



# **SPECIAL MEETING OF COUNCIL**

## **MINUTES**

**29 March 2021**

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**SHIRE OF BROOMEHILL-TAMBELLUP**

**Minutes of the Special Meeting of Council held in the  
Tambellup Council Chambers on Monday 29 March 2021 commencing at 8.35am.**

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

The President Mark Paganoni welcomed Councillors and Staff and declared the meeting open at 8.35am.

**2. ATTENDANCE AND APOLOGIES**

Attendance:	Cr MC Paganoni	President (Chair)
	Cr ME White	Deputy President
	Cr MC Nazzari	
	Cr CJ Letter	
	Cr DT Barritt	
	Cr SH Penny	
	KB Williams	Chief Executive Officer
	P Vlahov	Manager of Works
	KP O’Neill	Manager Finance & Administration
	PA Hull	Strategic Support & Projects Officer
	LK Cristinelli	Executive Assistant

Apologies: Cr KJ Holzknecht

**3. DECLARATION OF INTEREST**

Nil

**4. PUBLIC QUESTION TIME**

Nil

**5. MATTERS FOR DECISION**

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**5.1 AUDIT REPORT FOR THE YEAR ENDING 30 JUNE 2020**

<b>Attachment:</b>	<ul style="list-style-type: none"><li>• Report to Audit Committee</li><li>• Independent Auditors Report</li></ul>
<b>File Ref:</b>	ADM0058
<b>Author:</b>	KP O'Neill – Manager Finance & Administration
<b>Date:</b>	24 March 2021
<b>Disclosure of Interest:</b>	Nil

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**SUMMARY**

Council to consider the Auditors Report for the year ending 30 June 2020.

**BACKGROUND**

In accordance with section 7.12A(3) of the Local Government Act 1995, Council is required to examine the Auditors report for the year ending 30 June 2020 and is to determine if any matters raised by the Auditors require action to be taken.

A copy of the Report to Audit Committee (formerly Management Letter) and Auditors Report is attached. The Annual Financial Report for the year ending 30 June 2020 forms part of the content of the 2019-20 Annual Report, which will be adopted in a separate item.

**COMMENT**

The final audited financial statements were received from the auditor in March and the formal audit exit meeting was held on Tuesday 23 March 2021. In attendance at this meeting (via teleconference) was:

- Ms Kenny Tonich, Director Financial Audit, Office of the Auditor General;
- Mr Russell Harrison, Partner, Lincolns;
- Mr Chris Martain, Auditor, Lincolns;
- Cr Kelly Holzknacht, Chairperson, Audit Committee;
- Mr Keith Williams, CEO;
- Mrs Kay O'Neill, Manager of Finance and Administration.

During this meeting, Mr Harrison discussed the report to the Audit Committee for the year ended 30 June 2020, which included:

- Significant Adverse Trends – The operating surplus ratio has been below the Department of Local Government Sport and Cultural Industries (DLGSI) standard for the past three years.
- Audit Report – The audit report had an unqualified opinion.
- Management Letter Findings – There were no reportable findings in the management letter.
- Corrected Audit Misstatements – There were minor corrected audit misstatements, relating to
  - payment for creditors invoices being incorrectly back-posted into June instead of July affecting cash at bank and outstanding creditors at 30 June;
  - allocation of Great Southern Treasures funding from restricted cash to operating revenue, as there is no binding agreement that the Shire needs to adhere to in relation to these funds;
  - noting that payment for a sundry debtors account was made into the Trust Fund instead of Municipal Fund.

Following the formal audit exit meeting, the Office of the Auditor General released the independent auditors report (included in the Annual Report document).

## CONSULTATION

Chief Executive Officer

Russell Harrison and Chris Martain, Lincolns

Kelly Tonic, Office of the Auditor General

## STATUTORY ENVIRONMENT

*Local Government Act 1995 – Part 6 Financial Management; and*

*Local Government (Financial Management) Regulations 1996*

- Defines the processes and procedures that apply to the recording and reporting of financial matters.

*Local Government Act 1995 – Part 7 Audit; and*

*Local Government (Audit) Regulations 1996*

- Defines the audit of the financial accounts of local governments, including the appointment of auditors and the conduct of audits.

*Local Government Act 1995*

### **7.12A. Duties of local government with respect to audits**

*(2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.*

*(3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to –*

- (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and*
- (b) ensure that appropriate action is taken in respect of those matters.*

## POLICY IMPLICATIONS

There is no policy in relation to this item.

