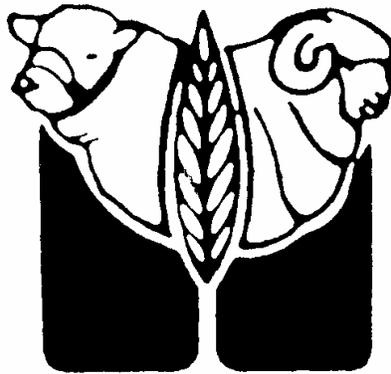


# MINUTES



ORDINARY MEETING

HELD

THURSDAY, 18 DECEMBER 2008

COMMENCED AT 4:15PM

AT

SHIRE OF BOYUP BROOK CHAMBERS  
ABEL STREET – BOYUP BROOK

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

**1.1 Attendance**

Cr R Downing – Shire President  
Cr P Marshall – Deputy Shire President  
Cr S Broadhurst  
Cr E Muncey  
Cr M Giles  
Cr B O’Hare  
Cr K Lamshed  
Cr T Ginnane

STAFF: Mr Alan Lamb (Chief Executive Officer)  
Mr Keith Jones (Manager of Finance)  
Mr John Eddy (Manager of Works and Services)

PUBLIC: Mr Alex Poulton (Arrived 4:31pm)  
Mr Peter Burns (Arrived 4:31pm)  
Ms Laura Burns (Arrived 4:31pm)  
Ms Audrey Hales (Arrived 4:31pm)  
Ms Lyn Mann (Arrived 4:31pm)  
Ms Marie Blackburn (Arrived 4:31pm)  
Ms Carmelita Dyer (Arrived 4:31pm)  
Ms Liz Parker (Arrived 4:31pm)  
Ms Genene Lloyd (Arrived 4:31pm)  
Ms Anne Beadle (Arrived 4:31pm)  
Ms Bev Coumbe (Arrived 4:31pm)  
Ms Sue White (Arrived 4:31pm)

**1.2 Apologies**

Cr A Piper

**1.3 Leave of Absence**

Nil

**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**

**4.1 Cr Broadhurst – Warren Blackwood Strategic Alliance Report**

**THE WARREN BLACKWOOD TRAIL BASED RECREATION PROJECT**

**Project Overview:**

This project seeks to enhance recreational opportunities for walkers, cyclists/mountain bikers, canoeists and horse riders in the Warren Blackwood region by providing quality information and marketing of existing facilities. Additionally, the project will consider facilitating the upgrading and building of new recreational trails. The overarching goal of the project is to build upon and augment features such as the Bibbulmun and Munda Bididi tracks to elevate our region to state, national and international status for enthusiasts of these activities.

Outcomes from this project include broadening and consolidating related businesses, injecting money into the local economy, developing opportunities for regional youth and marketing the region in a fashion that utilises our natural advantages of extensive forests, quality river systems, a relatively pristine environment and a mild climate. In other words, the project will maximise our exposure and present our region as a wonderful place to visit and potentially to live. It is anticipated that the region will become renown as “the place to go” for any trail based activity including tours and family holidays.

**Stage 1:**

A community body will be formed to drive the project consisting of representatives of the shires of Nannup, Bridgetown-Greenbushes, Boyup Brook, Manjimup and possibly Donnybrook-Balingup. Information will be gathered on existing guides and signposting materials, initially focussing on the Blackwood River valley. Consultant/cartographic services will be employed in conjunction with local resources to have guide maps published and made available regionally and at appropriate tourist service centres. Where appropriate, signboards will be placed advising details of regional trails.

**Stage 2:**

Opportunities identified in Stage 1 above to improve or upgrade existing recreational facilities are determined, costings produced, extra funding sought and construction undertaken. Concurrently, the feasibility of a marketing program incorporating television promotion will be undertaken and, subject to funding, be implemented possibly utilising local media production services (for example –Rosie Glow Pictures).

**Funding Sources:**

All shires participating, The South West Development Commission, The Warren Blackwood Strategic Alliance, State and Federal Government grants, DEC (perhaps providing a project officer), Dept of Sports & Recreation, WA Tourism and other local groups.

## **5 CONFIRMATION OF MINUTES**

**Ordinary Council Meeting 20 November 2008.**

<b>COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 5.1</b>
---

**MOVED: Cr Broadhurst**

**SECONDED: Cr Marshall**

**That the minutes of the Ordinary Meeting of Council held on Thursday 20 November 2008, be confirmed as an accurate record.**

**CARRIED 8/0**

**Res 227/08**

## **6 PRESIDENTIAL COMMUNICATIONS**

27 Nov Presented Awards at Volunteer Recognition Function

16 Dec Represented Shire Council at High School Graduation Ball  
Presented award for Best All Round Achievement in Yr 10

8 to 11 Dec Attended and participated in the ALGA National General Assembly in Melbourne, which was the Local Government Constitutional Summit.

With more than 600 Local Government representatives from all parts of Australia there was some robust debate and plenty of ideas and suggestions. The summit was addressed by four experts on the Australian Constitution who gave a wide range of opinions, and informed us of the benefits and challenges as well as the intricacies of the task of having Local Government included in the Constitution.

A copy of the final resolution of the Summit which was passed by an overwhelming majority of delegates, is with your Council papers. There is also a copy of the Summit Declaration, this being passed unanimously by the delegates as a statement of the outcomes of the Summit.

I would like to give special recognition to the Councillors who deputised for my official duties while I was attending this Summit and the inaugural meeting of the Australian Council of Local Government.

## **7 REPORTS OF OFFICERS**

<b>COUNCIL DECISION</b>
-------------------------

**MOVED: Cr Broadhurst**

**SECONDED: Cr Marshall**

**That the order of business in the agenda be changed to allow Item 7.3.2 to be brought forward and dealt with at this time.**

**CARRIED 8/0**

**Res 228/08**

### 7.3 CHIEF EXECUTIVE OFFICER

#### 7.3.2 Swimming Pool – Lap Pool

**Location:**

**Applicant:**

*Boyup Brook Swimming Club/Business Horizons*

**File:**

**Disclosure of Officer Interest:**

*Nil*

**Date:**

*11 December 2008*

**Author:**

*Alan Lamb – Chief Executive Officer*

**Authorizing Officer:**

*Not Applicable*

**Attachments:**

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#### **SUMMARY**

Business Horizons, on behalf of the Boyup Brook Swimming Club (BBSC), seeks confirmation of Council's in principal commitment to Strategic Plan item 601, ref202, a three lane heated pool, what this support might be contingent on and Council to sponsor administration of the feasibility study.

#### **BACKGROUND**

BBSC fundraised to employ a consultant to do a feasibility study on a heated multi purpose therapeutic swimming pool at the swimming pool complex. They engaged Business Horizons (BU) to undertake the study and BU recommended to BBSC that it should establish the level of commitment, or otherwise, that Council has to the project before the study begins and they spend any more funds.

Mr David Winter from BU and Susan White from BBSC met with the Deputy Shire President and the Chief Executive Officer in the Council Chambers 19 November, 2008. Mr Winter stressed that there may be little point in the feasibility study being conducted if Council did not support the idea of the pool. Mr Winter requested that Council:

1. Confirm its in principal commitment to Strategic Plan item 601, ref 202 – Installation of a 3-lane heated pool at the swimming pool complex by October 2010.
2. Subject to acceptance of 1 above, list what its support is contingent on
3. Sponsor the administration of the feasibility study contact on behalf of the BBSC, given its leadership in the community and its ownership of the Swimming Pool Complex.

Council's strategic plan contains the following actions in relation to the swimming pool facility under Action Plan No 6.5. The Critical success factor for 6.5 is:

"Establish sound management practices and a structure which will enable the delivery of the Strategic Plan"

The action title (brief description) is;

"Review required Council services and service delivery (managerial priorities) of current and future strategic major works"

Action Plan 6.5 is split into two parts and each has an assigned priority. Part A is "present and ongoing" and Part B is "For future consideration".

Action Plan 6.5, 202 is in Part A, is assigned a "Medium" priority, the estimated cost is "Officer Time" and the action is as follows: "Investigate usage and possible development of the Shire's swimming complex". The target date is June 2010, the reason is "its present usage and possible facilities may benefit the community", and the expected outcome is "improved facilities".

Action Plan 6.5, 601 is in Part B, is assigned a "Low" priority, the estimated cost is \$500,000 and the action is as follows:  
"Installation of a 3-lane heated lap pool at the swimming complex"

### **COMMENT**

It is clear when reading the Strategic Plan that Action Plan 6.5, 202 is something Council intended should be done and that Action Plan 6.5, 601 was something that would be looked at later and not necessarily done (ie it is under Part B which contains actions that are "for future consideration"). It is suggested that aspects of the plan are confusing and may create expectations beyond what was originally intended. It has been noted by Council that the plan possibly requires more work to make it user friendly and this process is underway.

The BBSC's consultant has noted that there is no point in continuing on with the feasibility study if there is no support from Council for the lap pool. On behalf of the club he has asked that Council clarify its position which, in effect, brings forward Action Plan 6.5, 601 and so it is suggested that Council deals with this action now.

There is obviously a level of support in the community for the lap pool and the club has raised significant funds to enable it to engage the consultant to do the feasibility study and it has been suggested that there is sufficient support to raise more funding for construction etc.

It is noted that, like the majority of municipal swimming pool facilities, the current facility is not self funding. Many Council services are in a similar position (ie the library service, health services, ranger services etc) and so some may see the pool as just another service that should be provided for from general revenue. Others would argue that the level of subsidy, for want of a better word, should be low and that the "user pays" principal should be applied. Unfortunately, it is probable that the level of fees required to close the gap between the pool being self funding and requiring a subsidy would be too high for most patrons. It appears that Council has accepted that the pool facility is not going to be self funding and that it is a service to the community. Fees are reviewed annually and levels are balanced against factors such as affordability and the need for fees to meet some portion of the costs.

It is suggested that the proposed lap pool would increase the annual cost of the swimming pool complex and that some of this additional cost would be met by increased fee income from more people using the facility. The complex being open and operating perhaps all year round will impact on staffing matters and employee costs. It is expected that the additional operating costs may not be high but asset preservation and replacement costs might be. The planned feasibility study would produce figures for these aspects, and important factors such as the projected level of pool usage and fee income, and provide a better basis for decision making.

It is apparent that the idea of a lap pool has not been embraced by Council, possibly due to the additional cost factor, and so in order to address the BBSC's request that Council clarify its position in relation to this Council may need to look at the matter in separate

parts. One being support or otherwise for the facility and the other being the level of funding it is prepared to commit. If the BBSC could show that the pool could be built and maintained at no additional cost to Council then Council's position may well be far different that if it had to bear the full cost. The other being the level of financial input it was prepared to commit. Factors such as construction and ongoing costs would come out of the feasibility study and so it may not be practical to deal with the level of funding specifically now.

It is suggested that Council could not "Confirm its in principal commitment to Strategic Plan item 601, ref 202 – Installation of a 3-lane heated pool at the swimming pool complex by October 2010" as requested because it has not considered the matter and could not do so without more information on costs etc. But the fact that the lap pool is in the Strategic Plan is an indication that Council does support the idea, at least in principal, and so Council could confirm its in principal support for the idea but not the funding, target date etc.

The next request is for Council to put conditions on this support. The request is very reasonable as it would enable, among other things, more assured planning in the feasibility study phase. Council could decide now that it would support the pool if there was no up front or ongoing cost to Council but that may jeopardise the project at least reaching the feasibility phase and information from the study may colour Council's final decision on the matter. Equally Council could pluck a figure, or percentage of cost sharing, out of the air now but would be doing so from a not fully informed position. It may however be reasonable for both parties for Council to indicate that it would want to see a high level of up front and ongoing contribution

It is intended that a verbal report be given on aspects of the request for Council to "Sponsor the administration of the feasibility study contact on behalf of the BBSC, given its leadership in the community and its ownership of the Swimming Pool Complex". It is noted that taking the lead on the feasibility consultancy is a double edged sword in that this would, to some extent, provide evidence of Council support for the project. But it is suggested that this has already been done by the inclusion of it in the strategic plan. The other aspect is that it would enable Council to have input into the study which may be desirable, but this may also increase the cost of the consultancy and Council may then have to cover this increase. On balance though, it is suggested that the proposal is sound and Council should agree to it. This would require a budget amendment.

It is recommended that Council confirm it's in principle support for a lap pool noting that its ultimate decision on the project would be influenced by the level of community support and funding.

### **CONSULTATION**

The author has spoken with a representative of the BBSC, their consultant, members of the community, Members of Council and staff.

### **STATUTORY OBLIGATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

If Council were to take on the feasibility study it would need to amend its budget to provide for the expenditure of \$10,500.

**STRATEGIC IMPLICATIONS**

The lap pool is an action in the plan.

**SUSTAINABILITY ISSUES**

- **Environmental**  
There are no known environmental issues
- **Economic**  
There are no known significant economic issues at this time
- **Social**  
The pool is well used in the warmer months and the addition of a heated facility should increase usage of the complex. It is expected that the heated pool would be used as part of health, recuperation and the like programs.

**VOTING REQUIREMENTS**

Absolute majority

**OFFICER RECOMMENDATION – ITEM 7.3.2**

**That Council advise the Boyup Brook Swimming Club that:**

- 1. It confirms it's in principal support to the idea of a heated pool at the swimming pool complex.**
- 2. It's final decision on the project would be influenced by factors such as community support and the net cost to Council for up front and on going costs.**
- 3. It is prepared to manage the feasibility study consultancy.**

**MOTION – ITEM 7.3.2**

**MOVED: Cr Ginnane                      SECONDED: Cr Broadhurst**

**That Council advise the Boyup Brook Swimming Club that:**

- 1. It confirms it's in principal support to the idea of a heated pool at the swimming pool complex;**
- 2. The lap pool committee be encouraged to pursue the feasibility study on a 3-lane lap pool; and**
- 3. Council contributes to the cost of the feasibility study an amount of \$5,250 to be taken from the Recreation Facilities Reserve.**

**COUNCIL DECISION – MOVE INTO COMMITTEE**

**MOVED: Cr Marshall                      SECONDED: Cr Muncey**

**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**

**Res 229/08**

**COUNCIL DECISION – MOVE OUT OF COMMITTEE**

**MOVED: Cr Broadhurst                      SECONDED: Cr Ginnane**

**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**

**Res 230/08**

**The Shire President Cr Downing put the motion**

**COUNCIL DECISION – ITEM 7.3.2**

**MOVED: Cr Ginnane                      SECONDED: Cr Broadhurst**

**That Council advise the Boyup Brook Swimming Club that:**

- 1. It confirms it's in principal support to the idea of a heated pool at the swimming pool complex;**
- 2. The lap pool committee be encouraged to pursue the feasibility study on a 3-lane lap pool; and**
- 3. Council contributes to the cost of the feasibility study an amount of \$5,250 to be taken from the Recreation Facilities Reserve.**

**CARRIED 7/1 BY ABSOLUTE MAJORITY**

**Res 231/08**

**REASON FOR CHANGE IN MOTION FROM RECOMMENDATION - ITEM 7.3.2**

There is a need for supplementary information resulting from the feasibility study before the Council can decide on support for the lap pool.

5:01pm                      Mr Peter Burns, Ms Laura Burns, Ms Audrey Hales, Ms Lyn Mann, Ms Marie Blackburn, Ms Carmelita Dyer, Ms Liz Parker, Ms Genene Lloyd, Ms Anne Beadle and Ms Bev Coumbe left the meeting.

