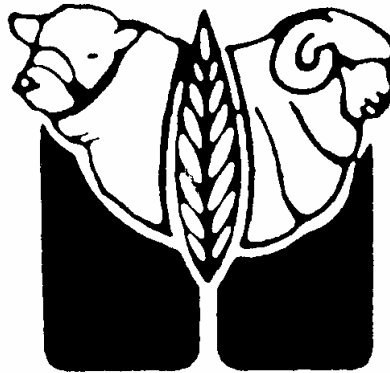


MINUTES



ORDINARY MEETING

HELD ON

THURSDAY, 21 OCTOBER 2004

AT

SHIRE OF BOYUP BROOK
ABEL STREET – BOYUP BROOK
COMMENCEMENT AT 3.30PM

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Suspension of Standing Orders

MOVED: Cr Downing

SECONDED: Cr Oversby

That the Order of Business for the Council Meeting, being Clause 5 of Standing Orders, Local Law No 1 be suspended.

CARRIED: 8/0

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

1.1 Attendance

Cr Terry Ginnane – Shire President
Cr J Mondy
Cr N Blackburn
Cr S Broadhurst
Cr R Downing
Cr P Marshall
Cr T Oversby
Cr S Purse

Mr W Pearce – Chief Executive Officer
Mr K Jones – Manager of Finance and Administration

1.2 Apologies

Cr K Moir

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

4.1 Cr Broadhurst – BRVMA

The entrance signs into the Blackwood Valley region are required to be up by the end of the month. "Experience Nature's Treasure" is the suggested slogan.

The signs will be placed at Moodiarup (Darkan) and on the Kojonup and Donnybrook Roads coming into Boyup Brook.

The 'Inland Loop' brochure is still being developed.

4.2 Cr Marshall – Community Foundation

A meeting was held on the 12th October and was not well attended. The concept is still progressing by a steering group nominated from amongst the attendees.

The group has also accessed the constitution of the W A Foundation.

Funding of activities is restrictive due to tax implications for example sporting facilities which is a priority for country towns which always needs community support.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 Minutes of the Ordinary Meeting of the Council held on 16 September 2004.

MOVED: Cr Oversby

SECONDED: Cr Downing

That the minutes of the previous Ordinary Meeting of the Council held on 16 September 2004 be confirmed as an accurate record.

CARRIED 8/0

6 PRESIDENTIAL COMMUNICATIONS

6.1 Rural Health Conference

A Rural Health Conference is being held in York on Friday 12th and Saturday 13th November 2004. The Chief Executive Officer is attending on behalf of the Council.

7 REPORTS OF OFFICERS AND COMMITTEES

7.1 WORKS AND SERVICES

MOVED: Cr Downing

SECONDED: Cr Purse

That the Council go into a committee to allow members free discussion on the matter.

CARRIED 8/0

MOVED: Cr Oversby

SECONDED: Cr Broadhurst

That the Council close committee.

CARRIED 8/0

7.1.1 Abel Street Median - Streetlighting

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>Abel Street – Boyup Brook</i>
<i>Reporting Officer:</i>	<i>John Eddy</i>
<i>Date Report Written:</i>	<i>14 October 2004</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>PA/46/001</i>
<i>Appendices:</i>	<i>1.1 – Quote</i>

BACKGROUND:

At the August 2004 meeting of the Council the Chief Executive Officer was directed to authorize the Manager of Works and Services to pursue vigorously the Aerial Bundling of power lines in the Abel Street median strip together with a costing on lighting the carriageway from the central power poles.

The main purpose of the investigation is to remove the existing light poles.

On 23 August the Manger of Works and Services requested a design and quotation from Western Power for the above works.

DETAILS:

Further to an on site meeting with Cr Marshall and the Manager of Works and Services, Western Power have forwarded a quotation and design (see appendix 1.1) for the proposed works covered by the quotation is as follows:-

- Removal of aerial mains as noted on the design drawing
- Remove all existing poles
- Install new poles to suit ABC installation
- Replace existing overhead aerial conductors with ABC conductors
- Install eight new 150w MV lights

The Shire of Boyup Brook is responsible for all traffic management throughout the project.

COMMENT:

The Manager of Works and Services is currently waiting on advice from Main Roads WA with regard to:-

- Illumination standards for main roads pavements in townsites.
- Requirements for the provision of a streetlighting design.
- Main Roads WA contribution to the installation of streetlight on main roads.

The Chief Executive Officer is also negotiating with the South West Development Commission seeking a contribution of 50% towards cost of the streetlighting and installation of ABC conductors.

