

# MINUTES



ORDINARY MEETING

HELD

THURSDAY 21 MARCH 2013

COMMENCED AT 5.00PM

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 J Imrie  
Cr P Kaltenrieder  
Cr B O’Hare  
Cr T Oversby  
Cr R Walker

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

PUBLIC: Nil

**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**

Nil

**3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS**

Cr Aird attended the Women’s Field Day held at Rylington Park on 15<sup>th</sup> March 2013 and the men’s evening held at the Club.

The guest speakers were Maggie Dent and Heath Black who shared their past struggles and experiences. Both events were informative with a large number of people in attendance.

## 5 CONFIRMATION OF MINUTES

### 5.1 Ordinary Meeting of Council - Thursday 21 February 2013

#### COUNCIL DECISION & OFFICER RECOMMENDATION

**MOVED:** Cr Kaltenrieder

**SECONDED:** Cr Aird

That the minutes of the Ordinary Meeting of Council held on Thursday 21 February 2013 be confirmed as an accurate record.

**CARRIED 9/0**

**Res 21/13**

## 6 PRESIDENTIAL COMMUNICATIONS

Attended the Regional Road Group Elected Members Meeting held at the Dardanup Council Chambers on 11<sup>th</sup> March 2013 with the Manager of Works & Services.

Attended the Western Australian Grants Commission public hearing held in the Shire Chambers on 14<sup>th</sup> March 2013.

Attended the Long Term Financial Planning workshop held on 15<sup>th</sup> March 2013.

Attended the Audit & Finance Committee held on 21<sup>st</sup> March 2013.

## 7 COUNCILLORS QUESTIONS ON NOTICE

Nil

## 8 REPORTS OF OFFICERS

### 8.1 MANAGER WORKS & SERVICES

<b>8.1.1 Revised 10 Year Plant Replacement Program</b>
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<b>Location:</b>	<i>N/A</i>
<b>Applicant:</b>	<i>N/A</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>8 March 2013</i>
<b>Author:</b>	<i>Rob Staniforth-Smith, Manager of Works and Services</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb (CEO)</i>
<b>Attachments:</b>	<i>Revised 10 year Plant Replacement Program</i>

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#### SUMMARY

The purpose of this report is to put the revised 10 year Plant Replacement Program to Council for adoption as a basis for budget development.

**BACKGROUND**

As part of the budget preparation process the Plant Replacement Program is revised on an annual basis to ensure a high standard of plant and equipment is maintained.

**COMMENT**

By adopting the 10 year Plant Replacement Program the purchase of items of plant can be achieved within the required time frames.

**CONSULTATION**

Chief Executive Officer

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

2008 – 2013 Strategic Plan  
Action Plan No 6.5-111  
Continue to implement a Plant Replacement Program

**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 8.1.1**

**MOVED: Cr Walker**

**SECONDED: Cr Biddle**

**That the Council adopt the 2013/2014 to 2022/2023 Ten Year Plant Replacement Program as presented.**

**CARRIED 9/0**

**Res 22/13**

**8.1.2 Sealing of Six Mile Road and Other Portions of Gravel Road Adjacent to Dwellings**

<b>Location:</b>	N/A
<b>Applicant:</b>	N/A
<b>File:</b>	
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	12 <sup>th</sup> of March, 2013
<b>Author:</b>	R Staniforth-Smith, Manager of Works and Services
<b>Authorizing Officer:</b>	Alan Lamb – Chief Executive Officer
<b>Appendices:</b>	Nil

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**SUMMARY**

The purpose of this report is to review the matter of sealing sections of roads where gravel roads meet sealed roads with particular attention being paid to the 750 metres of Six Mile Road from the junction of Arthur River Rd, where safety is a factor and where dust is a significant problem for occupied houses.

**BACKGROUND**

The occupants of the 4 properties at the northern end of Six Mile Road have written to Council to raise concerns and issues on the northern end of Six Mile Road, requesting that the road is sealed from the Boyup- Arthur Road intersection south for 750 metres.

December 2012 Council meeting saw motion 8.3.5 moved, that read:

***“That Council acknowledge the letter on this matter and instruct administration to review the matter of sealing sections of road where gravel roads meet sealed roads, with particular attention being paid to the 750 metres of Six Mile Road from the junction of Arthur River Road, where safety is a factor and where dust is a significant problem for occupied houses and report back to Council by its March 2013 meeting.”***

The Six Mile Road is a gravel road commencing in Dinninup on the Boyup Arthur Road and running south through to the Boyup – Kojonup Road. It gets vehicle use from vehicles travelling from the Northern end of the BB-Arthur Rd through to the BB-Kojonup Road.

The residents’ concerns and issues are:

1. Safety – issues with vehicles not being able to brake in sufficient time on the gravel surface to stop at the intersection with the BB-Arthur Rd
2. Pollution – dust pollution of houses and sheds
3. Contamination – dust contamination of water supplies

**COMMENT**

**Addressing the general situation first**

1. Safety on gravel roads: Due to the nature of the loose surface of gravel roads, they are always going to create different driving conditions to sealed roads. Living in the country, particularly outside of built up areas, generally will involve the traversing of gravel roads on a daily/weekly basis. Drivers on gravel roads will generally find no adverse reaction to driving on gravel roads as long as they *‘drive to conditions’*.

The Shire of Boyup Brook has previously recognized (Briefing meeting November 15<sup>th</sup> 2012, item 6.3.3) the inherent danger of driving on gravel roads to people not used to driving on them and has introduced a 10 year plan, commencing 2013/2014, where by gravel road warning signs will be erected progressively on the start of gravel roads. With regards to warning signs at intersections, cautionary warning signs (yellow) are erected prior to the intersection to give advanced warning and chevrons are placed on the other side of intersections which warn drivers that the road is coming to an end. Regulatory Signs (Stop, give way, Speed signs etc) are erected by Main Roads WA (the Shire has no jurisdiction over these) and they are not typically erected at gravel/sealed road intersections. Gravel roads have a 'un restricted speed limit' meaning that users can drive up to 110km/hour if the condition of the road warrants is suitable.

Generally sealing of Gravel Roads is done until the traffic usage is significant (it is believed that Main Roads WA recommends that it shouldn't be considered until traffic over 70 vehicles per day)

## 2. Pollution

Dust pollution due to the gravel road base breaking up due to traffic and weather is an unavoidable situation, rectified only by the closing of or sealing of the road. The dust is greatly minimized by rain and moisture; however in our climate moisture is often not present. Dust suppressants have been tried previously however unless the product is re applied regularly, they do not last.

Current Council budget does not allow for the sealing of gravel roads, where houses are affected by dust due to their close proximity to gravel roads, as there are many locations in the Shire of Boyup Brook where this occurs. Examples of similar situations:

- Zig Zag Road: 3 houses many more house blocks
- Asplin Siding Road: 5 houses
- Westbourne Road: 3 houses
- Gibbs Road: 4 houses
- Dinninup Townsite: All houses as no roads are sealed
- Six Mile Road: a second location in addition to the Boyup Arthur Rd end
- Terry Road: 5 houses etc

## 3. Contamination

Water contamination by dust off gravel roads is unavoidable when collecting water from roof tops as is contamination by dust generated by stock walking through bare paddocks. Again as per the pollution issue above the sealing or closing of the road will help, however Council budget does not have the funds.

## 4. Resultant build-up of dust on power poles

This issue is more wide spread than dust nuisance to households as all power poles are affected whether caused by dust from gravel roads or from within paddocks. Western Power recognizes this issue and has a maintenance program for cleaning pole tops to minimize risk. Again the sealing of roads to minimize this issue is not practical due to budget constraints.

### **Addressing the specific situation, the northern end of the Six Mile Road**

The issues raised by the Six Mile Residents are common throughout the Shire that is dust causes nuisance and pollution to houses and property that are located within close proximity to gravel roads.

The estimated cost of sealing the northern 750 metre section of Six Mile Road is \$44,760.

With regards to the safety aspects of this portion of road, the signage meets standards as the advanced warning signs are in place, the chevron is in place and Give Way Signs have been erected at the intersection. Gravel roads do not carry speed signs unless they are cautionary signs and stop signs are rarely placed on gravel/bitumen road intersections. With regards to previous accidents, there are no reported accidents in this section of road in the past 5 years (Crash Statistics 2007 to 2011).

With regards to 'Black spots' – Main Roads considers a section of road to be available for Black spot funding if there are more than 3 reported accidents within 3 years.

Within the Shire of Boyup Brook, and throughout the State, there are many locations where property owners are affected by dust caused by vehicles traversing our gravel road network. Generally this is due to the close proximity of houses to the roads (the roads being in place first). There are also many situations where gravel roads meet sealed roads (at least 50 in the Shire) plus many hundreds more where gravel roads meet gravel roads which can also be construed as being a potential hazard if people do not slow down sufficiently.

