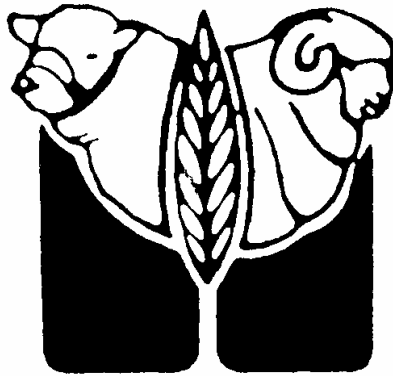


MINUTES



ORDINARY MEETING

HELD

THURSDAY, 17 JULY 2008

COMMENCED AT 3.30PM

AT

SHIRE OF BOYUP BROOK CHAMBERS

ABEL STREET – BOYUP BROOK

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

3.30pm – The Presiding person, Cr Roger Downing, opened the meeting.

1.1 **Attendance**

1.2

Cr R Downing – Shire President
Cr P Marshall – Deputy Shire President
Cr S Broadhurst
Cr E Muncey
Cr A Piper
Cr M Giles

STAFF: Mr Pascoe Durtanovich (Acting Chief Executive Officer)
Mr Keith Jones (Manager of Finance)

1.3 **Apologies**

1.4 **Leave of Absence**

Cr B O'Hare
Cr T Ginnane
Cr K Lamshed

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

Cr Broadhurst – Townscape/Entry Statements

Address Council on the process leading up to the decision to the purchase of entry statements. Commented on the Tooby report and the recommendations therein for the position (location) of the entry statements.

Referred to the aims and objectives of the draft strategic plan in respect to area promotion, tourism and employment. Asked Council to consider funding the remaining two entry statements.

5. CONFIRMATION OF MINUTES

5.1 **Ordinary Council Meeting 17 July 2008.**

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Piper

SECONDED: Cr Muncey

That the minutes of the Ordinary Meeting of Council held on Thursday 19 June 2008, be confirmed as an accurate record.

CARRIED 6/0

Res 106/08

6 PRESIDENTIAL COMMUNICATIONS

28 June 2008 – Represented the Shire at the Boyup Brook Lions changeover night.

1 to 4 May – Attended FESA funded seminar “Emergency Management for Local Government”

5 May – Represented the Shire at Mrs Grace Cavanagh’s 108 Birthday Party and presented her with flowers and a card.

11 May 2008 – Attended Funeral Service for Mr John Muddle.

15 May 2008 – With Deputy President and Acting Chief Executive Officer had discussion with the Chairman of Rylington Park Management Committee, Mr Mathew Nield.

16 May 2008 – Attended Funeral Service for Mr Charlie Hughes.

17 May 2008 – Attended Memorial Service for Mrs Grace Cavanagh.

7 REPORTS OF OFFICERS

7.1 MANAGER WORKS & SERVICES

Nil

7.2 MANAGER – FINANCE

7.2.1 Accounts for Payment

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 July 2008</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – List of Accounts Paid</i>

SUMMARY

Report recommends the acceptance and approval of the Schedule of Accounts for Payment.

BACKGROUND

Invoices have been received during the month of June 2008.

COMMENT

Accounts are presented for consideration (see appendix 7.2.1) or where paid by direct debit pursuant to the Council's "Authorisation to Make Payments" policy.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations Act 1009, Regulation 12; and Regulations 13(3) (a) (b); 13(1); and 13(4).

POLICY IMPLICATIONS

Accounts are presented for consideration or where paid by direct debit pursuant to the Council's "Authorisation to Make Payments" policy.

FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2007/08 or authorized by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Muncey

SECONDED: Cr Giles

That the accounts for June 2008 as presented totaling \$502,780.52 as-

- and
1. Cheque voucher numbers 16923 -16975 totaling \$181,112.12
 2. Accounts paid by direct electronic payments through the Municipal Account totaling \$321,694.40 be endorsed.

CARRIED 6/0

Res 107/08

7.2.2	May 2008 Monthly Statements of Financial Activity
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Location:	<i>Not applicable</i>
Applicant:	<i>NA</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 July 2008</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Financial Reports</i>

SUMMARY

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended 31 May 2008, and Investment Schedule for the month ended 30 June 2008.

BACKGROUND

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 reports are attached – see appendix 7.2.2

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996, s34 (1) (a)

Local Government (Financial Management) Regulations 1996, s19 (1) (2) (a) (b)

Local Government (Financial Management) Regulations 1996, s34 (2) (a) (b)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Broadhurst

SECONDED: Cr Giles

That the May 2008 Monthly Statements of Financial Activity as presented, be received.

CARRIED 6/0

Res 108/08

7.3 ACTING CHIEF EXECUTIVE OFFICER

7.3.1 Ward and Representation Review

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Local Government Advisory Board</i>
File:	<i>GO/11/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>27th June 2008</i>
Author:	<i>Pascoe Durtanovich – Acting CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Discussion Paper</i>

SUMMARY

The public comment period for the Ward and Representation review has concluded. This report recommends that the status quo remain.

