

SHIRE OF BROOMEHILL - TAMBELLUP

Minutes of the Ordinary Meeting of Council held in the Broomehill Council Chambers on Thursday 20th November 2008 commencing at 3.32pm

1. RECORD OF ATTENDANCE

<u>Present:</u>	Cr BG Webster	President
	Cr KW Crosby	Deputy President
	Cr MJ Bowman	
	Cr GM Sheridan	
	Cr MR Turner	
	Cr M Sadler	
	Cr SJF Thompson	
	Cr EK Schlueter	
	Cr DCN Kempin	
	JM Trezona	Chief Executive Officer
	JP Bentley	Manager Administrative & Customer Services
	VN Webster	Executive Officer
	J Grimoldby	former Commissioner of the Shire of Broomehill-Tambellup
	R Back	Consultant – Amalgamation of Shires of Broomehill and Tambellup

2. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr BG Webster welcomed councillors and staff to the inaugural ordinary meeting of the newly elected Council and declared the meeting open at 3.32pm.

Cr Webster advised Council that Mr Pascoe Durtanovich, the Project Officer for the Strategic Waste Management Plan would be addressing Council at 3.45pm.

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME / PUBLIC COMMENTS ON AGENDA ITEMS

Nil

5. DECLARATION OF INTEREST

The CEO, Joanne Trezona advised that Cr Schlueter had declared an interest in Agenda Item 9.21

6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

7. CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1 Ordinary Meeting of Council held Thursday 13th October 2008

081101

Moved Cr Bowman, seconded Cr Turner

“That the minutes of the Ordinary Meeting of Council held on Thursday 13th October 2008 be confirmed as a true and accurate record of proceedings.”

CARRIED 9/0

7.2 Special Meeting of Council held Monday 22nd October 2008

081102

Moved Cr Crosby, seconded Cr Sheridan

“That the minutes of the Special Meeting of Council held on Monday 22nd October 2008 be confirmed as a true and accurate record of proceedings.”

CARRIED 9/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9. MATTERS FOR DECISION**9.1 FINANCIAL STATEMENTS FOR OCTOBER 2008**

Program:	Other Property and Services
Attachment:	Monthly Financial Report for October 2008
File Ref:	Nil
Author:	KP O'Neill Finance Officer
Date:	12th November 2008
Disclosure of Interest:	Nil

Summary: Attached is the Monthly Financial Report for October 2008.

Background:

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

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

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

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

Voting Requirements: Simple Majority

Officer / Council Resolution: **081103**

Moved Cr Turner, seconded Cr Thompson

“That the Financial Report for the period ending 31st October 2008 be adopted.”

CARRIED 9/0

Reason For Change to Recommendation:

9.2 CREDITORS ACCOUNTS PAID OCTOBER 2008

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

Summary: Attached is the list of Creditors Accounts paid for the month of October 2008.

Background:

Comment: Summary of Payments:-

Municipal Fund	\$433,242.69
Trust Fund	\$1,895.77
Credit Cards	\$1,068.32
TOTAL	\$436,206.78

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

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

Voting Requirements: Simple Majority

Officer / Council Resolution: 081104

Moved Cr Turner, seconded Cr Kempin

“That the list of Creditors accounts paid during October 2008, being:-

- Municipal Fund cheques numbered 92 to 210 inclusive and EFT payments numbered EFT97 to EFT 162 inclusive and totalling \$433,242.69;*
- Trust Fund cheques numbered 25 to 28 inclusive and EFT payments numbered EFT125 to EFT126 inclusive and totalling \$1,895.77; and*
- Credit Card expenses totalling \$1,068.32 be adopted.”*

CARRIED 9/0

**Reason For Change to
Recommendation:**

9.3 ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2008

Program:	Governance
Attachment:	Activities in Thoroughfares and Public Places and Trading Local Law 2008
File Ref:	ADM0080
Author:	JM Trezona Chief Executive Officer
Date:	30th October 2008
Disclosure of Interest:	Nil

Summary: The purpose of this report is to allow Council to consider any submissions made and to make the Shire of Broomehill-Tambellup Activities in Thoroughfares and Public Places and Trading Local Law 2008.

Background: The Activities in Thoroughfares and Public Places and Trading Local Law 2008 is based on the Model Local Law developed by WALGA and approved by the Joint Standing Committee on Delegated Legislation. The matters addressed in the local law address a number of activities that take place on thoroughfares and public places that are not addressed in other local laws and that a local government may wish to have control over.

The proposed local law was adopted by Council on 21st August 2008 and advertised for public submissions on 27th August 2008. The public submission period closed on 10th October 2008. No public submissions were received.

As required by legislation a copy of the proposed local law was sent to the Minister who administers the Act for comment. A copy was also provided to the Department of Local Government and Regional Development. The comments from that Department were received on 20th October 2008. The comments related to minor drafting matters and have been incorporated into the local law as presented.

The local law as amended and presented for Council to make, could not be considered “significantly different” than the proposed local law that was advertised for public comment.

Comment: Neither of the former Shires had adopted an Activities in Thoroughfares and Public Places and Trading Local Law. The local law allows the local government to have control over activities that occur on its thoroughfares and public places to ensure that the general public are not inconvenienced by uncontrolled activities. The local law allows control over:

- Verge treatments;
- Driving on closed thoroughfares;
- Erection of advertising Signs;
- Obstructing animals and vehicles; and
- Stallholders, traders and outdoor eating facilities.

The local law allows the local government to designate flora roads and special environmental areas and control activities in those areas. It also allows street numbers and the issuing of permits for some activities on

thoroughfares and for enforcement of the local law.

The provisions in the Traffic By-laws adopted by Tambellup in 1945 relating to a prohibition on parking within 8 metres of the Tambellup Soldiers Memorial has been included in clause 4.2 for consideration. A definition of “parking” has been included for clarification.

Consultation:

The local law was advertised for public comment for a period of forty two days. Submissions received are presented to Council for consideration in this report before making the local law.

**Statutory
Environment:**

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

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

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

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

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

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

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

Policy Implications: Nil

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

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

Voting Requirements: Absolute Majority

Officer / Council Resolution: 081105

Moved Cr Kempin, seconded Cr Bowman

“That Council resolves to make the Shire of Broomehill-Tambellup Activities in Thoroughfares and Public Places and Trading Local Law 2008 in the form presented.”

CARRIED 9/0
By Absolute Majority

Reason For Change to Recommendation:

9.4 CEMETERIES LOCAL LAW 2008

Program:	Governance
Attachment:	Cemeteries Local Law 2008
File Ref:	ADM0080
Author:	JM Trezona Chief Executive Officer
Date:	30th October 2008
Disclosure of Interest:	Nil

Summary: The purpose of this report is to allow Council to consider any submissions made and to make the Shire of Broomehill-Tambellup Cemeteries Local Law 2008.

Background: The Cemeteries Local Law 2008 is based on the Governor's model local law and approved by the Joint Standing Committee on Delegated Legislation.

The proposed local law was adopted by Council on 21st August 2008 and advertised for public submissions on 27th August 2008. The public submission period closed on 10th October 2008. No public submissions were received.

As required by legislation a copy of the proposed local law was sent to the Minister who administers the Act for comment. A copy was also provided to the Department of Local Government and Regional Development. The comments from that Department were received on 20th October 2008. The comments related to minor drafting matters and have been incorporated into the local law as presented.

The local law as amended and presented for Council to make, could not be considered 'significantly different' that the proposed local law that was advertised for public comment.

Comment: Both of the former Shires had adopted the Model Cemeteries Local Law with amendments. Those amendments which deleted reference to having a crematorium and mausoleum within the cemeteries have been incorporated into the Cemeteries Local Law 2008 as presented.

There are no conflicts between the amendments to the model Local Law made by the former Shires.

Consultation: The local law was advertised for public comment for a period of forty two days. Submissions received are presented to Council in this report for consideration before making the local law.

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

- the local laws that applied in the former Shires continue to apply in respect of the former Shire districts;
- the local laws of the former Shires are to be administered and

- enforced by the new Shire of Broomehill-Tambellup; and
- the local laws of the former Shires may be amended or repealed by the new Shire as if they were local laws of the new Shire.

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

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

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

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

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

Policy Implications: Nil

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

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

Voting Requirements: Absolute Majority

Officer / Council

Resolution: **081106**

Moved Cr Kempin, seconded Cr Bowman

*“That Council resolves to make the Shire of Broomehill-Tambellup
Cemeteries Local Law 2008 in the form presented.”*

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

**Reason For Change to
Recommendation:**

9.5 DOGS LOCAL LAW 2008

Program:	Governance
Attachment:	Dogs Local Law 2008
File Ref:	ADM0080
Author:	JM Trezona Chief Executive Officer
Date:	30th October 2008
Disclosure of Interest:	Nil

Summary: The purpose of this report is to allow Council to consider any submissions made and to make the Shire of Broomehill-Tambellup Dogs Local Law 2008.

Background: The Dogs Local Law 2008 is based on the Model Local Law developed by WALGA and approved by the Joint Standing Committee on Delegated Legislation.

The proposed local law was adopted by Council on 21st August 2008 and advertised for public submissions on 27th August 2008. The public submission period closed on 10th October 2008. No public submissions were received.

As required by legislation a copy of the proposed local law was sent to the Minister who administers the Act for comment. A copy was also provided to the Department of Local Government and Regional Development. The comments from that Department were received on 20th October 2008. The comments related to minor drafting matters and have been incorporated into the local law as presented.

The local law as amended and presented for Council to make, could not be considered “significantly different” than the proposed local law that was advertised for public comment.

Comment: Both of the former Shires had adopted the Shire of Moora Dog Local Law by reference with amendments. The Moora Dogs Local Law is based on the Model Dogs Local Law. Those amendments have been incorporated into the proposed Dogs Local Law 2008 presented.

Areas from which dogs are prohibited and dog exercise areas as described in the former Shire’s Dog Local Laws have been incorporated into the proposed local law presented.

The only conflict between the amendments to the Model Dogs Local Law made by the former Shires was the inclusion by Broomehill of “a theatre or picture garden” in the prohibited areas. It is not included in the local law as presented.

Consultation: The local law was advertised for public comment for a period of forty two days. Submissions received are presented to Council for consideration in this report before making the local law.

