

SHIRE OF BROOMEHILL - TAMBELLUP

NOTICE OF MEETING

Minutes of the Ordinary Meeting of Council of the Shire of Broomehill - Tambellup held in the Tambellup Council Chambers on Thursday 16th September 2010 commencing at 4.10pm.

1. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Present:	Cr BG Webster	President
	Cr GM Sheridan	
	Cr MR Turner	
	Cr M Sadler	
	Cr SJF Thompson	
	Cr EK Schlueter	
	JM Trezona	Chief Executive Officer
	VN Webster	Acting Manager Administration & Customer Service
	GC Brigg	Manager of Works
	R Back	Consultant
Apologies:	Cr KW Crosby	Deputy President
	Cr DCN Kempin	

Leave of Absence: Cr MJ Bowman

2. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President welcomed Councillors and staff and declared the meeting open at 4.10pm.

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 Thompson declared a Financial Interest in Item 10.5

Cr Sheridan declared an Impartiality Interest in Item 10.10

7. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

8. CONFIRMATION OF PREVIOUS MEETING MINUTES

8.1 ORDINARY MEETING OF COUNCIL MINUTES 19th August 2010

100901

Moved Cr Thompson, seconded Cr Schlueter

“That the Minutes of the Ordinary meeting of Council held on the 19th August 2010 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

100902

Moved Cr Schlueter, seconded Cr Sadler

“That Item 10.7 be brought forward in the meeting.”

CARRIED 6/0

10.7 FORWARD CAPITAL WORKS PROGRAM – COUNTRY LOCAL GOVERNMENT FUND

Program:	Governance	
Attachment:	Copy of draft plan	
File Ref:	ADM0149	
Author:	JM Trezona	Chief Executive Officer
Date:	9 September 2010	
Disclosure of Interest:	Nil	

Summary: Council to consider a draft of the Forward Capital Works Plan for the Shire of Broomehill-Tambellup.

Background: The Country Local Government Fund which is a component of the Royalties for Regions Fund has a primary objective to address infrastructure backlogs across the country local government sector. The fund provides the local government sector with additional money for the purpose of infrastructure provision and renewal. Funding in 2008-2009 was provided direct to local governments. Guidelines provided what the money could be spent on and the conditions attached.

The bulk of the 2009-2010 allocation was deferred to the 2010-2011 financial year. Prior to country local governments being able to claim their future allocations it is a requirement to produce and submit a Forward Capital Work Plan (FCWP). These plans are required by 31 December 2010.

Council received assistance financial assistance through the Department of Regional Development and Lands to engage a consultant to assist with the FCWP.

Comment: The FCWP addresses the need for new and replacement capital outlays for the period ending 30 June 2011 to 2015.

The draft of the FCWP is attached for Council consideration and discussion.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: The plan identifies the priority projects and the proposed funding sources over the five year period.

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

Voting Requirements: Simple Majority

Officer Resolution: *“That Council endorses the Forward Capital Works Plan for the period ending 30 June 2011 to 2015.”*

Council Resolution: *100903*

Moved Cr Sheridan, seconded Cr Turner

“That the discussed amendments be made to the draft document and the item be referred back to the October 2010 Ordinary meeting of Council”

CARRIED 6/0

**Reason For Change to
Recommendation:**

Ron Back retired from the meeting at 4.14pm.

10.1 FINANCIAL STATEMENTS FOR AUGUST 2010

Program:	Other Property and Services
Attachment:	Monthly Financial Statements for August 2010
File Ref:	Nil
Author:	KP O'Neill Finance Officer
Date:	10th September 2010
Disclosure of Interest:	Nil

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

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

Background: The monthly financial statements for August 2010 are still being prepared and were not available at the time of preparing the September agenda. They will be provided to Councillors prior to the September 2010 meeting.

Comment: Rates were raised on the 24th July 2010, with the due date for payments being the 27th August 2010.

The discount period closed on the 20th August, with \$124,069.90 in discounts being granted this year. This has exceeded our budget estimate of \$115,000 for the rate discount.

An estimated 22% (\$382,236) in rates and charges remain outstanding at the 31st August 2010. Included in this figure are the 63 properties that have taken up the option to pay their rates by instalments. The total outstanding balance of the properties on instalment plans is \$85,769.

The Manager of Works vehicle was traded during August, and Council took delivery of the Ford Ranger utility for the mechanic.

Consultation: Nil

Statutory

Environment: Local Government Act 1995 – Financial Management Regulation 34

Policy Implications: Nil

Financial

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

Strategic

Implications: This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Officer Resolution: *“That the Financial Statements for the period ending 31st August 2010 be received.”*

Council Resolution: *100904*

Moved Cr Thompson, seconded Cr Schlueter

“That the Financial Statements for the period ending 31st July 2010 and 31st August 2010 be received.”

CARRIED 6/0

Reason For Change to Recommendation:

10.2 CREDITORS ACCOUNTS PAID AUGUST 2010

Program:	Other Property and Services	
Attachment:	List of Payments for August 2010	
File Ref:	Nil	
Author:	KP O’Neill	Finance Officer
Date:	10th September 2010	
Disclosure of Interest:	Nil	

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

Background: The Local Government Act 1995 – Financial Management Regulation 13 states that a list of accounts paid under delegated authority by the CEO is to be prepared each month, providing sufficient information to identify the transactions. The list is to be presented to the Council at the next ordinary meeting after the list is prepared.

