

SHIRE OF BROOMEHILL - TAMBELLUP

Minutes of the Ordinary Meeting of Council held in the Broomehill Council Chambers on Thursday 18th September 2008 commencing at 4.02pm.

1. RECORD OF ATTENDANCE

Present: Jan Grimoldby Commissioner
 Joanne Trezona Chief Executive Officer
 Peter Bentley Manager Administration and Customer Services
 Vicki Webster Executive Officer

Gallery: There were four members of the public present.

2. DECLARATION OF OPENING / ANNOUNCEMENTS OF VISITORS

The Commissioner Jan Grimoldby welcomed visitors and staff to the meeting and declared the meeting open at 4.02pm.

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME / PUBLIC COMMENTS ON AGENDA ITEMS

Nil

5. DECLARATION OF INTEREST

Nil

6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

7. CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1 Ordinary Meeting of Council held Thursday 21 August 2008

080901

The Commissioner resolved that the Minutes of the Ordinary Meeting of Council held Thursday 21st August 2008 be confirmed as a true and accurate record of proceedings.

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Commissioner welcomed the nomination of more candidates that there are vacancies for the inaugural election of the Shire of Broomehill-Tambellup. This is a sign of a healthy community with a strong level of interest in community participation.

On Monday 15th September, the Commissioner and CEO attended a forum on the WA Local Government Association's Sustainability Study's final report and recommendations for structural reform in local government. After substantial debate, the report was ultimately overwhelmingly accepted by the voting delegates present, representing all local governments in WA.

There was to have been a visit to the Shire from the Governor - however this has been cancelled, due to personal reasons, with a promise that the Governor will visit next year.

The next ordinary meeting of Council will be changed to enable the CEO to attend a major annual conference of her professional body. This is an important component of the CEO's ongoing professional development. The ordinary meeting of Council will be brought forward to Monday 13th October 2008. Formal notification will be provided through the local newspaper and the Shire's noticeboard.

9. MATTERS FOR DECISION

9.1 FINANCIAL STATEMENTS FOR JULY & AUGUST 2008

Program:	Other Property and Services
Attachment:	Monthly Financial Report for July and August 2008
File Ref:	Nil
Author:	KP O'Neill Finance Officer
Date:	11th September 2008
Disclosure of Interest:	Nil

Summary: Attached are the financial reports for the months ending 31 July 2008 and 31 August 2008.

Background:

Comment: Rates were issued on the 29th August 2008 with a total of \$1,516,829.23 in rates being raised. The 10% discount period ends on the 26th September, and the first instalment is payable by the 3rd October 2008. Penalty interest will accrue on all payments not made by the close of business on the 3rd October 2008.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

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

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

Voting Requirements: Simple Majority

Officer / Council Resolution: 080902

“The Commissioner resolved –

That the Financial Reports for the period ending 31st July 2008 and 31st August 2008 be adopted.”

Reason For Change to Recommendation:

9.2 CREDITORS ACCOUNTS PAID AUGUST 2008

Program: Other Property and Services
Attachment: List of Cheque Payments for August 2008
File Ref: Nil
Author: KP O'Neill Finance Officer
Date: 11th September 2008
Disclosure of Interest: Nil

Summary: Attached is a list of creditors payments made during August 2008.

Background:

Comment: **Summary:-**

Municipal	\$360,337.22
Trust	\$17,565.00
Credit Card	\$848.50
TOTAL	\$378,750.72

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: List of Creditors paid since the previous Council meeting

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

Voting Requirements: Simple Majority

Officer / Council Resolution: 080903

“The Commissioner resolved -

That the Creditors list of accounts paid during August 2008, being Municipal Fund cheques numbered 1 to 13 inclusive and EFT payments numbered EFT7 to EFT37 inclusive and totalling \$360,337.22, Trust Fund cheque numbered 5 to 10 totalling \$17,565.00 and Credit Card payments totalling \$848.50 be adopted.”

Reason For Change to Recommendation:

SHIRE OF BROOMEHILL-TAMBELLUP

Municipal Fund & Trust Fund Payments

Presented to Council on the 18th September 2008

Financial Management Regulations No. 12 & No. 13

Chq/EFT	Date	Name	Description	Muni	Trust
5	07/08/2008	NEIL TEARS T/A COUNTRYSIDE HOMES	Balance of Building Retention Bond for 38 Ivy Street		\$5,400.00
6	21/08/2008	ALBANY AGRICULTURAL SOCIETY	Hidden Treasures – Site Booking for Albany Show 2008		\$304.00
7	21/08/2008	AVALON CARAVAN PARK & CAFÉ	Hidden Treasures – Venue hire & catering for April meeting		\$258.00
8	21/08/2008	SOUTHERN EXPOSURE	Hidden Treasures – July Administration Hours		\$250.00
9	21/08/2008	TAMBELLUP POST CAFÉ	Hidden Treasures – catering for July meeting		\$144.00
10	25/08/2008	ICON TOURISM	Hidden Treasures - progress payment Rural Tours Project		\$11,209.00
1	21/08/2008	KATANNING STOCK & TRADING	Purchase of Ford Ranger utility TA001	\$24,816.00	
2	21/08/2008	LGIS WORKCARE	First instalment workers comp insurance 08/09	\$20,413.80	
3	21/08/2008	LGIS INSURANCE BROKING	Motor vehicle insurance for 2008/09	\$39,387.69	
4	21/08/2008	LGIS LIABILITY	Liability insurance for 2008/09	\$550.00	
5	21/08/2008	LGIS PROPERTY	First instalment property, multi risks & machinery breakdown insurance	\$18,638.19	
6	21/08/2008	WATER CORPORATION	Service charge 01 July to 30 June 2009	\$6,905.10	
7	21/08/2008	SYNERGY	Street Lighting 24 June To 24 July 2008	\$1,555.15	
9	25/08/2008	COMMISSIONER FOR POLICE	Fee - closure of Norrish Street for Tambellup Show Day 2008	\$60.00	
10	26/08/2008	KATANNING SENIOR HIGH SCHOOL	Donation towards 2008 Spirit Week	\$100.00	
11	26/08/2008	TELSTRA	CEO's telephone allowance	\$200.00	
12	26/08/2008	TELSTRA	Broomehill office telephone & mobile accounts	\$674.33	
13	28/08/2008	SHERIDAN SETTLEMENT AGENCY	Refund overpayment on assessment A374 from 07/08	\$187.71	
	05/08/2008	SALARIES & WAGES	Bulk Payment Wages F.E. 1 Aug 08	\$54,473.33	
EFT7	05/08/2008	ALBANY FINANCE	Payroll deductions	\$254.00	
EFT8	05/08/2008	KEYSTART	Payroll deductions	\$475.00	
EFT9	05/08/2008	SHIRE OF BROOMEHILL-TAMBELLUP	Payroll deductions	\$260.00	
EFT10	13/08/2008	ABCO PRODUCTS	Cleaning products	\$474.37	
EFT11	13/08/2008	BKW CO-OP	Office kitchen supplies	\$21.41	
EFT12	13/08/2008	BOC LIMITED	Gas cylinder service charge 01 July to 30 June 2009	\$321.55	
EFT13	13/08/2008	COURIER AUSTRALIA	Freight for office stationery	\$160.81	
EFT14	13/08/2008	CUTTING EDGES EQUIPMENT PARTS	Grader Blades, tooth scarifiers, bolts & nuts - 4 graders	\$10,183.80	
EFT15	13/08/2008	LGIS LIABILITY	1st instalment Liability Insurance	\$7,177.50	

EFT16	13/08/2008	LOCAL GOVERNMENT MANAGERS AUSTRALIA	Membership for LG Managers Assoc 08/09 - CEO & MACS	\$1,124.00
EFT17	13/08/2008	NARROGIN TECHNOLOGY SOLUTIONS	Adobe Acrobat V9	\$399.00
EFT18	13/08/2008	NETREGISTRY	Register of new domain name shirebt June 08 to June 10	\$62.00
EFT19	13/08/2008	RECHARGE-IT	Toner cartridge refill	\$99.00
EFT20	13/08/2008	SMORGON STEEL (REINFORCING)	Diprose Park fencing materials	\$24,309.99
EFT21	13/08/2008	TAMBELLUP SETTLER'S MART	Gardening tools, office kitchen supplies	\$296.41
EFT22	13/08/2008	TAMBELLUP TELECENTRE INC	Library Management Fee July - December 2008	\$9,986.02
EFT23	01/08/2008	KJB PLUMBING & GAS	Caravan park campers kitchen	\$1,800.00
EFT24	01/08/2008	TELSTRA	Telephone accounts	\$1,744.40
EFT26	15/08/2008	BOOT ROCK BOBTRAK & FARM WORKS	Clean Out Holland Park Drain	\$440.00
EFT27	15/08/2008	CORPORATE HEALTH PROFESSIONALS	Audio testing - Broomehill works crew	\$214.50
EFT28	15/08/2008	IT VISION AUSTRALIA PTY LTD	Renewal annual license fees & support for 2008/09	\$20,878.00
EFT29	15/08/2008	KIM BOULTON	Records Management fee for 1-4 July 2008	\$1,845.00
EFT30	15/08/2008	LANDMARK	Pump for fuel trailer	\$2,754.50
EFT31	15/08/2008	LINK ENERGY	15,000 ltrs diesel @ \$1.8890	\$29,879.70
EFT32	15/08/2008	NARROGIN TECHNOLOGY SOLUTIONS	Laptop Computer - Salary Sacrifice	\$1,348.00
EFT33	15/08/2008	PERFECT COMPUTER SOLUTIONS PTY LTD	11 computers, 14 licenses - Office computer upgrades	\$29,438.00
EFT34	15/08/2008	JAN GRIMOLDBY	Commissioner Meeting Fees and travelling for July 2008	\$6,075.59
	19/08/2008	SALARIES & WAGES	Bulk Payment Wages F.E. 15 Aug 08	\$36,720.76
EFT35	19/08/2008	ALBANY FINANCE	Payroll deductions	\$254.00
EFT36	19/08/2008	KEYSTART	Payroll deductions	\$475.00
EFT37	19/08/2008	SHIRE OF BROOMEHILL-TAMBELLUP	Payroll deductions	\$260.00
	26/08/2008	SALARIES & WAGES	Termination Pay - M Maskiell	\$2,308.52
				\$360,337.22
				\$17,565.00

Credit Card Payments

JULY 2008 - Tambellup Card	Admin Training Weekend, meals etc.	848.50
		848.50

9.3 PROPOSED EXTRACTIVE INDUSTRIES LOCAL LAW 2008

Program:	Governance
Attachment:	Proposed Extractive Industries Local Law 2008
File Ref:	ADM0080
Author:	JM Trezona Chief Executive Officer
Date:	4th September 2008
Disclosure of Interest:	Nil

Summary: The purpose of this report is to allow the Presiding Person to give notice to the meeting of the purpose and effect of the Proposed Extractive Industries Local Law 2008, for the Council to adopt the proposed Local Law and to allow for advertising of the proposed Local Law for public comment.

Background: The Proposed Extractive Industries Local Law 2008 is based on the model Local Law developed by WALGA and approved by the Joint Standing Committee on Delegated Legislation.

The proposed local law addresses the matters of defining what is an extractive industry, the application for a licence to carry on an extractive industry, the obligations on the person to carry out the extractive industry, the rehabilitation required when the extractive industry ceases and penalties that apply to breaches of the local law.

The **purpose** of the local law is:

- Prohibit the carrying on of an extractive industry unless by authority of a licence issued by the Shire;
- To regulate the carrying on of the extractive industry in order to minimise damage of the environment, roads and other peoples health and property; and
- To provide for the restoration and reinstatement of any extractive site.

The **effect** of the local law is that any person wanting to carry on an extractive industry will need to be licensed and will need to comply with the provisions of this local law.

Comment: Neither of the former Shires had adopted an Extractive Industries Local Law.

No retrospective provisions are included in the local law and it is unlikely that the Joint Standing Committee would allow any given its comments in its 16th Report in relation to the Shire of Northam Extractive Industries Local Law.

Consultation: The local law is advertised for public comment for a period of forty two days. Any submission received must be considered by Council before making the local law.

Statutory**Environment:**

Regulation 7 of the *Local Government (Constitutional) Regulations 1998*, prescribes that although an order has abolished the former Shires of Broomehill and Tambellup and created a new Shire of Broomehill-Tambellup:

- The local laws that applied in the former Shires continue to apply in respect of the former Shire districts;
- The local laws of the former Shires are to administered and enforced by the new Shire of Broomehill-Tambellup; and
- The local laws of the former Shires may be amended or repealed by the new Shire as if they were local laws of the new Shire.

As it is proposed to adopt a new Local Law, the following processes, as set out in section 3.12 of the *Local Government Act 1995*, must be observed –

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

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

The local law is then published in the Government Gazette and a copy sent to the relevant Minister and the State Parliament Joint Standing Committee on Delegated Legislation.

The local law comes into effect fourteen days after publication in the Government Gazette.

Policy Implications:

Nil

Financial

Implications: The intention to adopt the proposed local law needs to be advertised in a newspaper circulating throughout the State and once made by Council is required to be advertised in the Government Gazette.

Strategic

Implications: This issue is not dealt with in the Plan

Voting Requirements:

Simple Majority

Officer/council

Resolution: *080904*

“The Commissioner resolved -

That Council adopt the Proposed Extractive Industries Local Law 2008 in the form presented and Councils intention to make the proposed Local Law be advertised Statewide inviting public submissions.”

**Reason For Change to
Recommendation:**

LOCAL GOVERNMENT ACT 1995

SHIRE OF BROOMEHILL-TAMBELLUP

EXTRACTIVE INDUSTRIES LOCAL LAW 2008

Local Government Act 1995

SHIRE OF BROOMEHILL-TAMBELLUP

EXTRACTIVE INDUSTRIES LOCAL LAW 2008

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LOCAL GOVERNMENT ACT 1995**SHIRE OF BROOMEHILL-TAMBELLUP****EXTRACTIVE INDUSTRIES LOCAL LAW 2008**

Under the powers conferred by the *Local Government Act 1995* and by all other powers enabling it, the Council of the Shire of Broomehill-Tambellup resolved on to make the following local law.

