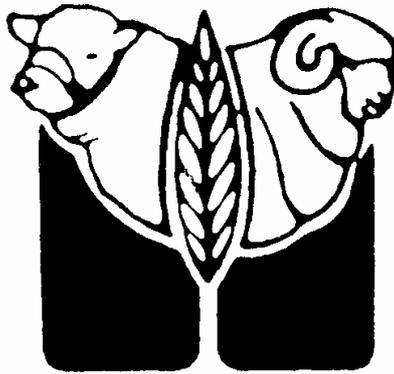


# MINUTES



ORDINARY MEETING

HELD

THURSDAY, 17 APRIL 2008

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 P Marshall – Deputy Shire President  
Cr S Broadhurst  
Cr T Ginnane  
Cr K Lamshed  
Cr B O’Hare  
Cr E Muncey  
Cr A Piper

STAFF: Mr Pascoe Durtanovich (Acting Chief Executive Officer)  
Mr Keith Jones (Manager of Finance)  
Mr John Eddy (Manager of Works and Services)

**1.2 Apologies**

Cr M Giles  
Cr R Downing

**1.3 Leave of Absence**

Nil

**2. PUBLIC QUESTION TIME**

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

Nil

**2.2 Public Question Time**

**2.2.1 Daly Winter – Boyup Brook Country Music Club**

*Advised that the Country Music Club of Boyup Brook has purchased a block of land at 62 Abel Street, with the intention of building an Arts and Cultural facility.*

*The Club is in the very early planning stages of this project and is currently doing fundamental research and gathering of community support.*

*Grant funding will also be sought. As per the CCAFF (Community Cultural Arts Facility Fund,) to gain funding it is imperative that evidence be given that an Arts and Cultural facility links with any of the following:*

- *Local Governments Cultural Plan*
- *Social or Community Plan*
- *Strategic Plan and/or Principle Activity Plan or regional Plan*
- *Management Plans*

*An Arts and Cultural Facility means any building which shall be used primarily for the programming, production, presentation, exhibition, creation of work, environmentally controlled storage or any combination of the above functions of any of the arts and cultural disciplines, such as: music, dance, drama, performing arts, writing, multi-media, visual arts and crafts and can include community museums and indigenous arts and culture..*

*Mr Winter asked that a broad statement be included in Councillors strategic plan that supports the development of cultural facilities within the Shire of Boyup Brook.*

*The Country Music Club Committee would value Councillors feedback for input of ideas, thoughts, proposals, suggestions and knowledge.*

*A Steering Committee is currently being set up to work with the community, to progress the project.*

3.58pm Public Question time concluded.

**3. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**4. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS**

Nil

**5. CONFIRMATION OF MINUTES**

**5.1 Ordinary Council Meeting 20 March 2008.**

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

MOVED: Cr Ginnane

SECONDED: Cr O'Hare

That the minutes of the Ordinary Meeting of Council held on Thursday 20 March 2008, be confirmed as an accurate record, subject to the following corrections:-

1. Page 28 – Item 7.3.5 – add “carried by absolute majority”
2. Page 14 - Omitted resolution, as follows, be included:

MOVED: Cr Giles

SECONDED: Cr Piper

That the Acting Chief Executive Officer organize a meeting with the relevant Telstra Officer to meet with Council. That the appropriate Telstra Officer be requested to meet with Council to discuss issues arising from the transition from CDMA to Next “G”.

CARRIED 9/0

CARRIED 7/0

Res 38/08

## 6 PRESIDENTIAL COMMUNICATIONS

- 6.1 Chairman, Cr Marshall advised that the Chief Executive Officer recruitment committee has completed the process of CEO selection and is recommending the appointment of Mr Alan Lamb to the position.

The Committees full recommendation will be presented as a late item under 9.2.

## 7 REPORTS OF OFFICERS AND COMMITTEES

Nil

### 7.1 WORKS AND SERVICES

Nil

### 7.2 DEVELOPMENT AND COMMUNITY SERVICES

7.2.1	<b>Administration Centre and Library</b>
-------	--

<b>Location:</b>	<i>Reserve 21532 – Abel Street</i>
<b>Applicant:</b>	<i>Shire of Boyup Brook</i>
<b>File:</b>	<i>AS2008</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>3<sup>rd</sup> April 2008</i>
<b>Author:</b>	<i>Pascoe Durtanovich – Acting CEO</i>

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### **SUMMARY**

Council has budgeted for extensions to the Shire Administration Centre. This report recommends the formation of a working group to progress the project.

### **BACKGROUND**

The Administration Centre extensions have been planned for some time, previously the initiative was to create additional office and library space. For various reasons, in the past twelve months the non availability of tradesmen, the project has not proceeded.

### **COMMENT**

Given that the project has not commenced it may be an opportune time for Council to assess the requirements of the existing elected members and office areas, particularly in respect to internal remodeling and maintenance and external maintenance.

If Council did go down this path, I suggest that a working group of three Councillors and the Chief Executive Officer be established to investigate the project further and report back to Council.

### **CONSULTATION**

Not applicable

**STATUTORY OBLIGATIONS**

Building Code of Australia  
Occupational Health and Safety requirements.

**POLICY IMPLICATIONS**

Council does not have a policy as such but has previously committed to the project.

**BUDGET/FINANCIAL IMPLICATIONS**

Council has budgeted \$100,000 for the Administration Centre extensions, \$55,000 from the Administration Building reserve fund and \$45,000 by way of loan funds.

To investigate remodelling of the existing internal areas may require some architectural advice however this would be minimal.

**STRATEGIC IMPLICATIONS**

There are no significant strategic implications.

**SUSTAINABILITY IMPLICATIONS**

➤ **Environmental:**

There are no known environmental considerations.

➤ **Economic:**

There are no known economic considerations.

➤ **Social:**

There are only positive social benefits that may eventuate from an improved library facility.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER RECOMMENDATION**

That:-

- 1) a Working Group, consisting of Cr \_\_\_\_\_, Cr \_\_\_\_\_, Cr \_\_\_\_\_ and the Chief Executive Officer be established to investigate remodelling and maintenance requirements of the existing Administration Building.
- 2) the Working Group report its findings to the June 2008 meeting of Council.

<b>COUNCIL DECISION</b>	
MOVED: Cr Broadhurst	SECONDED: Cr Piper
That:-	
1)	a Working Group, consisting of Cr Broadhurst, Cr O'Hare, Cr Muncey and the Chief Executive Officer be established to investigate remodelling and maintenance requirements of the existing Administration Building.
2)	the Working Group report its findings to the June 2008 meeting of Council.
CARRIED 7/0	Res 39/08

**7.2.2 Tennis Club Power Supply**

<b>Location:</b>	Reserve 1454 – Beatty Street
<b>Applicant:</b>	N/A
<b>File:</b>	ET/42/001
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	4 <sup>th</sup> April 2008
<b>Author:</b>	Pascoe Durtanovich, Acting CEO

Prior to any consideration of Item 7.2.2 the Manager of Works and Services, Mr John Eddy made the following declaration:  
*“I am a member of the Boyup Brook Tennis Club and as a consequence there may be a perception that my impartiality on the matter be affected. I declare that I will consider the matter on its merits.”*

**SUMMARY**

In accordance with the Local Government Act 1995, the Shire President has approved unbudgeted expenditures for repairs to the power supply to the Tennis Club building.

