



# Ordinary Meeting of Council

## AGENDA

**17 December 2021**

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FOR PEOPLE WITH DISABILITY.



## **SHIRE OF BROOMEHILL-TAMBELLUP**

### **NOTICE OF MEETING**

**An Ordinary Meeting of Council of the Shire of Broomehill-Tambellup will be held in the Tambellup Council Chambers on 17<sup>th</sup> December 2021 commencing at 3.30pm.**

**KP O'Neill**  
**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



## NOTICE OF MOTION

**SUBMITTED BY COUNCILLOR:** \_\_\_\_\_

**COUNCIL MEETING:** \_\_\_\_\_

I give notice of my intention to move the following motion at the next Ordinary Meeting of the Council pursuant to Clause 3.7 of Standing Orders:

**MOTION:**

**COUNCILLOR COMMENT**

.....

.....

**Councillor**

**Date**

# Shire of Broomehill–Tambellup



## DECLARATION OF INTEREST FORM

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

I, **(1)** \_\_\_\_\_ wish to declare 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)

**DECLARATION 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.

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**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS****2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER****3. ATTENDANCE**

Cr ME White	President
Cr DT Barritt	Vice President
Cr MC Paganoni	
Cr CJ Letter	
Cr CM Dewar	
Cr JL Wills	
KP O'Neill	Acting Chief Executive Officer/MFA
PA Hull	Strategic Support & Projects Officer
HA Richardson	Governance and Executive Assistant

**3.1 APOLOGIES****3.2 APPROVED LEAVE OF ABSENCE**

Cr SH Penny

**4. DECLARATION OF INTEREST****5. PUBLIC QUESTION TIME (15 minutes)****6. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS****7. ITEMS BROUGHT FORWARD BY DECISION OF COUNCIL****8. CONFIRMATION OF PREVIOUS MEETING MINUTES****8.1 ORDINARY MEETING OF COUNCIL MINUTES 18 NOVEMBER 2021*****Recommendation:***

***That the Minutes of the Ordinary Council Meeting held on 18 November 2021 be confirmed as a true and accurate record of the proceedings.***

**COUNCIL RESOLUTION**

Motion	Moved	Cr	Seconded	Cr
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**8.2 SPECIAL MEETING OF COUNCIL MINUTES 15 DECEMBER 2021*****Recommendation:***

***That the Minutes of the Special Meeting of Council held on 15 December 2021 be confirmed as a true and accurate record of the proceedings.***

**COUNCIL RESOLUTION**

Motion	Moved	Cr	Seconded	Cr
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**9. RECEIPT OF COMMITTEE MEETING MINUTES HELD SINCE LAST MEETING**

**10. REPORTS OF OFFICERS**



## 10.1 FINANCIAL STATEMENTS FOR NOVEMBER 2021

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<b>Attachment:</b>	Monthly Financial Statement for November 2021
<b>File Ref:</b>	Nil
<b>Author:</b>	KP O'Neill - Manager Finance and Administration
<b>Date:</b>	13 December 2021
<b>Disclosure of Interest:</b>	Nil

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### SUMMARY

Council to consider the monthly financial report for the period ending 31 November 2021.

### BACKGROUND

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

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

As part of the 2021/22 budget process, Council adopted 10% or \$10,000 as the material variance for reporting purposes for the year.

### COMMENT

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

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

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

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

The 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**

Nil

**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

**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 30 November 2021 be received.*

**COUNCIL RESOLUTION**

Motion

Moved Cr

Seconded Cr

## 10.2 CREDITORS ACCOUNTS PAID NOVEMBER 2021

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<b>Attachment:</b>	List of Payments for November 2021
<b>File Ref:</b>	Nil
<b>Author:</b>	KP O'Neill – Manager Finance and Administration
<b>Date:</b>	13 December 2021
<b>Disclosure of Interest:</b>	Nil

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### SUMMARY

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

### BACKGROUND

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

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

### COMMENT

Summary of payments made for the month:-

	\$
Municipal Fund	551,946.40
Trust Fund	0.00
Credit Cards	1,619.88
<b>TOTAL</b>	<b>553,566.28</b>