BACKGROUND

At the Ordinary Council meeting held on the 21st February 2008, following advice from the Local Government Advisory Board, Council resolved as follows:-

“That the Chief Executive Officer prepare and place an advertisement in the Boyup Brook Gazette, inviting public comments on the existing ward representation for the Shire of Boyup Brook, including the following:-

- *Community of interest*
- *Physical and topographic features*
- *Demographic trends*
- *Economic factors and*
- *the ratio of Councillors to elect in the various wards.”*

For further consideration by Council.

A discussion paper was prepared and public comment was invited through the local print media.

At the conclusion of the advertising period no submissions/comments were received.

COMMENT

The review process involved a number of steps:

- Council resolved to undertake the review.
- Public submission period opened.
- Information provided to the community for discussion.
- Public submission period closes.
- Council considers submissions.
- Council submits a report to the Local Government Advisory Board for its consideration.
- If changes are proposed the Local Government Advisory Board submits the proposal to the Minister for Local Government.

If any changes are approved the aim is to have them in place in time for the annual election in 2009.

When considering changes to Wards and representation, Schedule 2.2 of the Local Government Act specifies factors that must be taken into account by a Local Government as part of the review process.

1. Community of Interest.
2. Physical and topographic features.
3. Demographic trends.
4. Economic Factors.
5. Ratio of Councillors to electors in the various Wards.

The existing situation satisfies factors 1 to 4 above. Factor 5 does not meet the Boards/Ministers criteria however given the minimal variation in numbers required to achieve a balanced representation, that is % ratio deviation being within plus or minus 10%, compared to the effort and expense of amending ward boundaries, it is suggested that Council advise the Local Government Advisory board that the status quo should remain.

CONSULTATION

Notice calling for submissions was advertised in the Mayanup/Bridgetown Times on three occasions and in the Boyup Brook Gazette on one occasion.

STATUTORY OBLIGATIONS

Section 2.2 and schedule 2.2 of the Local Government Act.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Advertising Costs - \$100

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental:**
There are no known environmental issues.
- **Economic:**
There are no known significant economic issues.
- **Social:**
There are no known significant social issues.

VOTING REQUIREMENTS

Absolute Majority.

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Marshall

SECONDED: Cr Piper

In accordance with schedule 2.2 (9) of the Local Government Act 1995 it is recommended to the Local Government Advisory Board that given the existing ward boundaries satisfy the assessment factors and the minimal number of electors influencing the Councillor/Elector ratio deviation, the existing Shire of Boyup Brook Ward Boundaries and representation be retained.

CARRIED BY ABSOLUTE MAJORITY 6/0

Res 109/08

7.3.2 Service Delivery Questionnaire 2007/2008

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Not applicable</i>
File:	<i>CU/16/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>26th June 2008</i>
Author:	<i>Pascoe Durtanovich, Acting CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Questionnaire Survey Summary</i>

SUMMARY

The 2008 service delivery satisfaction survey was completed in May 2008.

This report summarizes the results.

BACKGROUND

Under the Local Government Act 1995 Council has an obligation to provide good governance and monitor its performance in the delivery of services.

One method this local government has used to monitor performance is a bi annual community survey. This year, as in previous surveys, 200 randomly selected residents were surveyed.

The questions are similar to those used in previous surveys.

COMMENT

Of the 200 questionnaires sent 64 (32%) were returned. The results are comparable to 2006 with some improvement in key areas, including rural roads, town roads and elected members performance.

As community surveys go the results achieved by Council are quite outstanding. The challenge now is to maintain the satisfaction levels achieved.

CONSULTATION

200 randomly selected residents were surveyed.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The results of the survey and responses to certain issues will assist Council in determining actions and priorities.

SUSTAINABILITY ISSUES

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Piper

SECONDED: Cr Broadhurst

That the survey results be noted and a summary of same be advised to the community via the Shire Website and Boyup Brook Gazette.

CARRIED 6/0

Res 110/08

7.3.3 Compulsory Voting in Local Government – WALGA Survey

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>GO/19/009</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>3rd July 2008</i>
Author:	<i>Pascoe Durtanovich, Acting CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Discussion Paper</i>

SUMMARY

The Western Australian Local Government Association is seeking Local Government feedback on the question of compulsory voting in Local Government.

This report recommends that Council determine a position on the question.

BACKGROUND

The issue of compulsory voting in Local Government has come to the fore following recent changes to the electoral provisions in the *Local Government Act 1995* and associated regulations introduced for the 2007 Local Government Elections. Significantly, the first-past-the-post system of voting was changed to preferential voting and proportional preferential voting (PPV).

Prior to the change to PPV, State Council's position was to support the continuation of voluntary voting. During Local Government's campaign against the introduction of PPV, State Council's position changed to support compulsory voting under the new system.

