

MINUTES



ORDINARY MEETING

HELD

THURSDAY 16 SEPTEMBER 2010

COMMENCED AT 3.45PM

AT

SHIRE OF BOYUP BROOK CHAMBERS
ABEL STREET – BOYUP BROOK

TABLE OF CONTENTS

1	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED	3
1.1	Attendance.....	3
1.2	Leave of Absence.....	3
2	PUBLIC QUESTION TIME	3
2.1	Response to Previous Public Questions Taken on Notice	3
2.2	Public Question Time	4
3	APPLICATIONS FOR LEAVE OF ABSENCE	4
4	PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS	4
5	CONFIRMATION OF MINUTES	4
6	PRESIDENTIAL COMMUNICATIONS	4
7	REPORTS OF OFFICERS	4
7.1	MANAGER WORKS & SERVICES	4
7.2	MANAGER – FINANCE.....	5
7.2.1	Accounts for Payment.....	5
7.2.2	August 2010 Monthly Statements of Financial Activity	7
7.3	CHIEF EXECUTIVE OFFICER	9
7.3.1	Telecommunications Facility Lot 5241 Stanton Road	9
7.3.2	Subdivision Application (WAPC Ref 142698) Cranbrook Road	13
7.3.3	Constable Care Child Safety Foundation - Boyup Brook Program	17
7.3.4	Donnybrook-Boyup Brook Road – Audible Edge Line.....	19
7.3.5	Shire Wireless Mast and Aerial – Nelson Location 5421	21
8	COMMITTEE REPORTS	24
8.1.1	Youth Advisory Committee Minutes.....	24
8.1.2	Minutes of the Blackwood River Valley Marketing Association	25
8.1.3	Minutes of the Boyup Brook Tourism Association	25
9	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	26
10	URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT	26
10.1.1	Boyup Brook Town Hall – request for donation of hire costs	26
11	CONFIDENTIAL MATTERS	28
12	CLOSURE OF MEETING	28

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 R Downing
Cr M Giles
Cr P Marshall
Cr E Muncey
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 & Services)
Mrs Maria Lane (Executive Assistant)

PUBLIC: Ms Lyn Willett – arrived at 3.45pm and left at 4.10pm
Mr Ian Mitchell – arrived at 3.45pm and left at 4.10pm
Mr Simone Boccia – arrived at 3.45pm and left at 4.10pm
Mr Simon Purse – arrived at 3.45pm and left at 4.10pm
Mr Jock Aird – arrived at 3.45pm and left at 4.10pm

Apologies

1.2 Leave of Absence

Cr Biddle

2 PUBLIC QUESTION TIME

Mr Simon Purse from the Boyup Brook Golf Club asked the question:- What do we need to do to receive funding from Council?

The Chief Executive Officer noted that the Club's letter on this matter had been received 15 September 2010 (the day before the Council meeting) and so it was not on the agenda and it had not been distributed to Councillors until a few minutes before the meeting commenced so many would not be fully aware of their expressed concerns.

The President Responded to Mr Purse's and other Club Member's questions by noting that funding applications had to be lodged on time and to be complete. Also that detail of how the project was to be funded would be of advantage especially where the club was making a significant contribution as had been indicated by Club members today.

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

MOVED: Cr Oversby

SECONDED: Cr Ginnane

That Cr Downing be granted leave of absence for the October 2010 ordinary meeting of Council.

CARRIED 8/0

Res 177/10

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Giles attended the Regional Road Group meeting which was held on 13th September 2010.
Cr Marshall attended the Sandakan Memorial Service in Sabah, Malaysia on 15 August 2010 and the Sandakan Ceremony held on in Boyup Brook on 14th September 2010.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council Thursday 19 August 2010.

OFFICER RECOMMENDATION – ITEM 5.1

That the minutes of the Ordinary Meeting of Council held on Thursday 19 August 2010, be confirmed as an accurate record.

COUNCIL DECISION – ITEM 5.1

MOVED: Cr Downing

SECONDED: Cr Oversby

That the minutes of the Ordinary Meeting of Council held on Thursday 19 August 2010, be confirmed as an accurate record subject to the following amendments:

Page 4 – Item 5 – The report regarding the Local Government Conference was written by Cr Biddle.

