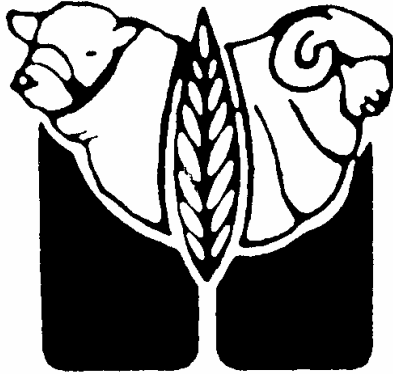


MINUTES



ORDINARY MEETING

HELD ON

THURSDAY, 21 SEPTEMBER.2006

AT

SHIRE OF BOYUP BROOK

ABEL STREET – BOYUP BROOK

COMMENCEMENT AT 3.31PM

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

1.1 Attendance

Cr T Ginnane – Shire President
Cr S Broadhurst
Cr R Downing
Cr J Florey
Cr P Marshall
Cr M Martin
Cr K Moir
Cr A Piper entered 4.37pm

Mr W Pearce – Chief Executive Officer
Mr K Jones – Manager of Finance and Administration
Mr J Eddy – Manager of Works and Services

1.2 Apologies

Cr T Oversby

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

Nil

3 APPLICATIONS FOR LEAVE OF ABSENCE

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

5 CONFIRMATION OF PREVIOUS MINUTES

5.1 Minutes of the Ordinary Meeting of the Council held on 9 August 2006.

MOVED: Cr Broadhurst

SECONDED: Cr Martin

That the minutes of the previous Ordinary Meeting of the Council held on 9 August.2006, be confirmed as an accurate record.

CARRIED 7/0

5.2 Minutes of the Special Meeting of the Council held on 31 August 2006.

MOVED: Cr Downing

SECONDED: Cr Marshall

That the minutes of the previous Special Meeting of the Council held on 31 August 2006, be confirmed as an accurate record.

CARRIED 7/0

6 PRESIDENTIAL COMMUNICATIONS

6.1 Sandakan Visit

The Shire President and Cr Downing attended the Sandakan Memorial Service in Sabah, Malaysia on 15 August 2006.

The Sister City proposal with the Sandakan Municipal Council is supported by President Boo Hai. This will be further investigated.

Cr Downing advised the Sandakan Council provided excellent hospitality and encouraged all Councillors to visit Sabah in the future.

Cr Downing also expressed his gratitude to those Councillors who were able to attend a Civic Reception held in the chambers on 12 September 2006 to welcome four guests from Sabah who attended the Boyup Brook Sandakan service on the same date. Three guests were from the SANZAC School and one from the Sandakan Municipal Council.

7 REPORTS OF OFFICERS AND COMMITTEES

7.1 WORKS AND SERVICES

7.1.1 Townscape Advisory Committee Minutes

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>John Eddy</i>
<i>Date Report Written:</i>	<i>1 September 2006</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>PA/37/001</i>
<i>Appendices:</i>	<i>1.1 - Minutes</i>

BACKGROUND:

A Townscape Advisory Committee meeting was held on 30 August 2006.

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

MOVED: Cr Broadhurst

SECONDED: Cr Marshall

That the minutes of the Townscape Advisory Committee held on the 30 August 2006, be received.

CARRIED 7/0

MOVED: Cr Broadhurst

SECONDED: Cr Downing

That signage not be incorporated in the 'Tall Man' town entry statements.

CARRIED 7/0

7.1.2 Local Emergency Management Committee Minutes

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>John Eddy</i>
<i>Date Report Written:</i>	<i>13 September 2006</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>PA/37/001</i>
<i>Appendices:</i>	<i>1.2 - Minutes</i>

BACKGROUND:

A Local Emergency Management Committee meeting was held on 29 August 2006.

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

MOVED: Cr Martin

SECONDED: Cr Broadhurst

That the minutes of the Local Emergency Management Committee held on the 29 August 2006, be received.

CARRIED 7/0

7.1.3 Abel Street Footpath - 2006/2007 Budget Modifications

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	
<i>Reporting Officer:</i>	<i>John Eddy</i>
<i>Date Report Written:</i>	<i>13 September 2006</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>FM/9/005</i>
<i>Appendices:</i>	<i>-</i>

RECOMMENDATION:

BACKGROUND:

In February 2006 the Manager of Works and Services ordered Midland Brick – Heritage Interpave 80 interlocking pavers for use in the budgeted Abel Street footpath construction between the pharmacy and the police station.

Midland Brick advised at the time that the pavers would not be available until early June 2006.

DETAIL:

Budgeted funds of \$13,220.00 for the Abel Street footpath construction were set aside for accrual as expenditure in June 2006.

The footpath paving bricks did not arrive until the last week in June 2006 allowing no time for the concreting contractor to commence/complete the job by the end of the financial year.

The accrued funds of \$13,220 were absorbed into consolidated funds.

COMMENT:

It is recommended that the Council by an ABSOLUTE MAJORITY approve the re-allocation of thirteen thousand two hundred and twenty dollars (\$13,220.00) from the 2005/2006 Budget Surplus funds to the 2006/2007 Capital Works budget for the construction of the Abel Street footpath between the pharmacy and police station.

MOVED: Cr Martin

SECONDED: Cr Downing

That this item lay on the table.

CARRIED 7/0

7.1.4 Renaming Portions of Zig Zag Road

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>Zig Zag Road</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>13 September 2006</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>RD/20/001</i>
<i>Appendices:</i>	<i>1.3 Plan</i>

BACKGROUND:

Due to the alignment of the newly constructed road for the Zig Zag Road special rural subdivision (named Ridge View Avenue in 2003), confusion may occur with the new entries to Zig Zag Road now coming off Ridge View Ave.

A new cul-de-sac in the subdivision also requires naming.

It is necessary to resolve the road names for this subdivision.

DETAIL:

The 2 portions of Zig Zag Road, one from the Abels Road direction and the other from Bridgetown Road, now have intersections with Ridge View Avenue. A plan is provided (see appendix 1.3).

Submissions on any proposed name change to Zig Zag Road were invited in the August edition of the Boyup Gazette. No submissions were received.

The Council's 'Road Naming' policy states-

- "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 characterised 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, commercialised 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.

Honouring the same person more than once will be avoided.

Further research into local history and identities has resulted in the following suggestions as an initial schedule of suggestions:-

Hales	The 'Hales' name has been synonymous with the district for 100 years. Mr Wally Hales was a major contributor to promoting Boyup Brook as a tourist destination for many decades. (Name added in November 2005)
Fuller	Harry Fuller took up 700 acres in the district in 1902. He was an excellent teamster and carted regularly by contract. His team of horses was commented on favourably for many years. He and his wife raised ten children.
Gregory	After AC Gregory – first white man to the District and Famous Explorer.
Kaufmann	Arrived in the district in 1896. Mr Kaufmann opened the first butchers shop in the district. Mrs Kaufmann was well respected as a bush nurse and was frequently called upon to deliver babies in the district and was never known to refuse in giving assistance.
Lloyd	After JR Lloyd – Councillor 1961-67, 68-89, 91-93, Shire President 1976-1982
Moore	After CL Moore – Councillor 1974 – 1988 Shire President 1982-1987
Moulton	Matt Moulton took a position of Land Guide in the Scott's Brook area of the Upper Blackwood District in 1892. He took up land there and developed it. He was an excellent horseman and expert bushman and is credited with providing sound advice to new settlers.
Smith	Harry Smith and his family arrived in the district in 1909 and took up land at Scotts Brook. Before the land became productive he earned a living carting and dam sinking with a bullock team. His daughter Amy married Charles Jennings and the family remain in the district today.

- Sinnott William Sinnott came to the Upper Blackwood district in 1896 and settled near Mayanup. He was a public minded person, involved in sport, business associations and a member of the Roads Board from 1918-1934.
- Wade After Thomas Wade – 1919-20 Road Board Chairman
- Wauchope Mr Wauchope was one of the best known teachers at the Boyup Brook School in the early days. He taught there from 1903-1912 and again 1917-1925. He assisted Mr Proctor put down the first tennis courts in town in 1904. Mrs Wauchope ran the first unofficial post office in Boyup Brook from the school house.”

COMMENT:

The Council has two options in the situation created by the new intersections-

1. remain with the status quo that is Zig Zag Road name will remain for those sections coming off the Abels and Bridgetown Roads;
2. apply the name of 'Ridge View Avenue' for the full length of link road from Abels to Bridgetown Roads. This would require new Zig Zag Road signs being erected at the newly created T-intersections with Ridge View Avenue.

It is suggested that the:-

- 1) portions of Zig Zag Road, one from the Abels Road direction and the other from the Bridgetown Road, be renamed Ridge View Avenue;
- 2) cul-de-sac in the Zig Zag subdivision be named _____.

MOVED: Cr Downing

SECONDED: Cr Martin

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

CARRIED 7/0

MOVED: Cr Moir

SECONDED: Cr Martin

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

CARRIED 7/0

MOVED: Cr Broadhurst

SECONDED: Cr Martin

That the:-

- 1) portions of Zig Zag Road, one from the Abels Road direction and the other from the Bridgetown Road, be renamed Ridge View Avenue;
- 2) cul-de-sac in the Zig Zag subdivision be named Kaufmann Close.

CARRIED 7/0

7.2 DEVELOPMENT AND COMMUNITY SERVICES

7.2.1 Swimming Pool Policy – Review of Opening Times

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>11 September 2006</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	-
<i>Appendices:</i>	-

BACKGROUND:

The Council approved the extension of Boyup Brook Swimming Pool's public opening times for the second half of last year's summer.

The Council is requested to consider the opening hours again.

DETAIL:

The shire's 'Swimming Pool' policy states:-

'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;

Requires the Manager of Finance & 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.'

