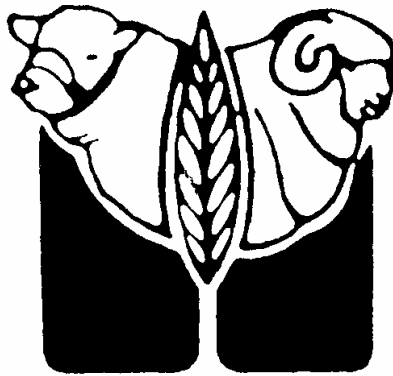


AGENDA



ORDINARY MEETING

TO BE HELD

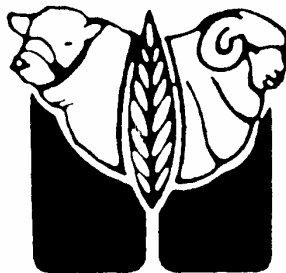
THURSDAY, 15 MAY 2008

COMMENCING AT 3.30PM

AT

SHIRE OF BOYUP BROOK CHAMBERS

ABEL STREET – BOYUP BROOK



SHIRE OF BOYUP BROOK

**NOTICE OF ORDINARY COUNCIL
MEETING**

To:-

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

The next Ordinary Council Meeting of the Shire of Boyup Brook will be held on Thursday 15 May 2008 in the Council Chambers, Shire of Boyup Brook, Abel Street, Boyup Brook – commencing at 3.30pm.

Mr Pascoe Durtanovich
Acting/Chief Executive Officer

Date: 9 May 2008

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

1.1 Attendance

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

STAFF: Mr Pasco Durtanovich (Acting Chief Executive Officer)
Mr John Eddy (Manager of Works and Services)

1.2 Apologies

1.3 Leave of Absence

Nil

2. PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

3. APPLICATIONS FOR LEAVE OF ABSENCE

4. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Representatives from the Boyup Brook Bowling Club will make a presentation on the Clubs proposal for a synthetic bowling green.

5. CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting 17 April 2008.

OFFICER RECOMMENDATION

That the minutes of the Ordinary Meeting of Council held on Thursday 17 April 2008, be confirmed as an accurate record.

6 PRESIDENTIAL COMMUNICATIONS

7 REPORTS OF OFFICERS

7.1 MANAGER WORKS & SERVICES

Nil

7.2 MANAGER – FINANCE

7.2.1	Accounts for Payment
--------------	-----------------------------

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>EM/51/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10 April 2008</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – List of Accounts Paid</i>

SUMMARY

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

BACKGROUND

Invoices have been received during the month of April 2008.

COMMENT

Accounts are presented for consideration (see appendix 7.2.1) or where paid by direct debit pursuant to the Council's "Authorisation to Make Payments" policy.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

1. That the accounts for March 2008 as presented totaling \$674,224.20 as-
cheque voucher numbers 16808 -16860 totaling \$214,169.29
paid by direct electronic payments totaling \$460,054.91 through the Municipal Account; be endorsed.

7.2.2 April 2008 Monthly Statements of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	<i>NA</i>
File:	<i>EM/51/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10 April 2008</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Financial Reports</i>

SUMMARY

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended 31 March 2008, and Investment Schedule for the month ended 30 April 2008.

BACKGROUND

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

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

The regulations also prescribe the content of the report.

The reports are attached – see appendix 7.2.2

COMMENT

Cheque 16771 \$550.00 – invoiced twice.

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

OFFICER RECOMMENDATION

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

7.3 ACTING CHIEF EXECUTIVE OFFICER

7.3.1 Gratuitous Payment to Employees

<i>Location:</i>	<i>Not applicable</i>
<i>Applicant:</i>	<i>Not applicable</i>
<i>File:</i>	<i>Policy Manual</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>11th April 2008</i>
<i>Author:</i>	<i>Pascoe Durtanovich – Acting CEO</i>
<i>Authorizing Officer:</i>	<i>Not applicable</i>
<i>Attachments:</i>	<i>None</i>

SUMMARY

Council is required to maintain a policy on gratuitous payments to employees. This report recommends a new policy to replace policy A.03.

