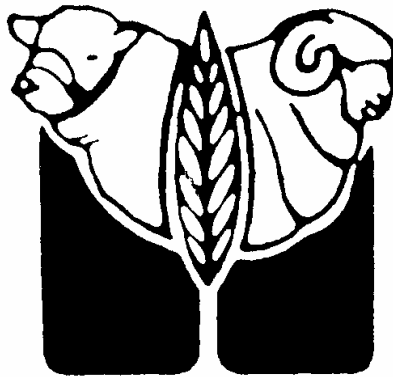


# MINUTES



ORDINARY MEETING

HELD

THURSDAY, 20 AUGUST 2009

COMMENCED AT 3.46PM

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 S Broadhurst  
Cr T Ginnane  
Cr K Lamshed  
Cr P Marshall  
Cr E Muncey  
Cr B O'Hare

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)

**Apologies**

Cr Piper

**1.2 Leave of Absence**

Cr Giles

**2 PUBLIC QUESTION TIME**

Nil

**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**

Cr Marshall spoke about the (Beacon Consulting) Biomass Plant Kojonup Sub-Station.

Cr Ginnane attended WALGA Convention in Perth, until 8 August.

Cr Broadhurst spoke about the Australia's South West Board Visit on 19<sup>th</sup> August 2009.

Australia's South West is one of five tourism regions which services Tourism WA. ASW, as it is colloquially known, consists of a CEO, Sascha Papalia, various office staff, and a Board. The Board is made up of representatives from various sub regions within the South West area, and over the past two days 8 members of this Board has been visiting Blackwood River Valley.

Cr Broadhurst advised Council that the Board Members of the Blackwood River Marketing Association are as follows:-

Ken Wright - President

Sue White - Secretary/Treasurer

## **5 CONFIRMATION OF MINUTES**

### **5.1 Special meeting of Council 30 July 2009.**

#### **COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 5.1**

**MOVED: Cr Broadhurst**

**SECONDED: Cr Muncey**

**That the minutes of the Special Meeting of Council held on Thursday 30 July 2009, be confirmed as an accurate record.**

**CARRIED 7/0**

**Res 162/09**

### **5.2 Ordinary meeting of Council 16 July 2009.**

#### **OFFICER RECOMMENDATION – ITEM 5.1**

**That the minutes of the Ordinary Meeting of Council held on Thursday 16 July 2009, be confirmed as an accurate record.**

#### **COUNCIL DECISION – ITEM 5.1**

**MOVED: Cr Muncey**

**SECONDED: Cr Ginnane**

**That the minutes of the Ordinary Meeting of Council held on Thursday 16 July 2009, be confirmed as an accurate record, subject to the following corrections:-**

**Page 3 – Item 1.2 – Apologies – Cr Lamshed, Cr O'Hare to be removed from apologies and inserted into item 1.3 – leave of absence.**

**CARRIED 7/0**

**Res 163/09**

## **6 PRESIDENTIAL COMMUNICATIONS**

5 Aug            Attended WALGA Convention in Perth, until 8 Aug

12 Aug           Departed for Sandakan to represent Boyup Brook at the annual Memorial Day service. My appointment time with President James Wong was taken by the Sabah Chief Minister. In conversation with Mr. Wong at social functions we agreed to correspond by email and exchange ideas for student scholarships from Sandakan to Boyup Brook. It appears likely that five people from Sandakan will be in Boyup Brook for our Sandakan Memorial Service.

## 7 REPORTS OF OFFICERS

### 7.1 MANAGER WORKS & SERVICES

Nil

### 7.2 MANAGER – FINANCE

#### 7.2.1 Accounts for Payment

|  |   |
|--|---|
| <b>Location:</b>                       | <i>Not applicable</i>                   |
| <b>Applicant:</b>                      | <i>Not applicable</i>                   |
| <b>File:</b>                           | <i>FM/1/002</i>                         |
| <b>Disclosure of Officer Interest:</b> | <i>None</i>                             |
| <b>Date:</b>                           | <i>14<sup>th</sup> August 2009</i>      |
| <b>Author:</b>                         | <i>Keith Jones – Manager of Finance</i> |
| <b>Authorizing Officer:</b>            | <i>Not applicable</i>                   |
| <b>Attachments:</b>                    | <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 July 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 2009/10 or authorized by separate resolution.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.1**

**MOVED:** Cr O’Hare

**SECONDED:** Cr Ginnane

**That the payment of accounts for July 2009 as presented totalling \$555,160.97 and as represented by cheque voucher numbers 17572 – 17621 totalling \$130,576.31, and accounts paid by direct electronic payments through the Municipal Account totalling \$424,584.66 be endorsed.**

**CARRIED 7/0**

**Res 164/09**

**7.2.2 July 2009 Monthly Statements of Financial Activity**

|   |   |
|---|---|
| <b><i>Location:</i></b>                       | <i>Not applicable</i>                   |
| <b><i>Applicant:</i></b>                      | <i>Not applicable</i>                   |
| <b><i>File:</i></b>                           | <i>FM/10/003</i>                        |
| <b><i>Disclosure of Officer Interest:</i></b> | <i>None</i>                             |
| <b><i>Date:</i></b>                           | <i>14 August 2009</i>                   |
| <b><i>Author:</i></b>                         | <i>Keith Jones – Manager of Finance</i> |
| <b><i>Authorizing Officer:</i></b>            | <i>Not applicable</i>                   |
| <b><i>Attachments:</i></b>                    | <i>Yes – Financial Reports</i>          |

**SUMMARY**

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended 30 July 2009 and Investment Schedule for the month ended 31 August 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 & OFFICER RECOMMENDATION – ITEM 7.2.2**

**MOVED: Cr Ginnane**

**SECONDED: Cr Marshall**

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

**CARRIED 7/0**

**Res 165/09**

## **Financial Interest**

4.14pm – CEO declared a financial interest in item 7.2.3 and left the Chambers.

### **7.2.3 Purchase of Dishwasher for CEO Residence**

|  |   |
|--|---|
| <b>Location:</b>                       | <i>Not applicable</i>                                 |
| <b>Applicant:</b>                      | <i>Not applicable</i>                                 |
| <b>File:</b>                           | <i>AS1996</i>   |
| <b>Disclosure of Officer Interest:</b> | <i>A Lamb - CEO</i>                                   |
| <b>Date:</b>                           | <i>14<sup>th</sup> August 2009</i>                    |
| <b>Author:</b>                         | <i>Geoff Carberry – Senior Administration Officer</i> |
| <b>Authorizing Officer:</b>            | <i>Not applicable</i>                                 |
| <b>Attachments:</b>                    | <i>Yes – Invoice</i>                                  |

---

## **SUMMARY**

Purchase of a new dishwasher for 17 Knapp Street – Chief Executive Officer's residence for a greater value than approved in the 2009/2010 budget.

## **BACKGROUND**

Correspondence between former CEO and Alan Lamb indicated no dishwasher would be installed in the proposed residence. This information lead Alan Lamb to purchase a dishwasher as listed on the invoice. Subsequent information provided shows a dishwasher was to be installed in the residence. Alan now wishes to sell the appliance he purchased to the Shire for installation in the residence, the agreed price of the unit to be \$1800, this being \$600 over the budgeted amount.

## **COMMENT**

The appliance offered for purchase is of a higher standard than originally budgeted for in the 2009/2010 budget.

The unit on offer is more of a standard that should be included in the residence of a Chief Executive Officer.

## **CONSULTATION**

Harvey Norman Electrical Store  
Retravisio Electrical Store  
The Good Guys Electrical Store  
Manager of Finance

## **STATUTORY ENVIRONMENT**

Local Government Act 1995 Section 6.8



**FINANCIAL IMPLICATIONS**

Further expenditure of \$600 over the budgeted amount but savings in other areas of expenditure on the Knapp Street house would absorb this amount.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION– ITEM 7.2.3**

**MOVED: Cr Lamshed**

**SECONDED: Cr Broadhurst**

**That council proceeds with the purchase of the dishwasher at the agreed price of \$1800.**

**CARRIED 7/0 - ABSOLUTE MAJORITY**

**Res 166/09**

4.17pm – CEO returned to the Chambers.

## 7.2.4 Appointment of Bushfire Control Officers and Other Officer 2009/10

|  |   |
|--|---|
| <b>Location:</b>                       | <i>Not applicable</i>                   |
| <b>Applicant:</b>                      | <i>Not applicable</i>                   |
| <b>File:</b>                           | <i>EM/51/003</i>                        |
| <b>Disclosure of Officer Interest:</b> | <i>None</i>                             |
| <b>Date:</b>                           | <i>30<sup>th</sup> July 2009</i>        |
| <b>Author:</b>                         | <i>Keith Jones – Manager of Finance</i> |
| <b>Authorizing Officer:</b>            | <i>Not applicable</i>                   |
| <b>Attachments:</b>                    | <i>No</i>                               |

---

### **SUMMARY**

This report recommends the formal appointment of Bush Fire Officers for the Shire of Boyup Brook for the year 2009/10.

### **BACKGROUND**

The Council is required to appoint officers to carry out their responsibilities under the Bush Fires Act 1954. This is best done on an annual basis given the changes that occur from year to year.

### **COMMENT**

The Bush Fire Advisory Committee Annual General Meeting was held on the 26<sup>th</sup> May 2009 at which the members present elected officers for the various positions within the Shire Bush Fire organization. In the past the Shire has also had reciprocal arrangements with adjoining Local Governments for the appointment of Bush Fire Control Officers from Brigades in the areas adjacent to the Shire boundary.

### **CONSULTATION**

Nil

### **STATUTORY ENVIRONMENT**

Bush Fires Act 1954 Section 38

#### **38. Local government may appoint bush fire control officer**

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2)(a) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

*[(b) deleted]*

- (c) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the Authority may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
- (d) Where a local government that has been served with a notice pursuant to paragraph (c) fails or neglects to comply with the requirements of that notice, the Authority may appoint a person to the vacant office.
- (e) A bush fire control officer appointed under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.

