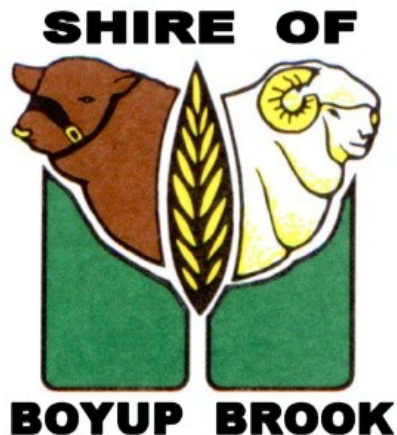


MINUTES



ORDINARY MEETING

HELD

THURSDAY 21 JUNE 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
Cr K Moir – Deputy Shire President
Cr G Aird
Cr E Biddle
Cr P Kaltenrieder
Cr B O'Hare
Cr T Oversby
Cr R Walker

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr John Eddy (Manager of Works & Services)
Mr Rob Staniforth-Smith (Senior Technical Officer)
Mrs Maria Lane (Executive Assistant)

PUBLIC: Sargeant Jenny Sara arrived at 3.30pm and left at 3.45pm
Josh Humble arrived at 3.30pm and left at 3.45pm
Fritz Guago arrived at 3.30pm and left at 3.45pm

1.2 Apologies

1.3 Leave of Absence

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

MOVED: Cr O'Hare

SECONDED: Cr Biddle

That Cr Giles and Cr Kaltenrieder be granted leave of absence for the July 2012 ordinary meeting of Council.

CARRIED 8/0

Res 075/12

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Biddle attended the Boyup Brook Tourism Association meeting, the Strategic Plan has been finalised and they are currently working on the Business Plan.

Cr O'Hare informed Council that the Community Resource Centre has received a contract from the Government Department to supply training.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 17 May 2012

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Kaltenrieder

SECONDED: Cr Moir

That the minutes of the Ordinary Meeting of Council held on Thursday 17 May 2012 be confirmed as an accurate record subject to the following amendment:

- **Resolution 065/12 – delete Cr Oversby and substitute Cr Aird**

CARRIED 8/0

Res 076/12

6 PRESIDENTIAL COMMUNICATIONS

Attended the Regional Road Group meeting.

Attended a meeting with Mr Andrew Murray, Chairman of the Regional Development Trust, and Graeme Basejou, Manager Infrastructure and Enterprise South West Development Commission about the Country Local Government Fund (benefits to Councils and future).

7 COUNCILLORS QUESTIONS ON NOTICE

Standing Orders provide as follows:

7.1 Questions of Which Due Notice Has to be Given

7.1.1 Any Councillor seeking to ask a question at any meeting of the Council shall give written notice of the specific question to the Chief Executive Officer at least 24 hours before publication of the business paper.

7.1.2 All questions and answers shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.

7.2 Questions Not to Involve Argument or Opinion

In putting any question, no argument or expression of opinion shall be used or offered, nor any facts stated, except those necessary to explain the question.

Question from Cr Walker:

What is being done about the two 90 degree bends on Cunningham Road where Mr Ian Affleck has offered to do a land swap to put the road on its original alignment?

Answer from Manager of Works:

Further to discussions with Mr Ian Affleck to realign Cunningham Road Wilga it is proposed to submit the proposal to the Council for consideration in the 2012/2013 budget. As explained to Mr Affleck it is not just a matter of exchanging the land and constructing the road, legal and survey costs need to be established before an estimated cost can be presented to the Council.

Reverse curve warning signs are to be installed advising of the current road configuration.

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

8.1.1 10 Year Works Programs

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Not applicable</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8 June 2012</i>
Author:	<i>John Eddy - MWKS</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>10 year resheeting program, 10 year reseal program, 10 year maintenance program, 10 year footpath program, 10 year widening program</i>

SUMMARY

The purpose of this report is to put the 10 year Works Programs to Council for adoption as a basis for budget development and inclusion in the Integrated Planning Project.

BACKGROUND

As a requirement of the Integrated Planning program the 10 year Works Programs form an integral part of the budget preparation process.

The 10 year Works Programs are revised annually to accommodate changes to proposed works projects and budget considerations.

COMMENT

The 10 year Works Programs have been prepared for the 2012/2013 budget considerations and future years costing have been calculated in terms of current dollar values.

As previously noted the Works Programs will be revised annually so that budget estimates can be adjusted to current dollar values.