Comment: SUMMARY

Municipal Fund	\$511,381.99
Trust Fund	\$8,196.05
Credit Cards	\$290.00
TOTAL	520,318.04

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: *100905*

Moved Cr Schlueter, seconded Cr Turner

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

- Municipal Fund cheques numbered 1045 to 1099 inclusive and electronic payments numbered EFT1424 to EFT1557 inclusive and totalling \$511,381.99;*
 - Trust Fund cheques numbered 171 to 176 inclusive and totalling \$8,196.05;*
 - Credit Card payments totalling \$290.00;*
- be adopted.”*

CARRIED 6/0

**Reason For Change to
Recommendation:**

10.3**WASTE SERVICES AMENDMENT LOCAL LAW 2010**

Program:	Community Amenities
Attachment:	Waste Services Amendment Local Law 2010
File Ref:	ADM0080
Author:	JM Trezona Chief Executive Officer
Date:	3 September 2010
Disclosure of Interest:	Nil

Summary: The purpose of this report is for Council to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed.

Background: The Waste Services Local Law 2009 was made by Council at its meeting of 21 May 2009. Consent for the local law was received from the Director General of the Department of Environment and Conservation on 29 June 2009 and the local law was gazetted on 7 July 2009.

The Joint Standing Committee on Delegated Legislation advised the Shire by fax on 22 September 2009 of its concerns with the local law and sought an undertaking by 5pm on the 5 October 2009 that the local law would be amended. Failure to provide that undertaking would have meant disallowance of the local law.

An undertaking was given by the due date that the Shire would:

- rectify the typographical errors in clause 1.3;
- amend clause 2.8(2)(d) by either listing the required specifications for the construction and location of the enclosures for containers or prescribing the required specifications for the enclosures by reference to clause 2.9(3), as if the enclosures were ‘suitable enclosures’;
- amend clause 2.9(3)(a) by expressly stating the minimum floor area that a ‘suitable enclosure’ must have;
- amend clause 2.9(3)(d)(ii) by either adopting, by reference, the relevant standard with which the liquid refuse disposal system must comply or listing the required specifications for the system;
- amend clause 2.14(2)(d) by listing the required specifications for an incinerator;
- amend clause 2.14(3) by inserting a definition of “local fire rules”.

An amendment local law to address the concerns of the Committee was prepared and Council resolved to make the proposed Waste Services Amendment Local Law 2010 at its meeting of 15 April 2010. The proposed local law was advertised for public submissions on the 5 May 2010.

A copy of the proposed local law was sent to the Department of Environment and Conservation and the Department of Local Government for comment.

The Department of Environment and Conservation raised two issues where it felt that the proposed local law could be more specific. The issues have been addressed in the Amendment Local Law as presented.

The Department of Local Government made comment on the setting out and drafting and these have been addressed in the proposed local law as presented.

The Director General of the Department of Environment and Conservation gave written consent for the making of the Shire of Broomehill-Tambellup Waste Services Amendment Local Law 2001 on 10 August 2010.

Comment:

The local law as presented to Council is not considered significantly different to the proposed local law as advertised for public comment and therefore can be made by Council.

The Joint Standing Committee in correspondence of 17 August 2010 raised concerns regarding conflicts between clause 2.14(2)(a)(i) of the original 2009 Waste Local Law and the Bush Fires Act and recommended that Council amend the local law.

The Amendment Local Law as presented removes any conflict by deleting the whole of clause 2.14 from the 2009 local law.

Consultation:

The Amendment Local Law was advertised for submissions on 5 May 2010 for a 42 day period. No public submissions were received.

Statutory

Environment:

An amendment must follow that same process as a local law. As it would be proposed to adopt a new Local Law, the following processes, as set out in section 3.12 of the *Local Government Act 1995*, must be observed:

1. At a Council meeting the person presiding is to give notice of the purpose and effect of the proposed local law by ensuring that:-
 - (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
 - (b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.
2. A local government is to -
 - (a) give Statewide public notice stating that -
 - (i) the local government proposes to make a local law, the purpose and effect of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local Law may be made to a local government before a date to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 - (b) as soon as the notice is given, give a copy of the proposed Local Law and a copy of the notice is to be forwarded to the relevant Minister.
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

After the last day for submissions, the local government is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed. The local law is then published in the Government Gazette and a copy

sent to the relevant Minister and the State Parliament Joint Standing Committee on Delegated Legislation.

Policy Implications: Nil

Financial Implications: The local law needs to be advertised in a newspaper circulating throughout the district and published in the Government Gazette.

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

Voting Requirements: Absolute Majority

Council Resolution: *100906*

Moved Cr Sheridan, seconded Cr Schlueter

“That Council makes the Shire of Broomehill-Tambellup Waste Services Amendment Local Law 2010 as attached.”

*CARRIED 6/0
By Absolute Majority*

Reason For Change to Recommendation:

KP O’Neill Finance Officer retired from the meeting at 4.22pm.

