



Ordinary Meeting of Council

AGENDA

16 June 2022

THIS DOCUMENT IS AVAILABLE IN OTHER FORMATS ON REQUEST
FOR PEOPLE WITH DISABILITY.



SHIRE OF BROOMEHILL-TAMBELLUP

NOTICE OF MEETING

An Ordinary Meeting of the Council of the Shire of Broomehill-Tambellup will be held in the Shire Chambers on 16 June 2022 commencing at 4.30pm.

Rob Stewart
Acting Chief Executive Officer

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Broomehill-Tambellup for any act, omission or statement or intimation occurring during Council or Committee meetings. The Shire of Broomehill-Tambellup disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the Shire of Broomehill-Tambellup during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Broomehill-Tambellup. The Shire of Broomehill-Tambellup warns that anyone who has any application lodged with the Shire of Broomehill-Tambellup must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Broomehill-Tambellup in respect of the application.



Shire of Broomehill–Tambellup

DISCLOSURE OF INTEREST FORM

To: Chief Executive Officer
 Shire of Broomehill-Tambellup
 46-48 Norrish Street
 TAMBELLUP WA 6320

I, **(1)** _____ wish to disclose an interest in the
 Following item to be considered by Council at its meeting to be held on **(2)** _____
 Agenda Item **(3)** _____

The **type** of Interest I wish to declare is **(4)**

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is **(5)** _____

The extent of my interest is **(6)** _____

I understand that the above information will be recorded in the minutes of the meeting and placed in the Disclosure of Financial and Impartiality of Interest Register.

Yours sincerely

Signed

Date

NOTES:

1. Insert your name (print)
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title
4. Tick box to indicate type of interest
5. Describe the nature of your interest
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 & 5.69 of the Act)

DISCLOSURE OF INTERESTS (NOTES FOR YOUR GUIDANCE)

A Member, who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting that will be attended by the Member, must disclose the nature of the interest:

- a) In a written notice given to the Chief Executive Officer before the Meeting or;
- b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- a) Preside at the part of the Meeting, relating to the matter or;
- b) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (NOTES FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a Financial Interest in a matter. These notes will be included in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc.), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
- 4. If in doubt declare.**
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences.

The only exceptions are:

- 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
- 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY DEFINITION:

An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'. A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- a) in a written notice given to the Chief Executive Officer before the Meeting; or
- b) at the Meeting, immediately before the matter is discussed

IMPACT OF AN IMPARTIALITY DISCLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote. With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

CONTENTS

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	1
2.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	1
3.	ATTENDANCE	1
3.1	APOLOGIES	1
3.2	APPROVED LEAVE OF ABSENCE.....	1
3.3	APPLICATION FOR LEAVE OF ABSENCE	1
4.	DISCLOSURE OF INTEREST	1
5.	PUBLIC QUESTION TIME (15 minutes).....	1
5.1	RESPONSE TO MR ADRIAN BILNEY’S QUESTION FROM MAY 2022 MEETING	1
6.	PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS.....	1
7.	ITEMS BROUGHT FORWARD BY DECISION OF COUNCIL	1
8.	CONFIRMATION OF PREVIOUS MEETING MINUTES.....	1
8.1.	ORDINARY MEETING OF COUNCIL HELD 19 MAY 2022	1
9.	REPORTS OF OFFICERS.....	2
9.1	FINANCIAL STATEMENTS FOR MAY 2022.....	2
9.2	CREDITOR ACCOUNTS PAID MAY 2022	4
9.3	CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES	6
9.4	LOT 540 REILLY STREET, BROOMEHILL: REMOVAL OF REFUSE, RUBBISH OR DISUSED MATERIAL	8
9.5	2022-2023 FIRE BREAK ORDER AND INFORMATION BOOKLET	10
9.6	TAMBELLUP COMMUNITY RESOURCE CENTRE INC. - LEASE	12
9.7	SUBDIVISION APPLICATION 162230: LOT 7734 ETNA ROAD, BROOMEHILL WEST	15
9.8	PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING BUILDING: LOT 205 (668) GREENHILLS ROAD NORTH, BROOMEHILL WEST	19
9.9	PROPOSED ALTERATIONS TO EXISTING OUTBUILDING: LOT 531 REILLY STREET, BROOMEHILL VILLAGE.....	23
10.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	26
11.	ELECTED MEMBERS’ MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	26
12.	QUESTIONS FROM MEMBERS WITHOUT NOTICE	26
13.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	26
14.	CLOSURE.....	26

9. REPORTS OF OFFICERS

9.1 FINANCIAL STATEMENTS FOR MAY 2022

Attachment:	Monthly Financial Statement for May 2022
File Ref:	Nil
Author:	KP O'Neill - Manager Finance and Administration
Date:	10 June 2022
Disclosure of Interest:	Nil

SUMMARY

To consider the monthly financial report for the periods ending 31 May 2022.

