

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 July 2009 commencing at 4.02pm.

1. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

<u>Present:</u>	Cr BG Webster	President
	Cr KW Crosby	Deputy President
	Cr GM Sheridan	
	Cr MR Turner	
	Cr EK Schlueter	
	Cr DCN Kempin	
	JM Trezona	Chief Executive Officer
	JP Bentley	Manager Administrative and Customer Services
	VN Webster	Executive Officer
	GC Brigg	Manager of Works
	R Back	Consultant – Amalgamation of the Shires of Broomehill and Tambellup

Apologies: Nil

Leave of Absence:

Cr M Sadler
Cr SJF Thompson

2. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors and staff and declared the meeting open at 4.02pm.

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 an Impartiality Interest in Item 10.3

7. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

8. CONFIRMATION OF PREVIOUS MEETING MINUTES

8.1 Minutes of Ordinary Meeting of Council held Thursday 18th June 2009

090701

Moved Cr Kempin, seconded Cr Schlueter

“That the minutes of the Ordinary Meeting of Council held Thursday 18th June 2009 be confirmed as a true and accurate record of proceedings.”

CARRIED 6/0

8.2 Minutes of Special Meeting of Council held Thursday 9th July 2009

090702

Moved Cr Crosby, seconded Cr Sheridan

“That the minutes of the Special Meeting of Council held Thursday 9th July 2009 be confirmed as a true and accurate record of proceedings.”

CARRIED 6/0

9. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

10. MATTERS FOR DECISION

10.1 FINANCIAL STATEMENTS FOR JUNE 2009

Program:	Other Property and Services	
Attachment:	Monthly Financial Statements for June 2009	
File Ref:	Nil	
Author:	KP O’Neill	Finance Officer
Date:	3rd July 2009	
Disclosure of Interest:	Nil	

Summary: Attached are the monthly financial statements for June 2009.

Background:

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

Councillors should be aware that the financial statements are not yet finalised for June, as end of year accruals and adjustments are still to be allocated.

Consultation: Nil

Statutory

Environment: Local Government Act 1995 – Financial Management Regulations 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: *090703*

Moved Cr Turner, seconded Cr Kempin

“That the Interim Financial Report for the period ending 30th June 2009 be received.”

CARRIED 6/0

Reason For Change to Recommendation:

10.2 CREDITORS ACCOUNTS PAID – JUNE 2009

Program:	Other Property and Services	
Attachment:	List of Payments for June 2009	
File Ref:	Nil	
Author:	KP O’Neill	Finance Officer
Date:	3rd June 2009	
Disclosure of Interest:	Nil	

Summary: Attached is a list of payments made from the Municipal and Trust Funds during June 2009.

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 Council at the next ordinary meeting after the list is prepared.

Comment: SUMMARY

Municipal Fund	\$594,248.07
Trust Fund	\$7,482.00
Credit Card Payments	\$1,324.15
TOTAL	\$603,054.22

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: *090704*

Moved Cr Kempin, seconded Cr Sheridan

“That the list of Creditors accounts paid during April 2009, being:-

- Municipal Fund cheques numbered 541 to 593 and 603 to 604 inclusive and EFT payments numbered EFT464 to EFT524 inclusive and totalling \$594,248.07;*
- Trust Fund cheques numbered 72 to 80 inclusive and totalling \$7,482.00; and*
- Credit Card expenses totalling \$1,324.15, be adopted.”*

CARRIED 6/0

**Reason For Change to
Recommendation:**

10.3 TAMBELLUP GOLF CLUB RATE CONCESSION

Program:	Recreation and Culture
Attachment:	Nil
File Ref:	ADM0027
Author:	KP O'Neill Finance Officer
Date:	8th July 2009
Disclosure of Interest:	Cr GM Sheridan declared an Impartiality Interest as he is a member of the Tambellup Golf Club. The Chief Executive Officer Joanne Trezona declared an Impartiality Interest as she is a member of the Tambellup Golf Club.

Summary:	Request for a rate concession for the 2009-2010 financial year.
Background:	The Tambellup Golf Club has written requesting Council to consider granting a rate concession for the 2009-2010 financial year.
Comment:	<p>The Local Government Act 1995 Section 6.47 states:-</p> <p><i>“Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.”</i></p> <p>The Golf Club supplies a facility that is available to all members of the community and is used extensively during the golf season, as well as outside the season, by both golf members and non members.</p> <p>The club remains the only sporting organisation within the Broomehill-Tambellup Shire that has Council rates levied against it.</p> <p>The Golf Club has previously been granted rate concessions since 2000. The Club is still liable to pay for rubbish and recycling charges and the Emergency Services Levy set by FESA.</p>
Consultation:	Nil
Statutory Environment:	Local Government Act 1995 section 6.47.
Policy Implications:	Nil
Financial Implications:	Council’s rate income would be reduced by the amount of the Golf Club rates. For 2008-2009, the Golf Club’s rate concession granted by Council was \$759.33.
Strategic Implications:	This issue is not dealt with in the Plan
Voting Requirements:	Absolute Majority

Council Resolution: *090705*

Moved Cr Kempin, seconded Cr Crosby

“That Council grants a rate concession for the Tambellup Golf Club for the 2009-2010 financial year.”

*CARRIED 6/0
By Absolute Majority*

**Reason For Change to
Recommendation:**

10.4 APPOINTMENT OF DUAL FIRE CONTROL OFFICERS

Program:	Law Order and Public Safety	
Attachment:	Nil	
File Ref:	ADM0244	
Author:	JM Trezona	Chief Executive Officer
Date:	3rd July 2009	
Disclosure of Interest:	Nil	

Summary: The Shire of Gnowangerup seeks the appointment of Dual Fire Control Officers.

Background: The Shire of Gnowangerup seeks the appointment of the following Dual Fire Control Officers to respond to incidents within the Shire of Broomehill-Tambellup for the coming 2009-2010 fire season:

Michael Lance - Gnowangerup Brigade
 Jeremy Hitsert - Borden Brigade
 Brad Kiddle - Gnowangerup Brigade

Comment:

Consultation: Nil

Statutory Environment: Bush Fires Act 1954 section 40

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: *090706*

Moved Cr Schlueter, seconded Cr Sheridan

“That Council approves the registration of Michael Lance, Jeremy Hitsert and Brad Kiddle as Dual Fire Control Officers for the Gnowangerup Shire for the coming 2009-2010 fire season.”

CARRIED 6/0

Reason For Change to Recommendation:

10.5 APPOINTMENT OF DUAL FIRE CONTROL OFFICERS

Program:	Law Order and Public Safety	
Attachment:	Nil	
File Ref:	ADM0244	
Author:	JM Trezona	Chief Executive Officer
Date:	3rd July 2009	
Disclosure of Interest:	Nil	

Summary: The Shire of Cranbrook seeks the appointment of Dual Fire Control Officers.

Background: The Shire of Cranbrook seeks the appointment of the following Dual Fire Control Officers to respond to incidents within the Shire of Broomehill-Tambellup for the coming 2009-2010 fire season:

Peter Drage - East Cranbrook
 Ian Walsh - Central
 Ian Lawrence - Tunney

Comment:

Consultation: Nil

Statutory Environment: Bush Fires Act 1954 section 40

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: *090707*

Moved Cr Kempin, seconded Cr Crosby

“That Council approves the registration of Peter Drage, Ian Walsh and Ian Lawrence as Dual Fire Control Officers for the Cranbrook Shire for the coming 2009-2010 fire season.”