A summary of the application is included below;

Existing Lot No.	Existing Area (ha)	Proposed Lot	Proposed lot area
Lot 8175	10.667ha	B	Form part of Lot B – 2045.2ha
Lot 253	4840.97ha	A & B – Essentially Lot 253 is being divided into two lots – a western Lot A and eastern Lot B.	Lot A – 2809.3ha Lot B - 2045.2ha
Lot 1655	64.769ha	C – Boundary re-alignment between Lots 1655 and 2217.	78.6ha
Lot 2217	79.396ha	D	65.5ha
Lot 7114	267.41ha	E – Boundary re-alignment between Lots 7114 and 7355.	183.4ha
Lot 7355	259.41ha	F	343.4ha

Scheme provisions

Under Clause 5.13 (d) of the Shire of Broomehill Town Planning Scheme No 1 it states that ‘*Council will favourably consider applications for adjustment of lot boundaries where the application if approved will not result in one or more additional lots*’.

The proposed subdivision is a boundary adjustment and technically complies with the Scheme. Notwithstanding the above Council should also have regard for relevant WAPC Policies (especially due to the age of the Scheme).

WAPC Policy DC 3.4 – Rural Subdivision

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

Following review, a revised version of WAPC Policy DC 3.4 was released by the WAPC in February 2008 and includes requirements for farm rationalisation as summarized in the table below.

WAPC Policy Criteria	Officer Comment	Officer Assessment
a) The new lot pattern is consistent with the objectives of this policy.	The objectives are included in State Planning Policy 2.5 and include to protect agricultural land.	Considered to comply but will be assessed by WAPC.
b) No additional lots are created.	The applicant argues that there are 6 existing lots and 6 new lots (Lots A-F). In assessing the retention of the same number of lots pre and post subdivision, Gray & Lewis recommends Lot 8175 be discounted as a 'lot' as it appears to be former road reserve.	Does not comply as there are only 5 existing 'usable' lots. Refer point 6 of this table.
c) The new boundaries reflect good environmental and land management practice and are appropriate for the intended land uses.	If boundaries follow existing fence and paddock lines then it warrants support. The applicant hasn't provided significant information other than to indicate fencelines on the plan for Lots A and B.	Complies.
d) Former road reserves and small remnant portions of lots are not lots for the purpose of boundary rationalisation.	Lot 8175 is not considered to be a lot for the purpose of boundary re-alignment.	Does not comply however the applicant can amend the application to achieve a maximum of 5 lots.

It is considered that the application generally complies with WAPC Policy DC 3.4 however it is recommended that the maximum lot yield be limited to five lots so there is no net increase in the number of lots post-subdivision. As discussed in the table above, existing Lot 8175 is exempt as a lot for the purpose of assessing boundary rationalization under WAPC Policy.

Essentially the subdivision will:

1. Divide existing Lot 253 into two lots;
2. Re-align the boundaries between existing Lots 1955 and 2217 and;
3. Re-align the boundaries between existing Lots 7114 and 7355.

It is acknowledged that Council has in the past expressed concern over applications which create smaller lots as part of boundary re-alignments, due to potential for them to be 'lifestyle' lots. In this case the smallest lots are 1655 and 2217 which could already be sold as lifestyle lots. The application only involves a re-alignment between their boundaries.

If the WAPC agree to limit the lot yield to 5 lots, then one of the proposed lots will need to be amalgamated with another land parcel.

Consultation: Consultation has been conducted by the WAPC who has referred the application to the Department of Industry and Resources, Western Power, Department of Water, Water Corporation, Main Roads WA and Department of Environment and Conservation.

Statutory

Environment: Shire of Broomehill Town Planning Scheme No 1

Policy Implications: Nil

Financial

Implications: Nil

Strategic

Implications: Nil

Voting Requirements: Simple Majority

Council Resolution: 100907

Moved Cr Sheridan, seconded Cr Thompson

“That Council;

- (1) Recommend that the Western Australian Planning Commission approve the application for a boundary re-alignment between Lots 1655, 2217, 253, 8175, 7114 and 7355 Broomehill Gnowangerup Road, Broomehill East subject to the following conditions;*
 - (a) The subdivision plan being amended to achieve a maximum lot yield of five lots with boundaries that still relate to land management, paddocks or fencelines.*
- (2) That the WAPC be advised that the Shire notes that WAPC Policy supports boundary re-alignments and farm rationalisation only where there is no increase in the number of lots. In accordance with Clause 4.6(d) of WAPC DC Policy 3.4 the Shire considers that Lot 8175 should be excluded as a ‘lot’ for the purpose of assessing the application, as it appears to be former road reserve. Lot 8175 cannot be used to justify an additional lot as part of the application.*
- (3) Refer a copy of this report to the WAPC as it includes the assessment conducted of the application.”*

CARRIED 6/0

Reason For Change to Recommendation:

10.5 PROPOSED AMALGAMATION OF LOTS 525, 526, 527, 528 AND 529 OLD NARDLAH ROAD, BROOMEHILL

Program: Planning
Attachment: Subdivision Plan
File Ref: S142744
Author: Gray & Lewis Landuse Planners
Date: 7 September 2010
Disclosure of Interest: Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial interest – Section 5.65 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.

Cr Thompson declared a Financial Interest and left the meeting at 4.28pm.

