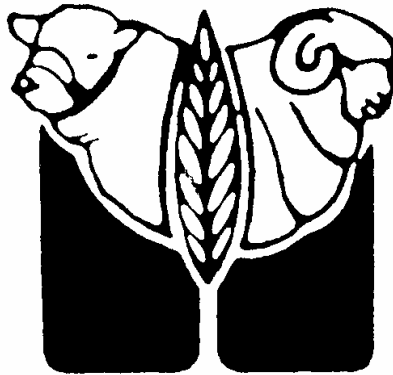


MINUTES



ORDINARY MEETING

HELD ON

THURSDAY, 17 NOVEMBER 2005

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 (departed 6.20pm)
Cr M Martin
Cr K Moir
Cr T Oversby
Cr A Piper

Mr W Pearce – Chief Executive Officer
Mr K Jones – Manager of Finance and Administration
Mr J Eddy – Manager of Works and Services
Mrs G Wallace – Secretary (departed 6.08pm)

Mrs S White (departed 3.59pm)
Mrs C Hales (departed 3.59pm)

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

MOVED: Cr Downing

SECONDED: Cr Piper

That Councillor Marshall be granted leave for the December 2005 Council meeting.

CARRIED 9/0

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

3.30pm Heated Lap Pool - Sue White and Chris Hales (on behalf of the 'Laps' Committee)

Providing an update, as well as seeking support to proceed further with investigations, on the committee's objective to have a 3 lane heated pool established at the Boyup Brook Swimming Pool.

The Laps Committee did a survey last swimming season and received 252 signatures supporting the lap pool. The Lap Committee wish to investigate quotes and sourcing funds for this project and wish to have approval from Council and the use of the CEDO and to liaise with the Recreation and Leisure Committee.

The Shire President thanked Mrs S White and Mrs C Hales for their presentation who then departed the Chambers, the time being 3.59pm.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 Minutes of the Ordinary Meeting of the Council held on 20 October 2005.

MOVED: Cr Oversby

SECONDED: Cr Broadhurst

That the minutes of the previous Ordinary Meeting of the Council held on 20 October 2005 be confirmed as an accurate record subject to the following changes:-

- **After the recorded voting for item 7.2.2 on page 19, insert the words 'Mr A Moyes, Mr D Hindle and Mr D Barron departed the Chambers, the time being 5.32pm.'**
- **That the words 'Cr Ginnane returned to the Chambers and resumed the chair, the time being 6.40pm' be placed immediately prior to the motion on page 25.**

CARRIED 9/0

6 PRESIDENTIAL COMMUNICATIONS

Nil

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>03 November 2005</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>PA/37/001</i>
<i>Appendices:</i>	<i>1.1 - Minutes</i>

BACKGROUND:

A Townscape Advisory Committee meeting was held on 26 October 2005.

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

MOVED: Cr Marshall

SECONDED: Cr Downing

That the:-

1. minutes of the Townscape Advisory Committee held on the 26 October 2005, be received;
2. 2006 'Tidy Towns' project not be progressed at present, but considered at a later date when time and staffing considerations allow.

MOVED: Cr Broadhurst

SECONDED: Cr Oversby

That the Country Music Club 'Tall man' be relocated to the existing garden bed situated on the north side of the junction of Jackson and Beatty Streets. Placement to occur at the discretion of the Manager of Works and at no cost to Council.

MOVED: Cr Marshall

SECONDED: Cr Broadhurst

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

CARRIED 9/0

Cr Moir departed the Chambers, the time being 4.10pm.

Cr Moir returned to the Chambers, the time being 4.11pm.

MOVED: Cr Broadhurst

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

The "Tall man" motion was withdrawn with the acquiescence of the mover and seconder.

MOVED: Cr Marshall

SECONDED: Cr Piper

That the Country Music Club 'Tall man' be considered by the Townscape Committee for potential relocation to the existing garden bed situated on the north side of the junction of Jackson and Beatty Streets. Placement to occur at the discretion of the Manager of Works and at no cost to Council.

CARRIED 9/0

7.2 DEVELOPMENT AND COMMUNITY SERVICES

The Chief Executive Officer declared a financial interest in the following item, the time being 4.14pm.

