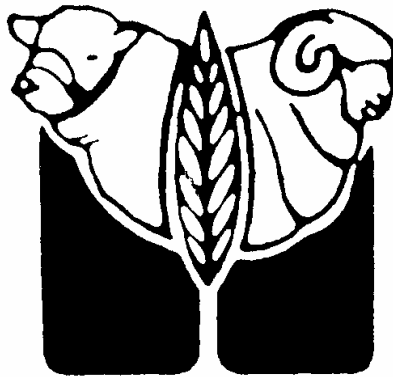


MINUTES



ORDINARY MEETING

HELD

THURSDAY, 19 NOVEMBER 2009

COMMENCED AT 3.40PM

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 T Ginnane – Shire President
Cr T Doust – Deputy Shire President
Cr E Biddle
Cr R Downing
Cr M Giles
Cr P Marshall
Cr B O'Hare
Cr T Oversby

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

PUBLIC: Mr Ian Kugler (Arrived at 3.40pm and left at 3.55pm)

Apologies

Nil

1.2 Leave of Absence

Nil

2 PUBLIC QUESTION TIME

Mr Ian Kugler asked the question: Why can't contractors have a key for the transfer station?
The CEO indicated that the Shire will not be giving out keys as the onus is on everyone to work within the opening hours of the Transfer Station.

Mr Ian Kugler expressed his concerns about green waste being dumped on Gibbs/Bridge Street.
The CEO indicated that the Manager of Works will follow this matter up and advise the outcome.

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Nil

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council Thursday 15 October 2009.

OFFICER RECOMMENDATION – ITEM 5.1

That the minutes of the Ordinary Meeting of Council held on Thursday 15 October 2009, be confirmed as an accurate record.

COUNCIL DECISION – ITEM 5.1

MOVED: Cr Doust

SECONDED: Cr Downing

That the minutes of the Ordinary Meeting of Council held on Thursday 15 October 2009, be confirmed as an accurate record, subject to the following corrections:-

Page 4 – amend spelling from Wade Decanyso to Wade De Campo.

Page 24 – delete Councillors Comment from the Council Decision – Item 9.1.1.

Page 25 – Impartiality Interest – Cr Piper declared an impartiality interest in item 10.1 due to being member of the Future of Boyup Brook Advisory Committee – replace with Cr Piper declared an impartiality interest in item 10.1 due to being a member of Rylington Park.

CARRIED 8/0

Res 231/09

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 5.2

MOVED: Cr Doust

SECONDED: Cr Downing

That the minutes of the Special Meeting of Council held on Thursday 22nd October 2009, be confirmed as an accurate record.

CARRIED 8/0

Res 232/09

6 PRESIDENTIAL COMMUNICATIONS

25 November – Meeting with Scott Moorehead and Mick Irving from the Water Corporation, had discussions about the new water supply arrangements for Boyup Brook that are planned to be completed in 2014, the infill sewerage that has been postponed due to funding cuts and the transfer of the existing Boyup Brook water supply dam to the Shire once it becomes redundant. It was noted that the dam would no longer be needed for water supply once the new water supply arrangements were in place but it may be needed as part of the sewerage system, but that there may be an opportunity for the Shire to use water from the dam in the interim (i.e. after 2014 and before the sewerage is done)

7 November Attended Funeral of Mr Kenneth Humphreys.

Shire President – Cr Ginnane will be meeting with Shire Presidents from the Bridgetown-Greenbushes and Donnybrook-Balingup Shires next week.

REPORTS OF OFFICERS

6.1 **MANAGER WORKS & SERVICES**

7.1.1 Re-allocation of Budgeted Funds

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>N/A</i>
Disclosure of Interest:	<i>Nil</i>
Date:	<i>10 November 2009</i>
Author:	<i>John Eddy – Manager of Works & Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

The unbudgeted amount of twenty four thousand, two hundred and forty seven dollars (\$24,247) is required to be expended prior to the 31st December 2009 to satisfy the Auslink Roads to Recovery 2004 to 2009 expenditure requirements.

It is recommended that the amount of \$24,247 be transferred from the Abels Road works budget allocation of \$63,925 to the unbudgeted Scotts Brook Road edge widening works.

BACKGROUND

The Auslink (National Land Transport) Act 2005 did not allow Local Authorities to claim for the plant depreciation component of the Roads to Recovery 2005 to 2009 grant funded program. Following the Roads to Recovery Program audited Annual Report 2008/2009 the amount of \$24,247 (plant depreciation) was carried over to be acquitted prior to 31st December 2009.

As the plant depreciation figure was not known until the end of the 2008/2009 financial year it was not possible to allow for the expenditure in the 2009/2010 budget process.

COMMENT

Further to discussions with the Roads to Recovery Project Co-ordinator, the Manager of Works and Services programmed bitumen edging works to Scotts Brook Road to acquit the \$24,247 funding carry over. The bitumen edging works are programmed to be completed by the end of November and will be carried out by contractors so as not to incur further plant depreciation costs.

As the proposed widening works to Abels Road will be an ongoing project, the proposed transfer of budgeted funds to the Scotts Brook Road bitumen edging can be allowed for in future budgets.

CONSULTATION

Roads to Recovery Co-ordinator.
Chief Executive Officer.
Manager of Finance.

STATUTORY OBLIGATIONS

Auslink (National Land Transport) Act 2005.
Local Government Act 1995 s6.8. (1) (b)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Funding of \$63,925 is allocated to Abels Road widening works in the 2009/2010 budget. The transfer of \$24,247 to Scotts Brook Road bitumen edging will reduce the Abels Road budget allocation to \$39,678

STRATEGIC IMPLICATIONS

Nil

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

Absolute Majority.

OFFICER RECOMMENDATION – ITEM 7.1.1

That the Council approve the transfer of \$24,247 from the 2009/2010 budget allocation of \$63,925 for widening works to Abels Road, to the unbudgeted bitumen edging works to Scotts Brook Road.

COUNCIL DECISION – ITEM 7.1.1

MOVED: Cr Doust

SECONDED: Cr Oversby

That no action be taken on this matter.

LAY ON THE TABLE – ITEM 7.1.1

MOVED: Cr Marshall

SECONDED: Cr Giles

That the Re-allocation of Budgeted Funds lay on the table till the next Council Meeting.

Motion Withdrawn

COUNCIL DECISION – ITEM 7.1.1

MOVED: Cr Doust

SECONDED: Cr Oversby

That no action be taken on this matter.

CARRIED 8/0

Res 233/09

NOTE:

The revised motion was put because it had been noted that there were unspent roads to recovery funds for this amount in the carried forward figure from 2008/09 and so there was no need to amend the planned works.

6.2 MANAGER – FINANCE

7.2.1 Accounts for Payment

<i>Location:</i>	<i>Not applicable</i>
<i>Applicant:</i>	<i>Not applicable</i>
<i>File:</i>	<i>FM/1/002</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>13 November 2009</i>
<i>Author:</i>	<i>Keith Jones – Manager of Finance</i>
<i>Authorizing Officer:</i>	<i>Not applicable</i>
<i>Attachments:</i>	<i>Yes – List of Accounts Paid</i>

SUMMARY

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

BACKGROUND

Invoices have been received during the month of October 2009.

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 OBLIGATIONS

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.

BUDGET/FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2009/10 or authorized by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.1

MOVED: Cr O'Hare

SECONDED: Cr Ginnane

That the payment of accounts for October 2009 as presented totalling \$601,802.06 and as represented by cheque voucher numbers 17709 – 17775 totalling \$66,566.20, and accounts paid by direct electronic payments through the Municipal Account totalling \$535,235.86 be endorsed.

CARRIED 8/0

Res 234/09

7.2.2 October 2009 Monthly Statements of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13 November 2009</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Financial Reports</i>

SUMMARY

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended 31 October 2009 and Investment Schedule for the month ended 30 November 2009.

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 OBLIGATIONS

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

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.2

MOVED: Cr Doust

SECONDED: Cr Downing

That the October 2009 Monthly Statements of Financial Activity as presented, be received.

CARRIED 8/0

Res 235/09

7.2.3 Annual Report – 2008/09

<i>Location:</i>	<i>Shire of Boyup Brook</i>
<i>Applicant:</i>	<i>Shire of Boyup Brook</i>
<i>File:</i>	<i>CM/52/001</i>
<i>Disclosure of Officer Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>27 October 2009</i>
<i>Author:</i>	<i>Alan Lamb – Chief Executive Officer</i>
<i>Authorizing Officer:</i>	<i>N/A</i>
<i>Attachments:</i>	<i>Yes – Draft Annual Report 2008/09</i>

SUMMARY

The purpose of this report is to present to Council the Annual Report for the year 2008/09 for their acceptance.

BACKGROUND

The Local Government Act 1995 sets out the requirement for the preparation of Annual Reports and the information to be included:

- A report from the mayor or president;
- A report from the CEO;
- An overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
- The financial report for the financial year;

- Such information as may be prescribed in relation to the payments made to employees;
 - i) the number of employees of the local government entitled to an annual salary of \$100 000 or more;
 - ii) the number of employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000;
- the auditor's report for the financial year;
- a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
- such other information as may be prescribed.

Council is required to accept the Annual Report when presented with or without modification:-

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

* *Absolute Majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

Local Government Act 1995 Section 5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

Local Government Act 1995 Section 5.29. Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving —
 - (a) at least 14 days' local public notice; and
 - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

CONSULTATION

Shire President, Manager of Finance, Manager of Works.

STATUTORY OBLIGATIONS

Local Government Act 1995 Sections 5.53 & 5.54 Annual Report, Sections 5.27 & 5.29
Electors Meeting
Local Government (Administration) Regulations 1996 Section 19B

COMMENT

The report presented has been prepared in accordance with the past format and includes the information required in the background section of this report.

Council will need to agree on a date to hold the Annual General Meeting of Electors which must be prior to 13th January 2010 but not before (14) days local public notice is given.

