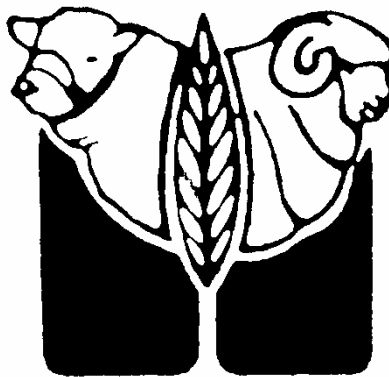


MINUTES



ORDINARY MEETING

HELD

THURSDAY, 21 MAY 2009

COMMENCED AT 3.34PM

AT

SHIRE OF BOYUP BROOK CHAMBERS
ABEL STREET – BOYUP BROOK

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

1.1 Attendance

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

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: Ms Audrey Hales (arrived at 3.30pm - left at 4.08pm)
Ms Jacquie Chambers (arrived at 3.30pm - left at 4.08pm)
Ms Debbie Chambers (arrived at 3.30pm - left at 4.08pm)
Ms Sue White (arrived at 3.30pm - left at 4.08pm)
Ms Chris Hales (arrived at 3.30pm - left at 4.08pm)
Mr Evan Meredith (arrived at 3.34pm - left at 4.45pm)
Mr Brett Meredith (arrived at 3.34pm - left at 4.45pm)
Mrs Moya Reid (arrived at 3.35pm - left at 4.47pm)

1.2 Apologies

Cr K Lamshed

1.3 Leave of Absence

Nil

2 PUBLIC QUESTION TIME

Nil

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

MOVED: Cr A Piper

SECONDED: Cr B O'Hare

Leave of absence for the June 2009 Ordinary Council meeting was requested By Cr M Giles.

CARRIED 8/0

Res 106/09

3.43pm – Mr Alan Lamb left the Chambers.

3.44pm – Mr Alan Lamb returned to the Chambers.

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

4.1 Sue White provided Council with a presentation and CD regarding ecomedes for the Boyup Brook Swimming Pool.

4.08pm - Ms Audrey Hales, Jacque Chambers, Ms Debbie Chambers, Ms Sue White and Ms Chris Hales left the Chambers.

4.2 Cr Shirley Broadhurst mentioned the Boyup Brook Tourism Association will be advertising in "The Sunday Times" on 24th May 2009 advertising our Town and if the Shire could fund half the cost towards it.

4.3 Cr Peter Marshall spoke about the sporting facility meeting which was held on 21st May 2009.

4.4 Evan Meredith spoke about his trip to Sandakan and how much he enjoyed his experience.

5 CONFIRMATION OF MINUTES

5.1 Ordinary meeting of Council 16 April 2009.

OFFICER RECOMMENDATION – ITEM 5.1

That the minutes of the Ordinary Meeting of Council held on Thursday 16 April 2009, be confirmed as an accurate record.

COUNCIL DECISION – ITEM 5.1

MOVED: Cr Muncey

SECONDED: Cr S Broadhurst

That the minutes of the Ordinary Meeting of Council held on Thursday 16 April 2009, be confirmed as an accurate record, subject to the following corrections:-

Page 32 – Item 10.1.1 – carried 6/0 changed to carried 7/0.

CARRIED 8/0

Res 107/09

6 PRESIDENTIAL COMMUNICATIONS

- 17 April Accompanied CEO Alan Lamb to Darkan for discussions with West Arthur Shire President and CEO on Local Government Reform Process.
- 22 April Travelled to Sandakan. On arrival was taken straight to The English Teahouse for dinner with the Scholarship Group.
- 24 April Had discussions with Sandakan President, Mr James Wong. Taken to lunch with Australian High Commissioner, Defence Attache, Mr. Wong, Col. Davindar Malaysian Airforce.
Attended the Official Opening of DVA's portable exhibition of the Sandakan POW Camp and Death Marches.
- 25 April Attended Dawn Anzac Service. Laid wreath. Evan Meredith did a Bible Reading.
- 1 May Accompanied CEO to Bridgetown for a meeting of Warren Blackwood Shire reps with the Minister for Planning, Local Member Hon. Terry Redman, and Departmental Officials from DPI.
- 4 May Attended LGMA's Forum of The Reform Process, with CEO, in Perth.
- 6 May Attended a farewell function for Mrs Georgia Wallace on her last day of employment with the Shire. Presented gift on behalf of Councillors.
- 7 May Participated in discussions on Reform Process in Manjimup with Shire President and CEO, and in Bridgetown with Shire President and CEO.
- 20 May As part of a WBSA Sub-committee, attended meeting in Manjimup re Performance Review, review of Role and Working Hours of EO.

7 REPORTS OF OFFICERS

7.1 MANAGER WORKS & SERVICES

7.1.1 Proposed New Road Name

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Mrs B Trigwell</i>
File:	<i>RD/35/006</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12 May 2009</i>
Author:	<i>John Eddy – Manager of Works & Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Policy P.08 – Naming New Roads</i>

SUMMARY

The applicant Mrs B Trigwell has requested that the surname of 'Cuttriss' be considered by the Council as a future road / street name within the Shire of Boyup Brook and added to the schedule of suggested names.

BACKGROUND

The applicant has forwarded a brief summary of the 'Cuttriss' family history in the Boyup Brook community:-

"Frank Cuttriss farmed at Westcliffe for many years and was also a wool buyer. When Frank retired from farming the farm was taken over by his son Brian and wife Val.