7.2.1 Senior Employee Housing – Purchase of 1 Rogers Avenue and Consideration of New Residence on Lot 16 Rogers Avenue

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>Lot 16 Rogers Avenue, Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>6 October 2005</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>AS206</i>
<i>Appendices:</i>	<i>-</i>

BACKGROUND:

The Council has allocated funding in its 2005/06 Budget to provide a new residence for a senior employee.

At its September 2005 meeting, the Council resolved that the Development Services Committee:-

- 1. considers the plan as presented for the proposed construction of a new senior employee residence at Lot 16 Rogers Avenue, Boyup Brook;*
- 2. makes a recommendation on the proposal at the Council's October 2005 meeting.'*

The Development Services Committee at its meeting held on 10 October 2005 recommended that the issue be laid on the table and Councillors requested to view lot 16 Rogers Avenue and lot 17 Knapp Street at 12.45pm 20 October 2005.

The Council is requested to provide direction on this project.

At its October 2005 meeting, the Council also resolved:-

'That the Council delegate authority to the Chief Executive Officer to offer on behalf of the Council to purchase 1 Rogers Avenue, Boyup Brook, subject to Council approval'.

The CEO has negotiated with the owner's agent for the purchase of 1 Rogers Avenue.

DETAIL:

The Shire of Boyup Brook has provided housing as an incentive to attract senior employees to the district over the years.

Residences have been provided to the CEO since at least 1988, Deputy CEO from 1987 - 2002 and Manager of Works from 1997 – 2004 as a benefit in employment packages.

The Chief Executive Officer, Manager of Finance Administration and Manager of Works and Services are currently 'senior employees' with the Council.

The Chief Executive Officer is provided with a shire residence at 3 Rogers Avenue.

The Manager of Finance and Administration (MFA) recently moved in to shire owned 6 Nix Street. This property was a former Government Employee Housing Authority (GEHA) residence constructed as a joint venture with the shire in 1971. The residence can at best be described as 'average' accommodation and would not be an incentive to attract senior employees in the future.

The Manager of Works and Services currently resides in a private residence. He was however residing in shire owned 5 Rogers Avenue until early 2004 which is now used to accommodate the General Practitioner.

The Shire up to early 2002 provided dedicated housing for three Senior Employees at 3 and 5 Rogers Avenue and 5 Purse Terrace. This latter asset was sold in 2002 and funds placed in the Council's 'Commercial' reserve.

The Council did recently request that 1 Rogers Avenue, which is currently on the market for \$230,000, be investigated for potential purchase. The owner does advise however that there is a GEHA lease on the property expiring in April 2008.

The Chief Executive Officer, as presented last month, took the liberty in preparing a draft plan for a new residence to be located at Lot 16 Rogers Avenue. There is the likelihood that in the current building climate the house will cost in excess of \$220,000.

A revised floor plan reducing the area by approximately 40 square metres and replacing the garage with a carport will realise significant savings.

The shire also owns lot 17 Knapp Street and lot 306 Proctor Street should it wish to consider other locations.

COMMENT:

The CEO seeks input from the Council on the proposal to provide a new staff residence.

The Council has however only budgeted for one residence in the current financial year.

Should 1 Rogers Avenue be purchased prior to December 2005, the Council would need to pay six months (\$8,000) of loan repayments that has not been budgeted in 2005/06 unless the Council decides not to construct a new residence.

The owner of 1 Rogers Avenue has accepted an offer of \$200,000 from the CEO on behalf of the Council, subject to Council approval.

If this is Council's preferred option it will need to resolve:-

That BY AN ABSOLUTE MAJORITY 1 Rogers Avenue, Boyup Brook is purchased from Mrs B Miller for \$200,000 (plus unbudgeted sundry costs and stamp duty of up to approximately \$10,000), subject to the 2005/06 Budget being amended as follows:-

- page 44 'Loan no. 114' to reflect the final cost inclusive of all expenses and be amended to replace the number '2 ' with '1' in front of 'Rogers Avenue'.

A new loan to purchase 1 Rogers Avenue, in addition to constructing a new house as budgeted, could still be funded by the Council by approving the loan repayment from the Commercial Reserve (anticipated balance at 30 June 2006 of \$165,695).

Instead of building/purchasing housing, the Council may wish to consider alternative options when offering accommodation incentives to attract senior employees. The employee would of course need to find his/her own accommodation. Incentives could include offering either a -

1. rental subsidy, for example a 50% contribution with a ceiling; or
2. higher salary.