If Council elects to seal this 750m section of the network, it must be aware that the precedence will bring on many new requests to do the same work on other roads within our network, an economic impossibility if we are to remain "economically sustainable" as per our 10 year plan. The 10 year Strategic Plan highlights the issues with an under funded aging road network and has indicated that Council should address the removal of bituminous seals on some roads and returning them back to a gravel wearing course.

### **CONSULTATION**

CEO

### **STATUTORY ENVIRONMENT**

Nil

### **POLICY IMPLICATIONS**

Nil at the moment, however if this item is approved in the 2013/2014 budget a policy would need to be written to cover the future sealing of all gravel roads for safety and dust contamination.

### **FINANCIAL IMPLICATIONS**

Nil –2013/2014 budget consideration

### **STRATEGIC IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Simple Majority



**OFFICER RECOMMENDATION – ITEM 8.1.2**

**MOVED: Cr Moir**

**SECONDED: Cr Imrie**

**That Council does not seal the Northern section of Six Mile Road due to budgetary constraints and that instead Council places a further cautionary sign 800 metres from the intersection reducing speed to 40km/hr. and warning of a T road.**

**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 23/13**

**MOVED OUT OF COMMITTEE**

**MOVED:Cr Oversby**

**SECONDED: Cr Walker**

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

**CARRIED 9/0**

**Res 24/13**

**AMENDMENT**

**MOVED: Cr Oversby**

**SECONDED: Cr Aird**

**That Council does not seal the Northern section of Six Mile Road due to budgetary constraints and that instead Council places a further cautionary sign 800 metres from the intersection warning of a T road.**

**CARRIED 9/0**

**Res 25/13**

**MOTION**

**That Council does not seal the Northern section of Six Mile Road due to budgetary constraints and that instead Council places a further cautionary sign 800 metres from the intersection warning of a T road.**

**CARRIED 9/0**

**Res 26/13**

**COUNCIL DECISION**

**MOVED: Cr O’Hare**

**SECONDED: Cr Walker**

**That administration develops a draft policy regarding contributions to road upgrades for situations other than those covered in policy W07. That the draft be presented to the April Council Meeting.**

**CARRIED 9/0**

**Res 27/13**

### 8.1.3 Cunningham Road Re-Alignment

<b>Location:</b>	N/A
<b>Applicant:</b>	N/A
<b>File:</b>	
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	12 <sup>th</sup> of March, 2013
<b>Author:</b>	R Staniforth-Smith, Manager of Works and Services
<b>Authorizing Officer:</b>	Alan Lamb – Chief Executive Officer
<b>Appendices:</b>	Yes

#### **THE MATTER BE DEFERRED**

**MOVED: Cr Moir**

**SECONDED: Cr Walker**

**The matter be deferred until the May Council Meeting.**

**CARRIED 6/3**

**Res 28/13**

**Note: That Council wish to defer item 8.1.3 to consider the matter along with the policy that is being developed.**

#### **SUMMARY**

The purpose of this report is to review the matter of re-aligning a portion of Cunningham Road in Wilga which has two right hand bends in close proximity.

#### **BACKGROUND**

Cunningham Road re-alignment was brought up as a ‘Councillors Question on Notice’ in the June 2012 meeting by Cr Walker. It was then brought up in the December briefing session that a sufficient answer had not been supplied as to the cost of removing the 2 right angle bend and re-aligning the road. The Manager of Works and Services provided an estimate of approximately \$58,000 plus land acquisition in the February 2013 briefing session, a cost that could reduce if works are reduced due to favourable conditions such as clearing permit requirements, existing road substrate etc.

#### **COMMENT**

Cunningham Road services 1 dwelling on the Wilga side of the pair of right angle bends and is a ‘no through road’ that terminates at a DEC bush block at its northern end. Whilst it is a ‘no through road’ it does have 2 bush tracks running off the northern end of it through the DEC reserve.

The two right angle bends are quite dangerous as visibility is poor and signage is non-existent.

Due to Cunningham Roads low traffic use, current budgetary constraints and value for money, it is recommended that no re-alignment to Cunningham Road occurs and that instead cautionary signage is installed and site distances are increased.

**CONSULTATION**

CEO

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 8.1.3**

**That due to the low traffic usage, Council does not re-align Cunningham Road and instead erects cautionary signage at each end of the bends and clears the vegetation to increase the site distances.**

## 8.2 **FINANCE**

### **8.2.1 List of Accounts Paid**

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/1/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>14 March 2013</i>
<b>Author:</b>	<i>Kay Raisin – Finance Officer</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes – List of Accounts Paid</i>

### **SUMMARY**

In accordance with the Local Government (Financial Management) Regulations the list of accounts paid is presented to Council.

### **BACKGROUND**

Invoices received for the supply of goods and services, salaries and wages and the like have been paid during the period

### **COMMENT**

The attached listing represents accounts paid by cheque and by electronic means during the period 15 February to 13 March 2013.

### **CONSULTATION**

Nil

### **STATUTORY OBLIGATIONS**

Local Government (Financial Management) Regulations 1996, Regulations 12 and 13 apply and are as follows:

#### ***12. Payments from municipal fund or trust fund***

- (1) A payment may only be made from the municipal fund or the trust fund —*
  - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
  - (b) otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

**13. Lists of accounts**

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
  - (a) *the payee's name;*
  - (b) *the amount of the payment;*
  - (c) *the date of the payment; and*
  - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
  - (a) *for each account which requires council authorisation in that month —*
    - (i) *the payee's name;*
    - (ii) *the amount of the payment; and*
    - (iii) *sufficient information to identify the transaction;*

*and*
  - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under sub regulation (1) or (2) is to be —*
  - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
  - (b) *recorded in the minutes of that meeting.*

**POLICY IMPLICATIONS**

Council's Authority to Make Payments Policy has application.

**BUDGET/FINANCIAL IMPLICATIONS**

Account payments are in accordance with the adopted budget for 2012/13 or authorised by separate resolution.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.1**

**MOVED: Cr Aird**

**SECONDED: Cr O'Hare**

**That the list of accounts paid in February 2013 as presented totalling \$546,199.49 and as represented by cheque voucher numbers 19182 - 19224 totalling \$88,808.37 and accounts paid by direct electronic payments through the Municipal Account totalling \$457,391.12 be received.**

**CARRIED 9/0**

**Res 29/13**

## 8.2.2 Monthly Statements of Financial Activity

<b>Location:</b>	Not applicable
<b>Applicant:</b>	Not applicable
<b>File:</b>	FM/10/003
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	15 March 2013
<b>Author:</b>	Financial Consultant – Darren Long
<b>Authorizing Officer:</b>	Alan Lamb – Chief Executive Officer
<b>Attachments:</b>	Yes – Financial Reports

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### **SUMMARY**

Report recommends Council receive the Statement of Financial Activities and the Net Current Assets for the month ended 28 February 2013

### **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 reports. Details of items of Material Variances are also listed.

The various data are included as separate attachments.

### **COMMENT**

It is a statutory requirement that the Financial Activities Report be presented for every month.

### **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**

As listed on the attached reports

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.2**

**MOVED: Cr Walker**

**SECONDED: Cr Kaltenrieder**

**(a) That the December 2012 and January, February 2013 Monthly Statements of Financial Activity and Statement of Net Current Assets as presented, be received.**

**(b) That the amounts listed as material variances be authorised.**

**CARRIED 9/0**

**Res 30/13**

### 8.3 **CHIEF EXECUTIVE OFFICER**

#### 8.3.1 Sporting Precinct Planning – Boyup Brook

<b>Location:</b>	<i>Boyup Brook</i>
<b>Applicant:</b>	<i>N/A</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>13 March 2013</i>
<b>Author:</b>	<i>Alan Lamb - CEO</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Nil</i>

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#### **SUMMARY**

The purpose of this report is to seek Council approval and funding to recommence the planning for the sporting precinct.

#### **BACKGROUND**

Some time ago Council to provided \$10,000 to do preliminary planning for the sporting area and \$10,000 for the flax mill area. Part way through the planning process it became apparent that the \$80,000 DLG grant, for asset management planning, might be applied to this and other such land asset planning. The asset management planning process was expanded to include gathering base information (essentially a pickup of level boundaries and significant features) for planning for the sporting area, the flax mill caravan park, the cemetery, the reserve that the Chambers and town hall sits on and the Crown Grants and Reserve that the Lodge sits on. This was funded from the grant.

Prior to this, there were a number of attempts to come up with a plan for at least part of the area but it appears that no plan has been adopted.

The current budget contains a \$30,000 provision for a long term plan for the flax mill caravan park area.

