



Ordinary Meeting of Council

AGENDA

18 November 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 18th November 2021 commencing at 4.30pm.



Chris G Jackson
Chief Executive Officer

DISCLAIMER

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the Shire of Broomehill-Tambellup during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Broomehill-Tambellup. The Shire of Broomehill-Tambellup warns that anyone who has any application lodged with the Shire of Broomehill-Tambellup must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Broomehill-Tambellup in respect of the application.

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



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8.2 ORDINARY MEETING OF COUNCIL MINUTES 21 OCTOBER 2021

Recommendation:

That the Minutes of the Ordinary Council Meeting held on 21 October 2021 be confirmed as a true and accurate record of the proceedings.

COUNCIL RESOLUTION

Motion

Moved Cr

Seconded Cr

9. RECEIPT OF COMMITTEE MEETING MINUTES HELD SINCE LAST MEETING

10. STATUS REPORT

Wherever possible, Council decisions are implemented as soon as practicable after a Council meeting. However, there are projects or circumstances that mean some decisions take longer to action than others.

OFFICER RECOMMENDATION:

That the Status Report for October 2021 be received.

COUNCIL RESOLUTION

Motion

Moved Cr

Seconded Cr

11. REPORTS OF OFFICERS

11.01 FINANCIAL STATEMENTS FOR SEPTEMBER 2021

Attachment:	Monthly Financial Statement for October 2021
File Ref:	Nil
Author:	KP O'Neill - Manager Finance and Administration
Date:	11 November 2021
Disclosure of Interest:	Nil

SUMMARY

Council to consider the monthly financial report for the period ending 31 October 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.

The annual financial report and audit for year end 30 June 2021 is being finalised, and until this is complete additions/disposals to the asset register and allocation of depreciation cannot be processed. This results in material variances reporting in the Statement of Financial Activity.

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 31 October 2021 be received.

COUNCIL RESOLUTION

Motion

Moved Cr

Seconded Cr

11.02 CREDITORS ACCOUNTS PAID OCTOBER 2021

Attachment:	List of Payments for October 2021
File Ref:	Nil
Author:	KP O’Neill – Manager Finance and Administration
Date:	11 November 2021
Disclosure of Interest:	Nil

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	720,420.11
Trust Fund	0.00
Credit Cards	3,148.35
TOTAL	723,568.46

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

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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 October 2021, consisting of –

- *Municipal Fund cheque, EFT and direct debit payments totalling \$720,420.11;*
- *Trust Fund cheque payments totalling \$Nil; and*
- *Credit Card payments totalling \$3,148.35*

be endorsed.

COUNCIL RESOLUTION

Motion

Moved Cr

Seconded Cr

11.03 CEO PROBATION REPORT 3 MONTH PERIOD and CEO PERFORMANCE REVIEW POLICY

Attachment:	1.30 Policy: CEO Performance Review Policy, Draft CEO Probation Report 3 Month Period 28/9/2021 to 28/12/2021 and Draft CEO Performance Plan 28/9/2021 to 30/6/2022
File Ref:	ADM0226
Author:	Chris Jackson
Date:	28 October 2021
Disclosure of Interest:	The author, Chris Jackson – CEO declares a Financial Interest pursuant to section 5.60A of the Local Government Act 1995; the nature being that the performance review process of the CEO may impact the length of his tenure as CEO.

SUMMARY

The purpose of this item is for Council to instigate a solid CEO review process in line with the Shires Strategic Plan 2018-2028.

BACKGROUND

It is a statutory requirement that the CEO's performance be reviewed annually (Part 5, Division 4, Section 38, Local Government Act 1995) and the probation period performance assessment undertaken within a month after the probation period has concluded.

COMMENT

Best practice policies, standard and procedures covering CEO performance management are to be prepared in consultation with the sector and adopted by local governments as minimum standards.

The full council must endorse the performance management assessment.

Currently Cr White and Cr Paganoni have completed their CEO Performance Appraisal Training. No LGA training modules have been set for the remainder of 2021. Given that the probation period expires on the 28/12/2021 and that a probation review must be undertaken within a month, harvest starting, Christmas and New Year and that no meeting is traditionally held during January it is been recommended that the probation review take place prior to the December ordinary meeting.

CONSULTATION

Sylvana Caranna, Executive Recruitment Consultant from Lo-Go Appointments has been engaged to assist with the process.

