



MINUTES

Ordinary Council Meeting
17 November 2022

SHIRE OF BROOMEHILL-TAMBELLUP

MINUTES

Minutes of an Ordinary Meeting of Council of the Shire of Broomehill-Tambellup held in the Tambellup Council Chambers on 17 November 2022 commencing at 4.36pm.



Anthony Middleton
Chief Executive Officer

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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Presiding Member, Cr White declared the meeting open at 4.36pm.

2. ATTENDANCE

Councillors

Cr ME White	President
Cr DT Barritt	Deputy President
Cr CJ Letter	
Cr CM Dewar	
Cr MC Paganoni	
Cr JL Wills	
Cr SH Penny	

Staff

AP Middleton	Chief Executive Officer
KP O'Neill	Manager of Finance & Administration
PA Hull	Strategic Support & Projects Officer
HA Richardson	Governance & Executive Assistant
P Vlahov	Manager of Works

Apologies

Nil

3. DISCLOSURE OF INTEREST

Nil.

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil.

6. APPLICATION FOR LEAVE OF ABSENCE

MOVED Cr C Dewar, seconded Cr C Letter that Cr JL Wills be granted leave of absence for the Ordinary Meeting of the Council scheduled for 16 March 2023.

CARRIED 7/0
Motion No. 146/22

7. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING 20 OCTOBER 2022

RECOMMENDATION/COUNCIL DECISION

Moved Cr JL Wills, seconded Cr CM Dewar that the minutes of the Ordinary Meeting of Council held on 20 October 2022 be confirmed as a true and accurate record of proceedings.

CARRIED 7/0

Motion No. 147/22

9. PRESENTATIONS/PETITIONS/DEPUTATIONS

Nil

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

10.1 FINANCIAL STATEMENTS – OCTOBER 2022

ATTACHMENT(S)	10.1.1 – Financial Statements October 2022
FILE NO	ADM0619
APPLICANT	N/A
AUTHOR	Kay O’Neill – Manager Finance & Administration
DATE	9 November 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Strategic Community Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA One – Our People 1.5 – Our Shire demonstrates strong leadership, effective governance and efficient service delivery to our community	S1.5.1 – Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents	A1.5.1.3 – Demonstrate a high standard of legislative compliance and internal controls A1.5.1.4 – Demonstrate sound financial planning and management

SUMMARY

The Council to consider the monthly financial statements for October 2022.

BACKGROUND

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

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

As part of the 2022/23 budget process, the Council adopted 10% or \$10,000 (whichever is the greater) as the material variance for reporting purposes for the year.

COMMENT

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

Receivables are detailed in Note 6, which includes outstanding rates, emergency services levy, pensioner rebates and other ‘sundry’ debtors.

Non-operating grants and contributions are shown in Note 8. These funds are spent on capital projects outlined in Note 12, which details capital revenue and expenditure; including plant replacement, road construction, building improvements and other projects, reserve transfers and loan transactions.

A major variance is the allocation of asset depreciation, which will be processed once the final audit for the year ending 30 June 2022 has been conducted and finalised.

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 that month in the following detail –

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); 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 month to which the statement relates; 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 month to which the statement relates.*

(2) Each statement of financial activity is to be accompanied by documents containing –

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
- (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 or type 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

A control measure to ensure transparency of financial systems and controls regarding creditor payments.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr SH Penny, seconded Cr MC Paganoni that the monthly financial statements for the period ending 31 October 2022 be received.

CARRIED 7/0
Motion No. 148/22

10.2 MONTHLY LIST OF PAYMENTS OCTOBER 2022

ATTACHMENT(S)	10.2.1 - Monthly Payments Listing October 2022
FILE NO	ADM0619
APPLICANT	N/A
AUTHOR	Kay O’Neill – Manager Finance & Administration
DATE	9 November 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Strategic Community Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA One – Our People 1.5 – Our Shire demonstrates strong leadership, effective governance and efficient service delivery to our community	S1.5.1 – Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents	A1.5.1.3 – Demonstrate a high standard of legislative compliance and internal controls A1.5.1.4 – Demonstrate sound financial planning and management

SUMMARY

The Council to consider the list of payments made from the Municipal and Trust Funds during October 2022.

BACKGROUND

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

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

COMMENT

Summary of payments made for the month –

	\$
Municipal Fund	305,091.05
Trust Fund	0.00
Credit Cards	3,367.98
TOTAL	308,459.03

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.

FINANCIAL IMPLICATIONS

Reports the payments made from Municipal and Trust Funds for the previous month.

POLICY IMPLICATIONS

Council Policy '3.1 Purchasing Policy' provides guidance and restrictions relative to purchasing commitments.

RISK MANAGEMENT IMPLICATIONS

A control measure to ensure transparency of financial systems and controls regarding creditor payments.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr JL Wills, seconded Cr CJ Letter that, in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments for October 2022 paid under delegated authority be noted; comprising –

- Municipal Fund cheque, electronic funds transfer (EFT) and direct debit payments totalling \$305,091.05; and
- Credit Card payments totalling \$3,367.98

CARRIED 7/0
Motion No. 149/22

10.3 COUNCIL MEETING DATES 2023

ATTACHMENT(S)	Nil
FILE NO	ADM0091
APPLICANT	N/A
AUTHOR	Annie Richardson – Governance & Executive Assistant
DATE	10 October 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Community Strategic Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA One – Our People 1.5 Our Shire demonstrates strong leadership, effective governance and efficient service delivery to our community	1.5.1 Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents.	A1.5.1.5 Ensure transparency of Council decision making through effective communication with residents.

SUMMARY

The Council is required to determine and advertise its Ordinary Council Meeting dates, times and venues for the 2023 calendar year.

BACKGROUND

The *Local Government (Administration) Regulations 1996* reg 12 (1) requires that at least once a year a local government is to give local public notice of the date on which, and the time and place at which, its Ordinary Meetings of Council are to be held for a twelve month period (2023).

COMMENT

The Council currently holds its meetings on the third Thursday of each month with the exception of January (nil meeting) and December (Friday meeting) unless otherwise determined and advertised throughout the course of the year.

It is proposed the July 2023 meeting be pushed out a week to allow additional time to compile and adopt the budget and that the December meeting be held on the second Thursday of the month to avoid being too close to Christmas. Meeting dates recommended for 2023 are as follows:

17 February 2023	16 March 2023
20 April 2023	18 May 2023
15 June 2023	27 July 2023
17 August 2023	21 September 2023
19 October 2023	16 November 2023
14 December 2023	

Historically all Council meetings are held in the Tambellup Council Chambers.

CONSULTATION

CEO

Senior Management Team

STATUTORY ENVIRONMENT

Local Government Act 1995 s5.25(g)

Local Government (Administration) Regulations 1996 r12(1)

FINANCIAL IMPLICATIONS

Provision is made for advertising costs in the annual budget (GL account 04101-19)

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr DT Barritt, seconded Cr CM Dewar that the 2023 Ordinary Council Meetings be held in the Tambellup Council Chambers commencing at 4.30pm on the following dates:

16 February 2023	16 March 2023
20 April 2023	18 May 2023
15 June 2023	27 July 2023
17 August 2023	21 September 2023
19 October 2023	16 November 2023
14 December 2023	

CARRIED 7/0
Motion No. 150/22

10.4 GILLAMII CENTRE – SHIRE REPRESENTATION

ATTACHMENT(S)	Nil
FILE NO	ADM0109
APPLICANT	N/A
AUTHOR	Annie Richardson - Governance & Executive Assistant
DATE	27 October 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Strategic Community Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA One – Our People 1.4 Organisations in our community demonstrate strong leadership and commitment	S1.4.1 Provide support to our community groups to achieve outcomes that benefit the community	A1.4.1.1 Support and encourage community groups to plan and deliver events, programs and services.

