



MINUTES

Ordinary Council Meeting
16 February 2023

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

Signed: Cr White, Shire President
Thursday 16 March 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 Thursday 16 February 2023 commencing at 4.37pm.



Anthony Middleton
Chief Executive Officer

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

Strategic Community Plan 2023-2033

‘People Power’



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50

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Presiding Member, Cr White declared the meeting open at 4.37pm.

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. PRESENTATIONS/PETITIONS/DEPUTATIONS

Nil.

7. APPLICATION FOR LEAVE OF ABSENCE

Nil.

8. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil.

9. CONFIRMATION OF MINUTES

9.1 ORDINARY COUNCIL MEETING 16 DECEMBER 2022

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr SH Penny, seconded Cr JL Wills that the minutes of the Ordinary Meeting of Council held on 16 December 2022 be confirmed as a true and accurate record of proceedings.

CARRIED 7/0
Motion No. 01/23

10. KEY PILLAR 1: BROOMEHILL-TAMBELLUP POINT OF DIFFERENCE**10.1 TREE PLANTING MEMORIAL FOR SURVIVOR OF INSTITUTIONAL ABUSE**

ATTACHMENT(S)	Nil
FILE NO	ADM0139
APPLICANT	n/a
AUTHOR	Anthony Middleton – Chief Executive Officer
DATE	Wednesday, 3 February 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcome	Corporate Actions
3: An Appreciated Culture 3.1: BT community reconciliation: This is a community-wide and celebrated Reconciliation Action Process to enable the Broomehill-Tambellup region to be even more spirited and renowned to achieve the vision of ‘ a region driven by community spirit’.	Corporate Business Plan in development

SUMMARY

The purpose of this report is to consider a request for the planting of a memorial tree in the park bounded by Saggars Street and Koreng Close, Tambellup.

BACKGROUND

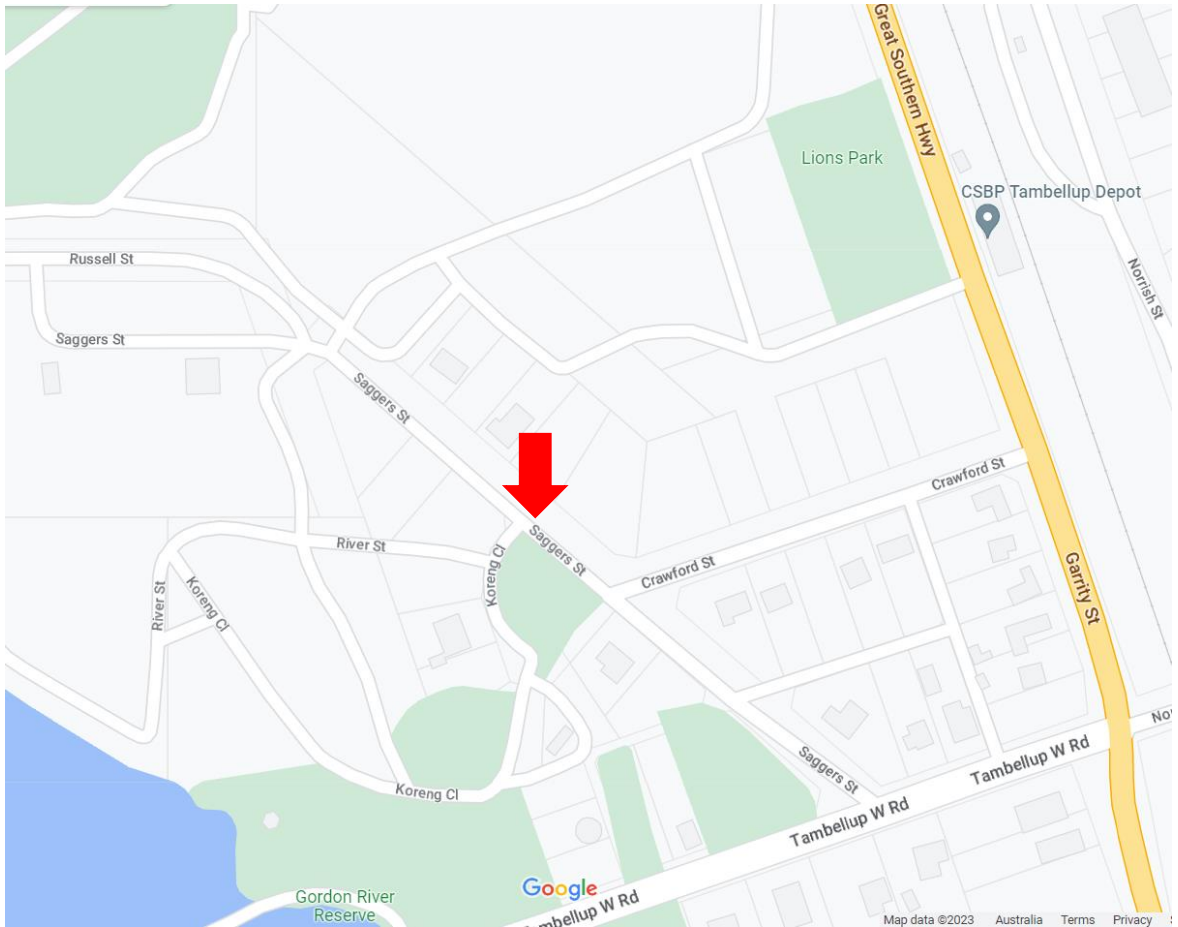
The Shire has received a request from the *Redress Coordination Unit, Department of Justice: Office of the Commissioner for Victims of Crime*, which is working with applicants (survivors) from the National Redress Scheme who experienced institutionalised childhood sexual abuse. The Redress Coordination Unit (RCU) is working with survivors who suffered abuse in receiving an apology from the institutions responsible for the abuse.

The RCU has received a request from one survivor as part of an apology from the Department of Communities, to have a memorial within Tambellup which has significant meaning to them as it was the first place they moved and found happiness after leaving care from the Gnowangerup Aboriginal Mission. The applicant has asked for the planting of a tree under their name, and the name of their deceased brother, who both survived childhood institutional abuse. It has been suggested that the planting of a tree may be accompanied by a small plaque with the two survivors’ names, noting them in memoriam as survivors of institutional abuse.

COMMENT

The RCU has advised that they will be responsible for all of the costs of the tree, the costs of planting the tree, the plaque and any travel arrangements for the survivor to visit the site. The RCU seeks the Shire’s approval to plant a tree in an appropriate public place. Following discussion with both the RCU and the survivor concerned, the park bounded by

Saggers Street and Koreng Close, Tambellup has been chosen as the preferred venue. The park is located as follows:



View of park looking East (Google maps).

It is recommended that this request be supported, as not only is it a program worthy of lending Shire support to, but it also represents an opportunity to revitalize and give ‘purpose’ to a park that currently has little function. This park is an ideal location to be utilised as an area of reflection and remembrance.

CONSULTATION

Senior Project Officer, Redress Coordination Unit, Department of Justice: Office of the Commissioner for Victims of Crime.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

The RCU has advised that they will be responsible for all of the costs of the tree, the costs of planting the tree, the plaque and any travel arrangements for the survivor to visit the site.

There will be incidental costs to the Shire in watering and maintaining the memorial tree and possible future improvements (such as bench seats or park upgrades) or replacement trees.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr SH Penny, seconded Cr CJ Letter that the Redress Coordination Unit, Department of Justice: Office of the Commissioner for Victims of Crime be advised that:

1. The request for the planting of a memorial tree to commemorate survivors of childhood institutional abuse in the park bounded by Saggors Street and Koreng Close, Tambellup, is supported;
2. A plaque with two specific survivors names, noting them in memoriam as survivors of institutional abuse, be approved;
3. It is noted that the Shire is not responsible for the cost of the memorial tree, the planting costs, the plaque and any travel arrangements for the survivor to visit the site.

