



AGENDA

Ordinary Council Meeting

16 May 2024

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

**An Ordinary Meeting of the Council of the Shire of Broomehill-Tambellup will be held
in the Tambellup Council Chambers 46-48 Norrish Street, Tambellup
on 16 May 2024 commencing at 4.30pm.**



**Karen Callaghan
Chief Executive Officer**

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Shire of Broomehill–Tambellup

DISCLOSURE OF INTEREST FORM

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

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

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

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Clause 22 of the Shire’s Code of Conduct for Council Members, Committee Members & Candidates.

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

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

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

Yours sincerely

Signed

Date

NOTES:

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

DISCLOSURE OF INTERESTS (NOTES FOR YOUR GUIDANCE)

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

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

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

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

NOTES ON FINANCIAL INTEREST (NOTES FOR YOUR GUIDANCE)

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

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

The only exceptions are:

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

INTERESTS AFFECTING IMPARTIALITY DEFINITION:

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

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

IMPACT OF AN IMPARTIALITY DISCLOSURE

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

Strategic Community Plan 2023-2033

'People Power'

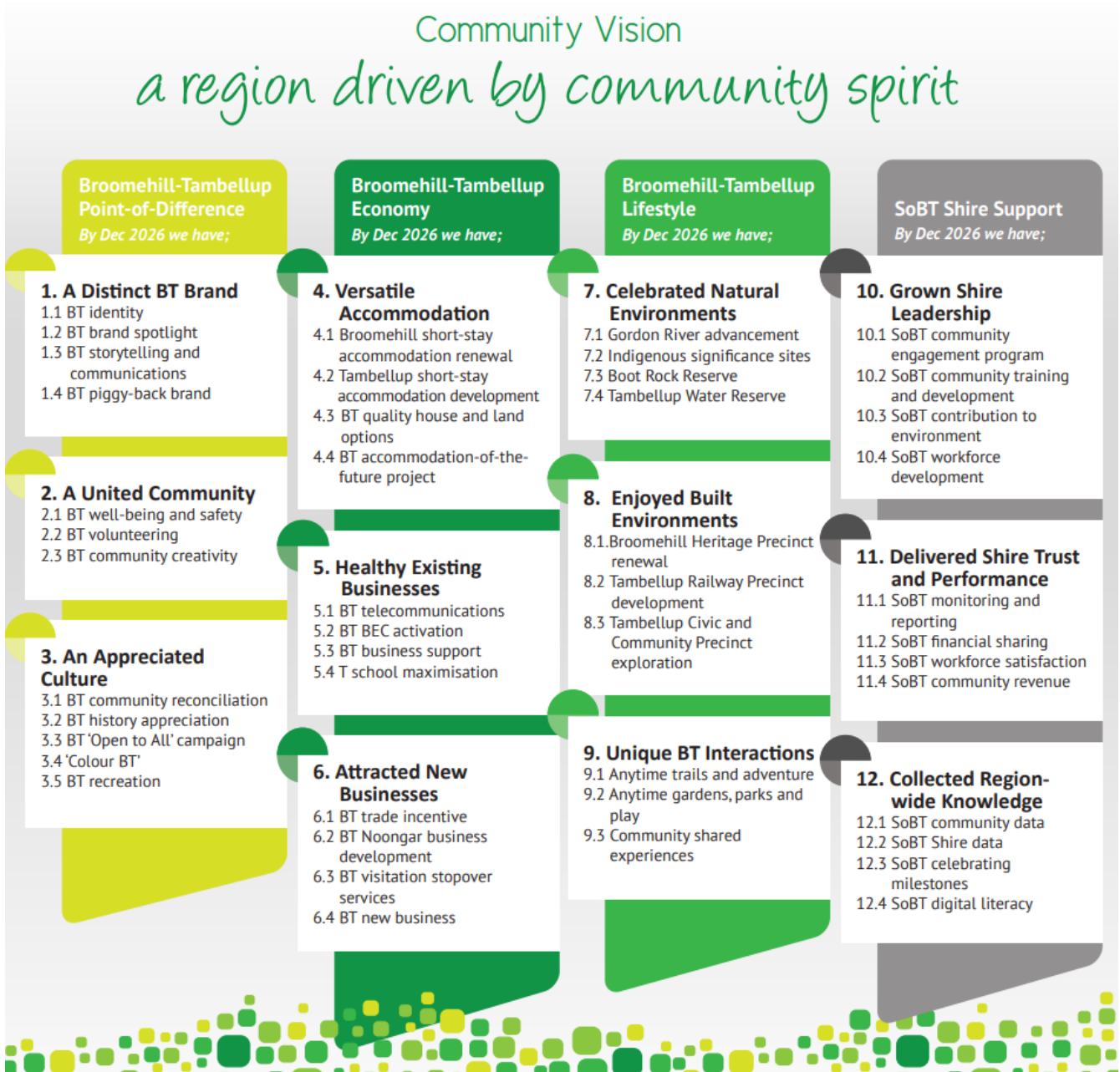


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**Agenda for the Ordinary Council Meeting to be held on 16 May 2024
in the Tambellup Council Chambers, 46-48 Norrish Street, Tambellup.**

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

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

2. ATTENDANCE

Councillors

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

Staff

KP Callaghan	Chief Executive Officer
KP Squibb	Manager of Finance & Administration
P Vlahov	Manager of Works

Apologies

PA Hull	Strategic Support & Projects Officer
TO Korthuis	Governance & Executive Assistant

3. DISCLOSURE OF INTEREST

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5. PUBLIC QUESTION TIME

6. PRESENTATIONS/PETITIONS/DEPUTATIONS

Nil

7. APPLICATION FOR LEAVE OF ABSENCE

8. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

9. CONFIRMATION OF MINUTES

9.1 ORDINARY COUNCIL MEETING 18 APRIL 2024

Recommendation:

That the minutes of the Ordinary Meeting of Council held on 18 April 2024 be confirmed as a true and accurate record of proceedings.

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

10.1 BUSHFIRE RISK MANAGEMENT PLAN 2024-2026

ATTACHMENT(S)	10.1.1 Bushfire Risk Management Plan 2024-2026 10.1.2 Department of Fire and Emergency Services – Endorsement of Bushfire Risk Management Plan
FILE NO	ADM0450
AUTHOR	Karen Callaghan, Chief Executive Officer
DATE	6 May 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: Broomehill Tambellup Point of Difference	
2. A United Community 2.1 Well-being and safety The community and Shire working more boldly to provide advanced wellbeing programs for all ages. This also includes further development of neighbourhood safety programs, facilities and products and a Youth Centre upgrade.	No specific corporate initiative

SUMMARY

The purpose of this report is for the Council to consider the Bushfire Risk Management Plan 2024-2026 (Attachment 10.1.1) and adopt it, if appropriate.

BACKGROUND

The Shire of Broomehill - Tambellup engaged with the Shires of Kojonup and Katanning through the Office of Bushfire Risk Management (OBRM), to produce the Bushfire Risk Management Plan (BRMP). The plan provides contextual information to inform a structured approach to identifying, assessing, prioritising, monitoring, and treating bushfire risk. The Shire is one of the last Shires in the region to have the Plan completed. Included within the Plan is a Risk Register, recorded in the Department of Fire and Emergency Services (DFES) Bushfire Risk Management System (BRMS).

The BRMP is a living document that local governments are required to produce under the State Hazard Plan for Fire. The Plan follows the principles in the international risk management standard ISO 31000:2018 Risk Management Guidelines and is consistent with the standards outlined in the Guidelines for Preparing a Bushfire Risk Management Plan, published by the OBRM.

The objective of the bushfire risk management (BRM) program is as follows:

- Guiding and coordinating a cross-tenure, multi-stakeholder approach to BRM planning;
- Effective use of financial and physical resources available for BRM activities;

- Supporting integration between risk owners, strategic objectives, and tactical outcomes; and
- Documenting processes used to monitor and review the implementation of the treatment plans to ensure they are adaptable, and that risk is managed to an acceptable level.

COMMENT

Four asset categories are identified in the BRMP (Human Settlement, Economic, Environmental and Cultural). The assets were assessed by the Bushfire Risk Planning Coordinator employed by the Shires and DFES to complete the BRMP. The assessment took into consideration the bushfire risk based on vegetation classification, separation distance, and slope of the topography. The areas that rate High, Very High, and Extreme will require treatment if they are currently not being managed under Section 33 of the *Bush Fires Act 1954*.

On 16 April 2024, the OBRM wrote to the Chief Executive Officer (Attachment 10.1.2) endorsing the BRMP. Once the BRMP is approved by the OBRM and the Council, it qualifies the Shire to be eligible for funding under the Mitigation Activity Fund.

Currently there are two funding rounds available per year, with the actual works being carried out over a 12-month period once funding has been approved. Other funding rounds cannot be applied for until the current round submitted has been acquitted.

Once an area/s and treatment have been identified the information is entered into the DFES BRMS. There are several different treatments to be considered e.g. slashing, parkland clearing, burning or chemical spraying. Once the works are submitted through the BRMS the OBRM will approve or disprove the area or treatment as it must meet strict criteria. On approval of funding the Shire can either complete the works or engage a contractor. The OBRM requires a progress report to be submitted part way through the funding round. On completion of the work, all works must be acquitted within an allocated set timeframe.

DFES have produced a guideline to assist applicants in this process, so objectives are met. The “Mitigation Activity Fund Grant Program” covers all aspects associated with mitigation works of this type.

Mitigation works will be developed in consultation with local Fire Control Officers, landowners and other stakeholders including the regional DFES Bushfire Risk Management Officer.

