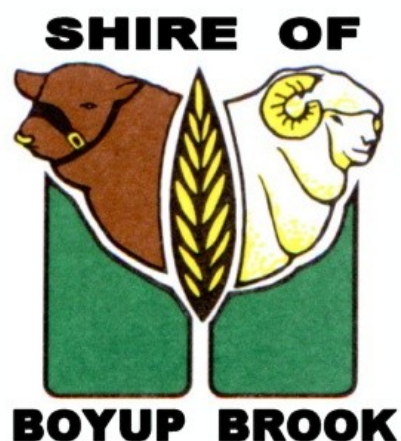


MINUTES



ORDINARY MEETING

HELD

THURSDAY 15 MARCH 2012

COMMENCED AT 3.31PM

AT

SHIRE OF BOYUP BROOK CHAMBERS
ABEL STREET – BOYUP BROOK

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

1.1 Attendance

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

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr Rob Staniforth-Smith (Acting Manager of Works & Services)
Mrs Maria Lane (Executive Assistant)
Mr Geoffrey Lush - Planning Consultant – till 3.58pm

PUBLIC: John Walsh arrived at 3.30pm
Kelly Clark arrived at 3.35pm

1.2 Apologies

Nil

1.3 Leave of Absence

Nil

2 PUBLIC QUESTION TIME

Nil at the time however the President did allow another session later in the meeting to accommodate a question from the floor.

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

MOVED: Cr Biddle

SECONDED: Cr O'Hare

That Cr Giles be granted leave of absence for the April 2012 ordinary meeting of Council.

CARRIED 9/0

Res 014/12

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Biddle spoke about the Tourism Draft Strategic Plan which will be reviewed annually.

Cr Oversby spoke about the Blackwood River Valley Marketing Association.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 9 February 2012

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Aird

SECONDED: Cr Biddle

That the minutes of the Ordinary Meeting of Council held on Thursday 9 February 2012 be confirmed as an accurate record with the following amendments:-

CARRIED 9/0

Res 015/12

6 PRESIDENTIAL COMMUNICATIONS

- Met with Brendan Mead and the CEO regarding the Football Club and spoke about maintenance that needs to be done.
- Attended the Country Music Club debrief regarding the Country Music Festival, the event was a success and ran smoothly.
- Attended the Regional Road Group meeting held on 12th March 2012.
- Attended the Business Association meeting held on 22nd February 2012.
- Attended the Audit and Finance Committee held on 13th March 2012.
- Spoke about Sandakan – Anzac Day.

7 COUNCILLORS QUESTIONS ON NOTICE

Nil

8 REPORTS OF OFFICERS

ITEM WITHDRAWN

Item 8.1.1 was withdrawn because it did not align with the recently conducted budget review, with the intention that it be brought to the next Council Meeting.

8.1.1 MANAGER WORKS & SERVICES

8.1.1 Revised 10 Year Plant Replacement Program
--

8.2 MANAGER – FINANCE

8.2.1 Accounts for Payment

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8 March 2012</i>
Author:	<i>Kay Raisin – Finance Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – List of accounts paid</i>

SUMMARY

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

BACKGROUND

Invoices have been received during the month of February 2012.

COMMENT

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

CONSULTATION

Nil

STATUTORY OBLIGATIONS

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

POLICY IMPLICATIONS

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

BUDGET/FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2011/12 or authorized by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.1

MOVED: Cr Oversby

SECONDED: Cr O'Hare

That the payment of accounts for February 2012 as presented totalling \$620,184.74 and as represented by cheque voucher numbers 18860-18907

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 15 MARCH 2012

totalling \$96,761.70 and accounts paid by direct electronic payments through the Municipal Account totalling \$338,152.99 be endorsed.

CARRIED 9/0

Res 016/12

8.2.2 February 2012 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>12 February 2012</i>
Author:	<i>John Crothers - Contractor</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Financial Reports</i>

SUMMARY

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended 1 July 2011 and Investment Schedule for the month ended 29 February 2012.

BACKGROUND

Section 6.4 of the Local Government Act 1995 places financial reporting obligations on local government operations.

Regulation 34 (1)–(4) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepare a 'Monthly Statement of Financial Activity'.

The regulations also prescribe the content of the report.

The reports are attached.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY OBLIGATIONS

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

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.2

MOVED: Cr Doust

SECONDED: Cr Biddle

That the February 2012 Monthly Statements of Financial Activity as presented, be received.

CARRIED 9/0

Res 017/12

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Home Occupation

Location:	Lot 273 (No9) Barron Street
Applicant:	J & S Mullen
File:	AS1970
Disclosure of Officer Interest:	None
Date:	2 nd March 2012
Author:	Geoffrey Lush (Council's Consultant Planner)
Authorizing Officer:	Alan Lamb – (CEO)
Attachments:	- Letter from J & S Mullen - Plan

SUMMARY

The application is to conduct a Home Occupation on the subject land. This is for a computer generated vinyl sign and decal business.

BACKGROUND

The subject land is Lot 273 P162670 Barron Street Boyup Brook. The subject land has an area of 1,076sqm and is situated on the corner of Inglis Street.

There is an existing dwelling on the site and the application states that:

The proposed name of the business is 'Te Amo Decor Signs.'

This business is 'computer generated' and operated.

The nature of the business is creating and cutting adhesive vinyl signs for decorative uses, school projects, artwork, labels etc. It can be used also for advertising, home decor and other uses.

The cutter used is very quiet, no louder than a domestic sewing machine. It creates no fumes, dust or pollution.

No extra parking space other than our normal home use is required as most of the business will be postal and internet generated.

There would be no commercial vehicles needed as all materials required will be received by mail.

The business operating hours are between 9am-5pm Monday to Friday.

The area required is approximately 14 square metres.

The adjoining land to the south is Lot 274 which is a Council reserve. The land to the west is separated from the subject land by a laneway.

COMMENT

Home occupations are by their nature minor and should not have any adverse implications. The development of computer based home industries should provide opportunities for employment within the Shire.

CONSULTATION

The application has been advertised and the closing date for submissions is the 15th March 2012.

STATUTORY ENVIRONMENT

The subject land is zoned Residential in Town Planning Scheme No 2. A Home Occupation is an 'AA' use in the Residential zone.

Home Occupation is defined in the Scheme as means a business or activity carried on within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house. It is limited to an area of 20 square metres and by definition cannot create any impacts upon surrounding properties.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – 8.3.1

MOVED: Cr Doust

SECONDED: Cr Oversby

That provided that no objections are received, that Council approve the use of Lot 273 P162670 Barron Street Boyup Brook for the purpose of a Home Occupation (sign making) subject to the following conditions:

- 1. The development hereby approved shall occur generally in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Council.**
- 2. Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.**
- 3. The use shall comply with the definition of Home Occupation within Town Planning Scheme No 2.**
- 4. This development hereby approved shall cease within 12 months of the date hereof or upon expiration of such further period as the Council may, on application made prior to that date, permit.**
- 5. An on-site sign having a maximum area of 0.2 square metres may be erected in accordance with the requirements of Council.**

CARRIED 9/0

Res 018/12

8.3.2 Subdivision Application (WAPC Ref 145541) Condinup Road

Location:	<i>Lots 1183 & 12060 Condinup Road.</i>
Applicant:	<i>V Lee</i>
File:	<i>AS3370 & AS3530</i>
Disclosure of Officer Interest:	
Date:	<i>2nd March 2012</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>1 Location</i>
	<i>2 Existing Lots</i>
	<i>3 Proposed Subdivision</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 1183 and 12060 Condinup Road, Boyup Brook. Lot 12060 is situated on the corner of Boyup Brook North Road and it is proposed to realign the existing boundary so as to reflect the existing road.

No additional lots will be created. The land is owned by C Lee and D Goerling.

