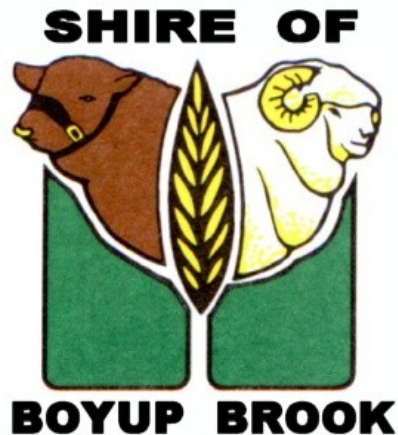


MINUTES



ORDINARY MEETING

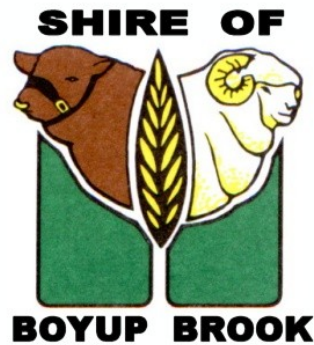
HELD

THURSDAY 15 DECEMBER 2011

COMMENCED AT 3.30PM

AT

SHIRE OF BOYUP BROOK CHAMBERS
ABEL STREET – BOYUP BROOK



SHIRE OF BOYUP BROOK

NOTICE OF ORDINARY COUNCIL MEETING

To:-

Cr M Giles – Shire President
Cr K Moir – Deputy Shire President
Cr G Aird
Cr E Biddle
Cr T Dust
Cr P Kaltenrieder
Cr B O’Hare
Cr T Oversby
Cr R Walker

The next Ordinary Council Meeting of the Shire of Boyup Brook will be held on Thursday 15 December 2011 in the Council Chambers, Shire of Boyup Brook, Abel Street, Boyup Brook – commencing at 3.30pm.

Mr Alan Lamb
Chief Executive Officer

Date: 1 December 2011

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

3.30

1.1 Attendance

Cr M Giles – Shire President
Cr K Moir – Deputy President Arrived at 6.15pm
Cr G Aird
Cr E Biddle
Cr P Kaltenrieder
Cr B O'Hare
Cr T Oversby
Cr R Walker

STAFF: Mr Alan Lamb (Chief Executive Officer)

PUBLIC: Nil

1.2 Apologies

Mr John Eddy (Manager of Works & Services)

1.3 Leave of Absence

Cr A Doust

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

Nil

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Oversby

BRVMA - Cr Oversby reported that he would be attending the next Blackwood River Marketing Association meeting.

Cr Biddle

Tourism Association - Cr Biddle reported that the association was doing a strategic plan.
Therapeutic Pool Committee – Cr Biddle reported that he had attended a meeting of this committee, where the committee expressed its frustration, on behalf of the Shire President.

Cr Kaltenrieder

Various – Cr Kaltenrieder reported that he had been approached about the following:

- Picnic area at Jays Road Bridge was a fire hazard
- Cummings Road was washed out on a regular basis
- Access from John Rich's place, at the Bridge Street, Abel Street intersection, to the road in Abel Street was not possible due to the footpath railing.
- Sale yard had weeds that needed attention.
- Lions Park had introduced plant species.

Cr Aird

Rylington Park Committee – Cr Aird reported that he had attended a meeting of the committee where it was noted that the committee needed funding for improvements, Graham Baesjou (Deputy CEO SWDC) attended the meeting to provide funding advice, shearing schools had been well attended, funding assistance was needed from the Shire for ladies day 29 March 2012, and there was a request for a link on the Shire web site.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 17 November 2011

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 5.1

Moved Cr Oversby

Seconded Cr O'Hare

That the minutes of the Ordinary Meeting of Council held on Thursday 17 November 2011 be confirmed as an accurate record.

Carried 7/-

Res 254/11

6 PRESIDENTIAL COMMUNICATIONS

The President reported that he had:

- Met with Graham Baesjou (Deputy CEO SWDC) and the CEO (Shire) regarding a potential biomass project.
- Attended the South West Zone of WALGA meeting in Collie
- Met with the Bunbury Wellington Group of Councils in Collie to discuss options for joining for the regional portion of the CLGF.
- Attend the Primary School and High School end of year functions.
- Attended the Regional Road Group meeting where, among other things, the end of TIRES funding was discussed.

7 COUNCILLORS QUESTIONS ON NOTICE

Nil

8 REPORTS OF OFFICERS

8.1.1 MANAGER WORKS & SERVICES

No Report

8.2 FINANCE OFFICER

8.2.1 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>6 December 2011</i>
Author:	<i>Kay Raisin – Finance Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</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 November 2011.

COMMENT

Accounts are presented for consideration 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 2011/12 or authorized by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.1

Moved Cr O’Hare

Seconded Cr Biddle

That the payment of accounts for November 2011 as presented totalling \$434,808.74 and as represented by cheque voucher numbers 18787-18814 totalling \$65,481.26 and accounts paid by direct electronic payments through the Municipal Account totalling \$369,327.48 be endorsed.

Carried 7/-

Res 255/11

8.2.2 November 2011 Monthly Statements of Financial Activity

<i>Location:</i>	<i>Not applicable</i>
<i>Applicant:</i>	<i>Not applicable</i>
<i>File:</i>	<i>FM/10/003</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>6 December 2011</i>
<i>Author:</i>	<i>Kay Raisin – Finance Officer</i>
<i>Authorizing Officer:</i>	<i>Alan Lamb – Chief Executive Officer</i>
<i>Attachments:</i>	<i>Yes – Financial Reports</i>

SUMMARY

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended 30 September 2011 and Investment Schedule for the month ended 30 November 2011.

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.

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 8.2.2

Moved Cr Biddle

Seconded Cr O’Hare

That the November 2011 Monthly Statements of Financial Activity as presented, be received.

Carried 7/-

Res 256/11

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Approval for a Firearms Repair Workshop

Location:	<i>519 (Lot 1)Walshaws Road, Kulikup</i>
Applicant:	<i>Jason Webb</i>
File:	<i>AS15020</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>5 December 2011</i>
Author:	<i>Wayne Jolley (EHO/Building Officer)</i>
Authorizing Officer:	<i>Alan Lamb (CEO)</i>
Attachments:	<i>Site plan Letter from Jason Webb</i>

SUMMARY

A Planning Application has been received to establish a firearms repair workshop at Lot 1 Walshaws Road, Kulikup.

It is recommended that approval be granted subject to conditions.

BACKGROUND

This 40 ha rural zoned property is owned and occupied by Jason Webb and his wife. Mr. Webb is a qualified gunsmith and a member of the Boyup Brook Handgun Club, who proposes to establish a small business in firearms repair at his property.

In his application to the Police for a license to conduct this activity, he is required to provide a letter of approval from the Shire. His request has triggered this planning application.

COMMENT

The Shire's Town Planning Scheme No 2 (Zoning Table) does not specifically mention a firearms repair workshop but "Home Occupation" is a reasonable fit, which use is permitted on a rural property with Council's consent.

There are a number of conditions that apply to "Home Occupation" that relate to:

- Amenity of the neighbourhood (e.g. noise, fumes, smoke etc.);
- Employment of other persons;
- Area of operations (less than 20m²);
- Provision of extra services;
- Signage greater than 0.2m²;
- Compatibility with principle use of the area (farming) and generation of traffic; and
- Presence of commercial vehicles.

Mr. Webb's application complies with all of the above inasmuch as there will be no negative impact on the amenity of the area, he will be the only person employed, the activity area is less than 20m², there will be very little associated traffic and no commercial vehicle. There will be no test firing of firearms on the property.

In processing the application for a Repairers License, the Police will consider:

- Qualifications;
- Security;
- Storage;
- Stock control; and
- Business Plan.

The proposed enterprise is low key and in keeping with the area. The application is therefore supported.

It is noted that Council approved as a Home Occupation, a similar application for a firearms dealer in May 2010 for a property in Winnejup Road, Mayanup.

CONSULTATION

- Mr. Webb
- Police Department
- Geoffrey Lush – Consultant Planner

STATUTORY OBLIGATIONS

The subject land is zoned Rural under Town Planning Scheme No 2. A "Home Occupation" is an AA use meaning that it is a use which Council, in exercising the discretionary powers available to it, may approve under this Scheme.

POLICY IMPLICATIONS

Council does not have a policy on this matter.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.1

Moved Cr Oversby

Seconded Cr Kalenrieder

That Council approve the use and development of Lot 1 Walshaws Road, Kulikup for the purpose of a firearms repair workshop (home occupation) subject to the following conditions:

1. The development hereby approved shall occur in accordance with the application submitted to Council and this shall not be altered or modified without the prior written approval of the Council.
2. The use shall comply with the definition of Home Occupation in the Town Planning Scheme.
3. An on-site sign having a maximum area of 0.2 square metres may be erected in accordance with the requirements of Council
4. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, 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 7/-

Res 257/11

8.3.2 Boyup Brook Hotel – Effluent Disposal Pond

Location:	<i>Reserve 23055 on Plan 3190</i>
Owner:	<i>Public Transport Authority of Western Australia (PTAWA)</i>
Lessee	<i>Lenese Pty Ltd</i>
Hotel Owner	<i>Lenese Pty Ltd</i>
Hotel Lessee/Licensee	<i>Winbar Pty Ltd (Peter Mansfield)</i>
File:	<i>A800</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>6th December 2011</i>
Author:	<i>Wayne Jolley – Environmental Health Officer</i>
Authorizing Officer:	<i>N/A</i>
Attachments:	<i>Documented History of Hotel Effluent Disposal Addenda to Agenda Item</i>

UPDATE

This report was submitted to Council's meeting in November 2011 with an Addenda which explained that an investigation by the Boyup Brook Hotel (and Darren Peck), cast some doubt on the nature of the effluent disposal system and the role of the effluent pond.