Statutory**Environment:**

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

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

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

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

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

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

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

Policy Implications:

Nil

Financial

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

Strategic

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

Voting Requirements: Absolute Majority

Officer / Council

Resolution: 081107

Moved Cr Kempin, seconded Cr Bowman

“That Council resolves to make the Shire of Broomehill-Tambellup Dogs Local Law 2008 in the form presented.”

CARRIED 9/0
By Absolute Majority

**Reason For Change to
Recommendation:**

9.6 FENCING LOCAL LAW 2008

Program:	Governance
Attachment:	Fencing Local Law 2008
File Ref:	ADM0080
Author:	JM Trezona Chief Executive Officer
Date:	30th October 2008
Disclosure of Interest:	Nil

Summary: The purpose of this report is to allow Council to consider any submissions made and to make the Shire of Broomehill-Tambellup Fencing Local Law 2008.

Background: The Fencing Local Law was adopted by Council on 21st August 2008 and advertised for public submissions on 27th August 2008. The public submission period closed on 10th October 2008. No public submissions were received.

As required by legislation a copy of the proposed local law was sent to the Minister who administers the Act for comment. A copy was also provided to the Department of Local Government and Regional Development. The comments from that Department were received on 20th October 2008. The comments related to minor drafting matters and have been incorporated into the local law as presented.

The local law as amended and presented for Council to make, could not be considered “significantly different” that the proposed local law that was advertised for public comment.

Comment: The former Shire of Broomehill had adopted the Shire of Toodyay Fencing Local Law by reference with amendments. The Shire of Tambellup adopted a Fencing Local Law in 1979. The Fencing Local Law as presented includes those amendments and the provisions of the Tambellup Local Law. In addition the proposed local law incorporates the requirements of the Joint Standing Committee on Delegated Legislation.

There are no conflicts between the Fencing Local Laws adopted by the former Shires.

Consultation: The local law was advertised for public comment for a period of forty two days. Submissions received are presented to Council for consideration in this report before making the local law.

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

- the local laws that applied in the former Shires continue to apply in respect of the former Shire districts;
- the local laws of the former Shires are to be administered and enforced by the new Shire of Broomehill-Tambellup; and

- the local laws of the former Shires may be amended or repealed by the new Shire as if they were local laws of the new Shire.

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

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

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

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

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

Policy Implications: Nil

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

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

Voting Requirements: Absolute Majority

Officer / Council

Resolution: **081108**

Moved Cr Kempin, seconded Cr Bowman

“That Council resolves to make the Shire of Broomehill-Tambellup Fencing Local Law 2008 in the form presented.”

CARRIED 9/0
By Absolute Majority

**Reason For Change to
Recommendation:**

9.7 LOCAL GOVERNMENT PROPERTY LOCAL LAW 2008

Program:	Governance
Attachment:	Local Government Property Local Law 2008
File Ref:	ADM0080
Author:	JM Trezona Chief Executive Officer
Date:	30th October 2008
Disclosure of Interest:	Nil

Summary: The purpose of this report is to allow Council to consider any submissions made and to make the Shire of Broomehill-Tambellup Local Government Property Local Law 2008.

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

The proposed local law was adopted by Council on 21st August 2008 and advertised for public submissions on 27th August 2008. The public submission period closed on 10th October 2008. No public submissions were received.

As required by legislation a copy of the proposed local law was sent to the Minister who administers the Act for comment. A copy was also provided to the Department of Local Government and Regional Development. The comments from that Department were received on 20th October 2008. The comments related to minor drafting matters and have been incorporated into the local law as presented.

The local law as amended and presented for Council to make, could not be considered “significantly different” that the proposed local law that was advertised for public comment.

Comment: The Local Government Property Local Law gives the local government the legislative power to control activities and the entry of person onto its properties and manage their behaviour. It allows for prohibition of some activities being undertaken on its properties. Enforcement powers are included in the local law.

The former Shire of Broomehill adopted the model Local Government Property Local Law by reference with amendments in 2000 and the Shire of Moora Local Government Property Local Law by reference with amendments in 2001. The amendments included the deletion of provisions relating to public swimming pools, saleyards and airports. The provisions relating to golf courses remained but has been deleted from the proposed local law as the provision relate to a public golf course operated by the Shire, eg. Wembley Golf Complex.

The proposed local law allows Council to prohibit those activities contained in clause 2.8 from being undertaken on its property by determination. The process for adopting a determination by resolution is set out in the local law and is less onerous than amending a local law. This is the only local law in which the Joint Standing Committee on

Delegated Legislation has allowed determinations.

Consultation:

The local law was advertised for public comment for a period of forty two days. Submissions received are presented to Council for consideration in this report before making the local law.

**Statutory
Environment:**

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

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

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

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

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

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

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

Policy Implications: Nil

Financial Implications: The proposed local law needs to be advertised in a newspaper circulation throughout the district and once made by Council is required to be advertised in the Government Gazette.

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

Voting Requirements: Absolute Majority

Officer / Council Resolution: *081109*

Moved Cr Kempin, seconded Cr Bowman

“That Council resolves to make the Shire of Broomehill-Tambellup Local Government Property Local Law 2008 in the form presented.”

*CARRIED 9/0
By Absolute Majority*

Reason For Change to Recommendation:

9.8 HEALTH LOCAL LAW 2008

Program:	Governance
Attachment:	Health Local Law 2008
File Ref:	ADM0080
Author:	JM Trezona Chief Executive Officer
Date:	3rd November 2008
Disclosure of Interest:	Nil

Summary: The purpose of this report is to allow Council to consider any submissions made and to make the Shire of Broomehill-Tambellup Health Local Law 2008.

Approval of the Local Law by the Executive Director Public Health is required before the local law comes into effect.

Background: The Health Local Law 2008 is based on the model Health Local Law developed by the WA Health Department and gazetted under the provisions of the Health Act 1911. The Local Law incorporates those amendments previously adopted by the Shire of Broomehill in 2000 when it adopted the model local law with amendments. The Shire of Tambellup adopted the Shire of Plantagenet Health Local Law by reference in April 1999.

The proposed local law was adopted by Council on 21st August 2008 and advertised for public submissions on 27th August 2008. The public submission period closed on 10th October 2008. No public submissions were received.

As required by the Department of Health, a copy of the proposed local law was sent to the Director, Environmental Health for comment. Comments were received from the Department on 25th September 2008. Apart from the matters below the comments related to matters of grammar and set out of the local law. Those matters have been incorporated into the local law.

Part 4 – Division 2 – Transport of Butchers’ Waste

The Department of Health advises that “*the provisions of Division 2 can either be deleted or if needed the provisions of section 4.2.3(3) can be added to section 5.1.6 as a new subsection (4)*”.

Section 4.2.3(3) states:

4.2.3 Transport of Butchers’ Waste

(1) A person shall not transport butchers’ waste other than in –

- a) a compartment complying with the following specifications -*
 - i. all internal surfaces to be constructed of an approved, smooth, impervious material not less than 910 millimetres high;*
 - ii. all joints to be sealed and made watertight;*
 - iii. the loading doors, if any, to be water-tight and kept closed at all times except when loading; and*
 - iv. the top to be completely covered by a tarpaulin or other impervious material approved by the local government,*

carried over and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or

b) a sealed container fitted with a lid, which can be tightly closed.

(2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this Section, are –

a) maintained in good order and condition; and

b) thoroughly cleaned at the conclusion of each days work.

(3) A person shall not load, transport, or unload butchers' waste in a manner that is or maybe offensive due to –

a) the sight of animal skeletons, bones, offal or waste matter;

b) the odour of putrefaction, offal or waste matter; or

c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

The whole of Division 2 has been deleted from the local law as presented as there are no abattoirs within the Shire.

The Department of Health advised that subsection (2) of section 5.1.3 has to be deleted as *"The exclusion of smoke from the chimneys of dwelling houses has been removed from the Health Act"*. Previously smoke from dwelling houses was excluded from being classed as being a nuisance.

Subsection (2) has been deleted from the local law as presented to bring it into line with the amendments to the Health Act.

The Department advised that:

Other local governments have made a section relating to the nuisance that can arise from persons regularly feeding wild birds. The Shire may wish to consider adding the following section:

"Restriction on Feeding Wild Birds

A person shall not feed a pigeon, dove, seagull, ibis, raven or other wild bird, so as to cause a nuisance or be injurious or dangerous to health."

The section has not been incorporated into the local law as presented as it is not considered to be relevant to the Shire and would be impossible to enforce given the rural nature of the Shire.

A copy was also provided to the Department of Local Government and Regional Development. The comments from that Department were received on 20th October 2008. The comments related to minor drafting matters and have been incorporated into the local law as presented.

The local law as amended and presented for Council to make, could not be considered "significantly different" than the proposed local law that was advertised for public comment.

Comment:

The Health Local Law 2008 incorporates those matters that were included in the Health Local Laws of both the Shire of Broomehill and Tambellup.

Changes have been made as suggested by the Health Department and the following matters have been deleted from the model local law as they do

not apply –

4.1.3 to 4.1.6 Disposal of Sewage, licensing septic pumpout contractors, approving pumpouts and keeping a record of each pumpout. The Department of Environment and Conservation now look after this through the *Environmental Protection (Controlled Waste) Regulations 2004*;

3.5.1 – Morgues – Not applicable

5.7.1 to 5.7.3 Carparks and ventilation – Not applicable

9.3.1 to 9.3.4 Fish Premises – Not applicable

9.4.1 to 9.4.9 – Laundries, Dry Cleaners and Dye Works – Not applicable.

Consultation:

The local law was advertised for public comment for a period of forty two days. Submissions received are presented to Council for consideration in this report before making the local law.

Statutory

Environment:

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

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

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

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

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

Approval of the local law is required from the Executive Director Public Health before the local law can be published in the Government Gazette. A copy is sent to the State Parliament Joint Standing Committee on Delegated Legislation.

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

Policy Implications: Nil

Financial Implications: The proposed local law needs to be advertised in a newspaper circulating throughout the district and once made by Council and approved by the Executive Director of Public Health is required to be advertised in the Government Gazette.

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

Voting Requirements: Absolute Majority

Officer / Council Resolution: 081110

Moved Cr Kempin, seconded Cr Bowman

“That Council resolves to make the Shire of Broomehill-Tambellup Health Local Law in the form presented.”

