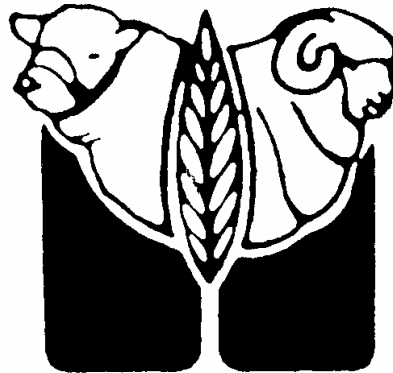


# MINUTES



ORDINARY MEETING

HELD

THURSDAY, 16 AUGUST 2007

COMMENCED AT 3.30PM

AT

SHIRE OF BOYUP BROOK CHAMBERS  
ABEL STREET – BOYUP BROOK

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

### 1.1 Attendance

Cr T Ginnane – Shire President  
Cr S Broadhurst  
Cr J Florey  
Cr T Oversby  
Cr A Piper (3.31pm)  
Cr K Moir

Mr T Doust – Chief Executive Officer  
Mr K Jones – Manager of Finance  
Mr J Eddy – Manager of Works and Services

Erika Karlsson – Bridgetown/Donnybrook Mail

### 1.2 Apologies

### 1.3 Leave of Absence

Crs R Downing and Cr P Marshall were granted leave of absence for the August 2007 ordinary Council Meeting in July 2007.

## 2 PUBLIC QUESTION TIME

### 2.1 Response to Previous Public Questions Taken on Notice

N/A

### 2.2 Public Question Time

No questions raised.

## 3 APPLICATIONS FOR LEAVE OF ABSENCE

**MOVED: Cr Oversby**

**SECONDED: Cr Moir**

That Cr Florey be granted leave of absence for September 2007

**CARRIED 5/0**

## 4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Piper entered the Chambers at 3.31pm

Cr Broadhurst showed BRVMA brochures and outlined the recent function held to launch the new publications.

Cr Oversby – thanks for condolences.

Cr Florey – Rylington is operating without a manager at the moment, it is run by Committee. The position has been re-advertised.

Men's Field Day is on 19/09/07 and Ladies Field Day is on 21/09/07.

Cr Ginnane advised that he attended Local Government Week and thought it was very good.

## 5 CONFIRMATION OF PREVIOUS MINUTES

5.1 Minutes of the Ordinary Meeting of the Council held on 19 July 2007.

**MOVED: Cr Oversby**

**SECONDED: Cr Moir**

**That the minutes of the previous Ordinary Meeting of the Council held on Thursday 19 July 2007, be confirmed as an accurate record.**

**CARRIED 6/0**

5.2 Minutes of the Special Meeting of the Council held on 30 July 2007.

**MOVED: Cr Broadhurst**

**SECONDED: Cr Florey**

**That the minutes of the Special Meeting of the Council held on Monday 30 July 2007, be confirmed as an accurate record.**

**CARRIED 6/0**

## 6 PRESIDENTIAL COMMUNICATIONS

Cr Florey has informed the Chief Executive Officer that she will be resigning as Councillor from Scotts Brook Ward as from 19<sup>th</sup> October 2007. The President thanked Cr Florey for her contribution to Council.

Cr Downing has sent a facsimile to the Chief Executive Officer from Sabah Sandakan providing a draft copy memorandum of understanding between 2 municipalities. I intend to complete and sign this on behalf of Council during the visit to Boyup Brook by President Yeo Boon Hai in September this year.

Attended a function in the Council chambers and received a cheque for the Aerial Bundling Project from the Minister for the South West Development Commission.

## 7 REPORTS OF OFFICERS AND COMMITTEES

### 7.2 DEVELOPMENT AND COMMUNITY SERVICES

#### 7.2.1 Planning Approval – Beauty Therapy Service – 27 Barron Street Boyup Brook

<i>Location:</i>	<i>Lot 28 (27) Barron Street Boyup Brook</i>
<i>Applicant:</i>	<i>F P Grounds (Occupier) and RW &amp; M Sambell (Owner)</i>
<i>File:</i>	<i>Ass 1181</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>12<sup>th</sup> June 2007</i>
<i>Author:</i>	<i>Tony Doust - Chief Executive Officer</i>

## **SUMMARY**

To reconsider an application to establish a Beauty Therapy Service in a residence on Lot 28 (27) Barron Street Boyup Brook. As the land is zoned residential the proposal was advertised inviting public comment. The report recommends approval.

## **BACKGROUND**

Council at its meeting on 21<sup>st</sup> June 2007 considered an application received from Ms Fiona Grounds to establish a Beauty Therapy Service at 27 Barron Street Boyup Brook.

The land is zoned residential under the Shire of Boyup Brook Town Planning Scheme No 2. The proposed use is not specifically listed within the zoning tables; however it would be similar to either the use classes "Consulting Room" or "Health Care/Studio" which are both allowed within the residential zone under the "SA" provisions of the scheme i.e.

"SA" a use that is not permitted unless the Council has granted planning approval after given notice in accordance with Clause 3.5 of the Shire of Boyup Brook Planning Scheme No 2:-

### **3.5 ADVERTISING OF APPLICATIONS**

- 3.5.1 *Where an application is made for planning approval to commence or carry out development which involves an "SA" use, the Council shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of sub-clause 3.5.3.*
- 3.5.2 *Where an application is made for planning approval to commence or carry out development which involves an "AA" use, or any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 3.5.3.*
- 3.5.3 *Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:*
- a) *Notice of the proposed development to be served on the owners and occupiers as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice.*
  - b) *Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publication thereof.*
  - c) *A sign or signs displaying the notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph b) of this sub-clause.*
- 3.5.4 *The notice referred to in sub-clause 3.5.3 a) and b) shall be in the form contained in Schedule 11 with such modifications as circumstances require.*
- 3.5.5 *After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.*

Given that the proposed use will involve clients entering and leaving the premises, as well as vehicles it was recommended that the requirements of Clauses 3.5.3(a) (b) and (c) be implemented prior to formal consideration of planning approval. The cost of advertising and signage required to be met by the applicant.