CARRIED 6/0

Reason For Change to Recommendation:

10.6 FIRE CONTROL OFFICERS 2009-2010

Program:	Law, Order and Public Safety	
Attachment:	Nil	
File Ref:	ADM0244	
Author:	JM Trezona	Chief Executive Officer
Date:	8th July 2009	
Disclosure of Interest:	Nil	

Summary: Council to endorse the appointment of Brigade Fire Control Officers, Dual Fire Control Officers and Fire Weather Officers for the 2009-2010 fire season.

Background: Fire Control Officers, Dual Fire Control Officers and Fire Weather Officers for the Shire of Broomehill-Tambellup are appointed on an annual basis. Section 38 of the Bush Fire Act 1954 gives local authorities the authority to appoint such persons as it thinks necessary.

Comment: All Brigade meetings have been held recently and the following people have been elected to fill positions for the 2009-2010 fire season:

Fire Control Officers

Broomehill East	Scott Thompson
Broomehill West	Mark Taylor
Broomehill Central	Peter Guazzelli
Tambellup East	Kim Oliver
Tambellup West	Andrew Bradshaw
Tambellup VESU Unit	Laurie Hull

Dual Fire Control Officers

Shire of Katanning	Mark Taylor
	Craig Bignell
Shire of Kojonup	Mark Taylor
	Nigel Sheridan
Shire of Cranbrook	Andrew Leonhardt
	Kim Oliver
	John Cristinelli
Shire of Gnowangerup	Craig Bignell
	Kim Oliver
	Al Clark

Fire Weather Officers

Craig Dennis
Tony Cristinelli
Craig Bignell

Council endorsement of these appointments is required.

Consultation: Broomehill and Tambellup Fire Brigades

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: 090708

Moved Cr Schlueter, seconded Cr Kempin

“That Council endorses the appointment of the following people as Fire Control Officers, Dual Fire Control Officers and Fire Weather Officers for the 2009-2010 fire season:

*Fire Control Officers**Broomehill East**Scott Thompson**Broomehill West**Mark Taylor**Broomehill Central**Peter Guazzelli**Tambellup East**Kim Oliver**Tambellup West**Andrew Bradshaw**Tambellup VESU Unit**Laurie Hull**Dual Fire Control Officers**Shire of Katanning**Mark Taylor**Craig Bignell**Shire of Kojonup**Mark Taylor**Nigel Sheridan**Shire of Cranbrook**Andrew Leonhardt**Kim Oliver**John Cristinelli**Shire of Gnowangerup**Craig Bignell**Kim Oliver**Al Clark**Fire Weather Officers**Craig Dennis**Tony Cristinelli**Craig Bignell.”***CARRIED 6/0**

Reason For Change to Recommendation:

10.7 APPROVAL TO CONSTRUCT SHEDS – LOT 373 ETTAKUP ROAD

Program: Economic Services
Attachment: Block Plan
File Ref: Planning Application
Author: D Baxter Building Surveyor
Date: 3rd July 2009
Disclosure of Interest: Nil

Summary: Council to consider an application to construct a 75.39m² shed and a 117.35m² shed on Lot 373 Ettakup Road, Broomehill Village.

Background: The owners have supplied a block plan and engineered plans for the sheds using Lysaght Building Solutions Pty Ltd trading as RANBUILD for this project.

Comment: The owners of the property will be the builders for this project.

Consultation: Lysaght Building Solutions Pty Ltd have supplied all the relevant documentation for this project.

Statutory

Environment: Shire of Broomehill Town Planning Scheme No 1

Policy Implications: The Broomehill Town Planning Scheme requires Council to give planning permission for any development to proceed in the special rural area.

Financial

Implications: Council will receive planning fees.

Strategic

Implications: This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Council Resolution: *090709*

Moved Cr Kempin, seconded Cr Turner

“That Council gives planning permission to the owners of Lot 373 Ettakup Road, Broomehill Village to construct two sheds in the special rural area using engineering plans by Lysaght Building Solutions Pty Ltd trading as Ranbuild.”

CARRIED 6/0

Council Resolution: **090710**

Moved Cr Kempin, seconded Cr Turner

“That the owners of Lot 373 Ettakup Road, Broomehill Village be given permission to construct the two sheds in keeping with the approved plans once planning approval has been granted.”

CARRIED 6/0

**Reason For Change to
Recommendation:**

10.8 REQUEST FOR DONATION – STUDENT LEADERSHIP GROUP 2009 – KATANNING SENIOR HIGH SCHOOL

Program: Governance
Attachment: Nil
File Ref: ADM0061
Author: JM Trezona Chief Executive Officer
Date: 3rd July 2009
Disclosure of Interest: Nil

Summary: The Katanning Senior High School Student Leadership Group 2009 is seeking financial support for the 2009 Spirit Week event.

Background: Spirit Week at the Katanning Senior High School was originally a week of school designed to lift school spirit among students and provide them with activities. Over the years Spirit Week has diminished to become Spirit Day. The Student Leadership Group's aim is to bring back the full week of activities and to achieve this, has booked a Perth based organisation and their equipment at a cost of \$900 and are seeking financial assistance from surrounding Shires.

Students attend the Katanning Senior High School from both Broomehill and Tambellup communities.

Council donated \$100 at the ordinary meeting in August 2008.

Comment: For Council discussion and comment.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: Council would need to make provision in the 2009-2010 budget.

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

Voting Requirements: Simple Majority

Council Resolution: *090711*

Moved Cr Crosby, seconded Cr Sheridan

“That Council donates \$100 to the Katanning Senior High School Student Leadership Group for the 2009 Spirit Week event.”

CARRIED 6/0

Reason For Change to Recommendation:

10.9 PROPOSED CBH RECEIVAL POINT – LOT 530 OLD NARDLAH ROAD AND REILLY STREET, BROOMEHILL

Program: Planning
Attachment: Location Plan, Site Plan and Elevation
File Ref: ADM0284
Author: Gray & Lewis Landuse Planners
Date: 3rd July 2009
Disclosure of Interest: Gray & Lewis receive planning fees for advice to the Shire and therefore declare a Financial Interest – Section 5365 of *Local Government Act 1995*.

More than half of the members grow grain and deliver to CBH and may have a financial interest. A request has been made to the Department of Local Government and Regional Development for Ministerial approval for members to deal with this matter. The Department of Local Government and Regional Development has advised that the elected members interest is determined as an “Interest in Common” and no elected member declaration is required.

Summary: An application has been lodged for a CBH receival point on Lot 530 Old Nardlah Road, Broomehill.

Council considered the application at the Ordinary meeting in May 2009 and determined that the proposed development is a ‘Rural Industry’ and advertised it for public comment.

Two objections to the application have been received. This report provides Council with a number of options, however recommends approval subject to conditions.

Background: CBH has advised that above average yields are expected due to the increased area of land utilised for growing crops rather than livestock. There is an existing temporary storage area approved however a long term solution is required.

Comment: **Zoning**
 The subject lot is zoned ‘Farming’ under the Sire of Broomehill Town Planning Scheme No 1. Land to the west is zoned ‘Rural Residential’ and consists of separate lots with potential for development of dwellings.

Description of Application

A copy of the applicant’s covering letter is included as an attachment.

The application is for two open bulkheads, ramp, drive over grid and pit and a conveyor.

