



AGENDA

Ordinary Council Meeting

21 March 2024

**SHIRE OF BROOMEHILL-TAMBELLUP
NOTICE OF MEETING**

**An Ordinary Meeting of the Council of the Shire of Broomehill-Tambellup will be held
in the Tambellup Council Chambers 46-48 Norrish Street, Tambellup
on 21 March 2024 commencing at 4.30pm.**



**Karen Callaghan
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.

This document is available in other formats on request for people with disability.



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 Clause 22 of the Shire’s Code of Conduct for Council Members, Committee Members & Candidates.

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.

Strategic Community Plan 2023-2033

'People Power'



TABLE OF CONTENTS

1.	DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS	1
2.	ATTENDANCE	1
3.	DISCLOSURE OF INTEREST	1
4.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1
4.1	TAMBELLUP CARAVAN PARK SIGNAGE	1
4.2	TAMBELLUP DRAIN NEAR HENRY ST	1
4.3	FIRE INSPECTIONS	2
4.4	AVENUE OF FRIENDSHIP – DAMAGED PLAQUES	2
4.5	FALLEN TREE BEHIND THE ZONE (TAMBELLUP YOUTH CENTRE)	2
4.6	TAMBELLUP BOWLING GREEN GARDENS	2
4.7	HENRY STREET GUTTERS	2
5.	PUBLIC QUESTION TIME	2
6.	PRESENTATIONS/PETITIONS/DEPUTATIONS	2
7.	APPLICATION FOR LEAVE OF ABSENCE	2
8.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	2
9.	CONFIRMATION OF MINUTES	3
9.1	ORDINARY COUNCIL MEETING 15 FEBRUARY 2024	3
10.	KEY PILLAR 1: BROOMEHILL-TAMBELLUP POINT OF DIFFERENCE	4
10.1	LOCAL EMERGENCY MANAGEMENT COMMITTEE - MINUTES	4
10.2	LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS 2021 – MINOR REVIEW	6
10.3	LOCAL PLANNING POLICY NO. 3 – HERITAGE PLACES	9
11.	KEY PILLAR 2: BROOMEHILL-TAMBELLUP ECONOMY	12
11.1	PROPOSED AMENDMENT TO THE SHIRE OF BROOMEHILL TOWN PLANNING SCHEME NO. 1 AND SHIRE OF TAMBELLUP TOWN PLANNING SCHEME NO. 2	12
11.2	APPLICATION TO MODIFY CONDITION 9 OF AN EXISTING DEVELOPMENT ASSESSMENT PANEL APPROVAL	23
12.	KEY PILLAR 3: BROOMEHILL-TAMBELLUP LIFESTYLE	28
12.1	TAMBELLUP RAILWAY PRECINCT – TOWNSCAPE	28
12.2	GILLAMII PARTNERSHIP PROPOSAL 2024 - 2027	32
13.	KEY PILLAR 4: BROOMEHILL-TAMBELLUP SHIRE SUPPORT	35
13.1	FINANCIAL STATEMENTS – FEBRUARY 2024	35
13.2	MONTHLY LIST OF PAYMENTS – FEBRUARY 2024	37
13.3	MID-YEAR BUDGET REVIEW	40
14.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	43
15.	ELECTED MEMBERS’ MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	43

16. QUESTIONS FROM MEMBERS WITHOUT NOTICE	43
17. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	43
18. CLOSURE	43

**Agenda for the Ordinary Council Meeting to be held on 21 March 2024
in the Tambellup Council Chambers, 46-48 Norrish Street, Tambellup.**

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Presiding Member, Cr White shall declare the meeting open at ____pm.

2. ATTENDANCE

Councillors

Cr ME White	President
Cr DT Barritt	Deputy President
Cr CM Dewar	
Cr CJ Letter	
Cr SH Penny	
Cr SJ Robinson	
Cr JL Wills	

Staff

KP Callaghan	Chief Executive Officer
KP Squibb	Manager of Finance & Administration
PA Hull	Strategic Support & Projects Officer
TO Korthuis	Governance & Executive Assistant
P Vlahov	Manager of Works

Apologies

3. DISCLOSURE OF INTEREST

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following responses have been provided to Mr Warren Jeater from questions taken on notice from the Ordinary Council Meeting held 15 February 2024:

4.1 Tambellup Caravan Park Signage

The Shire of Broomehill-Tambellup (Shire) will erect signage directing travellers to the Recreational Vehicle 48 Hour Stop while the Tambellup Caravan Park is being developed.

When the newly developed Tambellup Caravan Park is nearing completion, subsequent consideration will be given to the placement of signage.

4.2 Tambellup Drain Near Henry St

The flooding in January 1982, was caused by waters in Jam Creek flooding back into the townsite from the confluence with the Gordon River near the Great Southern Highway. The drain near Henry Street had no impact on this.

A report which also substantiates these findings was sent to Mr Jeater.

4.3 Fire Inspections

The Shire’s procedure regarding non-compliance for overgrown grass is to undertake an initial inspection of the properties by the Fire Control Officer and issue letters of non-compliance to those that haven’t reduced fire hazards. Following a second inspection, properties which have not attempted to undertake fire hazard reduction are issued further correspondence and infringements in accordance with the *Bush Fires Act 1954*.

The Shire’s Fire Break Order, which is distributed annually with rate notices and posted to all residents, outlines the requirements of property owners.

4.4 Avenue of Friendship – Damaged Plaques

The Shire is in the process of replacing the damaged plaques. Mulch around the trees will also be put in place to prevent damage to the trees and plaques in future.

4.5 Fallen Tree Behind the Zone (Tambellup Youth Centre)

The area where the fallen tree is located is not a through road for traffic and is not a pedestrian area however, this is on the Shire’s work plan in 2024 for removal.

4.6 Tambellup Bowling Green Gardens

The Shire’s work plan in 2024 comprises the replacement of the current species with a more appropriate species in the garden which will be undertaken during the cooler months of the year.

4.7 Henry Street Gutters

The Shire’s work plan in 2024 includes the investigation and scheduling of any works which are required to remove weeds and clear the gutters along Henry Street.

5. PUBLIC QUESTION TIME

6. PRESENTATIONS/PETITIONS/DEPUTATIONS

Nil

7. APPLICATION FOR LEAVE OF ABSENCE

8. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

9. CONFIRMATION OF MINUTES

9.1 ORDINARY COUNCIL MEETING 15 FEBRUARY 2024

Recommendation:

That the minutes of the Ordinary Meeting of Council held on 15 February 2024 be confirmed as a true and accurate record of proceedings.

10. KEY PILLAR 1: BROOMEHILL-TAMBELLUP POINT OF DIFFERENCE

10.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE - MINUTES

ATTACHMENT(S)	10.1.1. – Local Emergency Management Committee – Minutes 13 February 2024
FILE NO	ADM0336
APPLICANT	n/a
AUTHOR	Pam Hull, Strategic Support & Projects Officer
DATE	19 February 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
Key Pillar: Broomehill-Tambellup Point of Difference	
2. A United Community 2.1 BT well-being and safety: This is the community and Shire working more boldly to provide advanced wellbeing programs for all ages (such as the Albany Youth Support Association, Strong and Proud, Active Farmers and OFFFFL). This also includes further development of neighbourhood safety programs, facilities and products and a Youth Centre upgrade.	No relevant Corporate initiative

SUMMARY

The purpose of this report is for the Council to receive the minutes from the Local Emergency Management Committee meeting held 13 February 2024.

BACKGROUND

The Local Emergency Management Committee (LEMC) is a statutory committee of the Council, comprised of representation from local government, emergency response and service organisations, local business, and community.

The function of the LEMC is to assist the local government in establishing and maintaining appropriate local emergency management arrangements for the district.

The LEMC meets on a quarterly basis.

COMMENT

The minutes from the meeting of the LEMC held on 13 February 2024 are presented for the Council’s information. Matters discussed at the LEMC meeting that require the Council’s consideration will be presented separately in this agenda.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Emergency Management Act 2005

38. Local emergency management committees

(1) A local government is to establish one or more local emergency management committees for the local government's district.

39. Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established –

(a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and

(b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and

(c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

Activities of the LEMC contribute to ensuring our community is well prepared and able to respond and recover effectively during an emergency situation.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That the minutes of the Local Emergency Management Committee meeting held 13 February 2024 be received.

10.2 LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS 2021 – MINOR REVIEW

ATTACHMENT(S)	10.2.1 – Local Emergency Management Arrangements 2021 – 2024 Minor Review
FILE NO	ADM0246
APPLICANT	n/a
AUTHOR	Pam Hull, Strategic Support & Projects Officer
DATE	19 February 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
Key Pillar: Broomehill-Tambellup Point of Difference	
2. A United Community 2.1 BT well-being and safety: This is the community and Shire working more boldly to provide advanced wellbeing programs for all ages (such as the Albany Youth Support Association, Strong and Proud, Active Farmers and OFFFFL). This also includes further development of neighbourhood safety programs, facilities and products and a Youth Centre upgrade.	No relevant corporate initiative

SUMMARY

The purpose of this report is for the Council to consider the minor review of the Local Emergency Management Arrangements 2021 and endorse if appropriate.

BACKGROUND

The Local Emergency Management Arrangements (LEMA) provide the framework for a suite of plans that will enable the Shire and community to deal with identified emergencies should they arise.