It is recommended that Council accept the report as presented.

POLICY IMPLICATIONS

No specific policy in relation to the Annual Report and or Annual Electors Meetings.

BUDGET/FINANCIAL IMPLICATIONS

The costs associated with producing the Annual Report and holding Annual Electors meeting are provided for in the 2009/10 budget.

STRATEGIC IMPLICATIONS

The Annual Report provides information about the Shire for 2008/09 and the plan for the future.

SUSTAINABILITY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority Item 1
Simple Majority Item 2

4.22pm – Cr Oversby left the Chambers.
4.23pm – Cr Oversby returned to the Chambers.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.3

MOVED: Cr Oversby

SECONDED: Cr O'Hare

That Council accepts the Annual Report as presented for the 2008/09 financial year.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 236/09

MOVED: Cr Giles

SECONDED: Cr Biddle

That the Annual meeting of Electors for the year 2008/09 be held in the Council Chambers on Thursday 17th December 2009 at 7.30pm.

CARRIED 8/0

Res 237/09

7.3 **CHIEF EXECUTIVE OFFICER**

7.3.1 **Local Rural Strategy**

Location:	<i>Boyup Brook</i>
Applicant:	<i>Council</i>
File:	<i>LN/42/004</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>11th November 2009</i>
Author:	<i>Geoffrey Lush (Council's Consultant Planner)</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>1 – Schedule of Submissions 2 – BBR5 Townsite Surrounds 3 – Mineral Resources Plan</i>

SUMMARY

The Rural Strategy has now been advertised and seven (7) submissions were received. Council must now consider each submission and resolve whether to modify the Strategy or not. No major objections were received as part of the submissions.

Council then submits the Strategy and the submissions to the Western Australian Planning Commission which is then authorised to give final approval/endorsement.

BACKGROUND

In July 2006 the Western Australian Planning Commission resolved that the draft Local Rural Strategy could be advertised for public comment once a number of modifications were made.

Workshops were held with Council on the 24th April and 28th May 2007 to consider the issues associated with the modifications. As a result of this a process further negotiation occurred with the Department regarding the modifications and outstanding issues.

The two outstanding issues related to:-

- The townsite surrounds precinct being within 5km of the town centre; and
- Boundary re-alignments, especially for land more than 20km distance from the town.

Council further considered these matters and resolved at its Meeting of the 18th June 2009

- That Council adopt the modifications to the Local Rural Strategy (dated June 2009) as outlined in the Department's letter dated the 11th May 2009; and
- To advertise the Local Rural Strategy for a period of 42 days.

The advertising period was from the 29th July until the 8th September.

The revised Rural Strategy must comply with the directions of the Western Australia Planning Commission and Council's objectives. Achieving this has been a lengthy and challenging process as Council has not agreed with the Commission on a number of issues. Several of these issues have been raised in the submissions and will be commented upon further in this report.

Due to the history and lengthy time period in completing the Strategy, a lot of the background information in Strategy Report is outdated. Consequently it was agreed that the "Background Information" could be included as a separate Technical Appendix, referred to as Volume 1 of the Strategy. Volume 2 which contains the recommendations and policy statements.

During this time Government policies have continued to evolve for planning and environmental factors including water management. Since the advertising period there has been a restructuring of some Government Departments which must be reflected in the Strategy Report.

COMMENT

The summary of the submissions and comments are contained as Attachment 1 and the main issues are also discussed below. The BBR5 Townsite Surrounds Policy Plan is contained as Attachment 2 for reference purposes.

Strategy Context

The existing Town Planning Scheme is required to be consolidated and reviewed every five years. Alternatively a new Scheme can be prepared and this occurs in many cases. Town Planning Scheme No 2 was gazette on the 7th November 1997 and no review of the Scheme has yet occurred.

The Town Planning Regulations require that a Local Planning Strategy is to be prepared to support and justify the provisions of any new Town Planning Scheme.

The required Local Planning Strategy would normally address the whole of the Shire whereas the Rural Strategy only focuses on the rural areas. Discussions have been undertaken with the Department of Planning regarding the Scheme review with the objective being that once the Rural Strategy is completed Council could then proceed with the preparation of a townsite strategy to complement this.

The Rural and Townsite Strategies would then be combined to form an overall Local Planning Strategy.

The Townsite Strategy is already partially completed due to the preparation of the:-

- Townsite Residential Development Discussion Paper (TME 2009); and
- Industrial Sites Study (nearing completion).

The Townsite Strategy would then also have to update the population forecasts, servicing, commercial and relevant social issues. A number of these are identified in Council's strategic plan.

Townsite Strategy and Expansion

The Rural Strategy by definition does not address townsite issues, except on the fringe of the town where there is a transition from urban to rural uses. This fringe area is often the most contentious in terms of land owner expectations, proposed developments and land use conflicts.

Based upon the provisions of State Planning Policy No 3 "Urban Growth and Settlement" the Planning Commission has been adopting a more narrow and focused approach to townsite expansion and in particular the provision of rural residential subdivisions. The Planning Commission is of the view that in order to support and maintain the economic and social viability of country towns that the majority of lots produced each year should be standard (urban) residential lots. This is promoted as a means of reducing impacts on productive agriculture operations, minimizing environmental impacts, ensure a compact growth form and a focus on 'permanent' accommodation.

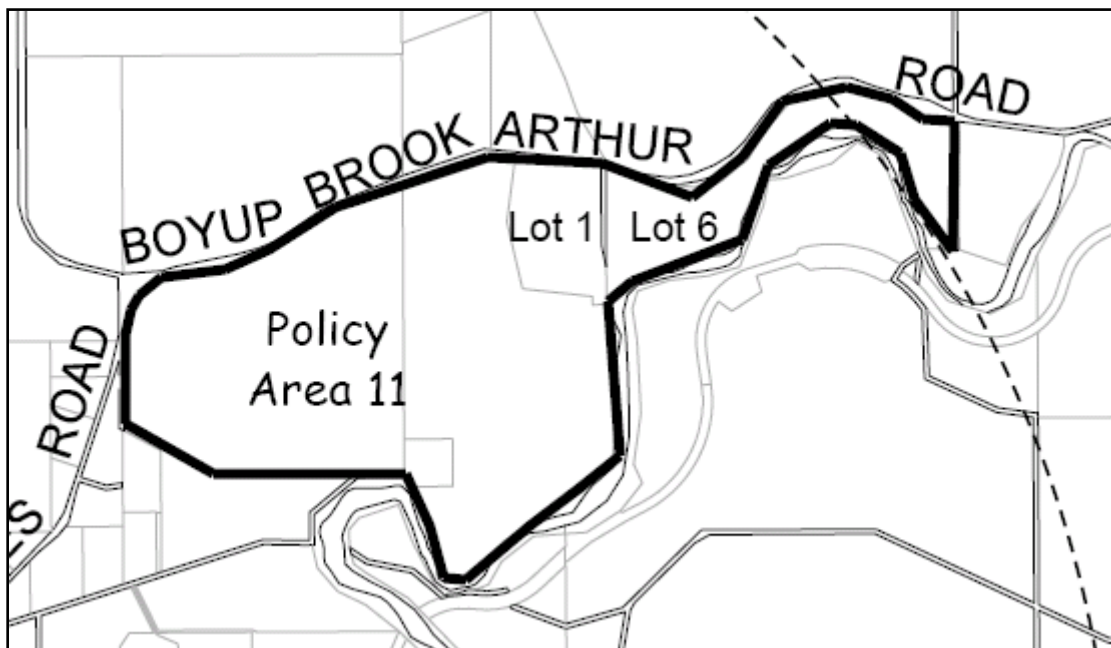
The potential for land to be development for semi urban or rural purposes around the townsite has been reduced to primarily focus on the existing Special Rural policy areas within the Town Planning Scheme. The Department has accepted that the balance of the existing Special Rural Policy areas should be allowed to be subdivided into 2 hectare lots with no requirement for a reticulated water supply. This is consistent with the existing subdivision in those areas, which still have approximately 380 hectares of land to be subdivided. Based upon a minimum lot size of 2 hectares it is estimated that this land could potentially accommodate a further 154 allotments.

The preparation of a subsequent Townsite Strategy will take the above into account in addition to the findings of Council's Townsite Residential Discussion Paper (TME Jan 2009). It will identify areas for potential future urban expansion while also considering commercial, industrial and social issues.

The BBR5 Townsite Surrounds Policy Area identifies Policy Sub Areas 6 & 11 as potential sites for townsite expansion subject to the approval of the Townsite Strategy. However based upon the above policy background and approach by the Planning Commission, it cannot be assumed that there areas will automatically be approved for townsite expansion.

Similarly it is highly unlikely that any additional land would be considered for this purpose. Expansion of townsite areas east of the Blackwood River is not supported as the river forms a natural barrier and such expansion would not achieve a "compact urban growth form" for the town.

It is also noted that Policy Area No 11 includes land at its eastern extremity which is not part of Mr Bombara's application. This are Lots 1 & 6 as shown in below and consideration should be given to transferring Lot 6 to Policy Area No 12.



Agricultural Buffers

The Department of Agriculture and Food Western Australia has raised a number of concerns relating to the need to provide buffers between agricultural activities and other uses, especially tourist developments.

There seems to be some confusion as to whether these buffers should be within the agricultural lot or the 'other' lot. The Strategy clearly documents this issue and provides ample ability for Council to administer this matter.

Mining

The Department of Mines and Petroleum has provided updated information on mineral resources within the Shire and this information can be included in Volume 1 Technical Appendix. A plan of Mineral Resources map is contained as Attachment 3.

The Strategy recommendations do not address mining or extractive industry.

The Department of Mines and Petroleum has advised that the exploration of coal within the Shire of Boyup Brook is continuing with four granted mining leases. However the Town Planning Scheme cannot prohibit mining as this is regulated by the Mines Act and most major mining operations also benefit from having State Agreements.

