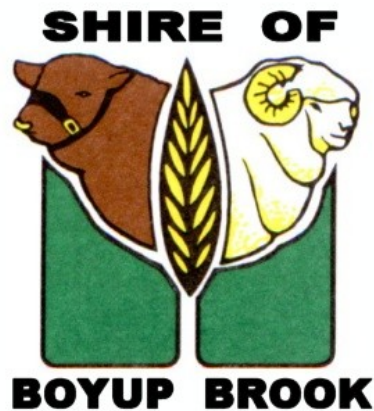


MINUTES



ORDINARY MEETING

HELD

THURSDAY 17 FEBRUARY 2011

COMMENCED AT 4.00PM

AT

SHIRE OF BOYUP BROOK CHAMBERS
ABEL STREET – BOYUP BROOK

TABLE OF CONTENTS

1	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED	3
1.1	Attendance.....	3
1.2	Apologies	3
1.3	Leave of Absence.....	3
2	PUBLIC QUESTION TIME	3
2.1	Response to Previous Public Questions Taken on Notice	3
2.2	Public Question Time	3
3	APPLICATIONS FOR LEAVE OF ABSENCE	3
4	PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS	3
	CONFIRMATION OF MINUTES	4
5	PRESIDENTIAL COMMUNICATIONS	4
6	REPORTS OF OFFICERS	4
7.1	MANAGER WORKS & SERVICES	4
7.1.1	Purchase of Wheel Loader.....	4
7.1.2	Report identifying all tracks and roads being maintained by the Shire that are not on Shire control land	8
7.2	MANAGER – FINANCE	12
7.2.1	Accounts for Payment	12
7.2.2	December 2010 & January 2011 Monthly Statements of Financial Activity.....	14
7.2.3	Boyup Brook Town Hall – request for donation of hire costs	16
7.3.1	Town Planning Scheme Review – Rural Subdivisions and Roads	18
7.3.2	Development Application - Denninup Vale, Kojonup Road	25
7.3.3	Subdivision Application (WAPC Ref 143498) Hands Close.....	30
7.3.4	Subdivision Application (WAPC Ref 143455) Balgarup Road.....	33
7.3.5	Solar Power to Swimming Pool.....	37
7.3.6	Country Music and Arts Centre for Excellence	40
7.3.7	Attendance at meetings by means of instantaneous communication	45
7.3.8	Boyup Brook Town Hall – New Hire Fee	48
7.3.9	Council Committee to investigate ways of attracting more residents to Boyup Brook - membership	50
7.3.10	Blackwood Basin Group - relocation.....	60
7.3.11	Boyup Brook Medical Services – Review of Fees	63
7.3.12	Southwest Medical Attraction Taskforce – Funding Request.....	68
8.1	COMMITTEE REPORTS	70
8.1.1	Minutes of the WA Local Government Association South West Zone	70
8.1.2	Youth Advisory Committee Minutes	71
8.1.3	Minutes of the Blackwood River Valley Marketing Association	72
8.1.4	Minutes of the Warren Blackwood Strategic Alliance	72
8.1.5	Minutes of the Blackwood Basin Group	73
8.1.6	Minutes of the Annual Electors Meeting	73
9	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	74
10	URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT	74
10.1.1	Audit Committee	74
10.1.2	Warren Blackwood Strategic Alliance	74
10.1.3	Sandakan.....	75
10.1.4	Airfield Project	76
11	CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS	76
12	CLOSURE OF MEETING	76

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

1.1 Attendance

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

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

1.2 Apologies

1.3 Leave of Absence

Nil

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Biddle reported to Council about a community group named "Growing Boyup Brook" which he attended on 17th February 2011.

"Formation of the group was an attempt to follow up on Glen Russell's suggestion to explore whether mining employees could be persuaded to settle their families in Boyup Brook because of the advantages it offers to them."

Cr Giles informed Council that he attended the Warren Blackwood Strategic Alliance meeting with the Shire President – Cr Terry Ginnane and the Chief Executive Officer on 8th February 2011 regarding the Voluntary Regional Organisation of Councils. (VROC)

CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council Thursday 16 December 2010.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 5.1

MOVED: Cr O'Hare

SECONDED: Cr Biddle

That the minutes of the Ordinary Meeting of Council held on Thursday 16 December 2010 be confirmed as an accurate record.

CARRIED 8/0

Res 01/11

5 PRESIDENTIAL COMMUNICATIONS

6 REPORTS OF OFFICERS

7.1 MANAGER WORKS & SERVICES

7.1.1 Purchase of Wheel Loader

Location:	<i>Not applicable</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>EQ/57/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>2 February 2011</i>
Author:	<i>John Eddy – Manager of Works & Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

The 2010/2011 Plant Replacement Program allows for the replacement of the J.C.B. 411 depot wheel loader.

The budgeted change over amount is \$155,000 (excluding GST). It will be recommended that the Council approve the purchase of a used (140 hours) KOMATSU-WA 150-5 wheel loader including pallet forks, fixed crane jib and hose burst protection valves for the amount of \$168,616.50 (excluding GST).

A tender purchase amount of \$26,250 (excluding GST) has been offered by ALL USED PTY LTD bringing the total change over price to **\$142,366.50** (excluding GST).

BACKGROUND

Under the Local Government (Functions and General) Regulations 1996, a tender exemption applies to WALGA's Preferred Supply Contracts. Local Governments do not need to tender when purchasing from a WALGA arrangement, irrespective of contract value or length.

WALGA Preferred Suppliers, **Westrac Pty Ltd** (Caterpillar), **CJD Equipment** (Volvo) and **Komatsu Australia** (Komatsu) were all invited to submit quotations for the supply of a wheel loader to replace the JCB 411 wheel loader including trade-in prices for the JCB 411 wheel loader.

As part of the Preferred Supply Contracts, WALGA advertised for tenders to dispose of the JCB 411 wheel loader to be traded and one tender offer was received from ALL USED PTY LTD.

COMMENT

The following quotations were received from companies on the WALGA Preferred Supplier list invited to submit prices for the purchase of a wheel loader:-

ALL PRICES INCLUDE GST

Company	Make	Model	Power	Warranty	Options	Price	Trade-In	Change Over
Westrac Pty Ltd	Caterpillar	IT-14G	71Kw	3Yrs/3000 Hrs	\$22,671	\$212,157	\$26,400	\$208,428
CJD Equipment	Volvo	L50F	85Kw	1Yr/2500 Hrs	\$11,616	\$223,300	\$33,000	\$201,916
Komatsu Aust	Komatsu	WA 150-5 NEW	71Kw	3Yrs/6000 Hrs	\$12,735.90	\$196,790	\$25,300	\$184,215.90
Komatsu Aust	Komatsu	WA 150-5 Used	71Kw	1Yr/2000 Hrs	\$11,777.15	\$173,701.00	\$25,300	\$160,178.15
All Used Pty Ltd			OUTRIGHT	PURCHASE			\$28,875	

The highlighted companies are the recommended purchases. All machines were assessed by the Manager of Works, Works Supervisor and Works Mechanic in accordance with the following Evaluation Assessment criteria:-

Factor	Weighting	Priority	Evaluation Criteria
Price	3	High	Purchase price.
Mandatory Product Features	3	High	Product feature essential to undertake required function. Specifications conformance. Response and detail to specification.
Warranty	2	Medium	Assessed on past performance Warranty period offered.
Delivery	2	Medium	Based on delivery time.
Service Facilities	2	Medium	Ease of operation/controls. Operator comfort

This assessment matrix allows the quotations to be evaluated in an unbiased manner where the supplier with the highest overall points may be considered to be the most advantageous purchase. This is to be used as a guide only during the assessment and is not necessarily binding.

The scoring system is based on the following:-

Price	Score
Within 10% of the lowest price	3
10-20% of the lowest price	2
Above 20% of the lowest price	1
Mandatory Product Features	Score
All requirements met	3
Most requirements met	2
Most requirements not met	1

Warranty	Score
Excellent	3
Good	2
Moderate	1

Delivery	Score
Within one month	3
One to two months	2
Not stated/>2 months	1

Service Facilities	Score
Excellent	3
Good	2
Moderate	1

Operator Ergonomics	Score
Excellent	3
Good	2
Moderate	1

WESTRAC PTY LTD – CATERPILLAR IT 14G

Criteria	Priority	Weight	Score	Total	Comments
Price	High	3	1	3	Above 20% of lowest price
Mandatory product features	High	3	3	9	All Met
Warranty	Medium	2	2	4	Good
Delivery	Medium	2	3	6	Within 1 month
Service facilities	Medium	2	3	6	Bunbury
Operator Ergonomics	Medium	2	3	6	Excellent
Total Score				34	

CJD EQUIPMENT – VOLVO L50E

Criteria	Priority	Weight	Score	Total	Comments
Price	High	3	1	3	Above 20%
Mandatory product features	High	3	3	9	All met
Warranty	Medium	2	2	6	Good
Delivery	Medium	2	2	4	1 to 2 months
Service facilities	Medium	2	3	6	Bunbury
Operator Ergonomics	Medium	2	2	4	Good
Total Score				32	

KOMATSU AUSTRALIA – KOMATSU – 150-5 (NEW)

Criteria	Priority	Weight	Score	Total	Comments
Price	High	3	2	6	10%-20%
Mandatory product features	High	3	3	9	All met
Warranty	Medium	2	3	9	Excellent
Delivery	Medium	2	2	4	1-2 months
Service facilities	Medium	2	3	6	Bunbury
Operator Ergonomics	Medium	2	3	6	Excellent
Total Score				40	

KOMATSU AUSTRALIA – KOMATSU 150-5 (USED – 140HRS)

Criteria	Priority	Weight	Score	Total	Comments
Price	High	3	3	9	Lowest

Mandatory product features	High	3	3	9	All met
Warranty	Medium	2	1	2	Moderate
Delivery	Medium	2	3	6	Within 1 month
Service facilities	Medium	2	3	6	Bunbury
Operator Ergonomics	Medium	2	3	6	Excellent
Total Score				38	

CONSULTATION

WALGA – Preferred Supply Contracts
Works Supervisor – T Bogar
Works Mechanic – J Fallon

STATUTORY ENVIRONMENT

Local Government (Functions and General) Regulations 1996

POLICY IMPLICATIONS

Policy – F03 – Purchasing Policy

FINANCIAL IMPLICATIONS

The 2010/2011 Plant Replacement Program allowed the change over amount of \$155,000 (excluding GST.) to replace the JCB. 411 wheel loader.

STRATEGIC IMPLICATIONS

Shire of Boyup Brook 2008-2013 Strategic Plan
Action Plan No 6.5 – 111.
Continue to implement a Plant Replacement Program.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 7.1.1

MOVED: Cr Doust

SECONDED: Cr Oversby

That the Council:

- 1. Approve the purchase of a KOMATSU-WA 150-5 (used -140hrs) wheel loader including pallet forks, fixed crane jib and hose burst protection valves for the amount of \$185,478.15 (including GST) as quoted by KOMATSU Australia.**
- 2. Accept the tender purchase amount of \$28,875 (including GST) as tendered by ALL USED PTY LTD for the WALGA Disposal of Heavy Plant tender process.**

CARRIED 8/0

Res 02/11

7.1.2 Report identifying all tracks and roads being maintained by the Shire that are not on Shire control land

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>N/A</i>
File:	<i>RD/35/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>7 February 2011</i>
Author:	<i>John Eddy – Manager of Works & Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>'A' – Categories of tracks and roads. 'B' – Landgate list of roads and streets within the Shire of Boyup Brook. 'C' – Shire of Boyup Brook Road Hierarchy. 'D' – Road definitions – Chapter 5 – Crown Land Administration and Registration Practice Manual.</i>

SUMMARY

Resolutions 130/10 and 131/10 of the July 2010 Council meeting both refer to the completion of a report identifying all the tracks and roads being maintained by the Shire at the present time that are not on Shire controlled land. For the purpose of clarity this report identifies the following categories of tracks and roads:-

Category 'A'

- Tracks and formed roads previously maintained by the Shire of Boyup Brook not in dedicated road reserves and not shown on the Road Inventory.