Summary: An application has been lodged for amalgamation of five existing lots on Old Nardlah Road (located between Reilly Street and Darcy Street).

It is recommended that the application be supported however that the Shire advise the Western Australian Planning Commission of issues related to the CBH facility.

Amalgamation of the lots and retention under CBH ownership will provide a buffer to the existing CBH facilities located directly opposite the subject land.

Background: Lots 525 – 529 are located directly opposite the existing CBH facility.

Zoning

The subject lots are zoned ‘Rural Residential’ under the Shire of Broomehill Town Planning Scheme No 1.

One of the main objectives 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.*”

Development of the lots for ‘Rural Residential’ could result in 5 dwellings in close proximity to the existing CBH facility which would likely result in a landuse conflict.

Relevant development application

In 2008 an application was lodged for development of Lots 525 to 529 Old Nardlah Road and Lot 530 O'Reilly Street by CBH for earthworks, two open bulkheads, driveover grid and pit, elevator, conveyor, stacker, pavement, sealing and drainage.

The application was considered by Council at its meeting held in October 2008 and was refused as it was in conflict with the zoning of the land.

It should be noted that any support for amalgamation would not be support for any future development of the lots for CBH activities.

Approval for Lot 530 & construction of Nardlah Road

A planning approval was issued in July 2009 for development of Lot 530 for a CBH receival point.

It was anticipated that development of Lot 530 would provide a long term solution to cater for increased crop yields, and eliminate the need for the temporary facility on Lot 531.

Formal approval was issued on the 21 July 2010 subject to a number of conditions including that *'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 the Shire.'*

CBH has not undertaken any major steps to progress the construction of Old Nardlah Road.

Road Closure

There is a weigh bridge adjacent to the subject lots located in the Old Nardlah Road Reserve. CBH was pursuing a road closure for a portion of Nardlah Road however it has not been finalised.

Due to the road closure the amalgamated lot would only have limited road frontage to Reilly Street and Darcy Street.

Comment:

Lots 525 to 529 have vegetation cover and act as a buffer to CBH. The proposed amalgamation is considered more desirable than the land being developed for 'Rural Residential' purposes.

Whilst there are minimum lot sizes applicable to the 'Rural Residential' zone, there is no maximum lot size preventing owners from amalgamating land.

The only concern over this application is that CBH may misconstrue support for the amalgamation as support for any future re-zoning or development.

It is therefore recommended that the WAPC be advised that the Shire would not support any future re-zoning of the land for expansion of CBH facilities (due to proximity to existing Rural Residential areas and the

need for buffers), and that the amalgamation is supported so that the land can be retained by CBH as a buffer to existing activities.

The WAPC should also be advised that support for the application should not be construed as support for any future development of the lot.

The WAPC should also be advised of the status of the road closure.

Consultation: The WAPC has referred the application to the Department of Environment and Conservation, Western Power, Water Corporation and FESA.

Statutory Environment: Shire of Broomehill Town Planning Scheme No 1

Policy Implications: Nil

Financial Implications: Nil

Strategic Implications: Nil

Voting Requirements: Simple Majority

Officer Resolution: *“That Council:*

1. Recommend that the Western Australian Planning Commission approve the application for amalgamation of Lots 525-529 Old Nardlah Road, Broomehill East (WAPC: 142744) subject to the following conditions;

- (i) Measures being taken to ensure vegetation on the amalgamated lot remain protected and retained to the satisfaction of Council (with the exception of any removal necessary for adequate fire breaks).*
- (ii) The existing weighbridge constructed by CBH in Old Nardlah Road adjacent to the amalgamated lot shall be removed, and Old Nardlah Road constructed and sealed to the satisfaction of Council (unless the road closure for Old Nardlah Road containing the weight bridge) is finalised prior to clearance/ deposited plan stage.*

2. Advise the WAPC that:

- (i) The subject land is zoned ‘Rural Residential’ however the amalgamation is supported as the land acts as a buffer between existing CBH facilities to the west and Rural Residential lots to the east.*
- (ii) In 2008 CBH lodged an application to develop Lots 525 to 529 for open bulkheads, and it was refused by the Council. A footnote should be placed on any approval advising that support for the amalgamation should not be construed as support for any re-zoning or*

development.

- (iii) CBH has constructed an unauthorised weigh bridge in Old Nardlah Road adjacent to the lots. A road closure for a portion of Nardlah Road (including the weighbridge) is being pursued which means the amalgamated lot will have limited road frontage. If the road closure is not finalised by CBH at deposited plan stage, then the weighbridge should be removed and Old Nardlah Road upgraded at their expense to service the amalgamated lot. This section of Old Nardlah Road is gravel.
- (iv) CBH has approval for development of Lot 530 Old Nardlah Road. A condition of the approval requires CBH to construct and seal Old Nardlah Road between the existing facility and Lot 530. Whilst it is a separate issue any approval should include a footnote advising CBH that the amalgamation does not negate the Shires requirement for construction of Old Nardlah Road to connect the existing CBH facility to future development of Lot 530.”

