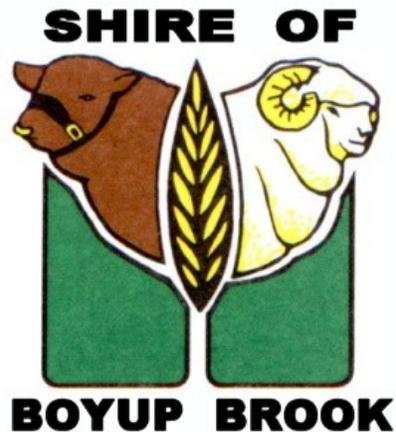


MINUTES



ORDINARY MEETING

HELD

THURSDAY 17 NOVEMBER 2011

COMMENCED AT 3.38PM

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 M Giles – Shire President
Cr K Moir – Deputy Shire President
Cr G Aird
Cr E Biddle
Cr T Doust
Cr P Kaltenrieder
Cr B O’Hare
Cr T Oversby
Cr R Walker

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mrs Maria Lane (Executive Assistant)
Mr Bret Howson (Acting Manager of Works & Services)

Apologies

Nil

1.3 Leave of Absence

Nil

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

Nil

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Nil

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 20 October 2011

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 5.1

MOVED: Cr O’Hare

SECONDED: Cr Kaltenrieder

That the minutes of the Ordinary Meeting of Council held on Thursday 20 October 2011 be confirmed as an accurate record.

CARRIED 9/0

Res 234/11

6 PRESIDENTIAL COMMUNICATIONS

- Attended the Strategic Community Planning meeting held at the Town Hall on 9th November 2011.
- Attended Remembrance Day on 11th November 2011
- Attended the opening of the new school building at St Mary’s Primary School.

7 COUNCILORS QUESTIONS ON NOTICE

Standing Orders provide:

8.1 Questions of Which Due Notice Has to be Given

Any Councillor seeking to ask a question at any meeting of the Council shall give written notice of the specific question to the Chief Executive Officer at least 24 hours before publication of the business paper.

All questions and answers shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.

8.2 Questions Not to Involve Argument or Opinion

In putting any question, no argument or expression of opinion shall be used or offered, nor any facts stated, except those necessary to explain the question.

7.1 Questions from Councillor Biddle

ROLLS

What practices are in place to ensure that Local Government electoral rolls are comprehensive and accurate? E.g. to ensure that owners of property in more than one ward are recorded as being entitled to a vote in each ward.

What practices are in place to ensure that the mailing list for residents/rate-payers are accurate and comprehensive?

NEW RESIDENTS

Is it possible and practical to notify Councillors of the names and mailing addresses of people who move into their wards? Can this information be made available to the Tourism Association?

Question - *What practices are in place to ensure that Local Government electoral rolls are comprehensive and accurate? e.g. to ensure that owners of property in more than one ward are recorded as being entitled to a vote in each ward.*

Answer – Provisions of the Local Government Act are followed as required by that Act. In summary, there are two rolls used for Local Government elections, one is supplied by the State Electoral Office and the other is a roll compiled by the council, and this is called the owners and occupiers roll. Leading up to the ordinary elections every two years and prior to extraordinary elections that may be held at other times, public calls are made for people to enrol. The timing and detail of the advertisements are done in accordance with the Act. The State roll is the same roll used for State and Federal elections updated by the Electoral Commission for any changes since the last updated the roll. There is a requirement for all residents to enrol in respect of their new address within 3 months of taking up new residence. The same legislation requires that all eligible person over the age of 18 register to vote. This legislation is not administered by Local Government. The owners and occupiers roll is for owners who have property other than their place or residence and who want to vote in Local Government elections relevant to the other property or properties. Similarly, occupiers of rateable property (such as say business owners who lease premises and the lessor is the rate payer, and live elsewhere) who want to vote in respect of the property they occupy. The legislation sets a process for this and a term for enrolment. The term for owners is until they are no longer the owner and for occupiers its 6 months following the second ordinary election held after their enrolment is accepted.

The current position is that there are very few persons on the owners and occupiers roll. At the recent contested election it was noted that a number of people who reside in one ward of the Shire and own property in another and who had voted in previous elections for the second ward, were not on the roll. It was also noted that there had not been contested elections in that particular ward for a number of years (the review went back to 2007). It was also noted that whilst the call for enrolments is advertised in accordance with the legislation and backed up with additional notification, people who assumed they were on the owners and occupiers roll, because they had been in the past, would not have responded to the call. It is planned that, before the next ordinary election process commences in 2013, notices be placed in the local news paper prompting people to apply to be on the owners and occupiers roll.

The following sections of the Local Government Act have application.

Division 8 — Eligibility for enrolment

4.29. Eligibility of residents to be enrolled

- (1) A person is eligible to be enrolled to vote at elections for a district or ward (*the electorate*) if the person is enrolled as an elector for the Legislative Assembly in respect of a residence in the electorate.
- (2) For the purposes of subsection (1) a person is to be regarded as being enrolled as an elector for the Legislative Assembly even if his or her name has been omitted in error from the relevant electoral roll under the *Electoral Act 1907*.

4.30. Eligibility of non-resident owners and occupiers to be enrolled

- (1) A person is eligible to be enrolled to vote at elections for a district or ward (*the electorate*) if the person —
 - (a) is enrolled as an elector for the Legislative Assembly or the House of Representatives in respect of a residence outside the electorate; and
 - (b) owns or occupies rateable property within the electorate; and
 - (c) has made a successful eligibility claim that still has effect under section 4.33.

- (2) For the purposes of subsection (1)(a) a person is to be regarded as being enrolled as an elector for the Legislative Assembly or the House of Representatives even if his or her name has been omitted in error from an electoral roll under the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*.
- (3) For the purposes of subsection (1)(c) an eligibility claim is successful if it is accepted under section 4.32, whether or not the acceptance is before the close of enrolments, as defined in section 4.39(1).
- (4) A person who is eligible under subsection (1) to vote at an election held less than 50 days after the commencement of the *Local Government Amendment Act 2009* section 13 is eligible to vote at that election.

[Section 4.30 amended by No. 17 of 2009 s. 13.]

4.31. Rateable property: ownership and occupation

- (1) For the purposes of this Division, subsections (1A) to (1H) apply in relation to rateable property and its ownership and occupation.
 - (1A) Section 4.30 applies even if part of the rateable property is situated in another district.
 - (1B) If an enrolment eligibility claim is made in respect of rateable property situated partly in one ward and partly in another ward or wards, it is to be regarded for the purposes of that claim as being in —
 - (a) the ward nominated by the owner or occupier making the claim; or
 - (b) if no nomination is made, the ward determined by the CEO.
 - (1C) A person occupies rateable property if, and only if, the person has a right of continuous occupation under a lease, tenancy agreement or other legal instrument.
 - (1D) A reference to the occupation of rateable property includes a reference to the occupation of —
 - (a) a separate building or portion of a building on the rateable property; or
 - (b) some other separate and distinguishable portion of the rateable property.
 - (1E) If more than 2 people own rateable property in conjunction with each other, the owners are whichever 2 of those people who, being eligible under section 4.30(1) (a), are nominated as owners by all or a majority of those people.
 - (1F) If more than 2 people occupy rateable property in conjunction with each other, the occupiers are whichever 2 of those people who, being eligible under section 4.30(1)(a), are nominated as occupiers by all or a majority of those people.
 - (1G) If a body corporate owns or occupies rateable property, the owners or occupiers are 2 people who, being eligible under section 4.30(1) (a), are nominated as owners or occupiers by the body corporate.
 - (1H) A nomination under subsection (1E), (1F) or (1G) applies in respect of any and all other rateable property in the district that is owned or occupied by the people or body corporate concerned.
- (2) Regulations may include provisions about how nominations under subsections (1) to (1H) are made and how long they remain in effect.

[Section 4.31 amended by No. 19 of 2010 s. 51.]

4.32. How to claim eligibility to enrol under section 4.30

- (1) A person who considers that he or she is eligible under section 4.30(1) (a) and (b) may make an enrolment eligibility claim in respect of the district or ward.
- (2) The claim is to be made to the CEO in accordance with regulations.
- (3) A claim for enrolment as an occupier cannot be made or accepted unless, when the claim is made, the claimant has a right of occupation as referred to in section 4.31(1) (c) for at least the next 3 months and, if so prescribed, is liable to pay rent in respect of that occupation of at least the prescribed amount.
- (4) Except as provided for in subsection (5A), within 14 days after receiving the claim the CEO is to decide whether or not the claimant is eligible under section 4.30(1)(a) and (b) and accept or reject the claim accordingly.
- (5A) If a claim is made before the close of enrolments as defined in section 4.39(1), but less than 14 days before the close of nominations as defined in section 4.49(a), the CEO is to decide whether to accept or reject the claim before the close of nominations.
- (5) The CEO can make any inquiries needed in order to make a decision.
- (6) The CEO is to record the decision in a register kept for that purpose in accordance with regulations and is to give written notice of the decision to the claimant without delay.
- (7) If the claim is rejected the notice has to set out the CEO's reasons for the decision.
- (8) A person who is dissatisfied with the CEO's decision may appeal to the Electoral Commissioner in accordance with regulations and the Electoral Commissioner can confirm or reverse the decision.
- (9) On receipt of advice of the Electoral Commissioner's decision on an appeal, the CEO is to take any action that is necessary to give effect to that decision.

[Section 4.32 amended by No. 64 of 1998 s. 20; No. 49 of 2004 s. 33; No. 17 of 2009 s. 14.]