Now that PPV has been introduced to the Local Government electoral system, State Council has requested that the issue of compulsory voting be considered afresh.

To facilitate consideration of compulsory voting in Local Government elections, the attached discussion paper has been prepared, which examines the following themes:

- Current electoral arrangements and the situation in other States of Australia
- The possibility of Optional Preferential Voting being introduced
- Arguments in favour of compulsory voting
- Arguments against compulsory voting; and,
- Practical considerations

WALGA is seeking responses from all Local Governments on this issue. Once responses have been received, an agenda item will be prepared for Zone consideration during September prior to a final position being reached at the October State Council meeting.

COMMENT

A copy of the discussion paper prepared by WALGA is attached.

WALGA is seeking a response to the following questions.

1. Does Council support the *principle* of compulsory voting in Local Government elections – all other things being equal?

Yes No

Why/Why not? Any other comment?

2. Does Council support the *introduction* of compulsory voting in Local Government elections under current electoral arrangements?

Yes No

Why/Why not? Any other comment?

3. If Council supports the introduction of compulsory voting under current electoral arrangements, what changes to the electoral arrangements would see Council withdraw their support?

4. Would Council support the introduction of *optional preferential voting* in Local Government elections as an alternative to proportional preferential voting?

Yes No

Why/Why not? Any other comment?

The argument for and against compulsory voting is quite clear in the discussion paper.

From administrations point of view the emphasis should be an increasing voter turnout. Compulsory voting would obviously achieve this. In some local governments, particularly in rural areas, postal voting has increased elector participation to over 60-65%, maybe consideration should be given to making this method compulsory.

The main issue with compulsory voting is cost, not only to educate electors to the change but to follow up and in some instances prosecute electors that do not vote.

If Council does resolve to support compulsory voting I suggest it be conditional on the State Government meeting the additional costs.

Council comment on optional preferential voting is also required.

CONSULTATION

Comment period concludes 25th July, 2008.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council does not have a policy on this issue.

BUDGET/FINANCIAL IMPLICATIONS

Nil in responding to the WALGA questions. Depending on any changes to the voting system additional costs could be incurred.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY ISSUES

- **Environmental**
There are no known environmental issues at this stage.
- **Economic**
There are no known economic issues at this stage.
- **Social**
There are no known social issues at this stage.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Broadhurst

SECONDED: Cr Muncey

1. Compulsory voting in Local Government elections not be supported under any circumstances.
2. Optional preferential voting in Local Government Elections be supported as an alternative to proportional preferential voting.

CARRIED 6/0

Res 111/08

7.3.4 Request for Planning Consent – Eucalyptus and Sandalwood Plantations

Location:	<i>Lot 2322 Newlgalup Rd</i>
Applicant:	<i>Forrest Products Commission (JB & L Lawson)</i>
File:	<i>AS6410</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8th July 2008</i>
Author:	<i>Pascoe Durtanovich, Acting CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Location Plan</i>

SUMMARY

An application has been received for approval to establish a commercial tree plantation on Lot 2322 Newgalup Road. This report recommends approval be granted, with conditions.

BACKGROUND

Lot 2322 totals 128.5hectares and is located 16km East of Boyup Brook along the Boyup Brook Arthur Road then north on the Newgalup Road.

The general area is zoned for the purpose of agriculture. The area has been cleared in the past and now consists of pasture with scattered paddock trees.

A location plan is attached. It can be seen from this plan that the access to the plantation area is via Newgalup Road.

The applicant has provided all the necessary information, including the following:-

- Plantation establishment plan
- Plantation tendering plan
- Fire Management plan
- Timber Harvesting plan

COMMENT

The two main issues with plantations, in respect to impact on the local community are fire management and road safety and maintenance.

The Fire Management required for compliance under the TPS refers to the Fire Management "Guidelines for Plantation Protection" which states:-

"Plantation growers must meet this increased need for firefighting equipment, either by providing the minimum equipment standards or by contributing to community-based equipment through an agreement with the Local Government."

The minimum equipment standard for plantations less than 100ha requires one fast attack unit.

Road contributions are generally assessed prior to harvesting commencing. Standard practice, where a road is suitable and is approved for product transport, is for the proponent to reimburse the cost of repairs or additional maintenance required due to the activity.

It is recommended that the application be approved as it meets the requirements of the Shire of Boyup Brook Town Planning Scheme No 2 and Council Policy.

CONSULTATION

Not applicable

STATUTORY OBLIGATIONS

The property is zoned Rural under the Shire of Boyup Brook TPS No 2 and the use "Plantation" is only permitted with Councils approval. Section 5.18 requires the following:-

"In addition to those requirements detailed in Clause 3.4 of the Scheme, Council shall, when considering Plantations in the "Rural" zone, require the submission of a fire management plan and a plantation management plan prior to determining the application. In addition to those other matters contained Clause 5.2, Council shall, in considering applications for "Plantations" have regard to, the requirements established in Council's Tree Plantations Policy and generally require compliance with the following:

- i) The Code of Practice for Timber Plantations in Western Australia;
- ii) Firebreak Order 1997/1998 (or subsequent variations thereof); and
- iii) The Lower Great Southern Plantation Fire Advisory Committee Guidelines for Plantation Fire Protection (Draft May 1997) or subsequent versions thereof.