As per the principles of Part 2 – CEO Performance Review under the Local Government (Administration) Amendment Regulations 2021, the Consultant will facilitate the followings tasks in consultation and as directed by the Council's CEO Performance Committee/Panel:

1. Facilitate at a minimum three meetings including with the CEO and CEO Performance Committee;
2. Setting performance criteria;
3. Preparing the performance agreement;
4. Collecting performance evidence;
5. Writing the confidential performance appraisal report;
6. Facilitating meetings between the performance review panel;
7. Assisting with the provision of feedback to the CEO;

8. Formulating plans to support improvement (if necessary);
9. Providing an objective review regarding any performance management-related matters between the concerned parties;
10. Prepare performance plan for the next review period e.g., KPIs/KRAs.

Prepare and present a final summary report to Council, for Council Agenda inclusion at the next appropriate Ordinary Meeting of Council.

STATUTORY ENVIRONMENT

The Local Government Act 1995 and the Local Government (Administration) Regulations 1996 prescribe the Model standards for CEO recruitment, performance and termination.

Division 3 — Standards for review of performance of CEOs

15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

16. Performance review process to be agreed between local government and CEO

- (1) *The local government and the CEO must agree on —*
 - (a) *the process by which the CEO's performance will be reviewed; and*
 - (b) *any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.*
- (2) *Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.*
- (3) *The matters referred to in subclause (1) must be set out in a written document.*

17. Carrying out a performance review

- (1) *A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.*
- (2) *The local government must —*
 - (a) *collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and*
 - (b) *review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.*

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

5.60. When person has an interest

For the purposes of this Subdivision, a relevant person has an interest in a matter if either —

- (a) the relevant person; or
- (b) a person with whom the relevant person is closely associated, has —
- (c) a direct or indirect financial interest in the matter; or
- (d) a proximity interest in the matter.

POLICY IMPLICATIONS

Policy 1.28 Standards for CEO Recruitment, Performance and Termination.

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

The remuneration package for the CEO is contained within the CEO Contract and is included in the annual budget.

The consultancy fee for the CEO Performance Plan and Review 2021/2022 is \$4,950 GST inclusive and is included in the budget under Professional Services.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council:

- 1. Adopt the CEO Performance Review Policy;**
- 2. Adopt the draft CEO Probation Report 3 Month Period 28/9/2021 to 28/12/2021;**
- 3. Note that an Executive Recruitment Consultant from Lo-Go Appointments has been appointed to facilitate the process of the CEO Performance Plan and yearly Review including the Probation Report 3 Month Period with the Review Panel;**
- 4. Confirm that the CEO Performance Panel for the CEO Probation three month probation review be Cr Michael White, Cr Mark Paganoni and Sylvana Caranna, Executive Recruitment Consultant from Lo-Go Appointments (note other Councillors may also attend);**
- 5. Set the review date as 17 December 2021 prior to Discussion Session and Ordinary Council Meeting same day; and**
- 6. Note that the draft CEO Performance Plan 28/9/2021 to 30/6/2022 and that the final plan be presented to the December Ordinary meeting of Council for approval.**

COUNCIL RESOLUTION

Motion

Moved Cr

Seconded Cr

11.04 PROPOSED RURAL INDUSTRY ON LOT 2 AND 535 NARDLAH ROAD AND RAIL SIDING ON LOT 553

Attachment:	<ul style="list-style-type: none"> 1. Location Plan 2. Simplified site plan 3. Development Plans 4. Clearing Plan
File Ref:	ADM 0582
Author:	Liz Bushby, Town Planning Innovations
Date:	6 November 2021
Disclosure of Interest:	Nature of Interest: Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i>

SUMMARY

An application has been lodged seeking planning approval for a Rural Industry on Lots 2 and 535 Nardlah Road in Broomehill. A rail siding is also proposed on Lot 553 which forms part of railway reserve.

The application is to be determined by a Development Assessment Panel (DAP). Town Planning Innovations (TPI) will prepare a Responsible Authority Report (RAR) for the DAP, acting as the Shires Town Planner. The RAR is due by the 4 January 2021 however TPI aims to complete the report in early to mid-December 2021 if possible.

Council will need to determine whether to:

- (1) Hold a Special Council meeting in order to provide a formal Council recommendation to the DAP; or
- (2) Authorise Town Planning Innovations (Liz Bushby) to lodge the Responsible Authority Report (RAR) directly 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 (as advertising has not closed) however some of the main elements of the application are discussed in this report.