This report recommends that the matter be noted.

**BACKGROUND**

The Boyup Brook Tennis Club is located on reserve 1454 vested in the Shire of Boyup Brook.

In late 2007 a section of the underground power supply to the facility burnt out and was repaired.

Recently the problem reoccurred requiring the total length (17 metres) of the underground power cable to be replaced.

**COMMENT**

Replacement of the power supply was not budgeted. As the Tennis facility is in use, the renewal of the power supply was approved by the Shire President, as an urgent expenditure, in accordance with the Local Government Act 1995.

**CONSULTATION**

Boypup Brook Tennis Club, Manager Works and Services and Shire President.

**STATUTORY OBLIGATIONS**

Local Government Act 1995 - Section 6.8 (1) (C)

**POLICY IMPLICATIONS**

Council does not have a policy on this matter, however historically Council has been responsible for this type of expenditure.

**BUDGET/FINANCIAL IMPLICATIONS**

The first breakage, cost \$2,900. The latest breakage, cost \$2,910 plus GST.

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY ISSUES**

➤ **Environmental**

There are no known significant environmental issues.

➤ **Economic**

There are no known significant economic issues.

➤ **Social**

Re-establishment of the power supply was required to enable the club to continue its activities for the benefit of its members.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

MOVED: Cr Ginnane

SECONDED: Cr Lamshed

That the information be received.

CARRIED 7/0

Res 40/08

**7.2.3 Boyup Brook St John Ambulance Association – Tenure and Financial Contribution**

<b>Location:</b>	Reserve 29739 – Abel Street
<b>Applicant:</b>	St John Ambulance – Boyup Brook Sub Branch
<b>File:</b>	CR/31/007
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	4 <sup>th</sup> April 2008
<b>Author:</b>	Pascoe Durtanovich, Acting CEO

Prior to any consideration item 7.2.3 Cr Marshall made the following declaration:  
“My wife is a member of the St John Ambulance Committee and as a consequence there maybe a perception that my impartiality on this matter may be affected. I declare that I will consider the matter on its merits and vote accordingly.”

**SUMMARY**

Council needs to determine tenure arrangements for the St John Ambulance and any financial contribution to the Association (Boyup Brook sub branch).

This report recommends vesting of the reserve currently occupied by the Association be transferred to the St John Ambulance Association.

The report also recommends that Council continue its financial contribution, on behalf of ratepayers and residents for Ambulance Services.

**BACKGROUND**

Tenure Reserve 29739

Reserve 29739, on which the St John Ambulance Association buildings are located, is vested in the Shire of Boyup Brook for the purpose of Hall Site – St John Ambulance Association.

The vesting order does not include power to lease.

The conflict arising from this situation is that the building was provided by the St John Ambulance Association but technically, by virtue of the fact that it is on Shire controlled land, is owned by Council, however it is not on Council’s asset register.

Financial Contribution

For many years the Shire of Boyup Brook has made a financial contribution to the St John Ambulance Boyup Brook sub branch for ambulance services to residents of the district.

This money covers the cost of emergency pick-ups for all residents, anywhere in Australia, and their delivery to the nearest public hospital.

Once a patient has been taken to the nearest public hospital, should they need to be transferred to another public hospital, this cost is covered by the hospital. So if a resident is treated by the public health system, they will not incur any charges for transfer fees whatsoever.

However if a resident *chooses* to be sent to a *private* hospital, they will be held personally liable for the cost of their transfer. If they have private health insurance which includes full ambulance cover, the cost of their transfer should be covered. If however they do not have ambulance cover included in their policy, they will have to pay for the transfer themselves.

Council last considered this matter on the 18<sup>th</sup> October, 2007 and resolved as follows:-

*“That the Chief Executive Officer advise the Boyup Brook St John Ambulance Association, that Council will continue the existing arrangement for 2007/08, however intends to review the arrangement for future years including the following requirements:-*

1. *A formal agreement with the association for the provision of service i.e. fixed period.*
2. *The actual contribution to the service on a population basis.*
3. *Details of the services available for the annual contribution.*
4. *Satisfactory arrangements for the accountability and acquittal of the Shire funding.”*

### **COMMENT**

In respect to the management of reserve 29739 I see no reason why the vesting should not be transferred to the Association whether this is to the Boyup Brook sub branch or St John Ambulance headquarters is for St Johns Ambulance Association to determine.

Transferring the vesting will avoid having to enter into leasing arrangements and will relieve Council of any liability for any action arising from the use of the reserve.

In respect to Council’s financial contribution there are a number of issues that have to be resolved, these include:-

- A formal agreement with the Association for the provision of services, including a fixed term.
- The method of determining the level of funding.
- Accountability and acquittal of the Shire funding.

### **Formal Agreement**

I suggest that a memorandum of understanding, setting out each parties responsibilities, would be sufficient. A fixed term of three years should be committed too with an escape clause for both parties.

I understand from discussions with local St John Ambulance Association personnel that if Council discontinued its contribution the Association would put in place a “membership” drive therefore it is important that sufficient notice is given to the Association if Council’s contribution was to be discontinued.

### **Level of Funding**

The current budget includes an amount of \$16,800 for this purpose; I assume this was based on an historical amount.

Council has previously resolved that the contribution be based on population.

With a population of approximately 1500 the cost per resident is \$11. I understand “membership” levied by St John Ambulance is \$52 family and \$30 single however

although Council’s contribution per head is less, the overall amount contributed I suggest would be greater than that collected by the Association, simply because not all residents would subscribe.

### Accountability and Acquittal

I am aware that Council was keen to receive a financial statement from the Association, for the Boyup Brook sub branch. This has been provided and is available for Councillors to peruse.

In respect to accountability it would be appropriate for the onus to be put on St John Ambulance Association to justify the level of funding.

### CONSULTATION

The question of tenure has been discussed with the St John Ambulance Association Headquarters; they have confirmed that their preference is for the vesting of the reserve to be transferred to the Association.

The funding issue has been discussed with representatives of the Boyup Brook sub branch.

Details of the arrangement should be advised to ratepayers and residents, through the Boyup Brook Gazette.

### STATUTORY OBLIGATIONS

If Council agrees to the release of the vesting of the reserve, St John Ambulance Association should liaise with the Department of Planning and Infrastructure – Land Division, to effect the transfer.

There is no statutory obligation on Council to contribute funding.

### POLICY IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

Council has budgeted \$16,800 as its 2007/08 contribution.