BACKGROUND

Section 5.50 of the Local Government Act requires Council's to adopt a policy on gratuitous payments to employees.

The requirement was introduced as part of the 1995 Local Government Act primarily to force Local Governments to advise their communities of the level of gratuities paid to departing staff.

COMMENT

Council's existing policy is as follows:-

Objective

To determine ex-gratia payments to employees in addition to award or contract entitlements, when a person is leaving the employment of the Shire of Boyup Brook.

Statement

It be noted an employee will not be considered to receive recognition by way of a gratuity payment unless that person has given exceptional service. A gift to the value of \$300 will be considered by the Council for the basis of recognizing the employee's service.

The following continuous years of service of an employee and payment allocation will be the basis of recognizing service to the Shire of Boyup Brook.

In deciding if a gratuity will be granted, the Council will take into consideration the service record of the employee, in particular the number of entitled sick days the employee has not used. Particular attention should be paid to the employee's attitude towards the Council's objectives and the willingness to contribute towards those objectives without necessarily expecting recognition or reward.

The Council may make payment over the policy amount to an employee (whose employment is finishing) however, before such payment is made, public notice is to be given in relation to the payment to be made and approval from the Minister for Local Government shall be sought.

The existing policy is not clear in terms of what is payable and under whose authority therefore it is recommended that the following draft policy be considered by Council.

"For the purpose of Section 5.50 (1) of the Act, the following approximate amounts be spent on a presentation gift to employees who retire or resign after a period of satisfactory service-

1. After 3 years \$200 and thereafter an additional \$30 per year of completed service.
2. Council may also consider the payment of a gratuity to any employee leaving the service of the Council and who is regarded by Council to have been a loyal and productive employee. In considering this matter, Council will give particular regard to:

- a) the employee's history and length of employment with the Council;
- b) the employee's sick leave record; and
- c) the employee's personal contribution to the progress of Council's objective and community wellbeing.

Council, after taking into account the above criteria, may agree to the awarding of the following gratuity:

- a) A maximum payment to the employee not exceeding 3 months salary;
or
 - b) a payment based on unused sick leave entitlements.
3. Council may make a payment to a retiring employee that exceeds this policy amount however, before such payment is made, public notice is to be given in relation to the payment to be made in accordance with Section 5.50(2) of the Local Government Act 1995."

Basically the draft policy has three aspects. The Chief Executive Officer can approve under part 1, Council can approve under part 2 and under part 3, Council can approve, however, public notice must be given.

CONSULTATION

In accordance with section 5.50 (1) of the Local Government Act a new policy or amendment to an existing policy will have to be advised to the public.

STATUTORY OBLIGATIONS

Section 5.50 of the Act requires Council to adopt a policy on gratuity payments however there is no obligation on Council to make gratuitous payments.

POLICY IMPLICATIONS

Policy A.03 applies.

BUDGET/FINANCIAL IMPLICATIONS

As per draft policy in terms of amounts payable.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

That Policy A.03 be deleted and the following policy adopted:-

For the purpose of Section 5.50 (1) of the Act, the following approximate amounts be spent on a presentation gift to employees who retire or resign after a period of satisfactory service-

1. After 3 years \$200 and thereafter an additional \$30 per year of completed service.
2. Council may also consider the payment of a gratuity to any employee leaving the service of the Council and who is regarded by Council to have been a loyal and productive employee. In considering this matter, Council will give particular regard to:
 - a) the employee's history and length of employment with the Council;
 - b) the employee's sick leave record; and
 - c) the employee's personal contribution to the progress of Council's objective and community wellbeing.

Council, after taking into account the above criteria, may agree to the awarding of the following gratuity:

- a) A maximum payment to the employee not exceeding 3 months salary; or
 - b) a payment based on unused sick leave entitlements.
3. Council may make a payment to a retiring employee that exceeds this policy amount however, before such payment is made, public notice is to be given in relation to the payment to be made in accordance with Section 5.50(2) of the Local Government Act 1995.

7.3.2 Manager Finance – Contract Renewal

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>Personnel File</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>25th April 2008</i>
Author:	<i>Pascoe Durtanovich, Acting CEO</i>
Attachments:	<i>Yes – Senior Manager Employment Contract</i>

SUMMARY

The employment contract of the Manager Finance expires on the 30h June, 2008.

