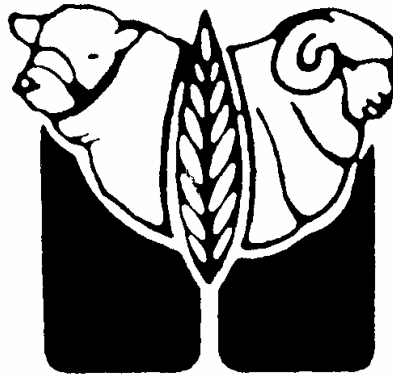


# MINUTES



ORDINARY MEETING

HELD ON

THURSDAY, 18 OCTOBER 2007

COMMENCED AT 3.30PM

AT

SHIRE OF BOYUP BROOK CHAMBERS  
ABEL STREET – BOYUP BROOK

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

### 1.1 Attendance

Cr R Downing - Deputy Shire President  
Cr P Marshall  
Cr K Moir  
Cr T Oversby  
Cr A Piper  
Cr J Florey

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

John Imrie – (Left at 4.58pm)  
Fleur Mead – (Left at 4.31pm)  
John Culverston

### 1.2 Apologies Cr T. J. Ginnane (Sandakan Visit)

### 1.3 Leave of Absence

Cr S Broadhurst

## 2 PUBLIC QUESTION TIME

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

Nil

### 2.2 Public Question Time

John Imrie stated his support for retaining Saleyards or a portion at least, seems a shame to destroy whole facility. Thanked Councillors especially Cr Moir

John Culverston stated his concern about the Biomass Plant at proposed site, Bridgetown, Petterson Road. He is concerned about adverse toxic fumes coming into our Shire. It will affect our farmers and their stock. Asked for Council to look into it regarding an impact statement.

Chief Executive Officer stated he did not have the resources to evaluate the environmental impact, Council would have to decide and allocate funding if they chose to do so.

What is Council doing about it?

Deputy Shire President advised that until the environment assessment now being undertaken by the proponents has been provided and made available as a part of the planning process in the Shire of Bridgetown Greenbushes, this Shire will continue to monitor the progress of the project.

### **3 APPLICATIONS FOR LEAVE OF ABSENCE**

### **4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS**

Fleur Mead – Mead Transport – Petition (241 signatures) to keep Saleyards

### **5 CONFIRMATION OF MINUTES**

5.1 Minutes of the Ordinary Meeting of the Council held on 20 September 2007.

**MOVED: Cr Marshall**

**SECONDED: Cr Moir**

**That the minutes of the previous Ordinary Meeting of the Council held on Thursday 20 September 2007, be confirmed as an accurate record.**

**CARRIED 6/0**

### **6 PRESIDENTIAL COMMUNICATIONS**

I am unable to attend the meeting today as I will be en-transit to the airport to catch my flight to Sandakan to attend the Chief Minister's daughter's wedding reception and to witness the signing of the Memorandum Of Understanding between our 2 municipalities in Sabah.

It is the last meeting that I will be Shire President and I wish to extend to you all my heart-felt thanks for the support you have given me for the past 8 years and the achievements we have all attained. We have been a good team and I sincerely believe we have collectively done our Community well.

To the retiring Councillors Kevin, Tom and Jan you can stand proud for the dedication and hard work you have all contributed in your own way. It is not always the most satisfying role we play but we can but do our best and you have all done that.

Roger, it would be wrong for me to wish you well at the election on Saturday but I can say unequivocally that you have been an excellent and supportive Deputy, few Shire Presidents have that luxury and I thank you.

Cr Terry Ginnane

Email read by Cr Downing from Yeo Boon Hai regarding invite to MOU.

"On behalf on the Sandakan Municipal council, I would like to invite you and your Councillors to Sandakan, Sabah for the signing ceremony on the 22<sup>nd</sup> of October 2007 of Friendship between our two local councils.

You are given the honour to address the full council after the signing ceremony and then to a luncheon in honour of this historic event.

During your visit, you would be our honourable guest and we would do our best to host your stay.

Please convey our gratitude to your council for the kind hospitality during our stay. We look forward to seeing you.”

## **7 REPORTS OF OFFICERS AND COMMITTEES**

Jan Florey informed Council that Ian Timpaly is the new Manager at Rylington Park

### **7.2 DEVELOPMENT AND COMMUNITY SERVICES**

#### **7.2.1 Planning Approval Application – Machinery Maintenance Workshop**

<i>Location:</i>	<i>Lot 366 Forbes and Henderson Street Boyup Brook</i>
<i>Applicant:</i>	<i>Russell and Michelle Miller (Owner Michelle Miller)</i>
<i>File:</i>	<i>Ass 922</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>4<sup>th</sup> October 2007</i>
<i>Author:</i>	<i>Tony Doust - Chief Executive Officer</i>

#### **SUMMARY**

To consider an application from R and M Miller to construct a Machinery Maintenance Workshop on Lot 366 Forbes and Henderson Street Boyup Brook. The report recommends approval subject to conditions.

#### **BACKGROUND**

The property Lot 366 Forbes and Henderson Street, Boyup Brook, is located in the general industry zone and adjoins properties owned by “Powertrak” including the shed previously used by “Blackwood Panel and Paint”. The Lot is 2014m<sup>2</sup> in area. The proposed shed will occupy 360m<sup>2</sup> and will be set back 16 metres from Henderson Street and 12.3 metres from Forbes Street. The set back from the boundaries with adjoining lots will be 8 metres.

The application for planning approval states that the proposed development use is Machinery Maintenance Workshop. Whilst the plan provided includes parking and landscaping further details of these are required prior to final planning approval being granted.

#### **COMMENT**

The general industry zone of the Shire of Boyup Brook Town Planning Scheme No 2 includes the use “Motor Vehicle Repairs” which includes the activities proposed by the applicant. The use requires Council approval.