### STRATEGIC IMPLICATIONS

Nil

### SUSTAINABILITY ISSUES

- **Environmental**  
There are no environmental issues.
- **Economic**  
There are no economic issues.
- **Social**  
Council's financial contribution ensures that all ratepayers and residents of the municipality have an ambulance service cover, at a reasonable cost.

### VOTING REQUIREMENTS

Simple Majority

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

MOVED: Cr Ginnane

SECONDED: Cr Muncey

The 2007/08 budgeted amount of \$16,800 plus GST for residents ambulance cover be paid to the St John Ambulance Boyup Brook Sub Branch.

1. A three year arrangement, that is 2008/09, 2009/10 and 2010/2011 be entered into by way of a memorandum of understanding with the Boyup Brook sub branch of the St John Ambulance Association, for the payment by the Shire of Boyup Brook, of a contribution for Ambulance services cover for the ratepayers and residents of the Shire of Boyup Brook.

The Memorandum of Understanding to include:-

- Three year term.
  - Service provided by St John Ambulance.
  - An escape clause for both parties with six months notice.
  - A requirement for the Association to justify the level of contribution requested. Such justification to be provided to the Chief Executive Officer by the 30<sup>th</sup> June in 2008 and 30<sup>th</sup> April in subsequent years.
2. The community be advised of the details in the memorandum of understanding via the Boyup Brook Gazette.
  3. Council support the transfer of the vesting of reserve 29739 from the Shire of Boyup Brook to the St John Ambulance Association. The Association be responsible to progress the transfer.

CARRIED 7/0

Res 41/08

7.2.4

**Appointment of Local Government Building Surveyors**

<b>Location:</b>	N/A
<b>Applicant:</b>	N/A
<b>File:</b>	P/F
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	4 <sup>th</sup> April 2008
<b>Author:</b>	Pascoe Durtanovich, Acting CEO

**SUMMARY**

To minimize the impact of amendments to the Local Government (Miscellaneous Provisions), specifically in relation to the need to appoint qualified building surveyors. It is recommended that Council appoint Michael Little (Shire of Bridgetown-Greenbushes) as Building Surveyor for the Shire of Boyup Brook.

## **BACKGROUND**

Currently there is no requirement for building surveyors to be qualified.

The Local Government (Miscellaneous Provisions) Amendment Bill 2005, which is due to be proclaimed within weeks, can require Local Government to appoint a qualified persons to the position of building surveyor, however existing non qualified officers can continue in their current position.

## **COMMENT**

Council currently employs a Health/Building Surveyor (Mr Wayne Jolley) on a two day per fortnight basis. This officer is qualified in environmental health but not as a building surveyor.

The officer can continue in his current position however if Council required the services of a building surveyor in Wayne Jolley's absence, through annual leave, retirement etc.), subject to certain circumstances Council may have to appoint a qualified building surveyor. This could prove difficult. It is suggested therefore that Mr Michael Little be appointed Building Surveyor for the Shire of Boyup Brook and although not qualified could continue in the position if he is appointed prior to the proclamation of the new legislation.

Mr Little's services will only be required in Mr Jolley's absence due to annual leave, sick leave and resignation.

## **CONSULTATION**

The proposal has been discussed with the Shire of Bridgetown-Greenbushes and has that Council's support.

## **STATUTORY OBLIGATIONS**

The Local Government (Miscellaneous Provisions) Amendment Bill 2005 states, in part:-

### **373A. Qualifications of local government building surveyors**

- (1) Regulations may be made prescribing the educational and professional qualifications (if any), and (where relevant) the certificates evidencing those qualifications, that must be held by a person before the person can be appointed to the office of building surveyor of a local government.

### **373B. Appointment of local government building surveyors**

- (1) A local government may appoint a person to the office of building surveyor of the local government.
- (2) If this Part applies to the district or a part of the district of a local government, the local government must appoint a person to the office of building surveyor of the local government.
- (3) If regulations made for the purposes of section 373A require an occupant of the office of building surveyor of a local government to hold a specified qualification under the regulations, the local government must not appoint a person to the office unless –

- (a) the person holds the appropriate certificate of qualification under the regulations; or
  - (b) the Minister approves the appointment.
- (4) Subsection (3) does not apply to a person acting temporarily in the office of building surveyor of a local government for a period not exceeding 3 months.
- (5) The Minister may, after consultation with the local government, impose on an approval under subsection (3) (b) a condition that the person in respect of whom the approval is given must obtain the specified certificate of qualification under the regulations within the time specified.
- (6) The Minister may from time to time grant an extension of the period fixed under subsection (5) if the Minister considers that the circumstances justify the extension.
- (7) If-
- (a) approval is given by the Minister under subsection (3)(b) subject to a condition that the person obtain a specified certificate of qualification; and
  - (b) at the completion of the period within which the certificate was to be obtained, or any extension of it-
    - (i) the person appointed by the local government under that approval still does not hold the certificate of qualification; and
    - (ii) the Minister does not consider that the circumstances justify an extension or further extension of that period,
- the Minister may, after consultation with the local government, direct the local government to remove the person from the office and, despite anything in this Act or the *Local Government Act 1995*, the local government must comply with that direction.
- (8) A person occupying the office of building surveyor of a local government must not be removed from office just because the person does not hold a certificate of qualification required by the regulations to be held by the occupant of the office.
- (9) A person occupying the office of building surveyor of a local government who does not hold a certificate of qualification required by the regulations to be held by the occupant of the office may, subject to section 374AAB(4), continue to perform the functions of that office”.

#### **POLICY IMPLICATIONS**

Nil

#### **BUDGET/FINANCIAL IMPLICATIONS**

There will be minimal cost to Council as Mr Little will only be engaged in Mr Jolley's absence.

#### **STRATEGIC IMPLICATIONS**

Appointing Mr Little will enhance Council's ability to provide building control services to the Boyup Brook community.



### **STATUTORY OBLIGATIONS**

The Health Act and Health Local laws require that effluent disposal systems operate effectively.

### **POLICY IMPLICATIONS**

Purchasing policy F.03 requires 2 written quotes for expenditure between \$5,001 to \$39,999.

### **BUDGET/FINANCIAL IMPLICATIONS**

The current budget includes an amount of \$5000 for this work. Quotes have been received as follows:-

- |    |                               |   |                      |
|----|-------------------------------|---|----------------------|
| 1. | BBG Plumbing and Gas services | - | \$9,874.00 (inc GST) |
| 2. | Keybrook Holdings Pty Ltd     | - | \$7254.50 (inc GST)  |

BBG Plumbing can commence the project on the 21<sup>st</sup> April 2008, Keybrook Holdings cannot commence until 18<sup>th</sup> May 2008.

### **STRATEGIC IMPLICATIONS**

Suitable public convenience facilities are important to the Tourism industry.

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
Overflow of untreated effluent poses health issues.
- **Economic**  
There are no significant economic issues.
- **Social**  
There are no significant social issues

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATIONS**

That replacement and upgrading of the effluent disposal system on Lot 59 Abel Street (Tourist Centre) be proceeded with as a matter of urgency and the quote of \$9874 from BBG Plumbing and Gas Services for the said works, be accepted.