### CONSULTATION

Nil

### STATUTORY ENVIRONMENT

*Local Government (Financial Management) Regulations 1996*

#### 13. Lists of accounts

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

### POLICY IMPLICATIONS

Nil

**STRATEGIC IMPLICATIONS**

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

**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 October 2021, consisting of –*

- *Municipal Fund cheque, EFT and direct debit payments totalling \$551,946.40;*
- *Trust Fund cheque payments totalling \$Nil; and*
- *Credit Card payments totalling \$1,619.88*

*be endorsed.*

**COUNCIL RESOLUTION**

Motion

Moved Cr

Seconded Cr

### 10.3 LOCAL GOVERNMENT REFORM – CONSULTATION ON PROPOSED REFORMS - SHIRE OF BROOMEHILL TAMBELLUP RESPONSE

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<b>Attachment:</b>	Local Government Reform – Consultation on Proposed Reforms/Response
<b>File Ref:</b>	ADM0581
<b>Author:</b>	CG Jackson, Chief Executive Officer
<b>Date:</b>	9 December 2021
<b>Disclosure of Interest:</b>	NIL

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#### SUMMARY

The State Government has announced the most significant package of major reforms for WA local government was passed more than 25 years ago.

Since first coming to office in 2017, the McGowan Government has already progressed reforms to improve specific aspects of local government performance. This includes new laws that work to improve transparency, cut red tape, and support jobs growth and economic development - ensuring that local government works for the benefit of local communities.

The proposed reforms have been developed on the basis of findings identified as part of the Local Government Act Review and recommendations of various reports, including the Local Government Review Panel Final Report.

Major changes to the Local Government Act and Regulations will provide for a stronger, more consistent framework for local government across Western Australia. The reform proposals have been designed to deliver significant benefits for residents and ratepayers, small business, industry, elected members and professionals working in the sector.

#### BACKGROUND

Based on the significant volume of research and consultation undertaken over the past five years, the Minister for Local Government has now announced the most significant package of major reforms to local government in Western Australia since the Local Government Act 1995 was passed more than 25 years ago. The package is based on six major themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

A large focus on the new reform is oversight and intervention where there are significant problems arising within a local government. The introduction of new intermediate powers for intervention will increase the number of tools available to more quickly address problems and dysfunction within local governments. The proposed system for early intervention has been developed based on similar legislation in place in other jurisdictions, including Victoria and Queensland.

This will deliver significant benefits for small business, residents and ratepayers, industry, elected members and professionals working in the sector.

**COMMENT**

The Local Government Reform Summary Proposed was announced by the Minister for Local Government on 10 November 2021.

This paper includes advice on the sectors current positions that are covered in the reform proposals together with recommendations on new positions required on matters not previously canvassed. Feedback from Council is requested by 5pm on Wednesday 12 January 2022. A word document is provided to assist Local Governments prepare their comments on the proposals to will be provided to WALGA.

WALGA had given the consultation timeframes, had intend to convene a Special Meeting of State Council to finalise a sector position prior to the 4 February 2022 deadline. Local Governments are encouraged to provide a submission to WALGA and also provide a submission directly to the Department of Local Government, Sport & Cultural Industries.

A further extension of time has now been announced by the Minister as requested by LGAs due to the timing of year.

- Friday 28 January 2022 - Local Governments requested to provide feedback to WALGA by 5pm 28 January 2022
- February 2022 – Zone Meetings to consider a draft sector submission
- Wednesday 23 February at 4pm – WALGA Special Meeting of State Council via video conference to endorse submission
- Friday 25 February - WALGA to present submission to the State Government.

A response as attached has been prepared and it is recommend that if council is happy with the proposed comments to the changes as provided by the executive that it be submitted now with changes as recommended by council if required. Council does not meet again until February 2022. The proposed changes were presented to the November Council Discussion session.

**CONSULTATION**

Senior Staff

Other LGA's in the region.

**STATUTORY ENVIRONMENT**

*Local Government Act 1955*

*Local Government (Audit) Regulations 1996*

*Local Government (Administration) Regulations 1996*

*Local Government (Financial Management) 1996*

*Local Legislation Amendment Act 2019*

**POLICY IMPLICATIONS**

Some of the Local Government Act amendments proposed will require changes and new policies to be adopted.

**STRATEGIC IMPLICATIONS****KRA One – Our People**

Desired-Outcome-To have a cohesive, diverse and inclusive community supported by quality services and facilities. These will be supported by a Council demonstrating effective leadership and good governance.