Shire of Boyup Brook Bush Fire Brigades Local Law:-

- Division (3) Annual General Meeting of Bush Fire Brigades
- Division (4) Bush Fire Advisory Committee

### **POLICY IMPLICATIONS**

Council has adopted a "Bush Fire Control –Operational Issue" Policy that determines procedures and practices relating to Bush Fire matters. Whilst it does not specifically relate to the appointment of Bush Fire Officers it does provide requirement in relation to the role of the Chief Fire Control Officer format for the Annual Meeting of the Fire Advisory and Brigades, Bush Fire Communications and Bush Fire Infringements.

### **FINANCIAL IMPLICATIONS**

Funding for the advertising will be provided in the 2009/10 budget.

### **STRATEGIC IMPLICATIONS**

The formal appointment of the Bush Fire Control Officers will ensure the objective of providing an effective Bush Fire organization to the needs of the community.

### **VOTING REQUIREMENTS**

Simple Majority

### **COUNCIL DECISION & OFFICER RECOMMENDATIONS – ITEM 7.2.4**

**MOVED: Cr Ginnane**

**SECONDED: Cr Lamshed**

**That the following persons be appointed in the positions shown for the year 2009/10:-**

|                                       |             |
|---------------------------------------|-------------|
| <b>Chief Bushfire Control Officer</b> | K Henderson |
| <b>1<sup>st</sup> Deputy</b>          | G Robertson |
| <b>2<sup>nd</sup> Deputy</b>          | R Bingham   |
| <b>Communications Officer</b>         | B Huisman   |
| <b>Fire Weather Officer</b>           | J Potter    |

**Deputy Fire Weather Officer**

L Elliott

**Training Officer**

R Gifford

Delegates to Advisory Committee Meetings (one Member (FCO) and one Deputy per Brigade)

| <b>Brigade</b>       | <b>Member</b> | <b>Deputy</b>                               |
|----------------------|---------------|---|
| Benjinup             | D INGLIS      | D GUAZELLI (deputy)/<br>I AFFLECK(delegate) |
| Chowerup             | B EVANS       | R FRASER                                    |
| Dinninup             | W WHITE       | P BRADFORD                                  |
| East Boyup Brook     | W GORDON      | J RITSON                                    |
| Gibbs Road           | R BINGHAM     | M GILES                                     |
| Kenninup             | N BAGSHAW     | B SKRAHA                                    |
| Kulikup              | L ELLIOTT     | B FAIRBRASS                                 |
| Mayanup              | J FORTUNE     | P LLOYD                                     |
| McAlinden            | S HARLEY      | D FORTUNE                                   |
| Mickalarup/Dwalganup | R FORBES      | K LLOYD                                     |
| Nollajup             | M GIFFORD     | R NIELD                                     |
| North Dinninup       | M WRIGHT      | N CHAMBERS                                  |
| Scotts Brook         | P BROOCKMANN  | C KNAPP                                     |
| Tonebridge           | D TURNER      | R TUCKETT                                   |
| Tweed                | M WALLACE     | C CONNOP                                    |
| West Boyup Brook     | G HALES       | B CAILES                                    |

**CARRIED 7/0**

**Res 167/09**

**7.2.5 Firebreak Order 2009/2010**

|  |   |
|--|---|
| <b>Location:</b>                       | <i>Not applicable</i>                   |
| <b>Applicant:</b>                      | <i>Not applicable</i>                   |
| <b>File:</b>                           | <i>EM/51/001</i>                        |
| <b>Disclosure of Officer Interest:</b> | <i>None</i>                             |
| <b>Date:</b>                           | <i>30<sup>th</sup> July 2009</i>        |
| <b>Author:</b>                         | <i>Keith Jones – Manager of Finance</i> |
| <b>Authorizing Officer:</b>            | <i>Not applicable</i>                   |
| <b>Attachments:</b>                    | <i>No</i>                               |

---

**SUMMARY**

The purpose of this item is to adopt the firebreak order for 2009/2010 for advertising and distribution with the rates notices.

**BACKGROUND**

The Bush Fires Act 1954 provides Local Government with the power to require owner/occupiers of land to provide firebreaks to prevent the spread or extension of a bushfire. When determining this is necessary, Council is required to implement the provisions outlined within the act including a notice in the Government Gazette and a newspaper circulating the area, outlining the details of the firebreaks required and within the time specified. The Act also provides that a firebreak notice may be served on the owner/occupier of land, which is undertaken for all rateable properties, however there is land within the Shire that is not rateable and the owners/occupiers have an obligation to comply with the order. To ensure all land owner/occupiers are informed of the requirement it is good practice to undertake the advertising as well as the notice with the rates.

**COMMENT**

The fire break order for 2008/09 was considered by the Bushfire Advisory Committee and a different layout was determined along similar lines to the style used by the Shires of Cranbrook and Plantagenet.

**CONSULTATION**

Chief Bush Fire Control Officer  
Brigade Delegates  
Manager of Finance  
Communications Officer

**STATUTORY ENVIRONMENT**

Section 33 Bush Fires Act 1954 Section (1) – (2)

**POLICY IMPLICATIONS**

Not Applicable

**FINANCIAL IMPLICATIONS**

Funding for the advertising will be provided in the 2009/2010 budget.

**STRATEGIC IMPLICATIONS**

The formal appointment of the Bush Fire Control Officers will ensure the objective of providing a Bush Fire organization to meet the needs of the community.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATIONS – ITEM 7.2.5**

**MOVED: Cr Ginnane**

**SECONDED: Cr O'Hare**

**That Council adopts the following as the Fire Break Order for 2009/2010 year:-**

**THE REQUIREMENTS OF THIS ORDER ARE CONSIDERED TO BE THE MINIMUM STANDARD OF FIRE PREVENTION WORK REQUIRED TO PROTECT NOT ONLY INDIVIDUAL PROPERTIES, BUT THE DISTRICT GENERALLY. IN ADDITION TO THE REQUIREMENTS OF THIS ORDER, THE COUNCIL MAY ISSUE SEPARATE SPECIAL ORDERS ON OWNERS OR OCCUPIERS IF HAZARD REMOVAL IS CONSIDERED NECESSARY IN SOME SPECIFIC AREAS.**

**BY ORDER OF THE COUNCIL CHIEF EXECUTIVE OFFICER**

**PROHIBITED BURNING TIME**

21 NOVEMBER to 28 FEBRUARY

**RESTRICTED BURNING TIME**

9 OCTOBER to 20 NOVEMBER

1 MARCH to 30 APRIL

- 1 Permits for hazard reduction of bush will not be issued before 1 April unless permitted by the Chief Bush Fire Control Officer.
- 2 Burning of garden refuse is not permitted during the prohibited burning time.
- 3 A mobile working fire fighting power unit is to be in the paddock when harvesting (see definition of harvesting) is being carried out during the periods 1 December to 15 April. The responsibility to supply the unit being that of the land holder.
- 4 The only automatic harvesting and total movement ban in the Shire of Boyup Brook is CHRISTMAS DAY.
- 5 Camping and cooking fires in the open are banned from 30 October to 1 April each year.
- 6 Cut off date to have all fire breaks installed is the 30 November.

These dates are subject to slight variation according to seasonal conditions, alterations will be advertised locally. Please check with the Shire of Boyup Brook Chief Fire Control Officer

A special permit is to be obtained from the Chief Bush Fire Control Officer to burn tree plantation waste at any time of the year

## TOWNSITES

Where the area of land is 2023m<sup>2</sup> or less and the land is not used for agriculture or grazing purposes, all hazardous inflammable materials shall be removed from the whole of the land.

For the purposes of this order, inflammable materials does not include live standing trees, cultivated plants, shrubs or gardens.

Where the area of the land is in excess of 2023m<sup>2</sup>, or is used for agriculture or grazing purpose, firebreaks at least 2.5 metres wide shall be cleared immediately inside all external boundaries of the land, or immediately surrounding all buildings situated on the land.

Whilst buildings are under construction, all flammable material shall be removed within a 15 metre radius of the construction site. The Chief Fire Control Officer and Fire Control Officer for the area will be notified by Council staff of building permits granted for that area. This is applicable from 9 October to 1 May

## BURNING OF GARDEN REFUSE

Burning of garden refuse is not permitted during the prohibited burning time.

## OXYACETYLENE, ARC WELDERS, ANGLE GRINDERS AND OTHER POWER EQUIPMENT

Operation of oxyacetylene, arc welders, angle grinders and other power equipment during Restricted Burning Period requires the worksite to be adequately cleared of inflammable material prior to the use of the above mentioned equipment and an appropriate fire extinguisher in attendance.

## PLANTATIONS

### 1. DEFINITION

A PLANTATION-TREE FARM is defined as an area exceeding three (3) hectares within the TOWNSITES or an area exceeding twenty (20) hectares within RURAL areas of trees planted for COMMERCIAL PURPOSE.

A Plantation shall only be required to comply with the Fire Order for the fire season under which the plantation was approved by the Council under its Town Planning Scheme for the life of the plantation.

The 'life' of the plantation is defined as the period between planting and the first harvest. It does not include further plantings post-harvest or coppice re-growth ('second rotation'). In these situations the then current firebreak order must be complied with.

### 2. SPECIFICATIONS

The following fire break standards are required for plantations.

**BOUNDARY BREAKS** – Fire breaks constructed 15 metres wide on the boundaries of plantations or on such alternative locations as may be agreed between the Local Government Authority and the plantation owner

**COMPARTMENT BREAK** — Internal fire breaks between compartment up to 30 hectares must be a minimum of 6 metres wide and for compartments over 30 hectares, a minimum of 10 metres wide. In all cases a 5 metre running surface should be maintained to allow access by fire fighting appliances.