As the possible reduction in costs for streetlighting project is unable to be factored in to the overall costs at this point of time it is recommended that the Council approve by an absolute majority:-

- 1 expending twenty three thousand one hundred and twelve dollars (\$23,112.00) on the following works to the Abel Street median as quoted by Western Power-
 - Replace overhead aerials with ABC conductor
 - Remove existing streetlights and fit eight (8) new 150w Mercury Vapour lights to new ABC poles.
2. funding these works by Western Power from the commercial reserve.

MOVED: Cr Marshall

SECONDED: Cr Broadhurst

That the Council approve by an absolute majority:-

1. **expending up to twenty three thousand one hundred and twelve dollars (\$23,112.00) on the following works to the Abel Street median as quoted by Western Power and in accordance with Main Roads WA standards-**
 - **Replace overhead aerials with ABC conductor**
 - **Remove existing streetlights and fit eight (8) new 150w Mercury Vapour lights to new ABC poles;**
2. **funding of these works shall be from the commercial reserve;**
3. **the Chief Executive Officer is delegated authority to seek funding towards the works from MRWA, Western Power and SW Development Commission.**

CARRIED 7/1

7.2 DEVELOPMENT AND COMMUNITY SERVICES

MOVED: Cr Downing

SECONDED: Cr Broadhurst

That the Council go into a committee to allow members free discussion on the matter.

CARRIED 8/0

MOVED: Cr Purse

SECONDED: Cr Downing

That the Council close committee.

CARRIED 8/0

7.2.1 Lot 5 Nelson Location 1695 Brown Seymour Road, Boyup Brook – Planning Application for a Bed & Breakfast and Farm Chalets

Proponent: LDF Joint Venture
Location: Lot 5 Brown Seymour Road, Boyup Brook
Reporting Officer: Will Pearce
Date Report Written: 05 October 2004
Enabling Legislation: Town Planning Scheme No 2
File: AS9620
Appendices: 1.2 - Correspondence & plans

BACKGROUND:

The proponent is seeking to establish a Bed & Breakfast and Farm Chalets on Lot 5 Nelson Location 1695 Brown Seymour Road, Boyup Brook.

The proponent has forwarded all of the relevant details to support the application as required by the Shire's Town Planning Scheme No 2 (the 'Scheme').

Floor, site and elevation plans and additional information are provided – see attachments.

The Council at its 16 September 2004 meeting resolved:-

'That the Chief Executive Officer advertises the planning application for a proposed Bed & Breakfast and eight (8) Farm Chalets to be located at Lot 5 Nelson Location 1695 Brown Seymour Road, Boyup Brook, by causing the following to take place in accordance with the Town Planning Scheme:-

- 1. notice being served on owners and occupiers likely to be affected by the granting of planning approval,*
- 2. notification to be published in a newspaper circulating within the Scheme area'.*

As the advertising closes on the 15 October 2004, it is now requested to determine the proposal so as not to delay the project unnecessarily.

Should any further submissions be received after the 11 October Development Services Committee meeting, the Council as a whole will be able to consider them at its 21 October ordinary meeting.

DETAIL:

Lot 5 Brown Seymour Road, Boyup Brook is a vacant property with a gross area of 40.49 hectares zoned "Rural".

It is proposed to construct a new residential building incorporating 'bed and breakfast (B &B)' accommodation and 8 stand alone farm chalets.

The Council interprets 'farm chalets' as 'holiday cottages' under the Scheme which ... *"means a detached dwelling on one lot for holiday purposes, which may not be occupied by the same tenant for a continuous period of more than four months."*

The Scheme states that 'holiday cottages' are an "SA" use, being a use that... *"is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 3.5"*, in the "Rural" zone.

The Council's 'Bed and Breakfast' policy states, in part:-

'A Bed and Breakfast accommodation will be classified as a "home occupation" as prescribed in the Town Planning Scheme and shall be defined as an existing dwelling whereby the owner/occupier of an existing dwelling offers short-stay accommodation to the travelling public.

A short-term basis means that the accommodation may not be occupied by the same tenant/s for a continuous period of more than 4 months, or more than 4 months in a 12 month period.

A maximum of 6 guests shall occupy the premises at any one time dependent upon the maximum number of bedrooms approved by the Council.

Locations/Zones

Bed and Breakfast accommodation may only be located in the residential, urban, special rural or rural zones with the Council's approval.

Bed and Breakfast accommodation is a land use not listed in the Scheme. The Council in classifying this type of accommodation as a 'home occupation' deems such use to be an "SA" use under the scheme which is defined as 'a use that is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 3.5.