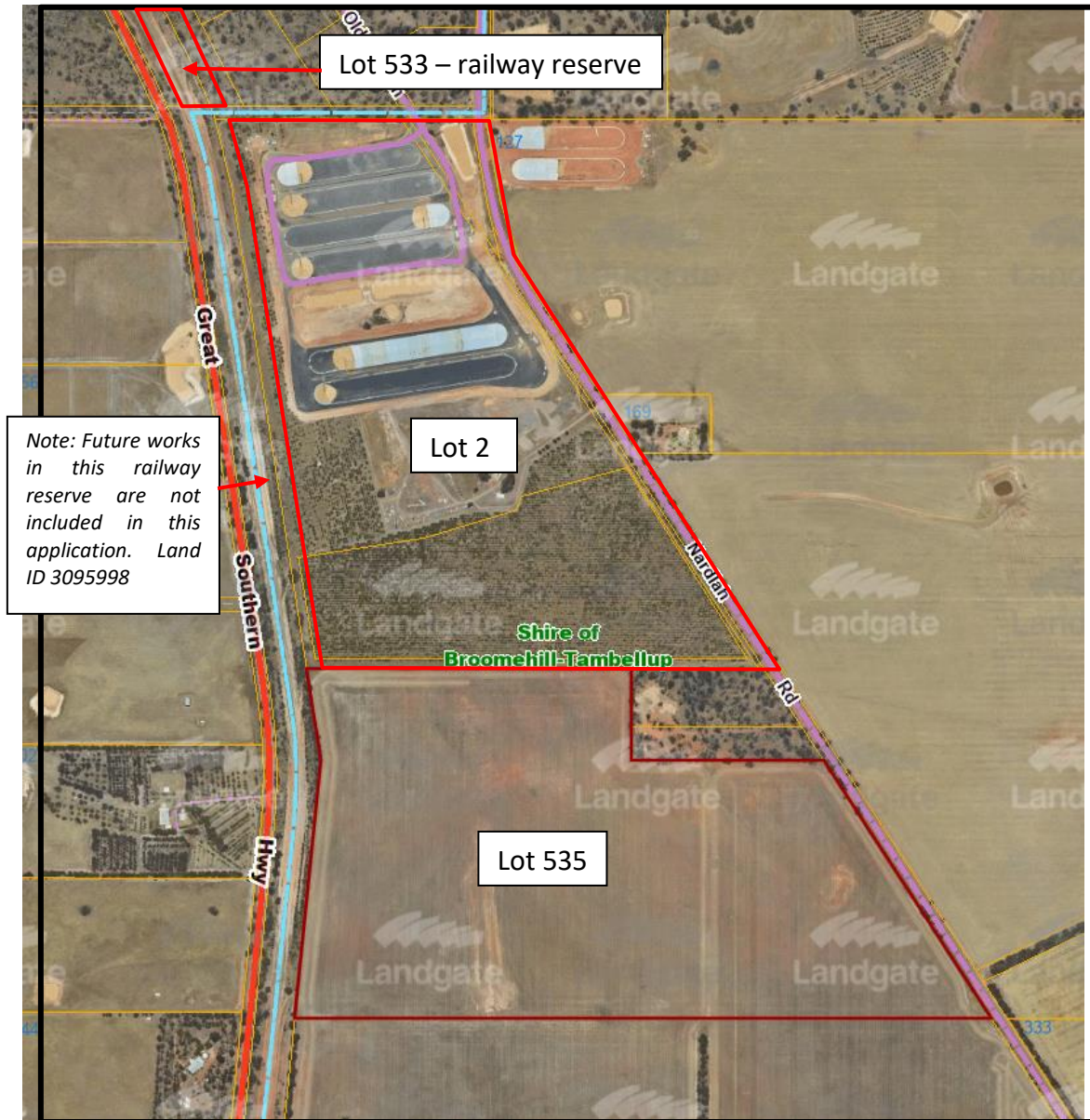
BACKGROUND

- **Location**

The development is proposed within Lot 2 and Lot 535 Nardlah Road in Broomehill. A railway siding turnout point is proposed within Lot 533 which forms part of railway reserve. A location plan is included as Attachment 1 and an (outdated) aerial is included over page.

- **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.



COMMENT

• **Description of Application**

The application proposes the following infrastructure:

- a) One 500tph road hopper. Trucks will deposit grain onto the road hopper which will then transfer the grain to either silo storage or onto an over rail bulk weigher for loading directly onto trains.
- b) Four 1.089 tonne capacity silos are proposed. The silos will be approximately 28 metres high. It is 38.8 metres to the top of the bucket elevator.
- c) A rail siding within Lot 533.

It should be noted that the plans show future works including a rail bulk weigher, siding and infrastructure to the west of Lots 2 and 535. Those works are outside of the application area on railway land that has no certificate of title (but has a Land ID 3095998 in Landgate).

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, it 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.

A site plan and development plans are included as Attachment 2 and 3.

- **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.

To support the new application 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 SPP5.4 criteria at all residences; and
- c) Environmental noise emissions associated with the new grain handling plant are expected to be compliant at all existing residences.

