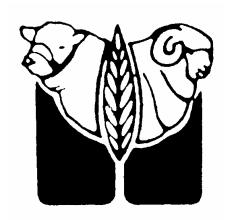
MINUTES



ORDINARY MEETING

HELD ON

THURSDAY, 19 AUGUST 2004

AT

SHIRE OF BOYUP BROOK ABEL STREET – BOYUP BROOK COMMENCEMENT AT 3.32PM

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Suspension of Standing Orders

MOVED: Cr Oversby SECONDED: Cr Downing

That the Order of Business for the Council Meeting, being Clause 5 of Standing Orders, Local Law No 1 be suspended.

CARRIED: 8/0

RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

1.1 Attendance

1

Cr T Ginnane – Shire President

Cr N Blackburn

Cr S Broadhurst

Cr R Downing

Cr P Marshall

Cr J Mondy

Cr T Oversby

Cr S Purse

Mr W Pearce - Chief Executive Officer

Mr K Jones – Manager of Finance and Administration

Mr J Eddy – Manager of Works & Services

Mr D Millington – Recreation Manager (departed 4.45pm)

Mr B Anderson – Donnybrook/Bridgetown Mail

1.2 Apologies

Cr K Moir

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

Cr Ginnane has applied for leave of absence from the 25 August – 06 October 2004.

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

4.1 Cr Marshall – Community Foundation

Cr Marshall will chair the public forum. He has spoken with Kathryn Sydney-Smith and it is important to encourage as many people as possible to attend this meeting.

4.2 Cr Downing – Safe & Healthy Communities

The Safe & Healthy Communities Committee is in danger of falling apart.

The community itself needs to be involved. A facilitator should be made available to workshop the issues and to assist with creating action plans.

Cr Downing suggested that the new Community and Economic Development Officer set up a public meeting to see if there is interest.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 Minutes of the Ordinary Meeting of the Council held on 15 July 2004.

MOVED: Cr Downing

That the minutes of the previous Ordinary Meeting of the Council held on 15 July 2004 be confirmed as an accurate record.

CARRIED 8/0

SECONDED: Cr Oversby

6 PRESIDENTIAL COMMUNICATIONS

6.1 Funerals Attended

Cr Ginnane and the CEO attended former Councillor Forrie Mitchell's funeral on 13 August.

Cr Ginnane also attended Mr Lionel Moore's funeral on 14 August.

6.2 <u>Local Government Week 2004</u>

Cr Ginnane, Cr Downing and the CEO attended Local Government Week for 2004.

Cr Downing gave feedback on the conference. Cr Downing was impressed with Mr Ivan Devison, a former Lord Mayor of Melbourne, with his knowledge and perspective on ethics.

The CEO reported on his attendance with emphasis on the Enterprise Bargaining Agreement workshop.

7 REPORTS OF OFFICERS AND COMMITTEES

7.1 WORKS AND SERVICES

7.1.1 Purchase of Closed Road within Nelson Location 577

Proponent: Department of Planning & Infrastructure Location: Nelson Location 577 Winnejup Road

Reporting Officer: John Eddy
Date Report Written: 10 August 2004

Enabling Legislation: Local Government Act 1995

File: AS12229

Appendices: 1.1 Plan & Correspondence

BACKGROUND:

The proponent has received a request to purchase the closed road that runs through Nelson Location 577 (see appendix 1.1). It is proposed to offer the land for amalgamation to the owners of Nelson Location 577 and the Council has been requested to comment on the proposal.

DETAILS:

The closed road within Nelson Location 577 commences at Winnejup Road and terminates at the common boundary of Location 577 and Location 1488.

Both Location 577 and Location 1488 have road frontage and the closed road services no other locations. (see appendix 1.1).

COMMENT:

As the closed road within Nelson Location 577 services no other locations and location 577 and location 1488 have road frontage to Winnejup Road it is recommended that the Council has no objection to the Department of Planning and Infrastructure offering the closed road as presented to the owners of Nelson Location 577.

MOVED: Cr Purse SECONDED: Cr Mondy

That the Council has no objection to the Department of Planning and Infrastructure offering the closed road as presented to the owners of Nelson Location 577.

CARRIED 8/0

7.1.2 Future Management of Reserve 10793 – Wahkinup Road

Proponent: Department of Planning & Infrastructure Location: Reserve 10793 Wahkinup Road

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 19 AUGUST 2004

Reporting Officer: John Eddy
Date Report Written: 10 August 2004

Enabling Legislation: Local Government Act 1995

File: AS30014

Appendices: 1.2 Locality Plan

BACKGROUND:

The Shire of Boyup Brook is resuming a portion of reserve 10793 on Wahkinup Road for road widening purposes associated with the construction of the Wahkinup Road Bridge.