Frank then retired to town where he carried on his wool buying and also boat repairing in the woolshed behind the house he built on the corner of Jayes Road and Blechynden Street.

The woolshed and office can still be seen today. Mr Cuttriss had a magnificent flower garden which is carried on today by her daughter in-law Val.

The book Frank wrote called "Try Australia First" is well worth reading and there must be a copy in your library."

COMMENT

The 'Cuttriss' family name satisfies all the criteria in the Shire of Boyup Brook Naming New Roads Policy and is considered suitable to be added to the schedule of suggested road names included in the policy.

(see appendix 7.1.1 – Policy P.08 Naming New Roads)

CONSULTATION

Chief Executive Officer

STATUTORY OBLIGATIONS

The Geographic Names Committee gives final approval of Street and Road names submitted by Local Authorities.

POLICY IMPLICATIONS

Compliance with Shire of Boyup Brook Policy No P.08.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY ISSUES

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
The process of maintaining a register of names for selection of new road names is recognising the local identities and history of Boyup Brook.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 7.1.1

MOVED: Cr Piper

SECONDED: Cr Ginnane

That the Council approve the inclusion of the surname 'Cuttriss' to the schedule of suggested names in the Shire of Boyup Brook Naming New Roads Policy.

COUNCIL DECISION – LAY ON THE TABLE

MOVED: Cr Ginnane

SECONDED: Cr Marshall

That Item 7.3.1 lay on the table Pending further information.

CARRIED 7/2

Res 108/09

4.34pm – Mr Evan Meredith, Mrs Moya Reid and Mr Brett Meredith entered the Chambers

4.35pm – Cr Muncey left the Chambers

4.37pm – Cr Muncey returned to the Chambers

4.47pm - Mr Evan Meredith and Mr Brett Meredith left the Chambers.

4.47pm - Mrs Moya Reid left the Chambers.

7.2 MANAGER – FINANCE

7.2.1 Accounts for Payment

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>14 May 2009</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – List of Accounts Paid</i>

SUMMARY

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

BACKGROUND

Invoices have been received during the month of April 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 2008/09 or authorized by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.1

MOVED: Cr B O'Hare

SECONDED: Cr M Giles

That the payment of accounts for April 2009 as presented totalling \$608,738.71 and as represented by cheque voucher numbers 17433 – 17484 totalling \$46,928.67, and accounts paid by direct electronic payments through the Municipal Account totalling \$561,810.04 be endorsed.

CARRIED 8/0

Res 109/09

7.3 **CHIEF EXECUTIVE OFFICER**

7.3.1 Local Government Convention and Exhibition

Location:	<i>Perth Convention Exhibition Centre</i>
Applicant:	<i>Not applicable</i>
File:	<i>GR/31/002</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>2 May 2009</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Convention Program</i>

SUMMARY

The 2009 Local Government Convention and Exhibition will be held on the 6th August to 8th August 2009. This report recommends that Council be represented at the convention and nominate delegates accordingly.

BACKGROUND

The Local Government Convention is the premier event for Elected Members and Officers within Local Government.

The Association's Annual General Meeting is part of the convention program.

In accordance with Western Australian Local Government's constitution, member Councils are entitled to have two voting delegates. Registration of the voting delegates is required prior to the 20th July 2009.

Member Councils are invited to submit motions for the Annual General Meeting, the closing date is 12th June 2009.

Elected member development program training is being offered during the lead up to the convention and also immediately afterwards.

COMMENT

Convention Registration deadline is 1st July 2009.

In previous years Boyup Brook has been well represented with at least three Councillors and the Chief Executive Officer attending.

The estimated cost per attendee could be up to \$2,500, depending on accommodation requirements and involvement with member development programs.

CONSULTATION

Not applicable

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council's policy on conferences – attendances and expenses by Councillors is as follows:-

Objective

To determine the procedures for attendance at conferences and seminars by Councillors.

Statement

It is Council's policy to have the Shire of Boyup Brook represented at any conference or seminar where it is evident that some benefit will accrue to the Council and/or the district. Attendance at conferences and seminar, etc is to be determined by the Shire President in consultation with the Chief Executive Officer. All Councillors are to be given the opportunity to attend conferences and seminars etc when they are available.

It is Council policy that all reasonable and direct expenses incurred by delegates and partners attending conferences, seminars, etc are to be met by the Shire.

Funds are to be listed annually for Budget consideration to enable the Shire President together with up to 50% of Councillors to attend Local Government Week.

Where possible, attendance at Conferences is to be on a rotation basis.

BUDGET/FINANCIAL IMPLICATIONS

Expenditure will be incurred in 2008/09 and would be budgeted accordingly.

STRATEGIC IMPLICATIONS

The Convention program will enable delegates to gain information that will benefit local government in Boyup Brook, as will interaction with elected members from throughout Western Australia.

SUSTAINABILITY ISSUES

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 7.3.1

That:-

- 1 The Shire President and Crs _____ attend the 2009 Local Government convention and exhibition and expenses incurred be paid by the Shire, as per Council Policy M.01.
- 2 The Shire President and Cr _____ be appointed as voting delegates for the Western Australian Local Government Association Annual General Meeting.

COUNCIL DECISION – ITEM 7.3.1

MOVED: Cr M Giles

SECONDED: Cr A Piper

That:-

- 1 The Shire President, Cr Ginnane and Cr Muncey attend the 2009 Local Government convention and exhibition and expenses incurred be paid by the Shire, as per Council Policy M.01.
- 2 The Shire President and Cr Ginnane be appointed as voting delegates for the Western Australian Local Government Association Annual General Meeting.

