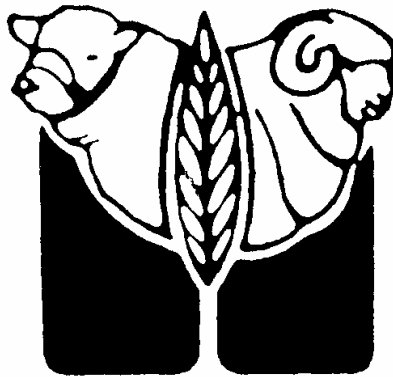


MINUTES



ORDINARY MEETING

HELD

THURSDAY 18 FEBRUARY 2010

COMMENCED AT 3.30PM

AT

SHIRE OF BOYUP BROOK CHAMBERS
ABEL STREET – BOYUP BROOK

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

1.1 Attendance

Cr T Ginnane – Shire President
Cr T Doust – Deputy Shire President
Cr E Biddle
Cr R Downing
Cr M Giles
Cr P Marshall
Cr B O'Hare
Cr T Oversby

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

PUBLIC: Mr Terry Mondy arrived at 3.30pm and departed at 3.58pm
Mr John Walsh arrived at 3.30pm and departed at 5.54pm

Apologies

1.2 Leave of Absence

Nil

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

Mr Terry Mondy quoted minutes from 19/02/09 regarding subdivision application (WAPC Ref 138938 Six Mile Road – Review of Council Resolution. Mr Terry Mondy spoke about his subdivision application (WAPC Ref 141330) Roland Road and asked for clarification.

Mr John Walsh made a presentation about the Men's Association.

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Biddle attended the Tourism Association meeting and was impressed with the Group. The Sub Group will organize a suitable celebration for the 100 Year of the Agricultural Hall.

Cr Oversby informed Council that Camp Quality will be staying at the Flax Mill on 13th April and returning to Perth on 17th April.

Cr Marshall informed Council that Rylington Park is running reasonably well with a small committee. The Manager is doing a good job. Cr Marshall mentioned that the house at Rylington Park needs upgrading.

4.00pm – Cr Doust left the Chambers.

4.02pm – Cr Doust returned to the Chambers.

CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council Thursday 17 December 2009.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 5.1

MOVED: Cr O’Hare

SECONDED: Cr Oversby

That the minutes of the Ordinary Meeting of Council held on Thursday 17 December 2009, be confirmed as an accurate record.

CARRIED 8/0

Res 001/10

5 PRESIDENTIAL COMMUNICATIONS

Cr Terry Ginnane – Shire President has been liaising with Bridgetown Shire and Donnybrook Shire.

Following the conduct of a straw poll the President asked Cr Biddle, in his capacity as presiding member for the Annual Awards Committee, to oversee the organising a reception for Rhonda Parker - Citizen of the Year.

6 REPORTS OF OFFICERS

6.1 MANAGER WORKS & SERVICES

7.1.1 Plant Tender No 010-001 – 14 Tonne Diesel Tip Truck
--

Location:	<i>Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>EQ/57/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8 February 2010</i>
Author:	<i>John Eddy – Manager of Works & Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Purchasing Policy – F-03</i>

SUMMARY

The 2009/2010 Plant Replacement Program allows for the replacement of a 14 Tonne Diesel Tip Truck. This report recommends that the Council approve the tender submitted by **JEM TRUCK SALES** for the supply and delivery of an **ISUZU FVZ 1400 Medium** diesel tip truck.

BACKGROUND

Tender No 010-001 for the supply and delivery of a 14 tonne Diesel Tip Truck was advertised in the “West Australian” newspaper on Saturday 16 January 2010.

Tenders closed at 4.00pm on Tuesday 2 February 2010 with the following tenders received:-

- JEM TRUCK SALES
- SKIPPER TRUCKS BUNBURY
- TRUCK CENTRE (WA) PTY LTD
- WA HINO

Note: Body building company “EVERTRANS” submitted a quotation for tipper bodies but was not considered as part of the Tender.

Tender No 010-001 was called to supply and deliver a new 14 tonne diesel tip truck and trade the Shire’s 2002 ISUZU FVZ 1400 Medium tip truck – BU 955.

Tender No 010 – 001 14 tonne Diesel Tip Truck (all prices include GST)

The highlighted tender is the recommended purchase.

Company	Make	Model	Power	Fuel Capacity	Warranty	Cab-Chassis	Body & Access	Total	Trade-In (incGST)	Change Over
JEM TRUCK SALES	ISUZU	FH FVZ 1400	221KW 981Nm	400L	3 yrs 200,000km	\$127,800.20	\$31,790	\$159,590.20	\$65,090.20	\$94,500 (\$85,909.09)
SKIPPER TRUCKS	MITSUBISHI	FN62	199KW 785Nm	200L	3 yrs 200,000km	\$127,226	\$30,580	\$157,806	\$60,000	\$97,806 (\$88,914.55)
TRUCK CENTRE (WA) PTY LTD	U.D TRUCK	GW-400	287KW 1716Nm	400L	3 yrs 500,000km	\$146,779	\$31,680	\$178,459	\$66,000	\$112,459 (\$102,235.45)
WA HINO	HINO	500 SERIES 2627	190KW 794Nm	200L	3 yrs 200,000km	\$129,736.72	\$29,865	\$159,601.71	\$78,000	\$81,601.71 (\$74,183.37)

The three lowest tenders were selected and assessed by the Works Supervisor and plant operator in accordance with the following Evaluation Assessment criteria:-

Factor	Weighting	Priority	Evaluation Criteria
Tender Pricing	3	High	
Mandatory Product Features	3	High	Product feature essential to undertake required function. Specifications conformance. Response and detail to specification.

Warranty	2	Medium	Assessed on past performance. Warranty period offered
Delivery	2	Medium	Availability of product.
Service Facilities	2	Medium	Ease of vehicle servicing. Availability of spare parts. Number of technical support staff available.
Operator Ergonomics	2	Medium	Ease of operation/controls. Operator comfort

This assessment matrix allows the tenders to be evaluated in an unbiased manner where the tenderer with the highest overall points may be considered to be the most advantageous tender. This is to be used as a guide only during the assessment and is not necessarily binding. The scoring system is based on the following:-

Tender price	Score
Within 10% of the lowest price	3
10 – 20% of the lowest price	2
Above 20% of the lowest price	1
Mandatory Product Features	Score
All requirements met	3
Most requirements met	2
Most requirements not met	1
Warranty	Score
Excellent	3
Good	2
Moderate	1
Delivery	Score
Within one month	3
One to two months	2
Not stated/ 2> months	1
Service Facilities	Score
Excellent	3
Good	2
Moderate	1
Operator Ergonomics	Score
Excellent	3
Good	2
Moderate	1

Tender 010-001 – JEM Truck Sales – Isuzu – FVZ 1400

Criteria	Priority	Weight	Score	Total	Comments
Tender Price	High	3	2	6	16% above lowest price
Mandatory product features	High	3	3	9	All met
Warranty	Medium	2	2	4	Good
Delivery	Medium	2	2	4	60 days
Service facilities	Medium	2	3	6	Excellent (Bunbury)
Operator Ergonomics	Medium	2	3	6	Excellent
Total Score				35	

Tender 010-001 Skipper Trucks – Mitsubishi

Criteria	Priority	Weight	Score	Total	Comments
Tender Price	High	3	2	6	20% above lowest
Mandatory product features	High	3	3	9	All Met
Warranty	Medium	2	2	4	Good
Delivery	Medium	2	2	4	60 Days
Service facilities	Medium	2	3	6	Excellent (Bunbury)
Operator Ergonomics	Medium	2	2	4	Good
Total Score				33	

Tender 010- 001 – WA Hino – Hino 500 Series

Criteria	Priority	Weight	Score	Total	Comments
Tender Price	High	3	3	9	Lowest price
Mandatory product features	High	3	3	9	All met
Warranty	Medium	2	2	4	Good
Delivery	Medium	2	2	4	60 Days
Service facilities	Medium	2	1	2	Moderate (Perth)
Operator Ergonomics	Medium	2	2	4	Good
Total Score				32	

COMMENT

JEM TRUCK SALES

- The ISUZU FVZ 1400 was the second lowest change over price at \$94,500 (Inc GST) and scored the most points on the Evaluation Assessment Matrix.
- The ISUZU FVZ 1400 was the most powerful of the trucks tendered with a larger fuel tank capacity (400L) and a higher Gross Combination Mass.
- The Council has purchased Isuzu trucks since 1996 and they have proven their reliability carting materials in rural conditions.
- JEM Truck Sales have provided fast reliable parts delivery and service back-up from their Bunbury based business.

