

# SHIRE OF BROOMEHILL-TAMBELLUP

Minutes of the Ordinary Meeting of the Council of the Shire of Broomehill–Tambellup  
held in the Tambellup Council Chambers  
on Thursday 17<sup>th</sup> December 2009 commencing at 1.03pm.

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

<b><u>Present:</u></b>	Cr BG Webster	President
	Cr KW Crosby	Deputy President
	Cr MJ Bowman	
	Cr GM Sheridan	
	Cr MR Turner	
	Cr M Sadler	
	Cr SJF Thompson	
	Cr EK Schlueter	
	Cr DCN Kempin	
	JM Trezona	Chief Executive Officer
	JP Bentley	Manager Administrative & Customer Services
	GC Brigg	Manager of Works
	KP O'Neill	Finance Officer
	R Back	Consultant

**Apologies:** Nil

**Leave of Absence:** Nil

## 2. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President welcomed Councillors and Staff and declared the meeting open at 1.03pm.

Mr Trevor Prout, JP entered the meeting at 1.04pm to swear in Cr KW Crosby to the position of Deputy President.

## 2.2 SWEARING IN OF DEPUTY PRESIDENT

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<b>Program:</b>	<b>Governance</b>	
<b>Attachment:</b>	<b>Nil</b>	
<b>File Ref:</b>	<b>ADM0109</b>	
<b>Author:</b>	<b>JM Trezona</b>	<b>Chief Executive Officer</b>
<b>Date:</b>	<b>10<sup>th</sup> December 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Summary:** Members are required to elect a Deputy President from amongst themselves.

**Background:**

**Comment:** Cr Crosby was nominated for the position of Deputy President, which he accepted.

Cr Crosby was absent from the Special Council Meeting on the 19<sup>th</sup> October 2009, and needs to be sworn in as Deputy President.

**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:** *Cr Crosby read aloud the Declaration by Elected Member of Council before Trevor Prout JP.*

**Reason For Change to Recommendation:**

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

Nil

**4. PUBLIC QUESTION TIME**

Mr Dave Jones of Insitu Planning had planned to attend the meeting to discuss agenda item 10.19 regarding the proposed change of use for the building at 50 Norrish Street, Tambellup. Mr Jones phoned prior to the meeting to advise that he would be unable to attend.

**5. APPLICATION FOR LEAVE OF ABSENCE**

Nil

**6. DECLARATION OF INTEREST**

Cr Crosby declared an interest in item 10.13.

Cr Sheridan declared a financial interest in item 10.17.

Cr Webster declared an interest in item 10.6.

Cr Thompson declared a financial interest in item 10.10.

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

Nil.

**8. CONFIRMATION OF PREVIOUS MEETING MINUTES**

**8.1 ORDINARY MEETING OF COUNCIL – 15<sup>th</sup> OCTOBER 2009**

*091201*

*Moved Cr Sheridan, seconded Cr Turner*

*“That the minutes of the Ordinary Meeting of Council held on the 15<sup>th</sup> October 2009 be confirmed as a true and accurate record of proceedings.”*

**CARRIED 9/0**

**8.2 SPECIAL MEETING OF COUNCIL – 19<sup>th</sup> OCTOBER 2009**

*091202*

*Moved Cr Schlueter, seconded Cr Kempin*

*“That the minutes of the Special Meeting of Council held on the 19<sup>th</sup> October 2009 be confirmed as a true and accurate record of proceedings.”*

**CARRIED 9/0**

8.3 ANNUAL ELECTORS MEETING – 19<sup>th</sup> OCTOBER 2009

**091203**

*Moved Cr Sadler, seconded Cr Schlueter*

*“That the minutes of the Annual Electors Meeting held on the 19<sup>th</sup> October 2009 be received.”*

**CARRIED 9/0**

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

Cr Webster advised that at the recent meeting of the Great Southern Zone WALGA he had been elected as President and Cr Doug Forrest from the Shire of Cranbrook elected as Deputy. Cr Webster also advised that he had been elected to represent the Zone on the State Council, with Cr Forrest as his proxy.

**10. MATTERS FOR DECISION**

**10.1 FINANCIAL STATEMENTS FOR OCTOBER & NOVEMBER 2009**


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<b>Program:</b>	<b>Other Property and Services</b>	
<b>Attachment:</b>	<b>Monthly Financial Statements for October &amp; November 2009</b>	
<b>File Ref:</b>	<b>Nil</b>	
<b>Author:</b>	<b>KP O'Neill</b>	<b>Finance Officer</b>
<b>Date:</b>	<b>7<sup>th</sup> December 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Summary:** Attached are the monthly financial statements for months ending 31<sup>st</sup> October and 30<sup>th</sup> November 2009.

**Background:**

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

**Consultation:** Nil

**Statutory**

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

**Policy Implications:** Nil

**Financial**

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

**Strategic**

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

**Voting Requirements:** Simple Majority

**Council Resolution:** *091204*

*Moved Cr Kempin, seconded Cr Crosby*

*“That the Financial Reports for the period ending 31<sup>st</sup> October 2009 and 30<sup>th</sup> November 2009 be received.”*

**CARRIED 9/0**

**Reason For Change to Recommendation:**

**10.2 CREDITORS ACCOUNTS PAID OCTOBER & NOVEMBER 2009**


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<b>Program:</b>	<b>Other Property and Services</b>	
<b>Attachment:</b>	<b>List of Payments for October &amp; November 2009</b>	
<b>File Ref:</b>	<b>Nil</b>	
<b>Author:</b>	<b>KP O'Neill</b>	<b>Finance Officer</b>
<b>Date:</b>	<b>7<sup>th</sup> December 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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

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

**Comment:** SUMMARY

***October 2009***

Municipal Fund	\$290,167.02
Trust Fund	\$3,203.00
Credit Cards	\$314.44
<b>TOTAL</b>	<b>\$293,684.46</b>

***November 2009***

Municipal Fund	\$423,010.33
Trust Fund	\$7,698.79
Credit Cards	\$723.82
<b>TOTAL</b>	<b>\$431,432.94</b>

**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 Strategic Plan

**Voting Requirements:** Simple Majority

**Council Resolution:**      **091205**

*Moved Cr Kempin, seconded Cr Sadler*

*“That the list of Creditors accounts paid during October and November 2009, being:-*

- Municipal Fund cheques numbered 722 to 783 inclusive, electronic payments numbered EFT753 to EFT882 inclusive and totalling \$713,177.35;*
- Trust fund cheques numbered 92 to 111 inclusive and totalling \$10,901.79; and*
- Credit card expenses totalling \$1,038.26;*

*be adopted.”*

**CARRIED 9/0**

**Reason For Change to  
Recommendation:**

### 10.3 REQUEST TO WRITE OFF RATES

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<b>Program:</b>	<b>General Purpose Funding</b>	
<b>Attachment:</b>	<b>Nil</b>	
<b>File Ref:</b>	<b>A251 and ADM0070</b>	
<b>Author:</b>	<b>JM Trezona</b>	<b>Chief Executive Officer</b>
<b>Date:</b>	<b>9<sup>th</sup> December 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Summary:** Request to write off outstanding rates.

**Background:** The Tambellup Aboriginal Progress Association (TAPA) has written to Council asking it to consider “waiving” the outstanding rates for their property at Lot 355 Crawford Street Tambellup. The outstanding rates including penalty interest at the time of writing this report are \$5,077.48. Rates were last paid in full in the 2001-2002 financial year.

TAPA is seeking funding through the Royalties for Regions fund to remove the existing derelict building on the site and establish a new Family Support and Community Centre. They state in their letter

*“The support of the Council at this time will free TAPA to move forward with our plans to apply for the funding to remove the existing derelict building and to build a Family Support and Community Centre on the property”.*

**Comment:** TAPA has been in recess since about 2002 so this correspondence is positive in that it indicates the group has reformed.

In March 2007 as a result of correspondence from the Department of Indigenous Affairs seeking a rate exemption for the property that Council did not grant, Council provided an opportunity for the property to be transferred to the then Shire of Tambellup in lieu of outstanding rates. The property was neglected and there was no community group accepting responsibility for it. Council received no response. The rates remain unpaid and the property has continued to become derelict.

Council will need to determine if it is agreeable to writing off the outstanding rates to assist with the proposed project to build a Family Support and Community Centre and what the long term rating arrangements will be if the new centre is realised.

Members may wish to consider other options such as

- Writing off the arrears rates subject to the proposed project going ahead and being satisfied that TAPA as an organisation will be sustainable into the future and able to meet future rate commitments
- Provide a similar annual rate concession arrangement that is available to the Tambellup Golf Club
- Other options



Alternatively Council can determine not to write off the outstanding rates and pursue payment in full through its debt collectors. For Council discussion and consideration.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** TAPA own a total of three properties in the Tambellup town site with current arrears of \$8,069.92

- Lot 355 Crawford Street – outstanding rates \$5,077.48
- Lot 249 Great Southern Hwy – outstanding rates \$1,085.22
- Lot 63 Great Southern Hwy – outstanding rates \$1,907.22

If Council agrees to write off the rates for Lot 355 there will be a reduction in income of that amount.

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

**Voting Requirements:** If Council agrees to write the rates off the decision will need to be by an Absolute Majority.

**Officer Resolution:** *“That Council advises the Tambellup Aboriginal Progress Association that it will consider waiving the outstanding rates for Lot 355 Crawford Street Tambellup subject to the following conditions:  
.....”*

**Council Resolution:** 091206

*Moved Cr Turner, seconded Cr Crosby*

*“That Council advises the Tambellup Aboriginal Progress Association that it does not agree to waive the outstanding rates on Lot 355 Crawford Street Tambellup (assessment 251), however has agreed to make a donation to the proposed Family Support and Community Centre project equivalent to the amount of the rates owing at 30 June 2010 subject to the following conditions*

- *That the outstanding rates on assessment 251 are paid in full;*
- *That the proposed project to construct a Family Support and Community Centre goes ahead;*
- *That the Tambellup Aboriginal Progress Association acknowledges that the 2010 and subsequent years rates for assessment 251 are to be paid in full;*
- *That the arrears on other properties owned by the Tambellup Aboriginal Association are paid in full.”*

**CARRIED 9/0**

**Reason For Change to  
Recommendation:**

GC Brigg left the meeting at 1.25pm.

GC Brigg returned to the meeting at 1.27pm.

**10.4 DEBTORS ACCOUNT WRITE OFF – LOTTERYWEST**


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<b>Program:</b>	<b>Economic Services – Tourism &amp; Area Promotion</b>	
<b>Attachment:</b>	<b>Nil</b>	
<b>File Ref:</b>	<b>ADM0137</b>	
<b>Author:</b>	<b>Kay O’Neill</b>	<b>Finance Officer</b>
<b>Date:</b>	<b>27<sup>th</sup> November 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Summary:** Council to consider writing off balance of debtors account B58 for Lotterywest, which relates to an invoice raised for grant funding for the Broomehill West Postie Run.

**Background:** The former Shire of Broomehill was successful in obtaining grant funding of \$15,000 (ex GST) from Lotterywest in January 2007 for the West Postie Run project.

An invoice was raised to Lotterywest for the full amount of the grant including GST of \$16,500. Payment was received on the 30<sup>th</sup> October 2007 from Lotterywest of \$15,235 which was the amount of expense incurred for the project. As a result a balance of \$1265.00 remained in the Lotterywest debtors account, as the total expense incurred was less than the amount applied for in the grant application. A credit note should have been entered at this point to reduce the expected revenue in Councils general ledger and to clear the remaining balance in the Lotterywest account.

**Comment:** Council is requested to write off the balance of this account as the West Postie Run project is complete and payment will not be forthcoming from Lotterywest.

**Consultation:** Chief Executive Officer.

**Statutory Environment:** Local Government Act 1995, section 6.12(1)(c) allows Council to write off any amount of money owed to the Local Government.

**Policy Implications:** Nil

**Financial Implications:** A reduction in revenue of \$1,265 as payment for the outstanding balance will not be received from the debtor.