CONSULTATION

Community Emergency Services Manager
Manager Finance and Administration
Shire of Katanning
Shire of Kojonup
Department of Fire and Emergency Services

STATUTORY ENVIRONMENT

Aboriginal Heritage Act 2021

Biodiversity Conservation Act 2016

Biodiversity Conservation Act of 1999 (Cth)

Bush Fires Act 1954

Bush Fires Regulations 1954

Shire of Broomehill Town Planning Scheme No. 1

Shire of Tambellup Town Planning Scheme No. 2

FINANCIAL IMPLICATIONS

The Mitigation Activity Funding will be the primary source of funding. The Shire will be responsible for the ongoing maintenance of the initial treatments to assist in reducing the fire risk to the community. In addition, managing the project and funding overall will have some impact on internal staff resources.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Assets at risk from bushfire in the Shire are recorded in the Asset Risk Register in the BRMS. Assets are divided into four categories: human settlement, economic, climate, and cultural. Each asset has been assigned a bushfire risk rating between low and extreme and are provided as a summary in the BRMP.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Council adopts the Bushfire Risk Management Plan 2024 – 2026 and the Chief Executive Officer advises the Office of Bushfire Risk Management of its resolution.

10.2 FUNDING REQUEST – A SMART START GREAT SOUTHERN

ATTACHMENT(S)	10.2.1 Funding Request Letter – A Smart Start Great Southern
FILE NO	ADM0339
AUTHOR	Karen Callaghan, Chief Executive Officer
DATE	6 May 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: Broomehill Tambellup Point of Difference	
2. A United Community 2.1 Well-being and safety The community and Shire working more boldly to provide advanced wellbeing programs for all ages. This also includes further development of neighbourhood safety programs, facilities and products and a Youth Centre upgrade.	No specific corporate initiative

SUMMARY

The purpose of this report is for the Council to consider a request for funding from A Smart Start Great Southern.

BACKGROUND

A Smart Start is a Great Southern (ASSGS) initiative delivering community-based early learning intervention for children aged from birth to four years old.

The initiative provides families with the necessary foundation skills required for life-long learning, social interaction, plus physical and mental well-being. The initiative supports health and development milestones across all five developmental domains and aims to improve outcomes for children in the years before school.

COMMENT

On 9 April 2024, the Chair ASSGS wrote to the Chief Executive Officer (Attachment 10.2.1) outlining the work ASSGS has undertaken and requested a financial contribution of \$4,300.

In the 2023/24 financial year, ASSGS provided a range of services to support children and their families in the community related to early years development.

The Council, from time to time, has considered donating to various causes that are of significance to the Shire and has annually provided a donation to the ASSGS in recent years.

CONSULTATION

Manager Finance and Administration

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The funding request can be accommodated within the 2024/2025 Budget

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Council:

1. Endorses the funding request to A Smart Start Great Southern for \$4,300.
2. Supports the Chief Executive Officer writing to the Chair of A Smart Start Great Southern confirming the Council’s approval of the funding request.

10.3 FUNDING REQUEST – TAMBELLUP COMMUNITY RESOURCE CENTRE – SENIORS MOBILITY SESSIONS

ATTACHMENT(S)	Nil
FILE NO	ADM0061
AUTHOR	Karen Callaghan, Chief Executive Officer
DATE	6 May 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: Broomehill Tambellup Point of Difference	
2. A United Community 2.1 Well-being and safety The community and Shire working more boldly to provide advanced wellbeing programs for all ages. This also includes further development of neighbourhood safety programs, facilities and products and a Youth Centre upgrade.	2.1.7 Support organisations and individuals to develop and deliver wellbeing programs to the community (e.g. Active Farmers, OFFFL, seniors)

SUMMARY

The purpose of this report is for the Council to consider a request for funding from the Tambellup Community Resource Centre (CRC) for Senior’s Mobility Sessions.

BACKGROUND

The CRC is a service provider which has operated in the Shire for over 20 years, catering to rural community needs and connecting people to quality life outcomes.

The CRC have investigated group-based exercise sessions aimed at promoting healthy aging which is intended to be progressive and focus on key outcomes such as:

- Falls prevention, including techniques for getting up off the floor both assisted and unassisted;
- Impact/strength training for improved mobility and osteo health;
- Stretching/mobility training; and
- Making movement enjoyable.

While sessions are designed for groups, individual considerations are incorporated to ensure each participant benefits optimally.

COMMENT

The Coordinator of the CRC approached the Chief Executive Officer requesting the Shire fund interim mobility sessions for the senior community in the Shire while the CRC apply for grants to secure long-term funding.

The sessions would be undertaken by an accredited exercise physiologist and would cost \$150 per session on a fortnightly basis. The CRC currently has 15 interested participants who would be charged \$5 each and it is proposed that the Shire would fund the shortfall (approximately \$75 per fortnight).

The Council, from time to time, has considered donating to various causes that are of significance to the Shire.

CONSULTATION

Manager Finance and Administration

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The funding request can be accommodated within the 2023/24 and 2024/25 Budgets respectively.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Council:

1. Endorses the funding request to the Tambellup Community Resource Centre of up to \$100 per fortnight until 30 June 2025, or until alternate funding is secured.
2. Supports the Chief Executive Officer writing to the Coordinator of the Tambellup Community Resource Centre confirming the Council’s approval of the funding request and promoting the Shire as the sponsor of the initiative.

10.4 BUSH FIRE ADVISORY COMMITTEE - MINUTES

ATTACHMENT(S)	10.4.1 Bush Fire Advisory Committee Minutes - 27 March 2024
FILE NO	ADM0119
AUTHOR	Patricia Farmer, Administration Officer
DATE	2 May 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: Broomehill Tambellup Point of Difference	
2. A United Community 2.1 Well-being and safety The community and Shire working more boldly to provide advanced wellbeing programs for all ages. This also includes further development of neighbourhood safety programs, facilities and products and a Youth Centre upgrade.	No specific corporative initiative

SUMMARY

The purpose of this report is for the Council to receive the minutes of the Bush Fire Advisory Committee meeting held 27 March 2024.

BACKGROUND

The Bush Fire Advisory Committee (BFAC) is a statutory committee of the Council, comprised of representation from the Council, captains of the five Shire Bush Fire Brigades and the Tambellup Volunteer Fire & Emergency Service.

The function of the BFAC (as defined by the *Bush Fires Act 1954*) is to advise the local government regarding all matters relating to:

- the preventing, controlling and extinguishing of bush fires;
- the planning of the layout of fire breaks in the district and prosecutions for breaches of the Act;
- the formation of bush fire brigades and the grouping thereof under group brigade officers;
- the ensuring of cooperation and coordination of bush fire brigades in their efforts and activities; and
- any other matter relating to bush fire control.

The BFAC generally meets twice a year in March & October.

COMMENT

The minutes from the meeting of the BFAC held on 27 March 2024 are presented for the Council's information. Recommendations made to the Council within these minutes will be the subject of a separate agenda item.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Section 67 of the *Bush Fires Act 1954* states:

67. *Advisory committees*

- (1) *A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co operation and co ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.*
- (2) *A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.*
- (3) *In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —*
 - (a) *make rules for the guidance of the committee; and*
 - (b) *accept the resignation in writing of, or remove, any member of the committee; and*
 - (c) *where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.*
- (4) *A committee appointed under this section —*
 - (a) *may from time to time meet and adjourn as the committee thinks fit;*
 - (b) *shall not transact business at a meeting unless the quorum fixed by the local government is present;*
 - (c) *is answerable to the local government and shall, as and when required by the local government, report fully on its activities.*

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That that the minutes of the Bush Fire Advisory Committee meeting held 27 March 2024 be received.

10.5 APPOINTMENT OF CHIEF BUSH FIRE CONTROL OFFICER AND DEPUTY CHIEF BUSH FIRE CONTROL OFFICERS

ATTACHMENT(S)	Nil
FILE NO	ADM0244/ADM0461
AUTHOR	Patricia Farmer, Administration Officer
DATE	2 May 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: Broomehill Tambellup Point of Difference	
2. A United Community 2.2 BT Volunteering This is the community and Shire assisting and growing new-age BT-spirit, volunteering models and celebrating the spirit created through volunteering. This includes school and youth volunteering ‘action-oriented’ programs to develop the volunteers-of-the-future.	No specific corporative initiative

SUMMARY

The purpose of this report is for the Council to consider the recommendation for appointments to the Chief Bush Fire Control Officer (CBFCO) and Deputy Chief Bush Fire Control Officer (DCBFCO) positions for 2024/2025 and 2025/2026 bush fire seasons and endorse if appropriate.

BACKGROUND

Recommendations to the Council for appointments to the positions of CBFCO and DCBFCOs are made by the Bush Fire Advisory Committee (BFAC) as per section 38 of the *Bush Fires Act 1954*. These appointments are for a two year period, and have previously been achieved through a rotation of officers through Brigade structures.

Two DCBFCOs are nominated to assist with succession in the roles, and to provide cover for officers who may be on leave.

Council Policy 1.3.2 ‘Bushfire Control Officers and Volunteers’ sets out the requirements for a person to be appointed as Fire Control Officers (FCOs). This also applies to the appointment of the CBFCO and DCBFCOs.

The recommendation requires the endorsement of the Council.

COMMENT

At its meeting held 27 March 2024, the BFAC endorsed the following nominations:

Chief Bush Fire Control Officer:	Michael Altus
Deputy Chief Bush Fire Control Officer:	Rhys Brown
Deputy Chief Bush Fire Control Officer:	Josh Holmes

CONSULTATION

Bush Fire Advisory Committee

STATUTORY ENVIRONMENT

Section 38 of the *Bush Fires Act 1954* states:

38. Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Policy 1.3.2 'Bush Fire Control Officers and Volunteers' applies.

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COMMITTEE RECOMMENDATION

That the following nominations for Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer be endorsed for the 2024/2025 and 2025/2026 fire seasons:

Chief Bush Fire Control Officer:	Michael Altus
Deputy Chief Bush Fire Control Officer:	Rhys Brown
Deputy Chief Bush Fire Control Officer:	Josh Holmes

10.6 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS

ATTACHMENT(S)	Nil
FILE NO	ADM0244/ADM0461
APPLICANT	n/a
AUTHOR	Patricia Farmer, Administration Officer
DATE	2 May 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: Broomehill Tambellup Point of Difference	
2. A United Community 2.2 BT Volunteering This is the community and Shire assisting and growing new-age BT-spirit, volunteering models and celebrating the spirit created through volunteering. This includes school and youth volunteering ‘action-oriented’ programs to develop the volunteers-of-the-future.	No specific corporate initiative

SUMMARY

The purpose of this report is for the Council to endorse the recommendation of appointments to Fire Control Officer (FCO) and Fire Weather Officer (FWO) positions for the 2024/2025 fire season.