Page 30 – Procedural Motion to be deleted.

CARRIED 8/0

Res 178/10

6 PRESIDENTIAL COMMUNICATIONS

15th August 2010 - Attended the Sandakan Memorial Service in Sabah, Malaysia.
14th September 2010 – Attended Civic Reception and Sandakan Ceremony.

7 REPORTS OF OFFICERS

7.1 MANAGER WORKS & SERVICES

Nil

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>10 September 2010</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 August 2010.

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 2010/11 or authorized by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.1

MOVED: Cr Doust

SECONDED: Cr O'Hare

That the payment of accounts for August 2010 as presented totalling \$418,618.83 and as represented by cheque voucher numbers 18191 – 18221 totalling \$42,642.62, and accounts paid by direct electronic payments through the Municipal Account totalling \$375,976.21 be endorsed.

CARRIED 8/0

Res 179/10

7.2.2 August 2010 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>10 September 2010</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 August 2010 and Investment Schedule for the month ended 30 September 2010.

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 August 2010 Monthly Statements of Financial Activity as presented, be received with changes to the budget figures on page 4 as advised by the Manager of Finance.

CARRIED 8/0

Res 180/10

7.3 **CHIEF EXECUTIVE OFFICER**

7.3.1 Telecommunications Facility Lot 5241 Stanton Road

Location:	<i>Lot 5241 Stanton Road</i>
Applicant:	<i>Aurecon Australia Pty Ltd of Optus</i>
File:	<i>AS9480</i>
Disclosure of Interest:	<i>None</i>
Date:	<i>7th September 2010</i>
Author:	<i>Geoffrey Lush (Council's Consultant Planner)</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>1 – Location Plan 2 – Site Plan 3 – Elevation Plan</i>

SUMMARY

This application was deferred by Council at its last Meeting.

The application is for a telecommunications facility (new mobile phone base station) on Lot 5241 Stanton Road. Optus is seeking to upgrade its digital mobile telephone coverage in the Shire of Boyup Brook region and to achieve this requires the installation of a new mobile phone base station.

The facility will comprise of a 60m high tower with a ground based equipment shelter. The site is immediately adjacent to an existing Telstra mast.

BACKGROUND

The subject land Lot 5241 on Deposit Plan 81743 Stanton Road (see Attachment 1). Lot 5241 has a total land area of 125.3 ha and is owned by GA & JM Harris.

Optus proposes to construct a 60m telecommunications guyed mast tower adjacent to the existing Telstra guyed mast. A revised site plan is contained as Attachment 2 and the proposed mast will be:

- 195m from the eastern boundary of Lot 5241;
- 80m south of the existing Telstra mast; and
- Approximately 63m south west from the existing Council mast.

The proposed structure will support nine (9) panel antennas (3 current, 6 future) mounted on a triangular headframe, and two (2) parabolic antennas of 1200mm diameter (see Attachment 3). An equipment shelter coloured 'mist green' will be located at the base of the tower in a fenced compound.

Access to the site is via the existing farm driveway off Boyup Brook -Kojonup Road, with an existing access track to the site. The nearest dwelling is approximately 800m to the south-east of the proposed site in the adjoining lot.

The proposed Optus site is located immediately south of an existing Telstra guyed mast.

The application states that:

In order for an Optus' base station to operate effectively it must be linked to the existing mobile phone network. One of the ways this can occur is through the use of a radio-communications dish, or parabolic antenna, that emits a directional, pencil-shaped beam of energy connecting to a similar antenna at another site. The beam must have 'line of sight' to another radio-communications dish in order to be effective. The proposed parabolic antenna on the structure at Boyup Brook will link the mobile base station with the network through the facility at Bridgetown North.

Council entered into a lease with the landowners on the 7th October 1976. This just refers to the "place marked on the attached sketch" rather than a defined lease area. There is no suggestion that the Optus tower will fetter or impact upon the Council lease or associated access.

