



SHIRE OF DUMBLEYUNG

Minutes of the Ordinary Meeting of Council held in the Council Chambers on Thursday 23rd October 2008, commencing at 3.00pm.

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1. OFFICIAL OPENING

The Presiding Member Cr G Davidson opened the meeting at 3.01 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 Beverley Bracknell	Dumbleyung Ward
Cr Michele Brown	Dumbleyung 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
A Butcher	Manager of Works and Services

2.2 LEAVE OF ABSENCE

Cr Jacki Ball	North Ward
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Suspension of Standing Orders

Motion 001

Moved Cr Smith

Seconded Cr Frame

That Council suspend standing orders

CARRIED 8/0

Landcare Officer Carly Jasper gave a report on Landcare and discussed various issues including pig control and the opinion survey. Council confirmed the content of the survey form on GM and Landcare issues.

Standing Orders Reinstated

Motion 002

Moved Cr Ditchburn

Seconded Cr Smith

That Council resume standing orders.

CARRIED 8/0

3. PUBLIC QUESTION TIME

No members of the Public were in attendance

4. APPLICATIONS FOR APPROVED LEAVE OF ABSENCE

Nil

5. PETITIONS/DEPUTATIONS - PRESENTATIONS

Nil

6. CONFIRMATION OF MINUTES

6.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON THURSDAY 18TH SEPTEMBER 2008

Motion 003

Moved Cr Ditchburn

Seconded Cr Pearce

That the Minutes of the Ordinary Meeting of Council held on Thursday 18th September 2008 and circulated to all councillors, be confirmed as a true and accurate record.

CARRIED 8/0

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. A public meeting will be held in Kukerin on 17 th April 2008 Old plans forwarded on to Agencies
Nov 03	Proposed changes to Dumbleyung Hospital	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. Ms Allison Cooke attended the Council Budget Meeting on 31/07/07 to allay concerns over leaked Report. Last meeting held 28 th November 2007.
Aug 05	Future Aged Care Residential facility	002	The Regional Director of Health has been written to in relation to the future of the vacant reserve next to the 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. Onsite meeting has overcome Telstra cable problem by allowing an easement on the Lot. Councils Manager of

Feb 08			Works is negotiating with Watercorp for the re-location on the water meter (approximate cost of \$3,500.) Letter sent to health department re change of location. Confirmation of agreement of Country Health Service to allow eastern portion of site to be used.
Oct 07	Great Southern District Office – Delivering of Police Services to the Community in the Shire of Dumbleyung	007	Meeting held with Commissioner of Police and District Superintendent, OIC Wagin Police Station and Terry Waldron on 07/11/07. Review to take place July 2008. Meeting held with Councillors and Inspector Darryl Gaunt, M/S Natalie Harrison on Friday 23/05/08. Superintendent Tomasini is due to attend Councils meeting on 23 rd October 2008.
May 08	Heritage Protection (Preparation of a Heritage List)	006	Draft Heritage List currently being prepared for submission to Council for review and comment prior to adoption and public advertising.
Jun 08	TLC Baling – purchase of Lot 106 Bartram rd	010	Progressing – valuations sought prior to advertising. Re-zoning progressing.
July 08	Proposed Industrial Rezoning Amendment to the Shire of Dumbleyung TPS #1	007	Scheme Amendment documentation and plans have been completed by the Shire's town planning consultants and forwarded to the Shire for execution by the Shire's CEO & President and referral to the EPA for environmental clearance.
July 08	Proposed Access Road to Lake Dumbleyung (through Portion of Reserve 5999, Unallocated Crown Land and Lot 1326)	011	Public advertising of the proposal is currently in progress and is due to finish on Tuesday 23 September. It is anticipated that a report on the outcomes from the public advertising process will be prepared and presented to Council for consideration at its ordinary meeting in October 2008.
July 08	Stubbs Park Board Agreement – Dumbleyung Tennis Courts Maintenance	015	Meeting still to be arranged
Aug 08	Robert McIntyre – Annual Award	018	Letters sent to prospective committee members. Meeting to be held 3.00pm 13 th October 2008.
Sept 08	Proposed Subdivision – Lots 15428 & 10696 Hills rd & Lot 15525 Halden East rd Tarin Rock	003	The WAPC was advised of Council's decision to support the subdivision proposal under correspondence dated 22 September 2008. No further action is required by the Shire. Now awaiting notification of the WAPC's final decision on the application.
Sept 08	Workplace Solutions – Elected Member Training	004	Date arranged and invitations sent to neighbouring Councils. Will provide verbal update at the meeting.

Sept 08	HA Baxter – Hire Charges Tree Planter	006	Letter written
Sept 08	Terri & Dale Lloyd – Fence Road Deep Drainage	008	Response sent
Sept 08	4WD – Memorandum of Understanding	018	Memorandum of Understanding signed by Cr Pearce of behalf of the Shire of Dumbleyung.
Sept 08	GS Mobile Mechanical Service	022	Valuation requested prior to advertising

- Cr Dare asked if there was any progress with the proposed aged care facilities. The Chief Executive Officer advised there is no new information.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

With great regret, the president accepted Cr Smith's resignation.

During the month since the last Council Meeting, the President has attended the following;

- WALGA Central Country Zone meeting at Lake Grace
- Centenary meeting
- The Moulyinning Fire Truck arrived
- South West Catchments Council meeting
- Wheatbelt Drainage committee
- Engineering Evaluation Initiative
- Hospital Watch meeting
- Road Inspection

9. REPORTS TO COUNCIL

9.1 TOWN PLANNERS REPORT

9.1.1 PROPOSED ACCESS ROAD TO LAKE DUMBLEYUNG (THROUGH PORTION OF RESERVE 5999, UNALLOCATED CROWN LAND & LOT 1326)

Applicant: Nil
Attachments: Plans 1 to 3 & Attachment 1
Author: Mr Joe Douglas & Mr Carlo Famiano

Town Planning Consultants
Disclosure of Interest: Nil

Date of Report:
Senior Officer:

7 October 2008
Mr Henry Van Der Ende

Chief Executive Officer

Background

This report documents the outcomes from the recent public advertising of the proposal to dedicate and construct a new access road to Lake Dumbleyung from Bullock Hills Road through Reserve 5999, unallocated Crown Land and Lot 1326 to provide formal access to the Dumbleyung Ski Club (See Plan 1 – Location Plan).

The objective of the access road is to provide legal access to the ski club and cease the unofficial arrangement whereby the public crosses Reserve 5999 and Unallocated Crown Land with no legal authority. Formalising the access road will also help to prevent any further illegal activities taking place over the subject landholdings.

At its Ordinary Meeting held on 17 July 2008, Council passed the following resolution in relation to the proposal:

Advertise for a minimum period of thirty five (35) days in a newspaper circulating in the district Council's intention to resolve to request the Minister for Lands to dedicate a new access road through to Lake Dumbleyung from Bullock Hills Road through Reserve 5999, Unallocated Crown Land and Lot 1326 in accordance with the details of the original plan.

Write to all adjoining landowners and relevant service authorities advising of Council's intention to resolve to request the Minister for Lands to dedicate a new access road through to Lake Dumbleyung from Bullock Hills Road through Reserve 5999, Unallocated Crown Land and Lot 1326 in accordance with the details of the original plan.

Following completion of the thirty five (35) day advertising period, consider all submissions received and make a recommendation in respect of each submission prior to making a final decision as to whether or not to resolve to request the Minister for Lands to dedicate a new access road through to Lake Dumbleyung from Bullock Hills Road through Reserve 5999, Unallocated Crown Land and Lot 1326 in accordance with the details of the original plan.

Comment

The proposal was advertised for the required thirty five (35) day period which concluded on 23 September 2008. The advertising process included notices in a newspaper circulated within the district, correspondence to the relevant government agencies and adjoining land owners and display of the relevant report and plans at the Shire's administration centre. At the conclusion of the public advertising period a total of five (5) submissions had been received, all of which were from government agencies. A summary of all submissions received is provided in the attached 'Schedule of Submissions' (see Attachment 1).

A detailed review of the submissions has revealed that the government agencies are generally supportive of the proposed access road to Lake Dumbleyung and have no objections to the proposal. Two government agencies (Tourism WA & the Department of Indigenous Affairs) did however provide some advice and recommendations regarding the need to provide facilities along the proposed road for tourists and to undertake survey work to identify any Aboriginal heritage sites if the road has any impact within 30 metres of the Lake Dumbleyung water body. All comments regarding these matters have been duly noted and will be addressed, if need be, during the construction stage of the project (see 'Council's Recommendations' in Attachment 1 – Schedule of Submissions).