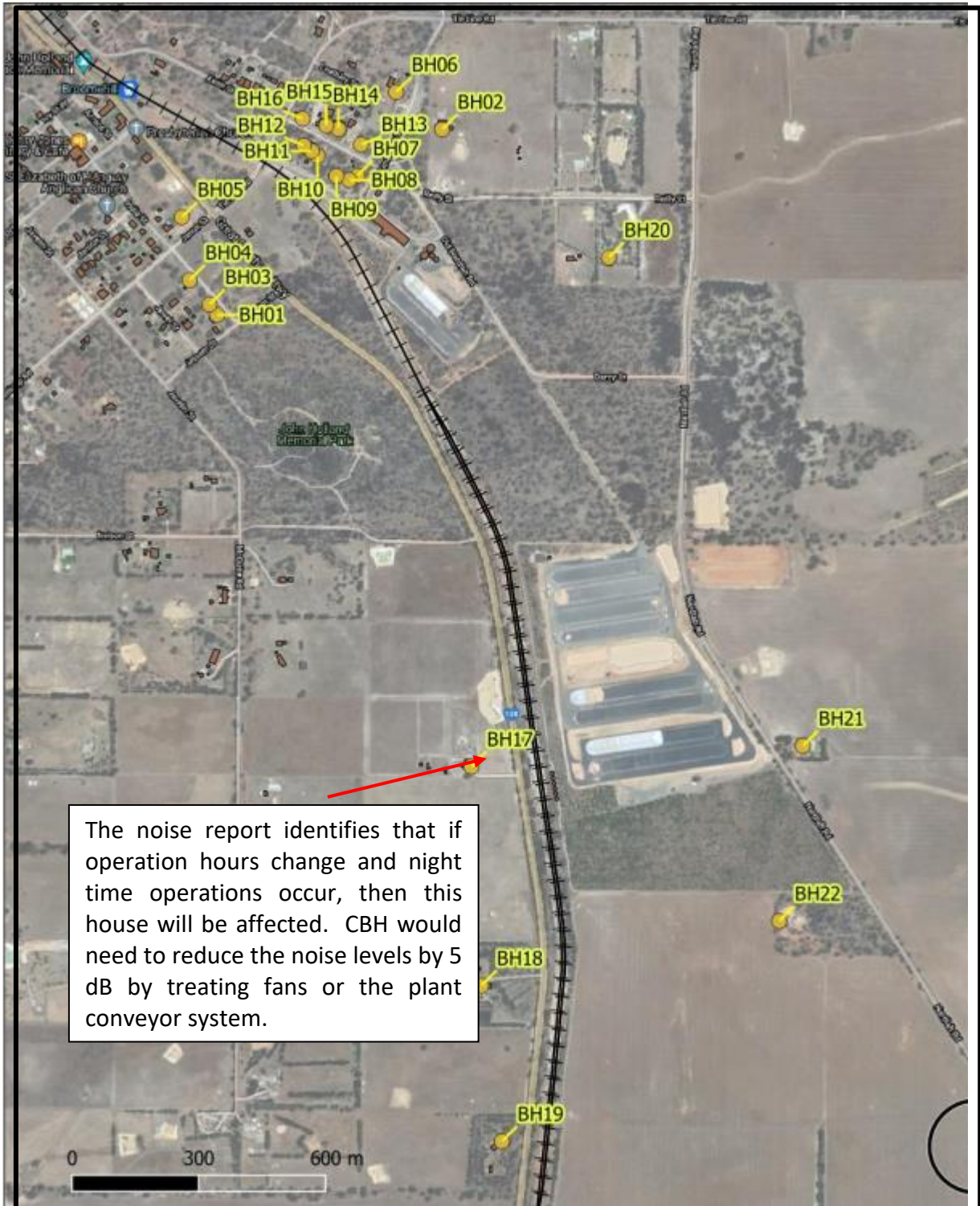
Operation of trucks and all grain handling equipment are not expected to occur at night, but if they did, noise levels at one residence is forecast to exceed the permissible noise levels by up to 5 dB. To enable night time operations, it is reasonable to consider that treatment of individual fans or plant conveyor systems can be implemented to provide at least a 5 dB reduction in noise emissions through detailed design and commissioning processes.

A map showing the location of noise sensitive premises is included over page with TPI notations on it.

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 has been referred to the Department of Water and Environmental Protection and the Department of Planning, Lands and Heritage for comment.



• **Traffic**

Under the Western Australian Planning Commission Transport Impact Assessment Guidelines (WAPC Guidelines), a Traffic Impact Assessment is required for development that would likely generate ‘moderate’ volumes of traffic.

The size/ footprint of the proposed development means it is considered to have ‘moderate impact’ in accordance with the WAPC Guidelines – hence the requirement that a Traffic Impact Assessment (TIA) be lodged.