5:02pm                      Mr Alex Poulton left the meeting.

5:03pm                      Ms Sue White left the meeting.

**7.1 MANAGER WORKS & SERVICES**

**7.1.1 Supply and Delivery of Smooth Drum Vibratory Roller**

**Location:** Shire of Boyup Brook  
**Applicant:** Shire of Boyup Brook  
**File:**  
**Disclosure of Officer Interest:** None  
**Date:** 11th December 2008  
**Author:** John Eddy – Manager Works & Services  
**Authorising Officer:** Alan Lamb – Chief Executive Officer  
**Attachments:** Yes - Assessment Spreadsheet 7.1.1

**SUMMARY**

The 2008/2009 Plant Replacement Program allows for the replacement of a smooth drum vibratory roller.

This report recommends that the Council approve the Tender submitted by DYNAPAC for the supply and delivery of a DYNAPAC CA- 250D smooth drum vibratory roller.

**BACKGROUND**

Tender 08 – 002 for the supply and delivery of a smooth drum vibratory roller was advertised in the ‘West Australian’ newspaper on Saturday 18 October 2008.

Tenders closed at 4.00pm on Thursday 6 November 2008 with fourteen submissions received for the supply of a new roller including trading Council’s existing roller, and one submission for the outright purchase of the existing roller.

Summary of all submissions received

Tender Contact Vehicle Summary Item Description	Westrac Anthony Garic CS533E Bunbury WA		
	Price Tendered (ex GST)	GST Component	Price Tendered (inc GST)
Supply of Steel Drum Roller	145,650.00	14,565.00	160,215.00
Trade In Allowed	10,000.00	1,000.00	11,000.00
<b>TOTAL</b>	<b>135,650.00</b>	13,565.00	149,215.00

Tender Contact Vehicle Summary		Conplant Ammann Shannon Littlefair Ammann ASC110D		Perth WA
Item Description	Price Tendered (ex GST)	GST Component	Price Tendered (inc GST)	
Supply of Steel Drum Roller	139,274.55	13,927.45	153,202.00	
Trade In Allowed	15,000.00	1,500.00	16,500.00	
<b>TOTAL</b>	<b>124,274.55</b>	12,427.45	136,702.00	

Tender Contact Vehicle Summary		Conplant Ammann Shannon Littlefair Ammann ASC130D		Perth WA
Item Description	Price Tendered (ex GST)	GST Component	Price Tendered (inc GST)	
Supply of Steel Drum Roller	145,361.82	14,536.18	159,898.00	
Trade In Allowed	15,000.00	1,500.00	16,500.00	
<b>TOTAL</b>	<b>130,361.82</b>	13,036.18	143,398.00	

Tender Contact Vehicle Summary		BT Equipment Jarrod Ferguson BOMAG BW211D-4		Perth WA
Item Description	Price Tendered (ex GST)	GST Component	Price Tendered (inc GST)	
Supply of Steel Drum Roller	157,000.00	15,700.00	172,700.00	
Trade In Allowed	15,000.00	1,500.00	16,500.00	
<b>TOTAL</b>	<b>142,000.00</b>	14,200.00	156,200.00	

Tender Contact Vehicle Summary		BT Equipment Jarrod Ferguson BOMAG BW211D-4		Perth WA
Item Description	Price Tendered (ex GST)	GST Component	Price Tendered (inc GST)	
Supply of Steel Drum Roller	142,000.00	14,200.00	156,200.00	
Trade In Allowed	15,000.00	1,500.00	16,500.00	
<b>TOTAL</b>	<b>127,000.00</b>	12,700.00	139,700.00	

<b>Tender Contact Vehicle Summary</b>	<b>Wirtgen Group Julian Bullock HAMM 3411</b>	<b>Penrith NSW</b>	
<b>Item Description</b>	<b>Price Tendered (ex GST)</b>	<b>GST Component</b>	<b>Price Tendered (inc GST)</b>
Supply of Steel Drum Roller	132,000.00	13,200.00	145,200.00
Trade In Allowed	18,000.00	1,800.00	19,800.00
<b>TOTAL</b>	<b>114,000.00</b>	11,400.00	125,400.00

<b>Tender Contact Vehicle Summary</b>	<b>Wirtgen Group Julian Bullock HAMM 3412</b>	<b>Penrith NSW</b>	
<b>Item Description</b>	<b>Price Tendered (ex GST)</b>	<b>GST Component</b>	<b>Price Tendered (inc GST)</b>
Supply of Steel Drum Roller	135,500.00	13,550.00	149,050.00
Trade In Allowed	18,000.00	1,800.00	19,800.00
<b>TOTAL</b>	<b>117,500.00</b>	11,750.00	129,250.00

<b>Tender Contact Vehicle Summary</b>	<b>Wirtgen Group Julian Bullock HAMM 3414</b>	<b>Penrith NSW</b>	
<b>Item Description</b>	<b>Price Tendered (ex GST)</b>	<b>GST Component</b>	<b>Price Tendered (inc GST)</b>
Supply of Steel Drum Roller	141,800.00	14,180.00	155,980.00
Trade In Allowed	18,000.00	1,800.00	19,800.00
<b>TOTAL</b>	<b>123,800.00</b>	12,380.00	136,180.00

<b>Tender Contact Vehicle Summary</b>	<b>ERS Equipment Tony Wainwright Multipac YZ18C</b>	<b>Perth WA</b>	
<b>Item Description</b>	<b>Price Tendered (ex GST)</b>	<b>GST Component</b>	<b>Price Tendered (inc GST)</b>
Supply of Steel Drum Roller	172,500.00	17,250.00	189,750.00
Trade In Allowed	10,500.00	1,050.00	11,550.00
<b>TOTAL</b>	<b>162,000.00</b>	16,200.00	178,200.00

<b>Tender Contact Vehicle Summary</b>	<b>Bianco Construc Supp George Harris SAKAI SV 512D</b>	<b>Newton SA</b>	
<b>Item Description</b>	<b>Price Tendered (ex GST)</b>	<b>GST Component</b>	<b>Price Tendered (inc GST)</b>
Supply of Steel Drum Roller	162,870.00	16,287.00	179,157.00
Trade In Allowed	15,530.45	1,553.05	17,083.50
<b>TOTAL</b>	<b>147,339.55</b>	14,733.96	162,073.51

<b>Tender Contact Vehicle Summary</b>	<b>Clark Equipment Stephen Deane Dynapac CA252</b>	<b>Perth WA</b>	
<b>Item Description</b>	<b>Price Tendered (ex GST)</b>	<b>GST Component</b>	<b>Price Tendered (inc GST)</b>
Supply of Steel Drum Roller	155,430.00	15,543.00	170,973.00
Trade In Allowed	0.00	0.00	0.00
<b>TOTAL</b>	<b>155,430.00</b>	15,543.00	170,973.00

<b>Tender Contact Vehicle Summary</b>	<b>Construction Equip Aus Mike Kelly JCB VM115D</b>	<b>Perth WA</b>	
<b>Item Description</b>	<b>Price Tendered (ex GST)</b>	<b>GST Component</b>	<b>Price Tendered (inc GST)</b>
Supply of Steel Drum Roller	126,617.74	12,661.77	139,279.51
Trade In Allowed	19,000.00	1,900.00	20,900.00
<b>TOTAL</b>	<b>107,617.74</b>	10,761.77	118,379.51

<b>Tender Contact Vehicle Summary</b>	<b>Dynapac Malcolm Keene Dynapac CA252D</b>	<b>Perth WA</b>	
<b>Item Description</b>	<b>Price Tendered (ex GST)</b>	<b>GST Component</b>	<b>Price Tendered (inc GST)</b>
Supply of Steel Drum Roller	144,500.00	14,450.00	158,950.00
Trade In Allowed	15,000.00	1,500.00	16,500.00
<b>TOTAL</b>	<b>129,500.00</b>	12,950.00	142,450.00

<b>Tender Contact Vehicle Summary</b>	<b>CJD Perth WA Roy Sims Volvo SD100D</b>		
<b>Item Description</b>	<b>Price Tendered (ex GST)</b>	<b>GST Component</b>	<b>Price Tendered (inc GST)</b>
Supply of Steel Drum Roller	129,000.00	12,900.00	141,900.00
Trade In Allowed	8,000.00	800.00	8,800.00
<b>TOTAL</b>	<b>121,000.00</b>	12,100.00	133,100.00

<b>Tender Contact Vehicle Summary</b>	<b>Blackwood Building Service M &amp; S Mead Outright Purchase</b>		
<b>Item Description</b>	<b>Price Tendered (ex GST)</b>	<b>GST Component</b>	<b>Price Tendered (inc GST)</b>
Supply of Steel Drum Roller		0.00	0.00
Trade In Allowed	11,000.00	1,100.00	12,100.00
<b>TOTAL</b>	<b>11,000.00-</b>	1,100.00-	12,100.00-

All tender submissions were assessed against the specifications and budget amount and were short listed to six machines. This was later amended to seven due to a mistake found in one tender submission.

**COMMENT**

The machines short listed were then visited by the Shire Works Supervisor, Mechanic and Roller Operator and tested for operating suitability.

Once demonstrations were complete the machines were scored against the specifications and operator suitability using a simple 1 to 10 preference system.

The attached assessment spreadsheet shows the results being that the Dynapac Roller is the preferred machine.

**CONSULTATION**

Brett Howson (Howson Technical); Works Supervisor; Mechanic and Roller Operator.

Additional research was done by contacting companies and Shire's who have the same or similar machine and historical data was requested on service and parts support for their machines relative to each specific supplier.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 – Section 3.57 Tenders for providing goods and services.

Local Government (Functions & General) Regulations 1996 Part 4.

Local Government Purchasing and Tendering Guide.

**POLICY IMPLICATIONS**

Purchasing Policy – F – 03.

**BUDGET / FINANCIAL IMPLICATIONS**

Budget allowance of \$130,000 was made in the 2008/2009 budget. The recommended purchase falls within budget allocation.

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
Nil
- **Economic**  
Nil
- **Social**  
Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 7.1.1**

**MOVED: Cr Ginnane                      SECONDED: Cr Muncey**

**That Council purchase a Dynapac CA252D Smooth Drum Vibratory Roller from Dynapac Australia Pty Ltd for the total tendered changeover price of \$129,500.**

**CARRIED 8/0**

**Res 232/08**

**7.2      MANAGER – FINANCE**

**7.2.1              Accounts for Payment**

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

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**SUMMARY**

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

**BACKGROUND**

Invoices have been received during the month of November 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 "Authorization to Make Payments" policy.

**FINANCIAL IMPLICATIONS**

Account payments are in accordance with the adopted budget for 2008/09 or authorized by separate resolution.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

<b>COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 7.2.1</b>
---

**MOVED: Cr Giles**

**SECONDED: Cr O'Hare**

**That the payment of accounts for November 2008 as presented totaling \$519,783.98 and as represented by cheque voucher numbers 17179 – 17224 totaling \$49,636.36, and accounts paid by direct electronic payments through the Municipal Account totaling \$470,147.32 be endorsed**

**CARRIED: 8/0**

**Res 233/08**

## 7.2.2 November 2008 Monthly Statements of Financial Activity

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/10/003</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>11 December 2008</i>
<b>Author:</b>	<i>Keith Jones – Manager of Finance</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Yes – Financial Reports</i>

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### **SUMMARY**

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended 30 November 2008, and Investment Schedule for the month ended 30 November 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 AND OFFICER RECOMMENDATION – ITEM 7.2.2**

**MOVED:** Cr O’Hare

**SECONDED:** Cr Giles

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

**CARRIED:** 8/0

**Res 234/08**

**7.3 CHIEF EXECUTIVE OFFICER**

**7.3.1 Regional and Local Community Infrastructure Program 2008/09**

***Location:***

***Applicant:*** N/A

***File:***

***Disclosure of Officer Interest:*** Nil

***Date:*** 10 December 2008

***Author:*** Alan Lamb

***Authorizing Officer:*** Alan Lamb – Chief Executive Officer

***Attachments:***

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**SUMMARY**

Recommendation on how the Regional and Local Community Infrastructure Program 2008/09 (RLCIP) grant funding might be spent.

**BACKGROUND**

At the inaugural meeting of the Australian Council of Local Government (ACLG), called by the Prime Minister and attended by the majority of the country’s Mayors and Presidents, an announcement was made in relation to RLCIP funding. The funding is a direct partnership between the Federal Government and Local Government to undertake “nation building”. Funding is to be delivered by 30 June 2009 and funding must be expended by 30 September 2009.

Essentially, there are two pools of funding, one being \$250m that is to be distributed to all Council's in the country based on population, growth and needs factors with a minimum of \$100,000. Boyup Brook's grant is \$100,000.

The second pool is \$50m that aimed at "strategic projects for larger-scale community infrastructure" and the minimum grant is \$2m. Projects must be "ready to proceed" (the project must be ready to commence construction within six months of signing the Funding Agreement) or be additional stages of projects that are already underway. Applications close 23 December 2008.

The RLCIP will provide funding to local governments for community infrastructure including new construction and major renovations or refurbishments of assets such as:

- social and cultural infrastructure (e.g. art spaces, gardens);
- recreational facilities (e.g. swimming pools, sports stadiums);
- tourism infrastructure (e.g. walkways, tourism information centres);
- children, youth and seniors facilities (e.g. playgroup centres, senior citizens' centres);
- access facilities (e.g. boat ramps, footbridges); and
- environmental initiatives (e.g. drain and sewerage upgrades, recycling plants).

Funding can be used for:

- construction or fit-out;
- preparatory work such as necessary engineering and geotechnical studies;
- land surveys and site investigations; and
- project management costs.

Funding will not be available for activities such as ongoing costs (e.g. operational costs and maintenance); transport infrastructure, such as roads; or related infrastructure covered by the Roads to Recovery or Black Spots programs.

The following is a listing of examples of projects that can be funded:

**Examples of Community Infrastructure**

**Social and cultural infrastructure**

- Town halls
- Community centres
- Libraries
- Local heritage sites
- Museums
- Cultural centres
- Enhancement of main streets and public squares
- Theatre/music/art spaces
- Historic buildings
- Parks and gardens
- Internet kiosk infrastructure
- Kitchens for organisations
- Community market areas

**Recreation facilities**

- Sports grounds and facilities
- Sports stadiums
- Community recreation spaces
- Playgrounds
- Rail trails
- Swimming pools
- Walking tracks and bicycle paths
- Skate Parks
- BMX/Mountain Bike parks/trails
- Surf lifesaving clubs

**Tourism infrastructure**

- Convention or trade centres
- Memorial halls/walkways
- Tourism information centres
- Local infrastructure to support or provide access to tourist facilities
- Community public attractions
- Buildings for exhibits

**Children, youth and seniors facilities**

- Playgroup centres
- Youth centres
- Scout/guide halls
- Senior citizens' centres

**Access facilities**

- Disabled access infrastructure
- Footbridges
- Bus/rail terminal upgrade
- Jetties/wharves/piers/pontoons
- Foreshore development
- Boat ramps

**Environmental Initiatives**

- Water source and treatment
- Drain and sewerage upgrades
- Water conservation infrastructure
- Waste management and processing infrastructure
- Wastewater infrastructure
- Water recycling plants
- Water catchments
- Recycling plants

The timeline on this funding is as follows (Department = Department of Infrastructure, Transport, Regional Development and Local Government):

<b>Deadline</b>	<b>Action</b>
30 January 08	Councils to provide details of projects to Department
30 May 09	Councils to provide progress report to Department on projects
30 September 09	All funding must be expended
30 November 09	Councils to provide details of progress on projects and provide a final report on expenditure of funding

It is understood, from talks with the relevant government department, that whilst preparatory work such as engineering studies, land surveys etc can be funded, surveys of people to assess needs etc cannot. However there is some confusion within the department on what can and cannot be funded and so they are looking for a list of projects from Councils (which could contain a number of projects or just one) that they will assess and then get back to the Councils with any that cannot be funded and the Councils will be given an opportunity to resubmit projects. It is important that estimates and details are reasonably accurate but the impression is given that they are not really sure of much of the detail of the funding arrangements, and so will get back to Councils with queries etc and not just reject projects that are not in line with what appears to be a yet to be determined set of guidelines. From an officer's perspective, it appears that the Department will be very helpful in working through the initial phase of the funding process.

