



MINUTES

Ordinary Council Meeting 18 August 2022

These minutes were confirmed at the Ordinary Meeting held on Thursday 15 September 2022.

Signed: Cr White, Shire President
Thursday 15 September 2022

SHIRE OF BROOMEHILL-TAMBELLUP

MINUTES

Minutes of an Ordinary Meeting of the Council of the Shire of Broomehill-Tambellup
held in the Tambellup Council Chambers on 18 August 2022 at 4.40pm.

Anthony Middleton
Chief Executive Officer

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1. DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The President welcomed Councillors and staff and declared the meeting open at 4.40pm.

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil.

3. ATTENDANCE

Councillors

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

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

4. DISCLOSURE OF INTEREST

Nil.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6. PUBLIC QUESTION TIME

Nil.

7. APPLICATION FOR LEAVE OF ABSENCE

Moved Cr C Dewar, seconded Cr J Wills

That Cr C Letter be granted leave of absence for the Ordinary Meeting of the Council scheduled for 20 October 2022.

CARRIED 7/0
Motion No. 110/22

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING 28 JULY 2022

Moved Cr J Wills, seconded Cr S Penny

RECOMMENDATION/COUCIL DECISION

That the Minutes of the Ordinary Meeting of Council held on 28 July 2022 be confirmed as a true and accurate record of proceedings.

CARRIED 7/0
Motion No: 111/22

9. PRESENTATIONS/PETITIONS/DEPUTATIONS

Nil.

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

10.1 MONTHLY LIST OF PAYMENTS JULY 2022

ATTACHMENT(S)	10.1.1 - Monthly Payments Listing July 2022
FILE NO	Nil
APPLICANT	Nil
AUTHOR	Kay O’Neill – Manager Finance & Administration
DATE	8 August 2022
DISCLOSURE OF INTEREST	Nil

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

SUMMARY

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

BACKGROUND

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

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

COMMENT

Summary of payments made for the month –

	\$
Municipal Fund	343,591.67
Trust Fund	0.00
Credit Cards	1,582.23
TOTAL	345,173.90

Any comments or queries regarding the list of payments is to be directed to the Manager of Finance and Administration prior to the meeting.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

r13. Lists of accounts

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

(a) the payee's name;

(b) the amount of the payment;

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Paganoni, seconded Cr S Penny

That, in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments for July 2022 paid under delegated authority; comprising –

- Municipal Fund cheque, electronic funds transfer (EFT) and direct debit payments totalling \$343,591.67; and
- Credit Card payments totalling \$1,582.23

be endorsed.

CARRIED 7/0
Motion No: 112/22

10.2 VOTING DELEGATES FOR WESTERN AUSTRALIA LOCAL GOVERNMENT (WALGA) ANNUAL GENERAL MEETING

ATTACHMENT(S)	Nil
FILE NO	ADM0159
APPLICANT	n/a
AUTHOR	Annie Richardson, Governance and Executive Assistant
DATE	5 August 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Strategic Community Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA One – People 1.5 – Our Shire demonstrates strong leadership, effective governance and efficient service delivery to our community	S1.5.1 – Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents	A1.5.1.1 Promote and coordinate participation in Councillor training opportunities for Elected Members

SUMMARY

To appoint voting delegates to the Western Australian Local Government Association (WALGA) Annual General Meeting 2022.

BACKGROUND

The WA Local Government Association (WALGA) Annual General Meeting is to be held on Monday, 3 October 2022 in Perth.

In previous years the voting delegates for the Shire of Broomehill-Tambellup have generally been the President and Deputy President.

WALGA also has provision for Council to nominate proxy voting delegates. Council may wish to also consider nominating a proxy voting delegate for the AGM.

Cr White, Cr Barritt, Cr Penny and the CEO will be attending the AGM and State Conference this year.

All member Councils are entitled to be represented by two (2) voting delegates at the AGM. Voting delegates may be either elected members or serving officers. Councils seeking to exercise their voting entitlements must ensure that their voting delegates are appropriately registered. Registrations must be returned to WALGA by Friday 23 September 2022.

Only registered delegates or proxy registered delegates will be permitted to exercise voting entitlements on behalf of Member Councils.

