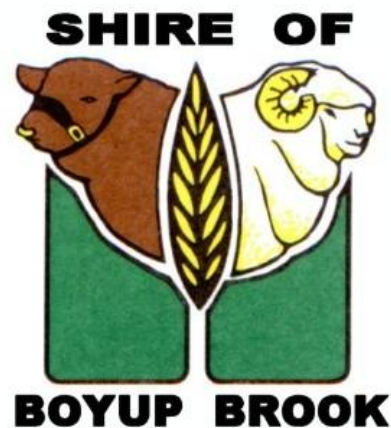


MINUTES



ORDINARY MEETING

held

THURSDAY 20 FEBRUARY 2014
Commenced AT 5.00PM

AT

SHIRE OF BOYUP BROOK
CHAMBERS
ABEL STREET - BOYUP BROOK

TABLE OF CONTENTS

1	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED	3
1.1	Attendance.....	3
1.3	Leave of Absence.....	3
2	PUBLIC QUESTION TIME.....	3
2.1	Response to Previous Public Questions Taken on Notice	3
2.2	Public Question Time.....	3
3	APPLICATIONS FOR LEAVE OF ABSENCE	4
4	PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS	4
4.1	Petition - Rylington Park Institute of Agriculture	5
4.2	Report on Annual Awards Committee	6
5	CONFIRMATION OF MINUTES	6
6	PRESIDENTIAL COMMUNICATIONS	6
7	COUNCILLORS QUESTIONS ON NOTICE.....	6
8	REPORTS OF OFFICERS	10
8.1	MANAGER WORKS & SERVICES	10
8.1.1	Weights Room	10
8.2	FINANCE	12
8.2.1	List of Accounts Paid	12
8.2.2	Monthly Statements of Financial Activity	14
8.3.1	Plantation Application McAlinden Road.....	16
8.3.2	New staff house/ renovations to 5 Rogers Ave.....	26
8.3.3	Bushfire Risk Management Plans – Pilot Program	31
8.3.4	Boyup Brook Swimming Pool – Heated Multi Purpose Therapeutic Pool Committee.....	34
8.3.5	South West Regional Blueprint - Draft.....	43
8.3.6	Townsite Committee - membership	45
9	COMMITTEE REPORTS.....	48
9.1.1	Minutes of the Blackwood River Valley Marketing Association.....	48
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	49
10.1	Notice of Motion from Cr Walker.....	49
10.2-4	Notice of Motion from Cr Biddle	50
11	URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT	58
12	CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS	58
13	CLOSURE OF MEETING.....	58

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

1.1 Attendance

Cr M Giles – Shire President
Cr G Aird – Deputy Shire President
Cr E Biddle
Cr J Imrie
Cr P Kaltenrieder
Cr K Moir
Cr T Oversby
Cr R Walker

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr Rob Staniforth-Smith (Manager of Works & Services)
Mrs Maria Lane (Executive Assistant)

PUBLIC: Sue White
Betty Watters
Carol Lander
Lesley Meeking
Maureen Piper
Elizabeth Marshall
Barbara Treloar
Marjorie Shone
Sharon Winter
Lynne Schreurs

Apologies

Nil

1.3 Leave of Absence

Cr O'Hare

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time Question

Sharon Winter asked Council what plans have been put in place whilst Dr Mel is away on annual leave.

Answer

The Shire President advised that the Shire Council's Medical Centre would operate as usual with Dr Geyer in attendance. That GP services were provided at the Hospital under a service agreement between Dr Mel and the Health Department. Dr Mel had advised the Department of his leave more than a year ago. That he, in his capacity as Shire President, was drawn into the matter in mid 2013. The President then advised the meeting of the arrangements that the Health Department had advised it had in place.

General Discussion

The President allowed general discussion on the matter.

Betty Watters, Carol Lander, Lesley Meeking, Maureen Piper, Elizabeth Marshall
Barbara Treloar, Marjorie Shone, Sharon Winter and Lynne Schreurs left at
5.45pm

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Aird attended the Shire of Boyup Brook's annual Australia Day celebrations on 26th January 2013 at the Music Park

Cr Aird attended the Country Music Festival, thanked all the sponsors and volunteers for their efforts.

Cr Oversby attended the Blackwood River Valley Marketing Association meeting and informed Council that the organization is seeking a donation of \$500 per Shire.

Cr Oversby informed Council a new President has commenced at the Upper Blackwood Agricultural Society.

PETITIONS

Standing orders provide as follows:

9. PETITIONS

9.1 Petitions and Memorials - Petitions to be in Writing

Any petition to be submitted to the Council shall be in writing or typewritten, and be authenticated by the signature of the member of the Council presenting it.

9.2 Presentation of Petitions

A member of the Council presenting a petition shall be limited to a statement of the parties from whom it comes, of the number of the signatures attached to it, the material issues contained in it, and to the reading of the prayer.

9.3 Responsibility of Member Presenting Petition

It shall be incumbent on a member of the Council presenting a petition to be familiar with the nature and contents of the petition, and to ascertain that it does not contain language disrespectful to the Council.

9.4 Procedure of Petitions

The only question which shall be considered by the Council on the presentation of any petition shall be:

- (a) That the petition shall be accepted; or*
- (b) That the petition not be accepted; or*
- (c) That the petition be accepted and referred to a committee for consideration and report; or*
- (d) That the petition be accepted and be dealt with by the full Council.*

4.1 Petition - Rylington Park Institute of Agriculture

Councillor Aird (Deputy President) presented the petition signed by 234 persons and read the prayer as follows:

To secure ownership of Rylington Park for the people of Boyup Brook and to prevent losing it in the event of a forced Shire amalgamation in the future, I agree with the following proposal put forward by the Rylington Park Committee of Management.

That the property be transferred from the Shire of Boyup Brook to a trust administered by the Committee of Management.

RECOMMENDATION

In accordance with Standing orders the recommendation is:

That Council accepts the petition and refers it to the Audit and Finance Committee for consideration and report.

Chief Executive Officer's note

In discussion with the Rylington Park Management Committee Chairman it was noted that there may well be a number of options to future proof Rylington Park (a goal of both Council and the Committee). That the first step might be to brief a lawyer to look at restrictions that Council might be able to place on the title, and the like, to achieve the aim. The recommendation that the matter be passed to the Audit and Finance Committee was that funding would have to be set aside for the associated legal fees and this committee would be dealing with the budget review and other such matters.

The plan was that the Shire President, Rylington Park Management Committee Chairman, Councillor Aird (as Council's representative on the Management Committee) and Councillor Walker, as a member of the Audit and Finance Committee, meet with the CEO in the Shire offices for a phone hook up with the Lawyer to set out the objectives and consider any options that she may put forward as avenues for her to look further (essentially to give instructions).

COUNCIL DECISION

MOVED: Cr Walker

SECONDED: Cr Biddle

That Council accepts the petition and refers it to the Audit and Finance Committee for consideration and report.

Carried 8/0

Res 01/14

4.2 Report on Annual Awards Committee
--

Cr Biddle provided the attached report.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 12 December 2013

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Biddle

SECONDED: Cr Oversby

That the minutes of the Ordinary Meeting of Council held on Thursday 12 December, 2013 be confirmed as an accurate record.

Carried 8/0

Res 02/14

6 PRESIDENTIAL COMMUNICATIONS

The Shire President thanked Cr Aird, Cr Biddle and Daly Winter for helping out with the Australia Day celebrations on 26th January 2013.

7 COUNCILLORS QUESTIONS ON NOTICE

Standing Orders provide as follows:

7. QUESTIONS

7.1 Questions of Which Due Notice Has to be Given

7.1.1 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.

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

7.2 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 Councillor Biddle
Councillor Biddle lodged the following:

QUESTIONS ON NOTICE for February, 2014 Meeting of Boyup Brook Shire Council

Notice given to Community

Does Council have guidelines about the notice required to be given to the community when offering the opportunity to provide opinion or other input on issues?

Annual Electors' meeting

The Shire website indicates that the Annual Report was placed on it on December 19, the day of the annual electors' meeting

By what other means were residents made aware of this meeting and given access to the Annual Report?

Agenda Item Heated Lap Pool June, 2013 Minutes item 10.1.1

- Does the manner in which the report was made accessible to ratepayers , and the time that was given for comment (the motion passed by Council at its June meeting, and later clarified in response to the President's question, required that this occur) indicate the manner in which "consultation" will be treated in future?
- How many responded to the chance to comment on the report, and what was the tenor of most Comments ?
- Why was Council not made aware of the comments, as was required by resolution 97/13 passed by Council?

Shire Website

- What arrangements are in place to ensure that the website is kept up-to-date?

NOTE

Answers provided by the Chief Executive Officer

QUESTION

Notice given to Community

Does Council have guidelines about the notice required to be given to the community when offering the opportunity to provide opinion or other input on issues?

ANSWER

The Local Government Act, and other pieces of legislation that the Shire Council operates under, sets out when notice is required to be given and the form of the notice. Council's Advertising Policy is as follows:

POLICY NO.	A.7
POLICY SUBJECT	<i>Advertising – Statutory and General</i>
ADOPTION DATE	17 June 2004
VARIATION DATE	

Objective

To specify the procedures for the placement of advertising.

Statement

It is the policy of Council that Local Public Notice advertisements are to be placed in the Boyup Gazette.

Statewide Public Notice advertisements are to be placed in the West Australian Newspaper.

The Chief Executive Officer is empowered to approve Council advertisements being placed in other periodicals if considered appropriate.

QUESTION

Annual Electors' meeting

The Shire website indicates that the Annual Report was placed on it on December 19, the day of the annual electors' meeting

By what other means were residents made aware of this meeting and given access to the Annual Report?

ANSWER

Advertisement went into the Manjimup Bridgetown Times on 4th December 2013.

Notice of the meeting was displayed on the Shire notice board and also was displayed at Boyup Brook IGA.