**Note:** For all fire breaks it may be necessary for trees on both sides of fire breaks to be progressively pruned to a minimum height of 4 metres to allow unrestricted access for maintenance and fire fighting equipment and so as to maintain an effective width of fire break.

#### INTERNAL FIRE BREAKS

Minimum horizontal clearance 5 metres

Minimum vertical clearance 4 metres

Minimum trafficable surface 5 metres

Firebreak width 6 or 10 metres

Firebreaks are to be maintained as required by the firebreak order, for the life of the plantation including the harvesting process.

#### 3. BUILDINGS/FUEL STORAGE

A fifty (50) metre total fire break around all buildings and fuel storage areas, cleared of flammable materials is required.

#### 4. WESTERN POWER LINES - CLEARANCE

Western Power have a minimum requirement of ten (10) metres clearance either side of the outside power pole. As a general rule the clearance distance from the pole should be no less than the expected mature height of the trees planted in the outside row. However, in all instances where power lines are crossing land where plantations are proposed to be planted, the owner should consult Western Power - Bunbury, Phone 13 13 53.

#### SPECIAL RURAL BLOCKS

- 1 Shall have a 10 metre total fire break around all buildings and fuel storage areas, and MUST be cleared of all flammable materials.
- 2 Shall have a 2.5 metre minimum break around all property boundaries. These breaks must be installed by 30 November.
- 3 Whilst buildings are under construction, all flammable material shall be removed within a 15 metre radius of the construction site. The Chief Fire Control Officer and Fire Control Officer for the area will be notified by Council staff of building permits granted for that area. This is applicable from 9 October to 1 May.

#### BURNING OF GARDEN REFUSE

Burning of garden refuse is not permitted during the prohibited burning time.

#### OXYACETYLENE, ARC WELDERS, ANGLE GRINDERS AND OTHER POWER EQUIPMENT

Operation of oxyacetylene, arc welders, angle grinders and other power equipment during Restricted Burning Period requires the worksite to be adequately cleared of inflammable material prior to the use of the above-mentioned equipment and an appropriate fire extinguisher in attendance.

#### RURAL LAND

- 1 A 2.5 metre break is to be installed adjacent to all buildings, homesteads, haysheds, fuel storage areas, caravans and mobile accommodation. A second break of 2.5 metres in width shall be installed not less than 20metres and no more than 100 metres from the initial break and the breaks shall be cleared of flammable materials by the 30 November. All flammable material shall be removed between the two breaks by 15 December.
- 2 As an alternative to the two break system (as described in point 1.), a single break not less than 10 metres in width, is allowed adjacent to all buildings, homesteads, hayshed, fuel storage areas, caravans and mobile accommodation. These breaks must be installed by 30 November.
- 3 Whilst buildings are under construction, all flammable material shall be removed within a 15 metre radius of the construction site. The Chief Fire Control Officer and Fire Control Officer for the area



will be notified by Council of building permits granted for that area. This is applicable from 9 October to 1 May.

- 4 a) One adult is to be in attendance on the day following protective burning around a house, hayshed, etc, unless permission is given otherwise.  
b) Household protective burns are to consist of a minimum of two units between 4.00 pm and 6.00 pm, and after 6.00 pm one unit with a minimum of two people. This information is intended as a guide only. The Fire Control Officer in the brigade area concerned must issue a permit for any protective burning that is to be carried out.
- 5 Permits will not be issued for protective burning of bush before 1 April unless permitted by the Chief Fire Control Officer. No fires to be lit before 1.00 pm unless otherwise authorised by the Chief Fire Control Officer.
- 6 Protective burning is permitted around homesteads up to the 15 December, in each year, subject to final approval being granted by the Chief Fire Control Officer.

Arrangements beyond that date need to be confirmed by the Chief Fire Control Officer.

- 7 a) In the event of a ban being placed on the operation of combustion engines in paddocks, clover harvesting may still continue provided that the fire hazard in the area being harvested has been previously removed and also that no combustion engine is less than 20 metres from the firebreak. No vehicles may enter or leave a paddock except on a cleared roadway. This regulation is also pertinent to aircraft except in the instance of an emergency landing.  
b) All holders of clover burning permits are to notify their base station on the day of the burn, unless the fire is being lit after 6pm.
- 8 A mobile working fire fighting power unit is to be in the paddock when harvesting (see definition of harvesting) is being carried out during the periods 1 November to 15 April. The responsibility to supply the unit being that of the land holder.  
A person shall not operate any harvesting machine or header in any crop during the prohibited or restricted burning times unless a Fire Extinguisher is carried on the machine.
- 9 A 3 metre firebreak, clear of all flammable materials is required around all grassed and stubble areas prior to burning. Permits for stubble burns will not be issued to allow the land holder to commence burning before 4.00 pm on any day, unless a specific permit is obtained from the Chief Fire Control Officer and if he approves, three mobile working fire fighting units will be required to be in attendance during the burn. This regulation is to be in force until 1 April, each year, after which time the Brigade Fire Control Officer be permitted to use his judgement on the conditions of issuing permits and burning.
- 10 The only automatic harvesting and total movement ban in the Shire of Boyup Brook is CHRISTMAS DAY.
- 11 For additional fire protection, land holders are urged to clean up roadsides wherever possible. Removal of logs, grass, etc., will be considered following application for a permit.

**For current information relating to Harvest and  
Vehicle Movement Bans, phone 9765 1543**

**IMPORTANT INFORMATION**

With reference to Section 33 of the Bush Fires Act, 1954, you are required to carry out fire prevention work on land owned or occupied by you in accordance with the provisions of this Order.

This work must be carried out by 30 November 2009, unless approved otherwise, and maintained throughout the summer months until 1 May 2010.

An inspection of firebreaks will be carried out in all areas of the Shire by an Authorised Officer.

PERSONS WHO FAIL TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY BE ISSUED WITH AN INFRINGEMENT ORDER (Penalty \$250) OR PROSECUTED, AND ADDITIONALLY, THE COUNCIL MAY CARRY OUT THE REQUIRED WORK AT THE COST OF THE OWNER OR OCCUPIER.

IF IT IS CONSIDERED FOR ANY REASON TO BE IMPRACTICAL TO CLEAR OR REMOVE FLAMMABLE MATERIALS, AS REQUIRED BY THIS ORDER, OR IF NATURAL FEATURES RENDER FIRE BREAKS UNNECESSARY, YOU MAY APPLY TO THE COUNCIL IN WRITING NO LATER THAN 11 NOVEMBER FOR PERMISSION TO PROVIDE FIRE BREAKS IN ALTERNATIVE POSITIONS OR TO TAKE ALTERNATIVE ACTION TO ABATE FIRE HAZARDS ON THE LAND. IF PERMISSION IS NOT GRANTED, YOU SHALL COMPLY WITH THE REQUIREMENTS OF THIS ORDER.

### **ROADSIDE BURNING**

Burning on Road Sides requires a Permit at all times of the year and there are other requirements. IF IN DOUBT CONTACT CHIEF BUSH FIRE CONTROL OFFICER OR THE SHIRE OFFICE (08) 9765 1200.

### **DEFINITIONS**

**"MOBILE WORKING FIRE FIGHTING UNIT"**, where referred to in these clause, means: the tank must be filled at all times with at least 450 litres of water. If a trailer type unit, it must be attached at all times to a suitable towing vehicle, during burning or harvesting operations. The pump on the unit must be efficient and in working condition.

**"HARVESTING"** means mechanical cutting of all crops or pasture for seed, grain and or hay including mowing and baling of straw.

### **CAMPING/COOKING FIRES**

Camping and cooking fires in the open are banned from 30 October to 1 April each year. An exception is the use of a wood fire in a properly constructed barbecue at a domestic dwelling with ALL flammable material removed for a distance of 3 metres.

### **PROTECTIVE CLOTHING**

It is recommended that all firefighters wear adequate protective clothing when fighting fires. It is pointed out that flammable synthetic clothing is not considered sufficiently protective.

### **Summary of Bush Fires Act**

1 Permits to burn are required for the whole of the restricted burning periods and can only be obtained from the Brigade Fire Control Officer.

2 Any special conditions imposed by the Fire Control Officer when issuing permits must be strictly adhered to.

3 The permit holder should give notice of his intention to burn to:

- a) The owner or occupier of adjoining land.
- b) The nearest Department of Environment and Conservation (DEC) Office, if the land is situated within three (3) kilometres of State Forest Land.

4 PERIOD OF NOTICE to neighbours prior to burning cannot be more than 28 days or less than 4 days although lesser notice may be determined by mutual agreement between neighbours.

5 Your attention is drawn to items 5, 6 and 7 printed on the back of each permit.

6 All landowners and occupiers who incur a bush fire have an obligation to assist each Brigade Fire Control Officer to compile a Fire Report Form.

7 Any INCINERATOR used to burn rubbish must be properly constructed - an open drum with or without a lid is not an appropriate incinerator.