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

**Voting Requirements:** Absolute Majority

**Council Resolution:**     **091207**

*Moved Cr Turner, seconded Cr Thompson*

*“That the balance of debtors account B58 for Lotterywest being \$1,265.00 in grant funding for the West Postie Run project, be written off.”*

***CARRIED 9/0  
By Absolute Majority***

**Reason For Change to  
Recommendation:**

**10.5 DEBTORS ACCOUNT WRITE OFF – WA TREASURY**


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<b>Program:</b>	<b>General Purpose Funding</b>	
<b>Attachment:</b>	<b>Nil</b>	
<b>File Ref:</b>	<b>ADM0064</b>	
<b>Author:</b>	<b>Kay O’Neill</b>	<b>Finance Officer</b>
<b>Date:</b>	<b>27<sup>th</sup> November 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Summary:** Council to consider writing of the balance of debtors account B67, which relates to Pensioners and Seniors Rebates for annual rates claimed from the WA Treasury.

**Background:** Eligible Pensioners and Seniors are entitled to a rebate on their annual rates and ESL charges. Claims for reimbursement of the rebates are sent to the WA Treasury - Office of State Revenue for payment to Council.

In June 2007 the former Shire of Broomehill submitted a claim to the Office of State Revenue for rebates given during the 2006/07 year. The rebates were paid by the Office of State Revenue and received by Council, however the rebates were not properly accounted for in Councils financial system. As a result, the WA Treasury has an outstanding balance in its debtors account of \$210.21.

**Comment:** It is requested that Council write this amount off, as payment will not be forthcoming as the income has already been received.

**Consultation:** Chief Executive Officer.

**Statutory Environment:** Local Government Act 1995, section 6.12(1)(c) allows Council to write off any amount of money owed to the Local Government.

**Policy Implications:** Nil

**Financial Implications:** A reduction in revenue for 2009/2010 of \$210.21 as payment for the outstanding balance has already been received from the debtor.

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

**Voting Requirements:** Absolute Majority

**Council Resolution:** *091208*

*Moved Cr Kempin, seconded Cr Sheridan*

*“That the balance of debtors account B67 for WA Treasury being \$210.21 for Pensioner Rebates from 2006/2007, be written off.”*

*CARRIED 9/0  
By Absolute Majority*

**Reason For Change to Recommendation:**

## 10.6 TAMBELLUP FAMILY PLAYGROUP

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<b>Program:</b>	<b>Health</b>
<b>Attachment:</b>	<b>Diagram of block showing location of new equipment</b>
<b>File Ref:</b>	<b>ADM0266</b>
<b>Author:</b>	<b>JM Trezona                      Chief Executive Officer</b>
<b>Date:</b>	<b>8<sup>th</sup> December 2009</b>
<b>Disclosure of Interest:</b>	<b>Cr Webster declared an impartiality interest as he has a family member on the Committee of the Tambellup Family Playgroup.</b>

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**Summary:** Council to consider a request from Tambellup Family Playgroup to apply for funds to install new play equipment at the Infant Health Centre.

**Background:** Tambellup Family Playgroup has written requesting Councils approval to purchase new outdoor play equipment and swings for installation at the Tambellup Infant Health Centre.

An application to Lotterywest for funding is being prepared by Playgroup members. Quotes on equipment, including supply and installation, have been obtained, with the total cost of the proposal estimated at \$22,000 plus GST.

The Infant Health building is used by Playgroup on Tuesday mornings, and also the Mobile Family Daycare Service on Fridays through school terms.

**Comment:** The proposed equipment will be permanently installed at the Infant Health Centre. The attached diagram outlines the location of the new equipment.

As the premises are Council-owned and more than one group utilizes the facility Lotterywest have advised it would be appropriate for any application for funding of a project of this nature to be submitted by Council on behalf of the user group, in this case, Tambellup Family Playgroup.

**Consultation:** Erryn Beacham, Tambellup Family Playgroup  
Lotterywest Grants Staff

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** There will be no cost to Council for this project as the funding request will include allowance for supply and installation.

**Strategic Implications:** This issue is not dealt with in the Plan  
**Voting Requirements:** Simple Majority

**Council Resolution:**     **091209**

*Moved Cr Kempin, seconded Cr Sheridan*

*“That Council does approve the request for the Tambellup Family Playgroup to permanently install new outdoor play equipment and swings at the Tambellup Infant Heath Centre.”*

**CARRIED 9/0**

**Council Resolution:**     **091210**

*Moved Cr Kempin, seconded Cr Sheridan*

*“That Council does submit an application to Lotterywest on behalf of the Tambellup Family Playgroup for the purchase of new outdoor play equipment and swings for the Tambellup Infant Health Centre.”*

**CARRIED 9/0**

**Reason For Change to  
Recommendation:**

**10.7 PERMISSION TO KEEP DOGS – 24 KEITH STREET, BROOMEHILL**


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<b>Program:</b>	<b>Law, Order &amp; Public Safety</b>		
<b>Attachment:</b>	<b>Nil</b>		
<b>File Ref:</b>	<b>ADM0194</b>		
<b>Author:</b>	<b>JP Bentley</b>	<b>Manager,</b>	<b>Administrative &amp; Customer Services</b>
<b>Date:</b>	<b>11 November 2009</b>		
<b>Disclosure of Interest:</b>	<b>Nil</b>		

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**Summary:** Permission is sought to keep three dogs at 24 Keith Street, Broomehill.

**Background:** Mrs Mariana Chaplin has written seeking permission from Council to keep three dogs at the above property.

Two of the dogs are owned by Mrs Chaplin, while the third is owned by her son, and is at the property temporarily while her son's house is being built. Mrs Chaplin advises her son's house should be completed early in the New Year.

This request follows a visit by Council's ranger to Mrs Chaplin's property.

**Comment:** There is a similar request to keep three dogs at the adjoining property to the north which is owned by Mrs Chaplin's daughter. There is an unresolved dog complaint regarding the dogs on these properties.

Should permission be granted this would lead to a situation where six dogs would reside upon these two properties which in itself may be a nuisance to surrounding neighbours and therefore Council may wish to refuse permission for three dogs to be kept on this property. Council may believe that this number of dogs can be adequately managed without further restriction and accordingly grant permission to keep all three dogs.

Given that there is an as yet unresolved complaint regarding the dogs Council may wish to delegate authority to the CEO to grant permission to the owner subsequent to the satisfactory resolution of the complaint which is yet to be fully dealt with. Failure to resolve the complaint satisfactorily would result in permission being refused.

**Consultation:** Chief Executive Officer  
Council's Contract Ranger



**Statutory  
Environment:*****Dog Local Law******3.1 Dogs to be confined***

- 1) *An occupier of premises on which a dog is kept must:*
  - a) *Cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;*
  - b) *Ensure the fence is used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;*
  - c) *Ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;*
  - d) *Maintain the fence and all gates and doors in the fence in good order and condition; and*
  - e) *Where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.*
- 2) *Where an occupier fails to comply with subclause (1). He or she commits an offence.*

***1.2 Limitation on the number of dogs***

- 1) *This clause does not apply to premises which have been:*
  - a) *Licensed under Part 4 as an approved kennel establishment;*  
*Or*
  - b) *Granted an exemption under section 26(3) of the Act.*
- 2) *The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act –*
  - a) *Two dogs over the age of three months and the young of those dogs under that age if the premises are situated within a townsite; or*
  - b) *Four dogs over the age of three months and the young of those dogs under that age if the premises are situated outside a townsite.*

**Policy Implications:** Nil

**Financial**

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

**Strategic**

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

**Voting Requirements:** Simple Majority

**Council Resolution:** *Moved Cr Turner, seconded Cr Thompson*

*“That Council delegates authority to the Chief Executive Officer to grant approval to Mrs Mariana Chaplin to:*

- *Keep three dogs at her property at 24 Keith St, Broomehill subsequent to the satisfactory resolution of the current dog complaint;*
- *If granted the approval only applies to the existing three dogs and cannot be transferred to future animals that may be acquired;*
- *The Council reserves the right to withdraw the approval should the dogs create a nuisance or be detrimental to the amenity of the area.”*

**MOTION LOST 2/7**

**Council Resolution:** *091211*

*Moved Cr Turner, seconded Cr Thompson*

*That approval is not granted to Mrs Mariana Chaplin to keep three dogs at her property at 24 Keith Street, Broomehill.”*

**CARRIED 7/2**

**Reason For Change to Recommendation:** Council agreed that permission should not be granted to keep three dogs at this property until the current complaints against the owner are resolved.

GC Brigg left the meeting at 1.36pm.

GC Brigg returned to the meeting at 1.37pm.

**10.8 PERMISSION TO KEEP DOGS – 22 KEITH STREET, BROOMEHILL**


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<b>Program:</b>	<b>Law, Order &amp; Public Safety</b>		
<b>Attachment:</b>	<b>Nil</b>		
<b>File Ref:</b>	<b>ADM0194</b>		
<b>Author:</b>	<b>JP Bentley</b>	<b>Manager,</b>	<b>Administrative &amp; Customer Services</b>
<b>Date:</b>	<b>4 November 2009</b>		
<b>Disclosure of Interest:</b>	<b>Nil</b>		

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**Summary:** Permission is sought by Simona Wells to keep three dogs at 22 Keith St, Broomehill.

**Background:** Mrs Wells has written seeking permission from Council to keep three dogs at the above property.

Mr & Mrs Wells own a male and female Japanese Spitz, both aged 5 years and a male Labrador x ridgeback aged 1.5 years. All three dogs are unsterilized.

**Comment:** The dogs are contained within perimeter fencing and the owner has stated that the dogs are “well behaved and are not vicious or a nuisance in any manner”. There is a current unresolved complaint regarding these animals which is in the hands of the ranger. As application has been made to keep the third dog, the original complaint is unresolved until a decision is made by the Council on this matter and the ranger may take further action subsequent to that decision.

There is a similar application from Mrs Mariana Chaplin for 24 Keith Street, the house adjacent to the southern side of this property. That application is also to keep three dogs on that property.

This would lead to a situation where six dogs would reside upon these two properties which in itself may be a nuisance to surrounding neighbours and therefore Council may wish to refuse permission for three dogs to be kept on this property. Council may believe that this number of dogs can be adequately managed without further restriction and accordingly grant permission to keep all three dogs.

Given that there is an as yet unresolved complaint regarding the dogs Council may wish to delegate authority to the CEO to grant permission to the owner subsequent to the satisfactory resolution of the complaint which is yet to be fully dealt with. Failure to resolve the complaint satisfactorily would result in permission being refused.

**Consultation:** Chief Executive Officer  
Council Contract Ranger

**Statutory  
Environment:*****Dog Local Law  
3.1 Dogs to be confined***

- 3) *An occupier of premises on which a dog is kept must:*
  - a) *Cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;*
  - b) *Ensure the fence is used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;*
  - c) *Ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;*
  - d) *Maintain the fence and all gates and doors in the fence in good order and condition; and*
  - e) *Where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.*
- 4) *Where an occupier fails to comply with subclause (1). He or she commits an offence.*

***1.3 Limitation on the number of dogs***

- 2) *This clause does not apply to premises which have been:*
  - a) *Licensed under Part 4 as an approved kennel establishment;*  
*or*
  - b) *Granted an exemption under section 26(3) of the Act.*
- 3) *The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act –*
  - a) *Two dogs over the age of three months and the young of those dogs under that age if the premises are situated within a townsite; or*
  - b) *Four dogs over the age of three months and the young of those dogs under that age if the premises are situated outside a townsite.*

**Policy Implications:** Nil

**Financial**

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

**Strategic**

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

**Voting Requirements:** Simple Majority

**Officer Resolution:** *“That Council delegates authority to the Chief Executive Officer to grant approval to Mrs Simona Wells to:*

- *Keep three dogs at her property at 22 Keith St, Broomehill subsequent to the satisfactory resolution of the current dog complaint;*
- *If granted the approval only applies to the existing three dogs and cannot be transferred to future animals that may be acquired;*
- *The Council reserves the right to withdraw the approval should the dogs create a nuisance or be detrimental to the amenity of the area.”*

**Council Resolution:** **091212**

*Moved Cr Bowman, seconded Cr Thompson*

*“That approval is not granted to Mrs Simona Wells to keep three dogs at her property at 22 Keith Street, Broomehill.”*

**CARRIED 8/1**

**Reason For Change to Recommendation:** Council agreed that permission should not be granted to keep three dogs at this property until the current complaints against the owner are resolved.