Since then, a further test whereby 2,400 litres of dyed water was discharged into the system, has confirmed that the effluent disposal pond is the primary means of disposal. The role of the French drains exposed in the previous test and the route of the drainage line across the Railway Reserve is subject to further investigation. In particular, Mr Gaveny from the Hotel intends to map the path of the drainage line.

SUMMARY

Effluent disposal at the Boyup Brook Hotel has a long and difficult history, documented back to 1949. Its current system is an effluent pond on land leased from the Public Transport Authority of WA (PTAWA) and located on the Railway Reserve.

In October 1996, the Shire issued an Order under the Health Act for the Hotel to investigate and install a suitable alternative effluent disposal system. The Order was suspended by Council in March 1997 because Deep Sewerage was thought to be imminent. A further Order was issued in April 1998, requiring that the pond be cleared of vegetation and securely fenced. A suitable fence does not appear ever to have been installed.

The effluent pond appears to have been largely forgotten or ignored until recently, when leaks in the effluent line connecting the Hotel to the pond and clearing works around the pond have exposed the system and its deficiencies. Action needs to be taken to either re-construct the pond to a safe and satisfactory standard or find a suitable alternative system. Whatever the system, Department of Health approval will be necessary.

The drainage line from the Hotel to the effluent pond has on a number of occasions blocked with resultant effluent discharge to open ground. It presumably crosses the north running lane of Bridge Street to the medium strip and runs down towards and crosses Railway Parade to the railway reserve, through two manholes before reaching the pond. It traverses both Shire and PTAWA land but the Shire has no record of agreements between the Hotel and owners of the land in this respect, or in respect to vehicle access (for maintenance) to the PTAWA land leased by the Hotel for the purpose of effluent disposal.

Inquiries have revealed that the Water Corporation will not reconsider a town sewerage scheme in Boyup Brook for at least four years. It is therefore recommended that Council authorize a modified 1996 Order to ensure that a suitable alternative system is installed, or the effluent pond is re-constructed to an acceptable standard.

BACKGROUND

A summarized chronological history of the Hotel sewerage system derived from Shire records is as follows:

- 1949 – 1955: Wastewater problems noted at the Hotel. Health Department recommend sedimentation tank plus 2 x 30m French drains at Railway Reserve.
- 1959 – 1963: Notes made that system is variously operating satisfactory or malfunctioning.
- 1970: Information about a lagoon (effluent pond) is provided by Health Department.
- 1974: Health Department advise that French drains inoperative and that either an aerobic pond or leach drains should be provided.
- 1995 – 1996: Complaints received and investigations made in relation to the effluent pond. (Note - no record of an approval by either the Shire or the Health

Department can be found, although both acknowledge that it exists). Letters are exchanged between the Shire and Hotel owners/lessees.

- 18 October 1996: Shire issue an Order under the Health Act declaring the effluent pond to be an unsuitable system and requiring investigation of alternative systems for wastewater disposal and submission of suitable design, followed by installation of the system and decommissioning of the effluent pond.
- Period following: Exchange of letters between Shire and Hotel representatives about cost of an alternative system and a town sewerage scheme.
- March 1997: Shire advised Hotel representatives that a town sewerage scheme is imminent and consequently the Order of October 1996 was suspended subject to maintenance of the pond, provision of a secure fence and connection to sewer as soon as it became available.
- Period to April 1998: Various exchanges of correspondence between the Shire and the Hotel about vegetation and fence at the pond and connecting drainage line leaks.
- April 1998: The Shire issues a Notice under the Health Act, on the Hotel, to remove vegetation from the pond and install a perimeter fence.
- Following period to August 2000: Various notes are recorded about Shire inspections, wastewater line leakages and subsequent repairs.
- February 2010: Leak in wastewater line at Bridge Street median strip.
- July 2011: PTAWA threaten to foreclose on Hotel lease of Railway Reserve because of failure of lessee to provide indemnity insurance in relation to the effluent pond. Subsequently, the requirement is met by the lessee.

After inquiries by the Shire:

- The Water Corporation advised by email on 19th July 2011, that Boyup Brook is not included in the 3-4 year priority list for infill sewerage announced by the Minister on 24th June 2011. While Boyup Brook remains on the infill Sewerage Program list of projects, no time has been set for works to commence.
- The Department of Health advised that it has no records of this case.

COMMENT

While a record of original design and approval for this effluent pond cannot be found, tacit approval is implied through acknowledgment of the facility by both the Shire and the Health Department. However, in its Notice of October 1996, the Shire also declared the pond to be an unsuitable method of disposal.

Presently, the pond is little more than a roughly rectangular hole in the ground (approximately 9m x 4m), of indeterminable depth. It lacks definition, clear, properly battered, hard surfaced banks (to withstand erosion) and it is not fenced in any way (this is contrary to relevant regulations). The level of effluent is quite high and the northern bank is breached, possibly to relieve the level of effluent while recent attempts were made to clear a blocked effluent line.

There is a long history of failure to comply with requirements to maintain the pond clear of vegetation and to provide a suitable fence (i.e. 1.8m high link-mesh with a locked gate). There has been some recent work to clear vegetation from the pond and its banks but more needs to be done to meet an acceptable standard. Several complaints have recently been made in this respect or regarding leakage from the drainage line taking effluent to the pond. These matters now need to be redressed for a long term solution.

The capacity of the pond is unknown. It is unknown whether the pond was designed as a temporary or a permanent facility and it unknown what wastewater flow rates were used.

It may be that the business of the Hotel (and therefore the wastewater flow) has diminished since the 1970's when the pond appears to have been installed but that too is unknown. Whatever was originally sanctioned in terms of its capacity, only full containment (i.e. zero overflow) of effluent within the system would be acceptable today.

The actual grounds of the Hotel building (corner of Abel and Bridge Streets) almost certainly does not have the capacity to support an on-site wastewater disposal system. Without a town sewerage scheme, the Hotel must rely on the Railway Reserve (or another site) for wastewater disposal. However, there have been some advances in wastewater disposal systems since the mid 1990's, particularly in Alternative Treatment Unit (ATU) technology. Accordingly, there may be a more suitable, environmentally friendly system that can be utilized at the present location. This issue should certainly be explored.

The matter of agreements between the owners of land used for the drainage line from Hotel to effluent pond should also be resolved at this point so that there is clarity regarding:

- Responsibility for maintenance of the drainage line; and
- Legal access for maintenance of the drainage line and the pond.

The dilemma is the cost and practicability of a new system versus a refurbished pond system against the backdrop of a possible town sewerage scheme. The ideal solution is clearly connection of the Hotel to a sewerage scheme. However, present indications are that a sewerage scheme could not be contemplated in Boyup Brook before 2016 and there is no certainty thereafter. A satisfactory long term solution therefore needs to be found in respect to wastewater disposal for the Hotel.

CONSULTATION

Discussions with:

- Hotel Licensee
- Department of Health
- Water Corporation

STATUTORY OBLIGATIONS

Health Act 1911

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

There is no known budget or financial implications

STRATEGIC IMPLICATIONS

There are no known strategic issues

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Deleterious environmental affects can arise if the effluent pond overflows into Boyup Brook.

- **Economic**
There are no known economic issues.
- **Social**
If the Hotel is unable to satisfactorily resolve this problem, it may be forced to close.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.2

Moved Cr Biddle

Seconded Cr Kaltenrieder

1. That Council approve a Notice under S108 of the Health Act 1911, requiring the owners/occupiers of the Boyup Brook Hotel to:
 - Install a suitable fence around the effluent pond on Reserve 23055, within a period of 1 month [R 50(f) of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Wastes) Regulations 1974*];
 - Submit application to the Department of Health for the reconstruction of the effluent pond system within a period of 3 months and/or
 - Investigate alternative wastewater disposal systems to service the Boyup Brook Hotel at 67-68 Abel Street, Boyup Brook; and
 - Within a period of 3 months, submit a proposal, acceptable to the Department of Health, for the long term treatment and disposal of wastewater from the Boyup Brook Hotel;
 - Subject to the approval of the Department of Health, install said wastewater disposal system, within a further period of 2 months;
 - If applicable, decommission the existing effluent pond at Reserve 23055.
2. That the owners of the Boyup Brook Hotel be required to clarify rights and responsibilities in relation to the drainage line running through Shire and PTAWA land and in relation to access to the leased PTAWA land.

Carried 7/-

Res 258/11

8.3.3 Leasing of Shire assets

Location:	<i>Portion of Lot 59 Able Street, Reserve 12315</i>
Applicant:	<i>Boyup Brook Tourism Association</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>6 December 2011</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>A summary of the lease arrangements and a copy of the draft lease</i>

SUMMARY

The purpose of this report is to put before Council the draft lease for review and adoption.

BACKGROUND

As directed by Council, Administration has been working on leasing Shire assets to community groups that use them. The attached draft lease is now presented for Council's consideration.

The draft (attached) has been developed in consultation with the Boyup Brook Tourism Association and the group is now prepared to sign the lease.

If Council resolves to accept the lease agreements the process is for the lawyer to draw up signing copies, the President and CEO would witness the Shire's seal and the Association would sign in accordance with whatever their constitution provides for (probably also a seal and witnesses to the affixing). As this asset is on a Reserve, three copies are signed and then sent to the Minister for Regional Development for approval and signing.

COMMENT

It was agreed that arrangements for Council's annual funding contribution and provision of the Community Development Officer for one day per week would be better dealt with outside the lease agreement. Council's legal adviser suggests that agreements such as this one, and the St John Ambulance and Country Music Club agreements, might be best dealt with using a Memorandum of Agreement (MOU). Administration is working on MOUs for these groups with the intention that the draft agreements come before Council before the 2012/13 budget process is completed.

It is recommended that Council adopt the lease agreement and approve the affixing of the Shire Seal.

