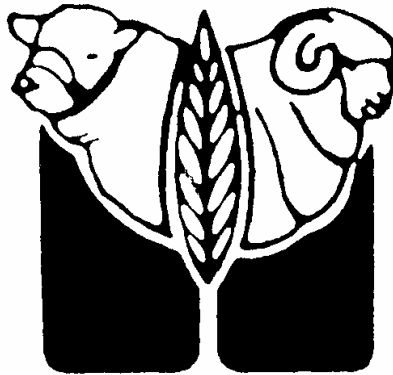


# MINUTES



## ORDINARY MEETING

HELD ON

THURSDAY, 16 NOVEMBER 2006

AT

SHIRE OF BOYUP BROOK  
ABEL STREET – BOYUP BROOK  
COMMENCEMENT AT 3.30PM

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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 P Marshall  
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  
Mr T Doust – Acting Chief Executive Officer

1.2 Apologies

**2. PUBLIC QUESTION TIME**

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

Nil

**3. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**4. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS**

## 5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 Minutes of the Ordinary Meeting of the Council held on 19 October 2006.

**MOVED: Cr Downing**

**SECONDED: Cr Broadhurst**

**That the minutes of the previous Ordinary Meeting of the Council held on 19 October 2006, be confirmed as an accurate record subject to the alteration on page 14 where the motion on the draft contract for the CEO should follow the motion to come out of committee.**

**CARRIED 9/0**

5.2 Minutes of the Special Council Meeting held on 31 October 2006.

**MOVED: Cr Oversby**

**SECONDED: Cr Marshall**

**That the minutes of the previous Special Council Meeting held on 31 October 2006, be confirmed as an accurate record.**

**CARRIED 9/0**

## 6 PRESIDENTIAL COMMUNICATIONS

Attended funeral of Gary Henderson.

Bogar statue opening at the Boyup Brook Fire Station.

Dinninup Show – presented a plaque commemorating 100 years of the Dinninup Hall.

Conducted a citizenship ceremony for Sandie Blackiston.

Cr Downing represented Cr Ginnane at Remembrance Day.

## 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>9 November 2006</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 6 November 2006. Minutes of the meeting are laid on the table and circulated (refer to appendix 1.1).

**MOVED: Cr Broadhurst**

**SECONDED: Cr Downing**

**That:-**

- 1. the minutes of the Townscape Advisory Committee held on the 6 November 2006, be received;**
- 2. the Council approve:-**
  - a. The figures at the Tourist Centre toilet block be painted with a brown metallic finish paint;**
  - b. Council supply brown metallic finish paint for the Country Music Club to paint the 'Tall Man' figure on the corner of Jackson Street and Connolly Street;**
- 3. the Council accept the nomination of Mary Whitehead as a Committee member for the Townscape (Waters Edge) Advisory Committee for the balance of the 2006/2007 year;**

**CARRIED 9/0**

W Pearce left the chambers the time being 4.37pm.  
W Pearce reentered the chambers the time being 4.39pm.

**MOVED: Cr Broadhurst**

**SECONDED: Cr Oversby**

**That the Council approve:-**

- a. the provision of transitional 'Boyup Brook' signs to be in place when community signs are not erected;**
- b. a 900mm x 300mm 'Country Music Capital of WA' sign with green lettering on a beige background be permanently fixed to the 'Community' sign framework at each town entrance;**

**CARRIED 7/2**

W Pearce left the chambers the time being 4.46pm.

**MOVED: Cr Broadhurst**

**SECONDED: Cr Florey**

1. the Council approve four boundary signs (1500mm x 900mm) as per attached sketch for consideration in the 2007/2008 budget;

**CARRIED 7/2**

W Pearce reentered the chambers the time being 3.51pm

**MOVED: Cr Marshall**

**SECONDED: Cr Piper**

That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1. to allow members free discussion on the matter.

**CARRIED 7/2**

**MOVED: Cr Broadhurst**

**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 9/0**

**MOVED: Cr Broadhurst**

**SECONDED: Cr Oversby**

That the Council approve the expenditure of DLGRD grant for community street furniture at the following locations:-

Sandakan Park – 1 x lockable 240l bin point  
Football Oval – 3 x lockable 240l bin point  
Hockey grounds 1 x lockable 240l bin point  
Cemetery – 1 x lockable 240l bin point  
Tourist Centre – 1 x jarrah 240l bin enclosure  
Bridge Street Deli – 1 x jarrah 240l bin enclosure  
Boyup Brook Hotel - 1 x jarrah 240l bin enclosure  
Tourist Centre – 1 x combination picnic table and seats  
Music Park - 1 x combination picnic table and seats  
- 1 x lockable 240l bin point  
Boyup Brook Billabong - 1 x combination picnic table and seats

**Amendment:**

**MOVED: Cr Martin**

**SECONDED: Cr Moir**

**That the Council approve the expenditure of DLGRD grant for community street furniture at the following locations:-**

**Sandakan Park – 1 x lockable 240l bin point  
Football Oval – 4 x lockable 240l bin point  
Hockey grounds 1 x lockable 240l bin point  
Cemetery – 1 x lockable 240l bin point  
Tourist Centre – 1 x jarrah 240l bin enclosure  
Bridge Street Deli – 1 x jarrah 240l bin enclosure  
Boyup Brook Hotel - 1 x jarrah 240l bin enclosure  
Tourist Centre – 1 x combination picnic table and seats  
Horse Trail Pergola - 1 x combination picnic table and seats  
Boyup Brook Billabong - 1 x combination picnic table and seats**

**Amendment put and LOST 3/6**

**The Motion was then put**

**CARRIED 6/3**

**7.1.2 Plant Tender No. 06-006 – 14 Tonne Diesel Tip Truck**

*Proponent:* Shire of Boyup Brook  
*Location:* -  
*Reporting Officer:* John Eddy  
*Date Report Written:* 8 November 2006  
*Enabling Legislation:* Local Government Act 1995  
*File:* EQ/57/001  
*Appendices:* -

**BACKGROUND:**

Tender No 06-006 is for the supply and delivery of one new fourteen tonne (14t) diesel tip truck.

The tender was advertised in the West Australian newspaper on the 14 October 2006 and closed on the 3 November 2006.

**DETAIL:**

Tender 06-006 was called to replace the Council's 2000-Isuzu FVZ 1400M Diesel Tip Truck – BU6270 in accordance with Council's Plant Replacement Program.

Three tenders were received to supply new 14t Diesel Tip Trucks and trade Council's 14t Diesel Tip Truck BU6270. Two tenders were received to outright purchase Council's 14t Diesel Tip Truck BU6270.