The proposed building is steel frame with colour bond roof and walls, the plans received are not to scale and there is little information as to the surface of the proposed parking area and actual details of the landscaping. Further information is required. Council also has adopted several policies in relation to building materials/standards, fencing industrial and light industry areas and landscaping provisions – commercial and industrial buildings. It is recommended that planning approval be granted subject to conditions relating to the requirements of the Shire of Boyup Brook Town Planning Scheme, and Shire policies in regard to scaled drawings, landscaping, car parking and fencing.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Shire of Boyup Brook Town Planning Scheme No 2.

5.5 OTHER ZONES

Council's general objectives are set out hereunder for the following zones:

- i) Commercial Zone
- ii) Light Industrial Zone
- iii) General Industrial Zone

The minimum development standards set out in Table 2 of this Scheme shall apply to all development within these zones.

5.5.3 General Industrial Zone – The General Industrial Zone is intended primarily to provide for industrial development which would be obtrusive in, or detrimental to the amenity of, the Light Industrial Zone.

5.7 CORNER LOT SETBACKS

Except where the provisions of the Residential Planning Codes apply, where a site has more than one street frontage the Council may determine which shall be regarded as the front for the purpose of the setbacks prescribed in Table No.2 and may permit the observance of setbacks of one half of those specified in respect of the other street frontages.

**TABLE NO. 2 – MINIMUM DEVELOPMENT STANDARDS**

**OTHER ZONES (CLAUSE 5.5)**

ZONE	MINIMUM LOT SIZE	MINIMUM FRONTAGE	MINIMUM SETBACKS			REMARKS
			FRONT	SIDE		
Commercial	-	5m	Nil	Nil	Nil	Setbacks as per Building Code of Australia
Light Industrial	1,000m <sup>2</sup>		5	3	3	Fencing and Landscaping as per Council's requirements
General Industrial	2,000m <sup>2</sup>		11	10	5	Fencing and Landscaping as per Council's requirements

5.8 TRAFFIC ENTRANCES

The Council, where it considers it desirable, and in the interests of traffic safety, may direct the owner of any lot to provide such additional access as it requires.

5.10 CAR PARKING

5.10.1 The number of car parking spaces to be provided for specific development shall be in accordance with Table 3. Where development is not specified in Table 3 the Council shall determine the parking standard.

5.10.2 Except for car parking spaces required for residential purposes, car parking must be provided pursuant to the provisions of this Scheme and shall be laid out and constructed generally in accordance with the parking layouts depicted in Schedule 6. Where the angles

of proposed car parking vary from Schedule 6, Council may determine the width of the maneuvering aisle which in no case shall be less than four metres.

5.10.3 Car parking bays shall be capable of use independently of each other.

5.10.4 All driveways and parking areas shall be constructed to Council's satisfaction with appropriate measures for drainage and disposal of surface water.

**TABLE NO.3 – CAR PARKING REQUIREMENTS**

<b>Development</b>	<b>Minimum Number of Spaces</b>
Attached House	2 spaces per dwelling
Caravan Park	1.25 spaces per unit, bay or tent site
Child Care Centre	1 space per employee plus 2 extra spaces for the picking up and setting down of persons
Consulting Rooms	3 spaces per practitioner
Grouped Dwelling	2 spaces per dwelling
Hospital	1 space per patient and bed
Hotel	1 space per bedroom plus 1 space per 25m <sup>2</sup> of retail floor area
Office	1 space per 30m <sup>2</sup> gross floor area
Place of Assembly	1 space per 4 persons accommodated
Public Worship	1 space per 4 persons accommodated
Restaurant	1 space per 25m <sup>2</sup> of retail floor area
Retail Nursery	1 space per 100m <sup>2</sup> of gross floor area
Service Station	2 spaces per service bay
Shop	1 space per 25m <sup>2</sup> of retail floor area
Single House	2 spaces
Tavern	1 space per 25m <sup>2</sup> of retail floor area
Vehicle Sales Premises	1 space per 200m <sup>2</sup> of site area
Warehouse	1 space per 100m <sup>2</sup> of gross floor space
Workshop	1 space per 100m <sup>2</sup> of gross floor space

**5.12 NUISANCE**

No land, building or appliance shall be used in such a manner as to permit the escape of smoke, dust, fumes, odour, noise, vibration or waste products in such quantity or extent, or in such a manner as, in the opinion of the Council, will create, or be a nuisance to, any inhabitant or to traffic or persons using roads in the vicinity.

## 5.13 LANDSCAPING

Landscaping shall be undertaken and maintained to Council's satisfaction for all development unless, in the opinion of the Council, such landscaping is considered unnecessary. Such landscaping shall generally be located in such positions on a site or sites so as to enhance the appearance of any development or screen from view any parking area, open storage area, drying areas and any other space which, by virtue of its use, is likely to detract from the visual amenity of the surrounding area.

### **POLICY IMPLICATIONS**

The Council has adopted the following policies.

### **BUILDING MATERIALS STANDARDS IN INDUSTRIAL & LIGHT INDUSTRIAL AREAS**

#### Objective

To determine the minimum standard of building materials relating to the development of workshops and other associated outbuildings in the 'Industrial' and 'Light Industrial' zones.

#### Statement

In order to maintain consistency in considering developments with the 'Industrial' and 'Light Industrial' zones for future planning applications, the Council will require compliance with the following provisions.

The minimum standard of building materials to be used in the construction of roofs on buildings, workshops and any associated outbuildings in the 'Industrial' and 'Light Industrial' zones shall be:-

- corrugated iron
- zincalume
- colorbond

In relation to external walls, consideration will be given to the use of the following materials subject to a planning application being forwarded to Council:-

- Concrete
- Brick
- Stone
- Rammed earth

### **LANDSCAPING PROVISIONS – COMMERCIAL AND INDUSTRIAL BUILDINGS**

#### Objective

To ensure the appearance of commercial and industrial zones is improved or maintained to a minimum standard.

#### Statement

That planning applications for development of commercial or industrial sites, landscaping 5% of the lot in keeping with surrounding adjacent areas, to the satisfaction of the Council within one year of completion of the building, be included as a condition of approval of the application.



## **FENCING IN INDUSTRIAL AND LIGHT INDUSTRIAL AREAS**

### Objective

To determine the requirements and standards relating to the development of boundary fencing in the 'Industrial' and 'Light Industrial' zones.

