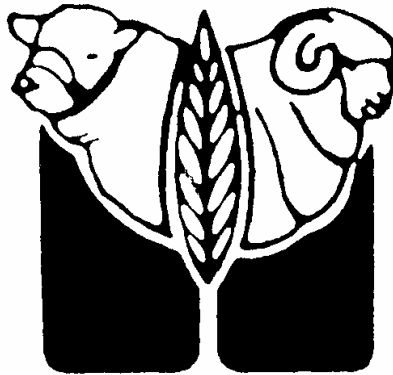


# MINUTES



## ORDINARY MEETING

HELD ON

THURSDAY, 19 MAY 2005

AT

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

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**Suspension of Standing Orders**

**MOVED: Cr Over**

**SECONDED: Cr Broadhurst**

**That the Order of Business for the Council Meeting, being Clause 5 of the Standing Orders, Local Law No 1 be suspended.**

**CARRIED: 8/0**

<b>1 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED</b>
--

1.1 Attendance

Cr R Downing - Acting Shire President  
Cr N Blackburn  
Cr S Broadhurst  
Cr P Marshall  
Cr T Oversby  
Cr S Purse  
Cr K Moir  
Cr J Mondy

Mr W Pearce – Chief Executive Officer  
Mr K Jones – Manager of Finance and Administration  
Mr J Eddy – Manager of Works and Services

Mr B Anderson – Donnybrook/Bridgetown Mail (left 5.43pm)

1.2 Apologies

Cr T Ginnane – Shire President

<b>2 PUBLIC QUESTION TIME</b>
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2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

### 3 APPLICATIONS FOR LEAVE OF ABSENCE

### 4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

#### 4.1 Bunbury Port Authority

Bunbury Port Authority's Acting Chief Executive Officer, Mr John Barrett, presented a sponsorship cheque for \$5000 towards the Sandakan Playground Shade Sails.

#### 4.2 Cr Broadhurst – Blackwood River Valley Marketing Association

The BRVMA Inland Loop brochure was launched on the 13<sup>th</sup> May at the Dwellingup Forest Centre with over 50 attendees. Print media coverage was well received and has been hailed as an excellent initiative.

### 5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The Chief Executive Officer departed the Chambers, the time being 3.35pm.

#### 5.1 Minutes of the Ordinary Meeting of the Council held on 21 April 2005.

**MOVED: Cr Oversby**

**SECONDED: Cr Marshall**

**That the minutes of the previous Ordinary Meeting of the Council held on 21 April 2005 be confirmed as an accurate record.**

**CARRIED 8/0**

The Chief Executive Officer returned to the Chambers, the time being 3.36pm.

#### 5.2 Minutes of the Special Meeting of the Council held 10 May 2005 - Swearing-in of Newly Elected Councillors; Election of President & Deputy President

**MOVED: Cr Broadhurst**

**SECONDED: Cr Martin**

**That the minutes of the Special Meeting of the Council held on 10 May 2005, be confirmed as an accurate record.**

**CARRIED 8/0**

### 6 PRESIDENTIAL COMMUNICATIONS

Nil

## 7 REPORTS OF OFFICERS AND COMMITTEES

### 7.1 WORKS AND SERVICES

Nil reports

### 7.2 DEVELOPMENT AND COMMUNITY SERVICES

#### 7.2.1 Draft Local Rural Strategy

*Proponent:* Shire of Boyup Brook  
*Location:* -  
*Reporting Officer:* Will Pearce  
*Date Report Written:* 03 May2005  
*Enabling Legislation:* Town Planning Scheme No 2  
*File:* LN/55/001  
*Appendices:* 1.1 - Letter

#### **BACKGROUND:**

The draft Local Rural Strategy (LRS) has been in dispute for over a year between the Council and the Minister for Planning and Infrastructure over rural subdivision criteria.

The Council at its March 2004 meeting resolved, in part:-

*That the Western Australian Planning Commission is requested to approve the following modifications to the draft Shire of Boyup Brook Local Rural Strategy:-*

1. *Farm Restructure Policy – shall apply anywhere in the shire ‘as-of-right’ subject to the area of the resultant lots being no less than the area of the smallest existing lot;*
2. *Subdivision and Amalgamation Policy – 40ha minimum lot size shall apply anywhere in the shire ‘as-of-right’ because -*
  - i. *SPP11 states that 80ha lot sizes apply only to ‘Agricultural Areas of State or Regional Significance’ (the WBRS does not identify any such areas in the Shire of Boyup Brook);*
  - ii. *SPP11 states that ‘... strategies should express the vision of the local government and identify proposals for the future development of the district ...’;*
  - iii. *The Supreme Court Case of Ingram & Anor v WAPC (2003) clearly states that the WAPC ‘erred in law by rigidly applying (state) planning policy that each of the proposed (rural) lots must be economically viable’;*