COMMENT

The development of Telecommunications Infrastructure is governed by State Planning Policy 5.2 Telecommunications Infrastructure which states that

The importance of telecommunications services in Western Australia is recognised in the Western Australian Planning Commission's State Planning Strategy (1997), which advocates the provision of an effective state-wide telecommunications network in a manner consistent with the State's economic, environmental and social planning objectives.

Modern telecommunications are an essential and beneficial element in the life of communities and in the State and national economy. New communications technology is rapidly advancing and being developed to meet the growing demand for better communication at home, in business, health and welfare and in public services. For opportunities and benefits to be realised it is important that appropriate and adequate telecommunications infrastructure is provided and that it is available to all on a cost-competitive basis

The Policy sets out the matters to be submitted with an application and to be considered by Council. These primarily relates to ensuring a balanced approach between environmental (visual) issues and community need for the service.

The following principles from the Policy are considered to have been addressed in the application:

- The proposed facility will provide an effective and efficient mobile telephone network that has been located and designed to meet the communication needs of the community.
- The proposed facility has been located in a Rural location, away from residential dwellings.
- Telecommunications infrastructure has been strategically planned and co-ordinated, similar to planning for other essential services.
- The proposed facility has been designed and sited to minimise any potential adverse visual impact on the character and amenity of the surrounding area.
- The proposed facility has been designed to minimise adverse effects on the natural environment and the amenity of users or occupiers of adjacent property, and complies with the health and safety standards.

The proposed facility will comply with the Australian Communications and Media Authority regulatory arrangements with respect to electromagnetic energy (EME) exposure levels.

CONSULTATION

None

STATUTORY ENVIRONMENT

The Town Planning Regulations (Model Scheme Text) contains the following definition of telecommunications infrastructure.

Telecommunications infrastructure means land used to accommodate any part of the infrastructure of a telecommunications network any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network.

This definition is not presently contained within Town Planning Scheme No2, but Council is required to include it in any review of the Scheme.

The closest definition which may be applicable for this application is a "radio/T.V/ Installation". This is defined as land and building used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.

This same issued has occurred in other municipalities with older Schemes and the applications have been defined as being a "Radio/T.V. Installation".

The subject land is included in the Rural zone and a "Radio/T.V. Installation" is a discretionary (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.

The application does not conflict with any of the above factors.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

The provision of mobile phone services to the townsite has significant strategic benefits for the local community.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.1

MOVED: Cr Doust

SECONDED: Cr Oversby

That Council approve the use and development of a portion of Lot 5241 Stanton Road for the purpose of Telecommunications Infrastructure subject to the following conditions:-

- 1. The development hereby approved shall occur generally in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Council.**
- 2. Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.**
- 3. Access to the site shall be to the requirements and satisfaction of Council.**
- 4. This approval shall expire if the development hereby permitted is not completed within two years of the date hereto, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.**

CARRIED 8/0

Res 181/10

7.3.2 Subdivision Application (WAPC Ref 142698) Cranbrook Road

Location:	<i>Lot 3504 Boyup Brook – Cranbrook Road</i>
Applicant:	<i>Harley Global</i>
File:	<i>AS7400</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>7th September 2010</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>1 Location Plan 2 Existing Lots 3 Subdivision Plan</i>

SUMMARY

This report is to consider a referral of a subdivision application from the Western Australian Planning Commission. The subject land comprises of Lot 2706, 2904, 3125, 3503 and 3504 Boyup Brook – Cranbrook Road, Mayanup. The site location is shown in Attachment 1.

The application is a boundary realignment/resubdivision of the six existing allotments. The existing lots are shown in Attachment 2 and the subdivision concept plan is shown in Attachment 3. For clarity this is a prepared diagram and not the actual plan included with the application.

The subject land is owned by KD Lloyd.

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

The application is supported as it is considered to comply with the Scheme requirements in Clause 5.1 for subdivision within the Rural zone.

BACKGROUND

The subject land is located approximately 30km from Boyup Brook as shown in Attachment 1. The nearest road intersection is Westbourne Road and Boyup Brook – Cranbrook Road.