### Statement

Fencing of all property boundaries shall be required as a condition of planning approval for developments within the 'Industrial' and 'Light Industrial' zones.

The standard of this fencing shall be a 2.1 metre link mesh security fencing with three barbs on top of the mesh and galvanized posts and shall also comply with the shire's Fencing Local Laws.

Any alterations to these requirements shall be subject to a planning application being forwarded to the Council for consideration.

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Simple Majority

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

**MOVED:** Cr Moir

**SECONDED:** Cr Piper

That the planning application submitted by Russell and Michelle Miller to develop a colour bond machinery maintenance workshop on Lot 366 Forbes and Henderson Street Boyup Brook, be approved subject to the applicant complying with the following conditions and providing the additional information required:-

1. A scaled site plan not less than 1:500 being provided including details of parking and landscape.
2. Providing details of the parking requirements/layout as per the requirements of clause 5.10 of the Shire of Boyup Brook Town Planning Scheme No. 2.
3. Details of landscaping including layout and plants to be used, for the approval of the Chief Executive Officer.
4. Details of any fencing to be erected.

The applicant be advised that formal planning approval will not be granted until the conditions/requirements as outlined in items 1 to 4 above have been complied with.

**CARRIED 6/0**

7.2.2            **Sheep Saleyards – Boyup Brook**

<i>Location:</i>	<i>Reserve 33552 Boyup Brook Bridgetown Road</i>
<i>Applicant:</i>	<i>Mead Transport</i>
<i>File:</i>	<i>Ass1993</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>4<sup>th</sup> October 2007</i>
<i>Author:</i>	<i>Tony Doust, Chief Executive Officer</i>

**SUMMARY**

To consider a request from Mead Transport and others to retain the Sheep Saleyards on reserve 33552 Boyup Brook. The report recommends that action be taken to allow this matter to be given further consideration.

**BACKGROUND**

The future of the Sheep Saleyards in Boyup Brook was raised with the Council on 21<sup>st</sup> June 2007, following advice from the Western Australian Livestock Salesmen's Association that sales would no longer be held at this complex. The following report was presented to Council on 21/06/07:-

*"The saleyard complex on Reserve 33552 was established in 1975. The complex was constructed primarily by the use of loan funds raised by the Shire and repaid by the Wesfarmers, Elders and Western Livestock (agents). One of the conditions of the lease is that provided no monies are owing in respect amounts owed by the Lessee to the Lessor, the Lessee at the expiration of the lease are within their rights to take, remove and carry away from the property all buildings, fixtures, plant, machinery and other items. All loans raised have been repaid including interest. The lease expired in 1996 and despite several attempts the same has not been renewed.*

It would appear that from this date until the present time the Agents have not paid any lease payment or rates as per the expired lease in 1996 although the use has continued as per the past practice.

The annual rent under the expired lease was \$200.00 and rates were based on a valuation of \$4000 UV (Minimum rate would apply).

The Chief Executive Officer up until a letter (in italics below) was received from the Western Australian Livestock Salesmen's Association (WALSA) on 22<sup>nd</sup> May 2007 has been following up the position of the lease and possible recovery of back rentals and rates with the Shire's solicitors Slee Anderson and Pidgeon, Bunbury.

*"The Western Australian Livestock Salesmen's Association have been concerned with the lack of buying trade support for the Boyup Brook sheep sales. This lack of buying support from processors has reflected in the prices received by producers.*

*We have considered the various options in an effort to retain sheep sales in Boyup Brook but have not been able to develop a viable alternative.*

*At a WALSA meeting held on 15<sup>th</sup> of May it was decided to discontinue holding sheep sales in Boyup Brook.*

*As we will have no future use for the yards we believe our first consideration is to offer the yards to the Shire of Boyup Brook at no cost.*

*Should the Shire accept the yards, we understand that we would have no future claim on the yards and that we would also not incur any future cost associated with the yards or the services supplied to the site."*

The Council has several options that it may wish to pursue as a result of the WALSA decision.

- Option (1) Take over the yards and continue to operate the facility with all costs and income being paid and received by the Shire. Whilst this will provide a selling facility the problem of attracting agents and buyers to use the yards will remain. Annual expenditure will require the facilities to be maintained at a level to ensure exposure to liability is limited. This cost may be significant with very little income being received.
- Option (2) Agree to take over the facility as is and remove the building structures and clean up the site. This cost may be significant and the income obtained from the sale of any materials salvaged minimal. It must bear in mind that the area will need to be cleaned in a manner that will ensure any future liability is kept to an absolute minimum.
- Option (3) Advise the West Australian Livestock Association that the Council does not wish to accept the yards and request that the site be cleaned up and left in a condition that meets the requirements of the Shire. In addition request that the past rental and rate payments be made as per the previous lease agreement from the date the lease expired, as the agents have continued to use the facilities as per the conditions that appear in the lease.

As previously mentioned the land is contained with a reserve, is vested in the Shire for the purposes of stock saleyards. The Shire has the power to lease the Reserve for any term not exceeding (21) years, however this is subject to the approval of the Minister. Any other use that Stock Saleyards would require a change in vesting order.

The land is zoned rural and any other use would need to be compatible with the adjoining rural land, parkland/water Reserve and unallocated crown land. It is not proposed that alternative uses be considered until the arrangements with the Agents and cleaning up of the site has been completed.

Council on the 21<sup>st</sup> June 2007 resolved (8/0):-

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

The Chief Executive Officer advised WALSA of the Councils decision and received a further letter from them on the 2<sup>nd</sup> August 2007. This letter was considered by Council at its meeting on 16<sup>th</sup> August 2007.

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

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

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

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

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

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

Council Resolved on 16<sup>th</sup> August 2007:-

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

WALSA were advised of the Council's decision on 20<sup>th</sup> August 2007.

The following letter was from Mead Transport on 19<sup>th</sup> September 2007.

"I am writing to you in regards to the motion passed at the last council meeting to finalise your agreement with the Western Australian Livestock Salesmen's Association and demolish the Boyup Brook Sale Yards by 31<sup>st</sup> December 2007.