BACKGROUND

None

CONSULTATION

None

STATUTORY OBLIGATIONS

Town Planning Scheme

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

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 Planning Strategy

Within the draft Local Planning Strategy the subject land is predominantly located within the BBR2 Western Policy area.

The subdivision guidelines recommend the support subdivision of rural land where it is in accordance with the generic requirements and exclusion criteria of WAPC Policy No DC3.4.

Recommendation 8 states that Council's objective is to encourage the redesign of existing (multiple lot) farms into a more appropriate configuration of lot boundaries relative to land management and land capability factors, subject to maintenance or reduction of the original number of lots. The application complies with this recommendation.

COMMENT

The subdivision meets the farm restructuring provisions of the Rural Strategy as well as complying with the 80 hectare minimum lot size for a new subdivision.

The road access requirements do not change and no upgrading is required.

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – 8.3.2

MOVED: Cr Doust

SECONDED: Cr O'Hare

That Council advise the Western Australian Planning Commission that it supports the proposed boundary realignment of Lots 1183 and 12060 Condinup Road on the basis that the application complies with Council's Town Planning Scheme and Rural Strategy subject to the following condition being included on any approval:

- a) **An 8m x 8m truncation being provided on the intersection corners of each lot.**

CARRIED 9/0

Res 019/12

8.3.3 Town Planning Scheme Review – Bush Fire Management

Location:	<i>Whole of Shire</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>LN/42/005</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>6th March 2012</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>1 Amendment 15 Report 2 Proposed SW Fire District 3 BAL Assessment Form</i>

SUMMARY

This report is to provide Council with an update of:

- Bush fire management issues in relation to the review of the Town Planning Scheme;
- The preparation of Policy relating to the processing of Building Licenses in association with AS3939; and
- Proposed interim measures for inclusion in future rezoning.

BACKGROUND

The background to Council's consideration of this issue and the release of relevant Government reports is summarized below:

- a) May 2011 Council considered the minutes of the Bushfire Advisory Committee Annual General Meeting and resolved that the CEO investigate the proposed 100m wide firebreak for bush blocks;
- b) 18th August Council provided with Bush Fire Management Discussion Paper and given a briefing on fire management issues including potential changes to the Town Planning Scheme;
- c) July 2010 - Victorian Bushfire Royal Commission ("Royal Commission") released its Final Report into the 2009 Victorian Black Saturday bushfires;
- d) June 2011 - FESA's Report on the Lake Clifton, Red Hill and Roleystone Fires;
- e) June 2011 - Keelty Report "A Shared Responsibility" into the Kelmscott Perth Hills bushfire;
- f) November 2011 - Community Development and Justice Standing Committee Report 9 Western Australia's Readiness for the 2011-12 Bushfire Season
- g) January 2012 - Keelty Report "Appreciating the Risk" into the Margaret River bushfire.

- h) Council resolved at its Meeting of the 15th December 2011 that a further report be prepared for Council on issues associated with the processing of building license applications in relation to Australian Standard AS3959 Construction of Buildings in Bushfire Prone Areas.

As part of the review of the Town Planning Scheme a draft amendment has been prepared to potentially introduce bush fire management provisions and development controls.

A copy of this is included as Attachment 1 and it was prepared taking into consideration of the issues raised in the above reports and based upon the review of other fire policies and discussions with FESA, other Council and practitioners. While many of the issues were also documented in the previous Bush Fire Management Discussion Paper, the amendment specifically focuses on the relationship between:

- AS3959 Construction of Dwellings in Bushfire Prone Areas;
- FESA Planning for Bush Fire Protection Guidelines;
- Fire management plans;
- Council's firebreak order; and
- Options for zoning and development provisions.

CONSULTATION

- Council's Building Surveyor;
- FESA; Department of Planning (Bunbury and Perth); Building Commission; Fire Protection Association of Australia; Shire of Busselton.

STATUTORY OBLIGATIONS

- Planning and Development Act;
- Town Planning Scheme;
- Bush Fires Act 1954;
- Building Regulation 2012.

COMMENT

For clarity the Town Planning Scheme Amendment is discussed separately to the Building License issue.

Town Planning Scheme Amendment

The draft Amendment does not promote the mapping of existing vegetation as has been done in Busselton. The principle concern with the mapping approach is that it is retrospective and does not take into consideration what the final intended development will be. This may involve either the clearing of remnant vegetation (thus reducing the fire hazard) or the revegetation of drainage lines or ecological corridors (which may increase the fire hazard).

The draft Amendment does not simply rely upon the application of AS3959 as a total solution. Instead it promotes the use of fire management plans which have to address a wider range of matters than just utilizing AS3959.

The Amendment has been referred to FESA and the Department of Planning for comment. While FESA has not commented the Department of Planning (Perth fire policy officer) has advised that:

You make some pertinent points regarding bushfire prone mapping and I am working with DPC / FESA / DEC and LG's to review the whole system as per

the Keelty recommendations from last year. You are aware that the WAPC has been recommended to have the authority to declare areas bushfire prone, however, Keelty's recommendation in this regard is really more of a question of how do you do bushfire prone mapping which has triggered an in depth analysis of bushfire prone mapping methods and the building and planning controls that sit under this declaration. This will take some time and as such a decision as to who will ultimately be given the responsibility to declare areas bushfire prone is some time off, in the mean time local governments retain this responsibility. A project team is being formed, led by DPC, that will resolve a way forward regarding the mapping issue and will be addressing many other aspects regarding bushfire risk mitigation within WA. The finalisation of the Bushfire Protection Guidelines is dependant on the outcomes of this project team and again, this will be some time off. All of your points you have made previously regarding the mapping issues are being looked at, however, I am happy to take an official submission from you regarding your comments for the review of the Guidelines.

The Department of Planning (Bunbury office) has indicated its preference for a mapping based system.

The State Government has formed an Implementation Group to oversee the implementations of the original Keelty (Perth Bushfires Report) recommendations. The latest update from the Group was released on Tuesday the 22nd February. Copies of this can be provided to Councillors.

Of relevance to the preparation of any Scheme provisions are:

Recommendation 3

Transferring of responsibility for declaring bushfire prone areas from local government to the Western Australian Planning Commission (WAPC). The State Solicitor's Office has confirmed that legislative changes are required to provide the WAPC the power to declare bush fire prone areas. The Department's Director General and the Chair of the WAPC have been briefed on this.

Recommendation 4

Giving legislative effect to the Planning for Bush Fire Protection Guidelines. The Guidelines are under active review with consideration of strengthening the legislative effect of the Guidelines through a review of the WAPC's State Planning Policy 3.4 - Natural Hazards and Disasters.

Recommendation 23

That the Interagency Bushfire Management committee develop and oversee a work program to conduct site specific assessments to assess current fuel loads. While this will focus on the Perth hills any extension of a program for fuel load assessments might be applied in semi rural areas.

Recommendation 38

Local governments institute a comprehensive program to assess fuel loads and bushfire preparedness on private properties. The program should give reference to the creation and maintenance of a Building Protection Zone, in line with FESA guidelines. This program should be implemented and managed under the Bush Fires Act 1954 in a manner similar to the fire break inspection program. This may have significant implications for Council in terms of responsibility and resources.

It is also noted that in tabling the Margaret River Inquiry report the Premier also announced that:

- DEC will suspend further prescribed burns within five kilometres of townsites and rural subdivisions until it has reviewed its prescribed burning processes; and

- A South West bushfire risk zone will be declared for which a new Office of Bushfire Risk Management will be established.

The plan of the proposed South West bushfire risk zone is contained as Attachment 2 and it includes the Shire of Boyup Brook. While this relates to prescribed burning it might also be used for the declaration of bush fire prone areas.

It is likely that the State Government will progress the implementation of the Keely recommendations before Council could have any Scheme Amendment approved. This creates the predicament that while local government is responsible for the declaration of bush fire prone areas; the Department of Planning is advising a cautious approach be taken to amending Town Planning Schemes.

