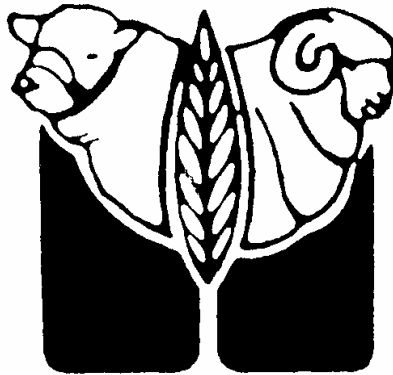


MINUTES



ORDINARY MEETING

HELD ON

THURSDAY, 17 JUNE 2004

AT

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

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Suspension of Standing Orders

MOVED: Cr Broadhurst

SECONDED: Cr Mondy

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

CARRIED: 8/0

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

1.1 Attendance

Cr T Ginnane – Shire President

Cr N Blackburn

Cr S Broadhurst

Cr R Downing

Cr P Marshall (entered 3.33pm)

Cr K Moir

Cr J Mondy

Cr T Oversby

Cr S Purse

Mr W Pearce – Chief Executive Officer

Mr K Jones – Manager of Finance and Administration

Mrs G Wallace - Secretary

Mr B Anderson – Donnybrook/Bridgetown Mail

Mrs S Tuckett – Boyup Brook Country Music Club Representative (departed 4.18pm)

Mr D Winter - Boyup Brook Country Music Club Representative (departed 4.18pm)

1.2 Apologies

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

Nil

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

4.1 Blackwood River Valley Marketing Association

Cr Broadhurst showed Council the logo/slogan for the entrance statements to the Blackwood River Valley which are a brand WA initiative.

Cr Marshall entered the Chambers, the time being 3.33pm.

4.2 Country Music Club Presentation

Daly Winter and Sharon Tuckett made a presentation to the Council for the proposed music park development in Jackson Street.

The Country Music Club would like the Shire to contribute \$18,000 over the next three years for marketing of the Country Music Festival as well as in-kind support for the development works required.

The Club has applied for the Rural Forestry Communities Grant for \$40,000 and the South West Development Commission for \$20,000 for the development of lighting, reticulation and power to this area.

The Country Music Club invited the Council to view the new Country Music Office.

The Shire President thanked Mr Winter and Ms Tuckett for their presentation.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 Minutes of the Ordinary Meeting of the Council held on 20 May 2004.

MOVED: Cr Purse

SECONDED: Cr Mondy

That the minutes of the previous Ordinary Meeting of the Council held on 20 May 2004 be confirmed as an accurate record.

CARRIED 9/0

6 PRESIDENTIAL COMMUNICATIONS

The Chief Executive Officer and the Shire President have met with Anne Donaldson, of South West Area Health Service, with positive feedback coming out of the meeting.

Ms Donaldson will be meeting with the Warren Blackwood Economic Alliance on 22 June.

The Chief Executive Officer departed the Chambers, the time being 4.11pm.

The South West Catchment Council's Regional Strategy is now out for public comment.

S Tuckett & D Winter departed the Chamber, the time being 4.18pm.

7 REPORTS OF OFFICERS AND COMMITTEES

7.1 WORKS AND SERVICES

Nil

7.2 DEVELOPMENT AND COMMUNITY SERVICES

7.2.1 Youth Advisory Committee Minutes

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Keith Jones</i>
<i>Date Report Written:</i>	<i>11 June 2004</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>IM/37/004</i>
<i>Appendices:</i>	<i>1.1 Minutes</i>

BACKGROUND:

Meetings of the Youth Advisory Committee were held on the 17 May, 1 June and 8 June 2004.

Minutes of the meetings are laid on the table and circulated (refer to appendix 1.1).

MOVED: Cr Downing

SECONDED: Cr Oversby

That the minutes of the Youth Advisory Committee on 17 May, 1 June and 8 June 2004, be received.

CARRIED 9/0

The Chief Executive Officer returned to the Chambers, the time being 4.19pm.

7.2.2 Bushfire Advisory Committee Minutes AGM – 18 May 2004

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Keith Jones</i>
<i>Date Report Written:</i>	<i>28 May 2004</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>RS/37/001</i>

Appendices: 1.2 Minutes

BACKGROUND:

A Bushfire Advisory Committee meeting was held on 18 May 2004.

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

MOVED: Cr Blackburn

SECONDED: Cr Oversby

That the:

1. **minutes of the Bushfire Advisory Committee Meeting held on 18 May 2004, be received;**
2. **words “A three metre firebreak, clear of all flammable materials” be inserted at the beginning of section 7 of the Shire of Boyup Brook Firebreak Order;**
3. **Shire write to FESA, WALGA, the Minister Michelle Roberts and local politicians stressing the wishes of our Brigades for the supply of slip-on fire fighting units instead of heavy duty fire fighting units.**

CARRIED 9/0

7.2.3 Economic Development Committee Minutes – 09 June 2004

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Will Pearce
Date Report Written: 10 June 2004
Enabling Legislation: Local Government Act 1995
File: GO/37/005
Appendices: 1.3 Minutes

BACKGROUND:

An Economic Development Committee meeting was held on 09 June 2004.