CARRIED 7/0
Motion No 02/23

10.2 GREAT SOUTHERN TREASURES – MEMORANDUM OF UNDERSTANDING & SERVICE LEVEL AGREEMENT

ATTACHMENT(S)	10.2.1 - Current Memorandum of Understanding 10.2.2 - Current Service Level Agreement 10.2.3 - Great Southern Treasures Strategic Plan
FILE NO	CLAF181/ADM0136
APPLICANT	n/a
AUTHOR	Anthony Middleton – Chief Executive Officer
DATE	6 February 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
1: A Distinct BT Brand 1.4 BT piggy-back brand: This is working strongly with partnerships (such as Great Southern Development or private partners) to piggy-back Broomehill-Tambellup on partners' brands.	Corporate Business Plan is in development
9: Unique BT Interactions 9.1 Anytime trails and adventure: This is an extraordinary trails program, to the level of trails being a Broomehill-Tambellup talking point. Some regional trails being linked with Noongar storytelling, highlighted by signage, plaques and digital support. Includes Yoorn Trails Series, in partnership with Great Southern Treasures.	Corporate Business Plan is in development

SUMMARY

The purpose of this report is to consider renewing the Memorandum of Understanding (MOU) with neighbouring local governments for the continuation of the Great Southern Treasures tourism organisation.

BACKGROUND

Great Southern Treasures, previously known as 'Hidden Treasures', was established to promote tourism in member local government areas across the Great Southern Region. It is not a legal entity, but a grouping of the following local governments:

- Shire of Broomehill-Tambellup
- Shire of Cranbrook
- Shire of Gnowangerup
- Shire of Jerramungup
- Shire of Katanning
- Shire of Kent
- Shire of Kojonup
- Shire of Plantagenet
- Shire of Woodanilling.

The Shire of Broomehill-Tambellup currently contributes \$11,000 towards the operations of Great Southern Treasures.

Australia's South West (ASW) tourism organisation has been contracted to provide marketing and liaison services through a dedicated officer operating out of the Great Southern Development Commission (GSDC) offices in Albany, via a service level agreement. The GSDC also provides in kind support for travel and other costs.

COMMENT

In order to continue to build on past successes and further develop tourism in the region, Great Southern Treasures is seeking the commitment of all of its member local governments for funding for the next 3 years. The proposed MOU provides for a three (3) year commitment without the option to withdraw until the completion of the MOU term.

Great Southern Treasures has been successful in leveraging investment into the region through the promotion of festivals, events and tourism attractions. Great Southern Treasures also coordinates the *Bloom Festival* as its major event for the year. In 2022, the Bloom Festival attracted over \$69,000 in sponsorship and generated an estimated \$1.9m in tourism expenditure throughout the Great Southern.

All member local governments have received the benefit of the increased effectiveness of the Great Southern Treasures following the employment of a dedicated marketing and liaison officer. The objectives for the next three years are clearly outlined in the Strategic Plan (attachment 10.2.3) and will only be achieved if local governments commit the current level of funding and the ongoing employment of a dedicated officer.

The benefits to the member local governments of working together could not be achieved at the same cost if each local government were to go it alone in tourism and destination marketing. As such, it is recommended that the Shire of Broomehill-Tambellup continues to be an active partner in Great Southern Treasures and contribute financially to its operations.

A meeting of participating local governments will be held on 2 March 2023 to discuss the future MOU and service level agreement with Australia's South West.

CONSULTATION

Member local governments, Chairperson and Marketing & Industry Liaison Co-ordinator, Great Southern Treasures.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Ongoing contributions to Great Southern Treasures of \$11,000 - \$13,000 per year. The Shire of Broomehill-Tambellup currently contributes \$11,000 towards the operations of Great Southern Treasures.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr MC Paganoni, seconded Cr CM Dewar that the Shire of Broomehill-Tambellup’s ongoing participation with Great Southern Treasures be supported, via:

1. Committing to enter into a further Memorandum of Understanding with participating Shires for another three (3) years;
2. Agreeing to continue funding at the same or greater level up to \$13,000 per year; and
3. Authorising the Shire President and CEO to negotiate on behalf of the Shire the terms of the Memorandum of Understanding and ongoing arrangements for the provision of marketing and liaison services.

CARRIED 7/0
Motion No. 03/22

10.3 SOUTH WEST NATIVE TITLE SETTLEMENT - LAND BASE CONSULTATION - LAND LIST 659

ATTACHMENT(S)	10.3.1 – Native Title Land Parcels Map 10.3.2 – List of Land Parcels with Analysis 10.3.3 – Photograph's of relevant Lots
FILE NO	ADM0147
APPLICANT	n/a
AUTHOR	Anthony Middleton – Chief Executive Officer
DATE	1 February 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
3: An Appreciated Culture 3.1 - BT community reconciliation: This is a community-wide and celebrated Reconciliation Action Process to enable the Broomehill-Tambellup region to be even more spirited and renowned to achieve the vision of 'a region driven by community spirit'	Corporate Business Plan in development

SUMMARY

The purpose of this report is to provide feedback to the *Native Title Agreements and Partnerships* section of the *Department of Planning, Lands and Heritage* with regards to the proposed transfer of land under the South West Native Title Settlement.

BACKGROUND

The South West Native Title Settlement (Settlement) is a landmark native title agreement reached between the State Government (State) and the six Noongar Agreement Groups. The six requisite Indigenous Land Use Agreements (ILUAs) were conclusively registered, leading to the Settlement commencing on 25 February 2021. The Settlement recognises the Agreement Groups as the Traditional Owners of the south west of Western Australia, while resolving native title in exchange for a negotiated package of benefits.

A key negotiated benefit is the delivery of a 320,000 hectare Noongar Land Estate, in accordance with the Noongar Land Base Strategy (Annexure J to the ILUAs). The Noongar Land Estate will contain up to 300,000 hectares of land transferred in reserve or leasehold, and up to 20,000 hectares of land transferred in freehold. The Landholding Body for all land transferred is the Noongar Boodja Land Sub Pty Ltd, which will hold and manage the land in the Noongar Land Estate in consultation with the soon to be established Noongar Regional Corporations. All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

Over the next five years, the Department of Planning, Lands and Heritage (DPLH) will progress selected land parcels through to transfer under the Settlement, subject to all necessary consultation and approvals with stakeholders. Land eligible for inclusion in the Noongar Land Estate includes:

- Unallocated Crown land;
- Unmanaged reserves;
- Land owned or held by the Aboriginal Lands Trust / Aboriginal Affairs Planning Authority; and
- Land owned or held by State agencies or Local Government Authorities, at the discretion of the State agency or Local Government Authority.

A key part of the process being followed by the DPLH involves the referral of land under consideration for inclusion in the Noongar Land Estate to relevant State agencies and Local Government Authorities. As a result, the DPLH has requested the Shire's comments on 53 identified land parcels within the Broomehill town site.

Specifically, DPLH has requested comments on each of the following nine (9) questions:

1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
2. Does the Shire have any interest in the land?
3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
4. Is the land parcel subject to any mandatory connection to services?
5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

The Shire has previously had a similar request for land located in the Tambellup town site. At its meeting held on 29 March 2021, the Council provided comment on 44 parcels of land within the Tambellup town site. The vast majority of lots suggested in this feedback (38) were "Not Supported" to be transferred by the Council.

COMMENT

The Chief Executive Officer has expediently answered the nine (9) questions raised by the DLPH as contained within the spreadsheet attached (attachment 10.3.2). Unfortunately, providing the department with the answers to nine questions on 53 land parcels in the very short time frame provided (being within 40 days of receiving the email request) has not allowed for a thorough analysis to be undertaken. Ideally, community and elected member input would also have been sought to provide a more robust response.

