



SHIRE OF WILLIAMS MINUTES

ORDINARY COUNCIL MEETING
WEDNESDAY 20 DECEMBER 2023



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SHIRE OF WILLIAMS STRATEGIC COMMUNITY PLAN 2022-2032

ECONOMIC

To support industry and business development through the development of sustainable infrastructure and investment opportunities.

E1. Develop infrastructure and investment that is sustainable and an ongoing legacy to the Shire.

E2. To have appropriate levels of housing to cater for population retention and growth.

SOCIAL AND CULTURAL

To be a safe and welcoming community where everyone is valued and has the opportunity to contribute and belong.

SC1. To provide community infrastructure and facilities that meet the needs of the population.

SC2. To support a safe and healthy community with a strong sense of community pride.

SC3. To recognise the vibrant history of the Shire and its rich, varied cultural heritage and natural environment is valued, respected, promoted and celebrated.

LAND USE & ENVIRONMENT

To have a balanced respect for our natural assets and built environment, retaining our lifestyle values and community split.

LUE1. To enhance, promote, rehabilitate and leverage the natural environment so it continues to be an asset to the community.

LUE2. Natural assets and public open spaces are accessible, well utilised and managed.

LUE3. To have safe and well maintained transport network that supports local economy.

LUE4. Recognising and implementing sustainability measures.

INNOVATION, LEADERSHIP & GOVERNANCE

Strong civic leadership representing the whole of the Shire which engages in effective partnerships and reflects the aspirations of an engaged community.

ILG1. The Shire is efficient in its operations, actively listens to the community and anticipates and responds to the community needs.

ILG2. The revenue needs of the Shire are managed in an equitable, proactive and sustainable manner.

ILG3. Effective collaboration and shared services with other relevant Local, State and Federal Government agencies, industry and community organisations.

ILG4. A strategically focused, unified Council functioning effectively ensuring compliance within the regulatory framework

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AGENDA

1.0 Declaration of Opening / Announcement of Visitors

The Presiding Member, President Jarrad Logie, declared the Meeting open at 3.39pm.

2.0 Record of Attendance / Apologies / Leave of Absence

Elected Members

Cr Jarrad Logie - President
Cr Natalie Major - Deputy President
Cr Tracey Price
Cr Christine Cowcher

Staff

Peter Stubbs - Chief Executive Officer
Manuela Lenehan - Minute Taker

Visitors – Nil

Apologies – Cr Simon Harding, Cr Bernie Panizza, Cr John Macnamara
(all due to bushfire response needs)

Leave of Absence – Nil

3.0 Public Question Time

Nil

4.0 Petitions / Deputations / Presentations

Nil

5.0 Declarations of Interest

Nil

6.0 Confirmation of Minutes of Previous Meetings

6.1 Ordinary Council Meeting Held 15 November 2023

Officer's Recommendation

That the Minutes of the Ordinary Council Meeting held 15 November 2023, as previously circulated, be confirmed as a true and accurate record.

Council Resolution

Moved: Cr Major / **Seconded:** Cr Price

That the Minutes of the Ordinary Council Meeting held 15 November 2023, as previously circulated, be confirmed as a true and accurate record.

Carried 4/0

For: Cr Cowcher, Cr Logie, Cr Major, Cr Price

Against: Nil

Resolution 68/24

7.0 Announcements by Presiding Member Without Discussion

Nil

8.0 Matters Which Require Decisions

8.1 Corporate and Community Services

8.1.1 Payment Listing

File Reference	4.23.15
Statutory Ref.	<i>Local Government (Financial Management) Regulations 1996</i>
Author & Date	Cassie Barker 14 December 2023
Attachments	Payment listing for month ending 30 November 2023

Background

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the Shire’s municipal or trust account. In exercising their authority, and in accordance with the Local Government (Financial Management) Regulation, it is a requirement to produce a list of payments made from Councils Municipal Fund and Trust Fund bank accounts to be presented to Council in the following month.

Statutory Implications

Regulation 13 of the *Local Government (Financial Management) Regulations 1995* states:

13. Payments from municipal fund or trust fund by CEO, CEO’s duties as to etc.

(1) If the local government has delegated 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; and
- (b) the amount of the payment; and
- (c) the date of the payment; and
- (d) sufficient information to identify the transaction.

Comment

The list of accounts for payment is a separate attachment to this agenda.

Strategic Implications

This item aligns with the community’s vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

CL 2.2 Maintain accountability, transparency and financial responsibility

Financial Implications

As listed in the recommendation below.

Voting Requirements

Simple Majority

Officer’s Recommendation

That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104998 – 105000 totalling \$541,921.87 approved by the Chief Executive Officer during the month of November 2023 be endorsed.

Council Resolution

Moved: Cr Major / **Seconded:** Cr Cowcher

That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104998 – 105000 totalling \$541,921.87 approved by the Chief Executive Officer during the month of November 2023 be endorsed.

Carried 4/0

For: Cr Cowcher, Cr Logie, Cr Major, Cr Price

Against: Nil

Resolution 69/24

SHIRE OF WILLIAMS PAYMENT LISTING FOR THE MONTH ENDING 30 NOVEMBER 2023

DATE	NAME	DESCRIPTION	AMOUNT
MUNICIPAL - EFT, BPAY, DIRECT DEBIT & CHEQUES			
01/11/2023	FDC EDUCATORS	FDC Educators PE 29/10/2023	\$ 26,042.15
01/11/2023	BUILDING AND ENERGY	BSL collection - October 2023	\$ 169.76
02/11/2023	SHIRE OF WILLIAMS	Salaries & Wages PE 01/11/2023	\$ 52,334.87
15/11/2023	FDC EDUCATORS	FDC Educators PE 12/11/2023	\$ 29,596.75
16/11/2023	SHIRE OF WILLIAMS	Salaries & Wages PE 15/11/2023	\$ 53,135.97
16/11/2023	WA SUPER	Superannuation - October 2023	\$ 24,986.39
17/11/2023	Mitchell, Ian	Overpaid Rent - 4 Jamtree Lane	\$ 3,642.97
22/11/2023	ASHLEY BLYTH TREE LOPPING	13457 - Tree Pruning to Western Power Standards	\$ 1,980.00
22/11/2023	AVON WASTE	13357 - Monthly Refuse Charges October 2023	\$ 10,500.17
22/11/2023	BENARA NURSERIES	13392, 13503 - Plants	\$ 1,044.45
22/11/2023	BEST OFFICE SYSTEMS	13353 - Monthly Printing/Copying Charges	\$ 386.46
22/11/2023	BITUTEK PTY LTD.	13460 - Supply & Spray Bitumen Emulsion (Quindanning-Darkan Rd)	\$ 74,104.22
22/11/2023	BOC Ltd	13299 - October 2023 Container Service Fee & Product Charges	\$ 183.02
22/11/2023	CGS TYRES	13415 - Tyre Repair (CAT Grader)	\$ 450.00
22/11/2023	CITRUS WHEEL MARKETING	13372 - Marradong Trails Marketing (October 2023)	\$ 420.00
22/11/2023	CONTRACT AQUATIC SERVICES	13399 - Monthly Swimming Pool Management November 2023	\$ 14,300.00
22/11/2023	CORNER'S AUTOMOTIVE ELECTRICS	13436 - Fix Air Conditioner (Vibe Roller)	\$ 1,833.70
22/11/2023	CORSIGN WA PTY LTD	13241, 13246 - Traffic Signs	\$ 874.50
22/11/2023	DFES.	ESLB 21nd Qtr Contribution 2023/24	\$ 21,303.01
22/11/2023	DIAMOND LOCK & SECURITY	13340 - Replacement Keys (Various)	\$ 166.25
22/11/2023	DUFF ELECTRICAL CONTRACTING	13332, 13328, 13397 - Electrical Works (Various)	\$ 701.80
22/11/2023	EDWARDS ISUZU UTE	13505 - 30,000km Service (Mazda CX-5)	\$ 340.20
22/11/2023	FOUNDATION PUMP SERVICES	13438 - Diaphragm Pump (Culbin Quickfill Trailer)	\$ 653.57
22/11/2023	FUEL DISTRIBUTORS OF WA PTY LTD	13455 - Bulk Fuel	\$ 15,950.88
22/11/2023	FULTON HOGAN (EFT)	13249 - 2 Bulka Bags Coldmix (Rural Roads)	\$ 1,408.00
22/11/2023	GOODYEAR AUTOCARE NARROGIN	13430 - Tyre Repairs (Various)	\$ 2,622.00
22/11/2023	GREAT SOUTHERN FUELS	Fuel - Mosquito Control - October 2023	\$ 44.53
22/11/2023	GREENWAY TURF SOLUTIONS PTY LTD	13339, 13389 - Soil Conditioner, Herbicide	\$ 979.00
22/11/2023	HARMONY SOFTWARE	Educators' Software Fees, Month of October 2023	\$ 450.50
22/11/2023	ITR PACIFIC PTY LTD	13139 - Cutting Edge (CASE Loader)	\$ 411.51
22/11/2023	JP UPHOLSTERY & CANVAS	13180 - 3 Replacement Shade Sails (Pavilion)	\$ 6,039.00
22/11/2023	JUNCTION BROOK PTY LTD	13454 - Relocate CASE Loader to Dardadine Rd	\$ 398.75
22/11/2023	LANDGATE.	Land Valuations - Rating	\$ 91.60
22/11/2023	M & M CONTRACTORS	13461 - Sand for Footpaths	\$ 1,815.00
22/11/2023	McINTOSH & SON	13418 - Diagnose & Repair Fault (CASE Loader)	\$ 1,402.50
22/11/2023	MELCHIORRE PLUMBING & GAS	13242 - Plumbing Works (Various)	\$ 4,280.98
22/11/2023	NARROGIN BEARING SERVICE	13429 - Ball Bearings (Titan Mower)	\$ 44.25
22/11/2023	NARROGIN CARPETS & CURTAINS	13177 - Supply & Install Blinds (8 Fry St)	\$ 5,390.00
22/11/2023	NARROGIN PACKAGING	13459 - Reticulation Controller (Art & Craft Garden)	\$ 296.00
22/11/2023	PRICE'S FABRICATION AND STEEL	13245 - Materials for Shade Sails (Childcare Centre)	\$ 1,106.60
22/11/2023	PRIME AG SERVICES - WILLIAMS	13386, 13394 - Turf Care Products (Various)	\$ 2,028.00
22/11/2023	RJ SMITH ENGINEERING	13428, 13431 - Parts & Materials (Various)	\$ 595.00
22/11/2023	SOUTH WEST ISUZU	13432 - Filters & Oil (Isuzu Utes)	\$ 686.38
22/11/2023	T-QUIP.	13434 - Blades (Titan Mower)	\$ 350.45
22/11/2023	TEAM GLOBAL EXPRESS	Freight - Various	\$ 708.78
22/11/2023	THE WILLIAMS COMMUNITY NEWSPAPER.	13351 - Photocopy Charges for Shire Notes	\$ 112.20
22/11/2023	TOWN PLANNING INNOVATIONS	General Planning Advice for October 2023	\$ 288.75
22/11/2023	TRUCK CENTRE (WA) PTY LTD	13439 - Oil Filler Pipe (Volvo Prime Mover)	\$ 60.10
22/11/2023	WA CONTRACT RANGER SERVICES	13300 - Ranger Services - 26/9/23, 9/10/2023, 24/10/2023	\$ 992.75
22/11/2023	WESTRAC	13433, 13426 - Parts & Oil (CAT Graders)	\$ 1,439.94
22/11/2023	WILD HARVEST CAFE	13501 - Refreshments - November Council Meeting	\$ 75.00
22/11/2023	WILLIAMS HOTEL - STRICKO'S	13504, 13507 - Refreshments, Stock (Twilight Markets)	\$ 1,004.81
22/11/2023	WILLIAMS NEWSAGENCY	Monthly Account October 2023	\$ 285.50
22/11/2023	WILLIAMS RURAL SUPPLIES	13413 - Monthly Hardware Account - October 2023	\$ 1,975.39
28/11/2023	CR BERNARD PANIZZA	Nomination Deposit Return	\$ 100.00
28/11/2023	CR CHRISTINE COWCHER	Nomination Deposit Return	\$ 100.00
28/11/2023	CR JARRAD LOGIE	Nomination Deposit Return	\$ 100.00
28/11/2023	CR JOHN MACNAMARA	Nomination Deposit Return	\$ 100.00
28/11/2023	CR NATALIE MAJOR	Nomination Deposit Return	\$ 100.00
28/11/2023	CR SIMON HARDING	Nomination Deposit Return	\$ 100.00
28/11/2023	CR TRACEY PRICE	Nomination Deposit Return	\$ 100.00
29/11/2023	FDC EDUCATORS	FDC Educators PE 26/11/2023	\$ 23,986.94