Minutes of the meeting are laid on the table and circulated (refer to appendix 1.3).

MOVED: Cr Mondy

SECONDED: Cr Purse

That the minutes of the Economic Development Committee held on the 09 June 2004, be received.

CARRIED 9/0

MOVED: Cr Downing

SECONDED: Cr Mondy

That the Chief Executive Officer investigates the potential to encourage landowners of large ‘residential’ zoned lots, including state government reserves, to subdivide their properties down to at least 2000m².

MOVED: Cr Blackburn

SECONDED: Cr Purse

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

CARRIED 9/0

The Shire President adjourned the meeting in accordance with the Shire of Boyup Brook Standing Orders clause 12.10, the time being 4.50pm.

The meeting resumed at 5.05pm.

MOVED: Cr Broadhurst

SECONDED: Cr Moir

That the Council close committee.

CARRIED 9/0

The previous motion was withdrawn with the acquiescence of the mover and seconder.

Cr Moir declared an interest in the following two items.

MOVED: Cr Purse

SECONDED: Cr Broadhurst

That Cr Moir be allowed to remain in Chambers and advise on the following item 7.2.2 with voting rights revoked.

CARRIED 8/0

MOVED: Cr Mondy

SECONDED: Cr Purse

That the Council fill the Community and Economic Development Officer position as per previous employee conditions.

Amendment

MOVED: Cr Marshall

SECONDED:

That the Council fill the Community and Economic Development Officer position as per previous employee conditions subject to budgetary considerations.

LAPSED FOR A WANT OF A SECONDER

The above motion was then put and carried.

MOVED: Cr Mondy

SECONDED: Cr Purse

That the Council fill the Community and Economic Development Officer position as per previous employee conditions.

CARRIED 6/2

MOVED: Cr Mondy

SECONDED: Cr Marshall

That Gerry Parlevliet from the Department of Agriculture – Floriculture section and Tony Woods be invited to provide further information on flower opportunities at a future meeting.

CARRIED 8/0

MOVED: Cr Purse

SECONDED: Cr Blackburn

The Council requests the Shire of Cranbrook to continue the sealing of the Boyup - Frankland Road to the Shire of Boyup Brook border.

Amendment

MOVED: Cr Marshall

SECONDED: Cr Purse

That the following wording be added to the motion "and to indicate the priority on sealing this road and timeline".

CARRIED 9/0

The above motion was then put and carried.

MOVED: Cr Marshall

SECONDED: Cr Purse

That the Council requests the Shire of Cranbrook to continue the sealing of the Boyup - Frankland Road to the Shire of Boyup Brook border and to indicate the priority on sealing this road and timeline.

CARRIED 9/0

MOVED: Cr Mondy

SECONDED: Cr Downing

That the Council seeks comment on the merits of establishing an equine centre in Boyup Brook from the Mayanup Horse and Pony Club, Mayanup Campdraft, Molly Duke (local horserider), Harvey Dickson (rodeo), P Charteris (Wilga Horse Camp) and P Darke (Draft Horses).

CARRIED 9/0

7.3 CORPORATE SERVICES

7.3.1 Warren Blackwood Economic Alliance Minutes – 27 April 2004

<i>Proponent:</i>	<i>Warren Blackwood Economic Alliance</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>26 May 2004</i>
<i>Enabling Legislation:</i>	<i>-</i>
<i>File:</i>	<i>GR/31/006</i>
<i>Appendices:</i>	<i>1.4 Minutes</i>

BACKGROUND:

A meeting of the Warren Blackwood Economic Alliance was held on 27 April 2004.

Minutes of the meeting is laid on the table and circulated (refer to appendix 1.4).

MOVED: Cr Purse

SECONDED: Cr Broadhurst

That the minutes of the Warren Blackwood Economic Alliance held on 27 April 2004 be received.

CARRIED 9/0

7.3.2 Advisory Committees

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	-
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>01 June 2004</i>
<i>Enabling Legislation:</i>	-
<i>File:</i>	<i>GO/51/001</i>
<i>Appendices:</i>	-

BACKGROUND:

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

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

DETAIL:

Established committees of the Council are mentioned below.