## 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 interests of our residents

Council has determined that measures for this objective include maintaining healthy statutory ratios and receipt of an unqualified audit.

## FINANCIAL IMPLICATIONS

The Auditors Report provides assurance that the financial systems of the Council have been independently reviewed and are functioning reliably.

## VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION

**S210301**

***Moved Cr White, seconded Cr Penny***

***That Council accepts the Auditors Report for the year ending 30 June 2020.***

**CARRIED 6/0**

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<b>5.2</b>	<b>ANNUAL REPORT FOR 2019-2020</b>
<b>Attachment:</b>	Draft Annual Report 2019-2020
<b>File Ref:</b>	ADM0340
<b>Author:</b>	KB Williams – Chief Executive Officer KP O’Neill – Manager Finance & Administration
<b>Date:</b>	26 March 2021
<b>Disclosure of Interest:</b>	Nil

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### SUMMARY

Council to:-

1. Adopt the 2019-2020 Annual Report;
2. Confirm the date for the annual electors meeting.

### BACKGROUND

The Local Government Act 1995 requires that a local government is to prepare an annual report for each financial year. Council must adopt the Annual Report which includes the audit report prior to holding the Annual Electors Meeting.

The 2019-2020 Financial Report has been audited and signed off by the Office of the Auditor General, and Council has dealt with this matter in the previous item.

The *Local Government Act 1995* section 5.53 states that the Annual Report must contain the following:

- A report from the President
- A report from the Chief Executive Officer
- An overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or continue in the next financial year
- The financial report for the financial year
- Such information as may be prescribed in relation to the payments made to employees
- The auditor’s report for the financial year
- A matter on which a report must be made under section 29(2) of the Disability Services Act 1993
- details of entries made under section 5.121 during the financial year in the register of complaints, including —
  - the number of complaints recorded in the register of complaints; and
  - how the recorded complaints were dealt with; and
  - any other details that the regulations may require; and
- Such other information as may be prescribed

### COMMENT

The attached draft of the Annual Report addresses the requirements of the Act and is presented for Council comment and acceptance.

The Local Government Act 1995 requires that a Council is to hold an annual electors meeting within 56 days of accepting the Annual Report and must give 14 days’ notice to the public of the meeting.

Once Council has adopted the Annual Report, the Chief Executive Officer is required to give local public notice of the availability of the report.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Sections 5.53 to 5.55 of the Local Government Act and Administration Regulations 19B and 19CA apply to the Annual Report processes.

***19B. Information about numbers of certain employees to be included (Act s. 5.53(2)(g))***

*For the purposes of section 5.53(2)(g) the annual report of a local government for a financial year is to contain the following information —*

- (a) the number of employees of the local government entitled to an annual salary of \$100 000 or more;*
- (b) the number of those employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000.*

***19CA. Information about modifications to certain plans to be included (Act s. 5.53(2)(i))***

- (1) This regulation has effect for the purposes of section 5.53(2)(i).*
- (2) If a modification is made during a financial year to a local government's strategic community plan, the annual report of the local government for the financial year is to contain information about that modification.*
- (3) If a significant modification is made during a financial year to a local government's corporate business plan, the annual report of the local government for the financial year is to contain information about that significant modification.*

Part 6 - Financial Management of the Local Government Act 1995 and the Financial Management Regulations define the processes and procedures that apply to the recording and reporting of financial matters.

Part 7 – Audit of the Local Government Act 1995 and Audit Regulations deals with audits.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

This issue is not dealt with in the Plan

**FINANCIAL IMPLICATIONS**

This issue has no financial implications for Council



**VOTING REQUIREMENTS**

An Absolute Majority is required for the acceptance of the Annual Report.

Simple majority required to accept the second recommendation.

**COUNCIL DECISION**

**S210302**

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

***That Council, by an Absolute Majority, accepts the Annual Report, including the audited Financial Statement for the year ending 30 June 2020.***

***CARRIED 6/0  
By Absolute Majority***

**COUNCIL DECISION**

**S210303**

***Moved Cr Nazzari, seconded Cr Letter***

***That Council holds the annual general meeting of electors on 15 April 2021 at 6.00pm.***

***CARRIED 6/0***

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<b>5.3</b>	<b>2020/21 ANNUAL BUDGET REVIEW</b>
<b>Attachment:</b>	2020/21 Annual Budget Review document
<b>File Ref:</b>	ADM0163
<b>Author:</b>	KP O'Neill – Manager Finance and Administration
<b>Date:</b>	24 March 2021
<b>Disclosure of Interest:</b>	Nil

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### SUMMARY

Council to consider and adopt the Budget Review as presented in the Statement of Financial Activity for the period 1 July 2020 to 28 February 2021.

