:** Councillors to elect members to its Standing Committees.

**Background:** Section 5.8 of the *Local Government Act 1995* states that Council, by an absolute majority decision, may establish Committees of three or more persons.

Council at present has the following Standing Committees. The Policy Manual lists the terms of reference for the committees as follows:

### Audit Committee

1. Provide guidance and assistance to Council as to the carrying out of the functions of the local government in relation to audits;
2. Develop and recommend to Council an appropriate process for the selection and appointment of a person as the local government's auditor;
3. Develop and recommend to Council –
  - a list of those matters to be audited; and
  - the scope of the audit to be undertaken;
4. Recommend to Council the person or persons to be appointed as auditor;
5. Develop and recommend to Council a written agreement for the appointment of the external auditor. The agreement is to include–
  - the objectives of the audit;
  - the scope of the audit;
  - a plan of the audit;
  - details of the remuneration and expenses to be paid to the auditor; and
  - the method to be used by the local government to communicate with, and supply information to, the auditor;
6. Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;
7. Liaise with the CEO to ensure that the local government does everything in its power to –
  - assist the auditor to conduct the audit and carry out his or her other duties under the *Local Government Act 1995*; and
  - ensure that audits are conducted successfully and expeditiously;
8. Examine the reports of the auditor after receiving a report from the CEO on the matters to –
  - determine if any matters raised require action to be taken by the local government; and
  - ensure that appropriate action is taken in respect of those



- matters;
9. Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time;
  10. Review the scope of the audit plan and program and its effectiveness;
  11. Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the annual financial report is signed;
  12. Address issues brought to the attention of the Committee, including responding to requests from Council, for advice, that are within the parameters of the Committee's Terms of Reference;
  13. Seek information or obtain expert advice through the CEO on matters of concern within the scope of the Committee's Terms of Reference following authorisation from the Council;
  14. Review the annual Compliance Audit Return and report to the Council the results of that review, and
  15. Consider the CEO's biennial reviews of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance, required to be provided to the Committee, and report to Council the results of those reviews.

### **Building, Planning and Economic Services Committee**

The Building, Planning and Economic Services Committee will consist of four members with the quorum to be two members and will investigate and make recommendations, where appropriate on the following:

1. Building control
2. Land suitable for housing development
3. Planning, construction and maintenance of Councils housing and public buildings
4. Aged accommodation, other matters relating to Council owned and controlled buildings
5. Plan, develop and enhance the town, sport and recreation, youth, aged, health, heritage and arts matters towards the community vision
6. Economic Services
7. Town beautification
8. All matters relating to Recreation and Sport
9. Town planning and development
10. Cemeteries
11. Cultural development
12. Protection of heritage
13. Provision of youth services
14. Tourism
15. Health
16. Other community and cultural issues

### **Technical Services Committee**

The Technical Services Committee will consist of a minimum of four members with the quorum to be two members and will plan for the future of Transport services while maintaining a quality standard that takes into account cost effectiveness and revenue raising opportunities.

To investigate and make recommendations, where appropriate on the following:

1. Fire control
2. Animal control
3. Waste management
4. Plant replacement
5. Road construction and maintenance
6. Maintenance and improvements to the Shire Works Depot
7. Private Works
8. Other matters relating to Council plant, works and transport services.

### **Independent Living Seniors Accommodation Committee**

The Committee will consist of five members made up of three elected members and two community members. A quorum for the Committee shall be three members.

To investigate and make recommendations, where appropriate, on the following:

1. Review of the management structure and operating guidelines for the management of existing and future Council owned units within the Shire of Broomehill-Tambellup;
2. Make recommendations to Council on any matters relevant to existing and future Council owned accommodation for independently living seniors within the Shire of Broomehill-Tambellup, that may arise from time to time;
3. Management of the units as per operating guidelines determined by Council;
4. Community membership of the Committee will be reviewed to coincide with the Local Government ordinary election cycle. Nominations for community membership will be advertised with Council making the final selection.

The Committee shall meet as required.

Section 5.10 of the *Local Government Act 1995* states that at any given time each Council member is entitled to be a member of at least one committee. A Councillor can nominate themselves for a committee.

The President can exercise his/her right to be a member of a particular committee.