Member Local Governments are invited to submit motions for inclusion on the Agenda for consideration at the 2022 Annual General Meeting of WALGA. Motions should be submitted in writing to the Chief Executive Officer of WALGA.

COMMENT

At June 2021's Council Discussion Session it was suggested that for best practice moving forward, the Great Southern Zone would put forward any clear and concise proposals for a decision to WALGA Annual General Meeting.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government Act 1995

FINANCIAL IMPLICATIONS

Budgeted expenditure under 04101-53 and 04301.53 for attendance of delegates to the WALGA AGM and Annual State Conference including accommodation and events.

POLICY IMPLICATIONS

Policy 1.25 Attendance at Events and Functions Policy

That Council provide within each financial year budget for the cost of Council delegates to attend the Local Government Convention.

RISK MANAGEMENT IMPLICATIONS

Nil.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Paganoni, seconded Cr C Dewar

That the Council appoints Cr White and Cr Barritt as voting delegates to the WA Local Government Association (WALGA) Annual General Meeting to be held on Monday, 3 October 2022 and appoints the CEO Anthony Middleton and Cr Penny as a proxy delegate.

**CARRIED 7/0
Motion No: 113/22**

10.3 TAMBELLUP GOLF CLUB – RATE CONCESSION

ATTACHMENT(S)	Nil
FILE NO	A447
APPLICANT	Tambellup Golf Club
AUTHOR	Kay O’Neill – Manager Finance & Administration
DATE	8 August 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Strategic Community Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA One – Our People 1.4 – Organisations in our community demonstrate strong leadership and commitment	S1.4.1 – Provide support to our community groups to achieve outcomes that benefit the community	A1.4.1.2 – Maintain facilities and infrastructure used by community groups

SUMMARY

For the Council to consider a request for a rate concession for the 2022/2023 financial year.

BACKGROUND

The Tambellup Golf Club (the Club) has written requesting the Council consider granting a concession on rates levied on their property at 235 Rourke Street, Tambellup for the 2022/2023 year.

COMMENT

The Club is a privately owned facility, with around 40-50 financial members per year, that manages and maintains its land and buildings from its own financial resources and volunteer members.

They provide a facility that is available year round to all members of the community, and is used regularly throughout the year by both club members and non-members. The Club is the only sporting facility in the Shire that has Shire rates levied against it.

The Club has been granted a rate concession since the 2000/2001 financial year. Should the Council agree to the rate concession, the Club is still responsible for payment of rubbish and recycling charges, and the Emergency Services Levy

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government Act 1995

s6.47 Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate of service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

** Absolute Majority required*

FINANCIAL IMPLICATIONS

Provision of \$4,000 has been included in the 2022/2023 budget against general ledger account 03111.70 – Rates Written Off in anticipation of such requests.

While rates have not been levied at the time of preparing the Council Agenda, the estimated rates for the Tambellup Golf Club are \$612 for the 2022/2023 year.

POLICY IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

There are no Risk Implications for the Shire.

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr D Barritt, seconded Cr C Letter

That the Tambellup Golf Club be granted a concession on the rate charges levied for the 2022/2023 financial year, estimated to be \$612.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Motion No: 114/22

10.4 ANNUAL REPORT 2020/21

ATTACHMENT(S)	10.4.1 - Annual Report 2020/2021
FILE NO	ADM0035
APPLICANT	Nil
AUTHOR	Kay O’Neill – Manager Finance & Administration
DATE	9 August 2022
DISCLOSURE OF INTEREST	Nil

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

SUMMARY

For the Council to consider the 2020/2021 Annual Report, incorporating the Annual Financial Report and Auditors Report.

BACKGROUND

Section 6.4 of the *Local Government Act 1995* ‘Financial report’ requires that a local government is to prepare an annual financial report for the preceding financial year, in the manner and form prescribed. The accounts and annual financial report must be submitted to the auditor by 30 September each year.

Section 5.54 of the *Local Government Act 1995* ‘Acceptance of annual reports’ requires an Annual Report to be accepted by the local government no later than 31 December in each year unless the Auditor’s Report is not available in time. The *Local Government Act 1995* Section 5.42(2) provides that if the Annual Report is not accepted by the local government by 31 December then it must be presented within two (2) months of the auditor’s report becoming available. The 2020/2021 Audit Report was received on 3 August 2022.