Unless there is a clear issue to address in the Strategy this matter will be more relevant in the review of the Town Planning Scheme

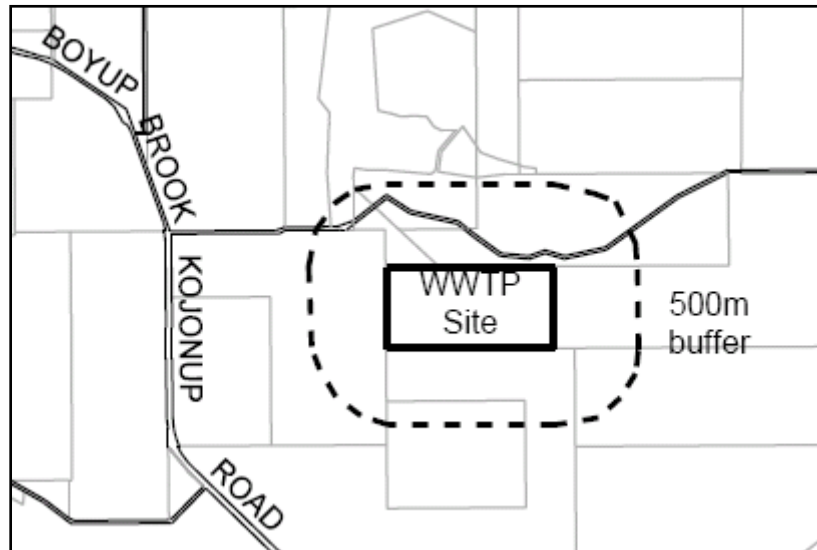
The second issue that the Department of Mines and Petroleum raises is that the conservation covenants have the potential to inhibit mining exploration or development. However any approval for mineral exploration or development must still comply with the relevant environmental regulations including those relating to vegetation protection.

To require an assessment of mineral resources on any land where a conservation covenant is proposed would potentially be costly to the landowner, who anyway has the final right to determine the management of their property. The issue only applies in relation to a subdivision which the Planning Commission is responsible for and can refer the application to the Department of Mines and Petroleum.

Waste Water Treatment Plant

The proposed sewerage waste water treatment plant is to be located south of Reservoir Road. While the Water Corporation has not made a submission on the Strategy there have been ongoing discussions regarding the upgrading of water and sewerage for the townsite.

The final buffer will be dependent upon the design of the plant. In the interim a 500m should be shown from the boundary of the site as indicated below.



While the treatment plant site is situated in the BBR2 Policy Area, a portion of the buffer extends into the BBR5 Townsite Surrounds Policy Area.

The recommendations for both Policy Areas should reference the proposed WWTP and associated buffer.

Industrial Sites

The Strategy deals with 'industry' in Section 2.12 investigate the Recommendation No 50 notes that Council will investigate the opportunities for the development of an "urban industrial estate" located within 5kms of the townsite. BBR5 Policy Area No 12 (Balance Rural) notes that this area might contain a suitable site for a local industrial estate.

The present Industrial Sites study is examining a number of potential locations some of which are also in other Policy Areas within both BBR5 (Townsite Surrounds) and also BBR2 – Western.

The Strategy should acknowledge the preparation of the Industrial Sites study with a number of potential sites under consideration.

Homestead Lots

Section 2.4 of the Strategy contains provisions relating to Homestead lots and notes that the Commission has undertaken a review of Policy DC 3.4 including those provisions relating to homestead lots. This review has been completed and the revised Policy provisions are as follows:-

Homestead lots may be created to enable an existing house on a farm to continue to be occupied provided that:

- (a) the land is in the Wheatbelt agricultural policy area (refer to appendix 3);

- (b) the population in the locality is declining or relatively static;
- (c) the homestead lot has an area between 1 and 4 ha, or up to 20 ha where it is desirable to respond to the landform or to include existing outbuildings or water sources;
- (d) there is an adequate water supply for domestic, land management and fire management purposes;
- (e) the homestead lot fronts a constructed public road;
- (f) the homestead lot contains an existing residence; and
- (g) a homestead lot has not been excised from the farm in the past.

The Strategy recommendations are reasonably consistent with the above. Hence reference to the review of Policy DC 3.4 can be removed from the Strategy.

Boundary Realignments

The issue of boundary realignments has been one of the most contentious issues for Council in relation to the Strategy.

Recommendations 13 and 14 state:-

- 13 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).
- 14 That areas more than 10kms distance from the townsite the smaller lot shall have a minimum size of 40 hectares.

In relation to Recommendation 14, the Department is agreeing with the 40ha minimum size (more than 10km from town) but is stipulating that the general subdivision criteria to the boundary realignment. That is where a lot is less than the prescribed 80ha minimum lot size in rural areas it must have a minimum area of 40ha and must contain at least 30ha of good farming land (Class 1 or 2).

The total lot area is also to incorporate:-

- A minimum area of 30ha of high-capability land,
- Plus the water capture and/or storage area (as necessary),
- Plus an area for farm infrastructure and buildings with sufficient setback from adjoining properties so as not to restrict potential agricultural productivity on those properties, setbacks from watercourses and wetlands,
- Plus the retention of any remnant vegetation that should be protected from clearing.

The issue is that the above criteria specifically applies to greenfields subdivision for intensive agriculture.

Where a boundary realignment is proposed the land often already contains a smaller lot and it is normally the ‘poorer’ land which is included in the smaller lot so that there is more ‘good’ left in the larger farming lot.

While acknowledging the above it is also noted that these criteria have not been rigidly applied within the Shire. The following table sets out all the boundary realignment and resubdivision applications in the Shire since May 2007. These sites are located both within 10kms of the town and also further away and include lots less than 40 hectares. None of the applications have been refused by the Commission.

WAPC	Subject Land	No of	No of	Proposed Lot Areas	Decision
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Ref		Existing Lots	Proposed Lots		
134345	Lots 2898 & 1535 Asplin Siding Road	2	2	129.66h & 22ha	Approved
134379	Lots 3525, 2838 and 2840 Area Road	3	3	18.29, 102.51 and 80.96 ha	Approved
138000	Lot 1 McAlinden Road and Lots 2914 and 3832 Chapman Road	3	7	Six lots greater than 80 ha and one of 17.6 hectares	Approved
138180	Lots 7472 & 8245 Donnybrook Road	2	2	Each 3.8 ha	Approved
138454	Lot 6437 Six Mile Road	1	2	85 & 154 ha	Approved
138709	Lots 7918 and 11253 Jayes Road	2	2	46 & 60 ha	Approved
139083	Lots 16 & 17 Bridgetown Road	2	2	46 & 60ha	Approved
139171	Lots 11843 & 1223 Gibbs Road	2	2	132 & 52 ha	Approved
139315	Lots 1, 11, 17 Horley Road Boyup Brook North Road	3	8	8 lots, all in excess of 80ha	Approved
140117	Lots 595 & 2768 Boyup Brook Kojonup Road	2	2	46.6ha and 36.5ha	Approved
140523	Lots 1213 & 1265 Boyup Brook Kojonup Road	2	2	33 & 63 ha	Approved

However the South West Region Planning Committee has now adopted these standards for all Councils in the region. Consequently it will be extremely difficult to further alter this provision.

Based upon the above and the history of subdivision approvals there does not seem to be any reason to draw attention to the issue by attempting to alter Recommendation 14.

Natural Environmental Strategy

The Regional Environmental Officer has prepared a draft Natural Environmental Strategy for the Shire.

The objectives of this Strategy are embedded within the concepts of the sustainable management of natural resources and the protection of the biodiversity that may be affected by human activity. The implementation of the strategy will be through the acceptance of the concepts described below and their consideration in all Council decision-making including the day to day process of carrying out the Shire's responsibilities within the constraints of the Shire's resources and in accordance with legislative requirements.

Natural Resource Management (NRM) is the ecologically sustainable management of the land, water, air and biodiversity resources of the state for the benefit of existing and future generations, and for the maintenance of the life support capability of the biosphere" (WA NRM Council).

Appropriate recommendations of the NES can be included in the Rural Strategy. However to do so at this time may have required additional advertising and potential delays. The draft NES will be separately reviewed and considered by Council.

CONSULTATION

Notice of the draft Strategy was advertised in the West Australian on 29th July and again on 5th August. It was also advertised in the Manjimup Bridgetown Times on 29th July 2009.

The Strategy was referral to adjoining Councils and the following Government Agencies:

- Water and Rivers Commission (now the Department of Water);
- Department of Conservation and Land Management (now the Department of Environment and Conservation);
- Fire and Emergency Services Authority;
- Department of Agriculture (now the Department of Agriculture and Food);
- Department of Industry and Resources (now the Departments of Mines and Petroleum and Department of Commerce and the Department of State Development);
- Department of Environmental Protection (now the Department of Environment and Conservation);
- Department of Indigenous Affairs;
- Main Roads Western Australia;
- Water Corporation; and
- Western Power

STATUTORY ENVIRONMENT

Council must consider the submissions and make a recommendation on the Strategy in accordance with Town Planning Regulation 12B(3) which states that:

After the expiry of the period within which submissions may be made and advice given, the local government shall —

- (a) review the Local Planning Strategy in the light of any submissions made and advice received;
- (b) adopt the Local Planning Strategy with such modifications as it thinks fit to give effect to the submissions and advice; and
- (c) submit a copy of the Local Planning Strategy to the Commission for its endorsement.

POLICY IMPLICATIONS

The Local Rural Strategy will be a major development policy of Council. It will continue to evolve and will need regular review for it to remain a useful and workable document.