**10.9 2,4-D HIGH VOLATILE ESTERS (HVE's)**


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<b>Program:</b>	<b>Community Amenities</b>	
<b>Attachment:</b>	<b>Nil</b>	
<b>File Ref:</b>	<b>ADM0181</b>	
<b>Author:</b>	<b>JM Trezona</b>	<b>Chief Executive Officer</b>
<b>Date:</b>	<b>7<sup>th</sup> December 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Summary:** Council to reconsider the support previously given by the former Shires of Broomehill and Tambellup for the use of 2,4-D Volatile Esters.

**Background:** Mr David Jefferies, Better Farm Integrated Quality Manager from the Australian Grains Centre (CBH Group) contacted Council in October 2007 regarding the use of 2,4-D HVE's as part of the summer weed spraying programme.

Mr Jefferies advised that the APVMA (Australian Pesticides and Veterinary Medicines Authority) has again suspended use of this herbicide. This would mean growers using 2,4-D HVE's would be doing so illegally. Mr Jefferies group successfully applied for a permit to allow for the use of the herbicide for the 2006/07 and 2007/08 seasons. The APVMA reissued the permit again for 2008/09.

Mr Jefferies is seeking a permit from November/December 2009 through to the end of May 2010.

**Comment:** It is understood that those Councils which have registered no objection to the continued use of 2,4-D will be granted the permit, while those that don't will not.

It is not known what level of usage of 2,4-D takes place within the Shire of Broomehill-Tambellup.

Does Council wish to support the proposal?

**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:**      **091213**

*Moved Cr Kempin, seconded Cr Bowman*

*“That the Council writes to Mr David Jefferies, Better Farm Integrated Quality Manager from the CBH Group, registering no objection to the granting of a permit to use 2,4-D High Volatile Esters between December 2009 and the end of May 2010 within the Shire of Broomehill-Tambellup.”*

**CARRIED 9/0**

**Reason For Change to  
Recommendation:**

**10.10 SALE OF SURPLUS EQUIPMENT**


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<b>Program:</b>	<b>Other Property &amp; Services</b>
<b>Attachment:</b>	<b>Nil</b>
<b>File Ref:</b>	<b>BH004 and BH001</b>
<b>Author:</b>	<b>GC Brigg                      Manager of Works</b>
<b>Date:</b>	<b>7<sup>th</sup> December 2009</b>
<b>Disclosure of Interest:</b>	<b>Cr Thompson declared a financial interest in this item as he has submitted an offer to purchase the John Deere grader – <i>in accordance with section 5.60A of the Local Government Act 1995.</i></b>

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Cr Thompson left the meeting at 1.42pm.

**Summary:** Provision was made in the 2009/2010 Budget for sale of the Isuzu Gigamax Truck BH001 and John Deere Grader BH004.

**Background:** The truck and grader were previously advertised for sale by tender (Tender 2-2009/2010) in August 2009. On reviewing the offers received, Council resolved not to accept the offers made to purchase these items and to advertise the equipment for sale.

**Comment:** An offer has been received to purchase the John Deere Grader BH004 for \$62,000 (inc GST). Provision was made in the Budget for \$60,000 (ex GST) from the sale of the grader.

The Grader was purchased in 1996 and has worked approximately 9,950 hours.

One offer has been received for the Isuzu Truck BH001 for outright purchase of \$118,250 (inc GST). Council made provision of \$130,000 (ex GST) for sale of the truck.

The truck was purchased in 2007 and has done approximately 35,000 kilometres.

There has been minimal use of both machines during this year.

The current market for machinery has slowed considerably since May when the Budget was prepared, and it is not realistic to expect to receive the estimates provided for in the Budget.

**Consultation:** Chief Executive Officer

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** Provision for the sale of the John Deere Grader and Isuzu Truck are included in the 2009/2010 Budget. The offers made are less than was anticipated at the time of preparing the Budget.



**Strategic**

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

**Voting Requirements:** Simple Majority

**Council Resolution:** *091214*

*Moved Cr Schlueter, seconded Cr Bowman*

*“That Council accepts the offer submitted by Smith Broughton to purchase the 2007 Isuzu Gigamax Truck BH001 for \$118,250 inclusive of GST.”*

*CARRIED 8/0*

*091215*

*Moved Cr Schlueter, seconded Cr Bowman*

*“That Council accepts the offer submitted by Nardlah Grazing Co to purchase the 1996 John Deere Grader BH004 for \$62,000 inclusive of GST.”*

*CARRIED 8/0*

**Reason For Change to  
Recommendation:**

Cr Thompson returned to the meeting at 1.46pm.

**10.11 PERMISSION TO TRANSPORT GRAPE HARVESTER AFTER DARK**


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<b>Program:</b>	<b>Transport</b>	
<b>Attachment:</b>	<b>Nil</b>	
<b>File Ref:</b>	<b>ADM0143</b>	
<b>Author:</b>	<b>Peter Bentley</b>	<b>Manager of Administrative &amp; Customer Services</b>
<b>Date:</b>	<b>1<sup>st</sup> December 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Summary:** Council permission is sought to transport an out of gauge grape harvester through the Shire during the hours of darkness.

**Background:** South West Grape Harvesting has written seeking Council permission to transport their grape harvester during the hours of darkness. Due to industry demands and the need for certain varieties to be harvested during the cool of the evening, it has become necessary to transport the harvester during the hours of darkness.

Main Roads WA have previously granted approval for the transporting of the machines during the hours of darkness, however a recent policy change now requires permission to be obtained on an annual basis. Part of the application process requires the applicant to have permission from the Local Governments that they will be traversing.

**Comment:** South West Grape Harvesting advises that the harvester is transported on the back of a truck however the load is over width and over height. When transporting during the hours of darkness there is also a requirement for a pilot vehicle.

The applicant had previously had approval from the Shire of Broomehill and from the current council last year.

**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 Strategic Plan

**Voting Requirements:** Simple Majority

**Council Resolution:**      **091216**

*Moved Cr Bowman, seconded Cr Kempin*

*“That Council grants a twelve month approval for South West Grape Harvesting to transport an out of gauge grape harvester through the Shire of Broomehill-Tambellup during the hours of darkness, further the approval is granted subject to the applicant meeting all the requirements of Main Roads WA and other relevant authorities.”*

**CARRIED 9/0**

**Reason For Change to  
Recommendation:**

## 10.12 STANDARD OPERATING PROCEDUES FOR BUSHFIRE BRIGADES

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<b>Program:</b>	<b>Law Order &amp; Public Safety</b>	
<b>Attachment:</b>	<b>Draft of revised Standard Operating Procedures</b>	
<b>File Ref:</b>	<b>ADM011</b>	
<b>Author:</b>	<b>JM Trezona</b>	<b>Chief Executive Officer</b>
<b>Date:</b>	<b>7 December 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Summary:** Council to review the standard Operating Procedures (SOP) for Bushfire Brigades.

**Background:** The SOP provides the Broomehill and Tambellup Bushfire Brigade volunteers with basic information that will assist in reducing the risk that is presented for those who fight fires. The SOP also lists the responsibilities of certain fire officers and procedures that are required to be followed.

Council adopted the current SOP in December 2008. An annual review of the document will ensure it is updates and continues to be relevant to the Broomehill and Tambellup communities.

**Comment:** A draft of the revised document is included for Councillors' perusal. Changes made to the document are summarized below:

- **Standard Operating Procedure 1: Incident Announcements**
  - Include requirement for Brigades to contact FESA Communications Centre on activation and stand down of brigades. This is a FESA requirement.
  - Include advice of Broomehill Central Brigades registration with FESA's SMS call out system. This action will assist with an efficient response to incidents.
- **Standard Administration Procedure 3: Harvest Bans**
  - Change contact details for ABC Radio as advised.
  - Include instruction for lifting harvest bans.
  - Include instruction for SMS text message to be sent to registered residents advising of the lifting of a ban. This has come about as a result of the announcement by ABC Radio during November that it will broadcast details of harvest bans at three set times daily, 10.05am, 12.35pm and 2.05pm. Previously announcements were able to be made later in the day with regard to ban review and lifting times, however the final broadcast at 2.05pm will generally be too early for any determinations to have been made by brigade officers. The SMS text message to advise of the lifting a ban will be sent by Administration staff during office hours, or the Chief or Deputy Fire Control Officers after hours.
- **Standard Administration Procedure 7: Permits to Set Fire to the Bush**
  - Change Guidelines point 2 to reflect new fire danger ratings as implemented by the Bureau of Meteorology.

For Council consideration and endorsement.

**Consultation:** Craig Dennis, Chief Fire Control Officer

**Statutory Environment:** Bush Fires Act (1954)

**Policy Implications:** Nil

**Financial Implications:** The proposal to forward SMS text messages to registered residents advising of the lifting of harvest bans will result in increased costs incurred.  
The service is operated by Message Media, who charge a flat 15c per message sent. With around 150 people registered for the service, the cost to implement and lift a ban will be approximately \$45 for each occurrence.

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

**Voting Requirements:** Simple Majority

**Council Resolution:** *091217*

*Moved Cr Kempin, seconded Cr Thompson*

*“That the 2009 Standard Operating Procedures for Bushfire Brigades be endorsed as presented.”*

**CARRIED 9/0**

**Reason For Change to Recommendation:**

**10.13 WINDING UP OF THE BROOMEHILL LCDC**


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<b>Program:</b>	<b>Protection of the Environment</b>
<b>Attachment:</b>	<b>Nil</b>
<b>File Ref:</b>	
<b>Author:</b>	<b>JM Trezona                      Chief Executive Officer</b>
<b>Date:</b>	<b>9<sup>th</sup> December 2009</b>
<b>Disclosure of Interest:</b>	<b>Cr Crosby declared an impartiality interest in this item, being the President of the Broomehill LCDC.</b>

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Cr Crosby left the meeting at 1.48pm.

**Summary:** Council support is sought for the winding up of the Broomehill LCDC.

**Background:** The Chairman of the Broomehill LCDC, Mr Kym Crosby has written to Council advising that the Broomehill LCDC has been in recess for several years. Two attempts have been made to hold an Annual General Meeting with both failing as a quorum was not attained.

Due to the apparent lack of interest in the Broomehill LCDC steps have been initiated to wind-up the organisation. Prior to a proposal to wind-up the LCDC being presented to the Minister, Council's support must be obtained.

The Chairman's letter also advises that the assets of the LCDC will be distributed to the Shire of Broomehill-Tambellup.

**Comment:** For some time now there has been little or no interest in the Broomehill LCDC so it is appropriate to wind-up the organisation.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** Council will be the recipient of any assets of the Broomehill LCDC.

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

**Voting Requirements:** Simple Majority

**Council Resolution:** *091218*

*Moved Cr Kempin, seconded Cr Schlueter*

*“That Council supports the application by the Broomehill Land Conservation District Committee to wind-up the organisation and distribute its assets to the Shire of Broomehill-Tambellup.”*

**CARRIED 8/0**

**Reason For Change to  
Recommendation:**

Cr Crosby returned to the meeting at 1.49pm.

**10.14 APPLICATION TO CLEAR NATIVE VEGETATION**


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<b>Program:</b>	<b>Protection of the Environment</b>	
<b>Attachment:</b>	<b>Nil</b>	
<b>File Ref:</b>	<b>ADM0235</b>	
<b>Author:</b>	<b>JM Trezona</b>	<b>Chief Executive Officer</b>
<b>Date:</b>		
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Summary:** The Department of Environment and Conservation (DEC) is seeking Council comment on an application to clear native vegetation for drainage purposes.