SHIRE OF WILLIAMS PAYMENT LISTING FOR THE MONTH ENDING 30 NOVEMBER 2023

DATE	NAME	DESCRIPTION	AMOUNT
30/11/2023	SHIRE OF WILLIAMS	Salaries & Wages PE 29/11/2023	\$ 53,558.75
30/11/2023	AMD	2023 Acquittal Audits (R2R and LRCI)	\$ 5,060.00
30/11/2023	CONSTRUCTION HYDRAULIC DESIGN PTY LTD	13514 - Hydraulic Design (New Dwelling, Growse St)	\$ 4,510.00
30/11/2023	NATURE PLAYGROUNDS	13400 - 30% Deposit for Playground Equipment (Playgroup)	\$ 1,414.05
30/11/2023	NORTHERN ASPECT ENERGY CONSULTANTS	13515 - Energy Rating Report (New Growse St Dwelling)	\$ 418.00
30/11/2023	PALUMBO, SHARON	Reimbursement - Childcare Staff Training Material	\$ 131.25
30/11/2023	TERPKOS ENGINEERING PTY LTD	13379 - Structural & Civil Design (Final Payment) - Growse St	\$ 711.70
01/11/2023	TELSTRA	Monthly Phone Usage to 19/10/2023	\$ 409.82
09/11/2023	SYNERGY	Electricity to Streetlights to 24/9/2023	\$ 2,987.91
15/11/2023	SYNERGY	Electricity to Streetlights to 24/10/2023	\$ 2,889.50
15/11/2023	TELSTRA	Mobile Phone Services to 1/11/2023	\$ 313.69
17/11/2023	AUSTRALIAN TAXATION OFFICE	BAS October 2023	\$ 7,642.00
22/11/2023	TELSTRA	SMS Service - Mosquito Fogging Alert	\$ 3.25
28/11/2023	SYNERGY	Electricity to 6 Richardson St - to 31/10/2023	\$ 122.66
28/11/2023	TELSTRA	Pool Telephone to 19/11/2023	\$ 34.53
01/11/2023	WESTNET	Monthly CEO Internet Charges, November 2023	\$ 54.99
1-30 Nov 23	DEPARTMENT OF PLANNING & INFRASTRUCTURE	Licensing Payments Forwarded to Department of Transport	\$ 58,599.15
03/11/2023	CBA	CBA - Merchant Fees October 2023	\$ 258.51
16/11/2023	ANZ CARDS	Monthly Credit Card Expenses x 2 (see details below)	\$ 1,263.38
01/11/2023	SYNERGY	Electricity Costs (Various)	\$ 1,800.09
08/11/2023	SYNERGY	Electricity to Office, Chambers a.o. to 30/10/2023	\$ 2,178.86
08/11/2023	WILLIAMS LICENSED POST OFFICE	Monthly Account - October 2023	\$ 388.48
			\$ 541,921.87

16/11/2023 ANZ CARDS Monthly Credit Card Expenses x 2 -1,263.38

Geoff McKeown - CEO

Refreshments - Williams Hotel	142.77
Refreshments - Fire Awareness Training 26/9/23	127.27
Crazy Domains - Marradong Country Group E-mail Renewal	277.19
Crazy Domains - Overseas Transaction Fee	9.15

Sharon Palumbo - Manager of Children's Services

PLANT:P084 CX-5 2022 WL036 (FDC)	48.02L Fuel	88.15
PLANT:P084 CX-5 2022 WL036 (FDC)	46.65L Fuel	88.18
PLANT:P084 CX-5 2022 WL036 (FDC)	Fuel	51.82
	Baby Wipes	20.00
	Broom	32.68
	Baby Wipes, Gloves	17.27
	Cooking Ingredients	14.90
	Batteries, Sauce Bottle	5.45
	Accommodation - Northam 16-17 November 2023	190.91
	Meal Items	29.72
PLANT:P084 CX-5 2022 WL036 (FDC)	32.53L Fuel	57.95
AUSTRALIAN TAXATION OFFICE	Non-Cap. Acq. - Inc GST	109.97
		1,263.38

8.1.2 Financial Statements

File Reference	4.23.15
Statutory Ref.	<i>Local Government (Financial Management) Regulations 1996</i>
Author & Date	Cassie Barker 13 November 2023
Attachments	Financial Statements ending 30 November 2023

Background

In accordance with the *Local Government Act 1995*, a statement of financial activity must be presented at an Ordinary Meeting of Council. This is required to be presented within two months, after the end of the month, to which the statement relates.

The statement of financial activity is to report on the revenue and expenditure as set out in the annual budget for the month, including explanations of any variances. *Regulation 34*, from the *Local Government (Financial Management) Regulations 1996* sets out the detail that is required to be included in the reports.

Statutory Implications

Local Government (Financial Management) Regulations 1996 - Regulation 34.

Comment

The attached monthly financial statements and supporting information have been compiled to meet compliance with the Local Government Act 1995 and associated Regulations.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

CL 2.2 Maintain accountability, transparency and financial responsibility

Financial Implications

As disclosed in the financial statements.

Voting Requirements

Simple Majority

Officer’s Recommendation
That the financial statements presented for the period ending 30 November 2023 be received.

Council Resolution
Moved: Cr Price / **Seconded:** Cr Cowcher
That the financial statements presented for the period ending 30 November 2023 be received.

Carried 4/0
For: Cr Cowcher, Cr Logie, Cr Major, Cr Price
Against: Nil
Resolution 70/24



SHIRE OF WILLIAMS

MONTHLY FINANCIAL REPORT

(Containing the required statement of financial activity and statement of financial position)

For the period ended 30 November 2023

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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SHIRE OF WILLIAMS
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2023