4.33. Expiry of claim of eligibility to enrol under section 4.30

- (1) If an enrolment eligibility claim made by a person on the basis of ownership of rateable property within the electorate is accepted under section 4.32(4) or (8), the claim expires when the person ceases to own the property to which the claim relates.
- (2A) Unless subsection (2B) or (3) applies, if an enrolment eligibility claim made by a person on the basis of occupation of rateable property within the electorate is accepted under section 4.32(4) or (8), the claim expires on the day 6 months after the holding of the second ordinary elections of the local government after the claim is accepted.
- (2B) If an enrolment eligibility claim on the basis of occupation of rateable property within the electorate is —
 - (a) made within the period of 49 days before the Election Day for ordinary elections of the local government; and
 - (b) accepted under section 4.32(4) or (8) before the Election Day,

the claim expires on the day 6 months after the holding of the third ordinary elections of the local government after the claim is accepted.

- (2) For the purpose of subsection (2A) or (2B), an election that would have been held on a particular day but for the suspension of the council of the local government is to be regarded as having been held on that day.
- (3) If the day on which an enrolment eligibility claim would expire under subsection (2A) or (2B) is less than 50 days before an election at which the occupier would be eligible to vote, the enrolment eligibility claim does not expire until the day after that Election Day.

[Section 4.33 amended by No. 64 of 1998 s. 21; No. 49 of 2004 s. 34; No. 17 of 2009 s. 15.]

4.34. Accuracy of enrolment details to be maintained

The CEO is to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form.

4.35. Decision that eligibility to enrol under section 4.30 has ended

- (1) The CEO may decide that a person is no longer eligible under section 4.30 to be enrolled to vote at elections for a district or ward if —
 - (a) the person has given the CEO written notice that the person is no longer eligible to be so enrolled;
 - (b) the CEO is satisfied that the person is dead; or
 - (c) the CEO is satisfied that the person is no longer eligible to be so enrolled.
- (2) The CEO is to give written notice to the person before making a decision under subsection (1) (c) and is to allow 28 days for the person to make submissions on the matter.
- (3) If the CEO makes a decision under subsection (1) (c) the CEO is to give written notice of it to the person.
- (4) If dissatisfied with the decision, the person may appeal to the Electoral Commissioner in accordance with regulations and the Electoral Commissioner can confirm or reverse the decision.
- (5) On receipt of advice of the Electoral Commissioner's decision on an appeal, the CEO is to take any action that is necessary to give effect to that decision.
- (6) If, after considering submissions made under subsection (2), the CEO decides that the person is still eligible under section 4.30 to be enrolled to vote at elections for the district or ward, the CEO is to give written notice of that decision to the person.
- (7) The CEO is to record any decision under subsection (1) or (6) in the register referred to in section 4.32(6).

Question - *What practices are in place to ensure that the mailing list for residents/rate-payers is accurate and comprehensive?*

Answer – No data base is kept for specific use as a mailing list. Data bases such as the State and Shire electoral rolls and the Shire's property data base (used for rating) have been used in the past for letters to residents. These and the locally produced telephone book have been used for mail outs to businesses. The electoral rolls are updated at least every two years as part of the election process and the property data base is used annually, and so its accuracy is tested annually, to send out rate notices. The local telephone book is made up by others on a periodic basis.

Question - *Is it possible and practical to notify Councillors of the names and mailing addresses of people who move into their wards? Can this information be made available to the Tourism Association?*

Answer – There is no mechanism for the Shire Council to become aware of people who move into the Shire. Settlement agents notify Local Governments of changes in ownership but this does not always result in people moving into the relevant property and there are now restrictions on divulging information held in relation to rating. Electoral rolls are available from the State Electoral Commission and these are up dated periodically for Federal, State and Local Government elections. Electoral rolls are also available from the Local Government but these are up dated only every two years (unless there is an extraordinary election).

8 REPORTS OF OFFICERS

Nil

8.1 MANAGER WORKS & SERVICES

8.1.1 Commodity Route Supplementary Funding
--

Location:	<i>Shire wide</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>FM/25/004</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>2nd November 2011</i>
Author:	<i>Bret Howson - Acting Manager of Works</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes</i>

SUMMARY

This item is to inform the Council of recent funding changes that will affect the Shire's annual works program in regards to TIRES funded projects.

BACKGROUND

As the Council is aware, the Shire receives funding each year from the Timber Industry Road Evaluation Strategy (TIRES) funding pool to assist with maintaining access to timber plantations in the area.

The funding is allocated to Shire's based on the annual plantation harvest locations and timeframe, and is funded 100% from the TIRES grant pool.

This TIRES grant has now been combined with other regional grants to develop the new Commodity Route Funding pool.

COMMENT

The new Commodity Routes program forms part of a number of programs administered by the State Road Funds to the Local Government Advisory Committee under a five year agreement.

Commodity Routes have been defined as routes where there is a significant high priority transport task associated with the transport of a commodity from the place of production to the place of processing. Examples of commodities may include, but are not limited to the following;

-
- Grain
 - Livestock
 - Minerals
 - Petroleum
 - Timber

\$2.5m per annum will be set aside from the total Road Project Grant allocation for a Commodity Route Supplementary Fund from 2012/13.

Offers of funding will only be provided on a cost sharing basis of \$2 from the Commodity Routes Supplementary Fund and \$1 from Local Government funds. The State Road Funds to Local Government Advisory Committee may approve other special contributory arrangements on the recommendation of the Regional Road Group.

Any unallocated funds may be reallocated by the State Road Funds to the Local Government Advisory Committee across all Regional Road Groups.

The State Road Funds to Local Government Agreement 2011/12 – 2015/16 stipulates that only projects that are not eligible or not prioritised for Road Project Grant funding will be considered eligible.

Funding is not available for projects that commence before approval is given by the assessment committee.

Project proposals will be sought by the State Road Funds to the Local Government Advisory Committee via the Regional Road Groups.

The review of all proposals will be a two stage process based on;

1. A Regional Road Group assessment of a business case supporting an application for funding from the Commodity Routes Supplementary Fund with a recommendation to the State Road Funds to the Local Government Advisory Committee.
2. All projects recommended for funding will be reviewed and prioritized by the State Advisory Committee.

Grant applications need to be made each year and the following information will need to be supplied to be considered;

Type of Commodity

Outline the commodity being transported.

Project Name

The project name is the name of the road being considered for funding.

Project Location Information

The specific location/s should be accompanied by a locality map showing the various sections where the work is proposed. It should show the following;

- Project length (Start slk; End slk; Total Road Length)
- Specify various sections within the Project length

Existing Road Condition

- Surfacing Standard
- Seal and formation width
- Geometric and Drainage Standard
- Road Condition

The information supplied must address the Assessment Guidelines.

Traffic Volumes

Supply the average annual daily traffic for the commodity traffic and for all other traffic. If the commodity traffic is seasonal then supply the average daily commodity traffic for the season duration only.

Proposed Works

The proposed works description must detail the exact nature of the work proposed on the road or sections of the road. Photographs of the proposed work sections should be included.

Project Justification

This should include the objectives of the project, a description of the functions of the road and refer to any existing problems.

The project should form part of a strategic approach to infrastructure development and the application should address the various issues necessitating the project e.g. transport efficiency, economic activity, public safety, environment and social issues. The justification should note whether the commodity function is of local, regional or national significance.

If an application for funding is unsuccessful, a statement of what impact this will have on the project should be included.

Cost Estimate (including unit type, quantity, cost per unit, total amount)

Costs should be detailed and broken down into the following components;

- General activities
- Earthworks
- Pavement & surfacing

- Drainage
- Miscellaneous

Statement of Readiness to Deliver

A Local Government's operational readiness to deliver will be an important factor in considering the basis for the projects priority when reviewing and assessing applications. The project needs to be fully scoped and specified and not just an idea being explored. It must also be able to be completed within the estimated timeframe. The status of any statutory approvals needed before work can commence should be included (e.g. environmental approvals).

Project Assessment

The projects will be scored according to the Assessment Guidelines. Projects with equal scores will be prioritized according to the total volume of commodity traffic and the strategic significance the freight task.

Applicants need to complete the application form in an electronic format as this will be used in assessment and recommendation reporting. The application form can be downloaded from the Main Roads or WALGA websites.

All application forms must be received in electronic format and supported by maps, photographs, and other supporting information. The supporting information should be attached electronically (in word or excel format) or be scanned and then emailed together with the application to your respective Regional Road Group.

CONSULTATION

Unfortunately there was very little consultation by the State Government before these changes were made. The Regional Road Group Technical members are currently making a submission to the State Government to ensure that the previously agreed TIRES routes and funding will still be maintained and not lost to this change.

STATUTORY OBLIGATIONS

There are no statutory obligations at the time of this report.

POLICY IMPLICATIONS

There are no known policy implications at the time of this report.

BUDGET/FINANCIAL IMPLICATIONS

TIRES funding for the Shire of Boyup Brook varies each year depending on the amount of harvest generated in the Shire. The grant has been between \$200,000 and \$400,000 per year and as mentioned previously in the report, this funding was 100% from the TIRES grant.

Unfortunately the new Commodity Routes grant is 1/3 Local Government and 2/3 State Government, so Council will need to raise the additional 1/3 project amount to attract funding from 2012/13 applications.

The Commodity Route grant is now open to all commodities such as gold, ore, grain, agricultural lime, dairy, petroleum and timber. So Council will need to score its project against state wide commodities.

