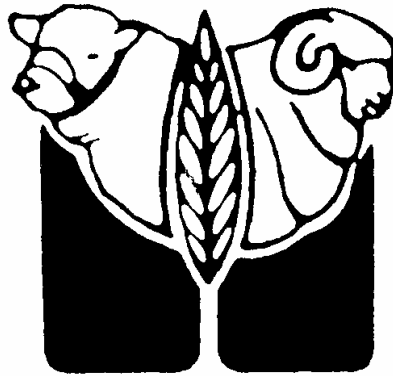


# AGENDA



ORDINARY MEETING

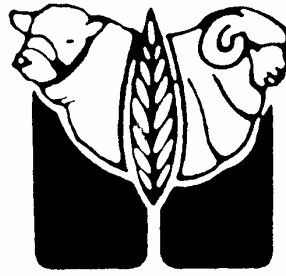
TO BE HELD

THURSDAY, 20 DECEMBER 2007

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 20 December 2007 in the Council Chambers, Shire of Boyup Brook, Abel Street, Boyup Brook – commencing at 3.30pm.

MR TONY DOUST  
Chief Executive Officer

Date: 14 December 2007

### Disclosure of Financial and Proximity Interest

- (a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (Sections 5.60B and 5.65 of the Local Government Act 1995).
- (b) Employees must disclose the nature of their interest in reports or advise when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the Local Government Act 1995).

### Disclosure of Interest affecting Impartiality.

- (a) Members and staff must disclose their interest in matters to be discussed at the meeting In respect of which the member or employee has given or will give advice.

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

1.1 Attendance

1.2 Apologies

1.3 Leave of Absence

**2. PUBLIC QUESTION TIME**

2.1 Response to Previous Public Questions Taken on Notice

2.2 Public Question Time

**3. APPLICATIONS FOR LEAVE OF ABSENCE**

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

**5. CONFIRMATION OF MINUTES**

5.1 Minutes of the Ordinary Meeting of the Council held on 15 November 2007.

**MOVED:**

**SECONDED:**

**That the minutes of the previous Ordinary Meeting of the Council held on Thursday 15 November 2007, be confirmed as an accurate record.**

**6. PRESIDENTIAL COMMUNICATIONS**

**7. REPORTS OF OFFICERS AND COMMITTEES**

**7.1 WORKS AND SERVICES**

7.1.1 **Tender No 07- 006 – Supply and Delivery of Sprayed Bitumen**  
**Tender No 07 007 – Supply and Delivery of Mineral Aggregate**

<i>Location:</i>	<i>Various Locations within the Shire of Boyup Brook</i>
<i>Applicant:</i>	<i>Shire of Boyup Brook</i>
<i>File:</i>	<i>EQ/57/002</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>12 December 2007</i>
<i>Author:</i>	<i>John Eddy – Manager of Works &amp; Services</i>

*Signature of Author:* \_\_\_\_\_

*Signature of CEO:* \_\_\_\_\_

**SUMMARY**

This report recommends that the Council accept the Tender of MALATESTA – ROAD PAVING AND HOT MIX for the supply and delivery of Sprayed Bitumen to the Shire of Boyup Brook for a twelve month period.

**BACKGROUND**

Tenders 07-006 for the supply and delivery of Sprayed Bitumen and 07-007 for the supply and delivery of Mineral Aggregate to the Shire of Boyup Brook were advertised in the West Australian newspaper on Saturday 17 November 2007.

Tenders closed on Thursday 6 December 2007 and the following submissions were received:-

**TENDER 07-006 – SUPPLY AND DELIVERY OF SPRAYED BITUMEN**

- MALATESTA – ROAD PAVING AND HOT MIX
- PIONEER ROAD SERVICES
- R.N.R CONTRACTING PTY LTD

**TENDER 07-007 – SUPPLY AND DELIVERY OF MINERAL AGGREGATE**

No tenders were received.

**COMMENT**

The following chart shows a comparison of tendered prices for the supply and spray of Bitumen Products to the Shire of Boyup Brook for a 12 month period.

**TENDER 07 – 006**  
**SUPPLY OF SPRAYED BITUMEN PRODUCT**

<b>COMPANY</b>	<b>C-170</b>	<b>5,000l to</b>	<b>10,001l to</b>	<b>15,001l to</b>	<b>20,000l +</b>	<b>Average</b>
	<b>Bitumen</b>	<b>10,000l</b>	<b>15,000l</b>	<b>20,000l</b>		<b>Cost/litre</b>
<b>MALATESTA</b>	<b>98 / 2</b>	\$0.92	\$0.86	\$0.84	\$0.84	\$0.87
	<b>90 / 10</b>	\$0.98	\$0.92	\$0.90	\$0.90	\$0.93
	<b>50 – 85% Emulsion</b>	\$1.02	\$0.96	\$0.94	\$0.94	\$0.97
		\$0.89	\$0.83	\$0.77	\$0.77	\$0.82
<b>PIONEER ROAD SERVICES</b>	<b>98 / 2</b>	\$1.04	\$0.96	\$0.93	\$0.90	\$0.96
	<b>90 / 10</b>	\$1.04	\$0.96	\$0.93	\$0.90	\$0.96
	<b>50 – 85% Emulsion</b>	\$1.04	\$0.96	\$0.93	\$0.90	\$0.96
		\$1.00	\$0.91	\$0.88	\$0.90	\$0.92
<b>RNR CONTRACTING</b>	<b>98 / 2</b>	\$1.00	\$0.92	\$0.88	\$0.84	\$0.91
	<b>90 / 10</b>	\$1.06	\$0.98	\$0.94	\$0.90	\$0.97
	<b>50 – 85% Emulsion</b>	\$1.20	\$1.12	\$1.08	\$1.04	\$1.11
		\$0.87	\$0.79	\$0.70	\$0.70	\$0.78

**NOTE:**

1. ALL PRICES ARE BASED ON VOLUME OF BITUMEN IN LITRES SPRAYED AT 15 c
2. ALL RATES EXCLUDE G.S.T.

Malatesta –Road Paving and Hot Mix has the lowest average price per litre of sprayed bitumen product and has its operations based in Bunbury with two bitumen spray trucks.

