



MINUTES

Ordinary Council Meeting 16 December 2022

These minutes were confirmed at the Ordinary Meeting held on Thursday 16 February 2023.

Signed: Cr White, Shire President
Thursday 23 February 2023

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 Friday 16 December 2022 commencing at 3.36pm.



Anthony Middleton
Chief Executive Officer

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

TABLE OF CONTENTS

1.	DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS	3
2.	ATTENDANCE	3
3.	DISCLOSURE OF INTEREST	3
4.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
5.	PUBLIC QUESTION TIME	3
6.	APPLICATION FOR LEAVE OF ABSENCE	3
7.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	3
8.	CONFIRMATION OF MINUTES	4
8.1	ORDINARY COUNCIL MEETING 17 NOVEMBER 2022	4
9.	PRESENTATIONS/PETITIONS/DEPUTATIONS	4
10.	KEY PILLAR 1: BROOMEHILL-TAMBELLUP POINT OF DIFFERENCE	4
11.	KEY PILLAR 2: BROOMEHILL-TAMBELLUP ECONOMY	4
12.	KEY PILLAR 3: BROOMEHILL-TAMBELLUP LIFESTYLE	5
12.1	BUTCHERS SHOP (FORMER) - LOT 9 (50) NORRISH STREET, TAMBELLUP – PROPOSED DEMOLITION	5
12.2	BROOMEHILL HERITAGE PRECINCT – FIVE YEAR PLAN	10
13.	KEY PILLAR 4: BROOMEHILL-TAMBELLUP SHIRE SUPPORT	14
13.1	FINANCIAL STATEMENTS – NOVEMBER 2022	14
13.2	MONTHLY LIST OF PAYMENTS - NOVEMBER 2022	17
13.3	RISK MANAGEMENT – NEW POLICY	19
14.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	28
14.1	FLAT ROCKS WIND FARM – NOISE IMPACT MITIGATION MANAGEMENT PLAN - CONFIDENTIAL	29
14.2	FLAT ROCKS WIND FARM – LANDSCAPE PLAN - CONFIDENTIAL	30
14.3	FLAT ROCKS WIND FARM – DEVELOPMENT LAYOUT PLAN - CONFIDENTIAL	31
14.4	FLAT ROCKS WIND FARM – CONSTRUCTION MANAGEMENT PLAN - CONFIDENTIAL	32
15.	ELECTED MEMBERS’ MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	33
16.	QUESTIONS FROM MEMBERS WITHOUT NOTICE	33
17.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	34
17.1	FLAT ROCKS WIND FARM – ACCESS TO ROAD RESERVES FOR INSTALLATION OF INFRASTRUCTURE	34
18.	CLOSURE	38

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Presiding Member, Cr White declared the meeting open at 3.36pm.

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

Nil.

7. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING 17 NOVEMBER 2022

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr SH Penny, seconded Cr JL Wills that the minutes of the Ordinary Meeting of Council held on 17 November 2022 be confirmed as a true and accurate record of proceedings.

CARRIED 7/0

Motion No. 161/22

Cr CJ Letter left the meeting at 3.40pm and returned at 3.46pm.

9. PRESENTATIONS/PETITIONS/DEPUTATIONS

Nil.

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

Nil.

11. KEY PILLAR 2: BROOMEHILL-TAMBELLUP ECONOMY

Nil.

12. KEY PILLAR 3: BROOMEHILL-TAMBELLUP LIFESTYLE**12.1 BUTCHERS SHOP (FORMER) - LOT 9 (50) NORRISH STREET, TAMBELLUP – PROPOSED DEMOLITION**

ATTACHMENT(S)	12.1.1 – Heritage Report for 50 Norrish Street, Tambellup
FILE NO	ADM0275
APPLICANT	n/a
AUTHOR	Anthony Middleton – Chief Executive Officer
DATE	Tuesday, 29 November 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Strategic Community Plan 2023-2033		Corporate Business Plan 2023 -2027
Key Pillar	Community Outcomes	Corporate Actions
KP1: BT Point-of-Difference	3.2 - BT history appreciation	This is community and Shire working with partners to complete the Municipal Inventory Review program and subsequent storytelling, and actioning specific heritage works in the future.
KP3: BT Lifestyle	8.3 - Tambellup Civic and Community Precinct Exploration	This is the exploration of the potential use of the old butcher and general store area, along the east side of Norrish Street, Tambellup, as a civic and community precinct.

SUMMARY

The purpose of the report is to consider the demolition of the old Butcher's Shop, Lot 9 (50) Norrish Street, Tambellup.

BACKGROUND

The Shire purchased the old Butcher's Shop, Lot 9 (50) Norrish Street, Tambellup in June 2022 to enable the possible future extension of the Shire Administration Building, or other opportunities that may arise.

Provision was made for the demolition of the existing building on lot 9 in the 2022/2023 Annual Budget, however, as this building is located on the Shire of Tambellup Municipal Heritage Inventory, it is appropriate for the Council to consider the proposed demolition in accordance with its Town Planning Scheme.