POLICY IMPLICATIONS

The Council policy on "Road Contribution" subsection "Harvesting of Plantations" as follows:

Harvesting of Plantations-

The following statement shall be a development condition of approval:-

"Entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage of roads under the Shire's control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation"

Background

In recent years, rural areas have been dominated by the rapid expansion of plantation farming, which is having and will have a major long term impact on traditional patterns of rural land use, local roads and traffic and land management within the Shire.

The general yield from blue gum plantations is ten times more than the equivalent cereal crop over a ten year period. Harvesting of plantations, approximately once every ten years, also results in a very intense period of activity on the site and local road use. Therefore, a higher standard of road is required for the removal of the product to its preferred market. This will require a large portion of the road network to be upgraded. Scattered locations of plantations throughout the Shire also adds to this problem.

As this Shire cannot afford to construct and maintain these special purpose roads, it will be necessary for the plantation companies to contribute to the road upgrading.

A combination of heavy haulage vehicles for plantation harvesting along with school bus and general vehicles on the Shire's road network has raised an increased concern over motorist's safety. Generally the Council will not support plantations where it considers public safety is or will be at risk due to heavy vehicles entering Shire roads creating potential serious conflict with local and visitor traffic. In determining the suitability of roads for plantation traffic Council will have regard to the current standard of the roads affected. Planning applications for plantations will also be referred to Main Roads Western Australia if considered necessary.

The Council will resolve specific road traffic and safety issues relating to individual plantations following the submission of harvesting plans."

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY ISSUES

- **Environmental**
There are no known significant environmental issues.
- **Economic**
It could be argued that commercial tree plantations have an adverse economic impact on communities, population reduction etc.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Broadhurst

SECONDED: Cr Piper

That the Planning Application to develop a plantation on Lot 2322 Newlgalup Road, Boyup Brook, be approved subject to the following conditions:-

1. Compliance with the requirements of the Shire of Boyup Brook Town Planning Scheme No 2.
2. Compliance with the terms and conditions of the 2006 FIFWA Code of Practice for Timber plantations, as amended from time to time, includes providing the Shire with a Harvesting Management Plan, two years prior to harvesting commencing, for Shire consideration and approval.
3. Provision of a minimum manned fast attack fire fighting unit of a standard that complies with the guidelines for plantation fires that is available within (20) minute's response time of this plantation.
4. Annual compliance with the Shire of Boyup Brook Firebreak Order as it relates to plantations.
5. Entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage to roads under the Shire's control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation. The use of any roads for harvesting and product transport to be determined prior to harvesting commencing and approved by the Shire of Boyup Brook.

CARRIED 6/0

Res 112/08

7.3.5 Request for Planning Consent – Pinus Radiata Plantation

Location:	<i>Lots 2433, 2518, 2626, 2797, 2905, 3725 Bowelling/McAlinden Road</i>
Applicant:	<i>Forrest Products Commission (P.L Wooding)</i>
File:	<i>AS6410, AS4540, AS3500</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8th July 2008</i>
Author:	<i>Pascoe Durtanovich, Acting CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Location Plan</i>

SUMMARY

An application has been received for approval to establish a commercial tree plantation on Lots 2433, 2518, 2626, 2797, 2905, 3725 Bowelling/McAlinden Road. This report recommends approval be granted, with conditions.

BACKGROUND

The project area is 207.9ha. The property is located on the Bowelling/McAlinden Road.

The areas in question are zoned for agricultural purposes and are currently used for grazing and cropping. The area has been cleared in the past, and now consists of pasture with scattered paddock trees and rocks.

Other areas throughout the farm are currently under Tree Crop Plans through Great Southern and WAPRS.

The applicant has provided all the necessary information, including the following:-

- Plantation establishment plan
- Plantation tendering plan
- Fire Management plan
- Timber Harvesting plan

COMMENT

The two main issues with plantations, in respect to impact on the local community are fire management and road safety and maintenance.

The Fire Management required for compliance under the TPS refers to the Fire Management “Guidelines for Plantation Protection” which states:-

“Plantation growers must meet this increased need for firefighting equipment, either by providing the minimum equipment standards or by contributing to community-based equipment through an agreement with the Local Government.”

The minimum equipment standard for plantations less than 100ha requires one fast attack unit.

Road contributions are generally assessed prior to harvesting commencing. Standard practice, where a road is suitable and is approved for product transport, is for the proponent to reimburse the cost of repairs or additional maintenance required due to the activity.

It is recommended that the application be approved as it meets the requirements of the Shire of Boyup Brook Town Planning Scheme No 2 and Council Policy.

