

NOTICE OF MEETING

Dear Councillor,

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD

ON: Thursday 19th July 2007

IN: Council Chambers

COMMENCING AT: 3.00 pm

Henry Van Der Ende
Chief Executive Officer

Note: That, under section 5.65 of the Local Government Act 1995, care should be exercised by all councillors to ensure that a 'financial interest' is declared and that they refrain from voting on any matters which are considered that may come within the ambit of the Act.

DUMBLEYUNG SHIRE COUNCIL DISCLAIMER

No responsibility whatsoever is implied or accepted by the Dumbleyung Shire Council for any act, omission or statement or imitation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Dumbleyung Shire disclaims any liability for loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of Dumbleyung Shire Council during the course of any meeting is not intended to be and is not taken as notice of approval from the Dumbleyung Shire Council. The Dumbleyung Shire Council warns that anyone who has an application lodged with the Dumbleyung Shire Council must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Dumbleyung Shire Council in respect of the application.

Henry Van Der Ende
Chief Executive Officer



SHIRE OF DUMBLEYUNG

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1. OFFICIAL OPENING

The Presiding Member Cr G Davidson opened the meeting at _____ pm.

2. APOLOGIES AND APPROVED LEAVE OF ABSENCE

2.1 ATTENDANCE

Cr Gordon Davidson JP, Shire President	North Ward
Cr Robert Cook, Deputy Shire President	South Ward
Cr Jacki Ball	North Ward
Cr Beverley Bracknell	Dumbleyung Ward
Cr Michele Brown	Dumbleyung Ward
Cr Ross Ditchburn	Kukerin Ward
Cr Margaret Frame	Dumbleyung Ward
Cr Thomas Pearce	South Ward
Cr Graeme Smith	North Ward
H Van Der Ende	Chief Executive Officer
P R Godfrey	Deputy Chief Executive Officer
P J Ettridge	Manager of Works

3. PUBLIC QUESTION TIME

4. APPLICATIONS FOR APPROVED LEAVE OF ABSENCE

5. PETITIONS/DEPUTATIONS - PRESENTATIONS

6. CONFIRMATION OF MINUTES

**6.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON THURSDAY
21st June 2007**

Moved Cr

Seconded Cr

That the Minutes of the Ordinary Meeting of Council held on Thursday 21st June 2007 and circulated to all councillors, be confirmed as a true and accurate record.

7. BUSINESS ARISING FROM MINUTES

7.1 STATUS REPORT

MONTH	SUBJECT	MOTION NO.	ACTION/PROGRESS
Jan 03	Kukerin Sewerage Scheme installation		Last advice was that Kukerin would be considered after Tambellup, maybe 2007/8 financial year. Mr T. Waldron MLA has been asked to investigate with the Minister.
Nov 03	Proposed changes to Dumbleyung Hospital Note: Retain in Status Report to keep in front of Council	004	Public meeting was held 5 August 2004 where previous Regional Director Kim Darby advised that the hospital would continue to operate with four beds for aged care residents plus 24 hour 7 days accident and emergency service. The Hospital Watch Committee is to be retained permanently and will continue to meet regularly. It also functions as the Local Health Advisory Group. Most recent meeting held 8 November 2006. Next meeting being arranged.
Oct 04 Sept 06 Apr 07	Realignment of Dumbleyung-Lake Grace Rd & Tincurrin Rd intersection	023 015	Option currently being considered by MRWA and to be considered at the September Works and Engineering Committee meeting. Currently proposed for 2007/08 at the earliest. Council did not endorse the MRWA proposal – MRWA advised. The Road Safety audit has been completed for MRWA and awaiting further advice on recommendation.
Aug 05	Future Aged Care Residential facility	02	The Regional Director of Health has been written to in relation to the future of the vacant reserve next to the Hospital – refer to information included in the October 2005 IB and November 2005 IB. Latest advice included in December 2006 IB. Council has visited aged care facilities in Lake Grace, Kondinin and Brookton. CEO liaising with Health Department and the Department of Planning and Infrastructure in relation to acquiring the land. Currently there is a problem with a Telstra cable located under the land.
Oct 05	Absolon Street Shop Buildings	004	Renovations are proceeding as provided for in the 2006/07 Budget, see Report in February 2007 IB and minutes.
Feb 06 July 06	Future Staff Housing Requirements Use of lot 161 Taylor Street	018	2006/07 Budget provides to build a transportable home. Tender received from Fleetwood P/L, the house is now under construction, delivery expected in