COMMENT

To progress this issue, the Shire's Heritage Consultant (Laura Gray - Heritage Intelligence (WA)) was requested to undertake a Heritage Report of the proposed demolition to satisfy clause 5.4 of the Shire of Tambellup Town Planning Scheme No. 2. This Heritage Assessment undertaken is attached.

The recommendation contained within this Heritage Report is as follows:

'The former Alan Jones' Butcher Shop has some significance to the community of the Shire of Broomehill-Tambellup for the services and socialising that took place at the butcher's shop, in association with the butcher, Alan Jones, as evidenced by the Heritage Trail plaque on the front of the building.

However, over the 20 plus years since the shop closed it has deteriorated significantly and the dangerous friable asbestos on the roof and veranda canopy has exacerbated the situation.

To retain and restore the shop building would require significant upgrades and interventions to bring it to acceptable contemporary statutory standards for any business or occupation. A considerable degree of intervention raises the issue of "what are we saving?"

The loss of a building of heritage value is not an easy decision but this proposed demolition is supported by the poor condition and no viable re-purposing options that could retain the original fabric or integrity of the place.

Reluctantly, the option of demolition is a reasonable outcome given the situation as detailed.

The existing heritage plaque with a photograph of better days would be appropriate to continue to inform of the place and its part of the Shire of Broomehill-Tambellup's history.'

Whilst it would be ideal to preserve this building to maintain the existing street façade in Tambellup, it is not recommended due to:

1. The small size and limited alternate uses of the building;
2. The deteriorated nature of the structure of the building; and
3. Its asbestos roof in poor condition.

Future Shire Office extensions could incorporate a new build replica butcher's shop component, serving a purpose such as an entry foyer to a Council Chamber or Administration Counter, if considered appropriate by the Council of the day.

The Council may wish to undertake community consultation on this proposal before it makes a decision on removing a building which some people may see as playing an important role in the history of the Tambellup town site.

CONSULTATION

Shire's Heritage Consultant, Laura Gray - Heritage Intelligence (WA)

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) – Part 3, Schedule 2 deals with Heritage Protection.

Clause 8, Schedule 2 outlines that the local government must establish and maintain a Heritage List to identify places within the Scheme area that are of cultural significance and are worthy of built heritage conservation.

The Shires Municipal Inventory is not a Heritage List, has not established whether each property meets the criteria of the Regulations, and has not been adopted and advertised in accordance with the Regulations.

Under the Regulations planning approval is required for demolition of any building located in a 'heritage protected place'. The term 'heritage listed place' is defined in the Regulations and includes places on the state register, places being considered for entry to the state register, and places included on a Heritage List.

The Shires Planning Consultant, TPI, has advised that planning approval is not required for demolition in this case as the property is only listed in the Shires Municipal Inventory, which is not a Heritage List that has been adopted and advertised in accordance with requirements of the Regulations.

Shire of Tambellup Town Planning Scheme No. 2 (the Scheme)-

Clause 5.4 of the Shire of Tambellup Town Planning Scheme No. 2 states:

- 5.4.1 In dealing with any matters which may affect a Heritage Precinct or individual entry on the Heritage List, including any application for planning approval, the Council shall have regard to any heritage policy of the Council.
- 5.4.2 The Council may, in considering any application that may affect a Heritage Precinct or individual entry on the Heritage List, solicit the views of the Heritage Council of WA, and those of any other relevant bodies, and take those views into account when determining the application.
- 5.4.3 Notwithstanding any existing assessment on record, the Council may require a heritage assessment to be carried out prior to the approval for any development proposed in a Heritage Precinct or individual entry listed on the Heritage List.

The Scheme provisions have been taken into account, and a heritage assessment of the former butchers shop has been undertaken. As the Municipal Inventory is not a Heritage List, there are no statutory planning requirements applicable to this proposal.

Building Act 2011 - a demolition permit is required before any demolition work can commence on a property. In addition, there are health requirements that would need to be complied with, particularly for removing asbestos.

FINANCIAL IMPLICATIONS

A budget provision of \$20,000 exists in account 14759.16 as part of the 2022/2023 Adopted Budget for the demolition of this building. Initial quotes are \$15,000.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
<i>Asset Management</i>	<ul style="list-style-type: none"> <i>Inadequate scheduled maintenance program for all assets</i> <i>Inheriting assets and not increasing budgets to maintain them</i> 	<ul style="list-style-type: none"> <i>Routine maintenance: buildings</i> <i>Asset Management Plan</i> <i>Asbestos register and procedures</i> <i>Asset replacement and renewal schedule</i> 	<i>n/a</i>
<i>Work Health & Safety</i>	<ul style="list-style-type: none"> <i>Inadequate security protection measures in place for buildings, depots and other places of work</i> 	<ul style="list-style-type: none"> <i>Asbestos register and procedures</i> 	<i>n/a</i>
<i>Risk Rating: Moderate (as per the Risk Rating within the Risk Profile)</i>			
IMPLICATIONS			
<p><i>The current condition of the building, especially the asbestos roof, will result in significant upgrade and maintenance work being required if the demolition is not supported. This has not been costed at this stage. Public access to the building has been restricted since it was acquired by the Shire.</i></p> <p><i>The heritage risk has been addressed through the engagement of a heritage professional providing a written report.</i></p>			