	Supplementary Information	Adopted Budget Estimates (a) \$	YTD Budget Estimates (b) \$	YTD Actual (c) \$	Variance* \$ (c) - (b)	Variance* % ((c) - (b))/(b)	Var.
OPERATING ACTIVITIES							
Revenue from operating activities							
Rates	10	2,245,399	2,243,398	2,241,866	(1,532)	(0.07%)	
Grants, subsidies and contributions	13	469,870	379,629	260,554	(119,075)	(31.37%)	▼
Fees and charges		1,093,829	439,210	524,771	85,561	19.48%	▲
Interest revenue		80,500	33,542	61,354	27,812	82.92%	▲
Other revenue		39,775	17,658	44,485	26,827	151.93%	▲
Profit on asset disposals	6	6,814	0	13,769	13,769	0.00%	▲
		3,936,187	3,113,437	3,146,799	33,362	1.07%	
Expenditure from operating activities							
Employee costs		(1,914,703)	(793,809)	(884,125)	(90,316)	(11.38%)	▼
Materials and contracts		(1,387,703)	(624,029)	(472,613)	151,416	24.26%	▲
Utility charges		(251,190)	(82,647)	(64,081)	18,566	22.46%	▲
Depreciation		(1,953,425)	(811,848)	(817,760)	(5,912)	(0.73%)	▼
Finance costs		(19,189)	(7,777)	(7,982)	(205)	(2.64%)	
Insurance		(165,012)	(165,012)	(168,910)	(3,898)	(2.36%)	
Other expenditure		(25,100)	(42)	(16,885)	(16,843)	(40102.38%)	▼
Loss on asset disposals	6	(9,782)	0	(1,809)	(1,809)	0.00%	
		(5,726,104)	(2,485,164)	(2,434,165)	50,999	2.05%	
Non-cash amounts excluded from operating activities	Note 2(b)	1,956,393	811,848	805,800	(6,048)	(0.74%)	▼
Amount attributable to operating activities		166,476	1,440,121	1,518,434	78,313	5.44%	
INVESTING ACTIVITIES							
Inflows from investing activities							
Proceeds from capital grants, subsidies and contributions	14	723,437	3,300	53,905	50,605	1533.48%	▲
Proceeds from disposal of assets	6	60,500	25,500	46,196	20,696	81.16%	▲
Proceeds from financial assets at amortised cost - self supporting loans		17,693	8,772	8,772	0	0.00%	
		801,630	37,572	108,873	71,301	189.77%	
Outflows from investing activities							
Payments for property, plant and equipment	5	(1,488,500)	(435,000)	(417,659)	17,341	3.99%	▲
Payments for construction of infrastructure	5	(1,391,293)	(3,000)	(318,677)	(315,677)	(10522.58%)	▼
		(2,879,793)	(438,000)	(736,336)	(298,336)	(68.11%)	
Amount attributable to investing activities		(2,078,163)	(400,428)	(627,463)	(227,035)	(56.70%)	
FINANCING ACTIVITIES							
Inflows from financing activities							
Transfer from reserves	4	931,500	0	0	0	0.00%	
		931,500	0	0	0	0.00%	
Outflows from financing activities							
Repayment of borrowings	11	(75,989)	(25,904)	(25,904)	0	0.00%	
Transfer to reserves	4	(372,500)	0	(29,068)	(29,068)	0.00%	▼
		(448,489)	(25,904)	(54,972)	(29,068)	(112.21%)	
Amount attributable to financing activities		483,011	(25,904)	(54,972)	(29,068)	(112.21%)	
MOVEMENT IN SURPLUS OR DEFICIT							
Surplus or deficit at the start of the financial year							
Amount attributable to operating activities		1,428,676	1,428,676	1,198,283	(230,393)	(16.13%)	▼
Amount attributable to investing activities		166,476	1,440,121	1,518,434	78,313	5.44%	▲
Amount attributable to financing activities		(2,078,163)	(400,428)	(627,463)	(227,035)	(56.70%)	▼
Amount attributable to financing activities		483,011	(25,904)	(54,972)	(29,068)	(112.21%)	▼
Surplus or deficit after imposition of general rates		0	2,442,465	2,034,282	(408,183)	(16.71%)	▼

KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

* Refer to Note 3 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

SHIRE OF WILLIAMS
STATEMENT OF FINANCIAL POSITION
FOR THE PERIOD ENDED 30 NOVEMBER 2023

	30 June 2022	30 November 2023
	\$	\$
CURRENT ASSETS		
Cash and cash equivalents	3,390,001	4,363,628
Trade and other receivables	139,127	533,481
Other financial assets	22,693	11,421
Inventories	21,068	23,836
TOTAL CURRENT ASSETS	3,572,889	4,932,366
NON-CURRENT ASSETS		
Other financial assets	207,701	207,701
Property, plant and equipment	17,295,266	17,504,521
Infrastructure	66,457,278	66,132,363
Investment property	61,117	61,117
TOTAL NON-CURRENT ASSETS	84,021,362	83,905,702
TOTAL ASSETS	87,594,251	88,838,068
CURRENT LIABILITIES		
Trade and other payables	291,300	426,502
Other liabilities	5,000	372,982
Borrowings	75,989	60,066
Employee related provisions	354,566	354,566
TOTAL CURRENT LIABILITIES	726,855	1,214,116
NON-CURRENT LIABILITIES		
Borrowings	439,890	429,909
Employee related provisions	14,757	14,757
TOTAL NON-CURRENT LIABILITIES	454,647	444,666
TOTAL LIABILITIES	1,181,502	1,658,782
NET ASSETS	86,412,749	87,179,286
EQUITY		
Retained surplus	23,612,432	24,378,971
Reserve accounts	1,719,674	1,719,674
Revaluation surplus	61,080,642	61,080,642
TOTAL EQUITY	86,412,748	87,179,287

This statement is to be read in conjunction with the accompanying notes.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 NOVEMBER 2023

1 BASIS OF PREPARATION AND SIGNIFICANT ACCOUNTING POLICIES

BASIS OF PREPARATION

This prescribed financial report has been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

Local Government Act 1995 requirements

Section 6.4(2) of the *Local Government Act 1995* read with the *Local Government (Financial Management) Regulations 1996*, prescribe that the financial report be prepared in accordance with the *Local Government Act 1995* and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

Local Government (Financial Management) Regulations 1996, regulation 34 prescribes contents of the financial report. Supporting information does not form part of the financial report.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

THE LOCAL GOVERNMENT REPORTING ENTITY

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 15 to these financial statements.

Judgements and estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The balances, transactions and disclosures impacted by accounting estimates are as follows:

- estimated fair value of certain financial assets
- impairment of financial assets
- estimation of fair values of land and buildings, infrastructure and investment property
- estimation uncertainties made in relation to lease accounting
- estimated useful life of intangible assets

SIGNIFICANT ACCOUNTING POLICES

Significant accounting policies utilised in the preparation of these statements are as described within the 2023-24 Annual Budget. Please refer to the adopted budget document for details of these policies.

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 13 December 2023

SHIRE OF WILLIAMS
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2023

2 STATEMENT OF FINANCIAL ACTIVITY INFORMATION

	Supplementary Information	Adopted Budget Opening 30 June 2023	Last Year Closing 30 June 2023	Year to Date 30 November 2023
(a) Net current assets used in the Statement of Financial Activity				
Current assets				
Cash and cash equivalents	3	\$ 1,402,324	\$ 3,390,000	\$ 4,363,628
Trade and other receivables		139,128	139,127	533,480
Other financial assets		212,700	22,693	11,421
Inventories	8	21,068	21,068	23,836
		<u>1,775,220</u>	<u>3,572,888</u>	<u>4,932,365</u>
Less: current liabilities				
Trade and other payables	9	(291,301)	(291,301)	(426,502)
Other liabilities	12	(5,000)	(5,000)	(372,982)
Borrowings	11	(75,989)	(75,989)	(60,066)
Employee related provisions	12	(354,566)	(354,566)	(354,566)
		<u>(726,856)</u>	<u>(726,856)</u>	<u>(1,214,116)</u>
Net current assets		1,048,364	2,846,032	3,718,249
Less: Total adjustments to net current assets	Note 2(c)	(1,683,353)	(1,647,749)	(1,683,967)
Closing funding surplus / (deficit)		(634,989)	1,198,283	2,034,282

(b) Non-cash amounts excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with *Financial Management Regulation 32*.

	Adopted Budget	YTD Budget (a)	YTD Actual (b)
Non-cash amounts excluded from operating activities			
	\$	\$	\$
Adjustments to operating activities			
Less: Profit on asset disposals	6 (6,814)	0	(13,769)
Add: Loss on asset disposals	6 9,782	0	1,809
Add: Depreciation	1,953,425	811,848	817,760
Total non-cash amounts excluded from operating activities	1,956,393	811,848	805,800

(c) Current assets and liabilities excluded from budgeted deficiency

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation 32* to agree to the surplus/(deficit) after imposition of general rates.

	Adopted Budget Opening 30 June 2023	Last Year Closing 30 June 2023	Year to Date 30 November 2023
Adjustments to net current assets			
Less: Reserve accounts	4 (1,719,674)	(1,719,674)	(1,748,742)
Less: Financial assets at amortised cost - self supporting loans	8	(22,693)	(11,421)
- Current financial assets at amortised cost - self supporting loans		(17,693)	(20,193)
Add: Current liabilities not expected to be cleared at the end of the year:			
- Current portion of borrowings	11	75,989	60,066
- Current portion of employee benefit provisions held in reserve	4	36,322	36,322
Total adjustments to net current assets	Note 2(a) (1,683,352)	(1,647,749)	(1,683,967)

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

SHIRE OF WILLIAMS
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2023

3 EXPLANATION OF MATERIAL VARIANCES

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially.

The material variance adopted by Council for the 2023-24 year is \$5,000 or 5.00% whichever is the greater.

Description	Var. \$	Var. %	
	\$	%	
Revenue from operating activities			
Grants, subsidies and contributions	(119,075)	(31.37%)	▼
Timing Variance			
Fees and charges	85,561	19.48%	▲
Timing Variance			
Interest revenue	27,812	82.92%	▲
Timing Variance			
Other revenue	26,827	151.93%	▲
Timing Variance			
Profit on asset disposals	13,769	0.00%	▲
Timing Variance			
Expenditure from operating activities			
Employee costs	(90,316)	(11.38%)	▼
Timing Variance			
Materials and contracts	151,416	24.26%	▲
Timing Variance			
Utility charges	18,566	22.46%	▲
Timing Variance			
Depreciation	(5,912)	(0.73%)	▼
Not material			
Other expenditure	(16,843)	(40102.38%)	▼
Timing Variance			
Non-cash amounts excluded from operating activities	(6,048)	(0.74%)	▼
Inflows from investing activities			
Proceeds from capital grants, subsidies and contributions	50,605	1533.48%	▲
Timing Variance			
Proceeds from disposal of assets	20,696	81.16%	▲
Timing Variance			
Outflows from investing activities			
Payments for property, plant and equipment	17,341	3.99%	▲
Timing Variance			
Payments for construction of infrastructure	(315,677)	(10522.58%)	▼
Timing Variance			
Outflows from financing activities			
Transfer to reserves	(29,068)	0.00%	▼
Monthly OCDF Interest			
Surplus or deficit at the start of the financial year	(230,393)	(16.13%)	▼
Surplus or deficit after imposition of general rates	(408,183)	(16.71%)	▼
Due to variances described above			

8.2 Office of the Chief Executive Officer

8.2.1 Council Meeting Dates for 2024

File Reference	4.1.20
Statutory Ref.	<i>Local Government Act 1995; Section 5.25(1)(g) and Local Government (Administration) Regulations 1996, r12(1)</i>
Author & Date	Peter Stubbs 12 December 2023
Attachments	Nil

Background

This item provides suggested Council meetings dates for 2024 to enable public advertising as required by the *Local Government Act 1995*.

