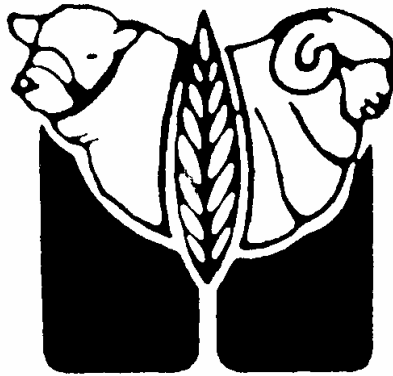


MINUTES



ORDINARY MEETING

HELD ON

THURSDAY, 15 JUNE 2006

AT

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

These unconfirmed council minutes are a typewritten transcription of a hand written minutes of the Council meeting as taken by the Chief Executive Officer and Manager of Finance and Administration during that meeting. Whilst every attempt has been made to ensure that the unconfirmed minutes accurately reflect the content of the discussing of the Council meeting, the minutes HAVE NOT YET BEEN CONFIRMED and accordingly the Shire is not liable for and accepts no responsibility for any loss (including purely economic loss) or damage caused directly or indirectly to any person who relies upon the content of the unconfirmed minutes as being true and correct and acts or refrains from acting on reliance upon them.

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

1.1 Attendance

Cr T Ginnane – Shire President
Cr S Broadhurst
Cr R Downing
Cr J Florey
Cr P Marshall
Cr M Martin
Cr K Moir
Cr T Oversby
Cr A Piper

Mr W Pearce – Chief Executive Officer
Mr K Jones – Manager of Finance and Administration
Mr J Eddy – Manager of Works and Services

Mrs Sue White – Boyup Brook Book Bonanza

1.2 Apologies

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

M Calley – Item 7.2.4 - Request to Excise Location 13503

Would the Council delay its consideration and decision regarding the above request to a later council meeting and after a proposed visit by Mr Chan (Water Corporation, Bunbury). Mr Chan will view the existing and proposed tank sites and further discussions would provide information regarding:

- Water Corporation requirements such as positioning of tanks, piping, fencing, land clearing, access, drainage, screening and possible power supply, together with
- Environmental protection of diversity of native vegetation, especially for die-back prone species, such as Jarrah, Banksias (which only exist on this portion of reserve 16199) and some under-storey species, considering soil disturbances and slope of the land.

The Shire President indicated that this matter will be dealt with in Item 7.2.4

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

S White Boyup Brook Book Bonanza Committee

I am here today on behalf of the Boyup Brook Book Bonanza Committee, and for two reasons.

Firstly, I would like to thank the Council, most sincerely, for their kind donations towards our event. There was the inaugural matter of the Road side signs for about \$280 or so, then there was the use of Council Chambers for our meetings, and of course having Mike Tomlinson on our committee was a wonderful asset. Our last request for a waiving of the Town Hall Hire Fees has been especially appreciated.

For those of you who attended all – or part of – our Book Bonanza, you will appreciate the amount of work and effort put into the event by our Committee, especially those who set up the Children's Cave entrance and the cave itself. I am sure you enjoyed whichever facet of the weekend you attended, and there seemed to be plenty to do for all.

For those of you who were not able to be present this year, I hope you will take out your diaries now and mark down the 19th & 20th May, 2007 very firmly as Book Bonanza. You simply can't afford to miss another year – and we are definitely holding it again next year.

We were very fortunate, this year, to obtain a number of sponsorships apart from your own kind support. Without these we would not have been able to go ahead with the event. Even with these it seems that some of our expenditure was underestimated. We have not yet finalized our books, but some adjustments will need to be made, and maybe the Secretary will have to wait till next year for payment of some of her duties!

My second reason for being here is to present to you – the Council – this book. It was left in our care for the "Readers of Boyup Brook" ... by our headline Author, Anna Jacobs. Mike Tomlinson was instrumental in finding Anna for us, and preparing the ground work for her to attend the weekend. She proved to be a very approachable person who readily answered any emails we sent, despite her tight writing schedule. At the time of our weekend Anna had just been advised that she was No 33 on the list of favorite authors – ahead of Tome Clancy and Wilbur Smith. She has also had one of her books "Pride of Lancashire" short listed for the Australian Romantic Novel of Year Award. On the Monday following our Book Bonanza, Anna spoke at two different Libraries in Perth as part of Library Week, and has an August deadline for another novel. So we were very privileged that she took the time out to come down to Boyup Brook and spend a couple of days here.

I hope some of you take time to read one of Anna's books. I have read two now, and found that whilst they are "novels" they are not really soppy love stories, and at times can be quite confronting and difficult to put down. And I am not an avid reader, having been brought up that reading is for bedtime only, and there is plenty of other stuff to be done during daylight hours.

So, Mr Chairman, here is the book – for the Readers of Boyup Brook, and again our sincere thanks for Council's support of the Boyup Brook Tourism's new event.

The Shire President thanked Mrs White for the presentation.

Mrs S White left the chambers at 3.40pm

5 CONFIRMATION OF PREVIOUS MINUTES

5.1 Minutes of the Ordinary Meeting of the Council held on 18 May 2006.

MOVED: Cr Downing

SECONDED: Cr Broadhurst

That the minutes of the previous Ordinary Meeting of the Council held on 18 May 2006, be confirmed as an accurate record subject to the following amendment-

Page 3 – with reference to the statement ‘T Kalat – A path on the south side of Knapp Street is preferred by St Mary’s’ – replace the word ‘south’ with the word ‘north’.

CARRIED 9/0

6 PRESIDENTIAL COMMUNICATIONS

- **Met recently with the Western Australian Planning Commission with the CEO.**
- **There has also been 4 deaths within the Boyup Brook Community in recent week.**

7 REPORTS OF OFFICERS AND COMMITTEES

W Pearce left the meeting at 3.40pm.