SKIPPER TRUCKS BUNBURY

- The Mitsubishi FN62 truck was the third lowest change over price at \$97,806 (Inc GST) and scored the second highest points on the Evaluation Assessment Matrix.
- The Mitsubishi FN62 was second to the Isuzu FVZ 1400 with regard to power and Gross Combination Mass however only had a 200L fuel tank capacity.
- Skipper Trucks Bunbury has a spare parts and service centre located in Bunbury.

WA HINO

- The Hino 500 series truck was the lowest change over price at \$81,601.71 (Inc GST) and scored the lowest points on the Evaluation Assessment Matrix.
- The Hino 500 series was the lowest powered truck with the lowest Gross Combination Mass and only a 200L fuel tank capacity.
- WA Hino has a Perth based spare parts and service centre.

CONSULTATION

- Works Supervisor – T Bogar
- Shire Mechanic – J Fallon

STATUTORY OBLIGATIONS

Local Government Act 1995 – Section 3.57 – Tenders for providing goods and services.
Local Government (Functions and General) Regulations 1996 – Part 4.

POLICY IMPLICATIONS

Purchasing Policy F.03.

BUDGET/FINANCIAL IMPLICATIONS

Funding is allocated in the 2009/2010 budget (changeover cost without GST \$80,000) (Plant Replacement Program).

The changeover cost without GST of \$85,909.09 for the Isuzu FVZ-1400 is \$5,909.09 over budget and it is recommended to source the additional funds from the Plant Reserve.

STRATEGIC IMPLICATIONS

Complies with the Shire of Boyup Brook 10 Year Plant Replacement Program to maintain and update the Shire's operational items of plant.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.1.1

MOVED: Cr Giles

SECONDED: Cr Downing

- 1 That the Tender submitted by JEM TRUCK SALES for the supply and delivery of an ISUZU-FVZ-1400 Medium and trade-in of the 2002 ISUZU-FVZ-1400 Medium – BU955 at the change over cost including GST of \$94,500 (without GST - \$85,909.09) be accepted.**
- 2 That the Council approve the transfer of an additional \$5,909.09 from the Plant Reserve to the 2009/2010 Plant Replacement Program.**

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 002/10

7.1.2 Construction of Road on Road Reserve No 385

Location:	<i>Road Reserve No 385 off South Kulikup Road (known as Foley Rd or Landing Road)</i>
Applicant:	<i>Hansol P.I</i>
File:	<i>RD/35/005</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8 February 2010</i>
Author:	<i>John Eddy – Manager of Works & Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Letter of Application, Location maps, Shire of Boyup Brook Specifications and Conditions for Developments and Sub-Divisions</i>

SUMMARY

The purpose of this report is to bring before Council a request by Hansol P.I. to construct one kilometre of road within the Foley/Landing road reserve to Council's specifications. It is recommended that the Council agree to the proposed road construction.

BACKGROUND

Road reserve No 385 is currently shown on plans and locality maps as either Foley Road or Landing Road. The road reserve runs in an east west direction between South Kulikup Road in the Shire of Boyup Brook and Foley Road in the Shire of Kojonup.

An un-constructed road within the road reserve currently provides one kilometre of access to Location 12552 adjacent to the road reserve.

Hansol P.I has requested permission from the Boyup Brook Shire Council to construct one kilometre of road works on Landing / Foley Road, east of South Kulikup Road. Hansol P.I is willing to:-

- Liaise with all neighbouring land owners.
- Apply for Shire and Department of Environment and Conservation clearing permits.
- Conduct all works to the Shire of Boyup Brook specifications.
- Pay for all associated costs.
- Maintain constructed road during harvesting operations. (See attached letter of application and location maps).

COMMENT

Foley/Landing Road is an un-constructed road within Road Reserve No 385.

The construction of Foley/Landing Road for one kilometre to access Locations 12552 and 9794 would require the following to be completed by Hansol P.I.:-

- Obtain permit for clearing of Native Vegetation and comply with requirements of Environmental Protection Act 1986.

- Engage a Consulting Engineer to design and inspect the engineering works associated with the road construction.
- Construct a 6.0 metre wide formed gravel pavement with 1.2 metre shoulders and longitudinal table drains.
- Construct new or upgrade existing pipe culverts as required by design criteria.
- All works to comply with the Shire of Boyup Brook Standard Specifications for Developments and Sub-divisions.

CONSULTATION

Alan Lamb – Chief Executive Officer
Shaun Quaife – Hansol P.I

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Road Contribution Policy – W.07

BUDGET/FINANCIAL IMPLICATIONS

Once constructed and subject to a 12 months maintenance period, Foley/Landing Road will be added to the register of constructed roads and be under the care and control of the Shire of Boyup Brook.

STRATEGIC IMPLICATIONS

2008 – 2013 Strategic Plan.
Action Plan No 6.5 – 102 – Maintain and enhance rural roads throughout the Shire.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Works to comply with Environmental Protection Act 1986.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

4.11pm – Mr Muncey arrived

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.1.2

MOVED: Cr Doust

SECONDED: Cr Oversby

That the Council approve the request by Hansol P.I. to construct one kilometre of road within Road Reserve No 385 known as Foley/Landing Road to Council's specifications.

CARRIED 8/0

Res 003/10

4.20pm – CEO left the Chambers.

4.25pm – CEO returned to the Chambers.

7.2 **MANAGER – FINANCE**

7.2.1 **Accounts for Payment**

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 February 2010</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – List of Accounts Paid</i>

SUMMARY

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

BACKGROUND

Invoices have been received during the month of December 2009 and January 2010.

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 Downing

SECONDED: Cr Biddle

That the payment of accounts for December 2009 and January 2010 as presented totalling \$1,000,257.55 and as represented by cheque voucher numbers 17833 – 17930 totalling \$149,921.23, and accounts paid by direct electronic payments through the Municipal Account totalling \$850336.32 be endorsed.

CARRIED 8/0

Res 004/10

7.2.2 December 2009 and January 2010 Monthly Statements of Financial Activity

<i>Location:</i>	<i>Not applicable</i>
<i>Applicant:</i>	<i>Not applicable</i>
<i>File:</i>	<i>FM/10/003</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>11 February 2010</i>
<i>Author:</i>	<i>Keith Jones – Manager of Finance</i>
<i>Authorizing Officer:</i>	<i>Not applicable</i>
<i>Attachments:</i>	<i>Yes – Financial Reports</i>

SUMMARY

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended 30 December 2009 and January 2010 and Investment Schedule for the month ended 28 February 2010.

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 O’Hare

SECONDED: Cr Doust

That the December 2009 and January 2010 Monthly Statements of Financial Activity as presented, be received.

CARRIED 8/0

Res 005/10

7.2.3 Payout Loan 116 and funds to Commercial Reserve

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/35/116</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 February 2010</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>None</i>

SUMMARY

Report recommends Council use the funds received from the sale of the two Police Houses at 4 Treloar Street to payout the loan 116 and deposit surplus funds into the Commercial Reserve.

BACKGROUND

The sale of the two Police Houses occurred on 4 January 2010 for an amount of \$850,000. After conveyancing costs of \$2,610.26 were deducted the net figure received was \$847,389.74.

WA Treasury Loan 116 at 13 November was assessed as having a payout figure of \$590,912.55 which included a penalty of \$2,747.09.

A further payment was made to WA Treasury on 1 February 2010 totalling \$27,588.80 which represented \$8,125.82 capital and \$19,462.98 interest. The exact payout figure cannot be determined until the day payment will be effected, but it will be approximately \$583,000.

COMMENT

Having these surplus funds just sitting in the Municipal account is not good financial management so the recommendation is suggested to effect a sound result.

CONSULTATION

Chief Executive Officer

STATUTORY OBLIGATIONS

Local Government Act 1995, s6.11

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The sale of these properties was not catered for in the 2009/2010 Budget and as a result there has been an increase in income shown under the Housing Program.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – ITEM 7.2.3

That the funds received from the sale of the two Police Housing properties at 4 Treloar Street be used to payout the balance for WA Treasury loan 116 including penalties if any (was \$590,912 at 8 November 2009) and the surplus funds amounting to approximately \$95,269 be deposited in the Commercial Reserve.

COUNCIL DECISION – ITEM 7.2.3

MOVED: Cr Doust

SECONDED: Cr Oversby

That the funds received from the sale of the two Police Housing properties at 4 Treloar Street be used to payout the balance for WA Treasury loan 116 including penalties if any (was \$590,912 at 8 November 2009) and the surplus funds amounting to approximately \$211,852 be deposited in the Commercial Reserve.

CARRIED 8/0

Res 006/10

NOTE

Administration advised the meeting that the estimated surplus funds had been recalculated and that the amount would be more in line with the previous prediction of \$230,998.65 as provided to the November 2009 Council meeting, noting that factors such as the penalty payment fluctuates with interest rate movements (the penalty in November was \$2,747.09 and recently obtained payout set the penalty at that time as \$11,325.90) and so the final payout figure was subject to change. Council's resolution also reflects a change to the calculation of the surplus.

