



# Ordinary Meeting of Council

## AGENDA

**28 July 2022**

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FOR PEOPLE WITH DISABILITY.



## SHIRE OF BROOMEHILL-TAMBELLUP

### NOTICE OF MEETING

**An Ordinary Meeting of the Council of the Shire of Broomehill-Tambellup will be held in the Shire Chambers on 28 July 2022 commencing at 4.30pm.**



**Anthony Middleton**  
**Chief Executive Officer**

### DISCLAIMER

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

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



# Shire of Broomehill–Tambellup

## DISCLOSURE OF INTEREST FORM

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

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

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

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

The nature of my interest is **(5)** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The extent of my interest is **(6)** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Yours sincerely

\_\_\_\_\_  
**Signed**

\_\_\_\_\_  
**Date**

**NOTES:**

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

**DISCLOSURE OF INTERESTS (NOTES FOR YOUR GUIDANCE)**

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

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

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

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

**NOTES ON FINANCIAL INTEREST (NOTES FOR YOUR GUIDANCE)**

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

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

The only exceptions are:

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

**INTERESTS AFFECTING IMPARTIALITY DEFINITION:**

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

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

**IMPACT OF AN IMPARTIALITY DISCLOSURE**

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

## Agenda for the Council Meeting to be held on 28 July 2022

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## AGENDA

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

The President welcomed Councillors, newly appointed Chief Executive Officer, Anthony Middleton and staff. The meeting opened at \_\_\_\_pm.

### 2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

### 3. ATTENDANCE AND APOLOGIES

#### ATTENDANCE

##### Councillors

Cr ME White	President
Cr DT Barritt	Deputy President
Cr CJ Letter	
Cr SH Penny	via Zoom
Cr JL Wills	

##### Staff

AP Middleton	Chief Executive Officer
KP O’Neill	Manager of Finance and Administration
PA Hull	Strategic Support & Projects Officer
HA Richardson	Governance and Executive Assistant

#### APOLOGIES

#### APPROVED LEAVE OF ABSENCE

Cr CM Dewar  
Cr MC Paganoni

### 4. DISCLOSURE OF INTEREST

### 5. PUBLIC QUESTION TIME

### 6. APPLICATION FOR LEAVE OF ABSENCE

### 7. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

### 8. ITEMS BROUGHT FORWARD BY DECISION OF COUNCIL

### 9. CONFIRMATION OF PREVIOUS MEETING MINUTES

#### 9.1. ORDINARY MEETING OF COUNCIL HELD 16 JUNE 2022

##### Recommendation:

That the Minutes of the Ordinary Meeting of the Council held on 16 June 2022 be confirmed as a true and accurate record of the proceedings.

#### COUNCIL DECISION

MOTION	Moved	Cr	Seconded	Cr
			CARRIED	/

## 10. KEY RESULTS AREA (KRA) ONE – OUR PEOPLE

### 10.01 FINANCIAL STATEMENTS FOR JUNE 2022

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<b>Attachment:</b>	10.01a Monthly Financial Statement for June 2022
<b>File Ref:</b>	Nil
<b>Author:</b>	KP O'Neill - Manager Finance and Administration
<b>Date:</b>	12 July 2022
<b>Disclosure of Interest:</b>	Nil

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#### SUMMARY

To consider the monthly financial report for the period ending 30 June 2022.

#### BACKGROUND

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

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

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

#### COMMENT

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

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

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

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

Year-end accruals and adjustments are still to be processed throughout the ledger which will affect the balances shown in this financial report for 30 June 2022.

#### CONSULTATION

Nil

**STATUTORY ENVIRONMENT**

*Local Government (Financial Management) Regulations 1996*

**34. Financial activity statement report**

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –*
  - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
  - (b) *budget estimates to the end of the month to which the statement relates;*
  - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
  - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
  - (e) *the net current assets at the end of the month to which the statement relates.*
  
- (2) *Each statement of financial activity is to be accompanied by documents containing –*
  - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
  - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
  - (c) *such other supporting information as is considered relevant by the local government.*

**POLICY IMPLICATIONS**

There are no policy implications.

**STRATEGIC IMPLICATIONS**

Strategic Community Plan 2018-2028

Key Results Area (KRA) One - Our People

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

1.5.1 Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents

**FINANCIAL IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That the interim Financial Statements for the period ending 30 June 2022 be received.**

**COUNCIL DECISION**

MOTION	Moved	Cr	Seconded	Cr
			CARRIED	/



## 10.02 CREDITOR ACCOUNTS PAID JUNE 2022

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<b>Attachment:</b>	10.02a List of Payments for June 2022
<b>File Ref:</b>	Nil
<b>Author:</b>	KP O’Neill – Manager Finance and Administration
<b>Date:</b>	12 July 2022
<b>Disclosure of Interest:</b>	Nil

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### SUMMARY

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

### BACKGROUND

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

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

### COMMENT

Summary of payments made for the month:-

	\$
Municipal Fund	1,430,652.41
Trust Fund	0.00
Credit Cards	1,313.07
<b>TOTAL</b>	<b>1,431,965.48</b>

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.*

### POLICY IMPLICATIONS

There are no policy implications.

**STRATEGIC IMPLICATIONS**

Strategic Community Plan 2018-2028

Key Results Area (KRA) One - Our People

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

- 1.5.1 Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents

**FINANCIAL IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

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

- Municipal Fund cheque, Electronic Funds Transfer (EFT) and direct debit payments totalling \$1,430,652.41;
- Trust Fund cheque payments totalling \$Nil; and
- Credit Card payments totalling \$1,313.07

be endorsed.

**COUNCIL DECISION**

MOTION	Moved	Cr	Seconded	Cr
			CARRIED	/

## 10.03 ARRANGEMENT FOR MANAGEMENT OF BUSH FIRE BRIGADES

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<b>Attachments</b>	10.03a	Bush Fire Volunteers Assn re WALGAs Statement
	10.03b	WALGA Arrangements for Management of Volunteer Bush Fire Brigades: Proposed Advocacy Position
	10.03c	WALGA Info Page – Background and Comment
<b>File Ref:</b>	ADM0243	
<b>Author:</b>	RJ Stewart – Acting Chief Executive Officer	
<b>Date:</b>	24 June 2022	
<b>Disclosure of Interest:</b>	Nil	

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### SUMMARY

To consider a request for feedback from Western Australian Local Government Association (WALGA) relating to the future role of local government with relation to Volunteer Bush Fire Brigades (BFB).

### BACKGROUND

The promulgation of the *Work Health and Safety Act 2020* has focused attention on the role local government plays with relation to Volunteer Bush Fire Brigades.

WALGA seeks feedback from local authorities on the policy attitude that WALGA should take.

### COMMENT

This matter was addressed at length at the WALGA Great Southern Zone meeting held in Jerramungup on 24 June 2022. WALGA seeks to define a policy position as the *Bush Fires Act 1954* provides local authorities with the power to create volunteer Bush Fire Brigades and also provides certain protections for local authorities.

The new *Work Health and Safety Act 2020* has now defined volunteers such that a volunteer has the same protections as an employee from a safe work environment point of view and also introduces the concept of industrial manslaughter. This places the Chief Executive Officer (CEO) of a local authority in a position where, in the event of the death of a volunteer, a charge of industrial manslaughter could be brought.

WALGA therefore seeks input regarding options that have been developed as follows.

Four options are identified for the future management of BFBs:

1. Status quo - continue with the current arrangements for management of BFBs whereby the majority are managed by Local Government and transfer arrangements are negotiated on an ad hoc basis between Department Fire and Emergency Services (DFES) and Local Governments (or their BFBs).
2. Improvements - continue with the current arrangements for Local Government management of BFBs with additional support provided by the State Government with respect to increased funding and better access to training resources and other support.
3. Hybrid Model - Local Government continues to manage BFBs where they have the capacity, capability and resources to do so; however where they do not have the capacity, capability and resources, responsibility for management of BFBs is transferred to DFES.
4. Transfer - Responsibility for management of all BFBs is transferred to the State Government, consistent with the arrangements in other States and Territories.

Initially within the administration at the Shire of Broomehill-Tambellup, there appeared to be support for option 3. Basically this represents the *status quo* for those councils wishing to retain their Brigades but also allowed for those no longer wishing to retain Brigades under local government control, to put those brigades under the control of the State Government through the Department of Fire and Emergency Management and potentially the creation of a Rural Bush Fire Service or similar, as happens in other states.

However, some compelling arguments were put forward that the hybrid would create a two speed environment where Local Government may be starved of additional funding while those brigades coming under State Authority would receive more funding for training and equipment in order to minimise risk not only for volunteers but also for administrators within the state system. This could cause big issues between neighbouring local governments under different bands.

### **CONSULTATION**

This matter should be the subject of wide consultation, not only in the community but especially with volunteer members of the council's Bush fire Brigades. **However, WALGA requires feedback by 8 July 2022.**

It is suggested that all Councillors read the WALGA paper 'Arrangements for Management of Volunteer Bush Fire Brigades: proposed Advocacy Position' (attachment 10.03b).

It is impossible to foresee what any consultation with the Bush Fire Brigade volunteers would provide in the way of a consensus without substantial background information being made available and ramifications of the different options explained. Each option has its own compelling argument.

### **STATUTORY ENVIRONMENT**

*Bush Fires Act 1954*

*Work Health and Safety Act 2020*

### **POLICY IMPLICATIONS**

No Council policy refers to the future of Volunteer Bush Fire Brigades.

Policy 4.9 refers to Council equipment being used at a wildfire and Policy 6.2 refers to the appointment of Fire Control Officers.

### **STRATEGIC IMPLICATIONS**

The Council's present response to the control of bush fires is predominantly legislative rather than strategic. The Strategic Community Plan 2018-2028 is silent regarding the Council's strategic intent in this area.

### **FINANCIAL IMPLICATIONS**

Financial implications for the Shire are impossible to predict as this would depend on future State Policy. Should the Officer's Recommendation be adopted, it could be expected that if endorsed by the State Government, that increases in the Emergency Services Levy would follow.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That:**

- 1. With relation to the development of an advocacy position by the Western Australian Local Government Association relating to Bush Fire Brigade Management, the Shire of Broomehill-Tambellup supports Option 2 Improvements: that is, continue with the current arrangements for Local Government Management of Bush Fire Brigades with additional support provided by the State Government with respect to increased funding and better access to training resources and other support.**
- 2. All Shire of Broomehill-Tambellup Volunteer Bush Fire Brigades be advised of the Council’s decision in part (1) above.**

**COUNCIL DECISION**

MOTION

Moved Cr

Seconded Cr

CARRIED /

## 10.04 PLAN FOR ANIMAL WELFARE IN EMERGENCIES

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<b>Attachment:</b>	10.04a Plan for Animal Welfare in Emergencies
<b>File Ref:</b>	ADM0246
<b>Author:</b>	PA Hull, Strategic Support & Projects Officer
<b>Date:</b>	28 June 2022
<b>Disclosure of Interest:</b>	Nil

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### SUMMARY

To endorse the Plan for Animal Welfare in Emergencies.

### BACKGROUND

In 2013, the National Advisory Committee for Animals in Emergencies was established to progress a collaborative and proactive approach to integrating planning for animals into disaster management processes. The Committee produced the National Planning Principles for Animals in Disasters.

In 2018, the State Emergency Management Committee formally assigned the role and responsibility for coordinating animal welfare in emergencies to the Department of Primary Industries and Regional Development. Subsequently, and with consideration to the 'State Support Plan - Animal Welfare in Emergencies', Local Governments have been encouraged to develop arrangements for animal welfare during an emergency, to integrate with the Local Emergency Management Arrangements.

### COMMENT

The Plan for Animal Welfare in Emergencies (PAWE) as presented provides a framework that will allow for consideration of animal welfare issues during the preparedness, response and recovery stages of an emergency. The PAWE clarifies the roles and responsibilities of stakeholders in an emergency, including the Local Government and animal owners.

The PAWE was endorsed by the Local Emergency Management Committee at the June 2022 meeting, and requires endorsement by the Council, prior to being forwarded to the State Emergency Management Committee for noting.