SUMMARY

An invitation has been extended to the Shire of Broomehill-Tambellup by the Gillamii Centre to nominate a representative to the Gillamii Centre committee.

BACKGROUND

The Gillamii Centre is a volunteer driven, membership based, not-for-profit organisation, based in Cranbrook, which focuses on land care, agriculture research and extension and community engagement. The Gillamii Centre’s operating area covers the entire Shire of Cranbrook and areas within the Shire of Broomehill-Tambellup

COMMENT

The Gillamii Centre works with farming enterprises and community organisations in the Shire of Broomehill-Tambellup, and Shire representation on its committee will assist to consolidate partnerships and support initiatives that will be beneficial to both organisations.

CONSULTATION

The matter was briefly discussed at the October 2022 Council Briefing Session and members indicated support for the proposal.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Council nominates Cr _____ as the Council's representative to the committee of the Gillamii Centre.

COUNCIL DECISION

Moved Cr MC Paganoni, seconded Cr CM Dewar that the Council nominates Cr CJ Letter as the Council's representative to the committee of the Gillamii Centre.

CARRIED 7/0
Motion No. 151/22

10.5 STRATEGIC COMMUNITY PLAN 2023-2033 – PEOPLE POWER

ATTACHMENT(S)	10.5.1 - Strategic Community Plan 2023-2033: People Power
FILE NO	ADM0382
APPLICANT	N/A
AUTHOR	Pam Hull – Strategic Support & Projects Officer
DATE	1 November 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS

This agenda item recommends the adoption of a new Strategic Community Plan – the primary strategic document for the Shire and the community, and therefore set a new strategic direction.

SUMMARY

The purpose of this report is to consider the Broomehill-Tambellup Strategic Community Plan 2023-2033, titled '*People Power*'.

BACKGROUND

The major review of the Strategic Community Plan has been completed, and the new plan Broomehill-Tambellup Strategic Community Plan 2023-2033 – People Power is presented for the Council's consideration and adoption.

The Department of Local Government, Sport and Cultural Industries Integrated Planning and Reporting (IPR) Framework requires all Local Governments to have a Strategic Community Plan which provides the Council with clear strategic direction for a period of ten (10) years. The Strategic Community Plan is the guiding document that is supported by the Shire's Long Term Financial Plan, Workforce Development Plan and Asset Management Plans, all of which allow the Council to link service delivery with resourcing requirements and community strategic direction.

The Strategic Community Plan is developed in consultation with the community, and is subject to a minor review after two years, and a full review after four years.

Following adoption of the Strategic Community Plan, a Corporate Business Plan will be developed, which assigns actions to each of the strategies.

Progress towards achievement of outcomes from the Plan is reported to the community each year in the Annual Report.

COMMENT

The current Strategic Community Plan 2018-2028 was due for its four (4) year review in 2022. Following a request for quotation process, consultants Green 11 Team were engaged to undertake the review, which commenced in August, with a series of pre-planning meetings attended by the CEO and Strategic Support & Projects Officer. Following advertising on the Shire's website, Facebook page and mailed flyer, the consultants facilitated six (6) workshops with community stakeholders over three days on site, with sixty six (66) community members attending. An additional twenty (20) people provided their feedback via the online survey, phone calls and emails.

The consultation process identified nine themes which have been grouped under the following three (3) key pillars:

1. Broomehill-Tambellup Point of Difference (branding, community and culture);
2. Broomehill-Tambellup Economy (accommodation, existing and new businesses);
and
3. Broomehill-Tambellup Lifestyle (natural environments, built environments and unique interactions).

An additional fourth pillar (Shire of BT Support) has been included, to incorporate Shire specific strategies around leadership, trust and performance, and collection and use of data.

The 'plan on a page' summary of *People Power* is as follows:



Strategic Community Plan-on-a-Page

A plan for the aspirational strategic phase 2023 to 2033, with delivery within this current four-year phase 2023 to 2026. This plan is to be delivered by all community members, if they so desire, including contribution by the Shire of Broomehill-Tambellup workforce.

Community Vision *a region driven by community spirit*

Broomehill-Tambellup Point-of-Difference <i>By Dec 2026 we have;</i>	Broomehill-Tambellup Economy <i>By Dec 2026 we have;</i>	Broomehill-Tambellup Lifestyle <i>By Dec 2026 we have;</i>	SoBT Shire Support <i>By Dec 2026 we have;</i>
1. A Distinct BT Brand 1.1 BT identity 1.2 BT brand spotlight 1.3 BT storytelling and communications 1.4 BT piggy-back brand	4. Versatile Accommodation 4.1 Broomehill short-stay accommodation renewal 4.2 Tambellup short-stay accommodation development 4.3 BT quality house and land options 4.4 BT accommodation-of-the-future project	7. Celebrated Natural Environments 7.1 Gordon River advancement 7.2 Indigenous significance sites 7.3 Boot Rock Reserve 7.4 Tambellup Water Reserve	10. Grown Shire Leadership 10.1 SoBT community engagement program 10.2 SoBT community training and development 10.3 SoBT contribution to environment 10.4 SoBT workforce development
2. A United Community 2.1 BT well-being and safety 2.2 BT volunteering 2.3 BT community creativity	5. Healthy Existing Businesses 5.1 BT telecommunications 5.2 BT BEC activation 5.3 BT business support 5.4 T school maximisation	8. Enjoyed Built Environments 8.1. Broomehill Heritage Precinct renewal 8.2 Tambellup Railway Precinct development 8.3 Tambellup Civic and Community Precinct exploration	11. Delivered Shire Trust and Performance 11.1 SoBT monitoring and reporting 11.2 SoBT financial sharing 11.3 SoBT workforce satisfaction 11.4 SoBT community revenue
3. An Appreciated Culture 3.1 BT community reconciliation 3.2 BT history appreciation 3.3 BT 'Open to All' campaign 3.4 'Colour BT' 3.5 BT recreation	6. Attracted New Businesses 6.1 BT trade incentive 6.2 BT Noongar business development 6.3 BT visitation stopover services 6.4 BT new business	9. Unique BT Interactions 9.1 Anytime trails and adventure 9.2 Anytime gardens, parks and play 9.3 Community shared experiences	12. Collected Region-wide Knowledge 12.1 SoBT community data 12.2 SoBT Shire data 12.3 SoBT celebrating milestones 12.4 SoBT digital literacy

Community Values

- Commitment
- Care
- Friendship
- Inclusion

Achievement of the strategies outlined in the plan will require both the Shire and the community to maintain effective two way communication, collaboration and cooperation, to build on the people power in our community that has been identified during consultation.

The review process has been undertaken in accordance with the required community consultation process, and as a result, it is recommended that the 'Broomehill-Tambellup Strategic Community Plan 2022-2032 – People Power' be adopted.

Once adopted by the Council, the plan will be advertised and made available to the public. A copy will be forwarded to all attendees of the community workshops.

CONSULTATION

Six (6) workshops with community stakeholders over three days in September were held, with sixty six (66) community members attending. An additional twenty (20) people provided their feedback via the online survey, phone calls and emails.

Elected members and senior staff received presentations of the draft plan at workshops held on 11 October and 20 October 2022.

