

SHIRE OF BROOMEHILL - TAMBELLUP

Minutes of the Ordinary Meeting of Council of the Shire of Broomehill – Tambellup held in the Tambellup Council Chambers on Thursday 16th December 2010 commencing at 2.12pm.

1. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Present:

Cr BG Webster	President
Cr KW Crosby	Deputy President
Cr GM Sheridan	
Cr MR Turner	
Cr M Sadler	
Cr EK Schlueter	
Cr DCN Kempin	
JM Trezona	Chief Executive Officer
VN Webster	Manager Administration & Customer Service

Apologies: Nil

Leave of Absence:
Nil

2. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President welcomed Councillors and staff and declared the meeting open at 2.12pm

Cr Webster advised Council that Mr Doug Cherry, Operations Manager of the Water Corporation, Great Southern Region will be addressing Council on the proposed relocation of the India Street Standpipe in Broomehill.

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATION FOR LEAVE OF ABSENCE

Nil

6. DECLARATION OF INTEREST

Cr Sheridan declared a Financial Interest in Item 10.6

Cr Bowman declared a Financial Interest in Item 10.8

7. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

8. CONFIRMATION OF PREVIOUS MEETING MINUTES

8.1 ORDINARY MEETING OF COUNCIL MINUTES 18TH NOVEMBER 2010
101201

Moved Cr Schlueter, seconded Cr Sadler

“That the Minutes of the Ordinary Meeting of Council held on the 18th November 2010 be confirmed as a true and accurate record of proceedings.”

CARRIED 8/0

9. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

10. MATTERS FOR DECISION

10.1 FINANCIAL STATEMENTS FOR NOVEMBER 2010

Program:	Other Property and Services
Attachment:	Monthly Financial Statements for November 2010
File Ref:	Nil
Author:	KP O’Neill Finance Officer
Date:	3rd December 2010
Disclosure of Interest:	Nil

Summary: A monthly financial report is to be prepared at the end of each month in accordance with the provisions of Regulation 34 of the Local Government (Financial Management) Regulations 1996.

The report is to be presented to an ordinary meeting of Council within 2 months after the end of the month to which the report relates.

Background: Notes have been provided throughout the statements for Councillors information and comment.

Comment: Some worthy points to note from the November 2010 Statements:-

- There were approximately 17% in rates and charges outstanding at the end of the month. The third payment in the four instalment plan, and the second (and final) payment in the two instalment plan are both due on the 4th January 2011.
- The second instalment of Grants Commission Financial Assistance Grants was received during November.
- Roads to Recovery funds of \$134,395 have been received for the project on Pallinup South Road. The balance of funds will be received in the next payment period in February 2011.

Consultation: Nil

Statutory Environment: Local Government Act 1995 – Financial Management Regulation 34

Policy Implications: Nil

Financial Implications: The report represents the financial position of the Council at the end of the previous month.

Strategic Implications: This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Council Resolution: *101202*

Moved Cr Turner, seconded Cr Sheridan

“That the Financial Statements for the period ending 30th November 2010 be adopted.”

CARRIED 8/0

**Reason For Change to
Recommendation:**

10.2 CREDITORS ACCOUNTS PAID NOVEMBER 2010

Program:	Other Property and Services	
Attachment:	List of Payments for November 2010	
File Ref:	Nil	
Author:	KP O’Neill	Finance Officer
Date:	3rd December 2010	
Disclosure of Interest:	Nil	

Summary: Attached is a list of payments made from the Municipal and Trust Funds during November 2010.

Background: The Local Government Act 1995 – Financial Management Regulation 13 states 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.

Comment: SUMMARY

Municipal Fund	\$354,778.96
Trust Fund	\$4,359.95
Credit Cards	\$620.27
TOTAL	\$359,759.18

Consultation: Nil

Statutory Environment: Local Government Act 1995 – Financial Management Regulation 13

Policy Implications: Nil

Financial Implications: List of payments made during the previous month

Strategic Implications: This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Council Resolution: *101203*

Moved Cr Sadler, seconded Cr Crosby

“That the list of accounts paid during November 2010, represented by:-

- Municipal Fund cheques numbered 1168 to 1197 inclusive and electronic payments numbered EFT1732 to EFT1806 inclusive and totalling \$354,778.96;*
- Trust Fund cheques numbered 188 to 197 inclusive and totalling \$4,359.95;*
- Credit Card payments totalling \$620.27;*

be adopted.”

CARRIED 8/0

**Reason For Change to
Recommendation:**

10.3 ORDINARY COUNCIL MEETING ARRANGEMENTS

Program:	Governance	
Attachment:	Nil	
File Ref:	ADM0091	
Author:	JM Trezona	Chief Executive Officer
Date:	6th December 2010	
Disclosure of Interest:	Nil	

Summary: Council to determine the ordinary meeting dates for the next twelve months.

Background: The *Local Government Administration Regulations 1996 reg 12(1)* requires that at least once each year a local government is to give local public notice of the date on which, and the time and place at which, the ordinary council meetings are to be held in the next twelve months.

Comment: Council currently holds its meetings on the third Thursday of each month except for January where there is no meeting. Meeting dates to the end of December 2011 are:

17 th February 2011	21 st July 2011
17 th March 2011	18 th August 2011
21 st April 2011	15 th September 2011
19 th May 2011	20 th October 2011
16 th June 2011	17 th November 2011
	15 th December 2011

The Chief Executive Officer will be on leave in November 2011. Council may wish to determine that no ordinary meeting of Council will be held in this month as it will be the first meeting of Council after the October 2011 elections.

Under the *Local Government Administration Regulations 1996 reg 12(1)* Council needs to determine where the ordinary meeting of Council will be held. All meetings are currently held at the Tambellup Council Chambers.

For Council discussion and decision.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

Strategic Implications: This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Officer Resolution: *“That the Shire of Broomehill-Tambellup ordinary meetings be held in the Tambellup Council Chambers on the following dates in 2011:”*

<i>17th February 2011</i>	<i>21st July 2011</i>
<i>17th March 2011</i>	<i>18th August 2011</i>
<i>21st April 2011</i>	<i>15th September 2011</i>
<i>19th May 2011</i>	<i>20th October 2011</i>
<i>16th June 2011</i>	<i>17th November 2011</i>
	<i>15th December 2011</i>

Council Resolution: **101204**

Moved Cr Bowman, seconded Cr Sheridan

“That the Shire of Broomehill-Tambellup ordinary meetings be held in the Tambellup Council Chambers on the following dates in 2011:”

<i>24th February 2011</i>	<i>21st July 2011</i>
<i>17th March 2011</i>	<i>18th August 2011</i>
<i>21st April 2011</i>	<i>15th September 2011</i>
<i>19th May 2011</i>	<i>20th October 2011</i>
<i>16th June 2011</i>	<i>No meeting in November 2011</i>
	<i>15th December 2011</i>

CARRIED 8/0

Reason For Change to Recommendation:

10.4 **AUDIT REPORT FOR THE YEAR ENDING 30 JUNE 2010**

Program:	Governance
Attachment:	Audit Report and Management Letter
File Ref:	ADM058
Author:	KP O’Neill Finance Officer
Date:	7th December 2010
Disclosure of Interest:	Nil

Summary: In accordance with section 7.12A(3) of the Local Government Act 1995, Council is required to examine the Auditors Report for the year ending 30 June 2010.

Background: The annual audit for the 2009/2010 year was undertaken by Councils Auditors, Lincolns Accountants, on the 28th September through to the 1st October 2010.

The Audit Report and Management Letter are attached for Councils perusal. The Annual Financial Statements are contained within the Annual Report, which is attached as a separate document to this agenda.

Comment: Councillors will note that there are no issues raised that would qualify the Audit Report.

The Management Letter has raised the following issues:-

Bank Reconciliations

A July payment batch of June invoices was incorrectly posted into June after the Bank Reconciliation for June had been undertaken, which was the result of a misunderstanding in the processes required for the end of financial year.

The effect of this error is that the Annual Financial Statements show a very low amount of outstanding invoices at June 30, and the “Cash at Bank” figure is reduced as the payments had been posted back into June.

Finance staff will ensure this error does not occur again when processing payments after June 30.

Provision for Doubtful Debts

Outstanding sundry debtors will be reviewed prior to June 30 each year and the Provision for Doubtful Debts will be adjusted accordingly in the Annual Financial Statements.

Outstanding debtors are pursued for recovery through Councils debt collection agency Austral Mercantile.

Financial Report

Several adjustments were required to the Annual Financial Statements (particularly the Rate Setting Statement) due to changes in reporting requirements and interpretation of the Australian Accounting Standards.

Consultation: Chief Executive Officer
Lincolns Accountants

Statutory Environment: Local Government Act 1995 - Part 7 Audit
Local Government (Financial Management) Regulations 1996
Local Government (Audit) Regulations 1996

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

Strategic Implications: This issue is not dealt with in the Strategic Plan

Voting Requirements: Simple Majority

Council Resolution: *101205*

Moved Cr Kempin, seconded Cr Sheridan

“That Council accepts the Audit Report and associated Financial Report for the 2009-2010 financial year.”

CARRIED 8/0

Reason For Change to Recommendation:

10.5 2009-2010 ANNUAL REPORT

Program:	Governance
Attachment:	Annual Report for 2009-2010
File Ref:	Nil
Author:	JM Trezona Chief Executive Officer
Date:	6th December 2010
Disclosure of Interest:	Nil

Summary: Council to adopt the 2009-2010 Annual Report.

Background: Council must adopt the Annual Report which includes the audit report prior to holding the Annual Electors Meeting.

The Local Government Act 1995 states that the Annual Report must contain the following:

- A report from the President
- A report from the Chief Executive Officer
- An overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or continue in the next financial year
- The financial report for the financial year
- Such information as may be prescribed in relation to the payments made to employees
- The auditor's report for the financial year
- A matter on which a report must be made under section 29(2) of the Disability Services Act 1993
- National Competition Policy
- State Records
- Such other information as may be prescribed

Comment: Once Council has adopted the Annual Report, the Chief Executive Officer is to give local public notice of the availability of the report.

