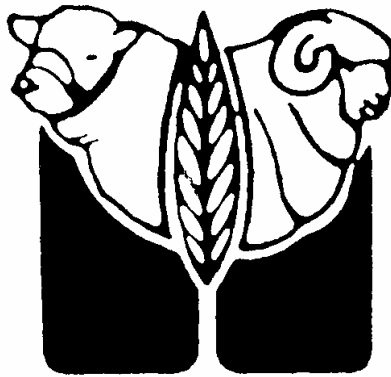


MINUTES



ORDINARY MEETING

HELD

THURSDAY 19 AUGUST 2010

COMMENCED AT 3.30PM

AT

SHIRE OF BOYUP BROOK CHAMBERS
ABEL STREET – BOYUP BROOK

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

1.1 Attendance

Cr T Doust – Deputy Shire President
Cr E Biddle
Cr R Downing
Cr M Giles
Cr E Muncey
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: J Walsh arrived at 3.30pm and left at 4.55pm
G Stuart arrived at 3.30pm and left at 4.55pm

Apologies

1.2 Leave of Absence

Cr Ginnane – Shire President
Cr Marshall
Cr O'Hare

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

1 If the “council has not at anytime budgeted to maintain tracks on DEC land.”

Does this mean that at no time in the past 70+ years has council stayed within budget on road maintenance?

If the Council has at times met budget targets on road maintenance, when whilst not specifically identifying each individual road has council not budgeted for maintaining these roads on DEC land by the very fact that they have spent the money doing the job?

Response Council budgets an amount of funds to do maintenance grading and staff calculate the funding requirement based on historical data and so no reference is made to the road inventory or the cost of grading each road. This process is set to change however as Council has now adopted a road hierarchy that sets the number of times a road is graded and so future budgets will be based more on a calculation of expected costs rather than

historical costs. Council therefore may have inadvertently budgeted to maintain tracks that are not a part of its inventory.

- 2 Do we understand by the fact the CEO has not addressed items in paragraphs 2 & 3 of the referred email re "Road Maintenance", that these are legitimate arguments for the maintenance of roads on DEC land which are clearly identifiable from other roads on land controlled by various entities in that they are regularly used and have been maintained by the shire for many decades?

Response It is assumed that the question relates to Mr Walkers email dated 7 July 2010. Paragraph two suggests that the reason for stopping the maintenance of tracks is because they are not surveyed. The reason for ceasing the maintenance of the track through DEC controlled state forest to Mr Walker's farm is because it is not a dedicated road that has been gazetted and so is not a responsibility of the Local Government and is a responsibility of DEC.

- 3 Can you, as Councillors, satisfy yourselves and others as necessary as to the Sustainability implications indicated in this agenda item 7.3.2, given that those affected by a decision not to maintain these roads face substantial Environmental, Economic and Social issues that will flow on to the communities in which they live and the Shire as a whole?

Response It is not possible for Administration to respond to this other than to note that Council agenda items do include the triple bottom line considerations and so Councillors attention is drawn to these implications. It is the officer's belief that Councillors do incorporate the triple bottom line into decision making.

- 4 The claim that these matters relate primarily to "land locked lots" is not correct (land locked lots are a minority) and most situations involve an unconstructed, surveyed road with an unsurveyed, constructed road. Is it not in the best interests of all involved environmentally, economically and socially to dedicate the existing constructed roads rather than to bulldoze native vegetation and undertake substantial earthworks to build new roads on the existing surveys?

Response Council is not responsible for providing access to lots through DEC land and is not required to construct roads on dedicated road alignments to provide access.

3.1 Public Question Time

4 APPLICATIONS FOR LEAVE OF ABSENCE

MOVED: Cr Oversby

SECONDED: Cr Downing

That Cr Biddle be granted leave of absence for the September 2010 ordinary meeting of Council.

CARRIED 6/0

Res 156/10

5 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

President Terry Ginnane, CEO Alan Lamb, Works Manager John Eddy and I recently returned from the annual Local Government Conference which proved interesting, informative and useful. It was a great chance to talk to delegates from other communities about areas of common

interest, to browse displays of trade exhibits (e.g. solar power, caravan and camping) and to hear addresses on topics of current interest. Those I found of greatest relevance were those dealing with governance, planning for and managing change, and ensuring effective communication with rate-payers.

At the annual general meeting of the WA Local Government Association President Terry Ginnane's motion to ensure that any discussions on bushfire management should involve representatives of local communities received strong support and was adopted by the meeting.

The keynote address by Gill Hicks, a survivor of the terrorist bombing of a London train some five years ago, said nothing about local governments but a lot about life and living, and what it means to be Australian. It was truly inspirational, and was received with a standing ovation, something which apparently has not occurred at any previous convention.

Cr Oversby attended the Blackwood River Valley Marketing Association meeting and discussed upgrading the website.

6 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council Thursday 15 July 2010.

OFFICER RECOMMENDATION – ITEM 5.1

That the minutes of the Ordinary Meeting of Council held on Thursday 15 July 2010, be confirmed as an accurate record.

COUNCIL DECISION – ITEM 5.1

MOVED: Cr Downing SECONDED: Cr Biddle

That the minutes of the Ordinary Meeting of Council held on Thursday 15 July 2010, be confirmed as an accurate record subject to the following amendments:

Page 28 – amend to read: 4.58pm - Cr Oversby left the Chambers.

Page 38 – Item 10.1.1 - Cr Giles voted against the motion.