Building Licenses

The Building Code of Australia (BCA) contains the minimum provisions for the design and construction of buildings and other structures in Western Australia. It has been adopted under the Building Regulations 1989 (Western Australia). All new building work is required by the regulations, to demonstrate how it will comply with the BCA. A building will comply with the BCA if it complies with the Deemed to Satisfy or Performance Based provisions.

An individual Australian Standard has no legal effect under WA building legislation unless it is called up by the Building Regulations. Compliance with an Australian Standard is only presently enforceable under the Building Regulations 1989 if its use forms part of an Alternative Solution which has been approved by the building surveyor at the local government.

Stating that a building must comply with the construction requirements of a specific Australian Standard is not enforceable under the current building legislation because the building regulations by themselves, do not call up that specific Australian Standard.

The key issue for Council in the processing of Building Licenses is the designation of bush fire prone areas. The "triggering" of BCA requirements for construction in bushfire prone areas, only needs an area to be identified as being subject or likely to be subject to bushfires through a power in legislation (such as planning legislation).

This requires a reference within the Town Planning Scheme as proposed in the Draft Amendment. Alternatively if a mapping approach is used then the Building Commission has suggested that the following clause may be acceptable:

All areas identified as bushfire prone on the Bushfire Hazard Assessment Maps are designated bushfire prone areas for the purposes of the Building Code of Australia.

The potential designation of bush fire prone areas by the Western Australian Planning Commission may resolve this issue.

Special Rural Zones

The previous discussion that also raises a query regarding the status of the construction standards requirements for dwellings in the Special Rural zones.

Clause 5.3.2 (e) stipulates that the Scheme provisions for a specific Special Rural Zone shall include measures proposed to control the threat of bush fires and methods of fire management and control. This is normally implemented by a condition requiring a fire management plan. However the current provisions are summarised as follows and show that this only applies in two current/proposed zones.

SRZ 3 Terry Road

The subdivider is to contribute to provision of bushfire services.

SRZ 5 Banks Road

Council shall request at the subdivision stage appropriate bush fire reduction measures.

SRZ 7 Bridgetown Road

A fire management plan is required to be prepared and it is expected that this will reference AS3959.

SRZ 8 Banks Road

A fire management plan is required to be prepared; and Dwellings are to be constructed in accordance with AS3959.

Lot 1284 Banks Road Boyup Brook (SRZ 6) also has an approved fire management plan required under the conditions of the subdivision approval and this stipulates that dwellings are to be constructed in accordance with AS3959.

Declaration of Bush Fire Prone Areas

The potential designation of bush fire prone areas by either Council or the State Government will raise other administration and resourcing issues for Council.

In particular:

- The process for Council approving the Bushfire Attack Level (BAL) certification as there is no recognised accreditation for this in Western Australia;
- The period for which a BAL certification is valid;
- Whether an additional application fee can be charged for approving the BAL certification;
- The responsibility for ensuring the maintenance of the BAL setback; and
- Implications for the new Building Regulations and private certification of applications.

Attachment 3 contains an example BAL assessment form from the Victorian Building Commission. A similar style of form may be adopted by Council or may be introduced as part of any State Government legislation change.

The current zoning method of recognising bush fire management in new Special Rural and Rural Small Holding zones is inequitable as it doesn't apply to existing subdivisions. This could only be addressed by retrospectively rezoning existing subdivisions so that vacant lots would be captured. This would be very contentious unless there is an obvious extreme fire hazard.

As indicated in the Implementation Group's response to Recommendation 3 of the Keilty Report specific legislation is required to allow the State Government to make bushfire prone declarations. A Shire wide declaration by the State Government would then capture the entire municipality unless it was supported/limited by detailed hazard maps. This means that potentially all building applications for new dwellings would need to be accompanied by a BAL assessment.

Any equity issues associated with the introduction of a region wide declaration by the State Government would have to be addressed by the government rather than Council.

POLICY IMPLICATIONS

The declaration of individual bush fire prone areas may impact on the perceived marketability and development costs in comparison to other areas.

A possible regional declaration which includes the Shire would maintain a consistent requirement throughout the region.

BUDGET/FINANCIAL IMPLICATIONS

Council will be required to approve BAL assessments for individual building license applications. It is not clear if an additional fee can be charged for this or not.

Council may also become liable for annual inspections of building protection zones and vegetation separation areas under its Firebreak Notice.

STRATEGIC IMPLICATIONS

As similar to the policy implications while noting that Boyup Brook maybe on the edge of the proposed South West bushfire risk zone which reinforces the Shires connection to the SW region.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Bush fire management on both public and private land can have significant environmental issues. This in terms of both consequences and also the prevention measures.
- **Economic**
A severe bushfires can impact upon business and infrastructure.
- **Social**
The property damage caused by a bushfire can impact upon social issues.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.3

MOVED: Cr Biddle

SECONDED: Cr Oversby

- 1 That Council staff continue to monitor the progress of the Implementation Group's recommendations in relation to the Keelty (Perth Bushfires) Report and in particular the declaration of bushfire prone areas.
- 2 That Council defer the consideration of Amendment No 15 pending the finalization of the Implementation Group's recommendations in relation to the Keelty (Perth Bushfires) Report.
- 3 That the fire management plan for Lot 1284 Banks Road which was endorsed as part of the State Administrative Tribunal's Consent Order (DR 147 Of 2009) be adopted by Council to recognise that the land is designated as a bushfire prone area for the purposes of the Building Code of Australia.
- 4 That any proposed "general conditions" for the Rural Small Holdings zone address bush fire management.
- 5 That all future special conditions in the "Special Rural and Rural Small Holding zones" should:
 - a) Require the preparation of a fire management plan which includes a Bushfire Hazard Assessment Maps for the completed development; and
 - b) Include the following special condition:
All areas identified as bushfire prone on the Bushfire Hazard Assessment Maps are designated bushfire prone areas for the purposes of the Building Code of Australia.

CARRIED 9/0

Res 020/12

3.58pm – Geoffrey Lush left the Chambers.

8.3.4 Approval for a Laboratory Service

Location:	<i>Lot 2 Abels Road, Boyup Brook</i>
Applicant:	<i>Carol McMeikan</i>
File:	<i>AS12310</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>23 February 2012</i>
Author:	<i>Wayne Jolley (EHO/Building Officer)</i>
Authorizing Officer:	<i>Alan Lamb (CEO)</i>
Attachments:	<i>- House/Laboratory plan - Letter from Carol McMeikan</i>

SUMMARY

A planning application has been received to operate a minor laboratory, at Lot 2 Abels Road, Boyup Brook for the examination of sheep faeces for worm eggs.

It is recommended that approval be granted subject to conditions.

BACKGROUND

This 7.2 ha property lies within Special Rural Zone 4. It is owned and occupied by Mrs McMeikan, her husband and family.

Mrs McMeikan has provided this service for some time. The operation involves samples (sheep faeces) being left at the Boyup Brook Co-op by farmers in the district. Mrs McMeikan periodically collects the samples, takes them back to her property and holds them in a refrigerator in the shed. She then examines them for worm egg counts, and reports for the benefit of farmer clients. The simple laboratory occupies a part of the laundry within the house.

COMMENT

The Shire's Town Planning Scheme No 2 (Zoning Table) does not specifically refer to this activity but "Home Occupation" is a reasonable fit, which use is permitted on a Special Rural Zone 4 property with Council's consent.

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

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

Mrs McMeikan's application complies with all of the above inasmuch as there will be no negative impact on the amenity of the area, she will be the only person employed, the activity area is less than 20m², there will be no associated traffic and no commercial vehicle. Furthermore, there will be no signage associated with the activity.

Farmers collect samples from mobs of sheep, 20 x 3g samples per lot. It is expected that approximately 3 sample lots per week will be processed at the property, taking around 2 hours. A sample is processed by diluting with saline solution and examining by direct microscopy. This is a non-hazardous process producing only 20ml waste water (disposed by laundry trough) and less than 100g of solid waste (wrapped and disposed of with domestic refuse) per sample lot.