Council will also need to determine the date for the Annual Electors Meeting. Last year it was held in conjunction with a Council meeting however this will not be possible this year. The Local government Act 1995 requires that the Council is to hold an annual electors meeting within 56 days of accepting the Annual Report. The annual electors meeting will need to be held by 10 February 2011.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

Strategic Implications: This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Officer Resolution: *“That Council*
➤ *Adopts the 2009-2010 Annual Report as presented*
➤ *Holds the 2009-2010 Annual Electors meeting on Monday 07 February 2011 and advertises accordingly.”*

Council Resolution: **101206**

Moved Cr Bowman, seconded Cr Sadler

“That Council
➤ *Adopts the 2009-2010 Annual Report as presented*
➤ *Holds the 2009-2010 Annual Electors meeting on Thursday 10th February 2011 and advertises accordingly.”*

CARRIED 8/0

Reason For Change to Recommendation:

10.6 PROPOSED SUBDIVISION – LOT 5983 WARRENUP ROAD, BORDERDALE (WAPC: 143171)

Program:	Planning
Attachment:	Subdivision Plan
File Ref:	S143171
Author:	Gray & Lewis Landuse Planners
Date:	30th November 2010
Disclosure of Interest:	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of <i>Local Government Act 1995</i> Cr Sheridan declared a Financial Interest in this matter as he is the landowner of Lot 5983 Warrenup Road Broomehill and left the meeting at 2.23pm.

Summary: An application has been lodged with the Western Australian Planning Commission (WAPC) to excise a homestead lot from an existing property in the ‘Farming’ zone.
The WAPC has referred the application to the Shire for recommendation and comment.
It is recommended that the Shire recommend that the application be conditionally approved by the WAPC.

Background: Lot 5983 Warrenup Road, Borderdale is zoned ‘Farming’ under the Shire of Tambellup Town Planning Scheme No 2 (‘the Scheme’).
The existing lot has an approximate area of 202 hectares, and contains an existing house, outbuildings and dam.

Comment: *Description of Application*

The application proposes to subdivide Lot 5983 into 2 separate green title lots. The homestead lot containing the existing house and dam will have an area of 24.15 hectares, and the balance area (with remnant vegetation) will be kept on 178.16 hectares.

Scheme provisions

Under the Scheme the objectives for the Farming zone include ‘..to ensure the continuation of broad hectare farming as the principle land use in the District.’.

It is not considered that the subdivision will undermine this objective as the majority of the lot contains remnant vegetation and is not farmed, and the cleared area will be fully contained within the homestead lot.

The Shires Scheme has a general presumption against subdivision of Farming land unless in specific circumstances (eg significant physical division). There are no specific provisions in the Scheme which allow for homestead lots, likely due to the Schemes age.

Notwithstanding that the Scheme does not contemplate subdivision for homestead lots, Council has an obligation to consider any relevant state planning policies.

WAPC Policy DC 3.4 – Rural Subdivision

WAPC Policy DC 3.4 sets out the principles which are used by the WAPC in determining applications for subdivision of rural land.

The WAPC have been actively approving homestead lot applications which comply with the Policy criteria.

WAPC Policy Criteria	Officer Comment	Officer Assessment
The land is in the Wheatbelt agricultural policy area.	Tambellup is included in Appendix 3 of the Policy as being in the Wheatbelt policy area.	Complies.
The population in the locality is declining or relatively static.	Australian Bureau of Statistics shows that there has been population decline.	Complies.
The homestead lot has an area between 1 and 4ha, or up to 20 ha where it is desirable to respond to the landform or to include existing outbuildings or water sources.	The proposed homestead lot is 24.15 hectares.	Does not comply. Whilst the application does not comply the proposed lot boundary is considered reasonable as; 1. It allows for the dwelling, outbuildings, dam and cleared areas to be fully contained on the homestead lot. 2. The lot boundary generally follows the line of remnant vegetation and is based on the dam location. It could be reduced however this would result in a more awkward lot shape.
There is an adequate water supply for domestic, land management and fire management services.	The existing house would already be serviced by rainwater tanks and includes a dam.	Complies.
The homestead lot fronts a constructed road.	The lot has direct frontage to Warrenup Road.	Complies.
The homestead lot contains an existing residence.	It contains an existing house.	Complies.
A homestead lot has not been excised from the farm in the past.	It is clear from the surrounding lot sizes and pattern that no homestead lots have been excised in the past.	Complies.

It is considered that the application complies with WAPC Policy DC 3.4, with the exception that the homestead lot has an area of 24.15 hectares in lieu of the maximum 20 hectares permissible under WAPC Policy.

It is recommended that the WAPC be advised that the Shire supports the lot size however has no major objections if the Commission requires it to be reduced to 20 hectares, and additional remnant vegetation is included in Lot A.

Fire Management

Proposed Lot A contains significant remnant vegetation and the proposed subdivision will result in intensification of development, therefore issues relating to bush fire safety need to be considered.

The Edition 2 ‘Planning for Bushfire Protection’ Guidelines (WAPC/FESA) outline different construction standards and requirements depending on the bush fire hazard classification (low, moderate, high, extreme).

New lots within any ‘extreme’ area would normally only be approved where it can be demonstrated that reduction measures can be implemented to reduce the hazard level to an acceptable level. Subdivision in an area with a moderate bush fire hazard land classification is required to meet general principles outlined in the guidelines.

It is likely that some clearing will need to occur on proposed Lot A for a building envelope, to provide a building protection zone and a hazard separation zone (depending on the results of a site specific fire assessment).

It is recommended that the WAPC be advised as follows;

- (i) The Shire notes that proposed Lot A is well vegetated however no information on bush fire hazard classification has been provided. It is therefore recommended that the application be referred to the Fire and Emergency Services Authority (FESA) for comments and advice.
- (ii) It is noted that the application has been referred to the Department for Environment and Conservation. Clearing for a building envelope and fire protection may be required. The applicant should liaise with DEC as to whether any formal clearing permits are necessary.
- (iii) Unless FESA can provide advice that the bush fire hazard risk is low, the applicant should be required to undertake a bush fire hazard assessment and fire management plan to clearly identify the requirements for any future dwelling on proposed Lot A (eg building protection areas, passing lanes and turning areas for emergency vehicles).
- (iv) If any dwelling on Lot A has to be constructed in accordance with Australian Standards then the Shire requests a Notification be placed on the Certificate of Title alerting prospective purchasers of (a) the requirements of any fire management plan and (b) the

construction standards for any new dwelling (which is considered the owners responsibility to implement).

Conclusion

Gray & Lewis recommends that application be supported based on the following;

- (1) The application generally complies with WAPC Policy DC 3.4, with the exception of a lot size variation. The WAPC can require an amended plan to reduce the homestead lot to 20 hectares if required.
- (2) There are community benefits associated with homestead lots as they help to maintain the existing population.
- (3) Homestead lots can provide accommodation for retired farmers who wish to remain in the area or workers.
- (4) In this case the two lots will allow a cleared area to be contained on one lot and remnant vegetation on a separate lot.
- (5) The only issue is fire management for proposed Lot A and the WAPC can liaise with FESA on fire protection. WAPC can require an 'up front' bush fire hazard classification or can place conditions on any approval requiring a fire management plan.

Consultation: Consultation has been conducted by the WAPC who has referred the application to the Department of Industry and Resources, Western Power, Water Corporation and Department of Environment and Conservation. It is also recommended that the WAPC liaise with FESA due to the extent of vegetation on proposed Lot A.

Statutory Environment: Shire of Tambellup Town Planning Scheme No 2

Policy Implications: Nil

Financial Implications: The subdivision may result in increased rates due to the increase of one lot.

Strategic Implications: Nil

Voting Requirements: Simple Majority

Council Resolution: 101207

Moved Cr Kempin, seconded Cr Bowman

“That Council;

- (1) Recommend that the Western Australian Planning Commission approve the application to subdivide Lot 5983 Warrenup Road, Borderdale (WAPC 143171) subject to the following conditions;*
 - (i) All buildings having necessary clearance from new boundaries.*
 - (ii) The applicant to submit a Fire Management Plan in accordance with ‘Planning for Bushfire Protection’ which includes a bush fire hazard classification, and clearly identifies requirements for any future dwelling on proposed Lot A (eg building protection areas, passing lanes and turning areas for emergency vehicles) – unless otherwise agreed to by FESA.*
 - (iii) The owner shall lodge a plan to the Shire for separate written approval which establishes a building envelope on proposed Lot A, and includes any required building separation or hazard separation zones. The envelope and any separation zones shall be physically cleared on site as part of subdivision works to the satisfaction of the Shire and FESA (in consultation with DEC).*

- (2) The WAPC be advised as follows;*
 - (i) The Shire notes that proposed Lot A is well vegetated however no information on bush fire hazard classification has been provided. It is therefore recommended that the application be referred to the Fire and Emergency Services Authority (FESA) for comments and advice.*
 - (ii) It is noted that the application has been referred to the Department for Environment and Conservation (DEC). Clearing for a building envelope and fire protection may be required. The applicant should liaise with DEC as to whether any formal clearing permits are necessary.*
 - (iii) Unless FESA can provide advice that the bush fire hazard risk is low, the applicant should be required to undertake a bush fire hazard assessment and fire management plan to clearly identify the requirements for any future dwelling on proposed Lot A (eg building protection areas, passing lanes and turning areas for emergency vehicles).*
 - (iv) If any dwelling on Lot A has to be constructed in accordance with Australian Standards then the Shire requests a Notification be placed on the Certificate of Title alerting prospective purchasers of (a) the requirements of any fire management plan and (b) the construction standards for any new dwelling (which is considered the owners responsibility to implement).*
 - (v) The Shire supports the homestead lot size however has no*

major objections if the Commission requires it to be reduced to 20 hectares, and additional remnant vegetation is included in Lot A.

- (vi) *In regards to Condition 1, WAPC should ensure subdivision plans identify the location of existing buildings and setback to new boundaries in accordance with the Form 1 requirements.*
- (3) *That a copy of this report be provided to the WAPC as it includes the assessment conducted of the application.”*

CARRIED 7/0

**Reason For Change
to Recommendation:**

Cr Sheridan returned to the meeting at 2.24pm.

10.7 REQUEST TO RELINQUISH SURPLUS RAILWAY LAND

Program:	Planning	
Attachment:	Map	
File Ref:	ADM0263	
Author:	JM Trezona	Chief Executive Officer
Date:	7th December 2010	
Disclosure of Interest:	Nil	

Summary: Seeking Council comment on a request to relinquish a portion of railway land.

Background: Council has received correspondence from the Department of Regional Development and Lands seeking comment on a proposal to sell a portion of railway land and amalgamate it with Lot 1419.

Comment: The land in question forms part of what was once Holly Siding. The rail line has been removed some time ago. Looking at the attached map it is a perfectly logical action to have the land disposed of and amalgamated into Lot 1419.

For Council discussion and comment.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

Strategic Implications: This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Council Resolution: *101208*

Moved Cr Kempin, seconded Cr Schlueter

“That Council advises the Department of Regional Development and Lands that it has no objection to the disposal and amalgamation of the surplus portion of railway land (Holly Siding) into Lot 1419.”