These may turn out to be less expensive options for the Council. There will be a risk due to the potential lack of and/or quality of available private stock at the time of engaging new employees in the future.

The Council alternatively may wish to only consider the provision of a second new house if and when the matter arises.

It was previously suggested that the Council approves the construction of a new residence at Lot 16 Rogers Avenue, Boyup Brook in accordance with the general plan as presented and amended by reducing the area by approximately 40 square metres and replacing the garage with a carport.

MOVED: Cr Downing

SECONDED: Cr Piper

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

CARRIED 9/0

MOVED: Cr Martin

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 9/0

MOVED: Cr Marshall

SECONDED: Cr Downing

That Council authorize the CEO to purchase on behalf of the Council 1 Rogers Avenue, Boyup Brook for \$200,500 plus unbudgeted sundry costs and stamp duty to the value of \$10,000 with the loan amount to be approved at the February 2006 Council meeting.

Amendment

MOVED: Cr Martin

SECONDED: Cr Florey

After the figure of '\$10,000' add the words ', subject to receipt of a satisfactory structural engineer's report,'.

CARRIED 7/2

The above motion was then put and carried.

MOVED: Cr Martin

SECONDED: Cr Florey

That Council authorize the CEO to purchase on behalf of the Council 1 Rogers Avenue, Boyup Brook for \$200,500 plus unbudgeted sundry costs and stamp duty to the value of \$10,000, receipt of a satisfactory structural engineer's report, with the loan amount to be approved at the February 2006 Council meeting.

CARRIED 9/0

MOVED: Cr Moir

SECONDED: Cr Oversby

That the meeting be adjourned for an afternoon tea break, the time being 4.40pm.

CARRIED 9/0

MOVED: Cr Moir

SECONDED: Cr Oversby

That the meeting resume, the time being 4.58pm.

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
Mrs G Wallace – Minute Secretary

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>09 November 2005</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>IM/37/004</i>
<i>Appendices:</i>	<i>1.2 - Minutes</i>

BACKGROUND:

Meetings of the Youth Advisory Committee were held on 13 September, 11, 18 & 25 October 2005.

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

MOVED: Cr Moir

SECONDED: Cr Broadhurst

That the minutes of the Youth Advisory Committee on 13 September, 11, 18 & 25 October 2005 be received.

CARRIED 9/0

7.2.3 Economic Development Committee Minutes

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>10 November 2005</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>GO/37/005</i>
<i>Appendices:</i>	<i>1.3 Minutes</i>

BACKGROUND:

A meeting of the Economic Development Committee was held on the 03 November 2005.

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

MOVED: Cr Moir

SECONDED: Cr Broadhurst

That the minutes of the Economic Development Committee Meeting held on 03 November 2005, be received.

CARRIED 9/0

MOVED: Cr Marshall

SECONDED: Cr Martin

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

CARRIED 9/0

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 Downing

SECONDED: Cr Oversby

That the Council authorise the Chief Executive Officer to investigate and cost the possibility of relocating, refurbishing and developing to a suitable standard the three railway carriages from their present position at the railway station area to the Flaxmill Caravan Park for use as short term accommodation.

Amendment

MOVED: Cr Florey

SECONDED: Cr Oversby

Remove the words 'relocating, refurbishing and developing to a suitable standard the three railway carriages from their present position at the railway station area to the Flaxmill Caravan Park' and add the words 'be referred to the Recreation and Leisure Committee for consideration'.

LOST 3/6

Amendment

MOVED: Cr Moir

SECONDED: Cr Brodhurst

Remove the words 'investigate and cost the possibility' and add the words 'being funded from the Commercial Reserve' after 'accommodation'.

LOST 4/5

MOVED: Cr Florey

SECONDED: Cr Piper

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

CARRIED 9/0

MOVED: Cr Broadhurst

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

Amendment

MOVED: Cr Florey

SECONDED: Cr Martin

Add the words 'with his best endeavours' after 'Officer' and the words 'for consideration at the December 2005 Council meeting' after 'accommodation'.

CARRIED 9/0

The above motion was then put and carried.

