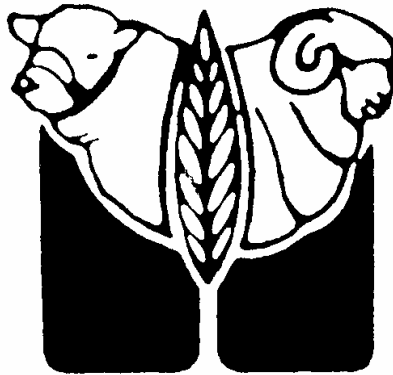


MINUTES



ORDINARY MEETING

HELD ON

THURSDAY, 15 DECEMBER 2005

AT

SHIRE OF BOYUP BROOK
ABEL STREET – BOYUP BROOK
COMMENCEMENT AT 3.32PM

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1 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

1.1 Attendance

Cr T Ginnane – Shire President
Cr S Broadhurst
Cr R Downing
Cr J Florey
Cr M Martin
Cr K Moir
Cr T Oversby
Cr A Piper

Mr W Pearce – Chief Executive Officer
Mr K Jones – Manager of Finance and Administration
Mr J Eddy – Manager of Works and Services
Mrs G Wallace – Minute Secretary (departed 5.25pm)

Mr M Tomlinson (departed 4.12pm)
Mr D Winter (departed 4.10pm)
Mrs N Bignell (departed 4.10pm)
Mrs L Coote (departed 4.10pm)
Ms C Lander (departed 4.10pm)
Mrs B Marsh (departed 5.36pm)
Mrs L Fortune (departed 5.36pm)
Mrs R Schultz (departed 5.36pm)
Ms E Karlsson – Donnybrook/Bridgetown Mail (entered 3.40pm/departed 5.20pm)

1.2 Apologies

Cr P Marshall

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

4.1 Accommodation Needs in Boyup Brook

Mrs L Coote addressed the Council on the overall needs for accommodation in Boyup Brook encouraging the Shire to look at the short term needs.

Mrs N Bignell, Rylington Park's Project Officer, spoke on Rylington Park's increasing schedule of events and the very successful shearing school currently taking place. The accommodation at Rylington Park is able to accommodate up to 16 people at any one time.

Mr D Winter, representing the Country Music Club, felt that the town was missing opportunities with people choosing to stay out of the district due to the lack of a variety of accommodation facilities. Events such as St John Ambulance training, Fire Brigade training and the proposed annual program of events at the Music Park to name a few create missed accommodation opportunities.

Ms C Lander from Roo Gully advised the Council that the 'Roo Gully Diaries' will be run on the ABC over a 6 week period in 2006. She hopes that this will increase tourism and provide flow-on benefits to Boyup Brook. The documentary will be shown worldwide.

Ms Karlsson entered the Chambers, the time being 3.40pm

Ms Lander departed the Chambers, the time being 3.45pm.

Mrs L Coote thanked the Council for the opportunity to raise this issue.

The Shire President congratulated all for their presentation and to Rylington Park on their article in the Farm Weekly and on the success of the Shearing School, Mr D Winter on the success with approved grants in developing the Music Park and Ms C Lander on the 'Roo Gully Diaries'.

The Shire President acknowledged that this has been a ongoing issue for a long time and believes that the Economic Development Committee is the best vehicle drive this issue.

Ms Lander returned to the Chambers, the time being 3.47pm

Discussion pursued on this issue.

Mrs Coote, Ms Lander, Mr Winter and Mrs Bignell departed the Chambers, the time being 4.10pm.

4.2 Blackwood River Valley Marketing Association – Cr Broadhurst

Cr Broadhurst informed the Council that the BRVMA are near to completing the new A5 brochure for the Valley.

The Chief Executive Officer and Mr Tomlinson departed the Chambers, the time being 4.12pm.

4.3 Rylington Park – Cr Florey

Cr Florey supported all that Mrs Bignell had discussed in the earlier presentation and felt that the Bignell's are dynamic and achieving wonderful results at Rylington Park.

4.4 Official Opening of Bridle/Walk Trail on Rail Corridor – Cr Martin

Cr Martin advised the Council that he officially opened the new Trail on behalf of the Shire President on 9 December 2005. An inaugural ride by the Pony Club was successfully organized.

The Chief Executive Officer returned to the Chambers, the time being 4.12pm.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 Minutes of the Ordinary Meeting of the Council held on 17 November 2005.

MOVED: Cr Downing

SECONDED: Cr Broadhurst

That the minutes of the previous Ordinary Meeting of the Council held on 17 November 2005 be confirmed as an accurate record.

CARRIED 8/0

5.2 Minutes of the Special Meetings of the Council held on 14 and 29 November 2005.

MOVED: Cr Downing

SECONDED: Cr Florey

That the minutes of the Special Meetings of the Council held on 14 and 29 November 2005, be confirmed as an accurate record.

CARRIED 8/0

6 PRESIDENTIAL COMMUNICATIONS

6.1 Structural and Electoral Reform Public Hearing

The Shire President and the Chief Executive Officer attended the Local Government Advisory Board reform hearing in Perth on 05 December 2005. The Shire of Boyup Brook's position statement was presented and well received.

6.2 Medical Centre Federal Grant

The Shire has been successful on receiving \$115,500 of Federal Grant funds for the refurbishment of the Medical Centre. The Shire of Boyup Brook is the first Shire in Australia to receive this type of grant.

Cr Downing wished to recognize the efficiency of the Chief Executive Officer in applying for this grant.

6.3 Meeting with the Minister for Local Government and Regional Development

The Shire President, Councillors Broadhurst, Downing and Oversby and the CEO met with the Minister and other Warren Blackwood shire representatives on 30 November 2005 at the Shire of Manjimup chambers.

The main issues raised with the Minister were unreasonable high land development and infrastructure costs for rural councils and the continued postponement of the infill sewerage programme.

6.4 Funerals

The Shire was represented at the funerals of Wally Hales, Thelma Proctor and Leonie Abel.

7 REPORTS OF OFFICERS AND COMMITTEES

7.1 WORKS AND SERVICES

7.1.1 Townscape Advisory Committee Minutes

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>John Eddy</i>
<i>Date Report Written:</i>	<i>30 November 2005</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>PA/37/001</i>
<i>Appendices:</i>	<i>1.1 - Minutes</i>

BACKGROUND:

A Townscape Advisory Committee meeting was held on 23 November 2005.

Minutes of the meeting are laid on the table and circulated (refer to appendix 1.1).

MOVED: Cr Broadhurst

SECONDED: Cr Florey

That the minutes of the Townscape Advisory Committee held on the 23 November 2005, be received.

CARRIED 8/0

MOVED: Cr Broadhurst

SECONDED: Cr Downing

That the working group of Cr Florey, C Hales and G Rayner prepare designs incorporating granite rocks, blackboys and Tall Man figures depicting various attributes of Boyup Brook to be located on the Bridgetown and Kojonup Road entrances to the Boyup Brook Townsite.

MOVED: Cr Martin

SECONDED:

Amendment

To remove the words 'and Tall Man figures depicting various attributes of the Boyup Brook'.

LAPSED FOR WANT OF A SECONDER

The original motion was put and carried.

MOVED: Cr Broadhurst

SECONDED: Cr Downing

That the working group of Cr Florey, C Hales and G Rayner prepare designs incorporating granite rocks, blackboys and Tall Man figures depicting various attributes of Boyup Brook to be located on the Bridgetown and Kojonup Road entrances to the Boyup Brook Townsite.

CARRIED 7/1

MOVED: Cr Broadhurst

SECONDED: Cr Oversby

That the Country Music Club 'Tall Man' figure be relocated to the grassed area on the Northern corner of the Jackson and Beatty Street intersection. The structure be stripped back to the original metal and placement to occur at the discretion of the Manager of Works and Services and at no cost to the Council.

CARRIED 8/0

7.1.2 Hot Bitumen & Mineral Aggregate Tenders for 2005/2006

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: John Eddy
Date Report Written: 13 December 2005
Enabling Legislation: -
File: EQ/57/001 & EQ/57/002
Appendices: -

BACKGROUND:

Tenders were called for the supply of sprayed bitumen and mineral aggregate.

DETAIL:

The following tenders were received by the closing time of 4.00pm on Tuesday 13 December 2005.

Tender No 05-007 Supply of Sprayed Bitumen

Company	5,000L → 10,000L	10,000L → 15,000L	15,000 → 20,000L	Over 20,000L	Average
Pioneer Road Services	\$0.89	\$0.78	\$0.74	\$0.71	\$0.78
RNR Contracting	\$0.70	\$0.66	\$0.66	\$0.66	\$0.67
Boral	\$0.76	\$0.71	\$0.71	\$0.69	\$0.72

The supply of sprayed bitumen prices have been averaged based on supply and spray of hot bitumen, RNR Contracting submitting the lowest tender price. Note all prices are GST exclusive.