### 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.*

### POLICY IMPLICATIONS

Nil

**STRATEGIC IMPLICATIONS**

Activities of the LEMC contribute to the following areas of the Shire’s Strategic Community Plan:

Key Result Area (KRA) One - Our People

1.1 Our community is safe, connected and harmonious

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

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with this matter.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That the Plan for Animal Welfare in Emergencies, as presented, be endorsed.**

**COUNCIL DECISION**

MOTION	Moved	Cr	Seconded	Cr
			CARRIED	/

**10.05 CORPORATE BUSINESS PLAN 2018-2022 QUARTERLY PROGRESS REPORT**

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<b>Attachment:</b>	<b>10.05a</b>	<b>Corporate Business Plan 2018-2022 Quarterly Progress Report April-June 2022</b>
<b>File Ref:</b>	ADM0543	
<b>Author:</b>	PA Hull, Strategic Support & Projects Officer	
<b>Date:</b>	4 July 2022	
<b>Disclosure of Interest:</b>	Nil	

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**SUMMARY**

To receive the Corporate Business Plan 2018-2022 Quarterly Progress Report for the period April-June 2022.

**BACKGROUND**





The *Local Government (Administration) Regulations 1996* require that a Council shall prepare a Corporate Business Plan which reflects the aspirations of the Strategic Community Plan and translates these into Council priorities and operations within available resources.

The Corporate Business Plan is a medium term document which covers the first four years of the Strategic Community Plan 2018-2028. An annual review is conducted to ensure the actions contained within the plan remain relevant, and financial implications for actions in the year ahead are considered in context of the annual budget and other informing documents.

The first four-year review of the Strategic Community Plan this year will provide the opportunity for consultation with community and the Council to determine priorities and objectives for the next four year period. Actions to achieve these will be developed and incorporated in the Corporate Business Plan.

While not compulsory, the quarterly report attached provides the Council and the community with a ‘snapshot’ of progress towards achieving the objectives of the Strategic Community Plan, for the quarter April-June 2022.

A ‘traffic light’ status and comments are assigned to each action, based on the following:

<b>Action Status</b>	<b>Means</b>
	Action is <u>on track</u> . Includes actions that are considered ‘day to day’ including advocacy, identified support, ongoing liaison, routine and scheduled reporting and activities, and progress on specific projects.
	Action is <u>being monitored</u> . Includes actions that are awaiting further information or consideration by staff or Council, initiatives that are planned, and actions where there has been little or no progress or activity.
	Action is <u>on hold</u> . Generally includes actions that are planned for a future financial year (refer to ‘Delivery Timelines’ column), or if it has been determined through review that an action is no longer relevant.
	Action is <u>complete</u> . Will generally relate to discrete time- or funding-specific projects and initiatives.



**COMMENT**

In general, the nature of the Shire's current Corporate Business Plan is that many of the actions are incorporated into 'day to day business' and as such, are never really 'complete'.

In particular, the Council's attention is drawn to a number of actions funded through the Shire's Drought Communities Program and Local Roads and Community Infrastructure Program streams, which are noted as 'Being Monitored'.

A range of factors have impacted the Shire's ability to deliver projects funded through these streams within the respective timeframes for each of the funding bodies. This has presented a risk to the Council in potentially losing funding. As such, the Council has been provided with project updates monthly.

Good progress is now being made on all projects, and officers are confident that all projects will be achieved within designated timeframes, which significantly reduces the risk to the Council. Project updates follow:

**1. Drought Communities Program (DCP):**

Endorsed projects (as per budget amendment – September 2021) are as follows:

<b>Project</b>	<b>Budget</b>	<b>% complete</b>	<b>Status</b>
Adverse Events Plan / Audit (requirement of DCP funding)	25,000	75%	Adverse Events Plan is complete. Audit to be finalised at end of project.
Water Efficiency (standpipe controllers)	50,000	50%	Broomehill tank and controller complete. Installation of tank at Tambellup Depot scheduled for mid-July with installation of the standpipe controller to follow. Ongoing.
Broomehill Recreational Complex Accessibility Upgrade	182,000	100%	The budget has been expended and landscaping to be completed will be funded through the annual maintenance budget. Complete.
Broomehill Townscape Enhancement	560,000	5%	Contractors have commenced works. Anticipating completion by the end of August 2022. Ongoing.
Broomehill Nature Play Park	100,000	100%	Complete.
Holland Track Interpretive Centre	83,000	40%	Interpretive panel design has been reviewed by the Heritage Group and Shire, and signed off. Panels are in production. The gazebo has been installed. Work is ongoing to map and develop signage for townsite heritage walk. Staff are working closely with the Heritage Group and the consultant to ensure content is accurate and relevant. Ongoing.
	<b>\$1,000,000</b>		

The DCP program has been extended to 31 March 2023. A request to vary the end date of the Shire's projects to that date has been approved.

**2. Local Roads and Community Infrastructure Program (LRCIP):**

A total of \$1,645,000 in Federal funding has been allocated to the Shire over three grant rounds. A range of road and community infrastructure projects have been nominated.

Phase 1 (\$441,000) and Phase 2 (\$323,100) funding has been received, nominated projects were included in the 2021/2022 budget and most are complete. These projects must be completed by 31 December 2022.

	<b>PHASE 1</b>	<b>Budget</b>	<b>% Complete</b>	<b>Status</b>
LR3	Journal Street (Post office to Caravan Park) – widen seal, kerb and footpath	95,000	100%	Complete
LR4	Town Streets - kerbing	21,000	100%	Complete
LR5	Beejenup Road – resheeting	30,000	75%	In progress
LR6	Birt Road – resheeting 2-3kms	30,000	100%	Complete
LR7	Paul Valley Road – resheeting 2-3kms	60,000	100%	Complete
LR8	Yetermerup Road - resheeting 2-3kms	60,000	100%	Complete
LR9	Stirling Access Road – resheeting 2-3kms	60,000	100%	Complete
LR10	Flat Rocks Road – resheeting 2-3kms	85,000	100%	Complete
		<b>441,000</b>		
	<b>PHASE 2</b>			
LR1	Nymbup Road – repair and extend culverts	20,000	0%	To commence
LR2	Etna Road – repair and extend culverts	20,000	100%	Complete
LR11	Broomehill Primary School Carpark - reconstruction	93,100	100%	Complete
LR12	Broomehill Fire Shed – carpark seal and kerb	15,000	100%	Complete
LR13	Emergency Management Incident Control Centre	25,000	100%	Quote accepted, works to commence.
LR14	Greenhills South Road – widen, reconstruct and seal	150,000	0%	To commence October 2022 when conditions are suitable.
		<b>323,100</b>		

Projects to be funded by Phase 3 funding (\$881,000) will be confirmed for inclusion in the 2022/2023 budget. Projects must be completed by 31 December 2023.

Senior staff have provided input into the report as attached.

The report will be made available for community information.

**CONSULTATION**

Senior staff.

**STATUTORY ENVIRONMENT**

*Local Government (Administration) Regulations 1996:*

r. 19DA. Corporate business plans, requirements for (Act s. 5.56)

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Strategic Community Plan 2018-2028

Key Result Area (KRA) One - Our People

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

1.5.1 Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents

**FINANCIAL IMPLICATIONS**

Provision for actions contained within the Corporate Business Plan is made in the current budget, or will be considered as part of future budget deliberations.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER RECOMMENDATION**

**That the Corporate Business Plan 2018-2022 Quarterly Progress Report for the period April-June 2022 be received.**

**COUNCIL DECISION**

MOTION

Moved Cr

Seconded Cr

CARRIED /

## 10.06 LOCAL LAW REVIEW

---

<b>Attachments:</b>	10.06a	Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2022
	10.06b	Cemeteries Amendment Local Law 2022
	10.06c	Health Amendment Local Law 2022
	10.06d	Waste Amendment Local Law 2022
<b>File Ref:</b>	ADM0471	
<b>Author:</b>	PA Hull, Strategic Support & Projects Officer	
<b>Date:</b>	24 June 2022	
<b>Disclosure of Interest:</b>	Nil	

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### SUMMARY

For the Council to adopt amendment local laws.

### BACKGROUND

In February 2021, following the prescribed review process, the Council adopted the following local laws:

- Activities in Thoroughfares and Public Places and Trading Local Law 2020
- Cemeteries Local Law 2020
- Dogs Local Law 2020
- Extractive Industries Local Law 2020
- Fencing Local Law 2020
- Local Government (Council Meetings) Local Law 2020
- Local Government Property Local Law 2020
- Repeal Local Law 2020
- Waste Local Law 2020
- Bushfire Brigades Local Law 2020 (new local law)
- Health Local Law 2020
- Removal of Refuse, Rubbish and Disused Material Local Law 2020

Following advertising of the local laws in the Government Gazette in March 2021, and in accordance with process, the local laws were forwarded to the Joint Standing Committee for Delegated Legislation (Committee) for consideration. In June 2021 the Committee identified anomalies with a number of the local laws, and at the Ordinary Meeting in August 2021, the Council subsequently resolved to provide written undertakings to the Committee that amendment or clarification of the anomalies would be completed within nine months.

Further to the Council's response to the Committee at that time, and subsequent comment provided by the Committee, the following draft amendment local laws were prepared:

- Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2022
- Cemeteries Amendment Local Law 2022
- Health Amendment Local Law 2022
- Waste Amendment Local Law 2022

At the March 2022 Ordinary Council meeting, the Council resolved that the amendment local laws be endorsed and advertised for public comment, with a further report be brought back to the Council for consideration of submissions or amendments, if any, and subsequent adoption.

The amendment local laws were advertised for public comment between 31 March 2022 and 13 May 2022, with copies forwarded to the Minister for Housing; Lands; Homelessness and Local Government and the Minister for Environment and Climate Action for consideration and comment.

## COMMENT

Comments were provided by the Department of Local Government, Sport and Cultural Industries, and the Department of Water and Environmental Regulation. A summary of amendments that were required follows:

- **Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2022**  
Minor typographical amendments.
- **Cemeteries Amendment Local Law 2022**  
Add reference to *Cemeteries Act 1986* to enacting provision.  
Minor typographical amendments.
- **Health Amendment Local Law 2022**  
The amendment local law contains an amendment relating to cats, meaning it will qualify as a cat local law. A reference to the *Cat Act 2011* has been added to the enacting provision.  
Minor typographical amendments.
- **Waste Amendment Local Law 2022**  
Schedule 2: delete item 14 in Schedule 2 and renumber the subsequent items and associated clauses accordingly [refers to deleted clause 2.7(c)].  
Add signature block for consent to be provided by Chief Executive Officer, Department of Water and Environmental Regulation  
Minor typographical amendments.

With reference to s.3.13 of the *Local Government Act 1995* (see below), it is considered that these amendments do not constitute ‘significant change’ to the intent of the amendment local laws.

Copies of the amendment local laws, modified as above, are attached. It is recommended that the Council adopt the amendment local laws as presented. Following adoption, the local laws will be published in the Government Gazette.

## CONSULTATION

Acting Chief Executive Officer

## STATUTORY ENVIRONMENT

*Local Government Act 1995*

### **3.12. Procedure for making local laws**

(1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*

(2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*

(2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*

(3) *The local government is to —*

(a) *give local public notice stating that —*

*(i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*

*(ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*

*(iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

*(b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*

*(c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

*(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*

**\* Absolute Majority required.**

*(5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*

*(6) After the local law has been published in the Gazette the local government is to give local public notice —*

*(a) stating the title of the local law; and*

*(b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*

*(c) advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.*

*(7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*

*(8) In this section —*

**making** *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

### **3.13. Procedure where significant change in proposal**

*If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.*

**3.14. Commencement of local laws**

(1) Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.

(2) A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.

**3.15. Local laws to be publicised**

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Strategic Community Plan 2018-2028

Key Result Area (KRA) One - Our People

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

1.5.1 Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents.

**FINANCIAL IMPLICATIONS**

Costs will be incurred in publishing the amendment local laws in the Government Gazette. Provision is made within the Members of Council/Advertising budget for advertising.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

That the following amendment local laws, as presented, be adopted:

***Shire of Broomehill-Tambellup Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2022***

- **Purpose:** To amend the provisions of the principal Local Law, to include the requirement for a permit to be obtained for the construction of a temporary crossing, to correct conflicting statements regarding prohibitions on burning, and to correct typographical errors.
- **Effect:** To provide clarity on the requirements for the approval or prevention of activities on thoroughfares within the Shire.

