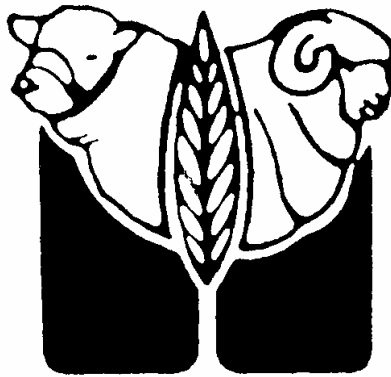


MINUTES



ORDINARY MEETING

HELD

THURSDAY, 16 APRIL 2009

COMMENCED AT 3.30PM

AT

SHIRE OF BOYUP BROOK CHAMBERS
ABEL STREET – BOYUP BROOK

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

1.1 Attendance

Cr R Downing – Shire President
Cr P Marshall – Deputy Shire President
Cr S Broadhurst
Cr M Giles – (entered at 3.32pm)
Cr T Ginnane
Cr K Lamshed
Cr E Muncey
Cr B O’Hare
Cr A Piper

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr Keith Jones (Manager of Finance)
Mr John Eddy (Manager of Works and Services)
Mrs Maria Lane (Executive Assistant)

PUBLIC: Mr & Mrs Sutcliffe – (left at 5.13pm)
Ms Lyn Mann – (left at 5.13pm)
Mr Tony Goode – (Warren Blackwood Strategic Alliance
– Executive Officer) (left at 3.55pm)

1.2 Apologies

Nil

1.3 Leave of Absence

Nil

2 PUBLIC QUESTION TIME

Nil

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

Nil

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Tony Goode from the Warren Blackwood Strategic Alliance gave a presentation on the overview as to the role of the Alliance and what matters are currently being focused on and what directions they will work towards in the future.

3.55pm – Mr Tony Goode left the Chambers
3.55pm – Cr Giles left the Chambers
3.58pm – Cr Muncey left the Chambers
3.59pm – Cr Muncey returned to the Chambers
4.04pm – Cr Giles returned to the Chambers

Cr O'Hare reported on the Benjinup Ward Meeting held in Wilga on the 15th April 2009. 20 people from all around turned up to the meeting; they discussed matters about the Heated Lap Pool, which they supported, they also discussed the airstrip and how it should be a priority, they also mentioned the Flax Mill, they were neither for or against it.

Cr Broadhurst spoke about Blackwood River Valley Marketing Association road signs and brochures.

Cr Marshall attended Camp Quality at the Flax Mill on 14th April 2009, well attended and appreciative of the venue.

5 CONFIRMATION OF MINUTES

5.1 Ordinary meeting of Council 19 March 2009.

OFFICER RECOMMENDATION – ITEM 5.1

That the minutes of the Ordinary Meeting of Council held on Thursday 19 March 2009, be confirmed as an accurate record.

COUNCIL DECISION – ITEM 5.1

MOVED: Cr Giles

SECONDED: Cr Piper

That the minutes of the Ordinary Meeting of Council held on Thursday 19 March 2009, be confirmed as an accurate record subject to the following amendment:-
Page 30 – Item 7.3.3 – delete the word 'delegate' and replace with 'appoint' in the council resolution.

CARRIED 9/0

Res 083/09

6 PRESIDENTIAL COMMUNICATIONS

9 April Attended Boyup Brook High School Anzac Commemoration Service

15 April Accompanied by Mr Alan Lamb CEO, had discussions with President and CEO of Donnybrook Balingup Shire Council.

 Attended Benjinup Ward Electors meeting, organised by Councillors Muncey and O'Hare.

7 REPORTS OF OFFICERS

7.1 MANAGER WORKS & SERVICES

Nil

7.2 MANAGER – FINANCE

7.2.1 Accounts for Payment

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>9 April 2009</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – List of Accounts Paid</i>

SUMMARY

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

BACKGROUND

Invoices have been received during the month of March 2009.

COMMENT

Accounts are presented for consideration (see appendix 7.2.1) or where paid by direct debit pursuant to the Council's "Authorisation to Make Payments" policy.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

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

POLICY IMPLICATIONS

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

BUDGET/FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2008/09 or authorized by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 7.2.1

MOVED: Cr Giles

SECONDED: Cr O’Hare

That the payment of accounts for March 2009 as presented totalling \$664,695.86 and as represented by cheque voucher numbers 17389 – 17432 totalling \$84,325.11, and accounts paid by direct electronic payments through the Municipal Account totalling \$580,370.75 be endorsed.

CARRIED 9/0

Res 084/09

7.2.2 March 2009 Monthly Statements of Financial Activity

<i>Location:</i>	<i>Not applicable</i>
<i>Applicant:</i>	<i>Not applicable</i>
<i>File:</i>	<i>FM/10/003</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>9 April 2009</i>
<i>Author:</i>	<i>Keith Jones – Manager of Finance</i>
<i>Authorizing Officer:</i>	<i>Not applicable</i>
<i>Attachments:</i>	<i>Yes – Financial Reports</i>

SUMMARY

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended 31 March 2009, and Investment Schedule for the month ended 31 March 2009.

BACKGROUND

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

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

The regulations also prescribe the content of the report.

The reports are attached – see appendix 7.2.2

COMMENT

Nil

CONSULTATION

Nil

STATUTORY OBLIGATIONS

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

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 7.2.2

MOVED: Cr Giles

SECONDED: Cr Ginnane

That the March 2009 Monthly Statements of Financial Activity as presented, be received.