STATUTORY ENVIRONMENT

Local Government Act 1995

s5.56. Planning for the future

(1) *A local government is to plan for the future of the district.*

(2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Local Government (Administration) Regulations 1996

Part 5 Div. 3 Reg. 19C Strategic community plans, requirements for

Part 5 Div. 3 Reg. 19D Adoption of plan, public notice of to be given

FINANCIAL IMPLICATIONS

Costs relating to the achievement of the objectives outlined in *People Power*, the Strategic Community Plan, will be factored into the Strategic Resource Plan (financial and asset management) and the annual budget.

POLICY IMPLICATIONS

Council Policy 1.15 – Community Engagement outlines the appropriate level of engagement required for various activities.

RISK MANAGEMENT IMPLICATIONS

The Council is required to prepare a plan for the future, in consultation with its community. Adopting the plan as presented will allow for work to commence on delivery of the plan.

ASSET MANAGEMENT IMPLICATIONS

Asset management implications relating to the achievement of Strategic Community Plan objectives will be factored into the Strategic Resource Plan (financial and asset management).

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr DT Barritt, seconded Cr MC Paganoni that the 'Broomehill-Tambellup Strategic Community Plan 2023-2033 - People Power', as attached, be adopted.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Motion No. 152/22

10.6 POLICY MANUAL REVIEW

ATTACHMENT(S)	10.6.1 – Existing Policy Manual Showing Proposed Changes 10.6.2 – Proposed Policy Manual after Review
FILE NO	ADM0165
APPLICANT	N/A
AUTHOR	Anthony Middleton – Chief Executive Officer
DATE	10 November 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Strategic Community Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA One – Our People	1.5 Our Shire demonstrates strong leadership, effective governance and efficient service delivery to our community	A1.5.1.3 Demonstrate a high standard of legislative compliance and effective internal controls

SUMMARY

The purpose of this report is to conduct an annual review of the Council Policy Manual.

BACKGROUND

This is the first time in recent memory that the policy manual has been reviewed by the Council in its entirety. Previous reviews were either done on individual policies or sections of the policy manual.

Individual policies are brought before the Council on an as needs basis and following their consideration, are incorporated into the attached policy manual.

COMMENT

The review of the Council Policy Manual has been undertaken and the proposed amendments are clearly shown in attachment 10.6.1. A summary of these proposed changes are as follows:

Policies proposed for deletion:

- Policy 1.9 (Dealing with Unreasonable Customers) - suggested for deletion as this policy is adequately covered in policy 1.26 (Unreasonable Complainant Conduct);
- Policy 1.21 (Standing Committees of Council – Terms of Reference) – proposed to be deleted as this item is dealt with after each local government election at the Council Meeting where the President, Deputy President and Committee Members are elected;
- Policy 2.10 (Code of Conduct for Employees) – Recent changes to the *Local Government Act 1995* now require the CEO to set the Code of Conduct for staff, not the Council.

Policies proposed for amendment:

- Policy 1.7 (Customer Service Charter) – A copy of the charter is now included as part of the policy;
- Policy 1.13 (Asset Management Policy) – Policy simplified by deleting unnecessary definitions;
- Policy 2.2 (Safety & Health in the Workplace) - A copy of the Committee’s terms of reference is now included as part of the policy;
- Policy 2.4 (Gratuity & Redundancy Payments) – References to “the Council” changed to “the CEO” in line with the responsibilities defined by the *Local Government Act 1995*;
- Policy 3.1 (Purchasing Policy) – Policy changes as per Council resolution at the 15 September 2022 Council meeting. Advertising was required under the *Local Government Act 1995* for the ‘regional price preference’ component of this policy (clause 3d). This advertising has been undertaken, however, no submissions were received;
- Policy 4.7 (Use of Shire Plant and Equipment by Staff, Community Groups & Organisations) – Updates have been made in line with Public Sector Commission requirements regarding the prohibition of private use of Shire property.

Other:

The following policies are currently being reviewed by the Senior Management Team and will be the subject of future Council agenda items:

- Policy 2.3 – Corporate Uniform & Appropriate Dress;
- Policy 2.5 – Staff Benefits

Other minor typographical and emphasis changes are made throughout the policy manual as shown in the attachment.

CONSULTATION

Senior Management Team

STATUTORY ENVIRONMENT

The Council may adopt, amend or waive policies under Section 2.7(2)(b) of the *Local Government Act 1995*.

Policies have no legal status but are guidelines for staff to act on various matters without the need for continual referral to the Council.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

This item recommends modification to several existing Council Policies, as outlined above, and the deletion or repeal of others.

RISK MANAGEMENT IMPLICATIONS

Robust systems and controls that integrate with delegations from the Council reduce the risks associated with legislative compliance of the Shire’s operations.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority (point 3 below only)

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved SH Penny, seconded Cr CJ Letter that:

1. The following Council Policies be repealed:
 - a) Policy 1.9 (Dealing with Unreasonable Customers);
 - b) Policy 1.21 (Standing Committees of Council – Terms of Reference); and
 - c) Policy 2.10 (Code of Conduct for Employees).
2. The following Council Policies be amended as per the attached Council Policy Manual:
 - a) Policy 1.7 (Customer Service Charter) – A copy of the charter is now included as part of the policy;
 - b) Policy 1.13 (Asset Management Policy) – Policy simplified by deleting unnecessary definitions;
 - c) Policy 2.2 (Safety & Health in the Workplace) - A copy of the Committee’s terms of reference is now included as part of the policy;
 - d) Policy 2.4 (Gratuity & Redundancy Payments) – References to “the Council” changed to “the CEO” in line with the responsibilities defined by the *Local Government Act 1995*;
 - e) Policy 3.1 (Purchasing Policy) – Policy changes as per the Council resolution at the 15 September 2022 Council meeting; and
 - f) Policy 4.7 (Use of Shire Plant and Equipment by Staff, Community Groups & Organisations) – Updates have been made in line with Public Sector Commission requirements regarding the prohibition of private use of Shire property.
3. Following the four (4) week advertising of the notice of intent to adopt a ‘regional price preference’ (clause 3(d) of draft Council Policy 3.1 (Purchasing Policy)), the Council note that no submissions were received and the policy is now adopted; and
4. The attached Council Policy Manual dated November 2022, as attached, be adopted.

CARRIED BY AN ABSOLUTE MAJORITY 7/0
Motion No. 153/22

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

11.1 TAMBELLUP CARAVAN PARK BUSINESS CASE

ATTACHMENT(S)	11.1.1 – Business Case – Tambellup Caravan Park and Camping Ground 11.1.2 – Tambellup Caravan Park – Concept Designs 11.1.3 – Tambellup Caravan Park – Quantity Surveyors Estimate
FILE NO	ADM0588
APPLICANT	N/A
AUTHOR	Anthony Middleton – Chief Executive Officer
DATE	8 November 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Strategic Community Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA Two – Our Economy 2.1 Our community provides a unique tourism and visitor experience	S2.1.3 Develop and support options for short stay visitor accommodation	A2.1.3.2 Investigate the establishment of a Caravan Park in Tambellup

SUMMARY

The purpose of this item is for the Council to consider the business case and concept plans that have been developed for the proposed caravan park in Tambellup.

BACKGROUND

During community consultation for the Strategic Community Plan 2018-2028, it was identified that there was a significant need for short term worker and visitor accommodation in the shire. The matter was partially addressed by the construction of two self-contained cabins at the Broomehill Caravan Park, which were completed in 2021.

Further discussions have been held with stakeholders including the Tambellup Cooperative Inc. and the Tambellup Community Cropping Group regarding the development of a caravan park in Tambellup.