***Shire of Broomehill-Tambellup Cemeteries Amendment Local Law 2022***

- **Purpose:** To amend the provisions of the principal Local Law, to include information relating to requirements for an exhumation.
- **Effect:** To provide a process for instances where the exhumation of a body is required.

***Shire of Broomehill-Tambellup Health Amendment Local Law 2022***

- **Purpose:** To amend the provisions of the principal Local Law, to reflect the making of the local law under section 342 of the *Local Government Act 1995*, to include an objection and

**appeals rights clause, to correct a clause regarding the grounds under which a lodging house registration may be revoked, and to correct typographical errors.**

- **Effect: To reflect the provisions of the *Local Government Act 1995*, and provide greater clarity on matters referred to in the Local Law.**

***Shire of Broomehill-Tambellup Waste Amendment Local Law 2022***

- **Purpose: To amend the provisions of the principal Local Law to correct typographical errors.**
- **Effect: To provide clarity on the Council’s management of waste in the Shire.**

**COUNCIL DECISION**

MOTION	Moved	Cr	Seconded	Cr
			CARRIED	/



## 10.07 PARKING AND PARKING FACILITIES LOCAL LAW

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<b>Attachment:</b>	10.07a Parking and Parking Facilities Local Law 2022
<b>File Ref:</b>	ADM0471
<b>Author:</b>	PA Hull, Strategic Support & Projects Officer
<b>Date:</b>	24 June 2022
<b>Disclosure of Interest:</b>	Nil

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### SUMMARY

To consider the making of a new local law to achieve parking control measures when necessary.

### BACKGROUND

The Acting Chief Executive Officer has been investigating instances of cars parked on Council property for long periods. Statutory issues prevent vehicles from being classified as abandoned due to vehicle values. The *Shire of Broomehill-Tambellup Activities in Thoroughfares and Public Places and Trading Local Law 2021* has insufficient ability to control these issues.

At the March 2022 Ordinary meeting, a draft Parking and Parking Facilities Local Law, based on the model local law provided by the Western Australian Local Government Association, was presented for the Council's consideration.

The Council resolved that the draft local law be endorsed and advertised for public comment, with a further report be brought back to the Council for consideration of submissions or amendments, if any, and subsequent adoption.

The draft local law was advertised for public comment between 31 March 2022 and 13 May 2022, with a copy forwarded to the Minister for Housing; Lands; Homelessness and Local Government for consideration and comment.

### COMMENT

Comments were provided by the Department of Local Government, Sport and Cultural Industries. A summary of amendments that were required follows:

- Amend definition of 'taxi' to reflect recent amendments to taxi legislation.
- Amend references to infringement notices to ensure they only refer to those provided by the *Local Government (Functions and General) Regulations 1996*. This will ensure that the wording of the notice remains up-to-date and is future proofed from any future changes.
- Minor edits.

With reference to s.3.13 of the *Local Government Act 1995* (as follows), it is considered that these amendments do not constitute 'significant change' to the intent of the draft local law.

A copy of the local law, modified as above, is attached. It is recommended that the Council adopt the local law as presented. Following adoption, the local law will be published in the Government Gazette.

**CONSULTATION**

Acting Chief Executive Officer

**STATUTORY ENVIRONMENT**

Local Government Act 1995

**3.12. Procedure for making local laws**

*(1) In making a local law the local government is to follow the procedure described in this section, in the sequence in which it is described.*

*(2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*

*(2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*

*(3) The local government is to —*

*(a) give local public notice stating that —*

*(i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*

*(ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*

*(iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

*(b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*

*(c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

*(4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*

**\* Absolute Majority required.**

*(5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*

*(6) After the local law has been published in the Gazette the local government is to give local public notice —*

*(a) stating the title of the local law; and*

*(b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*

*(c) advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*

(7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*

(8) *In this section —*

**making** *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

### **3.13. Procedure where significant change in proposal**

*If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.*

### **3.14. Commencement of local laws**

(1) *Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

(2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

### **3.15. Local laws to be publicised**

*A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.*

## **POLICY IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Strategic Community Plan 2018-2028

Key Result Area (KRA) One - Our People

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

1.5.1 Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents.

## **FINANCIAL IMPLICATIONS**

Costs will be incurred in publishing the local law in the Government Gazette. Provision is made within the Members of Council/Advertising budget for advertising.

## **VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

That the following local law, as presented, be adopted:

***Shire of Broomehill-Tambellup Parking and Parking Facilities Local Law 2022***

- **Purpose:** To regulate the parking or standing of vehicles in all or specified thoroughfares and reserves under the care, control and management of the local government and to provide for the management and operation of parking facilities.
- **Effect:** A person parking a vehicle within the parking region is to comply with the provisions of this Local Law.

**COUNCIL DECISION**

MOTION

Moved Cr

Seconded Cr

CARRIED /

**10.08 DRAFT LOCAL PLANNING POLICY NO. 1 – SEA CONTAINERS**


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<b>Attachment:</b>	10.08a Draft Local Planning Policy No 1 – Sea Containers
<b>File Ref:</b>	ADM0165
<b>Author:</b>	Liz Bushby, Town Planning Innovations
<b>Date:</b>	7 July 2022
<b>Disclosure of Interest:</b>	Declaration of Interest: Town Planning Innovations (TPI) Nature of Interest: Financial Interest as TPI receives 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 adopting Local Planning Policy No. 1 to guide future sea container development within the Shire.

The Draft Policy has been advertised for public comment and no submissions have been received.

The Department of Planning, Lands and Heritage supports the Policy.

**BACKGROUND*****Policy Basis***

The Shire instructed TPI to prepare a Draft Local Planning Policy on Sea Containers, and provided a Shire of York Policy as an example of the type of Policy requested. TPI used the Shire of York Policy as a base only, as it was adopted prior to the current *Planning and Development (Local Planning Schemes) Regulations 2015*, and prior to the current version of the Residential Design Codes becoming effective.

***Reason for Policy***

In recent years, sea containers have readily become available on the second hand market and there is an increased use thereof for primarily storage purposes as they afford a cost effective and secure method of storing goods.

It is recognised that sea containers can provide affordable storage solutions in an economic environment where building and material costs have been escalating.

While sea containers can serve a functional role there have been concerns about aesthetics, impact on residential character and the amenity of the locality.

A Draft Local Planning Policy has been developed as guide for applicants and Council when considering the placement of sea containers on land within the Shire.

***Residential Design Codes***

The Residential Design Codes ('the Codes') operate as State Planning Policy 7.3 and apply to all development in a Residential zone.

The Codes have two separate options for the assessment of development including 'Deemed to Comply' criteria and 'Design Principles'.

Where a sea container is ancillary to and detached from an existing single house, and is not proposed to be used for habitation, it falls under the 'outbuilding' definition contained in the Codes.

Under the Residential Design Codes there are specific ‘Deemed to Comply’ requirements for small and large outbuildings. The requirements for a large outbuilding are summarised below:

Clause 5.4.3 C3 B ‘deemed to comply’ criteria / Outbuildings that:	
(i)	individually or collectively does not exceed 60sqm in area or 10 percent in aggregate of the site area, whichever is the lesser
(ii)	setback in accordance with Table 2a. <i>Note: Setbacks are based on the height and length of the wall. Most outbuildings are required to be setback 1 to 1.5 metres from any side boundaries.</i>
(iii)	does not exceed a wall height of 2.4 metres
(iv)	does not exceed a ridge height of 4.2 metres
(v)	not located within the primary or secondary street setback area; and
(vi)	do not reduce the open space and outdoor living area requirements in table 1.

Where a sea container / outbuilding complies with the ‘deemed to comply’ requirements of the Codes, it does not require development approval.

Where a proposal seeks a variation, a development application has to be lodged and it is assessed in accordance with an alternative ‘Design Principle’ (5.4.3 P3) of the Codes which is:

*“Outbuildings that do not detract from the streetscape or the visual amenity of residents of neighbouring properties”.*

The Draft Local Planning Policy will only apply to sea containers in a Residential zone, where it entails a variation to the Codes.

**Relevant Council decision**

Council resolved to adopt Draft Local Planning Policy No 1 (for the purpose of public advertising) at the Ordinary meeting held on the 21 April 2022.

**COMMENT**

**Description of Draft Local Planning Policy**

The Draft Local Planning Policy outlines the Policy Purpose, Basis, Aims, when planning approval is required, general requirements, and the different requirements for each zone – refer attachment 10.08a.

It is important to note that a Policy is a tool to guide and assist decision making. Other planning considerations can also be taken into account, and a Policy requirement can be varied having regard for the specific circumstances involved.

It is not a statutory document and cannot override other legislation such as the Shires Town Planning Schemes or the *Planning and Development (Local Planning Schemes) Regulations 2015*.

### **Summary of Policy Process**

The statutory process for preparing and adopting a Local Planning Policy is prescribed by the *Planning and Development (Local Planning Schemes) Regulations 2015*. The general process is summarised below:

1. Council adopts a local planning policy for the purpose of commencing public advertising, with or without modifications.
2. Advertise the Policy for a minimum period of 21 days. Advertising can include:
  - a. Publication of the Draft Policy on the Shire website (mandatory);
  - b. Allow inspection of the Policy at the Shire Office (optional);
  - c. A Notice in a local newspaper (optional);
  - d. Giving notice to public authorities (mandatory).

The 21 day advertising period cannot include the Easter holidays.

3. Following the close of advertising, the Policy is to be reviewed having regard for public submissions. Council can then proceed to:
  - a. Adopt the Policy without modification;
  - b. Adopt the Policy with modification;
  - c. Not Adopt the Policy.
4. Publish any decision to adopt a Policy on the Shire website. The Policy should also be made available on the Shire website for public viewing.

### **Adoption of Policy**

This Policy is an opportunity for Council to decide how it seeks to control sea containers in some or all zones, and whether there are specific criteria or restrictions that the Council seeks to impose.

Council can adopt the Draft Policy for final approval with or without modifications.

### **CONSULTATION**

The Shire has advertised the Draft Policy for comment. Advertising closed on the 12 June 2022.

The Draft Policy was referred to the Department for Planning, Lands and Heritage who have advised that:

- a. It does not amend or replace the Deemed to Comply provisions of the R Codes and therefore WAPC approval is not required.
- b. The policy is consistent with the DPLH factsheet on outbuildings.

### **STATUTORY ENVIRONMENT**

#### *Planning and Development (Local Planning Schemes) Regulations 2015*

Clause 3 and 4 under Part 2, Schedule 2 of the Deemed Provisions contained in the Regulations sets out the power for local governments to make a local planning policy and the procedure for making a local planning policy, including a requirement to advertise a Draft Policy for a period not less than 21 days.

The Deemed Provisions contained in the Regulations also outlines procedures for amending a Local Planning Policy, or revocation of any Local Planning Policy.

Clause 87 of the deemed provisions outline advertising requirements. As explained in this report the 21 day advertising period excludes the Easter Holiday period.

Clause 61 of the Regulations outlines development that is exempt from the need for any development approval. It includes an outbuilding on the same lot as a single house which complies with the 'deemed to comply' requirements of the Codes.

Whilst not legislative, it is noted that the Western Australian Planning Commission Fact Sheet on Outbuildings states that ‘*Depending on the dimensions and placement of a shipping container, it may be capable of meeting the deemed-to-comply requirements of the R-Codes.*’

**POLICY IMPLICATIONS**

Explained in the body of this report.

**STRATEGIC IMPLICATIONS**

The Policy will provide some strategic guidance for sea container developments.