Council Resolution: 100908

Moved Cr Turner, seconded Cr Sheridan

“That Council:

2. *Recommend that the Western Australian Planning Commission approve the application for amalgamation of Lots 525-529 Old Nardlah Road, Broomehill East (WAPC: 142744) subject to the following conditions;*
 - (i) *Measures being taken to ensure vegetation on the amalgamated lot remain protected and retained to the satisfaction of Council (with the exception of any removal necessary for adequate fire breaks).*
2. *Advise the WAPC that:*
 - (i) *The subject land is zoned ‘Rural Residential’ however the amalgamation is supported as the land acts as a buffer between existing CBH facilities to the west and Rural Residential lots to the east.*
 - (ii) *In 2008 CBH lodged an application to develop Lots 525 to 529 for open bulkheads, and it was refused by the Council. A footnote should be placed on any approval advising that support for the amalgamation should not be construed as support for any re-zoning or development.*
 - (iii) *CBH has constructed an unauthorised weigh bridge in Old Nardlah Road adjacent to the lots. A road closure for a portion of Nardlah Road (including the weighbridge) is being pursued which means the amalgamated lot will have limited road frontage.*
 - (iv) *CBH has approval for development of Lot 530 Old*

Nardlah Road. A condition of the approval requires CBH to construct and seal Old Nardlah Road between the existing facility and Lot 530. Whilst it is a separate issue any approval should include a footnote advising CBH that the amalgamation does not negate the Shires requirement for construction of Old Nardlah Road to connect the existing CBH facility to future development of Lot 530.”

CARRIED 5/0

**Reason For Change to
Recommendation:**

Cr Thompson returned to the meeting at 4.38pm.

10.6 SHIRE OF BROOMEHILL-TAMBELLUP PLANNING SCHEME REVIEW AND CONSOLIDATION-EXPRESSIONS OF INTEREST

Program:	Planning
Attachment:	August 2010 report to Council and assessment of EOI's
File Ref:	ADM0272
Author:	JM Trezona Chief Executive Officer
Date:	9 September 2010
Disclosure of Interest:	Nil

Summary: To consider the expressions of interest received from the town planning consultants to undertake the consolidation of the existing town planning schemes and preparation of a local planning strategy for the Shire.

Background: A decision on this matter was deferred from the August 2010 ordinary meeting of Council. A copy of the minute and assessment is included as an attachment to this report. Copies of the expressions of interest have previously been provided to Councillors.

Comment: In making a decision Council may wish to consider the following options

OPTION 1

It can accept the original recommendation from the August 2010 report and invite tenders from the identified consultants. The recommendation is

That Council:

- 1) *Prepare a tender document for the preparation of a local planning strategy and new local planning scheme for the Shire of Broomehill-Tambellup;*
- 2) *Include the project budget amount within the tender document;*
- 3) *Invite tenders from the following planning consultants:*
 - *Planwest*
 - *TPG Town Planning & Urban Design*
 - *Thompson McRobert Edgeloe*
 - *Urbis*
 - *GHD*
 - *Land Insights*
 - *Gray & Lewis*
 - *VROC partners Shire of Kojonup/Plantagenet; and*
- 4) *Advise the other planning consultants they have been unsuccessful and thank them for their expressions of interest.*

OPTION 2

Accept none of the Expressions of Interest. As set out in the brief, consultants were invited to submit a proposal and Council is not bound to accept any of the expressions of interest or proceed to a contract or otherwise.

OPTION 3

Council may choose to select one or more planning consultants from the WALGA Preferred Supplier Panel which offer cost saving on fees and

disbursements. These organisations are exempt from tender regulations requirements.

OPTION 4

Take up the offer from the members of the Southern Link VROC and engage the services of the Shires of Plantagenet and Kojonup to complete the project in-house. Both Councils employ qualified/experienced town planners that have relevant expertise in preparing both regional and local government planning strategies and schemes in the Great Southern.

The Local Government (Functions and General) Regulations 1996 reg 11(e) provides that

tenders do not have to be entered into if the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government.

For Council consideration and decision.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: Council has funding assistance from the state government as part of its amalgamation costs to fund the new Town Planning Scheme and Planning Strategy.

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

Voting Requirements: Simple Majority

Council Resolution: *100909*

Moved Cr Sadler, seconded Cr Schlueter

“That Council accepts no Expression of Interest and takes up the offer from the Southern Link VROC and invites the two member Councils, the Shires of Kojonup and Plantagenet to prepare a Town Planning Scheme and Local Planning Strategy for the Shire of Broomehill-Tambellup.”

CARRIED 6/0

Reason For Change to Recommendation:

Council Resolution: **100910**

Moved Cr Schlueter, seconded Cr Sheridan

“That Council endorses the Disability Access and Inclusion Plan for 2010-2015 as presented.”

CARRIED 6/0

**Reason For Change to
Recommendation:**

10.9 REVIEW OF WARD BOUNDARIES AND NUMBER OF ELECTED MEMBERS

Program:	Governance
Attachment:	Copy of Draft Discussion paper
File Ref:	ADM0088
Author:	JM Trezona Chief Executive Officer
Date:	7 September 2010
Disclosure of Interest:	Nil

Summary: Council to conduct a review of its ward boundaries and the number of elected members.

Background: The Local Government Act 1995 Schedule 2.2(6) requires that a local government whose district is divided into wards is to carry out a review of its ward boundaries and number of offices of councillor for each ward once every eight (8) years. If possible the most appropriate time to conduct a review is in the year when local government elections are not scheduled to take place.