BACKGROUND

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

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

As part of the 2021/22 budget process, the 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 annual financial report and audit for year end 30 June 2021 is being finalised, and until this is complete additions/disposals to the asset register and allocation of depreciation cannot be processed. This results in material variances reporting in the Statement of Financial Activity.

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

There are no policy implications.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

Key Results Area (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

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Financial Statements for the period ending 31 May 2022 be received.

COUNCIL DECISION

MOTION	Moved	Cr	Seconded	Cr
			CARRIED	/

9.2 CREDITOR ACCOUNTS PAID MAY 2022

Attachment:	List of Payments for May 2022
File Ref:	Nil
Author:	KP O’Neill – Manager Finance and Administration
Date:	10 June 2022
Disclosure of Interest:	Nil

SUMMARY

To consider the list of payments made from the Municipal and Trust Funds during May 2022.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* prescribe that a list of accounts paid under delegated authority by the CEO is to be prepared each month, providing sufficient information to identify the transactions.

The list is to be presented to the Council at the next ordinary meeting after the list is prepared and recorded in the minutes of that meeting.

COMMENT

Summary of payments made for the month:-

	\$
Municipal Fund	483,667.76
Trust Fund	0.00
Credit Cards	1,524.69
TOTAL	485,192.45

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

r13. Lists of accounts

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

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

POLICY IMPLICATIONS

There are no policy implications.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

Key Results Area (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

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That the list of accounts paid during May 2022, consisting of –

- Municipal Fund cheque, Electronic Funds Transfer (EFT) and direct debit payments totalling \$483,667.76;
- Trust Fund cheque payments totalling \$Nil; and
- Credit Card payments totalling \$1,524.69

be endorsed.

COUNCIL DECISION

MOTION	Moved	Cr	Seconded	Cr
			CARRIED	/

9.3 CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

Attachment:	<ul style="list-style-type: none"> • Code of Conduct for Council Members, Committee Members and Candidates Booklet • Behaviour Complaint Form
File Ref:	ADM0165
Author:	HA Richardson, Governance and Executive Assistant
Date:	31 May 2022
Disclosure of Interest:	Nil

SUMMARY

To adopt the Code of Conduct for Council Members, Committee Members and Candidates and revoke the existing Policy 1.5 Code of Conduct for Council Members, Committee Members and Candidates.

BACKGROUND

The *Local Government (Model Code of Conduct) Regulations 2021* (the Model Code of Conduct) took effect from 3 February 2021. The Model Code of Conduct repeals and replaces the *Local Government (Rules of Conduct) Regulations 2007* (the Rules of Conduct Regulations) and also replaces any previous Codes of Conduct formulated by local governments for elected members and committee members, usually in the form of a policy.

All local governments were required to adopt the Model Code of Conduct as their Code of Conduct by 3 May 2021. The Shire of Broomehill-Tambellup adopted this version of the Model Code of Conduct on 20 May 2021.

The intent of the Model Code of Conduct encourages local governments to address behaviour through education rather than sanctions. The Model Code of Conduct replaces the previous statutory requirement for local governments to develop and implement an individual code of conduct for their council members, committee members and employees. In accordance with the *Local Government (Administration) Regulations 1996* Part 4(A), the Chief Executive Officer is responsible for the development of a separate Code of Conduct for Employees.

COMMENT

Code of Conduct

The Shire's Policy 1.5 Code of Conduct for Council Members, Committee Members and Candidates has been reviewed, and is presented for the Council's consideration. No changes have been made to the Policy. However, as it was adopted as a policy, that policy will need to be revoked and replaced with an adopted Code.

Behaviour Complaints Management

The Model Code of Conduct requires that complaints alleging a breach of Division 3 of the Code of Conduct be dealt with by the local government.

The implementation of the Model Code of Conduct requires that a person(s) be appointed to receive complaints of breaches lodged in accordance with Division 3, as well as approve the form for complaints to be lodged.