MOVED: Cr Florey

SECONDED: Cr Martin

That the Council authorize the Chief Executive Officer with his best endeavours to investigate and cost the possibility of relocating, refurbishing and developing to a suitable standard the three railway carriages from their present position at the railway station area to the Flaxmill

Caravan Park for use as short term accommodation for consideration at the December 2005 Council meeting.

CARRIED 9/0

Cr Marshall departed the Chambers, the time being 5.47pm.

MOVED: Cr Marshall

SECONDED: Cr Broadhurst

That Council directs the Chief Executive Officer to liaise with Tourism WA with regards to placing the 'Flax Mill' on the Tourism WA Landbank register.

CARRIED 8/0

Cr Marshall returned to the Chambers, the time being 5.49pm.

7.2.4 Recreation & Leisure 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>09 November 2005</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>RE/37/001</i>
<i>Appendices:</i>	<i>1.4 Minutes</i>

BACKGROUND:

A meeting of the Recreation & Leisure Advisory Committee was held on the 08 November 2005.

Minutes of the meeting are laid on the table and circulated (refer to appendix 1.4).

MOVED: Cr Martin

SECONDED: Cr Moir

That the minutes of the Recreation & Leisure Advisory Committee held on 08 November 2005, be received.

CARRIED 9/0

MOVED: Cr Downing

SECONDED: Cr Martin

That the minutes of the Recreation & Leisure Advisory Committee held on 15 November 2005, be received.

CARRIED 9/0

Cr Piper and Cr Moir declared an impartiality interest in the following item due to their family involvement in the Basketball Association.

MOVED: Cr Florey

SECONDED: Cr Broadhurst

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

CARRIED 9/0

Cr Moir departed the Chambers, the time being 5.52pm.

Cr Marshall departed the Chambers, the time being 5.55pm

Cr Marshall returned to the Chambers, the time being 5.57pm.

Cr Marshall and Cr Piper departed the Chambers, the time being 5.58pm.

Cr Marshall returned to the Chambers, the time being 5.59pm.

Cr Piper returned to the Chambers, the time being 6.01pm.

MOVED: Cr Broadhurst

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 Martin

SECONDED: Cr Florey

That the approval be given to construct the proposed 6m x 6m colorbond shed, walls and roof to be colorbond, on site at the basketball/netball courts subject to:

- 1 further additions requiring Council approval;**
- 2 should plans for a central sporting facility near the hockey ground/basketball court precinct, be approved by the Shire at some future date, this shed be sold and removed and the sale proceeds be used in the provision of the new facility;**
- 3 it being built at the expense of the Basketball and Netball clubs;**
- 4 a building license being issued.**

CARRIED 8/0

Cr Florey departed the Chambers, the time being 6.07pm.

Cr Moir returned to the Chambers, the time being 6.08pm.

Mrs G Wallace departed the Chambers, the time being 6.08pm.

Cr Florey returned to the Chambers, the time being 6.09pm.

7.2.5 Audit Committee Minutes

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>16 November 2005</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>FM/37/001</i>
<i>Appendices:</i>	<i>Minutes - attached</i>

BACKGROUND:

An Audit Committee meeting was held on 15 November 2005.

Minutes of the meeting are laid on the table and circulated (see attached).

MOVED: Cr Martin

SECONDED: Cr Downing

That the:-

1. minutes of the Audit Committee held on the 15 November 2005, be received;
2. Council approve by an Absolute Majority the:-
 - a) purchase of one (1) new Isuzu FVZ 1400 diesel tip truck from Jem Truck Sales for the tendered price of one hundred and thirty seven thousand and twenty three dollars seventy cents (\$137,023.70) inc. GST;
 - b) over budget amount of five thousand nine hundred and sixty seven dollars (\$5,967) exc GST be funded from the Plant Reserve.

CARRIED 9/0

7.3 CORPORATE SERVICES

7.3.1 Accounts for Payment and Financial Status

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Keith Jones
Date Report Written: 16 November 2005
Enabling Legislation: Local Government Act 1995
File: FM/10/003
Appendices: 1.5 – Payments - 1.6 - Statement

BACKGROUND:

A monthly financial report is presented for consideration.

Attached is monthly statement of financial activity for the period 1 July - 30 September 2005 (see Appendix 1.6).

DETAIL:

The accounts for payment up to 11 November 2005 are attached (see Appendix 1.5).