The Council at its July 2004 meeting resolved:-

*‘That the Chief Executive Officer’s response as presented to the Minister for Planning and Infrastructure in relation to the rural subdivision criteria as presented be endorsed and that the issue be raised politically by:-*

1. *seeking the support of the Western Australian Local Government Association (WALGA) for the Shire of Boyup Brook’s position;*

2. *requesting WALGA to arrange for a delegation that includes representatives from the Boyup Brook Shire Council to meet with the Minister for Planning and Infrastructure to discuss the criteria.'*

**DETAIL:**

A response from the WALGA was received on the 05 August 2005 and is attached.

**COMMENT:**

The WALGA has only recently been able to address and pursue the matter in accordance with the Council's July 2004 resolution.

The Council will be kept informed of the WALGA's progress.

It is suggested that the response from the Western Australian Local Government Association in relation to the rural subdivision criteria as presented be received.

The Development Services Committee considered this issue at its meeting held on 09 May 2005 and concurred with the Chief Executive Officer's recommendation.

**MOVED: Cr Moir**

**SECONDED: Cr Oversby**

**That the response from the Western Australian Local Government Association in relation to the rural subdivision criteria as presented be received.**

**CARRIED: 8/0**

**MOVED: Cr Moir**

**SECONDED: Cr Broadhurst**

**That in accordance with Section 5.23 (2) (b) of the Local Government Act 1995 the next part of the meeting be closed to members of the public to allow the Council to consider a matter dealing with the personal affairs of a person and the Council go into committee to allow members free discussion on the matter, the time being 3.52pm.**

**CARRIED 8/0**

Mr B Anderson left the chambers, the time being 3.52pm.

7.2.2 Wilga Mill

*Proponent: Department of Planning and Infrastructure  
Location: Loc 6466 Wilga  
Reporting Officer: Will Pearce  
Date Report Written: 03 May2005  
Enabling Legislation: Local government Act 1995  
File: AS12030  
Appendices: 1.2 - Letters*

**BACKGROUND:**

The Adelaide Timber Company operated the Wilga Mill under a state government Sawmill permit on a Department of Conservation and Land Management lease on location 6466 Walker Road, Wilga until early 2002.

The site is crown land.

At its September 2002 meeting the Council resolved:-

“That the Wilga Progress Association and Mr A Moyes be advised that the Council:-

- 1 supports community initiatives in regards to Heritage protection;
- 2 encourages the continuation of the existing Wilga Mill;
- 3 will not be placed in the position of interfering with a legitimate commercial decision in regards to infrastructure, property and land not under the Council's control;
- 4 will not enact resolution item 10.3 of the July 2002 Council meeting until confirmation is received from the Adelaide Timber Company that the Wilga Mill office building is available for shire and community ownership.”

Item 10.3 stated that the Council:-

1. apply for the land surrounding the building known as the former Wilga Mill Office and Store to be created as a reserve vested in the Shire at no cost to the Council;
2. requires that the fuel tanks on the subject site be removed in compliance with environmental protection standards;
3. approves in principle the future newly created reserve being leased to an incorporated body representing the Wilga community with general terms and conditions including reference to the body being responsible for all costs and maintenance of the site and building except for expenses that may be approved by the Council from time to time in the future.

The Department of Planning and Infrastructure (DPI) Land Assets Branch, formerly within the Department of Land Administration, are currently the controlling authority of the land on behalf of the state government and has recently written to the Council seeking its comments on a proposed lease between the DPI and Mr D Hindle for the site.

**DETAIL:**

The DPI correspondence attached identifies the location for the proposed lease and an interim license (whilst the lease is being considered) and a submission from Mr D Hindle, a business partner of Mr A Moyes.

Mr Moyes has been the prime ‘mover’ since 2002 in attempting to take over the control of the site.

The site has been worked on by Mr Moyes for many months even though he has no authority to do so.

The DPI has for almost a year been seeking information from Mr Moyes to enable a lease to be drawn up. Mr Moyes had not provided that information until February 2005 yet he continued to operate from the site during that time.

The Council has also received correspondence, attached, from Mr C Shawcross and Mr L Crookes of Wilga relating to a potentially dangerous incident involving an employee of Mr Moyes several weeks ago in the Wilga townsite. This matter has been referred to the police.