The Community Resource Centre was emailed about the meeting and asked if they could put the notice into the next Boyup Brook Gazette e-dition.

QUESTION

Agenda Item Heated Lap Pool June, 2013 Minutes item 10.1.1

- Does the manner in which the report was made accessible to ratepayers, and the time that was given for comment (the motion passed by Council at its June meeting and later clarified in response to the President's question, required that this occur) indicate the manner in which "consultation" will be treated in future?
- How many responded to the chance to comment on the report, and what was the tenor of most comments?

- Why was Council not made aware of the comments, as was required by resolution 97/13 passed by Council?

ANSWER

The position is that Council passed the following motion in June 2013:

That the CEO be directed to clarify exactly what's being requested by the HMTLP committee, and then to provide a report to the December, 2013 meeting of Council in which:

- ☐ ***information on alternative configurations and methods of heating is provided***
- ☐ ***cost estimates of the capital and operational costs of each are stated***
- ☐ ***possible methods of funding are explored and provided***

That the report be made available to ratepayers.

That ratepayers are given an opportunity to express their opinion on the matter before Council deals any further with it.

As noted in the question, the matter of the intended sequence of events was raised at a subsequent meeting of Council and the clear explanation was that the report should go to Council in December and all other aspects of the resolution would follow after that.

The report in the December 2013 Council agenda contained all of the requested information, the agenda was made available to the community in the usual manner. Council resolved at that meeting as follows:

That the Heated Multi Purpose Therapeutic Pool Committee may build and operate a facility but Council will not contribute toward the up front or ongoing costs.

It is not possible for an officer of the Council to predict how may deal with matters in the future. I am not aware of any comments on the report being received in this office prior to the December 2014 meeting of Council.

The third dot point is answered by the foregoing.

QUESTION

Shire Website

- What arrangements are in place to ensure that the website is kept up-to-date?

ANSWER

An officer is tasked with responsibility for the web site.

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

8.1.1 Weights Room

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Interest:	Nil
Date:	11 th of January, 2014
Author:	R Staniforth-Smith, Manager of Works and Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Appendices:	Map and photos

SUMMARY

The purpose of this report is to advise Council of the intention to make the “weights room” safe and to seek Council endorsement for this.

BACKGROUND

The location within the recreation ground (see map) started off as a canteen and then remained empty until a “weight training” club fitted it out as a weights room. The current building that houses the weights room was constructed at a similar time as the change rooms, toilets and football grandstand.

The “Weights Room” poses the following problems to Council:

1. The building is in poor condition and requires considerable maintenance to bring it up to an acceptable standard (see photos)
2. No incorporated club will take ownership for the “weights club” and as such should anyone hurt themselves in it, liability will fall back onto Council.
3. The weights themselves have not been maintained and would require considerable inspection and maintenance to ensure that they are fit for use.
4. The use of free weights and weight machines should be closely monitored especially for juvenile bodies to prevent injury to the users. This is not being done in a controlled manner.
5. The building is broken into regularly so that individuals can gain access to the weights. This in its self is dangerous as people climb in and out of the shuttered openings
6. The location attracts individuals who have placed graffiti on the door and left alcohol bottles inside and around the building.

COMMENT

The uncontrolled use of this Shire owned building along with the weights it houses, is a liability to the Shire both with regards to building maintenance and personal injury to the users.

The intention is to:

1. removal and store of all of the weights from the “weights room” located at the Recreation Centre.
2. secure the building and place signage indicating that weights have been removed

Council has funded a planning exercise for the sporting area in the current budget and this project is underway. This plan will include all of the facilities that might be required in a sporting area, including a gym facility.

CONSULTATION

Alan Lamb, CEO

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil, Budget Planning – outcome may affect 2014-2015 budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.1

MOVED: Cr Biddle

SECONDED: Cr Walker

That Council endorse the planned actions to make the ‘weights room’ at the Boyup Brook Sporting Complex safe.

Carried 8/0

Res 03/14

8.2 FINANCE

8.2.1 List of Accounts Paid

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>12 February 2014</i>
Author:	<i>Carolyn Mallett – Finance Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – List of Accounts Paid</i>

SUMMARY

In accordance with the Local Government (Financial Management) Regulations the list of accounts paid is presented to Council.

BACKGROUND

Invoices received for the supply of goods and services, salaries and wages and the like have been paid during the period

COMMENT

The attached listing represents accounts paid by cheque and by electronic means during the period 30 November 2013 to 10 February 2014.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, Regulations 12 and 13 apply and are as follows:

12. Payments from municipal fund or trust fund

- (1) A payment may only be made from the municipal fund or the trust fund —*
 - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
 - (b) otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

13. Lists of accounts

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
 - (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee's name;*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction;**and*
 - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under sub regulation (1) or (2) is to be —*
 - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

POLICY IMPLICATIONS

Council's Authority to Make Payments Policy has application.

BUDGET/FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2013/14 or authorised by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.1

MOVED: Cr Kaltenrieder

SECONDED: Cr Imrie

That the list of accounts paid in December 2013 and January 2014 as presented totalling \$909,174.19 and as represented by cheque voucher numbers 19426-19486 totalling \$89,498.61 and accounts paid by direct electronic payments through the Municipal Account totalling \$819,675.58 be received.

CARRIED 8/0

Res 04/14

8.2.2 Monthly Statements of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	12 February 2014
Author:	Consultant–Darren Long
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Financial Reports

SUMMARY

Report recommends Council receive the Statement of Financial Activities and the Net Current Assets for the month ended 31 December 2013 and 31 January 2014.

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 reports. Details of items of Material Variances are also listed.

The various data are included as separate attachments.

COMMENT

It is a statutory requirement that the Financial Activities Report be presented for every month.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, s34 (1) (a)

Local Government (Financial Management) Regulations 1996, s34 (2) (a) (b)

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As listed on the attached reports

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.2

MOVED: Cr Oversby

SECONDED: Cr Aird

(a) That the December 2013 and January 2014 Monthly Statements of Financial Activity and Statement of Net Current Assets as presented, be received.

(b) That the amounts listed as material variances be authorised.

Carried 8/0

Res 05/14

CHIEF EXECUTIVE OFFICER

Impartiality Interest

The Shire President declared an impartiality interest in the following item due to working in the Timber Industry.

8.3.1 Plantation Application McAlinden Road
--

Location: *Lot 12 and 13 McAlinden Road.*

Applicant: *Forest Products Commission*

File:

Disclosure of Officer Interest:

Date: *12 February 2014*

Author: *Geoffrey Lush (Council Consultant)*

Authorizing Officer: *A Lamb*

Attachments: *1 Location Plan*
2 Development Plan
3 Water Provisions

SUMMARY

This report is to consider an application from the Forest Products Commission to develop a pine plantation on Lots 12 and 13 DP62082 McAlinden Road.

The plantation will have an area of 156 hectares.

The surrounding area has been previously developed with plantations and the development of the subject land is supported.

The subject land is owned by Stephen Phillip Harley.

BACKGROUND

The subject land comprises of Lots 12 and 13 on DP62082 with a combined area of 200 hectares. The site is located approximately 40 kilometres northwest of Boyup Brook via Donnybrook-Boyup Brook Road and McAlinden Road as shown in Attachment 1.

The land was recently subdivided (WAPC Ref 138000) with the access road being constructed. This road extends for approximately 400m from McAlinden Road.

The owner is offering the property for sale and the Forest Products Commission (FPC) through the agency of Landcorp is interested in acquiring the property to assist in maintaining its softwood (pine) estate. If successful the FPC would propose to develop approximately 156 ha for the purpose of timber production.

The proposed Development Plan is contained as Attachment 2. The proposal is to develop approximately 156 ha of the site as a pine plantation with a stocking rate of 1333 seedlings per ha (being a spacing of 3m X 2.5m).

The subject land is predominantly cleared with some isolated patches of remnant vegetation. The adjoining land uses include other plantations, farmland and National Park.

An Operations Plan and draft fire management plan have been submitted with the application.

CONSULTATION

- Applicant
- Manager of Works

STATUTORY OBLIGATIONS

Town Planning Scheme

The subject land is zoned 'Rural' in Town Planning Scheme No 2. A 'plantation' is an AA use in the Rural zone.

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

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

Clause 5.8 of the Scheme specifically relates to Plantations and states that:-

In addition to those requirements detailed in Clause 3.4 of the Scheme, Council shall, when considering Plantations in the 'Rural' zone, require the submission of a fire management plan and a plantation management plan prior to determining the application. In addition to those other matters contained in Clause 5.2, Council shall, in considering applications for 'Plantations' have regard to, the requirements established in Council's Tree Plantations Policy and generally require compliance with the following:

- i) The Code of Practice for Timber Plantations in Western Australia;
- ii) Firebreak Order 1997/1998 (or subsequent variations thereof); and
- iii) the Lower Great Southern Plantation Fire Advisory Committees Guidelines for Plantation Fire Protection (Draft May 1997) or subsequent versions thereof.

Scheme Review (Amendment No 15)

Council has adopted the following revision of Clause 5.18 in the Scheme Review which is presently with the WAPC pending final approval.

In addition to those other matters contained in Clause 5.2, Council shall, in considering applications for 'Plantations' have regard to:

- i) The Code of Practice for Timber Plantations in Western Australia;
- ii) Council's Firebreak Order; and
- iii) FESA's Guidelines for Plantation Fire Protection.

COMMENT

There is no objection to the application subject to addressing the following issues.

The Code of Practice for Timber Plantations in Western Australia

The application has been prepared and submitted on the basis of compliance with these Guidelines.

Council's Firebreak Order

The Firebreak Order requires:

- A 15 metre boundary firebreak;
- A 6 metre firebreak between compartments which are less than 30 hectares; and
- A 10 metre firebreak between compartments which are greater than 30 hectares.

It is unclear from the development plan as to whether there is a 15m wide firebreak on the boundary between Lots 12 and 13.

DFES's Guidelines for Plantation Fire Protection.