**Tender No 06-006 – 14 Tonne Diesel Tip Truck (All prices include G.S.T.)**

The highlighted tender is the recommended purchase.

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Company	Make	Model	Power	GVM KG	GCM KG	Warranty Months/kms	Cab-Chassis \$	Body \$	Total \$	Trade In	Change Over \$
Jem Truck Sales	Isuzu	FVZ 1400	206KW 1030Nm	24000	36000	36mths 200,000km	110887.70	24772	135659.70	79659.70	56,000
Skipper Trucks	Mitsubishi	F451 JKD	257kw 1520Nm	25400	50000	36mths 200,000km	126711.20	23793	150504.20	86000	64,504.20
WA Hino	Hino	Ranger Pro 14	191kw 745Nm	26000	33000	36mths 200,000km	109399.40	24233	133632.40	89000	44632.40
										Outright Purchase	
Brigold Pty Ltd										\$75,211	
South City Truck Sales										\$84,000	

The three lowest tenders were selected and assessed by the Works Supervisor and plant operator in accordance with the following Evaluation Assessment criteria:-

Factor	Weighting	Priority	Evaluation Criteria
Tender Pricing	3	High	
Mandatory Product Features	3	High	Product feature essential to undertake required function. Specifications conformance. Response and detail to specification
Warranty	2	Medium	Assessed on past performance. Warranty period offered.
Delivery	2	Medium	
Service Facilities	2	Medium	Ease of vehicle servicing. Availability of spare parts. Number of technical support staff available.
Operator Ergonomics	2	Medium	Ease of operation/controls. Operator comfort.

This assessment matrix allows the tenders to be evaluated in an unbiased manner where the tenderer with the highest overall points may be considered to be the most advantageous tender. This is to be used as a guide only during the assessment and is not necessarily binding.

The scoring system is based on the following:-

<b>Tender Price</b>	<b>Score</b>
Within 10% of the lowest price	3
10 – 20% of the lowest price	2
Above 20% of the lowest price	1
<b>Mandatory Product Features</b>	<b>Score</b>
All requirements met	3
Most requirements met	2
Most requirements no met	1

<b>Warranty</b>	<b>Score</b>
Excellent	3
Good	2
Moderate	1

<b>Delivery</b>	<b>Score</b>
Within one month	3
One to two months	2



Not stated/>2 months	1
----------------------	---

Service Facilities	Score
Excellent	3
Good	2
Moderate	1

Operator Ergonomics	Score
Excellent	3
Good	2
Moderate	1

Tender 06 – 006 – JEM Truck Sales – Isuzu – FVZ 1400

Criteria	Priority	Weight	Score	Total	Comments
Tender Price	High	3	1	3	25% above lowest price
Mandatory product features	High	3	3	9	All met
Warranty	Medium	2	2	4	Good
Delivery	Medium	2	2	4	56 Days
Service facilities	Medium	2	3	6	Excellent (Bunbury)
Operator Ergonomics	Medium	2	3	6	Excellent
Total Score				32	

Tender 06 – 006 Skipper Trucks – Mitsubishi – F451 JKD

Criteria	Priority	Weight	Score	Total	Comments
Tender Price	High	3	1	3	44% above lowest
Mandatory product features	High	3	3	9	All Met
Warranty	Medium	2	2	4	Good
Delivery	Medium	2	1	2	60 Days +
Service facilities	Medium	2	3	6	Excellent (Bunbury)
Operator Ergonomics	Medium	2	2	4	Good
Total Score				28	

Tender 06- 006 – W.A. Hino – Hino – Ranger 14

Criteria	Priority	Weight	Score	Total	Comments
Tender Price	High	3	3	9	Lowest price
Mandatory product features	High	3	3	9	All met
Warranty	Medium	2	2	4	Good
Delivery	Medium	2	1	2	120 Days
Service facilities	Medium	2	1	2	Moderate (Perth)
Operator Ergonomics	Medium	2	2	4	Good
Total Score				30	

**COMMENT**

The Plant Replacement Program 2006/07 budget for the replacement of 14t Diesel Tip Truck BU6270 is fifty eight Thousand dollars (\$58,000).

WA Hino

- The Hino Ranger Pro 14 tendered the lowest change over price of \$44,632.40 however produces less power and torque compared to the other trucks tendered. The Hino scored the second highest points on the Evaluation Assessment Matrix.

### Skipper Trucks Bunbury

- The Mitsubishi FUSO truck was the most powerful truck tendered with the most expensive changeover price of \$64,504.20. The Mitsubishi scored the lowest points on the Evaluation Assessment Matrix.

### JEM Truck Sales

- The Isuzu FVZ 1400 was the second lowest change over price at \$56,000 and scored the most points on the Evaluation Assessment Matrix. The Council has purchased Isuzu trucks since 1966 and they have proven their reliability carting materials in rural conditions.
- Jem Truck Sales (Isuzu Tenderers) have provided fast reliable parts delivery and service back up from their Bunbury based business.

The Works Supervisor will be available to report to the Council if required.

It is suggested that the Council consider Tender No. 06-006 and approve the Jem Truck Sales submission for the purchase of one (1) new Isuzu FVZ 1400 MEDIUM diesel tip truck for the change over price of fifty six thousand dollars (\$56,000) including GST.

**MOVED: Cr Florey**

**SECONDED: Cr Broadhurst**

**That the Council consider Tender No. 06-006 and approve the JEM Truck Sales submission for the purchase of one (1) new Isuzu FVZ 1400 MEDIUM diesel tip truck for the change over price of fifty six thousand dollars (\$56,000) including GST.**

**CARRIED 9/0**

## **7.2 DEVELOPMENT AND COMMUNITY SERVICES**

### 7.2.1 Bushfire Advisory Committee Minutes

<i>Proponent:</i>	
<i>Location:</i>	<i>Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>9 November 2006</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>-</i>
<i>Appendices:</i>	<i>1.2 Minutes</i>

### **BACKGROUND:**

A meeting of the Bushfire Advisory Committee was held on 6 November 2006.

Minutes of the meeting are laid on the table and circulated (refer to appendix 1.2).

**MOVED: Cr Martin**

**SECONDED: Cr Piper**

**That the:**

1. minutes of the Busfire Advisory Committee held on 6 November 2006 be received;
2. Manager of Finance and Administration make contact with FESA to transfer to the Lower Great Southern District Operations Advisory Committee (DOAC);
3. fire maps be made available at a reduced rate of \$11.00 (including GST) and advertised pursuant to Section 1.7 and 6.9 of the Local Government Act 1995;
4. Water & Rivers Commission be contacted to have burn-offs occur at the rivers edge.

