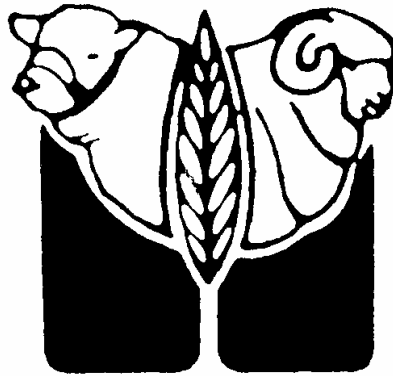


AGENDA



ORDINARY MEETING

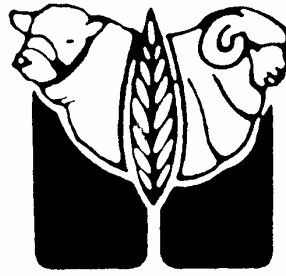
TO BE HELD

THURSDAY, 21 FEBRUARY 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 21 February 2008 in the Council Chambers, Shire of Boyup Brook, Abel Street, Boyup Brook – commencing at 3.30pm.

MR TONY DOUST
Chief Executive Officer

Date: 15 February 2008

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 20 December 2007.

MOVED:

SECONDED:

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

6. PRESIDENTIAL COMMUNICATIONS

7. REPORTS OF OFFICERS AND COMMITTEES

7.1 WORKS AND SERVICES

7.1.1 Local Emergency Management Committee and Role

Location: Shire of Boyup Brook
Applicant: LEMC Committee
File: GO/51/001
Disclosure of Interest: Nil
Date: 12th February 2008
Author: John Eddy – Manager of Works & Services

Signature of Author: _____

Signature of CEO: _____

Appendices: 1.1 State Emergency Management Policy No.2.5

SUMMARY

The Emergency Management Act 2005 (the Act) states that it is a Local Government's responsibility to establish one or more Local Emergency Management Committees (LEMC) for its district.

This report recommends the LEMC committee, representatives and the position of Chairman to be appointed by the Council.

BACKGROUND

State Emergency Management Policy No 2.5 – "Emergency Management in Local Government Districts" outlines the role and responsibilities of Local Governments and Local Emergency Management Committees under the Emergency Management Act 2005.

At the Shire of Boyup Brook LEMC meeting held on the 12 February 2008 the members present resolved:-

1. To recommend to the Council that following organizations be invited to have representatives on the Shire of Boyup Brook Local Emergency Management Committee (LEMC) :-
 - Shire of Boyup Brook – 1 Councillor, Manager of Works and Services and Senior Administration Officer.
 - W.A. Police – 2 representatives
 - Boyup Brook Fire and Rescue – 2 representatives
 - Boyup Brook Bush Fire Brigade – 2 representatives
 - St John Ambulance – 2 representatives
 - Boyup Brook Health Service – 2 representatives
 - Boyup Brook Medical Service – 1 representative
 - Department of Child Protection – 2 representatives
 - FESA – 2 representatives
 - Department of Agriculture – 1 representative
 - Community Member – 1 representative

2. Cr R Downing be nominated as Chairman of the LEMC to be appointed by the Council.

COMMENT

The appointment of the recommended LEMC representatives and Chairman complies with the following requirements of the State Emergency Management Policy No 2.5:-

- Local Government representative.
- Representatives from Local Emergency Management agencies in the local government district.
- Any other representatives as shall be determined by the local government – e.g. community members.
- Chairman to be appointed by the local government.

With regard to the appointment of Shire Staff to this and any committee, appointments should only be undertaken in conjunction with the Shire's Chief Executive Officer, given the requirements of Section 5.42 (g) of the Local Government Act 1996, "The CEO's function is to be responsible for the employment, management, supervision, direction and dismissal of all employees (subject to the requirements of 5.37 in relation to senior employees)". The Chief Executive Officer approves the recommended staff appointments of the Manager of Works and Senior Administration Officers as their duties include involvement in Local Emergency Management.

The role of the committee is outlined in the State Emergency Management Policy No 2.5 and it is recommended that the appointment be made on this basis and the committee acts in accordance with these requirements.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Emergency Management Act 2005 (appointment and role of Committee)
Local Government Act 1996 (appointment of staff)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Establishment of a representative committee to ensure that effective local emergency management arrangements are prepared and maintained for the Shire of Boyup Brook.

VOTING REQUIREMENTS

Absolute Majority.