ASSET MANAGEMENT IMPLICATIONS

This agenda item deals with a newly acquired building asset that is in very poor state, remembering that the Council purchased the *land* asset. The building is not presently included in the Shire's Strategic Resource Plan or Asbestos Register.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr SH Penny, seconded Cr CM Dewar that:

1. The Heritage Report prepared by Laura Gray, Heritage Intelligence (WA), as attached, be received;
2. Community consultation be undertaken inviting written comments on the proposal to demolish the old butchers shop located on Lot 9 (50) Norrish Street, Tambellup, inclusive of the contents of the Heritage Report prepared; and
3. Subject to no adverse submissions being received, the demolition of the old butcher's shop located on Lot 9 (50) Norrish Street, Tambellup be approved.

CARRIED 7/0
Motion No. 162/22

12.2 BROOMEHILL HERITAGE PRECINCT – FIVE YEAR PLAN

ATTACHMENT(S)	12.2.1 - Draft Five Year Plan – Broomehill Heritage Precinct
FILE NO	ADM0325
APPLICANT	n/a
AUTHOR	Anthony Middleton – Chief Executive Officer
DATE	16 November 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Community Strategic Plan 2023-2033		Corporate Business Plan 2023 -2027
Key Pillar	Community Outcomes	Corporate Actions
KP3: BT Lifestyle	8.1 – Broomehill Heritage Precinct renewal	8.1 – This is the renewal of the Broomehill Heritage Precinct (including Broomehill Roads Board Museum, and Holland Track Start Point). The renewal includes footpaths, seating, interpretive panels, photo opportunity sites, static machinery displays and advocacy with Coolgardie to support and promote the Track.

SUMMARY

The purpose of the report is to consider implementing a five year plan for the Broomehill Heritage Precinct.

BACKGROUND

The Chief Executive Officer has been working closely with the Broomehill Heritage Group (BHG) to develop a five (5) year plan for the Broomehill Heritage Precinct, following upgrade works that have been completed to both the Museum and the Journal Street Intersection.

COMMENT

A copy of the proposed plan is attached.

Whilst the plan is quite simple and has been completed in-house, it achieves its aims of getting both the Shire and the BHG committed to the same goals and ensures that the planning of this precinct is done in a coordinated manner with consideration to future developments.

Whilst titled a “Five (5) Year Plan”, it is not anticipated to take the whole five years to implement, as the BHG is very enthusiastic and has already made a start to achieve many of the components listed. The plan attached can be reviewed at any time in the future as goals are achieved and new ideas incorporated into the precinct.

The BHG have indicated support of the proposed plan, with the exception of a few components as follows:

CONCEPT:	BROOMEHILL HERITAGE GROUP FEEDBACK:	CEO'S COMMENTS:
2. Holland Track Start Point (HTSP):		
a. Note – new name (previously referred to Holland Track Interpretive Centre)	The BHG meeting agreed to the name “Holland Track Information”	“Information” does not suggest a ‘place’ and presents directional signage difficulties. Recommend name remain as ‘Holland Track Start Point’ (some signage has already been ordered).
d. Make this the start of the Holland Track (life sized photo frame/social media promotional opportunity)	Group would like to supply old wheelbarrow and statue of man made from old farm materials (similar to shearer display inside Museum)	Noted (no change to plan required). Concept needs further development between the Shire and the BHG and specific drawings/plans of what is proposed approved by the Council prior to starting.
4. Machinery Display Shed		
d. Paving around perimeter of shed	OK with paving around perimeter of shed. BHG has idea for Broomehill families to donate brick pavers with any details they wish on them. Preliminary enquiries have found local families keen to participate.	Agreed (no change to plan required).
5. Opportunity to become the start of ‘The Horsepower Highway’	At the meeting no one was happy using Gnowangerup idea. The BHG thought a giant wheelbarrow as a statement of difference.	This concept should remain in the plan. This is a five year plan and ideas do not need to be implemented immediately, rather, planned for the future. The ‘giant wheelbarrow’ (or similar) idea is best placed on Journal Street, as shown on the site plan (point 2.d.). It is not a ‘one or the other’ choice. The Horsepower Highway has achieved significant promotional traction already, starts just 6kms down the road within our Shire and is a great opportunity for Broomehill.
a. Would need to talk to Gnowangerup 360		
b. Horsepower Display on road verge with ample parking		
c. Lighting of display		

CONSULTATION

The Broomehill Heritage Group have discussed versions of a draft plan at two of their meetings and feedback incorporated into the proposed plan.

STATUTORY ENVIRONMENT

Nil.