This report recommends that a new contract be entered into for a period of 3 years.

BACKGROUND

Mr Jones was appointed to the position of Finance Manager on the 1st July 2007 for a term of twelve months, following a review of staff positions and administration structure.

Previously, since September 1997, Mr Jones held the position of Finance Officer with this Council.

Under the terms of the Local Government Act 1995 Council has designated the position of Finance Manager as a “senior employee” hence the need for a contract.

COMMENT

There is no compulsion on either the Local Government or the employee to agree to a new contract, however, the Acting Chief Executive Officer and the previous Chief Executive Officer have both discussed with Mr Jones the possibility of the parties entering into a new contract for a further term. Mr Jones has agreed to enter into a new contract on the conditions proposed by the Acting Chief Executive Officer (see draft contract provided to Councillors as a confidential document).

In accordance with section 5.37 (2) I now advise Council of the proposal to employ Mr Jones in the position of Finance Manager for a further term of three years, commencing 1st July, 2008.

The recommendation to renew the employment contract for a further term is made on the basis that the encumbant has carried out his duties and responsibilities over the past twelve months in a satisfactory manner and has adequately satisfied the performance criteria for the position.

CONSULTATION

N/A

STATUTORY OBLIGATIONS

In respect to the term of employment the current contract states:-

The employment of the Employee shall, unless a new contract is agreed in accordance with Clause 2.2 of this contract, terminate on the expiry date specified in sub clause 2.1 of this document without the requirement of either party giving notice.

There is no compulsion on either the Local Government or the Employee to agree to a new Contract, however the Chief Executive Officer shall invite the Employee in writing not later than six months prior to the expiry of the Term to discuss the possibility of the parties entering into a new Contract for a further term with the intent of finalizing those discussions not later than three months prior to the expiry of the Term.

The Local Government Act, section 5.37 states:-

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.

- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39 (1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.
- (3) If the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The new contract will commence on the 1st July, 2008 therefore the current budget is not affected. Allowance will be made in the 2008/09 budget for the variation to the salary level in the new contract.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY ISSUES

➤ **Environmental**

There are no known significant environmental issues.

➤ **Economic**

There are no known significant economic issues.

➤ **Social**

There are no known significant social issues.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the employment contract of Mr Keith Jones be renewed for a further term of three years, commencing 1st July 2008 and concluding 30th June 2011 with terms and conditions as per the draft contract of employment, dated 15th May, 2008.

7.3.3 Swimming Pool – Heated Lap Pool

Location:	<i>Boyup Brook Public Swimming Pool</i>
Applicant:	<i>Not applicable</i>
File:	<i>RE/45/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>30th April 2008</i>
Author:	<i>Pascoe Durtanovich, Acting CEO</i>
Attachments:	<i>Yes – Feasibility Study Brief</i>

SUMMARY

The Boyup Brook Lap Pool Committee is keen to progress a feasibility study for a heated lap pool. This report recommends that council make a financial contribution to the feasibility study.

BACKGROUND

The idea of a heated lap pool has been mooted for sometime.

Members of the Boyup Brook Lap Pool Committee have previously discussed the project with Council.

In brief, the proposal involves the provision of 3 x 25 metre lanes, enclosed to retain heat. Heating provided by solar panels.

The positioning of the 3 lanes within the existing swimming pool complex will enable the facility to be supervised by the current level of management. Obviously additional hours will be required because of an extended use period.

COMMENT

The attached brief provides further information on the project, including reasons/need for such a facility.

Consulting firm Business Horizons has provided a quote of \$9,400 plus GST to undertake the first phase of the planning element, which relates to an assessment of project feasibility. Questions to be addressed include rough capital costs, an estimate of demand, how will the infrastructure be funded, what are the operating costs, will entrance fees be sufficient to cover expenses. A return on investment model will be provided together with two year income and expenditure and cash flow financial statements.

CONSULTATION

Boyup Brook Lap Pool Committee – Swimming Pool Manager

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Council should encourage the feasibility study project and contribute 50% of the contract sum of \$9,400. The other 50% to be provided by the Committee.

Council's contribution is unbudgeted.