DETAILS:

The Water Corporation, being the "responsible agency" of Reserve 10793, has advised that they have no further use of the site and request the Reserve is returned to the Crown.

The current purpose of Reserve 10793 is 'water' and the Department for Planning and Infrastructure are seeking the Council's comments on the preferred management of the reserve.

COMMENT:

The acquisition of Reserve 10793 Wahkinup Road would be of no benefit to the Shire of Boyup Brook.

It is therefore recommended that the Department for Planning and Infrastructure be advised that the Shire of Boyup Brook does not require Reserve 10793 Wahkinup Road, Boyup Brook.

MOVED: Cr Mondy SECONDED: Cr Blackburn

That the Shire of Boyup Brook does not require Reserve 10793 Wahkinup Road, Boyup Brook.

CARRIED 8/0

7.2 DEVELOPMENT AND COMMUNITY SERVICES

7.2.1 Economic Development Committee Minutes – 14 July & 04 August 2004

Proponent: Shire of Boyup Brook

Location: -

Reporting Officer: Will Pearce
Date Report Written: 20 July 2004

Enabling Legislation: Local Government Act 1995

File: GO/37/005 Appendices: 1.3 Minutes

BACKGROUND:

Economic Development Committee meetings were held on 14 July & 04 August 2004.

Minutes of the meetings are laid on the table and circulated (refer to appendix 1.3).

MOVED: Cr Mondy SECONDED: Cr Oversby

That the minutes of the Economic Development Committee meeting held on the 14 July & 04 August 2004, be received.

CARRIED 8/0

MOVED: Cr Marshall SECONDED: Cr Broadhurst

That the order of business in the agenda be changed to allow 9.2 to be brought forward and dealt with at this time.

CARRIED 8/0

MOVED: Cr Marshall SECONDED: Cr Oversby

That the Council go into a committee to allow members free discussion on the matter.

CARRIED 8/0

9.2 Cr Marshall – Abel Street Median Upgrade

COUNCILLOR'S COMMENT

Any cost overrun to be funded by bringing forward the 2005-06 Townscape Budget allocation.

In the interim, funding to be allocated from the commercial reserve.

I believe that Council and Councillors have lost considerable credibility over the condition of the above precinct.

With the recent grant funding of \$82,000 to Sandakan Park the completion of the Abel Street Precinct this calendar year would give Council a unique opportunity to upgrade this main entry to Boyup Brook by a 'Ground Force' style makeover.

The benefits of doing this far out weigh what may well be a comparatively small cost to Council.

Cr Marshall's recommendation to the Council:-

That the Chief Executive Officer:-

- 1. be directed to authorise the Manager of Works and Services to complete the upgrade of the Abel St Median strip;
- 2. be directed to pursue vigorously the Aerial Bundling of Power Lines in the Abel St Median strip together with a costing on lighting the carriage way from the main power poles hence eliminating the light poles;
- 3. investigate grant funding and shared funding responsibility for the above.

7.2.2 <u>Townscape Advisory Committee Minutes – 21 July 2004</u>

Proponent: Shire of Boyup Brook

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 19 AUGUST 2004

Location:

Reporting Officer: John Eddy
Date Report Written: 26 July 2004

Enabling Legislation: Local Government Act 1995

File: PA/37/001 Appendices: 1.4 Minutes

BACKGROUND:

A Townscape Advisory Committee meeting was held on 21 July 2004.

Minutes of the meeting are laid on the table and circulated (refer to appendix 1.4).

MOVED: Cr Downing SECONDED: Cr Purse

That the Council close committee.

CARRIED 8/0

MOVED: Cr Mondy SECONDED: Cr Purse

That the minutes of the Townscape Advisory Committee held on 21 July 2004, be received.

CARRIED 8/0

MOVED: Cr Broadhurst SECONDED: Cr Marshall

That the Council approve:-

- 1. acceptance of the amended Abel Street median landscape plans by All Seasons Nursery and Landscapes, as presented at the Townscape Waters Edge Advisory Committee meeting of 18 August 2004:
- 2. installation of the median strip reticulation;
- 3. completion of the total landscaping works in the Abel Street median strip (between Inglis and Bridge Streets) in the current 2004/2005 financial year in lieu of the proposed staged works funded to a maximum of an additional \$10,000 being allocated from the Commercial Reserve, if required and in compliance with the Local Government Act 1995, to be debited from the 2005/06 Townscape Budget.

