

NOTICE OF MEETING

Dear Councillor,

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD

ON: Thursday 16th July 2009

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.

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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.

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 Ross Ditchburn, Deputy Shire President	Kukerin Ward
Cr James Dare	South Ward
Cr Jacki Ball	North Ward
Cr G Wilson	North Ward
Cr Beverley Bracknell	Dumbleyung Ward
Cr Michele Brown	Dumbleyung Ward
Cr Margaret Frame	Dumbleyung Ward
Cr Thomas Pearce	South Ward
H Van Der Ende	Chief Executive Officer
P R Godfrey	Deputy Chief Executive Officer
A Butcher	Manager of Works and Services

3. PUBLIC QUESTION TIME

4. DECLARATIONS OF INTEREST BY MEMBERS

4.1 *Declarations of Financial Interest – Local Government Act Section 5.60A*

4.2 *Declarations of Proximity Interest – Local Government Act Section 5.60B*

4.3 *Declarations of Impartiality Interest – Administration Regulation Section 34C*

5. APPLICATIONS FOR APPROVED LEAVE OF ABSENCE

6. PETITIONS/DEPUTATIONS - PRESENTATIONS**7. CONFIRMATION OF MINUTES****7.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON THURSDAY 18TH JUNE 2009**

Moved Cr

Seconded Cr

That the Minutes of the Ordinary Meeting of Council held on Thursday 18th June 2009 and circulated to all councillors, be confirmed as a true and accurate record.

8. BUSINESS ARISING FROM MINUTES**8.1 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. Advice received via local member to await state government budget 09/10 prior to next determination.
Oct 08	Future Aged Care Residential facility		Confirmation of agreement of Country Health Service to allow eastern portion of site to be used. Letter received from Country Health advising information sent to State Land Services on 29/09/08 Advice from DPI that they are awaiting valuation from state valuer generals office (requested 16/12/08)
April 09			Letter sent to DPI advising acceptance of their offer.
Oct 08	Cemetery Information Boards	017	Manager of Works and Services obtaining quotes.
Mar 09			Manager of Works and Services and council staff preparing info to order boards.
Feb 09	Local Government Response to minister for Local Government Amalgamation Proposal	008 009 010	Correspondence sent to WALGA and Minister for Local Government, 4WD VROC meeting held 03/03/09.
Mar 09		003 004	Response and final checklist provided to councillors and sent to the structural reform

July 09			committee. The reply from the Department is in the July 09 Agenda.
Feb 09	Moulyinning Cemetery	018 019	Enquiry made re vesting order with DPI. Received advice no management order issued. Awaiting further advice of implications. Letter sent to DPI
May 09			
Mar 09	Royalties for Regions	005	Projects submitted to Department for Local Government & Regional Development.
May 09 Jun 09 July 09			Tenders for house in June agenda Tender for bitumen accepted Manager of Works and Services arranging pool repairs.
Mar 09	Lottery West Application – Stubbs Park Playground	017	Second quote for play equipment received – consultation with Stubbs Park members underway. Application finalised and sent off.
Jun 09			
Mar 09	Robert & Daphne McIntyre Award Committee	023	Seeking legal advice on MOU or other arrangements. Letter sent to solicitors, awaiting response. 2 nd letter sent to solicitors, awaiting response.
Apr 09 May 09			
June 09			Draft MOU received from solicitors.
Apr 09	Formation of VROC with Shires of Kent & Lake Grace	026	Progressing
Jun 09			Chief Executive Officer's met in Dumbleyung and agreed on format for MOU, which is in the July agenda.
Apr 09	Government Regional Officers Housing – Housing for Police in Dumbleyung	029 030	Email sent; hope to have further information available for the meeting.
Jun 09			House to arrive on 24 th July. Taylor Nott & Molinari handling settlement.
May 09	Naming of proposed access road to Lake Dumbleyung	004 005	Letter sent to DPI
Jun 09			Correspondence received from DPI rejecting councils chosen name. See July agenda.
May 09	Roadworks – Fittons Crossing & Gossage Crossing	009 010 011 012	Left on the table. Manager of Works and Services to deal with in June agenda
May 09	Review of Wards and Representation	027	Ongoing

Jun 09	Keeping of Horses in Townsites	001	Letters sent to parties with horses in residential area. Notes in council corner of Wagin Argus.
Jun 09	Tender 6/2008-09 – Transportable Residence	006	Tender awarded to Fortress Home Building Systems. Order placed.
Jun 09	Structural Reform - Progress	007	Meeting attended on 08/07/09 in Wagin as arranged by the Department of Local Government.
Jun 09	Small business centre – Funding proposal	008	Referred to budget
Jun 09	LGMA Council corporate membership	009	Letter sent
Jun 09	Main Roads WA – Collie-Lake King/Tincurrin rd intersection	010	Letter noted
Jun 09	Vi Braham Award for Excellence - Donation	011	Donation made
Jun 09	Use of Council Seal – Withdrawal of Caveat	012	Caveat withdrawn. Taylor Not & Molinari are progressing with the removal of caveats for the other landholders involved with the pipeline extension.
Jun 09	Dog Complaints – 58 Harvey Street Dumbleyung	013 014	Dogs disposed of in normal way. Infringement notice withdrawn.
Jun 09	Taylor Nott & Molinari – Sale to Edwards & Justins	015	Document sealed and sent
Jun 09	Wagin/Woodanilling Landcare Coordinator – Request for Office Accommodation	016	Letter advising approval sent
Jun 09	Country Local Government Fund Year 2 – Regional Groupings and Allocations	017 018	4WD VROC advised
Jun 09	Katanning Stock & Trading – Works Supervisor Ute	023	Ute changed
Jun 09	Senior Staff Salary Review		Payroll officer advised