The applicant has submitted a draft fire management plan. This still needs to be assessed against the DFES's 2011 Guidelines for Plantation Fire Protection.

The application notes that the FPC has a Memorandum of Understanding in place with DPaW in relation to the suppression of wildfires in state owned plantations. DPaW retain significant suppression resources at the nearby Collie and Kirup work centres including heavy and light tankers (fast attack units). No specific fire equipment will be provided on or near the subject land.

In relation to fire management the Strategy also recognizes the 2011 DFES Guidelines for Plantation Fire Protection recommend that 50,000 litres of water must be permanently available for initial use during fire response and this should be located within a five kilometres or a 20 minute turnaround from the plantation. The full provisions for water supplies are contained as Attachment 3.

The previous Guidelines recommended the provision of the following equipment for plantations:

- For plantations less than 100 ha – one fast attack unit. A Fast Attack appliance is a 1 tonne 4x4 vehicle carrying a minimum of 450 litres of water.
- For plantations between 100 and 1000 ha – one 2.4 medium duty appliance. A Medium Duty appliance is a 4x4 vehicle carrying 2000 litres of water; and
- For plantations greater than 1000 ha – one 3.4 heavy duty appliance. A Heavy Duty appliance is a 4x4 vehicle carrying 3000 litres of water.

The 2011 version of the Guidelines has deleted this provision and simply states that this is to recognize the FIFWAs "Fire Season Requirements" document. This document has not been provided or examined.

Access Road

The access road to the subject land is an existing road reserve. This was required to be constructed as part of the subdivision of the land under WAPC Approval Ref 138000. Council has not taken control of the road as it is:

- Still fenced and gated to restrict public access; and
- Still subject to the 12 month maintenance period and bond.

Should the plantation be developed before the end of the maintenance period, the landowner/subdivider is responsible for the maintenance of the road.

POLICY IMPLICATIONS

Council Policy WO7 on “Road Contribution” subsection “Harvesting of Plantations” states that the following statement shall be a development condition of approval:-

“Entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage of roads under the Shire’s control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation”.

The Council will resolve specific road traffic and safety issues relating to individual plantations following the submission of harvesting plans.

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.1

MOVED: Cr Moir

SECONDED: Cr Walker

A) That Council approve the use and development of Lots 12 and 13 DP62082 McAlinden Road, as a plantation subject to the following conditions:-

- 1 The development hereby approved shall occur generally in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Council.**
- 2 The development shall comply with the terms and conditions of the 2006 FIFWA Code of Practice for Timber plantations, as amended from time to time, includes providing the Shire with a Harvesting Management Plan, two years prior to harvesting commencing, for Shire consideration and approval.**
- 3 Prior to development commencing, a fire management plan shall be submitted and approved by Council. This shall be prepared in accordance with the Department of Fire and Emergency Services' 2011 Guidelines for Plantation Fire Protection.**
- 4 The development shall comply with the Shire of Boyup Brook Firebreak Order as it relates to plantations.**
- 5 The applicant shall enter into an agreement with the Shire providing for the reimbursement of costs from the repair of damage to roads under the Shire's control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation. The use of any roads for harvesting and product transport to be determined prior to harvesting commencing and approved by the Shire of Boyup Brook.**
- 6 This approval shall expire if the development hereby permitted is not completed within thirty two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.**

ADVICE NOTES

- (i) It is a requirement of the Planning and Development Act 2005, that you comply with the terms and conditions both of this approval and the provisions and requirements of the Shire of Boyup Brook Town Planning Scheme No. 2 as amended or replaced from time to time. Failure to do so constitutes an offence under that Act; rendering the person responsible liable to prosecution and the penalties prescribed under that Act.
- (ii) Part 14 of the Planning & Development Act 2005 provides the right to apply to the State Administrative Tribunal for review of some planning decisions and you may wish to take professional advice to determine whether or not such a right exists in the present instance. The State Administrative Tribunal Rules 2004 require that any such applications for review be lodged with the Tribunal within 28 days of the date on which notice of the decision is given.
- B) That the applicant and landowner be advised that the access road to the subject is still subject to a 12 month maintenance period as part of the clearance of subdivision approval (WAPC Ref 138000). Any damage done during this period is the responsibility of the landowner to repair.
- C) That the fire management plan needs to:

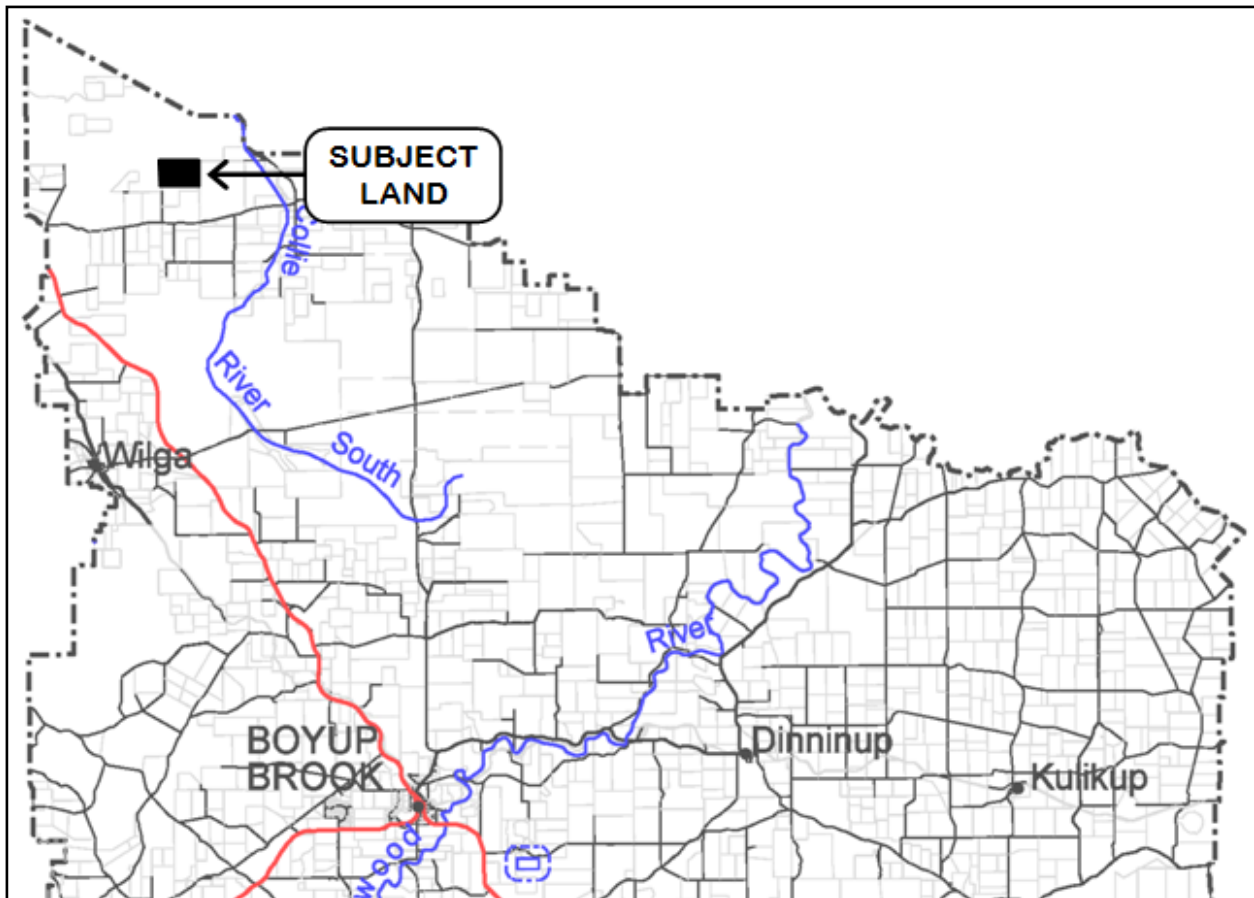
 - Clearly reference the provisions of the 2011 DFES Guidelines for Plantation Fire Protection including water supplies; and
 - Confirm the proposed firebreaks on the boundary between Lots 12 and 13.

Carried 8/0

Res 06/14

Attachment 1

Location Plan



Attachment 2
Development Plan



Attachment 3

Plantation Fire Guidelines Water Supply

- 50,000 litres of water must be permanently available for initial use during fire response.
- The water supply must meet the needs of the plantation and will be referred to as a strategic water supply.
- The strategic water supply options must be a secured source for the duration of the plantation.
- The capacity and location of the strategic water supply must be commensurate with the size of the plantation; larger plantations may require several water points to be made available.
- The strategic water supply should be no further than five kilometres or a 20 minute turnaround from the plantation, whichever is most efficient.
- Where no suitable water is available on a plantation an agreement with adjoining neighbours to establish a joint strategic water supply may be needed. A written formal agreement is necessary in such circumstances between the owner/manager/occupier.
- Where water availability is limited plantation managers must have mobile water supply or other arrangements in place during the bushfire season.
- Suitable fittings must be available for all hydrant or standpipe water supplies.
- Quick fill water pumps should be considered to minimise turnaround times, ensure water suction challenges are overcome and safe separation distances are maintained during refilling.
- There must be suitable access during the relevant bushfire season maintained with a hard stand and turnaround area at all water supplies.
- Water supply facilities must be designed and constructed so that heavy duty fire fighting equipment is able to access the supply.
- All water supplies are to be marked on a plantation map and signposted in the field, the standard marking of a blue 'W' in a blue circle with a white background or the word 'water' written in blue on a white background is required.
- Landowners and plantation managers are encouraged to consider special access issues if they are planning to use other means of fire suppression such as helicopters or fixed wing water bombers.

8.3.2	New staff house/ renovations to 5 Rogers Ave
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Location:	<i>5 Rogers Avenue Boyup Brook</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13 February 2014</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Landgate image of a portion of Boyup Brook</i>

SUMMARY

The purpose of this report is to report back in relation to the resolution to carry out maintenance and improvements to 5 Rogers Avenue and put forward an alternative for consideration. The recommendation is that Council opt for building a new house.