Category 'B'

- Tracks and formed roads previously maintained by the Shire of Boyup Brook not in dedicated road reserves and are shown on the Road Inventory.

Category 'C'

- Tracks and formed roads previously maintained by the Shire of Boyup Brook in dedicated road reserves but not shown on the Road Inventory.

BACKGROUND

At the July 2010 Council meeting the Council resolved the following:-

Item 7.3.2

“That Council receives Mr Walker’s requests and resolve that it will not maintain tracks on land it has no control over and where it has no obligation to do so.

The matter be reviewed following a report which identifies all the tracks and roads that are maintained by the Shire at the present time that are not on Shire controlled land.”

Item 10.1.2

That item 10.1.2 lay on the table pending the completion of a report which identifies all the tracks and roads that are being maintained by the Shire at the present time, that are not on Shire controlled land.”

COMMENT

This report refers to tracks and formed roads that at some time in the past have been maintained by the Shire of Boyup Brook and are either not located in dedicated road reserves or not listed on the Shire’s road inventory. (**see attachment ‘A’**)

Attachment ‘B’ contains a list of road and street names compiled by Landgate defining their status and date of gazettal/dedication. Unshaded roads shown in **attachment ‘B’** do not appear on the Shire of Boyup Brook road inventory and the roads shaded in yellow are Department of Environment and Conservation (DEC) roads listed in the Shire of Boyup Brook.

All information regarding the location and status of the existing tracks and formed roads has been sourced from ‘Landgate’ the Western Australian Land Information Authority or current (printed in 2007) 1:25,000 Locality Plans.

Attachment ‘D’ contains road definitions and the process required to dedicate a road in accordance with the Crown Land Administration and Registration Practice Manual.

CATEGORY ‘A’

Category “A” tracks and formed roads are all located in reserves or private property not controlled by the Shire and not shown on the Shire road inventory. The Council is not responsible to provide access or maintain tracks on land controlled by other authorities; however it is possible for individuals to make agreements with other authorities such as D.E.C (Department of Environment and Conservation) to maintain tracks through existing reserves to access their properties.

Options available for Category ‘A’ roads:-

- Continue maintenance grading complying with the maintenance grading program of the Shire of Boyup Brook Road Hierarchy (**see attachment ‘C’**) and erect signage advising road users that the road is not located on Shire land and road users do so at their own risk.
- The Shire maintain the position that the tracks are under the control of the land owners and the Shire has no responsibility to maintain them.

It is recommended that the Council does not maintain tracks and formed roads on land it has no control over and where it has no obligation to do so.

CATEGORY ‘B’

Category “B” tracks and formed roads have been maintained by the Shire in the past and are shown on the Shire road inventory but are not located within dedicated road reserves.

The existing tracks and formed roads in Category “B” all traverse D.E.C reserves and to dedicate these tracks and roads the council would be required to survey the existing roads, excise the land from D.E.C and dedicate the new reserves as public roads.

The process to dedicate a road is set out in Section 56 of the Land Administration Act headed Dedication of Roads (**see attachment “D”**).

It is recommended that the Council consider investigating the process of dedicating existing roads on the Shires Road Inventory.

CATEGORY “C”

Category ‘C’ tracks and formed roads have been maintained by the Shire in the past and are located within surveyed road reserves but not listed on the Shire’s road inventory.

As many of the Category ‘C’ tracks and roads are sub-standard (not constructed to a minimum standard specification) it is recommended that those roads be signed advising that the road is sub-standard and drivers must drive to the road conditions.

It is recommended that the Council undertake to name the tracks and formed roads within surveyed road reserves but not listed on the Shire’s road inventory.

CONSULTATION

Landgate
Chief Executive Officer

STATUTORY OBLIGATIONS

Section 56 of the Land Administration Act may have some application if the Council chooses to pursue the dedication of existing roads.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Major costs will be incurred if the Council chooses to pursue the dedication of existing roads.

STRATEGIC IMPLICATIONS

- *Environmental*
There are no known environmental issues, however it would be expected that DEC would impose environmental conditions as part of excising land for road reserves.
- *Economic*
There are no known significant economic issues.
- *Social*
There are no known significant social issues.

VOTING REQUIREMENTS

Simple Majority

Proximity Interest

Cr Giles declared a proximity interest in the item 7.1.2 and departed the Chambers the time being 4.24pm.

OFFICER RECOMMENDATION – Item 7.1.2

That the Council receives the report and resolve the following:-

- 1 Council does not maintain tracks and formed roads on land it has no control over and where it has no obligation to do so.
- 2 Council considers investigating the process of dedicating existing roads on the Shire Road Inventory.
- 3 Council undertake to name existing tracks and formed roads within surveyed road reserves and add them to the Shire Road Inventory.
- 4 Advisory signage to be erected on sub-standard roads advising road users that the road is sub-standard and drivers must drive to the road conditions.

MOTION

MOVED: Cr Doust

SECONDED: Cr Oversby

- 1 Council does not maintain tracks and formed roads on land it has no control over and where it has no obligation to do so.
- 2 Council considers investigating the process of dedicating existing roads on the Shire Road Inventory.
- 3 Council undertake to name existing tracks and formed roads within surveyed road reserves and add them to the Shire Road Inventory.
- 4 Advisory signage to be erected on sub-standard roads advising road users that the road is sub-standard and drivers must drive to the road conditions.

MOVED INTO COMMITTEE

MOVED: Cr Oversby

SECONDED: Cr Muncey

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 03/11

MOVED OUT OF COMMITTEE

MOVED: Cr Oversby

SECONDED: Cr Muncey

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 04/11

Motion Withdrawn

Cr Doust & Cr Oversby withdrew their motion.

COUNCIL DECISION

MOVED: Cr Doust

SECONDED: Cr O'Hare

The matter be referred back to the Chief Executive Officer for further consideration.

CARRIED 7/0

Res 05/11

4.03pm – Cr Giles returned to the Chambers.

7.2 MANAGER – FINANCE

7.2.1 Accounts for Payment

<i>Location:</i>	<i>Not applicable</i>
<i>Applicant:</i>	<i>Not applicable</i>
<i>File:</i>	<i>FM/1/002</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>10 February 2011</i>
<i>Author:</i>	<i>Keith Jones – Manager of Finance</i>
<i>Authorizing Officer:</i>	<i>Not applicable</i>
<i>Attachments:</i>	<i>Yes – List of Accounts Paid</i>

SUMMARY

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

BACKGROUND

Invoices have been received during the month of December 2010 and January 2011.

COMMENT

Accounts are presented for consideration (see appendix 7.2.1) or where paid by direct debit pursuant to the Council's "Authorisation to Make Payments" policy.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations Act 1009, Regulation 12; and Regulations 13(3) (a) (b); 13(1); and 13(4).

POLICY IMPLICATIONS

Accounts are presented for consideration or where paid by direct debit pursuant to the Council's "Authorization to Make Payments" policy.

BUDGET/FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2010/11 or authorized by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.1

MOVED: Cr Doust

SECONDED: Cr Oversby

That the payment of accounts for December 2010 and January 2011 as presented totalling \$1,035,284.24 and as represented by cheque voucher numbers 18320 – 18409 totalling \$273,273.95, and accounts paid by direct electronic payments through the Municipal Account totalling \$762,010.29 be endorsed.

CARRIED 8/0

Res 06/11

7.2.2 December 2010 & January 2011 Monthly Statements of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10 February 2011</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Financial Reports</i>

SUMMARY

Report recommends Council receive the Balance Sheet and Operating Statement for the months ended December 2010 and January 2011 and Investment Schedule for the month ended 28 February 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 – see appendix 7.2.2

COMMENT

Nil

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, s34 (1) (a)
Local Government (Financial Management) Regulations 1996, s19 (1) (2) (a) (b)
Local Government (Financial Management) Regulations 1996, s34 (2) (a) (b)

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.2

MOVED: Cr Doust

SECONDED: Cr Biddle

That the December 2010 and January 2011 Monthly Statements of Financial Activity as presented, be received.

CARRIED 8/0

Res 07/11

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

Location:	<i>Boyup Brook Town Hall</i>
Applicant:	<i>Country Music Club Boyup Brook</i>
File:	<i>CP/59/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10 February 2011</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Letter from Sharon Winter</i>

SUMMARY

The purpose of this report is to put before Council the Country Music Club's request for free use of the hall to hold the Boyup Art Awards and Exhibition be approved.

BACKGROUND

Council's list of fees and charges includes a specific fee for "Public Meetings (no kitchen)" and this year the fee is \$115.50 per occasion. The Country Music Club have provided these awards previously as part of the Country Music Festival.

This particular group does not have exemption through the Council Policy A.8 – Shire Facilities Hire – Exempt Groups.

COMMENT

Council is already supporting the Country Music Festival event annually and this year the budget provides for \$5,935.

The hire fee for the Town Hall (public meetings) per day is \$115.50 and it is suggested this fee be used to determine the donation amount over 5 days of \$577.50.

It is suggested that the proposed use is in accordance with what the hall was built for and the requested fee donation will have no significant effect on Council's finances. It is recommended that Council donate the hall hire costs for \$577.50.

CONSULTATION

Chief Executive Officer

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council's Donations Policy has application.

BUDGET/FNANCIAL IMPLICATIONS

The financial impact will be the loss of income of \$577.50. In drafting the budget, hall hire income is calculated based on the income of past years plus any know events. This particular hire was not envisaged at the time the budget was drafted and so not specifically included in the budget.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute majority

Impartiality Interest

The Chief Executive Officer, Cr Giles, Cr Biddle and Cr Oversby declared an impartiality interest in the following item due to being a member of the Boyup Brook Country Music Club.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.3

MOVED: Cr Giles

SECONDED: Cr Biddle

That Council donate \$577.50 to the Boyup Brook Country Music Club the cost of hiring the Boyup Brook Town Hall for 5 days.

CARRIED BY ABSOLUTE MAJORITY 5/3

Res 08/11

Request for Vote to be recorded

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

For	Against
Cr Ginnane	Cr Doust
Cr Biddle	Cr Oversby
Cr Giles	Cr Muncey
Cr Marshall	
Cr O'Hare	

Note

It was noted that the Chief Executive Officer would undertake a review of the donations policy and report back to Council with recommendations.

7.3 CHIEF EXECUTIVE OFFICER

7.3.1 Town Planning Scheme Review – Rural Subdivisions and Roads

Location:	<i>General</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>LN/42/005</i>
Disclosure of Officer Interest:	<i>N/A</i>
Date:	<i>21st January 2011</i>
Author:	<i>Geoffrey Lush (Council's Consultant Planner)</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>1 Revised Subdivisions and Amalgamations Policy 2 Revised Road Contributions Policy</i>

SUMMARY

With the approval of the Rural Strategy and as part of the review of the Town Planning Scheme it is considered a suitable time to review the following policies of Council:

- P.03 Subdivisions and Amalgamations (21st December 2007); and
- W.07 Road Contributions (21st December 2007)

Recent subdivision decisions by the Western Australian Planning Commission also suggest that these policies need to be reviewed. For the purpose of this report rural subdivisions include both rural residential and rural small holdings.

The recommended modifications to the policy need to be advertised for public comment.

In addition it is also recommended that Town Planning Scheme No 2 be amended to reinforce Council Policy B.06 Building Application – Land without Legal Access by requiring the development of such land to need Council's approval.

BACKGROUND

The construction of roads in relation to subdivisions and developments has three current issues. These are:-

1. Road access and upgrading for rural subdivisions, including special rural (rural residential) lots;
2. Proposed road standards for future rural small holding subdivisions (greater than 4 hectares in size); and
3. Development of lots with no constructed road access.

Items 1 is dealt with via Council Policy P.03 Subdivisions and Amalgamations and also Policy W.07 Road Contributions.

Item 2 is not presently addressed by Council Policy but as rural small holdings have been introduced with the approval of the Rural Strategy, they need to be addressed.

Item 3 is dealt with by Policy B.06 Building Application – Land without Legal Access but is not addressed in the Planning Scheme.

The requirements for road construction, access and potential upgradings need to be clearly understood by Council, landowners and the Planning Commission. These are discussed below.