**KRA Two – Our Economy**

Desired Outcome-To maintain an environment in the towns and rural areas of the Shire that is conducive to tourism, business and population retention and growth.

**KRA Three – Our Places**

Desired Outcome-To have appealing town centres and surrounding rural areas that reflect their unique history and culture, connected by quality transport infrastructure and well managed natural environments

**FINANCIAL IMPLICATIONS**

Future budget considerations to be determined.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION*****That Council***

- 1. Provide the attached feedback to WALGA on the Local Government Reform Consultation process by Friday 28 January 2022.***
- 2. Provide the attached feedback to the Department of Local Government, Sport & Cultural Industries.***

**COUNCIL RESOLUTION**

Motion

Moved Cr

Seconded Cr

## 10.4 PROPOSED AMENDMENT NO 6 TO THE SHIRE OF TAMBELLUP TOWN PLANNING SCHEME NO. 2

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<b>Attachment:</b>	1. Preliminary Concept Plan for future Caravan Park and Camping Ground 2. Scheme Amendment M11ap
<b>File Ref:</b>	ADM0588
<b>Author:</b>	Liz Bushby, Town Planning Innovations and CG Jackson CEO
<b>Date:</b>	9 December 2021
<b>Disclosure of Interest:</b>	Declaration of Interest: Liz Bushby, Town Planning Innovations (TPI) Nature of Interest: Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i>

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### SUMMARY

Council is to consider an amendment to the Shire of Tambellup Town Planning Scheme No 2 (the Scheme) to re-zone Lot 5 (13) Crowden Street, Lot 6 (11) Crowden Street and Lot 19 (19) Taylor Street, Tambellup from 'Special Use' zone to 'Town Centre' zone.

The lots are currently zoned 'Special Use' therefore specific provisions apply under Schedule 2 of the Scheme as follows:

PARTICULARS OF LAND	SPECIAL USE
Lots 3 to 6 inclusive Crowden Street; Lot 19 Taylor Street; and right-off-way off Taylor Street adjacent to Lots 5, 6 and 19; Tambellup	Private club including private recreation

As part of this amendment it is also recommended that the land use definitions for 'camping area' and 'caravan park' be replaced with the correlating land use definitions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015* and / or the *Caravan Parks and Camping Grounds Act 1995*.

### BACKGROUND

#### Previous Land Uses and Existing Development

Lots 5 and 6 Crowden Street are vacant lots. Lot 19 has historically been used as a local bowling club and still contains the old Club building. The bowling club has relocated to a new site.

#### Title Details / Ownership

All of the lots are owned as freehold titles by the Shire of Broomehill-Tambellup. TPI has been advised that the Shire intends to develop the lots as a local caravan park and camping ground venue, with some provision for short stay chalets.



The legal description of the lots is detailed in the table below:

Lot Number	Street Address	Certificate of Title (Volume/ Folio)	Deposited Plan (DP) or Diagram (D) number
5	13 Crowden Street, Tambellup	1732/589	D11579
6	11 Crowden Street, Tambellup	1732/589	D11579
19	19 Taylor Street, Tambellup	1495/637	DP223135

An aerial is included below as a location plan for ease of reference. The combined area of all three lots is 5,946m<sup>2</sup>.

There is a laneway located between Lots 5 to 6, and Lot 19 to the south. It is understood that the laneway provides access to the rear of Lot 4 Crowden Street. The Shires Chief Executive Officer will investigate future options for the laneway.



## Relevant State Planning Documents

There are a number of relevant state planning documents as summarised below.

