



# Ordinary Meeting of Council

## AGENDA

**21 October 2021**

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## SHIRE OF BROOMEHILL-TAMBELLUP

### NOTICE OF MEETING

**An Ordinary Meeting of Council of the Shire of Broomehill-Tambellup will be held in the Tambellup Council Chambers on 21<sup>st</sup> October 2021 commencing at 4.30pm.**



**Chris G Jackson**  
**Chief Executive Officer**

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# Shire of Broomehill–Tambellup

## REGISTER OF INTERESTS

### RECORD OF DISCLOSURES MADE

NAME OF PERSON MAKING DISCLOSURE

Full Name \_\_\_\_\_

Date of Disclosure \_\_\_\_\_

Date of Meeting \_\_\_\_\_

Council Meeting                      YES [  ]                      NO [  ] (Tick Box)

OR

Committee Meeting                      YES [  ]                      NO [  ]

Name of Committee Meeting: \_\_\_\_\_

Item Number \_\_\_\_\_

Nature and Extent of Interest:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_                      Signature \_\_\_\_\_

(OFFICE USE ONLY)

Minute Book Page No: \_\_\_\_\_

Signature of Staff Recording Interest



## NOTICE OF MOTION

**SUBMITTED BY COUNCILLOR:** \_\_\_\_\_

**COUNCIL MEETING:** \_\_\_\_\_

I give notice of my intention to move the following motion at the next Ordinary Meeting of the Council pursuant to Clause 3.7 of Standing Orders:

**MOTION:**

**COUNCILLOR COMMENT**

.....  
**Councillor**

.....  
**Date**



## CONTENTS

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER .....	1
3. ATTENDANCE .....	1
3.1 APOLOGIES .....	1
3.2 APPROVED LEAVE OF ABSENCE.....	1
4. DECLARATION OF INTEREST .....	1
5. PUBLIC QUESTION TIME (15 minutes).....	1
6. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS.....	1
7. ITEMS BROUGHT FORWARD BY DECISION OF COUNCIL .....	1
8. CONFIRMATION OF PREVIOUS MEETING MINUTES.....	1
8.1 ORDINARY MEETING OF COUNCIL MINUTES 19 AUGUST 2021 .....	1
8.2 SPECIAL MEETING OF COUNCIL MINUTES 18 OCTOBER 2021 .....	2
9. RECEIPT OF COMMITTEE MEETING MINUTES HELD SINCE LAST MEETING .....	2
9.01 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING MINUTES 30 SEPTEMBER 2021	2
9.02 BUSHFIRE ADVISORY COMMITTEE MEETING MINUTES 14 OCTOBER 2021.....	2
10.0 STATUS REPORT .....	2
11. REPORTS OF OFFICERS .....	3
11.01 FINANCIAL STATEMENTS FOR SEPTEMBER 2021 .....	3
11.02 CREDITORS ACCOUNTS PAID SEPTEMBER 2021 .....	5
11.03 REVIEW OF POLICY 1.25 ATTENDANCE AT EVENTS & FUNCTIONS POLICY .....	7
11.04 REVIEW OF POLICY 1.11 ELECTED MEMBER TRAINING AND PROFESIONAL DEVELOPMENT POLICY.....	11
11.05 NEW POLICY 1.29 USE OF COMMON SEAL .....	13
11.06 SOUTHERN LINK VROC – ENDORSEMENT OF STRATEGIC PLAN .....	15
11.07 CORPORATE BUSINESS PLAN 2018-2022 QUARTLERY PROGRESS REPORT .....	17
11.08 PRELIMINARY REPORT – APPLICATION TO AMEND EXISTING DAP APPROVAL FOR WIND FARM ON VARIOUS LOTS – APPLICATION TO BE DETERMINED BY A DEVELOPMENT ASSESSMENT PANEL [DAP] .....	22
12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED .....	31
13. APPLICATIONS FOR LEAVE OF ABSENCE .....	31
14. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	31
15. QUESTIONS FROM MEMBERS WITHOUT NOTICE .....	31
16. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING .....	31
17. CLOSURE.....	31

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

**2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

**3. ATTENDANCE**

Cr MC Paganoni

Cr ME White

Cr CJ Letter

Cr DT Barritt

Cr CM Dewar

Cr JL Wills

KP O’Neill                      Acting CEO, Manager Finance and Administration

P Vlahov                         Manager Works

PA Hull                         Strategic Support & Projects Officer

HA Richardson                Governance and Executive Assistant

**3.1 APOLOGIES**

Cr SH Penny

**3.2 APPROVED LEAVE OF ABSENCE**

**4. DECLARATION OF INTEREST**

**5. PUBLIC QUESTION TIME (15 minutes)**

**6. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**

**7. ITEMS BROUGHT FORWARD BY DECISION OF COUNCIL**

**8. CONFIRMATION OF PREVIOUS MEETING MINUTES**

**8.1 ORDINARY MEETING OF COUNCIL MINUTES 19 AUGUST 2021**

***Recommendation:***

***That the Minutes of the Ordinary Council Meeting held on 16 September 2021 be confirmed as a true and accurate record of the proceedings.***

**COUNCIL RESOLUTION**

**Motion**

**Moved Cr**

**Seconded Cr**



## 11. REPORTS OF OFFICERS

### 11.01 FINANCIAL STATEMENTS FOR SEPTEMBER 2021

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<b>Attachment:</b>	Monthly Financial Statements September 2021
<b>File Ref:</b>	Nil
<b>Author:</b>	KP O'Neill - Manager Finance and Administration
<b>Date:</b>	15 October 2021
<b>Disclosure of Interest:</b>	Nil

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#### SUMMARY

Council to consider the monthly financial report for the period ending 30 September 2021.