The Account Balances for the various accounts as at 31 October 2005 are:-

- Municipal Account \$ 92,448.31
- Shire Clerk Advance \$ 1,695.36
- Shire Medical Account \$ 60,688.89
- Trust Account \$ 30,177.59

Investments secured with the Commonwealth Bank maturing **31 November 2005** are:-

- Reserves Account Term Deposit \$ 796,691.38 @ 5.35%
- Investment \$ 500,000.00 @ 5.35%

As at 11 November 2005 \$ 398,286.65 in rates was outstanding.

As at 11 November 2005 Sundry Debtors was \$ 65,967.63 and Sundry Creditors was nil.

Cheque List Changes

Regional Bridging - Tone River Bridge	\$ 32,000.00	Cancel Chq #14403
Affordable Rammed Earth-Footpath Abels St	\$ 6,600.00	Direct Debit
Regional Bridging – Tone River Bridge	\$117,127.63	Direct Debit
Arcadia Hotel – H Lloyd Training Acc	\$ 638.00	Direct Debit
Police Licensing	\$ 4,576.40	Direct Debit
Wages	\$ 36,428.11	Direct Debit
Wage Deductions	\$ 8,827.48	Direct Debit
Fesa October Payment	\$ 1,133.26	Direct Debit
Boyup Brook Junior Motor Cross & BMX Club -Donation	\$ 3,000.00	Chq # 14435
Boyup Brook Concrete - Footpath Abels St	\$ 7,480.00	Chq # 14429
Blackwood Building Services- Swimming Pool	\$ 1,405.25	Chq # 14257
Hegney Property Valuations-1 Short St Valuation	\$ 550.00	Chq # 14434
Boyup Brook Plumbing – Tennis Club	\$ 246.00	Chq # 14430
Earthwest - Materials	\$ 61.40	Chq # 14432
Canning’s Trademart – Plants	\$ 995.61	Chq # 14431
Coates – Hire of Roller	\$ 5,817.88	Chq # 14433
Department of Planning & Infrastructure - License	\$ 275.45	Chq # 2028

MOVED: Cr Downing

SECONDED: Cr Oversby

That the accounts as presented totaling \$557,863.18

1 cheque voucher numbers 14344-14428, 14257, 14429-14435 be approved for payment;

2 paid by-

- a) direct electronic payments through the Municipal Account;**
- b) cheque voucher numbers 2020-2028 paid through the Chief Executive Officer’s Advance Account;**

be endorsed.

CARRIED 9/0

7.3.2 Warren Blackwood Economic Alliance Minutes

<i>Proponent:</i>	<i>Warren Blackwood Economic Alliance</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>03 November 2005</i>
<i>Enabling Legislation:</i>	<i>-</i>
<i>File:</i>	<i>GR/31/006</i>
<i>Appendices:</i>	<i>1.7 - Minutes</i>

BACKGROUND:

A meeting of the Warren Blackwood Economic Alliance was held on 24 October 2005.

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

MOVED: Cr Ginnane

SECONDED: Cr Marshall

That the minutes of the Warren Blackwood Economic Alliance held on 24 October 2005 be received.

CARRIED 9/0

7.3.3 January 2006 Council Meeting

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Will Pearce
Date Report Written: 08 November 2004
Enabling Legislation: Local Government Act 1995
File: GO/37/001
Appendices: -

BACKGROUND:

Council business is historically quiet over the Christmas period and month of January.

The proposed January Council meetings for 2003, 2004 and 2005 were cancelled with minimal impact on shire operations.

The Council is now requested to consider canceling its January 2006 meeting (which will fall on the 19th).

DETAIL:

The 'Council Meeting Dates' policy states that it will meet 'on the third Thursday of each month unless resolved otherwise'.

However, it is prudent to consider the issue now to provide the wider community with sufficient notice should the Council cancel its January 2006 meeting.

COMMENT:

The Local Government Act section 5.3 (2) states that ordinary meetings are to be held not more than three months apart.

Canceling this meeting would not contravene the act.

MOVED: Cr Oversby

SECONDED: Cr Marshall

That the Council does not hold a monthly meeting in January 2006.