LAND USE	MODERATE IMPACT	HIGH IMPACT
	Transport Impact Statement required	Transport Impact Assessment required
	10 – 100 vehicle trips in the peak hour	> 100 vehicle trips in the peak hour
Residential	10–100 dwellings	>100 dwellings
Schools	10–100 students	>100 students
Entertainment venues, restaurants, etc.	100–1000 persons (seats) OR 200–2000 m ² gross floor area	>1000 persons (seats) OR >2000 m ² gross floor area
Fast food restaurants	50–500 m ² gross floor area	>500 m ² gross floor area
Food retail /Shopping centres with a significant food retail content	100–1000 m ² gross floor area	>1000 m ² gross floor area
Non-food retail	250–2500 m ² gross floor area	>2500 m ² gross floor area
Offices	500–5000 m ² gross floor area	>5000 m ² gross floor area
Service Station	1–7 refuelling positions	>7 refuelling positions
Industrial/Warehouse	1000–10,000 m ² gross floor area	>10,000 m ² gross floor area
Other Uses	Discuss with approving authority	Discuss with approving authority

Table above shows the Level of Transport Impact Assessment required by Land Use and Size (WAPC TIA Guidelines 2016)

The current CBH operations limits trains to 30 wagons and it takes 11 hours at site to load a full train. The proposed development will allow 60 wagon trains to be loaded in a total of about four hours at Broomehill. The project will also add a passing loop at Broomehill, providing CBH with the capability to efficiently run three train sets in the Albany Zone.

The proposal will allow additional material to be transported safely by rail rather than by road truck. Accordingly, the Traffic Impact Assessment identifies that daily truck traffic on the local road networks will be significantly reduced.

In 2022, it identifies that there will be a reduction of road traffic of 519 vehicles, which will increase to a reduction of 1114 by the year 2047.

The works are proposed as part of the State Government funded rail siding projects which aim to minimise inefficient and inadequate rail line spurs by expanding their capacity.

- **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) All silos immediately servicing the rail facility are to be fully sealed with fans utilised for silo ventilation and air circulation.
- b) All grain transfer conveyors at the rail facility silos from the auger area to the luffing chute are to be partially sealed (top cover) and skirting provided at transfer points to minimise dust propagation.
- c) A luffing chute will be utilised for silo discharge and will be fitted with a dust reduction sock.
- d) 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.
- e) Rail wagon design incorporates angled surfaces to reduce dust build up.
- f) On-going hygiene practices during operations designed to limit the build up of dust and chaff on site.
- g) Large grain spills are to be immediately cleaned up and removed.
- h) 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.
- i) All site traffic is required to adhere to the site speed limit to minimise dust lift generated by vehicle movement, and this is communicated to relevant parties and enforced on site.
- j) Loads are to be kept within designated load limits and rail wagon lids and truck trailer covers always used.
- k) Environmental issues including dust management are and will continue to be included as part of CBH induction programs for all CBH employees and contractors.
- l) If required, the identification and implementation of containment lines where appropriate for fugitive dust sources will be undertaken.
- m) 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.

- **Proposed Clearing**

The application will entail clearing of approximately 27.1 hectares of native vegetation – refer **Attachment 4**.

A separate clearing permit has been lodged to the Department of Water and Environmental Regulation (DWER) who will make an independent determination as to whether a permit will be issued, and if any conditions or offsets will be applied.

DWER will not issue any clearing permit unless a formal planning approval is secured (as the purpose for the clearing is the proposed development).

An Environmental Survey has been lodged with the planning application and the clearing permit application.

TPI does not have the expertise to assess the environmental implications, therefore is relying on an independent environmental assessment being undertaken by DWER in their separate assessment of the clearing permit.

The most significant findings of the Environmental Survey is that it identified:

- a) The Environmental Protection and Biodiversity Act 1999 (EPBA) is a legal framework to protect and manage matters of national environmental significance, including important flora, fauna, ecological communities and heritage areas listed under the Act.
- b) The survey area is included in mapped extents of the EPBA listed Eucalypt Woodlands of the Western Australian Wheatbelt Threatened Ecological Community (TEC).
- c) The survey area is within the mapped extent considered as Carnaby's Cockatoo breeding habitat, although none have been recorded from within 15 km of the site. Ecoscape identified there is a low likelihood of Carnaby's cockatoos actually occurring.
- d) The vegetation condition ranged from Very Good to Degraded.
- e) Referrals will most likely be required to the Commonwealth Department of Agriculture, Water and the Environment.

- **Power Upgrade**

CBH plans to install a new 1MV substation for the rail loading and unloading facilities.

CBH Group have engaged Western Power Design Consultancy to determine the high level Western Power Scope of Works and provide a cost estimate.