The proposed activity is low key, it is in keeping with activities in the area and provides a service for the district. The application is therefore supported.

CONSULTATION

- Mrs. McMeikan
- Geoffrey Lush – Consultant Planner

STATUTORY OBLIGATIONS

The subject land is Special Rural Zone 4 under the Town Planning Scheme No 2. A “Home Occupation” is an AA use meaning that it is a use which Council, in exercising the discretionary powers available to it, may approve under this Scheme.

POLICY IMPLICATIONS

Council does not have a policy on this matter.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There is no known economic issue.
- **Social**
This activity provides a service to the farmers in the district.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – 8.3.4

MOVED: Cr Oversby

SECONDED: Cr Doust

That Council approve the use of Lot 2 Abels Road, Boyup Brook for the purpose of a laboratory to examine sheep faeces for worm egg counts, subject to the following:

- 1. The activity hereby approved shall occur in accordance with the application submitted to Council and this shall not be altered or modified without the prior written approval of the Council.**
- 2. The use shall comply with the definition of Home Occupation in the Town Planning Scheme.**

CARRIED 9/0

Res 021/12

8.3.5 Boyup Brook Hotel – Effluent Disposal Pond

Location:	<i>Reserve 23055 on Plan 3190</i>
Owner:	<i>Public Transport Authority of Western Australia (PTAWA)</i>
Lessee	<i>Lenese Pty Ltd</i>
Hotel Owner	<i>Lenese Pty Ltd</i>
Hotel Lessee/Licensee	<i>Winbar Pty Ltd (Peter Mansfield)</i>
File:	<i>A800</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>6 March 2012</i>
Author:	<i>Wayne Jolley – Environmental Health Officer</i>
Authorizing Officer:	<i>N/A</i>
Attachments:	<i>Nil</i>

UPDATE

Further to a report to Council on 15 December 2011 a Notice was issued on the owners of the Hotel on 23 January 2012. The owners subsequently appealed to the State Administrative Tribunal (SAT) and a series of Directions Hearing's have been conducted at which Alan Lamb and Wayne Jolley have represented the Shire (by telephone connection). A briefing note has been prepared for this Council meeting.

SUMMARY

Following a SAT Directions Hearing of 6 March, the Hotel owners indicated that they now propose to install an Aerobic Treatment Unit at the Hotel site and sought that the time limit be extended to 6 months for the investigation, approval and installation of the system. This report recommends that the request be granted.

The owners were subsequently ordered by SAT to:

- Install a suitable fence around the pond;
- Repair the rear wall of the pond; and

- Provide further advice in relation to a system at the Hotel and a date of completion.

In relation to the most pressing issue, the fence, if the owners default on the SAT Order, Council has certain options under the Health Act. These need to be exercised, or not with consideration to actions that SAT might take. It is recommended that Council supports that the CEO should take whatever action he deems appropriate in this circumstance.

BACKGROUND

A Notice under section 108 of the Health Act 1911 was issued on the 23 January 2012, Boyup Brook Hotel, which in part required the owners:

- To investigate and submit an application to the Department of Health within 3 months, to either re-construct the effluent pond or install a suitable alternative system; and
- Subject to approval, re-construct the pond or install an alternative system within a further period of 2 months.

The owners appealed to SAT against the Notice and the matter is still in the process of Direction Hearings, which is a preliminary process aimed at resolving disputes before they proceed to full Tribunal.

At the last hearing on 6 March, the owners indicated that it is no longer viable to re-construct the pond on the current site and that they would proceed immediately to investigate, obtain approval from the Department of Health and then install an alternative system on the Hotel site. They sought an extension of time (6 months) to complete this process and Messrs Lamb and Jolley agreed to recommend said extension to Council. Another hearing has been listed for 5 April, to which the Shire is expected to report on this matter.

In terms of the pond fence which was required to be installed by 23 February, SAT has ordered that the owners provide proof to the next hearing on 5 April that a suitable fence has been installed and that the breached rear wall of the pond has been repaired.

COMMENT

The Notice under the Health Act was received by Mr and Mrs Frichot (Hotel owners) on 23 January 2012. By the time Council considers this matter, nearly 2 months will have elapsed, during which time an appeal has and still proceeds.

The Frichot's initially indicated that they would re-construct the effluent pond on its current site. However, on 6 March they received a letter from Burgess Rawson representing land owners, Public Transport Authority of Western Australia (PTAWA), advising that PTAWA intends to terminate the lease by 6 March 2013. Hence, they now intend to install an alternative system on the Hotel site but need time to investigate suitable systems, obtain approval and arrange installation of the system.

Although two months has already been consumed by the process of appeal, a request for a period of 6 months to complete the installation of a suitable system is not inconsistent with the original period of 5 months.

This is a large project for the Hotel, which will certainly impact on its long term viability. An additional several months of operating with the existing system is likely to be of little consequence, so long as the outcome is satisfactory. The request for the extension is therefore supported.

The most pressing issue is the construction of a suitable fence to secure the effluent pond. If the owners fail to comply with the SAT Order, the Health Act 2011 allows either or both the following courses of action:

- S108 (4) – An offence is committed and the owners can be prosecuted; and/or
- S108 (4a) – The Shire may undertake the works and recover the costs.

It is understood that both courses of action can be undertaken together. However, any action subsequently taken by SAT in the case of default also needs to be considered. It would be useful in the circumstances if Council supported that the CEO initiates whatever action is appropriate following the Directions Hearing on the 5 April.

CONSULTATION

Discussions with:

- Hotel owners
- State Administrative Tribunal

STATUTORY OBLIGATIONS

Health Act 1911

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

There is no known budget or financial implications

STRATEGIC IMPLICATIONS

There are no known strategic issues

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Deleterious environmental affects can arise if the effluent pond overflows into Boyup Brook.
- **Economic**
There are no known economic issues.
- **Social**
If the Hotel is unable to satisfactorily resolve this problem, it may be forced to close.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.5

MOVED: Cr Doust

SECONDED: Cr Biddle

1. That Council approves that the time limits set in the Notice to the Boyup Brook Hotel under S108 of the *Health Act 1911*, be extended to 6 months from 15 March 2012, for:
 - Investigation of a suitable sewerage system for the Boyup Brook Hotel;
 - Obtaining approval from the Department of Health; and
 - Installation of the approved system.
2. That Council authorise the CEO to take whatever action he deems appropriate in the event that the Hotel owners fail to complete the SAT Order to install a suitable fence around the pond and to repair the rear wall.

CARRIED 9/0

Res 022/12

8.3.6 Proposed amalgamation of Class A Reserves 1454, 23783, 23784 and 23807

Location:	<i>Reserves 1454, 23783, 23784 and 23807</i>
Applicant:	<i>N/A</i>
File:	<i>LS/62/029</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>7 March 2012</i>
Author:	<i>Alan Lamb - CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>copy of letter and copy of map</i>

SUMMARY

The purpose of this report is to put before Council the proposition that Council seek to have Reserves 1454, 23783, 23784 and 23807 consolidated into one reserve for “Recreation” with power to lease.

BACKGROUND

As part of the process to prepare draft leases for community organisations it was noted that Reserves 1454 and 23783 were for “Picnic Grounds” and that 23784 was “Recreation” yet the usage of all was more in line with “Recreation”. Also that some improvements (such as the hockey field) straddled the boundary of Reserves.

Representation was made to State Land Services in May 2011 seeking advice on the opportunity to amalgamate the three Reserves into one with a more appropriate purpose (i.e. recreation).

State Land Services have reviewed the matter and acknowledge that the three Reserves are being used for recreational purposes. Also that there is an opportunity to consolidate the three Reserves.

In looking at the opportunity and logic in consolidating the Reserves it was noted that Reserve 23807 which is also managed by the Shire and adjoins the other three Reserves might also be a candidate for consolidation.