OFFICER RECOMMENDATION

1. That the Council invites the following organizations to appoint representatives to the Shire of Boyup Brook Local Emergency Management Committee:
 - Shire of Boyup Brook – 1 Councillor, Manager of Works and Services and Senior Administration Officer.
 - W.A. Police – 2 representatives
 - Boyup Brook Fire and Rescue – 2 representatives
 - Boyup Brook Bush Fire Brigade – 2 representatives
 - St John Ambulance – 2 representatives
 - Boyup Brook Health Service – 2 representatives
 - Boyup Brook Medical Service – 1 representative
 - Department of Child Protection – 2 representatives
 - FESA – 2 representatives
 - Department of Agriculture – 1 representative
 - Community Member – 1 representative
2. That Cr R Downing be appointed as the Council Delegate/Representative and Chairman of the Shire of Boyup Brook Local Emergency Management Committee.
3. That as the Shire Chief Executive Officer has confirmed his acceptance of the recommendation that the Manager of Works and Senior Administration Officer be appointed to the Shire of Boyup Brook Local Emergency Management Committee, the appointments be confirmed.
4. That the Role of the Committee be in accordance with the requirements of the State Emergency Management Policy No.2.5

7.2 DEVELOPMENT AND COMMUNITY SERVICES

7.2.1 Access – Nelson Location 11859

| | |
|-------------------------|--------------------------------------|
| Location: | Wilga Area Nelson Location 11859 |
| Applicant: | Geoffery Charteris |
| File: | RD/35/008 |
| Disclosure of Interest: | Nil |
| Date: | 12 th February 2008 |
| Author: | Tony Doust – Chief Executive Officer |
| Signature of Author: | _____ |
| Appendices: | 1.2 Map of Wilga Area |

SUMMARY

Mr Geoffery Charteris has applied for Shire approval to provide access to Nelson Location 11859 from Charteriss Road through unallocated crown land. The report recommends approval subject to conditions.

BACKGROUND

The following letter has been received from Geoffery Charteris.

"I am writing to request an access road to be built to the above Nelson Location. I have enclosed a map marked where I propose to put the road. The area is the best ground for year round access in relation to where I plan to build my house. I am prepared to pay for or assist in costs incurred in building the road but would request a rough estimate of the cost so as I can budget for it. I have enclosed a letter from the Department of Planning and Infrastructure regarding their support for the creation of the road."

The Department of Planning and Infrastructure has advised Mr Charteris accordingly:-

"This Department would be prepared to support the creation of a road through the unallocated Crown land, however, would need to take into consideration Native Title issues.

Firstly however, you should contact the Shire of Boyup Brook to seek its support for the creation of a road. It is also necessary for the Shire to request this Department to dedicate a road in accordance with section 56 of the Land Administration Act 1997."

COMMENT

The provision of the access road from Charteriss Road is acceptable, however any costs associated with the creation of the road reserve and construction of the road to the normal standard should be met by the applicant.

Approval is recommended subject to all costs being met by the applicant.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Land Administration Act 1997 – Section 56

POLICY IMPLICATIONS

WO.7 Road contribution – (section) 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.
2. The Shire may contribute up to a maximum of 50% towards the cost of upgrading an existing constructed road; where such upgrading is considered by the Shire 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 development applications, the Shire 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 Shire will consider refusing the proposal on the grounds that the development has inadequate access (unless the proponent agrees to pay the total cost of this upgrading).

FINANCIAL IMPLICATIONS

All costs including survey, advertising, DPI charges and road construction, to be met by applicant.

STRATEGIC IMPLICATIONS

N/A

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council approves the creation on a road reserve on unallocated crown land, to provide access to Nelson Location 11859 from Charteriss Road, subject to the applicant Mr Geoffrey Charteris agreeing to pay all costs incurred by the Shire including advertising, DPI charges, survey and the full cost of constructing the road to the standard required by the road construction policy (WO7), unconstructed and substandard roads.

7.2.2 **Application for Planning Approval – Plantation – Lot 5 Brown Seymour Road Boyup Brook**

Location: Lot 5 (plan 22555) Brown Seymour Road Boyup Brook
Applicant: Andrew Davies and Alison Dougall
File: AS 22379
Disclosure of Interest: Nil
Date: 12th February 2008
Author: Tony Doust, Chief Executive Officer

Signature of Author
Appendices:

1.3 Plantation Management Plan

SUMMARY

To consider an application to establish a plantation on Lot 5 Brown Seymour Road Boyup Brook. The report recommends approval.

BACKGROUND

The property is located in the Boyup Brook area and adjoins Brown Seymour Road. The total area of the property is 40.493 ha. The area to be planted is 18.8 ha. The planting includes 15.6 ha Tasmanian blue gums and 3.2 ha Australian sandalwood.

The applicant has provided a detailed proposal including the following:-

1. Objectives and Description
2. Establishment and Maintenance
3. Fire Management
4. Monitoring and Inventory
5. Harvest, Insurance and Plantation Map
6. Compliance with Codes of Practice and Work standards

COMMENT

As required by the Shire of Boyup Brook Town Planning Scheme No 2 (TPS) the applicant has provided the information necessary to evaluate the proposed development.