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

10. REPORTS TO COUNCIL

10.1 TOWN PLANNERS REPORT

10.1.1 PLANNING APPLICATION – PROPOSED MACHINERY STORAGE SHED, LOT 132 (NO.38) BENNETT STREET, KUKERIN

Applicant: Craig & Nicola Treloar
Attachments: Plans 1 to 5
Author: Mr Joe Douglas & Mr Carlo Famiano (Urban & Rural Perspectives)

Town Planning Consultants
Disclosure of Interest: Nil
Date of Report: 8 July 2009
Senior Officer: Mr Henry Van Der Ende

Chief Executive Officer

Summary

This report recommends that the planning application submitted by Craig & Nicola Treloar to construct a new machinery storage shed on Lot 132 (No.38) Bennett Street, Kukerin be approved subject to conditions.

Background

The applicant is seeking Council's planning approval to construct a new machinery storage shed at the rear of Lot 132 (No.38) Bennett Street, Kukerin.

Lot 132 comprises a total area of approximately 1.2393 hectares and is located in the north-eastern extremities of the Kukerin townsite (see Plans 1 to 5).

Lot 132 along with the adjoining Lot 131 have previously been developed and used for broadacre farming purposes (i.e. grazing) and do not contain any building improvements or significant vegetation.

The proposed shed will:

1. be 24 metres long and 12 metres wide;
2. comprise a total floor area of 288m²;
3. have a wall height of 6 metres and a ridge height of approximately 7 metres;
4. be of steel frame construction with zinalume roof and wall cladding; and
5. have a 138.93 metre setback from the land's Bennett Street boundary, a 10 metre setback from the land's south-eastern side boundary and a 10 metre setback from the rear boundary.

Comment

Current Zoning & Land Use Permissibility

Lot 132 Bennett Street is classified 'Local Rural' zone under the Shire of Dumbleyung Town Planning Scheme No.1 (TPS No.1).

A key objective of the land's current 'Local Rural' zoning classification is to provide for a mix of residential and business related uses in a rural setting which achieves a high standard of visual amenity and will not cause conflict or adverse impacts on the character of the zone.

The applicant has confirmed that the proposed machinery storage shed is required as part of the existing extensive agricultural use undertaken on both Lot 132 & Lot 131 and for another farming property located outside of the Kukerin townsite.

According to TPS No.1 the development and use of use of land classified 'Local Rural' zone for the purpose of 'Agriculture (Extensive)' is identified as a 'D' use which means that it is not permitted unless the local government has exercised its discretion by granting planning approval.

Town Planning Scheme No.1 (TPS No.1)

An assessment of the proposal against the development standards contained in clause 5.9 of TPS No.1 has revealed that it satisfies the majority of the standards, except for the following:

1. The use of reflective building material (i.e. zincalume); and
2. The subject land does not comprise a place of residence, prior to establishing a commercial or industrial use.

The following is a brief discussion of these non-compliance issues:

Clause 5.9.4 of LPS No.4 states:

"All buildings to be constructed in the Local Rural Zone shall be finished in non-reflective materials. The use of zincalume and other reflective building materials is not permitted unless specifically approved by the local government."

The proposed machinery shed has a setback of approximately 138.93 metres from the Bennett Street boundary and a setback of approximately 75 metres from the nearest residential dwelling. In addition the application indicates the planting of trees around the proposed machinery shed in order to provide adequate screening.

It is concluded from a detailed assessment of the application that the proposed use of reflective external construction materials is unlikely to have an adverse impact on the existing amenity and character of the immediate locality for the following reasons:

1. The proposed setback of the machinery shed from the street is substantial;
2. The proposed machinery shed has sufficient setback from any existing dwellings on the adjoining properties; and
3. The proposed machinery shed will be screened from the street and the adjoining properties by the planting of screening-type landscaping around the building.

Clause 5.9.10 of TPS No.1 also states:

"No person shall on land classified Local Rural Zone:

- i) Develop or establish or allow to develop the land for commercial or industrial purposes unless a residence is first erected."

As previously mentioned, the Lot 132 is currently used for agricultural purposes (i.e. grazing) and the machinery shed is required as part of the continued operation of the agricultural use. It should be noted that the currently landowner of Lot 132 resides in the existing dwelling that has been constructed on the adjoining property (i.e. Lot 133). Given the established use of Lot 132, it is concluded that the requirement to construct a dwelling on the subject land is particularly onerous in this instance and that the requested variation to the requirements of clause 5.9.10 be supported.

