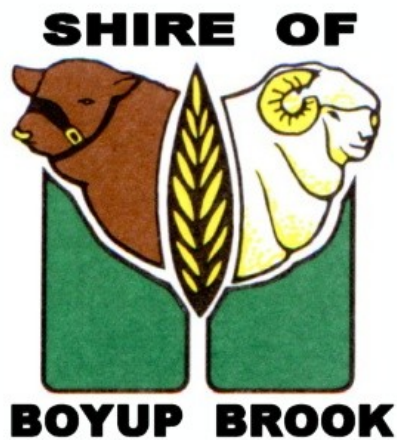


MINUTES



ORDINARY MEETING

HELD

THURSDAY 21 OCTOBER 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 M Giles
Cr P Marshall
Cr E Muncey
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 & Services)
Mrs Maria Lane (Executive Assistant)

PUBLIC: Mr Glenn Russell arrived at 3.30pm and left at 4.00pm
Mr Terry Mundy arrived at 3.30pm and left at 4.00pm
Mr John Rowe arrived at 3.30pm and left at 5.49pm

1.2 Election of Deputy President

Councillor Doust has tendered his resignation as Deputy President as from 22 October 2010 and so Council needs to elect a Deputy President.

Council is required by the Local Government Act 1995 to elect a Councillor as Deputy President at the first meeting after extraordinary vacancy occurs. The term of office for the Deputy President begins after this election and continues until the next Ordinary Councillor Elections – in this case until the October 2011 elections.

Nominations for the position of Deputy President must be in writing and given to the Chief Executive Officer before the meeting or at the meeting itself after the Shire President calls for nominations. Councillors may nominate themselves or be nominated by another Councillor, however when being nominated by someone else the Councillor nominated must accept the nomination either in writing or orally at the meeting.

At the time the agenda was prepared, no nominations had been received for the position of Deputy President.

If more than one nomination is received, ballot papers will be prepared and Councillors are to vote by secret ballot. The votes will be counted and the outcome will be decided on a first past the post system. The Shire President will advise those present of the result of the election and declare the successful Councillor elected.

The person elected will be required to make a declaration of office as Deputy President.

Cr Biddle nominated Cr Giles for Deputy Shire President.

Cr Giles nominated Cr Biddle however Cr Biddle declined.

In the absence of any further nominations the Presiding Person declared Cr Giles elected Deputy Shire President unopposed.

Mr John Eddy J.P. then proceeded to perform the declaration of office for the newly elected Deputy Shire President Cr Giles.

Apologies

Nil

1.3 Leave of Absence

Cr R Downing

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

Councillor A Doust seeks leave of absence from the Ordinary Meeting of Council scheduled for 18 November 2010.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 3

MOVED: Cr Biddle

SECONDED: Cr O'Hare

That Councillor Doust be granted leave of absence from the Ordinary Meeting of Council scheduled for 18 November 2010.

CARRIED 8/0

Res 191/10

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

- 4.1 Mr Glenn Russell expressed concerns about the "Future of Boyup Brook" and its population and challenged Council to find ways to promote Boyup Brook especially to fly in fly out miners.
- 4.2 Mr Terry Mundy gave a presentation on Council's Road Contribution Policy suggesting changes to it and that it should be reviewed.
- 4.3 Mr John Rowe asked Council about amalgamation, recommended against this and urged Council to resist pressure. The Shire President gave an up-date on the position with the Minister for Local Government's reform process.
- 4.4 Cr O'Hare informed Council about the Warren Blackwood Recreational Trails project and the webpage that had been improved.

- 4.5 Cr Biddle attended a training seminar on Strategic Planning and Financial Reports & Budgets on 14 and 15th October 2010 which he found very informative and thoroughly recommends to fellow Council members.
- 4.6 Cr Oversby attended the Food Safety Standards seminar held on 19 October 2010 which Mr Wayne Jolley presented on behalf of the Community.
- 4.7 Cr Marshall informed Council that Rylington Park have appointed a new Manager.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council Thursday 16 September 2010.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 5.1

MOVED: Cr O’Hare

SECONDED: Cr Muncey

That the minutes of the Ordinary Meeting of Council held on Thursday 16 September 2010, be confirmed as an accurate record subject to the following amendments:-

Item 7.3.3 – Page 18 – carried by absolute majority

Item 7.3.5 – Page 24 – carried by absolute majority

Item 10.1.1 – Page 28 – carried by absolute majority

CARRIED 8/0

Res 192/10

6 PRESIDENTIAL COMMUNICATIONS

The President reported that he and the CEO attended a Forum on Local Government Reform in Perth 20 October 2010. The forum was hosted by the Minister for Local Government and WALGA was represented. Boyup Brook delegates took the opportunity to speak with representatives from Bridgetown-Greenbushes and Donnybrook-Balingup about a collaborative group and a grouping for the regional portion of the CLGF. The Minister’s closing address included what was taken to be an indication of action to move Council’s to amalgamation.

COUNCIL MOVED INTO COMMITTEE – ITEM 6.1.1

MOVED: Cr Oversby

SECONDED: Cr Marshall

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

CARRIED 8/0

Res 193/10

COUNCIL MOVED OUT OF COMMITTEE – ITEM 6.1.1

MOVED: Cr Muncey

SECONDED: Cr Biddle

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 194/10

7 REPORTS OF OFFICERS

7.1 MANAGER WORKS & SERVICES

7.1.1 Shire of Boyup Brook Policy Manual Policy No W.07 – Road Contribution

Location:	Not applicable
Applicant:	Mr T Mondy
File:	
Disclosure of Officer Interest:	None
Date:	14 October 2010
Author:	John Eddy – Manager of Works & Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Policy No W.07 – Road Contribution

SUMMARY

The purpose of this report is to put before Council issues the applicant raises regarding Policy No W.07 of the Shire of Boyup Brook Policy Manual.

It will be recommended that Council receives the applicant's issues and addresses them during the next policy review.

BACKGROUND

The applicant Mr T Mondy presented the following correspondence to the Shire office on the 12 October 2010 requesting that his concerns with Policy No W.07 be placed on the agenda for consideration at the next Council meeting.

Letter from Mr Mondy as follows:-

"I would like to raise issues within the current policy manual in relation to subdivisions, amalgamation and boundary realignment which is covered by policy number W.07 policy subject Road Contribution.

When a subdivision amalgamation or boundary realignment approval is required that does not meet the minimum standard of road construction of six metre formed gravel surface with roadside drains set under this policy and does not comply with point 3 or require shire planning approval the proponent has to meet the full cost of any upgrade. There are many roads within the shire that don't meet this standard and will remain so for the foreseeable future. I think the main consideration for approval should be on the traffic volume that may result, not the standard of the existing road.

There is the prospect of someone applying to create a homestead lot under the Rural Strategy that only has to front a constructed road and someone along the same road doing a boundary realignment for the same purpose but unable to comply under the rural strategy having to upgrade the road because it is substandard.

Substandard roads within the shire may raise concerns for approval of any of the above, however the community has used these roads and accept the constraints on council to improve them. To have a policy that requires someone to bear this cost for no increase in traffic is unreasonable and not in the best interest of the community. I request that these

concerns with this policy be put on the agenda for the next council meeting for consideration.”

COMMENT

Within the next six months the Councils Planning Consultant and Manager of Works and Services will be reviewing the Councils planning and works policies for consideration and adoption by the Council.

Mr Mondys issues with Policy No W.07 will be considered as part of the policy review process.

CONSULTATION

Chief Executive Officer
Planning Consultant

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATONS

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

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.1.1

MOVED: Cr Doust

SECONDED: Cr Marshall

That Council receive Mr Mondys issues with Policy W.07 and they be addressed during the next policy review.

CARRIED 8/0

Res 195/10

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>14 October 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 September 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 2010/11 or authorized by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.1

MOVED: Cr O’Hare

SECONDED: Cr Oversby

That the payment of accounts for September 2010 as presented totalling \$454,820.82 and as represented by cheque voucher numbers 18222 – 18266 totalling \$73,219.54, and accounts paid by direct electronic payments through the Municipal Account totalling \$381,601.28 be endorsed.

CARRIED 8/0

Res 196/10

7.2.2 September 2010 Monthly Statements of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>14 October 2010</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Financial Reports</i>

SUMMARY

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended September 2010 and Investment Schedule for the month ended 31 October 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 Oversby

SECONDED: Cr Biddle

That the September 2010 Monthly Statements of Financial Activity as presented, be received.

CARRIED 8/0

Res 197/10

7.2.3 Write off Debtors

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>NA</i>
File:	<i>FM/1/001</i>
Disclosure of Interest:	<i>Nil</i>
Date:	<i>14 October 2010</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>No</i>

SUMMARY

The outstanding debtors (receivables) as at 30 June 2010 have been reviewed and discussed with the Auditors at the recent end of year audit. The report recommends the acceptance and approval to write off outstanding accounts.

BACKGROUND

It has been over 2 years since the last review of the outstanding debtors (receivables) and it is important that any debt outstanding is considered still “collectible”. Efforts have been made on numerous occasions over past years to collect these monies but to no avail. It is now recommended that the following debts be written off.

COMMENT

Biddle E - \$438.56 – rental charges on Flax Mill Shed were raised in error and the tenant was not informed of the increase to previously agreed monthly charges. An amount of \$100 was received based on the previous charges and the tenant’s property was removed from the Flax Mill shed.

Blackwood Basin Group - \$520.00 – rental charges on Railway precinct. Negotiations with the CEO eventuated in an agreement that left this outstanding amount being 10% GST to be written off.

Duke A - \$175.00 – Septic Pump out. Mr Duke disputed this account as he said he did not get a septic pump out. No records were able to be found to justify this debt after the introduction of the new accounting system - QuickBooks.

Miller O - \$2724.37 – rental charges on Flax Mill Shed were raised in error and the tenant was not informed of the increase to previously agreed monthly charges. The tenant was housing scrap metal which has since been removed from the Flax Mill shed.

Southern Road Services - \$480.00 – Private Works. This was a duplication of an account for tree removal on Kojonup Road. It was invoiced on invoice FS896P and invoice FS898P.

State Revenue Department - \$10156.74 – Pension Rebate Claims. These amounts have been showing for over 2 years and due to the different method of balancing Rates and Rebates current staff have no knowledge how this amount was calculated. The current method of balancing the Rates Ledger with the outstanding Debtors is reconciling on a monthly basis and this figure does not factor in this calculation.

Pensioner Rates Rebate - \$14301.92. – as previous.

Old Rates – \$485.77. - as previous.

Rates & Levies Assessment 927 - \$3186.25. The ratepayer has left the district and the land reverted back to Crown Land. All attempts to contact the ratepayer have been unsuccessful.

CONSULTATION

Chief Executive Officer
Finance Officer

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.12 - Power to defer, grant discounts, waive or write off debts.

POLICY IMPLICATIONS

No specific policy.

FINANCIAL IMPLICATIONS

The amounts have already been identified as potential bad debts in the preliminary Financial Report for 2009/10 and have been set aside in a Liability account for Doubtful Debts. Writing off these amounts will have no impact on 2010/11 financial figures other than to reduce the liability account showing in the Balance Sheet.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

Declare an Interest

Cr Biddle declared a financial interest in the following item and departed the Chambers, the time being 4.33pm.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.3

MOVED: Cr Marshall

SECONDED: Cr Doust

That the Council writes off the following long term debtors:

- **Biddle** \$438.56
- **Blackwood Basin Group** \$520.00
- **Duke** \$175.00
- **Miller** \$2724.37
- **Southern Road Services** \$480.00
- **State Revenue Department** \$10156.74
- **Pensioner Rates Rebate** \$14301.92
- **Old Rates** \$485.77
- **Rates Assessment 927** \$3186.25

and the total amount written off be deducted from the provision for doubtful debts.

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 198/10

4.35pm - Cr Biddle returned to the Chambers.