CONSULTATION

There has been extensive consultation with the group regarding their lease and it is prepared to sign the draft as presented.

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**
It is expected that formalising the existing informal arrangements with community groups that use Shire assets will provide more certainty about rights and obligations, provide more security and enhance each group's planning.

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.3

Moved Cr O'Hare

Seconded Cr Walker

That Council

1. adopts the draft lease agreement as attached to the agenda for the following entity and property:
Boyup Brook Tourism Association, Lot 59 Able
2. Approves the affixing of the Shire Seal on the four lease agreements.

Carried 7/-

Res 259/11

8.3.4 Transfers to Reserve

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	7 December 2011
Author:	Alan lamb
Authorizing Officer:	Not applicable
Attachments:	excerpt from audited financial report

SUMMARY

The purpose of this report is to recommend that Council transfer funds to reserve accounts.

BACKGROUND

It will be noted from the audited financial accounts for 2010/11 that there was a surplus of \$938,955. \$393,738 of this is attributed to carried forward works etc. \$352,238 was committed funds, that is grant funding that had been received in that year for specific projects but had not been fully expended and the first quarterly payment of the Grants Commission grant for 2011/12 paid in 2010/11. And \$41,500 related to Council funded works that had not been completed in 2010/11 and were carried over to 2011/12. After deducting these amounts \$545,217 was available for use in 2011/12.

COMMENT

Council, through its Audit and Finance Committee, has made it a practice to budget for each year's operation without taking into account the surplus from the previous year. Taking this principal, the surplus that was not committed or had conditions over it should be reserved for future use.

It is noted that well prepared planning is now required to attract grant funding and that the cost of developing the necessary facility studies, business cases and the like can be high. It is therefore recommended that a new Reserve Fund be established for this purpose and that a portion of the surplus be transferred to this Reserve

It is recommended that the fund be called the Forward Planning Reserve Fund and that the purpose be (using similar terminology to that used for current Reserves):
To be used for the planning (feasibility studies, business cases and the like), of significant projects.

It should be noted that part of the planning for any project will be to address the ongoing costs and how these would be met. It is apparent that there are funding sources for the capital costs of a project but often there is none for the upfront planning or ongoing costs and so good planning is vital for sound decision making as well as being required by funding bodies.

Council has an existing reserve, the Commercial Reserve, where the purpose is "to be used for future economic development, enhancement and promotion of the district." This appears to have been used as a general reserve which is not permitted and so Council may wish to refer this Reserve to its Audit and Finance Committee for review leading up to the 2012/13 budget development. In the interim though it is recommended that some of the surplus be transferred to this Reserve.

The integrated planning process being undertaken will no doubt highlight the need for capital works going forward. Some will be replacement works such as say the erection of a new building to replace a number of old structures and some might be new works. Either way there will be the need for well prepared plans and perhaps some of Councils own resources funding. The 2012/13 budget will provide Council with the opportunity to move reserve funding (see Statutory Obligations), create new reserves etc as needed to better align with the forward financial plan that will be produced as part of the integrated planning process. Council may wish to delegate to the Audit and Finance Committee the task of reviewing all reserve funds for alignment with the forward financial plan.

It is recommended that Council transfer \$200,000 to the Forward Planning Reserve Fund and \$345,217 to the Commercial Reserve Fund.

CONSULTATION

The author has spoken with the President, consultant Engineer and staff.

STATUTORY OBLIGATIONS

The following section of the Local Government Act has application:

6.11. Reserve accounts

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.
- (2) Subject to subsection (3), before a local government —
 - (a) changes* the purpose of a reserve account; or
 - (b) uses* the money in a reserve account for another purpose,

it must give one month's local public notice of the proposed change of purpose or proposed use.

** Absolute majority required.*

- (3) A local government is not required to give local public notice under subsection (2) —
 - (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or
 - (b) in such other circumstances as are prescribed.
- (4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.
- (5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

The following Regulation in the Local Government (Financial Management) Regulations have application:

17. Reserve accounts

- (1) A reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside.
- (2) In the accounts, annual budget and financial reports of the local government a reserve account is to be referred to —
 - (a) in the information required by regulations 27(g) and 38, by its full title; and
 - (b) otherwise, by its full title or by an abbreviation of that title

38. Reserve account information

- (1) In relation to each reserve account, the annual financial report is to include details of —
 - (a) the purpose for which the money in the account is set aside;

- (b) the amount set aside during the financial year;
 - (c) the amount used during the financial year;
 - (d) the opening balance brought forward on 1 July;
 - (e) the closing balance at 30 June;
 - (f) if the money held in a financial institution or institutions is insufficient to match the corresponding asset account in the balance sheet —
 - (i) the extent of the insufficiency;
 - (ii) the reason for the insufficiency; and
 - (iii) when the insufficiency is likely to be made up;
 - (g) when the local government anticipates the money in the account will be used; and
 - (h) if the purpose of the account was changed or if money in the account was used for another purpose —
 - (i) the purpose for which the money was used;
 - (ii) the amount changed or used; and
 - (iii) the objects of, and reasons for, the change or use.
- (2) In relation to an asset re-valuation reserve established in accordance with the AAS, the annual financial report is not to include the details set forth in subregulation (1).

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil, the recommendation is to transfer funds to Reserve accounts and so there is no expenditure. Movements out of Reserve funds are controlled by Council through the budget process where the budget may provide for a transfer to pay for something. A Council resolution is required (absolute majority decision) for transfers at other times and these actions are generally prompted by officer reports with recommendations.

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 8.3.4

Moved Cr Oversby

Seconded Cr Aird

That Council:

1. Establish a Forward Planning Reserve Fund to provide funds to be used for future economic development, enhancement and promotion of the district.
2. Transfer, from the Municipal Fund, \$200,000 to the Forward Planning Reserve Fund and \$345,217 to the Commercial Reserve Fund.
3. Request that the Audit and Finance Committee conduct a review of the Commercial Reserve Fund leading up to the 2012/13 budget development.
4. Request that Audit and Finance Committee review all Reserve Funds for alignment with the forward financial plan once it has been completed.

Carried 7/-

Res 260/11

8.3.5 WAPC Subdivision Approval 112149 – Notification on Title

Location:	<i>Lots 6, 9 and 100 Six Mile Road</i>
Applicant:	<i>T Mondy</i>
File:	<i>AS 7960</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>6 December 2011</i>
Author:	<i>Alan lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Copies of relevant correspondence</i>

SUMMARY

The purpose of this report is to put before Council Mr Mondy's request for notifications on titles for lots 6, 9 and 100 Six Mile Road to be removed with the recommendation that this be agreed to.

BACKGROUND

In 1999, Mr Mondy made application to the WA Planning Commission (WAPC) to subdivide land in the Shire. It is apparent from the file that there were a number of changes to the subdivision configuration and that the matter went to Council on a number of occasions.

In December 1999, WAPC advised the Shire that it had approved the subdivision with the following condition:

Satisfactory arrangements being made with the Western Australian Planning Commission for the upgrading of the un-constructed road No 17389 to provide suitable access to proposed lots 3 and 4.

WAPC wrote to Mr Mondy on 28 September 2000 and sent a copy to the Shire advising that an alternative plan had been lodged, that the plan had been approved (Plan with WAPC date stamp 28 September 2000). The letter also advised that the condition imposed by WAPC 15 December 1999 applied.

WAPC emailed the Shire advising of another revised plan, that superseded the plan approved 29 September 2000 asking if the Shire supported the revised plan. The Shire emailed on 16 February 2001 a reply advising that Council supported the amendment on the condition that the proponent pay a road contribution towards the upgrade of Ritson Road in compliance with "Council's Road Contribution Policy" noting that the proponent had already agreed to this.

WAPC wrote to Mr Mondy 16 February 2001, copy to the Shire, advising that the revised plan date stamped 8 January 2001 is approved subject to the condition imposed by the WAPC on 25 December 1999 (it is assumed that the date is a typographical error and the letter refers to the 15 December 1999 approval and condition which is consistent with the information discovered and the 28 September 2000 decision).

Records include a plan of the subdivision that has a clearance stamp on it. The plan has a different configuration and different lot numbers to the WAPC approved plan date stamped 8 January 2001. The Surveyors Certification date on the plan is 18 February 2001 and the clearance is dated 16 February 2001.

On 22 February 2001 the Shire wrote to Mr Mondy recharging clearance of condition on subdivision 112149 and referred to correspondence confirming a road contribution relevant to the subdivision. This letter also requested a cheque for \$3,200 "which will be held in trust for the future upgrade of Ritson Road". At some point the money was paid and put into a trust fund as set out in the letter. At a subsequent audit Council's Auditor recognised that this and other road contributions had been treated incorrectly as other persons funds held by Council (and so held in trust) and they were transferred to a Road Contributions Reserve account (essentially, the funds are a contribution toward future works and so once paid become the asset of payee).

Our records include a plan of the revised subdivision (it is the same plan that was used for the clearance) that also has a WAPC stamp "Copy of survey approved 8 March 2001".

Mr Mondy wrote on 3 November 2011 seeking to have notifications on titles for "lot 6 & 9 and lot 100 removed.

COMMENT

It will be noted that the subdivision application was approved by WAPC in December 1999 and that the WAPC then allowed a number of changes to the subdivision layout. Reports to Council relating to the subdivision show that at various times it was recommended that a condition be imposed in relation to road number 17389, Sambell Road and Ritson Road.

The relevant section of Ritson Road was/is a constructed road but is not to the standard set in Council's policy for road contributions. The relevant section of Sambell Road was/is not constructed, however there is a farm access track from Six Mile road that runs parallel to it in private land. Road 17389 is a dedicated road, surveyed on one side only and there is a track that runs along part of its length. The track is not a constructed road and whilst it has not, as far as can be determined, been surveyed, it is apparent from Landgate imagery that it deviates from the road alignment and runs, at least in part, through the adjoining Timber for Settlers Reserve 18255.

