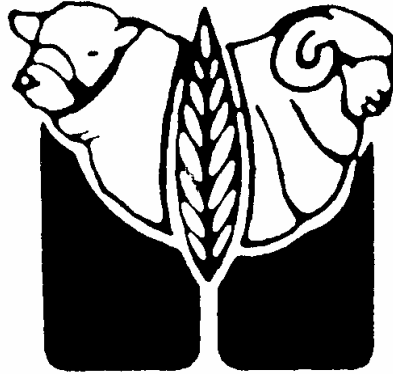


MINUTES



ORDINARY MEETING

HELD ON

THURSDAY, 21 JUNE 2007

AT

SHIRE OF BOYUP BROOK
ABEL STREET – BOYUP BROOK
COMMENCEMENT AT 3.30PM

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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 K Moir
Cr T Oversby
Cr A Piper

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

1.2 Apologies

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

MOVED: Cr Downing

SECONDED: Cr Oversby

That Crs Piper and Florey be granted a leave of absence for the July 2007 meeting of Council.

CARRIED 8/0

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

BRVMA REPORT – Cr Broadhurst

As reported last meeting the Booklet created by the BRVMA Committee is proceeding through the process of printing. The first proofs have been received and read and will be back with the printer this week.

Funding of \$2500 has been received from SWDC and that together with the funding from the participating Shires covers the complete costs of the publication which we anticipate will be ready for distribution with in a month.

The launching of the booklet is planned to be in Boyup Brook at a date to be confirmed during July.

5 CONFIRMATION OF PREVIOUS MINUTES

5.1 Minutes of the Ordinary Meeting of the Council held on 17 May 2007.

MOVED: Cr Marshall

SECONDED: Cr Downing

That the minutes of the previous Ordinary Meeting of the Council held on Thursday 17 May 2007, be confirmed as an accurate record.

CARRIED 8/0

6 PRESIDENTIAL COMMUNICATIONS

The Shire President advised that he attended the funeral of Bill Stukely on behalf of the Boyup Brook community.

7.1 WORKS AND SERVICES

7 REPORTS OF OFFICERS AND COMMITTEES

7.1.1 Boyup Brook Arthur Road

<i>Location:</i>	<i>Boyup Brook Arthur Road</i>
<i>Applicant:</i>	<i>Shire of West Arthur</i>
<i>File:</i>	<i>RD/35/005</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>12 June 2007</i>
<i>Author:</i>	<i>Tony Doust – Chief Executive Officer</i>

SUMMARY

To consider a request received from the Shire of West Arthur to make a joint approach to relevant authorities to obtain funding to upgrade the Boyup Brook Arthur Road. The report recommends that this approach be supported.

BACKGROUND

The Acting CEO of the Shire of West Arthur has written to the Shire accordingly:-

“Further to our recent conversation I now write and ask if your Council would be willing to undertake a joint submission or approach to the relevant authorities, with a view of having the upgrading of the above road advanced.

Like your Council, West Arthur is spending of all its Regional Road Group funding towards this road and will be spending \$620,300 of RRG funds as well as an undetermined as yet amount of Council funding over the next six financial years.

It is felt by Council that this road is receiving larger quantities of traffic and needs additional funding to advance upgrading works. A joint approach may have a better chance of obtaining extra funds needed?”

COMMENT

An approach on a joint basis to both State and Federal Governments for funding is a worthwhile objective. It is suggested that the Chief Executive Officers and Works Managers of the two Shires meet to discuss how this maybe progressed and the avenues of funding that may be available.

CONSULTATION

Works Manager, Acting CEO Shire of West Arthur

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

To be determined following the preparation of a plan of action and funding areas available.

STRATEGIC IMPLICATIONS

The improvement of this regional road will be a significant benefit to the Shires of Boyup Brook and West Arthur and the regional areas beyond.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Florey

SECONDED: Cr Piper

1. That the Shire of West Arthur be advised that the Council supports the concept of a joint approach by West Arthur and Boyup Brook to obtain additional funding to upgrade the Boyup Brook Arthur Road.
2. That the Shire of Boyup Brook Chief Executive Officer and Works Manager be authorized to meet with their counterparts in the Shire of West Arthur to discuss how the joint approach for funding may be progressed, including identifying the funding areas available.
3. In due course the Chief Executive Officer provide the Council with a report recommending the course of action required to allow this proposal to be progressed.

CARRIED 8/0

Cr Moir declared a financial interest in Item 7.2.1 and departed the meeting the time being 3.38pm.

7.2 DEVELOPMENT AND COMMUNITY SERVICES

7.2.1 Subdivision Application – Lot 3 Westbourne Road Chowerup

<i>Location:</i>	<i>Lot 3 on Plan 6791 Westbourne Road Chowerup</i>
<i>Applicant:</i>	<i>KJ Moir (Owner W & EG Mead)</i>
<i>File:</i>	<i>Ass 7940</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>8th June 2007</i>
<i>Author:</i>	<i>Tony Doust, Chief Executive Officer</i>
<i>Appendices:</i>	<i>1.1 Plans of Proposed Subdivision</i>

SUMMARY

This report is to consider a referral of a subdivision application from the Western Australian Planning Commission to subdivide Lot 3 on Plan 6791 into two lots of 107.1195 ha and 374.2338 ha. The report recommends this application be approved subject to conditions.