**COMMENT**

The strategic projects funding (the \$50m pool) appears to be aimed at large communities and it is anticipated that most of the funding will go to eastern states City Councils. In order for a project to be termed "ready to proceed" all of the preliminary work such as feasibility studies, consultation, planning and costing would have had to have been

completed and ready for the tendering process. This Council does not have any projects that are valued at \$2m+ and are "ready to proceed". Based on the foregoing and the tight application deadline no work has been done on putting an application together and it is suggested that any such work would be a waste of time.

The \$100,000 funding, however, represents a great opportunity to either:

- get on with a project that is ready, or almost ready, to proceed; or
- work up projects that might be funded by additional State Government funding; or
- a mix of the foregoing.

It should be noted at this time that the Shire President may be making an announcement at this meeting about the level of State Government Royalties to Regions funding that Council will receive over the next four years and it is expected that the level of this funding will be significant.

Projects that are ready to proceed include:

- library/administration extension/modifications – est \$400,000
- power to transfer station – est \$55,000

Projects that are included in the strategic plan and are not ready to proceed but will need significant funding to get them to that stage:

- Facilitate development of additional residential land.
- Survey/Plan possible quality accommodation.
- Investigate/Promote a motel development.
- Plan for upgrade of recreation sporting precinct – currently being progressed with a Council Committee.
- Promote /Encourage holistic approach for Medical Centre.
- Investigate feasibility of biomass industry.
- Investigate all aspects re the Flax Mill.
- Investigate usage and possible development of the Shire's swimming complex.
- Investigate any developments of improvements sought at Wilga, Dinninup, Kulikup, Mayanup and Tonebridge.
- Investigate the town parking with the view to improve it.
- Investigate all aspects of the retention of the winter level of the Blackwood River.
- Investigate need and options for the library extensions – currently being progressed and is a project that is ready to proceed.
- Investigate, plan and install power in the transfer station.
- Determine short, medium and long term plans for the delivery of services and facilities required by senior residents of the Shire.

Other projects that have been noted but have not been included in the strategic plan and require preliminary work to get them to the point where

- town drainage study
- Town Hall restorations/improvements
- Flax Mill restorations/improvements

### **Library Administration Extension/Modification**

The library/administration extension/modification project could be commenced in the new year and the \$100,000 could be expended by the end of September. This project was put to Council last month with the recommendation that it be shelved till 2009/10 and that retaining walls be done in the current year. The matter was not dealt with at the last meeting because the retaining walls and drainage estimate of \$10,000 was thought to be

too low and warranted further investigation. An estimate done by a consultant puts the contractors work at \$44,220, and added to this is the work that Council staff would be required to do (remove trees and backfill retaining wall etc) suggests this aspect may cost in the order of \$47,000.

It was reported to the last meeting that the budget for this project was \$283,000. It was also reported that the work was expected to cost in excess of \$310,000 however this was based on insufficient allowances for factors such as furniture and the retaining wall. Estimates used for last months report, as reported, were based on estimates done for the budget and there is some doubt as to the adequacy of these and so some estimates have been revisited. It is suggested that the contingency should counter act any inaccuracies with the balance. Also, some anticipated expenditure does not appear to have been planned for (such as earth works retaining walls etc which may have been included in the building works budget figure). The following schedule sets out the budget, estimates put in last month's report and revised estimates:

BUILDING WORKS	250,000	240,000	240,000	\$1500/m3 NEW BUILDING WORK, \$500/m3 INTERNAL MODIFICATIONS
AIRCONDITIONING	0	12,000	12,000	PRICES OBTAINED FOR HOUSE BUILDING PROGRAM
WINDOW TREATMENTS	0	6,000	6,000	AS ABOVE
PAINTING AND CARPETING	18,000	18,000	18,000	BUDGET
NEW WASTE DISPOSAL SYSTEM	10,000	10,000	10,000	BUDGET
RETAINING WALL AND DRAINAGE	0	10,000	47,000	CONSULTANTS ESTIMATE
EARTHWORKS		2,000	2,000	WORKS MANAGER
LIBRARY FURNITURE	5,000	5,000	20,000	SUPPLIERS PRICES
OFFICE FURNITURE	0	5,000	5,000	AS ABOVE
CONTINGENCY (5%)		15,400	18,000	PRUDENT ALLOWANCE
<b>TOTAL</b>	<b>283,000</b>	<b>323,400</b>	<b>360,000</b>	
 ADDITIONAL EXTENSION TO FRONT OF BUILDING			50,000	\$1500/m3 NEW BUILDING WORK
<b>TOTAL</b>	<b>283,000</b>	<b>323,400</b>	<b>410,000</b>	
<b>VARIANCE TO BUDGET</b>		<b>40,400</b>	<b>127,000</b>	

It will be note that provision has been made for additional extension. It is apparent that the planned building works does not fully meet current needs and does not allow for the future. There is no provision for a President's/Councillor's office or a Works Managers office. Whilst the immediate need for these could be debated it is suggested that they will be needed in the not too distant future and so should be allowed for in the current extensions.

The final plan of what is to be done is yet to be put to Council and agreed however there is sufficient detail for this project to be put forward for the \$100,000 funding.

It is suggested however there are still some considerations that may need to be discounted before the project is finalised. One is the opportunity to relocate the library to the Telecentre and the Telecentre group will be putting this notion to Council at lunch on Council meeting day. If this option was to be selected it is probable that no additions would be required to be done at the administration building and that internal modifications

would result in the additional office space needed. There would however be a need for an addition to the Telecentre building. There are a number of models for Shire library services at telecentres and each has their strengths and weakness. Personal experience is that the success of arrangements depends on the people involved (Council and telecentre employees, and telecentre committees).

Arguments in favour of this option include:

- The administration building has been added onto in the past and either due to the original design or the result of additions sections of the roof are very flat which has, and probably will continue to, resulted in rain water leaks.
- Parts of the building appear to be settling still resulting in walls cracking.
- The building is not architecturally appealing and an addition may add to this.
- Numerous internal modifications appear to have been made, the current layout does not work, and it may be difficult to adapt and "ideal" layout given constraints of costs and structural constraints.
- If the extension to the Telecentre was to be done at the rear of the building and the same floor level were to be maintained then a storage area could be created under the extension for Council's records or the like.

The arguments against include:

- Given the slope of the block an addition to the Telecentre could well be expensive.
- If the arrangement with the Telecentre proved to be unworkable Council would have the cost of another building extension to do to create space for the library, relocation costs and possible alienation of a sector of the community (ie it is possible that the termination of any arrangement would be acrimonious).
- The community may not favour having their library being relocated to the Telecentre (it is suggested that community consultation would be required early in the planning stage).

Taking a step back and looking strategically, we:

- Have a Shire Office that requires a level of annual expenditure to maintain it, the building does not meet current needs, there is some question as to the long term viability of the building (roof problems and subsidence), and the building has little heritage value.
- Have a Town Hall that is underutilised, is expected will require restoration and preservation works resulting from the conservation plan currently being drafted, and requires a level of annual expenditure to maintain it.
- Are looking at a combined sporting complex that may include facilities which would make all current public use of the Town Hall redundant.

The foregoing factors provide opportunities such as:

- Extending and modifying a part of the Town Hall complex and relocating Council's office, library etc to the Hall then, depending on the results of a thorough building appraisal, either renting out the existing administration building or demolishing it.
- Making provision at the consolidated sporting complex for all current public uses of the Hall, carrying out internal modifications to the Hall and relocating the Council office and library into the Hall.

Both of the above provide the opportunity to transfer the current maintenance costs of the Shire office to the Hall which would better ensure that this building is maintained, the Hall is a building that many would argue must be retained where as the administration building is probably of no great significance. There will more opportunities other than those listed

above and naturally there would be the need for more in-depth investigation to establish viability, and there would be a need for public consultation.

It is suggested that as there are a number of factors that may have some impact on the planned works on the Council administration building and so that these be postponed till 2009/10 when the fait of the consolidated sporting complex may be know and the Town Hall conservation plan will have been completed and been put before Council.

### **Power to Transfer Station**

This project has been in the pipeline for some time, is in the strategic plan and \$20,000 has been committed to it in the current budget. It is understood that Western Power had quoted \$45,000 for connection. Added to this would be the cost of getting the power from the property boundary to the site and reticulated throughout the site etc. It is suggested an allowance of \$55,000 should be made.

It should be possible to get this project completed within the required time and so Council may wish to look at this to apply a portion of its grant to.

### **Projects Not Ready to Proceed**

There a number of projects in the strategic plan, and as listed previously in this report, and a number of other projects that perhaps might need to be put into the plan, and are also listed, that need funding to get them to the stage where they could be termed "ready to proceed". Council may wish to use the \$100,000 for the necessary preparatory work on some of these in anticipation of funding opportunities from the State and Federal Government.

One project that is not in the strategic plan but has a potentially high implementation cost is the town drainage system. It is suggested that this project is timely in that if the preliminary work were to be done now, in the current lull in development, plans would be in place for Council to have more effective control over this important aspect of developments. It is possible that funding for the preparatory work could come, in part, from government environmental funding because part of the purpose of the drainage work would be to reduce pollutants and other undesirables reaching the brook and river. It would be advantageous to have this project ready to proceed when the sewerage is being done so that advantage could be taken from reinstatement works, opportunities for common use of trenches (may not be possible due to historical "patch ownership issues" but would be worth a try), and having suitable plant and equipment in town (ie diggers etc)

Residential and industrial land needs are also projects that Council may wish to pursue. The former is in the strategic plan but the latter does not appear to be. Both projects would need land survey work and input from planning engineering people.

"Investigate usage and possible development of the Shire's swimming complex", from the strategic plan, is another project that would need preparatory work. It is not clear if this includes the lap pool that is being called for by some sectors of the community but logically it should do so though not be constrained to only this option for development. It is not clear if funding could be used for a feasibility study but they could be applied to the engineering and other such aspects of it.

Council may wish to look at the town parking and development and improvements of townsites (other than Boyup Brook), as listed in the strategic plan, as these will need professional input. The parking study would be a good one to have completed before the

sewerage works are completed so that aspects might be implemented as part of reinstatement works.

It is recommended that Council seek to apply the funding primarily to getting projects ready to take full advantage of State Government funding opportunities and any future Federal Government funding. The transfer station project is also an ideal candidate. The cost of getting projects ready will vary and it may be necessary for Council to contribute some funding for aspects that may not be covered by the grant. It should be noted that there are no matching funds requirements for the \$100,000 grant. It is suggested that the grant funding be applied to 100% of the cost of the power to the transfer station project and that the \$20,000 budgeted for this project be re allocated to the other projects. It is suggested that the way forward is for Council to set what it wants to use the funding for in order of preference and that cost estimates be obtained and included with the details provided to the Department. Budget amendments etc could be left till the February meeting of Council when we should have response from the Department on what will be funded.

### **CONSULTATION**

The author has spoken with representatives of the Department, some Councillors and other staff.

### **STATUTORY ENVIRONMENT**

Nil

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil at this stage but there will be a need to amend the budget to recognise the additional income and approve the additional expenditure.

### **STRATEGIC IMPLICATIONS**

Most projects included in the recommendation come from the plan

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
The storm water drainage project will have a positive impact on the environment
- **Economic**  
All projects will ultimately stimulate employment and local purchasing as part of the construction process.
- **Social**  
Each project will have a varying degree of impact on the community.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION – ITEM 7.3.1**

That the Department of Infrastructure, Transport, Regional Development and Local Government be provided, by 30 January 2009, with details of the following projects to be funded from the Regional and Local Community Infrastructure Program 2008/08 grant of \$100,000:

- Plan and install power in the transfer station
- Boyup Brook Town drainage study and design
- Industrial land subdivision design
- Residential land subdivision design
- Town parking study and design

**COUNCIL DECISION – MOVE INTO COMMITTEE**

**MOVED: Cr Ginnane                      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 8/0**

**Res 235/08**

**COUNCIL DECISION – MOVE OUT OF COMMITTEE**

**MOVED: Cr Ginnane                      SECONDED: Cr Muncey**

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**

**Res 236/08**

**COUNCIL DECISION – LAY ON THE TABLE**

**MOVED: Cr Marshall                      SECONDED: Cr Ginnane**

That Item 7.3.1 lay on the table until a special meeting to be held on 15 January 2009.

**CARRIED 8/0**

**Res 237/08**

**ADJOURNMENT**

**MOVED: Cr Giles                          SECONDED: Cr Marshall**

That the meeting be adjourned from 5:43pm.

**CARRIED 8/0**

**Res 238/08**

6:00pm - the meeting reconvened with all those being present before the adjournment returning to the meeting.

**COUNCIL DECISION AND OFFICER RECOMMENDATION – LATE ITEMS**

**MOVED:** Cr Marshall                      **SECONDED:** Cr Ginnane

**That Late Items 7.1.2 and 7.3.11 be tabled for debate**

**CARRIED 8/0**

**Res 239/08**

**COUNCIL DECISION**

**MOVED:** Cr Broadhurst                      **SECONDED:** Cr Giles

**That the order of business in the agenda be changed to allow Item 7.1.2 to be brought forward and dealt with at this time.**

**CARRIED 8/0**

**Res 240/08**

**DECLARATION OF INTEREST**

Cr Giles declared a financial interest in the item 7.1.2 due to a working relationship with a tenderer and departed the Chambers the time being 6.01pm.

**7.1 MANAGER WORKS & SERVICES**

**7.1.2              Tender No 08- 003 – Supply and Delivery of Sprayed Bitumen  
                         Tender No 08- 004 – Supply and Delivery of Mineral Aggregate**

<b>Location:</b>	<i>Various Locations within the Shire of Boyup Brook</i>
<b>Applicant:</b>	<i>Shire of Boyup Brook</i>
<b>File:</b>	<i>EQ/57/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>16th December 2008</i>
<b>Author:</b>	<i>John Eddy – Manager Works &amp; Services</i>
<b>Authorising Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	

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**SUMMARY**

This report recommends that the Council accept the Tenders of MALATESTA – ROAD PAVING AND HOT MIX for the supply and delivery of Sprayed Bitumen and MEAD TRANSPORT for the supply and delivery of mineral aggregate to the Shire of Boyup Brook for a twelve month period.

**BACKGROUND**

Tenders 08-003 for the supply and delivery of Sprayed Bitumen and 08-004 for the supply and delivery of Mineral Aggregate to the Shire of Boyup Brook were advertised in the West Australian newspaper on Saturday 29 November 2008.