CARRIED 9/0
By Absolute Majority

Reason For Change to Recommendation:

9.9 PEST PLANTS LOCAL LAW 2008

Program:	Governance
Attachment:	Pest Plants Local Law 2008
File Ref:	ADM0080
Author:	JM Trezona Chief Executive Officer
Date:	4th November 2008
Disclosure of Interest:	Nil

Summary: The purpose of this report is to allow Council to consider any submissions made and to make the Shire of Broomehill-Tambellup Pest Plants Local Law 2008.

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

The proposed local law was adopted by Council on 21st August 2008 and advertised for public submissions on 27th August 2008. The public submission period closed on 10th October 2008. No public submissions were received.

As required by legislation a copy of the proposed local law was sent to the Minister for Agriculture and Food as the Minister who administers the Act for comment.

The Department of Agriculture and Food responded on 10th September 2008 supporting the initiative of Council in implementing the local law.

A copy was also provided to the Department of Local Government and Regional Development. The comments from that Department were received on 20th October 2008. The comments related to minor drafting matters and have been incorporated into the local law as presented.

The local law as amended and presented for Council to make, could not be considered “significantly different” than the proposed local law that was advertised for public comment.

Comment: The Pest Plant Local Law gives the local government the legislative power to serve a notice on owners of private land requiring them to destroy, eradicate or otherwise control the pest plants Caltrop and Afghan Thistle on their properties. Failure to comply with a notice allows the local government to take action to destroy, eradicate or otherwise control the pest plants.

The Pest Plant Local Law 2008 is not in conflict with the Pest Plant Local Laws of the former shires.

Consultation: The local law was advertised for public comment for a period of forty two days. Submissions received are presented to Council for consideration in this report before making the local law.

**Statutory
Environment:**

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

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

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

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

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

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

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

Policy Implications: Nil

Financial

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

Strategic

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

Voting Requirements: Absolute Majority

Officer / Council

Resolution: *081111*

Moved Cr Kempin, seconded Cr Bowman

“That Council resolves to make the Shire of Broomehill-Tambellup Pest Plants Local Law 2008 in the form presented.”

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

**Reason For Change to
Recommendation:**

9.10 STANDING ORDERS LOCAL LAW 2008

Program:	Governance
Attachment:	Standing Orders Local Law 2008
File Ref:	ADM0080
Author:	JM Trezona Chief Executive Officer
Date:	4th November 2008
Disclosure of Interest:	Nil

Summary: The purpose of this report is to allow Council to consider any submissions made and to make the Shire of Broomehill-Tambellup Standing Orders Local Law 2008.

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

The proposed local law was adopted by Council on 21st August 2008 and advertised for public submissions on 27th August 2008. The public submission period closed on 10th October 2008. No public submissions were received.

As required by legislation a copy of the proposed local law was sent to the Minister who administers the Act for comment. A copy was provided to the Department of Local Government and Regional Development. The comments from that Department were received on 3rd November 2008. Apart from the comments listed below the comments related to minor drafting matters and those matters have been incorporated into the local law as presented.

1. Clause 4.2(2) – Department comments

For clause 4.2(2), please be informed that the Parliament's Joint Standing Committee on Delegated Legislation (JSCDL) has indicated that it would appear to impose confidentiality obligation on excess of those imposed by regulation 6 of the *Local Government (Rules of Conduct) Regulations 2007* (Rules of Conduct). The Shire may wish to refer to pages 60-65 of the twenty fourth Report of the JSCDL which can be downloaded from the Parliament's website. It is recommended that this clause be deleted.

Regulation 6 states –

- (2) A person who is a council member must not disclose –
 - a) information that the council member derived from a confidential document; or
 - b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subregulation (2) does not prevent a person who is a council member disclosing information –
 - a) at a closed meeting; or
 - b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - c) that is already in the public domain; or
 - d) to an officer of the Department; or\
 - e) to the Minister; or

- f) to a legal practitioner for the purpose of obtaining legal advice; or
- g) if the disclosure is required or permitted by law.

Clause 4.2(2) stated –

(2) A member of the Council or a committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a member of the Council or the committee or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

Penalty \$5,000

Action Taken

Clause 4.2(2) deleted

The local law as amended and presented for Council to make, could not be considered “significantly different” than the proposed local law that was advertised for public comment.

2. Clause 8.4 – Department Comments

For Clause 8.4(2) as there are already provisions in Regulation 10(3) of the Rules of Conduct in relation to a council member using offensive or objectionable expressions about a local government employee, it is recommended that the reference to employees of the local government be omitted from this clause.

Regulation 10(3) states –

(3) If a person, in his or her capacity as a council member, is attending a council meeting, committee meeting or other organised event and members of the public are present, the person must not, either orally, in writing or by any other means –

- a) make a statement that a local government employee is incompetent or dishonest; or
- b) use offensive or objectionable expressions in reference to local government employee.

(4) Subregulation (3)(a) does not apply to conduct that is unlawful under the *The Criminal Code* Chapter XXXV.

Clause 8.4(2) of the local law stated –

(2) No member of the Council or a committee is to use offensive or objectionable expressions in reference to any member, employee of the local government, or any other person.

Penalty \$1,000

Action Taken –

The words “employee of the local government” have been deleted.

3. Clause 12.7 – Department Comments

For clause 12.7(4), please be informed that the JSCDL has indicated that this clause appears to impose confidentiality obligations in excess of those imposed by regulation 6 of the Rules of Conduct. The Shire may wish to refer to pages 60-65 of the twenty fourth Report of the JSCDL. It is recommended that this clause be deleted.

Regulation 6 is quoted above.

Clause 12.7(4) of the local law stated –

(4) A person who is a Council member, a committee member, or an employee is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

Action Taken

Clause 12.7(4) deleted.

Comment:

The Standing Orders Local Law gives the person presiding at Council and Committee meetings the authority to apply the rules and the standards of conduct prescribed in the local law. The Standing Orders also provide guidance for newly elected members on the conduct of meetings and behaviour standards.

Conduct of members is now also subject to the *Local Government (Rules of Conduct) Regulations 2007*. This Regulation provides for new disciplinary measures that do not include prosecution.

The Standing Orders Local Law as presented does not prescribe the order of business for the agenda. Non prescription allows the Council to change its order of business without need to amend the local law.

The Department of Local Government advises that it is presently reviewing the Model Standing Orders Local Law to produce a new version in January next year.

Consultation:

The local law was advertised for public comment for a period of forty two days. Submissions received are presented to Council for consideration in this report before making the local law.

Statutory Environment:

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

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

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

1. At a Council meeting the person presiding is to give notice of the purpose and effect of the proposed local law by ensuring that:-
 - (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
 - (b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.
2. A local government is to -

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

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

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

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

Policy Implications: Nil

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

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

Voting Requirements: Absolute Majority

Officer / Council Resolution: 081112

Moved Cr Kempin, seconded Cr Bowman

“That Council resolves to make the Shire of Broomehill-Tambellup Standing Orders Local Law 2008 in the form presented.”

CARRIED 9/0
By Absolute Majority

Reason For Change to Recommendation:

9.11 EXTRACTIVE INDUSTRIES LOCAL LAW 2008

Program:	Governance	
Attachment:	Extractive Industries Local Law 2008	
File Ref:	ADM0080	
Author:	JM Trezona	Chief Executive Officer
Date:	10th November 2008	
Disclosure of Interest:	Nil	

Summary: The purpose of this report is to allow Council to consider any submissions made and to make the Shire of Broomehill-Tambellup Extractive Industries Local Law 2008.

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

The proposed local law was adopted by Council on 18th September 2008 and advertised for public submissions on 24th September 2008. The public submission period closed on 7th November 2008. No public submissions were received.

As required by legislation, a copy of the proposed local law was sent to the Minister who administers the Act for comment. A copy was also provided to the Department of Local Government and Regional Development. The comments from that Department were received on 10th November 2008. The comments related to minor drafting matters and have been incorporated into the local law as presented.

Amendments have also been incorporated into the published local law as submitted by the then Commissioner. These amendments were minor and did not alter the intent of the local law.

The local law as amended and presented for Council to make, could not be considered as “significantly different” than the proposed local law that was advertised for public comment.

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

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

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

Consultation: The local law was advertised for public comment for a period of forty two days. Submissions received are presented to Council for consideration in this report before making the local law.

Statutory

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

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

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

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

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

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

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

Policy Implications: Nil

Financial

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

Strategic

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

Voting Requirements: Absolute Majority

Officer / Council

Resolution: 081113

Moved Cr Kempin, seconded Cr Bowman

“That Council resolves to make the Shire of Broomehill-Tambellup Extractive Industries Local Law 2008 in the form presented.”

CARRIED 9/0
By Absolute Majority

**Reason For Change to
Recommendation:**

9.12 REPEAL LOCAL LAW 2008

Program:	Governance
Attachment:	Repeal Local Law 2008
File Ref:	ADM0080
Author:	JM Trezona Chief Executive Officer
Date:	4th November 2008
Disclosure of Interest:	Nil

Summary: The purpose of this report is to allow Council to consider any submissions made and to make the Shire of Broomehill-Tambellup Local Law 2008.

Background: The Repeal Local Law 2008 is based on previously gazetted Repeal Local Laws.

The proposed local law was adopted by Council on 21st August 2008 and advertised for public submissions on 27th August 2008. The public submission period closed on 10th October 2008. No public submissions were received.

As required by legislation a copy of the proposed local law was sent to the Minister who administers the Act for comment. A copy was also provided to the Department of Local Government and Regional Development. The comments from that Department were received on 20th October 2008. The comments related to minor drafting matters and have been incorporated into the local law as presented.

The local law as amended and presented for Council to make, could not be considered “significantly different” than the proposed local law that was advertised for public comment.

Comment: The Repeal Local Law 2008 repeals the following local law –

Shire of Broomehill By-laws Relating to the Removal and Disposal of Obstructing Animals or Vehicles as published in the Government Gazette on 14th September 1973.

This by-law provides that a person shall be deemed to be obstructing a public place if they secure an animal for longer than eight hours or park a vehicle for longer than twenty four hours. The Local Government Act provides the head of power for impounding.