A map and spreadsheet of comments as recommended by the Author is attached to this agenda item. A summary response to the nine questions posed above is as follows:

1. Refer to attached spreadsheet for “support” or “not supported” for each land parcel;
2. The Shire has the following interests in the land identified:
 - a. Lots 157 to 160 and 686 & 687 Iron Street, Broomehill Village – identified as future residential land;
 - b. Lot 688 & 670 India Street and lots 668 & 150, Broomehill Village – identified as a special use zone for truck parking and/or future commercial/retail;
 - c. Lot 717 Ivy Street, lot 636, 647 & 648 India Street and lot 103-106 Iona Street, Broomehill Village - identified as future residential land;
 - d. All ‘quarter acre’ or residential sized lots on Ivy Street and Ettakup Road - identified as future residential land;
3. The Shire has existing infrastructure within the land parcels requiring protection as follows:
 - a. Lots 157 to 160 and 686 & 687 Iron Street, Broomehill Village – A water pipeline passes through these lots to the dam to the south (see Photo 2 in attachment 10.3.3). Access to this infrastructure will need to be maintained;
 - b. Lot 149, 688, 670 & 669 India Street and lots 668, 671 & 150, Broomehill Village – These lots are currently used as a truck rest bay (see Photo 3 & 4 in attachment 10.3.3). Access to this infrastructure will need to be maintained; and
 - c. Lot 94, 625 & 626 and Ivy Street, Broomehill Village – may have the school car park entry / exit constructed on these lots. A survey or up-to-date aerial photo will be required (see Photo 5 in attachment 10.3.3). Access to this infrastructure will need to be maintained;
 - d. A private driveway appears to pass through the northern most block on the map (see Photo 1 in attachment 10.3.3).
4. The land parcels are not subject to any mandatory connection to services as required by the Shire of Broomehill-Tambellup. Other utility providers may have their own requirements;
5. Refer to question 2 above;
6. Proposals on adjoining land, by their very nature, should not affect the neighbouring properties. No known proposals come to mind;
7. The Shire of Broomehill and the Shire of Tambellup were amalgamated in 2008. As a result, the Town Planning Schemes of each of the previous organisations are still in effect. The Shire has commenced the process of creating a new Local Planning Scheme that covers the Shire of Broomehill-Tambellup and replaces the two existing schemes. As such, every lot within the list may have different scheme provisions applied to it in the near future;

8. There are no known issues, although a thorough site examination of all lots has not occurred; and
9. Refer to attached spreadsheet.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

This agenda item only provides comment to the DPLH.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

A risk of loss of minor infrastructure is possible due to its placement on land not under the care and control of the Shire.

ASSET MANAGEMENT IMPLICATIONS

All land proposed is currently unallocated crown land and therefore does not relate to Shire assets. Several 'community' infrastructure assets have been located on the land in the past and therefore have been contained within the feedback provided in this agenda item.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr CJ Letter, seconded Cr SH Penny that:

- A. The Council's support or opposition to the proposed transfer of land under the South West Native Title Settlement, land list 659, as detailed within attachment 10.3.2, be adopted;
- B. The Council's feedback to the Department of Planning, Lands and Heritage on the nine (9) questions asked for each of the 53 lots is as follows:
 - 1) Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
As contained within attachment 10.3.2.
 - 2) Does the Shire have any interest in the land?
The Shire has the following interests in the land identified:
 - Lots 157 to 160 and 686 & 687 Iron Street, Broomehill Village – identified as future residential land;
 - Lot 688 & 670 India Street and lots 668 & 150, Broomehill Village – identified as a special use zone for truck parking and/or future commercial/retail;

- Lot 717 Ivy Street, lot 636, 647 & 648 India Street and lot 103-106 Iona Street, Broomehill Village - identified as future residential land;
 - All 'quarter acre' or residential sized lots on Ivy Street and Ettakup Road - identified as future residential land;
- 3) Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.

The Shire has existing infrastructure within the land parcels requiring protection as follows:

- Lots 157 to 160 and 686 & 687 Iron Street, Broomehill Village – A water pipeline passes through these lots to the dam to the south (see Photo 2 in attachment 10.3.3). Access to this infrastructure will need to be maintained;
 - Lot 149, 688, 670 & 669 India Street and lots 668, 671 & 150, Broomehill Village – These lots are currently used as a truck rest bay (see Photo 3 & 4 in attachment 10.3.3). Access to this infrastructure will need to be maintained; and
 - Lot 94, 625 & 626 Ivy Street, Broomehill Village – may have the school car park entry / exit constructed on these lots. A survey or up-to-date aerial photo will be required (see Photo 5 in attachment 10.3.3). Access to this infrastructure will need to be maintained;
 - A private driveway appears to pass through the northern most block on the map (see Photo 1 in attachment 10.3.3).
- 4) Is the land parcel subject to any mandatory connection to services?
The land parcels are not subject to any mandatory connection to services as required by the Shire of Broomehill-Tambellup. Other utility providers may have their own requirements;
- 5) Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
Refer to question 2 above;
- 6) Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
Proposals on adjoining land, by their very nature, should not affect the neighbouring properties. No known proposals come to mind;
- 7) Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
The Shire of Broomehill and the Shire of Tambellup were amalgamated in 2008. As a result, the Town Planning Schemes of each of the previous organisations are still in effect. The Shire has commenced the process of creating a new Local Planning Scheme that covers the Shire of Broomehill-Tambellup and replaces the two existing schemes. As such, every lot within the list may have different scheme provisions applied to it in the near future;
- 8) Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
There are no known issues, although a thorough site examination of all lots has not occurred; and

9) Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

As contained within attachment 10.3.2; and

- C. The Native Title Agreements and Partnerships section of the Department of Planning, Lands and Heritage be advised of the Council's feedback with regards to the proposed transfer of land under the South West Native Title Settlement, land list 659.

CARRIED 7/0
Motion No. 04/23

11. KEY PILLAR 2: BROOMEHILL-TAMBELLUP ECONOMY

11.1 PROPOSED RAIL LOADING INFRASTRUCTURE AND RAIL SIDING WITHIN RAILWAY CORRIDOR, BROOMEHILL

ATTACHMENT(S)	11.1.1 DAP Approval 2022 Determination Letter and Notice 11.1.2 Current Application Plans 11.1.3 Plan showing objectors’ properties from 2021 consultation
FILE NO	ADM0582
APPLICANT	Co-operative Bulk Handling [CBH]
AUTHOR	Liz Bushby, Town Planning Innovations
DATE	2 February 2023
DISCLOSURE OF INTEREST	Nil.

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
5.Healthy existing Businesses 5.3 Business Support This is a program of work to stimulate business interaction through events, education, sharing and celebrating. This is the Shire supporting a ‘shop local’ philosophy. (such as stimulating Shire purchases at local store).	Corporate Business Plan is in development

SUMMARY

In 2021, CBH lodged an application seeking planning approval for a Rural Industry on Lots 2 and 535 Nardlah Road in Broomehill. A rail siding was also proposed on Lot 553 which forms part of railway reserve.

The application was determined by a Development Assessment Panel ([DAP), and conditional approval was issued on the 21 January 2022 – see Attachment 11.1.1.

The plans and all of the supporting reports (on traffic, noise etc) included loading facilities proposed to be constructed within railway corridor to the immediate west of Lot 2, Lot 535 and Lot 536. All of the abovementioned plans and reports were included in the public advertising for the DAP application.