The proposed substation location is indicated on the plan below.



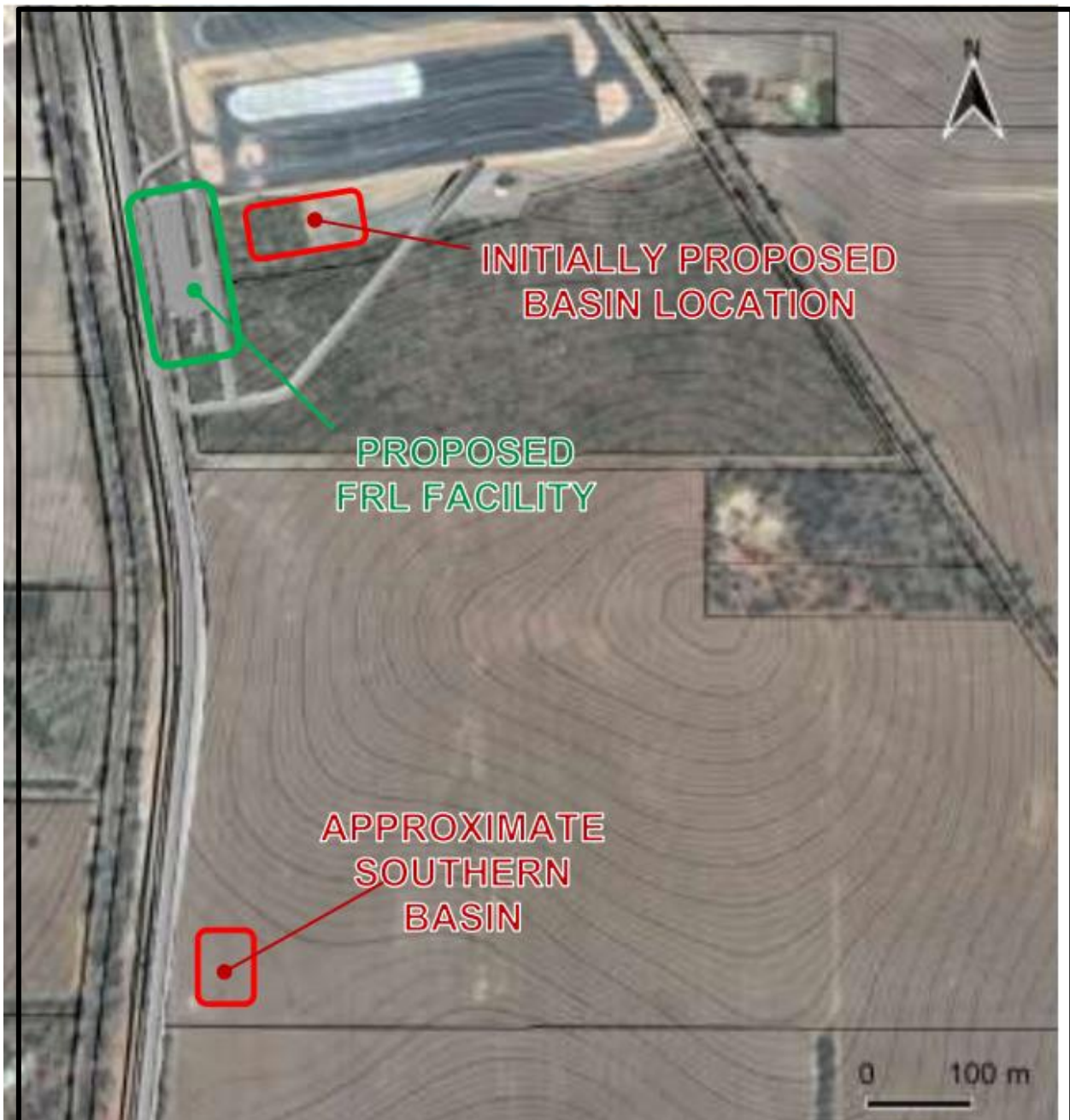
- **Lighting**

A Lighting Report has been lodged as part of the application, which details the major outdoor flood light layout and includes product data sheets. CBH has confirmed that all lighting will be contained with the site.

- **Drainage**

The drainage report examines a range of drainage options, including the potential to expand the size of existing drainage infrastructure on site. After investigating several options, the report identifies that a new drainage basin will be installed approximately 700 metres to the south of the proposed development, within Lot 535.

The planned total basin volume is 2,190m³ and is expected to be adequate to mitigate the increase in peak flow resulting from the proposed development. TPI has liaised with CBH and they will lodge more detailed drainage design drawings to the Shire prior to installation. There be some changes in the final drainage design.