Thompson McRobert Edgeloe, Council's town planning consultant, was requested to make professional comment on the proposal:-

"Further to your request Thompson McRobert Edgeloe is pleased to provide you with the following discussion regarding the planning issues that impact upon the above proposed application:

Council Scheme

The application appears not to substantially conflict with the broad objectives for the Rural zone. This is because the section of the property that is intended to be developed is not actively used for farming purposes.

Strategic Planning

As indicted previously we do not have a copy of the draft local planning strategy and cannot comment on this. The main issue is for Council to form a view on the development of tourist development along the Blackwood Valley as a natural feature of the Shire. This issue is being addressed in other Shires and also in the Region Plan / Regional Rural Strategy. I have included reference to these below.

Warren Blackwood Rural Strategy:

The subject lot is contained within the Planning Unit BR3 – Tweed. Major issues that impact this unit and have relevance to the subject land include:

- *Protection and Conservation of the Blackwood River riparian zone.*
- *Conflicting land uses and developments and ad hoc subdivisions restricting productions potential of agricultural land.*

There is some allowance for low key tourist developments with the agriculture zone, however consideration needs to be given to the management of conflicting land uses in order to minimize restrictions on adjoining productive agricultural uses.

Bridgetown Local Strategy (as a guide):

This strategy contains a section specific to the Blackwood River. Relevant policies include:

- No new buildings shall be constructed within 30 metres of the boundary of the river or adjoining foreshore/reserve.
- No development will be permitted on land identified as "Flood Risk Land".
- For non-residential/rural development (e.g. tourist development) Council may impose restrictions on the planting of vegetation on order to retain important views and vistas of the Blackwood River from tourist drives.
- A Fire Management Plan and Weed Management Plan will be required for the subject land.
- The landowner and all future landowners shall enter into a legal agreement with the Council to ensure the specific conditions are adhered to. A caveat, recognizing this agreement is to be lodged on each certificate of title.

The above policies should be considered when assessing the proposed application.

Policy No. DC 3.7 – Fire Planning

A major issue with the application is fire management and this has not been addressed in the proposal.

Policy No. DC 3.7 seeks to ensure adequate fire protection for new subdivisions and related developments by proper strategic land use planning, good subdivisional layout and development criteria which ensure that least possible exposure to damage by fire and the best possible response should fire occur.

With the sloping land to the river and only one access point combined with the areas of remnant vegetation, the site appears to have a significant fire management issue. The application needs to address this issue.

As indicated Council can legitimately ask for information on how the application would meet the criteria and objectives of the Policy. It is clear even from a cursory look that the application would have trouble meeting the performance objectives of the Policy.

The main issue is having only a single access point with the sloping land from the river corridor.

It is difficult to determine from the site plan but it also appears that the chalets are within 100 meters of the bushland areas. It is normal for chalet developments wanting to take advantage of such locations, but they also need to be designed to acknowledge the fire risk. This can be done by a variety of measures including low fuel zones; improved construction methods and provision of fire fighting equipment.

It is strongly recommended that Council should consult with its Chief Bush Fire Control Officer regarding the application and request as a condition of approval that a Fire Management Plan be prepared.

Road Upgrading

Council is entitled to request a contribution to the upgrading of Brown Seymour Road if this is required. Such upgrading has been the subject of previous policies of Council and do not need further discussion here.

River Corridor

While the application addresses the flood issue it is unclear where the property boundary is located. Depending on the location of the title boundary for the subject lot, the proponent may need to implement a Foreshore reserve and/or a Foreshore Management Plan, to address development along the Blackwood River.

In relation to waste water disposal, the proposal states that no chalet or development will be located closer than 50m to the river reserve. Council should consider taking the 50 meter

boundary from flood prone land (i.e. from the 100 year flood line) in accordance with the policies of the Water and Rivers Commission.

Rezoning

The proposed application is for planning approval. Under other Town Planning Scheme – the development of chalets and a bed and breakfast facility would be defined as Holiday Accommodation. There is no restriction within the Scheme on the number of chalets that can be approved.

There is a general presumption in various documents, strategies and scheme that a rezoning is required. Generally this is when more than four chalets are proposed. The purpose of this is to provide a more detailed examination of the development by government agencies.

There is no reason for Council to require this if it is satisfied with the level of detail and the need or otherwise to refer the application to agencies for comment.”

COMMENT:

The Council's existing 'Bed and Breakfast' and 'Farm Chalets' policies address minimum amenity and facilities standards in regards to no. of bedrooms, kitchen, laundry, internal fire protection, water, parking and so forth and require compliance prior to a building license being issued.