Shire of Tambellup Management and use of the Road Board Hall By-law as published in the Government Gazette on 19th February 1926.

Provisions for the Management and use of Halls are contained in the Proposed Local Government Property Local Law 2008.

Shire of Tambellup Traffic By-laws as published in the Government Gazette on 28th December 1945

This by-law restricted parking within twenty four feet of the Soldiers Memorial or Road Board Hall and restricted speed in the Tambellup townsite to 25mph.

A provision has been included into the Activities on Thoroughfares Local Law to provide for the restriction in relation to the Memorial but not the Hall. A definition of 'parking' has also been included.

Shier of Tambellup Draft (Removal and Disposal of Obstructing Animals or Vehicles) No 7 as published in the Government Gazette on 23rd December 1971.

This by-law provides that a person shall be deemed to be obstructing a public place if they secure an animal for longer than eight hours or park a vehicle for longer than twenty four hours. The by-law also provides the head of power for impounding the animal or vehicle.

Provisions contained in the Proposed Activities on Thoroughfares and Public Places and Trading Local Law 2008 that has been recommended to Council for adoption deem the person is to be obstructing a public place if the animal is secured for longer than one hour or a vehicle for longer than twenty four hours. The Local Government Act provides the head of power for impounding.

By-law Relating to Noxious Weeds as published in the Government Gazette on 13th April 1972.

This by-law that a person shall not transport in a vehicle any grain in bulk or open sacks unless the vehicle is so fitted as to prevent spillage from the vehicle.

There is no local law being presented to Council with similar provisions.

Consultation:

The local law was advertised for public comment for a period of forty two days. Submissions received are presented to Council of consideration in this report before making the local law.

Statutory

Environment:

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

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

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

1. At a Council meeting the person presiding is to give notice of the purpose and effect of the proposed local law by ensuring that:-

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

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

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

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

Policy Implications: Nil

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

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

Voting Requirements: Absolute Majority

Officer / Council Resolution: 081114

Moved Cr Turner, seconded Cr Kempin

“That Council resolves to make the Shire of Broomehill-Tambellup Repeal Local Law 2008 in the form presented.”

CARRIED 9/0
By Absolute Majority

**Reason For Change to
Recommendation:**

The Acting Works Supervisor, John Farmer entered the meeting at 3.40pm.

9.13 REQUEST TO WAIVE HIRE COSTS

Program:	Recreation and Culture
Attachment:	Nil
File Ref:	ADM0066
Author:	JM Trezona Chief Executive Officer
Date:	4th November 2008
Disclosure of Interest:	Nil

Summary: A request in writing has been received to waive the hire costs of the Tambellup Sports Pavilion.

Background: Ms Alison Hankinson has written on behalf of the Tambellup Relay for Life Team members who are participating in the statewide program to raise funds for cancer research, asking Council to waive the hire costs of the Tambellup Sports Pavilion for a Melbourne Cup function that was held on 4th November 2008. The function was to raise funds for the “Bush Mechanics Team.”

Comment: Council needs to determine if it will waive the hire costs of the venue.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Council Policy 1.2 – Use of Shire Facilities states the following:

Policy Statement:

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

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

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

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

- Blue Light Discos – Hall
- Agricultural Society – Hall for the Tambellup Show
- Primary Schools– Hall for End of Year Presentation Night
- Senior Citizens Christmas Luncheon – Hall

This Policy applies for the purposes of Clause 3.5 of the Shires *Local Government Property Local Law 2008*.

Financial

Implications: The hire cost of the pavilion is \$55.00 has been paid, therefore if Council determines to waive the cost, the money will be refunded.

Strategic

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

Voting Requirements: Simple Majority

Officer Resolution: *“That Council does/does not waive the \$55.00 hire costs of the Tambellup Sporting Pavilion for the fundraising function on behalf of the Tambellup Relay for Life Team.”*

Council Resolution: **081115**

Moved Cr Turner, seconded Cr Bowman

“That Council does not waive the \$55.00 hire costs of the Tambellup Sporting Pavilion for the fundraising function on behalf of the Tambellup Relay for Life Team.”

CARRIED 8/1

**Reason For Change to
Recommendation:**

Mr Pascoe Durtanovich, the project officer for the strategic waste management plan for the Stirling Group of Local Governments entered the meeting at 3.45pm.

Mr Durtanovich went through the draft strategic waste management plan with Council.

The President, Cr Webster thanked Mr Durtanovich for his presentation and he left the meeting at 4.10pm.

9.14 PROPOSED 80 METRE WIND MONITORING TOWER

Program:	Community Amenities – Planning
Attachment:	Copy of detailed site plan and minute from August 2008 Ordinary meeting of Council
File Ref:	ADM0283
Author:	JM Trezona
Date:	5th November 2008
Disclosure of Interest:	Nil

Summary: An application has been lodged for an 80 metre wind monitoring tower by the Moonies Hill Energy Group.

Background: A planning application was submitted on behalf of Moonies Hill Energy and presented to the August meeting of Council for consideration.

The attached Council minute details Councils decision requiring additional information and the recommendation for the proposal to be advertised prior to a final determination being given.

Comment: The additional information was provided and satisfied Councils requirements.

Council advertised the proposal in the Great Southern Herald on 15th October 2008. The comment period closed on 7th November 2008. Letters were also sent to all the surrounding owners and occupiers. No comments have been received.

Consultation: Gray and Lewis Land Use Planners

Statutory

Environment: Shire of Broomehill Town Planning Scheme No 1.

The land is zoned “Farming” and Council has previously determined that a ‘wind monitoring tower’ is a ‘use not listed’ under the scheme and that it is consistent with the objectives of the farming zone.

Some confusion has arisen with this application in that the original item to Council should have made reference to the Shire of Broomehill Town Planning Scheme No 1 and the not the Shire of Tambellup Town Planning Scheme No 2.

Fundamentally the assessment and procedure under the Broomehill Scheme is identical to the Tambellup Scheme and there is no reason to re-advertise the proposal.

The advertising letters to surrounding neighbours and the advertisement in the Great Southern Herald clearly stated that the proposal was to be located on Nookanellup Road, Broomehill West.

Policy Implications: Nil

Financial

Implications: Advertising costs are met by the proponents.

Strategic

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

Voting Requirements: Simple Majority

Officer / Council

Resolution: 081116

Moved Cr Turner, seconded Cr Schlueter

“That Council having advertised the proposal for twenty one days and received no comments or submissions, approves the planning application submitted on behalf of Moonies Hill Energy to establish an 80 metre wind monitoring tower on Kojonup Location 5614, Nookanellup Road, Broomehill West subject to:

- The approval being granted for a two year period; and*
- The applicant be advised that further applications are required if the wind farm is to proceed.”*

CARRIED 9/0

**Reason For Change to
Recommendation:**

9.15 DRAFT MANAGEMENT PRACTICES MANUAL

Program:	Governance
Attachment:	Draft Management Practices Manual
File Ref:	Nil
Author:	JM Trezona Chief Executive Officer
Date:	5th November 2008
Disclosure of Interest:	Nil

Summary: A Draft Management Practices Manual is presented for Council endorsement.

Background: The definition of Management Practice as detailed at the beginning of the Shire of Broomehill-Tambellup Policy Manual is:
Management Practice – a series of actions conducted in a certain order or manner to perform a task.

Management practices represent the strategies and actions by which a policy is implemented and may detail the steps and processes to be observed by staff.

Management practices are a function of management and are subject to review at any time according to circumstances, to ensure that the policies are being implemented in a correct, efficient and effective manner.

Comment: The recent development of a new policy manual for the Shire of Broomehill-Tambellup highlighted that a number of policies of the former Shires of Broomehill and Tambellup were better classified as Management Practices/Policies.

Those items from the two former Shires deemed to be management practices have been reviewed and the relevant ones included in the Management Practices Manual.

The draft is presented for Council endorsement.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: The Management Practices Manual will be utilised in conjunction with Council's Policy Manual.

Financial Implications: This issue has no financial implications for Council

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

Voting Requirements: Simple Majority

Officer Resolution: *“That Council endorses the draft Management Practices Manual as presented.”*

Council Resolution: **081117**

Moved Cr Turner, seconded Cr Kempin

“That Council endorses the draft Management Practices Manual with the exclusion of Policy No. 4.2 as presented.”

CARRIED 9/0

**Reason For Change to
Recommendation:**

The CEO advised that the attachment of the draft management practices manual was incorrect - Policy No. 4.2 relating to Depreciation Rates was incorrect and not to be included at this time.

9.16 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

Program:	Governance	
Attachment:	Nil	
File Ref:	ADM0092	
Author:	JM Trezona	Chief Executive Officer
Date:	6th November 2008	
Disclosure of Interest:	Nil	

Summary: The Local Government Constitutional Summit will be held in Melbourne from 8th – 11th December 2008.

Background: The Local Government Constitutional Summit will be held in Melbourne from 8th – 11th December this year. The Federal Minister for Infrastructure, Transport and Regional Development and Local Government has also issued an invitation to all Mayors and Presidents to attend the establishment of the Australian Council of Local Governments in Canberra on 17th – 18th November 2008.

Constitutional recognition of Local Government has been on the agenda for some time now and the Australian Local Government Association (ALGA) has taken the decision to advance the issue.

The ALGA is convening the Summit in December to bring local government together to discuss and debate formal recognition and local governments place in the Constitution. The Summit will come to reach agreement on a preferred option for a Constitutional Amendment.

Comment: Council has received a proposal from the Plantagenet Council to consider only sending one representative from the proposed Voluntary Regional Organisation of Councils (VROC) made up of Cranbrook, Kojonup, Plantagenet and Broomehill-Tambellup Councils. It is proposed that the VROC share the costs of sending the delegate and that the delegate be selected from Broomehill-Tambellup, Cranbrook or Kojonup. The Plantagenet President is attending the November meeting in Canberra.

On a regional cooperation level, this has merit. The elected member who attends can provide a report back to each of the Councils. Each Council will obtain benefit at a quarter of the cost.

For Council consideration.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: Provision for Members Conference expenses is included in the 2008-2008 budget.

Strategic

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

Voting Requirements: Simple Majority

Officer / Council

Resolution: 081118

Moved Cr Turner, seconded Cr Sheridan

“That Council agrees to share the costs of sending one delegate to represent the Shires of Cranbrook, Kojonup, Plantagenet and Broomehill-Tambellup Voluntary Regional Organisation of Councils to the Local Government Constitutional Summit on 8th – 11th December 2008.”

