



# Ordinary Meeting of Council

## MINUTES

16 March 2017

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## 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 16 March 2017 commencing at 4.13pm.**

### **1. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

**Present:**

Cr GM Sheridan	President
Cr ME White	
Cr MR Batchelor	
Cr TW Prout	
Cr MC Paganoni	
KB Williams	Chief Executive Officer (CEO)
JA Stewart	Manager Corporate Services
KP O’Neill	Manager Finance and Assets
PA Hull	Strategic Support & Projects Officer
LK Cristinelli	Governance and Executive Assistant

**Apologies:** Nil

**Leave of Absence:** Cr Thompson has been approved a Leave of Absence from the 16 March 2017 Ordinary Council Meeting.

### **2. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

2.1 The President welcomed Councillors and Staff and declared the meeting open at 4.13pm.

### **3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil

### **4. PUBLIC QUESTION TIME**

Nil

### **5. APPLICATION FOR LEAVE OF ABSENCE**

*170301*

*Moved Cr Prout, seconded Cr Batchelor*

*“That Cr Dennis be granted Leave of Absence from the 16<sup>th</sup> March 2017 Ordinary Meeting of Council”.*

**CARRIED 5/0**

**6. DECLARATION OF INTEREST**

Cr Batchelor declared a Financial Interest in Item 10.08.  
Chief Executive Officer Keith Williams declared an Interest in Item 11.01.

**7. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

Nil

**8. CONFIRMATION OF PREVIOUS MEETING MINUTES**

8.1 ORDINARY MEETING OF COUNCIL MINUTES 16 FEBRUARY 2017.

*170302*

*Moved Cr Paganoni, seconded Cr White*

*“That the Minutes of the Ordinary Meeting of Council held on 16 February 2017 be confirmed as a true and accurate record of proceedings.”*

**CARRIED 5/0**

**9. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Cr Sheridan will not be re-nominating as President in the October 2017 Local Government Elections.

**10. MATTERS FOR DECISION**

**10.01 FINANCIAL STATEMENTS FOR FEBRUARY 2017**


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<b>Program:</b>	<b>Other Property and Services</b>	
<b>Attachment:</b>	<b>Monthly Financial Statements for February 2017</b>	
<b>File Ref:</b>	Nil	
<b>Author:</b>	<b>KP O'Neill</b>	<b>Manager Finance and Assets</b>
<b>Date:</b>	<b>10 March 2017</b>	
<b>Disclosure of Interest:</b>	Nil	

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**Summary:** Council to consider the monthly financial report for the period ending 28 February 2017.

**Background:** The *Local Government (Financial Management) Regulations 1996* require a statement of financial activity to be prepared each month and prescribe the contents of that report and accompanying documents. The report is to be presented at an ordinary meeting of the Council within 2 months after the end of the month to which the report relates.

Each financial year, Council is required to adopt a percentage or value to be used in the statement of financial activity for reporting material variances.

As part of the 2016/17 budget process, Council adopted 10% or \$10,000 as the material variance for reporting purposes for the year.

**Comment:** Council adopted the 2016/17 budget review at the February Council meeting, and amendments endorsed from the review are reflected in the financial reports.

Note 12 details all capital revenue and expenses for the year which includes plant replacement, road construction, building improvements, reserve transfers and loan transactions.

The budget included provision to raise a loan for construction of the Tambellup Pavilion, and the loan was drawn down in February.

Note 2 in the financial statements provides commentary on the material variances shown in the statement of financial activity by reporting program, which is a requirement of the *Local Government (Financial Management) Regulations 1996*.

**Consultation:** Nil

**Statutory**

**Environment:** *Local Government (Financial Management) Regulations 1996*

*34. Financial activity statement report*

*(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –*

*(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*

- (b) budget estimates to the end of the month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing –

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
- (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
- (c) such other supporting information as is considered relevant by the local government.

**Policy Implications:** Nil

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

**Asset Management Implications:** There are no implications for the Asset Management Plan.

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

**Workforce Plan Implications:** There are no implications for the Workforce Plan.

**Voting Requirements:** Simple Majority

**Council Decision:** *170303*

*Moved Cr Batchelor, seconded Cr Paganoni*

*“That the Financial Statement for the period ending 28 February 2017 be adopted.”*

**CARRIED 5/0**

**Reason For Change to Recommendation:**

**10.02 CREDITORS ACCOUNTS PAID FEBRUARY 2017**


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<b>Program:</b>	<b>Other Property and Services</b>	
<b>Attachment:</b>	<b>List of Payments for February</b>	
<b>File Ref:</b>	Nil	
<b>Author:</b>	<b>KP O'Neill</b>	<b>Manager Finance and Assets</b>
<b>Date:</b>	<b>10 March 2017</b>	
<b>Disclosure of Interest:</b>	Nil	

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**Summary:** Council to consider the list of payments made from the Municipal and Trust Funds during February 2017.