CONSULTATION

Chief Executive Officer

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

2008 – 2013 Strategic Plan
Action Plan No 1.2 – B
Develop a five Year Works Plan

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

MOVED: Cr Oversby

SECONDED: Cr Biddle

That the Council adopt the 2012/2013 to 2021/2022 Ten Year Works Programs as presented for budget development and inclusion in the Strategic Plan.

CARRIED 8/0

Res 077/12

8.2 **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>11 June 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 May 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 O’Hare

SECONDED: Cr Walker

That the payment of accounts for May 2012 as presented totalling \$444,614.88 and as represented by cheque voucher numbers 18982-19000 totalling \$49,467.69 and accounts paid by direct electronic payments through the Municipal Account totalling \$212,944.22 be endorsed.

CARRIED 8/0

Res 078/12

8.2.2 May 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>11 June 2012</i>
Author:	<i>Kay Raisin – Finance Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Financial Reports</i>

SUMMARY

Report recommends Council receive the Statement of Financial Activities and the Net Current Assets for the month ended 31 May 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, 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 Moir

SECONDED: Cr Oversby

That the May 2012 Monthly Statements of Financial Activity and Statement of Net Current Assets as presented, be received.

CARRIED 8/0

Res 079/12

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Telecommunications Facility Lot 5241 Stanton Road

Location:	<i>Lot 5241 Stanton Road</i>
Applicant:	<i>Aurecon Australia Pty Ltd on behalf of Optus</i>
File:	<i>AS9480</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12th June</i>
Author:	<i>Geoffrey Lush (Council's Consultant Planner)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>None</i>

SUMMARY

Aurecon is seeking a two year time extension of the original approval granted by Council. There is no objection to the application.

BACKGROUND

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

Optus proposes to construct a 60m telecommunications guyed mast tower adjacent to the existing Telstra guyed mast.

This matter was considered by Council at its Meeting of the 16th September 2010 resolved to grant approval for this development subject to a number of conditions. Condition 4 states that:

This approval shall expire if the development hereby permitted is not completed within two years of the date hereto, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.

The date of the approval was the 20th September 2010.

COMMENT

Aurecon has been seeking similar time extensions for approvals granted in adjoining municipalities. There is no objection to the request.

CONSULTATION

None

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.1

MOVED: Cr Moir

SECONDED: Cr Biddle

That Council grant a time extension to the approval to development of a portion of Lot 5241 Stanton Road for the purpose of Telecommunications Infrastructure until the 20th September 2014.

CARRIED 8/0

Res 080/12

8.3.2 Shire Web Site Renovations

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Interest:	Nil
Date:	11 June 2012
Author:	G Carberry Manager Admin & Assets
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Appendices:	Quotes 1) Boyup Brook Community Resource Centre 2) Market Creations 3) Fleur Mead

SUMMARY

The purpose of this report is to present quotes for the website upgrade and maintenance in accordance to Councils resolution 055/12

BACKGROUND

The Website Renovations Advisory Committee was formed to investigate the current websites suitability for the need of the Council.

The minutes of said committee were accepted by Council in the April 2012 meeting with the following resolution being passed.

MOVED: Cr Oversby

SECONDED: Cr O'Hare

That the minutes of the Website Renovations Advisory Committee meeting that was held on 17 April 2012 be received and Council endorse the recommendation and that costs and proposals be sought and bought back to Council.

CARRIED 7/0

Res 055/12

NOTE

The Committee recommendation was as follows:

That the Shire Council provides the resources to restructure the website and make provision for an ongoing maintenance and update programme.

COMMENT

Quotes have been requested from numerous sources including local and independent website designer and suppliers.

Suppliers were asked to quote on redesigning and maintaining the current Mysouthwest site and to quote for providing and maintaining a new site

The results have been placed in a table as a summary further detail is offered in the attached quotes.

Supplier	Redesign Current	Maintain Current	Design New site	Maintain New Site	Host Current	Host New
Market Creations	No	No	\$2574 ⁽¹⁾	\$143/hr ⁽²⁾	No	\$528
BB CRC	\$1820	\$35/hr - 1hr/week ⁽³⁾	\$1820 ⁽⁴⁾	\$35/hr - 1hr/week ⁽³⁾	Mysouthwest	Not quoted
F. Mead	\$5850	\$65/hr	\$7800 ⁽⁵⁾	\$65/hr	Mysouthwest	Refer quote

- Notes
- (1) Base rate further costs subject to content being selected
 - (2) Can provide manual/training and 3 months support \$1144
 - (3) Only 1 hour per week allocated
 - (4) Design work will be sub contracted no indication to whom
 - (5) No indication given of content of new site

Market Creation appears to be the best option for a new site as the quote is fully optioned allowing for greater flexibility in choice, although the ongoing cost \$143 per hour.