7.3 CHIEF EXECUTIVE OFFICER

7.3.1 Town Hall Kitchen Hire Fees

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>2 October 2010</i>
Author:	<i>Wayne Jolley – Environmental Health Officer</i>
Authorizing Officer:	<i>Alan Lamb - CEO</i>
Attachments:	<i>None</i>

SUMMARY

With the implementation of new food legislation, a number of catering activities by charitable groups has come to light. However, catering is strictly not permitted from residential premises. As a consequence, the Town Hall kitchen is being upgraded to accommodate such activities.

Concern has been expressed about the level of the fees set by Council for the hire of the kitchen. In order to support such community fund-raising activities and to encourage them to operate from the Town Hall kitchen, it is recommended that the level of fees be reduced.

BACKGROUND

A new Food Act 2008 and Food Regulations were introduced in October 2009, which require that all food businesses are either registered with or notify the Shire. In all cases, a charitable or community based food activity (e.g. sausage sizzles, cake stalls etc.) is required to notify the Shire.

Community groups have generally been complying with this requirement but recently a number of submissions have been received for approval of catering activities. Although many of the charitable food activities (low risk foods) can be operated from residential kitchens, catering that involves high risk foods (e.g. meat, chicken, dairy produce etc.) is strictly forbidden.

The hardship that this might cause to the community was foreseen earlier this year by the CEO, who commissioned the upgrading of the Town Hall kitchen to accommodate such activities, that charitable community groups may have an option to operate within the law. The initial response indicates that community groups are willing to operate in this way. However they generally operate on small margins and are therefore concerned about the level of hire fees, set at \$115.00 per day.

COMMENT

Implementation of the new food legislation is proceeding quite well in this district. Seventeen applications for registration of permanent food businesses have been received and are being progressed. As required, a number of charitable community groups have

formally notified the Shire in respect to various low-risk food activities. Recently notification/ application has been made in relation to catering (high risk foods) from residential kitchens, which is not permitted. It is understood that in the past such activities were not uncommon and have been generally beneficial to the community. However penalties under the Food Act are high (\$10,000) and the practice needs to be at least modified to ensure compliance and food safety.

There are two basic options; either ban these activities or ensure they only operate from suitable or commercial kitchens. The option of upgrading the Town Hall kitchen and making it available for these activities is reasonable. Although it represents considerable inconvenience on the part of operators, initial indications are that community groups want to do the right thing and are willing to use the facility. From a food legislation perspective, this will certainly assist compliance and is to be encouraged.

Another important strategy to ensure safe food operations at these events is the proposed appointment of a responsible supervisor. Use of a single venue for these events will also assist food safety interests by facilitating supervision.

However, concern has been expressed that the level of hire fees (\$115.00 per day) is too high an impost and will unreasonably diminish funds raised on behalf of the community. Certainly a lower level of fees would greatly encourage such groups to use the facility. This is desirable at least in the short term, to set the pattern of community groups using the facility for these activities.

A fee of \$20.00 per half day or \$30.00 per full day should cover electricity, gas and water costs. Additionally, it should be a condition of hire that the hirer leaves the facility in a clean condition. A bond of \$70.00 would cover any cleaning costs should the hirer fail to do so.

The Shire Environmental Health Officer will conduct a short seminar for operators of charitable community group food activities on the 19th October, to explain new requirements and strategies, discuss food safety principles and answer questions.

It will be noted (under Statutory Obligations) that Council is required to give notice of fees and charges imposed out side of the budget adoption process. The recommendation makes provision for this. If Council adopts the recommendation then there may be some groups that will hire the kitchen in the interim and so it is also recommended that the CEO be empowered refund the difference between the fee charged and the new fee set by Council.

CONSULTATION

There has been some discussion with operators of several community groups.

STATUTORY OBLIGATIONS

Food Act 2008

Food Regulations 2009

Food Safety Standards – 3.1.1, 3.2.2, and 3.2.3

Sections 1.7, 6.16, 6.17 and 6.19 of the Local Government Act have application and are as follows:

1.7. Local public notice

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —
 - (a) published in a newspaper circulating generally throughout the district;
 - (b) exhibited to the public on a notice board at the local government's offices; and
 - (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is —
 - (a) published under subsection (1) (a) on at least one occasion; and
 - (b) exhibited under subsection (1) (b) and (c) for a reasonable time, being not less than —
 - (i) the time prescribed for the purposes of this paragraph; or
 - (ii) if no time is prescribed, 7 days.

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*
- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required.*

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
 - (a) the cost to the local government of providing the service or goods;
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —

- (a) under section 5.96;
 - (b) under section 6.16(2) (d); or
 - (c) prescribed under section 6.16(2) (f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
- (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

POLICY IMPLICATIONS

A reduced level of fees will assist the Shire in implementing new food legislation.

BUDGET/FINANCIAL IMPLICATIONS

A minor source of potential income will be reduced.

STRATEGIC IMPLICATIONS

The only strategic implication relates to the Environmental Health Officer's strategy to permit charitable community groups to operate certain catering events, while complying with food legislation.

SUSTAINABILITY IMPLICATIONS

The only sustainability issue is that of charitable community groups operations in certain catering events.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.1

MOVED: Cr Doust

SECONDED: Cr Muncey

That Council

1. adopt the following in relation to hiring the Town Hall kitchen to charitable community groups for the purpose of catering events:
 - A half-day fee of \$20.00 (prior to or after midday);
 - A full day fee of \$30.00;
 - A bond of \$70.00; and
 - A condition of hire being that the facility is left in a suitably clean condition.
2. that the new hall hire fees be advertised and required and that they apply as from 8 November 2010.
3. that the Chief Executive Officer be empowered to refund the difference between any Town Hall Kitchen Hire fee paid, between 1 October 2010 and 8 November 2010, and the new fee set by this resolution.

AMENDMENT

MOVED: Cr Marshall

SECONDED: Cr Oversby

That Council

1. adopt the following in relation to hiring the Town Hall kitchen to charitable community groups for the purpose of catering events:
 - A half-day fee of \$20.00 (prior to or after midday);
 - A full day fee of \$30.00;
 - A bond of \$70.00; and
 - A condition of hire being that the facility is left in a suitably clean condition.
2. that the new hall hire fees be advertised and required and that they apply as from 8 November 2010.
3. that the Chief Executive Officer be empowered to refund the difference between any Town Hall Kitchen Hire fee paid, between 1 October 2010 and 8 November 2010, and the new fee set by this resolution.
4. donate the hall hire fee back to community groups.

LOST 2/6

Res 199/10

The Presiding person then put the original motion:-

MOVED: Cr Doust

SECONDED: Cr Muncey

That Council

1. adopt the following in relation to hiring the Town Hall kitchen to charitable community groups for the purpose of catering events:
 - A half-day fee of \$20.00 (prior to or after midday);
 - A full day fee of \$30.00;
 - A bond of \$70.00; and
 - A condition of hire being that the facility is left in a suitably clean condition.
2. that the new hall hire fees be advertised and required and that they apply as from 8 November 2010.

3. that the Chief Executive Officer be empowered to refund the difference between any Town Hall Kitchen Hire fee paid, between 1 October 2010 and 8 November 2010, and the new fee set by this resolution.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 200/10

7.3.2 Revised Subdivision Guide Plan

Location:	Lots 720 & 721 Bridgetown Road
Applicant:	C & C Barron
File:	AS3100
Disclosure of Officer Interest:	Nil
Date:	13 October 2010
Author:	Geoffrey Lush (Council's Consultant Planner)
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	1 – Approved Subdivision Guide Plan 2 – Proposed Subdivision Guide Plan

SUMMARY

This report is to consider a request to modify the subdivision guide plan for Special Rural Area No 7 which was introduced by Amendment No 12 to Town Planning Scheme No 2.

The purpose of this is to allow for the creation of 2 hectare lots within the subdivision.

BACKGROUND

Amendment 12 was approved on the 17th April 2009. It rezoned Lots 720 and 721 DP 100786, Boyup Brook – Bridgetown Road, Boyup Brook – from 'Rural' zone to 'Special Rural' and to include special provisions into Schedule 3 'Special Rural' zones.

The approved subdivision guide plan (see Attachment 1) shows 28 lots each having a minimum area of four hectares.

In approving the Amendment the Minister required the Special Conditions to be altered by replacing reference to a minimum lot size of 4 hectares with 2 hectares. This was done specifically to allow revision to the Guide Plan without the need for subsequent Scheme Amendment. The Planning Commission advised Council that:

The WAPC would consider supporting subdivision to create lots of less than 4ha, subject to the development of an appropriate Subdivision Guide Plan. Surrounding Special Rural Lots in the vicinity have been created with a minimum lot size down to 2 ha.

The owner seeks to revise the Subdivision Guide Plan such that a development comprising lots with a minimum area of 2 ha can be realised in accordance with the standards permitted by the Council Scheme. The revised Subdivision Guide Plan is contained as Attachment 2 and this shows 52 lots.

The other major change to the plan is that moves the position of the intersection of the western access road and Bridgetown Road further to the east. The revised plan also:

- Restricts the number of vehicular crossing places required over the water courses so avoiding the inherent risk of interruption to water flow through installation of culverts and the like;
- Provides for the new residence that has been established on the site; and
- Ensures that all the dams and soaks are contained wholly within proposed lots.

The revised plan addresses those items in the WAPC Schedule of Modifications by:

1. Providing an additional road reserve to connect to adjoining lots 734 and 735 Banks Road.
2. Identifying a 10 m road widening to the Boyup Brook -- Bridgetown Road.
3. Depicting all the drainage lines within the Subdivision Guide Plan area.
4. Landscape areas along all drainage lines are identified.
5. Landscape areas along the Boyup Brook -- Bridgetown Road frontage are identified.

COMMENT

Vineyard

A principle objective of the original amendment was to allow the existing vineyard to continue to operate, while showing the ultimate subdivision of the land if the vineyard closed.

At the time of lodgement of this application, the reticulation to the existing vineyards on site had now been removed with the intention that the vineyard plants would also be uprooted. Hence the previous provisions relating to the "vineyard lot" will no longer apply.

Special Condition 6 specifically restricted any Intensive Agriculture to the "vineyard lot". As this lot will no longer be shown the Subdivision Guide Plan should reference that Intensive Agriculture is not permitted on any of the proposed 2 hectare lots.

There should also be a reference to the vineyard being removed before other subdivision occurring.

Bridgetown Road Access

In relation to the modified location of the access road this will improve the subdivision design. The Amendment report stated that the required sight distance for any new access is potentially 200 metres as the Bridgetown Road has 100 kph speed limit.

As there was difficulty in locating this access the applicant needs to provide evidence that the appropriate sight distances can be provided.

Bush Fire Management

Fire management issues for this policy area were examined as part of the Appeal for Lot 1284 Banks Road. The issue was that the subdivision design has to integrate:-

- The location of vegetation to be retained (including plantations);
- The location of revegetation areas, usually along the drainage lines; and
- Setbacks for fire protection.

During the Appeal it was negotiated with FESA that reduced setbacks would apply as the vegetation along the creeks had no understorey i.e. it was parkland cleared due to

grazing. This also relates to the revegetation issue. Basically it was agreed that each dwelling adjacent to the drainage line vegetation will have a 20m Building Protection zone and a 20m Hazard Protection zone.

This 40m setback must be wholly contained within each lot.

This means that on a number of the lots shown on the revised plan that the "existing vegetation" areas will need to be modified, or acknowledged that they will be thinned/managed for fire purposes.

The 2010 Planning for Bush Fire Protection Guidelines also has revised provisions which might affect setbacks and construction standards.

Driveways

Special Condition 16 makes reference to driveways longer than 50m and Special Condition 20 makes reference to battle axe legs. The intention of this was to ensure that the requirements of Planning for Bush Fire Protection were recognised which stipulate that where a driveway is more than 50m in length the driveway shall have:

- a minimum trafficable surface of 4 metres; and
- a horizontal clearance of 6 metres.

The revised plan shows one battle axe legs longer than 50m and a number of shorter ones.

These could also have a reciprocal easement so that there is just the one constructed driveway.