Document	Summary
Tourism Planning Guidelines June 2014	<p>Indicates a preference for caravan parks to be zoned Special Use however also recognises that in many cases, tourist accommodation has been established on non-tourist zoned land, such as mixed use, rural and town centre zones.</p> <p>This is especially the case where there is no 'tourist' zone in the local planning scheme (which applies in Broomehill Tambellup), there has been a strong demand for tourist accommodation, and/ or tourism is or was the highest and best use of the land.</p> <p>The Guidelines encourage tourism uses in mixed use/town centre zones, as they assist in providing a mix and intensity of development which is attractive to both tourists and residents.</p>
WA Planning Commission Planning Bulletin No 49	<p>Planning Bulletin #49 outlines guidelines for the development of Caravan Parks and is used by Local Government Town Planners and the Western Australian Planning Commission to evaluate development applications for both new and existing caravan parks.</p> <p>The Bulletin states that rezoning of 'Tourist' or 'Special Use - Caravan Park' zoned sites to residential, commercial or alike zones is generally considered inconsistent with the objectives of this bulletin. However, if a rezoning is proposed, it should be justified and assessed in the context of the WAPC's Tourism Planning Guidelines, any relevant local planning strategy and this bulletin.</p>
WAPC Draft Planning for Tourism Guidelines (December 2021) – being advertised until 7 March 2022	<p>The Draft Guidelines state that:</p> <p>'The purpose and design of the caravan park should be justified in relation to its location and context. The purpose for a caravan park may include a stop-over/ transit caravan park, and/or a destination caravan park for tourists. Details of land tenure and lease agreements should inform any high-level planning.</p> <p>The local planning strategy should identify potential future caravan park sites in tourism areas where high occupancy rates occur throughout the year. Once identified, future caravan park sites are encouraged to be retained in public ownership and zoned Caravan Park as freehold land or is at risk of rezoning for other purposes. '</p>

Document	Summary
<p>WAPC Draft Position Statement Planning for Tourism (December 2021) – being advertised until 7 March 2022</p>	<p>The Draft Position Statement recommends that strategic planning for caravan parks should:</p> <ul style="list-style-type: none"> <li>• Ensure development and long term retention of caravan parks as a form of short-stay (affordable) accommodation primarily for leisure tourists.</li> <li>• Recognise that the commercial sustainability of caravan parks requires some flexibility in product mix, site design and risk mitigation approaches.</li> <li>• Ensure any new caravan parks are located appropriately for their context and intended market and function.</li> </ul> <p>The Policy does not encourage rezoning of existing caravan parks.</p>

Whilst current planning documents recommend zoning caravan parks as ‘Special Use’ zones specifically for a caravan park use, they are orientated towards protecting existing caravan parks from redevelopment.

### Local Planning Strategy

The Shire’s Local Planning Strategy recognises that there are a significant amount natural and developed attractions within the Shire, and that two towns have a prime position on the Great Southern Highway and have increased it’s marketing through ‘Hidden Treasures of the Great Southern’.

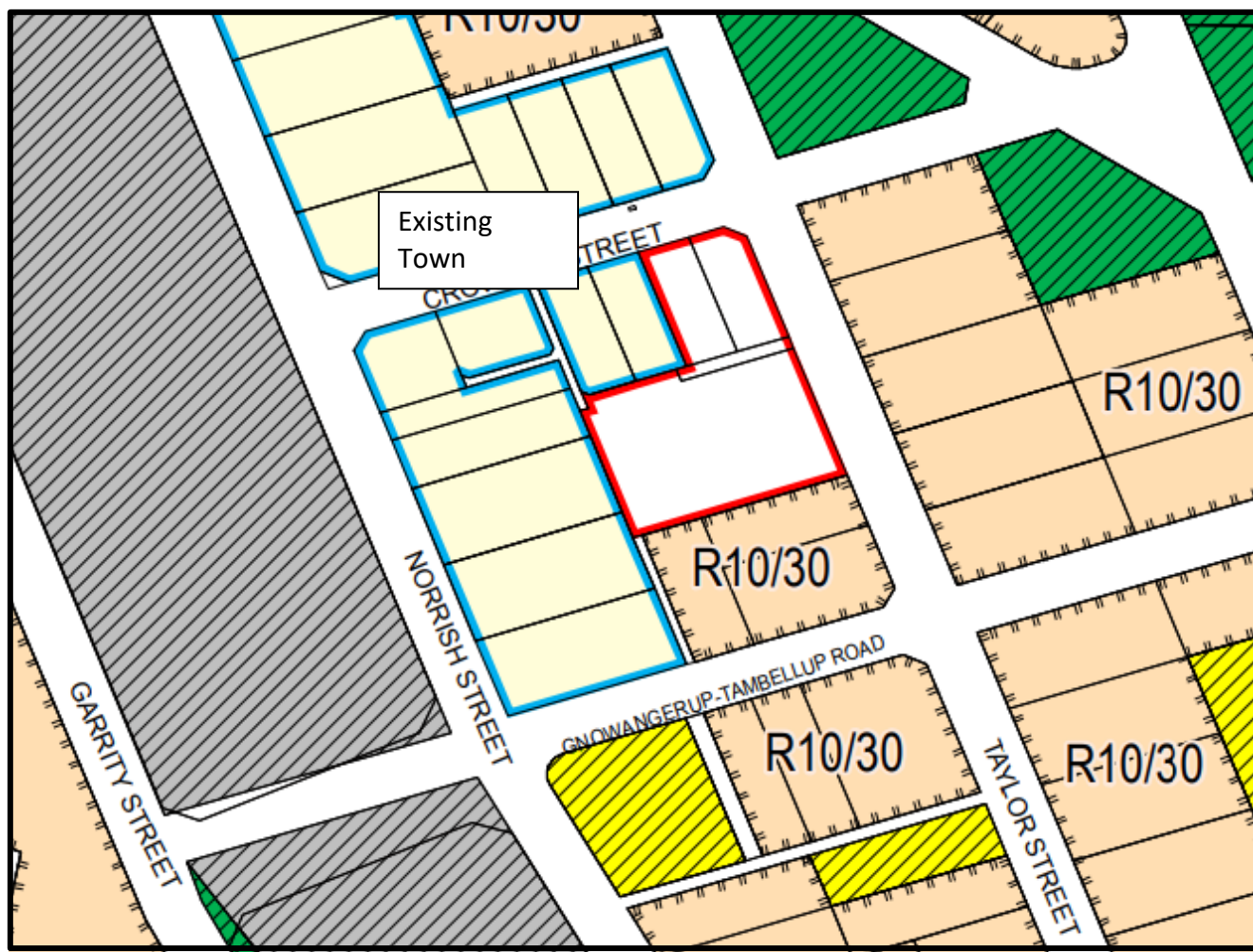
The Strategy also states that *‘the Shire will retain the discretion to approve small scale tourist accommodation activities in other zones’*.