There is a Memorandum of Understanding between the Shire and the BHG regarding the precinct.

FINANCIAL IMPLICATIONS

Projects agreed to through the adoption of a site plan will be budgeted for in each year of the life of the plan. Planning in a coordinated and consultative way reduces the chances of wasted money through projects being completed that are not accepted to either the Shire or the BHG.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

This agenda item deals with a Council asset being occupied by a community group that is also open and accessible to members of the public. Planning in a coordinated and consultative way assists in the reduction of risk to the public and users of the facility.

ASSET MANAGEMENT IMPLICATIONS

This agenda item deals with a Council asset that is occupied by a community group. Constant maintenance and upgrade will increase the life of the asset.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr SH Penny, seconded Cr MC Paganoni, that the Broomehill Heritage Precinct Five Year Plan, as attached, be adopted.

CARRIED 7/0
Motion No. 163/22

13. KEY PILLAR 4: BROOMEHILL-TAMBELLUP SHIRE SUPPORT

13.1 FINANCIAL STATEMENTS – NOVEMBER 2022

ATTACHMENT(S)	13.1.1 – Financial Statements November 2022
FILE NO	ADM0619
APPLICANT	N/A
AUTHOR	Kay O’Neill – Manager Finance & Administration
DATE	8 December 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Strategic Community Plan 2023-2033		Corporate Business Plan 2023 -2027
Key Pillar	Community Outcomes	Corporate Actions
KP4: BT Shire Support	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.

SUMMARY

The Council to consider the monthly financial statements for November 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 CM Dewar that the monthly financial statements for the period ending 30 November 2022 be received.

CARRIED 7/0
Motion No. 164/22

13.2 MONTHLY LIST OF PAYMENTS - NOVEMBER 2022

ATTACHMENT(S)	13.2.1 - Monthly Payments Listing November 2022
FILE NO	ADM0619
APPLICANT	N/A
AUTHOR	Kay O'Neill – Manager Finance & Administration
DATE	8 December 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Strategic Community Plan 2023-2033		Corporate Business Plan 2023 -2027
Key Pillar	Community Outcomes	Corporate Actions
KP4: BT Shire Support	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.

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	1,031,325.20
Trust Fund	0.00
Credit Cards	6,469.01
TOTAL	1,037,794.21

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 SH Penny that, in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments for November 2022 paid under delegated authority be noted; comprising –

- Municipal Fund cheque, electronic funds transfer (EFT) and direct debit payments totalling \$1,031,325.20; and
- Credit Card payments totalling \$6,469.01

CARRIED 7/0
Motion No. 165/22

13.3 RISK MANAGEMENT – NEW POLICY

ATTACHMENT(S)	13.3.1 - Existing Policy 1.16 - Risk Management 13.3.2 - New Policy 1.16 - Risk Management 13.3.3 - Risk Management Procedures
FILE NO	ADM0165
APPLICANT	n/a
AUTHOR	Pam Hull – Strategic Support & Projects Officer
DATE	6 December 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Strategic Community Plan 2023-2033		Corporate Business Plan 2023 -2027
Key Pillar	Community Outcomes	Corporate Actions
KP4: Shire Support	12.2 SoBT Shire data	This is the Shire collecting and releasing specific data on Shire-related activities (such as health provisions, roads, safety, traffic measures). Data is being used to drive advocacy and attract support.

SUMMARY

The purpose of this report is to consider the Shire’s new Risk Management Framework, including the adoption of a new Risk Management policy.

BACKGROUND

In accordance with the *Local Government (Audit) Regulations 1996*, and the Western Australian Local Government Accounting Manual, risk management is required to be demonstrated as part of planning and decision making for all strategic development, major projects and operations to meet the needs and aspirations of the community.

As risk management is about addressing the effect of uncertainty on objectives, it is critical that an organisation follows the best practice principles of the international standard for risk management AS/NZS ISO 31000:2018. This involves implementing a robust framework, system and processes, underpinned by determining the risk appetite and tolerance of the Organisation and ensuring cultural change approach to ensure effectiveness and sustainability.

This allows for the effective achievement of strategic and operational objectives while minimising the potential for harm or loss.

The Shire’s existing Risk Management Framework was adopted by the Council in 2014, and has recently been reviewed with the assistance of risk consultant MS Consulting.

COMMENT

The new Framework comprises the following documents:

- Risk Management Policy (inclusive of Risk Assessment and Acceptance Criteria)
- Risk Management Procedures
- Risk Profiles Risk Register.

The Framework sets out the Shire's approach to the identification, assessment, management, reporting and monitoring of risks. All components of the Framework are based on AS/NZS ISO 31000:2018 Risk management - Guidelines.

Implementation of the Framework will ensure:

- strong corporate governance.
- compliance with relevant legislation, regulations and internal policies.
- that uncertainty and its effects on objectives is understood.

The Framework aims to balance a documented, structured and systematic process with the Shire's current size, resource availability and complexity.