**CARRIED 9/0**

7.2.2 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>9 November 2006</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>IM/37/004</i>
<i>Appendices:</i>	<i>1.3 - Minutes</i>

**BACKGROUND:**

Meetings of the Youth Advisory Committee were held on 17, 24 and 31 October 2006.

Minutes of the meetings are laid on the table and circulated (refer to appendix 1.3).

**MOVED: Cr Broadhurst**

**SECONDED: Cr Oversby**

**That the minutes of the Youth Advisory Committee on 17, 24 and 31 October 2006 be received.**

**CARRIED 9/0**

Cr Ginnane declared a proximity interest in the item 7.2.3 and departed the Chambers the time being 4.15pm.

Cr Downing took the chair in the absence of Cr Ginnane.

7.2.3 Local Rural Strategy - Special Residential Development

<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>1 November 2006</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	
<i>Appendices:</i>	<i>1.4 Submission and plans attached</i>

**BACKGROUND:**

Mr M Bombara and his planning consultant Mr R Paull made a presentation to the Council's June 2006 Briefing meeting on future land development within the shire.

At its July 2006 meeting, the Council resolved that the:-

- 1. second dot point of the Riverside Development/Protection Area on page 85 of the draft Shire of Boyup Brook Local Rural Strategy be amended by adding-**
  - the words 'special –residential development or' between the words 'quality' and 'rural-residential' in the first line;**
  - a new paragraph – 'Where special-residential development is sought, proposals will need to demonstrate compliance with Western Australian Planning Commission (WAPC) Planning Policy No. DC 2.5 Special Residential Zones'.'**
- 2. WAPC is requested to endorse the amendments.**

The Department of Planning and Infrastructure (DPI) has since responded to the Council's proposal and is attached.

**DETAIL:**

The Council was presented with a report via consideration by the Development Services Committee in July 2006 of Mr Bombara's wish to explore the concept of 'special residential' style development taking place within the Locations 2043, 441 and 1007 (located adjacent to each on either Asplins Siding or Arthur River Road).

Please find attached correspondence from Mr Paull providing additional information and plans of the area.

As indicated in the DPI letter, officers have offered to work with the Council on this issue.

Mike Schramm and Matt Cuthbert from the DPI will be attending the Development Services Committee meeting along with Mr Bombara and Mr Paull to determine exactly what the DPI requires to be incorporated into the shire's strategy for the Riverside Development/Protection Area to allow 'special residential' development to occur.

The objectives of *WAPC Planning Policy DC 2.5 'Special Residential Zones'* are:

- To provide for the creation of lots of between 2,000 square metres and one hectare in suitable locations.*
- To ensure that the use and development of such lots are subject to appropriate standards and controls.*
- To protect the character and amenity of adjacent rural areas.*

**COMMENT:**

There is no doubt that should Mr Bombara be successful in developing and selling potentially hundreds of special residential lots within a 3-4km radius of Boyup Brook over the next two decades there will be a major impact on the district.

These could include population increases (infrastructure needs would rise accordingly), sale of some or all of the lots to 'weekenders', expectations on the shire to provide services (and therefore raising of more rates) that it may not already be providing and so forth.

These impacts may be seen as either positive or negative by the community.

Concern has also been raised in regards to ensuring that there is a legal mechanism to ensure that the lots sold off to private owners are developed (residential dwellings?) within a reasonable amount of time, for example two years.

The committee was presented with the following information by M Schramm of the DPI:

- Local Rural Strategy History
- Need Local Rural Strategy to help WAPC with direction
- DPI – require Mr Bombara's type of development to be incorporated into a Townsite Strategy, not a Rural Strategy
- What about the land in between Locs 2043, 441 and 1007 and the Boyup brook townsite? Fragmentation will occur between the proposal and the town.

Rob Paull advised:

- 20 yr timeframe – small lots aka 'special residential' are more appropriate
- suggests that a scheme amendment can run in parallel to a Townsite Strategy

M Cuthbert offered to provide a process for the Council to consider.

The Development Services Committee considered this issue at its meeting held on 06 November 2006 and suggests the above recommendation.

**MOVED: Cr Martin**

**SECONDED: Cr Moir**

**That:-**

1. **the Council invite Mr M Bombara to prepare an amendment to the Shire of Boyup Brook Town Planning Scheme No 2 for lots 2043, 441 and 1007 to provide for a mix of Special Residential and Rural Residential development that reflects the Council's resolution Item 7.2.3 of its July 2006 meeting;**
2. **in preparing the amendment, Mr Bombara is requested to address the strategic planning issues that relate to an expansion of the Boyup Brook Townsite;**
3. **in addressing the strategic issues, Mr Bombara is requested to liaise with the Department of Planning and Infrastructure;**
4. **the Council advise the Western Australian Planning Commission that in relation to Item 7.2.3 of the Council's July 2006 meeting, that in preparing the Townsite Strategy, the Riverside Development/ Protection Area should be developed pursuant to this resolution.**

**CARRIED 8/0**

Cr Martin departed the chambers the time being 4.19pm.

Cr Ginnane and Cr Martin reentered chambers the time being 4.20pm.

Cr Downing vacated the chair.

7.2.4 Lot 22 Lee Steere Drive, Boyup Brook – Planning Application for an Additional House on a Special Rural Lot

*Proponent: J & B Watters*  
*Location: Lot 22 Lee Steere Drive, Boyup Brook*  
*Reporting Officer: Will Pearce*  
*Date Report Written: 1 November 2006*  
*Enabling Legislation: Town Planning Scheme No 2*  
*File: AS 985*  
*Appendices: 1.5 Plans attached*

**BACKGROUND:**

The proponent has applied to the Council for planning approval to erect a “Granny Flat” on Lot 22 Lee Steere Drive, Boyup Brook.

Plans and correspondence are attached.

**DETAIL:**

The property is zoned “Special Rural”. The area of the lot is 4.3ha.

The proponent is requesting to construct a “Granny Flat” for the purposes of permanent residency for the proponent’s elderly mother.

The proposed dwelling will contain one bedroom, combined kitchen/dining/lounge, combined bathroom/toilet/laundry and will have wheel chair access. It will be a portable building similar to those used on mine sites.

The shire’s Town Planning Scheme No. 2 (the ‘scheme’) does not allow grouped dwellings in the ‘special rural’ areas.

However, the clause 3.6 of the scheme states-

*“Except for development in respect of which the Residential Planning Codes apply under this Scheme, if a development the subject of an application for Planning Consent does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, set backs, site coverage, car parking, landscaping and related matters, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:*

- i) approval of the proposed development would be consistent with the orderly and proper planning of the district and the preservation of the amenity of the district.*
- ii) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the general population of the district, and*
- iii) the spirit and purpose of the standard or requirement will not be unreasonably departed from.”*

**COMMENT:**

The visual impact of the granny flat on the special rural lot and surrounding properties is of concern.