	Dumbleyung for staff residence	010	October 2007.
Oct 06	Tenders for a transportable residence	010	
Dec 06	Absolon Street Shop/ Pergola Structure – Bluebird Model	006	Quotations being sought, most recent committee meeting was 4 th April 2007.
June 06	LG Structural and Electoral Reform Report and WALGA Systemic Sustainability Report.	019	Meetings being held with neighbours, with the aim of determining a response to the reports. See items in the July, October and December IB.
July 06	Purchase of lot 306 Taylor Street Dumbleyung	011	Matter proceeding with DPI.
Aug 06	CBH Harvest Mass Management Scheme	019	This Shire did not sign the agreement – WALGA is in discussions with CBH.
Aug 06	Project to upgrade Kukerin Pavilion and Grandstand	Budget	Tenders called to no result. Project proceeding in accordance with F&G II (2) (c). A builder is expected to provide his quote to build. Application made to DSR to extend project completion to June 2008.
Feb 07	Advice received that Grant would be withdrawn if project not acquitted by December 07.	003	Builder engaged to complete works. Protest letter written as instructed.
Oct 06	Connecting local Governments Feasibility Study	004	Shire of Woodanilling proceeding with grant application as required.
Feb 07	Fence Road Drainage Scheme	009	Project endorsed by Council for inclusion in 2007/08 Budget.
Mar 07	Subdivision Application – Lot 9709 129 Road, Nairibin	018	Planning Enterprises undertook a site inspection on 21 March 2007 and has prepared a response to the WAPC advising of Council's support for the proposed plan of subdivision as submitted.
May 07	Planning Application – Proposed Fence Road Drainage Scheme between Dumbleyung-Lake Grace Road & Boundary Road, North Moulyinning & North Kukerin	005	Approved, Planning Enterprises in process of writing to landholders to advise.
May 07	Crown Reserve 9447 – Lake Grace/Fence Road Junction	007	Application made to DLI on behalf of Council

May 07	Planning Application – Two Proposed Single Storey Grouped Dwellings – Lot 40 (no.25) Harvey Street, Dumbleyung	009	Approved. Applicants being advised in writing by Planning Enterprises.
May 07	Recycling options for 2007/08 Budget	013	Options to be included for Budget process.
May 07	Sale of Town Lots 107 & 108 Dumbleyung	015	Applicants advised; negotiation in process.
May 07	Minister for the Environment - Launch of Zero Waste Plan Development Scheme, Phase 1	019	Ongoing program
May 07	Stubbs Park Broadcasting Box	026	Written to the Kukerin/Dumbleyung Football Club and Stubbs Park Board of Management as required. Murray Hudson working on it.
June 07	Fence Road Drainage Scheme	009 & 010	Tender awarded to New Holstien P/L
June 07	Industrial Services	011	Fitzgerald Strategies written to as required.
June 07	Dumbleyung LCDC – Tree Planters	012	Ms R Walker advised as required.
June 07	SWCC – NRM Survey	013	Survey to be completed.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9. REPORTS TO COUNCIL

9.1 TOWN PLANNERS REPORT

9.1.1 PLANNING APPLICATION – PROPOSED NEW OUTBUILDING (DOMESTIC STORAGE SHED) – LOT 50 (NO.28) ABSOLON STREET, DUMBLEYUNG

Applicant: Mr. Graham Wilson
Attachments: Plans 1 to 4
Author: Mr Joe Douglas & Mr Steve Pandevski

Town Planning Consultants

Disclosure of Interest: Nil
Date of Report: 10 July 2007
Senior Officer: Mr Henry Van Der Ende
Chief Executive Officer

Background

This report provides details and recommendations in respect of an application for Council's planning consent submitted by Mr. Graham Wilson to construct a new steel framed and zincalume clad outbuilding (i.e. domestic storage shed) at the rear of Lot 50 (No.28) Absolon Street, Dumbleyung.

Lot 50 is located centrally within the Dumbleyung townsite, on the north-eastern corner of the intersection between Absolon Street and Dawson Street and south of the Dumbleyung Caravan Park (see Plan 1 - Location Plan).

Lot 50 comprises a total area of approximately 1,397m² and is relatively level throughout its entire area. The lot is rectangular in shape and contains the Dumbleyung Post Office, Newsagency and caretaker's residence within its southern half and various outbuildings and mature trees in the rear (northern) portion of the property. The lot is bounded by Absolon Street to the south, Dawson Street to the west and Violet Lane to the north (see Plan 2 – Aerial Site Plan).

The application seeks Council's planning approval to construct a new 5.6 metre long and 5.6 metre wide steel framed and zincalume clad outbuilding at the rear of Lot 50 comprising a total floor area of 31.36m².

Planning Enterprises discussed the proposal with the applicant on Thursday 28 June 2007 wherein the applicant advised that the wall height of the proposed outbuilding will be approximately 2.15 metres and the ridge height will be approximately 2.644 metres. Furthermore, the applicant clarified that the outbuilding is proposed to be used for the garaging of vehicles, general domestic storage associated with the caretaker's residence and as a hobby workshop.

The development plans submitted in support of the application propose the outbuilding to be located approximately 1 metre from the western boundary (Dawson Street) and approximately 10 metres from the northern boundary (Violet Lane) (see Plans 3 & 4 – Submitted Development Plans).