Tender No 05-008 Supply of mineral Aggregate to Boyup Brook

Ex Quarry to Boyup Brook	Carbone Bros	Hanson	Mead Transport	Narrogin Quarries
10mm Metal	\$25.91 Tonne	\$32.65 Tonne	\$33.00 Tonne	\$38.00 Tonne
14mm Metal	\$25.91 Tonne	\$31.65 Tonne	\$33.00 Tonne	\$38.00 Tonne

7mm Metal	\$25.91 Tonne	\$33.15 Tonne	\$33.00 Tonne	-
Additional Cartage	11.5c/T/Km	8.0c/T/Km	9.0c/T/Km	9.5c/T/km

Note all prices are GST exclusive on delivery to the Boyup Brook townsite.

COMMENT:

Tender No 05-007 – Supply of Sprayed Bitumen

RNR Contracting Pty Ltd has provided reliable service, delivery and application of materials to the Shire of Boyup Brook for the past eight (8) years and it is recommended that their tender be accepted.

Tender No 05 – 008 – Supply of Mineral Aggregate

Carbone Bros Pty Ltd submitted the lowest tender for the supply of mineral aggregate and met all of the tender conditions.

Mead Transport’s tender price was over twenty percent (20%) above Carbone Bros Pty Ltd which negates the Local Price Preference allowed for all suppliers of goods and services within the Shire of Boyup Brook.

It is therefore recommended that the tender submitted by Carbone Bros Pty Ltd be accepted.

MOVED: Cr Florey

SECONDED: Cr Piper

That the Council accept the following tenders for the 2005/2006 financial year:-

1 Supply of Sprayed Bitumen – Tender No 05-007

R.N.R. CONTRACTING

5,000L → 10,000L	10,000L →15,000L	15,000L →20,000L	over 20,000L	Average Cost/L
\$0.70	\$0.66	\$0.66	\$0.66	\$0.67

2 Supply Mineral Aggregate to Boyup Brook – Tender No 05-008

Carbone Bros Pty Ltd

Supply and deliver of 14mm and 10mm aggregate as specified to the Boyup Brook townsite \$25.91/tonne and 11.5 cents/tonne/kilometre for additional cartage.

All prices are exclusive of GST.

CARRIED 8/0

7.2 DEVELOPMENT AND COMMUNITY SERVICES

7.2.1 Lot 15 & 120 Zig Zag Road, Boyup Brook – Special Rural Subdivision

<i>Proponent:</i>	<i>Gold Medal Management P/L</i>
<i>Location:</i>	<i>Lots 15 & 120 Zig Zag Road, Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>28 November 2005</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No. 2</i>

File: AS3090
Appendices: 1.2 - Plan, TPS

BACKGROUND:

The owner/developer wishes to subdivide Lots 15 and 120 Zig Zag Road, Boyup Brook.

These lots were only renumbered recently due to the subdivision of several 4.0ha lots from the original locations of 1073 and 1302 Zig Zag Road.

The subject lots were zoned 'special rural' approximately 12 years ago. Since 1998, 15 lots have been subdivided and released

The Council at its September 2005 meeting resolved:-

'That the Council approves the amended Special Rural Subdivision Guide Plan as presented for Loc. 1073 and 1302 Zig Zag Road, Boyup Brook pursuant to Schedule 3 Special Rural Zone No.6 Clause i) of the shire's Town Planning Scheme No 2, subject to engineering design drawings and specifications for road and drainage layout being approved by the Manager of Works and Services.'

DETAIL:

The property is currently zoned Special Rural Zone No. 6 (SRZ 6) under the shire's Town Planning Scheme No. 2 (the 'Scheme').

The area of lot 15 is 50.4ha and lot 120 is 48.3ha.

The proponent wishes to create 44 new lots varying between 2.0 – 2.9ha - see plan attached, appendix 1.2.

The Scheme has prescribed various conditions to control the development and use of the lots for SRZ 6 - see conditions attached, appendix 1.2.

An amended plan was presented for consideration at the September 2005 meeting and endorsed.

Prior to releasing further lots, the developer needs to address the proposed link road between Abels Road and Bridgetown – Boyup Brook Road.

The shire's 'Road Contribution' policy states in part-

'The Council will require the proponent of a subdivision/amalgamation to contribute towards the upgrading and construction of roads in the rural areas in accordance with the following: -

- 2 The minimum standard of road construction for Special Rural zones is a six (6) metre formed and sealed surface (two coat spray seal) with roadside drainage and cross overs. The Council may consider a reduced road width under extraordinary or special circumstances.
- 2a The construction of a Special Rural (internal) road in point 2 above shall be at the full cost of the proponent.
- 7 All contributions payable under this Policy shall be placed in a Trust Fund prior to expenditure.'

The Council in September 2004 was requested to consider the subdivision of lots 11 -14, then known as 'stage 2', resolving that the:-

'link road construction to the Bridgetown Road being deferred subject to a bank guarantee to the full cost of the construction of the link road and the road being completed by 31 July 2006 thus allowing stage 1 lots and stage 2 lots (1-4 only) being released for sale forthwith.'

These lots have been subdivided.

The bank guarantee has been not called upon for two reasons-

1. the 'stage 2' lots were not affected by this future link road as Main Roads WA provided approval for the 4 new properties to front on to the Bridgetown - Boyup Brook Road;
2. the proponent required time to determine the best possible alignment for the proposed continuation of the link road through to the Bridgetown – Boyup Brook Road subsequently approved by the Council in September 2005.

COMMENT:

Due to the current booming property market, the proponent wishes to release the remainder of the special rural lots.

The lots will be a welcome addition to the district with the great expectation of attracting new residents/families to the shire.

The application of the road contribution policy needs to be reconsidered because a bank guarantee at this stage of the development will not 'build' the road. The proponent will need to build the road prior to final clearance of the approved subdivision that will only then allow for the release of the new lots.

The Chief Executive Officer suggested that the Council considers the recommendation above.

The Development Services Committee considered this issue at its meeting held on 07 December 2005 and concurred with the CEO's recommendation.

MOVED: Cr Martin

SECONDED: Cr Florey

That the Council supports the Special Rural Subdivision as presented of Lots 15 and 120 Zig Zag Road, Boyup Brook:-

- 1. pursuant to Schedule 3 'Special Rural Zone No.6' of the shire's Town Planning Scheme No. 2;**
- 2. subject to the proposed link road to the Bridgetown – Boyup Brook Road engineering design drawings and specifications for road and drainage layout being approved by and constructed pursuant to the shire's 'Road Contribution' policy, at the proponent's expense, and to the satisfaction of the Manager of Works and Services prior to the clearance of the subdivision.**

CARRIED 8/0

Cr Martin declared an impartiality interest in the following item, being the President of the Wilga Progress Association.

7.2.2 Reserve 20229 Wilga

Proponent: *Shire of Boyup Brook*
Location: *Reserve 20229 Wilga*
Reporting Officer: *Will Pearce*
Date Report Written: *28 November 2005*

Enabling Legislation: Local Government Act 1995/ Town Planning Scheme No2
File: AS12030
Appendices: 1.3 - Letters, plan

BACKGROUND:

In September and October 2005, the Council dealt extensively with the consideration of the recommencement of operations at the Wilga Timber Mill and various parcels of state land in the town site for subdivision purposes.

At its September 2005, it was resolved:-

'That the Council requests the DPI to convert R40857 to freehold for the purposes of developing lots pursuant to the plan presented.'

The resolving of this motion needs to be readdressed due to the Department of Planning and Infrastructure processing coming to a conclusion (see attached correspondence from DPI, appendix 1.3) of the consolidation of several Wilga reserves due to the Council in November 2002 having resolved that it would create a new 'super' reserve combining the parcels of land accommodating the Wilga Hall and shire Reserve 20229. It resolved:-

'That the Council, in relation to various lots in the Wilga townsite:-

1. agrees to pay the Uniting Church the sum of \$2,000.00 by an ABSOLUTE MAJORITY for the dam, pumping equipment and reticulation located on Lot 54 Charteriss Road and the two dilapidated timber cottages (excluding Sherwood House) located on Reserve 40857 (lots 34 & 55);
2. requests the Department of Land Administration to:-
 - a) convert lot 54 Charteriss Road into a reserve vested in the Shire of Boyup Brook for the purposes of 'Recreation';
 - b) create a new reserve vested in the Shire of Boyup Brook amalgamating reserves 20229 (lot 20), 40857 (lots 34 & 55) and 29692 (lot 35) and a portion of location 6466 (Unallocated Crown Land) for the purposes of 'Recreation and Hall';
3. agrees to enter into a lease arrangement providing the Wilga Progress Association with the exclusive use of the two newly created reserves mentioned in clause 2 above, subject to standard leasing terms and conditions, on payment of \$2,000.00 to the Shire of Boyup Brook for the infrastructure mentioned in clause 1 above.'

