



Ordinary Meeting of Council

MINUTES

19 March 2015

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SHIRE OF BROOMEHILL - TAMBELLUP

Minutes of the Ordinary Meeting of Council of the Shire of Broomehill - Tambellup held in the Tambellup Council Chambers on Thursday 19 March 2015 commencing at 4.33pm.

1. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Present:	Cr GM Sheridan	President
	Cr SJF Thompson	Deputy President
	Cr KW Crosby	
	Cr MR Batchelor	
	Cr TW Prout	
	Cr MC Paganoni	
	Cr CL Dennis	
	JM Trezona	Chief Executive Officer (CEO)
	JA Stewart	Manager Corporate Services
	KP O'Neill	Manager Finance and Assets
	PA Hull	Strategic Support & Projects Officer
	LK Cristinelli	Governance and Executive Assistant

Apologies: GC Brigg Manager of Works

Leave of Absence: Nil

2. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

- 2.1 The President welcomed Councillors and Staff and declared the meeting open at 4.33pm.
- 2.2 The President welcomed Merlene Williams to the meeting.

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Merlene Williams asked what were the risks associated with the telecommunications tower proposed for Lot 100 (No 110) Norrish Street, Tambellup and would its operation cause cancer. She also queried why the tower was being located on Lot 100.

The CEO referred to the Planners report advising that the applicant has stated that the maximum Electromagnetic Emissions (EME) will equate to 0.036% of the maximum exposure limit. This is less than 1% of the maximum allowable emissions and 2700 times lower than the allowable exposure limit set by the Australian Radiation Protection and Nuclear Safety Agency.

The CEO advised that the Council is not qualified to provide a response on whether or not the EME from the tower will cause cancer.

The CEO advised that the tower is proposed on private land and is the role of the proponent to determine the site selection. The role of the Council is to determine the application independently and impartially based on normal planning considerations.

5. APPLICATION FOR LEAVE OF ABSENCE

Nil

6. DECLARATION OF INTEREST

Item 10.03

Cr Sheridan, Cr Paganoni, Cr Crosby and Cr Dennis have declared in writing a financial interest in Item 10.03.

Cr Thompson declared a financial and proximity interest in Item 10.03.

An application has been made to the Minister for Local Government for approval for all five members to participate in the discussion and decision of Item 10.03.

Approval was granted on 17 March 2015 for Crs Sheridan, Paganoni, Crosby and Dennis to participate in the discussion and decision making process for Item 10.03 subject to the following conditions:

- 1. The approval is only valid for item “10.03 – Proposed Temporary Planning Approval – Lot 4 Nardlah Road, Broomehill” that will come before Council on 19 March 2015*
- 2. Councillors Garry Sheridan, Mark Paganoni Craig Dennis and Kymleigh Crosby declare the nature of their interests at the Ordinary Council Meeting of 19 March 2015 when the proposal is considered together with the approval that has been provided.*
- 3. The CEO is to provide a copy of the Departments letter advising of the approval to Councillors Garry Sheridan, Mark Paganoni Craig Dennis and Kymleigh Crosby; and*
- 4. The CEO is to ensure that the declarations, including the approval given and the conditions imposed, are recorded in the minutes of the Ordinary Meeting for 19 March 2015.*

Approval was not granted for Cr Scott Thompson to participate.

Cr Dennis, Cr Paganoni and Cr Crosby declared an impartiality interest in Item 10.13 and 10.14 as they are members of the Broomehill Complex Committee.

Cr Batchelor declared a financial interest in Item 11.01 as the Real Estate Agent selling 63 Taylor Street Tambellup.

7. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

8. CONFIRMATION OF PREVIOUS MEETING MINUTES

8.1 ORDINARY MEETING OF COUNCIL MINUTES 19 FEBRUARY 2015

150301

Moved Cr Thompson, seconded Cr Crosby

“That the Minutes of the Ordinary Meeting of Council held on 19 February 2015 be confirmed as a true and accurate record of proceedings.”

CARRIED 7/0

9. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

10. MATTERS FOR DECISION

10.01 FINANCIAL STATEMENTS FOR FEBRUARY 2015

Program:	Other Property and Services
Attachment:	Monthly Financial Statements for February 2015
File Ref:	Nil
Author:	KP O’Neill Manager Finance and Assets
Date:	12 March 2015
Disclosure of Interest:	Nil

Summary: Council to consider the monthly financial report for the period ending 28 February 2015.

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

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

As part of the 2014/15 budget process, Council adopted 10% or \$10,000 as the material variance for reporting purposes for the year.

Comment: Council adopted the 2014/15 Budget Review at the February 2015 meeting. The amendments adopted from the review have been incorporated into the financial report. Actual figures are measured against the revised budget amounts.

Comments are provided in the report to address material variances for the reporting period.

Consultation: Nil

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

34. Financial activity statement report

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

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
- (b) budget estimates to the end of the month to which the statement relates;*
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) the net current assets at the end of the month to which the statement relates.*

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

Policy Implications: Nil

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

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

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

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

Voting Requirements: Simple Majority

Council Resolution: *150302*

Moved Cr Crosby, seconded Cr Thompson

“That the Financial Statement for the period ending 28 February 2015 be adopted.”

CARRIED 7/0

Reason For Change to Recommendation:

10.02 CREDITORS ACCOUNTS PAID FEBRUARY 2015

Program:	Other Property and Services	
Attachment:	List of Payments for February 2015	
File Ref:	Nil	
Author:	KP O'Neill	Manager Finance and Assets
Date:	10 March 2015	
Disclosure of Interest:	Nil	

Summary: Council to consider the list of payments made from the Municipal and Trust Funds during February 2015.

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

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

Comment: Summary of payments made for the month:-

Municipal Fund	\$624,386.26
Trust Fund	\$41,376.89
Credit Cards	\$744.47
Total	\$666,507.62

Consultation: Nil

Statutory

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

13. Lists of accounts

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

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

Policy Implications: Nil

Strategic

Implications: This issue is not dealt with in the Plan

Asset Management

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

Financial

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

Workforce Plan

Implications: There are no implications for the Workforce Plan.

Voting Requirements: Simple Majority

Council Resolution: 150303

Moved Cr Batchelor, seconded Cr Paganoni

“That the list of accounts paid during February 2015, represented by:-

- Municipal Fund cheques numbered 2751 to 2776 inclusive and electronic payments numbered EFT6455 to EFT6521 and EFT6525 to EFT6529 inclusive and totalling \$624,386.26;*
- Trust Fund cheques numbered 410 to 411 inclusive and electronic payments numbered EFT6522 to EFT6524 and EFT6560 inclusive and totalling \$41,376.89;*
- Credit Card payments totalling \$744.47;*

be endorsed.”

CARRIED 7/0

Reason For Change to Recommendation:

10.03 PROPOSED TEMPORARY PLANNING APPROVAL – LOT 4 NARDLAH ROAD, BROOMEHILL

Program: Planning
Attachment: Nil
File Ref: ADM0284
Author: Liz Bushby Gray & Lewis Landuse Planners
Date: 5 March 2015
Disclosure of Interest: Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of *Local Government Act 1995*.
 Crs Sheridan, Paganoni, Dennis and Crosby declared a Financial Interest in this matter as shareholders in CBH and deliverers of grain.
 Cr Thompson declared a Financial Interest in this matter as a shareholder in CBH and a deliverer of grain.
 Cr Thompson declared a proximity interest in this matter as the owner of the land where the bulkheads are located.
 Ministerial approval has been granted for Cr’s Sheridan, Paganoni, Crosby and Dennis to participate in the discussion and decision making process.
 Ministerial approval was not granted for Cr Thompson to participate.

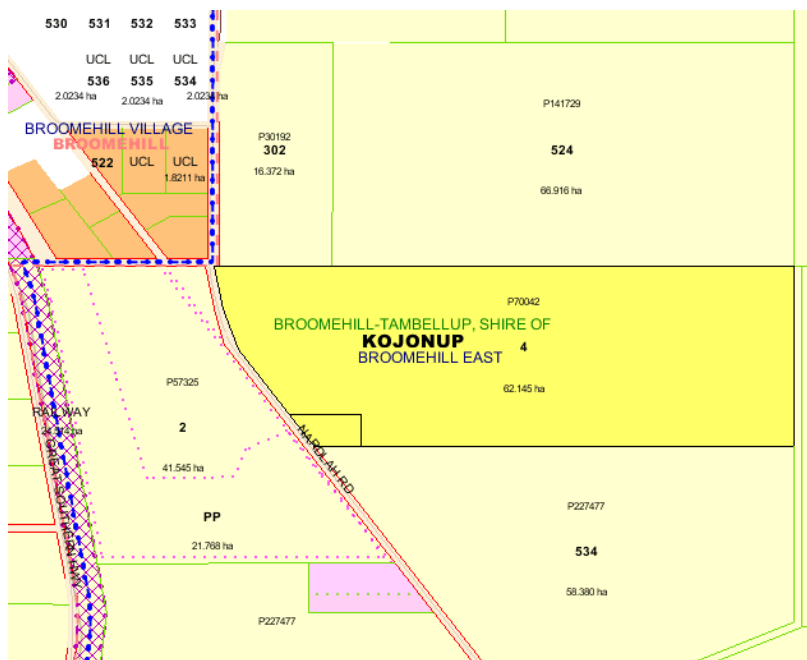
Cr Thompson left the meeting at 4.48pm.

Summary: An application has been lodged for a new temporary planning approval for retention of two open bulkheads for grain storage on Lot 4 Nardlah Road, Broomehill.

This report recommends that a new approval be granted until July 2016.

Background: Lot number changes

It is important to note that Lot 4 Nardlah Road was previously known as Lot 531 and Lot 2 Nardlah Road was previously known as Lot 530.



Historic planning approvals were issued under the former lot numbers. A series of ‘temporary’ planning approvals have been issued for this land since 2008.

In July 2009 planning approval was issued for a CBH receival point on Lot 530 (now Lot 2).

It was anticipated that development of Lot 2 would provide a long term solution to cater for increased crop yields, and eliminate the need for the temporary facility on Lot 4.

In 2012 CBH advised they wanted to proceed with development of Lot 2, and they prepared a new layout (varying from the approved 2009 plans).

A revised layout for a receival point on Lot 2 was approved by Council in June 2013 and has been constructed.

Comment:

Zoning

The subject lot is zoned ‘Farming’ under the Shire of Broomehill Town Planning Scheme No 1 (‘the Scheme’).

A ‘Rural Industry’ is permitted in Farming zone under the Scheme *‘provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent.’*

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

Description of Application

The applicant has lodged a new application on the 16 February 2015 seeking a further 12 month extension for the ‘temporary’ planning approval to retain two open bulkheads for grain storage on Lot 4 Nardlah Road.

The applicant advises that:

- (i) The existing temporary planning approval for Lot 4 expires on the 4 July 2015.
- (ii) The grain stored on Lot 4 cannot be moved by July 2015 as repairs are required to the open bulkheads on Lot 2.

Relevant Scheme Provisions

Under Clause 7.3.3 of the Shire of Broomehill Town Planning Scheme No 1, Council may limit the time for which a planning consent remains valid.

It is open to Council to issue a new planning approval for the CBH bulkheads on Lot 531 and limit the approval time.

Buffers and Landuse Compatibility

It is desirable from a planning perspective to avoid locating uses near one another where there is potential for conflict or impact on amenity.

The Environmental Protection Authority has ‘Guidance for the assessment of environmental factors – separation distances between Industrial and Sensitive Landuses’ (‘EPA Guidelines’). The EPA Guidelines recommend a buffer of 500 metres between any grain elevator and sensitive landuse.

As the use on Lot 4 has become more permanent with regular extensions and recurring approvals, the issue of buffers was examined in detail as part of the temporary approval issued in 2011.

CBH lodged an aerial in 2011 which showed a 500 metre buffer measured from the centre of the bulkheads.