Policy 1.22 Delegation - Appointment of Authorised Persons and Approval of Complaint Of Breach Form (Code of Conduct for Council Members, Committee Members and Candidates), providing

delegation to the Chief Executive Officer with sub delegation to the Manager Finance and Administration in the event the CEO is not available, or where the complaint relates to the CEO.

Policy 1.27 Code of Conduct Behaviour Complaints Management outlines how a complaint of a breach made in accordance with Division 3 will be managed.

CONSULTATION

Acting CEO

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Model Code of Conduct) Regulations 2021

POLICY IMPLICATIONS

There are no policy implications.

STRATEGIC IMPLICATIONS

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

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

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That:

1. Policy 1.5 Code of Conduct for Council Members, Committee Members and Candidates, be revoked, and
2. The attached Code of Conduct for Council Members, Committee Members and Candidates be adopted as required by Section 5.104 of the Local Government Act 1995.

COUNCIL DECISION

MOTION	Moved	Cr	Seconded	Cr
			CARRIED	/

9.4 LOT 540 REILLY STREET, BROOMEHILL: REMOVAL OF REFUSE, RUBBISH OR DISUSED MATERIAL

Attachment:	Photographs
File Ref:	A4068
Author:	RJ Stewart – Acting Chief Executive Officer
Date:	16 June 2021
Disclosure of Interest:	Nil

SUMMARY

To consider authorising the Acting CEO to cause a notice to be issued to an owner (or occupier) of property requiring that owner (or occupier) to clear the property of rubbish, refuse or disused material in accordance with the Shire of Broomehill-Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2020.

BACKGROUND

A complaint has been received by the Council's administration relating to allegations of disused material being deposited or stored on Lot 540 Reilly Street, Broomehill. The complainant is requesting that the council uses its powers to have the disused material removed.

An inspection of the property has been undertaken by council staff. During that inspection numerous car bodies, caravans and general rubbish were observed.

COMMENT

Photographs are attached to this report showing the disused material. This appears to be in contravention of the Local Law and therefore the council may consider to cause a notice to be issued requiring the material to be cleared.

As a result of complaints being received in the past, attempts have been made to contact the owner without success.

CONSULTATION

No external consultation has been undertaken or legal advice sought. The current action is being taken as a result of a complaint received.

STATUTORY ENVIRONMENT

Local Government Act 1995

Sections 3.32 to 3.36 relate to a local government's powers to enter onto land to perform any function that a local government has under the Act.

Removal of Refuse, Rubbish and Disused Materials Local law 2020

The Local Law includes in the definition of 'refuse, rubbish or disused material' 'any motor vehicle which has been deposited or stored for the purpose of dismantling or breaking up'.

The Local Law provides that a local government may cause a notice to be issued requiring an owner or occupier of property to clear the (subject) property of '...refuse, rubbish or disused material specified in the notice' within a specified time.

Further, a local authority is authorised to enter onto the property to effect the notice if the person on whom the notice is served fails to comply with the notice.

9.5 2022-2023 FIRE BREAK ORDER AND INFORMATION BOOKLET

Attachment:	Draft Fire Break Order 2022-2023
File Ref:	ADM0146
Author:	LA Paskevicius, Finance/Administration Officer
Date:	07 June 2022
Disclosure of Interest:	NIL

SUMMARY

To endorse the 2022-2023 Fire Break Order and Information Booklet.

BACKGROUND

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

The Fire Break Order provides owners and occupiers of land with information on their responsibilities with regard to fire prevention, in accordance with the *Bush Fires Act 1954*. Updated contact details for the Council's Bush Fire Brigades and the Tambellup Volunteer Fire and Emergency Services are included.

COMMENT

There are no major changes in this year's Fire Break Order and Information Booklet. Fire Control Officers and Fire Weather Officers were endorsed at the April 21 2022 Council meeting 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, Section 33

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

1.1.3 Promote and support activities that enhance the community's sense of safety and wellbeing.

ASSET IMPLICATIONS

There are no asset implications for Council.

FINANCIAL IMPLICATIONS

Provision is made in the budget for the printing of the Fire Break Order and Information Booklet.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the 2022-2023 Shire of Broomehill-Tambellup Fire Break Order and Information Booklet as presented, be endorsed.

COUNCIL RESOLUTION

MOTION

Moved Cr

Seconded Cr

CARRIED /

9.6 TAMBELLUP COMMUNITY RESOURCE CENTRE INC. - LEASE

Attachment:	Lease Agreement
File Ref:	CLAF071
Author:	Acting CEO
Date:	7 June 2022
Disclosure of Interest:	NIL

SUMMARY

To consider a new lease between the Tambellup Community Resource Centre Inc. [CRC] and the Shire of Broomehill-Tambellup (the Shire).