The Shire has power to lease for Reserve 1454 and whilst power to lease has been sought for 23783 and 23784 it does not appear to have been approved as yet.

COMMENT

As will be seen from the attachment the four Reserves noted in the item heading form the grounds used for sport and recreation and, it is suggested, there appears to be no logical reason for them to remain as separate Reserves. The purpose "Recreation" fits the current usage better than "Picnic Grounds", as is the current purpose for two.

State Land Services have noted that current uses such as sports, trails, music festivals and the like do fit with the purpose "Recreation".

It was noted during the town site inspection conducted prior to the last Council meeting that these Reserves should be consolidated and the purpose changed to be more in line with current usage.

Council's direction regarding leases with community groups (Football Club, Hockey Club and Country Music Club) will require at least power to lease and an amended purpose. In at least one case where the hockey field straddles three Reserves (the purpose of one is "Recreation" and the other two is "Picnic Grounds") there will be also be benefits from a consolidation so that the club would lease a portion of one Reserve and not portions of three.

It is Recommended that application be made to the State Land Services to consolidate Reserves 1454, 23783, 23784 and 23807 into one Reserve for "Recreation", managed by the Shire and with power to lease

CONSULTATION

The matter has been discussed with Councillors, State Land Services and Staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.6

MOVED: Cr Walker

SECONDED: Cr Aird

That Council authorise the Chief Executive Officer to make application to State Land Services to consolidate Reserves 1454, 23783, 23784 and 23807 into one Reserve for “Recreation”, managed by the Shire and with power to lease.

CARRIED 9/0

Res 023/12

Declare an Interest

Cr Moir declared a financial interest in the following item and departed the Chambers, the time being 4.02pm.

8.3.7 WAPC Subdivision Approval 112149 – Notification on Title

Location:	<i>Lots 6, 9 and 100 Six Mile Road</i>
Applicant:	<i>T Mondy</i>
File:	<i>AS 7960</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>7 March 2012</i>
Author:	<i>Alan lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Nil</i>

SUMMARY

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

BACKGROUND

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

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

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

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

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

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

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

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

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

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

Council dealt with Mr Mondy's request at its December 2011 meeting and resolved as follows:

- 1 That the matter be left pending legal advice.**

2 The Chief Executive Officer prepares a review of Council's Road Contribution Policy for Council's consideration.

Legal advice was sought and has been provided to Councillors as part of a confidential briefing. In summary the advice was to remove the notification on title as requested. Also to treat the payment made by Mr Mondy in 2001 (\$3,200) as monies held in trust for the upgrade of Ritson Road.

COMMENT

It should be noted that matter before Council relates only to the subdivision applied for in 1999 (WAPC Ref 112149). Whilst it deals, in part, with road number 17389 as did the more recently approved subdivision (WAPC ref 141330) it has absolutely no relevance to the later approval.

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

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

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

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

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

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

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

Council's planning adviser advises that:

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

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

Based on the legal advice provided, it is recommended that Council agree to the removal of the notification on titles (there is a State Government fee for this and it is recommended that the applicant bear this cost), that the \$3,200 plus interest, as calculated by the Shire's Administration, be transferred to a trust account and that plans be made to upgrade the portion of Riston Road south of Six Mile Road that runs along the boundary of Mr Mondy's lot.

Regarding the matter of a review of the Shire of Boyup Brook Road Contribution Policy, Council's Manager of Works has reviewed the Policy and recommended that no changes be made at this time.

CONSULTATION

The author has communicated with the applicant, Council, WAPC, consultants, Council's legal adviser and staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The recommendation would result in \$3,200 plus accrued interest being transferred from the Roads Contributions Reserve to a trust account.

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 8.3.7

That:

- 1. Council agree to Mr. Mondy’s request to have notification on titles to his land, being lots 6, 9 and 100 Six Mile Road removed, for Administration to commence this process and for Mr. Mondy to pay all State Government fees associated with the process.**
- 2. The \$3,200 provided by Mr Mondy to be held in trust for the future upgrade of Ritson Road be transferred to a trust account along with any interest it would have accrued since the payment was made.**
- 3. An upgrade the portion of Ritson Road, south of Six Mile Road that runs along the boundary of Mr Mondy’s lot, be included in budget considerations for 2012/13 or longer term planning.**
- 4. Council makes no changes to its Road Contribution Policy at this time.**

The Chief Executive Officer revised the recommendation to read as follows:

COUNCIL DECISION AND REVISED OFFICER RECOMMENDATION

MOVED: Cr Doust

SECONDED: Cr Biddle

That:

- 1. Council agree to Mr. Mondy’s request to have notification on titles to his land, being lots 6, 9 and 100 Six Mile Road removed, for Administration to commence this process.**
- 2. The portion of Ritson Road, south of Six Mile Road, that runs along the boundary of Mr Mondy’s lot, be upgraded with funds contributed by Mr Mondy for that purpose.**
- 3. Council makes no changes to its Road Contribution Policy at this time.**

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 024/12

4.07pm – Cr Moir returned to the Chambers.

8.3.8 IT Upgrade

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Interest:	Nil
Date:	8 March 2012
Author:	Geoff Carberry Senior Admin Officer
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Appendices:	IT Upgrade spread sheet

SUMMARY

The operating software currently being used by the Shire requires to be updated to keep this Shire in line with current industry standards. This presents an opportunity to totally revamp the Shires IT system.

BACKGROUND

The current system has evolved from a number of systems and partial upgrades over a long period of time. Whilst it served the purpose at the time the system has fallen behind the times in comparison to other local governments, as is evident that neighbouring Shires have all updated to alternate systems, with Synergy Soft being the system of choice.

The server is now 5 years old and is struggling to maintain reliability especially on its back up systems.

An audit of all computers has revealed that there is a wide and varied range of equipment and software being used in line with the previous adhoc response to needs with no real consideration to maintaining a Standard Operating System across the business. Consequently incorrect licenses are being used which subjects the Shire to possible prosecution.

COMMENT

Available systems have been reviewed and a quote obtained for the provision of IT Vision Synergy Soft. This system consists of a basic package with additional modules being available to suit business needs.

Attachment one indicates the costs involved for the purchase of the basic package along with the required modules some being spread over the next three years.

By moving to this system it will allow staff from all surrounding Councils to be able to readily assist each other and even be bought in as relief should it be required. This would be most relevant in a major emergency relief event.

It will allow possible off site hosting in the event of loosing the Shire offices with temporary links being set up to an alternate centre giving improved Business Continuity.

In addition an allocation of up to \$14,000 is required to upgrade the onsite server so as to host the new package. This upgrade will also improve system response times and reliability.

It is also proposed to install a direct radio link between the Shire administration office and the Works Depot. This will improve data communications between the two locations allowing full access to all programs on the main server. A quote has been received for \$6000 to facilitate this project

As previously mentioned the provision of computers and software has been on a "as needs basis" with no attention being made to develop and maintain a standard operating environment, resulting in a great variance of equipment and software versions across the organisation. Currently there are six different operating systems being used across the business, almost all do not meet current industry standards.

A cost to bring the entire network up to a common standard has been included, of most concern is the use of non business licenses being used on business equipment creating operating difficulties and leaving the Shire open to prosecution.

WALGA have recently conducted a tender review process and the committee has decided that the Synergy Soft - IT vision would be the most suitable package to suit the needs of a Shire of our size and this will be the committees recommendation.

Our consultant John Crothers is very familiar with this system and his experience will enable some of the training and implementation costs to be reduced.