The subject land has a total area of 472ha and is owned by KD Lloyd. It comprises of six existing allotments being:-

Lot Description	CT	Area
Lot 2706 on DP126932	1414/194	61.0813ha
Lot 2904 on DP127914	1053/813	64.734ha
Lot 3123 on DP127918	1441/178	40.3016ha
Lot 3125 on DP127920	1522/899	127.4333ha
Lot 3503 on DP127922	1441/178	120.4786ha
Lot 3504 on DP127921	1441/178	58.257ha
Total		472.2858ha

The property has been developed for general agriculture and adjoins areas of State Forest.

The property is gently undulating, with a low point of 220m AHD in the valley and a high point of 285m AHD on a hill located on the western portion of Lot 3125.

The subject land contains one main valley, which is located in the centre of the property and contains a drainage line that flows to the east, exiting the property in the south western corner of Lot 3125. This valley splits into two drainage lines immediately to the east of the Boyup Brook – Cranbrook Road.

The property contains some relatively small areas of remnant vegetation, including riparian vegetation around the existing drainage lines.

An existing homestead is located on Lot 3123 and a shed complex is located on the boundary of Lots 3123 and 3125.

CONSULTATION

None

STATUTORY OBLIGATIONS

Town Planning Scheme

The subject land is zoned 'Rural' in Town Planning Scheme No.2. The surrounding area is also generally zoned 'Rural'.

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.

Local Rural Strategy

The Cranbrook Road is the boundary for Policy Areas the BBR2 Western and BBR3 Eastern in the Local Rural Strategy.

The recommendations of the Strategy for Farm Restructuring are as follows:

- 8 *Council's objective is to encourage the redesign of existing (multiple lot) farms into a more appropriate configuration of lot boundaries relative to land management and land capability factors, subject to maintenance or reduction of the original number of lots.*
- 9 *The smaller lots have sufficient size to allow for the construction of a dwelling and other small farm infrastructure and buildings with sufficient setback from adjoining properties so as not to restrict potential agricultural productivity on those properties.*
- 10 *The smaller lots are located to have minimal adverse impact on the viability and sustainability of the main farming property.*
- 11 *The total number of resulting lots is not greater than the original number of lots.*
- 12 *In the case of lifestyle lots, the land is located within 10kms of a major townsite.*
- 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).*

In relation to general subdivision of rural land Recommendation 2 states that:

New lots of less than 80ha will not be supported, except where the lot is a minimum of 40ha and all of the following criteria are met (in summary):

- a) *That each new lot will contain a minimum of 30ha of land with a high-capability rating (class 1 or 2) for annual or perennial horticultural production.*
- b) *That each new lot has long term secure access to a supply of water.*
- c) *The total lot area incorporates the minimum area of 30ha of high-capability land, plus land for water storage; plus infrastructure and buildings; plus the retention of any remnant vegetation that should be protected from clearing.*

COMMENT

The application proposes more uniformly sized and shaped lots than exist at present and takes into account the existing farm infrastructure.

The proposed realignment also removes the existing building encroachment as the existing buildings will be setback approximately 32m from the proposed lot boundary. This complies with the minimum setback of 10m in Clause 5.2.5 of the Scheme.

The proposed boundary realignment will not result in additional entitlement to clear the property.

However the application does not comply with Recommendation 13 of the Rural Strategy as:

- The proposed lots are less than 80ha in size and no land capability information has been provided to substantiate the reduced lot sizes; and

- The site is located more than 10kms from the town.

Despite this it is noted that:-

- It increases the existing minimum lot size from 40ha to 52ha;
- The average lot size for the property remains at 78.6 hectares;
- The Rural Strategy is silent on the issue of the property being divided by a main rural road; and
- The application relocates the existing boundary that conflicts with the position of the existing buildings.

It is also considered that this application is substantially different from Application 141726 (Lots 733, 734 and 219 Winnejup Road Mayanup) which Council at its Meeting of the 15 April 2010 resolved to advise the planning Commission that it did not support because the proposed configuration of the lots was not considered desirable for the promotion and protection of agricultural practices of the Rural zone in accordance with Clause 5.1(i) of the Scheme.

The proposed configuration for the current application is considered desirable for the promotion and protection of agricultural practices of the Rural zone in accordance with Clause 5.1(i) of the Scheme.