CARRIED 9/0

Res 085/09

7.3 **CHIEF EXECUTIVE OFFICER**

7.3.1 Annual Compliance Audit Return 2008

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>FM/9/004</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>7 April 2009</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>N/A</i>
Attachments:	<i>Yes – Boyup Brook Compliance Audit Return 2008</i>

SUMMARY

The purpose of this report is to present to Council the Annual Compliance Return for Council adoption.

BACKGROUND

The Local Government (Audit) Regulations 1996, Section (14) requires Local Governments to carry out a Compliance Audit for the period 1st January to 31st December in each year. Section (13) of the regulations outlines the sections of the Act & Regulations that are subject to audit.

The Department of Local Government and Regional Development has provided the compliance form approved by the Minister for completion and presentation to Council for adoption.

Section (15) of the Regulations require that a certified copy of the return presented and adopted by Council be sent to the Director General of Department of Local Government by 31st March each year, together with a copy of the minutes referring to this matter. The report is to be certified by the Shire President and Chief Executive Officer.

COMMENT

The completed Compliance Return is attached and the “comment” section of the compliance report provides some information in relation to the areas of non compliance.

CONSULTATION

Manager of Finance – Keith Jones
Manager of Works and Services – John Eddy
Environmental Health/Building Officer – Wayne Jolley
Finance Officer – Kay Raisin
Administration Staff

STATUTORY OBLIGATIONS

Local Government Act 1995 Section 7.13(1(i))
Local Government (Audit) Regulations 1996 Sections (13) (14) & (15)

POLICY IMPLICATIONS

No specific policy in relation to compliance as it is covered by legislation

BUDGET/FINANCIAL IMPLICATIONS

The cost of completing the Compliance Audit is within the existing budget; however a high level of non compliance can lead to unnecessary additional expenditure.

STRATEGIC IMPLICATIONS

A high level of compliance will allow staff to spend more time on matters relating to the delivery of services and future planning.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 7.3.1

MOVED: Cr O’Hare

SECONDED: Cr Broadhurst

That the Council adopts the Annual Compliance Report for 2008, and the Shire President and Chief Executive Officer certify the return for submission to the Department of Local Government and Regional Development.

CARRIED 9/0

Res 086/09

7.3.2 AASB 1051 Land Under Roads Recognition

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>LN/42/001</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>7 April 2009</i>
Author:	<i>Alan Lamb, Chief Executive Officer</i>
Authorizing Officer:	<i>Not Applicable</i>
Attachments:	<i>nil</i>

SUMMARY

The Australian Accounting Standards Board 1051.8 (AASB 1051.8) Land Under Roads acquired on or before 30 June 2008 in Western Australia need not be recognised, however the Council must make an election to indicate this.

BACKGROUND

An entity may elect to:

- recognise (including continue to recognise or to recognise for the first time), subject to satisfaction of the asset recognition criteria: or
- not to recognise (including continue not to recognise or to derecognise).

as an asset, land under roads acquired before the end of the first reporting period ending on or after 31 December 2007 (i.e. 30 June 2008).

In Western Australia, it means we can continue to ignore any land under roads acquired prior to 30 June 2008.

However, to do so, must make an election as follows:

AASB 1051.9

An entity shall make a final election under paragraph 8 effective as at the first day of the next reporting period following the end of the first reporting period ending on or after 31 December 2007 (i.e. effective as at 1 July 2008).

Any adjustments arising from a final election made effective as at that first day shall be made against the opening balance of accumulated surplus (deficiency) of that next reporting period.

COMMENT

The auditors are recommending that Council make a final election not to recognise land under roads acquired before 30 June 2008. This must be a resolution of Council and can be made anytime between now and 30 June 2009 but **MUST** be made by 30 June 2009.

CONSULTATION

Manager of Finance – Keith Jones
Auditor – Russell Barnes (UHY Haines Norton)

STATUTORY OBLIGATIONS

Australian Accounting Standards Board 1051

POLICY IMPLICATIONS

No specific policy in relation to compliance as it is covered by legislation

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental:**
There are no known environmental issues at this stage.
- **Economic:**
There are no known economic issues at this stage.
- **Social:**
There are no known social issues at this stage.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 7.3.2

MOVED: Cr Giles

SECONDED: Cr Lamshed

That in accordance with AASB 1050 – Land under Roads the Council elects to continue not to recognise land under roads acquired on or before 30 June 2008.

CARRIED 9/0

Res 087/09

7.3.3 Boyup Brook Lot 52, Reserve 21991

Location:	<i>Boyup Brook District</i>
Applicant:	<i>Department for Planning and Infrastructure</i>
File:	<i>Res 21991</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>8 April 2009</i>
Author:	<i>Alan Lamb, Chief Executive Officer</i>
Authorizing Officer:	<i>Not Applicable</i>
Attachments:	<i>Yes – Correspondence from DPI</i>

SUMMARY

The Department for Planning and Infrastructure (DPI) seeks comments on future use of the reserve and it is recommended that Council indicate it has no future use for it.

BACKGROUND

Lot 52 is a vacant block in Inglis Street between Abel Street and Forrest Streets. It is a Crown Reserve for “Shire Purposes” but the lot is not managed by the Shire.