In 2017 the Shire purchased the former Bowling Club (Lot 19 Taylor St) with the intent to develop the site, in conjunction with Lot 5 and 6 Crowden St, for a caravan park and camping ground. Lot 5 and 6 Crowden St currently provide a 48 hour free camping site for self-contained travellers.

It was identified that an amendment to the Shire of Tambellup Town Planning Scheme No. 2 was required, to change the zoning of the land in question from ‘Special Use’ to ‘Town Centre’, to enable the development. The amendment was endorsed by the Council at the December 2021 Ordinary meeting, and advertised for public comment. Following the

close of the comment period, the matter was further considered at the July 2022 Ordinary meeting, and was adopted for final approval without amendment. The amendment has been lodged with the Western Australian Planning Commission for referral to the Minister for Planning who makes the final decision on the amendment.

At the May 2022 Ordinary meeting, the Council resolved the following:

That:

- 1. The proposed Tambellup Caravan Park be classified a major business undertaking pursuant to Section 3.59 of the Local Government Act and as a consequence the Acting CEO be requested to take immediate action for the preparation of a Business Plan.*
- 2. The Business Plan described above is to include an overall assessment of the major business undertaking including details of:
 - a) its expected effect on the provision of facilities and services by the local government; and*
 - b) its expected effect on other persons providing facilities and services in the district; and*
 - c) its expected financial effect on the local government; and*
 - d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56 (Planning for the Future); and*
 - e) The ability of the local government to manage the undertaking.**
- 3. The Business Plan be referred back to the council no later than 15 September 2022 for endorsement prior to the giving of state-wide notification.*

The business case, which will support any future applications for funding, has been completed, and is presented for the Council's endorsement. Concept plans, showing four possible layout options are also attached for the Council's consideration.

COMMENT

Major Business Undertaking:

Firstly, let's address the issue of this proposed caravan park being a major business undertaking as defined by the *Local Government Act 1995*. The purpose of section 3.59 of the Act is to require local governments to complete an additional layer of public consultation and business planning when operating large scale business units, currently defined as \$2m annual turnover.

Whilst community consultation and sound management practices are whole heartedly supported for this venture, it is not of the scale that would require an additional layer of compliance and legislative oversight. The Shire currently operates the Broomehill Caravan Park and therefore has good knowledge of the size and operational requirements a Tambellup Caravan Park would require. It is therefore recommended that this project not be considered a major business undertaking as defined by the *Local Government Act 1995*.

Project Summary:

Attached to this agenda item are the following three (3) documents:

1. Business Plan – This business case has been prepared to prove demand, provide concept plan options and to assist with grant funding requests;
2. Concept Plans – four (4) options are presented for the consideration of the Council. It is recommended that this facility be more focussed on workers and short stay accommodation, as opposed to a traditional ‘summer holiday’ caravan park and, as such, **option 4 is the preferred option.**
3. Quantity Surveyor Estimates – The Council should note that these estimates have been completed at a very early ‘concept’ stage and the estimator has limited detail of the Shire’s needs and wants and therefore these figures are considered to be an upper estimate.

It is recommended that, using option 4 as the preferred design plan, the Project construction stages be summarised as follows:

Stage 1(a):

All civil and underground services for all of stage 1. Construction of one or two cabins. 48 hour rest area stop moves to bowling green site;

Stage 1(b):

Construction of remainder of cabins (note – this stage can be split into many stages);

Stage 2:

Construction of caravan and tent sites and ablution facilities on bowling club site

Stage 1(a):

The 2022/2023 Annual Budget contains a provision of \$850,000 for stage 1(a) of the Tambellup Caravan Park, being \$700,000 grant funding through the Shire and \$150,000 from the Tambellup Cropping Group for the purchase of a cabin. It was envisaged that this budget provision could get the power, water, sewer and roadworks completed for all cabin sites in stage 1 and begin the installation of cabins by purchasing one or two in this financial year.

Now that quantity surveyor figures have been received, the budget can be updated with more certainty as follows (assumes concept plan option 4 has been chosen):

GENERAL SITE WORKS & SERVICES:	
- Site Preparation	\$36,720
- Roads, Footpaths, Paved Areas	\$42,770
- Landscaping and Improvements	\$40,000
- External Hydraulic Services	\$85,000
- External Electrics	\$90,000
- Preliminaries	\$44,510
Locality Allowance	\$85,000
Sub-Total (from QS)	\$474,000
Designs and Planning	\$60,000
Incidentals (fencing, etc)	\$30,000
Contingency	\$50,000
Sub-Total	\$614,000
Budget Remaining for Cabins	\$236,000

Whilst detailed designs and construction drawings are yet to be completed, the budget above remains indicative only. It is the Authors opinion that it appears insufficient in some areas, especially the external hydraulic services.

Business Plan:

Consultants Keston Economics were engaged by the shire to prepare the business case. The consultants engaged H&H Architects to undertake concept planning for the proposal. The following extracts from the business case Executive Summary are provided for the Council’s information. Full details are available in the attachment - ‘Business Case – Tambellup Caravan Park and Camping Ground’.

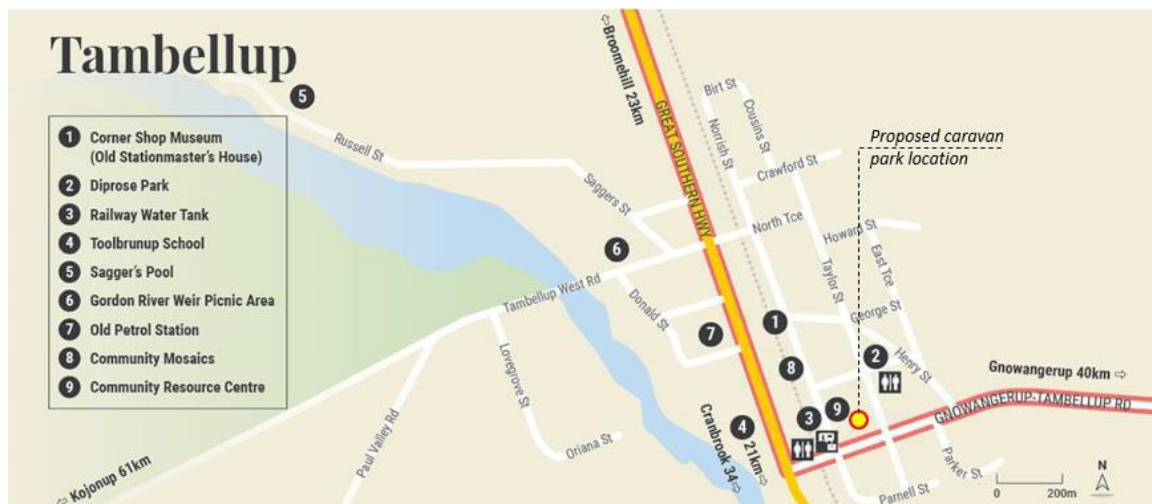
1 Executive Summary

1.1 Project Concept and Scope Summary

1.1.1 Overall Concept and Scope

The proposed project will develop a new caravan park and camping ground with provision for short stay chalets in Tambellup, Western Australia. The primary purpose of the project is to address a critical gap in Tambellup to accommodate workers and visitors to Tambellup itself and to neighbouring towns and local government areas (particularly Broomehill, Katanning, Gnowangerup and Cranbrook), which are regularly beyond capacity to address visitor requirements. These townsites are all located within a 40 km radius and direct road links of Tambellup.

The townsite of Tambellup is located in Western Australia's Great Southern Agricultural region, 320 km south-east of Perth and 125 km north of Albany on the Great Southern Highway adjacent to the Gordon River.