BACKGROUND

Recommendations for FCO and FWO positions for the Shire of Broomehill-Tambellup are made by the Bush Fire Advisory Committee (BFAC) on an annual basis, in accordance with Section 38 of the *Bush Fires Act 1954*. FCOs are nominated to the BFAC by the respective Brigade annually.

The Council’s endorsement of these recommendations is required.

COMMENT

Brigades are required to nominate one member each to take the role of FCO for a one year term. Nominations are presented to the BFAC for endorsement and recommendation to the Council.

At the BFAC meeting held on 27 March 2024, the following nominations were received:

Fire Control Officers:

Broomehill East Brigade	Nick Bowman
Broomehill West Brigade	Rohan Thorn
Broomehill Central Brigade	Jonathan Webster
Tambellup East Brigade	Chris Rumble
Tambellup West Brigade	Jedd Herbert
Tambellup Volunteer Fire & Emergency Service	Mandy Plant

The Department of Fire and Emergency Services has requested that the Community Emergency Services Manager be appointed as a FCO. This assists brigades with on ground operations, administration and compliance.

The Shire's Ranger is also appointed as a FCO, to be able to deal with hazard reduction compliance matters.

Council Policy 1.3.2 'Bush Fire Control Officers and Volunteers' sets out the requirements for a person to be appointed as FCO. This states in part:

- a. To be eligible for appointment as a Bush Fire Control Officer a person must have completed the Bush Fire Control Officer Training Program not more than five years prior to appointment and must be fully vaccinated pursuant to the Booster Vaccination (Restrictions on Access) Directions, as amended from time to time.*
- b. Notwithstanding Item 1 above, a person will be eligible for appointment as a Bush Fire Control Officer if they complete the Bush Fire Control Officer Training Program within six months of appointment.*

Fire Weather Officers:

FCOs as nominated above, and the Chief and Deputy Bush Fire Control Officers, have been nominated as FWOs.

CONSULTATION

Bush Fire Advisory Committee

STATUTORY ENVIRONMENT

Shire of Broomehill-Tambellup Bush Fire Brigades Local Law 2020

Bush Fires Act 1954, Section 38

38. Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A (2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

(8) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Policy 1.3.2 'Bush Fire Control Officers and Volunteers'

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COMMITTEE RECOMMENDATION

That the following nominations as Fire Control Officers and Fire Weather Officers be endorsed for the 2024/2025 fire season:

<i>Broomehill East Brigade</i>	<i>Nick Bowman</i>
<i>Broomehill West Brigade</i>	<i>Rohan Thorn</i>
<i>Broomehill Central Brigade</i>	<i>Jonathan Webster</i>
<i>Tambellup East Brigade</i>	<i>Chris Rumble</i>
<i>Tambellup West Brigade</i>	<i>Jedd Herbert</i>
<i>Tambellup Volunteer Fire & Emergency Service</i>	<i>Mandy Plant</i>
<i>Community Emergency Services Manager</i>	<i>Cindy Pearce</i>
<i>Ranger</i>	<i>Stephanie Swain</i>
<i>Fire Weather Officers:</i>	
<i>Chief Bush Fire Control Officer</i>	<i>Michael Altus</i>
<i>Deputy Bush Fire Control Officer</i>	<i>Rhys Brown</i>
<i>Deputy Bush Fire Control Officer</i>	<i>Josh Holmes</i>
<i>Broomehill East Brigade</i>	<i>Nick Bowman</i>
<i>Broomehill West Brigade</i>	<i>Rohan Thorn</i>
<i>Broomehill Central Brigade</i>	<i>Jonathan Webster</i>
<i>Tambellup East Brigade</i>	<i>Chris Rumble</i>
<i>Tambellup West Brigade</i>	<i>Jedd Herbert</i>
<i>Tambellup Volunteer Fire & Emergency Service</i>	<i>Mandy Plant</i>

10.7 FIRE BREAK ORDER – 2024/2025

ATTACHMENT(S)	10.7.1 Fire Break Order 2024/2025 - DRAFT 10.7.2 Fire Break Order 2024/2025 - FINAL
FILE NO	ADM0146
AUTHOR	Patricia Farmer, Administration Officer
DATE	2 May 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: Broomehill Tambellup Point of Difference	
2. A United Community 2.1 Well-being and safety The community and Shire working more boldly to provide advanced wellbeing programs for all ages. This also includes further development of neighbourhood safety programs, facilities and products and a Youth Centre upgrade.	No specific corporate initiative

SUMMARY

The purpose of this report is to consider the draft 2024/2025 Fire Break Order, inclusive of amendments recommended by the Bush Fire Advisory Committee (BFAC).

BACKGROUND

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

The Fire Break Order provides owners and occupiers of land with information on their responsibilities with regard to fire prevention and hazard reduction, in accordance with Council resolution and the *Bush Fires Act 1954*. The document is updated annually following consultation with brigades and the BFAC.

COMMENT

At its meeting held on 27 March 2024, the BFAC made the following recommendations:

- The Fire Break Order be amended to note the final day for protective burning is 30 November inclusive, annually.**

The current date to conclude protective burning is 20 December. This presents the potential for burns to reignite during the Christmas and New Year period where resources to respond may be limited. The BFAC recommends the final day for protective burning be 30 November.

2. Amend the Fire Break Order as follows:

- Page 18 ‘What you need to know’ – under Fire Attendance include the following statement: ‘Children under 16 years of age are not permitted to attend fire incidents.

The Shire’s *Bush Fire Brigades Local Law 2020* states the minimum age for active brigade membership is 16 years. As such, children under this age should not be present on a fireground. This information should be included in the Fire Break Order and also circulated widely through the brigades.

3. The Fire Break Order be amended to note the Prohibited Burning Period dates to be 1 November to 1 March inclusive, annually.

The Prohibited Burning Period dates were amended in 2023/2024, to end on 14 March as opposed to 14 February in previous years. BFAC members considered this was an effective strategy in a dry year, however in a wet year the shortened Restricted Burning Period that results (to 15 April) may impact the ability for necessary burns to be completed.

The BFAC recommends that the Prohibited Burning Period end date be changed to 1 March annually, which will then provide the option to extend if required.

Pending the Council’s consideration and endorsement of these recommendations, the amendments have been incorporated into the draft Fire Break Order (Attachment 10.7.1 – showing tracked changes).

Other changes to the draft document include the update of key dates throughout, and brigade contact details.

CONSULTATION

Bush Fire Advisory Committee

STATUTORY ENVIRONMENT

Bush Fires Act 1954, Section 33 states:

33. *Local government may require occupier of land to plough or clear fire break*
- (1) *Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things –*
- (a) *to plough, cultivate, scarify, burn or otherwise clear upon the land fire breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire breaks clear of inflammable matter;*

- (b) *to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire,*
and the notice may require the owner or occupier to do so —
 - (c) *as a separate operation, or in co ordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and*
 - (d) *in any event, to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.*
- (2) *A notice in writing under subsection (1) may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government and may be given to an owner of land by posting it to him at the address shown in the rate record kept by the local government pursuant to the Local Government Act 1995, as his address for the service of rate notices.*

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the 2024/2025 Shire of Broomehill-Tambellup Fire Break Order as presented, be endorsed.

10.8 STREETLIGHT INSTALLATION – JOURNAL ST, BROOMEHILL VILLAGE

ATTACHMENT(S)	Nil
FILE NO	RD14
AUTHOR	Peter Vlahov, Manager of Works
DATE	7 May 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: Broomehill Tambellup Point of Difference	
2. A United Community 2.1 Well-being and safety The community and Shire working more boldly to provide advanced wellbeing programs for all ages. This also includes further development of neighbourhood safety programs, facilities and products and a Youth Centre upgrade.	No specific corporate initiative

SUMMARY

The purpose of this report is for the Council to consider the installation of a new streetlight on Journal Street, adjacent to the Broomehill Post Office.

BACKGROUND

A request has been received for the Shire to consider installing a new streetlight on Journal Street, adjacent to the Broomehill Post Office. This section of Journal St incorporates a long vehicle parking bay and is opposite the Henry Jones Café. The area is noted as being particularly dark at night with little illumination from nearby streetlights.

COMMENT

Installation of additional lighting in this vicinity would improve safety for motorists and pedestrians, and reduce the risk of accidents, crime, and vandalism.

An electrical contractor has been contacted for advice and there are no issues that would prevent the installation of a light on the existing power pole. An estimate of \$5,000-\$7,000 has been received for this work to be undertaken.

CONSULTATION

Consultation has occurred with the surrounding business owners who support the proposal.

STATUTORY ENVIRONMENT

Nil.

FINANCIAL IMPLICATIONS

Costs for this work can be allocated to the road maintenance budget for Journal St.

The Shire is responsible for electricity costs of streetlights, however the impact of a single additional light on this will be minimal.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil. Maintenance of streetlights is the responsibility of Western Power.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Council supports the request to install a new streetlight on Journal Street, adjacent to the Broomehill Post Office.

11. KEY PILLAR 2: BROOMEHILL-TAMBELLUP ECONOMY

11.1 TAMBELLUP FAMILY DAYCARE – RENT REDUCTION

ATTACHMENT(S)	Nil
FILE NO	CLAF180
AUTHOR	Kay Squibb, Manager Finance & Administration
DATE	7 May 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
5. Healthy Existing Businesses 5.3 BT Business Support This is a program of work to stimulate business interaction through events, education, sharing and celebrating. This is the Shire supporting a 'shop local' philosophy.	No specific corporate initiative

SUMMARY

The purpose of this report is to consider a request for a rent reduction from the Tambellup Family Daycare for the 2023/2024 financial year.