DPI has had an enquiry regarding the sale of this lot and seeks Councils comments before considering this.

COMMENT

The history of this lot is not know however is suspected it may have been reserved for the Shire (or Roads Board) years ago for uses such as staff housing. The reserve is not managed (in the old terms it is not vested in any public authority) and so comes under the control of State Land Services (a part of DPI).

Council could seek to have the reserve placed under its control for a possible future use or support its sale. The latter is recommended provided the sale is conditional on it being built on (i.e. a residential construction) within no more than two years.

DPI is constrained in how it disposes of land assets the same way that Council is, i.e. it is required to call tenders or conduct an auction.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The sale to a private individual would result in the property becoming rateable.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental:**
There are no known environmental issues at this stage
- Economic:**
There are no known economic issues at this stage.
- **Social:**
There are no known social issues at this stage.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 7.3.3

MOVED: Cr Broadhurst

SECONDED: Cr O’Hare

That the Chief Executive Officer advises the Department for Planning and Infrastructure that Council has no immediate use for Reserve 21991 (Lot 52 on Deposited Plan 130069) and has no objection to its sale provided a condition is imposed to compel the purchaser to build a residential building, in accordance with Council’s Town Plan and in accordance with building requirements, within no more than two years following their purchase of the property and that this condition be strictly enforced.

CARRIED 9/0

Res 088/09

7.3.4 Country Local Government Fund

Location:	<i>Boyup Brook district</i>
Applicant:	<i>N/A</i>
File:	<i>GR/31/001</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>8 April 2009</i>
Author:	<i>Alan Lamb, Chief Executive Officer</i>
Authorizing Officer:	<i>Not Applicable</i>
Attachments:	<i>Yes – CLGF Acceptance Form 2008-09</i>

SUMMARY

The purpose of this report is to update Council on the grant application process and to seek Council’s endorsement for the attached grant application.

BACKGROUND

The Country Local Government Fund (CLGF) comes as part of the Royalties for Regions (R4R) initiative. Under this scheme each rural Local Government is to receive a grant in the current financial year. Councils will also receive funding in the subsequent three years however apportion of these funds will be paid to a regional grouping of Councils that the Local Government aligns with.

Boyup Brooks grant for 2008/09 is \$579,414 and Council has opted to align with the Warren Blackwood Strategic Alliance for the purposes of dealing with the regional portion of the grant funding.

Funding can be applied as follows (taken from funding guidelines):

WHAT CAN BE FUNDED

Expenditure of Fund allocations must be on individual local government infrastructure asset renewal and/or infrastructure asset creation. The Funds are aimed at encouraging additional expenditure by the Council on planned infrastructure needs.

Allocation of funds is tied to expenditure against the following local government asset classes according to the *Local Government Accounting Manual*:

- Buildings
- Infrastructure:
 - Roads
 - Bridges
 - Drainage
 - Parks, gardens and reserves
 - Footpaths and cycle ways
 - Airports
 - Sewerage
 - Other

Local governments need to be aware that the Local Government Grants Commission is likely to take into account CLGF funds to the extent to which local governments spend them on road asset preservation and renewal. Where the funding to local governments is spent on bridges, buildings and infrastructure assets other than road asset preservation, this will not affect financial assistance grant allocations. Funding to regional local governments for all asset classes will not be taken into account by the Commission.

The funds cannot be used for (taken from funding guidelines):

WHAT CANNOT BE FUNDED

The grant funds cannot be applied to expenditure on non-infrastructure items. The grant funds are not to be used for purchasing plant and equipment, employing staff, engaging consultants, retiring debt or any other organisation requirements that fall outside the above asset classes.

Funds for 2008/09 may be carried forward to 2009/10 but the 2009/10 grant will not be provided before the preceding years funds are expended.

At its February meeting Council passed the following resolution:

That the Chief Executive Officer prepare estimates and reports on funding the following projects:-

- **Heritage Buildings**
- **Sporting Complex**
- **Library/Office**
- **Airstrip**

COMMENT

As reported In February, it is suggested that:

it is likely that the Grants Commission will take into account CLGF funds applied to road asset preservation and renewal which may adversely affect the financial assistance grant allocations. Because of this uncertainty and as it may be difficult to gear up for additional road works jobs (noting also that there may well be additional Federal Government funding for 2009/10 which, based on announcements, may well be aimed at infrastructure) it is suggested that the funds be applied to buildings.

In the previous report it was also noted that whilst there were a number of projects that might meet the funding guidelines few were sufficiently well advanced to give some confidence that they could be ready for application on these funds in the current year. Whilst funds can be carried forward into 2009/10 there should be a reasonable expectation that these would be spent at least in the first half of the year in order that the 2009/10 funds could be received. The report pointed out that Council had committed to extensions/renovations of its administration/library building (i.e. the project is a significant project in the current budget and an agreement had been entered into with respect to building works against a set of plans) and so this was a project that should be considered. Also, Council had engaged an architect to prepare a conservation plan for the town hall and the flax mill, that this project was nearing completion and would undoubtable come up with the need for building works. As this project was so far advanced it was noted that this should also be considered for application of the funding.

The following is information on projects selected at Council's February meeting.