CARRIED 8/0

Res 110/09

7.3.2 Application for a Traders Permit

Location:	<i>Boyup Brook district (Town-site)</i>
Applicant:	<i>Antonio & Elizabeth Pratico (trading as "Mr Scoop and Soft")</i>
File:	<i>PH/6/001</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>29 April 2009</i>
Author:	<i>Wayne Jolley – Environmental Health Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Application Form</i>

SUMMARY

Mr. and Mrs. Antonio Pratico from Greenbushes wish to sell soft serve ice creams from their ice cream van, within the Boyup Brook district (town-site). The vehicle has previously been inspected and is suitable for the purpose.

Before they can commence operations, they must obtain a 'traders permit' under the Shire's Activities in Thoroughfares and Public Places and Trading Local Law, and has accordingly submitted an application.

BACKGROUND

The Pratico's have a soft serve ice cream van identified as "Mr Scoop and Soft", which they seek approval to operate in the Boyup Brook district, principally in the Boyup Brook town-site. They do not stipulate the hours they intend to operate but indicate that it will be 'mainly weekends'.

This ice cream van has been a regular at the Country Music Festival for several years and it is understood that it has operated in the district for some time. After granting approval to Albert Rhodes in February, a letter was forwarded to Mr. Pratico, advising that if he intended to continue, he would need to obtain a Traders Permit. Accordingly, an application was received on 23rd April 2009.

The author has inspected the ice cream van in the context of the Country Music Festival, most recently in February 2009. It was found to comply with the Food Act 2008 (Food Safety Standards). It is understood the van currently operates with permits in other local government areas.

COMMENT

Ice cream vans of this kind are often licensed as Itinerant Food Vendors under local government Health Local Laws. Such a Local Law does not exist in this Shire. However the intended nature of the operation constitutes 'trading' and is consequently captured by Council's Activities in Thoroughfares and Public Places and Trading Local Law.

The Local Law requires that an application is on a prescribed form and provides certain information. Although there is no appropriate Shire form, the Pratico's have submitted the required information on an existing 'Temporary Food Stall Application' form, together with the prescribed fee (Shire Budget) of \$100.00.

In considering an application, the Local Law (6.5) requires that a number of matters be considered, including:

- Any relevant policies of the local government (*There are no such policies.*);
- The desirability of the proposed activity;
- The location of the proposed activities;
- The principles set out in the Competition Principles Agreement.

The Local Law enables a local government to refuse an application, on the basis that:

- The needs of the district or the part, for which the permit is sought, are adequately catered for by established shops or by persons who have a valid permit to carry on trading or to conduct a stall. (*There is one other trader permit for an ice cream van.*)
- Such other grounds as the local government may consider to be relevant in the circumstances of the case.

In approving an application, the Local Law enables the local government to set certain conditions, including:

- The place, the part of the district, or the thoroughfare to which the permit applies; (*While 300m from any shop selling the same goods is required by the Local Law and appears to be an accepted standard, Council could impose greater limitations.*)
- The days and hours during which a permit holder may conduct a stall or trade; (*If Council is concerned about any impact to established shops, it could stipulate trading only outside of normal shopping hours.*)

The Local Law also sets out requirements for the conduct of a Trader under clause 6.8.

Council approved a Traders Permit for an ice cream van (Mr Albert Rhodes trading as Mr Wave), at its meeting on 19th February 2009. The conditions set on that permit are that the van:

- *May operate on any day of the week between the hours of 10.00am and dark only; and*
- *May not operate within 300 metres of any shop that is open, selling similar goods.*

CONSULTATION

Nil

STATUTORY OBLIGATIONS

- Food Act (Food Safety Standards)
- Shire of Boyup Brook - Activities in Thoroughfares and Public Places and Trading Local Law

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

There are no known strategic issues

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known environmental issues at this stage.
- **Economic**
There may be an impact on the sale of ice creams by established shopkeepers should the application be approved.
- **Social**
Approval of the application would lead to an additional service being provided in Boyup Brook.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.2

MOVED: Cr S Broadhurst

SECONDED: Cr M Giles

That Council approve Mr. Pratico's application for a Traders Permit, within the parameters set by the Shire's Activities in Thoroughfares and Public Places and Trading Local Law, and with the following conditions:

- 1 May operate on any day of the week between the hours of 10.00am and dark only.
- 2 May not operate within 300 metres of any shop that is open, selling similar goods.

CARRIED 8/0

Res 111/09

7.3.3 Plantation Application Scotts Brook Road, Chowerup

Location:	<i>Lot 7388 Scotts Brook Road</i>
Applicant:	<i>Forest Products Commission</i>
File:	<i>AS3560</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>13 May 2009</i>
Author:	<i>Geoffrey Lush – Council Consultant</i>
Authorizing Officer:	<i>Alan Lamb - Chief Executive Officer</i>
Attachments:	<i>Yes – Location Plan & Development Plan</i>

SUMMARY

This report is to consider an application from the Forest Products Commission to develop a plantation on Lot 7388 DP 229200 Scotts Brook Road, Chowerup.

The plantation will have an area of 97.6 hectares and will be developed with *Santalum spicatum* (sandalwood), *Eucalyptus cladocalyx* (sugar gum) and Saline species). An existing bluegum plantation was harvested on the site in 2007.