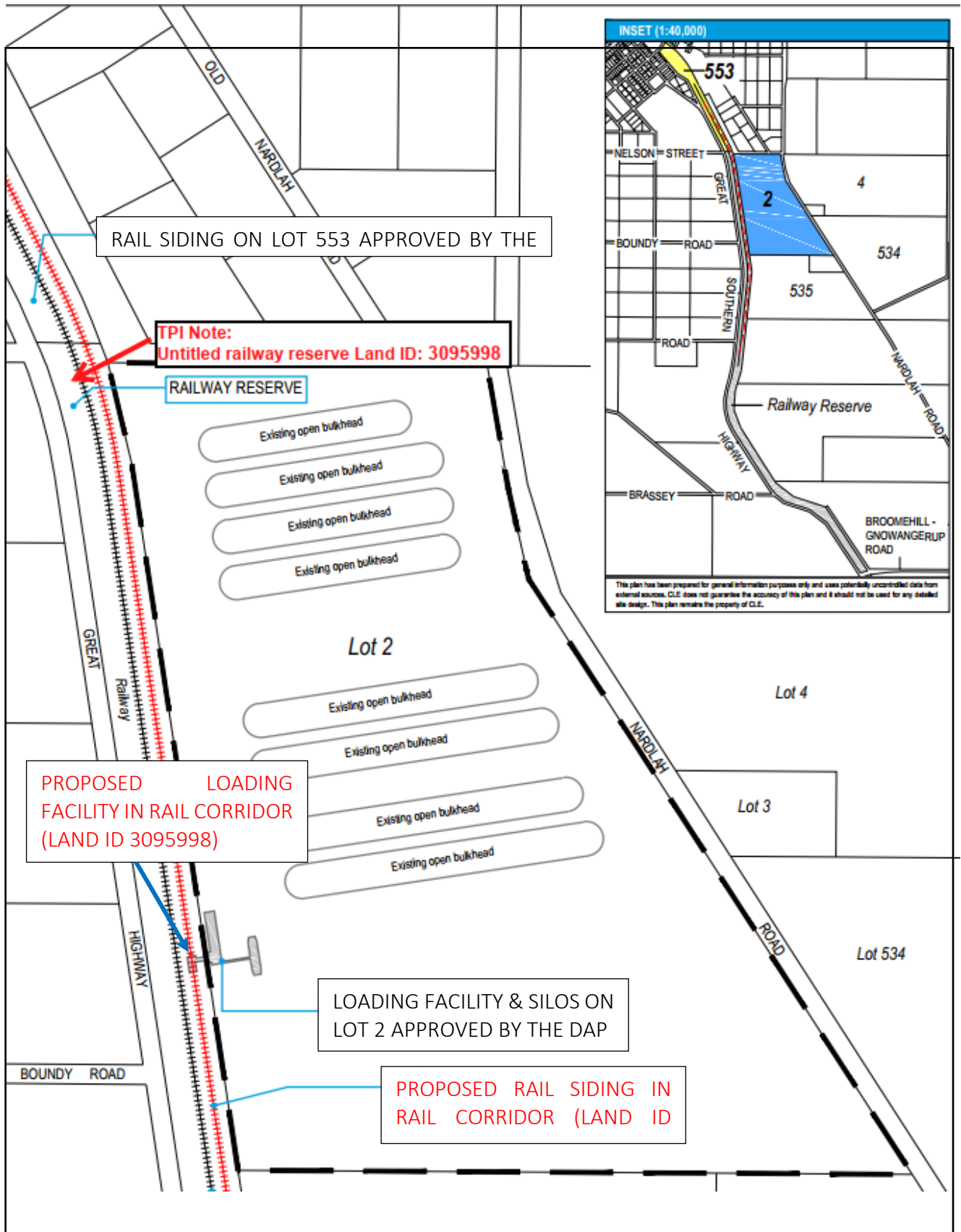
The railway reserve (west of Lot 2) does not have a Certificate of Title, but has an ID number in Landgate (ID 3095998).

At the time, CBH did not include the railway reserve (ID 3095998) on the DAP application form, or provide any owners consent. Consequently, the railway corridor development did not form part of that 2021 DAP application or the DAP approval.

The DAP approval (included as Attachment 11.1.1) was specifically issued for the ‘property location’ of Lot 2, Lot 533 and Lot 535. The approval includes conditions (No 1, 2 and 3) which specifically limit the approved development to Lot 2, Lot 533 and Lot 535.

CBH have now lodged an application for development proposed within the railway corridor (ID 3095998). The purpose of this report is for Council to determine the application.

See plan over page:

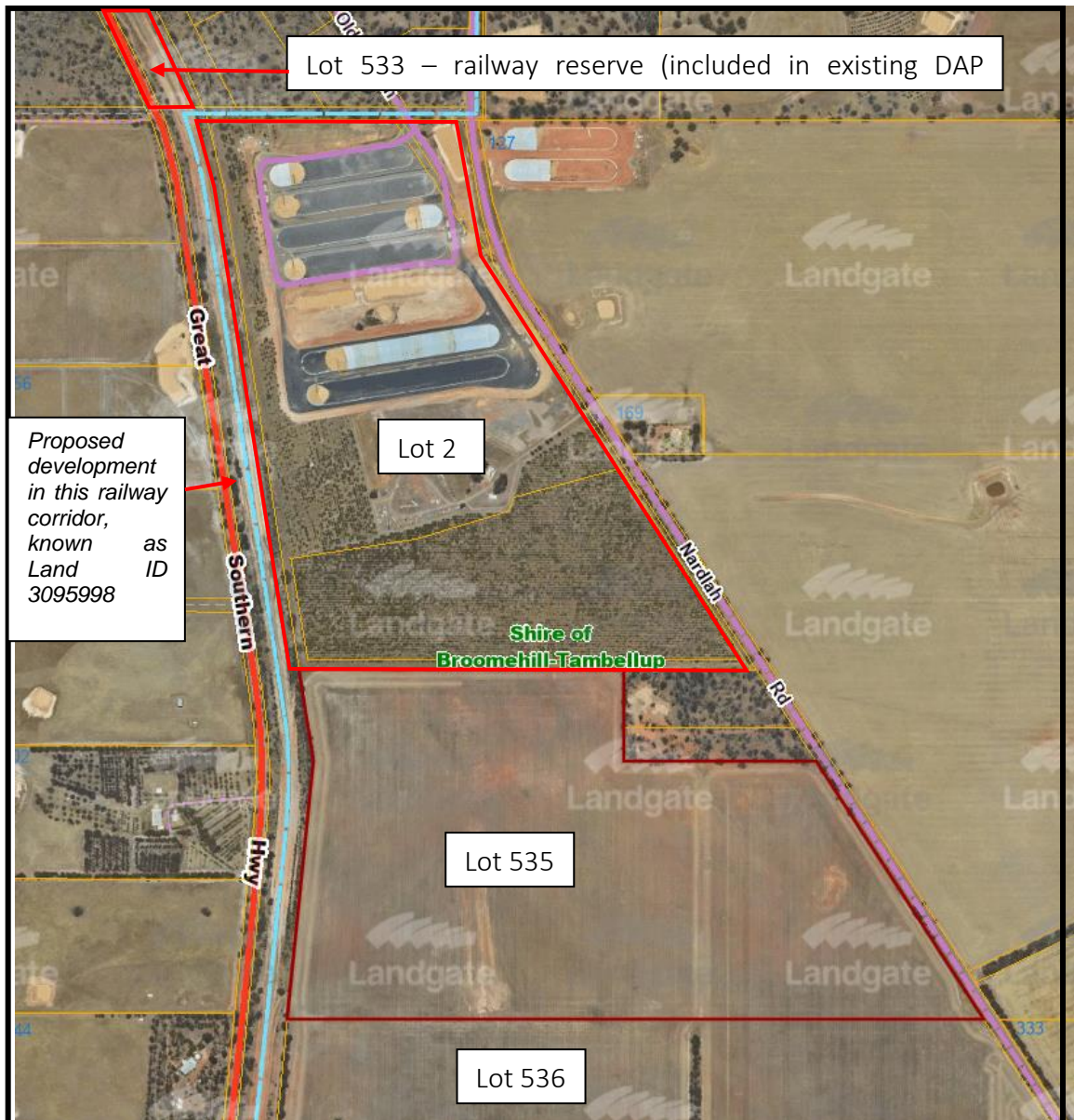


Note: The proposed railway siding extends further south than shown on this site plan extract. It has an approximate length of 1.6 kilometres.

BACKGROUND

Location

The development is proposed within an existing railway corridor, to the west of Lot 2, Lot 535 and Lot 536 (further south). An aerial plan is provided by TPI below.



Note: The railway corridor known as Land ID 3095998 extends further south than shown on this aerial. The full length of the railway corridor has not been included as otherwise the aerial is difficult to read.

Existing Development

The Shire has granted a number of planning approvals dating back to 2009/2010 for CBH to develop Lot 2 Nardlah Road as a receival site with several open bulkheads. Adjacent Lot 535 to the south is vacant land.

As outlined in the summary section of this report, CBH was issued with a DAP approval in 2022.

COMMENT

Description of Application

The application proposes the following infrastructure:

- a) A rail siding in the untitled rail corridor west of Lot 2, 535 and 536.
- b) A rail bulk weigher and over rail loading facility which allows loading to occur from development approved on Lot 2 (including conveyor belts) onto the trains within the railway corridor.

