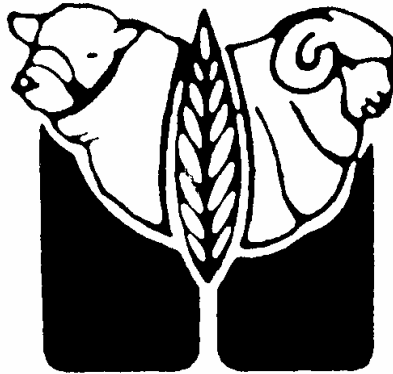


MINUTES



ORDINARY MEETING

HELD ON

THURSDAY, 16 MARCH 2006

AT

SHIRE OF BOYUP BROOK
ABEL STREET – BOYUP BROOK
COMMENCEMENT AT 3.30PM

These unconfirmed council minutes are a typewritten transcription of a hand written minutes of the Council meeting as taken by the Chief Executive Officer and Manager of Finance and Administration during that meeting. Whilst every attempt has been made to ensure that the unconfirmed minutes accurately reflect the content of the discussing of the Council meeting, the minutes HAVE NOT YET BEEN CONFIRMED and accordingly the Shire is not liable for and accepts no responsibility for any loss (including purely economic loss) or damage caused directly or indirectly to any person who relies upon the content of the unconfirmed minutes as being true and correct and acts or refrains from acting on reliance upon them.

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

1.1 Attendance

- Cr T Ginnane – Shire President
- Cr S Broadhurst
- Cr R Downing
- Cr J Florey
- Cr P Marshall
- Cr M Martin
- Cr K Moir
- Cr T Oversby
- Cr A Piper (Entered Chambers at 4.40pm)

- Mr W Pearce – Chief Executive Officer
- Mr K Jones – Manager of Finance and Administration
- Mr J Eddy – Manager of Works and Services

- Mr Ian Muir
- Mr John Imrie
- Mr Mark Brlevich
- Mrs Mary-Anne Brlevich

1.2 Apologies

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

4.1 Cr Florey – Rylington Park

A 2 week shearing school and a 1 week conference has recently been completed. The Australian Shearing Institute (ASI) gave a glowing report stating it was “the best shearing school in Australia”.

The attendance of the Shire President and Cr Piper was greatly appreciated at the AWI forum.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 Minutes of the Ordinary Meeting of the Council held on 16 February 2006.

MOVED: Cr Oversby

SECONDED: Cr Martin

That the minutes of the previous Ordinary Meeting of the Council held on 16 February 2006 be confirmed as an accurate record subject to the following changes:-

- **Page 20 - That the motions for the Council to move into and out of Committee be placed immediately prior to the motion of Item 7.2.9**
- **Page 22 That the motions for the Council to move into and out of Committee be placed immediately prior to the motion of Item 7.2.10**

CARRIED 8/0

6 PRESIDENTIAL COMMUNICATIONS

The Shire President advised that he had attended the funerals of Mrs A Inglis and Ms K Hester in recent days and would be attending Mrs Lil Unstead's on Friday of this week.

7 REPORTS OF OFFICERS AND COMMITTEES

7.1 WORKS AND SERVICES

7.1.1 Townscape Advisory Committee Minutes

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>John Eddy</i>
<i>Date Report Written:</i>	<i>28 February 2006</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>PA/37/001</i>

BACKGROUND:

A Townscape Advisory Committee meeting was held on 22 February 2006.

Minutes of the meeting are laid on the table and circulated (refer to appendix 1.1).

MOVED: Cr Broadhurst

SECONDED: Cr Florey

That the minutes of the Townscape Advisory Committee held on the 22 February 2006, be received.

CARRIED 8/0

7.1.2 Tender No. 06-001 – Road Pavement Stabilisation

Proponent: Shire of Boyup Brook
Location: Scotts Brook Road and Mayanup/Tonebridge Road
Reporting Officer: John Eddy
Date Report Written: 27 February 2006
Enabling Legislation: Local Government Act 1995
File: EQ/57/001
Appendices: -

BACKGROUND:

Tender 06-001 is for the pavement stabilisation of approximately five thousand square metres (5000m²) of failed pavement on the Scotts Brook and Mayanup/Tonebridge Roads Boyup Brook.

The tender was advertised in the West Australia Newspaper on the 4 February 2006 and closed on the 23 February 2006. Two tenders were received.

DETAIL

T.I.R.E.S funding of One Hundred and Fifty Thousand Dollars (\$150,000) is budgeted for pavement restabilisation to Scotts Brook and Mayanup/Tonebridge Roads.

Tenders were called and asked to provide a rate per square metre based on an estimated five thousand (5,000) square metres of pavement stabilisation. The following tenders were received.

COMPANY	UNIT	ESTIMATED QUANTITY	AMOUNT (ex GST)	AMOUNT (GST)	AMOUNT (inc GST)
Western Stabilisers					
Patches averaging – 100m ²	m ²	5,000	\$17.97	\$1.80	\$19.77
Patches averaging – 500m ²	m ²	5,000	\$15.93	\$1.59	\$17.52
Works – Pavement Technology					
Patches averaging – 150m ²	m ²	5,000	\$22.07	\$2.21	\$24.28

SELECTION CRITERIA

The following criteria were taken into consideration in determining the tenders-

- 1. Price and Price Structure – 50%**

- Lowest Price – 50%
- +10% - 40%
- +20% - 30%
- +30% - 10%
- over 50% - 0

2. Technical and Physical Capacity – 30%

- Meets all Criteria – 30%
- Sound - 10%
- Fair - 5%

3. Previous Experience or Past Performance – 20%

- Good References – 20%
- Poor References – 0

COMPANY	PRICE	TECHNICAL CAPACITY	PERFORMANCE	TOTAL
Western Stabilisers	50%	30%	20%	100%
Works- Pavement Technology	24%	30%	20%	74%

COMMENT

Both tenderers have excellent technical and physical capacity to complete the proposed works with Works – Pavement Technology involved in large statewide projects and Western Stabilisers in medium size projects for Local Authorities throughout the state.

Western Stabilisers have over a twenty percent price advantage compared to Works – Pavement Technology.

It is suggested that the Council approve the tender from Western Stabilisers for the cement stabilisation of existing road pavements at the following rates:-

1. patches averaging 100m² – Nineteen dollars and Seventy Seven Cents (\$19.77) per square metre including GST;
2. patches averaging 500m² – Seventeen dollars and Fifty Two Centrs (\$17.52) per square metre including GST.

MOVED: Cr Downing

SECONDED: Cr Martin

That the Council approves the tender from Western Stabilisers for the cement stabilisation of existing road pavements on Scotts Brook and Mayanup/Tonebridge Roads at the following rates:-

1. patches averaging 100m² – Nineteen dollars and Seventy Seven Cents (\$19.77) per square metre including GST;
2. patches averaging 500m² – Seventeen dollars and Fifty Two Centrs (\$17.52) per square metre including GST.

CARRIED 8/0

7.1.3 Tender No. 06-002 – Box Culvert Construction

Proponent: Shire of Boyup Brook
Location: Condinup Crossing Road
Reporting Officer: John Eddy
Date Report Written: 27 February 2006
Enabling Legislation: Local Government Act 1995
File: EQ/57/001
Appendices: -

BACKGROUND

Tender 06-002 is for the construction of a box culvert crossing over the Blackwood River at Condinup Crossing Road.

The tender was advertised in the West Australian Newspaper on the 4 February 2006. Two (2) tenders were received.

DETAIL

Tender 06-002 is for the removal and replacement of the existing box culvert crossing on Condinup Crossing Road. Roads to Recovery funding of \$100,000 has been budgeted for the project. The existing box culvert structure has been load limited by Main Roads WA due to structural failure.

Tenders were received from Fox Rock Contracting and PS & LJ McCabe.

PS & LJ McCabe's tender allowed for the supply of box culverts and link slabs by the Shire of Boyup Brook.

COMPANY	TENDER PRICE	CULVERTS & LINK SLABS	TOTAL (inc GST)
Fox Rock Contracting	\$89,947	Inclusive	\$89,947
PS & LJ McCabe	\$84,792	\$16,093	\$100,885

SELECTION CRITERIA

The following criteria has been taken into consideration in determining the successful tenderer-

1. **Price and Price Structure – 50%**
 - Lowest Price – 50%
 - +10% - 40%
 - +20% - 30%
 - +30% - 10%
 - over 50% - 0

2. **Technical and Physical Capacity – 30%**
 - Meets all Criteria – 30%
 - Sound - 10%
 - Fair - 5%

3. **Previous Experience or Past Performance – 20%**
 - Good References – 20%

➤ Poor References – 0

COMPANY	PRICE	TECHNICAL CAPACITY	PAST PERFORMANCE	TOTAL
Fox Rock Contracting	50%	30%	20%	100%
PS & LJ McCABE	38%	30%	20%	88%

The Council's 'Local Purchases & Sales of Goods & Services' provides a 2.5% price advantage to McCabe as the business operates from within the Donnybrook-Balingup Shire. However, the price difference between the two submissions is more than 10% in favour of Fox Rock.

COMMENT

Both companies have good references and the technical capacity to complete the specified box culvert construction works of Tender 06-002.

It is suggested that the Council approves the tender price of Eighty Nine Thousand Nine Hundred and Forty Seven Dollars (\$89,947.00) including GST submitted from Fox Rock Contracting PTY LTD for the construction of a box culvert crossing on Condinup Crossing Road.

MOVED: Cr Florey

SECONDED: Cr Martin

That the Council approves the tender price of Eighty Nine Thousand Nine Hundred and Forty Seven Dollars (\$89,947.00) including GST submitted from Fox Rock Contracting PTY LTD for the construction of a box culvert crossing on Condinup Crossing Road.

CARRIED 8/0

7.2 DEVELOPMENT AND COMMUNITY SERVICES

MOVED: Cr Moir

SECONDED: Cr Downing

That the Council adopts en bloc Items 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10

CARRIED 8/0

7.2.1 Lot 2264, 2737, 6132, 6133, 6134, 7476 and 10444 Scotts Brook Road – Planning Application for a Plantation

Proponent: Great Southern Managers Aus Ltd
Location: Lot 2264, 2737, 6132, 6133, 6134, 7476 and 10444 Scotts Brook Road
Reporting Officer: Will Pearce
Date Report Written: 28 February 2006
Enabling Legislation: Town Planning Scheme No. 2
File: AS 7290 & AS 8430
Appendices: -

BACKGROUND:

The proponent is seeking approval to establish a plantation on Lot 2264, 2737, 6132, 6133, 6134, 7476, 10444 Scotts Brook Road located approximately 50km south-east of Boyup Brook.

The proponent has forwarded relevant details to support the application as required by the Shire's Town Planning Scheme No. 2. A detailed plan is laid on the table.

DETAIL:

The property has a gross land area is 732.3ha and is zoned 'Rural' and as such the Scheme allows 'plantations' at the discretion of the Council ('AA' use).

As required under the Scheme, the proponent has submitted a fire management plan and plantation management plan. The proponent is required to comply with the following (as per the Scheme): -

- 1 Code of Practice for Timber Plantations in WA;
- 2 Shire of Boyup Brook Firebreak Order;
- 3 Guidelines for Plantation Fire Protection.