Landuse Classification and Landuse Permissibility

Council has determined that the landuse is a ‘Rural Industry’ which is defined in the Scheme as “*means an industry handling, treating, processing or packing primary products grown, reared, produced, or used in the locality and a workshop servicing plant or equipment used for rural purposes in the locality.*”

A 'Rural Industry' is permitted in the 'Farming' zone.

Buffers

1. *Landuse compatibility and EPA 'Guidance for the assessment of environmental factors – separation distances between Industrial and Sensitive Landuses'.*

Under EPA guidelines a 500 metre generic buffer is recommended to any grain elevator. The Guidelines do not define 'elevators' however they are normally elevated and CBH has advised that none are proposed as part of this application.

The 500 metre buffer therefore does not strictly apply however Gray & Lewis would recommend that Council have regard for normal planning considerations such as dust, noise and landuse compatibility.

Access – Nardlah Road

The applicant has requested that the closed portion of Nardlah Road be re-opened to allow for access between the existing CBH operation to the north and the proposed development on Lot 530.

Gray & Lewis is of the understanding that the whole portion of Nardlah Road is a gazetted road, however a section has been physically blocked to traffic by Council as it has not been required.

Following the May meeting, Council wrote to CBH seeking *'written advice that CBH would be prepared to construct the road at its own cost between its existing facility and Lot 530. It is considered that the road would have to be bitumen sealed as a minimum standard appropriate for heavy vehicles and to prevent dust issues associated with gravel roads.'*

CBH has received two estimates for the Nardlah Road upgrading and confirmed in writing of CBH Group's commitment to construct and seal Old Nardlah Road.

A copy of CBH's letter is included as an attachment – it should be noted that sealing will be required between the existing operation and the proposed new development of Lot 530.

Options available to Council

Council has several options in dealing with the application as discussed below:

Option 1: Refuse the application

Council has to consider the appropriateness of the location, potential for impact on amenity and land capability.

If Council upholds the two objections and considers that the use will have an adverse impact on the surrounding area it can refuse the application;

Option 1 is not recommended for the following reasons:

1. The landuse is permitted in the Rural zone.

2. The 500 metre EPA buffer is a Draft guideline only and not a statutory requirement. It only strictly applies to grain elevators and none are proposed. Council has complete discretion on the application of buffers.
3. CBH propose to seal the crossover and site to minimise any dust generated by vehicles. Construction dust and noise management plans will be applied to all construction activities.
4. CBH has advised that operational dust management practices such as monitoring and maintaining site hygiene levels and covering of opening grain stacks will be applied across the site. A condition can also be placed on any approval to require practices to comply with a dust management plan.
5. The site is physically separated from smaller lots to the west by the railway line. Noise is controlled through separate legislation and CBH will have to comply with all the relevant noise legislation. A condition can also be placed on any approval to require compliance with a noise management plan.
6. It is considered that a dust and noise management plan could sufficiently address any amenity concerns.

Option 2: Conditional approval

The fact that a ‘Rural Industry’ is a permitted use indicates that it is entirely acceptable in the Farming zone.

Council can impose conditions requiring lodgement of a management plan addressing dust and noise prior to commencement of site works.

Option 2 is recommended having regard that the road will be sealed, that the site will be sealed and that a dust management plan will ensure mechanisms are in place to deal with any potential dust nuisance.

Option 3: Defer determination of the application

Due to concerns raised over dust and noise in public submissions, Council may defer determination of the application and request CBH to lodge a comprehensive management plan addressing dust and noise (by a suitably qualified consultant / person) ‘up front’.

This option is not recommended as a management plan can be required as a condition prior to site works. Substantial dust issues have already been mitigated through the road sealing and sealing of trafficable areas on site.

Consultation:

The application was advertised widely to surrounding landowners for comment.

Two objections were received and attached for information.

The submissions raise concern over proximity to dwellings, the EPA separation distance and potential impact from noise, dust and traffic. One submission also raised concern over the lack of information provided.

Statutory

Environment:

Policy Implications:

Shire of Broomehill Town Planning Scheme No 1.

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:*

- I. Approve the application lodged by CBH for a receival point on Lot 530 Old Nardlah Road, Broomehill subject to the following conditions;*
 - i. A management plan addressing dust and noise is to be compiled by a suitably qualified consultant / person and submitted to Council for separate written endorsement prior to commencement of any site work or an alternative time period agreed to in writing by Council.*
 - ii. The operation is to be conducted in accordance with the recommendations of a management plan approved by the Shire.*
 - iii. In the event of a dust nuisance complaint the owner / applicant / operator must;*
 - a) Immediately record the complaint and undertake corrective action in accordance with a management plan approved by Council;*
 - b) Notify the Council of the complaint in writing.*
 - iv. The applicant / operator is to immediately cease any activities or transport on written direction by Council in the event of any extreme dust nuisance for a period to be specified by the Shire.*
 - v. Prior to commencement of operation, the applicant / operator shall advise Council in writing the contact details of the individuals or parties responsible for the implementation of the management plan.*
 - vi. The applicant to construct and bitumen seal the section of Nardlah Road at its own cost between the existing facility and Lot 530 within a time frame to be agreed to in writing by Council.*
 - vii. Prior to commencement of road works, detailed plans for upgrading of Nardlah Road are to be lodged with Council for separate written approval.*
 - viii. All development shall be in accordance with the approved plans and the crossover and internal areas used for truck movements are to be sealed to minimise any potential dust from vehicles.”*

Council Resolution: 090712***“That Council:***

- 1. Approve the application lodged by CBH for a receival point on Lot 530 Old Nardlah Road, Broomehill subject to the following conditions;***
- i. A management plan addressing dust and noise is to be compiled by a suitably qualified consultant / person and submitted to Council for separate written endorsement prior to commencement of any site work or an alternative time period agreed to in writing by Council.***
- ii. The operation is to be conducted in accordance with the recommendations of a management plan approved by the Shire.***
- iii. In the event of a dust nuisance complaint the owner / applicant / operator must;***
- a) Immediately record the complaint and undertake corrective action in accordance with a management plan approved by Council;***
- b) Notify the Council of the complaint in writing.***
- iv. The applicant / operator is to immediately cease any activities or transport on written direction by Council in the event of any extreme dust nuisance for a period to be specified by the Shire.***
- v. Prior to commencement of operation, the applicant / operator shall advise Council in writing the contact details of the individuals or parties responsible for the implementation of the management plan.***
- vi. The applicant to construct and bitumen seal the section of Nardlah Road at its own cost between the existing facility and Lot 530, to be completed by the start of the 2011 grain season.***
- vii. Prior to commencement of road works, detailed plans for upgrading of Nardlah Road are to be lodged with Council for separate written approval.***
- viii. All development shall be in accordance with the approved plans and the crossover and internal areas used for truck movements are to be sealed to minimise any potential dust from vehicles.”***

CARRIED 6/0**Reason For Change to Recommendation:**

10.10 LOCAL GOVERNMENT CONVENTION – AGM OF WALGA

Program:	Governance
Attachment:	Copy of Motions for Consideration at the AGM
File Ref:	ADM0077
Author:	JM Trezona Chief Executive Officer
Date:	6th July 2009
Disclosure of Interest:	Nil

Summary: The Annual General Meeting (AGM) of the Western Australian Local Government Association (WALGA) will be held as part of the Local Government Convention.

Background: The AGM of WALGA will be held on Saturday 8th August 2009 at 1.00pm. Attached are copies of the motions that will be considered as part of the meeting. There are three motions that cover a variety of subjects.