The Fire Management required for compliance under the TPS refers to the Fire Management "Guidelines for Plantation Protection" which states:-

"Plantation growers must meet this increased need for firefighting equipment, either by providing the minimum equipment standards or by contributing to community-based equipment through an agreement with the Local Government."

The minimum equipment standard for plantations less than 100ha requires one fast attack unit.

It is recommended that the application be approved as it meets the requirements of the Shire of Boyup Brook Town Planning Scheme No 2 and Council Policy.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

The property is zoned Rural under the Shire of Boyup Brook TPS No 2 and the use "Plantation" is only permitted with Councils approval. Section 5.18 requires the following:-

"In addition to those requirements detailed in Clause 3.4 of the Scheme, Council shall, when considering Plantations in the "Rural" zone, require the submission of a fire management plan and a plantation management plan prior to determining the application. In addition to those other matters contained Clause 5.2, Council shall, in considering applications for "Plantations" have regard to, the requirements established in Council's Tree Plantations Policy and generally require compliance with the following:

- i) The Code of Practice for Timber Plantations in Western Australia;
- ii) Firebreak Order 1997/1998 (or subsequent variations thereof); and
- iii) The Lower Great Southern Plantation Fire Advisory Committee Guidelines for Plantation Fire Protection (Draft May 1997) or subsequent versions thereof.

POLICY IMPLICATIONS

The Councils policy on "Road Contribution" subsection "Harvesting of Plantations" as follows:

"Harvesting of Plantations-

The following statement shall be a development condition of approval:-

'Entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage of roads under the Shire's control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation'

Background

In recent years, rural areas have been dominated by the rapid expansion of plantation farming, which is having and will have a major long term impact on traditional patterns of rural land use, local roads and traffic and land management within the Shire.

The general yield from blue gum plantations is ten times more than the equivalent cereal crop over a ten year period. Harvesting of plantations, approximately once every ten years, also results in a very intense period of activity on the site and local road use. Therefore, a higher standard of road is required for the removal of the product to its preferred market. This will require a large portion of the road network to be upgraded. Scattered locations of plantations throughout the Shire also adds to this problem.

As this Shire cannot afford to construct and maintain these special purpose roads, it will be necessary for the plantation companies to contribute to the road upgrading.

A combination of heavy haulage vehicles for plantation harvesting along with school bus and general vehicles on the Shire's road network has raised an increased concern over motorist's safety. Generally the Council will not support plantations where it considers public safety is or will be at risk due to heavy vehicles entering Shire roads creating potential serious conflict with local and visitor traffic. In determining the suitability of roads for plantation traffic Council will have regard to the current standard of the roads affected. Planning applications for plantations will also be referred to Main Roads Western Australia if considered necessary.

The Council will resolve specific road traffic and safety issues relating to individual plantations following the submission of harvesting plans."

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATIONS

That the Planning Application to develop a plantation on Lot 5 Brown Seymour Road, Boyup Brook, be approved subject to the following conditions:-

- 1. Compliance with the requirements of the Shire of Boyup Brook Town Planning Scheme No 2.**
- 2. Compliance with the terms and conditions of the 2006 FIFWA Code of Practice for Timber plantations, as amended from time to time, including providing the Shire with a Harvesting Management Plan, two years prior to harvesting commencing, for Shire consideration and approval.**
- 3. Provision of a minimum manned fast attack fire fighting unit of a standard that complies with the guidelines for plantation fires that is available within (20) minutes response time of this plantation, prior to the commencement of the 2008/09 fire season. Notification of this to be provided by the applicant in writing to the Shire by 01/10/2008.**
- 4. Annual compliance with the Shire of Boyup Brook Firebreak Order as it relates to plantations.**
- 5. Entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage of roads under the Shire's control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation. The use of any roads for harvesting proposes to be determined prior to harvesting commencing and approval by the Shire of Boyup Brook.**

7.2.3 **Sheep Saleyards – Boyup Brook**

Location: Reserve 33552 Boyup Brook-Bridgetown Road
Applicant: Shire of Boyup Brook
File: ASS1993
Disclosure of Interest: Nil
Date: 12th February 2008
Author: Tony Doust, Chief Executive Officer

Signature of Author _____

SUMMARY

To consider the position with regard to the future of the Sheep Saleyards on Reserve 33552 following the advertising for expression of interest to lease the facilities for either “Stock Holding Yards” or “Stock Transit Yards”. As there are no expression of interest, the report recommends that Council confirm that it requires the Western Australian Livestock Salesmen’s Association to remove the facilities and clean up the site.

BACKGROUND

This matter has been considered by Council on a number of occasions during the past (12) months. A full report on this was presented to Council on 20th December 2007. Council resolved on 20th December 2007 accordingly:-

- “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.”