It is important to note that WAPC is the controlling body for subdivisions and whilst it seeks comment and recommendations from entities such as the relevant Council it is not bound to impose any condition sought by that Council. WAPC subdivision approvals often include conditions (generally these align with what a relevant authority such as a Council sought). The conditions imposed also set who the clearing agent is. The clearing agent (a Council, FESA or another authority relevant to the condition imposed) cannot change the condition imposed but has a duty to ensure that the condition as set has been met. Clearances are handed at officer level and involve seeking evidence that that conditions have been met, possible site inspections etc and then, on payment of a fee, the subdivision plan (this plan should be the plan that was approved by WAPC, would be prepared by a Licenced Surveyor and would be the plan deposited with Landgate – becomes the deposited plan - for registration of the newly created lots) is stamped and signed certifying that conditions have been met.

The background provided and attachments provide information but in summary, the submission was approved, the plans changed a number of times after approval but WAPC appear to have seen the changes to be not significant enough to require a new application. Whilst the approved plans changed, the condition set in December 1999 remained unchanged. This condition was:

Satisfactory arrangements being made with the Western Australian Planning Commission for the upgrading of the un-constructed road No 17389 to provide suitable access to proposed lots 3 and 4.

In dealing with this condition though, Council took a road contribution of \$3,200 for Riston Road and put notification on the titles of some lots. This notification is as follows:

That no future development/planning application or residential dwelling will be approved by the Shire of Boyup Brook until the estimated road contribution is paid or access road is constructed or upgraded as required under this policy. Being the Shire of Boyup Brook Road Contribution Policy.

Council's planning adviser advises that:

The Notification itself is just that and it does not have any specific power. The reference in the Notification that Council will not approve any future planning or development application until the road is constructed is clearly "ultra vires" meaning that it is beyond Council's power to enforce.

It is unclear how the notification on title came about but it is a duplication of the contribution sought and received. Normally a Council would either seek to have the road upgrading done before the condition is cleared or seek to have a contribution paid or seek a bond being lodged for an amount equal to the agreed contribution (i.e. could be 100% of costs or something less).

It is suggested that the way forward then is to remove the notification on titles (there is a State Government fee for this and it is recommended that the applicant bear this cost.), and to advise Mr Mondy that the road contribution paid by him has to relate to Road 17389. That Council reviews its Road Contribution Policy to ensure that the standard of construction is appropriate for farm access roads. That survey and design of Road 17389 be included in the 2012/13 budget considerations and construction be considered in Council's 10 year road construction planning (a draft plan is being developed and will be put to Council in February or March 2012 leading up to the 2012/13 budget process).

CONSULTATION

The author has communicated with the applicant, Council, WAPC, consultants and staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The recommendation has no impact on the current budget, however it will impact on the 2012/13 budget and long term planning. The magnitude on the impact will be determined as part of the budget and planning processes.

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 simple

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.5

That:

1. Council agree to Mr. Mondy's request to have notification on titles to his land, being lots 6, 9 and 100 Six Mile Road removed, for Administration to commence this process and for Mr. Mondy to pay all State Government fees associated with the process.
2. The Chief Executive Officer prepares a review of Council's Road Contribution Policy for Council's consideration.
3. The Chief Executive Officer include survey and design for Road 17389 in the draft 2012/13 budget and construction of this road in the draft 10 year works planning for Council's consideration.

MOVED INTO COMMITTEE

Moved Cr Oversby

Seconded Cr O'Hare

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 7/0

Res 261/11

Cr Oversby left the Chambers at 5PM and returned at 5.01PM

MOVED OUT OF COMMITTEE

MOVED: Cr Oversby

SECONDED: Cr Biddle

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

CARRIED 7/0

Res 262/11

MOVED: Cr Walker

SECONDED: Cr Kaltenrieder

That:

- 1. Council agree to Mr. Mondy's request to have notification on titles to his land, being lots 6, 9 and 100 Six Mile Road removed, for Administration to commence this process and for Mr. Mondy to pay all State Government fees associated with the process.**
- 2. The Chief Executive Officer prepares a review of Council's Road Contribution Policy for Council's consideration.**
- 3. The Chief Executive Officer include survey and design for Road 17389 in the draft 2012/13 budget and construction of this road in the draft 10 year works planning for Council's consideration.**

Lost 1/6

Res 263/11

MOVED Cr Oversby

Seconded Cr O'Hare

- 1 That the matter be left pending legal advice.**
- 2 The Chief Executive Officer prepares a review of Council's Road Contribution Policy for Council's consideration.**

Carried 7/-

Res 264/11

NOTE

Council felt it to be prudent to seek legal advice before proceeding with this matter.

Adjournment 5.10 PM

Council reconvened with all present at 5.24 PM

8.3.6 Shire Web Site

Location:

Applicant:

File:

Disclosure of Officer Interest: None

Date: 7 December 2011

Author: Geoff Carberry - Senior Administration Officer

Authorizing Officer: Alan Lamb - Chief Executive officer.

Attachments: Nil

SUMMARY

The purpose of this report is to bring before Council the results of investigations regarding the Shires website.

BACKGROUND

In 2005 the current Shire of Boyup Brook website was established being hosted by MySouthWest.

Mysouthwest.com.au is a not for profit, community portal for the South West of Western Australia. Its primary purpose is to encourage the use of technology for Community, Business, and Government in the South West. Any funds generated by the services of the mysouthwest.com.au web portal are used to continue the community work the organisation undertakes.



COMMUNITY

All community, not for profit organisations are encouraged to participate in the My South West Web Site. This is an excellent opportunity for them to promote their services to the wider community. This can be achieved by:

- One Free listing in the directory
- Discounted web site templates

GOVERNMENT

Mysouthwest.com.au works with Government agencies to ensure that up to date government information is available to people of the south west.

In addition, mysouthwest.com.au also “spiders” Local, State and Federal government sites to “pull” current information to the My South West web site. This allows someone to search for a topic without having any understanding of the structure of government. An example is if someone searches for water conservation, they would receive results from Local (their policy and by-laws), State (Waters and Rivers, water boards, conservation etc) and Federal Government (Federal programs). These results would link directly to the appropriate page within the agencies web page. This information is centralized into the My South West keeping easily found up to the minute information available to user.

BUSINESS

Mysouthwest.com.au is committed to being an IT enabler for business. To encourage local businesses to “give it a go” we offer the following:

- One Free directory listing
- Free IT advice
- Web site template
- Shopping Cart facilities

The aim is to demonstrate to businesses that e-commerce can work for them in a low cost/low risk environment.

History of MySouthWest.com.au

In late 1999, it was identified by the [Bunbury Chamber of Commerce & Industries Inc.](#), the [Leschenault Business Enterprise Centre](#) and the [South West Development Commission](#) that the Internet was a medium that individuals and organisations were increasingly using to purchase or find information on goods and services. Before Mysouthwest, it was very difficult to search for organisations and groups that were only in the South West Region of Western Australia. A group came together to take this further and hence the South West Internet Committee was set up as a committee of the [Bunbury Chamber of Commerce & Industries](#).

The concept of Mysouthwest initially was a business, community and government directory system where every organisation in the South West was listed for no cost. Banner and other advertising services and products were also introduced to obtain income for the Web Site, in order to assist My South West to become financially self-sustaining.

In the very beginning of Mysouthwest the Management of the Web Site was undertaken by the [Bunbury Chamber of Commerce & Industries](#) through a voluntary committee, the South West Internet Committee. This was made up of over fifty members of the IT and business communities throughout the South West region. Due to its size, a smaller Management Committee handles the major decisions and day-to-day management of Mysouthwest. All members of the Management Committee also give their time on a volunteer basis.

The State Labour Government in its 2001 election policy commitments made it a matter of priority to initiate a program known as South West Online and committed \$2.2 million to implement this program.

The purpose of this program is to encourage households, businesses, government agencies and community groups to embrace technology.

In March 2003 Connect South West was formed to implement this program. The Board of Management consisting of the [South West Regional College of TAFE](#), [Edith Cowan University](#), [The City of Bunbury](#), [Leschenault Business Enterprise Centre](#), South West Chambers of Commerce, [South West Development Commission](#), Regional Representatives and Industry developed strategies to see this program come to fruition.

Being created in that era the website was created to be an information platform, and not a marketing tool. Websites at this time were very restricted as to how the information could be displayed.

Websites and the web in general have now taken a more active role in marketing.

At the October meeting of Council the following was resolved:

MOVED: Cr Biddle

SECONDED: Cr Oversby

That the CEO be requested to obtain information on the costs of employing a professional website designer, with the aim of employing such a person to redesign and maintain the Shire website so that it is always appealing, accurate and comprehensive.

CARRIED 9/0

Res 230/11

COMMENT

Investigations in accordance to Councils directions have revealed that the "website industry" has a large number of participants that do not meet the definition of a "Professional", many are just back yard operators that have some knowledge on part or all the requirements to build, host and maintain a web site.

Web sites consist of several areas all of which attract differing fees.

Domain Name - that by which is used to address the website, Typically these attract a fee of \$90 to \$200 per year and may not be transferable between ISP suppliers. Therefore changing provider's means changing the web site address, with associated cost of changing stationary and advertising the change to users.

Host (ISP) - where the web site is housed.

The fees in this area have the greatest differentials and variances. Most are tied to the amount of hosting space required and the amount of traffic to the web site. Currently we pay \$50 per year for hosting and unlimited traffic. Other typical fees range - Westnet between \$160 - \$300 per annum depending on space and traffic with additional costs if limits are exceeded. Levels of support also greatly vary from nil to full support. It is hard to list the actuals as no two suppliers indicate their charges in the same way.

Design - how the site actually looks and works.