The subject sawdust was located on land that had never been included in any past or proposed future leases and would not have been owned by Mr Moyes at the time of the incident.

Mr Hindle's proposal also seeks access to a portion of road reserve adjacent to the mill site.

A similar proposal had been considered by the Council previously at its October 2002 meeting when it resolved:-

*'That the Council rejects the proposal to close portions of various roads in the Wilga townsite.'*

It would be prudent of the Council to reiterate its position on road closures unless there is a clear community benefit. The closure proposed by Mr Hindle is unnecessary due to the already vast amount of land being available for mill operations under the proposed lease.

Also of great concern is Mr Hindle's reference to 'any unplanned event resulting from our operation, such as a burst hydraulic line, could easily contaminate the dam which is potentially earmarked as the town water supply (?).'

New industrial operations need to comply with environmental legislation. Mr Hindle appears to acknowledge that if such an occurrence takes place there are no measures to contain the pollution within the boundaries of the proposed lease and mill operations.

The community has very high expectations in this day and age in regards to the prevention of pollution.

**COMMENT:**

As points of interest the-

1. state Heritage Council of WA on 29 April 2005 rejected an application to list the proposed Wilga Mill Heritage Precinct, incorporating the mill buildings, on the state register (see item 7.2.2 April 2005 Council meeting);
2. mill office burnt to the ground on 29 April 2005. The police are carrying out investigations of the incident.

Mr Moyes is a person one could consider not suitable for the Wilga community having being found guilty recently of by-passing a Western Power meter.

Although the Council in the past has supported industry and continues to do so, it must seriously consider if it wishes to be seen to support Mr Moyes in his pursuit to operate the Wilga Mill.

The Chief Executive Officer suggested that the Council:-

- 1 strongly requests the Department of Planning and Infrastructure (DPI) to neither offer Mr D Hindle or Mr A Moyes an interim license or lease for the Wilga Timber Mill site on location 6466 Wilga;
- 2 requests the DPI, should it reject the Council's recommendation above, to ensure that the interim license and lease requires any future leaseholder of areas 1, 2 and 3 of the site as presented to-
  - a) apply for planning approval under the Shire of Boyup Brook Town Planning Scheme No. 2 and compliance of any subsequent conditions, including full perimeter fencing of the site, prior to commencement of operations;
  - b) reject any proposal for road closures;
  - c) pay local government rates;



- d) seek approvals from all other relevant authorities prior to commencement of operations.

The Development Services Committee at its meeting held on 09 May 2005 recommended:-

That the Council:-

1. strongly requests the Department of Planning and Infrastructure (DPI) to neither grant an interim license or lease to Mr D Hindle or Mr A Moyes for the Wilga Timber Mill site on location 6466 Wilga;
2. requests the DPI, should it reject the Council's recommendation above, to ensure that the interim license and lease-
  - I. addresses the following land issues-
    - a. reduce the area of Area 2 by 40 metres from the northern boundary for water purposes to allow for ease of connection between the two existing townsite dams earmarked for shire reservation;
    - b. exclude Areas 1 & 3 (and remove the existing shed from Area 3) from any future lease to restrict the mill activities to one site only being Area 2;
    - c. support rail corridor land directly adjacent to Area 2, excluding rail land incorporating the former mill dam to be reserved with the Shire of Boyup Brook by the Public Transport Authority, being leased for mill purposes;
  - II. requires any future leaseholder of Area 2 (and Areas 1 and 3 if clause 2(l)(b) above is not acceptable to the DPI) as presented to-
    - a) apply for planning approval under the Shire of Boyup Brook Town Planning Scheme No. 2 and compliance of any subsequent conditions, including full perimeter fencing of the site, prior to commencement of operations;
    - b) reject any proposal for road closures;
    - c) pay local government rates;
    - d) seek approvals from all other relevant authorities, especially the Department of Environment in relation to potential pollution of the former mill dam from timber mill activities as alluded to by the proponent, prior to commencement of operations.