- **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.

The site plan shows the 500 buffer line measured from existing dwellings (red dotted line). There are rural residential lots to the west of Lots 2 within the 500 metre buffer area. The applicant has advised that there is dwelling to the west located approximately 250m from the proposed development.

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.

The applicant has provided a site specific acoustic assessment and dust management plan to address the Guidance Statement.

CONSULTATION

Shire Administration have written to nearby landowners providing them with an opportunity to comment on the application. The closing period for landowners is 14 November 2021.

The application has also been referred to the following authorities:

- 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

At the time of writing this report one submission had been received from DPLH confirming that the development area does not intersect with any recorded Aboriginal Place. An acknowledgement letter has been received from Main Roads WA.

STATUTORY ENVIRONMENT

- ***Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act)*** – The EPBC Act is the Australian Government’s central piece of environmental legislation. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places. It defines matters of national environmental significance.

Landowners and developers must seek Commonwealth approval in addition to state and territory or local government approvals if their plans might significantly impact on matters of national significance

Listed threatened species and ecological communities are recognised as a matter of national environmental significance. Any action that is likely to have a significant impact on listed threatened species and ecological communities under the EPBC Act must be referred to the Minister and undergo an environmental assessment and approval process.

The Department of Agriculture, Water and the Environment is responsible for managing the environmental assessment and approval process under the EPBC Act.

The Department has referral guidelines that apply to three species of Western Australian black cockatoos listed as threatened under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

- ***Environmental Protection Act 1986 (EP Act)***
Under section 51H(1) of the EP Act, the Chief Executive Officer (CEO) may grant a clearing permit that is subject to conditions the CEO considers to be necessary or convenient for the purposes of preventing, controlling, abating or mitigating environmental harm or offsetting the loss of the cleared vegetation. The types of conditions that can be placed on a clearing permit are outlined in section 51I and includes environmental offsets.
- ***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.

Regulation 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)***

Lots 2 and 535 are zoned Farming under the Scheme. The proposed land use of 'Rural Industry' is listed as a 'P' use in the Farming zone under Table 1: Zoning Table, which means 'means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent.'

A setback variation is proposed for the silos which will be 2.5 metres from the western boundary adjoining the railway, in lieu of 10 metres required by the Scheme.

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.

Lot 553 is a reserve for railway under the Scheme. 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.*'

Arc Infrastructure has provided their consent to construct within the railway reserve, on behalf of the Minister for Railways.

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 ‘Exemptions from the requirements of SPP 3.7 and the deemed provisions should be applied pragmatically by the decision maker.’</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>

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA One – Our People

1.2 Our community has services and facilities that meet our needs and expectations.

KRA Two – Our Economy

2.3 Our Shire actively supports existing local businesses and encourages new business initiatives

2.3.1 Encourage and facilitate appropriate development in the Shire

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 for a Rural Industry and Rail Siding on Lots 2, 533 and 535 is being advertised 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 is due by the 4 January 2022.***

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 comments, they can be included in the Responsible Authority Report.

COUNCIL RESOLUTION

Motion

Moved Cr

Seconded Cr

11.05**ORDINARY COUNCIL MEETING DATES 2021**

Attachment:	Nil
File Ref:	ADM0091
Author:	HA Richardson, Governance and Executive Assistant
Date:	11 November 2021
Disclosure of Interest:	Nil

SUMMARY

Council is required to determine and advertise its Ordinary Meeting dates, time/s and venue/s for the 2022 calendar year.

BACKGROUND

The *Local Government Administration Regulations 1996 reg 12 (1)* requires that at least once a year a local government is to give local public notice of the date on which, and the time and place at which, its Ordinary Meetings of Council are to be held for a twelve month period (2022).

COMMENT

Council currently holds its meetings on the third Thursday of each month with the exception of January (nil meeting) and December (Friday meeting) unless otherwise determined and advertised throughout the course of the year. In keeping with past practice, if meetings continue to be held on the third Thursday of each month, during 2022, the meeting dates will be as follows:

17 February	17 March	21 April
19 May	16 June	21 July
18 August	15 September	20 October
17 November	16 December (Friday)	

Meetings currently commence at 4.30pm. Council can alter or amend dates and commencement times if it considers this necessary.