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

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

**Comment:** Summary of payments made for the month:-

Municipal Fund	\$823,530.23
Trust Fund	\$153,756.74
Credit Cards	\$3,726.00
<b>Total</b>	<b>\$981,012.97</b>

**Consultation:** Nil

**Statutory**

**Environment:** *Local Government (Financial Management) Regulations 1996*

*13. Lists of accounts*

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

- (a) the payee's name;*
- (b) the amount of the payment;*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

**Policy Implications:** Nil

**Strategic**

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

**Asset Management**

**Implications:** There are no implications for the Asset Management Plan.

**Financial**

**Implications:** Lists the payments made from Municipal and Trust Funds during the previous month.

**Workforce Plan**

**Implications:** There are no implications for the Workforce Plan.

**Voting Requirements:** Simple Majority

**Council Decision:** *170304*

*Moved Cr Prout, seconded Cr Batchelor*

*“That the list of accounts paid during February 2017, consisting of:-*

- *Municipal Fund payments totalling \$823,530.23 comprising*
  - *cheques numbered 3391 to 3406;*
  - *electronic payments numbered EFT8668 to EFT8671, EFT8674 to EFT8730; and*
  - *direct debits numbered DD4600.1 to DD4600.4, DD4634.1 to DD4634.3, DD4635.1 to DD4635.2;*
- *Trust Fund payments totalling \$153,756.74 comprising*
  - *cheques numbered 445 to 445; and*
  - *electronic payments numbered EFT8672 to EFT8673,*
- *Credit Card payments totalling \$3,726.00;*

*be endorsed.”*

*CARRIED 5/0*

**Reason For Change to Recommendation:**



**10.03 COMPLIANCE AUDIT RETURN 2016**

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<b>Program:</b>	<b>Governance</b>
<b>Attachment:</b>	<b>Copy of the Compliance Audit Return for 2016</b>
<b>File Ref:</b>	<b>ADM0302</b>
<b>Author:</b>	<b>KP O'Neill</b> <b>Manager Finance &amp; Assets</b>
<b>Date:</b>	<b>10 March 2017</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

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**Summary:** Council to consider the 2016 Compliance Audit Return.

**Background:** Each Local Government is required to undertake an annual Compliance Audit Return (CAR) in relation to the period 01 January to 31 December. The return has been completed against the requirements that have been set out in the 2016 CAR.

The Department of Local Government introduced a reduced format for the CAR in 2011 with the areas of compliance restricted to those considered high risk. The Department have continued with this format again in 2016.

Regulation 14 of the *Local Government (Audit) Regulations 1996* was amended in December 2011 requiring the Audit Committee to review the CAR and report the results of that review to the Council prior to adoption and submission to the Department by 31 March 2017.

The CAR is completed online and is submitted electronically once it has been adopted by Council.

**Comment:** The compliance audit is comprehensive and gives the Council an indication of the Shire's level of compliance with legislative requirements. The audit has been completed by the Manager Finance & Assets. Councillors will note that there are no known breaches of any of the areas of compliance in the review period.

The 2016 CAR contains 89 questions across 9 categories formulated around the *Local Government Act 1995* and associated regulations.

The Audit Committee considered this item at their meeting on Thursday 9 March 2017 and recommends the CAR be adopted by Council and forwarded to the Department of Local Government by the required date.

A copy of the CAR is attached for Councillors information.

**Consultation:** Chief Executive Officer

**Statutory****Environment:**

*Local Government (Audit) Regulations 1996 – Regulation 14:-*

*14. Compliance audits by local governments*

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*

*(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*

*(3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be –*  
*(a) presented to the council at a meeting of the council; and*  
*(b) adopted by the council; and*  
*(c) recorded in the minutes of the meeting at which it is adopted.*

**Policy Implications:** Nil

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

**Asset Management Implications:** Nil

**Financial Implications:** This issue has no financial implications for Council

**Workforce Plan Implications:** Nil

**Voting Requirements:** Simple Majority

**Council Decision:** *170305*

*Moved Cr Batchelor, seconded Cr Paganoni*

*“That Council accepts the recommendation from the Audit Committee and adopts the Compliance Audit Return 2016 and submits it to the Department of Local Government and Communities by 31 March 2017.”*

*CARRIED 5/0*

**Reason For Change to Recommendation:**

**10.04 STRATEGIC RISK REGISTER**


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<b>Program:</b>	<b>Governance</b>
<b>Attachment:</b>	<b>Strategic Risk Register</b>
<b>File Ref:</b>	<b>ADM0442</b>
<b>Author:</b>	<b>KP O'Neill                      Manager Finance &amp; Assets</b>
<b>Date:</b>	<b>10 March 2017</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

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**Summary:** Council to review the Strategic Risk Register as presented.

**Background:** In May 2014 Council adopted Policy 1.16 – Organisational Risk Management, to ensure compliance with the Integrated Planning requirements of the *Local Government Act (1995) Section 5.56(2)*, *Local Government (Audit) Regulations 1996 amended 2013* and Section 7.2 of the Western Australian Local Government Accounting Manual – Internal Control Framework. Policy 1.16 is part of a framework which will enable more effective management of risks.

The requirements include the need for local governments to formalise their risk management processes. A risk tolerance table has been developed that reflects Council's tolerance for various risks and is incorporated into the 'Organisational Risk Management Guidelines 2014' (Guidelines) which has previously been distributed to Council and staff.