Landscaping

The Minister specifically instructed that Condition 13 read as

The landscaping areas shown on the Subdivision Guide Plan shall be established, enhanced and managed in accordance with a Landscaping Plan approved by the Council and the Department of Water and Department of Environment.

Council has no clear policy on the need for revegetation along the drainage lines. The issue is what the DOW and DEC might require provided that this does not affect the fire management provisions.

The revegetation requirement only applies to 15m either side of "all" the drainage lines.

The revised plan can distinguish between the existing vegetation areas and the revegetation areas so that the DoW and DEC requirement applies to the revegetation areas and the Council requirement (stating *"These areas may be required to be provided with supplementary revegetation to the satisfaction of Council."*) only applies within Light Green areas within 15m of the drainage lines.

It is also suggested that this be expanded to reference that the existing vegetation areas are not referenced as "Existing vegetation to remain" but include a reference to potentially being modified to provide appropriate fire protection.

So in effect this provides three categories of vegetation:-

- Revegetation areas – intermittently 15m either side of the drainage lines and landscaping plan needs DoW and DEC approval;
- Existing vegetation areas within 15m either side of the drainage lines where Council “may” require supplementary revegetation; and
- Existing vegetation which is more than 15m from the drainage line with a statement that “These areas may be required to be appropriately managed to ensure appropriate fire protection and setbacks.” This will also directly ties into Condition 14 allowing clearing for fuel reduction purposes.

Building Envelopes

There is no requirement for the Subdivision Guide Plan to nominate building envelopes but Special Condition 4 stipulates that this to be done as a condition of subdivision.

In the absence of a building envelope plan there are default setbacks in the Scheme.

The 50m setback to the drainage lines relates to on site effluent disposal rather than dwellings. So it is possible that some dwellings, depending upon their location, might need to pump their effluent away from the drainage lines.

The revised Subdivision Guide Plan should confirm that there will be sufficient areas within the lots adjacent to the drainage lines for appropriate building envelopes.

CONSULTATION

Applicant.

STATUTORY ENVIRONMENT

The revised Subdivision Guide Plan is required to be approved by both Council and the Planning Commission.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

Proximity Interest

Cr Doust declared a proximity interest in the following item and departed the Chambers, the time being 4.43pm.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.2

MOVED: Cr Muncey

SECONDED: Cr Biddle

- 1 That the applicant be advised that the revised Subdivision Guide Plan needs to address, or confirm the issues documented in this report. The revised documents then need to be considered by Council for adoption under Condition 2 and then forwarded to the Planning Commission for endorsement.**

CARRIED 7/0

Res 201/10

- 4.43pm – Cr Muncey left the Chambers.
4.46pm – Cr Doust returned to the Chambers.
4.46pm – Cr Muncey returned to the Chambers.

7.3.3 Town Planning Scheme Review

Location:	<i>General</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	
Disclosure of Interest:	<i>Nil</i>
Date:	<i>8 October 2010</i>
Author:	<i>Geoffrey Lush (Council's Consultant Planner)</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

At its May Meeting Council considered a report on the Scheme Review and Townsite Strategy and resolved in part that:-

That a further report be submitted to Council prioritizing what possible amendments to the Planning Scheme Text should be made to improve its operation.

This report addresses the main issues to be reviewed.

BACKGROUND

Town Planning Scheme No 2 was gazetted on the 7th November 1997. Council is required to review the Scheme every five years in accordance with the provisions of the Planning and Development Act 2005.

Specifically the Act provides:

- For the preparation of a consolidated version of the scheme incorporating all the amendments that have been made to the scheme;
- That a local government is not required to prepare a consolidation of the scheme if the local government resolves instead to prepare a new scheme;
- For the consolidated Scheme to be approved by the Commission and advertised for public comment;

- That within six months of the advertising the Council shall report and make recommendations as to whether or not the scheme —
 - is satisfactory in its existing form;
 - should be amended;
 - should be repealed and a new scheme prepared in its place; or
 - should be repealed.
- For the Minister to determine that the consolidated Scheme remains unchanged, or that the Council should undertake various amendments to it; or that a new Scheme be prepared.

Often, Councils will elect to short cut the above process by preparing a new Scheme. However this process in itself can often take more than five years and can be very costly.

COMMENT

The review of the Scheme Text can be considered under the following classifications:-

Model Scheme Text and WAPC Policy Issues

The key reference for reviewing the Town Planning Scheme is the Model Scheme Text which is a set of standard provisions contained within the Town Planning Regulations.

Land Use Table

The Zoning Table is the key feature of the Local Planning Scheme. It is often the first point of reference within the Scheme that a person will examine in order to determine what land uses are permitted on a property.

The Zoning Table is complementary to the definitions contained in Schedule 1 of the Scheme.

There are three issues to be considered in relation to the Zoning Table being to:-

- Ensure consistency between Zoning Table and Schedule 1;
- Ensure that Council is satisfied with the classifications of each Use Class for each zone within the Scheme; and
- Confirm any Use Classes that should be either included or omitted from Table 1.

While there are 75 land uses in the Zoning Table this compares to approximately 98 in the Model Scheme Text.

In preparing any Amendment or review of the Scheme the Council is also required to have regard to State Planning Policies and the Commission's Planning Bulletins

Key Bulletins which have relevance to Boyup Brook are summarized below.

PB 100 - Development Contributions

This sets out development contribution provisions for standard infrastructure items applied by the Western Australian Planning Commission (WAPC) on the subdivision, strata subdivision, or development of land.

This will have specific application to Council's road upgrading policy.

The key principle of the policy is that the 'beneficiary' pays. Sometimes benefits will be largely confined to the residents of a new development. Sometimes, the benefits will accrue to both existing and new residents. Consistent with this principle, developers will only fund the infrastructure and facilities which are reasonable and necessary for the

development and to the extent that the infrastructure and facilities are necessary to service the development.

Local governments are not to impose development contributions beyond the scope of Western Australian Planning Commission policy as conditions or prerequisites for rezoning. The rezoning process is not to be used to impose unreasonable demands on land development outside the scope of Western Australian Planning Commission policy. Development contributions must be formulated through an open and transparent process, or through development contribution plans or voluntary agreements that are transparent and follow the due planning process.

Where local governments are seeking development contributions beyond the standard provisions they must be supported by a development contribution plan which identifies the need for such infrastructure for the relevant development contribution area or by a voluntary agreement between a developer and the relevant local government.

The process for this is to:-

- Identify infrastructure needs;
- Determine the catchment for each item of infrastructure;
- Determine costs of providing the identified infrastructure;
- Apportion costs using demand analysis and portion of demand attributable to existing and new areas;
- Incorporate Development Contribution Areas and Plans into Local Planning Scheme.

Standard development contribution requirements relate to:-

- Public open space;
- Foreshore reserves;
- Primary schools; and
- Roads;

The contributions can be in the form of land; infrastructure works or monetary contributions.

Development Contribution Plans are only normally prepared in areas where there is major development occurring usually in the coastal areas. However it is appropriate for structure plans to address the co-ordination of services including roads.

PB 99 – Holiday Homes

Formalises holiday homes as a land use class in local planning schemes. This is not expected to be a significant issue in this locality.

PB 83 – Planning for Tourism

This introduces a range of new definitions for holiday accommodation. This has already addressed in the Rural Strategy.

PB 74 – Special Control Areas

This clarifies the use of Special Control Areas within the Scheme. Such areas apply as an “overlay” control and might typically be used to identify specific areas where an additional development provision is applied. For example:-

- Flood prone areas;

- Areas with documented extreme bush fire hazard;
- Structure plan areas;
- Special design areas; or
- Buffer areas.

The Scheme already contains provisions relating to general flooding. The special control area might be used to identify the 1:100 flood prone land associated with the Blackwood River in the area adjacent to the townsite.

PB 37 – Structure Plans

These are basically subdivision guide plans over multiple properties and are used to guide and co-ordinate development. The provisions set out the method for preparing, advertising, adopting and approval of Structure Plans.

As the Rural Strategy identifies specific structure plan areas it will be necessary to include these provisions in the Scheme.

Local Rural Strategy Issues

The Local Rural Strategy recommends a number of changes to the Scheme and these are documented below:-

Agriculture

5. That the Town Planning Scheme includes “intensive agriculture” as a discretionary use, requiring the approval of Council, to address the potential for possible land use conflict and ensuring an appropriate assessment of potential environmental impacts.
15. That the Scheme contain provisions requiring Council’s approval for a second dwelling on rural land.
17. That Council prepare a Local Planning Policy relating to second houses in rural areas and the processing of applications for these.
26. That the Scheme includes a provision allowing Council to also require a Management Plan to be prepared for any associated issue in relation to a proposed Rural Residential or Rural Small Holdings zone.

Plantations

27. That Council approval for plantations in all areas will be required as a “discretionary” use in the General Agricultural zone.
28. That the draft Scheme contain provisions detailing requirements for; compliance with Code of Practice for Timber Plantations, a silviculture plan, a timber harvesting plan a local road transport strategy and compliance with the Guidelines for Plantation Fire Protection.
29. Allow ‘agro-forestry’ as a permitted use in recognition of environmental and social benefits to the community if forestry is integrated with, rather than replacement of, existing farming systems.

Tourist Accommodation

43. That the review of the Town Planning Scheme have regard to the above (new) definitions for tourist accommodation.

Economic Development

49. In order to encourage the development of more local business, the Town Planning Scheme provide a flexible, performance based approach to the development of home based activities and businesses in the rural residential and rural small holdings zones. This can be supported by a local planning policy which may provide more clarity and detail as to how any discretion under the Scheme may be administered by Council.

Structure Plans

The other key feature of the Local Rural Strategy was the identification of Policy Areas which are promoting Rural Small Holdings i.e. four hectare lots. These areas are along the river corridor and the Strategy requires the preparation of the Structure Plan.

In addition the Local Rural Strategy introduces the Rural Small Holdings which will ultimately become a new zone within the Scheme. Council cannot introduce the new zone and associated provisions without actually rezoning specific land. Therefore the first landowner to propose a rezoning of their land will be required to introduce the new provisions. One issue in the Rural Small Holdings zone will be to determine what road standard is required for 4 hectare lots.

Guided Development Area

Part 7 of the Scheme relates to a Guided Development Area, which applies of Lots 1, 2 and 186 Bridge Street and Terry Road.

It is intended that the Guided Development Area provisions will facilitate, coordinate and promote the progressive subdivision of the subject land into 80 residential lots ranging in size between 968 and 1900 sq.m. The Scheme provisions contain a number of controls relating to the subdivision and development costs.

There are a number of issues associated with Development Area which may hinder its attraction for development. These are:-

- Statutory development controls particularly relating to cost sharing have traditionally been unpopular with landowners. Many of the provisions can now also be addressed as subdivision conditions.
- The size of the lots means that the land cannot be developed until reticulated sewerage is available.
- The site contains remnant vegetation which would now be reflected and integrated into the subdivision guide plan.
- The need for appropriate storm water management might alter the configuration of the subdivision guide plan.

It is noted that Clause 7.3.1(ii) of the Scheme provides for the subdivision guide plan to be reviewed provided that it can be demonstrated that the alternative form of subdivision will not prejudice the proper and/or orderly subdivision of the remainder of the land within the Development Area.

It is considered that inclusion of the site as a structure plan area would provide more flexibility and increase the likelihood of development.

Other Scheme Provisions

There are a number of clauses within the Scheme Text which need to be updated to accord with practices.

Council Policies

From the above it is apparent that a number of Council's policies need to be reviewed. For example:

- P.03 Subdivisions and Amalgamation;
- P.05 Bed and Breakfast Accommodation;
- P.06 Farm Chalets;
- B.06 Building Application – Land without Legal Access;
- B.08 Resited Transportable Residences;
- B.10 Building Materials Standards in Industrial and Light Industrial Areas; and
- W.07 Road Contribution.

In addition a number of new policies might be considered desirable.

