

# SHIRE OF BROOMEHILL - TAMBELLUP

## Minutes of the Ordinary Meeting of Council of the Shire of Broomehill-Tambellup held in the Tambellup Council Chambers 21<sup>st</sup> May 2009 commencing at 4.00pm

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

<b><u>Present:</u></b>	Cr BG Webster	President
	Cr KW Crosby	Deputy President
	Cr MJ Bowman	
	Cr GM Sheridan	
	Cr M Sadler	
	Cr SJF Thompson	
	Cr EK Schlueter	
	Cr DCN Kempin	
	JM Trezona	Chief Executive Officer
	VN Webster	Executive Officer
	GC Brigg	Manager of Works
	R Back	Consultant – Amalgamation of the Shires of Broomehill and Tambellup

**Apologies:** Nil

**Leave of Absence:**  
Nil

### 2. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors and staff and declared the meeting open at 4.00pm.

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

Nil

### 4. PUBLIC QUESTION TIME

Mr Peter Guazzelli from Boot Rock Bobtrak and Farmworks entered the meeting at 4.00pm. The President advised that the matter regarding the provision of private works was listed to be discussed by Council later in the meeting and he invited Mr Guazzelli to stay for the rest of the meeting if he so desired.

### 5. APPLICATION FOR LEAVE OF ABSENCE

Nil

### 6. DECLARATION OF INTEREST

Cr Schlueter declared an interest in Items 10.12 and 10.18

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

Nil

**8. CONFIRMATION OF PREVIOUS MEETING MINUTES**

8.1 Minutes of Ordinary meeting of Council held Thursday 16<sup>th</sup> April 2009

**090501**

*Moved Cr Bowman, seconded Cr Kempin*

*“That the minutes of the Ordinary Meeting of Council held on Thursday 16<sup>th</sup> April 2009 be adopted as a true and accurate record of proceedings.”*

**CARRIED 9/0**

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

Nil

**10. MATTERS FOR DECISION**

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**10.1 FINANCIAL STATEMENTS FOR APRIL 2009**

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**Program:** Other Property and Services  
**Attachment:** Monthly Financial Statements for April 2009  
**File Ref:**  
**Author:** KP O’Neill Finance Officer  
**Date:** 11<sup>th</sup> May 2009  
**Disclosure of Interest:** Nil

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**Summary:** Attached are the monthly financial statements for April 2009.

**Background:**

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

**Consultation:** Nil

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

**Policy Implications:** Nil

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

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

**Voting Requirements:** Simple Majority

**Council Resolution:** 090502

*Moved Cr Kempin, seconded Cr Sadler*

*“That the Financial Report for the period ending 30<sup>th</sup> April 2009 be adopted.”*

**CARRIED 9/0**

**Reason For Change to Recommendation:**

**10.2 CREDITORS ACCOUNTS PAID – APRIL 2009**


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<b>Program:</b>	<b>Other Property and Services</b>	
<b>Attachment:</b>	<b>List of Payments for April 2009</b>	
<b>File Ref:</b>	<b>Nil</b>	
<b>Author:</b>	<b>KP O’Neill</b>	<b>Finance Officer</b>
<b>Date:</b>		
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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

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

**Comment:** SUMMARY

Municipal Fund	\$286,377.03
Trust Fund	\$1,035.90
Credit Card Payments	\$275.82
<b>TOTAL</b>	<b>\$287,688.75</b>

**Consultation:** Nil

**Statutory Environment:** Local Government Act 1995 - Financial Management Regulation 13.

**Policy Implications:** Nil

**Financial Implications:** List of payments made during the previous month

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

**Voting Requirements:** Simple Majority

**Council Resolution:** 090503

*Moved Cr Sheridan, seconded Cr Turner*

*“That the list of Creditors accounts paid during April 2009, being:-*

- Municipal Fund cheques numbered 458 to 498 inclusive and EFT payments numbered EFT374 to EFT417 inclusive and totalling \$286,377.03;*
- Trust Fund cheques numbered 64 to 70 inclusive and totalling \$1,035.90; and*
- Credit Card expenses totalling \$275.82, be adopted.”*

**CARRIED 9/0**

**Reason For Change to  
Recommendation:**

**10.3 LOCAL GOVERNMENT CONVENTION – WALGA AGM**


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<b>Program:</b>	<b>Governance</b>	
<b>Attachment:</b>	<b>Nil</b>	
<b>File Ref:</b>	<b>ADM0159</b>	
<b>Author:</b>	<b>JM Trezona</b>	<b>Chief Executive Officer</b>
<b>Date:</b>	<b>8<sup>th</sup> May 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Summary:** The Annual General Meeting of the Western Australian Local Government Association (WALGA) will be held on Saturday 8<sup>th</sup> August 2009.

**Background:** The Local Government Convention will be held at the Perth Convention Exhibition Centre from 6<sup>th</sup> to 8<sup>th</sup> August 2009. The convention incorporates the following events:

- Annual General Meeting WALGA
- Conference Plenary Sessions
- Special Focus Groups
- Round table forum.

On Saturday 8<sup>th</sup> August, the annual general meeting will be held commencing at 1.00pm.

*Submission of Motions*

Member Local Governments are invited to submit motions for inclusion on the agenda for consideration at the 2009 Annual General Meeting of the WALGA. Motions should be submitted in writing to the Chief Executive Officer of WALGA.

The closing date for submission of motions is **Friday 12<sup>th</sup> June 2009**. It should be noted that any motions proposing alterations or amendments to the Constitution of WALGA must be submitted by Friday 15<sup>th</sup> May 2009 in order to satisfy the sixty day notice requirements.

The following guidelines should be followed by members in the formulation of motions:

- Motions should focus on policy matters rather than issues which could be dealt with by the WALGA State Council with minimal delay;
- Due regard should be given to the relevance of the motion to the total membership and to Local Government in general. Some motions are of a localised or regional interest and might be better handled through other forums;
- Due regard should be given to the timeliness of the motion – will it still be relevant come the Local Government Convention or would the matter be better handled immediately by the Association;
- The likely political impact of the motion should be carefully considered;
- Due regard should be given to the educational value to Members – ie. does awareness need to be raised on the particular matter;

- The potential media interest of the subject matter should be considered;
- Annual General Meeting motions submitted by Member Local Governments must be accompanied by fully researched and documented supporting comment.

Emergency Motions

No motion shall be acceptable for debate at the Annual General Meeting after the closing date unless the Association President determines that it is of an urgent nature, sufficient to warrant immediate debate and the member Councils resolve accordingly at the meeting. Conference Standing Orders set out the details.

<b>Comment:</b>	For Council discussion.
<b>Consultation:</b>	Nil
<b>Statutory Environment:</b>	Nil
<b>Policy Implications:</b>	Nil
<b>Financial Implications:</b>	Provision will be made in the 2009-2010 budget for members to attend the conference.
<b>Strategic Implications:</b>	This issue is not dealt with in the Plan
<b>Voting Requirements:</b>	Simple Majority
<b>Officer Resolution:</b>	<i>“That Councillors put forward items that they wish to have included in the agenda for the Annual General Meeting of the Western Australian Local Government Association to be held on Saturday 8<sup>th</sup> August 2009.”</i>
<b>Council Resolution:</b>	<i>Council discussed this matter and had no items to be included in the agenda for the Annual General Meeting of the Western Australian Local Government Association to be held on Saturday 8<sup>th</sup> August 2009.</i>
<b>Reason For Change to Recommendation:</b>	

## 10.4 VOTING DELEGATES FOR WALGA ANNUAL GENERAL MEETING

<b>Program:</b>	<b>Governance</b>
<b>Attachment:</b>	<b>Nil</b>
<b>File Ref:</b>	<b>ADM0159</b>
<b>Author:</b>	<b>JM Trezona                      Chief Executive Officer</b>
<b>Date:</b>	<b>8<sup>th</sup> May 2009</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

**Summary:** Registration of delegates for the Western Australian Local Government Association's (WALGA) Annual General Meeting is required.