It is significant to note that the submissions received during public advertising did not recommend any modifications to the location of the proposed access road. As such Council is now in a position to finally resolve to request the Minister for Lands to grant final approval to the dedication of the proposed access road. If Council resolves to proceed in accordance with the recommendation provided by this report, a formal written request will be prepared and submitted to the State Land Services division of the Department for Planning and Infrastructure (DPI-SLS) seeking the Minister for Lands final approval to the road dedication proposal.

Conclusion

The proposed new access road will provide legal access to Lake Dumbleyung and the Dumbleyung Ski Club and resolve the legal issues arising from the current unauthorised public access through Reserve 5999 and the adjoining Unallocated Crown Land. Given the benefits of the project and the fact that no objections were received during public advertising of the proposal, it is recommended that Council finally endorse the proposed plan and seek ministerial approval to the dedication of the new access road.

Legal Implications

Planning and Development Act 2005
Shire of Dumbleyung Town Planning Scheme No.1
Land Administration Act 1997
Land Administration Regulations 1998.

Policy Implications

Nil

Community Consultation

Completed in accordance with the specific requirements of the *Land Administration Act 1997* and *Land Administration Regulations 1998*. No objections received.

Financial Implications

The administrative costs associated with progressing the project are estimated to be in the order of \$1,500.00 excluding GST. The cost of this work will be absorbed within the Council's budget for the 2008/2009 financial year.

The cost of constructing the access road will need to be determined and a suitable allowance made in Council's 2009/2010 budget if Council wishes to proceed with the project over the next twelve months.

Strategic Implications

The new access road will provide additional access to Lake Dumbleyung and the Dumbleyung Ski Club. Furthermore, the new road will formalise the existing access arrangements and resolve the legal issues arising from the current unauthorised access through Reserve 5999 and the adjoining Unallocated Crown Land.

Officer Recommendation and Council Decision

Motion 004

Moved Cr Brown

Seconded Cr Bracknell

That Council resolve to:

Note the submissions received during public advertising of the proposal to dedicate and construct a new access road through to Lake Dumbleyung from Bullock Hills Road through Reserve 5999, Unallocated Crown Land and Lot 1326.

Endorse the 'Schedule of Submissions' including Council's recommendations in respect of each submission as provided in Attachment 1 to the above report.

Request the Hon. Minister for Lands to grant final approval to the dedication and construction of a new access road through to Lake Dumbleyung from Bullock Hills Road through Reserve 5999, Unallocated Crown Land and Lot 1326 in accordance with the details shown in the attached Plan 3.

Authorise the Shire Administration to prepare the required documentation for submission to the Hon. Minister for Lands for formal consideration.

Advise those that prepared and lodged submissions on the proposal during public advertising of Council's resolution to proceed with the project.

CARRIED 8/0

Voting Requirements

Simple majority

9.1.2 PROPOSED RURAL SUBDIVISION (AMENDED PLAN) – LOTS 11115 & 8409 EDWARDS ROAD, MOULYINNING

Applicant: Harley Survey Group
Attachments: Plans 4 to 8
Author: Mr Joe Douglas & Mr Carlo Famiano

Town Planning Consultants

Disclosure of Interest: Nil
Date of Report: 7 October 2008
Senior Officer: Mr Henry Van Der Ende

Chief Executive Officer

Background

The following report has been prepared in response to correspondence received from the Western Australian Planning Commission (WAPC) seeking Council's comment on an amended subdivision plan prepared in respect of a proposed boundary re-alignment between Lot 11115 and Lot 8409 Edwards Road, Moulyinning.

The original subdivision application proposed to subdivide Lot 11115 into two (2) new separately titled lots of 10.9846 hectares (i.e. Proposed Lot A) and 81.223 hectares (i.e. Proposed Lot B) (see Plan 8 - Original Plan of Subdivision). The original subdivision application was considered by Council at its Ordinary Meeting held on 18 June 2008 wherein Council resolved as follows:

"That Council advise the Western Australian Planning Commission that it does not support the application submitted by Harley Survey Group on behalf the current landowner Mr Howard Edwards to subdivide Lot 11115 Edwards Road, Moulyinning into two (2) new separately titled lots on the grounds that the proposal fails to satisfy the relevant criteria contained in WAPC Development Control Policy No. DC 3.4 – Subdivision of Rural Land for the following reasons: Subdivision of land classified 'Regional Rural' zone is not specifically provided for within the Shire of Dumbleyung Town Planning Scheme No.1 or Local Planning Strategy.

The proposed subdivision will result in the fragmentation of agricultural land and would adversely impact the broad-acre farming character of the immediate area.

Candlelight Road South East is not considered to be a significant man-made feature that would justify the subdivision of the land as proposed.

Subdivision of the subject landholdings in the manner proposed will create an undesirable precedent for similar subdivision applications within the 'Regional Rural' zone in the immediate locality."

In light of Council's resolution in this matter and subsequent advice provided to the applicant by the Shire's town planning consultant (i.e. the reporting officers) the applicant prepared and submitted an amended subdivision plan with the WAPC on 16 September 2008. In accordance with the specific requirements of section 142(2) of the Planning and Development Act 2005 the Shire of Dumbleyung has forty two (42) days (i.e. deadline is 28 October 2008) to provide the WAPC with any comments and/or recommendations considered relevant to the proposal.

An assessment of the revised application in the context of current State Government planning policy and the Shire's current town planning scheme, and a final recommendation regarding the

general suitability of the amended subdivision plan are provided to assist preparation of the necessary response to the WAPC.

Comment

Lots 11115 & 8409 cover a total area of approximately 150.71 hectares and are located 11 kilometres south-west of the Kukerin townsite and 6 kilometres south-east of the Moulyinning townsite. The land is located on the corner of Edwards Road to the west and Candlelight Road South East, which passes through the northern portion of Lot 11115 (see Plans 4 & 5).

The subject land is gently undulating and predominantly cleared of vegetation as a result of its traditional use for broad-acre farming purposes except for some minor vegetation located centrally on Lot 11115 and on the eastern portion of Lot 8409. The land appears to comprise a number of dams that are strategically located to provide efficient and convenient access to water resources to support the agricultural use of the land. Latest aerial imagery provided by Landgate indicates that a dwelling, sheds and other significant improvements are located on Lot 8409.

Harley Survey Group, on behalf the current landowner Mr Howard Edwards, has submitted an amended subdivision plan with the WAPC seeking approval to realign the boundaries between Lots 11115 and Lot 8409 to coincide with the location of Candlelight Road South East.

Specific details of the proposed amended subdivision plan are shown on the attached Plan 7 (Proposed Subdivision Plan) and summarised in the following table:

Lot Particulars	Existing Land Area (Approx.)	Proposed Land Area (Approx.)
Existing Lot 8409	58.5049 hectares	-
Existing Lot 11115	92.2076 hectares	
Proposed Lot A	-	69.4895 hectares
Proposed Lot B	-	81.223 hectares

In considering this subdivision application Council is required to have due regard for provisions contained in the following planning documents prior to formulating its response to the WAPC:

Shire of Dumbleyung Town Planning Scheme No.1; and
WAPC Development Control Policy No. DC 3.4 – Subdivision of Rural Land

The following is an assessment of the subdivision proposal in the context of the specific requirements of these documents to determine its general suitability.

Shire of Dumbleyung Town Planning Scheme No1

Lots 11115 and 8409 are currently classified 'Regional Rural' zone in the Shire of Dumbleyung Town Planning Scheme No.1 (TPS No.1). In relation to land classified 'Regional Rural' zone TPS No.1 provides the following key objectives:

*"To ensure the continuation of broad-acre farming as the principal land use in the District and encouraging where appropriate the retention and expansion of agricultural activities;
To protect the potential of agricultural land for primary production and to preserve the landscape character of the rural areas.*

To consider other non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources of the environment.

To provide for a range of rural pursuits such as broad-acre and diversified farming which are compatible with the capability of the land and retain the rural character and amenity of the locality.

To provide for a range of commercial and industrial land uses that are appropriately located and will not cause land use conflicts or adverse impacts on the amenity and character of the zone;

To prevent the fragmentation of broad-acre farming properties through the process of subdivision.

To prevent broad-acre agricultural land from degradation and any further loss of biodiversity by:

Minimising the clearing of remnant vegetation on public and private lands;

Encouraging the retention and protection of existing remnant vegetation;

Encouraging the development and protection of corridors of native vegetation;

Encouraging the development of environmentally acceptable surface and sub-surface drainage works;

Encouraging the rehabilitation of salt affected land;

Controlling the introduction and spread of alien species of flora and fauna;

Encouraging soil conservation through the application of cultural vegetation land management measures.”