BACKGROUND

The Council approved use of the Tambellup Infant Health Clinic for the purpose of a daycare facility at their December 2020 meeting, passing the following resolution -

That Council:

- 1. Authorises use of the Tambellup Infant Health Clinic by Tambellup Family Daycare for the purpose of operating a daycare facility on Mondays to Fridays commencing in February 2021;*
- 2. Endorses the Memorandum of Understanding between the Shire of Broomehill-Tambellup and Tambellup Family Daycare as presented;*
- 3. In accordance with section 3.58 of the Local Government Act 1995, advertises the intent to rent the Tambellup Infant Health Clinic to Tambellup Family Daycare for a period of three (3) years, with the rental being \$2,000 per annum; and*
- 4. If no submissions are received at the close of the advertising period, authorise the Chief Executive Officer to execute the attached Memorandum of Understanding.*

After the required advertising period, the Memorandum of Understanding was entered into with the Tambellup Family Daycare (the Daycare), which opened for business in February 2021.

COMMENT

Since opening, the Daycare has been operating three days a week, until January 2024 when the owner temporarily closed the business for six months for family reasons. The owner has requested the Council to consider granting a rent reduction for the six month period that the business has been closed. The annual rent is \$2,000 per annum, the rent reduction sought is \$1,000.

The Daycare is an extremely valuable service that is well supported by families in the community. The community is fortunate to have daycare facilities available.

It is recommended that the Council support this request which may assist the Daycare with ongoing viability and ensure that daycare facilities remain accessible to families in the community.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government Act 1995

6.12. 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.*

FINANCIAL IMPLICATIONS

A reduction in rental revenue of \$1,000 if the Council agrees to provide a rental reduction to the Tambellup Family Daycare.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the annual rent for the Tambellup Family Daycare be reduced from \$2,000 to \$1,000 for the 2023/2024 financial year

11.2 CROWDEN STREET DESIGN

ATTACHMENT(S)	11.2.1 Crowden Street design
FILE NO	RD251
AUTHOR	Peter Vlahov, Manager of Works
DATE	2 May 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
<p>8. Enjoyed Built Environments 8.2 This is the development of the Tambellup Railway Precinct including toilets, accommodation at the old Railway Station, signage, banner poles and EV charging options.</p>	<p>8.2.1 Undertake townscape planning with extensive community consultation, including banner poles, deciduous street trees and facilities to encourage community use.</p>

SUMMARY

The purpose of this report is for the Council to consider an alternative streetscape plan for Crowden St.

BACKGROUND

As part of the beautification of the town with upgrades to the Tambellup Railway Precinct, Youth Centre and Caravan Park, the upgrade to Crowden Street will be an integral part of the upcoming improvements to the town tying all above projects together in addition to providing street appeal.

At the December 2023 Ordinary Council meeting, a plan for improvements to Crowden St was endorsed by the Council, as follows:

That:

1. *The design for Crowden Street improvements, as attached, be adopted;*
2. *The scope of works for the Crowden Street upgrade includes:*
 - a. *Straighten the alignment of the centre line of the road from Norrish Street to East Terrace;*
 - b. *Planting of street trees, with root barriers and tree guards, in the centre of Crowden Street. (Note the exact location of each tree will be placed by the Manager of Works in order to meet Australian Standards, sight lines, safe distances from driveways and intersections and to avoid services.)*
 - c. *Change the intersection of Crowden Street and Henry Street to give Crowden Street right of way;*
 - d. *Widen Crowden Street from Taylor Street to East Terrace to allow for:*
 - i. *The realigned centre line of the road, complete with street tree installations;*
 - ii. *New parking adjacent to Diprose Park; and*
 - iii. *Drainage, kerbing and other required road infrastructure.*

- e. *Installation of bollards to the old caravan park entry on East Terrace to create a major pedestrian entry to the Youth Centre and Sporting facilities.*

CARRIED 7/0

Motion No 145/23

With reference to point 2(b) in the Council resolution, further advice from an engineering surveyor indicates that there is not enough space to achieve this without causing potential safety hazards. An alternative plan, which incorporates the planting of suitable trees in nibs adjacent to the footpaths, is presented for the Council's consideration.

All other elements of the scope of works, as per the Council decision, remain unchanged.

COMMENT

The alternative plan (Attachment 11.2.1) shows the proposed location of trees, with consideration to crossovers along both sides of the street. The trees will be planted in new nibs and protected with tree guards, with well liners installed to minimise the risk of damage to the road and footpath surfaces. The plan also considers the designation of parking zones along the street.

It is considered the alternative plan addresses safety risks by providing sufficient clearance for vehicles.

Advice on tree selection has been sought from a qualified horticulturalist and streetscape designer. Liquidambar trees have been recommended as being suitable in this setting. Subject to the Council's endorsement of the alternative plan, it is proposed that the project will be commenced in July 2024.

Should the Council wish to endorse the alternative plan, Council Motion No. 145/23 as above will need to be revoked and a new determination made.



View of Crowden Street from Norrish Street



Liquidambar Trees

CONSULTATION

CEO and Senior Management Team.

STATUTORY ENVIRONMENT

Nil.

FINANCIAL IMPLICATIONS

\$75,000 has been allocated in the 2023/24 budget for the landscape and improvement of Crowden Street. It is proposed to commence works in July 2024, and as such this amount will be carried over to the 2024/2025 budget.

Budget allocation is made each year for road maintenance, which includes footpath and street tree maintenance.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Street trees require ongoing maintenance to ensure that they are maintained in a safe and healthy manner.

Monitoring of the road and footpath surfaces will be required to ensure that there is no impact from the trees.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

1. That Council Motion No.145/23, from the December 2023 Ordinary Council meeting be revoked to enable an alternative location for street trees.
2. The alternative design for Crowden Street improvements, as presented, be adopted, with the scope of works for the Crowden Street upgrade to include:
 - a. Straighten the alignment of the centre line of the road from Norrish Street to East Terrace;
 - b. Planting of street trees in nibs, with root barriers and tree guards, along Crowden Street. (Note the exact location of each tree will be placed by the Manager of Works in order to meet Australian Standards, sight lines, safe distances from driveways and intersections and to avoid services.)
 - c. Change the intersection of Crowden Street and Henry Street to give Crowden Street right of way;
 - d. Widen Crowden Street from Taylor Street to East Terrace to allow for:
 - i. The realigned centre line of the road, complete with street tree installations;
 - ii. New parking adjacent to Diprose Park; and
 - iii. Drainage, kerbing and other required road infrastructure.
 - e. Installation of bollards to the old caravan park entry on East Terrace to create a major pedestrian entry to the Youth Centre and Sporting facilities.

12. KEY PILLAR 3: BROOMEHILL-TAMBELLUP LIFESTYLE

13. KEY PILLAR 4: BROOMEHILL-TAMBELLUP SHIRE SUPPORT

13.1 FINANCIAL STATEMENTS – APRIL 2024

ATTACHMENT(S)	13.1.1 Financial Statements April 2024
FILE NO	ADM0619
AUTHOR	Kay Squibb, Manager Finance & Administration
DATE	7 May 2024
DISCLOSURE OF INTEREST	Nil

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

SUMMARY

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

BACKGROUND

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

COMMENT

Each financial year, the Council is required to adopt a percentage or value to be used in the statement of financial activity for reporting material variances. As part of the 2023/24 budget process, the Council adopted 10% or \$10,000 (whichever is the greater) as the material variance for reporting purposes for the year.

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

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report

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

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the monthly financial statement for the period ending 30 April 2024 be received.

13.2 MONTHLY LIST OF PAYMENTS – APRIL 2024

ATTACHMENT(S)	13.2.1 Monthly Payments Listing April 2024
FILE NO	ADM0619
AUTHOR	Kay Squibb, Manager Finance & Administration
DATE	7 May 2024
DISCLOSURE OF INTEREST	Nil

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

SUMMARY

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

BACKGROUND

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

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

COMMENT

Summary of payments made for the month –

April 2024

	\$
Municipal Fund	1,023,395.47
Trust Fund	0.00
Purchasing Cards	2,852.04
TOTAL	1,026,247.51

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

Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

r13. Lists of accounts

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

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

r13A. Payments by employees via purchasing cards

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

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

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

- Municipal Fund cheque, electronic funds transfer (EFT) and direct debit payments totalling \$1,023,395.47; and
- Credit/Purchasing Card payments totalling \$2,852.04.

13.3 AUDIT AND RISK COMMITTEE – APPOINTMENT OF INDEPENDENT MEMBER

ATTACHMENT(S)	13.3.1 CONFIDENTIAL – Expression of Interest and Resume – Ms Connie Witham
FILE NO	ADM0109
AUTHOR	Kay Squibb, Manager Finance & Administration
DATE	10 May 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: Broomehill Tambellup Shire Support	
No specific community outcome.	No specific corporate plan initiative

SUMMARY

The Council is to consider the appointment of an independent member to the Audit and Risk Committee.

BACKGROUND

The Terms of Reference for the Audit and Risk Committee were updated and approved by the Council following the October 2021 Council elections. The new terms of reference reduced the number of elected members required to sit on the Committee and included for the first time an independent member on the Committee.

The terms of reference require that the appointment of an external person is made by the Council by way of a public advertisement and for a term of two years. The term of the appointment shall coincide with the Council elections.

COMMENT

Local advertising for expressions of interest for an independent member was undertaken early in May, with one expression of interest being submitted from Ms Connie Witham.

Ms Witham is a qualified accountant with a Bachelor of Business and is a Certified Practising Accountant. Ms Witham has extensive experience working both in local government finance roles and in auditing for local government and other reporting entities.

Ms Witham will bring valuable knowledge and is suitably experienced to be the independent member of the Audit and Risk Committee. It is recommended that the Council approves her appointment to the Committee.

CONSULTATION

Chief Executive Officer

Public advertising and communications were undertaken seeking Expressions of Interest via the Shire's website, Facebook and in the May 2024 Topics.