COUNCIL RESOLVED ACCORDINGLY ON 21<sup>st</sup> JUNE 2007:-

*“That prior to formal consideration of the application submitted by Fiona Grounds to establish a Beauty Therapy Service on the residentially zoned land / residence at Lot 28 Barron Street Boyup Brook the following action be implemented:-*

- 1. Notice of the proposed development to be served on the owners and occupiers of the properties in Barron Street, Bridge Street to Dickson Street Boyup Brook stating that submissions may be made to the Council within twenty-one days of the service of such notice.*
- 2. Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publications thereof.*
- 3. A sign displaying the notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph b) of this sub-clause.*
- 4. The cost of Items (2) and (3) above to be met by the Applicant.”*

### **COMMENT**

The requirements of the Councils decision have been implemented, including notices to owners and occupiers, advertisement in the Manjimup Bridgetown Times on 4<sup>th</sup> July 2007, sign/notice on the property and Shire Administration office notice board. No comments have been received.

It is recommended that planning approval be granted to use the existing residential premises at 27 Barron Street Boyup Brook, for a Beauty Therapy Service subject to compliance with the Shire of Boyup Brook Town Planning Scheme No 2, any Health requirements and Building Code of Australia.

### **CONSULTATION**

Public advertising and notices to landowners/occupiers in the immediate area.

### **STATUTORY ENVIRONMENT**

Shire of Boyup Brook Town Planning Scheme No 2.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Cost of advertising has been met by applicant.

### **STRATEGIC IMPLICATIONS**

It is important to ensure that any commercial use in a residential zone will not impact on the adjoining / nearby residents and community in general.

### **VOTING REQUIREMENTS**

Simple Majority

## **COUNCIL DECISION AND OFFICER RECOMMENDATIONS**

**MOVED: Cr Moir**

**SECONDED: Cr Piper**

- 1. That planning approval be granted for the use of the residential dwelling on Lot 28 (27) Barron Street Boyup Brook, for the purpose of a Beauty Therapy Service subject to compliance with the Shire of Boyup Brook Town Planning Scheme No 2, at all times.**
- 2. The applicant be advised that planning approval does not include any specific requirements for the use of the existing residential building for a Beauty Therapy Service under the Health Act 1911 and Building Code of Australia.**

**CARRIED 6/0**

### **7.2.2 Subdivision Application – LOTS 11 & 208 Farleigh Road Boyup Brook**

<i>Location:</i>	<i>Lot 11 &amp; 208 Farleigh Road Boyup Brook</i>
<i>Applicant:</i>	<i>R.A.S Machin (Owner DL &amp; SAW Dickson)</i>
<i>File:</i>	<i>9682</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>3<sup>rd</sup> August 2007</i>
<i>Author:</i>	<i>Tony Doust, Chief Executive Officer</i>

### **SUMMARY**

This report is to consider a referral of a subdivision application from the Western Australian Planning Commission. The subject land comprises of Lots 11 and 208 Fairleigh Road Boyup Brook.

The proposal is to amalgamate Lots 11 and 208 and re-subdivide the resulting lot into two lots of 16.2 ha and 65.33 ha in area. The report recommends approval subject to conditions.

### **BACKGROUND**

Lots 11 and 208 have an area of 16.2ha and 65.33ha respectively and are located approximately 1.5 to 2kms east of the Lodge Road. The total area of the subject land is 81.53ha.

Access to the subject land is via Fairleigh Road (off Lodge Road) and an easement over adjoining lots. The land adjoins the Blackwood River.

There is an existing dwelling and outbuildings on the property which is used for general farming purposes. The land is predominantly cleared and the adjoining land is used for general farming.

The applicant provides the following information in support of the proposed subdivision:-

“In support of this application, this application does not create any additional titles or significant variation in areas. It is a rationalization of boundaries.

At present Lot 208 is completely surrounded by Lot 11. The proposed configuration is to cater for good farming practice by removing the narrow strip of land that is part of Lot 11 between lot 10 and lot 208 which creates problems for land management and fire control.

The proposed new lots are to be within +/-2% of the existing areas. Any variation is to accommodate practical fencing alignments.

The current access to this property is not within the existing road reserve but is covered by an easement (H 388865). It is proposed to carry the easement forward”.

## **COMMENT**

The application is relying upon the farm restructuring/boundary adjustment criteria outlined in Section 5.7 of the Warren-Blackwood Rural Strategy, (Page 50) Recommendation 3 which is as follows:

*“In the case of farm restructuring or boundary adjustment, the principal issue of consideration in assessment will be improving the sustainability and long-term agricultural viability of the farming operation and observing the primary principle of protecting and enhancing the productive capacity of agricultural land. Where a farm consists of multiple titles and the proposal is to consolidate the main operation into a single title, consideration will be given to the creation of lots smaller than the outlined criteria, provided that:*

- *The smaller lots have sufficient size to allow for the construction of a dwelling and other small farm infrastructure and buildings with sufficient setback from adjoining properties so as not to restrict potential agricultural productivity on those properties.*
- *The small lots are located to have minimal adverse impact on the viability and sustainability of the main farming property.*
- *The total number of resulting lots is not greater than the original number of lots.*
- *In the case of lifestyle lots, the land is located within 10kms of a major townsite.”*

The proposal complies with the above criteria given that:

- a) The proposed 16.2ha lot accommodates an existing dwelling and outbuildings and is sufficiently large enough to ensure minimal land use conflicts with the proposed 65.33ha.
- b) No additional lots are created by the proposal;

The issue is whether the proposed 16.2 ha lot meets the criteria within the Warren Blackwood Rural Strategy, in relation to the proposed size.