CONSULTATION

Department of Planning

STATUTORY ENVIRONMENT

- Planning and Development Act 2005
- Town Planning Regulations 1967

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.3

MOVED: Cr O'Hare

SECONDED: Cr Giles

- 1 That the priority for reviewing Town Planning Scheme No 2 be as follows:-
 - (a) Review of the Land Use / Zoning Table definitions and updates as recommended in the Rural Strategy.
 - (b) Review of other provisions within the Scheme Text to bring it closer in alignment with the Model Scheme Text, including the introduction of standard provisions for structure plans.
 - (c) Review of Council's Road Contribution policy including determining what road standard is required for 4 hectare Rural Small Holding lots.

(d) Review of other associated policies.

2 The proposed review shall be by a separate Agenda Report for each item.

CARRIED 8/0

Res 202/10

7.3.4 Rezoning Request – Lot 734, Banks Road from ‘Rural’ zone to ‘Special Rural’

ITEM 7.3.4 Withdrawn at the request of the applicant.

7.3.5 Sandakan Relationship Policy - Review

<i>Location:</i>	<i>N/A</i>
<i>Applicant:</i>	<i>N/A</i>
<i>File:</i>	
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>13 October 2010</i>
<i>Author:</i>	<i>Alan Lamb – Chief Executive Officer</i>
<i>Authorizing Officer:</i>	<i>Not applicable</i>
<i>Attachments:</i>	<i>Nil</i>

SUMMARY

The purpose of this report is to put this policy before Council for it to consider amending “financial year” in dot point one to “calendar year”.

BACKGROUND

The Policy was revisited in September 2009 and amended to clarify what the term “year” meant. At the time it was decided that it should be financial year but this does not appear to have been as workable as calendar year may have been.

COMMENT

Dot point one of the policy provides for the Council representative to attend either the Anzac Day Service (25 April each year) or the Sandakan Memorial Day Service (15 August) each financial year. The suggestion is that the representative be able to attend on or the other service each calendar year.

It is apparent that the cost of sending delegates to Sandakan services is relatively small (\$1,200 to \$2,000 per delegate depending on the duration and if a partner also attends) and the potential benefit is great, and so Council may wish to amend the policy to allow for two trips per year. The importance of remembering those that died is without question but the added benefits of the built-up relationship between Sandakan officials and Council are also important. The Sandakan day services in Boyup Brook have a positive economic

impact and showcases the town. The trips to Sandakan also help put Boyup Brook on the map and have the potential of encouraging investment in the area.

It is recommended that Council amend the policy to read calendar year. It is also recommended that Council set a review by date for this policy so that it can come back at a point in time for review. It is suggested that the policy be reviewed in two years.

CONSULTATION

The Author has spoken with the Shire President and Council staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

This item seeks to amend the following policy:

<i>POLICY NO.</i>	<i>M.10</i>
<i>POLICY SUBJECT</i>	Sandakan Relationship
<i>ADOPTION DATE</i>	<i>19 June 2008</i>
<i>VARIATION DATE</i>	<i>17 September 2009</i>

Objective

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

Statement

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

To uphold the memorandum-

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

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

To assist Council and the Community to monitor the success of the relationship in respect to the aims of the Memorandum of Friendship the Council representative and the scholarship recipient provide a written report to Council outlining progress in the five key areas of the Memorandum of Friendship.

Implementation of this policy is subject to annual budget considerations.

BUDGET/FINANCIAL IMPLICATIONS

A provision of \$7,500 was made in the current budget for the cost of attending services in Sandakan and it appears that this become a standard provision. The ledger account shows costs totalling just under \$2,500 in 2009/10 and \$2,120.48 so far in 2010/11. Some costs associated with the trip taken in 2010/11 was paid in 2009/10 so the cost of trips taken in 2009/10 was \$1,500 and the costs relating to trips in the current financial year total \$3,000.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.5

MOVED: Cr Giles

SECONDED: Cr Oversby

That Council

- 1. amend the Sandakan Relationship Policy by deleting the word “financial in the last line of dot point one and replacing it with “calendar”**
- 2. include a “Review By Date” of 30 September 2012**

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 203/10

7.3.6 Asset management Plan - Status

Location: N/A
Applicant: N/A
File:
Disclosure of Officer Interest: None
Date: 14 October 2010
Author: Alan Lamb – Chief Executive Officer
Authorizing Officer: Not applicable
Attachments: Nil

SUMMARY

The purpose of this report is to meet a performance requirement recommended in the CEO’s performance criteria for the year ended 18 August 2011 that it is anticipated will be adopted by Council at this meeting.

BACKGROUND

As part of the performance review process the following recommendation was made to Council;

Performance Criteria	Timeframe
Provide a draft report on the status of the Asset Management Plan, incorporating all of the issues adopted by the Council on 18 th February 2010, including completion and implementation dates.	October 2010 Ordinary Meeting of Council

The resolution from the February 2010 Council meeting referred to is as follows:
That the minutes of the Forward Planning Committee held on 11 February 2010 be received and all recommendations adopted.

The detail of recommendations made by the Committee as taken from the relevant minutes are as follows:

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

Boyup Brook Aged Persons Hostel

- 1. The CEO ensure that procedures are in place to obtain copies of the Insurance Certificates of Currency annually.**
- 2. The Furniture & Fittings owned by the Shire be valued and**

included in the Shire Asset Register

- . The Council make provisions in future budgets to transfer an amount equal to 50% of the annual replacement provision in the asset management plan (when completed) to a Boyup Brook Aged Persons Hostel Building Maintenance Reserve.**

Carried 7/-

Mover: Cr Downing

Seconded: Cr O'Hare

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

Museum Building

- 1. To allow the local committee the greatest degree of autonomy it is suggested that the property be leased to the existing Museum Committee, provided the organisation is incorporated.**

The lease would need to clearly outline the purpose and conditions including the responsibilities of both parties.

- 2. The Council determine annually the amount of funding required to maintain**

the improvements and provide this in the Shire's annual budget.

- 3. The buildings and improvements not on the Shire's existing Asset Register be**

valued and included, but not the historical items displayed.

- 4. The Council make no provision in future budgets to transfer funds to a Boyup Brook Museum Building Maintenance Reserve and this be reflected in the asset management plan (when completed).**

Carried 7/-

Moved: Cr O'Hare

Seconded: Cr Biddle

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

Visitor Centre

- 1. To allow the local committee the greatest degree of autonomy it is suggested that the property be leased to the existing Tourist Committee, provided the organisation is incorporated. The lease would need to clearly outline the purpose and conditions including the responsibilities of both parties.**

- 2. The Council determine annually the amount of funding required to maintain the improvements and provide this in the Shires annual budget.**

- 3. The Council make provision in future budgets to transfer an amount equal to the annual replacement provision in the asset management plan (when completed) to a Boyup Brook Visitor Centre Building Maintenance**

Reserve.

Carried 7/-

Moved: Cr Oversby

Seconded: Cr Doust

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

Mayanup Hall

- 1. To allow the local committee the greatest degree of autonomy it is suggested that the property be leased to the Mayanup Progress Association provided the organisation is incorporated. The lease would need to clearly outline the purpose and conditions including the responsibilities of both parties.**
- 2. The Council determine annually the amount of any funding required to maintain the improvements and provide this in the Shires annual budget.**
- 3. The Council resolve to advise the Mayanup Progress Association that the Shire will not be making provision in the Asset Management Plan for any future upgrade or replacement of the Mayanup Hall.**

Carried 7/-

Moved: Cr Doust

Seconded: Cr Biddle

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

Rylington Park

The Council resolve to advise the Rylington Park Management Committee (Inc) that the Shire will not be making provision in the Shire Asset Management Plan for any upgrade or replacement of the improvements or facilities at Rylington Park and that the committee consider establishing reserves for this purpose from the income they derive from the property each year.

Carried 7/-

Moved: Cr Marshall

Seconded: Cr Biddle

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

Bowling Green Lot 1 Forrest Street

- 1. That the Boyup Brook Club (Inc) be requested to formalise the use of lot 1 (previously lot 338) for the period required prior to the facility being no longer required for bowls.**
- 2. Given there is no proposed alternative use for the existing Bowling Green and Clubhouse, funding be included in the Asset Management Plan for the annual cost to maintain the facilities in reasonable condition, however no provision for long term upgrade or replacement.**

Carried 7/-

Moved: Cr O'Hare

Seconded: Cr Oversby

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

Lot 50 Forrest and lot 305 Ingles Community Housing

- 1. That the CEO take action to ensure that the Duplicate Certificates of Title are obtained and held at the Shire Office.**
- 2. Given that the Shires financial interest in these two assets is minimal the Asset Management Plan provide funding for the annual cost to maintain the facilities in reasonable condition , however no provision be made for any long term upgrade or replacement.**

Carried 7/-

Moved: Cr Ginnane

Seconded: Cr Oversby

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

Lot 369 Abel Street

That the asset be deleted from the asset register and that a request be made to Fire and Emergency Services Authority of Western Australia for an agreement to ratify the practice of housing West Boyup Brook Brigade fire fighting equipment at the premises.

Carried 7/-

Moved: Cr Oversby

Seconded: Cr Biddle

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

Telecentre

- 1. The CEO ensure that the Public Risk cover required by the lease procedures are in place and that copies of the Insurance Certificates of Currency are obtained annually.**
- 2. The CEO advise the Boyup Brook Telecentre Inc committee of their obligation to provide the Shire with a copy of their annual financial statements.**
- 3. The Council make provision in future budgets to transfer an amount equal to 20% of the annual replacement provision in the asset management plan (when completed) to a Boyup Brook Telecentre Building Maintenance Reserve.**
- 4. The CEO make application to have the Management/Vesting Order changed to include the power to lease for a maximum period of 21 years subject to prior approval of the Minister.**

Carried 7/-

Moved: Cr Downing

Seconded: Cr O'Hare

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

Railway Station complex

- 1. That the CEO complete the lease arrangements with WAGRC and when obtained progress a fixed term lease with the Blackwood Basis Group for the use of the buildings they currently use.**
- 2. That as the facility is for use by external group no provision be made in the Shire Asset Management Plan for the replacement/upgrading of the assets owned by Shire.**
- 3. Provision be made in the Shire Asset Management Plan for the operational costs/income applicable to the Shire owned and leased facilities at the Boyup Brook Railway Station complex.**

Carried 7/-

Cr Oversby made a declaration of impartiality noting that he is a member of the Upper Blackwood Agricultural Society but would act impartially in relation to this matter.

Moved: Cr Downing

Seconded: Cr O'Hare

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

Dinninup Halls and Showgrounds

- 1. To provide the greatest degree of autonomy it is suggested that the reserve be leased to the Upper Blackwood Agricultural Society Inc. The lease would need to clearly outline the purpose and conditions, including the responsibilities of both parties.**
- 2. The Council determine annually the amount of any funding required to maintain the improvements and provide for this in the Shires annual budget.**
- 3. The Council resolve to advise the Upper Blackwood Agricultural Society Inc that the Shire will not be making provision in the Asset Management Plan for any future upgrade or replacement of the Dinninup Halls and other structures on the reserve.**

Carried 7/-

Cr Oversby made a declaration of impartiality noting that he is a member of the Kulikup Hall Committee but would act impartially in relation to this matter.

Moved: Cr Biddle

Seconded: Cr Downing

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

Kulikup Hall

- 1. To allow the local committee the greatest degree of autonomy it is suggested that the property**

be leased to the Kulikup Hall Committee provided the organisation is incorporated. The lease would need to clearly outline the purpose and conditions including the responsibilities of both parties.

2. The Council determine annually the amount of any funding required to maintain the improvements and provide this in the Shires annual budget.

3. The Council resolve to advise the Kulikup Hall Committee that the Shire will not be making provision in the Asset Management Plan for any future upgrade or replacement of the Kulikup Hall.

Carried 7/-

Moved: Cr Oversby

Seconded: Cr Ginnane

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

McAlinden Hall

1. To allow the local committee the greatest degree of autonomy it is suggested that the property be leased to the McAlinden Hall Committee provided the organisation is incorporated. The lease would need to clearly outline the purpose and conditions including the responsibilities of both parties.