Comment

Lot 50 is currently classified 'Commercial' zone in the Shire of Dumbleyung Town Planning Scheme No.1 (TPS No.1) and as previously mentioned has been developed for both commercial and residential purposes. Ordinarily a residential outbuilding of the size proposed does not require planning approval, however under certain circumstances, including where the land is zoned 'Commercial', an application for planning approval is required by TPS No.1. It is on this basis that planning approval is required for the proposed outbuilding.

In support of the proposal the applicant submits that the proposed outbuilding will be ancillary to the existing caretaker's residence on the property (i.e. the outbuilding will be used for the purposes of a garage, domestic storage associated with the caretaker's residence on the lot and a hobby workshop for the occupants of the caretaker's residence). Under the terms of the land's current zoning classification a caretaker's dwelling is a use that can obtain the discretionary approval of Council, therefore the same level of discretion applies to the application for the proposed outbuilding, subject to Council being satisfied that the proposal meets the criteria contained in clause 10.2 of TPS No.1. The criteria contained in clause 10.2 aim, amongst other things, to preserve the amenity and character of the locality.

Given that the nature and scale of the proposed development (i.e. an outbuilding of a comparatively minor scale which is located at the rear of an existing developed lot in a developed area, will serve to benefit the inhabitants of the residential component on the lot and is not considered to have a detrimental impact on the visual amenity of any of the surrounding streetscapes or adjoining properties), it is considered reasonable for Council to grant its conditional approval to the proposal.

Conclusion

It is concluded from an assessment of the application in the context of the Shire's current Town Planning Scheme No.1 that the proposal to construct a new steel framed and zincalume cladded outbuilding at the rear of Lot 50 (No.28) Absolon Street, Dumbleyung is capable of being implemented in a proper and orderly manner subject to compliance with a number of conditions to ensure that the proposed development proceeds in accordance with the details of the plans submitted in support of the application and does not have a negative impact upon the general amenity, character, functionality and safety of the immediate locality.

In making a final determination on the application it is recommended that Council consider imposing a number of conditions on any approval issued to address the following matters:

The need to ensure the preparation and submission of satisfactory building plans to the Shire for the issuance of a building license prior to the construction of the proposed outbuilding;

The need to ensure that the proposed shed is not used for any purposes other than those ancillary and incidental to that of the residential component of the property without the prior approval of Council;

The need to ensure that the proposed shed does not have a negative impact upon the character and visual amenity of the immediate locality by virtue of its height, finish and general appearance (with particular reference to the reflective nature of the proposed zincalume roof sheeting);

The need to ensure that the proposed shed is located on the land so as to have an adequate setback from essential service infrastructure; and

The need to ensure adequate management of on-site stormwater drainage.

Legal Implications

Planning and Development Act 2005 (as amended)
Shire of Dumbleyung Town Planning Scheme No.1

Policy Implications

Nil

Community Consultation

Nil. Advertising of the application is not required by TPS No.1.

Financial Implications

Nil

Strategic Implications

Nil

Recommendation

Moved Cr

Seconded Cr

That the application for planning approval submitted by Mr. Graham Wilson to construct a new steel framed and zincalume clad outbuilding on Lot 50 (No.28) Absolon Street, Dumbleyung be **APPROVED** in accordance with the details of the plans submitted in support of the application subject to the following conditions:

Completion of all development within two (2) years of the date of Council's issuance of planning consent.

2. A satisfactory building licence application and plans being submitted to and approved by the Shire.
3. The proposed outbuilding shall be used for domestic storage purposes, including garaging of vehicles and a hobby workshop only, unless otherwise approved by Council.
4. The proposed outbuilding shall have a total floor area not exceeding 31.36m².
5. The zincalume roof sheeting of the proposed outbuilding shall be treated so as to reduce its reflective nature to the satisfaction of the Shire.

6. The proposed outbuilding shall have a maximum wall height of 2.15 metres and a maximum ridge height of 2.664 metres.
7. The proposed outbuilding shall have adequate clearance from any existing underground essential service infrastructure (e.g. reticulated sewerage, water, etc.) as required by the relevant service providers.
8. The proposed outbuilding shall be setback no closer than 1.0 metre to the Dawson Street road reserve and 10 metres to the Violet Lane road reserve unless otherwise approved by Council.
9. All stormwater drainage discharge generated by the approved shed shall be managed to the specifications and satisfaction of the Shire.

Voting Requirements

Simple majority required.

9.1.2 PROPOSED AMENDMENT NO.1 TO THE SHIRE OF DUMBLEYUNG TOWN PLANNING SCHEME NO.1

Applicant:	Shire of Dumbleyung
Attachments:	Nil
Author:	Mr Joe Douglas & Mr Steve Pandevski

Town Planning Consultants	_____
Disclosure of Interest:	Nil
Date of Report:	11 July 2007
Senior Officer:	Mr Henry Van Der Ende

Chief Executive Officer

Background

At its meeting held on 15 February 2007 Council formally considered a proposal to undertake a number of textual modifications to the Shire's current Town Planning Scheme No.1 (TPS No.1) and a modification to the Shire of Dumbleyung Local Planning Strategy to address matters not currently dealt with by the Scheme or the Strategy, namely the subdivision of rural land for homestead lot purposes and the adaptation and use of second-hand dwellings, transportable buildings and structures, sea containers and the like for housing purposes.