The Council needs to be mindful of the buffer and ensure it is taken into consideration when dealing with development in the surrounding area, and any strategic planning documents such as a Local Planning Strategy.

Gray & Lewis is not aware of any complaints lodged about the facility or any documented adverse impacts on existing residences.

Dust Management Plan

CBH lodged a Dust Management Plan to the Shire in 2011 for the development on Lot 4 (then Lot 531).

Consultation:	Council has the ability to advertise any application under the Scheme. No consultation has been undertaken.
Statutory Environment:	Shire of Broomehill Town Planning Scheme No 1
Policy Implications:	Nil
Strategic Implications:	The buffer to CBH should be taken into account for strategic planning.
Asset Management Implications:	There are no asset management implications
Financial Implications:	The Shire pays planning fees to Gray & Lewis for advice.
Workforce Plan Implications:	There are no workforce plan implications
Voting Requirements:	Simple Majority

Council Resolution: **150304**

Moved Cr Dennis, seconded Cr Paganoni

“That Council;

- A. *Approve the application lodged by CBH on the 16 February 2015 for open bulk heads and grain storage to remain on Lot 4 Nardlah Road, Broomehill subject to the following conditions:***
- 1. *The term of this approval is limited and expires on the 4 July 2016.***
 - 2. *The operation is to be conducted in accordance with the Dust Management Plan (dated 2011) to the satisfaction of the Shire Chief Executive Officer.”***

CARRIED 6/0

**Reason For Change to
Recommendation:**

Cr Thompson returned to the meeting at 4.49pm.

The closest residential zoned lots are approximately 130 metres to the south and are located along Crawford Street.

There is a ‘non conforming’ house on Lot 313 Birt Street within the Light Industrial zone.

Comment:

Description of Application

The application is for a 60 metre high lattice tower proposed to provide high speed wireless broadband coverage. The tower includes ancillary components such as 3 panel antennas, 1 parabolic antennae and 2 outdoor units which will be enclosed in a secure compound measuring approximately 176m² (11m x 16m).

A copy of the applicant’s planning report is included as Attachment 1. The plans are included as Attachment 2.

Zoning

The subject lot is zoned ‘Light Industrial’ under the Shire of Tambellup Town Planning Scheme No 2 (‘the Scheme’).

The objectives of the Light Industrial zone are:

- ‘a) To provide for the needs of light and service industries, and showroom uses to support the local community;*
- b) To achieve and maintain a high standard of presentation to the Great Southern Highway;*
- c) To ensure appropriate buffers are provided and maintained between the light industrial uses and adjacent uses, so as to avoid landuse conflicts.’*

Land use classification and permissibility

When an application for development approval is lodged, part of the planning assessment involves examining the land use definitions in the Scheme, and determining the ‘best fit’ land use classification.

If the land use is listed in the Scheme’s Zoning Table, the permissibility of the use in the relevant zone is determined by the symbol against that use in each zone.

The proposed development is construed as ‘telecommunications infrastructure’ defined under the Shire of Tambellup Town Planning No 2 (‘the Scheme’) as *‘means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antennae, tunnel, duct, hole, pit or other structure used, or for use in or in connection with a telecommunications network’*.

Whilst the ‘telecommunications infrastructure’ landuse is defined in the Scheme, it is not listed in the Zoning table.

It is therefore recommended that Council process the ‘telecommunications infrastructure’ as a ‘Use Not Listed’.

Council has 3 options when dealing with a ‘Use Not Listed’ in accordance with Clause 3.3.2 of the Shire of Tambellup Town Planning No 2 as follows;

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

It is recommended that Council pursue Option (b) as:

- The proposed tower will not prevent the remainder of the land being continued to be used for Light Industry.
- Option b allows for public advertising so nearby landowners can be consulted.

Advertising

The application has been advertised for public comment. Advertising closes on the 12 March 2015.

At the time of writing this report one submission had been received as summarised in the table below.

Summary of Submission	Officer Comment
<p>1. M Williams</p> <p>1a) I live at Lot 8 Birt Street Tambellup and disagree with the location of the proposed telecommunications tower.</p>	<p>1a) Noted. Landgate shows Ms Williams owns Lot 313 (No 8) Birt Street which is in close proximity to the proposed tower. The lot is zoned ‘Light Industry’ under the Shires Scheme which means the level of amenity will not be as high as a residential zone.</p> <p>Current relevant WAPC Policy encourages towers to be located within industrial areas where it is feasible to do so.</p>

<p>1b) It will be close to where we live and also be a danger and risk to myself and my four children. It will also be a risk to my father who stays with me and other children who come and walk around and play at this end of town.</p>	<p>1b) The submission does not clarify the ‘risk’ referred to so Gray & Lewis assumes the concern relates to health risk and public safety. In relation to public safety, public health and Electromagnet Emissions (EME), NBN operates within the operational standards set by the Australian Communication and Media Authority and Australian radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA is a Federal Government agency.</p> <p>All installations are designed and certified by qualified professionals in accordance with all relevant standards. The applicants planning report includes detailed information on EME and states that the maximum EME will equate to 0.036% of the maximum exposure limit. This is less than the 1% of the maximum allowable exposure limit and over 2700 times lower than the ARPANSA standard.</p>
<p>1c) It is a good idea for Tambellup community to have a telecommunications tower but it should be located somewhere else away from children and homes.</p>	<p>1c) The applicant has investigated other sites on the outskirts of town and gained approval for a tower to be located on Lot 3766 Gnowangerup Tambellup Road Bobalong, however the landowner has since withdrawn consent. The applicant has had to look at locations closer to the main Tambellup townsite and chosen Light Industrial as a less sensitive location. The siting of the tower is critical to ensure effective network coverage. The Tambellup tower will be linked by parabolic antennae to a base station in Broomehill.</p>

In addition to the above, a petition signed by 71 people has been lodged with the Shire. The applicant has provided a detailed response to the issues raised in the petition – refer Attachment 3.

The issues raised in the petition are summarised in the table below.

Summary of petition	Officer Comment
<p>a) The tower will become a complete eyesore in the town centre now and in the future. Me and my children have no plans of retiring to the coast or any other major provisional centre.</p>	<p>a) The tower by its very nature will be a high structure and will be visible from surrounding areas.</p> <p>The existing buildings on the lot will screen the base of the tower, and landscaping is proposed along both street frontages.</p> <p>The lattice tower has been selected to allow views through the structure, so when viewed from a distance the tower is able to merge into the sky and background.</p> <p>The tower is not proposed to be located in the centre of town. The tower is proposed on a Light industrial zoned lot in the north of town.</p>
<p>b) We do not fully understand the effects of the radiation that can, and will be associated with the tower, or any other health issues which is still an unknown fact at this stage. (Ms Merlene Williams and her 4 children live close by and although she is a “Noongar lady” she should be treated with respect and courtesy).</p>	<p>As per 1c.</p> <p>The Shire wrote to Ms Williams directly to provide her with an opportunity to comment on the proposal and view the development plans.</p> <p>The Shire has also advised Ms Williams in writing of the relevant Council meeting dates and opportunity to attend the Council meeting.</p>
<p>c) Is there any pecuniary benefit to the landowner, was the correct process followed in the decision and could this decision stand alone in a legal challenge.</p>	<p>c) Any financial benefit to the landowner is not a planning consideration and is not relevant to assessment of the application. It is considered likely that the landowner will receive some form of payment or rent, however that is an issue between the landowner and the proponent.</p>

	<p>The correct planning process has been followed in accordance with the Shire of Tambellup Town Planning Scheme No 2.</p> <p>No comments can be made about any decision because no decision has been made. This report is referred to Council for a decision.</p>
<p>d) If there is any financial benefit why was it not constructed on Shire land so that the community and the Tambellup population share in the financial benefits.</p>	<p>d) The Shire’s role is to determine the application as submitted. It is not the Shire’s role to actively seek development of a telecommunication tower on the Shire’s land.</p> <p>It is the role of the proponent to determine site selection.</p> <p>The tower is proposed on private land and this allows the Shire to determine the application independently and impartially, having regard for normal planning considerations.</p>
<p>e) This matter should have been more open and debated by the whole community so that a fairer outcome can be achieved for the Tambellup population.</p>	<p>e) The planning process is open and hence the application has been advertised to nearby and surrounding landowners seeking comment prior to the application being referred to Council for determination.</p> <p>All Council meetings are open to the public.</p>

Scheme Site Requirements

Under the Scheme, a 7.5 metre front and 5 metre side setback applies. The Scheme does not specify a secondary street setback.

The proposed development complies with the Scheme as it is proposed to be setback 7.5 metres from Norrish Street and 5 metres from Birt Street.

The applicant has agreed to provide landscaping adjacent to the development along Norrish Street and Birt Street.

The setbacks are supported as they maximise the remaining area of Lot 100 available for Light Industrial uses and truck movements.

Western Australian Planning Commission Statement of Planning Policy No 5.2 on 'Telecommunications Infrastructure'.

The Western Australian Planning Commission (WAPC) has an adopted Statement of Planning Policy No 5.2 for Telecommunications Infrastructure ('SPP 5.2') (March 2004) (which predates the NBN).

The applicant has addressed compliance with SPP5.2 in detail in their Planning Report.

SPP 5.2 states *"Modern telecommunications are an essential and beneficial element in the life of communities and in the State and national economy.....For opportunities and benefits to be realised it is important that appropriate and adequate telecommunications infrastructure is provided."*

The WAPC Policy discusses issues such as the need to meet the communication needs of the community and minimising potential adverse visual impact.

Objectives of SPP5.2 include:

- *'To facilitate the provision of telecommunications infrastructure in an efficient, cost-effective and environmentally responsible manner to meet community needs and*
- *To minimise disturbance to the environment and loss of amenity in the provision of telecommunications infrastructure.'*

The Policy includes a series of guiding principles for the location, siting, and design of telecommunications infrastructure such as *"Telecommunications facilities should be located and designed to meet the communication needs of the community"*.

The Policy discusses the long term benefits of telecommunications infrastructure, however still includes guiding principles aimed to minimise adverse impacts on the visual character and amenity of the surrounding area and minimising potential adverse visual impact. In particular, impacts on prominent landscape features, general views in the locality, and individual significant views.

It is important to acknowledge the Policy references *"to minimise"* and that SPP2.5 does not require a tower to be invisible or have no visual impact.

From a practical perspective, height is an essential attribute of telecommunications infrastructure and is integral to the development being able to provide a service to the community.

Gray & Lewis considers that the proposed development complies with SPP5.2 as the lattice design minimises adverse impacts, there is a lower level of amenity in Light Industrial areas, and the applicant proposes landscaping capable of screening the compound and base of the development from Norrish Street and Birt Street.

Visual Impact and Amenity

The hierarchy of land uses in descending order of visual impact and amenity sensitivity is residential, commercial, industrial and rural (as set out in Planning Bulletin Number 46 “Applications for Telecommunications Infrastructure”) (WAPC November 2000).

There are lower amenity expectations in Light Industrial areas as they are to cater for a range of non habitable commercial premises such as showrooms, service industries and light industries.

Impact on amenity is difficult to assess, however the crux of the issue is whether the overall impact of the proposed telecommunications infrastructure on visual amenity of the locality is so significant that it outweighs the community benefit of having improved services with increased reliability, and so warrants refusal of the application.

Gray & Lewis does not consider that the development will have such a high visual and amenity impact that a refusal is justified. The development is proposed within a Light Industrial area, has been located to the north of an existing building and is separated from the existing residential zone by several light Industrial lots.

Consultation: Explained in this report.

Statutory Environment:

Planning and Development Act 2005 (‘the Act’) – Section 25 of the Act allows any statement of planning policy in force under the *Town Planning and Development Act 1928* to continue in force as a State Planning Policy under the 2005 Act.

*Note: State Planning Policy 5.2 was prepared under the Town Planning and Development Act 1928.