DETAIL:

A plan is attached, appendix 1.3, identifying the reserves and land that the Council in 2002 wished to have amalgamated to create this 'super' reserve.

A proposal for the subdivision of crown land in the Wilga townsite was considered by the Council at its September 2005 meeting when considering the leasing of the Wilga Timber Mill located on Loc. 6466 – see attached plan, appendix 1.3 (proposed lot 11 is located within the former sawmill permit area, portion of Loc. 6466. Proposed Lots 11-19 are located on shire Reserve 40857).

At its September 2005 meeting the Council resolved that it:-

- 1) amend item 7.2.4 of the November 2002 meeting by deleting clause 2 (b) which states-

'That the Council, ... in relation to various lots in the Wilga townsite:-

2. requests the Department of Land Administration to ... :-

- b) create a new reserve vested in the Shire of Boyup Brook amalgamating reserves 20229 (lot 20), 40857 (lots 34 & 55) and 29692 (lot 35) and a portion of location 6466 (Unallocated Crown Land) for the purposes of 'Recreation and Hall';

This effectively means that the Council has requested reserve 40857 be subdivided by the DPI.

COMMENT:

This matter is presented to the committee for consideration.

The committee during the meeting discussed the issue of providing new lots in the Wilga townsite.

It agreed that the new reserve created by amalgamating R40857, R20229, R29692 and a portion of Loc 6466 should be supported and leased to the Wilga Progress Association as originally resolved.

The committee does see an opportunity to request the DPI to create two new lots in town, see plan attached - appendix 1.3, showing proposed lots 1 and 2, to test the market.

The Chief Executive Officer suggested that the Council reaffirms/amends* its decision in relation to R40857 Wilga of item 7.2.2 of the September 2005 Council meeting.

The Development Services Committee considered this issue at its meeting held on 07 December 2005 and suggested that the Council:-

1. rescinds its decision in relation to R40857 Wilga of item 7.2.2 of the September 2005 Council meeting;
2. requests Department of Planning and Infrastructure to develop a portion of Loc 6466 and road reserve to create 2 new lots, designated as 'lots 1 and 2' as presented of 1,972 and 1,977m2 in area.

Support from Councillors, Cr Downing, Cr Broadhurst and Cr Florey was provided to rescind the following motion.

MOVED: Cr Florey

SECONDED: Cr Oversby

That the Council rescinds its decision in relation to R40857 Wilga of item 7.2.2 of the September 2005 Council meeting.

CARRIED 8/0

MOVED: Cr Moir

SECONDED: Cr Martin

That the Council requests Department of Planning and Infrastructure to develop a portion of Loc 6466 and road reserve to create 2 new lots, designated as 'lots 1 and 2' as presented of 1,972 and 1,977m2 in area.

CARRIED 8/0

Crs Moir and Martin declared financial interests in the following item and departed the Chambers, the time being 4.48pm.

7.2.3 Locs 1595 and 1760 Bridgetown – Boyup Brook Road – Subdivision/Amalgamation

Proponent: A Forsyth
Location: Locs 1595 and 1760 Bridgetown – Boyup Brook Road
Reporting Officer: Will Pearce
Date Report Written: 28 November 2005
Enabling Legislation: Town Planning Scheme No 2
File: AS3050
Appendices: 1.4 – Plan

BACKGROUND:

The proponents wish to subdivide/amalgamate the existing rural properties at Locs 1595 and 1760 Bridgetown – Boyup Brook to create two new lots.

A plan of the proposal is attached – see appendix 1.4

DETAIL:

The areas of the existing lots are –

- Lot 1595– 28.0ha
- Lot 1760– 81.7ha

New lots will be created with areas of 82.8393ha and 26.884ha.

The purpose of the realignment is to capture the existing driveway within loc 1760 which houses the main homestead.

The Council's 'Subdivisions and Amalgamations' policy states in part that:-

“1 In order to achieve the objectives contained in Clause 5.2 of the Scheme, the Council will not generally support the subdivision of land within the Rural Zone into lots having a minimum size of less than 40 hectares except for: -

- a) Amalgamation;*
- b) Boundary realignments provided no additional lots are created;*
- c) Any subdivision required for public works;*
- d) Where the proposal is accompanied with supporting evidence outlining a land suitability and capability study for further development.*

2 In considering a plan of subdivision submitted to it for support, the Council shall have regard to the following matters:

- a) The size, dimensions and shape of each lot;*
- b) The situation and planning of each lot in relation to services, both present and prospective.”*

COMMENT:

The road is in a satisfactory condition and complies with the Council's 'Road Contribution' policy. Clause 1(b) of the 'Subdivision/Amalgamation' policy allows for discretion in relaxing the minimum 40ha requirement for boundary realignment where no additional new lots are created.

The Chief Executive Officer suggested that the Council considers the recommendation above.

The Development Services Committee considered this issue at its meeting held on 07 December 2005 and concurred with the CEO's recommendation.

MOVED: Cr Florey

SECONDED: Cr Downing

That the Council supports the proposed subdivision/amalgamation of Locs 1595 and 1760 Bridgetown – Boyup Brook Road, to create two new lots being 82.8393ha and 26.884ha area.

CARRIED 6/0

Crs Moir and Martin returned to the Chambers, the time being 4.50pm.

7.2.4 Lot 1 Chapman Road, McAlinden – Planning Application for Farm Chalets

Proponent: Davies Family Trust
Location: Lot 1 Chapman Road, McAlinden
Reporting Officer: Will Pearce
Date Report Written: 28 November 2005
Enabling Legislation: Town Planning Scheme No 2
File: AS4562
Appendices: 1.5 - Plans

BACKGROUND:

The proponent is seeking to establish Farm Chalets on Lot 1 Chapman Road, McAlinden.

The proponent has forwarded all of the relevant details to support the application as required by the Shire's Town Planning Scheme No 2 (the 'Scheme').

Floor, site and elevation plans and additional information are provided – see appendix 1.5.

The Council at its 17 November 2005 meeting resolved:-

That the Chief Executive Officer advertises the planning application for a proposed three (3) Farm Chalet development to be located at Lot 2 Chapman Road, McAlinden, by causing the following to take place in accordance with the Town Planning Scheme No. 2:-

1. notice being served on owners and occupiers likely to be to be affected by the granting of planning approval,
2. notification to be published in a newspaper circulating within the Scheme area.'

As the advertising closes on 12 December 2005, it is now requested to determine the proposal so as not to delay the project unnecessarily.

If any further submissions are received after this date which follows the Development Services Committee meeting, the Council as a whole will be able to consider them at its 15 December ordinary meeting.

DETAIL:

Lot 1 Chapman Road, McAlinden is a property with a gross area of 40.5 hectares and is zoned "Rural".

It is proposed to construct 3 stand alone farm chalets. The proposed two storey single bedroom buildings are steel-framed with timber boards and zincalume roofs and self-contained.

A common laundry will be incorporated into an existing shed.

The Council interprets 'farm chalets' as 'holiday cottages' under the Scheme which ... *"means a detached dwelling on one lot for holiday purposes, which may not be occupied by the same tenant for a continuous period of more than four months."*

The Scheme states that 'holiday cottages' are an "SA" use, being a use that... *"is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 3.5"*, in the "Rural" zone.

The Manager of Works and Services will inspect Chapman Road prior to the meeting to provide feedback on its condition and whether or not it is able to sustain extra traffic generated by the development.

As background information, the 'Road Contribution' policy does state in part-

'Where the use of a lot is subject to a Shire planning approval and is modified or intensified such as to require the unconstructed or substandard road access to the lot to be constructed or improved:-

- 1 The minimum standard of road construction in a rural area is a six (6) metre formed gravel surface with roadside drains and may be reduced at the discretion of the Council in consultation with the Manager of Works and Services.
- 2 The Council may contribute up to a maximum of 50% towards the cost of upgrading an existing constructed road; where such upgrading is considered by the Council to be in the interests of the community and its road construction programme.
- 3 Any contribution will have regard to the existing and other potential users of the road and will be based upon the following:-
 - DETERMINE THE STANDARD TO WHICH THE ROAD IS TO BE CONSTRUCTED
 - DETERMINE THE TOTAL COST OF THE UPGRADING
 - Calculate the total number and length of total road frontage of properties that will benefit from the upgrading. This can include both existing and potential properties.
 - Divide the total cost by the number of lots and length of total road frontage.
 - The proponent's relative proportion shall be the greater of the two calculations.
- 4 Where the construction of a vacant road reserve is required the proponent shall pay the total cost.
- 5 All contributions payable under this policy shall be placed in a Trust Fund prior to expenditure.
- 6 That in determining development applications, the Council will have regard to the access to the site; its current and required standard. Where it is considered that the road requires to be upgraded as a direct result of the development, the Council will consider refusing the proposal

on the grounds that the development has inadequate access (unless the proponent agrees to pay the total cost of this upgrading).'