**BRIGADE AND SHIRE CONTACTS  
BASE SET CALL VL6X (HOTEL X-RAY)**

| SHIRE CONTACT DETAILS      |             |           |  |              |
|----------------------------|-------------|-----------|--|--------------|
| Shire Office               |             |           |  | 9765 1200    |
| Manager of Works           |             |           |  | 0429 651 050 |
| Works Supervisor           |             |           |  | 0427 651 222 |
| X-RAY TEAM CONTACT DETAILS |             |           |  |              |
| CHIEF FIRE CONTROL OFFICER |             |           |  |              |
| K Henderson                | HOTEL X-RAY | 9765 3081 |  | 0428 198 303 |
| 1ST DEPUTY                 |             |           |  |              |
| G Robertson                | X-RAY 1     | 9767 3043 |  | 0427 673 043 |
| 2ND DEPUTY                 |             |           |  |              |
| R Bingham                  | X-RAY 2     | 9767 1280 |  | 0429 900 058 |
| COMMUNICATIONS OFFICER     |             |           |  |              |
| B Huisman                  | X-RAY 3     | 9765 3075 |  | 0428 653 075 |
| FIRE WEATHER OFFICER       |             |           |  |              |
| J Potter                   | X-RAY 4     | 9765 3091 |  | 0429 653 091 |
| DEPUTY WEATHER OFFICER     |             |           |  |              |
| L Elliott                  | KLK 1       | 9833 2252 |  | 0427 332 252 |
| TRAINING OFFICER           |             |           |  |              |
| R Gifford                  | NOLLAJUP 1  | 9764 4040 |  | 0429 644 040 |
| <b>BENJINUP</b>            |             |           |  |              |
| FCO                        |             |           |  |              |
| D Inglis                   | BENJINUP 1  | 9765 1423 |  | 0418 651 088 |
| DEPUTY FCO                 |             |           |  |              |
| D Guazelli                 | BENJINUP 2  | 9766 1045 |  | 0427 040 268 |
| <b>CHOWERUP</b>            |             |           |  |              |
| FCO                        |             |           |  |              |
| B Evans                    | CHOWERUP 1  | 9833 7528 |  | 0417 925 455 |
| DEPUTY FCO                 |             |           |  |              |
| R Frazer                   | CHOWERUP 2  | 9769 1014 |  | _____        |
| <b>DINNINUP</b>            |             |           |  |              |
| FCO                        |             |           |  |              |
| W White                    | DINNINUP 1  | 9767 1214 |  | 0429 671 215 |
| DEPUTY FCO                 |             |           |  |              |
| P Bradford                 | DINNINUP 2  | 9767 1218 |  | 0427 379 247 |
| <b>EAST BOYUP BROOK</b>    |             |           |  |              |
| FCO                        |             |           |  |              |
| W Gordon                   | EAST 1      | 9765 1098 |  | 0428 651 098 |
| DEPUTY FCO                 |             |           |  |              |
| J Ritson                   | EAST 2      | 9765 1074 |  | 0429 651 073 |
| <b>GIBBS ROAD</b>          |             |           |  |              |
| FCO                        |             |           |  |              |
| R Bingham                  | GIBBS 1     | 9767 1280 |  | 0429 900 058 |
| DEPUTY FCO                 |             |           |  |              |
| M Giles                    | GIBBS 2     | 9767 1238 |  | 0428 671 232 |
| <b>KENINUP</b>             |             |           |  |              |
| FCO                        |             |           |  |              |
| N Bagshaw                  | KENINUP 1   | 9767 1272 |  | 0428 993 909 |
| DEPUTY FCO                 |             |           |  |              |
| B Skraha                   | KENINUP 2   | 9767 3030 |  | 0428 673 058 |
| <b>KULIKUP</b>             |             |           |  |              |
| FCO                        |             |           |  |              |
| L Elliott                  | KLK 1       | 9833 2252 |  | 0427 195 014 |
| DEPUTY FCO                 |             |           |  |              |
| B Fairbrass                | KLK 2       | 9767 3054 |  | 0428 673 054 |

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 20 AUGUST 2009

**MAYANUP**

|            |           |           |              |
|------------|-----------|-----------|--------------|
| FCO        |           |           |              |
| J Fortune  | MAYANUP 1 | 9765 3471 | 0427 881 259 |
| DEPUTY FCO |           |           |              |
| P Lloyd    | MAYANUP 2 | 9765 3035 | 0428 653 020 |

**MCALINDEN**

|            |             |           |              |
|------------|-------------|-----------|--------------|
| FCO        |             |           |              |
| S Harley   | McALINDEN 1 | 9732 2061 | 0428 322 061 |
| DEPUTY FCO |             |           |              |
| D Fortune  | McALINDEN 2 | 9767 2061 | 0428 672 061 |

**MICKALARUP/DWALGANUP**

|            |              |           |              |
|------------|--------------|-----------|--------------|
| FCO        |              |           |              |
| R Forbes   | MICKALARUP 1 | 9765 3036 | 0427 887 397 |
| DEPUTY FCO |              |           |              |
| K Lloyd    | MICKALARUP 2 | 9765 3044 | 0428 653 044 |

**NOLLAJUP**

|            |            |           |              |
|------------|------------|-----------|--------------|
| FCO        |            |           |              |
| M Gifford  | NOLLAJUP 1 | 9764 4040 | 0428 644 040 |
| DEPUTY FCO |            |           |              |
| R Nield    | NOLLAJUP 2 | 9765 1192 | 0408 090 987 |

**NORTH DINNINUP**

|            |                |           |              |
|------------|----------------|-----------|--------------|
| FCO        |                |           |              |
| M Wright   | NTH DINNINUP 1 | 9767 2062 | 0427 191 785 |
| DEPUTY FCO |                |           |              |
| N Chambers | NTH DINNINUP 2 | 9833 2264 | 0428 332 264 |

**SCOTTS BROOK**

|              |              |            |              |
|--------------|--------------|------------|--------------|
| FCO          |              |            |              |
| P Broockmann | SCOTTS BROOK | 19769 1013 | 0428 691 013 |
| DEPUTY FCO   |              |            |              |
| C Knapp      | SCOTTS BROOK | 29767 3025 | 0416 156 404 |

**TONEBRIDGE**

|            |        |           |              |
|------------|--------|-----------|--------------|
| FCO        |        |           |              |
| D Turner   | TONE 1 | 9769 1069 | _____        |
| DEPUTY FCO |        |           |              |
| R Tuckett  | TONE 2 | 9769 1036 | 0429 691 010 |

**TWEED**

|            |         |           |              |
|------------|---------|-----------|--------------|
| FCO        |         |           |              |
| M Wallace  | TWEED 1 | 9765 3057 | 0429 205 200 |
| DEPUTY FCO |         |           |              |
| C Connop   | TWEED 2 | 9761 7536 | 0428 617 536 |

**WEST BOYUP BROOK**

|            |        |           |              |
|------------|--------|-----------|--------------|
| FCO        |        |           |              |
| G Hales    | WEST 1 | 9765 1042 | 0427 651 046 |
| DEPUTY FCO |        |           |              |
| B Cailles  | WEST 2 | 9765 1999 | 0408 151 800 |

**CARRIED 7/0**

**Res 168/09**

**Behind Closed Doors**

**MOVED: Cr Ginnane**

**SECONDED: Cr Marshall**

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 the CEO, the time being 4.23pm.

**CARRIED 7/0**

**Res 169/09**

**Financial Interest**

4.22pm – CEO declared a financial interest in item 7.2.6 and left the Chambers.

4.22pm – MWKS, MF & EA left the Chambers.

**7.2.6 Chief Executive Officer – reimbursement of removal costs**

|  |                       |
|--|-----------------------|
| <b>Location:</b>                       | <i>Not applicable</i> |
| <b>Applicant:</b>                      | <i>Alan Lamb</i>      |
| <b>File:</b>                           |                       |
| <b>Disclosure of Officer Interest:</b> | <i>None</i>           |
| <b>Date:</b>                           | <i>14 August 2009</i> |
| <b>Author:</b>                         | <i>Keith Jones</i>    |
| <b>Authorizing Officer:</b>            | <i>Not applicable</i> |
| <b>Attachments:</b>                    | <i>Nil</i>            |

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**SUMMARY**

The purpose of this report is to put before Council the officer's request for reimbursement of removal costs with a recommendation that costs be reimbursed.

**BACKGROUND**

The application package supplied to applicants for the Chief Executive Officer (CEO) position included the following information that related to removal costs:

- The Shire will meet the cost of the Chief Executive Officer's relocation expenses up to \$3,000 with 50% of the reimbursement to be made after successful completion of six (6) months service and the balance to be paid on the successful completion of twelve (12) months service. Receipts must be produced to claim reimbursement.*

Actual costs for the removal totalled to \$3,659.13 and the officer seeks reimbursement of that amount.

**COMMENT**

It is common practice for Local Government's to meet removal costs of employees.

The Local Government Act provides that meetings are to be open to the public also that some matters may be dealt with behind closed doors (see Statutory Obligations). Council may close to members of the public a part of a meeting dealing with matters affecting employees.

### **CONSULTATION**

Nil other than with the officer.

### **STATUTORY OBLIGATIONS**

Section 5.23 of the Local Government Act has application.

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

(1) Subject to subsection (2), the following are to be open to members of the public —

(a) all council meetings; and

(b) all meetings of any committee to which a local government power or duty has been delegated.

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

(e) a matter that if disclosed, would reveal —

(i) a trade secret;

(ii) information that has a commercial value to a person; or

(iii) information about the business, professional, commercial or financial affairs of a person,

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

(f) a matter that if disclosed, could be reasonably expected to —

(i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;

(ii) endanger the security of the local government's property; or

(iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;

(g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and

(h) such other matters as may be prescribed.

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil, provision was made in the 2009/10 budget for this expense.

### **STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Absolute majority

**MOVED: Cr Marshall**

**SECONDED: Cr Muncey**

**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, the time being 4.25pm.**

**CARRIED 7/0**

**Res 170/09**

**OFFICER RECOMMENDATION – ITEM 7.2.6**

**That Council reimburse the Chief Executive Officer's removal costs associated with his take up of the appointment to the value of \$3,659.13.**

**COUNCIL DECISION – ITEM 7.2.6**

**MOVED: Cr Ginnane**

**SECONDED: Cr O'Hare**

**That Council reimburse the Chief Executive officer's removal costs associated with his take up of the appointment to the value of \$3,000.00 as indicated in the information package supplied to all applicants.**

**CARRIED 7/0 – ABSOLUTE MAJORITY**

**Res 171/09**

4.30pm – The CEO, MWKS, MF and EA returned to the Chambers.