The proponent has confirmed in writing that the habitation of the proposed dwelling will be for a family member.

The Council does need to consider the precedence that an approval will set. A policy to reflect this position should be adopted to ensure consistency in decision-making in the future.

The policy could state –

**“AGED ACCOMMODATION (GRANNY FLATS) - SPECIAL RURAL ZONE**

**Objective**

To allow for the construction of a second residence on ‘Special Rural’ properties for aged accommodation only.

**Statement**

The Council will allow the construction of second residence on a lot in the ‘Special Rural’ zones under the following conditions –

1. subject to a planning application
2. residence to comply with the Building Code of Australia
3. residence to comply with the shire’s town Planning Scheme No.2
4. building license required prior to construction
5. consist of a maximum of one bedroom, kitchen, laundry, bathroom, WC and wheel chair access
6. is located within 50 metres of the main residence
7. confirmation in writing to the shire that it will be used for ‘Granny Flat’ purposes only, meaning that the residence will be occupied by one person only 65 years or older who is a parent of one of the occupiers of the main residence.

The Council will consider minor deviations to the above conditions when considering the application.”

As the use is not permitted pursuant to the scheme, it is suggested that the Council rejects the planning application requesting a ‘granny flat’ to be built on Special Rural’ property lot 22 Lee Steere Drive, Boyup Brook

The CEO suggested that the Council approve the proposal as reflected in the recommendation.

The Development Services Committee considered this issue at its meeting held on 06 November 2006 and suggests the above recommendation in contrast to the CEO’s recommendation due to the social benefits that the introduction of this policy will bring to the community.

**MOVED: Cr Marshall**

**SECONDED: Cr Piper**

**That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.to allow members free discussion on the matter.**

**CARRIED 9/0**

**MOVED: Cr Martin**

**SECONDED: Cr Florey**

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

**CARRIED 9/0**

**MOVED: Cr Downing**

**SECONDED: Cr Piper**

That the Council adopts the “AGED ACCOMMODATION (GRANNY FLATS) - SPECIAL RURAL ZONE” policy

“AGED ACCOMMODATION (GRANNY FLATS) - SPECIAL RURAL ZONE

**Objective**

To allow for the construction of a second residence on ‘Special Rural’ properties for aged accommodation only.

**Statement**

The Council will allow the construction of second residence on a lot in the ‘Special Rural’ zones under the following conditions –

1. subject to a planning application
2. residence to comply with the Building Code of Australia
3. residence to comply with the shire’s town Planning Scheme No.2
4. building license required prior to construction
5. consist of a maximum of one bedroom, kitchen, laundry, bathroom, WC and wheel chair access
6. is located within 50 metres of the main residence
7. confirmation in writing to the shire that it will be used for ‘Granny Flat’ purposes only, meaning that the residence will be occupied by persons 65 years or older who are parents of one of the owner/occupiers of the main residence.
8. When the second residence (Granny Flat) is no longer occupied by persons under clause 7, the structure must be removed within 12 months.

The Council will consider minor deviations to the above conditions when considering the application.”

**Amendment:**

**MOVED: Cr Martin**

**SECONDED: Cr Florey**

That the Council adopts the “AGED ACCOMMODATION (GRANNY FLATS) – SPECIAL RURAL ZONE” policy,

“AGED ACCOMMODATION (GRANNY FLATS) - SPECIAL RURAL ZONE

**Objective**

To allow for the construction of a second residence on ‘Special Rural’ properties for aged accommodation only.



**Statement**

The Council will allow the construction of second residence on a lot in the 'Special Rural' zones under the following conditions –

1. subject to a planning application
2. residence to comply with the Building Code of Australia
3. residence to comply with the shire's town Planning Scheme No.2
4. building license required prior to construction
5. consist of a maximum of one bedroom, kitchen, laundry, bathroom, WC and wheel chair access
6. is located within 50 metres of the main residence
7. confirmation in writing to the shire that it will be used for 'Granny Flat' purposes only, meaning that the residence will be occupied by persons 65 years or older who are parents of one of the owner/occupiers of the main residence.
8. When the second residence (Granny Flat) is no longer occupied by persons under clause 7, the structure must be removed within 3 years.

The Council will consider minor deviations to the above conditions when considering the application.”

**MOVED: Cr Martin**

**SECONDED: Cr Moir**

**That the meeting be adjourned for an afternoon tea break, the time being 5.04pm.**

**CARRIED 9/0**

**MOVED: Cr Oversby**

**SECONDED: Cr Moir**

**That the meeting resume, the time being 5.15pm.**

**CARRIED 9/0**

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

Mr T Doust

**The amended motion was put and**

**CARRIED 7/2**

**MOVED: Cr Martin**

**SECONDED: Cr Florey**

**That the Amendment be put as the motion**

**CARRIED 9/0**

**MOVED: Cr Moir**

**SECONDED: Cr Martin**

**That J & B Watters be held in abeyance until the “AGED ACCOMMODATION (GRANNY FLATS) – SPECIAL RURAL ZONE” is advertised.**

**CARRIED 9/0**

7.2.5 Lots 720 and 721 Bridgetown – Boyup Brook Road, Boyup Brook – Application for Rezoning from Rural to Special Rural

<i>Proponent:</i>	<i>C Barron</i>
<i>Location:</i>	<i>Lots 720 and 721 Bridgetown – Boyup Brook Road</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>1 November 2006</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>AS 3100</i>
<i>Appendices:</i>	<i>1.6 Submission and plans attached</i>

**BACKGROUND:**

Thompson McRobert Edgeloe (TME), planning consultants, has submitted a rezoning submission on behalf of their client C Barron.

The Council is requested to consider the proposed rezoning of a rural property to ‘special rural’.

**DETAIL:**

Please find attached the proposal from TME in relation to rural lots 720 and 721 Bridgetown – Boyup Brook Road, Boyup Brook.

**COMMENT:**

The shire’s Town Planning Scheme No. 2 does allow for the rezoning of this property, subject to certain conditions.

The development of these lots will effectively ‘fill the gap’ between existing special rural development in Lee Steere Dve and Zig Zag Rd.

It is suggested that the recommendation above be considered.

The CEO suggested that the Council approve the proposal as reflected in the recommendation.

The Development Services Committee considered this issue at its meeting held on 06 November 2006 and concurred with the Chief Executive Officer’s recommendation.