7.3.1 Subdivision Application (WAPC Ref 141330) Roland Road

Location:	<i>Lots 9, 2408, 2409 Roland Road</i>
Applicant:	<i>Harley Survey</i>
File:	<i>AS7960</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>9th February 2010</i>
Author:	<i>Geoffrey Lush (Council's Consultant Planner)</i>
Authorizing Officer:	
Attachments:	<i>1 – Location Plan 2 – Existing Lot Boundaries 3 – Proposed Subdivision</i>

COUNCIL DECISION – MOVE INTO COMMITTEE

MOVED: Cr Giles

SECONDED: Cr Oversby

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

CARRIED 5/3

Res 007/10

COUNCIL DECISION – MOVE OUT OF COMMITTEE

MOVED: Cr Doust

SECONDED: Cr Downing

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 008/10

SUMMARY

This application relates to Lots 9, 2408, 2409 Roland Road. The subject land is situated approximately 13 km east of Boyup Brook as shown in Attachment 1.

The application proposes to re-subdivide the land into two allotments having areas of 93.83 ha and 83.01 ha respectfully as shown in Attachments 2 and 3. The boundary will recognise the location of the two existing dwellings on the property.

The subject land is owned by T & A Mondy and has not been inspected in the preparation of this report.

The key issue in relation to the application is the provision of access to the property and who is responsible for this. Normally a subdivision is required to have access via a properly constructed public road provided by the subdivider. The site is separated from Six Mile Road by an unconstructed road reserve and the current access is via the adjoining property.

While the subdivision does not create any additional dwellings, the subdivision is substantially increasing the value of these properties. It is reasonable for any subsequent purchaser of the land to expect the provision of access to the property via a properly constructed public road.

The application is supported subject to appropriate conditions.

BACKGROUND

The subject land is located approximately 13 kms south east of Boyup Brook. The subject land has an area of 176.851 hectares comprising of:-

- Lot 9 – 71.632 hectares;
- Lot 2408 – 64.750 hectares;
- Lot 2409 – 40.469 hectares.

Lot 2409 is land locked and has no road frontage. There are two dwellings situated on Lot 2408. Lots 2408 and 2409 are divided by Roland Road which is unconstructed. There is also an unconstructed road reserve along the northern boundary of the site.

It is understood that access to the two dwellings is presently from Six Mile Road to the west of the site, through the adjoining private property which is also under the same ownership. A secondary access is potentially available to the north of the site via another unconstructed road reserve (No 17389). These are shown in Attachment 2.

The site has been the subject of a previous application (WAPC Ref 138938) which comprised of Lots 9, 2408, 2409 & 4355. This proposed to create three allotments from the existing four allotments. This was approved by the WAPC in March 2009 and was subject to conditions relating to:-

1. Revising the plan of subdivision;
2. Providing access to the site from roads constructed at the applicant's cost; and
3. Ensuring that buildings are setback appropriate distances from the new boundaries.

Council considered this application at its Meeting of the 18th December 2008 and resolved that:-

- A *That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 9 Six Mile Road (as shown on plan ref 3045 dated July 2008), locations 2408, 2409 and 4355 Roland Road on the basis that the application is considered to be consistent the provisions for rural subdivision outlined in:*
- *the Shire of Boyup Brook Town Planning Scheme No.2*
 - *WAPC DC 3.4 Subdivision of Rural Land; and*
 - *The Warren Blackwood Rural Strategy.*
- B *That Council advise the WAPC that it does not consider that there will be increased or perceived landuse conflict between the existing house on proposed Lot 'A' and the possible farming activities on Proposed Lot 'B'. and;*
- C *The WAPC consider the application of the following Local Government conditions on any conditional approval issued by the Commission that may pertain to WAPC 138938;*

1. *The gazetted road access along the northern boundary with proposed lots B & C being constructed to Council's satisfaction and gazetted road access along the eastern boundary of proposed Lot 'A' being constructed to Council's satisfaction.*
2. *All buildings having the necessary clearance from all new lot boundaries.*
3. *Compliance with all relevant health and building requirements.*

And the applicant being advised that in relation to the construction of the road reserve that Council may consider a road upgrading and maintenance contribution being paid consistent with Council's adopted 'Road contribution Policy'.

Following a request from the owners regarding the proposed road upgrading the Council at its Meeting of the 19th February 2009 resolved

That Council reaffirm its resolution made at the December 2008 Council Meeting in relation to Western Australian Planning Commission application 138938.

COMMENT

There are two principle issues associated with the present application:-

- The suitability of the proposed subdivision design / lot boundary; and
- The provision of access to the site.

The suitability of the proposed subdivision design

The application is reducing the number of existing allotments from three to two. These lots will have areas of 83.01 and 93.83 hectares respectively.

It eliminates potential issues arising from Lot 2409 being land locked.

The proposed lot sizes exceed 80 hectares and are suitable for ongoing farming purposes. The proposed lot boundary follows the alignment of an existing drainage line which is a suitable physical feature for this purpose.

Proposed Lot A is still bisected by the unconstructed Roland Road reserve. Whether this reserve should be closed is not an issue for the application unless it presents a major obstacle to the use of the property. The access across the road reserve does not alter as a result of this application.

The current application addresses several land management issues it also allows each dwelling to be located on a separate allotment. This will result in a substantial increase in the value of the property.

Access to the Site

While the previous application resulted in significant discussion regarding Council's Road Contribution Policy it is important to recognise the primary principles relating to subdivision.

The Planning Commission's general principles relating to the subdivision of land (Policy DC 1.1) requires that all new allotments have appropriate access and states that:-

New green title lots will be created only where each lot has, or can be, provided with direct frontage access to a constructed public road, which is connected to the road system of the locality.

This is to ensure the provision of public utility and other services as well as to provide vehicular and pedestrian access to the lot.

Council as the relevant agency nominates what is the appropriate standard is for a "constructed public road." There is a long established precedence and standards which apply to road construction through AusRoads and other organizations.

Council's Road Contribution Policy defines the minimum standard of road construction in a rural area is a six (6) metre formed gravel surface with roadside drains. This is required in order to provide safe two way access for both residential vehicles and also trucks, service and emergency vehicles.

Council is required under the Local Government Act to maintain public roads but it is not required to construct them to provide access to an individual property. This is reflected in Council's Building Application – Land without Legal Access policy which states that the Shire is under no obligation to provide legal access to land that does not have access. For example if the applicant proposed to construct a residence on Lot 9, then Council under this above policy could require the applicant to construct the adjoining road to provide access.

Therefore the present issue is complicated by the fact that there are two existing dwellings and the proposed subdivision will not create entitlements for any additional dwellings. Nor will the proposed subdivision increase the traffic generated by the existing development.

However in the event that either lot is sold, then it can be expected that the new owner would expect to be able to access the property via a normally constructed public road.

The options in relation to the provision of access are considered to be:-

1 Refuse the Application

If there is no ability to provide a satisfactory means of access to the proposed lots then this can be grounds for refusing the application.

2 Require a normal standard public road

The normal standard being a 6m wide formed gravel road. There has not been any information provided as to why this application should not provide the same standard of road construction as is required for any other subdivision either in Boyup Brook or elsewhere in the State.

The responsibility for who is liable for the cost of the road construction is a separate issue.

3 Allow a lower standard public road.

The 'standard' could be reduced in terms of either the width of the road or the construction standard. Council would then become responsible for the road and potentially liable for any subsequent issues resulting from it being 'sub standard'.

As a public road it is of course available for use by any person. Even reducing the standard to an equivalent standard used for emergency access would mean that the following design criteria from Planning for Bush Fire Protection would apply:-

- minimum trafficable surface: 6m (4m surface with one metre shoulders)
- horizontal clearance: 6m
- maximum grades: 1 in 8
- minimum weight capacity: 15tonnes

- passing bays every 200m
- maximum grade over <50m: 1 in 5
- maximum average grade: 1 in 7
- maximum crossfall: 1 in 33
- curves minimum inner radius: 12m

4 Provide access via the adjoining land to the west

This is basically the status quo as the applicant also owns this land. This would require the inclusion of a Carriageway Easement in favour of Lots A & B over the adjoining property.

However as this land is not part of the current application, neither the Council nor the Planning Commission can request such a condition. It has to be volunteered by the applicant which it hasn't been.

5 Make future owners responsible for access.

This would not require any initial construction of the roads. Rather a notification could be placed on the certificate of title for each allotment advising any future purchaser of either lot (in accordance with Policy B.06) that the Shire is under no obligation to provide legal access to the land at present or any time in the future.

CONSULTATION

- Manager of Works and Services
- Department of Planning

STATUTORY ENVIRONMENT

Town Planning Scheme

The subject land is zoned 'Rural' in Town Planning Scheme No.2. The surrounding area is generally zoned 'Rural'.