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

Section 5.8 of the Local Government Act 1995 provides that a Local Government may establish committees of three or more persons to assist the Council to exercise powers and discharge the duties of the Local Government that can be delegated to the Committees. Committees can comprise of:-

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

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

The existing committees are-

Enterprise Bargaining Agreement Committee

Purpose

To oversee the effective operation of the principles of the EBA, including :-

- ensuring the principles of the EBA are upheld
- to provide a forum for liaison between Outside staff and the Council and elected members
- to receive constructive criticism and work towards an equitable solution

Membership

- Three elected members of the Council
- Three members of the outside workforce elected by the outside workforce
- Chief Executive Officer (ex Officio)
- Manager of Works and Services (ex Officio)

Term of appointment

- Elected Members – 31 May annually
- Outside Staff Representatives – by election

The Department of Local Government and Regional Development, during the CEO support Programme 2003, advised that this current mechanism for negotiating EBAs should be discontinued as the Local Government Act 1995 requires the CEO to deal with employment issues.

Bushfire Advisory Committee

Purpose

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

Membership

- One elected member of Council
- Two representatives from each of the Bush Fire Brigades
- Five persons nominated at the Annual General meeting of Bush Fire Brigades to accept the positions of :-
 - ◆ Chief Fire Control Officer
 - ◆ First and Second Chief Fire Control Officers,
 - ◆ Communications Officer (and deputy)
 - ◆ Training Officer (and deputy)
 - ◆ Weather Officer (and deputy)

Term of appointment

- Elected Members – 31 May annually.
- All other members annually, until the Annual General meeting of Bush Fire Brigades is held.

Townscape (Waters Edge) Advisory Committee

It is recommended that the purpose of the Committee be to provide advice and recommendations to the Council on enhancing the environs of the townsite including:-

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

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

It is recommended that the purpose of the Committee be to provide advice and recommendations to the Council on enhancing the environs of the townsite including:-

- Median Islands

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

Membership

- Three elected Members
- Up to four community members

Term of appointment

- 31 May annually

Recreation and Leisure Advisory Committee

Purpose

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

- Preparations of plans for enhancement of such opportunities.
- Applications for funding assistance from the Council or outside organisations resources, (Grant Applications).
- Development of Business/Management Plans for recreational and leisure facilities.

Membership

- Three Elected Members.
- Up to four community representatives.

Term of appointment

- 31 May annually

Development Services Committee

Purpose

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

Membership

- Four Elected Members.

Term of appointment

- 31 May annually

Strategic and Finance Occasional Committee

Purpose

To provide advice and recommendations to the Council on significant matters dealt with by the Chief Executive Officer to the extent of:-

- such strategic and significant matters as referred to the Committee for further investigation by Council resolution.
- financial management issues.

Membership

- Five Elected Members.

Term of appointment

- 31 May annually

COMMENT:

The establishment of Advisory Committees follows the intention of the Local Government Act 1995, viz. 'Greater Community participation in the decision in affairs of Local Governments'.

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

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

It is recommended that the Council endorse the committee structures noted above, with the exception of the EBA committee.

MOVED: Cr Oversby

SECONDED: Cr Broadhurst

That the Council endorse the following committees established in accordance with Sections 5.8, 5.18 of the Local Government Act 1995:-

1 Bushfire Advisory Committee

Purpose

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

Membership

- One elected member of the Council.
- Two representatives from each of the Bush Fire Brigades.
- Five persons nominated at the Annual General meeting of Bush Fire Brigades to accept the positions of: -
 - ◆ Chief Fire Control Officer
 - ◆ First and Second Chief Fire Control Officers,
 - ◆ Communications Officer (and deputy)
 - ◆ Training Officer (and deputy)
 - ◆ Weather Officer (and deputy)

Term of appointment

- Elected Member – 31 May annually
- All other members annually, until the Annual General meeting of Bush Fire Brigades is held.

2 Townscape (Waters Edge) Advisory Committee

Purpose

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

- Median Islands.

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

Membership

- Three Elected Members
- Up to four community members.

Term of appointment

- 31 May annually.

3 Recreation and Leisure Advisory Committee

Purpose

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

- Preparations of plans for enhancement of such opportunities.
- Applications for funding assistance from the Council or outside resources, (Grant Applications).
- Development of Business/Management Plans for recreational and leisure facilities.

Membership

- Three Elected Members.
- Up to four community representatives.

Term of appointment

- 31 May annually

4 Development Services Committee

Purpose

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

Membership

- Four Elected Members.

Term of appointment

- 31 May annually

5 Strategic and Financial Occasional Committee

Purpose

To provide advice and recommendations to the Council on significant matters dealt with by the Chief Executive Officer to the extent of:-

- such strategic and significant matters as referred to the Committee for further investigation by Council resolution.
- financial management issues.

Membership

- Five Elected Members.

Term of appointment

- 31 May annually

CARRIED 9/0

Cr Downing declared an impartiality interest in the following item due to his son being a member on the Recreation & Leisure Advisory Committee as a community delegate.

MOVED: Cr Oversby

SECONDED: Cr Downing

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

CARRIED 9/0

MOVED: Cr Downing

SECONDED: Cr Broadhurst

That the Council close committee.