BACKGROUND

Previous arrangements between the Shire and the CRC for the use of the building at 34 Norrish Street, Tambellup have been acknowledged through a Memorandum of Understanding (MOU). The most recent MOU was considered by the Council at its meeting held on 21 March 2019. That agreement however was not finalised.

Due to the passage of time it is now considered reasonable to recommend to the Council that a lease be effected between the parties as this is a more usual method of permitting use of council property.

Also at its meeting held on 21 April 2022 the Council approved a Service Agreement with the CRC for Library Services.

COMMENT

A freshly prepared lease is attached.

The lease is a standard plain English document and provides for the usual matters between a lessee and lessor.

It is noted that a list of Lessor's Fixtures and Fittings is still to be finalised.

CONSULTATION

The Acting Chief Executive Officer and the CRC Coordinator have discussed the terms of the lease and the terms of the funding agreement regarding the provision of Library Services, which was adopted on 21 April 2022.

The lease has been considered by the Board of the CRC. Although no Board approval has yet been resolved, the Acting Chief Executive Officer and Board Member Mr Trevor Prout met on 3 June 2022 to discuss the final draft.

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

Section 3.58 of the Act relates to the disposition of property. However, the disposition of property to a body the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature is classified as an exempt disposition. This means there is no need to go out to public auction or tender.

POLICY IMPLICATIONS

Although a Council Policy exists relating to the use of council property, that policy is silent regarding the use of 34 Norrish Street Tambellup by the CRC. Otherwise the Policy Manual is silent.

STRATEGIC IMPLICATIONS

The Council's Strategic Community Plan (2018-2028) provides at KRA One – Our People the following objective:

'Support agencies to enhance locally delivered services for all members of our community'.

By leasing 34 Norrish Street to the CRC, the Council is fulfilling this objective as the CRC provides many services to the community including: Adult Education, Youth Activities, Seniors Activities, photocopying, Desktop publishing, internet, tele-conferencing and library services and provides State Government information.

ASSET IMPLICATIONS

The building at 34 Norrish Street Tambellup, although not warranted to be suitable for the purposes of the CRC, is nevertheless in need of capital maintenance.

Items include: leaking roof, replace rear bullnose veranda, gutter (including box gutter) and gutter supports need replacement and skylight frame needs replacing. The roof is in need of major maintenance and replacement would be a better option. The toilet in the south east corner is not serviceable and needs replacing.

These maintenance issues can be considered 'structural' matters and are the responsibility of the Shire.

FINANCIAL IMPLICATIONS

The matters referred to under Asset Implications should be considered over a five year building maintenance program beginning in 2022/2023 budget consideration. Expenditure is minimal except for the roof, which could be delayed for three to five years.

Also the lease provides for the lessee to pay normal outgoings such as rates, water and electricity as well as minor building maintenance. It will be recommended in the 2022/2023 budget that the funding for the CRC be increased to cover these costs. However, the Council may wish to write off council rates or declare the land non rateable.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

- 1. Authority be granted to the Shire President and the Acting Chief Executive Officer to affix the Common Seal of the Council to the lease between the Shire of Broomehill-Tambellup and the Tambellup Community Resource Centre Inc. for the premises situated at 34 Norrish Street Tambellup.**
- 2. The leased premises be declared non-rateable pursuant to *Section 6.26 (2)(b) of the Local Government Act 1995* while such land continues to be owned by the Shire of Broomehill-Tambellup and leased to the Tambellup Community Resource Centre Inc. for the purposes of a Community Resource Centre and Public Library.**

COUNCIL DECISION

MOTION

Moved Cr

Seconded Cr

CARRIED /

9.7 SUBDIVISION APPLICATION 162230: LOT 7734 ETNA ROAD, BROOMEHILL WEST

Attachment:	Subdivision Plan
File Ref:	S162230/A7792
Author:	Liz Bushby, Town Planning Innovations [TPI]
Date:	8 June 2022
Disclosure of Interest:	Nature of Interest: Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i>

SUMMARY

To consider an application referred to the Shire by the Western Australian Planning Commission (WAPC) for comment and recommendation.

BACKGROUND

Lot 7734 is used for agricultural activities, and is substantially cleared. The existing lot has an approximate area of 65.5 hectares, and contains an existing house.