The following expressions of interest was advertised on the January publication of the Boyup Brook Gazette and placed on the Shire Office noticeboard”.

“SHIRE OF BOYUP BROOK

EXPRESSIONS OF INTEREST TO LEASE SALEYARDS

The Shire of Boyup Brook invites expressions of interest for the lease reserve 33552, including existing saleyard improvements, for operation as saleyards/holding pens.

Information relating to this matter and conditions of lease is available on application to the Shire Office, Abel Street Boyup Brook (08) 9765 1200.

Expressions of interest close on Friday 31st January 2008.

*Tony Doust
Chief Executive Officer”*

The following information handout was available at the Shire office:-

**“INFORMATION – RE EXPRESSIONS OF INTEREST TO LEASE
RESERVE 33552 (SALEYARDS)”**

When submitting any proposal with regard to an expression of interest in leasing reserve 33552 and saleyards thereon the following requirements need to be considered:-

1. *The proposal to lease the reserve and saleyards is subject to the approval of the Western Australian Livestock Salesmen Association agreeing to transfer the ownership of the existing improvements to either the Shire and or successful lessee.*
2. *The proposed lease is subject to approval of the Department of Planning and Infrastructure for any change in the use of the facilities and reserve from saleyards and the minister to allow the reserve to be leased.*
3. *The lease agreement will include 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 (subject to point 2 above) 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.*

Confirmation in writing of agreement to the above requirements is necessary when submitting any proposal.

Expressions of interest closed at 4.00pm on Friday 31st January 2008.”

The Chief Executive Officer made application to the Department of Planning and Infrastructure to amend the vesting order (now management order) to include “Holding Pens”. The Department has now advised that the purpose of Reserve 33552 has been changed to “Stocksale and Holding Yards”.

COMMENT

Only one person asked for the information. On enquiry was received by the CEO from Mr Brad Mead about leasing part of the yards and wash down facility. The CEO informed Mr Mead that he would need to submit his proposal in writing to the Shire Office. To date no further contact has been made.

The Chief Executive Officer received the following letter from Aus-Meat Ltd on 12th February 2008:-

“Re: Livestock Production Assurance

I write on behalf of the LPA Advisory Committee (LPAAC) to provide background information to Boyup Brook Shire on the Livestock Production Assurance (LPA) program to the associated requirements of the LPA Standards in relation to the parcels of land for which the allocated Property Identification Codes (PICs) hold accreditation in LPA.

Background:

The LPA is Australia’s on-farm food safety certification program designed to help the red meat industry strengthen the food safety systems currently in place. Implemented in 2004, the Program is managed by the LPAAC which comprises representatives from industry sectors including cattle, dairy, sheep and goat producers, processors and livestock agents.

Since inception, the industry through LPAAC and Meat and Livestock Australia (MLA) have continued to increase program awareness to the current stage with in excess of 180,000 individual Property Identification Codes (PICs) registered, 120,000 of which are Accredited and eligible to participate in the random audit program.

LPA is associated with basic on-farm food safety guidelines, which underpin food safety declarations on the National Vendor Declaration (NVD) displaying the LPA logo. These guidelines are based upon five (5) key areas aimed at enabling producers to verify the claims made on NVDs in relation to livestock being fit for human consumption.

LPA NVDs are available to producers on a user-pays basis, with eligibility to purchase NVDs limited to those holding Full Accreditation. Where a producer is accredited, they have agreed to abide by the LPA Rules including to participate in the random audit program which aims to verify the declarations made on LPA NVDs.

Where a PIC hold accreditation in LPA, it is incumbent upon the owner or responsible entity of that PIC to ensure that management systems are established to ensure that each of the five (5) designated outcomes of the LPA Standards are met. Should any user of an LPA NVD be unable or unwilling to meet LPA requirements, the PIC is no longer eligible to utilize NVDs underpinning the LPA logo and accreditation may be withdrawn for that PIC.

Issue for Boyup Brook Shire

The basis for this communication is to request that for any PICs (including Commons, Stock Routes, Showground’s etc) under Boyup Brook Shire ownership and/or responsibility requiring access to LPA NVDs (and hence LPA Accreditation) that Boyup Brook Shire ensures that:

- (a) responsibilities as per the LPA Rules and Standards are made known to any user of PICs under Boyup Brook Shire ownership; and*
- (b) users of any such PICs are meeting LPA requirements (so that users are able to utilize LPA NVDs as per LPA Rules).*

LPA is aware that direct responsibility for management of such public lands is often delivered through Trusts. In such cases, it is requested that Boyup Brook Shire convey the LPA requirements as required to ensure that systems are implemented to ensure all PIC users and other parties adhere to LPA requirements. It is particularly important that all users of multiple user PIC understand and maintain records in accordance to defined management systems to ensure that the actions of a single party do not impact other users.