**Background:** The owners of Location 3647, Lake Toolbrunup have made application to clear native vegetation to allow for the installation of a drain which will be approximately 2.5kms in length. The attached aerial photo shows the area to be cleared.

The landowners have previously completed a Notice of Intention to Drain (NOID) for Location 3647. At the June 2009 Ordinary Council meeting Council agreed to advise the Commissioner of Soil and Land Conservation that it had no objection to the NOID but included the following comments:-

*... the landowner needs to be aware that as a result of the drainage works Council will seek to recover the costs to upgrade the culverts on Tallents Road should they require upgrading / enlarging and will also seek to recover the costs of any damage caused to the road as a result of the drainage works and subsequent increase in water volumes.*

**Comment:** The drain is proposed to go through what appears to be remnant vegetation and the aerial photo shows that the new drain line will be cleared with some further clearing on the existing part of the drain. The total area to be cleared is 2 ha.

For Councils consideration 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:** *091219*

*Moved Cr Kempin, seconded Cr Crosby*

*“That Council advises the Department of Environment and Conservation that it has no objection to the application to clear native vegetation on Location 3647, Lake Toolbrunup, and supports the granting of a clearing permit.”*

**CARRIED 9/0**

**Reason For Change to  
Recommendation:**

**10.15 EXECUTIVE STYLE HOUSE CONSTRUCTION - EOI**


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<b>Program:</b>	<b>Housing</b>	
<b>Attachment:</b>	<b>Nil</b>	
<b>File Ref:</b>	<b>ADM0215</b>	
<b>Author:</b>	<b>Peter Bentley</b>	<b>Manager of Administrative &amp; Customer Services</b>
<b>Date:</b>	<b>9<sup>th</sup> December 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Summary:** To accept the tender received for the construction of the executive style house at Lot 104 Henry Street by Countryside Homes.

**Background:** Council called for expressions of interest for the construction of an executive style house for a future Chief Executive Officer at lot 104 Henry Street in Tambellup. The EOI closing date was 22<sup>nd</sup> May 2009 and four submissions were received.

The EOI requested that the prospective candidates provide an indicative price base on the following information:

*The Shire of Broomehill-Tambellup is seeking expressions of interest for the construction of an executive style residence in Tambellup at lot 104 Henry Street. The base residence guidelines are as follow:*

- *Four Bedrooms and a study near the main bedroom,*
- *Double brick and Iron, single storey insulated construction,*
- *Two car fully enclosed garage,*
- *Two living areas, dining room, outdoor/alfresco area,*
- *Activity room/Computer nook,*
- *All bedrooms to have built in or walk in robes,*
- *Large walk in linen/storage or at least large cupboard areas,*
- *Gas hotplates with fan forced electric oven & solar HWS,*
- *Built in provision for TV and internet access,*
- *The residence is to be fully paved and landscaped,*
- *Ducted reverse cycle air conditioning.*
- *Garden shed (storage for lawn mowers etc)*

*The lot is a level block, 652 sq metres in area and is in an existing residential area, with water and power readily available, and has an 18 metre street frontage. Gas is to be supplied via 45kg bottle (2 of, with pigtails) as reticulated supplies are not available and gas appliances need to be fitted for bottled gas.*

*The response should provide the basic design work and site placement drawings as well as a preliminary estimate of the cost of construction in Tambellup. A copy of the title and diagram is attached. If the home is an existing design with a brochure available this should be provided as should the location of a display home if available.*

*Being an executive house it is expected that good quality fittings are used however not necessarily top of the range products. Such fittings as china basins would be expected as would flick-mixer style taps.*

Council revisited the EOI process in hope of attracting further complying proposals. The following motion was adopted by the Council;

*That the Council:*

- 1. Advise all proponents that their submissions do not wholly comply with the requirements of the Expression of Interest and advise them where they did not do so,*
- 2. Re-advertise for Expressions of Interest for the construction of an executive style home in Tambellup for a period of three weeks.*

The second EOI process closed on Friday 7<sup>th</sup> August 2009 and at the close two EOI's were received. Two submissions were received from Countryside Homes Broomehill and from KMC Group of Perth.

The two submissions both complied with the original specification for the EOI with several differences in the pricing of the submission.

Both builders have provided designs that are acceptable as executive style housing, and have provided adequate information to make a decision as to which proposal will be the Councils preferred option.

Countryside Homes of 6 Janitor Street Broomehill submitted an EOI price of \$498,000.00 and was deemed to be the Councils preferred supplier. The following motion was carried:

*Moved Cr Sadler, seconded Cr Turner  
“That Council accepts the Expression of Interest from Countryside Homes for the executive house construction.”*

*CARRIED 5/3*

**Comment:**

In accordance with the Local Government Act Tender Regulations the contractor must then participate in a tender process to comply with the intent of the legislation even if he or she is the only tenderer. Countryside Homes has now provided a specification, detailed drawings and has confirmed that the price is unchanged from the EOI submission.

The Council must now formally accept the tender for the project to proceed and to provide the authority for the CEO to sign the contracts on the Councils behalf.

**Consultation:**

Chief Executive Officer  
Department for Local Government  
Countryside Homes

**Statutory  
Environment:**

Local Government Act 1995

**Policy Implications:** Nil

**Financial Implications:** The Council has budgeted \$455,700.00 for the construction of this house and will need to vary this amount and identify where funding will come from for the difference.

**Strategic Implications:**

**Voting Requirements:** Simple Majority

**Council Resolution:** 091220

*Moved Cr Sheridan, seconded Cr Sadler*

*“That Council accepts the tendered price of \$498,000.00 from Countryside Homes for the executive house construction at Lot 104 Henry Street Tambellup, and that Countryside homes be engaged as the builder for the project.”*

**CARRIED 9/0**

**Reason For Change to Recommendation:**

## 10.16 REQUEST FOR RESERVATION OF CROWN LAND FOR PRESERVATION OF NATURAL HERITAGE

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<b>Program:</b>	<b>Community Amenities</b>	
<b>Attachment:</b>	<b>Map Showing Land Subject to Proposal</b>	
<b>File Ref:</b>		
<b>Author:</b>	<b>JM Trezona</b>	<b>Chief Executive Officer</b>
<b>Date:</b>	<b>9<sup>th</sup> December 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Summary:** The Department of Regional Development and Lands has received a request seeking reservation of an area of land in the Broomehill townsite.

**Background:** The Department of Regional Development and Lands has received a request from the owners of Lots 201 and 202, Peter and Anne Guazzelli seeking reservation of an area of Crown land for a purpose of either “Protection of Natural Vegetation”, “Parklands” or something similar.

The subject land is shown on the attached maps and comprises of Lots 203-211, 214-216, 233-238, 248, 249, 252, 257-262, 697 and 698, portions of Brassey Street, Leathley Street, Ivy Street east and Kindle Street and portions of three Rights of Way.

Council comments are sought as to the possible road closures of the areas bordered green on attachment No 1, the future reserve purpose and whether the Shire of Broomehill-Tambellup is prepared to accept the management of the proposed reserve.

**Comment:** Attachment 2 is an aerial map of the land that is the subject of the request. Councillors will note that it appears to have had limited clearing. The land is entirely in the Broomehill townsite and is surveyed into lots and road reserves. The land is currently zoned Residential with and R10 rating.

In discussing this matter members should consider what the future housing needs for the townsite may be. Suitable land for housing in the townsite is in limited supply and Council is currently negotiating with Regional Development and Lands for the release of more blocks. Council is also undertaking a subdivision of the University block to make more housing land available. To change these lots to a Reserve with a designated purpose could create future difficulties for residential expansion in the Broomehill townsite.

If Council determines to support the proposal the road reserves will need to be closed under the relevant section of the *Land Administration Act 1997*. Council will also need to recommend what the purpose of the Reserve should be.

**Consultation:** Nil

**Statutory  
Environment:**

The Land Administration Act 1997 states:

**58. Closure of Roads**

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3) request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) –*
  - (a) *by order grant the request;*
  - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
  - (c) *refuse the request.*
- (5) *If the Minister grants a request under subsection (4) –*
  - (a) *the road concerned is closed on and from the day on which the relevant order is registered; and*
  - (b) *any rights suspended under subsection 55(3)(a) cease to be so suspended.*
- (6) *When a road is closed under this section, the land comprising the former road –*
  - (a) *becomes unallocated Crown land; or*
  - (b) *if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.*

The Land Administration Regulations 1998 state that:

**9. Preparation and delivery by local government of request to close a road permanently**

*For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request –*

- (a) *written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require;*
- (b) *sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed;*
- (c) *copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received and the local government's comments on those submissions;*
- (d) *a copy of the relevant notice of motion referred to in paragraph*

(c);

(e) any other information the local government considers relevant to the Minister's consideration of the request; and

(f) written confirmation that the local government has complied with section 58(2) and (3) of the Act.

**Policy Implications:** Nil

**Financial Implications:** There are costs including advertising costs associated with road closures.

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

**Voting Requirements:** Simple Majority

**Council Resolution:** *091221*

*Moved Cr Kempin, seconded Cr Turner*

*“That Council advises the Department for Regional Development and Lands that it does not support the request to have the following unallocated Crown land in the Broomehill townsite reserved for the suggested purpose of ‘Protection of the Environment’, ‘Parklands’ or something similar as it has the potential to impact on the future residential growth of the townsite.*

- *Lots 203-211, 214-216, 233-238, 248, 249, 252, 257-262, 697 and 698, portions of Brassey Street, Leathley Street, Ivy Street East and Kindle Street and portions of three Rights of Way.”*

*CARRIED 9/0*

**Reason For Change to Recommendation:**

## 10.17 PROPOSED SUBDIVISION – LOT 4483 and LOT 4313 TAMBELLUP ROAD, KOJONUP (WAPC : 140776)

**Program:** Planning  
**Attachment:** Subdivision Plan  
**File Ref:**  
**Author:** Gray & Lewis Landuse Planners  
**Date:** 20 October 2009  
**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*.

**Cr Sheridan declared a financial interest in this item as an owner of Lot 4483 and 4313 – in accordance with section 5.60A of the Local Government Act 1995.**

Cr Sheridan left the meeting at 1.55pm.

**Summary:** An application has been lodged with the Western Australian Planning Commission (WAPC) to adjust the boundaries between two existing lots.

The WAPC has referred the application to the Shire for recommendation and comment.

It is recommended that the Shire recommend that the application be approved by the WAPC.

**Background:** The subdivision application traverses two local government boundaries as existing Lot 4483 is located in the Shire of Kojonup and the existing Lot 4313 is within the Shire of Broomehill-Tambellup.

Existing Lot 4483 is zoned 'Rural' under the Shire of Kojonup Town Planning Scheme No 3. Existing Lot 4313 is zoned 'Farming' under the Shire of Tambellup Town Planning Scheme No 2.

**Comment:** Description of Application

There are two existing lots and the application involves re-aligning the boundaries as summarised in the table below.

Existing Lot No.	Existing Area (ha)	Proposed Area (ha)	Proposed lot
4483	63.888	44.98	A
4313	346.78	365.68	B

There is a significant creekline and associated vegetated area on both existing lots, running from north west to the south east of the subdivision area.

The new boundary of proposed Lot A has been configured so that the entire creekline (and associated vegetation) will be contained in proposed Lot B.



Scheme provisions

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

Council can consider subdivision where ‘the lots are for farm adjustment and the erection of dwellings is restricted’.

The proposed subdivision is a boundary adjustment. The erection of houses will not be restricted however the number of lots remain unchanged.

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 summarised in the table below.

<b>WAPC Policy Criteria</b>	<b>Officer Comment</b>	<b>Officer Assessment</b>
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.	No additional lots will be created.	Complies.
c) The new boundaries reflect good environmental and land management practice and are appropriate for the intended land uses.	<p>The application will result in the existing creekline being fully located on one lot which is supported.</p> <p>It is generally recognized that a watercourse is better contained on one lot for ease of management rather than traverse several lot boundaries. Lots can be sold which would result in different owners being responsible for different sections of the creek.</p> <p>The subdivision will result in the creek being under one title and ownership.</p>	Complies.
d) Former road reserves and small remnant portions of lots are not lots for the purpose of boundary rationalisation.	Not applicable.	Not applicable.