### 7.3 **CHIEF EXECUTIVE OFFICER**

#### 7.3.1 Trails Based Recreation Project

|  |   |
|--|---|
| <b>Location:</b>                       | <i>Boyup Brook district</i>                   |
| <b>Applicant:</b>                      | <i>Warren Blackwood Strategic Alliance</i>    |
| <b>File:</b>                           | <i>GR/31/006</i>                              |
| <b>Disclosure of Officer Interest:</b> | <i>Nil</i>                                    |
| <b>Date:</b>                           | <i>13 August 2009</i>                         |
| <b>Author:</b>                         | <i>Mr Alan Lamb – Chief Executive Officer</i> |
| <b>Authorizing Officer:</b>            | <i>Not Applicable</i>                         |
| <b>Attachments:</b>                    | <i>Yes – Correspondence from WBSA</i>         |

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#### **SUMMARY**

The Warren Blackwood Strategic Alliance (WBS) is seeking funding assistance to appoint a project officer for a trails project. The request was put to Council in May 2009 and rejected but is put to Council again with the recommendation that Council support the project.

#### **BACKGROUND**

WBAS has been working on a trail project for some months. The trail is to enhance recreational opportunities for walkers, cyclists/mountain bikers, canoeists and horse riders in the Warren Blackwood region by providing quality information and marketing of existing trails. The project will also consider facilitating the upgrading and building of new recreational trails through the development of a comprehensive trails plan. The project aims to build on and augment features such as the Bibbulmun Track and Munda Biddi Trail.

The project is to be undertaken in two stages, the first from August 2009 concentrates on research and planning and the second stage will use data and information from the first to produce the needed materials and to access the required funding.

WBSA has received a \$30,000 grant from Lotterywest for cartographic, web design and other aspects of the project it appears there are good prospects of obtaining funding for the project. The funding sought from the four Shire Council members of WBSA is to employ a project officer.

This request for funding was put to the May 2009 Council meeting and Council resolved as follows:-

*That the Warren Blackwood Strategic Alliance's request, for \$4,000 toward the cost of appointing a Project Officer to work on its trails based recreational project be declined as it was considered this expenditure was discretionary and non essential.*



## **COMMENT**

This matter is brought back before Council because of subsequent events that may result in Council wishing to review its earlier decision.

Subsequent to Council making its decision to not support the project WBSA has received confirmation of success in its Lotterywest grant application. Also, Cr Carol Pinkerton (Nannup Shire) spoke at the last Council meeting on the significance of the project to the Blackwood Valley region and especially to this Shire.

It has been suggested that as

- the project has already attracted significant grant funding,
- the project is supported by the other three Shire members of WBSA,
- Boyup Brook instigated the project,
- the majority of the trail will be in Boyup Brook,

Council may now wish to support the project.

## **STATUTORY OBLIGATIONS**

Nil

## **POLICY IMPLICATIONS**

Council could view this as a donation to the WBSA and if so the Donations Policy would apply. It is suggested though that the WBSA is becoming more of a regional organisation of Councils and as such the funding might be more correctly seen as a joint project arrangement relating to tourism and area promotion.

## **BUDGET/FINANCIAL IMPLICATIONS**

No provision was made in the 2009/10 budget for this proposed expenditure.

## **STRATEGIC IMPLICATIONS**

Action 208 calls for "Investigation into the development of a regional Council" and whilst the WBSA project is not strictly in line with this action it is the type of activity that would flow from a regional approach.

## **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

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.1**

**MOVED: Cr Broadhurst**

**SECONDED: Cr Muncey**

**That Council**

- 1. amend the 2009/10 Budget to provide for expenditure of \$4,000 in the area of Tourism and Area Promotion.**
- 2. agree to the Warren Blackwood Strategic Alliance’s request for \$4,000 toward the cost of appointing a Project Officer to work on its trails based recreational project.**

**CARRIED 7/0 – ABSOLUTE MAJORITY**

**Res 172/09**

**7.3.2 Blackwood Basin Group – rental agreement – request for write off of outstanding rent**

|  |   |
|--|---|
| <b>Location:</b>                       | <i>Portion of Railway Reserve Boyup Brook</i> |
| <b>Applicant:</b>                      | <i>Blackwood Basin Group</i>                  |
| <b>File:</b>                           | <i>CR/31/004</i>                              |
| <b>Disclosure of Officer Interest:</b> | <i>None</i>                                   |
| <b>Date:</b>                           | <i>13 August 2009</i>                         |
| <b>Author:</b>                         | <i>Alan Lamb – Chief Executive Officer</i>    |
| <b>Authorizing Officer:</b>            | <i>Not Applicable</i>                         |
| <b>Attachments:</b>                    | <i>Letter from Blackwood Basin Group</i>      |

---

**SUMMARY**

The Blackwood Basin Group (BBG) proposes that the outstanding rental owed to Council be written off and a three year lease be entered into.

**BACKGROUND**

It appears that the BBG has occupied premises at the old Railway Reserve since 1/7/01. Council charged rent from that date to 30/6.2007 but BBG did not pay and in August 2007 Council looked at this, and other debts, for write off. The officer report to that meeting noted the following:

*Blackwood Basin Group (BBG) – \$17,060.00 - rent for the period 1/7/01 – 30/6/07 on railway accommodation they believe is not payable due to a discussion with the previous CEO Will Pearce. They said that as they were meeting the operational and maintenance costs that there would be no rent. This matter was never formalized and a question arises as to whether these are collectible. The CEO is in the process of confirming arrangements with the BBG from the 1 July 2007.*

It is noted that Council's lease on the Railway Reserve had expired in 2002 and the process to renew the lease was commenced in May 2008 (with a request from Council). Burgess Rawson (BR) on behalf of the Public Transport Authority (the Government agency than has a management order for the Reserve) wrote in June 2008 to advise that the lease could not be renewed however a commercial lease could be entered into for 10 years and the annual cost would be \$600. BR noted that this could be appealed and gave a Westnet Rail contact. It is not clear if this was followed up. BR has subsequently provided a draft lease which Administration is working through. BR's letter dated 6/6/2008 noted that the lease "may continue to roll over monthly".

It is noted that the agreement between Council and the Western Australian Government Railways to lease the Reserve to Council (Clause 1(e)) provides that the lessee cannot "assign or underlet or part with the possession of the demised premises or any part thereof without consent in writing". No evidence of any application or granting of consent could be located.

BBG suggests that it paid \$30,000 toward the cost of the transportable building, and has paid electricity costs, installed five reverse cycle air conditioners, replaced all carpets and linoleum, painted internally, repaired fly screens, repaired door frames and replaced security screens, installed a new secure metal shed, installed new security locks on all windows, installed security lighting externally, installed a shade sail over the area between the two buildings, and maintained and replanted the gardens. It suggests that the foregoing cost in the order of \$21,000 and so it has contributed more than \$50,000 over 14 years. It seeks to have the current debt of \$5,720 (Inc GST) written off and for a three year agreement to be entered into with the annual rental being \$2,600 (ex GST).

**COMMENT**

It is recommended that Council agree to write the accumulated debt off and that the BBG be offered a month by month agreement, with the rent being \$50 per week, until the lease between Council and PTA is resolved and that the requirement for rental payments be strictly enforced.

It is noted that the Railway Reserve has operated a net cost to Council for years as will be seen from the following:

| BOYUP BROOK RAILWAY RESERVE                 |                                      |       |  |  |  |        |         |       |
|---|--------------------------------------|-------|--|--|--|--------|---------|-------|
| ALSO KNOWN AS THE BLACKWOOD REGIONAL CENTRE |                                      |       |  |  |  |        |         |       |
|   |                                      |       |  |  |  | BUDGET |         |       |
| INCOME                                      |                                      |       |  |  |  | 2008/9 | 2009/10 |       |
|   | AGRICULTURE DEPT                     |       |  |  |  |        | 2600    |       |
|   | BLACKWOOD BASIN GROUP                |       |  |  |  |        | 2600    | 2600  |
|   | NEW TENANT FOR RAIL STATION BUILDING |       |  |  |  |        |         | 2600  |
|   |                                      | TOTAL |  |  |  |        | 5200    | 5200  |
| EXPENDITURE                                 |                                      |       |  |  |  |        |         |       |
|   | INSURANCE                            |       |  |  |  |        | 95      | 338   |
|   | WATER RATES AND CONSUMPTION          |       |  |  |  |        | 600     | 600   |
|   | RUBBISH REMOVAL AND ESL              |       |  |  |  |        | 200     | 200   |
|   | FIRE EXTINGUISHER SERVICING          |       |  |  |  |        | 30      | 30    |
|   | MATERIALS AND CONTRACTORS            |       |  |  |  |        | 33000   |       |
|   | MAINTENANCE BUILDING                 |       |  |  |  |        |         | 6000  |
|   | MAINTENANCE GENERAL                  |       |  |  |  |        |         | 350   |
|   | WAGES                                |       |  |  |  |        | 2085    | 348   |
|   | OVERHEADS                            |       |  |  |  |        | 1852    | 316   |
|   | PLANT OPERATING COSTS                |       |  |  |  |        | 1024    | 529   |
|   |                                      | TOTAL |  |  |  |        | 38886   | 8711  |
| NET COST                                    |                                      |       |  |  |  |        | -33686  | -3511 |

The high cost in 2008/09 related to external painting works. The Department of Agriculture is no longer renting the old station building and the 2009/10 budget income is based on renting at the same level of income to another entity.

Whilst it is apparent that BBG has incurred some costs over the years it is noted that some items of expenditure might be viewed as things that a tenant might be permitted to do, that is things that the owner might not pay for (i.e. such as the shade cloth, air conditioning etc. It should also be noted that the Railway Reserve is a net cost to Council even if the budgeted rental income is achieved and so Council may wish to look more closely at this area of operation at a later date.

**CONSULTATION**

The author has consulted with BBG and other members of Council staff.

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

The balance brought forward from 2008/09 included BBG's outstanding debt and so the impact of writing this off will be a shortfall in the budget of the amount written off.