The proponent has submitted supporting information that is summarised as follows: -

- 1 establishment of 91.3ha of plantations will occur in the year 2006;
- 2 planting density will be 1,238 stems per hectare;
- 3 the Guidelines for Plantation Fire Protection states:-

"Plantation growers must meet this increased need for firefighting equipment, either by providing the minimum equipment standards (for this size plantation a fast attack unit is require) or by contributing to community-based equipment through an agreement with the Local Government."

The proponent's fire management plan indicates that the company does not have a firefighting unit in the vicinity of the plantation.

- 4 all remnant vegetation will be left in accordance with Agriculture Western Australia guidelines.

COMMENT:

It is suggested that the Council approve the proposal as reflected in the recommendation.

The Development Services Committee considered this issue at its meeting held on 07 March 2006 and concurred with the Chief Executive Officer's recommendation.

That the Council adopts en bloc Items 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10

- 1 **Council approves the planning application for a plantation as presented to be located at Lot 2264, 2737, 6132, 6133, 6134, 7476, 10444 Scotts Brook Road, subject to the following conditions: -**

- (a) **compliance with the Shire of Boyup Brook Town Planning Scheme No 2;**

- (b) compliance with the terms and conditions of the Code of Practice for Timber Plantations in Western Australia as amended from time to time with a harvesting management plan provided to the Shire, to the satisfaction of the Shire, two years prior to the harvesting event;
- (c) provision of a minimum of a manned fast attack Firefighting Unit of a standard complying with the Guidelines for Plantation Fire on a strategically located plantation property within twenty (20) minutes response time of this plantation prior to the commencement of the 2006/07 Fire Season and that this arrangement is confirmed in writing;
- (d) installation of a 15 metre boundary firebreak is required to comply with the firebreak order;
- (e) entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage of roads under the Shire's control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation;

2 Manager of Works and Services undertakes an assessment at the time of harvesting of the condition of the anticipated proposed local road haulage route.

CARRIED BY EN BLOC RESOLUTION

7.2.2 Lot 6142 and 12625 Minnip Road – Planning Application for a Plantation

<i>Proponent:</i>	<i>Great Southern Managers Aus Ltd</i>
<i>Location:</i>	<i>Lot 6142 and 12625 Minnip Road</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>28 February 2006</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No. 2</i>
<i>File:</i>	<i>AS 12285</i>
<i>Appendices:</i>	<i>-</i>

BACKGROUND:

The proponent is seeking approval to establish a plantation on Lot 6142 ad 12625 Minnip Road located approximately 50km south-east of Boyup Brook.

The proponent has forwarded relevant details to support the application as required by the Shire's Town Planning Scheme No. 2. A detailed plan is laid on the table.

DETAIL:

The property has a gross land area is 481.3ha and is zoned 'Rural' and as such the Scheme allows 'plantations' at the discretion of the Council ('AA' use).

As required under the Scheme, the proponent has submitted a fire management plan and plantation management plan. The proponent is required to comply with the following (as per the Scheme): -

- 1 Code of Practice for Timber Plantations in WA;
- 2 Shire of Boyup Brook Firebreak Order;

3 Guidelines for Plantation Fire Protection.

The proponent has submitted supporting information that is summarised as follows: -

- 1 establishment of 44.7ha of plantations will occur in the year 2006;
- 2 planting density will be 1,238 stems per hectare;
- 3 the Guidelines for Plantation Fire Protection states:-

“Plantation growers must meet this increased need for firefighting equipment, either by providing the minimum equipment standards (for this size plantation a fast attack unit is require) or by contributing to community-based equipment through an agreement with the Local Government.”

The proponent’s fire management plan indicates that the company does not have a firefighting unit in the vicinity of the plantation.

- 4 all remnant vegetation will be left in accordance with Agriculture Western Australia guidelines.

COMMENT:

It is suggested that the Council approve the proposal as reflected in the recommendation.

The Development Services Committee considered this issue at its meeting held on 07 March 2006 and concurred with the Chief Executive Officer’s recommendation.

That the Council adopts en bloc Items 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10

- 1 **Council approves the planning application for a plantation as presented to be located at Lot 6142 and 12625 Minninup Road, subject to the following conditions: -**
 - (a) **compliance with the Shire of Boyup Brook Town Planning Scheme No 2;**
 - (b) **compliance with the terms and conditions of the Code of Practice for Timber Plantations in Western Australia as amended from time to time with a harvesting management plan provided to the Shire, to the satisfaction of the Shire, two years prior to the harvesting event;**
 - (c) **provision of a minimum of a manned fast attack Firefighting Unit of a standard complying with the Guidelines for Plantation Fire on a strategically located plantation property within twenty (20) minutes response time of this plantation prior to the commencement of the 2006/07 Fire Season and that this arrangement is confirmed in writing;**
 - (d) **installation of a 15 metre boundary firebreak is required to comply with the firebreak order;**
 - (e) **entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage of roads under the Shire’s control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation;**
- 2 **Manager of Works and Services undertakes an assessment at the time of harvesting of the condition of the anticipated proposed local road haulage route.**

CARRIED BY EN BLOC RESOLUTION

7.2.3 Lot 31 and 12374 Boyup Brook – Cranbrook Road – Planning Application for a Plantation

<i>Proponent:</i>	<i>Great Southern Managers Aus Ltd</i>
<i>Location:</i>	<i>Lot 31 and 12374 Boyup Brook – Cranbrook Road</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>28 February 2006</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No. 2</i>
<i>File:</i>	<i>AS8395</i>
<i>Appendices:</i>	<i>-</i>

BACKGROUND:

The proponent is seeking approval to establish a plantation on Lot 31 and 12374 Boyup Brook – Cranbrook Road located approximately 50km south-east of Boyup Brook.

The proponent has forwarded relevant details to support the application as required by the Shire's Town Planning Scheme No. 2. A detailed plan is laid on the table.

DETAIL:

The property has a gross land area is 988ha and is zoned 'Rural' and as such the Scheme allows 'plantations' at the discretion of the Council ('AA' use).

As required under the Scheme, the proponent has submitted a fire management plan and plantation management plan. The proponent is required to comply with the following (as per the Scheme): -

- 1 Code of Practice for Timber Plantations in WA;
- 2 Shire of Boyup Brook Firebreak Order;
- 3 Guidelines for Plantation Fire Protection.

The proponent has submitted supporting information that is summarised as follows: -

- 1 establishment of 30.4ha of plantations will occur in the year 2006;
- 2 planting density will be 1,238 stems per hectare;
- 3 the Guidelines for Plantation Fire Protection states:-

"Plantation growers must meet this increased need for firefighting equipment, either by providing the minimum equipment standards (for this size plantation a fast attack unit is require) or by contributing to community-based equipment through an agreement with the Local Government."

The proponent's fire management plan indicates that the company does not have a firefighting unit in the vicinity of the plantation.

- 4 all remnant vegetation will be left in accordance with Agriculture Western Australia guidelines.

COMMENT:

It is suggested that the Council approve the proposal as reflected in the recommendation.

The Development Services Committee considered this issue at its meeting held on 07 March 2006 and concurred with the Chief Executive Officer's recommendation.

That the Council adopts en bloc Items 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10

- 1 Council approves the planning application for a plantation as presented to be located at Lot 31 and 12374 Boyup Brook – Cranbrook Road, subject to the following conditions: -**
 - (a) compliance with the Shire of Boyup Brook Town Planning Scheme No 2;**
 - (b) compliance with the terms and conditions of the Code of Practice for Timber Plantations in Western Australia as amended from time to time with a harvesting management plan provided to the Shire, to the satisfaction of the Shire, two years prior to the harvesting event;**
 - (c) provision of a minimum of a manned fast attack Firefighting Unit of a standard complying with the Guidelines for Plantation Fire on a strategically located plantation property within twenty (20) minutes response time of this plantation prior to the commencement of the 2006/07 Fire Season and that this arrangement is confirmed in writing;**
 - (d) installation of a 15 metre boundary firebreak is required to comply with the firebreak order;**
 - (e) entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage of roads under the Shire's control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation;**
- 2 Manager of Works and Services undertakes an assessment at the time of harvesting of the condition of the anticipated proposed local road haulage route.**

CARRIED BY EN BLOC RESOLUTION

7.2.4 Nelson Location 3928, 5857 and Lot 3910, 4165, 7113 and 12828 Kulikup Road South – Planning Application for a Plantation

<i>Proponent:</i>	<i>Great Southern Managers Aus Ltd</i>
<i>Location:</i>	<i>Nelson Location 3928, 5857 and Lot 3910, 4165, 7113 and 12828 Kulikup Road South</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>28 February 2006</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No. 2</i>
<i>File:</i>	<i>AS7660</i>
<i>Appendices:</i>	<i>-</i>

BACKGROUND:

The proponent is seeking approval to establish a plantation on Nelson Location 3928, 5857 and Lot 3910, 4165, 7113 and 12828 located approximately 50km south-east of Boyup Brook.

The proponent has forwarded relevant details to support the application as required by the Shire's Town Planning Scheme No. 2. A detailed plan is laid on the table.

DETAIL:

The property has a gross land area is 364.8ha and is zoned 'Rural' and as such the Scheme allows 'plantations' at the discretion of the Council ('AA' use).

As required under the Scheme, the proponent has submitted a fire management plan and plantation management plan. The proponent is required to comply with the following (as per the Scheme): -

- 1 Code of Practice for Timber Plantations in WA;
- 2 Shire of Boyup Brook Firebreak Order;
- 3 Guidelines for Plantation Fire Protection.

The proponent has submitted supporting information that is summarised as follows: -

- 1 establishment of 43.8ha of plantations will occur in the year 2006;
- 2 planting density will be 1,238 stems per hectare;
- 3 the Guidelines for Plantation Fire Protection states:-

"Plantation growers must meet this increased need for firefighting equipment, either by providing the minimum equipment standards (for this size plantation a fast attack unit is require) or by contributing to community-based equipment through an agreement with the Local Government."

The proponent's fire management plan indicates that the company does not have a firefighting unit in the vicinity of the plantation.

- 4 all remnant vegetation will be left in accordance with Agriculture Western Australia guidelines.

COMMENT:

It is suggested that the Council approve the proposal as reflected in the recommendation.

The Development Services Committee considered this issue at its meeting held on 07 March 2006 and concurred with the Chief Executive Officer's recommendation.

That the Council adopts en bloc Items 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10

- 1 **Council approves the planning application for a plantation as presented to be located at Nelson Location 3928, 5857 and Lot 3910, 4165, 7113 and 12828 Kulikup Road South, subject to the following conditions: -**
 - (a) **compliance with the Shire of Boyup Brook Town Planning Scheme No 2;**
 - (b) **compliance with the terms and conditions of the Code of Practice for Timber Plantations in Western Australia as amended from time to time with a harvesting management plan provided to the Shire, to the satisfaction of the Shire, two years prior to the harvesting event;**
 - (c) **provision of a minimum of a manned fast attack Firefighting Unit of a standard complying with the Guidelines for Plantation Fire on a strategically located plantation property within twenty (20) minutes response time of this plantation**

prior to the commencement of the 2006/07 Fire Season and that this arrangement is confirmed in writing;

- (d) installation of a 15 metre boundary firebreak is required to comply with the firebreak order;
- (e) entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage of roads under the Shire's control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation;

2 Manager of Works and Services undertakes an assessment at the time of harvesting of the condition of the anticipated proposed local road haulage route.