CARRIED 6/0

Res 157/10

5.2 Special Meeting of Council Thursday 3 August 2010.

OFFICER RECOMMENDATION – ITEM 5.2

That the minutes of the Special Meeting of Council held on Thursday 3 August 2010, be confirmed as an accurate record.

COUNCIL DECISION ITEM 5.2

MOVED: Cr Oversby SECONDED: Cr Downing

That the minutes of the Special Meeting of Council held on Thursday 3 August 2010, be confirmed as an accurate record subject to the following amendments:

Page 10 item 22 by deleting the words “without seeing the Doctor” and leave the wording “Repeat Prescription Fee”.

CARRIED 6/0

Res 158/10

6 PRESIDENTIAL COMMUNICATIONS

Nil

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>13 August 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 July 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 Giles

SECONDED: Cr Oversby

That the payment of accounts for July 2010 as presented totalling \$455,438.23 and as represented by cheque voucher numbers 18157 – 18190 totalling \$51,969.64, and accounts paid by direct electronic payments through the Municipal Account totalling \$403,468.59 be endorsed.

CARRIED 6/0

Res 159/10

7.2.2 July 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>13 August 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 July 2010 and Investment Schedule for the month ended 31 August 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 Giles

SECONDED: Cr Muncey

That the July 2010 Monthly Statements of Financial Activity as presented, be received.

CARRIED 6/0

Res 160/10

7.3 **CHIEF EXECUTIVE OFFICER**

7.3.1 Request by Rylington Park Institute of Agriculture for funds

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Rylington Park Institute of Agriculture</i>
File:	<i>LS/62/009, CR/31/012</i>
Disclosure of Interest:	<i>None</i>
Date:	<i>12 August 2010</i>
Author:	<i>Geoff Carberry Senior Administration Officer</i>
Attachments:	<i>Letter from Rylington Park.</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>

SUMMARY

Rylington Park Institute of Agriculture has asked for funds to the value of five thousand dollars (\$5000) to be used for the purpose of urgent bathroom renovations.

BACKGROUND

The property known as Rylington Park was first leased to the Rylington Park Management Committee on the 10 November 1992. This lease has subsequently been renewed on a number of occasions, the last having a termination date of 14th March 2020.

Section 5.2 of the current lease states

“At its own expense the lessee shall maintain the Demised Premises in good clean substantial tenantable repair and condition to the reasonable satisfaction of the lessor. (damage by fire storm tempest earthquake explosion excepted save where the insurance moneys otherwise recoverable under policies of insurance effected in accordance with the provisions of this lease are rendered irrecoverable by some act omission or default on the part of the lessee its servants agents or lawful visitors) and shall further make good any defect or carry out repairs requested by the lessor within a reasonable time of the request being made.”

COMMENT

This request is in contravention of section 5.2 of the lease. In the requesting letter an admission is made that “very little maintenance has been done on the homestead since the Boyup Brook Shire acquired the property and this situation needs to be addressed.” Again by the conditions of the lease it is the lessee’s responsibility to fund these works. The request also falls outside the time parameters for a donation request as stated in Council’s Donation Policy

- Applications will only be considered during the Annual Budget process and any requests outside this period will be refused and the applicant advised to apply during the next Annual Budget process.
- All funding programs will be advertised annually in March with all applicants advised of the outcome of their application within one month of the adoption of the annual Budget. The requests that comply with this policy will be presented to the Council with a brief précis.
- The information required for applications of more than \$500 shall include: -

The name of the organisation and applicant, accompanied by contact details
The purpose and value of the funding required;
The value of funding which will be provided by the organisation;
The timeframe for completion of the project or activity;
Confirmation by the President or Secretary that the application has been supported by resolution of the Organisation;
The names of current Office Bearers and Committee members and a copy of the Certificate of Incorporation;
A copy of the most recent audited financial statements;
Such other details as the Shire may require.
It could be argued that the budget wasn't finalised at the time of the request being received but the request still does not conform to the third parameter listed above for donations greater than five hundred dollars (\$500).

CONSULTATION

Council Staff

STATUTORY ENVIRONMENT

Lease Document as listed in file LS/62/009
Shire of Boyup Brook – Published Documents – Proposed Donation Policy

FINANCIAL IMPLICATIONS

No funds have been allocated in the 2010 2011 budget.

STRATEGIC IMPLICATIONS

None as the Fixed Asset Management Program indicates Lessee responsibility.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.1

MOVED: Cr Biddle

SECONDED: Cr Muncey

That the request be denied as it is in direct contravention with the standing lease arrangements and the Councils published policies.

CARRIED 6/0

Res 161/10

7.3.2 World of Energy Collection - Calls for Expressions of Interest

Location:	N/A
Applicant:	SWDC
File:	GR/31/003
Disclosure of Officer Interest:	None
Date:	12 August, 2010
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Not applicable
Attachments:	Copy of SWDC letter

SUMMARY

The purpose of this report is to put before Council the opportunity to lodge an expression of interest in housing the collection with the recommendation that Council approve the proposal to do so.

BACKGROUND

The South West Development Commission (SWDC) called for expression of interest in housing the World of Energy Collection. The collection is the entire contents of the former Western Power World of Energy Museum that was located in Fremantle. It was gifted to SWDC by Western Power and is currently stored at the Bunbury Port. It is valued at \$1.8m and is a “tourism – ready” package.