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

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

#### COMMENT

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

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

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

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

#### CONSULTATION

Nil



**STATUTORY ENVIRONMENT***Local Government (Financial Management) Regulations 1996***34. Financial activity statement report**

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

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Strategic Community Plan 2018-2028

KRA One - Our People

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

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

**FINANCIAL IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

*That the Financial Statements for the period ending 30 September 2021 be received.*

**COUNCIL RESOLUTION**

Motion

Moved Cr

Seconded Cr

**11.02 CREDITORS ACCOUNTS PAID SEPTEMBER 2021**


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<b>Attachment:</b>	List of Payments for September 2021
<b>File Ref:</b>	Nil
<b>Author:</b>	KP O’Neill – Manager Finance and Administration
<b>Date:</b>	15 October 2021
<b>Disclosure of Interest:</b>	Nil

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**SUMMARY**

Council to consider the list of payments made from the Municipal and Trust Funds during September 2021.

**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	1,959,586.15
Trust Fund	0.00
Credit Cards	1,746.43
<b>TOTAL</b>	<b>1,961,332.58</b>

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

*Local Government (Financial Management) Regulations 1996*

**13. Lists of accounts**

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

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

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Strategic Community Plan 2018-2028

KRA One - Our People

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

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

**FINANCIAL IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

*That the list of accounts paid during September 2021, consisting of –*

- *Municipal Fund cheque, EFT and direct debit payments totalling \$1,959,586.15;*
- *Trust Fund cheque payments totalling \$Nil; and*
- *Credit Card payments totalling \$1,746.43*

*be endorsed.*

**COUNCIL RESOLUTION**

Motion

Moved Cr

Seconded Cr

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**11.03 REVIEW OF POLICY 1.25 ATTENDANCE AT EVENTS & FUNCTIONS POLICY**

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<b>Attachment:</b>	<ul style="list-style-type: none"><li>• <b>Current Policy 1.25 – Attendance at Events &amp; Functions Policy</b></li><li>• <b>Draft Policy 1.25 (renamed) Councillor and Chief Executive Officer Attendance at Events &amp; Functions Policy</b></li></ul>
<b>Author:</b>	CG Jackson – Chief Executive Officer
<b>Date:</b>	6 October 2021
<b>Disclosure of Interest:</b>	CEO attendance at events

---

**SUMMARY**

Council to consider a revised policy for the purpose of updating established guidelines to manage matters relating to the attendance of Councillors and the CEO at events and functions.

**BACKGROUND**

The current adopted policy 1.25 Attendance at Events and Function Policy does not clearly deal with the approval process including pre-approved events and it could be implied that activities like WALGA events and others would all be required to be presented to Council. The current policy does not also deal adequately with matters relating to the CEO and the approval processes.

The Shire pursuant to section 5.90A of the Local Government Act 1995, is mandated to adopt a policy that deals with matters relating to the attendance of council members and the CEO at events. This policy is required to help manage the disclosure of interests relating to gifts in matters affecting local government decisions – specifically this policy aims to establish a means by which the Shire can determine when a gift related to attendance at an event is an excluded gift and does not require disclosure. Any invitations that are not approved for exclusion under this policy must follow the normal gift declaration and disclosure practices associated with the Local Government Act.

**COMMENT**

Is recommended that the current policy name be amended to **Councillor and Chief Executive Officer Attendance at Events and Functions Policy** and that the following sections be amended.

- Retain Purpose subheading and replace first paragraph with the following;

The Shire pursuant to section 5.90A of the Local Government Act 1995, is mandated to adopt a policy that deals with matters relating to the attendance of council members and the CEO at events. This policy is required to help manage the disclosure of interests relating to gifts in matters affecting local government decisions – specifically this policy aims to establish a means by which the Shire can determine when a gift related to attendance at an event is an excluded gift and does not require disclosure. Any invitations that are not approved for exclusion under this policy must follow the normal gift declaration and disclosure practices associated with the Local Government Act.

- Delete the sub heading Provision of tickets to events and add Policy Detail.
- Delete section 1.3
- Add new point 2 heading as follows

## Pre-Approved Events

In line with the objectives of this policy, the below events have been pre-approved and attendance at these events will not need to be disclosed if invitations are received. Nothing in this section mandates attendance at any of these events or raises an expectation of free or discounted tickets to these events.

- a) Any public event which is free
- b) Invitations to attend events being hosted by other Local Governments, State Government or Federal Government/Ministerial agencies.
- c) Meetings of clubs or organisations within the Shire of Broomehill Tambellup;
- d) Australian or West Australian Local Government Association events;
- e) Events hosted by sporting clubs, schools or not for profit organisations within the Shire of Broomehill Tambellup or the District
- f) All Shire hosted or sponsored events
- g) Events run by professional associations of which employees are members or to which membership is encourage by the CEO for the benefit of the Shire.
- h) Opening or launch of an event or facility within the Shire of Broomehill Tambellup or District.
- i) Recognition of Service events within the Shire of Broomehill Tambellup or District

Pre-approved events that require payment by the Shire such as the annual WALGA Convention and CEO LG Professional's conference must have a suitable allocation of funding in the annual budget. The Shire President may approve events for Councillors and the CEO and the CEO may approve events for employees.

- Approval of attendance

Amend number to point 3 and amend the current 2.1 as follows;

3.1 In making a decision on attendance at an event **that is not pre-approved** the council will consider:

Add Clause 3.1 (h) Budget considerations.

Amend 2.2 to 3.2 as follows;

3.2 Decisions to attend events in accordance with this policy will be made by Council by simple majority or by then Shire President as per point 2 of this policy or by the CEO in accordance with any authorisation provided in this policy **and Policy 2.12 Conference, Seminars and Training Courses-General Staff Attendance.**

- Delete Attachment A

## CONSULTATION

Nil

## STATUTORY ENVIRONMENT

Local Government Act 1995 5.90A.