In communicating the Framework, key staff members participated in a risk awareness workshop, and senior staff undertook an organisation-wide assessment of risk, utilising the new framework. The resulting Risk Register will be further developed, and a report on outcomes will be presented to the next Audit Committee meeting.

As noted above, the Framework includes a new Risk Management policy and procedures. The procedures are attached to this agenda for the Council's information.

Rather than amend the Shire's existing Policy 1.16 – Risk Management, it is recommended that this be repealed, and replaced with the new policy as attached.

CONSULTATION

CEO

Michael Sparks - MS Consulting

STATUTORY ENVIRONMENT

Local Government (Audit) Regulations 1996. Regulation 17 states (in part) as follows:

'(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —

- (a) risk management; and*
- (b) internal control; and*
- (c) legislative compliance.*

FINANCIAL IMPLICATIONS

There are no financial implications directly related to this matter, however adoption and implementation of the new policy and procedures will enable effective assessment of financial risks to be undertaken, and mitigated or monitored as appropriate.

POLICY IMPLICATIONS

This report recommends that existing Policy 1.16 – Risk Management – be repealed, and replaced with the new policy as presented.

RISK MANAGEMENT IMPLICATIONS

This report proposes a new risk policy and framework, which will provide an effective means of assessing, reporting and managing risk across the organisation.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications directly related to this matter, however adoption and implementation of the new policy and procedures will enable effective assessment of risks to assets to be undertaken, and mitigated or monitored as appropriate.

VOTING REQUIREMENTS

Simple majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr SH Penny, seconded Cr MC Paganoni that existing Policy 1.16 – Risk Management be repealed, and replaced with new Policy 1.16 – Risk Management, as follows:

‘1.16 RISK MANAGEMENT

Objective: To state the Shire of Broomehill-Tambellup’s (‘Shire’s’) intention to identify potential risks before they occur, so that impacts can be minimised or opportunities realised; ensuring that the Shire achieves its strategic and corporate objectives efficiently, effectively and within good corporate governance principles.

Legislative References: *Local Government (Audit) Regulations 1996 r17*

Internal References: Shire of Broomehill-Tambellup Risk Management Procedures
WA Local Government Accounting Manual

POLICY STATEMENT

It is the Shire’s Policy to achieve best practice aligned with AS/NZS ISO 31000:2018 Risk Management – Guidelines, in the management of all risks that may affect the Shire meeting its objectives.

Risk management functions will be resourced appropriately to match the size and scale of the Shire’s operations, will form part of Strategic, Operational, and Project responsibilities, and be incorporated within the Shire’s Integrated Planning and Reporting Framework.

This policy applies to all Council Members, Employees and Contractors involved in any Shire operations.

POLICY DETAILS

The Council is committed to ensuring that risk management:

- Optimises the achievement of the Shire's values, strategies, goals and objectives.
- Aligns with and assists the implementation of Shire Policies.
- Provides transparent and formal oversight of the risk and control environment, enabling effective decision-making.
- Reflects risk versus return considerations within the Shire's risk appetite.
- Embeds appropriate and effective controls to mitigate risk.
- Achieves effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
- Enhances organisational resilience.
- Identifies and provides for the continuity of critical operations.

KEY POLICY DEFINITIONS

Risk: The effect of uncertainty on objectives.

Note 1: An effect is a deviation from the expected – positive or negative.

Note 2: Objectives can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product or process).

Risk Management: Coordinated activities to direct and control an organisation with regard to risk.

Risk Management Process: Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

ROLES AND RESPONSIBILITIES

The CEO is responsible for:

- Implementation of this Policy.
- Measurement and reporting on the performance of risk management.
- Review and improvement of this Policy and the Shire's risk management framework at least biennially, or in response to a material event or change in circumstances.

The Shire's risk management framework outlines in detail all roles and responsibilities associated with managing risks within the Shire.

RISK ASSESSMENT AND ACCEPTANCE PROCEDURES

The Shire has quantified its broad risk appetite through the Shire's 'Risk Assessment and Acceptance Criteria' (below). The Criteria are included within the Risk Management Framework and as a component of this Policy.

All organisational risks are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision-making.

Whilst these risk criteria are necessarily broad in their guidance, they offer insight to staff about risk areas or activities where Council has set reasonable boundaries.

For operational requirements such as Projects, Events, Work Health and Safety, or in rare instances in which the Shire's Risk Assessment and Acceptance Criteria are unclear in determining a level of risk, alternative risk assessment criteria may be utilised, however these cannot exceed the organisation's risk appetite, and approval for such use must first be obtained from the CEO.

MONITOR AND REVIEW

The Shire will implement and integrate a monitor and review process to report on the achievement of risk management objectives, the management of individual risks and the ongoing identification of issues and trends.

This Policy will be kept under review by the Shire's Management Team. It will be formally reviewed triennially.