When carting stock we are constantly picking up sheep from the Boyup Brook saleyards, as to pick up small lines of sheep from small farms around the district is not cost effective and often not possible due to the loading facilities on these properties. We believe the saleyards are an important piece of infrastructure for Boyup Brook and something that shouldn't be lost without proper consultation with local farmers or without an alternative put into place. We also make use of the truck wash bay located at the saleyards and pay the cost of water used there. This is also an important piece of infrastructure as keeping the stock clean avoids the risk of spreading disease and infection.

We have had many phone calls from local farmers and stock agents complaining about the closure of the yards and worried about what will happen once they are demolished, we have asked them to direct their complaints to the Shire but I'm unsure as to whether this has happened.

From what we have been told we believe the land the saleyards are located on is zoned as a special reserve for saleyard use so currently cannot be used for anything else. What we would like to propose is to lease the saleyards off the Shire and therefore take on the responsibility of maintaining the saleyards, including spraying weeds, upkeep of gates and railings and continuing to pay for water used in the truck wash bay."

Letters have also been received from GA & JM Harris and JH Imrie supporting the retention of the yards or portion thereof for the purpose of holding pens. The Chief Executive Officer is also aware that there is a petition circulating the district for the retention of these facilities.

## **COMMENT**

Council when considering this matter needs to consider the following:-

1. The Land is a reserve vested in the Shire for the purposes of "Stock Saleyards". Any other use including "Holding Pens", "Transit Yards" etc will require an amendment to the existing purpose and approval of the DPI State Land Services Section.
2. The existing improvements are not the property of the Shire, although they were offered to Council by WALSA at no cost. If the Council decides to reconsider this and accept ownership then it will also be responsible for the ongoing maintenance, replacement and or removal, if the yards are not

required at sometime in the future. It is very difficult to estimate the costs that would follow the acceptance of the responsibility for ownership of the improvements. There are no funds in the existing budget for this purpose and provision would need to be made in future budgets for the outgoings associated with ownership.

3. Any proposal to lease the reserve to an external person or body would require consideration of a number of matters including:-
  - a) Disposal of land as per the requirements of section 3.58 of the Local Government Act 1995 i.e. public auction, tender or private treaty (subject to conditions)
  - b) Approval of DPI to change the purpose of the Reserve and approval of the Minister for the Shire to lease the reserve for a person/body up to (21) years.
  - c) WALSA agreeing to transfer the improvements to an external person or body.
  - d) Any lease agreement would need to incorporate provisions relating to:-
    - (i) The use being restricted to the yards/land being used only for the purposes of "Stockholding Yards" or "Stock Transit Yards" and "vehicle wash down facilities" and no storage of vehicles or machinery.
    - (ii) Liability insurance of a minimum of \$10 million in joint names, to cover both the lessee and the Shire against any potential damage claims.
    - (iii) Clear responsibility of the lessee for the ownership of the improvements, maintenance and removal at the conclusion of any lease period.
    - (iv) A bond or bank guarantee to provide the Shire with the ability to undertake any requirements/responsibilities under any lease arrangement should the lessee fail to comply with the requirements.
    - (v) The Lessee being responsible for environmental control/requirements e.g. disease/infection, weed control/eradication, overflow of effluent from the reserve drainage sump to adjoining lands and health issues arising.
    - (vi) The Lessee being responsible for compliance with any requirements of the Department of Agriculture for stock movements and National Livestock Identification System including a Property Identification Code (P.I.C)
    - (vii) The Lessee being responsible for compliance with the annual welfare legislation requirements and or practices.
    - (viii) The Lessee being responsible for payment of annual lease, rates and any other outgoings associated with the land (reserve) and its use.

As the Council has made a decision to request Western Australian Livestock Salesmen's Association to remove the existing improvements by 31<sup>st</sup> December 2007, the Chief Executive Officer has verbally requested the Secretary of Western Australian Livestock Salesmen's Association to hold action in abeyance given the matters now being raised by the community.

If Council wishes to consider any alternatives to the existing decision Council will need to rescind its decisions made on the 21<sup>st</sup> June 2007 and 16<sup>th</sup> August 2007 that the improvements be removed and site cleared and leveled.

**CONSULTATION**

Western Australian Livestock Salesmen's Association

**STATUTORY ENVIRONMENT**

Local Government Act 1995 – Section 3.58 disposal of land, Section 5.25(e) Rescission of motions.  
Shire of Boyup Brook Town Planning Scheme No 2 – use and zoning of land.  
Land Administration Act 1997 – Reserve vesting/management order purpose and power to lease.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Officer time for the preparation of documents relating to the alternative use of the reserve for holding yards. Costs associated with the option for the Shire to take responsibility for the improvements and ongoing maintenance have not been assessed. If this option is to proceed with costs will need to be determined and presented to Council.

**STRATEGIC IMPLICATIONS**

The provision of a holding yard facility will be of benefit farming with small number of sheep.

**VOTING REQUIREMENTS**

Any rescission Motion – Absolute Majority  
Other Motions – Simple Majority

**OFFICER RECOMMENDATION**

- 1. The Chief Executive Officer advise Meads Transport of the requirements outlined in the comment section of this report, including the likely conditions that would apply to any lease of the reserve, and request a written undertaking that they would be prepared to meet these requirements, if the Council decided to request WALSA not to proceed with the removal of the improvements.**
- 2. The Chief Executive Officer formally request the Western Australian Livestock Salesmen's Association to hold any action on the removal of the improvements until a decision has been made on the possible retention of all or part of the facilities for the purpose of "Holding Yards" and or "Transit Yards"**

**MOVED: Cr Florey**

**SECONDED: Cr Oversby**

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

**CARRIED 6/0**

**MOVED: Cr Oversby**

**SECONDED: Cr Florey**

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

**CARRIED 6/0**

## **COUNCIL DECISION**

**MOVED: Cr Moir**

**SECONDED: Cr Oversby**

- 1. The Chief Executive Officer advise Meads Transport of the requirements outlined in the comment section of this report, including the likely conditions that would apply to any lease of the reserve, and request a written undertaking that they would be prepared to meet these requirements, if the Council decided to request WALSA not to proceed with the removal of the improvements.**
- 2. The Chief Executive Officer formally request the Western Australian Livestock Salesmen's Association to hold any action on the removal of the improvements until a decision has been made on the possible retention of all or part of the facilities for the purpose of "Holding Yards" and or "Transit Yards"**
- 3. The Shire endeavour to facilitate an outcome for the benefit of the community and private interests.**