### Rationale for Proposed Zoning

In the case of the subject lots TPI recommends re-zoning to a ‘Town Centre’ zone instead of any form of ‘Special Use’ zone for a caravan park/camping ground as:

1. At this stage the Shire is interested in developing the lots for a caravan parking, camping ground and some chalets. The project is in the early stages therefore any proposed zoning change should maximise flexibility for other forms of future development to also occur.
2. Special Use zones are limited and allow for a list of specific land uses under Schedule 2 of the Scheme. Having regard for ongoing uncertainty over border controls associated with the Covid State of Emergency, it is considered practical to ensure there is built-in flexibility for future development.
3. The Shire Council, as the determining authority for any future development application, will have the ability to consider a wide range of uses in the proposed Town Centre zone, including a caravan park, camping ground and short stay accommodation.
4. There may be future opportunities for redevelopment of the existing bowling club building.
5. As the Shire owns the lots, any future caravan park, if developed, will be afforded a high level of protection.
6. The proposed Town Centre zone is logical as it is a natural extension to the existing Town Centre zone – refer zoning map overpage.





Above: Scheme Map extract

## COMMENT

### Concept Plan

A Concept Plan has been developed for the proposed Tambellup Caravan Park – refer Attachment 1. This plan is purely for planning purposes and a full Masterplan/Design will be prepared as part of the development stage. At this stage it is anticipated that Lots 5 and 6 Crowden Street will continue to provide free overnight and accommodate tent camp sites. Future design work may change this. It is proposed that unpowered sites, powered sites and self-contained short stay accommodation units will be developed on Lot 19. Feasibility and costs of refurbishment of the old Bowling Club will be investigated, and it may have potential to be used for facilities such as ablutions, and a camp kitchen.

### Services and Infrastructure

As the lots are located in Tambellup townsite, they will be able to connect to all existing available services such as power, water and sewer. Development of the lots will maximise use of existing infrastructure.

### Surrounding Caravan Parks

Although there are existing caravan parks in nearby towns, such as at Broomehill, Cranbrook, Frankland River, Katanning and Kojonup, they are often at full capacity during peak seasons. There is also anecdotal evidence of a general shortage of workers accommodation throughout the region which has impacted on caravan park availability for travellers.

The caravan park at nearby Cranbrook is popular, has limited capacity and partially caters for CBH seasonal workers who use the ablutions available at the park site.