Comment

Below is a draft schedule of proposed dates for Ordinary Council Meetings in 2024 which are set for the third Wednesday of each month, except for January where no meeting is held and February where the meeting is suggested to be held on the first Wednesday 7 February 2024, followed by the Annual General Electors Meeting. The General Electors meeting is required to be held no more than 56 days after Council adoption of the Annual Report.

- Wednesday – 7 February
- Wednesday – 20 March
- Wednesday - 17 April
- Wednesday - 15 May
- Wednesday – 19 June
- Wednesday - 24 July
- Wednesday - 21 August
- Wednesday - 18 September
- Wednesday – 16 October
- Wednesday – 20 November
- Wednesday - 18 December

The *Local Government (Administration) Regulations 1996* state:

12. Meetings, public notice of (Acts. 5.25(1)(g))
 - (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,
 are to be held in the next 12 months.

Section 5.57 *Local Government Act 1995*

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

- CL 1.2 Ensure the community remains well informed, well connected, and engaged, and has the opportunity to actively participate.

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Adopts the meeting schedule for the period January 2024 to December 2024 as listed in this report;
2. Advertise the meeting dates and commencement times in accordance with Section 5.25(1)(g) of the *Local Government Act 1995* and Regulation 12(1) of the *Local Government (Administration) Regulations 1996*.

Council Resolution

Moved: Cr Major / **Seconded:** Cr Cowcher

That Council:

1. Adopts the meeting schedule for the period January 2024 to December 2024 as listed in this report;
2. Advertise the meeting dates and commencement times in accordance with Section 5.25(1)(g) of the *Local Government Act 1995* and Regulation 12(1) of the *Local Government (Administration) Regulations 1996*.

Carried 4/0

For: Cr Cowcher, Cr Logie, Cr Major, Cr Price

Against: Nil

Resolution 71/24

8.2.2 Adoption of Annual Report and Date for Annual Meeting of Electors

File Reference	4.23.15
Statutory Ref.	Section 5.27, 5.54 & 5.55 <i>Local Government Act 1995</i>
Author & Date	Geoff McKeown 4 December 2023
Attachments	Attachment 1 - 2022/2023 Annual Report (published separately)

Background

The Annual Report for the 2022/23 financial year, which includes the Annual Financial Report and Independent Auditor's Report, are presented for Council consideration and adoption.

Comment

The Office of the Auditor General's (OAG) has completed the audit of the 2022/2023 Annual Financial Report. An Audit Exit Meeting was held on the 4 December 2023, attended by Vignesh Raj, OAG and Tim Partridge, AMD Chartered Accountants. Also, present were Cr Logie, Cr Price, Peter Stubbs (incoming CEO), Cassie Barker and Geoff McKeown.

Council can now consider adoption of the Annual Report, which includes the Annual Financial Report and Independent Auditor's Report and set a date for the Annual Meeting of Electors.

Local governments are required to give local public notice of the availability of the Annual Report as soon as practical after the report has been adopted by the Council. Further, the *Local Government Act 1995*, Section 5.27 requires that the meeting is held no more than 56 days after the Council accepts the report.

It is recommended that the Annual Meeting of Electors be held at 5.00pm on Wednesday, 7 February 2024, at the conclusion of the February 2024 Ordinary Council Meeting.

Statutory Requirements

Section 5.57 *Local Government Act 1995*

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

- CL 1.2 Ensure the community remains well informed, well connected and engaged and has the opportunity to actively participate.
- CL 2.2 Maintain accountability, transparency and financial responsibility.

Financial Implications

Nil

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council adopt the Annual Report, including the Annual Financial Report and Independent Auditor's Report, for the financial year ending 30 June 2023 and confirm the Annual Meeting of Electors be held on Wednesday, 7 February 2024 commencing at 5.00pm.

Council Resolution

Moved: Cr Major / **Seconded:** Cr Price

That Council adopt the Annual Report, including the Annual Financial Report and Independent Auditor's Report, for the financial year ending 30 June 2023 and confirm the Annual Meeting of Electors be held on Wednesday, 7 February 2024 commencing at 6.00pm.

Carried by Absolute Majority 4/0

For: Cr Cowcher, Cr Logie, Cr Major, Cr Price

Against: Nil

Resolution 72/24

The Resolution differed from the Recommendation as Council wished to allow more time between the Office staff closing for business and the commencement of the Annual Meeting of Electors.

8.2.3 Delegation Register Review

File Reference	4.50.60
Statutory Ref.	<i>Local Government Act 1995</i> ; Section 5.42
Author & Date	Geoff McKeown 17 November 2023
Attachments	Attachment 2 – Delegation Register (published separately)

Background

The *Local Government Act 1995* requires that all delegations be reviewed annually.

The Shire of Williams' delegations were last reviewed and adopted by Council on the 21 December 2022 (Council Resolution 65/23).

Section 5.42 *Local Government Act 1995* ('the Act'), enables Council to delegate authority to the Chief Executive Officer.

Council can delegate to the Chief Executive Officer, by an absolute majority resolution, the exercise of any of its powers or the discharge of any of its duties from time to time and in such manner as the Council determines, excepting certain limitations as outlined below. The Chief Executive Officer has the power to then delegate to other staff members in accordance with Section 5.44 *Local Government Act 1995*.

Delegations are to be in writing and a register of delegations is to be kept.

There are limitations to delegating under Section 5.43 of the Act as outlined below:

A local government cannot delegate to a CEO any of the following powers or duties:

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor; and
- (i) such other powers or duties as may be prescribed.

Council can also delegate to a committee, comprising of elected members only, any of the Council's powers or duties under the Act, or to a committee comprising of elected members and employees any duties that can be delegated to the Chief Executive Officer. Limitations of delegation of powers and duties to committees are prescribed under Section 5.17 of the Act.

The opportunity is also taken to review all other delegations to staff provided under alternative legislation. Various other acts such as the *Bush Fires Act 1954*, *Building Act 2011*, *Dog Act 1974*, *Cat Act 2011*, etc, allow for delegations to local government officers.

Comment

A major review of the Delegation Register was undertaken by the Chief Executive Officer in 2021. There are no changes proposed to the current document. The Delegation Register 2023 is included in this Agenda as Attachment 2.

Currently there are no Council committees with delegated authority under the Act.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

- CL 1.3 Maintain, review and ensure relevance of Council's policies, local laws and operational plans.
- CL 2.2 Maintain accountability, transparency and financial responsibility.
- CL 4.4 Monitor and ensure compliance with regulatory framework for local government business.

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer's Recommendation

That Council having reviewed the delegations and authorisations currently in place and noting that no changes are proposed:

Delegates to the Chief Executive Officer under s5.42 Local Government Act 1995, the exercise of the powers and the discharge of any of its duties under the Act, effective immediately, as listed in the Delegation Register current as of 20 December 2023.

Council Resolution

Moved: Cr Cowcher / **Seconded:** Cr Major

That Council having reviewed the delegations and authorisations currently in place and noting that no changes are proposed:

Delegates to the Chief Executive Officer under s5.42 Local Government Act 1995, the exercise of the powers and the discharge of any of its duties under the Act, effective immediately, as listed in the Delegation Register current as of 20 December 2023.

Carried 4/0

For: Cr Cowcher, Cr Logie, Cr Major, Cr Price

Against: Nil

Resolution 73/24

8.2.4 Policy Manual Review

File Reference	4.1.10
Statutory Ref.	Local Government Act 1995
Author & Date	Geoff McKeown 4 December 2023
Attachments	Attachment 3 – Policy Manual (published separately)

Background

A major review of the Shire's Policy Manual occurred in late 2020 and early 2021. The current document was adopted by Council at the Ordinary Council Meeting held on the 21 April 2021 and reviewed in December 2022.

Comment

A review of the current Policy Manual has been completed.

No changes are proposed.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

CL 1.3 Maintain, review and ensure relevance of Council's policies, local laws and operational plans.

Financial Implications

Nil

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council adopt the Policy Manual as presented.

Council Resolution

Moved: Cr Price / **Seconded:** Cr Major

That Council adopt the Policy Manual as presented.

Carried by Absolute Majority 4/0
For: Cr Cowcher, Cr Logie, Cr Major, Cr Price
Against: Nil
Resolution 74/24

8.2.5 Draft Local Planning Policy No 1 – Wind Farms (Renewable Energy Facilities)

File Reference	14.25.26
Statutory Ref.	<i>Planning & Development (Local Planning Schemes) Regulations 2015</i>
Author & Date	Liz Bushby (TPI), Peter Stubbs - 13 December 2023
Attachments	Attachment 4 -Table of Submissions (published separately) Attachment 5 – Draft Local Planning No 1 Wind Farms (Renewable Energy Facilities) Attachment 6 – Department of Water & Environment Regulation advice on Noise Reg's. Attachment 7 – ABC article Supreme Court ruling - Noise compensation

Background

Shire Administration and Town Planning Innovations have received enquiries about potential future wind farms and meteorological mast/turbines on land in the Rural zone within the Shire of Williams.

At the Ordinary Meeting held on the 16 August 2023, Council initiated Scheme Amendment No 21 to introduce a new land use definition for 'renewable energy facility' and update/replace the existing 'industry' definition. The Scheme Amendment has been finalised and was gazetted on the 24 November 2023.

A Draft Local Planning Policy on wind farms was initially prepared in August 2023. It was included as an attachment to Item 8.2.2 on Amendment 21 in the August agenda and minutes.