2. The Council determine annually the amount of any funding required to maintain the improvements and provide this in the Shires annual budget.

3. The Council resolve to advise the McAlinden Hall Committee that the Shire will not be making provision in the Asset Management Plan for any future upgrade or replacement of the McAlinden Hall.

Carried 7/-

Cr O'Hare made a declaration of impartiality noting that he is a member of the Wilga Hall Committee but would act impartially in relation to this matter.

Moved: Cr Doust

Seconded: Cr Oversby

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

Wilga Hall

1. To allow the local Association the greatest degree of autonomy it is suggested that the property be leased to the Wilga Progress Association provided the organisation is incorporated. The lease would need to clearly outline the purpose and conditions including the responsibilities of both parties.

2. The Council determine annually the amount of any funding required to maintain the improvements and provide this in the Shires annual budget.

3. The Council resolve to advise the Wilga Progress Association that the Shire will not be making provision in the Asset Management Plan for any future upgrade or replacement of the Wilga Hall.

Carried 6/1

Moved: Cr Doust

Seconded: Cr Ginnane

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

Kulikup Reserve 18383

That Council resolve to remove the structures from Kulikup Reserve 18383 and clean up the area.

Carried 7/-

Moved: Cr Downing

Seconded: Cr Biddle

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

Mayanup Recreation Reserve

- 1. To allow the Progress Association the greatest degree of autonomy it is suggested that the property be leased to the Mayanup Progress Association provided the organisation is incorporated. The lease would need to clearly outline the purpose and conditions including the responsibilities of both parties.**
- 2. The Council determine annually the amount of any funding required to maintain the improvements and provide this in the Shires annual budget.**
- 3. The Council resolve to advise the Mayanup Progress Association that the Shire will not be making provision in the Asset Management Plan for any future upgrade or replacement of any of the improvements at the Mayanup Recreation Reserve.**

Carried 7/-

Moved: Cr Downing

Seconded: Cr O'Hare

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

Tonebridge Recreation Reserve

- 1. The Tonebridge Country Club Inc be approached to renew the existing lease.**
- 2. The Council determine annually the amount of any funding required to maintain the improvements and provide this in the Shires annual budget.**
- 3. The Council resolve to advise the Tonebridge Country Club Inc that the Shire will not be making provision in the Asset Management Plan for any future upgrade or replacement of any of the improvements at the Tonebridge Recreation Reserve.**

Carried 7/-

Moved: Cr Oversby

Seconded: Cr Downing

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

Boyup Brook Arts & Craft Building Maintenance Reserve

- 1. To allow the local committee the greatest degree of autonomy it is suggested that the property be leased to the existing Arts & Craft Committee, provided the organisation is incorporated. The lease would need to clearly outline the purpose and conditions including the responsibilities of both parties.**
- 2. The Council determine annually the amount of funding required to maintain the improvements and provide this in the Shire's annual budget.**
- 4. The Council make no provision in future budgets to transfer funds to a Boyup Brook Arts & Craft Building Maintenance Reserve and this be reflected in the asset management plan (when completed).**

Carried 7/-

Moved: Cr Marshall

Seconded: Cr Doust

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

Weighbridge Reserve 34026

The Council resolve that improvements are to be removed and the reserve included in the road reserve.

Carried 7/-

Moved: Cr Doust

Seconded: Cr Downing

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

Gravel Reserve 36605

That The Chief Executive take action as soon as possible to have the reserve management order changed to Gravel & Waste Disposal Site.

Carried 7/-

Moved: Cr Doust

Seconded: Cr Oversby

That it be recommended to Council that the following be used by Administration as a guide to tasks required to be done in relation to the asset and as a guide to completing the draft asset management plan:

Stock Sale and Holding yards Reserve 33552

That Council consider the position with regard to the lease and determine if there is a need to provide for any maintenance/upgrading in the asset management plan.

Carried 7/-

Council at its April 2010 meeting resolved as follows:

That Council:

1. **Agree to enter into an agreement with the Department for Regional Development and lands for it to provide funds to Council to assist it to develop a forward capital works plan.**
2. **Revise its timelines for asset management, strategic and capital works planning to have these completed by 30 November 2010.**

COMMENT

Addressing the requirement to “Provide a draft report on the status of the Asset Management Plan”, the plan has been a significant focus and some aspects (such as building assets) are almost completed. Other aspects will be given a stronger focus in the next few weeks with a view to meeting the timeline set by Council for completion of this task (i.e. 30 November).

Assessing the requirement to include in the report on the Asset Management Plan the “all of the issues adopted by the Council on 18th February 2010”, it will be noted that Council resolved at its February 2010 meeting for a number of consultants recommendations (that in some cases were modified by the Committee) to be used as a guide by Administration to tasks required to be done in relation to relevant assets and as a guide to completing the draft asset management plan. It is reported that Council’s resolution has been complied with and the recommendations have been used as a guide as directed.

Addressing the requirement to provide “completion and implementation dates”, Council has set a completion date for the Asset Management Plan as 30 November 2010 and the processes are on track to have the plans completed by that date (here it assumed that this resolution referred to having the draft plans completed not the adopted plans).

In relation to the consultant’s recommendations, it is put that Council, has not resolved to do any of the actions, it has only resolved to use them as a guide. It is also put that the plan can be done without the actions being actioned because it is a plan that sets direction. Additionally, significant actions such as seeking to lease facilities to community groups is largely formalising the current practices and unlikely to be met with opposition.

In hindsight, it may have been better to have put the actions to Council for endorsement but in anticipation of Council wishing to follow the recommendations all have been actioned. It is hoped that Council will give retrospective approval for the actions taken.

In relation to the recommendations, letters have been sent to all relevant parties advising of Council’s desire to enter into a lease and one interim response has been received. The draft leases will be put to Council when preliminary agreements have been reached and draft leases prepared. The time line for this process is to have preliminary agreements in place and instructions to the lawyer regarding draft leases by 30 November 2010 and to have the draft leases to the March 2011 meeting of Council. It is recommended that Council resolves to seek to lease facilities to these bodies and endorses the CEO’s actions in commencing the process to do so.

Processes are being put in place to ensure that insurance and other information required annually under terms of leases are obtained. With regard to Lot 1 Forrest Street, the Boyup Brook Club advised some time ago that it no longer requires the bowling green and the Croquet Club has been using and maintaining it since. So this asset may be in limbo for some time, unless Council wishes to bring it to an immediate resolution, but this will not prevent the plan being completed or adopted. The plan needs to be, to some extent, fluid and so could be amended for any changes with regard to the usage of this asset at a later date.

Duplicate certificates of title have been obtained for the two Community Housing properties. FESA has been contacted about the Shire assets on its reserve and a MOU is being prepared with respect to this. The Railway Station Complex lease matter has been before Council for the past two months and is on the agenda for this meeting.

The CEO without authority of Council has written to State Land Services with respect to Reserve 34026 seeking to have it included in the adjoining road Reserve, Reserve 36605 seeking to have the purpose changed from gravel to land fill site (or the appropriate wording that covers that type of use), and for power to lease for Reserve 23243 (Telecentre). These actions were included as a guide in the relevant resolutions at February meetings. It is recommended that Council endorses the actions of the CEO.

The Kulikup Hall Committee has been advised of the recommendation that the structures be removed from Kulikup Reserve 18383 and, based on a verbal response, the Committee may seek to lease this reserve and maintain the buildings on it. Council has not resolved to remove these structures and it is recommended that it not do so until the community committee has had an opportunity to form a position in relation to them.

No action has been taken with respect to the recommendation that improvements be removed from the weighbridge reserve 34026, other than with respect to the asset management plan, and to look at cost associated with it for budget purposes. Council may wish to resolve to take this action.

All of the foregoing addresses matters dealt with by the Forward Planning Committee at its February meeting and then were dealt with at the 18 February Council meeting so it is suggested that the performance criteria recommended to Council has been met.

Council dealt with a number of recommendations from the Forward Planning Committee at its March 2010 meeting and the following is an extract from the Council minutes:

COMMITTEE RECOMMENDATIONS

The following recommendations relate to the Flax Mill Complex, lot 336 Jackson Street – freehold title;

Recommended to Council that the buildings numbered 3, 4, 5, 11 and 12 on the attached plan (page 97 of the Boyup Brook Flax Mill Conservation plan) be demolished with timbers and other salvageable materials to be recovered. That building number 6 to be removed and retained pending an alternative use being found.

Recommended to Council that buildings numbered 1, 2, 7, 8, 9 and 10 on the attached plan (page 97 of the Boyup Brook Flax Mill Conservation plan) be considered for upgrading for conversion to higher quality accommodation and that these buildings be listed in the asset management plan with provision being made for maintenance and replacement .

Recommended to Council that buildings numbered 13 and 14 on the attached plan (page 97 of the Boyup Brook Flax Mill Conservation plan) be maintained and that provision be made in the asset management plan for replacement of wall and roofing cladding and fencing only.

Recommended to Council that building (s) numbered 15 on the attached plan (page 97 of the Boyup Brook Flax Mill Conservation plan) be leased to the Pistol Club

provided the Club is incorporated, and that the lease provide for the Club to be responsible for the maintenance and replacement of the building (s).

Recommended to Council that the Caravan Park be retained at its current site and that Council look at long term options for extensions and improvements.

NOTE

The Committee, in dealing with this matter, reviewed the various buildings at the Flax Mill Complex, their current and potential uses, current condition and options.

The following recommendation relates to Reserves 1454 and 23783 bounded by Bridge, Beatty and Jackson Streets;

Recommended to Council that in relation to the asset management plan for buildings:

- **Tennis Pavilion – the provisions of the current lease be reflected in the plan.**
- **Squash Courts – that provision be made for maintenance only and that no provision be made for replacement. That in the event the building falls into disrepair, the plan provides for its removal.**
- **Football Clubrooms – that no provision be made for maintenance or replacement and that the building be leased to the Football Club and that the lease provide for the Club to be responsible for the maintenance and replacement of the building.**
- **Oval Change Rooms – that Council seek to formalise existing arrangements with the Football Club and make provision in the plan for replacement of this asset.**
- **Oval Toilet Block (North End) – that provision be made in the asset management plan for maintenance and replacement.**
- **Oval Toilet Block (South End) – that provision be made in the asset management plan for maintenance and replacement.**
- **Oval Machinery Shed - that provision be made in the asset management plan for maintenance and replacement.**
- **Hockey Ground Shelter Storeroom - that no provision be made for replacement and that the building be leased to the Hockey Club and that the lease provide for the Club to be responsible for the maintenance and replacement of the building.**
- **Hockey/Basketball/Netball Ablution – that no provision be made in the asset management plan for the existing building but that provision be made for a new building which could also service the Music Park area.**
- **Basketball/Netball Store Shed/Shelter – that no provision be made for replacement.**
- **Lions Park Toilet – that provision be made in the asset management plan for maintenance and replacement.**
- **Music Park Shell – that no provision be made for maintenance or replacement and that the building be leased to the Country Music Club and that the lease provide for the Club to be responsible for the maintenance and replacement of the building.**

NOTE

The Committee reviewed each of the buildings listed and formulated a recommendation.

The following recommendation relates to the Plant Replacement Plan:

Recommended that the Forward Planning Committee recommend to Council that the attached Plan and Equipment Replacement Plan be adopted.

COUNCIL DECISION – ITEM 8.1.4

MOVED: Cr Doust

SECONDED: Cr Downing

That the Committee Recommendation from the Forward Planning Committee meeting held on 4th March 2010 be adopted En-Bloc in item 8.1.4.

CARRIED 8/1

Res 044/10

Progress on these matters is included here in case it was the intention that these matters be included in the performance measure set.

With regard to the demolition of structures at the flax mill, Council has been kept up to date with this process and it is expected that a report will be put to the November Council meeting setting out the Heritage Council's decision and recommending a path forward. In the interim, the decision of Council has been incorporated into asset management planning and, as noted previously, the plan has to be fluid and in this case made need to be changed if a subsequent decision of Council is different to the one made in March.