Part 1 - Preliminary**1.1 Citation**

This local law may be cited as the *Shire of Broomehill-Tambellup Extractive Industries Local Law 2008*.

1.2 Definitions

In this local law, unless the context otherwise requires –

“**Act**” means the *Local Government Act 1995*;

“**carry on an extractive industry**” means quarrying and excavating for stone, gravel, sand, and other material;

“**CEO**” means the Chief Executive Officer of the local government;

“**Council**” means the Council of the Shire of Broomehill-Tambellup;

“**district**” means the district of the local government;

“**excavation**” includes quarry;

“**extractive industry**” means quarrying and excavating for any stone, gravel, sands, clay, limestone, loam or other material;

“**infrastructure**” means any building, treatment works, screening device, tank or structure;

“**land**”, unless the context otherwise requires, means the land on which the applicant proposes carrying on the extractive industry to which the licence application relates;

“**licence**” means a licence issued under this local law;

“**licensee**” means the person named in the licence as the licensee;

“**local government**” means the Shire of Broomehill-Tambellup;

“**occupier**” has the meaning given to it in the Act;

“**owner**” has the meaning given to it in the Act;

“**person**” does not include the local government;

“**secured sum**” means the sum required to be paid or the amount of a bond, guarantee or other security under clause 5.1;

“**site**” means the land specified by the local government in a licence.

1.3 Application

(1) The provisions of this local law –

- (a) subject to paragraphs (b), (c), (d) and (e);
 - (i) apply and have force and effect throughout the whole of the district; and
 - (ii) apply to every excavation whether commenced prior to or following the coming into operation of this local law;
- (b) do not apply to the extraction of minerals under the *Mining Act 1978*;
- (c) do not apply to the carrying on of an extractive industry on Crown land;
- (d) do not apply to the carrying on of an extractive industry on land by the owner or occupier of that land for use on that land; and

- (e) do not affect the validity of any licence issued under the local law repealed by clause 1.4 of this local law if that licence is currently in force at the date of gazettal of this local law.
- (2) In subclause (1)(d) land includes adjoining lots or locations in the same occupation or ownership of the owner or occupier referred to in subclause (1)(d).

Part 2 - Licensing Requirements for an Extractive Industry

2.1. Extractive Industries Prohibited Without Licence

A person must not carry on an extractive industry –

- (a) unless the person is the holder of a valid and current licence; and
- (b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.

Penalty \$5000 and a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which an offence has continued.

2.2 Applicant To Advertise Proposal

(1) Unless the local government first approves otherwise, a person seeking the issue of a licence shall, before applying to the local government for a licence –

- (a) forward by registered mail a notice in the form determined by the local government from time to time to –
 - (i) the owners and occupiers of all land adjoining the land upon which it is proposed to excavate, or within an area determined by the local government as likely to be affected by the granting of a licence, advising of the application and specifying that they may, within twenty-one days from the date of service of the letter, object to or make representations in writing in respect of the issue of a licence by the local government;
 - (ii) every authority or person having control or jurisdiction over any of the things referred to in subclause 2.3(1)(a)(vii) and (viii) within 500 metres from the boundaries of the land, or within an area determined by the local government as likely to be affected by the granting of a licence; and
- (b) as soon as practicable after complying with the requirements of paragraph (a) –
 - (i) forward a copy of the notice to the CEO; and
 - (ii) publish the notice in a newspaper circulating in the area in which the proposed excavation is located.

(2) The local government may, within 14 days after receiving a copy of a notice referred to in subclause (1), cause to be displayed, or require the proposed applicant to display, in a prominent position on the land one or more notices –

- (a) in the form determined by the local government from time to time;
- (b) the content, size and construction of which have been approved by the CEO;
- (c) specifying particulars of the proposed excavation; and
- (d) inviting objections or comments within 21 days from the placement of the notice.

2.3 Application For Licence

(1) Subject to subclause (3), a person seeking the issue of a licence in respect of any land shall apply in the form determined by the local government from time to time and must forward the application duly completed and signed by each of the applicant, the owner of the land and any occupier of the land to the CEO together with –

- (a) 3 copies of a plan of the excavation site to a scale of between 1:500 and 1:2000 showing –

- (i) the existing and proposed land contours based on the Australian Height Datum and plotted at 1 metre contour intervals;
 - (ii) the land on which the excavation site is to be located;
 - (iii) the external surface dimensions of the land;
 - (iv) the location and depth of the existing and proposed excavation of the land;
 - (v) the location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land and to public thoroughfares in the vicinity of the land;
 - (vi) the location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed in respect of the land;
 - (vii) the location of existing power lines, telephone cables and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easement or other encumbrances over, on, under or adjacent to or in the vicinity of the land;
 - (viii) the location of all existing dams, watercourses, drains or sumps on or adjacent to the land;
 - (ix) the location and description of existing and proposed fences, gates and warning signs around the land; and
 - (x) the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land and elsewhere;
- (b) 3 copies of a works and excavation programme containing -
- (i) the nature and estimated duration of the proposed excavation for which the licence is applied;
 - (ii) the stages and the timing of the stages in which it is proposed to carry out the excavation;
 - (iii) details of the methods to be employed in the proposed excavation and a description of any on-site processing works;
 - (iv) details of the depth and extent of the existing and proposed excavation of the site;
 - (v) an estimate of the depth of and description of the nature and quantity of the overburden to be removed;
 - (vi) a description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;
 - (vii) a description of the means of access to the excavation site and the types of thoroughfares to be constructed;
 - (viii) details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles;
 - (ix) a description of any proposed buildings, water supply, treatment plant, tanks and other improvements;
 - (x) details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;
 - (xi) a description of the measures to be taken to minimise sand drift, dust nuisance, erosion, watercourse siltation and dangers to the general public;
 - (xii) a description of the measures to be taken to comply with the *Environmental Protection (Noise) Regulations 1997*;
 - (xiii) a description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land;
 - (xiv) details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the destruction of existing vegetation; and

- (xv) a description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas;
 - (c) 3 copies of a rehabilitation and decommissioning programme indicating –
 - (i) the objectives of the programme, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;
 - (ii) whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;
 - (iii) how any face is to be made safe and batters sloped;
 - (iv) the method by which topsoil is to be replaced and revegetated;
 - (v) the numbers and types of trees and shrubs to be planted and other landscaping features to be developed;
 - (vi) how rehabilitated areas are to be maintained; and
 - (vii) the programme for the removal of buildings, plant, waste and final site clean up;
 - (d) evidence that a datum peg has been established on the land related to a point approved by the local government on the surface of a constructed public thoroughfare or such other land in the vicinity;
 - (e) a certificate from a licensed surveyor certifying the correctness of -
 - (i) the plan referred to in paragraph (a); and
 - (ii) the datum peg and related point referred to in paragraph (d);
 - (f) evidence that the requirements of subclauses 2.2(1) and (2) have been carried out;
 - (g) copies of all land use planning approvals required under any planning legislation;
 - (h) copies of any environmental approval required under any environmental legislation;
 - (i) copies of any geotechnical information relating to the excavation site;
 - (j) the consent in writing to the application from the owner of the excavation site;
 - (k) the licence application fee specified by the local government from time to time; and
 - (l) any other information that the local government may reasonably require.
- (2) All survey data supplied by an applicant for the purpose of subclause (1) shall comply with Australian Height Datum and Australian Map Grid standards.
- (3) Where in relation to a proposed excavation –
- (a) the surface area is not to exceed 2000m²; and
 - (b) the extracted material is not to exceed 2000m³;
- the local government may exempt a person making application for a licence under subclause (1) from supplying any of the data specified in paragraphs (b), (d), (e) and (i) of subclause (1).

Part 3 - Determination of Application

3.1 Determination Of Application

- (1) The local government may refuse to consider an application for a licence that does not comply with the requirements of clause 2.3, and in any event shall refuse an application for a licence where planning approval for an extractive industry use of the land has not first been obtained.
- (2) The local government may, in respect of an application for a licence -
- (a) refuse the application; or
 - (b) approve the application -

- (i) over the whole or part of the land in respect of which the application is made; and
 - (ii) on such terms and conditions, if any, as it sees fit.
- (3) Where the local government approves an application for a licence, it shall -
 - (a) determine the licence period, not exceeding 10 years from the date of issue; and
 - (b) approve the issue of a licence in the form determined by the local government from time to time.
- (4) Where the local government approves the issue of a licence, the CEO upon receipt by the local government of -
 - (a) payment of the annual licence fee, or the relevant proportion of the annual licence fee to 30 June, determined by the local government from time to time;
 - (b) payment of the secured sum, if any, imposed under clause 5.1;
 - (c) the documents, if any, executed to the satisfaction of the CEO, under clause 5.1; and
 - (d) a copy of the public liability insurance policy required under subclause 7.1(1) shall issue the licence to the applicant.
- (5) Without limiting subclause (2), the local government may impose conditions in respect of the following matters -
 - (a) the orientation of the excavation to reduce visibility from other land;
 - (b) the appropriate siting of access thoroughfares, buildings and plant;
 - (c) the stockpiling of material;
 - (d) the hours during which any excavation work may be carried out;
 - (e) the hours during which any processing plant associated with, or located on, the site may be operated;
 - (f) requiring all crushing and treatment plant to be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance to the satisfaction of the local government;
 - (g) the depths below which a person shall not excavate;
 - (h) distances from adjoining land or thoroughfares within which a person must not excavate;
 - (i) the safety of persons employed at or visiting the excavation site;
 - (j) the control of dust and wind-blown material;
 - (k) the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;
 - (l) the prevention of the spread of dieback, declared plants or other disease;
 - (m) the drainage of the excavation site and the disposal of water;
 - (n) the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation;
 - (o) the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;
 - (p) requiring the licensee to furnish to the local government a surveyor's certificate each year, prior to the renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme;
 - (q) requiring the licensee to enter into an agreement with the local government by which it agrees to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence;

- (r) requiring the licensee to enter into an agreement with the local government in respect of any condition or conditions imposed under this local law; and
- (s) any other matter for properly regulating the carrying on of an extractive industry.

3.2 Payment Of Annual Licence Fee

On or before 30 June in each year, a licensee shall pay to the local government the annual licence fee determined by the local government from time to time.

Part 4 - Transfer, Cancellation and Renewal of Licence

4.1 Transfer Of Licence

- (1) An application for the transfer of a licence shall –
 - (a) be made in writing;
 - (b) be signed by the licensee and the proposed transferee of the licence;
 - (c) be accompanied by the current licence;
 - (d) be accompanied by the consent in writing to the transfer from the owner of the excavation site;
 - (e) include any information that the local government may reasonably require; and
 - (f) be forwarded to the CEO together with the fee determined by the local government from time to time.
- (2) Upon receipt of any application for the transfer of a licence, the local government may;
 - (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.
- (3) Where the local government approves an application for the transfer of a licence, the local government shall transfer the licence by an endorsement on the licence in the form determined by the local government from time to time, signed by the CEO.
- (4) Where the local government approves the transfer of a licence it shall not be required to refund any part of the fees paid by the former licensee in respect of the transferred licence.

4.2 Cancellation Of Licence

- (1) The local government may cancel a licence where the licensee has –
 - (a) been convicted of an offence against –
 - (i) this local law; or
 - (ii) any other law relating to carrying on an extractive industry; or
 - (b) transferred or assigned or attempted to transfer or assign the licence without the consent of the local government;
 - (c) permitted another person to carry on an extractive industry otherwise than in accordance with the terms and conditions of the licence and of the provisions of this local law;
 - (d) failed to pay the annual licence fee under clause 3.2; or
 - (e) failed to have a current public liability insurance policy under subclause 7.1(1) or failed to provide a copy of the policy or evidence of its renewal as the case may be, under subclause 7.1(2).
- (2) Where the local government cancels a licence under this clause –
 - (a) the local government shall advise the licensee in writing of the cancellation;
 - (b) the cancellation takes effect on and from the day on which the licensee is served with the cancellation advice; and
 - (c) the local government shall not be required to refund any part of the fees paid by the licensee in respect of the cancelled licence.

4.3 Renewal Of Licence

(1) A licensee who wishes to renew a licence must apply in writing to the local government at least 45 days before the date of expiry of the licence and shall submit with the application for renewal –

- (a) the fee determined by the local government from time to time;
- (b) a copy of the current licence;
- (c) a plan showing the contours of the excavation carried out to the date of that application;
- (d) details of the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in subclauses 2.3(1) (b) and (c); and
- (e) any other things referred to in clauses 2.3 and 3.1.

(2) The local government may waive any of the requirements specified in subclause 4.3 (1) (d) or (e).

(3) If –

- (a) an application to renew a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and
 - (b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application,
- then the applicant shall not be obliged, unless otherwise required by the local government to submit details of any of the things referred to in clauses 2.3 and 3.1.

(4) Upon receipt of an application for the renewal of a licence, the local government may;

- (a) refuse the application; or
- (b) approve the application on such terms and conditions, if any, as it sees fit.

Part 5 - Secured Sum and Application Thereof

5.1 Security For Restoration And Reinstatement

(1) For the purpose of ensuring that an excavation site is properly restored or reinstated, the local government may require that –

- (a) as a condition of a licence; or
- (b) before the issue of a licence,

the licensee shall give to the local government a bond, bank guarantee or other security, of a kind and in a form acceptable to the local government, in or for a sum determined by the local government from time to time.

(2) A bond required under subclause (1) is to be paid into a fund established by the local government for the purposes of this clause.

5.2 Use By The Local Government Of Secured Sum

(1) If a licensee fails to carry out or complete the restoration and reinstatement works within the time specified in those conditions either -

- (a) within the time specified in those conditions; or
- (b) where no such time has been specified, within 60 days of the completion of the excavation or portion of the excavation specified in the licence conditions, then; subject to the local government giving the licensee 14 days notice of its intention to do so –
- (c) the local government may carry out or cause to be carried out the required restoration and reinstatement work or so much of that work as remains undone; and

- (d) the licensee shall pay to the local government on demand all costs incurred by the local government or which the local government may be required to pay under this clause.
- (2) The local government may apply the proceeds of any bond, bank guarantee or other security provided by the licensee under clause 5.1 towards its costs under this clause.
- (3) The liability of a licensee to pay the local government's costs under this clause is not limited to the amount, if any, secured under clause 5.1.