The Manager of Works and Services advises that the Brown Seymour Road is in good condition and able to sustain extra traffic generated by the development.

Such a large scale project demands that extra protections are in place for the benefit of the property itself and surrounding properties. These have been identified in the following recommendation.

Should the project become reality, it will undoubtedly provide much needed higher quality accommodation for our district.

It is suggested that the Council approve the planning application for a Bed and Breakfast and eight (8) Farm Chalets to be located at Lot 5 Nelson Location 1695 Brown Seymour Road, Boyup Brook as presented, subject to the following conditions:-

1. the proponent complies with Town Planning Scheme No 2;
2. two car parking spaces being provided for each chalet and constructed, properly drained and sealed to the satisfaction of the Manager of Works and Services;
3. access being approved by the Manager of Works and Services and crossovers constructed to the Council's design specifications and levels;
4. all stormwater run off from impervious services being disposed of to the satisfaction of the manager of Works and Services;
5. the provision of a Aerobic Treatment Units for waste water and effluent disposal system in compliance with the Health Department of Western Australia's regulations and policies;
6. the buildings comply with the Building Code of Australia;
7. the proposal complies with the Council's "Farm Chalet" and 'Bed and Breakfast' policies;
8. compliance with the Department of Environment's 'Floodplain Management Strategy' for the proposal dated 28/07/04;

9. a Fire Management Plan to the satisfaction of the Chief Bushfire Control Officer will be required for the subject land;
10. a Weed Management Plan will be required for the subject land;
11. the landowner and all future landowners shall enter into a legal agreement with the Council to ensure the specific conditions are adhered to. A caveat, recognizing this agreement is to be lodged on each certificate of title.

The Development Services Committee considered this issue at its meeting held on 11 October 2004 and concurred with the Chief Executive Officer's recommendation.

MOVED: Cr Mondy

SECONDED: Cr Purse

That the Council approve the planning application for a Bed and Breakfast and eight (8) Farm Chalets to be located at Lot 5 Nelson Location 1695 Brown Seymour Road, Boyup Brook as presented, subject to the following conditions:-

1. **the proponent complies with Town Planning Scheme No 2;**
2. **two car parking spaces being provided for each chalet and constructed and properly drained to the satisfaction of the Manager of Works and Services;**
3. **access being approved by the Manager of Works and Services and crossovers constructed to the Council's design specifications and levels;**
4. **all stormwater run off from impervious services being disposed of to the satisfaction of the Manager of Works and Services;**
5. **the provision of a Aerobic Treatment Units for waste water and effluent disposal system in compliance with the Health Department of Western Australia's regulations and policies;**
6. **the buildings comply with the Building Code of Australia;**
7. **the proposal complies with the Council's "Farm Chalet" and 'Bed and Breakfast' policies;**
8. **compliance with the Department of Environment's 'Floodplain Management Strategy' for the proposal dated 28/07/04;**
9. **a Fire Management Plan to the satisfaction of the Chief Bushfire Control Officer will be required for the subject land;**
10. **a Weed Management Plan will be required for the subject land;**
11. **the landowner and all future landowners shall enter into a legal agreement with the Council to ensure the specific conditions are adhered to. A caveat, recognizing this agreement is to be lodged on each certificate of title.**

CARRIED 8/0

7.2.2 Lot 798 Fern Valley Road, Boyup Brook – Planning Application for a Plant Nursery

Proponent: J Florey & B Campbell (Coastwide WA Pty Ltd)
Location: Lot 798 Fern Valley Road, Boyup Brook
Reporting Officer: Will Pearce
Date Report Written: 05 October 2004
Enabling Legislation: Town Planning Scheme No 2
File: AS7086
Appendices: 1.3 - Correspondence & plan

BACKGROUND:

The proponent is seeking to establish a “Plant Nursery” on Lot 798 Terry Road, Boyup Brook.

The proponent has forwarded general details and a plan to support the application as required by the Shire’s Town Planning Scheme No 2 (the ‘Scheme’) – see attached.

DETAIL:

The proponent wishes to establish a “Plant Nursery” on the subject property currently zoned “Rural” with a total area of 26ha.

It is proposed to locate a 6.0 x 9.0m shed with a shade house and outdoor plant storage area.

“Plant Nursery” is defined under the Shire’s Town Planning Scheme No 2 as...*“land or a building or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden decor”* which is permitted at the discretion of the Council (“AA” use).