The application is also considered to meet the general intentions of Recommendations 8, 9, 10 and 11 of the Rural Strategy.

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.2

MOVED: Cr Giles

SECONDED: Cr Muncey

That Council advise the Western Australian Planning Commission that it supports the proposed re-subdivision of Lots 2706, 2904, 3123, 3125, 3503 and 3504 Boyup Brook – Cranbrook Road, Mayanup.

CARRIED 8/0

Res 182/10

7.3.3 Constable Care Child Safety Foundation - Boyup Brook Program

Location:	<i>Boyup Brook</i>
Applicant:	Constable Care Child Safety Foundation
File:	<i>FM/25/008</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>9th September 2010</i>
Author:	<i>Alan lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Email from Foundation</i>

SUMMARY

The purpose of this report is to put before Council the request that it again sponsors a Constable Care program in Boyup Brook schools this year with the recommendation that Council agrees to it.

BACKGROUND

Constable Care is a program designed to teach “children essential life lesson in tackling issues that so many of our children face: bullying, substance abuse, sexual abuse, domestic violence, road safety. Stranger danger and other crime prevention issues”.

Council has previously supported this program but no provision was made in the current budget to continue this support.

COMMENT

Constable Care has been run in schools throughout the state for many years now and is well supported by schools and local Police.

In Boyup Brook it has been established (by emailing and receiving responses) that both schools and the local Police would like to see the program continued this financial year. Apart from the stated aims of the Foundation, this program offers the local Police the opportunity to interact with local children in a fun but instructional manner as part of the program.

Council’s financial contribution is used to pay for prizes/giveaways which have the Constable Care and Shire details/logo on them. These items (water bottles, hats etc) are practical things that the children can use and, from experience, are good quality products that tend to be durable. In past years Council budgeted to contribute \$500 to this program and Administration selected Constable Care merchandise up to this provision, it is proposed that a similar amount be provided this year.

CONSULTATION

The author has consulted with the coordinator of the Foundation, the School Principals and the local Police.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council's Donations policy applies, in particular the following section:

General

The Chief Executive Officer may in consultation with the Shire President approve extraordinary donation requests up to \$100.00 in cash, or \$500.00 in-kind (excluding administrative support eg. photocopying), to local community groups throughout the year when requested.

The Annual Budget to include \$500.00 per year in cash for this purpose.

Extraordinary in-kind support may be carried out during normal working hours where there is no impact on work programs.

The CEO shall reject all other requests throughout the year outside the donation funding program.

It is understood that Council has budgeted annually an amount of \$500 for the Constable Care program and that this year it was omitted from the draft budget papers put to Council in error.

BUDGET/FINANCIAL IMPLICATIONS

No funding was provided in the current budget for this contribution of \$500 and so a budget amendment would be required as would an absolute majority.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
The Constable Care Program is aimed at providing a fun learning experience that provides children with important life lessons.

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.3

MOVED: Cr Doust

SECONDED: Cr Muncey

That Council :

- 1. amend the 2010/11 Budget to increase the provision made in Schedule 8 Education and Welfare, Donations and Assistance, account number E081025 from \$1,000 to \$1,500**
- 2. approve expenditure of up to \$500 on Constable Care merchandise for Constable Care programs in Boyup Brook schools.**

CARRIED 8/0

Res 183/10

7.3.4 Donnybrook-Boyup Brook Road – Audible Edge Line

<i>Location:</i>	<i>Donnybrook – Boyup Brook Road</i>
<i>Applicant:</i>	<i>S Blakiston</i>
<i>File:</i>	<i>RD/51/001</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>9 September 2010</i>
<i>Author:</i>	<i>Alan Lamb – Chief Executive Officer</i>
<i>Authorizing Officer:</i>	<i>Not applicable</i>
<i>Attachments:</i>	<i>correspondence from applicant.</i>

SUMMARY

The purpose of this report is to put before Council a request from Ms S Blakiston for audible edge line treatment for the Donnybrook – Boyup Brook Road with the recommendation that this be forwarded to Main Roads WA with a letter of support.