The Audit Committee will be meeting at 1.30pm on Thursday 18 August 2022, to discuss the Annual Report and will make a recommendation to Council. The Officer’s recommendation for the Audit Committee to consider is:

AUDIT COMMITTEE RECOMMENDATION

That the Audit Committee recommends to the Council:

1. In accordance with sections 5.53 and 5.54 of the *Local Government Act 1995* the 2020/2021 Annual Report for the Shire of Broomehill-Tambellup, incorporating the Annual Financial Report and Audit Report, be accepted;
2. In accordance with sections 5.55 and 5.55A of the *Local Government Act 1995* authorise the Chief Executive Officer to give local public notice of the availability of the annual report and publish the report on the Shire's website within 14 days of acceptance;
3. Receive the report required under section 7.12A as contained within this agenda item relating to the Operating Surplus Ratio; and
4. Request the Chief Executive Officer to forward a copy of the report to the Minister as required under section 7.12A and publish the report on the Shire's website.
5. Holds the annual general meeting of electors at 6.00pm on 15 September 2022.

COMMENT

The completion of the audit and the annual financial report confirms the financial data for the 2020/2021 year, including the carried forward surplus position. The Annual Financial Report and auditors report form part of the Annual Report.

The following matters were noted in the auditor's report:

In accordance with the Local Government (Audit) Regulations 1996 I report that:

- (i) *In my opinion, the following material matter indicates a significant adverse trend in the financial position of the Shire:*
 - a) *The operating surplus ratio as reported in Note 31 of the annual financial report has been below the Department of Local Government, Sport and Cultural Industries' standard for past three years.*
- (ii) *The following material matter(s) indicating non-compliance with Part 6 of the Act, the Regulations or applicable financial controls of any other relevant written law were identified during the course of my audit:*
 - a) *Month end reconciliations for bank, sundry debtors, rates debtors, sundry creditors, fixed assets and payroll had not been performed in a timely manner during the year. In addition, manual rates rolling reconciliations had not performed regularly during the year. Reconciliations form a key control for ensuring the completeness and accuracy of financial data within the general ledger from which financial statements are derived. Without these reconciliations being performed on a regular basis there is an increased risk of fraud and or errors going undetected.*
- (iii) *All required information and explanations were obtained by me.*
- (iv) *All audit procedures were satisfactorily completed.*
- (v) *In my opinion, the Asset Consumption Ratio and the Asset Renewal Funding Ratio included in the financial report were supported by verifiable information and reasonable assumptions.*

SIGNIFICANT MATTERS RAISED

In point (i)(a) from the auditor's report above, the Auditor raised that the Operating Surplus Ratio has been below Department of Local Government, Sport and Cultural Industries standard for the past three years.

Section 7.12A of the *Local Government Act 1995* requires a local government to:

(4) *A local government must —*

(a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and

(b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.

(5) *Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.*

The report to the Minister as required under s7.12A is as follows:

The Department of Local Government, Sport and Cultural Industries (DLGSCI) Operational Guideline No. 18 outlines:

'A key indicator of a local government's financial performance is measured by the 'Operating Surplus Ratio'. If a local government consistently achieves a positive operating surplus ratio and has soundly based long term financial plans showing that it can continue to do so in future, having regard to asset management and the community's service level needs, then it is considered financially sustainable.'

The Operating Surplus Ratio is subject to a number of one-off influences, such as the prepayment of financial assistance grants and any abnormal operating expenditure. The ratio reflects a snapshot in time (30 June each year) and, unless reported monthly over the year, a local government's financial performance cannot be reliably measured using this ratio alone.

To improve this ratio, operating revenue needs to increase or operating expenditure needs to decrease. This could be achieved through very direct mechanisms, such as increasing rates or cutting costs, which may not necessarily be in the best interests of the community.

The calculations behind this ratio and the application of Australian Accounting Standards in terms of revenue, see 'Non-Operating Grants Subsidies and Contributions' excluded. Included under this classification is road grants and one-off grants for construction of assets. Road funding, such as Roads to Recovery and Regional Road Group are recurrent local government funding streams that have existed for many years. It is not unreasonable to expect that these funding sources will continue to exist into the future.