STATUTORY ENVIRONMENT

Local Government Act 1995

s7.1A Audit Committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.
* Absolute majority required.*
- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.*
- (4) An employee is not to be a member of an audit committee*

Notwithstanding the above, the adopted Terms of Reference for the Audit and Risk Committee stipulates the following regarding membership –

‘Membership

- The committee will consist of four members with three elected members and one external person. All members shall have full voting rights.
- External persons appointed to the committee will preferably have business or financial management/reporting knowledge and experience, and be conversant with financial and other reporting requirements.
- Appointment of external persons shall be made by Council by way of a public advertisement and be for a term of two years. The terms of the appointment should be arranged to ensure an orderly rotation and continuity of membership despite changes to council's elected representatives.
- Reimbursement of approved expenses will be paid to each external person who is a member of the committee.
- The CEO and employees are not members of the committee.
- The CEO or his/her nominee is to be available to attend meetings to provide advice and guidance to the committee.
- The local government shall provide secretarial and administrative support to the committee.’

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That the Council approve the appointment of Ms Connie Witham as an independent member of the Audit and Risk Committee, until the ordinary local government election in October 2025.

13.4 PROPOSED SINGLE DWELLING – LOT 501 JANITOR STREET, BROOMEHILL VILLAGE

ATTACHMENT(S)	13.4.1 Lot 501 Janitor Street Broomehill Village - House Plans
FILE NO	A726
AUTHOR	Liz Bushby, Town Planning Innovations (TPI)
DATE	7 May 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: Broomehill Tambellup Shire Support	
No specific community outcome	No specific corporate initiative

SUMMARY

The purpose of this report is for Council to consider an application for a single house on Lot 501 Janitor Street, Broomehill Village.

BACKGROUND

Much of the lot is cleared with scattered pockets of trees at the rear and is located near the intersection of Janitor Street and Davine Street in Broomehill Village.



Figure 1 - Location Plan

COMMENT

Description of Development

The owners of Lot 501 propose to construct a two-bedroom house as provided in the plans (Attachment 13.4.1).

Zoning and Land Use Permissibility

The lot is zoned ‘Town Centre’ under the Shire of Broomehill Town Planning Scheme No. 1 (Scheme).

Under the Scheme, Table 1 lists land uses in a table format with different symbols listed under different zones. Each symbol has a different meaning and determines whether Council has discretion to consider land use in the corresponding zone (i.e. if the land use is permitted, discretionary or requires advertising).

Part of the planning assessment involves determining which land use definition from the Scheme and/or the Residential Design Codes that ‘best fits’ the proposal.

The development proposes the construction of a dwelling. The Residential Design Codes define a dwelling as ‘a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.’

Under Table 1, there is no symbol correlating to a dwelling under the Town Centre zone.

TABLE 1 - ZONING TABLE

USES	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	RURAL RESIDENTIAL	FARMING
1 abattoir					SA
2 aged or dependent persons dwelling	AA			AA	
3 caretaker’s dwelling		AA	AA		AA
4 civic building	AA	AA	AA		
5 consulting rooms	SA	AA			
6 dwelling	P		AA	P	P

Clause 3.2.3 of the Scheme states that ‘Where no symbol appears in the cross reference of a use against a zone in the Zoning Table that use is not permitted in that zone’.

Essentially this means that the Council has no legal ability to approve this application, irrespective of whether the Council supports the proposal or not.

There is no option other than to refuse the application.

CONSULTATION

No public consultation has been undertaken in relation to this item. The Shire obtained legal advice from McLeods Barristers and Solicitors who specialise in planning law.

STATUTORY ENVIRONMENT

- *Shire of Broomehill Town Planning Scheme No. 1*
 - The Zoning Table (Table 1) of the Scheme determines whether a use is permissible in a particular zone. Clause 3.2.3 of the Scheme states that *'Where no symbol appears in the cross reference of a use against a zone in the Zoning Table that use is not permitted in that zone.'*
 - The Zoning Table includes the use class 'dwelling' (but not any of the other usual residential use classes such as a single house).
 - There is no symbol in the cross reference of dwelling and the Town Centre zone in the Zoning Table, and therefore a dwelling is not permitted in the Town Centre.
 - Schedule 1 of the Scheme defines certain words but it does not define the word 'dwelling' (or any of the other usual residential use classes).
 - Clause 1.7 of the Scheme deals with interpretation. Clause 1.7.1 states that the words and expressions of the Scheme have their normal and common meaning – but subject to Clauses 1.7.2 and 1.7.3.
 - Clause 1.7.2 says *'In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in Schedule 1 and the Residential Planning Codes.'*
 - Clause 1.7.3 says *'Where a word or term is defined in the Residential Planning Codes then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the Residential Planning Codes.'*
 - The Residential Planning Codes referred to in Clause 1.7.3 are now known as the Residential Design Codes (R Codes).
 - The R Codes define 'dwelling' as *'a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.'* The proposed development is a building designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family, and it therefore falls under the definition of a 'dwelling'.
 - The proposed development is a dwelling for the purpose of the R Codes and the Scheme.
 - The 'use not listed' provisions of Clause 3.2.5 can only be applied where *'the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories'*. In this case the use of land for a dwelling is specifically mentioned in the zoning table, and so Council has no discretion to consider the dwelling as a 'use not listed' in the Zoning Table.

- *Development (Local Planning Schemes) Regulations 2015*
 - The Regulations include ‘Deemed Provisions’ that automatically apply statewide.
 - The fact that the dwelling is not permitted in the Town Centre zone under the Scheme is reinforced by clause 67(1) of the deemed provisions which states that development approval cannot be granted for ‘*development that is a class X use in relation to the zone in which the development is located*’. A Class X use is defined as ‘*a use identified in the zoning table for this Scheme (regardless of the symbol used) as a use that is not permitted in the zone*’.



Figure 2 - Zoning Map showing the Town Centre zone with a blue outline

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

There are no known risks associated with this report.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Council:

1. Refuse the application for a dwelling on Lot 501 Janitor Street, Broomehill Village for the following reasons:
 - The proposed development is construed as a dwelling defined in the Residential Design Codes as *a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.*
 - A dwelling is not permitted in the Town Centre zone under the Shire of Broomehill Town Planning Scheme No. 1, therefore the Council has no legal ability or discretion to allow the proposal.
2. Authorise the Chief Executive Officer to advise the owners that Lot 501 is not zoned Residential and is zoned Town Centre under the Shire of Broomehill Town Planning Scheme No. 1, and that they may wish to explore the option of pursuing an amendment to the existing Scheme, however any 'spot' re-zoning is not likely to be supported by state planning.

13.5 PROPOSED SINGLE DWELLING – LOT 2586 PALOMAR ROAD, BROOMEHILL WEST

ATTACHMENT(S)	Nil
FILE NO	A949
AUTHOR	Liz Bushby, Town Planning Innovations (TPI)
DATE	3 May 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: Broomehill Tambellup Shire Support	
No specific community outcome	No specific corporate initiative

SUMMARY

The purpose of this report is for Council to consider an application for a single house (new transportable structure) on Lot 2586 Palomar Road, Broomehill West.

BACKGROUND

Lot 2586 has an approximate area of 145 hectares and is used for agricultural purposes. Most of the lot is cleared with scattered isolated pockets of trees.

The lot is located near the intersection of Palomar Road and Warrenup Road in Broomehill West.

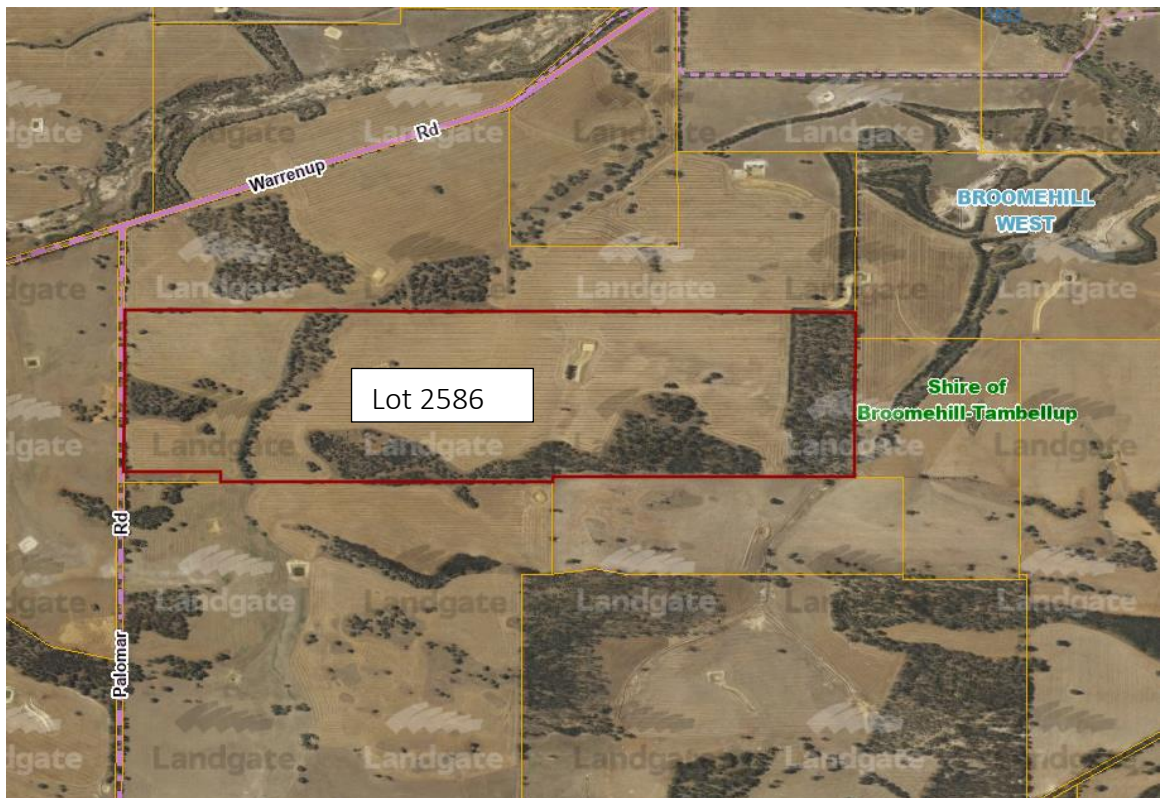
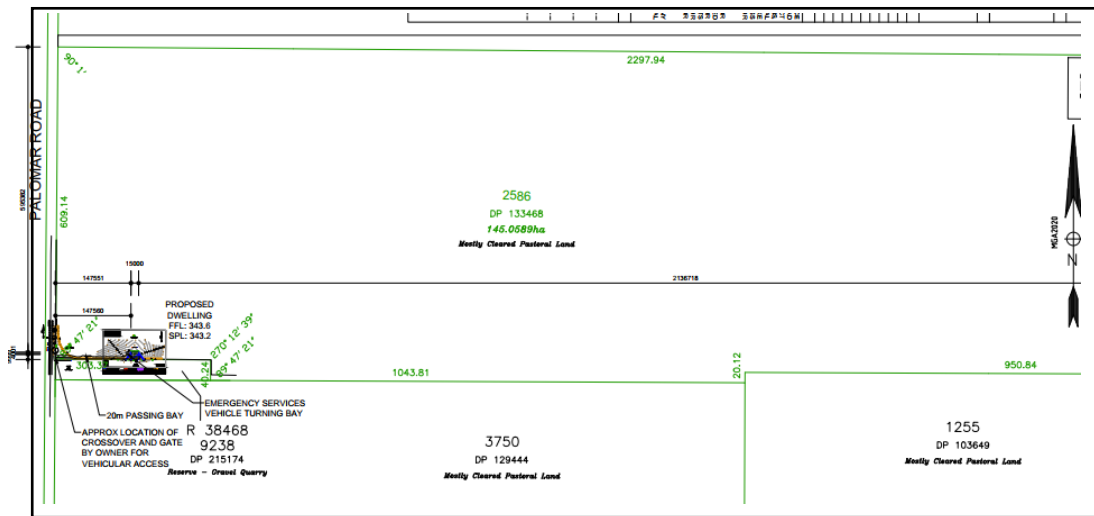