Regional Road Group Funding – Cr Kevin Moir

- Concern was raised about road management
- Traineeship from MRD Civil

GP Working Group – Cr Peter Marshall

- Medical Centre progress – work is coming to completion
- High praise to Gary Chambers and all the workers and contractors/tradespeople.
- Some unexpected costs, for example removal of front chimney and the ramp at the rear of the building.

7.1 WORKS AND SERVICES

W Pearce returned to the chambers, the time being 3.46pm.

Cr Moir declared a financial interest in the following item and departed the Chambers, the time being 3.57pm.

7.2 DEVELOPMENT AND COMMUNITY SERVICES

7.2.1 Lot 441 Boyup Brook - Arthur River Road, Boyup Brook – Subdivision/Amalgamation

Proponent: E Gibbs
Location: Lot 441 Boyup Brook - Arthur River Road, Boyup Brook
Reporting Officer: Will Pearce
Date Report Written: 25 May 2006
Enabling Legislation: Town Planning Scheme No 2
File: AS3490
Appendices: 1.1 Attached Plan

BACKGROUND:

The proponent wishes to subdivide Lot 441 Boyup Brook Arthur River Road into two new lots.

A plan of the proposal is attached.

DETAIL:

Lot 441 has an area of 200.539 ha.

The new lots will be 110.23 and 90.20ha in area if approved.

The Council's 'Subdivisions and Amalgamations' policy states in part that:-

- "1 In order to achieve the objectives contained in Clause 5.2 of the Scheme, the Council will not generally support the subdivision of land within the Rural Zone into lots having a minimum size of less than 40 hectares except for: -*
- a) Amalgamation;*
 - b) Boundary realignments provided no additional lots are created;*
 - c) Any subdivision required for public works;*
 - d) Where the proposal is accompanied with supporting evidence outlining a land suitability and capability study for further development.*
- 2 in considering a plan of subdivision submitted to it for support, the Council shall have regard to the following matters:*
- a) The size, dimensions and shape of each lot;*
 - b) The situation and planning of each lot in relation to services, both present and prospective."*

COMMENT

The Boyup Brook - Arthur River Road has been inspected by the Manager of Works and Services. It is in a satisfactory condition in compliance with the Council's 'Road Contribution' policy.

The area of each new lot complies with the Council's policy.

It is suggested that the proposal be supported.

MOVED: Cr Florey

SECONDED: Cr Martin

That the Council supports the proposed subdivision of Lot 441 Boyup Brook Arthur River Road, Boyup Brook to create two new lots being 110.23ha and 90.20ha in area.

CARRIED 8/0

7.2.2 Youth Advisory Committee Minutes

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Keith Jones
Date Report Written: 7 June 2006
Enabling Legislation: Local Government Act 1995
File: IM/37/004
Appendices: 1.2 - Minutes

BACKGROUND:

Meetings of the Youth Advisory Committee were held on 23 May, 30 May and 6 June 2006.

Minutes of the meetings are laid on the table and circulated (refer to appendix 1.2).

MOVED: Cr Florey

SECONDED: Cr Downing

That the minutes of the Youth Advisory Committee on 23 May, 30 May and 6 June 2006 be received.

CARRIED 8/0

Cr K Moir returned to the chambers the time being 4.02pm.

7.2.3 Loc 2817 Area Road – Planning Application for a Plantation

Proponent: Forest Products Commission (Owner: Beatty family)
Location: Loc 2817 Area Road
Reporting Officer: Will Pearce
Date Report Written: 2 June 2006
Enabling Legislation: Town Planning Scheme No. 2
File: AS 5050
Appendices: -

BACKGROUND:

The proponent is seeking approval to establish a plantation on Loc 2817 Area Road located approximately 7km North East of Dinninup.

The proponent has forwarded relevant details to support the application as required by the Shire's Town Planning Scheme No. 2. A detailed plan is laid on the table.

DETAIL:

The property has a gross land area of 121.4ha and is zoned 'Rural' and as such the Scheme allows 'plantations' at the discretion of the Council ('AA' use).

As required under the Scheme, the proponent has submitted a fire management plan and plantation management plan. The proponent is required to comply with the following (as per the Scheme): -

- 1 Code of Practice for Timber Plantations in WA;
- 2 Shire of Boyup Brook Firebreak Order;
- 3 Guidelines for Plantation Fire Protection.

The proponent has submitted supporting information that is summarised as follows: -

- 1 establishment of 34.7ha of plantations will occur in the year 2006;
- 2 planting density will be 1,250 stems per hectare;
- 3 the Guidelines for Plantation Fire Protection states:-

“Plantation growers must meet this increased need for firefighting equipment, either by providing the minimum equipment standards (for this size plantation a fast attack unit is require) or by contributing to community-based equipment through an agreement with the Local Government.”

The proponent’s fire management plan indicates that the company does not have a firefighting unit in the vicinity of the plantation. It will be employing a neighbour, Mr J Norton of Loc 2317 Area Rd, to provide maintenance and firefighting services for the property in the near future.

- 4 all remnant vegetation will be left in accordance with Agriculture Western Australia guidelines.

COMMENT:

It is suggested that the Council approve the proposal as reflected in the recommendation.