PROJECT	INFORMATION
Heritage Buildings	Kent Lyon, Architect, was engaged to produce a conservation plan for the town hall and flax mill. The plan was expected to have been completed by the end of March but will not be ready till mid May. The plan will not include quantities or estimates and the cost of having these done is expected to be in the order of \$7,000 (no provision in the current budget and could not be funded from CLGF). It appears that this project would be ready for commencing the process to do actual works by June or July 2009. Depending on the need, or otherwise, to call tenders for works the works aspects could be ready to commence by September 2009. It is not possible to ascertain what the costs of the works would be until the conservation plan is completed and quantities and costings are done.
Sporting Complex	Rosemary Wright, Architectural Designer, and the CEO have met with representatives of sporting clubs and Rosemary expects to have concept drawing ready for Council by the end of the month. It is proposed that the Council committee meet with Rosemary to review the concept drawings before they are presented to Council in May and that the plans be then presented to sporting groups later in that month or early the next. It is possible that the first set of drawings would need amending to ensure that they are inline with what the relevant groups envisaged but based on minimal alterations, the time line for this project is expected to be: <ul style="list-style-type: none"> • May/June 09 – concept drawings and indicative costs to Committee, Council and sporting bodies for review and amendment. • July/August 09 – Concept drawings and indicative cost to

	<p>Committee and Council for acceptance or otherwise</p> <ul style="list-style-type: none"> • September/October 09 - Proposed works, together with concept drawings and indicative costs put out for public comment. • November/December 09 - Comments to Council and Council decision on whether or not to proceed with the project. • January/February 10 – Memorandum of understanding negotiated with Boyup Brook Club (and perhaps others?) • March/April 10 – MOU endorsed by Council and other party(s). Working drawings and documentation commenced (includes quantities and costings). • July 10 – Working drawings and documentation completed, legal agreements (assuming there will be a lease) with Boyup Brook Club signed. • August/September 10 – Lease endorsed by Minister (requirement for Reserves) • September 10 - tenders called for works. • November 10 - Council considers tenders and awards contract(s). • February 11 – works commence.
Library /Office	<p>As previously reported, Council had budgeted \$283,000 for this project and based on the plans drawn the cost of works was assessed as being significantly in excess of this. The CEO suggested that Council look at alternatives such as opportunities to relocate the library. He also noted that the area of the extension did not appear to be based on a calculation of the area needed and so commenced work on this. Lyn Whitney (Architect) was provided with detail of work areas requirements of staff (as provided by staff) and was asked to come up with options. Lyn should have drawings of these options to this office by mid April. It is expected that these will be put to staff and the Council working group in time for a recommendation to be made to the May Council meeting. Council has a contractual relationship with a builder to supervise the building works relating to this project and it is expected that all things being equal, works could commence during the coming spring (i.e. September 09).</p>
Airstrip	<p>It would not be possible to progress this project until the site has been assessed and broad costings estimated. The cost of this work has been assessed to be \$5,000. This project would entail the purchase of land, this aspect and the consultants' fees could not be funded from the CLGF. Fees for design and documentation would be 4% to 5% of the estimated cost of the job and contract management/supervision would be 3% to 4%. Because of the need to adhere to standards for airfields and the potential for liability if these standards are not met it is strongly recommended that the design, supervision etc be carried out by a qualified consultant. It is suggested that the following time line would be possible:</p> <ul style="list-style-type: none"> • May 09 - Site assessment and budget costings. • June 09 – project to Council for consideration. The next steps are based on the site being suitable for the proposed runway extensions, and Council, agreeing to proceed with the project.

	<ul style="list-style-type: none">• July 09 – land purchased (if owner agrees), cost will depend on area required and other factors.• September/October 09 – Design and documentation completed. The next step will depend on whether Council plant and machinery or contactors, or a mix of both, are used, the need to tender or not etc• Early 10 – it should be possible to commence works early in 2010.
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Attached is a copy of a completed CLGF Acceptance form which had been lodged with the DLGRD but has been put on hold. The form was completed based on notes from the Council meeting however when checking the resolution and considering the matter the DLGRD was asked to hold off on the approval process, pending the outcomes of this Council meeting, but to assess the projects for suitability and it is hoped that we will have a reply by the Council meeting day.

It has been confirmed with officers of the DLGRD on two occasions that the approval process relates to the projects and not the estimated portion of the grant to be spent. Also those changes can be made along the way to projects (i.e. in writing and dependant on approval). It has also been established that the funds are not yet available, the Department has not received the funds from Treasury as yet and so the expectation is that grants would be distributed, either as one payment or two, late in May of June 2009. This being the case it might not be possible to commence any project until late June or July.

The industrial park project that has been mooted, and is the subject of a contestable funds grant from SWDC for a feasibility study, could be a candidate for future years funding from this source for the development costs but the land acquisition costs would have to be found from another source.

