

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 20 December 2012 commencing at 2.08pm.

1. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Present:	Cr BG Webster	President
	Cr KW Crosby	Deputy President
	Cr GM Sheridan	
	Cr MR Turner	
	Cr SJF Thompson	
	Cr M Sadler	
	Cr DCN Kempin	
	JM Trezona	Chief Executive Officer (CEO)
	JA Stewart	Manager Corporate Services
	GC Brigg	Manager of Works

Apologies: Nil

2. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2.1 The President welcomed Councillors and staff and declared the meeting open at 2.08pm.

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATION FOR LEAVE OF ABSENCE

Nil

6. DECLARATION OF INTEREST

Cr Sheridan declared a Proximity Interest in Items 10.7, 10.10 and 10.11

7. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

8. CONFIRMATION OF PREVIOUS MEETING MINUTES

**8.1 ORDINARY MEETING OF COUNCIL MINUTES 22 NOVEMBER 2012
121201**

Moved Cr Crosby, seconded Cr Sadler

“That the Minutes of the Ordinary Meeting of Council held on the 22 November 2012 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

10.1 FINANCIAL STATEMENTS FOR NOVEMBER 2012

Program:	Other Property and Services
Attachment:	Monthly Financial Statements for November 2012
File Ref:	Nil
Author:	KP O'Neill Finance Officer
Date:	12 December 2012
Disclosure of Interest:	Nil

Summary: Council to consider the financial statements for the period ending 30 November 2012.

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

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

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

Comment: The financial statements report on the activity of Council for the 5 months ending 30 November 2012; it is worthy to note:-

- Approximately 52% in revenue has been received, this is mainly due to rates being recognized as revenue when they are levied and not when they are received;
- Councils Net Current Asset Position was \$1,580,537, which includes \$1,151,034 in unrestricted cash and \$314,170 in outstanding rate debtors;
- Restricted cash of \$3,190,735 is held, comprising \$1,324,300 in Reserve Funds and \$1,866,435 in grant funds;
- The Capital Works program is 23% underway. A large component of the expense still to be incurred relates to the Independent Living Seniors Accommodation, for which construction will not commence until the new year.

Council has approved at previous meetings the following amendments to the 2012/13 Budget:-

Account	Description	2012/13 Approved Budget	2012/13 Amended Budget
NEW	Revenue – WANDRRA Funding	0	\$867,000
12157.74	Revenue – Reimbursements (RRG Supplementary Funding)	0	\$40,000
12226.27	Expense – Road Maintenance (WANDRRA)	0	(\$1,000,000)
04125.16	Expense – VROC (Contract Services)	(\$20,000)	(\$10,000)
04125.59	Expense – VROC (Sundry Expenses)	(\$15,000)	(\$10,000)
11225.15	Expense – Parks, Gardens & Reserves (Repairs & Maintenance)	(\$30,000)	(\$25,000)
12226.16	Expense – Road Maintenance (Contract Services)	(\$50,000)	(\$45,000)

12226.21	Expense – Road Maintenance (Chemicals)	(\$10,000)	(\$5,000)
12226.25	Expense – Road Maintenance (Road Materials)	(\$48,000)	(\$43,000)
15173.40	Expense – Transfer to Tamb Rec Ground & Pavilion Reserve	(\$150,000)	(\$100,000)
12300.40	Capital Expense – Plant & Equipment (Toyota Hilux Utility BH014 net changeover)	(\$13,000)	(\$5,000)

The amendments are not currently reflected in the monthly financial report. At the time of preparing the Budget Review, the budget document will be amended to reflect the reallocation of funding.

Consultation: Chief Executive Officer

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

Policy Implications: Nil

Financial Implications: The report represents the financial position of the Council at the end of the previous month, and monitors actual expenditure against the adopted budget estimates for the year.

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

Voting Requirements: Simple Majority

Council Resolution: *121202*

Moved Cr Turner, seconded Cr Sheridan

“That the Financial Statement for the period ending 30 November 2012 be adopted.”

CARRIED 7/0

Reason For Change to Recommendation:

10.2 CREDITORS ACCOUNTS PAID NOVEMBER 2012

Program:	Other Property and Services
Attachment:	List of Payments for November 2012
File Ref:	Nil
Author:	KP O'Neill Finance Officer
Date:	7 December 2012
Disclosure of Interest:	Nil

Summary: Attached is a list of payments made from the Municipal and Trust Funds during November 2012.

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

Comment: Summary of payments made for the month:-

Municipal Fund	\$743,742.66
Trust Fund	\$13,883.90
Credit Cards	\$4,837.08
<u>Total</u>	<u>\$762,463.64</u>

Consultation: Nil

Statutory Environment: Local Government Act 1995 – Financial Management Regulation 13

Policy Implications: Nil

Financial Implications: List of payments made during the previous month

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

Voting Requirements: Simple Majority

Council Resolution: 121203

Moved Cr Kempin, seconded Cr Sadler

“That the list of accounts paid during November 2012, represented by:-

- Municipal Fund cheques numbered 1853 to 1886 inclusive and electronic payments numbered EFT3714 to EFT3806 inclusive and totalling \$743,742.66;*
- Trust Fund cheques numbered 313 to 315 inclusive and electronic payment EFT 3749 inclusive and totalling \$13,883.90;*
- Credit Card payments totalling \$4,837.08;*

be adopted.”

CARRIED 7/0

**Reason For Change to
Recommendation:**

10.3**ANNUAL REPORT**

Program:	Governance
Attachment:	Annual Report 2011-2012 including the independent Auditors Report and Finance report Auditors Management Letter
File Ref:	ADM0340
Author:	JM Trezona Chief Executive Officer
Date:	11 December 2012
Disclosure of Interest:	Nil

- Summary:** Council to:-
1. accept the 2011-2012 Financial Report and Audit Report;
 2. adopt the 2011-2012 Annual Report;
 3. confirm the date for the annual electors meeting; and
 4. determine a date to meet with the Auditor.

Background: The 2011-2012 Financial Report, as prepared by staff, has been audited by Council's Auditor, Russell Harrison of Lincolns Accountants and Business Advisors.

Council must adopt the Annual Report which includes the audit report prior to holding the Annual Electors Meeting.

The Local Government Act 1995 section 5.53 states that the Annual Report must contain the following:

- A report from the President
- A report from the Chief Executive Officer
- An overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or continue in the next financial year
- The financial report for the financial year
- Such information as may be prescribed in relation to the payments made to employees
- The auditor's report for the financial year
- A matter on which a report must be made under section 29(2) of the Disability Services Act 1993
- details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - (i) the number of complaints recorded in the register of complaints; and
 - (ii) how the recorded complaints were dealt with; and
 - (iii) any other details that the regulations may require; and
- Such other information as may be prescribed

Comment: Council will note that the Independent Audit Report contains no qualification which is due to the integrity, quality and strength of the Shire's financial recording and reporting systems and the staff who maintain these systems.

The management letter has identified:-

- VROC funding for the Waste Transfer Stations had been deposited directly into the Trust Fund. This resulted in the \$230,000 in grant funding which was attributable to the Shire of Broomehill-Tambellup not being recognised as revenue in the 2011/12 year. The Auditors requested that this funding be transferred to the Municipal Fund at 30 June 2012 and recognised as revenue in the 2011/12 year. Amendments were subsequently made to reflect this.

In future, any funding received through the VROC that is directly attributable to the Shire of Broomehill-Tambellup will be recognised as revenue in the accounts when the funds are received. The balance of funds for the other three Councils in the VROC will be held in trust.

A legislative requirement associated with this audit report is that Council is required to meet (which can be by way of telephone) with the auditor at least once in every year. The last meeting with the auditor was in March 2012.

At this point the auditor has been “pencilled in” for a telephone meeting in conjunction with the February 2013 or March 2013 Council meeting

Once Council has adopted the Annual Report, the Chief Executive Officer is required to give local public notice of the availability of the report.

The Local Government Act 1995 requires that the Council is to hold an annual electors meeting within 56 days of accepting the Annual Report. The annual electors meeting is proposed to be held on Thursday 7 February 2013 which comes inside the 56 day timeframe of 14 February 2013.

Consultation:

Nil

**Statutory
Environment:**

Sections 5.53 to 5.55 of the Local Government Act and Administration Regulations 19B and 19CA apply to the Annual Report processes.

Part 6 - Financial Management of the Local Government Act 1995 and the Financial Management Regulations define the processes and procedures that apply to the recording and reporting of financial matters.

Part 7 – Audit of the Local Government Act 1995 and Audit Regulations deals with audits.

Policy Implications:

Nil

**Financial
Implications:**

This issue has no financial implications for Council

Strategic

Implications: This issue is not dealt with in the Plan

Voting Requirements: Simple majority required to accept the first recommendation.

An Absolute Majority is required for the acceptance of the Annual Report.

Council Resolution: *121204*

Moved Cr Kempin, seconded Cr Sheridan

“That Council:

- 1. Accept the Financial Report and Audit Report in relation to the year ending 30 June 2012.*
- 2. Accept the Auditor’s management letter and staff comments in relation to the matters in the management letter.*
- 3. Meet with the Auditor (by telephone) in conjunction with the Council meeting to be held in February 2013.*
- 4. That the general meeting of electors be held on Thursday 7 February 2013.”*

CARRIED 7/0

Council Resolution: *121205*

Moved Cr Thompson, seconded Cr Kempin

“That Council, by an Absolute Majority, accepts the Annual Report for the year ending 30 June 2012.”

*CARRIED 7/0
By Absolute Majority*

**Reason For Change to
Recommendation:**

10.4 iPad Policy for Councillors and Staff

Program:	Governance
Attachment:	Draft iPad Policy for Councillors and Staff
File Ref:	ADM0043/Policy Manual
Author:	KP O'Neill Finance Officer
Date:	11 December 2012
Disclosure of Interest:	Nil

Summary: Council to consider adopting a new policy which will establish a usage agreement for iPads provided to Councillors and Staff.

Background: Provision was made in the 2012/13 Budget to purchase iPads for Councillors utilising funds from the Computer Reserve.

Comment: The iPads have been purchased, and it is appropriate that Council adopt a policy outlining usage agreements for the devices. The devices were purchased for all Councillors, Chief Executive Officer, Manager Corporate Services and a spare for Staff to use in meetings as required.

The objective of the iPad policy is to establish a usage agreement for Councillors and Staff of the Shire of Broomehill-Tambellup who are supplied with an iPad.

It will set down the terms and conditions of usage to ensure the correct utilisation and management of the devices by both Councillors and Staff, and will clarify ownership of the devices.

Consultation: Chief Executive Officer

Statutory Environment: Nil

Policy Implications: New policy – “iPad Policy for Councillors and Staff”

Financial Implications: This issue has no financial implications for Council

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

Voting Requirements: Simple Majority

Council Resolution: *121206*

Moved Cr Thompson, seconded Cr Crosby

“That Council adopts the ‘iPad Policy for Councillors and Staff’, as presented.”

CARRIED 7/0

Reason For Change to Recommendation:

10.5 MEMORANDUM OF UNDERSTANDING – TAMBELLUP PLAYGROUP

Program:	Economic Services
Attachment:	Draft Memorandum of Understanding March 2001 Agreement
File Ref:	ADM0266, ADM0330 & CLAF015
Author:	JA Stewart Manager Corporate Services
Date:	4 December 2012
Disclosure of Interest:	Nil

Summary: Council to review an Agreement with Tambellup Playgroup relating to Tambellup Playgroup's use of the Tambellup Infant Health Clinic in Crowden Street, Tambellup.

Background: Council entered into an Agreement with Tambellup Playgroup, in March 2001, outlining the agreed responsibilities of each party during Tambellup Playgroup's use of the Tambellup Infant Health Clinic. Since this time, the Shires of Tambellup and Broomehill have amalgamated and the use of the building by Department of Health representatives has ceased.

Comment: Tambellup Playgroup and the author have reviewed the Agreement resolved in March 2001 and the following amendments are recommended:

- Update the logo to reflect the amalgamated Shire of Broomehill-Tambellup;
- Amend the document to be a Memorandum of Understanding;
- Remove the reference to a Clinic Sister/Health Department representative (the facility is no longer used for these purposes); and
- Add a clause to review the document a minimum of every five years.

For Council discussion and consideration.

Consultation: Jane Cunningham, President, Tambellup Playgroup

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

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

Voting Requirements: Simple Majority

Council Resolution: **121207**

Moved Cr Thompson, seconded Cr Kempin

“That the Memorandum of Understanding between the Shire of Broomehill-Tambellup and Tambellup Playgroup, as presented, be endorsed.”

CARRIED 7/0

**Reason For Change to
Recommendation:**

10.6 MEMORANDUM OF UNDERSTANDING – BROOMEHILL PLAYGROUP

Program:	Economic Services
Attachment:	Memorandum of Understanding x 2 draft options
File Ref:	ADM0216, ADM0330, CLAF
Author:	JA Stewart Manager Corporate Services
Date:	4 December 2012
Disclosure of Interest:	Nil

Council Resolution: **121208**

Moved Cr Kempin, seconded Cr Crosby

“That Council raises this item that had previously been laid on the table at Council’s November 2012 Ordinary Meeting.”

CARRIED 7/0

Summary: Council to consider a Memorandum of Understanding (MOU) between Council and the Broomehill Playgroup (Group) in order to determine each party’s responsibilities relating to the use of the Broomehill RSL Hall and property for conducting playgroup activities.

Background: The Shire of Broomehill-Tambellup has not previously entered into a formal arrangement with the Group for its use of the Broomehill RSL Hall. The proposal to form an MOU with the Broomehill Playgroup was originally presented to Council at its November 2012 Ordinary Meeting (OM) wherein Council resolved, as follows, in order to allow for consideration of providing the Group unrestricted use of the Broomehill RSL Hall:

121111

Moved Cr Thompson, seconded Cr Turner

“That this item “Memorandum of Understanding between the Shire of Broomehill-Tambellup and Broomehill Playgroup” lay on the table until the December 2012 meeting.”

CARRIED 7/0

It is estimated, over the course of the last few years, that the Hall would have been used three to four times annually by users other than Playgroup (e.g.; the Australian Electoral Commission [AEC] and private individuals/groups).