BB CRC are the cheapest option but have very little detail in their quote and will have to out source the design and building phase in comparison their quote appears to be low what would be expected.

F Mead has not given content details in her quote so it is hard to compare against Market Creations.

Of concern is, what appears to be, the amount of pressure being placed on Council by persons with direct input in to this process and having the chance of monetary gain from the outcome.

CONSULTATION

Market Creations
 Boyup Brook Community Resource Centre
 F Mead
 Redback web design
 Staff Shire of Corrigin
 Staff Shire of Kojonup
 IT Staff Shire of Dardanup

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Currently one thousand dollars \$1000 is allocated for website costs in the 2011-2012 budget, dependent on choice of provider and hours time spent this will need to be substantially increased in future budgets.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.2

MOVED: Cr Moir

SECONDED: Cr Oversby

That Council approach both Market Creations and F Mead for a prototype layout and design for Council’s website showing possible content so that costs can be fully compared on an even basis.

CARRIED 7/1

Res 081/12

Request for Vote to be recorded

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

For

Cr Aird

Cr Giles

Cr Oversby

Cr O’Hare

Cr Walker

Cr Kaltenrieder

Cr Moir

Against

Cr Biddle

Impartiality Interest

Rob Staniforth-Smith declared an impartiality interest in the following item due to family supplying suggestions for road names.

8.3.3 Naming of Road Reserve

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Interest:	<i>Nil</i>
Date:	<i>10 June 2012</i>
Author:	<i>G Carberry Manager Admin & Assets</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Appendices:	<i>Map</i>

SUMMARY

The purpose of this report is to recommend the name for a road reserve to the Geographical Names committee, which was omitted during the approval process of a subdivision by RJ & CM Beatty on land east of Kulikup South Road in 2008.

BACKGROUND

Application No 135099 was submitted for the subdivision of Nelson Location 2998 in 2007 and completed in 2008. At no stage of the planning or approval process was a name recommended for this to be a constructed road.

The Geographical Locations Committee policy states:

Selection of Names

Suitable Names - Preferred sources of names include names from Aboriginal languages currently or formerly identified with the general area, pioneers of the State or area, citizens who have made a significant community contribution, war casualty lists and thematic names (eg nautical, sporting etc). Ethnic and gender diversity is encouraged. Given/first and surname combinations are suitable only if the surname alone cannot be used because of duplication. All name proposals must clearly identify the origin of the name and provide relevant references to allow for the verification of the name.

Unsuitable Names - Names characterised as follows are to be avoided - given/first names, corrupted, unduly cumbersome or difficult to pronounce names, obscene, derogatory, racist or discriminating names, company or commercialised names (unless in an historical context).

Name Duplication - Name duplication within local governments or adjoining local governments shall be avoided. When a duplicated name is proposed elsewhere, it must not be duplicated more than 5 times in the metropolitan region, must be at least 10 km from the existing duplication and must have a different road type. These exclusions apply to similar sounding or written names, and also apply to those within

similar sounding suburbs even if more than 10 km away. In rural areas the distance should be at least 50 km away.

Names of Living Persons - The names of living persons are not normally suitable for road names, and if proposed will be subject to a more rigorous selection process. The proposal must be accompanied by comprehensive biographical details including details of community involvement, and also an indication of strong community support for the proposed name.

COMMENT

Currently the only acceptable name on the Shires Road Naming Policy is Synnott, this would seem to be an inappropriate name for this location.

Consultations with local persons including the sub divider have rendered the following suggestions:-

Clifton Road: Named after Jack Clifton who ran the Kulikup Saw Mill for many years from the reserve immediately to the North (where Red Gum Pool Rd joins Kulikup South). The mill employed half of Kulikup. Mrs Clifton was a nurse and together with Jack, who had the only car in the district they acted as the first aid post.

Torrie Road (one of the earliest settlers)

Fairbrass Road (arrived on the same ship as the Torrie's)

Hart Road (ran the Kulikup Store for many years) was also suggested but already exists.

CONSULTATION

June Gronow - Geospatial Information Officer
Geographic Names
Location Products and Services
Landgate

R Beatty
R Fairbrass
Staniforth Smith Family

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.3

MOVED: Cr Oversby

SECONDED: Cr Aird

That Council recommend “Clifton” as the name of the road constructed as part of sub division WAPC Ref 135099,

That if “Clifton” be declined then “Torrie” and then “Fairbrass” be offered as alternate names.