**Comment:** For Council action

**Consultation:** Nil

**Statutory****Environment:** *Local Government Act 1995 sec 5.8***Policy Implications:** Nil**Strategic****Implications:** This issue is not dealt with in the Plan.**Asset Management****Implications:** This issue has no asset management implications for council**Financial****Implications:** Councillors are paid an annual meeting attendance fees which includes committee meetings.**Workforce Plan****Implications:** There are no workforce plan implications**Voting Requirements:** Absolute Majority if Council wishes to amend the committee structure**Officer****Recommendation:** *“That Council elect members to the four standing committees of Council.”***Council Decision:** *171001**Moved Cr Sheridan, seconded Cr Paganoni**“That Council elect members to the four standing committees of Council.”***CARRIED 7/0****Council Decision:** *171002**Moved Cr Holzknicht,, seconded Cr Sheridan**“That Council elect members to the two Statutory Committees of Council, being the Bushfire Advisory Committee under Section 67 of the Bush Fires Act and the Local Emergency Management Committee under Section 38 of the Emergency Management Act 2005.”***CARRIED 7/0****By Absolute Majority**

**Council Decision:**

**Audit Committee**

The previous Council had determined that membership of the Audit Committee was to be seven (all Councillors). The status quo was retained therefore the Audit Committee comprises the following:

*Cr Thompson*  
*Cr Paganoni*  
*Cr Sheridan*  
*Cr White*  
*Cr Nazzari*  
*Cr Holzknicht*  
*Cr Letter*

**Building, Planning and Economic Services Committee**

*Cr Nazzari nominated herself.*  
*Cr Sheridan nominated himself.*  
*Cr Letter nominated himself.*  
*Cr White nominated himself.*

*All were duly elected*

**Independent Living Seniors Accommodation Committee**

*Cr Nazzari nominated herself.*  
*Cr White nominated himself.*  
*Cr Holzknicht nominated herself*  
*Accepting Liz Reynalds and Aileen Prout's nominations as*  
*Community Representatives*

*All were duly elected.*

**Technical Services Committee**

*Cr Thompson exercised his ex-officio right to sit on this Committee in*  
*accordance with Section 5.10(4) of the Local Government Act 1995.*  
*Cr Paganoni nominated himself.*  
*Cr Sheridan nominated himself.*  
*Cr Letter nominated himself.*  
*Cr Holzknicht nominated herself.*

*All were duly elected*

**Statutory Committees of Council:**

**Bush Fire Advisory Committee**

*Cr Thompson exercised his ex-officio right to sit on this Committee in*  
*accordance with Section 5.10(4) of the Local Government Act 1995.*  
*Cr Letter nominated himself as Proxy.*

**Local Emergency Management Advisory Committee**

*Cr Thompson exercised his ex-officio right to sit on this Committee in*  
*accordance with Section 5.10(4) of the Local Government Act 1995.*  
*Cr Paganoni nominated himself as Proxy.*

**CARRIED 7/0**  
**By Absolute Majority**

**Reason For Change to**

**Recommendation:**

To include the Bushfire Advisory Committee and Local Emergency Management Committee as Statutory Committees of Council as required under their respective Acts.

## 6. ELECTION OF COUNCILLORS TO ADVISORY AND OCCASIONAL COMMITTEES

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<b>Program:</b>	<b>Governance</b>
<b>Attachment:</b>	<b>Nil</b>
<b>File Ref:</b>	<b>ADM0109</b>
<b>Author:</b>	<b>KB Williams</b> <b>Chief Executive Officer</b>
<b>Date:</b>	<b>23 October 2017</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

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**Summary:** Council is required to elect members to Advisory and Occasional Committees.

**Background:** There are a number of Advisory and Occasional Committees that the Council provide one or more delegates to.

Following is the list of committees that Council had delegates and proxies to:

- Great Southern Regional Recreational Advisory Committee
- Great Southern Regional Road Group
- Great Southern Zone of WALGA (2 delegates and 1 proxy)
- Road Wise Committee
- Tambellup Community Resource Centre Management Committee
- Development Assessment Panel
- Broomehill Recreational Complex and Management Committee
- Tambellup Community Pavilion Association Committee
- Southern Link VROC (President and Deputy President)

Following is the list of committees that Council only had a delegate to:

- Nurse Turner / Snowy Wilson Awards Committee
- Tambellup Business Centre Committee
- Hidden Treasures

In the past the delegate to the Great Southern Zone of WALGA has been the presiding member of Council and one other.

**Comment:** For Council action

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Strategic Implications:** This issue is not dealt with in the Plan.