Comment: The Group has had a long association with the Shire with regard to its use of the Broomehill RSL Hall (Hall) for weekly (school term) playgroup sessions for local children. The Group has assisted in keeping the building and surrounds in a clean, tidy and presentable manner and has been proactive in improving the facility by way of contributing playground equipment and, more recently, a low containment wall to delineate and retain sand around the playground equipment.

In order to clearly outline tasks both parties will be responsible for; to outline Council requirements should the Group wish for alterations or additions to be made to the property; and to consider providing the Group with unrestricted use of the Hall, it is proposed that Council adopts an

MOU that will address these matters.

Two draft MOU's are attached for Council's consideration, providing for either unrestricted (Option A) or continued, restricted (Option B) use of the Hall by the Group. Apart from recommending the inclusion of a review period for the MOU, Option B remains as per the MOU presented to Council's November 2012 OM for consideration. Should Council resolve to allow unrestricted use of the facility, it is recommended that the hire fees, for Broomehill RSL Hall, be removed from Council's Fees and Charges during the 2013-14 budget process. If unrestricted access to the facility is endorsed (Option A), the changes made to the draft MOU presented at Council's November 2012 OM include:

1. Insertion of the word 'unrestricted' ahead of 'use' in the first sentence of the MOU;
2. Removal of the last point of Point 2 under 'The Broomehill Playgroup will:';
3. Removal of the second and third dot points under Point 2 under 'The Shire of Broomehill-Tambellup will:'; and
4. Addition of the clause: 'This Memorandum of Understanding is for review a minimum of once every five years but may be amended at any time with the approval of both parties'.

The Hall is currently booked to the AEC for the State government election taking place on 09th March 2013; a commitment to uphold this arrangement would be required should either Option be resolved by Council. The Group has indicated its satisfaction with the contents of Option A and Option B; the requirement of the Group to make provision of the facility for the AEC will be stipulated within written correspondence to the Group.

For Council discussion and consideration.

Consultation:	Messrs Lisa Thompson and Trena Dennis, Broomehill Playgroup
Statutory Environment:	<i>Local Government Act 1995</i> s. 6.16 (3) (b) - if endorsing Option A
Policy Implications:	Nil
Financial Implications:	Minor (human resources required to coordinate watering of small lawn area of playground).
Strategic Implications:	This issue is not dealt with in the Plan

Voting Requirements: Absolute Majority - if endorsing Option A (resulting in consequential removal of Hall hire fees being an amendment to Council's Annual Budget).

Council Resolution: **121209**

Moved Cr Kempin, seconded Cr Sheridan

“That a Memorandum of Understanding between the Shire of Broomehill-Tambellup and Broomehill Playgroup, presented as Option A and allowing unrestricted use of the Broomehill RSL Hall by Broomehill Playgroup, be endorsed.”

Council Resolution: *“That Council removes the Broomehill RSL Hall hire fees from its list of Fees and Charges as part of the 2013-14 budget process”.*

CARRIED 7/0

Reason For Change to Recommendation:

10.7**SOUTH WEST SETTLEMENT OF NATIVE TITLE CLAIMS – LAND BASED CONSULTATION**

Program:	Other Services
Attachment:	Map and land details
File Ref:	ADM0247
Author:	JM Trezona Chief Executive Officer
Date:	11 December 2012
Disclosure of Interest:	Cr Sheridan declared a Proximity Interest and left the meeting at 2.16pm.

Summary: Council is requested to provide feedback to the Department of Regional Development and Lands (RDL) on land parcels identified in Stage One RDL Tranche A and Stage Three South West Aboriginal Land and Sea Council (SWALSC) Tranche A that are part of the Shire of Broomehill-Tambellup.

Background: The Department of Premier and Cabinet (DPC) wrote to Council in October 2012 regarding the negotiation underway with the SWALSC to settle all native title claims in the South West.

As part of the process RDL has identified Crown land that could be considered as part of the benefits package to be offered to the six claimant groups via SWALSC.

In 2010 RDL began multiple processes to identify Crown land suitable for cultural, social or economic uses by the Noongar people. While negotiations on the detail of the final settlement package will continue until at least late 2013, the State has indicated to SWALSC that the Crown land area could be up to a total of 20,000 hectares in freehold and up to total of 300,000 hectares in Reserve and Leasehold.

RDL has broken up the Crown land identification task over two initial stages:

- Stage One – Crown land from 5km outside town sites, 5ha and above
- Stage Two – Crown land within 5km of town sites, 5ha and below

Stage One identified up to a possible 2,000 parcels that may be available over the whole South West Settlement area (102 Local Governments). Stage Two is being finalised at present, however will also be close to 2,000 parcels.

SWALSC has undertaken a first review of Stage One lands and identified a first batch of land they would like the State to consider further and in addition has requested other land parcels they would like considered, now known as Stage Three lands.

The steps to be undertaken for Stages One to Three lands are:

- The Department of Mines and Petroleum (DMP) filter the Crown land through an indicative mining clearance under the auspices of the *Mining Act 1978* section 16(3) to identify that land and the maximum tenure basis the State could transfer without impact on mining prospectivity;
- DMP filtered land is classed into whole and part Crown land

parcels based maximum allowable tenure type (i.e. reserve, leasehold or freehold);

- The classes of Crown land are broken up into various Tranches of Stage One based on whether they are whole or part and maximum tenure indications, to be referred out to Local Government and limited referral agencies for consideration and feedback
- Local Government and referral agency feedback is assessed and referred by RDL to the lead agency, the Department of Premier and Cabinet, for approval to proceed to offer to SWALSC;
- SWALSC advise the State what land they require and in what tenure;
- Selected Crown land is referred to DMP for the formal mining clearance assessment under the *Mining Act 1978* section 16(3);
- Crown land with mining clearance is referred to service authorities for identification of easements or other notifications not already registered on Crown Land Title;
- Crown land with mining clearance is assessed for contamination, including where required, physical site inspection; and then
- Crown land that has been assessed as ready to transfer, is surveyed prior to transfer processes.

Any transfer of land, either as freehold, leasehold or reserve, will be subject to the normal planning, environmental and other laws applicable to land ownership and management.

Under the *Land Administration Act 1997* section 14, the Minister for Lands

‘...must, unless it is impractical to do so, consult the Local Government within the district of which the Crown land is situated...’

It is intended to establish the South West Settlement Land Base of up to 320,000 hectares in total over the next five to seven years; to ensure that Local Governments and referral agencies have time to provide advice on Crown land identified in their jurisdictions, Stages One to Three will be broken up into a series of ‘Tranches’ based on the maximum tenure assessed as being potentially available by DMP.

Comment:

Attached for Councils consideration and advice, is a list of Stage One RDL Tranche A and Stage Three SWALSC Tranche A land parcels within our shire that have been identified for possible inclusion in a Land Base and plans depicting the lands in question.

Tranche A for both Stages are whole parcels that could be transferred up to the maximum freehold tenure.

RDL seeks feedback from Council by Thursday 31 January 2013.

For this Stage One RDL Tranche A and Stage Three SWALSC Tranche A, Council is requested to provide comments on the two identified parcels

Stage One Tranche A – Reserve 13280 (Lot 940 Tambellup West Road Borderdale)

Stage Three Tranche A - Lot 317 Cousins Street Tambellup

The following comments are sought

1. Any future proposals for the land identified? If so, in what timeframe?
2. Any proposed planning scheme amendments? If so, in what timeframe?
3. Any future proposals for either the creation or amendments to reserves? If so, in what timeframe?
4. Any land management issues known e.g. Contamination etc.

Stage One Tranche A – Reserve 13280 (Lot 940 Tambellup West Road Borderdale)

Reserve 13280 is located on the corner of Tambellup West and Warrenup Roads and has a purpose of “Water”. The land is zoned “parks and recreation”, is heavily wooded with she-oak and currently unvested. Council has not identified any future proposals for the land and there are no current plans to amend the Town Planning Scheme or amend the purpose of the reserve in relation to this land. Council records do not indicate that there are any other issues such as contamination relating to the Reserve.

Stage Three Tranche A - Lot 317 Cousins Street Tambellup

Lot 317 Cousins Street Tambellup is vacant, unallocated Crown land. The land is currently zoned “light industrial” under the Shire of Tambellup Town Planning Scheme No 2. Council has not identified any future proposals for the land and there are no current plans to amend the Town Planning Scheme in relation to this land. Council records do not indicate that there are any other issues such as contamination relating to the Lot.

As with both parcels of land, local knowledge may be able to provide an insight to the previous uses of the land and whether or not there are any land management issues associated with them.

For Council discussion.

Consultation:	Nil
Statutory Environment:	Nil
Policy Implications:	Nil
Financial Implications:	This issue has no financial implications for Council
Strategic Implications:	This issue is not dealt with in the Plan
Voting Requirements:	Simple Majority

Council Resolution: 121210

Moved Cr Turner, seconded Cr Kempin

“That Council responds by 31 January 2013 to the Department of Regional Development and Lands in relation to Reserve 13280 Tambellup West Road Borderdale and Lot 317 Cousins Street Tambellup and advises

- the current zoning of the land is ‘parks and recreation’ and ‘light industrial’;*
- there is no future proposal for the identified land;*
- there are currently no proposed scheme amendments for the land;*
- there are no proposed amendments to Reserve 13280; and*
- Council is unaware at this time of any other land management issues such as contamination.”*

CARRIED 6/0

**Reason For Change to
Recommendation:**

Cr Sheridan returned to the meeting at 2.25pm.

10.8 PROPOSED SINGLE HOUSE – LOT 140 ROURKE STREET, TAMBELLUP

Program:	Planning	
Attachment:	Nil	
File Ref:	A466	
Author:	Gray & Lewis	Landuse Planners
Date:	10 December 2012	
Disclosure of Interest:	Nil	

Summary: An application has been lodged for a single house (transported building) on Lot 140 Rourke Street, Tambellup.

This report recommends conditional approval.

Background: Zoning

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

Comment: *Site Description*

The majority of the lot is cleared, however has scattered isolated trees throughout.

Setbacks

The application complies with the front building setback of 15 metres and side/ rear setback of 10 metres as required by the Scheme.

Scheme requirements

Under Clause 6.5.4.2 of the Scheme applicable to the Special Rural zone, Council can have regard for a number of matters such as the colour and external building materials, building size, height, bulk, roof pitch, architectural style and design details of the building as well as the relationship to surrounding development.

The proposed dwelling is of a low scale, and will not have visual impact on adjacent lots. The dwelling is proposed to be located 32 metres from Rourke Street and 46.8 metres from the eastern boundary.

Tree Removal

Specific Council approval is required for tree removal in the Special Rural zone. It is difficult to ascertain whether the proposed residence necessitates tree removal based on the site plan.

An aerial map is included below for information.



Council has the ability to impose conditions requiring planting of additional vegetation if desired.

Consultation: Not applicable

Statutory Environment: Shire of Tambellup Town Planning Scheme No 2 – planning approval is required for all development in the Special Rural zone including a single house.

There are specific provisions on transported dwellings as per Clause 7.6.

Policy Implications: Not applicable

Financial Implications: Council has received planning fees from the applicant.

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

Voting Requirements: Simple Majority

Council Resolution: 121211

Moved Cr Thompson, seconded Cr Turner

“That Council;

- A. Approve the application lodged for a single house (transported dwelling) on Lot 140 Rourke Street, Tambellup subject to the following conditions:*
- 1. All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of the Shire.*
 - 2. Water tank(s) and approved on site effluent disposal must be installed and in operation prior to occupation of dwelling.*
- B. Advise the applicant that planning approval is not consent for site works or construction. A building licence is required prior to any commencement of works.”*

CARRIED 7/0

**Reason For Change to
Recommendation:**

10.9 PROPOSED GROUPED DWELLING DEVELOPMENT, LOT 1295 TAYLOR STREET, TAMBELLUP

Program:	Planning	
Attachment:	Proposed Site Plan	
File Ref:	ADM0399	
Author:	Gray & Lewis	Landuse Planners
Date:	12 December 2012	
Disclosure of Interest:	Nil	

Summary: To consider an application for a grouped dwelling development on Lot 1295 Taylor Street / corner Gnowangerup-Tambellup Road, Tambellup. The application proposes dwellings for aged and dependent persons.

Background:

- *Description of application*

An application has been received from H & H Architects for six single-storey grouped dwellings on Lot 1295 Taylor Street / corner Gnowangerup-Tambellup Road, Tambellup.

It is understood that the land is proposed to be developed by the Shire.

- *Council Role*

The Shire has two separate roles in dealing with this application. The first role is as the owner of the land, and the second role is as the relevant decision making authority for the planning application.

- *Zoning*

The land is zoned Residential with a R10/R30 dual density code in the Shire of Tambellup Town Planning Scheme No. 2 ('the Scheme').

The zoning table in the Scheme designates 'aged or dependent persons' dwelling' as an "AA" use in the Residential zone, meaning that the use is not permitted unless the Council has granted planning approval.

The 'R – Code' simply dictates the minimum and average site requirements per dwelling unit and therefore controls the number of dwellings that can be built on the lot, and dictates site requirements such as setbacks.

- *Relevant Council decisions*

Council considered sketch drawings for the design of the aged person dwellings at the meeting held in November 2012. The sketches were endorsed by Council for six dwelling units and the development is known as the Tambellup Independent Living Seniors Accommodation project.

Comment:

- *Scheme Requirements for Higher Densities*

The dual code of R10/R30 allows for a range of densities to be applied for as part of any grouped dwelling proposal.

Clause 6.1.4 of the Scheme states:

“The following variations to the Residential Planning Codes apply in the Scheme area:

- a) The local government may permit an increase from R10 up to a maximum of R30 for land in the Residential zone with dual R10/30 coding where:*
 - (i) Adequate connection to reticulated sewerage is available;*
 - (ii) In the opinion of the local government the lot is suitably located close to services and facilities;*
 - (iii) The local government after following the advertising procedures in clause 8.3 is satisfied there will not be adverse impacts on local amenities;*
 - (iv) The local government considers the design of the development will enhance the amenity of the area; and*
 - (v) The development is compatible with the surrounding landuses and development. “*

The dual code allows Council to determine the permissible density for development. It is open to the Shire to determine that the development is suitable at a density of R30.