Comment: Members will need to discuss the motions and determine the preferred voting for each so that conference delegates can carry out Councils wishes.

Council delegates are Cr Bowman and Cr Kempin.

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 discuss the motions for the Annual General Meeting of the Western Australian Local Government Association and advise the Council delegates of its preferred voting on each.”*

Council discussed this matter and advised the Council delegates of its preferred voting on each motion for the Annual General Meeting of the Western Australian Local Government Association.

Reason For Change to Recommendation:

10.11**PROPOSED CHANGES TO THE BUSHFIRES ACT**

Program:	Law, Order and Public Safety		
Attachment:	Draft Proposal from FESA		
File Ref:	ADM0254		
Author:	JP Bentley	Manager	Administrative and Customer Service
Date:	7th July 2009		
Disclosure of Interest:	Nil		

Summary: FESA are seeking response regarding the attached proposal to amend the Bushfires Act 1954.

Background:

Comment: FESA are trying to achieve three outcomes from the changes to the Bushfires Act 1954. Firstly to give any of the three agencies, Department of the Environment (DOE, formerly CALM), Local Government and FESA the ability to respond to the other areas of responsibility when the other agency is not yet in attendance. This means that if a fire has started on a DOE reserve and local government volunteers attend the fire prior to the DOE officers arriving, the local government volunteers can commence control measures until a DOE representative takes over responsibility for the fire. This would also work in reverse when DOE officers could respond to a local government incident until the local government volunteers take over the control of the fire. If the lead agency is happy for the other agency's fire fighters to remain on site then that can occur under the proposed changes.

Secondly the changes seek to empower FESA to take control of a major fire event such as the Tenterden fire and give both the local government and DOE officers the power to hand over such large scale events to FESA without issue. Once the fire is taken over by FESA it is understood that costs of control measures would then be borne by FESA. This could see the local Chief Bush Fire Control Officer in command of an incident with the added resources of FESA at his disposal. The other part of this provision is to enable FESA to hand back control of such an event once the fire is under control and mopping up and spot fire containment is all that is required for instance.

This then frees up FESA resources to tackle other emergencies as quickly as possible. It is not designed to be a manner in which responsibility and cost can be shifted for normal fire events.

The third part of the proposed amendment is to define more clearly the term 'property' so as to tighten up the prosecution of arsonists. Historically alleged arsonists have been able to find loopholes in the definition in the Act not being consistent with a dictionary definition of the term.

Consultation: District Emergency Management Committee Members

Statutory Environment: Bushfires 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

Officer Resolution: *“For Council discussion and if necessary comment back to FESA and the District Emergency Management Committee.”*

Reason For Change to Recommendation: *Council discussed this matter and had no comment to make to FESA.*

10.12	SALE OF 48 INDIA STREET, BROOMEHILL		
Program:	Housing		
Attachment:	Nil		
File Ref:	ADM0012		
Author:	JP Bentley	Manager	Administrative and Customer Services
Date:	7th July 2009		
Disclosure of Interest:	Nil		

Summary: Council to endorse the action of an acceptance of an offer of \$145,000 for the sale of 48 India Street, Broomehill.

Background: The Council has planned to sell the property at 48 India Street, Broomehill in both the current and previous financial years. During the end of the last financial year, the house was offered for sale by tender with only one response received which was well below the sworn valuation of the property. No tender was accepted by the Council. The tender closed on 4th April 2009 at 4.00pm.

Subsequent to the tender Council has advertised locally for people interested in the property. The property has been shown to three interested parties and following this process, an offer has been received for \$145,000.

Comment: The offer received for the property is in line with the sworn valuation received and is subject to finance. The settlement date has been set at 30th July 2009. The prospective buyer has paid a cash deposit of \$500 which has been passed on to the settlement agents, Taylor, Nott and Molinari who are acting on Councils behalf.

Consultation: An email and facsimile was sent to all Councillors asking for objections to accepting the offer with no responses. The Chief Executive Officer was also consulted during the process.

Statutory Environment: **Section 3.58 of the Local Government Act deals with Disposal of the property of a Local Government:**

3.58. Disposing of property

(1) In this section —

“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;

“property” includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the

most acceptable tender, whether or not it is the highest tender.

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
- (i) *describing the property concerned;*
(ii) *giving details of the proposed disposition; and*
(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned;*
(b) *the consideration to be received by the local government for the disposition; and*
(c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of land under section 29 or 29B of the Public Works Act 1902;*
(b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
(c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
(d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27.]

The Local Government (Functions & General) Regulations (1996) provides the following:

- 30. Dispositions of property to which section 3.58 of Act does not apply**
- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) *A disposition of land is an exempt disposition if —*
- (a) *the land is disposed of to an owner of adjoining land (in this paragraph called **the transferee**) and —*
- (i) *its market value is less than \$5 000; and*
(ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*
- (b) *the land is disposed of to a body, whether incorporated or not —*

- (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*
 - (c) *the land is disposed of to —*
 - (i) *the Crown in right of the State or the Commonwealth;*
 - (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
 - (iii) *another local government or a regional local government;*
 - (d) *it is the leasing of land to an employee of the local government for use as the employee's residence;*
 - (e) *it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land;*
 - (f) *it is the leasing of land to a "medical practitioner" (as defined in section 3 of the Medical Act 1894) to be used for carrying on his or her medical practice; or*
 - (g) *it is the leasing of residential property to a person.*
- (2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —**
- (a) *put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government;*
 - (b) ***the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or***
 - (c) *the subject of Statewide public notice under section 3.59(4), and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —*
 - (i) *the names of all other parties concerned;*
 - (ii) *the consideration to be received by the local government for the disposition; and*
 - (iii) *the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.*
- (2b) Details (see section 3.58(4) of the Act) of a disposition of property under sub regulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.**
- (3) A disposition of property other than land is an exempt disposition if —**
- (a) *its market value is less than \$20 000; or*
 - (b) *it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.*

[Regulation 30 amended in Gazette 25 Feb 2000 p. 974-5;
28 Apr 2000 p. 2041; 31 Mar 2005 p. 1055-6.]

Regulation 30 (2a (b)) gives the Council the power to sell a property by private treaty if the property was offered for sale by tender within the previous six months and the offers received from the tender process were not considered to be acceptable.

The Council has no obligation under the Local Government Act (1995) to advertise the transaction, however the results of the Tender process and the details of the ensuing private transaction must be available for public inspection for at least twelve months following the Tender in accordance with Regulation 30 (2b) (Functions & General).

Policy Implications:

Nil

Financial Implications:

Council has budgeted for the proceeds to go into the Building Reserve.

Strategic Implications:

Council has adopted a Housing and Land Strategy and the sale of the house is in keeping with the strategy.

Voting Requirements:

Simple Majority

Council Resolution:

090713

Moved Cr Turner, seconded Cr Crosby

“That Council endorses the actions of the staff in accepting an offer of \$145,000 for the sale of 48 India Street, Broomehill Village.”

CARRIED 6/0

Reason For Change to Recommendation:

10.13 ROYALTIES FOR REGIONS – COUNTRY LOCAL GOVERNMENT FUND

Program:	Various	
Attachment:	Nil	
File Ref:	ADM0149	
Author:	JM Trezona	Chief Executive Officer
Date:	8 th July 2009	
Disclosure of Interest:	Nil	

Summary: Council to reconsider its priorities for 2008-2009 Royalties for Regions Country Local Government Fund (CLGF) allocation.