Processes also include the identification and treatment of risks and the establishment of a strategic risk register. This report deals with the review of Councils draft Strategic Risk Register.

**Comment:** The attached Strategic Risk Register has been developed with consideration to the scope of risk areas covered in the Guidelines. It is presented for review by Council, providing an opportunity to discuss and include other risk areas that may be identified.

The Strategic Risk Register was reviewed by the Audit Committee at their meeting held on 9 March 2017. Reference to the asbestos in the Tambellup Pavilion was the only item removed as the old building has been demolished, thereby eliminating the risk.

**Consultation:** Senior staff

**Statutory Environment:** *Local Government (Audit) Regulations 1996*  
 17. CEO to review certain systems and procedures  
 '(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —  
 (a) risk management; and  
 (b) internal control; and  
 (c) legislative compliance.  
 (2) The review may relate to any or all of the matters referred to in sub regulation (1) (a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.  
 (3) The CEO is to report to the audit committee the results of that review.'

**Policy Implications:** Policy 1.16 Organisational Risk Management

**Strategic Implications:** The Strategic Community Plan contains an aspiration of ‘Being well governed’ with a commitment to provide leadership to the community through transparent, accountable and representative local government.

**Asset Management Implications:** This matter has no asset management implications.

**Financial Implications:** This matter has no financial implications.

**Workforce Plan Implications:** This matter has no workforce planning implications.

**Voting Requirements:** Simple Majority

**Council Decision:** *170306*

*Moved Cr Batchelor, seconded Cr White*

*“That the Strategic Risk Register be amended to acknowledge the demolition of the Tambellup Pavilion, and recommended to Council for endorsement.”*

**CARRIED 5/0**

**Reason For Change to Recommendation:**

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**10.05 INDEPENDENT LIVING SENIORS ACCOMMODATION (ILSA) – APPLICATIONS FOR RENTAL HOUSING**


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**Program:** Governance  
**Attachment:** Under Separate Cover: ILSA Application for Rental Housing x 2  
**File Ref:** ADM0417  
**Author:** JA Stewart Manager Corporate Services  
**Date:** 04 March 2017  
**Disclosure of Interest:** Nil

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**Summary:** Council to consider two applications for rental of Sandalwood Villas units.

**Background:** Council, at its December 2016 Ordinary Meeting, resolved to lower its rental charges for Sandalwood Villas and to allow tenants to have a small, quiet pet on a case by case considered basis within twelve month lease periods.

Advertising of unit vacancies, inclusive of new rental charges and the allowance of pets, has taken place in a regional newspaper and in several newsletters circulating in surrounding shires.

**Comment:** Council has recently received two applications for Sandalwood Villas units, as presented.

For Council consideration.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

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

**Asset Management Implications:** Nil

**Financial Implications:** Increased occupancy of units allows for contribution to longer term build-up of funds to cover future capital or major maintenance works. If the applications referred to are approved, weekly income from Sandalwood Villas units will increase by either \$160.00 or \$170.00 per unit (dependent on approval of pets) representing \$8,320 or \$8,840 per unit per year respectively.

**Workforce Plan Implications:** Administrative tasks associated with documentation requirements

**Voting Requirements:** Simple Majority

**Council Decision:**        **170307**

*Moved Cr Prout, seconded Cr Batchelor*

*“That Council approves two Applications for Rental Housing for Sandalwood Villas units, as presented.”*

**CARRIED 5/0**

**Reason For Change to  
Recommendation:**

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**10.06 INDEPENDENT LIVING SENIORS ACCOMMODATION (ILSA) – REVIEW OF HANDBOOK FOR TENANTS**


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**Program:** Governance  
**Attachment:** **ILSA Handbook for Tenants**  
**File Ref:** ADM0417  
**Author:** JA Stewart                      Manager Corporate Services  
**Date:** 04 March 2017  
**Disclosure of Interest:** Nil

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**Summary:** Council to review its Handbook for Tenants (i.e.; tenants of Lavieville Lodge and Sandalwood Villas).

**Background:** Council, at its December 2016 Ordinary Meeting, resolved to lower its rental charges for Sandalwood Villas and to allow tenants to have a small, quiet pet on a case by case considered basis within twelve month lease periods.

**Comment:** The resolutions from Council’s December 2016 Ordinary Meeting, regarding changes to Sandalwood Villas rental charges and the allowance for tenants to have pets, requires Council’s Handbook for Tenants (Handbook) to be updated to take into account these changes.

The author has amended the Handbook accordingly and changes are shown in red font.

For Council consideration.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

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

**Asset Management Implications:** Nil

**Financial Implications:** This issue has no financial implications for Council

**Workforce Plan Implications:** Nil

**Voting Requirements:** Simple Majority

**Council Decision:**        **170308**

*Moved Cr Batchelor, seconded Cr Prout*

*“That Council approves amendments to Council’s ‘Handbook for Tenants’, as presented.”*

**CARRIED 5/0**

**Reason For Change to  
Recommendation:**



## 10.07 PROPOSED DEVELOPMENT – EXTRACTIVE INDUSTRY – WATERGARRUP ROAD, TAMBELLUP

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<b>Program:</b>	<b>Planning</b>	
<b>Attachment:</b>	<b>Site Plan</b>	
<b>File Ref:</b>	<b>ADM0210</b>	
<b>Author:</b>	<b>KB Williams</b>	<b>Chief Executive Officer</b>
<b>Date:</b>	<b>10 March 2017</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Summary:** An application has been lodged for an extractive industry for Plantagenet Location 1392, Watergarrup Road, Tambellup.