The location of the proposed grouped dwellings generally complies with the Scheme as the lot is able to be connected to sewer, and is in close walking distance to the local Town Centre along Norrish Street, as well as the local health centre.

- *Residential Design Code : Application of concessions to flexible code*

The Residential Design Codes (‘the Codes’) include minimum and average site areas per dwelling unit for different densities.

The minimum site area is essentially the area available for the exclusive use of each unit, and does not include any common areas (such as shared driveway areas). Gray & Lewis can best describe the minimum site area plan as being akin to a strata plan, as it shows the ‘lot’ area and boundary allocated to each dwelling.

Under Clause 6.1.3 A3(i) of the Codes the minimum site area may be reduced by up to one third for an aged, dependent person or single bedroom dwelling.

The minimum site areas for the R10 and R30 density code are summarized below, and also show an adjusted minimum site area reduced by one third:

Density	Min site area	Reduction by one third *	New Minimum site area (reduced by one third) *	Average site area	Reduction by one third *	New Average site area (reduced by one third) *
R10	875	- 291.66	583.34	1000	333.33	666.67
R30	270	- 90	180	300	100	200

*(for aged or dependent person dwelling, or single bedroom dwelling). All areas are in m².

The applicant has lodged a site plan dated 4/11/2012 which includes a table with the unit floor areas and the sole external use areas. The minimum site area required per dwelling includes both the floor area of the dwelling and any external areas / yards that are for that dwelling's exclusive use.

The Codes do not contemplate how the special concessions available for special purpose dwellings apply to flexible coded areas.

The Shire's Scheme essentially already provides increased density opportunities for development that can connect to sewer and has no negative amenity impact. The question is therefore raised over whether additional 'aged and dependent persons' concessions available under the Residential Design Codes, can also then be applied to an increased density supported for development under the Scheme.

There are two options available to Council as follows:

Option 1: Council may determine that the 'as of right' density is R10, and any minimum lot size concession for 'aged and dependent persons' should only apply to the 'as of right' R10 density code in flexible coded areas.

Having already exercised discretion to support an increased density under the Scheme, the Shire may be of the view that further concessions under the Codes should not be applied.

Option 2: Council may determine that it has discretion to determine that development is appropriate at an R30 density under the Scheme, and once that is established, then any further minimum lot size concessions for 'aged and dependent persons' under the Codes can be applied to the R30 density.

Gray & Lewis cannot offer legal advice as to the extent of Council's discretion, however would consider that there is reasonable discretion available due to the broad wording of the Shires Scheme. The Scheme states that Council "*may permit an increase from R10 up to a maximum of R30*".

Based purely on a practical application, once Council supports a higher R30 density for development, then all aspects of the development are assessed in accordance with the R30 requirements of the Residential Design Codes, including setbacks, open space, minimum site areas and other site requirements.

Essentially, the development is assessed as if the density code was R30. It would therefore stand to reason, that having determined that an R30 density is acceptable for development, it is open to Council to apply any R Code concessions to the R30 density, including for 'aged and

dependent persons' dwellings.

It is recommended that Council support Option 2. As explained above, it is considered a practical approach to allow concessions as would ordinarily be applied to any development density of R30.

Based on the information submitted, the minimum site areas range from 217.3m² to 278.5m² which comply with the R Code requirements for aged and dependent persons at an R30 density.

The minimum and average site areas proposed in the application only comply if Option 2 is supported by Council.

This method of assessment accepts that an R30 density should be applied to the lot under the Scheme. The applicant then seeks to apply Clause 6.1.3 A3 (i) of the Codes to allow a reduction of the R30 minimum and average site by up to one third. Essentially, the R Code concession allows a lesser area to be provided per dwelling unit, and increases the number of units that can be developed on a block as long as they are specifically to cater for aged or dependent persons.

The application complies with the average site area requirements per dwelling unit. An average of 300m² per dwelling is required at the R30 code and an average of 423.83m² is proposed.

- *Residential Design Code Assessment*

The Residential Design Codes have two options for the assessment of development, being the 'Acceptable Development' criteria or an alternative 'Performance Criteria'.

If a development complies with the 'Acceptable Development' criteria then it is 'deemed to comply' and it is a relatively straightforward process to an approval.

Assessment of compliance using the 'Performance' criteria is more involved and subjective. The onus is on the applicant to demonstrate how they meet the performance criteria to the satisfaction of the Shire.

The application complies with the 'deemed to comply' requirements of the Residential Design Codes as applicable to the R30 Code including site requirements such as setbacks, open space, car parking, fencing and storerooms.

There are variations proposed to the 'deemed to comply' requirements of the Codes which require consultation with neighbours, being the proposed retaining walls on the boundary, alternative design from Australian Standards, privacy setbacks, site works and occupancy / legal agreement.

These are discussed in detail below:

- Retaining Walls

The feature survey of the lot shows on site levels ranging from approximately 264.2 to 264.75. No Finished Floor Levels are shown on the site plan, however the applicant has advised they propose retaining along the north, south and west boundaries to enable the site to be built up to a level above the crown of Taylor Street.

The site plan notes that '*floor levels to be 100mm above the crest of Taylor Street*', and the architects have verbally indicated retaining will be approximately one metre high.

Under Clause 6.3.3 A3 it requires retaining walls to be setback from boundaries as if they were walls. Council has discretion to support retaining walls on the boundary under performance criteria P3 where satisfied that '*retaining walls designed or setback to minimize the impact on adjoining properties*'.

The retaining walls are proposed on common boundaries therefore adjacent landowners need to be consulted.

It should be noted that adjacent Lot 348, Gnowangerup-Tambellup Road to the immediate west is owned by the Shire. There is a subdivision approval to divide Lot 348 into 2 lots, however Gray & Lewis is of the understanding that the lot closest to the proposed aged person development is to be retained in Shire ownership. The impact of the retaining wall on Lot 348 is lessened as the land may also be developed in the future by the Shire, as a possible extension to this development.

The visual impact of the retaining wall to Lot 301 south of the development is lessened as it is separated from Lot 1295 by a right of way.

- Aged and dependent persons design / Australian Standards

Clause 6.11.2 A2 (ii), (iv) and (vi) of the Codes require dwellings to meet specific design requirements and Australian Standards which are essentially aimed at ensuring designs are suitable for aged and dependent persons. Examples of the design requirements include provision of a disabled car bay, minimum door widths, corridor widths etc.

If the dwellings are not proposed to meet Australian Standards then the applicant can seek approval under the performance criteria of the Codes, in lieu of AS4299-1995.

The applicant has confirmed they seek approval using the performance criteria of the Codes, and that the dwellings will be suitably designed for aged persons in accordance with the 'accessibility code' apparently produced by the State Government.

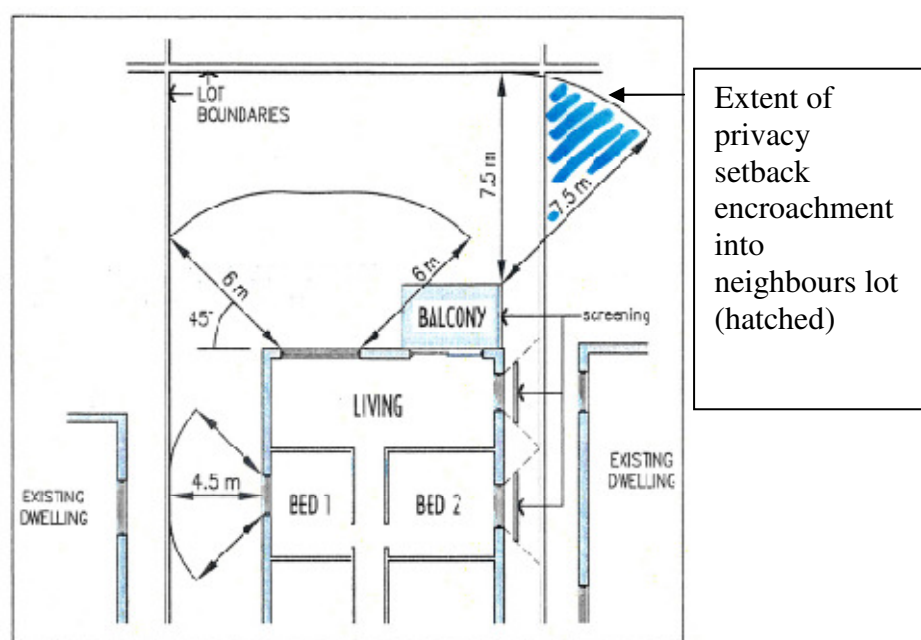
- Privacy and Overlooking (setbacks)

The Residential Design Codes have ‘deemed to comply’ requirements for Privacy and Overlooking. Under the ‘deemed to comply’ requirements there are minimum setback distances for windows and outdoor living areas where the land is filled more than 500mm above natural ground level (as is the case for this development). The minimum privacy setbacks are:

- 4.5 metres for bedrooms and studies
- 6.0 metres for habitable rooms other than bedrooms and studies
- 7.5 metres for unenclosed outdoor active habitable spaces (such as balconies, decks, verandas, built up outdoor areas etc)

Privacy setbacks are measured at 90 degrees to the boundary using a ‘cone of vision’ sightline. The privacy setbacks can be reduced where screening is provided or highlight / opaque windows are used.

An explanatory diagram showing the ‘cone of vision’ measurements is included below to assist Councillors:



The privacy setbacks apply to the development on Lot 1295 as the outdoor areas and finished floor area will be well above 500mm above natural ground level.

It should be noted that compliance with the privacy setbacks under the Codes does not necessarily prevent overlooking of adjoining properties, however, these standards are applied to limit the extent of overlooking.

The ‘deemed to comply’ privacy setbacks are detailed below:

Description	Required – Deemed to Comply criteria	Provided	Comment on compliance with performance criteria
Bedroom windows facing south (right of way and Lot 301 Taylor Street)	4.5 metres	1.5 to 2 metres	Complies taking into account the right of way width
Bedroom windows facing west (Lot 348 Gnowangerup-Tambellup Road owned by Shire)	4.5 metres	1.5 metres	Complies subject to a condition requiring screening. A 1.8 metre standard fence placed on top of the retaining wall will prevent overlooking.
Drying courtyards / outdoor living areas facing west (Lot 348 Gnowangerup-Tambellup Road owned by Shire)	7.5 metres	Nil	Complies subject to a condition requiring screening. A 1.8 metre standard fence placed on top of the retaining wall will prevent overlooking.

The privacy setbacks can be reduced where sightlines are interrupted by screening, use of fixed opaque windows or highlight windows.

Applicants can choose to seek approval using the performance criteria under the Codes, as in this case. Council needs to assess privacy and overlooking to the west and south in accordance with the performance criteria of the R Codes.

Performance criteria P1 under Clause 7.4.1 of the R Codes requires that;

“Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape or remoteness.”

As the proposed development is only single storey, erection of a standard 1.8 metre high fence above the 1 metre retaining wall will prevent overlooking from within the development to any adjacent lots. Normally Gray & Lewis would not recommend conditions requiring boundary fencing, however it is achievable for this site as dividing fencing is not reliant on any neighbour’s approval. Fencing will join land owned by the Shire and a right of way.

- Site works

Under Clause 6.6.1 A1.1 and A1.4 fill exceeding 0.5 metres to the street or within 1 metre of a common boundary requires approval under the performance criteria of the Codes.

The performance criteria 6.6.1 P1 requires ‘*Development that retains the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property*’.

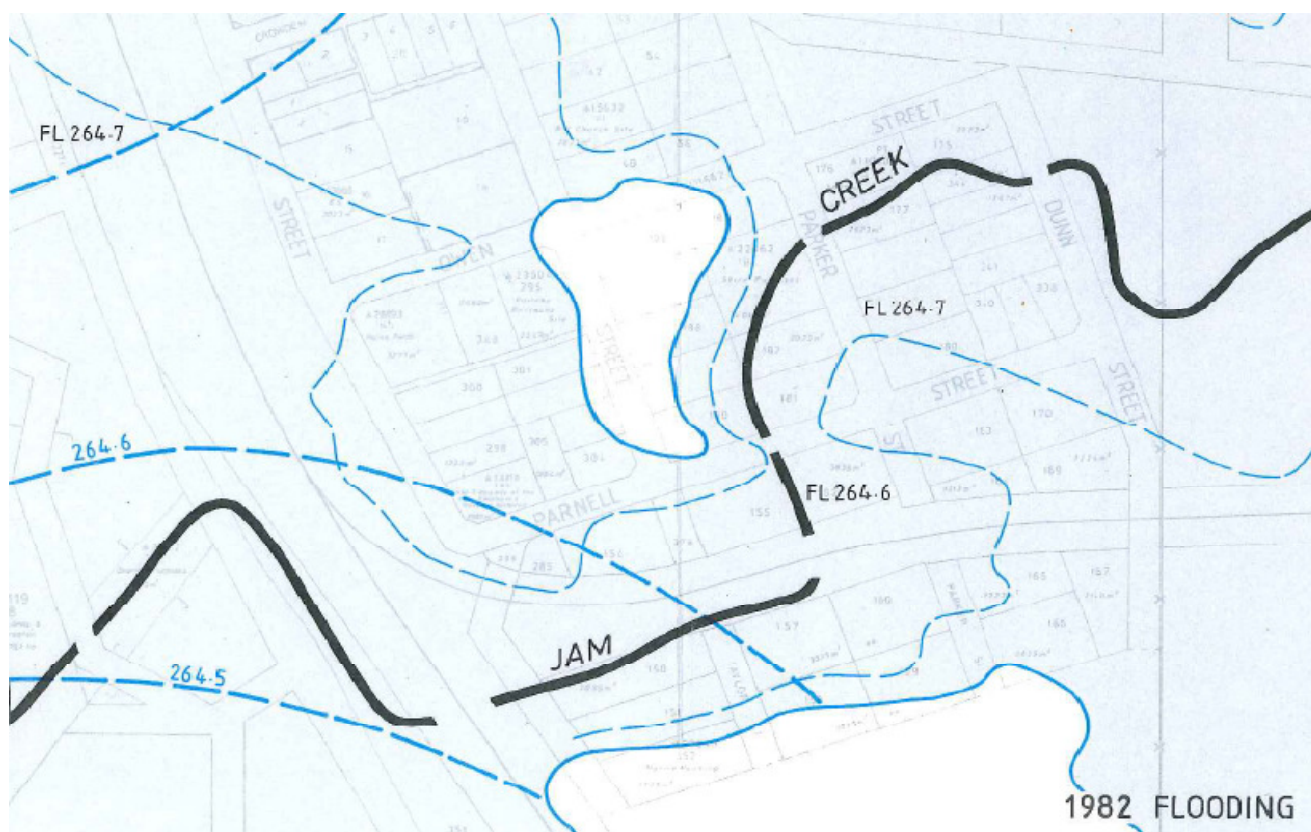
The one metre fill means that the site will not be able to maintain a visual impression of the natural level as viewed from Gnowangerup – Tambellup Road, neighbouring properties, or the right of way, and does therefore not technically comply with this aspect of the Codes.