**MOVED: Cr Martin**

**SECONDED: Cr Florey**

**That Council resolve to support the proposal to rezone Locations 720 and 721 Boyup Brook – Bridgetown Road from “Rural” to “Special Rural”, subject to the receipt of a formal amendment documentation and compliance with the Provision Section 75 of the Planning and Development Act 2005.**

**CARRIED 9/0**

7.2.6 Invitation to Participate on Taskforce – South West Regional Planning Framework

<i>Proponent:</i>	<i>Department for Planning and Infrastructure</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>1 November 2006</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	
<i>Appendices:</i>	<i>1.7 Letter attached</i>

**BACKGROUND:**

An invitation has been received from the Department of Planning and Infrastructure (DPI) requesting the Council to nominate a representative on a new planning taskforce.

**DETAIL:**

The DPI letter attached provides the details on the taskforce.

**COMMENT:**

The committee believed that the recommendation above be considered by full Council.

The Development Services Committee at its meeting held on 06 November 2006 recommended that this item be referred to the Council for consideration.

**MOVED: Cr Martin**

**SECONDED: Cr Florey**

**That the Council appoints Cr Moir to represent the Shire of Boyup Brook on the South West Regional Planning Framework Taskforce.**

**CARRIED 9/0**

**7.2.7 Lot 102 Abels Road, Boyup Brook - Planning Application for an Oversized Shed**

*Proponent:* T Bosanac  
*Location:* Lot 102 Abels Road, Boyup Brook  
*Reporting Officer:* Will Pearce  
*Date Report Written:* 1 November 2006  
*Enabling Legislation:* Town Planning Scheme No 2  
*File:* AS15017  
*Appendices:* 1.8 Plans attached

**BACKGROUND:**

The proponent is seeking approval for an oversized shed to be located at Lot 102 Abels Road, Boyup Brook.

The proponent has forwarded all the relevant details to support the application as required by the Shire's Town Planning Scheme No. 2 and are attached.

**DETAIL:**

The property is zoned 'special rural' and has an area of 2.3ha. The proposed steel framed shed will have an area of 135m<sup>2</sup>.

It is the owner's intent to build the shed to be used initially for storage for building materials and equipment for a future residence. The shed will then be used as a private workshop after the construction of the residence.

No commercial activities will take place in the shed.

The Council's "Outbuilding" policy states in part:-

*Objective*

*To determine requirements relating to the construction of outbuildings.*

*Statement*

**MAXIMUM DIMENSIONS**

*Maximum permissible outbuilding area dimensions will be as follows: -*

<b>Zone</b>	<b>Maximum individual outbuilding area (m<sup>2</sup>)</b>	<b>Maximum total outbuilding area (m<sup>2</sup>)</b>	<b>Maximum height (m)</b>
Residential/Urban Blocks 1012m <sup>2</sup> or less	56.4	75	3.0
Residential/Urban blocks greater than 1012m <sup>2</sup>	56.4	90	4.5
<b>Special Rural</b>	<b>108</b>	<b>108</b>	<b>4.5</b>
Rural	No maximum area	No maximum area	No maximum height

*Structures outside the domain of the standard set above shall be subject to a planning application for the Council to consider on its merits.'*

**COMMENT:**

However, the Scheme does allow the Council some discretion to relax its standards, for example those prescribed in the above policy, under clause 3.6 should it be satisfied that:-

- “(i) approval of the proposed development would be consistent with the orderly and proper planning of the district and the preservation of the amenity of the district;*
- (ii) the non-compliance will not have any adverse effect upon the occupiers or users of the development of the general population of the district, and;*
- (iii) the spirit and purpose of the standard or requirement will not be unreasonably departed from.”*

The oversized shed would seem to have little impact on the surrounding area if approved.

It is suggested that the Council approve the proposal as reflected in the recommendation.

The CEO suggested that the Council approve the proposal as reflected in the recommendation.

The Development Services Committee considered this issue at its meeting held on 06 November 2006 and concurred with the Chief Executive Officer's recommendation.

**MOVED: Cr Florey**

**SECONDED: Cr Downing**

**That the Council approves the planning application as presented for an oversized shed 135m<sup>2</sup> in area for Lot 102 Abels Road, Boyup Brook.**

**CARRIED 9/0**

**7.2.8            Lot 68 Abel Street, Boyup Brook – Planning Application for an Alfresco Area**

*Proponent:                    P Mansfield*  
*Location:                     Lot 68 Abel Street, Boyup Brook*  
*Reporting Officer:         Will Pearce*  
*Date Report Written:      2 November 2006*  
*Enabling Legislation:     Town Planning Scheme No 2*  
*File:                             AS 800*  
*Appendices:                 1.9 Plans attached*

**BACKGROUND:**

An application has been received requesting approval for an alfresco area on the footpath adjacent to the Boyup Brook Hotel frontage on Abel Street.  
Plans are attached.

**DETAIL:**

The proponent wishes to provide both fix cover and portable cover alfresco areas. **It is the primary intent that this will used as a dining area with the serving of liquor being secondary.**

The proposed 8 x 3m steel framed structure encroaches into public space over the footpath on Abel Street to provide for an additional service area for the hotel located on lot 68 Abel Street.

The roof will be covered with canvass.

The proponent wishes to also provide a further alfresco area using umbrellas adjacent to the proposed covered area.

**COMMENT:**

The aesthetics of the proposed covered structure is a concern.

A further concern is the addition of another type of cover being placed over the footpath along this stretch of Abel Street, that is from Bridge Street to Inglis Street, where there have been a variety of styles used over the years.

The committee is encouraged to inspect the proposed alfresco site and the other commercial buildings along Abel Street prior to the meeting.

Should the proposal be approved, the following conditions would be appropriate-

1. structure to comply with the Building Code of Australia and have a minimum height of 2400mm and be setback 600mm from the kerb;
2. building license required prior to construction;
3. tables and chairs shall not interfere with pedestrian movement or parked vehicles by incorporating minimum 1500mm passing areas and 900mm 'footpath widths';
4. the alfresco area shall be conducted strictly in accordance with provisions of the Health Act 1911 and subsequent regulations and local laws and Liquor Licensing regulations covering the conduct of an alfresco area;
5. the alfresco area shall be kept free of litter, refuse, rubbish and all other disused materials at all times during its conduct;
6. the proprietor hereby agrees to indemnify the Shire of Boyup Brook and the Crown against any and all claims for compensation howsoever arising from the conduct of the eating area and further agrees to hold not less than \$10,000,000 public liability insurance at all times.  
  
Evidence of such insurance having been affected is to be submitted to the satisfaction of CEO prior to the establishment of the alfresco area. Evidence is to be provided on the annual renewal of transfer of a licence;
7. surrounds, including tables, chairs and footpaths shall be kept in a clean and tidy condition at all times.