It is considered that the application complies with WAPC Policy DC 3.4.

Options available to Council

- *Option 1 – Recommend Refusal*

The application will reduce the size of Lot A to 44.98 hectares so if Council is concerned that the subdivision will undermine broad acre farming activities, then it is open to Council to recommend refusal of the application.

It is not known whether 40 hectares is a lot size capable of sustaining long term agriculture in this area, however it is recognised that (1) the existing Lot 4483 is significantly divided into two separate areas north and south of the creekline and (2) there are a number of other 40 hectare lots in the immediate surrounding area.

- *Option 2 – Recommend conditional approval*

Option 2 is recommended based on the following:

- (1) The application appears to comply with WAPC Policy DC 3.4.
- (2) There are 2 existing separate lots, and the boundary alignment will not result in any increase in the number of lots.
- (3) The proposed boundaries will likely result in better management of the existing creekline as it will be retained on one lot (and subsequently one ownership).

**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, Shire of Kojonup and Department of Environment and Conservation.

It is recommended that the WAPC be requested to also refer the application to the Department for Agriculture and Food WA for comment.

**Statutory**

**Environment:**

Shire of Tambellup Town Planning Scheme No 2

The existing local government boundary follows the existing lot boundaries. Whilst not a planning consideration it is noted that the local government boundaries will not follow lot boundaries if the application proceeds.

**Policy Implications:**

Nil

**Financial Implications:**

This issue has no financial implications for Council

**Strategic**

This issue is not dealt with in the Strategic Plan

**Implications:**

**Voting Requirements:** Simple Majority

**Council Resolution:** 091222

*Moved Cr Kempin, seconded Cr Crosby*

*“That Council;*

- (1) Recommend that the Western Australian Planning Commission approve the application unconditionally.*
- (2) Refer a copy of this report to the WAPC as it includes the assessment conducted of the application.*
- (3) Recommend that the WAPC refer the application to the Department for Agriculture and Food WA for comment.”*

**CARRIED 9/0**

**Reason For Change to Recommendation:**

Cr Sheridan returned to the meeting at 2.02pm.

## 10.18 AMENDMENT NO 4 TO THE SHIRE OF BROOMEHILL TOWN PLANNING SCHEME NO 1 - LOT 301 TIE LINE ROAD, BROOMEHILL

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<b>Program:</b>	<b>Planning</b>
<b>Attachment:</b>	<b>Schedule of Submissions</b>
<b>File Ref:</b>	<b>ADM0306</b>
<b>Author:</b>	<b>Gray &amp; Lewis                      Land Use Planners</b>
<b>Date:</b>	<b>26<sup>th</sup> November 2009</b>
<b>Disclosure of Interest:</b>	<b>Gray &amp; Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of Local Government Act 1995</b>

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**Summary:** Council is to consider final adoption of Amendment 4 to the Shire of Broomehill Town Planning Scheme No 1.

The amendment proposes a text change to existing Scheme provisions relating to Lot 301 Tie Line Road, Broomehill which will essentially remove the limitation on the number of lots that can be created, maintains a minimum lot size of 1 hectare and requires all lots to be connected to reticulated water.

The Amendment has been advertised for public comment. This report recommends that Council adopt Amendment 4 for final approval without modification.

**Background:** At its ordinary Meeting held on 18 June 2009, Council resolved to initiate Amendment 4 to Town Planning Scheme No. 1 (Item 10.5).

The Amendment was referred to the Environmental Protection Authority (EPA) who advised that no environmental assessment is required.

**Comment:** The amendment is relatively minor and will simply allow flexibility to pursue a modified subdivision plan for 32 rural residential lots, in lieu of the original 27 lots proposed.

The amendment will also include a requirement that all lots to be connected to reticulated water, which is supported.

The applicant has included an amended Subdivision Guide Plan which proposes:

- 32 lots ranging from 1 hectare to 2.3 hectares;
- An internal loop road connecting from Garrity Road;
- No access to Tie Line Road;
- A strategic fire break on proposed Lot 32 for emergency fire access; and
- Strategic revegetation areas along lot boundaries.

The applicant has advised that the increased lot yield will make connection to reticulated water viable, and this is supported.

**Consultation:** The Amendment was advertised from 23 September 2009 to 11 November 2009. A total of seven submissions were received during advertising, as summarised in the Schedule of Submissions.

Full copies of any submissions are available to Councillors on request, and will be provided to the WAPC who undertakes final assessment of the Amendment.

**Statutory**

**Environment:** Once initiated, all amendments must be referred to the WAPC for final endorsement and require approval from the Minister for Planning.

**Policy Implications:** Nil

**Financial**

**Implications:** The Shire pays planning fees to Gray & Lewis.  
In the longer term Council would receive rates for future lots.

**Strategic**

**Implications:** The amendment allows flexibility to marginally increase the subdivision potential of this land.

**Voting Requirements:** Simple Majority

**Council Resolution:** *091223*

*Moved Cr Bowman, seconded Cr Turner*

*“That Council;*

*1. Adopt Amendment No 4 to the Shire of Broomehill Town Planning Scheme No 1 for final approval (without modification) pursuant to Section 75 of the Planning and Development Act 2005 by;*

*(A) Modifying the ‘Requirements of the zone’ in ‘Schedule 2 – Rural Residential zones’ applicable to Lot 301 Tie Line Road to;*

*(i) Replace Point 2 which currently states;*

*‘2. Minimum lot size shall be 1.0 hectare, with the number of lots limited to a maximum of 27 lots.’*

*To state:*

*‘2. Minimum lot size shall be 1.0 hectare’*

*(ii) Insert a new Point 12 as follows;*

*12. Scheme Water to be connected to all lots.’*

*2. Note the submissions and adopt the recommendations in the Table of Submissions and write to all persons/authorities who lodged submissions and advise that:*

*(i) Amendment 4 has been supported*

*(ii) The Amendment will be lodged with the Western Australian*

*Planning Commission for final approval and the WAPC will be provided with copies of each submission. Ultimately, the Amendment requires endorsement of the WAPC and approval of the Minister for Planning.*

- 3. Adopt the amended Subdivision Guide Plan and request that it be endorsed by the Western Australian Planning Commission.*
- 4. Amendment 4 and the Subdivision Guide Plan to be lodged formally with the Western Australian Planning Commission with a request for final approval (on execution of the documents).”*

**CARRIED 9/0**

**Reason For Change to Recommendation:**

## 10.19 PROPOSED CHANGE OF USE FROM SHOP TO RESTAURANT FOR EXISTING BUILDING AND NEW CARETAKERS DWELLING – 50 NORRISH STREET, TAMBELLUP

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<b>Program:</b>	<b>Planning</b>
<b>Attachment:</b>	<b>Application Submission &amp; Plans</b>
<b>File Ref:</b>	
<b>Author:</b>	<b>Gray &amp; Lewis                      Landuse Planners</b>
<b>Date:</b>	<b>9<sup>th</sup> December 2009</b>
<b>Disclosure of Interest:</b>	<b>Gray &amp; Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of <i>Local Government Act 1995</i></b>

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**Summary:** An application was lodged on the 23 September 2009 for a change of use from ‘shop’ to ‘restaurant’ for an existing building and a proposed caretakers dwelling.

The application has been advertised for public comment, and additional advice provided by the applicant on the 1<sup>st</sup> December 2009 (Attachment 1).

This report recommends that the application be conditionally approved.

**Background:** Zoning

The subject property is zoned ‘Town Centre’ under the Shire of Tambellup Town Planning Scheme No 2 (‘the Scheme’). Lots to the north east (rear) are zoned ‘Residential R10/30’.

Previous Council consideration

The original application was considered by Council at its meeting held in October 2009. In summary, Council resolved to advertise the application for public comment, request additional information from the applicant, and seek comments from the Heritage Council and Environmental Health Officer.

**Comment:** Description of application

A summary of the application is included below;

- There is an existing building located towards the front of the property (fronting Norrish Street) which has previously operated as a butcher shop however is currently vacant. It has an approximate floor area of 120m<sup>2</sup>.
- Plans have been prepared for separate lodgement to comply with health requirements so that the building can be used as a pizzeria. The applicant has provided the proposed floor plans to Gray & Lewis.
- The pizza shop will include seating for in house dining and an afresco area.
- The applicant has verbally confirmed that a takeaway service will be available.
- A caretakers dwelling is proposed to rear of the existing building.

It should be noted that an alfresco area on the street footpath is also indicated. This is not dealt with as part of the planning application as it is on unzoned land (road reserve).

A copy of the plan is included as Attachment 2.

Additional information by applicant

At the October meeting additional information was requested from the applicant as summarised in the table below.

The Shires Environmental Health Officer had verbally liaised with the applicant and requested additional advice on bands/ special events due to concerns over noise.

Gray & Lewis liaised with the applicant on the 12 November 2009 to follow up on the requested the additional information.

The applicant emailed advice to Gray & Lewis on the 1 December 2009, although the letter is dated 17 September 2009 (refer Attachment 1).

<b>Information requested by Council (October meeting)</b>	<b>Summary of applicant advice</b>
Proposed hours of operation	11.00 am to 12.00pm (midnight)
Anticipated number of employees	Initially 2 staff and ultimately 4 staff (maximum)
Preliminary advice on how noise will be managed to protect residential amenity, especially for events involving bands.	The applicant hasn't provided detailed information on noise management as such, but has advised that; <ul style="list-style-type: none"> <li>- Noise will be as per a standard restaurant.</li> <li>- It was anticipated to have solo acoustic sessions without amplification devices.</li> <li>- No rock festivals are proposed.</li> <li>- It is proposed to create a pleasant atmosphere for diners.</li> </ul>
Clarify whether private functions are proposed such as weddings, as approval may be required for 'reception centre'.	No private functions or weddings are proposed and standard restaurant bookings will be taken.



<b>Information requested by Council (October meeting)</b>	<b>Summary of applicant advice</b>
Council needs to be satisfied that the car parking is adequate on site to cater for the range of proposed uses. The applicant is requested to provide additional information demonstrating (and justifying) that the car parking is adequate for the proposed uses, with some analyses / comparison of other Shires car parking requirements.	Provided – discussed separately in this report under carparking.
Provide a ‘cap’ on the seating capacity based on the car parking analysis.	The total number of seats for the restaurant is anticipated at 60 and the owner is happy to have a cap of 64 based on car parking.
Provide further advice on the type of special events proposed.	The applicants have advised they do not seek approval for an exhibition centre.

### **Landuse definitions**

The Shires Scheme includes several relevant landuse definitions listed below;

‘Restaurant’ - means a building wherein food is prepared for sale and consumption within the building and the expression can include a licensed restaurant’.

‘Fast food outlet’ - means land or buildings used for the preparation, sale and serving of food for customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar’.

‘Caretakers Dwelling’- means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office, or recreation area carried on or existing on the same site.

The applicant has advised that;

- (i) They do not seek approval for an exhibition centre and only proposed to display artist works on the restaurant walls (and not include a gallery display as such).
- (ii) They have advised that their dishes will be made available for 'takeaway' however have requested that the use not be processed as 'Fast Food Outlet'.

The takeaway service proposed (which is an ancillary / minor part of the business) has to be classified as 'fast food outlet' as that is the only available Scheme definition that allows for the sale of takeaway 'ready to eat' food.

### ***Landuse Permissibility***

A 'caretakers dwelling' is an 'AA' use which means that *'the use is not permitted unless Council has exercised its discretion by granting planning approval'*.

The proposed pizzeria is construed as a 'restaurant' which is a permitted use in the Town Centre zone.

The 'takeaway' component is not covered by the 'restaurant' landuse definition under the Scheme and is construed as a 'fast food outlet' which is a use not listed in zoning table.