However, it is understood the fill is proposed in order to ensure future development is not affected by any flooding, therefore the issue needs to be examined in context of the Scheme requirements.

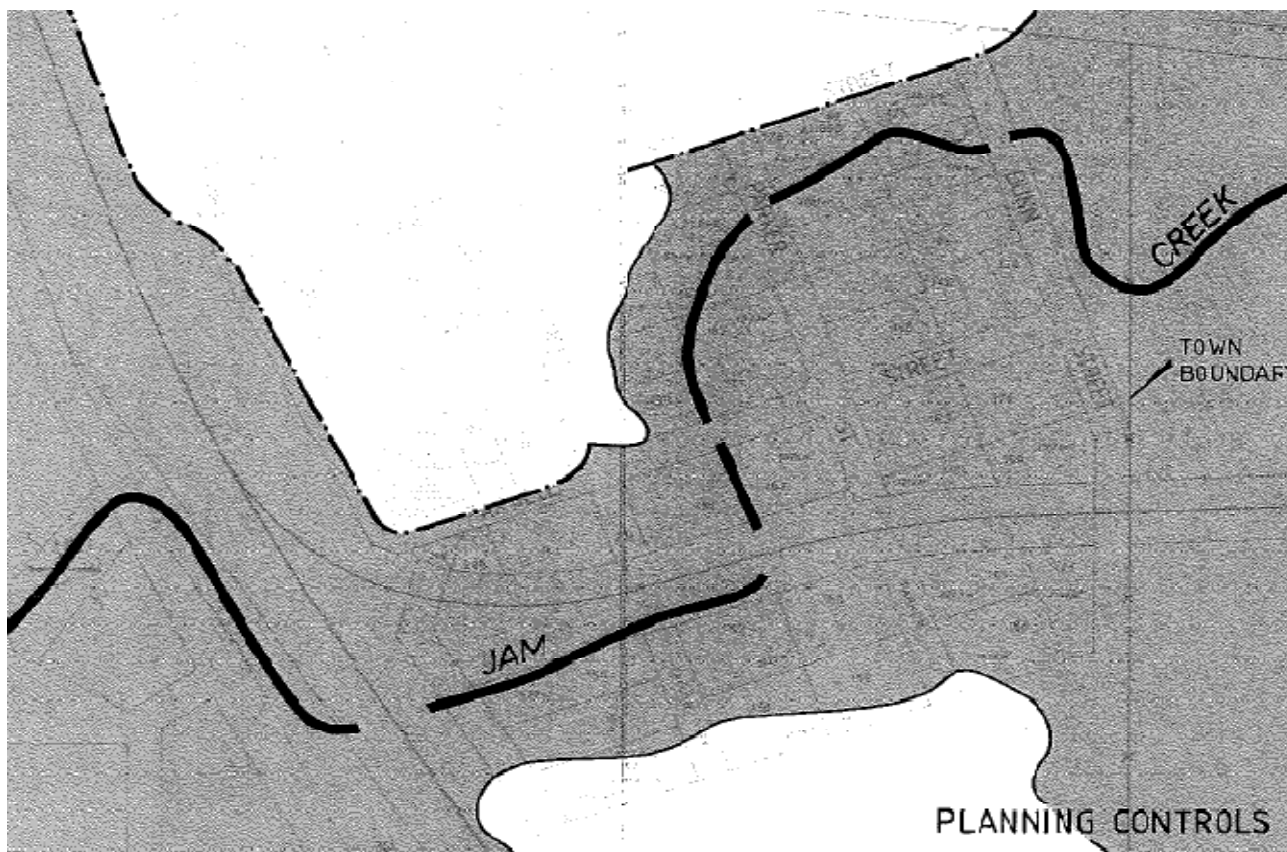
The Shires Scheme contains provisions under Clause 7.5 relating to ‘Land Liable to River Flooding’ and refers to the “Gordon River Flood study” which was prepared by Sinclair Knight & Partners in January 1983.

Clause 7.5 (e) requires floor levels for habitable rooms to buildings on land in the floodplain to be a minimum of 150mm above the estimated 1 in 100 year flood level for existing subdivisions.

The mapping in the flood study only has faded cadastra, however it is noted that only a small south east corner of Lot 1295 is in the area that flooded, and it is outside of the area recommended for planning controls as follows:



Extract of Figure 3 from “Gordon River Flood study” prepared by Sinclair Knight & Partners in January 1983.



Extract of Figure 12 from “Gordon River Flood study” prepared by Sinclair Knight & Partners in January 1983.

Based on the ‘Gordon Flood Study’ it does not appear that there is a mandatory requirement for development to achieve the finished floor levels, however it is recommended that advice be sought from the Department of Water as they have the expertise to comment on appropriate flood mitigation.

- Occupancy/ Legal agreement

Clause 6.11.2 A2 (vii) of the Codes requires “*at least one occupant is a disabled or physically dependent person, or aged over 55, or is a surviving spouse of such a person, and the owner of the land agrees to enter into a legal agreement, binding the owner, their heirs and successors in title requiring that this provision be maintained*’.

As the development is being undertaken and managed by the Shire it would seem unnecessarily onerous to require legal agreements to ensure that the development is occupied by aged or dependent persons.

In lieu of a legal agreement, it is recommended that a condition be placed on any planning approval to require the dwellings to be occupied by aged and / or dependent persons.

- Aesthetics and Building Design

The applicant has submitted a detailed perspective of the proposed development which has been supported by the Shire.

Consultation:	<p>The application has to be advertised for public comment (21 days) to comply with Clause 6.1.4 (iii) and Clause 8.3 of the Scheme.</p> <p>It is recommended that the Shire send individual letters to adjacent landowners, and publish a notice in a local paper.</p> <p>Due to the upcoming holidays, and as there is no Council Meeting scheduled for January 2013 (unless the Shire holds a special meeting to consider the wind farm application), it is recommended that the advertising period be extended from 21 days to 30 days.</p>
Statutory Environment:	<p>Shire of Tambellup Town Planning Scheme No. 2 – discussed in the body of this report.</p> <p>Residential Design Codes – discussed in the body of this report.</p>
Policy Implications:	<p>Nil</p>
Financial Implications:	<p>Provision for the development has been made in the 2012/2013 Shire budget. The Shire pays consultancy fees to Gray & Lewis for planning assessments and advice.</p>
Strategic Implications:	<p>The development will provide greater housing choice for the local community.</p>
Voting Requirements:	<p>Simple Majority</p>

Council Resolution: 121212

Moved Cr Turner, seconded Cr Crosby

“That Council:

- (iv) *Authorise the Chief Executive Officer to advertise the proposed grouped dwelling proposal on Lot 1295 Taylor Street Tambellup for 30 days in accordance with Clause 6.1.4 (iii) and Clause 8.3 of the Scheme.*

Advertising to include individual letters to surrounding landowners and an advertisement in the local newspaper. The letters should specify that:

- (iv) *The proposal is for ‘aged and dependent living persons dwellings’ at a density of R30 with site area concessions;*
 - (ii) *Retaining walls (approximately one metre high) are proposed along the north, south and west boundaries;*
 - (iii) *New 1.8 metre screening fencing is proposed along the right of way and western boundary above the retaining wall, to prevent overlooking from the new filled site level.*
2. *Authorise the Chief Executive Officer to refer the proposed development plans to the Department of Water / Water Resource Assessment Branch (Simon Rodgers) with a copy of the 1983 “Gordon River Flood study” seeking general comment and advice that the proposed finished floor levels are appropriate for flood mitigation as a conservative approach in light of the lot’s proximity to the 1983 flood levels. The letter should specify that:*
- (i) *The proposal is for ‘aged and dependent persons dwellings’ and is proposed to be developed and managed by the Shire. It is an important project from the Shire’s perspective.*
 - (ii) *Retaining walls (approximately one metre high) are proposed along the north, south and west boundaries with new 1.8 metre screening fencing above the retaining walls.*
 - (iii) *The Shire’s Scheme requires floor levels for habitable rooms to buildings on land in the floodplain to be a minimum of 150mm above the estimated 1 in 100 year flood level for existing subdivisions. The Shires planning consultant assumes the level should therefore be 150mm above level 264.6 shown on Figure 3 in the flood study, however seeks Department of Water advice on suitable minimum finished floor levels.*
 - (iv) *Comment is requested within 30 days.”*

CARRIED 7/0

**Reason For Change to
Recommendation:**

10.10

**PRELIMINARY REPORT – PROPOSED WIND FARM ON
VARIOUS LOTS IN BROOMEHILL WEST AND BORDERDALE –
APPLICATION TO BE DETERMINED BY DEVELOPMENT
ASSESSMENT PANEL (DAP)**

Program:	Planning
Attachment:	Overall Location Plan Photo Simulation - Tambellup West Road Photo Simulation - Broomehill-Kojonup Road
File Ref:	ADM0283
Author:	Gray & Lewis Landuse Planners
Date:	11 December 2012
Disclosure of Interest:	Cr Sheridan declared a Proximity Interest and left the meeting at 2.27pm.

Summary:

The purpose of this report is to inform Council of a planning application lodged by Moonies Hill Energy Pty Ltd for a wind farm on various lots and to advise that the application will be determined by a Development Assessment Panel (DAP).

Council will need to determine whether to hold a Special Council meeting in order to provide a Council recommendation to the DAP, or to simply authorise Gray & Lewis to lodge the Responsible Authority Report (RAR) to the DAP.

This is also a preliminary report on the application. A full assessment has not been completed however some of the main elements of the application are discussed in this report.

The application needs further planning assessment on completion of public advertising to consider any valid planning issues raised during the consultation period. A future report is to be provided to the Development Assessment Panel (DAP) within 80 days, and will include a complete planning assessment.

Background:**HISTORY**

In 2011, Moonies Hill Pty Ltd lodged a planning application for 74 wind turbines and associated infrastructure. The application proposed turbines on various lots in the local government boundary of the Shire of Broomehill-Tambellup ('the Shire'), and several lots in the Shire of Kojonup. Of the 74 wind turbine sites, 44 were proposed within the Shire.

The applicant withdrew the application following advertising, as the Shire had received legal advice that it had no discretion to consider granting planning approval for the landuse.

At that time the use fell under the 'Industry' definition under both the Shire Broomehill Town Planning Scheme No 1 and the Shire of Tambellup Town Planning Scheme No 2. Both Town Planning Schemes defined 'Industry' as including '*the generation of electricity*'. Under both Schemes the use of either Light or General Industry was an 'X' use in the applicable zoning tables, and Council had no discretion to

consider any Light or General Industry use in the 'Farming' zone under either Scheme. All of the turbines were proposed on land zoned 'Farming'.

Moonies Hill Pty Ltd ('the applicant') subsequently pursued an amendment to both the Shire of Broomehill Town Planning Scheme No 1 ('Scheme 1') and the Shire of Tambellup Town Planning Scheme No 2 ('Scheme 2') to modify the definition of 'Industry'.

The amendments effectively removed the reference to 'generation of electricity' from the definitions, and adopted use of the standard 'Industry' definition contained in the Model Scheme Text.

Both Amendments were gazetted on the 15 June 2012. Council now has discretion to consider a wind farm in the Farming zone under both Schemes, and hence the applicant has lodged a new application.

It should be noted that the Shire of Kojonup issued conditional planning approval for 30 wind turbines and associated infrastructure on the 21st December 2011 for a period of 48 months. The turbines in Kojonup Shire are to the west of the proposed turbines in the Shire of Broomehill-Tambellup local government area.

DAP INFORMATION

It is mandatory that this application be determined by a Development Assessment Panel (DAP) as the estimated cost of development exceeds seven million dollars.

The application has been formally acknowledged by the DAP Secretariat on the 10 December 2012 (DAP Reference DP 12/01359).

The application has to be determined within 90 days in accordance with Clause 7.4.2 of the Shire of Broomehill Town Planning Scheme No 1, and Clause 8.8.2 of the Shire of Tambellup Town Planning Scheme No 2.

The Shire is still responsible for undertaking preliminary assessment of the application, and following the process set out in the Town Planning Scheme(s), including advertising.

The Shire (via Gray & Lewis) has to lodge a Responsible Authority Report (RAR) on the application to the DAP within 80 days (ie by 15 February 2012).

The DAP Secretariat will advise the Shire of the DAP meeting date once scheduled. DAP meetings are open to the public however approval from the DAP is required for any persons who seek to make a presentation.

The Shire can authorise Gray & Lewis to lodge the RAR report within the stipulated timeframe directly to the DAP following advertising and completion of the planning assessment. There is a standard template used for RAR reports and it must include:

- An assessment of the application against all relevant development standards, including compliance (or otherwise) for

- all relevant statutory and strategic planning policies.
- Comment and advice on any outstanding application issues, if these have not been addressed or resolved during the assessment process.
- Copies of any advice received by the local government from any other statutory, public or planning authority consulted in respect of the application.
- If the application was advertised, copies of all public submissions received.
- Recommendations as to how the application should be determined, including conditions of approval or reasons for refusal, as required.
- Any other information that the local government considers will be relevant in determining the application, such as amended plans, site inspection photos, and further justification from the applicant.

The RAR will include an officer recommendation to the DAP by Gray & Lewis (as is the case normally for any planning reports to the Shire Council).

If Council wants to have an opportunity to also provide a separate 'Council Recommendation' to the DAP, then a Special Meeting will need to be held to allow sufficient time for minutes to be collated, and for the RAR to be lodged with the DAP within the stipulated statutory timeframe.