Tenders closed on Monday 15 December 2008 and the following submissions were received:-

**TENDER 08-003 – SUPPLY AND DELIVERY OF SPRAYED BITUMEN**

- MALATESTA – ROAD PAVING AND HOT MIX
- BORAL ASPHALT - WA
- R.N.R CONTRACTING PTY LTD

**TENDER 08-004 – SUPPLY AND DELIVERY OF MINERAL AGGREGATE**

- MEAD TRANSPORT
- NARROGIN QUARRY OPERATIONS
- MALATESTA – ROAD PAVING AND HOT MIX

**COMMENT**

The following chart shows a comparison of tendered prices for the supply and spray of Bitumen Products to the Shire of Boyup Brook for a 12 month period.

**TENDER 08 – 003**  
**SUPPLY OF SPRAYED BITUMEN PRODUCT**

<b>COMPANY</b>	<b>C-170</b>	<b>5,000l to</b>	<b>10,001l to</b>	<b>15,001l to</b>	<b>20,000l +</b>	<b>Average</b>
	<b>Bitumen</b>	<b>10,000l</b>	<b>15,000l</b>	<b>20,000l</b>		<b>Cost/litre</b>
<b>MALATESTA</b>	<b>98 / 2</b>	\$0.95	\$0.88	\$0.86	\$0.86	<b>\$0.89</b>
	<b>90 / 10</b>	\$1.00	\$0.97	\$0.96	\$0.96	<b>\$0.97</b>
	<b>50 – 85% Emulsion</b>	\$1.41	\$1.39	\$1.39	\$1.39	<b>\$1.40</b>
		\$1.00	\$0.91	\$0.91	\$0.91	<b>\$0.93</b>
<b>BORAL ASPHALT WA</b>	<b>98 / 2</b>	\$1.15	\$1.12	\$1.10	\$1.08	<b>\$1.11</b>
	<b>90 / 10</b>	\$1.20	\$1.17	\$1.14	\$1.12	<b>\$1.16</b>
	<b>50 – 85% Emulsion</b>	\$1.44	\$1.42	\$1.38	\$1.36	<b>\$1.40</b>
		\$0.98	\$0.96	\$0.92	\$0.90	<b>\$0.94</b>
<b>RNR CONTRACTING</b>	<b>98 / 2</b>	\$1.33	\$1.24	\$1.20	\$1.14	<b>\$1.23</b>
	<b>90 / 10</b>	\$1.36	\$1.28	\$1.24	\$1.17	<b>\$1.26</b>
	<b>50 – 85% Emulsion</b>	\$1.50	\$1.42	\$1.38	\$1.32	<b>\$1.41</b>
		\$1.05	\$0.96	\$0.92	\$0.86	<b>\$0.95</b>

**NOTE:**

1. ALL PRICES ARE BASED ON VOLUME OF BITUMEN IN LITRES SPRAYED AT 15 c
2. ALL RATES EXCLUDE G.S.T.

Malatesta –Road Paving and Hot Mix has the lowest average price per litre of sprayed bitumen product and has its operations based in Bunbury with two bitumen spray trucks.

The following chart shows a comparison of tendered prices for the supply and delivery of mineral aggregate to the Shire of Boyup Brook for a 12 month period.

**TENDER 08 – 004**  
**SUPPLY AND DELIVERY OF MINERAL AGGREGATE**

<b>COMPANY</b>	<b>DELIVERY TO BOYUP BROOK TOWNSITE</b>	<b>ADDITIONAL CHARGE FOR DELIVERY OUTSIDE TOWNSITE</b>
MEAD TRANSPORT	\$40.00 / tonne	\$0.09 / tonne / km
NARROGIN QUARRY OPERATIONS	\$46.20 / tonne	\$0.10 / tonne / km
MALATESTA ROAD PAVING & HOTMIX	\$51.00 / tonne	\$0.09 / tonne / km

**Note: - All rates exclude GST.**

Mead Transport has the lowest price per tonne for the supply and delivery of mineral aggregate to the Shire of Boyup Brook and has its operations based in Boyup Brook.

It is recommended that Tender 08-003 for the supply of Sprayed Bitumen product be awarded to MALATESTA ROAD PAVING AND HOTMIX on the condition that the company supply and spray the bitumen product to the Shire of Boyup Brook within a ten day period from notification of works.

It is recommended that Tender 08-004 for the supply and delivery of Mineral Aggregate be awarded to MEAD TRANSPORT.

**CONSULTATION**

Chief Executive Officer

Other Local Governments in the South West currently using Malatesta Road Paving & Hot Mix.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 – 5.3.57 – Tenders for providing goods and services.

Local Government (Functions and General) Regulations 1996 – Part 4.

**POLICY IMPLICATIONS**

Purchasing Policy

**FINANCIAL IMPLICATIONS**

Funding is available in the 2008/09 Budget for the products required this financial year.

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
Nil
- **Economic**  
Nil
- **Social**  
Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 7.1.2**

**MOVED:** Cr Ginnane

**SECONDED:** Cr O’Hare

1. That the Tender submitted by Malatesta – Road Paving and Hot Mix for the Supply and Spraying of Bitumen Product for a twelve month period commencing 1<sup>st</sup> January 2009 be approved, subject to the supply and spraying of bitumen product to the Shire of Boyup Brook within a ten day period from notification of works.
2. That the Tender submitted by Mead Transport for the Supply of Mineral Aggregate to the Shire of Boyup Brook for a twelve month period commencing 1<sup>st</sup> January 2009 be approved.

**CARRIED 7/0**

**Res 241/08**

6:02pm – Cr Giles returned to the meeting.

6:04pm – The Manager of Works and Services left the meeting.

**DECLARATION OF INTEREST**

Cr Giles, Cr Marshall, Cr Downing and the CEO declared an impartiality interest in the item 7.3.3 due to being members of the Boyup Brook Country Music Club.

**7.3 CHIEF EXECUTIVE OFFICER**

**7.3.3 Event Tourism Officer – Objectives for 2008/9**

<b>Location:</b>	<i>N/a</i>
<b>Applicant:</b>	<i>N/a</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>12 December, 2008</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb, Chief Executive Officer</i>
<b>Attachments:</b>	<i>copy of objectives</i>

## **SUMMARY**

The Event Tourism Officer's (ETO) objectives are put to Council for approval.

## **BACKGROUND**

The ETO position is supported by Council funding and the officer performed functions for the Tourism Association (TA), the Boyup Brook Country Music Club (BBCMC), the Telecentre and the Council. Originally the Telecentre was the employing body but earlier this year it sought to change this arrangement and transfer this to the BBCMC.

Following meetings and consultation the ETO has prepared a plan for the year. Plans for the TA and BBCMC have been approved by their committees and the community support plans have been developed in conjunction with the Chief Executive Officer.

## **COMMENT**

It is noted that a lot of work has gone into the plan for the coming year. The plan includes promotion of the role of the ETO and it is hoped that clubs and other community groups will make full use of this facility in the coming year.

Council has not formally agreed to the change in arrangements for this project and it is recommended that it agree to the employment arrangements being taken over by the BBCMC.

## **CONSULTATION**

The author has spoken with the ETO, representatives of the TA, and Council staff.

## **STATUTORY OBLIGATIONS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **BUDGET/FINANCIAL IMPLICATIONS**

Nil other than what has been provided for in the budget

## **STRATEGIC IMPLICATIONS**

Nil

## **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

**OFFICER RECOMMENDATION – ITEM 7.3.3**

**That Council:**

- 1. Approve the proposal for the Event Tourism Officer to be employed by the Boyup Brook Country Music Club.**
- 2. Approve the Event Tourism Officer objectives for 2008/9**

**COUNCIL DECISION – ITEM 7.3.3**

**That Council:**

- 1. Approve the proposal for the Event Tourism Officer to be employed by the Boyup Brook Country Music Club;**
- 2. Approve the Event Tourism Officer objectives for 2008/9; and**
- 3. Direct the CEO to negotiate with the Country Music Club regarding the change of date when the ETO will be in attendance at the Tourist Centre.**

**CARRIED 6/2**

**Res 242/08**

**REASON FOR CHANGE IN MOTION FROM RECOMMENDATION - ITEM 7.3.3**

The Tourist Centre wishes to have the date changed from Monday to another day.

Cr Lamshed requested that the vote of all members present be recorded.

For	Against
Cr Ginnane	Cr Lamshed
Cr Downing	Cr Muncey
Cr Marshall	
Cr Broadhurst	
Cr Giles	
Cr O'Hare	

### 7.3.4 Subdivision Application (WAPC Ref 138709) Jayes Road

<b>Location:</b>	<i>Lots 7918 and 11253 Jayes Road</i>
<b>Applicant:</b>	<i>Harley Survey Group</i>
<b>Disclosure of Officer Interest:</b>	<i>none</i>
<b>Date:</b>	<i>9<sup>th</sup> October 2008</i>
<b>Author:</b>	<i>Geoffrey Lush (Council Consultant) and Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes</i>
	<i>1. Location Plan</i>
	<i>2. Proposed Lots</i>

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#### **SUMMARY**

This report is to consider a referral of a subdivision application from the Western Australian Planning Commission. The subject land comprises of Lots 9718 and 11253 Jayes Road Benjinup (as shown in Attachment 1).

It is proposed to 're-align' the boundary of the two allotments to create lots with areas of 74 and 62 hectares. The subdivision concept is shown in Attachment 2. For clarity this is a prepared diagram and not the actual plan included with the application.

The subject land is owned by DJ and RJ Gibbs.

This item was laid on the table at the last meeting for more information. Additional information is supplied under "Comment" and the recommendation has been amended.

#### **BACKGROUND**

The subject land is located approximately 11 kms south west of Boyup Brook on the corner of Jayes Road and Flax Road. It has an area of 136 hectares and is used for general farming.

Lot 11253 is an unmade road reserve that has been converted into a freehold lot. Pt Location 7918 is severed by this unmade road reserve. This land is not required for access to the subject land or the surrounding lots.

The subject land lies in a valley containing a tributary of the Blackwood River. This tributary runs from southwest to northeast. The land slopes up from approximately 193m AHD at the lowest point of the tributary to approximately 240m AHD and 250m AHD in the northwest and southeast property corners respectively.

The site is predominantly cleared and used for farming. Remnant vegetation is clustered around the creek line, with paddock trees spread sporadically.

The application states that:-

"The purpose of this boundary realignment is to rationalise the lot boundaries of the subject land to reflect the natural environmental features and improve management of the land.

Both of the proposed lots will have access to a constructed road and a portion of the creek will fall into each lot. Management of the creek would fall evenly between both lots through the boundary arrangement.”

The lot sizes in the vicinity of the subject land vary between 40ha and 350ha.

### **COMMENT**

There are three primary issues associated with the application:-

1. The application is based upon the assumption that the conversion of the unmade ‘road reserve’ to a freehold lot (Lot 11253) gives it the same status as other surrounding lots;
2. This status confers the right to build a dwelling on Lot 11253; and
3. This justifies the proposed boundary realignment.

#### Conversion of the Road Reserve

There are many situations within the Shire where road reserves have been closed and converted to a freehold lot.

Normally the closure of a road reserve is done on the assumption that the land would be amalgamated into the adjoining properties. However this process is done under the Land Administration Act and is outside of Council’s control.

The history of this particular case has not been researched through the titles office. However Section 5.6 of the Crown Land Administration and Registration Practice Manual confirms the above and states that:-

The Minister has discretion as to whether or not to approve the closure of the road. Where the closure is approved and there are interested adjoining owners, the Minister’s approval is subject to and conditional upon:

- agreement by adjoining owners to pay the purchase price and all costs and fees for the closed road,
- approval by WAPC of the survey plan for the closure and amalgamation with adjoining land,
- all easements required by public utility service providers to be prepared and agreed, and
- all land the subject of the proposed closure being amalgamated into adjoining land.

Road reserves are not ‘zoned’ as such within the Town Planning Scheme. Therefore the use of the land does not technically fall the scope of the Land Use Table in terms of what use it may be used for.

Local road reserves are also not listed in Part 2 of the Scheme as reserved land.

The WAPC Guide to the Model Scheme Text indicates that ‘local roads’ should be shown on the legend of the Scheme Map as a ‘reserve’ with no colour associated with it.

This is a common ‘drafting’ problem with many Schemes and creates confusion regarding the status of these areas.

Rights for a Dwelling

The application does not specifically address this issue, but it would normally be expected that as a result of the boundary realignment that a dwelling would be permitted on each lot.

In effect this is 'transferring' an existing right to develop two dwellings on the property, one on each of the existing allotments.

There is substantial argument that there is no existing right to construct a dwelling on Lot 11253 because:-

- If the land is considered to be zoned Rural then Clause 5.2.5 effectively prohibits a dwelling from being developed as it must be setback a minimum of 10 meters from each boundary;
- If the land is not considered to be zoned Rural then it could be either a local planning reserve or have no zone. In either situation the Scheme does not provide for the development of such land for a dwelling; and
- Even if the Scheme provided for Council to consider an application for a dwelling on Lot 11253 this is potentially unlikely to be approved because Lot 11253 is only 20 meters wide it is unlikely that a 'rural' dwelling with associated infrastructure could be developed.

If there is no clear development right to develop a dwelling on Lot 11253, then a new development right should not be created by a boundary realignment. This underpins the policies relating to boundary realignments not creating additional allotments.

The alternative is for the realignment to be approved subject as an agricultural trade lot which prohibits the development of a new dwelling.

Justification of the Proposed Boundary Realignment

The purpose of the application is to rationalise the lot boundaries of the subject land and create two parcels suitable for continued agriculture and states that:

An 80ha minimum lot size is identified in the Strategy under the abovementioned criteria. Although the proposed lot sizes will be slightly smaller than this minimum, the boundary realignment is in keeping with the average size of lots in the locality. These lots are being viably used for agricultural uses as outlined in the Strategy. This proposal forms a boundary realignment of two existing titles and does not propose to create new titles.

The proposed boundary realignment follows the natural boundaries of the site by aligning the boundary with the creekline. This ensures that the management of the creekline is distributed between both land parcels and that each parcel has access to the creek.

It is contended that the realignment meets the objectives and criteria for subdivision contained in the Strategy as the lot sizes, land capability and intended use is consistent with the premise of maintaining the viability of rural land use in the area, whilst promoting diversification.

The proposed realignment is designed to reflect the natural environmental features of the land, being the existing creek line. The creek represents an environmental asset on this property that should be better protected. The proposed lot layout will remove the continued damage caused by regular crossing and prevent damage caused by stock grazing and movement.

In this regard there is merit in the application and it provides the opportunity to seek improved land management measures especially in relation to the drainage line.

### **Additional comment**

The original recommendation was:-

*That Council advise the Western Australian Planning Commission that it does not support the proposed re-subdivision of Lots 7918 and 11253 Jayes Road because Lot 11253 is a previous road reserve; and*

- *It could not reasonably be developed for a dwelling; nor*
- *Could it be used for rural purposes in its own right.*

It appears that there are two parts to this matter, one deals with the change in land boundaries under relevant legislation and the other is Council's Town Planning Scheme.