There is an opportunity for Tambellup to cater for tourists and travellers, especially while there is a general shortage of accommodation in other nearby towns.

### **Scheme Amendment Map**

As explained in the summary of this report, the lots are proposed to be re-zoned from ‘Special Use’ to ‘Town Centre’. A Scheme Amendment map is included as Attachment 2.

### **Proposed land use definition changes**

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Planning Regulations) contain model provisions for local planning schemes. It is essentially a modern template for new town planning schemes, and it includes model provisions and ‘best practice’ land use definitions.

This amendment provides an opportunity to update the land use definitions for ‘caravan park’ and ‘camping area’ so they align with those in the Planning Regulations, and with the definitions in the *Caravan Parks and Camping Grounds Act 1995*.

The existing and proposed land use definitions are explained below:

Existing land use definition in Scheme No 2	Proposed land use definitions
camping area: means land used for the lodging of persons in tents or other temporary shelter	Camping ground means an area used for a camping ground as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5 (1).
Caravan park: means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps or tent sites allocated for that purpose.	Caravan park means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5(1).

The definitions under the *Caravan Parks and Camping Grounds Act 1995* are :

- camping ground means an area of land on which camps, but not caravans, are situated for habitation but does not include any land prescribed for the purposes of this definition;
- caravan park means an area of land on which caravans, or caravans and camps, are situated for habitation;

TPI has not suggested any major changes to the existing Scheme as it is understood that the Shire is liaising with the Department of Planning, Lands and Heritage on potential for them to assist to ‘merge’ the existing Tambellup and Broomehill Schemes. If that occurs a new format can be pursued in line with the current Planning Regulations.

## **Type of Amendments**

There are three types of amendments under the Planning Regulations, being a Basic Amendment, a Standard Amendment or a Complex Amendment.

Council has to formally resolve which type of amendment applies. TPI recommends that it be construed as a Standard Amendment for the following reasons:

- I. The amendment is consistent with a local planning strategy for the scheme area that has been endorsed by the Commission.
- II. The amendment has minimal impact on land in the scheme area that is not the subject of the amendment.
- III. The amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

## **CONSULTATION**

The amendment will be advertised for 42 days in accordance with the statutory requirements as explained below.

## **STATUTORY ENVIRONMENT**

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

The Regulations outline the process for any Scheme Amendment which is summarised below:

The Regulations outline the process for any Scheme Amendment which is summarised below:

1. Amendment considered by Council for adoption (with or without modifications). Council can refuse to initiate a Scheme Amendment.
2. Any Amendment adopted by Council has to be referred to the Environmental Protection Authority (EPA). The EPA has to determine whether any environmental assessment is required. If the EPA advises that no environmental assessment is required then the amendment can be advertised.
3. Advertising of amendment for a minimum of 42 days. Advertising should include letters to nearby landowners, website advertising, a newspaper notice, letters to relevant government authorities and service authorities, and may include an advertising sign erected on site (if feasible).
4. Any public submissions must be summarised in a table and each submission has to be considered.

After advertising a second report will be referred to Council to consider the public submissions, whether the amendment needs to be modified to address any issues raised in submissions, and whether to adopt the amendment for final approval (with or without modifications).

5. Once reconsidered by Council the amendment is lodged with the Western Australian Planning Commission for referral to the Minister for Planning who makes the final decision on the amendment. The Minister can refuse the amendment, or approve the amendment (with or without modifications).
6. If the amendment is approved by the Minister, the decision has to be published in the Government Gazette.

## **POLICY IMPLICATIONS**

There no known policy implications.

## STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

### KRA Two – Our Economy

Desired Outcome: To maintain an environment in the towns and rural areas of the Shire that is conducive to tourism, business and population retention and growth. – Role of Council Facilitate, Advocate, Actively Pursue, Opportunistic

2.1 Our community provides a unique tourism and visitor experience F/AP

2.1.1 Build and promote the brands of our towns

2.1.2 Support the development of initiatives, events or local experiences aimed at attracting visitors to our community

2.1.3 Develop and support options for short stay visitor accommodation

2.1.4 Promote and support local and regional tourism initiatives.

## FINANCIAL IMPLICATIONS

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

## VOTING REQUIREMENTS

Simple Majority

## OFFICER RECOMMENDATION

*That Council*

**A. In pursuance of Section 75 of the Planning and Development Act 2005, adopt Amendment No 6 to the Shire of Tambellup Town Planning Scheme No 2 (for the purpose of advertising) by:**