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

Once it is endorsed the Local Rural Strategy will provide the strategic justification for further development in the area.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – 7.3.1

MOVED: Cr Doust

SECONDED: Cr Downing

- 1 That Council determine the submissions lodged in respect of the Rural Strategy as outlined in the Schedule contained as Attachment 1
- 2 That pursuant to Regulation 12B (3) of the Town Planning Regulations 1967 Council adopt the Rural Strategy for final approval subject to the following modifications:
 - a) Minor formatting, terminology, Department names and other correctional changes which do not alter the recommendations.
 - b) In the Technical Appendix insert a new section “3.4 Geology and Mineral Resources” including the information supplied by the Department of Mines and Petroleum including the mineral resource map.
 - c) On Figure 14 BBR5 Townsite Surrounds Policy Areas – remove Lot 6 from Area 11
 - d) In Section 2.4 Housing and Homestead Lots delete reference to “the review of Policy DC 3.4”; and Recommendation 16.
 - e) In Section 2.5 Conservation Lots insert a new paragraph in to the text as follows:-

“A conservation covenant may limit the possibility of mineral exploration or mining on private land. The Department of Mines and Petroleum recommends that before conservation lots are created an assessment of mineral potential needs to be carried out.”
 - f) In Section 3.2.4 Subdivision and Development Guidelines (BBR2 – Western Policy Area) add the following:-

“The Water Corporation is proposing to develop a Waste Water Treatment Plant in Reservoir Road. The buffer requirements for this will be finalised once the design of the plant is completed. In the interim a 500m buffer area has been shown extending from the property boundary. Proposed development and subdivision in this area will need to have regard to the proposed WWTP.”
 - g) Show the site of the WWTP and 500m interim buffer area on Figures 2 & 3.
 - h) That Recommendation 50 be revised as follows:

“That Council investigate the opportunities for the development of an “urban industrial estate” within proximity of the townsite. The location of this is to have regard to Development Objectives for the Policy Areas around the Townsite as contained in Table 1.”
 - i) That Table 1 the Recommendations for Area 1 (Banks/Abel Road); Area 3 (Browns Seymour Road) and Area 12 (Balance of Precinct) be amended to include:

“Investigate potential industrial estate locations in accordance with Section 2.12”

- 3 That the Rural Strategy be submitted to the Western Australian Planning Commission for its endorsement.
- 4 That the persons and agencies who lodged submission be thanked for their input and be advised of the above.
- 5 That a report be provided to Council on the draft Natural Environmental Strategy and implications for the Rural Strategy.

CARRIED 8/0

Res 238/09

7.3.2 Aged Care Facility

Location:	<i>Lot 1889 William Street</i>
Applicant:	<i>J Andree-Williams & J Zanders</i>
File:	<i>AS3980</i>
Disclosure of Officer Interest:	<i>NIL</i>
Date:	<i>11 November 2009</i>
Author:	<i>Geoffrey Lush – Council’s Consultant Planner</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>1-Application 2- Site Aerial Plan</i>

SUMMARY

An enquiry has been lodged with Council regarding the potential development of an aged care facility on Lot 1889 William Street Boyup Brook. The applicant’s letter is contained as Attachment 1.

Discussions have been held with the applicants to clarify what is intended and the site has also been inspected. They have been advised that the first stage of the proposal should proceed in a manner which is consistent and reflects a single dwelling rather than as an ‘institutional’ type building.

Initially the proposal is to provide care for each person’s mother.

Further development and possible subdivision will require the site to be rezoned.

BACKGROUND

The subject land is Lot 1889 DP127993 William Street Boyup Brook. The site has an area of 5.7238 hectares and has an existing residence.

The subject land is zoned ‘Rural’ zone in Town Planning Scheme No 2. The adjoining properties are included in Special Rural zone No 5. The site also adjoins R16199 to the

south. The property is irregular in shape with a frontage of 80m to Williams Street extending back for approximately 120m. This then widens to approximately 150m width.

There is a dam situated on the front section of the property with an area of approximately 3,000 sqm between it and Williams Street.

The proposal is to potentially develop an aged care facility at the front of the property between the dam and Williams Street.

COMMENT

The zoning of the subject land as Rural is an anomaly as the site is also included in the Special Rural Policy Area. It would be expected that this site would be zoned Special Rural consistent with the surrounding properties.

The development of aged care facilities would not normally be expected to found in a Special Rural policy area as they are more appropriate within townsite urban area. The subject land provides an opportunity to develop a low key facility in a semi urban location.

It is considered that the development should be residential in character, size and design. This will then ensure that it does not detract from the character of the area or the intended planning objectives for it.

It is noted that the Residential Design Codes defines a 'dwelling' as

A building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or **no more than six persons** who do not comprise a single family.

Hence the building could contain up to six persons and have separate bedrooms and ensuites but not have separate kitchens.

It is also intended that ultimately the development would cater for potentially more persons and this would be integrated with the gardens and existing dwelling. Such a facility is likely to require licensing from the Health Department. The management of this might also necessitate the need for altering the title of the property which could include some form of strata subdivision.

In this scenario the land should be rezoned and included in the Special Rural zone and as an Additional Use Site (aged care).

In examining this proposal it has become evident that the old town dam pipeline crosses the property. The applicants thought that this was an easement which would have been expected. Further examination shows that the pipeline is part of Reserve 16199 which bisects the property. This will potentially create boundary issues for the larger facility as the reserve is crown land with no 'right' for services to cross it.

CONSULTATION

- Applicants
- Mr W Jolley (Council EHO)

STATUTORY ENVIRONMENT

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

Within the 'Rural' zone a single house is a permitted use. Group dwellings is an 'AA' use and Residential is an 'SA' use.

The term "Residential" is not defined in the Scheme but it is noted that "Residential Building" is defined as:-

Means a building other than a dwelling house or flats designed for use for human habitation together with such outbuildings as are ordinarily used therewith, and the expression includes a hostel, an unlicensed hotel designed primarily for residential purposes and a residential club.

Pursuant to Clause 3.3.7 of the Scheme where a use is not specifically mentioned in the Zoning Table, Council may determine that the use is consistent with the objectives and purposes of the Zone and thereafter follow the 'SA' procedures of Clause 3.5 in considering an application for planning approval.

It is also noted that Clause 5.2.6 of the Scheme states that:

Not 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 bona fide agricultural activity.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – 7.3.2

- 1 That Council resolve that:-
 - a) It is prepared to consider the proposal as a Residential Building under the Scheme which is an 'SA' use that must be advertised for comment;
 - b) That the proposal should be designed to be consistent with the appearance and scale of a normal dwelling with a total maximum accommodation for six persons;
 - c) In considering any application the licensing requirements for such a facility will need to be clarified and the application referred to the relevant agency;

- d) Any application must address the servicing requirements for the development especially in relation to on site effluent disposal and potential bush fire safety;
 - e) To facilitate development beyond this size or to allow for the potential subdivision of the land the property will need to be rezoned. This should preferably be as a Special Rural zone with an Additional Use (aged care) designation.
- 2 The proponents be advised of the above and also informed that the water pipeline is not an easement but is part of Reserve 16199 which is Crown Land. Enquiries should be made to the Department of Regional Development and Lands regarding the possible inclusion of this land into the property and conversion of this to an easement.

COUNCIL DECISION – MOVE INTO COMMITTEE

MOVED: Cr Giles

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

Res 239/09

COUNCIL DECISION – MOVE OUT OF COMMITTEE

MOVED: Cr O’Hare

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

Res 240/09

COUNCIL DECISION – ITEM 7.3.2

MOVED: Cr Giles

SECONDED: Cr O’Hare

That Council notes the applicant’s development proposal and the applicant be advised Council will not deal with the matter until a planning application is lodged.

Amendment

MOVED: Cr Doust

SECONDED: Cr Downing

That the applicant be advised that the proposal does not meet the Shire’s Town Planning Scheme requirements and that Council will not deal with the matter until a rezoning planning application is lodged.

CARRIED 7/1

Res 241/09

The Amendment became the motion and was carried 8/0.

REASON:

Council was not prepared to deal with an informal application and the current Town Planning Scheme does not allow this type of development on the land as it is currently zoned.

7.3.3 Subdivision Application (WAPC Ref 140763) Boyup Brook Arthur Road

Location:	<i>Lot 6 Boyup Brook Arthur Road</i>
Applicant:	<i>K Moir Licensed Surveyor</i>
File:	<i>AS3420</i>
Disclosure of Officer Interest:	<i>NIL</i>
Date:	<i>11 November 2009</i>
Author:	<i>Geoffrey Lush (Council's Consultant Planner)</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>1-Subdivision Plan 2- Plan Enlargement</i>

SUMMARY

The application is to subdivide Lot 6 Boyup Brook Arthur River Road into two allotments having areas of 45.2 ha and 153.5 ha respectfully. The property is presently used for general farming and also the site of the Harvey Dickson Country Music Venue.

The subject land has not been inspected in the preparation of this report.

BACKGROUND

The subject land is Lot 6 DP 21152 Boyup Brook Arthur Road. The subject land has an area of 198.7 hectares and is located approximately 6 kms from the townsite.

The property extends to the Blackwood River and is bisected by the Boyup Brook Arthur Road dissects the property. 42 hectares of the site is situated between the river and the Boyup Brook Arthur Road. Thompson Road adjoins the eastern boundary and this is a gravel rural road.

The site is undulating with two broad based valleys which drain to the south into the Blackwood River. The surrounding land is cleared general farming land.

Development on the site includes homestead and associated sheds and stock yards. Of particular is the Harvey Dickson Country Music Venue which has held very successful concerts, festivals, rodeos with over night camping facilities over many years. This facility occupies approximately 6 hectares of the site.

The majority of the land within the proposed 45 ha Lot has been grazed and cropped for many decades. These soils have good soil moisture and nutrient retention capabilities.

There is already a number of water resources established on this proposed lot. These include a large dam with contour banks to assist water capture and several spring fed excavations.

The application submits that:-

The proposed subdivision when successful will allow the sale of the smaller lot which in turn will provide opportunity for capital investments/improvements to the Harvey Dickson Country Music Centre already iconic in the Shire and State for staging events.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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.