For the purposes of this report roads are defined as:

“Internal roads” Means newly created subdivision roads which are shown on the survey (subdivision) plan.

“External roads” Means existing road reserves either adjacent to or leading to a subdivision. They may be unconstructed or only partially constructed.

COMMENT

The issue being addressed is that of the construction of an external road to provide access to a proposed subdivision. Specifically what are the obligations of:

- The developer to fully construct this road; or
- The Council in contributing to this cost.

This is a common and often contentious issue faced by many municipalities. The principles involved with this relate to the general issue of “development

Internal Subdivision Roads

The Department of Planning and the Institute of Public Works Engineers Australia (WA Division) has recently updated the Local Government Subdivisional Guidelines. The Guidelines encompass current legislation and best practice minimum engineering standards. They are intended to guide local government and the development industry through engineering specification, construction and post construction subdivision approval.

They are intended to underlie and support subdivision conditions applied by the Western Australian Planning Commission pursuant to the Planning and Development Act 2005.

The issue is that the Planning Commission is ultimately responsible for the conditions on any subdivision approval and that the relevant agencies act on behalf of the Commission in relation to this. The following provisions of the Planning and Development Act 2005 are relevant to this:

- 168(1) All land shown on a subdivision/survey plan as a new road is dedicated as a road.
- 168(2) Council is responsible for the care, control and management of a dedicated road.
- 169. The Commission may fix minimum standards of construction within a subdivision.
- 170. Local government is to be provided with and approve specifications for roads.

Generally there is agreement on the standard of Internal Subdivision Roads.

The requirements for rural small holdings where the lots are larger than 4 hectares is less clear. There are differing views on the need for a sealed road where there are larger lot sizes, but there is no clear demarcation. In some areas a sealed road is required for 4 ha lots and in other areas it isn't.

Alternatively the demarcation can be based upon the traffic volume / number of lots. A sealed road might be required for when there are more than a pre determined number of vehicle trips per day. Based upon a notional usage of ten vehicle trips per day per household, it is simple to calculate the number of lots which can be serviced.

Given that the areas proposed for rural small holding development are adjacent to the townsite it is reasonable to require the internal subdivision road to be sealed.

External Road Access for Rural Subdivisions

The subdivisional issue becomes more complex in areas where an existing road is needed to be constructed or upgraded to provide satisfactory access to the site.

All rural properties (which may contain multiple allotments) should have appropriate all year access for 2WD vehicles and for emergency services. Policy W.07 Road Contributions defines that the minimum standard of road construction in a rural area is a six (6) metre formed gravel road.

The first principle is to determine the nexus between the external road and subdivision i.e.

- Is the road required for the rezoning / subdivision?
- Alternatively if the road is not provided, then is this a ground for refusing the rezoning / subdivision?

The ability to "require" the construction of the external road requires:

1. An enabling provision within the Town Planning Scheme. This can be included the Special Conditions attached to Schedule for the rural residential zone.
2. A condition of subdivision approval issued by the WAPC; or
3. An agreement between the applicant and the Council.

Section 3.2 of The WAPC Development Policy DC 1.7 General Road Planning (1998) addresses the issue of road upgrading stating that:

3.2.1 Existing roads shall be required to be constructed or upgraded as a condition of subdivision, where the Commission and the road authority agree that the subdivision should not proceed unless the construction or upgrading occurs. In imposing this condition the Commission and the road authority should be satisfied that the existing roads are either substandard or inadequate to accommodate the additional traffic generated from the subdivision and associated development.

3.2.2 The condition will normally require the applicant to enter into satisfactory arrangements with the road authority for the construction/upgrading of the relevant road. The responsibility for the

design and construction of the works is a matter for negotiation between the applicant and the road authority.

3.2.3 If the road authority is not in a position to immediately carry out the construction or upgrading, the subdivider must undertake either of the following to allow the subdivision to proceed:

- contribute carry out the works to the satisfaction of the road authority; or
- to the cost of the works by either cash payment or other means acceptable to the road authority (e.g. bank guarantee). The contribution should be based upon an amount equal to the road authority's estimated cost to undertake the works at the date of clearance of the road upgrading/construction condition by the local government.

Road upgradings can also be considered as developer contributions. State Planning Policy 3.6 addresses this and promotes the preparation of development contribution plans. These prescribe the cost contributions for land owners in a development contribution area. Development contributions can only be for the provision of capital items including the costs associated with design and construction of infrastructure (including land costs) and the cost of administration are considered capital items.

A development contribution plan is to be prepared for a development contribution area and does not have effect until it is incorporated into a local planning scheme. This area must be identified on the scheme map and with associated provisions in the Scheme Text.

The development contribution areas can accord with the townsite policy areas within the Rural Strategy which have been identified for townsite, rural residential or rural small holdings development. However the need for a development contribution plan will be more relevant to the townsite expansion areas than to the rural residential or rural small holdings development policy areas, as there are more services which are likely to be required.

The following principles are applied in determining the validity of developer contributions including contributions to road upgradings:-

1. The subject subdivision must create or contribute to the need for the particular infrastructure or facility for which the contribution is being sought.
2. The contribution must be fair and reasonable and reflect the true costs of the infrastructure or facility.
3. The contribution should be fairly apportioned between multiple landowners proportional to the share of the need created by each landowner's subdivision.
4. A financial contribution must be spent within a reasonable period of time.
5. There should be accountability in the manner in which contributions are determined and expended.

This is easier to demonstrate within a defined development areas such as those shown in the Rural Strategy for rural residential or rural small holding

development. The existing roads which border or provide access to the rural residential or rural small holding policy areas are:-

- Banks Road;
- Terry Road north and south of the river;
- Stanton Road;
- Fern Valley Road; and
- Asplin Siding Road.

While it is much more difficult in broad acre rural areas, it is still recognised that rural properties must have appropriate access. Where there is in appropriate access with little prospect of this being upgraded to a suitable standard then this is grounds for objecting to a subdivision application and this is recognised in the Rural Strategy.

A substandard road is one which does not meet the standard prescribed by Council i.e. 6m formed gravel surface. This also includes where an existing roadway is not fully contained within the gazetted road reserve.

Timing of Construction

Where the upgrading of a road is essential to provide access to a subdivision, then it is reasonable to expect that construction to be completed in parallel with the finalisation of the subdivision.

A common issue is that where Council is responsible for the construction of the road, it might be delayed because it is not on Council's ten year work program. But where a contribution has been made, it is reasonable for the landowners to expect that Council will complete its component of the upgrading within a reasonable time frame.

If the developer argues that Council should bring forward the upgrading works in its ten year works program, then it can be argued that the developer should pay an additional contribution, or penalty, for this to occur. The justification for this is that Council would be deferring other approved and programmed works to accommodate the upgrading.

Lots without Access to a Gazetted or Constructed Road

The Council has no legal obligation to construct a new road in order to provide access to existing lots where:-

- The lots have frontage to a gazetted road reserve which is unconstructed; or
- Where the lot is "land locked" with no access to a gazetted road reserve.

It also noted that unconstructed road reserves often contain remnant vegetation and that Council now needs to obtain the approval of the EPA for the removal of this vegetation. Any EPA approval may be subject to offset planting requirements.

In addition Council may also need approval from the Federal Department of Sustainability, Environment, Water, Population and Communities (DSEWPC). This relates to specifically threatened species (Black Cockatoos) that are protected under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Policy B.06 Building Application – Land without Legal Access presently deals with this issue. To further reinforce this issue it is now becoming more common

for Town Planning Schemes to contain specific provisions and requirements regarding the development of land that does not have access to a constructed road.

An example of a suitable clause for inclusion in the Town Planning Scheme is as follows

- (a) The approval of the local government is required to use or develop land where:
 - (i) it abuts an unconstructed road reserve and no alternative means of access has been approved by the local government; or
 - (ii) it has no frontage to a road reserve and no alternative means of access has been approved by the local government.

- (b) In considering such an application the local government may either:
 - (i) refuse the application; or
 - (ii) approve the application subject to a condition requiring the construction of the road to the local government's prescribed standard; or
 - (iii) approve the application subject to a condition requiring such other arrangements to be made for permanent access to the land to the satisfaction of the local government.

CONSULTATION

- Mr J Eddy – Works Supervisor
- Department of Planning

STATUTORY ENVIRONMENT

Clause 9.6 of Town Planning Scheme No 2 sets out the procedures for preparing and adopting local planning policies. In summary

- The draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area.
- The Council shall review the draft Policy in the light of any submissions which are made.
- Following final adoption of a Policy, notification shall be published once in a newspaper circulating within the Scheme Area.
- A copy of the Policy shall be kept with the Scheme documents for public inspection during normal office hours.
- Any modification to the Policy shall be made in the same manner as above.

These requirements are commonly accepted and should be followed even if the above are not local planning policies.

POLICY IMPLICATIONS

Relates to Council Policies

- Policy B.06 Building Application – Land without Legal Access;
- P.03 Subdivisions and Amalgamations; and
- W.07 Road Contributions.

FINANCIAL IMPLICATIONS

The need for Council to develop unconstructed road reserves has the potential impacts on Council's budget and road construction program which may be detrimental to the community.

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

Declare an Interest

Cr Ginnane, Cr Marshall and Cr Doust declared a financial interest in the following item and departed the Chambers, the time being 4.44pm.

Deputy Shire President - Cr Giles took the Chair.

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 7.3.1

MOVED: Cr Oversby

SECONDED: Cr Muncey

- 1 That Council adopt, for the purpose of advertising, the modified Policies**
 - **P.03 Subdivisions and Amalgamations (Attachment 1); and**
 - **W.07 Road Contributions (Attachment 2).**
- 2 That the revised draft policies be advertised pursuant to Clause 9.6 of Town Planning Scheme No 2.**
- 3 That the revised draft policies be referred to surveyors who regularly submit subdivision applications for comment.**
- 4 That the proposed omnibus Amendment to the text of Town Planning Scheme No 2 include provisions relating to the development of lots without access to a gazetted or constructed road.**

CARRIED 5/0

Res 9/11

Deputy Shire President - Cr Giles vacated the Chair.

Cr Ginnane, Cr Doust and Cr Marshall returned to the Chambers at 4.48pm

7.3.2 Development Application - Denninup Vale, Kojonup Road

Location:	<i>Lot 1983 P1236540 Kojonup Road</i>
Applicant:	<i>Westside Cattle Co</i>
File:	<i>AS7970</i>
Disclosure of Officer Interest:	
Date:	<i>8th February 2011</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>1 Location Plan</i> <i>2 Site Plan</i>

SUMMARY

This report is to consider an application to increase the capacity of an existing a feedlot at Denninup Vale, Boyup Brook - Kojonup Road (see Attachment 1).

Council has previously approved a feedlot with a maximum of 500 head. It is proposed to increase this to 2,200 head and this will be the subject of a DEC Licence.

The subject land forms part of a larger farming operation. The subject land is owned by P Reilly and there has been consultation with the applicant and relevant government agencies.

The application is supported subject to conditions.

BACKGROUND

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

At its Meeting of the 20th November 2008 Council approved (Res 205/08) approved the development of a feedlot on the subject land. This provided for a maximum of 500 head of cattle with a maximum stocking rate of 1 head per 25 square metres.

The feedlot is located on the southern portion of Lot 1983 which has an area of 242 hectares. It forms part of the Denninup Vale farm which comprises of approximately 1280 hectares. The subject land fronts Wahkinup Road and is gently undulating with a minor drainage line extending through the middle of the property in a north south direction.

The site is predominantly cleared and used for cattle farming. Remnant vegetation is clustered in various areas including around the proposed site of the feedlot. The applicant's farm house is the closest dwelling to the site.

In preparing the current application the owner has engaged an agricultural consultant who has prepared a detailed assessment report which addresses the following:

- Climate – rainfall, temperature, wind speed and evaporation;
- Soils and vegetation;
- Drainage management;
- Liquid and solid waste disposal;
- Odour, noise, dust and pest control; and
- Carcass disposal.

The existing approved feedlot has an area of 2.3 hectares and consists of 8 pens for the 500 head of cattle. This is at a density of 1 animal per 46 square metres.