The LEMA is reviewed each five years, with the next review scheduled for 2026. Following a state-wide review of the current structure of the LEMA, the State Emergency Management Committee has endorsed a LEMA Improvement Plan, to be implemented in coming years which is aimed at:

- developing more fit-for-purpose LEMA
- streamlining LEMA processes
- encouraging currency
- supporting Local Governments who lack emergency management resources.

The 2026 review of the Shire’s LEMA will be undertaken in accordance with the outcomes of the LEMA Improvement Plan. In the meantime, a minor (internal) review has been completed to ensure the document is accurate for current use.

COMMENT

Amendments to the document (Attachment 10.2.1) are minor and include updates to the distribution list, contact details for Shire staff, terminology, and public warning system information.

The updated LEMA has been endorsed by the Local Emergency Management Committee at its meeting held on 13 February 2024. It is presented for the Council's consideration and endorsement if appropriate.

CONSULTATION

Local Emergency Management Committee

STATUTORY ENVIRONMENT

Emergency Management Act 2005

41. Emergency management arrangements in local government district

(1) A local government is to ensure that arrangements (local emergency management arrangements) for emergency management in the local government's district are prepared.

(2) The local emergency management arrangements are to set out –

(a) the local government's policies for emergency management; and

(b) the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district; and

(c) provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b); and

(d) a description of emergencies that are likely to occur in the local government district; and

(e) strategies and priorities for emergency management in the local government district; and

(f) other matters about emergency management in the local government district prescribed by the regulations; and

(g) other matters about emergency management in the local government district the local government considers appropriate.

(3) Local emergency management arrangements are to be consistent with the State emergency management policies and State emergency management plans.

(4) Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery coordinator.

(5) A local government is to deliver a copy of its local emergency management arrangements, and any amendment to the arrangements, to the SEMC as soon as is practicable after they are prepared.

42. Reviewing and renewing local emergency management arrangements

(1) A local government is to ensure that its local emergency management arrangements are reviewed in accordance with the procedures established by the SEMC.

(2) Local emergency management arrangements may be amended or replaced whenever the local government considers it appropriate.

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

This item has been evaluated against the Shire’s Risk Assessment and Acceptance Criteria. The level of risk is considered to be “Low” risk and can be managed by existing procedures and with current resources.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That the reviewed Local Emergency Management Arrangements 2021 be endorsed as presented.

10.3 LOCAL PLANNING POLICY NO. 3 – HERITAGE PLACES

ATTACHMENT(S)	10.3.1 - Draft Local Planning Policy No. 3 – Heritage Places
FILE NO	ADM0165
APPLICANT	n/a
AUTHOR	Pam Hull, Strategic Support & Projects Officer
DATE	11 March 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
Key Pillar: Broomehill-Tambellup Point of Difference	
3. An Appreciated Culture 3.2 BT History Appreciation This is community and Shire working with partners to complete the Municipal Inventory Review program and subsequent storytelling, and actioning specific heritage works in the future.	3.2.1 Review Municipal Heritage Inventories from Shires (pre-amalgamation) into one unified Shire BT Heritage List.

SUMMARY

The purpose of this report is to consider the adoption of a draft local planning policy regarding the development of heritage places listed on the Shire of Broomehill-Tambellup Local Heritage List.

BACKGROUND

The *Heritage Act 2018* requires all local government authorities in Western Australia to prepare a survey of places in its district that are, or may become, of cultural heritage significance. A heritage survey was formerly referred to as a Municipal Heritage Inventory under the *Heritage of Western Australia Act 1990*, which preceded the *Heritage Act 2018*.

Local governments are also required to establish a Heritage List under the *Planning and Development (Local Planning Schemes) Regulations 2015*. When the Heritage List is adopted, local governments are required to give due regard to the heritage significance of the listed place when determining development applications.

A draft local planning policy has been developed that will provide guidance for the assessment of proposals for works affecting a place listed on the Shire's Local Heritage List.

COMMENT

The recent review of the Shire of Broomehill and Shire of Tambellup Municipal Heritage Inventories, development of a single consolidated Local Heritage List and subsequent adoption at the December 2023 Ordinary Council Meeting, has provided the opportunity to implement the planning processes required to manage and protect heritage places.

A draft local planning policy was developed by the Shire’s town planning consultant Town Planning Innovations and is attached for the Council’s consideration.

At the December 2023 Ordinary Council Meeting, the draft local planning policy was adopted for the purpose of advertising for community consultation in accordance with the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Due to the timing of the consultation, the draft local planning policy was advertised for public comment for a six week (42 days) period during January and February 2024, rather than the required 21 days. No submissions were received.

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Council must now review the proposed policy and resolve to either:

- proceed with the policy without modification;
- proceed with the policy with modification; or
- not proceed with the policy.

Given no submissions were received it is recommended that the Council adopt the draft local planning policy without modification.

CONSULTATION

The draft local planning policy was advertised through the following channels:

- Published on the Shire’s website under Public Notices on 11 January 2024. The notice is still visible to the public.
- Advertised in the Great Southern Herald on 31 January 2024
- Advertised in the February 2024 edition of the Topics newsletter.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015 – sets out the following requirements for draft local planning policies:

3. *Local planning policies*

(1) *The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.*

(2) *A local planning policy —*

- (a) *may apply generally or in respect of a particular class or classes of matters specified in the policy; and*
- (b) *may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.*

4. *Procedure for making local planning policy*

(1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*

- (a) *publish in accordance with clause 87 the proposed policy and a notice giving details of —*
 - (i) *the subject and nature of the proposed policy; and*
 - (ii) *the objectives of the proposed policy; and*
 - (iii) *how the proposed policy is made available to the public in accordance with clause 87; and*

- (iv) *the manner and form in which submissions may be made; and*
 - (v) *the period for making submissions and the last day of that period;*
 - (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
 - (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
 - (2) *The period for making submissions specified in a notice under subclause (1)(a)(v) must not be less than the period of 21 days after the day on which the notice is first published under subclause (1)(a).*
 - (3) *After the expiry of the period within which submissions may be made, the local government must –*
 - (a) *review the proposed policy in the light of any submissions made; and*
 - (b) *resolve to –*
 - (i) *proceed with the policy without modification; or*
 - (ii) *proceed with the policy with modification; or*
 - (iii) *not to proceed with the policy.*
 - (3A) *The local government must not resolve under subclause (3) to proceed with the policy if –*
 - (a) *the proposed policy amends or replaces a deemed-to-comply provision of the R-Codes; and*
 - (b) *under the R-Codes, the Commission’s approval is required for the policy; and*
 - (c) *the Commission has not approved the policy.*

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

This matter recommends the adoption of a new Council policy.

RISK MANAGEMENT IMPLICATIONS

This item has been evaluated against the Shire’s Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedures and with current resources.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Local Planning Policy No. 3 - Heritage Places, as presented, be adopted.

11. KEY PILLAR 2: BROOMEHILL-TAMBELLUP ECONOMY

11.1 PROPOSED AMENDMENT TO THE SHIRE OF BROOMEHILL TOWN PLANNING SCHEME NO. 1 AND SHIRE OF TAMBELLUP TOWN PLANNING SCHEME NO. 2

ATTACHMENT(S)	11.1.1. – Scheme Amendment Document 11.1.2. – Development Assessment Panel approval dated 8 December 2022 11.1.3 – DWER advice on noise
FILE NO	ADM0663
APPLICANT	GHD on behalf of Enel Green Power Australia
AUTHOR	Liz Bushby, Town Planning Innovations Pty Ltd
DATE	13 March 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
Key Pillar: Broomehill-Tambellup Point of Difference	
No specific community outcomes	No Specific Corporate Initiative

SUMMARY

The Council is to consider an amendment to the Shire of Broomehill Town Planning Scheme No. 1 (TPS 1) and Shire of Tambellup Town Planning Scheme No. 2 (TPS 2) lodged by GHD on behalf of Enel Green Power Australia.

The Amendment proposes to:

- a) Introduce a Special Control Area (SCA) on various lots. Some lots are owned by participating stakeholders whose land is subject to the existing wind farm approval. Some lots are nearby to the Flat Rocks wind farm development.
- b) The Special Control Area is proposed to be superimposed onto the existing scheme maps.
- c) Specific Special Control Area provisions are proposed to be introduced into the TPS 1 and TPS 2 text.
- d) A new land use definition for ‘agriculture-extensive’ is proposed to be introduced into TPS 1.

This report outlines various options available to the Council and recommends that the Council refuse to initiate an amendment to TPS 1 and TPS 2.

The Scheme Amendment document is included as Attachment 11.1.1

BACKGROUND

Existing DAP Approval

The Flat Rocks Wind Farm project commenced in 2010. It was conditionally approved under two separate development approvals, originally allowing for a total of 74 wind turbines. The Shire of Kojonup first approved the western portion of the development (30 turbines) on 23 November 2011 whilst the balance of the wind farm (44 turbines) was approved by the then Great Southern Joint Development Assessment Panel (DAP) on 19 July 2013.

Condition 22 of the original 2013 DAP approval required the operation of the wind farm to comply with specific noise levels at noise sensitive buildings.