STRATEGIC IMPLICATIONS

2008-2013 Strategic Plan – Planning for the Future

Critical Success Factor:

Establishment of sound management practices and a structure which will enable the delivery of the Strategic Plan

Action:

Review required Council services and service delivery (managerial priorities) of current and future strategic major works.

Action 102: Maintain and enhance rural roads through the Shire.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
The reduction of funding will have detrimental effect on road conditions.
- **Economic**
The new Commodity Route Grant process now being state-wide will have a detrimental effect on the ability for Council to bid for projects and attract them with 1/3 matching component.
- **Social**
There are no known social issues for this item.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

1. That Council notes the introduction of the Commodity Route Supplementary Funding grant and that the TIRES program will no longer exist after this financial year.
2. That Council request the Shire President and the Chief Executive Officer seek clarification from the Main Roads WA Regional Manager as to the status of the current projects listed in the TIRES strategy.

COUNCIL DECISION

MOVED: Cr Doust

SECONDED: Cr Biddle

1. That Council notes the introduction of the Commodity Route Supplementary Funding grant and that the TIRES program will no longer exist after this financial year.
2. That Council request the Shire President and the Chief Executive Officer seek clarification from the Main Roads WA Regional Manager as to the status of the current projects listed in the TIRES strategy.
3. The President and the CEO to discuss the loss of this funding with the Shire of Nannup, with the view to arrange a joint meeting with the member for Warren-Blackwood Stirling – Terry Redman MLA.

CARRIED 9/0

Res 235/11

Declare an Interest

Cr Giles declared a financial interest in item 8.1.2 and 8.1.3 and departed the Chambers, the time being 3.51pm.

Cr Aird declared a financial interest in item 8.1.2 and 8.1.3 and departed the Chambers, the time being 3.51pm.

Deputy Shire President - Cr Moir took the Chair.

8.1.2 Heavy Vehicle Cost Recovery Model
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Location:	<i>Shire wide</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>RD/41/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>2nd November 2011</i>
Author:	<i>Bret Howson (Acting Manager of Works))</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>No</i>

SUMMARY

This report seeks Council endorsement of a pricing structure which identifies the cost that the Shire can recover from heavy vehicles for consumption (or capital damage) of the road network. At this stage, Shire officers are only seeking the Council's endorsement to proceed to public consultation.

This gap cost calculation will be administered by amended Council's existing policy W.07 Road Contributions, which will allow Council officers to recover the cost of road consumption from heavy vehicle operators (carting campaigns such as mining, grain, extractive industry).

The proposed cost is a proportional share of the actual costs attributable to heavy traffic, calculated by axle numbers and applied to individual vehicle movement.

This cost could be utilised as the one third matching component to attract additional road funding from the new Commodities Route Grant Pool.

BACKGROUND

In developing a fee structure that was equitable for heavy vehicle operators, did not duplicate other charges already imposed and was justifiable, the work of the National Transport Commission was used as a basis for the Shire's fee calculations.

The National Transport Commission (NTC) has the responsibility for developing and recommending heavy vehicle road use charges to the Australian Transport Council (ATC) and then applying these charges nationally via vehicle registration and fuel use.

Heavy vehicle road use charges are set by the ATC to recover heavy vehicles' share of the road expenditure. A two-part charging system applies, comprising a fuel charge (19.663 cents per litre) and an annual registration charge. The money collected from these charges is then distributed to the State and Local Governments through road grants. It is therefore important that in setting Shire fees for heavy vehicles that charges are not made twice, once through the Federal system and again by the Shire.

The first national road user charging system was developed for heavy vehicles in Australia by the NTC in 1992 and implemented in 1995-96, and then a second pricing determination was agreed and implemented in 2000. This method ensures that costs allocated to heavy vehicle classes are recovered in aggregate, based on average, but does not match charges to the costs associated with individual vehicle types.

A third pricing determination was presented to the Australian Transport Council in 2005, which reflective of the patterns of use, loading between different types of vehicles and pavement restoration expenditure, however the recommendations of the third determination were not endorsed by Transport Ministers despite it being a more comprehensive and fair determination.

Despite some weaknesses in the pricing determinations, the current national approach is still highly regarded by international standards and continues to provide a platform for further development.

It is recommended that the NTC model for cost recovery for heavy vehicles be used by the Shire as a basis of determining a cost recovery to charge applicants for heavy vehicle use. It is important to note that that costs recovered will be for other than what would be considered as normal use, i.e. any use which requires special permission from local or state government would be considered as "other than normal use", such as extra mass or oversized vehicles.

This system will only be used for heavy vehicle operation within the Shire of Boyup Brook that requires permission from the Shire.

The Calculation

It is important that the Shire does not duplicate other Federal or State charges for heavy vehicles when calculating a cost recovery system for the Shire's network, therefore the

following “**cost allocation rules**” developed by NTC and approved by Australian Transport Council have been used for the Shire's calculations.

The cost allocation rules:

1. Vehicle use expenditure type:

The different measures of vehicles use related to the road expenditure include:

- VKT (vehicle-kilometres of travel)
- ESA-km (equivalent standard axle kilometres of travel)
- PCU-km (passenger car unit kilometres of travel)
- AGM-km (average gross mass kilometres of travel)

2. Road Expenditure type (Attributable costs)

- Pavement rehabilitation and new construction
- Servicing and operating expenditure.
- Low cost safety/traffic improvements
- Asset extensions and improvements
- Bridge maintenance and construction

3. Non-attributable costs:

NTC considers that non-attributable costs are defined as being unrelated to the cost of providing capacity on the road network or to other factors relating to road use. These costs have been shared equitably between vehicle classes so as to provide the least distortion to road use decisions.

NTC's 2nd determination allocated 50% of road maintenance expenditure to non-attributable costs.

4. Pavement Maintenance:

Routine Maintenance - repairing potholes, minor patching and crack sealing.

Periodic Maintenance - resealing and resurfacing.

NTC 2nd pricing determination allocated 50% of routine maintenance expenditure to AGM-km and 50% of periodic maintenance to AGM-km. Therefore it was considered that 50% of maintenance costs are attributable to heavy traffic due to mass.

5. Non-motorised road use:

NTC's 2nd pricing determination has made assumptions (based on a survey of local government engineers in 1999) that 75% of urban local road expenditure and 50% of rural local road expenditure exists solely to provide access, amenity, or provide for non-motorised road users, and hence is not related to motorised road use. The value of this expenditure has been excluded from the Shire's cost recovery process.

COMMENT

The cost recovery model for the Shire of Boyup Brook has been based on the current expenditure for the financial year 2010/2011. These figures were used in the Shire's determination rather than the National average figures used in the NTC model. The National average expenditure is slightly higher than the current expenditure for the Shire of Boyup Brook. The Shire's figures include all funding on roads.

- Damage caused by heavy traffic = \$0.043 per Equivalent Standard Axle (ESA)

- National average expenditure relative to heavy traffic use = \$0.032 per Equivalent Standard Axle (ESA)
- Shire of Boyup Brook 2010/2011 expenditure relative to heavy traffic use = \$0.018 per ESA

This basically means that the Shire of Boyup Brook is spending 1.8 cents, per standard axle, of its own funds on capital road expenses, whereas the National average is 3.2 cents. The NTC has calculated that heavy vehicle damage the road at a rate of 4.3 cents per axle, therefore showing that many Local and State Authorities cannot keep up with road damage forecasts.

The use of the Shire of Boyup Brook figures was to ensure that heavy vehicle operators were only being charged for actual expenditure rates, not for costs which are not currently being met by Shire's income.

As it is difficult to determine the level of Federal Government support which consists of the heavy vehicle charge, therefore 100% of State Government funding (including WALGA grant) has been excluded from this cost recovery model.

The NTC model also has stated that 50% of road cost (non-attributable) should be shared across all vehicle classes. Again, determining which portion of this 50% is attributable to individual vehicle classes would be very difficult. Therefore the non attributable portion of road expenditure has been excluded from the Shire of Boyup Brook's calculation. However 5 of the 12 classes of vehicle would require permits to operate on Council network therefore it is considered that 5/12th (or 40%) of the 50% non-attributable costed can be added to the cost recovery unit rate.

The Shire of Boyup Brook calculation also excludes any developer contribution.

In 2010/2011 the Shire spent on:

- Capital improvements to its road network = \$319,625.00
(Excludes the 75% urban and 50% rural non motorised use)
- 50% non attributable = \$159,812.00
- 50% related to heavy vehicles = \$159,812.00

Shire road network design characteristics

- 639.88 kilometres of rural paved roads.
- 67 Average VPD with 27.2% heavy traffic
- 20 year design life for road pavement
- 1% growth factor
- 489,477 Equivalent Standard Axles (ESA) passing over each road for its design life (average across the network).

Based on these figures, it can be calculated that the Shire spends an average of \$0.018 per kilometre per ESA. It is recommended that this figure be used as the unit cost for the recovery model for extraordinary heavy vehicle operations on the Shire's road network.

Council officers have developed a spreadsheet which uses the above calculation to determine the recoverable cost from an individual application. The following are two examples.

Working Example 1:

An application was made to cart 2,000 tonnes per year over 8.0 kilometre length of Shire road. The application was for an average of 6 loaded trips per working day for 6months.