Figure 1 - Location Plan

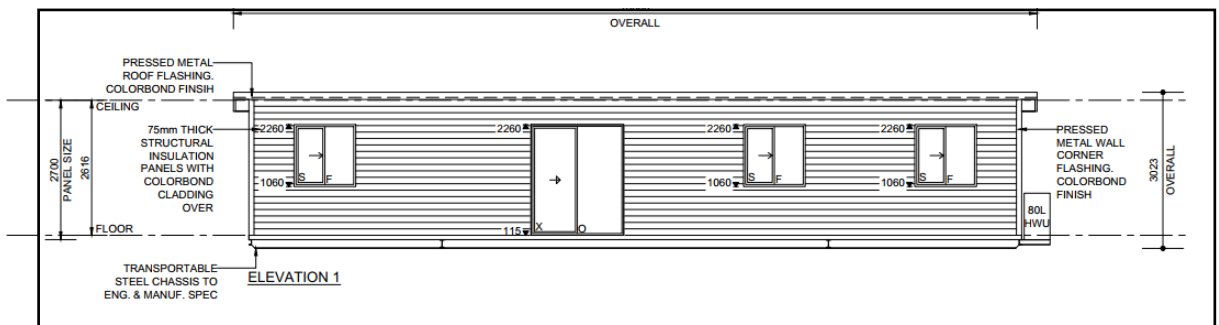
COMMENT

Description of Development

The dwelling is proposed to be setback over 40 metres east of the Palomar Road lot boundary, and 10 metres from the closest southern lot boundary.



The building is proposed to have a floor area of 68.17m², and a 3-metre maximum wall height. The dwelling will be low scale. An elevation is included below for ease of reference.



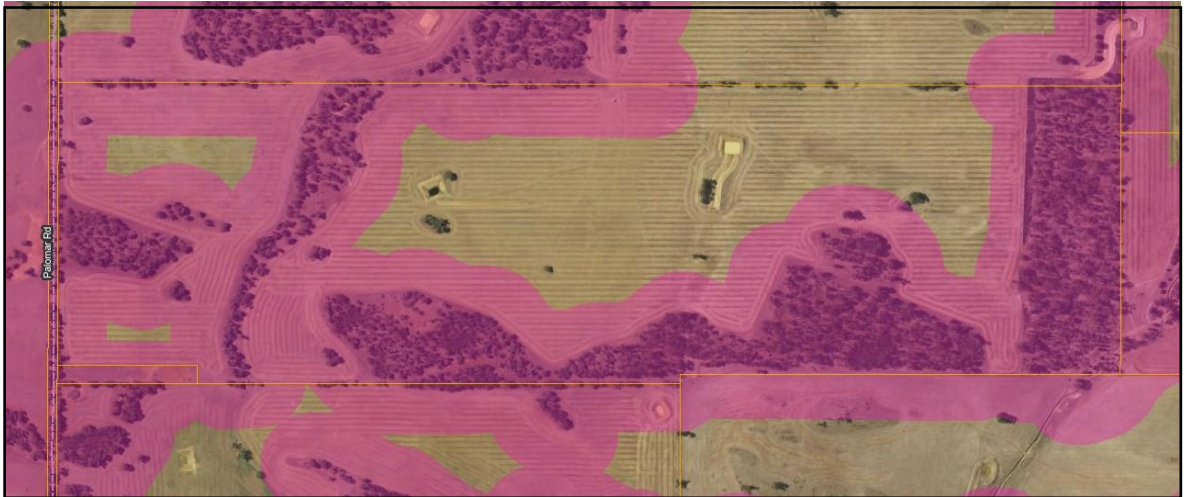
State Planning Policy 3.7 – Planning for Bushfire Prone Areas

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

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

The Western Australian Planning Commission (WAPC) released SPP 3.7 and associated Guidelines for Planning in Bushfire Prone Areas (Guidelines) in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Lot 2586 is partially within the declared bushfire prone area shown in pink on the bushfire map below.



Source: Department of Fire and Emergency Services website

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

A BAL assessment prepared by a fire consultant has been lodged with the application, and BAL-12.5 can be achieved for the dwelling, which is acceptable under current bushfire policy requirements.

There are additional bushfire requirements that have been met by the applicant including:

- As the driveway is more than 70 metres long, a turnaround area for emergency vehicles is provided.
- The driveway has a minimum width of 4 metres with a 6-metre horizontal clearance.
- A 10, 000 litre water supply dedicated to firefighting purposes.

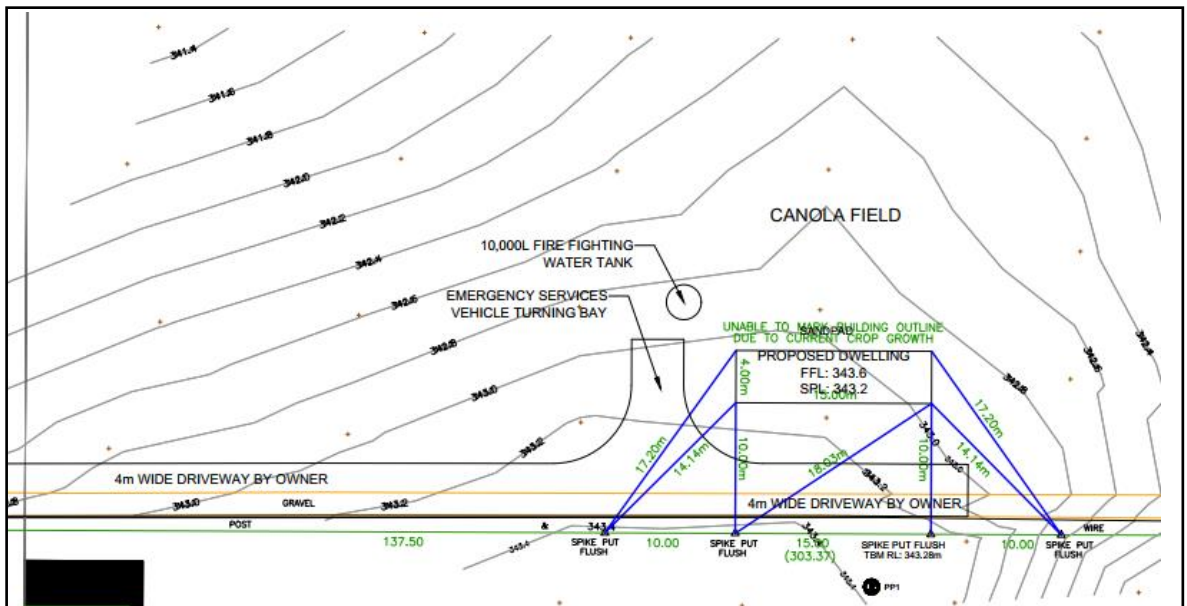


Figure 2 - Extract of site plan showing driveway, turnaround area, and water tank

Proximity to approved wind farm

As the Council is aware, there is an existing approval for the Moonies Hill wind farm as issued by the State Development Assessment Panel (DAP). The original approval was issued in 2013, and there have been several amendments over the years.

The DAP approval showed both Stage 1 and Stage 2 for the wind farm. It is important to note that Lot 2586 is in proximity of planned Stage 2 as shown in Figure 3.

More recently, an approval was supported by the WAPC at a meeting held on the 19 April 2024 through their 'significant development' pathway for Stage 1.