Advice Note (i) of the original 2013 DAP approval stated that:

'In regards to Condition 22, the applicant is advised that:

- (i) There is potential for vacant lots adjacent to the proposed wind farm to be further developed with sensitive buildings and residential dwellings.*
- (ii) Legislation in Western Australia requires that the wind farm comply with the Environmental Protection (Noise) Regulations 1997.*
- (iii) The applicant takes the commercial risk that future wind farm operations may need to be altered or modified to continue to comply with Condition 22 and /or the 1997 Regulations (if new dwellings are built on surrounding landholdings).*
- (iv) It is recommended that the applicant prepare and submit acoustic compliance reports by a suitable qualified and independent acoustic engineer to demonstrate compliance with Condition 22 at key stages of development. This would provide compliance assurances to both the local government and surrounding landowners'.*

Since 2013, there have been several amendments made to the DAP approval, the last being in December 2022. The existing development approvals permit up to 35 turbines in the Shire of Broomehill-Tambellup and 9 turbines in the Shire of Kojonup.

A similar advice note to the one quoted above was included in a revised DAP approval in March 2017, and was retained following a revised approval dated the 14 December 2021.

The last DAP approval dated 8 December 2022, also includes:

- a) Condition 29 limits noise levels at dwellings to 35dB(A) (LA90, 10 minutes) or levels that do not exceed background noise by more than 5dB(A).
- b) A clear amended advice note (g) that explains vacant lots may be built on the need to comply with the 1997 Noise Regulations, and the commercial risk taken by the applicant – Attachment 2.

Wind farms are required to continue to comply with the *Environmental Protection (Noise) Regulations 1997* at all times. If a dwelling on an adjacent lot is constructed after a wind farm, the wind farm is still required to comply with the permissible noise limits that apply to that dwelling as a 'sensitive premises'.

The most stringent assigned noise levels are applied within 15 metres of any dwelling, and higher levels apply to other areas of a lot, such as paddocks.

The above has been confirmed by the Department of Water and Environmental Regulation (DWER) – Attachment 11.1.3.

Preliminary Meeting

A meeting was held between representatives from Element WA (Planning Consultants), Belinda Moharich (Solicitor), the Shire’s Chief Executive Officer and the Shire’s Planning Consultant (Liz Bushby, TPI) on the 22 February 2024.

Planners from Element WA outlined the proposal to lodge a scheme amendment for a SCA. TPI advised them that:

- a) They should undertake preliminary community consultation prior to formal lodgement;
- b) It was unlikely that Council would initiate any amendment unless they effectively were able to get the local community on board; and
- c) Consultation should not only be through formal advertising. Once an amendment is initiated, then any final decision rests with the Minister for Planning, and the Shire loses control over the process.

The Chief Executive Officer also advised them that the Shire would like to see the details of the proposed amendment. Element WA indicated that they would come back with a stakeholder consultation plan. They also indicated there would be some opportunity for a workshop with Councillors.

Instead, GHD has proceeded to lodge a formal scheme amendment request and want community consultation to occur through a formal scheme amendment advertising process.

GHD has requested that Council initiate this scheme amendment.

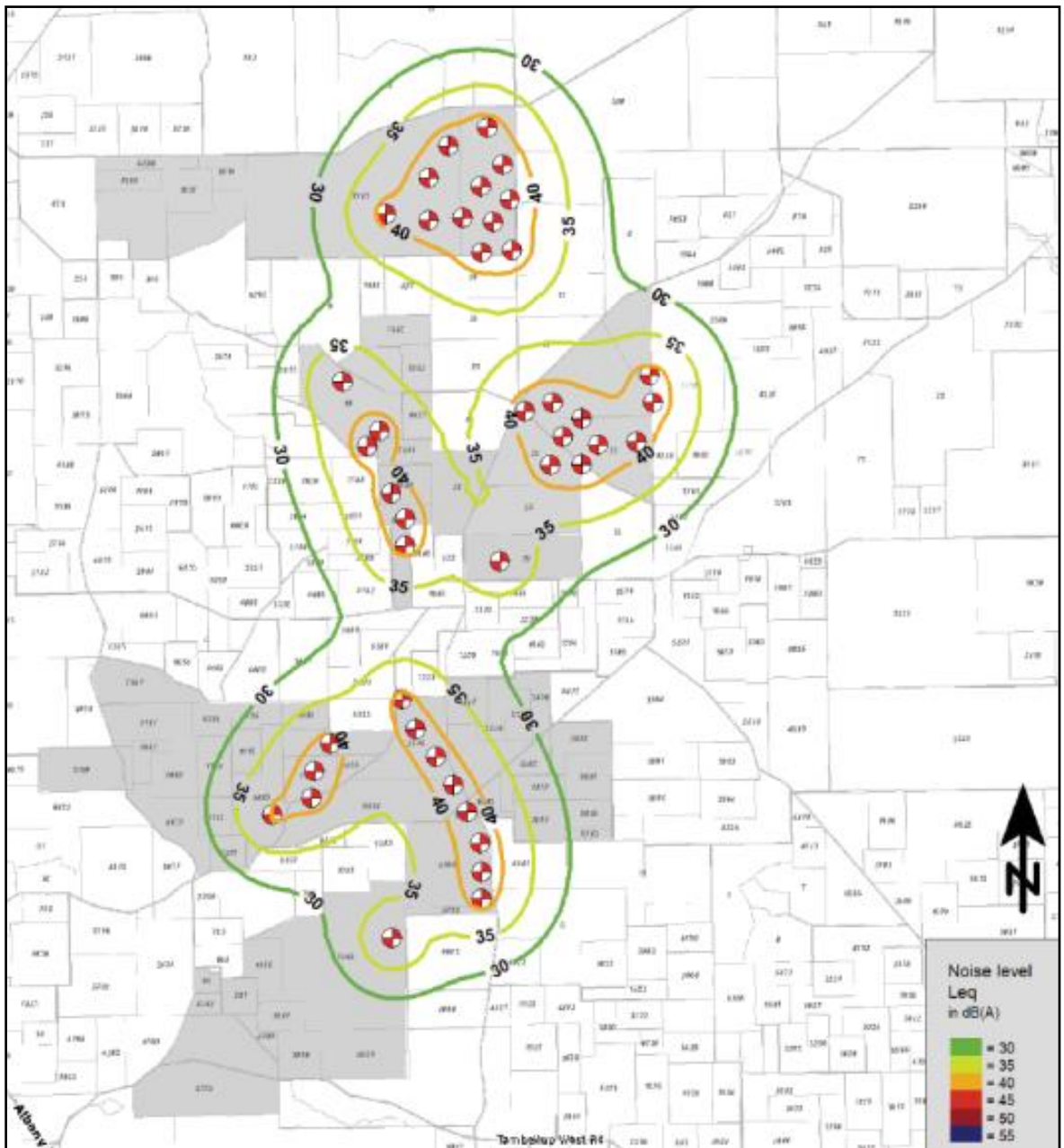
COMMENT

Proposed Scheme Amendment

The Scheme Amendment proposes to introduce a SCA over several lots through changes to TPS 1 and TPS 2.

The scheme amendment report recognises that *‘noise impact mapping suggests some lots within the SCA will be potentially affected by the approved Flat Rocks Wind Farm. Figure 17 Noise Level Contour Mapping – December 2021 Approved Turbine Layout (Herring Storer Acoustics, December 2023) indicates the scope of potential impact’*.

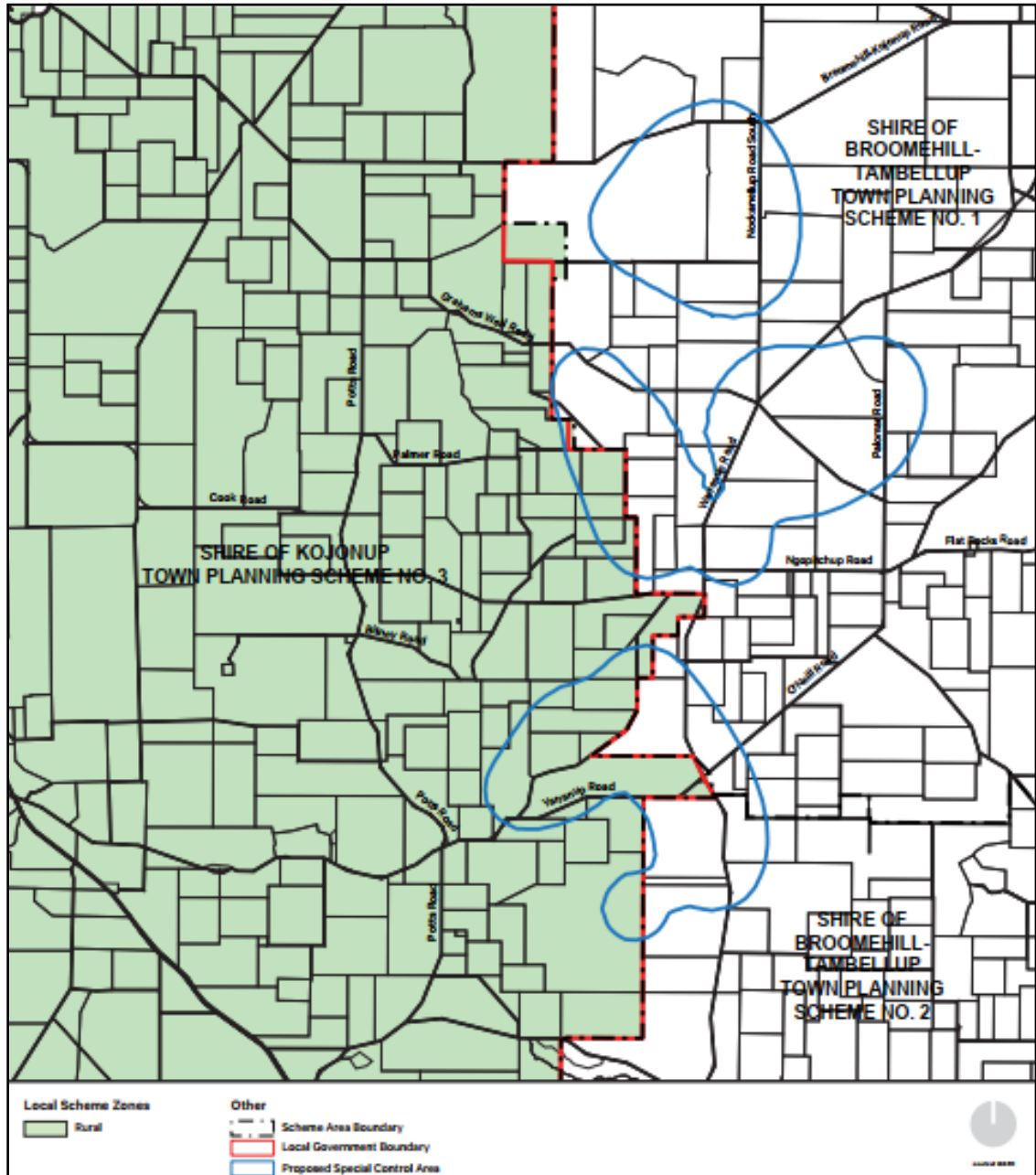
Figure 17 is included over page for ease of reference.