Clause 5.1 of the Scheme states that in considering applications for subdivision, rezoning and planning consent in the Rural zone, Council shall have regard to:

- i) the need to protect the agricultural practices of the Rural zone in light of its importance to the District's economy;
- ii) the need to protect the area from uses which will reduce the amount of land available for agriculture;
- iii) the need to preserve the rural character and rural appearance of the area; and
- iv) where rural land is being subdivided for closer development, the proposal should be supported with evidence outlining the land's suitability and capability for further development.

The application is considered to be consistent with these objectives.

Draft Local Rural Strategy

Council adopted the draft Rural Strategy for final approval at its Meeting of the 19th November 2009.

Within the Strategy the subject land is situated in the BBR2 Western Policy Area. The objectives for this precinct include "to support the subdivision of rural land where it is in

accordance with the generic requirements and exclusion criteria of WAPC Policy No DC3.4.”

The Strategy also recommends that the subdivision of rural land should have a minimum lot size of 80ha.

Recommendation 4 of the Strategy states that:-

In considering a plan of subdivision submitted to it for support, the Council shall have regard to the following matters:

- a) *The size, dimensions and shape of each lot.*
- b) *The situation and planning of each lot in relation to services, both present and prospective. A statement of undertaking may be required in the sale of any new lots with regard to provision of existing Council services.*
- c) *The existing and proposed access to the subject land and to each lot. The Council will have regard to:-*
 - i) ***the provisions of the “Road Contribution” Policy;***
 - ii) *the likely impact of the proposal on the Council road construction program;*
 - iii) *the ability to reduce the potential upgrading of existing roads by utilising an alternative subdivision design or battleaxe access legs which shall be constructed and designed to the satisfaction of the Manager of Works and Services;*
 - iv) *sight distances; and*
 - v) *provision of school bus pick-up and let-down points.*

(Note: the Council will not necessarily support the subdivision of land which requires the use of unconstructed road reserves as the potential impact of this upon the Council budget and road construction program may be detrimental to the community).

POLICY IMPLICATIONS

The relevant Council Policies are:-

- W.07 - Road Contribution;
- B.06 - Building Application – Land without Legal Access; and
- P.03 - Subdivision and Amalgamation

FINANCIAL IMPLICATIONS

Council could potentially become liable for contributing to any construction of the public access road.

The Rural Strategy, as highlighted above, recognizes the potential impact that of this upon the Council budget and road construction program which may be detrimental to the community.

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.1

MOVED: Cr Doust

SECONDED: Cr Ginnane

- A That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 9, 2408 and 2409 Roland Road as the application is considered to be consistent the provisions for rural subdivision outlined in:**
- the Shire of Boyup Brook Town Planning Scheme No.2
 - WAPC DC 3.4 Subdivision of Rural Land; and
 - The Warren Blackwood Rural Strategy.
- B That the Western Australian Planning Commission be advised that any subdivision approval should include the following conditions:-**
- 1 All proposed lots shall be provided with frontage to a public road constructed (by the applicant) to the requirements and satisfaction of Council and this road shall be connected to the local (constructed) road system.**
 - 2 All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation.**
- C That the Western Australian Planning Commission also be advised that Recommendation 4 of the Local Rural Strategy recognises the potential issues associated with the subdivision of land which requires the use of un-constructed road reserves as the potential impact of this upon the Council budget and road construction program may be detrimental to the community.**

CARRIED 7/1

Res 009/10

7.3.2 Subdivision Application (WAPC Ref 141385) Bridgetown Road

Location:	<i>Lots 201 & 511 Bridgetown Road</i>
Applicant:	<i>G Calley & G Hales</i>
File:	<i>AS 1920</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 February 2010</i>
Author:	<i>Geoffrey Lush (Council's Consultant Planner)</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>1 – Location Plan 2 – Subdivision Plan</i>

SUMMARY

This report is to consider a referral of a subdivision application from the Western Australian Planning Commission. The subject land comprises of Lots 201 and 511 Boyup Brook – Bridgetown Road.

Lot 511 is presently “land locked” and does not have any title access to the Boyup Brook – Bridgetown Road. The application is to “transfer” a small portion of Lot 201 in order to provide a driveway access to Bridgetown Road

No additional lots will be created.

The application is supported subject to appropriate conditions.

BACKGROUND

The subject land is located on the western edge of the Boyup Brook townsite, as shown on the attached location plan (Attachment 1). The site consists of :-

- Lot 201 which has an area of 30.505 hectares and is owned by G. Calley; and
- Lot 511 which has an area of 122.02 hectares and is owned by G. Hales.

The subdivision entails excising 0.4092ha from Lot 201 and transferring this to Lot 511. This will allow Lot 511 to have direct access to Bridgetown Road and also to have legal road frontage.

This will effectively create a battle axe allotment with the access way being approximately 455m in length.

The proposed subdivision plan is included as Attachment 2.

COMMENT

The purpose of the application is to realign the boundary between the two existing lots. The Planning Commission only requires a 40ha minimum lot size where the land is located more than 10km from the townsite.

The Boyup Brook – Bridgetown Road is a declared main road and the application has also been referred to Main Roads WA.

The subject land has been inspected by the Manager of Works and Services who has advised that:-

- The existing access way and cross over is not formally constructed;
- That the location of the cross over onto Bridgetown Road provides approximately 180m sight distance in each direction; and
- As the road bends in this location there is a wide verge separation between the property boundary and the road pavement.

CONSULTATION

Manager of Works and Services.

STATUTORY ENVIRONMENT

Town Planning Scheme

The subject land is zoned 'Rural' in Town Planning Scheme No. 2. The surrounding area is generally zoned 'Rural'.

Clause 5.1 of the Scheme states that in considering applications for subdivision, rezoning and planning consent in the Rural zone, Council shall have regard to:

- i. the need to protect the agricultural practices of the Rural zone in light of its importance to the District's economy;
- ii. the need to protect the area from uses which will reduce the amount of land available for agriculture;
- iii. the need to preserve the rural character and rural appearance of the area; and
- iv. where rural land is being subdivided for closer development, the proposal should be supported with evidence outlining the land's suitability and capability for further development.

The application is considered to be consistent with these objectives.

Draft Local Rural Strategy

Within the draft Local Rural Strategy the subject land is situated in the BBR5 Townsite Surrounds Policy Area. The subject land is included Area No 3. The objective for this area is to "Maintain and enhance the existing rural character."

The generic subdivision requirements apply.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.2

MOVED: Cr Oversby

SECONDED: Cr O’Hare

- A. That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lots 201 and 511 Bridgetown – Boyup Brook Road as the application is considered to be consistent with the provisions for rural subdivision outlined in:
- the Shire of Boyup Brook Town Planning Scheme No. 2.
 - WAPC DC 3.4 Subdivision of Rural Land; and
 - The Warren Blackwood Rural Strategy.
- B. That the Western Australian Planning Commission be advised that any subdivision approval should include the following condition:

That the vehicular cross over, to service proposed Lot A shall be constructed to the requirements of Main roads WA to the satisfaction of Council.

CARRIED 8/0

Res 010/10

7.3.3 LEMC - Emergency Evacuation Plan

<i>Location:</i>	<i>Boyup Brook</i>
<i>Applicant:</i>	<i>LEMC</i>
<i>File:</i>	<i>N/A</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>4 February 2010</i>
<i>Author:</i>	<i>Geoff Carberry – Senior Administration Officer</i>
<i>Authorizing Officer:</i>	<i>Alan Lamb – Chief Executive Officer</i>
<i>Attachments:</i>	<i>Emergency Evacuation Plan 2010</i>

SUMMARY

This plan has been developed in accordance with State Emergency Management Policies and was adopted by the Local Emergency Management Committee on 28th January 2010 and is presented for Council endorsement.

BACKGROUND

In November 2007, the Shire was advised by FESA that it had been granted \$15,350.00 under the AWARE program, to conduct the emergency risk management process in the Boyup Brook district. The project has been completed under the direction of the Local Emergency Management Committee (LEMC).

At its meeting of 2 December 2008, the LEMC resolved to submit the following documents to Council for endorsement or adoption.

- Local Emergency Recovery Plan – 2008;
- Local Emergency Management Arrangements – 2008;
- Risk Treatment Plans (Attachment 4 of the Emergency Management Arrangements); and
- AWARE Emergency Risk Management Project Report.

The Emergency Management Act 2005 places a number of obligations on the Shire of Boyup Brook and its Local Emergency Management Committee (LEMC), including the need to have suitable Emergency Management Arrangements in place for its district. In February 2007, the Shire applied to FESA for funds under its AWARE program, to conduct the emergency risk management program. Funds were granted in November 2007 and the author was appointed to coordinate the project under the direction of the LEMC. The above mentioned plans were adopted in February 2008.