The decision with respect to buildings 1, 2, 7, 8, 9 and 10 on the attached plan (page 97 of the Boyup Brook Flax Mill Conservation plan), administration has looked at options to convert these into higher quality accommodation and administration reported to Council's March 2010 meeting with some works and options that it might consider. Council deferred this matter but some aspects were included in the draft budget that Council adopted. Based on the Structural Engineers report that Council commissioned in 2007, it is doubted that the structures could be put to alternative uses but this is a matter for another time. Council decision regarding the asset management plan has been actioned as has the decision with respect to buildings 13 and 14.

The matter of extensions and improvements for the caravan park was addressed in the report to the March Council meeting and has been progressed through the budget process and items being prepared to be put to Council for application of CLGF grant funding.

Letters have been sent to the Football, Hockey and Country Music Clubs seeking to commence the process to lease facilities and the same time line set above for leases will apply to these. In error, no letter was sent to the Pistol Club but there has been dialogue on this matter in the past and so the intention is to have a draft lease prepared and put it to this Club.

All of the matters relating to the plan, including the impact of the leases, have been incorporated into the plan.

In summary then, with respect to the matters dealt with by Council at its March 2010 meeting, all have been actioned and the lease process time line will be as set out for matters dealt with at the February Council meeting.

Two matters recommended in the consultants report that the Forward Planning Committee did not make a recommendation on and so Council did not resolve to do, but have been actioned in anticipation of Council wishing to do so are as follows:

- Reserve 29739 - Council has a management order but the Reserve is occupied by St John Ambulance Association. The CEO without authority from Council has

written to St John Ambulance Association and State Land Services seeking to relinquish the management order.

- Reserve 11653 – Cemetery, no management order in the name of the Shire Council. The CEO has without authority from Council written to State Land Services seeking a management order in the Shire's name.

It is recommended that Council endorses the CEO's actions.

In the process of writing to various community groups to progress leases it was noted that the following Reserves that are managed by the Shire did not appear to have power to lease provisions and so the CEO without authority from Council has written to State Land Services seeking to power to lease for 21 years for each of the following Reserves that the consultant recommended should be leased:

- Reserve 23243 – Dinninup Hall and Showgrounds
- Reserve 22923 – Kulikup Hall
- Reserve 20757 – McAlinden Hall
- Reserve 23783 – Town sports grounds
- Reserve 20039 – Mayanup Recreation Grounds

The CEO without authority from Council wrote to State Land Services to seek power to lease for the following Reserve that was not included in the consultant's recommendations for leasing:

- Reserve 18383 – Kulikup Recreation Facilities

It is recommended that Council endorses the CEO's actions.

It is not clear if the intention was that all other matters relating to the asset management planning process to be also included in this performance measure but as Council has already set the completion date for the plan and as we are on track to meet this Council may not require any further detail.

As noted, it is important to see any forward plan as being something that sets direction but needs to be amended from time to time. It is appreciated that it would be ideal to have all things in place before the plan is completed and adopted but this is not practical and the flax mill is a classic example of where plans change or are put on hold. Council has set a date for completion of the plan but has not set a date for when leases are to be put in place, the CEO will now be engaged in working on leases etc and this may affect the ability to meet the 30 November deadline for Asset Management Plans.

CONSULTATION

The author has consulted with community groups, other relevant bodies, Council and staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this stage

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.6

MOVED: Cr Doust

SECONDED: Cr Biddle

That Council:

1. **seeks to enter into lease arrangement with the following community groups for Council owned or managed land and/or buildings they use and endorses the Chief Executive Officer's actions in commencing the process:**
 - **Boyup Brook Museum**
 - **Boyup Brook Tourist Association**
 - **Mayanup Progress Association**
 - **Kulikup Hall Committee**
 - **McAlinden Hall Committee**
 - **Wilga Progress Association**
 - **Tone bridge Country Club Boyup Brook Arts and Craft Group**
2. **seeks to have the following changes made with respect to Reserves and endorses the Chief Executive Officers actions in progressing these:**
 - **Reserve 34026 - seeking to have the Reserve include into the adjoining road reserve**
 - **Reserve 36605 – seeking to have the purpose changed from gravel to landfill site or other appropriate wording for that use**
 - **Reserve 29739 – seeking to relinquish the management order and recommending it be passed to St John Ambulance Association**
 - **Reserve 11653 – seeking to have the management order passed to the Shire**
 - **Reserve 23243 – seeking power to lease for 21 years**
 - **Reserve 22923 – seeking power to lease for 21 years**
 - **Reserve 20757 – seeking power to lease for 21 years**
 - **Reserve 23783 – seeking power to lease for 21 years**
 - **Reserve 20039 – seeking power to lease for 21 years**
3. **notes the report on the status of the Asset Management Plan and confirms that 30 November 2010 is the date it expects to see a copy of the draft for it to consider.**

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 204/10

7.3.7 Boyup Brook District High School – Annual Scholarship

Location:	N/A
Applicant:	Boyup Brook District High School
File:	
Disclosure of Officer Interest:	None
Date:	14 October 2010
Author:	Alan lamb
Authorizing Officer:	Not applicable
Attachments:	copy of letter from the School, email from School and excerpt from SWRDA publication.

SUMMARY

The purpose of this report is to put before Council a request from the School for a contribution toward its annual award program with the recommendation that Council resolve to make an annual contribution toward a Boyup Brook Shire President's Annual Scholarship.

BACKGROUND

It appears that in the past Council may have had a practice of making annual contributions toward the Boyup Brook District High School's annual and that this was perhaps overlooked in the last couple of years.

The Schools annual awards are important and provide undoubted benefit in the form of recognition and/or assistance to students.

COMMENT

Council has the options of:

- Not contributing toward the annual awards or,
- Funding a book award or,
- Funding a scholarship or
- Funding an award and scholarship

The books used for awards cost in the region of \$40. Scholarships are generally targeted at meeting school fees. Fees are currently \$235 per year and parents may be eligible for a government rebate of \$100. The books may cost more than \$40.00 and there will be other fees and so it is suggested that Council looks at the book awards as being \$50 and the scholarships as being \$150.

The community is fortunate to have two very good schools in Boyup Brook that offer their children an excellent educational opportunity. It will be noted that, according to the Regional Development Authority – South West's recently published South West Regional Plan, of all of the high schools in the South West Boyup Brook District High School's aggregated performance in the National Assessment Program – Literacy and Numeracy for year 9 the Boyup Brook District High School ranked third. It was the highest ranking

Government School and achieved a score that was significantly higher than the national average.

It is suggested that book awards and scholarships are relatively low cost donations and might be better categorised as investments in the community's future. It is recommended that Council make an annual contribution toward the School's annual awards of \$200 targeting a book award (\$50) and a scholarship (\$150). It is recommended that Council seek to have the book award named the Boyup Brook Shire Council Encouragement Award and the scholarship named the Boyup Brook Shire President's Scholarship.

It is suggested that the book award might be targeted toward students that may not be at the top of the class but have put in an effort and need encouragement. It will be noted that in the recommendation below the name of the award is put as a recommendation to the School this is because it is important to not interfere in the School's determination of how it motivates and rewards students. The idea behind personalising the scholarship is to give a face and name that students can relate to rather than a government body that may not mean much to them.

CONSULTATION

The author has spoken with the School Principal and some Councillors.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council's Donations Policy applies. This policy calls for donation requests to be dealt with one per year leading up to the budget being adopted and for any requests received outside of this to be rejected by the CEO. It also provides for the CEO, in consultation with the President, to deal with minor donations throughout the year and a \$500 provision is made in the budget annually to cover this. It is suggested that the Donations Policy is in need of a review and that Council may wish to include this in its resolution.

BUDGET/FINANCIAL IMPLICATIONS

No provision was made in the budget for this contribution however it is relatively small and would have limited impact.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
The award and scholarship should make a beneficial impact on recipients and their families, lift the positive profile of the Shire Council and provide some recognition of the great work being done at the school.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.7

MOVED: Cr Marshall

SECONDED: Cr Giles

That Council

- 1. amend the budget to increase the provision in Donations and Assistance, Account E081025, Education and Welfare, from \$1,000 to \$1,200**
- 2. that Council donate \$50 to the Boyup Brook District High School toward its annual awards program and request that the prize be named the Boyup Brook Shire Council Encouragement Award**
- 3. that Council donate \$150 to the Boyup Brook District High School toward its annual scholarship program and request that the scholarship be named the Boyup Brook Shire President's Scholarship**
- 4. that Council consider these to be annual contributions and that provision be made in annual draft budgets put to Council for consideration**
- 5. request Administration to review the Donations Policy and come back with a report and recommendations by the December 2010 Council meeting.**

CARRIED BY ABSOLUTE MAJORITY 8/0

RES 205/10

7.3.8 Boyup Brook Railway Station Reserve - lease

Location:	<i>Railway Parade Boyup Brook</i>
Applicant:	<i>Public Transport Authority, Boyup Brook Men's Association and Blackwood Basin Group</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>14 October 2010</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Spreadsheet indicating estimated costs.</i>

SUMMARY

The purpose of this report is to bring this matter back before Council with the recommendation that Council not take up a new lease with the Public Transport Authority (PTA).

BACKGROUND

The following is from the report put to the August meeting of Council and is repeated here for completeness:

PTA lease

Council's records show that the railway station precinct was leased from the WA Railways Commission for a period of ten years from 1 July 1992. The lease was on a peppercorn basis and the purpose was restricted to "Community Purposes and Beautification. The lease did not give Council the power to sublease and required that prior permission be obtained before any alterations or improvements were made to the demised premises. The lease required that Council maintain the premises in "good and substantial repair order and condition".

It is apparent that Council has maintained the premises and in 2008/09 spent in the order of \$30,000 on external painting. It is also apparent that sub leases were entered into and it has not been possible to locate any approval having been given for this. The "purpose" may not align with the action of leasing to the Department of Agriculture and Blackwood Basin Group.

The lease expired in 2002 and, as is common with such cases, the lease reverted to a month by month arrangement under the terms and conditions of the lease.

At the Shire's instigation dialog commenced in August 2007 on new 10 year lease. In May 2009 Burgess Rawson (BR) (PTA's property management agent for commercial leases) provided a draft lease (copy attached). BR's accompanying letter noted that Council would have to pay \$1,100 to cover solicitors estimated fees. It will be noted from the attachment that the annual rental sought was \$600 plus a 7% management fee payable by the tenant. Council would be responsible for all maintenance, repairs, renovations, fencing or improvements whatsoever. It would also be responsible to construct and maintain a drainage system on the premises to prevent water damage to the railway line. Clause 13 sets out environmental obligations and makes the tenant responsible for any "Pollution,

Contamination or Environmental Harm on the Premises". It offers the opportunity of a base line audit to establish pre-existing contamination etc. This audit is expected to cost in the area of \$12,000 and is seen as necessary in order to reduce the opportunity for future costs to Council arising out of activities that may have affected the premises before Council leased it (i.e. it is unknown what the trains were carting and what may have spilled onto the ground etc and without the audit Council may have difficulty in establishing the contamination occurred prior to its occupation of the site). The lease includes a six month break clause (i.e. whilst the lease is for ten years the lessor may terminate at any time by giving six months notice). It is understood that this is a standard feature of all PTA leases now and is included so that it can get access to required land and infrastructure reasonably quickly if rail lines are to be reopened. It is suggested that Council would however have forewarning of any moves to reopen the rail line, that it may be a major player in any push for this to occur and is expected to be a supporter of any such moves. Having said this though there are no indications of an intention to reopen the rail line and so one might expect that the lease would run its ten year term (the previous ten year lease effectively ran for eighteen years). The lease does not include the Barracks and the purpose is "Beautification" what ever that means (there is no definitions clause).