The proposed caravan park and camping ground will be developed on Shire of Broomehill-Tambellup freehold land. Lots 5 and 6 Crowden Street are vacant lots. Lot 19 of Taylor Street has historically been used as a local bowling club (no longer in operation) and still contains the old club building. The combined area of all three lots is 5,946m². As the lots are located in Tambellup townsite, they will be able to connect to all existing available services such as power, water and sewer. Development of the lots therefore maximises use of existing infrastructure.

This business case explores various options for staged development of the caravan park in the interest of best addressing current and future needs through the most efficient use of funds and maximised net benefit.

1.1.2 Options Summary

The proposed caravan park and camping ground will include a combination of cabins, powered bays and unpowered sites, as well as the conversion or replacement of the existing bowling clubroom building as a shared camp kitchen and ablutions facility. Determinations of the number of cabins, bays and sites is based on various factors, including the available space, expectations for visitor numbers, availability of accommodation in and surrounding Tambellup, and experience from the operation of the Broomehill Caravan Park. With substantial cash contributions from the Shire of Broomehill-Tambellup and the Tambellup Community Cropping Group, there is the potential to leverage funds to attract grant funding. Various options were therefore considered in line with the following:

1. *Site arrangement and core accommodation features (powered bays, cabins, and unpowered sites);*
2. *Type and level of renovations to the existing bowling club clubroom building (in line with available funds, camp kitchen and ablution requirements); and*
3. *Staging of preferred development options.*

As detailed in Section 2.3, qualitative and quantitative assessment of these options determined the preferred option in each category, with the following outcomes:

1. *The Option 1 or Option 4 site arrangements are best suited to the identified immediate and future needs of Tambellup.*
2. *Option 4 has the greatest indicative value but may require further staging due to the cost of development.*
3. *The option to fully renovate the existing bowling club building is likely to offer the greatest value for money and visitor amenity.*

Designs (H+H Architects) and costings (HWA Quantity Surveyors) have been prepared for all options and are provided as addenda to this business case.



Staging options are identified to meet the immediate demand for visitor and worker accommodation. As Stage 1, 1 and 4-bed cabins are prioritised for development, which will include self-contained kitchenette and ablution facilities. Stage 2 will include powered bays for caravaners/campers, ablution and camp kitchen facilities. These Stage 2 works will be added at a later stage as funding permits. Option staging designs are included in the supporting concept design report and indicative cost assessment.

1.1.3 Budget and Funding Strategy

Indicative cost estimates were prepared by HWA Quantity Surveyors based on the designs prepared by H+H Architects. These cost estimates include consideration to a staged approach for development. Detailed breakdowns are provided as an addendum to this document.

Item	Total Budget
Option 1	\$3,750,000
Option 2	\$3,764,000
Option 3	\$3,795,000
Option 4	\$5,398,000

Funding will be sought through a staged approach to deliver a preferred option with the first stage to be funded through contributions from the Shire of Broomehill-Tambellup (\$700,000) and Community Cropping Group (\$150,000).

1.1.4 Strategic Partnerships

Organisation	Interest, Involvement and/or Capacity
Shire of Broomehill-Tambellup	<ul style="list-style-type: none"> Project proponent. Direct cash contribution.
Tambellup Community Cropping Group	<ul style="list-style-type: none"> Project proponent. Direct cash contribution.
Project Sponsors (e.g. private or public sector agencies)	<ul style="list-style-type: none"> Direct cash contribution as appropriate.
CBH Group	<ul style="list-style-type: none"> Prospective regular user (servicing Broomehill and Tambellup as receival sites).
Tambellup Co-operative	<ul style="list-style-type: none"> Core benefactor of increased visitation and site adjacency (groceries, hot meals, fuel, etc.).
Great Southern Treasures	<ul style="list-style-type: none"> Inland Great Southern tourism market support and development.
Great Southern Development Commission	<ul style="list-style-type: none"> Regional economic development and diversification.
Neighbouring local governments (Katanning, Gnowangerup and Cranbrook).	<ul style="list-style-type: none"> Supporting business and tourist visitation to adjacent LGAs, particularly during peak seasons when own accommodation provisions are at capacity.

1.2 Project Need and Impact Summary

Project drivers/need and expected outcomes are identified through both qualitative and quantitative assessment in Sections 2.1.4, 2.2, and 2.5. Broadly, outcomes of the analyses can be summarised in the following subsections.

1.2.1 Qualitative Summary of Project Drivers and Expected Outcomes

Project Drivers	Project Outcomes
There is limited accommodation in Tambellup.	Provision of accommodation to service expanded visitor markets (e.g. business, caravaners, motorcyclists, campers, hikers, cultural tourists, eco tourists, and other general visitation).
Although there are existing caravan parks in nearby towns, such as at Cranbrook, Frankland River, Katanning and Kojonup, they are often at full capacity during peak seasons. There is also anecdotal evidence of a general shortage of workers accommodation throughout the region which has impacted on caravan park availability for travellers.	There is an opportunity for Tambellup to cater for tourists, travellers, and workers, especially while there is a general shortage of accommodation in other nearby towns. The project will capitalise on this opportunity.
The Great Southern Tourist Way is increasingly frequented by ‘wander out yonder’ visitors, caravaners and touring motorcyclists, particularly during the ongoing COVID-19 pandemic, global political tensions, and their impacts on international trade and travel.	Direct provision of accommodation to attract motorists to stay in Tambellup whilst they continue along the popular tourist route.
There are considerable opportunities to stimulate the local economy through enhanced visitor spend.	Provision of accommodation to attract business visitors and tourists who will spend in the local economy.

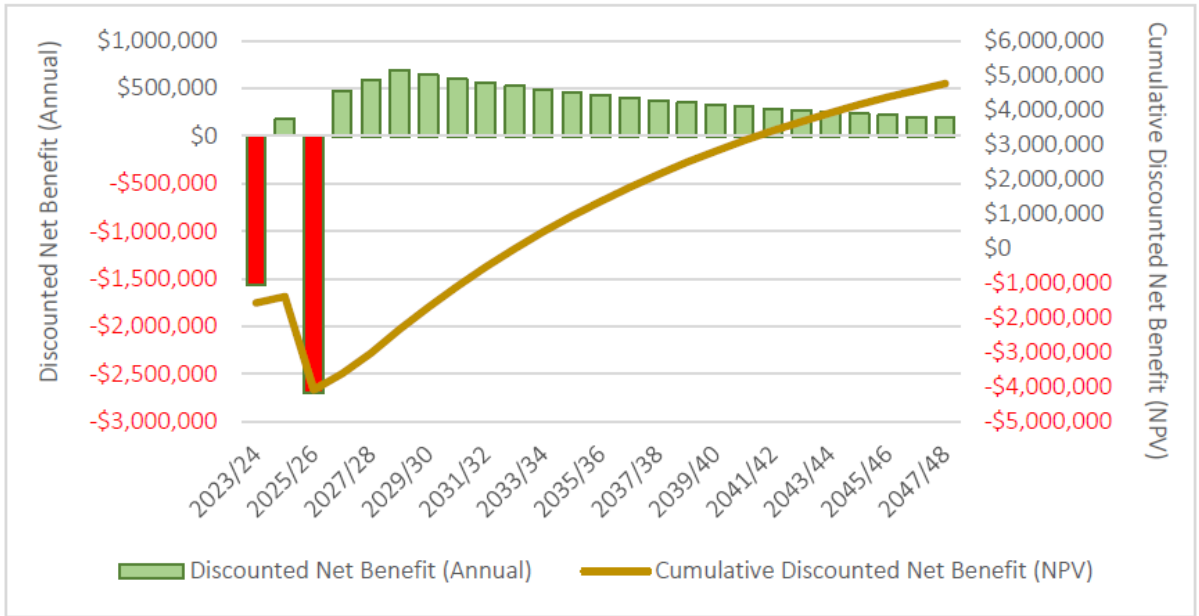
1.2.2 Quantitative Impact Summary

Cost Benefit Analysis

Cost-benefit calculations have been performed to assess the attractiveness of the proposed development relative to the ‘do nothing’ option. Detailed analysis is included in Section 2.5.1 of the business case, with the following providing a snapshot of analysis outputs. The costs in the analyses include the capital costs for the project, phased in line with the plan. Benefits explored in the analysis include:

- An increase in visitor spend associated with overnight visitation that is otherwise not possible; and
- Indirect benefits through the ‘ripple’ effect.