COMMENT

This document is a new plan that has been developed to further meet the Shire's obligations under the Emergency Management Act 2005. It shows that the Shire of Boyup Brook is under taking a process to continually improve its emergency response processes.

STATUTORY OBLIGATIONS

Emergency Management Act 2005

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

There are no known strategic issues

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.3

MOVED: Cr Downing

SECONDED: Cr Ginnane

That Council endorse the Shire of Boyup Brook Emergency Evacuation Plan 2010 as presented.

CARRIED 7/1

Res 011/10

7.3.4 LEMC - Recovery Management Plan

Location:	<i>Boyup Brook</i>
Applicant:	<i>LEMC</i>
File:	<i>N/A</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>4 February 2010</i>
Author:	<i>Geoff Carberry – Senior Administration Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Recover Management Plan 2010</i>

SUMMARY

As an ongoing process the Boyup Brook Local Emergency Management Committee is required to update its plans to reflect current community and legislative requirements. The Recovery Plan 2008 has been amended and adopted by the LEMC at its meeting 28 January 2010 and is presented for Council's endorsement.

BACKGROUND

In November 2007, the Shire was advised by FESA that it had been granted \$15,350.00 under the AWARE program, to conduct the emergency risk management process in the Boyup Brook district. The project has been completed under the direction of the Local Emergency Management Committee (LEMC).

At its meeting of 2 December 2008, the LEMC resolved to submit the following documents to Council for endorsement or adoption.

- Local Emergency Recovery Plan – 2008;
- Local Emergency Management Arrangements – 2008;
- Risk Treatment Plans (Attachment 4 of the Emergency Management Arrangements); and
- AWARE Emergency Risk Management Project Report.

The Emergency Management Act 2005 places a number of obligations on the Shire of Boyup Brook and its Local Emergency Management Committee (LEMC), including the need to have suitable Emergency Management Arrangements in place for its district. In February 2007, the Shire applied to FESA for funds under its AWARE program, to conduct the emergency risk management program. Funds were granted in November 2007 and the author was appointed to coordinate the project under the direction of the LEMC. The above mentioned plans were adopted in February 2008.

COMMENT

This document is a living document that requires continual improvement and as such the presented document now meets the current requirements of the act and further enhances this organisations ability to deal with the recovery phase of an emergency or disaster.

STATUTORY OBLIGATIONS

Emergency Management Act 2005

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

There are no known strategic issues

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.4

MOVED: Cr Downing

SECONDED: Cr Oversby

That Council endorse the amended Shire of Boyup Brook Recovery Plan 2008 as provided and that plan now be known as the Shire of Boyup Brook Recovery Plan 2010.

CARRIED 6/2

Res 012/10

7.3.5 Re-allocation of Budgeted Funds

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>N/A</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>09 February 2010</i>
Author:	<i>Geoff Carberry – Senior Administration Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>6 photos</i>

SUMMARY

Permission is sought for use of funds previously allocated in the budget for the improvement of the residence at 6 Nix Street, be used for urgent repairs at 1 Rogers Avenue, these funds amount to \$5000.

BACKGROUND

In the 2009/2010 budget, funds had been allocated for an upgrade of 6 Nix Street but after consultation with the builder a suitable plan to improve the building wasn't forthcoming. Since GROH has relinquished the lease on 1 Rogers Avenue it has become apparent that urgent repairs are required to the ensuite bathroom, which has suffered substantial water damage to the internal walls. The floor tiles have evidence of cracking indicating water egress below the tiles. Refer to attached photos.

BBG plumbing advise that a faulty 'shower tray' and the type of construction is the cause of this damage. They advise the removal of all tiles, water proofing the area and then retiling to a height of 2 meters as the only reasonable repair method, estimated cost is approximately \$3200.

In addition to this repair the Shire is legally bound to install 2 mains powered smoke alarms and provide twin RCD protection before the residence can be released at an approximate cost of \$1800.

COMMENT

The Shire is legally bound to meet the electrical and fire safety requirements prior to releasing the building.

To delay the repairs would only increase the cost of the repairs and should be considered as a matter of urgency.

The current request is to meet only the immediate needs as due to the age and type of construction of the building, substantial monies will have to be allocated to this site in the 2010/2011 budget for expenditure such as internal painting, replacement of vinyl floor coverings and guttering. Consideration will be required as to heating and cooling of the premises as the small fire is inadequate for the size of the building. The funds allocated for 6 Nix Street are available and should be used for these repairs.

CONSULTATION

BBG Plumbing.
Chief Executive Officer.
Manager of Finance.

STATUTORY OBLIGATIONS

Western Australian Electricity regulations 1947 Reg 12
Building Code of Australia.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil – Current allocated funds will be used no further funding is required at this time.

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

Simple Majority

OFFICER RECOMMENDATION – ITEM 7.3.5

That the Council approve the transfer of \$5000 from the 2009/2010 budget allocation for 6 Nix Street to 1 Rogers Avenue for the purpose of urgent repairs and legal requirement.

COUNCIL DECISION – ITEM 7.3.5

MOVED: Cr Biddle

SECONDED: Cr O'Hare

That this matter lay on the table pending Administration providing detail on more substantial maintenance/refurbishment works that could be done.

CARRIED 8/0

Res 013/10

7.3.6 Implementation of New Food Safety Legislation

Location:	<i>Not Applicable</i>
Applicant:	<i>Not Applicable</i>
File:	<i>PH/39/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8 February 2010</i>
Author:	<i>Wayne Jolley – Environmental Health Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

At its last meeting, Council resolved that the EHO should prepare a strategy in relation to introduction of new food safety legislation and submit it to this meeting.

This item outlines a strategy that includes:

- o Advertising changes;
- o Notification by food businesses;
- o Registration of food businesses;
- o Annual inspections;
- o Implementation within this district; and
- o Changes to existing local laws, policies, forms etc.

BACKGROUND

There are around twenty (20) permanent food businesses (as defined by the *Food Act 2008*) in this district. They include all the recognized town food businesses but may also include wineries, olive oil producers and bed & breakfast establishments. In addition, fund-raising activities involving the sale of food, temporary food stalls and itinerant vendors (e.g. ice cream vans) are captured.

Under new food legislation, all food businesses in this district (including temporary and fund-raising) events are obliged to notify the Shire regarding duration, location and nature of the activity. The Shire is obliged to register all food businesses except fund-raising events and very low risk activities, and maintain a formal register of those businesses. Notification and registration are one-off events (per activity) in respect to which, the Shire may prescribe fees under the *Local Government Act 2005*.

COMMENT

New legislation represents major change to the way in which the Shire deals with food businesses. Accordingly, the Shire will need to move forward in implementing those changes while working with the individual food businesses, in order that they may meet their obligations. It should be noted that the new legislation does not herald a raft of new

technical provisions. While there are certainly some new requirements, generally they are not overly onerous; if a food business complied with the old legislation it will largely comply with the new. The nature of new provisions has already been discussed with food businesses in the district.

The proposed strategy for implementation of these changes is therefore:

1. Advertising

It is proposed the initially outline new requirements to the community by:

- Circulating a letter to all established food businesses, including a Notification/Registration form for completion and return;
- Circulating a letter to organizations that may conduct food stalls etc.; and
- Publishing an article in the Boyup Brook Gazette, to explain changers to the community at large.

2. Notification/Registration

The main questions revolving around notification/registration relate to whether fees are to be charged and if so, at what levels.

The process involved with notification (i.e. low risk food businesses, fund-raising events and food stalls) will be largely administrative. However, there is a minor inspection component in terms of even low risk food businesses and food stalls at major events such as the Country Music Festival. Currently, a fee of \$25.00 is charged for a temporary food stall through the Trading in Public Places and Thoroughfares Local Law. A notification fee of \$25.00 would therefore appear quite seamless and of minimal impact.

It should be noted that under Part 3 of the Food Regulations 2009, a food business (e.g. Food Stall) that:

- Is conducted purely to raise funds for a charitable or community purpose; and
- Serves only low risk foods; or
- Potentially hazardous food that after being cooked is served for immediate consumption (e.g. sausage sizzle),

is exempt from paying a notification fee.

Registration is more demanding and of course targets permanent businesses. The process will include receipt and review of the application, inspection and risk classification of the business and issuing a registration. A total average estimate of costs per food business, based on \$50.00 per hour for the EHO and including travel, is \$130.00 per food business for full cost recovery. This is a new fee and Council will need to decide if it seeks full or part cost recovery or no fee at all. A 50 % cost recovery policy (i.e. \$65.00 per registration) would provide the Shire with some new income, while sharing the burden with food businesses.

A food business that sells only non-hazardous, pre-packaged foods (e.g. confectionary etc.) or that provides complimentary drinks in association with another business (e.g. a

hairdresser that provides tea or coffee), is exempt from the requirement to register as a food business.