BACKGROUND

As reported to Council in December 2013, the Shire house at 5 Rogers Avenue is in need of a fair bit of maintenance and some improvements to make it more suitable. This house is assigned to the Shire's Doctor.

In December Council resolved as follows:

That Council approve the unbudgeted expenditure of \$90,000 to carry out maintenance and some improvements to 5 Rogers Avenue Boyup Brook.

During a site inspection prior to arranging for works to be done, it was assessed that the works planned may well cost far more than the estimated \$90,000. The position was re-evaluated and the decision taken to come back to Council with an alternative for its consideration.

COMMENT

There is no doubt that the house needs some work done to it but spending in the region of \$100,000 would not increase its value to any great extent. It was felt that Council should be given the option of building a new house and so the option was looked at.

Council owns the vacant lot at 16 Knapp Street and so this was evaluated as an option. The lot is fairly flat; it has 2 street frontages and is located directly opposite St Mary's. Knapp Street is used by large vehicles and so can be noisy at times. Unfortunately the lot appears to have a storm water drain running from part way along the Rogers Avenue frontage through to the Knapp Street frontage. This would greatly limit the design options unless the drain was relocated (or it could be encased), and then it is still not the best lot due to the traffic. If this lot was not used for the Doctors house, it may be worth looking at what could be done with the drain and then looking to build a duplex unit to make the most of the two street frontages. It is estimated that a very nice Doctors house could be built on this lot for in the region of \$400,000

The adjoining lot is far from being level but fronts Rogers Avenue and so may be a better option. It would have to be purchased and the ball park figure for this is \$100,000. Coupled with a quality house, required earthworks fencing, gardens fixtures and fittings the build cost would be in the order of \$400,000, making a total project cost of \$500,000. This is a high cost but perhaps not a bad investment.

In looking at this option naturally funding was considered. Council has a loan that it took out for the purchase of land for development (\$400,000). Council could take advantage of the budget process to change the purpose of this loan and use the funds for a new house. Alternatively Council could make use of the low interest rates (they have been at or around 5.5% for a 20 year loan for some time now).

The 5 Rogers Avenue house should be worth in the region of \$350,000 and could be sold once the new house is built, with the funds going into the Commercial Reserve fund, or the like, to bolster the reserves. Whilst it would cost the Council a lot to do this house up, a private owner, doing some of the work, should achieve very good results with far less costs.

If Council were to agree to the new house option, the plan was to do immediately required works at 5 Rogers Ave, amounting to \$15,000. These works would make the place more presentable for sale and are needed now.

It should be noted that new staff housing was in the first draft of the long term planning but was dropped as part of the trimming process before it got to Council. On reflection this was perhaps not sound management on our part as it was recognised that we should be looking at a new house sometime in the first ten years of the plan.

It is appreciated that staff housing is rarely seen as a high priority but at the same time it would make the life of our Doctor better and a new house going up in town tends to stimulate other activity.

If Council were to agree to the new house option the plan was to more fully evaluate 16 Knapp Street to see what could be done with the drain, the options for having the house front Rogers Avenue (the preferred option), with sound screening to Knapp Street and what house design options there were given restrictions of the lot, prevailing winds, orientation to the sun in winter, and the like.

This work would be done over the next few months, and if it showed there were too many down sides to that option, the plan was to then evaluate the adjoining lot in a similar way. The costs for this lot would be far greater due to the need to purchase and the site works, and this would require a more modest construction as a cost offset. It is thought that a ceiling of \$500,000 should apply and that the aim be to get the best house possible for \$400,000 or less (which appears to favour using the Shire owned lot).

The results our work would be presented as part of the budget process.

It is important to get a commitment from Council now with the finer details being left for the budget process. The recommendation is that Council opt for building a new house in 2014/15 using the loan funds in hand and then selling 5 Rogers Avenue to rebuild reserves.

CONSULTATION

The matter has been before Council previously and the matter was discussed with the Doctor and other staff.

STATUTORY OBLIGATIONS

Standing orders provide that:

16.20 Revoking Decisions - When This Can Occur

16.20.1 A substantive motion may be revoked at any time provided that no action in relation to the resolution being rescinded has already occurred;

16.20.2 If a decision has been made at a Council or a committee meeting then any motion to revoke or change the decision must be supported-

(a) in the case where an attempt to revoke or change the decision has been made within the previous three months but had failed, by an absolute majority; or

(b) in any other case, by at least one third of the number of offices (whether vacant or not) of members of the Council or committee,

inclusive of the mover.

16.20.3 If a decision has been made at a Council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made

- (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
- (b) in any other case, by an absolute majority.

16.20.4 This clause does not apply to the change to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

It is recommended that Council revoke resolution 187/13, the decision has not been actioned other than staff and a contractor undertaking an inspection and evaluating the position.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

In the budget review, conducted based on the December statements, administration allowed \$15,000 to do works on 5 Rogers Avenue and did not include the agreed to \$90,000 of expenditure. This was based on economic considerations and discussions with the Doctor. Previously it was the case that the Doctor was more than happy to stay in the house he has occupied for ten years, but faced with the high costs of making it more liveable he now favours the new build if that was an option.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION – Item 8.3.2

1. That Council revoke resolution 187/13 as follows:
That Council approve the unbudgeted expenditure of \$90,000 to carry out maintenance and some improvements to 5 Rogers Avenue Boyup Brook.
2. That Council commit to building a new house for the Doctor in 2014/15 with a budget of \$400,000.

COUNCIL DECISION

MOVED: Cr Oversby

SECONDED: Cr Kaltenrieder

1. That Council revoke resolution 187/13 as follows:
That Council approve the unbudgeted expenditure of \$90,000 to carry out maintenance and some improvements to 5 Rogers Avenue Boyup Brook.
2. That Council commit to building a new house for the Doctor in 2014/15 with a budget of \$400,000.

MOVED INTO COMMITTEE

MOVED: Cr Oversby

SECONDED: Cr Imrie

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

CARRIED 7/1

Res 07/14

MOVED OUT OF COMMITTEE

MOVED: Cr Oversby

SECONDED: Cr Moir

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

CARRIED 8/0

Res 08/14

Amendment

MOVED: Cr Giles

SECONDED: Cr Kaltenrieder

That the following point be added:

3. The immediate works to the value of \$15,000 be carried out on 5 Rogers Avenue.

Carried 8/0

Res 9/14

Amendment

MOVED: Cr Walker

SECONDED: Cr Imrie

That point 2 be amended to read as follows:

That Council commit to building a new house for the Doctor in 2014/15 and that the matter be referred to the Audit and Finance Committee for a financing strategy.

Carried 5/3

Res 10/14

Council Decision

MOVED: Cr Walker

SECONDED: Cr Imrie

1. That Council revoke resolution 187/13 as follows:
That Council approve the unbudgeted expenditure of \$90,000 to carry out maintenance and some improvements to 5 Rogers Avenue Boyup Brook.
2. That Council commit to building a new house for the Doctor in 2014/15 and that the matter be referred to the Audit and Finance Committee for a financial strategy.
3. The immediate works to the value of \$15,000 be carried out on 5 Rogers Avenue.

Carried by Absolute Majority 6/2

Res 11/14

8.3.3 Bushfire Risk Management Plans – Pilot Program

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	13 February 2014
Author:	Alan Lamb
Authorizing Officer:	Not applicable
Attachments:	Bushfire Risk Management Planning – Guidelines – Pilot Version, and a copy of the DFES presentation on the pilot program.

SUMMARY

The purpose of this report is to seek endorsement for the Chief Executive Officer's agreement to be a part of the Department of Fire and Emergency Services (DFES) Bushfire Risk Management Planning (BRMP) Pilot Program.

BACKGROUND

Following a number of tragic bushfire events, the State Government set a course to reduce the opportunity for damage to persons and property in the future.

Under the State Emergency Management Plan for Fire (Westplan – Fire), an integrated BRMP must be developed for each Local Government that details the treatment of bushfire related risk across all land tenures. The process to be used in the development of a BRMP is set out in the attached guidelines and is based on AS/NZS 31000:2009 Risk Management – Principles and guidelines.

The Shire of Boyup Brook was invited to be a part of the pilot program, to go through the process of preparing a plan for a sector of the Shire, to test and evaluate the process before it is introduced throughout the State.

In the South West the municipalities of Augusta/Margaret River Boyup Brook, Collie and Nannup were selected and have agreed to participate in the pilot program.

The process has commenced with the Shires being put into two groups consisting of Augusta/Margaret River and Nannup, as one group and Boyup Brook and Collie as the other. Two DFES officers have been assigned to assist each group and DFES has provided funding for each group to employ a person to do all of the relevant work. Whilst there will be an impact on Administration it should be minimal and manageable.

DFES talked of providing funding assistance to address any risks associated with Shire owned/managed land (\$50,000) for Shire's which participate in the pilot program.

Towns in each Shire will be looked at in the pilot (Boyup Brook for this Shire) and the balance of the Shire will be done at a later date, but not as part of the pilot.

COMMENT

It is clear that Local Government will again be given the burden of managing a State Government initiative (in the same way in which we were passed the coordination of emergency management planning, without any funding). However, this is a very important area for all communities and there will be benefits in being part of the pilot that may not be there when the requirement to put plans in place is imposed.

This model is, it seems from what we have been told, very much like the emergency management (LEMC) role, where the Shire coordinates the various agencies management plans into an overall plan and manages the updating of this etc.

The tack to be taken, for the pilot at least, is to identify assets (people, buildings etc), risks and then come up with a plan to reduce the risk. Each asset owner/manager will have to do their own plan (that is Water Corp, Telstra etc. will need to do plans for what they control) and the Shire will keep a register of the plans.