The application is considered to be consistent with the objectives of Town Planning Scheme No 2 as set out below.

Both lots will have access to existing road reserves although the access to the Lots being created will require upgrading/construction. As both new lots will be capable of being sold and can be used independently of other land, it is recommended that the subdivider make a contribution in accordance with Council’s policy “Road Contribution” section Unconstructed and Substandard Roads.

## **CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

The subject land is zoned ‘Rural’ in Town Planning Scheme No 2. The purpose of the ‘Rural’ zone is:

The Rural Zone is intended primarily for the preservation of agriculturally significant land. Land within the Scheme Area is capable of high levels of agricultural production and is therefore a valuable resource worthy of protection. Council shall therefore seek to ensure that no action is taken to jeopardise that potential.

In considering any applications for subdivision, rezoning and planning consent in the rural zone, Council is required to regard to the matters contained in Clause 5.2.1 of the Scheme as follows:



- i) the need to protect the agricultural practices of the Rural zone in lights 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.

## **POLICY IMPLICATIONS**

The proposal appears to be in accordance with the Council's existing policy on subdivision and amalgamations.

### ***Objective***

The following provisions should form the basis of comments and recommendations to the Western Australian Planning Commission prior to the determination of the subdivision of rural land.

### ***Statement***

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:-
- Note: A statement of undertaking may be required in the sale of any new lots with regard to provision of existing Council services.
- c) the existing and proposed access to the subject land and to each lot. The Council will have regard to:-
    - i) the provisions of the "Road Contribution" Policy;
    - ii) the likely impact of the proposal on the Council road construction program;
    - iii) the ability to reduce the potential upgrading of existing roads by utilizing an alternative subdivision design or battleaxe access legs which shall be constructed and designed to the satisfaction of the Manager of Works and Services;
    - iv) sight distances;
    - v) provision of school bus pick up and let down points.

(Note: the Council will not automatically support the subdivision of land which requires the use of unconstructed road reserves as the potential impact of this upon the Council budget and road construction program may be detrimental to the community.)

- d) the drainage of land and whether the land for drainage is to be vested in the local government or some public body or a government department.
- e) Whether the land has been declared unfit for building under the provisions of the Health Act 1911.

- f) The provisions of any operative or proposed town planning scheme, or any regulations under the Act made by the Minister, and / or any town planning by-laws by the local government wherein the land to be subdivided or amalgamation is situated.
- g) Any other matter relating to the proposed subdivision or amalgamation which the Council in its opinion considers necessary or desirable in relation thereto including:-
  - Bush Fire Protection measures
  - Battleaxe blocks
  - Subdivision boundary to suit topography

Council's Road Contribution Policy includes the following provisions:-

#### Unconstructed and Substandard Roads

Where the use of a lot is subject to a Shire planning approval and is modified or intensified such as to require the unconstructed or substandard road access to the lot to be constructed or improved:-

1. The minimum standard of road construction in a rural area is a six (6) metre formed gravel surface with roadside drains and may be reduced at the discretion of the Council in consultation with the Manager of Works and Services.
2. The Council may contribute up to a maximum of 50% towards to cost of upgrading an existing constructed road; where such upgrading is considered by the Council to be in the interests of the community and its road construction programme.
3. Any contribution will have regard to the existing and other potential users of the road and will be based upon the following:-
  - DETERMINE THE STANDARD TO WHICH THE ROAD IS TO BE CONSTRUCTED
  - DETERMINE THE TOTAL COST OF THE UPGRADING
  - Calculate the total number and length of total road frontage of properties that will benefit from the upgrading. This can include both existing and potential properties.
  - Divide the total cost by the number of lots and length of total road frontage.
  - The proponent's relative proportion shall be the greater of the two calculations.
4. Where the construction of a vacant road reserve is required the proponent shall pay the total cost.
5. All contributions payable under this policy shall be placed in a Trust Fund prior to expenditure.
6. That in determining applications, the Council will have regard to the access to the site; it's current and required standard. Where it is considered that the road requires to be upgraded as a direct result of the development, the Council will consider refusing the proposal on the grounds that the development has inadequate access (unless the proponent agrees to pay the total costs of this upgrading).

#### FINANCIAL IMPLICATIONS

Nil

#### STRATEGIC IMPLICATIONS

The proposal is situated with precinct BBR 5 in the Shire of Boyup Brook Draft Rural Strategy and complies with the objectives and sub divisional / development guidelines.

#### VOTING REQUIREMENTS

Simple Majority

**COUNCIL DECISION AND OFFICER RECOMMENDATIONS**

**MOVED: Cr Oversby**

**SECONDED: Cr Florey**

1. That the Western Australian Planning Commission be advised that Council supports the proposed subdivision of Lot 11 and 298 Fairleigh Road Boyup Brook on the basis that the application is considered consistent with:
  - a) The provisions of the Warren Blackwood Rural Strategy
  - b) The Shire of Boyup Brook Town Planning Scheme No 2
  - c) The Shire of Boyup Brook Draft Rural Strategy
2. The Commission be requested to include a condition on the approval that the subdivider make satisfactory arrangements with the Shire for the upgrading of the Road Reserve from the junction with Lodge Road eastwards to point 20 metres east of the western boundary of the new lot "B" in accordance with the Shire of Boyup Brook "Road Contribution" policy subsection "Unconstructed and Substandard Roads".
3. That the Commission be requested to include a condition on the approval to require a Section 70A Notification to be placed on the Certificate of Title of the proposed new lots as follows;

*The property is located in an area where traditional farming practices are occurring which may at times affect the amenity of the subject land.*

**CARRIED 6/0**

**7.2.3 Disability Access & Inclusion Plan**

*Location: Boyup Brook Shire  
Applicant: N/A  
File: CR/31/007  
Disclosure of Interest: Nil  
Date: 30<sup>th</sup> July 2007  
Author: Tony Doust, Chief Executive Officer*

**SUMMARY**

The purpose of this report is to present to Council the Draft Disability Access and Inclusion Plan for approval and adoption.