CARRIED BY EN BLOC RESOLUTION

7.2.5 Lot 3963 Boyup Brook – Kojonup Road – Planning Application for a Plantation

<i>Proponent:</i>	<i>Great Southern Managers Aus Ltd</i>
<i>Location:</i>	<i>Lot 3963 Boyup Brook – Kojonup Road</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>28 February 2006</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No. 2</i>
<i>File:</i>	<i>AS7645</i>
<i>Appendices:</i>	<i>-</i>

BACKGROUND:

The proponent is seeking approval to establish a plantation on Lot 3963 Boyup Brook – Kojonup Road located approximately 40km east of Boyup Brook.

The proponent has forwarded relevant details to support the application as required by the Shire's Town Planning Scheme No. 2. A detailed plan is laid on the table.

DETAIL:

The property has a gross land area is 388.9ha and is zoned 'Rural' and as such the Scheme allows 'plantations' at the discretion of the Council ('AA' use).

As required under the Scheme, the proponent has submitted a fire management plan and plantation management plan. The proponent is required to comply with the following (as per the Scheme): -

- 1 Code of Practice for Timber Plantations in WA;
- 2 Shire of Boyup Brook Firebreak Order;
- 3 Guidelines for Plantation Fire Protection.

The proponent has submitted supporting information that is summarised as follows: -

- 1 establishment of 26.5ha of plantations will occur in the year 2006;
- 2 planting density will be 1,238 stems per hectare;
- 3 the Guidelines for Plantation Fire Protection states:-

“Plantation growers must meet this increased need for firefighting equipment, either by providing the minimum equipment standards (for this size plantation a fast attack unit is require) or by contributing to community-based equipment through an agreement with the Local Government.”

The proponent’s fire management plan indicates that the company does not have a firefighting unit in the vicinity of the plantation.

- 4 all remnant vegetation will be left in accordance with Agriculture Western Australia guidelines.

COMMENT:

It is suggested that the Council approve the proposal as reflected in the recommendation.

The Development Services Committee considered this issue at its meeting held on 07 March 2006 and concurred with the Chief Executive Officer’s recommendation.

That the Council adopts en bloc Items 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10

- 1 **Council approves the planning application for a plantation as presented to be located at Lot 3963 Boyup Brook – Kojonup Road, subject to the following conditions: -**
- (a) **compliance with the Shire of Boyup Brook Town Planning Scheme No 2;**
 - (b) **compliance with the terms and conditions of the Code of Practice for Timber Plantations in Western Australia as amended from time to time with a harvesting management plan provided to the Shire, to the satisfaction of the Shire, two years prior to the harvesting event;**
 - (c) **provision of a minimum of a manned fast attack Firefighting Unit of a standard complying with the Guidelines for Plantation Fire on a strategically located plantation property within twenty (20) minutes response time of this plantation prior to the commencement of the 2006/07 Fire Season and that this arrangement is confirmed in writing;**
 - (d) **installation of a 15 metre boundary firebreak is required to comply with the firebreak order;**
 - (e) **entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage of roads under the Shire’s control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation;**
- 2 **Manager of Works and Services undertakes an assessment at the time of harvesting of the condition of the anticipated proposed local road haulage route.**

CARRIED BY EN BLOC RESOLUTION

7.2.6 Lot 12863 Tone River Road – Planning Application for a Plantation

Proponent: Great Southern Managers Aus Ltd
Location: Lot 12863 Tone River Road
Reporting Officer: Will Pearce
Date Report Written: 28 February 2006
Enabling Legislation: Town Planning Scheme No. 2
File: AS12385
Appendices: -

BACKGROUND:

The proponent is seeking approval to establish a plantation on Lot 12863 Tone River Road (now officially Tuckett Road) located approximately 40km east of Boyup Brook.

The proponent has forwarded relevant details to support the application as required by the Shire's Town Planning Scheme No. 2. A detailed plan is laid on the table.

DETAIL:

The property has a gross land area is 248.3ha and is zoned 'Rural' and as such the Scheme allows 'plantations' at the discretion of the Council ('AA' use).

As required under the Scheme, the proponent has submitted a fire management plan and plantation management plan. The proponent is required to comply with the following (as per the Scheme): -

- 1 Code of Practice for Timber Plantations in WA;
- 2 Shire of Boyup Brook Firebreak Order;
- 3 Guidelines for Plantation Fire Protection.

The proponent has submitted supporting information that is summarised as follows: -

- 1 establishment of 20.6ha of plantations will occur in the year 2006;
- 2 planting density will be 1,238 stems per hectare;
- 3 the Guidelines for Plantation Fire Protection states:-

"Plantation growers must meet this increased need for firefighting equipment, either by providing the minimum equipment standards (for this size plantation a fast attack unit is require) or by contributing to community-based equipment through an agreement with the Local Government."

The proponent's fire management plan indicates that the company does not have a firefighting unit in the vicinity of the plantation.

- 4 all remnant vegetation will be left in accordance with Agriculture Western Australia guidelines.

COMMENT:

It is suggested that the Council approve the proposal as reflected in the recommendation.

The Development Services Committee considered this issue at its meeting held on 07 March 2006 and concurred with the Chief Executive Officer's recommendation.

That the Council adopts en bloc Items 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10

- 1 Council approves the planning application for a plantation as presented to be located at Lot 12863 Tone River Road, subject to the following conditions: -**
 - (a) compliance with the Shire of Boyup Brook Town Planning Scheme No 2;**
 - (b) compliance with the terms and conditions of the Code of Practice for Timber Plantations in Western Australia as amended from time to time with a harvesting management plan provided to the Shire, to the satisfaction of the Shire, two years prior to the harvesting event;**
 - (c) provision of a minimum of a manned fast attack Firefighting Unit of a standard complying with the Guidelines for Plantation Fire on a strategically located plantation property within twenty (20) minutes response time of this plantation prior to the commencement of the 2006/07 Fire Season and that this arrangement is confirmed in writing;**
 - (d) installation of a 15 metre boundary firebreak is required to comply with the firebreak order;**
 - (e) entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage of roads under the Shire's control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation;**
- 2 Manager of Works and Services undertakes an assessment at the time of harvesting of the condition of the anticipated proposed local road haulage route.**

CARRIED BY EN BLOC RESOLUTION

7.2.7 Nelson Location 6425, 7159 and Portion of 7343 Tone River Road – Planning Application for a Plantation

<i>Proponent:</i>	<i>Great Southern Managers Aus Ltd</i>
<i>Location:</i>	<i>Nelson Location 6425, 7159 and Portion of 7343 Tone River Road</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>28 February 2006</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No. 2</i>
<i>File:</i>	<i>AS12282</i>
<i>Appendices:</i>	<i>-</i>

BACKGROUND:

The proponent is seeking approval to establish a plantation on Nelson Location 6425, 7159 and Portion of 7343 Tone River Road (now Tuckett Road) located approximately 50km south-east of Boyup Brook.

The proponent has forwarded relevant details to support the application as required by the Shire's Town Planning Scheme No. 2. A detailed plan is laid on the table.

DETAIL:

The property has a gross land area is 336ha and is zoned 'Rural' and as such the Scheme allows 'plantations' at the discretion of the Council ('AA' use).

As required under the Scheme, the proponent has submitted a fire management plan and plantation management plan. The proponent is required to comply with the following (as per the Scheme): -

- 1 Code of Practice for Timber Plantations in WA;
- 2 Shire of Boyup Brook Firebreak Order;
- 3 Guidelines for Plantation Fire Protection.

The proponent has submitted supporting information that is summarised as follows: -

- 1 establishment of 62.8ha of plantations will occur in the year 2006;
- 2 planting density will be 1,238 stems per hectare;
- 3 the Guidelines for Plantation Fire Protection states:-

"Plantation growers must meet this increased need for firefighting equipment, either by providing the minimum equipment standards (for this size plantation a fast attack unit is require) or by contributing to community-based equipment through an agreement with the Local Government."

The proponent's fire management plan indicates that the company does not have a firefighting unit in the vicinity of the plantation.

- 4 all remnant vegetation will be left in accordance with Agriculture Western Australia guidelines.

COMMENT:

It is suggested that the Council approve the proposal as reflected in the recommendation.

The Development Services Committee considered this issue at its meeting held on 07 March 2006 and concurred with the Chief Executive Officer's recommendation.

That the Council adopts en bloc Items 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10

- 1 **Council approves the planning application for a plantation as presented to be located at Nelson Location 6425, 7159 and Portion of 7343 Tone River Road, subject to the following conditions: -**
 - (a) **compliance with the Shire of Boyup Brook Town Planning Scheme No 2;**
 - (b) **compliance with the terms and conditions of the Code of Practice for Timber Plantations in Western Australia as amended from time to time with a harvesting management plan provided to the Shire, to the satisfaction of the Shire, two years prior to the harvesting event;**
 - (c) **provision of a minimum of a manned fast attack Firefighting Unit of a standard complying with the Guidelines for Plantation Fire on a strategically located plantation property within twenty (20) minutes response time of this plantation**

prior to the commencement of the 2006/07 Fire Season and that this arrangement is confirmed in writing;

- (d) installation of a 15 metre boundary firebreak is required to comply with the firebreak order;
- (e) entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage of roads under the Shire's control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation;

2 Manager of Works and Services undertakes an assessment at the time of harvesting of the condition of the anticipated proposed local road haulage route.

CARRIED BY EN BLOC RESOLUTION

7.2.8 Lot 55 Cootareyup Road – Planning Application for a Plantation

<i>Proponent:</i>	<i>Great Southern Managers Aus Ltd</i>
<i>Location:</i>	<i>Lot 55 Cootayerup Road</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>28 February 2006</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No. 2</i>
<i>File:</i>	<i>AS8500</i>
<i>Appendices:</i>	<i>-</i>

BACKGROUND:

The proponent is seeking approval to establish a plantation on Lot 55 Cootayerup Road located approximately 50km south-east of Boyup Brook.

The proponent has forwarded relevant details to support the application as required by the Shire's Town Planning Scheme No. 2. A detailed plan is laid on the table.

DETAIL:

The property has a gross land area is 726.9ha and is zoned 'Rural' and as such the Scheme allows 'plantations' at the discretion of the Council ('AA' use).

As required under the Scheme, the proponent has submitted a fire management plan and plantation management plan. The proponent is required to comply with the following (as per the Scheme): -

- 1 Code of Practice for Timber Plantations in WA;
- 2 Shire of Boyup Brook Firebreak Order;
- 3 Guidelines for Plantation Fire Protection.

The proponent has submitted supporting information that is summarised as follows: -

- 1 establishment of 33.1ha of plantations will occur in the year 2006;
- 2 planting density will be 1,238 stems per hectare;
- 3 the Guidelines for Plantation Fire Protection states:-

“Plantation growers must meet this increased need for firefighting equipment, either by providing the minimum equipment standards (for this size plantation a fast attack unit is require) or by contributing to community-based equipment through an agreement with the Local Government.”

The proponent’s fire management plan indicates that the company does not have a firefighting unit in the vicinity of the plantation.

- 4 all remnant vegetation will be left in accordance with Agriculture Western Australia guidelines.

COMMENT:

It is suggested that the Council approve the proposal as reflected in the recommendation.