Above: Figure 17 shows participating stakeholder lots in shaded grey. The 35dB(A) noise level is shown as a yellow line.

The SCA would be overlaid on the Scheme maps and be accompanied by new development control provisions in both scheme texts. It would control future development not only for stakeholder landowners involved in the wind farm, but for non- stakeholder landowners who own lots near to the approved wind farm – refer to the map below.

The Special Control Area boundary aligns with the 35dB(A) noise level from Figure 17, so captures all lots where the noise impacts of the wind farm could be considered of issue (by the wind farm operator).



Above: The red line is the boundary between the Shire of Broomehill Tambellup and the Shire of Kojonup. The blue line is the proposed Special Control Area.

A summary of the proposed Special Control Area (SCA) provisions with officer comments are included below:

Summary of amendment provisions for SCA	TPI Comment
<p>Include objectives orientated at maintaining a buffer around the wind farm and protection of the wind farm.</p>	<p>The original applicant acknowledged that the wind farm developer/operator takes a commercial risk by placing turbines close to other lot boundaries, and having noise contours that go beyond the development lots.</p> <p>This was recognised through footnotes on various (and the most current) DAP approval.</p> <p>TPI is of the view that the amendment as proposed is ‘one sided’ and clearly in favour of benefitting the wind farm operator. It doesn’t seek a balance, for example, of recognising that every owner has a right to build a single house on any existing lot.</p> <p>It also doesn’t recognise that the portions of a lot outside of the SCA may not be suitable for development by virtue of distance to roads, physical features, bushfire risk etc</p> <p>The amendment as proposed is not supported at an officer level.</p> <p>During a time where there are a range of complex housing issues such as affordability, increased building costs, collapsed building companies, a lack of workers accommodation, and rising rental costs – this amendment fails to demonstrate that surrounding neighbours will not be unduly penalised by the proposed SCA provisions.</p>
<p>Require approval for all development, including a single house, second dwelling, ancillary dwelling and agricultural sheds. The only exemption proposed is for ‘extensive agriculture’.</p>	<p>At a state government level there has been ongoing planning reforms to ‘cut red tape’ including the latest plan for Shire CEOs to determine development applications for single houses and ancillary development (without referral to Council). Changes to local government decision making on</p>

	<p>single house developments will commence from the 1 July 2024.</p> <p>This amendment seeks to expand on the type and number of developments that will require planning approval. The thrust of the amendment is to protect the wind farm from noise sensitive premises such as dwellings.</p> <p>No justification is provided in the amendment document for requiring almost all development in the SCA to go through a planning application process.</p>
<p>Requires the Shire to refer all new development applications in the SCA to the wind farm operator, owners of land subject of the wind farm and owners/occupiers within 200 metres of the development.</p>	<p>The Shire has an exemption from the WA Planning Commission whereby it is not obligated to refer all applications to landowners within 200 metres of a development site and has flexibility to determine the methods and type of advertising best suited to an application.</p> <p>It is onerous to require all development (except extensive agriculture) to obtain planning approval and be advertised for public comment.</p> <p>The scheme amendment proposes to increase red tape for local landowners, which is contrary to the states objectives to streamline the planning process through current planning reforms, especially for single houses.</p>
<p>The proposed scheme provisions also list matters that the local government must have due regard for when determining applications in the SCA including:</p> <ul style="list-style-type: none"> - The objectives of the SCA (such as a buffer around the wind farm and to support operational efficiency of the wind farm); - Any submission by the wind farm operator; - Any local planning policy - Compatibility of the development; - Whether the proposed development would have a detrimental impact on the optimal operation of the wind farm. 	<p>The amendment is orientated around protection of continued operation of the wind farm.</p> <p>TPI is of the view that the provisions proposed in this amendment are unreasonable and provide too much weight on protection of the wind farm operation versus development opportunities for neighbours.</p> <p>The amendment would place the Shire in a difficult position as it is clear that the wind farm operator wants detailed input into the planning process, and the location of future dwellings, sensitive premises and other development on neighbouring lots.</p>

The proposed scheme provisions for TPS 1 and TPS 2 are on pages 10-11 of the scheme amendment document.

The proponent references a SCA for a wind farm contained in the Shire of Merredin Local Planning Scheme No. 6, gazetted in 2011. The scheme provisions proposed in this amendment go well beyond those that exist in the Merredin Scheme, different circumstances existed for the Merredin wind farm, and the statutory planning landscape and housing market has significantly changed since 2011.

TPI is of the view that the existence of a SCA for a wind farm in the Merredin Scheme is not in itself, justification for this scheme amendment, and the proposed provisions for TPS 1 and TPS 2.

Whilst the amendment does not expressly prohibit a dwelling on any neighbouring lot, it would give the wind farm developer input into the planning process and try to limit the location of dwellings on lots affected by the 35dB(A) noise level.

Proposed Scheme Amendment

The applicant has included a Draft Local Planning Policy for the Flat Rocks Wind Farm as Appendix E to the Scheme Amendment document.

The Council has adopted a draft wind and solar farms policy (Local Planning Policy No. 2) for the purpose of public advertising, at the Ordinary Meeting held on the 19 October 2023. Public advertising closed on the 29 February 2024.

The applicant's Draft Policy does not take into account the Shire's existing Draft Local Planning Policy No. 2 and is specifically proposed as a guide for landowners who apply for planning approval of development within the proposed SCA.

The applicant's Local Planning Policy can only proceed if a scheme amendment to introduce a Special Control Area is successful, and if Council adopts and advertises their Local Planning Policy separately.

The applicant's Local Planning Policy encourages early consultation between neighbours and the wind farm developer. It notes that technical information may be required and the wind farm operator can provide that technical information to adjacent landowners to assist them to make decisions about the location of any future proposals affected by wind farm emissions such as noise, blade glint or shadow flicker.

The applicant's Draft Local Planning Policy sets out a pre-lodgement consultation process for development applications in the proposed SCA.

Encouragement of pre-consultation by neighbours with the wind farm developer under the Draft Policy seems contrary to the applicant's approach for this scheme amendment. Enel, Element WA and/or GHD have not undertaken any preliminary consultation with neighbours prior to lodging this scheme amendment.

The pre-consultation process in the Draft Policy encourages:

- a) Neighbours to lodge a development location map to the Shire;
- b) The Shire to refer the location map to the wind farm operator, providing them with 21 days to comment;
- c) Where the wind farm operator is concerned over the location of proposed development, the Shire is to facilitate a meeting between the neighbour and wind farm developer;
- d) Mitigation that may be offered by the wind farm operator includes the planting of trees or payment for a driveway that will result in a proposed development being moved further away from a wind turbine.

TPI does not support the Draft Planning Policy by the applicant and has concerns over:

- a) The impact on limited Shire resources and the imposition on Shire officers facilitating meetings between the wind farm operator and neighbours who want to develop. The Shire does not have an officer available to undertake that work. In any event, if there is a dispute between the parties, a professional mediator may be better suited to the task.
- b) The wind farm developer does need a local planning policy to start taking steps to open communication lines with neighbouring owners. They could, for example, set up a website encouraging early consultation and provide transparent technical information to assist adjacent neighbours when thinking about new development.
- c) The Draft Local Planning Policy discusses potential mitigation (such as planting of trees). This would be a private arrangement between the wind farm developer and any affected neighbour who develops. It is not appropriate to include in a Local Planning Policy and cannot be enforced by the Shire.

CONSULTATION

As outlined in the background section of this report, TPI recommended that the proponent undertake preliminary consultation with affected landowners (near to the approved wind farm) prior to lodging any scheme amendment to the Shire.

To keep the local community informed, TPI recommends that:

1. The Shire writes to affected and nearby landowners to advise of the scheme amendment and the decision of Council from the March 2024 meeting;
2. Encourage affected and nearby landowners to view the minutes and scheme amendment document on the Shire's website;
3. Inform affected and nearby landowners that the applicant can lodge a request directly to the Minister for Planning and ask the Minister to support the amendment. The Minister can effectively direct the Shire of Broomehill-Tambellup to initiate the scheme amendment process.
4. Recommend that affected and nearby landowners write to the Minister for Planning and Western Australian Planning Commission directly with comments on the proposed scheme amendment. If the applicant proceeds to pursue the amendment through the Minister, this will give affected landowners an opportunity to express their view.