The calculations in the base-case demonstrate a positive Net Present Value (NPV) of \$4.76M and Benefit Cost Ratio (BCR) of 2.03.



Job Creation

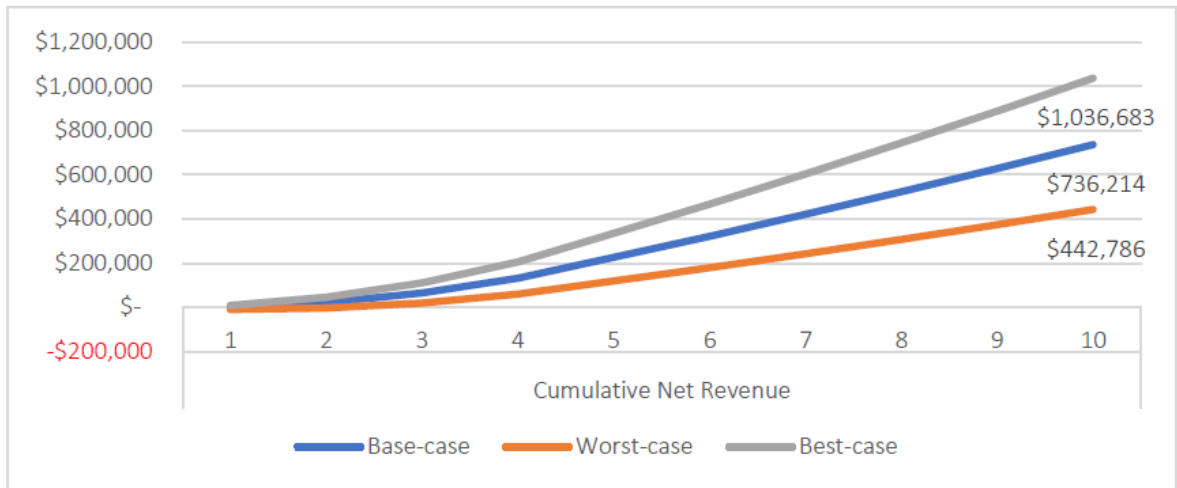
Jobs will be created at both the construction and operational phase of the project. Detailed assessment of job creation is included in Section 2.5.2 of this business case, including justification for the estimates. The following table summarises direct and indirect FTE job creation resulting from the project.

Job Type	Direct	Indirect	Total
Site and shared structure cleaning	0.20	-	0.20
Cabin cleaning	0.29	-	0.29
Site and building maintenance	0.10	-	0.10
Visitor spend	4.59	1.52	6.11
Total	5.18	1.52	6.70

Financial Viability and Sustainability

The Shire considers the project an imperative community, business and tourism development project and monetary gain is not the primary driver. However, whilst the Shire will cover any excess costs as required, there is an intention to balance income and expenses to break-even and reduce burden on existing operational budgets as far as practical. Financial modelling has been completed to determine overall operational costs and required income to offset these costs and demonstrate viability.

As detailed in Section 2.5.3, the base-case model shows an indicative loss in the first year due to expected delays in initial uptake (e.g. associated with project delays/staging requirements, promotion/marketing, general interest, time for positive word of mouth spread, etc.). However, modest net revenue is likely thereafter, and cumulative revenue covers the loss within the first year of operations. Even in the unlikely worst case, with significant reduction in income prospects and increased costs, the project remains viable over the analysis period. Whilst a cumulative loss in this scenario is evident in the first two years of operations, these losses can be fully recovered within three years of operations.



1.3 Project Implementation Summary

1.3.1 Project Management

A more detailed outline of the project management plan is included in Section 2.7 of this business case. It includes clear consideration to the overall project management process, time management, approvals management, communications, quality management and procurement.

Time Management

The Shire of Broomehill Tambellup aim to have the Tambellup Caravan Park development completed and commissioned as soon as possible. The project will be broken into stages to make best use of currently available funds to meet immediate demand in Tambellup and surrounding towns, including the development of Stage 1 cabins for visitors and workers (cabins include kitchenette and bathroom facilities).

Stage 2 expansion, including a camp kitchen and ablutions will be developed at a later date as and when funding becomes available.

The start date for Stage 1 is assumed to be July 2023 subject to Council approvals, purchase and transportation of the cabins. It is anticipated that the installation of the cabins on site (including connections to services), will take up to 6 months.

The indicative timeframe, including towards Stage 2 development, is provided as follows:

Key Milestones		Milestone Date
Stage 1	Planning and development approvals confirmed	July 2023
	Purchase and transportation of cabins	August 2023
	Cabins delivered to site	October 2023
	Installation contract(s) awarded	November 2023
	Cabins installed and connected to services	June 2024
Stage 2	Isolation of Stage 2 needs and benefits	July 2023
	Funding applications complete	September 2023
	Funding awarded	June 2024
	Planning and development approvals confirmed	June 2024
	Construction contract awarded	July 2024
	Practical completion of construction	October 2025
	Building commissioning and handover	October 2025

Approvals Management

Approvals required for the development have been fully investigated (see Section 2.7.3).

Key outcomes are summarised as follows:

- The land is held under freehold by the Shire of Broomehill-Tambellup, and there are therefore no issues to be escalated further regarding land ownership.
- The land requires rezoning. The process for rezoning is currently underway.
- No Aboriginal Sites are located on or adjacent to the site. No Aboriginal approvals are therefore required.
- No DPLH approvals are required as works will not impact any buildings or features listed on the state heritage register.
- No clearing is required and there will be no impact on water sources to necessitate any environmental and water planning approvals.
- The development sites are not located with a bushfire risk area and there are therefore no requirements for BAL assessment and approvals.
- Planning approval by the Shire of Broomehill-Tambellup is likely to be supported as the project aligns with local and regional policies and strategic objectives.

Risk Management

A detailed risk management plan has been defined for the project (Section 2.8). The Risk Management Plan: (i) identifies those risks which might impact the project; (ii) provides the basis for plans for containment of risks; (iii) ensures each risk is analysed for probability and impact; (iv) ensures there is an agreed mitigation plan for each risk; (v) identifies appropriate contingencies for high risks; (vi) allocates ownership for risks and mitigation plans to the project management team; (vii) establishes and monitors a procedure for reviewing and evaluating risk on an on-going basis, adding new, removing obsolete and updating current risks; and (viii) reports the status of current risks.

1.3.3 Asset Management and Operations

As detailed in Section 2.9, the Shire of Broomehill-Tambellup will own the land and infrastructure associated with the project. The ongoing management and maintenance of the infrastructure will be the responsibility of the Shire of Broomehill-Tambellup and is included in forward planning budgets. The management and operations of the asset will be undertaken in line with the Shire of Broomehill-Tambellup Asset Management Policy.