The intention is to transition away from existing rail loadout facility and sidings which are approximately 1.4 kilometres north of the subject site, known as the 'Broomehill North site'.

When the complete siding works are constructed, CBH will be able to store and load 60 wagon trains without blocking the main line, as opposed to the current 30 wagon capacity at the Broomehill North site. The grain will be transported by train to Albany Port (4-hour train journey from Broomehill to Albany Port).

At this stage, the operating hours are proposed to be between 6.00am and 6.00pm. CBH would like the flexibility to operate at night in some instances, outside of the 6am-6pm timeframe.

Development plans are included as Attachment 11.1.2.

Noise

The existing CBH rail loading facilities at the Broomehill North site provides storage and transport of grain from the local grain agriculture industry in the wheatbelt region. CBH is proposing to implement new and upgraded infrastructure at Lots 2, 535 and 533 to provide additional permanent storage and increase capacity for the handling and transport of grain.

This development application will allow an extension of the rail siding already approved by the DAP for Lot 533 to the north.

To support the approved DAP application and this proposal, a Noise Impact Assessment Report has been prepared by SLR Consulting Australia Pty Ltd (SLR). The report details an assessment of noise for the proposed operation of each site.

The regulatory framework in WA requires the potential noise emissions, and noise related impacts, associated with the site operations to be managed as follows:

- a) The noise associated with fixed plant and machinery and road vehicle movements within the site is administered under the *Western Australia Environmental Protection (Noise) Regulations 1997* (the Noise Regulations).
- b) The airborne noise from rail freight operations within the site is administered under the *Western Australian Planning Commission (WAPC) State Planning Policy 5.4 Road and Rail Noise (SPP5.4)*.

The Noise Impact Assessment Report identifies that:

- a) There would be a net improvement in terms of residences affected, as key noise sources move south and away from the main Broomehill townsite;
- b) Railway noise levels are expected to comply with State Planning Policy 5.4 criteria at all residences; and
- c) Environmental noise emissions associated with all development is expected to be compliant at all existing residences.

The Noise Impact Assessment report states that the proposed development can meet applicable noise and vibration assessment criteria. The assessment outcome is contingent on aspects such as the adopted source noise emissions, and loadout operations being typically four hours.

Conditions would need to be imposed on any development approval to ensure that additional treatments be implemented if the hours of operation change and any future after hours or night loading occurs.

The noise report was referred to the Department of Water and Environmental Protection and the Department of Planning, Lands and Heritage for comment as part of the 2021/2022 DAP process.

The Environmental Noise Branch (ENB) of the Department of Water and Environmental Regulation advised that they would expect that the noise and vibration impact on sensitive receivers in the town of Broomehill Village would be reduced by the CBH proposals.

The Noise Impact Assessment Report was accepted as part of the 2021 DAP application, and is referenced in Conditions 5 and 7 of the 2022 DAP approval.

Dust Management

A Dust Management Plan has been lodged as part of the application. In the Dust Management Plan CBH makes the following commitments:

- a) Rail wagon design incorporates dust minimisation aspects via higher side walls and narrow openings for product loading to ensure grain flow is protection from wind disturbance.
- b) Rail wagon design incorporates angled surfaces to reduce dust build up.
- c) On-going hygiene practices during operations designed to limit the build up of dust and chaff on site.
- d) Large grain spills are to be immediately cleaned up and removed.
- e) An ongoing review of weather conditions is undertaken during operational periods with the appropriate site management activities taken to eliminate, as far as is practicable, any causal factors.
- f) Loads are to be kept within designated load limits and rail wagon lids always used.
- g) Environmental issues including dust management are and will continue to be included as part of CBH induction programs for all CBH employees and contractors.
- h) If required, the identification and implementation of containment lines where appropriate for fugitive dust sources will be undertaken.
- i) A complaints management system, including investigation, action, and feedback, will be implemented. The Plan includes an Incident report template. The Shire will be advised of any moderate complaint.

The Dust Management Plan includes contact details for CBH managers and the on site manager.

The Dust Management Plan was accepted as part of the 2021 DAP application, and is referenced in Condition 4 of the 2022 DAP approval.

EPA’s Separation Distances between Industrial and Sensitive Land Uses (the Guidance Statement)

The EPA’s ‘Separation Distances between Industrial and Sensitive Land Uses’ provides guidance on generic buffer distances between industrial uses and sensitive land uses (such as dwellings). It recommends a 500 metre buffer between any grain elevator (conveyor belt) and dwelling.

There are rural residential lots to the west of the proposed development within the 500 metre buffer area.

As the separation distance is less than the generic buffer, the Guidance Statement recommends that a scientific study based on site- and industry-specific information be presented to demonstrate that a lesser distance will not result in unacceptable impacts. CBH has provided a site specific acoustic assessment and dust management plan to address the Guidance Statement.

CONSULTATION

Extensive consultation was undertaken in 2021 for the previous DAP application. Shire Administration wrote to nearby landowners, and consulted with the :

- Department of Planning, Lands and Heritage (Aboriginal Heritage)
- Department of Planning, Lands and Heritage (Perth and Albany office)
- Department of Water and Environmental Regulation
- Main Roads WA

There were 3 objections from local landowners at the time, relating to dust, noise, and construction impacts. A map showing the objectors lot locations (from 2021) is included as Attachment 11.1.3 for reference.

All of the issues raised in submissions were addressed in the application and associated reports. A summary of the issues raised and comments from the 2021 advertising is included below.

Issue Raised	Officer comments
Complaints that existing CBH operations at Broomehill South have impacted on existing residents through noise, light, dust and vibration during construction	<p>Noted. This is a statement made about the impact from existing operations as opposed to the proposed development.</p> <p>The Shire has advised that they have record of two complaints about noise from the CBH Broomehill North site. One complaint was in November 2018 and the second was in December 2019. Both complaints related to (alleged) noise from trains loading in the early hours of the morning.</p>

	<p>The Shire has no record of any complaints about the CBH Broomehill South site.</p> <p>Noise from construction sites is exempt from the Environmental Protection Act between 7am and 7pm Monday to Saturday (excluding public holidays) if the works are being carried out in accordance with Australian Standards.</p> <p>CBH has confirmed that they will operate in accordance with the applicable Australian Standard (AS 2436:2010) that applies to construction noise.</p> <p>The applicant has advised that construction is likely to occur for approximately 9 months.</p>
<p>Objection to the scale of the development and associated dust, smell, noise from train shunting, extra vehicles and machinery</p>	<p>Substantially addressed.</p> <p>The scale of the proposed development is commensurate with transport and loading requirements associated with rail infrastructure. Use of rail facilities for grain transport will substantially reduce loading times, truck movements, and result in improvements to the existing situation.</p> <p>The application includes a Dust Management Plan, Noise Impact Assessment, Traffic Impact Statement and Lighting Report that address these issues.</p> <p>The houses on the two objectors lots are more than 500 metres from the proposed grain elevators which meets the recommended nominal buffer under the EPA 'Guidance Statement on Separation distances between industrial and sensitive land uses'.</p>
<p>Objection to negative impacts of noise, dust and vibration during construction</p>	<p>Substantially Addressed.</p> <p>There may be impacts associated with any construction which is unavoidable when any new development occurs.</p> <p>In the longer term the development will result in improvements to the existing CBH operation, less truck movements, and less loading times.</p>
<p>Negative impact on property values</p>	<p>This is not a relevant planning consideration.</p> <p>Property values are not listed as a matter than can be considered under Regulation 67(2) of the Deemed Provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>

It should be noted that it was compulsory to advertise the DAP application in 2021, due to the Rural Industry development proposed in the Rural zone. There is no statutory requirement for this new application to be advertised, although the Shire has discretion to advertise any application for public comment.

STATUTORY ENVIRONMENT

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

The Regulations include 'Deemed Provisions' that automatically apply and override parts of the Shire of Broomehill Town Planning Scheme No 1.

Regulations 34 outlines discretion to vary a site or development requirement.

Regulation 67 outlines application considerations including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining land, the objectives of a reserve, the likely effect on the natural environment, amenity, loading, access, traffic and any submissions received on a proposal.

Shire of Broomehill Town Planning Scheme No 1 (the Scheme) –

The development is proposed in a Local Scheme Reserve for Railway.