**MOVED: Cr Oversby**

**SECONDED: Cr Broadhurst**

**In accordance with Section 5.23 (2) of the Local Government Act 1995 the next part of the meeting is open to the members of the public and the Council come out of committee, the time being 4.15pm.**

**CARRIED 8/0**

**MOVED: Cr Moir**

**SECONDED: Cr Martin**

That the Council:-

1. strongly requests the Department of Planning and Infrastructure (DPI) to refuse to grant an interim license or a lease to either Mr D Hindle or Mr A Moyes for the Wilga Timber Mill site on location 6466 Wilga as the land is zoned 'Urban' under the Shire of Boyup Brook Town Planning Scheme No. 2 which does not allow this type of industry and non-conforming use rights were extinguished after 6 months of discontinuous operation;
2. requests the DPI to resolve this issue relating to timber mill activities being carried out on Location 6466 Wilga by the end of August 2005;

3. requests the DPI, should it reject the Council's recommendation above, to ensure that the interim license and lease-
  - I. addresses the following land issues-
    - a. reduce the area of Area 2 by 40 metres from the northern boundary for water purposes to allow for ease of connection between the two existing townsite dams earmarked for shire reservation;
    - b. exclude Areas 1 & 3 (and remove the existing shed from Area 3) from any future lease to restrict the mill activities to one site only being Area 2;
    - c. support rail corridor land directly adjacent to Area 2, excluding rail land incorporating the former mill dam to be reserved with the Shire of Boyup Brook by the Public Transport Authority, being leased for mill purposes;
  - II. requires any future leaseholder of Area 2 (and Areas 1 and 3 if clause 3(I)(b) above is not acceptable to the DPI) as presented to-
    - a. apply for planning approval under the Shire of Boyup Brook Town Planning Scheme No. 2 and compliance of any subsequent conditions, including full perimeter fencing of the site, prior to a lease being offered and commencement of operations;
    - b. reject any proposal for road closures;
    - c. pay local government rates;
    - d. seek approvals from all other relevant authorities, especially the Department of Environment in relation to potential pollution of the former mill dam from timber mill activities as alluded to by the proponent, prior to commencement of operations.

CARRIED: 8/0

Mr B Anderson entered the chambers, the time being 4.15pm.

7.2.3 Nelson Locations 11018, 12069 and 1015 Greenfields Road – Planning Application for a Plantation

<i>Proponent:</i>	<i>Timbercorp (Owner :CW &amp; DW &amp; EL Munro)</i>
<i>Location:</i>	<i>Nelson Locations 11018, 12069 &amp; 1015 Greenfields Road, Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>5 May 2005</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>AS3400</i>
<i>Appendices:</i>	<i>-</i>

**BACKGROUND:**

The proponent is seeking approval to establish a plantation on Nelson Locations Nelson Locations 11018, 12069 and 1015 Greenfields Road located approximately 10km west of Boyup Brook.

The proponent has forwarded relevant details to support the application as required by the Shire's Town Planning Scheme No. 2. A detailed plan is laid on the table.

**DETAIL:**

The property has a gross land area is 356ha and is zoned 'Rural' and as such the Scheme allows 'plantations' at the discretion of the Council ('AA' use).

As required under the Scheme, the proponent has submitted a fire management plan and plantation management plan. The proponent is required to comply with the following (as per the Scheme): -

- 1 Code of Practice for Timber Plantations in WA;
- 2 Shire of Boyup Brook Firebreak Order;
- 3 Guidelines for Plantation Fire Protection.

The proponent has submitted supporting information that is summarised as follows: -

- 1 establishment of 230ha of plantations will occur in the year 2006;
- 2 planting density will be 883 stems per hectare;
- 3 the Guidelines for Plantation Fire Protection states:-

*“Plantation growers must meet this increased need for firefighting equipment, either by providing the minimum equipment standards (for this size plantation a medium attack unit is require) or by contributing to community-based equipment through an agreement with the Local Government.”*

The proponent’s fire management plan indicates that the company does have a firefighting unit in the vicinity of the plantation.

- 4 all remnant vegetation will be left in accordance with Agriculture Western Australia guidelines.

**COMMENT:**

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

The Development Services Committee considered this issue at its meeting held on 09 May 2005 and concurred with the Chief Executive Officer’s recommendation.

**MOVED: Cr Florey**

**SECONDED: Cr Moir**

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

**CARRIED 8/0**

**MOVED: Cr Broadhurst**

**SECONDED: Cr Martin**

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

**CARRIED 8/0**

**MOVED: Cr Broadhurst**

**SECONDED: Cr Martin**

**That the:-**

- 1 **Council approves the planning application for a plantation to be located at Nelson Locations 11018, 12069 and 1015 Greenfields Road, Boyup Brook subject to the following conditions: -**

- (a) compliance with the Shire of Boyup Brook Town Planning Scheme No 2;
- (b) compliance with the terms and conditions of the Code of Practice for Timber Plantations in Western Australia as amended from time to time with a harvesting management plan provided to the Shire, to the satisfaction of the Shire, two years prior to the harvesting event;
- (c) provision of a minimum of a manned Medium duty Firefighting Unit of a standard complying with the Guidelines for Plantation Fire on a strategically located plantation property within twenty (20) minutes response time of this plantation prior to the commencement of the 2005/2006 Fire Season and that this arrangement is confirmed in writing;
- (d) installation of a 15 metre boundary firebreak is required to comply with the firebreak order;
- (e) entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage of roads under the Shire's control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation;

2 Manager of Works and Services undertakes an assessment at the time of harvesting of the condition of the anticipated proposed local road haulage route.