COMMENT:

The Council's existing 'Farm Chalets' policy address minimum amenity and facilities standards in regards to no. of bedrooms, kitchen, laundry, internal fire protection, water, parking and so forth and require compliance prior to a building license being issued.

The policy does state in part-

- ◆ *'Laundry facilities (may be provided as a single detached facility for common use where more than one (1) chalet is approved) a maximum of fifty (50) metres from each chalet.*

Location:

Proponents are encouraged to locate chalets at least 100metres away from neighbouring rural property boundaries to reduce any future potential conflict.'

The proponent's proposed laundry is approximately 200m from the furthest chalet. This is not considered to be a problem as guests will have to pass the laundry when entering and leaving the property.

Two chalets are located within 100m of the east boundary. The policy only recommends a 100m setback and therefore the proposal still complies.

Such a large scale project demands that extra protections are in place for the benefit of the property itself and surrounding properties. These have been identified in the following recommendation.

Should the project become reality, it will undoubtedly provide much needed higher quality accommodation for our district.

The Chief Executive Officer suggested Council approve the planning application for three (3) Farm Chalets to be located at Lot 1 Chapman Road, McAlinden as presented, subject to the following conditions:-

1. the proponent complies with Town Planning Scheme No 2;
2. two car parking spaces being provided for each chalet and constructed, properly drained and sealed to the satisfaction of the Manager of Works and Services;
3. access being approved by the Manager of Works and Services and crossovers constructed to the Council's design specifications and levels;
4. all stormwater run off from impervious surfaces being disposed of to the satisfaction of the Manager of Works and Services;
5. the provision of a waste water and effluent disposal system in compliance with the Health Department of Western Australia's regulations and policies;
6. the buildings comply with the Building Code of Australia;
7. the proposal complies with the Council's "Farm Chalet" policy;
8. a Fire Management Plan to the satisfaction of the Chief Bushfire Control Officer will be required for the subject land;

9. a Weed Management Plan will be required for the subject land;
10. the landowner and all future landowners shall enter into a legal agreement with the Council to ensure the specific conditions are adhered to. A caveat, recognizing this agreement is to be lodged on each certificate of title.

The Development Services Committee considered this issue at its meeting held on 07 December 2005 and concurred generally with the CEO's recommendation but believes that clause 9 should be deleted as it places an unnecessary expense on the developer.

MOVED: Cr Moir

SECONDED: Cr Florey

That the Council approve the planning application for three (3) Farm Chalets to be located at Lot 1 Chapman Road, McAlinden as presented, subject to the following conditions:-

1. the proponent complies with Town Planning Scheme No 2;
2. two car parking spaces being provided for each chalet and constructed, properly drained and sealed to the satisfaction of the Manager of Works and Services;
3. access being approved by the Manager of Works and Services and crossovers constructed to the Council's design specifications and levels;
4. all stormwater run off from impervious surfaces being disposed of to the satisfaction of the Manager of Works and Services;
5. the provision of a waste water and effluent disposal system in compliance with the Health Department of Western Australia's regulations and policies;
6. the buildings comply with the Building Code of Australia;
7. the proposal complies with the Council's "Farm Chalet" policy;
8. a Fire Management Plan to the satisfaction of the Chief Bushfire Control Officer will be required for the subject land;
9. the landowner and all future landowners shall enter into a legal agreement with the Council to ensure the specific conditions are adhered to. A caveat, recognizing this agreement is to be lodged on the certificate of title.

CARRIED 8/0

7.2.5 Youth Advisory Committee Minutes

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Keith Jones</i>
<i>Date Report Written:</i>	<i>01 December 2005</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>IM/37/004</i>
<i>Appendices:</i>	<i>1.6 - Minutes</i>

BACKGROUND:

Meetings of the Youth Advisory Committee were held on 08, 15 & 29 November 2005.

Minutes of the meetings are laid on the table and circulated (refer to appendix 1.6).

MOVED: Cr Downing

SECONDED: Cr Broadhurst

That the minutes of the Youth Advisory Committee on 08, 15 and 29 November 2005, be received.

CARRIED 8/0

7.2.6 Economic Development Committee Minutes

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Will Pearce
Date Report Written: 01 December 2005
Enabling Legislation: Local Government Act 1995
File: GO/37/005
Appendices: 1.7 Minutes

BACKGROUND:

A meeting of the Economic Development Committee was held on the 01 December 2005.

Minutes of the meeting are laid on the table and circulated (refer to appendix 1.7).

MOVED: Cr Moir

SECONDED: Cr Martin

That the minutes of the Economic Development Committee Meeting held on 01 December 2005, be received.

CARRIED 8/0

7.2.7 Recreation & Leisure Advisory Committee Minutes

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Keith Jones
Date Report Written: 25 November 2005
Enabling Legislation: Local Government Act 1995
File: RE/37/001
Appendices: 1.8 Minutes

BACKGROUND:

A meeting of the Recreation & Leisure Advisory Committee was held on the 22 November 2005.

Minutes of the meeting are laid on the table and circulated (refer to appendix 1.8).

MOVED: Cr Broadhurst

SECONDED: Cr Piper

That the minutes of the Recreation & Leisure Advisory Committee held on 22 November 2005, be received.

CARRIED 8/0

MOVED: Cr Martin

SECONDED: Cr Florey

That the CEDO request grant funds secured through Department of Sport and Recreation totaling \$8,300 be redirected from creating a walk trail on Reserve 11497 to the existing walk/bridle trail project for the purpose of providing trail furniture, construction of a gazebo and signage.

CARRIED 8/0

MOVED: Cr Martin

SECONDED: Cr Moir

That the Council moves into a committee of the whole under clause 15.6 of the shire's Local Law No.1 - Standing Orders to allow members free discussion on the matter.

CARRIED 8/0

MOVED: Cr Oversby

SECONDED: Cr Piper

That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.

CARRIED 8/0

7.2.8 'Swimming Pool' Policy – Review of Opening Times

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	-
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>07 December 2005</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	-
<i>Appendices:</i>	-

BACKGROUND:

The Council requested at its October 2005 meeting that the opening times of the Boyup Brook Swimming Pool be reviewed.

This report provides financial costings on extending the pool's public opening times to remain open during lunch and from 11am - 7pm each and every day of the week.

DETAILS:

The shire's 'Swimming Pool' policy states:-

'Objective

To determine opening times and usage of the Boyup Brook Swimming Pool.

Statement

Opening Times:

Wednesday – Monday	10.00am to 12.30pm 1.30pm to 6.00pm
Monday – Friday (January only)	9.00am to 6.00pm

The opening hours may be varied at the discretion of the Manager of Finance and Administration in liaison with the Pool Manager due to inclement or extreme weather and within budget allocations.

The Boyup Brook Swimming Club:-

- Shall have access to two lanes only (extra lanes may be available at the Swimming Pool Manager's discretion) Monday, Wednesday and Friday 3.30pm to 6.00pm;
- Shall have access to three lanes only (extra lanes may be available at the Swimming Pool Manager's discretion) Sunday 10.00am to 12.30pm;

Requires the Manager of Finance & Administration's approval for exclusive use of the pool during public opening times with at least four weeks prior notice to holding swimming carnivals.

The Boyup Brook Water Polo Club:-

- Has access to the pool between 6pm and 7pm Thursdays at a cost of 50% of the hire fee as set in the annual budget per session;
- May have additional use of the pool outside public opening times but will be charged at the normal hire fee as set in the annual budget.'

The swimming pool hours have been extended in recent years to cater for the public wanting to stay at the pool to enjoy the BBQ facilities on-site and/or be given ample time to continue swimming after finishing work, remembering that the policy requires closure at 6pm every day.

In effect the hours have been-

DECEMBER

Wed-Mon 10am –12.30pm, 1.30pm-6pm

JANUARY

Mon, Tues, Thur 9am-6pm
Wed, Fri 9am-7.30pm
Sat, Sun 10am-12.30pm, 1.30pm-7.30pm

FEBRARY

Mon, Thurs, Sun 10am-12.30pm, 1.30pm-6.00pm
Wed, Fri, Sat 10am-12.30pm, 1.30pm-7.30pm

MARCH & APRIL

Wed-Mon 10am-12.30pm, 1.30pm-6.00pm

These extended hours have been provided without impacting on the wages budget for the pool.

The financial impact on opening the pool-

- During lunch breaks
- 7 days per week
- until 7pm daily (please note that the pool needs to open at 10am to cater for school swimming lessons)

if this system is brought in from 1 January 2006 the wages/superannuation expenses will increase by approximately-

- Jan – April - Working during lunch breaks by Manager –

74hrs @ \$51.18/hr **\$3,787.32**

(or if hours are re-arranged to allow the employment of a p/t pool manager @ \$20.63/hr)

\$1,526.62

➤ Feb- April - Tuesday openings from 10am – 6pm if we employ p/t pool manager –
80hrs @ \$20.63 **\$1,650.40**

➤ Jan – April – Open from 10am – 7pm daily if we employ p/t pool attendant-
73hrs @ \$20.63 **\$1,505.99**

The total additional cost for 2005/06 will be \$6,943.71.