#### **COMMENT**

It is apparent that there has been a lot of work done on planning the sporting area and so there is a lot of base information to build on. It is also apparent that any future study should not be limited to the tract of land bounded by Beatty Street, the brook and the river and should include all sporting areas (the skate park on Reserve 29911, the old hot rod track on Reserve 11497 bounded by Jayes Road, Ritson Street, Grover Street Mount Street and any others within or near to the Boyup Brook townsite).



The problem with not having any long term plans is that development occurs in an ad hoc fashion and not part of an overall agreed direction and so there is the great possibility of things being established such that they prevent other developments (essentially akin to the basis for town planning etc, to ensure orderly development). Part of the plan will be the fairly detailed 10 year integrated planning plus a less detailed longer term plan indicating when aspects are to be implemented. It may be that the overall plan has say a 50 year implementation period.

Plans for what and where facilities will be in the future, dovetail into the integrated planning process in that agreed positions are reached for what will be where, when an existing facility comes to the end of its economic life or is due for major works. An example might be, should the skate park be rebuilt in its current location when the asset management plan, and its state at the time, indicate a need for renewal or replacement. Making decisions now and developing an overall plan adds some surety to the future without absolutely locking future decisions up (noting that plans are living things and so have to be able to be amended. The only constraint being that before plans are changed, the plan should be changed so that any changes don't prohibit the implementation of the plan or aspects of it).

At the request of Council, State Land Services is working through the process of rolling the three separate Reserves that comprise the sporting area including the music park and the land between Jackson Street and the brook, into one Reserve. This process also includes rolling Reserve 23807, which includes a section of the Blackwood River from the traffic bridge to the far bank of the brook, and varying widths of the land either side of the river, into the larger Reserve. The process also includes giving Council power to lease and giving the new Reserve a "purpose" appropriate to its use (the current uses of the current Reserves are not in line with their "purpose" and Council does not have power to lease for all of them. This then will make any leasing or other such matters easier (the hockey facilities for example straddle two Reserves; Council has power to lease for one but not the other).

If Council supports the notion of recommencing an overall plan of the sports area, it is proposed that this project be run in conjunction with the flax mill caravan park area planning (which is already funded) as there will be synergies in terms of interaction with the river and the brook, use of the flax mill buildings, constraints of the one in one hundred flood level etc. Whilst it may appear to be a big drain on existing human resources, the intention is to use a number of consultants for specialist areas, and to have the process project managed. The plan would be to have the project completed within the current calendar year, with a view to taking advantage of the range of funding opportunities that appear to come up toward the end of each calendar year, for any projects that come out of the plan and are supported by Council for initial implementation.

The aim will be to have a draft plan before Council this year, as stated previously so that funding may be sought for any immediate things, and to conduct community consultation over the first part of 2014 with a view to having the plan finally adopted before 30 June 2014.

### **CONSULTATION**

The matter of a plan for the sporting area has been the subject of conversation and debate for a number of years and there are a number of plans in various stages of completion. Therefore there has been quite a lot of consultation to gather ideas and the proposal is to now temper all of these with the practical constraints of one in one hundred flood levels, the useful life expectancy of facilities (as determined by the valuer who assessed all building assets as part of the asset management planning), financial reality (including the whole of life cost), engineering, town planning and the like. With the aim of coming up with a draft plan as a starting point for further debate and eventual decision.

### **STATUTORY OBLIGATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Council provided \$170,000 in the current budget for forward planning. Since adopting the budget Council has authorised the following projects to be funded from this source:

<b>Project</b>	<b>\$</b>
Lot 1 Forrest Street – Site Assessment	5,000
Lot 1 Forrest Street - Stage Two planning	20,000
Boyup Brook Sewerage Scheme	10,000
Boyup Brook Medical Centre – future expansion	10,000
Total	45,000

Based on the foregoing, there is \$125,000 available to conduct other forward planning. It is expected that \$30,000 would be required to produce the draft plan for Council's consideration. There will be economies of scale if the flax mill caravan park planning project was combined with this project.

### **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

**MOVED INTO COMMITTEE**

**MOVED: Cr Walker**

**SECONDED: Cr Moir**

**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 31/13**

**MOVED OUT OF COMMITTEE**

**MOVED: Cr Moir**

**SECONDED: Cr Kaltenrieder**

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

**CARRIED 9/0**

**Res 32/13**

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr Biddle**

**That Council approve of up to \$30,000 being spent, from the \$170,000 budgeted for forward planning, on preparing draft plans for the Boyup Brook sporting precinct and associated sporting facilities.**

**CARRIED 7/2**

**Res 33/13**

### 8.3.2 Amending Shire Boundary

<b>Location:</b>	N/A
<b>Applicant:</b>	N/A
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	13 March 2013
<b>Author:</b>	Alan Lamb - CEO
<b>Authorizing Officer:</b>	Not applicable
<b>Attachments:</b>	Nil

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#### **SUMMARY**

The purpose of this report is to provide Council with an up date on this matter.

#### **BACKGROUND**

Council passed the following resolution at its September meeting:

**That the Chief Executive Officer investigate the number of lots divided by the Shire boundaries and minimum rated by Boyup Brook and the neighbouring Shires.**

A specially prepared map was purchased from Landgate and relevant neighbouring Councils were contacted.

A report was put to Council, at its December 2012 meeting. The report noted:

*The investigation showed that there are 7 lots dissected by the Shire Boundary where the owners pay a minimum rate to this Shire. Three of these also pay a minimum rate to the adjoining Shire.*

Council passed the following resolution at its December 2012 meeting:

**That Council request the CEO to contact the Donnybrook CEO to negotiate a resolution for boundary adjustment for crown grants 11859, 12087 and 4522. That the CEO also write to effected land holders to seek their agreement or otherwise and views on a possible boundary adjustment to be bought back to the March Council meeting 2013.**

#### **COMMENT**

Letters went out to the owners of the three properties (using addresses used for rate purposes) and to the Donnybrook/Balingup Shire Council early in February. The Shire Council was also contacted via telephone and the indication at that time was a preference for no change to Shire boundaries and for each Shire to charge 50% of the rate charge it would otherwise levy.

The letter to the three owners explained the position including the option of having each Shire agree to charge 50% of the rate charge. The owners were asked to complete a questionnaire and return it in the supplied reply paid envelope. The questionnaire was as follows:

Question	Response
Do you wish to seek to have your lot in one Shire only?	
If so is this desire based only on the rate charge situation?	
If the Shire boundary was changed which Shire would you prefer to be in?	
If the two Shires could agree to change a reduced rate each year (i.e. say 50% of the charge it would otherwise charge) would this be a satisfactory solution?	
Do you support the idea of amending the Shire boundary?	

**Comments**

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Two owners responded (one 20/2/2013 and the other 22/2/2013). Both were in favour of having their lot wholly contained within one Shire only, for one this decision was based on the rate charge situation only and for the other, it was other factors. Both liked the idea of each Shire charging 50% of the rate charge and one wanted to be in Boyup Brook and the other in Donnybrook.

A second, reminder, letter has been sent to the third property owner who had not as yet responded and the Donnybrook/Balingup Shire was contacted to follow-up on the letter sent to it. At the time of writing this report there had been no response from either party.

It is recommended that Council, receive the report at this time because the response from Donnybrook/Balingup should be crucial to any decision it may make.

**CONSULTATION**

The matter has been before Council previously and relevant parties have been contacted.

**STATUTORY OBLIGATIONS**

The following section of the Local Government Act has relevance to boundary changes:

6.70. Effect of changes in boundaries of local government area

*An alteration in —*

- (a) *the boundaries of a district of a local government; or*
- (b) *the constitution of the local government or its council; or*
- (c) *its name or status,*

*does not preclude the local government from exercising in respect of any land on which rates or service charges were lawfully imposed by it under this Division, the powers conferred by this Subdivision.*

Schedule 2.1 of the Local Government Act deals with boundary changes and is as follows:

Schedule 2.1 — Provisions about creating, changing the boundaries of, and abolishing districts

[Section 2.1(2)]

**1. Terms used**

*In this Schedule, unless the contrary intention appears —*

***affected electors***, in relation to a proposal, means —

- (a) *electors whose eligibility as electors comes from residence, or ownership or occupation of property, in the area directly affected by the proposal; or*
- (b) *where an area of the State is not within or is not declared to be a district, people who could be electors if it were because of residence, or ownership or occupation of property, in the area directly affected by the proposal;*

***affected local government*** means a local government directly affected by a proposal;

***notice*** means notice given or published in such manner as the Advisory Board considers appropriate in the circumstances;

***proposal*** means a proposal made under clause 2 that an order be made as to any or all of the matters referred to in section 2.1.