BACKGROUND

The attachment, which includes a report on country road fatalities, provides a great deal of detail on research done by the Boyup Brook resident on the matter.

The applicant has been advised that the Donnybrook – Boyup Brook Road comes under Main Roads WA's management and that it is the responsible body for road markings, regulatory and advisory signage on road reserves. Also that Main Road's Bunbury office had been contacted in relation to her suggested safety improvements and that the indication was that this road may meet the relevant warrants for the edge lining as suggested and so her suggestion would prompt an investigation of this.

COMMENT

It was apparent from discussions with the Main Roads representative that the traffic numbers, reported accident data, regional significance of the road etc may well meet the criteria for audible edge line treatment. Also that the residents research, plus Council support, would prompt an investigation into the opportunity to install this safety feature.

It is therefore recommended that Council forward a copy of the report together with a letter of support to Main Roads WA Bunbury Office.

CONSULTATION

Main Roads and Council staff.

STATUTORY OBLIGATIONS

Nil

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

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.4

MOVED: Cr Oversby

SECONDED: Cr Marshall

That Council forward a copy of S Blakiston’s report on country road fatalities to Main Roads WA Bunbury office with a letter supporting the installation of audible edge line treatment for the Donnybrook – Boyup Brook Road.

CARRIED 8/0

Res 184/10

7.3.5 Shire Wireless Mast and Aerial – Nelson Location 5421

Location:	<i>Nelson Location 5421</i>
Applicant:	<i>OPTUS</i>
File:	<i>ET/4/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>9 September 2010</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Aerial photograph of the site.</i>

SUMMARY

The purpose of this report is to put before Council the proposal that it relocate Shire radio equipment from the Shire owned mast and equipment hut on Nelson Location 5421 to an OPTUS owned facility on the same location with the recommendation that it agree to this. This would also entail the termination of a licence to occupy a portion of that location.

BACKGROUND

Council has held a licence to occupy a portion of Nelson Location 5421 since October 1976 for the purposes of constructing and maintaining a wireless mast and aerial. The agreement remains in place until terminated by the Shire (the owner has termination rights where there is a breach or non observance by the Shire of any of the terms and conditions). On termination Council has to take down and remove the mast etc in a “proper and workman like manner and restore the surface of the Grantor’s land”.

It is understood that the mast was originally put up to provide radio coverage for the Shire/Bush Fire radio system (was the one system). In latter years other entities have added radio equipment to the mast and equipment hut, these include the Police and St John Ambulance. In latter years, when FESA took over the operation of bushfire radio systems, a FESA unit was also added. It is noted that the licence did not appear to provide for these additions and that the property owner sees problems with a number of entities assessing his property to maintain their radio gear. It is understood that the property is on the market and so any concessions given by the current owner may not be extended by the new owner and so the existing situation would need to be better formalised if the OPTUS tower option was not available.

Council’s mast is not in good condition and FESA has expressed concerns over safety in climbing it to work on equipment. It is expected that in the absence of an OPTUS alternative Council would need to look to replacing its mast in the very near future.

Some time ago OPTUS advised that it wanted to improve its mobile phone coverage and it was looking at options to use existing towers or build new facilities. It has done its assessment and has opted for a new tower to be located near Council’s mast. It has conducted negotiations with the property owner and it is understood that the property owner is prepared to allow the new installation but would then want Council’s installation to be removed. There are two masts there now, Council’s and Telstra’s and he does not want to see three masts etc.

FESA has taken up a coordinating role with the entities that have equipment on Council's mast and it will have an agreement with OPTUS for use of its mast and space for an equipment hut etc for ten years (this is understood to be the standard term of Telstra agreements and is probably the term on the arrangement between the land owner and OPTUS). It is understood that FESA's agreement allows for sub agreements with St John and the Shire. The agreement is nil rent and nil electricity costs. FESA has indicated that it would move the Shire gear across to the new facility (the indication is that by in large it would be a case of installing new equipment at the new facility at no cost to Council), this includes allowing space in the new hut for Council's equipment, at no cost to Council. Council's mast, hut etc would have to be pulled down and removed and the land reinstated. FESA has offered to assist with getting the mast down.