Operational expenses relating to power, water and chemical usage will increase but are impossible to quantify.

COMMENT:

If the Council is willing to consider increasing the pool opening times, it is suggested that an amount of \$3,177.02 (\$1,562.62 plus \$1,650.40) to cover all lunch breaks and Tuesdays from January to April 2006.

The Council could fund this from the budgeted interest of \$8,207 towards proposed new 'Loan 113 – Pool Bowl Upgrade' which will not be expended this financial year. The loan for the pool will be drawn down in February 2006 with repayments commencing in August 2006.

It is suggested that this matter be considered during the Council's 2006/07 budget proceedings in light of the increase in the cost of the recent upgrade works at the pool (see separate report – item 7.3.3).

MOVED: Cr Oversby

SECONDED: Cr Downing

That the Council considers the financial impact of extending the opening times at the Boyup Brook Swimming Pool during its 2006/07 budgetary process.

LOST 3/5

MOVED: Cr Moir

SECONDED: Cr Florey

That the Council by an ABSOLUTE MAJORITY:-

1. in addition to the 'Swimming Pool' policy opening hours, increase the Boyup Brook Swimming Pool hours for-
 - a) January 2006 by remaining open between 12.30pm and 1.30pm on Saturdays and Sundays; and
 - b) February 2006 by being open on Tuesdays from 10am – 6pm and between 12.30pm and 1.30pm from Wednesdays to Mondays ;
2. approve under Schedule 11 Operating Expenditure allocations of the 2005/06 budget that-
 - a) 'E112005 – Swimming Pool Maint' of \$76,338.20 be increased to \$79,515.22, and
 - b) 'E112011 – Loan Interest upgrade pool bowl' of \$8,207.08 be reduced to \$5,030.06.

CARRIED 7/1

Cr Oversby requested that it be recorded that he voted against the above motion.

Mrs Schultz departed the Chambers, the time being 5.18pm.

The Manager of Finance and Administration declared an impartiality interest in the following item due to his position on the Executive Committee for Lions.

Ms Karlsson departed the Chambers, the time being 5.20pm.

Mrs Schultz returned to the Chambers, the time being 5.20pm

7.2.9 Late Report - Request to Waive Flax Mill Fees – Boyup Brook Lions Club Inc

Proponent: Boyup Brook Flax Mill
Location: Flax Mill
Reporting Officer: Will Pearce
Date Report Written: 13 December 2005
Enabling Legislation: Local Government Act 1995
File: FM/25/008
Appendices: -

BACKGROUND:

The Boyup Brook Lions Club requests the free use of the Flax Mill for a programme known as 'Camp Quality'.

DETAIL:

A letter was received from the Lions Club as follows:-

You will no doubt be aware of the wonderful work Camp Quality does for the young terminally ill and cancer sufferers associated with Princess Margaret Hospital. Therefore I will concentrate on Boyup Brook Lions Club involvement with this extraordinary project. The organizers of Camp Quality held a meeting in our region last month, and it was decided that this worthwhile activity could be hosted and funded by the surrounding Lions clubs in our zone.

I have been elected Chairman of the committee to begin strategy meetings so this commitment can be achieved.

Camp Quality like Lions Clubs are non-profit organizations, this means that funding will be a major issue as always. The cost of transport, food and accommodation will run into the thousands, so all donations and cost cutting will be of tremendous benefit.

We are requesting that the Shire donate the accommodation and facilities for the camp at the Flax Mill.

To explain the nature of the camp, the Camp Quality organizers have informed us that research has determined that Fathers find it especially difficult to come to terms with their son's illness.

A need for these Fathers to spend time with their sons in a camp like atmosphere is essential.

The camp will be dubbed the "Lads and Dads" camp, and approximately 15 boys and their fathers are expected with a support staff from Camp Quality over a period of 5 or 7 days;

The suggested time for the camp to begin is the 17th April 2006.

We respectfully request that you consider our request, and I would be pleased to see you personally and explain the project in more detail.

May I add that the facilities and accommodation at the Flax Mill would be meticulously maintained, and left in sound clean condition.

The shire's 'Donation' policy state in part-

"The Chief Executive Officer may in consultation with the Shire President approve extraordinary donation requests up to \$100.00 in cash, or \$500.00 in-kind (excluding administrative support eg. photocopying), to local community groups throughout the year when requested.

The Council will budget \$500.00 per year in cash for this purpose.

Extraordinary in-kind support may be carried out during normal working hours where there is no impact on work programs.

The CEO shall reject all other requests throughout the year outside the donation funding program."

The value of the overall hire fees would be approximately \$2,310 (inc GST).

COMMENT:

This is an extraordinary request with a well-intentioned outcome for these sick children.

It is suggested that the Council waives the Flax Mill Hire fees for the Boyup Brook Lions Club to hold a 'Camp Quality' for up to approximately thirty camp goers from 17 – 23 April 2006.

MOVED: Cr Martin

SECONDED: Cr Florey

That the Council waives the Flax Mill Hire fees for the Boyup Brook Lions Club to hold a 'Camp Quality' for up to approximately thirty camp goers from 17 – 23 April 2006.

CARRIED 8/0

MOVED: Cr Martin

SECONDED: Cr Broadhurst

That the Chief Executive Officer on behalf of the Council forwards a letter of congratulations to the Boyup Brook Lions Club for their involvement in the proposed 'Camp Quality' to be held in April 2006.

CARRIED 8/0

7.3 CORPORATE SERVICES

MOVED: Cr Moir

SECONDED: Cr Oversby

That the meeting be adjourned for an afternoon tea break, the time being 5.20pm.

CARRIED 8/0

MOVED: Cr Moir

SECONDED: Cr Oversby

That the meeting resume, the time being 5.35pm.

CARRIED 8/0

The meeting resumed with the following persons in attendance.

Cr T Ginnane – Shire President
Cr R Downing
Cr S Broadhurst
Cr J Florey
Cr P Marshall

Cr M Martin
Cr K Moir
Cr T Oversby
Cr A Piper

Mr W Pearce – Chief Executive Officer
Mr J Eddy – Manager of Works and Services
Mr K Jones – Manager for Finance & Administration
Mrs B Marsh
Mrs L Fortune
Mrs R Schultz

MOVED: Cr Downing

SECONDED: Cr Florey

That the order of business in the agenda be changed to allow Item 7.3.4 to be brought forward and dealt with at this time.

CARRIED 8/0

7.3.4 Donation Request – Boyup Brook Family Playgroup & Boyup Brook Occasional Day Care

Proponent: *Boyup Brook Family Playgroup & Boyup Brook Occasional Day Care*
Location: *-*
Reporting Officer: *Will Pearce*
Date Report Written: *02 December 2005*
Enabling Legislation: *Local Government Act 1995*
File: *FM/25/008*
Appendices: *-*

BACKGROUND:

The Boyup Brook Family Playgroup and the Boyup Brook Occasional Day Care has recently written to the Council requesting financial support.

DETAIL:

The Boyup Brook Family Playgroup and the Boyup Brook Occasional Day Care has written as follows:-

We are writing to you following your correspondence dated 31st October 2005 regarding funding for the redevelopment of the Family Stop Centre playground. It has now become apparent that the Lotterywest grant application submitted by the Shire has been unsuccessful in securing funding. As a result we would ask that you take our request for additional funding for the new playground to the upcoming December Council meeting.

In the presentation to the Councillors at the October meeting we outlined a request for:

- Immediate removal of the current, unsafe structure, (before the recommencement of Day Care in January 2006.)
- \$ 2839 to cover the shortfall in funds for the playground
- Works to increase the soft fall area to comply with Australian Standards (as identified by Forpark Australia)
- Purchase the playground on behalf of the groups involved so as the price is GST exclusive
- Topping up of sand soft fall in the swing and current playground area

We would appreciate a written response following the Council's decision within a week of the meeting so we can organise our groups for further action on this matter before the Christmas/New Year period.

It should be noted that the shire has donated approximately \$2,100 to these groups in the past three years as a contribution to the playground. These funds have been included in the funds mentioned in the correspondence above.

COMMENT:

The shire's CEDO recently submitted a grant application to Lotterywest seeking funds for \$6,715 towards the new playground on behalf of the groups but was unsuccessful.

The Council's 'Donations' policy requires groups to apply for funds in March and April annually for consideration during the budget process.

The policy does allow support for minor in-kind work, such as the request for work on the existing soft fall area, throughout the year to community groups where approved by the Manager of Works and Services.