STATUTORY ENVIRONMENT

Planning and Development Act 2005 – Under Clause 77A(1) the Minister may, on the recommendation of the Commission, order a local government to prepare and submit for

the approval of the Minister an amendment to a local planning scheme for the purpose of rendering the local planning scheme consistent with a specified State planning policy.

If this scheme amendment is not initiated by Council, it is open to the applicant to request that the Minister for Planning order the Shire to initiate a scheme amendment.

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 outline the process for any Scheme Amendment which includes classifying the amendment (basic, standard, or complex), advertising of the amendment, consideration of submissions and adoption of the amendment, and lodgement to the WA Planning Commission for final determination by the Minister for Planning.

Once a scheme amendment is formally initiated by the Council, the process must be followed through, and the final decision would be made by the Minister for Planning.

Clause 67 of the Regulations outlines the matters that the local government can have regard for in considering any development application. It includes matters such as the compatibility of the development with its setting, the amenity of the locality, and likely effect of height, bulk, scale, orientation, and appearance of the development.

Shire of Broomehill Town Planning Scheme No. 1 and Shire of Tambellup Town Planning Scheme No 2 (the Scheme) – The approved wind farm development within the Shire of Broomehill Tambellup traversed land zoned Farming under both TPS 1 and TPS 2.

There are circumstances where a single house within a Farming zone may require planning approval, such as if the lot has no constructed road access or is within a bushfire prone area and cannot achieve a Bushfire Attack level of BAL-29 or below.

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

This item has been evaluated against the Shire’s Risk Assessment and Acceptance Criteria. The level of risk is considered to be “low risk”.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple

OFFICER RECOMMENDATION

That:

1. The proposed amendment (Attachment 1) to the Shire of Broomehill Town Planning Scheme No. 1 and Shire of Tambellup Town Planning Scheme No. 2 pursuant to Clause 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to introduce:
 - a) A Special Control Area on various lots.
 - b) Specific Special Control Area provisions into the TPS 1 and TPS 2 text.
 - c) A new land use definition for ‘agriculture-extensive’ into TPS 1.Be refused for the following reasons:
 - (i) Consistent with advice notes on approvals issued by the Development Assessment Panel for the wind farm, the wind farm developer/operator takes a commercial risk by placing turbines close to other lot boundaries, and having noise contours that go beyond the development lots.
 - (ii) The amendment does not expressly recognise the right of existing landowners to develop an existing lot with a single house. It does not demonstrate that each lot affected by the proposed Special Control Area (SCA) has a suitable building envelope to cater for any proposed future dwelling or other developments.
 - (iii) The amendment doesn’t recognise that the portions of a lot outside of the proposed Special Control Area may not be suitable for development by virtue of distance to roads, physical features, bushfire risk, distance to services etc.
 - (iv) There are a range of complex housing issues being experienced in Western Australia such as affordability, increased building costs, collapsed building companies, a lack of workers accommodation, and rising rental costs. This amendment fails to demonstrate that surrounding neighbours/landowners will not be unduly penalised by the proposed SCA provisions.
 - (v) No justification is provided in the amendment document for requiring almost all development in the SCA to go through a planning application process.
 - (vi) The scheme amendment proposes to increase red tape for local landowners, which is contrary to the State’s objectives to streamline the planning process through current planning reforms, especially for single houses.
 - (vii) It is the Shire’s role to determine planning applications, and the local government decision making process should not be unduly fettered by proposed scheme provisions that give weight to submissions by the wind farm operator (which may change during the life of the development).
2. The Chief Executive Officer be authorized to write to affected and nearby landowners to the wind farm and advise;
 - a) That a scheme amendment has been lodged and the decision of the Council from this March 2024 meeting;
 - b) Local residents to view the minutes and scheme amendment document on the Shire website;
 - c) That the applicant can lodge a request directly to the Minister for Planning and ask the Minister to support the amendment. The Minister can effectively direct the Shire of Broomehill-Tambellup to initiate the amendment process; and
 - d) That landowners and/or occupiers may seek to write to the Minister for Planning and Western Australian Planning Commission with comments on the proposed scheme amendment. If the applicant proceeds to pursue the amendment through the Minister, this will give affected local community members an opportunity to express their view.

11.2 APPLICATION TO MODIFY CONDITION 9 OF AN EXISTING DEVELOPMENT ASSESSMENT PANEL APPROVAL

ATTACHMENT(S)	11.2.1 – Original DAP Approval 11.2.2 – 2023 Shire Approval to Modify DAP Condition
FILE NO	ADM0582
APPLICANT	Co-Operative Bulk Handling
AUTHOR	Liz Bushby, Town Planning Innovations Pty Ltd
DATE	13 March 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
Key Pillar: Broomehill-Tambellup Point of Difference	
No specific community outcomes	No Specific Corporate Initiative

SUMMARY

The purpose of this report is for the Council to consider an application to modify condition 9 of an existing Development Assessment Panel approval.

BACKGROUND

In 2021, Co-Operative Bulk Handling (CBH) lodged an application seeking planning approval for a 'Rural Industry' and new rail outloading facility on Lots 2 and 535 Nardlah Road in Broomehill. A rail siding was also proposed on Lot 553 which forms part of an existing railway reserve.

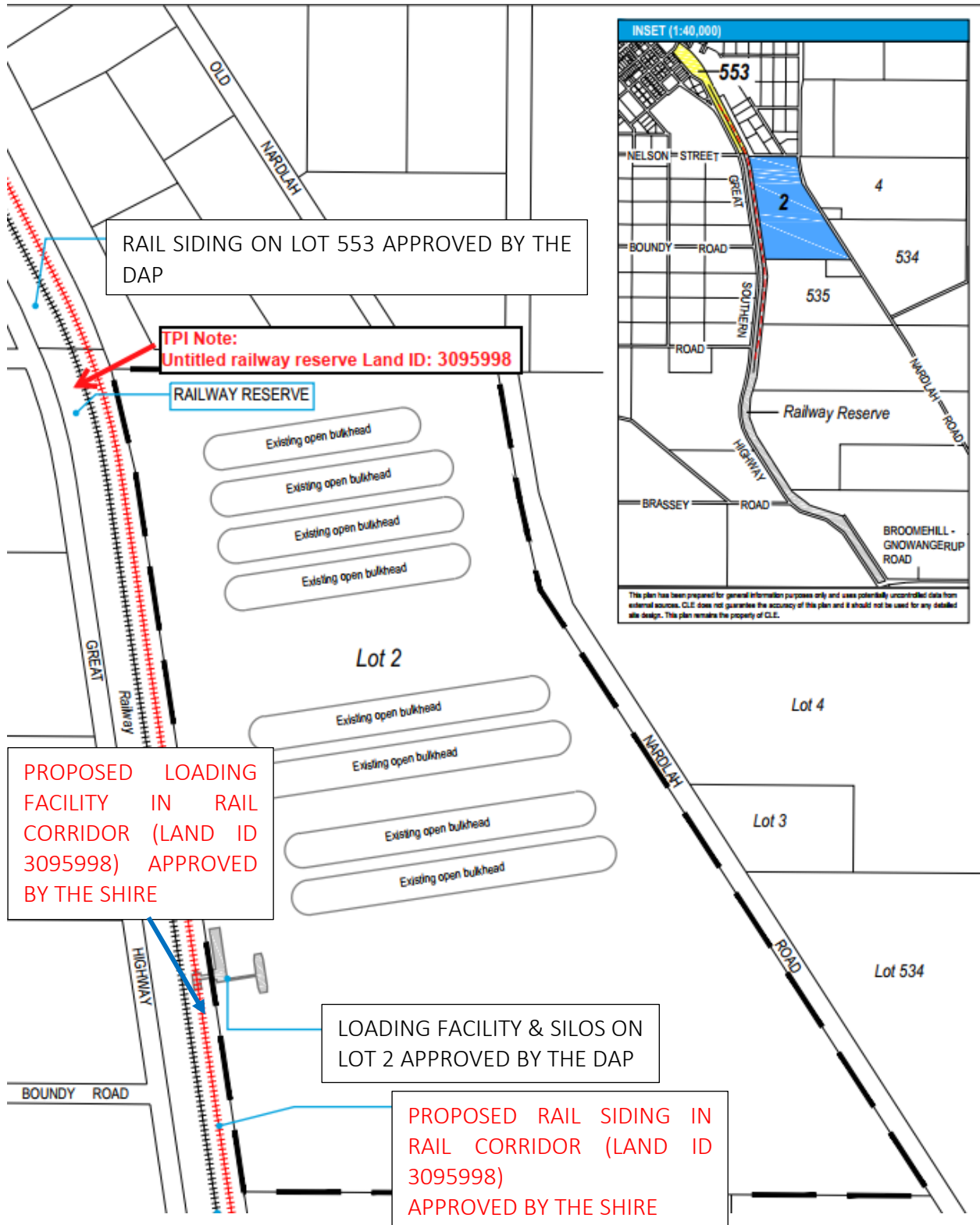
The application was determined by a Development Assessment Panel (DAP), and conditional approval was issued on the 21 January 2022 – Attachment 11.1.1. Condition 9 of the DAP approval limited construction noise to 7am and 7pm Monday to Saturday (excluding public holidays).