R.N.R Contracting have been the Shire of Boyup Brook's sprayed bitumen contractors for the past ten years and based in Fremantle with a fleet of nine bitumen spray trucks.

It is recommended that the tender for sprayed bitumen be awarded to MALATESTA – Road Paving and Hot Mix on the condition that the company supply and spray the bitumen product to the Shire of Boyup Brook within a ten day period from notification of works.

### **CONSULTATION**

Chief Executive Officer

Other Local Governments in the South West currently using Malatesta Road Paving & Hot Mix.

### **STATUTORY ENVIRONMENT**

Local Government Act 1995 – 5.3.57 – Tenders for providing goods and services.

Local Government (Functions and General) Regulations 1996 – Part 4.

### **POLICY IMPLICATIONS**

Purchasing Policy

### **FINANCIAL IMPLICATIONS**

Funding is available in the 2007/08 Budget for the products required this financial year.

### **STRATEGIC IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

- 1. That the Tender submitted by Malatesta – Road Paving and Hot Mix for the Supply of Spraying of Bitumen Product for a twelve month period commencing 1<sup>st</sup> January 2008 be approved, subject to the supply and spraying of bitumen product to the Shire of Boyup Brook within a ten day period from notification of works.**
- 2. As no submissions were received for Tender 07-007 (Supply of Mineral Aggregate) the Chief Executive Officer be authorized to purchase Mineral Aggregate from suppliers at the best available price.**

## 7.2 DEVELOPMENT AND COMMUNITY SERVICES

### 7.2.1 Sheep Saleyards – Boyup Brook

*Location:* Reserve 33552 Boyup Brook Bridgetown Road  
*Applicant:* Shire of Boyup Brook  
*File:* Ass 1993  
*Disclosure of Interest:* Nil  
*Date:* 10<sup>th</sup> December 2007  
*Author:* Tony Doust – Chief Executive Officer

*Signature of Author:* \_\_\_\_\_

#### **SUMMARY**

To consider the present position with regard to the future of the Sheep Saleyards on Reserve 33552. The report recommends that the expressions of interest be called to lease and operate the existing facilities for either saleyards or holding yards.

#### **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 costs associated with the yards or the services supplied to the site.”*

In June 2007 the Chief Executive Officer advised that the Council had 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 Councils 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.

The following comments were provided by the Chief Executive Officer in a report to Council on the 18<sup>th</sup> October 2007.

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.

Council resolved on the 18<sup>th</sup> October 2007:-

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.

### **COMMENT**

On the 19<sup>th</sup> October 2007, the Chief Executive Officer advised Meads Transport of the Council's decision and at the time of preparing this agenda Mead's Transport had not acknowledged or responded to the Chief Executive Officer's letter.

The Western Australian Livestock Salesmen's Association were approached by letter on the 19<sup>th</sup> October 2007 requesting that any action to remove the facilities and clean up the site be put on hold until the Council has reconsidered the future of the saleyards. The association has now responded accordingly.

*"Thank you for your letter dated the 19<sup>th</sup> October 2007.*

*We considered your request to hold any action on the removal of the improvements to either a private individual/company or public organization other than the shire.*

*WALSA would be happy to consider a proposal for the transfer of the improvements to another party that outlined how and what the use of the yards would be and who or what would constitute the party interested in the saleyards.*

*The Association would like to finalise the future of the yards as soon as possible and therefore would appreciate an outline or the completion of the transfer in the next month, if possible.*

*We would forward to your reply with any proposals for our consideration."*

Given the present position it is important that this matter be progressed as soon as possible, otherwise the shire will end up with the yards and be responsible for the facility including further use and the operation/maintenance and or removal. It is important that Council understand that the present use of the facility is not in accordance with the vesting order and should a incident arise from this use then there maybe liability issues that are not covered by our existing insurance policy. Council is required under our insurance arrangement to ensure any activities are in accordance with relevant law and this includes land under the control of the Shire.

If Council wishes to retain the facility and operate the same they should make this decision, however in doing so they must accept responsibility for all of the matters outlined in the background section of this report.

It is recommended that expressions of interest be called for private operators to lease and operate the facility for either saleyards and or holding pens as per the conditions outlined in point (3) (Proposal to Lease) in the background section of this report.

## **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 to farmers with a small number of sheep.

## **VOTING REQUIREMENTS**

Any rescission Motion – Absolute Majority

Other Motions – Simple Majority

## **OFFICER RECOMMENDATION**

- 1. That expressions of interest to lease and operate the saleyards on reserve 33552, as saleyards and or holding yards, on the conditions outlined in the background section of this report (point 3 –proposal to lease), be invited.**
- 2. The Department of Planning and Infrastructure, lands section, be requested to amend the vesting order to include the use “holding pens”.**
- 3. The matter be again considered by Council at its ordinary meeting in February 2008.**

7.2.2 **Subdivision/Amalgamation Lots 8790 & 8791 Jayes Road**

Location: Lots 8790 & 8791 Jayes Road Boyup Brook  
Applicant: RAS Machin (owner D.M. Hallet)  
File: Ass 9410  
Disclosure of Interest: Nil  
Date: 10<sup>th</sup> December 2007  
Author: Tony Doust, Chief Executive Officer

Signature of Author \_\_\_\_\_

Appendices: 1.1 Plan of Subdivision

**SUMMARY**

This report is to consider a referral of a subdivision/amalgamation application from the Western Australian Planning Commission. The subject land comprises of lots 8790 and 8791 and the proposal to subdivide /amalgamate the land to provide a battle axe access to Jayes Road for the landlocked. It is recommended that the application be supported subject to conditions.