**Background:** The 2009 AGM of WALGA will be held as part of the Local Government Convention on Saturday 8<sup>th</sup> August.

All member Councils are entitled to be represented by two voting delegates at the AGM. Voting delegates may be either elected members or serving officers. Councils seeking to exercise their voting entitlements must ensure that their voting delegates are appropriately registered. Registrations must be returned to WALGA by Monday 20<sup>th</sup> July 2009.

**Comment:** Council will need to nominate its delegates to the Annual General Meeting.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

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

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

**Voting Requirements:** Simple Majority

**Officer Resolution:** *"That Councils registered delegates to the 2009 Annual General Meeting of the Western Australian Local Government Association be .....*

**Council Resolution:** **090504**

*Moved Cr Turner, seconded Cr Crosby*

*"That Councils registered delegates to the 2009 Annual General Meeting of the Western Australian Local Government Association be Cr Bowman and Cr Kempin."*

**CARRIED 9/0**

**Reason For Change to Recommendation:**



**10.5 PERMISSION TO KEEP DOGS**

<b>Program:</b>	<b>Law Order and Public Safety</b>	
<b>Attachment:</b>	<b>Nil</b>	
<b>File Ref:</b>	<b>ADM0194</b>	
<b>Author:</b>	<b>JM Trezona</b>	<b>Chief Executive Officer</b>
<b>Date:</b>	<b>8<sup>th</sup> May 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

**Summary:** Permission is sought to keep three dogs at Location 145 Rourke Street, Tambellup.

**Background:** Ms Adelle Andrews has written seeking permission from Council to keep three dogs at the above property.

Ms Andrews has acquired a sterilised female pure bred Pomeranian dog. The dog is elderly and lives inside. Ms Andrews currently owns two 'Rottweiler cross' dogs which are kennelled and exercised daily.

**Comment:** For Council discussion and recommendation.

**Consultation:** Nil

**Statutory****Environment:*****Dog Act 1976******Shire of Broomehill-Tambellup Dog Local Law 2008******3.1 Dogs to be confined***

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

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

- 1) *This clause does not apply to premises which have been:*
  - a) *Licensed under Part 4 as an approved kennel establishment;*
  - or*
  - b) *Granted an exemption under section 26(3) of the Act.*
- 2) *The limit on the number of dogs which may be kept on any*

*premises is, for the purpose of section 26(4) of the Act –*

- a) Two dogs over the age of three months and the young of those dogs under that age if the premises are situated within a townsite; or*
- b) Four dogs over the age of three months and the young of those dogs under that age if the premises are situated outside a townsite.*

**Policy Implications:** Nil

**Financial Implications:** Council will receive an additional registration fee for the dog.

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

**Voting Requirements:** Simple Majority

**Council Resolution:** 090505

*Moved Cr Kempin, seconded Cr Schlueter*

*“That Council grants approval to Ms Adelle Andrews to:*

- Keep three dogs at the property at Location 145 Rourke Street, Tambellup;*
- The approval only applies to the existing three dogs and cannot be transferred; and*
- Council reserves the right to withdraw the approval should the dogs create a nuisance or be detrimental to the amenity of the area.”*

**CARRIED 9/0**

**Reason For Change to Recommendation:**

**10.6 WASTE SERVICES LOCAL LAW 2009**


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<b>Program:</b>	<b>Governance</b>
<b>Attachment:</b>	<b>Waste Services Local Law 2009</b>
<b>File Ref:</b>	<b>ADM0080</b>
<b>Author:</b>	<b>JM Trezona                      Chief Executive Officer</b>
<b>Date:</b>	<b>8<sup>th</sup> May 2009</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

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**Summary:** The purpose of this report is to allow Council to consider any submissions made and to make the Shire of Broomehill-Tambellup Waste Services Local Law 2009.

**Background:** The coming into being of the *Waste and Resource Recovery Act 2007* saw the transfer for the responsibility of waste from the Health Act 1911 to this Act. Responsibility also moved from the Health Department to the Department of Environment and Conservation.

The Waste Services Local Law 2009 comprises those parts of the Model Health Local Law that relate to waste.

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

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

The Department of Environment and Conservation responded on 17<sup>th</sup> February 2009 requesting some amendments to the Local Law. As this was all new for the Department, discussions had been ongoing for some time and further discussions were held over their request until an agreement was reached that suited both the Department and the Shire.

A copy was also provided to the Department of Local Government and Regional Development. 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 Waste Services Local Law gives the local government the legislative power to impose a fee for the collection of waste and for a fee to deposit waste at its waste facilities should it wish to do so.

The Waste Local Law requires the consent of the Director General of the Department of Environment and Conservation before it can be gazetted and come into force. This consent is given by the Health Department after Council has made the local law, however, in an endeavour to speed up the process the Director General has consented to the local law as attached.

Should Council wish to amend the local law as presented, the consent process will need to recommence.

**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:** 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 14 days after publication in the Government Gazette.

**Policy Implications:** Nil

**Financial Implications:** The local law needs to be advertised in a newspaper circulating throughout the district and published in the Government Gazette.

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

**Voting Requirements:** Absolute Majority

**Council Resolution:** 090506

*Moved Cr Bowman, seconded Cr Sheridan*

*“That Council resolves to make the Shire of Broomehill-Tambellup Waste Services Local Law 2009 in the form presented.”*

*CARRIED 9/0  
By Absolute Majority*

**Reason For Change to  
Recommendation:**

## 10.7 SHIRE OF BROOMEHILL-TAMBELLUP CUSTOMER SERVICE CHARTER

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<b>Program:</b>	<b>Governance</b>
<b>Attachment:</b>	<b>Customer Service Charter</b>
<b>File Ref:</b>	<b>ADM0300</b>
<b>Author:</b>	<b>JM Trezona                      Chief Executive Officer</b>
<b>Date:</b>	<b>4<sup>th</sup> May 2009</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

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**Summary:** Councils consideration of the Shire of Broomehill-Tambellup Customer Service Charter.

**Background:** Attached is a draft copy of the proposed Customer Service Charter for the Shire of Broomehill-Tambellup. It outlines Councils commitment to the community for quality of service and meeting the changing needs of all residents, ratepayers, business proprietors, community, sporting and recreation clubs and associations.

**Comment:** For Council discussion and recommendation.

**Consultation:** Chief Executive Officer  
Staff members

**Statutory Environment:** Nil

**Policy Implications:** Nil

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

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

**Voting Requirements:** Simple Majority

**Council Resolution:** *090507*

*Moved Cr Turner, seconded Cr Sadler*

*“That Council adopts the Shire of Broomehill-Tambellup Customer Service Charter as presented.”*

**CARRIED 9/0**

**Reason For Change to Recommendation:**

**10.8 REQUEST FOR SPONSORSHIP**


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<b>Program:</b>	<b>Governance</b>	
<b>Attachment:</b>	<b>Nil</b>	
<b>File Ref:</b>	<b>ADM0061</b>	
<b>Author:</b>	<b>JM Trezona</b>	<b>Chief Executive Officer</b>
<b>Date:</b>	<b>8<sup>th</sup> May 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Summary:** Council to consider a request for sponsorship to compete in the GKR Karate World Championships in Melbourne.

**Background:** Council has received a letter requesting consideration of a sponsorship for fourteen year old Beau-Jacob Payne to attend the GKR Karate World Championships in Melbourne on 15<sup>th</sup> and 16<sup>th</sup> August 2009. He has achieved a Qualifying invitation to compete.

Because Beau-Jacob is only fourteen years old, he requires parental supervision. Beau-Jacob's mother is a single parent and would find it extremely difficult to fund the trip for both of them. The approximate cost of the trip is \$2,600. This amount includes air fares, accommodation, meals, event fees, uniforms and other sundry items.

The Payne family resides within the Broomehill-Tambellup Shire.

Ms Payne has tried other avenues of funding, but does not qualify due to Beau-Jacob being a single competitor, does not live within a specified region, or as in the case of the Australian Institute of Sport, karate is not classified as a sport.

**Comment:** For Council comment and discussion.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** The donation can be sourced from Members Donations which currently has a balance of \$1,750.