Points to consider is who will be accessing the site and why. Whilst the site should reflect the Shire corporate image it must be taken into consideration that complicated pages cause slow access issues especially if being accessed by dial up services, not everyone has high speed broadband access. The current layout of the site is functional in providing reasonable access speeds but is showing its age. Layouts also tend to be reflections of the person who builds or maintains the site.

Numerous persons both classed as professional and non professional have been canvassed as to costs of redesigning or designing a new website. Redesigning the current site using modern software and technics is possible and has been offered by the current host (MySouthwest) for a fee of less than \$3000. New designs have ranged from \$2500 to \$3900. Typical hourly rates vary from \$65 to \$120 with approx 30 hours design time, but again this varies with no firm commitment being given only approximations. In addition to the design time the current information on the site needs to be transferred to the new site which is additional cost and will take another 15-20 hours. A local part time supplier has quoted approx 45 hours at \$65 per hour (approx \$2925 design & transfer not host and update), it could be argued that she does not meet the definition of a professional.

Data Maintenance - maintaining the sites data to be relevant and up to date.

Critical to the successful operation of any web site is the actual data held on the site. Currently the site is being maintained by Shire administration staff, whilst most information is current, further information should be considered for publication and a full audit should be completed twice a year to ensure accuracy of data and to verify any links to other sites. Should this facet of the web site be out-sourced, Shire staff still have to prepare and send the required information to be up loaded and also check to ensure the information has been correctly placed on the website resulting little or no cost saving to the Shire. Some providers limit uploads and do not provide support or back ups to data should corruption occur. Again costs for these up loads to be carried out would be at rates much higher than Shire staff rates.

Considering all factors it would be prudent not to change from the current host as the level of support is known, costs are more than comparable with other providers. Costs for redevelopment of the site by the current supplier are well with the range of other professional services, if as good as some non professional services. No transfer of data costs would be involved with its additional costs and interruptions. In addition the officer now responsible for the web site and IT has had 6 years experience in building and maintaining other web sites on the same platform as the Shires. His experience will give staff a better understanding of the service to be provided from the web site.

Costs to redesign and therefore change hosts and domain name are approximated to be in excess of \$4500 depending on the combination of suppliers selected, ongoing cost would also rise from \$50 per year to again an estimated cost of approx \$1500 per annum depending traffic and amount of updates.

An important point is that the Shire needs to look at its corporate image so that all correspondence and the web site reflect a common point of view.

CONSULTATION

Fleur Mead (local)
My southwest
Web Design Services
Westnet
Dodo
Various other design and host providers

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The current Budget E147025 IT Systems Operation and Maintenance has \$1000 allocated any further expenditure would require re allocation of funds.

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 8.3.6

That Council leaves the web site with the current provider and makes a further budget allocation of \$2000 so as a total of \$3000 be allocated to "Web site & Charges" for the redevelopment of the current web site to meet corporate expectations in line with the Shires agreed corporate image.

MOVED INTO COMMITTEE

Moved Cr Oversby

Seconded Cr Biddlee

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 7/0

Res 265/11

MOVED OUT OF COMMITTEE

MOVED: Cr Oversby

SECONDED: Cr Kaltenrieder

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

CARRIED 7/0

Res 266/11

MOVED; CR Kaltenrieder **SECONDED: CR Oversby**
That Council leaves the web site with the current provider and makes a further budget allocation of \$2000 so as a total of \$3000 be allocated to "Web site & Charges" for the redevelopment of the current web site to meet corporate expectations in line with the Shires agreed corporate image.

MOVED; CR Biddle

SECONDED: CR O'Hare

That the motion be put.

Carried 5/2

Res 267/11

The motion was put

Lost 2/5

Res 268/11

A request was made to record votes

For

Cr Kaltenrieder

Cr Giles

Against

Cr Aird

Cr Walker

Cr Biddle

Cr O'Hare

Cr Oversby

CR Moir entered the chambers at 6.15pm

MOVED: CR Biddle

SECONDED: CR Oversby

That the main structure of the current website be retained and that an advisory committee be formed to report back to Council on recommended renovations to the web site with the term being until the next Council election, That the committee consist of two Councillors and three community members. That Cr Biddle and Cr Aird be appointed to the Committee.

4/4 Lost on casting vote of President 4/5

Res 269/11

A request was made to record votes

For

Cr Aird

Cr Biddle

Cr O'Hare

Cr Oversby

Against

Cr Giles

Cr Kaltenrieder

Cr Walker

Cr Moir

MOVED: Cr Moir

SECONDED: Cr Giles

That the main structure of the current website be retained and that an advisory committee be formed to report back to Council on recommended renovations to the web site with the term being until the next Council election, That the committee consist of two Councillors and two community members. That Cr Biddle and Cr Aird be appointed to the Committee.

Carried 7/1

Res 270/11

A request was made to record votes

For

Cr Aird

Cr Kaltenrieder

Cr O'Hare

Cr Walker

Cr Oversby

Cr Moir

Against

Cr Biddle

NOTE

Council felt that it needed to have more input into the process

8.3.7 Rezoning – Lot 734 Banks Road from 'Rural' zone to 'Special Rural'

Location:	<i>Lot 734 Banks Road</i>
Applicant:	<i>Harley Global</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>5 December 2011</i>
Author:	<i>Geoffrey Lush</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>1 Proposed Subdivision Guide Plan</i>

SUMMARY

This report is presented to consider a request to rezone 734 Banks road from 'Rural' zone to 'Special Rural' and to include special provisions into Schedule 3 'Special Rural' zones.

The subject land is owned by AJR Doust.

The amendment was referred to the EPA which did not have any advice or recommendations. Consequently it has been advertised and referred to various agencies. Nine submissions were received and this includes an objection from FESA relating to fire management.

It is recommended that Council:

- Adopt the amendment for final approval subject to several modifications; and

- Defer adoption of the draft subdivision guide plan until the fire management plan has been submitted and approved by Council and FESA.

BACKGROUND

Council at its Meeting of the 15 September resolved to

- Adopt Amendment No 13 for final approval subject to various modifications
- Defer adoption of the draft subdivision guide plan until the fire management plan has been submitted and approved by Council and FESA.

The fire management has now been completed and approved by FESA. In summary this requires:

- a) Provision of 3 metre wide fire breaks for each lot;
- b) Creating an emergency Access Way between the cul-de-sac and the south western corner of the property;
- c) That all dwellings shall be built to a minimum construction standard of BAL 12.5
- d) Landowners to lodge a BAL assessment when applying for a Building Licence;
- e) A 20m building protection zone for each dwelling;
- f) An additional 30m hazard separation zone for each dwelling;
- g) The hazard separation zone to be maintained as a low fuel zone including the slashing of pasture to a maximum height of 100mm;
- h) Each dwelling to have a minimum static water supply of 10,000L for fire fighting;
- i) The provision of a turnaround at the main dam to allow access

The effects of the Fire Management Plan will reduce, where possible the Bush Fire Attack to an acceptable level of BAL12.5. Where the 30 metre HSZ can't be achieved a higher BAL level will be required, as determined when the building licence application is made.

The subdivision guide plan is contained as attachment 1 and this has been revised to provide for:

- The Emergency Access Way; and
- The gravel turnaround area.

CONSULTATION

- FESA;
- Applicant's Consultants;
- Principle Environmental Health Officer/Building Surveyor

STATUTORY OBLIGATIONS

Town Planning Scheme

Special Condition 3(a) of Special Rural Zone 8 states that the proposed Subdivision Guide Plan is to have regard to the following issues:

- The proposed road layout and impacts on the district and local road network;

- Proposed road connections for district purposes;
- Landscaping areas;
- The remnant vegetation protection areas;
- Topographic conditions, particularly drainage implications;
- Traffic and other connections and distribution of land uses;
- Bushfire hazard and proposed fire management measures; and
- Building envelopes.

Special Condition 11(a) states that a Fire Management Plan shall be prepared and implemented in accordance with 'Planning for Bush Fire Protection' Guidelines to the satisfaction of the Council:

COMMENT

Both the fire management plan and subdivision guide plan are suitable for endorsement by Council.

The subdivision guide plan was advertised as part of the Amendment and will need to be forwarded to the Western Australian Planning Commission for final endorsement.

As the fire management plan incorporates the use of Australian Standard AS3659 Construction of Buildings in Bushfire Prone Areas, there are several implications for Council. These are presently being examined in conjunction with Council's Principle Environmental Health Officer/Building Surveyor.

POLICY IMPLICATIONS

Determining the appropriate Bushfire Attack Level (BAL) requires:

- The classification of vegetation in accordance with AS3959;
- The slope of the site to be measures; and
- The dwelling setback to be measured.

There are no recognised qualifications for determining the BAL although it is understood that FESA is moving towards providing some form of accreditation system. While there are a number of recognised Bush Fire consultants who prepare these, the ultimate responsibility for accepting the classification remains with Council.

Another option is potentially for Council to undertake the BAL assessment for a prescribed fee.

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.7

MOVED: Cr Oversby

SECONDED: Cr Biddle

1. That Council adopt the subdivision guide plan for proposed Special Rural Zone No 8 pursuant to Special Condition 3(a).
2. That Council endorse the fire management plan for proposed Special Rural Zone No 8 pursuant to Special Condition 11(a).
3. That the subdivision guide plan be forwarded to the Western Australian Planning Commission for endorsement in conjunction with Amendment No 13 and the Commission be advised that Council and FESA have now approved the fire management plan.
4. That a further report be prepared for Council on issues associated with the processing of building licence applications in relation to Australian Standard AS3659 Construction of Buildings in Bushfire Prone Areas.

Carried 8/0

Res 271/11

Cr Moir declared and interest as the applicant and left the meeting at 6.45pm

8.3.8 Subdivision Application (WAPC Ref 145168) Asplin Siding Road

Location:	<i>Lot 2930 Asplin Siding Road</i>
Applicant:	<i>K. Moir</i>
File:	<i>AS6200</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>5 December 2011</i>
Author:	<i>Geoffrey Lush</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>1 Location Plan 2 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 2930 Asplin Siding Road which is owned by GL, PL and AL Miller.