**BACKGROUND**

Lots 8790 and 8791 have a total area of 64.768 ha and 26.2009 ha respectively and are located on Jayes Road Boyup Brook with the eastern boundary of the land adjoining Nollajup Reserve (conservation of flora and fauna).

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

*“Currently Lot 8791 is landlocked. The proposed configuration is to create legal access via Jayes Road and to realign the common boundary to an existing fence line which presents the most appropriate position to provide access and water.*

*This application does not create any additional titles or significant variation in areas (increasing Lot 8791, and reducing lot 8790, by 4 ha) It is a rationalization of boundaries.”*

**COMMENT**

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

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

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

The proposal complies with the first three dot points above.

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

## **CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

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

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

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

- i) the need to protect the agricultural practices of the Rural zone in lights of its importance to the District's economy;
- ii) the need to protect the area from uses which will reduce the amount of land available for agriculture;
- iii) the need to preserve the rural character and rural appearance of the area; and
- iv) where rural land is being subdivided for closer development, the proposal should be supported with evidence outlining the land's suitability and capability for further development.

## **POLICY IMPLICATIONS**

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

### ***Objective***

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

### ***Statement***

1. In order to achieve the objectives contained in Clause 5.2 of the Scheme, the Council will not generally support the subdivision of land within the Rural Zone into lots having a minimum size of less than 40 hectares except for:-
  - a) Amalgamation;
  - b) Boundary realignments provided no additional lots are created;
  - c) Any subdivision required for public works;
  - d) Where the proposal is accompanied with supporting evidence outlining a land suitability and capability study for further development.
2. In considering a plan of subdivision submitted to it for support, the Council shall have regard to the following matters:
  - a) the size, dimensions and shape of each lot;
  - b) The situation and planning of each lot in relation to services, both present and prospective:-

Note: A statement of undertaking may be required in the sale of any new lots with regard to provision of existing Council services.

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

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

- d) the drainage of land and whether the land for drainage is to be vested in the local government or some public body or a government department.
- e) Whether the land has been declared unfit for building under the provisions of the Health Act 1911.
- f) The provisions of any operative or proposed town planning scheme, or any regulations under the Act made by the Minister, and / or any town planning by-laws by the local government wherein the land to be subdivided or amalgamation is situated.
- g) Any other matter relating to the proposed subdivision or amalgamation which the Council in its opinion considers necessary or desirable in relation thereto including:-

Bush Fire Protection measures  
Battleaxe blocks  
Subdivision boundary to suit topography

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

#### Unconstructed and Substandard Roads

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

1. The minimum standard of road construction in a rural area is a six (6) metre formed gravel surface with roadside drains and may be reduced at the discretion of the Council in consultation with the Manager of Works and Services.
2. The Council may contribute up to a maximum of 50% towards to cost of upgrading an existing constructed road; where such upgrading is considered by the Council to be in the interests of the community and its road construction programme.
3. Any contribution will have regard to the existing and other potential users of the road and will be based upon the following:-
  - DETERMINE THE STANDARD TO WHICH THE ROAD IS TO BE CONSTRUCTED
  - DETERMINE THE TOTAL COST OF THE UPGRADING
  - Calculate the total number and length of total road frontage of properties that will benefit from the upgrading. This can include both existing and potential properties.
  - Divide the total cost by the number of lots and length of total road frontage.
  - The proponent's relative proportion shall be the greater of the two calculations.
4. Where the construction of a vacant road reserve is required the proponent shall pay the total cost.

5. All contributions payable under this policy shall be placed in a Trust Fund prior to expenditure.
6. That in determining applications, the Council will have regard to the access to the site; it's current and required standard. Where it is considered that the road requires to be upgraded as a direct result of the development, the Council will consider refusing the proposal on the grounds that the development has inadequate access (unless the proponent agrees to pay the total costs of this upgrading).

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

The proposal is situated with precinct BBR 2 in the Shire of Boyup Brook Draft Rural Strategy and complies with the objectives and sub divisional / development guidelines.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATIONS**

1. That the Western Australian Planning Commission be advised that Council supports the proposed subdivision/amalgamation of Lots 8790 and 8791 Jayes Road Boyup Brook on the basis that the application is considered consistent with:
  - a) The provisions of the Warren Blackwood Rural Strategy
  - b) The Shire of Boyup Brook Town Planning Scheme No 2
  - c) The Shire of Boyup Brook Draft Rural Strategy
2. That the Commission be requested to include a condition on the approval to require a Section 70A Notification to be placed on the Certificate of Title of the proposed new lots as follows;

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

7.2.3 **Swimming Pool Private Hire – Boyup Brook Water Polo Club**

Location: Boyup Brook Swimming Pool  
Applicant: Boyup Brook Water Polo Club  
File: RE/45/002  
Disclosure of Interest: Nil  
Date: 10<sup>th</sup> December 2007  
Author: Tony Doust, Chief Executive Officer

Signature of Author \_\_\_\_\_

**SUMMARY**

To consider a request from the Boyup Brook Water Polo Club for a reduction in the private hire charge for the use of the Boyup Brook Swimming Pool. The report recommends that the existing charge be maintained.