The swimming pool hours have been extended in recent years to cater for the public wanting to stay at the pool to enjoy the BBQ facilities on-site and/or be given ample time to continue swimming after finishing work, remembering that the policy requires closure at 6pm every day. In effect the hours have been-

NOVEMBER & DECEMBER

Wed-Mon 10am –12.30pm, 1.30pm-6pm

JANUARY

Mon, Tues, Thur 9am-6pm

Wed, Fri 9am-7.30pm

Sat, Sun 10am-12.30pm, 1.30pm-7.30pm

FEBRUARY

Mon, Thurs, Sun 10am-12.30pm, 1.30pm-6.00pm

Wed, Fri, Sat 10am-12.30pm, 1.30pm-7.30pm

MARCH & APRIL

Wed-Mon 10am-12.30pm, 1.30pm-6.00pm

These extended hours have been provided without impacting on the wages budget for the pool.

The financial impact on opening the pool seven days/week and during lunch for the whole season will be approximately \$6,000 to employ a casual pool manager for the additional hours.

Operational expenses relating to power, water and chemical usage will increase but are impossible to quantify.

Both wages and operational expenses were not budgeted for any additional opening hours for 2006/07.

COMMENT:

If the Council is willing to consider increasing the pool opening times, it is suggested that funds may be accessed from its Recreation Reserve (anticipated balance at 30 June 2007 is \$30,336.

It is also imperative that proposed changes to opening hours are considered during the budget process. This will enable all potential financial impacts with the increase in wages expenses being appropriately budgeted for.

It is suggested that the Council retain the existing swimming pool opening hours due to a lack of funding.

MOVED: Cr Moir

SECONDED: Cr Martin

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

CARRIED 7/0

MOVED: Cr Downing

SECONDED: Cr Broadhurst

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

CARRIED 7/0

Cr A Piper entered the Chambers the time being 4.37pm.

MOVED: Cr Florey

SECONDED: Cr Broadhurst

That the:-

- 1) Boyup Brook Swimming Pool policy 'Opening Times' be extended for the 2006/07 season as per the following:

November, December, February, March, April

Monday – Sunday 10.00am to 6.00pm

January

Monday – Friday 9.00am to 6.00pm

Saturday and Sunday 10.00am to 6.00pm

- 2) additional wages expenses for the extra opening times of approximately \$6,000 to be funded from the Recreation Improvement Reserve, subject to compliance with section 6.11 (2)(b) of the Local Government Act 1995 in relation to advertising obligations;
- 3) additional opening hours be reviewed during the 2007/08 Budget setting process.

MOVED: Cr Marshall

SECONDED: Cr Piper

That this item lay on the table.

LOST 2/6

Amendment

MOVED: Cr Marshall

SECONDED: Cr Piper

That the pool hours be extended during the months of January and February on 'hot' nights at the Swimming Pool Manager's discretion.

WITHDRAWN

Amendment

MOVED: Cr Martin

SECONDED: Cr Broadhurst

Original Motion

MOVED: Cr Florey

SECONDED: Cr Broadhurst

That clause (1) be amended to state-

NOVEMBER & DECEMBER

Mon - Sun 10am - 6pm

JANUARY

Mon, Tues, Thur 9am - 6pm
Wed, Fri 9am - 7.30pm
Sat, Sun 10am - 7.30pm

FEBRUARY

Mon, Thurs, Sun 10am - 6.00pm
Wed, Fri, Sat 10am - 7.30pm

MARCH & APRIL

Wed-Mon 10am - 6.00pm

CARRIED 8/0

The amended motion becomes the substantive motion, the motion was then put and carried.

That the:-

- 1) Boyup Brook Swimming Pool policy 'Opening Times' be extended for the 2006/07 season as per the following:

NOVEMBER & DECEMBER

Mon - Sun 10am - 6pm

JANUARY

Mon, Tues, Thur 9am - 6pm
Wed, Fri 9am - 7.30pm
Sat, Sun 10am - 7.30pm

FEBRUARY

Mon, Thurs, Sun 10am - 6.00pm
Wed, Fri, Sat 10am - 7.30pm

MARCH & APRIL

Wed-Mon 10am - 6.00pm

- 2) additional wages expenses for the extra opening times of approximately \$6,000 to be funded from the Recreation Improvement Reserve, subject to compliance with section 6.11 (2)(b) of the Local Government Act 1995 in relation to advertising obligations;
- 3) additional opening hours be reviewed during the 2007/08 Budget setting process.

CARRIED 8/0

Adjournment

MOVED: Cr Moir

SECONDED: Cr Martin

That the meeting be adjourned for an afternoon tea break, the time being 4.48pm.

CARRIED 8/0

Resumption

MOVED: Cr Moir

SECONDED: Cr Martin

That the meeting resume, the time being 5.13pm.

CARRIED 8/0

The meeting resumed with the following persons in attendance.

Cr T Ginnane – Shire President
Cr R Downing
Cr S Broadhurst
Cr J Florey
Cr P Marshall
Cr M Martin
Cr K Moir
Cr A Piper

Mr W Pearce – Chief Executive Officer
Mr J Eddy – Manager of Works and Services
Mr K Jones – Manager for Finance & Administration

7.2.2 Youth Advisory Committee Minutes

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Keith Jones</i>
<i>Date Report Written:</i>	<i>13 September 2006</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>IM/37/004</i>
<i>Appendices:</i>	<i>1.4 - Minutes</i>

BACKGROUND:

Meetings of the Youth Advisory Committee were held on 1 August, 22 August and 12 September 2006.

Minutes of the meetings are laid on the table and circulated (refer to appendix 1.4).

MOVED: Cr Martin

SECONDED: Cr Downing

That the minutes of the Youth Advisory Committee on 1 August, 22 August and 12 September 2006 be received.

CARRIED 8/0

7.2.3 Economic Development Committee Minutes

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>13 September 2006</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>GO/37/005</i>
<i>Appendices:</i>	<i>1.5 Minutes</i>

BACKGROUND:

A meeting of the Economic Development Committee was held on the 6 September 2006.

Minutes of the meeting are laid on the table and circulated (refer to appendix 1.5).

MOVED: Cr Florey

SECONDED: Cr Martin

That the minutes of the Economic Development Committee Meeting held on 6 September 2006, be received.

CARRIED 8/0

MOVED: Cr Florey

SECONDED: Cr Downing

That the CEDO identify a suitable speaker for a public forum to be held at a later date and identify a suitable venue.

Amendment

MOVED: Cr Downing

SECONDED: Cr Broadhurst

That the words 'bio diesel' be inserted after the word 'public'.

LOST 3/5

The motion was then put and lost.

That the CEDO identify a suitable speaker for a public forum to be held at a later date and identify a suitable venue.

LOST 0/8

MOVED: Cr Martin

That the CEDO to carry out basic research on bio-diesel and to identify a suitable candidate as a speaker.

MOTION LAPSED DUE TO LACK OF SECONDER.

MOVED: Cr Florey

SECONDED: Cr Martin

That the CEDO to identify a suitable speaker for a public bio-diesel forum to be held at a later date. The CEDO to:

- (i) carry out basic research on bio-diesel**
- (ii) identify a suitable venue.**

CARRIED 8/0

7.2.4 Recreation & Leisure Advisory Committee Minutes

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Keith Jones
Date Report Written: 13 September 2006
Enabling Legislation: Local Government Act 1995
File: RE/37/001
Appendices: attached

BACKGROUND:

A meeting of the Recreation & Leisure Advisory Committee was held on the 7 September 2006

Minutes of the meeting to be circulated at the meeting.

MOVED: Cr Martin

SECONDED: Cr Piper

That the:-

- 1. minutes of the Recreation & Leisure Advisory Committee held on 7 September 2006, be received;**
- 2. Recreation Manager, Manager of Finance & Administration and the Community and Economic Development Officer prepare a Community Sport and Recreation Facilities Funding (CSRFF) grant application to be presented at the next Recreation and Leisure Advisory Committee meeting to be held on 16 October 2006;**
- 3. Manager of Works and Services be asked to provide a report on costing to fill in the drain between the two hockey grounds.**

CARRIED 8/0

7.2.5 Licensing of the Shire's Waste Water Collection and Disposal Operations

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Will Pearce
Date Report Written: 13 September 2006
Enabling Legislation: Environmental Protection (Controlled Waste) Regulations 2004
File: CS/53/004
Appendices:

BACKGROUND:

The Department of Environment (DoE) brought new waste control legislation in 2004.

The Shire of Boyup Brook currently provides waste water collection services and disposal site that are now subject to licensing and registration requirements.

DETAIL:

The DoE is responsible for the enforcement of Environmental Protection (Controlled Waste) Regulations 2004.

The shire for a number of years has been providing the collection of waste water from domestic septic tank and leach drain systems as a community service for a nominal fee (currently \$190 plus \$1/km).

To continue the service, the shire must now license the organisation (\$225), its drivers (\$225), truck (\$225) and disposal pit (located on Stanton Road, no charge).

The total cost for the initial licensing will be approximately \$1,400 which can be absorbed within the 'septic removal' expense in Schedule 10 of the 2006/07 budget's operating statement.

The future review of shire septic fees would need to take into account these additional expenses should the service continue.

COMMENT:

The only options available to the Council are-

- 1) continue providing the service subject to licensing obligations; or
- 2) discontinue the service, with the result being that landholders will need to obtain the service from other districts.

It is suggested that the:-

- 1) shire's waste water collection and disposal service continue to be provided for the benefit of the community;
- 2) Chief Executive Officer ensures that these operations comply with the requirements of the Environmental Protection (Controlled Waste) Regulations 2004 with associated expenses being funded from the 'Septic removal' expense in Schedule 10 of the 2006/07 budget's operating statement.