It is proposed to subdivide the land into three lots each having an area of 88 hectares.

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

The application is supported subject to conditions as it is considered to comply with the Scheme requirements in Clause 5.1 for subdivision within the Rural Zone and with the Rural Strategy.

BACKGROUND

The subject land is located approximately 3 kms east of Boyup Brook on the Asplin Siding Road as shown in Attachment 1. The property also has frontages to Kojonup and Reservoir Roads.

The subject land is Lot 2930 DP82425 Asplin Siding Road as contained on Certificate of Title Vol. 1295 Fol. 556. It has an area of 264 hectares and is owned by GL, PL, and AI Miller.

The proposed subdivision is shown in Attachment 2 and the lots will have areas of 88 hectares.

The property subdivision is used for broad acre agricultural area. There is a dwelling, shed, water tanks and dams etc. The property is generally cleared, with some remnant vegetation in the north east corner and along the creek lines. Further creek line plantings are intended.

The application has been made because of the deaths of Mr. and more recently Mrs Beryl Miller, long time farmers and residents of Boyup Brook. It was the wishes of the parents that the home block be divided equally between the three surviving sons.

CONSULTATION

Manager of Works

STATUTORY OBLIGATIONS

Town Planning Scheme

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

Rural Strategy

Within the Local Rural Strategy the subject land is situated in the BBR2 Eastern Policy Area.

Recommendation 1 requires that lots in the rural zone shall have a minimum area of 80 hectares.

Recommendation 4 contains the matters that Council must consider for a subdivision application.

COMMENT

The application complies with the provisions of the Scheme and Rural Strategy and the design of the subdivision is appropriate.

In relation to possible road upgrading requirements it is noted that:

- Asplin Siding Road already complies with the required standard being a six (6) metre formed gravel surface with roadside drains with a 20m wide road reserve; and
- The requirement in table 2 of the Policy relating to a sealed road is in relation to the development of the Rural Small Holdings Policy Area on the western side of the road which does not apply to the subject land.

Consequently no upgrading requirement would apply to this application.

POLICY IMPLICATIONS

Council Policy W.07 – Road Contribution potentially applies to the application as two additional lots are being created.

BUDGET IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

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

MOVED: Cr Biddle

SECONDED: Cr Walker

That Council advises the Western Australian Planning Commission that it supports the subdivision of Lot 2930 DP82425 Asplin Siding Road subject to the following conditions:

- a) **Each lot shall be provided with a crossover located, designed and constructed to Council's satisfaction.**
- b) **A Restrictive Covenant, pursuant to Section 150 of the Planning and Development Act 2005 (as amended) is to be placed on the Certificates of Title of the proposed Lot C preventing direct motor vehicle access onto Boyup Brook – Kojonup Road. Notice of this restriction to be included on the Deposited Plan.**

Carried 7/0

Res 272/11

Cr Moir returned to the meeting at 6.48PM

Cr Aird made a declaration of impartiality as a member of the Hockey Club

8.3.9 Extension to the Hockey Club pavilion

Location:	<i>Lot 195 DP82555 Jackson Street</i>
Applicant:	<i>Boyup Brook Hockey Club</i>
File:	<i>Res23783</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>5 December 2011</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>1 Location Plan</i>

SUMMARY

This report is to consider a proposed extension to the Hockey Club Pavilion.

As the subject land is a Crown Reserve and reserved for 'Parks and Recreation' under the Planning Scheme no planning approval is required. The purpose of this report is to assess the proposal as if an application was required.

There is no objection to the application.

BACKGROUND

The subject land is Lot 195 DP82555 Jackson Street, Boyup Brook. The site has an area of 4.7 hectares and has been developed as a part of the towns recreation centre.

The subject land is Reserve 23783 with a management order to Council. The current purpose is listed as 'picnic ground'.

The location of the existing building is shown in Attachment 1 and the application to construct a 6m x 7.4m (44 sqm) extension on the northern side of this. The proposed extension is intended to provide much shelter for spectators and provide an area for viewing, as it will be erected on the paved area constructed by the Hockey Council earlier this year.

CONSULTATION

None

STATUTORY OBLIGATIONS

The subject land is reserved as 'Parks and Recreation' in Planning Scheme No: 2.

Clause 3.3.2 of the Scheme states that the planning approval of Council is not required for the use or development of a reserve:

- For the purpose for which the land is reserved under the Scheme; or
- For any purpose for which the land may be used by the relevant authority.

Clause 5.14 prohibits development on land which is liable to flooding and states that:

A building shall not be constructed on land defined by the Council as being liable to flooding or inundation.

COMMENT

Application of the Scheme

Examining the application as if a planning approval was required ensures that Council owned development meets the same standards as would be applied to any other developer.

It is not feasible to theoretically apply other zone/development provisions to the application or the site because of the nature of the overall development as a sports ground. The existing building is 103.6 sqm in area which is minor in comparison to the size of the subject land.

For example if the land was considered to be in the Rural zone then the application would comply with Council's policy P.04 Outbuildings. If the land was included in the Residential zone the Policy provides for a maximum total area of outbuildings of 120 sqm. However this applies to normal sized residential lots over 1,012 sqm in size as a residential lot of 4.7 hectares is most uncommon.

It is noted that the existing building is located across the lot boundary between the two reserves as shown in Attachment 1. This does not have any implications for the proposed extension which is wholly within Lot 195.

Flood Prone Land

Clause 5.14 prohibits development on land which is liable to flooding. It is important to emphasize that as "land" is defined differently to "allotment" this Clause does not prohibit development on that portion of an allotment which is outside the flood prone area.

The Scheme Interpretations does not define flooding and Council does not have any policy which defines flooding or inundation. The standard classification of flood prone land is the 1:100 year flood level as defined by the Department of Water. This level is 187.47m as defined in the 2003 Blackwood River Flood Study.

It appears that the 187m contour is located within the vicinity of the building but it is unclear if the floor level of the building is below this level. In any event the building is of a minor nature and so even if the land is within the flood zone there would not be any objection to the development.

POLICY IMPLICATIONS

None

BUDGET IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

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 8.3.9

MOVED: Cr Biddle

SECONDED: Cr O’Hare

That Council advises the Boyup Brook Hockey Club that:

- 1. No planning approval is required for the proposed extension; and**
- 2. Council does not accept any liability for any damage which may result to the building in the event of a 1:100 yr flood affecting the site.**

Carried 8/0

Res 273/11

Cr Aird made a declaration of impartiality as a member of the Hockey Club

8.3.10 Development of Change Rooms and Toilet Block – Hockey Grounds

Location:	<i>Lot 195 DP82555 Jackson Street</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>Res23783</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>5 December 2011</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>1 Location Plan</i>

SUMMARY

This report is to consider the proposed development of change rooms and toilet block.

As the subject land is a Crown Reserve and reserved for 'Parks and Recreation' under the Planning Scheme no planning approval is required. The purpose of this report is to examine the proposal as if an application was required.

There is no objection to the application.

BACKGROUND

The subject land is Lot 195 DP82555 Jackson Street, Boyup Brook. The site has an area of 4.7 hectares and has been developed as a part of the towns recreation centre.

The subject land is Reserve 23783 with a management order to Council. The current purpose is listed as 'picnic ground'.

The location of the proposed building is shown in Attachment 1.

The proposed facility replaces an old outdated facility which is located approximately 80m from the proposed site. The original leach drains will be used as they were only replaced 3 years ago.

This will require the pumping of liquid waste from the new facility.

Proposed users will be:

- Ablutions – Public, Hockey, Music Park, Netball & other events.
- Showers/Change rooms – Hockey and events as arranged (locked at other times).

CONSULTATION

EHO/Building Officer

STATUTORY OBLIGATIONS

The subject land is reserved as 'Parks and Recreation' in Planning Scheme No:2.

Clause 3.3.2 of the Scheme states that the planning approval of Council is not required for the use or development of a reserve:

- For the purpose for which the land is reserved under the Scheme; or
- For any purpose for which the land may be used by the relevant authority.

Clause 5.14 prohibits development on land which is liable to flooding and states that:

A building shall not be constructed on land defined by the Council as being liable to flooding or inundation.

COMMENT

Application of the Scheme

Examining the application as if a planning approval was required ensures that Council owned development meets the same standards as would be applied to any other developer.

It is not feasible to theoretically apply other zone/development provisions to the application or the site because of the nature of the overall development as a sports ground.

Flood Prone Land

Clause 5.14 prohibits development on land which is liable to flooding. It is important to emphasize that as "land" is defined differently to "allotment" this Clause does not prohibit development on that portion of an allotment which is outside the flood prone area.

The Scheme Interpretations does not define flooding and Council does not have any policy which defines flooding or inundation. The standard classification of flood prone land is the 1:100 year flood level as defined by the Department of Water. This level is 187.47m as defined in the 2003 Blackwood River Flood Study.

It appears that the 187m contour is below the level of the building. The existing leach drains are above the 188m contour.

Approval for the use of the leach drains is required under the Health Regulations via Council's Environmental Health Officer.

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

None

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 8.3.10

That the report be received and noted.

MOVED INTO COMMITTEE

Moved Cr Giles

Seconded Cr Biddle

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

CARRIED 8/0

Res 274/11

MOVED OUT OF COMMITTEE

MOVED: Cr Moir

SECONDED: Cr Walker

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

CARRIED 8/0

Res 275/11

MOVED: Cr Moir

SECONDED: Cr Oversby

That the current toilet facilities at the Hockey grounds be replaced with the new facility on approximately the same site and that the internal layout be reviewed to allow for a more functional change room facility.