These grants fund new assets, asset renewal or upgrade which all flows through into operating expenditure in the form of increased depreciation and maintenance costs,

negatively affecting both sides of the ratio calculation. The ratios required have been under review by the DLGSCI for several years now and new ratios are expected soon.

The 2020/2021 Annual Report, as presented, addresses the requirements of the *Local Government Act 1995*.

CONSULTATION

Auditors – Moore Australia
The Office of the Auditor General
Senior Staff

STATUTORY ENVIRONMENT

Local Government Act 1995 – Part 5 Division 5 Annual Reports and planning; and Local Government (Administration) Regulations 1996, r19B and r19CA

- Prescribes the content of the annual report

Local Government Act 1995 – Part 6 Financial Management; and Local Government (Financial Management) Regulations 1996

- Defines the processes and procedures that apply to the recording and reporting of financial matters.

Local Government Act 1995 – Part 7 Audit; and Local Government (Audit) Regulations 1996

- Defines the audit of the financial accounts of local governments, including the appointment of auditors and the conduct of audits.

FINANCIAL IMPLICATIONS

This item reports on the financial position of the Shire at 30 June 2021. The recommendation itself does not have any financial implications.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

There are no risk implications for this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications for this report.

VOTING REQUIREMENTS

Absolute Majority

AUDIT COMMITTEE RECOMMENDATION/COUNCIL DECISION

Moved Cr J Wills, seconded Cr M Paganoni

That:

1. In accordance with sections 5.53 and 5.54 of the *Local Government Act 1995* the 2020/2021 Annual Report for the Shire of Broomehill-Tambellup, incorporating the Annual Financial Report and Audit Report, be accepted;
2. In accordance with sections 5.55 and 5.55A of the *Local Government Act 1995* authorise the Chief Executive Officer to give local public notice of the availability of the annual report and publish the report on the Shire's website within 14 days of acceptance;
3. Receive the report required under section 7.12A as contained within this agenda item relating to the Operating Surplus Ratio; and
4. Request the Chief Executive Officer to forward a copy of the report to the Minister as required under section 7.12A and publish the report on the Shire's website.
5. Holds the annual general meeting of electors at 6.00pm on 15 September 2022.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

Motion No: 115/22

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

11.1 DEVELOPMENT APPLICATION LOT 30 (NO 1840) WARRENUP ROAD, BROOMEHILL WEST

ATTACHMENT(S)	Nil
FILE NO	A725
APPLICANT	Auspan Building Systems Pty Ltd
AUTHOR	Liz Bushby – Town Planning Innovations
DATE	10 August 2022
DISCLOSURE OF INTEREST	Disclosure of Interest: Liz Bushby, Town Planning Innovations Nature of Interest: Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i>

STRATEGIC IMPLICATIONS		
Strategic Community Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA Two – Our Economy 2.3 Our Shire actively supports existing local businesses and encourages new business initiatives	S2.3.1 Encourage and facilitate appropriate development within the shire	There are no known Corporate Business Plan implications associated with this report.

SUMMARY

The purpose of this report is for Council to consider an application for an outbuilding (agricultural farm shed) on Lot 30 (No 1840) Warrenup Road, Broomehill West.

BACKGROUND

Lot 30 has an approximate area of 160.19 hectares, is used for agricultural purposes, contains an existing dwelling, outbuildings and dams. The majority of the lot is cleared and there are scattered lines of trees.



Above: Aerial of Lot 30

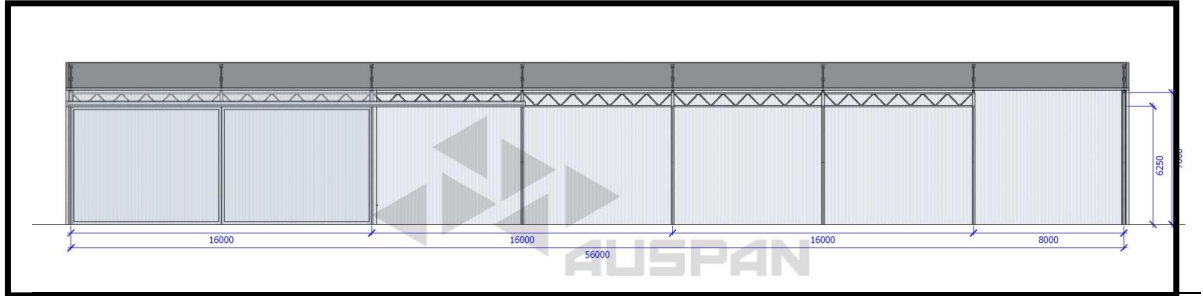
COMMENT

The building is proposed to be setback approximately 535 metres from the front lot boundary, and 240 metres from the south lot boundary – refer extract of site plan below.