For a Local Government to conduct a review, there is a process that is required to be followed. The steps in the process are:

- The Council must decide to hold a formal review.
- The review is advertised and submissions are called for. The submission period must be at least six weeks.
- Council then considers the submissions.
- Council must consider prescribed matters –
 - Community of interest
 - Physical and topographic features
 - Demographic trends
 - Economic factors
 - Ratio of councillors to electors in the various wards
- A proposal, which must be passed by an absolute majority, may be put forward to the local Government Advisory Board by the Council (Shire of Broomehill-Tambellup).
- All of the above should form the basis of the report to the Advisory Board.

DECISION TO CONDUCT A FORMAL REVIEW

Council must resolve to conduct a review of its ward boundaries and number of offices of Councillor for each ward.

ADVERTISING THE REVIEW

Before the Council can carry out the review it must give local public notice advising of the review intention and invite the public to make submissions. The minimum period for the receipt of submissions is six (6) weeks.

The Council may choose to provide a discussion paper on the proposal for the public to consider before they make any submission.

RECEIPT OF PUBLIC SUBMISSIONS

The Council must consider all submissions received in relation to a review. A summary of the submissions must form part of the Council minutes and the report to the Local Government Advisory Board.

PRESCRIBED MATTERS

Should the Council propose to make an order it is to have regard, where applicable, to the prescribed matters:

- Community of interest
- Physical and topographic features
- Demographic trends
- Economic factors
- Ratio of Councillors to electors in the various wards.

REPORT TO THE ADVISORY BOARD

A written report, including recommendations, is sent to the Local Government Advisory Board who in turn submits a further recommendation to the Minister.

Comment:

This will be the first such review by the Shire of Broomehill-Tambellup. While eight years have not elapsed Council did state in its Reform Submission to the Minister for Local Government in September 2009 that it would undertake a review of its wards and representation with a view to reducing its elected member numbers from nine to seven for implementation at the 2011 ordinary elections of Council.

The attached draft Discussion paper provides a background to the review process and five options for consideration.

Council needs to determine if there are other options that they would like included in the paper.

The review will be advertised and a copy of the discussion paper provided to interested persons.

It is proposed that the six week public comment period closes on 5 November 2010.

Consultation:

Nil

Statutory

Environment:

Local Government Act 1995 Schedule 2.2

Policy Implications:

Nil

Financial

Implications:

There will advertising costs associated with the review.

Strategic

Implications:

This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Council Resolution: *100911*

Moved Cr Turner, seconded Cr Schlueter

“That as per Schedule 2.2 of the Local Government Act 1995 Council agrees to conduct a review of its existing wards and number of offices of Councillor. Further, Council advertises by local public notice, its intent to conduct the review.”

CARRIED 6/0

**Reason For Change to
Recommendation:**

10.10 TAMBELLUP GOLF CLUB – APPLICATION TO VARY TRADING HOURS

Program:	Recreation and Culture		
Attachment:	Nil		
File Ref:	ADM0027		
Author:	Vicki Webster	Acting Manager of Administration & Customer Services	
Date:	9 September 2010		
Disclosure of Interest:	As members of the Tambellup Golf Club the CEO and Vicki Webster declare an impartiality interest.		
	Cr Sheridan declared an Impartiality Interest in this matter as he is a member of the Tambellup Golf Club.		

Summary: The Department of Racing, Gaming and Liquor have received an application from the Tambellup Golf Club to vary the trading hours and are seeking Councils comment.

Background: Council have received a letter from the Department of Racing, Gaming and Liquor seeking comment on the application from the Tambellup Golf Club to vary the trading hours on their existing liquor licence.

The new trading hours are as follows:

- Thursday – 3.00pm to 9.00pm
- Friday – 9.00am to 11.00pm
- Saturday – 9.00am to 11.00pm
- Sunday – 9.00am to 9.00pm

The Golf Club advised the Department that the new trading hours will allow members greater use of the facilities.

Comment: For Council discussion and comment.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

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

Voting Requirements: Simple Majority

Council Resolution: **100912**

Moved Cr Thompson, seconded Cr Schlueter

“That Council advises the Department of Racing, Gaming and Liquor that it has no objection to the application to vary the trading hours at the Tambellup Golf Club.”

CARRIED 6/0

**Reason For Change to
Recommendation:**

10.11 TAMBELLUP FAMILY PLAYGROUP – ERECTION OF SIGN AT INFANT HEALTH BUILDING

Program: Health
Attachment: Proposed Sign
File Ref: ADM0266
Author: Vicki Webster **Acting Manager of Administration & Customer Services**
Date: 10 September 2010
Disclosure of Interest: Nil

Summary: The Tambellup Family Playgroup are seeking permission from Council to erect a sign at the Infant Health Building.

Background: Council has received a letter from the Committee of the Tambellup Family Playgroup requesting that they be allowed to erect a sign advertising the location of the playgroup and the opening times. The size of the sign is approximately 900mm long x 600mm wide and would be erected on the premises in consultation with the Chief Executive Officer.

Comment: The Tambellup Family Playgroup meet every Tuesday morning and caters for children from birth to four years old and provides the children with valuable social interaction and are an information support network for parents and caregivers.