**BACKGROUND**

*The Boyup Brook Water Polo Club has written to the Shire accordingly:-*

*“In the past, the following conditions have been agreed for the BBWPC:*

- To have access to the pool outside of public opening hours on Thursdays at a cost of 50% of the hire fee (\$75).*
- May have additional use of the pool outside public opening times but will be charged at the normal hire fee.*

*I recently discussed fees for the season with Boyup Brook Pool Manager, David Millington, who stated that we need the Boyup Brook Council’s approval to continue the above financial arrangement.*

*The BBWPC would like to ask the Boyup Brook Shire Council for permission to hire the pool on Thursdays at a cost of 50% of the hire fee for the 2007/2008 season.*

*The Water Polo Club has been operating at the Boyup Brook pool since 1996 and provides an excellent opportunity for young people within the community to participate in a weekly social event that keeps them active and fit. The casual nature of the Club allows people to participate in the games when they are able and still have the flexibility to skip games when busy times, such as harvest, are on.*

*The generous 50% discount on the pool hire rate allows the social games to be held at a reasonable price, particularly as many players are already traveling more than 40kms to attend the club pays for the upkeep and renewal of equipment such as caps, balls and nets. Generally, about six to ten people attend each game, with up to 15 people involved in the club during a season.*

*In previous years, the club has tried to hold games during pool opening hours to reduce costs, however this did not work due to restricted public access, which was a particular issue on hot days.*

*On behalf of the BBWPC, I would like to request that the above arrangement be taken to Council for immediate decision to allow us to begin the 2007/2008 season.*

*If you would like further information or for a representative to attend the relevant Shire Council meeting, please do not hesitate to contact me.”*

Whilst the Council has adopted the policy outlined in the policy section of this report, the policy is contrary to the Local Government Act 1996, and as such the existing Chief Executive Officer will not implement action that has no legal standing. The policy “Swimming Pool” does not conform to the following sections of the Local Government Act 1996:-

- 5.42 Delegation to Chief Executive Officer – Council can only delegate to the Chief Executive Officer and not to other Officers. Any delegation must be approved by an absolute majority or Council.
- 5.43 Limits on delegating to Chief Executive Officer - Council cannot delegate to the Chief Executive Officer any power or duty that requires an absolute majority.
- 6.16 Imposition of fees and charges-  
&
- 6.19 Council may impose fees or charges by an absolute majority either when adopting the Annual Budget or by specific resolution and advertise the proposal prior to introducing the fee.

**COMMENT**

Whilst the Council adopted the policy at some time in the past, the private hire fee for use of the swimming pool in the adopted 2007/08 budget is \$75.00 per hour (less 10% GST giving a net of \$68.18), and must be implemented until any change is made. Any change will need to be advertised prior to implementation.

Councillors when considering this matter need be mindful of the impact associated with any reduction in fees given the existing loss on this facility and the penalty rates applicable to the employment of a qualified manager to supervise the use during private hire. The estimated labour/overheads & other costs for each additional hour per day is \$50.00, given that the manager is already on overtime rates for the standard (9) hour day.

The projected operating costs for the Boyup Brook Swimming Pool for 2007/08 year as contained within the 2007/08 Budget are as follows:-

Expenses		
Salaries-Staff Costs		\$63,910
Facility Operational Costs		28,650
Grounds Maintenance		5,500
Interest on loan for upgrade		11,495
Administration Allocated		24,737
Depreciation on assets		<u>26,000</u>
Total operation costs		\$160,292
Income		
Subsidy (Govt)	\$3,000	
Admissions	20,500	
Private Hire	1,400	
Other Charges	1,550	<u>26,450</u>
Total Estimated Operational Loss		<u>\$133,842</u>

The income from private hire of the swimming pool to the date of preparing this report is \$136.00.

It is recommended that the proposal to reduce the private hire charge to \$37.50 be refused on the grounds that the reduction will not meet the additional labour overhead costs required to provide this service.

It is suggested that the club be asked to consider bringing forward the use to a 6.00pm commencement with private hire for the last half hour. The swimming pool would only be available for limited public use after 6.00pm on each occasion the club uses the pool.

**CONSULTATION**

Swimming Pool Manager

## **STATUTORY ENVIRONMENT**

As outlined in the background section of the report.

## **POLICY IMPLICATIONS**

The existing policy regarding this and other matters relating to the swimming pool, although several aspects are contrary to the Local Government Act 1996.

### **“SWIMMING POOL**

Objective

To determine opening times and usage of the Boyup Brook Swimming Pool.

Statement

Opening Times:

Wednesday – Monday	10.00am to 12.30pm 1.30pm to 6.00pm
Monday – Friday (January only)	9.00am to 6.00pm

The opening hours may be varied at the discretion of the Manager of Finance and Administration in liaison with the Pool Manager due to inclement or extreme weather and within budget allocations.

The Boyup Brook Swimming Club:-

- Shall have access to two lanes only (extra lanes may be available at the Swimming Pool Manager’s discretion) Monday, Wednesday and Friday 3.30pm to 6.00pm;
- Shall have access to three lanes only (extra lanes may be available at the Swimming Pool Manager’s discretion) Sunday 10.00am to 12.30pm;

Required the Manager of Finance and Administration’s approval for exclusive use of the pool during public opening times with at least four weeks prior notice to holding swimming carnivals.

The Boyup Brook Water Polo Club:-

- Has access to the pool between 6pm and 7pm Thursdays at a cost of 50% of the hire fee as set in the annual budget per session;
- May have additional use of the pool outside public opening times but will be charged at the normal hire fee as set in the annual budget.”

## **FINANCIAL IMPLICATIONS**

As outlined in comment section of this report.