CARRIED 9/0

7.3.3 Vacancies – Council Committees and Community Groups

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>General</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>01 June 2004</i>
<i>Enabling Legislation:</i>	<i>-</i>
<i>File:</i>	<i>GO/51/001</i>
<i>Appendices:</i>	<i>-</i>

BACKGROUND:

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

DETAIL:

In June 2003, appointments were made as per the below listing:-

- Development Services Committee
Crs. Marshall, Moir, Downing, Mondy (Deputy Cr. Oversby)
- Townscape Advisory Committee
Crs. Ginnane, Broadhurst, Purse (Deputy Cr. Marshall)

Community Delegates: R Halligan, W Bergin, E Muncey, E Biddle
- Bush Fire Advisory Committee
Cr. Blackburn (Deputy Cr. Oversby)
- Enterprise Bargaining Agreement Committee (EBA)
Crs. Downing, Oversby, Blackburn (Deputy Cr. Ginnane)

- Recreation and Leisure Advisory Committee
Crs. Broadhurst, Purse, Oversby (Deputy Cr. Mondy)

Community Delegates: K Bleechmore, R Douglas, G Downing
- Rylington Park
Cr. Blackburn (Deputy Cr. Purse)
- Conservation/ Blackwood Basin Group
Cr. Mondy (Deputy Cr. Purse)
- WA Local Government Association (South West Zone), WALGA, CSCA
Cr. Ginnane (Deputy Cr. Mondy, has voting rights at WALGA & CSCA AGMs)
- Warren Blackwood Economic Alliance
Cr. Ginnane (Deputy Cr. Moir)
- Road Matters
Cr. Moir (Deputy Cr. Oversby)
- Health Matters
Cr. Downing (Deputy Cr. Broadhurst)
- Telecentre
Cr. Oversby (Deputy Cr. Ginnane)
- Flax Mill Matters
Cr. Marshall (Deputy Cr. Ginnane)
- Tourism Matters
Cr. Broadhurst (Deputy Cr. Oversby)
- Waste Management Matters
Cr. Blackburn (Deputy Cr. Oversby)
- Strategic and Finance Support Occasional Committee
Crs. Ginnane, Downing, Mondy, Marshall (Deputy Cr. Moir)

The EBA committee was considered by the Council in the previous report.

COMMENT:

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

Shire President

WA Local Government Association (South West Zone), WALGA, CSCA
Warren Blackwood Economic Alliance
Townscape Advisory Committee
Strategic and Finance Occasional Committee

Cr Blackburn

Bush Fire Advisory Committee
Townscape Advisory Committee

Cr Broadhurst

Recreation and Leisure Occasional Committee
Townscape Advisory Committee
Tourism

Cr Downing

Health Matters
Development Services Committee
Strategic and Finance Occasional Committee

Cr Marshall

Development Services Committee
Flax Mill Matters
Strategic and Finance Occasional Committee

Cr Moir

Development Services Committee
Warren Blackwood Economic Alliance (Deputy)
Telecentre (Deputy)
Roads Representative
Strategic and Finance Occasional Committee

Cr Mondy

Conservation/Blackwood Basin Group
Development Services Committee
Rylington Park (Deputy)
WA Local Government Association (South West Zone), WALGA, CSCA (Deputy)
Strategic and Finance Occasional Committee

Cr Oversby

Recreation & Leisure Advisory Committee
Roads Representative (Deputy)
Waste Management Matters
Telecentre

Cr Purse

Recreation and Leisure Advisory Committee
Rylington Park

Please note that deputy positions have been created for those committees or groups where left blank in the recommendation. The Council is requested to fill these positions prior to endorsing the appointments.

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

Nominations for these positions were invited in the May edition of the Boyup Gazette.

Unfortunately, no written nominations were received, however several current members have indicated verbally that they are willing to continue for a further 12 months. These include E Muncey and R Halligan who wish to remain on the Townscape Committee and K Bleechmore, R Douglas, G Downing on the Recreation and Leisure Committee.

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

MOVED: Cr Mondy

SECONDED: Cr Downing

That consideration be given to appointing delegates to the following Council Committees and external organisations:-

- **Development Services Committee**
Crs. Blackburn, Moir, Downing, Mondy (Deputy Cr. Ginnane)

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

Community Delegates: R Halligan, E Muncey, E Biddle

- **Bush Fire Advisory Committee**
Cr. Oversby (Deputy Cr. Blackburn)

- **Recreation and Leisure Advisory Committee**
Crs. Broadhurst, Purse, Oversby (Deputy Cr. Mondy)

Community Delegates: K Bleechmore, R Douglas, G Downing

- **Rylington Park**
Cr. Blackburn (Deputy Cr. Purse)