### BACKGROUND

The Local Government (Financial Management) Regulations 1996, Regulation 33A requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

The budget has been prepared to include all information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards.

Council adopted a 10% or \$10,000 minimum for the reporting of material variances to be used in the statements of financial activity and the annual budget review.

The purpose of a budget review is to ensure that income and expenditure for the current year is monitored against the adopted budget and where variances have occurred, or are likely to occur, amendments are made to the budget if necessary.

### COMMENT

The 2021/22 Budget Review document incorporating year to date budget variations and forecasts to 30 June 2021 is presented for Council to consider. The budget review has been performed on a line by line basis against the February 2021 monthly financial statements.

Council has previously adopted several amendments relating to inclusion of the 'Local Roads and Community Infrastructure Program' funding for Phase 2, inclusion of bridgeworks and funding for Martinup Road bridge 4250A and reallocation of funds between Black Spot Projects as authorised by Main Roads WA.

Subsequent amendments proposed are considered minor and reactive.

### CONSULTATION

Chief Executive Officer  
Building Maintenance Co-ordinator  
Senior Staff

**STATUTORY ENVIRONMENT*****Local Government Act 1995******Local Government (Financial Management) Regulations 1996 - Regulation 33A -***

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year;*
- (2A) The review of an annual budget for a financial year must –*
  - (a) consider the local governments financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
  - (b) consider the local governments financial position as at the date of the review; and*
  - (c) review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.  
\* Absolute majority required.*
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

**POLICY IMPLICATIONS**

There is no policy applicable to this item.

**STRATEGIC IMPLICATIONS**

The budget is developed having regard for the aspirations contained in Councils *Community Strategic Plan* and *Corporate Business Plan*.

**FINANCIAL IMPLICATIONS**

This document reviews the Councils financial operations for the financial year to date, and provides the opportunity to reallocate funding within the budget if required.

**VOTING REQUIREMENTS**

Absolute Majority required in accordance with Regulation 33A.

**COUNCIL DECISION*****S210304******Moved Cr Nazzari, seconded Cr Penny***

***That Council adopt the 2020/21 Annual Budget Review for the period ended 28 February 2021, and amended the annual budget in accordance with the 2020/21 budget review document as presented.***

***CARRIED 6/0  
By Absolute Majority***

**5.4****SOUTH WEST NATIVE TITLE SETTLEMENT****Attachment:**

- **CONFIDENTIAL: SWNTS Land Base consultation – Land List**
- **SWNTS Land Base Consultation – Land Map**
- **Annexure J: Noongar Land Base Strategy**
- **Extract – Shire of Broomehill-Tambellup Local Planning Strategy 2014**

**File Ref:**

ADM0147

**Author:**

KB Williams – Chief Executive Officer

PA Hull – Strategic Support &amp; Projects Officer

**Date:**

24 March 2021

**Disclosure of Interest:**

Nil

SUMMARY

Council is requested to provide comment to the Department of Planning, Lands & Heritage on a number of land parcels identified in the Tambellup townsite for potential transfer to the Noongar Land Estate as part of the South West Native Title Settlement.

Comment is required by 16 April 2021. If a response is not received, it will be taken that the Shire of Broomehill-Tambellup has no comment on the proposed transfer of the referred land parcels to the Noongar people.

BACKGROUND

The State of Western Australia has committed to allocating up to 320,000 hectares of Crown land to the Noongar People to create the Noongar Land Estate, in accordance with the six registered Indigenous Land Use Agreements (ILUA) for the South West Native Title Settlement (the Settlement). The ILUAs were registered at the National Native Title Tribunal on 17 October 2018 and all necessary legal processes have now been concluded. As a result, conclusive registration of the ILUAs and the commencement of the Settlement will occur in early 2021.