This report recommends that approval be granted.

**Background:** An application for the development of an extractive industry for construction sand was received by Council in January 2017.

Discussions and a site visit took place to determine the scope of the development.

**Comment:** Zoning

The subject lot is zoned for ‘Farming’ land uses under the Shire of Tambellup Local Planning Scheme No 1 (‘the Scheme’).

### Description of Application

The applicant is seeking a planning approval to develop an extractive industry for construction sand on a portion of the land.

The proposed development consists of earthmoving equipment and trucks. Top soil would be pushed up and stockpiled and then used to cover areas of extraction once completed. Trucks will be used to cart the sand off site.

No buildings have been indicated as part of the development.

### Relevant Scheme Provisions

The land use is included in the Zoning Table, which defines and extractive industry as an “AA” or discretionary use. Council must determine the application.

Clause 8.1 of the Scheme Requires development Consent for all development:

### **8.1 DEVELOPMENT OF LAND**

*8.1.1 Subject to sub-clause 8.1.2 a person shall not commence or carry out development of any land zoned or reserved under the Scheme without first having applied for and obtained the planning approval of the Council under the Scheme.*

The Scheme contains the following definition of an extractive industry:

*industry - extractive: means an industry which involves:*

- a) *the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also the storage, treatment, or manufacture of products from those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products;*
- b) *the production of salt by the evaporation of salt water.*

The following Scheme Provisions relate to the development of land in the Farming Zone:

## **6.6 FARMING ZONE**

### **6.6.1 Objectives**

- a) *to ensure the continuation of broad-hectare farming as the principal land use in the District and encouraging where appropriate the retention and expansion of agricultural activities.*
- b) *to consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment.*
- c) *to allow for facilities for tourists and travellers, and for recreation uses.*

### **6.6.2 Site Requirements: The following minimum building setbacks shall apply:**

*Front : 20.0m  
Rear : 15.0m  
Side : 15.0m*

### **6.6.3 Development Requirements**

#### **6.6.3.1 Clearing: Except for:**

- a) *establishment of a firebreak required to comply with a regulation or by-law, or*
- b) *provision of access to a building site, or*
- c) *the area of building, or*
- d) *cash crops;*

*not more than 2000m<sup>2</sup> on any lot shall be cleared of indigenous trees or substantial vegetation. If the Council is satisfied upon receipt of a submission the clearing of an area greater than 2000m<sup>2</sup> will not adversely affect the amenity, character and landscape qualities of the locality it may approve such land to be cleared subject to conditions as may be required by the Council.*

6.6.3.2 *Feedlots: In considering an application for development of a feedlot in the Scheme Area the Council shall have regard to Guidelines for Environmental Protection as set out in the “Natural Guidelines for Beef Cattle Feedlots in Australia” published by the Standing Committee on Agriculture Report No. 47 and shall determine an application in accordance with the Scheme.*

6.6.4 *Subdivision: Having regard to the prime agricultural importance of land in the zone the Council will only support further subdivision of existing lots where:*

- a) the lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a farming property as a single unit (unless adjoining land could be similarly subdivided and thereby, by the process of precedent, lead to an undesirable pattern of land use in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);*
- b) the lots are for farm adjustment and the erection of dwellings is restricted;*
- c) the lots are for specific uses such as recreation facilities and public utilities; or*
- d) the lots are required for the establishment of uses ancillary to the rural use of the land or are required for the travelling public and tourists (such as service stations and motels).*

Development of the extractive industry is small in scale, and will not detrimentally impact the use of the land for broad-hectare farming. The applicant has advised that once the extractive industry is exhausted, the land will continue to be used for farming.

The proposed development does not include any clearing of vegetation.

The nearest dwelling is located 850 metres away at the end of Cristinelli Road.

**Consultation:** Council has the ability to advertise any application under the Scheme.

Consultation has occurred with the applicant, this included an on-site inspection.

**Statutory**

**Environment:**

Shire of Tambellup Town Planning Scheme No 1.  
Shire of Broomehill-Tambellup extractive industries Local Law.

**Policy Implications:**

Nil

**Strategic**

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

**Asset Management**

**Implications:** The land the subject of the application is freehold land. There is, however, potential for the development to impact on the surrounding road network.