No funds are presently allocated for extraordinary donation requests. The Council may wish to nominate a budget area for example unexpended pool upgrade loan interest or the 'Commercial' reserve from which to access funds if it wishes to support the request.

Due to funds not having been budgeted, it is suggested that the Council declines the request from the centre for financial support.

MOVED: Cr Downing

SECONDED: Cr Broadhurst

That the Council by ABSOLUTE MAJORITY contribute the sum of \$3,000 from it's Commercial Reserve in 2005/06 for the replacement of playground equipment at the Family Stop Centre, subject to a minimum of \$7,200 being contributed towards the project from the local volunteer organizations.

CARRIED 8/0

B Marsh, R Schultz and L Fortune departed the chambers, the time being 5.36pm.

7.2.10 Wilga Mill – Request for Support to Rebuild Office

Proponent: Mr A Moyes
Location: Loc 6466 Wilga
Reporting Officer: Will Pearce
Date Report Written: 15 December 2005
Enabling Legislation: Local Government Act 1995/ Town Planning Scheme No. 2
File: AS12030
Appendices: Letters, plans attached

BACKGROUND:

The office building for the Wilga Mill located on Loc. 6466 Wilga burnt down on 29 April 2005.

Mr A Moyes, the owner of the building, has written to Council seeking support for rebuilding the former mill office – see letters attached.

DETAIL:

Mr Moyes is an employee of Mr D Hindle of Wilga Specialty Timbers.

Mr Hindle received support from the Council in October 2005 where it resolved:-

‘That the Council support the Department of Planning and Infrastructure in them providing a lease of the ‘Wilga Sawmill Site’ for a twelve month period, provided that storage and milling of timber is confined to area 2 and that a perimeter fence be erected around the area, and approval be received from all other relevant authorities especially Department of Environment and Department of Industry and Resources prior to any milling timber being under taken.’

Mr Moyes owns the various buildings that were used for the mill operations including the mill building, large open shed and the former office.

Loc 6466 is the ‘old’ mill site. The plan attached designates ‘areas’ 1, 2 and 3 to highlight the locations of the buildings and clarify the area that the Council has supported as appropriate for being leased for future mill activities.

The request for in-principle support from the Council for rebuilding the office on the ‘original’ site conflicts with the Council’s support for a lease over that portion of ‘Area 2’ pursuant to its October 2005 resolution.

COMMENT:

Mr Moyes insurer appears to be placing pressure to have this issue resolved as soon as possible.

The DPI has yet to offer a formal lease to Mr Hindle.

The Council might wish to provide in-principle support for the rebuilding should the DPI decide to offer a lease that includes the former office area.

It is suggested that the Council supports the above recommendation which covers two scenarios should the-

1. DPI offers a lease over ‘Area 2’ only’, or

2. DPI offers a lease over 'Areas 1 and 2'.

MOVED: Cr Florey

SECONDED: Cr Piper

That item 7.2.10 be referred to the February 2006 Council meeting for consideration.

LOST 4/5

The Shire President used his casting vote against the above motion.

MOVED: Cr Downing

SECONDED: Cr Oversby

That the Council provides in-principle support for the rebuilding of the former Wilga Mill Office, previously located on Loc. 6466 Wilga prior to being burnt to the ground on 29 April 2005, on either the portion of Loc. 6466 known as 'Area 1' or 'Area 2' depending on which area of this crown land the Department of Planning and Infrastructure leases to Mr D Hindle of Wilga Specialty Timbers, subject to:-

1. the proponent seeking and receiving the Council's planning approval pursuant to the Shire of Boyup Brook's Town Planning Scheme No. 2 prior to building plans being submitted to the shire;
2. a building license being issued by the shire, should the planning application be approved, to ensure compliance with the Building Code of Australia prior to construction;
3. this support not being interpreted as the Boyup Brook Shire Council agreeing to the leasing of 'Area 1' of Loc 6466.

MOVED: Cr Moir

SECONDED: Cr Florey

That the Council moves into a committee of the whole under clause 15.6 of the shire's Local Law No.1 - Standing Orders to allow members free discussion on the matter.

CARRIED 8/0

The Manager of Works and Services departed the Chambers, the time being 6.01pm.

The Manager of Works and Services returned to the Chambers, the time being 6.03pm.

MOVED: Cr Downing

SECONDED: Cr Oversby

That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.

CARRIED 8/0

Amendment

MOVED: Cr Martin

SECONDED: Cr Moir

That the:-

1. words-
 - a) 'either'

- b) 'Area 1' or'
- c) 'depending on which area of this crown land',

and clause 3 are deleted;

- 2. letter 's' is deleted from the word 'leases' and the word 'it' inserted immediately after the word 'lease'.

CARRIED 7/1

The original motion was then put and carried.

That the Council provides in-principle support for the rebuilding of the former Wilga Mill Office, previously located on Loc. 6466 Wilga prior to being burnt to the ground on 29 April 2005, on the portion of Loc. 6466 known as 'Area 2' as presented should the Department of Planning and Infrastructure lease it to Mr D Hindle of Wilga Specialty Timbers, subject to:-

- 1. the proponent seeking and receiving the Council's planning approval pursuant to the Shire of Boyup Brook's Town Planning Scheme No. 2 prior to building plans being submitted to the shire;
- 2. a building license being issued by the shire, should the planning application be approved, to ensure compliance with the Building Code of Australia prior to construction.

CARRIED 7/1

7.3.1 Accounts for Payment and Financial Status

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Keith Jones
Date Report Written: 8 December 2005
Enabling Legislation: Local Government Act 1995
File: FM/10/003
Appendices: 1.9 – Payments – 1.10 - Statement

BACKGROUND:

A monthly financial report is presented for consideration.

DETAIL:

The accounts for payment up to 8 December 2005 are attached (see Appendix 1.9).

The Account Balances for the various accounts as at 30 November 2005 are:-

- Municipal Account \$22,719.86
- Shire Clerk Advance \$ (285.42)
- Shire Medical Account \$20,461.50
- Trust Account \$35,177.59

Investments secured with the Commonwealth Bank maturing 2 January 2006 are:-

- Reserves Account Term Deposit \$ 640,962.19 @ 5.40%

As at 7 December 2005 \$345,096.26 in rates was outstanding.

As at 7 December 2005 Sundry Debtors was \$ 142,000.71 and Sundry Creditors was nil.

MOVED: Cr Downing

SECONDED: Cr Broadhurst

That the accounts as presented totaling \$258,940.95 as-

1 cheque voucher numbers 14436-14505 be approved for payment;

2 paid by-

a) direct electronic payments through the Municipal Account;

b) cheque voucher numbers 2030-2035 paid through the Chief Executive Officer's Advance Account;

be endorsed.

CARRIED 8/0

7.3.2 Tender 05-005 & 05-006 - Boyup Brook Medical Centre Proposed Refurbishments

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>02 December 2005</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>EQ/57/001</i>
<i>Appendices:</i>	<i>-</i>

BACKGROUND:

Tenders were called for the refurbishment and additions to the Boyup Brook Medical Centre.

It is now necessary to consider the one and only tender submitted.

DETAIL:

Tenders were called on 12 November and closed 28 November 2005.

One submission for each tender was received, both from Bridgetown Residential Contractors as follows-

- Tender 05-005 – Proposed additions & Refurbishment \$271,684 (excluding GST)
- Tender 05-006 – Proposed Refurbishment \$185,438 (excluding GST)

The 2005/06 anticipated the works pursuant to tender 05-005 to cost \$100,000. This was subject to a successful federal grant of \$75,000.

The Council has been successful in obtaining \$115,500 from the federal government towards this project.

COMMENT:

Receiving only one tender is clearly disappointing.

The tenderer has completed satisfactory work for the Telecentre previously in the form of the recent building additions.

A GP Working Group meeting will be held on 13 December 2005 to discuss the tender and further options. A verbal summary of this meeting's discussion points will be presented during consideration of this item.

It is suggested that the recommendation above is considered.

MOVED: Cr Oversby

SECONDED: Cr Downing

That the Council:-

- 1. does not accept the submissions for Tenders 05-005 and 05-006 from Bridgetown Residential Contractors;**
- 2. delegates authority to the CEO to re-advertise the medical centre upgrade tender pursuant to section 3.58 of the Local Government Act 1995.**

CARRIED 8/0

7.3.3 Proposed Lease between Shire of Boyup Brook and Nest Family Resource Centre

Proponent: Boyup Brook Child Care (Inc.)
Location: Abel Street, Boyup Brook
Reporting Officer: Keith Jones
Date Report Written: 02 December 2005
Enabling Legislation: Local Government Act 1995
File: CP/51/002
Appendices: -

BACKGROUND:

The Boyup Brook Child Care (Inc) currently hire the Family Stop facility at lot 64 Abel Street, Boyup Brook.

The Council is requested to consider offering a lease to the Nest Family Resource Centre (Inc.) and the waiving of child care's 2005 fees.