It is recommended that Council discuss whether it seeks to hold a special meeting.

Comment:

DESCRIPTION OF APPLICATION

The applicant proposes 44 wind turbines on various lots in Broomehill West and Borderdale, near the boundary shared with the Shire of Kojonup. The application includes the following lots:

Property Name	Lot No.	Certificate of Title	Plan/ Diagram	Area (hectares)	Town Planning Scheme
EUVISTA	1	1840/252	P16813	248.8	Broomehill Scheme 1
	8783	1765/927	P205494	781.2	Broomehill Scheme 1
INTABA	2927	1726/665	P117133	64.798	Broomehill Scheme 1
	1851	1726/667	P112320	64.793	Broomehill Scheme 1
	1852	1726/667	P110778	40.519	Broomehill Scheme 1
	2826	1726/667	P117135	40.509	Broomehill Scheme 1
	2928	1726/667	P117134	64.846	Broomehill Scheme 1
	3382	1726/667	P120539	53.063	Broomehill Scheme 1
	5713	1726/667	P141788	17.147	Broomehill Scheme 1
	6603	1726/667	P79213	29.821	Broomehill Scheme 1
	5614	1726/668	P133067	96.011	Broomehill Scheme 1
	1877	2109/13	P110732	56.371	Broomehill Scheme 1
	2274	2109/13	P110738	40.536	Broomehill Scheme 1
	2275	2109/13	P110737	40.537	Broomehill Scheme 1
	3470	2109/13	P102538	48.617	Broomehill Scheme 1
KINGHURST	2	2062/299	D88855	231.57	Broomehill Scheme 1
	1	2062/369	D88855	88.364	Broomehill Scheme 1
	33	2062/370	P2851	182.42	Broomehill Scheme 1
THE MEADOWS	10	1663/27	P14464	266.295	Broomehill Scheme 1
	6599	2122/77	P79216	81.158	Broomehill Scheme 1
	6598	2122/78	P79218	64.750	Broomehill Scheme 1
	1083	2122/79	P101836	42.136	Broomehill Scheme 1
	1943	2122/80	P110745	41.943	Broomehill Scheme 1
	1957	2122/81	P110744	42.161	Broomehill Scheme 1
	28	2122/82	P2851	122.60	Broomehill Scheme 1
	29	2122/82	P2851	164.04	Broomehill Scheme 1
	30	2122/82	P2851	160.19	Broomehill Scheme 1
	31	2122/82	P2851	138.16	Broomehill Scheme 1
YANTECUP	1082	2122/83	P101826	67.320	Broomehill Scheme 1
	4168	1112/404	P126280		Tambellup Scheme 2
	4788				Tambellup Scheme 2

Gray & Lewis has compiled an overall (informal) location plan which is included as Attachment 1. All of the lots are to be assessed in accordance with the Shire of Broomehill Town Planning Scheme No 1 with the exception of Lots 4168 and 4788, which have to be assessed in accordance with the Shire of Tambellup Town Planning Scheme No 2.

A summary of information provided by the applicant in a planning application report is as follows:

- The development site is located in open farmland approximately 35 kilometres east of Kojonup and 17 kilometres due east of Albany Highway from the Yarranup Road intersection. The site runs south from the Broomehill-Kojonup road (at the intersection of the Broomehill-Kojonup and Nookanellup South Road) to the Tambellup West Road in the south.
- The total development envelope covers an area of approximately 6,840 hectares of which around 30 hectares will be used in the final development.
- The site is currently used for broad acre cropping and livestock production.

- The applicant has been investigating the site since 2008. An 80 metre wind monitoring mast was installed in May 2009 and wind data continues to be analysed.
- The final layout of the wind farm will be determined after completion and consideration of the environmental impact assessment, selection of wind turbine model, geotechnical assessment and planning and development approval conditions.
- On selection of the preferred turbine model and during detailed design stage, the turbines will be micro sited to maximise energy output, minimise environmental impacts and to comply with any planning conditions.
- The general layout will be as the plans submitted as part of this application, however positions may be adjusted during detailed design.
- The wind farm will generate renewable electricity from a clean, renewable resource for a period of 25 years after which time it may be refurbished (subject to further planning approval) to extend its lifespan, or decommissioned and removed.
- The application is in line with the Australian Governments Mandatory Renewable Energy Target (MRET) scheme to increase the uptake of renewable energy in Australia's electricity supply by 20% by 2020.

DESCRIPTION OF TURBINES AND ASSOCIATED INFRASTRUCTURE

The applicant is considering several turbine models and each turbine is made up of the following components:

- Tower – up to 93m high tubular towers
- Blades – three blades up to 56m in length
- Rotor diameter – up to 112m
- Tip height – up to 160m
- Nacelle – located on top of the tower and houses the gearbox and generator
- Foundation – reinforced concrete base foundation
- Hardstand – Crane hardstand area located directly adjacent to the foundation

The main infrastructure of the wind farm development will comprise of the following components:

- On-site tracks – approximately 40 km
- Cabling – approximately 96km combination of above and below ground
- Operation and maintenance building
- Substation
- Meteorological masts – up to two permanent 80m masts (1 already in place)
- Temporary construction compounds and lay down areas
- Temporary concrete batching plant

The tower will consist of tubular steel segments and will be approximately 4 metres wide at the base and 3 metres wide at the top. The tower colour is expected to be non reflective off white or grey.

Supporting Information

The applicant has lodged the following supporting reports as part of the application:

- Flora, Vegetation and Fauna Assessment of the Flat Rocks Wind Farm Report – *Mattiske Consulting Pty Ltd*
- Ethnographic Survey of the Flat Rocks Wind farm Site Report – *R. & E. O'Connor Pty Ltd*
- Archaeological Survey of the Proposed Flat Rocks Wind Farm Project Report – *John Cecchi Heritage Management Consultancy*
- Background Noise Monitoring – Flat Rocks Wind farm Report – *Herring Storer Acoustics*
- Noise Impact Assessment – Flat Rocks Wind Farm Report – *Herring Storer Acoustics*
- Landscape and Visual Impact Assessment – Flat Rocks Wind Farm Report – *William James Landscape Architect*
- Zones of Visual Influence – Flat Rocks Wind Farm Report – *GL Gerrad Hassan*
- Shadow Flicker Assessment – Flat Rocks Wind Farm Report – *GL Garrad Hassan*
- Airspace Assessment – Flat Rocks Wind Farm Report – *Moonies Hill Energy Pty Ltd*
- EMI Assessment – Flat Rocks Wind Farm Report – *Moonies Hill Energy Pty Ltd*

All reports are available to Councillors on CD.

Environmental Assessment

The environmental assessments are summarised in the 'Flat Rocks Wind Farm Environmental Impact Report'.

The applicant referred the proposal to the Environmental Protection Authority (EPA) under Section 38 of the Environmental Protection Act 1986 on the 4 February 2011. The EPA advised the applicant on the 18 April 2011 that no formal environmental assessment was required. The EPA decision was open to a 14 day period of appeal and no appeals were lodged.

Noise Assessment

The Environmental Impact Report advises that the sounds from wind turbines are mainly of an aerodynamic nature due to the rotor blades moving through the air. As each blade passes the tower it generates a local pressure change that may cause a sound. The sound output depends on wind speed and generally the higher the wind speed the higher the sound output.

A background noise monitoring program was undertaken by Herring Storer Acoustics in December 2010 to January 2011, in and around the development site. Background noise was monitored around 11 locations and paired with corresponding wind data.

A noise impact assessment of the total development (including the turbines in Kojonup Shire) was undertaken by Herring Storer Acoustics in June 2011.

The noise impact assessment was carried out in accordance with the South Australia Environmental Protection Authority “Wind farms - Environmental noise guidelines (interim) – December 2007”. The South Australian guidelines are recognised by the Department of Environmental Protection Authority for the assessment of wind farms, and the Western Australian Planning Commission (WAPC) Planning Bulletin No 67.

The Guidelines have been developed to minimise the impact on premises which do not have an agreement with wind farm developers, however the applicant’s noise assessment identifies all the residential premises in the surrounding area, so includes owners which may have an agreement with the applicant.

The guidelines recommend the following criteria for the assessment of noise levels associated with proposed wind farms:

“The predicted equivalent noise level (L_{Aeq} , 10 minutes), adjusted for tonality in accordance with the guidelines, should not exceed:

- *35 dB(A) or*
- *40 dB(A) in a primary production / rural industry zone, or*
- *The “Alternative Minimum Criteria” (Varying With Wind Speed); or*
- *The background noise (L_{A90} , 10 minutes) by more than 5 dB(A).”*

The noise report bases the assessment on the noise criteria for background noise. It concludes that noise emissions at ‘non stakeholders’ residential premises have been calculated to comply with the background noise criteria under all wind conditions.

Noise levels at two non ‘stakeholders’ residential premises have been calculated to marginally exceed the background noise criteria for 8m/s at hub height (80m). The ‘Environmental Impact Report’ states that *‘both the landowners have been contacted and as the noise levels are still below 40dB, neither is concerned by the results’*.

To assist Council to understand issues relating to the noise report. Gray & Lewis includes the following information on how noise is measured and examples of noise levels:

“Noise is measured by using a Sound Level Meter (SLM), an electronic instrument that is set to match the way humans judge the loudness of sound. The results are measured in decibels (dB). Noise levels in are normally denoted by dB(A), where (A) is the frequency-weighting characteristic. The dB(A) scale starts at the hearing threshold of humans.

- 100 dB(A) Rock Concert (in audience)
- 80 dB(A) Kerbside of a busy highway
- 60 dB(A) Cars Passing (15m away)
- 40 dB(A) Distant suburban traffic
- 20 dB(A) Still night in the country “

** *Extract from City of Melville website - <http://www.melvillecity.com.au/community/health/noise-folder>*

Landscape and Visual Impacts

Landscape impacts relate to the effects of the proposed wind farm on the physical and environmental characteristics of the landscape and its resulting character and quality. Visual impacts refer to the effects on views experienced by visual receptors (e.g. residents, tourists or motorists) and on the visual amenity experienced by those people.

A Landscape and Visual Impact Assessment (LVIA) consisting of both desktop assessment and field surveys was undertaken by William James Landscape Architects to determine the impact of the Flat Rocks Wind Farm on the regional landscape and on the neighbours.

The turbines will be the most visible elements of the wind farm development. The other structures and infrastructure, apart from the transmission line, will only be visible from within the development itself.

MHE commissioned GL Garrad Hassan to undertake a Zone of Visual Influence (ZVI) study of the Flat Rocks Wind Farm.

The ZVI maps show locations from which varying numbers of turbines would be visible if there was an unobstructed line of sight from each turbine to the viewer, except for blockages caused by terrain, including due to the curvature of the earth. It does not take into consideration other obstacles such as intervening vegetation, buildings or other structures.

The impact of the wind farm on views is represented in the renderings and photo-simulations included in the full Landscape and Visual Assessment report. The renderings and photo simulations represent the appearance of the wind farm from selected locations in the middle of a clear day in summer.

The locations chosen were to illustrate the key views and a representative sample of typical viewing locations where there were likely to be views of the wind farm.

The renderings and photo simulations demonstrate that wind turbines will be highly visible from certain locations, barely visible from others and not visible from others. They also demonstrate that from no single location will all of the turbines be visible at once.

The following is a brief summary of the visual impact of the turbines on roads:

<i>Road Description</i>	<i>Summary of main comments in Landscape and Visual Impact Assessment report</i>
Albany Highway	Travelling south from Kojonup the wind farm would be just visible emerging over a distant ridge at distances of about 13km. Only the nacelles and blades would be visible. The wind farm would be largely unnoticed from the remainder of the Albany Highway. The visual magnitude and contrast is very low.
Kojonup-Katanning Road	The wind farm would not be seen from the Kojonup-Katanning Road.
Great Southern Highway	The wind farm would not be seen from the Great Southern Highway.
Broomehill-Kojonup Road	The wind farm would be part of the experience of driving along the western half of the Broomehill-Kojonup Road. It would come and go in the view for an approximate 15-20k stretch of road. The closest it would be seen is approximately 650m and the furthest more than 12km. The visual magnitude and contrast ranges from low to moderate.
Tambellup West Road	The wind farm would be very much part of the experience of driving along western end of Tambellup West Road. It would come and go in the view for approximately 8km. The closest turbine would be approximately 80m and the further more than 12km. The visual magnitude and contract would be high. An observer would feel as though they were within the wind farm in this location.
Minor local roads within the area of the wind farm	The wind farm would be very much part of the experience of driving on the minor local roads. It would come and go in the view from these roads. The closest turbine would be approximately 60m and the furthest more than 12km. From some locations on these roads the visual magnitude and contract would be high and other low and medium.

Some examples of the photo simulations are included as Attachment 2 and 3, representing the more visual views of the turbines from Tambellup West Road and Broomehill-Kojonup Road.

The ‘Landscape and Visual Assessment’ report (‘Visual Report’) also examines the visual impact on neighbouring properties.

The neighbour level assessment indicates that some neighbouring residences will experience no visual impacts while others will experience low and moderate impacts.

The report advises as follows:

- Neighbours will experience the wind farm on a day to day basis. Turbines will be visible from local road, from neighbouring properties and in some cases from neighbouring homesteads and gardens.

No turbine is closer than 1km to a neighbouring homestead. There are seven neighbouring homesteads between 1–3km of a wind

turbine. In most of these cases the turbines will have a low impact on the views from the houses and gardens because of remnant and planted vegetation.

- Renderings and photo simulations from a number of neighbouring houses have been compiled.
- The report concluded that there will be a low to moderate impact on some neighbouring properties.

The Visual Report suggests that several modifications should be considered. The suggested modifications include relocation of some turbines, screening vegetation to be provided from some roads (such as the Tambellup West Road), and options to plant trees on neighbouring properties for additional visual screening of turbines from private houses.

This aspect of the development warrants further discussion with the applicant, as it is unclear whether they propose to implement the modifications suggested in the Visual Report.

In regards to planting vegetation on neighbouring properties, Gray & Lewis consider that this would not be able to be implemented as a valid planning condition. It would not be fair or reasonable to impose a condition on this development that requires planting on lots outside of those included in the application, and that are subject to approval of third party neighbouring landowners.