If following completion of phase 1 the project is viable, the main funding source would be the Department of Sport and Recreation. Applications for this avenue of funding close September 2008 hence the need for Council to consider the issue at this meeting to give enough time to gather the information required to submit a funding application

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY ISSUES

- **Environmental**
There are no known environmental issues at this stage.
- **Economic**
There are no known economic issues at this stage.
- **Social**
Unknown at this stage. Feasibility study should identify.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That:-

- 1 Business Horizons be appointed to undertake the feasibility study for the provision of a 3 lane heated lap pool at the Boyup Brook Swimming Pool complex, in accordance with the attached brief, at a cost of \$9,400 plus GST.
- 2 That Council authorize unbudgeted expenditure of \$4,700 excluding GST as its contribution to the feasibility study, subject to the Boyup Brook Lap Pool Committee contributing the balance of \$4,700.

7.3.4

Local Government Convention and Exhibition

Location:	<i>Perth Convention Exhibition Centre</i>
Applicant:	<i>Not applicable</i>
File:	<i>GR/31/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>2nd May 2008</i>
Author:	<i>Pascoe Durtanovich, Acting CEO</i>
Attachments:	<i>Yes – Convention Program and Councillor Development Modules</i>

SUMMARY

The 2008 Local Government Convention and Exhibition will be held on the 31st July 2008 to 2nd August 2008. This report recommends that Council be represented at the convention and nominate delegates accordingly.

BACKGROUND

The Local Government Convention is the premier event for Elected Members and Officers within Local Government.

The Association's Annual General Meeting is part of the convention program.

In accordance with Western Australian Local Government's constitution, member Councils are entitled to have two voting delegates. Registration of the voting delegates is required prior to the 4th July 2008.

Member Councils are invited to submit motions for the Annual General Meeting, the closing date is 6th June 2008.

Elected member development program training is being offered during the lead up to the convention and also immediately afterwards.

COMMENT

Convention Registration deadline is 2nd July 2008.

In previous years Boyup Brook has been well represented with at least three Councillors and the Chief Executive Officer attending.

The estimated cost per attendee could be up to \$2,500, depending on accommodation requirements and involvement with member development programs.

CONSULTATION

Not applicable

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council's policy on conferences – attendances and expenses by Councillors is as follows:-

Objective

To determine the procedures for attendance at conferences and seminars by Councillors.

Statement

It is Council's policy to have the Shire of Boyup Brook represented at any conference or seminar where it is evident that some benefit will accrue to the Council and/or the district. Attendance at conferences and seminar, etc is to be determined by the Shire President in consultation with the Chief Executive Officer. All Councillors are to be given the opportunity to attend conferences and seminars etc when they are available.

It is Council policy that all reasonable and direct expenses incurred by delegates and partners attending conferences, seminars, etc are to be met by the Shire.

Funds are to be listed annually for Budget consideration to enable the Shire President together with up to 50% of Councillors to attend Local Government Week.

Where possible, attendance at Conferences is to be on a rotation basis.

BUDGET/FINANCIAL IMPLICATIONS

Expenditure will be incurred in 2008/09 and would be budgeted accordingly.

STRATEGIC IMPLICATIONS

The Convention program will enable delegates to gain information that will benefit local government in Boyup Brook, as will interaction with elected members from throughout Western Australia.

SUSTAINABILITY ISSUES

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:-

- 1 The Shire President and Crs_____ attend the 2008 Local Government convention and exhibition and expenses incurred be paid by the Shire, as per Council Policy M.01.
- 2 The Shire President and Cr_____ be appointed as voting delegates for the Western Australian Local Government Association Annual General Meeting.

7.3.5 Constitutional Recognition of Local Government

Location:	<i>Not applicable</i>
Applicant:	<i>The Western Australian Local Government Association</i>
File:	<i>GR/31/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>2 May 2008</i>
Author:	<i>Pascoe Durtanovich, Acting CEO</i>
Attachments:	<i>None</i>

SUMMARY

The new Federal Government promised a referendum on the question of Constitutional Recognition for Local Government.

This report recommends that Council discuss what form that recognition should take.

BACKGROUND

Local Government has a long standing policy position of wanting to be recognized in the Australian constitution.