**Financial**

**Implications:** This issue has no financial implications for Council

**Workforce Plan**

**Implications:** There are no workforce plan implications.

**Voting Requirements:** Simple Majority

**Officer**

**Recommendation:** *“That Council, pursuant to the Planning and Development Act 2005, hereby resolves to grant approval to the application lodged by SJ Merritt for an extractive industry on Plantagenet Location 1392 Watergarrup Road Tambellup, subject to the following conditions:*

- 1. The term of this approval is limited and expires 2 years from the date of the determination of the application or within any extended period of time for which the Shire of Broomehill-Tambellup has granted written consent;*
- 2. All development will be in accordance with the with the approved development plans which form part of the approval;*
- 3. The extractive industry shall not intercept the water table;*
- 4. No dewatering is permitted without the written consent of Council;*
- 5. Hydrocarbons shall not be stored on site without the written consent of Council;*
- 6. A site rehabilitation plan must be prepared and submitted to Council for consent;*
- 7. The maximum area to be worked at any given time is two hectares, following which rehabilitation shall be completed prior to expansion of the working area;*
- 8. No trees or scrub shall be removed within 15 metres of any adjoining boundary not subject to the development approval;*
- 9. No works shall be undertaken on a Sunday or Public Holiday and the approved use must operate between the following hours unless the written consent of Council is obtained:  
7am and 5pm Monday to Saturday*
- 10. All reasonable steps are to be taken to prevent the emission of dust, noise and other forms of nuisance from the site, including dust suppression by watering the excavation area and gravel roads;*
- 11. No on site refuelling shall occur;*
- 12. No trucks shall use any public roads during operation of school bus routes*

**ADVICE NOTES:**

1. *The applicant has a right of review under Part 14 of the Planning and Development Act 2005. An application for review must be submitted with the State Administrative Tribunal within 28 days of the determination;*
2. *Permits may be required under the Environmental Protection Authorities licensing regulations;*
3. *The use and development of the land must at all times comply with the Environmental Protection (Noise) Regulations 1997;*
4. *There is a requirement to comply with the Aboriginal Heritage Act 1972 with regard to aboriginal heritage sites;*
5. *There is a requirement to comply with the Environmental Protection Act 1986 with regard to the clearing of native vegetation.”*

**Council Decision:** 170309

***Moved Cr White, seconded Cr Paganoni***

***“That Council, pursuant to the Planning and Development Act 2005, hereby resolves to grant approval to the application lodged by SJ Merritt for an extractive industry on Plantagenet Location 1392 Watergarrup Road Tambellup, subject to the following conditions:***

1. *The term of this approval is limited and expires 2 years from the date of the determination of the application or within any extended period of time for which the Shire of Broomehill-Tambellup has granted written consent;*
2. *All development will be in accordance with the with the approved development plans which form part of the approval;*
3. *The extractive industry shall not intercept the water table;*
4. *No dewatering is permitted without the written consent of Council;*
5. *Hydrocarbons shall not be stored on site without the written consent of Council;*
6. *A site rehabilitation plan must be prepared and submitted to Council for consent;*
7. *The maximum area to be worked at any given time is two hectares, following which rehabilitation shall be completed prior to expansion of the working area;*
8. *No trees or scrub shall be removed within 15 metres of any adjoining boundary not subject to the development approval;*
9. *No works shall be undertaken on a Sunday or Public Holiday and the approved use must operate between the following hours unless the written consent of Council is obtained:*  
*7am and 5pm Monday to Saturday*
10. *All reasonable steps are to be taken to prevent the emission of dust, noise and other forms of nuisance from the site, including dust suppression by watering the excavation area and gravel roads;*
11. *No trucks shall use any public roads during operation of school bus routes;*
12. *All vehicles shall exit south by the Wansborough West Road;*

- 13. A pre-extraction inspection will be carried out on roads to ensure existing condition maintained. Any significant damage will be rectified by the applicant.**

**ADVICE NOTES:**

- 1. The applicant has a right of review under Part 14 of the Planning and Development Act 2005. An application for review must be submitted with the State Administrative Tribunal within 28 days of the determination;**
- 2. Permits may be required under the Environmental Protection Authorities licensing regulations;**
- 3. The use and development of the land must at all times comply with the Environmental Protection (Noise) Regulations 1997;**
- 4. There is a requirement to comply with the Aboriginal Heritage Act 1972 with regard to aboriginal heritage sites;**
- 5. There is a requirement to comply with the Environmental Protection Act 1986 with regard to the clearing of native vegetation.”**

**CARRIED 4/1**

**Reason For Change to Recommendation:**

To make amendments: Remove condition 11 – No on site refuelling shall occur, as the condition was deemed unnecessary and replace with condition 11 – No trucks shall use any public roads during operation of school bus routes. To include additional conditions 12 and 13 to ensure that Council roads are not unduly impacted by the development.

**10.08 PROPOSED AMALGAMATION – NYMBUP ROAD, TAMBELLUP**


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<b>Program:</b>	<b>Planning</b>
<b>Attachment:</b>	<b>Site Plan</b>
<b>File Ref:</b>	<b>S154825</b>
<b>Author:</b>	<b>KB Williams                      Chief Executive Officer</b>
<b>Date:</b>	<b>10 March 2017</b>
<b>Disclosure of Interest:</b>	<b>Cr Batchelor declared a Financial Interest as he is the appointed Real Estate Agent selling land for a neighbour with adjoining land and left the meeting at 4.50pm.</b>

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**Summary:** An application has been referred to Council for the amalgamation of four lots on Nymbup Road, Tambellup.

This report recommends that approval be recommended.

**Background:** An application for amalgamation was submitted to the Western Australian Planning Commission. The Commission is seeking the comment of Council.