The building is proposed to have a floor area of 1,176m², and a 7 metre wall height to the gutters.

Elevations are included below and over page for ease of convenience.



The floor area will measure 56 metres by 21 metres.



The applicant has advised that the shed will mainly be used for storage associated with the current agricultural use of the land.

CONSULTATION

The Shire has liaised with Town planning Innovations (TPI) for planning advice. No public consultation has been undertaken in relation to this item.

STATUTORY ENVIRONMENT

Shire of Broomehill Town Planning Scheme No 1

The lot is zoned Farming. The proposed development complies with the minimum setback requirements applicable to the Farming zone being 15 metres to the front lot boundary, and 10 metres to any side or rear lot boundary.

The Scheme exempts a single house and ancillary outbuildings from the need for planning approval, except where a lot does not have constructed road access. Unfortunately there is an anomaly in the Scheme as a single house is not listed as a permitted use in the Farming zone under Table 1: Zoning Table, hence lodgement of a planning application has been required.

Development (Local Planning Schemes) Regulations 2015 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 Tambellup Town Planning Scheme No 1.

Regulation 60 of the ‘deemed provisions’ requires that a person must not commence or carry out works on, or use, land in the Scheme area unless the person has obtained the development approval of the local government or it is exempt from the requirement for planning approval.

Under the Regulations there is a list of development that does not require planning approval. There is only an exemption for outbuildings that comply with the Residential Design Codes, where the Codes apply (ie in residential areas).

Regulation 67 outlines ‘matters to be considered by Council’ 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, amenity, loading, access, traffic and any submissions received on a proposal.

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

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

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

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.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Lot 30 is within the declared bushfire prone area.

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 outbuildings/ agricultural farm sheds.

Despite the above, there are Guidelines that make it clear that application of SPP3.7 is to the discretion of the decision maker, being the Council.

TPI does not recommend that any Bushfire Attack Level assessment be required for the following reasons:

- a) The building will be a significant distance from any existing building or dwelling on the lot. This reduces the likeliness of any ember attack spreading between the buildings;
- b) The development does not result in any significant increase in the number of employees, and will not be occupied for any significant period of time;
- c) It is a non habitable building;
- d) Any BAL can dictate higher construction standards at the separate Building Permit stage. The outbuilding does not require a separate building permit, therefore there is no benefit in requiring any BAL assessment.

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
<i>There are no known risks associated with this report.</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
IMPLICATIONS			
<i>There are no known risk implications associated with this report.</i>			

ASSET MANAGEMENT IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Paganoni, seconded Cr C Letter

That the Council:

1. Note that Lot 30 is in a Bushfire Prone Area and not require any Bushfire Attack Level assessment by a fire consultant under State Planning Policy 3.7 for the following reasons:
 - a) The building will be a significant distance from any existing building or dwelling on the lot. This reduces the likeliness of any ember attack spreading between the buildings;
 - b) The development does not result in any significant increase in the number of employees, and will not be occupied for any significant period of time;
 - c) It is a non habitable building;
 - d) Any BAL can dictate higher construction standards at the separate Building Permit stage. The outbuilding does not require a separate Building Permit, therefore there is no benefit in requiring any BAL assessment.

2. Approve the application for an outbuilding (agricultural shed) on Lot 30 (No 1840) Warrenup Road, Broomehill West subject to the following conditions and footnote:
 - i) The plans lodged with this application dated the 3 July 2022 and the 20 July 2022 shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.
 - ii) All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and stormwater tank shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve.

Footnote:

 - a) Please be advised that the lot is within a bushfire prone area as declared by the Commissioner of Emergency Services. It is recommended that the owner consider maintaining low fuel areas around the proposed building to maximise fire management measurements for the lot.

CARRIED 7/0
Motion No: 116/22

12. KEY RESULT AREA (KRA) THREE – OUR PLACES

Nil.