Carried 7/1

9.1 COMMITTEE REPORTS

9.1.1 Minutes of the Forward Planning Committee

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	Nil
Date:	2 December 2011
Author:	N/A
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Minutes Country Local Government Fund Allocations Memorandum of Understanding

BACKGROUND:

A Forward Planning Committee meeting was held on 23rd November 2011. Minutes of the meeting have been circulated.

COMMITTEE RECOMMENDATION

That Council seek to use the direct portion of the Country Local Government Fund for either of the following projects listed in order of priority:

1. **Storm Water Harvesting**
2. **Purchase of land for an industrial development**

CHIEF EXECUTIVE OFFICER COMMENT

It will be noted from the minutes of this meeting that the President and CEO were to meet with the Bunbury Wellington Group of Councils following the WALGA Zone meeting held in Collie 25 November 2011 and that the Committee recommended as follows:

That the Forward Planning Committee recommend to the President to put forward the following potential projects for funding from the regional portion of the Country Local Government Fund:

1. **Mobile Phone Tower(s)**
2. **Purchase of land for an industrial development**

Prior to meeting with the group it became apparent that the mobile tower project could not be progressed far and fast enough to be considered for funding in the current round. The cost per tower was dependent in many variables but was expected to be in the region of \$400,000. Whilst an area had been highlighted by SWDC (between Donnybrook and Boyup Brook) as an opportunity, no specific site had been selected and so land ownership/access had not been resolved nor had factors such as the availability of power. Therefore at the meeting with the Group it was noted that the tower was perhaps an option but it was highly likely that it could not be progressed fast enough for the 2011/12 CLGF round. The group showed a level of acceptance of the industrial sites project in part because The SWDC CEO had suggested it may be on Boyup Brook's list of projects.

The Group is now waiting for Council to decide on what project it wants to put forward and if it wants to join the Group for the purposes of the regional portion of the CLGF. There is some urgency as the Group will lodge its application for regional projects before Christmas this year. The process will be for the Group to consider the application to join, then consider the project and how much of the pool funds would be allocated to it.

Council's Engineering consultant is working on a business case for the land purchase and water harvesting projects and it is planned that these will be emailed to Councillors before the Council meeting. The storm water harvesting project is well advanced and so should meet all requirements the land purchase project is not as well advanced.

Attached, along with the minutes of this meeting, for information, is information on the CLGF and a copy of the Bunbury Wellington Voluntary Organisation (VROC) of Council's MOU and an email which sets out how the VROC operates. It will be noted that the VROC arrangements align well with what Boyup Brook was seeking to achieve with the Warren Blackwood Alliance group.

The President will no doubt report on the meeting we had but in addition to this it is noted that the meeting was very cordial and fruitful. Future possible projects such as aged accommodation, and the biomass/municipal waste project that SWDC is looking at for Boyup Brook, were talked about and a number of the Councils had aged accommodation on their lists for future funding. The Group is working on improvements to their joint waste facility in Dardanup and it was noted that there could be synergies with what Boyup Brook was looking at.

It is likely that Council will not get a project funded in the current round because despite every effort the business plan being pulled together for the purchase of land will not have issues such as zoning, quotations for services etc in place as required in the guidelines. Also the project would be classed as a major land transaction which triggers a process as set out in legislation. It may not be practical to meet all requirements within the time line already set by the Bunbury Wellington Group (funding application lodged before Christmas 2011). It is also possible that the Group might not support the project this year and if so it would not be funded.

As this is the case, Council would be advised to join the Bunbury Wellington Group in order to have an opportunity of getting a significant project that benefits the people of Boyup Brook in the future. The President noted to the Group that residents from this district use facilities in and along the way to Bunbury and that there was an acceptance that projects do not necessarily have to be in Boyup Brook to provide a benefit to its residents.

The following recommendation is made based on the meeting with the group, discussions with the President and a meeting the President and CEO had with the SWDC deputy CEO (primarily on the biomass/municipal waste project). It is suggested that there would be benefits to Boyup Brook from the normal operation of the VROC such as resource sharing and furthering the biomass/municipal waste project.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.1

MOVED: Cr Moir

SECONDED: Cr Biddle

- 1. That the minutes of Forward Planning Committee meeting held on 23rd November 2011 be received.**
- 2. That the Forward Capital Works Plan be amended to include further works on the Storm Water Harvesting project, that was funded by the direct portion of the CLGF grant for 2010/11, and that application be made to have the direct portion of the 2010/11 CLGF grant (\$321,085) applied to this project.**
- 3. That application be made to join the Bunbury Wellington Group of Councils.**
- 4. That the Bunbury Wellington Group of Councils be the preferred grouping for the purposes of the regional portion of the CLGF.**
- 5. That the purchase of land for an industrial site be put forward as Boyup Brooks project for funding under the 2011/12 CLGF regional grant program.**

Carried 8/-

Res 276/11

9.1.2 Minutes of the WALGASW Zone - 25 November 2011

Location:	<i>Shire of Collie</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>2 December 2011</i>
Author:	<i>WALGASW</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND:

A WALGASW Zone meeting was held on 25th November 2011. Minutes of the meeting are laid on the table and circulated.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.2

MOVED: Cr Moir

SECONDED Cr O’Hare

That the minutes of WALGASW Zone meeting held on 25th November 2011 be received.

Carried 8/-

Res 277/11

10.1 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Notice of motion – Cr Biddle 06/12/2011

10.1.1 Expression of congratulation to Ms Catherin Chua

‘That the Shire Council write to Ms Catherin Chua expressing its sincere congratulations on her forthcoming appointment as an Honorary Member of the Order of Australia in recognition of her exemplary commitment to preserving the memory of Australian soldiers who died in tragic circumstances in Sabah during World War Two.’

Cr Eric Biddle
06/12/2011

MOVED: Cr Biddle

SECONDED: Cr Moir

That the Shire Council write to Ms Catherin Chua expressing its sincere congratulations on her forthcoming appointment as an Honorary Member of the Order of Australia in recognition of her exemplary commitment to preserving the memory of Australian soldiers who died in tragic circumstances in Sabah during World War Two.

Carried 8/-

Res 278/11

Notice of motion – Cr Biddle 06/12/2011

10.1.2 That Council write to Terry Redman MLA Policy Director requesting deep sewerage

‘That Council write to Mr. Terry Redman, MLC, Policy Director of the West Australian National Party, requesting that provision of deep sewerage for Boyup Brook be included on its Party Platform and considered as an election commitment at the next election of State Parliament.’
Cr Eric Biddle
09/12/2011.

MOVED: Cr Biddle

SECONDED: Cr Moir

That Council write to Mr. Terry Redman, MLC, Policy Director of the West Australian National Party, requesting that provision of deep sewerage for Boyup Brook be included on its Party Platform and considered as an election commitment at the next election of State Parliament.

Carried 8/-

Res 279/11

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

The President approved the late item on Councillors Telecommunications and Information Technology Allowance Policy Review.

11.1.1 Councillors Telecommunications and Information Technology Allowance Policy Review

<i>Location:</i>	<i>N/A</i>
<i>Applicant:</i>	<i>N/A</i>
<i>File:</i>	
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>9 December 2011</i>
<i>Author:</i>	<i>Alan lamb</i>
<i>Authorizing Officer:</i>	<i>Not applicable</i>
<i>Attachments:</i>	<i>Current policy and proposed revised policy.</i>

SUMMARY

The purpose of this report is to put the policy before Council with recommended amendments.

BACKGROUND

As will be seen the policy was adopted in June 2004, amended in August 2006 and amended again in May 2010. The policy sets a review by date of May 2015.

Whilst the policy provides for an annual allowance of \$1,800 Council has set the allowance payable each year at a lower amount and in the current budget the allowance is \$1,000.

In recent times the benefit of a smart phone over a normal mobile phone has been clearly demonstrated to a number of Councillors and staff. There are a number of smart phones available and the feature that is most advantageous is the ability to receive email messages on the phone.

As the policy is being reviewed, Councillors may wish to look also at the transfer of ownership of equipment arrangements at this time.

WALGA arranges special pricing for Local Governments for a range of goods and services that Local Governments purchase. Telstra is a WALGA preferred supplier and so phone and internet charges may be less (through the power of bulk purchasing) to Local Governments (see the following web address) http://www.walga.asn.au/products_services/preferred_suppliers/telecoms_new

COMMENT

The use of mobile phones has become very commonplace and people tend to rely on this form of instant communication. The addition of email and other features in recent years have further added to the utility of these devices.

As an organisation, the Shire relies heavily on the email as a way of getting information to Councillors and responses back from them. Whilst many people check their emails on their computers regularly there will always be time delays between the sending and when the Councillor fires up the computer at home. Whilst this may not always be a problem there are times when it would be really advantageous to send out information and be confident that the Councillors have received it or get a response to a question or the like. As with most people, Councillors tend to carry mobile phones and so if these were smart phones there would be a greater opportunity for them to receive emails when they are away from their computers. It is noted that not all Councillors have mobile phones now also that there are reception problems in various parts of the country. Factors such as reception will improve over time with government and service provider initiatives in that direction and, it is suggested, the advantages of improved communication using smart phones to receive and send emails makes consideration of these devices worthwhile.

There are two obvious ways for the Shire to encourage Councillors to move to a smart phone, one is to supply and the other is to increase the allowance paid. The former would not allow the level of choice that some may wish in selecting a device but may result in lower costs through the WALGA preferred supplier arrangement and a bulk purchase. It also raises the issue of ownership and how and when this is transferred to the Councillor (not an insurmountable problem). The latter would allow maximum choice regarding the device and it is possible that Councillors could take advantage of promotions that may result in lower prices than the Shire could gain. On balance, the Shire making the purchases is consistent with what is done with computers and so it is recommended that this option be taken. This would need a budget amendment to provide the funds.