**CARRIED 6/0**

### **7.2.3 Boyup Brook St John Ambulance Association - Service and Financial Assistance**

*Location: Shire of Boyup Brook*  
*Applicant: Boyup Brook St John Ambulance Association*  
*File: CR/31/007*  
*Disclosure of Interest: Nil*  
*Date: 9<sup>th</sup> October 2007*  
*Author: Tony Doust, Chief Executive Officer*

## **SUMMARY**

To consider the existing arrangements with the Boyup Brook St John Ambulance Association, including the cover provided for the Shire residents, financial contribution by the Shire and the accountability requirements. The report recommends that the condition of Shire funding be reviewed to require greater accountability.

## **BACKGROUND**

The matter of the existing arrangement was discussed with representatives of the Boyup Brook St John's Ambulance (BBSJAA) at the Council briefing session held on 19<sup>th</sup> October 2006. There is no record of any action arising from this meeting/discussion.

The Chief Executive Officer wrote to the BBSJAA on the 22<sup>nd</sup> March 2007:-

"A recent review of our financial records revealed that your Association has not been paid the \$16,000 funding allocated by the Council for the year 2006/07. Would you please provide a tax invoice for this amount together with a copy of your audited financial statements for the year 2005/06.

On receipt of the above, arrangements will be made to pay this amount to your association.

Given the Shire's annual contribution, I would also like to raise with you the need to have a formal agreement between the Shire and your Association outlining the cover, arrangements and procedures that apply to the Ambulance service for residents of the Boyup Brook. Having received

enquiries during the past four months as to what the service covers, I feel it is important that both the association and the Shire have a clear understanding what arrangements exist for the residents of Boyup Brook, and that the same response is given at all times. Your comments on this suggestion will be appreciated.

With regard to the level of funding for 2007/08, I would appreciate your submission by 28<sup>th</sup> April 2007 for consideration during the preparation of the 2007/08 budget.”

The Chief Executive Officer subsequently met with the President and Secretary of BBSJAA to discuss the matters raised in the letter send on 22<sup>nd</sup> March 2007. The Secretary of BBSJAA advised the Chief Executive Officer accordingly:-

“As discussed at our meeting yesterday, I have attempted to clarify the coverage offered by SJAA Boyup Brook to Boyup Brook Shire residents, so that this information can be made freely available by the Shire.

As you know, every year the Boyup Brook Shire collects monies on behalf of Boyup Brook SJAA and 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.

This change in charging has resulted because of restructuring within the public health system and the South West Area Health Service and does not affect the services offered by SJAA Boyup Brook in any other way. Our volunteer officers still offer emergency transportation to all Boyup Brook residents 24 hours a day, seven days a week.

Therefore I would recommend that all residents who have private health cover ensure that they take out optional ambulance coverage with their benefit fund provider.

As also discussed at our meeting yesterday, I am unfortunately not able to provide copies of our audited financial documents for Shire perusal. SJAA Head Office policy has changed and now prohibits disclosure of financial documents to anyone other than Sub Centre Committee members and their chosen auditor. I would however like to assure you that our financial dealings are scrutinized yearly by both an independent auditor and also by Head Office.

We are however able to let you know that we have recently spent approximately \$80,000 on our new Mercedes Ambulance, thanks to a Lottery West grant and local fundraising which provided the remaining \$55,000. We are also considering the purchase of another ambulance as our second vehicle is now well past its use-by date and unfortunately the parts have become obsolete.

We also hope to purchase two new ZOLL defibrillators shortly, which will cost us a further \$25,000 as our current HeartStart machines cannot be upgraded.”

The Chief Executive Officer responded advising the BBSJAA accordingly:-

“The information you have provided about the cover / service offered by St John Ambulance Association Boyup Brook Sub Centre, to the residents of Boyup Brook will be included in a notice to be circulated by the Shire.

With regard to your financial statement it is noted that you have been directed by the head office not to circulate this information and that the Shire is not able to obtain a copy.”



The arrangements for funding and service delivery were discussed by Councillors during the preparation of the 2007/08 Budget. Concern was expressed by a number of Councillors about the lack of an annual financial statement by BBSJAA as this was a standard requirement for any assistance requests received from community organizations. The matter of no coverage for transfer between public and private hospitals was also considered. Whilst the Council has again provided funding in 2007/08 for the existing arrangement, a formal request has not been made by the BBSJAA as outlined in the Chief Executive Officer's letter to the association on 22<sup>nd</sup> March 2008. The Chief Executive Officer received the following letter from the BBSJAA on 20<sup>th</sup> September 2007:-

“At a meeting held earlier this year between you, SJAA BB President Mrs. Lynne Schreurs and myself, we discussed the possibility of the Shire sending out detailed information to all Boyup Brook Shire residents, regarding SJAA coverage. At the time you expected this information to be included with the 2007/08 rates notices.

Are you still anticipating sending this information out to Shire residents, or should we arrange to send out this information, to ensure that none of our permanent residents are caught without ambulance cover?

If you could let me know at your earliest convenience so we know whether to take any further action, I would appreciate it.”

Whilst the matter of sending out information with the annual rate notice was an option discussed it was not implemented as the service covers all residents and not only ratepayers. A general notice would appear to be the most appropriate method.

### **COMMENT**

The Chief Executive Officer has discussed this matter with the Shire President, and he again expressed concern about the matter of the Council not receiving a financial report.

It would appear that there is a misconception within the community that the Council actually places a levy on ratepayers for this service. This is not the position, the funding is derived from general revenue and is made annually at the discretion of Council during the budget process.

The original concept was established in 1980's covered all ambulance requirements from the residents of the Boyup Brook Shire, including transfers to other public or private hospitals and the air ambulance service. The service no longer provides a full cover and residents need to be aware of this.