Part 6 – Limitations, Obligations of the licensee and Prohibitions

6.1 Limits On Excavation Near Boundary

Subject to any licence conditions imposed by the local government, a person shall not, without the written approval of the local government, excavate within –

- (a) 20 metres of the boundary of any land on which the excavation site is located;
- (b) 20 metres of any land affected by a registered grant of easement;
- (c) 40 metres of any thoroughfare; or
- (d) 40 metres of any watercourse.

Penalty \$2,000

6.2 Obligations Of The Licensee

A licensee shall -

- (a) where the local government so requires, securely fence the excavation to a standard determined by the local government and keep the gateways locked when not actually in use in order to prevent unauthorised entry;
- (b) erect and maintain warning signs along each of the boundaries of the area excavated under the licence so that each sign -
 - (i) is not more than 200 metres apart;
 - (ii) is not less than 1.8 metres high and not less than 1 metre wide; and
 - (iii) bears the words "DANGER EXCAVATIONS KEEP OUT";
- (c) except where the local government approves otherwise, drain and keep drained to the local government's satisfaction any excavation to which the licence applies so as to prevent the accumulation of water;
- (d) restore and reinstate the excavation site in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the local government;
- (e) take all reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site; and
- (f) otherwise comply with the conditions imposed by the local government in accordance with clause 3.1.

Penalty \$5,000 for each offence, and if an offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

6.3 Prohibitions

A licensee shall not -

- (a) remove any trees or shrubs within 40 metres (or such lesser distance as may be allowed, in writing, by the local government) of the boundary of any thoroughfare on land in respect of which a licence has been granted, except for the purpose of constructing access thoroughfares, erecting buildings or installing plant for use in connection with the excavation and then only with the express approval of the local government and subject to any conditions which the local government may impose in accordance with clause 3.1;

- (b) store, or permit to be stored, any explosives or explosive devices on the site to which the licence applies other than with the approval of the local government and the Department of Industry and Resources; or
- (c) fill or excavate, other than in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the local government.

Penalty \$5,000 for each offence, and if an offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

6.4 Blasting

(1) A person shall not carry out or permit to be carried out any blasting in the course of excavating unless –

- (a) the local government has otherwise given approval in respect of blasting generally or in the case of each blast;
- (b) subject to subclause (2), the blasting takes place only between the hours of 8.00am and 5.00pm, or as determined by the local government, on Mondays to Fridays inclusive;
- (c) the blasting is carried out in strict accordance with the AS2187 SAA Explosives Code, the *Mines Safety and Inspection Act 1994*, the *Environmental Protection Act 1986*, and all relevant local laws of the local government; and
- (d) in compliance with any other conditions imposed by the local government concerning-
 - (i) the time and duration of blasting;
 - (ii) the purposes for which the blasting may be used; and
 - (iii) such other matters as the local government may reasonably require in the interests of the safety and protection of members of the public and of property within the district.

Penalty \$5,000.00 for each offence, and if the offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

(2) A person shall not carry out or permit to be carried out any blasting on a Saturday, Sunday or Public Holiday except with the prior approval of the local government.

Penalty \$2,000

Part 7 - Miscellaneous Provisions

7.1 Public Liability

(1) A licensee shall have at all times a current public liability insurance policy taken out in the joint names of the licensee and the local government indemnifying the licensee and the local government for a sum of not less than \$10,000,000 in respect of any one claim relating to any of the excavation operations.

(2) The licensee shall provide to the local government a copy of the policy taken out under subclause (1), within 14 days after the issue of that policy and shall provide to the local government evidence of renewal within 14 days of each renewal date.

7.2 Mines Safety and Inspection Act and Environmental Protection Act

(1) In any case where the *Mines Safety and Inspection Act 1994* or the *Environmental Protection Act 1986* applies to any excavation carried on or proposed to be carried on at a site, the licensee in respect of that site shall –

- (a) comply with all applicable provisions of that Act or those Acts; and
- (b) provide to the local government within 14 days full particulars of any inspection or report made under that Act or those Acts.

(2) In this clause, the *Mines Safety and Inspection Act 1994* and the *Environmental Protection Act 1986* include all subsidiary legislation made under those Acts.

7.3 Notice Of Cessation Of Operations

(1) Where a licensee intends to cease carrying on an extractive industry –

- (a) temporarily for a period in excess of 12 months; or
- (b) permanently,

the licensee shall, as well as complying with clause 7.4, give the local government written notice of the cessation not later than 1 week after those operations have ceased.

(2) Where a licensee has given written notice to the local government of the intention to permanently cease carrying on an extractive industry on the site to which the licence applies the licence is deemed to have expired on the date such cessation is so notified.

(3) The temporary or permanent cessation of the carrying on of an extractive industry on a site or the deemed expiration or cancellation of a licence does not entitle the licensee to any refund of any licence fee.

7.4 Works To Be Carried Out On Cessation Of Operations

Where the carrying on of an extractive industry on the site permanently ceases or on the expiration or cancellation of the licence applicable to the site, whichever first occurs, the licensee shall, as well as complying with the provisions of clause 7.3 –

- a) restore and reinstate the excavated site in accordance with the proposals approved by the local government or in such other manner as the local government may subsequently agree in writing with the licensee;
- b) ensure that any face permitted to remain upon the excavation site is left safe with all loose materials removed and where the excavation site is -
 - (i) sand, the sides are sloped to a batter of not more than 1:3 (vertical:horizontal); and
 - (ii) limestone or material other than sand, the sides are sloped to a batter which, in the opinion of the local government, would enable the site to be left in a stable condition;
- c) ensure that the agreed floor level of the excavation is graded to an even surface or is otherwise in accordance with the rehabilitation and decommissioning programme approved by the local government;
- d) ensure that all stockpiles or dumps of stone, sand or other materials are left so that no portion of that material can escape onto land not owned or occupied by the licensee nor into any stream, watercourse or drain that is not wholly situated within the land owned or occupied by the licensee;
- e) erect retaining walls where necessary to prevent subsidence of land in the vicinity of any excavation;
- f) remove from the site all buildings, plant and equipment erected, installed or used for or in relation to the carrying on of an extractive industry on the site and fill all holes remaining after such removal to the level of the surrounding ground and compact such filled holes sufficiently to prevent settling; and
- g) break up, scarify, cover with topsoil and plant with grass, trees and shrubs all parts of the site where buildings, plant and equipment were erected or installed and all areas which were used for stockpiling unless otherwise specified under this local law.

Penalty \$5,000 for each offence, and if the offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

Part 8 - Objections & Appeals

8.1 Objections and Appeals

When the local government makes a decision as to whether it will -

- a) grant a person a licence under this local law; or
- b) renew, vary, or cancel a licence that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulation 33 of the *Local Government (Functions and General) Regulations 1996* shall apply to that decision.

Part 9 – Modified Penalties

9.1 Prescribed Offence

An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.

9.2 Modified Penalty

The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the Schedule.

9.3 Forms

For the purposes of this local law –

- (a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the notice sent under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

SCHEDULE 1
 Shire of Broomehill-Tambellup
EXTRACTIVE INDUSTRIES LOCAL LAW 2008
PRESCRIBED OFFENCES

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
2.1	Carry on extractive industry without licence or in breach of terms and conditions	350
6.1	Excavate near boundary	250
6.2(a)	Gateways not kept locked where required	350
6.2(b)	Warning signs not erected or maintained as required	350
6.2(c)	Excavation not drained as required	350
6.3(a)	Remove trees or shrubs near boundary without approval	300
6.3(b)	Store without required approval explosives or explosive devices	350
6.3(c)	Fill or excavate in breach of licence	350
6.4(1)(a)	Blasting without approval of the local government	500
6.4(1)(b)	Blasting outside times authorised	500
6.4(1)(d)	Blasting in breach of conditions imposed by the local government	500
6.4(2)	Blasting without approval on Saturday, Sunday or public holiday	500

Dated:.....2008

The Common Seal of the Shire of Broomehill-Tambellup was affixed by authority of a resolution of the Council in the presence of:

, Shire President

J.M.TREZONA, Chief Executive Officer

9.4 PROPOSED WASTE SERVICES LOCAL LAW 2008

Program:	Governance
Attachment:	Proposed Waste Services Local Law 2008
File Ref:	ADM0080
Author:	JM Trezona Chief Executive Officer
Date:	4th September 2008
Disclosure of Interest:	Nil

Summary: The purpose of this report is to allow the Presiding Person to give notice to the meeting of the purpose and effect of the Proposed Waste Services Local Law 2008, for the Council to adopt the proposed Local Law and to allow for advertising of the proposed Local Law for public comment.

Background: The Waste Avoidance and Resource Recovery Act 2007 (Waste Act) removed the provisions relating to the collection and disposal of waste from the Health Act and the responsibility for waste from the Health Department to the Department of Environment and Conservation (DEC).

Section 64 of the Waste Act provides that local governments can make local laws for the following purposes:

- a) the provision and administration of waste services and related matters;
- b) the establishment, provision, use and control of receptacles for the deposit and collection of waste, whether temporary or otherwise;
- c) if a local government itself undertakes or contracts for removal of waste from premises, imposing on the owner or occupier of the premises requirements in connection with the removal so as to facilitate the removal and prescribing the manner in which the requirement is to be complied with;
- d) if the local government of the holder of a waste collection permit does not itself undertake or contract for removal of waste from premises, imposing on the owner or occupier of the premises a requirement to remove waste from the premises and prescribing the manner in which the requirement is to be complied with;
- e) if a local government itself undertakes or contracts for the removal of waste, requiring the waste to be placed in waste receptacles provided by the local government;
- f) prescribing intervals at which the contents of the receptacles will be removed by a local government;
- g) requiring the temporary placing of waste receptacles in streets or lanes by owners or occupiers of property for collection of waste and requiring the replacement of the receptacles on the property;
- h) providing for the maintenance by owners and occupiers of waste receptacles provided by a local government;
- i) providing for the issue of approvals to collect local government waste and remove it from premises;
- j) fixing fees and charges in relation to waste services provided by a local government and the issue of approvals under paragraph (i) and prescribing the persons liable and the method of recovery of amounts not duly paid.

A local law may provide that contravention of a provision of the local law is an offence and may provide for the offence to be punishable on conviction by a penalty not exceeding a fine of \$5,000.

If the offence is of a continuing nature, the local law may make the person liable to a further penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.

The local law may provide for the imposition of a minimum penalty for the offence.

The level of the penalty may be related to –

- a) the circumstances or extent of the offence; or
- b) whether the offender has committed previous offences and if so, the number of previous offences that the offender has committed.

A local law may specify the method and the means by which any fines imposed are to be paid and collected, or recovered.

Transitional provisions in the Waste Act provide that existing Health Local Laws made under the Health Act will continue as if made under the Waste Act. Unfortunately the Shire is making a new Waste Local Law and therefore it has to be made under the Waste Act.

The Waste Act provides that the Governor may make Model Waste Local Laws.

Inquiries with the DEC have found that no model local laws have yet been developed.

The Proposed Waste Services Local Law 2008 is based on the provisions for waste services that exist in the Model Health Local Law. Although permitted under the Waste Act, no provisions have been included in the proposed local law for modified penalties and the issue of infringement notices. Penalty provisions have been included.

The **Purpose** of this local law is to provide for the administration of waste services, the establishment, provision, use and control of receptacles for the deposit and collection of waste and related matters.

The **Effect** of this local law is to control the collection and disposal of waste for the benefit of the community and protection of the environment.

Comment:

The Proposed Waste Services Local Law only applies in the townships of Broomehill and Tambellup. It gives the Shire effective control over waste services such as requiring householders to put bins out for collection, what shall not be placed in bins and for them to keep their bins clean. It provides for the Shire to give exemptions.

The local law provides that householders will pay the collection fee set by the Shire and for the Shire to charge an additional receptacle charge should it wish to do so.

The Proposed Waste Services Local Law is not in conflict with the provisions that applied under the Health Local Laws adopted by the former Shires.

This local law will be a test case and comments received from DEC should give additional guidance.

Consultation:

The local law is advertised for public comment for a period of forty two days. Any submission received must be considered by Council before making the local law.

Statutory

Environment:

Regulation 7 of the *Local Government (Constitutional) Regulations 1998*, prescribes that although an order has abolished the former Shires of Broomehill and Tambellup and created a new Shire of Broomehill-Tambellup:

- The local laws that applied in the former Shires continue to apply in respect of the former Shire districts;
- The local laws of the former Shires are to administered and enforced by the new Shire of Broomehill-Tambellup; and
- The local laws of the former Shires may be amended or repealed by the new Shire as if they were local laws of the new Shire.

Although the Waste Services Local Law is made under powers of S64 of the Waste Avoidance and Resource Recovery Act 2007, that Act requires the process to be used is that prescribed in the Local Government Act 1995.

As it is proposed to adopt a new Local Law, the following processes, as set out in section 3.12 of the *Local Government Act 1995*, must be observed –

3. At a Council meeting the person presiding is to give notice of the purpose and effect of the proposed local law by ensuring that:-
 - c) The purpose and effect of the proposed local law is included in the agenda for that meeting; and
 - d) The minutes of the meeting of the Council include the purpose and effect of the proposed local law.
4. A local government is to –
 - d) Give Statewide public notice stating that –
 - iv. The local government proposes to make a local law, the purpose and effect of which is summarised in the notice;
 - v. A copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - vi. Submissions about the proposed local law may be made to a local government before a date to be specified in the notice, being a day that is not less than six weeks after the notice is given;
 - e) As soon as the notice is given, give a copy of the proposed Local Law and a copy of the notice is to be forwarded to the relevant Minister;
 - f) Provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

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

The Waste Local Law requires the approval of the Executive Director of the Department of Environment and Conservation before it can be gazetted.

The local law is then published in the Government Gazette and a copy sent to the relevant Minister and the State Parliament Joint Standing Committee on Delegated Legislation.

The local law comes into effect fourteen days after publication in the Government Gazette.

Policy Implications:

Nil

Financial Implications:

The intention to adopt the Proposed Local Law needs to be advertised in a newspaper circulating throughout the State and once made by Council is required to be advertised in the Government Gazette.