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

**Voting Requirements:** Simple Majority

**Officer Resolution:** *“That Council donates \$ ..... to assist Beau-Jacob Payne to compete in the GKR Karate World Championships in Melbourne on 15<sup>th</sup> – 16<sup>th</sup> August 2009.”*

**Council Resolution:**      *090508*

*Moved Cr Turner, seconded Cr Thompson*

*“That Council donates \$300 to assist Beau-Jacob Payne to compete in the GKR Karate World Championships in Melbourne on 15<sup>th</sup> – 16<sup>th</sup> August 2009.”*

*CARRIED 9/0*

**Reason For Change to  
Recommendation:**



## 10.9 RELATIONSHIPS AUSTRALIA – REQUEST FOR FINANCIAL ASSISTANCE

<b>Program:</b>	<b>Governance</b>	
<b>Attachment:</b>	<b>Nil</b>	
<b>File Ref:</b>	<b>ADM0061</b>	
<b>Author:</b>	<b>JM Trezona</b>	<b>Chief Executive Officer</b>
<b>Date:</b>	<b>5<sup>th</sup> May 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

**Summary:** A request in writing has been received seeking financial support for a community event to be held in Tambellup.

**Background:** Relationships Australia is hosting an event for the Aboriginal community of Tambellup on 8<sup>th</sup> May 2009. The event is being held as part of the KidCare Program, which is an early intervention and prevention program addressing Family Violence in Aboriginal communities.

The focus of the event will be a performance by Mary G (Mark Bin Bakar) which will address social issues such as healthy relationships, family violence and men and family relationships.

The event organisers are seeking a donation of \$200 to cover the cost of the hire of the Tambellup Hall for the evening.

**Comment:** For Council discussion and decision. This event supports the aims of the Community Safety and Crime Prevention plan for Tambellup which was developed early in 2008. There is no cost for those attending.

**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 Lunch – Hall

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

**Financial**

**Implications:** Hall hire is currently \$154. This cost was to be paid prior to the event.

**Strategic**

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

**Voting Requirements:** Simple Majority

**Council Resolution:** *090509*

*Moved Cr Turner, seconded Cr Kempin*

*“That a donation equivalent to the cost of the Hall Hire be made to Relationships Australia in support of the event on 8<sup>th</sup> May 2009.”*

*CARRIED 9/0*

**Reason For Change to  
Recommendation:**

**10.10 WALGA ANNUAL SUBSCRIPTIONS 2009-2010**


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<b>Program:</b>	<b>Governance</b>	
<b>Attachment:</b>	<b>Nil</b>	
<b>File Ref:</b>	<b>ADM0041</b>	
<b>Author:</b>	<b>JM Trezona</b>	<b>Chief Executive Officer</b>
<b>Date:</b>	<b>8<sup>th</sup> May 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Summary:** Western Australian Local Government Association (WALGA) subscriptions are due for 2009-2010 financial year on 1<sup>st</sup> July 2009.

**Background:** Council subscribed in the 2008-2009 for a number of services, which included;

- Annual Membership Subscription
- Tax Service
- Information and Communication Technology – Webhosting and Online Services
- The Complete Guide to the Local Government Act –Update Service
- Local Laws
- Roman Pavement System Licence Fees

Council no longer requires the membership to the Information and Communication Technology – Webhosting and Online Services as the new website was constructed using a local provider.

Council also receives as part of their membership, the following complimentary manuals;

- One printed copy of update pages for the Local Government Act
- Two printed copies and one CD-Rom of the Western Australian Local Government Directory
- The weekly newsletter, Local Government News and the monthly magazine, Western Councillor.

For Council to avail themselves of these services, they must be a member of WALGA.

**Comment:** The following membership subscriptions for the coming year have been forecast by WALGA using the Wage Price Index for WA at 4.25% increase:

- Annual Membership Subscription - \$5513
- Tax Service- \$990
- Workplace Solutions Services - \$1885
- The Complete Guide to the Local Government Act – Update Service - \$464
- Local Laws - \$454
- Roman Pavement Management System Licence Fees - \$751

The annual subscription to WALGA for 2009-2010 is approximately \$11,400 (inc GST).

WALGA are also offering the following additional services that Council, at this time, do not subscribe to:

*Procurement Consultancy Services –*

Provides procurement related products and services including;

- free copy of the new Purchasing and Tender Guide and complimentary access to all updates
- free telephone advisory service to assist with the procurement enquiries and compliance with tender regulations
- free newsletters on contemporary procurement issues in the Local Government sector
- access to WALGA’s comprehensive library of procurement resources, including specifications
- inclusion of the purchasing network and access to all related resources.

The approximate cost for this service is \$1600 (inc GST)

*Emergency Management Service –*

Provides advice, resources and a specialised consulting service to support Local Governments with complying with the Emergency Management Act 2005.

The approximate cost for this service is \$1100 (inc GST)

The total approximate cost to Council for all the above services is \$14,100.

For Council discussion and decision.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** For inclusion in the 2009-2010 budget.

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

**Voting Requirements:** Simple Majority

**Officer Resolution:** *“That Council makes provision in the 2009-2010 budget for the following subscriptions to the Western Australian Local Government Association Services:*

.....  
.....  
.....”

**Council Resolution: 090510**

*Moved Cr Kempin, seconded Cr Bowman*

*“That Council makes provision in the 2009-2010 budget for the following subscriptions to the Western Australian Local Government Association Services:*

- Annual Membership Subscription*
- Tax Service*
- Workplace Solutions Services*
- The Complete Guide to the Local Government Act – Update Service*
- Local Laws*
- Roman Pavement Management System Licence Fees.”*

*CARRIED 9/0*

**Reason For Change to Recommendation:**

<b>10.11</b>	<b>SALE BY TENDER – 48 INDIA STREET, BROOMEHILL</b>	
<b>Program:</b>	<b>Housing</b>	
<b>Attachment:</b>	<b>Nil</b>	
<b>File Ref:</b>	<b>ADM0012</b>	
<b>Author:</b>	<b>JP Bentley</b>	<b>Manage of Administrative &amp; Customer Services</b>
<b>Date:</b>	<b>11<sup>th</sup> May 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

<b>Summary:</b>	Council to consider tenders received for the sale of 48 India Street, Broomehill.
<b>Background:</b>	Council called for tenders for the sale of 48 India Street Broomehill as per the 2008-2009 budget. The tender was advertised in the West Australian on Saturday 28 <sup>th</sup> March 2009 and in the Great Southern Herald on 1 <sup>st</sup> April 2009. Tenders closed on Friday 24 <sup>th</sup> April 2009 and at that time, one tender had been received. The tender was submitted by WA Land Development Pty Ltd of 8 Benporath Street, Burswood and was for the sum of \$42,000, which was well below the sworn valuation of the property.
<b>Comment:</b>	Council having now tendered the property without a reasonable offer may wish to investigate the property for sale by private treaty.
<b>Consultation:</b>	Chief Executive Officer
<b>Statutory Environment:</b>	<p><b>Section 3.58 of the Local Government Act (1995) states:</b></p> <p><b>3.58 Disposing of property</b></p> <p>1) In this section –</p> <p><i>dispose</i> includes to sell, lease or otherwise dispose of, whether absolutely or not</p> <p><i>property</i> includes the whole or any part of the interest of a local government in property, but does not include money.</p> <p>2) Except as stated in this section, a local government can only dispose of property to –</p> <p>a) the highest bidder at public auction; or</p> <p>b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest bidder.</p> <p>3) A local government can dispose of property other than subsection (2) if, before agreeing to dispose of the property –</p> <p>a) it gives local public notice of the proposed disposition by;</p> <p>i. describing the property concerned;</p> <p>ii. giving details of the proposed disposition; and</p> <p>iii. inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than two weeks after the notice is first given; and</p> <p>b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the</p>

council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

- 4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include –
  - a) the names of all other parties concerned;
  - b) the consideration to be received by the local government for the disposition; and
  - c) the market value of the disposition as ascertained by a valuation carried out not more than six months before the proposed disposition.
  