In considering the amended subdivision plan it should also be noted that Clause 5.8.2 (b) enables Council to recommend approval for the subdivision of rural land for farm adjustment purposes. The proposal being considered here provides for the rationalisation of lot boundaries given that a portion of Lot 11115 is proposed to be subdivided and amalgamated with adjoining Lot 8409. As such this aspect of the application is consistent with provisions in Clause 5.8.2 (b) of TPS No.1.

WAPC Development Control Policy No.DC 3.4 – Subdivision of Rural Land

A key objective of WAPC Policy No.DC 3.4 is to minimise the ad-hoc fragmentation of rural land throughout Western Australia. Furthermore, section 3.1 of the above policy specifically states that there is a general presumption against the further subdivision of rural land unless it is specifically provided for in a town planning scheme, an endorsed local planning strategy or an endorsed local rural strategy.

Notwithstanding that the further subdivision of agricultural land is generally not supported by the WAPC, section 4.6 of Policy No.DC 3.4 enables the rationalisation of farming land through boundary realignments to improve farm management. The subdivision application proposes to amalgamate a portion of Lot 11115 on the northern side of Candlelight Road South East with the adjoining property located immediately north (Lot 8409) to create a larger farming lot. The following is an assessment of the subdivision proposal in the context of the relevant criteria:

a) The new lot pattern is consistent with the objectives of the policy.

The proposed subdivision is considered to be consistent with the objectives of Policy No. DC3.4 and State Planning Policy 2.5 as these relate specifically to the protection of agricultural land, planning for rural settlement, minimizing the potential for land use conflict and the management of natural resources. The subdivision is unlikely to compromise any of these key objectives and will result in the creation of new lots which are consistent with the prevailing lot sizes in the immediate locality.

b) *No additional lots are created.*

The proposal will not result in the creation of any additional lots or dwelling entitlements.

c) *The new lot boundaries reflect good environmental and land management practice and are appropriate for the intended land use*

The proposed lot boundaries have been formulated with due regard for the current alignment of Candlelight Road South East which traverses the northern portion of Lot 11115 and effectively severs this lot into two separate parts making environmental and land management difficult. By realigning the boundaries as proposed it is reasonable to expect that the land will be much easier to manage and maintain as it will no longer be affected by the severance currently caused by the alignment of Candlelight Road South East. It is for these reasons that the amended plan is deemed to be consistent with this criterion in section 4.6 of Policy No.DC 3.4.

Conclusion

It is concluded from this assessment that the amended subdivision plan for Lots 11115 & 8409 Edwards Road, Moulyinning for the purpose of reconfiguring the existing lot boundaries to rationalize current farming activities on the land is:

unlikely to compromise the objectives for land classified 'Regional Rural' zone in the Shire of Dumbleyung's current operative Town Planning Scheme No.1;

consistent with the criteria contained in the Western Australian Planning Commission's Policy No. DC 3.4; and

generally aligned with the outcomes intended by the current town planning framework applicable to the immediate locality.

To that extent it is recommended that Council advise the Western Australian Planning Commission that it unconditionally supports the amended subdivision plan for Lots 11115 and 8409 Edwards Road, Moulyinning as submitted.

Legal Implications

Planning and Development Act 2005

Shire of Dumbleyung Town Planning Scheme No.1

Policy Implications

WAPC Development Control Policy No. DC 3.4 – Subdivision of Rural Land

Community Consultation

Not required.

Financial Implications

Nil

Strategic Implications

Nil

Officer Recommendation and Council Decision

Motion 005

Moved Cr Pearce

Seconded Cr Dare

That Council resolve to advise the Western Australian Planning Commission that it unconditionally supports the amended subdivision plan submitted by Harley Survey Group on behalf the current landowner Mr Howard Edwards to re-align the boundaries between Lot 11115 & Lot 8409 Edwards Road, Moulyinning in accordance with the details of the plan submitted in support of the application.

CARRIED 8/0

Voting Requirements

Simple majority

9.1.3 PLANNING APPLICATION – PROPOSED EMERGENCY OVERFLOW GRAIN STORAGE FACILITY – LOT 100 CONWAY STREET, DUMBLEYUNG

Applicant: Bulkwest Engineering on behalf of Cooperative Bulk

Handling Ltd

Attachments:

Plans 9 to 12

Author:

Mr Joe Douglas & Mr Steve Pandevski

Town Planning Consultants

Disclosure of Interest:

Nil

Date of Report:

7 October 2008

Senior Officer:

Mr Henry Van Der Ende

Chief Executive Officer

Background

The following report provides details and recommendations in respect of an application for Council's planning consent submitted by Bulkwest Engineering, on behalf of Cooperative Bulk Handling Limited (CBH Ltd), for approval to construct a new open air, emergency overflow grain storage facility and associated drainage infrastructure on land comprising a portion of Lot 100 Conway Street, Dumbleyung being the location of CBH's existing grain receival and storage facility near the Dumbleyung townsite.

It is understood from the information provided by CBH in support of the proposal and follow up discussions with CBH representatives that the proposed emergency storage facility and associated drainage infrastructure are required primarily for the 2008/2009 harvest, however there has been no indication from CBH whether the facility will remain permanently or whether it will be removed after the 2008/2009 harvest. To that extent this report assumes that the facility will be a permanent addition to the site.

The subject land is located immediately adjacent to the western boundary of the Dumbleyung townsite and is generally bounded by Conway Street to the east, Richardson Street to the north and the railway line to the south (see Plan 9 – Location Plan).

According to the latest cadastral information and aerial imagery available from Landgate Lot 100 comprises a total area of approximately 26 hectares and is relatively flat throughout its entire area. The lot is cleared of any substantial vegetation as a result of its traditional use for broadacre farming purposes and currently contains CBH grain receival and storage facilities and associated infrastructure in its southern portion.

All adjoining land is currently zoned and used for rural purposes except the railway reserve to the south which is used for railway purposes and includes overhead grain loading facilities associated with CBH's activities on Lot 100 (see Plan 10 – Aerial Site Plan).

The planing application submitted by CBH Ltd proposes the development of an open air, emergency overflow grain storage facility and associated infrastructure which will be setback approximately 60 metres from Conway Street and will be capable of holding approximately 20,000 tonnes of grain. The storage facility is proposed to be approximately 170 metres long and 35 metres wide with a framed wall height of 1.2 metres. It is understood that the base of the storage facility will be impervious (bitumen or similar) (see Plan 11 – Submitted Site Development Plan & Plan 12 – Submitted Framing Wall Details Plan).

Comment

Shire of Dumbleyung Town Planning Scheme No.1

Lot 100 is currently classified 'Regional Rural' zone in the Shire of Dumbleyung Town Planning Scheme No.1 (TPS No.1). In relation to land classified 'Regional Rural' zone TPS No.1 provides the following key objectives:

"To ensure the continuation of broad-acre farming as the principal land use in the District and encouraging where appropriate the retention and expansion of agricultural activities;

To protect the potential of agricultural land for primary production and to preserve the landscape character of the rural areas.

To consider other non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources of the environment.

To provide for a range of rural pursuits such as broad-acre and diversified farming which are compatible with the capability of the land and retain the rural character and amenity of the locality.

To provide for a range of commercial and industrial land uses that are appropriately located and will not cause land use conflicts or adverse impacts on the amenity and character of the zone;

To prevent the fragmentation of broad-acre farming properties through the process of subdivision.

To prevent broad-acre agricultural land from degradation and any further loss of biodiversity by:

Minimising the clearing of remnant vegetation on public and private lands;

Encouraging the retention and protection of existing remnant vegetation;

Encouraging the development and protection of corridors of native vegetation;

Encouraging the development of environmentally acceptable surface and sub-surface drainage works;

Encouraging the rehabilitation of salt affected land;

Controlling the introduction and spread of alien species of flora and fauna;

Encouraging soil conservation through the application of cultural vegetation land management measures."

In reviewing the proposal against Council's stated objectives for land classified 'Regional Rural' zone under TPS No.1 this report is satisfied that the proposal will not prejudice or compromise the zone objectives. The proposal is in fact considered to be beneficial to the district and will support the continued use of land classified 'Regional Rural' zone under TPS No.1 for broadacre agricultural purposes.

Notwithstanding the proposal's general compliance with the 'Regional Rural' zone objectives under TPS No.1, the planning application must be advertised for public comment in accordance with the requirements of clause 9.4 of TPS No.1. This can be attributed to the fact that the proposed use is most appropriately classified as a 'Rural Industry' under TPS No.1 which is a use that is not permitted unless Council has exercised its discretion and granted planning approval following the completion of public advertising and assessment of any written submissions received during the advertising process.