Council has 3 options when dealing with a 'Use Not Listed' under the Scheme in accordance with Clause 3.3.2 as follows;

- '(a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 8.3 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted. '*

Under the Scheme the objectives for the Town Centre zone include *'..to ensure the town remains the principal place for business and administration within the District' and 'to encourage a high standard of development including buildings, landscaping and carparking'*.

At the October meeting Council pursued Option B and resolved to *'determine that the uses may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 8.3 in considering an application for planning approval.'*

### ***Carparking***

The Scheme has a general Clause 7.1 on carparking that requires *'A person shall not develop or use any land or erect, use or adapt any building unless carparking spaces are constructed and maintained in accordance with the requirements of Council'*.

Under the Town Centre zone requirements (Clause 6.2.3.4) it also

requires that *‘The layout of carparking shall have regard for traffic circulation in existing carparking areas and shall be integrated with any existing and adjoining carparking’*.

The Scheme does not specify the number of bays to be provided, and car parking provision is to the discretion of Council.

The applicant proposes a rear gravel carpark area which can accommodate 16 bays. Council needs to be satisfied that the car parking is adequate on site to cater for the proposed uses.

Gray & Lewis is aware that many metropolitan Councils use a standard car parking ratio of 1 bay per every 4 seats for restaurant uses. Based on 16 bays that ratio would allow a maximum seating capacity of 64 people. However additional carparking is commonly required for staff parking, and takeaway services.

The applicant was requested to provide further advice on carparking and they state:

- 16 carbays are provided for 60m<sup>2</sup> of eating area.
- The City of Bunbury requires 1 bay per 4m<sup>2</sup> eating area.
- The Shire of Augusta – Margaret River and City of Albany require 1 carbay for every 4 seats.
- The total number of seats anticipated is 60, and the owner is happy to have a seating cap of 64.

Gray & Lewis recommends that a condition be placed on the development allowing a maximum seating capacity of 60 people for the entire site (including the restaurant, outdoor areas and any future separate alfresco) as;

- Based on 1 carbay per 4 seats theoretically a seating capacity of 64 can be supported, however this does not take into account 2-4 staff, and parking for the takeaway service.
- The applicant has only cited a 60m<sup>2</sup> area of seating which is the restaurant area, and this doesn't take into account the alfresco area shown as 'Area B' on the plan submitted.
- A cap of 60 people is consistent with the 'anticipated' seating capacity cited by the applicant.
- There may be element of locals walking to the premise to use the takeaway service, however a portion may also drive. Setting the seating capacity at the peak of 64 only caters for parking for the restaurant alone, and does not account for parking for the takeaway service (which will have a higher 15 minute turnover in peak periods).

### **Visual Impact / amenity**

The proposed development will result in upgrading of an existing building and the Town Centre zoning is considered appropriate for this type of use.

There are residential dwellings in near proximity therefore the owners will need to responsibly manage the restaurant to comply with the

permissible noise emissions.

The applicant has indicated that only solo acoustic artists are proposed with no amplification.

The application was referred to the Shires Environmental Health Officer who advised;

*“...in view of Dave Jones’s advice that his client is only proposing to engage solo artists to provide background music to compliment the amenity of the restaurant for patrons, I consider the use of artists under such an arrangement to be suitable subject to their being a limit on the amplification of equipment ( or exclude amplifiers entirely).*

*In the event the applicant wishes to engage bands from time to time to perform on the premises it should be conditional on an application being submitted to Council in writing well before any proposed event for assessment by the Environmental Health Officer. It may be necessary that the applicant submits a Noise Management Plan or similar document for any occasion or event where a band will be performing which will outline measures to be undertaken to control the noise levels that will no doubt emanate from the premises during the performance of a live band. We would also need to consider the likelihood of increased patronage, perhaps security and ratio of toilets and traffic management issues (parking) public liability, etc.’*

It is recommended that a condition be imposed to limit entertainment to solo artists and prohibit the use of any amplification unless otherwise approved separately in writing by the Shire for any special events. It is also considered important to include the EHO comments as footnote advice to the applicant on any approval.

### **Heritage**

The existing building is identified in the Shires Municipal Inventory however no conservation category is included.

The Inventory states that the *‘The place is important aesthetically and historically as an example of a small shop constructed of locally made blocks, located in the main street of the town.’*

It identifies the building conditions as ‘fair to good’ with moderate integrity and authenticity.

Under the scheme Council may solicit the views of the Heritage Council of WA, a heritage advisor or any other body in dealing with an application.

The application was referred to the Heritage Council of WA who did not express any objections to the proposal and provided comments, including that an archival record be undertaken – refer Attachment 3.

Gray & Lewis does not consider that heritage issues are an impediment to the development. It would be appropriate to include a condition that the

building be photographically recorded prior to any renovations.

**Consultation:** Under Clause 8.3 of the Scheme advertising is to be for a minimum of 21 days and may be in the one or more of the following forms;  
 (1) Letters to surrounding owners and occupiers and/ or  
 (2) Advertisement in a local newspaper and/or  
 (3) An advertising sign or signs to be erected on site.

The application was advertised for public comment and no submissions have been lodged with the Shire.

**Statutory**

**Environment:** Shire of Tambellup Town Planning Scheme No 2

**Policy Implications:** Nil

**Financial**

**Implications:** Advertising costs.

**Strategic**

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

**Voting Requirements:** Simple Majority

**Council Resolution:** 091224

*Moved Cr Sadler, seconded Cr Schlueter*

*That Council;*

- 1. Determine that the proposed 'Fast Food Outlet' component of the development (ancillary to the main restaurant use) on 50 Norrish Street, Tambellup is a use consistent with the objectives of the Town Centre zone.*
- 2. Approve the application for a change of use (restaurant, fast food outlet and caretakers dwelling) on 50 Norrish Street, Tambellup subject to the following conditions;*

- (i) Landscaping and plants shall be installed in accordance with a landscaping plan to be submitted to the Shire and approved by the Chief Executive Officer (in writing) and the plants shall be nurtured and maintained until they reach their mature dimensions and shall thereafter be maintained at those mature dimensions unless the Shire approves otherwise in writing.*

*Landscaping areas shall be provided around the perimeter of the proposed car parking area as indicated on the plans submitted (with species capable of providing screening to the rear).*

- (ii) Vehicle parking, manoeuvring and circulation areas shall be designed, constructed and provided in accordance with the*

*approved plan to the satisfaction of the Shire.*

- (iii) The carparking area provided shall be capable of providing sufficient parking to accommodate 16 vehicles in accordance with the approved plan.*
  - (iv) A minimum of 2 carparking bays shall be provided to service the caretakers dwelling and shall be separate to the restaurant carpark area.*
  - (v) Prior to occupation or use of the development, vehicle crossovers shall be provided and constructed to the satisfaction of the Chief Executive Officer.*
  - (vi) No loading or unloading of vehicles is to occur that interferes with the parking of vehicles in the car park by visitors/ customers during opening hours of the restaurant or takeaway. All car parking bays in the car park are to be made available during opening hours for use of customers.*
  - (vii) If external lighting is installed, all illumination shall be confined within the property boundaries.*
  - (viii) The plans lodged (Job no. 090014) shall form part of the planning approval issued in respect of the application.*
  - (ix) No bins are to be stored adjacent to the rear property boundary due to the proximity of residential development (as they may cause odour nuisance).*
  - (x) Prior to the issue of a building licence, the owner shall provide an archival record with photographs of the existing building to the Shire.*
  - (xi) Live entertainment associated with the restaurant shall be limited to solo artists (and not bands) with no use of any amplification devices as stated in the application to the satisfaction of the Chief Executive Officer, unless approved separately in writing by the Shire.*
  - (xii) The caretakers dwelling shall only be occupied by a person who is the owner/ manager/ or an employee directly associated with operation of the restaurant or upkeep of the lot.*
- 3. Include the following footnote advice notes on the approval;**
- (a) A planning consent is not an approval to commence any works. A building licence must be obtained for all works.*
  - (b) The premises shall be operated, and any necessary noise attenuation measures put in place, so as to ensure that noise emanating from the premises does not exceed assigned levels under the Environmental Protection (Noise) Regulations. The owner is advised that the restaurant must comply with the*

*separate requirements of the Environmental Protection (Noise) Regulations.*

- (c) In regards to Condition (x) the applicant / owner is advised that the condition has been imposed as a result of comments by the Heritage Council. Photographs are requested prior to any alterations/ works as a record of the existing building and should include all external facades, internal rooms, and surrounding lot/grounds.*
- (d) In regards to Condition (xi) the owner is advised that a separate written application can be lodged with the Shire for special events or use of bands. An application would need to be submitted to Council well before any proposed event for assessment by the Environmental Health Officer.*

*It may be necessary that the applicant submits a Noise Management Plan or similar document for any occasion or event where a band will be performing which will outline measures to be undertaken to control the noise levels that will no doubt emanate from the premises during the performance of a live band. The EHO would also need to consider the likelihood of increased patronage, perhaps security and ratio of toilets and traffic management issues (parking) public liability, etc.”*

**CARRIED 9/0**

**Reason For Change to  
Recommendation:**

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**10.20 FENCING AND MANNING OF BROOMEHILL LANDFILL**

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<b>Program:</b>	<b>Community Amenities</b>	
<b>Attachment:</b>		
<b>File Ref:</b>	<b>ADM</b>	
<b>Author:</b>	<b>Peter Bentley</b>	<b>Manager of Administrative &amp; Customer Services</b>
<b>Date:</b>	<b>10<sup>th</sup> December 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Summary:** To consider a proposal to fence and man the Broomehill Landfill site.

**Background:** For some time now the Broomehill landfill has experienced a marked increase in use. Increased use by residents may be one of the reasons for this however there is sufficient evidence that a considerable part of that increase can be attributed to residents from neighbouring Councils and people passing through.

A number of neighbouring Councils have either restricted dumping times or impose fees for dumping. Often vehicles from surrounding districts are seen driving away from the Broomehill site with empty trailers and bins which suggests that they have used the Broomehill landfill. This then leads to consideration of restrictions on dumping and charges for doing so at the site which would require the site to be manned.

This added usage has seen a significant increase in the requirement for new trenches and accordingly increased costs in dealing with waste.

Currently the trenching face of the Broomehill landfill is outside of the refuse reserve and is progressing parallel to the actual reserve abutting its edge in Reserve 10431. The current licence is for Reserve 10285 only. It is suspected that the landfill has progressed past its boundaries through growth as the refuse reserve is approximately 5ha in size and has been gazetted as 'sanitary purposes' since 1907.

The current trenching regime commenced many years ago and is unclear as to why it was continued outside of the existing refuse reserve. In addition the landfill suffers from significant problems with fly-away litter including paper, plastic bags and wrappers which has posed problems for neighbouring properties. This indicates that fencing needs to be upgraded to catch such litter so it does not escape the site.

There has been dumping by the Council Works Crew of green waste from verge clearing and tree lopping at the adjacent Reserve 10431 which Council must also address. This green waste is now quite dry and should be disposed of to rehabilitate Reserve 10431.

Council does not charge its own ratepayers for use of the landfill site and levies a charge of \$11.00 per cubic metre for dumping by contractors or non ratepayer waste.



**Comment:**

Council Staff are currently working on a submission to extend the sanitary reserve to provide for some further use of the site. This would entail using a portion of Reserve 10431 for the continuation of the landfill facility until alternative arrangements can be put in place.

In the meantime Council will need to deal with the issues of illegal dumping both at the landfill site and the potential for dumping at Reserve 10431 which is the adjacent reserve.

Clearly without manning the landfill facility the Council has no way of controlling dumping at the site. If the landfill on its own was fenced, Reserve 10431 may come under significant pressure from people illegally dumping there because they cannot access the landfill.

Manning of the site would require that a number of matters be dealt with as follows:

- Fencing of the site – a variety of options as to how this is undertaken.
- Employing a waste management officer to man the site.
- Provision of an equipped site office for the officer to work from.
- Provision of power to the site, scheme power infrastructure would be cost prohibitive.
- Local education program regarding opening times and any costs associated.
- Regular patrols in nearby reserves to identify illegal dumping.
- Allocation of tip passes or some form of identification for ratepayers if there is to be no additional charge to ratepayers.