MOVED: Cr Martin

SECONDED: Cr Oversby

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

CARRIED 9/0

MOVED: Cr Downing

SECONDED: Cr Martin

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

CARRIED 9/0

MOVED: Cr Piper

SECONDED: Cr Oversby

That the:-

- 1 **Council approves the planning application for a plantation as presented to be located at Loc 2817 Area Road, subject to the following conditions: -**
 - (a) **compliance with the Shire of Boyup Brook Town Planning Scheme No 2;**
 - (b) **compliance with the terms and conditions of the Code of Practice for Timber Plantations in Western Australia as amended from time to time with a harvesting management plan provided to the Shire, to the satisfaction of the Shire, two years prior to the harvesting event;**
 - (c) **provision of a minimum of a manned fast attack Firefighting Unit of a standard complying with the Guidelines for Plantation Fire on a strategically located**

plantation property within twenty (20) minutes response time of this plantation prior to the commencement of the 2006/07 Fire Season and that this arrangement is confirmed in writing;

- (d) installation of a 15 metre boundary firebreak is required to comply with the firebreak order;
- (e) 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;

2 Manager of Works and Services undertakes an assessment at the time of harvesting of the condition of the anticipated proposed local road haulage route.

CARRIED 8/1

7.2.4 Reserve 16199 – Request to Excise Loc 13503

Proponent: Water Corporation
Location: Reserve 16199 Loc 13503
Reporting Officer: Will Pearce
Date Report Written: 7 June 2006
Enabling Legislation: Local Government Act 1995
File: FM/25/008
Appendices: 1.3 Maps

BACKGROUND:

The Water Corporation is seeking additional land in the Boyup Brook townsite for the construction of additional water storage facilities.

The corporation has identified a portion of shire reserve located on the Bridgetown Road opposite the Lee Steere Dve intersection as a potential site.

DETAIL:

The corporation writes-

Re: Reserve 16199 – Part Reserve Location 13503

The Water Corporation is seeking to increase the water storage capacity for the town of Boyup Brook, and has identified part reserve location 13503 as suitable for the purpose. This location 13503 forms part of Reserve (16199) which is, as I am sure you are aware, vested with the Shire of Boyup Brook under a Water & Parkland Management Order.

It is proposed that a new storage tank be erected, which is to have a diameter of 27 metres and a height of 4m, with a site area requirement of 3,200 sq m (40m x 80m).

The purpose of this letter is to seek your consent to approach DPI to excise Reserve Location 13505 for the purposes of construction of this water tank.

(Please note that reference to 13505 in the last line of the correspondence is incorrect. It should read '13503').

Plans are attached of the subject reserve and proposed site – see appendix 1.3 .

COMMENT:

It is not considered unreasonable for the Council to relinquish this land for a most important public service. The lot is fully vegetated and not used by the shire or any local groups.

It is suggested that the Council supports the proposal.

MOVED: Cr Broadhurst

SECONDED: Cr Downing

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

CARRIED 9/0

MOVED: Cr Martin

SECONDED: Cr Oversby

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

CARRIED 9/0

MOVED: Cr Downing

SECONDED: Cr Martin

That the Council supports the relinquishing of Loc 13503 of R16199 for vesting in the Water Corporation.

MOVED: Cr Downing

SECONDED: Cr Florey

That the matter lay on the table.

CARRIED 6/3

7.2.5 Review of the Disability Services Plan

| | |
|------------------------------|-------------------------------------|
| <i>Proponent:</i> | <i>Shire of Boyup Brook</i> |
| <i>Location:</i> | <i>-</i> |
| <i>Reporting Officer:</i> | <i>Will Pearce</i> |
| <i>Date Report Written:</i> | <i>24 May 2006</i> |
| <i>Enabling Legislation:</i> | <i>Disability Services Act</i> |
| <i>File:</i> | <i>IM/20/005</i> |
| <i>Appendices:</i> | <i>1.4 Disability Services Plan</i> |

BACKGROUND:

The Council's Disability Services Plan is required to be reviewed and presented to Council for endorsement.

Once accepted by the Council it is required to be included as part of the Annual Report.

DETAIL:

The community was asked via the Boyup Gazette to have input in to the plan from December 2005 until February 2006 by inviting submissions.

No submissions were received.

The document is provided (see appendix 1.4).

COMMENT:

Considerable progress has taken place since the original plan was implemented with the most notable improvements for people with disabilities being the completion of the Tourist Bureau and Town Hall public toilet facilities, medical centre upgrade (improved access to both the surgery and the physiotherapist) and the construction of new and the continued replacement of existing town footpaths.

The Plan however is dynamic in nature and continually required regular assessment to see that our disabled residents and visitors are well catered for.

The state government has recently amended the legislation that will require plans to be reformatted and expanded with additional obligations by July 2007.

It is suggested that the plan is reviewed and adopted.

MOVED: Cr Moir

SECONDED: Cr Martin

That the Council approves the reviewed Disability Services Plan, as presented.

CARRIED 9/0

7.3 CORPORATE SERVICES

7.3.1 Accounts for Payment and Financial Status

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Keith Jones
Date Report Written: 8 June 2006
Enabling Legislation: Local Government Act 1995
File: FM/10/003
Appendices: 1.5 – Payments – 1.6 - Statement

BACKGROUND:

A monthly financial report is presented for consideration.

DETAIL:

The accounts for payment up to 8 June 2006 are attached (see Appendix 1.5).

The Account Balances for the various accounts as at 31 May 2006 are:-

- Municipal Account \$414,021.04
- Shire Clerk Advance \$ (813.17)
- Shire Medical Account \$35259.91
- Trust Account \$35,177.59

Investments secured with the Commonwealth Bank maturing 2 July 2006 are:-

- Reserves Account Term Deposit \$ 418,019.69 @ 5.47%

As at 8 June 2006 \$73,539.77 in rates was outstanding.

As at 8 June 2006 Sundry Debtors was \$ 184,219.36 and Sundry Creditors was nil.