**2. Making a proposal**

(1) *A proposal may be made to the Advisory Board by —*

- (a) *the Minister; or*
- (b) *an affected local government; or*
- (c) *2 or more affected local governments, jointly; or*
- (d) *affected electors who —*
  - (i) *are at least 250 in number; or*
  - (ii) *are at least 10% of the total number of affected electors.*

(2) *A proposal is to —*

- (a) *set out clearly the nature of the proposal, the reasons for making the proposal and the effects of the proposal on local governments; and*
- (b) *be accompanied by a plan illustrating any proposed changes to the boundaries of a district; and*
- (c) *comply with any regulations about proposals.*

[Clause 2 amended by No. 49 of 2004 s. 67(2).]

**3. Dealing with proposals**

- (1) *The Advisory Board is to consider any proposal.*
- (2) *The Advisory Board may, in a written report to the Minister, recommend\* that the Minister reject a proposal if, in the Board's opinion —*
  - (a) *the proposal is substantially similar in effect to a proposal on which the Board has made a recommendation to the Minister within the period of 2 years immediately before the proposal is made; or*
  - (aa) *where the proposal was made by affected electors under clause 2(1) (d), that the majority of those electors no longer support the proposal; or*
  - (b) *the proposal is frivolous or otherwise not in the interests of good government.*

*\* Absolute majority required.*

- (3) *If, in the Advisory Board's opinion, the proposal is —*
  - (a) *one of a minor nature; and*
  - (b) *not one about which public submissions need be invited,*

*the Board may, in a written report to the Minister, recommend\* that the Minister reject the proposal or that an order be made in accordance with the proposal.*

*\* Absolute majority required.*

- (4) *Unless it makes a recommendation under subclause (2) or (3), the Advisory Board is to formally inquire into the proposal.*

*[Clause 3 amended by No. 64 of 1998 s. 52(2); No. 49 of 2004 s. 67(3).]*

#### **4. Notice of inquiry**

- (1) *Where a formal inquiry is required the Advisory Board is to give —*
  - (a) *notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and*
  - (b) *a report to the Minister.*
- (2) *The notice and report under subclause (1) are to —*
  - (a) *advise that there will be a formal inquiry into the proposal; and*
  - (b) *set out details of the inquiry and its proposed scope; and*
  - (c) *advise that submissions may be made to the Board not later than 6 weeks after the date the notice is first given about —*
    - (i) *the proposal; or*
    - (ii) *the scope of the inquiry.*
- (3) *If, after considering submissions made under subclause (2) (c), the Advisory Board decides\* that the scope of the formal inquiry is to be significantly different from that set out in the notice and report under subclause (1), it is to give —*
  - (a) *another notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and*
  - (b) *another report to the Minister.*
- (4) *The notice and report under subclause (3) are to —*
  - (a) *set out the revised scope of the inquiry; and*
  - (b) *advise that further submissions about the proposal, or submissions about matters relevant to the revised scope of the inquiry, may be made to the Board within the time set out in the notice.*

*\* Absolute majority required.*

#### **5. Conduct of inquiry**

- (1) *A formal inquiry is to be carried out, and any hearing for the purposes of the inquiry is to be conducted, in a way that makes it as easy as possible for interested parties to participate fully.*

- (2) *In carrying out a formal inquiry the Advisory Board is to consider submissions made to it under clause 4(2)(c) and 4(b) and have regard, where applicable, to —*
- (a) *community of interests; and*
  - (b) *physical and topographic features; and*
  - (c) *demographic trends; and*
  - (d) *economic factors; and*
  - (e) *the history of the area; and*
  - (f) *transport and communication; and*
  - (g) *matters affecting the viability of local governments; and*
  - (h) *the effective delivery of local government services,*

*but this does not limit the matters that it may take into consideration.*

**6. Recommendation by Advisory Board**

- (1) *After formally inquiring into a proposal, the Advisory Board, in a written report to the Minister, is to recommend\* —*
- (a) *that the Minister reject the proposal; or*
  - (b) *that an order be made in accordance with the proposal; or*
  - (c) *if it thinks fit after complying with subclause (2), the making of some other order that may be made under section 2.1.*

*\* Absolute majority required.*

- (2) *The Advisory Board is not to recommend to the Minister the making of an order that is significantly different from the proposal into which it formally inquired unless the Board has —*
- (a) *given\* notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation of its intention to do so; and*
  - (b) *afforded adequate opportunity for submissions to be made about the intended order; and*
  - (c) *considered any submissions made.*

*\* Absolute majority required.*

**7. Minister may require a poll of electors**

*In order to assist in deciding whether or not to accept a recommendation of the Advisory Board made under clause 6, the Minister may require that the Board's recommendation be put to a poll of the electors of districts directly affected by the recommendation.*

**8. Electors may demand poll on a recommended amalgamation**

- (1) *Where the Advisory Board recommends to the Minister the making of an order to abolish 2 or more districts (the **districts**) and amalgamate them into one or more districts, the Board is to give notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation about the recommendation.*
- (2) *The notice to affected electors has to notify them of their right to request a poll about the recommendation under subclause (3).*
- (3) *If, within one month after the notice is given, the Minister receives a request made in accordance with regulations and signed by at least 250, or at least 10%, of the electors of one of the districts asking for the recommendation to be put to a poll of electors of that district, the Minister is to require that the Board's recommendation be put to a poll accordingly.*
- (4) *This clause does not limit the Minister's power under clause 7 to require a recommendation to be put to a poll in any case.*

*[Clause 8 amended by No. 64 of 1998 s. 52(3).]*

**9. Procedure for holding poll**

- (1) *Where, under clause 7 or 8, the Minister requires that a recommendation be put to a poll —*
- (a) *the Advisory Board is to —*



- (i) *determine the question or questions to be answered by electors; and*
  - (ii) *prepare a summary of the case for each way of answering the question or questions;*
- and*
- (b) *any local government directed by the Minister to do so is to —*
    - (i) *in accordance with directions by the Minister, make the summary available to the electors before the poll is conducted; and*
    - (ii) *subject to subclause (2), declare\* the Electoral Commissioner, or a person approved by the Electoral Commissioner, to be responsible for the conduct of the poll under Part 4, and return the results to the Minister.*

*\* Absolute majority required.*

- (2) *Before making a declaration under subclause (1) (b) (ii), the local government is to obtain the written agreement of the Electoral Commissioner.*

*[Clause 9 amended by No. 49 of 2004 s. 67(4) and (5).]*

**10. Minister may accept or reject recommendation**

- (1) *Subject to subclause (2), the Minister may accept or reject a recommendation of the Advisory Board made under clause 3 or 6.*
- (2) *If at a poll held as required by clause 8 —*
  - (a) *at least 50% of the electors of one of the districts vote; and*
  - (b) *of those electors of that district who vote, a majority vote against the recommendation,**the Minister is to reject the recommendation.*
- (3) *If the recommendation is that an order be made and it is accepted, the Minister can make an appropriate recommendation to the Governor under section 2.1.*

**10A. Recommendations regarding names, wards and representation**

- (1) *The Advisory Board may —*
  - (a) *when it makes its recommendations under clause 3 or 6; or*
  - (b) *after the Minister has accepted its recommendations under clause 10,**in a written report to the Minister, recommend the making of an order to do any of the things referred to in section 2.2(1), 2.3(1) or (2) or 2.18(1) or (3) that the Board considers appropriate.*
- (2) *In making its recommendations under subclause (1) the Advisory Board —*
  - (a) *may consult with the public and interested parties to such extent as it considers appropriate; and*
  - (b) *is to take into account the matters referred to in clause 8(c) to (g) of Schedule 2.2 so far as they are applicable.*

*[Clause 10A inserted by No. 64 of 1998 s. 52(4).]*

**11. Transitional arrangements for orders about districts**

- (1) *Regulations may provide for matters to give effect to orders made under section 2.1 including —*
  - (a) *the vesting, transfer, assumption or adjustment of property, rights and liabilities of a local government;*
  - (b) *the extinguishment of rights of a local government;*
  - (c) *the winding up of the affairs of a local government;*
  - (d) *the continuation of actions and other proceedings brought by or against a local government before the taking effect of an order under section 2.1;*
  - (e) *the bringing of actions and other proceedings that could have been brought by or against a local government before the taking effect of an order under section 2.1;*
  - (f) *if the effect of an order under section 2.1 is to unite 2 or more districts, the determination of the persons who are to be the first mayor or president, and deputy mayor or deputy president, of the new local government;*