Conclusion

It is concluded from a detailed assessment of the planning application that the proposed machinery storage shed on Lot 132 (No.38) Bennett Street, Kukerin is:

1. unlikely to compromise the stated objectives for land classified 'Local Rural' zone in the Shire of Dumbleyung's current operative Town Planning Scheme No.1;
2. unlikely to have a negative impact on the surrounding land uses or the local streetscape; and
3. generally aligned with the outcomes intended by the current town planning framework applicable to the immediate locality.

Legal Implications

- Planning and Development Act 2005
- Shire of Dumbleyung Town Planning Scheme No.1

Policy Implications

Nil

Community Consultation

Not required

Financial Implications

Nil

Strategic Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That Council resolve to **approve** the planning application submitted by Craig & Nicola Treloar to construct a new steel framed, zincalume clad machinery storage shed on Lot 132 (No.38) Bennett Street, Kukerin generally in accordance with the details of the plans submitted in support of the application subject to compliance with the following conditions:

1. The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Dumbleyung having first been sought and obtained.
2. A completed building licence application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any earthworks or construction on the land.
3. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Dumbleyung.
4. The machinery storage shed shall be used for farm storage purposes only unless otherwise approved by Council.
5. The machinery storage shed shall have a floor area not exceeding 288m².
6. The machinery storage shed shall have a maximum wall height of 6 metres and a maximum ridge height of 7 metres.
7. The provision of landscaping around the new machinery storage shed prior to its occupation and use to provide adequate screening of the shed from the street and the adjoining properties with such landscaping being maintained to the satisfaction of the Shire of Dumbleyung.

Voting Requirements

Simple majority

10.3 MANAGER OF WORKS AND SERVICES REPORT

10.3.1 Shire of Dumbleyung five year Works program 2010/11 to 2014/15

FILE: FI BUGT
AUTHOR: Manager of Works and Services, Allister Butcher

Background

The Shire of Dumbleyung's five year program has currently expired and has reached the end of its life. For a Council to move forward with direction with regards to the Shires Works Department a five year roadworks program is required. This will also assist with future planning; this document is fluid and should be reviewed annually.

Officers Comments

This five year program encompasses from the fiscal years of 2010/11 to 2014/15 inclusive. I have undertaken extensive on-site investigations to prioritise all of the roads in this program to ensure that the projects contained within it are in such an order that addresses the areas of most concern first. I have used 5% as the CPI rate to try and project accurate costs for the future.

In recent years the Council's Works budgets have had an emphasis on installing widened seals on existing single lane sealed roads. This has occurred to the detriment of maintaining the Shires existing sealed roads, including newly sealed roads. Newly sealed roads (prime and single layer seal) should be resealed no later than five years after the installation of the new seal to protect the new seal and pavement. Once the second coat seal (reseal) has been completed, generally, the sealed road would need no major maintenance work for fifteen to twenty years. These facts are well known and documented asset management principles. At the moment the Shire has some new seals that have been down for approximately 10 years without a reseal, as much as this an outstanding feat, the seal is now starting to break up and pothole requiring intensive patching work which could have been negated by resealing the road at the appropriate time. The emphasis now is not to point the finger but to look forward and implement a plan to rectify these problems and put in place processes (such as the WAAMI program) to address all of these issues.

With regards to resealing roads the rule of thumb is that every sealed road should be resealed EVERY fifteen years. There are of course factors that will influence this time line. A sealed road requires traffic movement on it to keep the seal 'alive' and not turn it in to a toffee like state and therefore very brittle and susceptible to cracking. However, too much traffic, especially heavy haulage, will reduce the normal life expectancy of the pavement (gravel) under the seal, generally 60 years. That is why roads are designed with the type of traffic that will be using the road as the deciding factor for the design of the road.

Currently the Shire of Dumbleyung has approximately 1,250,000m² of sealed road, if we use the rule that every m² of road should be resealed every fifteen years then the Shire would need to reseal 83,333m² of sealed road a year. At the \$ rate I have been using for the 2008/09 fiscal year (\$4.50/m² for a reseal) that would equate to spending \$375,000 a year (plus CPI for subsequent years) in 2008/09 and \$393,750 (5% CPI increase) in 2009/10. This amount of money is 32% of the entire construction budget for 2009/10. This amount also equates to a cash component (little to no labour and plant costs for the Shire) which does not help retain local Works Staff.