**CARRIED: 8/0**

7.2.4 Economic Development Committee Minutes

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>12 May 2005</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>GO/37/005</i>
<i>Appendices:</i>	<i>1.3 Minutes</i>

**BACKGROUND:**

A meeting of the Economic Development Committee was held on the 05 May 2005.

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

**MOVED: Cr Moir**

**SECONDED: Cr Oversby**

**That the minutes of the Economic Development Committee Meeting held on 05 May 2005, be received.**

**CARRIED: 8/0**

## 7.3 CORPORATE SERVICES

The Chief Executive Officer declared a financial interest in the following item.

### 7.3.1 Chief Executive Officer – Performance Review

*Proponent:* Will Pearce  
*Location:* -  
*Reporting Officer:* Will Pearce  
*Date Report Written:* 12 April 2005  
*Enabling Legislation:* Local Government Act 1995  
*File:* 9/2  
*Appendices:*

#### **BACKGROUND:**

The contract of employment for the Chief Executive Officer requires that a performance review be conducted on an annual basis.

The anniversary of employment for the CEO is 23 April 2005.

This item was laid on the table at the April 2005 meeting as the Council wanted the new Councillors, following the recent elections, to have an opportunity to be involved in the process.

#### **DETAIL:**

The employment contract for the Chief Executive Officer requires that a performance review be conducted on the following basis:-

*4.4 A performance review conducted under this Clause 4 shall take the format of the following procedure:*

- (a) as soon as practicable after receipt of notice pursuant to Clause 4.2, the Officer will prepare a report assessing the Officer's own performance of the Officer's obligations under this document measured against the Position Description and the Performance Criteria;*
- (b) the Officer will present his report to Council. and be available for interview;*
- (c) within one month of the conclusion of the performance review the Council shall prepare a report, in consultation with the Officer, to be signed by both the Council and the Officer, such report to include:
  - (i) any conclusion about the Officer's performance during the period the subject of the performance review;*
  - (ii) any proposal by either party to vary the Performance Criteria as a consequence of the performance review and any comments by the Officer on any such proposal;*
  - (iii) any directions or recommendations made to the Officer in relation to future performance by the Officer of the Officer's obligations under this document; and*
  - (iv) details of the extent, if any, to which the Officer disagrees with any statement in the report.**

The Council can delegate the task of reviewing the CEO's performance to nominated persons.

The Chief Executive Officer's self assessment, as required under the contract, will be provided at the Council meeting.

**COMMENT:**

A workshop for full Council has been arranged with the Western Australian Local Government Association (WALGA) to develop Key Result Areas (KRAs) for the CEO to achieve during the period 1 July 2005 to 30 June 2006.

The Council will identify the objectives and actions to be achieved during this period in line with the adopted budget.

This will be held over a full day in the shire chambers on 15 June 2005 and facilitated by John Phillips, WALGA's industrial relations director.

It is suggested that:-

1. the Performance Review – Self Assessment of the Chief Executive Officer, be received;
2. a Performance Review Committee be established comprising of Councillors \_\_\_\_\_ (appoint up to 9 Councillors) to meet with the CEO on \_\_\_\_\_ 2005 and provide a report as outlined in clause 4.4 of the employment contract to the June 2005 Council meeting.

**MOVED: Cr Marshall**

**SECONDED: Cr Oversby**

**That this item be laid on the table**

**MOTION WITHDRAWN WITH THE ACQUIESCENCE OF THE MOVER & SECONDER**

**MOVED: Cr Oversby**

**SECONDED: Cr Florey**

**That a Performance Review Committee be established comprising of Councillors Ginnane, Downing, Broadhurst, Florey and Piper to meet with the CEO on 14 June 2005 at 5pm and provide a report as outlined in clause 4.4 of the employment contract to the June 2005 Council meeting.**

**CARRIED: 8/0**

**MOVED: Cr Moir**

**SECONDED: Cr Broadhurst**

**That the Performance Review – Self Assessment of the Chief Executive Officer, be received and performance reviewed by the Committee.**

**CARRIED: 8/0**

**Adjournment**

**MOVED: Cr Moir**

**SECONDED: Cr Oversby**

**That the meeting be adjourned for an afternoon tea break, the time being 4.54pm.**

**CARRIED 8/0**

**Resumption**

**MOVED: Cr Moir**

**SECONDED: Cr Broadhurst**

**That the meeting resume, the time being 5.08pm.**

**CARRIED 8/0**

The meeting resumed with the following persons in attendance.