A location plan is included below for ease of reference.



COMMENT

Description of Application

The application proposes to subdivide Lot 7734 into two lots with respective areas of 62.97 hectares and 2.53 hectares. There is an existing house on the property so the smaller lot is proposed as a ‘homestead lot’.

The proposed subdivision plan is included as **Attachment 1**.

Scheme Requirements

The lots are zoned ‘Farming’ under the Shire of Broomehill Town Planning Scheme No 1 (Scheme 1). Scheme 1 has specific provisions relating to the subdivision of Farming land as summarised in the table below.

Clause 6.6.4 Subdivision	Assessment / Officer Comment
There shall be a general presumption against subdivision in the Farming zone unless:	
a) the lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a rural property as a single unit (unless adjoining land could be similarly subdivided and thereby, by the process of precedent, lead to an undesirable pattern of landuse in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);	Not Applicable.
b) the lots are for farm adjustment and the erection of dwellings is restricted;	Not Applicable. The application is for a homestead lot and not a boundary re-alignment.
c) the lots are for specific uses such as recreation facilities and public utilities;	Not Applicable
d) the lots are required for the establishment of uses ancillary to the rural use of the land	Not Applicable

Notwithstanding the above, it is recognised that:

- The Scheme is outdated and is inconsistent with current state planning policies;
- The Shire has a mandatory obligation to consider state planning policies;
- It is considered practical to support subdivisions where they clearly comply with state planning policy requirements.

Relevant State Planning Policy

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

Clause 6.6 of the policy states:

‘The creation of homestead lots is intended to allow primary producers to continue to occupy their dwelling when they cease to farm, and provide settlement opportunities in areas where land fragmentation is limited and unlikely to increase. Homestead lots are to be created in a manner that

is consistent with the rural character and landscape of a locality. Homestead lots may be facilitated through boundary rationalisation or the creation of a new lot.'

The Policy requirements are summarised below:

Clause 6.6 Homestead Lots	Assessment / Officer Comment
Homestead lots may therefore be created to enable an approved existing house on a rural lot to continue to be occupied provided that:	
a) the land is in the DC 3.4 Homestead lot policy area	Complies. The Shire of Broomehill-Tambellup is covered by the Policy Area.
b) the homestead lot has an area between one and four hectares, or up to 20 hectares to respond to the landform and include features such as existing outbuildings, services or water sources	Complies. The homestead lot has a proposed area of 2.53 hectares.
c) there is an adequate water supply for domestic, land management and fire management purposes	Complies. The existing house has an existing water supply.
d) the dwelling is connected to a reticulated electricity supply or an acceptable alternative is demonstrated	Complies.
e) the homestead lot has access to a constructed public road	Complies.
f) the homestead lot contains an existing residence that can achieve an appropriate buffer from adjoining rural land uses	Complies.
g) a homestead lot has not been excised from the farm in the past	Complies.
h) the balance lot is suitable for the continuation of the rural land use, and generally consistent with prevailing lot sizes, where it can be shown that this is consistent with the current farming practices at the property;	Complies. The balance land can continue to be used for agricultural purposes.
i) the dwelling on a homestead lot must be of a habitable standard and may be required to be certified as habitable by the local government	An inspection has not been conducted, however it is assumed that the existing house is of sound condition.

CONSULTATION

The WAPC has referred the application to Western Power; Water Corporation; Telstra, Department of Health, Department of Primary Industry and Regional Development; Department of Biodiversity, Conservation and Attractions, and the Department of Water and Environmental Regulation for comment.

Comments were requested by 20 May 2022.

STATUTORY ENVIRONMENT

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

The Regulations include ‘Deemed Provisions’ that automatically apply and override parts of Scheme 2.

Schedule 2, clause 67 outlines ‘matters to be considered by Council’ including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

Shire of Broomehill Town Planning Scheme No 1 – Explained in the body of this report.

POLICY IMPLICATIONS

The requirements of WAPC Development Control Policy 3.4 are explained in the body of this report.

STRATEGIC IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

The Shire pays Town Planning Innovations for general planning advice.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Western Australian Planning Commission be advised the Council recommends unconditional approval of the subdivision application (No 162230) seeking to excise a homestead lot from the original Lot 7734 Etna Road, Broomehill West.