MOVED: Cr Moir

SECONDED: Cr Martin

That the:-

- 1) **shire's waste water collection and disposal service continue to be provided for the benefit of the community;**
- 2) **Chief Executive Officer ensures that these operations comply with the requirements of the Environmental Protection (Controlled Waste) Regulations 2004 with associated expenses being funded from the 'Septic removal' expense in Schedule 10 of the 2006/07 budget's operating statement.**

CARRIED 8/0

7.2.6 Loc 1889 William Street, Boyup Brook - Planning Application for a Public Assembly Area

<i>Proponent:</i>	<i>J Zanders</i>
<i>Location:</i>	<i>Loc 1889 William Street, Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>24 August 2006</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>AS3980</i>
<i>Appendices:</i>	<i>1.6 Plans and Letter</i>

BACKGROUND:

The proponent is seeking to establish a public assembly area at Loc 1889 William Street, Boyup Brook

Details and plans are attached to support the application as required by the Shire's Town Planning Scheme No 2 (the 'Scheme').

DETAIL:

The proponent wishes to establish a 'community farm' – details in attached letter. The property has an area of 5.7ha and is zoned 'rural'.

The Scheme covers these activities as-

- a "place of public assembly" defined as.... "*land and buildings used as a special place of assembly including grounds for athletics, all sporting grounds with spectator provision, race courses, trotting tracks, studio or showgrounds*" which is allowed at the discretion of the Council ("AA" use).

General requirements under the Scheme include:-

- Setbacks – not nominated by proponent however all activities are within the immediate surrounds of the main homestead.
- Carparking and Access - The Scheme requires the provision of 1 parking space per 4 persons. The Scheme also provides for construction standards of parking areas.

The rural property has gravel access and gravel areas around the building what would suffice for parking.

Other requirements that need to be addressed by the proponent include:-

- Toilets
- water
- waste collection
- public buildings/assembly safety
- food preparation

However, these matters are already controlled under various Council local laws and government regulations and guidelines which will need to be complied with prior to opening to the public.

COMMENT:

Such an activity would be a welcome addition to the district that will complement existing diversity in the district.

The CEO suggested that the Council approve the proposal as reflected in the recommendation.

The Development Services Committee considered this issue at its meeting held on 13 September 2006 and concurred with the Chief Executive Officer's recommendation.

MOVED: Cr Moir

SECONDED: Cr Florey

That the Council approves the planning application as presented for a Public Assembly area at Loc 1889 William Street, Boyup Brook, subject to:-

- (a) **compliance with the Town Planning Scheme No. 2;**
- (b) **providing access and carparking spaces at a ratio of 1 space per 4 persons to the satisfaction of the Manager of Works and Services;**
- (c) **compliance with the Health (Public Buildings) Regulations;**
- (d) **compliance with the Health (Food Hygiene) Regulations;**
- (e) **compliance with the Shire of Boyup Brook Health Local Laws.**

CARRIED 8/0

7.2.7 Lot 2515, 2516, 1455, 2130, 2038, 4491, Wellington Loc 2317, 2318, 2367, 2368, Portion of Wellington Loc 2366 and 2056 McAlinden Road – Planning Application for a Plantation

Proponent: Great Southern Managers Aus Ltd
Location: Lot 2515, 2516, 1455, 2130, 2038, 4491, Wellington Loc 2317, 2318, 2367, 2368, Portion of Wellington Loc 2366 and 2056 McAlinden Road
Reporting Officer: Will Pearce
Date Report Written: 13 September 2006
Enabling Legislation: Town Planning Scheme No. 2
File: AS3430 & AS12217
Appendices: -

BACKGROUND:

The proponent is seeking approval to establish a plantation on Lot 2515, 2516, 1455, 2130, 2038, 4491, Wellington Loc 2317, 2318, 2367, 2368, Portion of Wellington Loc 2366 and 2056 McAlinden Road located approximately 30km north west of Boyup Brook.

The proponent has forwarded relevant details to support the application as required by the Shire's Town Planning Scheme No. 2. A detailed plan is laid on the table.

DETAIL:

The property has a gross land area is 1836.58ha and is zoned 'Rural' and as such the Scheme allows 'plantations' at the discretion of the Council ('AA' use).

As required under the Scheme, the proponent has submitted a fire management plan and plantation management plan. The proponent is required to comply with the following (as per the Scheme):-

- 1 Code of Practice for Timber Plantations in WA;
- 2 Shire of Boyup Brook Firebreak Order;
- 3 Guidelines for Plantation Fire Protection.

The proponent has submitted supporting information that is summarised as follows: -

- 1 establishment of 922.6ha of plantations will occur in the year 2006;
- 2 planting density will be 1,238 stems per hectare;
- 3 the Guidelines for Plantation Fire Protection states:-

“Plantation growers must meet this increased need for firefighting equipment, either by providing the minimum equipment standards (for this size plantation a medium duty unit is required) or by contributing to community-based equipment through an agreement with the Local Government.”

The proponent’s fire management plan indicates that the company does not have a firefighting unit in the vicinity of the plantation.

- 4 all remnant vegetation will be left in accordance with Agriculture Western Australia guidelines.

COMMENT:

The CEO suggested that the Council approve the proposal as reflected in the recommendation.

The Development Services Committee considered this issue at its meeting held on 13 September 2006 and concurred with the Chief Executive Officer’s recommendation.

MOVED: Cr Martin

SECONDED: Cr Downing

That the:-

- 1 **Council approves the planning application for a plantation as presented to be located at Lot 2515, 2516, 1455, 2130, 2038, 4491, Wellington Loc 2317, 2318, 2367, 2368, Portion of Wellington Loc 2366 and 2056 McAlinden Road, subject to the following conditions: -**
 - (a) **compliance with the Shire of Boyup Brook Town Planning Scheme No 2;**
 - (b) **compliance with the terms and conditions of the Code of Practice for Timber Plantations in Western Australia as amended from time to time with a harvesting management plan provided to the Shire, to the satisfaction of the Shire, two years prior to the harvesting event;**
 - (c) **provision of a minimum of a manned medium duty Firefighting Unit of a standard complying with the Guidelines for Plantation Fire on a strategically located plantation property within twenty (20) minutes response time of this plantation prior to the commencement of the 2006/07 Fire Season and that this arrangement is confirmed in writing;**
 - (d) **installation of a 15 metre boundary firebreak is required to comply with the firebreak order;**
 - (e) **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;**
- (2) **Manager of Works and Services undertakes an assessment at the time of harvesting of the condition of the anticipated proposed local road haulage route.**

CARRIED 7/1

Cr Florey requested that the vote of all Councillors be recorded.

For
Cr Ginnane
Cr Broadhurst
Cr Marshall
Cr Martin
Cr Moir
Cr Oversby
Cr Piper

Against
Cr Florey

7.2.8 Class 10 Buildings in Rural Zone – Building Regulations 1989 – Minister’s Response to Exemption Request

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>13 September 2006</i>
<i>Enabling Legislation:</i>	<i>Building Amendment Regulations 1989</i>
<i>File:</i>	<i>DE/29/001</i>
<i>Appendices:</i>	<i>1.7 Letter</i>

BACKGROUND:

In early 2006, the Development Services Committee requested that the current requirement for rural landowners to apply for building licenses to build a shed be reviewed.

The Council considered this issue at its March 2006 meeting and resolved:-

‘That the Chief Executive Officer request the Minister for Housing and Works to amend Schedule 2 of the Building Amendment Regulations 1999 to exempt class 10 buildings in areas outside townsites, in rural zones only, from requiring building licenses prior to construction within the Shire of Boyup Brook.’

A response from the Minister has been received.

DETAIL:

The following report was presented to the committee and the Council in March 2006:-

“Schedule 2 of the Building Amendment Regulations 1999 states that a building license must be issued by the shire prior to the construction of any form of building including class 10 buildings which are in the main outbuildings or sheds. A brief analysis and observation raises the following points:

- There are 144 local governments in Western Australia
- 119 local governments have made a stipulation under Schedule 2 in relation to the part/s of their districts in which a building license must be obtained to build a Class 10 building (shed).
- Therefore, 25 have not (including Boyup Brook) and are picked-up by the catch-all” phrase, “all other districts” which then applies the “Whole district” requirement in respect to building licenses for sheds.
- The fact that the catch-all applies to the Whole district suggests that the Whole district is intended to be the baseline position.
- There are 88 local governments (60%) that require building licenses for the construction of sheds throughout the whole of their districts. However, 26 of these are regarded as metropolitan local governments.

- There are 56 local governments (39%) which do not seek building licenses for sheds on rural property. In the main, they apply the requirement to obtain a building license for construction of a shed, only to town-sites.

Other Considerations

- In 2005 (calendar year) there were 16 out of a total of 70 Building Licenses issued for farm sheds (rural property) with a total value of around \$280,000.00 with the Shire receiving fees of \$900.00.
- Many farm sheds now being constructed are large. Some are more like warehouses than what has traditionally been regarded as a farm shed. In 2005, the average size of farm sheds constructed in Boyup Brook was 182m² with the largest being 450m². These represent substantial structures with very significant wind loads and should be engineered for safety.
- Equity is another consideration. While proximity to neighbours and other buildings is clearly a factor, the size of sheds is controlled largely by Shire Policy in town and on Special Rural sites. Small garden sheds are excluded from the requirement for a building license throughout the Shire district.

In order to exempt the construction of farm sheds from the requirement to obtain a building license, it will be necessary to amend the Local Government (Miscellaneous Provisions) Act 1960 and regulations by:

- Inserting the wording 'Boyup Brook' under Column 1 (District) of Schedule 2
- Inserting the appropriate descriptor of the area in which it is intended to require building license to be obtained in relation to sheds, in Column 2 (Class 10 Buildings)

When considering the Column 2 descriptor, it should be noted that reference to "Townsites" only would also exempt sheds on Special Rural properties.