It is important to note that:

- The funds cannot be used for consultants, plant or machinery, furniture or for the purchase of land (however if the purchase is a building on land then the land component may be funded from this source).
- This year's grant can be carried forward to 2009/10 but it may not be possible to carry forward future year's grants. Also, the 2009/10 grant will not be paid until the 2008/09 grant has been spent and so the aim should be to spend the funds either later this year or early in 2010.
- The grant for 2009/10 and in subsequent years is likely to be less than for 2008/09 due to the downturn in the economy. Also portion of the 2009/10 grant (30%) will be paid to the regional group (this increases to 50% in the last year).
- In future years Council will have an opportunity to have regionally significant projects funded, at least in part, from the CLGF monies paid to the regional group.
- The rules relating to the CLGF may change in future years (perhaps they will be less restrictive).
- Council has few projects that are ready to proceed and has no provision in the current budget for the important and necessary up front work required for projects such as the design and documentation costs for the sporting complex and the consultants fees for the airstrip.
- Whilst funding of the administration/library building project from the CLGF might appear to be a problem from a political perspective it would negate the need to raise a \$200,000 loan and free up \$80,000 of committed funds (\$28,000 from the Municipal Fund and \$55,000 from the Administration Building Reserve Fund – it

should be noted that Council cannot apply funds from a reserve to any purpose other than that which the fund was set up for unless it changes the purpose of the reserve which it can do at budget time or following an advertising period at other times). This would make \$28,000 readily available to progress other projects and the balance could be also available following a process.

- Once projects are approved by DLGRD Council may vary the split of application of the funds and can choose to not do some projects without immediate reference to the Department. It may also add additional projects following application (in writing) to DGLRD and following its approval of these.

It is suggested that in all areas where the creations of new assets is being considered Council should first ensure that it has the capacity to adequately maintain and eventually replace what it has already. As reported in last month's briefing session, we have commenced the process of establishing what assets Council has and what needs to be put aside each year to keep these (i.e. in line with the information sought by the Minister for Local Government. It is expected that we would have some results from this exercise to put to Council in August or September this year.

Notwithstanding the forgoing, there is a need to lodge a plan for the grant funding and so it is recommended that the application as attached be endorsed.

STATUTORY OBLIGATIONS

Nil however there are restrictions and these are highlighted in the body of the report.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time however Council will need to amend the current budget for the grant income and planned expenditure on projects once estimated costs are know and before any expenditure occurs.

STRATEGIC IMPLICATIONS

The administration/library and sporting complex projects are included in the plan.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known environmental issues at this stage.
- **Economic**
There are no known economic issues at this stage.
- **Social**
There are no known social issues at this stage.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION – MOVE INTO COMMITTEE

MOVED: Cr Piper

SECONDED: Cr Marshall

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

CARRIED 9/0

Res 089/09

COUNCIL DECISION – MOVE OUT OF COMMITTEE

MOVED: Cr Piper

SECONDED: Cr Ginnane

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

CARRIED 9/0

Res 090/09

COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 7.3.4

MOVED: Cr Giles

SECONDED: Cr Muncey

That Council endorse the attached Country Local Government Fund Acceptance Form 2008-09.

CARRIED 9/0

Res 091/09

7.3.5	Genetically Modified Organisms
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Location:	<i>Boyup Brook district</i>
Applicant:	<i>N/A</i>
File:	<i>EC/28/003</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>8 April 2009</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>N/A</i>
Attachments:	<i>Yes – Copy of a page from the 16 March 2000 Council minutes</i>

SUMMARY

The purpose of this report is to establish if Council has the same stance the Council had in 2000 in relation to Genetically Modified Organisms (GMO).

BACKGROUND

Earlier in the year WALGA sought information on Local Governments status in relation to GMO (was it opposed to the growing of GM canola in the Shire and was it opposed to the transportation of such crops through the Shire). As the request for information did not allow time for the matter to be brought before Council, Council's records were checked and it was established that Council did take a stance in 2000 and this information was supplied to WALGA. The Hon Terry Redman has since sought to establish if the current Council has the same position.

COMMENT

It appears that many Councils were caught in a similar position to this one in that the information request constraints precluded the matter being put to Council before the response was sent. Like many other Council's staff we addressed the matter by providing historical information. Council was made aware of the call for information and the response at a briefing session but in hind sight and following Hon Terry Redman's request, it should have been an agenda item and a current decision made.

It is assumed that there is still a level of concern in the community about GMO products and so it is recommended that Council endorse the previous Council's stance on the matter.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental:**
There are no known environmental issues at this stage.
- **Economic:**
There are no known economic issues at this stage.
- **Social:**
There are no known social issues at this stage.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION – MOVE INTO COMMITTEE

MOVED: Cr Ginnane

SECONDED: Cr Lamshed

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

CARRIED 9/0

Res 092/09

COUNCIL DECISION – MOVE OUT OF COMMITTEE

MOVED: Cr Piper

SECONDED: Cr Broadhurst

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

CARRIED 9/0

Res 093/09

OFFICER RECOMMENDATION – ITEM 7.3.5

That Council declares the Boyup Brook Shire a Genetically Modified Organism free zone and opposes the growing of Genetically Modified crops and opposes the transportation of Genetically Modified crops through the Shire.

LAPSED FOR WANT OF A MOVER

EXPLANATORY NOTE

In the absence of a resolution to the contrary, Council's resolution of March 2000 stands and this resolution was as follows:

That the Council declare the Boyup Brook Shire a Genetically Modified Organism (GMO) free zone and Council initiate action to take a marketing advantage of our GMO free Status.

7.3.6 Multi Purpose Heated Lap Pool

Location:	<i>Boyup Brook Swimming Club</i>
Applicant:	<i>N/A</i>
File:	<i>RE/45/002</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>8 April 2009</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>N/A</i>
Attachments:	<i>Yes – copy of feasibility assessment</i>

SUMMARY

The feasibility assessment is put before Council with the recommendation that Council either support the notion of a heated pool or reject it.