DETAIL:

Correspondence from the group states-

The Boyup Brook Child Care Management Committee are presently in discussions with Mrs Sue Robertson of the Nest Family Resource Centre regarding sponsorship. The Nest is an established organisation which provides child care through a number of centres including the Bridgetown Child Care Centre. As part of these discussions we hope that Boyup Brook Child Care will be able to offer full child care benefits to families in the area. This would mean a substantial reduction in the fees presently payable from \$35 to around \$15 per day. We would also be increasing the number of days to three and also increasing the hours of care offered.

Since recent changes to the federal funding of child care, families using the Boyup Brook centre have been missing out on the substantial direct benefits of federal funding including eligibility for the 30 per cent tax rebate.

We hope to resolve these cross government issues by the end of the year so that we can continue to offer not only quality child care to the families of Boyup Brook but also lower cost care.

When child care started in Boyup some four years ago, the service attracted some \$24,000 of capital funds for the upgrade of the Family Stop Centre. These funds went into upgrading the facility to meet licensing requirements. Many of these upgrades – floor covering, children's toilet and basin, fridge and air conditioner – have improved the facility for all users.

Due to our success in obtaining traineeships for staff employed in the service and with the support of the apprenticeship and training government subsidies and through the

efforts of the volunteer management committee, we have continued to be able to operate this service financially.

The changes to the education system in 2002, whereby 4 year olds were eligible to enrol in school programs were a blow for our service planning and budgeting. The subsequent losses of a cohort of children each year has diminished our numbers and we rely on the small pool of working parents whose incomes could support fees.

The impact of these school enrolment changes and the low employment prospects for parents in our community are biting hard this year in particular. The outcome is that we cannot afford the present level of rent under our present structure and wish to regularise arrangements for the benefit of the child care facility now and in the future.

The Boyup Brook Child Care Inc. Management Committee asks the Council to:

1. Forgo rent payments for January to December 2005 to support the service in this changeover year.
2. Set up a lease agreement, similar to that offered to other not-for-profit community organisations in Boyup Brook eg the Telecentre, between Boyup Brook Child Care Inc., in the first instance and following our change of sponsorship from 2006, the Nest Family Resource Centre in respect of the Boyup Brook Child Care service.

A lease between the Shire of Boyup Brook and the Nest Family Resource Centre (Inc.) of the Family Stop will create not only a formal arrangement but also provide security for the use of this community facility.

In general, the conditions of the lease could include:-

- o rental of \$22 per day of use – they request use on Monday, Tuesday and Wednesday
- o 5 year term
- o public liability and contents insurance- responsibility of the lessee
- o building insurance – shire responsibility

The shire already provides in-kind support to the Boyup Brook Child Care (Inc.) by way of paying all outgoings including building insurance, power, water, maintenance etc.

COMMENT:

Should the lease proposal be favourable to the Council, it is considered that the current levels of shire support be continued.

Waiving of the child care groups 2005 hire fees is not considered appropriate as the Council pays all outgoings relating to this building. In comparison a group using a shire facility which does not pay rental fees such as the Telecentre pays for all its power expenses.

It is suggested that the Council considers the above recommendation.

MOVED: Cr Downing

SECONDED: Cr Broadhurst

That the Council approves the:-

1. Boyup Brook Child Care (Inc.) be required to pay the rental fees for the period 1 July 2004 – December 2005;

2. Chief Executive Officer being delegated authority to liaise with the Boyup Brook Child Care (Inc.) offering a “Deed of Lease” on the following terms and conditions:-

- **Lessee**
Nest Family Resource Centre (Inc.)
- **Description of Property**
Lot 64 Abel, Boyup Brook
- **Term**
Five (5) years, commencing 01 February 2006 and terminating 31 January 2011 - 3 days per week being Monday, Tuesday and Wednesday
- **Rental**
\$22 per day (inc GST) used
- **General Lessor Covenant**
To commit the lessee to peacefully and quietly enjoy the property for the term of the lease without any lawful interruption by the lessor
- **General Lessee Covenant**
 - **To comply with and observe any acts of parliament and all local laws, by-laws and orders relating to the leased premises**
 - **Hold public liability insurance cover of \$10M at its expense**
 - **To keep all buildings and other improvements now or hereafter in good and tenable and serviceable repair and condition**
 - **Not to use the property for purposes other than that for Child Care purposes**

- **Not without the written consent of the lessor, which consent shall not be unreasonably withheld:-**
 - **to remove or (structurally) alter any buildings, erections or fences or construct any buildings now or hereinafter**
 - **to assign, transfer or part with the possession of the property**
 - **to grant any license or easement for the use of the land**

To permit the Lessor or its agents access at all reasonable times to examine the state of repair

To make good all defects/repairs caused by the lessee which the Lessor or its Agents determine necessary within a reasonable period of time

Not to do or permit on the property anything which may be or become a nuisance to adjoining owners and occupiers

Not knowingly to do or permit on the property anything which may render insurance voidable

That all buildings and other structural improvements will remain the property of the lessor.

3. **“Deed of Lease” subject to acceptance by the Boyup Brook Child Care (Inc.), being executed by the Shire President and Chief Executive Officer;**
4. **Seal of the Shire of Boyup Brook being placed on the “Deed of Lease” subject to clause 3 above.**

CARRIED 8/0

7.3.5 ‘Boyup Brook Book Bonanza’ – Proposed New Local Event

Proponent: Boyup Brook Tourist Association
Location: Townsite
Reporting Officer: Will Pearce
Date Report Written: 02 December 2005
Enabling Legislation: Local Government Act 1995
File: CR/31/008
Appendices: -

BACKGROUND:

The Boyup Brook Tourism Association is organising a new event in the district to be known as the ‘Boyup Brook Book Bonanza’.

The association is requesting approval to place banners in public areas during the event to be held .

DETAIL:

The association writes:-

The Boyup Brook Tourism Association would like to advise yourself and the Councillors that we have formed a sub-committee to arrange the above mentioned event. We plan that this will replace the Autumn Art Affair and May Medley, which we feel have run their course.

Our committee envisage that the four days will be filled with plenty of literary activities such as talks by renowned authors; workshops about writing techniques, bookbinding, and correct use of the library facilities; storytelling for children, and other activities involving children. We also plan to have stalls for selling books, and hopefully a book valuer to put a price on old family tomes.

We have checked with surrounding areas, and it appears that we will not clash with any other event. We have also commenced the task of applying for funding for our event, as we would like to make it as 'free' as possible.

We intend to use the Town Hall and Youth Centre (if that is still it's correct name), along with the Craft Hut, Ambulance Hall and the Telecentre, thus keeping all activities within the town centre and in walking distance of each other.

We trust that we will have the support of Council for this event, and would like to 'dress up' the streets with appropriate banners when the weekend arrives.

COMMENT:

The event will be a welcome addition to the variety of events already held throughout the district over the course of a year.

It is suggested that:-

1. the Council congratulates the Boyup Brook Tourist Association on its initiative in organising the inaugural 'Boyup Brook Book Bonanza';
2. approval be given to the placement of banners within the Boyup Brook streets subject to the consultation with the Manager of Works and Services.

MOVED: Cr Oversby

SECONDED: Cr Florey

That:-

1. the Council congratulates the Boyup Brook Tourist Association on its initiative in organising the inaugural 'Boyup Brook Book Bonanza';
2. approval be given to the placement of banners within the Boyup Brook streets subject to consultation with the Manager of Works and Services.

CARRIED 8/0

7.3.6 Town Hall - Unbudgeted Lighting

Proponent: Shire of Boyup Brook
Location: Town Hall
Reporting Officer: Will Pearce
Date Report Written: 02 December 2005
Enabling Legislation: Local Government Act 1995
File: RD/45/003
Appendices: -

BACKGROUND:

The Council is requested to consider re-allocating budgeted funds to install uplights within the lawn area at the rear of the Boyup Brook Town Hall.

DETAIL:

During the construction of the new public toilets at the rear of the hall in 2004/05, the CEO ordered the installation of 3 uplights, one per tree in the new lawn area.

The quoted works for the toilets was approximately \$8,000 under budget and there was an opportunity to provide adequate lighting for the rear of the hall.

This area that has been historically very dark at night and the public toilets situated in this area have always been subject to ongoing vandalism and graffiti.

Providing a well-lit area deters potential offenders from carrying out illegal activities. Improved lighting will also cater for hall patrons when using the kitchen and community centre as well as accessing the hall safely when parking this area.

COMMENT:

The works were never carried out by the electrician within the financial year to enable them being funded.

The CEO, due to the time frame involved, presented the lights as budget item for 2005/06 which was not endorsed.

The electrician has recently purchased the lights in good faith at a cost of \$3,790 ready for installation and is requesting payment as per the CEO's order of February 2005.

Installation will cost approximately \$600.