OPTUS and FESA have indicated that the FESA and Shire equipment will be at a higher level above sea level than they are on the current mast and so they should have greatly improved coverage.

COMMENT

It is suggested that the OPTUS offer has come at a good time because Council's mast is due for replacement and the current position with other entities using Council's mast is not included in its agreement with the land holder and may not be subject to any agreement with him.

It has been noted that there have been a number of reports that people will not climb Council's mast because it is not as safe as it could be. It is noted that the mast is probably repairable but it is an older style that would not be put up today for the sort or purpose it is being used for (i.e. it is more like a TV aerial mast) and so this may not be an option. Cost indications for a new mast are \$45,000 (that is a 300mm, 40m mast \$20,000, erection \$15,000 and the balance being cables, installation etc). This compares with the option of using the OPTUS tower of around \$1,500 to drop the Shire mast and \$1,000 for Shire staff and equipment to remove the mast etc and reinstate the site. Another benefit of taking the OPTUS option is that Council's radio gear will be replaced with new gear.

It is apparent that some aspects of the proposal are still fluid in that OPTUS does not have a signed agreement with the land owner and there are no signed agreements about usage of the OPTUS mast or agreements with the land owner for access to the mast site and so the recommendation is drafted to set parameters rather than specifics.

It is recommended that Council agree to have its radio equipment located on the proposed OPTUS mast to be located on Nelson Location 5421 subject to;

- there being no cost to Council for the use of the facility (mast, radio hut etc) for a period of ten years;
- there being no cost to Council for installation of Council radio system equipment at the OPTUS mast facility;
- council being provided with new radio equipment at the installation;
- there being no significant down time for Council's radio system during the process; and
- there being no cost to Council for demolition of its mast.

The second part of the recommendation deals with relinquishing the current licence it holds for use of and access to its mast site. It is understood that the property owner is not keen on an increased number of masts on his property and so may want to see that the

Shire mast would be removed. There appears to be no good reason to seek to retain the licence once the Shire's mast etc is removed.

And so it is also recommended that Council relinquish its licence to occupy and access a portion of Nelson Location 5421 subject to satisfactory, to Council, arrangements being made with regard to access to the proposed OPTUS facility.

CONSULTATION

The author has spoken with OPTUS and FESA representatives, and Council staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As indicated, the position is that Council may be up for the cost of bringing down its mast and reinstating the area and that this is expected to cost in the order of \$2,500 which has not been budgeted for. The recommendation is however that we seek to have the change in arrangements made with no cost to Council. Based on this there would be no impact on the current budget.

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 7.3.5

MOVED: Cr Marshall

SECONDED: Cr Muncey

That Council

1. agree to have its radio equipment located on the proposed OPTUS mast to be located on Nelson Location 5421 subject to;
 - there being no cost to Council for the use of the facility (mast, radio hut etc) for a period of ten years;
 - there being no cost to Council for installation of Council radio system equipment at the OPTUS mast facility;
 - council being provided with new radio equipment at the installation;
 - there being no significant down time for Council's radio system during the process; and
 - there being no cost to Council for demolition of its mast.
2. relinquish its licence to occupy and access a portion of Nelson Location 5421 subject to satisfactory, to Council, arrangements being made with regard to access to the proposed OPTUS facility.

CARRIED 8/0

Res 185/10

8 COMMITTEE REPORTS

8.1.1 Youth Advisory Committee Minutes

Location:	N/A
Applicant:	N/A
File:	IM/37/004
Disclosure of Officer Interest:	Nil
Date:	8 September 2010
Author:	Annie Jones – Youth Officer
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Minutes

BACKGROUND:

A meeting of the Youth Advisory Committee was held on 3rd and 31st August 2010.

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 Doust

SECONDED: Cr O'Hare

That the minutes of the Youth Advisory Committee Minutes held on 3rd and 31st August 2010 be received.