In closing, I wish to reiterate the important of the LPA program in managing on-farm food safety and need for all producers of livestock to understand and implement effective management systems. Failure to do so may put at risk the enviable reputation of Australia as producer of healthy food and equally, remove access to key markets.”

The above requirements will need to apply to the use of Reserve 33552 for either saleyards and or holding pens, as well as the issues outlined in the information handout prepared when inviting expressions of interest. A risk management assessment may also be required.

Given the lack of interest in the proposal to lease the reserve it is recommended that Council resolved to proceed with the request for the Western Australian Livestock Salesmen's Association to remove the improvements from Reserve 33552 and clean up the site.

CONSULTATION

Nil

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

There are no financial implications if the Council decides in accordance with the officer recommendation. The financial implications of any other alternative including the option for the Shire to take responsibility for the improvements and ongoing operation as either saleyards and or stock holding yards will need to be determined and presented to Council. This process may require outlays for external advice.

STRATEGIC IMPLICATIONS

Stock holding facilities will be of benefit to farmers with a small number of sheep.

VOTING REQUIREMENTS

Simple Majority for recommendation

OFFICER RECOMMENDATIONS

That in view of the lack of response to the expressions of interest to lease and operate the facilities on Reserve 33552 as “Stock Holding” or Stock Transit” yards, the Council resolves to request the Western Australian Livestock Salesmen’s Association to remove the improvements and clean up the site by 30th June 2008.

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: 13 February 2008
Author: Keith Jones – Manager of Finance

Signature of Author: _____

Signature of CEO: _____

Appendices: 1.4 Cheque Listings

SUMMARY

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

BACKGROUND

Invoices have been received during the months of December 2007 and January 2008.

COMMENT

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

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

Chq 16650 – 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 2007/08 or authorized by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATIONS

1. That the accounts for December 2007 and January 2008 as presented totaling \$690,310.54 as-

- a. cheque voucher numbers 16590 - 16709 totaling \$158,082.89 be approved for payment;**
- b.. paid by direct electronic payments totaling \$532,227.65 through the Municipal Account;**

be endorsed.

7.3.2 **November 2007 and December 2007 Monthly Statements of Financial Activity**

Location: NA
Applicant: NA
File: EM/51/003
Disclosure of Interest: Nil
Date: 13 February 2008
Author: Keith Jones – Manager of Finance

Signature of Author: _____

Signature of CEO: _____

Appendices: 1.5 Financial Report

SUMMARY

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended 30 November 2007 and 31 December 2007, and Investment Schedule for the month ended 31 January 2008.

BACKGROUND

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

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

The regulations also prescribe the content of the report.

The reports are attached – see appendix 1.5

COMMENT

It is suggested that the recommendation be considered.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the November 2007 and December 2007 Monthly Statements of Financial Activity as presented, be received.

7.3.3 **Brooks Family – Request for Recognition**

Location: Shire of Boyup Brook
Applicant: Lesley Malcolm (Nee Brooks)
File: CR/41/001
Disclosure of Interest: Nil
Date: 11 February 2008
Author: Tony Doust, Chief Executive Officer

Signature of Author: _____

SUMMARY

To consider a request to recognize a pioneering family in the Shire of Boyup Brook. The report recommends the name “Brooks” be included in the Council policy “naming new roads”.

BACKGROUND

The following request has been received from Lesley Malcolm:-

“I am writing to request some recognition for the pioneering Brooks families.

James and Anne Brooks traveled from Victoria to settle on the banks of the Blackwood River in 1898. They were amongst the first 8 settlers to arrive in the district. They lived in tents until some land was cleared for a small orchard. Later they were able to build a house in 1909, Evelyn and Vivian were some of the first students when a school was built in 1901, following a ‘ plough furrow’ to school through the bush.

Whilst Vivian was away at the war, Claude and Roy kept the 3 farms functioning, they also grew flax to support the Flax Mill. Roy was able to renew a small dairy and supplied milk to the towns people of Boyup Brook, only giving it up when the soldiers returned home from war thus giving them a job.

Louise Brooks was prominent in the Country Women’s Association movement which was a ‘god send’ for women living in the country at that time. Dorrie Brooks was President of the Anglican Guild for 25 years, she led a band of women and their husbands in a catering service for the whole district. They supplied food for the hospital balls, dances. district weddings, parties and saleyard lunches. There was no such service in the district at this time. Roy Brooks was Chairman for the Co-op for 10 years.

I thought it would be nice if there was a street name or plaque recognizing the contribution this family had made to the Boyup district. As you and I are aware our pioneering family is the only one that has been missed.

Trusting that this piece of history has a place in the town of Boyup Brook.”

