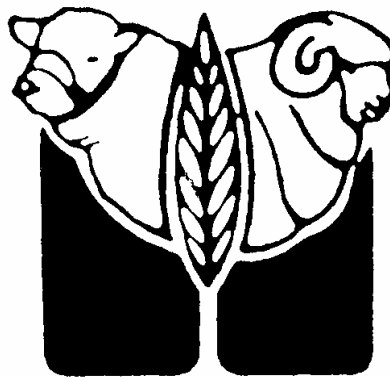


MINUTES



SPECIAL MEETING

HELD

THURSDAY, 15 JANUARY 2009

COMMENCED AT 7:30PM

AT

SHIRE OF BOYUP BROOK CHAMBERS
ABEL STREET – BOYUP BROOK

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

1.1 Attendance

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

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

PUBLIC: Nil

1.2 Apologies

Nil

1.3 Leave of Absence

Nil

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

Nil

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Nil

5 PRESIDENTIAL COMMUNICATIONS

Memo to Boyup Brook Councillors

From Shire President

Some of the items which appear on the Agenda for the Special Council Meeting for 15 January are of quite significant importance. The decisions which we make on these matters could well affect the functionality, reputation and appearance of the Boyup Brook Shire for many years to come.

Because of this I urge all Councillors to do their research and investigations into these matters with at least the usual thoroughness, and to have decided on all the advantages the Shire will obtain from making decisions along the lines of your preference. The Shire staff (via the CEO) are there to help you with information, procedural advice and experience, please make use of them.

With adequate preparation we will be able to have a strong and robust debate, and come away with the knowledge and certainty that our combined abilities have enabled us to obtain the best outcomes.

6 MATTERS REQUIRING A DECISION

6.1 Regional and Local Community Infrastructure Program 2008/09

Location:	N/A
Applicant:	N/A
File:	GR/31/001
Disclosure of Officer Interest:	Nil
Date:	9 January 2009
Author:	Alan Lamb
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Nil

SUMMARY

Recommendation on how the Regional and Local Community Infrastructure Program 2008/09 (RLCIP) grant funding might be spent.

BACKGROUND

At the inaugural meeting of the Australian Council of Local Government (ACLG), called by the Prime Minister and attended by the majority of the country's Mayors and Presidents, an announcement was made in relation to RLCIP funding. The funding is a direct partnership between the Federal Government and Local Government to undertake "nation building". Funding is to be delivered by 30 June 2009 and funding must be expended by 30 September 2009.

Essentially, there are two pools of funding, one being \$250m that is to be distributed to all Council's in the country based on population, growth and needs factors with a minimum of \$100,000. Boyup Brook's grant is \$100,000.

The second pool is \$50m that aimed at "strategic projects for larger-scale community infrastructure" and the minimum grant is \$2m. Projects must be "ready to proceed" (the project must be ready to commence construction within six months of signing the Funding Agreement) or be additional stages of projects that are already underway. Applications close 23 December 2008.

The RLCIP will provide funding to local governments for community infrastructure including new construction and major renovations or refurbishments of assets such as:

- social and cultural infrastructure (e.g. art spaces, gardens);
- recreational facilities (e.g. swimming pools, sports stadiums);
- tourism infrastructure (e.g. walkways, tourism information centres);
- children, youth and seniors facilities (e.g. playgroup centres, senior citizens' centres);
- access facilities (e.g. boat ramps, footbridges); and
- environmental initiatives (e.g. drain and sewerage upgrades, recycling plants).

Funding can be used for:

- construction or fit-out;
- preparatory work such as necessary engineering and geotechnical studies;
- land surveys and site investigations; and
- project management costs.

Funding will not be available for activities such as ongoing costs (e.g. operational costs and maintenance); transport infrastructure, such as roads; or related infrastructure covered by the Roads to Recovery or Black Spots programs.