WestNet Rail (WNR) is a non government organisation engaged by PTA to manage its land and buildings that are not leased and to manage non commercial leases (that is peppercorn leases to Local Governments and the like where the lessee derives no income from the leased property). Burgess Rawson (BR) manage commercial leases on behalf of PTA and if Council sub leases, or by any other means derives an income from the leased property, BR would manage the lease arrangement and Council would have to pay a lease rent). In April 2010, WNR wrote to Council offering the Barracks under a license (similar to a lease) on a peppercorn basis for "community use purpose". A representative of WNR inspected the barracks with Council staff and was adamant that the facility could not be used for accommodation. Council staff noted that there were a number of things that were needed to be done to the structures to bring them up to standard and it was assumed that this was the reason they could not be used for accommodation. It has since been established that under a WNR agreement the lessee could not rent the units out and derive an income but under a BR agreement they could.

PTA has indicated that a commercial lease would now attract a rent of in the order of \$1600 and that the lease preparation fee would be about \$1500. The door does not appear to be closed on applying for a peppercorn rent on the basis that no profit was being sought but cost recovery was the aim.

A brief inspection of the barracks revealed that the asbestos roof over the kitchen area was in poor condition, there were temporary patches being held down by bricks. The power switchboards needed to be upgraded with RCDs, hard wired smoke/fire detectors had to be fitted and the steps to cabins needed to be brought up to standard. It is unlikely that PTA would pay for this work.

The asbestos roof on the out side toilet block near the railway station building is in a poor state, the loading/crane ramp requires work and internal doors at the station need maintenance/replacement.

BBG and Department for Agriculture and Food leases

The Department for Agriculture rented (no lease agreement could be located) the railway station building, paying \$2600 per annum, until part way through 2008/09 and the BBG rented a transportable building, that had been placed on the railway reserve, since 1/7/2001 (again no agreement could be found). A letter from BBG dated 2 July 2009 notes, among other things, that it would like to enter into a formal agreement with Shire

(indicating an absence of pre-existing agreement). Also that the Department for Agriculture leased the railway station from Council for three years from 1996 and that they occupied one end of the railway station office as part of a state government initiative the centre was called the Community Agriculture Centre (that is the BBG sat under the Department for Agriculture). Later, they say, they paid \$30,000 toward the cost of the transportable building that is now located next to the railway station building and that this was then used to house the BBG. Also the Community Agriculture Centre idea was dropped, the Department closed its office and BBG had to pay electricity charges. Council raised rental charges to BBG from 2001 to 2007 but BBG did not pay the rent. In August 2007 Council resolved to write off the debt of \$17,060. In August 2009 Council dealt with a request from BBG to write off another rent debt of \$5,720 and agreed to this. It also agreed to enter into a month by month rental agreement which was functional up to the end of 2009/10. BBG continues to occupy the premises. It is noted that there appears to be no approval or arrangements in place regarding the transportable building that Council and BBG paid for and in their absence it would be assumed that PTA has ownership of the structure.

Men's Association

BBMA wrote to Council in February 2010 seeking a peppercorn lease on part of the railway reserve site to establish a 60m by 18m shed to operate its association's activities. The CEO wrote to BBMA noting that Council was not in position, to look at this, at this stage because it only had a month by month arrangement with PTA and had no power to sub lease. The CEO met with representatives of BBMA and attended an evening meeting to provide information on land that Council has ownership or management over and that might be suitable for its purposes. The railway land was BBMA's first choice for a number of reasons but the 10 year maximum lease was a stumbling block. BBMA needed to build a substantial shed with Lotterywest funding and the ten years tenure was too short. BBMA has written again (letter attached) seeking a 2000m² area of the railway reserve to establish a 30m by 25m shed. The latest request does not state the basis of the lease but it is assumed that a peppercorn arrangement is envisaged.

Financial

A quick skim through the relevant ledger accounts reveals that the railway station has been a nett cost to Council of \$42,899.28 over the past 5 years. The individual year results are as follows:

YEAR	NET (COST)/ INCOME
2005/06	2,363.64
2006/07	(14,696.36)
2007/08	3,040.59
2008/09	(33,792.43)
2009/10	<u>185.28</u>
Total	(42,899.28)

It is understood that the barracks may have not been very profitable and if so a Council managed accommodation operation where wages were a component would be even less profitable. Also, the relatively new requirements for RCDs and hard wired smoke alarms and other works required to get the units up to rentable standard will impact on the profitability.

Position if Council does not lease the property

PTA has indicated that if the railways station etc is not leased out then it would be put into the hands of WNR for it to maintain. The impression given was that not a lot of money would be spent on the property but it would not be left to deteriorate dramatically. Also that the level of maintenance would be, to some extent, be determined by the level of pressure put on them by entities such as Councils.

The following is updated information.

The Barracks have now been leased by PTA to a local business man and so would not now be available to Council.

Council passed the following resolution at its August 2010 meeting:

That Council authorise the Chief Executive Officer to negotiate with the Public Transport Authority, Blackwood Basin Group, Boyup Brook Men's Association, and any other relevant entity, leasing arrangements that provide a community benefit and/or are cost neutral to Council, with the intention that the CEO bring the matter back to Council for determination.

Letters were sent to the Blackwood Basin Group (BBG) and Boyup Brook Men's Association (BBMA) and the attached response was received from BBG. BBMA did not respond.

It has been established that the three railway carriages are used by various entities and that at least one has a written agreement in relation to it. The Blackwood Valley Wine Group has a lease that runs to 2012 and the annual rental is \$5.00. One of the carriages is used by the BBG and another is used by the Tourist Association and there does not appear to be any agreements in place.

COMMENT

It will be noted from the BBG letter that it could not commit to a lease beyond June 2012 and could not pay any more than \$50 per week. Whilst the BBMG has not responded it is assumed that it would want to commit to a long term lease but on a peppercorn basis because this has been its position in the past. Based on this Council could count on receiving no more than \$50 per week from sub leases and could not count on this past June 2012.

The only other income is \$5.00 per annum from the Blackwood Valley Wine Group for one of the railway carriages.

It will be noted from the attached spreadsheet that the projected costs of the Railway Station Reserve for a ten year lease based on the terms offered by PTA and the estimated costs of maintenance etc is \$16,894. It was discovered recently that the current agreement requires that Council insure the PTA improvements and Administration has arranged the relevant policy which will add an additional \$350 per annum to the costs.

Of the then \$17,244 cost to maintain the Railway Station Reserve buildings, \$5,717 relates to Council owned structures. The costs associated with these would exist regardless of where they were so they should be deducted for the purposes of looking at the financial burden of the lease. The estimated annual cost of the lease then is \$11,527.

Looking at the income opportunities, BBG pays \$50 per week which equates to \$2,600 per annum. BBG occupies the transportable building, part of the railway station building, part of the goods shed and one of the carriages. It will be noted that their rent payments do not cover the estimated costs of the transportable (\$3,251 per annum). Similarly, the \$5.00 per year paid by the Blackwood Valley Wine Group for one of the railway carriages does not meet the estimated annual cost of maintaining the carriage (\$2,466 per annum for the three and whilst they each required differing levels of work for these purposes one third of the estimated costs is assumed to be the appropriate annual cost - \$822)

It is apparent therefore that the two sources of income that could be seen as an offset to the cost of leasing the Railway Station Reserve do not cover the cost of the Shire owned structures occupied and so there is no nett offset to the reserve lease costs.

The Shire owned structures could be moved to shire owned land or Reserve land managed by the Shire and the estimated costs of the railway lease (\$11,527) could be avoided.

It is unlikely that additional paying tenants could be found that would make a significant dent on the costs to Council.

Applying the triple bottom line approach, from a financial perspective there is nothing in favour of Council taking out a new lease. From a social perspective, all of the Shire owned structures could be shifted and so the current users would not be disadvantaged, other than problems they may have with the new location. The BBMA could site their shed on a Reserve that is managed by Council where there would be none of the costs associated with the Railway Station Reserve. PTA is responsible for maintenance of any of its property that is not leased, therefore, the station should continue to be maintained if it could not lease it to another entity so there are no known social implications that might compel Council to lease the Reserve. There are no known environmental matters other than perhaps the town stormwater drainage/collection system which may be partially on the reserve but this could be shifted and if not alternative arrangements made with PTA.

On balance then it is recommended that Council does not seek a new lease for the Boyup Brook Railway Station Reserve. That Administration report to Council on alternative sites for Council owned structures on the Reserve with relevant costs, and that the current month by month lease with PTA be continued in the interim.

CONSULTATION

The author has communicated with PTA and its agents, BBG, BBMA, Councillors and staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil 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

5.05pm – Cr Giles left the Chambers.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.8

MOVED: Cr Doust

SECONDED: Cr Giles

That Council:

1. **not seek a new lease for the Boyup Brook Railway Station Reserve.**
2. **direct Administration to prepare a report on alternative sites for Council owned structures on the Reserve, with relevant costs, and that the current month by month lease with the Public Transport Authority be continued in the interim.**

CARRIED 6/1

Res 206/10

7.3.9 Council Policies, Fire Break Order, Delegated authority
--

MOVED: Cr Doust

SECONDED: Cr Muncey

The item be removed and questions and answers recorded only.

CARRIED 7/0

Res 207/10

QUESTIONS

Councillor Doust emailed the following:

Hi Alan

I would like the following questions and answers to be included in the next Council meeting agenda.

1. *What was the last date the Council Policies were reviewed? When is it intended that they next be reviewed?*
2. *Has the Council adopted the Fire Break Order for the year 2010/11 and has it been advertised in accordance with the provisions of the Bush Fires Act 1954. If it has been advertised please advise of dates and publication. A notice was sent out with the rates including the order which to my knowledge has not been adopted by Council.*

3. *Has the CEO or any other person taken any action under the delegated Authority given to them under the Council delegations adopted in February 2010 and if so have records being kept in accordance with the provisions of section 19 of the Local Government Administration Regulations? Is a copy of the register of action taken available for the inspection of the Public and Councillors?*

ANSWERS

1. Question - What was the last date the Council Policies were reviewed? When is it intended that they next be reviewed?
Response – It was put to Council that rather than Councillors troll through the policy manual annually as may have been the practice experience had shown that periodic reviews of policies by administration, at dates set by Council when adopting the policy, with subsequent reports to Council coupled with Council instigated reviews of targeted policies was workable and efficient. No Council decision was made in relation to this. It is noted that Council has a policy to keep the Policy Manual updated annually and this is taken by the author to be a requirement to ensure that all new and existing policies are included in the policy manual. It does not call for the individual policies to be reviewed. The intention is that administration will review all existing policies over time and put each to Council for it to approve the inclusion of a review by date.

2. Question - Has the Council adopted the Fire Break Order for the year 2010/11 and has it been advertised in accordance with the provisions of the Bush Fires Act 1954. If it has been advertised please advise of dates and publication. A notice was sent out with the rates including the order which to my knowledge has not been adopted by Council.
Response – The Fire Break Order was forwarded to the legal adviser to check to ensure that it met requirements. Unfortunately there were some delays with leave etc. His advice is that there are some changes that should be made, that the CEO has the power to issue the order, that the order should be advertised and placed in the Government Gazette and that if need be an amendment be similarly advertised at a later date

3. Question - Has the CEO or any other person taken any action under the delegated Authority given to them under the Council delegations adopted in February 2010 and if so have records been kept in accordance with the provisions of section 19 of the Local Government Administration Regulations? Is a copy of the register of action taken available for the inspection of the Public and Councillors?
Response – It is not clear if the question relates to action, as in legal action or if it relates to the exercising of delegated powers. No legal action has been commenced, however, we have a dog attack complaint that is with the lawyer for assessment. Neither the Regulations nor the Act require a register to be kept to record incidences where delegated powers have been exercised, the Regulations require that a record be kept. The Department for Local Government publication “Delegations – Local Government Operational Guidelines Number 17” provides at paragraph 57 on page 8 in relation to delegations to the CEO and the need to keep a record of the exercise of powers delegated the following:
This provision does not necessarily require the keeping of a register and other efficient record keeping practices would be sufficient. However, it is recommended that such systems provide for accessible accountability of the performance of these tasks.
A search through the Shires records and other places failed to reveal any evidence of register to record incidences where delegated powers had been exercised and is assumed that previous administrations have relied on the record

system as the record of powers exercised as provided for above. Infringements have been issued to landholders with respect to fire breaks and to dog owners with respect to dogs. With respect to the exercising of powers, building licences have been issued.