The Development Services Committee considered this issue at its meeting held on 07 March 2006 and concurred with the Chief Executive Officer’s recommendation.

That the Council adopts en bloc Items 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10

- 1 **Council approves the planning application for a plantation as presented to be located at Lot 55 Cootayerup Road, subject to the following conditions: -**
- (a) **compliance with the Shire of Boyup Brook Town Planning Scheme No 2;**
 - (b) **compliance with the terms and conditions of the Code of Practice for Timber Plantations in Western Australia as amended from time to time with a harvesting management plan provided to the Shire, to the satisfaction of the Shire, two years prior to the harvesting event;**
 - (c) **provision of a minimum of a manned fast attack Firefighting Unit of a standard complying with the Guidelines for Plantation Fire on a strategically located plantation property within twenty (20) minutes response time of this plantation prior to the commencement of the 2006/07 Fire Season and that this arrangement is confirmed in writing;**
 - (d) **installation of a 15 metre boundary firebreak is required to comply with the firebreak order;**
 - (e) **entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage of roads under the Shire’s control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation;**
- 2 **Manager of Works and Services undertakes an assessment at the time of harvesting of the condition of the anticipated proposed local road haulage route.**

CARRIED BY EN BLOC RESOLUTION

7.2.9 Lot 20 Terrace Road – Planning Application for a Plantation

Proponent: Great Southern Managers Aus Ltd
Location: Lot 20 Terrace Road
Reporting Officer: Will Pearce
Date Report Written: 28 February 2006
Enabling Legislation: Town Planning Scheme No. 2
File: AS8410
Appendices: -

BACKGROUND:

The proponent is seeking approval to establish a plantation on Lot 20 Terrace Road located approximately 50km south-east of Boyup Brook.

The proponent has forwarded relevant details to support the application as required by the Shire's Town Planning Scheme No. 2. A detailed plan is laid on the table.

DETAIL:

The property has a gross land area is 303.3ha and is zoned 'Rural' and as such the Scheme allows 'plantations' at the discretion of the Council ('AA' use).

As required under the Scheme, the proponent has submitted a fire management plan and plantation management plan. The proponent is required to comply with the following (as per the Scheme): -

- 1 Code of Practice for Timber Plantations in WA;
- 2 Shire of Boyup Brook Firebreak Order;
- 3 Guidelines for Plantation Fire Protection.

The proponent has submitted supporting information that is summarised as follows: -

- 1 establishment of 25.4ha of plantations will occur in the year 2006;
- 2 planting density will be 1,238 stems per hectare;
- 3 the Guidelines for Plantation Fire Protection states:-

"Plantation growers must meet this increased need for firefighting equipment, either by providing the minimum equipment standards (for this size plantation a fast attack unit is require) or by contributing to community-based equipment through an agreement with the Local Government."

The proponent's fire management plan indicates that the company does not have a firefighting unit in the vicinity of the plantation.

- 4 all remnant vegetation will be left in accordance with Agriculture Western Australia guidelines.

COMMENT:

It is suggested that the Council approve the proposal as reflected in the recommendation.

The Development Services Committee considered this issue at its meeting held on 07 March 2006 and concurred with the Chief Executive Officer's recommendation.

That the Council adopts en bloc Items 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10

- 1 Council approves the planning application for a plantation as presented to be located at Lot 20 Terrace Road, subject to the following conditions: -**
- (a) compliance with the Shire of Boyup Brook Town Planning Scheme No 2;**
 - (b) compliance with the terms and conditions of the Code of Practice for Timber Plantations in Western Australia as amended from time to time with a harvesting management plan provided to the Shire, to the satisfaction of the Shire, two years prior to the harvesting event;**
 - (c) provision of a minimum of a manned fast attack Firefighting Unit of a standard complying with the Guidelines for Plantation Fire on a strategically located plantation property within twenty (20) minutes response time of this plantation prior to the commencement of the 2006/07 Fire Season and that this arrangement is confirmed in writing;**
 - (d) installation of a 15 metre boundary firebreak is required to comply with the firebreak order;**
 - (e) entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage of roads under the Shire's control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation;**
- 2 Manager of Works and Services undertakes an assessment at the time of harvesting of the condition of the anticipated proposed local road haulage route.**

CARRIED BY EN BLOC RESOLUTION

7.2.10 Lot 2 and 3 Pretty Gully Road – Planning Application for a Plantation

<i>Proponent:</i>	<i>Great Southern Managers Aus Ltd)</i>
<i>Location:</i>	<i>Lot 2 and 3 Pretty Gully Road</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>28 February 2006</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No. 2</i>
<i>File:</i>	<i>AS7300</i>
<i>Appendices:</i>	<i>-</i>

BACKGROUND:

The proponent is seeking approval to establish a plantation on Lot 2 and 3 Pretty Gully Road located approximately 50km south-east of Boyup Brook.

The proponent has forwarded relevant details to support the application as required by the Shire's Town Planning Scheme No. 2. A detailed plan is laid on the table.

DETAIL:

The property has a gross land area is 193.1ha and is zoned 'Rural' and as such the Scheme allows 'plantations' at the discretion of the Council ('AA' use).

As required under the Scheme, the proponent has submitted a fire management plan and plantation management plan. The proponent is required to comply with the following (as per the Scheme): -

- 1 Code of Practice for Timber Plantations in WA;
- 2 Shire of Boyup Brook Firebreak Order;
- 3 Guidelines for Plantation Fire Protection.

The proponent has submitted supporting information that is summarised as follows: -

- 1 establishment of 90.9ha of plantations will occur in the year 2006;
- 2 planting density will be 1,238 stems per hectare;
- 3 the Guidelines for Plantation Fire Protection states:-

“Plantation growers must meet this increased need for firefighting equipment, either by providing the minimum equipment standards (for this size plantation a fast attack unit is require) or by contributing to community-based equipment through an agreement with the Local Government.”

The proponent’s fire management plan indicates that the company does not have a firefighting unit in the vicinity of the plantation.

- 4 all remnant vegetation will be left in accordance with Agriculture Western Australia guidelines.

COMMENT:

It is suggested that the Council approve the proposal as reflected in the recommendation.

The Development Services Committee considered this issue at its meeting held on 07 March 2006 and concurred with the Chief Executive Officer’s recommendation.

That the Council adopts en bloc Items 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10

- 1 **Council approves the planning application for a plantation as presented to be located at Lot 2 and 3 Pretty Gully Road, subject to the following conditions: -**
 - (a) **compliance with the Shire of Boyup Brook Town Planning Scheme No 2;**
 - (b) **compliance with the terms and conditions of the Code of Practice for Timber Plantations in Western Australia as amended from time to time with a harvesting management plan provided to the Shire, to the satisfaction of the Shire, two years prior to the harvesting event;**
 - (c) **provision of a minimum of a manned fast attack Firefighting Unit of a standard complying with the Guidelines for Plantation Fire on a strategically located plantation property within twenty (20) minutes response time of this plantation prior to the commencement of the 2006/07 Fire Season and that this arrangement is confirmed in writing;**
 - (d) **installation of a 15 metre boundary firebreak is required to comply with the firebreak order;**

- (e) entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage of roads under the Shire's control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation;

2 Manager of Works and Services undertakes an assessment at the time of harvesting of the condition of the anticipated proposed local road haulage route.

CARRIED BY EN BLOC RESOLUTION

7.2.11 Class 10 Buildings in Rural Zone - Building Regulations 1989

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	-
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>28 February 2006</i>
<i>Enabling Legislation:</i>	<i>Building Amendment Regulations 1989</i>
<i>File:</i>	<i>DE/29/001</i>
<i>Appendices:</i>	-

BACKGROUND:

The Development Services Committee has requested that the current requirement for rural landowners to apply for building licenses to build a shed be reviewed.

DETAIL:

Schedule 2 of the Building Amendment Regulations 1999 states that a building license must be issued by the shire prior to the construction of any form of building including class 10 buildings which are in the main outbuildings or sheds. A brief analysis and observation raises the following points:

- There are 144 local governments in Western Australia
- 119 local governments have made a stipulation under Schedule 2 in relation to the part/s of their districts in which a building license must be obtained to build a Class 10 building (shed).
- Therefore, 25 have not (including Boyup Brook) and are picked-up by the catch-all" phrase, "all other districts" which then applies the "Whole district" requirement in respect to building licenses for sheds.
- The fact that the catch-all applies to the Whole district suggests that the Whole district is intended to be the baseline position.
- There are 88 local governments (60%) that require building licenses for the construction of sheds throughout the whole of their districts. However, 26 of these are regarded as metropolitan local governments.
- There are 56 local governments (39%) which do not seek building licenses for sheds on rural property. In the main, they apply the requirement to obtain a building license for construction of a shed, only to town-sites.

Other Considerations

- In 2005 (calendar year) there were 16 out of a total of 70 Building Licenses issued for farm sheds (rural property) with a total value of around \$280,000.00 with the Shire receiving fees of \$900.00.
- Many farm sheds now being constructed are large. Some are more like warehouses than what has traditionally been regarded as a farm shed. In 2005, the average size of farm sheds constructed in Boyup Brook was 182m² with the largest being 450m². These represent substantial structures with very significant wind loads and should be engineered for safety.
- Equity is another consideration. While proximity to neighbours and other buildings is clearly a factor, the size of sheds is controlled largely by Shire Policy in town and on Special Rural sites.

Small garden sheds are excluded from the requirement for a building license throughout the Shire district.

In order to exempt the construction of farm sheds from the requirement to obtain a building license, it will be necessary to amend the Local Government (Miscellaneous Provisions) Act 1960 and regulations by:

- Inserting the wording 'Boyup Brook' under Column 1 (District) of Schedule 2
- Inserting the appropriate descriptor of the area in which it is intended to require building license to be obtained in relation to sheds, in Column 2 (Class 10 Buildings)

When considering the Column 2 descriptor, it should be noted that reference to "Townsites" only would also exempt sheds on Special Rural properties.

The building surveyor has spoken to the Department of Housing and Works who advise that the process to amend Schedule 2 is as follows:

- Council needs to resolve to exempt construction of Class 10 buildings from the need to obtain a building license in particular area/s
- A letter is forwarded to the Minister for Housing and Works (cc to the Minister for Local Government) requesting the amendment to be made
- The Minister will then refer the request to the Department of Housing and Works, which will instruct Parliamentary Counsel to draft the amendment
- The proposed amendment is submitted to Executive Council (EXCO) and then gazetted.

The process is likely to take between 3 – 6 months.

Other relevant information:

- The Department of Housing and Works is currently endeavouring to introduce a new Building Act that will separate the licensing requirements for housing and outbuildings (it is being suggested that outbuildings will not require a building license under the proposed legislation)
- Of the 7 local governments surrounding this Shire district, 4 require building licenses for their Whole District with the remainder requiring building licenses for Class 10 buildings in townsites only.

COMMENT:

Should the Council wish to amend the regulations it is suggested that it request the Minister for Housing and Works to amend Schedule 2 of the Building Amendment Regulations 1999 to exempt class 10 buildings in areas outside townsites only from requiring building licenses prior to construction.

This motion would not only exempt 'rural' zoned properties but also 'special rural'. Is this an outcome the Council wishes to achieve?