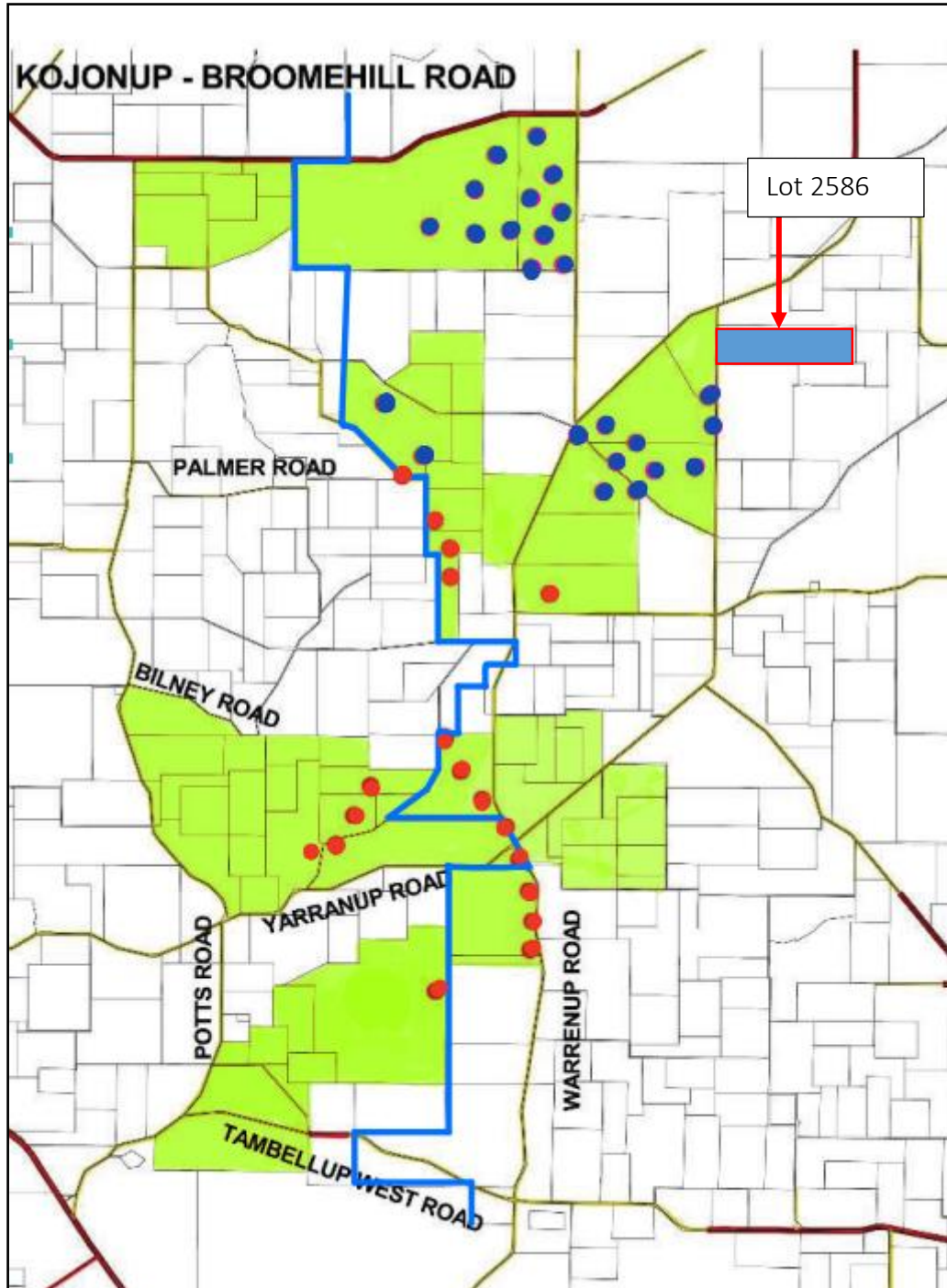


Figure 3 - Map showing stage 1 and 2 of the wind farm, and the location of Lot 2586

Given the wind farm developer took a commercial risk by planning for turbines close to lot boundaries, the onus is on the wind farm developer to comply with the *Environmental Protection (Noise) Regulations 1997* (WA Noise Regulations) at all times. If a dwelling on a nearby lot is constructed after a wind farm, the wind farm still has to comply with the permissible noise limits that apply to that dwelling as a 'sensitive premises'.

CONSULTATION

No public consultation has been undertaken in relation to this item.

STATUTORY ENVIRONMENT

Shire of Broomehill Town Planning Scheme No. 1

Development (Local Planning Schemes) Regulations 2015

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

There are no known risks associated with this report.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Council:

1. Approve the application for a new transportable dwelling on Lot 2586 Palomar Road, Broomehill West subject to the following conditions and footnotes:
 - a. The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.
 - b. Prior to occupation, the owner shall install a water tank accessible from the proposed driveway to maintain a minimum of 10 kilolitres of water dedicated to fire fighting. The water tank to be fitted with a male camlock coupling with a full flow valve.
 - c. All proposed driveway and emergency vehicle turnaround areas as shown on the approved plans shall be maintained to a trafficable standard to the satisfaction of the Chief Executive Officer at all times.
 - d. A 20 metre Asset Protection Zone around the proposed dwelling shall be maintained at all times by the owner of the lot and managed in accordance with the 'Standards for Asset Protection Zones' contained in the Bushfire Attack Level Assessment prepared by Bushfire Prone Planning dated the 12 March 2024.
 - e. All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and stormwater tank shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve.
 - f. If the development the subject of this approval is not substantially commenced within a period of two years, the approval shall lapse and be of no further effect.

2. Authorise the Chief Executive Officer to notify the wind farm developer in writing of this approval and advise that:
 - a. The onus is on the wind farm developer to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.
 - b. The approved dwelling needs to be considered in any future planning for Stage 2 of the wind farm.
 - c. The Shire recommends that Stage 2 turbines be a minimum of 1 kilometre from any neighbouring lot boundary to consider that additional sensitive premises may be developed on lots in the locality.

13.6 PROPOSED CARPORT – LOT 135 TEMBY STREET, TAMBELLUP

ATTACHMENT(S)	13.6.1 Lot 135 Temby Street Tambellup – Site Plan and Elevation
FILE NO	A463
AUTHOR	Liz Bushby, Town Planning Innovations (TPI)
DATE	7 May 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: Broomehill Tambellup Shire Support	
No specific community outcome	No specific corporate initiative

SUMMARY

The purpose of this report is for Council to consider an application for a carport on Lot 135 Temby Street, Tambellup.

BACKGROUND

The lot, located near the intersection of Temby Street and Diprose Street in Tambellup is on vacant land and it is mainly cleared of vegetation. It has an approximate area of 2 hectares.



Figure 1 - Location Plan

COMMENT

Description of Development

The owner of Lot 135 proposes to construct a free-standing carport on the lot. The structure will be setback 65 metres from the front lot boundary and 33 metres from the nearest west side lot boundary. It will be an open sided structure with a floor area of 60m², and a maximum roof height of 4.04 metres (Attachment 13.6.1).

Setbacks

The carport complies with the minimum setback requirements of the Shire of Tambellup Town Planning Scheme No. 2 (the Scheme) being 15 metres to the front boundary and 10 metres to the side and rear boundary.

Amenity and Streetscape

As the carport is open sided, it will not have any significant visual or amenity impact.

CONSULTATION

The application has not been advertised for public comment. The application has not been referred to the Department of Water, Environment and Regulation as the lot is outside of the floodplain area mapped in the Gordon River (Tambellup) Flood Study.

STATUTORY ENVIRONMENT

*Shire of Tambellup Town Planning Scheme No. 2
Development (Local Planning Schemes) Regulations 2015*

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

There are no known risks associated with this report.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Council approve the application for a carport on Lot 135 Temby Street, Tambellup subject to the following conditions:

1. The plans lodged with this application shall form part of this planning approval. All development shall generally be in accordance with the approved plans unless otherwise approved separately in writing by the Chief Executive Officer.
2. All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into road reserve unless otherwise approved in writing by the Chief Executive Officer.
3. If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.
4. The lot is an area identified as being subject to inundation in the "Gordon River (Tambellup) Flood Study" prepared by Sinclair Knight and Partners in January 1983.

Any future habitable development may need to meet minimum finished floor levels as recommended by the Department of Water, and Environmental Regulation (DWER). It is recommended that owners in this area conduct early consultation with DWER for future development and/or liaise with the Shire's Town Planning Consultant.

13.7 PROPOSED SINGLE DWELLING – LOT 60 (No. 6) BRIDGE STREET, TAMBELLUP

ATTACHMENT(S)	13.7.1 Lot 60 (No. 6) Bridge Street Tambellup - House Plans 13.7.2 Lot 60 (No. 6) Bridge St Tambellup – DWER Photographs
FILE NO	A456
AUTHOR	Liz Bushby, Town Planning Innovations (TPI)
DATE	7 May 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: Broomehill Tambellup Shire Support	
No specific community outcome	No specific corporate initiative

SUMMARY

The purpose of this report is for Council to consider an application for a single house on Lot 60 (No. 6) Bridge Street, Tambellup.

BACKGROUND

The lot, located near the intersection of Bridge Street and Garrity Street in Tambellup is vacant land and it is cleared of any vegetation.



Figure 1 - Location Plan

COMMENT

Description of Development

The owners of Lot 60 propose to construct a three-bedroom house and associated retaining walls as provided in the plans (Attachment 13.7.1).

Zoning and Land Use Permissibility

The lot is zoned ‘Town Centre’ under the Shire of Tambellup Town Planning Scheme No. 2 (Scheme).

Under the Scheme, Table 1 lists land uses in a table format with different symbols listed under different zones. Each symbol has a different meaning and determines whether Council has discretion to consider a land use in the corresponding zone (i.e. if the land use is permitted, discretionary, or requires advertising).

Part of the planning assessment involves determining which land use definition from the Scheme and/or the Residential Design Codes that ‘best fits’ the proposal.

The development proposes the construction of a dwelling. The Residential Design Codes define a dwelling as ‘a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.’

Under Table 1 there is an ‘AA’ symbol correlating to a dwelling under the Town Centre zone.