BACKGROUND

The Swimming Club has worked for a long time on the heated pool concept and has demonstrated a good level of community support for the project. It has raised funds and has indicated it should be able to raise sufficient additional funds to enable it to build the facility.

At Council's last meeting it was presented with a copy of the feasibility assessment and copies of this and its executive summary were distributed to Councillors with the intention that the matter be dealt with at this meeting once Councillors had had the time to read the material. At the presentation it was noted that the intention was to opt for, or at least look at, solar heating rather than the electrical heating for the pool as set out in the report.

COMMENT

Whilst it is noted that the Swimming Club would like a "green light" on this project it is recommended that Council make no commitment to it at this time. Council could however indicate its interest in looking further at the project and either ask the Swimming Club to undertake the next phase or do this itself, the latter is the recommended option.

The prime reason for the recommendation is that Council is currently reviewing its assets to ensure it has an accurate inventory of all assets. Once this is done maintenance and renewal planning is to be done and this is to be followed by financial planning to ensure that Council can afford to keep the assets it now has. It should be noted that this process was started before the Minister for Local Government made the call for Councils to report to him on this important area of planning. Council had made provision in the current budget to address the issue.

It is expected that work currently being undertaken would be completed and a report to Council either in August or September this year. Whilst on the surface of things it would appear that the Shire Council is a viable entity and the report should demonstrate this with defensible data. It is suggested that Council needs to be in a position to ensure that it can afford (that is, not just to acquire but also keep and eventually replace) any new and substantial (in terms of dollars) assets before making a decision on them and it won't be in a position to do so until after the report has been provided.

Another reason for the recommendation is that the feasibility study is not a firm basis for making a commitment, it should only be seen as information for the decision to keep looking at the project or reject it. The study contains a number of projections which may be questioned and the Swimming Club has already indicated it wants to vary aspects of what is to be built from what is in this report and these changes will impact on the whole of life costs.

If this was a Council project it would mean Council would be taking a staged approach to the decision making process which would commence with a feasibility study to see if the idea has any merit. The next step would be to firm up what is to be done so that more accurate cost estimates can be made and then final plans and costings would be done. It is suggested that this feasibility study, whilst it contains some perhaps questionable predictions, is a reasonable basis for deciding if the project should be looked at in more detail. The next step would be for plans to be firmed up. This would require that the Swimming Club decide on factors such as the method of heating the water, an engineering study of the ground to determine the detail of the pool structure, and the like to facilitate more accurate costs to build. In this case the Swimming Club is looking to

fund the capital costs and for Council to take it on from there, but Council would need accurate cost information in sufficient detail to assess the long term costs.

The feasibility study indicates that the additional net cost of running the pool for twelve months of the year with the heated pool facility would be \$21,850 (that is, taken from the study document, current short fall of \$155,550 – 9.2 Fiscal measures, plus additional operating costs of \$48,000 – 6 Operating costs, plus depreciation \$10,800 – 7 Revenue, less additional income of \$37,000 – 7 Revenue). It is suggested that this figure is optimistic in that the level of expected patronage does not appear to be achievable, and depreciation is based on the total build cost taken over a 40 year life when some aspects (pumps, heaters, etc) are not expected to last that length of time. It is suggested that when considering this matter Council take into account that depreciation may be understated by \$6,000 and that the level of additional income predicted is based on the pool being opened twelve months of year, an average of 42.8 patrons through the gates 7 days per week during the 26 weeks of the “winter” period and there has been no allowance made for season tickets (i.e. if Council were to continue with season tickets then not all of the patrons would pay each time they entered). It might be handy to view the increased service provision of the heated pool in terms of impact on rates, and based on a shortfall of \$21,850 Council would need to increase rates by 1.269% to cover this cost. It is expected that the net cost would be higher than this and so the impact on rates greater. At the same time Council may wish to view the service that the additional facility would provide to the community as warranting the additional burden on the community.

It is recommended that Council either reject the proposal now or support it by taking the decision making process to the next stage and funding this from its general revenue.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

If Council did want to look at the project further and was prepared to fund this then the cost of doing so is expected to be in the order of \$10,000 (i.e. engineering study and quantity surveying/costing) plus staff time. The longer term cost implications cannot be accurately assessed at this time. There is no provision in the current budget for this expense and so a budget amendment would be required along with an absolute majority decision from Council.

STRATEGIC IMPLICATIONS

The lap pool project is in the strategic plan for October 2010.

SUSTAINABILITY IMPLICATIONS

- **Environmental:**
There are no known environmental issues at this stage.
- **Economic:**
There are no known economic issues at this stage.
- **Social:**
There are no known social issues at this stage.

VOTING REQUIREMENTS

Simple Majority if Council rejects the proposal and absolute majority if Council agrees to look further at it and funds this.

OFFICER RECOMMENDATION – ITEM 7.3.6

That Council:

Rejects the Boyup Brook Swimming Club’s proposal to build a heated lap pool at the Boyup Brook Swimming Pool Complex.

OR

Agrees to look further at the Boyup Brook Swimming Club’s proposal to build a heated lap pool at the Boyup Brook Swimming Pool Complex and manages and meets the cost (estimated to be \$10,000) of doing this.

COUNCIL DECISION – ITEM 7.3.6

MOVED: Cr Broadhurst

SECONDED: Cr O’Hare

That Council agrees to look further at the Boyup Brook Swimming Club’s proposal to build a heated lap pool at the Boyup Brook Swimming Pool Complex and manages and meets the cost (estimated to be \$10,000) of doing this.