The subject land is owned by J Saunders.

BACKGROUND

The subject land has an area of 142 hectares and is located approximately 50km south east of Boyup Brook on Scotts Brook Road as shown in Attachment 1.

The proposed Development Plan is contained as Attachment 2. The plantation will have three species as follows.

<i>Santalum spicatum</i> (sandalwood)	45.5 hectares
<i>Eucalyptus cladocalyx</i> (sugar gum)	48.9 hectares
Saline species	2.2 hectares.

These planting will complement the existing remnant vegetation on the site.

An Operations Plan and draft fire management plan has been submitted with the application.

Reserve 9993 is situated in the middle of the site and extends across Scotts Brook Road. This is a gravel reserve vested to Council.

The owner has plantations on adjoining properties totaling over 400 hectares in size.

There are no buildings within 100 meters of the planting areas.

CONSULTATION

None

STATUTORY OBLIGATIONS

Town Planning Scheme

The subject land is zoned 'Rural' in Town Planning Scheme No 2. A 'plantation' is an AA use in the Rural zone.

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

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

Clause 5.8 of the Scheme specifically relates to Plantations and states that:-

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

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

The provisions referred to in the Lower Great Southern Plantation Fire Advisory Committees Guidelines for Plantation Fire Protection (Draft May 1997) are reflected in the 2001 FESA Guidelines for Plantation Fire Protection.

Draft Local Planning Strategy

Within the draft Local Planning Strategy the subject land is situated in the BBR4 Western Policy Area. The revised objective for this precinct is:-

“Provide for the sustainable use of land within the Rural zone for a range of rural pursuits in a manner consistent with the water resource recovery objectives within this portion of the Warren River water reserve.”

The Strategy recommendations for Plantations are now as follows:-

- 31 That Council approval for plantations in all areas will be required as a “discretionary” use in the General Agricultural zone.
- 32 That the draft Scheme contain provisions detailing requirements for; compliance with Code of Practice for Timber Plantations, a silviculture plan, a timber harvesting plan a local road transport strategy and compliance with the Guidelines for Plantation Fire Protection.
- 33 Allow ‘agro-forestry’ as a permitted use in recognition of environmental and social benefits to the community if forestry is integrated with, rather than replacement of, existing farming systems.
- 34 Continue to work with the South West TIRES Committee and lobby State and Federal Government to secure an adequate response to predicted impacts of log haul traffic from tree plantations on local roads.

In relation to fire management the Strategy also recognizes the 2001 FESA Guidelines for Plantation Fire Protection recommends the following minimum equipment standards:

1. For plantations less than 100 ha – one fast attack unit;
2. For plantations between 100 and 1000 ha – one 2.4 medium duty appliance; and
3. For plantations greater than 1000 ha – on 3.4 heavy duty appliance

COMMENT

The area has been previously developed with plantations and the continued development of the subject land is supported.

There is no objection to the application subject to Council’s standard conditions of approval.

POLICY IMPLICATIONS

Council Policy WO7 on “Road Contribution” subsection “Harvesting of Plantations” states that the following statement shall be a development condition of approval:-

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

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

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

SUSTAINABILITY IMPLICATIONS

➤ **Environmental:**

There are no known environmental issues.

➤ **Economic:**

There are no known significant economic issues.

➤ **Social:**

There are no known significant social issues.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.3

MOVED: Cr Broadhurst

SECONDED: Cr Muncey

That Council approve the use and development of Lot 7388 Plan 229200 Scotts Brook Road, Chowerup as a plantation subject to the following conditions:-

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

ADVICE NOTES

- (I) It is a requirement of the Planning and Development Act 2005, that you comply with the terms and conditions both of this approval and the provisions and requirements of the Shire of Boyup Brook Town Planning Scheme No. 2 as amended or replaced from time to time. Failure to do so constitutes an offence under that Act; rendering the person responsible liable to prosecution and the penalties prescribed under that Act.
- (II) Part 14 of the Planning & Development Act 2005 provides the right to apply to the State Administrative Tribunal for review of some planning decisions and you may wish to take professional advice to determine whether or not such a right exists in the present instance. The State Administrative Tribunal Rules 2004 require that any such applications for review be lodged with the Tribunal within 28 days of the date on which notice of the decision is given.

CARRIED 8/0

Res 112/09

FINANCIAL INTEREST

5.00pm – Cr Piper declared a financial interest in item 7.3.4 and left the Chambers.

7.3.4 Planning Application – Concrete Batching Plant

<i>Location:</i>	<i>Lot 360 Forbes Street, Boyup Brook</i>
<i>Applicant:</i>	<i>Cameron Atherton (Boyup Brook Concrete Pty Ltd)</i>
<i>File:</i>	<i>N/A</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>13th May 2009</i>
<i>Author:</i>	<i>Wayne Jolley –Building Surveyor</i>
<i>Authorizing Officer:</i>	<i>Alan Lamb – Chief Executive Officer</i>
<i>Attachments:</i>	<i>Yes – Plans of proposed development and letter from applicant. Letter from DPI</i>

SUMMARY

The applicant currently leases Lot 360 Forbes Street from Department of Planning & Infrastructure (DPI), which lease incorporates Conditional Purchase arrangements. In order to complete purchase of the land, Mr Atherton must develop the property, initially by way of constructing a shed/office.

Mr Atherton seeks planning approval for the overall development of a concrete batching plant. He has also submitted building application for the construction of the shed/office, subject to planning approval being received.