Strategic Implications:

This issue is not dealt with in the Plan

Voting Requirements:

Simple Majority

Officer/Council Resolution:

080905

“The Commissioner resolved -

That Council adopt the Proposed Waste Services Local Law 2008 in the form presented and Councils intention to make the proposed Local Law be advertised Statewide inviting public submissions.”

Reason For Change to Recommendation:

**WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
LOCAL GOVERNMENT ACT 1995**

Shire of Broomehill-Tambellup

WASTE SERVICES LOCAL LAW 2008

Under the powers conferred by the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Broomehill-Tambellup resolved on theto make the following local law.

1. Citation

This local law may be cited as the *Shire of Broomehill-Tambellup Waste Services Local Law 2008*.

2. Application

This local law applies within the townsites of Broomehill and Tambellup.

3. Definitions

In this local law unless the context otherwise requires:

“**Act**” means the *Waste Avoidance and Resource Recovery Act 2007*;

“**collection day**” means the day of the week on which waste is collected and removed by the local government or its contractor;

“**collection time**” where used in connection with any premises, means the time of the day on which waste is collected and removed from the premises by the local government or its contractor;

“**district**” means the district of the local government;

“**EHO**” means the local government’s Environmental Health Officer;

“**local government**” means the Shire of Broomehill-Tambellup;

“**owner**”, in relation to premises comprised of or on land, has the meaning given in section 1.4 of the *Local Government Act 1995*;

“**public place**” includes a street, way or place which the public are allowed to use, whether the street, way or place is or is not on private property;

“**receptacle**” where used in connection with any premises means—

(a) a polyethylene cart fitted with wheels, a handle and a lid and having a capacity of at least 120 litres; or

(b) a container provided by the local government or its contractor for the deposit, collection and recycling of specific materials; and supplied to the premises by the local government or its contractor;

“**regulations**” means the *Waste Avoidance and Resource Recovery Regulations 2008*;

“**street**” has the same meaning as in the *Local Government Act 1995*;

“**street alignment**” means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the *Local Government (Miscellaneous Provisions) Act 1960*, means the new street alignment so prescribed; and

“**waste**” includes matter —

(a) whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment;

(b) prescribed by the regulations to be waste; or

“**waste facility**” means premises used for the storage, treatment, processing, sorting, recycling or disposal of waste;

“waste service” means —

- (a) the collection, transport, storage, treatment, processing, sorting, recycling or disposal of waste; or
- (b) the provision of receptacles for the temporary deposit of waste; or
- (c) the provision and management of waste facilities, machinery for the disposal of waste and processes for dealing with waste;

4. Provision of Waste Service

The local government shall undertake or contract for the efficient execution of a waste service in those parts of the district to which this local law applies.

5. Obligations of the Owner or Occupier

(1) Owners or occupiers shall —

- (a) not, unless authorised by the local government, remove any house and trade waste and other waste from the premises;
- (b) pay to the local government the annual waste collection rate imposed under section 66 of the Act;
- (c) pay to the local government the annual receptacle charge made in lieu of, or in addition to the annual waste collection rate, under section 67 of the Act.

(2) The local government may in writing authorise the occupier of premises within its district to remove or dispose of house and trade waste from or on the premises if —

- (a) the waste on the premises is not available for removal at regular periods and is of such a nature or quantity as to be unsuitable for removal by the local government or its contractor; or
- (b) there is installed on the premises efficient apparatus for the destruction of the waste and the apparatus is used to dispose of the waste on the premises without causing a nuisance or permitting the discharge of smoke into the atmosphere in such quantities or of such a nature as to cause annoyance to persons.

(3) Where any waste is removed from the premises under a written authority of a local government, the person removing it shall —

- (a) dispose of it at the place set apart by the local government for the disposal of waste; and
- (b) pay to the local government the fee for the disposal as determined by the local government from time to time under sections 6.16 and 6.19 of the *Local Government Act 1995*.

6. Receptacles

An owner or occupier of premises shall—

- (a) ensure the premises are provided with a receptacle for the depositing of waste and maintain the receptacle in a serviceable condition;
- (b) at all times keep the lid of the receptacle closed except when depositing waste or cleaning the receptacle;
- (c) except for a reasonable period before and after collection time, keep the receptacle on the premises and located—
 - (i) behind the street alignment and so as not to be visible from a street or public place; or
 - (ii) in such other position as is approved by the local government;
- (d) on each collection day at or prior to 6.00am place the receptacle out in the street in a position, prescribed by the local government, where it is visible from the carriageway of the street or the right of way, but so that it does not obstruct any thoroughfare, land, footpath, cycleway or other carriageway and positioned with the handle facing away from the kerb line, or placed in such other position as is approved by the local government.

7. Exemption

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of section 6(c) or (d).
- (2) The local government may grant or refuse, with or without conditions, an application for exemption from compliance under this section.
- (3) An exemption granted under this section shall state—
 - (a) the premises to which the exemption applies;
 - (b) the period during which the exemption applies; and
 - (c) any conditions imposed by the local government.
- (4) The local government may rescind the exemption or from time to time vary conditions imposed by it under this section by giving written notice of the variation to the person to whom the exemption was given.

8. Use of Receptacles

An owner or occupier of premises shall—

- (a) not deposit or permit to be deposited in a receptacle—
 - (i) more than 70 kilograms of waste;
 - (ii) hot or burning ash;
 - (iii) oil, motor spirit or other flammable liquid;
 - (iv) liquid paint, solvent or other liquid;
 - (v) bricks, concrete, building rubble, asbestos, earth or other like substances;
 - (vi) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;
 - (vii) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious and leak-proof container;
 - (viii) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a durable, impervious and leak proof container;
 - (ix) cytotoxics, radioactive substances and dangerous chemicals;
 - (x) sewage, manure, nightsoil, faeces or urine;
 - (xi) any object which is greater in length, width or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed;
 - (xii) waste which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container; or
 - (xiii) hazardous products including ammunition and flares;
- (b) at all times keep the receptacle in a clean condition;
- (c) whenever directed to do so by an EHO, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the receptacle;
- (d) take all reasonable steps to prevent—
 - (i) fly breeding and keep the receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease; and
 - (ii) the emission of offensive and noxious odours from the receptacle; and
- (e) ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.

9. Ownership of Receptacles

- (1) A receptacle supplied by the local government or its contractor, remains the property of the local government or its contractor, as the case may be;
- (2) The owner or occupier of a premises supplied with a receptacle remains responsible for any waste placed or deposited in the receptacle until such time as it has been removed by the local government or its contractor.

10. Damage to Receptacles

- (1) A person shall not—
 - (a) damage, destroy or interfere with a receptacle; or
 - (b) except as permitted by this local law or as authorised by the local government, remove a receptacle from any premises;
- (2) If the receptacle of a premises is damaged, defective, lost or stolen, the owner or occupier of the premises shall notify the local government within 7 days after the event.

11. Use of Other Containers

- (1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or food premises, the local government may authorise waste to be deposited in a container other than a receptacle.
- (2) The owner or occupier of premises who is authorised under this section to deposit waste in a container shall—
 - (a) unless approved by the local government not deposit or permit to be deposited in the container anything specified in section 8(a) (ii) to (xiii);
 - (b) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from the container;
 - (c) whenever directed by an EHO to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;
 - (d) cause the container to be located on the premises in an enclosure constructed and located as approved by the local government;
 - (e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection; and
 - (f) ensure that the container does not cause a nuisance to an occupier of adjoining premises.
- (3) An owner or occupier shall—
 - (a) ensure that there are a sufficient number of containers provided to contain all waste which accumulates or may accumulate in or from the premises;
 - (b) ensure that each container on the premises—
 - (i) has a close fitting lid;
 - (ii) is constructed of non-absorbent and non-corrosive material; and
 - (iii) is clearly marked, for the use of, and is used only for, the temporary deposit of waste;
 - (c) keep or cause to be kept each container thoroughly clean and in good condition and repair;
 - (d) place any waste in, and only in, a container marked for that purpose;
 - (e) keep the cover on each container except when it is necessary to place something in, or remove something from, it; and
 - (f) ensure that each container is emptied at least weekly or as directed by the EHO.

12. Suitable Enclosure

- (1) An owner or occupier of premises—
 - (a) consisting of more than three (3) dwellings; or
 - (b) used for commercial or industrial purposes, or a food premises shall if required by the local government provide a suitable enclosure for the storage and cleaning of receptacles on the premises.
- (2) An owner or occupier of premises required to provide a suitable enclosure under this section shall keep the enclosure thoroughly clean and disinfected.
- (3) For the purposes of this section, a “suitable enclosure” means an enclosure—
 - (a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the local government;
 - (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the local government;

- (c) having walls not less than 1.8 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;
- (d) containing a smooth, non-slip and impervious floor—
 - (i) of not less than 75 millimetres in thickness; and
 - (ii) which is evenly graded to an approved liquid refuse disposal system;
- (e) which is easily accessible to allow for the removal of the receptacles;
- (f) provided with a ramp into the enclosure having a gradient no steeper than 1:8 unless otherwise approved by the local government; and
- (g) provided with a tap connected to an adequate supply of water.

13. Building Construction

- (1) During all periods of construction on any building site, the builder shall—
 - (a) when requested by an EHO, provide and maintain on such site a waste disposal bin, being either—
 - (i) a bin of not less than 4 cubic metres in capacity; or
 - (ii) a receptacle or other container approved by the EHO;
 - (b) keep such site free of waste and offensive matter; and
 - (c) maintain the street verge immediately adjacent to such site free of waste or offensive matter.
- (2) On completion of construction, the builder shall immediately clear the site and the adjacent street verge of all waste, waste materials and offensive matter and all waste bins provided by the builder.
- (3) In subsections (1) and (2), “waste” includes all discarded stones, brick, lime, timber, iron, tiles, bags, plastics and any broken, used or discarded matter.

14. Deposit of Waste

- (1) A person shall not deposit or cause or permit to be deposited any waste in or on any street or on any land other than a waste facility.
- (2) The driver of a vehicle, upon entering a waste facility, shall present or display a current pass issued by the local government, to the attendant or person in charge of the site and shall not deposit any waste until authorised to do so by that attendant or person in charge.
- (3) A person shall not deposit waste in or on a waste facility except—
 - (a) at such place on the site as may be directed by the person in charge of the facility; or
 - (b) if the person in charge is not in attendance at the facility, as may be directed by a notice erected on the site.

15. Removal from Waste Facility

- (1) A person shall not remove any waste from a waste facility without the written approval of the local government.
- (2) A person who obtains approval from the local government shall comply with any conditions imposed by the local government and set out in the approval.

16. Removal of Waste from Premises or Receptacle

- (1) A person shall not remove any waste from premises unless that person is—
 - (a) the owner or occupier of the premises;
 - (b) authorised to do so by the owner or occupier of the premises; or
 - (c) authorised in writing to do so by the local government.
- (2) A person shall not, without the approval of the local government or the owner of a receptacle, remove any waste from the receptacle or other container provided for the use of the general public in a public place.
- (3) Where the local government provides—
 - (a) a collection service for recyclable material, the occupier of premises shall comply with and observe the directions given by the local government in relation to that

collection;

(b) a collection for bulk material, the occupier of premises shall comply with and observe the directions given by the local government in relation to that collection.

(4) Where additional collection services are provided upon request by the occupier of premises, fees as set by the local government from time to time under sections 6.16 and 6.19 of the *Local Government Act 1995* shall be paid.

17. Burning Waste

(1) A person shall not—

(a) without the approval of the local government; and

(b) except in accordance with the terms and conditions to which the approval is subject, set fire to, or cause to be set on fire, any waste either—

(i) in any incinerator; or

(ii) on the ground.

(2) Subject to subsection (3), an approval of the local government is issued subject to the following conditions—

(a) the material to be burnt—

(i) does not include any plastic, rubber, food scraps, green garden cuttings and other material which may become offensive when burnt; and

(ii) is of such quantity, or of such a nature, as to be unsuitable for removal by the local government's waste collection service;

(b) there is no other appropriate means of disposal;

(c) burning shall not take place—

(i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or

(ii) where there is no current dispersion alert, outside the hours of 10.00am to 6.00pm;

(d) an incinerator must meet the standards specified by the local government;

and

(e) an incinerator unit used for fire must be located—

(i) at least 3 metres from a fence, building or inflammable matter; and

(ii) in such a position so as not to create a nuisance or be offensive to other persons.

(3) Subject to the local fire rules, the local government may grant approval to clear by burning fire breaks or vacant blocks of grass, straw, hay, undergrowth, herbage and other similar vegetation.

18. Waste Removal Vehicles

A vehicle used by the local government or its contractor for the collection and transport of waste shall—

(a) be provided with a compartment in which all waste shall be deposited for removal, and of which the interior is constructed from or surfaced with impermeable material; and

(b) have a cover over the compartment at all times when the vehicle is engaged in the transport of waste.

19. Method of Removal of Waste

A person engaged in the removal of waste from premises shall—

(a) convey all waste from the receptacles of the occupier of the premises and deposit the waste in the portion of the collection vehicle intended to hold the waste; and

(b) replace the receptacle in the position it was lifted from.

20. Offences

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Dated 2008 .

The Common Seal of the Shire of Broomehill-Tambellup was affixed by authority of a resolution of the Council in the presence of:

, Shire President
J. TREZONA, Chief Executive Officer

9.5 PROPOSED SUBDIVISION – LOTS 1, 2, 2169 & 5218 HILDER ROAD, BORDERDALE – WAPC 138369

Program:	Planning
Attachment:	Subdivision Plan
File Ref:	S138369
Author:	Gray and Lewis Land use Planners
Date:	3rd September 2008
Disclosure of Interest:	Gray & Lewis receive planning fees for advice given to the Shire therefore declare a Financial Interest – Section 5.65 of Local Government Act 1995.

Summary: An application has been lodged with the Western Australian Planning Commission (WAPC) to adjust the boundaries of four existing lots used for farming.

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

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

Background: The subject lots are zoned ‘Farming’ under the Shire of Tambellup Town Planning Scheme No 2.

Comment: Description of Application

There are four exiting lots and the application involves realigning the boundaries as summarised in the table below.

Existing Lot No.	Existing Area (ha)	Proposed Area (ha)	Proposed lot
2169	64.830	83.2	A
5218	80.987	84.6	B
2	144.43	34.7	C
1	79.818	167.4	D

Scheme Provisions

Under the Scheme the objectives for the farming zone include ‘..to ensure the continuation of broad acre 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 the 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.