The following is a listing of examples of projects that can be funded:

Examples of Community Infrastructure

Social and cultural infrastructure

- Town halls
- Community centres
- Libraries
- Local heritage sites
- Museums
- Cultural centres
- Enhancement of main streets and public squares
- Theatre/music/art spaces
- Historic buildings
- Parks and gardens
- Internet kiosk infrastructure
- Kitchens for organisations
- Community market areas

Recreation facilities

- Sports grounds and facilities
- Sports stadiums
- Community recreation spaces
- Playgrounds
- Rail trails
- Swimming pools
- Walking tracks and bicycle paths
- Skate Parks
- BMX/Mountain Bike parks/trails
- Surf lifesaving clubs

Tourism infrastructure

- Convention or trade centres
- Memorial halls/walkways
- Tourism information centres
- Local infrastructure to support or provide access to tourist facilities
- Community public attractions
- Buildings for exhibits

Children, youth and seniors facilities

- Playgroup centres
- Youth centres
- Scout/guide halls
- Senior citizens' centres

Access facilities

- Disabled access infrastructure
- Footbridges
- Bus/rail terminal upgrade
- Jetties/wharves/piers/pontoons
- Foreshore development
- Boat ramps

Environmental Initiatives

- Water source and treatment
- Drain and sewerage upgrades
- Water conservation infrastructure
- Waste management and processing infrastructure
- Wastewater infrastructure
- Water recycling plants
- Water catchments
- Recycling plants

The timeline on this funding is as follows (Department = Department of Infrastructure, Transport, Regional Development and Local Government):

Deadline	Action
30 January 08	Councils to provide details of projects to Department
30 May 09	Councils to provide progress report to Department on projects
30 September 09	All funding must be expended
30 November 09	Councils to provide details of progress on projects and provide a final report on expenditure of funding

It is understood, from talks with the relevant government department, that whilst preparatory work such as engineering studies, land surveys etc can be funded, surveys of people to assess needs etc cannot. However there is some confusion within the department on what can and cannot be funded and so they are looking for a list of projects from Councils (which could contain a number of projects or just one) that they will assess and then get back to the Councils with any that cannot be funded and the Councils will be given an opportunity to resubmit projects. It is important that estimates and details are reasonably accurate but the impression is given that they are not really sure of much of the detail of the funding arrangements, and so will get back to Councils with queries etc and not just reject projects that are not in line with what appears to be a yet to be determined set of guidelines. From an officer perspective, it appears that the Department will be very helpful in working through the initial phase of the funding process.

Council dealt with this matter at its December 2008 meeting and resolved as follows:

That Item 7.3.1 lay on the table until a special meeting to be held on 15 January 2009.

COMMENT

It should be noted that much of this report is taken from the report put to the December Council meeting on this matter.

The strategic projects funding (the \$50m pool) appears to be aimed at large communities and it is anticipated that most of the funding will go to eastern states City Councils. In order for a project to be termed "ready to proceed" all of the preliminary work such as feasibility studies, consultation, planning and costing would have had to have been completed and ready for the tendering process. This Council does not have any projects that are valued at \$2m+ and are "ready to proceed". Based on the foregoing and the tight application deadline no work has been done on putting an application together and it is suggested that any such work would be a waste of time.

The \$100,000 funding, however, represents a great opportunity to either:

- get on with a project that is ready, or almost ready, to proceed; or
- work up projects that might be funded by additional State Government funding; or
- a mix of the foregoing.

Projects that are included in the strategic plan and are ready to proceed include:

- library/administration extension/modifications – est \$400,000
- power to transfer station – est \$55,000

Projects that are included in the strategic plan and are not ready to proceed but will need significant funding to get them to that stage:

- Facilitate development of additional residential land.
- Survey/Plan possible quality accommodation.
- Investigate/Promote a motel development.
- Plan for upgrade of recreation sporting precinct – currently being progressed with a Council Committee.
- Promote /Encourage holistic approach for Medical Centre.
- Investigate feasibility of biomass industry.
- Investigate all aspects re the Flax Mill.
- Investigate usage and possible development of the Shire's swimming complex.
- Investigate any developments of improvements sought at Wilga, Dinninup, Kulikup, Mayanup and Tonebridge.
- Investigate the town parking with the view to improve it.
- Investigate all aspects of the retention of the winter level of the Blackwood River.
- Determine short, medium and long term plans for the delivery of services and facilities required by senior residents of the Shire.