CONSULTATION

Not applicable

STATUTORY OBLIGATIONS

The property is zoned Rural under the Shire of Boyup Brook TPS No 2 and the use "Plantation" is only permitted with Council's approval. Section 5.18 requires the following:-

"In addition to those requirements detailed in Clause 3.4 of the Scheme, Council shall, when considering Plantations in the "Rural" zone, require the submission of a fire management plan and a plantation management plan prior to determining the application. In addition to those other matters contained Clause 5.2 Council shall, in considering applications for "Plantations" have regard to, the requirements established in Council's Tree Plantations Policy and generally require compliance with the following:

- i) The Code of Practice for Timber Plantations in Western Australia;
- ii) Firebreak Order 1997/1998 (or subsequent variations thereof); and
- iii) The Lower Great Southern Plantation Fire Advisory Committee Guidelines for Plantation Fire Protection (Draft May 1997) or subsequent versions thereof.

POLICY IMPLICATIONS

Council Policy W.07 refers.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no significant environmental issues.
- **Economic**
It could be argued that commercial tree plantations have an adverse economic impact on communities, population reduction etc.
- **Social**
There are no known significant social issues

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Broadhurst

SECONDED: Cr Piper

That the Planning Application to develop a plantation on Lots 2433, 2518, 2626, 2797, 2905 and 3725 Bowelling/McAlinden Road, Boyup Brook, be approved subject to the following conditions:-

1. Compliance with the requirements of the Shire of Boyup Brook Town Planning Scheme No 2.
2. Compliance with the terms and conditions of the 2006 FIFWA Code of Practice for Timber plantations, as amended from time to time, includes providing the Shire with a Harvesting Management Plan, two years prior to harvesting commencing, for Shire consideration and approval.
3. Provision of a minimum manned fast attack fire fighting unit of a standard that complies with the guidelines for plantation fires that is available within (20) minute's response time of this plantation.
4. Annual compliance with the Shire of Boyup Brook Firebreak Order as it relates to plantations.
5. Entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage of roads under the Shire's control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation. The use of any roads for harvesting and product transport to be determined prior to harvesting commencing and approved by the Shire of Boyup Brook.

Carried 6/0

Res 113/08

7.3.6 Request for Planning Consent – Eucalyptus and Sandalwood Plantations

Location:	<i>Lots 2988, 2996 & 3671 - Kulikup</i>
Applicant:	<i>Forrest Products Commission (BD & EE Twigg)</i>
File:	<i>AS6410</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8th July 2008</i>
Author:	<i>Pascoe Durtanovich, Acting CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Location Plan</i>

SUMMARY

An application has been received for approval to establish a commercial tree plantation on Lots 2988, 2996 and 3671 Kulikup. This report recommends approval be granted, with conditions.

BACKGROUND

The project area is 23.8ha. The property is located in the Kulikup area approximately 8kms east of the Kulikup townsite.

The area is zoned for general agriculture. The proposed area is pasture for sheep and cattle grazing plus cereal cropping. There are scattered paddock trees and pockets of natural vegetation.

A location plan is attached. It can be seen from this plan that the access to the plantation areas is via Hendry Road and/or Walshaw Road.

The applicant has provided all the necessary information, including the following:-

- Plantation establishment plan
- Plantation tendering plan
- Fire Management plan
- Timber Harvesting plan

COMMENT

The two main issues with plantations, in respect to impact on the local community is fire management and road safety and maintenance.

The Fire Management required for compliance under the TPS refers to the Fire Management "Guidelines for Plantation Protection" which states:-

"Plantation growers must meet this increased need for firefighting equipment, either by providing the minimum equipment standards or by contributing to community-based equipment through an agreement with the Local Government."

The minimum equipment standard for plantations less than 100ha requires one fast attack unit.

Road contributions are generally assessed prior to harvesting commencing. Standard practice, where a road is suitable and is approved for product transport, is for the proponent to reimburse the costs of repairs or additional maintenance required due to the activity.

It is recommended that the application be approved as it meets the requirements of the Shire of Boyup Brook Town Planning Scheme No 2 and Council Policy.

CONSULTATION

Not applicable

STATUTORY OBLIGATIONS

The property is zoned Rural under the Shire of Boyup Brook TPS No 2 and the use "Plantation" is only permitted with Councils approval. Section 5.18 requires the following:-

"In addition to those requirements detailed in Clause 3.4 of the Scheme, Council shall, when considering Plantations in the "Rural" zone, require the submission of a fire management plan and a plantation management plan prior to determining the application. In addition to those other matters contained Clause 5.2, Council shall, in considering applications for "Plantations" have regard to, the requirements established in Council's Tree Plantations Policy and generally require compliance with the following:

- i) The Code of Practice for Timber Plantations in Western Australia;
- ii) Firebreak Order 1997/1998 (or subsequent variations thereof); and
- iii) The Lower Great Southern Plantation Fire Advisory Committee Guidelines for Plantation Fire Protection (Draft May 1997) or subsequent versions thereof.