Under Clause 2.2 'Matters to be considered by Council' it states that '*Where an application for planning consent is made with respect to land within a reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.*'

In this case the Public Transport Authority has consented to lodgement of the application.

POLICY IMPLICATIONS

There are no Local Planning Policy Implications. The table below summarises State Planning Policy No 3.7 – Planning in Bushfire Prone Areas.

Document summary	TPI comment
<p>The Western Australian Planning Commission released SPP3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents apply to all land identified as Bushfire Prone.</p> <p>Under Clause 5.4 of the Guidelines all planning applications in Bushfire Prone Areas are to be accompanied by a BAL (Bushfire Attack Level) assessment. There is no specific exemption for the proposed development.</p> <p>However, the WAPC has Planning Bulletin 111/2016 that clarifies some of the requirements under the deemed provisions of the Planning and Development (Local Planning Scheme) Regulations 2015 and SPP3.7.</p> <p>Whilst SPP 3.7 does not specify exemptions, there is discretion to vary the SPP3.7 requirements.</p>	<p>Planning Bulletin No 111/2016 clarifies that the DAP has discretion over this matter and states that '<i>Exemptions from the requirements of SPP 3.7 and the deemed provisions should be applied pragmatically by the decision maker.</i>'</p> <p>The applicant has advised that the proposed land use does not involve the occupation of employees for any significant amount of time, and grain loading is seasonal.</p> <p>TPI recommends that the development be supported without any Bushfire Attack Level assessment.</p>

RISK MANAGEMENT IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:

- A. Note that development within the rail corridor known as Land ID 3095998 was included on the plans and supporting documentation for the previous DAP application for CBH in 2021, however it was not formally included in the application form or approval (Attachment 11.1.1).
- B. Approve the application for railway infrastructure (siding) and over rail loading facility within the rail corridor known as Land ID 3095998 subject to the following conditions:

Substantial commencement

1. This decision constitutes planning approval for railway infrastructure (siding) and over rail loading facility within land identified in Landgate as Land ID 3095998 and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Approved documents and plans

2. All development subject of this approval shall be contained within land identified through Landgate as Land ID 3095998.
3. The proposed development within land identified in Landgate as Land ID 3095998 shall be in accordance with the following plans:
 - (i) The Broomehill Site Plan dated 4 November 2021 (Plan No 3244-41-01);
 - (ii) Sheet 1 of 1 (Drawing Number 558-ENG-C1-DCO-0007), Revision F dated 08.09.21;
 - (iii) Sheets 1 to 6 (Drawing Number 558-ENG-ST-DGA-001) Revision A dated 06.09.21.

This approval excludes development on adjacent Lots 2, 535 and 553.

4. The accompanying documentation (as amended) lodged with this application including;
 - (i) Dust Management Plan prepared by CBH;
 - (ii) Clearing Plan prepared by CBH

together with any requirements and recommendations detailed thereon, are the approved as part of this application and shall form part of the development approval issued. The operator, CBH, shall implement the approved plans as they relate to the operational phase of the development, during the life of the development.

Noise

5. The operator (CBH) shall ensure at all times that the operation of the development (subject of this approval) in the railway corridor (Land ID 3095998) complies with and will not exceed with the following average assigned noise level targets for (outdoor) railway noise at noise sensitive premises:
 - (i) LAeq, day 60dB during day period average hours; and
 - (ii) LAeq, night 55dB during night period average hours;

in accordance with Table 3 of the Noise Impact Assessment Report (SLR Ref: 675.30030-R01 Version 3.3 dated November 2021).

The noise targets in this condition are to be measured at one metre from the most exposed, habitable façade of a dwelling being exposed to the noise source.

6. Noise mitigation measures are to be implemented to the satisfaction of the local government where required to demonstrate compliance with Condition 5 including and not limited to:
 - (i) Future short-term noise monitoring of activities operational at night hours during major peak harvest seasons; and/or
 - (ii) Review activities that can be undertaken during day hours and minimise noise generating operations during night or evening hours; and /or
 - (iii) Implement a system to record, manage and report on complaints during the life of the development.

7. The operator shall implement the recommendations of the Noise Impact Assessment Report (SLR Ref: 675.30030-R01 Version 3.3 dated November 2021) including:
 - (i) Undertake, complete and lodge a separate short term noise monitoring survey to the local government. The survey of noise levels emitting from the development site shall be completed within 6 months of commencement of operations to determine post-operation noise levels at nearby sensitive receivers;
 - (ii) (Monitoring should include any operations, loading and activities within the railway corridor that occur during the day, evening and night hours; and
 - (iii) Vibration levels to comply with Australian Standard 2670.2:1990.

Construction

8. The operator (CBH) shall ensure at all times that construction noise is limited to between 7am and 7pm Monday to Saturday (excluding public holidays) and that the works are carried out in accordance with Australian Standard 2436:2010.

9. The Operator (CBH) is to lodge a Construction Management Plan for approval by the local government. The Construction Management Plan must include the following:
 - (a) Adequate areas for the parking of construction vehicles, workers vehicles, loading areas, and for the delivery and storage of building materials;
 - (b) The location of any required hardstand areas or areas for specific construction activities;
 - (c) Temporary buildings;
 - (d) The location of any fenced construction compounds and materials storage / laydown areas;
 - (e) A general timetable for construction phases and the removal of temporary development after completion of the construction phase;
 - (f) The management of dust and other construction impacts;

- (g) Watering capabilities and practices for dust management during/after clearing; and
- (h) Limited hours for construction noise to ensure compliance with Condition 9;
- (i) Haulage routes;
- (j) A Pre-Construction Road Condition Report along the proposed haulage routes, and the obligation to prepare a Post-Construction Road Condition Report once construction is complete.

The Construction Management Plan is to be submitted to and approved by the local government prior to the commencement of any development, clearing or site works within the railway corridor.

- 10. The Applicant is to implement the approved Construction Management Plan required by condition 10.
- 11. Any damage caused to the roads attributable to the construction phase of the development is to be rectified by the Operator to the standard identified in the Pre-Construction Road Condition Report.
- 12. The development approval also grants temporary development approval for the following –
 - (i) a construction workshop;
 - (ii) asphalt batching plant
 - (iii) any other construction related infrastructureshown on the Construction Management Plan required by condition 10.

Lighting

- 13. Any lighting within or overspilling into the railway corridor shall be designed in accordance with the Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting (AS4282) and shall be internally directed to the development. All floodlights shall be oriented to eliminate disturbance to occupants on the surrounding properties.

Footnotes:

- a. The plans lodged with this application show development outside of the land identified as Land ID 3095998, however development on Lots 2, 535 and 553 does not form part of this approval. It is noted that there is an existing approval for development on Lots 2, 535 and 553 issued by a Development Assessment Panel (DAP) on the 21 January 2022.
- b. In regards to Condition 5, a habitable room has the same meaning as defined in State Planning Policy 7.3 Residential Design Codes.
- c. In regards to Condition 9, the Construction Management Plan can be prepared for construction of this development in the railway reserve and related construction approved separately by the DAP on the 21 January 2022. The Shire considers it practical that one consolidated Construction Management Plan be prepared, and

notes that construction areas for development within the railway corridor may be provided off site within adjacent Lots 2 and 535.

Councillors' ME White, DT Barritt, CM Dewar, MC Paganoni and CJ Letter disclosed a Financial Interest in item 11.1. as a Shareholder in Co-operative Bulk Handling. As the meeting would not have a quorum if these Councillors left the meeting, this item was deferred pending Ministerial approval to consider.

11.2 REVIEW OF SHIRE OF BROOMEHILL TOWN PLANNING SCHEME NO. 1 AND SHIRE OF TAMBELLUP TOWN PLANNING SCHEME NO. 2 REPORT

ATTACHMENT(S)	11.2.1 - Review of Shire of Broomehill Town Planning Scheme No. 1 and Shire of Tambellup Town Planning Scheme No. 2.
FILE NO	ADM0607
APPLICANT	n/a
AUTHOR	Phil Shephard - Planner
DATE	7 February 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Community Strategic Plan 2023-2033	Corporate Business Plan 2023-2027
Community Outcomes	Corporate Actions
6 Broomehill-Tambellup 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.	Corporate Business Plan under development.