In the immediate future and over the 5 years of Implementation, the Department of Planning, Lands and Heritage will continue work to meet key ILUA obligations in relation to the establishment of the Noongar Land Estate, in accordance with the Noongar Land Base Strategy (Annexure J to the ILUAs). The Noongar Land Base Strategy involves the identification and assessment of land parcels within the boundaries of the Settlement, for potential transfer to the future Noongar Boodja Trust. Part of the assessment process includes the referral of land parcels to relevant agencies (including local government) for comment.

COMMENT

Attached for Council's consideration is a list of land parcels in the Tambellup townsite that have been identified for possible transfer to the Noongar Boodja Trust, along with a map depicting the land in question. Staff have provided comments against each land parcel, including a description of each parcel (to better identify its location), physical characteristics, current zoning, Council-owned infrastructure on site, and future proposals.

DPLH has requested Council's response to the following. Comments are provided alongside each:

<b>DPLH Query</b>	<b>Staff comment to specific matters</b>
Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?	Refer to spreadsheet for recommendation to retain or other.
Does the Shire have any interest in the land?	As noted in spreadsheet

Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.	Reserves Lot 218, 219 Bridge St – location of strategic water supplies (tanks/standpipes) – access is required to be maintained. To secure the tenure of this land it is proposed that the Shire investigate the change of purpose of these Reserves to ‘Shire Works Depot’.
Is the land parcel subject to any mandatory connection to services?	Future development of land parcels may require connection to services however without knowing the nature or extent of development it is difficult to comment.
Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?	Lot 59 Garrity St, Lot 62 Bridge St – noted by staff for potential future development (possible fire station). Timeframe is unknown at this time.
Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?	Lot 306 Greenhills South Rd – adjacent to potential future industrial development site (Tambellup Business Centre), and noted by staff for possible inclusion. Timeframe is unknown at this time.
Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?	<p>The Shire of Broomehill-Tambellup is currently undertaking a Planning Strategy and Planning Scheme review that potentially affects several of the land parcels identified. The Strategy and Scheme review is in it’s infancy, and final detail is to be confirmed.</p> <p>Potentially affected land parcels includes, but may not be limited to, the following:</p> <ul style="list-style-type: none"> <li>• Lot 306 Greenhills Road - possible rural enterprise subdivision</li> <li>• Lot 82 Lovegrove Street - possible rural residential subdivision</li> <li>• Lot 218 Donald Street - possible Industry Zone</li> </ul>
Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).	<p>Many of the parcels identified are low lying and in the vicinity of either the Gordon River, or creeks which run from the east and west to the Gordon River, and as such are subject to levels of inundation.</p> <p>Large parcels of bushland are traversed by informal tracks and strategic firebreaks, with unrestricted access to the general public.</p> <p>No known site contaminations.</p>
Please provide any additional comments on the proposed transfer of this land as part of the Settlement.	Many of the identified parcels are within a declared bushfire prone area and are surrounded by reserves containing native vegetation. Any future development will have to address State Planning Policy 3.7 and the associated Guidelines for Planning in Bushfire

	Prone Areas. It is recommended that a bushfire management plan and / or bushfire attack level assessment be prepared as bushfire requirements may constrain future development.
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Council may wish to make additional comments.

Following consideration of the above and attached, Council is required to provide a response to DPLH by 16 April 2021.

### CONSULTATION

Senior staff

### STATUTORY ENVIRONMENT

Town Planning Scheme No 2 - Tambellup

Planning and Development Act 2005

Shire of Broomehill-Tambellup - Local Planning Strategy

*Draft Local Planning Strategy*

*Draft Local Planning Scheme Number 1 - Broomehill-Tambellup*

### POLICY IMPLICATIONS

Nil

### STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

Key Result Area 1: Our People

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

### FINANCIAL IMPLICATIONS

There are no financial implications applying to this matter.