**COUNCIL DECISION**

MOVED: Cr Piper

SECONDED: Cr Broadhurst

That replacement and upgrading of the effluent disposal system on Lot 59 Abel Street (Tourist Centre) be proceeded with as a matter of urgency and the quote of \$9874 from BBG Plumbing and Gas Services for the said works, be accepted.

**AMENDMENT**

MOVED: Cr Ginnane

SECONDED: Cr Muncey

That "on the basis of community health and timing of the work" be added to the motion.

The amendment was put and carried 7/0 and became part of the motion.

The motion was put and carried 7/0

Res 43/08

7.2.6

**Enterprise Bargaining Agreement – Outside Workers**

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Outside Staff Employees</i>
<b>File:</b>	<i>PE/4/001</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>7 April 2008</i>
<b>Author:</b>	<i>Pascoe Durtanovich, Acting CEO</i>

**SUMMARY**

The current Outside Staff Employees Enterprise Agreement expires on the 12<sup>th</sup> April 2008.

This report recommends a continuation of existing arrangement in a new three year agreement with increased monetary levels.

**BACKGROUND**

A copy of the existing agreement has been provided to Councillors for information only and does not form part of this agenda.

**COMMENT**

The construction of the new agreement will differ from the existing document, to accommodate industrial law changes.

Essentially commitments by the employees and the employer will continue into the next agreement with the following increase in monetary levels.

**Wage Increase**

2008/09	-	CPI plus 2%
2009/10	-	CPI plus 2%
2010/11	-	CPI

Clothing/Uniform Allowance.

2008/09	-	\$290
2009/10	-	\$300
2010/11	-	\$310

### **CONSULTATION**

A number of meetings were held between Worker Representatives and Administration.

### **STATUTORY OBLIGATIONS**

There is no statutory obligation on the Shire of Boyup Brook, as the employer, to offer a new agreement. If a new agreement is not entered into the existing agreement, would continue.

### **POLICY IMPLICATIONS**

Council does not have a policy on this issue.

### **BUDGET/FINANCIAL IMPLICATIONS**

The exact financial impact will not be known until the CPI percentages are known.

For the purpose of this exercise 3% CPI is used for the first year wage increase calculation and 4% in the following two years.

The majority of employees are classified under level 4. The hourly rate provided by other local governments for this level ranges from \$19.12 to \$19.78, with similar enterprise agreement conditions.

Based on the suggested wage increase, Boyup Brook would be \$19.12 per hour in 2008/09.

The overall impact, in terms of additional expenditure per annum, is:

2008/09	-	\$20,000
2009/10	-	\$29,000
2010/11	-	\$16,000

### **STRATEGIC IMPLICATIONS**

An experienced, committed workforce is essential if Council is to achieve effective, efficient road construction and maintenance targets, particularly in a climate of reducing grants.

Council should encourage continuity of service and a good work environment.

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental considerations.
- **Economic**  
There are no known significant economic considerations.
- **Social**  
The wage increase will assist the employees dealing with living commitments/increases not included in CPI calculations.

## **VOTING REQUIREMENTS**

Simple Majority

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

MOVED: Cr O'Hare

SECONDED: Cr Ginnane

That a new three year enterprise agreement between the Shire of Boyup Brook and Outside staff Employees be entered into, based on the same conditions as in the current agreement , with wage and uniform/clothing allowance increases as follows:-

#### Wages

2008/09	-	CPI plus 2%
2009/10	-	CPI plus 2%
2010/11	-	CPI

Uniform/Clothing Allowance \$10 per annum for 2008/09, 2009/10 and 2010/11.

CARRIED 7/0

Res 44/08

## **7.2.7**

### **Systemic Sustainability Study**

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>The Western Australian Local Government Association</i>
<b>File:</b>	<i>GR/31/002</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>7 April 2008</i>
<b>Author:</b>	<i>Pascoe Durtanovich, Acting CEO</i>

## **SUMMARY**

The final report into the sustainability of Local Government, "The Journey" is currently being considered by the industry.

This report recommends a response to the study.

## **BACKGROUND**

The SSS was created out of a request from Member Councils in 2004 to investigate sustainability in the sector. Independent research carried out in 2006 found that 58% of Western Australian Councils were unsustainable given their current source revenue, and made a number of recommendations for action.

The sector, through a SSS Taskforce and five separate Working Groups, has considered these recommendations, culminating in a draft plan proposing a new structure to improve delivery of services to communities while retaining local representation.

Council considered the final report on the 17<sup>th</sup> March 2008 and resolved as follows:-

*“That the discussion document “The Journey” Sustainability Into The Future be received and the Acting Chief Executive Officer prepare comments on the document and the recommendations therein, for consideration by Council at the April 2007 Council meeting.”*

### **COMMENT**

The process to get to the final draft report stage has been ongoing for a number of years and has been very detailed, hence the final report is detailed and in many ways difficult for elected members to come to grips with, particularly if they have not been involved in the process from the outset.

To assist Councillors in understanding the contents of the report and the process to date a copy of the reports executive summary is provided as an attachment. A copy of the report recommendations is also attached.

From media reports, zone meetings etc it appears that industry reaction to the report is mixed.

I believe the report is well prepared and hits on the relevant issues and difficulties facing local government. The Western Australian Local Government Association should be congratulated for the manner in which it has managed and guided the whole process to date.

The document is a blue print for change, how this change is embraced is up to each individual local authority to determine.

Whilst it is important that the industry as a whole prosper I believe Council's focus should be on what is best for the Shire of Boyup brook and its residents. In this regard I believe the report has more positives than negatives.

Positives include:-

- Emphasis on strategic planning.
- Preparation of asset management plans.
- Preparation of financial management plans.
- Improved financial reporting.
- Improved debt management/reporting.
- Industry assistance measures.
- Potential for more efficient service delivery under the regional model.
- Preparation of community infrastructure plans and developers contribution to same.

Negatives include:-

- Cost of implementations – whilst WALGA proposes to seek a funding commitment from the State Government to implement change Council should be aware that the report recommends a ten year plan for change and Council will have to be adequately resourced to comply.
- Regional Councils – this is not necessarily a negative and as mentioned previously there is potential for improved efficiency in service delivery under the regional model. The negative at this point of time is that very little is known about how the regional model will work.

Council should be cautious that as one of the small population municipalities in the zone, it is not disadvantaged when a structure is determined.

The report refers to the regional model in general terms and outlines the objectives; it does not provide any information on how local governments will function under the regional system. The concern also is that the final step in the Regional Model process may be compulsory amalgamations.