The Draft Policy was referred to the Ordinary Meeting of Council held on the 20 September 2023. Council deferred making a decision on adoption of a Local Planning Policy on Wind Farms to investigate the inclusion of detail relating to the decommissioning of turbine structures and associated infrastructure at the conclusion of their useful life.

A revised Policy was considered by Council at the Ordinary Meeting held on the 18 October 2023. Council adopted the Draft Policy for the purpose of conducting public advertising.

Comment

- **Description of Proposed Policy**

The Draft Local Planning Policy outlines the policy purpose, objectives, expectations for community consultation, and matters to be considered such as noise, visual impact, other potential impacts and traffic management.

Some of these issues are already outlined in the Western Australian Planning Commission '*Position Statement: Renewable Energy Facilities – March 2020*'.

The Local Planning Policy complements and expands on the guidelines that are already outlined in the WAPC Position Statement.

Key new considerations in the Draft Local Policy include:

- Setting a high expectation that any proponent undertake pre-lodgement consultation with nearby landowners, key stakeholders and government agencies;
- Introducing an 800-metre setback between any turbine and a lot boundary (unless otherwise agreed to by the affected neighbour).

- **Consultation**

The Draft Local Planning Policy on Wind Farms was advertised for public comment. Advertising closed on the 13 November 2023.

Five 'objections' and seven 'non objections' were received. Objections mainly came from consultants representing potential wind farm proponents, and one objection was by a landowner concerned that the 800-metre lot setback would prevent his land from being used to accommodate a wind farm.

The non objections are from local landowners and residents.

A detailed submission table is included as [Attachment 4](#), with TPI suggestions on modifications to the Policy to respond to some of the issues raised.

Common issues raised in objections have been highlighted in gray in the submission table.

A revised Local Planning Policy is included as [Attachment 5](#). [TPI's recommended changes are included in orange text.](#)

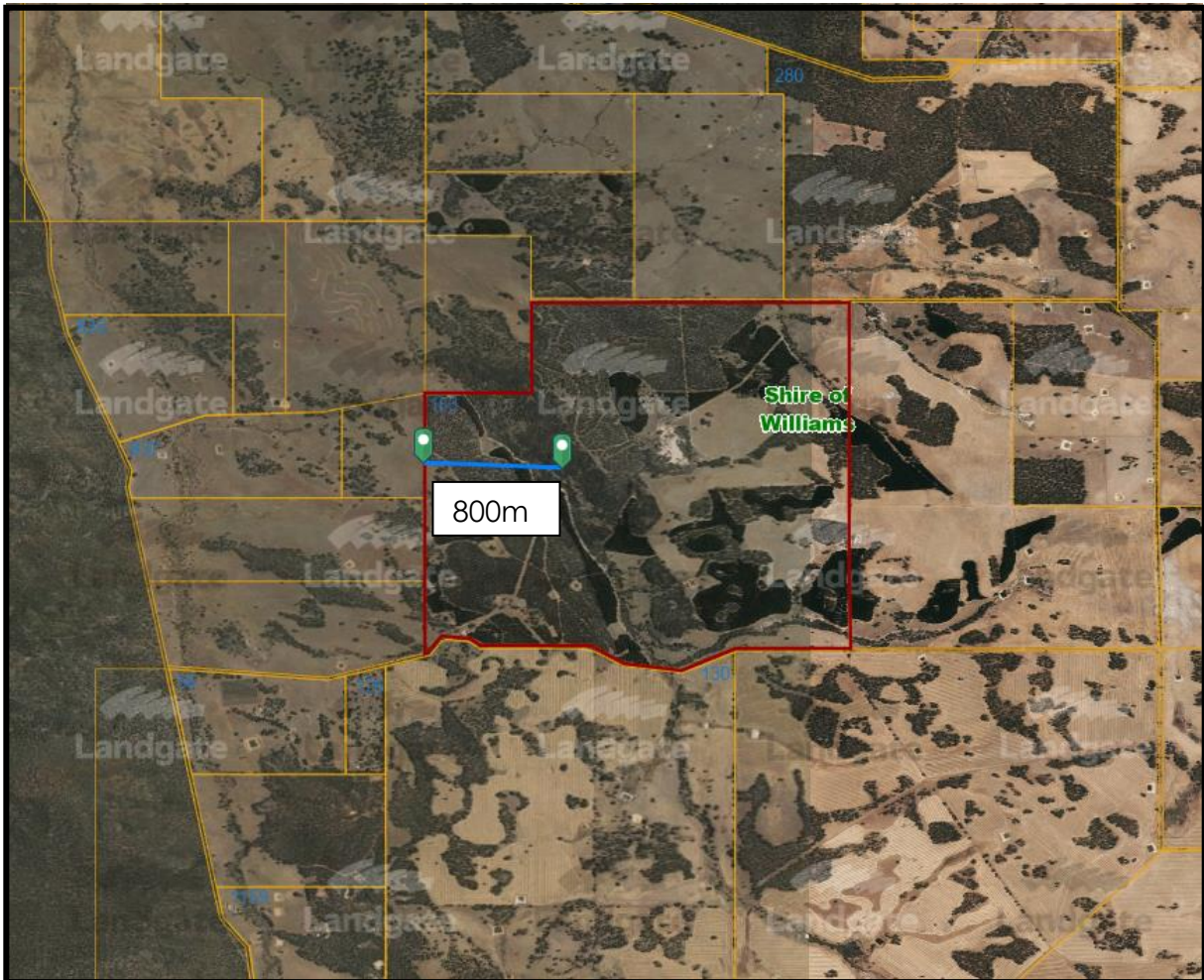
The main issues raised are discussed in the body of this report.

- **Common Issue 1 – 800 metre setback to lot boundaries**

One of the main objections is concern that the Policy requirement for an 800-metre setback to lot boundaries (without adjacent landowners' agreement or non-objection) is too restrictive.

One objector is the owner of 153 Redman Road (submission 4) who is interested in having turbines on his property. His property has an area of 548.9 hectares. Surrounding lots to the west are smaller ranging between 20/30 hectares to 100 hectares. Lots to the south and east are larger exceeding 500 hectares.

An aerial plan showing the impact of an 800metre setback on 153 Redman Road is included overpage as an example.



Above: Aerial showing 153 Redman Road in red outline and the 800-metre setback as a blue line.

Where lot sizes are smaller, there are more affected neighbours, and potential for more existing and future dwellings to be in proximity of any turbines.

TPI understands that the 800metre setback was requested by Council and has not recommended any changes to the policy setback requirement.

- **Common Issue 2 – Commercial Risk & reference to future dwellings that may be built on adjacent lots.**

Some objections state that noise should only be based on dwellings that already exist on adjacent lots at the time the wind farm is proposed. They also object to the policy statement that:

'Following construction, wind farm proponents take a commercial risk, as there is potential for adjacent landowners to construct new dwellings on their lots.'

TPI recommends keeping the statement about commercial risk in the Policy as:

1. Wind farms have to continue to comply with the *Environmental Protection (Noise) Regulations 1997* ('WA Noise Regulations') at all times. If a dwelling on an adjacent lot is constructed after a wind farm, the wind farm still has to comply with the permissible noise limits that apply to that dwelling as a 'sensitive premises'.

2. The above has been confirmed by the Department of Water and Environmental Regulation (DWER) – [Attachment 6](#).
3. This issue was considered for the Moonies Hill windfarm in the Shire of Broomehill-Tambellup.

The State Development Assessment Panel included the following advice note on the Moonies Hill wind farm approval (refer DAP Minutes 19 July 2013) so a precedent has already been set-

"The applicant is advised that:

- (i) There is potential for vacant lots adjacent to the proposed wind farm to be further developed with sensitive buildings and residential dwellings.*
- (ii) Legislation in Western Australia requires that the wind farm comply with the Environmental Protection (Noise) Regulations 1997.*
- (iii) The applicant takes the commercial risk that future wind farm operations may need to be altered or modified to continue to comply with Condition 22 and / or the 1997 Regulations (if new dwellings are built on surrounding landholdings).*
- (iv) It is recommended that the applicant prepare and submit acoustic compliance reports by a suitably qualified and independent acoustic engineer to demonstrate compliance with Condition 22 at key stages of development. This would provide compliance assurances to both the local government and surrounding landowners."*

Although it related to existing dwellings, and not new dwellings, it is noted that in Victoria there was a landmark case where the Supreme Court ordered a wind farm to switch off parts at night to reduce noise levels to an acceptable level and awarded damages and an injunction as a result of a civil suit by two neighbours – [Attachment 7](#).

TPI has made a number of changes to the Draft Policy to make it clear that wind farms have to comply with the WA Noise Regulations at all times and explain why they take a 'commercial risk' as neighbours can build dwellings on any adjacent lots.

The risk may be higher where the lot sizes are smaller, as there are more lots with potential dwelling entitlements, and they may be closer to any turbines.

- **Common Issue 3 – Birds and Habitat**

Submitters raised concern that the Policy section on Environmental Impact could be more refined to refer to birds of conservation significance and high value bird habitat.

TPI agrees with the suggestions that wording be more specific under the '5.0 Environmental Impact' heading.

- **General Issues**

There were a number of general comments that have assisted TPI to adjust and clarify the Policy requirements. Other recommended changes include:

- a) Updating the Policy section on relevant Scheme provisions as Scheme Amendment 21 has been finalised and gazetted;
- b) Expanding the Community Consultation section to reference stakeholders;
- c) Referencing any separate State or Federal environmental processes;
- d) Referencing documents relevant to low frequency sound and infrasound;
- e) Providing flexibility for developers to pay the Shire to undertake road upgrading works or road repair works (where feasible) at the developers cost;
- f) Expanding the section on 'decommissioning' to recognise that some infrastructure, such as concrete foundations, may be retained and covered up with soil;
- g) Updating the references to refer to the most current South Australian Noise Guidelines being 2021.

There were some objections to the requirement for turbines to be set back 1.5 kilometres from any sensitive land use / dwelling, however that setback is consistent with the WA Planning Commission Position Statement on Renewable Energy Facilities.