Essentially, the owner owns two lots. One is Nelson Location 7918 (133.7ha) and the other is Lot 11253 (2.9ha). The former is dissected by the latter and the latter was a 36.63 m wide road reserve. The owner is seeking to create two lots (one 74.3ha and the other 62.3ha) out of the two lots he now has. All of this appears to be fairly straight forward except that in the town planning scheme Location 7918 is zoned rural and Lot 11253 is unzoned and as such the owner cannot develop the land for any purpose. A scheme amendment would remedy the situation but the cost of this would be in the order of \$20,000 and clearly far too much to expect the owner to pay for such a minor change. It is expected that Council will be making an amendment to the scheme in the near future and so it is suggested that this amendment be included with others that Council may make. Council may wish the owner to contribute toward this process and may wish seek to make this a condition of subdivision approval. It is suggested that the town planning scheme amendment application fee may be an appropriate basis for a contribution. The current fee for a "Minor Amendment is \$3,500 which may seem high given that this will be merely tacked on with Council's amendment and so perhaps \$1,000 may be more appropriate.

### **CONSULTATION**

None

### **STATUTORY OBLIGATIONS**

Town Planning Scheme

Lot 7918 is zoned 'Rural' and Lot 11253 is classified as 'No Zone' in Town Planning Scheme No.2. The surrounding area is generally zoned 'Rural'.

Clause 5.2.5 of the Scheme states that no building development shall be located within 10 meters of any boundary of a lot in the Rural zone.

Clause 5.1 of the Scheme states that in considering applications for subdivision, rezoning and planning consent in the Rural zone, Council shall have regard to:

- i) the need to protect the agricultural practices of the Rural zone in light of its importance to the District's economy;
- ii) the need to protect the area from uses which will reduce the amount of land available for agriculture;
- iii) the need to preserve the rural character and rural appearance of the area; and
- iv) where rural land is being subdivided for closer development, the proposal should be supported with evidence outlining the land's suitability and capability for further development.

Draft Local Rural Strategy

Within the draft Local Rural Strategy the subject land is situated in the BBR2 Western Policy Area.

In relation to boundary realignments the draft Rural Strategy recommendations include:-

- Council's objective is to encourage the redesign of existing (multiple lot) farms into a more appropriate configuration of lot boundaries relative to land management and land capability factors, subject to maintenance or reduction of the original number of lots.
- In the case of lifestyle lots, the land is located within 10kms of a major townsite.
- That for the purpose of the above provision a "lifestyle" lot is defined as having a minimum area of 20 hectares (being within 10kms of the townsite).

The Strategy general recommendations for rural subdivision reflect the above recommendations from the Warren Blackwood Regional Rural Strategy.

The Planning Commission is also requesting that where the "smaller lot" has an area for less than 80 hectares then it should contain a minimum of 30ha of Class 1 or 2 agricultural land. This originates from the recommendations of the WBRs for subdivisions relating to intensive agriculture.

**POLICY IMPLICATIONS**

Council Policy P.03 relates to Subdivisions and Amalgamations. It addresses the general matters contained within Clause 5.2 of the Scheme, the WAPC Policies, Warren Blackwood Rural Strategy and draft Local Rural Strategy

It does not provide any clear guidance to the issue of closed road reserves.

It does states that boundary realignments can be considered where no additional allotments are created.

**BUDGET/FINANCIAL IMPLICATIONS**

None

**STRATEGIC IMPLICATIONS**

Western Australian Planning Commission

There are several WAPC Policies affecting boundary realignments for rural land including:-

- DC 3.4 – Subdivision of Rural Land; and
- Warren Blackwood Regional Rural Strategy.

Policy DC 3.4 was reviewed in January 2008 and Section 4.6 relates to Farm Rationalizations. It states that:-

Multiple lots in one ownership may be rationalised through boundary realignments to improve farm management and/or to provide access to landlocked lots provided that:

- (a) the new lot pattern is consistent with the objectives of the policy;
- (b) no additional lots are created;
- (c) the new boundaries reflect good environmental and land management practice and are appropriate for the intended land uses.

The Warren Blackwood Regional Rural Strategy recommends in relation to farm rationalization that the principal issue will be improving the sustainability and long-term agricultural viability of the farming operation and observing the primary principle of protecting and enhancing the productive capacity of agricultural land.

The other recommendations are reflected in the Draft Local Planning Strategy (as outlined above).

### **SUSTAINABILITY IMPLICATIONS**

- **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

### **OFFICER RECOMMENDATION – ITEM 7.3.4**

**That Council advise the Western Australian Planning Commission that it supports the proposed re-subdivision of Lots 7918 and 11253 Jayes Road with the following condition:**

- **The owner pay Council a Town Planning Scheme amendment fee of \$1,000 toward an amendment that Council will make in the future to clear up a few issues with the current Scheme.**

#### **Note:**

11253 Jayes Road because Lot 11253 is a previous road reserve and so it could not reasonably be developed for a dwelling nor could it be used for rural purposes in its own right unless the land was rezoned via a Town Planning Scheme amendment.

**COUNCIL DECISION – ITEM 7.3.4**

**MOVED:** Cr Ginnane                      **SECONDED:** Cr Broadhurst

**That Council advise the Western Australian Planning Commission that it supports the proposed re-subdivision of Lots 7918 and 11253 Jayes Road with the following condition:**

- **The owner pay Council a Town Planning Scheme the usual amendment fee of \$3,500 toward an amendment that Council will make in the future to clear up a few issues with the current Scheme.**

**CARRIED 8/0**

**Res 243/08**

**REASON FOR CHANGE IN MOTION FROM RECOMMENDATION - ITEM 7.3.4**

Council felt the standard fee should apply.

**7.3.5 Administration / Library Building Extensions**

<b>Location:</b>	<i>Abel Street Boyup Brook</i>
<b>Applicant:</b>	<i>Not Applicable</i>
<b>File:</b>	<i>AS2008</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil, however the author makes a declaration of impartiality as he is an officer of the Council who works in the facility being improved.</i>
<b>Date:</b>	<i>13 November 2008</i>
<b>Author:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Authorizing Officer:</b>	<i>N/A</i>
<b>Attachments:</b>	<i>Nil</i>

**SUMMARY**

This item was laid on the table at the November meeting pending further information and costings for the retaining walls and drainage. It is recommended that the planned building extensions and modifications be deferred till 2009/10.

**BACKGROUND**

Prior to the current CEO commencing duties a working group of consisting of Councillors Broadhurst, Muncey and O'Hare has been working with the Acting CEO on this project. Council made provision in the current budget to extend the administration/ library building and a local architect was engaged to draw up plans. Arrangements were made with a local builder to oversee the building work.

Subsequently the architects plans were shown to administration staff and they appeared to have had little prior knowledge of the proposed layout of area that it was planned they would work in and so early in September the plans were taken to a staff meeting to ensure staff had input. Around this time it was established that earthworks would be required to be done at the rear of the building and that there appeared to have been no allowance for

these in the cost estimates. The working group met with the CEO 10 September and it was noted that the staff had made some suggestions about an alternative office layout arrangement and the group agreed that it would be best for staff to complete their review of the plans before the layout was finalised. It was also noted that the rock pitch covered embankment at the rear of the building may be more costly than a retaining wall and would result in greater encroachment into the park and so the group indicated a favour for a retaining wall.

It was established that there was a possibility of grant funding for the library part of the works and noted that whilst the plans may address current needs they did not appear to make any provision for possible future needs. It was also thought that provision should have been made for an office for the President/Councillors and for the Works Manager, and that it may be prudent to seek grant funding to assist with the library costs and use Council funds to increase the size of the extension to accommodate these and possible future needs. Plans showing a revised office layout and a possible additional extension were produced in house and this was put to a staff meeting 20 October with the intention that staff have till the next meeting to assess the plans and come up with any further modifications they thought might work better. The next meeting is planned for late November. The working group met 23 October, was apprised of the current situation, alerted to the fact that there was some concern that the originally proposed works might cost more than the current budget provision and agreed with the proposal the project be deferred to 2009/10 to allow more time for planning and to coincide with funding opportunities. The group did recommend though that the rear retaining wall be built in the current financial year because, apart from other factors, this would tidy the area up.

At its special meeting held 7 August 2008 Council resolved as follows:

1. *the building plans for the extensions and alterations to the Shire Administration Centre/Library identified as attachment 7.3.7 be adopted subject to minor internal alterations.*
2. *Mr Gary Chambers be appointed Building Supervisor for the project.*

*That the Chief Executive Officer be delegated authority to determine contract conditions for the Building Supervisor, including a defects liability clause.*

At the November Council meeting Council resolved that:

That item number 7.3.8 lie on the table until the December Ordinary Meeting of Council pending further information on costs for retaining walls and drainage works.

### **COMMENT**

The current budget contains the following provisions;

	\$
• Capital Expenditure – Admin office additions to Library	250,000
• Capital Expenditure – Library Furniture & Shelving	5,000
• Operating Expenditure – New waste Disposal System	10,000
• Operating Expenditure - Carpet Replacement	8,000
• Operating Expenditure - Painting	<u>10,000</u>
Total	<u>283,000</u>

The architect estimated the cost of new building work to be \$1,500 per M3 (based on residential developments and not including air-conditioning etc) and it is estimated that other substantial internal works would cost in the order of \$500 per m3. Based on this the

estimated cost would be in the order of \$240,000 plus the cost of air-conditioning etc (with the old state of some existing air-conditioner units and the additional space it may be worth looking at a ducted system and so the cost would depend on of what is done but an allowance of \$12,000 appears prudent, plus \$6,000 for window treatments and other incidentals), painting and carpeting to areas not otherwise accounted for (estimate based on budget provision \$18,000), new waste disposal system (based on budget provision \$10,000), retaining wall and associated drainage (allowance only \$10,000), earth works (allowance \$2,000). The foregoing totals \$298,000 and added to this is new furniture and fixtures for the library (estimate based on budget provision \$5,000), and it is expected there would need to be a need for some additional office furniture (allowance \$5,000). Also it would be prudent to allow a contingency of between 5% and 10%, based on a 5% contingency it is expected that the total budget figure should be in the order of \$323,400.

The local builder engaged to supervise the building estimated that the building arrangement as set out in the plans that went before Council in August, would cost in the order of \$230,000 not including floor and window treatments, air-conditioning, landscaping and earth works, furniture and fittings, and work on the waste system. Based on this the total cost estimate is \$10,000 less than the forgoing and it is note that the latter may not include minor amendments made to the plans after they went to Council. Based on both methods of arriving at a budget estimate for the works the cost is expected to be in excess of \$310,000 and the budget provision totals to \$283,000.

At is suggested that as it appears that the cost to do the works will exceed the budget provision, there is some question as to whether or not the internal layout is the best to meet all needs, and grant funding might be available in 2009, the project be put off at this time.

The working party saw merit in going ahead with the retaining wall and associated drainage works and it is proposed that this be put into the current works program. There would be advantages in getting this work done well before the extension is done as it will enable a practical assessment, during the next winter, of drainage works.

#### **Additional comment**

As will be noted in the report on Commonwealth grant funding, the retaining wall and drainage costs have been estimated, by a consultant used by Council for engineering works, to be \$44,220 plus the cost of Council, removing trees and back filling behind the retaining wall indicating a total cost of \$47,000.

It is suggested that this matter be dealt with after the matter of how to apply the Commonwealth Grant of \$100,000 is decided as it will have a bearing on this project. The recommendation has not been changed because the next step depends on what Council decides to do with the Federal funding. If there is some commitment to the current building, but the plan is to leave the works till 2008/09, Council may wish to use a portion of the grant funds to do the retaining wall and drainage works as we now have sufficient information on this to provide sufficient detail for the grant.

As noted in the report on Federal funding, another option that may be worth exploring is rationalising buildings by moving the operation into the Town Hall. The rational behind this is that the Hall must be kept but the admin building may not be in that category. Transferring maintenance expenditure from the admin building to the Hall will better provide for its preservation.

### **CONSULTATION**

The author has consulted with the Council working group, the local builder engaged to supervise the building works and Council staff.

### **STATUTORY OBLIGATIONS**

Building Code of Australia  
Occupational Health and Safety requirements.

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Council has budgeted \$283,000 for the Administration Centre extensions, \$55,000 from the Administration Building reserve fund and \$200,000 by way of loan funds and \$28,000 from municipal fund. It is anticipated that if works were to go ahead in the current year cost would exceed the provision by in excess of \$30,000. If Council agrees with the recommendation it is proposed that the planned loan not be raised and that the retaining wall and drainage works planned for the current year be paid for from the Municipal Fund provision.

### **STRATEGIC IMPLICATIONS**

The Strategic Plan calls for (6.5-203) "investigate need and options for the library extensions".

It is understood that Council may have looked at options such as relocating the library to the Telecentre and if it has done so but not completely discounted the notion it is suggested that this option be revisited at least in broad terms over the next few months so that costs and opportunities may be compared with the currently planned building works.

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
There are only positive social benefits that may eventuate from an improved library facility.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 7.3.5**

That Council approve the deferral of the planned Administration Centre and Library works till 2009/10 with the relevant retaining wall and drainage works being done in the current financial year.

**COUNCIL DECISION – LAY ON THE TABLE**

**MOVED:** Cr Broadhurst      **SECONDED:** Cr Muncey

That Item 7.3.5 lay on the table.

**CARRIED 8/0**

**Res 244/08**

**7.3.6 Subdivision Application (WAPC Ref 138938) Six Mile Road**

**Location:** Lot 6, Six Mile Road and Locations 2408, 2409 & 4355 Roland Road

**Applicant:** K J Moir

**File:**

**Disclosure of Officer Interest:** Nil

**Date:** 12 December 2008

**Author:** Jennifer Dowling  
Thompson McRobert Edgeloe  
(Council Consultant)

**Authorizing Officer:** A Lamb

**Attachments:**

1. Location Plan
2. Proposed Lot Layout

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**SUMMARY**

This report is to consider a referral of a subdivision application from the Western Australian Planning Commission. The subject land comprises of Lot 6, 2408, 2409 & 4355 Six Mile Road (as shown in Attachment 1).

It is proposed to create three allotments from the existing four allotments.

The three new allotments are proposed to be 82.231 ha, 134.9759ha and 166.6913ha. The subdivision concept is shown in Attachment 2. For clarity this is has been marked up to depict the proposal in a clearer manner and the proposed lots labelled A, B and C.

It is recommended that Council support the subdivision subject to conditions.

The subject land is owned by T & A Mondy.

## **BACKGROUND**

The subject land is located approximately 15kms south east of Boyup Brook. Lot 6 is addressed as Six mile Road however fronts what appears to be an un-named constructed road.

Locations 4550, 2408 & 2409 are flanked to the east and west by unconstructed road reserves. The titles for this land show the street address as being Roland Road. An unconstructed road reserve is also located along the northern boundary with Locations 2408 and 4355.

Location 4355 has an area of 202.6ha, Location 2408, 64.75ha, location 2409, 40.469ha and Lot 6 has an area of 76.029ha. All lots are currently used for general farming. The lots have been substantially cleared of vegetation and there is a minor drainage line within the property. Location 2409 is land locked meaning it does not have legal road frontage to either a constructed or unconstructed road. The configuration of Location 4355 means that the lot currently has legal road frontage to the unconstructed roads to the east, west and north however no direct frontage to a constructed road.

There are two existing residences and other improvements located on Location 2408. Water for the original homestead is sourced from a dam on Location 2408 and the newer house (approximately 20 years old) is supplied from a dam on Lot 6.

The lot sizes in the vicinity of the subject land vary between 40ha and 380ha.

## **CONSULTATION**

None

## **STATUTORY OBLIGATIONS**

Western Australian Planning Commission

There are several WAPC Policies affecting the general subdivision of rural land including:-

- State Planning Policy 2.5 - Agriculture and Rural Land Use.
- DC 3.4 – Subdivision of Rural Land.