Background: At the February 2009 meeting, Council determined its priorities for funding through Royalties for Regions program. The following projects were nominated:

- Housing
- Diprose and Holland Park
- Tambellup Pavilion
- Broomehill Cycle Paths
- Broomehill Public Toilets

A requirement of the funding is that all the 2008-2009 (Year 1) funds of \$676,507 are to be expended prior to 30th November 2009. Funding for 2009-2010 (Year 2) will not be released until the previous year's funds have been fully allocated.

Comment: Council may wish to reconsider its decision to apply funding to the construction of housing in Tambellup.

With the timeframe for the construction of an executive residence estimated at two years, it is possible that Year 1 funds may not be fully expended until mid-late 2011. Council will be unable to progress any other projects identified for Royalties for Regions funding until Year 2 funds are released at that point.

The current issue of local government reform may also have a bearing of Councils priorities for the funds.

Recent advice from the Department of Local Government and Regional Development stated *“In the context of the recently announced local government reform initiative, local governments should consider the implications of structural reform on ne infrastructure requirements. Local governments will not be disadvantaged with regard to CLGF allocations should amalgamations occur before the end of year four. Adjustments may be considered where significant boundary changes occur.”*

Council may wish to consider nominating another project, such as the Tambellup Pavilion refurbishment, which can be completed within the shorter timeframe to ensure the community gets the full and more immediate benefit of the Year 1 funds.

Approval will need to be obtained from the Department for Local Government and Regional Development for amendment to Councils priorities.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: Provision has been made in the 2009-2010 budget for expenditure of Year 1 funds and Year 2 allocation of \$439,700.

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

Voting Requirements: Simple Majority

Council Resolution: *090714*

Moved Cr Turner, seconded Cr Schlueter

“That Council seeks approval from the Department for Local Government and Regional Development to amend its priority projects for Royalties for Regions – Country Local Government Funding as follows:

- Holland and Diprose Parks*
- Tambellup Pavilion*
- Broomehill Cycle Paths*
- Broomehill Public Toilets*
- Housing.”*

CARRIED 6/0

Reason For Change to Recommendation:

10.14 ROYALTIES FOR REGIONS – COUNTRY LOCAL GOVERNMENT FUND YEAR 2 REGIONAL GROUPINGS

Program:	Governance		
Attachment:	Nil		
File Ref:	ADM0149		
Author:	JM Trezona	Chief Executive Officer	
Date:	9th July 2009		
Disclosure of Interest:	Nil		

Summary: Correspondence has been received from the Department of Local Government and Regional Development (DLGRD) advising of the process by which funding for regional projects will be distributed from the Country Local Government Fund (Royalties for Regions) for Year 2.

In order to meet the requirements of this advice, local authorities are required to nominate by 1st September 2009 which regional grouping of Councils they wish to be included with for the purpose of allocating these funds.

Background: As previously advised by DLGRD, for Year 2 of the Program, 35% of the Country Local Government Fund is to be allocated through the regional groups of local governments for regional infrastructure projects. The remaining 65% is to be paid directly to the Local Government for eligible projects that they so determine. These allocations change to a 50/50 split for Years 3 and 4 of the Program. The Advisory Information provided by DLGRD advises that the regional component of the fund is modelled on the Regional Road groups.

The Shire of Broomehill-Tambellup will receive the following funds over the four years of the current funding program:

	2008-2009	2009-2010	2010-2011	2011-2012
Broomehill- Tambellup direct allocation	676,507	439,729	338,254	338,254
Fund directed to regional group		236,778	338,253	338,253

Note the above estimates are based on Council receiving the same allocation of \$676,507 for the life of the Program and that there will be no reduction in the total pool of mining royalties available for distribution.

Eligible projects and asset classes remain the same for groups as year one. Regional projects may be assets that are accessible and used by all communities in a region or may be an asset within a specific community which is agreed to have a regional priority.

A regional group for the purpose of the CLGF may be an existing regional council, regional organisation of Councils (ROC's/VROC's) or other regional body which has local government representation. It can also be an informal arrangement of two or more councils formed for the purpose of prioritising this funding. Local Governments can only be members of one group. If a local government does not participate in a group then, subject to special circumstances, that share of the regional

allocation will be held over and may be used to augment Department of Local Government capacity building initiatives.

An assessment of the effectiveness of the regional funding will take place after year three and if necessary variations will be applied.

Comment:

The Shire of Broomehill-Tambellup is a member of the Southern Link VROC with the Shires of Cranbrook, Kojonup and Plantagenet. Council also indicated on its Reform checklist that was submitted on 30th April 2009 as part of the Minister for Local Government Structural Reform requirements that its preferred grouping was with members of the VROC.

Presently the members of the VROC enjoy a good relationship and have a willingness to pursue projects of a common interest and a goal to make the VROC relevant.

Again, assuming that the same allocations will be received for the life of the Program and that there will be no reduction to the total pool of mining royalties available for distribution, the following tables lists the funds that will be available in the pool if the VROC is the nominated group.

	2008-2009 100%	2009-2010 65%	2010-2011 50%	2011-2012 50%
Broomehill- Tambellup direct allocation	676,507	439,729	338,254	338,254
Cranbrook direct allocation	605,275	393,428	302,638	302,638
Kojonup direct allocation	625,454	406,545	312,727	312,727
Plantagenet direct allocation	1,071,541	696,502	535,771	535,771
Funds directed to proposed regional group (VROC)		1,042,571 35%	1,489,390 50%	1,489,390 50%

Other possible groupings that Council may wish to consider are:

- Great Southern Zone of WALGA – City of Albany, Shire's of Broomehill-Tambellup, Cranbrook, Denmark, Gnowangerup, Jerramungup, Katanning, Kent, Kojonup, Plantagenet, Woodanilling;
- An arrangement with a neighbouring Council(s) – Shire of Kojonup, Shire of Gnowangerup, Shire of Cranbrook or Shire of Katanning.

2008-2009 CLGF allocations for other Council's in the Great Southern Zone of WALGA were as follows:

City of Albany - \$1,568,047
 Shire of Denmark - \$1,076,771
 Shire of Gnowangerup - \$600,485
 Shire of Jerramungup - \$586,158
 Shire of Katanning - \$1,085,325
 Shire of Kent - \$586,470
 Shire of Woodanilling - \$528,696

Council's nomination of a preferred group is due by 1st September 2009.

Consultation: Shires of Cranbrook, Kojonup and Plantagenet.

Statutory

Environment: There is no specific legislation applicable to this item.

Policy Implications: Nil

Financial

Implications: As shown in the first table a total of \$913,284 will be added to the Regional Group, over the proposed funding period, from the Shire of Broomehill-Tambellup allocation. The appropriate nomination of a regional grouping is important to ensure that Council has adequate representation when deliberations are underway for the allocation of these funds.

Strategic

Implications: This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Council Resolution: *090715*

Moved Cr Turner, seconded Cr Sheridan

“That Council advises the Department of Local Government and Regional Development that the Shire of Broomehill-Tambellup's preferred regional grouping of Council's for the Country Local Government Fund is the Southern Link VROC (ie. the Shire's of Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet).”

CARRIED 6/0

Reason For Change to Recommendation:

10.15 2008-2009 INTERIM AUDIT REPORT

Program:	Governance
Attachment:	Copy of Interim Audit Report
File Ref:	ADM0058
Author:	KP O'Neill Finance Officer
Date:	9th July 2009
Disclosure of Interest:	Nil

Summary: The Interim Audit for the 2008-2009 financial year was conducted on the 10th and 11th June 2009 by Councils Auditors, Lincolns Accountants.