Details, as provided, of the Regional Model are as follows:-

### **The Intention**

*The Regional Model is proposed as a transition mechanism for Local Government in Western Australia. It embodies a variety of elements to deliver proposals contained in the other Sections of this paper:*

- *Managing the capacity constraints upon Local Government in attracting and retaining the personnel needed to deliver the variety of services and functions currently provided by Local Government.*
- *Creating a platform which promotes more coherent planning, funding and management of services and functions, including asset management and infrastructure funding.*
- *Acting as a catalyst for engagement with the State and Commonwealth governments in the planning and funding of service and infrastructure delivery.*
- *Presenting a challenge to the other spheres of government to better articulate their regional planning strategies and mechanisms.*
- *Allowing the flexibility needed to address the diverse circumstances presenting across WA.*
- *Retaining the strengths of the current Local Government representational arrangements, while creating accountable and transparent governance for the range of functions proposed for delivery through regional and statewide platforms.*

*The Model is not a 'one size fits all' response. It is driven by the need to place Local Government on a more sustainable footing while ensuring that communities receive the services which underpin their quality of life. Neither is it a static model. It is fundamentally dynamic in nature and allows response to local need and circumstances in its early stages, and modification to accommodate changing demands, expectations and circumstances over time.*

### **The Objective**

*The bulk of this paper is a detailed review of issues presenting for the sustainability of Local Government as a sector. Those issues impact with varying degrees of severity upon individual local governments. In proposing a response which is accessible and amenable to the needs of the sector as a whole, the Regional Model has been developed. The Model contemplates the diversity of Local Government and the need for any proposals to be flexible in their application. The Regional Model meets these criteria. It entertains the prospect of local governments which are able to demonstrate their sustainability to continue largely as they are at present. It allows other local governments to adapt the model to apply to the range of services and functions viewed as impinging most immediately on matters of sustainability. There is confidence that the Model provides the opportunity for experimentation over issues of priority and a pace determined by the local governments considering collaboration. It is also likely that over time an increase in the range of services and functions offered on a regional and state-wide basis will tend to increase, especially as 'communities of interest' cast on a regional basis emerge out of the experience of working with the Model.*

*In order to allow the Model to be fully considered it is desirable that some broad vision of the way ahead for Local Government be offered as a context. The following criteria/performance standards for Local Government into the future have been drawn from the discussions elsewhere. In an important sense they provide a performance*

*checklist for sustainability. They also have regard for the current and future expectations of communities.*

*For a sustainable future Local Government must develop mechanisms which:*

- Embody sector wide adoption of long term (10 year) financial planning methods.*
- Lead to markedly improved management and renewal of infrastructure and assets.*
- Provide for increased transparency, through annual reporting mechanisms.*
- Allow the increased application of prudential debt levels for infrastructure renewal.*
- Provide for enhanced revenue raising capacity through best practice in rating and the setting of fees and charges.*
- Inject new revenue options and administrative tools such as commercial trading entities and best practice in development charges.*
- Create support mechanisms, such as the proposed Local Government Independent Assistance Commission and Finance Authority.*
- Require engagement by the other spheres of government to ensure that issues of adequacy in planning and funding of services to communities receive long overdue attention.*
- Position Local Government as a respected and equal partner to intergovernmental dealings in all matters affecting the quality of life of the communities it serves.*

*It is proposed that the Regional Model presents the opportunity for attainment against all these standards and it is for this reason that it is now elaborated in some detail.*

### ***The Early Stages (Years 1 to 3)***

*In the first instance the Regional Model would be entirely driven by an evaluation of the range of services provided and functions fulfilled by Local Governments across WA. The purpose in the short term is to create greater economies and efficiencies in the delivery of services and the management of assets for which Local Government is currently responsible. The Services and Capability Sections of this paper are the most relevant source of information for these early stage drivers for change.*

*The WALGA State Council has endorsed the use of the existing WALGA Zone boundaries for the definition of 'region' for the early stages of the transition process. This implies the creation of 17 regional codes for the purposes of review of existing services and functions as proposed in this paper. It also positions these 'regions' as the new platforms for delivery of services and functions agreed by the existing Local Governments as amenable to delivery through their relevant regional platform.*

*These regional boundaries align very closely with the Regional Development Commission boundaries of the WA State Government. To a lesser, but still significant extent, they also align with the Commonwealth Government's Area Consultative*

*Committee arrangements. The effect of this alignment is that the regional focus will create a catalyst for the engagement of more coherent planning processes between the three spheres of government. It will also position Local*

*Government to ensure that service standards and adequacy of funding become central discussion points in the planning processes.*

*With the delegation of delivery arrangements for services to a regional level the demand for appropriate governance and management will arise at an early point.*

*The creation of Regional Local Governments, made up of representatives of the participating Local Governments within the region, is proposed in the first instance.*

*For WALGA internal governance changes will be a feature of the roll-out of the regional Model. In the early stages greater emphasis will need to be placed on the roles and responsibilities of the Zone Representatives. This is in order to position the WALGA Zones for their increasing centrality to the delivery of the Regional Model.*

*In these early stages of the change process, there would be no demand for any significant structural change within the participating Local Governments. The model relies on the retention of existing strengths of Local Government as a vehicle for the representation of the aspirations and expectations of the communities represented by the Local Governments.*

#### **The Middle Years (Years 4 to 8)**

*The model permits the gradual exposure of Local Governments and their communities to the experience of gradually increasing levels of functional delivery at a regional level; with the associated crafting of suitable governance structures. It is anticipated that the benefits of regional delivery will be felt at a fairly early point and that the model allows the flexibility for experimentation and a gradual increase in the number and range of services and functions delivered through regional and state-wide arrangements.*

*It is anticipated that this accumulated experience will sponsor the gradual shift in sentiment towards greater levels of affinity defined on a regional basis. Dependent on the shared experience of Local Governments across the state, new service*

*models will emerge as standards for the sector but can be adapted to the circumstances of particular regions.*

*In the Capability Section of this paper there is heavy emphasis on increasing the training and skill levels of Councillors. These developments will create expectations*

*that Councillors be adequately remunerated for their skills and responsibilities. This, in conjunction with emerging confidence in regional delivery, will create pressure for adoption of Local Government structures. However, there is no imperative for change in local representational arrangements. Local Governments, within regional groupings, may determine that they can retain their existing arrangements.*

*However, it is suggested that a pressure will emerge for a reduction in the number of Councillors within Local Governments and an increase in their skills, responsibilities and remuneration. Later in this section there is an outline of a hypothesized end point to this transition process. This should not be taken as prescriptive in nature. Nor is the timeline for its achievement 'set in stone'. The critical factors are:*

- *The accumulated positive experiences of the new service models and the Regional Model generally.*

- *An increase in the regionally defined affinities of the communities represented by the Local Governments participating in the Region concerned.*
- *The achievement of a 'tipping point' in sentiment sufficient to warrant revision of representational arrangements.*
- *The internal pressure for change generated as a result of the implementation of a variety of other proposals contained in this paper. Prominent among these will be the expectations of communities and Councillors.*
- *The retention of some form of elected Local Government. This may with time involve voluntary amalgamations of Local Governments built around the emergence of closer working relationships and a shift in the affinities of their communities.*
- *The development of governance structures and competencies for oversight of the functions which over time are delegated for regional delivery.*