Cr R Downing  
Cr S Broadhurst  
Cr J Florey  
Cr P Marshall  
Cr K Moir  
Cr M Martin  
Cr T Oversby  
Cr A Piper

Mr W Pearce – Chief Executive Officer  
Mr J Eddy – Manager of Works and Services  
Mr K Jones – Manager of Finance & Administration

7.3.2 Lot 17 Knapp Street Boyup Brook - Proposal to dispose of land.

*Proponent: E and N Watts*  
*Location: Lot 17 Knapp Street, Boyup Brook*  
*Reporting Officer: Will Pearce*  
*Date Report Written: 11 May 2005*  
*Enabling Legislation: Local Government Act 1995*  
*File: AS1996*  
*Appendices: 1.4 - plans, letter*

**BACKGROUND:**

LJ Hooker of Bridgetown, on behalf of the proponent, has presented a formal offer to purchase lot 17 Knapp Street, Boyup Brook which is owned by the Shire of Boyup Brook.

It is requested that the Council consider the offer.

**DETAIL:**

Lot 17 Knapp Street is currently vacant land and is not being utilised by the Council. A plan is attached – see appendix 1.4.

An offer of \$18,000 has been made and is laid on the table.

A valuation provided by LJ Hooker (see appendix 1.4) of land prices in Boyup Brook range from \$17,000 to \$19,000.

Section 3.58 of the Local Government Act states:-

“3.58. Disposing of property

- (2) Except as stated in this section, a local government can only dispose of property to —
  - (a) the highest bidder at public auction; or

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

**COMMENT:**

The Council has allocated \$200,000 in this year's budget to build a new house for the CEO on lot 16 Rogers Avenue which adjoins the subject lot.

Plans will be drawn up and tendered for this residence over the next 4-8 weeks.

It is believed that lots 16 and 17 have been retained by the Council over the years to be used for staff housing when and as required.

The Council is fortunate at the moment to have two senior employees, being the Manager of Finance and Administration and Manager of Works and Services, residing in private accommodation.

In the recent past, the employees in these positions would have been provided with shire accommodation as part of their employment terms and conditions.

Should these employees move on from the shire's employment, their replacements would require being provided with quality accommodation.

The Council is planning for the future appropriately by building on lot 16. This would still however leave the shire one house short for another senior employee. Lot 17 would be potentially used to build this other dwelling.

Should employee accommodation be built on lots 16 and 17, a 'cluster' situation would occur due to employee housing already being provided at lot 10 (CEO's residence) and lot 11 (doctor's residence) Rogers Avenue.

There would be four shire houses, and therefore potentially four employees, within very close proximity of each other. It may be prudent to consider dispersing employee housing around the town.

To disperse employee housing throughout the town, one option could be –

- Sell both lots 16 Rogers Avenue and 17 Knapp Street
- Purchase an existing house of a good standard (eg 1 Treloar Street is on the market for \$187,000 which has an area of 2,000m<sup>2</sup>, I see plan attached – appendix 1.4. The lot could be purchased and the house, although approximately 35 years old, has been upgraded internally but requires some landscaping. It also has the potential to be subdivided and sold for approximately \$20,000 based on current market values.)



- Converting lot 52 Inglis Street (shire reserve 21991), see plan attached – appendix 1.4, to freehold status – this would require purchasing the land of the Department of Planning and Infrastrucutre at market value – and constructing a new house.

Another option could be –

- Sell lot 17 Knapp Street as presented
- Build new house on lot 16 Rogers Avenue as budgeted
- Convert lot 52 Inglis Street to freehold and build new house as per bullet point above

This housing issue is presented to raise Council's awareness to ensure that people of a high caliber will be attracted to work in Boyup Brook should shire vacancies occur due to resignations, retirement and so forth.

The Council may wish to consider selling lot 17 knowing that lot 52 Inglis Street could be used for future housing needs when and as required albeit having to purchase he land off the state government at market price. Alternatively other opportunities may arise in the future, that is other land and/or housing could be placed on the market that would suit the Council's needs.