POLICY IMPLICATIONS

Council Policy W.07 refers.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
It could be argued that commercial tree plantations have an adverse economic impact on communities, population reduction etc.
- **Social**
There are no known significant social considerations.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Marshall

SECONDED: Cr Muncey

That the Planning Application to develop a plantation on Lots 2988, 2996 & 3671 Kulikup, be approved subject to the following conditions:-

1. Compliance with the requirements of the Shire of Boyup Brook Town Planning Scheme No 2.
2. Compliance with the terms and conditions of the 2006 FIFWA Code of Practice for Timber plantations, as amended from time to time, includes providing the Shire with a Harvesting Management Plan, two years prior to harvesting commencing, for Shire consideration and approval.
3. Provision of a minimum manned fast attack fire fighting unit of a standard that complies with the guidelines for plantation fires that is available within (20) minute's response time of this plantation.
4. Annual compliance with the Shire of Boyup Brook Firebreak Order as it related to plantations.
5. Entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage of roads under the Shire's control, where such damage arises from the use of such roads by heavy vehicles unused in conjunction with the plantation. The use of any roads for harvesting and product transport to be determined prior to harvesting commencing and approved by the Shire of Boyup Brook.

Carried 6/0

Res 114/08

7.3.7

Sale of Timber – Rylington Park

Location:	<i>Rylington Park Farm Mayanup/Tonebridge Road</i>
Applicant:	<i>Rylington Park Management Committee</i>
File:	<i>CR/31/012</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>9th July 2008</i>
Author:	<i>Pascoe Durtanovich – Acting CEO</i>
Authorising Officer:	<i>Not Applicable</i>
Attachments:	<i>Yes – Inventory of Timber</i>

MOVED: Cr Giles	SECONDED: Cr Broadhurst
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 6/0	Res 115/08

MOVED: Cr Giles	SECONDED: Cr Piper
Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.	
CARRIED 6/0	Res 116/08

SUMMARY

The Rylington Park Management Committee has a quantity of timber they wish to sell. This report recommends Council grant approval.

BACKGROUND

Rylington Park farm is owned by the Shire of Boyup Brook and is leased to the Rylington Park Management Committee.

There is a quantity of timber, sourced of farm, following a storm, which is currently stored in sheds on the property. The Committee wish to dispose of the timber to enable the sheds to be used for other activities.

An inventory of the timber is attached.

COMMENT

In respect to disposal of timber the lease, clause 4.9 (G), states “not without the prior written consent of the Lessor to remove or cut any timber from the demised premises”.

It would be appropriate to grant approval for the disposal of the timber however Council should stipulate what is to be done with the proceeds.

Given that there is minimal financial return to ratepayers from this property an option is to direct the resulting funds to a community project. Alternatively Council may wish to direct the funds to a specific project on the property.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

It is debatable whether the timber is a Shire asset. It is not on Council’s asset register however it can also be argued that by virtue of having to grant approval for the disposal, the Shire has some ownership. Either way provided the disposal is an open process, that is, invitation of tenders by the Management Committee, Councils legal obligations would be satisfied.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The timber has not been valued however it could be worth in the vicinity of \$10,000 to \$20,000.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental:**
There are no known significant environmental considerations
- **Economic:**
There are no known significant economic considerations
- **Social:**
There are no known significant social considerations

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:-

1. In accordance with clause 4.9 (G) of the lease between the Shire of Boyup Brook and the Rylington Park Management Committee Council grant approved for the disposal of the timber identified on attachment 7.3.7 subject to the timber been disposed of by public tender, invited by the Rylington Park Management Committee.
2. The proceeds from the sale of the timber be utilized on Rylington Park on a project approved by Council.

COUNCIL DECISION

MOVED: Cr Giles

SECONDED: Cr Piper

That:-

1. In accordance with clause 4.9 (G) of the lease between the Shire of Boyup Brook and the Rylington Park Management Committee Council grant approved for the disposal of the timber identified on attachment 7.3.7 subject to the timber been disposed of by public tender, invited by the Rylington Park Management Committee and the Shire Chief Executive Officer determining tenders.
2. The proceeds from the sale of the timber be utilized on Rylington Park on a project approved by Council.

CARRIED 6/0

Res 117/08

MOVED: Cr Giles

SECONDED: Cr Piper

That the Chief Executive Officer be delegated authority to accept a tender.

CARRIED BY ABSOLUTE MAJORITY 6/0

Res 118/08

7.3.8 Proposal for Cabinet Assembling – No 10 Inglis Street

Location:	<i>Lot 1 Inglis Street</i>
Applicant:	<i>Ty Bancroft</i>
File:	<i>AS770</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8th July 2008</i>
Author:	<i>Pascoe Durtanovich - Acting CEO</i>
Authorising Officer:	<i>not applicable</i>
Attachments:	<i>No</i>

SUMMARY

Council has received an application for approval to conduct cabinet assembly activities at Lot 1 Inglis Street. This report recommends approval be granted, with conditions.