WAPC Policy Criteria	Officer Comment	Officer Assessment
a) The new lot pattern is consistent with the objectives of this policy.	The objectives are included in State Planning Policy 2.5 and include to protect agricultural land.	Considered to comply but will be assessed by WAPC.
b) No additional lots are created.	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.	The applicant advises that the lot layout reflects current landuses and proposed boundaries coincide with existing fence lines or the edges of cropping boundaries.	Complies based on applicants advice however they have not provided details of the landuses.
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 has been assessed based on the applicants advice that the boundaries do reflect the existing uses and farm management of the land.

The information provided by the applicant was minimal 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.

The prime consideration is to ensure protection of farming and Councillors may have local knowledge of the general practices of the land.

Option 2

Option 2 is recommended based on the following:

- 1) The application appears to comply with WAPC Policy DC 3.4
- 2) There are four existing separate lots and the boundary alignment

will not result in any increase in the number of lots.

- 3) The proposed boundaries appear to follow uses based on the aerial photography and advice from the applicant.

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 and Water Cooperation for comment.

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.

Policy Implications: Nil

Financial

Implications: This issue has no financial implications for Council

Strategic

Implications: This issue is not dealt with in the Plan

Voting Requirements:

Simple Majority

Officer Resolution:

“The Commissioner resolves –

That Council:

- 1) *Recommend that the Western Australian Planning Commission approve the application subject to a condition requiring ‘All buildings having necessary clearance for new boundaries’;*
- 2) *Refer a copy of this report to the Western Australian Planning Commission as it includes the assessment conducted on the application;*
- 3) *Recommend that the Western Australian Planning Commission refer the application to the Department for Agriculture and Food WA for comment.”*

Council Resolution: 080906

“The Commissioner resolved –

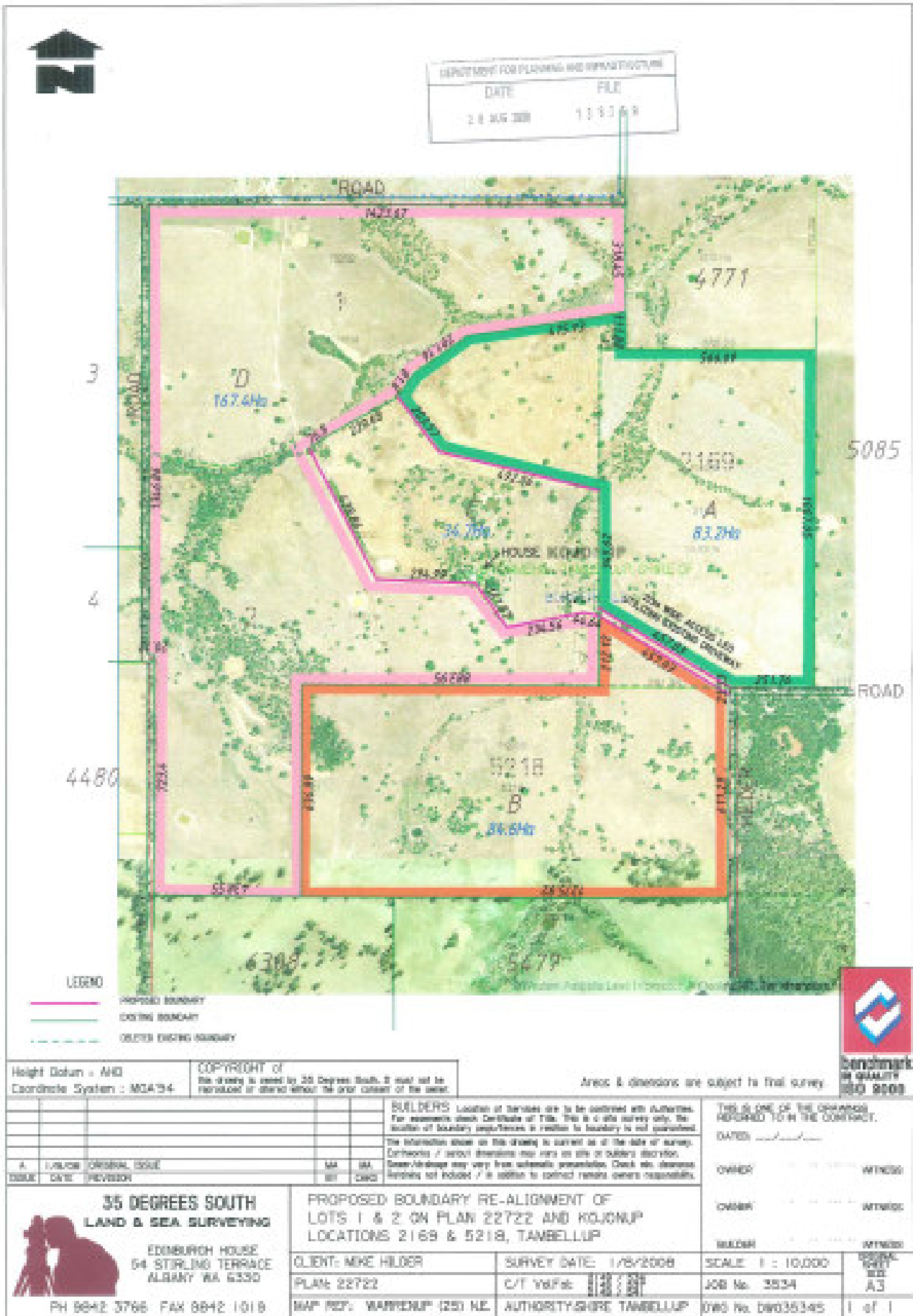
That Council:

- 1) *Recommend that the Western Australian Planning Commission approve the application subject to a condition requiring ‘All buildings have necessary clearance for new boundaries’;*
- 2) *Refer a copy of this report to the Western Australian Planning Commission as it includes the assessment conducted on the application;*
- 3) *Recommend that the Western Australian Planning Commission refer the application to the Department for Agriculture and Food WA for comment; and*
- 4) *Notification in the form of a section 70A notification, pursuant*

to the Transfer of Land Act 1893 (as amended) be placed on the Certificate of Title of proposed Lot C advising that this lot is located in an existing agricultural area. Use of the land may be affected by 24 hour operation of machinery, aerial spraying and generation of other noise, dust and odours arising from normal agricultural operations being carried out on surrounding land holdings.”

Reason For Change to Recommendation:

In the view of Council, the proposed subdivision will create potential future problems for both the local government and the surrounding land owners in that the uses are not compatible.



9.6 PROPOSED SUBDIVISION – LOT 2093 NYMBUP ROAD, TAMBELLUP – WAPC 138317

Program:	Planning	
Attachment:	Subdivision Plan	
File Ref:	S138317	
Author:	Gray & Lewis	Land use Planners
Date:	3rd September 2008	
Disclosure of Interest:	Nil	

Summary: An application has been lodged with the Western Australian Planning Commission (WAPC) to excise a homestead lot from a farming property.

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

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

Background: Lot 2093 Nymbup Road, Tambellup (“subject lot”) is zoned ‘Farming’ under the Shire of Tambellup Town Planning Scheme No2.

The existing lot has an approximate area of 63.7 hectares and contains an existing house central to the Nymbup Road boundary to the north.

Comment: Description of Application

The application proposes to subdivide the subject lot into two separate green title lots of 1.96 hectares for the homestead lot containing the existing house and retaining the main farmland on 61.74 hectares.

Scheme Provisions

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

It is not considered that the subdivision will undermine this objective as the farm can continue to operate effectively and it is unlikely that the land in the immediate vicinity to the existing residence is actively used for farming purposes. The proposed homestead lot also has tree lined buffers which provide some separation to the farm activities.

Under Clause 6.6.4 of the Scheme there are specific criteria for subdivision in the farming zone. The Clause states:

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

- *The lots have already been physically divided by significant natural or non-made features which preclude the continued operation of a farming property as a single unit (unless adjoining land could be similarly subdivided and thereby, by the process of precedent, lead to an undesirable pattern of landuse in the area*

or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);

- *The lots are for farm adjustment and the erection of dwellings or restricted;*
- *The lots are for specific uses such as recreation facilities and public utilities; or*
- *The lots are required for the establishment of uses ancillary to the rural use of the land or are required for the travelling public and tourists (such as service stations and motels).*

Council can consider subdivision where ‘*the lots are required for the establishment of uses ancillary to the rural use of the land...*’ It could be argued that the residence is ancillary to the main farm use. It should also be recognised that the Scheme does not specifically address homestead lots likely due to its age and past WAPC Policies which were more restrictive.

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. Since this time, WAPC have been actively approving homestead lot applications which comply with the Policy criteria.

WAPC Policy Criteria	Officer Comment	Officer Assessment
The land is in the Wheatbelt agricultural policy area.	Tambellup is included in Appendix 3 of the Policy as being in the Wheatbelt policy area.	Complies.
The population in the locality is declining or relatively static.	Australian Bureau of Statistics shows that the population in the Shire of Tambellup decreased from 725 in 2002 to 700 in 2006. Marginal increases occurred between 2004 and 2006, however it has remained relatively static.	Complies.
The homestead lot has an area between 1 and 4ha, or up to 20 ha where it is desirable to respond to the landform or to include existing outbuildings or water sources.	The proposed lot is 1.9 hectares.	Complies.
There is an adequate water supply for domestic, land management and fire management services	The applicant has advised that (1) the existing house is serviced by rainwater tanks and they will be retained for water supply, and (2) a dam can be constructed to the front of the proposed lot for garden	Complies. Council can recommend a condition requiring the dam to be constructed up front, however it is considered that this can be conducted

	watering and non potable purposes.	by the new owners as needed.
The homestead lot fronts a constructed road.	The lot has direct frontage to Nymbup Road.	Complies.
The homestead lot contains an existing residence.	It contains an existing house.	Complies.
A homestead lot has not been excised from the farm in the past.	It is clear from the surrounding lot sizes and pattern that no homestead lots have been excised in the past.	Complies.

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

Options available to Council

Option 1 – Recommend Refusal

Council can recommend refusal of the application and advise the WAPC that it is not supportive of homestead lots and does not consider that the application complies with the Scheme as once the land is subdivided the house will not be ancillary to the farm as per Clause 6.6.4.

Option 1 is not recommended as:

- 1) Council has the discretion to support the application and due to the age of the Scheme, WAPC can also consider any variation to the Scheme requirements under the Planning and Development Act 2005.
- 2) The application complies with WAPC Policy DC 3.4.

Option 2 – Recommend conditional approval

Option 2 is recommended based on the following:

- 1) The application complies with WAPC DC 3.4
- 2) There are community benefits associated with homestead lots as they help to maintain the existing population.
- 3) Homestead lots can provide accommodation for retired farmers who wish to remain in the area, workers and/or provide income for farmers who may wish to construct a new dwelling on the remaining farm lot.

Consultation: Consultation has been conducted by the WAPC who has referred the application to the Department of Industry and Resources, Western Power and Water Corporation for comment.

Statutory

Environment: Shire of Tambellup Town Planning Scheme No 2.

Policy Implications: Nil

Financial

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

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

Simple Majority

Officer Resolution:*“The Commissioner resolves –**That Council:*

- 1) Recommend that the Western Australian Planning Commission approve the application subject to a condition requiring ‘All Buildings having necessary clearance for new boundaries.’*
- 2) That a copy of this report be provided to the WAPC as it includes the assessment conducted on the application.”*

The Commissioner sought additional information from staff and comments from members of the public.

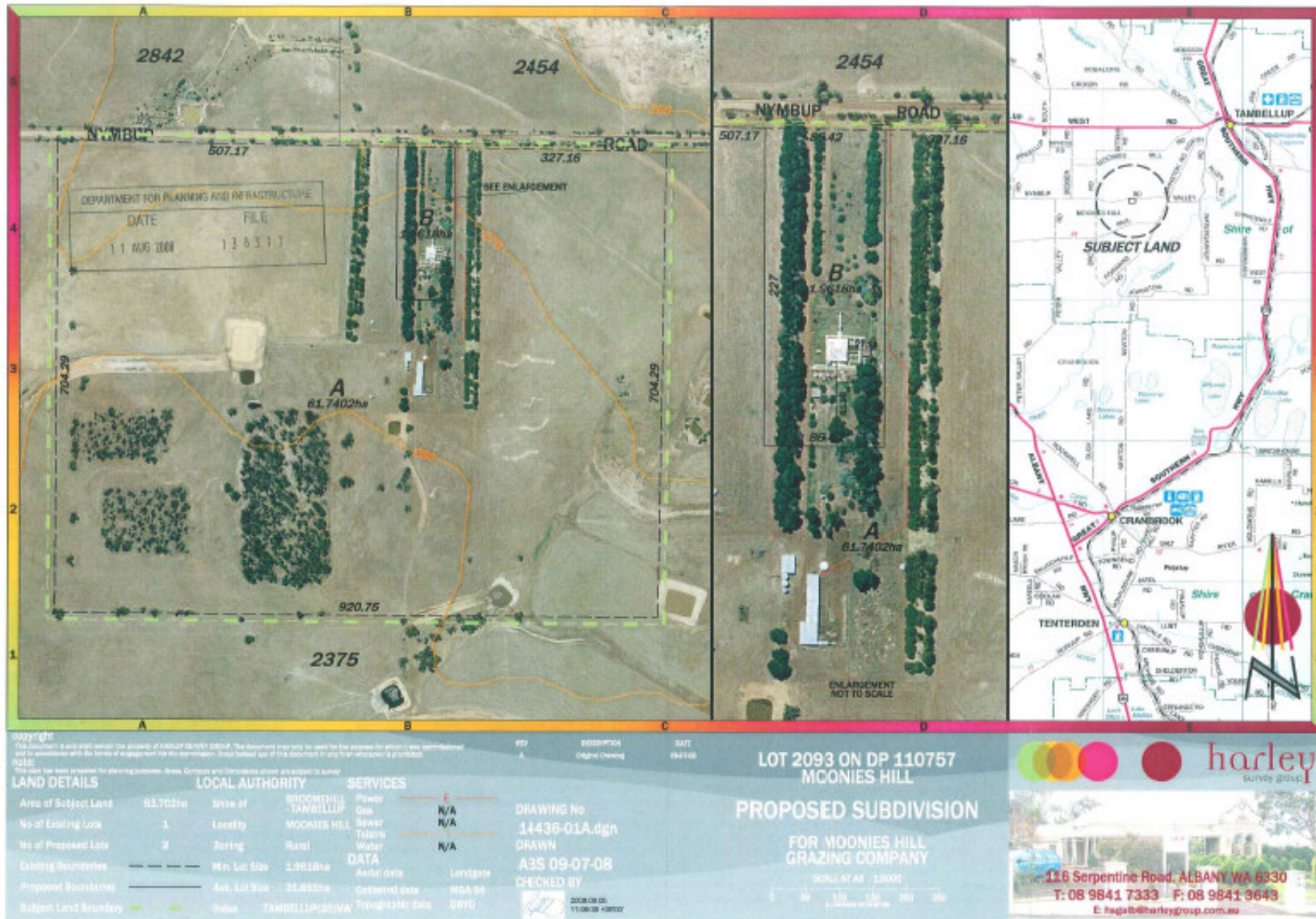
Council Resolution:**080907***“The Commissioner resolved –**That Council advise the Western Australian Planning Commission that:*