CONSULTATION

Staff Shire of Bridgetown
Staff Shire of Donnybrook
Staff Shire of Kojonup
Synergy Soft - IT Vision
Western Australian Local Government Association
Alphawest
J. Crothers

STATUTORY ENVIRONMENT

Local Government Act 2005
Local Government (Financial Management) Regulations 1996 - As at 16 July 2009

FINANCIAL IMPLICATIONS

Nil funds have been allocated in the 2011/2012 budget for the majority of these works, hence funding would need to come from reserves or from the unallocated surplus from the 2010/2011 financial year which have been placed in Commercial reserves. Alternatively as the package may not be installed until the 2012/2013 year Council can decide to approve such expenditure in the 2012/2013 budget. Possible installation dates are currently being determined by the supplier

STRATEGIC IMPLICATIONS

Provision of this system will show that the Shire is maintaining it operation at or above industry standards. It will also better align its operation and processes with surrounding local governments.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – ITEM 8.3.8

1. That Council authorise the Chief Executive Officer to commence the IT upgrade with the purchase and provision of Synergy Soft IT Vision and to carry out such upgrades of software and hardware to meet legal obligations.
2. Funds to the value of \$76,000 be allocated from the IT Reserve L01935 with an additional amount of \$110,000 being transferred from the Commercial reserve to the IT Reserve to carry out the IT upgrade works.

COUNCIL DECISION

MOVED: Cr Doust

SECONDED: Cr Oversby

1. That Council authorise the Chief Executive Officer to commence the IT upgrade with the purchase and provision of Synergy Soft IT Vision and to carry out such upgrades of software and hardware to meet legal obligations.
2. Funds to the value of \$76,000 be allocated from the IT Reserve L01935 with balance required to be provided in the 2012/13 budget.

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 025/12

8.3.9	Flax Mill - Baling Room Asbestos Works
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Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Interest:	<i>Nil</i>
Date:	<i>8 March 2012</i>
Author:	<i>Geoff Carberry Senior Admin Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Appendices:	<i>Photos 1-10, Baling Room Quote</i>

SUMMARY

The condition of the roof and associated fittings on building 7 of the Flax Mill plan also known as the Baling Room is at a point where it is a public safety concern. Either replacement or demolition must be considered immediately.

BACKGROUND

During previous considerations where Council resolved to carry out the demolition of adjacent buildings it was noted that this building should be considered for demolition.

Re -roofing the building had been previously placed in the budget but was left out pending a full concept plan being prepared for the area.

The author has recently been deemed competent in asbestos identification as part of the requirement to have such a person prepare the Shires Asbestos Register. This qualification also allows for assessment of the condition of Asbestos Containing Materials.

Original quotes to replace the roof or demolish the building were in the range of twenty thousand dollars (\$20,000)

This item was presented to the previous council at the September 2011 meeting but lay on the table for several meetings for varying reasons. The February meeting of 2012 the council resolved have the item represented so as to allow the present Council to be better informed

At that time the local contractor, due to having all machinery available and in town, had offered a reduced cost to carry out the works being \$13,610.40 excluding GST.

COMMENT

As the condition of the majority of the asbestos containing material on this building is "Friable" it is important that the situation is address with urgency. The condition and amount of material requires an unrestricted licence holder to carry out ANY works on this building.

If the asbestos containing materials were replaced the entire building will still have to have ALL REMAINING parts of the structure vacuumed to ensure no fibres remain.

Due to its condition the materials can not be treated in any way that would deem it safe.

Not carrying out remedial works or demolition would place the Shire in a vulnerable state being as the building is located in a public accommodation area.

There is evidence of Asbestos containing material around the building further indicating the poor state of the materials (Photo 4)

Council must consider if the building should remain as part of the Flax Mill precinct or be removed to allow longer term redevelopment of the area.

FURTHER COMMENT

A renewed quote for the works has been obtained with the price to demolish being \$20,000 and the price to re roof and vacuum being \$23,000.

If kept, additional works will be required in the future to repair the weather board cladding and doors on the building an estimated cost of these works is \$17,000. Any improvements would need to be separately considered.

CONSULTATION

Shire Staff
Keybrook Holdings

LGIS Staff
G. Bogar Flax Mill attendant

STATUTORY ENVIRONMENT

The following Acts regulations and notes pertain to Asbestos
Occupational Safety and Health Act 1984
Occupational Safety and Health Regulations 1996
Health (Asbestos) Regulations 1992
Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];
Code of Practice for the Management and Control of Asbestos in Workplaces
[NOHSC:2018 (2005)]
Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres
2nd Edition [NOHSC:3003 (2005)]

FINANCIAL IMPLICATIONS

Nil funds have been allocated in the 2011/2012 budget for these works, hence funding would need to come from reserve funds

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – ITEM 8.3.9

1. That Council resolve to carry out the demolition of building 7 (Baling Room) as indicated on the Flax Mill Plan.
2. Funds be allocated from the Flax Mill reserve L01937 to carry out such works.

MOVED INTO COMMITTEE

MOVED: Cr Moir

SECONDED: Cr Walker

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 9/0

Res 026/12

MOVED OUT OF COMMITTEE

MOVED: Cr Oversby

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 8/1

Res 027/12

COUNCIL DECISION

MOVED: Cr O'Hare

SECONDED: Cr Oversby

1. That Council accept the quotation to replace roof on building 7 (Baling Room) and remove asbestos.
2. That funds to be allocated from the Flax Mill reserve.

LOST 3/6

Res 028/12

Request for Vote to be recorded

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

For

Cr O'Hare
Cr Oversby
Cr Doust

Against

Cr Moir
Cr Giles
Cr Biddle
Cr Kaltenrieder
Cr Aird
Cr Walker

MOTION

MOVED: Cr Moir

SECONDED: Cr Biddle

That the fate of the building 7 (Baling Room) be considered in conjunction with the results of the Strategic Plan Survey.

AMENDMENT TO THE MOTION

MOVED: Cr Giles

SECONDED: Cr Oversby

1. That the fate of the building 7 (Baling Room) be considered in conjunction with the results of the Strategic Plan Survey.
2. That immediate works be carried out to remove the asbestos roof and asbestos fibres from the building.
3. That funding for the removal of asbestos come from the Flax Mill reserve fund.
4. All care to be taken to ensure no damage is made to the remaining structure and is left in a stable condition.

CARRIED 8/1

Res 029/12

The substantive motion was put

1. That the fate of the building 7 (Baling Room) be considered in conjunction with the results of the Strategic Plan Survey.

- 2. That immediate works be carried out to remove the asbestos roof and asbestos fibres from the building.**
- 3. That funding for the removal of asbestos come from the Flax Mill reserve fund.**
- 4. All care to be taken to ensure no damage is made to the remaining structure and is left in a stable condition.**

CARRIED BY ABSLOUTE MAJORITY 8/1

Res 030/12

8.3.10 Recreation Area Change Room Hot Water Unit

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Interest:	Nil
Date:	8 March 2012
Author:	Geoff Carberry Senior Admin Officer
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Appendices:	Nil

SUMMARY

Due to Occupational Safety and Health issues it has become necessary to urgently upgrade the Hot Water Unit at the Recreation Ground Change rooms

BACKGROUND

This upgrade has also been requested as part of the lease negotiations with the users of the facility, sighting age, condition and theft of the fuel as reasons for requesting the unit being replaced.

The age of the unit can not be truly verified and it would be doubtful if it meets current standards. It is also of concern as to the availability of replacement parts should the unit fail.

On a number of occasions the theft of fuel has been a concern with various methods to secure the fuel failing to deter the perpetrators.

Recently Keybrook had to call to restart the system due to the users being unable to do so, concerns were raised at the process required and its safety. Quote "It can be quite scary if you haven't done it before".

COMMENT

Two local suppliers have been asked to provide options to replace the unit.

As yet only one has been able to supply a viable solution the other is "still thinking about it"

It has been recommend that three 340l heat pump be combined to supply the hot water requirements. The proposed system will allow for in excess of 40 showers in a 1 hour period. The recharge time is less than 2 hours, which would be capable of supplying three games of football in succession. In addition the fitting of restricted flow shower head would further increase the capacity to handle the estimated load on the system.