BACKGROUND

Lot 1 Inglis Street is zoned commercial under the Shire of Boyup brook Town Planning Scheme. Buildings on the property consist of shop front, residential accommodation and workshop. The buildings are available for lease.

The proponent, currently residing in the rural area, is seeking to establish his business in town. The shop front will be used to run the administration side of the business and the shed for cabinet assembly. No heavy machinery will be run at anytime. All jobs will be pre cut in Kojonup and assembled in the subject premises, the only machinery to be used is a compressor.

COMMENT

The activity proposed is not specifically covered in the Town Planning Scheme zoning table. The nearest use class is "Shop" which is a "P", permitted use.

The proponent does not wish to occupy the premises indefinitely, therefore approval for twelve months would be appropriate.

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

Town Planning Scheme No 2.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

A high priority action in the Shire of Boyup Brook draft strategic plan is to encourage business development.

SUSTAINABILITY IMPLICATIONS

- **Environmental:**
There are no known significant environmental considerations
- **Economic:**
Additional industry, although small, will add to the economic return of the Shire.
- **Social:**
There are no known significant social considerations

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Marshall

SECONDED: Cr Muncey

That approval be granted for the use of Lot 1 Inglis Street for assembly of cabinet's subject to:-

1. Approval is for a twelve month period.
2. Any signage on the property to be approved by the Chief Executive Officer.

CARRIED 6/0

Res 119/08

MEETING ADJOURNMENT

MOVED: Cr Giles

SECONDED: Cr Piper

That the meeting be adjourned for a 10 minute break.

CARRIED 6/0

Res 120/08

RESUMPTION OF MEETING

MOVED: Cr Broadhurst

SECONDED: Cr Muncey

That the meeting be resumed.

CARRIED 6/0

Res 121/08

7.3.9

Adoption of 2007/08 Budget

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/9/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8th July 2008</i>
Author:	<i>Pascoe Durtanovich, Acting CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Draft Budget</i>

MOVED: Cr Broadhurst	SECONDED: Cr Marshall
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 6/0	Res 122/08

MOVED: Cr Giles	SECONDED: Cr Broadhurst
That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.	
CARRIED 6/0	Res 123/08

SUMMARY

Consideration and adoption of the 2008/09 draft budget.

BACKGROUND

A copy of the 2008/09 draft budget has been provided to Councillors.

The budget has been prepared with due regard to the Plan for the Future/Strategic plan, decisions made by Council during the past twelve months and directions given to staff following informal budget discussions.

COMMENT

As presented the draft budget allows for an overall, average rate increase for GRV (Gross Rental Values) properties and UV (Unimproved Values) of 5.93%.

The majority of rural areas (UV) have increased by 5.07% however this figure is elevated to 5.93% because the substantial increase in Rural Residential (formally Special Rural) valuations. GRV areas have increased by an average of 3.7%.

The minimum rate prepared is \$560 for both UV and GRV, compared to \$525 in 2007/08.

Kerbside waste collection charges are to be increased from \$140 to \$160 per annum.

CONSULTATION

Councillors and senior staff.

STATUTORY OBLIGATIONS

Local Government Act 1995 Local Government (Financial Management) Regulations.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Not applicable

STRATEGIC IMPLICATIONS

Adoption of the budget will enable Council to provide the necessary services and facilities to ratepayers and residents.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
The budget reflects an increase in environmental initiations particularly with the employment of a part time Environmental Officer.
- **Economic**
There are no specific economic development initiatives however expenditure on capital building works and area promotion will achieve economic stimulus.
- **Social**
Maintenance of existing facilities, including roads, playing fields and recreation areas together with new capital works will ensure adequate facilities and services are maintained for the community.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

1. Fees & Charges
That the Schedule of Fees & Charges as per Attachment 1 of the 2008/09 budget papers be adopted.
2. Minimum Rate
That the Minimum Rate for the 2008/09 year be set at \$.
3. Rates in the Dollar
That Council sets the Rates in the dollar for the 2008/09 year as:
 - Gross Rental Value (GRV) Rate – cents
 - Unimproved Value (UV) Rate – cents
4. Kerbside Waste Collection
1 x 240 litre bin per week commercial and residential \$
5. Due Date for Payment of Rates & Charges
That Council in accordance with the Local Government Financial Management Regulations 1996 – Clause 64 (1) set the due date for the single payment of a rate and charges for the 2008/09 financial year to be _____
6. Due Date for Payments of Rate Instalments
That Council in accordance with the Local Government Financial Management Regulations 1996 – Clause 64 (2) set the due date for the payment of rate instalments for the 2008/09 financial year as follows:

First Instalment _____
Second Instalment _____
Third Instalment _____
Fourth Instalment _____
7. Administration Charge on Instalments
That Council in accordance with Section 6.45 (3) of the Local Government Act 1995 and the Local Government Financial Management Regulations 1996 – Clause 67 set an administration charge of \$10 per rate instalment notice for the 2008/09 financial year where the instalment plan is selected.
8. Interest on Rate Instalments
That Council in accordance with Section 6.45 (3) of the Local Government Act 1995 and the Local Government Financial Management Regulations 1996 – Clause 68 sets an additional charge by the way of Interest where the instalment plan is selected, an interest rate of 5.5% for the 2008/09 financial year.
9. Late Payment Interest Charge
That Council in accordance with Section 6.51 (1) of the Local Government Act 1995 and the Local Government Financial Management Regulations 1996 – Clause 70 set an interest rate of 11% for the 2008/09 financial year as penalty interest for the late payment of rates and charges.
10. Reserve Funds
That Council in accordance with Section 6.11 of the Local Government Act 1995 allocate funds to and from the Reserve Funds for the financial year ending June 30, 2009 as specified in the 2007/08 budget document.
11. Trust Fund Budget
That Council adopt the Trust Fund Budget for the financial year ending June 30 2009 as per the budget document.
12. Annual Fees and Allowances for Election Members
That the following Fees and Allowances for Elected Members for 2008/09 be set at:

Presidents Annual Local Government Allowance
Deputy Presidents Annual Local Government Allowance
Presidents Annual Attendance Fee
Councillors Annual Attendance Fee

2007/08 Municipal Fund Budget
That the 2007/08 budget as presented incorporating the Schedule of Fees & Charges; Minimum Rate; Rates in the Dollar; Significant Accounting Policies and Annual Fees and Allowances for Elected Members be adopted.

COUNCIL DECISION

MOVED: Cr Broadhurst

SECONDED: Cr Muncey

1. Fees & Charges
That the Schedule of Fees & Charges as per Attachment 1 of the 2008/09 budget papers be adopted.
2. Minimum Rate
That the Minimum Rate for the 2008/09 year be set at \$560.00
3. Rates in the Dollar
That Council sets the Rates in the dollar for the 2008/09 year as:
 - Gross Rental Value (GRV) Rate – 0.1386 cents
 - Unimproved Value (UV) Rate – 0.004414 cents
4. Kerbside Waste Collection
1 x 240 litre bin per week commercial and residential \$150.00
5. Due Date for Payment of Rates & Charges
That Council in accordance with the Local Government Financial Management Regulations 1996 – Clause 64 (1) set the due date for the single payment of a rate and charges for the 2008/09 financial year to be 5th September 2008.
6. Due Date for Payments of Rate Instalments
That Council in accordance with the Local Government Financial Management Regulations 1996 – Clause 64 (2) set the due date for the payment of rate instalments for the 2008/09 financial year as follows:

First Instalment	5 th September 2008
Second Instalment	7 th November 2008
Third Instalment	9 th January 2009
Fourth Instalment	6 th March 2009
7. Administration Charge on Instalments
That Council in accordance with Section 6.45 (3) of the Local Government Act 1995 and the Local Government Financial Management Regulations 1996 – Clause 67 set an administration charge of \$10 per rate instalment notice for the 2008/09 financial year where the instalment plan is selected.
8. Interest on Rate Instalments
That Council in accordance with Section 6.45 (3) of the Local Government Act 1995 and the Local Government Financial Management Regulations 1996 – Clause 68 sets an additional charge by the way of Interest where the instalment plan is selected, an interest rate of 5.5% for the 2008/09 financial year.
9. Late Payment Interest Charge
That Council in accordance with Section 6.51 (1) of the Local Government Act 1995 and the Local Government Financial Management Regulations 1996 – Clause 70 set an interest rate of 11% for the 2008/09 financial year as penalty interest for the late payment of rates and charges.
10. Reserve Funds
That Council in accordance with Section 6.11 of the Local Government Act 1995 allocate funds to and from the Reserve Funds for the financial year ending June 30, 2009 as specified in the 2008/09 budget document.
11. Trust Fund Budget
That Council adopt the Trust Fund Budget for the financial year ending June 30 2009 as per the budget document.
12. Annual Fees and Allowances for Election Members
That the following Fees and Allowances for Elected Members for 2008/09 be set at:

Presidents Annual Local Government Allowance - \$5,000
Deputy Presidents Annual Local Government Allowance - \$1.250
Presidents Annual Attendance Fee - \$5,000
Councillors Annual Attendance Fee - \$5,000
13. 2008/09 Municipal Fund Budget
That the 2008/09 budget as presented incorporating the Schedule of Fees & Charges; Minimum Rate; Rates in the Dollar; Significant Accounting Policies and Annual Fees and Allowances for Elected Members be adopted.

CARRIED BY ABSOLUTE MAJORITY 6/0

Res 124/08

8 COMMITTEE REPORTS

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

Nil

11 CONFIDENTIAL MATTERS

Nil

12 CLOSURE OF MEETING

There being no further business the Shire President, Cr Roger Downing, thanked Councillors and Staff for there attendance and declared the meeting closed at 5.20pm