It is understood that the original intention was that the collection be housed in Collie and that there may have been funding available to assist with the housing (\$2m?). SWDC now seeks expressions of interest from Councils in the region so that each has the opportunity to vie for this tourist attraction.

COMMENT

It is suggested that this offers a great opportunity for Council to establish a major tourist draw card in Boyup Brook. It also offers a purpose for the largely empty and underutilised flax mill complex as the place to house the collection.

It is suggested that Boyup Brook would have a reasonable chance of success with its expression of interest because of the great difference that this collection would make to the town’s tourist profile. If it were to be housed any of the large centres it would be just another thing to see whilst there but in Boyup Brook it would be a major attraction.

If, as it appears, there will be funds to assist with housing the collection Council could also gain the double benefit of having the flax mill done up to accommodate it if this were to be Council’s preferred location. There may well be other sites but, it is suggested, the flax mill needs a purpose and funding and this collection may offer the opportunity to address both.

The process is that Councils lodge a two page submission and SWDC will assist the successful Council with the development of feasibility planning. At this stage then we are

only dealing with the concept and the next stage, if we make it that far (indications are from SWDC are that based on the concept put, Boyup Brook is expected to have an opportunity), is looking at the detail. It has been established that around 400m2 of floor space is required, that it needs to be undercover, that some of the items are large and some are heavy (one weighs 25 ton). SWDC may loan the collection or gift it to the successful Council and it is assumed that Council will have to fund ongoing costs such as insurance, maintenance etc. It is expected though that entry fees to view the collection would cover all such costs. As stated though, all such details would be covered in the feasibility planning and it may be that the concept being put now is rejected by SWDC or Council on the results of the feasibility study.

CONSULTATION

The author has spoken with a SWDC officer and the Boyup Brook Tourist Association (who are understood to support the proposal).

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION – ITEM 7.3.2

That Council approve the proposal to lodge an expression of interest with the South West Development Commission to house the World of Energy Collection in Boyup Brook.

Amendment

MOVED: Cr Giles

SECONDED: Cr Muncey

That Council approve the proposal to lodge an expression of interest with the South West Development Commission to house the World of Energy Collection in Boyup Brook and ask that a feasibility study be completed before a decision is made to whether or not Council will accept the collection.

MOVED INTO COMMITTEE – ITEM 7.3.2

MOVED: Cr Giles

SECONDED: Cr Oversby

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

CARRIED 4/2

Res 162/10

MOVED OUT OF COMMITTEE – ITEM 7.3.2

MOVED: Cr Oversby

SECONDED: Cr Giles

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

CARRIED 6/0

Res 163/10

The motion was put

That Council approve the proposal to lodge an expression of interest with the South West Development Commission to house the World of Energy Collection in Boyup Brook and ask that a feasibility study be completed before a decision is made to whether or not Council will accept the collection.

CARRIED BY ABSOLUTE MAJORITY 6/0

Res 164/10

7.3.3 Boyup Brook Flax Mill – Heritage Council’s proposal to include in the State Register of Heritage Places

Location:	<i>Flax Mill</i>
Applicant:	<i>Heritage Council</i>
File:	<i>CP/31/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13 August 2010</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Copy of Heritage of Western Australia Act 1990, copy of correspondence from Heritage Council. A copy of the Boyup Brook Flax Mill Conservation Plan as prepared by Kent Lyon has been provided to Councillors in electronic format.</i>

SUMMARY

The purpose of this report is to put before Council the Heritage Council's offer for Council to lodge a submission in relation to its proposal to register the flax mill with the recommendation that a submission be lodged opposing registration. The Heritage Council (HC) also offers Council the opportunity to delegate someone to represent it at a meeting to consider the registration and it is recommended that Council take up the offer.

BACKGROUND

The flax mill has been the subject of a number of reports previously and so this report will deal only with recent developments.

At its July meeting, and in accordance with a request from the HC, Council resolved to put on hold its demolition works at the flax mill to give the HC time to assess the mill for registration.

The HC has progressed its process and seeks a submission from Council before 25 August on its proposal to register the flax mill.

The HC also offers Council the opportunity to have a delegate, who will have voting rights, attend its meeting where registration of the mill will be dealt with.

COMMENT

It is noted that the HC does not set out the implications of the mill being registered in its correspondence and so a copy of the legislation is attached to provide this information. It is apparent that registration will be an imposition on Council in that it is probable that it will have another layer of consultation and constraints to deal with in the management of its asset. The legislation provides for things such as orders being placed on Council to maintain the structures which may not fit in with Councils overall asset management plans or ability to pay for this. It is noted that the HC's assessment of the mill is based on the

conservation plan that Council commissioned. It is not clear how the HC obtained a copy of the plan but it is now putting it forward as a reference for others who may wish to comment on the proposal to register.

Council has been given the plan but has not accepted, or rejected, it and so it is suggested that Council may wish to take this opportunity to take an opposition in relation to it. It is noted that the plan relies on excellent historical background, prepared by Judith Murray, and two structural assessments, done by Richard Wittenoom for Council (appendix L of the plan). It is suggested that the consultant has not taken a balanced approach in relation to the latter and has put forward only the options offered by the engineer that lead to retention of the structures. It is suggested that a balanced approach is required because, as is now the case, the conservation plan will be used by a number of entities for decision making, lobbying etc purposes.