The proposed extension is an additional 1.5 hectares making a total area of approximately 3.8 hectares. It is also proposed to increase the density to 1 animal per 17.5 square metres. This potentially provides for a total of 2,171 head.

The application states that at any one time there will be approximately 2200 head in the feed lot.

The cattle are expected to be kept on site for 70 days which will allow for four rotations per year which is an annual total of 8,800 head.

In addition to the feedlot, the land owners are also seeking to gain registration to allow them to export the live animals to overseas markets. This can be considered as part of the normal farming operations on the site and is separate to the feedlot. The export of animals is controlled by the Australian Quarantine and Inspection Service via the Export Control (Animals) Order 2004 and associated Australian Standards.

The development of this operation conforms with the objectives of the Rural zone and Rural Strategy.

CONSULTATION

- Department of Agriculture and Food WA – Narrogin;
- Department of Environment and Conservation; and
- Surrounding landowners.

The application has been advertised to surrounding land owners and no objections have been received.

In accordance with the policy the application was referred to the Narrogin Office of the Department of Agriculture and Food WA which inspected the site and current operations. DAFWA has now provided a letter of support for the application.

The application was also referred to the Department of Environment and Conservation and discussions have occurred with officers regarding the assessment and licencing of the operations. Discussions with the Department have indicated that the operation is expected to be approved.

STATUTORY OBLIGATIONS

Town Planning Scheme

Lot 1983 is zoned 'Rural' and the surrounding area is generally zoned 'Rural'.

The application is defined as 'Intensive Stock Rearing' in Town Planning Scheme No 2 meaning:

"... land and buildings which are used for the keeping, breeding and rearing of any species of farm animals at intensities well in excess of the stocking rate recommended by the Department of Agriculture."

Intensive Stock Rearing is a 'SA' use meaning that Council must advertise the application before granting approval.

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

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

Local Rural Strategy

Within the draft Local Rural Strategy the subject land is situated in the BBR3 Eastern Policy Area. The objective for this Policy Area is:

Continuation of traditional broad-acre agriculture as the primary use of rural land use, with minor intensive agriculture (animal industries and horticulture / viticulture) activities where potential for conflict between agricultural industries is adequately considered.

Section 5.2.3 of the Strategy promotes the diversification of the agricultural base of the Shire while Section 5.8 raises the need to ensure that there is no land use conflict and recognizes the need for some applications to be referred to the EPA.

COMMENT

The subject land has been inspected with the applicant.

The extensions to the feedlot will require the approval of the Department of Environment and Conservation under the Environmental Protection Act. It may be subject to a licence, registration or works approval.

The primary environmental concern relates to the management of liquid waste on the site and the applicant may need to prepare a detailed waste water management plan. Given the size of the property and the distance to the nearest residences other potential issues associated with dust, odour etc should be able to be managed appropriately.

The development of feedlots is subject to the Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia 2004. These have been prepared jointly by the EPA and DAFWA and address a wide range of matters including the design and operational requirements:-

POLICY IMPLICATIONS

Council's Policy P.07 relating to Feedlots reflects many of the issues addressed in the Guidelines.

Council's policy provides for stocking rates of between 9 – 25 square metres per head.

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

The application accords with Council strategic objectives as contained in the Local Rural Strategy.

SUSTAINABILITY IMPLICATIONS

- **Environmental:**
Provided the operations comply with the management guide lines there should not be any adverse environmental issues.
- **Economic:**
The application will further promote the Shire's agricultural base and provide positive economic benefits.
- **Social:**
The further diversification of the Shire's agricultural base will assist in maintaining and promoting a strong rural community.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 7.3.2

MOVED: Cr Oversby

SECONDED: Cr Giles

That Council approve the use and development of Lot 1983 P1236540 Boyup Brook – Kojonup Road for the purpose of 'Intensive Stock Rearing' subject to the following conditions.

- 1. The use and development hereby approved shall occur generally in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Council.**
- 2. The maximum number of cattle shall not exceed 2,200 head. This includes the 500 head previously approved by Council.**
- 3. The operation shall not commence until such time as the operator has obtained the approval (licence, registration or works approval) of the Department of Environment and Conservation.**
- 4. The management of the feedlot shall be in accordance with the Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia 2004.**

5. **A revegetation buffer shall be planted between the feedlot and the nearby drainage line to the requirements and satisfaction of Council.**
6. **Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.**
7. **No polluted drainage shall be discharged beyond the boundaries of the land from which it emanates or into watercourse or easement drain, but shall be so treated and/or absorbed on that lot to the satisfaction of the Environmental Health Officer.**
8. **The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.**
9. **The site shall be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.**
10. **Firebreaks, fire fighting equipment and other appropriate fire precautions being maintained to the satisfaction of Council and in accordance with the Bush Fires Act.**
11. **Access to the property and the site shall be to the requirements and satisfaction of Council.**
12. **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.**
13. **Prior to the use commencing the applicant shall provide an estimate of the value of the development and pay the application fee as prescribed by the Planning and Development Regulations 2009.**

CARRIED 8/0

Res 10/11

7.3.3 Subdivision Application (WAPC Ref 143498) Hands Close.

Location:	<i>Lot 200 Hands Close</i>
Applicant:	<i>RAS Machin</i>
File:	<i>AS3360</i>
Disclosure of Officer Interest:	
Date:	<i>8th February 2011</i>
Author:	<i>Geoffrey Lush (Council's Consultant Planner)</i>
Authorizing Officer:	
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 application is to subdivide Lot 200 Hands Close into two allotments. This was subject of a previous approval (Ref 133212 dated 2007) which has now lapsed.

The subject land is situated in Special Rural Zone No 2.

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

BACKGROUND

The subject land is located at the end of Hands Close and fronts the Boyup Brook Bridgetown Road (see Attachment 1).

Lot 200 has an area of 8.89 hectares and there is an existing dwelling on the property. The application is to subdivide the land into two (2) allotments with areas of 2.062 and 6.171 hectares as shown in Attachment 2.

A previous approval (WAPC Ref 133212) was granted for this application. This was subject to the following conditions:

1. Pursuant to section 129BA of the Transfer of Land Act (as amended), a restrictive covenant preventing motor vehicle access onto Bridgetown-Boyup Brook Road benefiting the Local Government being lodged on the Certificates of Title of the proposed lot, at the full expense of the applicant. (Local Government)
2. The existing vehicle crossover(s) to be removed and the verge reinstated with grass or landscaping to the specifications of the Local Government (Local Government)
3. The battleaxe accessway(s) being constructed and drained at the applicant/owner's cost to the specifications of the Local Government. (Local Government)

4. Arrangements being made with the Local Government for the upgrading and/or construction of Hands Close. (Local Government).
5. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of underground electricity supply service to the lot(s) shown on the approved plan of subdivision. (Western Power)
6. The transfer of land as a Crown Reserve, free of cost to Western Power for the provision of electricity supply infrastructure. (Western Power)

The applicant subsequently sought a reconsideration of conditions 1, 2 and 3 which was rejected by the Planning Commission.

The Manager of Works and Services has advised that:

- The existing access to Bridgetown Road has not been removed.
- The battle axe leg has not been constructed.
- The contribution to the upgrading of Hands Close was paid and Hands Close has been constructed by the Shire.

CONSULTATION

Manager of Works and Services

STATUTORY ENVIRONMENT

Town Planning Scheme No 2

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

The Special Conditions of Development in Schedule 3 stipulate that:-

- Subdivision shall be in accordance with the approved subdivision guide plan; and
- The minimum lot size is 2 hectares.

The subdivision guide plan has not been located and would be expected to have been approved in 1997 as the zone was in the original version of the Town Planning Scheme. However given that this was not an issue for the previous approval it is not an issue.

Rural Strategy

Within the Local Rural Strategy the subject land is located within the BBR5 – Townsite Surrounds Policy Area.

It is in sub area No 2 which also states that minimum lot sizes of 2 hectares may be considered without a reticulated water supply.

COMMENT

Given the previous approval there is no objection to the application.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

Proximity Interest

Cr Muncey declared a proximity interest in the item and departed the Chambers the time being 4.50pm.

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 7.3.3

MOVED: Cr Doust

SECONDED: Cr Giles

That the Western Australian Planning Commission be advised that Council supports the subdivision of Lot 200 Hands Close subject to the following conditions:-

- a. Pursuant to section 129BA of the Transfer of Land Act (as amended), a restrictive covenant preventing motor vehicle access onto Bridgetown-Boyup Brook Road benefiting the Local Government being lodged on the Certificates of title of the proposed lot, at the full expense of the applicant.**
- b. The existing vehicle crossover(s) to be removed and the verge reinstated with grass or landscaping to the specifications of the Local Government.**
- c. The battleaxe access way (s) being constructed and drained at the applicant/owner's cost to the specifications of the Local Government.**
- d. It is noted that the applicant has already paid for the upgrading of Hands Close in accordance with Condition 4 of previous approval WAPC Ref 133212.**

CARRIED 7/0

Res 11/11

4.51pm – Cr Muncey returned to the Chambers.

7.3.4 Subdivision Application (WAPC Ref 143455) Balgarup Road

Location:	<i>Lots 2478, 2860 and 2861 Balgarup Road</i>
Applicant:	<i>Harley Global</i>
File:	<i>AS6500</i>
Disclosure of Officer Interest:	
Date:	<i>8th February 2011</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>1 Location Plan</i>
	<i>2 Existing lots</i>
	<i>3 Subdivision Plan</i>

SUMMARY

This report is to consider a referral of a subdivision application from the Western Australian Planning Commission. The subject land comprises of Lots 2478, 2860 and 2861 Balgarup Road Kulicup.

The application is for boundary realignment and no additional lots will be created. Both lots will have a minimum lot size of 80 hectares.

The application is supported as it complies with the provisions of the Town Planning Scheme and Rural Strategy.

BACKGROUND

The subject land is located approximately 27 kms north east of Boyup Brook on the Balgarup Road as shown in Attachment 1.

The subject land has a total area of 334ha comprising of:

- Lot 2478 DP 229120 – 121.50 ha
- Lot 2860 DP 229124 – 91.299 ha; and
- Lot 2861 DP 229124 – 121.45 ha.

The registered proprietors of the property are Paul Salvatore Torrisi and Lydia Marie Torrisi.

The existing lots are shown in Attachment 2.

A number of sheds are located on the property for the storage of machinery and hay.

The northern portion of the property (Lots 2478 and 2861) slopes down to the west, with a high point of 255m AHD located on Lot 2478 and a low point of 230m AHD located in the southwestern corner of Lot 2861. Lot 2860 contains a ridgeline with a height of 245m AHD, from which the property slopes down to the north and south.

The majority of the property has been cleared of remnant vegetation for the purposes of cropping and stock grazing.

Access to the property is from Balgarup Road which is a constructed gravel road. An unconstructed road reserve separates Lots 2478 and 2861.

Lot 2860 fronts onto Eulin Siding Road which is also unconstructed.

It is intended to realign the boundaries of the property to create three (3) lots as shown in Attachment 3 as follows:

- Lot A - 80ha;
- Lot B - 80ha; and
- Lot C - 174ha.

The purpose of the proposed boundary realignment is to provide constructed road frontage all of the lots.

CONSULTATION

None

STATUTORY OBLIGATIONS

Town Planning Scheme

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

Clause 5.1 of the Scheme sets out the matters to be considered for a subdivision in the Rural zone.

Local Rural Strategy

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

Recommendations 8 and 13 apply to boundary realignments.

COMMENT

The proposal will enable the lots to be developed without needing access from Eulin Siding Road or from the north south unconstructed road reserve. As there are no additional lots being created there will not be any additional traffic on Balgarup Road.

The principal issue with the application is that Proposed Lot C will be bisected by the unconstructed road reserve. On the western side this will be in excess of 300m and on the eastern side it will be approximately 280m.

The application states that whilst it is acknowledged that this is not likely to be the most desired outcome, it is believed to be suitable due to the following circumstances:

- The road is not constructed within this road reserve, therefore it does not provide further justification for the future subdivision of Lot C;

- Should this road reserve be constructed in the future, the resulting road is unlikely to be major, nor form a premise for subdivision;
- The road reserve is utilised and managed by the owner of the land as part of the overall property. Therefore, it does not form a physical constraint on the use of the land;
- The road reserve is a historic feature of the rural landscape and will most likely not be constructed. It is more useful in this circumstance to orientate existing lots toward constructed road reserves, rather than using resources for the construction of additional road that is not required for access; and
- This road reserve has been crossed for many years without operational implications. The new lot configuration will not impact this.