CARRIED 9/0

**Reason For Change to
Recommendation:**

9.17 ESTABLISHMENT OF COUNCIL COMMITTEES

Program:	Governance	
Attachment:	Nil	
File Ref:	ADM0092	
Author:	JM Trezona	Chief Executive Officer
Date:	7th November 2008	
Disclosure of Interest:	Nil	

Summary: Council to consider the establishment of committees of Council for the Shire of Broomehill-Tambellup.

Background: The matter of Council establishing committees of the Council was referred to the November Ordinary meeting from the Special meeting held on 23rd October 2008.

Section 5.8 of the *Local Government Act 1995* states that Council, by an absolute majority decision, may establish Committees of three or more persons.

In establishing committees, Council needs to also set the terms of reference for the committees, determine the number of members and comply with the legislation requirements for a quorum.

Council has already established an Audit Committee.

Comment: Initially Council needs to determine if it wishes to establish committees or simply handle all matters through the Ordinary meetings.

If Council's decision is to establish committees the following are suggested Committees and suggested terms of reference.

Building Committee

Following is suggested terms of reference for the Building Committee:

Investigate and make recommendations, where appropriate on the following:

1. Building Control
2. Land suitable for housing development
3. Planning construction and maintenance of Councils housing and public buildings
4. Other matters relating to Council owned/controlled buildings
5. Aged accommodation

It is recommended that the Building Committee has a membership of four (4) councillors and a quorum if two (2) members.

Planning and Economic Services Committee

Council may wish to adopt the following terms of reference for this committee:

Will plan, develop and enhance the town, sport and recreation, youth, aged, health, heritage and arts matters towards the community vision. To

investigate and make recommendations to Council on matters requiring decision on:

1. Economic Services
2. Town beautification
3. All matters relating to Recreation and Sport
4. Town Planning and Development
5. Cemeteries
6. Cultural development
7. Protection of heritage
8. Provision of youth services
9. Tourism
10. Health
11. Other community and cultural issues

It is recommended that the Planning and Economic Services committee has a membership of four (4) councillors and a quorum of two (2) members.

Technical Services Committee

Council may wish to adopt the following terms of reference for this committee:

Will plan for the future of Transport Services while maintaining a quality standard that takes into account cost effectiveness and revenue raising opportunities. To investigate and make recommendations to Council on matters requiring decisions on:

1. Fire Control
2. Animal Control
3. Waste Management
4. Plant replacement
5. Road construction and maintenance
6. Maintenance and improvement to the Shires Work Depot
7. Private Works
8. Other matters relating to Councils plant, works and transport services.

It is recommended that the Technical Services committee has a membership of four (4) councillors and a quorum of two (2) members.

Once the committees are established, Council will need to nominate members for each of the committees.

Section 5.10 of the Local Government Act 1995 states that, at any given time each Council member is entitled to be a member of at least one committee. A Councillor can nominate themselves for a committee.

The President can exercise his/her right to be a member of a particular committee.

Consultation: Nil

**Statutory
Environment:** *Local Government Act 1995*

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

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

Voting Requirements: Absolute Majority

Officer / Council Resolution: 081119

Moved Cr Kempin, seconded Cr Turner

“That Council establishes a Building Committee consisting of four members with the quorum to be two members with the following terms of reference:

Investigate and make recommendations, where appropriate on the following;

- 1. Building Control*
- 2. Land suitable for housing development*
- 3. Planning construction and maintenance of Councils housing and public buildings*
- 4. Other matters relating to Council owned/controlled buildings*
- 5. Aged accommodation”*

CARRIED 9/0
By Absolute Majority

Officer / Council Resolution: 081120

Moved Cr Kempin, seconded Cr Turner

“That Council establishes a Planning and Economic Services Committee consisting of four members with the quorum to be two members, with the following terms of reference:

Will plan, develop and enhance the town, sport and recreation, youth, aged, health, heritage and arts matters towards the community vision. To investigate and make recommendations to Council on matters requiring decision on;

- 1. Economic Services*
- 2. Town beautification*
- 3. All matters relating to Recreation and Sport*
- 4. Town Planning and Development*
- 5. Cemeteries*
- 6. Cultural development*
- 7. Protection of heritage*
- 8. Provision of youth services*
- 9. Tourism*
- 10. Health*
- 11. Other community and cultural issues.”*

CARRIED 9/0
By Absolute Majority

Officer Resolution:

“That Council establishes a Technical Services Committee consisting of four members with the quorum to be two members, with the following terms of reference:

Will plan for the future of Transport Services while maintaining a quality standard that takes into account cost effectiveness and revenue raising opportunities. To investigate and make recommendations to Council on matters requiring decisions on;

- 1. Fire Control*
- 2. Animal Control*
- 3. Waste Management*
- 4. Plant replacement*
- 5. Road construction and maintenance*
- 6. Maintenance and improvements to the Shire Works Depot*
- 7. Private Works*
- 8. Other matters relating to Council plant, works and transport services.”*

Council Resolution: 081121

Moved Cr Kempin, seconded Cr Turner

“That Council establishes a Technical Services Committee consisting of a minimum of four members with the quorum to be two members, with the following terms of reference:

Will plan for the future of Transport Services while maintaining a quality standard that takes into account cost effectiveness and revenue raising opportunities. To investigate and make recommendations to Council on matters requiring decisions on;

- 1. Fire Control*
- 2. Animal Control*
- 3. Waste Management*
- 4. Plant replacement*
- 5. Road construction and maintenance*
- 6. Maintenance and improvements to the Shire Works Depot*
- 7. Private Works*
- 8. Other matters relating to Council plant, works and transport services.”*

CARRIED 9/0
By Absolute Majority

Reason For Change to Recommendation:

Building Committee

Cr Webster, President exercised his right to sit on this Committee in accordance with Section 5.10(4) of the Local Government Act 1995.

Cr Kempin nominated himself.

Cr Turner nominated herself.

Cr Schlueter nominated herself.

Planning and Economic Services Committee

Cr Webster, President exercised his right to sit on this Committee in accordance with Section 5.10(4) of the Local Government Act 1995.

Cr Kempin nominated himself.

Cr Turner nominated herself.

Cr Schlueter nominated herself.

Technical Services Committee

Cr Bowman nominated himself.

Cr Crosby nominated himself.

Cr Sadler nominated himself.

Cr Sheridan nominated himself.

Cr Thompson nominated himself.

9.18 WAPC 137107 – APPLICATION OF COMMON SEAL TO CLEARNACE REQUEST

Program:	Community Amenities
Attachment:	Nil
File Ref:	S137107
Author:	JM Trezona Chief Executive Officer
Date:	10 th November 2008
Disclosure of Interest:	Cr Schleuter declared a proximity interest in this matter as she is an adjoining land owner and left the meeting at 4.30pm.

Summary: Council is required to sign and seal the “notification Under Section 70A” to satisfy the conditions of the subdivision of land as, per the Western Australian Planning Commission application 137107.

Background: The former Shire of Tambellup had previously considered the WAPC application 137107 and supported the subdivision of Location 3254 to form two new lots 201 and 9000. The support for the subdivision was subject to the inclusion of a notification on the Certificate of Title for Lot 201 advising that the Lot is located in an existing agricultural area and *“use of the land may be affected by 24-hour operation of machinery, aerial spraying and generation of other noise, dust and odours arising from normal agricultural operations being carried out on surrounding land holdings”*.

Comment: Council needs to endorse the application of the common seal and the signing of the document.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

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

Voting Requirements: Simple Majority

Officer / Council

Resolution: **081122**

Moved Cr Crosby, seconded Cr Turner

“That Council signs and seals the Notification under Section 70A, pursuant to the Transfer of Lands Act 1893 (as amended) to include the following notification on Lot 201 on Deposited Plan 62448:

- Use of the land may be affected by 24-hour operation of machinery, aerial spraying and generation of other noise, dust and odours arising from normal agricultural operations being carried out on surrounding land holdings.”*

CARRIED 8/0

**Reason For Change to
Recommendation:**

Cr Schlueter returned to the meeting at 4.31pm.

9.19 WHEATBELT SOUTH SMALL BUSINESS CENTRE

Program:	Economic Services
Attachment:	Copy of the Funding Submission
File Ref:	ADM0061
Author:	JM Trezona Chief Executive Officer
Date:	10th November 2008
Disclosure of Interest:	Nil

Summary: The Small Business Centre, Wheatbelt South is seeking a monetary contribution.

Background: The Small Business Centre, Wheatbelt South has recently engaged the services of a new Manager, Mr Greg O’Neil. The centre has again written to Council to ask members to consider making a contribution of \$750.

The centre receives funding from the State Government, however this only covers the employment and ongoing expenses and does not allow for the employment of additional staff to help provide the service across the largest rural area in the State’s Small Business Centre Program. There are twenty Local Governments in the Wheatbelt South region.

Comment: A copy of the funding submission is attached for Council consideration. Both the previous Councils had involvement to differing degrees with the Central Great Southern BEC prior to its closing down. Members will need to be confident that the proposed service will be of benefit to the communities of Broomehill and Tambellup.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: Should Council determine to make a contribution, Members Donations has a balance of \$3,400.

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

Voting Requirements: Simple Majority

Officer Resolution: *“That Council does/does not make a contribution of \$750.00 to the Small Business Centre, Wheatbelt South for the 2008/2009 financial year.”*

Council Resolution: **081123**

Moved Cr Kempin, seconded Cr Bowman

“That Council does not make a contribution of \$750.00 to the Small Business Centre, Wheatbelt South for the 2008/2009 financial year.”

CARRIED 6/3

**Reason For Change to
Recommendation:**

9.20 REPLACEMENT OF GRADER

Program:	Transport
Attachment:	Draft Specifications
File Ref:	BH004
Author:	JM Trezona Chief Executive Officer
Date:	12th November 2008
Disclosure of Interest:	Nil

Summary: Provision has been made in the 2008-2009 budget to replace the John Deere grader.

Background: The combined Ten Year Plant Replacement Program that was endorsed by the former Shires of Broomehill and Tambellup Council's, scheduled the replacement of the John Deere Grader in this financial year.