The applicant has a right of review to the State Administrative Tribunal in the event that the application is refused.

Shire of Tambellup Town Planning No 2 – explained in the body of this report.

Policy Implications: There are no relevant Local Planning Policies and the requirements of State Planning Policy No 5.2 have been explained in this report.

It is worth noting that the State Administrative Tribunal (SAT) has placed high regard on State Planning Policy 5.2 in decisions on telecommunications infrastructure. SAT’s regard to State Planning Policies under the *Planning and Development Act 2005* has been reinforced by the Supreme Court in *Re Application for a Writ of certiorari against the SAT; Ex Parte Solomon* (2009) WASC 116.

The Western Australian Planning Commission (WAPC) has also produced Planning Bulletin No 46 which explains the planning process for applications for telecommunications infrastructure.

The WAPC has also released a Draft State Planning Policy No 5.2, however it has not been finalised and may be subject to change.

It should be noted that the Draft SPP 5.2 recommends that:

- visual amenity setbacks be no greater than the height of the tower; and
- there should not be additional setbacks for health or safety standards for human exposure to electromagnetic radiation.

Strategic

Implications: This issue is not dealt with in the Plan

Asset Management

Implications: There are no asset management implications

Financial

Implications: The Shire pays planning fees to Gray & Lewis for advice.

There will be local community, economic and business benefits associated with improved telecommunication services in the area.

Workforce Plan

Implications: There are no workforce plan implications

Voting Requirements: Simple Majority

Pam Hull retired from the meeting at 5.04pm.

Council Resolution: 150305

Moved Cr Batchelor, seconded Cr Dennis

“That Council:

1. *Having determined that the proposed development of telecommunication infrastructure on Lot 100 (No 110) Norrish Street, Tambellup may be consistent with the objectives and purposes of the Light Industrial zone, has caused the application for development by Aurecon to be advertised in accordance with the Shire of Tambellup Town Planning Scheme 2 (‘the Scheme’).*

Note that advertising has occurred for 21 days and closed on the 12 March 2015.

Note the submission lodged by Ms Williams and the petition signed by 71 people.

Resolves to approve the application lodged by Aurecon for ‘telecommunications infrastructure’ on Lot 100 (No 110) Norrish Street, Tambellup subject to:

- (a) *All development to be in accordance with the plans lodged as part of this application (Drawing 6KAT-51-03-TAMB Rev.04), unless otherwise agreed to in writing by the Chief Executive Officer.*
 - (b) *A landscaping and watering plan with species capable of screening the base of the tower from Norrish Street and Birt Street shall be submitted within 6 months of the issue of a building permit for separate written approval by the Shire Chief Executive officer.*
 - (c) *All landscaping to be planted within 12 months from the date of the issue of a building permit in accordance with a landscaping plan approved by the Shire.*
 - (d) *All landscaping to be maintained to the satisfaction of the Shire Chief Executive officer.*
2. *Advise the applicant through footnotes on any planning consents as follows:*
 - (a) *A planning consent is not an approval to commence any works. A building permit is required for construction works.”*

CARRIED 4/3

Reason For Change to Recommendation:

10.05 PROPOSED BOUNDARY REALIGNMENT AND HOMESTEAD LOT – LOTS 4, 4367 & 332 PUNCHMIRUP ROAD NORTH, BROOMEHILL WEST (WAPC REFERENCE: 151533)

Program:	Planning
Attachment:	Nil
File Ref:	S151533
Author:	Liz Bushby Gray & Lewis Landuse Planners
Date:	6 March 2015
Disclosure of Interest:	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of Local Government Act 1995

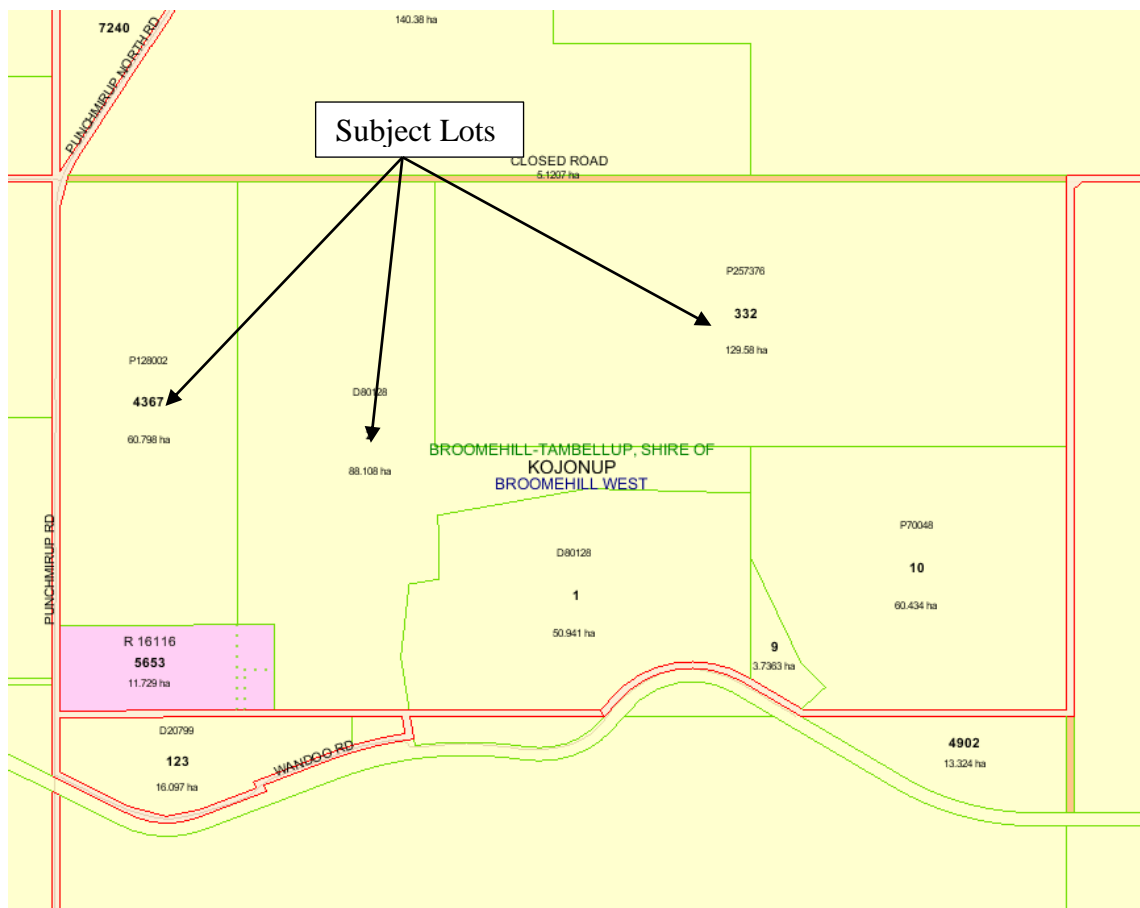
Summary: An application has been lodged with the Western Australian Planning Commission (WAPC) for a boundary re-alignment between three existing lots in Broomehill West.

The WAPC has referred the application to the Shire of Broomehill-Tambellup for comment and recommendations.

This report recommends that the Shire support the application subject to conditions.

Background: Location

A location plan is included below for ease of reference. The existing lot sizes range from 60.7 hectares to 129.5 hectares.

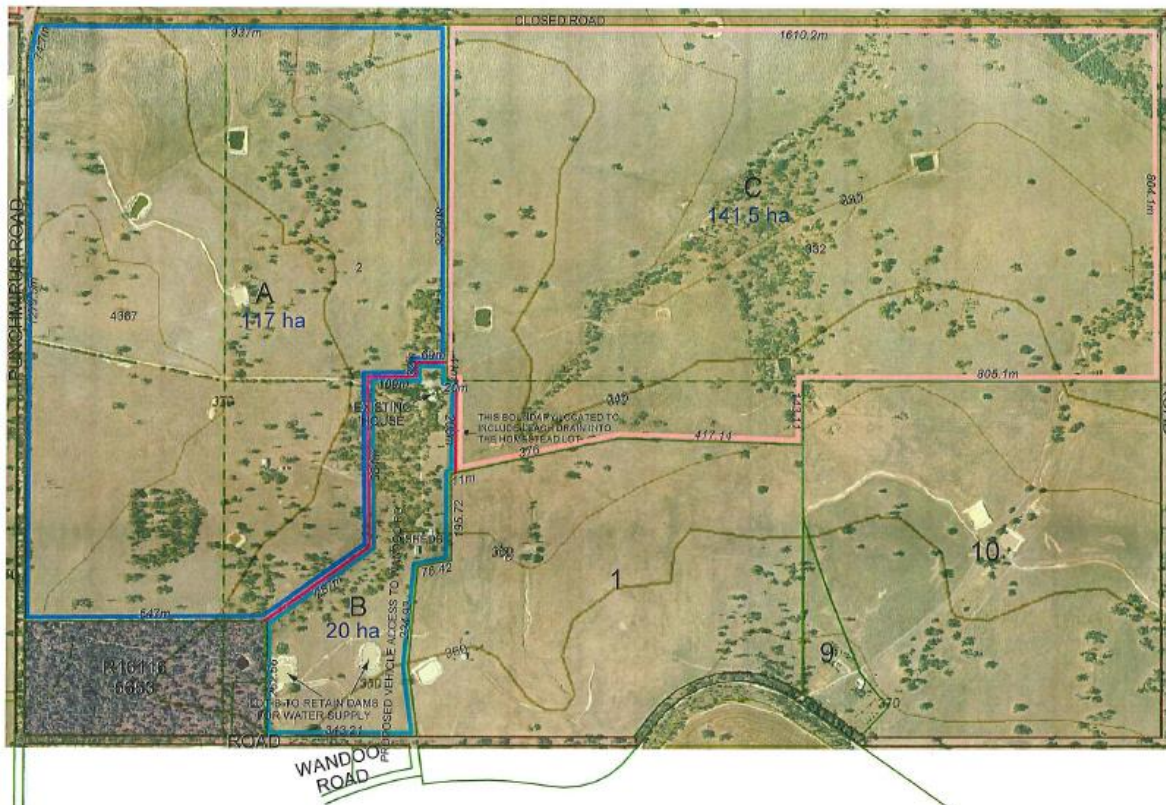


Comment: Zoning

The subject lots are zoned ‘Farming’ under the Shire of Broomehill Town Planning Scheme No 1 (‘the Scheme’).

Description of Application

The application proposes to realign the boundaries between three existing lots. The application will not result in any increase in the total number of lots.



Essentially a 20 hectare lot will be created around the existing house (commensurate of a ‘homestead’ lot).

The balance of land will include two larger lots of 117 hectares and 141.5 hectares.

Relevant Scheme Provisions

Under Clause 5.13.1 of the Shire of Broomehill Town Planning Scheme No 1, there is a general presumption against subdivision except under specific circumstances, including where ‘the lots are for farm adjustment and the erection of dwellings is restricted’.

The subdivision can be considered under the Scheme as the net number of lots will not increase.

WAPC Development Control Policy 3.4

The WAPC has a Development Control Policy 3.4 which provides guidance on the requirements for subdivision of rural land.

Subdivision can be considered under exceptional circumstances including ‘to realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect rural land uses’. The creation of homestead lots can also be considered ‘to allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation.’

This proposal entails a boundary realignment and creation of a homestead lot. An assessment of the application against relevant policy criteria is included in the tables below.