Policy for attendance at events

(1) In this section — event includes the following — (a) a concert; (b) a conference; (c) a function; (d) a sporting event; (e) an occasion of a kind prescribed for the purposes of this definition;

(2) A local government must prepare and adopt\* a policy that deals with matters relating to the attendance of council members and the CEO at events, including — (a) the provision of tickets to events; and (b) payments in respect of attendance; and (c) approval of attendance by the local government and criteria for approval; and (d) any prescribed matter;

(3) A local government may amend\* the policy. \* Absolute majority required.

(4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section;

(5) The CEO must publish an up-to-date version of the policy on the local government’s official website.

Subdivision 1 – Disclosure of financial interest in matters affecting local government decisions - Section 5.59 – 5.73

Specifically, section 5.62 part (1B) A gift is an excluded gift — (a) if — (i) the gift is a ticket to, or otherwise relates to the relevant person’s attendance at, an event as defined in section 5.90A(1); and (ii) the local government approves, in accordance with the local government’s policy under section 5.90A, the relevant person’s attendance at the event; or (b) if the gift is in a class of gifts prescribed for the purposes of this subsection.

- s 5.87A and 5.87B Council members and CEOs are required to disclose gifts that are received in their capacity as a Council member (or CEO) and

- are valued over \$300; or

- are of a cumulative value that exceeds \$300 where the gifts are received from the same donor in a 12-month period.

Local Government (Administration) Regulations 1996 – r.34B – required code of conduct contents about gifts to employees Local Government (Rules of Conduct) Regulations 2007.

**POLICY IMPLICATIONS**

As per amended policy.

**STRATEGIC IMPLICATIONS**

Strategic Community Plan 2018-2028

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

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

\* **Absolute Majority** required

**OFFICER RECOMMENDATION**

***That Council***

- 1. Change the name of Policy 1.25 from Attendance at Events and Function Policy to 1.25 Councillor and Chief Executive Officer Attendance at Events and Functions Policy;**
- 2. Adopt the amended policy Councillor and Chief Executive Officer Attendance at Events and Functions Policy as attached;**
- 3. In accordance with Section 5.90A Subsection 5 of the Local Government Act 1995 publish the up-to-date version of the policy on the Shire of Broomehill Tambellup official website.**

**COUNCIL RESOLUTION**

**Motion**

**Moved Cr**

**Seconded Cr**

## 11.04 REVIEW OF POLICY 1.11 ELECTED MEMBER TRAINING AND PROFESSIONAL DEVELOPMENT POLICY

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<b>Attachment:</b>	Existing Policy and revised Policy 1.11
<b>File Ref:</b>	ADM109
<b>Author:</b>	CG Jackson – Chief Executive Officer
<b>Date:</b>	12 October 2021
<b>Disclosure of Interest:</b>	Nil

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### SUMMARY

Council to review the Elected Member Training and Professional Development Policy.

### BACKGROUND

The Elected Member Training and Professional Development Policy was last reviewed in October 2020 and the Local Government Act requires that it be reviewed after each ordinary election.

### COMMENT

Following review of the policy the following amendments are proposed.  
That second paragraph of Point 3 be amended as follows

### 3. ANNUAL CONFERENCE AND TRAINING EXPENSE ALLOCATION

In addition to the annual budget allocation **Council may include sufficient funds** to cover the attendance by

- the President at the Annual National Congress;
- two elected members at the National Roads Congress.

The policy current reads that the President and two elected members will always attend these national events when dependent on the location each year Council may at the annual budget choose to include an allocation or not.

That Point 8 is added to the policy;

### 8. REVIEW

In accordance with Section 5.128 (5) (a) of the Local Government Act 1995 the Elected Member Training and Professional Development Policy 1.11 be reviewed after each ordinary election.

No further amendments are proposed.

### CONSULTATION

Nil

### STATUTORY ENVIRONMENT

*Local Government Act 1995*

5.128. Policy for continuing professional development

(1) A local government must prepare and adopt\* a policy in relation to the continuing professional development of council members. \* Absolute majority required.

(2) A local government may amend\* the policy. \* Absolute majority required.

(3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

(4) The CEO must publish an up-to-date version of the policy on the local government's official website.



- (5) A local government —  
**(a) must review the policy after each ordinary election; and**  
**(b) may review the policy at any other time.**

#### **POLICY IMPLICATIONS**

As per this policy review item.

#### **STRATEGIC IMPLICATIONS**

Strategic Community Plan 2018-2028

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#### **FINANCIAL IMPLICATIONS**

Nil

#### **VOTING REQUIREMENTS**

\*\*Absolute Majority

#### **OFFICER RECOMMENDATION**

*That Council*

- 1. Confirm review of the Elected Member Training and Professional Development Policy 1.11 as required by Section 5.128 (5) (a) of the Local Government Act 1995**
- 2. Adopt the amended policy with the proposed amendments as attached.**
- 3. In accordance with Section 5.128 (4) of the Local Government Act 1995 publish the up-to-date version of the policy on the Shire of Broomehill Tambellup official website.**

#### **COUNCIL RESOLUTION**

Motion

Moved Cr

Seconded Cr

**11.05****NEW POLICY 1.29 USE OF COMMON SEAL**

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<b>Attachment:</b>	Draft Policy 1.29 Use Common Seal
<b>File Ref:</b>	Common Seal Register
<b>Author:</b>	A Richardson – Governance and Executive Assistance
<b>Date:</b>	13 October 2021
<b>Disclosure of Interest:</b>	Nil

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**SUMMARY**

Council to consider adoption of a new Policy relating to use of the Shire of Broomehill-Tambellup Common Seal.

**BACKGROUND**

A common seal is a stamp that companies/corporate bodies use to execute their documents. Section 127 of The Corporations Act 2001 (Cth) sets out ways in which a company/authority can execute its documents. As stated in the legislation, a company may choose to execute documents by using a common seal stamp, mainly for significant contracts, loan documents and guarantees and when a third party requires its use.