Last year, CBH lodged an application proposing to modify Condition 9 of the DAP approval, to allow for construction works to occur on Sundays, between 8.00am and 5.00pm. The request was accompanied by a Noise Management Plan which required separate approval by the Chief Executive Officer.

Approval for Sunday Works was initially granted for a trial period (time limited to 30 November 2023) at the Council Meeting of 17 August 2023. Towards the end of the trial period CBH lodged a second application to remove the 30 November 2023 restriction. The Council resolved to remove the 30 November 2023 restriction on 16 November 2023 – Attachment 11.2.2.

CBH has lodged a new application seeking to amend Condition 9 (again) to allow for construction hours to be extended to 10.00pm Monday to Saturday. The extended hours are only proposed for works within Lot 2. This report only relates to the approval issued by the DAP.

Approved development is reflected in the plan below.



Note: The proposed railway siding extends further south than shown on this site plan extract. It has an approximate length of 1.6 kilometres.

COMMENT

Description of Application

CBH has lodged an application seeking further modification to the already modified Condition 9 of the DAP approval. The current modified Condition 9 approved by the Shire in correspondence dated the 23 November 2023 states:

- ‘9. The operator (CBH) shall:
- (a) Ensure that construction noise is:
 - (i) Limited to between 7am and 7pm Monday to Saturday (excluding public holidays) and
 - (ii) Limited to between 8am and 5pm on Sundays and is undertaken in compliance with a Noise Management Plan approved by the local government; and
 - (b) The works are carried out in accordance with Australian Standard 2436:2010.’

CBH has requested that the current Condition 9 be revised and has agreed to the following wording:

- ‘9. The operator (CBH) shall:
- (a) Ensure that construction noise for Lots 2, 553 and 535 is:
 - (i) Limited to between 7am and 7pm Monday to Saturday (excluding public holidays) and
 - (ii) Limited to between 8am and 5pm on Sundays and is undertaken in compliance with a Noise Management Plan approved by the local government; and
 - (iii) The works are carried out in accordance with Australian Standard 2436:2010.
 - (b) In addition to Condition 9(a) the permissible hours for night works for the Rail Loading Facility Building on Lot 2 may be extended from 7pm to 10:00pm Monday to Saturday where undertaken in compliance with a Noise Management Plan approved by the local government Chief Executive Officer.’

CBH has advised that the primary reason for this request is a lack of available skilled workers to progress the project to meet the scheduled delivery time of May 2024. CBH has confirmed that the key works are the installation of the silos and associated infrastructure.

CBH also advise that extending the construction time to 10:00PM Monday to Saturday:

- Would allow for split shifts and recovery of time lost to skilled worker shortfalls.
- Will allow for the construction timeframe to be reduced and increase the viability of achieving construction completion by May 2024. In turn this would assist in reducing disturbance to adjoining landowners.
- Will allow for earlier commissioning and use of rail for out loading. Thus, an associated removal of trucks to cart grain to Port.
- Avoids construction during winter months which has its own challenges.

CBH has also provided assurances that the extended construction hours would be utilised on an ‘as required’ basis. Scheduling and relevant construction activities would determine utilisation of extended work hours to 10:00pm.

Existing and Proposed Noise Management Plan (NMP)

CBH has an existing NMP outlining matters such as relevant legislation, location of sensitive receivers (dwellings), construction noise criteria, hours, predicted noise emissions, compliance, monitoring, and complaint management. An existing NMP was approved by the Shire Chief Executive Officer to comply with the revised Condition 9 in 2023.

TPI has expertise in town planning and has assessed a number of Noise Impact Assessments as part of the planning application process, but with technical advice provided by the Department of Water, Environment and Regulation (DWER). It is important for Council to note that TPI is not an expert on noise emissions or the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations).

Notwithstanding the above, TPI offers the following general advice on NMPs:

- a) Construction work must be carried out between 7am and 7pm on any day which is not a Sunday or public holiday to comply with the Noise Regulations. Any construction noise outside of these days and times is 'out of hours'.
- b) Notwithstanding the above, Clause 13 of the Noise Regulations applies to 'construction noise'. Assigned noise levels do not apply to construction noise that occurs 'out of hours', as long as certain requirements are met.
- c) One of those requirements is that any 'out of hours' construction noise needs to be justified and be in accordance with an approved NMP.
- d) The DWER has delegated authority to 'any person holding or acting as a CEO under the *Local Government Act 1995* to approve a NMP.
- e) Essentially this means that construction noise can occur at night between 7.00pm and 10.00pm, if the applicant demonstrates that working 'out of hours' is justifiable, and a new NMP is approved by the Shire's Chief Executive Officer.

CBH has lodged a new NMP to the Shire.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015. The Regulations include 'Deemed Provisions' that automatically apply and override parts of the Shire of Broomehill Town Planning Scheme No. 1.

Clause 67 outlines application considerations 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, the objectives of a reserve, the likely effect on the natural environment, amenity, loading, access, traffic, and any submissions received on a proposal.

Clause 77 – Allows a local government to determine an application to modify a condition of approval.

Shire of Broomehill Town Planning Scheme No. 1 – The lots are zoned Rural.

Environmental Protection (Noise) Regulations 1997 – Discussed in the body of this report.

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

This item has been evaluated against the Shire's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures and with current resources.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:

1. The application lodged by CBH to revise condition 9 of the existing Development Assessment Panel (Reference DAP/21/02104) as detailed on the application forms is appropriate for consideration in accordance with Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. The application lodged by CBH to amend the existing planning approval issued by the Development Assessment Panel (Reference DAP/21/02104) on the 21 January 2022 in accordance with Clause 77 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and with the provisions of the Shire of Broomehill Town Planning Scheme No. 1, for the proposed minor amendment to the approved rural industry and associated rail infrastructure on Lot 2, Lot 533 and Lot 535 is approved subject to the following modified condition and new footnote:

- '9. The operator (CBH) shall:
- (a) Ensure that construction noise for Lots 2, 553 and 535 is:
 - (i) Limited to between 7am and 7pm Monday to Saturday (excluding public holidays); and
 - (ii) Limited to between 8am and 5pm on Sundays and is undertaken in compliance with a Noise Management Plan approved by the local government; and
 - (iii) The works are carried out in accordance with Australian Standard 2436:2010.
 - (b) In addition to Condition 9(a) the permissible hours for night works for the Rail Loading Facility Building on Lot 2 may be extended from 7pm to 10:00pm Monday to Saturday where undertaken in compliance with a Noise Management Plan approved by the local government Chief Executive Officer.'

Footnote:

This approval is not an approval of the Noise Management Plan dated the 14 February 2024. The Shire Chief Executive Officer will assess the Noise Management Plan separately.

12. KEY PILLAR 3: BROOMEHILL-TAMBELLUP LIFESTYLE

12.1 TAMBELLUP RAILWAY PRECINCT – TOWNSCAPE

ATTACHMENT(S)	12.1.1 - Community Feedback 12.1.2 - Architect’s Feedback 12.1.3 - Draft Townscape Plans 12.1.4 - CONFIDENTIAL Modus Australia Proposal Yarra 5 Toilet Building
FILE NO	RES12684
APPLICANT	n/a
AUTHOR	Pam Hull, Strategic Support & Projects Officer
DATE	12 March 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
Key Pillar: Broomehill-Tambellup Lifestyle	
<p>8. Enjoyed Built Environments 8.2 Tambellup Railway Precinct development This is the development of the Tambellup Railway Precinct including toilets, accommodation at the old Railway Station, signage, banner poles and EV charging options.</p>	<p>8.2.1 Undertake townscape planning with extensive community consultation, including banner poles, deciduous street trees and facilities to encourage community use. (see also 1.1.2) 8.2.2 Adoption by the Council of the Tambellup Railway Precinct Townscape Plan 8.2.3 Installation of townscape elements planned for in 8.2.2. 8.2.4 Create a pedestrian link along Crowden Street between the railway precinct and recreation ground through improved footpaths and installation of street trees.</p>

SUMMARY

The purpose of the report is to consider the draft Townscape Plan for the Tambellup Railway Precinct following the close of the public consultation period.

BACKGROUND

The Tambellup Railway Precinct represents one side of the town’s main street and is the effective centre of the town site. It would be advantageous to update or replace individual facilities within the precinct, such as the public toilets and the war memorial, however it is vital to ensure this is completed in a planned and coordinated manner in accordance with both the Council’s and the community’s wishes.

To achieve this end, H&H Architects, in conjunction with the Senior Management Team and feedback from a Council briefing session, prepared a draft Townscape Plan (Attachment 12.1.3) for the Tambellup Railway Precinct.

The draft Townscape Plans were presented for the Council's consideration at the September 2023 Ordinary Council Meeting. At that meeting, the following resolution was passed:

Moved Cr Barritt, seconded Cr Dewar that:

- 1. The draft Townscape Plan for the Tambellup Railway Precinct, as attached, be endorsed for community consultation;*
- 2. The community consultation process include community information sessions, public displays, and feedback forms in addition to the normal channels used (The Topics, Shire website and Facebook page);*
- 3. The Community Feedback period conclude in early 2024 and all feedback received be considered by the Council at its February 2024 Council Meeting; and*
- 4. The proposed location of the new public toilets in the Shop Zone of the attached draft Townscape Plan for the Tambellup Railway Precinct be adopted, incorporating:*
 - a. Authorisation to demolish the existing public toilets in the Long Vehicle Zone (upon completion of a new set of toilets);*
 - b. The 2023/2024 Annual Budget allocation of \$400,000 for townscape works for the Tambellup Railway Precinct (account LR404) be utilised to construct the new public toilets; and*
 - c. Concept designs and plans for the new toilets be considered by the Council prior to construction commencing.*

*CARRIED 7/0
Motion No 097/23*

The draft plans were advertised for public comment and made available in a variety of formats and forums from the beginning of October 2023 through to the end of January 2024.