- 5) This section does not apply to –
  - a) a disposition of land under section 29 or 29B of the *Public Works Act 1902*;
  - b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
  - c) anything that the local government provides to a particular person, for a fee otherwise, in the performance of a function that it has under any written law; or
  - d) any other disposition that is excluded by regulations from the application of this section.

**Policy Implications:** The Housing and Land Strategy provides for the sale of this property prior to the commencement of other housing developments which will be undertaken by the Council in future years. It has no effect on the construction of the executive house construction currently in the expression of interest stage.

**Financial Implications:** Council has budgeted for the sale of this property during the current financial year, however the funds from the sale are budgeted to increase reserves and will have no direct operational effect for this financial year.

The house may still sell within the current financial year which will mean there is little or no financial impact upon Council's budget.

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

**Voting Requirements:** Simple Majority

**Council Resolution:** *090511*

*Moved Cr Sadler, seconded Cr Kempin*

*“That Council, having considered the tender received for the sale of 48 India Street, Broomehill accepts no tender; and Council staff investigate the sale of 48 India Street, Broomehill, by private treaty.”*

**CARRIED 9/0**

**Reason For Change to**

**Recommendation:**



**10.12****DISTRICT NEWSLETTER – BT TIMES**

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<b>Program:</b>	<b>Economic Services</b>
<b>Attachment:</b>	<b>Telecentre Cost Estimates</b>
<b>File Ref:</b>	<b>ADM0111</b>
<b>Author:</b>	<b>JM Trezona</b> <b>Chief Executive Officer</b>
<b>Date:</b>	<b>12<sup>th</sup> May 2009</b>
<b>Disclosure of Interest:</b>	<b>Cr EK Schlueter declared a Financial Interest in this matter as she is an employee of the Tambellup Telecentre and left the room at 4.32pm.</b>

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**Summary:** The Tambellup Telecentre has put forward a proposal to produce a district newsletter.

**Background:** With the amalgamation of the Shires of Broomehill and Tambellup one of the tasks identified in the feasibility study was the merging of the two newsletters. At the time the Tambellup Telecentre was asked to put forward a proposal to produce a new newsletter on behalf of Council. The Telecentre declined.

Council then took on the responsibility of doing the newsletter and the BT Times was created with the first edition being printed in October 2008. A part time person has been employed to produce the newsletter which is sent out on the first of each month. There is no newsletter in January. The BT Times is printed in-house.

Other relevant information about the BT Times:

- Advertising for local businesses is free for up to a ¼ of a page – anything larger and fees are applied
- Advertising rates for businesses outside the district apply
- The BT Times is free to all residents and is mailed out in bulk
- The BT Times is posted to people outside the district who have subscribed and paid the annual subscription (which covers mailing costs only)
- The BT Times is also available by email and on Councils website
- Currently 460 copies are produced each month with between 20 and 26 pages.

### **Telecentre Proposal**

The Telecentre proposal is as follows:

- Suggested name to be the “Tambellup Topics and Broomehill News”
- Cost of production is to be total cost recovery at an agreed amount, considering provided budget, increased and reviewed per annum with CPI
- Staff employed by the Tambellup Telecentre to undertake production and editing of the combined newsletter

A copy of the Telecentre estimated budget is included for Councils information.

**Comment:** The BT Times is a Council production that is a conduit to update the community on local news, issues and events. In identifying the merging of the two newsletters in the feasibility study, the intent was that a combined newsletter would be a positive representation of the combining to the two communities as a result of the merging of the two Councils. A new look and a new name would enhance this.

In discussing the proposal that has been submitted by the Tambellup Telecentre, Council may wish to consider the following:

- Is there scope to change the name as suggested?
- The total cost to Council in producing the BT Times at present is \$895 per edition which includes employee costs and distribution costs. This is 49% below the estimated cost as submitted by the Telecentre to produce 300 copies per month
- There is no distribution costs in the Telecentre estimate
- Council has engaged employees specifically to produce the BT Times

If Council is to enter into some form of agreement with the Telecentre it is not advisable to relinquish the editorial role of its own newsletter. The Telecentre would be acting as a paid contractor and as such Council needs to retain control of its asset.

On the supplied cost estimate, it is not economically viable at this time for Council to consider out sourcing the production of the BT Times to the Telecentre. Council may wish to negotiate with the Telecentre for just the production and distribution of the BT Times.

For Council discussion and consideration.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** A provision of \$7,800 has been made in Councils budget for the production of the BT Times for the current financial year. This allows for the production and distribution of eight editions.

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

**Voting Requirements:** Simple Majority

**Officer Resolution:** *“That Council advises the Tambellup Telecentre that it does not accept the current proposal that it has put forward to produce a newsletter for the district, however Council is prepared to meet with representatives from the Tambellup Telecentre Committee to discuss the matter further.”*

**Council Resolution:**      **090512**

*Moved Cr Turner, seconded Cr Bowman*

*“That Council advises the Tambellup Telecentre that it does not accept the current proposal that it has put forward to produce a newsletter for the Shire, however Council is prepared to meet with representatives from the Tambellup Telecentre Committee to discuss the matter further.”*

**CARRIED 7/1**

**Reason For Change to  
Recommendation:**

Cr Schlueter returned to the meeting at 4.55pm.

**10.13 PRIVATE WORKS – SMALL BUSINESS CONCERN**

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**Program:** Other Property and Services  
**Attachment:** Copy of letter from Boot Rock Bobtrak and Farmworks  
**File Ref:** ADM0222  
**Author:** JM Trezona Chief Executive Officer  
**Date:** 12<sup>th</sup> May 2009  
**Disclosure of Interest:** Nil

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**Summary:** A concern has been raised regarding Council provision of private works.

**Background:** Council has received a letter from the proprietor of Boot Rock Bobtrak and Farmworks raising concerns about Council provision of private works and how that impacts on his business.

**Comment:** A copy of the letter is included for Council consideration.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** Council has a list of fees and charges that are reviewed annually as part of the budget process. The adoption of the budget sets the fees and charges in place for the financial year. Any change to an existing fee or the introduction of a new fee requires Council to advertise its intention.

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

**Voting Requirements:** Simple Majority

**Officer Resolution:** *“That Council advises the proprietor of Boot Rock Bobtrak and Farmworks that:  
.....”*

**Council Resolution:** 090513

*Moved Cr Kempin, seconded Cr Bowman*

*“That Council advises the proprietor of Boot Rock Bobtrak and Farmworks that at this time it will continue to respond to requests for private works and provide the service to members of the community. Further, Council continues to assist small business owners where possible and encourages them to utilise the free advertising services available through the local Council newsletter the BT Times.”*

**CARRIED 8/1**

**Reason For Change to Recommendation:**

**10.14****WANDOO ROAD**


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<b>Program:</b>	<b>Transport</b>	
<b>Attachment:</b>	<b>Copy of Map</b>	
<b>File Ref:</b>	<b>ADM0269 / RD94</b>	
<b>Author:</b>	<b>JM Trezona</b>	<b>Chief Executive Officer</b>
<b>Date:</b>	<b>12<sup>th</sup> May 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Summary:** Council to determine to permanently close a portion of Wandoo Road.

**Background:** Wandoo Road which runs off Punchmirup Road North, is a gravel road that services some small rural landholdings. The constructed road does not service all the landholders in the area and some residents are required to gain access to their property along the rail reserve.

A land survey has been undertaken and the required clearing permit has been obtained to construct the next section of the road to the point marked on the attached map.

The map also shows that there is sufficient land to relocate the road to inside the southern boundary of Location 1959 which will overcome the issue of existing outbuildings and a dam that are constructed illegally on the gazetted road reserve.

In keeping with the requirements of the Land Administration Act 1997, Council has advertised its intent to have the road closed permanently. The advertising period closed on 6<sup>th</sup> May 2009.

**Comment:** Council has received two submissions relating to the proposed closure.

Water Corporation – advise that they have no objection to the proposed closure.

PJ and JM Cameron – object to the closure of the portion of road reserve as they have stated it would ‘negate road frontage to our property ...’ and will not provide access to two proposed lots planned in a future subdivision of their property.