CARRIED 8/0

Res 186/10

8.1.2 Minutes of the Blackwood River Valley Marketing Association

Location:	N/A
Applicant:	N/A
File:	IM/37/008
Disclosure of Officer Interest:	Nil
Date:	1 September 2010
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Not Applicable
Attachments:	Yes - Minutes

BACKGROUND:

A meeting of the Blackwood River Valley Marketing Association was held on 10th August 2010.

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 O’Hare

SECONDED: Cr Oversby

That the minutes of the Blackwood River Valley Marketing Association held on 10th August 2010 be received.

CARRIED 8/0

Res 187/10

8.1.3 Minutes of the Boyup Brook Tourism Association

Location:	N/A
Applicant:	N/A
File:	IM/37/009
Disclosure of Officer Interest:	Nil
Date:	8 August 2010
Author:	Daly Winter – Community Development Officer
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes - Minutes

BACKGROUND:

A meeting of the Boyup Brook Tourism Association was held on 4th August 2010.

Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.3*)

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.3

MOVED: Cr Giles

SECONDED: Cr Muncey

That the minutes of the Boyup Brook Tourism Association held on 4th August 2010 be received.

CARRIED 8/0

Res 188/10

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

Impartiality Interest

Cr Oversby and Mr Jones declared an impartiality interest in the following item due to being a member of the Lions Club.

MOVED: Cr Giles

SECONDED: Cr Doust

That Council deal with late item 10.1.1.

CARRIED 8/0

Res 189/10

10.1.1 Boyup Brook Town Hall – request for donation of hire costs

Location:	<i>Boyup Brook Town Hall</i>
Applicant:	<i>Boyup Brook Lions Club Inc.</i>
File:	<i>CP/59/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>7 September 2010</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 put before Council the Boyup Brook Lions Club's request for free use of the hall for holding meetings relating to Aged Accommodation research be approved.

BACKGROUND

Council's list of fees and charges includes a specific fee for "Public Meetings (no kitchen)" and this year the fee is \$115.50 per occasion. The Boyup Brook Lions Club Inc. is a local group that has a 30 year association with the community and wishes to contribute further by facilitating a survey which will research the Aged Accommodation requirements, needs and wants for Boyup Brook. The specific fee to use the kitchen is \$52.50 and it is intended that participants would be provided with a morning tea prepared by the Lions Club.

The Lions Club has obtained a grant of \$8,500 and part of the application was an indication of support from the Shire to the value of \$500. Letters were submitted indicating this support from the Shire President and Chief Executive Officer.

It is anticipated that there will be 3 meetings held for the survey process to be completed.

COMMENT

Council might see this as an opportunity to encourage people to participate fully in the survey and show its commitment to the aged as indicated in the Boyup Brook Shire Strategic Plan.

It is suggested that the proposed use is in accordance with what the hall was built for and the requested fee donation will have no significant effect on Council's finances. It is recommended that Council donate the hall hire costs for rehearsals (\$500) and enable the Lions Club to comply with the 'Royalties for Regions' grant application.

CONSULTATION

The author has spoken with a representative of the Lions Club of Boyup Brook Inc.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council's Donations Policy has application.

BUDGET/FNANCIAL IMPLICATIONS

The financial impact will be the loss of income of \$500. In drafting the budget, hall hire income is calculated based on the income of past years plus any know events. This particular hire was not envisaged at the time the budget was drafted and so not specifically included in the budget.

STRATEGIC IMPLICATIONS

Aged Accommodation is a Long Term High Priority noted at Action Plan 6.5 (403)
Action Plan 6.5 (201) – assess feasibility of regional rehabilitation facility.

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 10.1.1

MOVED: Cr Doust

SECONDED: Cr O’Hare

That Council donate \$500.00 to the Boyup Brook Lions Club Inc. the cost of hiring the Boyup Brook Town Hall and kitchen as a contribution to the Aged Accommodation Survey Project as required over the period October 2010 to June 2011.

CARRIED 8/0

Res 190/10

4.41pm – Maria Lane left the Chambers.

4.42pm – Maria Lane returned to the Chambers.

4.43pm – Eric Muncey left the Chambers.

11 CONFIDENTIAL MATTERS

12 CLOSURE OF MEETING

There being no further business the Shire President, Cr Terry Ginnane declared the meeting closed at 4.44pm