The Shire President requested that the matter be referred to Council for further consideration and discussion.

### **CONSULTATION**

Shire President Cr T Ginnane

### **STATUTORY ENVIRONMENT**

No specific requirements in relation to the Shire providing ambulance services. Any financial contribution would need to be in accordance with the adopted budget as per the Local Government Act 1995.

### **POLICY IMPLICATIONS**

Council Policy – “Ambulance Subsidy”

#### **“Objective**

To provide St John Ambulance insurance cover for all residents of the Shire.

Statement

The Boyup Brook St. John Ambulance Association is to be provided with an annual subsidy to be determined each year on a per head population basis.

As from the 1<sup>st</sup> July 1987, the Association is to make provision (Reserves) for the replacement of its own ambulances. Each permanent resident of the Shire will automatically be covered for ambulance transport. Membership cards can be obtained from St. John Ambulance Secretary, on application, if required”

The policy does not reflect the present position i.e. per head of population or cover the existing arrangement is inconsistent with the Council policy on “Donations” e.g. application process and acquittals procedures.

**FINANCIAL IMPLICATIONS**

The 2007/08 adopted budget includes an amount of \$16,800 for the Shire’s contribution to the BBSJAA.

**STRATEGIC IMPLICATIONS**

The provision of an ambulance service is important to the community, however the need to ensure accountability for use of Shire funds is also important.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

**MOVED: Cr Florey**

**SECONDED: Cr Piper**

**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.**

**MOVED: Cr Marshall**

**SECONDED: Cr Moir**

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

**CARRIED 6/0**

**MOVED: Cr Piper**

**SECONDED: Cr Moir**

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

**CARRIED 6/0**

**COUNCIL DECISION AND OFFICER RECOMMENDATION – PUT AND CARRIED 5/1**

7.2.4 **Aged Persons Hostel Accommodation – Boyup Brook**

*Location:* Boyup Brook (Lot 347) Bridge Street  
*Applicant:* WA Country Health Service – South West Regional Office  
*File:* CR/45/003  
*Disclosure of Interest:* Nil  
*Date:* 9<sup>th</sup> October 2007  
*Author:* Tony Doust, Chief Executive Officer

**SUMMARY**

To consider a response for the WA Country Health Service South West Regional Director regarding the number of hostel beds available at the Boyup Brook Citizens Lodge.

**BACKGROUND**

This matter was raised at the annual meeting of electors. The Chief Executive Officer wrote to the WA Country Health Service South West Regional Director on 24<sup>th</sup> April 2007:-

“At the Annual Electors Meeting held on 19<sup>th</sup> April 2007 concern was expressed by a resident about the number of hostel beds at the Boyup Brook Citizens Lodge. At the present time there are no vacancies and a waiting list exists.

The Council believes it would be appropriate for your organization to review the position, particularly as the demographics of the Shire are changing and the number of people over the age of (65) is increasing. The need for this type of accommodation will increase not decrease.

Your consideration of this matter and response will be appreciated, and if the Shire can assist in achieving this objective please provide details on how we may help.”

The Regional Director responded on 28<sup>th</sup> September 2007:-

“Thank you for your letter dated 24 April 2007 regarding the number of hostel beds available at Boyup Brook Lodge (the Lodge).

I apologise for the delay in writing, however as you are aware, staff from WA Country Health Services (WACHS) South West have already responded directly with your office regarding the Lodge and our ability to work together to assess and work through the health needs of the aged persons in Boyup Brook community.

Ms Linda Jackson, A/Regional Aged Care Manager of the newly developed WACHS-South West Aged Care Program, Anne Martie Martino, A/District Manager of Blackwood and, Chris Cox Nurse Unit Manager of Boyup Brook Hospital, met with Councillors Terry Ginnane and Roger Downing and Dr Michiel Mel in the first of a planned series of meetings on August 20, 2007.

It is WACHS-South West policy to work with local Shires to address the current and emerging health needs of local residents, including those aged 65 years and over. It is important that together we identify and address any changes in services provision required across the range of options from supporting people to remain in their own homes, to low care hostel type accommodation and into high care nursing home type settings. The Aged Care Assessment Team (ACAT), apart from assessment of client suitability for aged care placement, is also able to provide links to support options such as Home and Community Care (HACC) services.

We look forward to our continued work together on this most important issue. The next meeting of the group outlined above is scheduled for early November, 2007, and if you should need to call sooner, Ms Linda Jackson can be contacted on 0429103370.”

**COMMENT**

Whilst the Chief Executive Officer was informed of the meetings, Councillors Terry Ginnane and Roger Downing attended, the Councillors will need to inform Council of the present position.

It is interesting to note the WACH – South West policy is to work within local shires to address the current and remaining health needs of local residents, the funding of any programme of new initiatives is not mentioned.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

The provision of aged accommodation facilities is important given the ageing population of the Shire.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

**MOVED: Cr Moir**

**SECONDED: Cr Florey**

**That the information be received.**

**CARRIED 6/0**

## 7.3 CORPORATE SERVICES

### 7.3.1 Accounts for Payment

<i>Location:</i>	<i>Shire of Boyup Brook</i>
<i>Applicant:</i>	<i>Shire of Boyup Brook</i>
<i>File:</i>	<i>EM/51/003</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>11 October 2007</i>
<i>Author:</i>	<i>Keith Jones – Manager of Finance</i>

#### **SUMMARY**

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

#### **BACKGROUND**

Invoices have been received during the month of September 2007.

#### **COMMENT**

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

Cheques cancelled during the month were-

- Chq 2122 Roo Gully Wildlife Sanctuary \$100.00 cancelled due to printer error. Chq 2123 reissued.