BACKGROUND

The subject land occupies nearly 8,000m² (2 acres) within the General Industrial zone. Its north west boundary lies adjacent Lot 361 owned by P Nissen, which has planning consent for two storage sheds and vacant Lot 362, owned by Mr Mark Andrew Ricetti.

The south east and south west boundaries respectively lie adjacent 25m and 30m buffer zones.

Boyup Brook Concrete Pty Ltd (Mr Atherton) acquired a lease on the land some time ago, with an option to purchase the land subject to appropriately developing the site. He must construct a shed by the 6th July 2009 to satisfy time constraints imposed by the conditional purchase arrangements with DPI (see attached letter).

Mr Atherton, who has run Boyup Brook Concrete Pty Ltd for a number of years, intends to fully develop the site as a concrete batching plant and now seeks planning consent to do so (see attached plans).

COMMENT

Concrete batching fits into the definition of General Industry, which use is designated "AA" in the Shire Town Planning Scheme No 2. An "AA" use is one "which Council, in exercising the discretionary powers available to it, may approve under this Scheme."

The proposal as presented complies with the Town Planning Scheme in the following respects:

- The minimum lot size, minimum frontage and setbacks meet the requirements of Table 2 – Minimum Development Standards;
- The site is above the 1:25 year flood level (cl 5.14)
- It provides reasonable landscaping by way of bushy natives to be planted around the entire perimeter of the site to visually screen the batching plant (cl 5.13);
- Five (5) car parking bays will be provided, which complies with car parking requirements (cl 5.10);
- In terms of visual amenity (cl 5.11), the perimeter of the site is to be planted with native vegetation (e.g. bottle brush), which at an estimated height of 4m should screen or partially screen structures (e.g. bunkers, water tanks, trucks etc). The shed with colorbond walls, the feed hopper and the silo will protrude above the height of the vegetation;
- Dust, noise, vibration and waste water are likely the most likely sources of nuisance (cl 5.12). A sprinkler system will be installed to prevent dust arising from the materials bunkers. The roadways bearing heavy vehicles within the site are also a potential source of excessive dust and should be treated in a suitable manner to prevent undue dust arising. Noise and vibration can only potentially arise during working hours and the site is sufficiently distanced from residential areas to minimise effects;
- The highest proposed structure is the Silo which at an estimated 7m height is well under the 10m maximum building height allowed (cl 5.15). At 4m in diameter, it should neither impose unduly upon adjacent properties nor look out of place in the General Industrial zone;

In addition to the above the site should be fenced in accordance with the Shire's Local Law on fencing.

CONSULTATION

Mr Atherton has consulted or will consult with:

- Department of Environment and Conservation;
- Waters and Rivers Commission; and
- Water Corporation.

STATUTORY OBLIGATIONS

Shire of Boyup Brook Town Planning Scheme No 2;
Health Act 1911; and
Environmental Protection Act
Shire of Boyup Brook Local Law on Fencing

POLICY IMPLICATIONS

Council Policy No P.01, Landscaping Provisions – Commercial and Industrial Buildings

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Compliance with adopted policies and Shire Boyup Brook Town Planning Scheme No 2 will ensure Council's objectives for the General Industrial Zone are maintained.

SUSTAINABILITY IMPLICATIONS

- **Environmental:**
The proposal meets Water and Rivers Commission requirements in relation siting (river flood level). Planning approval if granted should be conditional upon complying with requirements of the Department of Environment and Conservation.
- **Economic:**
A concrete batching plant will enhance the sustainability of concrete supplies and construction in the district.
- **Social:**
There are no known significant social considerations

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.4

MOVED: Cr P Marshall

SECONDED: Cr E Muncey

That planning approval be granted to Mr Atherton to develop Lot 360 Forbes Street, as a concrete batching plant in accordance with:

- This application;
- The requirements of the Shire of Boyup Brook Town Planning Scheme No 2;
- The requirements of the Shire of Boyup Brook Local Law on Fencing;
- The requirements of the Department of Environmental Protection; and
- Conditional upon the internal roadways being treated in a manner approved by the Shire Manager Works, to prevent excessive dust arising.

CARRIED 7/0

Res 113/09

5.02pm – Cr Muncey left the Chambers
 5.04pm – Cr Muncey returned to the Chambers

7.3.5 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: 14 May 2009
Author: Alan Lamb, Chief Executive Officer
Authorizing Officer: Not Applicable
Attachments: Nil

SUMMARY

This report outlines some of the existing fees for services provided by the Boyup Brook Medical Centre and proposes an increase in the fees.

BACKGROUND

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

BOYUP BROOK MEDICAL CENTRE

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

It has since been established that the fees for missed appointments and reports for third parties had not been changed and that a new fee for repeat referral had not been added. The repeat prescriptions fee was added this year but it was considered that there should be a reduced fee for bulk billed patients.

The recommended revised/new fees are as follows:

Service	GST Included	Current fee	Proposed fee
Administration fee for missed appointments (after 2 notices to patient, same fee as standard consult fee)	Yes	\$46.50	\$48.50
Reports for Third Parties	Yes	\$186.00 per hour	\$195.00 per hour
Repeat Prescription Fee private patients	Yes	\$5.00	\$5.00
Repeat Prescription Fee Bulk bill patients	Yes	New fee	\$2.50
Repeat referral without seeing the doctor	Yes	New fee	\$5.00

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 fee changes be made.