**FINANCIAL IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER RECOMMENDATION**

That Council:

1. **Resolve to adopt Local Planning Policy No 1 on Sea Containers (Attachment 10.03a) for final approval (without modifications) pursuant to Schedule 2, Part 2, Division 2, Clause 4 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
2. **Note that the Draft Policy was advertised for public comment and no public submissions were received.**
3. **Note the Department of Planning, Lands and Heritage has confirmed that the Draft Policy is consistent with the WA Planning Commission Fact Sheet on Outbuildings.**
4. **Authorise the Chief Executive Officer to:**
  - (a) **Publish a Notice on the Shire website on the decision to adopt the Policy; and**
  - (b) **Publish the Local Planning Policy on the Shire website.**

**COUNCIL DECISION**

MOTION	Moved	Cr	Seconded	Cr
			CARRIED	/



## 10.09 DISABILITY ACTION AND INCLUSION PLAN PROGRESS REPORT

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<b>Attachments:</b>	10.09a	Disability Access and Inclusion Plan – Progress Report 2021-2022
	10.09b	Disability Access and Inclusion Plan Implementation Plan update – 2021-2022
<b>File Ref:</b>	ADM0124	
<b>Author:</b>	PA Hull, Strategic Support and Projects Officer	
<b>Date:</b>	8 July 2022	
<b>Disclosure of Interest:</b>	Nil	

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### SUMMARY

Council to receive the Disability Access and Inclusion Plan Progress Report for 2021-2022.

### BACKGROUND

The *Disability Services Act 1993* requires public authorities including local governments to implement a Disability Access and Inclusion Plan (DAIP). DAIPs assist public authorities to plan and implement improvements to access and inclusion across seven outcome areas, in regard to services and events, buildings and facilities, information, quality of service, complaints, consultation processes and employment. These plans benefit people with disability, the elderly, young parents and people from culturally and linguistically diverse backgrounds.

Under the *Disability Services Act 1993*, the Minister for Disability Services is required to table a report in Parliament each year on the progress of Disability Access and Inclusion Plans (DAIPs) in Western Australia. The Shire's DAIP stipulates that an annual report to the Council is prepared, outlining progress for the past year.

The DAIP was reviewed and endorsed by the Council in July 2020 for a five year period to 2025.

The DAIP Progress Report template requires detail of projects showing new or significant progress through the reporting year.

### COMMENT

The DAIP Progress Report 2021-2022 has been completed and is presented for Council's endorsement.

A significant achievement for the Shire this year was the completion of the accessibility upgrade to the oval at the Broomehill Recreational Complex. While finishing touches are still to be completed, the new infrastructure has improved safety and accessibility for all facility users.

The Shire's internal DAIP Implementation Plan, which details all actions that have been undertaken during 2021-2022, is also attached. This is provided to the Council for information and is not submitted to the Department of Communities.

The DAIP Progress Report 2021-2022 will be forwarded to the Department of Communities for noting.

### CONSULTATION

Nil

**STATUTORY ENVIRONMENT**

*Disability Services Act WA (1993) – Part 5: Disability access and inclusion plans by public authorities  
Disability Services Regulations 2004 - r.8: Information in reports about disability access and inclusion plans*

**POLICY IMPLICATIONS**

Policy 1.7 Customer Service is underpinned by the Customer Service Charter, which states:

‘We will achieve our commitment to you by:

Progressively improving access to our services for people with disabilities and people from culturally and linguistically diverse backgrounds’.

**STRATEGIC IMPLICATIONS**

Strategic Community Plan 2018-2028

Key Result Area (KRA) One - Our People

1.1 Our community is safe, connected, harmonious and inclusive

1.1.1 Promote inclusive community participation and engagement in Council and community events and activities.

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER RECOMMENDATION**

**That Council endorses the ‘Disability Access and Inclusion Plan – Progress Report 2021-2022’ as presented.**

**COUNCIL DECISION**

MOTION	Moved	Cr	Seconded	Cr
			CARRIED	/

## 10.10 BROOMEHILL PLAYGROUP – REQUEST TO WAIVE HALL HIRE FEES

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<b>Attachment:</b>	Nil
<b>File Ref:</b>	ADM0066
<b>Author:</b>	HA Richardson, Governance and Executive Assistant
<b>Date:</b>	July 2022
<b>Disclosure of Interest:</b>	Nil

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### SUMMARY

Council to consider a request to waive hire fees and bonds for the Broomehill Playgroup in the event of inclement weather.

### BACKGROUND

The Broomehill Playgroup will be holding a 'Biggest Morning Tea' at the Playgroup on 1 September 2022 from 9.30am – 12 noon. The fundraiser will include pop-up markets along with morning tea. The event is being held to raise funds for Cancer Council. All proceeds will go to the charity.

The Broomehill Playgroup has requested Council's consideration to waiving of hall hire fees and bonds to maximise fund raising potential. Should the weather be inclement for an outside event, Playgroup wish to change the location to the Town Hall.

### COMMENT

Council Policy '1.2 Use of Shire Facilities' specifies the individual Community Groups and instances where hall hire fees are not to be charged. Historically, if the Council wished to support a Community Group not included in the Policy, it has done so by way of a donation equivalent to the cost of the hall hire.

Should Council agree to waive hall hire fees in this instance, disclosures will be required to be made in the Annual Financial Report for the 2022/23 year, in accordance with the *Local Government (Financial Management) Regulations 1996*.

### CONSULTATION

Rachel Russell, Broomehill Playgroup

### STATUTORY ENVIRONMENT

#### **Local Government Act 1995**

#### **s6.12 Power to defer, grant discounts, waive or write off debts**

(1) Subject to subsection (2) and any other written law, a local government may–

- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money, which is owed to the local government.

\* Absolute majority required.

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

**Local Government (Financial Management) Regulations 1996****R42. Discounts for early payment etc. information about in the annual financial report**

(1) The annual financial report is to include for each discount or other incentive granted for early payment of any money and in respect of each waiver or concession in relation to any money –

(c) in relation to a waiver or concession –

- (i) a brief description of the waiver or concession; and
- (ii) a statement of the circumstances in which it was granted; and
- (iii) details of the persons or class of persons to whom it was available; and
- (iv) the objects of, and reasons for, the waiver or concession.

**POLICY IMPLICATIONS****Policy 1.2 ‘Use of Shire Facilities’**

In part, the policy states the following:

*‘...Council recognises that a number of community groups and agencies provide substantial support to the community through their activities, and have limited funds to assist.*

*The following groups have their hire costs waived for the use of Shire facilities, until such time as the events are no longer held:*

- *Blue Light Discos – Hall*
- *Agricultural Society – Hall for the Tambellup Show*
- *Primary Schools and P & C Associations – Hall for end of year Presentation Night and Fundraising Activities.*
- *Senior Citizens Christmas Luncheon – Hall*
- *Broomehill religious organisations – Hire of tables and chairs for Christmas Eve church services.*
- *Broomehill Heritage Group – Hire of tables and chairs for Carols by Candle Light*
- *Seniors Soup Luncheon – Hall - Subject to the luncheons being advertised across the Shire*
- *Host Organisation for ANZAC Day Services Broomehill and Tambellup – Hall hire*
- *Daffodil Day event – Tambellup Hall hire costs’*

**STRATEGIC IMPLICATIONS****Strategic Community Plan 2018-2028**

KRA1: Our people

1.4.1 Provide support to our community groups to achieve outcomes that benefit the community.

KRA 2: Our Economy

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

**FINANCIAL IMPLICATIONS**

The 2022/23 Budget sets the cost to hire the Broomehill Hall at \$250, and a refundable bond is also payable of \$500.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

**That the Council waive hall hire fees and bond for the Broomehill Playgroup, should the need arise, to move their Cancer Council fundraiser event from the RSL Hall to Town Hall due to inclement weather on the day, being Thursday 1 September 2022 be approved.**

**COUNCIL DECISION**

MOTION

Moved Cr

Seconded Cr

CARRIED /

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**10.11 ANNUAL BUDGET FOR THE YEAR ENDED 30 JUNE 2023**

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<b>Attachment:</b>	<b>10.11a</b>	<b>2022/23 Annual Budget</b>
<b>File Ref:</b>	ADM0121	
<b>Author:</b>	KP O'Neill, Manager Finance & Administration	
<b>Date:</b>	22 July 2022	
<b>Disclosure of Interest:</b>	Nil	

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**SUMMARY**

Adoption of the Annual Budget for the year ended 30 June 2023.

**BACKGROUND**

The *Local Government Act 1995*, section 6.2, states that a Local Government is to prepare an annual budget not later than 31 August in each financial year, or such extended time as the Minister allows, and adopt by absolute majority, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the following 30 June.

The Budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. The 2022/23 Budget as presented, is considered to meet statutory requirements.

**COMMENT**

A rate increase of 4% for both UV (Rural) properties and GRV (townsite) properties has been factored into the budget. Increases in revenue from rates allow Council to continue to meet its obligations in provision of services to the community and maintain its asset base.

A 5% discount on rates will continue to be offered. To be eligible for the discount all rates and charges are to be paid within 35 days of issue. Payment of rates and charges via the two and four instalment plans will continue to be available.

Along with funding from Youth Great Southern and the Tambellup Noongar Land Association, provision has been made for the Council to continue its support of the Youth Worker program which is a valuable support and resource to youth and families in the community.

A significant amount of funding has been forthcoming from federally funded programs; the Drought Communities Program and Local Roads and Community Infrastructure Program; which have been allocated to a range of road construction projects and community oriented projects spreading the value of these programs across the whole Shire. Projects which may have commenced in the previous financial year are carried over for completion in 2022/23 and the balance of unspent grant monies brought forward accordingly.

Along with Regional Road Group and Roads to Recovery funding, a sizeable and varied Capital Works program is planned for the coming year.

The Schedule of Fees and Charges have been reviewed and are included in the supporting information for adoption.

The Chief Executive Officer has prepared the following introduction in the budget document which is duplicated here for the information of Councillors:

*It is my pleasure, as the new CEO of the Shire of Broomehill-Tambellup, to present the 2022/2023 Annual Budget.*

*This years' budget totals \$12.9m, representing \$7.1m in operating expenditure and \$5.8m in capital expenditure. This budget is highlighted by several exciting community projects, including the construction of a Caravan Park in Tambellup, improvements at the Tambellup Youth Centre (The Zone) and the townscape improvements currently under construction at the Journal Street intersection in Broomehill.*

*Major widening works on Tieline Road and new seal on a gravel section of Warrenup Road are the biggest jobs in a \$1.85m road construction program, up from \$991,000 last financial year. The Shire is fortunate to receive funding from the Regional Road Group, State Black Spot and Roads to Recovery programs, which assists in meeting the costs in completing the planned projects.*

*The 2022/2023 financial year will see a major review undertaken of the Shire's long term planning processes, commencing with a new Community Strategic Plan, the Shire's key document to set the direction for the next ten years. I encourage all community members to get involved in the consultation that will be undertaken to formulate this plan. Once the new ten year direction is set, Shire staff will then complete a new Corporate Business Plan, a four year operational plan that sets the implementation of the strategies contained within the ten year plan. Both documents will be available on the Shire's website when completed.*

*In addition to these two important planning documents, 2022/2023 will be used to scope improvements to major community facilities, including the Broomehill Recreational Complex, Tambellup Youth Centre, Tambellup Main Street & Railway Precinct and the Tambellup Caravan Park. All input and ideas for these areas are welcomed and the Shire will be working closely with user groups to develop these important future directions.*

*The enclosed budget is a result of the goals and strategies defined in the Shire's long term planning processes. Highlights of this years' Annual Budget are:*

### **General Purpose Funding**

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#### **OPERATING**

- *Rates increase of 4% raising an additional \$108,436 (the Local Government Cost Index is currently 5.9%);*
- *CBH ex-gratia rates also increase by 4%;*
- *Rates write-offs budgeted for Tambellup Golf Club and Tambellup Business Centre as in previous years; and*
- *Advance payment of Financial Assistance Grants received in June 2022 of approximately 75% of the 2022/23 allocation. Final allocation has not been advised, budget is calculated on 25% of 2021/22 allocation.*

### **Governance**

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#### **OPERATING**

- *Members Meeting Fees \$64,000, President and Deputy Allowances \$12,500 - increased per Council workshop 9 June 2022;*
- *Additional IT expense \$20,000 – includes new SynergySoft programs (Customer Service Module and On-line Purchase Orders);*

- *Amalgamation funds \$33,800 – to commence amalgamation of Town Planning Schemes;*
- *Integrated Planning expenses \$40,000 – for review of Strategic Community Plan, Corporate Business Plan and Strategic Resource Plan (includes Financial and Asset Management plans);*