BACKGROUND

Lot 3 of 6791 has an area of 481.3533ha. The property adjoins the Westbourne Road and Chowerup Hall Reserve. Access to the existing lot is via the Westbourne Road, although there is a track on the Road Reserve that adjoins the western boundary of the lot.

The Applicant provides the following information in support of the subdivision proposal:-

“Mr and Mrs Mead senior, are in the process of exiting agriculture and passing on their farming property to their two sons.

The family has been in agriculture in the Chowerup region for many years. The sons have acquired land over time in their own right and have assisted with the family farm.

The proposed excision of 107 hectares from Lot 3 is specifically to enable one of the sons the opportunity to continue in agriculture. The proposed subdivision is an area that has been farmed by this son for many years in conjunction with land located to the North of Westbourne Road. The balance of Lot 3 will pass to the second son in the fullness of time.

The subdivision is not in conflict with the Western Australian Planning Commissions Policy No DC3.4 or the Warren Blackwood Rural Strategy. The intended subdivision is of an area greater than 80 hectares and the land is to be used to maintain viability in the agricultural industry.”

COMMENT

The subject land is zoned rural and the purpose of the subdivision is clearly to allow the distribution of land to two of the sons of the owners for the continued rural use. Both sons have rural holdings in the immediate area.

The proposed lots are both in excess of 80 hectares and the proposal is not in conflict with the WAPC Policy No DC3.4. Warren Blackwood Rural Strategy or Shire of Boyup Brook Town Planning Scheme objectives.

Both lots will have access to existing Road Reserves although the access to the western lot being created may require improved access.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

The subject land is "Rural" in the Shire of Boyup Brook Town Planning Scheme No 2. The purpose of the "Rural" zone is:

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

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

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

POLICY IMPLICATIONS

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

Objective

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

Statement

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

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

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

- iv) sight distances;
- v) provision of school bus pick up and let down points.

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

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

Bush Fire Protection measures
Battleaxe blocks
Subdivision boundary to suit topography.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The proposal is situated with precinct BBR 4 in the Shire of Boyup Brook Draft Rural Strategy and complies with the objectives and sub divisional / development guidelines.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Broadhurst

SECONDED: Cr Piper

- 1) **That the Western Australian Planning Commission be advised that Council supports the proposed subdivision of Lot 3 on Plan P6791 on the basis that the application is considered consistent with:**
 - a) **The provisions of the Warren Blackwood Rural Strategy**
 - b) **The Shire of Boyup Brook Town Planning Scheme No 2**
 - c) **The Shire of Boyup Brook Draft Rural Strategy**
- 2) **The Commission be requested to include a condition on the approval that the sub divider make satisfactory arrangements with the Shire for the upgrading of the Road Reserve running south from the Westbourne Road to the proposed Lot of 107.1195 ha in area.**

CARRIED 7/0

Cr Moir re-entered the meeting the time being 3.45pm

7.2.2 **Planning Application – Oversize Shed Lot 11 Boyup Brook Bridgetown Road Boyup Brook**

Location: Lot 11 Boyup Brook Bridgetown Road Boyup Brook
 Applicant: Laurence Smith
 File: As 15015
 Disclosure of Interest: Nil
 Date: 8th June 2007
 Author: Tony Doust, Chief Executive Officer
 Appendices: 1.2 Plans of Lot & Proposed Building

SUMMARY

The owner of the above lot proposes to build a shed on Lot 11, Boyup Brook Bridgetown Road, that is in excess of the size permitted by Council’s “Outbuildings” Policy. This report recommends the application be approved subject to conditions.

BACKGROUND

The land is situated within the Special Rural Zone No 6 (Part of the Ridge View Estate) and adjoins the Boyup Brook Bridgetown Road. The total area of the lot is 3.999ha. The owner wishes to construct a colourbond shed with a total floor area of 148m². The height of the proposed shed is 5.910metres. The front setback is 107 metres and the east boundary setback is 20 metres.

COMMENT

Council’s policy stipulates the maximum dimension for an outbuilding is as follows unless Council approves otherwise:

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

The proposed area and height variations to the adopted policy “Outbuildings” are considered appropriate within the Special Rural Zone.

The setbacks from the road and side boundaries are in accordance with the requirements of the Shire of Boyup Brook Town Planning Scheme Special Rural Zone No 6.