Other projects that have been noted but have not been included in the strategic plan and require preliminary work to get them to the point where

- town drainage study
- Town Hall restorations/improvements
- Flax Mill restorations/improvements

Library Administration Extension/Modification

The library/administration extension/modification project could be commenced in the new year and the \$100,000 could be expended by the end of September. This project was put to Council last month with the recommendation that it be shelved till 2009/10 and that retaining walls be done in the current year. The matter was not dealt with at the last

meeting because the retaining walls and drainage estimate of \$10,000 was thought to be too low and warranted further investigation. An estimate done by a consultant (who has provided engineering services to Council for a number of years) puts the contractors work at \$44,220, and added to this is the work that Council staff would be required to do (remove trees and backfill retaining wall etc) suggests this aspect may cost in the order of \$47,000.

It was reported to the last meeting that the budget for this project was \$283,000. It was also reported that the work was expected to cost in excess of \$310,000 however this was based on insufficient allowances for factors such as furniture and the retaining wall. Estimates used for last months report, as reported, were based on estimates done for the budget and there is some doubt as to the adequacy of these and so some estimates have been revisited. It is suggested that the contingency should counter act any inaccuracies with the balance. Also, some anticipated expenditure does not appear to have been planned for (such as earth works retaining walls etc which may have been included in the building works budget figure). The following schedule sets out the budget, estimates put in last month's report and revised estimates:

<u>DETAIL</u>	<u>BUDGET</u>	<u>ESTIMATES</u> <u>REPORTED</u>	<u>REVISED</u>	<u>BASIS FOR ESTIMATE/REVISED</u>
	<u>ESTIMATES</u>	<u>NOVEMBER</u>	<u>ESTIMATES</u>	<u>ESTIMATE</u>
BUILDING WORKS	250,000	240,000	240,000	\$1500/m3 NEW BUILDING WORK, \$500/m2 INTERNAL MODIFICATIONS PRICES OBTAINED FROM HOUSE
AIRCONDITIONING	0	12,000	12,000	BUILDING PROGRAM
WINDOW TREATMENTS	0	6,000	6,000	AS ABOVE
PAINTING AND CARPETING	18,000	18,000	18,000	BUDGET
NEW WASTE DISPOSAL SYSTEM	10,000	10,000	10,000	BUDGET
RETAINING WALL AND DRAINAGE	0	10,000	47,000	CONSULTANTS ESTIMATE
EARTHWORKS		2,000	2,000	WORKS MANAGER
LIBRARY FURNITURE	5,000	5,000	20,000	SUPPLIERS PRICES
OFFICE FURNITURE	0	5,000	5,000	AS ABOVE
CONTINGENCY (5%)		15,400	18,000	PRUDENT ALLOWANCE
TOTAL	283,000	323,400	360,000	
 ADDITIONAL EXTENSION TO FRONT OF BUILDING			50,000	\$1500/m3 NEW BUILDING WORK
TOTAL	283,000	323,400	410,000	
VARIANCE TO BUDGET		40,400	127,000	

It will be noted that provision has been made for additional extensions. It is apparent that the planned building works does not fully meet current needs and does not allow for the future. There is no provision for a President's/Councillor's office or a Works Managers office. Whilst the immediate need for these could be debated it is suggested that they will be needed in the not too distant future and so should be allowed for in the current extensions.

The final plan of what is to be done is yet to be put to Council and agreed however there is sufficient detail for this project to be put forward for the \$100,000 funding.

It is suggested however there are still some considerations that may need to be discounted before the project is finalised. One is the opportunity to relocate the library to the Telecentre and the Telecentre group will be putting this notion to Council at lunch on Council meeting day. If this option was to be selected it is probable that no additions would be required to be done at the administration building and that internal modifications would result in the additional office space needed. There would however be a need for an addition to the Telecentre building. There are a number of models for Shire library services at telecentres and each has their strengths and weakness. Personal experience is that the success of arrangements depends on the people involved (Council and telecentre employees, and telecentre committees).