Shire of Broomehill-Tambellup Risk Assessment and Acceptance Criteria

Shire of Broomehill-Tambellup Measures of Consequence								
Rating (Level)	Compliance	Environment	Financial	Health / People	Property	Reputational	Service Interruption	Projects
Insignificant (1)	No noticeable regulatory or statutory impact	Contained, reversible impact managed by on-site response	Less than \$10,000	Near miss. Minor first aid injuries	Inconsequential damage.	Unsubstantiated, low impact, low profile or 'no news' item	No material service interruption <3 hours	<5% deviation in project outputs (Time, Cost, Scope and Quality) or funding
Minor (2)	Some temporary non-compliances	Contained, reversible impact managed by internal response	\$10,000 - \$50,000	Medical -type injuries	Localised damage rectified by routine internal procedures	Un/Substantiated, low impact, low news item	Short-term temporary interruption – backlog cleared <1 day	5-10% deviation in project outputs (Time, Cost, Scope and Quality) or funding
Moderate (3)	Short term non-compliance but with significant regulatory requirements imposed	Contained, reversible impact managed by internal & external agencies	\$50,001 to \$500,000	Lost-time physical or mental injury <30 days / Multiple staff morale problems	Localised damage requiring internal & external resources to rectify	Un/Substantiated, public embarrassment, moderate impact, moderate news profile	Medium-term temporary interruption – backlog cleared by additional resources <1 week	10-25% deviation in project outputs (Time, Cost, Scope and Quality) or funding
Major (4)	Non-compliance results in termination of services or imposed penalties	Uncontained, reversible impact managed by a coordinated response from external agencies	\$500 000 to \$1,000,000	Lost-time physical or mental injury >30 days / Widespread staff morale problems	Significant and/or widespread damage requiring internal & external resources to rectify	Substantiated, public embarrassment, high impact, high news profile, third party actions	Prolonged interruption of services – additional resources required; performance affected <1 month	25-50% deviation in project outputs (Time, Cost, Scope and Quality) or funding
Catastrophic (5)	Non-compliance results in litigation, criminal charges, significant damages and/or penalties	Uncontained, irreversible impact	>\$1,000,000	Fatality, permanent disability. Shire no longer an employer of choice. Loss of key staff.	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Indeterminate prolonged interruption of services – non-performance >1 month	More than 50% deviation in project outputs (Time, Cost, Scope and Quality) or funding

Shire of Broomehill-Tambellup Measures of Likelihood				
Level	Rating	Description	In the past	Control Effectiveness
1	Rare	The event may only occur in exceptional circumstances (<5% chance)	Less than once in 10 years	Controls are very strong and operating as intended. There is no scope for improvement
2	Unlikely	The event could occur at some time (<10% chance)	Once in 10 years	Controls are strong and operating as intended
3	Possible	The event should occur at some time (20% chance)	Once in 3 years	Controls are operating as intended, but there is scope for improvement
4	Likely	The event will probably occur in most circumstances (>50% chance)	Once per year	Controls are operating; however, inadequacies exist
5	Almost Certain	The event is expected to occur in most circumstances (>90% chance)	More than once per year	Controls are weak, do not exist, or are not being complied with

Consequence X Likelihood = Risk Rating

Shire of Broomehill-Tambellup Risk Rating						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)

Shire of Broomehill-Tambellup Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
Low	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Officer / Team Leader
Moderate	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Manager / Supervisor
High	Urgent Attention Required	Risk acceptable with effective controls, managed by senior management / executive and subject to monthly monitoring	CEO
Extreme	Unacceptable in most circumstances	Risk only acceptable with effective controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous documented monitoring	CEO & Council

Shire of Broomehill-Tambellup Existing Control Ratings		
Rating	Foreseeable	Description
Effective	There is no scope for improvement with all available resources.	Controls are operating as intended and aligned with policies and procedures. Controls are documented, up to date, understood by users, not forgotten or components missed, does not expose the organisation to theft or fraud and is delivered consistently within statutory or service delivery standards. Controls are subject to ongoing monitoring. Controls are reviewed and tested regularly.
Adequate	There is some scope for improvement.	Controls are generally operating as intended; however, inadequacies exist. Limited monitoring of controls. Controls are reviewed and tested, but not regularly.
Inadequate	There is a need for improvement or action.	Controls are not operating as intended. Controls do not exist, or are not being complied with. Controls have not been reviewed or tested for some time.

CARRIED 7/0
Motion No. 166/22

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr SH Penny, seconded Cr CM Dewar that in accordance with Section 5.23(2) of the Local Government Act 1995 the meeting is closed at 4.10pm pm 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. 167/22

14.1 FLAT ROCKS WIND FARM – NOISE IMPACT MITIGATION MANAGEMENT PLAN -
CONFIDENTIAL

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr JL Wills, seconded Cr DT Barritt that the Chief Executive Officer be delegated authority to consider the requirements of Condition 21 (Noise Impact Mitigation Management Plan) of the Flat Rocks Wind Farm (Stage 1) development approval (application reference DP/12/01359).