CARRIED 8/0

Reason For Change to Recommendation:

10.8 PROPOSED TRANSPORTED DWELLING (SINGLE HOUSE) – LOT 108 GREENHILLS SOUTH ROAD, TAMBELLUP

Program:	Planning
Attachment:	Plans & photographs
File Ref:	A266
Author:	Gray & Lewis Landuse Planners
Date:	7th December 2010
Disclosure of Interest:	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of <i>Local Government Act 1995</i> Cr Bowman declared a Financial Interest in this matter as he employs the applicant and left the meeting at 2.25pm.

Summary: An application has been lodged for a transported dwelling (previously class rooms) on Lot 108 Greenhills South Road for use as a single house.

This report recommends that the application be approved subject to conditions.

Background: Zoning

The subject lot is zoned ‘Special Rural’ under the Shire of Tambellup Town Planning Scheme No 2 (‘the Scheme’).

All development in the Special Rural zone requires planning approval.

Description of lot

Lot 108 has an approximate area of 2 hectares with direct frontage to Greenhills South Road.

The majority of the lot is cleared with the exception of some scattered trees.

Comment: Description of proposed development

The applicant seeks retrospective planning approval for two transported buildings (previously used as classrooms) on Lot 108.

The intention is to upgrade and convert the building(s) into a residential dwelling. The majority of works will be internal, however external works include;

- Removal of conduit & unnecessary external pipes prior to painting
- Painting of external walls (where required)
- Removal and relocation of several windows and doors
- Where the windows/doors will be removed it will be replaced by exact or similar colorbond
- Replacing doors with external quality doors Open stump area under house will be covered by a matching or a contrasting coloured colorbond with door access on one side.

- Back of house will have 2 sets of steps into the house and the front will either be deck access or step access.
- Plans and photographs are included as Attachment.

Compliance with Special Rural Requirements

The Scheme specifies matters which Council shall have regard to for proposed development in the special rural zone as summarised in the table below;

Scheme matter (Clause 6.5.4.2)	Gray & Lewis comment
The colour and texture of external building materials	The external walls and roof of the buildings are colorbond and appear to be in good condition. The applicant has indicated that external painting is proposed.
Building size, height, bulk, roof pitch.	The building is of a low scale, is not bulky in appearance and has a low roof pitch.
Setback and location of the building on its lot.	The setbacks of the proposed development are greater than the minimums specified in Clause 6.5.3 of the Scheme being 15 metres front, and 10 metres side and rear.
Architectural style and design details of the building.	Architectural design is a subjective issue, however clearly the building(s) do not have a standard residential appearance as they are ex-classrooms. Following discussions, the applicant has agreed to infill the stump area with similar or complementary colorbond panels which will give the structure a more permanent appearance. The external doors will also be replaced with better quality 'residential' doors.
Relationship to surrounding development.	A number of surrounding lots are vacant. Due to the low scale of the building and significant setbacks to neighbouring properties, it is not anticipated that the building will have a high visual impact.
Other characteristics considered by the Council to be relevant.	To be determined by Council.
Provision to be made for bush fire control in accordance with a planning policy adopted by the Council.	Gray & Lewis is not aware of any specific Shire policy on bushfire control. It is assumed that normal firebreaks would be required.

Architectural style and appearance of buildings is a subjective issue as all persons have varied tastes and views on what is aesthetically pleasing.

Whilst the proposed ‘dwelling’ does not have a standard residential appearance due to its previous function as classrooms, and due to the low roof pitch, it is low scale, constructed out of sound materials, and has a neat and tidy external appearance.

The building is well setback from the street and other properties, therefore will not have any significant visual impact on streetscape.

If Council is not satisfied with the building appearance, further discussions on upgrading can be pursued with the applicant (for example, additions such as a front verandah can be requested).

Other planning considerations

Apart from normal planning considerations, the main issues associated with applications to utilise second hand transported dwellings include the aesthetics, potential visual impact, amenity, structural integrity and whether upgrading is satisfactorily completed.

The Scheme has specific provisions for transported dwellings under Clauses 7.6.1 and 7.6.2 as follows:

‘Within the Scheme area a building shall not be placed on a lot and occupied as a dwelling following transportation as a whole or as parts of a building unless in the opinion of the Council, such building is in a satisfactory condition and will not detrimentally affect the amenity of the area; or the building has been specifically constructed as a transported dwelling.

An applicant for a building licence for a transported dwelling may be required by the Council to enter into a contract and provide a bond to reinstate the building to an acceptable standard of presentation within a period of twelve months from the issue of a building licence for such a dwelling.’

Gray & Lewis has processed a number of similar applications for various Shires and some have experienced issues when upgrading works are either not carried out, are carried out unsatisfactorily, or are not carried out in a timely manner (ie within the stipulated 12 months). In some cases older hand second hand buildings have become increasingly dilapidated through lack of maintenance.

The Scheme gives Council the power to require a ‘contract and bond’. As there is no Local Planning Policy giving guidance on Council’s position, the following options can be considered as a ‘contract and bond’:

Option 1: A written undertaking outlining works to be completed and signed by the owner, with payment of a bond.

Gray & Lewis recommend a bond of \$5000.00 (or alternative as

acceptable to Council). Council may decide a lesser bond is appropriate, such as \$3000.00, as the external works required in this case are not significant.

The bond money would be refunded to the owner on completion of the upgrading works, and may act as an incentive.

It should be noted that with Option 1, if the bond is forfeited by the owner, there are no specific scheme provisions that actually allow the Shire to utilise the bond money.

Option 2: A legal agreement and bond.

The second option is that the owner be required to enter into a formal legal agreement with the Shire compiled by a solicitor at the owners cost. A bond can be required as part of the legal agreement.

A legal agreement can include specific clauses as required by the Shire. For example, it may include a clause that the owner forfeits the bond if the works are not completed in 12 months. It may also grant the Shire power to use the bond money to carry out works on the building.

Any legal agreement would be accompanied with a caveat on the Certificate of Title. A caveat is an encumbrance and would only be permanently lifted by the Shire when the upgrading works have been completed.

A caveat prevents any dealing on the land, such as a change of ownership, without the Shire consent. Any new owner would be required to enter into the same legal agreement unless the works have been completed. This provides certain protection to ensure any new owner knows of the upgrading requirements and obligations of any planning approval.

There are advantages and disadvantages to both Options 1 and 2. Legal agreements offer the Shire with greater protection.

Notwithstanding the above, Gray & Lewis recommends Option 1 as;

- (i) The simplest and less costly option.
- (ii) If the owner does not complete any works as required by a planning approval, then Council has the option of considering legal action which is the case for any breach of planning approval or the Scheme.
- (iii) A bond will provide some incentive for completion of works.

Access

The applicants are purchasing Lots 108 and adjacent 109. The driveway for Lot 108 will traverse Lot 109 to connect to Tambellup West Road. This is not an issue whilst both lots are in single ownership, however the driveway access would need easement protection on Lot 109 or to be relocated within the boundaries of Lot 108 if either lot were sold.

Completion of works / occupation of dwelling

The applicant has indicated that they live in Tambellup townsite and will renovate the dwelling. The application form states that completion will be within 2 years.

Gray & Lewis has verbally advised the applicant that (1) completion of external works should be within 12 months as per the Scheme and (2) they need to ensure that the building is habitable (with amenities) prior to occupation.

A condition is also recommended that engineering certification be provided to ensure that the building is structurally sound.

Consultation:

The Shire can refer the application to surrounding landowners for comment prior to determination. Council may wish to seek neighbours view on building aesthetics prior to making a decision.

Statutory

Environment:

The main Scheme requirements are explained in the body of this report.

The building(s) have already been transported onto Lot 108. Council has the ability to approve existing development and issue retrospective planning approval under Clause 8.7 of the Scheme.

Policy Implications:

Many local governments have Local Planning Policies on Transported Dwellings which act as a guide on Councils requirements, matters considered in assessment and may address issues such as bond amounts.

Local Planning Policies must be adopted by Council, advertised for public comment, and then granted final Council approval. Policies are guidelines and can be periodically reviewed or modified.

The Shire may consider implementing a Local Planning Policy as they assist to advise applicants what the Council requires.

Financial

Implications:

Nil

Strategic

Implications:

Nil

Voting Requirements: Simple Majority

Council Resolution: 101209

Moved Cr Turner, seconded Cr Sheridan

“That Council;

- 1. Approve the application lodged for retrospective planning approval for a transported dwelling on Lot 108 Greenhills South Road, Tambellup subject to the following conditions;**
 - (i) All external works and upgrading to be completed within 12 months of the issue of a building licence to the satisfaction of the Chief Executive Officer unless otherwise agreed to in writing by the Shire.**
 - (ii) All internal works and upgrading shall be in accordance with the plans submitted and be completed within 2 years from the date of the issue of a building licence to the satisfaction of the Chief Executive Officer unless otherwise agreed to in writing by the Shire.**
 - (iii) The owner / applicant to complete the following external works to comply with Condition (i):**
 - Removal of conduit & external (ex- air-conditioning) pipes prior to painting;**
 - Painting of external walls as required and to the satisfaction of Council;**
 - Removal and relocation of several windows and doors in accordance with the plans submitted;**
 - All external doors to be replaced by new doors for access;**
 - Where doors are permanently removed and not required for access, the area shall be filled with colorbond;**
 - Where the windows/doors will be removed it will be replaced by exact or similar colorbond unless otherwise approved in writing by the Chief Executive Officer;**
 - The open stump area beneath the house shall be filled in a matching or a contrasting coloured colorbond with door access on one side; and**
 - Back of house will be provided with 2 sets of steps for access, and the front will either be deck access or step access.**
 - (iii) The owner/applicant shall submit a detailed colour schedule in writing to the Shire for separate written approval prior to commencing any works to external walls which shall clearly;**
 - Confirm the colour of any colorbond which is to be used for filling in any areas where doors or windows are removed; and**

- *Confirm the colour of any colorbond to be used to infill the stump area; and*
 - *Confirm the type, material and colours of any new external doors and;*
 - *Confirm the colours to be used for external painting.*
- (iv) *The materials and colours used for any external upgrading works are to blend and harmonise with the existing development to the satisfaction of the Chief Executive officer.*
- (v) *Water tank(s) with a minimum capacity of 97 kilolitres and approved on site effluent disposal must be installed and in operation prior to occupation of dwelling.*
- (vi) *Any driveway and access to the dwelling must be fully contained within the boundaries of Lot 108 unless alternative access is on land under the same ownership. The driveway to be constructed and maintained at a trafficable standard at all times.*
- (vii) *All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction from anything.*
- (viii) *The plans lodged as part of this application form part of this planning approval.*
- (ix) *The Shire requires certification from a qualified engineer advising that the building is structurally sound, prior to the issue of a building licence.*
- (x) *The owner of Lot 108 is to provide a written undertaking to the Shire within 1 month of the date of this approval that any prospective purchaser shall be provided with a copy of this planning approval in the event that the lot is sold. Planning approval runs with the land therefore any new owner would be legally required to comply with this approval.*
- (xi) *The owner/ applicant shall submit a bond of \$5000.00 within one month from the date of this approval or prior to the issue of a building licence (whichever is the lesser time period) or an alternative bond amount as agreed to in writing.*
- (xii) *This approval shall expire unless the external works have been completed within 12 months and internal works have been completed within 24 months of issue of a building licence, or within any extended period for which Council has granted written consent. Any application for such consent must be made within one*

month of the date of expiry of the approval.