CARRIED 8/0

7.2.3 <u>Youth Advisory Committee Minutes</u>

Proponent: Shire of Boyup Brook

Location: -

Reporting Officer: Keith Jones
Date Report Written: 13 August 2004

Enabling Legislation: Local Government Act 1995

File: IM/37/004 Appendices: 1.5 Minutes

BACKGROUND:

Meetings of the Youth Advisory Committee were held on the 27 July, 03 & 10 August 2004.

Minutes of the meetings are laid on the table and circulated (refer to appendix 1.5).

MOVED: Cr Oversby SECONDED: Cr Marshall

That the minutes of the Youth Advisory Committee on 27 July, 03 & 10 August 2004, be received.

CARRIED 8/0

MOVED: Cr Purse SECONDED: Cr Oversby

That the Council go into a committee to allow members free discussion on the matter.

CARRIED 8/0

MOVED: Cr Mondy SECONDED: Cr Blackburn

That the Council close committee.

CARRIED 8/0

Mr Millington departed the Chambers, the time being 4.45pm.

7.2.4 <u>Tender to Repair Main Swimming Pool Bowl</u>

Proponent: Shire of Boyup Brook

Location:

Reporting Officer: Keith Jones
Date Report Written: 10 August 2004

Enabling Legislation: Local Government Act 1995

File: RE/45/002 Appendices: 1.6 Report

BACKGROUND:

Suckling Civil & Structural Engineers were engaged in June to provide an assessment of the main swimming pool bowl due to potential deterioration.

The report has now been submitted for consideration (see appendix 1.6).

DETAIL:

The engineer's report indicates two main areas of concern-

- The recovery gutter to each side of the pool is suffering a degradation of the original upper render coat and in some areas this is extending into a break down of the cementitous matrix of the underlying concrete.
 - If allowed to continue this will progress to a stage that the structural integrity will be compromised, either due to loss of the cementious paste, or due to attack and corrosion of the reinforcement.
- The surface of the pool is beginning to break down. The paint finish has deteriorated under the action of wear and tear and UV exposure.

This has allowed the upper surface of the concrete to bed exposed, and the break down of the cementious paste is beginning. This is occurring locally at this stage, but will be more widespread if not treated.

WA Vinyl Systems, the company who repaired the children's paddling pool, have given an indicative quote to repair the main swimming pool bowl as follows:

Wet deck grating, remove diving blocks in shallow end and patch, retile steps	\$19,600
Sandblasting (approx)	\$ 8,000
New interior finish – coat pool with VM3 permaskin, apply black lane markings	\$58,000
	\$85,600

Note all prices quoted above are GST exclusive.

Travel, freight and meals are included but the Shire is to provide accommodation for 4 persons for approximately 2 weeks.

Due to the fact that the work needed is not budgeted an absolute majority is required.

Part 4 Regulation (11) of The Local Government (Functions and General) Regulations states:

- Tenders are to be publicly invited according to the requirements of this Part before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$50 000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Part if
 - the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act;
 - the supply of the goods or services is to be obtained through the Council Purchasing Service of WAMA;
 - the local government intends to enter into a contract arrangement for the supply of goods or services where (ba)
 - - an individual whose last employer was the local government; or
 - (II)a group, partnership or company comprising at least 75% of persons whose last employer was that local government;
 - the contract -
 - is the first contract of that nature with that individual or group; and
 - (II) is not to operate for more than 3 years;
 - and
 - (iii) the goods or services are -
 - goods or services of a type; or
 - (in the opinion of the local government) substantially similar to, or closely related to, goods or services of a type, (II) that were provided by the individual (or persons) whilst employed by the local government;
 - (c) within the last 6 months -
 - the local government has, according to the requirements of this Part, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications; or
 - the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;
 - the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the (d) local government;
 - the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth (e) or any of its agencies, or by a local government or a regional local government;
 - the goods or services are to be supplied -(ea)
 - in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
 - by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the (ii) or services to the local government of the district referred to in that subparagraph;
 - (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.

section 6.8(1)(c) of the Local Government Act 1995 states:

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

A loan for \$85,000 is suggested to be taken over 15 years as that is the guaranteed life of the work.

The interest rate from Treasury Corporation is currently 6.23% for a 15 year loan and this would produce a half yearly repayment of \$4,401.35.

Loan 101 for the pool changerooms finishes next financial year on the 2 April 2006. This payment is currently \$6,315.52 quarterly.

COMMENT:

It is suggested that the Council approve by an ABSOLUTE MAJORITY to tender for the major repairs required on the main swimming pool bowl.

MOVED: Cr Mondy SECONDED: Cr Downing

That the Council approve by an ABSOLUTE MAJORITY to tender for the major repairs required on the main swimming pool bowl and replacement of the existing steel water piping servicing the poll bowl.