Due to a number of unknowns at this point in time, it is suggested that the Council reject the offer from E and N Watts to purchase Lot 17 Knapp Street, Boyup Brook.

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

**MOVED: Cr Marshall**

**SECONDED: Cr Florey**

**That the Council reject the offer from E and N Watts to purchase Lot 17 Knapp Street, Boyup Brook.**

**CARRIED: 8/0**

7.3.3 Warren Blackwood Economic Alliance Minutes

<i>Proponent:</i>	<i>Warren Blackwood Economic Alliance</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>12 May 2005</i>
<i>Enabling Legislation:</i>	<i>-</i>
<i>File:</i>	<i>GR/31/006</i>
<i>Appendices:</i>	<i>1.5 - Minutes</i>

**BACKGROUND:**

A meeting of the Warren Blackwood Economic Alliance was held on 26 April 2005.

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

**MOVED: Cr Oversby**

**SECONDED: Cr Broadhurst**

**That the minutes of the Warren Blackwood Economic Alliance held on 26 April 2005 be received.**

**CARRIED: 8/0**

7.3.4 Election Results – 7 May 2005

*Proponent:* Shire of Boyup Brook  
*Location:* -  
*Reporting Officer:* Will Pearce  
*Date Report Written:* 7 May 2005  
*Enabling Legislation:* Local Government Act 1995  
*File:* GO/19/00  
*Appendices:*

**BACKGROUND:**

This report represents the results of the elections held for the Shire of Boyup Brook in May 2005.

The Shire of Boyup Brook has four wards, with 5 vacancies as indicated, subject to the 2005 Local Government elections-

- Boyup Brook (2)
- Benjinup (1)
- Dinninup (1)
- Scotts Brook (1)

**DETAIL:**

Nominations were received from Terry Ginnane and Shirley Broadhurst representing Boyup Brook, Aaron Piper representing Dinninup, Jan Florey representing Scotts Brook and Mario Martin representing Benjinup.

These candidates were elected unopposed.

Statutory environment

The CEO acted as Returning Officer with all statutory obligations being fulfilled in compliance with the Local Government Act 1995.

**COMMENT:**

A formal voting in person election was not required due to the vacancies being filled unopposed.

**MOVED: Cr Florey**

**SECONDED: Cr Oversby**

**That the results of the 2005 Local Government election, be noted.**

**CARRIED: 8/0**

7.3.5 Register of Sealed Documents

*Proponent:* Shire of Boyup Brook  
*Location:* -  
*Reporting Officer:* Will Pearce  
*Date Report Written:* 12 May 2005  
*Enabling Legislation:* Local Government Act 1995  
*File:* CM/51/001  
*Appendices:* -

**BACKGROUND:**

The documents referred to in the recommendation have been sealed since the 17 February 2005 Council Meeting.

**MOVED: Cr Oversby**

**SECONDED: Cr Martin**

**That the following documents sealed since 17 February 2005 Ordinary Council meeting be noted:-**

**DATE      PARTICULARS**

11/05/05      Deed of lease – Shire of Boyup Brook and Boyup Brook Telecentre Inc.

**CARRIED: 8/0**

7.3.6            Quarterly Financial Report for March 2005

*Proponent:*            *Shire of Boyup Brook*  
*Location:*              *-*  
*Reporting Officer:*    *Keith Jones*  
*Date Report Written:* *13 May 2005*  
*Enabling Legislation:* *Local Government Act 1995*  
*File:*                    *FM/10/003*  
*Appendices:*          *1.6 - Quarterly Figures*

**BACKGROUND:**

The quarterly financial statements for the March 2005 period are laid on the table and circulated. (refer to appendix 1.6).

**MOVED: Cr Oversby**

**SECONDED: Cr Florey**

**That the Financial Statements for the March 2005 quarter be received.**

**CARRIED: 8/0**

7.3.7            Accounts for Payment and Financial Status

*Proponent:*            *Shire of Boyup Brook*  
*Location:*              *-*  
*Reporting Officer:*    *Keith Jones*  
*Date Report Written:* *15 April 2005*  
*Enabling Legislation:* *Local Government Act 1995*  
*File:*                    *FM/10/003*  
*Appendices:*          *1.7 - Payments*

**BACKGROUND:**

A monthly report is presented for consideration.

**DETAIL:**

The accounts for payment up to 30 April 2005 are attached (see appendix 1.7).