The property as it is at present will have more road frontage with the construction of the new road than it currently has. To date Council has received no advice that the proposed subdivision has commenced. In the present time it appears unlikely that the proposed subdivision for this lot would receive approval.

Copies of the submissions are included with the agenda papers for Council information.

The proposal to close the portion of the road reserve and relocate the road to the southern side of Location 1959 allows for a better designed road with the removal of two right angle bends.

For Council discussion and consideration.

**Consultation:** The proposal was advertised in the Great Southern Herald and letters were written to all landholders adjoining Wandoo Road, Telstra, Western Power, Water Corporation and the Department of Agriculture and Food.

**Statutory Environment:** Nil

**Policy Implications:** Nil

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

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

**Voting Requirements:** Simple Majority

**Council Resolution:** *090514*

*Moved Cr Bowman, seconded Cr Sheridan*

*“That the Council having complied with the advertising requirements of the Land Administration Act 1997 section 58(3), requests to the Minister for Lands to permanently close portion of the road reserve north of Location 1959, marked on the attached map and recommends to the Minister that the land be sold to the owner of Location 1959.”*

*CARRIED 9/0*

**Council Resolution:** *090515*

*Moved Cr Bowman, seconded Cr Sheridan*

*“That Council enters into an agreement with the owners of Location 1959 to resume the southern portion of Location 1959 for the purpose of extending Wandoo Road, Broomehill West.”*

*CARRIED 9/0*

**Reason For Change to Recommendation:**

## 10.15 PROPOSED CBH RECEIVAL POINT – LOTS 530 OLD NARDLAH ROAD AND REILLY STREET, BROOMEHILL

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<b>Program:</b>	<b>Planning</b>
<b>Attachment:</b>	<b>Location Plan, Site Plan and Elevation</b>
<b>File Ref:</b>	<b>ADM0284</b>
<b>Author:</b>	<b>Gray and Lewis                      Land Use Planners</b>
<b>Date:</b>	<b>13<sup>th</sup> May 2009</b>
<b>Disclosure of Interest:</b>	<b>Gray &amp; Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of <i>Local Government Act 1995</i></b> <b>Cr SJF Thompson declared a Proximity Interest in this matter as he is an adjoining land owner and left the meeting at 5.27pm.</b>

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**Summary:** An application has been lodged for a CBH receipt point on Lot 530 Old Nardlah Road, Broomehill.

This report recommends that the application be advertised.

**Background:** CBH has advised that above average yields are expected due to the increased area of land utilised for growing crops rather than livestock. There is an existing temporary storage area approved until 23<sup>rd</sup> September 2009, however a long term solution is required.

**Comment:** **Zoning**  
The subject lot is zoned ‘Farming’ under the Shire of Broomehill Town Planning Scheme No 1. Land to the west is zoned ‘Rural Residential’ and consists of separate lots with potential for development of dwellings.

### **Description of Application**

A copy of the applicant’s covering letter is included as an attachment.

The application is for two open bulkheads, ramp, drive over grid and pit and a conveyor.

### **Landuse Classification and Landuse Permissibility**

In determining the application, Council has to consider which landuse definition / classification most appropriately applied to the proposed development.

There are two options in dealing with the landuse classification as follows:

#### ➤ Option 1

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

A ‘Rural Industry’ is permitted in the ‘Farming’ zone.

#### ➤ Option 2

Council may decide that the use cannot reasonably be determined as falling under any existing land use definition and process the development as a ‘use not listed.’

Council has two options when dealing with a ‘Use Not Listed’ under the Scheme in accordance with Clause 3.2.5 as follows:

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

It is considered reasonable to apply the ‘rural industry’ landuse definition as the proposed use does involve handling of primary products grown in the locality. Accordingly Option 1 is recommended.

### **Buffers and Dust Management**

1. *Landuse compatibility and EPA ‘Guidance for the assessment of environmental factors – separation distances between Industrial and Sensitive Landuses’*

Under EPA guidelines a 500 metre generic buffer is recommended to any grain elevator. The Guidelines do not define ‘elevators’, however they are normally elevated and CBH has advised that none are proposed as part of this application.

Notwithstanding the above, a ground based belt conveyor belt is proposed and Council may still consider it appropriate to apply a buffer due to potential for noise and dust associated with the use. The proposed grain elevator is an open structure so there is potential for wind borne dust.

Gray & Lewis does not have a plan showing the distance of the proposed CBH facility to surrounding lots however it is estimated that there is separation of approximately 165 metres between the conveyor and the nearest Rural Residential property boundary to the west.

A 500 metre buffer to the conveyor may not be warranted due to the following factors:

1. The ‘Rural Residential’ is physically separated from Lot 530 by the railway and Great Southern Highway.
2. Conditions can be imposed on CBH for lodgement of a dust management plan (to be approved separately in writing by Council). The dust management plan can require enclosure of the conveyor belt should dust issues arise.
3. Another tool for dust management may be installation of a tree belt to combat any wind conditions.
4. Unlike elevators, the conveyor belt is ground based and is located between two bulkheads will provide some protection from the wind.

### **Access – Nardlah Road**

The applicant has requested that the portion of Nardlah Road south of Darcy Street be re-opened to allow for access between the existing CBH operation to the north and the proposed development on Lot 530.

Gray & Lewis is of the understanding that this portion of Old Nardlah



Road is still a gazetted road, but is not open to traffic.

CBH therefore only needs the Shire approval to use the existing road reserve, however the road will need to be constructed to a suitable standard.

**Council is to consider the standard of road construction required.**

It is recommended that Council takes this opportunity to write to CBH and seek a commitment to construct the portion of Old Nardlah Road and advice that to adequately cater for the heavy traffic, the road should be sealed from the existing site to Lot 530.

**Consultation:** Due to the issue of landuse buffers and nature of the development, it is recommended that the application be advertised to provide adjacent and nearby landowners with an opportunity to comment.

**Statutory**

**Environment:** Shire of Broomehill Town Planning Scheme No 1

**Policy Implications:** Nil

**Financial**

**Implications:** Planning fees apply to the application

**Strategic**

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

**Voting Requirements:** Simple Majority

**Officer Resolution:** 090516

*Moved Cr Turner, seconded Cr Sadler*

*“That Council:*

- 1. Determine that the proposed development is a ‘Rural Industry’ and advertise the application for a fourteen day public comment including;*
  - i. A notice in an official local newspaper and*
  - ii. Individual letters to adjacent and nearby landowners located within 500 metres.*
- 2. Advise the applicant that;*
  - i. Council has to have due diligence when considering the issue of landuse compatibility and buffers, therefore has resolved to advertise the application for public comment.*
  - ii. In considering access to the portion of Old Nardlah Road south of Darcy Street, Council seeks written advice that CBH would be prepared to construct the road at its own cost between its existing facility and Lot 530. It is considered that the road would have to be bitumen sealed as a minimum standard appropriate for heavy vehicles and to prevent dust issues associated with gravel roads.*

**CARRIED 8/0**

**Reason For Change to Recommendation:**

The meeting adjourned at 5.37pm and reconvened at 5.40pm.

Cr Thompson returned to the meeting at 5.40pm.

Mr Guazzelli retired from the meeting at 5.40pm.

Mr Glen Brigg left the meeting at 5.40pm and returned at 5.42pm.

**10.16 BUILDING MAINTENANCE SCHEDULE FOR 2009-2010**


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<b>Program:</b>	<b>Housing</b>	
<b>Attachment:</b>	<b>Draft Building Maintenance Schedule</b>	
<b>File Ref:</b>	<b>Various</b>	
<b>Author:</b>	<b>JP Bentley</b>	<b>Manager of Administrative and Customer Services</b>
<b>Date:</b>	<b>13<sup>th</sup> May 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Summary:** To endorse the building maintenance schedule as the basis for the 2009-2010 building maintenance budget.

**Background:** The Building Committee and the Manager of Administrative and Customer Services conducted the annual building and housing inspections and identified works that are required on public buildings and housing for the coming year. Attached is a schedule of works which have been scheduled and costed.