- **Conservation/ Environment**
Cr. Mondy

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

- **Warren Blackwood Economic Alliance**
Cr. Ginnane (Deputy Cr. Broadhurst)

- **Road Matters**
Cr. Moir (Deputy Cr. Oversby)

- **Health Matters**
Cr. Downing (Deputy Cr. Marshall)

- **Telecentre**
Cr. Oversby (Deputy Cr. Downing)

- **Flax Mill Matters**
Cr. Marshall (Deputy Cr. Broadhurst)

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

- **Waste Management Matters**
Cr. Blackburn (Deputy Cr. Oversby)

- **Strategic and Finance Support Occasional Committee**
Crs. Ginnane, Downing, Mondy, Moir, Marshall

- **Local Emergency Management Committee**
Cr Ginnane

7.3.4 Delegations of Authority

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	-
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>01 June 2004</i>
<i>Enabling Legislation:</i>	<i>Section 5.42 Local Government Act 1995</i>
<i>File:</i>	<i>GO/15/004</i>
<i>Appendices:</i>	-

BACKGROUND:

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

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

DETAIL:

A local government may delegate by an absolute majority to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties other than those mentioned by Section 5.43 of the Local Government Act 1995. Section 5.43 provides that a local government cannot delegate any of the following powers or duties:-

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

The purpose of permitting a local authority to delegate powers and duties is in recognition of how the efficiency of an organisation and hence its service to the public could be improved by delegation.

The Council can only delegate powers and duties to the Chief Executive Officer (Section 5.42) not to other employees, except under other legislation. The Chief Executive Officer can however delegate powers and duties to other employees (Section 5.44). In all cases, delegations are to be made in writing, with records being kept in accordance with regulations in relation to the exercise of the power or discharge of the duty.

COMMENT:

Following an extensive review in July 2002 the Council approved the 'Shire of Boyup Brook Register of Delegations of Authority' as presented.

The register is laid on the table (please contact the CEO's Secretary should you wish to be provided with a further copy of the document).

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

It is suggested that the Council endorses the review of the delegations of authority within the 'Shire of Boyup Brook Register of Delegations of Authority' reviewed by the Council in June 2003.

MOVED: Cr Mondy

SECONDED: Cr Ginnane

That the Council endorses the review of the delegations of authority within the 'Shire of Boyup Brook Register of Delegations of Authority' adopted by the Council in July 2003.

CARRIED 9/0

7.3.5 Boyup Brook Football Club

Proponent: Boyup Brook Football Club
Location: -
Reporting Officer: Keith Jones
Date Report Written: 01 June 2004
Enabling Legislation: Local Government Act 1995
File: -
Appendices: -

BACKGROUND:

An outstanding shire loan to the Boyup Brook Football Club of \$7,084 was brought to Council's attention for resolution in both April and June 2003.

At its June 2003 meeting the Council resolved:-

"That the item be laid on the table until June 2004."

DETAIL:

At its April 2003 meeting the Council considered the following recommendation which was subsequently lost:-

'That the Council forgive the remaining debt relating to a shire loan taken out by the Boyup Brook Football Club for \$7,084.'

The club was advised that it would be required to repay the loan which was originally for the construction of the squash courts.

The Boyup Brook Football Club responded and writes:-

Thank you for your letter of 6 May, which was discussed at this Club's subsequent June Committee meeting.

In connection with the Squash Courts facility and the amount showing as outstanding, I am instructed to respond with the following:

The idea that the Courts building be handed over to the Shire Council was to enable the Courts to be better utilised by the community of Boyup Brook and at the same time to rid the Football Club of the \$7,000 debt. The Football Club has no desire to relinquish the Squash Courts, and still have to find the \$7,000.

With the majority of costs already paid on the Squash Courts, the Football Club has been quite prepared to forfeit its substantial asset in that building for the benefit of the whole of Boyup Brook, and the Committee feels that the Council has been ungracious in demanding full repayment.

For your information:

In 1995, again a lean year for the Club's finances, the then Club President, Richard Turner was informed by Peter Webster - Shire CEO, and the late Robin Lloyd - negotiating on behalf of the Football Club, that the outstanding part of the loan on the Squash Courts would be "left on the table" for when and if the Squash Club got going again, or someone found another use for them. This remained the case up until receipt of the Shire Finance & Administrator's letter in February.

COMMENT:

The club continues to play but it would appear that the committee addresses its future on a year-to-year basis.

The squash courts have been managed by the shire since October 2003 earning minimum income from light meters.

It is suggested that the Council further consider the remaining debt relating to a shire loan taken out by the Boyup Brook Football Club for \$7,084 based on information indicated above.

MOVED: Cr Purse

SECONDED: Cr Mondy

That the Council waiver the remaining debt relating to a shire loan taken out by the Boyup Brook Football Club for \$7,084.

MOVED: Cr Moir

SECONDED: Cr Downing

That this item be laid on the table.