On my travels to inspect sealed and unsealed roads within the Shire the thing that struck me the most was that the Shire has a lot of sealed roads that are starting to show signs of 'falling to bits', such signs as crocodile cracks (cracks that run both longitudinally and across the seal giving it the appearance of a crocodiles skin) and is a sign that the seal is in dire need of attention. In total the Shire has approximately 115,500m² of sealed road that have been rated as priority one out of ten (needs resealing no later than two to three years time) this equates to a total cost of \$545,737 at 2009/10 sealing rates. This amount is 47% of the total construction budget for 2009/10 not taking in to account the Royalties for Regions money. Then there was 95,000m² of roads that have been rated as priority two out of ten (need resealing no later than five years time) which equates to \$448,875 at 2009/10 resealing costs. Then there was 169,500m² of sealed road classified as priority three (reseal no later 7 years, this equates to \$800,878. This is a phenomenal amount of money just for resealing roads, a total amount of \$1,795,490 to spend in seven years just to hold the seals together now. This does not take in to account that in seven years time the neglected seals will be deteriorating and will require resealing at the same time so that a repeat occurrence does not occur.

The other thing to remember is that a balance has to be met so that not only does the Shire spend the cash component to maintain the sealed roads but the Shire also needs to retain a Works Crew and therefore must find a balance between the cash and labour components. This five year program has struck a balance between ensuring that the Shire's sealed roads are maintained and the Works Crew is kept employed. The program ensures that for the Construction Crew (six members) approximately 70% of their total time for the year is spent on construction projects and the other 30% for general maintenance; not including the maintenance grader operator, all of that time goes to maintenance. Any major reduction in the Construction Crews labour costs to supplement the cash component would result in either an increase in maintenance budget costs (if the crew is not spending time on construction, they will be spending it on general road maintenance) and the subsequent deterioration of the Shire's sealed roads i.e. a massive reduction in major resheeting works.

If the Shire was to keep on widening the existing one lane sealed roads at the rate it is at the moment then the Shire would have older sealed roads that would be requiring massive amounts of maintenance to hold the seals together. By keeping some of the existing one lane sealed roads and maintaining the gravel shoulders regularly, a safe road surface can be maintained. This will also result in sustained employment for the Shires maintenance grader operators. The other option is to revert some of these roads back to gravel roads, not an optimum outcome, however maintenance costs may dictate that this is a reality. A sealed road requires approximately 150 vehicles per day just to keep the bitumen active, any less and the bitumen turns to toffee as explained earlier.

What I have proposed with this five year program is a maintenance style program and Works Budget for 2009/10. The theory is to maintain what the Shire s current assets before installing new sealed roads due to the fact that the Shire cannot afford to maintain the sealed roads it has at the moment. Basically, what this program has done is taken the bitumen and stone that would normally be put down on a new section of work and has laid that down on existing seals (as a reseal) to maintain those roads. The 'construction' work (gravel work) that would have normally occurred to construct the new sealed roads has been put in to doing the same gravel work on the Shire's existing gravel roads, resheeting. In layman terms, maintaining the Shire's current assets, both physical assets and staff.

Financial Implications

Future costings for upcoming projects that will only lead the Council for the future and will be reviewed annually.

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That Council:

- Note the Manager of Works and Services comments; and
- Adopt the Shire of Dumbleyung's Five Year Works Program 2010/11 to 2014/15 (as per attachment).

Voting Requirements

Simple majority

10.3.2 Regional Road Group Five Year Program 2010/11 – 2014/15

FILE: EN – RRG

AUTHOR: Manager of Works and Services, Allister Butcher

Background

As part of the Regional Road Group funding arrangements, all Local Governments must submit a five year program for approval by the Regional Road Group.

Officers Comments

The old format to the MCA forms were required to be filled out and each individual project had received a score and were then ranked against other Shire's. This process is fine in theory, but in practice it proved that to complete a project and apply the second seal (the first reseal) the scores were a lot lower than a construction generally received. The Technical Group (reports to the Regional Road Group) decided to allocate the points on the MCA form such that a second coat would obtain more points than what was in place with the old MCA.

For the Shire of Dumbleyung this is a most propitious outcome due to the fact that the Shire does have a lot of roads that do require a second coat seal (first reseal) to hold the existing prime and seal together.

The Kulin – Dumbleyung Road (Rabbit Proof Fence Road) is starting to show advanced signs of pavement failure. There are a couple of things that can be done with different results and life expectancies. These are:

- Slurry asphalts – this is the same thing that has been completed on the Wagin – Arthur River Road. These work quite well when the pavement has settled and is not still failing, if the pavement is continuing to fail and hence move then applying the slur asphalt will result in the asphalt cracking and blowing out because the pavement is still moving underneath and the asphalt is not as flexible as the pavement. This process is generally quite cheap in relation to other solutions. The Shire is also still left with a pavement that has essentially reached the end of its useful life.
- Cement stabilisation of the pavement – This has occurred in the Shire and has exceptional results when applied correctly in situations where the pavement has exceeded optimum moisture content (as can be found in low lying roads on flat plain country). To apply the cement stabilisation correctly normally involved peeling back the bitumen and top 200mm of gravel, then stabilising the next 200mm of gravel below what has been peeled back; then pulling the old top 200mm of gravel back on (or importing new gravel, preferred option) and stabilising that 200mm of gravel and then sealing as soon as possible. This is quite cost prohibitive for large areas of work but comes in to its own for patching small areas of pavement. This process will give essentially a new pavement that will last for at least 60 years when applied correctly.
- Reconstruction of the pavement – This process involves dropping the grader rippers in to the existing seal and working this so that the old base course (gravel just below the seal) now becomes the sub base course. With the injection of the seal being worked in to the original base course gives it extra stone to hold it together. This is due to the fact that sealing aggregate is not as susceptible to being broken down due to salt as gravel stone is. Then on top of the new sub base an extra 100 – 150mm of gravel is added to raise the formation and seal up away from the salt. The Shire now has a new pavement that will last for at least 60 years and is also raised away from the salt.