**COMMENT**

Execution of Documents - to establish the circumstances under which the official Council (Common) Seal may be affixed to documents and allow for the signing of electronic documents without the Common Seal.

**CONSULTATION**

Chief Executive Officer

**STATUTORY ENVIRONMENT**

Local Government Act 1995 Section 9.49A Execution of Documents  
Corporations Law Sections 126 and 127 of the Corporations Act 2001  
Local Government Act 1995 Section 2.5(2)

**POLICY IMPLICATIONS**

Adoption of Policy 1.29 Common Seal Policy

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

KRA One – Our People

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

**FINANCIAL IMPLICATIONS**

Nil. Adoption and implementation of the Policy has no effect on financial matters.

**VOTING**

By Absolute Majority

**OFFICER RECOMMENDATION**

That Council adopts Policy 1.29 Use of Common Seal.

**COUNCIL RESOLUTION**

**Motion**

**Moved Cr**

**Seconded Cr**

**11.06 SOUTHERN LINK VROC – ENDORSEMENT OF STRATEGIC PLAN**

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<b>Attachment:</b>	Southern Link VROC – Strategic Directions (2021-2024)
<b>File Ref:</b>	ADM0519
<b>Author:</b>	CG Jackson – Chief Executive Officer
<b>Date:</b>	7 October 2021
<b>Disclosure of Interest:</b>	Nil

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**SUMMARY**

Council to endorse the new Southern Link Voluntary Regional Organisation of Councils (VROC) Strategic Directions (2021-2024)

**BACKGROUND**

The Southern Link VROC was formed in 2008, with the purpose being *‘To formulate and coordinate plans and to share resources and knowledge to achieve the efficient use of Local, State and Federal Government and Private resources, to lobby governments and to cooperate and liaise with stakeholders’*. Member Councils at the inaugural meeting were the Shires of Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet.

The focus of the VROC at that time was to plan and deliver regionally significant projects across member local governments, which were funded through the Royalties for Regions (RfR) program. Projects included storm water harvesting and waste water reuse initiatives, establishment of waste transfer stations in each community, provision of independent living accommodation and construction of the regional Records Archive facility in Broomehill. These projects were the outcome of early VROC meetings where common priorities amongst the member Councils were identified.

The VROC’s initial planning document was adopted in 2012, reviewed in 2015, and has subsequently been reviewed in 2021. Bevan Bessen (Tuna Blue Pty Ltd) completed the review over two sessions with VROC Elected Member Representatives and Chief Executive Officers, with the Plan finalised at the Southern Link Full VROC meeting held on 31 May 2021.

The Plan, which includes the recommendation to extend membership to the Shires of Katanning and Gnowangerup, was endorsed by the VROC at that meeting, and recommended for adoption by member Councils.

**COMMENT**

The Strategic Directions (2021 – 2024) is the framework for the excellent working relationship that has developed between six Local Government Authorities in the Great Southern region of Western Australia.

In the first Strategic Directions (2015 – 2020), the Councils spent time working out the basis of the VROC approach and focused on priorities such as the provision of aged housing and independent living facilities, the development of regional records archiving, water recycling and regional road initiatives.

The current plan is now based on the value and benefits to be achieved from an expanded sub-regional group as a result of agreement in principle on the additional participation of the Shire of Gnowangerup and the Shire of Katanning. The focus is on building advocacy strength as a significant sub-regional bloc.

**CONSULTATION**

Elected Member representatives and Chief Executive Officers – Southern Link VROC Member Councils

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

*Strategic Community Plan 2018-2028*

Key Result Area 1: Our People

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

Contained within this objective is Action 1.5.2.3 – Collaborate with regional partners and other organisations on matters of importance to the community.

**FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council adopts the reviewed Strategic Directions (2021-2024) of the Southern Link Voluntary Regional Organisation of Councils as presented.**

**COUNCIL RESOLUTION**

**Motion**

**Moved Cr**

**Seconded Cr**

**11.07 CORPORATE BUSINESS PLAN 2018-2022 QUARTLERY PROGRESS REPORT**

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<b>Attachment:</b>	Corporate Business Plan 2018-2022 Quarterly Progress Report – July – September 2021
<b>File Ref:</b>	ADM0543
<b>Author:</b>	PA Hull - Strategic Support & Projects Officer
<b>Date:</b>	7 October 2021
<b>Disclosure of Interest:</b>	Nil

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**SUMMARY**

Council to receive the Corporate Business Plan 2018-2022 Quarterly Progress Report for the period July - September 2021.

**BACKGROUND**

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





The Corporate Business Plan is a medium term document which covers the first four years of the Strategic Community Plan 2018-2028. A major review of the Corporate Business Plan is completed at the end of the four year period in conjunction with the major review of the Strategic Community Plan. A yearly desktop review is also conducted to review the financial implications for the year ahead in context of the annual budget, Strategic Resource Plan and other informing documents.

Council adopted the Corporate Business Plan 2018-2022 at the April 2019 Ordinary Meeting. A desktop review of the document was completed and endorsed at the July 2021 Ordinary Council meeting.

**COMMENT**

While not compulsory, the quarterly report (attached) provides Council and the community with a ‘snapshot’ of progress towards achieving the objectives of the Strategic Community Plan, for the quarter July - September 2021.