#### **CAPITAL**

- *Broomehill Administration Building; enclose carport/install roller doors for security - \$30,000; and*
- *Vehicle changeovers for the Chief Executive Officer and Manager Finance & Administration - from Plant Reserve.*

#### **Law, Order & Public Safety**

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##### **OPERATING**

- *Emergency Services Levy (ESL) Grant \$45,800 with expense of same for clothing & equipment, maintenance of equipment and insurances for fire brigade volunteers;*
- *Community Emergency Services Manager (CESM) agreement continues with DFES, Shires of Katanning and Woodanilling - \$20,000; and*
- *Ranger Services provided under Service Agreement with Shire of Kojonup - \$22,000.*

#### **Health**

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##### **OPERATING**

- *Infant Health Clinic (occupied by Tambellup Family Daycare); carpet to main room and sleep room - \$5,000;*
- *Health Inspection; Environmental Health Officer provided under Service Agreement with Shire of Plantagenet - \$7,000; and*
- *Pest Control – increase in expenditure for participation in the Contiguous Local Authority Group (CLAG) for mosquito control with the Shires of Gnowangerup and Katanning; includes staff training, purchase of baits and equipment - \$9,500.*

#### **Education & Welfare**

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##### **OPERATING**

- *A Smart Start, annual contribution - \$4,300;*
- *Donations to Broomehill and Tambellup Primary Schools to assist with transport for swimming lessons - \$1,000 each;*
- *A Smart Start program – balance of Great Southern Development Commission (GSDC) funding held for employment costs of Co-ordinators;*
- *Youth Worker program – funding from Youth Great Southern \$20,000 and Tambellup Noongar Land Association \$10,000 to assist with continuation of Youth Worker program. Total expense of \$60,000 will see the program continue through to March 2023 (\$30,000 net cost); and*

##### **CAPITAL**

- *Local Roads and Community Infrastructure Program (LRCIP) Phase 3 funding of \$120,000 has been allocated to the Tambellup Youth Centre for building extension and improvements and extension of the sealed area.*



## **Housing**

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### **OPERATING**

- Routine maintenance of staff housing, GROH houses and Seniors Accommodation units;
- Installation of blinds to the gazebo at Sandalwood Villas - \$2,500;

### **CAPITAL**

- Sale of housing at 27 East Terrace, Tambellup (settled 21/07/2022) - \$180,000; and
- Renovation of recently vacated Unit 3 at Lavieville Lodge - \$25,000 from Reserve.

## **Community Amenities**

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### **OPERATING**

- Rubbish collection charges for household and commercial properties increased by approx. 4% (raising an additional \$2,500);
- Cost of collection of tyres for disposal from Broomehill and Tambellup tips - \$10,000;
- Town Planning revenue decreased from \$38,000 to \$10,000 (21/22 Flat Rocks Wind Farm & CBH applications);
- Town Planning consultant expense - \$30,000;
- Town Planning legal advice in relation to Flat Rocks Wind Farm - \$15,000; and

### **CAPITAL**

- Broomehill Cemetery; seating under new gazebo (carry over) - \$8,000 (CEO may reallocate to other Broomehill Cemetery improvements following discussions with the Council).

## **Recreation & Culture**

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### **OPERATING**

- Tambellup Pavilion, installation of hand rails down steps to oval (carry over) - \$5,000;
- Routine maintenance of Town Halls, Sporting Complex's, Parks and Gardens;
- Broomehill Library - grant funding approved to purchase IT equipment and host Genealogy Workshops with the Tambellup CRC - \$3,000;
- Library Management payment to Tambellup CRC in accordance with the Service Agreement - \$50,000;
- Participation (signage) in the Yoorn (Bobtail) Trail project with Outdoors Great Southern - \$22,000;
- Heritage - Municipal Inventory review - \$19,500 (funding 50/50 received in 2021/22);

### **CAPITAL**

- Broomehill Hall; security upgrades windows/doors (carry over) - \$8,500;
- Broomehill RSL Hall; toilet upgrades (carry over) - \$15,000;
- Broomehill RSL Hall; shade sails - \$7,000; and
- Broomehill Museum machinery shed; funding from Local Roads and Community Infrastructure Program Phase 3 - \$20,000 (CEO to further workshop this issue with the Council).

## **Transport**

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### **OPERATING**

- Road maintenance budget consistent with previous year – provision for contractors to do tree pruning, roadside spraying.

**CAPITAL**

- *Tambellup Depot workshop oil store (to meet WHS requirements) - \$15,000;*
- *Tambellup Depot machinery shed; concrete another bay - \$10,000;*
- *Plant Replacement per the 10 year program, funded by the Plant Reserve;*
- *Tambellup townscape; Crowden St footpaths - \$50,000 (possible street tree installation);*
- *Broomehill townscape; Journal St/GS Highway intersection; funded by Drought Communities Program and the Townscape Reserve - \$590,000;*
- *Emergency Management Incident Control Centre; funded by Local Roads and Community Infrastructure Phase 2 - \$25,000; and*
- *Road Construction \$1.85m:*
  - *Tieline Road; pavement repair, widen shoulder & seal - \$165,000 (carry over);*
  - *Tambellup West Road; pavement repair & reseal to 7.0m - \$150,000;*
  - *Warrenup Road; reconstruct gravel section to 7.0m & seal - \$420,000;*
  - *Tieline Road; repair failed sections, widen shoulders & seal to 7.0m - \$540,000;*
  - *Toolbrunup Road; extend seal to Tallents Road – \$160,000;*
  - *Chillicup Road; construct & seal - \$244,100;*
  - *Nymbup Road; repair & extend culverts - \$20,000; and*
  - *Greenhills South Road; widen, reconstruct & seal - \$150,000.*

**Economic Services****OPERATING**

- *Broomehill Caravan Park routine maintenance; and provision to replace washer and dryer;*
- *Annual Contribution towards Great Southern Treasures - \$11,000;*
- *Payment to Tambellup CRC for production of the Topics - \$10,500;*
- *Management of standpipes and bores in the Shire - \$52,200;*
- *Standpipe water usage recouped from customers - \$20,000*

**CAPITAL**

- *Holland Track Interpretive Centre, funded by the Drought Communities Program - \$80,000;*
- *Broomehill Caravan Park; building upgrades/storage funded by the Local Roads and Community Infrastructure Program Phase 3 - \$41,000;*
- *Tambellup Caravan Park development; park infrastructure, building upgrades and cabins - \$850,000:*
  - *Funding from Local Roads and Community Infrastructure Program Phase 3 - \$700,000; and*
  - *Contribution from the Tambellup Cropping Group towards cabins - \$150,000;*
- *Standpipe Improvements:*
  - *Water efficiencies Tambellup; installation of standpipe controller on new tank at Tambellup Depot funded by Drought Communities Program - \$25,000;*
  - *Standpipe controller replacement at Greenhills North Road - \$15,500; and*

- Standpipes controller upgrades at Tambellup West Road, Crawford Street & Cemetery Road - \$17,500.

### **Other Property & Services**

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#### **OPERATING**

- Planning and design for various projects - \$30,000 (Youth Centre, Tambellup Townscape & Broomehill Recreational Complex); and
- 50 Norrish Street, Tambellup; asbestos removal and demolition of building - \$20,000 (Old Butchers Shop).

#### **Reserve Funds**

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- Increase in Reserve funds of \$102,800:
  - Proceeds from sale of 27 East Terrace, Tambellup to Building Reserve - \$180,000;
- Plant Replacement funded from Plant Reserve, per 10 year Plant Replacement Program; and
- A review of all reserve accounts will occur in 2022/2023.

#### **Loans**

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- No new loans proposed in 2022/2023;
- Existing Loans:
  - Tambellup Administration Building loan is finalised in 2022/23;
  - Tambellup Pavilion loan matures 2036/37;
  - GROH Housing loan matures 2034/35;
- Opening Balance 1 July 2022 - \$1.81m;
- Closing Balance 30 June 2023 - \$1.68m.

*This coming year promises to be a good balance between new and exciting community projects and responsible planning for the future. Much time and effort will be spent developing good ideas into well planned, costed and designed projects for future years.*

*I thank everyone for the welcome that I have received to the Shire since my commencement as CEO and look forward to meeting the remainder of the community as soon as possible. Please don't hesitate to share your ideas with me. As always, if you require further information please contact us at our Broomehill or Tambellup offices.*

*I commend this budget to you as a financially responsible budget that ensures services and facilities continue to be provided at the level ratepayers and residents have come to expect, while providing renewal of essential road and community assets for the enhancement of the whole Shire.*

*Anthony Middleton  
Chief Executive Officer*

### **CONSULTATION**

Chief Executive Officer  
Councillors workshop 9 June 2022  
Senior Staff

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**STATUTORY ENVIRONMENT**

*Local Government Act 1995 Part 6 Division 2 – Annual Budget*

*Local Government (Financial Management) Regulations 1996* prescribe the form and content of the Annual Budget.

**POLICY IMPLICATIONS**

There is no policy applicable to this item.

**STRATEGIC IMPLICATIONS**

The Annual Budget has been prepared having due regard for the objectives determined in the Strategic Community Plan and Corporate Business Plan.

**FINANCIAL IMPLICATIONS**

Adoption of the Annual Budget sets the financial framework for the ensuing financial year. The budget is balanced, with a nil surplus/deficit projected at 30 June 2023.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

*That Council adopts the following –*

**1. General Rates**

*That rate revenue be increased by 4% for the year ending 30 June 2023, and the following rate in the dollar be adopted for the Shire of Broomehill-Tambellup*

*Unimproved Values                      0.6481 cents in the dollar*

*Gross Rental Value                      11.4554 cents in the dollar*

**2. Minimum Rates**

*That the minimum rate for Gross Rental Values is set at \$535.00 per assessment and the minimum rates for Unimproved Values is set at \$535.00 per assessment.*

**3. Refuse and Recycling Charges**

*That, in accordance with the provisions of the Waste Avoidance and Resource Recovery Act 2007, Council imposes the following refuse and recycling charges for 2022/23:*

*Residential Refuse – including recycling                      \$245.00*

*Residential Refuse – additional bin                              \$145.00*

*Residential – additional recycling bin                            \$110.00*

*Commercial Refuse – including recycling                      \$265.00*

*Commercial Refuse – additional bin                              \$165.00*

*Commercial – additional recycling bin                            \$110.00*

**4. Discount****General Rates**

*That Council, in accordance with the provisions of section 6.46 of the Local Government Act 1995, offers a 5% discount on 2022/23 general rates if full payment of rates, arrears, ESL and refuse charges is received within 35 days from the date of issue on the rate notice.*

**Interim Rates**

***That Council offers a 5% discount on interim rates levied, provided full payment is received within 35 days from the date of issue on the rate notice.***

**5. Payment Options**

***That Council, in accordance with the provisions of section 6.45 and 6.50 of the Local Government Act 1995, offers the following payment options for the payment of rates:***

***(a) Single Instalment – with 5% discount***

- ***Payment in full (including all arrears) within 35 days of the issue of the rate notice and be eligible for a 5% discount on current general rates and minimum charges.***

***(b) Two Instalments***

- ***The first instalment of 50% of the total current rates, ESL, refuse charges, instalment charges plus the total outstanding arrears payable, within 35 days from the date of issue of the rate notice.***
- ***The second instalment of 50% of the total current rates, ESL, refuse charges and instalment charges, payable 4 months from the due date of the first instalment.***

***(c) Four Instalments***

- ***The first instalment of 25% of the total current rates, ESL, refuse charges and instalment charges plus the total outstanding arrears payable, within 35 days from the date of issue of the rate notice.***
- ***The second, third and fourth instalments, each of 25% of the current rates, ESL, refuse charges and instalment charges, payable at two monthly intervals after the due date of the first instalment.***

**6. Interest and Administration Charges for Instalment Options**

***That Council, in accordance with the provisions of section 6.45 of the Local Government Act 1995 imposes an Administration Fee of \$10 per instalment notice together with an interest charge of 5.5%, both of which applies to the second instalment of the Two Instalment option, and the second, third and fourth instalments of the Four Instalment option.***