CARRIED 7/2

The Cr Marshall declared an financial interest in the following item.

MOVED: Cr Moir

SECONDED: Cr Mondy

That Cr Marshall be allowed to remain in Chambers and advise on the following item 7.3.6 with voting rights revoked.

CARRIED 8/0

7.3.6 Policy Manual

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>01 June 2004</i>
<i>Enabling Legislation:</i>	<i>Section 5.42 Local Government Act 1995</i>
<i>File:</i>	<i>CM/43/001</i>
<i>Appendices:</i>	<i>1.5 Policy Manual</i>

BACKGROUND:

The Local Government Act 1995 requires local governments to review their policy manual on an as needs basis.

The purpose of this report is to formally consider all existing policies.

DETAIL:

The Policy manual is presented, as a separate document, following an extensive review of existing policies on 24 February and 21 March 2004 by the Council.

COMMENT:

The Council is requested to adopt the '2004 Shire of Boyup Brook Policy Manual' as presented.

MOVED: Cr Blackburn

SECONDED:

That the 'Housing Incentive Policy' be repealed.

Lapsed due to want of a seconder.

MOVED: Cr Mondy

SECONDED: Cr Purse

That the Council adopts the Boyup Brook Policy Manual subject to the 'Donations Policy' last paragraph being deleted that reads:-

"The Council will consider approving funding for up to 3 years to community groups /organisations where the activity is ongoing. This will reduce the group's workload in preparing annual donation applications".

CARRIED 8/1

7.3.7 Quarterly Financial Report for March 2004

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Keith Jones
Date Report Written: 12 May 2004
Enabling Legislation: Local Government Act 1995
File: FM/10/003
Appendices: As per May appendices

BACKGROUND:

The quarterly financial statements for the March 2004 period were distributed at the May 2004 meeting.

MOVED: Cr Purse

SECONDED: Cr Downing

That the Financial Statements for the March 2004 quarter be received.

CARRIED 9/0

7.3.8 Survey – Annual Service Delivery

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Will Pearce
Date Report Written: 01 June 2004
Enabling Legislation: Local Government 1995
File: CU/16/001
Appendices: -

BACKGROUND:

The Strategic Plan identifies that a service Delivery Questionnaire be undertaken annually. The report of the 2004 survey, being the sixth in all, is laid on the table and circulated (separate document).

DETAIL:

The Local Government Act 1995, requires local governments to adhere to the principles of good governance and monitor and assess its performance in the delivery of services, in particular, those items identified in the Principal Activity Plan.

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

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

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

This year for the first time the survey was open to the whole community. Only 200 randomly selected residents were requested to participate in past years with only 60-65 submissions being received. This year we received 125.

COMMENT:

The survey indicates comparable results to 2003 in most services across the board of which the Council and staff should be proud. The high degrees of service levels that continue to be achieved are certainly noteworthy.

It is suggested that the results of the 2004 Annual Service Delivery Survey, be received.

MOVED: Cr Purse

SECONDED: Cr Oversby

That the results of the 2004 Annual Service Delivery Survey, be received.

Amendment

MOVED: Cr Mondy

SECONDED: Cr Downing

That the wording be added to the above motion:- 'and that the names of persons criticised be removed before the document is made available for public viewing'.

CARRIED 9/0

The motion was then put and carried.

MOVED: Cr Mondy

SECONDED: Cr Downing

That the results of the 2004 Annual Service Delivery Survey, be received and that the names of persons, who have had derogatory remarks made about, be removed before the document is made available for public viewing.

CARRIED 9/0

7.3.9 Proposed Music Park – Reserve 23783 Jackson Street

Proponent: *Country Music Club*
Location: *Reserve 23783*
Reporting Officer: *Will Pearce*
Date Report Written: *10 June 2004*
Enabling Legislation: *Local Government Act 1995*
File: *-*
Appendices: *1.8 Concept Plan*

BACKGROUND:

At it's October 2003 meeting the Council resolved:-

"That approval be given to the Boyup Brook Country Music Club to hold the 2004 annual awards on reserve 23783 Beatty Street, Boyup Brook subject to:-

1. Parking being allowed within the grounds of the Football Oval and –
 - i) the club placing 'no parking' signs around the perimeter of the Football Oval to keep vehicles off the grass playing surface;
 - ii) recreation (football) grounds being controlled by either the club or community group selected by the club;
 - iii) that parking fees be allowed to be charged for fundraising purposes only;
 - iv) the oval hire fee for the two days being charged;

2. The requested earthworks being arranged by the Manager of Works and Services;
3. Removal of the marked trees and stumps being arranged by the Manager of Works and Services on the proviso that the club plants 100 native tree seedlings during the 2004 'Plant a Tree' Day (or during a suitable time of the year before the 2005 festival) around the reserve perimeter in consultation with the Manager of Works and Service;
4. fencing along the river to be constructed of a sturdy 1.2 metre high tensile ringlock wire (or similar material) fencing erected in accordance with manufacturer's specifications connected to posts adequately spaced. All material to be new or as new of an aesthetically pleasing nature approved by the Chief Executive Officer;
5. a suitable barrier approved by the Manager of Works and Services being placed along the path between the hockey ovals by the club;
6. long term proposals and developments being submitted for further consideration."