By approving funds now the work can be completed prior to the Football session.

CONSULTATION

Keybrook Holdings

BBG Plumbing
Quantum Heat Pumps.

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil funds have been allocated in the 2011/2012 budget for these works as the unit was to be reviewed in 2012/2013, hence funding would need to come from reserve funds.

It is estimated that works will cost a total not exceeding \$10,000 as an offset to this total Renewable Energy Credits will be able to be claimed. These credits although variable are estimated to return approximately \$6000.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.10

MOVED: Cr Doust

SECONDED: Cr Biddle

- 1. That Council resolve to carry out the replacement of the Recreation Grounds Change Rooms Hot Water unit with funds up to \$10,000 being allocated from the Building Maintenance Reserve L01928.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 031/12

8.3.11 Development of Change Rooms and Toilet Block – Hockey Grounds

<i>Location:</i>	<i>Lot 195 DP82555 Jackson Street</i>
<i>Applicant:</i>	<i>Shire of Boyup Brook</i>
<i>File:</i>	<i>Res23783</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>9 March 2012</i>
<i>Author:</i>	<i>Geoffrey Carberry</i> <i>Manger Administration and Assets</i>
<i>Authorizing Officer:</i>	<i>Alan Lamb</i> <i>Chief Executive Officer</i>
<i>Attachments:</i>	<i>Ablution amended</i>

SUMMARY

Purpose of this report is to provide an update on the plans for the proposed Music Park Recreation Ground ablution facility and advise Council of raised concerns.

BACKGROUND

At the December 2011 Council meeting the following report was submitted by Geoffrey Lush - Planning Consultant

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

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

There is no objection to the application.

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

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

The location of the proposed building is shown in design document.

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

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

Proposed users will be:

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

STATUTORY OBLIGATIONS

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

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

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

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

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

COMMENT

Application of the Scheme

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

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

Flood Prone Land

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

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

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

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

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

Carried 7/1

Comment

The design was returned to the architect to revise the proposed position and internal layout.

The new plans have been received and circulated to stake holders for comment. See attachment 1. The new design allows for more showers which also increases available changing space as each cubicle is fitted with a seat. Any further change may also take the design further away from the original grant application specification of a Music Park Ablution Facility.

Comment was received from two stake holders

Boyup Brook Hockey Club accepted the design and location.

Boyup Brook Country Music Club accepted the design but stated it was irrelevant due to the change in location. They also expressed a real concern as to whether the project still fitted the funding purpose of the grant monies. ie "being for a Music Park Ablution Facility

It is understood that if an objection was raised with the grant provider then Council maybe in a vulnerable position when acquitting the grant should it be resolved to stay with the Councils currently proposed location of the facility.

It is also noted with the additional showers and toilets in the facility the leach drains may be required to be extended by the Department of Health.

Placement of the facility in the Council proposed position would restrict the area available for leach drain extensions in suitable soil outside of the flood prone area.

CONSULTATION

EHO/Building Officer
Boyup Brook Country Music Club
Boyup Brook Hockey club
Ecoangle Designs.

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

None

SUSTAINABILITY IMPLICATIONS

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

Cr Oversby left at 4.54pm
Cr Oversby returned at 4.55pm

John Walsh left a 4.57pm
Cr Kaltenrieder left at 4.59pm and returned at 5.00pm

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 8.3.11

That the new design be accepted and the location be reconsidered so as not to breach the terms of the funding grant.

COUNCIL DECISION

MOVED:Cr Doust

SECONDED: Cr Oversby

That the new design be accepted and the clubs be approached to confirm in writing that they agree to the location that council previously adopted.

CARRIED 9/0

Res 032/12

8.3.12 Ranger Services

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Interest:	<i>Nil</i>
Date:	<i>8 March 2012</i>
Author:	<i>Geoff Carberry Senior Admin Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Appendices:	<i>Nil</i>

SUMMARY

It is proposed that inline with Councils direction of becoming involved with the Bunbury Wellington Group that combined Ranger Services be utilised with the Shire of Donnybrook Balingup.

BACKGROUND

A loose working agreement .has been in situ, where Ranger services have been provided from the Shire of Bridgetown Greenbushes on a contract basis. The annual cost for 20hours per month is approximately \$17,000.

This arrangement has normally filled the Shires needs in most circumstances but there is concerns being raised that this amount of time does not provide a proficient level of service. As the ranger service is also responsible fire break inspections within their own Shire attendance to Boyup Brook can be reduced during peak times.

Shire of Donnybrook Balingup is looking to employ a second ranger on a part time basis which has limited the field of applicants. By adding in 2 days attendance at Boyup Brook per week they would be able to employ a full time employee thus increasing the options of prospective applicants.

A meeting was held between CEO's and staff from both Shires to discuss the opportunity of progressing our cooperation in this matter. It was agreed that subject to both Councils approving the matter a joint cost sharing MOU would be initiated beginning 1st July 2012

COMMENT

The understanding is the service provided to Boyup Brook would be the equivalent to 2 full days per week with times of attendance being randomly applied.

Shire of Donnybrook Balingup would employ the ranger providing clothing and general administration.

Shire of Boyup Brook would provide a vehicle with appropriate signage, emergency lighting, WAERN radio and animal cage.

All operational costs would be shared on 60/40% basis

The ranger would carry out all normal ranger functions with the exception of fire break inspections.

This arrangement will greatly increase the ranger service presence within the Shire of Boyup Brook, with the goal of seeking greater compliance in animal control through out the Shire. It will also assist with greater control during peak times such as the Country Music Festival in regards to illegal camping and dumping of rubbish.

To enable both parties to proceed with confidence an early decision in approving this matter would be prudent. This would allow due notice to be given to the Shire of Bridgetown Greenbushes that the current situation would cease as of June 30 2012.

CONSULTATION

CEO & Staff Shire of Donnybrook

STATUTORY ENVIRONMENT

Local Government Act 2005

Local Government (Financial Management) Regulations 1996 - As at 16 July 2009

FINANCIAL IMPLICATIONS

It is anticipated the share of the operational costs will be approx \$21000

The purchase and fit out of the vehicle will total up to \$33000

Funding would have to be approved for the 2012/2013 budget

STRATEGIC IMPLICATIONS

This is an opportunity to build great ties and operational cooperation with the Bunbury Wellington Group in particular the Shire of Donnybrook Balingup which may lead to a possible increase in sharing further resources such as IT support.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.12

MOVED: Cr Walker

SECONDED: Cr Biddle

- 1. That Council authorise the Chief Executive Officer to enter into a Memorandum of Understanding for the provision of a shared ranger service with the Shire of Donnybrook Balingup all operational costs of the service shared on a 60/40% basis.**
- 2. That increase provision, with regards to the joint ranger service be made available in the 2012/2013 budget to allow provision of the vehicle and associated operational costs.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 033/12

9.1 COMMITTEE REPORTS

MOVED: Cr Doust

SECONDED: Cr Oversby

That the Council adopts en bloc Items 9.1.1 and 9.1.2.

CARRIED 9/0

Res 034/12

9.1.1 Minutes of the WALGASW Zone - 24 February 2012

Location: *Shire of Augusta*
Applicant: *N/A*
File:
Disclosure of Officer Interest: *Nil*
Date: *27 February 2012*
Author: *WALGASW*
Authorizing Officer: *Alan Lamb – Chief Executive Officer*
Attachments: *Yes – Minutes*

BACKGROUND:

A WALGASW Zone meeting was held on 24 February 2012
Minutes of the meeting are laid on the table and circulated.

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Doust

SECONDED: Cr Oversby

That the minutes of WALGASW Zone meeting held on 24 February 2012 be received.