CARRIED 6/3

7.3.4 2006 Citizen, Sportsperson & Youth of the Year Award

Proponent: Shire of Boyup Brook
Location: -

Reporting Officer: Will Pearce
Date Report Written: 08 November 2004
Enabling Legislation: Local Government Act 1995
File: CR/25/004
Appendices: -

BACKGROUND:

Nominations closed for the annual awards on 26 November 2005.

It is now necessary to appoint elected members to the selection panel.

DETAIL:

The Council's 'Annual Awards – Process' policy states:-

'Objective

To determine guidelines for awarding distinguished performance and/or positive contributions to the community by residents.

Statement

The Council will invite nominations marked confidential for the following Awards annually:-

- *Citizen of the Year*
- *Young Achiever of the Year*
- *Sports Person of the Year*

The selection panel shall comprise of four (4) Councillors and Chief Executive Officer. The following selection criteria shall be used by the selection panel to determine the most suitable nominee:-

Citizen of the Year

- *a resident who has achieved the most distinguished performance and/or made the most positive contribution to the community, during the preceding year*
- *a resident who has achieved and/or contributed to the community consistently over a period of years.*

Young Achiever of the Year

- *a resident no older than 25 years of age on 26 January, who has achieved the most distinguished performance and/or made the most positive contribution to the community, during the preceding year*
- *a resident no older than 25 years of age on 26 January who has achieved and/or contributed to the community consistently over a period of years.*

Sports Person of the Year

- *a resident which/who has achieved the most distinguished performance during the year. Performance may include active participation, coaching, promotion and/or leadership and sportsmanship*
- *resident which/who has achieved the most distinguished performance during the year. Performance may include active participation, coaching, promotion and/or leadership and sportsmanship consistently over a period of years.*

General

The successful nominee(s), if any, shall be announced and presented with a certificate and appropriate gift with a value of no more than \$100, at the Australia Day Breakfast function hosted annually by the Council.

Nominations must be made by 4.00pm on the last Friday of November of each year. The winners shall be announced at the December Council meeting to ensure that the winner will be provided with the opportunity to attend the Australia Day celebrations.'

COMMENT:

In 2005, the Council chose not to prevail with the last statement of the policy instead keeping the winners' names confidential until Australia Day.

If this continues to be the wish of the Council, it is strongly suggested that it removes the words '*December Council meeting to ensure that the winner will be provided with the opportunity to attend the*' from the last statement of the policy.

It is suggested that the:-

1. panel to select the 2005 Citizen, Sportsperson and Youth of the Year awards consist of Crs _____, _____, _____ and _____ and the Chief Executive Officer;
2. words '*December Council meeting to ensure that the winner will be provided with the opportunity to attend the*' be removed from the last statement of the 'Annual Awards – Process' policy.

MOVED: Cr Martin

SECONDED: Cr Piper

That the:-

1. **panel to select the 2006 Citizen, Sportsperson and Youth of the Year awards consist of Crs Ginnane, Oversby, Downing and Piper and the Chief Executive Officer;**
2. **words 'December Council meeting to ensure that the winner will be provided with the opportunity to attend the' be removed form the last statement of the 'Annual Awards – Process' policy.**

CARRIED 9/0

Cr Marshall departed the Chambers, the time being 6.29pm.

MOVED: Cr Downing

SECONDED: Cr Oversby

That the selection panel for the 2006 Citizenship, Youth and Sportsperson Awards also consider the unsuccessful 2005 nominations for these awards.

CARRIED 6/2

Cr Ginnane requested that the vote of all Councillors be recorded.

For
Cr Downing
Cr Broadhurst
Cr Martin
Cr Moir

Against
Cr Ginnane
Cr Florey

Cr Oversby
Cr Piper

7.3.5 1 Short Street, Boyup Brook - Proposal to Dispose of Land

Proponent: T Fried & Australian Transit Group (ATG)
Location: 1 Short Street, Boyup Brook
Reporting Officer: Will Pearce
Date Report Written: 13 October 2005
Enabling Legislation: Local Government Act 1995
File: AS1
Appendices: 1.8 - letter

BACKGROUND:

Expressions of interest to purchase shire owned lot 1 Short Street, Boyup Brook from two separate parties were presented to the Council in October 2005.