- (g) *the continuation of any act, matter or thing being done under another written law by, or involving, a local government.*
- (2) *Subject to regulations referred to in subclause (1), where an order is made under section 2.1 any local governments affected by the order (including any new local government created as a result of the order) are to negotiate as to any adjustment or transfer between them of property, rights and liabilities.*
- (3) *Where an order is made under section 2.1 the Governor may, by order under section 9.62(1), give directions as to any of the matters set out in subclause (1) if, and to the extent that, those matters are not resolved by regulations referred to in that subclause or by negotiation under subclause (2).*
- (4) *A contract of employment that a person has with a local government is not to be terminated or varied as a result (wholly or partly) of an order under section 2.1 so as to make it less favourable to that person unless —*
- (a) *compensation acceptable to the person is made; or*
  - (b) *a period of at least 2 years has elapsed since the order had effect.*
- (5) *The rights and entitlements of a person whose contract of employment is transferred from one local government to another, whether arising under the contract or by reason of it, are to be no less favourable to that person after the transfer than they would have been had the person's employment been continuous with the first local government.*
- (6) *If land ceases to be in a particular district as a result of an order under section 2.1, any written law that would have applied in respect of it if the order had not been made continues to apply in respect of the land to the extent that its continued application would be consistent with —*
- (a) *any written law made after the order was made; and*
  - (b) *any order made by the Governor under subclause (8).*
- (7) *Regulations may make provision as to whether or not, or the modifications subject to which, a written law continues to apply in respect of land under subclause (6).*
- (8) *The Governor may, in a particular case, by order, vary the effect of subclause (6) and regulations made in accordance with subclause (7).*

*[Clause 11 amended by No. 64 of 1998 s. 52(5).]*

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil, other than the cost of staff time, postage and office consumables at this time. Budget provision has been made for these areas of expenditure.

### **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**

**MOVED: Cr Walker**

**SECONDED: Cr O'Hare**

**That Council receive the report.**

**CARRIED 9/0**

**Res 34/13**

### 8.3.3 Medical Centre future expansion opportunities

<b>Location:</b>	<i>Lot 80 Abel Street</i>
<b>Applicant:</b>	<i>N/A</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>13 March 2013</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Confidential report on options for future expansion of Medical Centre</i>

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#### **SUMMARY**

The purpose of this report is to bring the matter of the possible purchase of Lot 80 Abel Street back before Council with the recommendation that the purchase be made.

#### **BACKGROUND**

Council passed the following resolution at its November 2012 meeting:

- 1. That Council take steps toward the future expansion to the current medical service by authorizing the CEO to ascertain a firm price without making a formal offer to purchase the vacant premises adjoining the medical centre and report back to the December meeting.**
- 2. That the Chief Executive Officer confirms capacity of the current facility.**

The matter came back to Council's December meeting where the following resolution was made:

**That Council authorise expenditure of up to \$10,000 to prepare a business plan for the future expansion of the Medical Centre.**

#### **COMMENT**

The confidential attachment shows a number of options for future expansion and the estimated impact on the Medical Centre's finances for each. It will be seen that each option relies to some extent on lot 80 being available. It will also be seen that the estimated net cost of holding the property until the extension is done is \$14,770 per year. It will be noted that the estimates are based on a borrowing cost of 5.5% and we would be looking at using reserve funds where the interest rate obtainable is less than 4%. Taking 4% as the interest income foregone rate the net cost is reduced to \$11,020. Annual maintenance costs are based on the building being fully depreciated (i.e. purchasing for block value) so look a bit high and it is expected that other tenants could be encouraged to take up shop space. Also that the sheds could be used as storage or rented for this purpose. In a nutshell then the independently estimated net cost, adjusted for interest income foregone as opposed to a loan rate (which is in the order of .07% higher than Council could borrow at) is \$11,000.

It is suggested that this annual cost is warranted in the short term as the property may not be available in the future and expansion of the current premises on the current lot is not seen as an option.

It is recommended that Council approve of an offer being made for the purchase of Lot 80 Abel Street. The offer would be made subject to a building inspection, termite inspection and other such standard caveats.

### **CONSULTATION**

The matter has been before Council previously.

### **STATUTORY OBLIGATIONS**

Section 5.23 of the Local Government Act has application because it is expected that publicising Council's potential interest in the lot, the discussion regarding price and the like, could prompt speculators to move in with an offer before Council has the opportunity to do so.

#### **5.23. Meetings generally open to the public**

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
- (a) *all council meetings; and*
  - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (a) *a matter affecting an employee or employees;*
  - (b) *the personal affairs of any person;*
  - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
  - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
  - (e) *a matter that if disclosed, would reveal —*
    - (i) *a trade secret;*
    - (ii) *information that has a commercial value to a person; or*
    - (iii) *information about the business, professional, commercial or financial affairs of a person,*

*where the trade secret or information is held by, or is about, a person other than the local government;*

- (f) *a matter that if disclosed, could be reasonably expected to —*
    - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
    - (ii) *endanger the security of the local government's property; or*
    - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
  - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
  - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

The following sections of the Act relate to borrowings:

### **Subdivision 3 — Borrowings**

#### **6.20. Power to borrow**

- (1) *Subject to this Act, a local government may —*
- (a) *borrow or re-borrow money; or*
  - (b) *obtain credit; or*
  - (c) *arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,*
- to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.*
- (2) *Where, in any financial year, a local government proposes to exercise a power under subsection (1) (**power to borrow**) and details of that proposal have not been included in the annual budget for that financial year —*
- (a) *unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and*
  - (b) *the resolution to exercise that power is to be by absolute majority.*
- (3) *Where a local government has exercised a power to borrow and —*
- (a) *it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or*
  - (b) *after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized,*

*the local government may resolve\* to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.*

*\* Absolute majority required.*

- (4) *A local government is not required to give local public notice under subsection (3) —*
- (a) *where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or*
  - (b) *in such other circumstances as are prescribed.*
- (5) *A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.*

**6.21. Restrictions on borrowing**

- (1) *Where, under section 6.20(1), a regional local government borrows money, obtains credit or arranges for financial accommodation to be extended to the regional local government that money, credit or financial accommodation is to be secured only —*
- (a) *by the regional local government giving security over the financial contributions of the participants to the regional local government's funds as set out or provided for in the establishment agreement for the regional local government; or*
  - (b) *by the regional local government giving security over Government grants which were not given to the regional local government for a specific purpose; or*
  - (c) *by a participant giving security over its general funds to the extent agreed by the participant.*
- (1a) *Despite subsection (1)(a) and (c), security cannot be given over —*
- (a) *the financial contributions of a particular participant to the regional local government's funds; or*
  - (b) *the general funds of a particular participant,*
- if the participant is not a party to the activity or transaction for which the money is to be borrowed by, the credit is to be obtained for, or the financial accommodation is to be extended to, the regional local government.*
- (2) *Where, under section 6.20(1), a local government borrows money, obtains credit or arranges for financial accommodation to be extended to the local government that money, credit or financial accommodation is only to be secured by giving security over the general funds of the local government.*
- (3) *The Treasurer or a person authorised in that behalf by the Treasurer may give a direction in writing to a local government with respect to the exercise of its power under section 6.20(1) either generally or in relation to a particular proposed borrowing and the local government is to give effect to any such direction.*

(4) *In this section and in section 6.23 —*

**general funds** means the revenue or income from —

- (a) *general rates; and*
- (b) *Government grants which were not given to the local government for a specific purpose; and*
- (c) *such other sources as are prescribed.*

[Section 6.21 amended by No. 49 of 2004 s. 59.]

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

No provision has been made in the budget for the purchase of this lot and it is recommended that the funds come from the Commercial Reserve Fund.

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Biddle**

**SECONDED: Cr Aird**

**That Council approve of an offer being made for the purchase of Lot 80 Abel Street.**

**CARRIED BY ABSOLUTE MAJORITY 8/1**

**Res 35/13**



**8.3.4 Music Park improvements – RDA application**

**Location:** *Music Park Boyup Brook*  
**Applicant:** *Boyup Brook Country Music Club*  
**File:**  
**Disclosure of Officer Interest:** *None*  
**Date:** *13 March 2013*  
**Author:** *Alan Lamb - CEO*  
**Authorizing Officer:** *Not applicable*  
**Attachments:** *Copy of summary of project costs, RDA application and letter from BBCMC*

**SUMMARY**

The purpose of this report is to put before Council the proposed Music Park up grade project Regional Development Australia (RDA) funding application, with the recommendation that Council support the application by committing funding toward the project subject to the RDA application being successful.

**BACKGROUND**

As reported to Council previously, two applications were made for RDA funding from Boyup Brook. One from the Shire Council for stage one of the sewerage scheme and the other from the Boyup Brook Country Music Club (BBCMC) for upgrades to the Music Park. Both projects were identified as being likely for success for funding and there was a restriction of one application per entity so the Shire applied for the sewerage project and the BBCMC applied for the park improvements.