The requirements for development under the conditions applicable to Special Rural Zone No 6 includes the following:

- “ viii) *As a condition of planning consent on lots denuded of natural vegetation, Council shall require the planting and maintenance of thirty (30) native trees capable of growing to at least 3 metres in height on each lot significantly denuded of vegetation. The planting shall be concentrated around the proposed buildings and between the street alignment and the building setback line unless stipulated by Council.*
- ix) *No trees or substantial vegetation shall be felled or removed from the site except where –*
 - a) *required for approved development works;*
 - b) *required for fire prevention purposes by regulation or by-law; or*
 - c) *trees are diseased, dead or dangerous.*

- x) *Notwithstanding the provisions of Clause 5.3 of the Shire of Boyup Brook Town Planning Scheme No 2, no building, outbuilding or fence shall be constructed of material or be of a colour, which in the opinion of the Council, is detrimental to the character of the natural landscape of the locality.*
- xi) *All buildings constructed shall, by virtue of materials and design, be reasonably fire resistant. The Council shall from time to time specify its standards for fire resistant buildings.*
- xii) *The minimum vertical clearance between the bottom of any approved on-site effluent disposal system and the highest known ground water table or bedrock shall be 2.0 metres.*
- xiii) *On-site disposal of effluent shall be to the specification and satisfaction of Council and the Health Department of Western Australia.”*

It is recommended that planning approval be granted subject to compliance with the above conditions.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Shire of Boyup Brook Town Planning Scheme No 2
Section 3.3 and Schedule (3) Special Rural Zones (Requirements shown in report)

POLICY IMPLICATIONS

“Outbuildings” Policy (Requirements shown in report)

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Compliance with adopted policies and Shire Boyup Brook Town Planning Scheme No 2 will ensure Council’s objectives for the Special Rural Zone are maintained.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATIONS

MOVED: Cr Florey

SECONDED: Cr Downing

That planning approval be granted to Mr Laurence Smith to erect an outbuilding (Shed) on Lot 11 Boyup Brook Bridgetown Road subject to the following conditions:-

- 1. The maximum floor area of the shed being not greater than 150 m²**
- 2. The height of the shed not to exceed 6.00 metres**
- 3. The shed and any associated effluent disposal system not to be within 20 metres of any side boundary, 30 metres from a road reserve boundary, 25 metres from the rear boundary and 30 metres from the centre line of a water course.**
- 4. As a condition of planning consent Council requires the planting and maintenance of thirty (30) native trees capable of growing to at least 3 metres in height on each lot**

significantly denuded of vegetation. The planting shall be concentrated around the proposed buildings and between the street alignment and the building setback.

5. No trees or substantial vegetation shall be felled or removed from the site except where:
 - a) required for approved development works;
 - b) required for fire prevention purposes by regulation or by-law; or
 - c) trees are diseased, dead or dangerous.
6. Notwithstanding the provisions of Clause 5.3 of the Shire of Boyup Brook Town Planning Scheme No 2, no building, outbuilding or fence shall be constructed of material or be of a colour, which in the opinion of the Council, is detrimental to the character of the natural landscape of the locality.(Shire to be advised of colour and approved by the CEO)
7. The minimum vertical clearance between the bottom of any approved on-site effluent disposal system and the highest known ground water table or bedrock shall be 2.0 metres.
8. On-site disposal of effluent shall be to the specification and satisfaction of Council and the Health Department of Western Australia.
9. The building is not to be occupied as a dwelling on either a temporary or permanent basis unless otherwise approved by the Shire.

CARRIED 8/0

Cr Ginnane declared an interest in Item 7.2.3 due to his wife having a similar business and departed the time being 3.51pm.

In the absence of Cr Ginnane Cr Downing took the chair.

7.2.3 Planning Approval – Beauty Therapy Service – 27 Barron Street Boyup Brook

<i>Location:</i>	<i>Lot 28 (27) Barron Street Boyup Brook</i>
<i>Applicant:</i>	<i>F P Grounds (Occupier) and RW & M Sambell (Owner)</i>
<i>File:</i>	<i>Ass 1181</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>12th June 2007</i>
<i>Author:</i>	<i>Tony Doust – Chief Executive Officer</i>
<i>Appendices:</i>	<i>1.3 Map showing lot</i>

SUMMARY

To consider an application to establish a Beauty Therapy service in a residential dwelling on Lot 28 (27) Barron Street Boyup Brook. The report recommends approval subject to conditions.

BACKGROUND

The following information has been received from Ms Fiona Grounds to establish a Beauty Therapy service in Boyup Brook:-

“BEAUTY IN THE BROOK” will provide services including manicures, nail enhancements, waxing, eye lash tinting, make-up and hair extensions.

The procedures will be carried out by a therapist with the required training. Clients will complete a detailed history; including medical details and sign consent form. Forms will be kept in a locked filing cabinet.

The issue of hygiene is imperative to consider in this type of service delivery. An inside toilet and bathroom will be available to clients. Paper will be changed on the massage table after every client. The therapist will use recommended anti-bacterial products to wash her hands; and where applicable wear disposable gloves. Chemicals will be stored in accordance to relevant guidelines.

Given the nature of the business, noise will not be an issue. There is adequate off street parking for several vehicles. If street parking is required, clients will be asked to park directly outside the property.

The available rooms will be utilized as a waiting room and two distinct treatment rooms.

Rob and Marie Sambell (the landlords) have offered to provide plants for the front yard. I will be responsible for the ongoing maintenance.