**BACKGROUND**

As a result of amendments to the Disability Services Act in 2004 the Shire is now required to produce and implement a Disability Access & Inclusion Plan, addressing issues within the Shire that affect the mobility and comfort of disabled members of our community.

As members of our community, people with disabilities and their families and carers have the same rights as other people to access services within the community. These rights are built into State and Commonwealth legislation which make it unlawful to discriminate against a person with a disability.

Public authorities in Western Australia have been required to have Disability Service Plans (DSPs) as part of the Disability Services Act (1993). DSPs have been in place since that time, and a great deal of progress had been made by State and Local Government towards ensuring that their services, buildings, and information are accessible to people with disabilities.

The Disability Services Act (1993) was amended in December 2004, and requires public authorities to develop and implement Disability Access and Inclusion Plans (DAIPs). The requirements of

DAIPS build on those of DSPs, so that people with disabilities can access services provided by public authorities in Western Australia in a way that promotes their independence, opportunities and participation in the community.

### **COMMENT**

The main type of disability in Western Australia is physical disability, which affects nearly three quarters of people with disabilities.

Planning to provide good access for people with disabilities will also provide benefits to other members of the community who may be disadvantaged in terms of access.

Examples included:

- Parents with prams, and seniors who find it difficult to negotiate steps or steep gradients;
- People who have temporary disability through accident or illness;
- Tourists and people from culturally and linguistically diverse backgrounds who may find it difficult to read signs or understand information; and
- Small children who have difficulty climbing steps or understanding information.
- People who suffer hearing, sight and reading disabilities.

The DAIP Draft has been prepared on the information contained in past Disability Access Plans for the Shire, information provided by the Disability Service Commission and community.

### **CONSULTATION**

The Shire recently concluded public consultation for comment on the Draft Disability Access and Inclusion Plan.

A notice advising of the Draft Plan was placed on the Shire Administration Centre Notice Board. Areas of community consultation included the Boyup Brook Medical Centre, the Citizens Lodge, Boyup Brook Hospital and an advertisement was placed in the Manjimup-Bridgetown Times on June 6, 2007 asking for public comment on the plan, with a closing date of June 27, 2007.

No comments were received during the consultation period.

### **STATUTORY ENVIRONMENT**

The requirements for a DAIP for Local Government are contained in sections 27, 28 & 29 of the Disability Service Act – Part 5 – Disability access and inclusion plans by public authorities and lodgement of the plan with the commission.

Under section 28 of the Act the Shire must undertake *public consultation* in accordance with the procedure specified in the regulations when preparing, reviewing or amending a disability access and inclusion plan.

Under section 29 of the Act a Public Authority that has a disability access and inclusion plan must, if required to report under Part 5 of the *Financial Management Act 2006*, include in such report, a report about the implementation of the plan. Also, a local government that has a disability access and inclusion plan must include in its *annual report* prepared under section 5.53 of the *Local Government Act 1995* a report about the implementation of the plan.

Section 29A of the Act provides a public authority that has a disability access and inclusion plan must ensure that the plan is made available to people with disabilities and the public generally, by publication in the prescribed manner.

Section 29B provides a public authority that has a disability access and inclusion plan *must* take all practicable measures to ensure that the plan is implemented by the public authority and its officers, employees, agents or contractors.

## **POLICY IMPLICATIONS**

It is anticipated that a number of policies will need to be reviewed to ensure effective management of the plan and compliance with the Act.

## **FINANCIAL IMPLICATIONS**

There will be a financial cost in implementing this plan. Council needs to adopt the plan before implementation costs can be assessed. The implementation will proceed based on present and ongoing availability of funds.

## **STRATEGIC IMPLICATIONS**

The Disability Access and Inclusion Plan is a structured approach to making life more enjoyable and complete for the disabled. Although council is compelled to abide by the relevant legislation, the plan's implementation can also be seen as a positive approach by Council in addressing further needs of the community.

## **VOTING REQUIREMENTS**

Simple Majority

## **COUNCIL DECISION & OFFICER RECOMMENDATIONS**

**MOVED: Cr Moir**

**SECONDED: Cr Broadhurst**

**That Council adopt the Disability Access and Inclusion Plan and a copy of this plan be forwarded to the Disability Services Commission.**

**CARRIED 6/0**

### **7.2.4 A Structural Report on the Flax Mill Complex**

<i>Location:</i>	<i>Lot 333 Jackson Street, Boyup Brook</i>
<i>Applicant:</i>	<i>Shire of Boyup Brook</i>
<i>File:</i>	<i>CP/31/001</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>2<sup>nd</sup> August 2007</i>
<i>Author:</i>	<i>Tony Doust, Chief Executive Officer</i>

## **SUMMARY**

To consider the report received on the structural condition of the existing buildings at the Flax Mill and determine the action required.

## **BACKGROUND**

Council at its meeting on 16<sup>th</sup> November 2006 considered a report on the Flax Mill Retting Tanks.