Unfortunately the limited provisions and guidance currently provided by TPS No.1 and the Strategy in these matters has meant that Council has not been in a position to:

support the subdivision of rural land for homestead lot purposes; and

fully assess the use of second-hand, transportable buildings and the like for housing purposes under the provisions of TPS No.1 to ensure that such development meets reasonable levels of amenity and satisfies the community's expectations in terms visual appearance, functionality and safety.

It is for these reasons that Council resolved at its meeting on 15 February 2007 to initiate suitable amendments to the Shire's current Town Planning Scheme No.1 (TPS No.1) and Local Planning Strategy.

Comment

In accordance with Council's previous resolution in this matter the administration duly prepared the required amendment documentation and arranged for its signing by the President and Chief Executive Officer. Furthermore, pursuant to the specific requirements of Section 81 of the Planning and Development Act, the proposed amendment was referred to the Environmental Protection Authority (EPA) for processing and "environmental clearance" under Section 48A of the Environmental Protection Act. On 2 April 2007 the EPA responded by granting unconditional "environmental clearance".

Following "environmental clearance" from the EPA the amendment was then advertised for public comment for the minimum required period of 42 days (commencing 25 April 2007 and concluding on 22 June 2007). The amendment was advertised by way of:

a public advertisement in the Wagin Argus (25 April 2007 Edition); and written referrals to the following agencies:-

- i) Western Australian Planning Commission;
- ii) Water Corporation;
- iii) Department of Health Western Australia;
- iv) Fire and Emergency Services Authority;
- v) Western Power;
- vi) Telstra;
- vii) Main Roads Western Australia;
- viii) Department of Environment and Conservation;
- ix) Department of Agriculture and Food;
- x) Department for Planning and Infrastructure – State Land Services;
- xi) Wheatbelt Development Commission; and
- xii) Tourism Commission of Western Australia.

At the close of public advertising a total of four (4) written submissions had been received in respect of the proposal from the following agencies:-

Fire and Emergency Services Authority (FESA);
Tourism Commission of Western Australia
Water Corporation; and
Main Roads Western Australia.

A 'Schedule of Submissions' providing details of and a recommendation in respect of each submission received is attached for Council's information and consideration (see Attachment 1).

In summary, the submission from FESA raises no objections to the proposal however advises that fire management measures applying to future subdivision and /or development of land to which the proposed scheme amendment provisions apply would be expected to comply with WAPC Policy DC 3.7 and the associated "Planning for Bushfire Protection" document published by the WAPC and FESA (see Submission No.1). The submissions from the Tourism Commission of Western Australia, Water Corporation and Main Roads Western Australia also raise no objections to the proposal (see Submissions 2, 3 and 4).

Under the terms of the Town Planning Regulations 1967 Council is required to consider all submissions received in respect of the proposed amendment and determine whether or not the amendment should be adopted with or without modification. The submissions received raise no objections to the proposals but do provide advice on issues that may arise in relation to future development under Town Planning Scheme No.1. The advice provided does not require or request any specific modifications to the proposed amendment.

Conclusion

The Shire's current Local Planning Strategy and TPS No.1 do not contain sufficient provisions to accommodate proposals for rural homestead lot subdivision. Furthermore TPS No.1 fails to provide adequate controls over the use of relocated second-hand and transportable dwellings and sea containers and other similar transportable structures for residential purposes. The provisions recommended for insertion into the Local Planning Strategy and TPS No.1 will address the current shortcomings regarding these matters.

The proposed amendments to TPS No.1 and the Strategy were advertised in a manner consistent with that required by the Planning and Development Act 2005 and Town Planning Regulations 1967. At the close of the advertising period a total of four (4) written submissions were received, none of which raised any objections to the proposals. Having regard for this outcome it is considered reasonable for Council to adopt Amendment No.1 to the Shire of Dumbleyung Town Planning Scheme No.1 as proposed without modification.

In light of the above comments it is recommended that Council resolve to adopt the amendment without further modification, execute the documents as required under the terms of the Town Planning Regulations 1967 and submit the documentation to the Western Australian Planning Commission requesting final approval.

Legal Implications

Planning and Development Act 2005 & Town Planning Regulations 1967 – regarding the process and documentation required to undertake an amendment to a Local Planning Strategy and Local Planning Scheme.

Policy Implications

Western Australian Planning Commission Development Control Policy 3.4 – Subdivision of Rural Land. Under the terms of this policy there is a general presumption against the subdivision of rural land for homestead lot purposes unless subdivision for this purpose is specifically provided for within a Local

Planning Strategy and Town Planning Scheme and there is clear guidance regarding minimum lot size, servicing arrangements etc.

Shire of Dumbleyung Local Planning Strategy. It is intended to modify the Shire of Dumbleyung Local Planning Strategy in a manner consistent with the above Development Control Policy 3.4 thereby providing strategic guidance, criteria and certainty regarding applications for the subdivision of rural land for homestead lot purposes.