The application process is in two parts, the first being the lodgement of an expression of interest. RDA then selects a limited number of applicants to go to the next phase which is a detailed application. The following is an excerpt from the RDA web site detailing the position with South West Region applicants:

<b>RDA South West</b>	City of Busselton	Busselton Regional Airport Terminal Expansion Project – Stage 1B	Proceed to Full Application
	Country Music Club of Boyup Brook WA	Stage 2 – Boyup Brook Music Park Infrastructure	Proceed to Full Application
	Shire of Boyup Brook	Town Sewerage Scheme/Wastewater Reuse – Stage 1	Proceed to Full Application
	Shire of Donnybrook-Balingup	The WA Apple Interpretive Centre	Proceed to Full Application

	Shire of Nannup	WA Emergency Management Institute	Proceed to Full Application
	Augusta Margaret River Tourism Association Inc.	Cape Leeuwin Lighthouse Preservation and Restoration	Not selected to proceed to full application
	Busselton Jetty Environment and Conservation Association Incorporated	Busselton Jetty Train and Infrastructure Upgrade	Not selected to proceed to full application
	Saint Georges Anglican Church of Dunsborough	St Georges Family Centre	Not selected to proceed to full application
	Shire of Bridgetown-Greenbushes	Old Rectory Trail Upgrade and Public Art	Not selected to proceed to full application
	Shire of Capel	Dual Use Paths (Parade Road and Bussell Highway)	Not selected to proceed to full application
	Shire of Collie	Collie Art Gallery and Cultural Centre	Not selected to proceed to full application
	Shire of Manjimup	Revitalisation of the State Timber Museum Exhibition	Not selected to proceed to full application

In order to progress the application, the BBCMC now needs confirmation of funding from Council for this project. The project relies on a cash and in-kind commitment from Council of \$109,600 for a \$330,000 project.

**COMMENT**

The expression of interest for the project to be funded by RDA provides that the project will commence in 2013 and be completed in 2015. Whilst the current Country Local Government Fund arrangements end 2013/14, there is a general expectation that funding might continue in future years in some form. Based on these factors it is recommended that Council look to fund the project in 2014/15 from the direct portion of the CLGF (noting that the plan is to use the 2013/14 direct grant and to seek a portion of the Bunbury Wellington Group of Council's regional portion, in that year, as matching funds for the RDA grant for the sewerage project).

As with any project that relies on grant funding, there is some degree of uncertainty about success of the grant application, specific timing of works and other funding and the like.

However, in order to progress, the application needs to show a level of commitment by Council (the manager of the Crown Reserve and the owner of any improvements). It is recommended that the resolution be to fund from CLGF in either 2013/14 or 2014/15 dependant on other demands.

### **CONSULTATION**

The author has consulted with RDA, BBCMC and others.

### **STATUTORY OBLIGATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

There is no impact on the current budget apart from staff time that is covered by existing provisions. If Council agrees to fund the project in a future year, and there is no CLGF or other grant funding then it would need to find the funds from ordinary revenue, reserves or loan funds. The intention would be though to actively seek grant funding to cover Council's contribution. It is expected that, given the priority/importance placed on the BBCMC's events and the Music Park, State Government funding should be obtainable. In a sense then the Council will be underwriting a commitment to the project in case it is unable to find grant funding for this.

### **STRATEGIC IMPLICATIONS**

Nil

### **SUSTAINABILITY IMPLICATIONS**

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

### **VOTING REQUIREMENTS**

Absolute majority

### **Impartiality Interest**

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

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Oversby**

**SECONDED: Cr Kaltenrieder**

1. That Council supports the Boyup Brook Country Music Club's Regional Development Australia grant application by agreeing to contribute, in cash and kind, \$109,600 provided the application is successful.
2. That the cash and in kind contribution be made in 2014/15 or before dependant on other funding constraints.

**CARRIED BY ABSOLUTE MAJORITY 5/4**

**Res 36/13**

**Request for Vote to be recorded**

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

**For**

**Cr Aird**

**Cr Kaltenrieder**

**Cr Biddle**

**Cr Giles**

**Cr Oversby**

**Against**

**Cr Walker**

**Cr Moir**

**Cr O'Hare**

**Cr Imrie**

### 8.3.5 Planning Application – Farm Workers Accommodation

<b>Location:</b>	Lot 3917 Kojonup/Boyup Brook Road, Mayanup
<b>Applicant:</b>	David Peter & Marguerita Carolyn Reid
<b>File:</b>	A10020
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	25 <sup>th</sup> February 2013
<b>Author:</b>	Wayne Jolley –Building Surveyor
<b>Authorizing Officer:</b>	Alan Lamb – Chief Executive Officer
<b>Attachments:</b>	Yes – Site Plan, Plan View and photographs of the proposed accommodation building.

#### **SUMMARY**

An application has been received to utilise a second hand relocated building as workers short term accommodation on “Kilamarup” farm, which already has a house on the property.

The proposal is for *bone fide* agricultural use and it is recommended that Council approve the request.

#### **BACKGROUND**

The applicants live on and farm the above property. They have recently acquired a local second hand building that has been relocated onto their property, 20m from their house.

Mr and Mrs Reid propose that the building will be used as both a workers day facility and for workers accommodation on a short term basis. It will need to be upgraded and properly finished and accordingly, the Reid’s have submitted a retrospective Building Permit application, which is being held pending Council’s decision.

#### **COMMENT**

Firstly, the subject building has been inspected by the author and with modifications, is both sound and suitable for the purposes intended.

It is clear that short term workers are employed on the property from time to time and that an accommodation unit would be beneficial.

Under its Town Planning Scheme No 2, Council may approve a second residential building on a rural property if it is “satisfied that an additional house is necessary or desirable for the continuation of *bona fide* agricultural activity” (clause 5.2.6).

Furthermore, the unit is close to the house and main sheds and fits comfortably into the environment.

It is therefore recommended that this application is approved.

**CONSULTATION**

Nil

**STATUTORY OBLIGATIONS**

Shire of Boyup Brook Town Planning Scheme No 2;

Building Act 2011; and

Health Act 1911.

**POLICY IMPLICATIONS**

No Council Policy exists in this regard.

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Compliance with Shire of Boyup Brook Town Planning Scheme No 2 will ensure Council's objectives for the Rural Zone are maintained.

**SUSTAINABILITY IMPLICATIONS**

- **Environmental:**  
Nil
- **Economic:**  
Nil
- **Social:**  
Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Biddle**

**SECONDED: Cr Imrie**

**That planning approval be granted to Mr and Mrs Reid to develop the subject building for the purpose of farm workers accommodation.**

**CARRIED 9/0**

**Res 37/13**

<b>8.3.6 Asset Capital and Replacement Program 2013/2014</b>
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<b>Location:</b>	N/A
<b>Applicant:</b>	
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	13 March 2013
<b>Author:</b>	Geoff Carberry
<b>Authorizing Officer:</b>	Alan Lamb
<b>Attachments:</b>	Asset Capital and Replacement 2013/2014

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**SUMMARY**

The purpose of this report is to present a proposed asset capital and replacement overview plan 2013-2023 for Councils deliberation and opinion.

**BACKGROUND**

Council is now required as part of its strategic planning to identify capital expenditure and asset replacement, provision and renewal requirements for the next 10 years.

**COMMENT**

The provided plan is a proposed overview of identified projects and asset requirements for the period 2013 - 2023.

Whilst some projects are as of a direct result of the recent community survey others are born of necessity.

To aid, Council staff have used a three tier approach in rating the projects.

- 1) a) Required due to condition of another asset
  - b) Required due to survey results or community needs
  - c) Required to improve service levels and costs
- 2) a) Required to improve an existing facility
  - b) Funding opportunities allow for improvement or renewal of a facility
- 3) These improvements would benefit the longevity of the facility or would be nice to have should funding be available.

Whilst the plan is in brief, individual projects if accepted in principal by Council will be fully presented in due course. It would be wasteful of staff time to fully investigate a project only to have Council reject that project.

By submitting this form of plan, staff will be able to fully concentrate on the project that Council selects and recommends.

This plan should be viewed in conjunction with the asset maintenance plan 2013/2014.

### **CONSULTATION**

A Lamb  
Asset users  
Community Members

### **STATUTORY OBLIGATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Dependent of projects selected the financial implications will be varied.

Without fully knowing if current grant funding will be available in the future does complicate the situation

### **STRATEGIC IMPLICATIONS**

Not Applicable

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
The failure to plan for future asset costs and requirements could see the loss of opportunities to fund projects which would certainly result in the deterioration of assets and services provided by Council.
- **Social**  
Loss of services or assets would have a detrimental affect of social activity in the community and result in a poor public perception of the Shire which also may reflect on population numbers in the future.