With the Federal Governments commitment to holding a new referendum on the matter the Australian Local Government Association, with the assistance of State and Territory Local Government Associations, is endeavoring to put some clarity around this issue and draw together a nationally consistent position. ALGA has established the following process to achieve an outcome:-

Step 1: Constitutional Recognition resource materials distributed to Local Governments, and posted on ALGA website at <http://www.alga.asn.au/constitutionalrecognition/>

Step 2: Local Governments to conduct a "Council conversation" and develop local position.

Step 3: Optional step – Local Governments share outcomes from their Council conversations at July zone meetings.

Step 4: Local Government Week Convention to consider the question of Constitutional Recognition. WALGA to appoint 10 representatives to attend a National State and Expert Forum.

Step 5: ALGA will convene a National State and Expert Forum. This will reconcile State Association input and specific options to be put to a broadly based National Constitutional Forum. Expert technical advice will assist in the drafting of specific wording of resolutions to meet desired objectives and develop technical argument on various options. (*Proposed for August/September*)

Step 6: ALGA will prepare business papers for a National Constitutional Forum based on input from the National State and Expert Forum. (*October*)

Step 7: Conduct of the National Constitutional Forum. This would be in the style of the National Roads Congress designed to establish an agreed Local Government position and to settle the question to be put at a referendum on Constitutional Recognition of Local Government. (*Schedules for December 2008*).

Step 8: ALGA to develop "camera ready" legislation for the referendum and present to government.

COMMENT

Council is required to discuss the question of Constitutional Recognition for Local Government and agree on a position in respect to the following questions.

1	Simplified/Streamlined Federal Funding (Direct Commonwealth funding rather than through States)	High	Medium	Low	Nil
2	Providing a guarantee of funding to some minimum level				
3	Symbolic recognition of local government				
4	Protection of the system of Local Government (require the States to maintain a system of Local Government)				
5	Protection for Councils against arbitrary dismissal/amalgamation (require certain minimum principles or processes to be met)				

Additional comments can be provided.

Councillors should access the ALGA website (step 1 above) for additional information.

CONSULTATION

N/A

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The future of Local Government would be secure if recognized in the Constitution, depending on what form the recognition takes.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council discuss the issue of Constitutional Recognition for Local Government and complete the questions listed in this report.

7.3.6 **Code of Conduct**

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>CM/42/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>5 May 2008</i>
Author:	<i>Pascoe Durtanovich, Acting CEO</i>
Attachments:	<i>Yes – Model Code of Conduct & Local Government (Rules of Conduct)</i>

SUMMARY

Consequent to the Local Government Act (Rules of Conduct) Regulations 2007, the Western Australian Local Government Association has developed a new Model Code of Conduct.

This report recommends that Council adopt the Model Code.

BACKGROUND

Council's current Code of Conduct was adopted in April, 2006.

The draft Model Code developed by WALGA reflects recent amendments to the Local Government Act 1995 and Regulations, being the Local Government (Rules of Conduct).

COMMENT

A copy of the new Model Code is attached.

CONSULTATION

Not applicable

STATUTORY OBLIGATIONS

Local Government (Official Conduct) Amendment Act 2007.

A copy of the Act amendments is attached.

One of the new sections of the Act, section 5.120 requires Council to appoint a Complaints Officer. If the Local Government does not have any other person as its Complaints Officer, the Chief Executive Officer is the Complaints Officer.

The Acting Chief Executive Officer's view is that a Senior Officer other than the Chief Executive Officer should be designated the Complaints Officer, based on the fact that the Chief Executive Officer is more directly associated with elected members as part of his role and any breakdown in Councillor/CEO working relationship would be detrimental to the organization.

POLICY IMPLICATIONS

Repeal of the existing code and adoption of the new code.

BUDGET/FINANCIAL IMPLICATIONS

There are no known budget/financial implications.

STRATEGIC IMPLICATIONS

There are no strategic implications.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council:-

1. Repeal the Elected Members and Employee Code of Conduct, adopted by Council on the 20th April, 2006.
2. Adopt the Western Australian Local Government Associations updated version of the Model Code of Conduct, for Council members, committee members and staff, identified as attachment 7.3.6 in this agenda.