The building surveyor has spoken to the Department of Housing and Works who advise that the process to amend Schedule 2 is as follows:

- Council needs to resolve to exempt construction of Class 10 buildings from the need to obtain a building license in particular area/s
- A letter is forwarded to the Minister for Housing and Works (cc to the Minister for Local Government) requesting the amendment to be made
- The Minister will then refer the request to the Department of Housing and Works, which will instruct Parliamentary Counsel to draft the amendment
- The proposed amendment is submitted to Executive Council (EXCO) and then gazetted.

The process is likely to take between 3 – 6 months.

Other relevant information:

- The Department of Housing and Works is currently endeavouring to introduce a new Building Act that will separate the licensing requirements for housing and outbuildings (it is being suggested that outbuildings will not require a building license under the proposed legislation)

- Of the 7 local governments surrounding this Shire district, 4 require building licenses for their Whole District with the remainder requiring building licenses for Class 10 buildings in townsites only.

COMMENT:

Should the Council wish to amend the regulations it is suggested that it request the Minister for Housing and Works to amend Schedule 2 of the Building Amendment Regulations 1999 to exempt class 10 buildings in areas outside townsites only from requiring building licenses prior to construction.

This motion would not only exempt 'rural' zoned properties but also 'special rural'. Is this an outcome the Council wishes to achieve?

Staff however suggest that the Council does not move to amend the building regulations to exempt licenses for rural outbuildings pending the outcome of the new Building Act."

The Minister's response to this request has recently been received and is attached. The request has been declined due to a major review of WA building control laws currently taking place.

COMMENT:

The Council has a limited number of options in pursuing this issue. Either request the Minister to reconsider her decision or let the matter rest until comments are sought from local governments on the proposed legislation.

The CEO suggested that the recommendation above be considered.

The Development Services Committee considered this issue at its meeting held on 13 September 2006 and concurred with the Chief Executive Officer's recommendation. The committee also recommends that this matter be pursued further with the Minister by WALGA.

MOVED: Cr Moir

SECONDED: Cr Broadhurst

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

CARRIED 8/0

Cr P Marshall departed the Chambers the time being 6.50pm.

MOVED: Cr Downing

SECONDED: Cr Moir

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

CARRIED 7/0

MOVED: Cr Moir

SECONDED: Cr Martin

That the:-

- 1) response dated 15 August 2006 from the Minister for Housing and Works in relation to the Council's March 2006 request to amend Schedule 2 of the Building Amendment Regulations 1999 to exempt class 10 buildings in areas outside townsites, in rural zones only, from requiring building licenses prior to construction within the Shire of Boyup Brook, be received;
- 2) Western Australian Local Government Association be requested to lobby the Minister for Housing and Works to support this form of exemption being:-
 - a) introduced for the Shire of Boyup Brook as soon as possible;
 - b) included in the proposed building control legislation.

CARRIED 7/0

7.2.9 Draft Local Rural Strategy – WA Planning Commission's Response to Rural Subdivision Criteria

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>Shire of Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>13 September 2006</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>LN/55/001</i>
<i>Appendices:</i>	<i>1.8 Letter</i>

BACKGROUND:

The draft Local Rural Strategy (LRS) has been in dispute for two years between the Council and the Minister for Planning and Infrastructure over rural subdivision criteria.

The Shire President, Cr Moir and the CEO met with J Dawkins - WAPC Chairman, R Stokes - Department of Planning and Infrastructure Director, B Mitchell – WALGA President and A Hailes – WALGA Director on 14 June 2006 to lobby the WAPC to support Boyup Brook's position.

A response has been received from the Western Australian Planning Commission (WAPC) with a copy of the officer's report that the WAPC based their decision on – see appendix 1.8.

DETAIL:

The following report was presented to the Development Services committee and the Council in July 2006:-

"In summary, the Council supports 40ha rural subdivisions as-of-right while the Western Australian Planning Commission (WAPC) supports a minimum of 80ha.

The Council at its April 2006 meeting resolved that the:-

1. response dated 11 December 2005 from the Western Australian Planning Commission in relation to the draft Local Rural Strategy be received;
2. Western Australian Local Government Association be requested to call the meeting as offered by the WAPC as soon as possible and to invite representatives from the Shires of Boyup Brook, Manjimup and Nannup when confirmed.

This report is to provide a précis of the meeting indicated in clause 2 above.

The Shire President, Cr Moir and the CEO met with J Dawkins - WAPC Chairman, R Stokes - Department of Planning and Infrastructure Director, B Mitchell – WALGA President and A Hailes – WALGA Director on 14 June 2006.

Shire representatives put the case that the WAPC support for 80ha rural subdivisions, as determined in the Warren Blackwood Rural Strategy (WBRS), is in contradiction to State Planning Policy 2.5.

The policy only nominates 80ha minimum where the local government does not have a Local Planning Strategy to determine such criteria.

The policy states that local governments should 'develop subdivision ... criteria...' in their strategies.

The chairman acknowledged that the subsequent transference into the WBRS has been an unfortunate misreading of the policy.

Mr Dawkins advised that he will request the DPI to place this matter on the agenda of the next SW Planning Commission meeting, of which he is also chairman, for consideration.

Other matters discussed in detail that the chairman would take on included-

- Request for support from the WAPC to allow the DPI to release crown lots in satellite townsites without requiring water and sewerage (this has been DPI practice for many years up until approximately 2002.
- Request for WAPC to encourage Landcorp to develop residential and industrial land in rural communities instead of just focusing on coastal areas.
- Removing infrastructure impediments to developing large residential lots for example the Water Corporation require reticulated water for lots up to 4ha and Western Power require underground power for lots up to 10ha."

The WAPC's response to this request has recently been received and is attached.

COMMENT:

It is undoubtedly disappointing that the WAPC has not supported the shire in this matter.

The Development Services committee is requested to discuss a way forward to resolve the impasse that is unfortunately holding up the adoption of the LRS.

The CEO suggested that the recommendation above be considered.

The Development Services Committee considered this issue at its meeting held on 13 September 2006 and concurred with the Chief Executive Officer's recommendation. The committee also recommends that this matter be pursued further with the WAPC Chairman by WALGA.

MOVED: Cr Moir

SECONDED: Cr Martin

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

CARRIED 7/0

Cr P Marshall re-entered the Chambers the time being 6.52pm.

MOVED: Cr Martin

SECONDED: Cr Piper

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

CARRIED 8/0

MOVED: Cr Martin

SECONDED: Cr Downing

That the:-

- 1) response dated 18 August 2006 from the Western Australian Planning Commission rejecting the Council's March 2006 request to include 40ha rural subdivision criteria in the draft the Shire of Boyup Brook Local Rural Strategy, be received;**
- 2) Western Australian Local Government Association be requested to pursue the issue with the Western Australian Planning Commission Chairman on behalf of the Shire of Boyup Brook.**

CARRIED 8/0

7.2.10 Lot 22 Abels Road, Boyup Brook – Planning Application for a Commercial Kitchen

Proponent: I Duncan
Location: Lot 22 Abels Road, Boyup Brook
Reporting Officer: Will Pearce
Date Report Written: 13 September 2006
Enabling Legislation: Town Planning Scheme No 2
File: AS4492
Appendices: 1.9 Plans

BACKGROUND:

The proponent was given Council approval to establish a winery at Lot 22 Abels Road, Boyup Brook, in June 2005.

A further application has been received to build a commercial kitchen to provide food for visitors.

The proponent has forwarded all relevant details to support the application as required by the Shire's Town Planning Scheme No. 2 and are attached.

DETAIL:

Lot 22 Abels Road, Boyup Brook, is a property with a gross area of 12.33ha and is currently zoned 'Rural'.

It is proposed to build a kitchen incorporating toilets 36m² in area with a height of 3.0 metres. The steel framed shed is constructed of zincalume roof and walls.

There are approximately 3ha of wine grapes currently established on the property.

A commercial kitchen would best be classified as a 'restaurant' under the Town Planning Scheme No. 2 being allowed at the discretion of the Council ('AA' use).

General requirements under the Council's Town Planning Scheme No. 2 includes:-

- **Setbacks**

Minimum of 10 metres from all boundaries is required under the Scheme. All proposed setbacks are greater than 100 metres.

- **Carparking**

The Scheme states that the Council shall determine the parking standards for the development. The Scheme also provides for construction standards of parking areas.

The rural property has gravel access and gravel areas around the building what would suffice for parking.

- **Landscaping**

The Scheme states that ... *“landscaping shall be undertaken and maintained to the Council’s satisfaction for all development unless, in the opinion of the Council such landscaping is considered unnecessary”*.

Landscaping is considered unnecessary for this development as the production area is surrounded by vineyards and natural bush.

The kitchen will be required to comply with the Health (Food Hygiene) Regulations 1993 which provides the standards for the internal fit-out including floors, walls, ceilings, water supply, washing facilities, hand basin, ventilation, lighting, hygiene and cleanliness.

An approved effluent disposal system to the satisfaction of the state Health Department must be installed prior to the production of wine within the premises. Details of the proposed system are to be submitted as part of a building licence application.

COMMENT:

The proposal will be a welcome addition to the winery.

The CEO suggested that the Council approves the planning application as reflected in the recommendation above.

The Development Services Committee considered this issue at its meeting held on 13 September 2006 and concurred with the Chief Executive Officer’s recommendation.

MOVED: Cr Florey

SECONDED: Cr Piper

That the Council approves the planning application as presented for a commercial kitchen proposed at Lot 22 Abels Road, Boyup Brook, subject to compliance with the:-

- (a) **Town Planning Scheme No. 2;**
- (b) **Health (Public Buildings) Regulations;**
- (c) **Health (Food Hygiene) Regulations;**
- (d) **Shire of Boyup Brook Health Local Laws;**
- (e) **Health Department of Western Australia’s requirements for on-site effluent disposal systems;**
- (f) **Australian Drinking Water Guidelines to ensure potable water is supplied.**

CARRIED 8/0

7.2.11 Lot 15 Lee Steere Drive, Boyup Brook - Planning Application for an Additional Shed

Proponent: C & N Dalton
 Location: Lot 15 Lee Steere Drive, Boyup Brook
 Reporting Officer: Will Pearce
 Date Report Written: 13 September 2006
 Enabling Legislation: Town Planning Scheme No 2
 File: AS975
 Appendices: 1.10 Plans

BACKGROUND:

The proponent is seeking approval for an additional shed (garage) to be located at Lot 15 Lee Steere Drive, Boyup Brook.