I would like you to consider the following:

- There is no other business offering a comprehensive beauty therapy service in BOYUP Brook.*
- It will compliment other business's already operating in BOYUP BROOK.*
- The business logo promotes BOYUP BROOK."*

COMMENT

The land is zoned residential under the Shire of Boyup Brook Town Planning Scheme No 2. The proposed use is not specifically listed within the zoning tables, however it would be similar to either the use classes "Consulting Room" or "Health Care/Studio" which are both allowed within the residential zone under the "SA" provisions of the scheme i.e

"SA" a use that is not permitted unless the Council has granted planning approval after given notice in accordance with Clause 3.5 of the Shire of Boyup Brook Town Planning Scheme No 2:-

3.5 ADVERTISING OF APPLICATIONS

3.5.1 Where an application is made for planning approval to commence or carry out development which involves an "SA" use, the Council shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of sub-clause 3.5.3.

3.5.2 Where an application is made for planning approval to commence or carry out development which involves an "AA" use, or any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of sub-clause 3.5.3.

3.5.3 Where the Council is required or decides to give notice of an application for planning approval the Council shall cause one or more of the following to be carried out:

- a) Notice of the proposed development to be served on the owners and occupiers as likely to be affected by the granting of planning approval stating that submissions may be made to the Council within twenty-one days of the service of such notice.*
- b) Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publication thereof.*
- c) A sign or signs displaying the notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph b) of this sub-clause.*

3.5.4 The notice referred to in sub-clause 3.5.3 a) and b) shall be in the form contained in Schedule 11 with such modifications as circumstances require.

3.5.5 After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.

Given the proposed use will involve clients entering and leaving the premises, as well as vehicles it is recommended that the requirements of Clauses 3.5.3(a) (b) and (c) be implemented prior to formal consideration of planning approval. The cost of advertising and signage required to be met by the applicant.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Shire of Boyup Brook Town Planning Scheme No 2 (details as per report) Sections 3.3, 3.4 and 3.5

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Cost of advertising to be met by applicant

STRATEGIC IMPLICATIONS

It is important to ensure that any commercial use in a residential zone will not adversary impact on the adjoining / nearby residents and community in general.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATIONS

MOVED: Cr Oversby

SECONDED: Cr Broadhurst

That prior to formal consideration of the application submitted by Fiona Grounds to establish a Beauty Therapy Service on the residentially zoned land / residence at Lot 28 Barron Street Boyup Brook the following action be implemented:-

- 1. Notice of the proposed development to be served on the owners and occupiers of the properties in Barron Street, Bridge Street to Dickson Street Boyup Brook stating that submissions may be made to the Council within twenty-one days of the service of such notice.**
- 2. Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publication thereof.**
- 3. A sign displaying the notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in Item 2 above.**
- 4. The cost of Items (2) and (3) above to be met by the Applicant.**

CARRIED 7/0

Cr Ginnane re-entered the meeting and resumed the position of Chairman the time being 3.55pm

7.2.4 **Sheep Saleyards Boyup Brook**

Location: Reserve 33552 Boyup Brook Bridgetown Road
Applicant: Western Australian Livestock Salesmen's Association
File: Ass 1993
Disclosure of Interest: Nil
Date: 11th June 2007
Author: Tony Doust

SUMMARY

To consider a letter from the Western Australian Livestock Salesmen's Association advising of a decision to discontinue holding Sheep sales at the Boyup Brook saleyards and to determine the action required. The report recommends that the agents be requested to clean up the site.

BACKGROUND

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

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

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

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

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

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

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

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

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

COMMENT

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

Option (1) Take over the yards and continue to operate the facility with all costs and income being paid and received by the Shire. Whilst this will provide a selling facility the

problem of attracting agents and buyers to use the yards will remain. Annual expenditure will require the facilities to be maintained at a level to ensure exposure to liability is limited. This cost may be significant with very little income being received.

Option (2) Agree to take over the facility as is and remove the building structures and clean up the site. This cost may be significant and the income obtained from the sale of any materials salvaged minimal. It must borne in mind that the area will need to be cleaned in a manner that will ensure any future liability is kept to an absolute minimum.

Option (3) Advise the West Australian Livestock Association that the Council does not wish to accept the yards and request that the site be cleaned up and left in a condition that meets the requirements of the Shire. In addition request that the past rental and rate payments be made as per the previous lease agreement from the date the lease expired, as the agents have continued to use the facilities as per the conditions that appear in the lease.

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

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

CONSULTATION

Slee Anderson and Pidgeon, Western Australian Livestock Salesmen's Association

STATUTORY ENVIRONMENT

Requirements of the expired lease, Land Administration Act 1997, Shire of Boyup Brook Town Planning Scheme No 2

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The costs associated with either Option (1) and (2) would need to be thoroughly investigated prior to Council adopting one of these alternatives. Option (3) may require legal costs to ensure requirements are met.

STRATEGIC IMPLICATIONS

The loss on this facility to the community will be of concern, however the viability to maintain the same must also be considered.