COUNCIL DECISION

MOTION	Moved	Cr	Seconded	Cr
			CARRIED	/

9.8 PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING BUILDING: LOT 205 (668) GREENHILLS ROAD NORTH, BROOMEHILL WEST

Attachment:	Site Plans
File Ref:	A750
Author:	Liz Bushby, Town Planning Innovations Pty Ltd (Shire planning consultant)
Date:	9 June 2022
Disclosure of Interest:	Declaration of Interest: Liz Bushby, Town Planning Innovations Nature of Interest: Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i>

SUMMARY

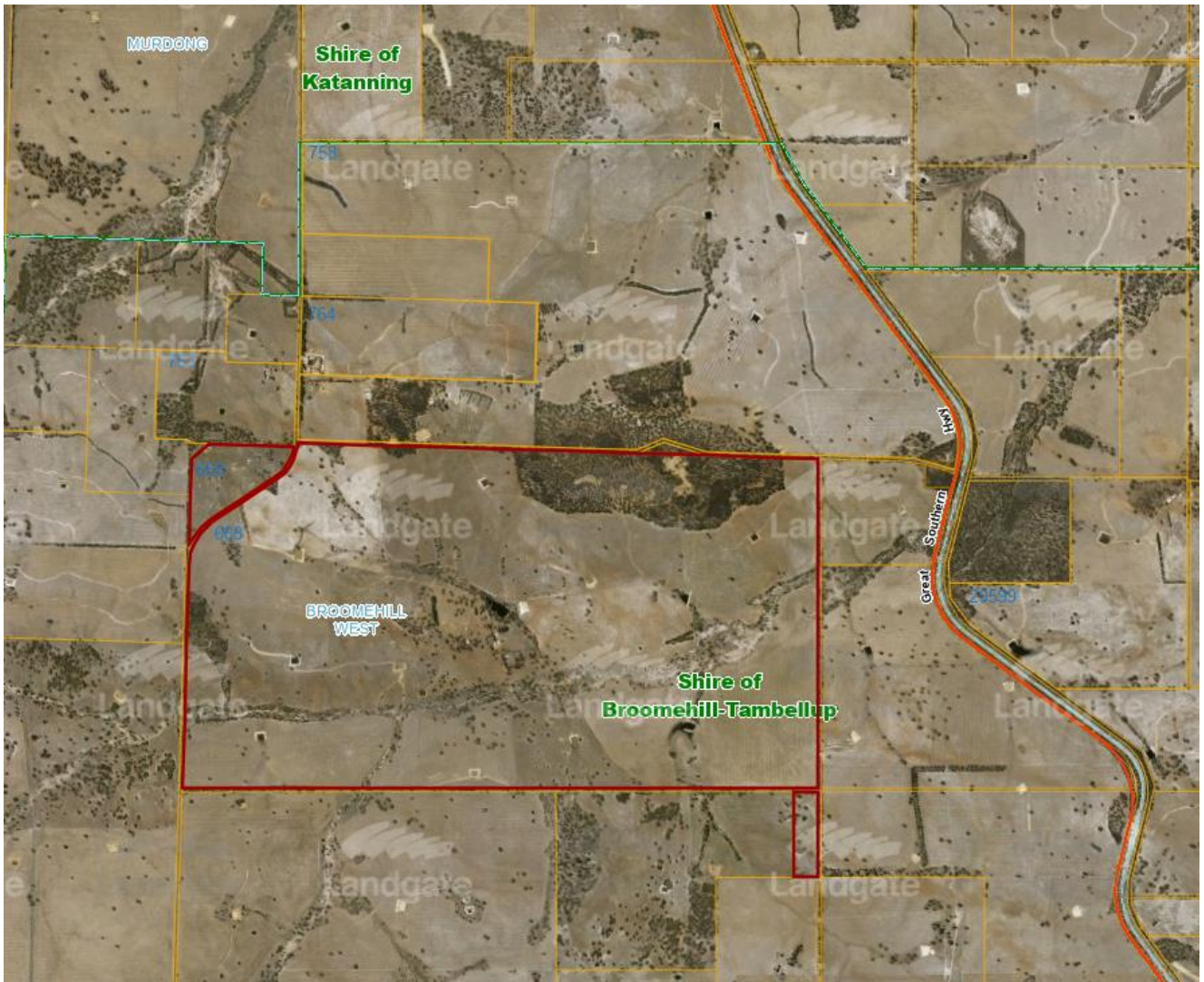
To consider an application for alterations and additions to an existing building on Lot 205 (No 668) Greenhills Road North, Broomehill West. The existing building is proposed to be converted into a single house.