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

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

Senior staff have provided input into the July - September 2021 quarterly report. This quarter, a number of initiatives previously shown as ‘On track’ are noted as ‘Being monitored’, in particular:

**Drought Communities Program (DCP) projects:** Endorsed projects are as follows:

<b>Project</b>	<b>Budget</b>
Adverse Events Plan / Audit	\$25,000
Water Efficiency (standpipe controllers)	\$50,000
Broomehill Recreational Complex Accessibility Upgrade	\$150,000
Broomehill Townscape Enhancement	\$110,000
Broomehill Nature Play Park	\$100,000
Holland Track Interpretive Centre	\$115,000
Tambellup Townscape / Town Centre	\$370,000
Tambellup Youth Centre	\$80,000
	<b>\$1,000,000.00</b>

**Broomehill Recreational Complex Accessibility Upgrade:**

Initial quotes received for these works far exceeded the budget allocation. A review of the design identified areas of potential savings, the plans and scope of works were amended accordingly and contractors were requested to re-quote on the updated plans and information. Revised incoming quotes were still over budget however to allow these works to proceed, a budget amendment was approved by Council at the Special Council Meeting on 2 September 2021 to reallocate \$32,000 of DCP funding as follows:

<b>Project</b>	<b>Adopted Budget</b>	<b>Amendment</b>	<b>Revised Budget</b>
Broomehill Recreational Complex Accessibility Upgrade	\$150,000	+ \$32,000	\$182,000
Holland Track Interpretive Centre	\$115,000	- \$32,000	\$83,000

The successful quote for the Holland Track Interpretive Centre was well under budget, and the reallocation of funds will not impact on the delivery of this project. The contract for the Broomehill Recreational Complex Accessibility upgrade has been awarded, and works have commenced.

**Broomehill Townscape Enhancement**

A further budget amendment was approved at the Ordinary Meeting of Council on 20 September 2021, to reallocate funding as follows:

<b>Project</b>	<b>Adopted Budget</b>	<b>Revised Budget</b>
Broomehill Townscape Enhancement	\$110,000	\$560,000
Tambellup Townscape / Town Centre	\$370,000	\$0
Tambellup Youth Centre	\$80,000	\$0

Tenders were called for the two townscape projects, and all submissions received exceeded the budget. As a result, Council determined at the September Ordinary Council meeting to accept no tenders. Council’s approval of the budget amendment above increases the budget for the Broomehill Townscape Enhancement project to \$560,000, which includes provision for project management by H&H Architects, and the painting of the exterior of the Broomehill Hotel (to be confirmed).

The Tambellup Townscape/Town Centre and Tambellup Youth Centre projects have been withdrawn from the DCP projects. Funding has been allocated from the Local Roads and Community Infrastructure Program Round 3 for upgrades at the Youth Centre, and the Tambellup Townscape and Town Centre plans will be rescoped and costed, for further consideration.

The Broomehill Townscape Enhancement plans have been revised to bring the extent of the works back within the existing road reserves. It is anticipated this will reduce the cost of the project, but will also maintain the current pavement width on Journal St required for heavy vehicle traffic turning onto and off Great Southern highway.

New quotes were requested through the WALGA eQuotes Vendor Panel on 7 October 2021, closing on 28 October 2021. A recommendation for awarding of the contract will be brought to the November Council meeting.

The revised DCP budget for all projects is as follows:

<b>Project</b>	<b>Budget</b>	<b>All</b>
Adverse Events Plan / Audit	25,000	<u>All</u>
Water Efficiency (standpipe controllers)	50,000	
Broomehill Recreational Complex Accessibility Upgrade	182,000	
Broomehill Townscape Enhancement	560,000	
Broomehill Nature Play Park	100,000	
Holland Track Interpretive Centre	83,000	
Tambellup Townscape / Town Centre	0	
Tambellup Youth Centre	0	
	<b>\$1,000,000.00</b>	

**Other projects:**

The status of remaining projects is as follows:

- Adverse Events Plan – progressed, requires staff review prior to presentation to Council for endorsement;
- Water Efficiency – the Broomehill standpipe controller has been installed on the new tank at the Town Dam. Awaiting installation of the second tank at the Tambellup Works Depot, prior to installation of the controller.
- Broomehill Recreational Complex Accessibility upgrade – works have commenced with excavation of paths and concreting under way;
- Broomehill Nature Play Park – the contract has been awarded to South Coast Nature Play with play equipment to be constructed on site. The contractor is currently sourcing materials.
- Holland Track Interpretive Centre – the contract has been awarded to Wayfound, with the initial community meeting held on 10 September. The contractor advises his researcher is undertaking the research required for signage content, and he is obtaining quotes from local contractors for installation of all elements.

Staff applied to DCP program managers for an extension to the project end date, to 31 March 2022, to enable the Broomehill Townscape works to be completed. This request has been approved for all projects, and staff will now focus on ensuring this date is met. Staff are confident all works (as amended) will be completed however the projects will be closely monitored.

**Great Southern Housing Initiative:** The Shire has taken over completion of the key worker houses in Broomehill and good progress in being made. Staff are waiting on the final signoff of the broader project (funded by Building Better Regions Fund) and payment of the final funding instalment which will reimburse final costs incurred by all participants. The formal opening of the project is scheduled to be held in Kojonup on 10 December 2021.

The nature of the Shire’s Corporate Business plan is that the majority of actions are incorporated into ‘day to day business’ and as such, are never really ‘completed’. The review of the Strategic



Community Plan due in 2022 will provide the opportunity to review strategies and actions where there has been little or no progress.

The progress report will be made available for community information.

For discussion.