The objective of this policy is to ensure that Asset Management is embedded in the organisation and is recognised as a substantive corporate function. A recognised asset management culture will enable the Shire of Broomehill-Tambellup to deliver services through infrastructure assets in an equitable and sustainable way. This policy supports compliance with principles in the International Infrastructure Management Manual and ISO 55000 series for Asset Management.

Quantity surveyor estimates and copies of the four (4) concept plans are attached to this agenda for the Council's information. Councillors should note the estimates are provided as an indication of costs, and that the next stage of the process, detailed design, will provide the opportunity to refine the design and reduce costs where possible.

It is recommended that the Council endorse the business plan (including appendices) as presented.

In consideration of the four (4) concept plans provided, it is recommended that the Council endorse Concept Plan Option 4, subject to any changes that may be required, and that the project proceed to the schematic and detailed design stage.

CONSULTATION

The business case has been prepared following extensive consultation with the stakeholders noted in the report, as well as consideration of local, regional and statewide policies and strategies.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The Shire currently operates the Broomehill Caravan Park and therefore the ongoing operational costs are well known.

With regard to the choice of a concept plan, the costs of each option are outlined in this report. As mentioned, due to a lack of detailed information at this early stage the quantity surveyor estimates are seen as maximum figures.

The recommended choice of concept plan will affect the financial implications of this report. As it is being recommended that the development focus on workers accommodation and short stay accommodation, rather than traditional camping grounds, a higher cost option is the preference. The first stage (stage 1(a)) of the recommended option 4 continues to be in accordance with the 2022/2023 adopted budget provision.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

The business case provides a framework that sets out the project management requirements for the project, including a risk analysis.

ASSET MANAGEMENT IMPLICATIONS

Nil, although the construction of a Tambellup Caravan Park will add a substantial asset to the Shire's operations and maintenance.

VOTING REQUIREMENTS

Absolute majority (point 1 of the recommendation only)

OFFICER RECOMMENDATION

That:

1. The Council declare that the proposed Tambellup Caravan Park is not a major business undertaking as defined by Section 3.59 of the *Local Government Act 1995*, hereby amending the Council's decision made at its May 2022 Ordinary meeting;
2. The 'Business Case – Tambellup Caravan Park and Camping Ground', as presented, be endorsed; and
3. Concept Plan Option 4, subject to any changes required, be endorsed as the design outline for the Tambellup Caravan Park and staff be requested to progress this project to detailed design and construction stages in accordance with the adopted budget.

COUNCIL DECISION

Moved Cr MC Paganoni, seconded Cr CM Dewar that:

1. The Council declare that the proposed Tambellup Caravan Park is not a major business undertaking as defined by Section 3.59 of the *Local Government Act 1995*, hereby amending the Council's decision made at its May 2022 Ordinary meeting;
2. The 'Business Case – Tambellup Caravan Park and Camping Ground', as presented, be endorsed;
3. Concept Plan Option 4, subject to changes in point 4 below, be endorsed as the design outline for the Tambellup Caravan Park and staff be requested to:
 - a) consult with the Tambellup Cropping Group (direct cash contributor); and
 - b) progress this project to detailed design and construction stages in accordance with the adopted budget; and
4. The old Tambellup Bowling Club building be demolished to make way for a new smaller utilities building slightly west of the current site and the horseshoe driveway be positioned further north to enable the northern leg to be in the laneway access.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Motion No. 154/22

11.2 PRELIMINARY REPORT – APPLICATION TO AMEND EXISTING DEVELOPMENT ASSESSMENT PANEL (DAP) APPROVAL FOR A WIND FARM ON VARIOUS LOTS – APPLICATION TO BE DETERMINED BY A DAP

ATTACHMENT(S)	11.2.1 – Applicants letter – Shire of Broomehill-Tambellup – DP/12/01359 Flat Rocks Wind Farm – Application for Amendment of a Development Assessment Panel determination (Form 2)
FILE NO	ADM0283
APPLICANT	Sarah Rankin & Tomas Gibbs Flat Rocks Wind Farm Pty Ltd & Moonies Hill Energy Pty Ltd
AUTHOR	Liz Bushby – Town Planning Innovations (TPI)
DATE	11 November 2022
DISCLOSURE OF INTEREST	Nil.

STRATEGIC IMPLICATIONS		
Community Strategic Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA 2 Our Economy	2.3 - Our Shire actively supports existing local businesses and encourages new business initiatives	S2.3.1 Encourage and facilitate appropriate development in the Shire

SUMMARY

The purpose of this report is to consider authorising the Shire’s town planning consultant to prepare and lodge a Responsible Authority Report (RAR) to the Development Assessment Panel.

BACKGROUND

There is an existing planning approval issued by a Development Assessment Panel (DAP) for the Moonies Hill wind farm dating back to July 2013. The applicant has amended the approval from time to time. The last amendment was approved by a DAP on the 14 December 2021.

A Form 2 application has been lodged seeking to amend conditions of the existing approval. The application will be determined by a DAP. The Council will have representation on the DAP, as two Shire Councillors will participate in the DAP meeting.

The applicant has lodged a request seeking to amend Conditions Amend Conditions 4, 21, 29 & advice note 9 of their existing approval – refer Attachment 1.

TPI is of the understanding that the changes to the conditions are being pursued as:

1. The applicant is proceeding with the wind farm development and working through compliance to meet each condition;
2. The wording of some of the conditions, particularly as they relate to noise, has led to some ambiguity as to what is required to meet some of the conditions.
3. The main purpose of the revised conditions is to remove any ambiguity over the intent of the conditions, and to make it clear that noise conditions apply to noise emanated near residential dwellings, and not farm lot boundaries.

COMMENT

The Shire has to provide a Responsible Authority Report (RAR) to the DAP Secretariat. The RAR will form part of a future DAP meeting agenda, and the item will be determined by the DAP.

The proposed condition changes are of an administrative and technical nature. It is important to note that no new technical reports have been lodged as part of the Form 2, which means the assessment is reasonably straightforward.

TPI has prepared all RAR's on the wind farm application on behalf of the Shire, dating back to the original application in 2012/2013. It is therefore proposed that Council authorise TPI to prepare a RAR for lodgement to the DAP.

Although the RAR is not due to be lodged to the DAP until the 13 December 2022, TPI is in a position to lodge a RAR by the end of November 2022.

DAP meetings are open to the public, and so any interested person can attend. However, only those persons invited to give a presentation to the DAP may address the DAP during the meeting.

TPI has liaised with the Chief Executive Officer and recommended that the Shire write to any person who lodged a submission on the last DAP Form 2 application, and all adjoining land owners, to advise them of the DAP meeting date once it is known.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Planning and Development (Development Assessment Panels) Regulations 2011 – The Form 2 has been lodged under Regulation 17.

In accordance with Regulation 12, the Shire has to lodge a Responsible Authority Report to the DAP Secretariat.

FINANCIAL IMPLICATIONS

The Shire pays fees to TPI for planning advice.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

If Council does not adopt the Officer recommendation there is a risk that a RAR cannot be prepared as required, and a risk of complaint by the applicant.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Authorise Town Planning Innovations (Liz Bushby) to compile and lodge a Responsible Authority Report to the Development Assessment Panel on behalf of the Shire of Broomehill - Tambellup within the 60 day statutory time period without any further referral to Council, however note that there are local government representatives on the Development Assessment Panel; and
2. Note that the Chief Executive Officer will write to all neighbours and any person/organisation who lodged a submission on the previous Form 2 application and notify them of the Development Assessment Panel meeting date, once the meeting date is known.