A draft copy of the specifications for the new grader is attached for Councils endorsement prior to seeking quotations for a new machine.

Comment: On 1st October 2008, the Western Australian Local Government Association (WALGA) established the Plant and Equipment Preferred Supplier Panel. WALGA members who access the Preferred Suppliers Agreements do not need to independently tender for goods and/or services within the scope of the arrangements that they have with the preferred supplier panels. The public tender threshold exemption in the *Local Government (Functions and General) Regulations 1996* allows direct access to the market and saves Local Government considerable costs and risk of independently tendering.

It is proposed that Council will utilise the Preferred Supplier Panel for the replacement of the John Deere grader.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: Provision has been made in the 2008-2009 budget for the replacement of the grader.

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

Voting Requirements: Simple Majority

Officer / Council

Resolution: **081124**

Moved Cr Kempin, seconded Cr Thompson

“That Council endorses the specifications as presented for the replacement of the 1996 John Deere Grader.”

CARRIED 9/0

**Reason For Change to
Recommendation:**

9.21 REQUEST FOR RECONSIDERATION OF REFUSAL OF APPLICATION 136964

Program:	Transport
Attachment:	Copy of Subdivision Plan and Reconsideration Request
File Ref:	S136964
Author:	Gray and Lewis Land Use Planners
Date:	12th November 2008
Disclosure of Interest:	Gray and Lewis receive planning fees for advice to the Shire of Broomehill-Tambellup and therefore declare a Financial Interest – Section 5.65 of <i>Local Government Act 1995</i>.

Cr Schlueter declared a Proximity Interest in this matter as she is an adjoining land owner and left the meeting at 4.43pm.

Summary: In March 2008, Council considered an application to amalgamate and subdivide land along Nymbup Road, Moonies Hill and recommended that the Western Australian Planning Commission (WAPC) refuse the application.

The WAPC refused the application on the 9th October 2008 and the applicant has lodged a request for reconsideration.

Background: The WAPC has referred the reconsideration request to Council for comment and requested a response by 25th November 2008.

Comment: The attached application shows the existing and proposed lots. A summary of the existing and proposed lot sizes are included below;

Existing Lot	Existing lot area	Proposed Lot	Proposed Lot area
2538	64.5ha	A	50ha
2605	66.39ha	B	50ha
2536	65.6ha	C	50ha
2414	90.7ha	D	233ha
2567	143.95ha	E	50ha

In support of the application, the applicant has advised as follows;

1. The Gordon River flows through the centre of the farm and is salt affected. The owners seek to create one title around the affected area to address the salt issue and plant a 40 metre wide tree belt.
2. By shortening the boundaries of lots A, B and C, it reduces the boundaries that currently pass through the salt affected area.
3. There are smaller lot sizes in the surrounding area.
4. If the owner wanted to sell 'lifestyle lots', they could do so under the current titles without a boundary re-alignment application.

It is recognised that the landowner can currently sell the existing seven lots as they are already on separate titles, however Lots 2414 and 2537 are more likely to be retained for agriculture due to their size and an easement access would need to be provided to Lot 2414 as it has no road frontage (making it less attractive for sale). The smaller the lot sizes the more attractive they are likely to be for manageable lifestyle properties.

The proposed subdivision substantially reduces all of the existing lot sizes to fifty hectares, with the exception of proposed Lot D.

Whilst there may be environmental merit for the river/salt affected area to remain in one title, there is nothing to prevent re-vegetation proceeding on multiple lots. The applicant has indicated that the application avoids the new lot boundaries passing through vegetation and dams. The existing boundaries are historic and this would only be an issue if the owner intends to sell any of the existing lots.

The table below includes the Council's March 2008 recommendation to WAPC with comments from Gray and Lewis Landuse Planners.

Reason for recommendation of refusal -	Comment
Reduction of areas introduce new smaller lots which can be sold as 'lifestyle lots' which will conflict with the objectives of the farming zone to protect continued viability of agricultural land and may conflict with rural activities of adjacent landowners.	The application reduces the lot sizes of 4 existing lots. Whilst the existing lots can be sold as they are on separate titles, they are likely less attractive as 'lifestyle lots' at their current size and configuration. There is particular concern over the substantial reduction of Lot 2567 and its capability for use as agriculture is considered to be lessened.
The applicant has not demonstrated that the realignment will result in improved farm management or that proposed boundaries will feasibly allow for continued agricultural use of the land. The application does not include any information of the proposed lot boundaries to the existing use of the land.	The application reduces 4 of the lot sizes to 50 hectares and the applicant has still not provided any substantial information explaining the existing agricultural uses and how they will be sustained on 50 hectare lots.
Council is prepared to reconsider the application if the applicant addresses the criteria listed under Clause 4.6 of the WAPC DC 3.4 and comprehensively demonstrates that the proposed lots can sustain continued agricultural uses as opposed to lifestyle lots with potential to introduce non rural activities.	The applicant has not addressed this issue.

The main issue is whether the fifty hectare lots can be used for continual agricultural activities and this has not been addressed by the applicant. Accordingly it is recommended that Council reaffirm its previous position to the WAPC and expand on its reasons for non support.

Consultation:	The WAPC referred the original application to the Department for Industry and Resources, Department for Water, Western Power and Water Corporation.
Statutory Environment:	Shire of Tambellup Town Planning Scheme No 2 – Clause 6.6.4 provides guidance for assessment of subdivision.
Policy Implications:	Nil
Financial Implications:	This issue has no financial implications for Council
Strategic Implications:	This issue is not dealt with in the Strategic Plan
Voting Requirements:	Simple Majority
Officer / Council Resolution:	081125

Moved Cr Bowman, seconded Cr Turner

“That Council advise the Western Australian Planning Commission that it;

- 1. Re-affirms its previous advice that it does not support the application (WAPC 136964) for locations 2538, 2605, 2536 and 2537 as follows;*
 - Reduction of areas introduce new smaller lots which can be sold as ‘lifestyle lots’ which will conflict with the objectives of the farming zone to protect continued viability of agricultural land and may conflict with rural activities of adjacent landowners.*
 - The applicant has not demonstrated that the realignment will result in improved farm management or that proposed boundaries will feasibly allow for continued agricultural use of the land. The application does not include any information on the proposed lot boundaries to the existing use of the land.*
 - Council is prepared to reconsider the application if the applicant addresses the criteria listed under Clause 4.6 of the WAPC DC 3.4 and comprehensively demonstrates that the proposed lots can sustain continued agricultural uses as opposed to lifestyle lots with potential to introduce non rural activities.*
- 2. Supports revegetation, however is not satisfied that the reconfigured four proposed fifty hectare lots reflect existing land uses or farming practices and no expert evidence has been provided demonstrating that the smaller lots can sustain continued agricultural activities. Whilst the owner can sell the existing seven separate lot titles, the new lots A, B, C and E are more likely to be attractive as ‘lifestyle lots’.”*

CARRIED 7/1

**Reason For Change to
Recommendation:**

Cr Schlueter returned to the meeting at 4.50pm.

081126

Moved Cr Bowman, seconded Cr Thompson

“That Council agrees to deal with late items 9.22, 9.23 and 9.24 for discussion.”

CARRIED 9/0

9.22 STRATEGIC WASTE MANAGEMENT PLAN

Program:	Community Amenities	
Attachment:	Strategic Waste Management Plan	
File Ref:	ADM0099	
Author:	Pascoe Durtanovich	Project Officer
Authorising Officer:	JM Trezona	Chief Executive Officer
Date:	18th November 2008	
Disclosure of Interest:	Nil	

Summary: The draft strategic waste management plan prepared for the Stirling Group of Local Governments has been advertised for public comment, in accordance with council's previous resolution of the matter.

This report recommends that Council adopt the draft plan.

Background: The draft strategic waste management plan has been developed in alignment with the Waste Authority of Western Australia Zero Waste Plan Development Scheme (ZWPDS).

The scheme involves three phases – Phase One consisted of an online survey to establish baseline characteristics for all local governments across the state. The survey has been successful in capturing municipal waste and recycling data across the state, as well as assisting local governments in identifying data gaps. Phase One results, including Department of Environment and Conservation recommendation therein, are incorporated in Phase Two of the ZWPDS, which involves the development of Strategic Waste Management Plans (SWMP). Phase Three is the implementation stage of approved SWMP's.

The Zero Waste Plan Development Scheme guidelines provide for SWMP's to be prepared for individual local governments or groups of local governments.

In November 2007, the Shires of Broomehill, Gnowangerup, Jerramungup, Kent and Tambellup, identified as the Stirling Group of Local Governments, agreed by a memorandum of understanding to work together to develop a SWMP for the region. Pascoe Durtanovich was appointed project officer for the group to review current waste management practices and develop a regional waste management plan.

The draft plan was considered by Council on the 13th October 2008 and was resolved as follows:

1. *"The Draft Strategic Waste Management Plan for the Stirling Group of Local Governments be received.*
2. *The draft plan be advertised in the BT Times for public comment closing midday 14th November 2008.*
3. *Submissions received be considered by Council at the November 2008 ordinary meeting of Council."*

Comment:	The draft SWMP outlines existing waste services provided by member councils, details of current waste generation including recycling data and recommended strategies to achieve improved outcomes for the region and the individual local governments in the management of waste. A key component of the plan is to the development of the current Shire of Katanning landfill site as a regional site, particularly to service the Shires of Broomehill-Tambellup, Gnowangerup and Kent. It is also recommended that the Shire of Jerramungup investigate the feasibility of developing a new landfill site to service that shire. The regional landfill approach would result in the closure of some landfill sites in the region and the conversion of others to transfer stations. Many of the initiatives in the SWMP require a regional approach. On an individual shire basis the main impact on the Shire of Broomehill-Tambellup is the provision of manned transfer stations in Broomehill and in Tambellup, with restricted opening times.
Consultation:	In developing the draft SWMP, the project officer has consulted with officers from each of the participating Councils and the Department of Environment and Conservation Regional co-ordinator. Council advertised the draft plan for public comment in the BT Times. At the close of the advertising period, there were no submissions.
Statutory Environment:	Relevant legislation is the Waste Avoidance and Resource Recovery (WARR) Act 2007 and WARR Regulations 2008. The Act does not make it compulsory for local governments to prepare SWMP's, however, given that Council has agreed to participate in the plan development scheme, compliance with the WARR Act and Regulations is expected.
Policy Implications:	Nil
Financial Implications:	The SWMP outlines estimated expenditure for the actions recommended. Annual operating costs for the transfer stations will be determined once opening times are set. The plan indicates an estimated total of \$133,000 to the Shire of Broomehill-Tambellup for the implementation of the actions recommended. It is likely that the Department of Environment and Conservation will provide some funding for Phase 3 (implementation), therefore the above amount will be reduced by any grants received.
Strategic Implications:	The actions recommended in the plan will improve waste management practices in the Shire of Broomehill-Tambellup in order to protect human health and the environment.
Voting Requirements:	Simple Majority

Officer / Council

Resolution: **081127**

Moved Cr Turner, seconded Cr Bowman

“That the Draft Strategic Waste Management Plan for the Stirling Group of Local Governments be adopted and once approved by the Department of Environment and Conservation be incorporated in the Shire of Broomehill-Tambellup Plan for the Future.”