It is significant to note that as the proposal will still be the subject of public advertising at the time of Council's October meeting, it is unable to formally approve the application at that meeting. Notwithstanding this fact it is recommended, having regard for the proposal's general compliance with TPS No.1 and the perceived benefits for the district, that Council grant delegated authority to the Shire's Chief Executive Officer to issue conditional approval to the planning application following completion of the public advertising process subject to no substantial objections being received by the Shire. In the event that substantial objections are received by the Shire at the completion of the public advertising process it is recommended that the matter again be presented to Council for determination at its next available meeting.

Dust

Open air grain storage facilities have the potential to generate dust and other airborne pollution. It is understood that normal operating practices will rely on stored grain suppression and management techniques such as covering the grain to ensure that it is not dispersed by wind. Similarly when transporting grain to and from the site, it is normally covered by tarpaulin or similar to avoid any loss of grain.

In the event that Council determines that the proposal is suitable and can therefore be supported, it is recommended that it does so subject to conditions that require all grain stored on-site within the open air storage area and transported to and from the site to be covered so as to ensure that no grain and associated dust becomes airborne and becomes a nuisance to surrounding inhabitants, particularly those within the nearby Dumbleyung townsite.

Vermin Management

It is commonly understood that grain storage facilities attract vermin. Furthermore, it is understood that CBH currently implements successful vermin management measures on all of its grain storage sites. Notwithstanding, in order to ensure that vermin management measures continue to be implemented, it is recommended, should Council support the proposal, that a condition be imposed requiring the implementation of appropriate vermin management measures to the satisfaction of the Shire of Dumbleyung.

Vehicle Access

According to the plans submitted in support of the application vehicle access to the proposed open air emergency overflow grain storage facility will be via existing access roads and

crossovers (i.e. no additional roads or crossovers are proposed). This report is satisfied with this arrangement and recommends an appropriate condition, should Council support the proposal, which ensures that existing vehicle access arrangements to the site are maintained.

Drainage Management

According to the plans submitted in support of the application CBH intends to undertake incidental and additional on-site drainage management works to ensure that the open air grain storage facility is well drained. This report is satisfied that the proposed drainage works are incidental to the proposed storage facility and will not have a detrimental impact on the amenity, safety or functionality of the immediate locality. However, in order to ensure that the proposed drainage works are constructed to a suitable standard it is recommended, should Council support the proposal, that a condition be imposed requiring that all proposed drainage works be undertaken in accordance with approved plans prepared to the specifications and satisfaction of the Shire of Dumbleyung.

Conclusion

It is concluded from an assessment of the application that the proposed development and use of the subject land is, by virtue of its location and current use for grain handling and storage purposes, unlikely to have an unreasonable and/or detrimental impact upon the amenity, character, functionality and safety of the immediate locality and may therefore be approved subject to conditions.

Notwithstanding the above, the procedural and administrative provisions contained in TPS No.1 require the application to be advertised for a period of not less than 14 days in order to provide an opportunity for all interested parties to make comments to the Shire on the suitability of the proposal prior to the Shire being in a lawful position to grant final approval. As previously mentioned, when Council considers this report at its October 2008 meeting, the proposal will still be advertised for public comment.

In order to help avoid any delays to the issuance of planning approval it is recommended, if Council is generally satisfied with the proposal, that it grant delegated authority to the Shire's CEO to grant approval to the application, subject to conditions, following completion of public advertising subject to there not being any substantial objections to the proposal as determined by the CEO. In the event that substantial objections are received by the Shire at the completion of the public advertising process it is recommended that the matter again be presented to Council for a final determination at its next available meeting.

Legal Implications

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

Policy Implications

Nil

Community Consultation

Public advertising of the proposal is currently being undertaken by the Shire in a manner consistent with the requirements of clause 9.4 of TPS No.1 for a period of not less than 14 days. The closing date for submission is 5.00pm Monday 27 October 2008.

Financial Implications

There are no direct financial implications for the Shire of Dumbleyung.

CBH has identified that the proposed open air, emergency overflow grain storage facility is required to accommodate approximately 20,000 tonnes during the 2008/2009 harvest. Dumbleyung, much like other districts in the Western Australian wheatbelt is economically reliant upon broadacre agriculture. Indications are that the 2008/2009 grain harvest is expected to be substantial. The ability to efficiently harvest, store and distribute the grain has direct and significant financial implications for the district and its inhabitants.

Strategic Implications

Nil

Officer Recommendation and Council Decision

Motion 006

Moved Cr Dare

Seconded Cr Smith

That Council resolve to:

1. Note that the proposal is currently being advertised for public comment for a period of not less than 14 days in accordance with the specific requirements of clause 9.4 of the Shire of Dumbleyung Town Planning Scheme No.1.

2. Subject to no substantial objections to the proposal being received at the closure of the public advertising period as determined by the Chief Executive Officer, that Council delegate authority to the Chief Executive Officer to approve the application submitted by Bulkwest Engineering, on behalf of CBH Ltd, to construct an open air, emergency overflow grain storage facility and associated drainage infrastructure on a portion of Lot 100 Conway Street, Dumbleyung 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.

A satisfactory building licence application and plans being submitted to and approved by the Shire.

The approved new storage facility shall maintain a setback of not less than 60 metres from the Conway Street boundary unless otherwise approved by the Shire.

3. Appropriate measures, to the satisfaction of the Shire, shall be implemented by the operator of the new storage facility to cover all grain stored within the facility and transported to and from the facility to ensure that grain does not become air borne and cause a nuisance to the inhabitants of the locality.

Appropriate measures, to the satisfaction of the Shire, shall be implemented by the operator of the new storage facility to manage vermin.

Vehicle access to the new storage facility shall be restricted from existing crossovers (i.e. no additional crossovers are to be constructed) unless otherwise approved by the Shire.

vii) All stormwater drainage discharge generated by the new storage facility shall be managed to the specifications and satisfaction of the Shire.

3. In the event that objections to the proposal are received by the Shire during the public advertising process and the Chief Executive Officer determines the

objections to be substantial, that the matter be referred to the next available Council meeting for further consideration and final determination.

CARRIED 8/0

Voting Requirements

Simple majority

9.3 Manager of Works and Services Report

9.3.1 Timber bridge adjacent to Fence Road (Kulin – Dumbleyung Road) at 8.74slk over Salt Drain (Fitton's Entrance)

FILE: EN - BRI

Background

The Shire has recently been made aware that the timber bridge adjacent to Fence Road at 8.74slk over the Fence Road Drain has been determined to be in very poor condition. Included with rotted timbers are other issues such as deck failure, evidence of termite activity, considerable scour at each abutment, and recently received fire damage to the underside. Also Abutment 2 is currently being propped up to prevent it collapsing.

An MRWA inspection on 8 February 2007 raised concerns over the bridges structural integrity and an 8 Tonne load limit was imposed.

On 14 April 2008 Gavin Johnston of MRWA contacted the Shire of Dumbleyung to advise that the bridge did not fall under the management of MRWA. He went on to advise that the bridge is considered to be an occupational crossing as it is located in the reserve of a Shire managed road and provides driveway access to a private property. As a result, in the absence of legal advice, this bridge is not considered part of the state (MRWA, LGA) road network.

On 27 June 2008 the bridge was independently assessed by Bret Howson with Waterways Engineer Mr. Ron Lowes of Lowes Churchill & Associates. This inspection saw that the bridge had structurally deteriorated further and the bridge has now been closed to all traffic. It is recommended that the closure will remain in place until the structural integrity and all other associated issues are resolved.

Comment

There are a number of issues to be discussed before including this project into the Shire's 2009/10 works program. These are:

1. The bridge is located over a drain that runs parallel to Fence Road and as such does not affect traffic flow on Fence Road itself.
2. The bridge is located in the Shire's Fence Road reserve, and provides driveway service access to a property owned by Fitton & Sons. The access is not the only access to the property, there is alternative access however it is subject to weather conditions which may restrict all year 2 wheel drive vehicle access.
3. That as the bridge is considered to be part of a driveway servicing the Fitton & Sons property, whether responsibility lies with the Shire for its repairs or replacement. As a result an arrangement may need to be made with the landowner to contribute to the costs of any works.
4. The bridge is in such poor condition that it is now beyond economical repair and must either be removed or replaced.