CARRIED 8/0

Res 082/12

Impartiality Interest

Cr Aird declared an impartiality interest in the following item due to being the President of the Hockey Club.

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

8.3.4 Development of Ablution Facility – Recreation Grounds/Music Park

Location:	<i>Lot 195 DP82555 Jackson Street</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>Res23783</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>31 May 2012</i>
Author:	<i>Geoffrey Carberry</i> <i>Manager Administration and Assets</i>
Authorizing Officer:	<i>Alan Lamb</i> <i>Chief Executive Officer</i>
Attachments:	<i>Letter - Boyup Brook Hockey Association</i> <i>Letter - Boyup Brook Country Music Club</i>

SUMMARY

Purpose of this report is to provide an update on responses received from the Boyup Brook Hockey Association and Boyup Brook Country Music Club in relation to the location of the proposed ablution facility.

BACKGROUND

At the March 2012 Council meeting the following item was presented with Council resolving

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

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 emphasis 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

Correspondences from two clubs were eventually received and are appendix to this report. Whilst the Hockey association clearly agrees to the proposed site it is doubtful as to whether the view of the Country music Club is one of total acceptance.

CONSULTATION

EHO/Building Officer
Boyup Brook Country Music Club
Boyup Brook Hockey club

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

None

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.4

MOVED: Cr Kaltenrieder

SECONDED: Cr O'Hare

"That the Council reaffirms its decision to locate the new ablution facility on the site of the current ablution facility as per resolution 032/12"

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 083/12

ITEM 8.3.5 WITHDRAWN BY THE CEO.

8.3.5 Housing Upgrade

Item withdrawn in order to explore options in more detail.

8.3.6 Asset Maintenance Program 2012/2013

Location:	N/A
Applicant:	
File:	
Disclosure of Officer Interest:	None
Date:	12 June 2012
Author:	Geoff Carberry
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes

SUMMARY

The purpose of this report is to present a proposed asset maintenance and operation costs program to Council so it may form the basis of budgetary consideration for the 2012/2013 Council budget

BACKGROUND

Over the past two years ongoing asset maintenance and costing plans have been developed by Council staff. This plan is now being used as the basis for the year to year maintenance schedule for the Shires building assets.

COMMENT

The provided plan is the abbreviated version of the overall plan pertaining to the 2012/2013 financial year.

It is split into 4 areas Operational, Maintenance, Upgrade and Renewal as per the current financial planning requirements.

Operational costs are the basic cost required to operate the asset.

Maintenance costs are those that required keeping the asset at a reasonable standard

Upgrade costs reflect the need to improve older assets to modern standards to increase overall working life of assets

Renewal costs reflect the need to replace older assets with more efficient ones that meet current community expectations.

CONSULTATION

A Lamb
Asset users
Community Members
F Geers

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The plan is the basis for 2012/2013 budget considerations

STRATEGIC IMPLICATIONS

Not Applicable

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 Kaltenrieder

SECONDED: Cr Walker

That Council endorses the asset maintenance plan 2012/2013 program as a basis for 2012/2013 budgetary considerations.

CARRIED 8/0

Res 084/12

ITEM 8.3.7 WITHDRAWN BY THE CEO

8.3.7 Ten Year Asset Renewal & Replacement Program

Item withdrawn pending further work on integrated planning.

8.3.8 Disposal of Recovered Flax Mill Materials

Location:	N/A
Applicant:	
File:	
Disclosure of Officer Interest:	None
Date:	12 June 2012
Author:	Geoff Carberry
Authorizing Officer:	Alan Lamb
Attachments:	Nil

SUMMARY

The purpose of this report is to answer Councils query regards the recovered flax mill building materials.

BACKGROUND

With the approval of Council buildings 4, 5 & 6 of the Flax Mill were demolished. Materials retained from the works were to be stacked and sorted by the "Future Boyup Brook Group". At the time of the works the group was not available to carry out the stacking of the materials.

The contractor was forced to place the materials at the rear of the area to allow time for the Future Boyup Brook group to stack the materials.

This group have since lost interest in the project.

There has been a perception that the materials are being stolen

COMMENT

Investigations have revealed next to no loss of the materials.

Most of the materials, such as the tin sheeting is of little or no value.

A contractor has been asked to select the most usable wood from the stock pile and store it in the caged area. This will include the floor board and any reusable weather boards.