It is recognised that the cost of mitigation will be very high but the process will, at least in broad terms, quantify this and lay on the table constraints that may require Government agencies to re think their requirements. One example is the DEC (note name changed recently) controls on road side vegetation, clearing for development and re vegetation, because these clearly fly in the face of reducing the likely hood of damage to assets from bushfires.

CONSULTATION

The author spoke to the Chief Fire Control Officer and other staff about this matter.

STATUTORY OBLIGATIONS

Nil at this time however it is clear that Local Government will be required to manage the planning.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

There will be no cash cost implications. There will be some staff involvement but this should be limited, except for the development of management plans for Shire lands, however we are already looking at a Reserve Management and this will dovetail into that project.

STRATEGIC IMPLICATIONS

The Shire's Strategic Community Plan provides the following:

Vision – includes “A place that is safe and secure”

Goals – includes “Improve Community Safety”

Objectives – include “Develop a safe, secure community”

Priorities - include “Advocate for improved hazard reduction in state forests, national parks and road reserves”

SUSTAINABILITY IMPLICATIONS

- **Environmental**
This initiative is aimed at reducing the incidence of destructive wild fires.
- **Economic**
This initiative will impact on all property owners in terms of addressing areas of risk but it should also reduce the incidence of loss and damage to people and assets.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.3

MOVED: Cr Giles

SECONDED: Cr Kaltenrieder

That Council endorse the Chief Executive Officer's agreement to be a part of the Department of Fire and Emergency Services Bushfire Risk Management Planning Pilot Program.

Carried 8/0

Res 12/14

8.3.4.	Boyup Brook Swimming Pool – Heated Multi Purpose Therapeutic Pool Committee
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<i>Location:</i>	<i>Beatty Street Boyup Brook</i>
<i>Applicant:</i>	<i>Heated Multi Purpose Therapeutic Pool Committee</i>
<i>File:</i>	
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>13 February 2014</i>
<i>Author:</i>	<i>Alan Lamb</i>
<i>Authorizing Officer:</i>	<i>Not applicable</i>
<i>Attachments:</i>	<i>Letters from the Committee</i>

SUMMARY

The purpose of this report is to bring the Heated Multi Purpose Therapeutic Pool Committee's (HMPTPC) request to Council with the recommendation that it not be agreed to.

BACKGROUND

Council passed the following resolution at its December 2013 meeting:

That the Heated Multi Purpose Therapeutic Pool Committee may build and operate a facility but Council will not contribute toward the up front or ongoing costs.

The HMPTPC wrote seeking approval for it to use a portion of the area of Reserve land fenced for the purposes of operating a public pool facility (i.e. the swimming pool area), for its planned pool facility.

The Chief Executive responded as follows:

Thank you for your letter dated 7 January 2014, where you seek approval to use a portion of the facility for the pool your group proposes.

There are a few matters I need to clarify before I can report to Council on your request and these are as follows:

- *Basis for use of the land – for example, it could be a lease. If so it would have to be between Council and an incorporated body (perhaps the swimming club?)*
- *Design/location – the site you seek is not level and so there looks to be a need for a retaining structure. This will increase your building costs and I suspect you will need some engineering design and certification for the structures. I note that the swimming club uses that piece of lawn, and the shelter of the verandah, as a part of its club operation (competitors sit on the lawn between events), I assume that they are aware of your proposal, so are ok that they will lose this area?*
- *Approval to build and license to operate – who will be gathering the required documentation and making application to the Health Department for approval to build the facility? Note the following:*

8. *Applying for approval to construct, alter or extend an aquatic facility*

(1) The occupier of land or premises on or in which it is proposed to construct an aquatic facility may apply to the EDPH for approval to construct the facility.

(2) The occupier of land or premises on or in which an aquatic facility is located may apply to the EDPH for approval to alter or extend the facility.

(3) The application must be in the approved form and must be accompanied by —

(a) 2 copies of the plans and specifications for, and a description of, the proposed aquatic facility, alteration or extension which, for the construction or extension of a water body, must include how the water body is to be drained, ventilated and lit, the quantity of water to be held and the capacity of the filtration and other water treatment units; and

(b) a block plan showing the position of the water body or bodies in relation to the position and distribution of toilets, change rooms and other similar facilities, and the lands to which the aquatic facility abuts and the purposes for which those lands are used; and

(c) all other information necessary for the EDPH to assess the application.

9. *Approval of construction, alteration or extension of an aquatic facility*

(1) The EDPH may grant the occupier approval to construct, alter or extend the aquatic facility if satisfied that the facility to be constructed, the part of the facility to be altered or the extension would comply with the requirements of the Code as in force at the time of the application.

(2) *The EDPH may grant the occupier approval to construct, alter or extend the aquatic facility even though not satisfied as required by subregulation (1) if satisfied that the health and safety of persons using the facility will not be compromised and that either —*

(a) the function and performance of those parts or aspects of the facility to be constructed or altered or of the extension that do not comply with the requirements of the Code as required by subregulation (1) is the same as, or better than, that which is required by the Code for that part or aspect; or

(b) there is a public interest in approving the construction, alteration or extension.

10. *Approval of construction etc. — variations after approval granted*

(1) *The EDPH may, after granting approval under regulation 9 for the construction, alteration or extension of an aquatic facility (the **original approval**), approve of a variation in the plans and specifications for the construction, alteration or extension if satisfied that the facility to be constructed, the part of the facility to be altered or the extension, as varied, would —*

(a) comply with the requirements of the Code as in force at the time of the application for the original application; or

(b) meet the requirements of regulation 9(2).

(2) *The occupier granted the original approval may apply for an approval of a variation under this regulation which must be in the approved form and must be accompanied by 2 copies of the plans and specifications for the proposed aquatic facility, alteration or extension as varied.*

(3) *For the purposes of Division 2, the approval of the variation is to be treated as part of the original approval.*

I suspect the license will be in the name of an incorporated body and that body, probably the swimming club, would seek a licence of a level that would not require a life guard. Who will be doing and paying for, the development and building application/licence? Based on Council's resolution, it would have to be assumed that it would not be Council. These, and the Health Department approvals, will have to be supported by sufficient detail for assessment.

- *Access – how will access to your pool be controlled and what impact would this have on access to the aquatic centre. (For example, would access be from outside of the currently fenced pool area or did you envisage your pool users accessing through the current centre doors? If it is the latter we are faced with the potential need to upgrade disability access to the entry, through the doors, and through the next set of doors to the pool. Also, you will need to show how your pool users will be able to access your pool and not have access to the Shire operated areas.)*
- *Use of ablution facilities – does your request include the use of the existing ablution facilities or will you build your own? If it's the former then the upgrade is*

likely to trigger the need to upgrade the disabled ablution facilities to meet current requirements. It also raises the question, if you use a separate entry, how will you allow your pool user's access to the ablution facilities but bar access to the Shire operated facility. If it's the latter you will need to show where the ablutions will be located, detail of construction that includes the number of fixtures (note these will have to comply with the Health Department's code of practice for pools), make provision for disabled persons and how you intend to deal with wastes from the ablutions.

- Pool water treatment and heating – how and where will you maintain the pool's water quality? For example, will you be building a shed to house the water treatment and heating equipment and if so where will this be located? Also, how will you tackle the water testing, chemical monitoring and other daily maintenance requirements? Further, where will you discharge backwash waste and where are the metered power and water connections to be located?*
- Fence and cover - Your letter mentions a glass fence but not a covering structure. You would need to give some detail of the proposed glass fence and how it, and any gates etc., would meet licensing requirements. Note that a group, or class, 1 and 2 facilities are required to "be provided with security measures that deter the unauthorised entry of persons" which generally includes a 1.8m cyclone mesh fence with barbed wire at the top. So the fence between your facility and Council's, if yours is to be licenced as a lower class pool, will have to meet these requirements.*

All previous representations entailed a structure over the proposed pool facility. If this is still contemplated then you will need to give some detail of it.

- Funding – How will the construction and ongoing costs be funded? Council's resolution made it clear that it would not contribute to either aspect, so it would need to see that the group was able to complete the building works and operate the facility without Council assistance.*
- Insurance – If you use Council owned or managed land, Council is almost certain to require that you insure the improvements and keep adequate public liability insurance. It may also require you to indemnify Council (this is an inclusion in the public liability policy where, effectively, your insurance covers any liability claim against Council)*

I appreciate that you will see the foregoing as less than positive toward your cause but, as a Council officer, charged with the responsibility of reporting to and advising Council, I know that there is too little detail in your letter for any favourable assessment to be made.

As you may note in my report to the December 2013 meeting of Council, there have been a number of feasibility studies done. These are used to indicate whether or not a project should proceed to the next phase. The next phase is generally design, engineering assessments, costing and the like. If your group is satisfied that it can move forward with the project, the next phase is the nuts and bolts part that will enable you to better establish the viability of the project from a practical and cost perspective. Your letter appears to seek a definite approval to use the land requested. However, perhaps you were seeking an in principle agreement so that you could then move to the design etc. stage. If so some of the foregoing detail would come out as part of that work. It should be noted that stricter controls and increased propensity for litigation, these days, dictate careful design and construction which generally results in higher costs for each stage of a project.

You may be aware that Council is doing a plan for the sporting precinct and, whilst I fully appreciate your keenness to move forward, it may be wise to wait until it is out for consultation because it may show an alternative location, for your pool, to be better. This project is to be completed before the 30th June this year (in reality, the consultation and final adoption may go past this date but all of the background work and draft planning, with indicative costs, has to be completed by then).

The HMPTPC responded (copy of letter attached) to say that it sought definite approval to use the land as requested in the previous letter. The letter noted that once permission was given proper planning could take place.

COMMENT

The concerns and questions raised in the letter to the group remain and so, as an officer with responsibility to provide information and advice to Council, that includes the potential pitfalls etc, it is not possible to recommend that Council give definite approval, as requested.