### **VOTING REQUIREMENTS**

Simple majority



**OFFICER RECOMMENDATION**

That "Council considers the proposed projects and allocations on the Asset Capital and Replacement Plan 2013-2023".

That "Council endorse such projects as it sees appropriate and directs staff to fully investigate these projects on an ongoing basis".

**REVISED RECOMMENDATION**

**MOVED: Cr Walker**

**SECONDED: Cr Aird**

**That Council adopts the Asset Capital and Replacement Plan for 2013-2023.**

**CARRIED 9/0**

**Res 38/13**

**8.3.7 Asset Maintenance Program 2013/2014**

<b>Location:</b>	N/A
<b>Applicant:</b>	
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	13 March 2013
<b>Author:</b>	Geoff Carberry
<b>Authorizing Officer:</b>	Alan Lamb
<b>Attachments:</b>	Asset Maintenance 2013/2014

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**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 2013/2014 Council budget.

**BACKGROUND**

Over the past three 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 and identification of costs for the Shires building assets.

**COMMENT**

The provided plan is the overall plan pertaining to all building assets with major maintenance issues programmed for the 2013/2014 financial year highlighted.

There will be minor additions to the plan during the final budgetary process but this ongoing work in progress will be the back bone of the asset maintenance budget.

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 are required to keep 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.

This plan should be in view of conjunction with the proposed 10 year asset capital and replacement plan.

**CONSULTATION**

A Lamb

Asset users

Community Members

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

The plan is the basis for 2013/2014 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**

**MOVED: Cr Walker**

**SECONDED: Cr Kaltenrieder**

**That "Council endorses the asset maintenance plan 2013/2014 program as a basis for 2013/2014 budgetary considerations".**

**CARRIED 9/0**

**Res 39/13**

**8.3.8 Baling Room Roof Project**

**Location:** N/A  
**Applicant:** Shire of Boyup Brook  
**File:**  
**Disclosure of Interest:** Nil  
**Date:** 13 March 2013  
**Author:** Geoff Carberry  
Manager of Administration and Assets  
**Appendices:** Nil

**SUMMARY**

This item is to seek approval to proceed with the re roofing of building 7 of the Flax Mill plan also known as the Baling Room prior to an acceptable, to Council, lease being finalised. Lease arrangements are protracted in nature and it is felt that the roof should be restored before another winter sets in thus avoiding longer delays and possibly additional costs. Even if the lease arrangements are not concluded by providing the roof, the structure will be available to be used by other groups or persons such as a 130 strong bike riders visiting in September.

**BACKGROUND**

*At the Council meeting dated 18 October 2012 the following motions were put and resolved*

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED:** Cr O'Hare

**SECONDED:** Cr Oversby

**That Council**

1. agree to lease the Baling Room shed at the flax mill to the Boyup Brook Men's Association subject to a suitable, to the Council, lease being drawn up at Council's expense.
2. approve up to \$35,000 being spent on cladding and electrical improvements contingent on a suitable, to the Council, lease being negotiated, with the funds coming from the Commercial Reserve.
3. amend the 2012/13 to the funding for improvements to the water supply to the overflow caravan park and improve lighting in the main caravan site, a total of \$8,000, to come from the Caravan Park Reserve and not the Flax Mill Sheds Reserve.

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 146/12**

The history of discussion and resolutions are also included below.  
In March 2010 the Forward Planning Committee resolved as follows:

***Recommended to Council that buildings numbered 1, 2, 7, 8, 9 and 10 on the attached plan (page 97 of the Boyup Brook Flax Mill Conservation plan) be***

**considered for upgrading for conversion to higher quality accommodation and that these buildings be listed in the asset management plan with provision being made for maintenance and removal.**

(Note the Baling Room is building number 7)

That same month Council endorsed this recommendation as follows:

**That the Committee Recommendation from the Forward Planning Committee meeting held on 4<sup>th</sup> March 2010 be adopted En-Bloc in item 8.1.4.**

In December 2010 the Forward Planning Committee resolved as follows:

**That the Forward Planning Committee recommend to Council that the 2010/11 Budget be amended by reapplying the \$40,000 provision for Drainage Study Consultancy Fees (account E108005) to the following projects:**

- **Sporting Complex Development Planning - \$10,000**
- **Flax Mill Caravan Park Planning - \$10,000**
- **Infrastructure Projects Planning - \$20,000**

At its December 2010 meeting Council endorsed the committee's recommendation.

In July 2011 the Forward Planning Committee met to conduct a workshop type session on Sporting and Flax Mill area planning and the committee resolved as follows:

**That the project /proposal as presented has not been given a priority by Council at this time and in view of this the matter be held in abeyance until the Council has consulted with the community during its proposed strategic planning review.**

Council passed the following resolution at its September 2011 meeting:

**That Council rescind the portion of resolution 044/10 of March 2010 that relates to building number 7 (the Baling room) at the flax mill, that requires that this building be considered for upgrading for conversion to higher quality accommodation and for this building to be listed in the asset management plan with provision being made for maintenance and replacement.**

At the same meeting and following the preceding resolution the following motion was moved and seconded and debate had commenced:

**That Council approve the demolition of building 7 (Baling Room) as indicated on the Flax Mill Plan and approve the unbudgeted expenditure up to \$15,000.**

During the debate, the following procedural motion was put and passed:

**That the matter lay on the table**

The following resolution was passed at the February 2012 meeting of Council:

**That as the membership of Council has changed since this matter was debated no action be taken on the original motion moved by Cr Marshall and seconded by Cr**

***Giles and the matter of the future of the Baling Room be reconsidered at the next meeting of the Council.***

The following resolution was passed at the 15 March 2012 meeting of Council:

- 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 comes 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.***

The asbestos material was subsequently removed.

Council has no plan in place for the flax mill area.

Statistical information gathered from the community survey and provided by the consultant assisting Council with strategic planning, shows that, in terms of the existing service, the flax mill caravan park rates as being of moderate importance with a low level of satisfaction. In terms of planning for the future, improvement/maintenance of the flax mill caravan park rated as being of moderate importance and a low priority. It should be noted that the matter before Council relates to the flax mill and not the caravan park as such. Also that the survey put these two areas together so it is not clear how respondents felt about the flax mill alone or this particular building.

The Boyup Brook Men's Association has occupied a portion of the two story building currently used as the caravan park office, storeroom etc, for a few years now on a pepper corn rental and seek to use the Baling Room for their activities, on a similar basis.

The structural engineer Council employed to assess buildings at the flax mill in 2007 reported that:

- “Essentially a process needs to be worked through to determine the future of the facility.”
- “The general level of architectural finish and maintenance is generally not good and the Shire needs to determine what options for the maintenance or upgrading of the complex align with the Shire's strategic planning.”
- “in most cases it would not be possible to bring the buildings up to a level complying with the Building Code of Australia. Thus major redevelopment or change of class of individual buildings is not likely to be an option.”

In relation to the Baling room building the consultant commented:

- The building is heavy timber framed with timber trusses typical of the complex. Walls are mounted on concrete plinths. Floor is in reasonable condition.”
- “Generally the structure is in good condition, but there are problems with the cladding.”

- “The east wall has weathered and sections have been replaced or patched with corrugated iron. Other walls are in reasonable condition.”
- Under the heading of “Work required”
  - “Repair east wall as necessary”
  - “Consider replacement of the asbestos cement roof cladding and accessories.” – This work has been done.
- “The building is quite suited for its present purpose provided the asbestos risk is mitigated and the exterior wall cladding repaired or replaced as necessary. It would not be practical to carry out a major refurbishment or change in use as it would not be possible to comply with the Australian Building Code. A ball park estimate for removal of the asbestos roof could be about \$12,000. To supply and fix zinc anneal custom orb roofing with accessories could cost a further \$8,000 - \$10,000.”

The current position is:

- There is no overall plan for the flax mill caravan park,
- The building will certainly deteriorate further without a roof or use,
- Council has an offer from a community group that has established in town and appears to be operating well.

Among the various options open to Council there are the options to note the request and get on with planning for the facility or work with the community group to bring the building up to a suitable standard for its use. In looking at these options it should be noted that the group is prepared to fund raise to assist with the required works. Their occupation and activities should ensure the building has a longer life (occupied buildings tend to last longer than derelict ones).

It is estimated that it would cost in the order of \$30,000 to \$35,000 to re roof the building, attend to electrical issues and wall cladding issues. Speaking with the group, they would deal with all internal requirements so Council would only need to attend to cladding and electrical matters.

In an ideal world, it would be better to devise a plan for the facility then deal with requests such as is before Council now but the reality is that the flax mill caravan park is not high on the list of priorities set by the community survey and Council is likely to have its hands full over the next few years dealing with higher priorities. The required expenditure to get this building up to a usable standard for the group is relatively low and the reality is that without a roof and use the building will deteriorate a rapid rate and will need demolishing in the not too distant future.