General requirements under the Scheme include setbacks of 10m from all boundaries plus -

- Carparking – the applicant does not indicate any carparking areas, however, the Scheme would require that one space for every 100m² would be required. In this case five (5) spaces would suffice. The Scheme also provides for construction standards of parking areas.
- Landscaping – The Scheme states that *“landscaping shall be undertaken and maintained to the Council’s satisfaction for all development unless, at the option of the Council such landscaping is considered unnecessary”*. It is considered unnecessary to enforce this provision.
- Vehicle Crossover – compliance with the Council’s “Crossover” policy will be required.
- Access – to be located to the satisfaction of the Manager of Works and Services.

COMMENT:

As there is no Council policy to provide guidance on such a development, this proposal is required to be treated on its merits.

The provision of water, toilet and waste water services has not been indicated on the submitted plan. However, the proponent will be required to provide these services under Health Department and Building Code requirements.

The overall impact of the proposal would seem to be minimal on the surrounding rural properties.

It is suggested that the Council approves the planning application for a "Plant Nursery" at Lot 798 Fern Valley Road, Boyup Brook, subject to the following conditions:-

1. compliance with the Town Planning Scheme No 2;
2. a minimum of five (5) carparking spaces being provided and constructed, property drained and sealed to the satisfaction of the Manager of Works and Services;
3. access being located to the satisfaction of the Manager of Works and Services, with the crossovers being constructed to the Council's design specifications and levels;
4. all storm water run off from impervious surfaces being disposed of to the satisfaction of the Manager of Works and Services;
5. the provision of an adequate water supply and waste water and effluent disposal system in compliance with the Health Department of Western Australia regulations and policies;
6. the buildings comply with the Building Code of Australia.

The Development Services Committee considered this issue at its meeting held on 11 October 2004 and concurred with the Chief Executive Officer's recommendation.

MOVED: Cr Mondy

SECONDED: Cr Blackburn

That the Council approves a planning application for a Plant Nursery to operate from Lot 798 Fern Valley Road, Boyup Brook, subject to the following conditions:-

1. **compliance with the Town Planning Scheme No 2;**
2. **a minimum of five (5) carparking spaces being provided and constructed and properly drained to the satisfaction of the Manager of Works and Services;**
3. **access being located to the satisfaction of the Manager of Works and Services, with the crossovers being constructed to the Council's design specifications and levels;**
4. **all storm water run off from impervious surfaces being disposed of to the satisfaction of the Manager of Works and Services;**
5. **the provision of an adequate water supply and waste water and effluent disposal system in compliance with the Health Department of Western Australia regulations and policies;**
6. **the buildings comply with the Building Code of Australia.**

CARRIED 8/0

7.2.3 Economic Development Committee Minutes – 06 October 2004

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>11 October 2004</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>GO/37/005</i>

BACKGROUND:

An Economic Development Committee meeting was held on 06 October 2004.

Minutes of the meetings are laid on the table and circulated (refer to appendix 1.4).

MOVED: Cr Mondy

SECONDED: Cr Blackburn

That the minutes of the Economic Development Committee meeting held on the 06 October 2004, be received.

CARRIED 8/0

MOVED: Cr Mondy

SECONDED: Cr Blackburn

That the Council go into a committee to allow members free discussion on the matter.

CARRIED 8/0

MOVED: Cr Mondy

SECONDED: Cr Oversby

That the Council close committee.

CARRIED 8/0

MOVED: Cr Mondy

SECONDED: Cr Purse

That item 7.2.2 clause 3 of the Council's 15 April 2004 meeting relating to the rezoning to 'Commercial' of a new shire owned lot, created due to the road realignment at the corner of Banks and Donnybrook – Boyup Brook Roads, be deferred to allow further investigation on the site to take place.

CARRIED 8/0

MOVED: Cr Mondy

SECONDED: Cr Purse

That the 'Expressions of Interest' be invited for the development of the new lot created at the corner of Banks and Donnybrook – Boyup Brook Roads by:-

- a) placing a sign on the property;
- b) advertising in the 'Business Opportunities' of a Saturday edition of 'The West Australian';
- c) informing fuel companies.

CARRIED 8/0

Cr Mondy departed the Chambers, the time being 4.30pm.

7.2.4 Townscape Advisory Committee Minutes – 22 September 2004

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: John Eddy
Date Report Written: 13 October 2004
Enabling Legislation: Local Government Act 1995
File: PA/37/001
Appendices: 1.5 - Minutes

BACKGROUND:

A Townscape Advisory Committee meeting was held on 22 September 2004.

Minutes of the meeting are laid on the table and circulated (refer to appendix 1.5).

Cr Mondy returned to the Chambers, the time being 4.31pm.