CARRIED BY ABSOLUTE MAJORITY 5/2
Motion No. 168/22

Against: Cr SH Penny and Cr CJ Letter

Ms K O'Neill left the meeting at 5.05pm and returned at 5.09pm

14.2 FLAT ROCKS WIND FARM – LANDSCAPE PLAN - **CONFIDENTIAL**

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Councillor JL Wills, seconded Cr DT Barritt that:

1. It be noted that the 'Flat Rocks Wind Farm Landscape & Visual Assessment Report' dated 20 July 2011 suggests in section 8.2 that the following modifications should be considered:
 - a. Turbines 56, 57 & 58 (now numbered 9, 10 & 11) "either relocate 300m from Warrenup Road or screen from road"; and
 - b. Turbine 50 (now numbered 4) "either relocate 300m from Nookanellup Road or screen from road";
2. The Flat Rocks Wind Farm Stage 1 Landscaping Plan (rev D) dated 14 December 2022, as attached, be approved; and
3. Condition 22 of the Flat Rocks Wind Farm (Stage 1) development approval (application reference DP/12/01359) relating to the provision of a Landscaping Plan is considered to be satisfied.

CARRIED 4/3

Motion No. 169/22

Against: Cr SH Penny, Cr CJ Letter, Cr MC Pagononi

Cr CM Dewar left the meeting at 5.15pm and returned 5.19pm

14.3 FLAT ROCKS WIND FARM – DEVELOPMENT LAYOUT PLAN - CONFIDENTIAL

OFFICER RECOMMENDATION

Moved Cr JL Wills, seconded Cr DT Barritt that the Chief Executive Officer be delegated authority to consider the requirements of Condition 17 (Development Layout Plan) of the Flat Rocks Wind Farm (Stage 1) development approval (application reference DP/12/01359).

LOST 2/5

Cr Paganoni requested that his vote against the motion, due to not agreeing with the requirements set out in Condition 17(f), be recorded.

COUNCIL DECISION

Moved Cr JL Wills, seconded Cr DT Barritt that the Chief Executive Officer be delegated authority to consider the requirements of Condition 17 (Development Layout Plan) of the Flat Rocks Wind Farm (Stage 1) development approval (application reference DP/12/01359) after obtaining legal advice.

CARRIED BY ABSOLUTE MAJORITY 7/0

Motion No: 170/22

14.4 FLAT ROCKS WIND FARM – CONSTRUCTION MANAGEMENT PLAN - **CONFIDENTIAL**

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr JL Wills, seconded Cr MC Paganoni that the Flat Rocks Wind Farm Stage 1 Construction Management Plan dated 14 July 2022 (revision 1 September 2022), as attached and amended from previous versions, be approved.

CARRIED 7/0
Motion No. 171/22

PROCEDURAL MOTION

Moved Cr CJ Letter, seconded Cr CM Dewar that Council re-opens the meeting to members of the public at 6.29pm.

CARRIED 7/0
Motion No. 172/22

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

Nil

16. QUESTIONS FROM MEMBERS WITHOUT NOTICE

17. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**17.1 FLAT ROCKS WIND FARM – ACCESS TO ROAD RESERVES FOR INSTALLATION OF INFRASTRUCTURE**

ATTACHMENT(S)	17.1.1 – Agreement for the installation of underground cabling Flat Rocks Wind Farm
FILE NO	ADM0283
APPLICANT	Enel Green Power Australia Pty Ltd
AUTHOR	Anthony Middleton – Chief Executive Officer
DATE	14 December 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Community Strategic Plan 2023-2033		Corporate Business Plan 2023-2027
Key Pillar	Community Outcomes	Corporate Actions
KP2: BT Economy	6.4 - BT new business	This is the Shire making it easy for any new business to be attracted to the area such as a supportive Town Planning Scheme, commercial and industrial land development and encouraging value-adding to current business and industry.
KP4: BT Shire Support	10.3 - SoBT contribution to environment	This is the way the Shire contributes to the environment (such as introducing Containers for Change, solar panels and EV charging sites).

SUMMARY

The purpose of the report is to consider an agreement to allow the Flat Rocks Wind Farm (FRWF) Stage 1 development access to road reserves for the installation of cabling in accordance with the Development Layout Plan.

BACKGROUND

The FRWF received development approval from the Southern Joint Development Assessment Panel on 7 March 2017, with modifications made to this approval by the Joint Development Assessment Panel on 6 December 2021 and 6 December 2022. This development approval includes thirty-six (36) conditions and thirteen (13) advice notes.

The Council has been going through a process of clearing the planning conditions associated with this development over the second half of 2022. The Development Layout Plan shows, as indicated by a yellow line, the underground cabling required for this project.

This cabling crosses public roads in several locations and is located within both the Shire of Kojonup and the Shire of Broomehill-Tambellup.

The Shire administration has been negotiating the attached agreement since the beginning of 2022 and now that the details and scope of the project is sufficiently identified and approved by the Council, this agreement can be executed.