#### **CONSULTATION**

Nil

#### **STATUTORY ENVIRONMENT**

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

#### **POLICY IMPLICATIONS**

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

#### **FINANCIAL IMPLICATIONS**

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

#### **STRATEGIC IMPLICATIONS**

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

**MOVED: Cr Florey**

**SECONDED: Cr Oversby**

1. That the accounts for September 2007 as presented totaling \$313,070.17 as-
  - a) cheque voucher numbers 16371 – 16437 be approved for payment;
  - b) paid by-
    - i. direct electronic payments through the Municipal Account;
    - ii. cheque voucher numbers 2121- 2126 paid through the Chief Executive Officer's Advance Account;

**be endorsed.**

**CARRIED 6/0**

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

<i>Location:</i>	<i>NA</i>
<i>Applicant:</i>	<i>NA</i>
<i>File:</i>	<i>EM/51/003</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>11 October 2007</i>
<i>Author:</i>	<i>Keith Jones – Manager of Finance</i>

**SUMMARY**

Report recommends Council receive the Monthly Statement of Financial Activity for the month ended 31 August 2007, and Investment Schedule for the month ended 30 October 2007.

**BACKGROUND**

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

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

The regulations also prescribe the content of the report.

**COMMENT**

It is suggested that the recommendation be considered.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **COUNCIL DECISION AND OFFICER RECOMMENDATION**

**MOVED:** Cr Oversby

**SECONDED:** Cr Moir

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

**CARRIED 6/0**

Cr Oversby declared an impartiality interest in the following item due to being the President at the Lions Club, left at 5.00pm.

### **7.3.3 Lions Zone 8 – Request to Waive Flax Mill Fees**

<i>Location:</i>	<i>Boyup Brook Flax Mill Caravan Park and Camp</i>
<i>Applicant:</i>	<i>Lions Zone 8 – Camp Quality Organising Committee</i>
<i>File:</i>	<i>CP/31/001</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>2<sup>nd</sup> October 2007</i>
<i>Author:</i>	<i>Tony Doust, Chief Executive Officer</i>

## **SUMMARY**

To consider a request by the Lions Zone 8 Camp Quality Organizing Committee for use of the Flax Mill Camp at no cost for (5) days during the period March/April 2008. The report recommends approval.

## **BACKGROUND**

The following letter has been received from the Lions Zone 8 Organising Committee.

*“The Lions club of Boyup Brook along with the other Lions Clubs of our zone again intended to run our Dads and Lads camp. This camp is run in conjunction with Camp Quality Kids with Cancer. We thank you for your past use of the Flax Mill facilities and again request the use of same on one of the listed dates depending on availability.*

*Option 1 25<sup>th</sup> March to 29<sup>th</sup> March 2008 (inclusive)*

*Option 2 31<sup>st</sup> March to 5<sup>th</sup> April 2008 (inclusive)*

*Please advise if these dates are available so a final decision can be made and further plans prepared.*

*As our funds are limited we request that the Shire again waivers its fee for the use of the facilities for this camp.”*

## **COMMENT**

Council has in the past agreed to waive the fees applicable for this camp. The facility is available for both the periods requested. The estimated value of the hire for 20 persons using the dormitory accommodation, halls and kitchen is \$2000.

This is a very worthwhile activity for children living with cancer and their families and Councils support for the free use of the facility is recommended.

### **CONSULTATION**

Nil

### **STATUTORY ENVIRONMENT**

Local Government Act 1995 – Section 6.12 power to defer, grants discounts, waive or write of debts. Subsection (1) (6) provides Council with the Power to waive fees.

### **POLICY IMPLICATIONS**

Council Policy – “Shire Facilities Hire – Exempt Group” does not include an exemption for the use proposed.

### **FINANCIAL IMPLICATIONS**

The estimated income for the Flax Mill caravan park/camp did not include this proposed use as Council has previously waived the fees. The estimated revenue for this use is \$2000.

### **STRATEGIC IMPLICATIONS**

The free use of these facilities demonstrates to the wider community that the Shire is prepared to support charitable organisations within the region.

### **VOTING REQUIREMENTS**

Simple Majority

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

**MOVED:** Cr Piper

**SECONDED:** Cr Florey

**That the Council agrees to waive the Flax Mill Camp fees for the use of the facilities by the “Lions 8 Kids Camp Quality” during either the period 25<sup>th</sup> March to 29<sup>th</sup> March 2008 or 31<sup>st</sup> March to 5<sup>th</sup> April 2008.**

**CARRIED 5/0**

Cr Oversby returned at 5.02pm

#### **7.3.4 Audit and Management Report for Year Ended 30<sup>th</sup> June 2007**

<i>Location:</i>	<i>Shire of Boyup Brook</i>
<i>Applicant:</i>	<i>Shire of Boyup Brook</i>
<i>File:</i>	<i>FM-9/004</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>11 October 2007</i>
<i>Author:</i>	<i>Keith Jones – Manager of Finance</i>

### **SUMMARY**

To present to Council the Audit and Management reports for the year ended 30<sup>th</sup> June 2007, and determine the action required from the matters raised.

### **BACKGROUND**



Messrs D Tomasi and R Swarbreck, UHY Haines Norton, were appointed by Council in August 2004 as the Shire Auditors for the period 1<sup>st</sup> July 2004 to 30<sup>th</sup> June 2007.

The annual audit for 2006/07 commenced with an interim audit and a final visit to the Shire Office by UHY Haines Norton staff on 3rd September 2007 to complete the process. The Audit committee met with Haines Norton representatives on 4th November 2007.

Mr Tomasi has now provided the Chief Executive Officer with the audit and management report for the year ended 30<sup>th</sup> June 2007.

## **COMMENT**

The following audit report has been received:-

### ***“INDEPENDENT AUDIT REPORT TO THE ELECTORS OF THE SHIRE OF BOYUP BROOK***

#### **Report on the Financial Report**

We have audited the accompanying financial report of the Shire of Boyup Brook, which comprises the balance sheet as at 30 June 2007 and the income statement by nature or type, income statement by program, statement of changes in equity, cash flow statement and rate setting statement for the year ended on that date and a summary of significant accounting policies and other explanatory notes.

#### **Council's Responsibility for the Financial Report**

Council is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations), the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended). This responsibility includes establishing and maintaining internal control relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

#### **Auditor's Responsibility**

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report: The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Council, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

#### **Independence**

In conducting our audit, we have complied with the independence requirements of Australian professional ethical pronouncements.