## **STRATEGIC IMPLICATIONS**

It is important that encouragement be given to people wishing to be involved in recreational activities, however Council also needs to consider the financial impact on the ratepayers and precedent set by any decision.

## **VOTING REQUIREMENTS**

Simple Majority for recommendation

**OFFICER RECOMMENDATIONS**

1. That the application submitted by the Boyup Brook Water Polo Club for a reduction in the private hire of the swimming pool be refused on the grounds that the proposed reduction will not meet the additional costs required to provide this service.
  
2. That the Chief Executive Officer, in conjunction with the Boyup Brook Water Polo Club, consider and implement the use of the swimming pool by the club from 6pm on a one day per week basis, with the result being (1/2) an hour in normal opening time and (1/2) an hour private hire.

### 7.3 CORPORATE SERVICES

#### 7.3.1 Accounts for Payment

*Location:* Shire of Boyup Brook  
*Applicant:* Shire of Boyup Brook  
*File:* EM/51/003  
*Disclosure of Interest:* Nil  
*Date:* 12 December 2007  
*Author:* Keith Jones – Manager of Finance

*Signature of Author:* \_\_\_\_\_

*Signature of CEO:* \_\_\_\_\_

*Appendices:* 1.2 Cheque Listings

#### **SUMMARY**

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

#### **BACKGROUND**

Invoices have been received during the month of November 2007.

#### **COMMENT**

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

The following cheques have been cancelled through the month of November.

Chq 16586 – cancelled due to printing error

Chq 16585 – cancelled due to printing error

Chq 16550 – cancelled due to printing error

#### **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 2006/07 or authorized by separate resolution.

#### **STRATEGIC IMPLICATIONS**

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATIONS**

1. That the accounts for November 2007 as presented totaling \$402,245.37 as-
    - a.. cheque voucher numbers 16513 - 16589 totaling \$139,055.75 be approved for payment;
    - b.. paid by-
      - i. direct electronic payments totaling \$262,562.86 through the Municipal Account;
      - ii. cheque voucher numbers 2130 - 2134 totaling \$626.76 paid through the Chief Executive Officer's Advance Account;
- be endorsed.

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

*Location:* NA  
*Applicant:* NA  
*File:* EM/51/003  
*Disclosure of Interest:* Nil  
*Date:* 12 December 2007  
*Author:* Keith Jones – Manager of Finance

*Signature of Author:* \_\_\_\_\_

*Signature of CEO:* \_\_\_\_\_

*Appendices:* 1.3 Financial Report

**SUMMARY**

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

The report is attached – see appendix 1.5

**COMMENT**

It is suggested that the recommendation be considered.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

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

7.3.3 **Annual Electors Meeting – 6<sup>th</sup> December 2007**

*Location:* Shire of Boyup Brook  
*Applicant:* Shire of Boyup Brook  
*File:*  
*Disclosure of Interest:* Nil  
*Date:* 7<sup>th</sup> December 2007  
*Author:* Tony Doust, Chief Executive Officer

*Signature of Author:* \_\_\_\_\_  
*Appendices:* 1.4 Minutes AGM Electors 6/12/2007

**SUMMARY**

To consider the decisions made at the Annual Electors Meeting held on 6<sup>th</sup> December 2007.

**BACKGROUND**

The Annual General Meeting of Electors for the year ending 30<sup>th</sup> June 2007, was held on 6<sup>th</sup> December 2007. The meeting was attended by (0) electors, (7) Councillors and (3) staff members.

The Local Government Act 1995 requires Council to consider any decisions made at the meeting at the first ordinary Council Meeting after the AGM.

**COMMENT**

Only two formal decisions were made, one to confirm the previous AGM minutes and the other to receive the Annual Report for the year ending 30<sup>th</sup> June 2007. No further action is required as a result of these decisions.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Local Government Act 1995 – Section 5.33

**POLICY IMPLICATIONS**

Not Applicable

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Nil

**OFFICER RECOMMENDATION**

That the Minutes of the Annual Electors Meeting held on the 6<sup>th</sup> December 2007 be received.

### 7.3.4 **Council Committees and Representatives**

*Location:* Shire of Boyup Brook  
*Applicant:* Shire of Boyup Brook  
*File:* GO/51/001  
*Disclosure of Interest:* Nil  
*Date:* 11 December 2007  
*Author:* Tony Doust, Chief Executive Officer

*Signature of Author:* \_\_\_\_\_

#### **SUMMARY**

This report is prepared to provide Council with opportunity to consider any further requirements for committees and council representatives. The report recommends that any further committees be appointed as the need arises and that representatives be appointed for the Blackwood River Valley Marketing Association and Rylington Park Council Management Committee (Inc).

#### **BACKGROUND**

Council at its meeting on 15<sup>th</sup> November 2007, appointed several committees and representatives:-

“That the following Committee/Representatives be appointed at this time and the Council consider any further Committees/Representatives at its meeting on 20<sup>th</sup> December 2007:-

1. Audit Committee – (3) Councillors.  
The function/role of the audit committee be as follows:-
  - a) is to provide guidance and assistance to the Council-
    - i. as to the carrying out of its functions in relation to audits;
    - ii. as to the development of a process to be used to select and appoint a person to be the auditor; and
  - b) may provide guidance and assistance to the Council as to-
    - i. matters to be audited;
    - ii. the scope of the audit;
    - iii. its functions under Part 6 of the Local Government Act 1995 that relate to financial management; and
    - iv. the carrying out of its functions relating to other audits and other matters related to financial management.
2. A Council Representative on the LEMAC Committee (Committee members and role to be appointed at a later date)
3. A Council Representative on the Bush Fire Advisory Committee
4. A Council Representative on the Main Road Regional Road Group
5. A Council Delegate and Deputy Delegate for the South West Zone Western Australian Local Government Association.
6. A Council Delegate and Deputy Delegate for the Warren Blackwood Strategic Alliance.”