Community Consultation

The proposed amendments to TPS No.1 and the Local Planning Strategy were advertised for a minimum period of forty-two (42) days in accordance with the specific requirements of the Planning and Development Act 2005 and the Town Planning Regulations 1967. At the close of the advertising period a total of four (4) written submissions had been received by the Shire, none of which objected to the proposals (see Attachment 1).

Financial Implications

It is estimated that preparation of the proposed amendments to the Shire's current Local Planning Strategy and TPS No.1, including all required reports, legal documentation and statutory advertising processes will cost in the order of \$6,000 (excluding GST). It is understood that suitable allocations have been made in Council's 2006/2007 and 2007/2008 budgets to cover these costs.

Strategic Implications

Nil

Recommendation

Moved Cr

Seconded Cr

That Council note that the Fire and Emergency Services Authority (FESA), Tourism Commission of Western Australia, Water Corporation and Main Roads Western Australia have no objections to Amendment No.1 to the Shire of Dumbleyung Town Planning Scheme No.1 and that no modifications to the amendment as originally proposed and advertised are therefore required or recommended.

That Council resolve to adopt Amendment No.1 to the Shire of Dumbleyung Town Planning Scheme No.1 without modification.

That Council endorse three (3) copies of the documentation prepared in respect of Amendment No.1 by affixing the common seal of the Shire of Dumbleyung.

That Council submit the endorsed documentation prepared in respect of Amendment No.1 to the Western Australian Planning Commission seeking final approval.

Voting Requirements

Simple majority required.

9.2 PRINCIPLE ENVIRONMENTAL HEALTH OFFICER'S REPORT

9.2.1 Kukerin Hotel Complaint

FILE BU KHOT

Applicant: Environmental Health Officer
File No.
Attachments: Nil
Author: Mr Maurice Walsh

Environmental Health Officer

Disclosure of Interest: Nil
Date of Report: 11th June 2007
Senior Officer: Mr Henry Van Der Ende

Chief Executive Officer

Summary

Council has received complaints from a resident in the Kukerin townsite regarding various issues at the Kukerin Hotel, including a pony being kept at the rear of the premises. The proprietor/licensee of the Kukerin Hotel has written to Council and requested permission for the pony to be able to be kept on the premises.

Background

Council has received complaints from a resident in the Kukerin townsite about various issues at the Kukerin Hotel, including a pony being kept at the rear of the premises.

The proprietor/licensee of the Kukerin Hotel has been advised of the complaints and the matter has been investigated. The authors are of the view that the issues raised by the complainant are either not substantiated due to lack of evidence to support the nature of the complaints, or not relevant to Council as Council is not responsible for and does not have the legislative power to address all of the issues raised. The complainant has been advised that Council has investigated the matters raised for which it is responsible for and the other issues raised should be referred to the relevant State Government Departments for further investigation.

The proprietor/licensee of the Kukerin Hotel has subsequently written to Council and requested permission for the pony to be able to be kept at the rear of the property. The keeping of the pony on the property is contrary to the Shire of Dumbleyung's Local Health Laws 2001. However, this particular issue has been investigated on 3 separate occasions and on each occasion the stable area was found to be in a clean and satisfactory condition. There was no evidence that a nuisance existed. The proprietor/licensee of the Kukerin Hotel has advised that the pony belongs to her granddaughter who also lives on the premises.

Council has the discretionary power to allow the pony to be kept at the rear yard area of the Kukerin Hotel.

Comment

Nil

Legal Implications

Health Act 1911 (as amended) of Western Australia.
Shire of Dumbleyung Local Health Laws 2001.

Policy Implications

Nil

Community Consultation

Nil

Financial Implications

Nil.

Strategic Implications

Unknown

Cultural Implications

Unknown

Recommendation

Moved Cr

Seconded Cr

1. Council note the above report.
2. Council advise the proprietor/licensee of the Kukerin Hotel that the pony may be kept on the premises providing that the stable yard area be kept in a clean and hygienic condition at all times.

Voting Requirements

Simple majority required

9.5 CHIEF EXECUTIVE OFFICERS REPORT

9.5.1 Sale of Lots 107 & 108 Bartram St Dumbleyung

FILE TP TPS

Comment

Council did have preliminary discussions on this matter at its May meeting and is dealt with at Minute 9.5.3 of the 24th May meeting. As a result of discussions an offer to purchase has been received.

The matter of re-zoning of the land has been discussed with Planning Enterprises who advise that the time frame would be between 9-15 months with a cost of between \$6,000 - \$10,000 depending on the size of advertisements etc. It is possible for Council to issue a license to occupy and to commence development once the proponents lodge an application for development of the land. This would speed up the process for the proponents provided Council were happy with the development proposal.

Council would still need to undertake the statutory processes including obtaining an independent valuation for the property and the advertising of the proposed disposal of the property.