Background: The interim audit is conducted prior to the end of the financial year to assess Councils internal control systems and procedures. If there are any issues raised by the Auditors, there is time for staff to action any recommendations prior to the 30th June.

Councils Auditors checked the following systems:-

- Bank Reconciliations
- Payments
- Revenue (receipting)
- Debtors, Creditors & Rates subsidiary ledgers
- Payroll
- Private Works
- Works Costing

Comment: The Auditors have not raised any issues for concern. The appropriate checks and balances are in place and occur monthly.

The under-allocation of Public Works Overheads and Plant Operation Costs at the 31st May will be reallocated as part of the end of year processes.

Consultation: Nil

Statutory

Environment: Local Government Act 1995
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 Plan

Voting Requirements: Simple Majority

Council Resolution: **090716**

Moved Cr Schlueter, seconded Cr Turner

“That the Interim Audit Report for the year ended 30th June 2009 be received.”

CARRIED 6/0

**Reason For Change to
Recommendation:**

10.16 SALE OF SURPLUS EQUIPMENT

Program:	Transport	
Attachment:	Nil	
File Ref:	TA2180	
Author:	JM Trezona	Chief Executive Officer
Date:	9th July 2009	
Disclosure of Interest:	Nil	

Summary: Council to consider offers received for the outright sale of its existing plant trailer (TLR3 – TA2180).

Background: As part of the development of Councils Plant Replacement Program an analysis was done on the current plant items that Council holds and what requirements for the organisation would be into the future.

As part of that process it was determined at the March 2009 meeting of Council to replace the existing plant trailer with one that would meet the needs of the Council now and into the future.

A number of items of equipment were advertised for sale including the existing plant trailer.

Comment: Council originally purchased the plant trailer in 2000 and it has been a valuable piece of equipment. Council's requirements have changed and a bigger plant trailer is required.

The trailer was advertised as it is and where it is. Council has received two offers for the plant trailer, one for \$16,000 and a second offer for \$22,000 (inc GST). It is recommended that Council accepts the higher offer.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: Provision for the sale of the existing trailer is included in the 2009-2010 budget with the proceeds going towards the purchase of the new trailer.

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

Voting Requirements: Simple Majority

Council Resolution: *090717*

Moved Crosby, seconded Cr Turner

“That Council accepts the quote from BG & KE Russ for the outright purchase of its existing plant trailer for the offered price of \$22,000, inclusive of GST.”

CARRIED 6/0

**Reason For Change to
Recommendation:**

**10.17 STRATEGIC DIRECTIONS – PLAN FOR THE FUTURE
2009-2014**

Program: Governance
Attachment: Draft of the Plan
File Ref:
Author: JM Trezona Chief Executive Officer
Date: 9th July 2009
Disclosure of Interest: Nil

Summary: Council to consider the draft Strategic Directions – Plan for the Future 2009-2014 with a view to advertising it for public comment.

Background: The Local Government Act 1995 section 5.65 requires that a local government is to plan for the future of the district and the district plan is to be made in accordance with any regulations made about the planning. Local Government (Administration) Regulations 1996 reg 19C and 19D set out the requirements of a plan for the future.

The Governors Orders which created the Shire of Broomehill-Tambellup included an exemption so that there was not a requirement to have a Plan for the Future for the 2008-2009 financial year.

Council is now required to do a Plan for the Future.

Comment: The draft Plan is presented for Council comment and discussion. Ron Back will facilitate the discussion on the draft Plan.

Once the members are in agreeance, the plan will be advertised for public comment.

Consultation: Nil

Statutory Environment: Local Government Administration Regulations 1996 regs 19C and 19D state the following:

19C. Planning for the future — s. 5.56

(1) In this regulation and regulation 19D —

“plan for the future” means a plan made under section 5.56.

(2) A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).

(3) A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.

(4) A local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.

(5) A council is to consider a plan, or modifications, submitted to it and is to determine whether or not to adopt the plan, or the modifications, as is relevant.*

**Absolute majority required.*

(6) If a plan, or modified plan, is adopted by the council then the

plan or modified plan is to apply to the district for the period of time specified in the plan.

(7) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future of the district, and when preparing any modifications of a plan.

(8) A plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan.

(9) A local government is to ensure that a plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006.

19D. Notice of plan to be given

(1) After a plan for the future, or modifications to a plan, are adopted under regulation 19C the local government is to give local public notice in accordance with subsection (2).

(2) The local public notice is to contain —

(a) notification that —

(i) a plan for the future of the district has been adopted by the council and is to apply to the district for the period specified in the plan; and

(ii) details of where and when the plan may be inspected;

or

(b) where a plan for the future of the district has been modified —

(i) notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for a the period specified in the plan; and

(ii) details of where and when the modified plan may be inspected.

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 endorses the draft Shire of Broomehill-Tambellup Strategic Directions – Plan for the Future 2009-2014 for public comment.”*

Council Resolution: **090718**

Moved Cr Kempin, seconded Cr Sheridan

“That Council endorses the draft Shire of Broomehill-Tambellup Strategic Directions – Plan for the Future 2009-2019 for public comment.”

CARRIED 6/0

Officer Resolution: *“That Council commits to proceeding with the development of a long term financial plan as part of the Shire of Broomehill-Tambellup Strategic Directions – Plan for the Future 2009-2014.”*

Council Resolution: **090719**

Moved Cr Kempin, seconded Cr Sheridan

That Council commits to proceeding with the development of a long term financial plan as part of the Shire of Broomehill-Tambellup Strategic Directions – Plan for the Future 2009-2019.”

CARRIED 6/0

Reason For Change to Recommendation:

10.18 TENDER 4 OF 2008-2009 – VIBRATING ROLLER

Program:	Transport
Attachment:	Tender Analysis
File Ref:	
Author:	GC Brigg Manager of Works
Date:	10th July 2009
Disclosure of Interest:	Nil

Summary: Council to consider tenders received for the purchase of a new vibrating roller.

Background: Tenders have been called for the replacement of Councils existing Bomag vibrating roller. The tender was advertised in the West Australian and closed on 6th July 2009. Nine tenders were received.

As analysis of the tenders is attached.

Comment: There are now over thirty manufacturers of self propelled rollers. The Chinese account for fifteen different manufactures. Looking over the years, many brands have come and gone. Some of these brands are Ingersoll Rand, S&P and Multipac. Three brands which are still part of their parent company or dealership are Dynapac, Caterpillar and Bomag.

Dynapac have been building rollers since 1971, Bomag since 1981 and Caterpillar since 1929. Bomag manufacturing was once in the USA and most machines are now built in China.

After sourcing much information as possible, there are two brands which stand out in having the best Anti Slip Control and they are Caterpillar and Hamm. Anti-slip control is useful when the machine is loaded onto the float. Power is divided automatically between the drum and rear wheels to prevent wheel slip or drum slip allowing for safe loading. It is also useful for turning machines into table drains and climbing back up the shoulders is normally a problem.

Resale values favour the Dynapac and Caterpillar. 1999 model Dynapac and Caterpillar machines are currently for sale in excess of \$90,000. Late model Hamm's (2003, 2004) are for sale for around \$70,000. This of course is relative to the purchase price of the machine.