**Comment:** While the attached schedule is a guideline for works to be completed it is not the final makeup for budget consideration, but rather a starting point for the 2009-2010 budget.

The list is submitted for endorsement as the basis of the building maintenance budget for the 2009-2010 financial year.

**Consultation:** Building Committee  
Material Suppliers

**Statutory Environment:** Nil

**Policy Implications:** Council has a Housing Strategy which does have an impact upon the maintenance schedule.

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

**Strategic Implications:** The attached schedule will form the basis of the 2009-2010 Building Maintenance Budget.

**Voting Requirements:** Simple Majority

**Council Resolution:** *090517*

*Moved Cr Bowman, seconded Cr Sheridan*

*“That Council endorse the attached Building Maintenance Schedule as the basis for the 2009-2010 Building Maintenance Budget which is to be considered in the annual budget deliberations.”*

**CARRIED 9/0**

**Reason For Change to  
Recommendation:**

**10.17 CHANGE OVER OF SMALL TRUCK**

<b>Program:</b>	<b>Transport</b>	
<b>Attachment:</b>	<b>Nil</b>	
<b>File Ref:</b>	<b>ADM0046</b>	
<b>Author:</b>	<b>JM Trezona</b>	<b>Chief Executive Officer</b>
<b>Date:</b>	<b>15<sup>th</sup> May 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

**Summary:** Council to consider the changeover of its Isuzu 4.5 tonne tip truck that is currently used by the Parks and Garden crew.

**Background:** Quotations have been called for the replacement of the gardener's truck. The existing truck is a 4.5 tonne vehicle with a small hiab fitted to the back. Having a small truck for the gardening crew allows them to carry out a range of daily tasks without interrupting the construction and maintenance crews.

The call for quotes was based on the same configuration as the current maintenance truck used for bitumen patching, signage and general repairs within the Shire.

**Comment:** Following is a table detailing the quotes that have been received.

TRUCK TYPE	TONNE	CONFIGURATION	PRICE	TRADE	CHANGEOVER	CHANGEOVER LESS GST
<b>Skipper Trucks</b>						
Fuso	4.5	Same as current truck	85,019	17,000	68,019	61,835
<b>Albany City Motors</b>						
Isuzu	4.5	Factory Tipper	54,130	17,000	37,130	33,754
Isuzu long	4.5	Same as current truck	73,314	17,000	63,646	57,859
Isuzu	5.0	Factory Tipper	82,347	17,000	65,347	59,406

The quote includes a 5.0 tonne Isuzu with a factory tipper for a changeover of \$59,406 which is \$5,406 over Councils budget price. The quote includes an underbody tool box and 1500kg hiab. Council may wish to consider purchasing a slightly bigger vehicle taking the following into consideration:

- The small truck used for road maintenance can be passed to the gardeners
- The 2009-2010 plant replacement allows for the purchase of a skid steer
- A 5.0 tonne truck will have the carrying capacity to shift a skid steer around the district
- The value of our bitumen roads stands at just over \$5.3m with the majority of a considerable age. Better practices and appropriate equipment (ie. skid steer) for the repair of these aging seals is required to preserve the asset.

The purchase of a larger truck allows Council the option to develop an all round bitumen repair truck that will have the capacity to carry the extra weight if a skid steer is purchased. The quote for the 5.0 tonne truck also includes a larger hiab of 1500 kg which will give greater flexibility eg. able to remove disused sign posts.

For Council discussion and decision.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** Council has made provision in the current budget of \$55,000 for the changeover of the truck.

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

**Voting Requirements:** Simple Majority

**Council Resolution:** 090518

*Moved Cr Kempin, seconded Cr Crosby*

*“That Council replaces its existing 4.5 tonne Isuzu truck with a truck with a 5.0 tonne capacity.”*

**CARRIED 9/0**

**Council Resolution:** 090519

*Moved Cr Kempin, seconded Cr Crosby*

*“That Council accepts the quote from Albany City Motors for a changeover of \$59,406 gst exclusive for the purchase of a 5.0 tonne Isuzu truck with factory tipper. Council recognises the purchase as over budget.”*

**CARRIED 9/0**

**Reason For Change to Recommendation:**

**10.18****RECONSIDERATION REQUEST FOR CONDITION 3 OF SUBDIVISION APPROVAL – LOTS 1304, 1305, 1473, 2415 AND 1916 GORDON ROAD, MOONIES HILL – WAPC 138867**


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<b>Program:</b>	<b>Planning</b>
<b>Attachment:</b>	<b>Copy of Subdivision Plan and Applicant submission</b>
<b>File Ref:</b>	<b>S138867</b>
<b>Author:</b>	<b>Gray and Lewis                      Land Use Planners</b>
<b>Date:</b>	<b>15<sup>th</sup> May 2009</b>
<b>Disclosure of Interest:</b>	<b>Gray &amp; Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of <i>Local Government Act 1995</i> Cr EK Schlueter declared a Proximity Interest in this matter as she is an adjoining land owner and left the meeting at 5.48pm.</b>

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**Summary:**

An application was lodged with the Western Australian Planning Commission (WAPC) to amalgamate and re-subdivide Lots 1304, 1305, 1473, 2415 and 1916 Gordon River Road, Moonies Hill.

Council recommended that the WAPC refuse the application because it sought to realign the existing boundaries of five lots and create some smaller lots and resulted in an additional lot being created.

The WAPC approved the application subject to a condition (3) that prohibits construction of a dwelling on proposed Lot D through a restrictive covenant.

The applicant has requested reconsideration of Condition (3) and the WAPC has requested the Council's comments.

This report recommends that the Council reiterate its position that the WAPC should have refused the application and that the Council would support retention of Condition (3) to mitigate the impact of creating an additional lot.

**Background:**

The lots are zoned 'Farming' under the Shire of Tambellup Town Planning Scheme No 2.

**Comment:**

The attached plan 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
1305	64.556 ha	A	141.43 ha
1304	102.83	B	136.223
1473	110.27		Part of A and B
2415	678.72 ha	C, D & F	C – 320.37 ha D – 158.051 ha F - 109.99 ha
1916	39.16 ha	E	129.47 ha

The increase in lot yield is not supported and does not comply with

WAPC Policy. The applicant has not provided any professional reports by a farming management expert demonstrating that the lot boundaries align with good farming practices.

Whilst the subdivision is still not supported, it is recognised that the WAPC has already approved the application. The issue for Council to consider is whether it supports retention or deletion of Condition 3 which would essentially prevent Lot D being developed with a single house.

There are two main opposing arguments as follows:

1. There is a basic premise that every single lot should be able to be developed with a single house. Given that the WAPC has approved the subdivision, it may seem unreasonable to then allow a creation of a lot that cannot be built on.
2. Council did not support the subdivision however Condition 3 at least would ensure that the existing status is maintained as far as possible. There are five existing lots and the condition ensures that only five of the six lots created could be developed with a single house.

Gray and Lewis would normally support the position that a lot with road frontage that has been approved should be able to be developed with a house, as otherwise it has no real purpose and penalises any future owner. It may as well as remained part of one of the adjacent land parcels.

Notwithstanding the above, in this case it is considered that the Commission should not have approved the creation of any additional lots and therefore retention of Condition 3 is supported as it at least mitigates the impact of the WAPC decision.

**Consultation:** The WAPC has referred the application to the Shire for comment.

**Statutory**

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

**Policy Implications:** Nil

**Financial**

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

**Strategic**

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

**Voting Requirements:** Simple Majority



**Council Resolution: 090520**

*Moved Cr Turner, seconded Cr Sheridan*

*“That Council advise the Western Australian Planning Commission that:*

- 1. The subdivision is not supported and Council reiterates its previous position that the application should have not been supported by the WAPC particularly as it results in an increased lot yield.*
- 2. Having regard that the WAPC has approved the application Council would support retention of Condition 3 as it least assists to mitigate the impact of the Commission decision and is closer to the intent to maintain the status quo as only five dwellings can be constructed as a result of the application.*
- 3. It is undesirable for the WAPC to approve subdivision applications and lots when it also does not support construction of a dwelling on each of the lots. It would have been preferable to simply refuse the application as the creation of a lot creates an expectation that the lot can be developed with a single house. Whilst a restrictive covenant is proposed a purchaser may buy Lot D without checking the certificate of title and restrictions.”*

*CARRIED 6/2  
Against Cr Kempin*

**Reason For Change to  
Recommendation:**

Cr Schlueter returned to the meeting at 5.53pm.