**7. Late Payment Penalty Interest**

***That Council, in accordance with the provisions of section 6.13 and 6.51 of the Local Government Act, and Regulations 19A and 70 of the Local Government (Financial Management) Regulations 1996, adopts an interest rate of 7% per annum. Penalty interest will apply to all charges which remain unpaid after 35 days from the date of issue of the rate notice. Excluded are eligible pensioners, deferred pensioner rates and current instalment amounts not yet due.***

**8. Fees and Charges**

***That Council, in accordance with section 6.16 of the Local Government Act 1995, adopts the Schedule of Fees and Charges as set out in the Budget document for the year ending 30 June 2023.***

**9. Determining Material Variances**

***That, in accordance with the provisions of the Local Government (Financial Management) Regulations 1996 section 34(5), the material variance as reported in the Statement of Financial Activity in the financial year ending 30 June 2023 will be 10% or \$10,000, whichever is the greater amount.***

**10. Members Meeting Attendance Fees**

***That Council, in accordance with section 5.99 of the Local Government Act 1995 and the Salaries and Allowances Tribunal Local Government Chief Executive Officers and Elected Members Determination 7 April 2022 (Part 6), adopts an annual allowance for meeting attendance fees of \$16,000 per annum for the President and \$8,000 per annum for Councillors.***

**11. President and Deputy President Allowance**

***That Council, in accordance with section 5.99 of the Local Government Act 1995 and the Salaries and Allowances Tribunal Local Government Chief Executive Officers and Elected Members Determination 7 April 2022 (Part 7), adopts an annual allowance of \$10,000 for the President and \$2,500 for the Deputy President.***

**12. Members Travelling Expenses**

***That Council, in accordance with section 5.99 of the Local Government Act 1995 and the Salaries and Allowances Tribunal Local Government Chief Executive Officers and Elected Members Determination 7 April 2022 (Part 8), adopts that travelling expenses are reimbursed to elected members at the rate contained in Section 30.6 of the Local Government Officer’s (Western Australia) Award 2021.***

**13. Information and Communications Technology Allowance**

***That Council, in accordance with section 5.99 of the Local Government Act 1995 and the Salaries and Allowances Tribunal Local Government Chief Executive Officer and Elected Members Determination 7 April 2022 (Part 9), adopts an annual Information and Communications Technology Allowance of \$500 per Councillor.***

**14. Adoption of the Annual Budget**

***That the Annual Budget for the Shire of Broomehill-Tambellup for the year ending 30 June 2023 comprising –***

- ***Statement of Comprehensive Income by Nature & Type;***
- ***Statement of Comprehensive Income by Program;***
- ***Cash Flow Statement;***
- ***Rate Setting Statement; and***
- ***associated notes and supporting information***

***be adopted.***

**COUNCIL DECISION**

MOTION

Moved Cr

Seconded Cr

CARRIED /

## 11. KEY RESULT AREA (KRA) TWO – OUR ECONOMY

### 11.01 DESIGNATED AREA MIGRATION AGREEMENT - EXPRESSION OF INTEREST AND FINANCIAL SUPPORT

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<b>Attachment:</b>	<b>11.01a</b>	<b>Information Paper as presented to the Great Southern Zone WALGA 24 June 2022</b>
	<b>11.01b</b>	<b>Great Southern Zone WALGA DAMA Presentation</b>
<b>File Ref:</b>	ADM0159/ADM445	
<b>Author:</b>	AP Middleton - Chief Executive Officer	
<b>Date:</b>	12 July 2022	
<b>Disclosure of Interest:</b>	Nil	

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#### SUMMARY

To consider a request from the Great Southern Zone of Western Australian Local Government Association (WALGA) relating to a proposal for all members of the Great Southern Zone to support a Designated Area Migration Agreement (DAMA) and to make a financial contribution to the preparation of a Business Case for the DAMA. This matter was discussed by the Zone at its meeting held in Jerramungup on 24 June 2022.

#### BACKGROUND

A DAMA is a labour agreement allowing businesses/employers to sponsor skilled and semi-skilled overseas workers to fill labour shortages in specific areas that cannot be filled with Australian workers.

Establishment of a Great Southern Region DAMA has both in-principle support and financial commitment from Regional Development Australia (RDA) and the Great Southern Development Commission (GSDC).

#### COMMENT

A regional DAMA is a formal agreement between the Australian Government and a regional, state or territory authority. Operating under an agreement-based framework, a DAMA provides access to more overseas workers than standard skilled migration programs (Temporary Skills Shortage (TSS) 482 visa or Regional 494 visa) by allowing variations to standard occupations and skills lists.

Establishing a DAMA in the region requires the support of various stakeholder groups as well as an in-depth analysis of relevant employment markets with verified evidence to support the application. Once established, a DAMA is reviewed annually and may be varied yearly.

A DAMA is a two-tier framework covering a defined regional area. The framework is:

- first tier - an overarching five-year head agreement with the region's representative (e.g. Regional Development Australia Great Southern). A region representative is called the Designated Area Representative (DAR).
- second tier - DAMA labour agreements with businesses/employers under the head agreement for the region.

Under the framework the DAR forms the first tier and negotiates a DAMA on behalf of businesses/employers within its region. Negotiations provide the most significant benefit of a DAMA and encompass standard occupations, including skill lists and any concessions that may be appropriate to a specific occupation. Examples of negotiated concessions include an extension of the age criteria, relaxation of English skills requirements or modification to the skills and experiences

required. The result is flexibility for regions to respond to their unique economic and labour market conditions.

The framework's second tier formalises the individual DAMA labour agreement. A business/employer applies for a DAMA Labour Agreement to the DAR. The business/employer must first demonstrate via Labour Market Testing (LMT) that it cannot employ suitable Australian employees. (A LMT is a business case presented to a DAR and the Department of Immigration that provides solid evidence and includes advertising on the Australian Government's Jobactive website and other search methods.)

If an application satisfies the DAMA's terms and conditions, and is supported, the DAR provides endorsement of the application through an approval letter. Once endorsed, applications are then subject to assessment by the Department of Home Affairs and Minister of Immigration, Citizenship and Multicultural Affairs.

If an occupation is unavailable under the standard visa programme, or the DAMA program, a business may negotiate its own Labour Agreement with the Minister, separate from a regional DAMA. Negotiations are based on a labour market survey that demonstrates the reason why a previously unlisted occupation has been applied for.

It is noted most regional businesses do not have the capacity to individually negotiate a Labour Agreement due to lack of capacity, expense and time constraints. A regional DAMA would provide a more attractive option to support business owners in the Great Southern.

### **Benefits of a DAMA**

A DAMA could provide a community with economic benefits through population growth and increased output.

The key value opportunity is that immigrant workers cannot move from the area of their DAMA, but can move between businesses within that area. Effectively migrant workers are secured to the region.

Another benefit of a DAMA is that the semi-skilled occupations, that are in shortage in the particular region, could be available under a DAMA, while they are not available under the standard visa program. Some examples of such occupations are truck drivers, wait staff, bar attendants, drillers, driller assistants, earthmoving/mobile plant operators and horticultural workers such as process and field workers.

### **DAMA concessions**

#### English Language Concession:

The English language test scores required under a DAMA can be lower than under the standard visa program making it easier for the applicant's visa to be processed. This is especially the case where a person is generally a good English communicator but perhaps not able to meet the requirements of a stringent English test for a visa.

#### Temporary Skilled Migration Income Threshold (TSMIT) Concession:

The TSMIT value is set by legislation to ensure that migrant workers can financially support themselves in Australia and acknowledges the additional costs temporary residents incur, such as health care and education costs. The current value of the TSMIT is \$53,900, excluding superannuation.

When calculating whether the salary paid by an employer meets the TSMIT, annual earnings may consist of the base salary plus guaranteed earnings such as housing, company car, and guaranteed overtime where this is an industry standard. If an employer intends to include these guaranteed earnings to meet TSMIT requirements, they must be valued and written into the agreed employment contract.



The use of concessions must not undermine relevant industrial awards, nor market salary rates for an equivalent Australian employee in the same location.

Skills Concession:

Every occupation requires an assessment of education, qualifications and employment experience to determine comparability against the assessment standards of a DAMA.

Permanent Residency requirements:

Upon an approval of the subclass 482 visa, there may be a pathway to permanent residency, subject to satisfying the criteria and availability, through the subclass 186 scheme Employer Nominated Scheme Visa.

Age Concession:

To transition into permanent residency, every applicant must meet the age criteria, being under the age of 45.

**DAMA requirements**

Advice from the office of Rick Wilson, Federal Member for O'Connor, states that a request for a DAMA must contain, as a minimum, the following:

1. a letter of endorsement from the relevant stakeholders;
2. a Designated Area Representative (DAR), endorsed by stakeholders, who can manage the request to establish an agreement;
3. a business case if any additional concessions are being requested to the minimum requirements outlined for a company specific labour agreement; and
4. an explanation of how the DAR proposes to support employers and facilitate the integration of overseas workers in their local communities (for example – provision of information on workplace rights and sponsorship obligations; basic services in the local area such as health; emergency and educational services; community activities such as sporting groups and religious services; engagement of a multicultural officer);
5. supporting documentation, which may include:
  - a. profit and loss statements;
  - b. other applicable financial statements; and
  - c. relevant supporting information.

An example of a region in Western Australia currently covered by a DAMA, since 21 March 2019, is the Goldfields region. The City of Kalgoorlie-Boulder is the DAR and represents other regional and nearby shires.

The Goldfields region aimed to secure permanent labour so as to avoid constantly retraining employees, such as backpackers. The Pilbara region had also applied for a DAMA before the Goldfields was secured, however they were unsuccessful in their application due to not being able demonstrate eligibility.

It is important to note the Goldfields DAMA is an employer-sponsored visa programme providing the framework for employers in its designated area to sponsor skilled and semiskilled workers under visa subclasses 482, 494, and 186. This is the same model proposed by the Great Southern region.

The process of becoming a DAMA took the City of Kalgoorlie-Boulder 12 months, once the application was submitted. A financial consultancy business was engaged to undertake their business case, which can take between 3 and 6 months to establish.

From a human resource perspective, the City of Kalgoorlie-Boulder provided a 0.5 FTE (full time equivalent) staff member to liaise with the consultant throughout the formation of the Business Case.

In addition, the following on-going human resource tasks, required as the DAR, include:

1. dealing with an approximate average of 1 to 2 business applications per month. A charge of \$250 is levied for each nomination for endorsement. This includes Statutory Declarations and ensures businesses are financially viable and stable.
2. answering queries from prospective businesses, which can be very time consuming.
3. seeking guidance from a team within the Department of immigration.
4. undertaking of an Annual Report for the Department and Minister.
5. negotiation of ongoing Terms and Conditions of the DAMA.
6. surveys and analysis of the regional labour market.
7. monthly meetings with a Department of Immigration representative to discuss the DAMA programme. Note: The Department also liaises with businesses directly.

Other points of note, gained through research with external organisations, include:

1. a subclass 491 visa, for highly skilled and desired occupations, requires nomination by the State Government, or an eligible family member and doesn't require a sponsor. This type of visa cannot be included in a DAMA;
2. the City of Kalgoorlie-Boulder has a population of approximately 30,000;
3. the more local government authorities involved, the better the chance of securing a DAMA; and
4. a larger organisation, such as a Regional Development Authority is best positioned to take on the role of regional representative (DAR) and offers the application a stronger opportunity for success, indicating collaboration between communities.

Creating a DAMA is an extensive process, particularly for the lead organisation (DAR) involved in the application and consultancy phase. Furthermore, there are significant resources required to manage ongoing applications which require liaison with the Department of Immigration for the five-year term.

This type of project requires the support of many stakeholders including regional Local Governments, Chambers of Commerce, Regional Development Australia (RDA), Development Commissions, and members of parliament. All stakeholders must endorse the organisation that is capable and willing to accept the responsibility of being a Designated Area Representative.

Regional Development Australia (RDA) Great Southern have offered to act as the Designated Area Representative (DAR) which will meet this ongoing administrative requirement.

### **Alternative Visa Options to DAMA**

#### Pacific Labour Mobility Scheme

This Scheme enables citizens of partner countries to take up low-skilled and semi-skilled work opportunities in all sectors in rural and regional Australia for up to 3 years. Partner countries include: Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, TimorLeste, Tonga, Tuvalu and Vanuatu.