To add some balance, it is apparent from the engineer's report that the retting tanks are considered to be dangerous, that the roof may collapse, etc. The engineer's recommendation is to demolish the structures or seal doors etc to prevent access. It is assumed that Council did the latter as an interim measure. In relation to the seed sorting room the engineer notes that the building has experienced structural failure and he recommends demolition of a portion of the structure. He notes that extensive work is required to be done to the dormitory, that the kitchen also needs work (restumping and jacking the building up which will probably lead to damage). The mill buildings are not well used now and the engineer's report advises that future uses will be limited ("in most cases it would not be possible to bring the building up to a level complying with the Building Code of Australia. Thus major redevelopment or change of class of individual buildings is not likely to be an option.

Council's decision to remove some structures at the mill in order that it may be able to fund the cost of bringing others up to standard and maintain them was to some extent based on the engineers report and it is suggested that this be used as the basis for HC submission if Council wishes to oppose registration.

The HC does not provide detail on the benefits of listing on the register. Applications for Lotterywest grants would be strengthened by the mill being on the register. It is noted that the legislation provides for the owner to seek to have the Government purchase the property if it cannot afford to keep it.

The HC notes the importance of the flax mill sheds etc to the wider community as the last largely intact mill in the state and so that it should be kept and conserved.

It is suggested that the structures at the mill have limited uses and some are in poor condition and that listing on the state register would add unnecessary constraints and complications to Council's management of its asset.

It will be noted that there is a report to this meeting dealing with an opportunity to obtain a museum collection and that this opportunity may include significant funding to house it. Also that the suggestion is that the flax mill be considered. Council may wish to consider this option before it reinstates its plans to demolish structures at the mill.

In relation to the HC's meeting it is recommended that Council delegate the Shire President or the Chief Executive Officer to attend and argue and vote in accordance with Council's decision in relation to its support or opposition to registration of the flax mill.

CONSULTATION

HC, Council and others

STATUTORY OBLIGATIONS

WA Heritage Act 1990

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Listing the flax mill on the heritage register is expected to add to the costs of managing the asset but it is not possible to quantify this at this time.

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 7.3.3

MOVED: Cr Giles

SECONDED: Cr Muncey

That Council

- 1. oppose the Heritage Council’s proposal to enter the Boyup Brook Flax Mill in the State Register of Heritage Places.**
- 2. delegate the Shire President, or if he is not able to attend the Chief Executive Officer, to attend the Heritage Council’s meeting where it determines the proposed registration of the Boyup Brook Flax Mill.**

CARRIED BY ABSOLUTE MAJORITY 6/0

Res 165/10

7.3.4 Boyup Brook Railway Station - leases

Location:	<i>Railway Parade Boyup Brook</i>
Applicant:	<i>Public Transport Authority and Boyup Brook Men's Association</i>
File:	<i>LS/62/013</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12 August 2010</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Copy of draft PTA lease, copy of Men's Association application.</i>

SUMMARY

The opportunity to lease the Boyup Brook Railway Station is put to Council along with the Men's Association's request for use of a portion of the area with the recommendation that Council authorise the Chief Executive Officer (CEO) to negotiate with the Public Transport Authority (PTA), Blackwood Basin Group (BBG), Boyup Brook Men's Association (BBMA), and any other relevant entity, leasing arrangements that provide a community benefit and/or are cost neutral to Council, with the intention that the CEO bring the matter back to Council for determination.

BACKGROUND

PTA lease

Council's records show that the railway station precinct was leased from the WA Railways Commission for a period of ten years from 1 July 1992. The lease was on a peppercorn basis and the purpose was restricted to "Community Purposes and Beautification. The lease did not give Council the power to sublease and required that prior permission be obtained before any alterations or improvements were made to the demised premises. The lease required that Council maintain the premises in "good and substantial repair order and condition".

It is apparent that Council has maintained the premises and in 2008/09 spent in the order of \$30,000 on external painting. It is also apparent that sub leases were entered into and it has not been possible to locate any approval having been given for this. The "purpose" may not align with the action of leasing to the Department of Agriculture and Blackwood Basin Group.

The lease expired in 2002 and, as is common with such cases, the lease reverted to a month by month arrangement under the terms and conditions of the lease.

At the Shire's instigation dialog commenced in August 2007 on new 10 year lease. In May 2009 Burgess Rawson (BR) (PTA's property management agent for commercial leases) provided a draft lease (copy attached). BR's accompanying letter noted that Council would have to pay \$1,100 to cover solicitors estimated fees. It will be noted from the attachment that the annual rental sought was \$600 plus a 7% management fee payable by the tenant. Council would be responsible for all maintenance, repairs, renovations, fencing

or improvements whatsoever. It would also be responsible to construct and maintain a drainage system on the premises to prevent water damage to the railway line. Clause 13 sets out environmental obligations and makes the tenant responsible for any "Pollution, Contamination or Environmental Harm on the Premises". It offers the opportunity of a base line audit to establish pre-existing contamination etc. This audit is expected to cost in the area of \$12,000 and is seen as necessary in order to reduce the opportunity for future costs to Council arising out of activities that may have affected the premises before Council leased it (i.e. it is unknown what the trains were carting and what may have spilled onto the ground etc and without the audit Council may have difficulty in establishing the contamination occurred prior to its occupation of the site). The lease includes a six month break clause (i.e. whilst the lease is for ten years the lessor may terminate at any time by giving six months notice). It is understood that this is a standard feature of all PTA leases now and is included so that it can get access to required land and infrastructure reasonably quickly if rail lines are to be reopened. It is suggested that Council would however have forewarning of any moves to reopen the rail line, that it may be a major player in any push for this to occur and is expected to be a supporter of any such moves. Having said this though there are no indications of an intention to reopen the rail line and so one might expect that the lease would run its ten year term (the previous ten year lease effectively ran for eighteen years). The lease does not include the Barracks and the purpose is "Beautification" what ever that means (there is no definitions clause).