1. BOUNDARY RE-ALIGNMENT	
Policy Criteria	Officer Comment
a) There is no increase in the number of lots;	Complies. There are 3 existing and proposed lots.
b) The new boundaries achieve improved environmental and land management practices and minimise adverse impacts on rural land use;	Complies. The application creates a homestead lot centred around the existing house. Two larger lots on the balance land are likely more conducive to ongoing farming.
c) no new roads are created, unless supported by the local government;	Complies. No new roads are created.
d) new vehicle access points on State roads are minimised; and	Complies. There are no adjacent state roads.
e) rural living sized lots (1-40ha) created as a result of the rationalisation have appropriate buffers from adjoining farming uses and may have notifications placed on title advising that the lot is in a rural area and may be impacted by primary production.	Generally complies with condition. There is no guidance on an appropriate buffer. The house only has a 20 metre separation to rural activities on proposed Lot C. It is recommended that a condition be imposed requiring a Notification on the Title of Lot B to ensure purchasers are aware they may be impacted on by rural activities.

2. HOMESTEAD LOT	
Policy Criteria	Officer Comment
a) the land is in the DC 3.4 Homestead lot policy area (refer Appendix 2);	Complies. The Shire of Broomehill-Tambellup is included in the Policy area.
b) the homestead lot has an area between one and four hectares, or up to 20 hectares to respond to the landform and include features such as existing outbuildings, services or water sources;	Complies. The homestead lot is 20 hectares and the lot boundary is based on the house location, leach drain location, sheds, and dams.
c) there is an adequate water supply for domestic, land management and fire management purposes;	<p>Complies.</p> <p>It is assumed that the existing house is serviced by an existing water tank within the proposed lot boundaries. It is recommended that an advice note be imposed requesting the WAPC check the existing water tank is of a sufficient size and reasonable quality.</p> <p>The two dams offer water supply for land and fire management.</p> <p>Lot B is located adjacent to Reserve 16116 which has an area of 11 hectares and is heavily vegetated. It is possible the Reserve would be classified as high or extreme bushfire hazard.</p> <p>Due to proximity to Reserve 16116, it is recommended that the WAPC be requested to examine that water supply is sufficient for fire management in consultation with DFES.</p>
d) the dwelling is connected to a reticulated electricity supply or an acceptable alternative is demonstrated;	Complies. It is assumed that the existing house is connected to power however it is recommended that the WAPC confirm this with the service provider.
e) the homestead lot has access to a constructed public road;	<p>Complies with condition.</p> <p>It appears the existing house currently has a driveway to Punchmirup Road. Proposed Lot B can access Wandoo Road which is constructed. The applicant may need to upgrade a portion of the unnamed road reserve to the south as that does not appear to be constructed.</p>

Policy Criteria	Officer Comment
g) a homestead lot has not been excised from the farm in the past;	Complies.
h) the balance lot is suitable for the continuation of the rural land use, and generally consistent with prevailing lot sizes, where it can be shown that this is consistent with the current farming practices at the property; and	Complies. The balance lots will increase in size as a result of this application.
i) the dwelling on a homestead lot must be of a habitable standard and may be required to be certified as habitable by the local government	May Comply. The existing house has not been inspected therefore it is recommended that the applicant be requested to provide photographs of the existing house and rainwater tanks.

Consultation: The WAPC has referred the application to the Water Corporation, Western Power, Department of Mines and petroleum, Department of Parks and Wildlife, Department of Water, Fire & Emergency Services Authority and the local government.

Statutory

Environment: Shire of Broomehill Town Planning Scheme No 1

Policy Implications: Nil. The WAPC Development Control Policy 3.4 requirements are explained in the body of this report.

Strategic

Implications: This issue is not dealt with in the Plan

Asset Management

Implications: There are no asset management implications

Financial

Implications: The Shire pays planning fees to Gray & Lewis for advice.

Workforce Plan

Implications: There are no Workforce Plan implications

Voting Requirements: Simple Majority

Officer Resolution:

“That Council;

- A. *Recommends that the Western Australian Planning approve the application for a boundary re-alignment and homestead lot applicable to Lots 4, 4367 & 332 Punchmirup Road, Broomehill West (WAPC Reference : 151533) subject to the following conditions:*
1. *The applicant/owner demonstrating to the satisfaction of the Western Australian Planning Commission that proposed Lot B has an adequate potable water supply available for domestic use and sufficient water for fire fighting.*
 2. *Satisfactory arrangements being made with the local government for the upgrading and/or construction of a vehicular access connection to Wandoo Road.*
 3. *Suitable arrangements being made with the local government for the provision of a trafficable driveway and vehicular crossover to service proposed Lot B shown on the approved plan of subdivision.*
 4. *A notification, pursuant to section 165 of the Planning and Development Act 2005 is to be placed on the certificate of title of proposed Lot B advising of the existence of a hazard or other factor. Notice of this notification is to be included on the deposited plan. The notification to state as follows: "This lot is located within a Farming Zone and has the potential to be affected by odours, noise, spray drift and dust that are associated with broad agricultural activities and rural landuses."*
 5. *All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation.*
- B. *Advise the WAPC as follows:*
- (i) *Condition 1 is imposed as the applicant has not provided any advice on the size and condition of any water tank servicing the existing house. The Shire recommends that the WAPC liaise with DFES to ensure that there is a sufficient water supply from existing dams for fire fighting due to proximity to adjacent Reserve 16116.*
 - (ii) *The Shire has no plans for extensions to Wandoo Road. There is unconstructed unnamed road reserve to the south of proposed Lot B, therefore the owners may need to either construct or contribute towards construction of an extension of Wandoo Road to the new lot.*
 - (iii) *Condition 3 is recommended to ensure there is adequate fire escape route for proposed Lot B.*
 - (iv) *The existing house has not been inspected therefore it is recommended that the WAPC request photographs from the applicant to ensure that it is habitable. It is also recommended that the applicant provide photographs that demonstrate any existing water tank is of suitable quality.*
- C. *Authorise the Chief Executive Officer to provide a copy of this report to the WAPC as record of the assessment.”*

Council Resolution: 150306

Moved Cr Thompson, seconded Cr Paganoni

“That Council;

- A. *Recommends that the Western Australian Planning approve the application for a boundary re-alignment and homestead lot applicable to Lots 4, 4367 & 332 Punchmirup Road, Broomehill West (WAPC Reference : 151533) subject to the following conditions:***
- 1. *The applicant/owner demonstrating to the satisfaction of the Western Australian Planning Commission that proposed Lot B has an adequate potable water supply available for domestic use and sufficient water for fire fighting.***
 - 2. *Satisfactory arrangements being made with the local government for the upgrading and/or construction of the road reserve between Wandoo Road and proposed Lot B to provide vehicular access connection to Wandoo Road.***
 - 3. *Suitable arrangements being made with the local government for the provision of a trafficable driveway and vehicular crossover to service proposed Lot B shown on the approved plan of subdivision.***
 - 4. *A notification, pursuant to section 165 of the Planning and Development Act 2005 is to be placed on the certificate of title of proposed Lot B advising of the existence of a hazard or other factor. Notice of this notification is to be included on the deposited plan. The notification to state as follows: "This lot is located within a Farming Zone and has the potential to be affected by odours, noise, spray drift and dust that are associated with broad agricultural activities and rural landuses."***
 - 5. *All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation.***
- B. *Advise the WAPC as follows:***
- (i) *Condition 1 is imposed as the applicant has not provided any advice on the size and condition of any water tank servicing the existing house. The Shire recommends that the WAPC liaise with DFES to ensure that there is a sufficient water supply from existing dams for fire fighting due to proximity to adjacent Reserve 16116.***
 - (ii) *The Shire has no plans for extensions to the road network in this area. There is a short unconstructed, unnamed road reserve to the south of proposed Lot B, therefore the owners may need to either construct or contribute towards construction of this road reserve to connect the new lot to Wandoo Road.***
 - (iii) *Condition 3 is recommended to ensure there is adequate fire escape route for proposed Lot B.***
 - (iv) *The existing house has not been inspected therefore it is recommended that the WAPC request photographs from the applicant to ensure that it is habitable. It is also recommended that the applicant provide photographs***

that demonstrate any existing water tank is of suitable quality.

- C.** *Authorise the Chief Executive Officer to provide a copy of this report to the WAPC as record of the assessment.”*

CARRIED 7/0

Reason For Change to Recommendation:

To differentiate between the extent of Wandoo Road and the unmade road reserve connecting proposed Lot B to Wandoo Road.

10.06 PROPOSED OUTBUILDING – LOT 96 (No 3006) PAUL VALLEY ROAD, TAMBELLUP

Program:	Planning
Attachment:	Nil
File Ref:	A
Author:	Gray & Lewis Landuse Planners
Date:	10 March 2015
Disclosure of Interest:	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of <i>Local Government Act 1995</i>

Summary: Council is to consider an application for an outbuilding on Lot 96 (No 3006) Paul Valley Road in Tambellup.

Background: The property is zoned ‘Special Rural’ under the Shire of Tambellup Town Planning Scheme No 2 (‘the Scheme’).

Comment: Site Description

The subject lot has an approximate area of 1.48 hectares and has been developed with an existing residence and associated outbuildings.

There is a swimming pool on Lot 96 which appears to straddle the boundary of adjacent Lot 192 (under same ownership).

Description of application

The applicant proposes to construct an outbuilding measuring 7 metres wide, 20 metres long and 5 metres high. The structure will have a curved roof and be covered with a canvas roof.

The applicant proposes to utilise the outbuilding for storage of machinery.

Clear setbacks have not been shown on the site plan however it will be located to the immediate south west of an existing shed, and the applicant advises it will have a minimum setback of 3 metres to the south boundary.

The applicant has shown the proposed building location on an aerial photo.

Scheme requirements

There are specific development requirements applicable to the Special Rural zone under the Shire of Tambellup Town Planning Scheme No 2 (‘the Scheme’).

Council’s prior planning consent is required for all development in the Special Rural zone (in addition to a building permit).

Under Clause 6.5.3 of the Scheme a front setback of 15 metres is required, and a side/rear setback of 10 metres.

The applicant seeks a rear setback variation as they proposed 3 metres in lieu of 10 metres. In this case the rear setback will not have any impact on neighbours as both Lot 96 and Lot 192 (to the south) are in the same ownership.

Council has discretion to vary the rear setback in accordance with Clause 7.2.2 of the Scheme if satisfied that:

- (a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
- (b) the non compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

Council has two options as detailed below:

Option 1 – Defer determination of the application and request the applicant lodge a modified plan with an increased rear setback of 10 metres.

The area is characterised by large lots with buildings well setback from adjacent lots. The Shire may wish to retain a high level of separation between buildings on lots within the Special Rural zone.

Due to the lot size there is major physical restriction preventing the building being able to achieve a 10 metre rear setback.

However, it is noted that the rear variation will not have any major negative impact on any surrounding landowners, and will not have high visibility from Paul Valley Road.

Option 2 – Approve the application subject to conditions.

As the proposed development will not have any negative impact on the amenity of the area, visual impact on neighbours or the existing streetscape, Option 2 is recommended.

Consultation:

No consultation has been undertaken. Council has discretion to advertise the application to surrounding landowners.

Statutory Environment:

Shire of Tambellup Town Planning Scheme No 2 - the main Scheme requirements are explained in this report.

Under Clause 6.5.4.2 of the Scheme Council has to have regard to:

- a. The colour and texture of external building materials;
- b. Building size, height, bulk, roof pitch;
- c. Setback and location of the building on its lots;
- d. Architectural style and design details of the building;
- e. Relationship to surrounding development;
- f. Other characteristics considered by the Council to be relevant; and
- g. Provision to be made for bush fire control in accordance with a Planning Policy adopted by the Council.