*For WALGA these middle years in the implementation of the 10 Year Plan for reform will entail continued internal adjustments to governance arrangements to reflect the progress towards the fullest possible achievement of the Regional Model. This may entail the reduction in the number of State Council members; a proportionate increase in regional representation; and realignment of roles, responsibilities, and reporting methods.*

#### ***The End Point (Year 10)***

*The hypothesized timeline for change of 10 years is selected due to its association with delivery of a sector wide 10 Year Plan for Reform. However, it is a matter of convenience and is not a prescriptive target date. There is no intention of dictating a universal outcome upon which 'success' will be judged. The final form of the delivery of the Regional Model will vary across regions. However, it is intended that the variance will be justifiable by the diverse circumstances applying in different regions, rather than on parochialism. To support active engagement with best practice this paper proposes a range of measures intended to keep the sector focused on implementation of the Regional Model.*

#### ***The Vision***

*In promoting any change process it is essential that there be some guiding vision for the eventual endpoint. This is not to say that the detail will not vary according to local circumstances of that 'success' will be judged by the achievement of some idealized model which is not fit for purpose in its local application.*

*The hypothesized model following full implementation is as follows:*

- *Local Governments, some having undergone voluntary amalgamation during the course of the transition, made up of 5 or 6 highly skilled and remunerated Councillors.*
- *Regional Local Governments, made up of delegates/representatives of the Local Governments participating in the regional grouping. It is proposed that there be one delegate/representative from each Local Government and that again they be adequately skilled and remunerated for their role.*

- *Significant change in WALGA's governance systems and representational arrangements to reflect the new accountabilities required by the Regional Model.*
- *A mix of local, regional and state-wide service platforms in place.*
- *A new range of institutional frameworks to support the remodelling Local Government sector which may include, based on the proposals in this paper, the following:*
  - *A Local Government Independent Assistance Commission to offer a full range of advisory and support services to the sector.*
  - *A Local Government Finance Authority to support the financial needs of Local Government, including the management and funding of infrastructure through regional mechanisms.*
  - *A Local Government Standards Office to create and oversee standards of performance within Local Government.*

In determining a response to the Study Council should indicate its support or otherwise to the 61 recommendations.

A number of the recommendations may not impact on smaller rural local governments however Council should still indicate a position.

In my view recommendations 1 to 31 will significantly enhance long term planning and financial accountability and sustainability, and should be supported.

Recommendation 32 gives local government flexibility and should be supported.

Recommendation 33 to 41 are to a degree administrative arrangements and should be supported.

Recommendations 42 to 46 and recommendation 61 refer to the Regional Model and should be noted but not supported until such time as local government is fully informed on how local government will function under the Regional Council Model, to what extent will the regional model be taken, what will be the consultation process as

the model is developed and who will determine which zone will be chosen as a pilot Regional Council.

The remainder of the recommendations should be supported as they refer to training of Councillors and staff and can only benefit the industry.

### **CONSULTATION**

The Draft Report was open for feedback and comment from Local Governments and key stakeholders for six weeks. Following this period, the final report will go through the May Zone process before being considered by State Council in early June.

Council's comments will be communicated direct to the WALGA Zone.

There is little opportunity to seek community comment, particularly given the size of the document and the minimal consultation period.

### **STATUTORY OBLIGATIONS**

There are no statutory obligations

### **POLICY IMPLICATIONS**

There are no policy implications.

### **BUDGET/FINANCIAL IMPLICATIONS**

Financial implications could be substantial if the report is implemented however at this point the amount can not be quantified.

Approximately \$1000 for the implementation of recommendation 37 (conduct of a self assessment of sustainability) this will involve some auditors time.

### **STRATEGIC IMPLICATIONS**

The report is an industry position and is likely to have significant strategic implications.

### **SUSTAINABILITY IMPLICATIONS**

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

### **VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

MOVED: Cr Ginnane

SECONDED: Cr Lamshed

That the draft discussion report "The Journey: Sustainability (of Local Government) into the Future" be received and the following comments be forwarded to the South West Zone of Western Australian Local Government Association, Western Australian Local Government Association, the

Department of Local Government and Regional Development and the Minister for Local Government and Regional Development.

1. Council acknowledges and commends the Western Australian Local Government Association for the manner in which it has progressed and guided the review process.
2. That the Chief Executive Officer conduct a self assessment of the Shire of Boyup Brook's sustainability utilizing the sustainability check list in section 10.1 of the report and report back to Council by the 30<sup>th</sup> June, 2008.
3. That Council supports all 61 report recommendations, with the exception of recommendations 42 to 46 inclusive and recommendation 61.
4. That recommendations 42 to 46 be noted but not considered until such time as Local Government is fully informed on how local government will function under the Regional Council model, to what extent the Regional Council model will be taken, what will be the consultation process as the model is developed and implemented and who will determine and on what basis, which zone will be chosen as a pilot Regional Council.

CARRIED 7/0

Res 45/08

**7.2.8 Planning Application – Reduction of rear boundary set-back at Boyup Brook**

<b>Location:</b>	<i>Lot 110 Zig Zag Road Boyup Brook</i>
<b>Applicant:</b>	<i>John &amp; Julie Fallon</i>
<b>File:</b>	<i>As 3082</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>7<sup>th</sup> April 2008</i>
<b>Author:</b>	<i>Wayne Jolley, Building Surveyor</i>
<b>Authorising Officer:</b>	<i>Pascoe Durtanovich – Acting CEO</i>

*Mr John Eddy, Manager Works and Services declared a proximity interest as he is the owner of land adjacent to the subject lot.*

4.30pm Mr Eddy left the room and did not participate in discussions on the matter.

**SUMMARY**

The owner of the above lot proposes to build a shed within the 25m setback required for this Special Rural Zone. This report recommends the application be approved.

## **BACKGROUND**

The land is situated within the Special Rural Zone No 6 (Part of the Ridge View Estate) on Zig Zag Road. The area of the lot is 3.999ha and is bounded by lots 109 and 111 on either side and by lot 108 at the rear. The owner wishes to construct a 6m x 12m x 3.6m high zincalume shed 14m from the rear boundary, shared with lot 108 Ridgeview Avenue. The closest side boundary will be 35m.

## **COMMENT**

Under Schedule 3 of the Town Planning Scheme the building exclusion zone stipulated for Special Rural Zone No 6 is not within:

- o 30m from road;
- o 20m from side boundaries;
- o 25m from rear boundaries;

Notwithstanding the above exclusion zone, the minimum rear setback stipulated for the rear boundary of a Special Rural lot is 10m (section 5.3.6). Furthermore, section 3.6 Town Planning Scheme No 2 provides discretionary power to Council relax development standards (e.g. setbacks).