#### **Auditor's Opinion**

In our opinion, the financial report of the Shire of Boyup Brook is in accordance with the Local Government Act 1995 (as

amended) and the Local Government (Financial Management) Regulations 1996 (as amended), including:

- a giving a true and fair view of the Shire's financial position as at 30 June 2007 and of its performance for the year ended on that date; and
- b. complying with Australian Accounting Standards (including the Australian Accounting Interpretations), the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended).

### **Statutory Compliance**

During the course of our audit we became aware of the following instances where the Council did not comply with the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended).

### **Monthly Financial Reports**

The Monthly Financial Reports for each month were presented to Council as required by Financial Management Regulation 34 however, with the exception of September 2006, they did not contain the following information as required:

- (1) Material variances between the year to date actual and budgeted income and expenditure. (Financial Management Regulations 34(1)(d)).
- (2) An explanation of each of the variances referred to in (2) above. (Financial Management Regulations 34(2)(b)).

### **Adoption of Material Variance**

Council did not adopt a percentage or value to be used in statements of financial activity for reporting material variances as required by Financial Management Regulation 34(5).

### **Other Matters**

In accordance with the Local Government (Audit) Regulations 1996, we also report that:

- a) There are no matters that in our opinion indicate significant adverse trends in the financial position or the financial management practices of the Shire.
- b) Except as detailed above, no matters indicating non-compliance with Part 6 of the Local Government Act 1995 (as amended), the Local Government (Financial Management) Regulations 1996 (as amended) or applicable financial controls of any other written law were noted during the course of our audit.
- c) All necessary information and explanations were obtained by us.
- d) All audit procedures were satisfactorily completed in conducting our audit.

Address: Perth, WA  
Date: 11 October 2007

UHY HAINES NORTON  
CHARTERED ACCOUNTANTS  
DAVID TOMASI  
PARTNER"

The Management Report received is as follows:-

### ***"MANAGEMENT REPORT FOR THE YEAR ENDED 30TH JUNE 2007***

We advise that we have completed our audit procedures for the year ended 30 June 2007 and enclose our Audit Report.

We are required under the Local Government Audit Regulations to report certain compliance matters in our audit report. Other matters which arise during the course of our audit that we wish to bring to Council's attention are raised in this management report.

It should be appreciated that our audit procedures are designed primarily to enable us to form an opinion on the financial statements and therefore may not bring to light all weaknesses in systems and procedures which may exist. However, we aim to use our knowledge of the Shire's organisation gained during our work to make comments and suggestions which, we hope, will be useful to you.

### **Delegations**

The delegations register has not been reviewed during the 2006/2007 financial year.

To help ensure compliance with the Act, we recommend all delegations be recorded in the delegations register and reviewed at least once a year as required by Section 5.46(2).

In raising this point, we do acknowledge the register is currently under review and management chose to defer the item to ensure a comprehensive approach to all delegations.

### **Annual Report**

We noted the following areas of non-compliance in respect of the 2005/06 Annual Report:

- The report did not contain an overview of the Local Government's plan for the future of the district or disclosures required under the *Disability Services Act 1993* as required by Section 5.53 of the Local Government Act 1995.

To help ensure compliance with the Act, consideration should be given to these requirements in the future.

### **Depreciation Policy**

Testing of depreciation calculations for compliance with Council's accounting policy revealed certain assets where being depreciated at rates other than those in the accounting policy.

Whilst we accept the depreciation charged was reasonable for the asset type concerned we recommend a review the rates used or a review of Council's depreciation policy in order to accurately cover the depreciation charged to all types of assets.

### **Allocations**

We noticed the Plant Operating Costs and Public Works Overheads allocated through the system to schedule 14 were not all reallocated. At year end \$225,038 remained unallocated. Whilst this has no effect on the net operating result for 2007, it may distort the true cost of individual jobs.

To help ensure all jobs are accurately reflected on a timely basis, we recommend the allocation rates and methodology be reviewed on a regular basis. This also helps Council and staff as they make management decisions on scarce resources.

We noted no other matters we wish to draw to Council's attention.

### **Corrected Misstatements**

We advise that we have informed Shire management that there were no corrected misstatements above \$3,000 noted by us during the course of our audit.

### **Uncorrected Misstatements**

We advise we have informed Shire management of certain misstatements which were uncorrected during the course of our audit and are not reflected in the financial report. These uncorrected misstatements are attached at Appendix 1 to this letter.

We take this opportunity to thank the Chief Executive Officer and all staff for the assistance provided during the audit.

Should you wish to discuss any matter relating to the audit or any other matter, please do not hesitate to contact us.

Yours faithfully

DAVID TOMASI  
PARTNER  
Encl

**SHIRE OF BOYUP BROOK  
APPENDIX 1  
FORMING PART OF THE MANAGEMENT REPORT  
FOR THE YEAR ENDED 30TH JUNE 2007**

**Uncorrected Misstatements**

	Dr (\$)	Cr (\$)
Unrestricted Municipal Bank Expense Account	4,882	4,882
	4,882	4,882

**CONSULTATION**

Auditor David Tomasi UHY Haines Norton, Chief Executive Officer

**STATUTORY ENVIRONMENT**

Local Government Act 1995 – Section 7.12A “Duties of Local Government with Respect to Audits”

**POLICY IMPLICATIONS**

No specific policy in relation to Audit/Management Reports

**FINANCIAL IMPLICATIONS**

None.

**STRATEGIC IMPLICATIONS**

It is essential that the Shire has a high level of both management and compliance to ensure the limited available resources are utilized effectively to meet the aspirations of the Council/Community.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

**MOVED: Cr Moir**

**SECONDED: Cr Florey**

**That Council receive the Auditors Report and Management Report noting the significant improvement in the standard of accounting and completion date.**

**CARRIED 6/0**

**8. PETITIONS AND MEMORIALS**

**9. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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

**11. CONFIDENTIAL MATTERS**

**12. CLOSURE OF MEETING**

There being no further business the Chairman declared the meeting closed at 5.04PM.

The Presiding Officer, Deputy Shire President Cr Downing thanked all for their attendance, special mention to Cr Moir, Cr Oversby and Cr Florey for time on Council.