With the results that are expected from the Fence Road Drainage project the last solution is the preferred option, the Drainage project is projected to lower the groundwater table and as such raising the height of the road (even if ever so slightly) will assist the road in retaining its structural integrity for years to come. An example is to look at roads that are higher than the existing salt affected area and look at the condition of these roads compared to roads that are at the same height as the surrounding salt affected land. The results speak for themselves. The solution prescribed will give the Shire the best ‘bang for their buck’ and will have great results well in to the future.

Financial Implications

Grant application

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That Council adopt the Regional Road Group Five Year Program 2010/11 to 2014/15 for submission to the Regional Road Group for approval, as per attachment.

Voting Requirements

Simple Majority

10.5 CHIEF EXECUTIVE OFFICERS REPORT

10.5.1 Department of Local Government and Regional Development – Checklist Assessment Outcome

FILE: CR SRAC

Background

Attached is the Department's assessment of Councils submission and checklist for the Local Government Reform Steering Committee. The Shire President and I were at a meeting with WALGA President Cr Bill Mitchell and he advised that in his role on the steering committee he has personally seen 60 or more assessments and of these only one was given a category one with the others evenly distributed in categories two and three. There has been a structural reform workshop on 8th July (organised by the Department) with the Shires of Wagin, Katanning, Kent, Woodanilling, West Arthur, Lake Grace and Dumbleyung; the attendees at that meeting will be able to provide further details for the council meeting.

From the assessment it is obvious that council needs to spend more resources and efforts in the areas of asset management, strategic planning and long term financial planning. To this end it may be necessary for council to allocate sufficient resources in its 2009/10 budget and work with the Lakes VROC (Lake Grace and Kent) to achieve these areas.

Financial Implications

Possible 2009/10 Budget consideration

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That the checklist assessment outcome received from the Department of Local Government and Regional Development be received and that council allocates sufficient resources to enable council to undertake or commence asset management, long term financial planning and strategic planning.

Voting Requirements

Simple Majority

10.5.2 Landgate – Geographic Names Committee

FILE: CP RES/CO LAKE

Background

Councillors will be aware of the correspondence received from Landgate concerning the naming of the new road to the ski club at the Dumbleyung Lake. (letter read to meeting on 18th June). Council did not determine a course of action at that meeting and are now requested to propose a name for the new road. Perhaps an alternative may be to use one of the 4MB names as a road name or perhaps Southlakes could be suggested.

Financial Implications

Nil

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That council determine a name to put forward to Landgate to identify the new road providing access to the ski club of the lake.

Voting Requirements

Simple Majority

10.5.3 Masonic Lodge

FILE: CP OHALB

Background

Councillors are aware of the damage to the Masonic Lodge and subsequent report prepared by councils building surveyor. I am aware of the desire of the Dumbleyung Theatre Club to restore the building and seek councils financial support for the project. I have arranged for an independent report from a structural engineer to be completed to enable council to make a more informed decision on the project. Attached is a copy of the entry in the Shire of Dumbleyung's Municipal Heritage Inventory if the Masonic Lodge.

Financial Implications

Extensive repairs to be considered by council in its budget deliberations

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That council endorse the Chief Executive Officer's actions in seeking a structural engineer's report on the Dumbleyung Masonic Lodge and that council await the report prior to making any determination on the restoration of the building.

Voting Requirements

Simple Majority

10.5.4 UHY Haines Norton – Interim Audit Report

FILE: AD AUD

Background

Correspondence has been received from councils auditors, UHY Haines Norton, Providing council with a list of concerns discovered during their interim audit. The matters raised with councils staff comments are:

Orders are not always made out for the purchase of goods and services.

All staff have been alerted to the need to ensure purchase orders are issued in respect to all purchases.

The person responsible for receiving goods or services has not, in many incidences, signed a delivery note or invoice to confirm acceptance.

All staff have been informed of the correct procedures.

The daily cash reconciliations completed at the front counter are not reviewed for accuracy and completeness on a regular basis.

The Deputy Chief Executive Officer has commenced a random checking process.

Bank reconciliations from July 08 to February 09 were not reviewed by a person more senior than the preparer.

This has been the same for many years, councils bank reconciliations are prepared by the Deputy Chief Executive Officer and are reviewed every month by Council as they form part of councils financial reports.

In a small office such as ours I believe this is appropriate.

Financial Implications

Nil

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That the report from councils auditors be received and that the administration comments be noted and UHY Haines Norton be advised accordingly.