Amendment

MOVED: Cr Ginnane

SECONDED: Cr Muncey

That Council agrees to look further at the Boyup Brook Swimming Club’s proposal to build a heated lap pool at the Boyup Brook Swimming Pool Complex and manages and meets the cost (estimated to be \$10,000) of doing this subject to budgetary considerations for 2009/2010 year.

MOVED: Cr Giles

SECONDED: Cr Piper

That the amendment be now put

CARRIED 9/0

Res 094/09

The amendment motion was put and

CARRIED 7/2

Res 095/09

The Presiding Person put the amended motion

That Council agrees to look further at the Boyup Brook Swimming Club's proposal to build a heated lap pool at the Boyup Brook Swimming Pool Complex and manages and meets the cost (estimated to be \$10,000) of doing this subject to budgetary considerations for 2009/2010 year.

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 096/09

4.50pm – Ms L Mann left the Chambers

4.51pm – Ms L Mann returned to the Chambers

7.3.7 100 Year Celebration for Agricultural Hall

Location:	<i>Boyup Brook district</i>
Applicant:	<i>N/A</i>
File:	<i>DE/51/001</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>9 April 2009</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>N/A</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to bring the matter before Council for inclusion in the 2009/10 budget.

BACKGROUND

At its last meeting Council resolved as follows:

- a **That a celebration on (or as near as possible to) the 27th April in 2010 be instigated to commemorate the 100 year anniversary of the first Agricultural Hall constructed in the Shire of Boyup Brook in 1910.**
 - b **That the Administration be directed to**
 - ◆ Plan an event to commemorate the date.
 - ◆ Identify such grant funding as may be available.
 - ◆ Present the findings to the April Council Meeting and submit a recommendation for budgetary consideration.
2. That indicative costs and sources of funding be provided for the following works to the Tourist Information Centre building.
- ◆ Instigation of an assessment and remedial programme to rectify to the water and mould damage of the walls in the Beetle and Butterfly Room.
 - ◆ Instigation of an assessment of and remedial programme for the ground drainage on the side of the building that faces the junction of Bridge and Forrest Streets.
 - ◆ General maintenance and repairs

The matter of a celebration has been looked at and a recommendation is made.

COMMENT

A group met to look at this initiative and came up with the following suggestions:

- Morning or afternoon tea outside of the building.
- Hold the event on the actual day which will be a Tuesday.
- Involve the schools as much as possible.
- Choirs
- Involve local Home and Community Care (HACC)
- Possibly some poetry?
- Period costume?
- Mail out
- If we allow \$2,500.00 cash for expenses for the celebration we can make it work within this budget. It would also be nice if we could allocate \$2,500.00 In kind from the Shire for any necessary assistance we may need in the setup and pull down for the celebrations. E.g. Stage platforms from Dinninup, chairs from the town hall etc.

Expected outcomes from the event:

- Raise awareness of the history of Boyup Brook.
- Raise the profile of the town. What's in town!
- Help to raise the profile of the Tourist Centre.

It is recommended that \$5,000 be provided for in the 2009/10 budget to conduct a celebration.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil in the current budget

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known environmental issues at this stage.
- **Economic**
There are no known economic issues at this stage.
- **Social**
There are no known social issues at this stage.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 7.3.7

MOVED: Cr Piper

SECONDED: Cr Giles

That consideration be made in the 2009/10 budget to conduct a function to celebrate the 100 year anniversary of the opening of the Boyup Brook Agricultural Hall and that an amount of \$5,000 be set-aside for this purpose.

CARRIED 9/0

Res 097/09

5.13pm – Ms L Mann and Mr & Mrs Sutcliffe left the Chambers

7.3.8 Warren Blackwood Strategic Alliance - Subscriptions

Location:	<i>Boyup Brook district</i>
Applicant:	<i>Warren Blackwood Strategic Alliance</i>
File:	<i>GR/31/006</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>9 April 2009</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>Yes - Copy of letter from Alliance</i>

SUMMARY

The purpose of this report is to bring the Alliance's request with a recommendation that it be agreed to.

BACKGROUND

Each of the four Councils in the Warren Blackwood Strategic Alliance (WBSA) (Shires of Boyup Brook, Bridgetown Greenbushes, Nannup and Manjimup) paid subscriptions of \$5,000 (net of GST) and the South West Development Commission (SWDC) paid the same amount. It appears that the budget for the current financial year was drafted with a planned deficit. A change in staff (i.e. the Executive Officer) and changes to hours for the position have added to the outgoings. Current projections indicate that the bank account would be \$15,000 over drawn at the end of the financial year if there is no new injection of cash.

WBSA is negotiating with SWDC for funds and whilst it is hopeful that this avenue will be successful it was decided at the WBSA board meeting held 7 April 2009, that each Council be asked to approve the payment of a levy so that these funds could be drawn on in the event the SWDC could not assist. The Alliance seeks \$3,750 from each of the 4 Shire Councils.

COMMENT

Council has supported this regional body for some years and has nominated it to receive the Country Local Government Fund grants on its behalf. If the SWDC is not able to assist and there is no contingency plan the Alliance may well cease to exist. The major area of expenditure is the Executive Officer's salary and as it is unlikely that a bank would allow a significant overdraft there is the potential that the Alliance could lose it's fairly recently appointed employee due to the lack of funds to pay him.