- Policy Implications:** Nil
- Strategic Implications:** There are no Strategic Implications
- Asset Management Implications:** There are no asset management implications
- Financial Implications:** The Shire pays planning fees to Gray & Lewis for advice.
- Workforce Plan Implications:** There are no workforce plan implications
- Voting Requirements:** Simple Majority
- Council Resolution:** *150307*

Moved Cr Thompson, seconded Cr Crosby

“That Council:

- 1. Approve the application lodged by the owner for an outbuilding on Lot 96 (No 3006) Paul Valley Road Tambellup subject to the following conditions:*
 - (i) The plans lodged with this application shall form part of this planning approval, and no approval has been granted for any change of ground levels or retaining walls. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Shire Chief Executive Officer.*
 - (ii) All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of the Shire.*
 - (iii) Lodgement of a detailed colour and material schedule for separate written approval by the Shire Chief Executive Officer. The detailed colour and material schedule shall require separate written approval prior to the issue of a building permit, and shall incorporate colours for external walls and the roof of the structure that are sympathetic and blend with the existing natural environment to the satisfaction of the Shire Chief Executive Officer.*
 - (iv) Development shall be substantially commenced within 2 years from the date of this approval, following which this approval shall expire.*
- 2. Advise the applicant that planning approval is not consent for site works or construction. A building permit is required prior to any commencement of works.”*

CARRIED 7/0

Reason For Change to Recommendation:

10.07 APPOINTMENT OF AUDITOR

Program:	Governance
Attachment:	UNDER SEPARATE COVER: Commercial In Confidence Analysis of Quotations
File Ref:	ADM0058
Author:	KP O'Neill Manager Finance & Assets
Date:	2 March 2015
Disclosure of Interest:	Nil

Summary: Council to consider the quotations submitted by Audit Firms for provision of audit services, and appoint an auditor for the period 1 July 2014 to 30 June 2019.

Local Government Act 1995, section 7.2 requires that the accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by the local government.

The appointment of an auditor is made under section 7.3 of the Local Government Act and can be for a period of no more than five years. The appointment requires the decision to be by an absolute majority of council.

Background: Council endorsed a “Brief for Provision of Audit Services” at the November meeting. The Brief defined the scope of services sought and the selection criteria used in assessing the submissions.

Quotations for the provision of audit services for the period 1 July 2014 to 30 June 2019 were requested from four accounting firms; namely

- AMD Chartered Accountants
- Anderson, Munro and Wyllie
- Lincolns
- UHY Haines Norton.

The closing date for submissions was Friday 19 December 2014. The four firms contacted submitted a proposal.

Local Government Act, section 7.3 requires the appointment of an auditor “from time to time” by an absolute majority of Council, on the recommendation from the Audit Committee.

The local government may appoint one or more persons as its auditor. The auditor is to be a person who is a registered company auditor, or an approved auditor.

The local government’s auditor is to have effect in respect of the audit of the accounts and annual financial report of the local government for a term of not more than 5 financial years, but an auditor is eligible for re-appointment.

Comment: Quotations were assessed against the selection criteria. Analysis of the submissions is attached under separate cover. The following weightings have been assigned to the evaluations;

Experience	15%
Personnel	15%
Quality	15%
Methodology	15%
Company Capacity	15%
Fees	25%
	100%

The submissions were evaluated by the CEO and Manager Finance & Assets.

Consultation: Nil

Statutory Environment: *Local Government Act 1995 – Part 7 Audit*

7.2 Audit

The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by the local government.

7.3 Appointment of auditors

(1) *A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint* a person, on the recommendation of the audit committee, to be its auditor.*

** Absolute majority required*

(2) *The local government may appoint one or more persons as its auditor.*

(3) *The local governments auditor is to be a person who is –*

(a) a registered company auditor; or

(b) an approved auditor.

7.6 Term of office of auditor

(1) *The appointment of a local government's auditor is to have effect in respect of the audit of the accounts and annual financial report of the local government for a term of not more than 5 financial years, but an auditor is eligible for re-appointment.*

Policy Implications: There is no policy applicable to this matter. The appointment of an Auditor is a Statutory appointment.

Strategic

Implications: Strategic Community Plan 2012-2022
“Being Well Governed”

Asset Management

Implications: There are no Asset Management implications

Financial

Implications: Provision is made annually in the budget for audit services.

Workforce Plan

Implications: This matter has no workforce planning implications.

Voting Requirements: Absolute Majority

Council Resolution: *150308*

Moved Cr Batchelor, seconded Cr Dennis

“That Council, by an absolute majority, appoints Mr Russell Harrison partner of Lincolns, as the Shire of Broomehill-Tambellup’s auditor for the period 1 July 2014 to 30 June 2019. The remuneration is to be in accordance with the quotation submitted, and escalated annually from 1 July 2015 by the increase in Perth Consumer Price Index.”

CARRIED 7/0
By Absolute Majority

Reason For Change to Recommendation:

10.08 LOCAL GOVERNMENT ORDINARY ELECTIONS 2015

Program:	Governance	
Attachment:	Nil	
File Ref:	ADM0460	
Author:	JM Trezona	Chief Executive Officer
Date:	11 March 2015	
Disclosure of Interest:	Nil	

Summary: Council to resolve if it wishes to conduct the 2015 Ordinary Council Elections as a postal election.

Background: The next Local Government Ordinary Elections will be held on 17 October 2015. The Electoral Commissioner has written inviting Council to again conduct its election as a postal election.

The *Local Government Act 1995* requires that written agreement must be obtained from the Electoral Commissioner before Council can determine if it wishes to hold a postal election. The Commissioners letter includes his agreement to be responsible for the conduct of the ordinary elections in 2015 in accordance with section 4.20(4) of the *Local Government Act 1995*, together with any other elections or polls that may also be required. The Commissioners agreement is subject to the proviso that the Shire of Broomehill-Tambellup wishes to have the election undertaken as a postal election.

In order to take up the postal election option Council will need to pass two resolutions.

Comment: The Shire of Broomehill-Tambellup has always conducted the ordinary election as a postal vote. The 2008 inaugural election of Council was conducted as a postal election. The participation by the community indicated that conducting the election as a postal election was a positive initiative by Council.

Consultation: Nil

Statutory

Environment: The *Local Government Act 1995* sec 4.20(4)

Policy Implications: Nil

Strategic

Implications: This issue is not dealt with in the Plan

Asset Management

Implications: There are no Asset Management implications

Financial**Implications:**

The estimated cost for the 2015 election is 11,000 (GST inc) which has been based on the following assumptions by the Electoral Commission:

- 800 electors;
- Response rate of approximately 60%;
- 3 vacancies; and
- Count to be conducted at the offices of the Shire of Broomehill-Tambellup
- Appointment of a local Returning Officer
- Standard Australia Post delivery service to apply

The cost estimate does not include

- non-statutory advertising (ie any additional advertisements in community newspapers and promotional advertising
- legal expenses other than those determined to be borne by the WA Electoral Commission in a Court of Disputed Return
- One local government officer to work in the polling place on election day
- Any additional postage rate increases by Australia post

The cost for the election will be included in the 2015-2016 budget. Should there not be an election, the cost will be on a pro rata basis.

Workforce Plan**Implications:**

There are no Workforce Plan implications

Voting Requirements:

Absolute Majority required

Kay O'Neill retired from the meeting at 5.20pm.

Council Resolution:

150309

Moved Cr Crosby, seconded Cr Dennis

“That Council

- *in accordance with section 4.20(4) of the Local Government Act 1995 declares the Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may be required*
- *in accordance with section 4.61(2) of the Local Government Act 1995 has determined that the method of conducting the election will be as a postal election.”*

CARRIED 7/0
By Absolute Majority

Reason For Change to Recommendation:

10.09 STRATEGIC COMMUNITY PLAN – PROGRESS REPORT

Program:	Governance
Attachment:	Strategic Community Plan – Progress Report (March 2015)
File Ref:	ADM0382
Author:	PA Hull Strategic Support & Projects Officer
Date:	12 March 2015
Disclosure of Interest:	Nil

Summary: Council to receive the March 2015 report of progress against the Strategic Community Plan 2012-2022.

Background: In September 2012 Council adopted the Shire of Broomehill-Tambellup Strategic Community Plan 2012-2022.

The Strategic Community Plan states the community's long term (10+ years) vision, values, aspirations and priorities with consideration to Councils other documented plans and resourcing capabilities.

Its purpose is to drive the development of place-based plans, issue-based strategies, corporate business plan and other Local Government informing strategies (such as Workforce Plan, Asset Management Plan).

In accordance with the *Local Government Administration Regulations 1996*, Council is required to report on the progress of its SCP in its Annual Report, and also undertake a desktop review of the SCP two years after it is adopted, ie September 2014.

It is also important that Council is able to monitor the progress of actions arising from the commitments on an ongoing basis. The attached report outlines progress of the SCP since the date of adoption.

Comment: This report is provided for information. It is intended that a desktop review of the Plan will be carried out prior to the April meeting, and will be presented at that meeting for Council's consideration and comment.

Consultation: Chief Executive Officer

Statutory

Environment: Section 19c of the *Local Government Administration Regulations 1996* outlines requirements for the Strategic Community Plan.

Policy Implications: Nil

Strategic

Implications: The Strategic Community Plan provides direction for Council in the long term (10+ years). It works in conjunction with other Council plans, including the Workforce Plan, Asset Management Plan, and Long Term Financial Plan and ultimately assists with the annual budget process.

Asset Management

Implications: This issue has no asset management implications for Council.

Financial

Implications: This issue has no financial implications for Council

Workforce Plan

Implications: This issue has no workforce planning implications for Council.

Voting

Requirements: Simple Majority

Council Resolution: *150310*

Moved Cr Batchelor, seconded Cr Dennis

“That the March 2015 Strategic Community Plan 2012-2022 progress report be received.”

CARRIED 7/0

**Reason For Change
to Recommendation:**

10.10 TAMBELLUP CAKE DECORATORS – REQUEST FOR FINANCIAL SUPPORT

Program:	Governance
Attachment:	Nil
File Ref:	ADM0061
Author:	KP O'Neill Manager Finance & Assets
Date:	2 March 2015
Disclosure of Interest:	Nil

Summary: Council to consider a request from the Tambellup Cake Decorators for a donation to assist with purchase of display cabinets.

Background: In 2014, the Tambellup Cake Decorators held a ‘Fantasy of Flowers’ exhibition depicting many flowers, including WA wildflowers, all made of sugar. The exhibition was held at the Tambellup Community Resource Centre (CRC) and coincided with the Hidden Treasures of the Great Southern ‘Bloom Festival’.

The group intend to host an exhibition again this year, and hope to have it included in the ‘Bloom Festival’ promotional material to attract visitors to town. A gold coin entry was charged in 2014, and over \$400 was raised for Crawford Lodge which provides accommodation for country cancer patients.

Last year, the CRC cleared their display cabinet to enable the group to display their craft and additional glass fish tanks were sourced for extra display space and to protect the pieces on display.

The group are seeking to purchase one or more glass display cabinets to provide a more professional display, and estimate the cost would be approximately \$1,000. The group is a not-for-profit community group, and would be grateful for any financial support from Council to assist with purchasing the display cabinets.

Comment: Should Council wish to make a contribution to the Tambellup Cake Decorators to assist with purchasing glass display cabinets, funds could be utilised from the ‘Donations’ budget of \$3,000 which there is a balance of \$2,155 available.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: There is no policy applicable to this item.

Strategic Implications: The Shire of Broomehill-Tambellup ‘Strategic Community Plan’ has a community aspiration of *Staying Active and being Entertained – creating a process for the community to explore and present to the Shire suggestions for new or enhanced local recreation and entertainment events and/or facilities.*

Asset Management

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

Financial

Implications: Provision of \$3,000 has been included in the 2014/15 budget for donations, of which there is a balance of \$2,155 available should Council wish to make a contribution to the Tambellup Cake Decorators.

Workforce Plan

Implications: There are no implications for the Workforce Plan.

Voting

Requirements: Simple Majority

Officer Resolution: *“That Council does/does not make a contribution of \$..... to the Tambellup Cake Decorators to assist with purchasing glass display cabinets.”*

Council Resolution: *150311*

Moved Cr Dennis, seconded Cr Paganoni

“That Council does not make a contribution to the Tambellup Cake Decorators to assist with purchasing glass display cabinets.”

CARRIED 7/0

Reason For Change to Recommendation:

To clarify Councils position and decision.