TABLE 1 - ZONING TABLE

AMD 3 GG 19/4/05

USES		RESIDENTIAL	TOWN CENTRE	LIGHT INDUSTRIAL	INDUSTRIAL	SPECIAL RURAL	FARMING
1	aged or dependent persons’ dwelling	AA	X	X	X	X	X
2	agriculture-extensive	XX	X	X	X	X	P
3	ancillary accommodation	AA	X	X	X	AA	AA
4	caretaker’s dwelling	X	AA	AA	AA	X	AA
5	civic building	AA	AA	AA	X	X	X
6	club premises	X	AA	X	X	X	AA
7	consulting rooms	SA	P	X	X	X	X
8	dwelling	P	AA	X	X	P	P

Clause 3.2.2 of the Scheme states that the ‘AA’ symbol ‘means that the use is not permitted unless the Council has exercised its discretion by granting planning approval’.

Essentially this means that Council has discretion to consider a dwelling in the Town Centre zone, however it must advertise the application for public comment and take into account normal planning considerations such as land use compatibility.

Setbacks

The dwelling is proposed to be setback 12 metres from the front lot boundary, 4 metres from the nearest west lot boundary and over 30 metres from the rear lot boundary.

As the lot is zoned Town Centre, the setbacks are at the discretion of Council. TPI generally supports the setbacks proposed, as they are compatible with the setbacks of other buildings in the street.

Retaining Walls

The owners propose a 13.5 metre long retaining wall to the front of the proposed dwelling, and a 13.5 metre long retaining wall to the west of the proposed dwelling. The maximum height of the retaining walls does not exceed 500mm from Natural Ground Level. Retaining is proposed to provide a flat building area.

Zone Objectives and Land Use Compatibility

The proposed residential land use for a dwelling is not consistent with the objective of the Town Centre zone *'to ensure the town centre remains the principal place for business and administration within the District'*.

Notwithstanding the above, the Scheme contemplates dwellings in the Town Centre zone by providing Council with discretion to consider the use under the Zoning Table. In this circumstance TPI recommends that Council have regard for existing businesses and land use compatibility in assessing the proposal.

Where there is a mixture of dwellings and businesses in a street, there can be conflict due to emissions such as noise, dust, traffic and odour. There will not be the same level of amenity in a Town Centre zone as there is in a Residential zone.

Shire Administration has provided a map below showing all lots used for non-residential purposes (in red outline). The dwelling is proposed to be constructed on a lot opposite to the driveway servicing the Shire Depot.



Figure 2 - Map showing non-residential land uses in red outline. Existing houses shown with a red triangle.

TPI has concerns about the dwelling location, due to potential conflict with the activities at the Shire Depot and Nutrien Ag Solutions.

TPI has mapped existing dwellings in the Town Centre zone using Google Earth and Landgate aerial mapping as follows:



Figure 3 - Map showing existing dwellings with a red triangle.

As this is not a straightforward planning assessment, TPI has summarised some of the main issues in the table below.

Supporting Argument for the application	Argument Against the application
<p>There are already two houses in the Town Centre zone in very close proximity to Lot 60. One of the existing houses shares the eastern boundary with Lot 60.</p>	<p>Whilst there are other existing houses in the Town Centre zone, they all face Garry Street. No dwellings have been developed on side streets such as Bridge Street and Gordon Street in the Town Centre zone.</p>
<p>The second house on the corner of Bridge Street and Garry Street shares a boundary with the Shire Depot lots.</p>	<p>Some houses are on lots in the Town Centre zone that back onto lots that are zoned Residential (e.g. south of Gordon Street). That is a different situation than a new dwelling facing the Depot driveway with heavy vehicles coming in and out.</p>
	<p>The existing dwellings in the Town Centre appear to be older housing stock, and may have been developed prior to the current Scheme. The Shire of Tambellup Town Planning Scheme No. 2 was gazetted on the 29 August 1997.</p>

	<p>Approval of the development will set a precedent for other vacant lots in Bridge Street to be developed with dwellings, opposite to the Shire Depot and close to Nutrien Ag Solutions. This could create a situation whereby residential uses conflict with existing businesses.</p> <p>From a planning perspective TPI is of the view that protection of existing businesses from incompatible new land uses (such as a residential dwelling) is the higher priority.</p>
	<p>There is potential for future commercial businesses to purchase and develop other existing vacant lots in Bridge Street. Commercial premises would be more in line with the objective of the Town Centre zone, and more compatible with existing businesses.</p> <p>Future commercial businesses in the Town Centre zone may not be compatible with a dwelling. Support for a dwelling may prejudice future commercial development in the Town Centre zone in Bridge Street.</p>
	<p>If Town Centre lots are developed with new housing, then the accumulative impact is that it will reduce the land available for future commercial development and long term commercial growth of Tambellup townsite.</p> <p>The Town Centre zone is surrounded by residential zoned land, therefore opportunities for future commercial activities are restricted to existing Town Centre zoned lots.</p> <p>The Town Centre zone plays an important strategic role in catering for long term commercial needs of the local community.</p>

CONSULTATION

The application has been advertised for public comment. Advertising closed on the 7 May 2024, and no public submissions have been received.

As the lot is located in an area liable to flooding, the application was referred to the Department of Water, Environment and Regulation (DWER) for advice.

The DWER in carrying out its role in floodplain management provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage.

The DWER has advised that the Gordon River (Tambellup) Flood Study shows the general area was significantly affected by major flooding in an event in January 1982. The January 1982 event is expected to be larger than the 1 in 100 (1%) Annual Exceedance Probability (AEP) event. The flood level around the Lot in the 1982 event was about 264.9 metres Australian Height Datum (AHD).

The DWER has provided a plan showing Photo 20 (53975-2-2 with photos) from the January 1982 flood, looking south-west along Bridge Street (Attachment 13.7.2).

When development is proposed within the floodplain the DWER assesses each proposal based on its merits and the factors examined include depth of flooding, velocity of flow, its obstructive effects on flow, possible structural and potential flood damage, difficulty in evacuation during major floods and its regional benefit.

With regards to the proposed development:

- The proposed development will not affect the general 1% AEP flooding regime.
- The minimum habitable floor level should be at least 150 mm above the 1982 flood level (~265.05 m AHD) for existing subdivisions. The supplied plan does not show the finished floor level in m AHD, so we cannot comment on the proposed floor level.
- Any fences around the property should be open post and wire to let flows through.

It should be noted that this DWER advice is related to major flooding only and other planning issues, such as environmental and ecological considerations, may also need to be addressed.

ALTERNATIVE OPTION AVAILABLE TO COUNCIL

TPI recommends refusal of the application for the reasons outlined in the Officer Recommendation.

In the event that Council wants to support the application and issue a conditional approval, TPI recommends that the Item be deferred and the applicants be invited to lodge revised plans that show a minimum Finished Floor Level at least 150 mm above the 1982 flood level (~265.05 m AHD). The Finished Floor Levels need to be shown in Australian Height Datum (AHD) which is an Australian wide height measurement used commonly by licensed surveyors.

STATUTORY ENVIRONMENT

*Shire of Tambellup Town Planning Scheme No. 2
Development (Local Planning Schemes) Regulations 2015*

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

There are no known risks associated with this report.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Council refuse the application for a dwelling on Lot 60 Bridge Street, Tambellup for the following reasons:

- a. The proposed development is construed as a dwelling defined in the Residential Design Codes as *a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.*
A dwelling is not permitted in the Town Centre zone under the Shire of Tambellup Town Planning Scheme No. 2 unless granted specific approval. The Council is not going to exercise discretion to support a new dwelling in the Town Centre zone.
- b. Where a dwelling forms part of a mixture of different businesses in a street, there can be conflict due to emissions such as noise, dust, traffic and odour. There will not be the same level of amenity in a Town Centre zone as a Residential zone.
- c. Approval of the development will set a precedent for other vacant lots in Bridge Street to be developed with dwellings, opposite to the Shire Depot and close to other existing businesses such as Nutrien Ag Solutions. This could create a situation whereby residential uses may conflict with existing established businesses.
- d. From a planning perspective, the protection of existing businesses in the Town Centre zone from incompatible new land uses (such as a residential dwelling) is the higher priority. The proposed dwelling is not consistent with the objective of the Town Centre zone *'to ensure the town centre remains the principal place for business and administration within the District'*.
- e. If Town Centre lots are developed with new housing, then the accumulative impact is that it will reduce the land available for future commercial development and long term commercial growth of Tambellup townsite. This has the potential to impact on the community as a whole.
- f. The lot is an area identified as being subject to inundation in the "Gordon River (Tambellup) Flood Study" prepared by Sinclair Knight and Partners, January 1983. The application has not adequately demonstrated that development is appropriate in the area subject to potential flooding.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.1 CONFIDENTIAL - EQUOTE FOR SUPPLY AND INSTALLATION OF CARAVAN PARK CABINS - TAMBELLUP

ATTACHMENT(S)	13.8.1 CONFIDENTIAL Equote Submission – Aussie Bush Cabins 13.8.2 CONFIDENTIAL Equote assessment
FILE NO	ADM0666
AUTHOR	Pam Hull, Strategic Support and Projects Officer
DATE	7 May 2024
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
Key Pillar: Broomehill Tambellup Point of Difference	
4. Versatile Accommodation 4.2 Tambellup short-stay accommodation development This is the Shire developing the Tambellup Caravan Park and creating cabin style accommodation for workers and visitors. This also requires exploring further RV and camping options.	4.2.2 Tambellup Caravan Park – Construction of Stage 1(a) (civil & site works for all of stage 1, install of one or two cabins, move RV Rest Stop to old bowling green site.)

OFFICER RECOMMENDATION

That the Council:

1. Rejects all submissions received for WALGA Equote ‘Supply and Installation of Caravan Park Cabins – Tambellup’ due to submissions exceeding the Council’s stated budget allocation for this project.
2. Authorises the Chief Executive Officer to seek alternative quotes for the supply and installation of two (2) one-bedroomed, self contained cabins for the Tambellup Caravan Park, with a recommendation to be brought to the July 2024 Ordinary Council Meeting.

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

16. QUESTIONS FROM MEMBERS WITHOUT NOTICE

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

18. CLOSURE

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