The following motion was put forward:-

1. Engage Keybrook Services to demolish:
  - the retting tanks at the Flax Mill at a cost of \$11,727.00
  - clear the site of rubble using Shire labour inside normal working hours at a normal \$5,000. To be funded from the unbudgeted income for last year's flood damage.

2. Demolish and clear the Old Shed site to the north of the dormitory accommodation at a cost of up to \$9,000.
3. Use the \$20,000 currently in the budget to upgrade the Flax Cottage to fund the above work.

Council's decision was for this item lay on the table.

A report now received from the Structural Engineer recommends that a process should be worked through to determine the future of the facility.

The report refers to;

- Structural failure of the *Seed Sorting Shed* and the need for rebracing, part demolition or complete demolition. In any event the process of repairing the problems would be costly and may not comply with Building Code of Australia.
- The *Bailing Room* structure is in good condition, but there are problems with the cladding and repairs are required. The asbestos roof needs to be replaced.
- The *Cottage* structure is generally sound although there is some evidence of white ants in a wall and in an exterior timber kerb. General maintenance and repairs are necessary.
- The *Dormitory* wall and roof structure are sound, although there is a suspect panel at the western end showing evidence of white ant attack although it could not be determined if this is current. The floor is also in need of attention. The exterior walls and roof are also require repairs and maintenance
- The *Hall/Office* (Scutching Room), upstairs and downstairs are generally in good condition. Some of the understructure has been modified/removed and this will need to be repaired. The building appears suited to its non-intensive use.
- The *Kitchen/Mess* does not have any significant structural problems other than the stumps under the floor. It also needs internal work to upgrade the existing facilities and improvements/maintenance to the exterior walls and roof.
- The future of the *Storage Room* building needs to be seriously considered. It is recommended that Council's Building/Health surveyor be asked to report on aspects related to the BCA, Health and Plumbing regulations.

In summary the report has listed a number of issues requiring consideration by Council. These range from structural failure of the Seed Sorting Room and the deteriorating asbestos roof of the Bailing Room to deterioration in claddings and internal finishes.

Other than identified above, the general structural condition of the buildings in sound, although in most cases it may not be possible to bring up to level complying with the Building Code of Australia.

### **COMMENT**

The Council needs to determine what use they wish for the Flax Mill, as any significant changes to the existing structural capacity of any building may require compliance with the current Building Code of Australia.

In view of this it is essential that use and outcomes required are carefully defined to ensure these can be achieved within the existing buildings without major changes to the structural capacity.

There are some buildings that clearly should be demolished and others that can be upgraded / maintained.

It is recommended that, in the first instant, Council considers the future uses for this facility and then an assessment be made on how these can be achieved and at what cost.

### **CONSULTATION**

Structural Engineer – Richard Wittenoom.

### **STATUTORY ENVIRONMENT**

There is a duty of care in providing an element of safety in the complex, when hiring out this property as accommodation for visitors. The condition of the shed roof to the north of the dormitory is in poor condition and could be lifted completely off its supporting structure, should a strong wind strike.

### **POLICY IMPLICATIONS**

There are no policy implications covering this particular situation.

### **FINANCIAL IMPLICATIONS**

As outlined in the summary of the Engineer's Report. The position can only be determined following Council's decision about the future use of the facility. The current budget provides \$25,000 for improvement works; however the structural Engineer's reports costs will need to be paid from this allocation.

### **STRATEGIC IMPLICATIONS**

The Shire requires a Caravan Park to accommodate tourists and visitors to the town.

Provision of the existing facilities is important to ensure that the accommodation required for events such as the Country Music Festival.

### **VOTING REQUIREMENTS**

Simple Majority

### **COUNCIL DECISION AND OFFICER RECOMMENDATIONS**

**MOVED: Cr Oversby**

**SECONDED: Cr Florey**

**That Councillors consider the matters raised in the Structural Engineers report and future uses for the Flax Mill Complex, for further discussion at a briefing session later this year and the development of a Conservation Plan, assisted by Lottery West funding, be pursued.**

**CARRIED 6/0**

#### **7.2.5 Sheep Sale Yards – Boyup Brook**

<i>Location:</i>	<i>Reserve 33552, Boyup Brook – Bridgetown Road</i>
<i>Applicant:</i>	<i>Western Australian Livestock Salesmen's Association</i>
<i>File:</i>	<i>Ass.1993</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>8th August 2007</i>
<i>Author:</i>	<i>Tony Doust, Chief Executive Officer</i>

## **SUMMARY**

To receive the response from the Western Australian Salesmen's Association (WALSA) agreeing to remove the improvements from the reserve, clean up the area and consider a lump sum offer in lieu of the past annual fees not previously paid.

## **BACKGROUND**

Council at its meeting on 21<sup>st</sup> June 2007 considered a letter from Western Australian Livestock Salesmen's Association advising that they no longer wish to continue with the Sale Yards on Reserve 33552 and offer the same to Council.

Council considered the future of the facility, including the option to retain the yards, and resolve accordingly:-

1. "That the Western Australian Livestock Salesmen's Association be advised that the Council does not wish to accept the sale yard improvements and they be requested to remove the improvements, level the site and clean up the area to the Shire's satisfaction.
2. That the Western Australian Livestock Salesmen's Association be sent an account for the annual lease of the sale yards and rates based on the UV in the expired lease, for the period 1996 to the present year. The Association be advised that as the use of the Sale Yards Reserve has been continued as per the past lease by the agents, that the charge is considered to be appropriate, albeit there is not formal lease document."