**Asset Management**

**Implications:** This issue has no asset management implications for Council

**Financial**

**Implications:** This issue has no financial implications for Council

**Workforce Plan**

**Implications:** There are no workforce plan implications

**Voting Requirements:** Simple Majority

Officer

**Recommendation:** *“That Council nominates delegates and proxies for the Advisory and Occasional Committees.”*

**Council Decision:** *171003*

*Moved Cr White, seconded Cr Paganoni*

**Great Southern Regional Recreational Advisory Committee**  
*Cr Holzknacht (Delegate) Cr Nazzari (Proxy)*

**Great Southern Regional Road Group**  
*Cr White (Delegate) Cr Paganoni (Proxy)*

**Great Southern Zone WALGA**  
*Cr Thompson and Cr Paganoni (Delegates) Cr Letter (Proxy)*

**Road Wise Committee**  
*Vacant until Committee reconvenes*

**Tambellup Community Resource Centre Management Committee**  
*Cr Nazzari (Delegate) Cr White (Proxy)*

**Development Assessment Panel**  
*Cr Sheridan and Cr Thompson (Delegates)*  
*Cr Paganoni and Cr White (Proxies)*

**Broomehill Recreational Complex & Management Committee**  
*Cr Holzknacht (Delegate) Cr Thompson (Proxy)*

**Tambellup Community Pavilion Association Committee**  
*Cr White (Delegate) Cr Nazzari (Proxy)*

**Southern Link VROC**  
*Cr Thompson and Cr Paganoni (Delegates)*

**Nurse Turner / Snowy Wilson Awards Committee**  
*Cr Nazzari (Delegate)*

**Tambellup Business Centre Committee**  
*Cr Sheridan (Delegate) Cr Nazzari (Proxy)*

**Hidden Treasures –**  
***Cr Holzkecht (Delegate)***

***CARRIED 7/0***

**Reason For Change to  
Recommendation:**

To remove the Bushfire Advisory Committee and the Local Emergency Management Committee from the Advisory and Occasional Committees as they are required under their respective Acts and have been identified as Statutory Committees.



## 7. PROPOSED GRAIN SAMPLING STATION – ALBANY HIGHWAY

<b>Program:</b>	<b>Planning</b>
<b>Attachment:</b>	<b>Nil</b>
<b>File Ref:</b>	<b>ADM0403</b>
<b>Author:</b>	<b>KB Williams                      Chief Executive Officer</b>
<b>Date:</b>	<b>23 October 2017</b>
<b>Disclosure of Interest:</b>	<b>Cr Sheridan declared a Financial Interest in this Item as he uses the facility during harvest season and left the meeting at 6.23pm.</b>

**Summary:** For Council to consider a proposal for a grain sampling station at Tunney on Albany Highway.

**Background:** Historically, a grain sampling station has been installed during the harvest period within a parking bay area on Albany Highway at Tunney, to allow sampling of grain prior to delivery to bulk storage facilities.

The sampling station at Tunney was not operated in 2015 due to road works on Albany Highway preventing access, however, it was operated during the 2016 harvest period.

A request has been received for Council to agree to this facility being implemented this year.

It was understood that the sampling station crossed into a Council Reserve adjacent to the truck parking bay, however, aerial photography shows that the truck bay is not located within or close to the reserve.



**Comment:** Albany Highway is a Main Roads Western Australia (MRWA) responsibility. Council is being requested to consider this matter as a referral agency.

Any approval would be issued by MRWA to Cooperative Bulk Handling (CBH) as the operator of the station, and are valid for a harvest period for a specific year.

Signage, traffic management, repairs, maintenance and management of the site will all be the responsibility of CBH. No impediment is seen to Council confirming that it has no objection.

While the truck bay appears to be outside the Reserve, to ensure that the approval process does not cause any delays it is proposed to write to MRWA and CBH confirming that Council approves the use of the Reserve if required for the sampling station.

It is recommended that approval be granted for 3 years, so this matter does not come back to Council every year.

It is similarly proposed to advise MRWA and CBH that Council has no objection to the use of the Truck Bay for the next three years.

**Consultation:** Will Carrington-Jones  
Main Roads Western Australia

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Strategic Implications:** This issue is not dealt with in the Plan.

**Asset Management Implications:** This issue has no asset management implications for Council

**Financial Implications:** This issue has no financial implications for Council

**Workforce Plan Implications:** There are no workforce plan implications

**Voting Requirements:** Simple Majority

**Council Decision:** 171004

*Moved Cr White, seconded Cr Nazzari*

*“That Council:*

- 1. Approve the use of Reserve 18335 adjacent to Albany Highway at Tunney for a grain sampling station for a period of three (3) years if required.*
- 2. Advise Main Roads Western Australia and Cooperative Bulk Handling that it has no objection to the use of the parking bay on Albany Highway at Tunney for a grain sampling station for a period of three (3) years.”*

**CARRIED 6/0**

**Reason For  
Change to  
Recommendation:**

Cr Sheridan returned to the meeting at 6.25pm.

## **9. CLOSURE**

Chief Executive Officer Keith Williams thanked the retiring Councillors and welcomed the new Councillors.

There being no further business, the President thanked Councillors and Staff and declared the meeting closed at 6.28pm.