The proponent has forwarded all the relevant details to support the application as required by the Shire's Town Planning Scheme No. 2 and are attached.

DETAIL:

The property is zoned 'special rural' and has an area of 4.80ha.

There are 2 existing sheds with a combined area of 120 m² on site.

The proposed garage will be 42 m² in area for car parking purposes only. No commercial activities will take place in the shed.

The Council's "Outbuilding" policy states in part:-

Objective

To determine requirements relating to the construction of outbuildings.

Statement

MAXIMUM DIMENSIONS

Maximum permissible outbuilding area dimensions will be as follows: -

Zone	Maximum individual outbuilding area (m ²)	Maximum total outbuilding area (m ²)	Maximum height (m)
Residential/Urban Blocks 1012m² or less	56.4	75	3.0
Residential/Urban blocks greater than 1012m²	56.4	90	4.5
Special Rural	108	108	4.5
Rural	No maximum area	No maximum area	No maximum height

Structures outside the domain of the standard set above shall be subject to a planning application for the Council to consider on its merits.'

COMMENT:

However, the Scheme does allow the Council some discretion to relax its standards eg. as prescribed in the above policy, under clause 3.6 should it be satisfied that:-

- “(i) approval of the proposed development would be consistent with the orderly and proper planning of the district and the preservation of the amenity of the district;*
- (ii) the non-compliance will not have any adverse effect upon the occupiers or users of the development of the general population of the district, and;*
- (iii) the spirit and purpose of the standard or requirement will not be unreasonably departed from.”*

The new garage would seem to have little impact on the surrounding area if approved

The CEO suggested that the Council approves the planning application as reflected in the recommendation above.

The Development Services Committee considered this issue at its meeting held on 13 September 2006 and concurred with the Chief Executive Officer’s recommendation.

MOVED: Cr Florey

SECONDED: Cr Marshall

That the Council approves the planning application as presented for an additional outbuilding 42m² in area proposed for Lot 15 Lee Steere Drive, Boyup Brook.

CARRIED 8/0

Crs Moir and Martin both declared financial interests, being the surveyors involved with the proposal, in the following item and departed the Chambers, the time being 6.03 pm.

7.2.12 Lot 401 and Nelson Location 1476 Boyup Brook – Kojonup Road, Boyup Brook - Subdivision/Amalgamation

Proponent: M King
Location: Lot 401 and Loc 1476 Boyup Brook - Kojonup Road
Reporting Officer: Will Pearce
Date Report Written: 13 September 2006
Enabling Legislation: Town Planning Scheme No 2
File: AS7079
Appendices: 1.11 Plan and Letter

BACKGROUND:

The proponents wish to subdivide/amalgamate the existing rural properties at Lot 401 and Loc 1476 Boyup Brook – Kojonup Road to create two new lots.

A plan and details of the proposal is attached.

DETAIL:

The areas of the existing lots are –

- Lot 401 – 7.6374ha
- Loc 1476 – 54.633ha

New lots will be created with areas of 7.0428ha and 55.2276ha.

The purpose of the realignment is to provide access to Loc 1476 which is currently landlocked.

The Council's 'Subdivisions and Amalgamations' policy states in part that:-

- "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."*

COMMENT:

The road is in a satisfactory condition and complies with the Council's 'Road Contribution' policy.

Clause 1(b) of the 'Subdivision/Amalgamation' policy allows for discretion in relaxing the minimum 40ha requirement for boundary realignment where no additional new lots are created.

It is suggested that the proposal be supported.

(The Development Services Committee could not consider this issue at its meeting held on 13 September 2006 due to a lack of a quorum.)

MOVED: Cr Piper

SECONDED: Cr Downing

That the Council supports the proposed subdivision/amalgamation of Lot 401 and Loc 1476 Boyup Brook - Kojonup Road, to create two new lots being 55.2276ha and 7.0428ha area.

CARRIED 6/0

Crs Martin and Moir re-entered the chambers the time being 6.05pm.

7.2.13 Loc 12605, 3831, 2881, 3557 and 6680 Dwalganup Road – Planning Application for a Plantation

Proponent: C Korn
Location: Loc 12605, 3831, 2881, 3557 and 6680 Dwalganup Road
Reporting Officer: Will Pearce
Date Report Written: 13 September 2006
Enabling Legislation: Town Planning Scheme No. 2
File: AS 9600
Appendices: -

BACKGROUND:

The proponent is seeking approval to establish a plantation on Loc 12605, 3831, 2881, 3557 and 6680 Dwalganup Road located approximately 18km south west of Boyup Brook.

The proponent has forwarded relevant details to support the application as required by the Shire's Town Planning Scheme No. 2. A detailed plan is laid on the table.

DETAIL:

The property has a gross land area is 539.30ha and is zoned 'Rural' and as such the Scheme allows 'plantations' at the discretion of the Council ('AA' use).

As required under the Scheme, the proponent has submitted a fire management plan and plantation management plan.

The proponent is required to comply with the following (as per the Scheme):-

- 1 Code of Practice for Timber Plantations in WA;
- 2 Shire of Boyup Brook Firebreak Order;
- 3 Guidelines for Plantation Fire Protection.

The proponent has submitted supporting information that is summarised as follows: -

- 1 establishment of 400 ha of plantations will occur in the year 2007;
- 2 planting density will be 1,000 stems per hectare;
- 3 the Guidelines for Plantation Fire Protection states:-

"Plantation growers must meet this increased need for firefighting equipment, either by providing the minimum equipment standards (for this size plantation a medium duty unit is required) or by contributing to community-based equipment through an agreement with the Local Government."

The proponent's fire management plan indicates that the landowner has a 4 x 4 2000l trailer tank and pump unit is located on-site.

- 4 all remnant vegetation will be left in accordance with Agriculture Western Australia guidelines unless removed in accordance with Environmental permits.

COMMENT:

The CEO suggested that the Council approve the proposal as reflected in the recommendation.

The Development Services Committee considered this issue at its meeting held on 13 September 2006 and concurred with the Chief Executive Officer's recommendation.

MOVED: Cr Moir

SECONDED: Cr Martin

That the:-

- 1 Council approves the planning application for a plantation as presented to be located at Loc 12605, 3831, 2881, 3557 and 6680 Dwalganup Road, subject to the following conditions: -
 - (a) compliance with the Shire of Boyup Brook Town Planning Scheme No 2;
 - (b) compliance with the terms and conditions of the Code of Practice for Timber Plantations in Western Australia as amended from time to time with a harvesting management plan provided to the Shire, to the satisfaction of the Shire, two years prior to the harvesting event;
 - (c) provision of a minimum of a manned medium duty Firefighting Unit of a standard complying with the Guidelines for Plantation Fire on a strategically located plantation property within twenty (20) minutes response time of this plantation prior to the commencement of the 2006/07 Fire Season and that this arrangement is confirmed in writing;
 - (d) installation of a 15 metre boundary firebreak is required to comply with the firebreak order;
 - (e) 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;
- (2) Manager of Works and Services undertakes an assessment at the time of harvesting of the condition of the anticipated proposed local road haulage route.

CARRIED 7/1

Cr Florey requested that her vote be recorded against the motion.

7.2.14 Lot 13 Boyup Brook-Bridgetown Road, Boyup Brook - Planning Application for an Oversized Shed

<i>Proponent:</i>	<i>M Biluta</i>
<i>Location:</i>	<i>Lot 13 Boyup Brook-Bridgetown Road, Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>13September 2006</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>AS15017</i>
<i>Appendices:</i>	<i>1.12 Plan</i>

BACKGROUND:

The proponent is seeking approval for an addition to a shed to be located at Lot 13 Boyup Brook-Bridgetown Road, Boyup Brook.

The proponent has forwarded all the relevant details to support the application as required by the Shire's Town Planning Scheme No. 2 and are attached.

DETAIL:

The property is zoned 'special rural' and has an area of 3.88ha.

There is an existing shed 105 m² in area on site.

A proposed new laundry/toilet will be 12 m² in area.

It is the owner's intent to build these amenities to allow the shed to be used for accommodation purposes while the main residence is being built by him as an owner/builder. This is allowed pursuant to the Council's 'Temporary Accommodation' policy.

No commercial activities will take place in the shed.

A 35 m² patio is also proposed.

The Council's "Outbuilding" policy states in part:-

'Objective

To determine requirements relating to the construction of outbuildings.

Statement

MAXIMUM DIMENSIONS

Maximum permissible outbuilding area dimensions will be as follows: -

Zone	Maximum individual outbuilding area (m ²)	Maximum total outbuilding area (m ²)	Maximum height (m)
Residential/Urban Blocks 1012m² or less	56.4	75	3.0
Residential/Urban blocks greater than 1012m²	56.4	90	4.5
Special Rural	108	108	4.5
Rural	No maximum area	No maximum area	No maximum height

Structures outside the domain of the standard set above shall be subject to a planning application for the Council to consider on its merits.'

COMMENT:

However, the Scheme does allow the Council some discretion to relax its standards eg. as prescribed in the above policy, under clause 3.6 should it be satisfied that:-

- “(i) approval of the proposed development would be consistent with the orderly and proper planning of the district and the preservation of the amenity of the district;*
- (iv) the non-compliance will not have any adverse effect upon the occupiers or users of the development of the general population of the district, and;*
- (v) the spirit and purpose of the standard or requirement will not be unreasonably departed from.”*

The new laundry/toilet addition and patio would seem to have little impact on the surrounding area if approved.