No funds are presently allocated for extraordinary donation requests. The Council may wish to nominate a budget area for example unexpended pool upgrade loan interest and principal of \$12,470 or the 'Commercial' reserve from which to access funds if it wishes to support the request.

As the lights were purchased in good faith and have unfortunately created a cash flow concern for the electrician, it is suggested that the lights be purchased and installed.

MOVED: Cr Moir

SECONDED: Cr Oversby

That the Council by an ABSOLUTE MAJORITY approves the purchase of uplights for the Boyup Brook Town Hall and the reallocation of 2005/06 budget funds by:-

- 1. reducing the Loan 114 'Pool Bowl Upgrade' principal and interest payments by \$4,390 (excluding GST);**
- 2. introducing new capital expense 'Town Hall Uplights - \$4,390'.**

LOST 5/4

The Shire President used his casting vote against the motion.

7.3.7 Use of Shire Facility – Peel & South West Rural Financial Counselling Service

Proponent: Peel & South West Rural Financial Counselling Services
Location: Town Hall
Reporting Officer: Will Pearce
Date Report Written: 07 December 2005
Enabling Legislation: Local Government Act 1995
File: -
Appendices: -

BACKGROUND:

Peel & South West Rural Financial Counselling Service wish to request in-kind support and representation from the Council.

DETAIL:

Correspondence was received from the Peel & South West Rural Financial Counselling Service stating:-

I would like to take this opportunity to inform you of the progress of the Service and to thank you for your consideration of funding in the past. We would like to invite you to nominate a representative (a councillor or other interested person) for the Reference Committee for the Peel and South West Rural Financial Counselling Service. The first meeting of this Committee will be held on Wednesday 14th December from 2pm at the Department of Agriculture, Verschuer Place, Bunbury.

The steering committee understand that the Shire of Boyup Brook may have demands on it that make it difficult for funding to be allocated to farming and small rural businesses at this time. In this case it may be possible for your Shire to support the Service through in kind funding. This could be through the provision of a meeting room, office space and administrative assistance. The service is primarily outreach based but some clients would prefer to meet outside their usual place of work. Current office accommodation does not provide an adequate level of confidentiality for this purpose and will not be available after 30 June 2006.

The national Rural Financial Counselling Program is a community based non-profit service with 50% funding from the Australian Government. The purpose is to provide a mobile, free and confidential financial counselling service to rural businesses in times of need. The Peel and South West Service's two part time Rural Financial Counsellors cover the Shires of Augusta-Margaret River, Bridgetown-Greenbushes, Busselton, Boyup Brook, Capel, Collie, Dardanup, Donnybrook-Balingup, Harvey, Manjimup, Murray, Nannup, Serpentine-Jarrahdale and Waroona as well as the Town of Kwinana and the Cities of Bunbury and Mandurah.

A recent review of the national Rural Financial Counselling Program recommended that the voluntary community management model be replaced by a state based delivery model. Due to this review, South West Agcare has been managed by Southern Agcare with a small reference group based in Bunbury. From 1 July 2006, it is envisaged that voluntary community reference groups will be maintained to advise on the situation within the separate regions.

For further information and to RSVP please contact me on 9780 6194.

COMMENT:

The service will be provided on a day per 6 monthly basis. It may be appropriate to allow the group to use the front room of the town hall being a former meeting room.

Councillors are invited to nominate for representation on this group.

It is suggested that the Council approves the Peel & South West Rural Financial Counselling Services to use the Boyup Brook Town Hall's front office for counselling purposes rent free for a maximum of one day every six months.

MOVED: Cr Florey

SECONDED: Cr Broadhurst

That the Council approves the Peel & South West Rural Financial Counselling Services to use the Boyup Brook Town Hall's front office for counselling purposes rent free for a maximum of one day every six months.

MOVED: Cr Moir

SECONDED: Cr Florey

Amendment

To remove the words 'for a maximum of one day every six months' and replace with 'at the CEO's discretion'.

CARRIED 8/0

The original motion was put and carried.

That the Council approves the Peel & South West Rural Financial Counselling Services to use the Boyup Brook Town Hall's front office for counselling purposes rent free at the CEO's discretion.

CARRIED 8/0

7.3.8 Boyup Brook Swimming Pool

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>Boyup Brook Swimming Pool Beatty Street, Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Keith Jones</i>
<i>Date Report Written:</i>	<i>7 December .2005</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>AS20956</i>
<i>Appendices:</i>	<i>-</i>

BACKGROUND:

The Boyup Brook Swimming Pool recently had a major bowl, underground pipe work, gutter repairs and refurbishment.

In June 2005 the Council resolved that:-

1. tender 001-50 be awarded to WA Vinyl Systems for the refurbishment and repairs of the Boyup Brook Swimming Pool as presented by R Wittenoom and Associates for the sum of \$155,000 (inc. GST) with a contingency of \$11,000 (inc. GST);
2. the Chief Executive Officer seek emergency funding of 50% of the total cost of the works from the Department of Sport and Recreation.

DETAIL:

The repair works at the swimming pool have been completed with unforeseen additional costs being incurred totaling \$24,013.81.

Extra paving costs	\$11,158.64
Extra electrical costs	\$ 680.62
Extra plumbing costs	\$ 1,829.10
Extra pool rendering	\$19,745.45
Extra costs to tender	<u>\$ 300.00</u>
TOTAL	\$34,013.81
Less contingency	<u>\$10,000.00</u>
GRAND TOTAL	<u>\$24,013.81</u>

The reasons for the additional costs are as follows:

- 1 extra paving costs due to the extraordinary amount of work needed to uplift and relay pavers and a contractor was engaged in addition to shire labour. The pavers, old and new, were of different sizes requiring a great deal of time to 'mix and match'.
- 2 electrical costs to earth all steel works around the pool.
- 3 extra works for rendering pool bowl
- 4 repairs to plumbing pipes

In addition to the above, the in-house costs for wages, which include overheads of 76% of wages, and plant totals \$30,663.70.

The suggested loan amount \$200,000 is in excess of the budgeted \$150,000 but there are savings this financial year of-

- \$8,207 in interest
- \$4,263 in principle
(due to the fact that the first loan payment would not be due until August 2006)

There is also a saving of -

- \$5,510 in interest
- \$2,803 in principle
(relating to the new employee house budgeted for but which will not commence until August 2006)

A total of \$20,813 in savings could be realized which almost covers the additional material and contractor costs of \$24,013.

The in-house labour and overheads would still have been utilised in wages under the Transport schedule 12 and so this is going to have no effect on the annual salary and wages.

The costs associated with drawing down a loan for \$200,000 are semi-annual payments of \$8673.47 at a rate of 6.03%.

COMMENT:

It is suggested that the Council by an absolute majority approves the CEO to give public notice under section 6.20 (2) of the Local Government Act 1995 that it intends to acquire a \$200,000 loan for the Boyup Brook Swimming Pool upgrade from WA Treasury over a period of 20 years to commence on 1 February 2006, which is \$50,000 above the allocation identified in the shire's 2005/06 Budget.

MOVED: Cr Florey

SECONDED: Cr Piper

That the Council by an absolute majority approves the CEO to give public notice under section 6.20 (2) of the Local Government Act 1995 that it intends to acquire a \$200,000 loan for the

Boyup Brook Swimming Pool upgrade from WA Treasury over a period of 20 years to commence on 1 February 2006, which is \$50,000 above the allocation identified in the shire's 2005/06 Budget.

CARRIED 8/0

MOVED: Cr Piper

SECONDED: Cr Florey

That Mr R Wittenoom, engineering consultant to the Boyup Brook Swimming Pool upgrade, provide written confirmation that the recent remedial works have been carried out to his satisfaction.

CARRIED 7/1

8 PETITIONS AND MEMORIALS

Nil

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10 URGENT BUSINESS – BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT

10.1 Ms C Lander of 'Roo Gully Diaries' – Financial Support

MOVED: Cr Downing

SECONDED: Cr Florey

That the Council by ABSOLUTE MAJORITY:-

1. contributes \$2,000 for travel and accommodation expenses incurred by Ms C Lander in attending the New York Festival in January 2006 for her nominated television series 'Roo Gully Diaries' and in recognition of her extensive 'Roo Gull Wildlife Sanctuary' work that supports Boyup Brook;
2. approve amendments to the 2005/06 budget Operating Expenditure allocations under-
 - a) Schedule 4 'E041070 – Donations' of \$500 be increased to \$2,500, and
 - b) Schedule 11 'E112011 – Loan Interest upgrade pool bowl' of \$5,030.06 be reduced to \$3,030.06.

CARRIED 8/0

11 CLOSURE OF MEETING

There being no further business the Chairman declared the meeting closed at 7.05pm.

These Minutes and Schedule of Accounts were confirmed by the Council at the Council Meeting held on the 16 February 2006.

Cr Terry Ginnane, Shire President