**10.19****TENDER SUMMARY – LOT 263 LEVEN STREET, BROOMEHILL – PROVISION OF WATER RETICULATION AND UNDERGROUND POWER DISTRIBUTION**


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<b>Program:</b>	<b>Other Property and Services</b>	
<b>Attachment:</b>	<b>Tender Summary</b>	
<b>File Ref:</b>	<b>S136250</b>	
<b>Author:</b>	<b>David Wills</b>	<b>David Wills and Associates - consultants</b>
<b>Date:</b>	<b>15<sup>th</sup> May 2009</b>	
<b>Disclosure of Interest:</b>	<b>David Wills and Associates receive consulting fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of Local Government Act 1995</b>	

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**Summary:** Council to discuss the tender summaries received for the subdivision of Lot 263 Leven Street, Broomehill for the provision of water reticulation and underground power distribution.

**Background:** Tenders were called on 15<sup>th</sup> April 2009 for this project, closing at 2.00pm on Wednesday 8<sup>th</sup> May 2009. Tenders were received from:

- Complete Underground Power Installations (CUPI)
- Civil site works Pty Ltd
- Vasse Civil and Drainage
- Leeway Group Pty Ltd
- Downer EDI Works Pty Ltd

A complying tender was received from all Tenderers before the closing time.

**Tender Prices****Full Schedule of Prices included**

Tender prices in order (including GST)

Complete Underground Power Installations	\$145,785.02	
Civil Site Works Pty Ltd	\$155,192.97	+6.45%
Vasse Civil and Drainage	\$178,587.64	+22.50%
Leeway Group Pty Ltd	\$207,328.55	+42.22%
Downer EDI Works Pty Ltd	\$269,612.04	+84.94%

Each tenderer met the minimum requirements to undertake the works and submitted conforming tenders.

Only CUPI have offered a discount off their price. The discount is 1% off materials and 2.5% off all labour for works and / or Variables. The discount will be provided if the account is paid within fourteen days of the invoice date.

**Provisional Sums**

The tender Schedule of Prices included Provisional Sums for several items. The breakdown of the tendered sums are shown in Appendix A.

The Provisional amounts quoted by the Tenderers range from \$15,439.32 to \$34,427.55 with CUPI being reasonable at \$17,105.

A contingency sum of \$10,000 plus GST was also included in each Tender.

The rates for labour and machine hire for additional work, if requested, are shown below.

	<b>CUPI</b>	<b>CIVIL SITE WORKS</b>	<b>VASSE CIVIL &amp; DRAINAGE</b>	<b>LEEWAY GROUP</b>	<b>DOWNER EDI WORKS</b>
<i>Item / Labour</i>	<i>Rate per hour</i>	<i>Rate per hour</i>	<i>Rate per hour</i>	<i>Rate per hour</i>	<i>Rate per hour</i>
Project Manager				\$85.00	
Supervisor	\$57.00	\$85.00	\$70.00		\$155.00
Foreman					\$95.00
Plumber		\$65.00	\$55.00	\$85.00	
Electrician	\$50.00 - \$62.50	\$95.00		\$85.00	
Labourer / Plant Operator	\$45.00	\$55.00	\$40.00 - \$55.00	\$85.00	\$45.00
Survey Team					\$255.00
Accommodation / Meals	Not stated			\$120 / day	

	<b>CUPI</b>	<b>CIVIL SITE WORKS</b>	<b>VASSE CIVIL &amp; DRAINAGE</b>	<b>LEEWAY GROUP</b>	<b>DOWNER EDI WORKS</b>
<i>Item Construction Plant Hire</i>	<i>Rate per hour</i>	<i>Rate per hour</i>	<i>Rate per hour</i>	<i>Rate per hour</i>	<i>Rate per hour</i>
1.5T Excavator				\$85.00	
3.5T Excavator				\$92.00	
4.0T Excavator			\$100.00		
7.0T Excavator				\$110.00	
7.5T Excavator	\$120.00				
8.0T Excavator				\$110.00	
12.0T Excavator		\$125.00			
20.0T Excavator	\$135.00				\$155.00
Bobcat		\$75.00	\$100.00		\$85.00
Small Loader		\$110.00	\$120.00		
3.0T Truck		\$75.00			
6 Wheel Tipper					\$95.00
Crane Truck				\$150.00	
Prime Mover & Float				\$200.00	
Backhoe				\$100.00	
Skid Steer	\$10.00			\$80.00	
Water cart / Dinosaur					\$90.00
Roller					\$75.00
Cat 140 Grader					\$140.00
Cat FEL 996					\$140.00

The rates from CUPI are very competitive.

With all parts of the schedule included, the complying Tender from Complete Underground Power Installations was the lowest with the Tender from Civil Site Works Pty Ltd being second lowest by 6.45% followed by Vasse Civil and Drainage at 22.50% higher. If provisional quantities are excluded CUPI is still

the cheapest.

**Comment:** For Council consideration and decision.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** The cost of the completed project.

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

**Voting Requirements:** Simple Majority

**Council Resolution:** 090521

*Moved Cr Kempin, seconded Cr Turner*

*“That Council accepts the tender from Complete Underground Power Installations for the provision of Water Reticulation and Underground Power Installation at Lot 263 Leven Street, Broomehill for the tendered price of \$145,785.02 .”*

**CARRIED 9/0**

**Reason For Change to Recommendation:**

**12.1 PLANT REPORT FOR APRIL 2009**

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

Reg No.	Description	Kms/Hrs	Year of Manufacture	Year of Purchase	Changeover	Comments
BH000	Nissan Murano		2009	2009		OK
BH00	Ford Ranger Dual Cab	2400	2008	2008	2 yrs / 40,000km	OK
BH001	ISUZU 6 Wheel Tipper	28984	2007	2007	7 yrs / 151,000km	Repair Tailgate
BH002	ISUZU 6 Wheel Tipper	9892	2008	2008	7 yrs / 151,000km	Repair number plate bracket
BH003	Mitsubishi Canter Crew Cab		2004	2004	5 yrs / 100,000km	Windscreen replaced
BH004	JD 670B Grader	9951	1996	1996	10 yrs / 10,000 hrs	OK
BH005	Bomag Multi-Tyred Roller	3744	2002	2002	10 yrs	Requires wipers and master switch
BH006	Volvo 710		2004	2004	10 yrs / 10,000 hrs	Broken manifold bolts, repair lights, service due
BH007	John Deere Ride on Mower	31	2003	2003	5 yrs / 5,000 hrs	OK
BH008	VOLVO L70D Loader	4775	2001	2001	7 yrs / 7000 hrs	Windscreen cracked
BH009	Holden Rodeo	3694	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	1761	2003	2003	10 yrs / 10,000 hrs	OK
BH813	Multi Tyre Roller		1960	1980		OK