Arguments in favour of this option include:

- The administration building has been added onto in the past and either due to the original design or the result of additions sections of the roof is very flat which has, and probably will continue to, resulted in rain water leaks.
- Parts of the building appear to be settling still resulting in walls cracking.
- The building is not architecturally appealing and an addition may add to this.
- Numerous internal modifications appear to have been made, the current layout does not work, and it may be difficult to adapt and "ideal" layout given cost and structural constraints.
- If the extension to the Telecentre was to be done at the rear of the building and the same floor level were to be maintained then a storage area could be created under the extension for Council's records or the like.

The arguments against include:

- Given the slope of the block an addition to the Telecentre could well be expensive.
- If the arrangement with the Telecentre proved to be unworkable Council would have the cost of another building extension to do to create space for the library, relocation costs and possible alienation of a sector of the community (ie it is possible that the termination of any arrangement would be acrimonious).
- The community may not favour having their library being relocated to the Telecentre (it is suggested that community consultation would be required early in the planning stage).

Taking a step back and looking strategically, we:

- Have a Shire Office that requires a level of annual expenditure to maintain it, the building does not meet current needs, there is some question as to the long term viability of the building (roof problems and subsidence), and the building has little heritage value.
- Have a Town Hall that is underutilised, is expected will require restoration and preservation works resulting from the conservation plan currently being drafted, and requires a level of annual expenditure to maintain it.
- Are looking at a combined sporting complex that may include facilities which would make all current public use of the Town Hall redundant.

The foregoing factors provide opportunities such as:

- Extending and modifying a part of the Town Hall complex and relocating Council's office, library etc to the Hall then, depending on the results of a thorough building appraisal, either renting out the existing administration building or demolishing it.

- Making provision at the consolidated sporting complex for all current public uses of the Hall, carrying out internal modifications to the Hall and relocating the Council office and library into the Hall.

Both of the above provide the opportunity to transfer the current maintenance costs of the Shire office to the Hall which would better ensure that this building is maintained, the Hall is a building that many would argue must be retained where as the administration building is probably of no great significance. There will more opportunities other than those listed above and naturally there would be the need for more in-depth investigation to establish viability, and there would be a need for public consultation.

It is suggested that as there are a number of factors that may have some impact on the planned works on the Council administration building and so that these be postponed till 2009/10 when the fait of the consolidated sporting complex may be know and the Town Hall conservation plan will have been completed and been put before Council.

The current position with this project is that a set of plans have been drawn up and an agreement entered into with a local builder to build extensions and make modifications to the building in accordance with these plans.

It has since been established that staff, who would be working in the areas, may not have been fully consulted regarding the internal layout of offices etc. Some office areas appear to be too small to be fully functional and there appears to be no provision for additional space that is expected to be required. It has also been established that the total funds budgeted for the project (\$283,000) is not sufficient to complete the project as committed to. Estimates listed within this report put the expected cost at \$360,000, the significant variances to the budget being:

<u>Area of works</u>	<u>Budget</u>	<u>Revised estimate</u>
Earth works and retaining wall	Nil (or at least not shown as a separate cost)	\$47,000
Air-conditioning	Nil	\$12,000
Contingency	Nil	\$18,000

It is suggested that whilst this project could be progressed Council may wish to look at the big picture first and decide if the current building will house the chambers, office and library for the foreseeable future or if alternatives should be explored first. If the answer is yes the current building is to be used then perhaps it would be prudent to work with Council's working party, staff and the architect to fully assess space requirements and then revisit the size of the extension and internal layout.

It is recommended that this project not be put forward for funding from the \$100,000 grant for the reasons highlighted in this report and also as there may well be some State Government funding available for the library portion of the works. However if Council does choose to use the grant funding to progress this project it should be noted that some estimates will need to be refined such as air-conditioning (an estimate is being obtained but costs will depend on extent of extension and internal layout), office furniture (whilst some allowance has been made the reality is that with a renewed building some of the old furniture will need replacing), window treatments, carpets and the like (which may depend on layout).

Power to Transfer Station

This project has been in the pipeline for some time, is in the strategic plan and \$20,000 has been committed to it in the current budget. It is understood that Western Power had quoted \$45,000 for connection. Added to this would be the cost of getting the power from the property boundary to the site and reticulated throughout the site etc. It is suggested an allowance of \$55,000 should be made.