Caterpillar can supply all parts from current stock. Dynapac and Bomag have parts within Australia. Most others didn't have all parts but could get them. Parts checked were wheel bearings, main drum bearings, main hydraulic hoses and articulation pins.

Reports on Hamm's Drum drive indicate that there is a problem with the drum bearings with change out times being 1,000 hours. This is a major job for service personal.

Caterpillar have eighty years of roller building experience and backup service is one of the best with all parts available off the shelf. Service personal are currently located in Kojonup and a standard warranty of three years / 6,000 hours applies.

For Council discussion and comment.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: Council has made a carry-over provision in the 2009-2010 budget for the purchase of a new vibrating roller.

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

Voting Requirements: Simple Majority

Council Resolution: *090720*

Moved Cr Crosby, seconded Cr Schlueter

“That Council accepts the tender from Screenwest Pty Ltd of \$7,000 for the outright purchase of its 1981 Bomag vibrating roller.”

CARRIED 6/0

Council Resolution: *090721*

Moved Cr Crosby, seconded Cr Schleuter

“That Council accepts the tender from Westrac for the purchase of a CS56 Roller (Vibrating Compactor) for the purchase price of \$162,151 (inc GST).”

CARRIED 6/0

Reason For Change to Recommendation:

10.19 PROPOSED ANCILLARY ACCOMMODATION – LOT 547 (NO 100) TIE LINE ROAD, BROOMEHILL

Program: Planning
Attachment: Plans of the ancillary accommodation
File Ref: A4074
Author: Gray & Lewis Landuse Planners
Date: 16th July 2009
Disclosure of Interest: Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – section 5.65 of the *Local Government Act 1995*.

Summary: Council to consider an application for ‘ancillary accommodation’ on Lot 547 (No. 100) Tie Line Road, Broomehill.

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

Background: The property is zoned ‘Rural Residential’ under the Shire of Broomehill Town Planning Scheme No 1 (‘the scheme’).

The objective of the ‘Rural Residential’ zone is to *‘select areas wherein closer subdivision will be permitted into lots one hectare and above to provide for such uses as hobby farms, horse breeding and rural residential retreats and to make provision for the retention or improvement of the rural landscape and environment’*.

Comment:

Site Description

The subject lot contains an existing residence and ancillary outbuildings. The lot has an approximated area of 1.9 hectares.

Description of application

The applicant proposes:

- Construction of ancillary accommodation to the side of the existing residence.
- The accommodation measures approximately 6 metres x 10 metres (60m²) and includes one bedroom, a study, a combined bathroom/laundry and an open living / dining area / kitchen area.
- The accommodation will be located approximately 22 metres from Tie Line Road and 19 metres from the east boundary (shared with adjacent Lot 548).

The applicant has confirmed that the accommodation is for a relative.

Landuse Definition

AS there is no definition of ‘ancillary accommodation’ in the Scheme, it is appropriate to use the relevant definition under the Residential Design Codes – *‘Self contained living accommodation on the same lot as a single house that may be attached or detached from the single house occupied by members of the same family as the occupiers of the main dwelling’*.

Process consultation

Council determined that the development was a ‘use not listed’ at its June meeting and determined that the proposed use may be consistent with the

objectives and purpose of the zone and resolved to advertise the application.

Advertising closes at midday on Thursday 16th July 2009. At the time of writing this report no submissions had been received.

Residential Design Codes

The application complies with all of the ‘deemed to comply’ requirements of the Residential Design Codes as explained in the June report.

Effluent Disposal

Councils Environmental Health Officer has inspected the site and it is expected that the development can be serviced by on site effluent disposal. The owners will need to lodge a separate form for approval for any new system.

Notification on Title – for Councillor discussion

Ancillary accommodation can only be used by a member of family related to people living in the main house.

Some Shires require owners to lodge a notification on the Certificate of Title to alert any future purchasers of the restrictions on the accommodation. Other Shires consider that conditions of development are sufficient to manage this issue.

Notifications are favoured by Gray & Lewis as many purchasers do not check planning approvals prior to buying properties and it assists to prevent these developments becoming quasi grouped dwellings / units.

It has not been included in the recommendation (to allow for discussion) however Council can include an additional condition as follows;

‘A notification under Section 70A of the Transfer Land Act 1893 must be prepared by the Shires solicitors and placed on the Certificate of Title of the land at the owners costs to advise owners and potential owners of the land of the restriction on occupation (that it can only be occupied by person(s) related to the occupiers of the main dwelling). The Notification shall be placed on the Certificate of Title prior to the issue of a building licence unless otherwise agreed to in writing by the City.’

Recommendation

It is recommended that Council approve the application subject to conditions.

Consultation:

The application was still being advertised at the time of writing this report. Council should check if any submissions are lodged prior to determination.

Statutory

Environment:

Relevant Scheme Requirements

The main Scheme requirements are explained in this report. In accordance with Clause 5.12.6 of the Scheme, Council can also have regard for matters such as colours, materials, building height, setbacks

etc.

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: Absolute Majority

Officer Resolution: *“That Council determine by absolute majority that the proposed ‘ancillary accommodation’ use is consistent with the objectives and purpose of the Rural Residential zone and approve the application for Lot 547 (No. 100) Tie Line Road, Broomehill subject to the following conditions;*

- 1. The ancillary accommodation must only be used for the accommodation of a member of the family of the occupier of the main dwelling.*
- 2. Development is to be in accordance with the plans and applications approved by Council.”*

Council Resolution: 090722

Moved Cr Crosby, seconded Cr Turner

“That Council determine by absolute majority that the proposed ‘ancillary accommodation’ use is consistent with the objectives and purpose of the Rural Residential zone and approve the application for Lot 547 (No. 100) Tie Line Road, Broomehill subject to the following conditions;

- 1. The ancillary accommodation must only be used for the accommodation of a member of the family of the occupier of the main dwelling.*
- 2. Development is to be in accordance with the plans and applications approved by Council.”*
- 3. A notification under Section 70A of the Transfer Land Act 1893 must be prepared by Councils solicitors and placed on the Certificate of Title of the land at the owners cost to advise owners and potential owners of the land of the restriction on occupation (that it can only be occupied by person(s) related to the occupiers of the main dwelling). The Notification shall be placed on the Certificate of Title prior to the issue of a building licence unless otherwise agreed to in writing by the Council.”*

CARRIED 6/0
By Absolute Majority

Reason For Change to Recommendation:

10.20 2010-2011 REGIONAL ROAD GROUP PROJECTS

Program:	Transport
Attachment:	Copy of the 5 Year Strategy
File Ref:	
Author:	JM Trezona Chief Executive Officer
Date:	15th July 2009
Disclosure of Interest:	Nil

Summary: Council to consider the 2010-2011 Regional Road Group Projects. Submissions are due by Friday 24th July 2009.

Background: Submissions for the 2010-2011 Regional Road Group Projects must be forwarded by 24th July 2009. If Council is submitting more than one project, then all the projects must be prioritised.

Council will be submitting the following projects for the 2010-2011 financial year:

- BT1 – Broomehill-Kojonup Road – widen seal to 7.0 m
- BT2 – Broomehill-Kojonup Road – reseal
- BT3 – Norrish and Tie Line Roads – reseal
- BT10 – Gnowangerup Tambellup Road – widen seal to 7.0m
- BT12 – Tambellup West Road – widen seal to 7.0m
- BR15 – Gnowangerup Tambellup Road – reseal 7.0m

Council needs to prioritise the above projects. It is proposed to rank the projects as follows:

1. BT10
2. BT1
3. BT12
4. BT2
5. BT15
6. BT3

Comment: For Council discussion and comment.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: Funding for these road projects, if the applications are successful is on a 2:1 basis. Provision can be made in the 2010-2011 budget for Councils one third contribution.