- 1) It DOES NOT SUPPORT the proposed subdivision application 138317 at Lot 2093, Nymbup Road Tambellup on the following grounds;*
 - a) In the view of Council, the proposed Lot B is too small to provide sufficient catchment to enable the proposed lot to be self sufficient in water provision;*
 - b) The proposed lot would be in the middle of broad acre farmland and have no connection to that land; and*
 - c) On the basis of population predictions (Population Report No 6 Western Australia Tomorrow Page 87), the population of Tambellup district is in growth mode with predictions for this to increase.*
- 2) Should the Western Australian Planning Commission determine to support the application for subdivision, then Council seeks that the application be conditioned as follows:*
 - a) A dam, with pumping infrastructure and connection to the plumbing be constructed on the Lot prior to subdivision clearance with a minimum capacity of 1,000 cubic metres*
 - b) Existing vegetation of the lot be undisturbed;*
 - c) Power supply between the house lot and the sheds on Lot A be separated; and*
 - d) Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) be placed on the Certificate of Title of proposed Lot B advising that this Lot is located in an existing agricultural area. Use of the land may be affected by 24 hour operation of machinery, aerial spraying and generation of other noise,*

dust and odours arising from normal agricultural operations being carried out on surrounding land holdings.”

**Reason For Change to
Recommendation:**

In the view of the Council, the proposed subdivision does not fully comply with WAPC Policy DC3.4 and the proposed subdivision will create potential future problems for both the local government and the surrounding land owners in that the uses are not compatible.



9.7 WAPC PLANNING APPLICATION 138447 – LOT 66 JOURNAL STREET, BROOMEHILL

Program: Community Amenities
Attachment: Amalgamation proposal and map
File Ref: S138447
Author: JM Trezona Chief Executive Officer
Date: 11th September 2008
Disclosure of Interest: Nil

Summary: Council comment is sought on the proposal to amalgamate three Broomehill townsite lots.

Background: The Western Australian Planning Commission (WAPC) has forwarded an application seeking to subdivide Lots 46, 47 and 66 Journal Street, Broomehill Village into one lot. Council is asked to provide any information, comment or recommended conditions pertinent to the application by 17 October 2008.

Comment: The purpose of the application is to amalgamate three lots in the commercial area of Broomehill because the existing buildings (the hotel) encroach over existing boundaries.

The amalgamation of the Lots will correct the existing anomaly and allow the owners of the Hotel to more easily undertake any future building works on the land.

Consultation: Nil

Statutory Environment: Shire of Broomehill Town Planning Scheme No 1

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

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

Voting Requirements: Simple Majority

Officer/Council Resolution: 080908

“The Commissioner resolved –

That Council supports the proposal detailed in the Western Australian Planning Commission application 138447 to amalgamate Lots 46, 47 and 66 (2) Journal Street, Broomehill Village into one lot.”

PH and KE GOW (Licensed Surveyors)

PO Box 580 Narrogin WA 6312
98815140 0428250962 fax 98815575

The Secretary
Western Australian Planning Commission
469 Wellington St
PERTH WA 6000

27/08/08

Re: Proposed Amalgamation Lots 46, 47 and 66, (2) Journal St Broomehill Villiage
Shire of Broomehill-Tambellup

Dear Sir,
We act for the proprietors of Lots 46, 47 and 66, (2) Journal St Broomehill Villiage.

The purpose of this application is to amalgamate three lots in the CBD of Broomehill because the buildings encroach over the existing boundaries.

On behalf of our client I request that the commission grant preliminary approval for the amalgamation as submitted.

Any questions do not hesitate to contact me.

Regards



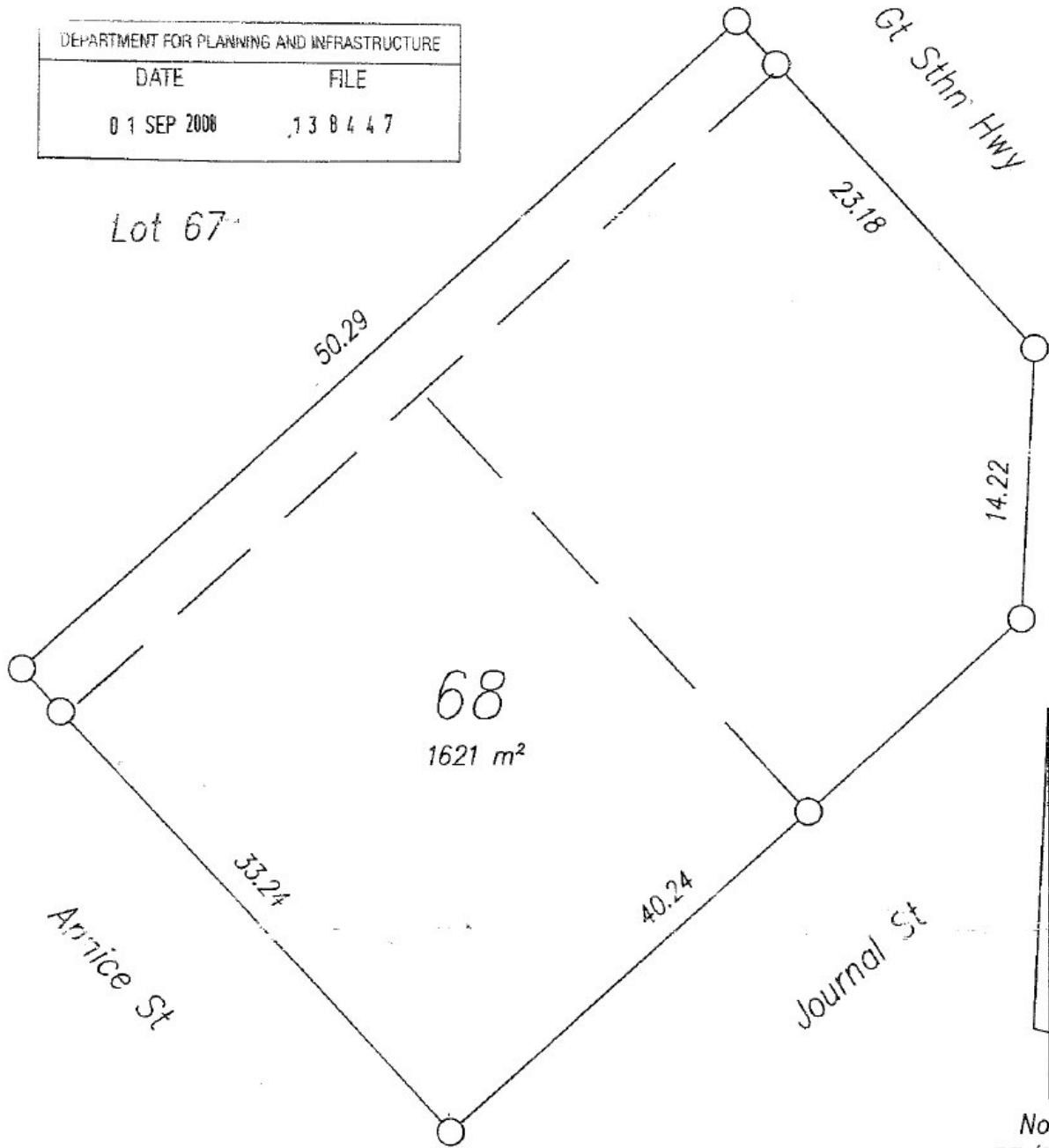
Peter Gow

DEPARTMENT FOR PLANNING AND INFRASTRUCTURE	
DATE	FILE
01 SEP 2008	13 8 4 4 7

2 and 4 Journal St, Broomehill

DEPARTMENT FOR PLANNING AND INFRASTRUCTURE	
DATE	FILE
01 SEP 2008	13 8 4 4 7

Lot 67



Existing Lots 3

- Lot 46 708 sqm
- Lot 47 759 sqm
- Lot 66 154 sqm

Proposed Lots 1

Proposed Lot 68 Area 1621 sqm

Scale 1:300 at A4 plot

9.8 FIRE CONTROL OFFICERS 2008/2009 FIRE SEASON

Program: Law, Order and Public Safety
Attachment: Nil
File Ref: ADM0244
Author: JM Trezona **Chief Executive Officer**
Date: 17 September 2008
Disclosure of Interest: Nil

Summary: Council must endorse the Fire Control Officers for the 2008/2009 Fire Season.

Background: Fire Control Officers for the Shire of Broomehill-Tambellup will be appointed on an annual basis. Section 38 of the Bush Fire Act 1954 gives Local Government the authority to appoint such persons as it thinks necessary.

Comment: The following people have been elected to fill the positions for the 2008-2009 fire season. Council is required to endorse their nominations.

Chief Fire Control Officer	Brett Green
Deputy Chief Fire Control Officer	Craig Dennis
Deputy Chief Fire Control Officer	Tony Cristinelli
Fire Weather Officers	Brett Green
	Craig Dennis
	Tony Cristinelli
Broomehill East	Scott Thompson
Broomehill West	Mark Taylor
Broomehill Central	Dean Eveleigh
Tambellup East	Andrew Leonhardt
Tambellup West	Andrew Bradshaw
Tambellup Town (VESU)	Laurie Hull
Dual Fire Control Officers:	
Katanning	Mark Taylor
Kojonup	Nigel Sheridan
	Mark Taylor
Cranbrook	John Cristinelli
	Andrew Leonhardt
Gnowangerup	Kim Oliver

Consultation: Broomehill and Tambellup Bush Fire Brigades

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/Council****Resolution:** 080909*“The Commissioner resolved-**That Council endorses the following as Fire Control Officers for the 2008/2009 Fire Season:**Chief Fire Control Officer**Brett Green**Deputy Chief Fire Control Officer**Craig Dennis**Deputy Chief Fire Control Officer**Tony Cristinelli**Fire Weather Officers**Brett Green**Craig Dennis**Tony Cristinelli**Broomehill East**Scott Thompson**Broomehill West**Mark Taylor**Broomehill Central**Dean Eveleigh**Tambellup East**Andrew Leonhardt**Tambellup West**Andrew Bradshaw**Tambellup Town (VESU)**Laurie Hull**Dual Fire Control Officers:**Katanning**Mark Taylor**Kojonup**Nigel Sheridan**Mark Taylor**Cranbrook**John Cristinelli**Andrew Leonhardt**Gnowangerup**Kim Oliver”***Reason For Change
to Recommendation:**

9.9 PLANNING APPLICATION – CBH TEMPORARY STORAGE

Program:	Community Amenities
Attachment:	Map of site, copy of proposed structure
File Ref:	ADM0165
Author:	JM Trezona Chief Executive Officer
Date:	18 September 2008
Disclosure of Interest:	Nil

Summary: Council has received a planning application for the construction of a temporary grain storage for the 2008-2009 grain harvest season.

Background: Bulkwest Engineering on behalf of Cooperative Bulk Handling (CBH) has submitted an application for planning consent to establish two emergency open bulkheads on Lot 531 Nardlah Road Broomehill West to provide additional storage for the 2008-2009 grain harvest.

The owner of the land has granted his permission for the temporary structure to be erected on Lot 531.

CBH have commenced the planning to undertake expansion of its facility in Broomehill however these will not be in place for the coming grain harvest.

Comment: In considering this application Council should have regard for the following:

- If Council supports it as a temporary use then a limitation of time should be placed on any approval. Council has the discretion to limit the time period for the approval under Clause 7.3.3 of the Scheme.
- Even though it is a 'temporary' proposal the application still needs to be assessed on normal planning grounds having regard for potential landuse conflict, truck movements, traffic etc
- One of main issues is landuse separation due to the potential for conflict between this type of development and sensitive landuses. There is one house in very close proximity to the bulkheads, based on aerial photography (attached). There is also another residence to the south east of the proposed site.
- It is proposed that consultation be undertaken with the residents in close proximity.
- It should be noted that even though one of the houses is likely party to the application as it is on the same lot as the proposed bulk heads, that does not negate Councils responsibility to examine impact on amenity.