Significant concerns over the legal entity of the HMPTPC need to be resolved. Council could not lease, give a license to use or enter into any other formal agreement to use a portion of the land with the HMPTPC because, in a legal sense, it does not exist. The agreement, whatever form it takes, would have to be with an individual or incorporated body. The area of land the pool is built on is a Reserve and so the Minister for Lands would have to approve of the agreement and will not do so unless the other party is a legal entity.

Council could not assume that the request before it comes from the Swimming Club (it is understood that this is an incorporated body and that it is the parent body of the HMPTPC), or the like because there is no evidence of this.

The basis of the use of the land would have to be resolved and a formal agreement entered into before "definite approval" could be given. Council could however give approval in principle subject to a formal agreement being entered into between Council and a legal entity, and subject to the agreement of the Minister for Lands.

The other concerns and questions still remain however. It would be important to establish that a legal entity, on behalf of the HMPTPC, would be meeting all up front and ongoing costs, as per Council's resolution. If it is intended to meet 100% of the costs, and so be independent of Council, it would not matter where the facility was sited. Co habitation of a facility might not be the best option.

On the other hand, if Council were to recognise that it may have to take over the operation of the facility, at some time in the future, there would be advantages of having it co located with a public pool facility.

There is another concern, Council has dedicated funds to come up with a plan for the sporting complex and it is illogical to make any firm and lasting decision on the siting of the proposed facility until that planning process is completed.

Whilst Council could give in principal support for the requested location, and so allow the group to start the planning process, it will then be encouraging the group to expend fairly substantial funds on the planning process. It may also put itself into a position where it will find it difficult to not follow through with the agreement. In other words, in principal agreements can be binding, from a legal sense, and also, and perhaps more so, from a community perspective and so Council is cautioned to be sure that it is in favour of the proposal, and all that it might mean, before it gives such approval. As an officer, there are concerns that there is not enough information on how the facility will operate, without any input from the Shire in accordance with the Council resolution, if it is sited within the fenced area of the pool facility. Because of this the recommendation is that Council not agree to the request.

Council may wish to take this opportunity to see if the group wanted to partner with Council in heating the current pool. This project was in the long term plans for this year but was dropped due to funding constraints and because we missed the lodgement date for a grant application.

If the Committee's main aim was a heated facility that operated during the pool season, as their request, made in the latter part of 2013, set out, then heating the current facility may be an option.

Council had looked at a range of heating options but it is proposed that if this was to be a joint initiative, that the process start from scratch again and include the group, or its representatives, in the planning process to make it a true collaboration and not just a quest for funding assistance.

Long term planning and budget will be the focus in April, May and June and it would be handy to confirm the status of heating the existing pool before it is either included again or discarded.

CONSULTATION

The matter of a heated therapeutic pool facility has been on Council agendas for a number of years.

STATUTORY OBLIGATIONS

Any new facility would have to meet legislative requirements and the building of a new facility at the pool is likely to trigger the need for Council to bring all of its current facilities, located as part of the pool facility, up to the current requirements.

Section 3.58 of the Local Government Act sets out the process for disposal of land (includes leasing etc.) and Regulation 30 of the Local Government (Functions and General) Regulations provides for exemptions. In summary, Council would need to establish who it is dealing with and what they are and then apply the legislation. If it's an individual, then a tender or auction is required unless Council establishes the market value of what is to be disposed of and advertises this, along with other specified information, then considers any submissions before making a decision. Council can deal directly with a body whose objects are charitable, benevolent, cultural, educational, recreational, sporting or other like nature, and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions. The Regulation state, in relation to the body, "whether incorporated or not". It is not clear how the Local Government determines the objects and entitlement of members without a binding constitution that is tied to incorporation. In any case though, it is understood that the body would have to be an individual, or a group of individuals or body that had a legal entity, in order for the Minister for lands to agree to the lease. From the body's perspective, if it is not incorporated then its members may be personally exposed to the liabilities of the organisation.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Not known. If the group was going to meet 100% of all upfront and ongoing costs then there would be no impact now or in the future.

STRATEGIC IMPLICATIONS

There is no specific reference to the proposed facility in the Strategic Community Plan.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There is not enough information to make an assessment.
- **Economic**
There is not enough information to make an assessment.
- **Social**
Any new facility is likely to provide some benefit to some people in the community.

VOTING REQUIREMENTS

Absolute majority if Council resolves to pledge the use of land and simple majority if it makes no binding commitment.

OFFICER RECOMMENDATION – Item 8.3.4

That

1. Council does not agree to the Heated Multi Purpose Therapeutic Pool Committee's request for approval to use a portion of the Boyup Brook Swimming Pool area for its proposed new facility.
2. In order for Council to properly consider the proposal, the Heated Multi Purpose Therapeutic Pool Committee be asked to provide details/information on
 - The form of the agreement for use of the land, that is, would it be a lease or was some other tenure envisaged?
 - The identity and status of the entity Council would have the agreement, over use of the land, with
 - How the facility would operate independently of Council's operations and without any support from Council?
 - What facility is proposed, that is, is it an indoor heated lap pool 25 meters long and 3 lanes wide, as previously put forward, or is it some other configuration?
 - A scale drawing showing the location of existing structures, fixtures and fittings at the pool, and how the new facility would fit into the area as proposed.
3. The Heated Multi Purpose Therapeutic Pool Committee be asked if it would consider partnering with Council to provide heating, and other associated improvements, for the existing pool facility, as an alternative to its new facility.

COUNCIL DECISION – Item 8.3.4

MOVED: Cr Kaltenrieder

SECONDED: Cr Aird

That

1. Council does not agree to the Heated Multi Purpose Therapeutic Pool Committee's request for approval to use a portion of the Boyup Brook Swimming Pool area for its proposed new facility.
2. The Heated Multi Purpose Therapeutic Pool Committee be asked if it would consider partnering with Council to provide heating, and other associated improvements, for the existing pool facility, as an alternative to its new facility.

AMENDMENT

MOVED: Cr Moir

SECONDED: Cr Walker

1. Council does not agree to the Heated Multi Purpose Therapeutic Pool Committee's request for approval to use a portion of the Boyup Brook Swimming Pool area for its proposed new facility.
2. The Heated Multi Purpose Therapeutic Lap Pool Committee be invited to partner with Council to provide heating and other associated improvements, for the existing pool facility.
3. Form a short term development committee comprising
 - a) Three Councillors (Town Ward Members)
 - b) Three from HMPTPC to assist staff develop and implement improvements to the Boyup Brook Swimming Pool.

Lost 3/5

Res 13/14

COUNCIL DECISION

1. Council does not agree to the Heated Multi Purpose Therapeutic Pool Committee's request for approval to use a portion of the Boyup Brook Swimming Pool area for its proposed new facility.
2. The Heated Multi Purpose Therapeutic Pool Committee be asked if it would consider partnering with Council to provide heating, and other associated improvements, for the existing pool facility, as an alternative to its new facility.

Carried by Absolute Majority 8/0

Res 14/14

NOTE

Council viewed point two of the recommendation as not being required if it accepted point one.

8.3.5 South West Regional Blueprint - Draft

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	13 February 2014
Author:	Alan Lamb
Authorizing Officer:	Not applicable
Attachments:	Copy of the draft

SUMMARY

The purpose of this report is to bring the South West Regional Blueprint before Council for it to be received.

BACKGROUND

South West Development Commission (SWDC) and Regional Development Australia (RDA), worked on and have jointly put this document out for consultation. A copy was sent to all Councillors in January 2014.

The submission period closed 16 February 2014 and a submission was lodged, from this office, seeking to have the Table 8 on page 72 amended to more clearly indicate that Boyup Brook has no sewerage scheme at this time and to reorder the names of towns into alphabetical order (essentially very minor and perhaps non-consequential).

COMMENT

It is apparent that unless a project can be aligned to the Blueprint, or is specifically mentioned, there will be little chance of State or Commonwealth funding. So the document is very important. Like all plans though, the Blueprint will be reviewed and amended from time to time.

It is noted that most, if not all, of the initiatives Council has looked at, and included in its long term planning, align well with the Blueprint.

CONSULTATION

A copy of the document was forwarded to Councillors in January. The matter off the Blueprint and the need for Local Government to be consulted was raised at Bunbury Wellington Group of Council's meetings. The document has been in the public arena since mid-January.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil with respect to the current budget but it is important that when reviewing the long-term planning and when seeking to introduce new initiatives, careful reference is made to the Blueprint to ensure that the initiatives align, or could be rebadged to align, with the Blueprint.

STRATEGIC IMPLICATIONS

This document may impact on all aspects of the implementation of the Strategic Community Plan.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.5

MOVED: Cr Oversby

SECONDED: Cr Imrie

That Council receives the draft South West Regional Blueprint as presented.

Carried 8/0

Res 15/14

Sue White left the Chambers at 7.20pm

8.3.6 Townsite Committee - membership
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Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	13 February 2014
Author:	Alan Lamb
Authorizing Officer:	Not applicable
Attachments:	Nil

SUMMARY

The purpose of this report is to bring the matter of this new committee back before Council to deal with its membership.

BACKGROUND

Council, resolved to form this committee in October 2013 as follows:

Town Site Committee.

The purpose of this committee is to:

- ***serve as a “ community engagement strategy and provide opportunities for community participation” [Boyup Brook Strategic Community Plan, May (?), 2013, p15]***
- ***Improve resident enjoyment, convenience and comfort***
- ***Stimulate civic pride and involvement***
- ***Encourage and facilitate a “Buy Local” campaign***
- ***Impress and engage visitors, encouraging them to stay longer, and spend more***

Its responsibilities would include recommendations and advice on:

- ***Median strips***
- ***Footpaths and undeveloped road reserves***
- ***Reserves, parks, gardens, cemeteries***
- ***Entrance statements***
- ***Signage***
- ***Parking***
- ***River banks***
- ***Streetscape***

That Cr Kaltenrieder

That Cr Cr Biddle

Be appointed to the Town Site Committee.