Staff however suggest that the Council does not move to amend the building regulations to exempt licenses for rural outbuildings pending the outcome of the new Building Act.

The Development Services Committee considered this issue at its meeting held on 07 March 2006 and resolved:-

That the Chief Executive Officer request the Minister for Housing and Works to amend Schedule 2 of the Building Amendment Regulations 1999 to exempt class 10 buildings in areas outside townsites, in rural zones only, from requiring building licenses prior to construction within the Shire of Boyup Brook.

MOVED: Cr Broadhurst

SECONDED: Cr Florey

That the Council move into a committee of the whole under clause 15.6 of the shire's Local Law No.1 - Standing Orders to allow members free discussion on the matter.

CARRIED 8/0

MOVED: Cr Marshall

SECONDED: Cr Martin

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

CARRIED 8/0

MOVED: Cr Downing

SECONDED: Cr Martin

That the Chief Executive Officer request the Minister for Housing and Works to amend Schedule 2 of the Building Amendment Regulations 1999 to exempt class 10 buildings in areas outside townsites, in rural zones only, from requiring building licenses prior to construction within the Shire of Boyup Brook.

CARRIED 8/0

7.2.12 Farm Chalet Policy - Proposed Amendments

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>28 February 2006</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>DE/29/001</i>
<i>Appendices:</i>	<i>-</i>

BACKGROUND:

The shire's Farm Chalet Policy states that applications where 2 or more chalets are proposed are subject to a range of public notification options.

The policy does not provide direction on which options are appropriate. Applications are therefore subject to in the first place a Council decision on the required notification option/s, which have 21 day submission periods, before being considered for approval/rejection.

It would be appropriate for the Council to nominate its preferred notification requirements to reduce the processing time of such applications.

A complete review of the policy would also be timely.

DETAIL:

The policy states in part-

"Farm Chalets are formally defined as 'Holiday Cottages' under the Town Planning Scheme No. 2.

The Scheme's Zoning Table indicates that a 'Holiday Cottage' is an 'AA' use in both the 'Rural' and 'Urban' zones. It also indicates that 'Holiday Cottages' is an 'SA' use in the 'Rural' zone and an 'AA' use in the 'Urban' zone.

The Scheme defines a 'Holiday Cottage' as a '*detached dwelling on one lot let for holiday purposes, which may not be occupied by the same tenant for a continuous period of more than four (4) months.*'

Minimum Standards/Conditions

Minimum Lot Size:

A farm chalet or chalets shall not be approved in a 'Rural' zone where that location/lot is less than ten (10) ha in area.

Maximum Density

The property shall provide for a minimum of two (2) ha per chalet.

Access and Car Parking:

The proponent shall provide appropriate access and carparking requirements.

Water Supply:

The proponent shall provide a minimum of eighty thousand (80 000) litres per annum per chalet.

Fire Prevention Measures:

The proponent shall comply with the Council's Firebreak Order. A 2.5 kg dry powder fire extinguisher and fire blanket shall be provided in each individual kitchen.

Minimum Facilities:

The following minimum facilities shall be provided in each chalet:-

- ◆ Toilet
- ◆ Bathroom (may be combined with toilet)
- ◆ Kitchen
- ◆ Living area
- ◆ Laundry facilities (may be provided as a single detached facility for common use where more than one (1) chalet is approved) a maximum of fifty (50) metres from each chalet.

Location:

Proponents are encouraged to locate chalets at least 100metres away from neighbouring rural property boundaries to reduce any future potential conflict."

To address the clarifying of the notification requirements and updating the policy taking into account recent farm chalet approvals with numerous conditions (these conditions should become incorporated into the policy), it is suggested that the following policy be considered for adoption (change/additions are highlighted)-

Objective

To determine the requirements and standards relating to the development of Farm Chalets in the 'Rural' zones.

Statement

Farm Chalets are formally defined as 'Holiday Cottages' under the Town Planning Scheme No. 2.

The Scheme's Zoning Table indicates that a 'Holiday Cottage' is an 'AA' use in both the 'Rural' and 'Urban' zones. It also indicates that 'Holiday Cottages' is an 'SA' use in the 'Rural' zone and an 'AA' use in the 'Urban' zone.

An "SA" use under the scheme which is defined as 'a use that is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 3.5, requires the CEO to carry out the following:-

- 1 Where the application proposes 2, 3 or 4 chalets, notice of the proposed development to be served on the owners and occupiers likely to be affected by the granting of planning approval stating that submissions may be made to the Council within 21 days of the service of such notice;
- 2 Where the application proposes 5 or more chalets-
 - a) notice of the proposed development to be served on the owners and occupiers likely to be affected by the granting of planning approval stating that submissions may be made to the Council within 21 days of the service of such notice,
 - b) notice of the proposed development to be published in a newspaper circulating in the scheme area stating that submissions may be made to the Council within 21 days from the publication thereof.

The Scheme defines a 'Holiday Cottage' as a '*detached dwelling on one lot let for holiday purposes, which may not be occupied by the same tenant for a continuous period of more than four (4) months.*'

Minimum Standards/Conditions

Minimum Lot Size:

A farm chalet or chalets shall not be approved in a 'Rural' zone where that location/lot is less than ten (10) ha in area.

Maximum Density

The property shall provide for a minimum of two (2) ha per chalet.

Access and Car Parking:

The proponent shall provide appropriate access and carparking -

1. two car parking spaces being provided for each chalet and constructed to a gravel pavement finish (currently worded: 'constructed, properly drained and sealed') and properly drained to the satisfaction of the Manager of Works and Services;
2. access being approved by the Manager of Works and Services and crossovers constructed to the Council's design specifications and levels.

Water Supply:

The proponent shall provide a minimum of eighty thousand (80 000) litres per annum per chalet.

Fire Prevention Measures:

The proponent shall comply with the Council's Firebreak Order. A 2.5 kg dry powder fire extinguisher and fire blanket shall be provided in each individual kitchen.

Stormwater:

All stormwater run off from impervious surfaces being disposed of to the satisfaction of the Manager of Works and Services.

Waste Water:

The provision of a waste water and effluent disposal system in compliance with the Health Department of Western Australia's regulations and policies.

Building Code:

The buildings shall comply with the Building Code of Australia.

Fire Management:

A Fire Management Plan to the satisfaction of the Chief Bushfire Control Officer will be required for the land.

Future Owners – Notification of Conditions:

The landowner and all future landowners shall enter into a legal agreement with the Council to ensure the specific conditions are adhered to. A caveat, recognising this agreement, is to be lodged on the certificate of title.

Minimum Facilities:

The following minimum facilities shall be provided in each chalet:-

- ◆ Toilet
- ◆ Bathroom (may be combined with toilet)
- ◆ Kitchen
- ◆ Living area
- ◆ Laundry facilities (may be provided as a single detached facility for common use where more than one (1) chalet is approved) a maximum of fifty (50) metres from each chalet.

Location:

Proponents are encouraged to locate chalets at least 100metres away from neighbouring rural property boundaries to reduce any future potential conflict."

COMMENT:

It is suggested that the Council approve the policy update as reflected in the report and recommendation.

The Development Services Committee considered this issue at its meeting held on 07 March 2006 and concurred with the Chief Executive Officer's recommendation.

MOVED: Cr Moir

SECONDED: Cr Florey

That the Council adopts the amended 'Farm Chalet' Policy as presented in the detail of this report.

CARRIED 8/0

7.2.13 Bed and Breakfast Accommodation Policy - Proposed Advertising Amendments

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Will Pearce
Date Report Written: 28 February 2006
Enabling Legislation: Town Planning Scheme No 2
File: DE/29/001
Appendices: -

BACKGROUND:

The Bed and Breakfast Accommodation Policy requires proposals to be advertised prior to formal Council consideration.

It is suggested that in most cases, advertising may be deemed to be unnecessary due to the minimal impact B and Bs have on the immediate district when approved.

DETAIL:

The policy states in part-

Bed and Breakfast accommodation may only be located in the residential, urban, special rural or rural zones with the Council's approval.

Bed and Breakfast accommodation is a land use not listed in the Scheme. The Council in classifying this type of accommodation as a 'home occupation' deems such use to be an "SA" use under the scheme which is defined as 'a use that is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 3.5, which requires the following to be carried out:-

- 1 notice of the proposed development to be served on the owners and occupiers likely to be affected by the granting of planning approval stating that submissions may be made to the Council within 21 days of the service of such notice;*
- 2 notice of the proposed development to be published in a newspaper circulating in the scheme area stating that submissions may be made to the Council within 21 days from the publication thereof'.*

COMMENT:

Clause 2 would appear to be an onerous requirement on staff as well as provide unnecessary expense to the applicant who has to pay for these advertising costs.

General advertising of such proposals has not attracted any public submissions in the past 8 years.

The committee is also requested to require the CEO to carry out notification as per clause 1. Currently there is no power for the staff to provide notification to the surrounding residents.

It is suggested that the Council approve the proposal as reflected in the recommendation.

The Development Services Committee considered this issue at its meeting held on 07 March 2006 and concurred with the Chief Executive Officer's recommendation.

MOVED: Cr Florey

SECONDED: Cr Downing

That the Council amends its Bed and Breakfast Accommodation Policy by:-

1. deleting clause 2 of the advertising requirements;
2. replacing the words 'following to be carried out' with 'CEO to carry out the following'.

CARRIED 8/0

7.2.14 Lot 3 Scotts Brook Road, Boyup Brook – Planning Application for a Bed and Breakfast

<i>Proponent:</i>	<i>B & K Walker</i>
<i>Location:</i>	<i>Lot 3 Scotts Brook Road</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>02 March 2006</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>AS12227</i>
<i>Appendices:</i>	<i>1.2 - Map</i>

BACKGROUND:

The proponent has submitted a planning application to develop a 'Bed and Breakfast Accommodation' within their residence at Lot 3 Scotts Brook Road Boyup Brook.

DETAIL:

The dwelling is an existing brick and tile building with four (4) bedrooms and two (2) bathrooms located on a 'Residential' zoned lot. The lot is 300 ha in area.

The Council's 'Bed and Breakfast Accommodation' policy defines the use as a 'Home Occupation' because the land use has not been specifically listed in the Town Planning Scheme. The policy also states that 'Bed and Breakfast Accommodation' shall be deemed to be an 'SA' use under the scheme which is defined as '*a use that is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 3.5, which requires the following to be carried out:-*

- 1 *notice of the proposed development to be served on the owners and occupiers as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within 21 days of the service of such notice;*
- 2 *notice of the proposed development to be published in a newspaper circulating in the scheme area stating that submissions may be made to the Council within 21 days from the publication thereof'.*

As a consequence of these requirements, the Chief Executive Officer has:-

- 1 written to all adjoining owners and occupiers inviting submissions on the proposal;
- 2 advertised the proposal in the March 2006 issue of the Boyup Gazette also inviting submissions.

Submissions close on 27 March 2006.

To fully comply with the policy the proponent will need to:-

- 1 provide adequate fire protection by installing smoke alarms and fire extinguishers;
- 2 install lockable doors for all guestrooms.

COMMENT:

As public submissions close after the Council meeting, the applicants would appreciate approval as of 28 March, instead of waiting for a decision at the Council's 20 April meeting, should the Council receive no objections to the proposal.

Due to the low impact nature of the activity, this is not an unfair request.

This proposal would seem to have a negligible impact on surrounding properties and the general community.