#### Seasonal Worker Program (Agriculture and Accommodation)

This Scheme enables citizens of partner countries to take up unskilled and low-skilled work opportunities in the Australian agriculture and accommodation sectors in selected rural and

regional locations of Australia for up to 9 months. Partner Countries: Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu.

### Industry Labour Agreement

Labour agreements enable approved businesses to sponsor skilled overseas workers when there is a demonstrated need that cannot be met in the Australian labour market and where standard temporary or permanent visa programs are not available. Industry labour agreements are for a specific industry with fixed terms and conditions. The industry is required to show ongoing labour shortage and extensive consultation within the industry. Various approved industry labour agreements include dairy, aquaculture, fishing, meat and livestock, advertising, hospitality, labour-hire and religion.

### Standard Business Sponsorship -482 (For highly Skilled Occupations)

This temporary visa lets an employer sponsor a suitably skilled worker to fill a position for which they are unable to find a suitably skilled Australian. Based on the occupation, this visa is generally granted for 2-4 years.

## **CONSULTATION**

A West Australian Local Government Association (WALGA) Great Southern Country Zone meeting was held in Jerramungup on 24 June 2022. All 11 Local Governments of the region were represented.

The Great Southern Development Commission, Chief Executive Officer, Natasha Monks also attended and participated in the briefing on a proposed DAMA for the region.

The meeting resolved:

*That the Great Southern Country Zone of WALGA supports the concept of the Designated Area Migration Agreement (DAMA) as follows:*

- 1. The Great Southern Country Local Governments are to report back to the Zone Executive Officer by Wednesday, 17 August 2022 as to their interest in joining the DAMA.*
- 2. The Great Southern Country Zone acknowledge the Regional Development Australia office will act as the Designated Area Representative (DAR), and*
- 3. The Great Southern Country Zone acknowledges that funding will be required from each Local Government.*

## **STATUTORY ENVIRONMENT**

*Statutory Dependency Migration Act 1958*

## **POLICY IMPLICATIONS**

The Council's Integrated Workforce Planning and Management Policy (Policy1.12) has application for this proposal in that the Shire states its commitment to ensuring strategic, operational and legislative objectives are met by effective workforce planning and resourcing.

## **STRATEGIC IMPLICATIONS**

Strategic Community Plan 2018-2028

Key Result Area (KRA) Two – Our Economy

2.3.2 that we will develop and implement policies and initiatives to support local business. In this respect, should a DAMA be agreed, local businesses will have opportunities to attract overseas skilled and semi-skilled workers should such workers not be available locally.

### FINANCIAL IMPLICATIONS

As outlined in Table 1 below, a proposed funding model identifies the relative cost proposed by all stakeholders in the development of a DAMA in the Great Southern. It is expected that between \$80,000 to \$100,000 is required to develop the business case in order to be successful. This includes the cost of a consultant to conduct a survey of regional employers, research and provide statistics, and to identify any occupations that may fit the criteria for inclusion in a DAMA application. The direct costs of the consultant are estimated to be circa \$60,000 to \$80,000, with the balance required for project contingencies.

It is noted that a designated team member resource is required to liaise with the consultant. In the case of Kalgoorlie-Boulder, it was estimated that a staff member to the value of 0.5 FTE basis was required for the purpose of establishing their DAMA. Following the successful DAMA application, a further 0.5 FTE investment with ongoing tasks has been required.

RDA Great Southern have indicated they are prepared to fund the ongoing 0.5 FTE employee costs relating to the DAR for the proposed five-year period. On this basis each local government in the Great Southern are only required to fund the upfront business case. Each employer that makes application in the Great Southern will fund the ongoing administration costs of the DAR. There may also be a proportion of the application fees over the five-year period that recoups some or all of the original local government investment. This will be determined if the Great Southern Zone Local Governments make a commitment to the business case and DAMA application. RDA Great Southern will lead this process and report back to the zone.

Table 1. Proposed Funding Model

		Estimated Population	Contribution based on Population	Adjusted Contribution
		<b>Total Funds</b>	<b>\$ 111,803</b>	<b>\$ 100,000</b>
	<b>Organisation</b>			
1	GSDC		\$ 10,000	\$ 10,000
2	RDA		\$ 10,000	10,000
			<b>\$ 20,000</b>	<b>\$ 20,000</b>
	<b>LGA's @ 1.50</b>	Per head of population		
3	City of Albany	38,000	\$ 57,000	\$ 40,000
4	Shire of Denmark	6,422	\$ 9,633	\$ 8,000
5	Shire of Plantagenet	5,079	\$ 7,619	\$ 8,000
6	Shire of Katanning	4,200	\$ 6,300	\$ 7,000
7	Shire of Kojonup	1,985	\$ 2,978	\$ 5,000
8	Shire of Gnowangerup	1,215	\$ 1,823	\$ 2,500
9	Shire of Broomehill-Tambellup	1,144	\$ 1,716	\$ 2,500
10	Shire of Jerramungup	1,109	\$ 1,664	\$ 2,500
11	Shire of Cranbrook	1,089	\$ 1,634	\$ 2,500
12	Shire of Kent	550	\$ 825	\$ 1,000
13	Shire of Woodanilling	409	\$ 614	\$ 1,000
		<b>61,202</b>	<b>\$ 91,803</b>	<b>\$ 80,000</b>

The level of unemployment in the Shire of Broomehill-Tambellup has remained relatively stable since late 2017. These low unemployment rates indicate the available pool of employees for local businesses is extremely low and is ultimately leading to business disruption.

On the basis of the current employment conditions the author believes the development of a Great Southern regional DAMA offers part of a solution for those businesses who are currently experiencing under-employment. While it is unlikely a regional DAMA will be the panacea for all businesses it could provide an avenue to assist larger businesses with the capacity to invest in the program.

While a DAMA could produce potential employees, it must also be understood that housing considerations must be taken into account. While housing availability is easing, it is still a significant consideration, and is likely to continue for another 12-24 months, where employers will need to address this consideration in the development of their business case when preparing their DAMA applications.

On the basis of the relatively low cost, matched against the potential to provide businesses with increased access to new labour markets the author recommends the Shire signal its intent to participate at the next WALGA Great Southern Country Zone Meeting on 26 August in Katanning.

Whilst the intent is for the entire Great Southern Zone to be included in the DAMA prescribed area this can only be guaranteed if each of the 11 local governments agree both in-principle and support the business case with a level of funding considered commensurate with their population and financial circumstances.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That Council;

1. **SUPPORT the development of a Great Southern Designated Area Migration Agreement; and**
2. **REQUEST the Chief Executive Officer to advise the West Australian Local Government Great Southern Country Zone Meeting, by 17 August 2022, of the Shire of Broomehill-Tambellup’s intent to participate, subject to:**
  - a. **Regional Development Australia Great Southern undertaking the role of the Designated Area Representative, and**
  - b. **A contribution of up to \$2,500, be confirmed as the Shire of Broomehill-Tambellup’s contribution with the CEO authorised to commit funding up to this amount.**

**COUNCIL DECISION**

MOTION	Moved	Cr	Seconded	Cr
			CARRIED	/

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**11.02 PROPOSED DELEGATION TO CEO: TEMPORARY WORKS EXEMPTIONS**

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<b>Attachment:</b>	Nil
<b>File Ref:</b>	ADM0239
<b>Author:</b>	Liz Bushby, Town Planning Innovations
<b>Date:</b>	7 July 2022
<b>Disclosure of Interest:</b>	Declaration of Interest: Town Planning Innovations (TPI) Nature of Interest: Financial Interest as TPI receives planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i>

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**SUMMARY**

The purpose of this report is for Council to consider delegating power to the Chief Executive Officer to exempt temporary works from the need for any planning approval. Any temporary works must be in place for no longer than 12 months, after which the works would cease and any structures would need to be removed.

This matter is raised by TPI due to the need for the Shire to maintain flexibility during a challenging time for owners, businesses and other key stakeholders.

**BACKGROUND**

In March 2020, the Western Australian Government declared a State of Emergency and Public Health State of Emergency in response to the pandemic caused by COVID-19.

The State of Emergency has been extended twice, with the current Emergency Declaration due to expire on the 15 July 2022. At the time of writing this report, it was unknown whether the State of Emergency will be further extended.

There have been interruptions to supply chains and worker availability associated with COVID-19. In addition there is evidence that the housing and building industry are experiencing major challenges due to a combination of factors including a general shortfall of workers and skilled tradespersons in WA, increased transport costs; increased input costs of steel and timber.

There is a high demand for housing due to the Federal Government Homebuilder Stimulus Package released in the first years of the pandemic.

There is anecdotal evidence of a general lack of accommodation for construction workers in regional towns, and a general difficulty in finding builders to undertake construction works in the regions.

**COMMENT**

Due to the economic pressures explained in the background section of this report, TPI recommends that the Shire examine opportunities to maintain flexibility and be in a position that allows the Chief Executive Officer to grant exemptions for temporary works.

There may be circumstances where temporary development is needed, will be removed after an agreed period, and ultimately the land will be restored to its pre-development state.

Examples of temporary works may be for use of sea containers for building materials during construction, an office for construction sites, emergency storage for farms or businesses, storage for building materials, and events for charitable organisation for fundraising.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

*Planning and Development (Local Planning Schemes) Regulations 2015 –*

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

The Regulations include ‘Deemed Provisions’ that automatically apply and override parts of the Shire of Broomehill Tambellup Schemes.

Clause 61 outlines ‘*development for which development approval is not required*’. In other words, Clause 61 lists development that is exempted from the need for any planning approval.

Under Clause 61(2) (f) development approval of the Local Government is not required for any ‘*temporary use that is in existence for less than 48 hours, or a longer period agreed by the Local Government, in any 12 month period*’.

Clause 82(1) gives the Local Government the ability to delegate its powers to the Chief Executive Officer. Clause 82(2) requires any delegation to be by Absolute Majority.

*\* Absolute Majority required*

**POLICY IMPLICATIONS**

There are no known Policy Implications.

**STRATEGIC IMPLICATIONS**

Strategic Community Plan 2018-2028

Key Result Area (KRA)Two – Our Economy

2.3 Our Shire actively supports existing local businesses and encourages new business initiatives

2.3.1 Encourage and facilitate appropriate development in the Shire

2.3.2 Develop and implement policies and initiatives to support local businesses

**FINANCIAL IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

That:

**The Council, pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant delegated authority to the Chief Executive Officer to grant an exemption from the need for planning approval for temporary works (not exceeding a 12 month period) in accordance with Clause 61(2) (f) of the Regulations.**

**COUNCIL DECISION**

MOTION

Moved Cr

Seconded Cr

CARRIED /

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

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<b>Attachments:</b>	11.03a	Scheme Amendment V1 Jan 2022
	11.03b	Preliminary Tambellup Caravan Park Concept Plan
	11.03c	Table of Submissions
<b>File Ref:</b>	ADM0600	
<b>Author:</b>	Liz Bushby, Town Planning Innovations	
<b>Date:</b>	7 July 2022	
<b>Disclosure of Interest:</b>	Declaration of Interest: Town Planning Innovations (TPI) Nature of Interest: Financial Interest as TPI receives 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 adopting Amendment 6 of the Shire of Tambellup Town Planning Scheme No 2 for final approval (with or without modifications). The amendment has been advertised for public comment. The Amendment proposes 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 the amendment the existing land use definitions in the Shires Scheme for 'camping area' and 'caravan park' will 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 is no longer in operation on 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.



During the public consultation period, TPI received some enquiries about the laneway between Crowden Street and Gnowangerup-Tambellup Road.

Whilst the land may appear to be a laneway on the ground, a portion forms part of Lot 19. At development stage the Shire will need to consider whether to allow continued public access through Lot 19, or whether to fence off the lot.

### **Previous Council Decision**

Council adopted Amendment No. 6 at the Ordinary Meeting of Council on 17 December 2021 for the purpose of conducting public advertising.

The formal Scheme Amendment document is included as attachment 11.03a.