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: *100913*

Moved Cr Turner, seconded Cr Schlueter

“That Council grants permission to the Tambellup Family Playgroup to erect a 900mm x 600mm sign at the Infant Health Building advertising their opening times. The location of the sign to be determined in consultation with the Chief Executive Officer.”

CARRIED 6/0

Reason For Change to Recommendation:

10.12 TAMBELLUP FAMILY PLAYGROUP – REQUEST TO REMOVE AND REPLACE EXISTING PATIO

Program: Health
Attachment: Building Plans
File Ref: ADM0266
Author: Vicki Webster **Acting Manager of Administration & Customer Service**
Date: 10 September 2010
Disclosure of Interest: Nil

Summary: The Tambellup Family Playgroup are seeking permission from Council to remove the existing pergola and cement pad at the rear of the building and replace with a larger patio and cement pad.

Background: The Committee of the Tambellup Family Playgroup are planning to remove the existing cement pad and pergola and replace with a larger undercover area for the children. The size of the existing structure is 2.5m wide x 6m long and the size of the proposed structure is 3.5m wide x 9m long x 2.4m high with a gabled colour bond roof, which will provide additional shelter for the children to play under.

Members of the playgroup are willing to remove the existing structure and cement, do the ground works and oversee the project. They have requested if Council would be willing to supply any sand and blue metal required for the cement works as in kind works.

Attached is a copy of the proposed building for Councils perusal.

Comment: The existing structure has been added onto the building in various stages and is in need of some maintenance. The cement pad has several cracks in it which can prove to be a hazard to small children.

The plans for the new structure would need to be approved by Councils Building Surveyor.

The Tambellup Family Playgroup caters for children from birth to four years and are a very strong supportive group within the community for parents and caregivers.

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: *100914*

Moved Cr Thompson, seconded Cr Sheridan

“That Council grants permission to the Tambellup Family Playgroup to remove the existing pergola and erect a larger patio subject to consultation with Councils Building Surveyor.”

CARRIED 6/0

**Reason For Change to
Recommendation:**

Strategic

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

Voting Requirements: Simple Majority

Officer Resolution: *“That Council does/does not make a contribution of \$..... to the Katanning Senior High School ‘School Passport System’.”*

Council Resolution: *100915*

Moved Cr Sheridan, seconded Cr Sadler

“That Council does make a contribution of \$500 to the Katanning Senior High School ‘School Passport System’.”

CARRIED 6/0

Reason For Change to Recommendation:

12.1**PLANT REPORT FOR AUGUST 2010**

Program: Transport
Attachment: Nil
File Ref: Nil
Author: GC Brigg Manager of Works
Date: 8 September 2010
Disclosure of Interest: Nil

Reg No.	Description	Kms/Hrs	Year of Manufacture	Year of Purchase	Changeover	Comments
BH000	Nissan Murano		2009	2009		OK
BH00	Ford Ranger Dual Cab	20000	2010	2010		20k service done
BH002	ISUZU 6 Wheel Tipper	40715	2008	2008	7 yrs / 250,000km	OK
BH003	Isuzu NPR300 Crew Cab Truck	16637	2009		5 yrs / 100,000km	15k service done
BH004	CAT 12M	501	2009	2009		500hr service done
BH005	Bomag Multi-Tyred Roller	4644	2002	2002	7 yrs / 8,000 hrs	OK
BH006	Volvo 710	4869	2004	2004	7 yrs / 8,000 hrs	OK
BH007	John Deere Ride on Mower	77+	2003	2003	5 yrs / 5,000 hrs	Electrical Fault
BH008	VOLVO L70D Loader	5536	2001	2001	7 yrs / 8,000 hrs	OK
BH009	Toyota Hilux	9854	2009			OK
BH010	6x4 Fuel Trailer		1981	1981		OK
BH012	Isuzu Fire Truck	5000	1995	2004		Damage to drivers door
BH013	John Deere 315SG Backhoe	2223	2003	2003	10 yrs / 8,000 hrs	OK
BH813	Multi Tyre Roller		1960	1980	8 yrs / 8,000 hrs	OK

0TA	Holden Statesman		2010			OK
TA052	Toyota Hilux 4x4	11985	2009			OK
TA001	Ford Ranger Dual Cab	22000	2009			OK
ITA	Ford Territory		2009	2009	1 yr / 40,000 kms	OK
TA1880	Isuzu Gigamax Truck	41002	2008	2008	5 yrs / 250,000 km	Warranty Recall
TA092	Isuzu Gigamax Truck	61201	2007	2007	5 yrs / 250,000 km	60k Service done
TA386	Mitsubishi Fuso Truck	62056	2007	2007	5 yrs / 250,000 km	OK
TA18	12H Grader	3842	2006	2006	7 yrs / 8,000 hrs	OK
BH014	Ford Ranger Single Cab	3014	2010			Due first service
TA281	930G Loader	2690	2007	2007	7 yrs / 8,000 hrs	OK
TA392	Tractor Mower	1980			5 yrs / 5,000 hrs	OK
TA417	John Deere Gator	98	2009			OK
BH001	CAT Vibe Roller	517	2009			500hr Service done
TA017	Isuzu Tipper	36072	2009			OK
TA219	Multipac Multi-tyred Roller	7507		2004	7 yrs / 8,000 hrs	TO BE SOLD
TA1196	Large Roller					
TA2015	Vibrating Roller			1977	7 yrs / 8,000 hrs	OK
	Slasher				10 yrs	OK
XTR579	Road Broom				10 yrs	OK
	Mobile Fuel Tanker				10 yrs	OK
IDCF535	Toro 3500D	177	2009	2009		OK
TA005	John Deere Tractor 6330	819	2008	2008	10 yrs / 8,000 hrs	OK