Section 3.53 of the LG Act 1995 considers that Council has an obligation to do what is reasonably practicable and resolve this issue as the bridge is in a public thoroughfare under its control. In order to resolve the issue Council needs to consider the following options:

1. Completely remove the bridge and provide assistance to the landowner for a low level crossing further downstream. This however may still preclude the owner from accessing the property during winter.
2. Replace the bridge with a 3 or 4 barrel 1200 diameter culvert, with the road level 300mm above the top of the pipes. The Shire is currently awaiting confirmation from Department of Water for details of the recently redesigned catchment area. Once this design has been received a more formal judgement on the culvert scope can be made.
3. Completely reconstruct the bridge using some timber from a bridge on Bibikin Road that is to be removed. Whilst this option is attainable it may not be cost effective as engineering certification of old timbers, in conjunction with new timber or concrete abutments may significantly outweigh the cost of placing precast concrete pipes.
4. The replacement of the bridge with culverts will result in water flowing over the structure during a storm event. It will also require the structure to be lower which reduces the ability for oversized vehicles turning from Fence Road into this private driveway. The driveway will become a service driveway for light vehicles and rigid trucks. (i.e. not accessible to semi-trailers or multi combination trucks such as B-doubles.)

Financial Implications

The recommended option is to replace the bridge with a culvert as indicated above. The cost estimate is \$52,800.

Estimates have not been prepared for the options to remove the bridge and construct an alternate crossing downstream, or reconstruct the bridge using some timbers from the Bibikin Road Bridge.

It is suggested that the funding for replacement be made up of a provisional sum for the cost of design and management in the 2009/10 Shire of Dumbleyung budget, and the materials and construction costs to be contributed by the landowner.

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Motion 007

Moved Cr Ditchburn

Seconded Cr Smith

That the item is to lay on the table until next Council meeting.

Voting Requirements

Simple Majority

CARRIED 8/0

9.3.2 Tender 1 2008/09 Supply and Delivery of Crushed Aggregate & Tender 2 2008/09 Supply and Delivery of Bitumen

FILE: EN - TENMAT

Background

Tenders were called in Saturdays West Australian on 13th September 2008 for the supply and delivery of crushed aggregate and bitumen for the Shires of Dumbleyung, West Arthur, Williams and Woodanilling. The tenders closed at 4pm on Friday 3rd October 2008.

Comment

The following tenders were received for the supply and delivery of crushed aggregate:

Tenderer	Aggregate Particle Size (\$/T)		
	14mm	10mm	7mm
Carbone Bros P/L (Brunswick)	\$55.70	\$55.70	\$61.35
Narrogin Quarry (Narrogin)	\$44.30	\$44.20	
DM & CL Bairstow (Dumbleyung)	\$50.00	\$49.00	N/A
DM & CL Bairstow (ALL COUNCIL PRICE)	\$47.00	\$47.50	\$47.50
Matthews Transport (Kojonup)	\$47.00	\$47.00	N/A

The Regional Price Preference Policy applies to both DM & CL Bairstow as well as Narrogin Quarries under the Councils Policy 2.17 Regional Price Preference Policy. The all Council Price for DM & CL Bairstow Price applies as an average price if all Councils were to use them. This price however is of great benefit to the Shire of Dumbleyung but is one of the higher prices for Shires such as Williams and West Arthur who are better situated for other tenderers.

The aggregate tenders were scored, as per the tender requirements as outlined in point 10 of the Selection Criteria in the tender documents (Amendment 2), as follows:

Tenderer	Price Structure (60)	Technical and Physical Capacity (30)	Previous Experience or Performance (10)	Total (100)
Carbone Bros P/L (Brunswick)	10	30	10	50
Narrogin Quarry (Narrogin)	60	30	10	100
DM & CL Bairstow (Dumbleyung)	40	30	10	80
DM & CL Bairstow (ALL COUNCIL PRICE)	N/A	N/A	N/A	N/A
Matthews Transport (Kojonup)	35	30	10	75

Taking in to account the Regional Price Preference Policy for Narrogin Quarries and DM & CL Bairstow, Narrogin Quarries scored the highest of all the tenderers. I have performed reference checks on the Narrogin Quarries and all have come back with a positive result; all of the aggregate meets the appropriate standards (hardness rating, dust rating, etc), there has been no problems with the delivery of aggregate on time as they have a large quantity stockpiled nearly all year round (especially during the warmer months) and the general consensus is positive with no negative feedback.

The following tenders were received for the supply and delivery of bitumen:

Tenderer	Primer (95/5) \$/L			Seal (98/2) \$/L			Prime (50/50) \$/L			Emulsion \$/L			Machinery Rate (\$/hr)		Precoat (\$/T)
	0L to 9,999L	10,000L to 24,999L	25,000L+	0L to 9,999L	10,000L to 24,999L	25,000L+	0L to 9,999L	10,000L to 24,999L	25,000L+	0L to 9,999L	10,000L to 24,999L	25,000L+	Spreader Truck	Roller	
Boral Asphalt (WA)	\$1.34	\$1.07	\$1.07	\$1.62	\$1.35	\$1.35	\$1.11	\$0.84	\$0.84	\$1.11	\$0.84	\$0.84	\$115.00	\$60.00	\$7.00
RnR Contracting	\$1.12	\$1.00	\$0.97	\$1.10	\$0.98	\$0.98	\$1.45	\$1.30	\$1.25	\$0.88	\$0.78	\$0.75	\$100.00	N/A	\$10.95
Pioneer Road Services	NON - CONFORMING TENDER														

The Pioneer Road Services Tender is non-conforming due to the fact that on the covering letter they specified that they could only supply the bitumen and spray truck for the bitumen, they stipulated that they could not supply spreader trucks, rollers or extra manpower as they were committed to another tender for the period of October 2008 through to April 2009. This period is the Shire of Dumbleyung's optimum sealing period and as such would be a major hindrance to Dumbleyung's Works Program especially as it looks like at this stage that the Shire will require the hire of spreader trucks and an extra roller (with operators) to complete our sealing works.

The bitumen tenders were scored, as per the tender requirements as outlined in point 10 of the Selection Criteria in the tender documents (Amendment 2), as follows:

Tenderer	Price (60)	Technical Capacity (30)	Past Performance (10)	Total
Boral Asphalt (WA)	50	30	10	90
RnR Contracting	60	30	10	100
Pioneer Road Services	NON - CONFORMING TENDER			

The Price score was obtained by calculating the total cost to complete the sealing works only (roller and spreader trucks not included) on an individual job basis, that is, the sealing volume required for Petersen Road is 19,440L of seal (98/2) and therefore falls in to the \$0.98/L category for RnR Contracting and will cost \$19,051.2 just for the 98/2 seal to be supplied and sprayed. The total cost to supply and spray the bitumen (roller and spreader trucks not included) for RnR Contracting was \$298,267.60 and for Boral Asphalt (WA) was \$323,378.20. Hence RnR Contracting were the cheapest contractor. The Regional Price Preference Policy for the Shire of Dumbleyung does not apply to any of the tenderers.

Financial Implications

The supply and delivery of bitumen and aggregate has been budgeted for in the 2008/09 budget.

Policy Implications

The Regional Price Preference Policy (Policy 2.17) applies to Tender 1 2008/09 Supply and Delivery of Crushed Aggregate for Narrogin Quarries and DM & CL Bairstow.

Statutory Implications

The Local Government Act 1995 applies as per Part 3 (Functions of Local Government) Division 3 (Executive functions of Local Government) 3.57 Tenders for providing Goods and Services.

Officer Recommendation and Council Decision

Motion 008

Moved Cr Smith

Seconded Cr Ditchburn

That Council:

1. Award Tender 1 2008/09 Supply and Delivery of Crushed Aggregate to Narrogin Quarries of Quarry Road Narrogin WA 6312 as per the Conditions of Tender, General Conditions of Contract, Technical Requirements, and all Appendices (A, B, C and D) of the tender documents for Tender 1 2008/09 and 2 2008/09 as returned to the Shire of Dumbleyung.

CARRIED 7/1

Motion 009

Moved Cr Ditchburn

Seconded Cr Bracknell

2. Award Tender 2 2008/09 Supply and Delivery of Bitumen to RnR Contracting of P.O. Box 64 North Fremantle WA 6159 as per the Conditions of Tender, General Conditions of Contract, Technical Requirements, and all Appendices (A, B, C and D) of the tender documents for Tender 1 2008/09 and 2 2008/09 as returned to the Shire of Dumbleyung.

CARRIED 8/0

Voting Requirements

Simple Majority

9.5 CHIEF EXECUTIVE OFFICERS REPORT

9.5.1 Christmas Office Closure

Background

Council approval is sought for the closure of the Shire of Dumbleyung over the Christmas-New Year period. Council has, in previous years, permitted the closure of the Shire Office over the Christmas-New Year period with staff utilising public holidays, days in lieu of public holidays, Rostered Days Off or Annual Leave to cover absences.