**COMMENT**

With regard to representatives it is recommended that two further appointments be made i.e. Blackwood River Valley Marketing Association and Rylington Park Management Committee. There are a number of organizations that have previously had a Council Representative however unless the appointed Councillor has been given specific authority by Council they are not able to speak or make any commitment on behalf of the Council.

Given the Council is currently preparing a strategic plan, the need for any committees, should be determined on the basis on the direction Council wishes to take on the issues arising from this process. The need for any committee should be clearly outlined in the role and objectives. The ongoing operation, maintenance and implementation of programmes in the 2007/08 budget or future budget is the role of the Chief Executive Officer. If Councillors believe there is a need for a special requirement then the opportunity is always there for the matter to be either raised with the CEO or by a notice of motion. Any specific matter requiring further consideration by a committee can be dealt with at the time this arises.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Local Government Act 1996. Sections 5.8, 5.9, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16, 5.17 and 5.18,

**POLICY IMPLICATIONS**

No Specific Policy

**FINANCIAL IMPLICATIONS**

Not Applicable

**STRATEGIC IMPLICATIONS**

Committees with specified role and outcomes can be a very effective way of dealing with matters, however it is important to clearly set out the purpose and objectives.

**VOTING REQUIREMENTS**

Appointment of Committees – Absolute Majority

Appointment of Representatives/Delegates – Simple Majority

**OFFICER RECOMMENDATION**

1. That Cr.....be appointed as the Council Delegate/Representative on the Blackwood River Valley Marketing Association.
2. That Cr.....be appointed as the Council Delegate/Representatives on the Rylington Park Management Committee (inc).
3. That the appointment of any further committees be considered as required.

### 7.3.5 **Review of Shire Policies**

*Location:* Shire of Boyup Brook  
*Applicant:* Shire of Boyup Brook  
*File:* CM/43/001  
*Disclosure of Interest:* Nil  
*Date:* 3<sup>rd</sup> December 2007  
*Author:* Tony Doust – Chief Executive Officer

*Signature of Author*  
*Appendices:* 1.5 current Policy Manual including recommended changes

#### **SUMMARY**

This item reviews the existing Council Policies and recommends that the existing policies be either amended, deleted or continue without change.

#### **BACKGROUND**

Local Government Act 1995 section 2.7(2) (b) states it is the role of Council to determine the local government's policies. The existing policies were last reviewed by Council on 17 June 2004.

#### **COMMENT**

The Shire of Boyup Brook Policies need to be reviewed as some are no longer required, contrary to Legislation or outdated. All policies have been amended to reflect the legal entity "Shire" and not "Council" where applicable.

The highlighted areas are proposed for deletion. The text with a border around it is the proposed addition. Changes shown **Council** **Shire** have been made to reflect the correct legal entity.

The policies have been reviewed and the following action is recommended:

- Policy A.01 AMEND - to reflect the CEO's function to employ staff and senior employees. Covered by sections 5.40 and 5.41 of the Local Government Act 1995
- Policy A.02 DELETE – covered by section 5.40 and 5.41 of the Local Government Act 1995 – Functions of CEO.
- Policy A.06 DELETE – covered by section 5.41 of the Local Government Act 1995 – Functions of CEO (employment conditions).
- Policy A.09 DELETE – covered by Local Government Act 1995 in relation to "Elections" and fees set by Council annually.
- Policy A.11 DELETE – free service as per agreement with Library Board of WA and fees set in the annual fee schedule each year.
- Policy A.13 DELETE – covered by section of the Local Government Act 1995 – Functions of CEO.
- Policy A.15 DELETE – covered by sections 5.40 and 5.41 of Local Government Act 1995 – Principles affecting employment by Local Government and Functions of CEO.
- Policy A.16 DELETE – covered by section 3.57 of the Local Government Act 1995 and Part (4) Local Government (Functions and General) Regulations 1996.
- Policy A.17 AMEND – part covered by section 9.49 of the Local Government Act 1995 – documents how authenticated.
- Policy A.18 DELETE – charges set in annual Budget Fees Schedule and general management practices.
- Policy A.22 DELETE – covered by section 5.40 Local Government Act 1995 – Principles affecting employment by Local Governments – Occupational Safety and Health Act 1984 and Regulations 1986.

- Policy A.23 AMEND – removal of clause 3.3 as the access to information held by the Shire is covered by the Local Government Act 1995 Part 5 Division 7 – “Access to Information”.
- Policy F.01 DELETE – covered by Section 6.10 Local Government Act 1995, Local Government (Financial Management) Regulations 1996 Section 5 – outlines the financial management duties of the CEO. Unbudgeted expenditure is covered by Section 6.8 of the Local Government Act 1995.
- Policy F.04 AMEND – purchasing thresholds page (57) \$5001-\$39,999 to one written quote given difficulty at times to obtain two.
- Policy F.05 DELETE – Council decision 15/11/07.
- Policy M.03 AMEND – to take into account no meeting in January.
- Policy P.01 DELETE – requirement for industrial and light industrial fencing covered by Shire of Boyup Brook Local Laws relating to Fencing. There appears to be no power for Council to make a person erect a fence. Adjoining land owners have the right to request a dividing fence under the Dividing Fences Act 1961.
- Policy P.05 AMEND – need to reflect the Council’s past practice of approving sheds above the existing limits in this policy.
- Policy P.09 AMEND – two names have since been used for new roads.
- Policy O.03 DELETE – this is not the current practice and the matter is under review.
- Policy O.11 DELETE – all fees must be set by Council including any concessions either in the Annual Budget or during the year. Opening hours reviewed each year by the CEO and or Council.
- Policy O.17 DELETE – practice no longer being implemented.
- Policy O.18 DELETE – practice no longer being implemented.