As indicated in the correspondence the proponents would be responsible for the headworks charges for Western Power, Water Corporation and Telstra. These costs would be very significant in relation to the location of the land. The proponents have offered Council \$8,000 per block for the blocks to be zoned industrial with Council meeting the costs of the re-zoning.

Financial Implications

On the income side is the sale proceeds with an expenditure of re-zoning and statutory costs.

Policy Implications

Consideration to issue a license to occupy.

Statutory Implications

Town Planning Scheme, Local Government Act and Regulations.

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That Council agree to dispose of Lots 107 & 108 Bartram Street Dumbleyung to Ray Justins and Shane Edwards as industrial land for \$8,000 per block with Council being responsible for the re-zoning of the land under the Dumbleyung Town Planning Scheme and after completing the Statutory Conditions as required. Council also agrees to issue a license to occupy subject to a report from Planning Enterprises confirming compliance with the Town Planning Scheme.

Voting Requirements

Absolute Majority

9.5.2 Picking of Native Seeds from Council Reserves

FILE LA CONS

Comment

An application has been received from Landcare Services to collect native seeds on Shire lands, reserves and roadsides. The primary seed they are seeking is for the Jam Wattle, which is used in Sandalwood plantations.

I do not believe that any damage will occur to any Council land but believe that it should be a condition of approval that all necessary approvals from CALM and the Department of Environment and Conservation are obtained.

Financial Implications

Nil

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That Landcare Services be authorised to collect native seeds on Shire lands, reserves and roadsides within the Dumbleyung Shire subject to obtaining all necessary permits from the Department of Environment and Conservation and CALM.

Voting Requirements

Simple Majority

9.5.3 25 Harvey Street Dumbleyung

FILE A421

Comment

Council may recall that I raised for general discussion the issue of the proposed demolition of the residence on 25 Harvey Street by Homeswest, the present owners. A notion of a land swap was raised and Council requested a report on the soundness of the building. A report has been prepared by Councils Building Surveyor and is attached. As can be seen from the report the building appears to be in sound condition and would be worth preserving. The costs of relocating a building which was not built as a transportable structure would seem to make this option uneconomic.

Council now needs to determine if it wishes to keep this building and if they do the best way to achieve a result. Homeswest are anxious to commence on their project which is to build two residences on this block.

Financial Implications

Unknown at this stage

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That Council determine if they are prepared to negotiate with Homeswest for the retention of the building and if they are under what circumstances. It may also be desirable to delegate authority to the Chief Executive Officer if Council wishes to proceed.

Voting Requirements

Simple Majority

9.5.4 Dumbleyung Playgroup

FILE A413

Comment

Correspondence has been received from the above group seeking use of the CWA premises on Harvey Street Dumbleyung for their use on one day per week. Included in the correspondence is a statement of works required to be done to make the premises useable as a playgroup centre.

It is my experience that a building or property to be used as a playgroup centre is required by the Department of Family and Children's Services to be licensed for that purpose. The license conditions may be extensive. The committee also are enquiring if there would be any hire charges with a lease.

Financial Implications

Dependant of Councils requirements

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That Council advise the Dumbleyung Playgroup that it is prepared to lease the CWA building as requested in the correspondence at a rental of \$X subject to all necessary licenses and permits being obtained.

Voting Requirements

Simple Majority

9.5.5 Landgate – re Bells Road

FILE EN RDN

Comment

I have received an enquiry from Cr Ball as to whether the name of Bells road should in fact be Balls Road. The correspondence from the Geographic Names Committee suggests that an error may have occurred by the Department on the original gazettal. I guess if it were raised at the time a simple correction may have been able to have been made. However if Council now wishes to go through the process of a change of name which will require a Council motion that the process be commenced then all current landholders affected by the change need to be polled to ensure that they have no objections. If Council determines to change the name, current practice is that the road would be known as “Ball Road.”

Financial Implications

Nil

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That Council request the Geographic Names Committee to correct the naming of Bells Road to Ball Road as that Councils staff be directed to take a survey of affected landholders.

Voting Requirements

Simple Majority

9.5.6 Main Roads – Blackspot Funding, Collie-Lake King Road and Tincurrin Road Intersection

FILE EN MRD

Comment

Council will be aware of the history of this project. Main Roads has considered the two options put forward by Council and rejected both in favour of a far larger project. However they have been unable to secure funding (\$950,000) to allow the project to be fully completed. Full details will be provided at a later date for Council to cost, however it is proposed to proceed with stage one utilising 'Blackspot Funding.' Details of stage one have been provided and will now need to be included in Councils 2007/08 Works Program. The Works Program (attached) completed by Councils former Manager of Works does not include any provision for Blackspot Program. It is recommended to utilise the money currently allocated to Bairstow St (\$30,000) and Bennet St (20,000) as Councils contribution. Council will need to authorise changes to the Works Program prior to adopting it with the 2007/08 Budget.

Financial Implications

Nil

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That Council agree to the proposal from Main Roads and authorise an amendment to the proposed works program.