Gray & Lewis is of the view that a planning assessment would either have to accept that the development will have a low to moderate visual impact on some neighbours, and determine if the impact is acceptable and does not impact on amenity. If the visual impact is not acceptable, then screening with the development site would need to be examined or other actions such as relocating turbines.

Gray & Lewis recommends that a site inspection be organised with the applicant, so that photographs can be provided as part of the Responsible Authority Report and the visual impact report can be considered in context of the sites.

It may be difficult for Gray & Lewis to provide full advice to the DAP without an inspection.

Shadow Flicker

Garrad Hassan Pacific Pty Ltd (GH) has been commissioned by Moonies Hill Energy (MHE) to independently assess the shadow flicker in the vicinity of the proposed Flat Rocks Wind Farm.

Shadow flicker involves the modulation of light levels resulting from the periodic passage of a rotating wind turbine blade between the sun and an observer.

In WA there are no specific Guidelines on how to assess shadow flicker generated by wind turbines. However, a number of assessments throughout Australia have applied the Victorian Planning Guidelines [4]

which recommend a shadow flicker limit of 30 hours per year in the area immediately surrounding a dwelling.

In addition, the EPHC Draft National Wind Farm Development Guidelines [5] recommend a limit on the theoretical shadow flicker duration of 30 hours per year, and a limit on the actual shadow flicker duration of 10 hours per year. The Draft National Guidelines also recommend modelling methodology.

The results indicated that there are 5 existing dwellings that are predicated to experience some shadow flicker, and no dwellings predicted to experience theoretical shadow flicker duration in excess of 30 hours per year. When considering the actual shadow flicker duration, which takes into account the reduction of shadow flicker due to turbine orientation and cloud cover, no dwellings were found to experience more than 10 hours per year.

Health Impact

Gray & Lewis notes that the issue of health impact of windfarms was one of the main issues raised in public submissions as part of the previous 2010 application.

Councillors are advised that the Senate Community Affairs References Committee released a report on 'The Social and Economic Impact of Rural Wind Farms' in June 2011 which contained 7 recommendations as follows:

- *“Recommendation 1 - 2.44* The Committee considers that the noise standards adopted by the states and territories for the planning and operation of rural wind farms should include appropriate measures to calculate the impact of low frequency noise and vibrations indoors at impacted dwellings.
- *Recommendation 2 - 2.58* The Committee recommends that the responsible authorities should ensure that complaints are dealt with expeditiously and that the complaints processes should involve an independent arbitrator. State and local government agencies responsible for ensuring compliance with planning permissions should be adequately resourced for this activity.
- *Recommendation 3 - 2.69* The Committee recommends that further consideration be given to the development of policy on separation criteria between residences and wind farm facilities.
- *Recommendation 4 - 2.101* The Committee recommends that the Commonwealth Government initiate as a matter of priority thorough, adequately resourced epidemiological and laboratory studies of the possible effects of wind farms on human health. This research must engage across industry and community, and include an advisory process representing the range of interests and concerns.
- *Recommendation 5 - 2.102* The Committee recommends that the NHMRC review of research should continue, with regular publication.
- *Recommendation 6 - 2.103* The Committee recommends that the National Acoustics Laboratories conduct a study and assessment of noise impacts of wind farms, including the impacts of

infrasound.

- *Recommendation 7 - 3.99* The Committee recommends that the draft National Wind Farm Development Guidelines be redrafted to include discussion of any adverse health effects and comments made by NHMRC regarding the revision of its 2010 public statement.

The Committee's recommendations call for additional research into the possible effects of wind farms on human health. The Committee did not recommend any form of moratorium or similar on applications.

The Australian Government has provided a response to the report, and considers Recommendations 1, 2 and 3 to be a matter for state and local governments. The Government accepts Recommendations 4, 5 and 6 'in principle' and advises that the National Health and Medical Research Council (NHMRC) is already actively engaged in supporting the assessment of available research and will review their 2010 public statement.

The application has been referred to the Department of Health WA, however in 2011 they had advised they had no specific policy relating to wind farms.

Ancillary development

The development application report discusses ancillary development associated with the turbines such as site access, underground cabling, and a site substation. It also discusses a temporary construction compound with bulk fuel storage, car parking and machinery storage, although the location is unknown.

The report also discusses use of a 'concrete batching plant' and Figure 3 of the development application report also indicates use of a '*new or existing quarry*'. No information on concrete batching or quarrying has been provided, therefore it is recommended that the applicant be requested to (1) clarify whether they intend to include them as part of this application and (2) provide additional information so the land uses can be assessed including advice on location and compliance with EPA buffers.

Traffic management and Route to site

The wind farm will be accessed by the existing road network. The 'Flat Rocks Wind Farm Environmental Impact Report' states that where necessary, these roads will be upgraded to cope with the demands of trucks carrying the wind turbines and other equipment, and any upgrading will be consistent with the Main Roads Western Australia (MRWA) '*Handbook of Environmental Practice for road construction and maintenance*'.

The applicant has also advised that they have consulted with MRWA and the Shire over the most suitable routes for heavy traffic deliveries, and that a Traffic Management Plan will be developed to manage traffic throughout the construction period. Construction is anticipated to commence late 2013.

PLANNING ASSESSMENT – PRELIMINARY MATTERS

Land use classification and process for 'Use Not Listed'

When an application 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, it dictates the permissibility of the use in the relevant zone.

There is no specific land use definition for a 'wind farm' or 'wind energy facility' under the Shire of Broomehill Town Planning No 1 ('Scheme 1') or the Shire of Tambellup Town Planning Scheme No 2 ('Scheme 2').

It is therefore recommended that Council process the 'wind farm' as a 'Use Not Listed'.

This approach is consistent with the WA Planning Commission (WAPC) 'Guidelines for Wind Farm Development' (Planning Bulletin No. 67 May, 2004) which notes that the Model Scheme Text does not have a specific wind farm definition, and suggests that 'wind farms' be defined as follows;

'Wind Farm or Wind Energy Facility means premises used to generate electricity by wind force and includes any turbine, building or other structure used in, or in conjunction with, the generation of electricity by wind force but does not include turbines used primarily to supply electricity for a domestic property, rural use of the land or anemometers.'

- Shire of Broomehill Town Planning No 1 'Use Not Listed'

Council has 2 options when dealing with a 'Use Not Listed' in accordance with Clause 3.2.5 of the Shire of Broomehill Town Planning No 1 as follows;

- (a) *determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*
- (b) *determine by Absolute Majority that the proposed use may be consistent with the objectives and purposes of the particular zone and thereafter follow the advertising procedures of Clause 7.2 in considering an application for planning consent'*

The objectives listed for the Farming zone under Clause 5.13 mainly discuss subdivision, however Clause 5.13 a) states *'The Council intends the predominate form of rural activity in the farming zone will continue to be based on large farming units. It will generally be opposed to the fragmentation of farming properties through the subdivision process'*.

It is recommended that Council pursue Option (b) which is consistent with WAPC Planning Bulletin No. 67 and the original resolution on the 2010 wind farm application passed by Council on the 18 November 2010 (refer Item 10.10).

- Shire of Tambellup Town Planning No 1 '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.* '

Under the Scheme the objectives for the Farming zone include '*..to ensure the continuation of broad hectare farming as the principle land use in the District..*' and '*..to consider non rural uses where they can be shown to be of benefit to the district..*'.

It is recommended that Council pursue Option (b) which is consistent with WAPC Planning Bulletin No. 67 and the original resolution on the 2010 wind farm application passed by Council on the 18 November 2010 (refer Item 10.10).

Proposed concrete batching and quarrying

Once further information is obtained from the applicant, the land uses of 'concrete batching' and 'quarrying' may need to be considered in context of the 'general industry' and 'extractive industry' definitions.

At this early juncture Gray & Lewis seeks to highlight that 'concrete batching' would generally be considered as a 'general industry' which is not permitted in the Farming zone.

If the concrete batching plant is proposed to utilise sand extracted on site, then there may be scope to consider it as part of the 'extractive industry' which includes '*manufacture of products from those materials when the manufacture is carried out on the land from which the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products*'.

Relevant WAPC Guidelines

There are a number of relevant documents that need to be examined as part of the planning process. The main assessment documents are the Shires Schemes and WAPC Planning Bulletin 67 which provides a guide to the planning framework for the balanced assessment of land-based wind farm developments, throughout the state.

Opportunity to engage external experts

It should be noted that a number of technical reports have been lodged by the applicant, and the Shire does have an opportunity to engage any external experts for advice on technical matters.

The Shire can engage suitably qualified environmental consultants, noise consultants, traffic consultants, fire consultants etc as desired, however it would be at the Shires cost.

Consultation:

Due to the need to refer the application to a DAP and to meet statutory timeframes, advertising of the application has already commenced.

Both Schemes require advertising to occur for a minimum of 21 days. The application is being advertised for public comment between the 11 December 2012 and 11 January 2012. Advertising does not take into account weekends or public holidays. However, due to the upcoming Christmas / New Year period, advertising has been extended from 21 days to 29 days.

Advertising includes two newspaper advertisements, letters by the Shire to immediate and nearby landowners, and letters to relevant government agencies or service providers by Gray & Lewis.

Gray & Lewis has referred the application to Air Services Australia, Civil Aviation Authority, Department of Environment and Conservation, RAAF, Health Department of WA, Main Roads WA, Department of Agriculture and Food WA, Western Power, Fire and Emergency Services, the Department of Indigenous Affairs and Department of Minerals and Mines.

Gray & Lewis has also written to the Western Australian Planning Commission seeking advice on (A) any proposed review of Planning Bulletin 67 and (2) whether wind farms are discussed in the new State Planning 2.5 which has been adopted by the Commission but not yet released to the public.

The Shire has also written to the Shire of Kojonup as the lots are adjacent to the shared local government boundary, and the Shire of Katanning due to the location of the Katanning Aerodrome.

The Shire can erect a sign or signs on site if deemed desirable.

Statutory

Environment:

Planning and Development Act 2005
Shire of Broomehill Town Planning Scheme No 1
Shire of Tambellup Town Planning Scheme No 2
Development Assessment Panel Regulations 2011

Policy Implications:

Nil

Financial

Implications:

- The Shire pays consultancy fees to Gray & Lewis for planning advice.
- The applicant has paid a planning application fee to the Shire.
- There will be economic benefits associated with the development.

Strategic

Implications:

Nil

Voting Requirements: Absolute Majority – for Recommendation No 1
Simple Majority – for the remaining recommendations

Council Resolution: 121213

Moved Cr Thompson, seconded Cr Kempin

“That Council determines by an Absolute Majority that the proposed wind farm on lots within the Shire of Broomehill Town Planning Scheme No 1 area may be consistent with the objectives and purposes of the Farming zone and thereafter follow the advertising procedures of Clause 7.2 in considering an application for planning consent.”

CARRIED 6/0

By Absolute Majority

Council Resolution: 121214

Moved Cr Kempin, seconded Cr Turner

“That Council:

- 1. Determines that the proposed wind farm use on lots within the Shire of Tambellup Town Planning Scheme No 2 area may be consistent with the objectives of the Farming zone and thereafter follow the advertising procedures of Clause 8.3 in considering an application for planning approval.*
- 2. Note that the application is being advertised between the 11 December 2012 and 11 January 2013 in compliance with Clause 7.2 of the Shire of Broomehill Town Planning Scheme No 1 and Clause 8.3 of the Shire of Tambellup Town Planning Scheme No 2.*
- 3. Seek written clarification from the applicant as follows:*
 - (i) Clarification and list all of the ancillary uses that are proposed as part of this application, and whether any temporary planning approvals are being sought (eg for the construction machinery storage yard with bulk fuel). If uses are temporary seek indicating timeframes for how long they are required to operate.*
 - (ii) Whether the application includes the concrete batching plant and any quarry activities. Seek advice on the location of the proposed use, compliance with relevant EPA buffer requirements, whether sand extracted from site will be used to make concrete, maximum tonnage of product per year, and general explanation of the operation. It is not clear whether the applicant intends seeking a separate planning approval for the use, and whether it is proposed as temporary or permanent. In any event, it is difficult to assess this component of the application in the absence of more detailed information.*
 - (iii) Confirmation that the future ‘operations and amenity building’ discussed in Section 2.5 of the Environmental Impact Report is proposed to be subject of a separate application.*
 - (iv) The Visual Report suggests that several modifications should be considered. The suggested modifications include relocation of some turbines, screening*

vegetation to be provided from some roads (such as the Tambellup West Road), and options to plant trees on neighbouring properties for additional visual screening of turbines from private houses. It is unclear whether Moonies Hill Energy proposes to implement the modifications suggested in the Visual Report, and this may impact on how the visual impact of the development is assessed. The applicant is advised that conditions cannot be imposed requiring landscaping to be planted on any lots that do not form part of this application.

- 5. Authorise the Chief Executive Officer to refer a copy of this preliminary report to the Development Assessment Panel Secretariat for information purposes.”**

CARRIED 6/0

Officer Resolution:

“That Council authorise Gray & Lewis Landuse Planners (Liz Bushby) to compile and lodge a Responsible Authority Report to the Development Assessment Panel on behalf of the Shire of Broomehill-Tambellup within the 80 day statutory time period (ie by 15 February 2013) without any further referral to Council, however note that there are local government representatives on the DAP.

Or

“That Council authorise

- Gray & Lewis Landuse Planners (Liz Bushby) to compile a Responsible Authority Report to be referred to a Special Council meeting scheduled for _____ prior to lodgement to the Development Assessment Panel*
- Authorise Gray & Lewis Landuse Planners (Liz Bushby) to arrange a site inspection of the development lots in conjunction with the applicant and Chief Executive Officer, so that photographs can be provided to the Development Assessment Panel.”*

Council Resolution:

121215

Moved Cr Turner, seconded Cr Kempin

“That Council authorise Gray & Lewis Landuse Planners (Liz Bushby) to compile and lodge a Responsible Authority Report to the Development Assessment Panel on behalf of the Shire of Broomehill-Tambellup within the 80 day statutory time period (ie by 15 February 2013) and that report be referred to Councillors for their information prior to lodgement with the Development Assessment Panel.”