### VOTING REQUIREMENTS

Simple majority

### COUNCIL DECISION

#### **S210305**

***Moved Cr Nazzari, seconded Cr White***

***That Council provides the following response to the Department of Planning, Lands and Heritage in relation to the potential transfer of land as identified to the future Noongar Boodja Trust:***

PIN	Lot Number	Survey Number	Street Address	Supported?
618694	315	DP168830	11 COUSINS ST, TAMBELLUP	Not supported
618346	148	DP223139	130 ROURKE ST, TAMBELLUP	Not supported
618690	324	DP168830	102 NORRISH ST, TAMBELLUP	Not supported
618689	325	DP168830	104 NORRISH ST, TAMBELLUP	Not supported
618700	318	DP168830	5 COUSINS ST, TAMBELLUP	Not supported

PIN	Lot Number	Survey Number	Street Address	Supported?
618573	62	DP223137	43 GARRITY ST, TAMBELLUP	Not supported
618344	147	DP223139	144 ROURKE ST, TAMBELLUP	Not supported
618696	316	DP168830	9 COUSINS ST, TAMBELLUP	Not supported
618270	151	DP223140	(Off GT STHN HWY, SOUTH OF TOWN)	Supported
618693	314	DP168830	13 COUSINS ST, TAMBELLUP	Not supported
618482	365	DP182304	28 CRAWFORD ST, TAMBELLUP	Not supported
618322	372	DP185886	CNR PAUL VALLEY/ROURKE ST (OPPOSITE GOLF CLUB)	Not Supported
11239344	394	DP40756	CNR GNOWANGERUP-TAMBELLUP RD/HENRY ST	Supported
11239343	393	DP40756	CNR GNOWANGERUP-TAMBELLUP RD/HENRY ST	Not supported
618291	175	DP172358	2 DUNN ST, TAMBELLUP	Not supported
618468			UCL SURROUNDING CEMETERY, GREAT SOUTHERN HWY	Not supported
618474	358	DP182304	18 SAGGERS ST, TAMBELLUP	Not supported
618480	363	DP182304	32 CRAWFORD ST, TAMBELLUP	Not supported
618479	362	DP182304	34 CRAWFORD ST, TAMBELLUP	Not supported
618477	361	DP182304	10 SAGGERS ST, TAMBELLUP	Not supported
11239345	395	DP40756	CNR GNOWANGERUP-TAMBELLUP RD/DUNN ST	Not supported
618342		DP223139	OFF TEMBY ST UNMADE ROAD RESERVE (ROURKE ST)	Not supported
618324	370	DP185391	PAUL VALLEY RD (ADJACENT TO LOT 372)	Not Supported
618304	382	DP172358	2 PARNELL ST, TAMBELLUP	Not supported
618471			OFF SAGGERS ST, ADJOINING 20 SAGGERS ST	Not supported
618699	322	DP168830	12 CRAWFORD ST, TAMBELLUP	Not supported
618484	366	DP182304	26 CRAWFORD ST, TAMBELLUP	Not supported
618566	59	DP223137	10 BRIDGE ST, TAMBELLUP	Not supported
618345	128	DP223139	OFF TEMBY ST UNMADE ROAD RESERVE (ROURKE ST)	Not supported
618513	227	DP224165	26 TAMBELLUP WEST RD, TAMBELLUP	Supported
618487	306	DP181447	ADJACENT TO TAMBELLUP BUSINESS CENTRE LOT, GREENHILLS RD	Not supported
618284	176	DP223140	26 PARKER ST, TAMBELLUP	Not supported
1120019	306	DP181447	BEHIND TAMBELLUP BUSINESS CENTRE LOT, THROUGH TO RIVER	Not supported
11492010	301	DP48585	BUSHLAND TO EAST OF CBH	Not supported
618537	82	DP120037	37 ORIANA ST, TAMBELLUP	Not supported
618340	130	DP223139	OFF TEMBY ST UNMADE ROAD RESERVE (ROURKE ST)	Not supported
618519	232	DP224165	18 TAMBELLUP WEST RD, TAMBELLUP	Supported
618644			LARGE LOT EAST OF RAILWAY LINE TO SOUTHERN TOWN BOUNDARY	Supported
11506730	3000	DP48686	8 CRAWFORD ST, TAMBELLUP	Not supported
618476	360	DP182304	14 SAGGERS ST, TAMBELLUP	Not supported
618502	91	DP223138	44 TAMBELLUP WEST RD, TAMBELLUP	Supported
618485			EAST OF CRAWFORD ST COURT	Not supported
12115659	219	DP403038	RESERVE WEST OFF END OF BRIDGE ST	Not supported
12115657	218	DP403038	17 BRIDGE ST, TAMBELLUP	Not supported

CARRIED 6/0

**6. GENERAL BUSINESS**

Nil

**7. CLOSURE**

There being no further business, the President thanked the staff for their work on the audit, budget review and Native Title Settlement, thanked Councillors for their attendance and closed the meeting at 10.11am.