WestNet Rail (WNR) is a non government organisation engaged by PTA to manage its land and buildings that are not leased and to manage non commercial leases (that is peppercorn leases to Local Governments and the like where the lessee derives no income from the leased property). Burgess Rawson (BR) manage commercial leases on behalf of PTA and if Council sub leases, or by any other means derives an income from the leased property, BR would manage the lease arrangement and Council would have to pay a lease rent). In April 2010, WNR wrote to Council offering the Barracks under a license (similar to a lease) on a peppercorn basis for "community use purpose". A representative of WNR inspected the barracks with Council staff and was adamant that the facility could not be used for accommodation. Council staff noted that there were a number of things that were needed to be done to the structures to bring them up to standard and it was assumed that this was the reason they could not be used for accommodation. It has since been established that under a WNR agreement the lessee could not rent the units out and derive an income but under a BR agreement they could.

PTA has indicated that a commercial lease would now attract a rent of in the order of \$1600 and that the lease preparation fee would be about \$1500. The door does not appear to be closed on applying for a peppercorn rent on the basis that no profit was being sought but cost recovery was the aim.

A brief inspection of the barracks revealed that the asbestos roof over the kitchen area was in poor condition, there were temporary patches being held down by bricks. The power switchboards needed to be upgraded with RCDs, hard wired smoke/fire detectors had to be fitted and the steps to cabins needed to be brought up to standard. It is unlikely that PTA would pay for this work.

The asbestos roof on the out side toilet block near the railway station building is in a poor state, the loading/crane ramp requires work and internal doors at the station need maintenance/replacement.

BBG and Department for Agriculture and Food leases

The Department for Agriculture rented (no lease agreement could be located) the railway station building, paying \$2600 per annum, until part way through 2008/09 and the BBG

rented a transportable building, that had been placed on the railway reserve, since 1/7/2001 (again no agreement could be found). A letter from BBG dated 2 July 2009 notes, among other things, that it would like to enter into a formal agreement with Shire (indicating an absence of pre-existing agreement). Also that The Department for Agriculture leased the railway station from Council for three years from 1996 and that they occupied one end of the railway station office as part of a state government initiative the centre was called the Community Agriculture Centre (that is the BBG sat under the Department for Agriculture). Later, they say, they paid \$30,000 toward the cost of the transportable building that is now located next to the railway station building and that this was then used to house the BBG. Also the Community Agriculture Centre idea was dropped, the Department closed its office and BBG had to pay electricity charges. Council raised rental charges to BBG from 2001 to 2007 but BBG did not pay the rent. In August 2007 Council resolved to write off the debt of \$17,060. In August 2009 Council dealt with a request from BBG to write off another rent debt of \$5,720 and agreed to this. It also agreed to enter into a month by month rental agreement which was functional up to the end of 2009/10. BBG continues to occupy the premises. It is noted that there appears to be no approval or arrangements in place regarding the transportable building that Council and BBG paid for and in their absence it would be assumed that PTA has ownership of the structure.

Men's Association

BBMA wrote to Council in February 2010 seeking a peppercorn lease on part of the railway reserve site to establish a 60m by 18m shed to operate its association's activities. The CEO wrote to BBMA noting that Council was not in position to look at this stage because it only had a month by month arrangement with PTA and had now power to sub lease. The CEO met with representatives of BBMA and attended an evening meeting to provide information on land that Council has ownership or management over and that might be suitable for its purposes. The railway land was BBMA's first choice for a number of reasons but the 10 year maximum lease was a stumbling block. BBMA needed to build a substantial shed with Lotterywest funding and the ten years tenure was too short. BBMA has written again (letter attached) seeking a 2000m² area of the railway reserve to establish a 30m by 25m shed. The latest request does not state the basis of the lease but it is assumed that a peppercorn arrangement is envisaged.

Financial

A quick skim through the relevant ledger accounts reveals that the railway station has been a net cost to Council of \$42,899.28 over the past 5 years. The individual year results are as follows:

YEAR	NET (COST)/ INCOME
2005/06	2,363.64
2006/07	(14,696.36)
2007/08	3,040.59
2008/09	(33,792.43)
2009/10	<u>185.28</u>
Total	(42,899.28)

It is understood that the barracks may have not been very profitable and if so a Council managed accommodation operation where wages were a component would be even less profitable. Also, the relatively new requirements for RCDs and hard wired smoke alarms and other works required to get the units up to rentable standard will impact on the profitability.

Position if Council does not lease the property

PTA has indicated that if the railways station etc is not leased out then it would be put into the hands of WNR for it to maintain. The impression given was that not a lot of money would be spent on the property but it would not be left to deteriorate dramatically. Also that the level of maintenance would be, to some extent, be determined by the level of pressure put on them by entities such as Councils.

COMMENT

Councillors will be aware of much of the background as set out above because of briefing session reports.

The position is now that Council has the opportunity to lease the railway station (i.e. the part of the rail reserve it has leased since 1992) and the barracks. There is some work to be done to improvements on the property and it is unlikely that significant income could be generated.