The payments made directly through the Municipal Account are as follows:-

• Salaries for the month of April 05	\$	74,116.34
• Lease of Photocopier	\$	415.06
• Lease of Roller	\$	1,197.61
• Internet Access Fee	\$	40.00
• FlexiRent Computer	\$	2,088.00
• Rent MFA	\$	160.00

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

• Municipal Account	\$	59,780.02
• Shire Clerk Advance	\$	3,845.37
• Shire Medical Account	\$	29,416.75
• Trust Account	\$	30,497.59
•		

Investments secured with the Commonwealth Bank maturing April 2005 are as follows:-

• Reserves Account Term Deposit	\$	651,828.36	@5.38%
• Investment	\$	600,000.00	@5.38%

As at 12 May 2005 the following amount of rates were outstanding:-

Boyup Brook Ward	\$	38,085.44
Benjinup Ward	\$	24,145.37
Dinninup Ward	\$	2,553.80
Scotts Brook Ward	\$	18,251.75
<u>TOTAL</u>	\$	83,036.36

Sundry Debtors at 12 May 2005 \$ 306,230.51

Sundry Creditors at 12 May 2005 \$ NIL

**MOVED: Cr Broadhurst**

**SECONDED: Cr Oversby**

**That the accounts as:-**

**1 presented totalling \$210351.13 voucher numbers for payment; 13030-13032, 13122, 13217-13219, 13223-13302, 1901-1904, 1752-1756**

**2 paid by direct payments through the Municipal Account, the Chief Executive Officer's Advance Account and Trust,**

**be endorsed for payment.**

**CARRIED: 8/0**

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

Cr Piper declared an impartiality interest, being the President of Junior Football, in the following item.

9.1 Cr Marshall – Boyup Brook Football Club Rooms

That the Chief Executive Officer requests the Boyup Brook Football Club to inform the Council on why the club does not agree with the bricking up of the external doors facing west of the Football Clubrooms, which would prevent future flooding if carried out.

CEO Comment

The clubroom has flooded several times in recent years due to the intensity of severe storms with water pouring in from Beatty Street.

The building itself was not originally constructed high enough above the natural ground level. It is currently exposed to large volumes of storm water during severe weather which cause internal flooding and consequently floor coverings become saturated and/or damaged (in addition to the inconvenience and cost of drying out the rooms).

The water enters the building through the base of the external doors facing north and west.

A barrier wall has recently been placed to prevent entry of water through the northern door.

The club does not want the doors facing west to be bricked up, which would provide a permanent solution, as it provides access to the rear of the building. The club had previously agreed that bricking up these doors would be appropriate because they are rarely used but has since changed its position.

Unfortunately these west facing doors are still subject to the possibility of allowing storm water to enter the building even though a drain is located adjacent to the doors. The drain cannot capture all the water adequately due to the water's high velocity.

The Manager of Works and Services advises that drainage works could be carried out by creating a 'swale' to divert the water away from the building but this action will not guarantee stopping the water during intense storms such as those experienced in recent years.

The only other solution would be to build a wall along the kerb line where the ramp commences leading to the doors.

**MOVED: Cr Marshall**

**SECONDED: Cr Oversby**

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

**CARRIED 8/0**

**MOVED: Cr Oversby**

**SECONDED: Cr Moir**

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

CARRIED 8/0

MOVED: Cr Moir

SECONDED: Cr Florey

That Cr Piper and the Manager of Works and Services liaise with the Boyup Brook Football Club to resolve the issue of water entering the Football Clubrooms through the west facing doors as a matter of urgency.

CARRIED 8/0

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

Mr Anderson departed the Chambers, the time being 5.43pm.

10.1 Room Rental to Physiotherapist - Kitchen at Medical Centre, 78 Abel Street

MOVED: Cr Broadhurst

SECONDED: Cr Moir

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

CARRIED 8/0

MOVED: Cr Moir

SECONDED: Cr Oversby

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

CARRIED 8/0

MOVED: Cr Moir

SECONDED: Cr Broadhurst

That the Chief Executive Officer be authorized to rent at \$200 per month the existing 'kitchen' at the Medical Centre to Helen Hack, Boyup Brook Physiotherapy, commencing 23 May 2005 and proceed with any minor repairs as necessary.

CARRIED 8/0

**11 CLOSURE OF MEETING**

There being no further business the Chairman declared the meeting closed at 6.07pm.

These Minutes and Schedule of Accounts were confirmed by the Council at the Council Meeting held on the 16 June 2005.

\_\_\_\_\_  
Cr Terry Ginnane, Shire President