DETAIL:

The Club has prepared a concept plan for the long term development of the park which was presented at the May 2004 meeting.

This new venue was well received by the patrons of the 2004 Country Music Festival motivating the club to seek the Council's views on developing the area as a permanent 'music park' for the whole community.

The provision of infrastructure to provide lawns, water and power has been investigated by the club indicating a project cost of some \$100,000 with \$80,000 from funding agencies including the SW Development Commission and SW Area Consultative Committee (federal agency).

The club will use the traditional \$5,000 cash and \$5,000 in-kind contribution from the Council as a portion of the \$100,000.

Ongoing annual expenses to the Council should it support the project will be water rates and consumption at approximately \$2,000, power approximately \$1,000 and lawn maintenance approximately \$1,000 in-kind.

COMMENT:

Item 7.3.3 of the October 2003 report to Council stated in part –

"The Community & Economic Development Officer has perused the document and makes the following comments:-

1. *'My immediate response would be that the BBCMC is the largest event held in the shire, has occurred for about 21 years and there has been no/little return in community assets to the town. From my experience in Dowerin, the event there has created over 37 years, about \$700,000 plus in infrastructure improvements to the town. This could be the first step for us.*
2. *Giving the BBCMC the opportunity for infrastructure improvements and permanency can only create a 'benefit' to the community.*
3. *If Council is against removing the trees requested, surely the BBCMC can be requested to provide some substitute plantings to compensate for there removal.*
4. *Parking – has parking been allowed on the oval before? Will this affect the oval surface prior to the cricket season? Motor vehicles and marquees are set up on the oval in Dowerin over a 6 day period in late August – however, football has finished and cricket is some months off. What could be done to minimise damage to the oval surface?*
5. *I do have a real problem with alcohol and the river. Is the fence proposed along the river front adequate? What sort of fence is proposed? I would like to see some sort of quality, permanent structure that complements the environment and not just a few steel posts and some 'ringlock' fencing. It is more about the publicity generated for Boyup Brook if something untoward*

occurs, as opposed to the general risk, especially if the BBCMC's insurers are satisfied with the level of risk.

I think it is a great concept to have a permanent site created by the community that other groups may be also able to use and improve.'

Providing parking within the grounds of the Football Oval is supported. However, vehicles should be prevented from parking on the actual oval itself. Parking is normally a good fundraiser for community groups who can manage and control the parking areas.

The Shire normally charges \$165 per day for oval hire fees. If the club is able to earn revenue out of parking it is deemed appropriate to charge the oval hire fee rates.

The Manager of Works and Services advises that the earthworks required aren't onerous and can be carried out under budgeted festival allocations.

The request to remove 2 live trees, 2 dead trees, two suckers, 3 limbs and 2 stumps (these trees have been tagged on site) could be supported subject to native trees being planted throughout the reserve. The club could be asked to plant 100 native tree species around the perimeter of the reserve and in consultation with the Manager of Works and Services on the national 'Plant a Tree' day. The tree seedlings are provided free by the organizing body and the club could arrange a busy bee. This could be a good public relations exercise for the club and the Shire.

If the club chooses not to plant trees on this national day, it should still be required to plant 100 trees at an appropriate time of the year.

The proposed pathway between the 2 hockey ovals will require some form of barrier due to an adjacent reasonably deep drain.

The club's insurers advise that the relocation to the reserve will continue to be covered under their policy."

The club has placed a permanent fence along the river side of the reserve and plan to hold a busy bee to improve the safety of the area by removing tripping hazards eg potholes and creating a more level surface throughout. The club seeks endorsement for this to occur.

MOVED: Cr Blackburn

SECONDED: Cr Downing

That:-

- 1. the Council endorses Reserve 23783 Jackson Street being developed as a 'music park';**
- 2. approval be given to the Boyup Brook Country Music Club to:-**
 - i. hold the Annual Country Music Awards from 2005 onwards on Reserve 23783 Beatty Street, Boyup Brook subject to compliance with Council's October 2003 Item 7.3.3 resolution;**
 - ii. apply through various agencies to fund the development of infrastructure including power, water, lighting, lawn, reticulation, street furniture and stage/music shell at no expense to the Council, except in-kind support for the establishment of the lawn component;**
 - iii. hold a busy bee to make safe and level the uneven areas of the reserve.**

CARRIED 8/1

MOVED: Cr Purse

SECONDED: Cr Broadhurst

That the Council is prepared to absorb the ongoing operational expenses for the park including power, water and maintenance of the lawn.