## **CONSULTATION**

CEO

Senior staff

## **STATUTORY ENVIRONMENT**

*Local Government (Administration) Regulations 1996:*

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

## **POLICY IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Strategic Community Plan 2018-2028

Key Result Area 1: Our People

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

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

## **FINANCIAL IMPLICATIONS**

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

## **VOTING REQUIREMENTS**

Simple majority

## **OFFICER RECOMMENDATION**

*That Council receives the Corporate Business Plan 2018-2022 Quarterly Progress Report for the period July-September 2021.*

## **COUNCIL RESOLUTION**

**Motion**

**Moved Cr**

**Seconded Cr**



## 11.08 PRELIMINARY REPORT – APPLICATION TO AMEND EXISTING DAP APPROVAL FOR WIND FARM ON VARIOUS LOTS – APPLICATION TO BE DETERMINED BY A DEVELOPMENT ASSESSMENT PANEL [DAP]

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<b>Attachment:</b>	<ol style="list-style-type: none"> <li>1. Location Plan showing lots subject to the application and objector locations</li> <li>2. Modified approval 2017</li> <li>3. Proposed 2021 site plan</li> <li>4. Site plan comparing the 2013, 2017 and 2021 layout</li> <li>5. List of Additional Information requested</li> <li>6. List showing proposed modified conditions</li> </ol>
<b>File Ref:</b>	ADM283
<b>Author:</b>	CG Jackson – Chief Executive Officer
<b>Date:</b>	14 October 2021
<b>Disclosure of Interest:</b>	Nil

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### SUMMARY

An application has been lodged seeking amendments to an existing planning approval issued by a Development Assessment Panel (DAP) on the 22 May 2017.

At the time of writing this report the application was placed on hold to allow the applicant to lodge additional information.

Town Planning Innovations (TPI) will prepare a Responsible Authority Report for the DAP. Council will need to determine whether to hold a Special Council meeting in order to provide a formal Council recommendation to the DAP, or to simply authorise Town Planning Innovations (TPI) to lodge the Responsible Authority Report (RAR) to the DAP.

TPI can include a comment from Council in the Responsible Authority Report if desired by Council. The Council will have representation on the DAP who is the determining authority for the application.

This is only a preliminary report on the application. A full assessment has not been completed however some of the main elements of the application are discussed in this report.

### BACKGROUND

- **Location**

The application relates to several lots which have been divided according to property/farm names – refer **Attachment 1**. It includes lots at Euvista, Kinghurst, The Meadows, Intaba and Yentecup with a combined area of approximately 6480 hectares.

- **Council consideration / Original application (2012/2013)**

The original (first) application was lodged on the 30 November 2021 for 44 Vesta V100 1.8MW wind turbines. A preliminary report on the wind farm was considered by the Shire Council on the 20 December 2012, and it was advertised for public comment.

- **DAP consideration / Original application (February 2013)**

At a meeting held on the 26 February 2013 the Great Southern Joint Development Assessment Panel (JDAP) resolved that the wind farm is not consistent with the objectives and purposes of the Farming zones under the Shire of Broomehill Town Planning Scheme No 1 and the Shire of Tambellup Town Planning Scheme No 2.

The JDAP did not provide a reason for overturning the officer recommendation of conditional approval, which is reflected in the minutes.

- **DAP reconsideration / Original application (July 2013)**

The applicant lodged an application seeking a review of 2013 JDAP decision to the State Administrative Tribunal (SAT). As a result of an Order issued by SAT, the JDAP reconsidered the reviewable decision on the 19 June 2013.

The JDAP resolved that the wind farm was consistent with the objectives and purposes of the Farming zones under both Shire Town Planning Schemes. Conditional approval was granted.

The conditional approval allowed flexibility for micro-siting of turbines and for an alternative wind turbine to be used (with a revised noise assessment).

- **Amendment to DAP approval (March 2017)**

On the 9 December 2016 an application was lodged to amend the original 2013 approval.

The amendment proposed to:

- (a) Change the wind turbine model from Vestas V100 1.8MW to Vestas V126 3.45MW.
- (b) Reduce the number of wind turbines from 44 to 27 in the Shire of Broomehill Tambellup.
- (c) Modify the conditions to reflect the revised plans.

A revised approval was issued by the Southern JDAP on the 22 May 2017 – **Attachment 2**.

#### **COMMENT**

- **Current 2021 Application**

A new application has been lodged seeking amendments to the existing May 2017 approval to:

- (a) Change the wind turbine model from Vestas V126 3.45MW to Vestas V150 4.2MW. The new model has a maximum height of 200 metres to the tip of the blade.
- (b) Change the number of turbines from 27 to 35 in the Shire of Broomehill Tambellup.
- (c) Modify Conditions 1, 5 & 10 and extend the time for substantial commencement.

At the time of writing this report the applicant was organising a revised Form 2 to include changes to Conditions 2 and 3 of the May 2017 approval.

The new site plan is included as **Attachment 3**.

The applicant also proposes turbines within the Shire of Kojonup, which were approved by the Kojonup Shire at the Ordinary meeting of Council held on the 28 September 2021.

- **Supporting Information**

The applicant has lodged the following supporting reports as part of the application:

- DA Amendment Application Report
- Noise Impact Assessment (July 2021) – *Herring Storer Acoustics*
- Review of Landscape and Visual Impact Assessment (May 2021) – *William James Landscape Architect*
- Zones of Visual Influence Maps (April 2021 – *DNV Energy*)
- Shadow Flicker and Blade Glint Assessment – *DNV Energy*