Heavy Vehicle Road Cost Recovery Contribution				
DETAILS				
Road Name:	Corbalup Road			
Length of road to be used:	8.00	km		
Total tonnage of campaign:	2,000	tonne	per tonne	\$ 5.37
Add moisture:	0%			
Time period for campaign:	120	days/year		
No of years:	0.5	years	(i.e. 3 months = 0.25years)	
VEHICLE				
Type of Vehicle	Number of daily movements (loaded)		Calculation ESA	
		Gross	Payload	Loads/day
Light Truck		(14.0t)		
3-axle Truck		(20.0t)		
5-axle Truck		(34.0t)		
6-axle Truck	6,000	(42.5t)		
road train		Other		0.00
UNIT COSTS				
Actual annual costs from FY 2010/2011		Capital (\$)	Maintenance (\$)	
Wearing surface (reseals, routine patching, routine seal edge repair)		\$ 32,050.00	\$	64,100.00
Localised Pavement Failures (surface correction, potholes, pavement repairs)		\$ -	\$	16,416.00
Basecourse (renewal and reconstruction)		\$ 293,545.00	\$	396,470.00
Bridges (replacement & maintenance)		\$ -	\$	30,000.00
Safety & Traffic Improvements (improve flow, capacity & risk)		\$ -	\$	12,265.00
ROAD NETWORK				
Length of all paved roads	639.88	km		
Average VPD count	67	vpd		
Average % heavy vehicle (>class 5)	27.2	%		
RESULTS				
ESA/day	30	loaded		
ESA/day	7	empty		
ESA/day	37	TOTAL		
\$ 161,009.13	spent on capital improvements per year related to vehicle use			
\$ 156,633.61	spent on capital improvements per year related to heavy vehicles			
\$ 103,681.18	spent on maintenance per year related to heavy vehicles			
\$ 683,836.88	cost of network ownership (non attributable cost)			
\$ 844,846.00	TOTAL spent on road network			
\$ 0.018	spent per ESA per km - capital improvements related to heavy vehicles			
\$ 0.012	spent per ESA per km - maintenance related to heavy vehicles			
\$ 12,963	network capital improvements required for this carting campaign			
\$ 8,485	network maintenance required for this carting campaign			
\$ 12,963	Annual contribution for capital improvements			
\$ 8,485	Annual contribution for maintenance			
Total	\$ 21,468			

The calculation shows that this type of operation will do \$12,963 damage to the road pavement, over and above what is considered as normal use. This figure also represents the calculated gap between what Council is currently spending, and the amount which is required to be spent related to this type of operation.

Working Example 2:

An application was made to cart 56,800 tonnes per year over a 2.0 kilometre length of Shire road. The application was for an average of 5 loaded trips per calendar day for 2 years.

Heavy Vehicle Road Cost Recovery Contribution				
DETAILS				
Road Name:	Greenfields Road			
Length of road to be used:	2.00	km		
Total tonnage of campaign:	96,800	tonne	per tonne	\$ 0.09
Add moisture	0%			
Time period for campaign:	120	days/year		
No of years	2	years	(i.e. 3 months = 0.25years)	
VEHICLE				
Type of Vehicle	Number of daily movements (loaded)		Calculation ESA Loads/day	
	Gross	Payload		
Light Truck	(14.0)			
3-axle Truck	(20.0)			
5-axle Truck	(34.0)			
8-axle Truck	6,000	(42.5)		
Special	#DIV/0!	Other		#DIV/0!
UNIT COSTS				
Actual annual costs from FY 2010/2011		Capital (\$)	Maintenance (\$)	
Wearing surface (reseals, routine patching, routine seal edge repair)		\$ 32,050.00	\$ 84,100.00	
Localised Pavement Failures (surface correction, potholes, pavement repairs)		\$ -	\$ 16,416.00	
Basecourse (renewal and reconstruction)		\$ 293,545.00	\$ 396,470.00	
Bridges (replacement & maintenance)		\$ -	\$ 30,000.00	
Safety & Traffic Improvements (improve flow, capacity & risk)		\$ -	\$ 12,265.00	
ROAD NETWORK				
Length of all paved roads	639.88	km		
Average VPD count	67	vpd		
Average % heavy vehicle (>class 5)	27.2	%		
RESULTS				
ESA/day	#DIV/0!	loaded		
ESA/day	#DIV/0!	empty		
ESA/day	#DIV/0!	TOTAL		
\$ 161,009.13	spent on capital improvements per year related to vehicle use			
\$ 156,633.61	spent on capital improvements per year related to heavy vehicles			
\$ 103,681.18	spent on maintenance per year related to heavy vehicles			
\$ 683,636.88	cost of network ownership (non attributable cost)			
\$ 844,846.00	TOTAL spent on road network			
\$ 0.018	spent per ESA per km - capital improvements related to heavy vehicles			
\$ 0.012	spent per ESA per km - maintenance related to heavy vehicles			
\$ 3,246	network capital improvements required for this carting campaign			
\$ 2,121	network maintenance required for this carting campaign			
\$ 1,623	Annual contribution for capital improvements			
\$ 1,061	Annual contribution for maintenance			
Total	\$ 2,684			

The calculation shows that this type of operation will do \$3,246 damage to the road pavement, over what is considered as normal use. This figure also represents the calculated gap between what Council is currently spending, and the amount which is required to be spent related to this type of operation.

The Council may request an annual contribution of \$1,623 for this example in lieu of a lump sum.

The cost can be recovered by Council under Road Traffic Act 1974, Section 85, Part 2.

CONSULTATION

Upon the Council's endorsement and advertising, a 30 day public consultation period will commence, and the comments and the officer's policy recommendations will be presented to Council for final consideration at the next available Ordinary Council meeting.

STATUTORY OBLIGATIONS

The head of power which can be used to recover the costs calculated by this policy is found in the Road Traffic Act 1974, Section 85, Part 2.

Road Traffic Act 1974 - Part IV - Miscellaneous states:

Section 85. Power of local government to recover expenses of damage caused by heavy or extraordinary traffic

(1) Where it appears to a local government which is liable or authorised or has undertaken to repair any road that, having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by such local government in repairing such road by reason of the damage caused by heavy traffic passing along the same, or

extraordinary traffic thereon, such local government may recover in any court of competent jurisdiction from any person by or in consequence of whose order such traffic has been conducted, the amount of such expenses as may be proved to the satisfaction of the court having cognisance of the case to have been incurred by such local government by reason of the damage arising from such traffic as aforesaid.

(2) Any person against whom expenses are or may be recoverable under this section may enter into an agreement with such local government as is mentioned in this section for the payment to it of a composition in respect of such traffic, and thereupon the person so paying the same shall not be subject to any proceedings under this section.

(3) For the purposes of this section the Minister shall be deemed the local government which is liable or authorised or has undertaken to repair any Government road, and he may in his name of office bring an action for recovery of expenses under this section accordingly: provided that any moneys recovered by him shall be credited to the Consolidated Fund.

(4) Proceedings for the recovery of any expenses hereunder shall be commenced within 12 months of the time when the damage has been done, or where the damage is the consequence of any particular building contract or work extending over a long period, shall be commenced not later than 6 months after the completion of the contract or work.

[Section 85 amended by No. 6 of 1993 s. 11; No. 14 of 1996 s. 4; No. 49 of 1996 s. 64.]

POLICY IMPLICATIONS

It is recommended should the Council endorse the cost recovery model, Policy W.07 Road Contribution will be amended to include a clause similar to the following:

Heavy Vehicle Cost Recovery Contribution

Prior to issue of permit, the Chief Executive Officer may negotiate the Heavy Vehicle Cost Recovery agreement for a non-returnable capital damage payment of \$0.018 (1.8 cents) per equivalent standard axle. The cost recovery unit shall apply to all vehicle movement (loaded and unloaded) over the full term of the carting campaign as listed on the application.

BUDGET/FINANCIAL IMPLICATIONS

It is recommended that any cost recovered from any agreement under this policy be held in reserve account solely for the purpose of capital upgrade and the specific section of road or roads which is listed on any permit.

Any amount calculated and claimed from heavy vehicle use under this agreement will not be returned to the applicant at the end of the carting campaign.

STRATEGIC IMPLICATIONS

2008-2013 Strategic Plan – Planning for the Future

Critical Success Factor:

Establishment of sound management practices and a structure which will enable the delivery of the Strategic Plan

Action:

Review required Council services and service delivery (managerial priorities) of current and future strategic major works.

Action 102: Maintain and enhance rural roads through the Shire.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
The control of heavy vehicle movements during winter and other seasonal influences may assist to improve roadside drainage and noise impacts.
- **Economic**
The uniform management of road use by heavy vehicles will control the amount of damage and subsequent unbudgeted expenses.
The transport companies will also benefit by knowing the cost and conditions before they commence a campaign.
- **Social**
There are no known social issues for this item.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

1. **That Council endorses the use of the cost recovery model for heavy vehicle operations for the recovery of capital damages costs for the Shire of Boyup Brook's paved road network, for a 30 day public consultation period.**
2. **That Council endorses the cost recovery unit at \$0.018 per equivalent standard axle (ESA) for recovery of capital damage costs for the Shire's paved road network, with an annual review of this unit rate to the Shire of Boyup Brook's actual expenditure on or about June 30 each year.**
3. **That Council request the Chief Executive Officer to report back to the Council with results of consultation on Heavy Vehicle Cost Recovery model with any further policy recommendations.**

REVISED RECOMMENDATION

That the report be referred to the forward planning committee for consideration and recommendation to Council once Council has the final draft of the integrated planning it is currently working on.

Note: Officers thought that a significant change in direction had been put forward and should be considered in the light of the bigger picture perspective that will be provided once the integrated planning is completed.

COUNCIL DECISION

MOVED: Cr Doust

SECONDED: Cr Walker

That the report be referred to the forward planning committee for consideration and recommendation to Council once Council has the final draft of the integrated planning it is currently working on.