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.2**

**MOVED: Cr Ginnane**

**SECONDED: Cr Broadhurst**

**That Council**

1. **agrees to write off the debt of \$5,720 owed by the Blackwood Basin Group in respect of rent for the premises it occupies at the Boyup Brook Railway Reserve.**
2. **agrees to rent the premises to the Blackwood Basin Group for \$50 per week on a month by month basis until the lease between Council and Public Transport Authority is resolved and that the requirement for rental payments be strictly enforced.**

**CARRIED 7/0 – ABSOLUTE MAJORITY**

**Res 173/09**

### **Financial Interest**

4.44pm – Cr Broadhurst declared a financial interest in item 7.3.3 and left the Chambers.

#### **7.3.3 Sandakan – commemorative ceremony**

|  |                                     |
|--|-------------------------------------|
| <b>Location:</b>                       | N/A                                 |
| <b>Applicant:</b>                      | N/A                                 |
| <b>File:</b>                           | CR/26/006                           |
| <b>Disclosure of Officer Interest:</b> | None                                |
| <b>Date:</b>                           | 12 August 2009                      |
| <b>Author:</b>                         | Alan Lamb – Chief Executive Officer |
| <b>Authorizing Officer:</b>            | N/A                                 |
| <b>Attachments:</b>                    | Nil                                 |

---

### **SUMMARY**

Councillor Broadhurst will be travelling to Sandakan to attend the Sandakan Day ceremonies there. It is recommended that Councillor Broadhurst costs be met.

### **BACKGROUND**

This Shire has a long standing association with the Sandakan Council and community and there have been regular reciprocal visits by Presidents, Councillors and other dignitaries over a number of years.

### **COMMENT**

This Council has a long and strong tie to the Sandakan community through the remembrance of terrible, and largely unknown, World War 11 (WW11) events in that region. Representatives from each municipality have honoured the supreme sacrifice that Australians and the local community made during this conflict by travelling to attend each others ceremonies held to commemorate the Sandakan march and Anzac Day.

Ceremonies held in Sandakan are attended by Australian Service personnel, Parliamentarians and others. Councillor Broadhurst has made arrangements to attend the Sandakan Day service in Sandakan in August and has met all related costs

Representatives of the Sandakan Council have attended Sandakan Day ceremonies held in Boyup Brook and Council has made a practice of having at least one representative at ceremonies held in Sandakan.

It is noted that Council's policy on this matter provides that the Council Representative's partner would usually attend;

- *the Council Representative (usually the Shire President) and partner of the Shire of Boyup Brook attend either the Anzac Day Service or the Sandakan Memorial Day Service in Sandakan each year.*

Also that cost will be met for both the Representative and partner;

- *It is Council policy that all reasonable and direct expenses incurred by the Shire Representative and partner are met by the Shire.*

The President's partner will not be attending this year's ceremony with him and so in a sense the costs saving made here could be assigned to Cr Broadhurst's travel. Costs associated with the Sandakan ceremony attendances come from "Other Conferences and Seminars" (in the area of Governance) and the provision in this area was increased from \$5,000 in 2008/09 to \$7,500 in 2009/10, and so there would be sufficient funds to meet anticipated costs.

### **STATUTORY OBLIGATIONS**

Nil

### **POLICY IMPLICATIONS**

Council's "Conferences Sandakan Relationship" policy has application.

|                              |                              |
|------------------------------|------------------------------|
| <b><i>POLICY NO.</i></b>     | <i>M.10</i>                  |
| <b><i>POLICY SUBJECT</i></b> | <b>Sandakan Relationship</b> |
| <b><i>ADOPTION DATE</i></b>  | <i>19 June 2008</i>          |
| <b><i>VARIATION DATE</i></b> |                              |

### **Objective**

*To promote and develop the Memorandum of Friendship between the Sandakan Municipal Council and the Boyup Brook Shire Council.*

### **Statement**

*The Memorandum of Friendship between the two Municipalities was signed in October 2007. The aims of the Memorandum are to improve the management of the two councils; to encourage commerce, trade and tourism; exchange of administration and information on culture, arts and relics of World War II; and exchange of youth and sport matters.*

*To uphold the memorandum-*

- the Council Representative (usually the Shire President) and partner of the Shire of Boyup Brook attend either the Anzac Day Service or the Sandakan Memorial Day Service in Sandakan each year.*
- Council offer financial assistance to the Boyup Brook Lions Club in their annual school scholarship programme to send a student to the Sandakan Anzac Day Ceremony.*
- the Boyup Brook Shire Council invite representatives from the Sandakan Municipal Council and two High School students, nominated by the Sandakan Municipal Council, to attend the Boyup Brook Sandakan Memorial service each year.*

*It is Council policy that all reasonable and direct expenses incurred by the Shire Representative and partner are met by the Shire.*

*To assist Council and the Community to monitor the success of the relationship in respect to the aims of the Memorandum of Friendship the Council representative and the*

*scholarship recipient provide a written report to Council outlining progress in the five key areas of the Memorandum of Friendship.*

*Implementation of this policy is subject to annual budget considerations.*

### **BUDGET/FINANCIAL IMPLICATIONS**

It has not been possible to identify costs associated with Cr Broadhurst's travel for the purposes of this report however they are expected to be known on the Council meeting day. Based on the cost of previous attendances at Sandakan ceremonies (costs associated with the most recent attendance were less than \$1,100) it is expected that the costs will be less than \$1,200 and expenditure at this level will be within budget estimates.

### **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**  
Council forged a link with Sandakan some years ago and the significance of the WW11 tragedy that occurred there has become a part of both the Sandakan and Boyup Brook community's focus. CR Broadhurst's visit is expected to strengthen the links between the two communities.

### **VOTING REQUIREMENTS**

Absolute Majority

### **COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.3**

**MOVED: Cr O'Hare**

**SECONDED: Cr Ginnane**

**That Council support Councillor Broadhurst's trip to Sandakan to attend Sandakan Day functions and that travel, accommodation and ancillary costs be met to a maximum of \$1,200.**

**CARRIED 5/1 - ABSOLUTE MAJORITY**

**Res 174/09**

4.49pm – Cr Muncey left the Chambers.

4.50pm – Cr Muncey returned to the Chambers.

4.50pm – Cr Broadhurst returned to the Chambers.



**Behind Closed Doors**

**MOVED: Cr Ginnane**

**SECONDED: Cr Lamshed**

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 the CEO.

**CARRIED 7/0**

**Res 175/09**

**Financial Interest**

4.51pm – CEO declared a financial interest in item 7.3.4 and left the Chambers.

4.51pm – MWKS, MF & EA left the Chambers.

**7.3.4 Chief Executive Officer – Annual Performance Review**

|   |   |
|---|---|
| <b><i>Location:</i></b>                       | <i>Boyup Brook district</i>               |
| <b><i>Applicant:</i></b>                      | <i>N/A</i>                                |
| <b><i>File:</i></b>                           | <i>P/F</i>                                |
| <b><i>Disclosure of Officer Interest:</i></b> | <i>None</i>                               |
| <b><i>Date:</i></b>                           | <i>3 August 2009</i>                      |
| <b><i>Author:</i></b>                         | <i>Cr Roger Downing – Shire President</i> |
| <b><i>Authorizing Officer:</i></b>            | <i>N/A</i>                                |
| <b><i>Attachments:</i></b>                    | <i>Nil</i>                                |

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**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 7/0**

**Res 176/09**

**SUMMARY**

The purpose of this item is to bring the matter of the Chief Executive Officer's (CEO) Annual Performance Review (APR) back before Council in order to complete the process and put forward the review panel's recommendations.

**BACKGROUND**

The CEO commenced service 18 August 2008 and the contract of employment provided for annual reviews as follows:

**8. PERFORMANCE REVIEWS**

- (1) *The Council shall ensure that a review of the CEO's performance is conducted annually or more frequently if the Council or the CEO perceives there is a need to do so.*
- (2) *The Council shall give the CEO a minimum of ten working days notice in writing that a performance review is to be conducted to enable the CEO sufficient time to prepare.*
- (3) *Where an external facilitator is to be used, both parties shall agree to the nominated facilitator.*
- (4) *The CEO shall prepare and submit to the council and/or facilitator an assessment of his/her own performance prior to the assessment by the council.*
- (5) *The final report on the performance of the CEO is to be forwarded to the Council for it to consider and decide whether to accept or reject the report.*

#### **12.7 Annual review**

- (1) *The Remuneration Package shall be reviewed annually by the Council.*
- (2) *In a review under sub-clause (1):*
  - (a) *there is no obligation on the Local Government to increase the salary or amount of the Remuneration Package; and*
  - (b) *the Local Government shall not reduce the salary or the Remuneration Package.*

The contract also provides for the term of the agreement as follows;

#### **4. TERM OF EMPLOYMENT**

*Subject to the terms and conditions contained in this Contract, the Local Government will employ Mr Alan Lamb, in the position of the Local Government's CEO, for a term of 3 years, commencing on 18th August, 2008 and expiring on 18th August 2011.*

The contract further provides for the following performance criteria;

#### **7 PERFORMANCE CRITERIA**

- (1) *Subject to sub-clause (2), the following performance criteria apply to this Contract:*
  - (a) *provide accurate and timely advice to the Council;*
  - (b) *work in collaboration with the Council;*
  - (c) *provide innovative and visionary leadership;*
  - (d) *establish effective networks;*
  - (e) *maintain a work environment that facilitates the development of people and encourages them to perform at a high level;*
  - (f) *ensure the effective and accountable application of financial and physical resources;*
  - (g) *develop and implements change management strategies to enhance service delivery;*
  - (h) *initiate the development, implementation and review of effective policies.*
- (2) *These performance criteria may be varied and any other criteria may be included by agreement between the parties at any time during the term of this Contract.*

The Local Government Act provides that meetings are to be open to the public also that some matters may be dealt with behind closed doors (see Statutory Obligations). Council may close to members of the public a part of a meeting dealing with matters affecting employees.