The CEO suggested that the Council approve the proposal as reflected in the recommendation.

The Development Services Committee considered this issue at its meeting held on 13 September 2006 and concurred with the Chief Executive Officer's recommendation.

MOVED: Cr Moir

SECONDED: Cr Downing

That the Council approves the planning application as presented for additions 47m² in area to an outbuilding proposed for Lot 13 Boyup Brook-Bridgetown Road, Boyup Brook.

CARRIED 8/0

7.2.15 Loc 2441 and 2442 Kulikup North Road, Boyup Brook - Subdivision/Amalgamation

Proponent: A & R Corker
Location: Loc 2441 and 2442 Kulikup North Road, Boyup Brook
Reporting Officer: Will Pearce
Date Report Written: 13 September 2006
Enabling Legislation: Town Planning Scheme No 2
File: AS5340
Appendices: 1.13 Plan

BACKGROUND:

The proponents wish to subdivide/amalgamate the existing rural properties at Loc 2441 and 2442 Kulikup North Road to create two new lots.

A plan of the proposal is attached.

DETAIL:

The areas of the existing lots are –

- Loc 2441– 10.9265ha
- Loc 2442– 64.4462ha

New lots will be created with areas of 33.769ha and 41.5724ha.

The Council's 'Subdivisions and Amalgamations' policy states in part that:-

"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.”*

COMMENT:

The road is in a satisfactory condition and complies with the Council’s ‘Road Contribution’ policy.

Clause 1(b) of the ‘Subdivision/Amalgamation’ policy allows for discretion in relaxing the minimum 40ha requirement for boundary realignment where no additional new lots are created.

The CEO suggested that the proposal be supported.

The Development Services Committee considered this issue at its meeting held on 13 September 2006 and concurred with the Chief Executive Officer’s recommendation.

MOVED: Cr Moir

SECONDED: Cr Florey

That the Council supports the proposed subdivision/amalgamation of Loc 2441 and 2442 Kulikup North Road, to create two new lots being 33.769ha and 41.5724ha in area.

CARRIED 8/0

7.2.16 Loc 12372 and 12416 Cootayerup Road, Boyup Brook - Subdivision/Amalgamation

*Proponent: M and E Owen
Location: Loc 12372 and 12416 Cootayerup Road
Reporting Officer: Will Pearce
Date Report Written: 13 September 2006
Enabling Legislation: Town Planning Scheme No 2
File: AS8060
Appendices: 1.14 Plan*

BACKGROUND:

The proponents wish to subdivide/amalgamate the existing rural properties at Loc 12372 and 12416 Cootayerup Road to create two new lots.

A plan of the proposal is attached.

DETAIL:

The areas of the existing lots are –

- Loc 12416– 506.06ha
- Loc 12372– 461.10ha

New lots will be created with areas of 558.45ha (lot A) and 408.71ha (lot B).

Lot A will be used for timber plantation and agriculture purposes and lot B for conservation.

The Council’s ‘Subdivisions and Amalgamations’ policy states in part that:-

“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.”*

COMMENT:

The road is in a satisfactory condition and complies with the Council’s ‘Road Contribution’ policy.

However, lot B will require a 5m battleaxe access.

The CEO suggested that the proposal be supported.

The Development Services Committee considered this issue at its meeting held on 13 September 2006 and concurred with the Chief Executive Officer’s recommendation with the 5m battleaxe width being increased to 15m.

MOVED: Cr Moir

SECONDED: Cr Florey

That the Council supports the proposed subdivision/amalgamation of Loc 12372 and 12416 Cootayerup Road, to create two new lots being 558.45ha and 461.10ha area, subject to a 15m battleaxe access being:-

- 1) provided for proposed lot ‘B’;**
- 2) constructed to the satisfaction of the Manager of Works and Services and at the proponents’ cost.**

CARRIED 8/0

7.3 CORPORATE SERVICES

7.3.1 Accounts for Payment

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Keith Jones
Date Report Written: 13 September 2006
Enabling Legislation: Local Government Act 1995
File: FM/10/003
Appendices: 1.15 – Payments

BACKGROUND:

Invoices have been received during the month of August 2006.

DETAIL:

Accounts are presented for consideration (see appendix 1.15) or where paid by direct debit pursuant to the Council's "Authorisation to Incur Debts and Make Payments" policy.

Cheques cancelled during the month were-

- Chq 15193 Department of Planning & Infrastructure for \$80.00. New Chq 2069 issued to the Department of Planning & Infrastructure for \$82.00 due to fee increase.
- Chq 15120 Dick Smith for \$78.00. New Cheque has not yet been issued to Dick Smith for \$99.50 due to incorrect part for Digital Camera being ordered as the part has not been received.

COMMENT:

It is suggested that the recommendation be considered.

MOVED: Cr Downing

SECONDED: Cr Martin

That the accounts as presented totaling \$589,787.10 as-

- 1. cheque voucher numbers 15263 - 15268 be approved for payment;**
- 2. paid by-**
 - a. direct electronic payments through the Municipal Account;**
 - b. cheque voucher number 2066 - 2078 paid through the Chief Executive Officer's Advance Account;**

be endorsed.

CARRIED 8/0

7.3.2 June 2006 Monthly Statement of Financial Activity

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Keith Jones
Date Report Written: 14 September 2006
Enabling Legislation: Local Government Act 1995
File: FM/10/003
Appendices: 1.16 Statement

BACKGROUND:

At its August 2006 meeting, the Council resolved:-

"That the Monthly Statement of Financial Activity as presented be received subject to being further considered at the Council's September 2006 meeting."

This statement covers the entire 2005/06 financial year.

It was laid on the table to allow staff more time to ensure the accuracy of the document.

DETAIL:

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 1.16

COMMENT:

It is suggested that the recommendation be considered.

MOVED: Cr Moir

SECONDED: Cr Martin

That the June 2006 Monthly Statement of Financial Activity as presented, be received.

CARRIED 8/0

7.3.3 Monthly Statement of Financial Activity

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Keith Jones
Date Report Written: 3 August 2006
Enabling Legislation: Local Government Act 1995
File: FM/10/003
Appendices: 1.17 Statement

BACKGROUND:

A monthly financial report is presented for consideration.

DETAIL:

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 1.17

COMMENT:

It is suggested that the recommendation be considered.

MOVED: Cr Downing

SECONDED: Cr Broadhurst

That the July 2006 Monthly Statement of Financial Activity as presented, be received.

CARRIED 8/0

7.3.4 Warren Blackwood Economic Alliance Minutes

Proponent: Warren Blackwood Economic Alliance
Location: -
Reporting Officer: Will Pearce
Date Report Written: 16 August 2006
Enabling Legislation: -
File: GR/31/006
Appendices: 1.18 - Minutes

BACKGROUND:

A meeting of the Warren Blackwood Economic Alliance was held on 25 July 2006.

Minutes of the meeting are laid on the table and circulated (refer to appendix 1.18).

MOVED: Cr Martin

SECONDED: Cr Piper

That the minutes of the Warren Blackwood Economic Alliance held on 25 July 2006 be received.

CARRIED 8/0

7.3.5 Register of Sealed Documents

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Will Pearce
Date Report Written: 4 August 2006
Enabling Legislation: Local Government Act 1995
File: CM/51/001
Appendices: -

BACKGROUND:

The documents referred to in the recommendation have been sealed since the 20 April 2006 Council Meeting.

MOVED: Cr Marshall

SECONDED: Cr Martin

That the following documents sealed since 20 April 2006 Ordinary Council meeting be noted:-

DATE PARTICULARS

2/5/06 Lot 1 Banks Road – Road Realignment
23/06/06 Section 70A – 1 Short Street
27/06/06 Transfer of Sale – 1 Short Street
30/08/06 Statutory Declaration – Unclaimed Monies – Department of Treasury & Finance

CARRIED 8/0

7.3.6 Townscape Advisory Committee – Community Member Appointments

Proponent: Shire of Boyup Brook
Location: General
Reporting Officer: Will Pearce
Date Report Written: 13 September 2006
Enabling Legislation: Local Government Act 1995
File: GO/51/001
Appendices: -

BACKGROUND:

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

The Council reviewed the committees in July 2006.

The Townscape Advisory Committee allows 4 community members to be appointed. However, only one nomination was received leading up to the July 2006 meeting.

DETAIL:

Nominations for townscape committee positions were invited in the April and May 2006 editions of the Boyup Gazette. Only one nomination was received from Mr Eric Biddle. Further nominations have since been received from Mr Eric Muncey and Ms Helen Payne following local advertising in August 2006.

COMMENT:

The Council needs to endorse community representatives on the Townscape Advisory Committee.

It is suggested that the Council considers the appointments of E Muncey and H Payne as reflected in the recommendation above.

MOVED: Cr Broadhurst

SECONDED: Cr Florey

That Council appoint delegates to the following Council Committee:-

➤ **Townscape Advisory Committee**

Community Delegates: E Muncey, H Payne , vacant

CARRIED 8/0

7.3.7 Financial Management Review

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: K Jones
Date Report Written: 25 August 2006
Enabling Legislation: Local Government Act 1995
File: FM/10/003
Appendices: -

BACKGROUND:

The Local Government (Financial Management) Regulations 1996 requires that a financial management review shall be carried out not less than once in every four years.

The 2006/2007 Annual Budget provided the Council with funds for the review to be undertaken.

It is now necessary for the Council to consider the outcomes.

DETAIL:

The review was carried out in late July 2006 by Haines Norton.