The trusses can not be reused with out engineering certification so are of little use to the Shire.

The contractor will also recover the larger materials that could be of use at a later date.

CONSULTATION

G. Bogar - Flax Mill Manager
F. Geers - Contractor
J Beatle - Contractor.
Bridgetown Building Recyclers

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

It is believed sale of the excess materials would not raise a great deal and would depend on what is left after sorting. The cost of sorting the material is expected to equate to the income derived from the sale of excess materials however as no funding was provided in the current budget for this work an absolute majority is required.

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 8.3.8

MOVED: Cr Walker

SECONDED: Cr Biddle

That reusable materials from demolition works at the flax mill be put into safe storage and the remainder offered for sale as one lot on a as is, where is basis.

AMENDMENT

MOVED: Cr Aird

SECONDED: Cr Oversby

That reusable materials from demolition works at the flax mill be put into safe storage and the remainder offered for sale as lots on an as is, where is basis.

CARRIED 8/0

Res 085/12

COUNCIL DECISION

That reusable materials from demolition works at the flax mill be put into safe storage and the remainder offered for sale as lots on an as is, where is basis.

CARRIED BY ABSOLUTE MAJORITY 8/0 Res 086/12

8.3.9 Memorial to John McAlinden

Location:	<i>McAlinden</i>
Applicant:	
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>28 May 2012</i>
Author:	<i>Geoff Carberry</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Letter WT McAlinden Sketch Plan</i>

SUMMARY

The descendants of John McAlinden would like to recognise the role he played in establishing McAlinden as a settlement by establishing a memorial at the McAlinden hall site.

BACKGROUND

Constable John McAlinden was the first to be stationed at Blackwood #2 police station in the late 1800's. He then built a Tavern at a site believed to be the current site of the McAlinden Hall. This tavern was built to service the Sandalwood carriers which in turn also assisted in the opening up of the later named McAlinden area. The descendants of John McAlinden still live in the region and want to see his efforts recognised before they are too old to see the project through.

COMMENT

The memorial design is simplistic and an appropriate way to recognise someone that contributed to the establishment of the McAlinden settlement

CONSULTATION

WT McAlinden
S Harley

STATUTORY OBLIGATIONS

Not Applicable

POLICY IMPLICATIONS

Council does not currently have a policy on the establishment of pioneer memorials

BUDGET/FINANCIAL IMPLICATIONS

There is nil cost to the Council as construction costs are to be covered by the descendants of John McAlinden.

STRATEGIC IMPLICATIONS

Not Applicable

SUSTAINABILITY IMPLICATIONS

- **Environmental** - There are none know at this point in time
- **Economic** - There are none know at this point in time
- **Social** - There are none know at this point in time

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.9

MOVED: Cr Walker

SECONDED: Cr Kaltenrieder

That Council approves the installation of a memorial in honour of John McAlinden at the site of the McAlinden Hall in accordance with the design provided.

CARRIED 8/0

Res 087/12

8.3.10 Bunbury Wellington Group of Councils

Location:	<i>N/a</i>
Applicant:	<i>N/a</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>14 June 2012</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 gain Council approval to pay specific accounts relevant to the Bunbury Wellington Group of Councils (BWG) when and if received in 2011/12.

BACKGROUND

In December 2011 Council resolved to join the BWG with the following resolutions:

That application be made to join the Bunbury Wellington Group of Councils.

That the Bunbury Wellington Group of Councils be the preferred grouping for the purposes of the regional portion of the CLGF.

The BBG Councils each budget for a \$500 per year payment to the Group to cover the cost of small projects that the Group may wish to look at.

Council's representatives to the BWG, The President and Chief Executive Officer (CEO) met with the group last year to discuss an opportunity to deal regionally with rubbish disposal and this entailed the possible purchase of a waste disposal facility. Each of the constituent Councils was asked to contribute \$10,000 toward the cost of evaluating the opportunity.

COMMENT

No accounts have been received as yet for either the \$500 or the \$10,000 but it was considered wise to seek approval for these payments should a request for payment be received.

In relation to the \$500 per year for small projects, as Boyup Brook joined the Group part way through the year and as there has been no call made for payment to the other members it is highly likely that there will be no request in 2011/12. At the same time though it would be wise to authorise payment if a request is received and to budget for a payment in 2012/13.