The matter of potential savings in phone charges is something that each Councillor would have to weigh up but the mechanism suggested is that phone accounts be transferred to the Shire and that Councillors reimburse the Shire. Essentially then there would be no change to the current arrangement where Councillors pay their own phone costs other than that the total cost may be less than they are currently paying. It is recommended that

the policy be amended to provide Councillors with the option of having phone accounts in the Shire's name with Councillors reimbursing all costs.

The policy makes provision for ownership of the portable computer and a printer to be transferred to the Council member on resignation or retirement. It is recommended that smart phones be added to this so that all such equipment is covered by the policy. The policy also sets a requirement for the Councillor to pay a portion of the cost of the equipment based on the age of the equipment. It is recommended that this requirement be removed because the equipment is expensed in the year it is purchased and not listed in the asset register. Also, there is the cost and problems associated with ensuring that all information is wiped from the computer and (if Council agrees to the provision of smart phones) the smart phone before passing them to another Councillor, selling or otherwise disposing of them.

As the policy is being looked at Council may wish to review the allowance. The policy provides for an allowance of \$1,800 per year (for a listed phone number, internet connection and printer consumables) and for this to be reviewed annually as part of the budget process. Logically, the review annual review process would look at cost increases over time and provide for increases. In this case the amount approved at budget is less than provided for in the policy so it is advised that Council either amend the policy or the allowance for 2011/12 or both.

In looking at this, it should be noted that the maximum allowance for telecommunications is \$2,400 and the maximum allowance for IT is \$1,000 (a total of \$3,000). Council's policy bundles telecommunications and IT together and so the policy provides for a payment which is 53% (\$1,800) of the maximum. The current budget provides for a payment of \$1,000 which is 29% of the maximum. Being consistent with previous recommendations, it is suggested that actual costs may well be more than the allowance paid. It could be argued that the fixed cost of phones and internet are costs that Councillors would have regardless of their being a Councillor and so should be discounted from the cost calculation. However if Councillor were an employee and we required the employee to have such connections we would pay the fixed costs plus relevant variable costs. It is therefore strongly suggested that fixed cost for phone and internet connections be included when determining the telecommunication and IT cost. There are a number of plans and providers, so estimating a standard cost estimated for Councillors is not easy however internet and home phone fixed cost would be in the region of \$700 to \$800 per year. Printer consumables (paper and inks) could well be in the region of \$200 per year. Mobile phone cost are dependent on the plan chosen but \$50 per month (\$600 per year) appears to be a modest estimate and so the fixed cost of home and mobile phones and internet would be in the region of \$1,500 per year and then there is the portion of variable costs relating to Council business. It is suggested that the \$1,800 provided for in the policy is more in line with actual costs than the \$1,000 provided for in the budget and so it is recommended that the amount provided for in the Policy remain unchanged and that the amount provided in the annual budget be revised either now for the current year or as part of the 2012/13 budget deliberations..

CONSULTATION

STATUTORY OBLIGATIONS

The following section of the Local Government Act have application.

5.98. Fees etc. for council members

(2) *A council member who incurs an expense of a kind prescribed as being an expense —*

- (a) to be reimbursed by all local governments; or
- (b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement, is entitled to be reimbursed for the expense in accordance with subsection (3).

(3) A council member to whom subsection (2) applies is to be reimbursed for the expense —

- (a) where the minimum extent of reimbursement for the expense has been prescribed, to that extent; or
 - (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the prescribed range (if any) of reimbursement, to that extent.
- (4) If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.

(6) A local government cannot —

- (a) make any payment to; or
- (b) reimburse an expense of,

a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.

5.99A. Allowances for council members in lieu of reimbursement of expenses

A local government may decide* that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all council members —

- (a) the prescribed minimum annual allowance for that type of expense; or
 - (b) where the local government has set an allowance within the prescribed range for annual allowances for that type of expense, an allowance of that amount,
- and only reimburse the member for expenses of that type in excess of the amount of the allowance.

* Absolute majority required.

The following Regulations from the Local Government (Administration) Regulations have application:

31. Expenses that are to be reimbursed — s. 5.98(2)(a) and (3)

- (1) For the purposes of section 5.98(2)(a), the kinds of expenses that are to be reimbursed by all local governments are —
 - (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
 - (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.
- (2) The extent to which an expense referred to in subregulation (1)(a) can be reimbursed is the actual amount.
- (3) The extent to which child care costs referred to in subregulation (1)(b) can be reimbursed is the actual cost per hour or \$20.00 per hour, whichever is the lesser amount.

- (4) *The extent to which travel costs referred to in subregulation (1)(b) can be reimbursed —*
- (a) *if the person lives or works in the local government district or an adjoining local government district, is the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or*
 - (b) *if the person does not live or work in the local government district or an adjoining local government district, is the actual cost, in relation to a journey from the person's place of residence or work and back —*
 - (i) *for the person to travel from the person's place of residence or work to the meeting and back; or*
 - (ii) *if the distance travelled referred to in subparagraph (i) is more than 100 km, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.*
- (5) *For the purposes of subregulations (2) to (4), actual amounts and actual costs are to be verified by sufficient information.*

[Regulation 31 amended in Gazette 31 Mar 2005 p. 1034.]

32. Expenses that may be approved for reimbursement —s. 5.98(2)(b) and (3)

- (1) *For the purposes of section 5.98(2)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —*
- (a) *an expense incurred by a council member in performing a function under the express authority of the local government;*
 - (b) *an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and*
 - (c) *an expense incurred by a council member in performing a function in his or her capacity as a council member.*
- (2) *The extent to which an expense referred to in subregulation (1) can be reimbursed is the actual amount, verified by sufficient information.*

34A. Allowances in lieu of reimbursement of telecommunications expenses — s. 5.99A

For the purposes of section 5.99A(b), the maximum total annual allowance for telephone and facsimile machine rental charges referred to in regulation 31(1)(a) and any other telecommunications expenses that might otherwise have been approved for reimbursement under regulation 32 is \$2 400.

[Regulation 34A inserted in Gazette 23 Apr 1999 p. 1720; amended in Gazette 31 Mar 2005 p. 1035.]

34AA. Allowances in lieu of reimbursement of information technology expenses — s. 5.99A

For the purposes of section 5.99A(b), the maximum total annual allowance for information technology expenses that have been approved for reimbursement under regulation 32 is \$1 000.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Smart mobile phones are expected to cost in the order of \$700 (excluding GST) and so the maximum cost, if all Councillors were to be supplied with a smart phone (some Councillors may have existing phones or plans or other arrangement and so may not want to be provided with a smart phone at this time), would be in the order of \$6,300 and no provision was made in the budget for this.

Increasing the telecommunications and IT allowance to \$1,800 would be an additional cost of \$7,200 which was not budgeted for.

The current budget provides for an end of year surplus of \$38,798 and so the \$13,500 of additional expenditure would be covered by this.

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 AND OFFICER RECOMMENDATION – ITEM 11.1.1

- A. That Council approve unbudgeted expenditure for the purchase of smart phones and to increase the telecommunication and IT allowance (an estimated total of \$13,500) with the cost being met from the budgeted surplus.
- B. That the Councillors Telecommunications and Information Technology Allowance Policy be amended as follows:
 1. Adding “a mobile telephone or smart phone,” before “internet connection”.
 2. Inserting the following:

“4.1.2 Councillors may opt to have Telstra phone accounts in the Shire’s name with the Councillor being required to reimburse the Shire for 100% of all charges (the fixed and variable charges).”
 3. Replacing 4.2.1 with the following;

“Council will provide a suitable portable computer, smart phone and printer (the equipment) for Members’ use.”
 4. Replacing 4.2.2 with the following:

“Ownership of the equipment may be transferred to a member upon resignation, retirement or when it is four years old.”

MOVED INTO COMMITTEE

MOVED: Cr Moir

SECONDED: Cr Biddle

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

CARRIED 8/0

Res 280/11

MOVED OUT OF COMMITTEE

MOVED: Cr Walker

SECONDED: Cr Moir

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

CARRIED 8/0

Res 281/11

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 11.1.1

Moved: Cr Kaltenrieder PK

SECONDED: Cr Biddle

- A. That Council approve unbudgeted expenditure for the purchase of smart phones and to increase the telecommunication and IT allowance (an estimated total of \$13,500) with the cost being met from the budgeted surplus.**
- B. That the Councillors Telecommunications and Information Technology Allowance Policy be amended as follows:**
 - 1. Adding “a mobile telephone or smart phone,” before “internet connection”.**
 - 2. Inserting the following:**

“4.1.2 Councillors may opt to have Telstra phone accounts in the Shire’s name with the Councillor being required to reimburse the Shire for 100% of all charges (the fixed and variable charges).”
 - 3. Replacing 4.2.1 with the following;**

“Council will provide a suitable portable computer, smart phone and printer (the equipment) for Members’ use.”
 - 4. Replacing 4.2.2 with the following:**

“Ownership of the equipment may be transferred to a member upon resignation, retirement or when it is four years old.”

4/4 Carried on President's casting vote

Res 282/11

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

12.1 CEO – Long Service Leave

Location:	N/a
Applicant:	CEO
File:	
Disclosure of Officer Interest:	The CEO declares an interest in this matter as he is the person seeking approval for leave
Date:	5 December 2011
Author:	Alan Lamb
Authorizing Officer:	Not applicable
Attachments:	Nil

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 12.1

MOVED: Cr O'Hare

SECONDED Cr OVERSBY

That Council

1. approve of the CEO taking three and a half weeks Long Service Leave in January 2012 and that Council approve of the leave being taken in accordance with Regulation 6B of the Long Service Leave Regulations .
2. approve a transfer from the Leave Reserve Fund to the Municipal fund an amount equal to three and a half weeks of the CEO's salary.

Carried 8/-

Res 283/11

12 CLOSURE OF MEETING closed at 7.20pm