7.3.7 Policy – Sandakan Relationship

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>Policy Manual</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>5 May 2008</i>
Author:	<i>Pascoe Durtanovich, Acting CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>None</i>

SUMMARY

Boyup Brook is represented at the Anzac Day service and Sandakan Memorial Day Service in Sandakan each year.

This report recommends a policy be adopted to formalize Council's involvement.

BACKGROUND

The Boyup Brook/Sandakan relationship has developed over a number of years. An important part of the relationship is the Memorandum of Friendship the two municipalities signed in October, 2007.

The aim of the Memorandum is to promote goodwill and understanding as well as favourable co-operation between the people of the two municipalities.

COMMENT

The Memorandum of Friendship is specific in the following areas of co-operation:-

- The Exchange of experts in order to improve the management of the two Council's,
- Commence, trade and tourism.
- Administration and information.
- Culture, arts and relic of the war.
- Youth and sports

Visits to and visits from Sandakan are important in achieving the aims of the Memorandum of Friendship.

Council should also consider introducing some performance measurements to enable Council and the Community (both communities) to gauge the extent the aims of the Memorandum of Friendship are being achieved. A paragraph to this effect is included in the draft policy as below:-

Objective

To promote and develop the Memorandum of Friendship between the Sandakan Municipal Council and the Boyup Brook Shire Council.

Statement

The Memorandum of Friendship between the two Municipalities was signed in October 2007. The aims of the Memorandum are to improve the management of the two councils; to encourage commerce, trade and tourism; exchange of administration and information on culture, arts and relics of World War II; and exchange of youth and sport matters.

To uphold the memorandum-

- *the Shire President of the Shire of Boyup Brook attend the Anzac Day Service and the Sandakan Memorial Day Service in Sandakan each year.*
- *the Boyup Brook Shire Council provide a scholarship to one Boyup Brook High School student nominated by the High School Principle, to attend the Anzac Day service each year.*
The scholarship includes return airfare accommodation and meals.
- *the Boyup Brook Shire Council invite representatives from the Sandakan Municipal Council and two High School students, nominated by the Sandakan Municipal Council, to attend the Boyup Brook Sandakan Memorial service each year.*

It is Council policy that all reasonable and direct expenses incurred by the Shire President and his partner are met by the Shire.

To assist Council and the Community to monitor the success of the relationship in respect to the aims of the Memorandum of Friendship the Council representative and

the scholarship recipient provide a written report to Council outlining progress in the five key areas of the Memorandum of Friendship.

CONSULTATION

Not applicable

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council does not have a formal policy on this matter.

BUDGET/FINANCIAL IMPLICATIONS

Funds would be budgeted each year.

The likely cost, including partners airfare and student scholarship is estimated at up to \$8,000 per annum.

STRATEGIC IMPLICATIONS

The draft policy outlines a process for addressing the intent of the Memorandum of Friendship.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental considerations.
- **Economic**
Progressing the aims of the Memorandum of Friendship in particular in the area of Commerce, Trade and Tourism could achieve significant economic benefits to the Shire of Boyup Brook.
- **Social**
There are no known significant social considerations.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the following draft policy be adopted.

Objective

To promote and develop the Memorandum of Friendship between the Sandakan Municipal Council and the Boyup Brook Shire Council.

Statement

The Memorandum of Friendship between the two Municipalities was signed in October 2007. The aims of the Memorandum are to improve the management of the two councils; to encourage commerce, trade and tourism; exchange of administration and information on culture, arts and relics of World War II; and exchange of youth and sport matters.

To uphold the memorandum-

- the Shire President of the Shire of Boyup Brook attend the Anzac Day Service and the Sandakan Memorial Day Service in Sandakan each year.
- the Boyup Brook Shire Council provide a scholarship to one Boyup Brook High School student nominated by the High School Principle, to attend the Anzac Day service each year.
The scholarship includes return airfare accommodation and meals.
- the Boyup Brook Shire Council invite representatives from the Sandakan Municipal Council and two High School students, nominated by the Sandakan Municipal Council, to attend the Boyup Brook Sandakan Memorial service each year.