SUMMARY

To seek adoption of the attached Review of Town Planning Schemes report and submit it to the WA Planning Commission as part of the requirements for preparing a new consolidated Local Planning Scheme and review of the existing Local Planning Strategy for the Shire.

BACKGROUND

Clause 65 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires the Shire to undertake a review of all existing local planning schemes every 5-years following their adoption.

Clause 66 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that a review of the existing local planning schemes include recommendations as to whether the existing schemes and strategy are satisfactory as is; should be amended; or repealed/revoked and replaced with a new scheme and strategy.

COMMENT

The Review of Local Planning Schemes report, when adopted by Council, is submitted to the WA Planning Commission/Department of Planning, Lands and Heritage for consideration and permission to proceed with the review recommendations.

Staff have contacted the WA Planning Commission/Department of Planning, Lands and Heritage and they have provided assistance and comment on the review and support the decision to proceed with the strategy and scheme reviews.

The attached Review of Shire of Broomehill Town Planning Scheme No. 1 and Shire of Tambellup Town Planning Scheme No. 2 Report has been prepared using the WA Planning Commission/Department of Planning, Lands and Heritage template and concludes:

- That a new consolidated scheme should be prepared with the existing schemes repealed upon the approval of the new scheme; and
- A limited review of the existing Local Planning Strategy be prepared to support the new scheme.

CONSULTATION

Consultation as set out in the Act/Regulations is required to be undertaken during the preparation and draft stages of the new strategy and local planning scheme when documents/mapping are prepared.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015 - Regulation 65 and 66 set out the review requirements for local planning strategies/schemes.

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil at this time. Once the new Scheme has been finalised, all Local Planning Policies will be required to be reviewed to ensure consistency between the strategy and scheme documents.

RISK MANAGEMENT IMPLICATIONS

In considering the attached review report, the Council has a number of options available - which are discussed below:

1 *Not approve the report.*

The Council can choose to not adopt the review report. If this option were chosen, Council would need to provide reasons for the decision for staff to consider. The report would not be submitted to the WA Planning Commission for consideration and the new local planning scheme/strategy review would not proceed.

2 *Approve the report.*

The Council can choose to approve the review report, in part or whole, and/or make changes to the recommendations contained in the report. If this option were chosen, the report would be finalised and submitted to the WA Planning Commission for consideration and approval to prepare the new local planning scheme/strategy.

3 *Defer the proposal.*

The Council can choose to defer the matter and provide additional information or undertake further consultation with the public, if deemed necessary, before proceeding to make a decision.

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr SH Penny,seconded Cr JL Wills that Council, pursuant to Regulation 66 of the Planning and Development (*Local Planning Schemes*) *Regulations 2015*, adopt the attached Review of Shire of Broomehill Town Planning Scheme No. 1 and Shire of Tambellup Town Planning Scheme No. 2 and submit it to the WA Planning Commission for their consideration and approval.

CARRIED 7/0
Motion No. 05/23

11.3 CLEARING PERMIT WARRENUP ROAD – FLAT ROCKS WIND FARM

ATTACHMENT(S)	11.3.1 – Map showing proposed clearing
FILE NO	ADM0283
APPLICANT	Enel Green Power Australia Pty Ltd
AUTHOR	Anthony Middleton – Chief Executive Officer
DATE	Thursday, 9 February 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
6. Attracted New Businesses 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.	Corporate Business Plan still in development
10. Grown Shire Leadership 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).	Corporate Business Plan still in development

SUMMARY

To consider a request by Enel Green Power to add three (3) additional sites to a clearing permit application to clear roadside vegetation for the Flat Rocks Wind Farm (FRWF).

BACKGROUND

The FRWF received development approval via the Southern Joint Development Assessment Panel in 2017, with variations to this approval granted in 2021 and 2022. Construction has commenced on the project following the Council's approval of the last of the pre-construction conditions at its meeting held 16 December 2022.

In order to enable delivery of all components to site, Enel has requested three additional locations of trees in the Warrenup Road reserve to be removed and added to the clearing permit application. As the responsible land manager of the road reserve concerned, this process requires the Shire to provide a letter of support to accompany the clearing permit application.

The Council has supported this clearing permit application at its 28 July 2022 Council Meeting, resolving:

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

This agenda item addresses the request to add three additional locations of trees in the Warrenup Road reserve to the clearing permit application supported in July 2022.

COMMENT

When the Shire has sought detailed information to support this request for additional sites, Enel Green Power has advised:

‘At the time the vegetation clearing permit application was submitted (in August 2022), the proposed clearing sites was based on a 30% detailed design drawing. It was only in December 2022, that the project progressed into 80% detailed design (to issue for construction drawings), which leads to the revised vegetation clearing permit application we are currently working on.

During recent site walkover (in December 2022) by the project team comprising civil and turbine contractors, it was apparent that the trees in the road reserve (along Warrenup Road) was a hindrance to the transportation of the superstructure i.e. turbine blades, and posed an issue where site accessibility to the various turbine locations is concerned and where sufficient space is required to accommodate heavy haulage turning radius i.e. clearing of #116 relates to accessibility in/out of T8 location.

The project team have investigated alternatives in minimising/avoiding clearing of vegetation to the extent that is practicable and safe to do so for the project. We optimised the design to reduce/avoid clearing of vegetation (unnecessarily) and as a result, these additional clearing sites in the road reserve (along Warrenup Road) were identified as required to be cleared.’

The small patches of trees requested for clearing are shown on the attached map by the shaded areas of 80, 115 & 116. The Author sees no reason as to why this clearing permit would not be supported, noting that development approval conditions such as vegetative screening are still required to be fulfilled.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the request by Enel Green Power to access required road reserves, and give support to a clearing permit application, to clear vegetation for the construction, commissioning and operation of the Flat Rocks Wind Farm, in accordance with the shaded areas of 80, 115 & 116 on the attached site plans, be supported.

COUNCIL DECISION

Moved Cr M Paganoni, seconded Cr C Dewar that the request by Enel Green Power to access required road reserves, and give support to a clearing permit application, to clear vegetation for the construction, commissioning and operation of the Flat Rocks Wind Farm, in accordance with the shaded area of 116 on the attached site plans, be supported.

CARRIED 7/0
Motion No. 06/23

Reason for Change: The applicant has advised since the printing of the agenda that sites 80 and 115 are no longer required.

12. KEY PILLAR 3: BROOMEHILL-TAMBELLUP LIFESTYLE

13. KEY PILLAR 4: BROOMEHILL-TAMBELLUP SHIRE SUPPORT

13.1 FINANCIAL STATEMENTS – DECEMBER 2022

ATTACHMENT(S)	13.1.1 – Financial Statements December 2022
FILE NO	ADM0619
APPLICANT	n/a
AUTHOR	Kay O’Neill – Manager Finance & Administration
DATE	8 February 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
<p>11. Delivered Shire Trust and Performance 11.2 SoBT financial sharing This is the Shire workforce releasing financial trends and results quarterly, transparently indicating where funds come from for each piece of work. The Shire is working well with the community to develop new revenue options to achieve community driven pieces of work.</p>	<p>Corporate Business Plan is in development</p>

SUMMARY

The Council to consider the monthly financial statements for December 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 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

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

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr SH Penny, seconded Cr DT Barrit that the monthly financial statements for the period ending 31 December 2022 be received.

CARRIED 7/0
Motion No. 07/23

13.2 FINANCIAL STATEMENTS – JANUARY 2023

ATTACHMENT(S)	13.2.1 – Financial Statements January 2023
FILE NO	ADM0619
APPLICANT	N/A
AUTHOR	Kay O’Neill – Manager Finance & Administration
DATE	8 February 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
11. Delivered Shire Trust and Performance 11.2 SoBT Financial Sharing This is the Shire workforce releasing financial trends and results quarterly, transparently indicating where funds come from for each piece of work. The Shire is working well with the community to develop new revenue options to achieve community driven pieces of work.	Corporate Business Plan is in development

SUMMARY

The Council to consider the monthly financial statements for January 2023.