Council could decide at this point to not pursue leasing options and let PTA look after its own assets. It is understood that structures on the property would be maintained and PTA may find an alternative tenant. It is however suggested that Council approve the proposal for the CEO to negotiate options for leasing, that provides benefit to the community and/or and are cost neutral to Council, and report back to Council.

CONSULTATION

Various aspects of the matter have been before Council either at briefing sessions of at Council meetings, in addition, the author has spoken with the PTA, BR, WNR, BBMA, BBG and others.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time.

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 Biddle

SECONDED: Cr Oversby

That Council authorise the Chief Executive Officer to negotiate with the Public Transport Authority, Blackwood Basin Group, Boyup Brook Men’s Association, and any other relevant entity, leasing arrangements that provide a community benefit and/or are cost neutral to Council, with the intention that the CEO bring the matter back to Council for determination.

CARRIED 5/1

Res 166/10

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

Location:	<i>Boyup Brook Town Hall</i>
Applicant:	<i>Boyup Brook Melody Makers</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12 August 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 Melody Makers request for free use of the hall for rehearsals be approved.

BACKGROUND

Council’s list of fees and charges includes a specific fee for “Rehearsals” and this year the fee is \$15.00 per occasion. It is apparent therefore that Council at some stage in the past envisaged that the hall would be used for stage shows (there is also a fee for “Stage Shows” and for the current year the fee structure is bond \$200, Deposit \$100 and Hire Charge \$220) and that there would be a need for rehearsals and so a fee was set. Fees are set to offset costs of running the hall. Costs such as electricity are affected by usage (that is, the more the facility is used the higher the cost).

The Melody Makers is a local group that has staged shows in the hall in the past. The group has booked the hall to stage a two night show in October 2010 (22 and 23) and has also booked the hall two times per week for 9 weeks for rehearsals. The total hall hire fees for their rehearsals will be \$270 and \$440 for the two shows (assuming that the bond is refunded). It is understood that in the past entry fees to attend the shows cover costs associated with the show nights but would not extend to the cost of hall hire for rehearsals and so the group seeks relief from this burden.

COMMENT

The Melody Makers are a local group who want to put on a show for the community and it is suggested that if the hall hire fee is a major hurdle, as it appears to be, to the show going ahead, then Council may wish to consider donating this fee as requested. It is understood that the group has not paid hall hire fees for rehearsals in the past.

The hall is not well used and functions such as stage shows are, at least in part, what it was built for. Council might see this as an opportunity to encourage more use of this nature. On the other hand, the hall does cost money to maintain and the cost increases with usage. Council sets fees and charges that are balanced against the need to cover costs and the need to encourage usage.

It is suggested that the proposed use is in accordance with what the hall was built for, community involvement in past shows has been high as has attendance at shows, the requested fee donation will have no significant affect on Council's finances but will have a significant affect on the Melody Makers finances, and so it is recommended that Council donate the hall hire costs for rehearsals (\$270). The recommendation is worded such that if the group requires to do additional rehearsals leading up to their shows the matter does not have to come back to Council to have the hire fee waved.

CONSULTATION

The author has spoken with a representative of the Melody Makers.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council's Donations Policy has application.

BUDGET/FNANCIAL IMPLICATIONS

The financial impact will be the loss of income of \$270. 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

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
The staging of a live stage show by the local community is a significant social event.

VOTING REQUIREMENTS

Absolute majority

Impartiality Interest

Cr Biddle declared an impartiality interest in the following item due to being related to the Director of the group making the application.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.5

MOVED: Cr Giles

SECONDED: Cr Oversby

That Council donate to the Boyup Brook Melody Makers the cost of hiring the Boyup Brook Town Hall for rehearsals in August, September and October 2010 for the shows it intends to stage in October 2010 (estimated to be \$270.00) on the basis that the facility be left clean and tidy after each use.

CARRIED BY ABSOLUTE MAJORITY 6/0

Res 167/10

7.3.6 Country Local Government Fund 2010-11

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	<i>FM/04/004</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13 August 2010</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Correspondence from Department of Development and South West Development Commission.</i>

SUMMARY

The purpose of this report is to put before Council the matter of the Country Local Government Fund (CLGF) with recommendations on projects that Council may wish to apply to be funded.

BACKGROUND

As will be seen from the attached letter from the Department of Regional Development and Lands (RDL), the CLGF grant for 2010/11 is \$365,263 for the direct grant and \$196,680 for the regional groups of Local Governments grant.

Guidelines for both aspects of the grant are attached to the RDL letter.

COMMENT

It will be noted that for the direct grant the project must be included in Council's forward capital works plan. The consultant, funded by a RDL grant, has commenced work on the draft forward capital works plan and Council should see the draft next month. Council could wait till it does the forward plan before dealing with this part of the grant or it could select projects that it will include in the plan. Administration is working on the detail of projects for Council to consider and these include asbestos removal (various buildings), improvements to the Town Hall (air conditioning etc), major maintenance to various buildings and transportable cabin style accommodation units for the caravan park. It is noted that Council may need to use some of the direct grant for the regional project and so it is suggested that a decision on what projects should be funded from this source be made at perhaps the September Council meeting when more information is available.

With the regional portion of the grant, we are under some pressure to get moving on the feasibility planning. South West Development Commission (SWDC), as will be seen from the attachment, has \$100,000 to distribute to assist with feasibility studies and it seeks to have detailed justification of projects lodged with it by 27 August 2010 and so there is a need for Council to select a project at this meeting.