It has been suggested that a generator be looked at as an option. Based on a quotation for a three phase unit the cost would be as follows:

Generator	\$20,000 (or \$25,000 if fitted with a silencer)
Fitting, power reticulation etc	\$2,000
Shed for generator	\$2,000

It is understood that a new recyclers bailing machine is being considered and that the cost of this would range between \$22,000 and \$44,000 (a three phase unit). Also that a used tractor with a fork attachment is also under consideration and the cost of this is between \$8,800 and \$11,500. Council may wish to seek to use the grant to fund these improvements.

It should be possible to get Western Power connection option completed within the required time and it is expected that the generator option would be achievable in so Council may wish to look at this project to apply a portion of its grant to.

Projects Not Ready to Proceed

There a number of projects in the strategic plan, and as listed previously in this report, and a number of other projects that perhaps might need to be put into the plan, and are also listed, that need funding to get them to the stage where they could be termed “ready to proceed”. Council may wish to use the \$100,000 for the necessary preparatory work on some of these in anticipation of funding opportunities from the State and Federal Government.

One project that is not in the strategic plan but has a potentially high implementation cost is the town drainage system. It is suggested that this project is timely in that if the preliminary work were to be done now, in the current lull in development, plans would be in place for Council to have more effective control over this important aspect of developments. It is possible that funding for the preparatory work could come, in part, from government environmental funding because part of the purpose of the drainage work would be to reduce pollutants and other undesirables reaching the brook and river. It would be advantageous to have this project ready to proceed when the sewerage is being done so that advantage could be taken from reinstatement works, opportunities for common use of trenches (may not be possible due to historical “patch ownership issues” but would be worth a try), and having suitable plant and equipment in town (ie diggers etc)

Residential and industrial land needs are also projects that Council may wish to pursue. The former is in the strategic plan but the latter does not appear to be. Both projects would need land survey work and input from planning engineering people.

“Investigate usage and possible development of the Shire’s swimming complex”, from the strategic plan, is another project that would need preparatory work. It is not clear if this includes the lap pool that is being called for by some sectors of the community but logically it should do so though not be constrained to only this option for development. It is

not clear if funding could be used for a feasibility study but they could be applied to the engineering and other such aspects of it.

Council may wish to look at the town parking and development and improvements of townsites (other than Boyup Brook), as listed in the strategic plan, as these will need professional input. The parking study would be a good one to have completed before the sewerage works are completed so that aspects might be implemented as part of reinstatement works.

It was apparent at the December Council meeting that there was little support for the recommended studies to be conducted with the grant funding and so these have been removed from the new recommendation. It is however suggested that Council does give consideration to applying some of the "new money", either the Federal or State grants, to get projects to the stage where they are ready for any future funding opportunities.

Other projects that have been suggested include emergency power supply for the LEMC Command Centre, improvements to the town oval reticulation system, new shed at Council's Depot and sealing the Council Depot. It will be noted that not a lot of support information has been provided for some of these. It is hoped that this will not detract from Council's consideration of the merit of them and has been done only because they have been need issues for some time and it is expected that Council will be well aware of them.

Emergency Power Supply LEMC Command Centre

The new emergency management plan adopted by Council provides for the Council Chambers to be the command centre and for the Town Hall to be used in emergencies. There is a single phase generating unit at the Fire Station and wiring from this to the Council admin building but the generating unit does not have the capacity to meet the needs of the admin building. Western Power will not now allow generating back up units to be linked property to property, also there is a significant power loss over the distance between the station and the admin building, and so a stand alone unit for the admin building appears to be the best option. Estimates are being obtained for a silenced, auto cut in unit to service the admin building and hall and it is hoped this will be available for the Council meeting. It should be noted though that there will be emergency services grant funding available for such things and so it may be better to not include this project in the \$100,000 grant funding opportunity.

Improvements to Town Oval Reticulation System

A quick drive by the oval will demonstrate the need for reticulation improvements. Based on an estimate obtained the cost of this project would be \$25,000.