2. The applicant be advised:

- *In regards to Condition (i) and (ii), if additional time is required for completion of works, the owner must lodge a written request to the Shire outlining which works have been completed, and a detailed schedule of timing for completion of works. Further time extensions may not be granted automatically and Council would need to be satisfied that at least a substantial amount of external work has been achieved in 12 months. If Council considers that new conditions need to be imposed, you may be required to lodge a new planning application (and fee) to the Shire for any extended time period.*

- *In regards to Condition (vi), if Lot 109 is sold (and in different ownership to Lot 108) then the driveway and access to Lot 108 would need to be relocated and be fully contained on the property (unless alternative legal access arrangements are made with a purchaser of Lot 109). A driveway access on land not in the same ownership may result in a civil dispute.”*

CARRIED 7/0

Reason For Change to Recommendation:

Cr Bowman returned to the meeting at 2.26pm.

10.9 PROPOSED LODGING HOUSE – LOTS 1 & 50 JOURNAL / INDIA STREET BROOMEHILL

Program:	Planning
Attachment:	Nil
File Ref:	ADM0285
Author:	Gray & Lewis Landuse Planners
Date:	8th December 2010
Disclosure of Interest:	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of <i>Local Government Act 1995</i>

Summary: Council is to consider an application lodged for a ‘Bed and Breakfast’ on Lot 50 (No. 12) Journal Street and Lot 1 corner Journal and India Street, Broomehill.

The building is registered on the Shires Municipal Inventory and is listed as an ‘interim registry’ by the Heritage Council of WA for the state register of heritage places.

The application has been advertised as a ‘lodging house’ for public comment. No submissions have been received and conditional approval is recommended.

Background: Zoning

The property is zoned ‘Town Centre’ under the Shire of Broomehill Town Planning Scheme No 1 (‘the Scheme’).

The Scheme does not outline any specific objectives for the ‘Town Centre’ zone however it would normally cater for a wide range of commercial uses and other uses ordinarily associated with a Town Centre such as retail shops, restaurants, offices, community purposes, accommodation and the like.

Heritage

Section 6.3 of the Scheme has specific provisions for ‘Designation of Heritage Precincts’ and Clause 6.4.1 requires that *‘In dealing with any matters which may affect a Heritage precinct or individual entry on the Heritage List, including any application for development approval, the Council shall have regard to any heritage policy of the Council.’*

The subject building is listed on the Shires Municipal Inventory as the ‘Broomehill General store’.

A building licence approval for alterations and additions to the existing building was issued in April 2007.

The ‘Broomehill General Store’ is listed as an interim entry by the Heritage Council.

The Heritage Council was consulted during public advertising however only an acknowledgement letter was received. Advertising has now closed.

Previous Council consideration

In October 2010, Council determined by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter followed the advertising procedures of clause 7.2 in considering an application for planning consent.

Comment:

Site Description

The existing building is two storey. Gray & Lewis is of the understanding that the building is used for a restaurant and the owners live upstairs.

The application form provides the Certificate of Title Details for Volume 2229, Folio 335. It is a multi lot title and contains Lot 1 on the corner of India Street and Journal Street, and Lot 50 which only has frontage to Journal Street.

It appears on aerial photography that the existing building likely traverses both lots. It is desirable that buildings do not cross green title boundaries and a condition is recommended to require amalgamation.

Description of application

The applicant has lodged an application for a 'Bed and Breakfast' facility.

The applicant has not provided any written explanation of the proposed 'Bed & Breakfast' however Gray & Lewis previously liaised with the owner who verbally advised;

- There are three rooms on the ground floor adjacent to a courtyard area. Each of these will accommodate a maximum of two people (with either a double bed or two single beds).
- There is an open 'loft/alcove area' which will accommodate a maximum of 3 people (with a double and single bed).
- There are 2 rooms on the second storey which will accommodate a maximum of 5 guests as one room has a double bed, and the second room has a double and single bed.

It should be noted that Gray & Lewis has been provided with plans by the Shire, which do not include the second storey rooms proposed for accommodation.

Site Requirements

The Scheme allows for zero street frontage and side / rear setbacks are the discretion of Council.

As the building works have already been approved by the Shire through

issue of a building licence, the building works have not revisited as part of this report.

Parking

The Scheme does not contain any specific carparking requirements however Council can require or consider carparking (and traffic) as part of any application.

It is understood that the existing development largely relies on street parking as the existing building has minimal street setbacks.

The application will generate additional carparking needs as the building will be able to accommodate up to 14 guests.

It is considered that the impact will be marginal as (i) any person staying the night would likely also attend the restaurant (so there is level of reciprocal parking); (ii) although most rooms can accommodate two people they would likely travel together in one car, and (iii) accommodation numbers provided are maximum and rooms could be occupied by single persons.

Parking is not considered a major impediment to the proposal unless the Shire has experienced particular parking congestion problems in the surrounding streets.

Council can require parking to be provided on site however discussions with Council officers indicate that the lots do not have sufficient space for on site parking, which is often the case with older traditional heritage buildings.

Landuse Classification

There are only a limited number of uses listed in the Scheme zoning table or defined in the Scheme.

Although the applicant originally applied for a '*Bed and Breakfast*' Council needs to determine the landuse definition / classification which 'best fits' and describes the proposed use.

This matter was considered by Council at the October 2010 meeting and it was decided to process the use as a 'Lodging House'.

The applicant has amended the application form to cite the use as 'Lodging House' and included both Lots 1 and 50 as the development address.

It should be noted that the landuse classification is only examines the appropriate definition under the Scheme, and will not prevent the owners from advertising the use as 'Bed and Breakfast'.

Public Consultation

Recommendation

It is recommended that Council support the application and issue conditional approval.

Consultation: The application was advertised until the 3 December 2010, and no submissions have been received.

Statutory Environment: Shire of Broomehill Town Planning Scheme No 1

Policy Implications: Not applicable. Some local governments have individual policies on heritage areas.

Financial Implications: Not applicable

Strategic Implications: Nil

Voting Requirements: Absolute Majority

Council Resolution: *101210*

Moved Cr Schlueter, seconded Cr Crosby

“That Council;

- 1. Determine by absolute majority that the proposed ‘lodging house’ use is consistent with the objectives and purpose of the Town Centre.*
- 2. Note that the application has been advertised in accordance with the Scheme and no public submissions were received, with the exception of an acknowledgement letter from the heritage Council.*
- 3. Approve the application for a ‘Lodging House’ on Lots 1 and 50 India and Journal Street, Broomehill subject to the following conditions;*
 - (i) Lots 1 and 50 subject of this application shall be amalgamated and a new Certificate of Title obtained for the amalgamated lots within 18 months from the date of this approval, unless otherwise agreed to in writing by the Shire. The owner/ applicant is to bear all costs associated with the amalgamation.*
 - (ii) This approval is for a maximum accommodation of 14 guests at any one time within the existing building (excluding the operators);*
 - (iii) The plans lodged as part of the application form part of this planning approval.*

4. *Advise the applicant that the existing building traverses two separate green title lot boundaries. Accordingly the lots are required to be amalgamated so that the building is fully contained on one title. To comply with Condition 1, the Shire requires the owner/ applicant to lodge an amalgamation application with the Western Australian Planning Commission (WAPC) and obtain a new Certificate of title within 18 months. The application process normally takes 90 days through WAPC, so it is recommended that the process be commenced as soon as possible. Failure to comply with this condition would be considered as breach of this approval.”*

**CARRIED 8/0
By Absolute Majority**

**Reason For Change to
Recommendation:**

10.10 RESOLUTION TO PREPARE LOCAL PLANNING SCHEME

Program:	Planning
Attachment:	Resolution to prepare a Local Planning Scheme; Shire of Broomehill-Tambellup Scheme Area Map; Statement of purposes, Aims and Format of Local Planning Scheme
File Ref:	ADM0272
Author:	JM Trezona Chief Executive Officer
Date:	9th November 2010
Disclosure of Interest:	Nil

Summary: The purpose of this report is to resolve to prepare a new Local Planning Scheme for the Shire of Broomehill-Tambellup.

Background: The Shire of Broomehill Town Planning Scheme No. 1 (TPS1) was gazetted and came into operation on 29 August 1997. The Shire of Tambellup Town Planning Scheme No. 2 (TPS2) was gazetted and came into operation also on 29 August 1997. TPS1 and TPS2 are legal documents for assessing and determining proposals for the use and development of land in the Shire of Broomehill-Tambellup. The Council has identified the need to review both TPS1 and TPS2 and develop a new combined Local Planning Scheme for the amalgamated Shire and received funding to complete this task.

The report involves the preparation of a resolution to prepare a new Local Planning Scheme and submission of the resolutions to the Western Australian Planning Commission (WAPC) for its comment on any adjustment required to the proposed scheme area and any requirements for the new Local Planning Scheme. The format of the resolution must be in accordance with Appendix A - Form No. 1 contained in the Town Planning Regulations 1967.

In order to satisfy the requirement of Regulation 4 of the Town Planning Regulations 1967, a map has been prepared (copy attached) which delineates the scheme area and covers the entire local authority area. The new Local Planning Scheme will apply to the whole Shire.

Comment: The new Local Planning Scheme will provide the statutory framework to achieve the outcomes of the proposed new Local Planning Strategy which is prepared as part of the Scheme preparation process. These documents will provide clear guidance for the types of development and land uses that will be permitted within the Shire.

The proposed Local Planning Scheme will utilise the directions established in the proposed new Local Planning Strategy to guide the future direction for growth and development of the Shire.

The purposes of the proposed new Local Planning Scheme are to:

- i) Set out the local government's planning aims and intentions for the Scheme area;
- ii) Set aside land and reserves for public purposes;

- iii) Zone land within the Scheme area for the purposes defined in the Scheme;
- iv) Set out procedures for the assessment and determination of planning applications;
- v) Make provision for the administration and enforcement of the Scheme; and
- vi) Address other matters set out in Schedule 7 of the Planning and Development Act 2005.