The relevant regulation states:-

5. Financial management duties of the CEO

(1) Efficient systems and procedures are to be established by the CEO of a local government -

(a) for the proper collection of all money owing to the local government;

(b) for the safe custody and security of all money collected or held by the local government;

(c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process);

(d) to ensure proper accounting for municipal or trust —

(i) revenue received or receivable;

(ii) expenses paid or payable; and

(iii) assets and liabilities;

(e) to ensure proper authorisation for the incurring of liabilities and the making of payments;

(f) for the maintenance of payroll, stock control and costing records; and (g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.

(2) The CEO is to —

(a) ensure that the resources of the local government are effectively and efficiently managed;

(b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and

(c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews

Haines Norton has presented the following report. The issues raised by the auditor have been responded to by the Chief Executive Officer under 'Management Comment'.

1. OBJECTIVE AND SCOPE

The objective of our review was solely to assist you in discharging your responsibility to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures of the Shire as required by Local Government (Financial Management) Regulation 5(2)(c).

As agreed our examination covered the period July 2005 to June 2006.

To this end we examined the following financial systems and procedures of Council.

- *Receipts and Receivables*
- *Rates*
- *Fees and Charges*
- *Purchases, Payments and Payables*
- *Wages and Salaries*
- *Minutes and Meetings*
- *Financial Reports*
- *Budget*
- *Plan for the Future of the District*
- *Acquisition and Disposal of Property*

- *Registers (ie tenders, financial interest, contracts and legal documents)*
- *Delegations*
- *Bank Reconciliations and Petty Cash*
- *Audit Committee*
- *Financial Position/Financial Ratios*
- *Other Matters*

We did not necessarily examine compliance with provisions of the Act or Regulations, which were not financial in nature. That is, Parts 2, 4, 8 and 9 of the Act, some provisions of Parts 3 and 5 as well as most regulations (apart from the Financial Management Regulations), which did not impact on the areas examined above.

This report provides a summary of our findings in respect of each of the areas highlighted and we trust it will assist in the ongoing review and improvement of the Shire's financial management practices and procedures.

2. RECEIPTS AND RECEIVABLES

Detailed testing of a number of receipts, judgementally selected, was performed. This included tracing to individual receipt detail, bank deposits and the general ledger to ensure allocation/posting was correctly performed.

The receivables system including raising of invoices was reviewed with limited testing in respect to allocation/posting.

Overall testing was completed satisfactorily. Controls and procedures are considered to be operating effectively and are appropriate for Council's current scope of operations.

The following matter was noted and is raised for your consideration:

- *During testing of the receipting system it was noted no daily banking summaries were being prepared and the daily balancing was not being reviewed.*

Recommendations: *A standardised daily banking summary should be compiled and completed on a daily basis. This summary should reconcile the total receipts to the amounts banked each day and should be reviewed by a senior staff member.*

In addition, to help ensure the receivables' reconciliations are correct, as well as prepared regularly and promptly, we recommend they be reviewed by a senior staff member. This review should seek to confirm the accuracy of the reconciliation and should be evidenced.

Management Comment:

Daily banking summary is now prepared and reviewed.

3. RATES

Council's rating procedures were reviewed to ensure they were in compliance with requirements and rates were being imposed correctly. This also included a review of the rate record, rate notices and valuation reconciliations.

From testing, we concluded the rate record is being properly maintained and rates correctly imposed except for the following matters:

- *Manual rolling reconciliations between the rate ledger and the VGO records were not regularly prepared when interim rates were raised or when other amendments to the rate ledger were made during the year.*

Recommendations: *To help ensure valuations are correctly recorded (thus ensuring the correct amount of rates are charged) and the integrity of the rating system is maintained, we*

recommend a manual rolling reconciliation of valuations be performed as changes from the Valuer General are notified.

We also recommend they be reviewed by a senior staff member. This review should seek to confirm the accuracy of the reconciliation and should be evidenced.

Management Comment:

Rating Officer is currently working on the system and is anticipating that it will be in place in the near future.

4. FEES AND CHARGES

Fees and Charges imposed at the time of budget adoption were found to be in accordance with legislative requirements.

Management Comment:

Nil

5. PURCHASES, PAYMENTS AND PAYABLES

A number of payments were judgementally selected and testing performed to determine whether purchases were authorised/budgeted and payments were supported, certified, authorised and correctly allocated.

In general, controls and procedures over payments and payables are operating effectively and are appropriate for Council's current scope of operation.

The following exceptions were noted and are raised for your consideration:

- *The payments system described to us requires invoices be matched to properly authorised orders before the invoices progress to payment stage. Instances were found where the dates appearing on supplier invoices **preceded** the dates appearing on the supporting orders. Whilst the instances were isolated it should be recognised we only sampled the system and that a review of all orders may result in a larger occurrence of this system non-compliance.*

Recommendation: *Prohibit the further processing of a supplier invoice unless it is supported by a properly checked and authorised order. This will help ensure Council pays only for goods and services legitimately ordered.*

- *There was evidence to suggest prices and quantities are not always recorded on purchase orders.*

Recommendation: *All authorised officers to be "reminded" of need to ensure prices and quantities are recorded on purchase orders at time of authorising works/services, ordering goods. This will help to ensure goods/services have been supplied at the quoted cost and Council's procurement policy is more closely followed.*

It is imperative these areas are improved and accountability, particularly to budget, is reinforced. This is where the finance section plays such an important role and needs to be supported in their endeavours in this regard.

Management Comment:

All authorised officers have been formally reminded of the need to comply with this process.

6. WAGES AND SALARIES

A number of individual employees were selected and testing performed to ensure:

- the employee existed;
- the correct rate of pay used;
- non-statutory deduction authorities on hand;
- time sheet properly completed and authorised;
- hours worked authorised; and
- allocation reasonable and correctly posted.

The system described to us and its supporting controls were found to be operating effectively however we noted the following matters:

- Several deductions from employees pays were not supported by a written deduction authority in the employees personnel file.

Recommendation: To help ensure all deductions from employees pays are made in accordance with employees instructions Council should ensure written authority is received prior to making the deduction. It is noted this system does appear to be in place for new deductions requested but long standing instructions are sometimes not supported by a signed authority form.

- The payroll is not reviewed by a supervisor/manager prior to payslips being printed and funds being released.

Recommendation: To help ensure all employees included on the payroll and paid by Council are valid employees and paid the correct amounts, we recommend a supervisor/manager review the payroll prior to funds being released. We also recommend the bank accounts being used be agreed to written notifications from employees.

- The employment contracts of the Chief Executive Officer and the Executive Manager, Corporate & Community Services do not stipulate the maximum amounts payable should their contracts be terminated as required by Section 5.39(3)(c) of the Act and Administration Regulation 18B.

Recommendation: Administration Regulation 18B via Section 5.39(3)(c) of the Act requires the contract for the CEO and all designated senior employees detail the maximum amount of money payable if the contract is terminated before the expiry date and this amount is to be the lesser of the value of:

- one year's remuneration under the contract; or
 - the value of the remuneration they would be entitled to if the contract was not terminated.
- Council has not prepared a policy in relation to payments to employees in addition to contract or award as required by Section 5.50(1) of the Act.

Recommendation: We remind you that Section 5.50(1) of the Act requires Council prepare a policy in relation to employees whose employment with the Shire is finishing, setting out :

- the circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and
- the manner of the assessment of the additional amount,

and cause local public notice to be given in relation to the policy.

To help ensure full compliance with statutory provisions, we recommend the above requirements be addressed.

Management Comment:

The Finance Officer has been informed as to the need to instigate a system requiring written authorisations when deductions are made from payroll.

Payroll and banking details are being reviewed prior to funds being released.

Council policy in relation to employees whose employment with the Shire is finishing is to be determined.

7. MINUTES AND MEETINGS

Council meeting minutes were reviewed to ensure compliance with procedures and protocols.

The procedures and protocols surrounding meetings and the quality of minutes were found to be of satisfactory standard and in accordance with legislative requirements.

Notwithstanding this, the following matter is brought to your attention:

- *The monthly statement of financial activity is noted as received by Council in the minutes but no motion is passed to accept the monthly statement of financial activity.*

Recommendation: *We note Local Government (Financial Management) Regulation 34 (4)(b) requires the monthly statement of financial activity to be recorded in the minutes of the meeting at which it is presented. Although this wording does not prescribe Council to adopt the monthly statement of financial activity we recommend the matter be more extensively addressed in the minutes of Council.*

Management Comment:

Since August 2006, the monthly statement of financial activity has been separated from the accounts for payment report to Council.

8. FINANCIAL REPORTS

The following reports were reviewed for compliance with legislative requirements:

- *Annual Report;*
- *Annual Financial Report; and*
- *Monthly Financial Reports.*

We noted several matters which were not in compliance with legislative requirements:

- *The 2004/2005 Annual Financial Report was not submitted to the Executive Director of Local Government within 30 days of receipt by the CEO of the audit report as required by Financial Management Regulation 51(2).*

Recommendation: *To help ensure full compliance with statutory provisions, we recommend this requirement be correctly addressed in future.*

- *Council did not adopt a percentage or value, calculated in accordance with Accounting Standards, to be used in statements of financial activity for reporting material variances as required by Financial Management Regulation 34(5).*

Recommendation: *To help ensure full compliance with statutory provisions, we recommend this requirement be correctly addressed in future.*

- *Whilst the Monthly Financial Reports for the months of July 2005 through to May 2006 were presented to Council as required by Financial Management Regulation 34, they did not contain the following explanation as required:*

- *An explanation of each of the variances between the year to date actual and budgeted income and expenditure (Financial Management Regulation 34(2)(b)).*

Recommendation: *To help ensure full compliance with statutory provisions, we recommend this requirement be correctly addressed in future.*

As these matters represent non-compliance with Financial Management Regulations, they may be carried forward to our audit report for the year ended 30 June 2006.

Management Comment:

Annual Financial Report will be submitted within 30 days.