At its June meeting Council passed the following resolutions:

1. *That Council commence the process of the Chief Executive Officer's Annual Performance Review by requesting that the Shire President write to the officer notifying of the review in accordance with the employment contract.*
2. *That Cr Downing, Cr Lamshed, Cr Muncey and Cr Broadhurst be appointed to conduct the Chief Executive Officer's annual performance review and report back to Council.*

### **COMMENT**

A copy of the review panel's report was distributed to all Councillors. The report noted that the Chief Executive Officer had performed to a "very satisfactory" level.

The report recommended that the following performance criteria apply for the next year:

- a) Provide accurate and timely advice to the Council
- b) Work in collaboration with the Council
- c) Provide innovative and visionary leadership
- d) Maintain a work environment that facilitates the development of people and encourages them to perform at a high level
- e) Develop and implement change management strategies to enhance service delivery
- f) Compliance with relevant legislation, indicated by an annual Compliance Audit report with no or minimal compliance issues
- g) Effective and accountable application of financial and physical resources, indicated by an annual Financial Audit, with no or minimal qualifications
- h) A draft of the forthcoming Annual Budget to be placed before the Council by 1 June each year
- i) A draft review of the Strategic Plan to the Council by April 2010
- j) Completion of draft 10 year plans for Works (construction and maintenance), Buildings (construction and maintenance), Plant (replacement and maintenance) and Financial (that links to all other plans) for consideration by the Council by April 2010

The report also recommended that Clause 12.7 Annual review be amended to read as follows;

- (1) The Remuneration Package shall be reviewed annually by the Council.
- (2) In a review under sub-clause (1):
  - (a) subject to a satisfactory performance review, the Remuneration Package shall be increased by the movement in CPI for the past year
  - (b) the Local Government shall not reduce the salary or the Remuneration Package.

The report further recommended that the term of the contract be extended two years and that Clause 4 Term of Employment be amended to read as follows;

Subject to the terms and conditions contained in this Contract, the Local Government will employ Mr Alan Lamb, in the position of the Local Government's CEO, for a term of 5 years, commencing on 18th August, 2008 and expiring on 18th August 2013.

### **STATUTORY OBLIGATIONS**

Section 5.23 of the Local Government Act has application.

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

- (1) Subject to subsection (2), the following are to be open to members of the public —
  - (a) all council meetings; and

- (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following
- (a) a matter affecting an employee or employees;
  - (b) the personal affairs of any person;
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
  - (f) a matter that if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - (ii) endanger the security of the local government's property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
  - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
  - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil, relevant provisions were made in the 2009/10 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**

Absolute Majority

**COUNCIL DECISION – MOVE OUT OF COMMITTEE**

**MOVED: Cr Ginnane**

**SECONDED: Cr Muncey**

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 177/09**

**MOVED: Cr Muncey**

**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, the time being 5.08pm.

**CARRIED 7/0**

**Res 178/09**

**REVIEW PANEL RECOMMENDATION – ITEM 7.3.4**

That in relation to the Chief Executive Officer's annual review and contract of employment;

The following performance criteria apply for the next year:

- a) Provide accurate and timely advice to the Council
- b) Work in collaboration with the Council
- c) Provide innovative and visionary leadership
- d) Maintain a work environment that facilitates the development of people and encourages them to perform at a high level
- e) Develop and implement change management strategies to enhance service delivery
- f) Compliance with relevant legislation, indicated by an annual Compliance Audit report with no or minimal compliance issues
- g) Effective and accountable application of financial and physical resources, indicated by an annual Financial Audit, with no or minimal qualifications
- h) A draft of the forthcoming Annual Budget to be placed before the Council by 1 June each year
- i) A draft review of the Strategic Plan to the Council by April 2010
- j) Completion of draft 10 year plans for Works (construction and maintenance), Buildings (construction and maintenance), Plant (replacement and maintenance) and Financial (that links to all other plans) for consideration by the Council by April 2010

2. Clause 12.7 Annual review be amended to read as follows;

- (1) The Remuneration Package shall be reviewed annually by the Council.
- (2) In a review under sub-clause (1):
  - (a) subject to a satisfactory performance review, the Remuneration Package shall be increased by the movement in CPI for the past year
  - (b) the Local Government shall not reduce the salary or the Remuneration Package.

3. The term of the contract be extended two years and that Clause 4 Term of Employment be amended to read as follows;

“Subject to the terms and conditions contained in this Contract, the Local Government will employ Mr Alan Lamb, in the position of the Local Government’s CEO, for a term of 5 years, commencing on 18th August, 2008 and expiring on 18th August 2013.”

**COUNCIL DECISION – ITEM 7.3.4**

**MOVED: Cr Marshall**

**SECONDED: Cr Muncey**

That in relation to the Chief Executive Officer’s annual review and contract of employment;

The following performance criteria apply for the next year:

- a) Provide accurate and timely advice to the Council
- b) Work in collaboration with the Council
- c) Provide innovative and visionary leadership
- d) Maintain a work environment that facilitates the development of people and encourages them to perform at a high level
- e) Develop and implement change management strategies to enhance service delivery
- f) Compliance with relevant legislation, indicated by an annual Compliance Audit report with no or minimal compliance issues
- g) Effective and accountable application of financial and physical resources, indicated by an annual Financial Audit, with no or minimal qualifications
- h) A draft of the forthcoming Annual Budget to be placed before the Council by 1 June each year
- i) A draft review of the Strategic Plan to the Council by April 2010
- j) Completion of draft 10 year plans for Works (construction and maintenance), Buildings (construction and maintenance), Plant (replacement and maintenance) and Financial (that links to all other plans) for consideration by the Council by April 2010
- k) Asset Management plan completed.

4. Clause 12.7 Annual review be amended to read as follows;

(1) The Remuneration Package shall be reviewed annually by the Council.

(2) In a review under sub-clause (1):

(a) subject to a satisfactory performance review, the Remuneration Package shall be increased by the movement in CPI for the past year

(b) the Local Government shall not reduce the salary or the Remuneration Package.

5. The term of the contract be extended two years and that Clause 4 Term of Employment be amended to read as follows;

“Subject to the terms and conditions contained in this Contract, the Local Government will employ Mr Alan Lamb, in the position of the Local Government’s CEO, for a term of 5 years, commencing on 18th August, 2008 and expiring on 18th August 2013.”

**CARRIED 7/0 - ABSOLUTE MAJORITY**

**Res 179/09**

5.08pm – CEO, MWKS, MF & EA returned to the Chambers.

**Proximity Interest**

Cr Muncey declared a proximity interest in item 7.3.5 on the basis that he resides in the same street as the applicant.

5.09pm – Cr Muncey left the Chambers.

**7.3.5 Home Occupation Lot 15 Lee Steere Drive, Boyup Brook**

|   |   |
|---|---|
| <b><i>Location:</i></b>                       | <i>Lot 15 Lee Steere Drive</i>                      |
| <b><i>Applicant:</i></b>                      | <i>C &amp; N Dalton</i>                             |
| <b><i>File:</i></b>                           | <i>AS975</i>  |
| <b><i>Disclosure of Officer Interest:</i></b> | <i>none</i>   |
| <b><i>Date:</i></b>                           | <i>12<sup>th</sup> August 2009</i>                  |
| <b><i>Author:</i></b>                         | <i>Geoffrey Lush – Council’s Consultant Planner</i> |
| <b><i>Authorizing Officer:</i></b>            | <i>Alan Lamb – Chief Executive Officer</i>          |
| <b><i>Attachments:</i></b>                    | <i>1 Application</i>                                |

---

**SUMMARY**

This report is to consider an application for Home Occupation at Lot 15 Lee Steere Drive.

The application is specifically to allow the owner to park a single prime mover and B-Train on the property for security reasons and ease of access to the vehicle.

Following the advertising of the application a number of objections have been received by Council.

**BACKGROUND**

The application is to operate a transport business from an existing residence. The business comprises of a home office and a single B Double Road Train. The details of this are contained in Attachment 1.

**COMMENT**

The proposal can only be considered as a Home Occupation as all other uses are prohibited in this zone.

A home occupation, by definition, does not result in a loss of residential amenity (see definition within statutory Environment). If the application does cause injury to or prejudicially affects the amenity of the neighbourhood, then it cannot be defined as a home occupation.

Often approvals for Home Occupations are given on an annual basis. It is also possible to restrict the approval to the current operator which means that if the property is sold then the approval lapses.

The primary concern is to ensure that there is no conflict with the adjoining properties. This can be from the operating times and also traffic conflict on the local road. In this regard the acceptability of the proposal is dependent upon the management responsibility of the operator.

Clause 5.4 of the Scheme contains the objective for the Special Rural zone and states that:

“The Special Rural Zone is intended primarily to accommodate rural residential retreats and hobby farms. Council's objective within the Special Rural zone shall be to permit the progressive rezoning and subdivision of land included within the Special Rural Policy Area (as defined on the Scheme Maps) subject to such proposals being consistent with Council's overall planning requirements and planning objectives. All development in the Special Rural Zone shall be conducted in a manner that preserves local amenity and the natural landscape or rural character of the zone.”

There is an obvious concern with large commercial vehicles being kept in residential area and its operation not causing any loss of amenity or negative traffic impacts. The definition of home occupation does specifically provide for parking of “one commercial vehicle.”

The Scheme also defines a “Commercial Vehicle” as a vehicle which Council considers to be used for, or engaged in, commerce. A "Transport Depot" means land and buildings used for the garaging of motor vehicles used, or intended to be used, for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicles and includes maintenance, management and repair of the vehicles used, but not of other vehicles.

In this situation the application could be considered either as a ‘Home Occupation’ or as a ‘Transport Depot’ with the keeping of livestock overnight as a ‘Rural Pursuit.’

If more than vehicle was kept than there would be no doubt that the application would be classified as a ‘Transport Depot’ which is a prohibited use.

The potential keeping of livestock in the trailer while parked at the property is not acceptable and is likely to create additional conflict.