The recommended aims of the proposed new Local Planning Scheme are to:

- i) protect areas of agricultural significance for sustainable production;
- ii) encourage economic growth in rural areas by identifying appropriate areas for more intensive and diversified use of rural land for high value products compatible with surrounding farming practices;
- iii) encourage processing and value adding industries to be located within the Shire, and promote tourism;
- iv) provide opportunities for planned, contained and sustainable settlements in locations with access to services and infrastructure;
- v) ensure development in rural areas is planned so as not to prejudice productive rural land uses, to protect and enhance rural landscapes and environmental values and to ensure accessibility to services and facilities;
- vi) protect the natural environment and biodiversity;
- vii) promote the sustainable management of natural resources including energy, water, land, minerals and basic raw materials by preventing land degradation and integrating natural resource management in land use planning decisions; and
- viii) protect the heritage, sense of place and character of the district.

The format of the Scheme Text will be based on the Model Scheme Text as provided in Appendix B contained in the Town Planning Regulations 1967 and the Local Planning Manual produced by the WA Planning Commission to guide the preparation of local planning schemes.

Once confirmation is received from the WAPC, the Council is required to give notice of the intention to prepare a new Local Planning Scheme. The Council shall publish the notice in the Government Gazette and in a newspaper circulating in the district advising of the intention to prepare a new Local Planning Scheme. In addition, the Council shall forward a copy of the notice to all adjoining Local Governments, Water Corporation, Western Power, Telstra, Department of Agriculture and Food (Katanning), Department of Environment and Conservation (Katanning), Department of Water, Health Department of WA, WA Police Department, Department of Regional Development and Lands, Department of Education, Department of Mines and Petroleum, Department of Sport and Recreation, Department of Indigenous Affairs, Main Roads WA, Fire and Emergency Services Authority, Public Transport Authority, Heritage Council of WA, Great Southern Development Commission and every other public authority likely to be

affected by the Scheme. The Council shall request each of them to forward to the Local Government particulars of any matters that in the opinion of the Local Government of an adjoining district or the public authority should be considered during the preparation of the Scheme.

The Council must also refer the resolution paperwork to the Environmental Protection Authority (EPA) to enable the EPA to determine its view on the environmental acceptability of the proposed new Local Planning Scheme.

The Town Planning Schemes currently operative within the Shire of Broomehill-Tambellup are the Shire of Broomehill Town Planning Scheme No. 1 and Shire of Tambellup Town Planning Scheme No. 2. In order to avoid future confusion it is recommended the new Local Planning Scheme be cited as the '*Shire of Broomehill-Tambellup Local Planning Scheme No. 3*'.

Consultation:

No advertising is required at this stage, but once the WAPC confirms its acceptance advertising will be required as discussed above.

Statutory Environment:

Planning and Development Act 2005 – requires the review of planning schemes every five years.

Town Planning Regulations 1967 – regulates the preparation of Local Planning Schemes.

Section 4 - Resolution to prepare a Scheme reads:

- '(1) The resolution of a local government to prepare a Scheme for any land within its district shall be in the Form No. 1 in Appendix A.'*
- '(3) A local government that passes a resolution referred to in subregulation (1) and (2) shall within 28 days after passing that resolution forward to the Commission -*
- (a) A copy of the resolution certified by the Chief Executive Officer;*
 - (b) A map marked "Scheme Area Map", signed by the Chief Executive Officer, on which is delineated the area of land proposed to be included in the Scheme; and*
 - (c) A statement setting forth -*
 - (i) The objects and intentions of the Scheme; and*
 - (ii) The anticipated format of the Scheme.'*
- '(6) The Commission shall examine the copy of the resolution, the map and the statement forwarded pursuant to this regulation and shall as soon as reasonably practicable notify the local government in writing of the receipt of the documents together with -*
- (a) Any adjustment that the Commission considers should be made to the Scheme area; and*

- (b) *Any comments the Commission may have on the statement forwarded pursuant to this regulation.'*

Section 5 – Advertisement of notice of resolution reads:

- (1) *A local government shall, as soon as reasonably practicable after receiving notification from the Commission pursuant to regulation 4(6) publish once in the Government Gazette and also once in a newspaper circulating in the district of the local government, in Form No. 2 in Appendix A, notice of the passing by the local government of that resolution.*
- (2) *The local government shall thereupon forward a copy of the notice so published to the local government of every adjoining district, the Water Authority of Western Australia, the Department of Conservation and Environment, the Department of Conservation and Land Management and every other public authority likely to be affected by the Scheme and shall request each of them to forward to the local government particulars of any matters that in the opinion of the local government of an adjoining district or the public authority, should be considered during the preparation of the Scheme.'*

Policy Implications: There are no policy implications for this report.

Financial Implications: The Council has funding assistance from State Government as part of its amalgamation costs to fund the new Local Planning Scheme.

Strategic Implications: There are no strategic implications for this report.

Voting Requirements: Simple Majority

Council Resolution: *101211*

Moved Cr Turner, seconded Cr Bowman

“That the Council:

- 1. RESOLVED that the local government, in pursuance of part 5 of the Planning and Development Act 2005 (as amended), prepare the above Local Planning Scheme with reference to an area situate wholly within the Shire of Broomehill-Tambellup and enclosed within the inner edge of blue border on a plan now produced to the Council of the Shire of Broomehill-Tambellup and marked and certified by the Chief Executive Officer under her hand as the ‘Scheme Area Map’.*
- 2. Resolve to prepare a new Local Planning Scheme referred to as the Shire of Broomehill-Tambellup Local Planning Scheme No. 3*

in accordance with the Town Planning Regulations 1967.

3. *Authorise the Chief Executive Officer to submit information to the Western Australian Planning Commission in accordance with the Town Planning Regulations 1967, including the following:*
 - i) *The resolution certified by the Chief Executive Officer;*
 - ii) *The map marked ‘Shire of Broomehill-Tambellup Scheme Area Map’ signed by the Chief Executive Officer, on which is delineated the area of land proposed to be included in the Scheme;*
 - iii) *The statement setting forth the purposes and aims of the Scheme; and*
 - iv) *The format of the Scheme”*

CARRIED 8/0

Reason For Change to Recommendation:

10.11 TAMBELLUP RAILWAY WATER TANK

Program:	Recreation and Culture
Attachment:	Nil
File Ref:	ADM0263
Author:	JM Trezona Chief Executive Officer
Date:	6th December 2010
Disclosure of Interest:	Nil

Summary: The Railway Water Tank in Tambellup is in a state of disrepair and Council is required to consider options for the repair, removal or otherwise of the structure.

Background: Since early 2004, concerns have been raised with the Public Transport Authority (PTAWA) about the soundness of the Railway Water Tower in Norrish St, Tambellup.

Initially the main issue was white ant infestation in the tank stand, which was treated. Further investigations revealed some of the main load bearers appeared to be badly white ant affected, and a structural assessment was carried out by PTAWA in June 2004.

The assessment determined the following:

- The timber foundation bearers are severely rotten
- The timber columns are in reasonable condition
- Some of the bracing timbers are rotten or split, but are easily replaced
- The beams supporting the tank appear to be in reasonable condition, except those that have rotted due to rainwater leakage from the tank
- The steel tank appears to be beyond repair. Rainwater collecting in the tank is slowly leaking onto supporting timbers causing them to rot prematurely.
- It was recommended at that time that if there was no intention to carry out remedial works the structure should be removed. The report also included a list of recommended treatments if it was intended that the tower should be preserved for heritage reasons and converted for another use (such as a viewing platform).

Since that time it has been observed that the tank is deteriorating through the effects of rusting, and recently large pieces of the steel tank were discovered on the ground. For safety reasons, PTAWA have requested that the Shire erect a fence around the tank stand, which has been carried out.

Officers from PTAWA have contacted the Heritage Council seeking comment for the removal of the rusting tank. The Heritage Council has indicated it has no objection to this. PTAWA is now seeking Council's support for the removal of the tank only.

For Council's consideration.

Comment:



Some options Council may wish to consider:

- Support the proposal by PTAWA for the removal of the tank only;
- Recommend the removal of the entire structure (tank and tank stand);
- Support the proposal by PTAWA for the removal of the tank only, and recommend the installation of a tank ‘façade’ manufactured from a lighter material to give the impression of the tank.

It may be appropriate for Council to adjourn the meeting for a short period to visit the site and inspect the tank.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

Strategic Implications: This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Officer Resolution: *“That Council advises the Public Transport Authority of WA that it supports the removal of the tank only of the Tambellup Railway Water Tower, subject to the following:*

.....”

Council Resolution: *101212*

Moved Cr Sadler, seconded Cr Schlueter

“That Council advises the Public Transport Authority of WA that it supports the removal of the tank only from the Tambellup Railway Water Tower, in conjunction with the following:

- That the installation of a tank ‘facade’ manufactured from a lighter material be erected in its place to give the impression of the tank.”*

CARRIED 7/1

**Reason For Change to
Recommendation:**

10.12 2010 DRY SEASON ASSISTANCE GRANTS

Program:	Recreation and Culture	
Attachment:	Nil	
File Ref:	CP.PR.10	
Author:	PA Hull	Community Services Officer
Date:	8th December 2010	
Disclosure of Interest:	Nil	

Pam Hull, the Community Grants Officer entered the meeting at 2.43pm.

Summary: The State Government has announced funding is available to help rural communities to cope with the current dry season.

Background: As part of a range of funding measures implemented in response to the dry season, the State Government has made community service grants of up to \$20,000 available to local Governments in the affected areas, including the Shire of Broomehill-Tambellup.

The funds are to be spent on one or more community events that help maintain community spirit and welfare. There is no restriction on the type of events held, provided they involve community groups, demonstrate benefit to the community and as far as possible, should be inclusive of all members of the community.

Events should be held by 30 November 2011.

Comment: Council may wish to make suggestions on the type of events that might be held. Various community organisations should be approached to assist with running the events.

Some examples are:

- Outdoor family movie night
- Dinner/supper with entertainment
- Community concert

Preliminary investigations have been made through entertainment booking agencies and entertainment providers to find out costings for various options.

For Council discussion.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: Council may be required to provide a venue for proposed activities, and some staff administration time.

Strategic

Implications: This issue is not dealt with in the Strategic Plan

Voting Requirements: Simple Majority

Officer Resolution: *“That the 2010 Dry Season Assistance funding of up to \$20,000 be spent as follows:*

.....;
.....;
.....”

Council Resolution: *It was resolved that Cr Webster, Cr Turner and Pam Hull obtain information on what events could be held within the community and report to the February 2011 Ordinary meeting of Council.*

Reason For Change to Recommendation:

Pam Hull left the meeting at 2.55pm.