CARRIED 6/0

Reason For Change to Recommendation:

To enable Council to view the report prior to its lodgement to the Development Assessment Panel.

The Chief Executive Officer left the meeting at 2.45pm and re-entered the meeting at 2.48pm.

10.11 MOONIES HILL ENERGY – PLANNING APPLICATION FEES

Program:	Community Amenities - Planning
Attachment:	Nil
File Ref:	ADM0283
Author:	JM Trezona Chief Executive Officer
Date:	12 December 2012
Disclosure of Interest:	Nil

Summary: Council has been requested to consider charging the Planning Application Fees for the Flat Rock Wind Farm on a cost recovery basis.

Background: Moonies Hill Energy Pty Ltd has submitted a Planning Application and Development Assessment Panel (DAP) application for the Broomehill-Tambellup section of the proposed Flat Rocks Wind Farm project.

In submitting the application MHE have asked Council to consider a cost recovery planning fee instead of the prescribed fee for the estimated value of the project.

Comment: Moonies Hill Energy Pty Ltd is a local company. Planning fees as with all prescribed fees are established to help offset the costs that are borne by the Local Government to deal with the application and cover such things as staff time, consultant charges and additional costs such as advertising created by the application.

There will be an additional cost to Council in keeping track of the costs as they are incurred and there is a danger of not recording all the associated costs.

This arrangement has been allowed by the Council previously, however each request should be considered on its own merits. There is the possibility of setting a precedent for future applications.

Consultation: Liz Bushby – Gray and Lewis Land Use Planners
Dr Sarah Rankin – Moonies Hill Energy Pty Ltd

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: The Moonies Hill Energy Pty Ltd proposed Flat Rocks Wind Farm planning application has an estimated value of \$200m and as such attracts planning fees of \$32,185.00. The planner has estimated that their costs will be high and will include the need to do a site visit. There is also additional cost if Council wishes the consultant to attend the DAP hearing to provide technical information on Councils behalf.

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

Voting Requirements: Simple Majority

Officer Resolution: *“That Council does/does not agree to allow the planning application fees due in relation to the Moonies Hill Energy Pty Ltd proposed Flat Rock Wind Farm, to be charged on a cost recovery basis.”*

Council Resolution: *121216*

Moved Cr Turner, seconded Cr Crosby

“That Council does not agree to allow the planning application fees due in relation to the Moonies Hill Energy Pty Ltd proposed Flat Rock Wind Farm, to be charged on a cost recovery basis.”

CARRIED 6/0

Reason For Change to

Recommendation: To select an option.

Cr Sheridan re-entered the meeting at 2.52pm.

10.12 REPLACEMENT OF NICHE WALL AT TAMBELLUP CEMETERY

Program:	Community Amenities
Attachment:	Concept photos
File Ref:	ADM0420
Author:	PA Hull Community Services Officer
Date:	12 December 2012
Disclosure of Interest:	Nil

Summary: Council to endorse a concept for the replacement of the Tambellup niche wall.

Background: Council has identified that the niche wall at the Tambellup Cemetery is in a poor state of repair, and provision has been made in the 2012-2013 budget for its replacement. In order to commence the process, Council is required to endorse an appropriate concept for the new facility.

Comment: Photos of a number of niche walls from smaller cemeteries in the region have been obtained and are attached for information.

It is proposed the new niche wall will be located in the same area as the existing wall, that is, on the left hand side inside the main gate. The area available will determine to some extent, the size and style of the structure.

The provision of some form of shelter and seating at the cemetery has been requested by members of the community, and it would be appropriate to include this in conjunction with a new niche wall.

Once Council has identified a preferred concept, staff will obtain costings for the project.

Consultation: CEO

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: Provision of \$20,000 has been made in the 2012-2013 budget for the replacement of the niche wall.

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

Voting Requirements: Simple Majority

Officer Resolution: “That the preferred concept for the replacement of the niche wall at the Tambellup Cemetery is.....”

Council Resolution: *121217*

Moved Cr Turner, seconded Cr Sadler

“That the preferred concept for the replacement of the niche wall at the Tambellup Cemetery is photograph 4 or 5, being a roofed rectangular or circular structure, as presented, and that pricing be brought back to Council for further consideration.”

CARRIED 5/2

Reason For Change to Recommendation: Selection of type.

10.13 REQUEST TO SEAL PART OF ETNA ROAD BROOMEHILL

Program:	Transport
Attachment:	Map of Section of Etna Road
File Ref:	RD18
Author:	JM Trezona Chief Executive Officer
Date:	12 December 2012
Disclosure of Interest:	Nil

Summary: Council has received a request to seal a section of Etna Road, Broomehill West.

Background: Mr David Kinsey and Ms Lyn O'Brien have written to Council asking Council to consider sealing a section of Etna Road, Broomehill in the near future. The correspondents advise that they own the farming property at the western end of Etna Road and that their home is within 50 metres of the road. They state that the dust that is generated from passing traffic *'has become increasingly difficult to tolerate'*. Further in the letter they advise that *'the dust generated from the traffic, mostly passing at full speed – is now so frequent a health hazard exists.'*

They advise that the amount of traffic utilising Etna Road has increased in the five years since they have owned the property, especially heavy traffic. It is their view that the whole western end of Etna Road would benefit from upgrading and sealing but they *'recognise this as potentially an extremely costly undertaking'*.

Messrs Kinsey and O'Brien conclude by stating that they pay considerable rates per annum and feel that it is not unreasonable for Council to consider sealing a portion of Etna Road directly outside their house to help alleviate the dust issues they are experiencing.

Comment: Etna Road is 20.7km in length, has an open speed limit and has a Functional Road Hierarchy classification of Access Road 3, which is the lowest classification that we have for our roads. With this rating the road would never be considered for sealing.

On checking the Main Roads WA Heavy Vehicle website at the time of writing this report Etna Road has not been assessed by MRWA for inclusion as a Restricted Access Vehicle Route for any class of heavy vehicle. Council has only granted one landowner along Etna Road permission to use a heavy vehicle along the western end of the road.

In considering the request Council needs to have regard for the following:

- The cost to construct the road to the acceptable standard and lay approximately 100m of seal
- The ongoing maintenance costs of a small section of seal
- Is this a precedent that Councils wishes to establish – will we end up with small sections of seal all across the Shire that are costly and problematic to maintain
- Does Council need to consider a planning policy for inclusion in the new Town Planning Scheme that requires farming properties to build residences a minimum distance from gravel roads to reduce the impact of dust
- Does Council need to monitor the traffic along Etna Road to

ascertain which heavy vehicle users are using the road and the frequency of the use

For Council discussion and consideration.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial

Implications:

As a rule of thumb, staff allow \$100,000 km to construct a sealed road - so as an estimate for approximately 100m of sealed road we need to allow \$10,000 for the section requested by Messrs Kinsey and O'Brien. On top of that, allowance will have to be made for the ongoing maintenance and reseal requirements of the small seal section. As staff have discussed with Council on a number of occasions, the type of bitumen available today often only has an average life of 7-10 years, therefore the resealing requirements are on a shorter time frame.

If Council determines to provide the requested section of seal, the works can be budgeted for in the 2013-2014 budget.

Strategic

Implications:

This issue is not dealt with in the Plan

Voting Requirements: Simple Majority

Council Resolution: 121218

Moved Cr Sadler, seconded Cr Turner

“That Council advises Mr David Kinsey and Ms Lyn O’Brien that Etna Road is a Category 3 Access Road as per the Functional Road Hierarchy and as such, is not included in any current or future, full or part, sealing program. Further, the applicant to be advised that it is the view of the Council that sealing isolated, small sections of road is costly to construct and maintain and is not a priority use of public monies.”

CARRIED 7/0

Reason For Change to Recommendation:

11.1 UNDER SEPARATE COVER

Nil

12.1 PLANT REPORT FOR NOVEMBER/DECEMBER 2012

Program: Transport
Attachment: Nil
File Ref: Nil
Author: GC Brigg Manager of Works
Date: 13 December 2012
Disclosure of Interest: Nil

Reg No.	Description	Current Kms/Hrs	Year of Manufacture	Year of Purchase	Changeover	Comments
0TA	Holden Caprice		2012	2012	1 yr / 15,000km	ok
1DCF 535	TORO 3500D	459	2009	2009		ok
1TA	Colorado 4x4 Dual Cab		2012	2012	1 yr / 30,000 kms	ok
1 TIU 961	Papas Tandem Fuel Trailer		2008			ok
1TMR361	Rockwheeler Side Tipper Trailer	294	2012	2012		ok
BH00	Colorado 4x4 Dual Cab	6,340	2012	2012	1 yr / 30,000 kms	ok
BH000	Holden Colorando	1036	2012	2012		ok
BH001	CAT vibe Roller	1,329	2009			250 hrs Service at 1,323 hrs
BH002	ISUZU 6 Wheel Tipper	100,407	2008	2008	7 yrs / 250,000km	Battery replaced
BH003	Isuzu NPR300 crew cab truck	74,283	2009		5 yrs / 200,000km	Turbo failure - At Albany Trucks for repair under warranty
BH004	CAT 12M	2,790	2009	2009		ok
BH005	Cat multi tyre	1,239	2011	2011	8 yrs / 8000 hrs	ok
BH006	CAT 12M	155	2012	2012	8 yrs / 8,000 hrs	ok
BH007	Toro 360 mower	344	2011	2011	5 yrs / 5,000 hrs	Fitted blades 344 hrs
BH008	VOLVO L70D Loader	7,112	2001	2001	8 yrs / 8000 hrs	ok
BH009	Colorado 4x4 Tray Back	2,828	2012	2012	1 yr / 30,000 km	ok
BH010	6x4 Fuel Trailer		1981	1981		ok
BH012	Isuzu Fire Truck	7,443	1995	2004		Yearly inspection & check. Replaced all fuel filters, air filter on pump motor, air drain cock on tank and repaired low water sensor on water tank
BH013	John Deere 315SG Backhoe	3,031	2003	2003	10 yrs / 8,000 hrs	ok
BH014	Colorado 4x4 Tray Back	5,903	2012	2012	1 yr / 30,000 km	ok
TA001	Colorado 4x4 Dual Cab	13,565	2012	2012	1 yr / 30,000 kms	ok
TA005	John Deere Tractor 6330	1087	2008	2008	10 yrs / 8000 hrs	ok

TA017	Isuzu Tipper	97,046	2009		5 yrs / 200,000 km	ok
TA052	Colorado 4x4 Tray Back	5,250	2012	2012	1 yr 30,000 km	ok
TA06	Jet Patcher Isuzu	103,104	2007	2010	8 yrs / 8,000 hrs	ok
TA092	Iveco Strais AD500 8-4	1,295	2012	2012	5 yrs / 250,000 km	At Allroads for repair
TA18	12H Grader	6,311	2006	2006	7 yrs / 8,000 hrs	250 hrs service at 6,283 hrs
TA1880	Isuzu Gigamax Truck	97,195	2008	2008	8 yrs / 250,000 km	ok
TA281	930G Loader	4,591	2007	2007	8 yrs / 8,000 hrs	ok
TA386	Mitsubishi Fuso Truck	89,311	2007	2007	5 yrs / 250,000 km	ok
TA392	Tractor Mower				5 yrs / 5,000 hrs	ok
TA417	John Deere Gator	339	2009		4 yrs	ok
XTR579	Road Broom				10 yrs	ok
	Slasher				10 yrs	On hire to Cranbrook Shire

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12.2 WORKS AND MAINTENANCE REPORT FOR NOVEMBER/DECEMBER 2012

Program:	Transport	
Attachment:	Nil	
File Ref:	Nil	
Author:	GC Brigg	Manager of Works
Date:	13 December 2012	
Disclosure of Interest:	Nil	

Broomehill

- Vegetation has been sprayed around town.
- Gardeners have carried out a lot of whipper-snipping around town.
- New footpaths to get ready along India Street on both sides of the road, in front of Holland Park. Also looking at some paths around the school.
- Utilities to be identified, before installing trees along India Street.
- Monash Electrical, have installed a new power source in the caravan park for the reticulation pump. This is an extension underground from bay 8. Timer has been fitted to only fill the water storage tank overnight so water pressure isn't interrupted to the amenities.
- Monash engaged to replace the standpipe pump at the town dam. Thinkwater have been too busy to carry out the work.
- Paul Plant now engaged to repair sails over playground in Holland Park. Contractors haven't turned up.
- No further progress with the waste transfer station as we are still waiting for DEC permits.
- Town dam level was less than 50%. Recent rains have almost filled the dam.
- May need to fog for mosquitoes after recent rains.
- New toilets will be completed by Christmas. The Builder is finished, the plumber is finishing off and the electrician is finished in the building but still needs to hook up to the mains.

Tambellup

- Plants ordered to landscape around the new gazebos in town.
- Grader has been placed into the new gazebo. Pool fencing has been ordered to go around the perimeter of the gazebo.
- New park name signage installed on the entry to Diprose Park.
- Standpipe has been repaired. This has been a very difficult job as there was damage to circuit boards.
- Thinkwater have been unable to clear the blockage in the 100mm line coming from Number 2 Dam. They did repair a bullet hole in the line up near the dam.
- Town vegetation has been sprayed.
- May need to start mosquito fogging again with recent rains.
- Recent rain hasn't increased the level of water in Number One Dam.
- Currently pumping water from the back dam to the front at Jam Creek. Both dams are at around 40%.

Roads

- Seal completed on the 2011/12 widening of Gnowangerup Road. This leaves the 12/13 section to final trim and seal after Christmas. Seal was delayed with wet weather. There was one small failure at one end of the project. This was never reconstructed. The widening finished on a crest and we used the bitumen truck to install tappers onto the narrowing seal. There was already a failure on this edge. It will be fixed in the near future.
- Construction crew were working on the Broomehill-Kojonup Road. They are now working on flood damage received to the south east corner of the shire. They now have most of the wash outs filled and traffic can travel safely. Expected to finish before the Christmas break, but with storms over the last few days more work may be needed.
- We currently have a contract grader working in the south east with the flood damage and the shire's maintenance graders are currently working in the south west corner of the shire.
- Maintenance crew have been working on headwalls on the Gnowangerup Road. There has been a lot of work replacing failed headwalls. Currently using concrete blocks.
- Jetpatcher has been around the bitumen road network and is going to Cranbrook next week and will be there for approximately a month.
- Flatrocks Road has three sections of bitumen which has failed during harvest and extra traffic caused by CBH hauling gravel along this road.