This year Christmas day falls on a Thursday. The Public Holidays are;

Thursday	25 th December 2008
Friday	26 th December 2008
Thursday	1 st January 2009

Normal work days would be;

Wednesday	24 th December 2008
Monday	29 th December 2008
Tuesday	30 th December 2008
Wednesday	31 st December 2008
Friday	2 nd January 2009

The period between Christmas and New Year is traditionally very quiet and Council has received no complaints due to office closures during this period. It is an opportunity for staff to have a break ready for the New Year.

It is proposed that the Shire Office close at 4.30pm on Tuesday 23rd December 2008 and reopen on Monday 5th January 2009, as set out below;

Wednesday 24 th December	Office Closed
Thursday 25 th December	Public Holiday
Friday 26 th December	Public Holiday
Monday 29 th December	Office Closed – Day in Lieu
Tuesday 30 th December	Office Closed – Day in Lieu
Wednesday 31 st December	Office Closed – Staff RDO
Thursday 1 st January	Public Holiday
Friday 2 nd January	Office Closed – Staff RDO

Financial Implications

Nil

Statutory Implications

Local Government Act 1995

Policy Implications

Nil

Officer Recommendation and Council Decision

Motion 010

Moved Cr Ditchburn

Seconded Cr Frame

That Council approve for the Shire Office to close at 4.30pm on Tuesday 23rd December 2008 and reopen on Monday 5th January 2009 and that the appropriate advertising of the closure be initiated by staff, and senior staff emergency numbers advertised.

CARRIED 8/0

Voting Requirements

Simple Majority

9.5.2 Airservices Australia – Air Traffic Control Communications

FILE: CP AERO

Background

Correspondence has been received from Airservices Australia concerning the installation of Air Traffic Control communications site at Tarin Rock. The proponents are seeking Council Planning Approval to expand their existing operations at Tarin Rock to improve the Air Traffic Control operations for both the domestic and international aviation industries.

Under Commonwealth Legislation there is no ability for Council not to approve the application and the process is simply a notification and formalisation of the installation.

Financial Implications

Nil

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Motion 011

Moved Cr Dare

Seconded Cr Pearce

That Council notes and approves the application from Airservices Australia for the installation of a 2.4 metre diameter satellite in the ASA leased property at Tarin Rock.

CARRIED 8/0

Voting Requirements

Simple Majority

9.5.3 Rural Health West – Invitation to become a member

FILE: HE DH

Background

An invitation has been received from Rural Health West to become an Ordinary Organisational Member of the West Australian Centre for Remote and Rural Medicine Ltd. The organisation has been set up approximately 12 months ago for the purpose of recruitment and retention of medical practitioners in rural and remote areas of Western Australia.

I am not sure of the exact benefit that we may receive from this organisation although it would appear important to have some form of support to all rural areas. Whilst we do not directly employ a medical practitioner it is certainly in our interests to ensure a strong representation of rural Western Australia. Councillors will only be too aware of the difficulty in having a doctor service our community recently. It is therefore recommended that Council does apply for ordinary organisational membership of the WA centre for remote and rural medicine ltd.

Financial Implications

Nil

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Motion 012

Moved Cr Dare

Seconded Cr Bracknell

That Council applies to become an Organisational member of the Western Australian Centre for Remote and Rural Medicine Ltd (T/A Rural Health West) at a cost of \$100.

CARRIED 8/0

Voting Requirements

Simple Majority

9.5.4 Peter & Karen Payne – Lot 8 Dawson Street Dumbleyung

FILE: A799

Background

Councillors are no doubt aware of the purchase by Peter & Karen Payne of Lot 8 (27) Dawson Street. Mrs and Mrs Payne agreed to purchase Lot 8 Dawson Street on 29th November 2005 but had the conditions of sale clause extended to four years. The Transfer was stamped on 24th January 2006 and the four years would probably run from that date.

Councillors may remember the disturbing letter received from the Paynes in December 2007 complaining about the re-installment of the caveat. The current correspondence details the difficulties of obtaining finance on the property and advises of a change in their plans (have purchased an investment property in Carnarvon) and their reluctance to comply with the building requirements of their contract. I guess Council has a number of options;

1. Enforce the contract;
2. Accept the Paynes offer to sell the block back to Council at the same price they paid for it

In order to reach a quick amicable solution it may be appropriate to accept the offer of sale.

Financial Implications

Nil

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Motion 013

Moved Cr Dare

Seconded Cr Smith

That Council agree to accept the offer of Peter and Karen Payne to sell to Council the property at Lot 8 Dawson Street Dumbleyung at the same price they originally paid and free of this years rates.

CARRIED 8/0

Voting Requirements

Simple Majority

9.5.5 Small Business Centre

FILE: GB SBC

Background

Correspondence has been received from the Small Business Centre – Wheatbelt South seeking financial assistance from Council to the tune of \$750.00. The Small Business Centre is operated from Wagin and services some 20 Local Authorities. Council has preciously requested an annual report including financial statements but has only to the date of writing this item received an annual report as attached. I have again phoned them seeking a financial report.

In the past Council has supported the Small Business Centre (in its various names) as follows:

18/09/2002	Narrogin Business Enterprise Centre	\$500
04/06/2004	Narrogin Business Enterprise Centre	\$550
26/08/2004	Narrogin Business Enterprise Centre	\$1100
23/03/2006	Narrogin Regional Business Centre	\$1100
15/11/2006	Great Southern Regional Business Centre	\$1100
03/08/2007	Great Southern Regional Business Centre	\$550

Does Council wish to continue to support the Small Business Centre and if it does, to what extent?

Financial Implications

Donation

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Motion 014

Moved Cr Ditchburn

Seconded Cr Smith

That Council write to the Small Business Centre offering to renew their level of support once current funds are depleted and financial statements are provided including a balance sheet.

CARRIED 8/0

Voting Requirements

Simple Majority

9.5.6 Review of Policy Manual

FILE: Policy

Background

As part of the Annual Review of the Policy Manual, Council needs to consider any amendments it may wish to make. Councils Policy Manual 1.1 requires an annual review to be concluded in September. Councils administration staff have reviewed the current policies and apart from 1.28: Flag (national) at the Shire Office which is not currently being complied with have no suggestions for amendments.

The national flag has not been flown since before my arrival in Dumbleyung and would require modifications to be made to the flagpole. I request that Council considers rescinding policy 1.28.

Financial Implications

Nil

Policy Implications

Policy Manual review

Statutory Implications

Nil

Officer Recommendation and Council Decision

Moved Cr

Seconded Cr

That Council consider deleting Policy 1.28 and adopt the revised Policy Manual.

Voting Requirements

Simple Majority

Motion 015

Moved Cr Smith

Seconded Cr Ditchburn

That the motion lay on the table, to review the policy manual at the next council meeting.

CARRIED 8/0

9.5.7 Taylor, Nott & Molinari – Caveats for Callaghan & Hooper

FILE: A804/1023

Background

Council may recall an application from Ms Callaghan & Ms Hooper to allow a transfer of properties from joint names into single names for properties on the Bahr Estate. Taylor, Nott & Molinari have prepared the necessary documents to remove the caveats to allow the transfer to take place and then to re-initiate the caveats once the transfer has been effected. The costs for this transaction are being charged directly to Ms Callaghan and Ms Hooper. In order for Council to execute the documents it requires the use of the Common Seal.

Financial Implications

Nil

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Motion 016

Moved Cr Ditchburn

Seconded Cr Smith

That the Shire President and the Chief Executive Officer be authorised to use the Shire Common Seal on the caveats for properties owner by Ms Callaghan and Ms Hooper being town lots 9 and 10 on diagram 88665.

CARRIED 8/0

Voting Requirements

Simple Majority

9.5.8 Cemetery Information Boards

FILE: CP CEMN

Background

Council did on 18th November 2006 receive correspondence from Ms Denise Mott concerning the installation of cemetery information boards for both the Kukerin and Nippering cemeteries similar to display boards at Newdegate. Unfortunately with the transition of Chief Executive Officer's this item has slipped through the cracks. Advice originally provided was that it would be considered in the 2007/08 Budget but this was obviously not done and has not been included in the Shires Plan for the Future. This does not mean that it cannot be proceeded with but Council will need to either consider an item for the 2008/09 Budget review or alternatively be included in the 2009/10 Budget. At this stage no costing has been undertaken and Councils staff will do this if Council so determines.

Financial Implications

Budget consideration

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Motion 017

Moved Cr Brown

Seconded Cr Bracknell

That Councils staff be directed to provide costings to have suitable information boards located at both the Nippering and Kukerin cemeteries and that these be provided for in the Budget review.