**Comment:** Zoning

The subject lot is zoned for ‘Farming’ land uses under the Shire of Tambellup Local Planning Scheme No 1 (‘the Scheme’).

Description of Application

The application is seeking the amalgamation of four lots to create two larger lots.

Relevant Scheme Provisions

The following Scheme Provisions relate to the development of land in the Farming Zone:

**6.6 FARMING ZONE**

*6.6.1 Objectives*

- a) to ensure the continuation of broad-hectare farming as the principal land use in the District and encouraging where appropriate the retention and expansion of agricultural activities.*
- b) to consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment.*
- c) to allow for facilities for tourists and travellers, and for recreation uses.*

*6.6.2 Site Requirements: The following minimum building setbacks shall apply:*

*Front : 20.0m  
Rear : 15.0m  
Side : 15.0m*

### 6.6.3 *Development Requirements*

#### 6.6.3.1 *Clearing: Except for:*

- a) *establishment of a firebreak required to comply with a regulation or by-law, or*
- b) *provision of access to a building site, or*
- c) *the area of building, or*
- d) *cash crops;*

*not more than 2000m<sup>2</sup> on any lot shall be cleared of indigenous trees or substantial vegetation. If the Council is satisfied upon receipt of a submission the clearing of an area greater than 2000m<sup>2</sup> will not adversely affect the amenity, character and landscape qualities of the locality it may approve such land to be cleared subject to conditions as may be required by the Council.*

6.6.3.2 *Feedlots: In considering an application for development of a feedlot in the Scheme Area the Council shall have regard to Guidelines for Environmental Protection as set out in the “Natural Guidelines for Beef Cattle Feedlots in Australia” published by the Standing Committee on Agriculture Report No. 47 and shall determine an application in accordance with the Scheme.*

6.6.4 *Subdivision: Having regard to the prime agricultural importance of land in the zone the Council will only support further subdivision of existing lots where:*

- a) *the lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a farming property as a single unit (unless adjoining land could be similarly subdivided and thereby, by the process of precedent, lead to an undesirable pattern of land use in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);*
- b) *the lots are for farm adjustment and the erection of dwellings is restricted;*
- c) *the lots are for specific uses such as recreation facilities and public utilities; or*
- d) *the lots are required for the establishment of uses ancillary to the rural use of the land or are required for the travelling public and tourists (such as service stations and motels).*

Amalgamation of the lots will reduce the number of lots, therefore there is no contravention of Clause 6.6.4 of the Scheme.



- Consultation:** Council has the ability to advertise any application under the Scheme. This application has not been advertised.
- Statutory Environment:** Planning and Development Act 2005  
Shire of Tambellup Town Planning Scheme No 1.
- Policy Implications:** Nil
- Strategic Implications:** This issue is not dealt with in the Plan.
- Asset Management Implications:** There are no Asset Management implications at this time
- Financial Implications:** This issue has no financial implications for Council.
- Workforce Plan Implications:** There are no workforce plan implications.
- Voting Requirements:** Simple Majority
- Council Decision:** *170310*

*Moved Cr Prout, seconded Cr Paganoni*

*“That Council pursuant to the Planning and Development Act 2005 hereby resolves to recommend to the Western Australian Planning Commission that the application to amalgamate Lots 4301, 8057, 6429 and 5977 Nymbup Road (application number 154825) be approved with the following advice note:*

- 1. All development on the newly created lots requires the consent of the Local Authority.”*

*CARRIED 4/0*

**Reason For Change to Recommendation:**

Cr Batchelor returned to the meeting at 4.53pm.

**10.09 MATTERS ARISING FROM THE BUILDING INSPECTIONS**


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<b>Program:</b>	<b>Housing</b>	
<b>Attachment:</b>	<b>2017 Building Inspection Notes</b>	
<b>File Ref:</b>	<b>ADM0121</b>	
<b>Author:</b>	<b>JA Stewart</b>	<b>Manager Corporate Services</b>
<b>Date:</b>	<b>10 March 2017</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Summary:** The Building, Planning and Economic Services Committee (Committee) considered matters raised as part of the inspection of housing and public buildings and recommend priorities to Council for consideration in the 2017-18 budget.

**Background:** The Committee undertakes an inspection of its housing and public buildings on an annual basis. From this inspection priorities are identified and recommendations forwarded to Council for consideration in its annual draft budget or for inclusion in Council's Long Term Financial Plan.

**Comment:** Having completed the 2017 inspections of Council owned buildings, the Committee recommends priority inclusions for Council's 2017-18 budget process. Once these recommendations are determined, staff obtain cost estimates for draft budget purposes.

**Consultation:** Various tenants - an inspection has been undertaken of all buildings.

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Strategic Implications:** There are no Strategic Implications

**Asset Management Implications:** Ongoing maintenance, renewal, replacement and upgrades are an integral part of the long term management of Council's assets.

**Financial Implications:** Provision can be made in the 2017-18 budget to undertake maintenance or any capital works that may be required.

**Workforce Plan Implications:** Some identified maintenance tasks may be undertaken by Council staff; however, the majority are conducted by appropriately skilled contractors.