COMMENT

Some components of the underground electricity reticulation to be constructed in the Flat Rocks Wind Farm Stage 1 is located outside of the project area, specifically, the various road reserves.

Relevant Conditions of the development approval as it relates to this item are as follows:

- Condition 13 grants development approval to, among other things, cabling and electricity reticulation (condition 13(b) and (c));
- Condition 15(c) then further states that electricity reticulation shall not be placed on or over land outside of the lots the subject of the approval without the written consent of those land owners; and
- Condition 17 requires a Development Layout Plan which details 'the location of any cabling between wind turbines.

The effect of the development approval is considered to be that the development approval plans contained enough detail to satisfy the Development Assessment Panel that the proposal is fundamentally acceptable with regard to relevant planning considerations, but some aspects of infrastructure and the exact location of infrastructure would remain to be settled by way of the Development Layout Plan (DLP).

The reference in condition 15 that electricity reticulation shall not be placed on or over land outside of the lots the subject of the approval without the written consent of those land owners' is taken to mean that the scope of the development approval is not literally limited to the freehold lots on which turbines are located, but is capable of including electricity reticulation outside of those lots, subject to agreement of owners. In the case of a road reserve, the owner is the Crown, but the Shire has care, control and management of the road reserve and, accordingly, has the power to decide what installations may go into the road reserve (Land Administration Act 1997 section 55).

The Shire is the agent of the Crown where consent of the owner of the road is required. This has previously been tested in the State Administrative Tribunal decision *Adbooth Pty Ltd and City of Perth* (2006 - WASAT 343).

Detailed engineering of cabling in the road reserve, e.g. the depth of the cables, thickness of cables, whether there are any service ducts etc. are engineering matters which the Shire can reasonably require of the proponent so that the Shire has accurate records of what is located in the Shire's own asset. That is not part of approving the planning conditions, but can be asked for separately in the Shire's capacity as road manager. The best way of achieving this is via an Agreement for Installation of underground cabling.

The Shire's lawyers and the proponent have been working since 2017 on a draft Agreement in the expectation of a DLP being approved in due course. Work on this went dormant for several months when attention focussed on the DLP, the Noise Impact

Mitigation Management Plan and more recently the amendment of Conditions 4, 21 and 29 by the DAP. However, the draft Agreement, which is Attachment 17.1.1, is the appropriate mechanism to achieve the matters referred to in the preceding paragraph in the Shire's capacity as road manager. The Agreement also provides for the granting of easements over portions of the road reserves. The CEO should first be satisfied that the easement locations depicted in any plans associated with the Agreement match with the locations for installations in the DLP. The CEO should also be satisfied with the drawings of cabling to be attached to the Agreement.

In summary, approval of the DLP and also authorisation for the sign-off of the Agreement for Installation, is recommended.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Land Administration Act 1997 section 55

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

Ensuring that adequate governance is undertaken, such as by entering into an agreement that clearly sets out each parties rights and responsibilities, reduces the risks to the Council when managing a road asset.

ASSET MANAGEMENT IMPLICATIONS

This agenda item recommends an agreement to clearly set out roles and responsibilities to manage a third party asset within the Council's road reserve.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That:

1. The Chief Executive Officer and Shire President be authorised to execute the *Agreement for the installation of underground cabling Flat Rocks Wind Farm*, as attached, to enable the proponent to have access to portions of road reserves for infrastructure approved by the adopted Development Layout Plan, and to enable the Shire (in the Shire's capacity as manager of the road reserve) to approve and have a record of the engineering details of the infrastructure approved of, or contemplated by, the Development Layout Plan in the affected road reserves. This authority is subject to the Chief Executive Officer being satisfied that the intended easement locations provided for in the Agreement match the Development Layout Plan locations, and being satisfied with the technical details of the drawings for the cabling.

2. The Chief Executive Officer be authorised to apply the Shire’s common seal to the agreement described in point 1 above.

COUNCIL DECISION

Moved Cr JL Wills, seconded Cr CM Dewar that:

1. The Chief Executive Officer and Shire President be authorised to execute the *Agreement for the installation of underground cabling Flat Rocks Wind Farm*, as attached, to enable the proponent to have access to portions of road reserves for infrastructure approved by the adopted Development Layout Plan, and to enable the Shire (in the Shire's capacity as manager of the road reserve) to approve and have a record of the engineering details of the infrastructure approved of, or contemplated by, the Development Layout Plan in the affected road reserves. This authority is subject to the Chief Executive Officer and Shire President being satisfied that the intended easement locations provided for in the Agreement match the Development Layout Plan locations, and being satisfied with the technical details of the drawings for the cabling.
2. The Chief Executive Officer be authorised to apply the Shire’s common seal to the agreement described in point 1 above.

CARRIED 7/0
Motion No. 173/22

18. CLOSURE

There being no further business to discuss, the Presiding Member, Cr White, thanked Councillors for their commitment during the year and wished Council and staff a safe and happy Christmas. The meeting was declared closed at 6.44pm.