The Warren Blackwood Regional Rural Strategy also applies to the proposal and with regard to rural subdivision and recommends:

- A minimum lot size of 80 hectares in rural areas;
- Where a lot is less than 80ha in size it must have a minimum area of 40ha and must contain at least 30ha of good farming land (Class 1 or 2);
- Such applications must be supported by an agronomist's and hydrologist's report.

The Planning Commission is also stipulating that the total lot area is also to incorporate:-

- A minimum area of 30ha of high-capability land,
- Plus the water capture and/or storage area (as necessary),
- Plus an area for farm infrastructure and buildings with sufficient setback from adjoining properties so as not to restrict potential agricultural productivity on those properties, setbacks from watercourses and wetlands,
- Plus the retention of any remnant vegetation that should be protected from clearing.

Town Planning Scheme No 2

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

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 Rural Strategy

Within the draft Local Planning Strategy the subject land is predominantly located within the BBR2 Western Policy Area.

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

COMMENT

The application has been supported by a Land Capability Study of the site which assesses the soils, water supply and general suitability of the proposed lot for farming. It is unclear as to what percentage of the site would contain Class 1 or 2 land and if the total area of the lot can still accommodate the above mentioned additional areas for farm infrastructure.

However the intention of subdividing the land so as to create capital to further develop the Country Music Venue is supported.

There is no information within the application as to how the proposed lot may be affected by the Country Music Venue and in particular by noise. There would appear to be a separation distance of between 200 – 300 metres between the venue and the proposed allotment boundary. Any new dwelling on the proposed allotment would be expected to be setback even further.

This issue can be addressed by requiring a notification to be placed upon the Certificate of Title.

Any subdivision applies to all of the subject land, including the Country Music Venue. The existing Council approvals for the Country Music Venue have not been examined in the preparation of this report. In terms of subdivision issues it would be appropriate to consider requesting that a Fire Management Plan be prepared for the entire site in the event that no such plan exists for the Country Music Venue.

To avoid creating additional access directly on to the Boyup Brook Arthur Road access to the proposed allotment should be restricted to Thompson Road.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – 7.3.3

MOVED: Cr Oversby

SECONDED: Cr O’Hare

- 1 That Council advise the Western Australian Planning Commission that is supports the proposed subdivision of Lot 6 Boyup Brook Arthur Road on the basis that**
 - (a) it will facilitate further improvements to the Harvey Dickson Country Music Venue, which is considered to be a primary tourist and cultural facility in the Shire; and**
 - (b) the application is considered to be consistent with 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.**
- 2 That the Western Australian Planning Commission be requested to include the following conditions on any approval:-**
 - a) Access to the proposed lot shall be restricted to Thompson Road.**
 - b) A Notification be placed upon the Certificate of Title pursuant to Section 70A of the Transfer of Land Act 1893 (as amended) to advise landowners of the nearby location of the Harvey Dickson Country Music Venue which may affect the property due to noise or other factors.**
 - c) A Fire Management Plan being prepared and implemented to the requirements and satisfaction of Council.**

CARRIED 8/0

Res 242/09

7.3.4 Council Meeting Dates for 2010

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Not Applicable</i>
File:	<i>N/A</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>17 November 2008</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>N/A</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council proposed meeting times and dates for the Ordinary Council meetings for the 2010 year.

BACKGROUND

At the Chief Executive Officer's review last year it was recommended that regular Council briefing sessions be conducted before Ordinary Council Meetings.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY OBLIGATIONS

The following sections of the Local Government Act have relevance:

5.3. Ordinary and Special Council Meetings

- 1) A council is to hold ordinary meetings and may hold special meetings.
- 2) Ordinary meetings are to be held not more than 3 months apart.
- 3) If a council fails to meet as required by subsection (2) the Chief Executive Officer is to notify the Minister of that failure.

5.4. Calling Council Meetings

An ordinary or a special meeting of a council is to be held –

- (a) if called for by either-
 - (i) the mayor or president; or
 - (ii) at least 1/3 of the councillors;
in a notice to the Chief Executive Officer setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the council

5.5. Convening Council Meetings

- (1) The Chief Executive Officer is to convene an ordinary meeting by giving each Council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The Chief Executive Officer is to convene a special meeting by giving each Council member notice, before the meeting, of the date, time, place and purpose of the meeting.

The Local Government (Administration) Regulations provide:

12. Public notice of Council or Committee Meetings – s. 5.25(1)(g)

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the Chief Executive Officer's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the Chief Executive Officer's opinion, is practicable.

The Local Government Act provides that local public notice is as follows;

1.7. Local Public Notice

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be –
 - (a) published in a newspaper circulating generally throughout the district;
 - (b) exhibited to the public on a notice board at the local government's offices; and

- (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is –
 - (a) published under subsection (1) (a) on at least once occasion; and
 - (b) exhibited under subsection (1) (b) and (c) for a reasonable time, being not less than –
 - (i) the time prescribed for the purpose of this paragraph; or
 - (ii) if no time is prescribed, 7 days.

POLICY IMPLICATIONS

Council Policy

BUDGET/FINANCIAL IMPLICATIONS

Nil

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 & OFFICER RECOMMENDATION – 7.3.4

MOVED: Cr Downing

SECONDED: Cr Biddle

That the following meeting dates and times apply for the 2010 year:

**Council Meeting Dates 2010
Held at 3.30pm in the Boyup Brook Chambers**

**18 February 2010
18 March 2010
15 April 2010
20 May 2010
17 June 2010
15 July 2010**

**21 August 2010
16 September 2010
21 October 2010
18 November 2010
16 December 2010**

CARRIED 8/0

Res 243/09

7.3.5 Committees

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>N/A</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12 November 2009</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Nil</i>

COUNCIL DECISION – MOVE INTO COMMITTEE

MOVED: Cr Giles

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 244/09

COUNCIL DECISION – MOVE OUT OF COMMITTEE

MOVED: Cr Downing

SECONDED: Cr Doust

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 245/09

SUMMARY

The purpose of this report is to bring before Council the recommendation that it form an Audit and Finance Committee and a Forward Planning Committee.

BACKGROUND

At the special Council meeting held 22 October 2009 Council dealt with the matter of committees and representatives. A number of appointments were made at that meeting and any further appointments were pending consideration by the President.

COMMENT

Following discussions with the President it is recommended that Council form an Audit and Finance Committee and a Forward Planning Committee.

Council is required to form an Audit committee (see statutory obligations) and it is recommended that this committee also deal with matters such as periodic budget reviews

with recommendations to Council, and any other financial matters that Council may refer to it.

It is recommended that a forward planning committee be formed to look at the whole gambit of big picture issues such as asset management, financial and strategic plans, reviews of the strategic plan and town planning scheme, working with other Local Governments to achieve greater efficiencies, and the like. It is suggested that this committee have no delegated powers and that all members of Council be members of this committee. Also that it meet monthly approximately two weeks prior to the monthly Council meetings (ie no meeting in January).

CONSULTATION

The author has spoken with some Councillors and staff.

STATUTORY OBLIGATIONS

The following sections of the Local Government Act have application;
Division 1A — Audit committee

[Heading inserted by No. 49 of 2004 s. 5.]

7.1A. Audit committee

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*
** Absolute majority required.*
- (3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.*
- (4) *An employee is not to be a member of an audit committee.*

[Section 7.1A inserted by No. 49 of 2004 s. 5.]

7.1B. Delegation of some powers and duties to audit committees

- (1) *Despite section 5.16, the only powers and duties that a local government may delegate* to its audit committee are any of its powers and duties under this Part other than this power of delegation.*
** Absolute majority required.*
- (2) *A delegation to an audit committee is not subject to section 5.17.*

[Section 7.1B inserted by No. 49 of 2004 s. 5.]

7.1C. Decisions of audit committees

Despite section 5.20, a decision of an audit committee is to be made by a simple majority.

[Section 7.1C inserted by No. 49 of 2004 s. 5.]

The following section of the Local Government (Audit) Regulations has application;

16. Functions of audit committee

An audit committee —

- (a) is to provide guidance and assistance to the local government —
 - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
 - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;and
- (b) may provide guidance and assistance to the local government as to —
 - (i) matters to be audited;
 - (ii) the scope of audits;
 - (iii) its functions under Part 6 of the Act; and
 - (iv) the carrying out of its functions relating to other audits and other matters related to financial management.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

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

Absolute majority

OFFICER RECOMMENDATION – ITEM 7.3.5

- (1) Recommended that Council form an Audit and Finance Committee with three Councillors as its members. That the function/role of the Audit and Finance Committee be as follows:-
 - a) is to provide guidance and assistance to the Council-
 - i. as to the carrying out of its functions in relation to audits;
 - ii. as to the development of a process to be used to select and appoint a person to be the auditor; and
 - b) may provide guidance and assistance to the Council as to-
 - i. matters to be audited;
 - ii. the scope of the audit;
 - iii. its functions under Part 6 of the Local Government Act 1995 that relate to financial management; and
 - iv. the carrying out of its functions relating to other audits and other matters related to financial management.
 - c) is to conduct necessary budget reviews and report to Council.

That Cr.....
 That Cr.....
 That Cr.....
 be appointed to Council’s Audit and Finance Committee.

- (2) That Council form a Forward Planning Committee with all Councillors as its members. That the function/role of the committee be to consider and/or review all forward planning matters including asset management planning, long range financial planning, works planning, the strategic plan, town planning scheme, options to work more closely with other Councils, other matters as referred by Council and to report back to Council. This committee will meet approximately two week prior to each ordinary meeting of Council.

COUNCIL DECISION – ITEM 7.3.5

MOVED: Cr Doust

SECONDED: Cr Oversby

- (1) Recommended that Council form an Audit and Finance Committee with three Councillors as its members. That the function/role of the Audit and Finance Committee be as follows:-
 - a) is to provide guidance and assistance to the Council-
 - i. as to the carrying out of its functions in relation to audits;
 - ii. as to the development of a process to be used to select and appoint a person to be the auditor; and
 - b) may provide guidance and assistance to the Council as to-
 - i. matters to be audited;
 - ii. the scope of the audit;

- v. its functions under Part 6 of the Local Government Act 1995 that relate to financial management; and
- vi. the carrying out of its functions relating to other audits and other matters related to financial management.

c) is to conduct periodic budget reviews and report to Council.