In relation to the \$10,000, this is the contribution toward the estimated cost of properly evaluating the opportunity to purchase the waste disposal site and how ongoing ownership and operation should be arranged. It also entailed looking at forming a Regional Organisation of Councils(ROC – a Council, as provided for under the Local Government

Act, set up by a group of Local Governments to perform specific functions). The regional waste disposal solution is a very much a long term view. Discussions on funding then purchase etc included the possible use of the regional portion of the Country Local Government Fund but matters such as funding would for a part of the evaluation process. This should be a 2012/13 budget consideration if no account is received this year.

It is recommended that the strategy be to approve the payment of both accounts if received in 2011/12, that if no call for payment is made the matters be dealt with as part of the 2012/13 budget process.

CONSULTATION

The author has spoken with the BWG secretary (the Capel CEO).

STATUTORY OBLIGATIONS

The following has application:

6.8. Expenditure from municipal fund not included in annual budget

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government;*
 - (b) *is authorised in advance by resolution*;* or
 - (c) *is authorised in advance by the mayor or president in an emergency.*

* Absolute majority required.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Neither the \$500 nor the \$10,000 was budgeted for in 2011/12. The half year budget review indicated an end of year surplus and so these payments if made would reduce the forecast surplus.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues specific to the matter to hand but the joint waste disposal facility being considered will result in a reduction in the amount of rubbish going to land fill. Economies of scale will open up a number of waste management opportunities that may not be economical/practical for this Shire on its own.

- **Economic**
There are no known significant economic issues to the matter to hand but being a part of the BWG should, among other things facilitate joint lobbying by Presidents and the Mayor for specific Council matters that are supported by the group. The joint waste facility being considered should ultimately reduce waste management costs.

- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.10

MOVED: Cr Walker

SECONDED: Cr Biddle

That Council approve the following payments in respect of the Bunbury Wellington Group if requests for payment are received in 2011/12:

- 1 Annual contribution to the Bunbury Wellington Group for the cost of minor projects - \$500**
- 2 Contribution to the Bunbury Wellington Group for joint waste management facility/Regional Council evaluation - \$10,000**

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 088/12

Break for Afternoon Tea

Adjournment

That the meeting be adjourned for an afternoon tea break, the time being 5.04pm.

Resumption

That the meeting resume, the time being 5.13pm.

The meeting resumed with the following persons in attendance.

- Cr Aird
- Cr Moir
- Cr Oversby
- Cr Biddle
- Cr O'Hare
- Cr Kaltenrieder

Cr Walker left the Chambers at 5.13pm

Interest Declaration

Cr Giles declared a financial interest in the following item and departed the Chambers, the time being 5.13pm.

Presiding Member Change

Cr Moir took the chair due to Cr Giles departing the Chambers.

8.3.11 Reserve 33552 – Saleyards -Lease

Location:	<i>Reserve 33552, Lot 13129 Boyup Brook/Bridgetown Road</i>
Applicant:	<i>N/a</i>
File:	<i>LS/62/008</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 June 2012</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Copy of Landgate plans</i>

SUMMARY

The purpose of this report is to seek Council approval to request the relinquishment of the current lease in order to open up use of the Saleyards to more local business operators.

BACKGROUND

In March 2008 Council commenced the process to lease the Saleyards to Mead Transport. The process became protracted in part due to the changeover of Chief Executive Officers in 2008. In November 2008 Council resolved as follows:

That Council resolve;

- 1. to lease the Sheep Saleyards on Reserve 33552 to Mead Transport**
- 2. that the lease conditions be substantially as follows;**
 - I. The use being restricted to the yards/land being used only for the purpose of 'Stock Holding Yards' or 'Stock Transit Yards' and 'Vehicle Wash Down Facility'.**
 - II. Liability Insurance of \$10 million with the Shire of Boyup Brook being named as an interested party.**
 - III. Clear responsibility of the Lessee for the ownership of the improvements (subject to point II above), maintenance and removal at the conclusion of any lease period. The Shire of Boyup Brook will reserve the right to retention of the improvements at the end of any lease period should it perceive an advantage to do so.**
 - IV. The Lessee will be responsible for weed control and eradication.**
 - V. The Lessee being responsible for compliance with requirements of the Department of Agriculture for stock movements and the National Livestock Identification System including a Property Identification Code.**
 - VI. The Lessee will be responsible for maintaining stock welfare in accordance with the Stock Transporters Code of Practice.**
 - VII. The Lessee will be responsible for -**
 - A payment of \$350 per year for a Lease period of 3 years.**
 - Annual Rates (currently \$525.00 per annum).**
 - Any other outgoings of the land (reserve) and its use.**
- 3. The Shire President and CEO be authorised to execute the document provided it is in line with standard lease agreements and does not deviate substantially with the foregoing conditions.**

The three year lease was signed by the Minister for Lands, Meads Transport and the Shire representatives and came into operation 22/1/2010. The lease expires 22/1/2013, it does not provide for the lease to be transferred, and there is no renewal option.