- There is potential for dust from the trucks using the gravel road. If Council supports it they should require CBH to undertake any necessary grading of the road & dust mitigation if necessary (eg watering track/road)).
- Provision should be made for stacking of vehicles on site. Council will need to be satisfied there is adequate on site stacking and truck manoeuvrability.
- Clarification is required on what the truck routes to and from the site and

Consultation: Liz Bushby - Gray and Lewis Land Use Planners

Statutory Environment: Shire of Broomehill Town Planning Scheme No 1

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:
“The Commissioner resolves -

That the application for planning consent from Bulkwest Engineering to establish two temporary open bulkheads on Lot 531 Nardlah Road Broomehill West be granted subject to the following conditions:

- *The approval be granted for a 24 month period*
- *CBH to undertake any necessary grading of Nardlah Road and dust mitigation during receipt and out loading of grain at Lot 531*
- *Provide clarification to the satisfaction of the CEO of the truck routes to and from the site*
- *Provision to be made for adequate stacking of vehicles on site. Vehicles are not to be stacked on the Nardlah Road*
- *Consultation is to be undertaken with the residents in close proximity”*

Council Resolution: 080910

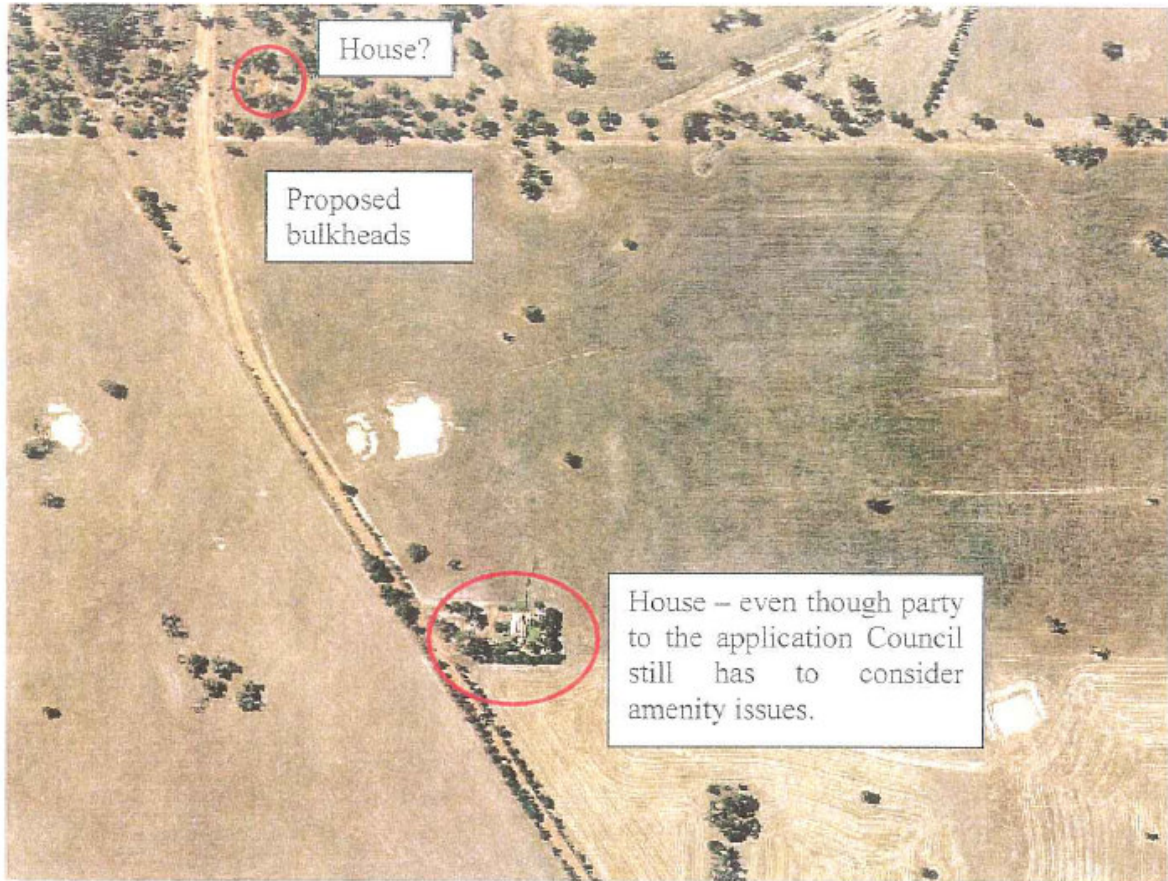
“The Commissioner resolved –

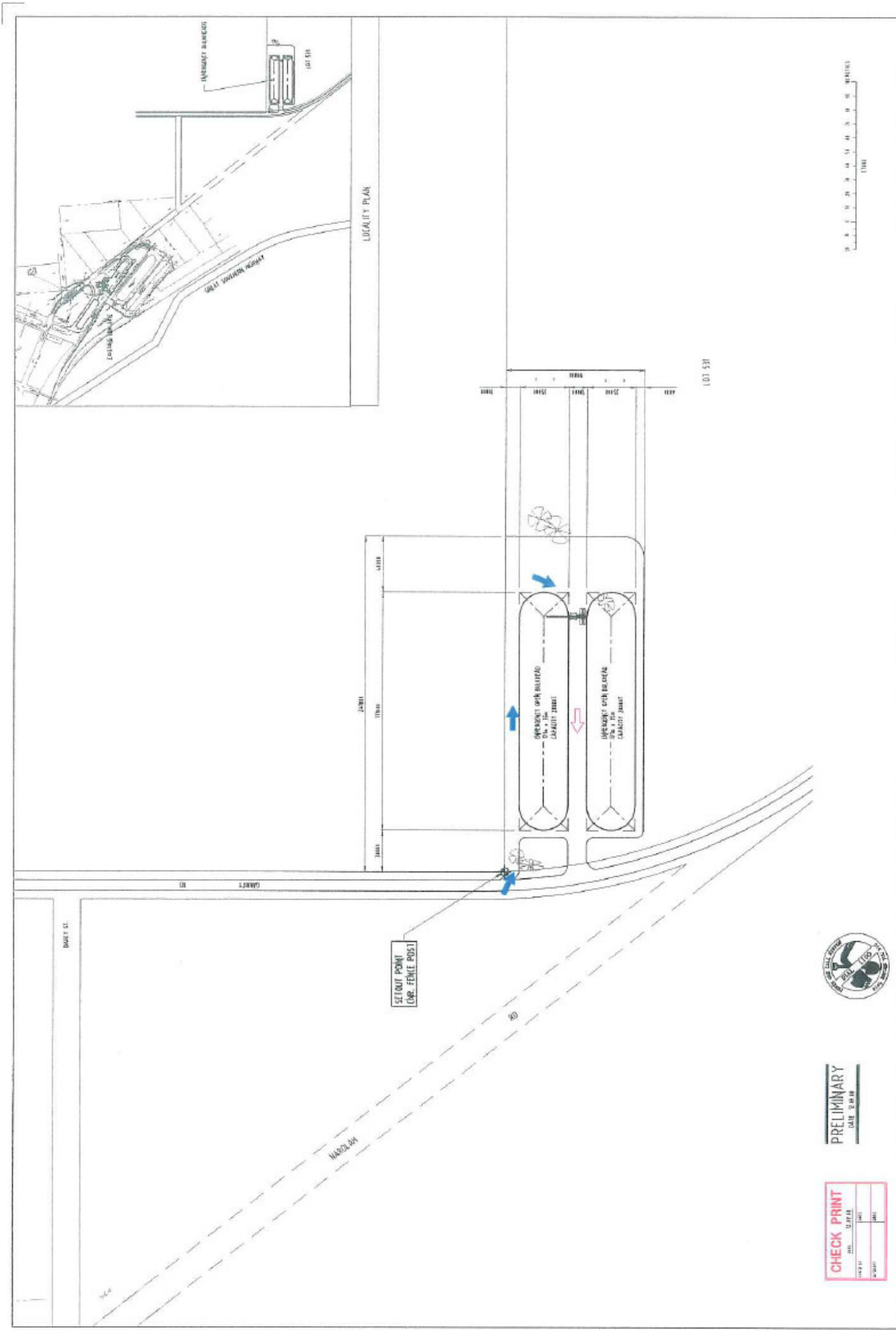
That the application for planning consent from Bulkwest Engineering to establish two temporary bulkheads on Lot 531 Nardlah Road, Broomehill West be granted subject to the following conditions:

- The approval be granted for a twelve month period;*
- CBH to undertake any necessary grading of Nardlah Road and dust mitigation during receipt and out loading of grain at Lot 531 and to the satisfaction of the Chief Executive Officer at the conclusion of the use of the temporary facility;*
- Provide clarification to the satisfaction of the Chief Executive Officer of the truck routes to and from the site;*
- Provision to be made for adequate stacking of vehicles on site. Vehicles are not to be stacked on Nardlah Road; and*
- Residents in close proximity are to be advised of Councils approval and the temporary nature of the facility.”*

Reason For Change to Recommendation:

The Commissioner reduced the approval time to twelve months so that the incoming Council makes any further determination on the extension of the use of the emergency facility.





PRELIMINARY
DATE: 10/09/08

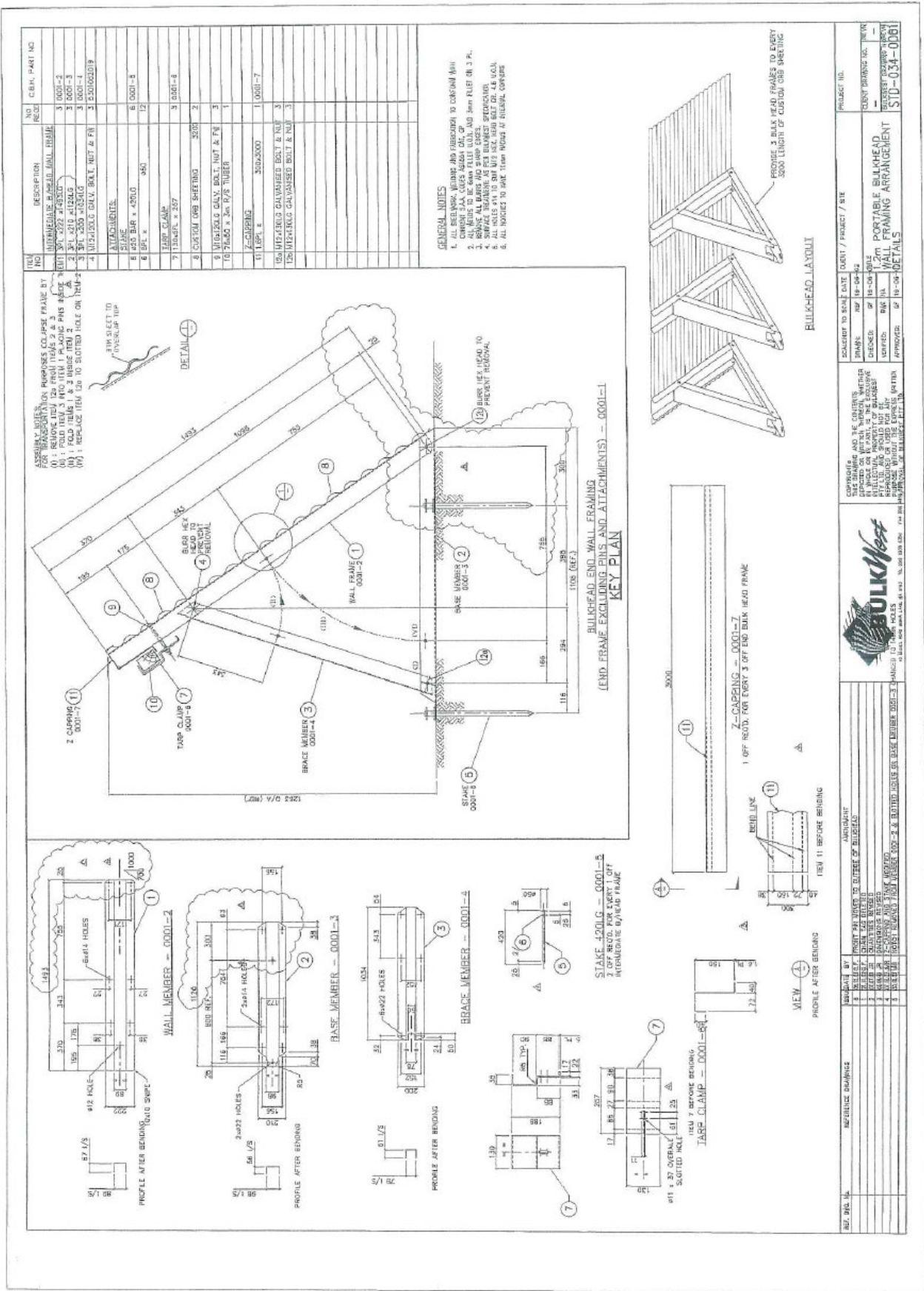
CHECK PRINT
DATE: 10/09/08



Bulkwest
ENGINEERING COMPANY

100% HEAD OFFICE
100% LOCAL STAFF
MARKET LEADING
100% FULL TIME EMPLOYEES

PROJECT NO.	2008-558-0000
CLIENT	BOODREHILL ENERGY STORAGE
PROJECT NAME	2 x 250kWh ENERGY STORAGE
DATE	10/09/08
SCALE	1:1000
DATE	10/09/08
BY	[Signature]
CHECKED BY	[Signature]
DATE	10/09/08
PROJECT NO.	2008-558-0000
CLIENT	BOODREHILL ENERGY STORAGE
PROJECT NAME	2 x 250kWh ENERGY STORAGE
DATE	10/09/08
SCALE	1:1000
DATE	10/09/08
BY	[Signature]
CHECKED BY	[Signature]
DATE	10/09/08



ITEM NO.	DESCRIPTION	NO.	QTY.	PART NO.
1	MATERIALS FOR END WALL FRAMING	3	0001-2	
2	2 - CAPPING	3	0001-7	
3	TARP CLAMP	3	0001-8	
4	ATTACHMENTS	3	0001-9	
5	STAKE	3	0001-5	
6	BRACE MEMBER	3	0001-4	
7	BASE MEMBER	3	0001-3	
8	WALL MEMBER	3	0001-2	

ASSEMBLY AND INSTALLATION INSTRUCTIONS TO BE PROVIDED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

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NO.	DESCRIPTION	QTY.	UNIT	PRICE	TOTAL
1	WALL MEMBER - 0001-2	3	M		
2	BRACE MEMBER - 0001-4	3	M		
3	BASE MEMBER - 0001-3	3	M		
4	STAKE - 0001-5	3	EA		
5	2 - CAPPING - 0001-7	3	EA		
6	TARP CLAMP - 0001-8	3	EA		

APPROVED BY: [Signature]

DATE: 18/09/2008

PROJECT NO: [Number]

CLIENT: [Name]

PROJECT NO: [Number]

PROJECT NO: [Number]

10.1 PLANT REPORT FOR AUGUST 2008

Program: Transport
Attachment: Nil
File Ref:
Author: EJ Farmer Works Supervisor
Date: 12th September 2008
Disclosure of Interest: Nil