Looking at the oval, raising the level and returfing was looked at. This improvement would allow for such things as subsoil drainage and the like. Based on an estimate received the cost to supply and install Kikuyu (rolled turf) in Boyup Brook including fine levelling, fertilizing and compacting would be \$144,000. Rolled Kikuyu turf was priced because the supplier suggested it could be played on within six weeks of being laid and other options require the grounds to be not used for considerably longer. It was thought that the cost of the turf would put the project out of contention and so no more work has been done on other costs associated with it. It is not included in the recommendation however if Council did want to pursue this project with the grant funding then other estimates could be obtained (it looks like the earth works would cost in the order of \$20,000).

Council Depot Shed

This has been a funding consideration for some time but has not been funded due to competing needs. Based on estimates received the shed would cost (16m long, 9m wide

and 4.2 high) \$26,000 plus the cost of removing the existing structure, relocating the browser power supply, concrete pad, and retaining wall, making a total project cost of \$32,000.

Council Depot Sealing Yard

This is an item in the budget and the provision is \$20,936. It is possible that budgeted items may not be funded from this grant but nothing could be found to suggest this. If Council did want to include this in the list to be funded from the grant it may wish to amend the budget and transfer the provision to another project.

It is recommended that Council seek to apply the grant funding as follows:

<u>Project</u>	<u>Estimated cost</u>	<u>Details</u>
Power to Transfer Station	\$24,000	3 phase generator, shed, fitting and power reticulated.
Improvements to Town Oval Reticulation System	\$25,000	Reticulation improvements
Council Depot Shed	\$32,000	Machinery shed, demolition of existing structure and relocation or power supply.
Council Depot sealing yard	\$19,000	Part of the estimated project cost of \$20,936 for sealing depot yard
Total	\$100,000	

CONSULTATION

The author has spoken with representatives of the Department, some Councillors and other staff.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this stage but there will be a need to amend the budget to recognise the additional income and approve the additional expenditure. This could be done once Council's proposed grant program has been approved by the Federal Government.

STRATEGIC IMPLICATIONS

Most projects included in the recommendation come from the plan.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Depends on the projects selected, the improvements to the recycling service would have a beneficial impact.
- **Economic**
All projects will ultimately stimulate employment and local purchasing as part of the construction process.
- **Social**
Each project will have a varying degree of impact on the community.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 6.1

That the Department of Infrastructure, Transport, Regional Development and Local Government be provided, by 30 January 2009, with details of the following projects to be funded from the Regional and Local Community Infrastructure Program 2008/09 grant of \$100,000:

Project	Estimated cost	Details
Power to Transfer Station	\$24,000	3 phase generator, shed, fitting and power reticulated.
Improvements to Town Oval Reticulation System	\$25,000	Reticulation improvements
Council Depot Shed	\$32,000	Machinery shed, demolition of existing structure and relocation or power supply.
Council Depot sealing yard	\$19,000	Part of the estimated project cost of \$20,936 for sealing depot yard
Total	\$100,000	

COUNCIL DECISION – ITEM 6.1

MOVED: Cr Muncey

SECONDED: Cr Piper

That

- 1 The Department of Infrastructure, Transport, Regional Development and Local Government be provided, by 30 January 2009, with details of the following projects to be funded from the Regional and Local Community Infrastructure Program 2008/09 grant of \$100,000:**

Project	Estimated cost	Details
Town Oval Drainage	\$22,000	Installation of sub-soil drainage to western side of town football oval
Improvements to Town Oval Reticulation System	\$25,000	Reticulation improvements
Council Depot Shed	\$32,000	Machinery shed, demolition of existing structure and relocation or power supply.
Council Depot sealing yard	\$21,000	Sealing of Council Depot yard
Total	\$100,000	

- 2 The 2008/2009 Budget be amended to transfer the provision made for E121233 – Depot Yard Seal \$20,936 to Town Drainage Survey.**

CARRIED 9/0

Res 001/09

REASON FOR CHANGE IN MOTION FROM RECOMMENDATION - ITEM 6.1

The Council felt more research was required on the supply of power to the transfer station and placed a higher priority on the work required on drainage at the football oval.