Voting Requirements

Simple Majority

10.5.5 Annual Resolutions

Council is required to review certain delegations and accounting requirements on an annual basis and these are now provided for councils adoption.

1. Delegations Register

Background

Council is required under the Local Government Act section 5.46 (2) at least once every financial year “delegations made under this division are to be reviewed by the delegator.” Council last reviewed its delegations at its meeting of 16th April 2009 and it is now appropriate to review the delegations for the current financial year. The current register is attached.

Financial Implications

Nil

Policy Implications

Nil

Statutory Implications

Local Government Act section 5.46 (2)

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That council review and adopt its listed delegations as required under the Local Government Act.

Voting Requirements

Simple Majority

2. Material Variance – Financial Management Regulation #34 (5)

Council is required under the Financial Regulations to adopt a policy in relation to material variances for reporting purposes.

Financial Implications

Nil

Policy Implications

Policy adoption

Statutory Implications

FM Regulation 34(5)

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That to comply with Financial Regulation 34(5) any material variances of +/- 10% or \$10,000, whichever is the greater, will be disclosed in the monthly statement of financial activity for the 2009/10 financial year.

Voting Requirements

Simple Majority

3. Meeting Dates for the next 12 months:

20th August 2009

17th September 2009

15th October 2009

19th November 2009

17th December 2009

January 2010 – No meeting

18th February 2010

18th March 2010

15th April 2010 (Kukerin Town Hall)

20th May 2010

17th June 2010

15th July 2010

10.5.6 Lakes VROC – Memorandum of Understanding

FILE: AD VROC

Background

Council has over the last six months agreed to form a new VROC along with the Shires of Kent and Lake Grace. The Chief Executive Officer's of the three councils had a meeting on Tuesday 7th July and have formulated the attached MOU. The MOU is based upon the MOU that council currently has in place for the 4WD VROC. It is proposed that the three councils endorse the MOU and that the official signing take place at Local Government Week in Perth.

Financial Implications

Nil

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That council endorse the MOU for the Lakes VROC and authorise the Shire President and Chief Executive Officer to sign the agreement.

Voting Requirements

Simple Majority

10.5.7 Main Roads WA – Roads 2025 Significant Road Network Review

FILE: EN MRD

Background

Correspondence has been received from Main Roads WA seeking council to review the roads 2025 – significant road network. Council needs to advise Main Roads by 4th September of any changes it would like to make to the network. Council's administrative staff have checked the roads and believe that no changes are required for the Shire of Dumbleyung.

Financial Implications

Nil

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That Council advise Main Roads WA – Narrogin, that it has no alterations to be made to the roads 2025 – significant road network document.

Voting Requirements

Simple Majority

10.5.8 Authorised Officers – Appointments

Summary

The purpose of this report is for council to appoint authorised persons to exercise power under the local government act 1995, associated legislation and other acts, of behalf of the Shire of Dumbleyung.

Background

In accordance with a number of provisions of various acts, regulations and local laws, council is required to appoint authorised persons to perform various authorised functions.

Authorisations are reviewed on an annual basis and updated to reflect staff changes. Following approval by council the authorisations are gazetted and published in the government gazette.

Comment

(1) Section 3.24 of the local government act 1995 enables a local government to expressly authorise a person(s) to exercise its executive powers under division 3 of the act.

These authorisations relate to certain provisions about land, including issuance of notices requiring certain things to be done by an owner or occupier of land in accordance with schedule 3.1 of the act. These can include matters relating to drainage requirements, safety issues and unsightly land. It is proposed to appoint Mr Henry Van Der Ende and Mr Paul Godfrey.

(2) Part 3 division 3 section 3.28 and 3.29 of the local government act 1995 provides for power of entry eg abandoned vehicles or home industry. For this purpose it is proposed to authorise Mr Phil Gough of Great Southern Ranger Services.

(3) Section 3.39 of the local government act 2995 enables council to appoint an authorised person for the purpose of removing or impounding of goods that are involved in a contravention, as prescribed by regulation or local law, that can lead to impounding. Mt Henry Van Der Ende is the authorised officer and it is proposed to include Mr Phil Gough of Great Southern Ranger Services.

(4) For the purposes of s37 of the control of vehicles (off-road areas) act 1978 the following staff members are designated as authorised officers – Mr Henry Van Der Ende and Mr Phil Gough.

(5) Section 9.10 of the local government act 1995 provides for the appointment of authorised persons for the purpose of investigating the suspected commission of an offence against the local government act 1995 and or the Shires local laws (s9.11 and s 9.15). Mr Henry Van Der Ende, Mr Paul Godfrey and Mr Phil Gough are to be appointed.

For the subsequent issue of infringement notices in accordance with s9.13, s9.16 and s9.17 of that act, Mr Henry Van Der Ende, Mr Paul Godfrey and Mr Phil Gough are to be appointed.

(6) The extension of the payment period (s9.19) and/or the withdrawal of the notice (s9.20) is to be authorised by the Chief Executive Officer Mr Henry Van Der Ende.