Reg No.	Description	Kms/Hrs	Yr of Manufacture	Yr of Purchase	Changeover	Comments
BH000	Ford Fairmont		2007	2007		OK
BH00	Ford Ranger Dual Cab	882	2008	2008	2 yrs / 40,000km	OK
BH001	ISUZU 6 Wheel Tipper	20106	2007	2007	7 yrs / 151,000km	OK
BH002	ISUZU 6 Wheel Tipper	new	2008	2008	7 yrs / 151,000km	OK
BH003	Mitsubishi Canter Crew Cab	81505	2004	2004	5 yrs / 100,000km	OK
BH004	JD 670B Grader	8545	1996	1996	10 yrs / 10,000 hrs	OK
BH005	Bomag Multi-Tyred Roller	3265	2002	2002	10 yrs	OK
BH006	Volvo 710	2884	2004	2004	10 yrs / 10,000 hrs	OK
BH007	John Deere Ride on Mower		2003	2003	5 yrs / 5,000 hrs	OK
BH008	VOLVO L70D Loader		2001	2001	7 yrs / 7000 hrs	Mirror Replaced
BH009	Holden Rodeo	30005	2004	2004	5 yrs / 100,000kms	OK
BH010	6x4 Fuel Trailer		1981	1981		OK
BH012	Isuzu Fire Truck		1995	2004	14 yrs	OK
BH013	John Deere 315SG Backhoe		2003	2003	10 yrs / 10,000 hrs	OK
BH813	Multi Tyre Roller		1960	1980		OK

0TA	Ford XR6		2008	2008	15,000km	OK
TA052	Toyota Hilux 4x4	23089	2007	2007	2yrs	OK
TA001	Ford Ranger Dual Cab	1402	2008	2008	40,000km	OK
ITA	Toyota Hilux	6227	2008	2008	40,000km	OK
TA1880	Isuzu Gigamax Truck	New	2008	2008	5 yrs	Two Way Fitted
TA092	Isuzu Gigamax Truck	22617	2007	2007	5 yrs	OK
TA1855	Mitsubishi Rubbish Truck			2000	4 yrs	1 new tyre fitted
TA386	Mitsubishi Fuso Truck	21747	2007	2007	4 yrs	Toe out needed adjusting
TA18	12H Grader	1956	2006	2006	8 yrs	Front Lights need replacing
TA1835	12H Grader	2654	2002	2003	8 yrs	Hydraulic ram needed to be replaced
TA281	930G Loader	838	2007	2007	8 yrs	Tree Grab maintenance
TA392	Tractor Mower	4932			4 yrs	New mirror fitted
TA1221	John Deere Tractor	7769		1987	15 yrs	OK
TA2180	Evertrans Trailer		2000	2000	8 yrs	OK
TA017	JCB 3CX-E Backhoe	653		2004	10 yrs	OK
TA219	Multipac Multi-tyred Roller	7156		2004	10 yrs	OK
TA1196	Large Roller				Retain	OK
TA2015	Vibrating Roller			1977		OK
	Slasher					OK
XTR579	Road Broom				Retain	OK
	Mobile Fuel Tanker				Retain	OK
IAZJ510	Bomag Vibrating Roller	9309		2001		OK
TA005	John Deere Tractor	1002	2008	2008		OK

RECEIVED

10.2 WORKS & MAINTENANCE REPORT FOR AUGUST 2008

Program: Transport
Attachment: Nil
File Ref:
Author: EJ Farmer Works Supervisor
Date: 12th September 2008
Disclosure of Interest: Nil

Works Report

The following roads have been graded:

Stirling Access, Beejenup, Aylmore, Burr ridge, Batchelor, Sprigg-Simpson, Jam Creek

Ongoing clearing on Pootenup Road ready to start carting overburden away

Maintenance Crew Report

Burning off piles from road clearing on Pootenup, Stock and Broomehill/Kojonup Road

Erecting of Signs on:

West Peringillup, Stock Route, Etna, Nookanellup, White, Spencer, South Punchimirup, Simpson, Greenhills South, Flat Rocks and Hassell Road and Olden Drive.

Patching on Broomehill/Kojonup Road and Tambellup West Road

Started firebreak at the Water Reserve on Tambellup West Road

Electrical Tagging Course attended by three outside staff

Plant Maintenance:

- Fit radios to new utilities
- Trailers
- New trucks – repair spare tyre mount, remove tarpaulin fittings.

Continuation of the cleanup at Tambellup Depot

Town Maintenance Crew Report

Plant Trees and Shrubs

Weeding, weed spraying, slashing and whipper snipping on street verges, vacant blocks, oval and caravan park

Reticulation maintenance at Truck Stop, Administration buildings and disabled toilets

Take away branches and lawn clippings at Broomehill Recreation Centre

Repair water pipe at Broomehill Dam, check pipe line at No2 dam in Tambellup

Mower maintenance on the ride on mower and oval mower

RECEIVED

10.3 ENVIRONMENTAL HEALTH OFFICERS REPORT FOR AUGUST 2008

Program: Health
Attachment: Report for August 2008
File Ref: ADM0270
Author: A Mortimer Environmental Health Officer
Date: 10th September 2008
Disclosure of Interest: Nil

Summary: Report of the Environmental Health Officers Report for August 2008.

Background:

Comment: It is recommended that Council read these reports for their information.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

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

Voting Requirements: Simple Majority

Officer/Council Resolution: *Council discussed the Officers Report.*

Reason For Change to Recommendation:

Memorandum

To: CEO, Joanne Trezona

From: Allan Mortimer, Consultant EHO

Re: Visit to the Shire of Broomehill-Tambellup: September 2nd 2008

I visited the Shire of Broomehill-Tambellup on Tuesday, September 2nd 2008.

The following premises were inspected for compliance with the Food Hygiene Legislation:

Tambellup

- ◆ Tambellup Butcher's Shop
- ◆ Post Office/Café
- ◆ Settlers Market Store
- ◆ Settlers Market Café
- ◆ Tambellup Hotel

Broomehill

- ◆ Roadhouse
- ◆ Henry Jones Winery/Restaurant
- ◆ Imperial Hotel

It was pleasing to note that all of the premises inspected either complied with the legislation or, at the most, had minor areas of non-compliance. During the Inspections it was noted that two premises, one in Tambellup and one in Broomehill, had placed tables and chairs on the Council verge without approval from Council. The operators of the premises were verbally requested to remove the tables until such time as they had applied for, and received, Council approval. Whilst Al-fresco dining as such poses no problems, there could be issues for Council with Public Liability claims should someone injure themselves or claim that the tables are causing an obstruction.

A new septic tank system was also inspected in Tambellup and has been approved for use.

Two septic tank systems were inspected in Broomehill, and both showed major non-compliance with the Health (Treatment of Sewage and Disposal of effluent and Liquid Waste) Regulations 1974.

Both systems have been installed by the same person.

Letters are being prepared for the CEO's signature regarding the food premises.

A letter, again under the signature of the CEO, will be sent requiring immediate rectification of the two septic systems in Broomehill. Should this not be undertaken a further report will be prepared for Council recommending formal action be taken to ensure compliance with the relevant legislation

Allan Mortimer

Consultant Environmental Health Officer

10.4 BUILDING SURVEYOR REPORT FOR AUGUST 2008

Program: Economic Services
Attachment: Activity Statement and BSR Report
File Ref: ADM0076
Author: D Baxter Building Surveyor
Date: 5th September 2008
Disclosure of Interest: Nil

Summary: Attached are the Activity Statement and BSR Report for the month of August 2008 that have been sent to all relevant authorities that are required by legislation.

Background: These reports advise of the building approvals and the activity of the Building Surveyor for the month of August 2008.

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

Officer/Council Resolution: *Council discussed the Officers Report.*

Reason For Change to Recommendation:

**SHIRE OF BROOMEHIL-TAMBELLUP
BUILDING SURVEYOR SERVICE
2008**

Month August

Date	Duties Carried Out	From	To	Hrs	Kms
5-8-08	Talk to Gina from the café at Tambellup Settlers Mart concerning a proposed purchase of a structure for commercial use. Advised that to have a commercial kitchen is very expensive etc	14.00	14.30	.50	
7-8-08	Shire Visit. Check on the progress of the projects within the Shire. Start to process six building applications that have been presented to the office for the issuing of planning permission and building licenses when the appropriate information will have been supplied.	7.00	17.00	9.50	333
11-08-08	Issue five Building Licenses and do two Agenda Items for Planning for the Town of Broomehill Village	9.00	12.30	3.50	
12-08-08	Issue a Completion and Classification Certificate for Lot 707 Janitor Street and follow through on a Planning Application for Cemetery Road with Highline Sheds.	8.30	9.39	1.00	
21-8-08	Shire Visit. Check on the progress of projects in Shire. Deposit planning applications and approved building licenses for issuing.	7.00	15.30	8.00	334
27-8-08	Compile Reports for the end of the Month, The BSR, Agenda Items and the Activity Statement for the Month of August 2008	10.00	11.00	1.00	
TOTALS FOR THE MONTH OF AUGUST				23.5	667

Shire of	Broomehill-Tambellup	Hrs	23.5	\$60.00	\$1,410.00	Kms	667	\$0.80	\$533.60	\$1,943.60	GST	\$194.36	\$2,137.96	Totals
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**SHIRE OF BROOMEHILL-TAMBELLUP
YEARLY RETURN OF BUILDING PERMITS \$ 08.09**

Approval Date	Lic No	Year	Name & Address of Owner	Name & Address of Contractor. If owner-builder please indicate	Builders Phone Number	RB or O/B No	Situation of Building Lot or Street No & Town or Suburb	Name of HII insurer if applicable	HII Policy No	ASS. No	Type of Work	Class	Type of Building	Materials of External Walls	Roof Covering	Main Material of Floor	No of Dwellings	Floor Area Sq.m	Cost \$ Excluding Land
11-08-08	5	08/09	M L KEYTE 12 JOSLIN STREET HILTON W.A. 6163	O/B		N/A	LOT 391 CHILLICUP ROAD BROOMEHILL WA 6355	N/A	N/A	A 6072	NEW	10A	GARAGE	W/BOARDS	Z/A	CONC.	N/A	60	16,000
11-8-08	4	08/09	MRS & MRS. HOUSEHOLDER 114 OGDEN STREET COLLIE WA 6225	T & R HOMES 105 KELVIN STREET MADDINGTON WA 6109		12,004	LOT 73 TIDELLUP ROAD TAMBELLUP WA 6320	HIA Insurance Services	RCW76215 187	A ___	NEW	1A	Transportable DWELLING	H/PLANK	O/BOND	CONC.	1	110	179,685
11-08-08	5	08/09	S & D DOROGI 4 GUMMOW WAY GIBRAWAHEEN WA 6064	HIGHLINE LOCKED BAG 25 WELSHPOOL DC WA 6986	9333 4760	11,964	LOT 374 CEMETERY ROAD BROOMEHILL WA 6355	N/A	N/A	A 6102	NEW	10A	GARAGE	O/BOND	O/BOND	N/A	N/A	72	14,201
11-08-08	6	08/09	CBH GPO 1886 PERTH WA 6842	BULKWEST ENGINEERING GPO 1886 PERTH WA 6842		12,370	LOTS 525-528 & 530 KEITH-HARDLAH RD BROOMEHILL WA 6355	N/A	N/A	A 7734	NEW	10B	BULK HEADS AT GRAIN STORAGE FACILITY	Z/A	N/A	BITUMEN	N/A	16,435	357,210
11-08-08	8	08/09	NEIL TEARS 4 JANITOR STREET BROOMEHILL WA 6318	NEIL TEARS 4 JANITOR STREET BROOMEHILL WA 6318	0417 939 884	5,603	LOT 703 (4) JANITOR STREET BROOMEHILL WA 6318	N/A	N/A	A 7747	Addition	10A	PATIO	O/BOND	N/A	N/A	N/A	17	1,700
	9	08/09																	
	30	08/09																	
																			568,796

I certify that to the best of my knowledge and belief, the particulars given in this return are a true and complete record of proposed building operations known to this local authority.

Signature: _____
(Authorised Officer)

Date: _____

10.5 AMALGAMATION PROJECT REPORT

Program: Governance
Attachment: Project Report
File Ref: ADM0112
Author: Ron Back **Consultant – Amalgamation of the Shires of Broomehill and Tambellup**
Date: 18th September 2008
Disclosure of Interest: Nil

Summary: Attached is a progress report on the amalgamation for the Shire of Broomehill-Tambellup

Background:

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

Officer/Council Resolution: *Council discussed the Consultants Report.*

Reason For Change to Recommendation:

Date 15/09/2008

PROJECT REPORT

Revision of Policy Manual

Following a review of the existing policies the revised policies will be presented to the October 2008 meeting.

Revision/amalgamation of Local Laws

Process of public advertising has commenced.

Town Planning Scheme

The review of the Planning Schemes will be undertaken in 2009.

Local Government Elections - October

Election will take place on 18 October 2008. Nominations have closed and an election will be required for the two wards of the Shire.

Community satisfaction survey

Benchmark survey planned for late 2008.

IT, Communications

The merger of all systems is substantially complete.

New computer hardware and software has been installed are operational. Office systems are now operating MicroSoft Office 2007.

New communications/phone system.

The new telephone system has been ordered. Delays have been experience with the allocation of a range of numbers that will allow indial facilities. The proposed installation date is now 24th September 2008. At that time we will be able to determine the new telephone number for the Shire.

Public Signage, Stationery & Seal

Details of public signs have been recorded. Arrangements have been made for minor alterations to existing signs where appropriate.

The Shire is awaiting the new telephone number which will delay those signs that require this information.

Staff training – additional skills

With the implementation of new computer software training will be organised for staff training in Office 2007. It is proposed to provide the training onsite.

Review and upgrade of records management

Kim Boulton has completed the task of establishing the record keeping system and is current preparing a records management plan for the new Shire.

Website amalgamation

Discussions are in progress with two website designers for a new site.

Office Redesign

Minor alterations are to be made to the partitioning at the Tambellup Office.

Office furniture/relocation expenses

Some minor equipment has been acquired.

12. DATE OF NEXT MEETING

Monday 13th October 2008

13. CLOSURE

There being no further business, the Commissioner thanked visitors and staff for their attendance and declared the meeting closed at 4.32pm