Policy Requirements

The Local Planning Policy will set out new guidelines for the assessment of wind farms.

Relevant state planning documents are referenced below.

State Planning Strategy 2050 - The Strategy is a guide from which public and local authorities can express or frame their legislative responsibilities in land-use planning, land development, transport planning and related matters. It provides a set of State planning principles, strategic goals and objectives.

A key Energy Objective is '*to enable secure, reliable, competitive and clean energy that meets the State's growing demand*'.

Relevant to this application, the Strategy highlights parts of the state, including the Shire of Williams, for '*potential wind energy*'.

State Planning Policy 2.5 - The Western Australian Planning Commission (WAPC) has developed State Planning Policy 2.5: Rural Planning' however it has no specific section on renewable energy facilities.

Wheatbelt Regional Planning and Infrastructure Framework – recognises that '*the Wheatbelt offers an abundant source of renewable energy. The climatic and geographic conditions of the Wheatbelt are conducive to alternative energy generation such as wind, solar, geothermal and biomass generation. Renewable energy offers the capacity to reduce reliance on centrally distributed energy.*'

WAPC Position Statement: Renewable Energy Facilities -

The WAPC has a Position Statement on Renewable Energy Facilities which:

- Outlines key environmental and planning considerations for renewable energy proposals.
- Encourages early consultation with the community and local government.
- Recommends any application address specific matters such as environmental impact, visual impact, noise, aviation safety and construction impact.
- It recommends that any turbine be a minimum of 1.5 kilometres from any dwelling or sensitive land use.
- Includes a definition for 'renewable energy facility'.

Legislative Requirements

Planning and Development (Local Planning Schemes) Regulations 2015 -

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

Clause 3 and 4 under Part 2, Schedule 2 of the Deemed Provisions contained in the Regulations sets out the power for local governments to make a local planning policy and the procedure for making a local planning policy, including a requirement to advertise a Draft Policy for a period not less than 21 days.

The Deemed Provisions contained in the Regulations also outlines procedures for amending a Local Planning Policy, or revocation of any Local Planning Policy.

Shire of Williams Town Planning Scheme No 2 –

A 'renewable energy facility' is defined as 'means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary'.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

CL 1.2 Ensure the community remains well informed, well connected, and engaged, and has the opportunity to actively participate.

Sustainability Implications

Environment

There are no known significant environmental implications associated with this policy proposal. The draft policy seeks to mitigate potential environmental implications associated with wind farms.

Economic

Increased flexibility for renewable energy developments may provide broader benefits to owners, developers, key stakeholders, and the broader community.

Social

There are no known significant social implications associated with this policy proposal. Wind farms can cause controversy within local communities as they introduce perceived significant changes to the landscape.

Financial Implications

The Shire pays consultancy fees to Liz Bushby of Town Planning Innovations for Planning advice.

Voting Requirements

Simple Majority

Officers (Consultant Planner) Recommendation

That Council:

1. Note the submissions and recommended modifications as outlined in the 'Table of Submissions' included as [Attachment 4](#).
2. Resolve to proceed with Local Planning Policy No 1 on Wind Farms (with modifications) pursuant to Schedule 2, Part 2, Division 2, Clause 4(3)(b)(iii) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* – refer [Attachment 5](#).
3. Authorise the Chief Executive Officer to publish notice of the Policy on the Shire website in accordance with Schedule 2, Part 2, Division 2, Clause 4(4) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. Authorise the Chief Executive Officer to write to all persons and organisations who lodged a submission to advise them of the Council's decision.

Council Resolution

Moved: Cr Major / **Seconded:** Cr Cowcher

That Council:

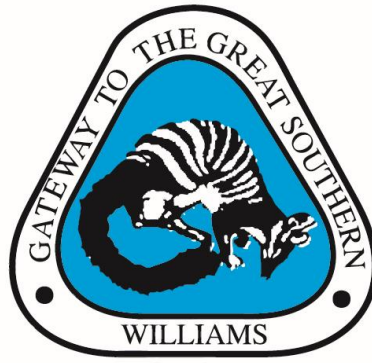
1. Note the submissions and recommended modifications as outlined in the 'Table of Submissions' included as [Attachment 4](#).
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3. Authorise the Chief Executive Officer to publish notice of the Policy on the Shire website in accordance with Schedule 2, Part 2, Division 2, Clause 4(4) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. Authorise the Chief Executive Officer to write to all persons and organisations who lodged a submission to advise them of the Council's decision.

Carried 4/0

For: Cr Cowcher, Cr Logie, Cr Major, Cr Price

Against: Nil

Resolution 75/24



SHIRE OF WILLIAMS

LOCAL PLANNING POLICY NO 1 – WIND FARMS

(RENEWABLE ENERGY FACILITIES)

1.0 PURPOSE

~~Under the Shire of Williams Town Planning Scheme No. 2 ('the Scheme'), planning approval is required for any proposed wind farm. This~~ The Policy sets out the Council's position on wind farms (renewable energy facilities), and is particularly relevant to the Rural zone.

It should be noted that the Local Planning Policy is a guide for the exercise of discretion. The Shire of Williams Council will have significant due regard to the Policy requirements in the assessment of any new planning application.

The Policy requirements are in addition to the matters already set out under the Western Australian Planning Commission Position Statement on Renewable Energy.

2.0 RELEVANT SCHEME PROVISIONS

Under the Shire of Williams Town Planning Scheme No. 2 ('the Scheme'), planning approval is required for any proposed wind farm categorised as a 'renewable energy facility'.

Amendment 21 to the Scheme was published in the Government Gazette on the 24 November 2023.

Amendment 21 introduced a definition for 'renewable energy facility' which 'means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary'.

Any application for a 'renewable energy facility' will be considered in accordance with the Scheme and this Policy. .

3.0 OBJECTIVES

- To protect continued traditional agricultural, other food production activities, and tourism uses;
- To reduce the amenity impact of wind farms by ensuring a satisfactory minimum distance from sensitive land uses;
- To decrease the visual impact of wind farms by implementing a minimum distance to neighbouring lot boundaries;
- To minimise or avoid any potential impact on the natural environment, flora and fauna;
- To achieve wind farm layouts which do not compromise the safety of the local community, aviation activities, or continuation of activities occurring on nearby and adjacent land.
- To ensure that the local community is engaged in the early stages of wind farm planning, by the proponent.
- To protect areas of visual significance, and ensure wind turbines are appropriately and sensitively sited.
- To ensure that wind farms are located so as not to have any detrimental impact on Williams Townsite, views from Williams Townsite or any other residential areas.
- To provide a clear position on wind farms for the assessment of development applications.

Under this Local Planning Policy, the following are some of the relevant planning considerations against which a wind farm development application can be assessed.

4.0 COMMUNITY AND STAKEHOLDER CONSULTATION

The Shire requests that wind farm proponents actively engage in early community and stakeholder consultation, prior to lodgement of any formal application.

Early, meaningful and innovative community consultation, demonstrating an ongoing commitment to providing clear information and ensuring opportunities for genuine input, is important to delivering good planning outcomes.

Pre-lodgement consultation should be aimed at identifying and considering options for eliminating, reducing or otherwise managing impacts, not merely informing communities and stakeholders on the proposed layout.

The Shire's expectation is that proponents will use a range of tools for community and stakeholder engagement. The Shire has a strong view that developers need to invest time and effort into positive community engagement, and to build a relationship with nearby and adjacent owners.

This Policy requires applications for wind farms to address community consultation in a comprehensive way and include:

- (a) Lodgement of a detailed Community and Stakeholder Engagement Plan that outlines the outcomes of pre-lodgement community consultation, and a strategy for further consultation for the life of the development. The Plan should identify key stakeholders early in the project planning stage.

- (b) Community **and Stakeholder** Engagement Plans should incorporate the fundamental principles, actions and frameworks outlined in the Clean Energy Council 'Community Engagement Guidelines for the Australian Wind Industry'.
- (c) An outline of how landowners **and stakeholders** issues have been considered prior to lodging any formal development application.
- (c) A written agreement or non-objection by landowners where any turbines are proposed closer than 800 metres to a neighbouring lot boundaries.

Proponents should **also** liaise with **a wide range of** relevant key stakeholders early in the process, including the Shire, Main Roads WA, Western Power, CASA, Air Services Australia, local spraying contractors, nearby unlicensed airstrip owners, and any relevant local community groups.

Other stakeholders may also be relevant depending on the potential project impacts.

5.0 ENVIRONMENTAL IMPACT

Consistent with the WAPC Position Statement on Renewable Energy Facilities, this Policy requires applications to address, avoid and minimise impacts of any wind farm on the natural landscape, and environment (including flora/ fauna).

Applications should be accompanied by an environmental survey of the site by a suitable qualified environmental consultant and address:

- (a) The type, location and significance of flora and fauna;
- (b) Any rare or endangered species;
- (c) Stopover sites, local bird species, roosting or nesting sites **for birds of conservation significance**;
- (d) Location of bat colonies;
- (e) Areas of high raptor activity;
- (f) The cumulative impact of turbines on migration routes;
- (g) Existing remnant vegetation to be retained or that is proposed to be removed (on a plan);
- (h) Distances to areas of habitat, remnant vegetation and areas of natural environment on a context plan, including conservation areas, reserves or crown land;
- (i) Maximising distances to bird conservation areas, breeding grounds of sensitive species and areas of remnant bushland that is likely **high value bird habitat or habitat for birds of conservation significance**;
- (j) Methods to avoid bird collision such as increasing the **visibility visual impact** of rotor blades (**where feasible***), flashing lights, and keeping bird migration corridors free;
- (k) Decommissioning of the wind farm at the end of its life.

** Note: Increasing visibility of blades needs to be balanced with the need to also examine visual impact.*

The Shire will take into consideration any separate environmental processes being undertaken at time of lodgement by applicants, whether it be at a state or federal level.

The requirements of this Section do not apply to noise which is discussed under Section 7.0.