Monthly Financial Reports are currently provided with comments on Material Variances pursuant to the Council's 'Expenditure – Authorisation/Unbudgeted' policy. These variances however need to be reflected in the operating statements.

9. BUDGET

The budget document and documents surrounding budget adoption were reviewed to ensure compliance with regulatory requirements.

All statutory requirements were satisfactorily met.

The budget review process was reviewed to ensure compliance with regulatory requirements.

We noticed one matter which was not in compliance with legislative requirements:

- *A copy of the review of the 2005/2006 budget carried out between 1 January and 31 March was not submitted to the Executive Director of Local Government within 30 days of its adoption by Council as required by Financial Management Regulation 33A.*

Recommendation: *To help ensure full compliance with statutory provisions, we recommend this requirement be correctly addressed in future.*

As this is a non-compliance with a Financial Management Regulation, it will be carried forward to our audit report for the year ended 30 June 2006.

Management Comment:

A copy of the Budget review will be submitted to the Department within 30 days in future.

10. PLAN FOR THE FUTURE OF THE DISTRICT.

Council's plan for the future of the district for the period 2006-2010 was prepared and adopted on 20 June 2006 and met all statutory requirements.

Management Comment:

Nil

11. ACQUISITION AND DISPOSAL OF PROPERTY

Minutes of Council meetings were reviewed and general discussions with staff were held to determine compliance with legislative requirements.

From our review and discussions with staff, we were satisfied legislative requirements were complied with.

Management Comment:

Nil

12. REGISTERS

Tenders

The Tenders register was reviewed for compliance and completeness.

The register is generally of a good standard and complies with the requirements of Local Government (Function and General) Regulations except for the following:

- *The tender register did not include, for each invitation to tender, the particulars of the making of:
 - (i) the decision to invite tenders (Function and General Regulation 17(2)(b)(i)); and
 - (ii) the decision to seek expressions of interest under Function and General Regulation 21(1) (Function and General Regulation 17(2)(b)(ii)).*

Recommendation: *Although most of the information was readily accessible, the Local Government (Functions and General) Regulations require the tender register to contain details of the decision to invite tenders.*

To help ensure compliance with Local Government (Functions and General) Regulation 17 we recommend the tender register be updated to include reference to the decision to invite tenders.

Contracts and Legal Documents

A detailed and fully indexed register and filing system is in place and appears to be complete and operating effectively.

Financial Interests

The register was reviewed to ensure compliance with regulatory requirements. The register is generally of a good standard.

Management Comment:

Tender register now contains details of the decision to invite tenders.

13. DELEGATIONS

The delegations register was reviewed for completeness and compliance and deemed to be satisfactorily maintained and appropriate for Council needs.

Management Comment:

Nil.

14. BANK RECONCILIATIONS AND PETTY CASH

A review of the bank reconciliations revealed that they are being prepared accurately, regularly and promptly and contained no unusual items. The following area of concern was, however, noted:

There was no evidence of review of the monthly reconciliations by a senior staff member.

Recommendation: *To help ensure the bank reconciliations are correct, as well as prepared regularly and promptly, we recommend they be reviewed by a senior staff member. This review should seek to confirm the accuracy of the reconciliation and should be evidenced.*

We also reviewed the petty cash system and procedures and concluded that these records were being properly maintained.

Management Comment:

Senior staff currently review the monthly reconciliations. They will be evidenced from now on.

15. AUDIT COMMITTEE

Part 7-Audit, Division 1A- Audit Committees, introduced the requirement for a local government to establish an audit committee with effect from 7 May 2005.

We examined Council's establishment of its audit committee and the constituted membership and found them to be in compliance with the requirements of the Act.

The Audit Committee also met with the Auditor on 14 December 2005 as required by Section 7.12A(2) of the Act.

Management Comment:

Nil

16. OTHER

The 31 March 2006 FBT return was completed and submitted as required.

Management Comment:

Nil

COMMENT:

All staff with financial duties have been advised both verbally and in writing of the outcomes of the audit and the actions required to ensure comprehensive legislative and procedural compliance in the future.

It is suggested that the Financial Management Review undertaken by UHY Haines Norton be received.

MOVED: Cr Downing

SECONDED: Cr Marshall

That the Financial Management Review undertaken by UHY Haines Norton in July 2006 pursuant to regulation 5 (2)(c) of the Local Government (Financial Management) Regulations 1996, be received.

CARRIED 8/0

7.3.8 Dr Mel – Incentive Payment

Proponent: Shire of Boyup Brook
Location: Medical Centre
Reporting Officer: Will Pearce
Date Report Written: 13 September 2006
Enabling Legislation: Local Government Act 1995
File: FM-9/005
Appendices: -

BACKGROUND:

Dr Mel's employment contract incorporates an incentive payment.

The budgeted incentive to be paid out for the 2005/06 financial year is lower than the actual figure and requires Council approval.

DETAIL:

Dr Mel's incentive is calculated along the lines of 50/50 share of any profit made by the Medical Centre at the end of each financial year. Last year (2004/05) for instance Dr Mel received a \$25,800 payment over and above his salary.

The Council budgeted \$35,000 for the payment from its Medical Services Reserve. The incentive for 2005/06 has been calculated at \$41,292.

COMMENT:

The Council is requested to consider paying the full incentive owed to Dr Mel from the Medical Services Reserve (anticipated balance at 30 June 2007 is \$103,500).

The 2006/07 budget operating statement will also need to be amended to reflect this payment.

It is suggested that the Council by ABSOLUTE MAJORITY amends the 2006/07 Budget as follows:-

- i. line item 'E076085 – Salaries and Wages \$222,811.29' in Schedule 7 of the Operating Expenditure Budget be increased by \$41,292 to \$264,103.29;
- ii. line item 'I076... – \$41,292' in Schedule 7 added to the Operating Expenditure Budget;
- iii. line item 'Medical Services Reserve' in Schedule 15 budgeting for a transfer of \$57,500 from the reserve to general revenue to be increased to \$63,792 leaving a closing balance of \$97,208 at 30 June 2007.

MOVED: Cr Marshall

SECONDED: Cr Broadhurst

That the Council by ABSOLUTE MAJORITY amends the 2006/07 Budget as follows:-

- i. **line item 'E076085 – Salaries and Wages \$222,811.29' in Schedule 7 of the Operating Expenditure Budget be increased by \$41,292 to \$264,103.29;**
- ii. **line item 'I076... – Transfer from Medical Services Reserve \$41,292' in Schedule 7 added to the Operating Expenditure Budget;**
- iii. **line item 'Medical Services Reserve' in Schedule 15 budgeting for a transfer of \$57,500 from the reserve to general revenue to be increased to \$63,792 leaving a closing balance of \$97,208 at 30 June 2007.**

CARRIED 8/0

8. PETITIONS AND MEMORIALS

9. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9.1 Flax Mill Cottage Refurbishment – Cr Marshall

That prior to starting the Flax Mill cottage refurbishment, the Council be provided with a:

- 1. business plan showing estimated income/expenditure and expected profit/loss of the enterprise;**
- 2. detailed fixed quote on the scope of works on the building.**

Cr Marshall requested that this proposed motion be included in the Flax Mill report to be presented to the Council at its October 2006 meeting.

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

10.1 'Country Music Capital of WA' – Town Entrance Statements

MOVED: Cr Broadhurst

SECONDED: Cr Florey

That the Townscape Advisory Committee be directed by Council to address the issue of "Country Music Capital of WA" on town entrance statements as requested by the Country Music Club of Boyup Brook.

LOST 2/6

10.2 Town Hall Repairs

Cr Florey advised that the hall continues to experience power failures during usage.

The CEO advised that an electrician has been provided with an order to install new power points and measure power consumption in the hall to determine if there are inadequate inflow rates. (if so, Western Power may need to upgrade their service).

10.3 Council Representation on the Country Music Club Committee

A request has been received from the club seeking the Council to reconsider its July 2006 decision to not appoint a representative to the club. The Council agreed that this was not necessary as the organizations already enjoy a good relationship and the club can approach Council at any time to discuss ideas and/or concerns.

The CEO declared a financial interest in the following matter due to the announcement of his resignation as of 21 September 2006.

10.4 CEO Resignation and Establishing a CEO Recruitment Committee

MOVED: Cr Marshall

SECONDED: Cr Broadhurst

That the Council:-

- 1) **appoints a Recruitment and Selection Panel for the position of Chief Executive Officer comprising of Crs Ginnane, Downing and Florey;**
- 2) **appoints the Local Government Workplace Solutions to support the Panel throughout the recruitment process including determination of terms and conditions, advertising, interviewing and recommendations to Council;**
- 3) **authorises the Panel to examine applications and interview short-listed applicants and place a recommendation of a suitable candidate before the Council as soon as practicable, pursuant to the requirements of the Local Government Act 1995.**

CARRIED 8/0

Cr Martin departed the chambers the time being 6.51pm
Cr Martin re-entered the chambers the time being 6.52pm

Mr J Eddy departed the chambers the time being 7.08pm
Mr J Eddy re-entered the chambers the time being 7.09pm

Mr J Eddy and Mr K Jones departed the chambers the time being 7.15pm

Mr W Pearce departed the chambers the time being 7.25pm

Mr W Pearce, Mr J Eddy and Mr K Jones re-entered the chambers the time being 7.30pm.

MOVED: Cr Moir

SECONDED: Cr Martin

That the:-

(1) CEO's resignation be received;

(2) Council, pursuant to clause 9.4 'Termination Officer: Any reason' of the CEO's employment contract requiring 12 week's notice but allowing a lesser leave period by negotiation, approves a notification period of 8 weeks.

CARRIED 8/0

11. CLOSURE OF MEETING

There being no further business the Chairman declared the meeting closed at 7.33pm.

These Minutes and Schedule of Accounts were confirmed by the Council at the Council Meeting held on the 2006.

Cr Terry Ginnane, Shire President