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

Voting Requirements: Simple Majority

Council Resolution: 090723

Moved Cr Turner, seconded Cr Sheridan

“That Council resolves to prioritise the 2010-2011 Regional Road Group Project submissions as follows:

- 1. BT10 – Gnowangerup Tambellup Road – widen seal to 7.0m*
- 2. BT1 – Broomehill-Kojonup Road – widen seal to 7.0m*
- 3. BT12 – Tambellup West Road – widen seal to 7.0m*
- 4. BT2 – Broomehill-Kojonup Road – reseal*
- 5. BT15 – Gnowangerup Tambellup Road – reseal 7.0m*
- 6. BT3 – Norrish and Tie Line Roads – reseal.”*

CARRIED 6/0

Reason For Change to Recommendation:

10.21 VROC – ARCHIVING OF RECORDS

Program:	Governance	
Attachment:	Nil	
File Ref:		
Author:	JM Trezona	Chief Executive Officer
Date:	15th July 2009	
Disclosure of Interest:	Nil	

Summary: This report seeks Council consideration to utilise the Broomehill Administration Office as a central archive repository for the members of the Southern Link VROC.

Background: The Shire of Broomehill-Tambellup is a member of the Southern Link VROC along with the Shires of Cranbrook, Kojonup and Plantagenet. The VROC has charged the Chief Executive Officers from each of the member Councils with the task of exploring and investigating ways of working together to achieve greater efficiencies for the four local authorities and their communities.

One of the matters being investigated is Council records and the requirements under the *State Records Act 2000*.

Comment: One component of the legislation is the requirement to archive certain records for a period of time or permanently. The storage of these archived records is becoming increasingly difficult to accommodate on site for each of the local authorities.

A proposal is being considered to utilise the Broomehill Administration building to accommodate the records that must be archived. Discussion and negotiations will be had on the costs to set the building up to allow for the records to be stored and fees and charges determined for the keeping of records at the site.

Council agreement to use the site for the proposed purpose is required, so that the matter can be progressed. The plan to utilise the building for archives does not include any proposal to amend the current office hours or services provided to from that office to the community.

For Council discussion and consideration.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: There will be costs to establish the proposed archive repository and fees and charges will need to be determined for storage and document handling.

Strategic

Implications: This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Council Resolution: *090724*

Moved Cr Turner, seconded Cr Kempin

“That Council agrees in principle to the proposal to utilise the Broomehill Administration Building for the purpose of an archival repository for Council records for the members of the Southern Link VROC.”

CARRIED 6/0

Reason For Change to Recommendation:

12.1 MANAGER OF WORKS REPORT FOR JUNE 2009

Program:	Transport	
Attachment:	Nil	
File Ref:	Nil	
Author:	GC Brigg	Manager of Works
Date:	10th July 2009	
Disclosure of Interest:	Nil	

Broomehill

- Gardeners have carried out work at the administration office gardens. Currently gravel is being removed from the rose garden and will be replaced with garden mix when finished.
- Community workers have been helping to remove gravel from the office gardens.
- Pavers around the office will be completed over the next couple of weeks.
- A new electric pump has been fitted to the town dam. This is currently pumping water to the recreational dam for summer use. Some water has bypassed the town dam with recent rains. Pumping will continue so as to utilise all water within the town catchments.
- The recreational complex gardener has resigned and council staff are looking after the complex grounds until a replacement groundsman can be employed.

Tambellup

- The gardening crew have been spending more time in Broomehill as one of the gardening staff has had shoulder surgery and will be off work until mid September.
- Community workers have cleaned up along Taylor Street
- Scheduled work on the basketball court has been postponed due to wet weather. It is hoped to be completed over the next month.

Roads

- Crews have been catching up with general road repairs.
- Widening and gravelling of parts of Birt Road has taken place.
- After recent rains White Road had some erosion problems within a floodway. New pipes will be needed to fix this reoccurring problem.
- The construction crew started clearing and widening Tambellup West Road. This work will be ongoing for the next six to eight weeks.
- Graders are busy trying to catch up on maintenance grading around the Shire. Two graders and roller are currently working on Etna Road. The other is working on White Road and coming back up Beejenup Road
- Other roads graded are;
South Greenhills, Chillicup, Nookanellup, Warrenup, Crosby, Graham, Norrish, South Punchmirup, Brassey, Birt, Hilder, Heron and Fletcher Roads.
- Maintenance crew have been working on road signage and Broomehill urban addressing. Seventy eight signs have been ordered for rural roads.
- Staff from both the maintenance and construction crews have been away throughout the month due to illness and injuries. This has limited the amount of work achieved during the last month.

Plant

- Travelled to Lake Grace to inspect the new float before painting commenced. It is well built and should be an asset to Council for many years to come. The float should be ready for pick up the week commencing 13th July 2009.
- Council has taken delivery of the new 5 tonne Isuzu tipper truck.
- There has been interest in the vibrating roller and float with private offers on both.
- The larger ride on mower, John Deere 4610 has problems with the mowing deck. It has cracked in many places and is being continually repaired. This is common with council mowers as they are used for many tasks. This mower has completed 1600 hours. Prices are being obtained for a new deck.

RECEIVED

12.2 BUILDING SURVEYORS REPORT FOR JUNE 2009

Program:	Economic Services
Attachment:	BSR Report and Activity Statement and Year End Approvals Report
File Ref:	ADM0076
Author:	D Baxter Building Surveyor
Date:	10th July 2009
Disclosure of Interest:	Nil

Summary: Attached are the BRS Report and Activity Statement for the month of June 2009 that have been sent to all the relevant authorities that are required by legislation.

Also attached are the Yearly Building Approvals Statistics Report, the yearly costing for the Building Surveyor and the Total Fee's applicable to the projects that have been presented to Council.

Background: These reports advise of the building approvals and the activity of the Building Surveyor for the month of June 2009.

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: *Council discussed the Officers Report.*

Reason For Change to Recommendation:

12.3 BUILDING MAINTENANCE PROGRAM

Program:	Various
Attachment:	Building Maintenance Program for June 2009
File Ref:	
Author:	JP Bentley Manager Administrative and Customer Service
Date:	10th July 2009
Disclosure of Interest:	Nil

Summary: Update of the Building Maintenance Program for 2008-2009.

Background:

Comment: The Building Maintenance Program is updated on a regular basis 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 2008-2009 budget to meet the building maintenance program costs.

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

Voting Requirements: Simple Majority

Council Resolution: *Council discussed the Officers Report.*

Reason For Change to Recommendation:

12.4 LIBRARY REPORT – MAY & JUNE 2009

Program: Recreation and Culture
Attachment: Library Report – May and June 2009
File Ref: ADM0097
Author: JM Trezona Chief Executive Officer
Date: 10th July 2009
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 month of May and June 2009.

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

Council Resolution: *Council discussed the Officers Report.*

Reason For Change to Recommendation:

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

Nil

14. DATE OF NEXT MEETING

Thursday 20th August 2009

15. CLOSURE

There being no further business, Cr Webster thanked Councillors and staff for their attendance and declared the meeting closed at 6.12pm.