The proposed shed otherwise complies with current Council Policy in respect to Outbuildings and should "preserve local amenity and the natural landscape or rural character of the zone." As stipulated at section 5.3 – Special Rural Zone of the Town Planning Scheme text.

The proposed setbacks from the road and side boundaries are in accordance with the requirements of the Shire of Boyup Brook Town Planning Scheme Special Rural Zone No 6.

The requirements for development under the conditions applicable to Special Rural Zone No 6 includes the following:

- “ viii) As a condition of planning consent on lots denuded of natural vegetation, Council shall require the planting and maintenance of thirty (30) native trees capable of growing to at least 3 metres in height on each lot significantly denuded of vegetation. The planting shall be concentrated around the proposed buildings and between the street alignment and the building setback line unless stipulated by Council.*
- ix) No trees or substantial vegetation shall be felled or removed from the site except where –*
  - a) required for approved development works;*
  - b) required for fire prevention purposes by regulation or by-law; or*
  - c) trees are diseased, dead or dangerous.*
- x) Notwithstanding the provisions of Clause 5.3 of the Shire of Boyup Brook Town Planning Scheme No 2, no building, outbuilding or fence shall be constructed of material or be of a colour, which in the opinion of the Council, is detrimental to the character of the natural landscape of the locality.*
- xi) All buildings constructed shall, by virtue of materials and design, be reasonably fire resistant. The Council shall from time to time specify its standards for fire resistant buildings.*
- xii) The minimum vertical clearance between the bottom of any approved on-site effluent disposal system and the highest known ground water table or bedrock shall be 2.0 metres.*

- xiii) *On-site disposal of effluent shall be to the specification and satisfaction of Council and the Health Department of Western Australia.”*

It is recommended that planning approval be granted subject to compliance with the above conditions.

### **CONSULTATION**

Letter of support from the owners of lot 108 Ridgeview Avenue (rear boundary)

### **STATUTORY ENVIRONMENT**

Shire of Boyup Brook Town Planning Scheme No 2  
Section 3.3 and Schedule (3) Special Rural Zones (Requirements shown in report)

### **POLICY IMPLICATIONS**

“Outbuildings” Policy (Requirements shown in report)

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Compliance with adopted policies and Shire Boyup Brook Town Planning Scheme No 2 will ensure Council’s objectives for the Special Rural Zone are maintained.

### **SUSTAINABILITY IMPLICATIONS**

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

### **VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

Moved: Cr Muncey

SECONDED: Cr Piper

That planning approval be granted to Mr and Mrs J Fallon to erect an outbuilding (Shed) on Lot 110 Zig Zag Road as proposed, with a reduced setback to the rear boundary of 14m subject to the following conditions:-

1. The maximum floor area of the shed being not greater than 150 m<sup>2</sup>.
2. The height of the shed not to exceed 4.5 metres
3. The shed and any associated effluent disposal system not to be within the stipulated exclusion zones for Special Rural Zone No 6, except that the rear setback is reduced to 14m.
4. As a condition of planning consent Council requires the planting and maintenance of thirty (30) native trees capable of growing to at least 3 metres in height on each lot significantly denuded of vegetation. The planting shall be concentrated around the proposed buildings and between the street alignment and the building setback.
5. No trees or substantial vegetation shall be felled or removed from the site except where:
  - a) required for approved development works;
  - b) required for fire prevention purposes by regulation or by-law; or
  - c) trees are diseased, dead or dangerous.
6. The building is not to be occupied as a dwelling on either a temporary or permanent basis unless otherwise approved by the Shire.

CARRIED 6/1

Res 46/08

4.34pm - Mr Eddy returned to the meeting.

**7.2.9 Extending the Smoking Ban**

<b>Location:</b>	<i>Boyup Brook District</i>
<b>Applicant:</b>	<i>Department of Health</i>
<b>File:</b>	<i>RD/35/006</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>8<sup>th</sup> April 2008</i>
<b>Author:</b>	<i>Wayne Jolley, Building Surveyor</i>
<b>Authorising Officer:</b>	<i>Pascoe Durtanovich – Acting CEO</i>

**SUMMARY**

To consider a number of issues and form a position in relation to extending the smoking ban to include alfresco dining areas and public places.

**BACKGROUND**

The Department of Health (DoH) has written to all Local Governments to fore-shadow direct consultation at the end of April, about extending smoking bans to include alfresco areas and public places (i.e. beaches).

The *Tobacco Products Control Regulations 2006* currently prohibit smoking in enclosed public places including dining rooms but there has been some agitation about smoking adjacent such areas and at public beaches and two Local Governments have banned already moved to ban smoking in alfresco dining areas (Fremantle) and on beaches (Joondalup).

As a consequence the DoH is reviewing these matters. The letter poses a number of questions and indicated that a Departmental officer will contact the Shire of Boyup Brook towards the end of April to solicit its views.

### **COMMENT**

The following outlines the question posed by the DoH letter (*italics*) and the position recommended by the author:

**a) *Scope of meaning of “alfresco dining”***

*What is an alfresco dining area, for example, does it include anywhere food is served or eaten which would include takeaways where seating is provided outside?*

An alfresco dining area should include any public area which is intended for the consumption of food (e.g. wherever seating, tables or other facilities are

provided for dining). Currently, indoor dining is protected from smoking, however in designated or informal alfresco areas diners can be subjected to smoking. It tends to limit choice for non-smokers.

**b) *Other public areas where food can be consumed***

*Should outdoor concerts and other public events where food is consumed also be included?*

Outdoor concerts and other public events where food is consumed should be included in places where smoking is banned. Indeed many such events are already smoking-free venues (e.g. AFL football venues, concerts etc.), which appears to reflect current community views. Moreover, it is really immaterial whether food is consumed or not at such events, non-smoking patrons should not be subjected to second hand smoke in a captive situation.

**c) *Beaches***

*Should this include outdoor swimming pools?*

Although public beaches are not an issue for this Shire, the question of public swimming pools being included in areas banned for smoking is. Smoking should be banned within the confines of a public swimming pool because of exposure of children and non-smoking patrons, as well as the probability of cigarette butts becoming a problem.

**d) *Phase-ins***

*Should consideration be given to applying bans in alfresco dining areas on a partial basis first or bans implemented over a period of time?*

Phase-in of smoking bans in alfresco areas is not the preferred option because partial bans are often ineffective. Although the public is now well conditioned and generally supportive of these measures, it must be said that phase-ins have been part of generally successful strategies for implementation and acceptance of smoking bans to date.

**e) *Buffer Zones***

*Should there be buffer zones between an alfresco dining area and an area where a smoking ban does not apply?*

Current buffer zones (e.g. 5m exclusion zone from doorways of buildings where smoking is banned) tend to be ineffective because they are not enforced and are often subject to counter-effective air movements). Buffer zones need to be considerable and wherever possible, supported or demarcated by physical barriers.