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12.2 WORKS AND MAINTENANCE REPORT FOR AUGUST 2010

Program:	Transport	
Attachment:	Nil	
File Ref:	Nil	
Author:	GC Brigg	Manager of Works
Date:	16th September 2010	
Disclosure of Interest:	Nil	

Broomehill

- Gardeners working on rest stop replacing plants and mulching gardens.
- Large pots in front of the office have been levelled and planted.
- Katanning Cherry Pickers have finished pruning the trees under power lines except for Latham Street. These trees are programmed when Western Power are in the area.
- Water in the complex dam is currently well over the inlet pipes and is above last year's level. This should now carry the complex through next year.
- Community workers have been cleaning up around the cemetery and painting the fence around the playground at Holland Park.
- Paul Plant has erected the gazebo in Holland Park and the slab within the gazebo will be completed this month.
- Oval has been sprayed for broadleaf weeds.
- Holland Park and office lawns have been sprayed for broadleaf weeds.
- Repairs carried out on sub surface in the parking area. This has been cement stabilized and asphalt repair will be carried out when bitumen companies are in the area.
- Weed spraying around town complete.

Tambellup

- Vandals have continued to damage gardens in Diprose Park
- Community workers have carried out garden work in the railway reserve.
- Tree loppers will commence trimming trees under power lines after needed repairs to their equipment.
- Thinkwater still to commission the pump at the number one dam.
- Gravel along the Taylor Street has compacted and is ready for asphalt.
- Paul Plant has completed some of the depot renovations. This work will be ongoing for a few more weeks.
- Oval has been sprayed for broadleaf weeds.
- Electrician has completed some repairs to the caravan park. Light repairs in the park will be carried out while Katanning Cherry pickers are in town.
- Weed spraying around town is complete.

Roads

- Kinnears surveyors were recently told to leave the property on Wandoo Road. The property that uses the re-alignment was recently changed hands and the new owner won't allow access across his land. This project is now on hold.
- Road data collection is now being formulated to give council an overview of work needed and a prioritized program. This should be available for council next month.

- Gravel carting is finished on the Broomehill-Kojonup Road widening. Grader will continue to shoulder the bitumen to achieve compaction with normal traffic. When weather warms up final trim will take place and seal should be complete mid November. We still have a wet section to remove closer to sealing date.
- The construction crew, are now widening South Pallinup Road. Dozer is stockpiling gravel. This project was bought forward after Wandoo Road was postponed.
- Maintenance crew, have been working on guide posts, bitumen repairs and training on Jetpatcher truck.
- Maintenance graders have been working across the middle section of the shire.
- Maintenance grading has been slow, as we have been one operator short for most of the month.
- Maintenance crew will carry out bitumen repairs on the Gnowangerup and Toolbrunup Roads. This will require gravel carting as well as sealing.

Plant

- Jetpatcher truck has arrived and the operators have attended 2 days of training. This truck can now go to work patching bitumen.
- A new Holden Caprice has been ordered for the CEO. Holden have now deleted the Holden Statesman from the range. The new vehicle isn't due until November.
- A replacement Nissan Murano has been ordered to replace the current vehicle.
- Bigger Isuzu trucks have been recalled for faulty parking brake. These trucks were taken to Albany for repairs.
- The smaller Isuzu truck was recalled for software update.
- Toyota Hilux has been recalled for faulty tail shaft bearing.
- Ford Ranger has been recalled for faulty bonnet catches.

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12.3 BUILDING SURVEYORS REPORT FOR AUGUST 2010

Program:	Economic Services
Attachment:	BSR Report and Activity Statement
File Ref:	ADM0076
Author:	D Baxter Building Surveyor
Date:	8 September 2010
Disclosure of Interest:	Nil

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

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

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

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

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

Voting Requirements: Simple Majority

Council Resolution: *“Council discussed the Officers Report.”*

Reason For Change to Recommendation:

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12.4 LIBRARY REPORT – AUGUST 2010

Program: Recreation and Culture
Attachment: Library Report – August 2010
File Ref: ADM0097
Author: JM Trezona Chief Executive Officer
Date: 8 September 2010
Disclosure of Interest: Nil

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

Background: This report outlines the activities of both Broomehill and Tambellup libraries for the month of August 2010.

Comment: For Council information

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

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

Voting Requirements: Simple Majority

Council Resolution: *“Council discussed the Officers Report.”*

Reason For Change to Recommendation:

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

Nil

14. DATE OF NEXT MEETING

Thursday 21st October 2010

15. CLOSURE

There being no further business the President thanked Councillors and staff for their attendance and declared the meeting closed at 5.45pm.