It is Council policy that all reasonable and direct expenses incurred by the Shire President and his partner are met by the Shire.

To assist Council and the Community to monitor the success of the relationship in respect to the aims of the Memorandum of Friendship the Council representative and the scholarship recipient provide a written report to Council outlining progress in the five key areas of the Memorandum of Friendship.

7.3.8 Boyup Brook Entry Statements

Location:	<i>Four Entrances to the Boyup Brook Townsite</i>
Applicant:	<i>Not applicable</i>
File:	<i>PA/46/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>5th May 2008</i>
Author:	<i>Pascoe Durtanovich – Acting CEO</i>
Authorising Officer:	<i>Not applicable</i>
Attachments:	<i>None</i>

SUMMARY

Council has budgeted for the provision of a second entry statement.

This report recommends a location for the entry statement and a budget amount for the remaining two entry statements.

BACKGROUND

The Boyup Brook Townscape Committee has recommended the provision of entry statements on the-

Bridgetown Road	–	Farmer and Family
Donnybrook Road	–	Farmer, Dog , Sheep
Kojonup Road	–	Farmer and Canoe
West Arthur Road	–	Kangaroo

The Artist is Len Zuks.

To date an entry statement has been erected at the Donnybrook Road entrance and the current budget includes an amount of \$15,000 for the provision of an entry statement at the Bridgetown Road entrance.

The entry statement on the Donnybrook Road is not in the best location and will be relocated closer to town, near the rammed earth walls.

COMMENT

It is proposed to locate the Bridgetown Road entry statement just forward of the 50km zone on the North West side, subject to Main Roads WA approval.

If it is Council's intention to provide the entry statements as recommended by the Townscape Committee the remaining two should be budgeted for and completed in 2008/09, provided the artist can achieve this timeline.

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

Main Roads WA requirements will have to be adhered to in respect to the location/positioning of the entry statements.

POLICY IMPLICATIONS

Council does not have a policy on this issue.

BUDGET/FINANCIAL IMPLICATIONS

\$15,000 has been allowed in the 2007/08 budget for an entry statement at the Bridgetown Road entrance, the likely cost is closer to \$17,000 erected. The remaining two can be budgeted for in 2008/09.

STRATEGIC IMPLICATIONS

There are no strategic implications.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority for part 1 and 2, Absolute Majority for part 3.

OFFICER RECOMMENDATION

That:-

1. the entry statement at the Bridgetown Road entrance (Farmer and Family theme) be proceeded with.
2. An amount of \$30,000 be included in the 2008/09 budget for the provision of an entry statement (farmer canoe theme) at the Kojonup Road entrance and an entry statement (Kangaroo theme) at the West Arthur Road entrance.
3. The Acting Chief Executive Officer be delegated authority to determine the location of the entry statements. In exercising the delegation the Acting Chief Executive Office liaise with the Manager of Works and Services and Cr Broadhurst.

7.3.9 Boyup Brook Residential Land

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>LN/42/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>2nd May 2008</i>
Author:	<i>Pascoe Durtanovich – Acting CEO</i>
Attachments:	<i>Yes – Locality Plans</i>

SUMMARY

Landcorp has responded to Council's request for release of residential land in the Shire of Boyup Brook.

This report recommends that the information be noted and Council continues to push for new infrastructure to enable release of residential land.

BACKGROUND

In July 2005 Council lodged an expression of interest with Landcorp for release of residential land in Boyup Brook.

The specific area of land targeted at that time was reserve 23751 and Mitchell Avenue (see attached plans).

COMMENT

Landcorp has completed feasibility studies into the release of the land and summarized its findings as follows:-

Reserve 23751 (lot 308)

- The site contains steep sloping, rocky land which is undesirable for house construction
- A drainage line extends through the site
- Hospital Road has limited frontage to the site – the remainder of the constructed road is contained within the Hospital Reserve and is used for car parking.
- Limited yield achievable. Some lots have poor access and large battleaxe lots are required due to planning constraints – minimum lot sizes required to comply with sewerage policies.
- High cost of development – estimated at \$260,000 per lot

Mitchell Ave lots –

- Low lying Land
- Major drainage and set back issues on most of the lots – from both the main drainage line and secondly from the local storm water drainage system
- Site is situated on edge of town – it is separated from the main community and commercial services by the Bridgetown Rd.
- Development costs expected to be at least \$150,000 per lot – high chance end figure would be more than that, depending on how many of the lots could actually be developed for housing.