It is suggested that the Council approve the planning application for a 'Bed and Breakfast Accommodation' at Lot 3 Scotts Brook Road Boyup Brook as of 28 March 2006 conditional on objections not being received by the Chief Executive Officer, subject to compliance with:-

- 1 Town Planning Scheme No. 2 in relation to the requirements of 'Home Occupations';
- 2 the Council's 'Bed and Breakfast Accommodation' policy.

The Development Services Committee considered this issue at its meeting held on 07 March 2006 and concurred with the Chief Executive Officer's recommendation.

MOVED: Cr Florey

SECONDED: Cr Martin

That the Council approves the planning application for a 'Bed and Breakfast' at Lot 3 Scotts Brook Road, Boyup Brook as of 28 March 2006 conditional on objections not being received by the Chief Executive Officer, subject to compliance with:-

- 1 Town Planning Scheme No. 2 in relation to the requirements of 'Home Occupations';**
- 2 the Council's 'Bed and Breakfast Accommodation' policy.**

CARRIED 8/0

Cr Downing declared a proximity interest in the item 7.2.15 and departed the Chambers the time being 4.06pm.

7.2.15 Lot 5 Barron Court, Boyup Brook - Request for Re-consideration of Planning Condition

<i>Proponent:</i>	<i>AJ & JA Casserly</i>
<i>Location:</i>	<i>Lot 5 Barron Court, Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>2 March 2006</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>AS12312</i>
<i>Appendices:</i>	<i>1.3 - letter</i>

BACKGROUND:

At its July 2005 meeting, the Council:-

"That the Council approves the planning application as presented for an oversized shed 300m² in area proposed for Lot 5 Barron Court, Boyup Brook subject to:-

1. the proposal complies with the Town Planning Scheme No.2;

2. the commercial activity does not entail the employment of any person not a member of the occupier's family
3. access being approved by the Manager of Works and Services;
4. all stormwater run off from impervious surfaces being disposed of to the satisfaction of the Manager of Works and Services;
5. the building complies with the Building Code of Australia;
6. compliance with the Council's 'Temporary Accommodation – Owner/Builder' policy and that the accommodation component of the shed discontinues being used as a residence on completion of the primary residence;
7. the shed being located outside the 'Building Envelope' with setbacks as presented;
8. roof and wall cladding material being made of non-reflective colorbond (the owner has the option of constructing the east-facing 10.0m wall of rammed-earth);
9. tree screening as proposed being maintained."

The proponent requests the Council to consider an alternative roofing material to the colorbond material referred to in condition 8.

DETAIL:

Lot 5 is a vacant lot with a gross area of 11.6ha, currently zoned "Special Rural No.4" (SR4).

The proposal involves the construction of a new 300m² steel framed/part rammed earth shed with a maximum height of 6.0m.

The proponent advises that the purpose of the shed is for storage of plant and vehicles for his rammed earth building business. No building activities will take place in the shed.

The proponent is requesting that the roof be allowed to be constructed of zincalume instead of colorbond.

Correspondence from the one and only affected neighbour supporting the request is attached.

COMMENT:

A site inspection by the Development Services Committee members prior to July 2005 meeting took place to become familiar with the issue first hand.

The new roof material will have a negligible impact on the surrounding area.

The CEO suggested that clause 8 of the oversized shed proposed for Lot 5 Barron Court, Boyup Brook, being item 7.2.1 of the July 2005 Council meeting, stating 'roof and wall cladding material being made of non-reflective colorbond' be amended by adding the following words ', or zincalume in the case of the roof' after the word 'colorbond'.

The Development Services Committee considered this issue at its meeting held on 07 March 2006 and concurred with the Chief Executive Officer's recommendation.

The committee was also informed that the proponent has commenced the building of the shed and has west-facing wall constructed of rammed earth wall on the instead of the east wall as allowed in the original approval.

The committee does not have an issue with this wall but believes clause 8 of the original approval should be amended to allow this to occur, as reflected in the recommendation.

The support of at least 3 Councillors was required prior to considering the following clause and subsequently given by Crs Florey, Marshall and Moir.

MOVED: Cr Martin

SECONDED: Cr Broadhurst

That clause 8 of item 7.2.1 of the July 2005 Council meeting relating to an oversized shed proposed for Lot 5 Barron Court, Boyup Brook and stating 'roof and wall cladding material being made of non-reflective colorbond (the owner has the option of constructing the east-facing 10.0m wall of rammed-earth)' be amended by:-

- 1) adding the following words ' , or zincalume in the case of the roof' after the word 'colorbond'.**
- 2) replacing the words 'the east-facing 10.0m wall,' with the words 'any or all walls with'.**

CARRIED 7/0

Cr Downing re-entered the meeting the time being 4.08pm

7.2.16 Economic Development Committee Minutes

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>8 March 2006</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>GO/37/005</i>
<i>Appendices:</i>	<i>1.4 Minutes</i>

BACKGROUND:

A meeting of the Economic Development Committee was held on the 1 March 2006.

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

MOVED: Cr Martin

SECONDED: Cr Oversby

That the minutes of the Economic Development Committee Meeting held on 1 March 2006, be received

CARRIED 8/0

MOVED: Cr Moir

SECONDED: Cr Oversby

That Council supports in-principle the relocation of the three train carriages, currently located at the Railway Station, to the 'Flax Mill Caravan Park' at a site to be determined for the purpose of providing quality short-term accommodation;

MOVED: Cr Marshall

SECONDED: Cr Moir

That this item be laid on the table.

CARRIED 6/2

MOVED: Cr Moir

SECONDED: Cr Broadhurst

That Council directs the CEO to investigate costings associated with refurbishing the railway carriages and 'front cottage' at the Flax Mill to a suitable accommodation standard;

CARRIED 7/1

MOVED: Cr Oversby

SECONDED: Cr Moir

That Council supports the concept of a 'town clock'.

CARRIED 5/3

Cr Oversby left the meeting the time being 4.20pm

Cr Oversby re-entered the meeting the time being 4.21pm

Crs Moir and Martin both declared an impartiality interest in the following item, being associated with the committee membership of the Wilga Progress Association.

7.2.17 Lots 300 (Reserve 20229) and 54 (Reserve 46750) Wilga – Proposed Lease with the Wilga Progress Association

Proponent: Wilga Progress Association
Location: Lots 300 (Reserve 20229) and 54 (Reserve 46750) Wilga
Reporting Officer: Will Pearce
Date Report Written: 7 March 2006
Enabling Legislation: Local Government Act 1995
File: AS12030, AS14103, AS30060, AS30106, AS30130
Appendices: 1.5 - Map, letter

BACKGROUND:

The Council at its 21 November 2002 Meeting resolved:-

That the Council, in relation to various lots in the Wilga townsite:-

1. *agrees to pay the Uniting Church the sum of \$2,000.00 by an ABSOLUTE MAJORITY for the dam, pumping equipment and reticulation located on Lot 54 Charteriss Road and the two dilapidated timber cottages (excluding Sherwood House) located on Reserve 40857 (lots 34 & 55);*
2. *requests the Department of Land Administration to:-*
 - a) *convert lot 54 Charteriss Road into a reserve vested in the Shire of Boyup Brook for the purposes of 'Recreation';*
 - b) *create a new reserve vested in the Shire of Boyup Brook amalgamating reserves 20229 (lot 20), 40857 (lots 34 & 55) and 29692 (lot 35) and a portion of location 6466 (Unallocated Crown Land) for the purposes of 'Recreation and Hall';*

3. *agrees to enter into a lease arrangement providing the Wilga Progress Association with the exclusive use of the two newly created reserves mentioned in clause 2 above, subject to standard leasing terms and conditions, on payment of \$2,000.00 to the Shire of Boyup Brook for the infrastructure mentioned in clause 1 above.*

The Department of Planning and Infrastructure (DPI), formerly the Department of Land Administration, approved the new reserves referred to clause 2 above – see appendix 1.5.

It is now necessary to consider offering a lease to the Wilga Progress Association.

DETAIL:

The Wilga Progress Association advised the Council in 2002 that it wishes to take control of various parcels of land within the Wilga townsite including:-

- Lot 54 Charteriss Road – crown land that is currently leased to the Uniting Church by the Department of Land Administration (DOLA). This lot has a dam which supplies Uniting Church buildings, the Wilga hall and a residence in the Wilga townsite.
- Reserve 20229 is a reserve vested in the Shire of Boyup Brook for the purposes of recreation.
- Reserve 40857 (lots 34 & 55) are reserves vested in the Uniting Church for their Outreach Program. This reserve currently has two dilapidated timber cottages and a re-locatable house, commonly known as Sherwood House, that is in good condition.
- Reserve 29692 is a reserve vested in the Shire of Boyup Brook for the purposes of the local town hall.
- Portion of location 6466 (Unallocated Crown Land), surrounding Reserve 29692, is currently incorporated into a Sawmill Permit area leased to the Adelaide Timber Company by CALM that includes the Wilga Timber Mill (location 6466 is intersected by several roads within the Wilga townsite).

COMMENT:

The rationalisation of all the reserves mentioned above has been approved by the DPI.

The Uniting Church has relinquished the land and has been paid \$2,000 by the shire for the buildings.

Should the Association take on the subject land, it would be necessary that the proposed lease would ensure the continued supply of water from the dam on lot 54 to the existing supplied properties (several properties located outside the leased area including a residence located on reserve 41637 are supplied with this water).

It is suggested that the Council consider the recommendation above.

Mr Ian Muir departed the meeting the time being 4.26pm.

MOVED: Cr Oversby

SECONDED: Cr Martin

That the Council approves the:-

1. **Chief Executive Officer being delegated authority to liaise with the Wilga Progress Association offering a “Deed of Lease” on the following terms and conditions:-**

- **Lessee**
Wilga Progress Association
- **Description of Property**

Lots 300 (Reserve 20229) and 54 (Reserve 46750) Wilga

- **Term**
5 years, commencing 01 July 2006 and terminating 30 June 2011
- **Rental**
\$1 per year
- **General Lessor Covenant**
To commit the lessee to peacefully and quietly enjoy the property for the term of the lease without any lawful interruption by the lessor
- **General Lessee Covenant**
 - To comply with and observe any acts of parliament and all local laws, by-laws and orders relating to the leased premises
 - Hold public liability insurance cover of \$10M at its expense
 - To keep all buildings and other improvements now or hereafter in good and tenable and serviceable repair and condition
 - To make payment of \$2,000 as reimbursement for the purchase of the on-site buildings
 - Not to use the property for purposes other than that for recreational and hall purposes
 - To ensure that all current dam users continue having access to his resource
 - Not without the written consent of the lessor, which consent shall not be unreasonably withheld:-
 - to remove or (structurally) alter any buildings, erections or fences or construct any buildings now or hereinafter
 - to assign, transfer or part with the possession of the property
 - to grant any license or easement for the use of the land
 - To permit the Lessor or its agents access at all reasonable times to examine the state of repair
 - To make good all defects/repairs caused by the lessee which the Lessor or its Agents determine necessary within a reasonable period of time
 - Not to do or permit on the property anything which may be or become a nuisance to adjoining owners and occupiers
 - Not knowingly to do or permit on the property anything which may render insurance voidable
 - That all buildings and other structural improvements will remain the property of the lessor;
- 2. the Chief Executive Officer to prepare a “Deed of Lease” upon confirmation of acceptance from the Wilga Progress Association of clause 1 above;
- 3. “Deed of Lease” subject to acceptance by the Wilga Progress Association, being executed by the Shire President and Chief Executive Officer;

4. **Seal of the Shire of Boyup Brook being placed on the “Deed of Lease” subject to clause 3 above.”**

CARRIED 8/0

7.2.18 Tender 06-011 – Disposal of 1 Short Street, Boyup Brook

Proponent: Shire of Boyup Brook
Location: 1 Short Street, Boyup Brook
Reporting Officer: Will Pearce
Date Report Written: 7 March 2006
Enabling Legislation: Local Government Act 1995
File: EQ/57/001
Appendices: 1.6 – See Confidential Appendices
1.7 – See Confidential Appendices

BACKGROUND:

At its February 2006 meeting, Council Resolved:

That the Council delegates authority to the CEO to re-advertise the disposal of the property by tender pursuant to section 3.58 of the Local Government Act 1995 subject to the property being used for light industrial purposes.