During the past twelve months or so it has become apparent that there are a number of local cartage contractors who would like to make use of the sale yard facilities to yard stock pending transport, wash down stock vehicles and to park some vehicles. The current lease constricts usage of the facility to one company only.

The lessee has indicated they may be prepared to relinquish the lease provided there is an opportunity for continued use of the facility.

COMMENT

It is apparent that facilities such as the wash down bay and yards could be used by a number of local cartage contractors. The wash down facility is used to clean stock carting vehicles and the Shire has been making use of the solid matter for municipal gardens. The yards could/have been used to pen animals from a number local land holders to make up a load for cartage contractors.

The area provides an opportunity for contractors who do not have an alternative to park vehicles and the saleyards offer the opportunity for local stock sales.

In summary, the facility is of value to the community and opening up its use to more local contractors should not only benefit the contractors it should also benefit local land holders.

In looking at opportunities for alternative arrangements, it is apparent that one option is for Council to take over management of the facility and charge users a fee that is structured to make the operation cost neutral. Cartage contractors spoken to on the matter see this as a viable option. The plan here would be for Administration (the Chief Executive Officer at least in the first few meetings) to meet with the entities who would pay an annual fee for use of the facility to devise a draft set of rules, a maintenance plan and a set of fees for presentation to Council as part of the budget process. This group would then meet periodically, at least once per year, to review operations and fees. The benefit of this option would be the opportunity for users to join or drop out of the annual fee paying group.

Another option is for a group potential users to form a formal entity and for Council to lease the facility to this entity. This option would avoid Council having to be involved in maintenance, fee setting and the like but may restrict who could use the facility. It would enable the entity to take out public liability cover.

A further option might be for an informal group of users to lease the facility but all would need to be parties to the lease. State Land Services may see a problem with a lease to multiple entities and it might be difficult administering a lease where there a number of individual lessees. This option may also restrict who could use the facility.

The use of the yards for stock sales is an opportunity for additional income but the yards will need some work to meet safety requirements. Also, there is a need to improve the wash down facility, level some areas and fence the area to restrict access. It is expected that the cost of these works would be in the vicinity of \$60,000 and this project could be a candidate for the direct portion of the Country Local Government Fund. The intention is to come back to Council in July with a proposal for improvements to the Saleyards Reserve, a plan for how the works might be funded, and how the facility might operate (including a long term financial plan on a cost neutral basis). At this time though the purpose is to seek Council approval to formally seek Mead Transport's agreement to relinquish the lease on the condition it will still have access to the facility on payment of an equitable fee. This would give the company assured use to the end of the current lease period (22/1/2013) and so should not disadvantage it.

Council may choose to wait till the current lease expires to review the Saleyards. Whilst this is an option it would deny the more general use of the facility sought by local contractors until 2013 (and only then if Council was to opt for an operation that allowed this).

CONSULTATION

The author has spoken with some local contractors.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time, any costs for improvements and maintenance and any change to the current lease income would occur in 2012/13 and would be incorporated into that year's budget.

STRATEGIC IMPLICATIONS

The proposed more general use of the Saleyards would assist local businesses such as cartage contractors and land holders who sell stock.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Improvements to the wash down facility should reduce the spread of seeds into the Reserve on the opposite side of the road (the waste water is currently directed under the road to this Reserve), greater use of the yards should reduce weed growth, and increased use of the facility should improve management of the area generally. .
- **Economic**
Opening the facility to more local contractors will improve their ability to provide services to local land holders.
- **Social**
Council's management of the facility should reduce the number of maintenance related complaints. It should also address compliance related issues with the saleyards.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.11

MOVED: Cr Biddle

SECONDED: Cr Kaltrenrieder

That Council authorise the Chief Executive Officer to formally seek the agreement of Mead Transport to relinquish the current lease on the Saleyards on the condition it will still have access to the facilities at least to the end of the term of the lease on payment of equitable fee.

CARRIED 6/0

Res 089/12

Cr Giles returned to the Chambers at 5.30pm and resumed the chair.