MOVED: Cr Broadhurst

SECONDED: Cr Downing

That the:-

- 1. minutes of the Townscape Advisory Committee held on the 22 September 2004, be received;**
- 2. Townscape Committee seek sponsorship for the ten carriageway trees being the second stage of the Abel Street beautification project.**

CARRIED 8/0

7.2.5 Youth Advisory Committee Minutes

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Keith Jones
Date Report Written: 13 October 2004
Enabling Legislation: Local Government Act 1995
File: IM/37/004
Appendices: 1.6 - Minutes

BACKGROUND:

A Meeting of the Youth Advisory Committee was held on the 28 September 2004.

Minutes of the meetings are laid on the table and circulated (refer to appendix 1.6).

MOVED: Cr Mondy

SECONDED: Cr Oversby

That the minutes of the Youth Advisory Committee on 28 September 2004, be received.

CARRIED 8/0

7.2.6 Recreation & Leisure Advisory Committee Minutes

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Keith Jones
Date Report Written: 15 October 2004
Enabling Legislation: Local Government Act 1995
File: RE/37/001
Appendices: 1.7 Minutes

BACKGROUND:

A Meeting of the Recreation & Leisure Advisory Committee was held on the 14 October 2004.

Minutes of the meetings are laid on the table and circulated (refer to appendix 1.7).

MOVED: Cr Mondy

SECONDED: Cr Purse

That the minutes of the Recreation & Leisure Advisory Committee held on 14 October 2004, be received.

CARRIED 8/0

7.3 CORPORATE SERVICES

7.3.1 Donation Request – Country Music Club

Proponent: Country Music Club
Location: -
Reporting Officer: Will Pearce
Date Report Written: 08 October 2004
Enabling Legislation: Local Government Act 1995
File: FM/25/008
Appendices: -

BACKGROUND:

The Country Music Club of Boyup Brook has recently written to the Council requesting financial support.

DETAIL:

The Country Music Club as written as follows:-

‘As you are all well aware the Country Music Club has initiated with Mead Transport to provide a mural on the sides of their taut liner which travels to Perth 2-3 times per week We all saw this as a wonderful opportunity to promote Boyup Brook in the best possible way and it was requested that the following motion be sent to council.

Motion

“That this Council contribute \$1000 to support the Boyup Brook Country Music Club proposal for the promotion, recognition and advertising of our district by way of a mural and sponsor logo on a Taut Liner cover on Meads Transport Trailer”

Reasons:

1. *No monetary gain to Meads.*
2. *Up to 5 years promotion for our Shire & district*
3. *Trailer travels to Perth and return 2-3 times per week*
4. *Makes sense to invest in advertising our district*
 - a) *when Business Incentive Program supports new/existing businesses in our town*
 - b) *home buyers Housing Incentive Policy encourages new residents.*
5. *Continued promotion for tourists/future residents is AWARENESS*
6. *Events organised by Harvey Dickson’s Country Music Centre and Boyup Brook Country Music Club attract some 8,000 -10,000 people during the year with an injection of some \$400,000 to our community.*
7. *More people encourages the better survival of local businesses.*
8. *Boyup Brook advertises itself as the Country Music Capital of WA – but better still is that Boyup Brook has the opportunity to share the best -kept secret in the South West.’*

COMMENT:

The Council’s ‘Donations’ policy normally requires groups to apply for funds in March and April annually for consideration during the budget process.

No funds are presently allocated for extraordinary donation requests. The Council may wish to nominate a budget area for example ‘Advertising’, ‘Economic Development’ or the ‘Commercial’ reserve from which to access funds if it wishes to support the club.

Due to funds not having been budgeted, it is suggested that the Council declines the request from the club for financial support.

MOVED: Cr Downing

SECONDED: Cr Purse

That the Council approves the expenditure of \$1,000 from advertising funds as a contribution towards the proposed mural being placed on a Mead’s Transport vehicle.

CARRIED 8/0

7.3.2 Register of Sealed Documents

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>08 October 2004</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>CM/51/001</i>
<i>Appendices:</i>	<i>-</i>

BACKGROUND:

The documents referred to in the recommendation have been sealed since the 19 August 2004 Council Meeting.

MOVED: Cr Purse

SECONDED: Cr Blackburn

That the following documents sealed since 19 August 2004 Ordinary Council meeting be noted:-

DATE PARTICULARS

30/09/04 Authority to Use Traffic Signs and Devices at Roadworks – New Instrument of Authorisation

CARRIED 8/0

7.3.3 Strategic & Finance Occasional Committee

Proponent: *Shire of Boyup Brook*
Location: *-*
Reporting Officer: *Will Pearce*
Date Report Written: *11 October 2004*
Enabling Legislation: *Local Government Act 1995*
File: *GR/31/002*
Appendices: *1.8 - Minutes*

BACKGROUND:

A meeting of the Strategic and Finance Occasional Committee was held on 07 October 2004.