- First section



This road was originally sealed in 1988. The seal was 23 years old and resealed in 2011. Normal reseal time is 10 – 15 years for a low volume road. These types of roads were basically built cheap by final trimming existing gravel and sealed regardless of gravel thickness. In some cases these roads have a gravel pavement of 50mm thick which isn't enough for weight bearing on poor sub-grade (existing ground). The sub-grade has failed and heavy trucks have formed wheel rutting. The seal was well past its reseal date and even though resealed in 2011, it hasn't brought it back to a softening point. You can tell that as the bitumen has crumbled and hasn't stretched.

Second section



This is just near a culvert and has been repaired before. Moisture has got under the pavement into the sub-grade. The sub-grade is failing under heavy traffic. I would say when repaired we will find the pavement thickness will be inadequate. Bitumen is old and oxidized even though resealed in 2011. It is crumbling instead of stretching.

Section 3



Bitumen was sealed in 1983. It is 29 years old and never resealed. Severe cracking has allowed water to get under the seal weakening the pavement. Once gravel is soaked it has no strength and bitumen being old and oxidized allows the seal to break away causing gravel to be exposed.

The seal is basically a rain coat for the gravel. If the bitumen cracks then water can get underneath the seal making it fail. A lot of focus today is to continually seal cracked bitumen with a rubber bitumen product.



This is a picture from the Broomehill-Kojonup Road. This clearly shows the thickness of the gravel pavement at around 80mm. Two problems with this: One is a clear lamination of materials under the minimum 150mm thickness, and the other is the gravel isn't thick enough to allow for weight bearing over the sub-grade material. This is the case on many roads we have worked on around the shire.



Seal 29 years old and never resealed. Should have been resealed within 4 years of original seal and then continually resealed every 10-15 years.

To give you a background, in Australia up until 1990 there used to be 37 different types of bitumen on the market. Bitumen retailers didn't have enough storage to keep that many types of bitumen. In 1990 Australia followed the world in adopting South African bitumen standards for C170 bitumen.

The focus for bitumen before 1990 was for hardness and durability. They then moved to a more flexible product. This was working reasonably well and in 2008 it was changed again to improve the flexibility. It is now designed to have a softening point at 25 degrees. This allows better flexibility in cooler weather and even better stretching characteristics in warmer weather. The reduced viscosity for better flexibility also requires resealing on a more regular basis. Eastern states are bringing their reseal times down to every 7-10 years, depending on traffic.

The introduction of funding via RRG and R2R saw asset management fall away for increases to construction of new sealed roads. Failures can be contributed to a combination of poor construction practices in the way of existing gravel thickness under seal, sealing practices with no resealing within the 4 year life and reduced asset management in the way of gravel sheeting. The shire is starting to see a lot of network failures instead of isolated incidents. These will only continue to increase as network continues to age without renewal work being carried out on them.

Plant

- Caterpillar 12H (oldest grader) caught on fire in the engine bay. It burnt the air lines and electrical harness. This has been repaired by Westrac and is an insurance claim.
- The newest Caterpillar 12M door was damaged. The operator opened the door in very windy conditions. Then he couldn't hold the door and it slammed back onto the cab breaking the glass and bending the door frame. This door was \$5,000 to replace. It is also an insurance claim.
- Manager of Works Colorado has been replaced by a Toyota FJ Cruiser.
- WA Iveco have not supplied a letter for the 8x4 truck to state it was fit for purpose. They have asked for the truck to be sent to Perth so they can install a second chassis rail. They are doing this at their own cost. The other repairs will still be carried out on insurance.

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12.3 BUILDING SURVEYOR'S REPORT FOR NOVEMBER 2012

Program:	Economic Services	
Attachment:	BSR Report	
File Ref:	ADM0076	
Author:	D Baxter	Building Surveyor
Date:	3 December 2012	
Disclosure of Interest:	Nil	

Summary:	Attached is the BSR Report for the month of November 2012 that has been sent to all the relevant authorities that are required by legislation.
Background:	This report advises of the activity of the Building Surveyor for the month of November 2012.
Comment:	There was no building activity for the month of November.
Consultation:	Nil
Statutory Environment:	Nil
Policy Implications:	Nil
Financial Implications:	This issue has no financial implications for Council
Strategic Implications:	This issue is not dealt with in the Plan
Voting Requirements:	Simple Majority
Council Resolution:	<i>“No recommendation required – Councillor information only”</i>
Reason For Change to Recommendation:	

RECEIVED

12.4 BUILDING MAINTENANCE PROGRAM

Program:	Various
Attachment:	Building Maintenance Program Report to 11 December 2012
File Ref:	Nil
Author:	JA Stewart Manager Corporate Services
Date:	11 November 2012
Disclosure of Interest:	Nil

Summary: Report on the Building Maintenance Program for 2012-13 to 11 December 2012.

Background:

Comment: The Building Maintenance Program Report is updated to 11 November 2012 and presented for Council's information, comment and discussion, if required.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: Provision was made in the 2012-13 budget or, if unbudgeted expenditure, by Council resolution since, to meet the building maintenance costs within the attached Report.

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

Voting Requirements: Nil

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

Reason For Change to Recommendation:

RECEIVED

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

Program:	Various	
Attachment:	Nil	
File Ref:	Nil	
Author:	JA Stewart	Manager Corporate Services
Date:	12 December 2012	
Disclosure of Interest:	Nil	

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

Background:

Comment: The following represents a summary of OS&H related matters either completed between September and December 2012 or currently being addressed (emanating from administration workplace inspections and associated administrative requirements):

- 1) Removal of water bore bollards in Tambellup administration office staff carpark and Norrish Street - Department of Agriculture and Food WA (DAFWA) representatives visited in early November, levelling and capping one set of monitoring bores in the staff carpark; removing the information casing from, and levelling and capping, the community information bore in Norrish Street; and providing instruction on the leveling and capping procedure to staff to enable the same process to be performed on the remaining water bore bollards in the staff carpark. Gatic covers have arrived and staff will plan to level and cap the remaining bollards in the near future. Water level monitoring will commence shortly (as per DAFWA's recommendation and Council resolution 120916) and is anticipated to coincide with quarterly depot inspections;
- 2) Formation of a Business Continuity Plan (BCP) is progressing with the current stage (initial Impact Analysis) anticipated for completion by end of January 2013;
- 3) Administration office OS&H inspections were undertaken in September;
- 4) Fire Warden training (one administration and two depot staff) was completed in October;
- 5) An Emergency Fire Drill was performed at the Depot in October;
- 6) The Emergency Evacuation and Response Policy and Procedure has been updated and endorsed by the OS&H Committee;
- 7) Manual Handling training was completed by a majority of the Administration and Depot staff in November;
- 8) Administration staff completed Ergonomics training in November;
- 9) Depot inspections were undertaken during December;
- 10) Leading Hand skill set training has been completed by two Depot staff (Environmentally Sustainable Work Practices, Work Priorities, Team Effectiveness, Compliance Systems, Risk Management Processes, Safe Workplaces);

- 11) Construction 3 Certificate training has been completed by Depot staff;
- 12) Five Depot staff have completed an Auschem course and one has been re-accredited; and
- 13) Two Depot staff have completed a Testing and Tagging Course.

- The following represents a summary of upcoming/progressing OS&H matters:
 - 1) Formation of a Safety Based Preferred Supplier (contractor) list, based upon online safety course completion, is progressing with follow up correspondence being forwarded to contractors for either completion of the course or supply of current credential and/or insurance documentation;
 - 2) Progression of the 5 Year OS&H Plan; and
 - 3) Committee attendance at the Regional OS&H Workshop in February/March 2013.

Changes to OS&H legislation (OS&H law harmonisation across Australia) are anticipated to come into effect late 2013/early 2014.

Consultation: Nil

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

Policy Implications: Policy 2.2 – Occupational Safety and Health

Financial Implications: This issue has no financial implications for Council

Strategic Implications: This report is not dealt with specifically in Council's Strategic Plan; however, its contents fall under Strategic Objective 5 – Corporate Governance – Compliance with Legislation (Performance Measurement).

Voting Requirements: Nil

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

Reason For Change to Recommendation:

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12.6 LIBRARY REPORT - NOVEMBER 2012

Program: Recreation & Culture
Attachment: Library Report – November 2012
File Ref: ADM0097
Author: C Brown Library Officers
 S Reed
Date: 4 December 2012
Disclosure of Interest: Nil

Summary: Attached is a Library Report prepared by Library Officers Colleen Brown 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 November 2012.

Comment: For Council information

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

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

Voting Requirements: Nil

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

Reason For Change to Recommendation:

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12.7

CLUB DEVELOPMENT OFFICER REPORT DECEMBER 2012



Department of
Sport and Recreation

OVERVIEW – DECEMBER 2012

CLUB DEVELOPMENT OFFICER
SERVICING THE SHIRE OF BROOMEHILL-TAMBELLUP & SHIRE OF KOJONUP

ACTIVITIES FOR THE MONTH:

- Informal meetings to various community bodies and sporting clubs of the Kidsport program.
- Attended two days of professional development at Department of Sport & Recreation Perth. (As per Key Result Schedule 2011/12).
- Attended the quarterly Great Southern Regional Development meeting (GRAG) held in Frederick Square, Cranbrook.
- A formal meeting was held at the Shire of Kojonup with Anna Boschman, Community Service Officer, Mort Wignall Manager of Regulatory Services and I to discuss the future of the Kidsport program. The reason for this meeting was to talk about how the Shire of Kojonup can manage, promote and educate the Kojonup district on Kidsport as the program was not successful in the 2011/12 financial year.
- A draft is underway for the new Club Development information distribution process which will be placed into the local community publications e.g. a newsletter/ blog or similar. This will enable a more effective method of distributing information to clubs and sporting groups and will assist the Club Development Officer to engage key stakeholders. The result of the review of this process is expected to be produced in the New Year. This will allow community members to be informed and updated on anything sport club related in their Shire.

PROPOSED Activities/workshops:

Following is a list of proposed activities/workshops for 2012/13 financial year.

PROPOSED ACTIVITY	DATE:
Kidsport re-launch for summer sports 2012/13	COMPLETED
Grant writing course – Kojonup CONFIRMED	FEBRUARY 2013
Kidsport re-launch for winter sports 2013	MARCH - TBA

ONGOING Activities:

Tambellup Football Club (TFC) - Have requested assistance in getting the TFC competing in the local football competition as of 2013.

Tambellup Hockey Club – funding application for additional lights at the Tambellup Oval.

Kojonup Squash Club – Funding has been obtained by the Shire of Kojonup from The Department of sport and Recreation and work is scheduled for early 2013.

Kojonup Hockey Club – developing a club website using the resources from DSR.

Kojonup Netball Club - seeking funding to replace current bitumen courts.

AMELIA BISHOP
CLUB DEVELOPMENT OFFICER

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12.8 PROPOSED SUBDIVISION GUIDE PLAN – LOT 301 TIE LINE ROAD, BROOMEHILL

Program:	Planning
Attachment:	Subdivision Guide Plan
File Ref:	S136706
Author:	Gray & Lewis Landuse Planners
Date:	19 December 2012
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: This report is for Councillor Information only

Background: A revised Subdivision Guide Plan (SGP) for Lot 301 was adopted by Council at the August 2012 meeting.

The SGP proposed 15 lots with sizes ranging from 2 hectares to 3.51 hectares.

Comment: The Western Australian Planning Commission (WAPC) has raised concern with the applicant that there may be potential for future infill subdivision to occur in the future.

Gray & Lewis does not share the WAPC concerns as:

1. All subdivision has to be in accordance with the approved Subdivision Guide Plan and the lot sizes proposed by the applicant.
2. An amended Subdivision Guide Plan would have to be approved separately by the Shire to facilitate any further infill subdivision.

The WAPC has requested the applicant amend the Subdivision Guide Plan to include a note as follows:

“The Subdivision Guide Plan has been prepared based upon a minimum lot size of 2.0 hectares and no further subdivision of these lots will be supported by the local government”.

The applicant has requested the Shires support for the SGP with the additional note simply to appease the WAPC.

Gray & Lewis supports the amended SGP as:

- (A) It does not affect the design or layout as adopted by Council
- (B) The note is relatively meaningless as applications can be lodged at any time to amend the SGP to delete the note and / or seek support for future infill subdivision
- (C) It is not considered that the note will hinder the Council’s future ability to consider adopting changes to the approved SGP.

Accordingly the Shire Chief Executive Officer advised the applicant as follows:

“The Shire has already supported the Subdivision Guide Plan (SGP), and understands that the Western Australian Planning Commission (WAPC) has requested that an additional notation be included on the plan as follows:

‘The Subdivision Guide Plan has been prepared based upon a minimum lot size of 2.0 hectares and no further subdivision of these lots will be supported by the local government’

The notation is not required by the Shire, however, is agreed to simply in order to allow for final approval of the SGP and to assist the applicant to proceed with a current subdivision application. Accordingly I confirm that the SGP with additional notation is endorsed by the Shire, and we hope that the Commission will now finalize this matter.

An information item will be referred to the December Council meeting to keep Councillors informed on the situation. The Shire seeks to emphasize that the notation is not required by the local government.”

The Chief Executive Officer had circulated the applicant’s advice to Councillors prior to supporting the SGP with a new notation.

Consultation: The Subdivision Guide Plan was lodged with the WAPC.

Statutory Environment: The land is zoned ‘Rural Residential’ and subject to requirements outlined in Schedule 2 of the Shire of Broomehill Town Planning Scheme No 1 (‘the Scheme’).

The Scheme lists specific criteria for Lot 301 including a requirement that *‘Subdivision shall be generally in accordance with the Subdivision Guide plan adopted by the local government and endorsed by the Chief Executive Officer’*.

Policy Implications: Nil

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

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

Voting Requirements: Simple Majority

Council Resolution: *“For Councillor Information Only”*

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

21 February 2013

15. CLOSURE

There being no further business the President thanked Councillors and staff for their attendance and declared the meeting closed at 3.24pm.