**Voting Requirements:** Simple Majority

**Council Decision:**        *170311*

*Moved Cr Paganoni, seconded Cr Batchelor*

*“That Council endorses the building capital works and maintenance priorities, as presented, for costing and consideration in the 2017-18 draft budget process.”*

**CARRIED 5/0**

**Reason For Change  
to Recommendation:**

**10.10 REVIEW OF THE HOUSING AND LAND STRATEGY**


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<b>Program:</b>	<b>Housing</b>
<b>Attachment:</b>	<b>Under Separate Cover: Draft Housing and Land Strategy</b>
<b>File Ref:</b>	<b>ADM0123</b>
<b>Author:</b>	<b>JA Stewart                      Manager Corporate Services</b>
<b>Date:</b>	<b>10 March 2017</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

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**Summary:** Council to conduct its annual review of the Housing and Land Strategy.

**Background:** Council's Housing and Land Strategy (Strategy) was first adopted by Council in April 2009. The Strategy has since seen the incorporation of the freehold land that Council has an interest in, asset management information, the addition of fair value valuations along with inclusion of Professional Condition Assessment and Estimated Remaining Life in Years information, the addition of new buildings and removal of disposed housing.

**Comment:** The 2016/17 year has seen the construction of executive housing on 63 Taylor Street, Tambellup. Apart from changes to figures and dates due to the lapse of a year since the last review, this year's review includes: the addition of the aforementioned housing; the replacement of 1 Janus Street, Broomehill, in 2025/26 and 2026/27 (in line with Council's replacement timeframe); amendments to replacement and disposal values for 27 East Terrace and 20 Henry Street, Tambellup respectively (to better reflect current construction costs and the current housing market); and amendments to the 10 Year Housing Replacement Program, accordingly. Amendments and additions are shown in red font.

In reading the document and reviewing the proposed Housing Replacement Program, Councillors may wish to consider the following:

- Is the number of staff houses sufficient – do we need to reduce or increase the numbers?
- Are the disposal dates for houses appropriate or should we be considering a different strategy?
- Does Council wish to pursue Strategy 11 – Lot 102, North Terrace, Tambellup?
- The 10 Year Housing Replacement Program outlines a plan that sees future houses fully funded through the Building Reserve. To achieve this plan there is a set annual transfer to this Reserve. Are these transfers achievable? Should we be using debt in the planning?

For Council comment/amendment and adoption.

**Consultation:** Manager Finance and Assets

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Strategic****Implications:**

The Strategic Community Plan's community aspiration of 'Building Prosperity' includes a commitment to "Develop a strategy to attract and retain skilled people in the local area." Modern housing is an integral component in attracting and retaining skilled people.

**Asset Management****Implications:**

Establishing and maintaining a strategy provides a clear direction and enables for planned maintenance and future upgrades/renovations during the useful life of the assets.

**Financial****Implications:**

Once the Strategy has been reviewed and adopted, any actions in the coming 2017-18 financial year will require budget provision. Provision is included in the Long Term Financial Plan.

**Workforce Plan****Implications:**

There are no workforce plan implications

**Voting****Requirements:**

Simple Majority

**Council Decision:**

*170312*

*Moved Cr White, seconded Cr Batchelor*

*"That Council suspends Standing Orders at 5.05pm to discuss the draft Housing and Land Strategy."*

*CARRIED 5/0*

**Council Decision:**

*170313*

*Moved Cr Batchelor, seconded Cr White*

*"Council resumed Standing Orders at 5.34pm."*

*CARRIED 5/0*

**Council Decision:**

*170314*

*Moved Cr White, seconded Cr Paganoni*

*"That Council adopts the reviewed Housing and Land Strategy with amendments, as presented, and with an updated amendment to the Ten Year Housing Renewal Plan on page 64 of 64 to include bringing forward, to 2018-19, the disposal of two staff houses (one in Broomehill and one in Tambellup) and building of one staff house (in a location in Broomehill yet to be determined), as presented"*

*CARRIED 4/1*

**Reason For Change to Recommendation:**

Chief Executive Officer Keith Williams declared an Interest and left the meeting at 5.37pm.  
Judy Stewart, Kay O’Neill, Pam Hull and Louise Cristinelli left the meeting at 5.37pm.

**11. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**170315**

*Moved Cr White, seconded Cr Paganoni*

*“That Council in accordance with the Local Government Act s5.23 (2) closes the meeting to members of the public to deal with confidential items behind closed doors.”*

**CARRIED 5/0**

**170316**

*Moved Cr Batchelor, seconded Cr Paganoni*

*“That Council re-opens the meeting to members of the public.”*

**CARRIED 5/0**

Chief Executive Officer Keith Williams, Judy Stewart, Kay O’Neill, Pam Hull and Louise Cristinelli returned to the meeting at 5.45pm.