Landcorp has also advised that at a meeting of the Senior Officers Group of the Department of Local Government and Regional Development, Boyup Brook was not identified as a priority at this stage, in terms of residential land release.

The Senior Officers Group is a group of Senior Managers of Government agencies, including Department of Planning and Infrastructure and the Department of Housing and Works.

The decision was also upheld by the cabinet standing committee on Regional Policy in their recent meeting, held on the 2nd April 2008.

It appears that assistance from Government, either by the release of land, or the provision of infrastructure, specifically deep sewerage, will not be forthcoming in the foreseeable future.

Council's emphasis in its strategic planning is on growth and development yet the key element to achieving growth and development, land availability, is missing. Council should continue to make representation on this matter and again raise the issue with the South West Development Commission.

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

Not applicable

POLICY IMPLICATIONS

Council does not have a policy on this matter.

BUDGET/FINANCIAL IMPLICATIONS

Not Applicable

STRATEGIC IMPLICATIONS

The lack of residential and Industrial land will impact on Council's ability to deliver on aspects of its strategic plan.

SUSTAINABILITY IMPLICATIONS

- **Environmental:**
There are no known significant environmental considerations
- **Economic:**
Key criteria for economic development is land availability, both residential and industrial.
- **Social:**

There are no known significant social considerations

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That:-

1. the response from Landcorp on their inability to develop residential land in the Boyup Brook townsite be noted.
2. the Chairman and Chief Executive Officer of the South West Development Commission be invited to meet with Council to discuss land availability issues and regional development issues, in terms of their impacts on the Shire of Boyup Brook.

7.3.10

St Mary's Catholic School – Use of Road Reserve

Location:	<i>Inglis Street</i>
Applicant:	<i>St Mary's Catholic School</i>
File:	<i>AS3000</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8th May 2008</i>
Author:	<i>Pascoe Durtanovich – Acting CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Site Plan</i>

SUMMARY

St Mary's Catholic School have requested permission to erect a fence along the boundary of the unmade section of Inglis Street.

This report recommends permission be granted, with conditions.

BACKGROUND

The School has established a playing field along side the unmade section of Inglis Street, (see plan attached).

Because of the slope of the surrounding land, football and soccer balls stray, causing a safety issue for children having to retrieve them.

COMMENT

To overcome the problem the School have requested permission to erect, at their cost, a wire mesh fence, up to 2.4m high along the eastern boundary of the road reserve. In effect this will become a boundary fence with Lot 211, Lot 5 and Lot 6 therefore the consent of the owners of these properties will be required.

CONSULTATION

Adjoining landowners to be consulted.

STATUTORY OBLIGATIONS

Dividing Fences Act – Shire of Boyup Brook Fencing Local Laws

A sufficient fence under the Local Law is subject to a height of 1.8 metres, although it is not clear whether this is a minimum or maximum, never the less clause 10 of the Local Law gives general discretion to the Local Government to consent to the erection of a fence which does not comply with the requirements of the Local Law.

POLICY IMPLICATIONS

Council does not have a policy on this issue.

BUDGET/FINANCIAL IMPLICATIONS

There are no financial implications to Council.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
The fence will provide a safer environment for the children using the playing field.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That permission be granted to St Mary's School to erect a fence, up to 2.4 metres in height, along the eastern boundary of the Inglis Street road reserve, as shown on the attached plan, subject to approval, in writing, being obtained from adjoining property owners.

8 COMMITTEE REPORTS

8.1 Bushfire Advisory Committee – Annual General Meeting Minutes – 6th May 2008

Copy of Minutes Attached.

There are no issues requiring specific consideration by Council.

OFFICER RECOMMENDATION

That the Minutes of the Bushfire Advisory Committee Annual General Meeting held on the 6th May 2008 be received and the recommendations therein be adopted.

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

Nil

12 CLOSURE OF MEETING

There being no further business the Shire President, Cr Roger Downing, declared the meeting closed at