Note: Cr Biddle will come back to Council with names of people who would be interested in being on the Town Site Committee

COMMENT

The two Councillors appointed to this committee met recently and provided a list of names of community members that Council might consider for the 4 community member positions on this committee. The intention is that this list remains confidential and it was provided to Members, marked confidential and packaged separately but, at the same time as the agenda papers.

The role of CEO carries the requirement to bring matters to Councils notice so the following is not aimed at creating a debate but it is aimed at clarifying the situation. Council is a decision making body and it employs the CEO, and funds the operation, to carry out tasks. Any committee that Council forms is therefore a decision making body that Council appoints to help it make decisions. There was comment at the time this committee was mooted that it would assist the CEO in his function and it is important that Council understands that if this is the intended purpose of the committee then adding another layer to the decision making process, and another committee to service, will not achieve this aim. If however Council believes it needs more select community input before making certain decisions then this committee should provide this assistance to it. Council needs to decide however if it will refer matters to the committee, as is the case with all other committees, or whether the committee will meet and deal with matters as it deems necessary.

If Council opts for the former then there may be projects that the long term planning work, planned for April, will bring forward for a decision and Council may wish to refer some matters to this committee before it makes a decision. However it should note that this will slow down the process leading to the budget being adopted and consume resources.

If it's the latter then who is to decide when meetings will be and what will be on the agenda? Noting that administration prepares the agenda reports on matters to be decided and so it would be advantageous if the process was regulated in some manner, but that is entirely Council's decision. Standing Committees and Councils meet on a set basis, occasional committees meet on an as needs basis.

The recommendation is that Council appoints 4 community members that the committee meets and deals with matters as they are referred to it by Council.

CONSULTATION

The author has spoken with some Councillors and staff.

STATUTORY OBLIGATIONS

Committees operate under the Local Government Act and Regulations. Non-elected members of committees are subject to the similar constraints, responsibilities and penalties, as elected members.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Not known at this time. Committees do consume resources but these are normally what was budgeted for and so there is often no financial impact. There is however a workload and scheduling impact that can result in delays in other activities.

STRATEGIC IMPLICATIONS

The plan does not specially include the establishment of committees but it does contain objective to “Foster community participation and collaboration” and a priority to “Develop a community engagement strategy and provide opportunities for community participation”.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
Involving some selected members of the community in Council’s decision making process will most likely make them more interested but it could put others offside because they were not chosen, some may see fault in the selection process. If Council does not take their recommendations, as made through the committee, the community members may become disenchanted.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION – Item 8.3.6

That Council appoint the following four community members to the Townsite Committee:

That the Townsite Committee meet and deals only with matters as they are referred to by Council.

COUNCIL DECISION

MOVED: Cr Imrie

SECONDED: Cr Kaltenrieder

The matter be referred to the March meeting of Council for determination.

Carried by Absolute Majority 8/0

Res 16/14

9 COMMITTEE REPORTS

9.1.1 Minutes of the Blackwood River Valley Marketing Association
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<i>Location:</i>	<i>Shire of Boyup Brook</i>
<i>Applicant:</i>	<i>N/A</i>
<i>File:</i>	
<i>Disclosure of Officer Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>5 December 2013</i>
<i>Author:</i>	<i>Alan Lamb - CEO</i>
<i>Attachments:</i>	<i>Yes – Minutes</i>

BACKGROUND

The Blackwood River Valley Marketing Association meeting was held on 2 December 2013.

Minutes of the meeting are laid on the table and circulated.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.1

Moved: Cr Oversby

Seconded: Cr Imrie

That the minutes of the Blackwood River Valley Marketing Association meeting held on 2 December 2013 be received.

Carried 8/0

Res 17/14

Adjournment

That the meeting be adjourned for a break, the time being 7.40pm.

Resumption

That the meeting resume, the time being 7.56pm.

The meeting resumed with the following persons in attendance.

Cr Giles

Cr Aird

Cr Imrie

Cr Kaltenrieder

Cr Moir

Cr Oversby

Cr Walker

Cr Biddle

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Notice of Motion from Cr Walker

MOTION

That Council set a date in early March for a briefing style meeting to review and discuss our long term goals as set out in Council's integrated plans.

Comment

Now that all of the required planning is in place (assuming adoption of the Corporate Business Plan at the February meeting), it is time to review priorities to give administration guidance as to the draft plans that will be put to Council leading up to the 2014/15 budget. The CEO has advised that the recently appointed Manager Corporate Services will be working on the various long term plans, with other staff, in order to have a set of draft plans that include the planning for 2014/15 and the addition of the 10th year in April. Given that the long term and integrated planning form the main part of the annual budget process now, Council needs to set aside time in March to review these plans and ensure that administration has some direction from Council for the review work planned for April.

CEO Comment

As noted by Councilor Walker, long term planning is the main part of the annual budget process and broad direction would be advantageous leading up to the updating, and integration, of plans. This process will be time consuming and, from an officer perspective, it would be advantageous to have clear broad goals so that the completed draft is more likely to meet with Council expectations. Council now has the draft South West Regional Blueprint, which is a guide to regional priorities and so funding opportunities, which should assist with the planning process.

COUNCIL DECISION

MOVED: Cr Walker

SECONDED: Cr Moir

That Council holds a Special Council meeting on 13th March 2014 at 7pm for a briefing style meeting to review and discuss our long term goals as set out in Council's integrated plans.

Comment

Carried 7/1

Res 18/14

10.2-4 Notice of Motion from Cr Biddle

COMMUNICATIONS POLICY & PRACTICE

- ❖ *That a communications policy be developed to ensure that*
- *councillors are given not less than 7 working days notice of agenda items which are accompanied by significant amounts of attachments and/or involve significant budget considerations*
- *If community attendance is sought, then this will be conveyed using the method/s most likely to reach most residents (*see notes below). If community comment is sought, then relevant information will be communicated giving reasonable time for consideration*

Rationale:

- Local governments are now required by law to inform their communities, and where appropriate, to consult with them, and to involve them in decision-making. This recognises that a local government exists to serve its community.
- A number of Boyup Brook Shire Council documents (e.g. Strategic Plan [2013-2023]; Corporate Plan; Shire website – Integrated Planning) state a commitment by Council to provide the community with information, and (when appropriate) to consult with the community and involve it in decision-making.
- This can occur in a meaningful sense only if the community has access to accurate and up-to-date information and, when feedback is sought, is given a reasonable time to consider the matter
i.e. it's incumbent upon Council to facilitate this process.
- Councillors are increasingly being given late items at meetings, being given only the mandatory 72 hours to consider complex issues, and being required to deal with too many items – sometimes involving significant expenditure - as matters of urgency.

Notes on media available to disseminate information

Boyup Brook Gazette –

- has wide distribution. 1000 copies are printed monthly, 630 of these distributed as a householder, and others available at various locations in the town area. Large-print copies are available. *Figures quoted by CRC Manager.*
- is an excellent means of notifying residents of a meeting, and of conveying limited amounts of information, but it can inform residents where reports etc can be accessed. It appears in hard copy only once per month. but that will not be a problem if issues are predictable and actions are timely.

Shire Website (Internet):

- an excellent means of rapid dissemination of large amounts of information. Not all residents have access, however, and so it's not a good means of notifying residents that a meeting will be held

Shire Reception

- very few residents would call at the Shire Office as a normal part of their business, so its use to notify of meetings is limited

Shire Noticeboard (currently exists solely at the Shire offices). Another at a new location has been proposed.

- a good way of notifying residents of meetings and limited amounts of information (if kept up-to-date) since it can be safely assumed that a member of many households is likely to visit the location weekly

Post Office Mail-outs

- approx \$90 for distribution to all households. *Figures quoted by postmistress.*
- an excellent way to ensure that most householders receive information

Newspapers e.g. Donnybrook Bridgetown Mail; West Australian.

- It is sometimes mandated that advertisement/information is published in this media
- Its use in disseminating information to residents is limited by its current distribution:

Manjimup Bridgetown Times: 80 per week (5 – Deli: 25 – BP)

Donnybrook Bridgetown Mail: 50 per week (20 to BP)

West Australian: varies 120 – 145 (Deli -10/20; BP - 45/50; IGA – 70/80) daily

Figures quoted by Manager, IGA. Coverage, assuming maximum number of each ordered at the same time, and that all copies are sold (which is not the case) – 275

CEO Comment

It's not unusual for Councils to have a communication policy and this Council has the following advertising policy:

<i>POLICY NO.</i>	<i>A.7</i>
<i>POLICY SUBJECT</i>	Advertising – Statutory and General
<i>ADOPTION DATE</i>	<i>17 June 2004</i>
<i>VARIATION DATE</i>	

Objective

To specify the procedures for the placement of advertising.

Statement

It is the policy of Council that Local Public Notice advertisements are to be placed in the Boyup Gazette.

Statewide Public Notice advertisements are to be placed in the West Australian Newspaper.

The Chief Executive Officer is empowered to approve Council advertisements being placed in other periodicals if considered appropriate.

Legislation provides for requirements for required advertising (that is how, the content and the period).

Council's Standing Orders (a Local Law which largely mirrors the Local Government Act) sets the notice and business constraints for Council meetings as follows:

2. MEETINGS - NOTICE AND BUSINESS

2.1 Notice of Meetings - Members to Receive Notice

Before any ordinary or special meeting of the Council a notice signed by the Chief Executive Officer, stating the place, date and hour of holding the meeting, and specifying the business to be transacted with supporting committee reports, shall be transmitted by post, or otherwise left or delivered to each member of the Council, at least 72 hours before the meeting, at the usual or last known place of abode or business, or to another address any member may request by notice in writing to the Chief Executive Officer.

2.2 Special or Emergency Meetings

A meeting of Council for the purpose of dealing with an emergency situation may be called by the President or Chief Executive Officer, or in their absence, any three Councillors. Members of the Council will be telephoned or contacted by facsimile or email (amended 12 August 2005) if unavailable directly by telephone and advised of the time and place of the meeting and the nature of the emergency business. Decisions made at this meeting must be by absolute majority unless the Act specifies otherwise.