CARRIED 8/0

Voting Requirements

Simple Majority

Afternoon Tea

Motion 018

Moved Cr Smith

Seconded Cr Frame

That Council Adjourn the meeting for afternoon tea at 4.27pm

CARRIED 8/0

Motion 019

Moved Cr Smith

Seconded Cr Ditchburn

Resume the meeting at 4.41pm

CARRIED 8/0

9.5.9 WA Local Government Grants Commission – Methodology Review and 2007/08 Information Return

FILE: FI GRAC

Background

The Local Government Grants Commission is conducting an overall review of the methodology adopted in determining the Annual Equalisation Grants. Council has in the past used Ray Hadlow to assist in the preparation of its case for the grants commission and I believe that subject to minor “tinkering” the system seems to be working satisfactorily. I don’t know of any areas where any wholesale changes could be made except to emphasise the need to streamline the requirements and processes used to determine the grants.

The Grants Commission has provided a methodology review discussion paper and questionnaire and requested that Council respond by 31st October 2008. I am more than happy to receive any comments and assistance from Councillors to complete the questionnaire; it would be possible for more than one response from Council.

Financial Implications

Nil

Policy Implications

Nil

Statutory Implications

Nil

Note: Cr Brown left the meeting at 4.42pm

Officer Recommendation and Council Decision

Motion 020

Moved Cr Bracknell

Seconded Cr Frame

That Councillors complete the Local Government Grants Commission General Purpose Grants Methodology Review Questionnaire.

CARRIED 7/0

Voting Requirements

Simple Majority

9.5.10 Item on the Table from September Meeting – T Leo Storage of School Bus

FILE: CO SBS

Background

Further enquiries have been made with Mrs T Leo who advises that as the bus is presently housed; if approval were to be given then this would continue. Although the property is owned and managed by Council, the Kukerin Bush Fire Brigade have the right of occupancy and perhaps it would be a better option

if Council were to pass the approval process to the Bush Fire Brigade with a recommendation that a contribution or donation be made to the Brigade. This would then not set any precedents or expectations from Council.

Financial Implications

Nil

Policy Implications

Nil

Statutory Implications

Nil

Note: Cr Ditchburn declared an interest and left the meeting

Officer Recommendation and Council Decision

Motion 021

Moved Cr Dare

Seconded Cr Pearce

That Council advises Mrs Leo to make arrangements with the Kukerin Bush Fire Brigade to have the school bus at the Kukerin Bush Fire Shed.

CARRIED 6/0

Voting Requirements

Simple Majority

Note: Cr Brown returned to the meeting

Cr Ditchburn returned to the meeting

9.6 REPORTS OF COMMITTEES

9.6.1 Minutes of the Centenary Committee Meeting held Tuesday 30th September 2008

Motion 022

Moved Cr Smith

Seconded Cr Brown

That the Minutes of the Meeting of the Centenary Committee held on Tuesday 30th September 2008 as circulated be accepted and the recommendations within be considered.

CARRIED 8/0

Motion 023

Moved Cr Frame

Seconded Cr Bracknell

That Council adopt recommendation 1; Establish Dumbleyung Historical Committee.

CARRIED 8/0

Motion 024

Moved Cr Frame

Seconded Cr Bracknell

That Council adopt recommendation 2; Application for Grant Funding.

CARRIED 8/0

Motion 025

Moved Cr Frame

Seconded Cr Brown

That Council adopt recommendation 3; Close of Dumbleyung Centenary Committee.

CARRIED 8/0

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1

Author: Cr Tom Pearce

Motion 026

Moved Cr Pearce

Seconded Cr Dare

Suggested New Policy:

Any Landholder within the Dumbleyung Shire who has a dwelling on a gravel road shall be entitled to a strip of bitumen 200m long and Shire standard width. The edge of the dwelling must be 50m or less from the centre of the road. The Landholder will be responsible to pay half the costs of the bitumen and associated works.

Motion 027

Moved Cr Ditchburn

Seconded Cr Smith

This motion to lay on the table until next meeting and the policy review.

CARRIED 8/0

11. FINANCIAL REPORT AND ACCOUNTS FOR PAYMENT

11.1 ACCOUNTS FOR PAYMENT

Motion 028

Moved Cr Smith

Seconded Cr Bracknell

That the creditors payment list submitted to Council on Thursday 23rd October 2008 totalling \$323,946.47, in accordance with FM Regulation 13 be accepted and approved.

CARRIED 8/0

11.2 STATEMENT OF FINANCIAL ACTIVITY

Motion 029

Moved Cr Ditchburn

Seconded Cr Bracknell

That the statement of financial activity in accordance with Financial Management Regulation 34 for the period ending 30th September 2008 as presented to Council be accepted.

CARRIED 8/0

11.3 FINANCIAL REPORT (BANK RECONCILIATION)

Motion 030

Moved Cr Smith

Seconded Cr Bracknell

That the Financial Report of the Bank Reconciliation for the month ending 30th September 2008, in accordance with Financial Management Regulations 34, as presented be accepted.

CARRIED 8/0

12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE IS GIVEN

Nil

13. CORRESPONDENCE: BUSINESS ARISING

13.1 INFORMATION BULLETIN

Motion 031

Moved Cr Bracknell

Seconded Cr Frame

That the Information Bulletin as circulated be noted en bloc.

CARRIED 8/0

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

Suspension of Standing Orders

Motion 032

Moved Cr Brown

Seconded Cr Dare

That Council suspend standing orders to conduct an Australian Citizenship ceremony at 5.32pm

CARRIED 8/0

Motion 033

Moved Bracknell

Seconded Cr Ditchburn

That Council resume the meeting at 5.38pm

CARRIED 8/0

Note: Cr Brown left the meeting at 5.42pm, then returned at 5.43pm

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

- Cr Dare raised the issue of completing the mobile standpipes for the bush fire brigade, council authorise the Manager of Works and Services to approve Dumbleyung Engineering to complete two more trailer mounted standpipes.
- Cr Dare raised the question of the ownership of the arterial drain and the liability to perform maintenance on the drain. It was determined that Councils administration prepare a community newsletter to advise members of the community of the full history of the Fence Road Drainage Project including site selection and Dumbleyung Strategic Water Management Committee.

14.1 REGIONAL ROAD GROUP FIVE YEAR PLAN 2009/10 TO 2013/14

FILE: EN-RRG

Background

Each year Council is required to submit to Main Roads W.A and subsequently the Regional Road Group a five year plan for approval by the Regional Road Group, which for Dumbleyung is Wheatbelt South.

Officers Comments

There is attached a copy of the proposed five year program that I recommend be submitted to the Regional Road Group for approval. I have tried to allocate approximately \$200,000 per annum for the purpose of road works (resheeting, widening, new sealing works; basically anything that requires labour from the Shire staff) and approximately \$150,000 for resealing works (mainly cash component) this takes the total proposed allocation (should every project be approved for that financial year) to approximately \$350,000 p.a.

The normal allocation to the Shire of Dumbleyung in subsequent years has been \$225,000 per annum; I have increased this amount under the new M.C.A. format to increase the Shire's preferred allocation. The Shire may or may not receive the full allocation but it is best to apply for a large slice on a couple of projects and the projects that do not get approval to proceed can be shuffled back to the following financial year.

The five year plans are reviewed annually.

Financial Implications

This is for the future allocation of funds for the Regional Road Group Roads and proposed allocations for the 2009/10 financial year subject to Regional Road Group approval. The 2009/10 projects have already been approved by the Regional Road Group Technical Working Group and these projects are in the agenda for approval at the Regional Road Group meeting on Monday 27 September 2008 (a total contribution for the State Government of \$225,000 and contribution from Council of \$112,500).

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Motion 034

Moved Cr Brown

Seconded Cr Bracknell

That Council adopt the Shire of Dumbleyung Five Year Regional Road Group Program for 2009/10 to 2013/14, subject to annual review.

CARRIED 8/0

Voting Requirements

Simple Majority

15. MATTERS BEHIND CLOSED DOORS

15.1 Chief Executive Officer Contract of Employment

Note: All staff left the meeting at 6.25pm

Move Behind Closed Doors

Motion 035

Moved Cr Bracknell

Seconded Cr Frame

Council to move behind closed doors to discuss staff matters.

CARRIED 8/0

Background

Under the terms of the Contract of Employment between the Shire of Dumbleyung and the Chief Executive Officer Mr H Van Der Ende. Clause 5 imposes a requirement for Council to give notice to the Chief Executive Officer no later than six months prior to the expiry (7th May 2009). The negotiations for a new contract, should this be the way Council wishes to go, should be completed within three months of the expiry of the existing Contract.