The EHO already maintains a schedule of inspections for food businesses that will now be upgraded to a formal Register of Food Businesses, as required by the *Food Act 2008*.

3. Annual Inspections

This district does not have a vast number or variety of food businesses. Even so, it will be necessary to classify each one, according to a simple formula and initiate an inspection schedule according to risk. It is proposed that high risk premises in this district be inspected at least twice per year and more if issues arise, while low risk premises need only be inspected once (unless issues arise).

Food legislation now enables a local government to raise fees for recovery of inspection costs only, under the *Local Government Act 1995* (i.e. by adopting them within the Annual Budget). Payment of such fees is enforceable as follows:

- o Food businesses are subject to one-off registration;
- o It is an offence to operate without registration;
- o Registration can only be removed in certain circumstances, one of which is the non-payment of fees owed to the Shire (e.g. annual inspection fees).

Council has a number of options in terms of the level of fees and the manner of raising fees. Figures here indicated are calculated on the basis of costs of preparation, travel, inspection, reporting and administration by the EHO at an hourly rate of \$50.00. The average total cost per inspection of a high risk food business is anticipated to be in the order of \$110.00 x 2 inspections per year = \$220.00 per year. The average total cost of a medium or low risk food business will be in the order of \$70.00 x 1 inspection per year = \$70.00 per year.

Like notification/registration fees, annual inspection fees are new to this district. In some other local governments, annual registration of eating houses with associated fees has been practiced for many years. Council will need to resolve at what level cost recovery should apply. That is:

- o Full cost recovery; or
- o Part cost recovery; or
- o No cost recovery.

Another part of this question is the manner of raising the fees. After fees are set, they could be raised at the beginning of each financial year:

- o In anticipation of inspections to be conducted. However, if additional inspections were necessary at particular premises because of issues arising, an additional charge would have to be added retrospectively to the following years fees for that food business; or

- Retrospectively, using actual inspections as the basis of fees charged. This has two benefits; added time for food business proprietors to adjust to introduction of fees (e.g. July 2011) and it provides timely and tangible incentive to resolve issues at food businesses.

4. Implementation

Implementation of this strategy should commence as early as possible, with an article being published in the Boyup Brook Gazette, to advise the community at large.

When Council has determined and set the level of notification/registration fees, letters can be forwarded to all known food businesses together with Application for Registration forms. This will initiate the registration process as previously described, which could be in place for the commencement of next financial year. The EHO will then prepare and maintain a formal electronic Register of Food Businesses and create a new schedule of inspections based on risk.

Should Council adopt a schedule of annual inspection fees, it might consider introducing them as of the 2010/11 financial year but payable at the commencement of the 2011/12 financial year, based on actual inspections per premises in 2010/11. This would mean that food businesses pay one-off registration fees in the 2010/11 financial year and commence paying annual inspection fees the following year.

5. Local Laws, Policies and Documents

There are a number of documents that may be impacted by new food legislation, including:

- Shire Local Laws on Trading in Public Places and Thoroughfares, under which food stalls are licensed for the Country Music Festival and other events. In addition, there is currently two ice cream vans licensed to operate in the district under this local law;
- Shire Health Local Laws; and
- Forms and other Shire documents relative to temporary food stalls.

These documents will need to be reviewed and adjusted in terms of the new legislation. It is proposed to review these documents and report to Council where appropriate to enable necessary changes by the commencement of the new financial year.

CONSULTATION

There has been discussion with most of the known food businesses about the introduction of the Food Safety Standards over the past 2-3 years, during which the EHO has largely applied the new Standards. Around 2 years ago, the EHO conducted a seminar at the Boyup Brook Club for this purpose.

STATUTORY OBLIGATIONS

Food Act 2008

Food Regulations 2009

Food Safety Standards – 3.1.1, 3.2.2 and 3.2.3

POLICY IMPLICATIONS

Related Policy and Local Law will need to be reviewed and possibly changed.

BUDGET/FINANCIAL IMPLICATIONS

An opportunity exists for Council to set fees in relation to notification, registration and annual inspection of food businesses.

STRATEGIC IMPLICATIONS

This item outlines a strategy for implementation of new food legislation.

SUSTAINABILITY IMPLICATIONS

Fees raised by the Shire for on-going inspection of food businesses, improves the financial sustainability of mandatory food safety surveillance activities and the overall financial position very slightly.

VOTING REQUIREMENTS

Simple majority.

OFFICER RECOMMENDATIONS – ITEM 7.3.6

1. That Council adopt the strategy to implement new food legislation, as outlined in this report.
2. That Council adopt the following fees, reflecting 50% cost recovery and incorporate them into its 2010/11 Budget:
 - Notification fee \$25.00
 - Registration fee \$65.00
 - Annual Inspection fee (High risk business) \$55.00 per inspection
 - Annual Inspection fee (Medium/Low risk business) \$35.00 per inspection

COUNCIL DECISION – ITEM 7.3.6

MOVED: Cr Doust

SECONDED: Cr Downing

1. That Council adopt the strategy to implement new food legislation, as outlined in this report.

2. That Council adopt the following fees, reflecting 100% cost recovery and incorporate them into its 2010/11 Budget:

- Notification fee \$50.00
- Registration fee \$130.00
- Annual Inspection fee (High risk business) \$110.00 per inspection
- Annual Inspection fee (Medium/Low risk business) \$70.00 per inspection

CARRIED 8/0

Res 014/10

NOTE

The meeting felt that fees should be set at a level to provide full cost recovery.

7.3.7 Review of Delegations of Authority

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>GO/15/004</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>12 February 2010</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – 1.6 current Register of Delegations of Authority Manual</i>

SUMMARY

This item reviews the existing Delegations of Authority and recommends that the existing delegations continue without change.

BACKGROUND

Local Government Act 1995 section 5.42(1) states a local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

Local Government Act 1995 section 5.46(2) states At least once every financial year, delegations made under this Division are to be reviewed by the delegator. Council last reviewed its delegations at the February 2009 Council meeting.

COMMENT

An extensive review of the Shire of Boyup Brook Delegations of Authority conducted in February 2009 and it is suggested that no further changes are needed at this time.

CONSULTATION

Manager of Works and Services

Manager of Finance
Health and Building Officer

STATUTORY OBLIGATIONS

Local Government Act 1995 (various sections)
Local Government Act (Administration) Regulations 1996
Local Government Act (Functions and General) Regulations 1996
Occupational Safety and Health Act 1984 and Regulations 1986
Local Government (Financial Management) Regulations 1996
Local Government (Miscellaneous Provisions) Act 1960

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The adoption and implementation of this Delegations Authority will not require any additional expenditure.

STRATEGIC IMPLICATIONS

The Delegations of Authority will assist with the delivery of “Best Practice” within the industry.

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.

5.04 – M Lane left the Chambers.
5.05 – M Lane returned to the Chambers.
5.08 – Cr Giles left the Chambers.
5.09 – Cr Giles returned to the Chambers.
5.07 – M Lane left the Chambers.
5.12 – M Lane returned to the Chambers.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.7

MOVED: Cr Giles

SECONDED: Cr Doust

That Council adopt the Delegations of Authority as presented and the same be implemented as from 12 February 2010

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 015/10

7.3.8 Boyup Brook Airfield Upgrade

Location: Boyup Brook Airfield
Applicant: Not applicable
File:
Disclosure of Officer Interest: None
Date: 12 February 2010
Author: Alan lamb
Authorizing Officer: Not applicable
Attachments: Information on the RADS

COUNCIL DECISION – MOVE INTO COMMITTEE

MOVED: Cr O’Hare

SECONDED: Cr Downing

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 8/0

Res 016/10

COUNCIL DECISION – MOVE OUT OF COMMITTEE

MOVED: Cr Oversby

SECONDED: Cr Downing

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 017/10

SUMMARY

The purpose of this report is to gain Council approval to lodge a funding application under the Regional Airports Development Scheme (RADS) to fund improvements to the airfield.

BACKGROUND

\$10,000 was provided in the current budget to investigate and cost potential improvements to the airfield. The current strip is 800m long which is too short for fully laden water bombers and too short for RFDS operation (it is understood they need 900m) and too short for commercial operations (it is understood that Skywest turbo props need 1200m).

Thompson McRobert Edgeloe Group was engaged to do a study on the site and to come back with a report, costings etc in time for a RADS grant application to be lodged for the 2010/11 funding round.

RADS grant applications close 2 March 2010.

COMMENT

The broad plan is to have the project to the point where funding applications can be made and Council can decide, as part of its budget deliberations, if it wants the project to proceed. TME will produce relevant material and costs before the end of this month and is available to do the detailed engineering, drawings scope of works etc when and if the project is approved by Council.

Rads generally fund up to 50% of projects and it is suggested that Council may wish to look at the Country Local Government fund (ie 2010/2011), both the regional portion and if need be the direct portion, for the balance of funds.