COMMENT

It is recommended that the name be included in the Council Policy “**P.O.8 naming new roads**”, on the basis that the Brooks Family were pioneers of the district and over the years have made a contribution to the community.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Naming of roads requires the approval of the Geographic Names Committee and when selecting names the Shire is to provide background as to the basis of the name.

POLICY IMPLICATIONS

Council policy P.O.8 naming new roads, the objects and statements are as follows:-

“Objective

To determine the process for naming new roads.

Statement

- *Name duplication with local governments or adjoining local governments shall be avoided. If possible, it should also be avoided within the State.*
- *Names of living individuals shall not be used.*
- *Names characterized as follows are to be avoided:-
Incongruous; given/first names*; given/first and surname combinations; double names; qualified names; corrupted, unduly cumbersome or difficult to pronounce names; obscene; derogatory, racist or discriminating names; company names; or commercialized names.*
- *Preferred sources of names include:
Aboriginal names; pioneers of the State or area; war casualty list; thematic names e.g. fauna, ships etc.*
- *Road names shall not be approved unless the origin of the name is clearly stated.*

**Use of given/first names may be acceptable in special circumstances, e.g. when to people with the same name are valid sources for a road name, or a surname is not appropriate for some reason.*

But: Use of the surname will normally have priority.

Particular attention will be paid to explanation of origins.

Honoring the same person more than once will be avoided.”

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATIONS

That the name “Brooks” be included in the Council Policy “Naming New Roads” for consideration when a name is required, on the basis of the contribution the pioneering family has made to the district.

7.3.4 **Music Park – Use by Boyup Brook Country Music Club Inc**

Location: Music Park – Jackson Street Boyup Brook
Applicant: Boyup Brook Country Music Club Inc.
File: CP/31/003
Disclosure of Interest: Nil
Date: 11 February 2008
Author: Tony Doust, Chief Executive Officer

Signature of Author: _____
Appendices: 1.6 Extract Council Meeting Minutes
15th March 2008 and letters.

SUMMARY

To consider a letter received from the Boyup Brook Country Music Club Inc with regard to the annual rental for the use of Music Park by the Club. The report recommends that the Club be again advised as per the Councils decision on 15th March 2007.

BACKGROUND

The Boyup Brook Country Music Club Inc has again raised the matter of the annual fee. The Council has determined for the use of the Music Park. The following letter was received on 19th December 2007:

“On behalf of the Boyup Brook Country Music Club I am enclosing a cheque for \$500 as requested for the use of the Music Park for the 07/08 year.

Our Club is disheartened that after so many volunteer hours and cash contributions in the development of the park we are still expected to pay a usage fee, thus not recognizing the contribution made by this club to the broader community.

To date the Music Park has come together with Federal and State Government funding (applied for by the Club) with the total cost being \$317,270.00. Hundreds of volunteer hours and a cash contribution of \$33,950.00 from the Country Music Club have brought to the completion this major town project. Volunteer work is still ongoing with many hours spent at ‘busy bees’ throughout the year.

The Music Park has become a very popular area for the community to enjoy and share experiences. It is very exciting that the community wish to use this area for the Christmas Carols night to be held on December 21st. The stage has already been used by the High School Band and very professional Drumming Workshops have taken place. Dog Training sessions, a Community Thanksgiving Service for Volunteers and Sunday Markets, plus Family picnics are becoming more regular on the grassy banks. This has all been in the early stages and imaginations are being stretched for other activities and events. It has been an exciting step for the community and great to see the enthusiasm of our locals who have been very eager to assist in many ways.

It would be interesting to know what fee is charged for instance, to Bridgetown Rotary when they use our facilities for the Blackwood Marathon or other groups who hold functions/events on public open space within our district!

The Music Park area is the centre piece for our festival and is available to the community at large for events throughout the year. We urge council to ensure that this area is in the best possible condition for our event and maintained throughout the year, for other functions that we or others may organize.”

The matter was previously raised by the Club in letter to the Shire on the 14th February 2007. Details of the letter received at that time, extract minutes Council Meeting 15th March 2007 and letter of response are attached as an appendix.

Council decision on the 15th March was as follows:-

- “1. That the Boyup Brook Country Music Club Inc be advised that the Council considers that the present Annual fee of \$500 for the use of the Music Park by the Club for the annual festival and markets is justified given that other clubs and organisations pay to use facilities provided and maintained by the Shire.
2. Boyup Brook Country Music Inc be advised that the Shire costs to maintain the Music Park in 2006/07 are estimated to be \$11,000 and that the value of other assistance provided to the Club during the 2007 annual festival is estimated at \$6,700.
3. That the Chief Executive Officer discuss with the Boyup Brook Country Music Club the issues relating to the lease of the Music Park and report to Council if the Club wishes to proceed with this request.”