7.3.10 Payment of Sitting Fees and Allowances

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13 October 2010</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council that matter of the timing of the payment of fees and allowances for a determination.

BACKGROUND

There is no apparent set timing for the payment of fees and allowances and so options were put to Councillors and one Councillor has suggested that Council needs a policy on the matter.

COMMENT

It is suggested that it is important to set the timing of payments and that administration sticks to the plan. Also that whilst there are some cost implications of making more frequent payments these would be small where electronic payments are used. It really comes down to what Councillors want and can agree on and it could be that it is just a resolution or that a new policy is developed as put forward by one Councillor.

The author has no preference, other than that it is probably best if payments are made in arrears rather than in advance, but in order to provide a starting point for debate it is recommended that Council resolve that all fees and allowances payable to Councillors be paid every four months in arrears on the last day in the month of October, February and June each year.

CONSULTATION

The author has consulted with all Councillors and relevant staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Whilst there is a cost each time a payment is made the cost of making more frequent payments is negligible.

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

COUNCIL MOVED INTO COMMITTEE – ITEM 7.3.10

MOVED: Cr Oversby

SECONDED: Cr Marshall

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

CARRIED 7/0

Res 208/10

5.12pm – Cr Giles returned to the Chambers.

COUNCIL MOVED OUT OF COMMITTEE – ITEM 7.3.10

MOVED: Cr Oversby

SECONDED: Cr Marshall

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 209/10

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.10

MOVED: Cr O’Hare

SECONDED: Cr Oversby

That all fees and allowances payable to Councillors be paid every four months in arrears on the last day in the month of October, February and June each year.

CARRIED 8/0

Res 210/10

7.3.11 Proposed VROC

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	15 October 2010
Author:	Alan lamb
Authorizing Officer:	Not applicable
Attachments:	copy of letter from Shire of Nannup

SUMMARY

The purpose of this report is to put before Council that matter of a proposed Voluntary Regional Organisation of Councils (VROC) with the recommendation that Council express an interest in doing so.

BACKGROUND

As reported elsewhere and previously, discussions have taken place regarding the potential to form a VROC consisting of the Shires of Boyup Brook, Bridgetown/Greenbushes, Denmark, Manjimup and Nannup.

In looking at the options it was suggested that the time line for this be:

- 31 October 2010 - Expression of interest in participating
- 31 December 2010 – Agreement to form a VROC and terms of agreement decided
- 31 December 2010 – Nominations by each Council of projects of regional significance for the next five years. Lead times to be included
- 31 March 2011 – Agreement on the five year project plan and priorities therein.

COMMENT

It is now put that Council deal with the first stage of the abovementioned time line.

It is recommended that Council express an interest in participating in the proposed VROC and that the President be empowered to progress this with the group and report back to the December Council meeting with the details of how it might work, what it might do and with a recommendation on whether or not Council should commit to it.

CONSULTATION

The matter was discussed at the recent forward planning Committee meeting but no recommendation made.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Not 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

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.11

MOVED: Cr Doust

SECONDED: Cr Muncey

That Council:

1. **express an interest in participating in the proposed VROC consisting of the Shires of Boyup Brook, Bridgetown/Greenbushes, Denmark, Manjimup and Nannup.**
2. **that the President be empowered to progress this with the group and report back to the December Council meeting with the details of how it might work, what it might do and with a recommendation on whether or not Council should commit to it.**

CARRIED 6/2

Res 211/10

Request for Vote to be recorded

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

For	Against
Cr Ginnane	Cr Giles
Cr Doust	Cr Marshall
Cr Biddle	
Cr Muncey	
Cr O'Hare	
Cr Oversby	

7.3.12 Lot 37 on Deposited Plan 172186 - Wilga

Location:	<i>Lot 37 Wilga</i>
Applicant:	<i>State land Services</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>15 October 2010</i>
Author:	<i>Alan lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>correspondence from State Land Services, Landgate images.</i>

SUMMARY

The purpose of this report is to put before Council the opportunity to comment on the forfeiture of a Licence to Occupy lot 37 with a recommendation that no comment be made.

BACKGROUND

It is apparent from the correspondence that the lot was put up for conditional sale that it was awarded to an entity with a Licence to occupy pending meeting the conditions. The conditions were not met and so the Licence was forfeited and State Land Services now intends to look at options.

COMMENT

It is noted that the land is now classified as UCL (unallocated Crown Land) and so may be subject to native title claim. If so the process to meet conditions may well be protracted (five years is often mentioned as the rule of thumb allowance that should be made) and expensive.

It is suggested that releasing the lot may bring more people to Wilga and so it is recommended that Council support this. Council may want to comment that the opportunity to purchase the land should be available generally and not restricted to the person who previously held the Licence.

CONSULTATION

The author has spoken with Officers at State Land Services

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

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

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.12

MOVED: Cr Doust

SECONDED: Cr Biddle

That Council supports the release of Wilga Lot 37 to the public.

CARRIED 8/0

Res 212/10

8 COMMITTEE REPORTS

8.1.1 Minutes of the Blackwood River Valley Marketing Association

Location:	N/A
Applicant:	N/A
File:	IM/37/008
Disclosure of Officer Interest:	Nil
Date:	11 October 2010
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Not Applicable
Attachments:	Yes - Minutes

BACKGROUND:

A meeting of the Blackwood River Valley Marketing Association was held on 14th September 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 Doust

SECONDED: Cr Biddle

That the minutes of the Blackwood River Valley Marketing Association held on 14th September 2010 be received.

CARRIED 8/0

Res 213/10

8.1.2 Minutes of the Boyup Brook Tourism Association

Location:	N/A
Applicant:	N/A
File:	IM/37/009
Disclosure of Officer Interest:	Nil
Date:	11 October 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 10th September 2010.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.2

MOVED: Cr Muncey

SECONDED: Cr O’Hare

That the minutes of the Boyup Brook Tourism Association held on 10th September 2010 be received.

CARRIED 8/0

Res 214/10

8.1.3 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: 11 October 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 1st October 2010.

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 Doust

SECONDED: Cr Ginnane

That the minutes of WA Local Government Association South West Zone held on 1st October 2010 be received.

CARRIED 8/0

Res 215/10

8.1.4 Minutes of the Forward Planning Committee Meeting

Location: N/A
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 14 October 2010
Author: Alan Lamb – Chief Executive Officer
Authorizing Officer: Not Applicable
Attachments: Yes - Minutes

BACKGROUND:

A meeting of the Forward Planning Committee was held on 12th October 2010.

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 Muncey

SECONDED: Cr O'Hare

That the minutes of the Forward Planning Committee meeting held on 12th October 2010 be received.

CARRIED 8/0

Res 216/10

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Notice of motion Cr Biddle – 04/10

9.1.1 Installing Solar-Generated Power at the Swimming Pool

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.1

MOVED: Cr Biddle

SECONDED: Cr Muncey

That the CEO be requested to collect information on the financial and other costs and benefits of installing solar-generated power at the swimming pool, and to present this to Council no later than at its February meeting.

CARRIED 8/0

Res 217/10

Rationale:

- Solar power has the proven potential to significantly reduce running costs
- Recoup of equipment and installation costs is possible after a relatively short proportion of the equipment's life span
- Feeding excess-to-needs power into the grid can generate "income"
- Employing solar power is environmentally responsible
- Should the trial be as successful as it appears to promise, the scheme could be extended to other Shire buildings, resulting in further nett cost savings, and may serve to persuade others in the community to follow the Council's lead.

Note: Notice has already been given that costs of electricity are due to rise, and will continue to do so. The benefits of producing power excess-to-needs are currently at their greatest at the present time, and are reliably forecast to steadily decrease in the immediate future.

Notice of motion Cr Muncey – 05/10

9.1.2 Rylington Park

MOTION

MOVED: Cr Muncey

SECONDED: Cr Oversby

That Council, as part of its asset management planning, review the operation and lease of Rylington Park to assess whether or not the current arrangements provide the best outcome for the community or if an alternative might be more beneficial.

COMMENT

It is suggested that a review is due because the lease has been operating for some time now and it is good management to conduct periodic reviews of such arrangements.

COUNCIL MOVED INTO COMMITTEE – ITEM 9.1.2

MOVED: Cr Marshall

SECONDED: Cr Biddle

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 218/10

COUNCIL MOVED OUT OF COMMITTEE – ITEM 9.1.2

MOVED: Cr Oversby

SECONDED: Cr O'Hare

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

CARRIED 8/0

Res 219/10

The presiding person then put the motion:-

COUNCIL DECISION – ITEM 9.1.2

MOVED: Cr Muncey

SECONDED: Cr Oversby

That Council, as part of its asset management planning, review the operation and lease of Rylington Park to assess whether or not the current arrangements provide the best outcome for the community or if an alternative might be more beneficial.

LOST 1/7

Res 220/10

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

COUNCIL DECISION

MOVED: Cr Giles

SECONDED: Cr Biddle

That Council deal with late item 10.1.1.

CARRIED 4/4 WITH SHIRE PRESIDENT'S CASTING VOTE FOR THE MOTION. Res 221/10

10.1.1 Voluntary Regional Organisation of Councils (VROC)

MOVED: Cr Biddle

The Community be invited to a public meeting to inform them of item 7.3.11.

MOTION LAPSED FOR WANT OF A SECONDER

COUNCIL DECISION – 10.1.1

MOVED: Cr Biddle

SECONDED: Cr Muncey

That Council deal with late item 10.1.1

CARRIED 7/1

Res 222/10

5.40pm – Cr Giles left the Chambers

5.41pm – Cr Oversby left the Chambers

5.42pm – Cr Oversby returned to the Chambers

5.44pm – Cr Giles returned to the Chambers

10.1.2 Collaborative Shared Resources

COUNCIL DECISION – 10.1.2

MOVED: Cr Giles

SECONDED: Cr Biddle

That the Shire President and Chief Executive Officer pursue discussions with the Shire of Donnybrook and Shire of Bridgetown-Greenbushes on working on a collaborative arrangement for shared resources.

CARRIED 7/1

Res 223/10

Request for Vote to be recorded

Cr Doust requested that his vote be recorded as against.

11 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

Behind Closed Doors

MOVED: Cr Marshall

SECONDED: Cr Muncey

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 and staff to allow the Council to consider matters dealing with the personal affairs of the CEO, the time being 5.49pm

CARRIED 8/0

Res 224/10

5.49pm – CEO, MF, MWKS, EA and John Rowe left the Chambers.
6.49pm - The CEO returned to the meeting.

MOVED: Cr Giles

SECONDED: Cr Biddle

That the meeting be reopened to the public 6.50pm

CARRIED 8/0

Res 224/10

11.1.1 Chief Executive Officer – Annual Performance Review

COUNCIL DECISION – ITEM 11.1.1

MOVED: Cr Doust

SECONDED: Cr Marshall

That Council:

1. **ADOPTS** the 2010 Annual Performance Appraisal Report
2. **ENDORSES** the overall rating of “Meets performance criteria at a satisfactory level”.
3. **ENDORSES** the performance criteria and indicators for the October 2011 review.
4. **ENDORSES** commencement of the 2011 appraisal process by 1 June 2011, with the appraisal to be completed before the August 2011 Ordinary Council Meeting.
5. **REVIEWS** the CEO’s remuneration in accordance with the terms of the contract between Mr Lamb and Council.

CARRIED 8/0

Res 225/10

MOVED: Cr Giles

SECONDED: Cr Biddle

That the existing contract remuneration package be increased by CPI 3.5% plus 1.5% a total contract package increase of 5%

CARRIED 8/0

Res 226/10

12 CLOSURE OF MEETING

There being no further business the Shire President, Cr Terry Ginnane declared the meeting closed at 7.00pm.