The Development Services Committee at its meeting held on 06 November 2006 recommended that this item be referred to the Council for consideration.

**MOVED: Cr Florey**

**SECONDED: Cr Piper**

**That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.to allow members free discussion on the matter.**

**CARRIED 9/0**

**MOVED: Cr Florey**

**SECONDED: Cr Downing**

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

**CARRIED 9/0**

**MOVED: Cr Downing**

**SECONDED: Cr Florey**

That the proposal as submitted in item 7.2.8 be advertised inviting public comment and following the closure of this the item be referred back to council incorporating any comments received.

**CARRIED 9/0**

## **7.3 CORPORATE SERVICES**

### **7.3.1 Accounts for Payment**

*Proponent: Shire of Boyup Brook*  
*Location: -*  
*Reporting Officer: Keith Jones*  
*Date Report Written: 16 November 2006*  
*Enabling Legislation: Local Government Act 1995*  
*File: FM/10/003*  
*Appendices: 1.10 – Payments*

#### **BACKGROUND:**

Invoices have been received during the month of November 2006.

#### **DETAIL:**

Accounts are presented for consideration (see appendix 1.10) or where paid by direct debit pursuant to the Council's "Authorisation to Incur Debts and Make Payments" policy.

Cheques cancelled during the month were-

- Chq 2078 Fines Enforcement Registry for \$328.00.
- Chq 1727 issued to Dr T Lee for \$400 (cancelled as it was issued 30/06/05 and has not been presented).
- Chq 1777 issued to Southern Lock and Safe for \$12.10 (cancelled as it was issued 30/06/05 and has not been presented).
- Chq 1832 issued to Robin Best for \$200 (cancelled as it was issued 30/06/05 and has not been presented).
- Chq 15494 Hi-way Sales & Service for \$1800 (cancelled as it was made out for incorrect amount should have been \$1180 – reissued chq 15531).

**COMMENT:**

It is suggested that the recommendation be considered.

**MOVED: Cr Downing**

**SECONDED: Cr Martin**

**That the accounts as presented totaling \$266977.45 as-**

- 1. cheque voucher numbers 15447 – 155531 be approved for payment;**
- 2. paid by-**
  - a. direct electronic payments through the Municipal Account;**
  - b. cheque voucher number 2066 – 2078 paid through the Chief Executive Officer's Advance Account;**

**be endorsed.**

**CARRIED 9/0**

**7.3.2 September 2006 Monthly Statement of Financial Activity**

*Proponent: Shire of Boyup Brook*  
*Location: -*  
*Reporting Officer: Keith Jones*  
*Date Report Written: 9 November 2006*  
*Enabling Legislation: Local Government Act 1995*  
*File: FM/10/003*  
*Appendices: 1.11 Statement*

**BACKGROUND:**

A monthly financial report is presented for consideration.

**DETAIL:**

Section 6.4 of the Local Government Act 1995 places financial reporting obligations on local government operations.

Regulation 34 (1)–(4) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepare a 'Monthly Statement of Financial Activity'.

The regulations also prescribe the content of the report.

The report is attached – see appendix 1.11

**COMMENT:**

It is suggested that the recommendation be considered.



**MOVED: Cr Martin**

**SECONDED: Cr Marshall**

**That the September 2006 Monthly Statement of Financial Activity as presented, be received.**

**CARRIED 9/0**

7.3.3 Townscape Advisory Committee – Community Member Appointment

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>General</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>26 October 2006</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>GO/51/001</i>
<i>Appendices:</i>	<i>-</i>

**BACKGROUND:**

It is usual to review annually the necessity for and participation by Councillors and community members on several Council established Committees, together with various organisations in the community which require, by their constitutions or tradition, representation by the Council.

The Council reviewed the committee membership in July 2006.

The Townscape Advisory Committee allows 4 community members to be appointed.

However, only 3 members up until the present time have been appointed due to lack of nominations.

**DETAIL:**

Further advertising for the vacancy was placed in the October 2006 edition of the Boyup Gazette.

Mrs Mary Whitehead submitted a nomination.

**COMMENT:**

It is suggested that the Council considers the appointment of M Whitehead as reflected in the recommendation above.

**MOVED: Cr Florey**

**SECONDED: Cr Broadhurst**

**That the Council appoint Ms M Whitehead as a community member to the Townscape Advisory Committee.**

**CARRIED 9/0**

7.3.4 Flax Mill – Proposed Demolition of Retting Tanks

*Proponent:* Shire of Boyup Brook  
*Location:* Flax Mill  
*Reporting Officer:* Keith Jones  
*Date Report Written:* 9 November 2006  
*Enabling Legislation:* Local Government Act 1995  
*File:*  
*Appendices:* 1.12 Report and Quotes

**BACKGROUND:**

WALGA from time to time runs workshops on the true cost of owning capital assets. (Councillor Broadhurst attended one last year.) See attachment.

The initial capital cost is the cost we see – above the line.

The other costs are usually hidden ongoing costs of Maintenance, Depreciation, Fixed and Variable Costs and ultimately Replacement or Demolition.

If they cannot be met they can become a real burden on Councils and prevent more important projects from being undertaken or paid for without a disproportionate increase in rates.

I believe the above two buildings are classic examples of the above.

History of the Flax Mill:

This has been one of Cost.

In the past:

1. Army cadets looked at using it. – This became impractical.
2. Run by a caretaker – high overheads and ultimately a cost of some \$20000.
3. Privately leased out until the lessee walked away having failed to make it work.
4. Prior to this it was run by a succession of caretakers at a cost to Council of around \$30000 per year.

None have been successful – This Council is in danger of trying to “reinvent the wheel”.

Currently it is managed by a Council employee on an hourly basis and the income (Largely from the Caravan Park) has been reasonably successful.

This year the Flaxmill is budgeted to cost:

Powered sites -	\$ 7000 (Already spent)
Retting Shed -	\$20000
Roof Repair -	\$ 8000
Flaxmill Cottage upgrade	\$30000
<b>TOTAL COST OF</b>	<b>\$65000</b>

Clearly above the resources of Council

Council has only ever done emergency maintenance. At the moment all the woodwork in the buildings requires painting. Some has deteriorated to the replacement stage. (e.g. There is wood-rot in the Scrutching room because it has not been maintained).

There maybe value in the remaining buildings which can be left in place with some fairly Expensive maintenance if they are not to deteriorated beyond repair.

It should also be remembered that it is below flood level.

NOTE: There are a number of Councillors who have not witnessed people water skiing on the town oval. There also appears to be some Councillors too old to remember the last flood.