At its November 2005 meeting, the Council resolved:-

1. receives the valuation of 1 Short Street, Boyup Brook from Hegney Valuations of \$150,000;
2. Delegates authority to the CEO to advertise the disposal of the property by tender pursuant to section 3.58 of the Local Government Act 1995 subject to the property being used for light industrial purposes.

Advertising has closed and it is now necessary to consider the tenders submitted.

DETAIL:

Initial tenders were advertised on 07 and 21 January 2006 calling for the disposal of 1 Short Street, Boyup Brook and closed on 03 February 2006.

Four submissions were received (see confidential appendix 1.6), as follows-

- | | |
|-------------------|---|
| ➤ G & L Coote | No value provided – Expression of interest only |
| ➤ M & M Brlevich | \$150,000 |
| ➤ J & D Mansfield | \$150,000 |
| ➤ D & R Peck | \$138,000 |

Tenders were re-advertised on 22 and 25 February 2006 calling for the disposal of 1 Short Street, Boyup Brook and closed on 8 March 2006

Five submissions were received (see confidential appendix 1.7), as follows-

- | | |
|-------------------|------------------------------|
| ➤ G & L Coote | withdrew previous submission |
| ➤ M & M Brlevich | \$155,000 |
| ➤ J & D Mansfield | \$150,000 |

➤ D & R Peck	\$156,000
➤ S Biluta	\$100,000

The following information was presented to the February 2006 Council meeting-

"1 Short Street is currently is being rented for housing through Western Districts Realty for \$100 per week to Ms T Fried. The house is 40 year old weatherboard 3 bedroom residence.

The lot has an area of 5,000m2 and is zoned 'Light Industrial' (see plan –confidential appendix).

Section 3.58 of the Local Government Act states:-

'3.58. Disposing of property

(1) *In this section -*

"dispose" *includes to sell, lease, or otherwise dispose of, whether absolutely of not;*

"property" *includes the whole or any part of the interest in local government in property, but does not include money.*

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned;*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.'*

(4) *The details of the proposed disposition that are required by subsection (3)(a)(ii) include -*

(a) *the name of all other parties concerned;*

(b) *consideration to be received by the local government for the disposition; and*

(c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

Valuation of the property was not available at the time of preparing this report. It will be available for the meeting.

Should the Council wish to sell the lot, it will be required to do so by delegating authority to the CEO to either auction, tender or advertise the sale of the land following the processes outlined in the Sec 3.58 (2) and/or (3) of the Local Government Act 1995.

Council may wish to sell the land with or without conditions outright to Ms Fried. To do so will requiring delegating authority to the CEO to negotiate a priced and then advertising the proposal under Sec. 3.58(3)(a) of the Act prior to formal approval/rejection by the Council.

The property is a quite a significant asset due to its industrial zoning. It also has a house on it which could be a caretaker's residence if the land is ever developed or utilized for a business.

Another option would be to refer the matter to the Economic Development Committee to consider the best use of this 'light industrial' block, especially in light of current shortages of this type of land in the district."

COMMENT:

The advertising has provided the Council with several business opportunities that are all worthy and promising if successful.

Open discussion is suggested to deal with the submissions prior to deciding on the lot's future. Options available to the Council include—

- 1) not selling the property at this point in time;
- 2) selling the property to one of the tenderers;
- 3) referring the future use of the property to the Economic Development Committee and requiring it to investigate development options on behalf of the Council.

Each submission has its merits. The proposed plumbing business would be a valuable asset to the wider community as well as employing people. The tendered has also offered the highest price.

It is suggested that the recommendation above is considered which incorporates a clause to ensure that the property will be used for light industrial purposes but allows the existing residential dwelling to continue to be used for accommodation pursuant to the Town Planning scheme No. 2.

MOVED: Cr Florey

SECONDED: Cr Broadhurst

That in accordance with Section 5.23 (2) (b) of the Local Government Act 1995 the next part of the meeting be closed to members of the public to allow the Council to consider a matter dealing with the personal affairs of a person and the Council go into committee to allow members free discussion on the matter, the time being 4.33pm.

CARRIED 8/0

Mr John Imrie, Mr Mark Brlevich and Mrs Brlevich left the meeting, the time being 4.33pm.

MOVED: Cr Moir

SECONDED: Cr Marshall

In accordance with Section 5.23 (2) of the Local Government Act 1995 the next part of the meeting is open to the members of the public and the Council come out of committee, the time being 4.35pm.

CARRIED 8/0

Mr John Imrie. Mr Mark Brlevich and Mrs Brlevich re-entered the meeting the time being 4.35pm

Cr Piper entered the meeting the time being 4.40pm.

MOVED: Cr Broadhurst

SECONDED: Cr Downing

That the Council delegates authority to the Chief Executive Officer to:-

- 1) **sell lot 333 Short Street, Boyup Brook for \$156,000 to D and R Peck pursuant to sec. 3.58 (2)(b) of the Local Government Act 1995;**

- 2) place a caveat or Sec 70A notification, whichever is appropriate, on the land title for lot 333 Short Street, Boyup Brook requiring that the property is to be used for light industrial and residential purposes only, pursuant to the Shire of Boyup brook Town Planning Scheme No. 2.

CARRIED 9/0

MOVED: Cr Downing

SECONDED: Cr Oversby

That the funds raised from the sale of lot 333 Short Street, Boyup Brook be placed in the 'Commercial Reserve' and 'flagged' for light industrial use.

CARRIED 7/2

It was requested that the votes for and against be minuted -

Crs Ginnane, Broadhurst, Downing, Florey, Marshall and Oversby voted for the motion.

Crs Moir and Piper voted against this motion.

Mr Brlevich and Mrs Brlevich left the meeting the time being 4.48pm.

7.3 CORPORATE SERVICES

7.3.1 Accounts for Payment and Financial Status

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Keith Jones</i>
<i>Date Report Written:</i>	<i>10 March 2006</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>FM/10/003</i>
<i>Appendices:</i>	<i>1.8 – Payments – 1.9 - Statement</i>

BACKGROUND:

A monthly financial report is presented for consideration.

DETAIL:

The accounts for payment up to 10 March 2006 are attached (see Appendix 1.9).

The Account Balances for the various accounts as at 28 February 2006 are:-

• Municipal Account	\$268,694.21
• Shire Clerk Advance	\$ 3091.41
• Shire Medical Account	\$ 56,666.34
• Trust Account	\$ 35,577.59

Investments secured with the Commonwealth Bank maturing 31 March 2006 are:-

- Reserves Account Term Deposit \$ 556,732.73 @ 5.70%

As at 10 March 2006 \$215354.54 in rates was outstanding.

As at 10 March 2006 Sundry Debtors was \$ 85389.78 and Sundry Creditors was nil.

MOVED: Cr Florey

SECONDED: Cr Downing

That the accounts as presented totaling \$ 232951.32 as-

1 cheque voucher numbers 14645, 14713-14798 be approved for payment;

2 paid by-

- a) direct electronic payments through the Municipal Account;**
- b) cheque voucher numbers 2050-2051 paid through the Chief Executive Officer's Advance Account;**

be endorsed.

CARRIED 9/0

7.3.2 Warren Blackwood Economic Alliance Minutes

<i>Proponent:</i>	<i>Warren Blackwood Economic Alliance</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>9 March 2006</i>
<i>Enabling Legislation:</i>	<i>-</i>
<i>File:</i>	<i>GR/31/006</i>
<i>Appendices:</i>	<i>1.10 - Minutes</i>

BACKGROUND:

A meeting of the Warren Blackwood Economic Alliance was held on 28 February 2006.

Minutes of the meeting are laid on the table and circulated (refer to appendix 1.10).

MOVED: Cr Broadhurst

SECONDED: Cr Moir

That the minutes of the Warren Blackwood Economic Alliance held on 28 February 2006 be received.

CARRIED 9/0

The Chief Executive Officer declares a financial interest in the following item.

7.3.3 Chief Executive Officer – Performance Review

<i>Proponent:</i>	<i>Will Pearce</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>28 February 2006</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>9/2</i>
<i>Appendices:</i>	<i>1.11 – See Confidential Appendices</i>

BACKGROUND:

The contract of employment for the Chief Executive Officer requires that a performance review be conducted on an annual basis.

The anniversary of employment for the CEO is 23 April 2006.

DETAIL:

The employment contract for the Chief Executive Officer requires that a performance review be conducted on the following basis:-

4.4 A performance review conducted under this Clause 4 shall take the format of the following procedure:

- (a) as soon as practicable after receipt of notice pursuant to Clause 4.2, the Officer will prepare a report assessing the Officer's own performance of the Officer's obligations under this document measured against the Position Description and the Performance Criteria;*
- (b) the Officer will present his report to Council. and be available for interview;*
- (c) within one month of the conclusion of the performance review the Council shall prepare a report, in consultation with the Officer, to be signed by both the Council and the Officer, such report to include:
 - (i) any conclusion about the Officer's performance during the period the subject of the performance review;*
 - (ii) any proposal by either party to vary the Performance Criteria as a consequence of the performance review and any comments by the Officer on any such proposal;*
 - (iii) any directions or recommendations made to the Officer in relation to future performance by the Officer of the Officer's obligations under this document; and*
 - (iv) details of the extent, if any, to which the Officer disagrees with any statement in the report.**

The Council can delegate the task of reviewing the CEO's performance to nominated persons.

The Chief Executive Officer's self assessment, as required under the contract, is attached – please see confidential appendices.

COMMENT:

That:-

1. the Performance Review – Self Assessment of the Chief Executive Officer, be received;
2. a Performance Review Committee be established comprising of Councillors _____ (appoint up to 9 Councillors) to meet with the CEO on _____ and provide a report as outlined in clause 4.4 of the employment contract to the May 2006 Council meeting.

MOVED: Cr Oversby

SECONDED: Cr Broadhurst

That in accordance with Section 5.23 (2) (b) of the Local Government Act 1995 the next part of the meeting be closed to members of the public to allow the Council to consider a matter dealing with the personal affairs of a person and the Council go into committee to allow members free discussion on the matter, the time being 5.08 pm.

CARRIED 9/0

Mr John Imrie, Mr John Eddy and Mr Keith Jones left the meeting the time being 5.08pm.