MOVED: Cr Martin

SECONDED: Cr Downing

That the:-

- 1. Council approve cheque voucher numbers 14996 - 15082;**
- 2. Council endorse accounts paid by-**
 - a) direct electronic payments through the Municipal Account;**
 - b) cheque voucher numbers 2061 paid through the Chief Executive Officer's Advance Account;**
- 3. accounts as presented total \$449,891.58.**

CARRIED 9/0

7.3.2 Review of Council Committees

| | |
|------------------------------|----------------------------------|
| <i>Proponent:</i> | <i>Shire of Boyup Brook</i> |
| <i>Location:</i> | <i>-</i> |
| <i>Reporting Officer:</i> | <i>Will Pearce</i> |
| <i>Date Report Written:</i> | <i>24 May 2006</i> |
| <i>Enabling Legislation:</i> | <i>Local Government Act 1995</i> |
| <i>File:</i> | <i>GO/51/001</i> |
| <i>Appendices:</i> | <i>-</i> |

BACKGROUND:

The Council has historically established several advisory and formal committees to deal with specific matters. Generally, recommendations from the committees are then submitted to the next ordinary meeting of the Council for consideration.

The purpose of this report is to reaffirm continued support for such committees and consider new committees.

DETAIL:

Established committees of the Council are mentioned below.

Various organisations and incorporated associations of which elected members are Council representatives include Rylington Park, the Museum, Tourist Association and the Telecentre.

Section 5.8 of the Local Government Act 1995 (the 'Act') provides that a Council may establish committees of three or more persons to assist in its exercising of powers and discharging of duties that can be delegated to the committees. Committees can comprise of:-

- Council Members only
- Council Members and Employees
- Council Members, Employees and Other Persons

- Council Members and Other Persons (Audit committee only)
- Employees and Other Persons
- Other Persons only

Section 5.10 provides for the process of appointment for Committee members, generally requiring an absolute majority resolution of the Council. The Council determines the term of the appointment of Committee membership.

The existing committees are-

Bushfire Advisory Committee

Purpose

To provide advice and recommendations to the Council on matters pertaining to the management of the control of Bush Fires within the Shire of Boyup.

Membership

One elected member of Council

Two representatives from each of the Bush Fire Brigades

Five persons nominated at the Annual General meeting of Bush Fire Brigades to accept the positions of :-

Chief Fire Control Officer

First and Second Chief Fire Control Officers,

Communications Officer (and deputy)

Training Officer (and deputy)

Weather Officer (and deputy)

Term of appointment

Elected Members – 31 May annually.

All other members annually, until the Annual General meeting of Bush Fire Brigades is held.

Townscape (Waters Edge) Advisory Committee

Purpose

To provide advice and recommendations to the Council on enhancing the environs of the townsite including:-

- Median Islands
- Footpaths and undeveloped road reserves
- Reserves, parks and gardens
- Entrance statements
- Signage

The extent of the townsite for the purposes of the Townscape Advisory Committee should incorporate all those areas included under the gross rental valuation system, and generally described as that area bounded by the Boyup Brook /Bridgetown Road (Saleyards), Boyup Brook/Donnybrook Road (Powertrak), Boyup Brook / Kojonup Road (Bridge) and Dinninup Road (Bridge).

The purpose of the Committee has been to provide advice and recommendations to the Council on enhancing the environs of the townsite including:-

- Median Islands
- Footpaths and undeveloped road reserves
- Reserves, parks and gardens
- Entrance statements
- Signage
- Cemetary

Membership

- Three elected Members
- Up to four community members

Term of appointment

- 31 May annually

Recreation and Leisure Advisory Committee

Purpose

To provide advice and recommendations to the Council on Recreational and Leisure Activities and Recreational Opportunities for the Shire to the extent of:-

Preparations of plans for enhancement of such opportunities.

Applications for funding assistance from the Council or outside organisations resources, (Grant Applications).

Development of Business/Management Plans for recreational and leisure facilities.

Membership

Three Elected Members.

Up to four community representatives.

Term of appointment

- 31 May annually

Development Services Committee

Purpose

To submit recommendations to the Council in relation to development applications requiring a resolution of the Council.

Membership

Four Elected Members.

Term of appointment

31 May annually

Audit and Finance Committee

Purpose

As per Council's 'Terms of Reference for the Audit and Finance Committee Policy'

Membership

Three Elected Members.

Term of appointment

31 May annually

Economic Development Committee

Purpose

As per Council's 'Economic Development Policy'

Membership

Cr

Business/Farming Representative

Business/Farming Representative

Business/Farming Representative

Boyup Brook Tourism Association Representative

Boyup Brook Country Music Club Representative
Shire's Chief Executive Officer
Shire's Community and Economic Development Officer
Boyup Brook Rural Youth Representative
Topoclimate/Farm Production Innovation Representative

Term of appointment
31 May annually

COMMENT:

The establishment of committees follows the intention of the Act, viz. 'Greater Community participation in the decision in affairs of Local Governments'.

Provided the meetings are properly structured and members are committed to the task, committees can be a valuable source of feedback from the wider community including an indication of the services desired and the extent to which the community are prepared to pay for the services.

The committees can also act as a dissemination point for information, allowing community members to appreciate the complex issues which Local Governments face.

It is also now a requirement under the new Emergency Management Act for local government to legally establish Local Emergency Management Committees (LEMCs).

A LEMC has been operating very successfully in the Shire of Boyup Brook for many years under previous state policy. The new act requires legal formalisation of these committees.

It is recommended that the Council endorse the committee structures noted above.

MOVED: Cr Broadhurst

SECONDED: Cr Piper

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

CARRIED 9/0

MOVED: Cr Oversby

SECONDED: Cr Broadhurst

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

CARRIED 9/0

MOVED: Cr Broadhurst

SECONDED: Cr Moir

That Items 7.3.2 and 7.3.3 be deferred to the July 2006 meeting of Council.