6.0 VISUAL AND LANDSCAPE IMPACT

A Visual and Landscape Impact Assessment is required and shall;

- (a) Describe the appearance of changes in the landscape caused by the proposed wind farm;
- (b) Identify the view of the wind farm from ~~any~~ key sensitive land uses ~~premise~~, views from key locations of major roads/tourist routes (including rest areas), heritage places; any tourist facilities and recreational reserves;
- (c) Ensure photos in the report include a view of the existing landscape and a photomontage with the turbines superimposed;
- (d) Include all images in colour with a high quality/ resolution;
- (e) Include a clear plan that shows the location of where each photo was taken, the direction it was taken, and numbering of each photo location;
- ~~(f) Consider the safety of drivers using Highways;~~
- (f) Be in accordance with the WAPC 'Visual Landscape Planning in Western Australia' manual and the 'Wind Farms and Landscape Values (2005)' produced by the Australian Wind Energy Association and Australian Council of National Trust.

Wind farms are required to be designed, sited and operated to minimise their visual impacts and shall meet the following requirements:

- (a) A setback of at least 1.5 kilometres between any wind turbine and a sensitive land use, that is not associated with the development;
- (b) A setback of 800m between any wind turbine from a non-participating neighbour~~sing~~ lot boundary, unless otherwise agreed to in writing by the affected property owner at the time of lodgement of a formal development application;
- ~~(c) Implementation of irregular spacing of wind turbines in hilly/rugged landscapes where vegetation is varied;~~
- ~~(d) Regular spacing of wind turbines in open/flat landscapes where vegetation is orderly;~~
- (c) Locating turbines in flatter landscapes, where feasible, to reduce visibility due to shortening the visual perspective of the structures.
- (d) Blades on wind turbines to rotate in the same direction;
Ensure that all wind turbines have uniformity in terms of colour, size, and shape; and
- (e) Implementation of landscaping within the development site to mitigate visual impact to the greatest extent possible from sensitive land uses,

Landscaping outside of the lots being developed for a wind farm is not accepted as being a practical mechanism for visual mitigation as conditions of planning approval cannot require works outside of the development site.

For the purpose of this Policy, the term 'sensitive land use' is as per the definition in the WAPC Position Statement on Renewable Energy Facilities as 'comprise land uses that are residential or institutional in nature, where people live or regularly spend extended periods of time. These include dwellings, short-stay accommodation, schools, hospitals and child care centres and generally exclude commercial or industrial premises.'

The Shire will also take into account the description of types of a 'sensitive land use' as outlined in Clause 2.3 the Environmental Protection Authority 'Guidance for the Assessment of Environmental Factors'.

7.0 NOISE IMPACT

A Noise Impact Assessment shall be lodged with any wind farm proposal to demonstrate that it can meet the standards under the *Environmental Protection (Noise) Regulations 1997 (WA Noise Regulations)*. The current version of the South Australian Environmental Protection Authority 'Wind Farms Environmental Noise Guidelines (2021 or any replacement version)' should also be referenced for assessment purposes. It is accepted that wind farm noise can be generally masked by wind generated noise, and the assigned levels can then be calibrated by the wind generated noise, if it does mask the noise at the sensitive premises location.

Any Noise Impact Assessment is to be completed by a suitably qualified acoustic consultant, and should address construction noise, predicted noise levels associated with a fully operational wind farm, and general commentary predictions of on low frequency noise and infrasound.

The Noise Impact Assessment may reference information from the;

- The Victoria State Government Health Department technical information report on 'Wind farms, sound and health' provides information explaining the characteristics of low frequency sound; and
- The Draft National Wind Farm Development Guidelines (2010) to explaining the characteristics of low frequency noise and infrasound.

Any Noise Impact Assessment will take into account the location of any sensitive land use. Following construction, wind farm proponents take a commercial risk, as there is potential for adjacent landowners to construct new dwellings on their lots.

Wind farm developments have to comply with the *WA Noise Regulations* at all times.

The *WA Noise Regulations* protect 'rural premises' and other sensitive land uses. There is a 'highly sensitive area' defined in the *WA Noise Regulations*, which is an area within 15 metres from the building associated with the sensitive use (such as a dwelling). If an adjacent landowner decides to sub-divide or build a second dwelling on their lot, the most stringent assigned noise levels would apply to any new second house.

Any application shall address the following;

- (a) Commitment to providing a Noise Impact Mitigation Plan for post-operational noise monitoring, to demonstrate that any constructed wind farm complies with the *Environmental Protection (Noise) Regulations 1997*, and to manage

complaints regarding noise impact during the operational phase of the development.

- (b) Potential methods to address compliance with the *Environmental Protection (Noise) Regulations 1997* in the event that any future sensitive land use, particularly dwellings, are constructed in the locality. Methods may include new noise monitoring, shutting down turbines, replacement of turbines with a quieter model etc

8.0 OTHER POTENTIAL IMPACTS

The impact of wind farms on nearby property owners, road users, and the use of adjacent land should be addressed through the detailed design.

Wind farm proposals should not have negative impact through:

- (a) shadowing, flickering, reflection, or blade glint impacts **beyond the boundaries of any lot subject to the application;**
- (b) **Unreasonable** interference with normal agricultural or farming activities of nearby rural properties, such as aerial spraying. An aviation assessment by a suitable qualified aviation consultant may be required to demonstrate turbines will not impact on aerial spraying activities of surrounding farms or unlicensed airstrips;
- (c) interference with existing lawful continued use of neighbouring land including intensive rural activities, and tourism uses; or
- (d) proximity to established residential areas, whether the land is zoned residential, rural residential or is residential by nature (smaller lots of a typical residential size containing dwellings). The amenity of urban areas and the rural character surrounding urban areas needs to be afforded a high level of protection.

The Shire will also consider any wind farm application in accordance with:

- (a) Clause 5.3.5 (Public Aviation and Safety), (5.3.6 (Heritage) and 5.3.7 (Construction Impact) contained in the Western Australian Planning Commission published a *Position Statement: Renewable Energy Facilities – March 2020*.

Where there is a conflict between this Local Planning Policy and the WAPC Position Statement, this Policy shall prevail.

- (b) Relevant sections of 'Guideline D' of the 'National Airports Safeguarding Framework'. Council will have particular regard to Clause 25 on consultation, Clauses 26-29 on risk assessment, Clauses 33-34 on lighting, Clause 39 on wind monitoring towers, Clause 41-42 on obstacle lighting and Clause 43 on turbulence.

9.0 TRAFFIC MANAGEMENT AND THE PROTECTION OF ROADS AND OTHER PUBLIC INFRASTRUCTURE

Local roads are under the care and control of the Shire. There is a considerable amount of public infrastructure within the Shire's local government boundary.

Other roads, such as Highways, fall under the care and control of Main Roads WA. Any application should consider the safety of drivers using Highways in context of significant views of wind farms from main Highways.

Any wind farm proponent will be responsible for:

- (a) Preparation of a pre-development 'Road and Shire infrastructure Condition' report that identifies and records the condition of any local roads and Shire infrastructure that will be affected by any route for heavy vehicles and delivery trucks, needed for the construction phase;
- (b) The costs associated with any damage caused to the roads or Shire infrastructure attributable to the construction phase of the development. Any damage shall be rectified by the operator/proponent to the standard identified in the pre-development 'Road and Shire Infrastructure Condition' report.
- (c) All costs of any road upgrading required for construction transport routes and / or the development.
- (d) The Shire may consider undertaking road upgrading and/or repair works (where feasible) if funded by the developer.

The Shire Council may place conditions on any development approval to ensure any costs associated with roads damage, widening or upgrading are met by the developer.

The Shire and / or Main Roads WA may require lodgement of a Traffic Impact Assessment report by a suitably qualified traffic engineer in support of any application.

10.0 DECOMMISSIONING PROGRAM

As part of development applications, proponents should recognise the need for a decommissioning plan for removal of all wind turbines and rehabilitation of the affected land at the end of the developments life (unless major refurbishment is separately approved).

There is an expectation that land in the Rural zone will be returned to 'pre-development' condition as much as practical once any renewable energy facility reaches the end of it's lifecycle. If a proponent seeks to retain some infrastructure on the land (such as roads or turbine foundations), then that needs to be made clear at the initial development application lodgement stage.

If the concrete foundations of turbines or underground infrastructure are proposed to be retained and covered with soil, then a condition may be recommended to require a Notification to be placed on the Certificate of Title(s) to alert prospective purchasers of any retained infrastructure and it's location.

Developers need to consider setting aside moneys and budgeting for decommissioning costs throughout the life of the development.

General information on decommissioning should be provided at application lodgement stage.

11.0 RECORD OF COUNCIL POLICY APPROVAL AND STATUTORY BASIS

Legislation	Description
Statutory Legislation	This Local Planning Policy has been prepared in accordance with Clause 3(1) Schedule 2, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Adoption (initial)	This Local Planning Policy was adopted by Council on the 18 October 2023 for the purpose of conducting advertising to comply with Clause 4(1) Schedule 2, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Adoption (final)	This Local Planning Policy was adopted by Council on the _____ for final approval in accordance with Clause 4(3)(b) Schedule 3, Part 2 of the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015.
Version Control	Version 1.3 December 2023
Scheduled Internal Review Date	12 months after operation.

liz

From: Olivier Mallie <Olivier.Mallie@dwer.wa.gov.au>
Sent: Monday, 27 November 2023 5:38 PM
To: liz
Subject: RE: Seek general advice on noise for wind farm policy - Liz Bushby - TPI - Shire of Williams

Hi Liz

Tried to call you today but for now as a response to your queries:

1. Correct. The Noise Regulations apply at all times, including at any new dwelling built after the wind farm is developed.
2. Generally yes, correct, and to paraphrase:
 - a. The Noise Regulations protect 'rural premises' and other sensitive use land, such as public open space etc. If there is no building on the land, then higher assigned noise levels apply.
 - b. There is a 'highly sensitive area' defined in the Noise Regulations, which is an area within 15 metres from the building associated with the sensitive use (house, childcare centre, school, church... as listed in Schedule 1).
So combining the above, if you have a large rural lot with a house on it and the rest is say paddocks for livestock, the most stringent assigned noise levels apply up to 15 metres of the house ('that's the highly sensitive' area) and the higher assigned noise levels apply every where else on the lot (the 'other than highly sensitive'). If the landowner decides to sub-divide or build a second dwelling on the lot, the most stringent assigned noise levels now also apply at that second house.
3. Nope, no idea where that came from. I am not aware of DWER noise branch doing this kind of consultation.
4. Correct, the latest SA Guideline is dated November 2021.