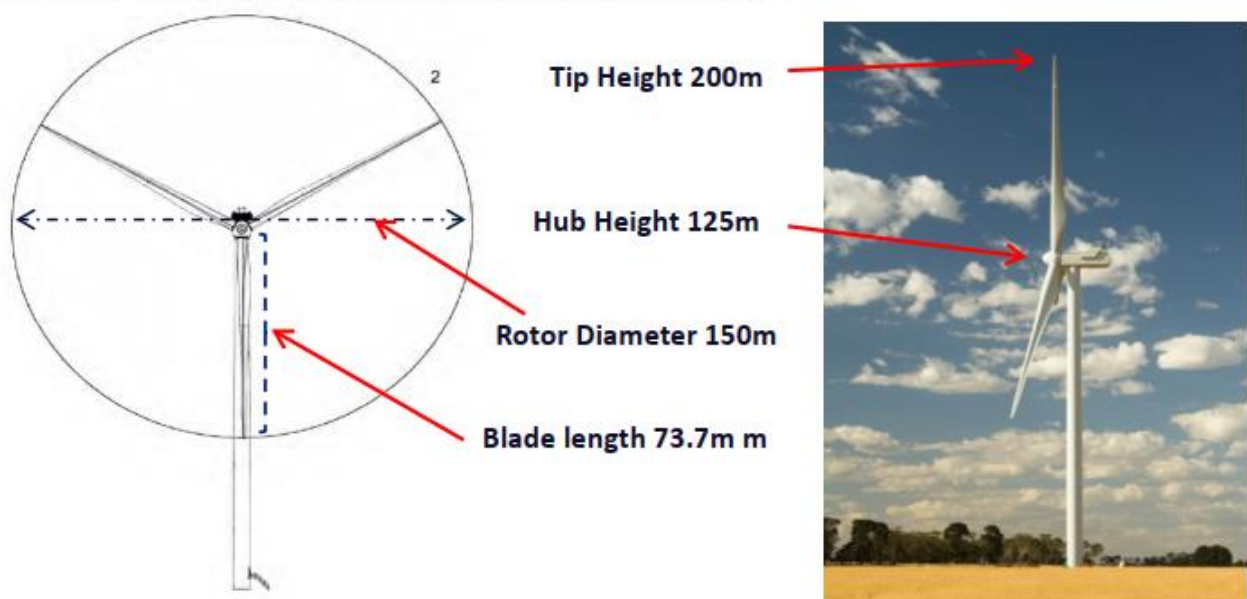
All reports are available to Councillors on request.

- **Comparison of approvals 2013, 2017 and 2021**

The table below summarises the changes in the size of the proposed wind turbines:

Original Application 2013	Current Approval 2017	Current Application 2021	Difference between current 2017 approval and current application 2021 (metres)
Tower – up to 93 metres	Tower – up to 117 metres	Tower – up to 125 metres	8
Tip height – up to 160 metres	Tip height – up to 180 metres	Tip height – up to 200 metres	20
Rotar diameter – up to 112 metres	Rotar diameter – up to 126 metres	Rotar diameter – up to 150 metres	24
Blade length – up to 56 metres	Blade length – up to 62 metres	Blade length – up to 73.7 metres	11.7

**FIGURE 7: Vestas V150 4.2 MW Wind Turbine Specifications**



Above: Current 2021 elevation

The table below summarises the changes in the number of the proposed wind turbines:

Original Application 2013	Current Approval 2017	Current Application 2021
44	27	35

It should be noted that the location of turbines has not changed, however the numbers have changed.

A plan comparing the three approvals is included as **Attachment 4**.

- **Noise**

Herring Storer has provided an updated Noise Impact Assessment (July 2021) for the proposed amendments.

The information provided examines the overall impact of the wind turbines in this application collectively with the wind turbines already approved to the west in Kojonup Shire.

The noise impact of the revised wind farm has been assessed in accordance with the South Australia Environmental Protection Authority 'Wind farms - Environmental noise guidelines (interim) – December 2007'. This is consistent with the recommendations of the WA Planning Commission Planning Bulletin No 67 on wind farms.

The predicted noise level (LAeq,10 minutes), adjusted for tonality, should not exceed:

- 35dB(A)
- 40 dB(A) in a primary production / rural industry zone or
- the alternative minimum criteria (varying with wind speed)
- the background noise(LA90,10 minutes) by more than 5dB(A).

The report identifies dwellings on lots with proposed turbines as 'SH' denoting 'stake holder'. Dwellings on lots outside of the application are referred to as 'NSH' denoting 'non stakeholder'.

The report concludes that all calculated noise emissions for 'non stakeholders' and 'stakeholders' have been found to be in compliance with the noise criteria based on background noise monitoring.

The Noise Impact Assessment was referred to the Department of Water and Environmental Regulation who have advised that :

- (a) The manufacturer's specifications indicate that the sound power levels associated with the larger turbine (Vestas V150 4.2 MW) are not higher, but actually lower than that associated with the much smaller turbine originally proposed (V100 1.8 MW turbines), particularly when the low noise level model (blades with serrated trailing edge) is selected. This makes sense as there has been fast development of wind turbine technology in recent years, which has led to turbines with lower sound power levels
- (b) Although the number of turbines proposed for this amendment has slightly increased from the last amendment from 41 to 42, it is still significantly fewer than the original proposal of 74. Together with the fact that all the 42 turbines proposed in this new amendment will still be located within the previously proposed project footprint, DWER (Environmental noise Branch) advises that noise generated from the proposed amendment to Flat Rocks Wind Farm will meet the noise criteria.

- **Blade and Shadow Flicker**

The amendment includes a revised Shadow Flicker report, based on methodology of the Australian Draft National Wind Farm Guidelines ('the Guidelines') published by the Environmental Protection and Heritage Council.

The recommended limit for shadow durations is 30 hours per year within 50 metres of a dwelling. The report identifies that two stakeholder dwellings are expected to experience actual shadow flicker above the applicable limits. Both stakeholders own land subject of the current application. One is the applicants house, and the other house is in the Kojonup Shire.

- **Visual Impact Assessment**

The applicant has lodged a Review of the previous Landscape and Visual Assessment which incorporates new Zone of Influence maps reflecting the revised turbine model.

The report compares the current 2021 proposal with the original 2013 proposal and concludes:

- 13 out of a total of 23 comparisons result in less hubs being visible in the 2021 layout than in the original 2011 layout.
- 6 out of 23 comparisons are less clear cut as the range of possible sightings has changed from the original 2011 ZVI mapping. On probabilities, however, it is likely that less will be visible in the 2021 layout.
- One out of 23 comparisons would see more hubs<sup>4</sup> in the new layout.
- 3 out 23 non-stakeholder house would possibly see more hubs in the new layouts<sup>5</sup>. Given that there will be fewer tips visible it is likely that the total impact on these houses will be the same for the original and the revised layouts. One house that may see more hubs is uninhabited.
- One non stakeholder house (NSH 14) will see more towers and hubs. The dwelling is currently unoccupied.