CARRIED 9/0

MOVED: Cr Broadhurst

SECONDED: Cr Moir

That the membership of current committees and terms of appointment be continued until 15 July 2006.

CARRIED 9/0

7.3.3 Vacancies – Council Committees and Community Groups

| | |
|------------------------------|----------------------------------|
| <i>Proponent:</i> | <i>Shire of Boyup Brook</i> |
| <i>Location:</i> | <i>General</i> |
| <i>Reporting Officer:</i> | <i>Will Pearce</i> |
| <i>Date Report Written:</i> | <i>24 May 2006</i> |
| <i>Enabling Legislation:</i> | <i>Local Government Act 1995</i> |
| <i>File:</i> | <i>GO/51/001</i> |
| <i>Appendices:</i> | <i>-</i> |

BACKGROUND:

It is usual to review annually the necessity for and participation by Councillors and community members on several Council established Committees, together with various organisations in the community which require, by their constitutions or tradition, representation by the Council.

DETAIL:

In June 2005, appointments were made as per the below listing:-

- Development Services Committee
Crs. Moir, Downing, Florey, Martin (Deputy Cr. Piper)

- Townscape Advisory Committee
Crs. Marshall, Broadhurst, Downing (Deputy Cr. Florey)

Community Delegates: R Campbell, C Hales, E Biddle

- Bush Fire Advisory Committee
Cr. Oversby (Deputy Cr. Piper)

- Recreation and Leisure Advisory Committee
Crs. Florey, Martin, Piper (Deputy Cr. Oversby)

Community Delegates: K Bleechmore, E Biddle, K Martin, G Russell

- Rylington Park
Cr. Florey (Deputy Cr. Piper)

- Conservation/ Environment
Cr. Oversby (Deputy Cr. Martin)

- WA Local Government Association (South West Zone), WALGA,
Cr. Ginnane (Deputy Cr. Downing has voting rights at WALGA AGMs)

- Warren Blackwood Economic Alliance
Cr. Ginnane (Deputy Cr. Downing)

- Road Matters
Cr. Moir (Deputy Cr. Marshall)

- Health Matters
Cr. Downing (Deputy Cr. Ginnane)

- Telecentre
Cr. Oversby (Deputy Cr. Ginnane)

- Tourism Matters
Cr. Broadhurst (Deputy Cr. Oversby)

- Waste Management Matters
Cr. Martin (Deputy Cr. Oversby)
- Local Emergency Management Committee
Cr Ginnane

COMMENT:

It is recommended that the Council consider appointments as follows:-

The Council also needs to endorse community representatives on the Recreation and Leisure Advisory, Economic Development and Townscape Advisory Committees.

Nominations for recreation and townscape committee positions were invited in the April and May 2006 editions of the Boyup Gazette.

Written and verbal nominations were received and with two current members willing to continue for a further 12 months. These include E Biddle who wishes to remain on the Townscape Committee and K Bleechmore and E Biddle on the Recreation and Leisure Committee.

D Winter (with a request that B Mead be a deputy), as representatives of the Country Music Club, and H Payne have also nominated for the Recreation and Leisure Committee.

This leaves three community vacancies on the Townscape Committee. It is suggested that these positions be re-advertised or the structure of the committee be reviewed.

The membership for the Economic Development Committee is by direct appointment. Unfortunately there are 3 vacancies. Recommendations on filling these vacancies will be submitted to the Council in July 2006.

It is suggested that the Council considers the appointments as noted in the recommendation above.

MOVED: Cr Broadhurst

SECONDED: Cr Moir

That the meeting be adjourned for an afternoon tea break, the time being 4.53pm.

CARRIED 9/0

MOVED: Cr Moir

SECONDED: Cr Marshall

That the meeting resume, the time being 5.08pm.

CARRIED 8/0

The meeting resumed with the following persons in attendance.

Cr T Ginnane – Shire President
Cr R Downing
Cr S Broadhurst
Cr P Marshall
Cr M Martin
Cr K Moir
Cr T Oversby
Cr A Piper

Mr W Pearce – Chief Executive Officer
Mr J Eddy – Manager of Works and Services
Mr K Jones – Manager for Finance & Administration

Cr Florey entered the chambers, the time being 5.09pm.

7.3.4 Review of Delegations of Authority

| | |
|------------------------------|---|
| <i>Proponent:</i> | <i>Shire of Boyup Brook</i> |
| <i>Location:</i> | <i>-</i> |
| <i>Reporting Officer:</i> | <i>Will Pearce</i> |
| <i>Date Report Written:</i> | <i>24 May 2006</i> |
| <i>Enabling Legislation:</i> | <i>Section 5.42 Local Government Act 1995</i> |
| <i>File:</i> | <i>GO/15/004</i> |
| <i>Appendices:</i> | |

BACKGROUND:

The Local Government Act 1995 requires local governments to review their delegations of authority on an annual basis.

The purpose of this report is to review all previous delegations to officers.

DETAIL:

A local government may delegate by an absolute majority to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties other than those mentioned by Section 5.43 of the Local Government Act 1995.

Section 5.43 provides that a local government cannot delegate any of the following powers or duties:-

- Any power or duty that requires a decision of an absolute majority or a 75% majority of the local authority.
- Accepting a tender which exceeds an amount determined by the local authority for the purpose of the delegation
- Acquiring or disposing of any property valued at an amount exceeding an amount by the local authority for the purpose of the delegation
- Any of the local government powers under the sections relating to payment for attending meetings.
- Borrowing money on behalf of the local authority
- Hearing or determining an objection of pursuant to Section 9.5 of the Local Government Act
- Any power or duty that requires the approval of the Minister or Governor

The purpose of permitting a local government to delegate powers and duties is in recognition of how the efficiency of an organisation and hence its service to the public could be improved by delegation. The Council can only delegate powers and duties to the CEO (Section 5.42) not to other employees, except under other legislation. The CEO can however delegate powers and duties to other employees (Section 5.44). In all cases, delegations are to be made in writing, with records being kept in accordance with regulations in relation to the exercise of the power or discharge of the duty.