The Men’s Association is relatively new and so is likely to continue for some time. Its members are also keen to find a “home” and it’s probable that a new initiative such as fitting out the shed and the like, will encourage existing and new members. So the requested shed would help this group in a more holistic way than just providing accommodation.

It is recommended that Council agree to lease the Baling Room shed at the flax mill to the Boyup Brook Men’s Association subject to a suitable lease being drawn up at Council’s expense. That Council approve up to \$35,000 being spent on cladding and electrical improvements contingent on a suitable, to the Council, lease being negotiated.

It is noted that the Group has offered to fund raise to assist Council with cost of getting the required works done but it is suggested that it will have its hands full, in terms of cost and the like, with the interior improvements they will need and want to do. On this, as with any Council building, the tenant is required to seek approval for any works and this process would be followed. The Group is fully aware of the potential for the area to be flooded and the lease would record this and seek to indemnify Council against any future claim the Group may make in this regard. In terms of town planning, the structure is now a shed and there is no plan to change the use so there is no planning implication. Any internal work the Group does will be non-structural and so no building licensing is envisaged.

It is anticipated that when and if we enter into discussions with the Group over a lease other matters may arise (such as there are no wet areas in the shed at this time and the group may seek to include some. If so we will have to deal with connections of services in and effluent out and the like). However at this stage we cannot enter into those discussions unless Council agrees to the notion of a lease for this building.

### **COMMENT**

Following Council's last resolution the Men's Association provided Council with a quote to carry out the works. Subsequent requests for the provision of Insurance details and Working at Height qualifications of the proposed contractor could not be fore filled. It was subsequently found that the proposed contractor does not have insurance cover. Direct contact with the proposed contractor was attempted but failed as the mobile number "was not accepting incoming calls". A further quote was received from TDS Roofing and Keybrook Utility Services were asked to reconfirm their quotation due to the period of time since the original quote was issued.

Pricing ranged from \$19176 (Inc GST) to \$24900 (Inc GST) to cover the following scope of works. Provide approx 300 SQM of roofing with underlying safety mesh and blanket insulation. All guttering and down pipes along with required flashings.

By commencing prior to winter it will save on cost delays due to safety issues of working at height in wet conditions, it will also assist in the preservation of the structure.

### **CONSULTATION**

Men's Association

Keybrook Utility Services

TDS Roofing

### **STATUTORY ENVIRONMENT**

Nil

### **FINANCIAL IMPLICATIONS**

There are no known financial implications as previous resolutions have resolved to carry out these works.



**STRATEGIC IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
It is suggested that using the Baling Room shed will work to preserve this structure, also that having a periodic presence after hours will add to the security of the whole facility (not that there is a problem now but who knows what the future holds and disused buildings tend to attract unwanted attention.)
- **Social**  
Men's sheds play an important role in the community by providing meeting places where men can find social support and camaraderie. The group is also involved in a number of community initiatives.

**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Aird**

**SECONDED: Cr Oversby**

**That "Council accept the quotation as provided by Keybrook Utility Services being \$19,176 (Inc GST) for the roofing of the "Baling Room" located within the Flax Mill Caravan Park, with this work being carried out as a matter of urgency."**

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 40/13**

**8.3.9 Family Stop Centre – MOU for Boyup Brook Family Playgroup hire**

<b>Location:</b>	<i>Lot 64 Able Street Boyup Brook</i>
<b>Applicant:</b>	<i>Boyup Brook Family Playgroup</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>14 March 2013</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Copy of draft MOU</i>

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**SUMMARY**

The purpose of this report is to put before Council the draft Memorandum Of Understanding (MOU) between the Shire Council and the Boyup Brook Family Playgroup with the recommendation that Council approve the document to be signed.

**BACKGROUND**

Council has been moving toward formalising arrangements with community groups for use of Shire assets and this is another agreement that has been negotiated and so is ready for Council's endorsement.

The facility at lot 64 Abel Street is also used by another entity under a lease arrangement and that lease provides for the Playgroup's use. The legal adviser recommended a MOU instead of a lease for this agreement.

**COMMENT**

The MOU is attached for Council's consideration and it is recommended that Council approve of the affixing of the Shire Council Seal, witnessed by the President and CEO.

**CONSULTATION**

The MOU has been negotiated with the Playgroup

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil as the current budget includes the rental level set on the MOU.

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr O'Hare**

**SECONDED: Cr Oversby**

**That Council endorse the Memorandum Of Understanding between the Shire Council and the Boyup Brook Family Playgroup Inc for the use of the Family Stop Centre, Lot 64 Abel Street Boyup Brook, and approve of the affixing of the Shire Council Seal.**

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 41/13**

**MOVED: Cr Aird**

**SECONDED: Cr Walker**

**That the Council adopts en bloc items 9.1.1 and 9.1.2**

**CARRIED 9/0**

**Res 42/13**

**9 COMMITTEE REPORTS**

**9.1.1 Minutes of the WALGASW Zone**

**Location:** *Shire of Nannup*  
**Applicant:** *N/A*  
**File:**  
**Disclosure of Officer Interest:** *Nil*  
**Date:** *13 March 2013*  
**Author:** *Alan Lamb - CEO*  
**Attachments:** *Yes – Minutes*

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**BACKGROUND**

A WALGA South West Zone meeting was held on 22 February 2013.

Minutes of the meeting are laid on the table and circulated.

**OFFICER RECOMMENDATION**

That the minutes of WALGA South West Zone meeting held on 22 February 2013 be received.

**CARRIED BY ENBLOC RESOLUTION**

**9.1.2 Minutes of the Audit & Financial Committee**

**Location:** *Shire of Boyup Brook*  
**Applicant:** *N/A*  
**File:**  
**Disclosure of Officer Interest:** *Nil*  
**Date:** *13 March 2013*  
**Author:** *Alan Lamb - CEO*  
**Attachments:** *Yes – Minutes*

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**BACKGROUND**

An Audit & Financial Committee meeting will be held on 21 March 2013.  
Minutes of the meeting are laid on the table and circulated.

**OFFICER RECOMMENDATION**

1. That the minutes of the Audit & Finance Committee meeting held on 21 March 2013 be received.
2. That Council adopts the financial review to 31 December 2012 including the variations as listed in the attached report.

**CARRIED BY ENBLOC RESOLUTION**

Cr Biddle left the Chambers at 7.09pm and returned at 7.12pm  
Cr Kaltenrieder left the Chambers at 7.10pm and returned at 7.14pm.

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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

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

<b>11.1.1 Strategic Community Plan</b>
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**MOVED: Cr Moir**

**SECONDED: Cr Biddle**

**Council receive the draft Strategic Community Plan and put it out for public comment before adopting it at the May Council meeting.**

**CARRIED 8/1**

**Res 43/13**

Maria Lane and Rob Staniforth-Smith left the Chambers at 7.28pm due to the following items being confidential matters.

The meeting was adjourned at 7.28pm and reconvened at 7.40pm with the following persons in attendance:

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

Staff: Mr Alan Lamb (Chief Executive Officer)

**12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS**

**12.1.1 Chief Executive Officer – New Contract**

**MOVED: Cr Walker**

**SECONDED: Cr Kaltenrieder**

**That the Chief Executive Officer’s negotiated contract and remuneration package be endorsed and that the President be authorised to sign the agreement following it being reviewed by Council’s legal advisers.**

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 44/13**

**12.1.2 Chief Executive Officer Performance Criteria for 2013**

**MOVED: Cr O’Hare**

**SECONDED: Cr Oversby**

**That Council confirm the list of performance criteria for the Chief Executive Officer for the year ended 19 August 2013 as presented:**

- **Progress Integrated Planning requirements.**
- **Manage the introduction of a new computer system in order to have it in and operating for the 2013/14 Financial Year.**
- **The 2013/14 draft budget, using the new chart of accounts, for the new computer system, to be to Council by 23 August 2013 to enable adoption by 30 August 2013, assuming that the new computer system is operational by 31 July 2013. (Note: this will entail holding budget workshops and having long term plans before Council for review and adoption before 23 August 2013).**
- **Ensure service delivery is monitored by**
  - **Keeping a record of complaints and customer requests (a facility of the new computer system) from 31 July 2013**
  - **Conduct of a customer satisfaction survey every two years with the results being put to Council before it adopts the annual budget commencing 2013/14. (Note this may be amended after 2013/14 to fit with the Community Strategic Plan review process.**
- **Provide accurate and timely advice to the Council; and**
- **Work in collaboration with the Council.**

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 45/13**

**13 CLOSURE OF MEETING**

There being no further business the Shire President, Cr Giles thanked all for attending and declared the meeting closed at 8.00pm