COMMENT

The Club has not responded to item (3) of the Councils decision on 15th March 2007.

The position relating to operating costs of Music Park have not changed. The level of assistance to be provided to the Club by the Shire with the festival is also estimated to be at a similar level to past years. In addition the Council supports the Events Tourism Officer position to the value of \$26,500 in 2007/08. Part of this officer's duties is to be available to assist the Boyup Brook Country Music Club throughout the year. It is recommended that the Boyup Brook Country Music Club Inc be advised as per the previous Council decision on March 2007.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 3.58 (Disposing of Property which includes a lease)
Section 6.12 (Power to permit grant discounts, waive or write off debts)
Shire of Boyup Brook Local Government Property Local Law.

POLICY IMPLICATIONS

No specific policy in relation to use of Reserves or leases.

FINANCIAL IMPLICATIONS

The financial implications are covered within the comment section of the report. Fees in the annual Budget.

STRATEGIC IMPLICATIONS

The Council has not adopted any long term strategic plans for the Music Park at this time.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

- 1. That the Boyup Brook Country Music Club Inc be advised that the Council considers that the present Annual fee of \$500 for the use of the Music Park by the Club for the annual festival and markets is justified given that other clubs and organisations pay to use facilities provided and maintained by the Shire.**
- 2. Boyup Brook Country Music Club Inc be advised that the Shire costs to maintain the Music Park 2007/08 are estimated to be \$10,400 and that the value of other assistance provided to the Club during the 2007 annual festival is estimated at \$6000.**
- 3. That the Chief Executive Officer discuss with the Boyup Brook Country Music Club the issues relating to the lease of the Music Park and report to Council if the Club wishes to proceed with this request.**

7.3.5 **Ward Representation Review**

Location: Shire of Boyup Brook
 Applicant: Local Government Advisory Board
 File: GO/11/001
 Disclosure of Interest: Nil
 Date: 11th February 2008
 Author: Tony Doust, Chief Executive Officer

Signature of Author: _____
 Appendices: 1.7 Publication Review of Wards and Representation

SUMMARY

To consider a request from the Local Government Advisory Board for a review of the number of Councillors in each ward. The report recommends that Council advertise for community input on this requirement.

BACKGROUND

The Chairperson of the Local Government Advisory Board, Helen Dullard OAM, has written accordingly:-

“At its 11 December 2007 meeting, the Local Government Advisory Board (the Board) resolved that the Shire of Boyup Brook is required to complete a review of ward and representation to address the existing imbalances. In accordance with clause 6 (3) of Schedule 2.2 of the Local Government Act 1995, a local government is required to conduct a ward and representation review upon request from the Board.

The Board had determined that the Councillor to elector ratio for the Shire of Boyup Brook after the October 2007 elections are as follows:

| Shire of Boyup Brook | | | | |
|-----------------------------|-----------------|---------------------|---------------------------|---------------------------|
| Ward | No Cllrs | No. Electors | Ward Ratio Average | % Ration Deviation |
| <i>Benjinup</i> | 2 | 231 | 116 | 10.23% |
| <i>Boyup Brook</i> | 3 | 478 | 159 | -23.83% |
| <i>Dinninup</i> | 2 | 220 | 110 | 14.51% |
| <i>Scott's Brook</i> | 2 | 229 | 115 | 11.01% |
| | 9 | 1,158 | 129 | |

To ensure that any changes can be implemented in time for the 2009 local government elections, the review must be submitted to the Board by 31 December 2008.

Advice regarding the conduct of ward and representation reviews is accessible through the Local Government Advisory Board link on the website of the Department of Local Government and Regional Development (www.dlgrd.wa.gov.au).

In addition, the Board is willing to arrange visits to local governments to provide assistance with the reviews. You are encouraged to give this matter priority over the coming months as a number of local governments have found that this exercise takes longer than expected.”

COMMENT

The Department of Local Government has prepared a publication “review of wards and representation”. A copy is attached at appendix to the agenda.

The package includes a draft advertisement and several alternative ward structures. At this stage it is recommended that advertisement be prepared and included in the “Boyup Brook Gazette”

outlining the Councils obligation to review the ward representation and inviting comments from the public on the issues/factors to be considered. It is not proposed to include any alternative structure at this time.

Council again considers the position on the conclusion of the advertising.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 – Schedule 2.2

Section (6) requires a Local Government to review its wards/representation every (8) years.

POLICY IMPLICATIONS

No Specific Policy

FINANCIAL IMPLICATIONS

No special costs other than officer time and advertising costs.

STRATEGIC IMPLICATIONS

Ensure that the community has been consulted on the basis for determining the level ward representation within their local government.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Chief Executive Officer prepare and place an advertisement in the Boyup Brook Gazette, inviting public comments on the existing ward representation for the Shire of Boyup Brook, including the following:-

- **Community of interest**
- **Physical and topographic features**
- **Demographic trends**
- **Economic factors and**
- **the ratio of Councillors to elect in the various wards.**

For further consideration by Council.