Minutes of the meeting is laid on the table and circulated (refer to appendix 1.8).

COMMENT

In relation to the CEO's employment contract, the Council is advised of the following conditions-

"2.1 Term

Subject to the terms and conditions of this Agreement the Council shall employ the Officer as the Chief Executive Officer, for the term of 3 years, commencing on 23 April 2002 and expiring on 22 April 2005 with a further 2 year option.

2.2 Extension of Term

There is no compulsion on either the Council or the Officer to agree to an extension of the Term, however:

- (a) the Council shall invite the Officer in writing not later than six (6) months prior to the expiry of the Term to discuss the possibility of the parties entering into a new agreement for a further term with the intent of finalising those discussions not later than three (3) months prior to the expiry of the Term; and
- (b) in the event that the Council and the Officer agree to an extension of the Term, this Agreement shall continue to apply unless varied in writing by the parties."

The Council is requested to consider writing to the CEO as per clause 2.2 (a). It may also wish to consider the forum in which these discussions will be held.

The employment contract and recent performance review of the Manager of Finance and Administration will be raised verbally by the CEO.

A confidential recommendation from the committee has been submitted separately.

MOVED: Cr Downing

SECONDED: Cr Oversby

That the minutes of the Strategic and Finance Occasional Committee held on 07 October 2004 be received.

CARRIED 8/0

MOVED: Cr Downing

SECONDED: Cr Mondy

That in accordance with Section 5.23 (2) (c) of the Local government Act 1995 the next part of the meeting be closed to members of the public to allow the Council to consider a matter relating to a contract entered into, or which may be entered into, and the Council go into committee to allow members free discussion on the matter, the time being 4.40pm.

CARRIED 8/0

The Manager of Administration and Finance departed the Chambers, the time being 4.40pm.

The Chief Executive Officer departed the Chambers, the time being 4.46pm.

MOVED: Cr Mondy

SECONDED: Cr Purse

In accordance with Section 5.23 the next part of the meeting is open to the members of the public, the time being 4.50pm.

CARRIED 8/0

The Chief Executive Officer returned to the Chambers, the time being 4.56pm.

MOVED: Cr Purse

SECONDED: Cr Mondy

That the Chief Executive Officer's salary, currently \$70,000, under clause 5.1 of the CEO's employment contract increase to \$75,000 backdated to 15 July 2004.

CARRIED 8/0

MOVED: Cr Downing

SECONDED: Cr Broadhurst

The Council writes to the Chief Executive Officer to negotiate the extension of the employment contract with the Strategic and Finance Occasional Committee.

CARRIED 8/0

MOVED: Cr Oversby

SECONDED: Cr Blackburn

That in accordance with Section 5.23 (2) (c) of the Local government Act 1995 the next part of the meeting be closed to members of the public to allow the Council to consider a matter relating to a contract entered into, or which may be entered into, and the Council go into committee to allow members free discussion on the matter, the time being 5.25pm.

CARRIED 8/0

MOVED: Cr Purse

SECONDED: Cr Mondy

In accordance with Section 5.23 the next part of the meeting is open to the members of the public, the time being 5.40pm.

CARRIED 8/0

MOVED: Cr Mondy

SECONDED: Cr Purse

That the Manager of Finance and Administration's salary, currently \$50,000, under clause 5.2 of the MFA's employment contract increase to \$55,000 backdated to 1 July 2004.

CARRIED 8/0

The Manager of Administration and Finance returned to the Chambers, the time being 5.41pm.

7.3.4 Warren Blackwood Economic Alliance Minutes – 24 August & 28 September 2004

<i>Proponent:</i>	<i>Warren Blackwood Economic Alliance</i>
<i>Location:</i>	-
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>07 October 2004</i>
<i>Enabling Legislation:</i>	-
<i>File:</i>	<i>GR/31/006</i>
<i>Appendices:</i>	<i>1.9 - Minutes</i>

BACKGROUND:

Meetings of the Warren Blackwood Economic Alliance were held on 24 August and 28 September 2004.

Minutes of the meetings are laid on the table and circulated (refer to appendix 1.9).

MOVED: Cr Mondy

SECONDED: Cr Broadhurst

That the minutes of the Warren Blackwood Economic Alliance held on 24 August and 28 September 2004 be received.