BACKGROUND

Lot 205 contains an existing building. Based on the existing floor plans provided, it appears that the building was originally a hall.



Lot 205 is located to the west of the Great Southern Highway, near the local boundary shared with the Shire of Katanning to the north.



Above: Location Plan

COMMENT

Detailed existing and proposed plans are included as **Attachment 1**. The existing building is located fairly central to the lot and is setback a significant distance from Greenhills Road North and any lot boundary.

The alterations and additions include:

- a) Removal and replacement of some external doors and windows;
- b) Conversion into a dwelling through internal fit out including new bathrooms, laundry, pantry, kitchen and bedrooms;
- c) New mezzanine storage area;
- d) Re-roofing sections in red colorbond to match existing roof pitch and materials; and
- e) New external alfresco area with shade sails.

Apart from the alfresco area, all the alterations are within the existing building footprint. One section of a flat roof is being replaced with a new pitched roof to match the main central section of the existing building.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Shire of Broomehill Town Planning Scheme No 1

The lot is zoned Farming. The proposed development complies with the minimum setback requirements applicable to the Farming zone being 15 metres to the front lot boundary, and 10 metres to any side or rear lot boundary.

The Scheme exempts alterations to a single house from the need for planning approval, except where a lot does not have constructed road access. Unfortunately there is an anomaly in the Scheme as a single house is not listed as a permitted use in the Farming zone under Table 1: Zoning Table, hence lodgement of a planning application has been required.

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

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

Schedule 2, clause 60 of the ‘Deemed Provisions’ requires that a person must not commence or carry out works on, or use, land in the Scheme area unless the person has obtained the development approval of the local government or it is exempt from the requirement for planning.

Under the Regulations there is a list of development that does not require planning approval. There is only an exemption for single houses that comply with the Residential Design Codes, where the Codes apply (i.e. in residential areas).

Schedule 2, clause 67 of the ‘Deemed Provisions’ outlines ‘matters to be considered by Council’ including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

POLICY IMPLICATIONS

Under the ‘Deemed Provisions’ of the *Planning and Development (Local Planning Schemes) Regulations 2015* the Council is to have ‘due regard’ to any state planning policy. This essentially means the Council has an obligation to give proper, genuine and realistic consideration to the requirements of ‘State Planning Policy 3.7: Planning in Bushfire Prone Areas’ (SPP3.7).

The Shire has a mandatory obligation to consider SPP3.7 when making a decision on any application where the lot is within a designated bushfire prone area.

The Western Australian Planning Commission released SPP3.7 and associated Guidelines for Planning in Bushfire Prone Areas (‘the Guidelines’) in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Lot 205 is within the declared bushfire prone area.

Under Clause 5.4 of the Guidelines all planning applications in Bushfire Prone Areas are to be accompanied by a Bushfire Attack Level (BAL) assessment.

A BAL assessment has been prepared by a bushfire consultant, and lodged in support of the application. The BAL assessment examines the location of the existing building (proposed to be converted into a single dwelling), slope, and existing vegetation within 100 metres. The assessment concludes that a BAL of BAL-12.5 is achieved, which is within the acceptable range (between BAL-Low and BAL-29). The higher the BAL, the higher the bushfire risk.

At the separate building permit stage, some higher construction standards may apply to meet the BAL-12.5 requirements.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this report.

FINANCIAL IMPLICATIONS

The Shire pays consultancy fees to TPI for planning advice.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

- 1. The application for alterations and additions to an existing building (hall) to be converted into a single house on Lot 205 (No 688) Greenhills Road North, Broomehill West be approved subject to the following conditions and footnote:
 - i) The plans lodged with this application dated 4 May 2022 (Drawing Numbers A01 to A12) shall form part of this planning approval. All development shall be generally in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.**
 - ii) All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and stormwater tank shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve.****

Footnote:

- a) It is noted that Bushfire Attack Level assessment was submitted as part of the application. Please be advised that certain construction standards may be applied at the separate building permit stage.
- b) Please be advised that a separate application must be lodged seeking Shire approval for any new proposed on site effluent disposal.

9.9 PROPOSED ALTERATIONS TO EXISTING OUTBUILDING: LOT 531 REILLY STREET, BROOMEHILL VILLAGE

Attachment:	Site Plans
File Ref:	A4059
Author:	Liz Bushby, Town Planning Innovations Pty Ltd (Shire planning consultant)
Date:	9 June 2022
Disclosure of Interest:	Declaration of Interest: Liz Bushby, Town Planning Innovations Nature of Interest: Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i>

SUMMARY

To consider an application for alterations to an existing outbuilding on Lot 531 Reilly Street, Broomehill Village. The existing outbuilding is proposed to be converted into a single house.