CARRIED 8/0

7.2.5 Boyup Brook Junior Football Club – Request to Waive Recreation Hire Fees

Proponent: Shire of Boyup Brook

Location: -

Reporting Officer: Keith Jones
Date Report Written: 10 August 2004

Enabling Legislation: Local Government Act 1995

File: FM/1/001/6271

Appendices: -

BACKGROUND:

The Boyup Brook Junior Football Club are seeking to have their 2003/04 ground fees waived valued at \$262.50.

DETAIL:

The Boyup Brook Junior Football Club wrote:

Dear Will,

The Boyup Brook Junior Football Club would like the Shire Council to consider reducing the cost our ground fees for the 2004 season, as per Tax Invoice GE 784. Due to circumstances beyond the current committee's control, the club has had to pay two previous outstanding ground fee accounts. This has placed an increased burden on our financial position.

We have a smaller number of players this season due to not being able to field a 15/u football side. We will also be looking at several of our 11/u players playing in the 13/u side on a regular basis. This means that our fundraising base has decreased significantly.

We are trying to keep our fees down so that our sport is available to as many families as possible in our town. These two factors have lead to us approaching you for this consideration for this current year.

COMMENT:

All sporting clubs are required to pay an annual ground fee for using the various shire recreational facilities.

Waiving of fees would set a precedent that may potentially place the Council in a difficult position in the future should further similar requests be made by sporting groups.

It is suggested that the Boyup Brook Junior Football Club be required to pay shire ground fees for the 2003/04 year.

MOVED: Cr Mondy SECONDED: Cr Purse

That the Boyup Brook Junior Football Club be required to pay shire ground fees for the 2003/04 year and the Chief Executive Officer to negotiate part payment arrangements.

CARRIED 7/1

7.2.6 Appointment of Auditors

Proponent: Shire of Boyup Brook

Location: -

Reporting Officer: Keith Jones
Date Report Written: 10 August 2004

Enabling Legislation: Local Government Act 1995

File: FM/9/001 Appendices: 1.7 - quote

BACKGROUND:

Haines Norton have been our auditors for the past 3 years and in that time exhibited their ability to provide a high level of professional service and commitment. They have also been responsible for other support services that the shire officers have found to be extremely helpful.

DETAIL:

Haines Norton Chartered Accountants have submitted their Audit Services Quotations along with a firm profile detailing their local government experience, audit scope, audit approach and staff profiles.

COMMENT:

It is recommended that the Council appoint Haines Norton as Auditors for the next three years.

MOVED: Cr Purse SECONDED: Cr Blackburn

That the Council APPROVES BY AN ABSOLUTE MAJORITY the appointment of Messrs Tomasi and Swarbreck of Haines Norton Chartered Accountants as auditors for the Shire of Boyup Brook for the 3 year period 1 July 2004 to 30 June 2007, at a cost of:-

- 2004/2005 \$5700
- 2005/2006 \$5900
- 2006/2007 \$6100

CARRIED 8/0

7.3 CORPORATE SERVICES

7.3.1 Register of Sealed Documents

Proponent: Shire of Boyup Brook

Location:

Reporting Officer: Will Pearce
Date report written: 14 July 2004

Enabling Legislation: Local Government Act 1995

File: CM/51/001

Appendices: -

BACKGROUND:

The documents referred to in the recommendation have been sealed since the 22 April 2004 Council Meeting.

MOVED: Cr Broadhurst SECONDED: Cr Downing

RECOMMENDATION:

That the following documents sealed since 22 April 2004 Ordinary Council meeting be noted:-

DATE PARTICULARS

14/07/04 Contract – Purchase of 78 Abel Street, Boyup Brook

16/07/04 Employment Contract between Shire of Boyup Brook and Dr Michiel Mel

CARRIED 8/0

7.3.2 Warren Blackwood Economic Alliance Minutes – 22 June 2004

Proponent: Warren Blackwood Economic Alliance

Location: -

Reporting Officer: Will Pearce
Date Report Written: 26 July2004

Enabling Legislation: -

File: GR/31/006 Appendices: 1.8 Minutes

BACKGROUND:

A meeting of the Warren Blackwood Economic Alliance was held on 22 June 2004.

Minutes of the meeting is laid on the table and circulated (refer to appendix 1.8).

MOVED: Cr Ginnane SECONDED: Cr Mondy

That the minutes of the Warren Blackwood Economic Alliance held on 22 June 2004 be received.

CARRIED 8/0

<u>Adjournment</u>

MOVED: Cr Oversby SECONDED: Cr Marshall

That the meeting be adjourned for an afternoon tea break, the time being 4.53pm.