0TA	Holden Statesman		2009	2009		OK
TA052	Toyota Hilux 4x4	34427	2007	2007	2yrs	New clutch and battery. Requires tyres
TA001	Ford Ranger Dual Cab	15000	2008	2008	40,000km	OK
ITA	Nissan Navara		2008	2008	40,000km	OK
TA1880	Isuzu Gigamax Truck	9996	2008	2008	5 yrs	OK
TA092	Isuzu Gigamax Truck	31985	2007	2007	5 yrs	OK
TA1855	Mitsubishi 4.5 Ton Truck	110371		2000	4 yrs	Requires tyres
TA386	Mitsubishi Fuso Truck	41648	2007	2007	4 yrs	Requires wheel alignment
TA18	12H Grader	2396	2006	2006	8 yrs	Replace park brake switch. Two tyres required
TA1835	12H Grader		2002	2003	8 yrs	OK
TA281	930G Loader	1380	2007	2007	8 yrs	OK
TA392	Tractor Mower				4 yrs	Replace drive deck gear box
TA1221	John Deere Tractor	7769		1987	15 yrs	OK
TA2180	Evertrans Trailer		2000	2000	8 yrs	OK
TA017	JCB 3CX-E Backhoe	826		2004	10 yrs	Brake service, Water and Hydraulic leaks
TA219	Multipac Multi-tyred Roller	7156		2004	10 yrs	Air conditioner needs service
TA1196	Large Roller					OK
TA2015	Vibrating Roller			1977	7 yrs/8000 hrs	OK
	Slasher				10 yrs	OK
XTR579	Road Broom				10 yrs	New brooms
	Mobile Fuel Tanker				10 yrs	New brakes and lights
IAZJ510	Bomag Vibrating Roller			2001	7 yrs / 8000 hrs	Oil leaks
TA005	John Deere Tractor		2008	2008		OK

**RECEIVED**

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**12.2 WORKS AND MAINTENANCE REPORT FOR APRIL 2009**

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<b>Program:</b>	<b>Transport</b>	
<b>Attachment:</b>	<b>Nil</b>	
<b>File Ref:</b>	<b>Nil</b>	
<b>Author:</b>	<b>G Brigg</b>	<b>Works Manager</b>
<b>Date:</b>	<b>13<sup>th</sup> May 2009</b>	
<b>Disclosure of Interest:</b>	<b>Nil</b>	

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**Broomehill**

- Concreting took place around the public toilets. This replaces pavers which are always hard to keep level.
- Still waiting for Onesteel to remove steel from dump.
- A new trench will need to be installed at the rubbish tip within the next week. The last trench lasted less than four months. At the current rate of excavating three trenches per year, the cost will be approximately \$9,000 per year without routine maintenance.
- Plants are ordered for the information bay. These will be planted in the next week.
- Drainage work is ongoing around the office and will be completed this week. There has been some difficulty extending the agricultural drainage to the storm water.
- Water is becoming low for the recreational complex. Hopefully rain will help relieve this problem.
- Community workers have been cleaning up around the cemetery. Next trip they will whipper snipping around town.

**Tambellup**

- The oval has responded well to recent works carried out. There have been some dry patches due to pop up sprinklers failing. The sprinklers are around ten years old and the gardeners have been replacing them when they fail.
- There is approximately four weeks of water left for the complex.
- Community workers have raked and cleaned up around the cemetery. Their next task will be painting kerbing around town streets.
- Onesteel have not removed the steel within the rubbish tip and hopefully will do so over the next few weeks.
- We have experienced problems with ‘Work for the Dole’ workers. They have not been turning up for work on many occasions. Community First are working on the problems.
- Bitumen road leading into the train station has been resealed under general maintenance. The crew will complete the car parks during next weeks sealing.
- Crews have been patching bitumen around town streets.

**Roads**

- Sealing on the Pootenup Road is finished. This seal went well with changes to the sealing procedures. Previously the poor quality cover aggregate being used has caused stripping of the first section. The changes made to this seal was precoating the stone – increased the amount of diesel sprayed onto the stone. The increase of diesel has settled a lot of the dust and fines within the aggregate.
- The dust and fines come when the rock is crushed in the cone of the crushing plant. Most quarries are striving for more production and reduced costs. Trying to push the rock through doesn’t give the stone enough time across the screen to shake the dust and fines out completely. This process can be achieved by double screening or a process where the stone is washed within the plant.
- The dust and fines were causing a layer between the aggregate and bitumen not allowing maximum adhesion between the two.

- With a better coating to the stone it also stops the aggregate from being too dry and sucking the oil out of the bitumen. If the oil is absorbed by dry stone it will take the pliability out of the bitumen leaving it lifeless and unable to retain the stone to the bitumen.
- Stripping problems can be seen throughout the Great Southern. I feel there is a common link as Councils all buy the stone from the one source.
- Nookanellup Road is almost complete. This may need water to settle the dry gravel. We were hoping for rain to reduce costs.
- 400m on Javelin Street will be sealed. This work will be done next week and improve the safety concerns of the residents.
- Final trimming is being carried out on the Gnowangerup Road. Sealing should be completed next week. The days are predicted to be cool – if too cool, sealing may have to be postponed.
- The Black Spot project on Birt Road is almost complete. Installation of guide posts and width markers will complete the job.
- Sealing work will be done on the Punchmirup culvert next week. This will complete the job.
- Clearing is well underway on Brassey Road and gravel carting will be completed over the next few weeks.
- Resealing of the Broomehill-Kojonup Road earlier this year came under budget. There is a 940m gap between the two sections. With funds left over this reseal will take place next week while the spray truck is in the area.
- I have completed a pickup of bitumen roads within the Shire. There are some concerns with the amount of bitumen and the age.
- After the Pootenup sealing, Council has 215kms of bitumen road, which in rounded up terms is 1,300,333 square metres. The current cost per square metre of seal is \$4.10. The total value of the seal alone is \$5,330,000. 80% of these seals date before 1991. These seals are already eighteen years old.
- Seal life before resealing is fifteen years for 14mm and ten years for 10mm. If Council resealed at 12km per year from this point, it will take over seventeen years to complete. By the end of the seventeen year program some of the road will be thirty five years old without reseals being carried out.
- Total money spent on Pootenup Road is \$1,149,832. Total length is 17.53km. Average cost per km is \$65,442. This is a reasonable cost per km.

## **Plant**

- Some smaller plant has been offered for sale. These items include:
  - Float
  - 1987 John Deere Tractor
  - Mitsubishi Canter Tipper (Gardeners small truck)\JCB Backhoe
  - Bomag Vibrating Roller
- Council has received one offer for the JCB Backhoe and had some interest in the 1987 tractor.
- Building of the float is underway and should be delivered at the end of July.
- Some changes may need to be considered to the plant replacement program. It is also too late in the financial year to tender and receive plant.

**RECEIVED**



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**12.3 BUILDING SURVEYORS REPORT FOR APRIL 2009**

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**Program:** Economic Services  
**Attachment:** BSR Report and Activity Statement  
**File Ref:** ADM0076  
**Author:** D Baxter Building Surveyor  
**Date:** 8<sup>th</sup> May 2009  
**Disclosure of Interest:** Nil

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**Summary:** Attached are the BSR Report and the Activity Statement for the month of April 2009 that have been sent to all the relevant authorities that are required by legislation.

**Background:** These reports advise of the building approvals and the activity of the Building Surveyor for the month of April 2009.

**Comment:**

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

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

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

**Voting Requirements:** Simple Majority

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

**Reason For Change to Recommendation:**

**12.4 BUILDING MAINTENANCE PROGRAM**

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<b>Program:</b>	<b>Various</b>
<b>Attachment:</b>	<b>Building Maintenance Program for April 2009</b>
<b>File Ref:</b>	<b>Nil</b>
<b>Author:</b>	<b>JP Bentley</b> <b>Manager Administrative and Customer Service</b>
<b>Date:</b>	<b>8<sup>th</sup> May 2009</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>

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**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 Plan

**Voting Requirements:** Simple Majority

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

**Reason For Change to Recommendation:**

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**12.5 LIBRARY REPORT – MARCH AND APRIL 2009**

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**Program:** Recreation and Culture  
**Attachment:** Library Report – March and April 2009  
**File Ref:** ADM0097  
**Author:** JM Trezona Chief Executive Officer  
**Date:** 8<sup>th</sup> May 2009  
**Disclosure of Interest:** Nil

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

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

**Comment:** For Council information.

**Consultation:** Nil

**Statutory Environment:** Nil

**Policy Implications:** Nil

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

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

**Voting Requirements:** Simple Majority

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

**Reason For Change to Recommendation:**

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

Nil

**14. DATE OF NEXT MEETING**

18<sup>th</sup> June 2009

**15. CLOSURE**

There being no further business, Cr Webster thanked Councillors and staff for their attendance and declared the meeting closed at 7.00pm.





