Following an extensive review in July 2002 the Council approved the 'Shire of Boyup Brook Register of Delegations of Authority' (laid on the table).

This register has been reviewed annually in June since 2002.

COMMENT:

A further review of the register by the CEO finds that the document in the main remains appropriate to continue the timely and effective management of the Council's operations.

However, Delegation 122 requires additional legislation to be covered. It currently reads:-

- LEGISLATIVE POWER** - **Various**
- DELEGATION SUBJECT** - **Various/Ranger Duties**
- DELEGATE** - **Chief Executive Officer**

The Chief Executive Officer has delegated authority to carry out various local government functions under the following Acts, Regulations and Local Laws:-

- **Bush Fires Act, Regulations and Local Laws**
- **Dog Act, Regulations and Local Laws**
- **Litter Act and Regulations**
- **Local Government Act 1995 (sec. 9.11, 9.13, 9.15 and 9.16)**
- **Local Government Property Local Law;**
- **Activities In Thoroughfares And Public Places And Trading Local Law;**
- **Boyup Brook Cemetery Local Law 2003;**
- **Bush Fire Brigades Local Law;**
- **Parking and Parking Facilities Local Law;**
- **Fencing Local Laws**
- **Health Local Laws 2003**

The delegation incorrectly omits reference to the Health Act 1911 which was an oversight in the past review.

It is suggested that the Council endorses the recommendation above.

MOVED: Cr Moir

SECONDED: Cr Martin

That the Council endorses the review of the 'Shire of Boyup Brook Register of Delegations of Authority', subject to Delegation 122 being amended to list:-

- **Health Act 1911**

CARRIED 9/0

7.3.5 Warren Blackwood Economic Alliance Minutes

| | |
|------------------------------|---|
| <i>Proponent:</i> | <i>Warren Blackwood Economic Alliance</i> |
| <i>Location:</i> | <i>-</i> |
| <i>Reporting Officer:</i> | <i>Will Pearce</i> |
| <i>Date Report Written:</i> | <i>7 June. 2006</i> |
| <i>Enabling Legislation:</i> | <i>-</i> |
| <i>File:</i> | <i>GR/31/006</i> |
| <i>Appendices:</i> | <i>1.7 - Minutes</i> |

BACKGROUND:

A meeting of the Warren Blackwood Economic Alliance was held on 30 May 2006.

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

MOVED: Cr Broadhurst

SECONDED: Cr Downing

That the minutes of the Warren Blackwood Economic Alliance held on 30 May 2006 be received.

CARRIED 9/0

7.3.6 Bi-Annual Service Delivery Survey

| | |
|------------------------------|---------------------------------|
| <i>Proponent:</i> | <i>Shire of Boyup Brook</i> |
| <i>Location:</i> | - |
| <i>Reporting Officer:</i> | <i>Will Pearce</i> |
| <i>Date Report Written:</i> | <i>31 May 2006</i> |
| <i>Enabling Legislation:</i> | <i>Local Government 1995</i> |
| <i>File:</i> | <i>CU/16/001</i> |
| <i>Appendices:</i> | <i>1.8 – Survey and Results</i> |

BACKGROUND:

The Strategic Plan identifies that a service Delivery Questionnaire be undertaken annually.

The report of the 2006 survey, being the seventh in all, is laid on the table and circulated (separate document).

DETAIL:

The Local Government Act 1995 requires local governments to adhere to the principles of good governance and monitor and assess its performance in the delivery of services.

A suitable survey was identified in the previous 1999 – 2004 Strategic Plan as a key component to measure organisational performance.

The survey has a focus upon activities that the Council provides as a significant part of annual budget expenditure.

Questions were developed with due recognition of statistical analysis techniques and to provide some consistency enabling comparison over a period of years.

This year 200 randomly selected residents and the whole community (those who did not receive a random survey) were requested to participate with only 52 submissions being received.

COMMENT:

The survey indicates comparable results to 2004 in most services across the board of which the Council and staff should be proud. The high degrees of service levels that continue to be achieved are certainly noteworthy.

It is suggested that the results of the 2006 Bi-annual Service Delivery Survey, be received.

MOVED: Cr Broadhurst

SECONDED: Cr Florey

That the results of the 2006 Bi-annual Service Delivery Survey be received.

CARRIED 9/0

Cr Oversby declared an impartiality interest in the following item due to his membership in the Lions Club.

K Jones declared an impartiality interest in the following item due to his membership in the Lions Club.

7.3.7 Boyup Brook Lions Club – Flax Mill Hire Exemption Request

Proponent: Boyup Brook Loins Club
Location: Flax Mill Shed
Reporting Officer: Will Pearce
Date Report Written: 7 June 2006
Enabling Legislation: Local Government Act 1995
File: FM/25/008
Appendices:

BACKGROUND:

The Boyup Brook Lions Club hold two auctions every year in the grain shed of the Flax Mill.

The club requests that hire fees are not charged for future auctions.

DETAIL:

The club writes-

The Lions Club of Boyup Brook would like to request the ongoing use, every six months, of the Flax Mill shed area for the running of our Lions Auctions. The area would be required for three to four days each March/April and again in September/October.

We would like council to consider making this a permanent arrangement, even to the extent of making it “policy”.

Along with the approval to use the facility it is hoped that council would see fit to continue not to charge the Lions Club for the use of facility during this important fund raising event.

COMMENT:

The club has not been charged by the Council in the past as the service has been viewed as an excellent community service where the monies raised by the Lions are put back in to the community.