VOTING REQUIREMENTS

Simple Majority

MOVED: Cr Piper

SECONDED: Cr Oversby

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

CARRIED 8/0

MOVED: Cr Moir

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 8/0

COUNCIL DECISION AND OFFICER RECOMMENDATIONS

MOVED: Cr Moir

SECONDED: Cr Florey

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

CARRIED 8/0

7.3 CORPORATE SERVICES

7.3.1 Accounts for Payment

<i>Location:</i>	<i>Shire of Boyup Brook</i>
<i>Applicant:</i>	<i>Shire of Boyup Brook</i>
<i>File:</i>	<i>EM/51/003</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>12th June 2007</i>
<i>Author:</i>	<i>Keith Jones – Manager of Finance and Administration</i>
<i>Appendices:</i>	<i>1.4 Cheque Listings</i>

SUMMARY

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

BACKGROUND

Invoices have been received during the month of May 2007.

COMMENT

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

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2006/07 or authorized by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATIONS

MOVED: Cr Moir

SECONDED: Cr Downing

1. That the accounts for May 2007 as presented totaling \$393,106.07 as-
 - a.. cheque voucher numbers 16050 - 16130 be approved for payment;
 - b.. paid by-
 - i. direct electronic payments through the Municipal Account;
 - ii. cheque voucher numbers 2109 - 2112 paid through the Chief Executive Officer's Advance Account;

be endorsed.

CARRIED 8/0

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

<i>Location:</i>	<i>NA</i>
<i>Applicant:</i>	<i>NA</i>
<i>File:</i>	<i>EM/51/003</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>12 June 2007</i>
<i>Author:</i>	<i>Keith Jones – Manager of Finance & Administration</i>
<i>Appendices:</i>	<i>1.5 Financial Report</i>

SUMMARY

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

BACKGROUND

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

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

The regulations also prescribe the content of the report.

The report is attached – see appendix 1.5

COMMENT

It is suggested that the recommendation be considered.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Downing

SECONDED: Cr Broadhurst

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

CARRIED 8/0

7.3.3 Change to the Boundaries of Local Fire Brigades

<i>Location:</i>	<i>NA</i>
<i>Applicant:</i>	<i>NA</i>
<i>File:</i>	<i>EM/51/003</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>11th June 2007</i>
<i>Author:</i>	<i>Keith Jones –Manager of Finance & Administration</i>
<i>Appendices:</i>	<i>1.6 Map showing Revised Brigade Boundaries</i>

SUMMARY

This report is presented as a result of a meeting between the following brigades; Benjinup, McAlinden, Wilga, Nollajup and Gibbs Road. The object of the meeting being to restructure brigade boundaries that would be more appropriate for the management of fighting fires in those areas. The report recommends that Council approve the changes.

BACKGROUND

The Chief Bushfire Control Officer (CBFCO) – Kevin Henderson attended the Benjinup AGM meeting on May 3 2007 along with representatives from McAlinden, Wilga, Nollajup and Gibbs Road brigades. The reason for attending was due to concerns with the current brigade boundaries. Population shift and availability of personnel has resulted in certain parts of the shire being more vulnerable. Brigade members believed that access to volunteer fire fighters and equipment would be easier if the boundaries were re-defined.

The CBFCO met with the Manager of Finance and Administration and presented a map as shown in the appendices detailing the recommended restructure of boundaries as agreed between all parties. The matter was raised at the Annual Meeting of the Bush Fire Advisory Committee and informally accepted.

CONSULTATION

Chief Bushfire Control Officer
Manager of Finance & Administration
Fire Control Officer – Benjinup Brigade

STATUTORY ENVIRONMENT

Bush Fires Act 1954 – section 41, 42A
Shire of Boyup Brook Bush Fire Brigades Local Law – Part 2 2.1

POLICY IMPLICATIONS

Not Applicable

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The adoption of this amendment to the brigade boundaries will ensure better response and management of fire fighting volunteers and equipment in each brigade area.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER and COMMITTEE RECOMMENDATION

MOVED: Cr Marshall

SECONDED: Cr Moir

That:

- 1. the new brigade boundaries as illustrated in appendices 1.6 be adopted from the 21st June 2007.**
- 2. the brigade known as Wilga be discontinued and**
- 3. a new brigade be formed to be known as West Boyup Brook.**

CARRIED 8/0

7.3.4 Appointment of Bushfire Control Officers and Other Officers 2007/08

<i>Location:</i>	<i>NA</i>
<i>Applicant:</i>	<i>NA</i>
<i>File:</i>	<i>EM/51/003</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>8 June 2007</i>
<i>Author:</i>	<i>Keith Jones – Manager of Finance and Administration</i>

SUMMARY

This report recommends the formal appointment of Bush Fire Officers for the Shire of Boyup Brook for the year 2007/08.

BACKGROUND

The Council is required to appoint officers to carry out their responsibilities under the Bush Fires Act 1954. This is best done on an annual basis given the changes that occur from year to year.

COMMENT

The Bush Fire Advisory Committee Annual General Meeting was held on the 8th May 2007 at which the members present elected officers for the various positions within the Shire Bush Fire organization. In the past the Shire has also had reciprocal arrangements with adjoining Local Governments for the appointment of Bush Fire Control Officers from Brigades in the areas adjacent to the Shire boundary.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Bush Fires Act 1954 Section 38

38. Local government may appoint bush fire control officer

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2)(a) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

[(b) deleted]

- (c) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the Authority may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
- (d) Where a local government that has been served with a notice pursuant to paragraph (c) fails or neglects to comply with the requirements of that notice, the Authority may appoint a person to the vacant office.
- (e) A bush fire control officer appointed under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.