CONSULTATION

Dr Mel and Boyup Brook Medical Centre staff

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.16, 6.17 and 6.19

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

POLICY IMPLICATIONS

No specific policy that relates to this matter.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

5.04pm – Cr A Piper returned to the Chambers

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – ITEM 7.3.5

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

BOYUP BROOK MEDICAL CENTRE

Service	GST Included	Current fee	New fee
Administration fee for missed appointments (after 2 notices to patient, same fee as standard consult fee)	Yes	\$46.50	\$48.50
Reports for Third Parties	Yes	\$186.00 per hour	\$195.00 per hour
Repeat Prescription Fee private patients	Yes	\$5.00	\$5.00
Repeat Prescription Fee Bulk bill patients	Yes	New fee	\$2.50
Repeat referral without seeing the doctor	Yes	New fee	\$5.00

COUNCIL DECISION – ITEM 7.3.5

MOVED: Cr Marshall

SECONDED: Cr Ginnane

That the fees and charges contained in the 2008/9 Budget for the Boyup Brook Medical Centre be revised as follows for inclusion in the 2009/10 Budget.

BOYUP BROOK MEDICAL CENTRE

Service	GST Included	Current fee	New fee
Administration fee for missed appointments (after 2 notices to patient, same fee as standard consult fee)	Yes	\$46.50	\$48.50
Reports for Third Parties	Yes	\$186.00 per hour	\$195.00 per hour
Repeat Prescription Fee private patients	Yes	\$5.00	\$5.00
Repeat Prescription Fee Bulk bill patients	Yes	New fee	\$2.50
Repeat referral without seeing the doctor	Yes	New fee	\$5.00

CARRIED 8/0

Res 114/09

7.3.6 Country Local Government Fund – Regional Funding

<i>Location:</i>	<i>Boyup Brook district</i>
<i>Applicant:</i>	<i>WBSA</i>
<i>File:</i>	<i>FM/04/004</i>
<i>Disclosure of Officer Interest:</i>	<i>none</i>
<i>Date:</i>	<i>14 May 2009</i>
<i>Author:</i>	<i>Alan Lamb</i>
<i>Authorizing Officer:</i>	<i>Not Applicable</i>
<i>Attachments:</i>	<i>Yes - correspondence from WBSA, information on CLGF</i>

SUMMARY

The Warren Blackwood Strategic Alliance (WBSA) seeks submissions for projects with a regional benefit.

BACKGROUND

Council has nominated WBSA as the regional organisation of Councils to receive the regional portion of the Country Local Government Fund (CLGF) allocated to this Council. Under the guidelines, 30% of the grant for 2009/10 is to be paid to a regional organisation of Councils.

WBSA seeks bids from its constituent Councils so that these might be dealt with by the board at its June 2009 meeting.

COMMENT

Given the relatively tight time limit set by WBSA, other pressures at this time, Council having not worked through its budget as yet and the uncertainty of the pot of money that would be available it is suggested that Council may wish to seek to have the process deferred till later in the calendar year.

Whilst we know what the CLGF grant was this year and that the regional projects portion will be 30% of the next year's grant we do not know what next year's grant will be. Given the current economic climate and reduced royalties being paid to the State Government it is expected that the funds available for distribution will be significantly different to that received this year.

If Council wishes to accept the Alliance's time line on this then it may wish to consider the following projects. It should be noted that the same restrictions that applied to the funding direct to Councils is expected to apply to the regional funding:-

- Boyup Brook town stormwater harvesting and treatment– this project will commence in the current financial year with Council's own resources funding for a pick up of levels and features of the current system. South West Development Commission funding has been sought for the design work. The regional funding would be for actual works. This project is considered to be of regional significance because of its impact on the Blackwood River.

- Boyup Brook air strip extension/improvements - Similarly, SWDC funding has been sought for the preliminary investigation of this project and the regional funding would be sought for design, supervision and construction. This project is considered to be of regional significance because the strip is used for aerial fire fighting operations in the region and is used by RFDS services.

Whilst it might be possible to work up funding requests for one, or both, of these projects it would be better if we were aware of the success, or otherwise of the SWDC grant applications. Also, with respect to the airfield project Council has not committed to it and the decision is expected to be based on the preliminary study which would provide budget costs etc

On balance, it is recommended that Council seek to have the process deferred till later in the calendar year.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time

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

OFFICER RECOMMENDATION – ITEM 7.3.6

That Council seek to have the Warren Blackwood Strategic Alliance's Country Local Government Fund Regional Funding grant application process deferred till later in the 2009 calendar year.

AMENDED OFFICER RECOMMENDATION – ITEM 7.3.6

The officer put forward the following amended recommendation at the meeting noting that the reason for the amendment was that the grant application process was progressing and so Council would need to select projects and lodge an application now.

RECOMMENDATION

That Council instruct the Chief Executive Officer to prepare applications to the Warren Blackwood Strategic Alliance for Regional Funding from the Country Local Government Fund for the following projects:

- Boyup Brook Library Improvements
- Boyup Brook Town Stormwater Harvesting and Treatment

MOVED: Cr O'Hare

SECONDED: Cr Broadhurst

That Council instruct the Chief Executive Officer to prepare applications to the Warren Blackwood Strategic Alliance for Regional Funding from the Country Local Government Fund for the following projects:

- Boyup Brook Library Improvements
- Boyup Brook Town Stormwater Harvesting and Treatment

CARRIED 8/0

Res 115/09

7.3.7 Trails Based Recreation Project

Location:	<i>Boyup Brook district</i>
Applicant:	<i>Warren Blackwood Strategic Alliance</i>
File:	<i>GR/31/006</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>13 May 2009</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>N/A</i>
Attachments:	<i>Yes – Correspondence from WBSA</i>

SUMMARY

The Warren Blackwood Strategic Alliance (WBSA) is seeking funding assistance to appoint a project officer for a trails projects and the recommendation is that Council consider this matter in its budget deliberations.