Western Australian Salesmen's Association was advised of the Councils decision and have now responded:-

*"We thank you for considering this proposal and your prompt reply. We accept the Council resolution that the Council does not wish to accept the sale yard improvements and request that as they will no longer be used, we remove them.*

*We have discussed the best action and as a result will be adverting the yards for sale and removal, the site cleaned and leveled. The existing buildings and improvements will be removed including the truck wash.*

*We have advised K & B Mead of this process and that they will no longer be able to be able to use the yards as a depot and that the truck wash facility will be removed.*

*We also discussed item two, with regard to the original lease, that the term of the lease expired in 1996 and of our failure to renew it. We would apologies for this extended period of operating without the renewal of this formal agreement but none of the present members of WALSA were aware of this information until recently.*

*We would appreciate the Council considering a payment of \$3,500 for the period we have occupied the site without a lease and paying the annual fee.*

*We hope these actions we intend to initiate immediately will be acceptable to the Council ".*

## **COMMENT**

As Western Australian Salesmen's Association have confirmed the action proposed by Council on 21<sup>st</sup> June 2007, all that is necessary Council acceptance of their plan of action.

With regard to the offer of \$3500 in lieu or annual rental/rates, it is recommended that Council accepts this in lieu or past rates/annual charge. The Shire has some responsibility for not pursuing the completion of a new agreement and for not raising an invoice for the charges during the period.



**CONSULTATION**

Western Australian Livestock Salesmen's Association

**STATUTORY ENVIRONMENT**

Requirements of the past lease (expiring in 1996) Shire of Boyup Brook Town Planning Scheme No 2 (zoning – land use) Land Administration Act 1997 – reserve vesting order and power to lease.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The proposal previously adopted by Council and now proposed by Western Australian Salesmen's Association, will not require any financial contribution by the Shire.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION AND OFFICER RECOMMENDATIONS**

**MOVED: Cr Moir**

**SECONDED: Cr Florey**

**That the Chief Executive Officer advise the Western Australian Livestock Salesmen's Association that Council accepts their offer of \$3500 as payment in lieu of any outstanding lease and annual fees and that the improvements be removed and site cleaned/leveled by 31<sup>st</sup> December 2007.**

**CARRIED 6/0**

**7.3 CORPORATE SERVICES**

**7.3.1 Accounts for Payment**

<i>Location:</i>	<i>Shire of Boyup Brook</i>
<i>Applicant:</i>	<i>Shire of Boyup Brook</i>
<i>File:</i>	<i>EM/51/003</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>8<sup>th</sup> August 2007</i>
<i>Author:</i>	<i>Keith Jones – Manager of Finance and Administration</i>

**SUMMARY**

Report recommends the acceptance and approval of the Schedule of Accounts for Payment.

**BACKGROUND**

Invoices have been received during the month of July 2007.

**COMMENT**

Accounts are presented for consideration (see appendix 1.4) or where paid by direct debit pursuant to the Council's "Authorisation to Incur Debts and Make Payments" policy.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Local Government (Financial Management) Regulations Act 1009, Regulation 12; and Regulations 13(3)(a)(b); 13(1); and 13(4).

**POLICY IMPLICATIONS**

Accounts are presented for consideration or where paid by direct debit pursuant to the Council's "Authorisation to Incur Debts and Make Payments" policy.

**FINANCIAL IMPLICATIONS**

Account payments are in accordance with the adopted budget for 2007/08 or authorized by separate resolution.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION AND OFFICER RECOMMENDATIONS**

**MOVED: Cr Oversby**

**SECONDED: Cr Florey**

1. That the accounts for July 2007 as presented totaling \$315,338.46 as-
  - a.. cheque voucher numbers 16222 - 16288 be approved for payment;
  - b.. paid by-
    - i. direct electronic payments through the Municipal Account;
    - ii. cheque voucher numbers 2116 paid through the Chief Executive Officer's Advance Account;

**be endorsed.**

**CARRIED 6/0**

7.3.2 **June 2007 Monthly Statement of Financial Activity**

<i>Location:</i>	NA
<i>Applicant:</i>	NA
<i>File:</i>	EM/51/003
<i>Disclosure of Interest:</i>	Nil
<i>Date:</i>	08 August 2007
<i>Author:</i>	Keith Jones – Manager of Finance & Administration

**SUMMARY**

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended 30 June 2007, and Investment Schedule for the month end 31 July 2007.

**BACKGROUND**

Section 6.4 of the Local Government Act 1995 places financial reporting obligations on local government operations.

Regulation 34 (1)–(4) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepare a ‘Monthly Statement of Financial Activity’.

The regulations also prescribe the content of the report.

**COMMENT**

It is suggested that the recommendation be considered.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Local Government (Financial Management) Regulations 1996, s34(1)(a)  
Local Government (Financial Management) Regulations 1996, s19(1)(2)(a)(b)  
Local Government (Financial Management) Regulations 1996, s34(2)(a)(b)

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

**MOVED: Cr Moir**

**SECONDED: Cr Piper**

**That the June 2007 Monthly Statement of Financial Activity as presented, be received.**

**CARRIED 6/0**

### 7.3.3 **Police Services – Boyup Brook**

*Location:* Boyup Brook  
*Applicant:* Superintendent – South West District Western Australian Police  
*File:* IM/20/002  
*Disclosure of Interest:* Nil  
*Date:* 20<sup>th</sup> August 2007  
*Author:* Tony Doust, Chief Executive Officer

#### **SUMMARY**

To provide Council with details of the response received from the Western Australian Police with regard to the retention of Police at Boyup Brook.