**f) Enforcement**

*Who will undertake enforcement and what are the implications?*

In the first instance, it should be the duty of the proprietor of premises to ensure that patrons comply with non-smoking requirements. When it comes to legal enforcement, the only practical means is to empower both the Local Government and the DoH to take proceedings. However, it is acknowledged that it is mostly going to be a difficult proposition where there will be no residual evidence of an offence and a prosecution will rely entirely on witnesses.

Notwithstanding the above, legislation should allow the proprietor and/or the patron to be prosecuted so that both have an obligation.

**CONSULTATION**

The DoH is seeking the views of the Shire of Boyup Brook.

**STATUTORY ENVIRONMENT**

Potential amendments to the *Tobacco Products Control Regulations 2006*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

➤ **Environmental:**  
There are no known significant environmental considerations

➤ **Economic:**  
There are no known significant economic considerations

➤ **Social:**  
There are public health benefits associated with reduction in smoking areas.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

MOVED: Cr O'hare

SECONDED: Cr Muncey

That Council endorses the above views recommended by the Environmental Health Officer in relation to the questions posed, for the purpose of conveying those views to the Department of Health.

Lost 3/4

Res 47/08

Cr Ginnane requested that all votes be recorded.

**For:** Cr Broadhurst, Cr O'Hare and Cr Muncey

**Against:** Cr Marshall, Cr Ginnane, Cr Piper and Cr Lamshed

**Reason For Change To Officers Recommendation**

Councillors were of the opinion that the proposed legislative amendments are too restricting.

**7.3 CORPORATE SERVICES**

**7.3.1 Accounts for Payment**

**Location:** N/A  
**Applicant:** N/A  
**File:** EM/51/003  
**Disclosure of Officer Interest:** Nil  
**Date:** 10 April 2008  
**Author:** Keith Jones – Manager of Finance

**SUMMARY**

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

**BACKGROUND**

Invoices have been received during the month of March 2008.

**COMMENT**

Accounts are presented for consideration (see appendix 1.2) or where paid by direct debit pursuant to the Council's "Authorisation to 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 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 RECOMMENDATION**

MOVED: Cr Lamshed

SECONDED: Cr Broadhurst

1. That the accounts for March 2008 as presented totaling \$417,500.05 as-
  - a. cheque voucher numbers 16745, 16764 - 16807 totaling \$119,766.72
  - b. paid by direct electronic payments totaling \$134,159.67 through the Municipal Account; be endorsed.

CARRIED 7/0

Res 48/08

**7.3.2**

**February 2008 Monthly Statements of Financial Activity**

**Location:** NA  
**Applicant:** NA  
**File:** EM/51/003  
**Disclosure of Officer Interest:** Nil  
**Date:** 10 April 2008  
**Author:** Keith Jones – Manager of Finance

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**SUMMARY**

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended 29 February 2008, and Investment Schedule for the month ended 31 March 2008.

**BACKGROUND**

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

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

The regulations also prescribe the content of the report.

The reports are attached – see appendix 1.5

**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 Ginnane

SECONDED: Cr Piper

That the February 2008 Monthly Statements of Financial Activity as presented, be received.

CARRIED 7/0

Res 49/08

**8 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

The Acting President, Cr Marshall approved consideration of the following 2 items:

**9.1 Shire of Boyup Brook Chief Executive Officer Recruitment Committee Minutes**

Copy of Minutes attached.

**COUNCIL DECISION**

MOVED: Cr Broadhurst

SECONDED: Cr Lamshed

1. That the minutes of the meeting of the Shire of Boyup Brook Chief Executive Officer Recruitment Committee held on the 14<sup>th</sup> April 2008 be received.

CARRIED 7/0

Res 50/08

**COUNCIL DECISION**

MOVED: Cr Broadhurst

SECONDED: Cr Lamshed

2.
  - (a) That Mr Alan Lamb be appointed to the position of Chief Executive Officer for the Shire of Boyup Brook in accordance with the terms and conditions of the contract of employment.
  - (b) That the draft contract of employment between Alan Lamb and the Shire of Boyup Brook, for the position of Chief Executive Officer, dated 17<sup>th</sup> April, 2008, be adopted.

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 51/08

**9.2 Shire of Boyup Brook Bushfire Advisory Committee**

Copy attached.

There are five recommendations for Council to consider, that is:

- Item 5.1 Location of new fire unit
- Item 7.1 Appointment of representatives to LEMAC
- Item 7.2 Delegation of Powers
- Item 7.3 Insurance premiums
- Item 7.11 Telstra Countrywide

The recommendations are administrative in nature and should be supported by Council.

Within items 5.1, 6.1, 6.2 and 6.3 of the Advisory Committee meeting minutes there are suggestions/statements on certain issues. It is not clear whether recommendations to Council were intended on these issues. The Chairman, Cr Ginnane may be in a position to comment.

**OFFICER RECOMMENDATION**

That the Minutes of the Shire of Boyup Brook Bushfire Advisory Committee meeting, held on Tuesday 1<sup>st</sup> April, 2008 be received and the recommendations therein be adopted.

**Appointment of representatives to LEMC**

**COUNCIL DECISION**

MOVED: Cr Ginnane

SECONDED: Cr O'Hare

That the Shire of Boyup Brook Bushfire Advisory Committee Chairman, Mr Terry Ginnane and the Chief Bushfire Control Officer, Mr Kevin Henderson be appointed as representatives of the Bushfire Advisory Committee to LEMC

CARRIED 7/0

Res 52/08

**Delegation of Powers**

**COUNCIL DECISION**

MOVED: Cr Ginnane

SECONDED: Cr Muncey

That the Shire President and the Chief Bushfire Control Officer be jointly delegated the power and duties under section 17 (10) subsections (7) (8) of the Bushfires Act.

CARRIED 7/0

Res 53/08

4.54pm – Cr Piper and Cr Marshall declared a financial interest in the following item on the basis that they are both farmers, involved in crop production.

Cr Piper and Cr Marshall left the room and did not participate in discussions or vote on the matter.

Election of Acting Chairman  
Cr Broadhurst nominated Cr Ginnane  
Cr Ginnane elected unopposed

**Insurance Premiums**

**COUNCIL DECISION**

MOVED: Cr Ginnane

SECONDED: Cr Broadhurst

That Council apply to the relevant Minister to have the district of the Shire of Boyup Brook declared an approved area under section 52 of the Bushfires Act.

CARRIED 5/0

Res 54/08

4.56pm – Cr Marshall and Cr Piper returned to the meeting.

Cr Marshall resumed a chair.

**Telstra Countrywide**

**COUNCIL DECISION**

MOVED: Cr Ginnane

SECONDED: Cr Lamshed

That the issue of mobile telephone coverage be communicated to the federal communications minister

CARRIED 7/0

Res 55/08

**10 CONFIDENTIAL MATTERS**

Nil

**11 CLOSURE OF MEETING**

There being no further business the Deputy Shire President, Cr Peter Marshall, declared the meeting closed at 5.01pm.