CARRIED 7/0

Res 236/11

8.1.3 Heavy Vehicle Permit Conditions

Location:	<i>Shire wide</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>RD/41/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>2nd November 2011</i>
Author:	<i>Bret Howson (Acting Manager of Works))</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes</i>

SUMMARY

This item is seeking the Council's endorsement to proceed to public consultation for a new Council Policy to set standard conditions on the movement of Restricted Access Vehicles (RAV) on the Shire's road network

BACKGROUND

Main Roads Western Australia has the statutory responsibility for managing all heavy vehicle access to the State's road network. Permits are required to operate RAVs in WA, and are an instrument issued by the Commissioner of Main Roads Western Australia to grant access to these vehicles to certain parts of the road network, under specific conditions.

A permit is required when a load exceeds the following dimensions and weight:

- 2.5 metres wide
- 4.3 metres high
- 19 metres long

- 42.5 tonnes gross combination mass

A permit is also required when towing more than one trailer.

When issuing permits to RAVs vehicles, Main Roads WA will take recommendation from the Local Authority, and ensure that any local conditions are included on the permit.

This policy gives the Council opportunity to recommend a standard set of conditions to Main Roads WA to apply to all permits in Boyup Brook Shire as the minimum.

COMMENT

This policy will provide direction from the Council to Shire staff when dealing with the assessment of roads for current and future permits. The policy does not suggest that all roads will now be eligible for RAV access if they comply with the conditions.

Shire Staff still assess each road when an application is received, and also carry out inspections during the carting campaign to ensure the road's structural integrity and safety is maintained.

The basis for this assess is the Main Roads WA publication "Guidelines for Assessing the Suitability of Routes for Restricted Access Vehicles (RAVs)".

In regards to the consultation, it is proposed that Shire Staff will forward a copy of the policy to all known existing permit holders within the Shire of Boyup Brook, and place notification in the local newspaper and Council Website.

CONSULTATION

Upon the Council's endorsement and advertising, a 30 day public consultation period will commence, and the comments and the officer's policy recommendations will be presented to Council for final consideration at the next available Ordinary Council meeting.

STATUTORY OBLIGATIONS

As mentioned previously in the report, Main Roads WA has the statutory responsibility to assess and issues RAV permits, however they will include local specific conditions from the Shire.

The Shire cannot suspend a RAV permit, but can request Main Roads to do so if required. However, the Shire does have statutory powers under the Local Government Act 1995 (Section 3.50) to immediately close a road to any class of vehicle, should it become unsafe.

POLICY IMPLICATIONS

This policy, once endorsed by the Council, will be included in the Shire's Policy Manual and review each year.

BUDGET/FINANCIAL IMPLICATIONS

The Council should also consider whether a fee should apply to receiving an application for Heavy Vehicle permits. There is an administration costs for Council to inspect the

affected road and assess each application. Council should consider whether this cost should be passed onto the applicant under their Schedule for Fees and Charges.

Consultation with other Local Authorities show that in many cases an application fee applies to heavy vehicle permits. These fees range from \$140 to \$30 to receive and assess an application. The fee is not refundable regardless of whether the application is granted or not.

It is the officer's opinion that a fee should be charged to recover the cost of assessment and inspections.

STRATEGIC IMPLICATIONS

2008-2013 Strategic Plan – Planning for the Future

Critical Success Factor:

Establishment of sound management practices and a structure which will enable the delivery of the Strategic Plan

Action:

Review required Council services and service delivery (managerial priorities) of current and future strategic major works.

Action 102: Maintain and enhance rural roads through the Shire.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
The control of heavy vehicle movements during winter and other seasonal influences may assist to improve roadside drainage and noise impacts.
- **Economic**
The uniform management of road use by heavy vehicles will control the amount of damage and subsequent unbudgeted expenses.
The transport companies will also benefit by knowing the cost and conditions before they commence a campaign.
- **Social**
There are no known social issues for this item.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

1. **That Council endorses Policy W.11 Heavy Vehicle Permit Conditions for public consultation.**
2. **That Council request the Chief Executive Officer to report back to the Council with results of consultation on this policy with any further policy recommendations, including a recommendation regarding an application fee.**

REVISED RECOMMENDATION

That the report be referred to the forward planning committee for consideration and recommendation to council once council has the final draft of the integrated planning which it is currently working on.

Note: Officers thought that a significant change in direction had been put forward and should be considered in the light of the bigger picture perspective that will be provided once the integrated planning is completed.

COUNCIL DECISION

MOVED: Cr Oversby

SECONDED: Cr Biddle

That the report be referred to the forward planning committee for consideration and recommendation to council once council has the final draft of the integrated planning which it is currently working on.

CARRIED 7/0

Res 237/11

3.35pm – Bret Howson left the Chambers.
3.36pm – Cr Giles returned to the Chambers.
3.36pm – Cr Aird returned to the Chambers.

Deputy Shire President - Cr Moir vacated the Chair.

8.1 MANAGER – FINANCE

8.2.1 Accounts for Payment

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>9 November 2011</i>
Author:	<i>Kay Raisin – Finance Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</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 October 2011.

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 2011/12 or authorized by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Moir

SECONDED: Cr Oversby

That the payment of accounts for October 2011 as presented totalling \$292,374.38 and as represented by cheque voucher numbers 18750 – 18786 totalling \$33,796.42 and accounts paid by direct electronic payments through the Municipal Account totalling \$258,577.96 be endorsed.

CARRIED 9/0

Res 238/11

8.2.2 October 2011 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>9 November 2011</i>
Author:	<i>Kay Raisin – Finance Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Financial Reports</i>

SUMMARY

Report recommends Council receive the Balance Sheet, Operating Statement and Investment Schedule for the month ended 31 October 2011,

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

MOVED: Cr O'Hare

SECONDED: Cr Moir

That the October 2011 Monthly Statements of Financial Activity as presented, be received.

CARRIED 9/0

Res 239/11

8.2.3 Annual Report – 2010/11

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>FM/9/002</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>11 November 2010</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Draft Annual Report 2010/11</i>

SUMMARY

The purpose of this report is to present to Council the Annual Report for the year 2010/11 for acceptance.

BACKGROUND

The Local Government Act 1995 sets out the requirement for the preparation of Annual Reports and the information to be included:

- A report from the mayor or president;
- A report from the CEO;
- An overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
- The financial report for the financial year;
- Such information as may be prescribed in relation to the payments made to employees;
 - i) the number of employees of the local government entitled to an annual salary of \$100 000 or more;
 - ii) the number of employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000;
- the auditor's report for the financial year;
- a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
- such other information as may be prescribed.

Council is required to accept the Annual Report when presented with or without modification:-

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

* *Absolute Majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is

to be accepted by the local government no later than 2 months after the auditor's report becomes available.

Local Government Act 1995 Section 5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

Local Government Act 1995 Section 5.29. Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving —
 - (a) at least 14 days' local public notice; and
 - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

CONSULTATION

Shire President, Manager of Finance, Manager of Works.

STATUTORY OBLIGATIONS

Local Government Act 1995 Sections 5.53 & 5.54 Annual Report, Sections 5.27 & 5.29
Electors Meeting
Local Government (Administration) Regulations 1996 Section 19B

COMMENT

The report presented has been prepared in accordance with the past format and includes the information required in the background section of this report.

If Council accepts the annual report at this meeting it will need to agree on a date to hold the Annual General Meeting of Electors which must be prior to 12th January 2012 but not before (14) days local public notice is given.

It is recommended that Council accept the report as presented. And that the Annual Electors meeting be held in the Council Chambers 15 December 2011 commencing at 7.30pm.

POLICY IMPLICATIONS

No specific policy in relation to the Annual Report and or Annual Electors Meetings.

BUDGET/FINANCIAL IMPLICATIONS

The costs associated with producing the Annual Report and holding Annual Electors meeting are provided for in the 2011/12 budget.

STRATEGIC IMPLICATIONS

The Annual Report provides information about the Shire for 2010/11 and the plan for the future.

SUSTAINABILITY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority Item 1
Simple Majority Item 2

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Oversby

SECONDED: Cr Moir

1. That Council accepts the Annual Report as presented for the 2010/11 financial year.
2. That the Annual meeting of Electors for the year 2010/11 be held in the Council Chambers on Thursday 15th December 2011 at 7.30pm.

CARRIED 9/0

Res 240/11

NOTE

Cr Doust advised that he would be an apology for the Electors Meeting.

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Boyup Brook Hotel – Effluent Disposal Pond

Location:	<i>Reserve 23055 on Plan 3190</i>
Owner:	<i>Public Transport Authority of Western Australia (PTAWA)</i>
Lessee	<i>Lenese Pty Ltd</i>
Hotel Owner	<i>Lenese Pty Ltd</i>
Hotel Lessee/Licensee	<i>Winbar Pty Ltd (Peter Mansfield)</i>
File:	<i>AS800</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>31st October 2011</i>
Author:	<i>Wayne Jolley – Environmental Health Officer</i>
Authorizing Officer:	<i>N/A</i>
Attachments:	<i>Yes – Documented History of Hotel Effluent Disposal</i>

SUMMARY

Effluent disposal at the Boyup Brook Hotel has a long and difficult history, documented back to 1949. Its current system is an effluent pond on land leased from the Public Transport Authority of WA (PTAWA) and located on the Railway Reserve.

In October 1996, the Shire issued an Order under the Health Act for the Hotel to investigate and install a suitable alternative effluent disposal system. The Order was suspended by Council in March 1997 because Deep Sewerage was thought to be imminent. A further Order was issued in April 1998, requiring that the pond be cleared of vegetation and securely fenced. A suitable fence does not appear ever to have been installed.