#### **BACKGROUND**

Council at its meeting on the 21<sup>st</sup> June 2007 expressed concern about the possible closure of (2) person Police Stations in Country areas of the State and requested the Chief Executive Officer write to the Commissioner of Police and Minister of Police about this matter. The Chief Executive Officer wrote the following letter to the Commissioner of Police on 22<sup>nd</sup> June 2007. (Copy to the Minister of Police):-

“The Council has recently been informed of the likely closure of a number of two person Police Stations in Country Western Australia. As Boyup Brook has a two person station, Council is very concerned that you may be considering the closure of this station.

I am writing to seek your assurance that the Boyup Brook Police Station and staff will be retained. Council is most concerned about the prospect of a community such as Boyup Brook without permanent Police staff based in the town. The population of the Boyup Brook Shire is in excess of 1600 persons and with recent land sales and demands the population will increase in future years.

The Shire President and Chief Executive Officer of the Shire would welcome the opportunity to meet with you to provide an overview of our long term projections for the growth of the Shire and bring you up to date with current activities that are occurring in our area.

Your earliest response to this matter will be appreciated.”

The Commissioner’s Office advised that the matter would be referred to the District Superintendent for the South West. The Shire President and Chief Executive Officer met with South West District Superintendent, Mick Sutherland and Inspector Keith Galton-Fenzi on Wednesday 25<sup>th</sup> July 2007, Superintendent Sutherland has now written to the Shire as follows:-

“Thank you for meeting with myself and Inspector Keith Galton-Fenzi in your office on Wednesday 25 July 2007 with your Shire President, Terry Ginnane JP.

I was pleased to inform you that the policing services will remain in Boyup Brook and I was more than pleased to hear the great job the local police are doing within your community.

As outlined, police are constantly reviewing the best way to deliver policing services across country WA and I have enclosed a copy of the South West ‘hub’ concept adopted to provide a responsive, visible and policing service using mobility and flexibility of our resources.

I can confirm that it is my vision to place another police officer at Boyup Brook to improve the policing services in this eastern ‘hub’ area; however the challenge for me is to find the additional officer and the issue of housing.

Inspector Galton-Fenzi has been tasked work in partnership with your council and the Government Housing agency to accommodate police officers currently in Boyup Brook and the housing requirements for an addition police staff member.

The concept being explored by your council to purchase housing for police is appreciated and will assist police to provide a high standard of policing to meet the needs of the community and surrounding shires as discussed. I welcome the opportunity to attend your council meeting with Inspector Galton-Fenzi to discuss any policing issues.”

### **COMMENT**

The response from the Superintendent is reassuring and it is also pleasing to note that objective is to increase the number of police at Boyup Brook to three.

The Chief Executive Officer is currently considering the options to provide additional housing for government employees on the basis that the arrangements will be self supporting. When investigations have been completed a proposal will be put to the Council for consideration and approval.

### **CONSULTATION**

Western Australian Police – Superintendent Mick Sutherland and inspector Keith Galton-Fenzi, Shire President. Government Regional Officers Housing (GROH).

### **STATUTORY ENVIRONMENT**

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

The proposal relating to additional housing will be submitted to Council in due course. No funding is required at this time.

### **STRATEGIC IMPLICATIONS**

The retention of Police in Boyup Brook is a very important requirement for the community. The provision of housing to accommodate Police staff will assist in retaining this service.

### **VOTING REQUIREMENTS**

Simple Majority

### **COUNCIL DECISION AND OFFICER RECOMMENDATION**

**MOVED: Cr Moir**

**SECONDED: Cr Broadhurst**

- 1. That the Council is pleased with the outcome of recent discussions with the Western Australian Police Superintendent for the South West District, Mick Sutherland and the assurance that Police staff will be retained at Boyup Brook.**
- 2. An invitation be extended to Superintend Sutherland and Inspector Galton-Fenzi to attend a briefing session of Council and have lunch prior to the session commencing.**
- 3. The Chief Executive Office to prepare a proposal for the provision of additional housing for government employees for consideration by Council.**

**CARRIED 6/0**

### 7.3.4 **Write off Assets**

<i>Location:</i>	<i>Shire of Boyup Brook</i>
<i>Applicant:</i>	<i>NA</i>
<i>File:</i>	<i>FM/1/001</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>8 August 2007</i>
<i>Author:</i>	<i>Keith Jones – Manager of Finance</i>

#### **SUMMARY**

The Fixed Assets Register as at 30 June 2007 has been reviewed. The report recommends the acceptance and approval to write off assets no longer having any commercial value to the Shire or disposed of.

#### **BACKGROUND**

The Fixed Assets Register has not been reviewed since 30 June 2006. At that time the records were held on the Collier Kyn Accounting System and were transferred to the Haines Norton Assets Online Program. Many of the items on the register have a zero value and or are no longer owned.

#### **COMMENT**

There is a need to tidy up the Asset Register so that only the major items currently owned are included. There is also a need to transfer items that have a purchase value less than \$1,200 or have no net value on the Asset Register but are still being utilized by the Shire. These are to be identified as useful and listed in a file called the Attractive Items Register. This register allows for the control and management of the assets showing that the Shire still owns them and will be reviewed annually. Any items that cease to be operational and disposed of will be removed from the Register.

The items to be written off are attached in the appendices.

#### **CONSULTATION**

Chief Executive Officer

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 – authority to write off any items included on Asset Register.

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Writing off these amounts at the 30<sup>th</sup> June 2007 will create a loss on sale of assets to the value of \$43,190.45. This action will have not impact on the cash position of the Shire and the estimated carried forward balance for 2007/08.