A fire fighting vehicle carrying a minimum of 400 litres of water must be on site at all times whilst the activity is underway.

A Harvest and Movement of Vehicles ban can be declared at any time but now must be declared if the Local Fire Danger index reaches 35 or greater.

Comment: The amendments to the arrangements may provide Council with an opportunity to ensure local arrangements are appropriate.

Presently a Harvest and Vehicle Movement Ban is declared in the Broomehill-Tambellup Shire when the Local Fire Danger index reaches 27. On occasion, when conditions are considered to be rapidly deteriorating through the day, a ban is imposed one or two points lower.

Eight weather meters are held by brigade members providing a good coverage across the Shire.

Consultation: Tony Cristinelli, Chief Bushfire Control Officer

Statutory Environment: Bush Fires Act 1954

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

Strategic Implications: This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Council Resolution: *101213*

Moved Cr Sheridan, seconded Cr Schlueter

“That Council notes the revised arrangements with regard to the declaration of a Total Fire Ban by the Minister for Emergency Services on advice from FESA , and endorses the local arrangement of declaring a Harvest and Vehicle Movement Ban when the Local Fire Danger index reaches 27.”

CARRIED 8/0

Reason For Change to Recommendation:

10.14**MEMORANDUM OF UNDERSTANDING FOR MUTUAL AID DURING EMERGENCIES AND RECOVERY**

Program: Law, Order and Public Safety
Attachment: Copy of the draft MOU
File Ref: ADM0246
Author: JM Trezona Chief Executive Officer
Date: 9th November 2010
Disclosure of Interest: Nil

Summary: The Great Southern Zone of the Western Australian Local Government Association (WALGA) seeks the consideration all Councils of the Great Southern in supporting the principle of a Memorandum of Understanding (MOU) relating to mutual aid between those Councils, in the event of an emergency or post incident recovery.

Background: It is understood that a similar agreement has recently been endorsed by Council's of the South West.

The matter was briefly considered at the last meeting of the Great Southern Zone (of WALGA) for referral to Councils for initial comment and support as to the principle. A draft copy of the MOU is attached for Council consideration.

Comment: The purpose of this MOU as stated in the attached draft is to:

Facilitate the provision of mutual aid between member Councils of the Great Southern Zone of the Western Australian Local Government Association during emergencies and post incident recovery.
Enhance the capacity of our communities to cope in times of difficulty.
Demonstrate the capacity and willingness of participating Councils to work co-operatively and share resources within the region.

The Parties to the Agreement would include;

City of Albany
Shire of Broomehill-Tambellup
Shire of Cranbrook
Shire of Denmark
Shire of Gnowangerup
Shire of Jerramungup
Shire of Katanning
Shire of Kent
Shire of Kojonup
Shire of Plantagenet
Shire of Woodanilling

The guiding principle of this Memorandum is that any support given to a local government in a particular emergency event shall be voluntary and of a level that will not unduly compromise the Council giving the support.

Partners to the Memorandum would agree to;

“in times of community distress due to an emergency incident, agree where possible to:

Provide what ever resources may be available within the means of that Council to respond to the emergency incident if requested;

Provide whatever resources may be available within the means of that Council to assist with post incident recovery in the community.”

The draft MOU is written in a manner that implies that it is the CEO’s of the various local authorities that need to agree to the principles of assisting in times of emergencies. This view has raised issues in that initially it is a decision of the Councils to agree to provide such mutual aid and as such signatures to the agreement should be the Shire Presidents /Mayor in conjunction with the CEO’s.

Expectations of the MOU are detailed in Item 7 of the draft.

For Council consideration

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: Clause 6 which deals with the allocation of resources has also raised some issues amongst the Zone members. This will need to be considered carefully and agreement reached while at the same time not operating outside the parameters of the Local Government Act – in terms of unauthorised expenditure.

The Local Government Act 1995, Section 6.8 states

“Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.”

Strategic Implications: This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Council Resolution: *101214*

Moved Cr Crosby, seconded Cr Turner

“That Council gives in principle endorsement for a Memorandum of Understanding with the Member Local Governments of the Great Southern Zone of WALGA to provide mutual aid during times of emergencies and recovery operations and authorises the President and CEO to sign the agreement subject to them being satisfied with the final agreement.”

CARRIED 8/0

**Reason For Change to
Recommendation:**

10.15 CONTRACT WORK – JET PATCHER

Program:	Transport
Attachment:	Nil
File Ref:	ADM0345
Author:	JM Trezona Chief Executive Officer
Date:	6th December 2010
Disclosure of Interest:	Nil

Summary: Council to consider payment of allowance to staff working away with the Jet Patcher truck.

Background: Council has recently taken delivery of a bitumen patching truck. In the discussions leading up to the purchase of the machine it was indicated there was interest from surrounding councils in hiring the machine with an operator. This could require the operator to be away from home overnight. The staff members who have received training in the operation of the machine have asked that consideration be given to an increased payment to compensate for working away from home.

Comment: In January this year councils were required to implement the new Local Government Industry Award 2010 (LGIA Award), which replaced the Municipal Employees Award (Western Australia) 1999 (MEU Award).

Under the MEU Award there was provision for a daily or weekly amount to be paid in addition to the prescribed wage, to an employee working away from home as a camping allowance. This amount was agreed on by the employee and the employer.

The LGIA Award does not have this provision. Council is required to pay time worked in excess of the employee's standard hours at the applicable overtime or penalty rates, which includes travelling to and from the job from Tambellup. Council is also to either arrange accommodation and meals for the employee while they are away from home, or reimburse reasonable out-of-pocket expenses for same.

Officers from WALGA's Workplace Solutions service have advised that if the nature of the employee's position description changes significantly with the responsibility for the operation of the machine, consideration may need to be given to reclassifying the position and the level at which the employee is paid.

If, however, the employee's normal duties have not changed significantly, it may be appropriate to pay an agreed amount daily or weekly in recognition of the need for the employee to be away from home overnight on occasion. A number of Councils are making this type of payment to staff working away from home, and an amount of \$20 per night seems to be an acceptable figure.

At this stage, it is anticipated the machine will be used primarily on local roads, which is within the position descriptions of the employees who will be using it.

However as stated previously, there has been interest from surrounding councils in the hiring of the machine, which may require staff to be away from home overnight.

For Councils consideration and decision.

Consultation: Local Government Workplace Solutions

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

Strategic Implications: This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Officer Resolution: *101215*

Moved Cr Kempin, seconded Cr Sadler

“That Council agrees to make a payment of \$20.00 per night to staff who are required to be away from home overnight whilst undertaking contract work with the Jet Patcher truck.”

CARRIED 8/0

Reason For Change to Recommendation:

Mr Doug Cherry, operations manager of the Water Corporation, Great Southern Region entered the meeting at 3.04pm to discuss the proposed relocation of the India Street standpipe in Broomehill and water issues within the Great Southern caused by the dry winter season.

Cr Webster thanked Mr Cherry for addressing Council and he left the meeting at 3.20pm.

10.16 PROPOSED AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1995

Program: Governance
Attachment: WALGA Infopage and Explanatory Notes (already provided)
File Ref: ADM0107
Author: JM Trezona Chief Executive Officer
Date: 14th December 2010
Disclosure of Interest: Nil

Summary: The Minister for Local Government has requested Local Government feedback through the Western Australian Local Government Association (WALGA) on a number of proposed amendments to the Local Government Act 1995. The response is required by 07 January 2011.

Background: WALGA have forwarded an Infopage, feedback form and Explanatory Notes on a number of proposed amendments to the Act. Councils are asked to consider the changes and provide a comment. In recent times WALGA has endeavoured to foster a closer working relationship with the Minister for Local Government and the Department. The invitation to comment at this stage of the proposed changes to the legislation is a significant change to the past practice where the sector comment is sought after instructions have been sent to the State Solicitor's Office.

In acknowledging the importance of this particular consultation process WALGA are asking that all Councils consider the proposed changes as part of a full Council meeting process.

Comment: Seven amendments to the Local Government Act 1995 are proposed. These issues are expanded in the attached Explanatory Notes, together with the view of WALGA.

Council is requested to indicate the level of support or opposition to each proposal and provide additional comments where appropriate. More detailed submissions are also welcomed.

The Minister's proposals are highlighted in bold and numbered 1 – 7 as follows;

Reducing the number of Elected Members to between six and nine
 The position of WALGA is that "They oppose the Local Government Reform Steering Committee Report recommendation 8 concerning prescribing the number of Elected members to between 6 and 9."

The Shire of Broomehill-Tambellup currently has 9 elected members and the undertaking of a recent ward boundary and elected member review has resulted in Broomehill-Tambellup moving to 7 elected members at the 2011 ordinary elections.

The issue however is whether or not legislation should reduce the number of elected members. Currently the Local Government Act section 2.17 prescribes that Council shall be made up of a mayor or president and not less than 5 and not more than 14 Councillors. The

Minister issued the request for all Councils to reduce numbers to between 6 and 9 in February 2009.

While Broomehill-Tambellup falls within the range preferred by the Minister, Council will need to consider if it supports the proposal or not.

Salaries and Allowances Tribunal to set the fees for Elected Members and salaries for CEOs

The position of WALGA in relation to the two issues is;

“That recommendation 1.35 of the Local Government Advisory Board report be supported and that the State Government be requested to amend the Local Government Act 1995 accordingly to achieve the following outcome:

“That the Western Australian Salaries and Allowances Tribunal be given the responsibility for establishing the range of fees and allowances for elected members, with each Local Government having the ability to set a fee within this range. The Tribunal also be required to update the fees and allowances on an annual basis.”

- *That the State Government be requested to amend the Local Government Act accordingly;*
- *In the event the Local Government Act 1995 is amended as per the Association’s advocacy:*
 - *that the question of the quantum and extent of Councillor Fees and Allowances be sought from other states with a view of presenting this to the Western Australian Salaries and Allowances Tribunal to support any Association submission on this subject; and*
 - *that targeted research be undertaken on Councillor responsibilities, level of control and work values, so that these can be extrapolated as industry averages and provided to the Tribunal in further support of any Association submission.”*

“WALGA takes a view that Local Governments should retain the general competence power to determine appropriate remuneration levels for their key executive”.

The introduction of the Salaries and Allowances Tribunal in setting members fees and allowances has been something that has been discussed for considerable time. It would seem appropriate to support the position of WALGA.

With respect to CEO salaries and remuneration, as CEO and author of this report I need to declare the obvious financial interest in this item. Legislating to force Councils to pay CEO’s within regulated bands could have the effect of causing a loss of key personal from the industry to other industries and reduce flexibility for local Councils to employ the personal they wish to if they could meet the ‘market’. Again it would be appropriate to support the recommendation of WALGA.