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Moved Cr C Letter, seconded Cr C Dewar

Motion to proceed Behind Closed Doors:

That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public at 4.55pm 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: 117/22

13.1 CONFIDENTIAL: FLAT ROCKS WIND FARM – TRAFFIC MANAGEMENT PLAN

ATTACHMENT(S)	13.1.1 - Traffic Management Plan 13.1.2 - Route Study 13.1.3 - Pre-Construction Road Condition Report
FILE NO	ADM0283
APPLICANT	Enel Green Power Australia Pty Ltd
AUTHOR	Anthony Middleton – Chief Executive Officer
DATE	10 August 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Community Strategic Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA Two – Our Economy To maintain an environment in the towns and rural areas of the Shire that is conducive to tourism, business and population retention and growth	2.3 - Our Shire actively supports existing local businesses and encourages new business initiatives	S2.3.1 Encourage and facilitate appropriate development in the Shire

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr C Letter, seconded Cr D Barritt

That:

1. The Flat Rocks Wind Farm Stage 1 Traffic Management Plan dated 3 August 2022 as attached be approved by the Shire of Broomehill-Tambellup;
2. The Flat Rocks Wind Farm Stage 1 Route Study dated 13 July 2022 and Pre-Construction Road Condition Report dated 3 August 2022 be received; and
3. Condition 20 of the Flat Rocks Wind Farm development approval (application reference DP/12/01359) relating to the provision of a Traffic Management Plan is considered to be satisfied.

CARRIED 7/0
Motion No: 118/22

13.2 CONFIDENTIAL: FLAT ROCKS WIND FARM – FIRE MANAGEMENT PLAN

ATTACHMENT(S)	13.2.1 – Bushfire Management Plan 13.2.2 - Clean Energy Council (Auswind) Fire Management Guidelines
FILE NO	ADM0283
APPLICANT	Enel Green Power Australia Pty Ltd
AUTHOR	Anthony Middleton – Chief Executive Officer
DATE	10 August 2022
DISCLOSURE OF INTEREST	Nil

STRATEGIC IMPLICATIONS		
Community Strategic Plan 2018-2028		Corporate Business Plan 2018 -2022
Key Result Area	Community Outcomes	Corporate Actions
KRA Two – Our Economy To maintain an environment in the towns and rural areas of the Shire that is conducive to tourism, business and population retention and growth	2.3 - Our Shire actively supports existing local businesses and encourages new business initiatives	S2.3.1 Encourage and facilitate appropriate development in the Shire

OFFICER RECOMMENDATION

That:

1. The Flat Rocks Wind Farm Stage 1 Bushfire Management Plan dated July 2022 as attached be approved by the Shire of Broomehill-Tambellup; and
2. Condition 19 of the Flat Rocks Wind Farm development approval (application reference DP/12/01359) relating to the provision of a Fire Management Plan is considered to be satisfied.

COUNCIL DECISION

Moved Cr C Dewar, seconded Cr C Letter

That:

1. The Flat Rocks Wind Farm Stage 1 Bushfire Management Plan dated July 2022 as attached be approved by the Shire of Broomehill-Tambellup subject to the following changes;

- The seventh page of the document being changed from:

A 1 000 litre fire appliance (slip on unit) will accompany each working area during the construction phase and a 1 000 litre fire appliance (slip on unit) will be retained at the operations building and maintenance compound to attend maintenance site works during operation.

to

A 3 000 litre fire appliance (slip on unit) and high capacity output pump will accompany each working area during the construction phase and a 3 000 litre fire appliance (slip on unit) will be retained at the operations building and maintenance compound to attend maintenance site works during operation

- This change to 3 000 litres flowing through to the rest of the document where relevant.

and

2. Subject to the inclusion of point 1 above, Condition 19 of the Flat Rocks Wind Farm development approval (application reference DP/12/01359) relating to the provision of a Fire Management Plan is considered to be satisfied.

CARRIED 7/0
Motion No: 119/22

PROCEDURAL MOTION

Moved Cr C Letter, seconded Cr C Dewar

That Council re-opens the meeting to members of the public at 5.06pm.

CARRIED 7/0
Motion No: 120/22

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

Nil.

15. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil.

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

Nil.

17. CLOSURE

There being no further business the President thanked those in attendance and declared the meeting closed at 5.07pm.