CARRIED 8/0

Resumption

MOVED: Cr Broadhurst SECONDED: Cr Oversby

That the meeting resume, the time being 5.07pm.

CARRIED 8/0

The meeting resumed with the following persons in attendance.

Cr T Ginnane - Shire President

Cr S Broadhurst

Cr N Blackburn

Cr R Downing

Cr P Marshall

Cr J Mondy

Cr T Oversby

Cr S Purse

Mr W Pearce - Chief Executive Officer

Mr K Jones – Manager of Finance & Administration

Mr J Eddy - Manager of Works and Services

Mr B Anderson – Donnybrook/Bridgetown Mail

7.3.3 Quarterly Financial Report for June 2004

Proponent: Shire of Boyup Brook

Location: -

Reporting Officer: Keith Jones
Date Report Written: 11 August 2004

Enabling Legislation: Local Government Act 1995

File: FM/10/003

Appendices: 1.9 Quarterly Figures

BACKGROUND:

The quarterly financial statements for the June 2004 period are laid on the table and circulated (refer to appendix 1.8).

COMMENT:

Notes relating to significant variances between actual and budget figures are included with the quarterly statements.

MOVED: Cr Purse SECONDED: Cr Oversby

That the Financial Statements for the June 2004 quarter be received including tabled amendments.

CARRIED 8/0

7.3.4 Accounts for Payment and Financial Status

Proponent: Shire of Boyup Brook

Location: -

Reporting Officer: Keith Jones
Date Report Written: 13 August 2004

Enabling Legislation: Local Government Act 1995

File: FM/10/003 Appendices: 1.10Payments

BACKGROUND:

The accounts for payment up to 31 July 2004 are attached.

The payments made directly through the Municipal Account are as follows:-

Salaries for the months of July 2004	\$ 67561.24
Lease of Photocopier	\$ 333.17
Lease of Roller	\$ 1,197.61
Internet Access Fee	\$ 40.00
FlexiRent Computer	\$ 2088.00
C Lee Rent Doctors Surgery	\$ 1000.00
Rent MFA	\$ 80.00

The Account Balances for the various accounts as at 31 July 2004 are as follows:-

Municipal Account	\$ 141618.09
Shire Clerk Advance	\$ -524.16
Trust Account	\$ 34808.00

Investments secured 31 July 2004 are as follows:-

Reserves Account Term Deposit \$ 378065.54 @ 4.90%

with Commonwealth Bank maturing 31/8/04

As at 13 August 2004 the following amount of rates were outstanding:-

	TOTAL	\$ 1,066,670.72
-	Scotts Brook Ward	\$ 311,611.02
-	Dinninup Ward	\$ 218,312.15
-	Benjinup Ward	\$ 282,074.03
-	Boyup Brook Ward	\$ 254,673.52

Sundry Debtors at 13 August 2004 \$ 92322.48

Sundry Creditors at 13 August 2004

\$ NIL

MOVED: Cr Marshall SECONDED: Cr Downing

That the accounts as:-

1 presented totalling \$258894.92 voucher numbers for payment; 12242,12243, 12342,12347-12458, 1831-1837

2 paid by direct payments through the Municipal Account, the Chief Executive Officer's Advance Account and Trust.

be endorsed for payment.

CARRIED 8/0

8 PETITIONS AND MEMORIALS

Nil

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

The CEO departed the Chambers, the time being 5.38pm.

The CEO returned to the Chambers, the time being 5.40pm.

9.1 Cr Broadhurst - New vegetation in the proposed Music Park.

COUNCILLOR'S COMMENT

This recommendation is to support the possible future decision to develop an arboretum of plants along the banks of the Blackwood River between the bridges.

Council has already stipulated that the extra plantings must be native so that the integrity of the area is not altered dramatically.

It is not envisaged that all the trees to be planted will be of the immediate geographical region but simply that they be represented by several of each type procurable so that the Park will be a continuation of and compliment any future development of the River Reserve. Identification, by providing appropriate signs, can be pursued if and when said decision is made.

MOVED: Cr Broadhurst SECONDED: Cr Downing

That the Country Music Club be requested to investigate native plant species, which are or were indigenous to the Shire of Boyup Brook, to be included in the choices made for the new plantings in the proposed Music Park area for example blackbutt.

CARRIED 8/0

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

11 CLOSURE OF MEETING

There being no further business the Chairman declared the meeting closed at 5.49pm.

These Minutes and Schedule of Accounts were confirmed by the Council at the Council Meeting held on the 16 September 2004.

Cr Terry Ginnane, Shire President