7.3.6 **Housing – Chief Executive Officer**

Location: Lot 17 Knapp Street Boyup Brook
Applicant: Chief Executive Officer Recruitment Committee
File: Ass 1521
Disclosure of Interest: Nil
Date: 12th February 2008
Author: Tony Doust, Chief Executive Officer

Signature of Author: _____
Appendices: 1.8 Minutes of a meeting held 07/02/08

SUMMARY

To consider a recommendation of the Chief Executive Officer Recruitment Committee to proceed with the construction of a new residence on Lot 17 Knapp Street, Boyup Brook, for the incoming Chief Executive Officer.

BACKGROUND

Council at its meeting on the 20th December 2007, consider the tenders for the construction of additional housing in Boyup Brook, including a residence for the incoming Chief Executive Officer. Council resolved:-

- “1 That the Tender (07/005) Design and Construct Housing, received from WA Country Builders (Bunbury) for the construction of housing on lots 330 Beatty Street and 17 Knapp Street, Boyup Brook, be rejected, as the Council on the recommendation of the Chief Executive Officer, is not satisfied that the designs meet Shire requirements and tender specifications.
2. The Chief Executive Officer be authorized to complete negotiations with suitable builders to provide housing as per the Department of Housing and Works specification and within the arrangement approved by GROH.
3. The intention to borrow \$600,000 for the construction of Housing on lot 330 Beatty Street Boyup Brook, to lease from the Department of Housing and Works (GROH) for a period of (9) years with a (1) year option, interest and principal to be repaid over a period of 20 years, be advertised as required by section 6.20 (2) of the Local Government Act 1995.
4. That the committee appointed to consider the requirements necessary to employ a new Chief Executive Officer, consider the housing requirements, in consultation with the Chief Executive Officer and recommend to Council the action required to provide this additional housing facility.”

The Chief Executive Officer in conjunction with the CEO Recruitment Committee considered the requirements for future housing for the incoming CEO including the inspection a display home in Australind. This has resulted in several changes to the design and requirements.

COMMENT

The Committee met on 7th February 2008 and has now resolved to recommend to Council that a new residence be proceeded with as follows:-

1. That a new residence for the incoming Chief Executive Officer be constructed on Lot 17 Knapp Street Boyup Brook, to replace the property/residence at 3 Rogers Avenue Boyup Brook, which was sold in September 2007.
2. That the plans and specifications for the construction of a residence “The Boulevard” by WA Country Builders be accepted.

3. The estimated total cost of the project including housing construction, floor and window treatments, driveway back paving etc of \$400,000 be funded from the “Chief Executive Officer Housing Reserve” and “Commercial Reserve”.
4. The Chief Executive Office be authorized to complete the arrangements with WA Country Builders for the construction of the residence and work to be undertaken by the Shire, within the funds allocated.

CONSULTATION

WA Country Builders

STATUTORY ENVIRONMENT

Budget Expenditure – Local Government Act 1995 – Section 6.8.

Council will need to resolve by absolute majority to provide the funding required to proceed with the construction of a new residence on Lot 17 Knapp Street, Boyup Brook.

Delegation to CEO – Local Government Act 1995 – Section 5.43.

POLICY IMPLICATIONS

No specific policy

FINANCIAL IMPLICATIONS

The funding required is to be provided from the Chief Executive Officers Housing Reserve and Commercial Reserve.

STRATEGIC IMPLICATIONS

A residence for a Chief Executive Officer is important to ensure the best possible person is appointed to assist Council achieve the strategic direction of the Shire.

VOTING REQUIREMENTS

Simple Majority - Items 1 and 2
Absolute Majority - Items 3 and 4

COMMITTEE RECOMMENDATION

That Council resolve to:-

- 1. Construct a new residence for the incoming Chief Executive Officer on Lot 17 Knapp Street Boyup Brook, to replace the property/residence at 3 Rogers Avenue Boyup Brook, which was sold in September 2007.**
- 2. That the plans and specifications for the construction of a residence “The Boulevard” by WA Country Builders be accepted.**
- 3. The estimated total cost of the project including house construction, floor and window treatments, driveway back paving etc of \$400,000 be funded from the “Chief Executive Officer Housing Reserve” and “Commercial Reserve.”**
- 4. The Chief Executive Officer be authorized to complete the arrangements with WA Country Builders for the construction of the residence and work to be undertaken by the Shire, within the funds allocated.**

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

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

- 10. CONFIDENTIAL MATTERS**

- 11. CLOSURE OF MEETING**

There being no further business the President declared the meeting closed at