Commercial Reserve:

The Commercial Reserve has a balance of \$125000.

Council may well need to (or choose to) use some of these funds on the following:

1. Medical Centre - \$60000 (Maybe also funded by increased Govt Grant or Medical Reserve)
2. Aerial Bundled Cable Bridge St - \$40000 (could be SWDC funded).
3. Residential Subdivision – Lot 298 hospital block.
4. Industrial subdivision.
5. Supporting Local Rural Strategy – Special Residential Development – Agenda item 7.2.3.
6. Updating out of date Guided Development Plan.
7. Town Entry Statements (Possibly \$3000 to \$4000 above budget)
8. Other Councillors may be able to add to this list.

On top of the above Council has already incurred a number of unbudgeted expenses not The least of which is replacement of the Chief Executive Officer.

**MOVED: Cr Marshall**

**SECONDED: Cr Downing**

**That the Council:-**

1. **engage Keybrook Utility Services to demolish:**
  - a. **the retting tanks at the Flax Mill at a cost of \$11,727.00;**
  - b. **Clear the site of rubble using Shire labour inside normal hours at a normal \$5000. To be funded from the unbudgeted income for last year’s flood damage.**
2. **Demolish and clear the Old Shed site to the North of the dormitory accommodation at a cost of up to \$9000.**
3. **Use the \$20000 currently in the budget to upgrade the “Flaxmill Cottage” to fund the above work.**

**MOVED: Cr Martin**

**SECONDED: Cr Florey**

**That Item 7.3.4 lay on the table.**

**CARRIED 5/4**

Cr Piper left the chambers the time being 6.05pm

7.3.5 Boyup Brook Medical Service – Proposed ‘Hiring of Consulting Room for Visiting Health Professionals – Boyup Brook Medical Service’ Policy

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>Medical Centre</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>10 November 2006</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>CM/42/003</i>
<i>Appendices:</i>	<i>-</i>

**BACKGROUND:**

The Boyup Brook Medical Service building in Abel Street has recently undergone a dramatic renovation and expansion.

A consulting room for visiting professionals was established.

It is now necessary to determine guidelines for its use.

**DETAIL:**

A proposed policy for ‘Hiring of Consulting Room for Visiting Health Professionals – Boyup Brook Medical Service’ is suggested by the GP Working Group to ensure consistency with the use of this new facility.

It is recommended that it reads-

**‘Objective**

*To provide guidelines for the use of the consulting room to be hired/used by visiting health professionals.*

**Statement**

*The room has been provided for the purpose of encouraging the provision of health and medical services not currently available within the community or are only available through the public health system.*

*Private practitioners have a limited number of facilities that can be used for consulting purposes. This room at the medical centre will provide them with an option of being able to hire a modern and pleasant environment for both practitioner and patient alike.*

*The general conditions of use are:-*

- 1. room hire subject to the approval of the GP*
- 2. hire fees set within the Council’s annual budget*
- 3. fees may be reduced subject to Council approval*
- 4. practitioners providing evidence of public liability insurance of not less than ten million dollars (\$10,000,000) for their activities prior to use of room*

*Medical reception staff shall ensure that the use of the room is monitored via a register.*

*Keys to the room shall not be given out by staff unless with prior arrangement. The room hire register shall detail each and every occasion that the key is obtained and returned.’*

**COMMENT:**

It is suggested that the policy be considered.

**MOVED: Cr Downing**

**SECONDED: Cr Oversby**

**That the proposed 'Hiring of Consulting Room for Visiting Health Professionals'**

**'Objective**

***To provide guidelines for the use of the consulting room to be hired/used by visiting health professionals.***

**Statement**

***The room has been provided for the purpose of encouraging the provision of health and medical services not currently available within the community or are only available through the public health system.***

***Private practitioners have a limited number of facilities that can be used for consulting purposes. This room at the medical centre will provide them with an option of being able to hire a modern and pleasant environment for both practitioner and patient alike.***

***The general conditions of use are:-***

- 5. room hire subject to the approval of the GP***
- 6. hire fees set within the Council's annual budget***
- 7. fees may be reduced subject to Council approval***
- 8. practitioners providing evidence of public liability insurance of not less than ten million dollars (\$10,000,000) for their activities prior to use of room***

***Medical reception staff shall ensure that the use of the room is monitored via a register.***

***Keys to the room shall not be given out by staff unless with prior arrangement. The room hire register shall detail each and every occasion that the key is obtained and returned.'***

**be adopted.**

**CARRIED 7/1**

**7.3.6 Boyup Brook Medical Service - Review of Fees**

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>Medical Centre</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>10 November 2006</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>CM/42/003</i>
<i>Appendices:</i>	<i>-</i>

**BACKGROUND:**

The Boyup Brook Medical Services' fees were not reviewed during the 2006/07 Budget process due to the Federal Government's review of the Medicare rebate scheme in early November 2006.

The Medicare scheme was reviewed recently. It is now necessary to review the fees.

**DETAIL:**

The GP Working Group met on 9 November 2006 to discuss the existing fees and proposed new fees.

The current fees for private patients are-

Consultation	Rebate \$ (pre November 2006)	Fee \$	Gap \$
short	14.40	22	7.60
Medium	31.45	43	11.55
Long	59.70	70	10.30
Extra long	87.90	95	7.10

The group's proposed fees for consultations are -

Consultation (patient numbers for past 12 months)	Rebate \$ (from November 2006)	Proposed Fee \$	Gap \$	% out of pocket increase from 2005
Short (125)	14.47	24	9.30	22
Medium (3,000)	32.10	45	12.90	12
Long (1,000)	60.95	72	11.05	7
Extra long (45)	89.75	97	7.25	2

The Council is on target to increase its medical centre 'profit' from \$80,000 last year to \$150,000 in this financial year, without the proposed increases and potential income from the hire of the visiting consultant's room.

The medical staff have also changed the management of repeat prescriptions. Previously, a \$5 fee was charged, that was not subject to Medicare rebates. Now the patient is bulk-billed meaning that Medicare pays approximately \$22 per repeat (subject to Dr Mel actually seeing the patient each and every time prior to a repeat being provided which he is willing to do). This will increase the income a further \$25,000 pa, which again has not been taken into account with the anticipated profit of \$150,000.

The Bridgetown Medical Centre charges \$20 (short), \$40 (medium), \$70 (long) and \$90 (extra long) per consult. It charges \$5 per repeat prescription.

The group also considered fees for Patient Assistance Travel Scheme (PATS) duties and penalties for patients not fronting for appointments on a regular basis or not paying their bills – refer to the recommendation for details.