Voting Requirements

Absolute Majority

9.5.7 WALGA – Agenda Annual General Meeting

FILE CR LGW

Comment

The agenda for the AGM of WALGA including motions to be put to the meeting have been received for Councils to have input for their delegates to enable Councils to direct which way they may wish to vote. The motions will be included in the Chief Executive Officer's recommendation and any Councillor wishing to read the backgrounds will find them included in the attachment.

Financial Implications

Nil

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That Councils delegates to the WALGA AGM be instructed to vote as follows;

2.1 That the Western Australian Local Government Association seeks to improve the performance of the local government industry as a whole by lobbying the Minister for Local Government and Regional Development to implement industry wide performance benchmarking.

Support

2.2 That the Western Australian Local Government Association seek a commitment from the Minister for Land Information to review the frequency of land valuations provided by the Valuer General's Office to standardize the frequency for each local government depending on the rate of development and past experience in the increase in land values.

If the change in timing of valuations is related to resources then request the government increase the funding available to the Valuer General's Office to provide a more effective service to the community.

Support

2.3 That the Western Australian Local Government Association make political representation to the State Government expressing concern at the implications arising from developers pre-selling land and seek its assistance in promulgating legislative reform which renders the practice of pre-selling, other than with a fixed contract, unlawful.

Leave to Councillors discretion after debate

2.4 That the State Minister for Police and Emergency Services; Community Safety be requested to pursue whatever legislative changes are necessary to make funding from the Emergency Services Levy available to fund volunteer St John's Ambulance Services.

Support

2.5 That the Western Australian Local Government Association seek a meeting with the Minister for Water Resources to consider the implications of the implementation of the blueprint for water reform on landowners and local government with particular reference to:

- The use of proposed water reform legislation to dictate land use overriding the powers and autonomy of local governments, in particular the quarantine of irrigation land from alternative land uses.
- The cost implications to farmers for administration of the new legislation and subsequent licensing requirements and provision of metering equipment.

- Clarification of how the control of the water use and trading on the land is to be administered if the water is owned under license by a different company/individual and how local government may be drawn in to issues relating to town planning and other issues in terms of activities on the land.
- The cost of developing water management plans and the implication to farmers that have funded the construction of on farm water supplies and will now be required to be answerable to a community management group.

That the people directly affected by the proposed reforms be directly consulted and their concerns heard and considered before any new legislation is adopted by government.

Support

2.6 1. That the Western Australian Local Government Association again lobbies the State Government to consider the further expansion of the Pensioner/Senior Concession arrangements to allow the concession to extend to the Domestic Refuse Charge consistent with its application to the Emergency Services Levy; and

2. Notes that the City of Wanneroo will be writing to the Deputy Premier, requesting that consideration be given to the further expansion of the Pensioner/Senior Concession arrangements to allow the concession to extend to the Domestic Refuse Charge consistent with its application to the recently introduced Emergency Services Levy.

Support

2.7 That the Association's Constitution be amended to provide for the term of Zone office bearers to expire in line with Local Government elections.

(Special Majority Required for WALGA to amend the constitution)

Support

2.8 That subclause 14(10) of the Association's Constitution be deleted and the following new subclause 14(10) be inserted:

(10) "A Zone may, from time to time, resolve to admit an Ordinary Member or Associate Member of the Association from outside their existing membership as an Associate Member of their Zone. In considering whether to admit an Ordinary Member or an Associate Member of the Association as an Associate Member of a Zone, the Zone shall give regard to the significance of communities of interest between the existing membership of the Zone and the Ordinary Member or Associate Member of the Association that is seeking to become an Associate Member of the Zone."

(Special Majority Required for WALGA to amend the constitution)

Support

9.5.8 Kukerin Bowling Club

FILE CO KBC

Comment

Correspondence has been received from the Kukerin Bowling Club thanking Council for their contribution towards the cost of employing their Greenkeeper. The Club is also enquiring if Council has any solution regarding the maintenance of the greens if clubs are unable to find someone suitable within their Budget.

The issue of qualified or suitable greenkeepers is like any other position at the moment, insufficient staff or people willing to take on the work and those that are, are too expensive to employ. I guess that if it came to the crunch we would need to determine if there was any spare capacity at any clubs in the near vicinity. It is not possible to send any gardener to undertake the duties of a greenkeeper as there is considerable technical knowledge and expertise required.

Perhaps in the long term the Kukerin Bowling Club may need to be encouraged to consider the installation of a synthetic surface which are becoming more popular but are quite expensive initially. I understand that the installation of a synthetic green is possible under CSRFF but the costs would be around \$150,000 or more. However to employ a greenkeeper would cost over \$50,000 per year plus ongoing costs.

Financial Implications

Budget considerations

Policy Implications

Provision of services by Council for sporting clubs

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That Council note the situation in regards to the correspondence from the Kukerin Bowling Club and advise that Council does not have any solutions to hand.