At its October 2005 meeting, the Council resolved:-

That the Council:-

1. *receives the expressions of interest from T Fried and Australian Transit Group to purchase 1 Short Street, Boyup Brook;*
2. *delegates the CEO to seek an independent valuation of 1 Short Street for consideration at the November 2005 meeting.'*

It is requested that the Council consider the valuation and the offers.

DETAIL:

1 Short Street is currently is being rented for housing through Western Districts Realty for \$100 per week to Ms T Fried.

The house is 40 year old weatherboard 3 bedroom residence.

The lot has an area of 5,000m² and is zoned 'Light Industrial' (see plan attached – appendix 1.10).

Expressions were received from-

- Ms Fried who did not nominate a purchase price but wishes to use the property as a residential proerty;
- Mr M Baulch of Australian Transit Group requested the Council to sell the property for \$100,000 interest free and paid over 10 years. Mr Baulch has since purchased a commercial property in town for his business and no longer has an interest in 1 Short Street.

Section 3.58 of the Local Government Act states:-

"3.58. Disposing of property

(1) In this section -

“**dispose**” includes to sell, lease, or otherwise dispose of, whether absolutely or not;

“**property**” includes the whole or any part of the interest in local government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

- (3) A local government can dispose of property other than under subsection (2) if,
 - before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned;
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.”

- (4) The details of the proposed disposition that are required by subsection (3)(a)(ii) include -
 - (a) the name of all other parties concerned;
 - (b) consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

COMMENT:

Valuation of the property was not available at the time of preparing this report. It will be available for the meeting.

Should the Council wish to sell the lot, it will be required to do so by delegating authority to the CEO to either auction, tender or advertise the sale of the land following the processes outlined in the Sec 3.58 (2) and/or (3) of the Local Government Act 1995.

Council may wish to sell the land with or without conditions outright to Ms Fried. To do so will require delegating authority to the CEO to negotiate a priced and then advertising the proposal under Sec. 3.58(3)(a) of the Act prior to formal approval/rejection by the Council.

The property is a quite a significant asset due to its industrial zoning. It also has a house on it which could be a caretaker’s residence if the land is ever developed or utilized for a business.

Another option would be to refer the matter to the Economic Development Committee to consider the best use of this ‘light industrial’ block, especially in light of current shortages of this type of land in the district.

It is suggested that the Council consider the recommendation above.

MOVED: Cr Downing

SECONDED: Cr Broadhurst

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

CARRIED 8/0

MOVED: Cr Oversby

SECONDED: Cr 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 Martin

SECONDED: Cr Moir

That the Council:-

- 1. receives the valuation of 1 Short Street, Boyup Brook of \$150,000 from Hegney Valuations;**
- 2. Delegates authority to the CEO to advertise the disposal of the property by tender pursuant to section 3.58 of the Local Government Act 1995.**

Amendment

MOVED: Cr Moir

SECONDED: Cr Downing

Add the words 'subject to the property being used for light industrial purposes' after '1995'.

CARRIED 6/2

The above motion was then put and carried.

MOVED: Cr Moir

SECONDED: Cr Downing

That the Council:-

- 1. receives the valuation of 1 Short Street, Boyup Brook from Hegney Valuations of \$150,000;**
- 2. Delegates authority to the CEO to advertise the disposal of the property by tender pursuant to section 3.58 of the Local Government Act 1995 subject to the property being used for light industrial purposes.**

CARRIED 6/2

8 PETITIONS AND MEMORIALS

Nil

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

10.1 Addition to 'Naming New Roads' Policy – 'Hales'

A letter was received from the Hales family requesting that the name 'Hales' be considered for a road name in the Shire.

MOVED: Cr Oversby

SECONDED: Cr Broadhurst

That the:-

1. name of 'Hales' be placed in the Naming New Roads' Policy as the highest priority;
2. Chief Executive Officer investigates the history of the naming of 'Aegers Bridge Road'.

CARRIED 8/0

10.2 Lot 2 Chapman Road, McAlinden – Proposed Advertising of Farming Chalets

MOVED: Cr Moir

SECONDED: Cr Broadhurst

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

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

CARRIED 8/0

11 CLOSURE OF MEETING

There being no further business the Chairman declared the meeting closed at 7.13pm.

These Minutes and Schedule of Accounts were confirmed by the Council at the Council Meeting held on the 15 December 2005.

Cr Terry Ginnane, Shire President