The effluent pond appears to have been largely forgotten or ignored until recently, when leaks in the effluent line connecting the Hotel to the pond and clearing works around the pond have exposed the system and its deficiencies. Action needs to be taken to either re-construct the pond to a safe and satisfactory standard or find a suitable alternative system. Whatever the system, Department of Health approval will be necessary.

The drainage line from the Hotel to the effluent pond has on a number of occasions blocked with resultant effluent discharge to open ground. It presumably crosses the north running lane of Bridge Street to the medium strip and runs down towards and crosses Railway Parade to the railway reserve, through two manholes before reaching the pond. It traverses both Shire and PTAWA land but the Shire has no record of agreements between the Hotel and owners of the land in this respect, or in respect to vehicle access (for maintenance) to the PTAWA land leased by the Hotel for the purpose of effluent disposal.

Inquiries have revealed that the Water Corporation will not reconsider a town sewerage scheme in Boyup Brook for at least four years. It is therefore recommended that Council authorize a modified 1996 Order to ensure that a suitable alternative system is installed, or the effluent pond is re-constructed to an acceptable standard.

BACKGROUND

A summarized chronological history of the Hotel sewerage system derived from Shire records is as follows:

- 1949 – 1955: Wastewater problems noted at the Hotel. Health Department recommend sedimentation tank plus 2 x 30m French drains at Railway Reserve.
- 1959 – 1963: Notes made that system is variously operating satisfactory or malfunctioning.
- 1970: Information about a lagoon (effluent pond) is provided by Health Department.
- 1974: Health Department advise that French drains inoperative and that either an aerobic pond or leach drains should be provided.
- 1995 – 1996: Complaints received and investigations made in relation to the effluent pond. (Note - no record of an approval by either the Shire or the Health Department can be found, although both acknowledge that it exists). Letters are exchanged between the Shire and Hotel owners/lessees.
- 18 October 1996: Shire issue an Order under the Health Act declaring the effluent pond to be an unsuitable system and requiring investigation of alternative systems for wastewater disposal and submission of suitable design, followed by installation of the system and decommissioning of the effluent pond.
- Period following: Exchange of letters between Shire and Hotel representatives about cost of an alternative system and a town sewerage scheme.
- March 1997: Shire advised Hotel representatives that a town sewerage scheme is imminent and consequently the Order of October 1996 was suspended subject to maintenance of the pond, provision of a secure fence and connection to sewer as soon as it became available.
- Period to April 1998: Various exchanges of correspondence between the Shire and the Hotel about vegetation and fence at the pond and connecting drainage line leaks.
- April 1998: The Shire issues a Notice under the Health Act, on the Hotel, to remove vegetation from the pond and install a perimeter fence.
- Following period to August 2000: Various notes are recorded about Shire inspections, wastewater line leakages and subsequent repairs.
- February 2010: Leak in wastewater line at Bridge Street median strip.
- July 2011: PTAWA threaten to foreclose on Hotel lease of Railway Reserve because of failure of lessee to provide indemnity insurance in relation to the effluent pond. Subsequently, the requirement is met by the lessee.

After inquiries by the Shire:

- The Water Corporation advised by email on 19th July 2011, that Boyup Brook is not included in the 3-4 year priority list for infill sewerage announced by the Minister on 24th June 2011. While Boyup Brook remains on the infill Sewerage Program list of projects, no time has been set for works to commence.
- The Department of Health advised that it has no records of this case.

COMMENT

While a record of original design and approval for this effluent pond cannot be found, tacit approval is implied through acknowledgment of the facility by both the Shire and the Health Department. However, in its Notice of October 1996, the Shire also declared the pond to be an unsuitable method of disposal.

Presently, the pond is little more than a roughly rectangular hole in the ground (approximately 9m x 4m), of indeterminable depth. It lacks definition, clear, properly battered, hard surfaced banks (to withstand erosion) and it is not fenced in any way (this is contrary to relevant regulations). The level of effluent is quite high and the northern bank is breached, possibly to relieve the level of effluent while recent attempts were made to clear a blocked effluent line.

There is a long history of failure to comply with requirements to maintain the pond clear of vegetation and to provide a suitable fence (i.e. 1.8m high link-mesh with a locked gate). There has been some recent work to clear vegetation from the pond and its banks but more needs to be done to meet an acceptable standard. Several complaints have recently been made in this respect or regarding leakage from the drainage line taking effluent to the pond. These matters now need to be redressed for a long term solution.

The capacity of the pond is unknown. It is unknown whether the pond was designed as a temporary or a permanent facility and it unknown what wastewater flow rates were used. It may be that the business of the Hotel (and therefore the wastewater flow) has diminished since the 1970's when the pond appears to have been installed but that too is unknown. Whatever was originally sanctioned in terms of its capacity, only full containment (i.e. zero over flow) of effluent within the system would be acceptable today.

The actual grounds of the Hotel building (corner of Abel and Bridge Streets) almost certainly does not have the capacity to support an on-site wastewater disposal system. Without a town sewerage scheme, the Hotel must rely on the Railway Reserve (or another site) for wastewater disposal. However, there have been some advances in wastewater disposal systems since the mid 1990's, particularly in Alternative Treatment Unit (ATU) technology. Accordingly, there may be a more suitable, environmentally friendly system that can be utilized at the present location. This issue should certainly be explored.

The matter of agreements between the owners of land used for the drainage line from Hotel to effluent pond should also be resolved at this point so that there is clarity regarding:

- Responsibility for maintenance of the drainage line; and
- Legal access for maintenance of the drainage line and the pond.

The dilemma is the cost and practicability of a new system versus a refurbished pond system against the backdrop of a possible town sewerage scheme. The ideal solution is clearly connection of the Hotel to a sewerage scheme. However, present indications are that a sewerage scheme could not be contemplated in Boyup Brook before 2016 and there

is no certainty thereafter. A satisfactory long term solution therefore needs to be found in respect to wastewater disposal for the Hotel.

CONSULTATION

Discussions with:

- Hotel Licensee
- Department of Health
- Water Corporation

STATUTORY OBLIGATIONS

Health Act 1911

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

There is no known budget or financial implications

STRATEGIC IMPLICATIONS

There are no known strategic issues

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Deleterious environmental affects can arise if the effluent pond overflows into Boyup Brook.
- **Economic**
There are no known economic issues.
- **Social**
If the Hotel is unable to satisfactorily resolve this problem, it may be forced to close.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

1. That Council approve a Notice under S108 of the Health Act 1911, requiring the owners/occupiers of the Boyup Brook Hotel to:
 - Install a suitable fence around the effluent pond on Reserve 23055, within a period of 1 month [R 50(f) of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Wastes) Regulations 1974*];
 - Submit application to the Department of Health for the reconstruction of the effluent pond system within a period of 3 months and/or
 - Investigate alternative wastewater disposal systems to service the Boyup Brook Hotel at 67-68 Abel Street, Boyup Brook; and
 - Within a period of 3 months, submit a proposal, acceptable to the Department of Health, for the long term treatment and disposal of wastewater from the Boyup Brook Hotel;
 - Subject to the approval of the Department of Health, install said wastewater disposal system, within a further period of 2 months;
 - If applicable, decommission the existing effluent pond at Reserve 23055.
2. That the owners of the Boyup Brook Hotel be required to clarify rights and responsibilities in relation to the drainage line running through Shire and PTAWA land and in relation to access to the leased PTAWA land.

REVISED RECOMMENDATION

1. That Council approve a Notice under S108 of the Health Act 1911, requiring the owners/occupiers of the Boyup Brook Hotel to:
 - Install a suitable fence around the effluent pond on Reserve 23055, within a period of 1 month [R 50(f) of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Wastes) Regulations 1974*];
 - To establish and document the current liquid waste needs of the Hotel and investigate the current system of effluent and liquid waste disposal so as to demonstrate its adequacy; or
 - Submit application to the Department of Health for the reconstruction of the effluent pond system within a period of 3 months and/or
 - Investigate alternative wastewater disposal systems to service the Boyup Brook Hotel at 67-68 Abel Street, Boyup Brook; and
 - Within a period of 3 months, submit a proposal, acceptable to the Department of Health, for the long term treatment and disposal of wastewater from the Boyup Brook Hotel;
 - Subject to the approval of the Department of Health, install said wastewater disposal system, within a further period of 2 months;
 - If applicable, decommission the existing effluent pond at Reserve 23055.
2. That the owners of the Boyup Brook Hotel be required to clarify rights and responsibilities in relation to the drainage line running through Shire and PTAWA land and in relation to access to the leased PTAWA land.

NOTE

The change in recommendation was made following advice that there was some doubt that the effluent pond was still in use.

MOVED INTO COMMITTEE

MOVED: Cr Giles

SECONDED: Cr Moir

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

CARRIED 9/0

Res 241/11

MOVED OUT OF COMMITTEE

MOVED: Cr Oversby

SECONDED: Cr Kaltenrieder

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

CARRIED 9/0

Res 242/11

COUNCIL DECISION

MOVED: Cr Moir

SECONDED: Cr Doust

That Council approve a Notice under S108 of the Health Act 1911, requiring the owners/occupiers of the Boyup Brook Hotel to:

- 1. To establish and document the current liquid waste needs of the Hotel and investigate the current system of effluent and liquid waste disposal within 14 days.**
- 2. That the matter be again considered by Council at the next ordinary meeting.**

CARRIED 9/0

Res 243/11

NOTE

Council considered that the current system of effluent and liquid waste disposal should be established before any other requirements were imposed.