BACKGROUND

WBAS has been working on a trail project for some months. The trail is to enhance recreational opportunities for walkers, cyclists/mountain bikers, canoeists and horse riders in the Warren Blackwood region by providing quality information and marketing of existing

trails. The project will also consider facilitating the upgrading and building of new recreational trails through the development of a comprehensive trails plan. The project aims to build on and augment features such as the Bibbulmun Track and Munda Biddi Trail.

The project is to be undertaken in two stages, the first from August 2009 concentrates on research and planning and the second stage will use data and information from the first to produce the needed materials and to access the required funding.

WBSA has applied for Lotterywest funding for cartographic, web design and other aspects of the project and the funding sought is to employ a project officer. A total of \$20,000 is being sought, that is \$4,000 from each of the 4 Shires and \$4,000 from the South West Development Commission (SWDC).

COMMENT

It is noted that the intention is for the project officer to be employed early in the new financial year and so the implication is that a commitment is needed to this funding. However, this is a new area of demand and should be seen in the context of additional funding sought by WBSA. Based on this the recommendation is that Council not commit at this time but includes the funding in its draft budget so that it may be considered along with all other demands at budget time.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council could view this as a donation to the WBSA and if so the Donations Policy would apply. It is suggested though that the WBSA is becoming more of a regional organisation of Councils and as such the funding might be more correctly seen as a joint project arrangement.

BUDGET/FINANCIAL IMPLICATIONS

Nil in the current financial year.

STRATEGIC IMPLICATIONS

Action 208 calls for "Investigation into the development of a regional Council" and whilst the WBSA project is not strictly in line with this action it is the type of activity that would flow from a regional approach.

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

OFFICER RECOMMENDATION – ITEM 7.3.7

That Council Consider the Warren Blackwood Strategic Alliance's request, for \$4,000 toward the cost of appointing a Project Officer to work on its trails based recreational project, as part of it's 2009/10 budget deliberations.

COUNCIL DECISION – ITEM 7.3.7

MOVED: Cr Ginnane

SECONDED: Cr Broadhurst

That Council Consider the Warren Blackwood Strategic Alliance's request, for \$4,000 toward the cost of appointing a Project Officer to work on its trails based recreational project, as part of it's 2009/10 budget deliberations provided that the contribution from this Shire Council be on the same basis as the Warren Blackwood Strategic Alliance's suggested ratio for membership fees.

Motion withdrawn.

MOVED: Cr Marshall

SECONDED: Cr Muncey

That the Warren Blackwood Strategic Alliance's request, for \$4,000 toward the cost of appointing a Project Officer to work on its trails based recreational project be declined as it was considered this expenditure was discretionary and non essential.

CARRIED 5/3

Res 116/09

8 COMMITTEE REPORTS

8.1.1 Blackwood River Valley Marketing Association Minutes

Location:	N/A
Applicant:	N/A
File:	IM/37/008
Disclosure of Officer Interest:	Nil
Date:	14 th May 2009
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Not Applicable
Attachments:	Yes - Minutes

BACKGROUND:

Meetings of the Blackwood River Valley Marketing Association was held on 14th April 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 Broadhurst

SECONDED: Cr A Piper

That the minutes of the Blackwood River Valley Marketing Association held on 14th April 2009 be received.

CARRIED 8/0

Res 117/09

8.1.2 Youth Advisory Committee Minutes

Location:	N/A
Applicant:	N/A
File:	IM/37/004
Disclosure of Officer Interest:	Nil
Date:	13 th May 2009
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Not Applicable
Attachments:	Yes - Minutes

BACKGROUND:

A meeting of the Youth Advisory Committee was held on 17th March, 24th March, 7th April, 5th May and 12th May 2009.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.2

MOVED: Cr O'Hare

SECONDED: Cr Marshall

That the minutes of the Youth Advisory Committee held on 17 March, 24th March, 7th April, 5th May and 12th May 2009 be received.

CARRIED 8/0

Res 118/09

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9.1.1 Heated Lap Pool Committee

Cr Ginnane lodged the following notice of motion:

Notice of motion 7/2009

1. That the Heated Lap Pool Committee be requested to affirm their commitment to fully finance the construction and ongoing running and depreciation costs of the proposed heated lap pool development.
2. That the Shire administration prepare an assessment of the conflicting results of the 2 consultant reports on the project.
3. That no budgetary considerations for the project be addressed until the results of items 1) & 2) are presented to Council.

COUNCIL DECISION – MOVE INTO COMMITTEE

MOVED: Cr Marshall

SECONDED: Cr Broadhurst

That the Council move into a committee of the whole under clause 15.6 of the Standing Orders. Local Law No.1.1 to allow members free discussion on the matter.