**COMMENT:**

It is suggested that the fees structure be considered pursuant to the recommendation.

**MOVED: Cr Moir**

**SECONDED: Cr Martin**

**That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.to allow members free discussion on the matter.**

**CARRIED 8/0**

**MOVED: Cr Moir**

**SECONDED: Cr Martin**

**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**

**MOVED: Cr Moir**

**SECONDED: Cr Downing**

**That the Chief Executive Officer advertise pursuant to sec. 1.7 and 6.19 of the Local Government Act 1995 the following new fee structure for the Boyup Brook Medical Service will commence on Monday 27 November 2006 :-**

- **PATS** **\$2.50**
- **Administration fee for late payments-**
  - **More than 30 days** **\$5**
  - **More than 60 days** **\$10**
  - **More than 90 days** **\$15**
- **Administration fee for missed appointments (after 2 written notices to patient)** **\$44 (inc GST)**
- **Hiring of Consulting Room for Visiting Health Professionals-**
  - **Half day** **\$44 (inc GST)**
  - **Half day – with receptionist** **\$55 (inc GST)**
  - **Full day** **\$88 (inc GST)**
  - **Full day – with receptionist** **\$110 (inc GST)**

**CARRIED 8/0**

**NOTE:** It was agreed that the fees proposed for consultations be referred back to the GP Working Group for further consideration.

7.3.7 Dr M Mel – Proposed Variation to Employment Contract

<i>Proponent:</i>	<i>Dr M Mel</i>
<i>Location:</i>	
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>10 November 2006</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>Personal</i>
<i>Appendices:</i>	<i>-</i>

**BACKGROUND:**

Dr M Mel is currently engaged by the Council for the provision of GP services pursuant to an employment contract signed in 2004.

It has been requested that the GP receive a portion of the rental income, pursuant to the conditions of the contract, that will be earned from the hiring of the new visiting health professionals' consulting room established with the recent building upgrade.

**DETAIL:**

Dr Mel's contract Clause 5(b) states in part-

*Council ...'will be willing to consider payments over and above the base salary after the first 12 months based on income generated through and subsequent expenses of the Boyup Brook Medical Services only when that the 'break even' point is reached (that is over above the point where income equals expenses - see addendum attached) on a shared 50:50 arrangement'.*

The addendum identifies only the following revenue that the GP can earn as a bonus every year-

**INCOME**

- Surgery turnover
- Other Income - accreditation
- Hospital / Lodge
- WACRRM subsidy

The request was put to the GP Working Group on 19 September 2006.

The bonus is made based on, in general terms, income minus expenses. It is logical that operating expenses will increase with the use of this new room. These costs must then be added to the expenses when calculating Dr Mel's annual bonus.

**COMMENT:**

The group agreed that this request was reasonable and should be supported by the Council.

It is suggested that Dr Mel's employment contract shall include a new line 'Visiting Professionals Room Hire' to the 'Income' section of the addendum.

**MOVED: Cr Martin**

**SECONDED: Cr Oversby**

**That Dr Mel's employment contract shall include a new line 'Visiting Professionals Room Hire' to the 'Income' section of the addendum.**

**CARRIED 8/0**



Mr Doust declared a financial interest in the following item and departed the Chambers, the time being 6.51pm.

7.3.8 Acting Chief Executive Officer – Late item

*Proponent:* Shire of Boyup Brook  
*Location:* -  
*Reporting Officer:* Will Pearce  
*Date Report Written:* 14 November 2006  
*Enabling Legislation:* Local Government Act 1995  
*File:* Personnel File  
*Appendices:* -

**BACKGROUND:**

The current CEO W Pearce will cease duties as of 17 November 2006.

It is now necessary to appoint a relieving officer to this position whilst the recruitment process continues for a replacement.

**DETAIL:**

The components of the current contract representing the remuneration package are:

a) Salary (cash component)	\$75,000
b) Motor Vehicle	\$10,400
c) Housing	\$4,000
d) Telephone	\$500
e) Uniform Allowance	\$230
f) Fringe Benefits Allowance	\$2,400
g) Superannuation	\$ 9,000

**COMMENT:**

The Shire President has approached Mr A Doust, a long-serving CEO in several local governments for over 30 years, to determine his interest in the position.

Mr Doust, a Boyup Brook resident, has confirmed his availability during the period the Council requires recruiting a new CEO.

**MOVED: Cr Downing**

**SECONDED: Cr Moir**

**That the Council appoints Mr A Doust to the position of Acting Chief Executive Officer pursuant to section 5.36 of the Local Government Act 1995 under the following terms and conditions:-**

- **Mr W Pearce's "2002 Contract of Employment" underpinning the minimum terms and conditions, with the exception of clause 5.5 'Housing';**
- **Salary of \$80,000 (pro-rata)**
- **Commencement – 20 November 2006**

**CARRIED 8/0**

Mr Doust reentered chambers the time being 7.54pm

Cr Oversby left chambers the time being 7.54pm.

Cr Oversby reentered chambers the time being 7.55pm.

## 8. PETITIONS AND MEMORIALS

Nil

## 9. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 9.1 Country Music Capital of WA

#### **Comment:**

Council has adopted "Country Choice" as the theme for our Shire and it would be improper to have conflicting statements at each of the entrances to the Town prior to the installation of the agreed Stick Men Figures in their various poses and the adopted theme prominently displayed.

Council has recognised the work that the Country Music Club does in bringing our Town to the notice of a wide part of the population of WA by carrying the above motion. However, Country Music is only one of the many attractions of Boyup Brook and this was recognised when the "Country Choice" theme was adopted and it should always be the predominant statement.

**MOVED: Cr Ginnane**

**SECONDED: Cr Martin**

**Item 7.1.1 of the minutes of the Ordinary Meeting of Council held on 19 October 2006 stating:**

**"That item 2 (a) the use of "Country Music Capital of WA" as an attachment or addition to Boyup Brook entrance signage" be held off until the:-**

- 1) "stick men" figures proposed as entry statements are installed;**
- 2) design and costings of the intended "Country Music Capital" signs are submitted to the Council for further consideration.**

**VOTE EQUAL 4/4**

Crs Broadhurst, Florey, Oversby and Marshall voted against the motion.

**Casting Vote – In accordance with Section 5.21(3) of the Local Government Act, the President cast a second vote with the result the Motion was CARRIED.**

Cr Marshall left chambers the time being 7.05pm

Cr Marshall reentered chambers the time being 7.06pm

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

Cr Ginnane thanked W Pearce

**11 CLOSURE OF MEETING**

There being no further business the Chairman declared the meeting closed at 7.09pm.

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

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Cr Terry Ginnane, Shire President