It is appreciated that it is not usual to give approval to seek grant funding until the details of the project are known but it is suggested that this funding opportunity should be pursued and Council can decide as part of the budget process if it wants to undertake the project.

CONSULTATION

The author has spoken with the consultant and staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil in the current year.

STRATEGIC IMPLICATIONS

The plan includes an upgrade for this facility in the long term section (ie 2009 and onwards).

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 7.3.8

That Council approve the Chief Executive Officer making application for funding under the Regional Airports Development Scheme 2010-2011 funding round to up grade the Boyup Brook Airfield.

COUNCIL DECISION – ITEM 7.3.8

MOVED; Cr Doust

SECONDED: Cr Giles

That Council approve the Chief Executive Officer making application for funding under the Regional Airports Development Scheme 2010-2011 funding round and for a funding under the Commonwealth Government’s airport funding scheme’s 2010-2011 funding round to up grade the Boyup Brook Airfield to cater for Royal Flying Doctors Services and FESA water bombers.

CARRIED 8/0

Res 018/10

NOTE

Administration advised that the Commonwealth Government had announced an airport funding round similar to that offered by the State Government. Council wished to limit the extent of the upgrade to what would be required to meet RFDS and FESA requirements.

7.3.9 Chowerup School – acquisition by Council

<i>Location:</i>	Chowerup School site
<i>Applicant:</i>	Tonebridge Progress Association
<i>File:</i>	LN/42/001
<i>Disclosure of Officer Interest:</i>	None
<i>Date:</i>	12 February 2010
<i>Author:</i>	Alan Lamb
<i>Authorizing Officer:</i>	Not applicable
<i>Attachments:</i>	Email correspondence with SLS including attachments from DOW

SUMMARY

The purpose of this report bring back before Council the position in relation to the Chowerup School with the recommendation that Council ask State Land Services to hold all action to dispose of the site until Council has completed its asset management planning and is in a position to decide on whether or not to accept a management order.

BACKGROUND

Last year the Progress Association wrote to Council outlining the history of the School (lots 12819 and 127031 being portions of Reserve 27031) and the Progress Association’s aspirations for it.

It was reported to the September meeting that;

It was noted that the site is on three parcels of land, one being a freehold title and the other two Crown Reserves. The land is owned/controlled by more than one Government Agency.

The Department of Water (DOW) have control over at least a portion of the land involved and the buildings, and no longer needs these. DOW is dealing with a proposal to sell and relocate the buildings.

Some of the buildings in question were provided to the Education Department by the community but became the property of that Department and now appear to be controlled by DOW.

DOW had used the buildings for occasional meetings but now appear to have no further use for them. The Tonbridge Progress Association (TPA) is keen for the buildings to remain on site and see a commercial use of the facilities as the way to keep them there and maintained to a reasonable level. The TPA would like to purchase the land and buildings, tidy them up and then perhaps on sell to a "suitable buyer".

State Government Agencies are restricted in the process for disposing assets and so DOW could not sell direct to a private entity, such as TPA without going through a contestable process (tenders, auction) and there would be no guarantee the TPA would be successful. State Agencies may however dispose of assets direct to other agencies or other levels of government. The proposal therefore is for Council to seek to acquire the property and then to sell or lease it to TPA. Councils are restricted on how they may dispose of assets but there is provision for direct disposal provide the intended arrangements are advertised (see Statutory Obligations).

COMMENT

Referring to the attached plan, DOW has control over lots 12819 and 127031 being portions of Reserve 27031. This control in by way of a management order. Lots 13225 and 13225 are owned freehold by Government Employees Housing Authority.

The Progress Association had spoken with DOW about its desire to purchase the school site and DOW appeared to see that the best way to achieve this was to pass the properties to the Property Asset Clearing House (PACH - a part of State Land Services). It is understood that this process results in property being sold through a contestable process that would not have guaranteed that the Progress association would have been the successful bidder. DOW had the site valued (a desktop valuation by Landgate on lots 12819 and 12738) indicating a value of \$100,000 which exceeded the Association's figure of \$25,000. DOW then wrote to State Land Services advising that it was prepared to relinquish the management order so it could be passed to the Shire Council provided that:

- The reserve remain with the current purpose of "Regional Headquarters", or a purpose of a similar description, providing that the designated purpose does not reflect a change which intensifies the current land use.
- That no further clearing of the site be undertaken.

These conditions make no sense given that the alternative to Council take over the management of the reserve is for the land to be sold and, unless caveats are introduced, DOW would not be able to determine matters such as future usage (controls on usage and the clearing etc are adequately provided for in Council's Town Planning Scheme). It is therefore believed that these conditions could be avoided.

Whilst offering to relinquish management of the two lots DOW has at the same time appeared to have referred lot 12819 to PACH for disposal which has caused some

confusion. State Land Services (SLS) has put a hold on this process pending further advice from Council as to its intentions.

Speaking with SLS's PACH manager, it was agreed that a value of \$100,000 for 2.06ha of rural zoned land was high. The valuation of the land was \$70,000 and \$30,000 for the buildings and it was done as a desktop exercise. It is expected that the value of the land would be adjusted down on challenge and it is noted that much of the improvements were provided by the community, probably have little realisable value and so there is an opportunity to challenge the \$30,000 valuation for improvements also.

It appears that the best way to ensure that the Association ends up with the property is for Council to seek to have management over the two lots and lease them to value the Association. Then for Council to commence the process to purchase them with the intent to on sell to the Association (covering costs only).

It is noted that if Council takes over management it adds to its ongoing asset maintenance and replacement burden. While the intention is to lease to the Association and for that entity to cover all costs there is the possibility that the Association could cease to operate some time in the future and Council, would then have to meet these costs. Whilst in theory Council could seek to relinquish the management order if this occurred, it is not usual for SLS to agree to a relinquishment unless there was another body to take it over and so this may not be an option. There is also the possibility that SLS would not sell the school site to Council, etc.

Council may wish to view this matter in terms of the impact it could have on Council asset management planning before further considering it and the plan is not yet completed. The plan should be completed however before June and so it is recommended that SLS be requested to hold all action to dispose of the property (ie lots 12819 and 12738) until 30 June 2010.

CONSULTATION

The author has spoken with the TPA President and Mr Richard Turner and Greg O'Reilly and Darren Theta from DOW, Kylie Binks and Kim Turner from SLS.

STATUTORY OBLIGATIONS

The following section of the Local Government Act has application:

3.58. *Disposing of property*

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned;
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned;
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.
- (5) This section does not apply to —
 - (a) a disposition of land under section 29 or 29B of the *Public Works Act 1902*;
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

The following section of the Local Government (Functions and General) Regulations also have application;

30. Dispositions of property to which section 3.58 of Act does not apply

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
 - (a) the land is disposed of to an owner of adjoining land (in this paragraph called *the transferee*) and —
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

- (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;
 - (c) the land is disposed of to —
 - (i) the Crown in right of the State or the Commonwealth;
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
 - (iii) another local government or a regional local government;
 - (d) it is the leasing of land to an employee of the local government for use as the employee's residence;
 - (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land;
 - (f) it is the leasing of land to a "medical practitioner" (as defined in section 3 of the *Medical Act 1894*) to be used for carrying on his or her medical practice; or
 - (g) it is the leasing of residential property to a person.
- (2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —
- (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government;
 - (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or
 - (c) the subject of Statewide public notice under section 3.59(4), and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —
 - (i) the names of all other parties concerned;
 - (ii) the consideration to be received by the local government for the disposition; and
 - (iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.
- (2b) Details (*see section 3.58(4) of the Act*) of a disposition of property under subregulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.
- (3) A disposition of property other than land is an exempt disposition if —
- (a) its market value is less than \$20 000; or
 - (b) it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.

[Regulation 30 amended in Gazette 25 Feb 2000 p. 974-5; 28 Apr 2000 p. 2041; 31 Mar 2005 p. 1055-6.]

31. Anti-avoidance provision about dispositions

If a local government disposes of property by means of 2 or more dispositions in circumstances such that the desire to exclude the application of section 3.58 of the Act is a significant reason for not dealing with the matter in a single disposition, the dispositions are not exempt dispositions.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time other than Officer time. The matter will be brought back to Council at some point and there may be budget implications then.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
It is anticipated that there is a positive social benefit to be derived from assisting the local progress association with this project.

VOTING REQUIREMENTS

Simple majority

5.15pm – M Lane left the Chambers.
5.15pm – Cr Giles left the Chambers.
5.17pm – Cr Giles returned to the Chambers.
5.18pm – M Lane returned to the Chambers.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.9

MOVED: Cr Downing

SECONDED: Cr Biddle

That State Land Services be advised that Council is considering the matter of taking management responsibilities for lots 12819 and 127031 being portions of Reserve 27031 and requests that no action be taken regarding disposal or reassignment of the management order until 30 June 2010.