It will be noted that 60% of the \$100,000 will be allocated as base funding and that the balance be allocated on request. Therefore each of the eleven Councils in the region will be allocated \$5,545 and have the opportunity to bid more funding if need be. It is expected that the \$5,545 would be sufficient for a study for this Council's regional project.

As reported previously, the President and Chief Executive Officer (CEO) have discussed a grouping with the Shire of Bridgetown/Greenbushes (SBG) for the regional component of the CLGF. SBG is putting forward its new library building as its regional project. The idea is that we will look at how we can make both our and their libraries work better in a collaborative manner and this reinforces the regional nature of their proposed grant usage. In discussions we have noted that the music festival is a regional event and SBG has indicated an acceptance of this. The project then that fits with this centres around ablution facilities. The notion has been run past SWDC and indications are that it is likely to be seen as a regional project. The project entails an ablution facility near the hockey oval to service the normal daily requirements of the music park and also service the hockey ovals, and a transportable unit that will be located at the flax mill caravan park overflow area during the annual music festival, Blackwood marathon and other such events and be available for other regional events with a hire fee set to recover recurrent and replacement costs.

The permanent ablution facility is expected to cost \$150,000 and the transportable unit will be \$60,000. In addition, the transportable unit will require a pad, electricity, plumbing and a septic system (\$10,000). The total cost of the project is \$220,000. This is \$23,320 more than the funding made available for this Council to contribute to a regional project. It is noted that the idea behind the regional funding is that the allocation made on behalf of each Council may not be spent in that Council's area so there is no problem with the project costing more than Boyup Brook's allocation however it would be prudent to work on some portion of this project being funded from the direct CLGF grant. Unfortunately we will not be able to meet with the partnering Council(s) until Council has set its project and so apportioning of the combined grant funding (that is Boyup Brooks and their's) to projects cannot be done at this time.

There may well be other projects that Council might like to consider but there may not be sufficient time to gain agreement from the partnering Council(s) and meet the SWDC deadline.

It is recommended that Council put forward ablution facilities that support the country music festival as its regional project for funding from the regional portion of the CLGF.

CONSULTATION

The author has spoken with SWDC, the Shire of Bridgetown/Greenbushes, Councillors and staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Neither the income nor expenditure for the CLGF has been included in the budget. It is expected that projects will be tailored to the grant funding and so there will be no net cost or income to Council.

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

Impartiality Interest

Cr Giles declared an impartiality interest in the following item due to partner being on the Boyup Brook Country Music Club Committee.

Cr Biddle, Cr Oversby, Cr Downing and the CEO declared an impartiality interest in the following item due to being members of the Boyup Brook Country Music Club.

OFFICER RECOMMENDATION – ITEM 7.3.6

That with respect the Country Local Government Fund regional grant, Council put forward ablution facilities for the Country Music Festival as the regional project for Boyup Brook,

COUNCIL DECISION – ITEM 7.3.6

MOVED: Cr Oversby

SECONDED: Cr Downing

That subject to agreement with the Shire of Bridgetown-Greenbushes the Council resolves that the Country Local Government Fund regional grant for 2010/11 be used for ablution facilities for the Country Music Festival and the Shire of Bridgetown-Greenbushes regional library and the projects be included in the Shire of Boyup Brook Forward Capital Works Plan.

CARRIED BY ABSOLUTE MAJORITY 6/0

Res 168/10

Note:

Council sought to clarify that the intention was to group with the Shire of Bridgetown-Greenbushes for the purposes of dealing with the regional portion of the CLGF grants in 2010/11 and that the projects would be ablution facilities relating to the Boyup Brook Country Music Festival and a regional library facility in Bridgetown.

3.40pm – Cr Muncey & Cr Giles left the Chambers.

3.41pm – Cr Muncey and Cr Giles returned to the Chambers.

3.42pm – Mr J Walsh left the Chambers.

3.44pm – Mr J Walsh returned to the Chambers.

8 COMMITTEE REPORTS

8.1.1 Youth Advisory Committee Minutes

Location:	N/A
Applicant:	N/A
File:	IM/37/004
Disclosure of Officer Interest:	Nil
Date:	12 August 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 15th, 20th and 27th July 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 Downing

SECONDED: Cr Muncey

That the minutes of the Youth Advisory Committee Minutes held on 15th, 20th and 27th July 2010 be received.

CARRIED 6/0

Res 169/10

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:	12 August 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 13th July 2010.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.3

MOVED: Cr Oversby

SECONDED: Cr Biddle

That the minutes of the Blackwood River Valley Marketing Association held on 14th July 2010 be received.

CARRIED 6/0

Res 170/10

8.1.3 Boyup Brook Tourism Association AGM

Location: N/A
Applicant: N/A
File: IM/37/009
Disclosure of Officer Interest: Nil
Date: 12 July 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 14th July 2010.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.3

MOVED: Cr Giles

SECONDED: Cr Biddle

That the minutes of the Boyup Brook Tourism Association held on 14th July 2010 be received.

CARRIED 6/0

Res 171/10

8.1.4 Minutes of the WA Local Government Association South West Zone

Location: N/A
Applicant: N/A
File: IM/37/003
Disclosure of Officer Interest: Nil
Date: 12 August 2010
Author: Alan Lamb – Chief Executive Officer
Authorizing Officer: Not Applicable
Attachments: Yes – Minutes

BACKGROUND:

A meeting of the WA Local Government Association South West Zone was held on 30th July 2010.

Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.4*)

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.4

MOVED: Cr Muncey

SECONDED: Cr Oversby

That the minutes of WA Local Government Association South West Zone held on 30th July 2010 be received.

CARRIED 6/0

Res 172/10

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

MOVED: Cr Giles

SECONDED: Cr Oversby

That Council deal with late item 101.1, 10.1.2 and 10.1.3.

AMENDMENT

MOVED: Cr Downing

SECONDED: Cr Doust

**That Council deal with late Item 10.1.1 and 10.1.2 only.
Item 10.1.3 be withdrawn and dealt with at the September Ordinary Meeting of Council.**

PROCEDURAL MOTION

MOVED: Cr Downing

SECONDED: Cr Doust

That the motion be put.

CARRIED 6/0

Res 173/10

RESOLUTION

MOVED: Cr Downing

SECONDED: Cr Doust

**That Council deal with late Item 10.1.1 and 10.1.2 only.
Item 10.1.3 be withdrawn and dealt with at the September Ordinary Meeting of Council.**

CARRIED 6/0

Res 174/10

10.1.1 Chowerup School Site

Location:	<i>Chowerup</i>
Applicant:	<i>N/A</i>
File:	<i>Reserve 27031</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13 August 2010</i>
Author:	<i>Alan Lamb – CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes</i>

SUMMARY

The purpose of this report is to put before Council the opportunity to have a management order over Reserve 27031 with the recommendation that it be rejected.

BACKGROUND

Protracted discussions have taken place between Mr Turner of the Tonebridge Progress Association, the Shire Administration, Department of Water and State Land Services regarding the old Chowerup School site.

The Progress Association was keen on purchasing the property. There was some discussion with the Department of Water who has management of the reserve and it was indicated that the purchase may go ahead but the cost would be in the order of \$100,000.

Administration sought to assist the Association and the end result was the offer for Council to have management with power to lease.

COMMENT

Whilst the Association was keen to gain ownership of the school site it is not prepared to pay \$100,000 for it and is not interested in a lease. It is therefore recommended that Council not accept the offer of a management order.

CONSULTATION

Tone Bridge Progress Association, Department of Water, and State Land Services.

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 10.1.1

MOVED: Cr Biddle

SECONDED: Cr Oversby

That Council decline the offer of a management order over Reserve 27031.

CARRIED 6/0

Res 175/10

10.1.2 Subdivision Application (WAPC Ref 142598) Wahkinup Road

Location:	<i>Lots 1983 & 1986 Wahkinup Road</i>
Applicant:	<i>KJ Moir</i>
File:	<i>AS15137</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>18 August 2010</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>Alan Lamb - CEO</i>
Attachments:	<i>1 Location Plan 2 Subdivision Plan</i>

SUMMARY

The report is to consider a referral of a subdivision application from the Western Australian Planning Commission. The subject land comprises of Lots 1986 and 1983 Wahkinup Road Scotts brook.

The application is for a boundary realignment transferring approximately 32 hectares of land from lot 1983 to lot 1986. No additional lots will be created.

BACKGROUND

The subject land is located approximately 32 kms east of Boyup brook on the Wahkinup Road as shown in Attachment 1.

The subject is owned by:-

- Lot 1983 – PT & NS Reilly; and
- Lot 1986 – BM & WM Webb.

Lot 1983 has an area of 242 hectares and Lot 1986 has an area of 242 hectares. The proposal is to transfer approximately 32 hectares of land from Lot 1983 to Lot 1986.

The portion of land to be transferred is shown in Attachment 2 and is situated at the northern end of Lot 1983 adjacent to Wahkinup Road.

Wahkinup Brook flows through a portion of the land being transferred.

In November 2008 Council approved the development of a feedlot on Lot 1983. This was for less than 500 head of cattle and is located on the southern boundary of Lot 1983, as shown in Attachment 2.

CONSULTATION

Applicant

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

Within the draft Local Rural Strategy the subject land is situated in the BBR3 Eastern Policy Area.

Recommendation 8 of the Strategy states that in relation to boundary realignments that:-

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.

Recommendation 13 states that:

That for the purpose of the above provision a "lifestyle" lot is defined as having a minimum area of 20 hectares (being within 10kms of the townsite).

The inference is that where the land is more than 10 kms from the town then even boundary realignments must comply with the normal subdivision lot size of 80 hectares.

COMMENT

The reason for the boundary realignment is that the creek isolates the very northern portion of Lot 1893 making it difficult to access from the south and Lot 1986 already has access to the northern portion of the land.

As the revised lots will still have areas in excess of 80 hectares there is no objection to the application.

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.1.2

MOVED: Cr Downing

SECONDED: Cr Muncey

That Council advise the Western Australian Planning Commission that it supports the proposed boundary realignment of Lots 1983 and 1986 Wahkinup Road Scotts Brook as the application is consistent with the provisions of the Local Rural Strategy.

CARRIED 6/0

Res 176/10

10.1.3 Telecommunications Facility Lot 5241 Stanton Road

ITEM 10.1.3 WITHDRAWN

11 CONFIDENTIAL MATTERS

Nil

12 CLOSURE OF MEETING

There being no further business the Acting Shire President, Cr Tony Doust, thanked visitors, Councillors and staff for attending and declared the meeting closed at 4.55pm