It is necessary though to formalise this arrangement to ensure transparency should the Council wish to support the club's request.

The Council currently has a 'Hall Hire Fees – Exempt Groups' policy-

Objective

To indicate which organisations the Council will exempt hire fees annually without the need for a donation/sponsorship application.

Statement

Fees for the use of the facilities and equipment are to be charged in accordance with the fees adopted by the Council annually.

The Council will exempt hire fees for-

- Anzac Day service

- 11 November service
- Sandakan Memorial service
- community groups rehearsing in the Town Hall for one-off events (whether for fundraising purposes or not) on condition that they rehearse for no more than three (3) hours per session per week and a maximum of one (1) event per year.

The Boyup Brook Lions Club has put a request in to have any potential future shire fees waived.

The Council has 3 options-

- Decline the request
- Waive any future fee for the hire of the shed (and confirm via policy)
- Compromise for example charge discounted fees

It is suggested that the Council supports the request as indicated in the recommendation above.

MOVED: Cr Martin

SECONDED: Cr Piper

That the Council:-

- 1 **supports the request from the Boyup Brook Lions Club to provide the Flax Mill Shed at no cost for their twice yearly auctions;**
- 2 **amend its 'Hall Hire Fees – Exempt Groups' policy by-**
 - a) **changing the title to 'Shire Facilities Hire - Exempt Groups' and**
 - b) **replacing the policy with the following-**

'Objective

To indicate those organisations that the Council will exempt from being charged hire fees without the need for a donation/sponsorship application.

Statement

Fees for the use of the facilities and equipment are to be charged in accordance with the fees adopted by the Council annually.

The Council will exempt Town Hall hire fees for-

- **Anzac Day services**
- **11 November services**
- **Sandakan Memorial services**
- **community groups rehearsing in the Town Hall for one-off events (whether for fundraising purposes or not) on condition that they rehearse for no more than three (3) hours per session per week and a maximum of one (1) event per year.**

The Council will exempt Flax Mill hire fees for-

- **Lions Auctions held in the 'grain shed' (2 months notice is required - booked accommodation in this area takes precedence over any auction).'**

CARRIED 9/0

7.3.8 Write off Debtors and Creditors

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Keith Jones
Date Report Written: 7 June 2006
Enabling Legislation: Local Government Act 1995
File: FM/1/001
Appendices: -

BACKGROUND:

The Shire has attempted to collect these monies but to no avail. Some do not exist and others have no contact details.

DETAIL:

Adelaide Timber Co no longer exist but did vacate the land in October 2002. Rates for the former Wilga Saw mill for 2002/03 are \$186.20.

C & C Settlements owe (\$20.00) for a rates enquiry from 18/10/1999 and after being contacted do not accept liability.

C Evans – (\$175.00) Septic Pumpout in 2004. Attempts have been made to locate to no avail. The house has since been sold.

J Cresswell – (\$264.00) Septic Pumpout 23/05/2005. Attempts have been made to locate to no avail. The house has since been sold.

GEHA – (\$78.70) Unsure of the details of this invoice from 6/9/2000 except that it is a reimbursement.

Jonor Construction – (\$175.00) Septic Pumpout in 2004. This company no longer exists

Marden Sewell & Co – (\$562.82) Rates from 2003/2004. This company no longer exists.

K & K Whillie – (\$220.80) Legal action for rates recovery from 2001

GEHA – (\$1797.99) Rates Ass 7560 – this was revested in the crown. We have only recently been advised. Rates arrears from 2003/2004 and 2004/2005.

I Guthrie - Mr Ivan Guthrie died in approximately 1978 and to this date is the current registered owner of Lot 198 Abel Street (drain reserve). This ownership issue came to light in 2000 through a land parcel comparison between DOLA and the Shire of Boyup Brook.

Contact was made with the executor of the will Mr D Guthrie who expressed the opinion that the family have no desire for the land as it can not be built upon.

This land has had rates raised since 1998.

BTR Engineering - (-\$27.98) Credit owing to us from 15 May 1998 for returned goods. Unable to contact this business.

Dowd Corporation – (-\$31.09) Credit owed to us from 12/9/2003. Dowd do not believe this money is owed to Shire.

Party Products Australia – (-\$24.64) Credit owed to us from 24/1/2001. Unable to locate this business.

COMMENT:

The cost involved in attempting to obtain payment from these debtors through legal action is considered cost prohibitive. It is suggested that the debt/credits be written off.

MOVED: Cr Downing

SECONDED: Cr Moir

That the Council writes off the following long term debtors and creditors:

| | |
|----------------------------|-----------|
| • Adelaide Timber Co | \$186.20 |
| • C & C Settlements | \$20.00 |
| • C Evans | \$175.00 |
| • J Cresswell | \$264.00 |
| • Geha | \$78.70 |
| • Jonor Construction | \$175.00 |
| • Marden Sewell & Co | \$562.82 |
| • K & K Whillie | \$220.80 |
| • GEHA | \$1797.99 |
| • I Guthrie | \$5050.10 |
| • BTR Engineering | -\$27.98 |
| • Dowd Corporate | -\$31.09 |
| • Party Products Australia | -\$24.64 |

CARRIED 8/1

Cr P Marshall left the chambers the time being 5.35pm.

7.3.9 Boyup Brook Medical Services – Request from Dr D Reid to Provide GP Services

| | |
|------------------------------|------------------------------|
| <i>Proponent:</i> | <i>Dr D Reid</i> |
| <i>Location:</i> | - |
| <i>Reporting Officer:</i> | <i>Will Pearce</i> |
| <i>Date Report Written:</i> | <i>8 June 2006</i> |
| <i>Enabling Legislation:</i> | <i>Local Government 1995</i> |
| <i>File:</i> | <i>PH46/001</i> |
| <i>Appendices:</i> | - |

BACKGROUND:

Dr D Reid has contacted the Council offering to provide GP services on a casual basis.