That Cr Doust
That Cr Ginnane
That Cr Downing
be appointed to Council's Audit and Finance Committee.

- (2) That Council form a Forward Planning Committee with all Councillors as its members. That the function/role of the committee be to consider and/or review all forward planning matters including asset management planning, long range financial planning, works planning, the strategic plan, town planning scheme, options to work more closely with other Councils, other matters as referred by Council and to report back to Council. This committee will meet approximately two week prior to each ordinary meeting of Council.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 246/09

7.3.6 Rylington Park - Options

Location:	<i>Rylington Park</i>
Applicant:	<i>Not applicable</i>
File:	<i>CR/31/012</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12 November, 2009</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to bring the matter back to Council with the recommendation that it be referred to the Forward Planning Committee for consideration.

BACKGROUND

At the October Council meeting Council dealt with a late item relating to Rylington Park and passed the following resolution;

That the costs of and methodology to transfer the title for Rylington Park to a locally controlled trust fund or co-operative, and possibly to Future Boyup Brook, be investigated and the results reported to the November 2009 Council meeting.

Council's legal adviser has provided advice (a copy had been made available to all Councillors).

COMMENT

It is suggested that the matter of options for Rylington Park requires a more in-depth study than might be better dealt with by the Forward Planning Committee. It is anticipated that if referred to this Committee the Committee might meet with the Rylington Park Management Committee and others over a number of months before coming back to Council with a recommendation on what, if anything, it should do in relation to the property.

CONSULTATION

The author has spoken with Council's legal adviser, some Councillors, a member of the Rylington Park Management Committee and staff.

STATUTORY OBLIGATIONS

Nil at this time if the recommendation is adopted.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time.

STRATEGIC IMPLICATIONS

There is no action in the plan for Rylington Park.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.6

MOVED: Cr Downing

SECONDED: Cr O'Hare

That the matter of options for Rylington Park be referred to the first Forward Planning Committee for review, consultation and to make a recommendation to Council noting that it is envisaged that this process may take some months.

CARRIED 8/0

Res 247/09

7.3.7 GROH Housing – Boyup Brook Town Lot 330

Location:	Lot 330 Treloar Street
Applicant:	Not applicable
File:	AS1521
Disclosure of Officer Interest:	None
Date:	12 November 2009
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Not applicable
Attachments:	Nil

SUMMARY

The purpose of this report is to put before Council the option of selling Lot 330 together with the two houses it has just built to Government Regional Officers Housing (GROH) with the recommendation that this option be taken up.

BACKGROUND

Some time ago Council entered into discussion with GROH regarding a project for it to provide two new houses on a lease basis. GROH needed the houses to meet its Police Department commitments and, at the time, had a policy of leasing rather than purchasing.

Lot 330 was selected as the site on which to build the houses. Lot 330 was purchased by the Shire of Upper Blackwood (predecessor to the Shire of Boyup Brook) from the Government of Western Australia 10 June 1966 for \$100. It appears to have remained unused until the decision was taken to build the two houses at the Council meeting held 20 December 2008 with the following resolution being passed:

1. *That the Tender (07/005) Design and Construct Housing, received from WA Country Builders (Bunbury) for the construction of housing on lots 330 Beatty Street and 17 Knapp Street, Boyup Brook, be rejected, as the Council on the recommendation of the Chief Executive Officer, is not satisfied that the designs meet Shire requirements and tender specification.*
2. *The Chief Executive Officer be authorized to complete negotiations with suitable builders to provide housing as per the Department of Housing and Works specification and within the arrangement approved by GROH.*
3. *The intention to borrow \$600,000 for the construction of Housing on lot 330 Beatty Street Boyup Brook, to lease from the Department of Housing and Works (GROH) for a period of (9) years with a (1) year option, interest and principal to be repaid over a period of 20 years, be advertised as required by section 6.20 (2) of the Local Government Act 1995.*
4. *That the committee appointed to consider the requirements necessary to employ a new Chief Executive Officer, consider the housing requirements in consultation with the Chief Executive Officer and recommend to Council the action required to provide this additional housing the facility.*

The Officer report for this item noted the following;

WA Country Builders Bunbury submitted a design and costing to build two units on Lot 330 Beatty Street Boyup Brook. The cost of each unit being \$334,285. Two alternatives were received for the construction of a new residence on Lot 17 Knapp Street Boyup Brook. The cost of these being \$400,511 and \$352,538.

Several aspects of the designs submitted and the works proposed are unsatisfactory and it is recommended that the tenders be rejected.

If Council rejects the tenders received on the basis that they are not satisfied that the requirements of the tender have been met to achieve the objectives of the Shire, then under section 11. (2) (c) the project can be progressed without having to again invite tenders.

As a preliminary measure the designs for the construction of the two units to lease to GROH, including several changes, have been submitted to the department for their consideration. GROH have now confirmed that the proposals submitted are satisfactory and they are happy for the project to proceed on the following basis:-

- 1. Annual rental per unit based on (\$625 pw) \$32,500.*
- 2. Annual rental reviews tied to CPI or 2% whichever is the greater.*
- 3. Lease term (9) years with a (1) year option.*
- 4. Dwellings to be completed as per the proposed plans provided and meet GROH amenity level at completion.*

An agreement was subsequently entered into with WA Country Builders to build two houses on Lot 330 with Council providing all earth works and aspects such as landscaping, floor coverings, window treatments, air-conditioning etc.

It was established that the rental figure previously negotiated could be increased in order to better cover costs and that the term of the lease could be extended. Calculations were done to establish the amount of rent that would be required to meet 100% of costs over 20 years and negotiations commenced on a revised rental of \$801 per week per unit. At first GROH was negotiating for a lower rental and, due to additional funding through the Royalties fro Regions initiative, GROH indicated a preference for outright purchase. Administration calculated that an amount of \$900,000 would be required to meet the full cost of building, the sale of the lot and an administration fee. Following negotiations with GROH a sale price of \$850,000 has been established and is presented for Council agreement.

COMMENT

It is noted that Lot 330 is triangular in shape, encompasses an area of 3601M3 and is located at the corner of Treloar and Beatty Streets. Whilst its size would allow for the lot to be divided into three, its shape and location may make it impractical to achieve three lots. The southern most lot would be narrow and access from Beatty Street might be difficult due to the differences in levels between the lot and the street (it will be noted that the access from Beatty Street for the house that adjoins that street, is very steep). Also, the lot is not subdivided, all factors that would affect the value of the lot. Whilst no valuation for the land has been obtained by administration it is noted that the negotiated sale price is in excess of the valuation that GROH obtained for the land and buildings.

It is noted that during the various negotiations with GROH the willness to pay a high rental waned once the purchase option became available and it is unlikely that a high rental could now be achieved. It is suggested that the sale option is preferable because it would

allow Council to extinguish the loan it took out to fund the houses now, Council will avoid the need to continually maintain the properties and the potential conflict that may arise through differing expectations (ie Council rents to GROH, GROH rents to the WA Police who in turn rents to its officers) and funds would be freed up to permit other initiatives.

It is recommended that Council agree to sell Boyup Brook Town LOT 330, together with all improvements to GROH for \$850,000.

CONSULTATION

The author has spoken with GROH representatives, some Councillors and staff.

STATUTORY OBLIGATIONS

The following section of the Local Government Act has application;

3.58. Disposing of property

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
 - (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
 - (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned;*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned;*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

(5) *This section does not apply to —*

- (a) *a disposition of land under section 29 or 29B of the Public Works Act 1902;*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*
- The following section of the Local Government (Functions and General) Regulations has application;

30. Dispositions of property to which section 3.58 of Act does not apply

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) *A disposition of land is an exempt disposition if —*
 - (a) *the land is disposed of to an owner of adjoining land (in this paragraph called **the transferee**) and —*
 - (i) *its market value is less than \$5 000; and*
 - (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*
 - (b) *the land is disposed of to a body, whether incorporated or not —*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*
 - (c) *the land is disposed of to —*
 - (i) *the Crown in right of the State or the Commonwealth;*
 - (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
 - (iii) *another local government or a regional local government;*
 - (d) *it is the leasing of land to an employee of the local government for use as the employee's residence;*
 - (e) *it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land;*
 - (f) *it is the leasing of land to a "medical practitioner" (as defined in section 3 of the Medical Act 1894) to be used for carrying on his or her medical practice; or*
 - (g) *it is the leasing of residential property to a person.*
- (2a) *A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —*
 - (a) *put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government;*

- (b) *the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or*
 - (c) *the subject of Statewide public notice under section 3.59(4), and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —*
 - (i) *the names of all other parties concerned;*
 - (ii) *the consideration to be received by the local government for the disposition; and*
 - (iii) *the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.*
- (2b) *Details (see section 3.58(4) of the Act) of a disposition of property under subregulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.*
- (3) *A disposition of property other than land is an exempt disposition if —*
 - (a) *its market value is less than \$20 000; or*
 - (b) *it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.*

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The current budget provides for loan payments (interest and principal) of \$55,177.60 and rental income of \$52,000, no rent has been received to date. A loan of \$600,000 was taken out in 2008. The loan period was 20 years and repayments were two moieties of \$27,588.80 per annum and so the total payment would have been \$1,103,551.67 (\$503,551.67 of this being interest payments). The first payment was made 1 August 2008. Two further payments have been made this year (2009) and so the total paid so far is \$82,766.40. The Treasury Corporation (the loan provider) has given a payout figure of \$590,912.55 (which includes an early payout premium of \$2,747.09) if paid out 13 November 2009 (and based on interest rates for 12 November 2009) as an indication. Based on this the total cost of financing the houses would have been \$673,678.96 if the loan had been paid out 13 November. This can be used as an indication of the position if the loan was to be paid out in the near future. Selling the property and repaying the loan, had this occurred 13 November, the current budget would have been affected as follows:

Budgeted costs	\$
loan repayment	55,177.60
maintenace costs (net of insurance)	722.00
insurance	1,112.00
Total costs	<u>57,011.60</u>
Budgeted income	
rent	<u>52,000.00</u>
Net cost	<u>5,011.60</u>
Adjusted position	
Costs	
loan repayment	27,588.80
loan payout	590,912.55
insurance (estimate)	500.00
Total costs	<u>619,001.35</u>
Income	
proceeds from sale	<u>850,000.00</u>
Net income	<u>230,998.65</u>

As will be seen from the foregoing a sale and loan payout on 13 November 2009 would have released an amount of \$230,998.65 that could have been applied to other initiatives. It is noted that it is recommended elsewhere in the agenda that Council form a committee to look at big picture things (the proposed forward planning committee) and it is recommended that refer the application of the net income, should Council chose to sell the property, to this committee for its recommendation.