MOVED: Cr Oversby

SECONDED: Cr Martin

That the Performance Review – Self Assessment of the Chief Executive Officer, be received.

CARRIED 9/0

MOVED: Cr Oversby

SECONDED: Cr Piper

That a Performance Review Committee be established comprising of Councillors Ginnane, Piper and Broadhurst to meet with the CEO on a date to be advised and provide a report as outlined in clause 4.4 of the employment contract to the May 2006 Council meeting.

CARRIED 9/0

MOVED: Cr Oversby

SECONDED: Cr Broadhurst

In accordance with Section 5.23 (2) of the Local Government Act 1995 the next part of the meeting is open to the members of the public and the Council come out of committee, the time being 5.17pm.

CARRIED 9/0

Mr John Imrie, Mr John Eddy and Mr Keith Jones re-entered the meeting the time being 5.17pm.

7.3.4 Daylight Savings

<i>Proponent:</i>	<i>Western Australian Local Government Association</i>
<i>Location:</i>	-
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>2 March 2006</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>GR/31/002</i>
<i>Appendices:</i>	-

BACKGROUND:

The WA Local Government Association (WALGA) is seeking Council's position on the issue of Daylight Savings Time to ascertain whether this is a matter of importance for Local Government throughout the State.

DETAIL:

Correspondence was received from WALGA as follows:

Recent articles in the media have raised the issue of Western Australia's lack of daylight savings reform and the potential impact on the West Australian economy and community. Western Australia along with Queensland and the Northern Territory are the only States and Territory not to utilise DST.

In response to these concerns a number of Councils have requested feedback from Local Governments to ascertain whether WALGA should develop a Local Government policy position in relation to daylight savings.

At present 70 out of 268 nations utilise Daylight Saving Time (DST) in at least some portion of the country, including Australia. Japan is the only major industrialised country not to have introduced DST.

Background – Daylight Savings Time in Australia

In Australia, DST was first introduced during World War I from 1 January 1917 to 25 March 1917 and during World War II for three summers, beginning on 1 January 1942, under Commonwealth legislation which, due to wartime emergency, was binding to all States.

Western Australia did not use DST during the summer of 1943.

In 1967, Tasmania experienced a drought which depleted their reserves of water. The State Government introduced one hour of DST that summer as a means of saving power and water. Tasmanians reacted favourably to DST and the Tasmanian government has declared DST each summer since 1968. After persuasion by the Tasmanian Government, all states (except WA and the Northern Territory) passed legislation in 1971 for a trial season of DST. The following year New South Wales, South Australia and Victoria joined Tasmania for regular DST. Queensland did not do so until 1989 and only then for a trial period of one summer.

In response to the problems caused by the lack of DST uniformity, a Private Members Bill, the *National Measurement (Standard Time) Amendment Bill 1991*, was introduced to Federal Parliament in May 1991 by Ron Edwards, the former Member for Stirling (1983 – 1993) in WA. The aim of the Bill was to define a national system of time zones and DST for Australia and its external territories

In March 1992, the Federal Government decided to not proceed with the bill, and the setting of time zones and daylight saving remains the responsibility of the State and Territory Governments. At present New South Wales, Victoria, Tasmania, South Australia and the ACT use DST.

Western Australia – Daylight Savings Time Referenda

In Western Australia there have been three referenda that have rejected the implementation of DST, the most recent being 13 years ago.

The first DST referendum was held on 8th March 1975 and posed the question:

Are you in favour of the standard time in the State being advanced one hour from the last Sunday in October in each year until the first Sunday in March next following?

The outcome was the proposal to make DST permanent after a trial period was rejected.

The second DST referendum was on 7 April 1984 and posed the question:

Are you in favour of the standard time in the State being advanced one hour from the last Sunday in October in each year until the first Sunday in following March?

The proposal to make DST permanent was again rejected.

A third referendum was held on 4 April 1992 and posed the question:

Are you in favour of the standard time in the State being advanced one hour from the last Sunday in October 1992 until the first Sunday in March 1993 and in a similar fashion for each year thereafter?

Again the proposal to make DST permanent was rejected.

At present the Queensland State government is holding two e-petition the first which supports the introduction of DST began on 12 October 2005 and is due to be completed on 12 March 2006. At present 58,733 e-petitions have been signed in support of the introduction of DST. The second began on 31 October and is again due to be completed on 12 March 2006. This petition wants to stop the introduction of DST and 6,862 e-petitions have been signed. Further information on this process can be obtained by accessing the Queensland Government website www.qld.gov.au and enter 'e-petitions' as a search criteria.

Your Feedback Sought

There has been great debate on this issue with a number of positives and negatives being highlighted.

The positives are generally associated with economic, environmental and lifestyle gains especially those involved in business with the Eastern States. Supporters highlight how daylight saving aligns working and living hours with the sunlight in the hope of reducing community energy consumption.

Those opposed to DST highlight that the benefits are linked more closely to those living in cities, than those living in rural and remote areas. Negatives are also closely associated with those in the construction and building industry, small business and agricultural and farming industry.

The WA Local Government Association team is seeking your thoughts on this issue to ascertain whether this is a matter of importance for Local Government in Western Australia. A Fax Back is attached and your timely comments would be appreciated

After three referenda, all of which have rejected the permanent introduction of daylight savings time, Western Australia, Queensland and the Northern Territory do not subscribe to a permanent daylight savings time system.

COMMENT:

WALGA asks-

Question 1a: Does your Council **support** the introduction of Daylight Savings Time in Western Australia?

Answer: Please elaborate why?

Question 1b: Does your Council oppose the introduction of Daylight Savings Time in Western Australia?

Answer: Please elaborate why?

Question 2: Is Daylight Saving Time a Local Government issue that members would like WALGA to pursue? Yes or No

Due to the political nature of DST, the CEO believes that staff should not have any input into the decision-making process on this issue.

MOVED: Cr Broadhurst

SECONDED: Cr Oversby

That the Council does not support the introduction of Daylight Savings Time.

CARRIED 9/0

MOVED: Cr Moir

SECONDED: Cr Downing

That Council does believe that the WA Local Government Association should pursue the rejection of Daylight Savings Time as an issue.

CARRIED 8/1

7.3.5 Executive Functions

Proponent: Shire of Boyup brook
Location: -
Reporting Officer: Will Pearce
Date Report Written: 3 March 2006
Enabling Legislation: Local Government Act 1995
File: CM/29/001
Appendices: -

BACKGROUND:

The Local Government Act 1995 requires that the Council satisfy itself that it has performed its executive functions satisfactorily.

DETAIL:

The Act states-

“Performing Executive Functions

- 3.18 (1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.
- (2) In performing its executive functions, a local government may provide services and facilities.
- (3) A local government is to satisfy itself that services and facilities that it provides –
- (a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body.
 - (b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private and;
 - (c) are managed efficiently and effectively.”

COMMENT:

The Department of Local Government and Regional Development now require that this Council duty be included in the annual Statutory Compliance Audit – please refer to agenda item.

This ‘duty’ is an ongoing responsibility of the Council and staff. The department has seen fit to formalise the duty for auditing purposes.

MOVED: Cr Florey

SECONDED: Cr Downing

That the Council is satisfied that it is performing its executive functions in a satisfactory manner pursuant to Sec. 3.18 of the Local Government Act 1995.

CARRIED 9/0

7.3.6 2005 Statutory Compliance Audit

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Will Pearce
Date Report Written: 7 March 2006
Enabling Legislation: Local Government Act 1995
File: FM/09/004
Appendices: 1.11 - Compliance Audit Return

BACKGROUND:

The Statutory Compliance Return for the period 1 January 2005 to 31 December 2005 is presented to the Council for adoption.

DETAIL:

The return is required to be presented to the Council for adoption and forwarded to the Department of Local Government and Regional Development by the end of March annually. The Chief Executive Officer together with the President is responsible for completion of the return certification.

The return is divided into various sections ranging from certifying compliance with the Local Government Act 1995 and subsidiary regulations for disposition of properties, delegations, disclosure of financial interest to financial reporting.

The return has been completed and with the exception of the sections indicated in the return has been met (see appendix 1.11).

The identified areas of non-compliance have been noted in the return.

COMMENT:

The items of non-compliance are not considered significant in the context of the numerous functions contained in the Compliance Return.

It is recommended that the Compliance Return be adopted and the Executive Director of the Department of Local Government and Regional Development be advised that the sections of non-compliance have been, or will be as the case may be, remedied or not considered to have any impact on the good and proper governance of the shire.

MOVED: Cr Downing

SECONDED: Cr Martin

That the Council move into a committee of the whole under clause 15.6 of the shire's Local Law No.1 - Standing Orders to allow members free discussion on the matter.

CARRIED 9/0

MOVED: Cr Downing

SECONDED: Cr Martin

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

MOVED: Cr Moir

SECONDED: Cr Oversby

That the Statutory Compliance Return for the period 1 January 2005 to 31 December 2005 be forwarded to the Department of Local Government and Regional Development.

CARRIED 9/0

7.3.7 'Swimming Pool' Policy – Review of Opening Times

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Keith Jones
Date Report Written: 09 March 2006
Enabling Legislation: Local Government Act 1995
File: RE/45/002
Appendices: 1.12 - Letter

BACKGROUND:

A request from the Oldham Family has been received to continue the extended opening hours of the Swimming Pool to the end of the season (see appendix 1.12).

DETAILS:

The following motion was carried in December 2005-

That the Council by an ABSOLUTE MAJORITY:-

1. in addition to the 'Swimming Pool' policy opening hours, increase the Boyup Brook Swimming Pool hours for-
 - a) January 2006 by remaining open between 12.30pm and 1.30pm on Saturdays and Sundays; and
 - b) February 2006 by being open on Tuesdays from 10am – 6pm and between 12.30pm and 1.30pm from Wednesdays to Mondays ;
2. approve under Schedule 11 Operating Expenditure allocations of the 2005/06 budget that-
 - a) 'E112005 – Swimming Pool Maint' of \$76,338.20 be increased to \$79,515.22, and
 - b) 'E112011 – Loan Interest upgrade pool bowl' of \$8,207.08 be reduced to \$5,030.06.

The financial impact on this decision has been calculated to the end of the season but the motion only included extended opening hours until the end of February 2006.

COMMENT:

As there is already funds budgeted for the end of season it seems reasonable to continue the extended hours until April 2006.

It is suggested that the Council in addition to the 'Swimming Pool' policy opening hours, increase the Boyup Brook Swimming Pool hours for March and April 2006 by being open on Tuesdays from 10am – 6pm and between 12.30pm and 1.30pm from Wednesdays to Mondays.

MOVED: Cr Florey

SECONDED: Cr Broadhurst

That the Council in addition to the 'Swimming Pool' policy opening hours, increase the Boyup Brook Swimming Pool hours for March and April 2006 by being open on Tuesdays from 10am – 6pm and between 12.30pm and 1.30pm from Wednesdays to Mondays.

CARRIED 9/0

It was requested that the votes for and against be minuted -
Crs Ginnane, Broadhurst, Florey, Moir, Piper and Oversby voted for the motion.

Crs Downing and Marshall voted against the motion.

8 PETITIONS AND MEMORIALS

Nil

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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 5.55pm.

These Minutes and Schedule of Accounts were confirmed by the Council at the Council Meeting held on the 20 April 2006.

Cr Terry Ginnane, Shire President