For Council decision.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 s5.25(g)

Local Government Administration Regulations 1996 r12(1)

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

Council is required to advertise the dates.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Shire of Broomehill-Tambellup conducts its Ordinary Meetings in the Tambellup Council Chambers commencing at 4.30pm on the following dates during 2022:

<i>17 February</i>	<i>17 March</i>	<i>21 April</i>
<i>19 May</i>	<i>16 June</i>	<i>21 July</i>
<i>18 August</i>	<i>15 September</i>	<i>20 October</i>
<i>17 November</i>	<i>16 December (Friday)</i>	

COUNCIL RESOLUTION

Motion

Moved Cr

Seconded Cr

11.06**BROOMEHILL HERITAGE GROUP – REQUEST TO WAIVE HALL HIRE FEES**

Attachment:	Nil
File Ref:	ADM0066/ADM0325
Author:	PA Hull – Strategic Support & Projects Officer
Date:	28 October 2021
Disclosure of Interest:	Nil

SUMMARY

Council to consider a request to waive hire fees and bonds for the Broomehill Hall.

BACKGROUND

The Broomehill Heritage Group will be conducting an Antique and Collectors Fair (the Fair) in the Broomehill Hall on 11 & 12 February 2022. The Fair comprises stall holders who form part of a travelling circuit, and as such, are in high demand at venues across the state. The event is being held to raise much needed funds for the Group.

The Fair will run over the two full days, with light refreshments provided by community organisations. The event will be promoted both locally and through the region, as well as on site signage to be visible to passing traffic.

The Broomehill Heritage Group has requested Council's consideration to waiving of hall hire fees and bonds to maximise fund raising potential.

COMMENT

Council Policy '1.2 Use of Shire Facilities' specifies the individual Community Groups and instances where hall hire fees are not to be charged. Historically, if the Council wished to support a Community Group not included in the Policy, it has done so by way of a donation equivalent to the cost of the hall hire.

Should Council agree to waive hall hire fees in this instance, disclosures will be required to be made in the Annual Financial Report for the 2021/22 year, in accordance with the *Local Government (Financial Management) Regulations 1996*.

The Broomehill Heritage Group has been extremely proactive over the past couple of years, and has been able to implement a range of initiatives including display cabinets and lighting upgrades to better showcase the themed collection, as well as a security system with keypad entry which will in time lead to visitors being able to access the museum at any time whilst maintaining the security of the collection. The work being undertaken by the group will contribute to increased promotion and visitation to Broomehill and is to be applauded.

Waiving of the fees as proposed will support the Broomehill Heritage Group in continuing its work in showcasing Broomehill's heritage.

CONSULTATION

Anne Guazzelli – President, Broomehill Heritage Group

STATUTORY ENVIRONMENT**Local Government Act 1995****s6.12 Power to defer, grant discounts, waive or write off debts**

(1) Subject to subsection (2) and any other written law, a local government may–

- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money, which is owed to the local government.

* Absolute majority required.

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

Local Government (Financial Management) Regulations 1996**R42. Discounts for early payment etc. information about in the annual financial report**

(1) The annual financial report is to include for each discount or other incentive granted for early payment of any money and in respect of each waiver or concession in relation to any money –

(c) in relation to a waiver or concession –

- (i) a brief description of the waiver or concession; and
- (ii) a statement of the circumstances in which it was granted; and
- (iii) details of the persons or class of persons to whom it was available; and
- (iv) the objects of, and reasons for, the waiver or concession.

POLICY IMPLICATIONS**Policy 1.2 ‘Use of Shire Facilities’**

In part, the policy states the following:

‘...Council recognises that a number of community groups and agencies provide substantial support to the community through their activities, and have limited funds to assist.

The following groups have their hire costs waived for the use of Shire facilities, until such time as the events are no longer held:

- *Blue Light Discos – Hall*
- *Agricultural Society – Hall for the Tambellup Show*
- *Primary Schools and P & C Associations – Hall for end of year Presentation Night and Fundraising Activities.*
- *Senior Citizens Christmas Luncheon – Hall*
- *Broomehill religious organisations – Hire of tables and chairs for Christmas Eve church services.*
- *Broomehill Heritage Group – Hire of tables and chairs for Carols by Candle Light*
- *Seniors Soup Luncheon – Hall - Subject to the luncheons being advertised across the Shire*
- *Host Organisation for ANZAC Day Services Broomehill and Tambellup – Hall hire*
- *Daffodil Day event – Tambellup Hall hire costs’*

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA1: Our people

1.4.1 Provide support to our community groups to achieve outcomes that benefit the community.

KRA 2: Our Economy

2.1.2 Support the development of initiatives, events or local experiences aimed at attracting visitors to our community.

FINANCIAL IMPLICATIONS

The 2021/22 Budget sets the cost to hire the Broomehill Hall at \$250, and a refundable bond is also payable of \$500.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION

That Council approves the waiving of hall hire fees and bonds for the Broomehill Heritage Group Antique and Collectors Fair, to be held in the Broomehill Hall on 11 & 12 February 2022.

COUNCIL RESOLUTION

Motion

Moved Cr

Seconded Cr