In relation to the first point it is acknowledged that the presence of the road reserve would not be justification for any further subdivision of Lot C at a later date.

Of more concern is to ensure that the purchaser of Lot C does not rely upon the use of the road reserve to access the rear portions of the property or request that Council construct this road.

A second issue relates to the proximity of the proposed boundaries to the existing dams, especially on the western boundary of Lot B. Not only should the dam wall be wholly contained within the allotment but also the dam should be setback sufficient distance to ensure that water from the dam overflow is able to return to the natural point of discharge at the boundary.

The proposal complies with the provisions of the Town Planning Scheme and Rural Strategy and does not create any additional entitlements for dwellings.

As the revised lots will have areas in excess of 80 hectares there is no objection to the application provided that there are conditions addressing the above issues.

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 7.3.4

MOVED: Cr Biddle

SECONDED: Cr O'Hare

That Council advise the Western Australian Planning Commission that it supports the proposed boundary realignment of Lots 2478, 2860 and 2861 Balgarup Road Kulicup, subject to the following conditions:

- 1 A notification made pursuant to Section 70A of the Transfer of Land Act 1983 is to be placed on the certificates of title of the proposed Lot C advising that**

The road reserve bisecting the lot is unconstructed and should not be relied upon for access to any parts of the property. Council is under no obligation to construct this road.

- 2 All dams including walls should be wholly contained within each lot and setback sufficient distance from the boundary so as to ensure that the water from the dam overflow is able to return to the natural point of discharge at the boundary. This specifically applies to the dam located on the proposed western boundary of Lot B.**

CARRIED 8/0

Res 12/11

7.3.5 Solar Power to Swimming Pool

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Interest:	Nil
Date:	10 February 2011
Author:	Geoff Carberry Senior Admin Officer
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Spread sheet - Swimming Pool Power charges Clean Energy Council - Guide to solar panels

SUMMARY

Provision of Solar Power to Swimming Pool

Investigations have revealed that a wide range of options are available. Price is dependant on types of photovoltaic cells used and system capacity. With estimated funds of fifteen thousand dollars (\$15000) being available, most commonly a 3Kw system would be able to be purchased.

BACKGROUND

In March 2010 budgetary estimates to install photovoltaic at a number of Shire buildings were obtained from a local supplier. During this process it was decided not to proceed.

At the Council meeting of 21st October 2010 the following item was resolved.

9.1.1 Installing Solar-Generated Power at the Swimming Pool

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.1

MOVED: Cr Biddle

SECONDED: Cr Muncey

That the CEO be requested to collect information on the financial and other costs and benefits of installing solar-generated power at the swimming pool, and to present this to Council no later than at its February meeting.

CARRIED 8/0

Res 217/10

Rationale:

- **Solar power has the proven potential to significantly reduce running costs**
- **Recoup of equipment and installation costs is possible after a relatively short proportion of the equipment's life span.**
- **Feeding excess-to-needs power into the grid can generate "income"**
- **Employing solar power is environmentally responsible.**

- **Should the trial be as successful as it appears to promise, the scheme could be extended to other Shire buildings, resulting in further nett cost savings, and may serve to persuade others in the community to follow the Council's lead.**

Note: Notice has already been given that costs of electricity are due to rise, and will continue to do so. The benefits of producing power excess-to-needs are currently at their greatest at the present time, and are reliably forecast to steadily decrease in the immediate future.

That:-

- 1. the Council receive and endorses the Shire of Boyup Brook's Forward Capital Works Plan 2010/2011 to 2014/2015 Draft 3.**
- 2. the Council request the Chief Executive Officer to develop a method of Council reviewing the Forward Capital Works Plan annually.**
- 3. the Council seek to apply the direct portion of the 2010/11 Country Local Government Fund Grant of \$365,263, in accordance with the Forward Capital Works Plan on the following projects:**
 - a. Town Drainage Improvements – Water Harvesting - \$328,263**
 - b. Boyup Brook Town Hall air conditioning - \$22,000**
 - c. Boyup Brook Swimming Pool solar power - \$15,000**
 - d. The 2010/11 Budget be amended accordingly.**
- 4. the 2010/11 Budget be amended by re-applying the \$40,000 provision for drainage study consultancy fees (account E108005) to the following projects**
 - a. Sporting Complex Development Planning - \$10,000**
 - b. Flax Mill Caravan Park Planning - \$10,000**
 - c. Infrastructure Projects Planning - \$20,000**
- 5. two of the steel door structures from the retting tanks be retained from the demolition process and stored.**
- 6. an Interpretive Centre be included for consideration in the Flax Mill Caravan Park Planning Process.**

COMMENT

Power usage at the Swimming Pool is currently charged as a R3 billing rate which breaks usage into two categories Peak 28.47 cents per unit (Kw) and off peak 8.7 cents per unit (Kw)

Historically the breakdown of use is 43% peak against 57% off peak.

Allowing for an average generation of 2Kw per hour, savings on the peak rate would be approximately \$2034 per annum. There would be no saving on the off peak rate.

All figures are based on current pricings, savings will be dependent on level of power generation and successful negotiation with Western Power to buy excess generated power during low usage periods. It is noted that our low usage periods also coincide with low generation periods being the winter months, therefore actual rebates may not be as high as predicted. Additional photovoltaic panels may be able to be added to the design to

improve efficiency, this will be dependent on available roof space and cost of the additional panels. A 3Kw system typically consists of sixteen panels each measuring 1558mm x 808mm.

As installation costs will be funded this site could be treated as a trial site to test manufactures claims and actual output levels with the view of placing additional systems on other Shire assets in the future.

CONSULTATION

Solar-Equip
Unleashed Solar
Solargain
Clean Energy Council of Australia
Synergy/Western Power
Agrelec

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

It is intended that installation costs will be met by grant funding.
Ongoing costs should be negligible in the short term except for asset replacement allowances.
An anticipated rise in the cost of electricity will show improved savings in future years

STRATEGIC IMPLICATIONS

As part of the Shire of Boyup Brook strategic plan the installation of this system will show that the Council is willing to meet the challenges of future sustainability.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 7.3.5

MOVED: Cr Biddle

SECONDED: Cr Oversby

- 1. That on condition that grant funding is approved the Council installs a 3kw photovoltaic supplementary power system at the Boyup Brook Swimming Pool complex, this system not to exceed the value of the grant funding (\$15000)**
- 2. That this system be treated as a trial to provide actual data with consideration of this data being used to assess if further installations on Shire owned assets is viable.**

CARRIED 8/0

Res 13/11

7.3.6 Country Music and Arts Centre for Excellence

Location:	62 Abel Street Boyup Brook
Applicant:	Country Music Club of Boyup Brook W.A. Incorporated.
File:	CR/31/003
Disclosure of Officer Interest:	Member of the Country Music Club and part of the funding for the CDO position is also contributed by the Club.
Date:	10 February 2011
Author:	Daly Winter – Community Development Officer.
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	none

SUMMARY

The Country Music Club of Boyup Brook WA Incorporated (CMCBB) with the support of South West Development Commission (SWDC) submitted an application in December to the Department of Regional Development and Lands (RDL) for the establishment of the Country Music and Arts Centre for Excellence. The estimated project cost is approximately \$7.5 million dollars. The CMCBB have estimated that they will be contributing \$295,000.00 in “Cash” and “In kind” towards the project.

Funding providers have intimated to the Club that a significant “Cash” commitment would be required from the Shire of Boyup Brook for this project to have any chance of proceeding beyond the Expression of Interest stage. Mrs Deborah Bendall-Chambers President of the CMCBB will make a presentation to Council today to inform and update councillors about the project. For this Expression of Interest to proceed any further RDL is seeking an indication of the Shire of Boyup Brook’s commitment?

Council to consider the amount and type of support they could offer towards the Country Music and Arts Centre for Excellence project.

BACKGROUND

As the proposed name of the project suggests the aims of this project is to provide the inspiration and infrastructure to support the development of excellence in production, promotion and sales of country music and the Arts in the South West.

When completed the Country Music and Arts Centre for Excellence will be the only facility of its type in this State.

Project implementation and outcomes have been modelled on the city of Tamworth NSW which has become the acknowledged Australian Country Music Mecca and a centre for music production in its own right which attracts over 50,000 visitors per year and injects an estimated \$50 million into its local economy.

The realisation of this development goal will provide:

- The infrastructure which will anchor the Boyup Brook Country Music Clubs administrative, country music development and retail activities. This will in turn aid and support the hosting of the annual Country Music Festival ensuring the ongoing

- benefits continue to flow through to the South West Region and the State estimate to be approximately \$1.1 million per annum.
- The centre-piece, the establishment of a physical Country Music and Arts Centre for Excellence, will incorporate a fully equipped professional standard recording studio complete with glass viewing panel or panels that allow visitors a unique opportunity to experience the recording process. The recording facility will service local and regional musicians including those from the Peel and Great Southern Regions. The recording facility would also be available to Award winners from all over the State.
- This new facility will provide a much needed modern aesthetically pleasing social facility for the town of Boyup Brook.

What activities will the CMCBB undertake?

The design and construction of a new multi purpose Country Music and Arts, Centre of Excellence. This will incorporate;

- The design and fit out of a fully equipped professional standard recording studio complete with glass viewing panel or panels that allow visitors a unique opportunity to experience the recording process.
- The design and fit out of two “hot offices” fully equipped and serviced offices available for immediate casual or short term use by community groups, service organisations, visiting professionals or business men/women.
- The design and fit out of multi purpose performance area/conference rooms, performance area/Lounge area to accommodate small arts touring shows and youth performance spaces.
- The design and fit out of two, two bedroom accommodation units that will be used to accommodate artists in resident programs, visiting music artists and professionals associated with Country Music Festival and Arts development programs, visiting business professionals and visitors.
- The design and fit out of the new Administration office area for the Club. This area will anchor the Clubs administrative and development activities.
- The design and fit out of the Country Music Museum and Interpretive Centre. This will house rare music memorabilia and give visitors the chance to learn how to read music, play an instrument etc. A blue screen for filming visitors - karaoke stage performance.
- The design and fit out of the Art Gallery, including temperature controls and all gallery hanging fixtures with specialised lighting.
- The design and fit out of the Club Retail area. The retail area will carry merchandise and retail lines to complement the Country Music theme.
- The design and fit out of the Art workshop area, suitable for Tafe art classes, artist in residency programs, community art groups and school programs
- The design and fit out of the Reception area.
- The design and fit out of common areas, staffrooms toilets etc.

What is the outcome the CMCBB aiming to achieve?

This development of the Country Music and Arts Centre for Excellence will be the realisation of a long term goal for the Club. In 2007 the committee visioned a new home for the Club which would allow the Club to expand and develop its programs and activities. In 2008 the Club took the first steps to make this dream a reality, when it purchased a commercial block in the main street of Boyup Brook. Since then the Club

has been steadily pursuing the dream and today we stand ready to take the next steps to make the vision a reality.

This new facility will give the Club the desperately needed space to expand and grow, building its capacity, thus ensuring the long term sustainability of the Club and the festival. It will allow the Club to expand opportunities building on the foundation of past successes using the knowledge of a very skilled and resourceful committee. It will be the catalyst for the Club to forge ahead with the development of new programs and extend activities through much closer working relationships with National and West Australian Arts organisations such as Country Arts WA, the West Australian Music Industry Association and the Country Music Association of Australia.

The Country Music and Arts Centre for Excellence will be the catalyst for the reinvigoration of Boyup Brook and help grow prosperity in the town. Working in partnership with the Shire the Club foresee the re-emergence with vigour of the theme Boyup Brook "Country Music Capital of WA" and an all encompassing acceptance and promotion of all things "Country", from street scape railings with guitars on them to ornate light poles with music embellishments all acknowledging the theme.