Shire of Boyup Brook Bush Fire Brigades Local Law:-

- Division (3) Annual General Meeting of Bush Fire Brigades
- Division (4) Bush Fire Advisory Committee

POLICY IMPLICATIONS

Council has adopted a "Bush Fire Control –Operational Issue" Policy that determines procedures and practices relating to Bush Fire matters. Whilst it does not specifically relate to the appointment of Bush Fire Officers it does provide requirement in relation to the role of the Chief Fire Control Officer format for the Annual Meeting of the Fire Advisory and Brigades, Bush Fire Communications and Bush Fire Infringements.

FINANCIAL IMPLICATIONS

Funding for the advertising will be provided in the 2007/08 budget.

STRATEGIC IMPLICATIONS

The formal appointment of the Bush Fire Control Officer will ensure the objective of providing an effective Bush Fire organization to the needs of the community.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATIONS

MOVED: Cr Piper

SECONDED: Cr Florey

- 1. That the following persons be appointed in the positions shown for the year 2007/08:-**

**CHIEF FIRE CONTROL OFFICER
1ST DEPUTY**

**K HENDERSON
J POTTER**

2ND DEPUTY	G HARRIS
COMMUNICATIONS OFFICER	B HUISMAN
FIRE WEATHER OFFICER	G ROBERTSON
DEPUTY WEATHER OFFICER	L ELLIOTT
TRAINING OFFICER	R GIFFORD

Benjinup	FCO J Imrie	Deputy FCO S North
Chowerup	FCO B Evans	Deputy FCO R Fraser
Dinninup	FCO W White	Deputy FCO P Bradford
East Boyup Brook	FCO W Gordon	Deputy FCO I Purse
Gibbs Road	FCO R Bingham	Deputy FCO M Giles
Kenninup	FCO N Bagshaw	Deputy FCO B Skraha
Kulikup	FCO L Elliott	Deputy FCO T Bock
Mayanup	FCO J Fortune	Deputy FCO P Lloyd
McAlinden	FCO S Harley	Deputy FCO D Fortune
Mickalarup/Dwalganup	FCO	Deputy FCO R Forbes
Nollajup	FCO R Gifford	Deputy FCO R Nield
Nth Dinninup	FCO P Corker	Deputy FCO N Chambers
Scotts Brook	FCO P Broockmann	Deputy FCO C Knapp
Tonebridge	FCO D Turner	Deputy FCO R Tuckett
Tweed	FCO M Wallace	Deputy FCO C Connop
West Boyup Brook	FCO G Hales	Deputy FCO B Cailes

2. That the following persons be appointed to the Boyup Brook Bushfire Advisory Committee for the year 2007/08:-

CHIEF FIRE CONTROL OFFICER	K HENDERSON
1ST DEPUTY	J POTTER
2ND DEPUTY	G HARRIS
COMMUNICATIONS OFFICER	B HUISMAN
FIRE WEATHER OFFICER	G ROBERTSON
DEPUTY WEATHER OFFICER	L ELLIOTT
TRAINING OFFICER	R GIFFORD

Benjinup	J Imrie	Deputy S North
Chowerup	B Evans	Deputy R Fraser
Dinninup	W White	Deputy P Bradford
East Boyup Brook	W Gordon	Deputy I Purse
Gibbs Road	R Bingham	Deputy M Giles
Kenninup	N Bagshaw	Deputy B Skraha
Kulikup	L Elliott	Deputy T Bock
Mayanup	J Fortune	Deputy P Lloyd
McAlinden	S Harley	Deputy D Fortune
Mickalarup/Dwalganup		Deputy R Forbes
Nollajup	R Gifford	Deputy R Nield
Nth Dinninup	P Corker	Deputy N Chambers
Scotts Brook	P Broockmann	Deputy C Knapp
Tonebridge	D Turner	Deputy R Tuckett
Tweed	M Wallace	Deputy C Connop
West Boyup Brook	G Hales	Deputy B Cailes

CARRIED 8/0

7.3.5 **Firebreak Order 2007/08**

<i>Location:</i>	<i>NA</i>
<i>Applicant:</i>	<i>NA</i>
<i>File:</i>	<i>EM/51/001</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>8 June 2007</i>
<i>Author:</i>	<i>Keith Jones – Manager of Finance & Administration</i>

SUMMARY

The purpose of this item is to adopt the fire break order for 2007/08 for advertising and distribution with the rates notices.

BACKGROUND

The Bush Fires Act 1954 provides Local Government with the power to require owner/occupiers of land to provide firebreaks to prevent the spread or extension of a bushfire. When determining this is necessary, Council is required to implement the provisions outlined within the act including a notice in the Government Gazette and a newspaper circulating the area, outlining the details of the firebreaks required and within the time specified. The Act also provides that a firebreak notice may be served on the owner/occupier of land, which is undertaken for all rateable properties, however there is land within the Shire that is not rateable and the owners/occupiers have an obligation to comply with the order. To ensure all land owner/occupiers are informed of the requirement it is good practice to undertake the advertising as well as the notice with the rates.