Town Planning Scheme

The subject land is zoned 'Rural' in Town Planning Scheme No 2.

Clause 5.2.1 of the Scheme states that in considering applications for subdivision, rezoning and planning consent in the Rural zone, Council shall have regard to:

- i) The need to protect the agricultural practices of the Rural zone in light of its importance to the District's economy;
- ii) The need to protect the area from uses which will reduce the amount of land available for agriculture;
- iii) The need to preserve the rural character and rural appearance of the area; and
- iv) where rural land is being subdivided for closer development, the proposal should be supported with evidence outlining the land's suitability and capability for further development.

Clause 5.2.6 of the scheme further states;

‘Not more than one single dwelling house may be erected on a lot within the rural zone except where Council is satisfied that an additional house is necessary or desirable for the continuation of a bona fide agricultural activity.’

Draft Local Planning Strategy

Within the draft Local Planning Strategy the subject land is situated in the BBR2 Western Policy Area. The revised objectives for this precinct include:-

- Provide for the sustainable use of land within the Rural zone for a range of rural pursuits.
- Support continuation of traditional broadacre farming while encouraging agricultural diversification and appropriately located and well managed rural settlement opportunities to stimulate/support the future growth of Boyup Brook.
- Facilitate co-existence of traditional farming, tree plantations and intensive agriculture, while providing for tourism and associated value adding opportunities.
- To provide a greater range of rural settlement opportunities close to Boyup Brook which capitalise on the attraction of the Blackwood River but also provide opportunities for enhanced protection of the watercourse and associated landscape values.

The Strategy general recommendations for rural subdivision reflect the above recommendation from the Warren Blackwood Regional Rural Strategy ie a minimum lot size of 80 hectares. The strategy also provides for subdivision of homestead lots to retain the rural population and farming infrastructure in the rural areas.

The Strategy recommendations for the “Protections of Agricultural Land” also stipulate that in considering a plan of subdivision the Council shall have regard to the following matters:

- a) The size, dimensions and shape of each lot;
- b) The situation and planning of each lot in relation to services, both present and prospective. A statement of undertaking may be required in the sale of any new lots with regard to provision of existing Council services.
- c) The existing and proposed access to the subject land and to each lot. The Council will have regard to:-
  - i) the provisions of the “Road Contribution” Policy;
  - ii) the likely impact of the proposal on the Council road construction program;
  - iii) the ability to reduce the potential upgrading of existing roads by utilising an alternative subdivision design or battleaxe access legs which shall be constructed and designed to the satisfaction of the Manager of Works and Services;
  - iv) sight distances;
  - v) provision of school bus pick –up and let-down points.

(Note: the Council will not necessarily support the subdivision of land which requires the use of unconstructed road reserves as the potential impact of this upon the Council budget and road construction program may be detrimental to the community).

- d) The drainage of land and whether the land for drainage is to be vested in the local government or some public body or a government department.
- e) Whether the land has been declared unfit for building under the provisions of the Health Act 1911.
- f) Any other matter relating to the proposed subdivision or amalgamation which the Council in its opinion considers necessary or desirable in relation thereto including:-
  - Bush Fire Protection measures;
  - Battleaxe blocks;
  - Subdivision boundary to suit topography.

### **COMMENT**

The proposal seeks to rationalize the current farming lots and remove a lot which has no legal road frontage. Essentially, the applicant could have sought to retain all four titles and realign the boundaries to achieve this however boundary realignment alone would not substantially increase the general lot size for the resultant lots and therefore is generally a poorer outcome than what is now proposed.

The proposal will increase Lot 6 in area to 82ha which will be consistently with the recommendations of both the draft Local Planning Strategy and the endorsed Warren Blackwood Strategy. The other two resultant lots will be well in excess of the required 80ha.

The subdivision rationalizes an irregular lot layout for Location 4355 and offers legal, if not constructed, road frontage to all the proposed lots. The applicant has proposed a 'tied' lot be created so that an existing house at the site which is presently located to the north of Location 2408, belong to the new 'Lot 'A'. The constructed road would sever the new land parcel. The applicant has advised that the water supply infrastructure for this house is presently located on Lot 6.

It is not ideal to allow this form of infrastructure to cross a public road however in this instance Council may be advised to permit this as it would retain all buildings and infrastructure on one title. Presently the water supply infrastructure crosses a boundary and is located on two titles. It is assumed that there is currently no advice on title or easements granted in relation to this.

It is likely that the WAPC will be uncomfortable with the fractured lot layout that may result in maintaining this relationship. The Commission will consider the fact that often the severed nature of a lot is used in an attempt to justify a further subdivision at a later date. Council must consider ahead of time the ramifications of this and the objectives of the draft LPS.

It should be clearly noted that the creation of a homestead lot does not form part of this proposal however the proposed subdivision layout *may* create a situation whereby this is sought in the future and therefore Council should consider now, if this will support the recommendations of the draft LPS. The draft LPS does clearly provide for homestead lots to retain people in the rural areas whilst retaining the balance of land for agriculture in policy area BBR2.

The WAPC will need to be satisfied that Council does not believe there is possible or perceived landuse conflict between the existing house on proposed Lot A and the farming/agricultural use of Lot B.

The approval of this subdivision will enable the lots to meet with TPS 2 clause 5.2.6 where only one dwelling is permitted on each rural zoned lot.

It should also be noted that the rationalization of lot boundaries allows for two good sized farming allotments that will have legal Road frontage. As the roads are not constructed though, Council should impose a condition that the proponent either construct the road from the existing extent of the constructed road to the boundary with proposed 'Lot C' or pay a suitable contribution for Council to provide the access.

The subdivision as proposed meets the 80 hectare minimum lot size requirement of the Warren Blackwood Strategy and draft LPS. No additional information has been provided to justify the application or the position of the boundaries in relation to land capability, water supply etc to meet with the requirements of the draft LPS.

As the draft Strategy has not been advertised, it is difficult to expect applicants to be aware of or to address the above matters. No information has been submitted to assess the potential of lots for farming however it can be assumed that as they are of a similar size to those on adjacent land that the status quo of farming viability remains.

#### **POLICY IMPLICATIONS**

None

#### **BUDGET/FINANCIAL IMPLICATIONS**

None

#### **STRATEGIC IMPLICATIONS**

None

#### **SUSTAINABILITY IMPLICATIONS**

##### **➤ Environmental:**

There are no known environmental issues.

##### **➤ Economic:**

If Council does not impose a road construction condition or require a contribution towards the construction of the road, pressure may be placed on the Council by subsequent landowners to provide constructed access to Lot 'C' and therefore there will be cost implications to the Council.

##### **➤ Social:**

There are no known social issues.

#### **VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION – MOVE INTO COMMITTEE**

**MOVED: Cr Marshall                      SECONDED: Cr Lamshed**

**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 7/1**

**Res 245/08**

**COUNCIL DECISION – MOVE OUT OF COMMITTEE**

**MOVED: Cr Lamshed                      SECONDED: Cr Giles**

**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**

**Res 246/08**

**OFFICER RECOMMENDATION – ITEM 7.3.6**

**A            That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 6 Six Mile Road (as shown on plan ref 3045 dated July 2008), locations 2408, 2409 and 4355 Roland Road on the basis that the application is considered to be consistent the provisions for rural subdivision outlined in:**

- the Shire of Boyup Brook Town Planning Scheme No.2**
- WAPC DC 3.4 Subdivision of Rural Land; and**
- The Warren Blackwood Rural Strategy.**

**B            That Council advise the WAPC that it does not consider that there will be increased or perceived landuse conflict between the existing house on proposed Lot A and the possible farming activities on Proposed Lot 'B'. And;**

**C            The WAPC consider the application of the following Local Government conditions on any conditional approval issued by the Commission that may pertain to WAPC 138938;**

- 1. The gazetted road access along the northern boundary with proposed lots B & C being constructed to Council's satisfaction.**
- 2. All buildings having the necessary clearance from all new lot boundaries.**
- 3. Compliance with all relevant health and building requirements.**

**And the applicant being advised that in relation to the construction of the road reserve that Council may consider a road upgrading and maintenance contribution being paid consistent with Councils adopted 'Road contribution Policy'.**

**COUNCIL DECISION – ITEM 7.3.6**

**MOVED: Cr Marshall                      SECONDED: Cr Muncey**

**A** That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 6 Six Mile Road (as shown on plan ref 3045 dated July 2008), locations 2408, 2409 and 4355 Roland Road on the basis that the application is considered to be consistent the provisions for rural subdivision outlined in:

- the Shire of Boyup Brook Town Planning Scheme No.2
- WAPC DC 3.4 Subdivision of Rural Land; and
- The Warren Blackwood Rural Strategy.

**B** That Council advise the WAPC that it does not consider that there will be increased or perceived landuse conflict between the existing house on proposed Lot 'A' and the possible farming activities on Proposed Lot 'B'. And;

**C** The WAPC consider the application of the following Local Government conditions on any conditional approval issued by the Commission that may pertain to WAPC 138938;

1. The gazetted road access along the northern boundary with proposed lots B & C being constructed to Council's satisfaction and gazetted road access along the eastern boundary of proposed Lot 'A' being constructed to Council's satisfaction.
2. All buildings having the necessary clearance from all new lot boundaries.
3. Compliance with all relevant health and building requirements.

And the applicant being advised that in relation to the construction of the road reserve that Council may consider a road upgrading and maintenance contribution being paid consistent with Council's adopted 'Road contribution Policy'.

**CARRIED 8/0**

**Res 247/08**

**REASON FOR CHANGE IN MOTION FROM RECOMMENDATION - ITEM 7.3.6**

Council noted that the gazetted road along the eastern boundary of proposed lot 'A' was not constructed.

**7.3.7 Boyup Brook Medical Services – Review of Fees**

<i>Location:</i>	<i>Medical Centre Abel Street, Boyup Brook</i>
<i>Applicant:</i>	<i>Shire of Boyup Brook</i>
<i>File:</i>	<i>CM/42/003</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>12 December 2008</i>
<i>Author:</i>	<i>Alan Lamb, Chief Executive Officer</i>

**SUMMARY**

This report outlines the existing fees for services provided by the Boyup Brook Medical Centre, recent review of the Medicare rebates and proposes an increase in the fees.

**BACKGROUND**

The following fee structure was included in the 2008/09 budget:-

Service	GST Included	Amount
Consultations – Short	No	\$24.00
Consultations – Standard	No	\$45.00
Consultations – Long	No	\$72.00
Consultations – Extra Long	No	\$97.00
PATS – referral	Yes	\$2.50
Late Payment Administration fee – over 30 days	Yes	\$5.00
Late Payment Administration fee – over 60 days	Yes	\$10.00
Late Payment Administration fee – over 90 days	Yes	\$15.00
Administration fee for missed appointments (after 2 notices to patient)	Yes	\$44.00
Reports for Third Parties	Yes	\$180.00 per hour
Hire of Consulting Rooms – Half Day	Yes	\$44.00
Hire of Consulting Rooms – Half Day – with receptionist	Yes	\$55.00
Hire of Consulting Rooms – Full Day	Yes	\$88.00
Hire of Consulting Rooms – Full Day – with receptionist	Yes	\$110.00
Hire of Consulting Rooms to Visiting health Professionals from Voluntary organizations that do not levy or receive a fee for their services – Half day hire	Yes	\$25.00

It is apparent that the published budget is not correct for these fees as Council resolved in November 2007 that the following fees should apply and these would have carried on into the current budget pending changes to the Medicare rebate for services:

Service	GST Included	Amount
Consultations – Short	No	\$25.00
Consultations – Standard	No	\$46.50
Consultations – Long	No	\$75.00
Consultations – Extra Long	No	\$101.00
PATS – referral	Yes	\$3.00
Late Payment Administration fee – over 30 days	Yes	\$5.00
Late Payment Administration fee – over 60 days	Yes	\$10.00
Late Payment Administration fee – over 90 days	Yes	\$15.00
Administration fee for missed appointments (after 2 notices to patient)	Yes	\$46.50
Reports for Third Parties	Yes	\$186.00 per hour
Hire of Consulting Rooms – Half Day	Yes	\$44.00
Hire of Consulting Rooms – Half Day – with receptionist	Yes	\$55.00
Hire of Consulting Rooms – Full Day	Yes	\$88.00

Hire of Consulting Rooms – Full Day – with receptionist	Yes	\$110.00
Hire of Consulting Rooms to Visiting health Professionals from Voluntary organizations that do not levy or receive a fee for their services – Half day hire	Yes	\$25.00

For the year to November 2007 the Medicare rebate for services provided were as follows, the gap is the net cost to the patient:

Consultations	Rebate	GAP
Short	\$15.00	\$10.00
Standard	\$32.80	(\$13.70)
Long	\$62.30	(\$12.70)
Extra Long	\$91.70	(\$9.30)

Whilst the fees were adopted in the annual budget for 2007/08, these were based on the level set in November 2007, as it was necessary to wait until the Medicare rebate was reviewed in October/November 2008 prior to making any adjustment. The new Medicare rebates have now been published and it is recommended the fees be reviewed to reflect increasing costs.

### **COMMENT**

The Chief Executive Officer has discussed this matter with the Doctor and staff at Boyup Brook Medical Practice and it is recommended that the fees be reviewed to reflect the increased costs of operating the medical centre and the revised Medicare rebates. A small increase each year is far more acceptable than a larger increase after a longer period without an adjustment. The revised Medicare rebates as from 01/11/08 are:-

	<u>Rebate</u>
Consultation – Short	\$15.35
Standard	\$33.55
Long	\$63.75
Extra Long	\$93.80

The new fee structure proposed is as follows:

Service	GST Included	Amount
Consultations – Short	No	\$26.00
Consultations – Standard	No	\$48.50
Consultations – Long	No	\$78.50
Consultations – Extra Long	No	\$105.50
PATS – referral	Yes	\$3.00
Late Payment Administration fee – over 30 days	Yes	\$5.00
Late Payment Administration fee – over 60 days	Yes	\$10.00
Late Payment Administration fee – over 90 days	Yes	\$15.00
Administration fee for missed appointments (after 2 notices to patient)	Yes	\$46.50
Reports for Third Parties	Yes	\$186.00 per hour
Hire of Consulting Rooms – Half Day	Yes	\$44.00

Hire of Consulting Rooms – Half Day – with receptionist	Yes	\$55.00
Hire of Consulting Rooms – Full Day	Yes	\$88.00
Hire of Consulting Rooms – Full Day – with receptionist	Yes	\$110.00
Hire of Consulting Rooms to Visiting health Professionals from Voluntary organizations that do not levy or receive a fee for their services – Half day hire	Yes	\$25.00

The GAP after taking into consideration the revised fee schedule and Medicare rebate will be as follows:-

	GAP
Consultation – Short	\$10.65 (an increase of \$0.65)
Standard	\$14.95 (an increase of \$1.25)
Long	\$14.75 (an increase of \$2.05)
Extra Long	\$11.70 (an increase of \$2.40)

The following information has also been provided by the staff at the Boyup Brook Medical Practice:-

Patient type 2006 – 2007 financial year:

Veterans affairs patients	4.7%
Bulk Bill patients	35.4%
Private patients	25.6%
Organizations	37.3% (workers comp, hospitals, etc)
Total	100%

All patients with a pensioner card, commonwealth senior's card and health care card are bulk billed.