**Fencing**

There is a variety of options available for fencing materials as well as a variety of configurations of what to fence. Fencing can consist of Cyclone, Ringlock or Deer wire and the costs per metre vary greatly. Costing options for the various fencing type will be presented at the meeting.

**Option 1**

Fence around the western and southern boundaries of both reserves providing for a gate into the tip reserve. This would exclude people from entering both reserves and allow for good capture of flyaway litter. It would also stop people entering the reserve from other back tracks.

The downsides of this option are that it will prevent access to the motocross reserve, although it is infrequently used and that this is a costly option with around 2.5 kilometres of fencing required, preliminary estimates to fence in 1.8m Cyclone fencing are around \$125,000.00 including GST.

This option would achieve the best result in terms of reducing illegal dumping at the landfill and the adjacent reserve and provide the best long term management option.

### **Option 2**

This option would entail continuing the eastern fence line of the refuse reserve to the Tie Line Road then to the recreation reserve boundary and then to the fence line extension of the northern end of the sanitary reserve.

This also provides for exclusion from the landfill site but does not exclude access to motocross reserve. While that may be good for riders it will not stop illegal dumping within that reserve should people not have access to the landfill site. This option is a slightly lesser fencing distance of approximately 1.8 kilometres.

### **Option 3**

This option provides for fencing the original reserve and a small portion of reserve 10431 which it is hoped will become available in the future.

This option does preclude illegal dumping at the actual landfill site but does not address the problems of illegal dumping within the reserve 10431 if the site is closed. It provides for about 1.2 kilometres of fencing and is the cheapest option other than no action. Once again there is no exclusion from reserve 10431.

(Cyclone fencing will cost about \$50,000 per Km costs for other fencing options will be provided at the meeting)

### **Employee**

A waste management officer could be employed over a variety of hours and days however the most reasonable proposal would seem to be that the site is open four days per week, Sunday, Monday, Thursday and Friday. This allows for the site to be open on Thursday for the waste contractor to dump waste collections as per normal, allows for a day on the weekend for ratepayers to access the site for disposal of weekend gardening or household cleanup, Friday for the push up of the collected household waste and flexible working hours to attract an employee to the position.

The town recycling depot can be relocated at the landfill site, the officer could also look after the ongoing site management. It is envisaged that the position would be a full time, four days per week at 9.5 hours per day 7.30am to 5.30pm or at reduced hours on a permanent part time basis.

Full-time employee costs would be broken up as Wages costs of around \$50,000 with Public Works Overheads being approximately \$42,500 which includes training, super, insurances etc. This is a recurrent cost.

### **Equipped Site Office**

A small site office 4.8m x 3.0m would cost in the vicinity \$9,500 plus

transport and site costs. Fully installed on site would be in the region of \$14,000.

Power would be a significant issue as the officer would be expected to provide a receipt to paying customers and would also require some power for heating/cooling while working in the office. Likewise water may also pose a similar problem given that this would be required for hand washing etc.

Power could be provided via generator as the costs of connecting power to the site is cost prohibitive whereas a reasonable sized gen set and secured enclosure could be provided for \$2,000 to \$3,000. Water would need to be provided.

Other equipment would be a desk, chair, cash register and surge protector. Total cost here is under \$2,000. This gives a kitted out cost of around \$20,000 for the site office.

### **Ratepayer advice and education**

Ratepayers would need to be advised well before the proposed changes and a campaign in the BT Times and by mailout should be undertaken to keep the changes in the forefront of peoples minds. It would also be prudent to advertise in neighbouring towns to advise of the changes.

While as yet the full costs are not finalized, employee costs will be in the vicinity of \$90,000, capital costs for the site office will be in the vicinity of \$20,000 and the fencing will be anywhere upwards of \$40,000 at this stage regardless of which option and fencing type is used.

### **Consultation:**

Chief Executive Officer  
Ausco Fabrications  
Various Fencing Contractors

### **Statutory**

#### **Environment:**

Nil

#### **Policy Implications:**

Nil

### **Financial**

#### **Implications:**

Provision can be made on the 2010 budget for the costs associated with manning the refuse site.

Funding of \$30,000 from the RCLIP program which was previously allocated to a footpath project in the townsite can be utilized towards the cost of fencing the site. (The footpath project did not meet the federal governments criteria for the RCLIP program)

All costs within this proposal are unbudgeted.

### **Strategic**

#### **Implications:**

This issue is not dealt with in the Strategic Plan however parts of the proposal are dealt with within the Strategic Waste Management Plan.

**Voting Requirements:** Absolute Majority

**Council Resolution:** *Moved Cr Thompson, seconded Cr Turner*

*“That the Council:*

- Endorse the use of funding of \$30,000 from the RCLIP program for the Landfill Fencing Project which was previously allocated to the Townsite Paving Project.*
- Refer to 2010 budget deliberations, the proposal to man the Broomehill Landfill Site.*
- The Council proceed with Fencing Option 3 for the Broomehill Landfill Site.”*

**AMENDMENT TO THE MOTION**

**091225**

*Moved Cr Kempin, seconded Cr Sadler*

*“That dot point three be changed to fencing option 2.”*

**CARRIED 9/0**

**THE AMENDMENT BECOMES THE MOTION**

**091226**

*Moved Cr Kempin, seconded Cr Sadler*

*“That the Council:*

- Endorse the use of funding of \$30,000 from the RCLIP program for the Landfill Fencing Project which was previously allocated to the Townsite Paving Project.*
- Refer to 2010 budget deliberations, the proposal to man the Broomehill Landfill Site.*
- The Council proceed with Fencing Option 2 for the Broomehill Landfill Site.”*

**CARRIED 9/0**

**By Absolute Majority**

**Council Resolution:**

**Reason For Change to Recommendation:**

**10.21**

**HIDDEN TREASURES OF THE GREAT SOUTHERN –  
NOMINATION OF COUNCIL DELEGATES**

**Program:**

**Economic Services**

**Attachment:** Nil  
**File Ref:** ADM0136  
**Author:** JM Trezona Chief Executive Officer  
**Date:** 15<sup>th</sup> December 2009  
**Disclosure of Interest:** Nil

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**Summary:** Council to nominate its delegates to the Hidden Treasures of the Great Southern Committee.

**Background:** Council has not formally appointed its delegate to this Committee this year.

In previous years Di Holly has been representing Broomehill and Kristy Boyle representing Tambellup, though not officially appointed by Council. Di Holly has advised that both herself and Kristy are prepared to continue representing both communities, but need to be appointed as Council delegates.

It was suggested that Council could consider appointing a Councillor to act as a proxy in the event that Di or Kristy are unable to attend meetings.

**Comment:** Council makes an annual contribution to the Hidden Treasures, and it would be appropriate to have an official representative of Council on the Committee.

**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:** 091227

*Moved Cr Crosby, seconded Cr Thompson*

*“That Council appoints Di Holly and Kristy Boyle as delegates on behalf of Council to the Hidden Treasures of the Great Southern Committee, and that Cr Schlueter be nominated as proxy.”*

*CARRIED 9/0*

**Reason For Change to Recommendation:**



**10.22 REQUEST TO WAIVE HIRE COSTS**

<b>Program:</b>	<b>Recreation &amp; Culture</b>	
<b>Attachment:</b>	<b>Nil</b>	
<b>File Ref:</b>	<b>ADM0066</b>	
<b>Author:</b>	<b>JM Trezona</b>	<b>Chief Executive Officer</b>
<b>Date:</b>	<b>16<sup>th</sup> December 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

**Summary:** Council has received a request from the Broomehill Catholic Church to waive the cost for the hire of chairs and tables for Christmas Eve Mass.

**Background:** The Broomehill Catholic Church wish to hire 50 chairs and a table to use at the Christmas Eve Church service to be held in Broomehill on 24 December 2009. The request is for Council to waive the hire costs of the equipment.

**Comment:** It is understood that this is an infrequent request but was something that the previous Shire of Broomehill granted. If Council agrees to the request from the Broomehill Catholic Church it may wish to consider amending Policy 1.2 to include as part of that policy. The policy can be amended as follows (*shown in bold and italics*)

Policy No:	1.2 USE OF SHIRE FACILITIES
Policy Objective:	To ensure that the Shire Facilities are available for the appropriate use to the community.
Minute No:	081008
Date of adoption:	13 <sup>th</sup> October 2008
Date of Amendment:	

**Policy Statement:**

Council is committed to see that its community facilities are used to the benefit and advantage of all sections of the community and keeps fees and charges at a level to permit ready access by user groups.

To support this, an administrative procedure will be developed which provides clear guidelines for users. Fees and charges relevant to council facility use will be reviewed annually at the time of the budget adoption.

Council recognises that a number of community groups and agencies provide substantial support to the community through their activities, and have limited funds to assist.

The following groups have their hire costs waived for the use of Shire facilities:

- Blue Light Discos – Hall
- Agricultural Society – Hall for the Tambellup Show
- Primary Schools – Hall for End of year Presentation Night.
- Senior Citizens Christmas Luncheon – Hall
- ***Broomehill Catholic Church – hire of tables and chairs for Christmas Eve church services***

This Policy applies for the purposes of Clause 3.5 of the Shire's Local Government Property Local Law 2008.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** Council currently charges \$1.70 per chair to hire and \$1.70 per table to hire. The total income for this particular request is \$86.70.

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

**Voting Requirements:** Simple Majority

**Council Resolution:** *091228*

*Moved Cr Schlueter, seconded Cr Crosby*

*“That Council agrees to waive the cost of table and chair hire of the Broomehill Catholic Church for their Christmas Eve church Service. Further, Council amends Policy 1.2 – Use of Shire Facilities - to include Broomehill Catholic Church – hire of tables and chairs for Christmas Eve church services.”*

**CARRIED 9/0**

**Reason For Change to Recommendation:**



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**10.23 PLANNING APPLICATION TO CONSTRUCT A SHED ON LOT 50 (7) LAVAROCK STREET, BROOMEHILL**


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**Program:** Economic Services  
**Attachment:** Block Plan  
**File Ref:** A7755  
**Author:** Darryle Baxter                      **Author:**  
**Date:** 17 December 2009  
**Disclosure of Interest:** Nil

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**Summary:** Mr Greg Blake had submitted an application to Council to have approval to construct a 98m<sup>2</sup> Shed at Lot 50 (7) Lavarock Road, Broomehill Village.

**Background:** Mr Greg Blake has supplied a block plan and plans for this shed.

**Comment:** Mr Greg Blake is the builder for this project.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Broomehill Planning Scheme requires that Council give Planning Permission for any shed development that is over 60 m<sup>2</sup> in the Residential part of the Town of Broomehill Village.

**Financial Implications:** Nil

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

**Voting Requirements:** Simple Majority

**Council Resolution:** *091229*

*Moved Cr Thompson, seconded Cr Sadler*

*“That Council:-*

- 1. Gives Planning Permission for Mr. Greg Blake to construct the 98m<sup>2</sup> shed.*
- 2. That Mr. Greg Blake has this shed constructed in keeping with the approved drawing that will be issued for this project once this application has been approved.*
- 3. That Mr. Greg Blake only uses this structure as a Shed for Domestic Storage Purposes.”*

*CARRIED 9/0*

**Reason For Change to Recommendation:**

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**10.24 PERMANENT CLOSURE OF DEDICATED ROAD RESERVE  
10318, BROOMEHILL VILLAGE**

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**Program:** Transport  
**Attachment:** Copy of map showing area to be closed  
**File Ref:** RES 10318  
**Author:** JM Trezona Chief Executive Officer  
**Date:** 15 December 2009  
**Disclosure of Interest:** Nil

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**Summary:** Council to consider the permanent closure of an unmade road on Reserve 10318, Broomehill Village.