It is necessary for the Council to consider this request.

DETAIL:

Dr Reid wishes to work for 3 hours on Saturday mornings from 9am – 12noon on a mostly regular basis (he wants the right to not work on Saturdays that do not suit him).

The GP Working Group met with Dr Reid on 31 May to discuss the proposal.

Dr Reid would like 70% of the gross profits with the Council employing a casual receptionist at its cost.

Dr Mel and the group agreed with the proposal. Any financial losses incurred with this extra service will be shared between Dr Mel and the Council. This is most unlikely as Dr Reid has 'tried' Saturday mornings twice in May with the service being fully booked on both occasions.

The group did ask if Dr Reid would consider being on the emergency hospital roster which was declined.

However, Dr Reid did advise that he would be happy to provide cover for Dr Mel when absent and possibly work on Wednesdays on a casual basis.

COMMENT:

The CEO will advertise for a casual receptionist should the proposal be accepted.

It is suggested that the proposal be supported.

MOVED: Cr Moir

SECONDED: Cr Marshall

That the Chief Executive Officer engages Dr D Reid to provide GP services and support staff at the Boyup Brook Medical Services on a casual basis.

CARRIED 7/1

Cr P Marshall returned to Chambers the time being 5.37pm.

MOVED: Cr Downing

SECONDED: Cr Oversby

That in accordance with Section 5.23 (2) (b) of the Local Government Act 1995 the next part of the meeting be closed to members of the public to allow the Council to consider a matter dealing with the personal affairs of a person and the Council go into committee to allow members free discussion on the matter, the time being 5.37pm.

CARRIED 9/0

K Jones and J Eddy left the meeting the time being 5.37pm.

MOVED: Cr Downing

SECONDED: Cr Martin

In accordance with Section 5.23 (2) of the Local Government Act 1995 the next part of the meeting is open to the members of the public and the Council come out of committee, the time being 5.53pm.

CARRIED 9/0

7.3.10 Manager of Finance and Administration - Proposed Renewal of Employment Contract

| | |
|------------------------------|----------------------------------|
| <i>Proponent:</i> | <i>Shire of Boyup Brook</i> |
| <i>Location:</i> | <i>-</i> |
| <i>Reporting Officer:</i> | <i>Will Pearce</i> |
| <i>Date Report Written:</i> | <i>9 June 2006</i> |
| <i>Enabling Legislation:</i> | <i>Local Government Act 1995</i> |
| <i>File:</i> | <i>-</i> |
| <i>Appendices:</i> | <i>-</i> |

BACKGROUND:

Mr Keith Jones', Manager of Finance and Administration, 3 year employment contract, which commenced on 1 July 2003, will expire on 30 June 2006.

It is now necessary to review this position.

DETAIL:

The Council agreed in 2003 that the position of Manager of Finance and Administration should be a 'senior employee' under the Local Government Act which requires that a contract be offered for the position instead of general industrial award conditions.

Mr Jones' duties are in the designated areas of:-

- ◆ Finance
- ◆ Administration
- ◆ Waste Management
- ◆ Recreation & Leisure
- ◆ Youth Development
- ◆ Bushfire
- ◆ Building maintenance

The terms and conditions of employment are covered pursuant to the WALGA Model "Contract of Employment". A copy of the contract is laid on the table.

The components of the current contract representing the remuneration package are:

| | | | |
|-------|-------------------------------|----------------------|----------------------|
| 5.1.1 | Salary (cash component) | \$55,000 | (plus \$1,000 bonus) |
| 5.1.2 | Motor Vehicle | | \$10,400 |
| 5.1.3 | Superannuation | | \$ 6,600 |
| 5.1.4 | <i>Home Telephone Subsidy</i> | \$500 | |
| 5.1.5 | Housing | \$3,900 | |
| 5.1.6 | Uniform Allowance | \$250 | |
| 5.1.7 | Fringe Benefits Allowance | As determined by ATO | |

Mr K Jones has been subject to annual performance reviews by the Chief Executive Officer.

COMMENT:

Mr Jones has indicated that he would like to continue working for the shire under similar conditions with a pay increase.

A requested increase in salary from effectively \$56,000 to a suggested \$60,000 (no bonus) is not unreasonable based on the latest WALGA remuneration survey for this position.

The Council does have the right pursuant to sec. 5.37 (2) of the act to reject any proposal by the CEO in relation to recommending employment contracts for designated 'senior employees'. It must however provide reasons to the CEO for doing so.

Moved: Cr Martin

SECONDED: Cr Downing

That the Council:-

1. **delegates authority to the Chief Executive Officer to negotiate a three (3) year employment contract commencing 1 July 2006 under section 5.39 of the Local Government Act 1995 with Mr Keith Jones under the following terms and conditions:-**
 - **Mr Jones' 2003 – 2006 "Contract of Employment" underpinning the minimum terms and conditions;**
 - **Salary of \$60,000**
2. **approves a contract of employment subject to acceptance by Mr Keith Jones, being executed by the Shire President and Chief Executive Officer;**

- 3. approves the seal of the Shire of Boyup Brook being placed on the “contract of employment” subject to clause 2 above.**

K Jones and J Eddy returned to chambers the time being 5.54pm.

Cr P Marshall left the chambers the time being 6.00pm.

8. PETITIONS AND MEMORIALS

9. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

11. CLOSURE OF MEETING

There being no further business the Chairman declared the meeting closed at 6.02pm.

These Minutes and Schedule of Accounts were confirmed by the Council at the Council Meeting held on the 2006.

Cr Terry Ginnane, Shire President