(7) Furthermore, in accordance with s449 of the local government (miscellaneous provisions) act 1960, a local government may establish and maintain one or more public pounds and may appoint persons to be

keepers of those pounds so as to have care, control and management of those pounds. Ms Judy Beecroft and Mr Jeff Alderton are appointed as pound keepers. Mr Phil Gough of Great Southern Ranger Services is appointed as Ranger.

(8) Pursuant to the dog act 1976 the Shire is required to appoint “registration officers” to effect the registration of dogs pursuant to the requirement of the act

The following staff members along with Mr Phil Gough are appointed as authorised “registration officers”;

- Paul Godfrey
- Alex Adams
- Michelle Angel
- Candice Ward
- Mary-Ann Davidson

(9) Pursuant to s27 of the health act 1911 council may appoint an environmental health officer to perform such duties as the local government from time to time directs and also such as are specifically prescribed by any order of the executive director, public health. Mr Maurice Walsh is the appointed environmental health officer.

(10) Pursuant to s59 (2)(a) of the bush fires act 1954 a local government may institute or carry on proceedings, including the issue of infringement notices, against a person for an offence alleged to have been committed against the act.

For the purposes of proceedings, council has delegated its authority to the Chief Executive Officer (s59(3)) who has on-delegated (see delegations register – other 03) to the Deputy Chief Executive Officer. Mr Phil Gough is also included.

(11) Pursuant to s17 of the caravan parks and camping grounds act 1995 the Chief Executive Officer may appoint such persons to be authorised persons for the purposes of the act. An authorised person may enter and inspect premises to ensure compliance with the requirements of the act.

The Chief Executive Officer has appointed Mr Maurice Walsh as an authorised person for the purposes of the caravan parks and camping grounds act 1995.

(12) For the purposes of s26 of the litter act 1979, all councillors and staff are deemed to be authorised officers. Mr Phil Gough is also included.

Consultation

N/A

Legal Implications

Local government act 1995

Local government act (miscellaneous provisions) act 1960

Bush fires act 1954

Dog act 1976

Health act 1911

Litter act 1979

Control of vehicles (off-road areas) act 1978
Caravan parks and camping grounds act 1995
Cemeteries act 1986

Financial Implications

Nil

Policy Implications

Nil

Strategic Implications

Provides for the good governance of the Shire

Cultural Implications

N/A

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That council appoint the following persons as “authorised officers” in respect to the requirements of the specified acts:

(1) Local Government Act 1995, Part 3, Division 3, Subdivision 2, Certain provisions about land – s3.24 (related to the issuing of notices):

Henry Van Der Ende

Paul Godfrey

(2) Local Government Act 1995, Part 3, Division 3, section 3.28 and 3.29 of the local government act 1995 provides for power of entry (related to abandoned vehicles or home industry):

Henry Van Der Ende

Phil Gough

Judy Beecroft

(3) Local Government Act 1995, Part 3, Division 3, Subdivision 4: impounding goods involved in certain contraventions – s3.39 (relates to the power to remove and impound):

Henry Van Der Ende

Phil Gough

Judy Beecroft

(4) Local Government Act 1995, Part 9, Division 2, Subdivision 1, miscellaneous provisions about enforcement – s9.10, s9.11 and s9.15; and Control of Vehicles (off-road areas) Act 1978 – s37 (relates to the fining of a person committing an offence):

Henry Van Der Ende

Jeff Alderton

Phil Gough

(5) Local Government Act 1995, Part 9, Division 2, Subdivisions 1&2, miscellaneous provisions about enforcement and infringement notices – s9.13, s9.16 and s9.17: (relates to the issuing of notices):

Henry Van Der Ende

Paul Godfrey

Phil Gough

(6) Local Government Act 1995, Part 9, Division 2, Subdivision 2, miscellaneous provisions about enforcement – s9.19 and s9.20 (relates to amendment of notices):

Henry Van Der Ende

Paul Godfrey

(7) Local Government (miscellaneous provisions) Act 1960 – s449 local governments may establish pounds, appoint pound keepers and rangers:

Judy Beecroft (pound keeper)

Jeff Alderton (pound keeper)

Phil Gough (Great Southern Ranger Services)

(8) Dog act 1976 – registration officers

Paul Godfrey

Michelle Angel

Candice Ward

Alex Adams

Mary-Ann Davidson

(9) Health Act 1911 – s27 Appointment of Environmental Health Officer

Maurice Walsh

(10) Bush Fires Act 1954 – s59(2)(a) and (3) – Issue of infringement notices, council delegation other 03

Paul Godfrey

Jeff Alderton

Phil Gough

(11) Caravan Parks and Camping Grounds Act 1995 – s17 Authorised Persons

Maurice Walsh

(12) Litter Act 1979 – s26

All elected members

All council staff

Phil Gough

Voting Requirements

Simple Majority

10.5.9 Waste Authority – Regional Funding Program for Local Government

FILE: HE RECY

Background

As part of the regional investment plan for the Wagin group of councils (12 councils) a funding application has been made with the waste authority of WA to commence work on issues raised in the regional waste management plan adopted by the group. The funding application totals \$155,000 and starts the following projects:

- Improvement of landfill management
- Green waste recycling
- Installation of litter fences
- Fencing wire and wet cell battery recycling
- Kerbside recycling
- Materials recycling facility

The grant application in some instances provides for the employment of a consultant to provide advice and assistance in progressing the issues to the satisfaction of the Department of Conservation and Environment.