**Background:** Maps of the Broomehill townsite indicate a dedicated road exists on the Railway Reserve 10318, between Leven St and Great Southern Hwy. This is an unmade road.  
Council has recently installed a pathway and pedestrian crossing over the railway line in this area. Some confusion has arisen with various agencies in obtaining permission to proceed with the pathway project as current maps held by Landgate indicate public vehicle access over the railway line is possible at this location.  
The closure of this unmade section, in conjunction with the future dedication of road portions of Lavarock St and Tie Line Road at rail crossings, will allow for accurate maps to be produced.



**Comment:** For Council discussion.

**Consultation:** Nil

**Statutory****Environment:**

The Land Administration Act 1997 deals with permanent road closures and states the following:

**58. Closure of Roads**

(1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.

(2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations, prepare and deliver the request to the Minister.

(3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

(4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) –

- a) By order, grant the request;
- b) Direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
- d) Refuse the request.

(5) If the Minister grants a request under subsection (4) -

- a) The road concerned is closed on and from the day on which the relevant order is registered; and
- b) Any rights suspended under subsection 55(3)(a) cease to be so suspended.

(6) When a road is closed under this section, the land comprising the former road -

- a) Becomes unallocated Crown Land; or
- b) If a lease continues to subsist in that land by virtue of section 57(2), remains Crown Land.

The Land Administration Regulations 1998 state that:

**9. Preparation and delivery by local government of request to close a road permanently.**

For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request –

- a) Written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require;
- b) Sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed;

- c) Copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received and the local governments comments on those submissions;
- d) A copy of the relevant notice of motion referred to in paragraph (c);
- e) Any other information the local government considers relevant to the Minister’s consideration of the request; and
- f) Written confirmation that the local government has complied with section 58(2) and (3) of the Act.

**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:** *091230*

*Moved Cr Kempin, seconded Cr Thompson*

*“That as per the requirements of the Land Administration Act 1997, Council advertises its intent to permanently close the unmade road portion of Reserve 10318, between Leven Street and Indus Street (Great Southern Highway).”*

**CARRIED 9/0**

**Reason For Change to Recommendation:**

**12.1 PLANT REPORT FOR NOVEMBER 2009**

**Program:** Transport  
**Attachment:** Nil  
**File Ref:** Nil  
**Author:** GC Brigg **Manager of Works**  
**Date:** 8<sup>th</sup> December 2009  
**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	43000	2008	2008	2 yrs / 40,000km	ok
BH001	Isuzu 6 Wheel Tipper	34558	2007	2007	7 yrs / 250,000km	ok
BH002	Isuzu 6 Wheel Tipper	22999	2008	2008	7 yrs / 250,000km	replace one battery
BH003	Isuzu NPR300 crew cab truck	105200	2004	2004	5 yrs / 100,000km	unit replaced
BH004	JD 670B Grader	9951	1996	1996	10 yrs / 10,000 hrs	
BH005	Bomag Multi-Tyred Roller	4060	2002	2002	7 yrs / 8000 hrs	ok
BH006	Volvo 710	4116	2004	2004	7 yrs / 8,000 hrs	4000 hr service done
BH007	John Deere Ride on Mower		2003	2003	5 yrs / 5,000 hrs	repair headlights
BH008	Volvo L70D Loader	5069	2001	2001	7 yrs / 8000 hrs	5000 hr service done
BH009	Holden Rodeo	44311	2004	2004	5 yrs / 100,000kms	unit replaced
BH010	6x4 Fuel Trailer		1981	1981		ok
BH012	Isuzu Fire Truck	5000	1995	2004		ok
BH013	John Deere 315SG Backhoe	1929	2003	2003	10 yrs / 8,000 hrs	ok
BH813	Multi Tyre Roller		1960	1980	8 yrs / 8,000 hrs	
0TA	Holden Statesman		2008	2008		ok
TA052	Toyota Hilux 4x4	43000	2007	2007	5 yrs / 80,000 kms	unit replaced
TA001	Ford Ranger Dual Cab	41800	2008	2008	2 yrs / 40,000 kms	40k service done
1TA	Nissan Navara	30952	2008	2008	1 yr / 40,000 kms	unit replaced
TA1880	Isuzu Gigamax Truck	22211	2008	2008	5 yrs / 250,000 km	ok
TA092	Isuzu Gigamax Truck	43151	2007	2007	5 yrs / 250,000 km	ok
TA386	Mitsubishi Fuso Truck	51794	2007	2007	5 yrs / 250,000 km	repair PTO
TA18	12H Grader	3032	2006	2006	7 yrs / 8,000 hrs	3000 hr service done
TA1835	12H Grader	3814	2002	2003	7 yrs / 8,000 hrs	3750 hr service done repair w/screen

Reg No.	Description	Kms/Hrs	Year of Manufacture	Year of Purchase	Changeover	Comments
TA281	930G Loader	2007	2007	2007	7 yrs / 8,000 hrs	due for service
TA392	Tractor Mower	1837			5 yrs / 5,000 hrs	1750 hr service done
TA417	John Deere Gator	7	2009			battery (warranty repair)
1DDA893	CAT vibe Roller	144	2009			oil leak (warranty repair)
TA017	Isuzu Tipper	14995	2009			broken w/screen 15000km service done
TA219	Multipac Multi-tyred Roller			2004	7 yrs / 8,000 hrs	air con needs service brake repairs
TA1196	Large Roller					
TA2015	Vibrating Roller			1977	7 yrs / 8000 hrs	ok
	Slasher				10 yrs	ok
XTR579	Road Broom				10 yrs	ok
	Mobile Fuel Tanker				10 yrs	ok
1DCF 535	TORO 3500D	80	2009	2009		ok
TA005	John Deere Tractor 6330	521	2008	2008	10 yrs / 8000 hrs	500 hr service done

**RECEIVED**

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**12.2 WORKS AND MAINTENANCE REPORT FOR OCTOBER & NOVEMBER 2009**

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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>8<sup>th</sup> December 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Broomehill**

- A new gardener Wendy Kowald was appointed at the recreational complex. She is enjoying her new role.
- Fertilizer has been spread on the oval at the recreational complex.
- Quotes have been received for new reticulation in Holland Park. This work is due to start in January 2010. The existing electric pump at the town dam will be utilized for this project.
- Reticulation is being installed at the information bay and should be completed over the next month. There have been some incidents where people are turning on the system at night and leaving it on, flooding the area by morning.
- There is one more piece of play equipment to install in Holland park and should be completed before the Christmas break.
- Crew will undertake mowing around town and should be completed before the end of year.
- Concrete footpath has been removed and backfilled with gravel along Latham Street.
- Community Justice workers have cleaned up around the cemetery. These workers haven't been available for the last 6 weeks.

**Tambellup**

- Diprose Park has been slow progress with continual delays of electricians and Western Power. Once electricians complete their work progress can start again with the asphalt pathways.
- Pavers will be laid at Diprose Park next week. Hopefully we will be able to plant gardens, early next year.
- Line marking has been completed at the half size basketball courts and on the hardstand at Diprose Park.
- Gardeners have been busy installing new gardens along the main street (Norrish). Reticulation is still ongoing to these gardens and will be completed next week.
- Skate park equipment has been installed and in use. There have been plenty of children using this park. Installation of the basketball backboard and hoop will be completed over the next couple of weeks
- Community Justice workers have been helping clean up along the railway reserve.
- Fertilizer has been spread on the oval.

**Roads**

- The Construction crew have completed gravel carting on the Tambellup West widening. This gravel was reasonably moist when placed. I will use the penetrometer and test the CBR. If the CBR tests pass, we will only have to final trim and seal.

- The Construction crew are currently working on the Broomehill-Kojonup Road. Trucks have completed 3.5 km of gravel carting on the 5 km section. This work consists of the carry over project from last year and the current project this financial year. We have hired tri-axle semi side tippers to utilize our own trucks for this project. This material is dry and will need to be wet mixed before final trim work can proceed.
- If all goes well with the current projects, sealing will take place in February. That will leave the 1.3 km section on the Tambellup West road to complete during March.
- Maintenance graders have completed the first round on the shires gravel roads.
- Bitumen edges have been graded on the Tambellup West road and the Gnowangerup Road.
- Graders are currently finishing in the south western quarter of the shire and will be working their way north, on their second round.
- The Maintenance crew have been focusing on bitumen repairs and guide posts. We have used over 500 delineators on existing guide posts.
- Next couple of months the maintenance crew has culvert repairs to carry out across the shire.

I have completed a pickup of all our bitumen roads. We currently have 75% of our bitumen passed required reseal date, 55% is passed by 5 years and more, working on a 15 year reseal cycle. I feel the shire needs to focus on more bitumen repairs at a larger scale than the current manual type repairs which we carry out now, as roads are deteriorating quickly because of their current age.

Council currently invests over \$1,000,000 in machinery (3 graders not including trucks and loaders) to maintain \$10,000,000 of gravel road assets. We currently have no investment in machinery to maintain \$13,000,000 of bitumen assets.

## **Plant**

- Caterpillar have been out to repair the self propelled vibrating roller. The engine was using oil on a daily basis. They have carried out some engine repairs and we are currently monitoring oil usage.
- The replacement Isuzu twin cab light truck has arrived and in use. This vehicle is used for the construction crew's daily travel.
- The Works Managers Nissan twin cab ute has been replaced by a Ford Ranger twin cab ute.
- The two Ford Ranger twin cab utes will be replaced January 2010.
- Broomehill garden's Holden Rodeo 4x2 has been replaced by Toyota 4x2 Hilux.
- Tambellup gardener's Toyota Hilux 4x4 has been replaced by a Toyota Hilux 4x4.
- Katanning Stock & Trading have offered to take over the Shire's complete fleet of vehicles for the next 2 years on low changeover costs.

**RECEIVED**



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**12.3 BUILDING SURVEYORS REPORT FOR OCTOBER & NOVEMBER 2009**

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**Program:** Economic Services  
**Attachment:** BSR Report and Activity Statement  
**File Ref:** ADM0076  
**Author:** D Baxter Building Surveyor  
**Date:** 7<sup>th</sup> December 2009  
**Disclosure of Interest:** Nil

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**Summary:** Attached are the BSR Report and the Activity Statement for the months of October and November 2009 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 months of October and November 2009.

**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 Strategic Plan

**Voting Requirements:** Simple Majority

**Officer Resolution:** *No recommendation required – Councillor information only*

**Reason For Change to Recommendation:**

**RECEIVED**

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**12.4 BUILDING MAINTENANCE PROGRAM**

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**Program:** Various  
**Attachment:** Building Maintenance Program for November 2009  
**File Ref:** Nil  
**Author:** JP Bentley                      Manager Administrative and Customer Service  
**Date:**  
**Disclosure of Interest:** Nil

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**Summary:** Update of the Building Maintenance Program for 2009-2010

**Background:**

**Comment:** The Building Maintenance Program is updated on a regular basis and presented for Councils information, comment and discussion if required.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** Provision has been made in the 2009-2010 budget to meet the building maintenance program costs.

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

**Voting Requirements:** Simple Majority

**Officer Resolution:** *No recommendation required – Councillor information only.*

**Reason For Change to Recommendation:**

**RECEIVED**

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**12.5 LIBRARY REPORT – OCTOBER & NOVEMBER 2009**

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**Program:** Recreation and Culture  
**Attachment:** Library Report – October & November 2009  
**File Ref:** ADM0097  
**Author:** JM Trezona Chief Executive Officer  
**Date:** 9<sup>th</sup> December 2009  
**Disclosure of Interest:** Nil

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

**Background:** This report outlines the activities of both Broomehill and Tambellup libraries for the months of October and November 2009.

**Comment:** For Council information.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

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

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

**Voting Requirements:** Simple Majority

**Officer Resolution:** *No recommendation required – Council information only.*

**Reason For Change to Recommendation:**

**RECEIVED**

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

**14. DATE OF NEXT MEETING**

The next Ordinary Meeting of Council will be held on Thursday 18<sup>th</sup> February, 2010 in the Tambellup Council Chambers.

**15. CLOSURE**

There being no further business, the President thanked Councillors and Staff and declared the meeting closed at 3.21pm.