The new facilities contained in the building will also provide a desperately needed modern, aesthetically pleasing social networking point for the town in the form of a new café and the serviced offices, conference rooms and board room facilities available for use by government departments and agencies, will provide the infrastructure to improve the servicing of our regional community.

What is the proposed timeframe for the project?

The full project time frame from funding approval to completion is anticipated to be 24 months commencing in July 2011 and spanning two financial years.

The build time for the project is anticipated to take 12 months

Funding for this project could be planned and span two financial years if desired.

COMMENT

Council is being asked to make provision to support the Country Music and Arts Centre for Excellence project if all other funding is approved through:

- a sizable cash contribution in 2012 – 2013 (a figure of \$150,000 was mentioned)
- the wavering planning and building licence and application fees associated with the Country Music and Arts Centre for Excellence project.
- In kind support assisting the CMCBB with earthworks, external works and landscaping.

With council support CMCBB will have a chance to secure a \$7.5 million dollar project for Boyup Brook, without council support the Club will have no chance to secure the funding according to Lotterywest funding sources and guidelines.

There are no guarantees this project will achieve funding from DRL and Lotterywest to proceed however it requires a written commitment by the Shire to progress beyond the Expression of Interest Stage.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

It is expected that there would be no impact in the current financial year.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute majority

4.56pm – Cr Giles left the Chambers.

4.57pm – Cr Giles returned to the Chambers.

Impartiality Interest

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

MOVED INTO COMMITTEE

MOVED: Cr Marshall

SECONDED: Cr Giles

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 14/11

MOVED OUT OF COMMITTEE

MOVED: Cr Muncey

SECONDED: Cr Doust

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

CARRIED 8/0

Res 15/11

OFFICER RECOMMENDATION – Item 7.3.6

That Council authorise the Chief Executive Officer to provide a letter of support to the Country Music Club Boyup Brook for its funding applications for its proposed Country Music and Arts Centre for Excellence that includes a commitment to provide \$150,000 funding support, donation of Council fees associated with planning and building applications relevant to the project, and earthworks, external works and landscaping

COUNCIL DECISION

MOVED: Cr Doust

SECONDED: Cr Biddle

That the matter of the Boyup Brook Country Music Club's request for a letter pledging support for its Country Music and Arts Centre for Excellence be referred back to the Chief Executive Officer to seek an application from the Boyup Brook Country Music Club that details what financial and other assistance it is requesting, that the application be supported by copies of audited financial statements. That the Chief Executive Officer prepare a report detailing full costing of the requested contribution for presentation to a special meeting of Council to be held to deal with this request.

CARRIED BY ABSOLUTE MAJORITY 8/0 Res 16/11

7.3.7 Attendance at meetings by means of instantaneous communication

Location:	N/A
Applicant:	Councillor Doust
File:	
Disclosure of Officer Interest:	None
Date:	10 February 2011
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Not applicable
Attachments:	Nil

SUMMARY

Councillor Doust seeks Council approval to attend the April and perhaps the May ordinary meetings of Council via means of instantiations communication and the recommendation is that Council agree to the request.

BACKGROUND

Councillor Doust asked for Council to consider permitting him to attend the December 2010 Council meeting over the telephone and Council dealt with the late item at its December meeting and resolved as follows:

That council allow a Councillor to participate in a meeting under section 14A of the Local Government (Administration) Regulations 1996 via electronic means on application to the CEO and a subsequent report from the CEO to council.

COMMENT

The matter was discussed at some length at the last Council meeting and it was noted that there may be some problems with a telephone, hook up. Problems such the PRESIDENT OFFICER (President) not being able to see the Councillor indicating when he wants to speak during debates etc, quality of phone connection and the like. On the positive side is the opportunity for the Councillor to provide valued input into the decision making process.

It is suggested that some of the potential problems of a phone conferencing arrangement might be alleviated if the Councillor and the presiding officer could see each other at the meeting. It is understood that this could be achieved using existing lap top computers. On this point, Administration is working on a plan to set the Chambers up better for use of electronic communication options and will put a plan to Council as part of the budget process but, if approved, this would not be implemented till some time later in the calendar year and so not impact on the matter before Council now.

On balance, it is recommended that Council approve Councillor Doust's request and allow him to attend the April and May Council meetings via means of instantiations communication.

The Regulation requires that the person be in a "suitable place"; see copy of Regulation 14A below. It is noted that Councillor Doust will be in Wiluna which is a town site and more than 150 Kilometres from the Council Chambers.

CONSULTATION

The author has spoken with Cr Doust and the matter was discussed at the last Council meeting.

STATUTORY OBLIGATIONS

Regulation 14A of the Local Government (Administration) Regulations 1996 has relevance in relation to this request and is show below. Regulation 14B is not particularly relevant but is included below for information.

14A. Attendance at meetings by means of instantaneous communication — s. 5.25(1)(ba)

- (1) A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —
 - (a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting;
 - (b) the person is in a suitable place; and
 - (c) the council has approved* of the arrangement.
- (2) A council cannot give approval under subregulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person who was not physically present was taken to be present in accordance with this regulation.
- (3) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.
- (4) In this regulation —

suitable place means a place that the council has approved* as a suitable place for the purpose of this regulation and that is located —

 - (a) in a townsite or other residential area; and
 - (b) 150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;

townsite has the same meaning given to that term in the *Land Administration Act 1997* section 3(1).

* Absolute majority required.

[Regulation 14A inserted in Gazette 31 Mar 2005 p. 1031.]

14B. Attendance at meetings by means of instantaneous communication after natural emergency — s. 5.25(1)(ba)

- (1) If a council member is prevented from being physically present at a meeting of the council because of fire, flood, lightning, movement of land, storm, or any other natural disaster the member is to be taken to be present at the meeting if —

- (a) the member is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and
 - (b) the member is authorised to be present by —
 - (i) the Mayor;
 - (ii) the President; or
 - (iii) the council.
- (2) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.
- (3) A place where a person referred to in this regulation is physically present during a meeting is not a place that is open to members of the public under section 5.23(1).
- (4) In this regulation —
person referred to in this regulation, in respect of a meeting, means a council member who is prevented from being physically present at that meeting.

[Regulation 14B inserted in Gazette 31 Mar 2005 p. 1031-2; amended in Gazette 19 Aug 2005 p. 3872.]

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Costs of a telephone conference would be minimal and covered by current budget provisions.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 7.3.7

MOVED: Cr Oversby

SECONDED: Cr Biddle

That Council approve Councillor Doust’s application to attend the April and May 2011 via means of instantaneous communication whilst he is located in Wiluna Western Australia.

CARRIED BY ABSOLUTE MAJORITY 5/3

Res 17/11

7.3.8 Boyup Brook Town Hall – New Hire Fee

Location:	<i>Boyup Brook Town Hall</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10 February 2011</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to recommend that Council adopt a new Hall hire fee for the current financial year.

BACKGROUND

The Boyup Brook Netball Club used the Town Hall for junior and senior fixtures last season and wants to use the Hall again this year. It is proposed that a new fee be established for this use.

COMMENT

The Netball Club reports that the trial use of the Hall was very successful in terms of increased numbers of players and so it seeks to use the Hall again this coming season.

Relatively little use related damage was reported during the season except for the last game day when a number of ceiling panels where dislodged (and had to be put back in place) and a light damaged. The club intends to use the Hall for seniors only this season and have the juniors on the full sized courts at the sporting complex. This is expected to reduce the opportunity for damage to the Hall.

The current comparable hire rate for a sporting group using the Hall is \$10 for the first hour and \$3 for each additional hour. It has been assessed that a rate of \$10 per hour would be more appropriate for the netball use and the Club representative has indicated acceptance of this. It should be noted that the new fee has to be advertised before it is applied.

CONSULTATION

The author has spoken with the Club and Council staff.

STATUTORY OBLIGATIONS

The following section of the Local Government Act applies:

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required.*

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

It is not expected that there would be any significant impact to Hall income because the budget estimate was done on previous year's income levels and not on estimated hiring. It is expected that there will be no significant increase in costs, past what has been provided for, resulting from this usage.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 7.3.8

MOVED: Cr Muncey

SECONDED: Cr Biddle

That Council amend the Schedule of Fees and Charges by adding a Boyup Brook Town Hall hire fee of \$10 per hour for Netball and that Administration advertise that the new fee will operate as from 28 February 2011.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 18/11

7.3.9 Council Committee to investigate ways of attracting more residents to Boyup Brook - membership

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10 February 2011</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council a recommendation for the four community members to sit on the committee, a name for the committee and a term for the committee.

BACKGROUND

Council passed the following recommendation at its November 2010 meeting:

That Council form a committee to investigate ways of attracting more residents to Boyup Brook and to report to Council on its recommendation. Council decided to nominate 3 Councillors and 4 community members to be on the committee.

Councillors nominated are Cr Biddle, Cr Muncey and Cr O'Hare. The nominated Councillors will recommend community members to the December Council meeting.

COMMENT

It is understood that Councillors have met with a number of people from the community on a number of occasions on an informal basis and that a community committee was formed to look at ways of attracting more residents to Boyup Brook. The community committee is called Growing Boyup Brook and its chairman is Councillor Biddle.

The Council committee has not met as yet because it could not do so until Council appointed the four community representatives. The three Councillors appointed by Council to sit on its Committee met with the CEO Wednesday 9 February informally to discuss a recommendation to Council as to the appointment of the four community members or some other option that Council may wish to consider.

Options looked at were to recommend that the committee membership be reduced to the three Councillors. This option would allow the committee to invite who ever it wanted to meetings to discuss matters etc but no one other than the committee members could vote. The right to vote at meetings may not be seen as a problem to community members so long as their views are considered.

Another option was to recommend that Council increase the number of community members on the committee allowing each Councillor on the committee to nominate two persons.

A third option looked at was to recommend to Council that it not form a committee and that the matter be left to the community group that had already been formed.

Councillors Muncey and O'Hare attended the informal meeting with the CEO in person and Cr Biddle joined them via the telephone later. The consensus was that;

- the Council committee should be formed
- Deb Chambers, Anne Thompson, Glen Russell and Brian Walker be recommended to be the community representatives
- the Council committee be called the Growing Boyup Brook Committee
- the term of the committee be until the meeting of Council held following the general elections to appoint committees etc in October or November 2011.

CONSULTATION

The author has spoken with Councillors.

STATUTORY OBLIGATIONS

The following sections of the Local Government Act apply to Council committees:

Subdivision 2 — Committees and their meetings

5.8. *Establishment of committees*

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

* *Absolute majority required.*

5.9. *Types of committees*

- (1) In this section —
other person means a person who is not a council member or an employee.
- (2) A committee is to comprise —
 - (a) council members only;
 - (b) council members and employees;
 - (c) council members, employees and other persons;
 - (d) council members and other persons;
 - (e) employees and other persons; or
 - (f) other persons only.

5.10. *Appointment of committee members*

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* *Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or

(b) that a representative of the CEO be a member of the committee,
the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11A. Deputy committee members

- (1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.

** Absolute majority required.*

- (2) A person who is appointed as a deputy of a member of a committee is to be —
- (a) if the member of the committee is a council member — a council member; or
 - (b) if the member of the committee is an employee — an employee; or
 - (c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or
 - (d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.
- (3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.
- (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

[Section 5.11A inserted by No. 17 of 2009 s. 20.]

5.11. Tenure of committee membership

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
 - (b) the person resigns from membership of the committee;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,
- whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
- (a) the term of the person's appointment as a committee member expires;
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,

whichever happens first.

5.12. Election of presiding members and deputies

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

5.13. Functions of deputy presiding members

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

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

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

5.14. Who acts if no presiding member

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

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

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

5.15. Reduction of quorum for committees

The local government may reduce* the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.

** Absolute majority required.*

5.16. Delegation of some powers and duties to certain committees

- (1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.

** Absolute majority required.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —

- (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

5.17. Limits on delegation of powers and duties to certain committees

- (1) A local government can delegate —
- (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
 - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
 - (ii) any other power or duty that is prescribed;
 - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
 - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
 - (i) the local government's property; or
 - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

[Section 5.17 amended by No. 49 of 2004 s. 16(2).]

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

Subdivision 3 — Matters affecting council and committee meetings

5.19. Quorum for meetings

The quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.