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**11.01**                                    **CONFIDENTIAL**                    –            **CHIEF    EXECUTIVE    OFFICER**  
**RECRUITMENT**

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**Program:**                                    **Governance**  
**Attachment:**                                **Under Separate Cover: CEO Probationary Review 2017**  
**File Ref:**                                    **ADM0488**  
**Author:**                                    **Anne Lake                                    Anne Lake Consultancy**  
**Date:**                                        **8 March 2017**  
**Disclosure of Interest:**                **Nil**

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**Council Decision:**                    *170317*

*Moved Cr Batchelor, seconded Cr Paganoni*

*“That the Council resolve to approve the findings of the CEO Review Committee:*

- That the CEO has successfully completed his probationary period.*
- That the CEO be congratulated for his solid performance during the past 6 months.”*

*CARRIED 5/0*  
*By Absolute Majority*

**12.01                                  MAINTENANCE REPORT FOR MARCH 2017**

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<b>Program:</b>	<b>Transport</b>	
<b>Attachment:</b>	<b>Nil</b>	
<b>File Ref:</b>	<b>Nil</b>	
<b>Author:</b>	<b>GC Brigg</b>	<b>Manager of Works</b>
<b>Date:</b>		
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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To be tabled at the April Ordinary Council Meeting.



**12.02**

**WORKS REPORT FOR MARCH 2017**

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**Program:** Transport  
**Attachment:** Nil  
**File Ref:** Nil  
**Author:** GC Brigg                      **Manager of Works**  
**Date:**  
**Disclosure of Interest:** Nil

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To be tabled at the April Ordinary Council meeting.

**12.03 BUILDING SURVEYORS REPORT FOR FEBRUARY 2017**


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<b>Program:</b>	<b>Economic Services</b>
<b>Attachment:</b>	<b>BSR Report and Activity Statement</b>
<b>File Ref:</b>	<b>ADM0258</b>
<b>Author:</b>	<b>D Baxter Building Surveyor</b>
<b>Date:</b>	<b>1 March 2017</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

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**Summary:** Attached are the BSR Report and the Activity Statement for the month of February 2017 that has been sent to all the relevant authorities required by legislation.

**Background:** This report advises of the building approvals and the activity of the Building Surveyor for the month of February 2017.

**Comment:** This report confirms the activity of the Building Surveyor.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

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

**Asset Management Implications:** There are no Asset Management Implications

**Financial Implications:** This issue has no financial implications for Council

**Workforce Plan Implications:** There are no Workforce Plan Implications

**Voting Requirements:** Nil

**Officer Recommendation:** *“No recommendation required – Councillor information only”*

*This Report was received by Council*

**Reason For Change to Recommendation:**

**12.04 BUILDING MAINTENANCE PROGRAM**


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<b>Program:</b>	<b>Various</b>
<b>Attachment:</b>	<b>Building Maintenance Program Report to 9 March 2017</b>
<b>File Ref:</b>	<b>Nil</b>
<b>Author:</b>	<b>JA Stewart                      Manager Corporate Services</b>
<b>Date:</b>	<b>9 March 2017</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

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**Summary:** Report on the Building Maintenance Program for 2016-17 to 09 March 2017.

**Background:** Nil

**Comment:** The Building Maintenance Program Report is updated to 09 March 2017 and presented for Council’s information, comment and/or discussion, if required.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

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

**Asset Management Implications:** The Building Maintenance and Capital Works Program is an integral part of Council’s Asset Management Plan allowing Council to provide and maintain necessary building infrastructure to cater for community needs in a timely and cost efficient manner.

**Financial Implications:** Council’s Long Term Financial Plan includes provision for building maintenance and capital works costs. Provision was made in the 2016-17 budget or, if unbudgeted expenditure, by Council resolution since, to meet the costs within the attached Report.

**Workforce Plan Implications:** The coordination of this work falls within the scope of the Manager Corporate Services’ role; the execution of the work has minimal impact on the current Workforce Plan due to the majority of work being conducted by external contractors.

**Voting Requirements:** Nil

**Officer Recommendation:** *“No recommendation required – Councillor information only”  
This Report was received by Council*

**Reason For Change to Recommendation:**

**12.05 LIBRARY REPORT – FEBRUARY 2017**


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<b>Program:</b>	<b>Recreation &amp; Culture</b>
<b>Attachment:</b>	<b>Library Report – February 2017</b>
<b>File Ref:</b>	<b>ADM0097</b>
<b>Author:</b>	<b>S Beaton                      Library Officers</b> <b>S Reed</b>
<b>Date:</b>	<b>3 March 2017</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

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**Summary:** Attached is a Library Report prepared by Library Officers Sheree Beaton for the Tambellup Library and Siegrid Reed for the Broomehill Library, outlining the activities of both Broomehill and Tambellup libraries within each town.

**Background:** This report outlines the activities of both Broomehill and Tambellup libraries for the month of February 2017.

**Comment:** For Council information.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

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

**Asset Management Implications:** There are no Asset Management Implications

**Financial Implications:** This issue has no financial implications for Council

**Workforce Plan Implications:** There are no Workforce Plan Implications

**Voting Requirements:** Nil

**Officer Recommendation:** *“No recommendation required – Councillor information only”*

*This Report was received by Council*

**Reason For Change to Recommendation:**

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

Nil

**14. DATE OF NEXT MEETING**

20 April 2017

**15. CLOSURE**

There being no further business the President thanked Councillors and Staff for their attendance and declared the meeting closed at 5.49pm.