CARRIED 8/0

7.3.5 Lot 10 (13#) Upper Blackwood Road – Request for Shire to Sell

<i>Proponent:</i>	<i>Western Districts Realty</i>
<i>Location:</i>	<i>Lot 13 (#7) Upper Blackwood Road, Dinninup</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>13 October 2004</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>IM/20/005</i>
<i>Appendices:</i>	<i>1.10 - Plan</i>

BACKGROUND:

Western Districts Realty wishes to sell shire owned lot 13 in Dinninup on behalf of the Council.

DETAIL:

The lot is 1012m2 and located in the townsite. Please see location plan – appendix 1.10.

The Western Districts Realty correspondence reads:-

'Would you be so kind as to ask the Councillors if they would be interested in listing for sale, 13 Upper Blackwood Road in Dinninup?

We have listed both the Gladwell and Walton blocks located at either side of 13 Upper Blackwood Road and feel it would appeal to some buyers to have more acreage available to buy.

If you would consider this sale option, we could discuss valuations. I believe the Shire was hoping to sell them for \$2,000 when first put up for action. The Walton block is on the market for \$4,000 but we haven't had any interest up to this date.

Thank you for the opportunity to sell your block if successful with this request.'

COMMENT:

This lot would appear to be of little value to the shire.

Compliance with section 3.58 of the Local Government Act 1995 and regulation 30 of the Local Government (Functions and General) Regulations in relation to disposing of property can be delegated to the CEO.

It is suggested that the Council makes lot available for sale through Western Districts Realty.

MOVED: Cr Purse

SECONDED: Cr Oversby

That the Council delegates authority to the Chief Executive Officer to:-

- 1 dispose of lot 13 Upper Blackwood Road, Dinninup in compliance with section 3.58 of the Local Government Act 1995 and regulation 30 of the Local Government (Functions and General) Regulations;**
- 2 engage Western Districts Realty to sell the lot.**

CARRIED 8/0

7.3.6 Accounts for Payment and Financial Status

*Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Keith Jones
Date Report Written: 14 September 2004
Enabling Legislation: Local Government Act 1995
File: FM/10/003
Appendices: 1.10 - Payments*

BACKGROUND:

Monthly report is presented for consideration.

DETAIL:

The accounts for payment up to 30 September 2004 are attached.

The payments made directly through the Municipal Account are as follows:-

Salaries for the month of September 2004	\$	61311.08
Lease of Photocopier	\$	415.06
Lease of Roller	\$	1,197.61
Internet Access Fee	\$	40.00
FlexiRent Computer	\$	2088.00
Rent MFA	\$	160.00
A Hales –Contractor	\$	1848.00

The Account Balances for the various accounts as at 30 September 2004 are as follows:-

Municipal Account	\$	144,015.43
Shire Clerk Advance	\$	2,701.59
Shire Medical Account	\$	53,743.10
Trust Account	\$	34,808.00

Investments secured 2 October 2004 with the Commonwealth Bank maturing 2 November 2004 are as follows:-

Reserves Account Term Deposit	\$	661,276.73	@5.12%
Investment	\$	603,006.04	@5.12%

As at 14 October the following amount of rates were outstanding:-

Boyup Brook Ward	\$	133892.25
Benjinup Ward	\$	97285.44
Dinninup Ward	\$	75334.43
Scotts Brook Ward	\$	52015.21

TOTAL \$ 358527.33

Sundry Debtors at 14 October 2004 \$ 89876.50

Sundry Creditors at 14 October 2004 \$ NIL

MOVED: Cr Downing

SECONDED: Cr Blackburn

That the accounts as:-

- 1 presented totalling \$219012.69 voucher numbers for payment; 12461-12463,12470, 12546-12547, 12549, 12551-12557, 12559-12567, 12570-12652, 1851-1853, 1855-1859, 1748-1749;**
- 2 paid by direct payments through the Municipal Account, the Chief Executive Officer's Advance Account and Trust,**

be endorsed for payment.

CARRIED 8/0

8 PETITIONS AND MEMORIALS

Nil

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

10.1 Electors Meeting

MOVED: Cr Mondy

SECONDED: Cr Oversby

That the Annual Electors Meeting be held on the 7th December 2004 at 7.00pm.

CARRIED 8/0

11 CLOSURE OF MEETING

There being no further business the Chairman declared the meeting closed at 5.46pm.

These Minutes and Schedule of Accounts were confirmed by the Council at the Council Meeting held on the 18 November 2004.

Cr Terry Ginnane, Shire President