8.3.2 Reserve 29177 Wilga Townsite

Location:	<i>Wilga</i>
Applicant:	<i>N/A</i>
File:	<i>RES 29177</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>9 November 2011</i>
Author:	<i>Alan lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Letter from State Lands and Landgate image</i>

SUMMARY

The purpose of this report is to put before Council the suggestion that Reserve 29177 purpose be changed from "Recreation" to Water Supply" and that Council supports this and accepts power to lease.

BACKGROUND

Reserve 29177 is managed by the Shire and its current purpose is "Recreation". The Reserve comprises a proximately one third of a dam and some bushland. It is understood that the water stored in the dam is used by the Wilga community.

COMMENT

Council resolved some years ago to seek to management of the whole of the dam area in order to lease it out to a community group. The process has been restarted a number of times including twice in the past three years and as will be seen from the State Lands letter, State Lands is again writing to the Public Transport Authority (PTA) (which has management of the rail reserves) to establish if it still supports relinquishing a portion of the Reserve (the portion containing the balance of the dam) to State Lands so that it can include it into the Shire managed Reserve. It should be noted that the mechanics of having the balance of the dam transferred to the Shire managed Reserve will be in the order of 12 months once PTA agrees to set the process in motion.

In the interim it is clear that the existing purpose is not in line with its use and so it is recommended that Council agree with State Lands' suggestion that the purpose be changed to "Water Supply" and that the Shire be granted power to lease.

CONSULTATION

The author has spoken to State Land Services and Public Transport Authority officers over a protracted period of time.

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

MOVED: Cr Doust

SECONDED: Cr Oversby

That Council agree with the State Land Services proposal to change the purpose of Reserve 29177 from “Recreation” to “Water Supply” with power to lease.

CARRIED 9/0

Res 244/11

8.3.3 Boyup Brook Medical Services – Review of Fees

Location: Medical Centre Abel Street, Boyup Brook
Applicant: Shire of Boyup Brook
File: CM/42/003
Disclosure of Interest: Nil
Date: 9 November 2011
Author: Alan Lamb, Chief Executive Officer
Authorizing Officer: N/A
Attachments: Nil

SUMMARY

This report outlines the existing fees for services provided by the Boyup Brook Medical Centre, recent review of the Medicare rebates and proposes an increase in the fees.

BACKGROUND

The following fee structure was included in the 2011/12 budget:-

Service	GST Included	Amount
Consultations – Short	No	\$28.00
Consultations – Standard	No	\$52.50
Consultations – Long	No	\$82.25
Consultations – Extra Long	No	\$117.15
PATS – referral	Yes	nil
Cortisone Injection	Yes	\$29.50
Late Payment Administration fee – over 30 days	Yes	\$5.00
Late Payment Administration fee – over 60 days	Yes	\$10.00
Late Payment Administration fee – over 90 days	Yes	\$15.00
Administration fee for missed appointments (after 2 notices to patient)	Yes	\$52.50
Reports for Third Parties	Yes	\$215.25 per hour
Employment Medical	Yes	\$89.25
Hire of Consulting Rooms – Half Day	Yes	\$44.00
Hire of Consulting Rooms – Half Day with receptionist	Yes	\$55.00
Hire of Consulting Rooms – Full Day	Yes	\$88.00
Hire of Consulting Rooms – Full Day – with receptionist	Yes	\$110.00
Hire of Consulting Rooms to Visiting health Professionals from Voluntary organizations that do not levy or receive a fee for their services – Half day hire	Yes	\$25.00
Repeat Prescription fee – private patients	Yes	\$6.50
Repeat Prescription Fee – bulk billed patients	Yes	\$3.75
Repeat Prescription fee – without seeing the Doctor	Yes	\$6.50

Consistent with prior years, the fees set in the budget are reviewed after Medicare conducts its determination of rebates which it does each October/November. Note that the fees were adopted in the annual budget for 2011/12 were based on the Medicare rebate level set in November 2010.

The following schedule shows the fees, rebates and gaps (i.e. the net amount paid by patients) for each year since November 2006 and current Medicare rebate compared with the proposed revised fees:

November 2006 till 31 October 2007

Short consult	\$24.00	Medicare rebate	\$14.70	Gap	\$9.30
Standard	\$45.00	Medicare rebate	\$32.10	Gap	\$12.90
Long	\$72.00	Medicare rebate	\$60.95	Gap	\$11.05
Extended	\$97.00	Medicare rebate	\$89.75	Gap	\$7.25

1 November 2007 till 31 October 2008

Short consult	\$25.00	Medicare rebate	\$15.00	Gap	\$10.00
Standard	\$46.50	Medicare rebate	\$32.80	Gap	\$13.70
Long	\$75.00	Medicare rebate	\$62.30	Gap	\$12.70
Extended	\$101.00	Medicare rebate	\$91.70	Gap	\$9.30

1 November 2008 till 31 October 2009

Short consult	\$26.00	Medicare rebate	\$15.35	Gap	\$10.65
Standard	\$48.50	Medicare rebate	\$33.55	Gap	\$14.95
Long	\$78.50	Medicare rebate	\$63.75	Gap	\$14.75
Extended	\$105.50	Medicare rebate	\$93.80	Gap	\$11.70

1 November 2009 till 31 October 2010

Short consult	\$27.00	Medicare rebate	\$15.70	Gap	\$11.30
Standard	\$50.00	Medicare rebate	\$34.30	Gap	\$15.70
Long	\$80.50	Medicare rebate	\$65.20	Gap	\$15.30
Extended	\$108.50	Medicare rebate	\$95.95	Gap	\$12.55

1 November 2010 till 31 October 2011

Short consult	\$28.00	Medicare rebate	\$16.00	Gap	\$12.00
Standard	\$52.50	Medicare rebate	\$34.90	Gap	\$17.60
Long	\$85.25	Medicare rebate	\$67.65	Gap	\$17.60
Extended	\$117.15	Medicare rebate	\$99.55	Gap	\$17.60

COMMENT

The Chief Executive Officer has discussed this matter with the Doctor and staff at Boyup Brook Medical Practice and it is recommended that the fees be reviewed to reflect the increased costs of operating the medical centre and the revised Medicare rebates. A small increase each year is far more acceptable that a larger increase after a longer period without an adjustment. The revised Medicare rebates as from 01/11/10 are:-

	<u>Rebate</u>
Consultation – Short	\$16.00
Standard	\$34.90

Long	\$67.65
Extra Long	\$99.55

The new fee structure proposed is as follows:

Service	Amount
Consultations – Short MBS Item 3	\$29.00
Consultations – Standard MBS Item 23	\$54.50
Consultations – Long MBS Item 36	\$88.50
Consultations – Extra Long MBS Item 44	\$121.50
Cortisone Injection	\$31.00
Employment medical	\$93.00
Administration fee for missed appointments (after 2 notices to patient)	\$54.50
Reports for Third Parties	\$225.00 per hour
Hire of Consulting Rooms – Half Day	\$44.00
Hire of Consulting Rooms – Half Day – with receptionist	\$55.00
Hire of Consulting Rooms – Full Day	\$88.00
Hire of Consulting Rooms – Full Day – with receptionist	\$110.00
Hire of Consulting Rooms to Visiting health Professionals from Voluntary organizations that do not levy or receive a fee for their services – Half day hire	\$25.00
Repeat Prescription Fee private patients	\$7.50
Repeat Prescription Fee bulk bill patients	\$4.50
Repeat referral without seeing the doctor	\$7.50

The GAP after taking into consideration the revised fee schedule and Medicare rebate will be as follows:-

	GAP Increase over previous year
Consultation – Short	\$12.70 (an increase of \$0.70)
Standard	\$18.90 (an increase of \$1.30)
Long	\$19.50 (an increase of \$1.90)
Extra Long	\$19.95 (an increase of \$2.35)

CONSULTATION

Dr Mel and Boyup Brook Medical Centre staff

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.16, 6.17 and 6.19

Section 6.19- Requires a Local Government to advertise its intention to implement a fee structure that was not included in the Annual budget before it

introduces the new fee and also to advise as to the date it will apply from.

POLICY IMPLICATIONS

No specific policy that relates to this matter.

FINANCIAL IMPLICATIONS

The revised fee structure will assist in achieving the estimate increase income projected in 2010/11 Budget to be received by the Boyup Brook Medical Centre, however the level depends entirely on the number of patients attending.

STRATEGIC IMPLICATIONS

It is important to continue to provide a viable Medical Service for the community and to provide adequate resources to update the services and facilities provided.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Moir

SECONDED: Cr Aird

That the fees and charges contained in the 2011/12 Budget for the Boyup Brook Medical Centre be revised as follows, advertised and implemented from 1 December 2011:-

BOYUP BROOK MEDICAL CENTRE

Service	Amount
Consultations – Short MBS Item 3	\$29.00
Consultations – Standard MBS Item 23	\$54.50
Consultations – Long MBS Item 36	\$88.50
Consultations – Extra Long MBS Item 44	\$121.50
Cortisone Injection	\$31.00
Employment medical	\$93.00
Administration fee for missed appointments (after 2 notices to patient)	\$54.50
Reports for Third Parties	\$225.00 per hour
Hire of Consulting Rooms – Half Day	\$44.00
Hire of Consulting Rooms – Half Day – with receptionist	\$55.00
Hire of Consulting Rooms – Full Day	\$88.00
Hire of Consulting Rooms – Full Day – with receptionist	\$110.00
Hire of Consulting Rooms to Visiting health Professionals from Voluntary organizations that do not levy or receive a fee for their services – Half day hire	\$25.00
Repeat Prescription Fee private patients	\$7.50
Repeat Prescription Fee bulk bill patients	\$4.50
Repeat referral without seeing the doctor	\$7.50

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 245/11

8.3.4 Leasing of Shire assets

Location:	<i>Various</i>
Applicant:	<i>Various</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>9 November 2011</i>
Author:	<i>Alan lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>A summary of the lease arrangements and a copy of the draft agreements</i>

SUMMARY

The purpose of this report is to put before Council draft leases for review and adoption.