STRATEGIC IMPLICATIONS

Nil

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

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.7

MOVED: Cr Doust

SECONDED: Cr Giles

That Council sell Boyup Brook Town Lot 330, together with all improvements on the lot to Government Regional Officers Housing for \$850,000 net of GST (if applicable).

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 248/09

7.3.8 Boyup Brook Medical Services – Review of Fees

Location: Medical Centre Abel Street, Boyup Brook
Applicant: Shire of Boyup Brook
File: CM/42/003
Disclosure of Interest: Nil
Date: 12 November 2008
Author: Alan Lamb, Chief Executive Officer
Authorizing Officer: N/A
Attachments: Nil

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 2009/10 budget:-

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	\$18.50
Reports for Third Parties	Yes	\$195.00 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
Repeat Prescription Fee	Yes	\$5.00
Repeat Prescription Fee – bulk billed patients	Yes	\$2.50
Repeat Prescription Fee – without seeing the Doctor	Yes	\$5.00

Consistent with prior years, the fees set in the budget are reviewed after Medicare conducts its determination of rebates which it does each October/November. Note that the fees were adopted in the annual budget for 2009/10 was based on the Medicare rebate level set in November 2007.

The following schedule shows the fees, rebates and gaps (ie the net amount paid by patients) for each year since November 2006 and current Medicare rebate compared with the proposed revised fees:

November 2006 till 31 October 2007

Short consult	\$24.00, Medicare rebate	\$14.70,	Gap \$9.30
Standard	\$45.00, Medicare rebate	\$32.10,	Gap \$12.90
Long	\$72.00, Medicare rebate	\$60.95	Gap \$11.05
Extended	\$97.00, Medicare rebate	\$89.75	Gap \$7.25

1 November 2007 till 31 October 2008

Short consult	\$25.00, Medicare rebate	\$15.00,	Gap \$10.00
Standard	\$46.50, Medicare rebate	\$32.80,	Gap \$13.70
Long	\$75.00, Medicare rebate	\$62.30	Gap \$12.70
Extended	\$101.00, Medicare rebate	\$91.70	Gap \$ 9.30

1 November 2008 till 31 October 2009

Short consult	\$26.00, Medicare rebate	\$15.35,	Gap \$10.65
Standard	\$48.50, Medicare rebate	\$33.55,	Gap \$14.95
Long	\$78.50, Medicare rebate	\$63.75	Gap \$14.75
Extended	\$105.50, Medicare rebate	\$93.80	Gap \$11.70

1 November 2009 till 31 October 2010

Short consult	\$27.00, Medicare rebate	\$15.70,	Gap \$11.30
Standard	\$50.00, Medicare rebate	\$34.30,	Gap \$15.70
Long	\$80.50, Medicare rebate	\$65.20	Gap \$15.30
Extended	\$108.50, Medicare rebate	\$95.95	Gap \$12.55

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 that 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	\$15.70
Standard	\$34.30
Long	\$65.20
Extra Long	\$95.950

The new fee structure proposed is as follows:

Service	GST Included	Amount
Consultations – Short	No	\$27.00
Consultations – Standard	No	\$50.00
Consultations – Long	No	\$80.50

Consultations – Extra Long	No	\$108.50
PATS – referral	Yes	Nil
Cortisone Injection	Yes	\$28.50
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	\$50.00
Reports for Third Parties	Yes	\$205.00 per hour
Employment Medical	Yes	\$85.00
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
Repeat Prescription Fee – private patents	Yes	\$6.00
Repeat Prescription Fee – bulk billed patients	Yes	\$3.50
Repeat Prescription Fee – without seeing the Doctor	Yes	\$6.00

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	\$15.75 (an increase of \$0.80)
Long	\$15.30 (an increase of \$0.55)
Extra Long	\$12.55 (an increase of \$0.85)

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 2009/10 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

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.8

MOVED: Cr Giles

SECONDED: Cr Oversby

That the fees and charges contained in the 2009/10 Budget for the Boyup Brook Medical Centre be revised as follows and implemented from 1 January 2010:-

BOYUP BROOK MEDICAL CENTRE

Service	GST Included	Amount
Consultations – Short	No	\$27.00
Consultations – Standard	No	\$50.00
Consultations – Long	No	\$80.50
Consultations – Extra Long	No	\$108.50
PATS – referral	Yes	Nil
Cortisone Injection	Yes	\$28.50
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	\$50.00
Reports for Third Parties	Yes	\$205.00 per hour
Employment Medical	Yes	\$85.00
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 –	Yes	\$110.00

with receptionist		
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
Repeat Prescription Fee – private patents	Yes	\$6.00
Repeat Prescription Fee – bulk billed patients	Yes	\$3.50
Repeat Prescription Fee – without seeing the Doctor	Yes	\$6.00

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 249/09

7.3.9 Regional and Local Community Infrastructure Program - Round 2

Location: *Not applicable*
Applicant: *Not applicable*
File: *FM/04/004*
Disclosure of Officer Interest: *None*
Date: *13 November 2009*
Author: *Alan Lamb*
Authorizing Officer: *Not applicable*
Attachments: *copy of funding guidelines*

SUMMARY

The purpose of this report is to put before Council options for application of these funds with a recommendation that three alternative projects be put forward for funding approval.

BACKGROUND

The Federal Government commenced its Regional and Local Community Infrastructure Program (RLCIP) last financial year and distributed funds to all Australian Local Governments. This was termed round 1, the total pie was \$250m and Boyup Brook received the minimum grant of \$100,000. This year the comparable pie is \$100m and Boyup Brook's share is \$30,000. It should be noted that there are two parts to this funding initiative, one being a non-competitive grant opportunity (ie the \$100m pool) and the other being a competitive component (\$120M). This report deals only with the first part but for completeness the following information is provided in relation to the second (Strategic Projects). The minimum grant is \$1m, projects must be additional, ready to proceed, or additional stages of current projects. Additional projects are those which have not been included in the Local Government's current budget and can be brought forward as a result of this funding. Projects that are ready to proceed are those that will begin construction within six months of signing the funding agreement. Funding will not be provided to bolster projects or discrete stages of projects that have commenced but have not completed the contracted activity. No further RLCIP-SP funding will be provided to enhance or complete projects.

The \$100m RCLIP grant application phase commenced 9 October 2009 and closes 20 November 2009. This Council, along with 84 Council out of the 139 listed for WA. The distribution is based on a minimum grant of \$30,000 for each Council in Australia. Councils with a population of 30,000 and categorised as “urban fringe” or “urban regional” according to the Australian Classification of Local Government Code will receive an additional growth component of \$150,000. All Councils with at least 5,000 residents will share in the remaining funds proportionate to their 2008-9 general purpose Financial Assistance Grant.

A Copy of the funding guidelines is attached and so the detail will not be repeated here.

COMMENT

It is noted that the grant is relatively small and Council is advised to not seek to spread it over a number of small projects because of the acquittal process, that includes signage and official openings etc, can tend to be expensive in terms of time and money and the benefit of the grant could be reduced if we had to acquit in relation to more than one project.

In looking at projects that would benefit from this additional funding and that can be completed before the 31 December 2010 deadline, the following three are put forward for consideration;

1. Swimming Pool Carpark – improvements and beautification
This project entails asphaltting and kerbing the carpark area, new plantings and reticulation.
2. Sandakan Park – improvements and beautification
This project entails turfing, reticulation and a general up grade.
3. Town footpaths – installing concrete footpaths, that include access ramps and the like, to improve access around town.

The first two projects are new and the third is a continuation of the footpath construction plan (effectively bringing forward proposed works).

Speaking with the Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government team set up to manage this funding program, they suggested it is preferable for Councils to nominate a list of projects indicating order of preference and it will be noted that the recommendation aligns with this.

It is suggested that the swimming pool carpark project should be priority one as we will be doing asphaltting works during the year and this could be tied into that project. Sandakan Park could benefit from grassed areas and it is suggested that this project be number two in priority. The footpath project is important and would be done in conjunction with other budgeted path works but, it is suggested, this project should be ranked number three because Council already has a significant footpath construction program planed for 2009/10.

CONSULTATION

The author has spoken with Council, the funding provider and Council staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Neither the grant income its expenditure on a project is included in the current budget and it is recommended that Council amend the budget once the grant has been approved.

STRATEGIC IMPLICATIONS

Nil

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

Absolute majority.