Amendment

MOVED: Cr Mondy

SECONDED: Cr Oversby

That the word 'absorb' be replaced with 'consider assisting' and the wording 'subject to budgetary consideration' be added to the end of the motion.

CARRIED 5/4

The motion was then put and carried.

MOVED: Cr Mondy

SECONDED: Cr Oversby

That the Council is prepared to consider assisting the ongoing operational expenses for the park including power, water and maintenance of the lawn subject to budgetary consideration.

CARRIED 5/4

Cr Marshall requested that the vote of all the members present be recorded.

For	Against
Cr Ginnane	Cr Downing
Cr Broadhurst	Cr Moir
Cr Mondy	Cr Blackburn
Cr Oversby	Cr Marshall
Cr Purse	

Cr Marshall departed the Chambers, the time being 6.40pm.

7.3.10 Accounts for Payment and Financial Status

Proponent: *Shire of Boyup Brook*
Location: *-*
Reporting Officer: *Keith Jones*
Date Report Written: *12 May 2004*
Enabling Legislation: *Local Government Act 1995*
File: *FM/10/003*
Appendices: *1.6 Payments*

BACKGROUND:

The accounts for payment up to 31 May 2004 are attached.

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

Salaries for the months of May 2004	\$	66579.49
Lease of Photocopier	\$	333.17
Lease of Roller	\$	1,197.61
Internet Access Fee	\$	40.00
FlexiRent Computer	\$	806.00

C Lee Rent Doctors Surgery	\$	1000.00
Rent MFA	\$	80.00

The Account Balances for the various accounts as at 31 May 2004 are as follows:-

Municipal Account	\$	221080.36
Shire Clerk Advance	\$	4066.31
Trust Account	\$	29608.00

Investments secured 31 May 2004 are as follows:-

Reserves Account Term Deposit with Commonwealth Bank maturing 30/6/04	\$	716308.95 @ 4.95%
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As at 10 June 2004 the following amount of rates were outstanding:-

- Boyup Brook Ward	\$	31,793.77
- Benjinup Ward	\$	19,780.46
- Dinninup Ward	\$	6662.47
- Scotts Brook Ward	\$	8362.16
TOTAL	\$	66598.86

Sundry Debtors at 10 June 2004	\$	165127.95
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Sundry Creditors at 10 June 2004	\$	NIL
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MOVED: Cr Blackburn

SECONDED: Cr Purse

That the accounts as:-

- 1 presented totalling \$154620.95 voucher numbers for payment; 12124-12127,12129,12133-12216, 1820-1821;
- 2 paid by direct payments through the Municipal Account, the Chief Executive Officer's Advance Account and Trust,

be endorsed for payment.

CARRIED 8/0

8 PETITIONS AND MEMORIALS

Nil

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
--

Cr Marshall returned to the Chambers, the time being 6.42pm.

9.1 Cr Broadhurst - Flag

MOVED: Cr Broadhurst

SECONDED: Cr Downing

That three shire flags be purchased, subject to there being no change to current flags.

CARRIED 9/0

9.2 Cr Marshall – Industrial Land

MOVED: Cr Marshall

SECONDED: Cr Purse

That prior to Council committing funds to develop industrial land (on Lot 199 Abel Street and Lot 201 Blechynden Street) in Boyup Brook, the Economic Development Committee report to Council identifying:

- a) what services could be attracted to the Shire that are not already available locally;
- b) what other industries can be identified that may be cost effectively started in Boyup Brook.

LOST 2/7

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

10.1 Industry and commerce

MOVED: Cr Downing

SECONDED: Cr Moir

That the Council consider the motion put forward by Cr Downing be dealt with as urgent business.

CARRIED 6/3

MOVED: Cr Downing

SECONDED: Cr Moir

That by September 2004 the Council be provided with plans and strategies with the potential to attract industry and commerce to the Boyup Brook Shire.

AMENDMENT

MOVED: Cr Blackburn

SECONDED: Cr Broadhurst

That the wording 'by September' be replaced with 'as soon as practicable'.

CARRIED 5/4

Amendment

MOVED: Cr Moir

SECONDED: Cr

That the wording 'be provided with' be replaced with 'provide'.

LAPSED FOR WANT OF A SECONDER

The motion was then put and carried.

MOVED: Cr Blackburn

SECONDED: Cr Broadhurst

That as soon as practicable the Council be provided with plans and strategies with the potential to attract industry and commerce to the Boyup Brook Shire.

LOST 4/5

11 CLOSURE OF MEETING

There being no further business the Chairman declared the meeting closed at 7.28pm.

These Minutes and Schedule of Accounts were confirmed by the Council at the Council Meeting held on the 15 July 2004.

Cr Terry Ginnane, Shire President