Also note the Shire of Williams draft policy refers to the *Environmental Protection (Noise) Regulations 2017* but this should be '1997'.

Hope this answers your queries but happy to discuss anyways.

Regards

Olivier Mallié

Senior Environmental Officer (Noise)
Approvals Portfolio, Environmental Noise Branch

Department of Water and Environmental Regulation

Prime House, 8 Davidson Terrace, JOONDALUP WA 6027

Locked Bag 10, Joondalup DC, WA 6919

T: (08) 6364 6692

E: olivier.mallie@dwer.wa.gov.au | www.dwer.wa.gov.au

Twitter: @DWER_WA

From: liz <liz@tpiplanning.com.au>
Sent: Friday, November 24, 2023 12:18 PM
To: Olivier Mallie <Olivier.Mallie@dwer.wa.gov.au>
Subject: Seek general advice on noise for wind farm policy - Liz Bushby - TPI - Shire of Williams

Hi Olivier,

The Shire of Williams has a Draft Local Planning Policy on windfarms and some Noise Regulation related issues have been raised in submissions that I want to discuss with you informally (when you are free) as follows:

1. They state that noise limits typically apply at dwellings, or approved dwellings at the date of approval of the project. My understanding is that any development has to comply with the Noise Regulations at all times. If an adjacent owner (to a wind farm) constructs a house after a wind farm has been built, then I believe that the wind farm owner still has to comply with the noise limits?
2. They also state that '*assessment or evaluation of noise is typically conducted around a dwelling, not at a boundary*' – I understand that the noise limits for sensitive premises (like dwellings) is lower. Correct me if I am wrong but there are still noise limits at the lot boundary aren't there, but they are lower in the rural context. I have the attached DWER email that states that '*noise sensitive premises*' under the Noise Regulations do include farm/lot boundaries'.
3. One submission refers to DWER seeking feedback on the suitability of the Noise Regulations applying to wind farms – do you know what they are talking about?
4. I also understand that the South Australian Noise Guidelines from 2019 have been updated (2021) so we should probably refer to the latest version.

Let me know when you are free – just need a quick chat.

Regards,

Liz Bushby
Town Planning Innovations Pty Ltd
[Consultant Planner for the Shire of Williams](#)
M: 0488910869

All emails are sent to the Shire for record keeping purposes. Please be advised that I work Tuesdays to Friday.

Disclaimer: This e-mail is confidential to the addressee and is the view of the writer, not necessarily that of the Department of Water and Environmental Regulation, which accepts no responsibility for the contents. If you are not the addressee, please notify the Department by return e-mail and delete the message from your system; you must not disclose or use the information contained in this email in any way. No warranty is made that this material is free from computer viruses.

Bald Hills Wind Farm ordered to stop emitting night-time noise, pay neighbours damages in landmark ruling

ABC Gippsland / By Emma Field

Posted Fri 25 Mar 2022 at 7:19am, updated Fri 25 Mar 2022 at 12:26pm



The Bald Hills Wind Farm, near Tarwin Lower, started operating in 2015. (ABC Gippsland: Emma Field)

A Victorian court has ordered a wind farm in the state's south east to stop emitting noise at night in a momentous court decision.

The Victorian Supreme Court today found the noise from the Bald Hills Wind Farm at Tarwin Lower created a nuisance to its neighbours ordering damages and an injunction.

John Zakula and Noel Uren [took civil action](#) against the wind farm last year, telling the court that "roaring" intermittent noise from the wind turbines caused health problems and loss of sleep.

In a precedent-setting decision, Justice Melinda Richards said the company had not complied with its noise permit conditions and ordered a permanent injunction over the wind farm, with an initial three-month period to fix the issue.

The injunction will require the Bald Hills operators to "take necessary measures to abate" emitting loud noise at night.

And if they don't, the wind farm will not be able to operate at night.

"Bald Hills has not established that the sound received at either Mr Uren's house or Mr Zakula's house complied with the noise conditions in the permit at any time," Justice Richards said.

"Noise from the turbines on the wind farm has caused a substantial interference with both plaintiffs' enjoyment of their land.

"Specifically, their ability to sleep undisturbed at night in their own beds in their own homes."

Damages for 'distress' and 'annoyance'

The court ordered the operators of Bald Hills Wind Farm to pay the men a total of \$260,000.

The court said Mr Zakula, who lives about a kilometre from one of the company's wind turbines, is entitled to damages of \$84,000 for "distress, inconvenience and annoyance".

Mr Uren sold his property next to the wind farm in 2018, but the court said he should be paid \$46,000 in damages.

Key points:

- The Victorian Supreme Court has ordered Bald Hills Wind Farm to stop emitting noise at night
- The court also ordered the company pay two neighbours \$260,000 in damages
- The men told the court noise from the turbines had caused health problems



hn Zakula says turbine noise has caused sleep deprivation for residents. *(Supplied)*

Justice Richards also ordered the wind farm operator to pay aggravated damages of an additional \$84,000 for Mr Zakula and \$46,000 to Mr Uren.

"Bald Hills' conduct towards both Mr Uren and Mr Zakula was high-handed and warrants an award of aggravated damages," Justice Richards said.

The men's lawyer Dominica Tannock believes it's the first time in Australia, a wind farm has been ordered by a court to reduce its noise levels.

"The implications are corporate Australia will have to be very careful about complaints," Ms Tannock said.

"If a wind farm operator receives a complaint it must act on it.

"It must act reasonably, it must act fairly, it must protect people's sleep and if they don't there is a precedent [now that] they can be shut down."

A 'momentous victory'

Her clients, and a group of other nearby residents, have [battled for more than six years](#) to get the wind farm to take their complaints seriously.

"It's a momentous victory for my clients. They are vindicated, it has been a long battle," she said.

"It's not just a victory for Mr Uren and Mr Zakula but it's for all those other people in small rural communities who are complaining and thought they could do nothing."



The company says it is considering the court ruling and its implications. *(ABC Gippsland: Robert French)*

Infrastructure Capital Group, which owns Bald Hills Wind Farm, said in a statement it was "currently absorbing the judgement and its implications" and would not comment on the ruling's detail.

In her judgement, Justice Richards also made a pointed comment about the renewable energy push and the rights of neighbouring landholders.

"The generation of renewable energy by the wind farm is a socially valuable activity, and it is in the public interest for it to continue."

She said it should not be a "binary choice between the generation of clean energy by the wind farm and a good night's sleep for its neighbours".

"It should be possible to achieve both."

8.2.6 Use of Common Seal and Actions Performed Under Delegated Authority

File Reference	4.50.60
Statutory Ref.	Sections 5.42 and 9.49A <i>Local Government Act 1995</i>
Author & Date	Geoff McKeown 9 November 2023
Attachments	Nil

Background

The purpose of this Agenda Item is to report to Council for endorsement, the use of the Common Seal and actions performed under delegated authority requiring referral to Council.

There is a requirement under the *Local Government Act 1995* that the Delegations Register is reviewed annually by Council. A procedure included in the Delegations Register is to report to Council the activities or actions that have been performed under delegated authority. A report will be completed for Council at meetings that identifies: (1) use of the Common Seal, and (2) actions performed under the delegated authority requiring referral to Council as per the Delegations Register.

Comment

Actions performed under delegation during the preceding month is provided below:

- **Granting of Building Permits – Delegation 2.1.1**

Delegation - Powers to grant or refuse to grant a building permit under the *Building Act 2011*. The Council may delegate its powers or duties as a permit authority under provisions of this Act.

Action – There were four Building Permits issued for the Month of November 2023:

Permit Number	Owner	Address	Description
512	Lester Fawcett	53 Millbrook Place	Skillion Roof over Carport
513	Shire of Williams	14748 Pinjarra-Williams Rd	Open Sided Outbuilding
514	Nathaniel McKenzie	2106 Quindanning-Darkan Rd	Full Demolition, B & T Residence
515	Michael Italiano	29 Albany Hwy	Steel & Corrugated Lean-to

- **Tender for Goods and Services – Delegation 1.1.16**

Delegation - Authority to call tenders where there is an adopted budget for the proposed goods and services.

Action –No Tenders called in November.

- **Payment from the Municipal or Trust Funds – Delegation 1.1.19**

Delegation - Authority to make payments from the municipal or trust funds with the authority limited to making payments subject to annual budget limitations.

Action - Payments from the Municipal Fund and Trust Fund are as per the payments listing attached to this Agenda.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

- CL 2.2 Maintain accountability, transparency and financial responsibility.
- CL 4.4 Monitor and ensure compliance with regulatory framework for local government business.

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer's Recommendation

That Council accept the report "Use of Common Seal and Actions Performed under Delegated Authority" for the month of October 2023.

Council Resolution

Moved: Cr Price / **Seconded:** Cr Cowcher

That Council accept the report "Use of Common Seal and Actions Performed under Delegated Authority" for the month of October 2023.

Carried 4/0

For: Cr Cowcher, Cr Logie, Cr Major, Cr Price

Against: Nil

Resolution 76/24

9.0 Elected Members' Motions of which Notice has been given

Nil

10.0 New Business of an Urgent Nature introduced by Decision of Meeting

10.1 Elected Members

Nil

10.2 Officers

Nil

11.0 Application for Leave of Absence

Nil

12.0 Closure of Meeting

There being no further business for discussion, the presiding member, Cr Jarrad Logie, declared the Meeting closed at 4.06pm.