BACKGROUND

As directed by Council, Administration has been working on leasing Shire assets to community groups that use them. Four draft leases are now presented for Council's consideration.

The drafts (attached) have been developed in consultation with the relevant community groups and the groups are now prepared to sign their respective leases.

If Council resolves to accept the lease agreements the process is for the lawyer to draw up signing copies, the President and CEO would witness the Shire's seal and the clubs would sign in accordance with whatever their constitution provides for (probably also a seal and witnesses to the affixing). For assets on Reserves, three copies are signed and then sent to the Minister for Regional Development for approval and signing. For leases where the land is freehold, two copies are signed and then the lease is registered.

COMMENT

Councillors have been provided with a copy of draft leases for the following organisations:

- Tone Abridge Golf Club
- Boyup Brook Men's Association
- Boyup Brook Tennis Club
- Boyup Brook Art and Craft Society

It is recommended that Council adopt the lease agreements and approve the affixing of the Shire Seal.

CONSULTATION

There has been extensive consultation with each community group regarding their lease and each group is prepared to sign the draft as presented.

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**
It is expected that formalising the existing informal arrangements with community groups that use Shire assets will provide more certainty about rights and obligations, provide more security and enhance each group's planning.

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr O'Hare

SECONDED: Cr Biddle

That Council

1. **adopts the draft lease agreements as attached to the agenda for the following entities and properties:**
 - a) **Tone Bridge Golf Club – Lot 35 on Deposited Plan 195017 and Lot 337 on Deposited Plan 44352**
 - b) **Boyup Brook Men's Association – portion of Lot 336 on Diagram 11985**
 - c) **Boyup Brook Tennis Club – portion of Lot 189 on Deposited Plan 82555**
 - d) **Boyup Brook Art and Craft Society – Lots 4 and 5 on Deposited Plan 103007.**
2. **Approves the affixing of the Shire Seal on the four lease agreements.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 246/11

8.3.5 Youth Development Funding

Location:	N/A
Applicant:	N/A
File:	FM/25/026
Disclosure of Officer Interest:	None
Date:	9 November 2011
Author:	Alan lamb
Authorizing Officer:	Not applicable
Attachments:	Nil

SUMMARY

The purpose of this report is to put before Council a request for additional funding for youth activities in 2011/12.

BACKGROUND

At the time of preparing the 2011/12 budget provision was request for a level of funding that met the needs of operating the Youth Advisory Council. The new Youth Development Officer (YDO) seeks additional funding to provide holiday activities for the community's teenagers and children during school holidays.

COMMENT

Whilst there can be no doubt that the previous YDO did a magnificent job, a change in staff offers an opportunity to look a new things and there is now a broader focus. The 2011/12 budget was adequate to meet the needs of the YAC group but the additional activities and initiatives now being put forward were not envisaged at the time and so no provision was made.

Council has been briefed on the YDO's activities and directions and these include a hope that school holiday activities/excursions might be possible if Council were to provide additional funding in this area. The YDO estimates that a budget of between \$3,000 and \$5,000 per year would be sufficient to provide a program of excursions and activities.

It is recommended that Council approve an additional \$3,000 being provided in the area of "other Welfare" with the funding coming from the end of position.

CONSULTATION

The author has spoken with the YDO.

STATUTORY OBLIGATIONS

The Local Government Act provides as follows:

- 6.8. *Expenditure from municipal fund not included in annual budget*

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

- (1a) In subsection (1) —

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.
- (2) Where expenditure has been incurred by a local government —
 - (a) pursuant to subsection (1) (a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1) (c), it is to be reported to the next ordinary meeting of the council.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The current budget for the relevant area provides for expenditure of \$3,000 and income of \$2,000. The net of \$1,000 covers normal YAC type activities.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
The proposed activities should engage the community's young people and reduce the, albeit limited, incidence of antisocial activities driven by school holiday boredom.

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Oversby

SECONDED: Cr Kaltenrieder

That Council increase the funding provision in the area of Other Welfare by \$3,000 to fund activities/excursions for the community's teenagers and children during school holidays.

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 247/11

8.3.6 Caravan Purchase

Location: N/A
Applicant: N/A
File:
Disclosure of Officer Interest: None
Date: 9 November, 2011
Author: Alan lamb
Authorizing Officer: Not applicable
Attachments: Nil

SUMMARY

The purpose off this report is to put before Council a proposition to purchase a used caravan for to accommodate the newly appointed swimming pool manager.

BACKGROUND

A part of the newly appointed manager's employment arrangements are that we provide accommodation for the pool open season.

COMMENT

Based on the new managers needs at this time a caravan, for use at the caravan park, is an ideal and cost effective solution. It is estimated that a suitable used caravan could be purchased for \$30,000 or less. If maintained well it should remain serviceable and hold its value.

CONSULTATION

The author has spoken with the current pool manager and the caravan park caretaker.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council's purchasing policy applies.

BUDGET/FINANCIAL IMPLICATIONS

There is no provision in the current budget for the proposed expenditure and so an absolute majority decision is required. It is anticipated that the end of year position will be in surplus and this additional expenditure could be offset against this.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
The Town's pool is a major feature that is well used during the summer and the provision of suitable/cost effective accommodation for the new manager will aid in retention of his services.

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Oversby

SECONDED: Cr Moir

That Council approve the purchase of a suitable used caravan up to a maximum cost of \$30,000 with the funds coming from the anticipated end of year position.

CARRIED BY ABSOLUTE MAJORITY 7/2

Res 248/11

Request for Vote to be recorded

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

FOR
Cr Oversby
Cr Moir
Cr O'Hare
Cr Biddle
Cr Walker
Cr Aird
Cr Kaltenrieder

AGAINST
Cr Doust
Cr Giles

9.1 COMMITTEE REPORTS

9.1.1 Minutes of the Blackwood River Valley Marketing Association

Location:	<i>Bridgetown Shire</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>9 November 2011</i>
Author:	<i>N/A</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND:

A Blackwood River Valley Marketing Association meeting was held on 11 October 2011.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.1

MOVED: Cr Kaltendrieder

SECONDED: Cr O'Hare

That the minutes of the Blackwood River Valley Marketing Association meeting was held on 11 October 2011 be received.

CARRIED 9/0

Res 249/11

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

MOVED: Cr Doust

SECONDED: Cr Biddle

That Council consider late item 10.1.1.

CARRIED 9/0

Res 250/11

10.1.1 Council Meeting Dates for 2012

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Not Applicable</i>
File:	<i>N/A</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>14 November 2011</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>N/A</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council proposed meeting times and dates for the Ordinary Council meetings for the 2012 year.

BACKGROUND

At the Chief Executive Officer's review last year it was recommended that regular Council briefing sessions be conducted before Ordinary Council Meetings.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY OBLIGATIONS

The following sections of the Local Government Act have relevance:

5.3. Ordinary and Special Council Meetings

- 1) A council is to hold ordinary meetings and may hold special meetings.
- 2) Ordinary meetings are to be held not more than 3 months apart.
- 3) If a council fails to meet as required by subsection (2) the Chief Executive Officer is to notify the Minister of that failure.

5.4. Calling Council Meetings

An ordinary or a special meeting of a council is to be held –

- (a) if called for by either-
 - (i) the mayor or president; or
 - (ii) at least 1/3 of the councillors;in a notice to the Chief Executive Officer setting out the date and purpose of the proposed meeting; or

- (b) if so decided by the council

5.5. Convening Council Meetings

- (1) The Chief Executive Officer is to convene an ordinary meeting by giving each Council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The Chief Executive Officer is to convene a special meeting by giving each Council member notice, before the meeting, of the date, time, place and purpose of the meeting.

The Local Government (Administration) Regulations provide:

12. Public notice of Council or Committee Meetings – s. 5.25(1)(g)

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the Chief Executive Officer's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the Chief Executive Officer's opinion, is practicable.

The Local Government Act provides that local public notice is 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 once occasion; and
 - (b) exhibited under subsection (1) (b) and (c) for a reasonable time, being not less than –
 - (i) the time prescribed for the purpose of this paragraph; or
 - (ii) if no time is prescribed, 7 days.

POLICY IMPLICATIONS

Council Policy

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

MOVED INTO COMMITTEE

MOVED: Cr Giles

SECONDED: Cr Walker

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

CARRIED 9/0

Res 251/11

MOVED OUT OF COMMITTEE

MOVED: Cr Kaltenrieder

SECONDED: Cr Overby

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

CARRIED 9/0

Res 252/11

11 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

Nil

12 CLOSURE OF MEETING

There being no further business the President announced that there would be a Forward Planning Committee Meeting held in the Council Chambers Wednesday 23rd November commencing at 7pm for the purpose of dealing with the Country Local Government Fund to make recommendations to Council, and to review matters to be included in the community survey that the consultants are to conduct as part of the strategic plan development. The President thanked all for their attendance and declared the meeting closed at 5.20pm