New mechanism for the temporary suspension of Council

WALGA’s policy position on this issue “was considered in 2008 where there was support for a mechanism to suspend individual Elected

Members rather than an entire Council.”

The proposal is as follows

- The Minister issues the Council with a notice of intention to suspend due to issues arising that the Minister believes may lead to a breakdown in the effective decision making process of an elected Council;
- The Council will have a period of 21 days in which to respond to the Minister’s notice detailing the Ministers reasons for providing a notice of intention to suspend;
- The Minister would give serious consideration to the reasons provided and determine whether the council should be suspended;
- If the Minister decides to suspend the Council, he or she has the option of suspending and appointing a Commissioner for a maximum period of six months (new power) or if the identified issues are considered so significant that the Commissioner would not be able to resolve them within six months, to immediately appoint an Inquiry Panel (existing power) to investigate the issues; and
- Prior to the end of the six month suspension period, the Minister is to reinstate the Council or appoint a Panel Inquiry

The Minister is to have the power to require council members to undertake remedial action, such as ongoing training or mediation, during the period of suspension.

Support for the proposal is recommended.

Require Elected Members to resign when elected to State or Commonwealth Parliament

The proposal is supported and it aligns with a State Council resolution of WALGA , of August 2007 –

That the Minister for Local Government be requested to consider amending the Local Government Act 1995 to require Elected Members to resign from Council immediately upon being declared elected to State or Federal Parliament.

Restricting the types of local government investments to low risk products such as those with the WA Treasury Corporation, major banks and government bonds

The position of WALGA is “There remains subjectivity in the definition of the term ‘low risk’ in the context of this proposal. The WA Local Government Association supports the sector’s right to retain the principle of general competency powers as provided under the Local Government Act 1995, and that Local Governments be allowed to continue to decide for themselves how best to deal with investment opportunities”.

Align criminal conviction criteria for Elected Members with that of WA Members of Parliament

It is appropriate to support the position of WALGA which is “..that for true alignment of criteria, the proposal take a holistic approach incorporating all aspects of Candidates/Elected Member qualification and disqualification rather than one aspect of disqualification, namely

criminal convictions.”

“One option would be for this proposal to be broadened to “Align the qualification and disqualification criteria for Local Government election candidates and Elected Members with that of Western Australian Members of State Parliament”.”

To limit employee termination payments to one year’s salary

The Local Government Managers Association’s (LGMA) view (the CEO is a financial member of the LGMA) is that all staff and CEO’s of amalgamated local authorities should have the same rights to redundancy in an amalgamation as all other local government employees (that being 2 years guaranteed employment or salary in lieu of). Noting the CEO’s obvious financial interest, the recommendation is that Council supports the position of the Minister and the right of the State and Local Authority to determine such positions on an amalgamation, but that the termination / payout provisions for all local government employees should be determined on a consistent basis.

The view of the State, and presumably the Local Authority being amalgamated, would be to minimise the potential significant financial exposure to redundancies and minimise the payout, to any staff made redundant, to one year’s salary.

It is recommended that Council support the Ministers proposal.

WALGA currently has no position on this suggestion.

Consultation:	Nil
Statutory Environment:	Local Government Act 1995
Policy Implications:	Nil
Financial Implications:	This issue has no financial implications for Council
Strategic Implications:	This issue is not dealt with in the Strategic Plan
Voting Requirements:	Simple Majority
Officer Resolution:	<p><i>“That Council respond to the WALGA invitation to comment on various proposed legislative changes to the Local Government Act 1995 as follows;</i></p> <ol style="list-style-type: none"> <i>1. Reducing the number of Elected Members to between six and nine</i> <i>Response: Support the position of the Minister/WALGA.</i> <i>2. Salaries and Allowances Tribunal to set the fees for Elected Members and salaries for CEOs</i> <i>Response: Support the position of WALGA.</i> <i>3. New mechanism for the temporary suspension of Council</i> <i>Response: Support the position of WALGA.</i>

4. *Require Elected Members to resign when elected to State or Commonwealth Parliament*
Response: Support the position of WALGA.
5. *Restricting the types of local government investments to low risk products such as those with the WA Treasury Corporation, major banks and government bonds*
Response: Support the position of WALGA.
6. *Align criminal conviction criteria for Elected Members with that of WA Members of Parliament*
Response: Support the position of WALGA.
7. *To limit employee termination payments to one year's salary*
Response: Support the position of the Minister."

Council Resolution: **101216**

Moved Cr Turner, seconded Cr Sheridan

"That Council respond to the WALGA invitation to comment on various proposed legislative changes to the Local Government Act 1995 as follows;

1. *Reducing the number of Elected Members to between six and nine*
Response: Support the position of the Minister, with the option of the Minister having the power to grant exemptions to larger Local Governments who make a successful case to the Minister to have more than 9 elected members if deemed a requirement to adequately represent their electors.
2. *Salaries and Allowances Tribunal to set the fees for Elected Members and salaries for CEOs*
Response: Support the position of WALGA.
3. *New mechanism for the temporary suspension of Council*
Response: Support the position of WALGA.
4. *Require Elected Members to resign when elected to State or Commonwealth Parliament*
Response: Support the position of WALGA.
5. *Restricting the types of local government investments to low risk products such as those with the WA Treasury Corporation, major banks and government bonds*
Response: Support the position of WALGA.
6. *Align criminal conviction criteria for Elected Members with that of WA Members of Parliament*
Response: Support the position of WALGA.
7. *To limit employee termination payments to one year's salary*
Response: Support the position of the Minister."

CARRIED 8/0

Reason For Change to Recommendation:

10.17 REQUEST FOR EXEMPTION DURING HARVESTING AND MOVEMENT OF VEHICLE BANS

Program: Fire Protection
Attachment: Copy of notice of Exemption for Total Fire Ban – FESA
File Ref: ADM0243
Author: JM Trezona
Date: 15th December 2010
Disclosure of Interest: Nil

Summary: John Holland Pty Ltd is seeking an exemption from Council to enable its contractors to continue working in rail corridors on railway infrastructure during times when a harvesting and movement of vehicle ban has been imposed.

Background: A representative from John Holland Pty Ltd (Rail) who is currently undertaking the works associated with the re-sleeping of the Great Southern line, has approached Council asking for it to consider granting an exemption to allow their contractors to continue working when a Harvesting and Movement of Vehicle ban has been imposed.

The Minister through FESA has granted WestNet Rail an exemption subject to certain conditions, to continue working when a Total Fire Ban has been imposed. This exemption also applies to its contractors such as John Holland. John Holland is seeking a similar exemption from Council.

Comment: Total Fire Bans are imposed by the Minister under section 22A of the Bush Fires Act 1954. Section 22C of the Act grants the Minister the power to grant exemption when a Total Fire Ban is imposed. A further recent change to the imposition of a Total Fire Ban sees grain harvesting exempted unless the local authority imposes a harvesting and movement of vehicle ban.

Section 24C of the Bush Fires Regulations 1954 gives Fire Control Officers the power to impose harvesting and movement of vehicle bans.

Attached for Council information is a copy of the Total Fire Ban exemption including conditions, granted to WestNet rail.

Harvesting and movement of vehicle bans are generally imposed when the weather conditions are extreme and the risk of fire is very high. Council would need to satisfy itself that should an exemption be granted any conditions attached to it are appropriate in ensuring any potential risks are kept to a minimum.

Conversely, Council may consider that the number of days when bans are imposed is minor and it is very rare that they coincide with the operations of rail maintenance so the “*status quo*” is retained and no exemption be granted.

The matter has arisen after the last harvesting and movement of vehicles ban was imposed. John Holland Pty Ltd who is currently doing works in

our Shire believed that the Ministerial exemption for Total Fire Bans also applied to bans imposed by Local Authorities. This is not the case.

For Council discussion and consideration.

Consultation: Murray Hatton – FESA Albany
Darren Trengove – WestNet Rail

Statutory Environment: Bush Fires Act 1954
Bush Fires Regulations 1954

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

Strategic Implications: This issue is not dealt with in the Strategic Plan

Voting Requirements: Simple Majority

Council Resolution: *101217*

Moved Cr Sadler, seconded Cr Bowman

“That Council does not grant an exemption to John Holland Pty Ltd to allow them to continue working in the rail corridors during periods when a harvesting and movement of vehicle ban is imposed across the Shire.”

CARRIED 8/0

Reason For Change to Recommendation:

12.1 PLANT REPORT FOR NOVEMBER 2010

Program: Transport
Attachment: Nil
File Ref: Nil
Author: GC Brigg Manager of Works
Date: 9th December 2010
Disclosure of Interest: Nil

Reg No.	Description	Kms/Hrs	Year of Manufacture	Year of Purchase	Changeover	Comments
BH000	Nissan Murano		2009	2009		OK
BH00	Ford Ranger Dual Cab	4000	2010	2010		First service done
BH002	ISUZU 6 Wheel Tipper	47113	2008	2008	7 yrs / 250,000 km	OK
BH003	Isuzu NPR300 crew cab truck	23000	2009		5 yrs / 100,000 km	OK
BH004	CAT 12M	700	2009	2009		Rims to be replaced (warranty)
BH005	Bomag Multi-Tyred Roller	4900	2002	2002	7 yrs / 8,000 hrs	OK
BH006	Volvo 710	5067	2004	2004	7 yrs / 8,000 hrs	Final drive repairs 5000hr service
BH007	John Deere Ride on Mower		2003	2003	5 yrs / 5,000 hrs	OK
BH008	VOLVO L70D Loader	5750	2001	2001	7 yrs / 8,000 hrs	OK
BH009	Toyota Hilux	12000	2009			OK
BH010	6x4 Fuel Trailer		1981	1981		OK
BH012	Isuzu Fire Truck	6000	1995	2004		12mth service including pump mtr
BH013	John Deere 315SG Backhoe	2340	2003	2003	10 yrs / 8,000 hrs	Throttle, hose repairs
BH813	Multi Tyre Roller		1960	1980	8 yrs / 8,000 hrs	