9.1 COMMITTEE REPORTS

9.1.1 Minutes of the WALGASW Zone – 27 April 2012

Location:	Shire Dardanup
Applicant:	N/A
File:	
Disclosure of Officer Interest:	Nil
Date:	10 June 2012
Author:	WALGASW
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Minutes

BACKGROUND:

A WALGASW Zone meeting was held on 27 April 2012
Minutes of the meeting are laid on the table and circulated.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.1

MOVED: Cr Moir

SECONDED: Cr Biddle

That the minutes of WALGASW Zone meeting held on 27 April 2012 be received.

CARRIED 7/0

Res 090/12

9.1.2 Bushfire Advisory Minutes & recommendations

Location:	N/A
Applicant:	
File:	
Disclosure of Officer Interest:	None
Date:	28 May 2012
Author:	Geoff Carberry
Authorizing Officer:	Not applicable
Attachments:	Minutes - Annual General Meeting of the Bushfire Advisory Committee 2012

BACKGROUND

An Annual General Meeting of the Bushfire Advisory Committee meeting was held on 22 May 2012

Minutes of the meeting are laid on the table and circulated (*refer to appendix 9.1.3*)

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.2

MOVED: Cr Oversby

SECONDED: Cr Aird

1. That the minutes of the Annual General Meeting of the Bushfire Advisory Committee meeting was held on 22 May 2012 be received.
2. That Council accept and recognise those brigade representatives to the Bushfire Advisory Committee as listed in the minutes of the annual general meeting.
3. That in accordance with the Bushfire Advisory Committee annual general meeting recommendation to Council.
"That the annual firebreak order be amended to extend the restricted burning period from 1 March to 31 May inclusive in lieu of the current 1 March to 30 April inclusive with all signage being updated."

CARRIED 7/0

Res 091/12

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

In accordance with Standing Orders the President allowed the following urgent items of business to be conducted:

11.1.1 Funding for Roads

MOVED: Cr Aird

SECONDED: Cr Giles

That in recognition of the communities expressed high level of importance and priority for improvement and maintenance of roads, as demonstrated in the results of the Strategic Community Plan consultation process, Council consider as part of the 2012/13 budget process, increasing its own resources funding for roads by 10%.

AMENDMENT

MOVED: Cr Moir

SECONDED: Cr Biddle

That in recognition of the communities expressed high level of importance and priority for improvement and maintenance of roads, as demonstrated in the results of the Strategic Community Plan consultation process, Council consider as part of the 2012/13 budget process, increasing its own resources funding for roads.

CARRIED 5/2

Res 092/12

Request for Vote to be recorded

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

For	Against
Cr Moir	Cr Aird
Cr O'Hare	Cr Giles
Cr Biddle	
Cr Oversby	
Cr Kaltenrieder	

The amended motion became the substantive motion

COUNCIL DECISION

That in recognition of the communities expressed high level of importance and priority for improvement and maintenance of roads, as demonstrated in the results of the Strategic Community Plan consultation process, Council consider as part of the 2012/13 budget process, increasing its own resources funding for roads.

CARRIED 7/0

Res 093/12

11.1.2 Ward Meetings

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

MOVED: Cr Moir

SECONDED: Cr Biddle

That Council institute for 12 months trial, biannual ward meetings in each ward as a ratepayer forum.

CARRIED 7/0

Res 094/12

John Eddy, Rob Staniforth-Smith and Maria Lane left the Chambers at 5.54pm due to confidential matters.

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

12.1.1 Chief Executive Officer – Annual Performance Review, Further Contract

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Biddle

SECONDED: Cr O’Hare

1. That Council commence the process of the Chief Executive Officer’s Annual Performance Review by requesting that the Shire President write to the officer notifying of the review in accordance with the employment contract.
2. That Council commence the process of considering a further contract.

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 095/12

12.1.2 Gratuitous payment Manager of Works

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Biddle

SECONDED: Cr Kaltenrieder

That Council amend policy A.03 Gratuitous Payment to Employees as follows: Delete all words after the number “3” and insert the following:

“Council, after taking into account the above criteria, may agree to the awarding of a gratuity up to the maximum permitted by legislation (currently limited by Regulation 19A of the Local Government (Administration) Regulations)”

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 096/12

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Aird

SECONDED: Cr Oversby

That Council make the maximum gratuitous payment allowable to Mr Eddy for his dedicated service to the Community.

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 097/12

6.15pm – the meeting reopened with Councillors and the CEO present.

John Eddy, Rob Staniforth-Smith and Maria Lane returned to the Chambers at 6.15pm.

13 **CLOSURE OF MEETING**

There being no further business the Shire President, Cr Giles thanked all for attending and declared the meeting closed at 6.20pm