Pensioner card:	eligible if you are on a pension.
Health care card:	eligible if taxable income for an 8 week period of less than \$445.75 a week for single, \$743.00 a week for couple.
Commonwealth senior's card:	eligible if taxable income is less than \$80,000 a year for a couple, \$50,000 a year for a single.

### **CONSULTATION**

Dr Mel and Boyup Brook Medical Centre staff

### **STATUTORY ENVIRONMENT**

Local Government Act 1995 – Section 6.16, 6.17 and 6.19

Section 6.19- Requires a Local Government to advertise its intention to implement a fee structure that was not included in the Annual budget before it introduces the new fee and also to advise as to the date it will apply from.

**POLICY IMPLICATIONS**

No specific policy that relates to this matter.

**FINANCIAL IMPLICATIONS**

The revised fee structure will assist in achieving the estimate increase income projected in 2008/09 Budget to be received by the Boyup Brook Medical Centre, however the level depends entirely on the number of patients attending.

**STRATEGIC IMPLICATIONS**

It is important to continue to provide a viable Medical Service for the community and to provide adequate resources to update the services and facilities provided.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION – ITEM 7.3.7**

That the fees and charges contained in the 2008/9 Budget for the Boyup Brook Medical Centre be revised as follows and implemented from 1 January 2009:-

**BOYUP BROOK MEDICAL CENTRE**

Service	GST Included	Amount
Consultations – Short	No	\$26.00
Consultations – Standard	No	\$48.50
Consultations – Long	No	\$78.50
Consultations – Extra Long	No	\$105.50
PATS – referral	Yes	\$3.00
Late Payment Administration fee – over 30 days	Yes	\$5.00
Late Payment Administration fee – over 60 days	Yes	\$10.00
Late Payment Administration fee – over 90 days	Yes	\$15.00
Administration fee for missed appointments (after 2 notices to patient)	Yes	\$46.50
Reports for Third Parties	Yes	\$186.00 per hour
Hire of Consulting Rooms – Half Day	Yes	\$44.00
Hire of Consulting Rooms – Half Day – with receptionist	Yes	\$55.00
Hire of Consulting Rooms – Full Day	Yes	\$88.00
Hire of Consulting Rooms – Full Day – with receptionist	Yes	\$110.00
Hire of Consulting Rooms to Visiting health Professionals from Voluntary organizations that do not levy or receive a fee for their services – Half day hire	Yes	\$25.00

**COUNCIL DECISION – ITEM 7.3.7**

**MOVED: Cr Giles**

**SECONDED: Cr Muncey**

**That the fees and charges contained in the 2008/9 Budget for the Boyup Brook Medical Centre be revised as follows and implemented from 1 January 2009:-**

**BOYUP BROOK MEDICAL CENTRE**

<b>Service</b>	<b>GST Included</b>	<b>Amount</b>
<b>Consultations – Short</b>	<b>No</b>	<b>\$26.00</b>
<b>Consultations – Standard</b>	<b>No</b>	<b>\$48.50</b>
<b>Consultations – Long</b>	<b>No</b>	<b>\$78.50</b>
<b>Consultations – Extra Long</b>	<b>No</b>	<b>\$105.50</b>
<b>PATS – referral</b>	<b>Yes</b>	<b>\$3.00</b>
<b>Late Payment Administration fee – over 30 days</b>	<b>Yes</b>	<b>\$5.00</b>
<b>Late Payment Administration fee – over 60 days</b>	<b>Yes</b>	<b>\$10.00</b>
<b>Late Payment Administration fee – over 90 days</b>	<b>Yes</b>	<b>\$15.00</b>
<b>Administration fee for missed appointments (after 2 notices to patient)</b>	<b>Yes</b>	<b>\$46.50</b>
<b>Reports for Third Parties</b>	<b>Yes</b>	<b>\$186.00 per hour</b>
<b>Hire of Consulting Rooms – Half Day</b>	<b>Yes</b>	<b>\$44.00</b>
<b>Hire of Consulting Rooms – Half Day – with receptionist</b>	<b>Yes</b>	<b>\$55.00</b>
<b>Hire of Consulting Rooms – Full Day</b>	<b>Yes</b>	<b>\$88.00</b>
<b>Hire of Consulting Rooms – Full Day – with receptionist</b>	<b>Yes</b>	<b>\$110.00</b>
<b>Hire of Consulting Rooms to Visiting health Professionals from Voluntary organizations that do not levy or receive a fee for their services – Half day hire</b>	<b>Yes</b>	<b>\$25.00</b>
<b>Repeat Prescription Fee</b>	<b>Yes</b>	<b>\$5.00</b>

**CARRIED 8/0 BY ABSOLUTE MAJORITY**

**Res 248/08**

**REASON FOR CHANGE IN MOTION FROM RECOMMENDATION - ITEM 7.3.7**

The repeat prescription fee was omitted in error from the current budget .

### 7.3.8 AWARE Emergency Risk Management Project

<b>Location:</b>	<i>Boyup Brook district</i>
<b>Applicant:</b>	<i>N/A</i>
<b>File:</b>	<i>N/A</i>
<b>Disclosure of Officer Interest:</b>	<i>none</i>
<b>Date:</b>	<i>4 December 2008</i>
<b>Author:</b>	<i>Wayne Jolley – Emergency Risk Management Project Coordinator</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb</i>
<b>Attachments:</b>	<i>- Recovery Management Plan - Emergency Management Arrangements - Risk Management Plans - AWARE Project Report</i>

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#### **SUMMARY**

In November 2007, the Shire was advised by FESA that it had been granted \$15,350.00 under the AWARE program, to conduct the emergency risk management process in the Boyup Brook district. The project has been completed under the direction of the Local Emergency Management Committee (LEMC).

At its meeting of 2 December 2008, the LEMC resolved to submit the following documents to Council for endorsement or adoption.

- Local Emergency Recovery Plan – 2008;
- Local Emergency Management Arrangements – 2008;
- Risk Treatment Plans (Attachment 4 of the Emergency Management Arrangements); and
- AWARE Emergency Risk Management Project Report.

#### **BACKGROUND**

The Emergency Management Act 2005 places a number of obligations on the Shire of Boyup Brook and its Local Emergency Management Committee (LEMC), including the need to have suitable Emergency Management Arrangements in place for its district. In February 2007, the Shire applied to FESA for funds under its AWARE program, to conduct the emergency risk management program. Funds were granted in November 2007 and the author was appointed to coordinate the project under the direction of the LEMC. Due to the seven month delay in granting funds, FESA has extended the finishing date to 31 December 2008.

The key nominated outcomes of the project were to:

- Conduct a Recovery Management training forum;
- Undertake the emergency risk management process;
- Engage the public in terms of emergency management; and
- Document emergency management arrangements for the district.

## **COMMENT**

The AWARE project is now completed within the timeframe agreed by FESA (31 December 2008) and within budget.

All of the key outcomes have been delivered as follows:

**Recovery Management Training** – A regional Introduction to Recovery Management Course was conducted in Boyup Brook on 21<sup>st</sup> November 2007, which was attended by 17 local and regional Local Government officers, Councillors and LEMC representatives.

**Emergency risk management** – This process is similar to the ordinary risk management process used by industry and organisations across the world and is the main reason that FESA granted funds for the project. The process has been realized through:

- A community survey conducted early in 2008 to identify perceived hazards that face Boyup Brook;
- The structured analysis and evaluation of the data obtained from the survey;
- Development of Treatment Options to reduce either the risk of an emergency occurring or the impact on the community. This has led to the creation of Risk Treatment Plans in Attachment 4 of the Emergency Management Arrangements, which should be examined by Council pending adoption;
- Production of Local Emergency Management Arrangements as is required by the Emergency Management Act 2005.

**Engaging the public** – Throughout the project, the community has been kept informed through articles in the Boyup Brook Gazette. Commencing 12 months ago, four such articles have been published, and another which talks about the conclusion and outcomes of the project, has been drafted for publication early in 2009.

The survey also contributed to community engagement, where every householder was circulated, 92 responded and 37 volunteered for on going participation. Eleven of those volunteers also participated in the Treatment Options Workshop in June.

**Documentation** - The following documents, which are a requirement of the Emergency Management Act 2005 have been produced with opportunity for the community to have input.

- Local Recovery Management Plan 2008
- Emergency Management Arrangements 2008
- Risk Treatment Plans

The Local Recovery Management Plan and the Emergency Management Arrangements are living documents and should be reviewed at least annually. At present there is still some minor information to be inserted in the documents but these are all matters of fact such as contact names and phone numbers, which are awaited. This should not limit the ability of Council to endorse or adopt the documents with confidence.

Risk Treatment Plans are incorporated as Attachment 4 in the Emergency Management Arrangements. They are action statements based on treatment options initially identified at the Treatment Options Workshop in June 2008 and subsequently refined by the LEMC. They are included separately because they constitute recommended actions that may have resource implications for the Shire.

**STATUTORY OBLIGATIONS**

Emergency Management Act 2005

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

- The AWARE project has been completed within budget (Shire Budgets 2007-08 & 2008-09).
- Risk Treatment Plans may consume some resources but costs have not been established at this stage.

**STRATEGIC IMPLICATIONS**

There are no known strategic issues

**SUSTAINABILITY IMPLICATIONS**

- **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 AND OFFICER RECOMMENDATION – ITEM 7.3.8**

**MOVED: Cr Ginnane                      SECONDED: Cr Marshall**

**That Council adopt the following documents arising from the AWARE Emergency Risk Management project:**

- **Local Emergency Recovery Plan – 2008;**
- **Local Emergency Management Arrangements – 2008;**
- **Risk Treatment Plans**
- **AWARE Emergency Risk Management Project Report**
- **(Attachment 4 of the Emergency Management Arrangements); and**
- **AWARE Emergency Risk Management Project Report**

**CARRIED 8/0**

**Res 249/08**

**7.3.9 STS Leeuwin 2009 – Boyup Brook District High School**

<b>Location:</b>	N/A
<b>Applicant:</b>	<b>Boyup Brook District High School</b>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<b>Nil</b>
<b>Date:</b>	12 December 2008
<b>Author:</b>	Alan Lamb
<b>Authorizing Officer:</b>	Alan Lamb
<b>Attachments:</b>	Applicants letter

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**SUMMARY**

The School seeks sponsorship for six students in the current year and for an on going commitment.

**BACKGROUND**

The Leeuwin voyages for young people are well known. For the past two years year ten students have been given the opportunity to attend a voyage with assistance from the Lions club and the Westfarmers Rural Scholarship program. Westfarmers are no longer able to assist and the School is seeking for Council to take their place. The funding request is \$1,500.

**COMMENT**

This expenditure has not been budgeted for and, based on Council policy on donations that requires the CEO to reject applications that are made outside of the budget process, the officer recommendation is to refuse the application this year. There is a great deal of benefit to be gained from the Leeuwin voyages and Council may wish to make an exception to its policy in this case. It may also wish to consider making this an annual contribution.

**CONSULTATION**

The author has spoken with a representative of the school.

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Council's Donation Policy applies.

**BUDGET/FINANCIAL IMPLICATIONS**

No provision has been made in the budget.

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

- **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**

Absolute majority if Council chooses to make a donation and simple majority if it does not.

**OFFICER RECOMMENDATION – ITEM 7.3.9**

**That Council;**

- 1. Not agree to the Boyup Brook District High School’s request for sponsorship of \$1,500 to send year ten students on the STS Leeuwin voyage in 2009.**
- 2. That Council give consideration in the 2009/10 budget to providing funding assistance for this program in that year and to making an ongoing sponsorship commitment.**

**COUNCIL DECISION – ITEM 7.3.9**

**MOVED: Cr Marshall**

**SECONDED: Cr Broadhurst**

**That Council;**

- 1. Not agree to the Boyup Brook District High School’s request for sponsorship of \$1,500 to send year ten students on the STS Leeuwin voyage in 2009; and**
- 2. Advise Boyup Brook District High School of Council’s Donation Policy.**

**CARRIED 7/1**

**Res 250/08**

**REASON FOR CHANGE IN MOTION FROM RECOMMENDATION - ITEM 7.3.9**

Council has a specific policy on donations and wishes to be consistent with all applicants.

### 7.3.10 Boyup Brook Town Hall – free use

<b>Location:</b>	<i>Boyup Brook Town Hall</i>
<b>Applicant:</b>	<i>Mr and Mrs Mullen</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>12 December 2008</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Letter from applicant</i>

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#### **SUMMARY**

Mr and Mrs Mullen hope to be able to use the hall free of charge to show films for charitable purposes.

#### **BACKGROUND**

The attached letter is self explanatory. The hope was to put something on for Christmas and then to run family type films as a regular feature every month or two. The theme would be family oriented and the funds raise were to go to organisations such as the Starlight Foundation, Make a Wish etc.

#### **COMMENT**

The hall is not well use and whist this use would not generate income and would result in some costs (electricity, water, cleaning and maintenance) it is perhaps better to have the building used. There is also the community benefit of something else for families to do in town especially over the coming holiday period.

It is recommended that Council agree to a trial period of six months on the following condition that bookings are to be made in advance and fee paying bookings will take priority, other standard conditions of should also apply.

#### **CONSULTATION**

The author has spoken with the applicant.

#### **STATUTORY OBLIGATIONS**

Nil

#### **POLICY IMPLICATIONS**

Nil

#### **BUDGET/FINANCIAL IMPLICATIONS**

The proposed free usage will result in a net cost to Council.

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

- **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 – MOVE INTO COMMITTEE**

**MOVED: Cr Lamshed**

**SECONDED: Cr Giles**

**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.**

**LOST 4/4 (The Shire President used his casting vote against)**

**OFFICER RECOMMENDATION – ITEM 7.3.10**

**That Council agree to Mr and Mrs Mullen’s request to use the Town Hall free of charge to conduct film showings for the purposes of raising funds for charitable organisations on a once per month basis subject to standard Hall Hire conditions and subject to their making prior bookings and fee paying bookings taking precedence.**

**COUNCIL DECISION – ITEM 7.3.10**

**MOVED: Cr Giles**

**SECONDED: Cr Ginnane**

**That Council not agree to Mr and Mrs Mullen’s request to use the Town Hall free of charge to conduct film showings and direct the CEO to advise the Mullens of the current Council Policy for refunds.**

7:01pm Cr Giles left the meeting

**CARRIED 7/0**

**Res 251/08**

7:04pm Cr Giles returned to the meeting

**REASON FOR CHANGE IN MOTION FROM RECOMMENDATION - ITEM 7.3.10**

Council did not agree with the recommendation to allow the free use as it would set an unwanted precedent.

**8 COMMITTEE REPORTS**

**8.1.1 Youth Advisory Committee Minutes**

**Location:** N/A  
**Applicant:** N/A  
**File:** IM/37/004  
**Disclosure of Officer Interest:** Nil  
**Date:** 12 December 2008  
**Author:** Annie Jones  
**Authorizing Officer:** Alan Lamb  
**Attachments:** Yes - Minutes

**BACKGROUND:**

Meetings of the Youth Advisory Committee were held on 15 October, 22 October, 5 November, 12 November, 25 November, 2 December and 9 December 2008.

Minutes of the meetings are laid on the table and circulated (refer to appendix 8.1.1).

**COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 8.1.1**

**MOVED: Cr Marshall                      SECONDED: Cr Ginnane**

**That the minutes of the Youth Advisory Committee meetings held on 15 October, 22 October, 5 November, 12 November, 25 November, 2 December and 9 December 2008 be received.**

**CARRIED 8/0**

**Res 252/08**

**8.1.2 The Consolidation Of Sporting Facilities In The Recreational Precinct  
Committee Minutes**

**Location:** N/A  
**Applicant:** N/A  
**File:** RE/37/001  
**Disclosure of Officer Interest:** Nil  
**Date:** 12 December 2008  
**Author:** Alan Lamb  
**Authorizing Officer:** N/A  
**Attachments:** Yes - Minutes

**BACKGROUND:**

A Meeting of the Consolidation of Sporting Facilities in the Recreation Precinct Committee was held on 3 December 2008.

Minutes of the meetings are laid on the table and circulated (refer to appendix 8.1.2).

**COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 8.1.2**

**MOVED: Cr Marshall**

**SECONDED: Cr Lamshed**

**That the minutes of the Consolidation of Sporting Facilities in the Recreation Precinct Committee held on 3 December 2008 be received.**

**CARRIED 8/0**

**Res 253/08**

**COMMITTEE RECOMMENDATION – ITEM 8.1.2**

**That Council amend the 2008/09 Budget to make provision of \$10,000 for the purposes of having concept drawings and indicative costings done on the proposed consolidated sporting complex in the recreational precinct.**

**COUNCIL DECISION – ITEM 8.1.2**

**MOVED: Cr Marshall**

**SECONDED: Cr Lamshed**

**That :**

**Council amend the 2008/09 Budget to make provision of \$10,000 to be drawn from the Recreation Facilities Reserve for the purposes of having concept drawings and indicative costings done on the proposed consolidated sporting complex in the recreational precinct.**

**CARRIED 6/2**

**Res 254/08**

Cr Muncey requested that the vote of all members present be recorded.

For	Against
Cr Giles	Cr Muncey
Cr Ginnane	Cr Broadhurst
Cr O'Hare	
Cr Lamshed	
Cr Marshall	
Cr Downing	

**MOVED: Cr Marshall                      SECONDED: Cr Lamshed**

**That the committee's name be changed to the Combined Community and Recreation Facilities Committee.**

**CARRIED 5/3**

**Res 255/08**

Cr Ginnane requested that the vote of all members present be recorded.

For	Against
Cr Giles	Cr Ginnane
Cr Lamshed	Cr O'Hare
Cr Downing	Cr Muncey
Cr Marshall	
Cr Broadhurst	

### **8.1.3 The Local Emergency Management Committee Minutes**

<b>Location:</b>	<i>N/A</i>
<b>Applicant:</b>	<i>N/A</i>
<b>File:</b>	<i>EM/37/001</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>12 December 2008</i>
<b>Author:</b>	<i>Jim Ferguson</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb</i>
<b>Attachments:</b>	<i>Yes - Minutes</i>

#### **BACKGROUND:**

A Meeting of the Consolidation Local Emergency Management Committee was held on 2 December 2008.

Minutes of the meetings are laid on the table and circulated (refer to appendix 8.1.3).

### **COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 8.1.3**

**MOVED: Cr O'Hare                      SECONDED: Cr Broadhurst**

**That the minutes of the Local Emergency Management Committee held on 2 December 2008 be received.**

**CARRIED 8/0**

**Res 256/08**

**ADJOURNMENT**

**MOVED: Cr Lamshed                      SECONDED: Cr Giles**

**That the meeting be adjourned from 7:34pm.**

**CARRIED 5/3**

**Res 257/08**

7:42pm - the meeting reconvened with all those being present before the adjournment returning to the meeting.

**9            MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**9.1.1   Cr Ginnane Notice of Motion**

Cr Ginnane put forward the following notice of motion:

*(Reference item 7.3.1 Ordinary meeting , Shire of Boyup Brook Thursday, 20th November 2008.)*

**That priority matters to be put to the Hon. Terry Redman as requested by him be made more specific and listed thus:**

- 1.    Development of Industrial land**
- 2.    Infill sewerage**
- 3.    Consolidated Sporting Complex**
- 4.    Heritage Buildings**
- 5.    Town Drainage**
- 6.    Development of Residential Land**
- 7.    Public Housing**

**Supporting Statement:**

To list these matters under 2 distinct headings only adds confusion and serves no valuable purpose.

For many years a major obstacle to Boyup Brook's progress and subsequent expansion of our population has been a lack of available land for Industrial purposes; Council has been reluctant to burden our rate payers with the substantial costs of head works and costs of purchasing land for this purpose, yet has always been aware that to attract businesses we need to have somewhere for them to establish.

We have a probably once in a life time opportunity, because of the vagaries of political opportunism, to gain funds from the State Government to do this thing that has been considered for many years.

For years, apart from this the current 12 months Boyup Brook has had a declining population in all categories apart from the elderly; this is a distinct opportunity to reverse that trend. None of the other matters listed can attain this end.

Cr Terry Ginnane

**Officer Comment**

It should be noted that the resolution in respect of Item 7.3.1 from November 2008 has not been actioned. The notice of motion was received before the letter was sent to the Minister and it appears to be prudent to hold off on this until the fate of this notice of motion was known.

**COUNCIL DECISION – ITEM 9.1.1**

The Shire President sought an indication of support from at least a third of councillors for the revocation of Item 7.3.1 at the November Ordinary Council Meeting to be considered at this meeting. Cr Lamshed, Cr Broadhurst and Cr O’Hare indicated they were prepared to support the revocation motion being considered.

**MOVED: Cr Lamshed                      SECONDED: Cr Broadhurst**

**That item 7.3.1 – Res 226/08 of the Ordinary meeting of Council on 20<sup>th</sup> November 2008 which is –**

**“That Council put the following list of priority matters to the Hon Terry Redman as requested by him:**

<b><u>Priorities – outside of Councils control</u></b>	<b><u>Priorities – within Council’s control but requiring external funding.</u></b>
<b>Infill Sewerage</b>	<b>Consolidated Sporting Complex</b>
<b>Town Planning/Development Issues –</b> <ul style="list-style-type: none"><li>• Residential Land</li><li>• Light Industrial Land</li></ul>	<b>Heritage Buildings</b>
<b>Public Housing</b>	<b>Town Drainage System</b>

**” be revoked.**

**CARRIED 5/3**

**Res 258/08**

Cr Ginnane requested that the vote of all members present be recorded.

For	Against
Cr Ginnane	Cr Giles
Cr O’Hare	Cr Lamshed
Cr Downing	Cr Muncey
Cr Marshall	
Cr Broadhurst	

**MOTION**

**MOVED: Cr Ginnane                      SECONDED: Cr O'Hare**

**That priority matters to be put to the Hon. Terry Redman as requested by him be made more specific and listed thus:**

- 1. Development of Industrial land**
- 2. Infill sewerage**
- 3. Consolidated Sporting Complex**
- 4. Heritage Buildings**
- 5. Town Drainage**
- 6. Development of Residential Land**
- 7. Public Housing**

**AMENDMENT**

**MOVED: Cr Marshall                      SECONDED:**

**That item 1 be placed as item 7 and all others move up the ranking.**

Councillor Ginnane sought to have his protest recorded as he believed the amendment changed the intention of the motion.

The amendment lapsed for want of a seconder. The Shire President then put the motion

**MOVED: Cr Ginnane                      SECONDED: Cr O'Hare**

**That priority matters to be put to the Hon. Terry Redman as requested by him be made more specific and listed thus:**

- 1. Development of Industrial land**
- 2. Infill sewerage**
- 3. Consolidated Sporting Complex**
- 4. Heritage Buildings**
- 5. Town Drainage**
- 6. Development of Residential Land**
- 7. Public Housing**

**CARRIED 5/3**

**Res 259/08**

Cr Lamshed requested that the vote of all members present be recorded.

For	Against
Cr Ginnane	Cr Giles
Cr O'Hare	Cr Lamshed
Cr Downing	Cr Marshall
Cr Muncey	
Cr Broadhurst	

**LATE ITEM**

**7.3 CHIEF EXECUTIVE OFFICER**

<b>7.3.11</b>	<b>Lot 913 Fern Valley Road – Development Application</b>
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**Location:** Lot 913 Fern Valley Road  
**Applicant:** Samantha Curran and Robert Jones  
**File:**  
**Disclosure of Officer Interest:** None  
**Date:** 16th December 2008  
**Author:** Alan Lamb  
**Authorising Officer:** Alan Lamb – Chief Executive Officer  
**Attachments:**

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**SUMMARY**

This report recommends that Council approve the proposed development of a second dwelling and that the current dwelling be classed as a “Holiday Cottage”.

**BACKGROUND**

The applicant started the development of a dwelling some time ago, and as this was the first dwelling on the lot there was no requirement for planning approval. The footings and slab were constructed but circumstances prevented this project from being completed.

A small two bedroom transportable cottage was erected on site approximately two years ago with the intention that this would become the holiday cottage and that a family home would be completed at a future date.

The applicant has been working on the family home project for some time and their building application is supported by engineering certifications, energy efficiency assessments and the like.

**COMMENT**

The applicant’s family situation is changing and the small cottage is no longer sufficient and so the plan is to recommence the family home project.

The land is zoned Rural and a single dwelling is a permitted use under Town Planning Scheme 2 (TPS2). The Scheme provides that:

*No more than one single dwelling house may be erected and occupied on a lot within the Rural Zone except where Council is satisfied that an additional house is necessary or desirable for the continuation of a bona fide agricultural activity.*

In this case the applicant is, in effect, seeking approval for the existing structure to be classified as a Holiday Cottage and for approval to construct a dwelling (family home). The TPS2 Zoning Table provides that in a Rural Zone a Holiday Cottage is:  
*A use which Council, exercising the discretionary powers available to it, may approve under the Scheme.*

It is recommended that the application be approved with conditions for the Holiday Cottage as set out in Council's policy.

**CONSULTATION**

The author has spoken with the applicant and other Council officers

**STATUTORY ENVIRONMENT**

Town Planning Scheme 2

**POLICY IMPLICATIONS**

Council's Farm Chalets policy has application.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

<b>OFFICER RECOMMENDATION – ITEM 7.3.11</b>
---

**That Council:**

- 1. approve the application for the cottage at lot 913 Fern Valley Road to be classified as a Holiday Cottage subject to the following conditions;**
  - 1.1 Two car parking spaces being provided for each chalet and constructed to a gravel pavement finish (currently worded: 'constructed, properly drained and sealed') and properly drained to the satisfaction of the Chief Executive Officer;**
  - 1.2 Access being approved by the Chief Executive Officer and crossovers constructed to the Council's design specifications and levels.**
  - 1.3 The proponent shall provide a minimum of eighty thousand (80 000) litres per annum per chalet.**
  - 1.4 The proponent shall comply with the Shire's Firebreak Order. A 2.5 kg dry powder fire extinguisher and fire blanket shall be provided in each individual kitchen.**
  - 1.5 All stormwater run off from impervious surfaces being disposed of to the satisfaction of the Chief Executive Officer.**
  - 1.6 The provision of a waste water and effluent disposal system in compliance with the Health Department of Western Australia's regulations and policies.**
  - 1.7 The buildings shall comply with the Building Code of Australia.**
  - 1.8 A Fire Management Plan to the satisfaction of the Chief Bushfire Control Officer will be required for the land.**

- 1.9 The landowner and all future landowners shall enter into a legal agreement with the Shire to ensure the specific conditions are adhered to. A caveat, recognising this agreement, is to be lodged on the certificate of title.
  - 1.10 The following minimum facilities shall be provided in the chalet:-
    - ◆ Toilet
    - ◆ Bathroom (may be combined with toilet)
    - ◆ Kitchen
    - ◆ Living area
    - ◆ Laundry facilities
2. Approve the application to build a dwelling in accordance with plans provided and with Council's Town Planning Scheme.

<b>COUNCIL DECISION – ITEM 7.3.11</b>
---------------------------------------

**MOVED: Cr Ginnane**

**SECONDED: Cr Muncey**

**That Council:**

1. approve the application for the cottage at lot 913 Fern Valley Road to be classified as a Holiday Cottage subject to the following conditions;
  - 1.1 Two car parking spaces being provided for each chalet and constructed to a gravel pavement finish (currently worded: 'constructed, properly drained and sealed') and properly drained to the satisfaction of the Chief Executive Officer;
  - 1.2 Access being approved by the Chief Executive Officer and crossovers constructed to the Council's design specifications and levels.
  - 1.3 The proponent shall provide a minimum of eighty thousand (80 000) litres of water per annum per chalet.
  - 1.4 The proponent shall comply with the Shire's Firebreak Order. A 2.5 kg dry powder fire extinguisher and fire blanket shall be provided in each individual kitchen.
  - 1.5 All stormwater run off from impervious surfaces being disposed of to the satisfaction of the Chief Executive Officer.
  - 1.6 The provision of a waste water and effluent disposal system in compliance with the Health Department of Western Australia's regulations and policies.
  - 1.7 The buildings shall comply with the Building Code of Australia.
  - 1.8 A Fire Management Plan to the satisfaction of the Chief Bushfire Control Officer will be required for the land.
  - 1.9 The landowner and all future landowners shall enter into a legal agreement with the Shire to ensure the specific conditions are adhered to. A caveat, recognising this agreement, is to be lodged on the certificate of title.
  - 1.10 The following minimum facilities shall be provided in the chalet:-
    - ◆ Toilet
    - ◆ Bathroom (may be combined with toilet)
    - ◆ Kitchen
    - ◆ Living area
    - ◆ Laundry facilities

1.11 As per Council Policy P.06 - The Scheme defines a 'Holiday Cottage' as a 'detached dwelling on one lot let for holiday purposes, which may not be occupied by the same tenant for a continuous period of more than four (4) months.'

2. Approve the application to build a dwelling in accordance with plans provided and with Council's Town Planning Scheme.

CARRIED 8/0

Res 260/08

**REASON FOR CHANGE IN MOTION FROM RECOMMENDATION - ITEM 7.3.11**

For clarification of how long the holiday cottage may be occupied by the same tenant.

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

**10.1.1 Placement of Len Zuks works of art**

**DECLARATION OF INTEREST**

Cr Ginnane declared a proximity interest in the item 10.1.1 and departed the Chambers the time being 8:24pm.

**COUNCIL DECISION – ITEM 10.1.1**

**MOVED: Cr Marshall**

**SECONDED: Cr Giles**

**That : -**

1. the works of art created by Len Zuks be placed in the Bridge Street median strip between Barron and Forrest Streets at the two points as identified by Councillors who met on site; and
2. The CEO investigates costings on appropriate feature lighting to illuminate the works of art at night.

**LOST 3/4**

**Res 261/08**

Cr Marshall requested that the vote of all members present be recorded.

For	Against
Cr Lamshed	Cr Downing
Cr Giles	Cr Muncey
Cr Marshall	Cr Broadhurst
	Cr O'Hare

8:36pm – Cr Ginnane returned to the meeting.

**10.1.2 Item for January 2009 Meeting - Placement of Len Zuks works of art**

**COUNCIL DECISION – ITEM 10.1.2**

**MOVED: Cr Broadhurst**

**SECONDED: Cr O'Hare**

**That the location of the works of art be placed on the agenda for consideration at the January 2009 Council Meeting.**

**CARRIED 8/0**

**Res 262/08**

**11 CONFIDENTIAL MATTERS**

Nil

**12 CLOSURE OF MEETING**

There being no further business the Shire President, Cr Roger Downing, thanked Councillors and Staff for their attendance, passed on best wishes for the season and declared the meeting closed at 8:40pm.