5.20. Decisions of councils and committees

- (1) A decision of a council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.
- (2) A decision of a committee does not have effect unless it has been made by a simple majority or, if another kind of majority has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.
- (3) This section does not apply to elections —

- (a) by a council of the local government's mayor or president under section 2.11;
- (b) by a council of the local government's deputy mayor or president under section 2.15; or
- (c) by a committee of the committee's presiding member or deputy presiding member under section 5.12.

5.21. Voting

- (1) Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.
- (2) Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.
- (3) If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.
- (4) If a member of a council or a committee specifically requests that there be recorded —
 - (a) his or her vote; or
 - (b) the vote of all members present,

on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.

- (5) A person who fails to comply with subsection (2) or (3) commits an offence.

[Section 5.21 amended by No. 49 of 2004 s. 43.]

5.22. Minutes of council and committee meetings

- (1) The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.
- (2) The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.
- (3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,
where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

5.24. Question time for public

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at —
 - (a) every ordinary meeting of a council; and
 - (b) such other meetings of councils or committees as may be prescribed.
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

5.25. Regulations about council and committee meetings and committees

- (1) Without limiting the generality of section 9.59, regulations may make provision in relation to —
 - (a) the matters to be dealt with at ordinary or at special meetings of councils;
 - (b) the functions of committees or types of committee;
 - (ba) the holding of council or committee meetings by telephone, video conference or other electronic means;
 - (c) the procedure to be followed at, and in respect of, council or committee meetings;
 - (d) methods of voting at council or committee meetings;

- (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made);
 - (f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings;
 - (g) the giving of public notice of the date and agenda for council or committee meetings;
 - (h) the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings;
 - (i) the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and
 - (j) the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —
 - (i) tabled at a council or committee meeting; or
 - (ii) produced by the local government or a committee for presentation at a council or committee meeting,are to be made available for inspection by members of the public.
- (2) Regulations providing for meetings to be held by telephone, video conference or other electronic means may modify the application of this Act in relation to those meetings to the extent necessary or convenient to facilitate the holding of those meetings in that way.

The Local Government (Administration) Regulations also have relevance.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time. It is expected that committee meeting costs would be covered by current budget provisions.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION – ITEM 7.3.9

That Council;

1. Appoint the following persons to sit on its committee to look to investigate ways of attracting more residents to Boyup Brook;
 - Deb Chambers
 - Anne Thompson
 - Glen Russell
 - Brian Walker
2. Name committee the Growing Boyup Brook Committee.
3. Set the term of the committee to be until the meeting of Council held following the general elections to appoint committees etc in October or November 2011.

COUNCIL DECISION – ITEM 7.3.9

MOVED: Cr Biddle

SECONDED: Cr Doust

That Council;

1. Increase the number of committee members to 6.
2. Appoint the following persons to sit on its committee to look to investigate ways of attracting more residents to Boyup Brook;
 - Deb Chambers
 - Anne Thompson
 - Glen Russell
 - Brian Walker
 - Linda Coote
 - Hannah Chambers
3. Name committee the Growing Boyup Brook Committee.
4. Set the term of the committee to be until the meeting of Council held following the general elections to appoint committees etc in October or November 2011.

5.36pm – Cr Doust departed the Chambers

5.38pm – Cr Doust returned to the Chambers

CARRIED BY ABSOLUTE MAJORITY 7/1 Res 19/11

Cr Muncey resigned from the committee.

MOVED: Cr O’Hare

SECONDED: Cr Biddle

That Cr Oversby be appointed as the third Council member on Council’s Growing Boyup Brook Committee.

CARRIED 8/0

Res 20/11

7.3.10 Blackwood Basin Group - relocation

Location:	<i>Boyup Brook Railway Station Reserve</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10 February 2011</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council a proposal to assist the Blackwood Basin Group (BBG) to relocate to a more prominent position on Boyup Brook.

BACKGROUND

The Department for Agriculture rented (no lease agreement could be located) the railway station building, paying \$2600 per annum, until part way through 2008/09 and the BBG rented a transportable building, that had been placed on the railway reserve, since 1/7/2001 (again no agreement could be found). A letter from BBG dated 2 July 2009 notes, among other things, that it would like to enter into a formal agreement with Shire (indicating an absence of pre-existing agreement). Also that The Department for Agriculture leased the railway station from Council for three years from 1996 and that they (BBG) occupied one end of the railway station office as part of a state government initiative the centre was called the Community Agriculture Centre (that is the BBG sat under the Department for Agriculture). Later, they say, they paid \$30,000 toward the cost of the transportable building that is now located next to the railway station building and that this was then used to house the BBG. The letter also notes that the Community Agriculture Centre idea was dropped, the Department closed its office and BBG had to pay electricity charges.

Council raised rental charges to BBG from 2001 to 2007 but BBG did not pay the rent. In August 2007 Council resolved to write off the debt of \$17,060. In August 2009 Council dealt with a request from BBG to write off another rent debt of \$5,720 and agreed to this. It also agreed to enter into a month by month rental agreement which was functional up to the end of 2009/10. BBG continues to occupy the premises. It is noted that there appears to be no approval or arrangements in place regarding the transportable building that Council and BBG paid for and in their absence it would be assumed that PTA could claim ownership of the structure.

Much of the foregoing comes from a report to the August 2010 Council meeting where Council resolved as follows:

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

Council dealt with the matter again in October 2010 where, among other things, it was reported that *The Shire owned structures could be moved to shire owned land or Reserve land managed by the Shire and the estimated costs of the railway lease (\$11,527) could be avoided.* (the Shire owned structures referred to being the railway wagons and transportable building)

Council passed the following resolution at its October 2010 meeting:

That Council:

- 1. not seek a new lease for the Boyup Brook Railway Station Reserve.**
- 2. direct Administration to prepare a report on alternative sites for Council owned structures on the Reserve, with relevant costs, and that the current month by month lease with the Public Transport Authority be continued in the interim.**

Council currently receives \$50 per week in rent from BBG who pay it own water and electricity charges.

COMMENT

It is proposed that a report be put to the Aril meeting of Council in accordance with par 2 of its October 2010 resolution. At this stage the Shire Depot is favoured as a location for the transportable and the Flax Mill Caravan Park is being looked at for the wagons two of which are used by community groups). It is noted that the transportable building would greatly improve the functionality of the depot.

Council has provided the BBG with support over a number of years in terms of free and subsidised accommodation. The organisation is based in Boyup Brook and employs local people. It, like many Natural Resource Management (NRM) groups, has been adversely affected by changes to State and Federal funding arrangements but has been successful in gaining alternative funding and is looking to broaden its area off operation. Whilst some NRM bodies have failed BBG appears to have secured funding till mid 2012 and is confident of continuing strongly past that time.

There are number of entities representing the State Government in relation to Railway Reserves and we are now coming under some pressure to do something about the Shire's occupation of the Railway Station Reserve. We have not notified any of the parties representing the State of the intention to not seek a new lease because it was important to sort out what was to be done with Council assets on the land and Council's tenants, and so the month by month lease arrangement that has been in place since 2002 continues.

In discussions with BBG the option of locating the transportable building to the Shire Depot and them using it there was discussed. The benefit to Council was that when and if the BBG no longer need to be accommodated, or what ever, Council, had the building already in its depot and could occupy it itself. BBG preferred a more prominent location and so the opportunity to rent a building in the CBD was looked at and two options explored. In essence, BBG would need assistance to be able rent a building. That rational behind the suggestion that Council provide this is that it has already recognised the importance of this organisation and has been assisting with free or subsidised accommodation for a number of years. Also, there are benefits in locating the transportable building in a location at the depot that bests suits Council's use of it and being able to occupy it now.

It is noted that it was estimated in October that not having the Railway Station Reserve to manage would provide savings. Based on the figures produced for that meeting the annual savings of not having to maintain the railway station, goods shed and crane, and

toilet is in the order of \$9,000. It is suggested that some of this saving could be used to provide BBG with a rental subsidy.

In order to move forward and for BBG to relocate it is recommended that Council provide an annual contribution of \$6,000 through to 30 July 2012. It is expected that the group would relocate no earlier than 1 March and so the impact on this financial year would be \$2,000.

CONSULTATION

The author has spoken with the BBG, some Councillors and some staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The impact on the current budget may well be nil if the expected savings are realised but it would be better to view this as an additional \$2,000 in expenditure. To offset this Administration has identified a trend that indicates telephone costs will be at least \$2,000 less than predicted.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 7.3.10

MOVED: Cr Doust

SECONDED: Cr Muncey

That Council

1. **Amend the 2010/11 budget to reduce the provision for expenditure on Telephones in Administration by \$2,000 and provide for expenditure of \$2,000 under Protection of Environment in Community Amenities.**

2. Commit to providing an annual contribution of \$6,000 to the Blackwood Basin Group till 30 June 2012 provided it relocates to a commercial building in the town of Boyup Brook.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 21/11

7.3.11 Boyup Brook Medical Services – Review of Fees

Location: Medical Centre Abel Street, Boyup Brook
Applicant: Shire of Boyup Brook
File: CM/42/003
Disclosure of Interest: Nil
Date: 11 February 2011
Author: Alan Lamb, Chief Executive Officer
Authorizing Officer: N/A
Attachments: Nil

SUMMARY

This report outlines the existing fees for services provided by the Boyup Brook Medical Centre, recent review of the Medicare rebates and proposes an increase in the fees.

BACKGROUND

The following fee structure was included in the 2010/11 budget:-

Service	GST Included	Amount
Consultations – Short	No	\$26.00
Consultations – Standard	No	\$48.50
Consultations – Long	No	\$78.50
Consultations – Extra Long	No	\$105.50
PATS – referral	Yes	\$3.00
Late Payment Administration fee – over 30 days	Yes	\$5.00
Late Payment Administration fee – over 60 days	Yes	\$10.00
Late Payment Administration fee – over 90 days	Yes	\$15.00
Administration fee for missed appointments (after 2 notices to patient)	Yes	\$18.50
Reports for Third Parties	Yes	\$195.00 per hour
Hire of Consulting Rooms – Half Day	Yes	\$44.00
Hire of Consulting Rooms – Half Day with receptionist	Yes	\$55.00
Hire of Consulting Rooms – Full Day	Yes	\$88.00
Hire of Consulting Rooms – Full Day – with receptionist	Yes	\$110.00
Hire of Consulting Rooms to Visiting health Professionals from Voluntary organizations that do not levy or receive a fee for their services – Half day hire	Yes	\$25.00
Repeat Prescription fee – without seeing the Doctor	Yes	\$5.00
Repeat Prescription Fee – bulk billed patients	Yes	\$2.50

Consistent with prior years, the fees set in the budget are reviewed after Medicare conducts its determination of rebates which it does each October/November. Note that the fees were adopted in the annual budget for 2010/11 was based on the Medicare rebate level set in November 2007.