Voting Requirements

Simple Majority

9.5.9 LGMA – Symposium on the Future

FILE AD LGMA

Comment

LGMA is to hold a symposium on the future of Local Government (Details forwarded previously to Councillors) from Tuesday 11 – Thursday 13th September 2007. The LGMA have opened this symposium to senior managers and Elected representatives. Cr Frame has expressed her desire to attend the Symposium on Councils behalf (see attachment).

Financial Implications

Training costs for Councillor to attend

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That Council consider allowing Cr Frame to attend the LGMA Symposium on the Future at Observation City between 11 – 13 September with Council meeting allocated costs.

Voting Requirements

Absolute Majority

9.5.10 LGMA – Council Corporate Membership 2007/08

FILE AD LGMA

Comment

Local Government Managers Australia as the peak professional body representing managers within local government is seeking Council to become involved in their programmes by becoming a Council Corporate Member. The cost of this form of membership for a council of our size would be \$600.00 + GST. Membership fees are used to provide skills shortage funding \$400.00, Branch Support \$100.00 and LGMA Support \$100.00.

Financial Implications

Budget consideration

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That the correspondence from LGMA (WA Division Inc) be received for consideration.

Voting Requirements

Simple Majority

9.5.11 Schedule of Fees & Charges

FILE BUDGET

Comment

Council is required to review its schedule of fees and charges at least once a year. Council's administration staff have gone through the schedule and recommended some changes.

Financial Implications

Adjustment to fees and charges

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That Council adopt the schedule of fees and charges for 2007/08

Voting Requirements

Absolute Majority

9.5.12 WALGA Infopage

1. Western Australian Grain Freight Network

2. Review of Guidelines for Assessing Suitability of Priority Roads for Restricted Access Vehicles.

FILE CR WALGA

Comment – 1.

Correspondence has been received from WALGA (Attached) seeking Council input into the State Council agenda item which council can raise through the zone meeting which will be a joint meeting with members from the Great Eastern Country Zone at the Burswood Hotel on Friday 3rd August 2007 commencing at 2.30pm.

I guess the key issues are of some concern with the threat of closure of approximately 1,000km of the rail network. It appears as though WALGA does still have some confidence in being able to work in a partnership arrangement with the State Government.

I have spoken with Bruce Whitber who has assured me that it would be placed on the Budget Agenda.

It is appropriate for Council to discuss the issue and have a Council Position for 2nd August 2007. At the Zone meeting Council raises a vote and needs to make sure it counts.

Financial Implications

Unknown

Policy Implications

Dependent on WALGA outcome

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That Council prepares a submission in regards to the Draft Policy for the WA Grain Freight Infrastructure investment rail and road rescue package and determine this Councils position. ***Urgent***

Voting Requirements

Simple Majority

Comment – 2.

I do not feel confident enough to guide Council through this exercise and I would think that the Manager of Works would be in a similar position. Council may wish to invite JB into this part of the meeting as he would appear to be the most efficient staff member in this matter or we could invite Bret Howson who completed Councils Road Program.

Could Councillors please advise me of their preferred position by Monday 17th July 2007.

9.6 REPORTS OF COMMITTEES

9.6.1 Minutes of the Dumbleyung Townscape, Tourism and Tidy Towns Committee Held 25th June 2007

Moved Cr

Seconded Cr

That the minutes of the Dumbleyung Townscape, Tourism and Tidy Towns Committee Meeting held 25th June 2007 as circulated be received for consideration.

9.6.2 Report of a Special Meeting of Councils to discuss a strategic plan to oppose the closure of Local Police Stations.

Moved Cr

Seconded Cr

That the Minutes of the Special Meeting of Councils held on Monday 9th July 2007 as circulated be received.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11. FINANCIAL REPORT AND ACCOUNTS FOR PAYMENT

11.1 ACCOUNTS FOR PAYMENT

Moved Cr

Seconded Cr

That the creditors payment list submitted to Council on Thursday 19th July 2007 totalling \$293,392.34, in accordance with FM Regulation 13 be accepted and approved.

11.2 STATEMENT OF FINANCIAL ACTIVITY

Moved Cr

Seconded Cr

That the statement of financial activity in accordance with Financial Management Regulation 34 for the period ending 31st May 2007 as presented to Council be accepted.

11.3 FINANCIAL REPORT (BANK RECONCILIATION)

Moved Cr

Seconded Cr

That the Financial Report of the Bank Reconciliation for the month ending 30th June 2007, in accordance with Financial Management Regulations 34, as presented be accepted.

11.4 ADOPTION OF ANNUAL BUDGET

Moved Cr

Seconded Cr

That Council agree to review the Annual Budget at a Special Council Meeting to be held on Friday 27th July 2007 commencing at 2.00pm.

12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE IS GIVEN

13. CORRESPONDENCE: BUSINESS ARISING

13.1 INFORMATION BULLETIN

Moved Cr

Seconded Cr

That the Information Bulletin as circulated be noted en bloc.

Note: With the exception of any items to be considered separately.

**14. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY
DECISION OF COUNCIL**

15. MATTERS BEHIND CLOSED DOORS

16. CLOSURE