CARRIED 7/1

Res 019/10

8 COMMITTEE REPORTS

8.1.1 Youth Advisory Committee Minutes

Location:	N/A
Applicant:	N/A
File:	IM/37/004
Disclosure of Officer Interest:	Nil
Date:	4 February 2010
Author:	Annie Jones – Youth Officer
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Minutes

BACKGROUND:

A meeting of the Youth Advisory Committee was held on 30th November 2009, 2nd February 2010 and 9th February 2010.

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 O’Hare

SECONDED: Cr Ginnane

That the minutes of the Youth Advisory Committee Minutes held on 30th November 2009, 2nd February 2010 and 9th February 2010 be received.

CARRIED 8/0

Res 020/10

That the meeting be adjourned for a 10 minute break, the time being 5.25pm.

That the meeting resume, the time being 5.28pm.

The meeting resumed with the following persons in attendance.

Cr Ginnane – Shire President
Cr Doust – Deputy Shire President
Cr Biddle
Cr Downing
Cr Giles
Cr Marshall
Cr O’Hare
Cr Oversby

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)

5.28pm - Mr Muncey left the Chambers.

8.1.2 Boyup Brook Tourism Association Minutes

Location:	N/A
Applicant:	N/A
File:	IM/37/009
Disclosure of Officer Interest:	Nil
Date:	4 February 2010
Author:	Daly Winter – Community Development Officer
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes - Minutes

BACKGROUND:

A meeting of the Boyup Brook Tourism Association was held on 8th December 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 Oversby

SECONDED: Cr Biddle

That the minutes of the Boyup Brook Tourism Association held on 8th December 2009 be received.

CARRIED 8/0

Res 021/10

8.1.3 Minutes of the Local Emergency Management Committee

Location:	N/A
Applicant:	N/A
File:	EM/37/001
Disclosure of Officer Interest:	Nil
Date:	4 February 2010
Author:	Geoff Carberry – Senior Administration Officer
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Minutes

BACKGROUND:

A meeting of the Local Emergency Management Committee was held on 29 September 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 Giles

SECONDED: Cr Downing

That the minutes of the Local Emergency Management Committee held on 29th September 2009 be received.

CARRIED 8/0

Res 022/10

8.1.4 Minutes of the WA Local Government Association South West Zone

Location: N/A
Applicant: N/A
File: IM/37/003
Disclosure of Officer Interest: Nil
Date: 4 February 2010
Author: Alan Lamb – Chief Executive Officer
Authorizing Officer: Not Applicable
Attachments: Yes – Minutes

BACKGROUND:

A meeting of the WA Local Government Association South West Zone was held on 27th November 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 Doust

SECONDED: Cr O'Hare

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

CARRIED 8/0

Res 023/10

NOTE

Council noted the volume of paper involved in providing a hard copy of full set of these minutes of the minutes and that an abridged version of the minutes had been provided by the Zone in the past, Administration undertook to look at options to reduce the volume of paper involved.

8.1.5 Minutes of the Warren Blackwood Strategic Alliance

Location: N/A
Applicant: N/A
File: GR/31/006
Disclosure of Officer Interest: Nil
Date: 11 February 2010
Author: Alan Lamb – Chief Executive Officer
Authorizing Officer: Not Applicable
Attachments: Yes – Minutes

BACKGROUND:

A meeting of the Warren Blackwood Strategic Alliance was held on 2nd February 2010.

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 Ginnane

SECONDED: Cr Downing

That the minutes of Warren Blackwood Strategic Alliance held on 2nd February 2010 be received.

CARRIED 8/0

Res 024/10

MOTION – ITEM 8.1.5

MOVED: Cr Oversby

SECONDED: Cr Biddle

That notice be given to the Warren Blackwood Strategic Alliance that the Boyup Brook Shire Council resigns its membership forthwith.

CARRIED 7/1

Res 025/10

Request for Vote to be recorded

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

For	Against
Cr Biddle	Cr Downing
Cr Doust	
Cr Ginnane	
Cr Giles	
Cr Marshall	
Cr O’Hare	
Cr Oversby	

8.1.6 Minutes of the Boyup Brook Shire Council Annual Awards Committee

Location:	<i>Boyup Brook Shire Council Chambers</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>11 February 2010</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Not Applicable</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND:

A meeting of the Boyup Brook Shire Council Annual Awards was held on 14 December 2009.

Minutes of the meeting are laid on the table and circulated (refer to appendix 8.1.6)

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.6

MOVED: Cr Oversby

SECONDED: Cr Biddle

That the minutes of the Boyup Brook Shire Council Annual Awards held on 14 December 2009 be received.

CARRIED 8/0

Res 026/10

5.38pm – Cr Downing left the Chambers.

8.1.7 Minutes of the Forward Planning Committee

Location:	<i>Boyup Brook Shire Council Chambers</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>11 February 2010</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Not Applicable</i>
Attachments:	<i>Minutes attached</i>

BACKGROUND:

A meeting of the Forward Planning Committee was held on 11 February 2010.

Minutes of the meeting are laid on the table and circulated (refer to appendix 8.1.7)

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.7

MOVED: Cr Doust

SECONDED: Cr Biddle

That the minutes of the Forward Planning Committee held on 11 February 2010 be received and all recommendations adopted.

CARRIED 7/0

Res 027/10

5.42pm – Cr Downing returned to the Chambers.

5.43pm – Cr Downing left the Chambers.

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9.1.1 Anzac Day Memorial Service at Sandakan in April 2010

Notice of motion Cr Downing – 01/10

That Councillor Downing be nominated to represent the Boyup Brook Shire Council at the Anzac Day Memorial Dawn Service at Sandakan in April 2010.

Councillor Comment.

The Boyup Brook Shire Council has signed a Memorandum of Understanding of Friendship with the Sandakan Municipal Council, and until such time as this document is rejected by either party Boyup Brook Shire Council should use its best endeavours to comply with the substance and spirit of this agreement.

The Anzac Day Service is of importance to the Sandakan and Boyup Brook Communities for a number of reasons.

The service is held at the Australian War Memorial in Sandakan, which is situated on the site of the former Prisoner-of-War Camp from which approximately one thousand five hundred British and Australian military personal were sent on the "Death Marches" to Ranau, with only six survivors. More than two thousand five hundred prisoners-of-war perished at the hands of the Japanese at or nearby this camp. The citizens of Sandakan made numerous personal sacrifices in their efforts to assist the Australian soldiers, and to this day Australians are held in high regard by the residents of Sandakan.

The Australian Government, through the War Graves Commission of the Department of Veterans Affairs, co-ordinates and finances only three Anzac Day services on foreign soil. These are at Gallipoli, at Villers-Bretonneux in France, and at Sandakan. At the Anzac Day Service in Sandakan for the past two years, only four wreaths have been laid during the service. These have been laid by representatives of the Australian Government, the Malaysian Government, the Sandakan Municipal Council and the Boyup Brook Shire Council. The organisers have been quite firm in allowing only four wreaths.

This Anzac Service is the one which is attended by the winner of the Ted McLaughlin Memorial Scholarship subsidised by Boyup Brook Lions, and it is most appropriate that the Boyup Brook Shire Council be seen to be represented at this international gathering.

Councillor Downing has already committed to being in Sandakan for a short visit around 25th April, and it would seem to be appropriate that he be permitted to officially represent the Boyup Brook Shire Council.

COUNCIL DECISION – ITEM 9.1.1

MOVED: Cr Doust

SECONDED: Cr Oversby

As Cr Downing will be in Sandakan in April 2010 he be invited to represent the Boyup Brook Shire Council at the Anzac Day Memorial Service at Sandakan in April 2010 at no cost to Council.

CARRIED 6/1

Res 028/10

5.53pm – Cr Downing returned to the Chambers.

10 MATTERS THAT LAY ON THE TABLE

Nil

11 CONFIDENTIAL MATTERS

BEHIND CLOSED DOORS

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, the time being 5.54pm.

5.54pm – Mr John Walsh left the Chambers.

11.1.1 Industrial Sites Study

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 11.1.1

MOVED: Cr Doust

SECONDED: Cr Downing

That Council authorise the Shire President and Chief Executive Officer to pursue the matter of the potential purchase, but not to commit to any purchase, of suitable land for the purpose of establishing an industrial area and report back to Council.

CARRIED BY ABSOLUTE MAJORITY 6/2

Res 029/10

Request for Vote to be recorded

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

For

Cr Biddle

Cr Doust

Cr Downing

Cr Ginnane

Cr O'Hare

Cr Oversby

Against

Cr Giles

Cr Marshall

12 CLOSURE OF MEETING

There being no further business the Shire President, Cr Terry Ginnane, thanked Councillors and Staff for their attendance and declared the meeting closed at 6.03pm.