COMMENT

The fire break order for 2006/07 was considered by the Annual Meeting of the Bushfire Advisory Committee on the 8 May 2007 and the following changes were made:

“That the Firebreak Order be amended to include 2.5 metre boundary breaks around the Special Rural properties”

The annual meeting of the Bushfire Advisory Committee on the 8 May 2007 recommended that the Council adopt the Annual Firebreak Order for 2007/08 including the above change.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Section 33 Bush Fires Act 1954 Section (1) – (2)

POLICY IMPLICATIONS

Not Applicable

FINANCIAL IMPLICATIONS

Funding for the advertising will be provided in the 2007/08 budget.

STRATEGIC IMPLICATIONS

The formal appointment of the Bush Fire Control Officers will ensure the objective of providing a Bush Fire organization to meet the needs of the community.

VOTING REQUIREMENTS

Simple Majority

Cr Oversby and Mr T Doust departed the meeting the time being 4.20pm

Cr Oversby and Mr T Doust re-entered the meeting the time being 4.22pm

COUNCIL DECISION AND OFFICER RECOMMENDATIONS

MOVED: Cr Downing

SECONDED: Cr Florey

That Council adopts the following as the Fire Break Order for 2007/08 year:-

THE REQUIREMENTS OF THIS ORDER ARE CONSIDERED TO BE THE MINIMUM STANDARD OF FIRE PREVENTION WORK REQUIRED TO PROTECT NOT ONLY INDIVIDUAL PROPERTIES, BUT THE DISTRICT GENERALLY. IN ADDITION TO THE REQUIREMENTS OF THIS ORDER, THE COUNCIL MAY ISSUE SEPARATE SPECIAL ORDERS ON OWNERS OR OCCUPIERS IF HAZARD REMOVAL IS CONSIDERED NECESSARY IN SOME SPECIFIC AREAS.

BY ORDER OF THE COUNCIL CHIEF EXECUTIVE OFFICER

IMPORTANT INFORMATION RELATING TO YOUR RESPONSIBILITY AS A LAND HOLDER IN THE BOYUP BROOK SHIRE.

With reference to Section 33 of the Bush Fires Act, 1954, you are required to carry out fire prevention work on land owned or occupied by you in accordance with the provisions of this Order.

This work must be carried out by 30 November 2007, unless approved otherwise, and maintained throughout the summer months until 1 May 2008.

An inspection of firebreaks will be carried out in all areas of the Shire by an Authorised Officer.

PERSONS WHO FAIL TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY BE ISSUED WITH AN INFRINGEMENT ORDER (Penalty \$250) OR PROSECUTED, AND ADDITIONALLY, THE COUNCIL MAY CARRY OUT THE REQUIRED WORK AT THE COST OF THE OWNER OR OCCUPIER.

IF IT IS CONSIDERED FOR ANY REASON TO BE IMPRACTICAL TO CLEAR OR REMOVE FLAMMABLE MATERIALS, AS REQUIRED BY THIS ORDER, OR IF NATURAL FEATURES RENDER FIRE BREAKS UNNECESSARY, YOU MAY APPLY TO THE COUNCIL IN WRITING NO LATER THAN 11 NOVEMBER FOR PERMISSION TO PROVIDE FIREBREAKS IN ALTERNATIVE POSITIONS OR TO TAKE ALTERNATIVE ACTION TO ABATE FIRE HAZARDS ON THE LAND. IF PERMISSION IS NOT GRANTED, YOU SHALL COMPLY WITH THE REQUIREMENTS OF THIS ORDER.

TOWNSITES

Where the area of land is 2023m² or less and the land is not used for agriculture or grazing purposes, all hazardous inflammable materials shall be removed from the whole of the land.

For the purposes of this order, inflammable materials does not include live standing trees, cultivated plants, shrubs or gardens.

Where the area of the land is in excess of 2023m², or is used for agriculture or grazing purpose, firebreaks at least 2.5 metres wide shall be cleared immediately inside all external boundaries of the land, or immediately surrounding all buildings situated on the land.

RURAL LAND

- a) A 2.5 metre break is to be installed adjacent to all buildings, homesteads, haysheds, fuel storage areas, caravans and mobile accommodation. A second break of 2.5 metres in width shall be installed not less than 20 metres and no more than 100 metres from the**

initial break and the breaks shall be cleared of flammable materials by the 30 November. All flammable material shall be removed between the two breaks by 15 December.

- b) As an alternative to the two break system (as described in point a.), a single break not less than 10 metres in width, is allowed adjacent to all buildings, homesteads, hayshed, fuel storage areas, caravans and mobile accommodation. These breaks must be installed by 30 November.
- c) A 5 metre minimum break around all buildings will be accepted in rural areas as an alternative to the present regulations (where property boundaries do not permit an alternative type of Fire Break). These breaks must be installed by 30 November.
- d) Whilst buildings are under construction, all flammable material shall removed within a 15 metre radius of the construction site. The Chief Fire Control Officer and Fire Control Officer for the area will be notified by Council of building permits granted for that area. This is applicable from 9 October to 1 May.