## **CONSULTATION**

Manager of Works and Services  
Manager of Finance

## **STATUTORY ENVIRONMENT**

Local Government Act 1995 (various sections)  
Local Government Act (Functions and General) Regulations 1996  
Occupational Safety and Health Act 1984 and Regulations 1986  
Local Government (Financial Management) Regulations 1996  
Shire of Boyup Brook Local Laws

## **POLICY IMPLICATIONS**

Development of a revised policy manual.

## **FINANCIAL IMPLICATIONS**

The adoption and implementation of this policy will not require any additional expenditure.

## **STRATEGIC IMPLICATIONS**

The policy manual will assist with the delivery of “Best Practice” within the industry.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATIONS**

**That Council adopts the revised Policy Manual which incorporates deletions and amendments as per the attachment appendix 1.5 and the same be implemented as from 21 December 2007.**

7.3.6 **Write off Rates - Estate of Thomas Draper**

*Location:* Nelson Location 8845 Dinninup  
*Applicant:* Shire of Boyup Brook  
*File:* AS 6495  
*Disclosure of Interest:* nil  
*Date:* 11 December 2007  
*Author:* Keith Jones – Manager of Finance

*Signature of Author:* \_\_\_\_\_

*Signature of CEO:* \_\_\_\_\_

**SUMMARY**

The outstanding rates on assessment 6495 Estate of Thomas George Draper, have been increasing each year since October 2000. This reports recommends that the outstanding rates be written off.

**BACKGROUND**

Nelson location 8845 is a portion of closed road reserve (2.8ha in area) and prior to October 2000 this land was included in W R White's property. In 2000 it was identified as belonging to the Estate of Thomas Draper and from then until the present date rated as a separate assessment in the Estate's name. As no one is prepared to accept responsibility for the rates they have been accumulating and the amount of \$5,236.23 is now outstanding. Mr W R (Dick) White has recently advised the CEO in writing that he has no further interest in the land.

**COMMENT**

As this property has no commercial value as a closed road reserve, to continue to raise rates serves no purpose when there is no-one to pay them, it is recommended that the outstanding rates be written off and Landgate be requested to have the property revert to the Crown.

**CONSULTATION**

Chief Executive Officer  
W R (Dick) White

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Reduction of income from Rates.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

**That the Council writes off the outstanding rates owing on assessment 6495, Estate of Thomas Draper, amounting to \$5,236.23 and requests Landgate to revert this property the Crown.**

### 7.3.7 **Review of Delegations of Authority**

*Location:* Shire of Boyup Brook  
*Applicant:* Shire of Boyup Brook  
*File:* GO/15/004  
*Disclosure of Interest:* Nil  
*Date:* 6th December 2007  
*Author:* Tony Doust – Chief Executive Officer

*Signature of Author*  
*Appendices:* \_\_\_\_\_  
1.6 current Register of Delegations of Authority Manual including recommended changes

### **SUMMARY**

This item reviews the existing Delegations of Authority and recommends that the existing delegations be either amended, deleted or continue without change.

### **BACKGROUND**

Local Government Act 1995 section 5.42(1) states a local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

Local Government Act 1995 section 5.46(2) states At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

### **COMMENT**

The Shire of Boyup Brook Delegations of Authority needs to be reviewed as some are no longer required, contrary to Legislation or outdated. The delegations were last reviewed on 15 June 2006.

The highlighted areas are proposed for deletion. Shown 21 W.1 The text with a border is the proposed change.

The delegations have been reviewed and the following action is recommended:

- |                  |  |
|------------------|--|
| Delegation No 1  | DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41. Also covered in Delegation 122.   |
| Delegation No 2  | DELETE – this is not necessary as it is covered by Tender requirements as defined in the Local Government Act sec 3.57 and Functions & General Regulations 14 plus whatever is set out in the annual budget. |
| Delegation No 3  | DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.   |
| Delegation No 4  | DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.   |
| Delegation No 5  | DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.   |
| Delegation No 6  | DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.   |
| Delegation No 7  | DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.   |
| Delegation No 8  | DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.   |
| Delegation No 9  | DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.   |
| Delegation No 10 | DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.   |

- Delegation No 11 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.
- Delegation No 12 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government (Administration) Regulations 12.
- Delegation No 13 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government (Administration) Regulations 13 & 14.
- Delegation No 14 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41 and the role is also covered in the Policy Manual.
- Delegation No 15 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.
- Delegation No 16 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.
- Delegation No 17 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.
- Delegation No 18 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41 and the role is also covered in the Policy Manual.
- Delegation No 19 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41 and Local Government (Financial Management) Regulations 11 & 13. The role is also covered in the Policy Manual.
- Delegation No 20 DELETE – this is not necessary as it is covered directly in the Local Government Act Section 6.8.
- Delegation No 21 NO CHANGE – renumber delegation to No. W.1.
- Delegation No 22 AMEND - change Council to Shire – renumber delegation to No. W.2.
- Delegation No 23 NO CHANGE – renumber delegation to No. W.3.
- Delegation No 24 NO CHANGE – renumber delegation to No. W.4.
- Delegation No 25 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.
- Delegation No 26 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.
- Delegation No 27 NO CHANGE – renumber delegation to No. BP.1.
- Delegation No 28 NO CHANGE – renumber delegation to No. BP.2.
- Delegation No 29 NO CHANGE – renumber delegation to No. BP.3.
- Delegation No 30 NO CHANGE – renumber delegation to No. BP.4.
- Delegation No 31 NO CHANGE – renumber delegation to No. W.5.
- Delegation No 32 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.
- Delegation No 32 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.
- Delegation No 33 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.
- Delegation No 34 DELETE – this is unnecessary.
- Delegation No 35 DELETE – this is unnecessary.
- Delegation No 36 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.
- Delegation No 37 DELETE – this is not necessary as it is covered when the Annual Budget is adopted. If funding is not in the budget then Council cannot delegate this role to the CEO.
- Delegation No 38 DELETE – acceptance of liability regarding insurance is up to the Insurer. The role of CEO is to report and deal with any claim.
- Delegation No 39 AMEND – change Council to Shire – renumber delegation to No. F.1.
- Delegation No 40 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.
- Delegation No 41 DELETE – this is not necessary as it falls under the CEO’s area of responsibility once the budget has been approved.