10.11 CHANGE OF MEETING DATE – APRIL 2015

Program:	Governance
Attachment:	Nil
File Ref:	ADM0091
Author:	JM Trezona Chief Executive Officer
Date:	13 March 2015
Disclosure of Interest:	Nil

Summary: Council to consider an alternative date for the April ordinary meeting of Council.

Background: Funding through the Country Local Government Fund (CLGF) and Royalties for Regions has provided for elected member training to be delivered by the Western Australian Local Government Association (WALGA) into the region.

Four elected member units will be delivered in two blocks of two days each. The President, Cr Sheridan and the Deputy President, Cr Thompson will both be attending these training sessions.

The second block of training is to be held on 16 and 17 April 2015 which clashes with the April ordinary Council meeting date which has been advertised for Thursday 16 April 2015.

Comment: The *Local Government (Administration) Regulations 1996* require that if an ordinary meeting date is changed public notice is to be given of the proposed change.

As the scheduled meeting date is earlier in the meeting cycle it would seem appropriate to consider a change of date to the 4th Thursday of the month being 23 April 2015.

For Council discussion and decision

Consultation: Nil

Statutory Environment: *Local Government (Administration) Regulations 1996* reg 12(1) and (2) state the following:

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
- (a) *the ordinary council meetings; and*
 - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*
- are to be held in the next 12 months.*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*

Policy Implications: Nil

Strategic

Implications: The Strategic Community Plan includes a Community Aspiration of 'Being Well Governed – Provide leadership for the community through transparent, accountable and representative local government'.

Asset Management

Implications: There are no asset management implications

Financial

Implications: There will be advertising costs for a notice in the Great Southern Herald. A notice will also go in the BT Times.

Workforce Plan

Implications: There are no workforce plan implications

Voting

Requirements: Simple Majority

Council Resolution: *150312*

Moved Cr Crosby, seconded Cr Thompson

“That Council changes the date of the April 2015 ordinary meeting to Thursday 23rd and gives local public notice of the change.”

CARRIED 7/0

**Reason For Change
to Recommendation:**

10.12 DISABILITY ACCESS AND INCLUSION PLAN 2015-2020

Program:	Education and Welfare
Attachment:	Draft Disability Access and Inclusion Plan 2015-2020
File Ref:	ADM0124
Author:	JA Stewart Manager Corporate Services
Date:	9 March 2015
Disclosure of Interest:	Nil

Summary: Council to endorse a draft Disability Access and Inclusion Plan (DAIP) for 2015-2020, as presented, for public consultation.

Background: The *Disability Services Act WA (1993) (Act)* requires local government implementation of a DAIP to ensure people with disability have equal access to its services and facilities. Council's DAIP outlines six outcome areas and the strategies to achieve those outcomes. Legislation requires a report (Implementation Plan) to be forwarded to the Disability Services Commission annually and Council's DAIP requires a report to be made to Council on a yearly basis.

Comment: Council received an updated DAIP Implementation Plan in June 2014 as part of the annual report to Council and would normally have been required to review the entire DAIP in September 2015. Given that amendments to the Disability Services Regulations require effect by 1 July 2015, review activities have commenced earlier than normally would have occurred.

Part of the review process for the DAIP includes public consultation and, therefore, it is anticipated that this reviewed copy of Council's DAIP will be advertised to the public in the April 2015 edition of the 'BT Times' and on Council's website. If comments are received requiring Council deliberation, the DAIP will be returned to Council for further consideration; if not, the DAIP will be forwarded to the Disability Services Commission for registration.

A copy of the revised DAIP for the period 2015-2020 is attached for Councillor information, comment and/or discussion.

Consultation: Nil

Statutory Environment: *Disability Services Act WA (1993) – Part 5*
Disability Services Regulations

Policy Implications: Nil

Strategic Implications: Community Aspirations: Strengthening community spirit; Living in a safe community; Staying active and being entertained; Being healthy

Asset Management**Implications:**

Nil with regard to reporting requirements; however, further structural improvements to Council's public buildings may occur in the future if/as required by the DAIP. All new buildings and/or renovations will address access needs for people with disability, in line with DAIP and legislative requirements.

Financial**Implications:**

Nil with regard to reporting requirements; however, future alterations/additions required for any particular building/s, as a result of DAIP tasks (e.g.; construction of ramps etc), would incur a financial cost.

Workforce Plan**Implications:**

Minor administrative tasks

Nil construction tasks as Council engages suitably qualified/experienced contractors to perform structural improvements and, therefore, does not normally incur an impact on its outside workforce.

Voting Requirements: Simple Majority

Council Resolution: 150313

Moved Cr Paganoni, seconded Cr Dennis

“That Council endorses the Disability Access and Inclusion Plan 2015-2020 (DAIP), as presented, to be advertised for public comment. If nil comment is received requiring Council deliberation, the DAIP is to be forwarded to the Disability Services Commission for registration; if comment is received that requires Council deliberation, the DAIP is to be returned to Council for further consideration.”

CARRIED 7/0

Reason For Change to Recommendation:

10.13 COMMUNITY SPORTING AND RECREATION FACILITIES FUND – 2015-2016 SMALL GRANTS ROUND

Program:	Recreation and Culture	
Attachment:	Nil	
File Ref:	ADM0328	
Author:	PA Hull	Strategic Support & Projects Officer
Date:	11 March 2015	
Disclosure of Interest:	Cr Paganoni, Cr Crosby and Cr Dennis declared an impartiality interest in this item as members of the Broomehill Recreational Complex Committee.	

Summary: Applications for the latest round of funding through the Community Sporting Recreation Facilities Fund (CSRFF) Small Grants Round closed recently.

Background: The Department of Sport and Recreation (DSR) through CSRFF offers a range of funding opportunities for the development of good quality, well designed and well utilised sporting facilities. The Small Grant Round is aimed at projects with a total project cost up to \$200,000.

Funding approved by DSR under the program will not exceed one-third of the total project cost.

As in previous years, applications are to be received and prioritised by the Local Government before forwarding to DSR for assessment. The closing date for submission of applications to the Shire for this round of Small Grants was 6th March 2015. Following rating and ranking by Council, applications must be with DSR by the last working day in March.

Comment: Only one application has been received at the closing date, from the Broomehill Recreational Complex Committee seeking assistance with the construction of a storage room on the southern side of the building. The project cost is estimated at \$27,000.

Council is considering elsewhere in this agenda a request from the Committee for a financial contribution of one third of the cost towards the project, with funds to be taken from the Broomehill Recreational Complex Reserve; if approved, provision will be made in the 2015-2016 budget.

A copy of the application will be made available to Councillors at the meeting.

Council's endorsement of the application is required, and as this is the only application received, it should be ranked as first priority.

Consultation: Chief Executive Officer

Statutory**Environment:** Nil**Policy Implications:** Nil**Financial****Implications:**

Council will consider elsewhere within this agenda a request from the Broomehill Recreational Complex Committee for a contribution of one third (\$9,000) of the cost of the project, with funds to be taken from the Broomehill Recreational Complex Reserve.

The Reserve currently has a balance of \$53,150.

If the request is approved, provision will be made in the 2015-2016 budget.

Strategic**Implications:**

This issue is not dealt with in the Plan

Voting**Requirements:**

Simple Majority

Council Resolution:

150314

Moved Cr Prout, seconded Cr Batchelor

“That Council endorses the application by the Broomehill Recreational Complex Committee to be submitted to the Department of Sport and Recreation for funding to assist with the construction of a storage room at the Broomehill Recreational Complex.”

CARRIED 7/0

Council Resolution:

150315

Moved Cr Prout, seconded Cr Batchelor

“That Council advises the Department for Sport & Recreation that the application for funding submitted by the Broomehill Recreational Complex Committee to the Community Sporting and Recreation Facilities Fund 2015-2016 Small Grants Round is supported and ranked as first priority.”

CARRIED 7/0

**Reason For Change
to Recommendation:**

10.14	BROOMEHILL RECREATIONAL COMPLEX COMMITTEE – REQUEST FOR FUNDING
Program:	Recreation and Culture
Attachment:	Nil
File Ref:	ADM0286
Author:	PA Hull Strategic Support & Projects Officer
Date:	13th March 2015
Disclosure of Interest:	Cr Paganoni, Cr Crosby and Cr Dennis declared an impartiality interest in this item as members of the Broomehill Recreational Complex Committee.

Summary: The purpose of this report is for Council to consider a request from the Broomehill Recreational Complex Management Committee (BRCMC) to provide funding from the Broomehill Recreation Complex Reserve.

Background: The BRCMC is seeking Council's permission to construct a double brick store room within the existing verandah area on the southern side of the building. The store room is required to provide storage for tables and chairs which are currently stored in the passageway which provides access to the toilets, and also emergency exits. From an Occupational Safety and Health perspective, the current storage arrangements are less than ideal. Quotes for the project have been obtained, indicating an estimated cost of \$27,000.

The BRCMC is submitting an application to the Department of Sport and Recreation CSRFF Small Grants program to assist in meeting the cost of the project. If successful, DSR will fund up to one third of the cost, with the BRCMC contributing one third from its cash reserves. The BRCMC is requesting that the remaining one third be made available from the Broomehill Recreational Complex Reserve fund.

Comment: The store room as proposed will allow for proper storage of furniture and other items, thereby reducing the risk of injury to patrons.

The purpose of the Broomehill Recreation Complex Reserve is *'to be used for works at the Broomehill Recreation Complex in agreement with the Management Committee of Broomehill Recreational Complex Inc.'*

Consultation: Jerome Hardie – BRCMC
Chief Executive Officer

Statutory Environment: Nil

Policy Implications: Nil

Strategic Implications: The Shire of Broomehill-Tambellup Strategic Community Plan has a Community Aspiration of *"Being Healthy"* and *"Staying Active and being Entertained"*. Improvements at the Broomehill Recreational Complex meet the intent of both these aspirations.

Asset Management

Implications: The Broomehill Recreational Complex, including future improvements, is included in Councils Asset Register. Maintenance of the new addition will be included in the building maintenance program annually.

Financial

Implications: The quote received to complete the work is \$27,000. The BRCMC is seeking \$9,000 from the Reserve.

The Broomehill Recreation Complex Reserve currently has a balance of \$53,150. Provision for the expense can be made in the 2015-2016 budget.

Workforce Plan

Implications: Nil

Voting

Requirements: Simple Majority

Council Resolution: 150316

Moved Cr Crosby, seconded Cr Prout

“That Council approves the construction of a store room on the southern side of the Broomehill Recreational Complex building, subject to planning and building approvals being obtained prior to commencement.”

CARRIED 7/0

Council Resolution: 150317

Moved Cr Crosby, seconded Cr Prout

“That Council supports the proposal from the Broomehill Recreational Complex Management Committee to fund one third of the cost (\$9,000) of the construction of a storage room on the southern side of the Broomehill Recreational Complex building. The funds are to be sourced from the Broomehill Recreation Complex Reserve with provision to be made in the 2015-2016 budget.”

CARRIED 7/0

Reason For Change to Recommendation:

Asset Management

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

Financial

Implications: Should Council agree to make a contribution to the Tambellup CRC for the telephone directories and it is required in the 2014/15 financial year, funds could be utilised from Councils ‘donations’ budget which has a balance available of \$2,155 available.

Alternatively, provision can be made in the 2015/16 budget.

Workforce Plan

Implications: There are no implications for the Workforce Plan.

Voting

Requirements: Simple Majority

Council Resolution: *150318*

Moved Cr Paganoni, seconded Cr Dennis

“That Council agrees to make a contribution of \$1,250 to the Tambellup Community Resource Centre to assist with reprinting the Broomehill-Tambellup Community Telephone Directory.”