OFFICER RECOMMENDATION – ITEM 7.3.9

1. That administration lodge an application for a Regional and Local Community Infrastructure Program grant of \$30,000 listing the following projects as being options noting that the listing order is Council's priority order:
 - a) **Swimming Pool Carpark – improvements and beautification**
This project entails asphaltting and kerbing the carpark area, new plantings and reticulation.
 - b) **Sandakan Park – improvements and beautification**
This project entails turfing, reticulation and a general up grade.
 - c) **Town footpaths – installing concrete footpaths, that include access ramps and the like, to improve access around town.**

COUNCIL DECISION – ITEM 7.3.9

MOVED: Cr Giles

SECONDED: Cr Biddle

1. That administration lodge an application for a Regional and Local Community Infrastructure Program grant of \$30,000 listing the following projects as being options noting that the listing order is Council's priority order:
 - a) **Swimming Pool Carpark – improvements and beautification**
This project entails asphaltting and kerbing the carpark area, new plantings and reticulation.
 - b) **Town footpaths – installing concrete footpaths, that include access ramps and the like, to improve access around town.**

- c) **Sandakan Park – improvements and beautification**
This project entails turfing, reticulation and a general up grade.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 250/09

8 COMMITTEE REPORTS

8.1.1 Minutes of the Boyup Brook Tourism Association

Location:	N/A
Applicant:	N/A
File:	IM/37/009
Disclosure of Officer Interest:	Nil
Date:	27 th October 2009
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	N/A
Attachments:	Yes - Minutes

BACKGROUND:

A meeting of the Boyup Brook Tourism Association was held on 13th October 2009.

Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.1*)

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.1

MOVED: Cr Biddle

SECONDED: Cr Oversby

That the minutes of the Boyup Brook Tourism Association be held on 13th October 2009 be received.

CARRIED 8/0

Res 251/09

8.1.2 Minutes of the Warren Blackwood Strategic Alliance

Location:	N/A
Applicant:	N/A
File:	GR/31/006
Disclosure of Officer Interest:	Nil
Date:	27 th October 2009
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	N/A
Attachments:	Yes - Minutes

BACKGROUND:

A meeting of the Warren Blackwood Strategic Alliance was held on 6th October 2009.

Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.2*)

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.2

MOVED: Cr Oversby

SECONDED: Cr O’Hare

That the minutes of the Warren Blackwood Strategic Alliance be held on 6th October 2009 be received.

CARRIED 8/0

Res 252/09

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9.1.1 Amalgamation

Notice of motion Cr Doust 11/2009

Given the recent election of new Councillors, the Council confirms that it is opposed to the amalgamation of the Shire of Boyup Brook with any adjoining neighbouring Local Governments and will work towards achieving what is required to show that the Shire has the organisational and financial capacity to meet current and future community needs.

Comment

Whilst the Council at its meeting on the 17th September 2009 resolved to submit to the Minister for Local Government the amended submission prepared by the Shire of Boyup Brook Structural Reform Committee, which included Councils opposition to amalgamation, there is no formal motion any where in the Council Minutes that records that this is the Councils decision. It is also important that the position is reaffirmed given the election of three new Councillors on the 17th October 2009.

COUNCIL DECISION – MOVE INTO COMMITTEE

MOVED: Cr Giles

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.

LOST 2/6

Res 253/09

COUNCIL DECISION – ITEM 9.1.1

MOVED: Cr Doust

SECONDED: Cr Oversby

That given the recent election of new Councillors, the Council confirms it is opposed to the amalgamation of the Shire of Boyup Brook with any neighbouring Local Governments and will work towards achieving what is required to show that the Shire has the organisational and financial capacity to meet current and future community needs.

CARRIED 6/2

Res 254/09

Request for Vote to be recorded

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

FOR	AGAINST
Cr Biddle	Cr Giles
Cr Downing	Cr Marshall
Cr Doust	
Cr Oversby	
Cr O'Hare	
Cr Ginnane	

Notice of motion Cr Doust 12/2009

That the Council consider the "Checklist Assessment Outcome" completed by the Department Local Government Reform Steering Committee, determine the action required and dates for completion, to ensure that in any future assessment of the Shire of Boyup Brook the outcome will be much more favourable towards sustainability and retention of the 'status quo'.

Comment

A copy of the letter and "Checklist Assessment Outcome" prepared by the Local Government Reform Steering Committee and received from the Department of Local Government and Regional Development on the 3rd July 2009 is attached. I believe it is important that Council is proactive and addresses the issues that have been raised and puts in place the action required to achieve the outcomes necessary to maintain the Shire of Boyup Brook as a viable independent Local Government. Whilst I acknowledge that some of the issues raised by the Reform Steering Committee will need considerable work and research I believe the Council has an obligation to the residents of this Shire given the opposition to amalgamation by the 140 (approx) residents that attended the public meeting in Boyup Brook on Wednesday 9th September 2009.

COUNCIL DECISION – ITEM 9.1.1

MOVED: Cr Doust

SECONDED: Cr Biddle

That the Council consider the "Checklist Assessment Outcome" completed by the Department Local Government Reform Steering Committee, determine the action required and dates for completion, to ensure that in any future assessment of the Shire of Boyup Brook the outcome will be much more favourable towards sustainability and retention of the 'status quo'.

CARRIED 7/1

Res 255/09

Request for Vote to be recorded

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

FOR
Cr Biddle
Cr Downing
Cr Doust
Cr Marshall
Cr Oversby
Cr O'Hare
Cr Ginnane

AGAINST
Cr Giles

9.1.2 Water Tank for the Cemetery

Notice of motion Cr Biddle 13/2009

That a small water tank be purchased and installed at the cemetery for the convenience of those who visit it

Councillor Comment

No such facility exists for

- *Filling flower vases*
- *Washing hands } for those attending burials, and Friends of the Cemetery*
- *Drinking*

COUNCIL DECISION – ITEM 9.1.2

MOVED: Cr Biddle

SECONDED: Cr Oversby

That a small water tank be purchased and installed at the cemetery for the convenience of those who visit it.

LOST 4/4

Res 256/09

The Shire President used his casting vote in the negative.

Request for Vote to be recorded

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

FOR
Cr Biddle
Cr Doust
Cr Oversby
Cr O'Hare

AGAINST
Cr Giles
Cr Marshall
Cr Downing
Cr Ginnane

9.1.3 Shire Website

Notice of motion – Cr Biddle 14/2009

That the Shire website be reviewed to

- **delete/modify information which is out-dated/inaccurate,**
- **add any other information which promotes the Shire, and better informs those who visit the site.**

Councillor Comment

A website should:

- *Be accurate*
- *Be up to date*
- *Be user friendly*
- *Promote the community*

COUNCIL DECISION – ITEM 9.1.3

MOVED: Cr Biddle

SECONDED: Cr Oversby

That the Shire website be reviewed quarterly.

- **delete/modify information which is out-dated/inaccurate,**
- **add any other information which promotes the Shire, and better informs those who visit the site.**

CARRIED 8/0

Res 257/09

10 MATTERS THAT LAY ON THE TABLE

10.1.1 Adoption of Flax Mill Conservation Plan

Location:	<i>Jackson Street, Boyup Brook</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/25/039</i>
Disclosure of Officer Interest:	<i>NIL</i>
Date:	<i>6 October 2009</i>
Author:	<i>Geoff Carberry – Senior Administration Officer</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Policy Recommendation Sheet - Conservation Plan</i>

SUMMARY

That Council adopt the Boyup Brook Flax Mill Conservation plan as presented by Kent Lyon Architect.

BACKGROUND

In mid 2007 it was decided to apply for grants to provide funding for the preparation of Conservation Plans for the Flax Mill and Town Hall. This innovation was to some degree influenced by the Heritage Council of Western Australia South West Manager, Annette Green.

It was suggested these plans would provide Council with a more informed perspective of the overall condition of these buildings and address the nature of restoration work required to take place to sustain their structural longevity.

Kent Lyon Architect was subsequently appointed to provide a Conservation Plan for both buildings.

COMMENT

The Conservation plan for the Town Hall was adopted at the September meeting of the Council, the Conservation plan for the Flax Mill has now been received and is here presented for consideration and adoption.

Regional Heritage Advisor Annette Green has requested a copy and will also provide a report on the plan.

The plan high lights several maintenance issues and also makes several suggestions requiring further reporting by a structural Engineer.

CONSULTATION

Kent Lyon Architect
Annette Green – Regional Heritage Advisor

STATUTORY OBLIGATIONS

Local Government Act: 6.10 financial management regulations that may provide for;
(c) The management by a local government of its assets, liabilities and revenue

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Further expenditure will be required depending on acceptance of the Conservation Plan and implementing its suggested actions. Day to day maintenance work has been allowed for in the 2009/2010 budget, but major items requiring detailed investigation were delayed pending the production and adoption of this report. The report recommends the commissioning of a structural report by a Structural Engineer which would then require funding..

It is proposed to apply for Lotterywest grants to offset this expenditure.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 10.1.1

- 1) That Council adopts the Flax Mill Conservation Plan as provided
- 2) That Council proceed with immediate maintenance recommendations and investigate the cost of major repairs recommended in the report.
- 3) That Council move to source a grant to cover a Structural Engineers report to an approximate cost of \$7000.

MOVED: Cr Giles

MOTION LAPSED FOR WANT OF A SECONDER

COUNCIL DECISION – ITEM 10.1.1

MOVED: Cr Doust

SECONDED: Cr Downing

That the matter be referred to a Forward Planning Committee for consideration.

CARRIED 7/1

Res 258/09

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

11.1 Extraordinary Election

MOVED: Cr Downing

SECONDED: Cr Doust

That Council refer the matter of setting a date for the Extraordinary Election for the Dinninup Ward to the Shire President to facilitate moves made to seek approval from the Electoral Commission to hold the election at a date later than the latest date provided in the Local Government Act.

CARRIED 8/0

Res 259/09

11.2 Amend Budget

MOVED: Cr Giles

SECONDED: Cr Ginnane

That the 2009/10 budget be amended to include \$2000 for the Mens Association.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 260/09

11.3 Representative for the Blackwood River Valley Marketing Association

MOVED: Cr Giles

SECONDED: Cr Downing

That Cr Oversby be appointed as the Council Representative on the Blackwood River Valley Marketing Association Committee.

CARRIED 8/0

Res 261/09

12 CONFIDENTIAL MATTERS

13 CLOSURE OF MEETING

There being no further business the Shire President, Cr Terry Ginnane declared the meeting closed at 6pm.