0TA	Holden Statesman		2010			OK
TA052	Toyota Hilux 4x4	14972	2009			OK
TA001	Ford Ranger Dual Cab	5772	2009			First service done
1TA	Ford Territory	16161	2009	2009	1 yr / 40,000 kms	15k service done
TA1880	Isuzu Gigamax Truck	46547	2008	2008	5 yrs / 250,000 km	Due 45k service
TA092	Isuzu Gigamax Truck	69252	2007	2007	5 yrs / 250,000 km	OK
TA386	Mitsubishi Fuso Truck	66542	2007	2007	5 yrs / 250,000 km	Belts replaced
TA18	12H Grader	4156	2006	2006	7 yrs / 8,000 hrs	Window replaced
BH014	Ford Ranger Single Cab	9119	2010			OK
TA281	930G Loader	2948	2007	2007	7 yrs / 8,000 hrs	Hose repair
TA392	Tractor Mower	2011			5 yrs / 5,000 hrs	Deck repairs
TA417	John Deere Gator	127	2009			OK
BH001	CAT Vibe Roller	609	2009			OK
TA017	Isuzu Tipper	43924	2009			OK
TA219	Multipac Multi-tyred Roller	7520		2004	7 yrs / 8,000 hrs	Water pump leak
TA1196	Large Roller					
TA2015	Vibrating Roller			1977	7 yrs / 8,000 hrs	Sold
	Slasher				10 yrs	OK
XTR579	Road Broom				10 yrs	OK
TA2558	Jet Patcher Isuzu	79536	2007	2010		OK
IDCF535	TORO 3500D	200	2009	2009		OK
TA005	John Deere Tractor 6330	900	2008	2008	10 yrs / 8,000 hrs	OK

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12.2 WORKS AND MAINTENANCE REPORT FOR NOVEMBER 2010

Program:	Transport	
Attachment:	Nil	
File Ref:	Nil	
Author:	GC Brigg	Manager of Works
Date:	9th December 2010	
Disclosure of Interest:	Nil	

Broomehill

- Both gardeners are away on compo. We have a casual filling in at the moment.
- Gardeners have been planting new plants around town. These areas include Holland Park, Administration Office and around town.
- New reticulation installed at the rest stop as existing reticulation doesn't reach the back garden if slightly windy.
- Old BBQ in Holland Park still to be dismantled this month.
- Cranbrook's excavator is installing a new hole at the Refuse Site.
- There have been problems with the pump at the town dam. Problems have been rectified.
- Work has started on the University block to complete. Fill will be hauled in and the concrete kerbing placed early next year.

Tambellup

- Reticulation problems at the oval. Waiting on solenoid parts to repair.
- Oval irrigation is now restricted to watering one day per week to conserve water.
- New plants have arrived to replace vandalized plants around town.
- New plants have arrived to be placed in the railway station gardens and rail reserve.
- New garden installed near the monument in Norrish Street.
- There have been problems with grass dying back at Diprose Park. This has been a lack of water with the recent water restrictions. As of December the 1st we are allowed to water twice a week again. Hopefully this will help green up the grass again.
- Community workers have been whipper snipping in the rail reserve and cleaning up at the cemetery.
- The new office in the depot is complete and work will be done on the crib room over the Christmas shutdown.

Roads

- Broomehill-Kojonup Road widening has been sealed. Project is 3 km in length. There is a 120 metre section which needs cement stabilizing, and this work will be completed next week.
- The Construction crew have been working on bitumen repairs which needed full reconstruction. Repairs carried out were on Tieline Road and Toolbrunup Road.
- Surveyors will be visiting Wandoo Road next week to identify the boundaries of properties involved in the realignment. Property owners will be notified once the day has been selected.
- Reseal took place on the Tieline Road. Total length was 7.6km.
- Results of reseals are mixed, with cooler than expected weather. There were some anomalies with existing sealed sections and aggregate which was delivered.

- We had 2 different types of aggregate delivered and they came from Hansons (Mt Barker) and Holcims (Albany). That decision was made as neither company were able to deliver on time, or supply enough material. Hansons aggregate was mixed in the fact that ALD (average least dimension) was low and flakiness was high.
- Albany's aggregate had high ALD and low flakiness. This meant we had to change spray rates to suit. Holcim's aggregate, 100% passes through a 9.5mm sieve which makes it a physically smaller stone than Hanson's.
- The hardest thing was to calculate the spray rate to suit the type of original bitumen we are resealing. Because of the length of reseal we sealed over many different types of bitumen finishes. All of the original bitumen was well past reseal date.
- Rates applied have been in far excess of normal resealing rates to try and counter the dry bitumen being resealed. This is done because when the new bitumen is sprayed the older bitumen underneath sucks the oil out of the fresh bitumen to recondition (penetrate) the original seal. If the old bitumen sucks more than expected then the fresh seal shrinks and it can't retain the stone, and the end result is stripping.
- There are many other factors while sealing,
 1. If the stone is protruding above the bitumen it will take a heavier spray rate than when the stone is flush with the top of the bitumen.
 2. If a seal has bled before it will take less bitumen with a higher spread rate of aggregate.
 3. Our last reseal program was carried out just before winter on the Tieline Road and Broomehill-Kojonup Road. These seals are slightly stripping at the moment. However once the road heats up during the summer we should see the bitumen more pliable and the aggregate should push into the bitumen with the traffic. If warmer weather takes affect soon I would expect the stripping to cease. The spray rate was well above normal at the time of spraying allowing for the old bitumen to be dryer than expected.
- We have carried out 2km of reseal on the Flat Rocks Road. This has two different types of aggregate.
- Maintenance graders are working on the northwest corner of the shire.
- We recently purchased \$20,000 of new signage to complete the shires roads. This was a larger than expected outlay but will bring the full shire up to date with all signs needed to reduce the risk to council.
- Maintenance crew, have been installing new signs and it will take some months to complete.
- Graveling on the Pallinup South road will commence after the Christmas shutdown

Plant

- The Cat 12M grader has trouble with wheel rims. Caterpillar will be replacing the rims over the Christmas shut down.
- New tyres and rims have been fitted to the Volvo loader. This now puts the loader on the normal specified tyre sizes. The original tyres were too small for the machine.
- The 3 Ford Rangers have been recalled for bonnet catch replacements.
- Quotes (via WALGA) have been called for the replacement of the multi tyre roller. There are only 2 suppliers in this category being Caterpillar and Bomag (BT Equipment)

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12.3 BUILDING SURVEYORS REPORT FOR NOVEMBER 2010

Program:	Economic Services
Attachment:	BSR Report and Activity Statement
File Ref:	ADM0076
Author:	D Baxter Building Surveyor
Date:	2 December 2010
Disclosure of Interest:	Nil

Summary: Attached are the BSR Report and the Activity Statement for the month of November 2010 that have been sent to all the relevant authorities that are required by legislation.

Background: These reports advise of the building approvals and the activity of the Building Surveyor for the month of November 2010.

Comment: These reports confirm the activity of the Building Surveyor.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

Strategic Implications: This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Officer Resolution: *Council discussed the Officers Report.*

Reason For Change to Recommendation:

12.4 BUILDING MAINTENANCE PROGRAM

Program:	Various
Attachment:	Building Maintenance Program for November 2010
File Ref:	Nil
Author:	Vicki Webster Manager of Administration and Customer Services
Date:	8th December 2010
Disclosure of Interest:	Nil

Summary:	Update of the Building Maintenance Program for 2010-2011.
Background:	Nil
Comment:	The Building Maintenance Program is updated and presented for Councils information, comment and discussion if required.
Consultation:	Nil
Statutory Environment:	Nil
Policy Implications:	Nil
Financial Implications:	Provision has been made in the 2010-2011 budget to meet the building maintenance program costs.
Strategic Implications:	This issue is not dealt with in the Plan
Voting Requirements:	Simple Majority
Officer Resolution:	<i>Council discussed the Officers Report.</i>
Reason For Change to Recommendation:	

12.5 LIBRARY REPORT – OCTOBER/NOVEMBER 2010

Program: Recreation and Culture
Attachment: Library Report – October/November 2010
File Ref: ADM0097
Author: JM Trezona Chief Executive Officer
Date: 6th December 2010
Disclosure of Interest: Nil

Summary: Attached is a Library Report prepared by Colleen Brown, Library Officer for Broomehill and Tambellup, outlining the activities of both libraries within each town.

Background: This report outlines the activities of both Broomehill and Tambellup libraries for the months of October and November 2010.

Comment: For Council Information

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

Strategic Implications: This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Officer Resolution: *Council discussed the Officers Report.*

Reason For Change to Recommendation:

TAMBELLUP SENIOR CITIZENS UNITS DECEMBER 2010 COUNCIL MEETING NOTES

MONTH OVERVIEW

After receiving last year's R4R Contestable Loan application to view I believe most of my time will be taken up gathering all information required to submit the application for the 2011 round if it becomes available.

I also visited Pinelock in Albany and have made contact with Rob from Concept Building who did the previous building plans to see what the price would be to update and retender.

FUNDING

After more research it appears there is no grants open at the moment and if the R4R grant does not open there are no large ones that we would fit into with our project. In regard to the Contestable Loan grant as we will be requiring over \$150 000, we need a business case/plan. This is a huge project in itself requiring full costings, forward planning, specific requirements etc. Over the next couple of months I will be working my way thru making up the business plan which will require a lot of background work as well as if's, maybe's and but's'. The reason that I am following these guidelines is because last year the round was only open for 5 weeks which will not be enough time to begin and finish the business case but still remembering that they may not open the round again so it could end up being a waste of time for the grant, but maybe useful for other applications or information to present to financial institutions etc.

Building the units can be broken down into a large number of small parts i.e. fencing, gardens, floor coverings etc which will all need to be fully costed to provide a breakdown for the funding i.e. if we apply for the full costing of buildings only we can apply for smaller grants for the breakdown parts etc.

PLANS/DESIGN

I visited Pinelock in Albany and went to their construction yard to view houses that had been built and ready to transport. Many are very comfortable, user friendly homes, and 6 will easily fit onto our block of land. They require 12 weeks to be built (for 6) and prices start from \$170, 000 per house, plus extras.

I have also enquired with Ecofit homes (they build the majority of NLV units), Kent and Fleetwood homes. These companies all do the 'kit/transportable' homes and the difference comes down to the inside m2 size. They all have 3 bedroom units (i.e. using 2bdrm and the 3rd as an office) but the dimensions can range from 80m2 thru to 112m2 and the price reflects this. I will be searching for the most value for money house but we may need to decide on what is the minimum size dimension we want – remembering the clients will most likely still be spending 75% of their time on site, so it's still a home not just a address.

I have been in touch with Rob from Concept Designs who drew the plans for the tender in 2006. I am finding out prices to renew the plans and send out to tender as the second option to the transportable.

I have an appointment with Darryl Baxter on Thursday 16 December and we will be discussing what will be needed (power, sewage etc) when building these units and if he has any suggestions that may help in keeping costs down.

Kristy Boyle

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13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

Nil

14. DATE OF NEXT MEETING

24th February 2011

15. CLOSURE

There being no further business the President thanked Councillors and staff for their attendance and declared the meeting closed at 3.38pm.