### **CONSULTATION**

The application has been advertised to the residents in Lee Steere Drive and four objections have been received.

The primary concern of the objectors relate to the proposal having a detrimental effect on their lifestyle. The parking of a prime mover and trailer is not considered compatible with the character and amenity of the location.

The keeping of a prime mover and trailer should be defined as a ‘transport depot’ which is not a permitted use in this zone.



The possible keeping of livestock overnight would only exacerbate this issue and should be defined as a 'Rural Pursuit.'

There is also concern that Lee Steere Drive is not suitable for extra mass vehicles. There is no footpath in this locality and so the road is used by pedestrians, bike and horse riders. As a semi residential area this is likely to lead to potential conflict with other road users.

Concern has been expressed that the application is not a 'home occupation' but rather a 'transport depot' which is not permitted under the Scheme.

Concern has also been expressed that the proposal will result in the devaluation of surrounding land.

### **STATUTORY OBLIGATIONS**

The subject land is contained in Special Rural zone No 5.

Within this zone a Home occupation is an 'IP' use which means a use that is not permitted unless it incidental to the predominant use of the land as determined by Council.

Home Occupation is defined in the Scheme as:-

"...a business or activity carried on with the written permission of the Council within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that:

- a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interferences, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products, or the unsightly appearance of the dwelling house or domestic outbuilding on the land on which the business is conducted;
- b) does not entail the employment of any person not a member of the occupier's family;
- c) does not occupy an area greater than twenty square metres;
- d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;
- e) does not display a sign exceeding 0.2m<sup>2</sup> in area;
- f) in the opinion of the Council it is compatible with the principle uses to which land in the zone in which it is located may be put and will not, in the opinion of the Council, generate a volume of traffic that would prejudice the amenity of the area;
- g) does not entail the presence of more than one commercial vehicle and does not include provision for the fuelling or repairing of motor vehicles within the curtilage of the dwelling house or domestic out-building.

A "Rural Pursuit" is also an "AA" use in Special Rural zone No 5. A "Rural Pursuit" is defined in the Scheme as:-

"means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

- a) the growing of vegetables, fruit, cereals, or food crops;
- b) the rearing or agistment of goats, sheep, cattle or beasts of burden;
- c) the stabling, agistment or training of horses;
- d) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens;
- e) the sale of produce grown solely on the lot but does not include the following except as approved by the Council:
  - i) the processing, treatment or packing of produce;
  - ii) the breeding, rearing or boarding of domestic pets.”

### **POLICY IMPLICATIONS**

None

### **BUDGET/FINANCIAL IMPLICATIONS**

None

### **STRATEGIC IMPLICATIONS**

None

### **VOTING REQUIREMENTS**

Simple Majority

### **COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.5**

**MOVED: Cr Broadhurst**

**SECONDED: Cr O’Hare**

**That Council resolve to refuse the application to use Lot 15 Lee Steere for the purpose of a parking a ‘commercial vehicle’ on the property on the following grounds:**

- 1. The proposal is likely to be detrimental to the amenity of the locality.**
- 2. The proposal is not considered to be consistent with the objectives of the Special Rural zone.**
- 3. The application is not considered to comply with the definition of ‘Home Occupation’ as contained in Town Planning Scheme No 2 and is therefore a prohibited use in Special Rural zone no 5.**

**CARRIED 4/2**

**Res 180/09**

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

|               |                                      |
|---------------|--------------------------------------|
| For           | Against                              |
| Cr Broadhurst | Cr Roger Downing – Shire President   |
| Cr Ginnane    | Cr Peter Marshall – Deputy President |
| Cr Lamshed    |                                      |
| Cr O’Hare     |                                      |

5.18pm – Cr Muncey returned to the Chambers.

## 8 COMMITTEE REPORTS

### 8.1.1 Youth Advisory Committee Minutes

|  |                                     |
|--|-------------------------------------|
| <b>Location:</b>                       | N/A                                 |
| <b>Applicant:</b>                      | N/A                                 |
| <b>File:</b>                           | IM/37/004                           |
| <b>Disclosure of Officer Interest:</b> | Nil                                 |
| <b>Date:</b>                           | 12 <sup>th</sup> August 2009        |
| <b>Author:</b>                         | Annie Jones – Youth Officer         |
| <b>Authorizing Officer:</b>            | Alan Lamb – Chief Executive Officer |
| <b>Attachments:</b>                    | Yes - Minutes                       |

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#### **BACKGROUND:**

A meeting of the Youth Advisory Committee was held on 21<sup>st</sup> July 2009 and 11<sup>th</sup> and 4<sup>th</sup> August 2009

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

#### **COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.1**

**MOVED:** Cr Ginnane

**SECONDED:** Cr Muncey

That the minutes of the Youth Advisory Committee held on 21<sup>st</sup> July 2009 and 11<sup>th</sup> and 4<sup>th</sup> August 2009 be received.

**CARRIED 7/0**

**Res 181/09**

### 8.1.2 Minutes of the WA Local Government Association South West Zone

|  |                                     |
|--|-------------------------------------|
| <b>Location:</b>                       | N/A                                 |
| <b>Applicant:</b>                      | N/A                                 |
| <b>File:</b>                           | IM/37/003                           |
| <b>Disclosure of Officer Interest:</b> | Nil                                 |
| <b>Date:</b>                           | 12 <sup>th</sup> August 2009        |
| <b>Author:</b>                         | Alan Lamb – Chief Executive Officer |
| <b>Authorizing Officer:</b>            | Not Applicable                      |
| <b>Attachments:</b>                    | Yes - Minutes                       |

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#### **BACKGROUND:**

A meeting of the WA Local Government Association South West Zone was held on 24<sup>th</sup> July 2009.

Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.2*)

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.2**

**MOVED:** Cr Muncey

**SECONDED:** Cr O’Hare

**That the minutes of the WA Local Government Association South West Zone held on 24<sup>th</sup> July 2009 be received.**

**CARRIED 7/0**

**Res 182/09**

**8.1.3 Minutes of the Blackwood River Valley Marketing Association**

|  |                                     |
|--|-------------------------------------|
| <b>Location:</b>                       | N/A                                 |
| <b>Applicant:</b>                      | N/A                                 |
| <b>File:</b>                           | IM/37/008                           |
| <b>Disclosure of Officer Interest:</b> | Nil                                 |
| <b>Date:</b>                           | 12 <sup>th</sup> August 2009        |
| <b>Author:</b>                         | Alan Lamb – Chief Executive Officer |
| <b>Authorizing Officer:</b>            | Not Applicable                      |
| <b>Attachments:</b>                    | Yes - Minutes                       |

**BACKGROUND:**

A meeting of the Blackwood River Valley Marketing Association was held on 9<sup>th</sup> June 2009.

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

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.3**

**MOVED:** Cr Broadhurst

**SECONDED:** Cr Lamshed

**That the minutes of the Blackwood River Valley Marketing Association held on 9<sup>th</sup> June 2009 be received.**

**CARRIED 7/0**

**Res 183/09**

### 8.1.4 Minutes of the Warren Blackwood Strategic Alliance

|  |                                     |
|--|-------------------------------------|
| <b>Location:</b>                       | N/A                                 |
| <b>Applicant:</b>                      | N/A                                 |
| <b>File:</b>                           | GR/31/006                           |
| <b>Disclosure of Officer Interest:</b> | Nil                                 |
| <b>Date:</b>                           | 12 <sup>th</sup> August 2009        |
| <b>Author:</b>                         | Alan Lamb – Chief Executive Officer |
| <b>Authorizing Officer:</b>            | Not Applicable                      |
| <b>Attachments:</b>                    | Yes - Minutes                       |

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#### **BACKGROUND:**

A meeting of the Warren Blackwood Strategic Alliance was held on 4<sup>th</sup> August 2009.

Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.4*)

#### **COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.4**

**MOVED:** Cr O’Hare

**SECONDED:** Cr Muncey

That the minutes of the Warren Blackwood Strategic Alliance held on 4<sup>th</sup> August 2009 be received.

**CARRIED 7/0**

**Res 184/09**

### 8.1.5 Minutes of the Heated Multi Purpose Therapeutic Pool Committee

|  |                                     |
|--|-------------------------------------|
| <b>Location:</b>                       | N/A                                 |
| <b>Applicant:</b>                      | N/A                                 |
| <b>File:</b>                           | RE/45/002                           |
| <b>Disclosure of Officer Interest:</b> | Nil                                 |
| <b>Date:</b>                           | 12 <sup>th</sup> August 2009        |
| <b>Author:</b>                         | Alan Lamb – Chief Executive Officer |
| <b>Authorizing Officer:</b>            | Not Applicable                      |
| <b>Attachments:</b>                    | Yes - Minutes                       |

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#### **BACKGROUND:**

A meeting of the Heated Multi Purpose Therapeutic Pool Committee was held on 22nd July 2009 and 10<sup>th</sup> August 2009

Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.5*)

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.5**

**MOVED: Cr Broadhurst**

**SECONDED: Cr Muncey**

**That the minutes of the Heated Multi Purpose Therapeutic Pool Committee on 22<sup>nd</sup> July 2009 and 10<sup>th</sup> August 2009 be received.**

**CARRIED 7/0**

**Res 185/09**

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

Nil

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

**10.1 – Structural Reform Committee**

**MOVED: Cr Ginnane**

**SECONDED: Cr Marshall**

**That Council form a Structural Reform Committee for the purpose of negotiating with relevant local governments regarding structural reform.**

**The members of this committee are Cr Downing-Shire President, Cr Marshall, Cr Giles and Cr Ginnane.**

**CARRIED 7/0**

**Res 186/09**

**MOVED: Cr Ginnane**

**SECONDED: Cr Muncey**

**That a public meeting be called to outline the current position with the Structural Reform process.**

**CARRIED 7/0**

**Res 187/09**

**11 CONFIDENTIAL MATTERS**

Nil

**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 5.54pm.