**1. Amending 'Schedule 2 – Special Use Zones' by deleting the particulars of the land described as 'Lots 3 to 6 inclusive Crowden Street: Lot 19 Taylor Street; and right-of-way off Taylor Street adjacent to Lots 5, 6 and 19; Tambellup' and deleting the Special Use described as 'Private club including private recreation' as applicable to a right of way, Lot 5 (No 13) Crowden Street, Lot 6 (No 11) Crowden Street and Lot 19 (No 19) Taylor Street, Tambellup.**

**2. Re-zoning Lot 5 (No 13) Crowden Street, Lot 6 (No 11) Crowden Street, Lot 19 (No 19) Taylor Street, Tambellup and the adjacent right-of-way from 'Special Use' zone to 'Town Centre' zone as depicted on the Scheme Amendment Map.**

**3. Deleting the existing definition for 'camping area' and 'caravan park' from 'Schedule 1-Interpretations' and inserting new definitions for 'camping ground' and 'caravan park' in alphabetical order in 'Schedule 1-Interpretations' as follows:**

**'camping ground means an area used for a camping ground as defined in the Caravan Parks and Camping Grounds Act 1995 section 5 (1).**

**caravan park means premises that are a caravan park as defined in the Caravan Parks and Camping Grounds Act 1995 section 5(1).'**

- B. *Resolve that Amendment No 2 is 'standard' under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:***
  - (i) *The amendment is consistent with a local planning strategy for the scheme area that has been endorsed by the Commission.***
  - (ii) *The amendment has minimal impact on land in the scheme area that is not the subject of the amendment.***
  - (iii) *The amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.***
- C. *Authorise the Shire President and Chief Executive Officer to sign 3 hardcopies of the Amendment No 6 documents.***
- D. *Authorise the Shires Planning Consultant, Liz Bushby of Town Planning Innovations Pty Ltd to:***
  - (i) *Refer the amendment to the Environmental Protection Authority on behalf of the Shire to seek confirmation that no environmental assessment is required.***
  - (ii) *Refer the amendment to the Western Australian Planning Commission for information.***
- E. *Note that the amendment will be advertised for 42 days for public comment, following confirmation from the Environmental Protection Authority (EPA) that no environmental assessment is required.***
- F. *Note that a report on the amendment will be referred to a future Council meeting for further consideration after the completion of advertising.***

# **COUNCIL RESOLUTION**

**Motion**

**Moved Cr**

**Seconded Cr**



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

## **PROCEDURAL MOTION**

<b>Motion</b>	<b>Moved</b>	<b>Cr</b>	<b>Seconded</b>	<b>Cr</b>
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***Motion to Proceed Behind Closed Doors:***

***That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:***

***(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting***

***(e) a matter that if disclosed, would reveal —***  
***(ii) information that has a commercial value to a person;***

**11.1 PLANT REPLACEMENT 6-WHEELER TRUCK****CONFIDENTIAL**

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<b>Attachment:</b>	<b>CONFIDENTIAL: Analysis of Quotations received and specifications for new 6-wheeler truck and tipper BHT04/2021</b>
<b>File Ref:</b>	ADM0584
<b>Author:</b>	P Vlahov, Manager of Works
<b>Date:</b>	10 December 2021
<b>Disclosure of Interest:</b>	Nil

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**OFFICER RECOMMENDATION**

*That Council accepts the quote from Albany City Motors (Quote #1 received on 30 November 2021) \$125,309.38 excluding GST for the purchase of one 2021 Isuzu FVZ 260-300 MWB Cab Chassis and Evertrans Two-way Tipping Body.*

**COUNCIL RESOLUTION**

<b>Motion</b>	<b>Moved</b>	<b>Cr</b>	<b>Seconded</b>	<b>Cr</b>
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**PROCEDURAL MOTION**

<b>Motion</b>	<b>Moved</b>	<b>Cr</b>	<b>Seconded</b>	<b>Cr</b>
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*That Council re-opens the meeting to members of the public.*

**12. APPLICATIONS FOR LEAVE OF ABSENCE****13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****14. QUESTIONS FROM MEMBERS WITHOUT NOTICE****15. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING****17. CLOSURE**