CARRIED 9/0

**Reason For Change to
Recommendation:**

9.23 COUNCIL OWNED HOUSE – 20 HENRY STREET, TAMBELLUP

Program:	Housing				
Attachment:	Nil				
File Ref:	ADM0290				
Author:	JP Bentley	Manager	Administrative	&	Customer Services
Date:	20th November 2008				
Disclosure of Interest:	Nil				

Summary: To consider a budget variation regarding the renovation of 20 Henry Street, Tambellup.

Background: The former Shire of Tambellup has sought for some time to re-allocate the above property to staff housing and on the 18th November 2008, the Agri-Business Centre Manager vacated the property and moved into the Works Supervisors house as a temporary measure until the Henry Street house was renovated and the Howard Street house was prepared for his future tenancy.

The Henry Street house is in need of significant work prior to moving a staff member into the property and the work will require a variation to the budget for staff to continue works. The scope of the works is outlined as follows:

Renovate Kitchen

Replace Oven, Hotplates & Range hood	3000
Replace Benches & Cupboards	12000
Replace Blinds	250
Clean & Repaint Pantry	250
Additional cleaning	126
Painting, Light Fittings and other	2374
	18000

Renovate Bedrooms

Bedroom 1	2000
Bedroom 2	1500
Bedroom 3	1500
Bedroom 4	1000
	6000

Renovate Bathrooms

Ensuite	5000
Main Bathroom	3500
	8500

Other Renovations

Replace Carpets Throughout	7500
Renovate Dining Room	1000
Renovate Lounge Room	1500
Renovate Meals/Hallways/Laundry/Toilet	3000
	13000

TOTAL ESTIMATED RENOVATION COSTS	45500
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The kitchen is the most expensive part of the renovation and is required for the following reasons:

1. The oven does not work
2. The range hood is broken and not repairable
3. The benches and cupboards are badly fat stained and have been subject to rodent and cockroach infestation
4. Walls are badly stained and will require further professional cleaning prior to repainting
5. Light fittings require replacing
6. Blinds are badly stained and require replacement

The benches and cupboards are the most expensive part of the kitchen renovation and while the option is available to replace the existing work with flat packed DIY kits from Bunnings or IKEA at about 50% of the price allowed here, this will lead to a less professional finish and probably a product not as durable as the cabinet maker fabricated product.

The bedroom renovations include painting, including robes, new robe handles as several existing are broken and the cleaning of various fixtures and fittings.

The ensuite bathroom has a leak in the plumbing in the wall (shower recess), the Shower screen needs to be replaced due to damage and also requires retiling and further cleaning. The main bathroom has problems with tiles at the base of the shower recess and tiles will require removal and replacement. Sealing of the vanity is required as is further cleaning.

The carpets throughout the house have not been cleaned and are in a poor condition. While professional cleaning will bring the carpets to a clean condition, it probably won't remove the staining present and the perception of dirty carpets. The Lounge and Dining areas require the repair of small cracks and repainting. The Laundry and Toilet have a water leak between the walls of these two adjoining areas which will require further investigation and provision is made for minor repairs. Removal of the wood heater from the meals area is provided for as it is in a state of disrepair and is sited illegally.

Comment:

Council staff have commenced the renovations undertaking the basic requirements such as painting and repairs which are essential. Council has no provision in the 2008-2009 budget to undertake these works, however they are essential to achieve the goal of re-housing staff to the property.

The matter has been exacerbated by the disappointing condition that the property was left in by the previous tenant. Some of the problems have been directly associated with the condition of the house from the tenancy, however a significant amount of work has resulted from little or no building maintenance over a number of years.

Council currently has \$21,875 in the Housing Maintenance Reserve which could be used to partly fund this project. This would fall well short of the \$45,000 cost of renovations. The balance could be sourced from

the Housing Reserve which has a current balance of \$258,223.

Consultation: Chief Executive Officer
Russell Kemp

Statutory Environment: Local Government Act 1995

Policy Implications: Nil

Financial Implications: In approving the expenditure Council will need to recognise it as unbudgeted. It is proposed that the costs be met from the Housing Maintenance Reserve - \$20,000 with the balance coming from the Building Reserve if required. In utilising the Building Reserve Council will need to advertise the use of the funds as it is a change of purpose of the Reserve. The budget review in February may indicate sufficient savings can be made in the operating budget to cover the expense not met by the Housing Maintenance Reserve.

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

Voting Requirements: Absolute Majority

Officer / Council Resolution: 081128

Moved Cr Kempin, seconded Cr Bowman

“That Council;

- Agrees to undertake the required maintenance work at 20 Henry Street, Tambellup*
- That \$20,000 be utilised from the Housing Maintenance Reserve with the balance of funds to come from the Building Reserve if required; and*
- Council recognises the expenditure as unbudgeted.”*

CARRIED 9/0
By Absolute Majority

Reason For Change to Recommendation:

The Acting Supervisor, John Farmer left the meeting at 5.01pm.

9.24 STANDPIPE MANAGEMENT SYSTEM

Program:	Economic Services				
Attachment:	Nil				
File Ref:	ADM0291				
Author:	JP Bentley	Manager	Administrative	&	Customer
		Services			
Date:	20th November 2008				
Disclosure of Interest:	Nil				

Summary: Council to consider what charges are to be made for the proximity cards used in the standpipe management system soon to be installed.

Background: Water charges have increased significantly this year with further large increases yet to come which may increase the likelihood of water theft. In addition, some ratepayers refute water usage even when the entries are in their own handwriting. The 2008-2009 Annual Budget provides for the implementation of a standpipe management at all four public standpipes throughout the shire. These are located at India Street and Greenhills Road in Broomehill and at Crawford Street and Tambellup West Road in Tambellup. A flyer will be sent to all residents of the shire and advice will also be placed in the BT Times advising of the changes to the system.

The installation of the systems is currently scheduled for early December and subsequent to the installation of the system, ratepayers will require a proximity card to obtain water from each standpipe. The system works on a card which actuates a diaphragm switch to allow water to flow and a recording program which measures the quantity of water issued.

The proximity (or billing) card comes at a cost of \$15.00 plus GST (\$16.50) and we have ordered an initial stock of 200 cards. Council has the opportunity to either recover the cost of the cards or instigate a deposit for the use of the cards. Deposits provide several challenges in that record keeping can be challenging, ownership changes will also provide problems where there is no advice to Council by the owner as to who has retained the card and often, unless the deposit is a significant one, there are problems with people losing or mistreating the equipment.

It is proposed that a charge of \$22.00 be levied for each card on a property by property basis. Records will be kept on a property basis and there will be no need to keep monies received in trust for return should the card be returned. \$22.00 covers the cost of the card plus administration of the card system.

Comment: The one off charge is the simplest method of cost recovery for the cards.

Consultation: Chief Executive Officer
Waterman Irrigation
Shire of Katanning

Statutory**Environment:**

Local Government Act 1995

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

6.17. Setting the level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
- (a) the cost to the local government of providing the service or goods;
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
- (a) under section 5.96;
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
- (a) prohibit the imposition of a fee or charge in prescribed circumstances; or

- (b) limit the amount of a fee or charge in prescribed circumstances.

6.18. Effect of other written laws

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —
 - (a) determine an amount that is inconsistent with the amount determined under the other written law; or
 - (b) charge a fee or charge in addition to the amount determined by or under the other written law.
- (2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Policy Implications: Nil

Financial Implications: Total budgeted for project of \$17,760

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

Voting Requirements: Absolute Majority

Officer / Council Resolution: 081129

Moved Cr Kempin, seconded Cr Bowman

“That Council instigate a fee of \$22.00 each for Standpipe billing cards and advertise the change in accordance with Section 6.19 of the Local Government Act 1995.”