The feedback provided by the community during this period is presented for the Council's consideration and to determine the next steps.

COMMENT

An extensive and lengthy consultation process was undertaken to ensure all residents and other stakeholders were able to provide their comments in relation to the draft townscape plans. This included the following activities:

- Advertising in the October 2023 edition of Topics;
- Publishing of a public notice with link to the draft plans and a web-based feedback form on the Shire website;
- Hard copies of the plans displayed at the 124 Tambellup Store with feedback forms and a drop-box during the period October 2023 – January 2024;
- Ongoing promotion of the consultation period on the Shire's Facebook page with links to the appropriate webpage;
- Two community information sessions with the architect in attendance were conducted on 18 October 2023.

The community information sessions were attended by a small number of residents who were able to discuss the various elements of the plans with the architect.

Nine written submissions were received through the various channels. Feedback has been collated into the attached document (Attachment 12.1.1) and the officer's comment has been included at each item of feedback. The feedback was also provided to the architect who has responded (Attachment 12.1.2) to clarify issues and provide more information.

Of the comments received that relate specifically to this project, it is evident that most can be addressed during the next stage of the design process. Opportunities will exist for further consultation with specific stakeholders for input into how the spaces are developed to provide information, interpretation and storytelling, for example the Aboriginal community and the Cornershop Museum.

The Council's endorsement of the design, with or without modification, will allow for the next stage (detailed design) to be completed, and indicative costings for implementation to be obtained.

The resolution from the December 2023 Ordinary Council Meeting also noted the requirement for concept designs and plans for the new toilets be considered by the Council prior to construction commencing.

Quotes for pre-fabricated toilet blocks have been sourced in accordance with the Council's Purchasing Policy. The preferred design is the Yarra-5 toilet building, supplied by Modus Australia. The design and quote, which includes off-site construction of components, freight to Tambellup, construction onsite and connection to services, is provided as Confidential Attachment 12.1.4 for the Council's information.

CONSULTATION

Community consultation process as outlined above.

H&H Architects

Senior Management Team

Councillors (February 2024 Briefing Session)

STATUTORY ENVIRONMENT

Nil.

FINANCIAL IMPLICATIONS

Individual components of the plan, when adopted, will be budgeted for as funding permits. Using the zones contained in the plan, it is envisaged that either one (or more) zone may be upgraded at a time, based on the Council's and community's priorities, or individual major components (such as curbing and parking) can be prioritised and budgeted accordingly.

Planning in a coordinated and consultative way reduces the chances of wasted money through projects being completed that are not acceptable to either the Council or the community.

The 2023/2024 Annual Budget contains an allocation of \$400,000 for townscape works for the Tambellup Railway Precinct (account LR404). The Council has endorsed the use of these funds for the construction of new public toilets in the Railway Precinct.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

Undertaking an extensive community consultation process such as that which has been completed ensures that the projects planned are in accordance with the Council's and community's wishes.

Undertaking adequate planning of a busy public area ensures that items such as disabled access, tactile pavement markers, pram ramps and trip hazards are considered prior to construction, minimizing the risk of harm or injury to the community.

ASSET MANAGEMENT IMPLICATIONS

This agenda item deals with numerous Shire assets in the Tambellup town centre location. An improved level of design consideration and how each component inter-relates with one another will increase the life of the asset and ensure that it is fit for purpose.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That in relation to the Tambellup Railway Precinct Townscape Concept Plans:

- Those persons who made submissions during the public consultation process be thanked for their input; and
- H&H Architects be requested to proceed with detailed design and provide indicative costings for implementation; and
- The detailed design plans and costings be brought back to the Council for consideration and final adoption; and
- The Chief Executive Officer be authorised to proceed with the purchase and installation of the Yarra-5 toilet building as quoted by Modus Australia.

12.2 GILLAMII PARTNERSHIP PROPOSAL 2024 - 2027

ATTACHMENT(S)	12.2.1. – CONFIDENTIAL Shire of Broomehill Tambellup & The Gillamii Centre Partnership Proposal
FILE NO	ADM0061
APPLICANT	Gillamii Centre
AUTHOR	Karen Callaghan, Chief Executive Officer
DATE	12 March 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Initiative
Key Pillar: Broomehill-Tambellup Lifestyle	
<p>7. Celebrated Natural Environments</p> <p>7.1 Gordon River advancement: This is the upgrading of the Gordon River site, including BBQ stand, grasslands, toilets, benches, children play, signage, storytelling of its historical significance and possible event organisation.</p> <p>7.3 Boot Rock Reserve This is the beautification and recognition of the Boot Rock Reserve including public access, preservation of native flora, weed clearing and restoration works for wildflower walks.</p> <p>7.4 Tambellup Water Reserve This is the beautification and recognition of Tambellup Water Reserve, with focus on flora hotspot and weed clearing.</p>	<p>7.1.1 Adopt a plan for the Gordon River weir area clearly showing upgrades to the site and integration with trails.</p> <p>7.1.2 Investigate the development of facilities that encourage natural asset attractions, such as Bird watching hides.</p> <p>7.3.1 Undertake the recommendations contained within the Boot Rock Reserve Management Plan.</p> <p>7.4.1 (Tambellup Water Reserve) Prepare a management plan for the conservation and rehabilitation of flora and fauna.</p> <p>7.4.2 Implement recommendations of the management plan.</p>

SUMMARY

The purpose of this report is for the Council to consider a request from the Gillamii Centre for financial support for three years commencing 1 July 2024.

BACKGROUND

The Gillamii Centre (Gillamii) was founded in 1994 to promote and streamline natural resource management and sustainable agriculture initiatives. The formation of the group came after the amalgamation of land conservation district committees which were previously administered through the WA Department of Agriculture.

Gillamii has attracted and implemented many millions of dollars’ worth of projects to support local communities in the Shire of Cranbrook and Shire of Broomehill-Tambellup (Shire), and has worked with a range of stakeholders, including farmers, local governments, CSIRO, Department of Primary Industries and South Coast Natural Resource Management.

In recent years, Gillamii has delivered projects in the Shire and enhanced communication on the achievements of such projects and potential opportunities with the Shire, in the alignment of strategic objectives.

COMMENT

Gillamii has reviewed the Shire’s environmental objectives as outlined in the Broomehill-Tambellup Strategic Community Plan 2023-2033, Key Pillar 3: Celebrated Natural Environment (Plan, Key Pillar 3) and proposes to formalise a partnership and collaborate with the Shire to achieve the key deliverables in the Plan comprising:

- Delivery of the Shire’s environmental objectives as outlined in the Plan, Key Pillar 3:
 - 7. Celebrated Natural Environments
 - 7.1 Gordon River advancement – signage, storytelling, beautification, events
 - 7.3 Boot Rock Reserve – preservation of native flora, weed clearing and wildflower walks
 - 7.4 Tambellup Water Reserve – flora hotspot and weed clearing

These deliverables would be achieved in conjunction with Gillamii’s own sustainable agriculture outcomes as outlined in the Gillamii Strategic Plan 2021 – 2025 (Attachment 121.1) comprising:

- Delivery of sustainable agriculture outcomes under the Gillamii grower group committee as outlined in the Gillamii Strategic Plan 2021 – 2025.

In achieving these objectives, Gillamii are proposing to also undertake the following activities:

- Attraction of funding, sponsorship and in-kind contributions for the benefit of the Shire’s community;
- The professional administration and management of the Centre building and grounds;
- Promote and support the agricultural and environmental sectors within the Shire;
- Coordinate field days, workshops, and seminars relevant to the members and agricultural sector;
- Increase membership of the Centre and keep an accurate database of landowners, farmers and project recipients in the area;
- Leverage the partnerships with the Shire in funding to grow services and activities of the Centre; and
- Promotion, marketing and communication of the services and activities of the Centre and its link with the Shire’s community.

To effectively deliver the community services and projects proposed, Gillamii is requesting \$20,000 (ex GST) per annum for three years in core funding, which covers approximately 25% of their annual operational costs. Gillamii has provided a detailed proposal and prepared the last two years of financials for the Council’s information (Attachment 12.1.1). The project would commence on 1 July 2024 and end on 30 June 2027.

Gillamii’s proposal provides an excellent opportunity to leverage the Centre’s resources and expertise, access funding sources, and build relationships with key stakeholders to achieve the Shire’s objectives outlined in the Plan, Key Pillar 3.

CONSULTATION

Senior Management Team

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The funding request can be accommodated within the 2024/25 Budget and the 2025/26 and 2026/27 Budgets respectively.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

This item has been evaluated against the Shire’s Risk Assessment and Acceptance Criteria. The level of risk is considered to be “low risk” and can be managed by existing procedures and with current resources.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Gillamii Centre Partnership Proposal be endorsed as follows:

1. A financial contribution of \$20,000 (ex GST) per annum for three years is provided to the Gillamii Centre for the period commencing on 1 July 2024 and ending on 30 June 2027.
2. The Chief Executive Officer writes to the Gillamii Centre to confirm acceptance of the proposal and formalise the partnership to achieve the key deliverables in the Broomehill-Tambellup Strategic Community Plan 2023-2033, Key Pillar 3: Celebrated Natural Environment comprising:
 - Delivery of the Shire’s environmental objectives as outlined in the Plan, Key Pillar 3:
 7. Celebrated Natural Environments
 - 7.1 Gordon River advancement – signage, storytelling, beautification, events
 - 7.3 Boot Rock Reserve – preservation of native flora, weed clearing and wildflower walks.
 - 7.4 Tambellup Water Reserve – flora hotspot and weed clearing.