### **COMMENT**

#### **Concept Plan**

A Concept Plan has been developed for the proposed Tambellup Caravan Park – refer attachment 11.03b. At this stage it is anticipated that Lots 5 and 6 Crowden Street will continue to accommodate tent camp sites.

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.

The Water Corporation has recommended that the Shire liaise with their Building Services Team to determine the capacity of the local network to service any proposed development, once a more detailed plan has been developed.

The Water Corporation has also advised that any future structures will need to be setback from existing gravity sewers that run inside the rear western and southern boundaries of the site.



Above: Map provided by Water Corporation

**Surrounding Caravan Parks**

Although there are existing caravan parks in nearby towns, such as at 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.

**Rationale for Proposed Zoning**

A ‘Town Centre’ zone instead of any form of ‘Special Use’ zone is being proposed for a future 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.

**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;

**CONSULTATION**

The amendment has been advertised between 31 March 2022 and 20 May 2022. Advertising included letters to relevant government agencies / service providers, letters to nearby landowners, publication on the Shire website and Public Notices.

A total of nine (9) submissions were received, with two (2) making no comment, and seven (7) no objections.

One submission requested that the 'laneway' on Lot 19 be kept open for access to other properties including the Tambellup Community Resource Centre.

A Table of Submissions is included in attachment 11.03c. Council has to make a recommendation to the WA Planning Commission on each submission, and whether any modifications should be made to the amendment as a result of any submission.

### **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:

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 are no known policy implications.

### **STRATEGIC IMPLICATIONS**

Strategic Community Plan 2018-2028

Key Result Area (KRA) Two – Our Economy

2.1 Our community provides a unique tourism and visitor experience

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. Note the Table of Submissions in attachment 11.03c and resolve to ‘note the submissions but not recommend any modifications to the amendment as a result of submissions’.**
  
- B. 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 final approval (without modification) 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-off-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-Interpetations’ and inserting new definitions for ‘camping ground’ and ‘caravan park’ in alphabetical order in ‘Schedule 1-Interpetations’ 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).’*
  
- 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 lodge the amendment with the Western Australian Planning Commission and seek final approval by the Minister for Planning, Lands and Heritage.**

**COUNCIL DECISION**

MOTION	Moved	Cr	Seconded	Cr
			CARRIED	/

## 12. KEY RESULT AREA (KRA) THREE – OUR PLACES

### 12.01 GREAT SOUTHERN REGION PROJECT RANKING – STATE AND LOCAL ROADS

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<b>Attachment:</b>	12.01a Great Southern Region Project Ranking – State and Local Roads
<b>File Ref:</b>	ADM0606
<b>Author:</b>	Annie Richardson, Governance and Executive Assistant
<b>Date:</b>	1 July 2022
<b>Disclosure of Interest:</b>	Nil

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#### SUMMARY

The purpose of this report is for Council to review and consider the current proposed rankings of the Regional Road Group Projects [RRG] (State and Local Roads) for the Great Southern.

#### BACKGROUND

Below are the current endorsed RRG State and Local Roads Program for the Agricultural West Region. The submissions were previously approved by the Regional Road Group Project and are ranked in order of priority at that given time. The Program is now being presented to all Local Governments in the Great Southern for review.

The priority list for all roads of significance in the Great Southern is in attachment 12.01a.

The priority list for all roads of significance in the Agricultural West sub group is as follows:

<b>Great Southern Region Project Ranking - State and Local Roads - West</b>							
Group	Local or State	Route	Value to the Region 0 to 10	Feasibility 0 to 10	Comments	Total Score (out of 20)	Overall Ranking
West	State	Great Southern Highway	10	10	Reconstruction required in areas instead of just resealing.	20	1
West	State	Albany Highway	10	10	Reconstruction required in areas instead of just resealing.	20	2
West	State	Broomehill - Gnowangerup	10	10	Reconstruction required in areas instead of just resealing.	20	3
West	State	Kojonup - Pingrup	10	10	Reconstruction required in areas instead of just resealing.	20	4
West	State	Kojonup - Donnybrook	10	10	Reconstruction required in areas instead of just resealing.	20	5
West	Local	Robinson Road (Cartmeticup), link from Woody - Oxsley Road	10	10	Can be improved with widening shoulders to 8 m.	20	1
West	Local	Katanning - Dumbleyung	8	10	Maintain.	18	2
West	Local	Tie-Line (Broomehill - Tambellup), Broomehill - Gnowangerup	7	10	Only 6 m wide for RAV 7.	17	3
West	Local	Pootenup	7	10	Needs a slip lane where meets Great Southern Highway.	17	3
West	Local	Kojonup - Broomehill	7	9	More reconstruction widening required, more re-alignment.	16	5
West	Local	Kojonup - Darkan	9	6	Needs complete reconstruction.	15	6
West	Local	Kojonup - Frankland	8	6	Needs complete reconstruction.	14	7
West	Local	Warrenup - Nookanellup	8	5	Not currently sealed, needs sealing.	13	8
West	Local	Tambellup West to Tambellup - Gnowangerup Road	7	6	Needs widening and maintenance.	13	8
West	Local	Shenton - Trimmer	6	5	Parallel route to Great Southern Highway, Woodanilling - Katanning connection.	11	10



**COMMENT**

Council to provide feedback to the Regional Road Group: Technical Working Group – Sub Group (Agricultural West) via Cr Paganoni.

**CONSULTATION**

Great Southern Regional Road Group (GSRRG) Technical Work Group (TWG) Chair, Cr Paganoni, Sub Group (Agricultural West)  
 Manager of Works  
 Chief Executive Officer

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*  
*Main Roads Act 1930*

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Strategic Community Plan 2018-2028  
 Key Result Area (KRA) Three - Our Places

3.3 Our transport networks are safe and efficient

3.3.1 Maintain a program of ongoing improvements to our transport networks

3.4 Our Council facilities and infrastructure are managed sustainably to meet current and future needs

3.4.1 Implement a program of maintenance, servicing and renewal of Council assets to maximise life and performance

**ASSET IMPLICATIONS**

Roads are Councils single biggest asset class and provide some of the biggest management challenges. Councils Asset Management Plan highlights the importance of maintenance and upgrades in keeping the road assets in a condition to ensure they deliver the best service and continue to add value for the members of our community.

**FINANCIAL IMPLICATIONS**

Projects are funded on a 2:1 basis through the Regional Road Group process, if applications are successful

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER RECOMMENDATION**

That Council:

1. Endorses the Regional Road Group - Technical Working Group (Agricultural West) Sub-Group list of project ranking – State and Local Roads as listed in this agenda item; and
2. Requests the Chair of Technical Working Group Sub Group (Agricultural West) to seek approval from the RRG to amend the Tambellup West to Tambellup-Gnowangerup Road to a higher priority status to at least a ranking of 6.

**COUNCIL DECISION**

MOTION	Moved	Cr	Seconded	Cr
			CARRIED	/

**12.02 OFFER TO PURCHASE LAND – 61 GARRITY STREET, TAMBELLUP**

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<b>Attachment:</b>	Nil
<b>File Ref:</b>	A345
<b>Author:</b>	AP Middleton – Chief Executive Officer
<b>Date:</b>	8 July 2022
<b>Disclosure of Interest:</b>	Nil

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**SUMMARY**

To consider a request to purchase 61 Garrity Street, Tambellup from the Department of Communities (Housing) for the sum of \$0.

**BACKGROUND**

61 Garrity Street, Tambellup is a vacant lot on the corner of Garrity Street and Crawford Street. A residence was demolished on the lot in June 2022. The Department of Communities (Housing) have offered to transfer the lot to the Shire of Broomehill-Tambellup for no consideration.

**COMMENT**

Whilst the Shire has no immediate need for the lot, it is considered that the most advantageous ownership for the lot both now and into the future is in the Shire's name.

Should the Council accept the offer from the Department of Communities (Housing), it is recommended that community consultation occur to determine what should be done to the lot in the short term. Whilst nothing costly is being proposed at this stage, tree planting and the like should only occur following the receipt of the community's input.

**CONSULTATION**

Nil – community consultation to occur if the Council choose to acquire the lot.

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

The Council's purchasing policy applies. Although the asking price is \$0, it is considered appropriate for the Council to be the decision maker in the purchase of land.

**STRATEGIC IMPLICATIONS**

The Strategic Community Plan 2018-2028

Key Result Area (KRA) Three – Our Places

3.1 The history, heritage and culture of our communities is reflected in attractive townscapes.

S2.2.3 of the Corporate Business Plan 2018-2022 states:

Explore opportunities to release or sell land for residential development.

**FINANCIAL IMPLICATIONS**

The consideration payable to acquire the lot is \$0. Maintenance (spraying & mowing) and other ownership costs will be incurred but are easily undertaken by Shire staff.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That:**

- 1. The offer for the Shire to purchase 61 Garrity Street, Tambellup from the Department of Communities (Housing) for the sum of \$0 be accepted;**
- 2. The Chief Executive Officer be authorized to execute all offer and acceptance and transfer land documentation required to effect point (1) above; and**
- 3. The Chief Executive Officer undertake community consultation for the best short term use of the lot.**

**COUNCIL DECISION**

MOTION

Moved Cr

Seconded Cr

CARRIED /

**12.03 CLEARING PERMIT WARRENUP ROAD – FLAT ROCKS WIND FARM**


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<b>Attachment:</b>	12.03a Site Maps
<b>File Ref:</b>	ADM0283
<b>Author:</b>	AP Middleton – Chief Executive Officer
<b>Date:</b>	13 July 2022
<b>Disclosure of Interest:</b>	Nil

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**SUMMARY**

To consider a request by Enel Green Power to provide permission to access required road reserves, and give support to a clearing permit application, to clear vegetation for the construction, commissioning and operation of the Flat Rocks Wind Farm (FRWF).

**BACKGROUND**

FRWF received development approval via the Southern Joint Development Assessment Panel in 2017, with variations to this approval granted in 2021. This approval is subject to thirty-eight (38) conditions, many of which are still to be met.

In order to construct the wind turbines and power line that form the FRWF project, access to road reserves for the purpose of clearing native vegetation is required. As the responsible land manager of some of the road reserves concerned, part of this process requires the Shire to provide a letter of support to accompany the clearing permit application.

**COMMENT**

The areas concerned are listed in the following table and are cross referenced to the site maps attached:

Land ID	Name	Owner/s	Clearing Site No.	Clearing Purpose
3270714	Warrenup Road	Shire of Broomehill-Tambellup	58 21	Cabling Access road
3270726	Warrenup Road	Shire of Broomehill-Tambellup	57	Cabling
3270710	Warrenup Road	Shire of Broomehill-Tambellup	56	Cabling
3301037	Warrenup Road	Shire of Broomehill-Tambellup	34, 35	Access road

\* Please note: This items deals with a request to provide a letter of support for an application to clear native vegetation. This item does not deal with the development approval condition that requires the written approval of the land owner prior to the placement of electricity reticulation/transmission power lines on or over land outside of the lots subject to the project.

The Author sees no reason as to why this clearing permit would not be supported, noting that development approval conditions are still required to be fulfilled.

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

*Environmental Protection Act 1986*

*Environmental Protection (Clearing of Native Vegetation) Regulations 2004*

**POLICY IMPLICATIONS**

Council Policy 4.4 (Clearing of Vegetation for Road Construction) deals with the clearing of native vegetation in regards to road construction activities, but is silent on private developments.

**STRATEGIC IMPLICATIONS**

Corporate Business Plan 2018-2022:

Key Result Area 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

3.2: Our community and Council are environmentally aware and engaged

3.2.3: Provide effective environmental management of Council’s land and reserves

3.2.3.2: Manage vegetation in agricultural corridors

**ASSET IMPLICATIONS**

There are no asset implications for Council.

**FINANCIAL IMPLICATIONS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That the request by Enel Green Power to access required road reserves, and give support to a clearing permit application, to clear vegetation for the construction, commissioning and operation of the Flat Rocks Wind Farm, in accordance with the attached site plans, be supported.**

**COUNCIL DECISION**

MOTION

Moved Cr

Seconded Cr

CARRIED /

**13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil.

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

Nil.

**15. QUESTIONS FROM MEMBERS WITHOUT NOTICE**

**16. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**17. CLOSURE**