CARRIED 9/0
By Absolute Majority

Reason For Change to Recommendation:

10. MATTERS FOR INFORMATION**10.1 PLANT REPORT FOR OCTOBER 2008**

Program: Transport
Attachment: Nil
File Ref: ADM0255
Author: EJ Farmer **Acting Works Supervisor**
Date:
Disclosure of Interest: Nil

Reg No.	Description	Kms/Hrs	Year of Manufacture	Year of Purchase	Changeover	Comments
BH000	Ford Fairmont		2007	2007		OK
BH00	Ford Ranger Dual Cab	882	2008	2008	2 yrs / 40,000km	OK
BH001	ISUZU 6 Wheel Tipper	20106	2007	2007	7 yrs / 151,000km	Cracked Front Window
BH002	ISUZU 6 Wheel Tipper	new	2008	2008	7 yrs / 151,000km	OK
BH003	Mitsubishi Canter Crew Cab	81505	2004	2004	5 yrs / 100,000km	OK
BH004	JD 670B Grader	8545	1996	1996	10 yrs / 10,000 hrs	Repairs to turn circle
BH005	Bomag Multi-Tyred Roller	3265	2002	2002	10 yrs	OK
BH006	Volvo 710	2884	2004	2004	10 yrs / 10,000 hrs	OK
BH007	John Deere Ride on Mower		2003	2003	5 yrs / 5,000 hrs	OK
BH008	VOLVO L70D Loader		2001	2001	7 yrs / 7000 hrs	Left indicator to be replaced. Air conditioner not working.
BH009	Holden Rodeo	30005	2004	2004	5 yrs / 100,000kms	OK
BH010	6x4 Fuel Trailer		1981	1981		OK
BH012	Isuzu Fire Truck		1995	2004	14 yrs	OK
BH013	John Deere 315SG Backhoe		2003	2003	10 yrs / 10,000 hrs	OK
BH813	Multi Tyre Roller		1960	1980		OK

0TA	Ford XR6		2008	2008	15,000km	OK
TA052	Toyota Hilux 4x4	23089	2007	2007	2yrs	OK
TA001	Ford Ranger Dual Cab	1402	2008	2008	40,000km	OK
1TA	Toyota Hilux	6227	2008	2008	40,000km	OK
TA1880	Isuzu Gigamax Truck	New	2008	2008	5 yrs	OK
TA092	Isuzu Gigamax Truck	22617	2007	2007	5 yrs	OK
TA1855	Mitsubishi Rubbish Truck			2000	4 yrs	OK
TA386	Mitsubishi Fuso Truck	21747	2007	2007	4 yrs	OK
TA18	12H Grader	1956	2006	2006	8 yrs	OK
TA1835	12H Grader	2654	2002	2003	8 yrs	OK
TA281	930G Loader	838	2007	2007	8 yrs	Two cracked windows
TA392	Tractor Mower	4932			4 yrs	OK
TA1221	John Deere Tractor	7769		1987	15 yrs	OK
TA2180	Evertrans Trailer		2000	2000	8 yrs	OK
TA017	JCB 3CX-E Backhoe	653		2004	10 yrs	Cracked Window
TA219	Multipac Multi-tyred Roller	7156		2004	10 yrs	Key switch needs replacing
TA1196	Large Roller				Retain	OK
TA2015	Vibrating Roller			1977		OK
	Slasher					OK
XTR579	Road Broom				Retain	OK
	Mobile Fuel Tanker				Retain	OK
1AZJ510	Bomag Vibrating Roller	9309		2001		OK
TA005	John Deere Tractor	1002	2008	2008		OK

RECEIVED

10.2 WORKS & MAINTENANCE REPORT FOR OCTOBER 2008

Program:	Transport	
Attachment:	Nil	
File Ref:	Nil	
Author:	EJ Farmer	Acting Works Supervisor
Date:		
Disclosure of Interest:	Nil	

Works Report**Construction Works:**

Pootenup Road – Gravel carting

Tieline Road, Broomehill/Kojonup Road, Gnowangerup/Tambellup Road – Bitumen patching ready for reseal.

Maintenance Grading:

The following roads have been graded:

Sorrento Road, North West Road, Chillicup Road, Brassey Road, Bignell Road, McGuire Road, Greenhills South Road, South Pallinup Road.

Maintenance Report

Bitumen patching has been carried out on Broomehill/Kojonup Road and Tie Line Road

Pipes have been installed on Pootenup Road and Gnowangerup/Tambellup Road

Redesign and relocate drum muster shed

Set up for Tambellup Show

Signs have been erected on the following roads:

Tie Line Road, Curnow Road, Thompson Road, White Road, Johnston Road, Wansbrough West Road, Watergarrup Road, Pallinup Road.

Fit new flat valve to Tambellup Water Tank

Mosquito fogging in Tambellup

Trees have been cut off the following roads:

South Pallinup Road, Beejenup Road, White Road, Martenup Road, Jam Creek Road, Thorn Road, Stirling Access Road, Witham Road, Hassell Road, Aylmore Road, Bessen Road.

Four graves have been dug – one in Broomehill and three in Tambellup

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Parks and Gardens Report

Activities have included mowing, slashing and whipper snipping around Broomehill and Tambellup.

Set up spray unit for weed spraying in both towns.

Prune and spray roses for aphids. Weed and spray town garden beds.

General cleaning up of streets and pick up of prunings and branches in both Broomehill and Tambellup.

General maintenance of reticulation at administration buildings, Broomehill truck stop and skate park, and both ovals. Sprayed Tambellup oval for black beetle larvae.

Minor building maintenance at administration building, Tambellup pavilion and Diprose Park.

Check No. 2 dam pipeline to Tambellup oval for leaks.

10.3 BUILDING SURVEYORS REPORT FOR OCTOBER 2008

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

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

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

Comment:

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

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

Voting Requirements: Simple Majority

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

Reason For Change to Recommendation:

10.4 LIBRARY REPORT SEPTEMBER – OCTOBER 2008

Program: Recreation and Culture
Attachment: Library Report September – October 2008
File Ref: ADM0097
Author: JM Trezona Chief Executive Officer
Date: 5th November 2008
Disclosure of Interest: Nil

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

Background: This report outlines the activities of both the Broomehill and Tambellup libraries for the months of September and October 2008.

Comment: For Council information.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

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

Voting Requirements: Simple Majority

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

Reason For Change to Recommendation:

Library Report September/October 2008

New Members

Tambellup

Sept - 4

Oct - 7

Broomehill

Sept - 3

Oct - 6

The Sunday Times Big Book Club Selection

The long term strategy of The Big Book Club is to become the leading independent association promoting and facilitating reading and literacy for all Australians.

The official launch and first Author tour was held on Wednesday 17 October 2007.

Each month The Sunday Times Book Club selects a Title and Author and then organises at the end of the month Author tours

September 2008- Star Wars The Force Unleashed/Sean Williams

October 2008- The Six Sacred Stones/Matthew Reilly

The Sunday Times Little Book Club

Each month The Sunday Times Little Book Club, in association with Better Beginnings, will select three books to assist parents and caregivers in choosing age appropriate quality books to read aloud to their children. These titles are listed on PerthNow.

Postage

Tambellup

September

October \$108.55

Broomehill

Statistics

Tambellup

Issues

90	Books	A
9	Audio	A
19	DVD	A
1	CD Rom	A
20	LP	A
14	Inter Library Loans (ILLS)	
32	Books	J
13	DVD	J
15	Video	J
2	CD Rom	J
10	Renewals	A & J

Broomehill Issues

51	Books	A
3	Audio	A
1	DVD	A
1	Video	A
12	LP	A
1	Inter Library Loan (ILLS)	
9	Books	J
0	DVD	J
0	Video	J
0	CD Rom	J
12	Renewals	A & J

Inter Library Loans Issued To Other Libraries

Tambellup

4

Broomehill

3

0 Regional Bulk Loan (exchanged every 3 Months)

Tambellup always receives extra Large Print (LP) books each month from Libraries in the surrounding districts as the amount of LP books sent in the exchange each month does not meet the need of our regular readers. Colleen usually travels to Albany or Katanning to find books. Gnowangerup and Tambellup work in together as Gnowangerup need Audio books and these are delivered via members of Lodge when they hold meetings. Books are swapped between the Broomehill and Tambellup Libraries.

10.5	BUILDING MAINTENANCE PROGRAM – OCTOBER 2008			
Program:	Various			
Attachment:	Building Maintenance Program for October 2008			
File Ref:				
Author:	JP Bentley	Manager	Administrative	& Customer Services
Date:	13th November 2008			
Disclosure of Interest:	Nil			

Summary: Update of the Building Maintenance Program for 2008-2009.

Background:

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

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: Provision has been made in the 2008-2009 budget to meet the building maintenance program costs.

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

Voting Requirements: Simple Majority

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

Reason For Change to Recommendation:

10.6	AMALGAMATION PROJECT REPORT	
Program:	Governance	
Attachment:	Project Report	
File Ref:	ADM0112	
Author:	Ron Back	Consultant – Amalgamation of the Shires of Broomehill and Tambellup
Date:	13th November 2008	
Disclosure of Interest:	Nil	

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

Background:

Comment:

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

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

Voting Requirements: Simple Majority

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

Reason For Change to Recommendation:

10.7 CONTRACT ENVIRONMENTAL HEALTH OFFICERS REPORT – NOVEMBER 2008

Program:	Health
Attachment:	Report for November 2008
File Ref:	ADM0270
Author:	Allan Mortimer Environmental Health Officer
Date:	18th November 2008
Disclosure of Interest:	Nil

Summary: Report of the Environmental Health Officer's actions for November 2008.

Background:

Comment: It is recommended that Council read this report for their information.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

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

Voting Requirements: Simple Majority

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

Reason For Change to Recommendation:

ENVIRONMENTAL HEALTH OFFICER'S REPORT FOR NOVEMBER 2008.

Mr Allan Mortimer, the Environmental Health Officer visited the Shire of Broomehill-Tambellup on Monday 3rd and Thursday 6th November 2008.

The following duties were undertaken:

Broomehill – 3rd November 2008

- Tried unsuccessfully to make contact with Val Batchelor regarding the requirements for establishing a Bed and Breakfast business in Broomehill.
- Visited the two properties in Keith Street with defective septic systems. No work undertaken as yet to rectify the various defects.

Tambellup – 3rd November 2008

- Spoke with Adelle regarding the properties in Keith Street and asked her to locate the septic applications for the two properties. This was to enable me to see what had been approved and also who had made the application, if indeed an application had been submitted.
- Tambellup Refuse Disposal Site – some fly breeding evident; also windblown rubbish at various locations. This will need attention.

Broomehill – 6th November 2008

The following inspections were carried out:

- Henry Jones Winery and Café – generally in compliance with the Food Hygiene Legislation except for two very minor issues.
- Broomehill Roadhouse – generally in compliance with the relevant legislation although two areas were found to need attention. These involved an area of floor / wall junction in the shop area which require sealing to prevent ingress of insects and an area of flaking ceiling paint in the kitchen caused by a leaking roof.
- Broomehill Refuse Disposal Site – generally satisfactory although windblown rubbish was noticed in adjacent bushland beyond the perimeter fence.
- Adelle was unable to locate any septic applications for the two properties on Keith Street. Further investigation will be required before legal proceedings can be initiated.

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

Nil

12. DATE OF NEXT MEETING

Thursday 18th December 2008

13. CLOSURE

Jan Grimoldby, the former Commissioner for the Shire of Broomehill-Tambellup advised that it had been a privilege to be the Commissioner of the new Shire and congratulated all Councillors on being elected and wished Council all the best for the future.

There being no further business, Cr Webster thanked councillors and staff for their attendance and declared the meeting closed at 5.54pm.