CARRIED BY EN BLOC RESOLUTION

Res 034/12

9.1.2 Minutes of the Blackwood River Valley Marketing Association

Location: *Bridgetown Shire*
Applicant: *N/A*
File:
Disclosure of Officer Interest: *Nil*
Date: *29 February 2012*
Author: *N/A*
Authorizing Officer: *Alan Lamb – Chief Executive Officer*
Attachments: *Yes – Minutes*

BACKGROUND:

A Blackwood River Valley Marketing Association meeting was held on 14 February 2012

Minutes of the meeting are laid on the table and circulated (*refer to appendix 9.1.2*)

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.2

MOVED: Cr Doust

SECONDED: Cr Oversby

That the minutes of the Blackwood River Valley Marketing Association meeting was held on 14 February 2012 be received.

CARRIED BY EN BLOC RESOLUTION Res 034/12

9.1.3 Audit & Finance Committee Minutes

COUNCIL DECISION

MOVED: Cr Doust

SECONDED: Cr Oversby

That the minutes of the Audit & Finance Committee meeting held 13 March 2012 be received and the recommendations made be adopted by Council.

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 035/12

Note: Please see below the Committee Resolution.

- 1 That the 2011/12 Country Local Government Grant, direct portion, and corresponding works be included in the review work sheets and listing of significant variations**
- 2 That the proposal to transfer the budget provision for gravel sheeting Gibbs Street to gravel sheeting Six Mile Road be referred to Council for approval if this had not already been done.**
- 3 That Council note that the Committee would be reviewing Reserve Funds in accordance with resolution 260/11 and had noted during the budget review process that the newly created Forward Planning Reserve's purpose was the same as the Commercial Reserve's and similar to another Reserve's purpose indicating a need to rationalization. Also that it had identified the Emergency Services purpose need to be broadened and the, amount of funds held be reviewed, some of the various building reserves may be better combined and the purpose broadened, and the Bridge Maintenance Reserve needed to be reviewed for adequacy of funds and purpose.**
- 4 That it be recommended that Council adopt the financial review to 31 December 2011 including the variations as listed in the attached report.**

COUNCIL DECISION

MOVED: Cr Moir

SECONDED: Cr Biddle

That Cr Walker be appointed as a member of the Audit & Finance Committee to replace Councillor Doust who has resigned from Council.

CARRIED 9/0

Res 036/12

10.1 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Proximity Interest

Cr O'Hare declared a proximity interest in the item 10.1.1 and 10.1.2 as he is a member of the Wilga Progress Association.

2 PUBLIC QUESTION TIME continued

The President allowed a question at this time.

QUESTION

Kelly Clark from Ridge View Estate asked why the residents from Ridgeview Estate had not been surveyed about having a Waste Wheelie Bin service which was presented to Council in August 2011.

RESPONSE

The Chief Executive Officer responded noting that the Council resolution on the matter also included the need to look at services for satellite towns and that Council's Environmental Health Officer was progressing the matter.

5.55pm – Kelly Clarke left the Chambers.

10.1.1 Lots 304 and 305 on Deposited Plan 47950

Notice of motion – Cr Moir – 02/12

MOVED: Cr Moir

SECONDED: Cr O'Hare

That the CEO be directed to write to the State Lands Department requesting that the infrastructure located on Lots 304 and 305 on Deposited Plan 47950 be removed and that the sites be rehabilitated in consultation with the Wilga Progress Association. Work to be completed in a timely manner, say three months from the March 2012 Council meeting.

CARRIED 9/0

Res 037/12

5.38pm – Cr Kaltenrieder left the Chambers.

5.40pm – Cr Kaltenrieder returned to the Chambers.

10.1.2 Lot 300 on Deposited Plan 47950 at Wilga

Notice of motion – Cr Moir – 03/12

That the Chief Executive Officer be directed to arrange for the demolition of the two derelict houses located on Lot 300 on Deposited Plan 47950 at Wilga with the estimated cost of \$18,000 being met from the expected end of year surplus. That in doing so the Chief Executive Officer liaise with the Wilga Progress Association regarding the demolition works giving it the opportunity to, if it so chooses, carryout the demolition works on a fee for service basis. The project to be completed within four months of the March 2012 Council meeting.

Chief Executive Officer Comment

The Wilga Progress Association sought to have the two houses and some pine trees removed before the proposed lease is signed. Council officers have inspected the two houses and considered that both are in such a poor condition as to be candidates for a demolition order. Both structures contain asbestos which would need to be removed by an appropriately licensed person. The following is an extract from the Department of Commerce web Site:

A licence is required in Western Australia for the removal of materials that contain asbestos. Only a licence holder or an employee of a licence holder may carry out this type of work.

The following extract from the Occupational Safety and Health Regulations indicates there is no need to be licensed for demolition of a dwelling:

class 2, in relation to demolition work, means demolition work comprising the total or partial demolition of a building or structure that is less than 10 metres in height when measured from the lowest ground level of the building or structure to the highest part of the building or structure but does not include —

- (a) the total or partial demolition of a single storey dwelling; or
- (b) work of a kind referred to in paragraphs (c), (d), (e), (f), (g), or (h) of the definition of class 1;

Based on the foregoing there is nothing to prevent the Progress association from doing the general demolition work however it could not, unless a member is appropriately licensed, remove the asbestos. It would be prudent to require that the Association hold a public liability policy for a minimum of \$10m that included full indemnification for the Shire Council.

In dealing with this matter Council may also wish to deal with the following Officer Recommendation relating to the pine trees that the Association wishes to be removed. Officers inspected the trees and noted that many limbs have fallen from them and so they may pose a safety issue. The removal of these trees could be held off till 2012/13 but this would also hold up the lease agreement process and so it is recommended that the Association's request be agreed to.

MOVED: Cr Moir

SECONDED: Cr Walker

That the Chief Executive Officer be directed to arrange for the demolition of the two derelict houses located on Lot 300 on Deposited Plan 47950 at Wilga with the estimated cost of \$18,000 being met from the expected end of year surplus. That in doing so the Chief Executive Officer liaise with the Wilga Progress Association regarding the demolition works giving it the opportunity to, if it so chooses, carryout the demolition works on a fee for service basis. The project to be completed within four months of the March 2012 Council meeting.

AMENDMENT

MOVED: Cr Doust

SECONDED: Cr Moir

That the Chief Executive Officer be directed to arrange for the demolition of the two derelict houses located on Lot 300 on Deposited Plan 47950 at Wilga with the estimated cost of \$18,000 being met from the expected end of year surplus and that quotations be obtained in accordance with Councils purchasing policy. The project to be completed within four months of the March 2012 Council meeting.

CARRIED 9/0

Res 038/12

The amended motion became the substantive motion.

That the Chief Executive Officer be directed to arrange for the demolition of the two derelict houses located on Lot 300 on Deposited Plan 47950 at Wilga with the estimated cost of \$18,000 being met from the expected end of year surplus and that quotations be obtained in accordance with Councils purchasing policy. The project to be completed within four months of the March 2012 Council meeting.

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 039/12

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Doust

SECONDED: Cr Aird

That Council authorise the removal of 4 pine trees on Lot 300 on Deposited Plan 47950 at Wilga with the estimated cost of \$3,000 being met from the expected end of year surplus.

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 040/12

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

11.1.1 Invitation to Hon Terry Redman

The Shire President approved of this late item of business being dealt with.

It was noted in the briefing session held prior to the Council meeting that changes made to TIRES funding would adversely impact on this and other Southwest Councils.

MOVED: Cr Doust

SECONDED: Cr Oversby

That the CEO write to Hon Terry Redman inviting him to the next luncheon/Briefing Session held on 19th April 2012 to discuss TIRES funding and other matters.

CARRIED 9/0

Res 041/12

11.1.2 Cr Doust – Resignation

The Shire President acknowledged Cr Doust's resignation as a great loss to the Shire. The Shire President acknowledged the wealth of experience in Local Government, financial acumen and total contribution that Cr Doust had brought to the Shire.

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

Nil

13 CLOSURE OF MEETING

There being no further business the Shire President, Cr Giles thanked all for attending and declared the meeting closed at 6.10pm