This is an opportunity for Council to examine and determine the suitability of the arrangements and to ensure that any contract meets their requirements and expectations. Any adjustments would need to be agreed upon.

Financial Implications

Nil

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Motion 036

Moved Cr Ditchburn

Seconded Cr Bracknell

That Council wishes to undertake negotiations with the current Chief Executive Officer for a new Contract.

CARRIED 8/0

Voting Requirements

Simple Majority

All staff returned to the meeting at 6.50pm

15.2 PAY INCREASE FOR OUTSIDE WORKS CREW

FILE: PE - SAL

Background

When the Outside Works is at full strength there are a total of eleven employees (not including the Works Supervisor), the Shire is currently running with seven employees, which is four staff below capacity. These four staff members have all left since June 2008. The Shire is struggling through the 2008/09 Works Program as it is but is pulling gardeners and the mechanic from their work to assist the construction crew. This is far from the ideal situation and is resulting in a back log of work in other areas.

The Shire recently advertised for a plant operator in the West Australian (Saturday edition), The Great Southern Herald and the Wagin Argus with no response. The office only fielded one phone call with regards to the position who enquired about the hourly rate. When the enquirer was told the hourly rate on offer he made a comment about how low it was and hung up. Needless to say the Shire officers were disappointed with the lack of response.

Of the four staff members that left one of these was a disgruntled employee and as such is a stand alone issue. The other three employees left for the exact same reason, a higher hourly rate. Two of the employees left for positions that offered \$27.50/hr (one as a traffic controller and the other as a construction grader operator with a construction company) and the last employee left to work on a feedlot in New South Wales for \$32/hr. It must be noted that when each employee was asked why they were leaving money (namely the hourly rate) was the only contributing factor. These positions were not with mining companies. The cost of living is rising and families are struggling to make ends meet and therefore pursuing higher paying jobs.

The current hourly rate for a plant operator is \$19.0103. In the Great Southern Herald on 30 September was an advertisement for a Plant Operator/Labourer at the Shire of Gnowangerup and they are offering a remuneration package of between \$20.1285/hr and \$20.4482/hr (for a 9 day 84 hour fortnight) with an industrial allowance of \$38.28 per fortnight. This is an increase of \$1.8936/hr (including industrial allowance) compared to what the Shire of Dumbleyung are offering. After a recent conversation with Gnowangerup's Manger of Works, Peter Kent, on Tuesday 7 October 2008 he informed me that he had two applications

(one of which is a local Gnowangerup resident) arrive and the applications don't close until 15 October 2008. This is two more applicants than the Shire of Dumbleyung received after advertising.

For the last three weeks running (02/10/08, 09/10/08 and 25/09/08) the Shire of Dumbleyung has put a notice in the Wagin Argus that reads:

Casual Plant Operators

Council is seeking applications from local persons interested in Casual work as plant operators. Hours of work are flexible and experience in operating trucks and front end loaders would be required. For further information please contact Mr Allister Butcher on 9863 4012.

I have not received one phone call with regards to this notice. I have also asked around the Shire when meeting people and they do not know of anyone that would be able to fulfil this role.

The most concerning is that the Shire is competing with other local industries (agriculture and shearing as examples) that are paying around the \$25/hr mark which is a whopping \$5.9897/hr difference with what the Shire of Dumbleyung is paying.

The Shire has currently spent \$157,388.39 (as of Monday 6 October 2008) on wages for the works crew this year (inclusive of the Works Supervisors, Mechanics and past employee's wages). If Council were to keep spending wages like this then the projected end of year wages figure would be \$595827.48 (\$76,504 below the budgeted figure for this financial year).

Officers Comments

The loss of personnel from the Shire's Works Crew is hindering the Shire in completing its Works Program, the Works Department is completing the construction work but to the detriment to other areas of the Shire such as mechanical repairs and town gardens and ovals. The lack of interest by prospective employees is also a worrying sign that the Shire will have trouble filling the positions in the current external and internal climate.

The cost to retain staff has been proven to be a much less significant cost than what it is to recruit a new employee. The cost to train a new employee from scratch, which also includes taking someone away from their current duties to assist with training, is much greater when compared to a current employee who already has the skills and aptitude to perform the tasks without the training and supervision required for a new employee.

After extensive discussion with the Works Supervisor and investigations with regards to the budget we believe that the Works Program (construction and parks and gardens) can be completed to a high standard with a full crew of nine staff not eleven as per the start of the financial year.

An incentive for the construction crew leading hand is to have a Shire vehicle from the depot pool for commuting use. However in the case of the leading hand being in Dumbleyung (and very close to the depot) there is no real need for commuting use of a vehicle. The commuting use of a vehicle works out well with the leading hand commuting from Kukerin, but is of no real incentive for a Dumbleyung resident. What am I proposing is that if the Construction Crew Leading Hand is a resident in the townsite of Dumbleyung then the Leading Hand receive a \$1.50/hr above award payment and is outlined as such in a letter to the Leading Hand. The Shire does not currently have a Construction Crew Leading Hand, although Anthony

Pearce has proven he is capable during this time of employee shortage and will be appointed as the Construction Crew Leading Hand.

The proposal is outlined below:

	Current Hourly Rate	Proposed Hourly Rate	Projected Cost to Council at Current Rate (p.a.)	Projected Cost to Council at Proposed Hourly Rate (p.a.)	Difference
Construction L/H	\$20.4867	\$23.9867	\$48,438.59	\$54,717.59	\$6,279.00
Plant Operator	\$19.0103	\$21.0103	\$45,789.93	\$49,377.93	\$3,588.00
Grader Driver	\$24.3007	\$26.3007	\$55,280.91	\$58,868.91	\$3,588.00
Gardening L/H	\$19.6862	\$21.0103	\$47,002.49	\$49,377.93	\$2,375.44
Gardener	\$19.0103	\$19.5103	\$45,789.93	\$46,686.93	\$897.00
TOTAL			\$242,301.84	\$257,550.84	\$15,249.00

Number of Employees

Construction L/H	1
Plant Operator	3
Grader Operator	2
Gardening L/H	1
Gardener	2
TOTAL	9

Projected Cost for 2008/09 as hourly rate is now	\$498,514.29
Projected Cost for 2008/09 projected hourly rate	\$556,542.72
Difference	\$58,028.44

Budget figure Wages 2008/09	\$672,332.00
Projected Cost for 2008/09 projected hourly rate	\$556,542.72
Difference	\$115,789.28

Projected wages cost per year are based on a 53 week year (24.5 fortnights of 92 hours and 2 fortnights of 76 hours for Annual Leave) taking in to account previous lower hourly rate up to this point in time.
All projected costs include the projected Works Supervisor and Mechanic wages at the end of the 2008/09 fiscal year.

The increase for the Works Crew is to align the hourly rate that they are paid closer to the industry standard. The hourly rate is the same as a plant operator but the current position completes a lot of overtime with regards to cleaning to supplement the position, should the position become vacant in the future the pay rate may need to be addressed as per any adjustments to the position description.

In conclusion with the proposed hourly rate increases there are still substantial savings to be made by reducing the Works Crew from eleven to nine and this will well and truly cover any costs incurred by the wage increase.

Financial Implications

This wage increase for the Works Crew has not been allocated for. The increase will not result in overspending of the wages for the Works Crew with a maximum crew of nine.

Policy Implications

Nil

Statutory Implications

Nil

Officer Recommendation and Council Decision

Motion 037

Moved Cr Ditchburn

Seconded Cr Pearce

That Council adopt a pay increase for the Works Crew as stated below:

- Construction Crew Leading Hand – Increase pay rate to \$22.4867 per hour plus a \$1.50 hourly overaward payment for a leading hand based in Dumbleyung and not using commuting use of a Works Crew vehicle;
- Plant Operator – Increase pay rate to \$21.0103 per hour;
- Grader Operator – Increase pay rate to \$26.3007 per hour;
- Gardener Leading Hand – Increase pay rate to \$20.1862; and
- Gardener – Increase pay rate to \$19.5103.

All existing incentive payments shall still apply it will be only the hourly rate that increases (except the Construction Crew Leading Hand as outlined above).

CARRIED 8/0

Voting Requirements

Simple Majority

Move From Behind Closed Doors

Motion 038

Moved Cr Bracknell

Seconded Cr Dare

Council to move from behind closed doors

CARRIED 8/0

Motion 039

Moved Cr Brown

Second Cr Ditchburn

That Cr Frame attend the WALGA module 5 training course in Perth on 8th December 2008.

CARRIED 7/1

16. CLOSURE

The president closed the meeting at 7.10pm