COUNCIL DECISION

Moved Cr CJ Letter, seconded Cr SH Penny that Council:

1. Authorise the Chief Executive Officer to compile and lodge a Responsible Authority Report to the Development Assessment Panel on behalf of the Shire of Broomehill - Tambellup within the 60-day statutory time period without any further referral to Council., however note that there are local government representatives on the Development Assistant Panel.
2. Email the Responsible Authority Report to Elected Members for any feedback and comment with responses due back within 24 hours; and
3. Note that the Chief Executive Officer will write to all neighbours and any person/organisation who lodged a submission on the previous Form 2 application and notify them of the Development Assessment Panel meeting date, once the meeting date is known.

CARRIED BY AN ABSOLUTE MAJORITY 7/0
Motion No. 155/22

11.3 SUPERLOOP – MEMORANDUM OF UNDERSTANDING AT LOCATION 1245 JAM CREEK ROAD, TAMBELLUP

ATTACHMENT(S)	11.3.1 - Copy of Memorandum of Understanding
FILE NO	CLAF182
APPLICANT	Nil
AUTHOR	Kay O’Neill – Manager Finance & Administration
DATE	10 November 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Community Strategic Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA Two – Our Economy 2.3 – Our Shire actively supports existing local businesses and encourages new business initiatives	S2.3.3 – Advocate for improved telecommunications infrastructure in the region for industry and the community	A2.3.3.1 – Liaise with local and regional stakeholders, service providers and advocate for infrastructure upgrades where required

SUMMARY

The purpose of this report is for the Council to consider a Proposed Assignment of obligations and rights in the Memorandum of Understanding (MOU) between the Shire of Broomehill-Tambellup and Superloop (Australia) Pty Ltd.

BACKGROUND

In January 2021, the Council was approached by Superloop to consider allowing them to utilise an existing tower and adjacent hut, owned by the Shire at Location 1245 Jam Creek Road, Dartnall, for the provision of commercial internet services aimed at the agricultural sector. Superloop offered to take on management of the Shire’s tower in exchange for permission to co-locate their equipment on the tower and in the adjacent hut. The tower and hut are used by the Shire for radio telecommunications for fire brigades.

The tower and hut are on privately owned land. The Shire has been granted access to its equipment via a ‘gentlemen’s agreement’ for many years with the former and current owners of the land. Superloop required some form of land tenure over the site to secure Sgrant funding and maintain its infrastructure; which was in the form of a ground lease negotiated with the current owner.

At the February 2021 meeting, the Council resolved –
‘That the Council approves the Chief Executive Officer (CEO) to negotiate a Memorandum of Understanding with Superloop to the satisfaction of the CEO to allow Superloop to lease the Shires’ telecommunications assets located at 1245 Jam Creek Road, Dartnall, and delegates approval of the Memorandum of Understanding to the CEO’

The MOU was fully executed in May 2021 for a term of five (5) years with one additional period of five (5) years; the Termination Date is 31 May 2031.

Superloop have written advising that they have entered into an agreement to sell certain assets to Field Solutions Group Pty Ltd. They seek to assign all of their obligations, rights, title and interest under and causes of action relating to the MOU to Field Solutions Pty Ltd.

Clause 11.1 of the MOU states

‘Superloop must not assign its rights or transfer its rights to a third party under this MOU except under clause 11.2 or with the prior written consent of the Owner under clause 11.3’.

COMMENT

A representative from Superloop contacted the Shire in October to advise that construction of infrastructure across their broadband network is complete, and that the project would soon be sold to a retailer for marketing and sales. They advised that they would be seeking to re-assign the MOU to the new retailer (Field Solutions Group Pty Ltd) who would have responsibility for maintenance of the infrastructure for an agreed period.

CONSULTATION

The current land owner has been consulted.

STATUTORY ENVIRONMENT

Nil.

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications for the Shire.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr SH Penny, seconded Cr CJ Letter that, in accordance with clause 11.1 of the Memorandum of Understanding between the Shire of Broomehill-Tambellup and Superloop (Australia) Pty Ltd, the Council gives its consent to the assignment of Superloop (Australia) Pty Ltd’s obligations, rights, title and interest under the MOU to Field Solutions Group Pty Ltd.

CARRIED 7/0
Motion No. 156/22

12. KEY RESULT AREA (KRA) THREE – OUR PLACES**12.1 GREAT SOUTHERN ZONE ROADS COMMITTEE – MINUTES 21 OCTOBER 2022**

ATTACHMENT(S)	12.1.1 - Great Southern Zone Roads Committee Minutes – 21 October 2022
FILE NO	ADM0155
APPLICANT	Nil
AUTHOR	Kay O’Neill – Manager Finance & Administration
DATE	31 October 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Community Strategic Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA Three – Our Places 3.3 – Our transport networks are safe and efficient	S3.3.1 – Maintain a program of ongoing improvements to our transport networks	A3.3.1.2 – Continue to work collaboratively with regional stakeholders to secure external funding for road improvements

SUMMARY

The Council to receive the minutes of the Great Southern Zone Roads Committee.

BACKGROUND

The Great Southern Zone Roads Committee was formed in 2021 and membership is aligned with Great Southern Zone WALGA Shires.

The Committee was formed for the purpose of identifying and prioritising regionally significant roads and transport routes in the Great Southern, and to seek Federal and/or State funding in the future for improvement of the priority routes.

Cr Paganoni is the Shire of Broomehill-Tambellup representative on the Committee.

COMMENT

The Committee held its recent meeting on 21 October 2022 and the minutes are presented for the Council’s information.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

There are no risk implications for the Shire.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr MC Paganoni, seconded Cr JL Wills that the minutes of the Great Southern Zone Roads Committee meeting held on 21 October 2022 be received.

CARRIED 7/0
Motion No. 157/22

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

OFFICERS RECOMMENDATION/COUNCIL DECISION

Moved Cr CJ Letter, seconded Cr MP Paganoni, that council proceed behind closed doors. That in accordance with Section 5.23(2) of the Local Government Act 1995 the meeting was closed at 6.28pm to members of the public with the following aspect(s) of the Act being applicable to this matter:

(e) a matter that if disclosed, would reveal —

- (i) a trade secret;
- (ii) information that has a commercial value to a person; or
- (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;

CARRIED 7/0
Motion No. 158/22

13.1 BITUMEN TENDER 2022/2023 – CONFIDENTIAL

ATTACHMENT(S)	13.1.1 - Selection Criteria Matrix
FILE NO	ADM0618
APPLICANT	N/A
AUTHOR	Peter Vlahov – Manager of Works
DATE	7 November, 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Strategic Community Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA 3 – Our Economy	3.3 Our transport networks are safe and efficient	A3.3.1.1 Maintain 10 year Roads Program

SUMMARY

The purpose of this report is to consider the supply of bitumen products for the annual road sealing program.

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr CJ Letter, seconded Cr CM Dewar

That:

1. the quote submitted by Colas Western Australia Pty Ltd of \$512,187 (excluding GST) for the full service supply and laying of Bitumen product for the sealing of 61,880 square metres of road be accepted; and
2. the Council endorse, if required, staging the Chillicup Road project over two financial years by constructing the base this financial year and sealing during the 2023/2024 financial year.

CARRIED 7/0
Motion No. 159/22

PROCEDURAL MOTION

Moved Cr CJ Letter, seconded Cr CM Dewar that Council re-opened the meeting to members of the public at 6.30pm.

CARRIED 7/0
Motion No. 160/22

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

Nil.

15. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil.

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

Nil.

17. CLOSURE

There being no further business to discuss, the Presiding Member, Cr White, declared the meeting closed at 6.32pm.