#### **STRATEGIC IMPLICATIONS**

Nil

#### **VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

**MOVED: Cr Piper**

**SECONDED: Cr Broadhurst**

**That the Council writes off as at the 30<sup>th</sup> June 2007, assets included in the Asset Register, as per the list in the appendices, that have either been sold, previously disposed of or have no commercial value, with a total book value of \$479,631.15, less total accumulated depreciation of \$436,440.73, leaving a total net value of \$43,190.42.**

**CARRIED BY AN ABSOLUTE MAJORITY 6/0**

**7.3.5 Write off Debtors**

<i>Location:</i>	<i>Shire of Boyup Brook</i>
<i>Applicant:</i>	<i>NA</i>
<i>File:</i>	<i>FM/1/001</i>
<i>Disclosure of Interest:</i>	<i>Tony Doust – Life Member of Boyup Brook Football Club</i>
<i>Date:</i>	<i>3 August 2007</i>
<i>Author:</i>	<i>Keith Jones – Manager of Finance</i>

**SUMMARY**

The outstanding debtors (receivables) as at 30 June 2007 have been reviewed. The report recommends the acceptance and approval to write off outstanding accounts.

**BACKGROUND**

It has been over 12 months since the last review of the outstanding debtors (receivables) and it is important that any debt outstanding is considered still “collectible”. Efforts have been made on numerous occasions over past years to collect these monies but to no avail. It is now recommended that the following debts be written off.

**COMMENT**

Bagshaw H & J - \$217.57 – legal action costs via solicitors Young & Young prior to 2005. Property was sold on 20 June 2005 with all rates and penalties being paid in full. The legal costs were not shown on the Rates Records and as such, the settlement agents were informed by Shire staff that no debt was outstanding. The Bagshaws no longer reside in Boyup Brook.

De Jong Gerald - \$930.24 – rates not settled at time of sale in July 2002. The settlement agent requested details of rates on the property and the Rates Officer at the time sent back an advice indicating that there were no rates outstanding. This was incorrect but the property has been sold based on this information.

Boyup Brook Football Club - \$7,583.98 – this amount outstanding for many years relating to loan on Shire Squash Courts. The Football Club has not had control over the squash courts for many years and any income derived from the use of the courts is received by the Shire. As ownership of the building is in the name of the Shire regardless of the original loan agreement, it is suggested that this amount be waived.

Millar B – \$588.52 – balance of private works account \$300 and legal costs \$288.52. The original invoiced amount for private works on property at Lee Steere Drive was \$918.50. The Shire records show that \$618.50 was paid leaving a balance of \$300. Mrs Millar disputed that \$300 still owed saying that she had paid it all. The Collection Agency was engaged to recover the money incurring further costs of \$288.52. The debt is still disputed and due to the uncertainty of winning the case in court, it is recommended that no further action be taken and the amount written off.

Atherton C – \$0.40 - invoice short paid 40cents.

Municipal Workcare – \$1.50 - invoice short paid by \$1.50.

Hulland R – \$1,270.70 - \$1,120.00 Rent for the period 21/2/05 – 11/7/05 owing for community housing unit plus \$150.70 legal fees. No luck tracing debtor by Shire or Debt Collectors. There is no impact on the Shire finances as this is offset by money in Housing Reserve.

M Halligan – \$251.70 - balance of legal fees owing for chasing rent on community housing unit. Unlikely to be recouped. There is no impact on the Shire finances as this is offset by money in Housing Reserve.

Vaughan K – \$125.71 - Rent for the period 9/10/06 – 19/10/06 owing for community housing unit. Unlikely to be recouped. There is no impact on the Shire finances as this is offset by money in Housing Reserve.

Western Districts – \$240.00 - Donation to townscape for street trees. They apparently advised Cr Marshall they were not paying this account as the tree was not placed where they were originally told it would be. \$195.00 - Septic pump out fees on one of the rental houses they managed. They believe the tenant should have paid not them and they assumed the bill would be sent to the tenant. As Western Districts made the request to the Shire it was put in their name. Investigations indicate the tenant was Nathan Soanes at the time however he has since left the district.

Blackwood Basin Group (BBG) – \$17,060.00 - rent for the period 1/7/01 – 30/6/07 on railway accommodation they believe is not payable due to a discussion with the previous CEO Will Pearce. They said that as they were meeting the operational and maintenance costs that there would be no rent. This matter was never formalized and a question arises as to whether these are collectible. The CEO is in the process of confirming arrangements with the BBG from the 1 July 2007.

### **CONSULTATION**

Chief Executive Officer  
Pioneer Credit Services

### **STATUTORY ENVIRONMENT**

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

### **POLICY IMPLICATIONS**

No specific policy however Council has delegated authority to the CEO to write off debts less than \$15.00. Some amounts fall within this Delegation but are listed with the other write offs.

### **FINANCIAL IMPLICATIONS**

The amounts have already been identified as potential bad debts in the preliminary Financial Report for 2006/07 and have been set aside in a Liability account for Doubtful Debts. Writing off these amounts will have no impact on 2007/08 financial figures other than to reduce the liability account showing in the Balance Sheet.

### **STRATEGIC IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Absolute Majority



**COUNCIL DECISION AND OFFICER RECOMMENDATION**

**MOVED: Cr Moir**

**SECONDED: Cr Broadhurst**

**That the Council writes off the following long term debtors:**

- Bagshaw H & J \$217.57
- De Jong Gerald \$930.24
- Boyup Brook Football Club \$7583.98
- Millar B \$588.52
- Atherton C \$0.40
- Municipal Workcare \$1.50
- Hulland R \$1270.70
- Halligan M \$251.70
- Vaughan K \$125.71
- Western Districts Realty \$435.00
- Blackwood Basin Group \$17060.00,

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

**CARRIED BY AN ABSOLUTE MAJORITY 6/0**

**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. CONFIDENTIAL MATTERS**

**12. CLOSURE OF MEETING**

There being no further business the Chairman declared the meeting closed at 4.30pm