13. KEY PILLAR 4: BROOMEHILL-TAMBELLUP SHIRE SUPPORT

13.1 FINANCIAL STATEMENTS – FEBRUARY 2024

ATTACHMENT(S)	13.1.1 Financial Statements February 2024
FILE NO	ADM0619
APPLICANT	n/a
AUTHOR	Kay Squibb, Manager Finance & Administration
DATE	13 March 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: SoBT Shire Support	
11. Delivered Shire Trust and Performance 11.2 SoBT financial sharing This is the Shire workforce releasing financial trends and results quarterly, transparently indicating where funds come from for each piece of work. The Shire is working well with the community to develop new revenue options to achieve community driven pieces of work.	11.2.1 Undertaking specific initiatives to improve meaning and understanding of the Shire’s monthly financial reports.

SUMMARY

The Council to consider the monthly financial statements for February 2024.

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 two months after the end of the month to which the report relates.

COMMENT

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 2023/24 budget process, the Council adopted 10% or \$10,000 (whichever is the greater) as the material variance for reporting purposes for the year.

The statement of financial activity identifies material variances, which is a requirement of the *Local Government (Financial Management) Regulations 1996*.

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 the previous month (the **relevant 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); and*
 - (b) budget estimates to the end of the month to which the statement relates; and*
 - (c) actual amounts of expenditure, revenue and income to the end of the relevant month; and*
 - (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 relevant month and a note containing a summary explaining the composition of the net current assets.*
- (2) Each statement of financial activity is to be accompanied by documents containing –*
- (a) [deleted].*
 - (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.*
- (3) The information in a statement of financial activity must be shown according to nature classification.*

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

This item has been evaluated against the Shire’s Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedures and with current resources.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the monthly financial statement for the period ending 29 February 2024 be received.

13.2 MONTHLY LIST OF PAYMENTS – FEBRUARY 2024

ATTACHMENT(S)	13.2.1 Monthly Payments Listing February 2024
FILE NO	ADM0619
APPLICANT	N/A
AUTHOR	Kay Squibb, Manager Finance & Administration
DATE	13 March 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: SoBT Shire Support	
11. Delivered Shire Trust and Performance 11.2 SoBT financial sharing This is the Shire workforce releasing financial trends and results quarterly, transparently indicating where funds come from for each piece of work. The Shire is working well with the community to develop new revenue options to achieve community driven pieces of work.	11.2.1 Undertaking specific initiatives to improve meaning and understanding of the Shire’s monthly financial reports.

SUMMARY

The Council to consider the list of payments made from the Municipal and Trust Funds during February 2024.

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.

The Regulations were amended, effective 1 September 2023, to include new regulation 13A which prescribes the reporting of payments made via purchasing cards. The reporting requirements are the same as those of payments made from the Municipal and Trust Funds. Credit card purchases have always been disclosed to the Council on the monthly list of payments, however the list of payments has been amended to report purchases using the Ampol Fuel Cards (issued to the Chief Executive Officer, Manager of Finance, and Administration and Manager of Works).

COMMENT

Summary of payments made for the month –

February 2024

	\$	
Municipal Fund	617,652.82	
Trust Fund	0.00	
Purchasing Cards	3,011.14	
TOTAL	<u>620,663.96</u>	

Any comments or queries regarding the list of payments is to be directed to the Manager of Finance and Administration prior to the meeting.

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.*

r13A. Payments by employees via purchasing cards

(1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared –

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

FINANCIAL IMPLICATIONS

The List of payments reports the payments made for the previous month from the Municipal and Trust Funds, and purchases made using Shire credit cards or purchasing cards.

POLICY IMPLICATIONS

Council Policy '2.1 Purchasing Policy' provides guidance and restrictions relative to purchasing commitments.

RISK MANAGEMENT IMPLICATIONS

This item has been evaluated against the Shire's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures and with current resources.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That, in accordance with regulations 13(1) and 13A(1) of the *Local Government (Financial Management) Regulations 1996* the list of payments paid under delegated authority or with Shire purchasing cards be noted for February 2024 comprising -

- Municipal Fund cheque, electronic funds transfer (EFT) and direct debit payments totalling \$617,652.82; and
- Credit/Purchasing Card payments totalling \$3,011.14.

13.3 MID-YEAR BUDGET REVIEW

ATTACHMENT(S)	13.3.1 - 2023/24 Budget Review
FILE NO	ADM0163
APPLICANT	Nil
AUTHOR	Kay Squibb, Manager Finance & Administration
DATE	13 March 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: SoBT Shire Support	
11. Delivered Shire Trust and Performance 11.2 SoBT financials Sharing This is the Shire workforce releasing financial trends and results quarterly, transparently indicating where funds come from for each piece of work. The Shire is working well with the community to develop new revenue options to achieve community driven pieces of work.	No specific corporate plan initiative

SUMMARY

The purpose of this report is to consider the review of the 2023/24 Annual Budget, for the period 1 July 2023 to 29 February 2024.

BACKGROUND

The budget review has been prepared to include information required by the *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. Regulation 33A requires local governments to conduct a review of their annual budget between 1 January and the last day in February in each financial year.

Regardless of statutory requirements, conducting a budget review at least once each year is sound financial management practice. It enables the Council to analyse the financial performance of the year to date and make amendments to the authorisations that the budget puts in place for the delivery of the local government's functions.

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

COMMENT

The detailed budget papers are attached to the agenda as a separate document. The following more significant amendments have resulted from this review:-

- Increase in the discount granted on rates of \$9,000 (pg11);
- Increase from reimbursement of legal fees on-charged to rate assessments of \$45,000, and subsequent increase in expenditure in rates debt collection fees of \$50,000 (pg11);
- Increased allocation of \$91,800 from financial assistance grants provided by the WA Local Government Grants Commission (pg12);

- Increase of \$23,600 in interest earned on the Reserve Funds (pg12). Interest earned on the investment is retained in each individual reserve account (pg50-52);
- Additional funds of \$15,000 allocated to recruitment costs in Administration for appointment of the CEO (pg14);
- Funding of \$9,300 has been received from DFES to purchase a fast fill trailer for the Broomehill West brigade (pg17), expenditure of the grant is included in the capital section (pg47);
- Provision has been included for employment of a Ranger and leasing of a vehicle as the current agreement with the Shire of Kojonup is coming to an end (pg19);
- Additional funding provided in Town Planning for the potential engagement of a noise monitoring consultant \$30,000, and an increase in legal expenses of \$5,000 (pg28);
- Increase of \$10,000 in Other Parks, Gardens and Reserves expenditure to install a Geocache Trail along the Broomehill West Postie Run (pg33);
- Decrease in wages, public works overheads and plant operation costs in Parks, Gardens and Reserves which have been reallocated to other programs (pg33);
- Increase in the Direct Grant from the Regional Road Group of \$13,600 (pg37);
- Increase in contribution of \$126,000 from the Tambellup Cropping Group who are purchasing 2 cabins for the Tambellup Caravan Park (pg40), expenditure in the capital section is increased by the same amount (pg48);
- Increase of \$20,000 in both revenue and expenditure for an ongoing workers compensation claim (pg45);
- Additional revenue of \$45,000 from Martinus for disposal of spoils from the CBH development in Broomehill (pg46), which the Council has previously resolved to transfer to the Broomehill Recreation Complex Reserve. An increased transfer to the Reserve is shown in the capital section (pg49);
- Contribution of \$25,000 for replacement of the Broomehill synthetic bowling green (pg47);
- Numerous minor changes within operating accounts to better reflect actual revenue and expenditure.

A full listing of the budget amendments required are included in Note 4 in the attached budget review for the Councils consideration.

CONSULTATION

Chief Executive Officer

Manager of Works

Strategic Support and Projects Officer

STATUTORY ENVIRONMENT

Local Government Act 1995

Local Government (Financial Management) Regulations 1996 - regulation 33A -

- (1) *Between 1 January and the last day in February in each financial year a local government is to carry out a review of its annual budget for that year;*
- (2) *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; and*
- (d) include the following –*
 - (i) the annual budget adopted by the local government;*
 - (ii) an update of each of the estimates included in the annual budget;*
 - (iii) the actual amount of expenditure, revenue and income as at the date of the review;*
 - (iv) adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end-of-year amount for the item.*
- (2) The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.*
- (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 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

FINANCIAL IMPLICATIONS

The budget review document reviews the Shire's financial operations for the financial year to date and recommends changes to the adopted budget and the projects previously approved by the Council.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

This item has been evaluated against the Shire's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures and with current resources.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That:

1. the 2023/24 Annual Budget be amended with the changes outlined in the mid-year budget review document; and
2. the 2023/24 Mid-Year Budget Review for the period 1 July 2023 to 29 February 2024 be adopted.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

15. ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16. QUESTIONS FROM MEMBERS WITHOUT NOTICE

17. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

18. CLOSURE

There being no further business to discuss, the Presiding Member, Cr White, declared the meeting closed at _____pm.