2.3 Business to be specified on Notice Paper

No business shall be transacted at any meeting of the Council other than that specified in the notice without the approval of the President or the approval of the majority of Councillors present determined by vote.

2.4 Specified Papers

Any member may, in writing addressed to the Chief Executive Officer and delivered to the office of the Chief Executive Officer at least 48 hours before any meeting of the Council, or of any committee of the Council, request that any specified papers be laid upon the table at any meeting to be named, and the papers shall be laid upon the table accordingly.

2.5 Papers Relating to Matter under Discussion

At any meeting of the Council, or of any committee of the Council, the President or any member may require the production of any specified papers, documents, books or records, books of accounts, plans, or any other record or matter whatsoever relating to any question then under discussion providing that wherever possible, the notice prescribed in the preceding clause shall be given. In the event of notice not having been given, the proceedings of the Council shall not be unreasonably delayed while documents are obtained.

2.5.1 No papers produced as described in Clause 2.4 shall be deemed to be public unless otherwise ordered by resolution of the Council.

2.6 Objectionable Business

If the President at any meeting of the Council is of the opinion that any motion or business proposed is of an objectionable nature, the President may, either before or after the matter is brought forward, declare that it shall not be considered.

2.6.1 Any member of the Council may move dissent from such a declaration made from the Chair. On the motion being seconded, the motion to dissent shall be put without debate, and in the event of the motion being carried by a majority of the members present, the business referred to shall then be considered immediately, but if the motion is lost, the ruling of the President shall stand.

It should be noted that the Local Government Act and Standing Orders provide that no business other than that on the Notice Paper, that is required to be delivered at least 72 hours before the meeting, shall be conducted unless the Council or the President agree to this. This process is always followed and so there is a choice of whether or not to deal with matters brought late to Council. Council should be careful of seeking a blanket exclusion of late items because there will be occasions, as there have been to date, where circumstances do not permit matters being included with the Notice Papers, but which officers or Members might see as requiring a Council decision. Council is not bound to deal with these late matters.

There is concern over the use of subjective terms such as “significant” and “reasonable”. In drafting legislation care is taken to avoid misinterpretation, and whilst policies do not have the same effect as laws, and so can use other wording, it is important to be clear as to what is required. An alternative wording of the motion might be:

That the CEO reviews the Advertising – Statutory and General Policy and prepares a draft Communications Policy that replaces the existing policy, for presentation to Council.

MOTION

MOVED: Cr Biddle

SECONDED: Cr Moir

That a communications policy be developed to ensure that

- **Councillors are given not less than 7 working days notice of agenda items which are accompanied by significant amounts of attachments and/or involve significant budget considerations.**
- **If community attendance is sought, then this will be conveyed using the method/s most likely to reach most residents. If community comment is sought, then relevant information will be communicated giving reasonable time for consideration.**

3/5 LOST

Res 19/14

10.2 Notice of Motion from Cr Biddle

NOTICEBOARD

- ❖ ***That a lockable, glass-fronted noticeboard dedicated to Shire-related matters be purchased and installed in the 2013/2014 financial year***

Rationale

Council resolved that the matter be investigated, costed and reported to Council at its February, 2014 meeting
(Res 121/13, Sep 2013)

The need for such a form of communication has been demonstrated

CEO Comment

Resolution 121/13, as referred to, has not been fully actioned as yet. The task was delegated to an officer who did do some primary work but subsequently resigned and so some of the tasks being worked on have become protracted. The resolution is as follows:

*That administration conducts the preliminary work to establish the costs for a **lockable, glass-fronted cabinet**, for display of Council information and announcements, sited in a town location heavily frequented by residents, and report back to the February 2014 meeting of Council.*

Whilst the resolution may appear to require a simple and easy task to be performed, there is the matter of land tenure for where the notice board would be located. The only sites that Council has control over are the Tourist Centre and park and the Reserves where the Town Hall, Council officers etc are located. Road reserves might be an option but Main Roads approval is likely to be required for Bridge and Abel Streets and Council would have to comply with relevant roadside structures (i.e. such as signage, street furniture) for any road reserve used.

In terms of the location and the incidence of use by residents, no studies have been done to determine the incidence of resident's use of any part of the town. However we could all make an assumption of what is the most used area and most would probably say this is the IGA store. Some people frequent the hotel, others might frequent the Boyup Brook Club, some will go to one or both of the cafes, some will use the Commonwealth bank and some will use the Resource Centre, but observations suggest that the IGA has the most traffic (it is not clear what the resident/non-resident split would be).

There is a notice board at the IGA that is used by Council. If Council wished to erect another structure then it would need to gain some form of tenure over a portion of the land (if it is on private land) and may have to deal with the lessee and the owner, depending on the terms of the lease. If the intention was to put it in the road reserve then Main Roads approval would be required. It is suggested though that the location of the current IGA notice board is ideal because it is in view to all that enter the premises. Any other location would only capture the people that pass it on the way to the entrance.

Statutory advertising that requires a notice to be placed requires that notice to be at the Shire Offices, and in every public library in the district. So any notice board other than that used by the Shire now, would not meet statutory requirements.

MOTION

MOVED: Cr Biddle

SECONDED: Cr Oversby

That a lockable, glass-fronted noticeboard dedicated to Shire-related matters be purchased and installed in the 2013/2014 financial year.

LOST 4/4 on Presidents casting vote.

Res 20/14

10.3 Notice of Motion from Cr Biddle

ACCESS to PLANNING DOCUMENTS

- ❖ *That the Long-term Financial Plan, and any subsequent modifications to it, be placed on the Shire website immediately following its acceptance by Council*
- ❖ *That Corporate Plans, and any subsequent modifications to them, be placed on the Shire website immediately following their acceptance by Council*
- ❖ *That Annual Budgets, and any subsequent modifications to them, be placed on the Shire website immediately following their acceptance by Council*

SHIRE POLICY

That the Boyup Brook Shire Council Policy documents be corrected and updated

CEO Comment

Term “immediately” indicates that the action should be done straight away. If Council resolves as per the motion it will, be creating a logistical problem that will ultimately result in noncompliance. Given that Council meetings are usually held at 5pm, and staff, other than those attending the Council meeting, leave at that time. Also access to updating the web site is restricted to certain staff members who have received some training. The other factor is that action on resolutions are generally held until the minutes have been completed and checked. Experience has shown that it is always safer to wait for the vetted minutes rather than relying on memory or notes. This being the case, the minutes are generally done and out within three working days of the Council meeting. Replacing the wording “within three days of the date of the Council meeting where the plans are adopted” would resolve this problem.

It is not clear if the part headed Shire Policy was a motion or comment but it is included in the papers so it could be dealt with at the meeting.

MOTION

Moved: Cr Biddle

Seconded: Cr Walker

That the Long-term Financial Plan, and any subsequent modifications to it, be placed on the Shire website immediately following its acceptance by Council.

That Corporate Plans, and any subsequent modifications to them, be placed on the Shire website immediately following their acceptance by Council.

That Annual Budgets, and any subsequent modifications to them, be placed on the Shire website immediately following their acceptance by Council.

Amendment

Moved: Cr Walker

Seconded: Cr Imrie

That the Long-term Financial Plan, and any subsequent modifications to it, be placed on the Shire website within 5 working days following its acceptance by Council.

That Corporate Plans, and any subsequent modifications to them, be placed on the Shire website within 5 working days following their acceptance by Council.

That Annual Budget, and any subsequent modifications to them, be placed on the Shire website within 5 working days following their acceptance by Council.

Carried 7/1

Res 21/14

COUNCIL DECISION

Moved: Cr Walker

Seconded: Cr Imrie

That the Long-term Financial Plan, and any subsequent modifications to it, be placed on the Shire website within 5 working days following its acceptance by Council.

That Corporate Plans, and any subsequent modifications to them, be placed on the Shire website within 5 working days following their acceptance by Council.

That the Annual Budget, and any subsequent modifications to them, be placed on the Shire website within 5 working days following their acceptance by Council.

Carried 5/3

Res 22/14

WITHDRAWN

Cr Biddle withdrew item 10.4

10.4 Notice of Motion from Cr Biddle

SWIMMING POOL COMPLEX

- ❖ ***That a facility suited to exercise and weight activities be costed to indicate whether it might be included in future planning and could take advantage of any funding opportunities which might arise***

Rationale

- The health benefits of such activities for a wide range of ages are commonly acknowledged
 - these opportunities are currently provided by locals, but in temporary facilities
 - To have such a facility in the recreation precinct would be consistent with Council's intention to collocate facilities to the greatest extent possible
 - A Floor plan with all dimensions and views for an extension to the existing swimming pool buildings already exists
- ❖ ***That the swimming pool spa and equipment be evaluated to determine whether it should be restored or scrapped***

CEO Comment

As Council will be aware, it has funded the development of a sporting area plan and this work is underway. All sporting facilities that are catered for now, or might be required in the future, are being looked at as part of the process of developing a draft plan, including a gym facility.

Improvements to get the spa operational were included in a draft budget put to Council previously. The cost estimate was \$10,000 at that time and the project was not funded.

This motion is premature and it is recommended that Council not constrain the process of developing a plan by promoting the importance some facilities, or seeking in depth work on others, as this will take resources away from the task already set. It is recommended that Council not pass the motion as put on notice.

MOTION

Mover Cr Biddle Seconded Cr _____

That a facility suited to exercise and weight activities be costed to indicate whether it might be included in future planning and could take advantage of any funding opportunities which might arise.

That the swimming pool spa and equipment be evaluated to determine whether it should be restored or scrapped.

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

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS
Nil

13 CLOSURE OF MEETING

There being no further business the Shire President, Cr Giles thanked all for attending and declared the meeting closed at 8.40pm.