BACKGROUND

Lot 531 contains an existing outbuilding and water tank. The majority of the lot has been cleared however it contains scattered trees.

The nearest intersection is Reilly Street and Nardlah Road – refer to location plan over page.



Above: Location Plan

COMMENT

Detailed plans are included as **Attachment 1**. The existing outbuilding is located to the rear of the lot and is setback 131 metres from Reilly Road.

The alterations are within the existing building footprint, and are mainly internal to divide the existing floor area into a series of rooms to form a single house. Some minor external works are proposed including the installation of a number of new sliding doors.

Whilst the building has a shed appearance, it is neat and tidy, and is well setback from the street.

CONSULTATION

No consultation has been conducted. The Shire Council has discretion to advertise the proposal for public comment if considered appropriate.

STATUTORY ENVIRONMENT

Shire of Broomehill Town Planning Scheme No 1

The lot is zoned Rural Residential. Under Clause 5.12.5 (b) of the Scheme, all development in a Rural Residential zone requires planning approval, including a single house.

The proposed development complies with the minimum setback requirements applicable to the Rural Residential zone being 15 metres to the front lot boundary, and 10 metres to any side or rear lot boundary.

Clause 5.12.6 provides that the Council may have regard for the following matters:

- a) the colour and texture of external building materials;
- b) building size, height, bulk, roof pitch;
- c) setback and location of the building on its lots;
- d) architectural style and design details of the building;
- e) relationship to surrounding development; and
- f) other characteristics considered by the Council to be relevant.

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

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

Schedule 2, clause 60 of the 'Deemed Provisions' requires that a person must not commence or carry out works on, or use, land in the Scheme area unless the person has obtained the development approval of the local government or it is exempt from the requirement for planning.

Under the Regulations there is a list of development that does not require planning approval. There is only an exemption for single houses that comply with the Residential Design Codes, where the Codes apply (ie in residential areas).

Schedule 2, clause 67 of the 'Deemed Provisions' outlines 'matters to be considered by Council' including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

POLICY IMPLICATIONS

Under the 'Deemed Provision' of the *Planning and Development (Local Planning Schemes) Regulations 2015* the Council is to have 'due regard' to any state planning policy. This essentially means the Council has an obligation to give proper, genuine and realistic consideration to the requirements of 'State Planning Policy 3.7: Planning in Bushfire Prone Areas' (SPP3.7).

The Shire has a mandatory obligation to consider SPP3.7 when making a decision on any application where the lot is within a designated bushfire prone area.

The Western Australian Planning Commission released SPP3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Lot 531 is within the declared bushfire prone area.

Under Clause 5.4 of the Guidelines all planning applications in Bushfire Prone Areas are to be accompanied by a Bushfire Attack Level (BAL) assessment.

A BAL assessment has been prepared by a bushfire consultant, and lodged in support of the application.

The BAL assessment examines the location of the existing building (proposed to be converted into a single dwelling), slope, and existing vegetation within 100 metres.

The assessment concludes that a BAL of BAL-12.5 is achieved, which is within the acceptable range (between BAL-Low and BAL-29). The higher the BAL, the higher the bushfire risk.

At the separate building permit stage, some higher constructions standards may apply to meet the BAL-12.5 requirements.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this report.

FINANCIAL IMPLICATIONS

The Shire pays consultancy fees to Town Planning Innovations (TPI) for planning advice.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

- 1. The application for alterations to an existing outbuilding to be converted into a single house on Lot 531 Reilly Street, Broomehill Village be approved subject to the following conditions and footnotes:**
 - i) The plans lodged with this application dated 24 March 2022 (Drawing Nos A102, A200, and A303) shall form part of this planning approval. All development shall be generally in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.**
 - ii) All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and stormwater tank shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve.**

Footnote:

- a) It is noted that Bushfire Attack Level assessment was submitted as part of the application. Please be advised that certain construction standards may be applied at the separate building permit stage.
- b) Please be advised that a separate application must be lodged seeking Shire approval for any new proposed on site effluent disposal.

- 10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**
- 11. ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 12. QUESTIONS FROM MEMBERS WITHOUT NOTICE**
- 13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
- 14. CLOSURE**