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 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

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

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr SH Penny, seconded Cr CJ Letter that the monthly financial statements for the period ending 31 January 2023 be received.

**CARRIED 7/0
Motion No. 08/23**

13.3 MONTHLY LIST OF PAYMENTS – DECEMBER 2022 AND JANUARY 2023

ATTACHMENT(S)	13.3.1 - Monthly Payments Listing December 2022 13.3.2 - Monthly Payments Listing January 2023
FILE NO	ADM0619
APPLICANT	N/A
AUTHOR	Kay O’Neill – Manager Finance & Administration
DATE	7 February 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
<p>11. Delivered Shire Trust and Performance 11.2 SoBT financialsSharing 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.</p>	<p>Corporate Business Plan is in development</p>

SUMMARY

The Council to consider the list of payments made from the Municipal and Trust Funds during December 2022 and January 2023.

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 –

December 2022

	\$
Municipal Fund	325,255.80
Trust Fund	0.00
Credit Cards	4,410.94
TOTAL	329,666.74

January 2023

	\$
Municipal Fund	562,455.54
Trust Fund	0.00
Credit Cards	1,999.24
TOTAL	564,454.78

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

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

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr SH Penny, seconded Cr CM Dewar that, in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments paid under delegated authority be noted for –

December 2022; comprising –

- Municipal Fund cheque, electronic funds transfer (EFT) and direct debit payments totalling \$325,255.80; and
- Credit Card payments totalling \$4,410.94, and

January 2023; comprising –

- Municipal Fund cheque, electronic funds transfer (EFT) and direct debit payments totalling \$562,455.54; and
- Credit Card payments totalling \$1,999.24

CARRIED 7/0
Motion No. 09/23

13.4 WARRENUP ROAD RECONSTRUCTION

ATTACHMENT(S)	13.4.1- Map Warrenup Road 13.4.2- Draft Minutes of GSTWG Meeting – endorsing changes.
FILE NO	RD58
APPLICANT	n/a
AUTHOR	Peter Vlahov - Manager of Works
DATE	8 February 2023
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
12. Collected Regionwide Knowledge 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.	Corporate Business Plan is in development

SUMMARY

Proposed changes to the location of works on the Warrenup Road reconstruction as per 2022/2023 works program.

BACKGROUND

Warrenup Road is programmed for reconstruction and seal as a Regional Road Group Continuing Project over the next five years. The first section that is programmed for the 2022/2023 financial year is at location SLK7.17 to SLK9.86. This location will conflict with the Flat Rocks Wind Farm construction process. The officer seeks the Council's endorsement to relocate the proposed works location to SLK21.00 to SLK23.32 Warrenup Road. (Attachment 1)

The Regional Road Group Technical Working Group has authorised this request. (Attachment 2)

COMMENT

The ongoing construction of the Flat Rocks Wind Farm located on Warrenup Road will cause delays in any roadworks along that section of Warrenup Road. By relocating the location of the road works, it will be possible to complete one section of the five proposed sections during this financial year. This will not impact the total overall project completion date.

CONSULTATION

Technical Working Group for the Great Southern Regional Road Group.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Amend data in the Shire’s ten (10) year road program to reflect the change from SLK7.17 - 9.86 to SLK21.00-23.32.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr DT Barritt, seconded Cr CM Dewar that the Council endorse the change of location of the programmed road works on Warrenup Road as per the 2022/2023 works program from SLK 7.17-9.86 to SLK 21.00 -23.32.

CARRIED 7/0
Motion No. 10/23

13.5 LOCAL GOVERNMENT ORDINARY ELECTION: 2023

ATTACHMENT(S)	Nil
FILE NO	ADM0629
APPLICANT	n/a
AUTHOR	Annie Richardson – Governance and Executive Assistant
DATE	6 February 2023
DISCLOSURE OF INTEREST	n/a

STRATEGIC IMPLICATIONS	
Strategic Community Plan 2023-2033	Corporate Business Plan 2023 -2027
Community Outcomes	Corporate Actions
11.Delivered Shire Trust and Performance 11.4 This is the Shire and community working creatively together to build new revenue streams for community driven ‘People Power’ activities.	Corporate Business Plan is in development

SUMMARY

The Council to resolve if it wishes to conduct the 2023 Ordinary Council Elections as a postal election.

BACKGROUND

The next Local Government Ordinary Elections will be held on 21 October 2023. The Electoral Commissioner has written inviting Council to again conduct its election as a postal election.

The *Local Government Act 1995* requires that written agreement must be obtained from the Electoral Commissioner before Council can determine if it wishes to hold a postal election. The Commissioner’s letter includes his agreement to be responsible for the conduct of the ordinary elections in 2023 in accordance with section 4.20 (4) of the *Local Government Act 1995*, together with any other elections or polls that may also be required. The Commissioner’s agreement is subject to the proviso that the Shire of Broomehill-Tambellup wishes to have the election undertaken as a postal election.

In order to take up the postal election option Council will need to pass two resolutions by absolute majority.

COMMENT

The Shire of Broomehill-Tambellup has, since its formation in 2008, conducted the ordinary elections as a postal vote. The participation by the community indicates that conducting Council elections as a postal election was a positive initiative by the Council.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 4.20

(4) *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

**Absolute majority required*

Section 4.61

(2) *The local government may decide* to conduct the election as a postal election.*

**Absolute majority required*

FINANCIAL IMPLICATIONS

The estimated cost for the 2023 election if conducted as a postal ballot is \$16,000 inc GST, which has been based on the following assumptions:

- 750 electors;
- response rate of approximately 65% ;
- 3 vacancies;
- count to be conducted at the offices of the Shire of Broomehill-Tambellup
- appointment of a local Returning Officer;
- regular Australia Post delivery service to apply for the lodgement of the election packages.

An additional amount of \$175 will be incurred if your Council decides to opt for the Australia Post Priority Service for the lodgement of election packages.

The Commission is required by the *Local Government Act* to conduct local government elections on a full cost recovery basis and you should note that this is an estimate only and may vary depending on a range of factors.

Costs not incorporated in this estimate include:

- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission incurred as part of an invalidity complaint lodged with the Court of Disputed Returns;
- the cost of any casual staff to assist the Returning Officer on election day or night;
- any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

The Commission has indicated that recent experience with Australia Post priority mail has not significantly sped up the delivery of the election packages, hence the recommendation to utilise regular post. Opting to use the Australia Post priority service will increase the cost estimate by approximately \$175.

Provision will be made in the 2023/24 budget for costs associated with the elections. The Commission is required by the *Local Government Act* to conduct local government elections on a full cost recovery basis. Should there not be an election, the cost will be on a pro rata basis.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

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

1. Declares, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required; and
2. Decides, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.

CARRIED BY ABSOLUTE MAJORITY 7/0
Motion No.11/23

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

OFFICERS RECOMMENDATION/COUNCIL DECISION

Moved Cr CM Dewar, seconded Cr DB Barritt that in accordance with Section 5.23(2) of the Local Government Act 1995 the meeting is closed at 5.32 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. 12/23

14.1 RATES OUTSTANDING – A1061, 30344 GREAT SOUTHERN HIGHWAY BROOMEHILL
CONFIDENTIAL

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr MC Paganoni, seconded Cr SH Penny that the Council:

1. Pursuant to section 6.64(1)(b) of the *Local Government Act 1995*, proceeds with the sale of assessment A1061, 30344 (lot 45) Great Southern Highway, Broomehill which has rates in arrears for three (3) or more years; and from the proceeds of sale recover the outstanding balance on the assessment.
2. Notes the estimated timeframe of the sale of the property is 12-18 months.

CARRIED 7/0
Motion No. 13/23

PROCEDURAL MOTION

Moved Cr CJ Letter, seconded Cr CM Dewar that Council re-opens the meeting to members of the public at 5.38pm.

CARRIED 7/0
Motion No. 14/23

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

16. QUESTIONS FROM MEMBERS WITHOUT NOTICE
Nil.

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

18. CLOSURE
There being no further business to discuss, the Presiding Member, Cr White, declared the meeting closed at 5.39pm.