- Delegation No 42 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.
- Delegation No 43 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.
- Delegation No 44 AMEND – change Council to Shire – renumber delegation to No. P.1.
- Delegation No 45 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.
- Delegation No 46 NO CHANGE – renumber delegation to No. W.6.
- Delegation No 47 DELETE – this is unnecessary as each application should be considered on its merits by full Council.
- Delegation No 48 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41. A specific policy has been defined by Council also.
- Delegation No 49 DELETE – this is covered in Delegation No 201.
- Delegation No 50 NO CHANGE – renumber delegation to No. LO.1.
- Delegation No 51 DELETE – this is no longer necessary.
- Delegation No 52 DELETE – this is covered in Legislation sec 5.41 and the Policy Manual.
- Delegation No 53 DELETE – this is covered in Legislation sec 5.41 and the Policy Manual.
- Delegation No 54 AMEND – change Council to Shire – renumber delegation to No. P.2.
- Delegation No 55 DELETE – this is covered in the Annual Budget and Council cannot delegate the power to vary fees & charges to the CEO.
- Delegation No 56 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.
- Delegation No 57 AMEND – change Council to Shire – renumber delegation to No. W.7.
- Delegation No 58 AMEND – change Council to Shire – renumber delegation to No. BP.5.
- Delegation No 59 NO CHANGE – renumber delegation to No. LO.2.
- Delegation No 60 DELETE – this is not necessary as it falls under the CEO’s area of responsibility as defined in the Local Government Act sec 5.41.
- Delegation No 61 AMEND – change Council to Shire – renumber delegation to No. P.3.
- Delegation No 62 NO CHANGE – renumber delegation to No. P.4.
- Delegation No 63 NO CHANGE – renumber delegation to No. W.8.
- Delegation No 64 AMEND – renumber delegation to No. W.9. The highlighted areas are proposed for deletion. The text with a border is the proposed addition.
- Delegation No 65 AMEND – renumber delegation to No. P.5. ADD examples of the shire Corporate Identity.
- Delegation No 66 DELETE – this is not applicable as a traffic management plan is required to cover the activities within the Shire.
- Delegation No 67 DELETE – this is not necessary as it is covered under Delegation Number 122.
- Delegation No 101 DELETE – this is covered by Delegation 102
- Delegation No 102 AMEND – Delegation just for Building Surveyor – renumber delegation to No. BP.6
- Delegation No 103 AMEND – Delegation just for Building Surveyor – renumber delegation to No. BP.7
- Delegation No 104 DELETE – this is not needed.
- Delegation No 105 DELETE – this is covered by Delegation 122
- Delegation No 106 DELETE – this is covered by Delegation 122
- Delegation No 107 DELETE – this is covered by Delegation 122
- Delegation No 108 DELETE – this is covered by Delegation 122 but should be a Council decision.
- Delegation No 109 DELETE – this is covered by Delegation 122
- Delegation No 110 DELETE – this is covered by Delegation 122
- Delegation No 111 DELETE – this is covered by Delegation 122
- Delegation No 112 DELETE – this is covered by Delegation 122
- Delegation No 113 DELETE – this is covered by Delegation 122
- Delegation No 114 DELETE – this is covered by Delegation 122
- Delegation No 115 DELETE – this is covered by Delegation 122
- Delegation No 116 DELETE – this is covered by Delegation 122
- Delegation No 117 DELETE – this is covered by Delegation 122
- Delegation No 118 DELETE – this is covered by Delegation 122

Delegation No 119	DELETE – this is covered by Delegation 122
Delegation No 120	DELETE – this is covered by Delegation 122
Delegation No 121	DELETE – this is covered by Delegation 122
Delegation No 122	AMEND – add Caravan Parks and Camping Grounds Act 1995 and Regulations 1997 – renumber delegation to No. LO.3.
Delegation No 201	NO CHANGE – renumber delegation to No. LO.4.

### **CONSULTATION**

Manager of Works and Services  
Manager of Finance  
Health & Building Officer

### **STATUTORY ENVIRONMENT**

Local Government Act 1995 (various sections)  
Local Government Act (Administration) Regulations 1996  
Local Government Act (Functions and General) Regulations 1996  
Occupational Safety and Health Act 1984 and Regulations 1986  
Local Government (Financial Management) Regulations 1996  
Local Government (Miscellaneous Provisions) Act 1960

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

The adoption and implementation of this Delegations Authority will not require any additional expenditure.

### **STRATEGIC IMPLICATIONS**

The Delegations of Authority will assist with the delivery of “Best Practice” within the industry.

### **VOTING REQUIREMENTS**

Absolute Majority

### **OFFICER RECOMMENDATIONS**

**That Council adopts the revised Delegations of Authority which incorporates deletions and amendments as per the attachment appendix 1.6 and the same be implemented as from 21 December 2007.**

**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