CARRIED 7/1

Res 119/09

COUNCIL DECISION – MOVE OUT OF COMMITTEE

MOVED: Cr Broadhurst

SECONDED: Cr Piper

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

CARRIED 6/2

Res 120/09

MOVED: Cr Ginnane

1. That the Heated Lap Pool Committee be requested to affirm their commitment to fully finance the construction and ongoing running and deprecation costs of the proposed heated lap pool development.
2. That the Shire administration prepare an assessment of the conflicting results of the 2 consultant reports on the project.
3. That no budgetary considerations for the project be addressed until the results of items 1) & 2) are presented to Council.

Motion lapsed for want of a seconder

MOVED: Cr Ginnane

SECONDED: Cr O'Hare

That a draft a list of questions be circulated to all Councillors for comment before being put to the Lap Pool Committee and that the Committee be asked for a final and fully costed proposal for the proposed heated lap pool.

CARRIED 8/0

Res 121/09

Note

Council wanted to ensure that it was fully informed of the matter of the heated lap pool proposal before it could make a decision on whether or not to support it.

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

10.1 Bushfire Advisory Committee – Council delegate

<i>Location:</i>	<i>Boyup Brook district</i>
<i>Applicant:</i>	<i>N/A</i>
<i>File:</i>	<i>N/A</i>
<i>Disclosure of Officer Interest:</i>	<i>none</i>
<i>Date:</i>	<i>20 May 2009</i>
<i>Author:</i>	<i>Alan Lamb – Chief Executive Officer</i>
<i>Authorizing Officer:</i>	<i>Not Applicable</i>
<i>Attachments:</i>	<i>No</i>

SUMMARY

The purpose of this item is to recommend that Council appoint a second or proxy delegate to the Bushfire Advisory Committee.

BACKGROUND

Cr Ginnane was appointed to the position of Council delegate to the Advisory Committee at its meeting held in November 2007. There was no other Councillor appointed as a member or proxy member. Cr Ginnane has held the position of Presiding Officer

(Chairman) for that committee for some time and was re-elected at the committee meeting held in May 2008. It appears that the committee has not elected a Deputy Presiding Officer.

Cr Ginnane has indicated he will not be available to attend the next committee meeting being held 26 May 2009 and so there would be no Council representative on the committee.

COMMENT

It is suggested that whilst there may be a number of options, the appointment of a second delegate or a proxy delegate, at this Council meeting, would resolve the issue of there being no Council representative at the meeting sitting as a member of the committee.

The matter of who would chair the committee meeting is a matter for the committee to deal with (under provisions of the Local Government Act) but one solution that will be put to the meeting is that the committee elect a Deputy Presiding Officer.

STATUTORY OBLIGATIONS

The following sections of the Local Government Act apply;

5.12. Election of presiding members and deputies

- (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —
 - (a) to “office” were references to “office of presiding member”;
 - (b) to “council” were references to “committee”; and
 - (c) to “councillors” were references to “committee members”.
- (2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —
 - (a) to “office” were references to “office of deputy presiding member”;
 - (b) to “council” were references to “committee”;
 - (c) to “councillors” were references to “committee members”; and
 - (d) to “mayor or president” were references to “presiding member”.

5.13. Functions of deputy presiding members

If, in relation to the presiding member of a committee —

- (a) the office of presiding member is vacant; or
- (b) the presiding member is not available or is unable or unwilling to perform the functions of presiding member,

then the deputy presiding member, if any, may perform the functions of presiding member.

5.14. Who acts if no presiding member

If, in relation to the presiding member of a committee —

- (a) the office of presiding member and the office of deputy presiding member are vacant; or
- (b) the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,

then the committee members present at the meeting are to choose one of themselves to preside at the meeting.

Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council

[Sections 2.11(1)(b) and 2.15]

Division 1 — Mayors and presidents

1. Terms used in this Division

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

the office means the office of councillor mayor or president.

2. When the council elects the mayor or president

(1) The office is to be filled as the first matter dealt with —

- (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
- (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.

(2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How the mayor or president is elected

(1) The council is to elect a councillor to fill the office.

(2) The election is to be conducted by the CEO in accordance with the procedure prescribed.

(3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.

(3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.

(4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.

(5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.

(6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.

- (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

[Clause 4 amended by No. 49 of 2004 s. 69(2)-(5); No. 66 of 2006 s. 14.]

5. Votes may be cast a second time

- (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

Division 2 — Deputy mayors and deputy presidents

6. Terms used in this Division

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

the office means the office of deputy mayor or deputy president.

7. When the council elects the deputy mayor or deputy president

- (1) If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —
 - (a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.

8. How the deputy mayor or deputy president is elected

- (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
- (2) The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.

- (3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

[Clause 8 amended by No. 64 of 1998 s. 54(2)-(4); No. 49 of 2004 s. 69(6)-(9).]

9. Votes may be cast a second time

- (1) If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
- (3) When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.

[Clause 9 amended by No. 49 of 2004 s. 69(10).]

POLICY IMPLICATIONS

Nil

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

Absolute

OFFICER RECOMMENDATION – ITEM 9.1

That Council appoint Cr _____ as a member of the Bushfire Advisory Committee to be its second representative on this committee.

COUNCIL DECISION – ITEM 9.1

MOVED: Cr Muncey

SECONDED: Cr Piper

That Council appoint Cr Giles as a member of the Bushfire Advisory Committee to be its second representative on this committee.

CARRIED 8/0

Res 122/09

11 CONFIDENTIAL MATTERS

Nil

12 CLOSURE OF MEETING

There being no further business the Shire President, Cr Roger Downing, thanked Councillors and Staff for their attendance and declared the meeting closed at 6.25pm.