Financial Implications

Nil

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That Council notes and endorses the funding submission prepared under the regional funding program for local government by the Wagin group of councils.

Voting Requirements

Simple Majority

10.5.10 Picking of Native Seeds from Council Reserves

FILE: LA CONS

Background

An application has been received from a Peter Denton of Cuballing seeking council approval to collect native seed from the gravel and road reserves within the Shire of Dumbleyung.

Council has in the past granted approval to Landcare Services (19th July 2007) to collect seeds from council controlled reserves.

Financial Implications

Nil

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That Mr Peter Denton be authorised to collect native seeds on council managed reserves and roadsides within the Shire of Dumbleyung subject to obtaining all necessary permits from the Department of Conservation and complying with the following requirements;

1. No more than 50% of mature seed be collected from any individual plant
2. No firearms will be carried
3. All sites will be left in a clean and tidy state after collection
4. Any gates are to be closed on departure
5. No collection will take place of protected plant species or within a threatened ecological community
6. Only branches and/or limbs will be lopped to collect seed; no trees will be felled
7. Chainsaws and other such equipment will no be used
8. Collection will not take place in adverse weather conditions

Voting Requirements

Simple Majority

10.5.11 Beth Bartram – Employment of an APB Officer

FILE: LA APB

Background

Correspondence has been received from Mrs Beth Bartram seeking council to employ an Agricultural Protection Board officer to control the spread of declared and problem weeds within the Shire.

The previous appointment of an APB officer was financed through the state government and when that funding dried up the position was moved to Lake Grace. The incumbent in the position (Adrian Chesson) does still advise the Manager of Works and Services of any problems within the Shire and we generally use contractors to spray the areas requested. Councils administration staff are still working on councils budget and the following items have been included in the works budget;

- | | |
|--|----------|
| • Road verges – Control by council staff on rural verges | \$10,250 |
| • Noxious weeds – rural services by contractor | \$ 4,190 |

- Afghan thistle – Protection of environment – contractor \$ 1,000
- Bridal creeper - Protection of environment – contractor \$ 3,500
- Declared weeds - Protection of environment – contractor \$ 3,500

To employ a dedicated officer to work as an APB officer would probably cost in the order of \$50 – 60,000 plus on cost expenses of \$50,000 plus.

Financial Implications

Budget expenditure

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That Mrs Bartram be thanked for her letter and advised that council does still receive advice from Mr Chesson and council does make provision within its budget for the control of declared and noxious weeds.

Voting Requirements

Simple Majority

10.5.12 Department of Agriculture and Food – Notice of Intention to Drain

FILE: LA NOI

Background

Correspondence has been received from the Department of Agriculture advising of a notice of intent to drain Williams locations 7134, 6778 and 8821 (Smith) Williams locations 6779, 8706 and 6780 (Baxter) and Williams location 6786 (Bairstow) and seeking councils comments by 23rd July 2009. Councils Landcare officer Mrs C Smith is available for information if required.

Financial Implications

Nil

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That council receive the notice of intent to drain from the Department of Agriculture and Food and advise that it has no comment to make.

Voting Requirements

Simple Majority

10.5.13 Katanning Senior High School – Spirit Week 2009

FILE: FIDON

Background

Correspondence has been received from the Katanning Senior High School student leadership group seeking council support for their 2009 spirit week event. Council did support the event in 2008 with a donation of \$50.

Financial Implications

Donation

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That council supports the Katanning Senior High School 2009 spirit week event with a \$50 donation.

Voting Requirements

Simple Majority

10.6 REPORTS OF COMMITTEES

Nil

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Toilet Facilities at Cemeteries

Moved Cr Wilson

Seconded Cr

That council make provision in the 2009/10 budget for the construction of suitable toilet facilities at the Dumbleyung and Kukerin cemeteries.

12. FINANCIAL REPORT AND ACCOUNTS FOR PAYMENT

12.1 ACCOUNTS FOR PAYMENT

Moved Cr

Seconded Cr

That the creditors payment list submitted to Council on Thursday 16th July 2009 totalling \$303,828.87, in accordance with FM Regulation 13 be accepted and approved.

12.2 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 30th June 2009 as presented to Council be accepted.

12.3 FINANCIAL REPORT (BANK RECONCILIATION)

Moved Cr

Seconded Cr

That the Financial Report of the Bank Reconciliation for the month ending 30th June 2009, in accordance with Financial Management Regulations 34, as presented be accepted.

13. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE IS GIVEN

14. CORRESPONDENCE: BUSINESS ARISING

14.1 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.

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

16. MATTERS BEHIND CLOSED DOORS

17. CLOSURE