6.2 Placement of Len Zuks works of art

<i>Location:</i>	Not applicable
<i>Applicant:</i>	Not applicable
<i>File:</i>	PA/46/001
<i>Disclosure of Officer Interest:</i>	Nil
<i>Date:</i>	9 January 2009
<i>Author:</i>	Alan Lamb
<i>Authorizing Officer:</i>	Alan Lamb
<i>Attachments:</i>	Yes

SUMMARY

This item is on the agenda as the result of a lost Motion at the December Council meeting and it is noted that there are two Notices of Motion on the matter.

BACKGROUND

Council purchased two works of art from Mr Len Zuks and these have been trialed in various locations.

The following motion was put to the December Council meeting and was lost;

1. *the works of art created by Len Zuks be placed in the Bridge Street median strip between Barron and Forrest Streets at the two points as identified by Councillors who met on site; and*
2. The CEO investigates costings on appropriate feature lighting to illuminate the works of art at night.

COMMENT

The artworks have a value, that may well be appreciating as time goes by, and so, from an officer perspective there is some concerns over where they may be located. Factors such as vandalism and theft are a concern. Whilst the pieces could be located in a variety of locations and may well look very good, it is suggested that in order to reduce the opportunity for vandalism and the like, they should be sited within the town in well lit locations. The median strips in the town's main streets where the street lights are on all night would appear to be an ideal location.

There are two notices of motion on this matter and so no recommendation is made as to the specific location other than that they should be located in a well lit area in town such as the median strip.

CONSULTATION

The author has communicated with some Members of Council and staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

There is provision in the budget for works on townsite gardens and whilst it is anticipated that no specific provision was made for the cost of shifting the pieces or for the cost of finally siting them, these costs would be booked to that area.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY ISSUES

- **Environmental**
There is expected to be no environmental impact emanating from this proposed project.
- **Economic**
Siting the works of art in the town could result in more people stopping, to look at them, and hopefully also make purchases in town.
- **Social**
Nil Known

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 6.2

It is recommended that Council, in considering the matter of the location of the works of art created by Mr Len Zuks, weight be given to their being located in a well lit area within the town site such as median strips in the main streets.

REASON FOR CHANGE IN MOTION FROM RECOMMENDATION - ITEM 6.2

Council noted the officer recommendation but did not deal with the matter as it was intended as guidance in determination only and because there were two notices of motion in the same matter.

7 MOTIONS IF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

In accordance with Standing Orders the Notices of Motions are listed in the order in which they were received. However Council may wish to reverse the order when dealing with them as the second motion is about the process of making the decision on where to site the items and the first deals with sites.

7.1 Crs Marshall, Giles and Lamshed Notice of Motion

Crs Marshall, Giles and Lamshed put forward the following notice of motion:

- 1 That the Len Zuks Works of Art be placed in the Median Strip in Bridge Street between Forrest and Barron Streets in the positions as identified by Council.
- 2 That the Chief Executive Officer be directed to seek costings on 'up-lighting' the artworks to enhance their appeal.

Councillor Comment

The positions were discussed on site during the December Council meeting.

MOTION – ITEM 7.1

MOVED: Cr Marshall

SECONDED: Cr Lamshed

That the Len Zuks Works of Art be placed in the Median Strip in Bridge Street between Forrest and Barron Streets in the positions as identified by Council.

DECLARATION OF INTEREST

Cr Ginnane declared a proximity interest in the item 7.1 due to his business premises being located in Bridge Street and departed the Chambers the time being 8:41pm.

The Shire President then put the motion

That the Len Zuks Works of Art be placed in the Median Strip in Bridge Street between Forrest and Barron Streets in the positions as identified by Council.

LOST 4/4 (The Shire President used his casting vote against) Res 002/09

8:59pm Cr Ginnane returned to the meeting. Part 2 of the notice of monition was not dealt with at this time as it was dependant on part 1.

7.2 Cr Broadhurst Notice of Motion

Cr Broadhurst put forward the following notice of motion:

- 1 That the siting of the Len Zuks' sculptures be decided in an objective manner addressing all appropriate criteria on a single occasion.
2. That clear decisions be made in regard to the fully completed site of each of the sculptures and that necessary additional funding be allocated with -in the 2009 – 2010 budgetary process.