CARRIED 7/0

**Reason For Change
to Recommendation:**

10.16 COMMUNITY RESOURCE CENTRE – REQUEST FOR FUNDING ASSISTANCE

Program:	Recreation and Culture	
Attachment:	Copy of project budget and plan	
File Ref:	ADM0111	
Author:	JM Trezona	Chief Executive Officer
Date:	13 March 2015	
Disclosure of Interest:	Nil	

Summary: The Tambellup Community Resource Centre (CRC) is seeking funding support to upgrade the back yard of the building.

Background: The Tambellup CRC has written advising of a project they are undertaking to upgrade the back yard of the CRC building (see attached plan). The advice also includes a request for funding assistance.

Comment: The CRC Co-ordinator has made application to both Lotterywest and the Great Southern Development Commission for funding to undertake the proposed project.

As the building is owned by the Shire the funding bodies also expect that there is some form of funding support from the local authority. A copy of the budget is attached for Councils information.

The back yard of the premises is in a very poor condition and the proposed upgrade will enhance Councils asset. It is reasonable that Council contributes funds to an upgrade of its building.

Consultation: Shane Malland – CRC Co-ordinator

Statutory Environment: Nil

Policy Implications: Nil

Strategic Implications: The Strategic Community Plan has the Community Aspirations of *Maintaining a Country Lifestyle* and *Strengthening Community Spirit* which includes a desire to embrace opportunities to enhance the attractiveness of our Shire as a place to live.

Asset Management Implications: The asset is included in the Shire's Asset Management Plan and the improvements will be picked up in the next revaluation of Land and Buildings in 2017.

Financial Implications: As it is not anticipated the project will substantially commence before the beginning of the next financial year, any pledged funding can be budgeted in the 2015-2016 budget. Council could also assist with earthworks and some plant hire.

Workforce Plan

Implications:

Some staff time may be required to undertake the earthworks and machinery hire component of the plan but there is no impact on the Workforce Plan.

Voting

Requirements:

Simple Majority

Cr Prout left the meeting at 5.37pm.

Cr Prout returned to the meeting at 5.40pm.

Cr Prout retired from the meeting at 5.40pm.

Council Resolution:

150319

Moved Cr Dennis, seconded Cr Paganoni

“That Council advises the Tambellup Community Resource Centre (CRC) that it will make provision in the 2015-2016 budget to contribute funding of \$10,000 towards the proposed upgrade of the rear yard of its premises and also provide materials and machinery to undertake the earthworks component of the project, subject to a successful outcome from the other nominated funding submissions.”

CARRIED 6/0

**Reason For Change
to Recommendation:**

10.17 MATTERS ARISING FROM THE BUILDING INSPECTIONS

Program:	Housing
Attachment:	Building Inspection Information
File Ref:	ADM0121
Author:	JA Stewart Manager Corporate Services
Date:	26 February 2015
Disclosure of Interest:	Nil

Summary: The Building, Planning and Economic Services Committee (Committee) to consider matters raised as part of the inspection of housing and public buildings and recommend priorities to Council for consideration in the 2015-16 budget.

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

Comment: Having completed the 2015 inspections of Council owned buildings, the Committee is asked to recommend priority inclusions for Council's 2015-16 budget process. Once these recommendations are determined, staff can obtain cost estimates for draft budget purposes.

Consultation: An inspection has been undertaken of all the buildings.

Statutory Environment: Nil

Policy Implications: Nil

Strategic Implications: There are no Strategic Implications

Asset Management Implications: Ongoing maintenance is an integral part of the long term management of Council's assets.

Financial Implications: Provision can be made in the 2015-16 budget to undertake maintenance or any capital works that may be required.

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

Voting Requirements: Simple Majority

Council Resolution: **150320**

Moved Cr Crosby, seconded Cr Paganoni

“That Council endorses the building maintenance priorities, as presented, for inclusion in the 2015-16 draft budget.”

CARRIED 6/0

**Reason For Change
to Recommendation:**

10.18 REVIEW OF THE HOUSING AND LAND STRATEGY

Program:	Housing
Attachment:	UNDER SEPARATE COVER Draft Housing and Land Strategy
File Ref:	ADM0123
Author:	JM Trezona Chief Executive Officer
Date:	26 February 2015
Disclosure of Interest:	Nil

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

Background: Council's Housing and Land Strategy (Strategy) was first adopted by Council in April 2009. Later reviews of the Strategy have seen the incorporation of all the freehold land that Council has an interest in.

The annual review has been conducted and updated changes are highlighted in yellow in the attached Draft Housing and Land Strategy document; the 10 year Housing Replacement Program has been updated accordingly.

Comment: The reviewed document follows the same format as that of 2014. The house at 5 Taylor Street, Tambellup has been removed from the Strategy reflecting the disposal of that property.

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

- Is the number of staff houses sufficient – do we need to reduce or increase the numbers?
- Are the disposal dates for houses appropriate or should we be considering a different strategy?
- Architect and preliminary costs are included in the 2014/15 budget for construction of a new Chief Executive Officer (CEO) residence – an item is included in this agenda to choose the land on which this building will be located.
- The 10 Year Housing Replacement Program outlines a plan that sees future houses fully funded through the Building Reserve. To achieve this plan there is a set annual transfer to the reserve. Is this achievable? Should we be using debt in the planning?
- The future of the house at 1 Janus Street is to be considered.

The reviewed Strategy has also been updated to include the new 2014 valuations. New valuations for fair value purposes have been updated along with the inclusion of the Professional Condition Assessment and the Estimated Remaining Life in Years.

Council's attention is drawn to the strategies at the end of the main section of the document to ensure they reflect Council's vision for the future.

For Committee and Council comment/amendment and adoption.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Strategic Implications: The Strategic Community Plan, Community Aspiration of Building Prosperity includes a commitment to “*Develop a strategy to attract and retain skilled people in the local area.*” Modern housing is an integral component in attracting and retaining skilled people.

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

Financial Implications: Once the Strategy has been reviewed and adopted, any actions in the coming 2015-16 financial year will require budget provision. Provision has been included in the Long Term Financial Plan.

Workforce Plan Implications: Chief Executive Officer/Strategic Support and Projects Officer - progression of new CEO residence

Voting Requirements: Simple Majority

Council Resolution: *150321*

Moved Cr Paganoni, seconded Cr Batchelor

“That Council adopts the review of the Housing and Land Strategy, as presented, with amendments.”

CARRIED 6/0

Reason For Change to Recommendation:

10.19 FUTURE USE OF RESERVE 7996 BROOMEHILL

Program:	Other Property and Services	
Attachment:	Map Of Reserve	
File Ref:	RES7996	
Author:	JM Trezona	Chief Executive Officer
Date:	5 March 2015	
Disclosure of Interest:	Nil	

Summary: Council agreement is sought on the proposed change of purpose for reserve 7996 (Lots 76 and 77) Journal Street Broomehill.

Background: Reserve 7996 was created in 1901 for the purpose of “Presbyterian Church” but has never been utilised for its purpose and has been an unmanaged reserve since its creation. The previous reservation of the land is considered not to have extinguished any native title rights and as such any granting of a Management Order must proceed through the Future Act process of the Native Titles Act.

In January 2012 the Uniting Church contacted State Land Services now Department of Lands (DOL) advising that they wish to exercise the Management Order on Reserve 7996. The Uniting Church stated that they had consulted extensively with Rev Sealin Garlett, Chairperson of the WA Regional Committee – Uniting Aboriginal and Islander Christian Congress (UAICC), Rev Neville Campbell, Resource Minister of UAICC and Beananging Kwuurt Institute regarding the proposed use of the Reserve. The Uniting Church were advised that UAICC wished to utilise the lots for mission outreach which would focus on community health and well being, education programs and worship events.

DOL sought Council comment on the proposal as put forward by the Uniting Church. Contact was made with the Rev Neville Campbell and the question asked why Broomehill was the selected site for the proposed facility when the Aboriginal and Islander population of Broomehill was so small. Rev Campbell however was unable to provide any further information until such time as he and Rev Garlett were able to visit the site. Rev Campbell advised that he would contact the CEO once he had conducted the onsite inspection.

As a result Council determined the following and advised DOL accordingly

That Council advises State Land Services that it will reserve its comments on the proposal to issue a Management Order to Uniting Church in Australia for Reserve 7996 (Lots 76 & 77) Journal Street Broomehill until such time as Rev Campbell and Rev Garlett have conducted their onsite inspection and provided feedback to the Council.

No response has been received from the Rev Neville Campbell.

DOL contacted Council in October 2013 asking if there had been any progress on the matter. They were advised that Council had received no response on the matter from the Uniting Church at that stage.

An email dated 17 March 2014 was received from the DOL advising that the Uniting Church of Australia had withdrawn its request to obtain Management of Reserve 7996 and DOL sought Shire comment in relation to the future use of the land.

Council considered the matter at its meeting held on 17 April 2014 and resolved to request that the Management Order be issued in favour of the Shire of Broomehill-Tambellup for the purpose of Independent Living Accommodation for persons over 55. The Strategic Community Plan identifies a commitment to “*Monitor local community demand for additional independent living units in Tambellup and Broomehill*”.

Council’s decision was forwarded to DOL on 24 March 2014.

Further correspondence has been received from DOL on 4 March 2015 confirming that the Reserve was created in 1901 and has not since had a Management Order. The correspondence also advises of the current negotiations with the State as part of the South West Settlement and until the result of the settlement becomes apparent it is the Department’s preference not to proceed any further with this proposal as the outcome may alter the required process to follow.

In the interim the Department (DOL) can take action to change the designated purpose of Reserve 7996 to assist the progress of Councils proposal. DOL are proposing to change the purpose to ‘Seniors Accommodation and Ancillary and Beneficial Purpose’ if Council supports the position.

Comment:	While it seems that the issue of a Management Order in favour of the Shire of Broomehill-Tambellup is not possible at this time the change of purpose of the reserve can be achieved. Does Council support the proposed change of purpose?
Consultation:	Nil
Statutory Environment:	Nil
Policy Implications:	Nil
Strategic Implications:	The Strategic Community Plan identifies a commitment to “ <i>Monitor local community demand for additional independent living units in Tambellup and Broomehill</i> ”. Securing an interest in the land will assist in any further advancement of this particular Community aspiration.

Asset Management

Implications: There are no Asset Management Implications.

Financial

Implications: There are no Financial Implications.

Workforce Plan

Implications: There are no Workforce Plan Implications.

Voting

Requirements: Simple Majority

Council Resolution: 150322

Moved Cr Batchelor, seconded Cr Crosby

“That Council advises the Department of Lands that it supports the proposed change of purpose for Reserve 7996 from ‘Presbyterian Church’ to ‘Seniors Accommodation and Ancillary and Beneficial Purpose’”.

CARRIED 6/0

**Reason For Change
to Recommendation:**

10.20 COMPLIANCE AUDIT 2014

Program:	Governance
Attachment:	Copy of the 2014 Compliance Audit Report
File Ref:	ADM0302
Author:	JM Trezona Chief Executive Officer
Date:	11 March 2015
Disclosure of Interest:	Nil

Summary: Council to consider the 2014 Compliance Audit Return.

Background: Each Local Government is required to undertake an annual Compliance Audit Return (CAR) in relation to the period 01 January to 31 December. The return has been completed against the requirements that have been set out in the 2014 CAR.

The Department of Local Government introduced a reduced format for the CAR in 2011 with the areas of compliance restricted to those considered high risk. The Department have continued with this format again in 2014.

Regulation 14 of the *Local Government (Audit) Regulations 1996* was amended in December 2011 requiring the Audit Committee to review the CAR and report the results of that review to the Council prior to adoption and submission to the Department by 31 March 2014.

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

14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be –*
 - (a) presented to the council at a meeting of the council; and*
 - (b) adopted by the council; and*
 - (c) recorded in the minutes of the meeting at which it is adopted.*

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

This year the CAR was completed by Mr Andrew Borrett from the Department of Local Government.

Comment: A copy of the CAR is attached for Councillor information. Members will note that there is one breach for a late Annual Return submission.