The main point made in the Visual Impact Assessment is that the current proposal will still result in significantly less, although larger, turbines than the original 44 turbine proposal.

It states that '*As a general principal, it is preferable to have fewer, larger objects introduced into a landscape than more objects of a smaller size. The latter results in more visual clutter in the landscape.*'

TPI has requested additional information with some comparison between the current 2017 approval and the revised 2021 approval.

- **Application Status/ Request for Additional Information**

TPI has requested additional information be provided by the applicant by the 28 October 2021. The applicant has agreed to the request so a 'stop the clock' notice is currently in place to pause the statutory process.

The list of additional information requested is included as **Attachment 5**. Once all the information has been provided it will be lodged to the DAP, and the statutory timeframe (for processing the application) will recommence.

- **Proposed Condition changes**

The applicant has lodged a DAP Form 2 proposing to change the wording of Conditions 1, 5 and 10 of the existing 2017 approval. The condition changes are highlighted in **Attachment 6**.

The Development Assessment Panel can only consider modifying the conditions nominated by the applicant.

TPI has advised the DAP and the applicant that:

- (a) They need to apply to modify Condition 2 as it restricts the number of turbines to 27 and 35 are now proposed.
- (b) They need to apply to modify Condition 3 as it refers to the 2017 site plan, and a new site plan is proposed.

At the time of writing this report the applicant was organising a new Form 2 which has to be signed by all the landowners. The new Form 2 will include Conditions 2 and 3.



**CONSULTATION**

The application has been advertised for public comment. There were 3 objections lodged by nearby landowners. The objector locations are shown in the **Attachment 1** map.

The main concerns raised were ;

Summary of Issues	Comment
Impact of shadow flicker	The Shaddow Flicker report identifies that the only two dwellings that are expected to experience actual shadow flicker above the applicable limits are for two stakeholders.
Impact of noise	<p>The Noise Impact Assessment concludes that all calculated noise emissions for ‘non stakeholders’ and ‘stakeholders’ have been found to be in compliance with the noise criteria based on background noise monitoring.</p> <p>DWER (Environmental Noise Branch) advises that noise generated from the proposed amendment to Flat Rocks Wind Farm will meet the noise criteria.</p>
Concerns over impacts to farmland and not just to houses	Noise and impacts are measured in terms of the location of sensitive premises which includes houses.
Concerns over visual impact and increase in height	<p>The heights are proposed to be increased however the numbers are proposed to be decreased, compared to the original 2013 approval.</p> <p>TPI has requested additional information on the comparison between the 2017 and current proposal. It is recognised that there will be an increase in numbers from the last 2017 approval.</p>
Health Impacts	<p>This issue of health impacts was comprehensively examined as part of the original 2013 and 2017 applications.</p> <p>The Department of Health did not raise any concern over the previous application.</p> <p>The DAP also did not raise any concerns over potential health impacts in 2013 or 2017.</p> <p>It is important to note that the DAP can only consider the proposed changes to the development. It is therefore unlikely that the DAP will revisit the issue of health impacts raised by objectors.</p>
Issue that the changes are a substantial change to the proposed development	<p>There is limited guidance on what constitutes a substantial change. Ultimately this is a matter that has to be determined by the DAP.</p> <p>The DAP is the only body capable with deciding whether a Form 2 should be accepted or rejected, sitting with appropriate authority as a quorum.</p> <p>The applicant provided legal advice for the previous 2017 application confirming that those changes fell within Regulation 17(1)(c) of the <i>Planning and Development (Development Assessment Panels) Regulations 2011</i>.</p>

Letters of no objection, support or general comments have also been lodged by ;

- Department of Planning, Lands and Heritage Albany
- Air Services Australia
- Department of Planning, Lands and Heritage
- Department of Fire and Emergency Services
- Main Roads WA
- Department of Primary Industries and Regional Development
- Civil Aviation Safety Authority
- Shire of Kojonup

### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

Shire of Broomehill Town Planning Scheme No 1

Shire of Tambellup Town Planning Scheme No 2

Development Assessment Panel Regulations 2011

### **POLICY IMPLICATIONS**

There no known policy implications.

### **STRATEGIC IMPLICATIONS**

Strategic Community Plan 2018-2028

KRA One – Our People

### **FINANCIAL IMPLICATIONS**

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

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

*That Council*

1. ***Note that the application has been advertised for public comment and that a Responsible Authority Report will need to be prepared by Town Planning Innovations for consideration at a future Development Assessment Panel meeting.***
2. ***Note that the Responsible Authority Report was originally due by the 10 November 2021, however the due date will be extended as the application is currently on hold to allow the applicant to lodge additional information by the 28 October 2021.***

### **FOR COUNCIL DISCUSSION**

3. ***Authorise Town Planning Innovations (Liz Bushby) to compile and lodge a Responsible Authority Report to the Development Assessment Panel on behalf of the Shire of Broomehill Tambellup within the 90 day statutory time period without any further referral to Council, however note that there are local government representatives on the DAP.***

**OR**

4. ***Authorise Town Planning Innovations (Liz Bushby) to compile a Responsible Authority Report to be referred to a Special Council meeting scheduled for \_\_\_\_\_ prior to lodgement to the Development Assessment Panel. This would allow the Council to include their own recommendation to the DAP.***

**AND/OR**

5. ***Note that if Council has any specific comment, they can be included in the Responsible Authority Report.***

**COUNCIL RESOLUTION**

**Motion**

**Moved Cr**

**Seconded Cr**

- 12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**
- 13. APPLICATIONS FOR LEAVE OF ABSENCE**
- 14. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 15. QUESTIONS FROM MEMBERS WITHOUT NOTICE**
- 16. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**
- 17. CLOSURE**