Councillor Comment

Councillors do not have the luxury of making decisions on personal opinion alone and without due consideration for all of the current and long term ramifications of those decisions for the Council. All of these criteria need to be judged on the same occasion in relationship to one another. There are multiple sites where the sculptures would look 'good' but we must make sure that we choose the 'best' places for now, and the future.

I do not believe that each site has been individually assessed against the criteria incumbent upon us and in comparison with one another as a single exercise. Questions which need to be answered as a majority decision, include

1. What do we want to achieve for Boyup Brook with these sculptures? eg
 - ◆ Enhancement of the CBD?
 - ◆ A welcome to BB for the visiting / travelling public and entering locals?
2. Which will best meet the intentions of the
 - ◆ Strategic Plan?
 - ◆ Tooby Report
3. Health and safety of the public
 - ◆ Ample parking for long and large vehicles
 - ◆ Pedestrian access to and around the area
4. Liability
 - ◆ Hazards
 - ◆ Risk management
5. The Future
 - ◆ In 10 years time will the currently preferred position still be the best one.

Other matters for comparison.

- ◆ Lead in line-of-site distance of visibility
- ◆ Background contrast
- ◆ Photographic opportunity now
- ◆ Photographic opportunity in 10 years time
- ◆ Proximity of other Sculptures/enhancements in vicinity

Part 2 of the motion

It is important that the Staff is not put into the position of having to make decisions which lay them open to criticism and attack at a later date.

- ◆ Sculptures to be at ground level or mounted on a granite cairn?
- ◆ Lighting (up, at, down or none?)
- ◆ Maintain the 'rust' appearance or change to something else for best contrast with background? e.g. silver
- ◆ Wording of interpretive signage?
- ◆ Positioning of interpretive signage?
- ◆ Paving or other levelling treatment of immediate surrounds to allow close access for pedestrians?

Any other decisions required, as identified by the CEO or Manager of Works.

MOTION – ITEM 7.2

MOVED: Cr Broadhurst

SECONDED: Cr Muncey

That the siting of the Len Zuks Works of Art be decided in an objective manner addressing all appropriate criteria at this meeting.

CARRIED 9/0

Res 003/09

NOTE

Cr Broadhurst amended the notice of motion to indicate that the intention was to deal with the matter at this meeting.

COUNCIL DECISION – MOVE INTO COMMITTEE

MOVED: Cr Ginnane

SECONDED: Cr Piper

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 8/1

Res 004/09

ADJOURNMENT

The Presiding Officer adjourned the meeting at 9:12pm.

During the adjournment Councillors used a worksheet prepared by Cr Broadhurst to assist in their decision making in relation to where the works of art should be located. Cr Ginnane took no part in this process.

10:20pm - the meeting reconvened with all those being present before the adjournment returning to the meeting.

DECLARATION OF INTEREST

Cr Ginnane declared a proximity interest in the item 7.2 due to his business premises being located in Bridge Street and departed the Chambers the time being 10:20pm.

COUNCIL DECISION – MOVE OUT OF COMMITTEE

MOVED: Cr Broadhurst

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 8/0

Res 005/09

MOTION – ITEM 7.2

MOVED: Cr O’Hare

SECONDED: Cr Giles

That standing order 10.14 be suspended

CARRIED 8/0

Res 006/09

Cr Lamshed, Cr Marshall and Cr Giles indicated they were prepared to support the next motion being considered.

COUNCIL DECISIONS – ITEM 7.2

MOVED: Cr Marshall

SECONDED: Cr Lamshed

That the Len Zuks Works of Art be placed in the Median Strip in Bridge Street between Forrest and Barron Streets in the positions as identified by Council.

CARRIED 8/0

Res 007/09

MOVED: Cr Marshall

SECONDED: Cr Muncey

That the Chief Executive Officer be directed to uplift the works of art to enhance their appeal

CARRIED 8/0

Res 008/09

MOVED: Cr Broadhurst

SECONDED: Cr Muncey

That the Chief Executive Officer be directed to bring a report to the February Ordinary Council Meeting indicating designs for the surrounds of the works of art in Bridge Street

CARRIED 8/0

Res 009/09

10:43pm – Cr Ginnane rejoined the meeting.

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

Nil

9. CONFIDENTIAL MATTERS

Nil

10. 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 10:45pm.