Members will note that

- the questions relating to Commercial Enterprises were not applicable;
- The 16 questions relating to Delegation of Power/duty have 8 answered in the affirmative and 5 which were not applicable for the period under review
- The Disclosure of Interest section has 16 questions that relate to the disclosure of interests by Councillors and officers and the completion of Annual and Primary Returns. Compliance was met on all but 3 of the questions with 2 being not applicable to the 2014 year and one breach.
- Council had complied with the two questions relating to the disposal of property.
- The heading of Elections has one question pertaining to the establishing of an Electoral Gift Register for local government elections and the registering of any electoral gifts. Council has a register and no registrations were made during the review period;
- Finance is one of the bigger sections of the CAR. This section includes 15 questions which all pertain to the process for the appointment of the auditor and the audit for the year under review. Council has complied with the requirements of this section.
- There are 5 questions in the Local Government Employees section – four pertaining to the employment of a new CEO which was not applicable for the review period, and the fifth pertaining to designated senior employees and their employment and dismissal, which also is not applicable;
- There are 6 questions relating to Official Conduct with the first being not applicable as the CEO is the designated complaints officer and the remaining five questions have a Yes response. Council has a complaints register with Nil entries to date;
- There are fifteen questions in the Tenders for Providing Goods and Services section. They are in relation to calling for tenders and expressions of interest.

The Audit Committee is now required to review the CAR then submit it to Council for adoption. A hard copy of the CAR must be submitted to the Director General of the Department of Local Government by 31 March 2015.

Consultation: Chief Executive Officer
Manager of Corporate Services
Manager of Finance and Assets
Governance and Executive Assistant

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

14. Compliance audits by local governments
- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
 - (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
 - (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
 - (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be –
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

Policy Implications: Nil**Strategic Implications:** This issue is not dealt with in the Plan**Asset Management Implications:** There are no asset management implications**Financial Implications:** This issue has no financial implications for Council**Workforce Plan Implications:** There are no workforce plan implications**Voting Requirements:** Simple Majority**Council Resolution:** *150323**Moved Cr Batchelor, seconded Cr Dennis**“That Council accepts the recommendation of the Audit Committee and adopts the Compliance Audit Return 2014 and forwards it to the Department of Local Government by 31 March 2015.”***CARRIED 6/0****Reason For Change to Recommendation:**

11.01 UNDER SEPARATE COVER: SELECTION OF LAND FOR THE CONSTRUCTION OF A NEW EXECUTIVE RESIDENCE

Program: Housing
Attachment: Under Separate Cover:
Maps of Land Available

File Ref:
Author: JM Trezona Chief Executive Officer
Date: 26 February 2015
Disclosure of Interest: Cr Batchelor declared a financial interest as the Real Estate Agent selling Lot 275 Taylor Street, Tambellup and left the meeting at 5.55pm.

Council Resolution: 150324

Moved Cr Thompson, seconded Cr Paganoni

“That it be recommended to Council that the preferred site for the construction of the proposed new executive residence be Lot 275 (No 63) Taylor Street Tambellup subject to the land being available for sale at an acceptable price and that Council enters into negotiations with the owner of Lot 275 Taylor Street Tambellup with a view to purchase the Lot.”

CARRIED 4/1

Cr Batchelor returned to the meeting at 6.14pm.

12.02

WORKS REPORT FOR MARCH 2015

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

To be tabled at the 23 April Council Meeting.

12.03 BUILDING SURVEYORS REPORT FOR FEBRUARY 2015

Program: Economic Services
Attachment: **BSR Report and Activity Statement**
File Ref: ADM0258
Author: D Baxter Building Surveyor
Date: 3 March 2015
Disclosure of Interest: Nil

Summary: Attached are the BSR Report and the Activity Statement for the month of February 2015 that has been sent to all the relevant authorities required by legislation.

Background: This report advises of the building approvals and the activity of the Building Surveyor for the month of February 2015.

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

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

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

Asset Management Implications: There are no Asset Management Implications

Financial Implications: This issue has no financial implications for Council

Workforce Plan Implications: There are no Workforce Plan Implications

Voting Requirements: Nil

Council Resolution: *“No recommendation required – Councillor information only”*

Reason For Change to Recommendation:

RECEIVED

12.04 BUILDING MAINTENANCE PROGRAM

Program:	Various
Attachment:	Building Maintenance Program Report to 9 March 2015
File Ref:	Nil
Author:	JA Stewart Manager Corporate Services
Date:	9 March 2015
Disclosure of Interest:	Nil

Summary: Report on the Building Maintenance Program for 2014-15 to 9 March 2015.

Background: Nil

Comment: The Building Maintenance Program Report (Report) is updated to 9 March 2015 and presented for Council's information, comment and/or discussion, if required.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

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

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

Financial Implications: Council's Long Term Financial Plan includes provision for building maintenance and capital works costs. Provision was made in the 2014-15 budget or, if unbudgeted expenditure, by Council resolution since, to meet the costs within the attached Report.

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

Voting Requirements: Nil

Council Resolution: *"No recommendation required – Councillor information only"*

Reason For Change to Recommendation:

RECEIVED

12.05 QUARTERLY OCCUPATIONAL SAFETY AND HEALTH (OS&H) REPORT

Program:	Various	
Attachment:	Nil	
File Ref:	Nil	
Author:	JA Stewart	Manager Corporate Services
Date:	10 March 2015	
Disclosure of Interest:	Nil	

Summary: Report on Occupational Safety and Health matters – for Council information, comment and/or discussion.

Comment: The following represents a summary of OS&H related matters either completed between December 2014 and March 2015 or currently being addressed (emanating from workplace inspections and administrative requirements):

- 1) Business Continuity Plan (BCP) – required resources have been determined for prioritised activities following a crisis and have been forwarded to LGIS for the Manager of Organisational Risk Services' professional opinion;
- 2) The draft Occupational Health, Safety and Environment Plan, based on WorkSafe requirements, is being progressed by the OS&H Committee;
- 3) An Emergency Evacuation drill has taken place at the Tambellup Administration office (March 2015);
- 4) Council's Emergency Evacuation and Response Policy has been reviewed; and
- 5) Council's Asbestos Management Plan has been reviewed and endorsed by the OSH Committee.

The following represents a summary of upcoming OS&H matters:

- 1) Further progression of the draft Occupational Health, Safety and Environment Plan to suit Shire of Broomehill-Tambellup requirements;
- 2) Further progression of the Business Continuity Plan;
- 3) Evacuation drills for Broomehill Admin and Tambellup Depots;
- 4) Review of the Building Asbestos Register – an asbestos inspection has taken place and amendments made to the Register, for endorsement at the March 2015 OSH Committee meeting;
- 5) An OSH audit has been requested to take place in May 2015; and
- 6) The next Regional OSH meeting will be held in Lake Grace on 27th March 2015 (4 staff attending).

As per the above, changes to OS&H legislation (OS&H/WHS law harmonisation across Australia) is still uncertain as to 'what' or 'when'.

Consultation: Nil

Statutory

Environment: Occupational Safety & Health Act 1984
Occupational Safety & Health Regulations 1996

Policy Implications: Policy 2.2 – Occupational Safety and Health

Strategic Implications: This report is not dealt with specifically in Council’s Strategic Community Plan; however, it falls within the scope of Civic Leadership – Being well governed (Compliance with Legislation/Performance Measurement).

Asset Management

Implications: There are no asset management implications

Financial

Implications: There are no financial implications

Workforce Plan

Implications: There are no workforce plan implications

Voting Requirements: Nil

Council Resolution: *“No recommendation required – Councillor information only”*

Reason For Change to Recommendation:

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12.06 LIBRARY REPORT – FEBRUARY 2015

Program:	Recreation & Culture	
Attachment:	Library Report – February 2015	
File Ref:	ADM0097	
Author:	M Lanigan	Library Officers
	S Reed	
Date:	11 March 2015	
Disclosure of Interest:	Nil	

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

Background: This report outlines the activities of both Broomehill and Tambellup libraries for the month of February 2015.

Comment: For Council information.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

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

Asset Management Implications: There are no Asset Management Implications

Financial Implications: This issue has no financial implications for Council

Workforce Plan Implications: There are no Workforce Plan Implications

Voting Requirements: Nil

Council Resolution: *“No recommendation required – Councillor information only”*

Reason For Change to Recommendation:

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12.07**BUSHFIRE - PRONE VEGETATION MAPPING (BFPV)**

Program: Law, Order and Public Safety**Attachment:** Nil**File Ref:** ADM0450**Author:** Cindy Pearce Community Emergency Services Manager**Date:** 12 March 2015**Disclosure of Interest:** Nil

Summary: This report is to provide an update on Bushfire – prone vegetation mapping (BFPV) in accordance with the new Bushfire – Prone Area Mapping Standard of Western Australia.

Background: Reviews are currently being conducted into property loss during bushfires along with reviews of the current State Planning Policy 3.7 Planning for Bushfire Risk Management, Planning for Bushfire Management Guidelines, and AUS Standard 3959 – 2009 Construction of Buildings in Bushfire Prone Area Bushfire Risk Management.

Through the Office of Bushfire Risk Management (OBRM) a standard has been developed creating bushfire prone areas across the state. This will ensure all land use planning throughout the state is appropriate and the necessary bushfire protection is in place for these areas.

OBRM have distributed to all Local Governments mapping data highlighting the Bushfire Prone Area under the standard they have set.

The standard is as follows:

- Forest
- Woodland
- Scrubland
- Mallee
- Malga

Parcels of the above land that are greater than 1 Hectare have been identified as Bushfire Prone by the mapping data set.

Single areas of the above vegetation between 0.25 and 1 Hectare in area within 100 metres of other parcels of vegetation greater than 1 Hectare will be included in as Bushfire Prone.

Once a Bushfire Prone Area is determined a 100 metre Bushfire Prone Area buffer will be created around those land parcels.

This mapping will clarify if land falls within a Bushfire Prone Area for the purpose of building and planning regulations, ensuring that a risk assessment is undertaken before new habitual buildings or land use is constructed in these areas.

Comment:	<p>The shire forwarded a letter last year highlighting our concerns with the process and this week received a reply. OBRM have reviewed the Bushfire Prone Area Vegetation on the original maps and have eliminated small areas within the town sites that they believe are NOT BFPV. Salt affected areas can now be removed from the dataset though unmanaged grasslands greater than 100mm need to be considered in any development.</p> <p>The mapping will be gazetted on the 1st May across the state though the Planning Department section will not be completed until 1st Sept as they need to ascertain how the mapping will affect future planning. Reference 7.4 Precautionary Principles – The decision maker will need to apply precautionary principal in identifying bushfire prone vegetation and as per guide and apply if doubt exists.</p> <p>All areas highlighted will set of a trigger that requires further assessment to occur prior to the land development – Bushfire Attach Level Assessment.</p>
Consultation:	Other Local Government Officers through CESM.
Statutory Environment:	Unknown
Policy Implications:	<ul style="list-style-type: none"> • State Planning Policy 3.7 Planning for Bushfire Risk Management. • Planning for Bushfire Risk Management Guidelines. • AUS Standard 3959 2009 Construction of Buildings in Bushfire Prone areas. <p>The policy is prepared under section 256 of the Planning and Development Act 2005, and contains deemed provision for the automatic inclusion into all WA local planning schemes from 1st May 2015.</p>
Strategic Implications:	Town Planning Scheme.
Asset Management Implications:	Unknown
Financial Implications:	Unknown
Workforce Plan Implications:	Unknown
Voting Requirements:	Nil
Council Resolution:	<i>“No recommendation required – Councillor information only”</i>
Reason For Change to Recommendation:	

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

Nil

14. DATE OF NEXT MEETING

23 April 2015

15. CLOSURE

There being no further business the President thanked Councillors and Staff for their attendance and declared the meeting closed at 6.40pm.