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

November 2006 till 31 October 2007

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

1 November 2007 till 31 October 2008

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

1 November 2008 till 31 October 2009

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

1 November 2009 till 31 October 2010

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

1 November 2010 till 31 October 2011

Short consult	\$28.00, Medicare rebate	\$16.00,	Gap \$12.00
Standard	\$52.50, Medicare rebate	\$34.90,	Gap \$17.60
Long	\$85.25, Medicare rebate	\$67.65	Gap \$17.60
Extended	\$117.15, Medicare rebate	\$99.55	Gap \$17.60

COMMENT

The Chief Executive Officer has discussed this matter with the Doctor and staff at Boyup Brook Medical Practice and it is recommended that the fees be reviewed to reflect the increased costs of operating the medical centre and the revised Medicare rebates. A small increase each year is far more acceptable that a larger increase after a longer period without an adjustment. The revised Medicare rebates as from 01/11/10 are:-

	<u>Rebate</u>
Consultation – Short	\$16.00
Standard	\$34.90

Long \$67.65
 Extra Long \$99.55

The new fee structure proposed is as follows:

Service	GST Included	Amount
Consultations – Short	No	\$28.00
Consultations – Standard	No	\$52.50
Consultations – Long	No	\$82.25
Consultations – Extra Long	No	\$117.15
PATS – referral	Yes	Nil
Cortisone Injection	Yes	\$29.50
Late Payment Administration fee – over 30 days	Yes	\$5.00
Late Payment Administration fee – over 60 days	Yes	\$10.00
Late Payment Administration fee – over 90 days	Yes	\$15.00
Administration fee for missed appointments (after 2 notices to patient)	Yes	\$52.50
Reports for Third Parties	Yes	\$215.25 per hour
Employment Medical	Yes	\$89.25
Hire of Consulting Rooms – Half Day	Yes	\$44.00
Hire of Consulting Rooms – Half Day – with receptionist	Yes	\$55.00
Hire of Consulting Rooms – Full Day	Yes	\$88.00
Hire of Consulting Rooms – Full Day – with receptionist	Yes	\$110.00
Hire of Consulting Rooms to Visiting health Professionals from Voluntary organizations that do not levy or receive a fee for their services – Half day hire	Yes	\$25.00
Repeat Prescription Fee – private patents	Yes	\$6.50
Repeat Prescription Fee – bulk billed patients	Yes	\$3.75
Repeat Prescription Fee – without seeing the Doctor	Yes	\$6.50

The GAP after taking into consideration the revised fee schedule and Medicare rebate will be as follows:-

	GAP
Consultation – Short	\$12.00 (an increase of \$1.35)
Standard	\$17.60 (an increase of \$2.65)
Long	\$17.60 (an increase of \$2.85)
Extra Long	\$17.60 (an increase of \$5.90)

CONSULTATION

Dr Mel and Boyup Brook Medical Centre staff

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.16, 6.17 and 6.19

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

POLICY IMPLICATIONS

No specific policy that relates to this matter.

FINANCIAL IMPLICATIONS

The revised fee structure will assist in achieving the estimate increase income projected in 2010/11 Budget to be received by the Boyup Brook Medical Centre, however the level depends entirely on the number of patients attending.

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.11

MOVED: Cr Doust

SECONDED: Cr Giles

That the fees and charges contained in the 2010/11 Budget for the Boyup Brook Medical Centre be revised as follows and implemented from 1 March 2011:-

BOYUP BROOK MEDICAL CENTRE

Service	GST Included	Amount
Consultations – Short	No	\$28.00
Consultations – Standard	No	\$52.50
Consultations – Long	No	\$82.25
Consultations – Extra Long	No	\$117.15
PATS – referral	Yes	Nil
Cortisone Injection	Yes	\$29.50
Late Payment Administration fee – over 30 days	Yes	\$5.00
Late Payment Administration fee – over 60 days	Yes	\$10.00
Late Payment Administration fee – over 90 days	Yes	\$15.00
Administration fee for missed appointments (after 2 notices to patient)	Yes	\$52.50
Reports for Third Parties	Yes	\$215.25 per hour
Employment Medical	Yes	\$89.25
Hire of Consulting Rooms – Half Day	Yes	\$44.00
Hire of Consulting Rooms – Half Day – with receptionist	Yes	\$55.00
Hire of Consulting Rooms – Full Day	Yes	\$88.00
Hire of Consulting Rooms – Full Day – with receptionist	Yes	\$110.00
Hire of Consulting Rooms to Visiting health Professionals from Voluntary organizations that do not levy or receive a fee for their services – Half day hire	Yes	\$25.00
Repeat Prescription Fee – private patents	Yes	\$6.50
Repeat Prescription Fee – bulk billed patients	Yes	\$3.75
Repeat Prescription Fee – without seeing the Doctor	Yes	\$6.50

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 22/11

7.3.12 Southwest Medical Attraction Taskforce – Funding Request

Location:	N/A
Applicant:	SMAT
File:	
Disclosure of Officer Interest:	None
Date:	11 February 2011
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Not applicable
Attachments:	letter and report from SMAT

SUMMARY

The purpose of this report is to put the request from Southwest Medical Attraction Taskforce (SMAT) to Council with a recommendation that a contribution be made.

BACKGROUND

As will be noted from the attachments, SMAT was formed following a public meeting in January 2009 with the aim of addressing the South West doctor shortage.

With Government funding assistance SMAT conducted a comprehensive analysis of the extent and severity of medical practitioner shortages and a report included recommendations to address the problem. The key recommendation was to seek funding to employ an executive officer to implement a package of measures to boost the attraction and retention of medical practitioners.

SMAT sought SWDC Regional Grants Scheme funding to employ the EO but was unsuccessful. As with many such funding opportunities applicant need to show commitment by stakeholders and so SMAT now seeks funding assistance (\$5,000 is mentioned in the letter) to improve their chances of gaining grant funding.

COMMENT

Boyup Brook does not have the same sort of problems that other Council areas in the region have but this may not always be the case. It could be said that the Shire is lucky to have a successful and well run medical centre but it is suggested that it was more a case of bold and forward thinking Councillors, and selecting the right person for the job some six or so years ago that is bearing fruit now.

It is suggested that assisting SMAT to gain grant funding to get report recommendations implemented will be of assistance to Boyup Brook. The medical centre currently needs a part time doctor or locum and the community would benefit from initiatives such as getting more specialists into the region, Bunbury Hospital becoming the 5th Primary Allocation Centre for the Intern Program (there are 4 teaching hospitals now and all are in the metro, having doctors doing internships at Bunbury should result in more qualified doctors being attracted to the region) and the like.

It is suggested that the \$5,000 sought from each Council in the South West is excessive for Boyup Brook given its financial resources as compared to others in the region so an amount of \$1,000 is recommended. It is suggested that this amount is significant enough to demonstrate support and low enough to not adversely impact on the 2011/12 budget.

CONSULTATION

The author has spoken with SMAT.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The request is for a pledge now with funds to be paid in 2011/12.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.12

MOVED: Cr Doust

SECONDED: Cr Giles

That Council commit to providing \$1,000 to the Southwest Medical Attraction Taskforce in 2011/12 to assist with its grant funding application to employ an executive officer, to implement a package of measures to boost the attraction and retention of medical practitioners in the South West, with the \$1,000 being paid in the event its grant application is successful.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 23/11

8.1 COMMITTEE REPORTS

8.1.1 Minutes of the WA Local Government Association South West Zone

Location:	N/A
Applicant:	N/A
File:	IM/37/003
Disclosure of Officer Interest:	Nil
Date:	7 January 2011
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Not Applicable
Attachments:	Yes – Minutes

BACKGROUND:

A meeting of the WA Local Government Association South West Zone was held on 4th February 2011.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.1

MOVED: Cr Giles

SECONDED: Cr Marshall

That the minutes of WA Local Government Association South West Zone held on 4th February 2011 be received.

CARRIED 8/0

Res 24/11

MOVED: Cr Giles

SECONDED: Cr Marshall

That the Council adopts en bloc Items 8,1,2, 8.1.3, 8.1.4, 8.1.5, and 8.1.6

CARRIED 8/0

Res 25/10

8.1.2 Youth Advisory Committee Minutes

Location:	N/A
Applicant:	N/A
File:	IM/37/004
Disclosure of Officer Interest:	Nil
Date:	7 February 2011
Author:	Annie Jones – Youth Officer
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Minutes

BACKGROUND:

A meeting of the Youth Advisory Committee was held 29th November 2010.

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

OFFICER RECOMMENDATION – ITEM 8.1.2

That the minutes of the Youth Advisory Committee Minutes held on 29th November be received.

CARRIED BY EN BLOC RESOLUTION

Res 26/11

8.1.3 Minutes of the Blackwood River Valley Marketing Association

Location:	<i>Bridgetown Shire Chambers</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>7 February 2011</i>
Author:	<i>N/A</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND:

A Blackwood River Marketing Association Meeting was held on 14th December 2010.

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

OFFICER RECOMMENDATION – ITEM 8.1.3

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

CARRIED BY EN BLOC RESOLUTION

8.1.4 Minutes of the Warren Blackwood Strategic Alliance

Location:	<i>Bridgetown Shire Chambers</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>7 February 2011</i>
Author:	<i>N/A</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND:

A Warren Blackwood Strategic Alliance Meeting was held on 7th December 2010.

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

OFFICER RECOMMENDATION – ITEM 8.1.4

That the minutes of the Warren Blackwood Strategic Alliance Meeting held on 7th December 2010 be received.

CARRIED BY EN BLOC RESOLUTION

8.1.5 Minutes of the Blackwood Basin Group

Location: Bridgetown Shire Chambers
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 7 February 2011
Author: N/A
Authorizing Officer: Alan Lamb – Chief Executive Officer
Attachments: Yes – Minutes

BACKGROUND:

A Blackwood Basin Group Meeting was held on 2nd February 2011.

Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.5*)

OFFICER RECOMMENDATION – ITEM 8.1.5

That the minutes of the Blackwood Basin Group held on 2nd February 2011 be received.

CARRIED BY EN BLOC RESOLUTION

8.1.6 Minutes of the Annual Electors Meeting

Location: N/A
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 7 February 2011
Author: N/A
Authorizing Officer: Alan Lamb – Chief Executive Officer
Attachments: Yes – Minutes

BACKGROUND:

A Annual Electors Meeting was held on 16th December 2010.

Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.6*)

OFFICER RECOMMENDATION – ITEM 8.1.6

That the minutes of the Annual Electors meeting held on 16th December 2010 be received.

CARRIED BY ENBLOC RESOLUTION

NOTE

It was noted that there were no recommendations for Council to consider.

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

MOVED: Cr Giles

SECONDED: Cr Biddle

That Council consider the following late items:-

CARRIED 8/0

Res 27/11

LATE ITEM

10.1.1 Audit Committee

Cr Giles nominated Cr Muncey to be on the Council's Audit Committee.

Motion

MOVED: Giles

SECONDED: Cr Biddle

That Cr Muncey be appointed to Council's Audit Committee

CARRIED 8/0

Res 28/11

10.1.2 Warren Blackwood Strategic Alliance

Letter received from the Warren Blackwood Strategic Alliance inviting the Shire to rejoin the Alliance as discussed on February 8th.

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 29/11

MOVED OUT OF COMMITTEE

MOVED: Cr Muncey

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 8/0

Res 30/11

Motion

MOVED: Cr Doust

SECONDED: Cr Giles

That Council thank the Warren Blackwood Strategic Alliance for an invitation to be a member of the strategic alliance as it does not fit with Council's decision on regional groupings and a letter outlining the points of concern with the strategic alliance proposal.

CARRIED 8/0

Res 31/11

Declare an Interest

Cr Biddle declared a financial interest in the following item and departed the Chambers, the time being 6.14pm.

6.21pm – Cr Oversby left the Chambers.

10.1.3 Sandakan

6.22pm – Cr Oversby returned to the Chambers.

6.26pm – CEO left the Chambers.

6.27pm – CEO returned to the Chambers

6.29pm – Cr Biddle returned to the Chambers

Motion

MOVED: Cr Doust

SECONDED: Cr Giles

Cr Biddle be authorised to attend Sandakan with his wife in April 2011 and Council contribute to the costs.

Item withdrawn

The motion was withdrawn following a check on expenditure to date in the relevant area of the budget that revealed there would be insufficient funds.

Declare an Interest

Cr Marshall declared a financial interest in the following item and departed the Chambers, the time being 6.30pm.

10.1.4 Airfield Project

The Chief Executive Officer reported that following soil testing and design work it was established that the earthworks and pavement report of the planned airfield extension/improvements project would be \$640,000 and not \$216,000 as originally predicted in preliminary work done by TME. The Chief Executive Officer recommended that in light of this information, the project be postponed and the Regional Airfield Development scheme grant not be taken up.

Motion

MOVED: Cr Doust

SECONDED: Cr Biddle

That based on revised costing of \$850,000 to complete the Boyup Brook Airfield upgrade project, the project not be continued at this time and that the Department of Transport be advised accordingly.

CARRIED 7/0

Res 32/11

6.39pm - Cr Giles left the Chambers.
6.40pm - Cr Marshall left the Chambers.
6.40pm - Cr Giles returned to the Chambers
6.42pm - Cr Marshall returned to the Chambers.

11 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

12 CLOSURE OF MEETING

There being no further business the Shire President, Cr Terry Ginnane declared the meeting closed at 6.45pm.