It is recommended that Council approve the payment of \$3,750.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

There is no provision in the current budget for the proposed expenditure.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known environmental issues at this stage.
- **Economic**
There are no known economic issues at this stage.
- **Social**
There are no known social issues at this stage.

VOTING REQUIREMENTS

Absolute Majority

5.16pm – Cr Piper left the Chambers

COUNCIL DECISION – MOVE INTO COMMITTEE

MOVED: Cr Ginnane

SECONDED: Cr Marshall

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

CARRIED 5/3

Res 098/09

5.20pm – Cr Giles left the Chambers

COUNCIL DECISION – MOVE OUT OF COMMITTEE

MOVED: Cr Ginnane

SECONDED: Cr O'Hare

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

CARRIED 7/0

Res 099/09

COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 7.3.8

MOVED: Cr Broadhurst

SECONDED: Cr O'Hare

That Council amend the 2008/09 budget to provide for an additional payment of \$3,750 to the Warren Blackwood Strategic Alliance and approve these funds being paid to that body should the need arise before the end of June 2009.

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 100/09

8 COMMITTEE REPORTS

8.1.1 Blackwood River Valley Marketing Association Minutes

Location:	N/A
Applicant:	N/A
File:	IM/37/008
Disclosure of Officer Interest:	Nil
Date:	30 th March 2009
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Not Applicable
Attachments:	Yes - Minutes

BACKGROUND:

Meetings of the Blackwood River Valley Marketing Association was held on 10th February and 10th March 2009.

Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.1*)

COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 8.1.1

MOVED: Cr Ginnane

SECONDED: Cr Muncey

That the minutes of the Blackwood River Valley Marketing Association held on 10th February and 10th March 2009 be received.

CARRIED 7/0

Res 101/09

8.1.2 Local Emergency Management Committee Minutes

Location:	N/A
Applicant:	N/A
File:	EM/37/001
Disclosure of Officer Interest:	Nil
Date:	24 th March 2009
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Not Applicable
Attachments:	Yes - Minutes

BACKGROUND:

A meeting of the Local Emergency Management Committee was held on 24th March 2009. Minutes of the meetings are laid on the table and circulated (*refer to appendix 8.1.2*)

COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 8.1.2

MOVED: Cr Broadhurst

SECONDED: Cr O’Hare

That the minutes of the Local Emergency Management Committee held on 24th March 2009 be received.

CARRIED 7/0

Res 102/09

8.1.3 Minutes of the WA Local Government Association South West Zone

Location:	Boyup Brook Chambers
Applicant:	N/A
File:	IM/37/003
Disclosure of Officer Interest:	Nil
Date:	27 th March 2009
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Not Applicable
Attachments:	Yes - Minutes

BACKGROUND:

Meeting of the WA Local Government Association South West Zone was held on 27th March 2009

Minutes of the meetings are laid on the table and circulated (*refer to appendix 8.1.3*)

COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 8.1.3

MOVED: Cr Muncey

SECONDED: Cr Broadhurst

That the minutes of the WA Local Government Association South West Zone held on 27th March 2009 be received.

CARRIED 7/0

Res 103/09

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9.1.1 Town Entry Statement

Cr Broadhurst lodged the following notice of motion:

Notice of motion 6/2009

MOVED: Cr Broadhurst

SECONDED: Cr O'Hare

That Council consider allocating an amount of \$8000.00 for the creation of a Town Entry Statement to be positioned on the Boyup Brook Bridgetown Road during the Budgetary Deliberations for the 2009/2010 budget.

Procedural Motion

MOVED: Cr Ginnane

SECONDED:

That the motion be now put.

MOTION LAPSED DUE TO LACK OF A SECONDER

Debate continued until the Presiding Person indicated it had finished. The motion was put and

CARRIED 5/2

Res 104/09

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

10.1.1 Local Government Reform Checklist

Location:	<i>Boyup Brook Shire</i>
Applicant:	<i>N/A</i>
File:	<i>FM/4/004</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>16 April 2009</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Not Applicable</i>
Attachments:	<i>Yes – Local Government Reform Checklist</i>

COUNCIL DECISION AND OFFICER RECOMMENDATION – ITEM 10.1.1

MOVED: Cr Ginnane

SECONDED: Cr Broadhurst

That

- 1. Council explore the process of structural reform as requested by the Minister for Local Government and seek funding from the Department for Local Government and Regional Development to assist with aspects of this including public consultation.**
- 2. The response to question 13 on the Department for Local Government and Regional Development’s Local Government Reform Checklist be that “Council does not accept that amalgamation is the panacea that it appears to be mooted to be but that there may be other opportunities for beneficial change and Council will explore these with its neighbouring Shire Councils, review aspects of its own operation, and, very importantly, consult with the community on options that may come to light as part of this process”.**
- 3. The Shire President be delegated to approve the final draft of the Department for Local Government and Regional Development’s Local Government Reform Checklist.**

CARRIED 6/0

Res 105/09

11 CONFIDENTIAL MATTERS

Nil

5.32pm – Cr Muncey left the Chambers

12 CLOSURE OF MEETING

There being no further business the Shire President, Cr Roger Downing, thanked Councillors and Staff for their attendance and declared the meeting closed at 5.35pm.