SPECIAL RURAL BLOCKS

- a) Shall have a 10 metre total fire break around all buildings and fuel storage areas, and cleared of flammable materials.
- b) Shall have a 2.5 metre minimum break around all property boundaries. These breaks must be installed by 30 November.

PLANTATIONS

DEFINITION

A PLANTATION-TREE FARM is defined as an area exceeding three (3) hectares within the TOWNSITES or an area exceeding twenty (20) hectares within RURAL areas of trees planted for COMMERCIAL PURPOSE.

A Plantation shall only be required to comply with the Fire Order for the fire season under which the plantation was approved by the Council under its Town Planning Scheme for the life of the plantation.

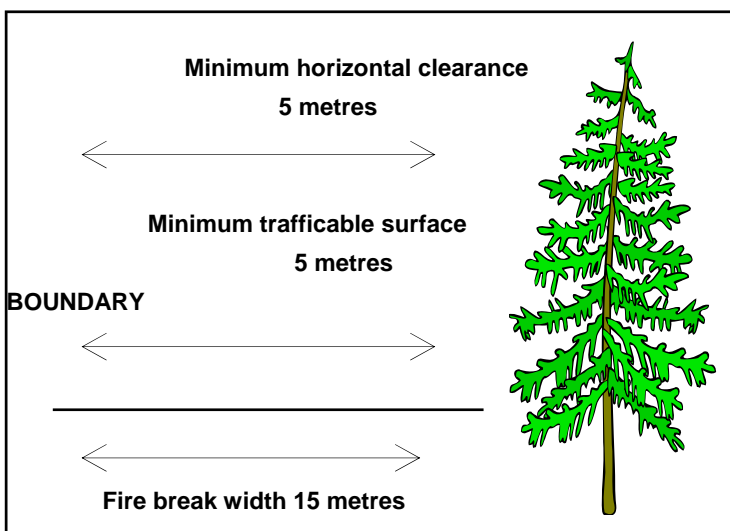
The 'life' of the plantation is defined as the period between planting and the first harvest. It does not include further plantings post-harvest or coppice re-growth ('second rotation'). In these situations the then current firebreak order must be complied with.

SPECIFICATIONS

The following fire break standards are required for plantations.

BOUNDARY BREAKS– Fire breaks constructed 15 metres wide on the boundaries of plantations or on such alternative locations as may be agreed between the Local Government Authority and the plantation owner (See figure 1)

Figure 1: BOUNDARY BREAKS

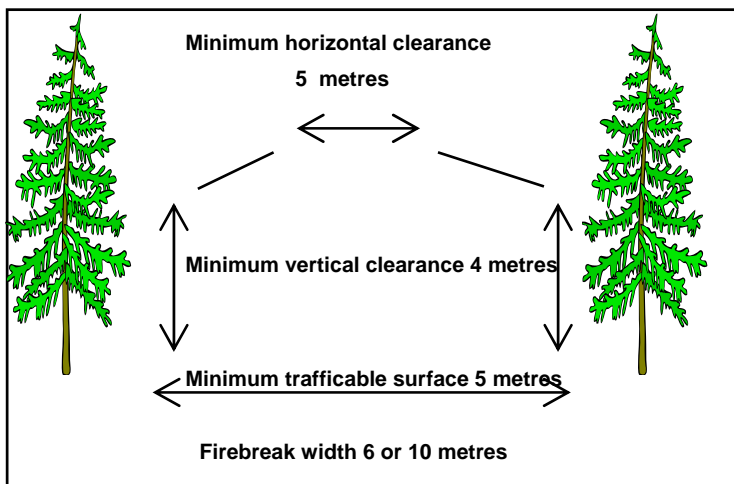


COMPARTMENT BREAK-Internal fire breaks between compartment up to 30 hectares must be a minimum of 6 metres wide and for compartments over 30 hectares, a minimum of 10

metres wide. In all cases a 5 metre running surface should be maintained to allow access by fire fighting appliances (See figure 2 below).

Note: For all fire breaks it may be necessary for trees on both sides of fire breaks to be progressively pruned to a minimum height of 4 metres to allow unrestricted access for maintenance and fire fighting equipment and so as to maintain an effective width of fire break.

Figure 2: INTERNAL FIRE BREAKS



Firebreaks are to be maintained as required by the firebreak order, for the life of the plantation including the harvesting process.

3. BUILDINGS/FUEL STORAGE

A fifty (50) metre total fire break around all buildings and fuel storage areas, cleared of flammable materials is required.

4. WESTERN POWER LINES - CLEARANCE

Western Power have a minimum requirement of ten (10) metres clearance either side of the outside power pole. As a general rule the clearance distance from the pole should be no less than the expected mature height of the trees planted in the outside row. However, in all instances where power lines are crossing land where plantations are proposed to be planted, the owner should consult Western Power - Bunbury, Phone 13 13 53.

CARRIED 8/0

7.3.6 Bush Fire Local Area Requirements in 2007/08

<i>Location:</i>	NA
<i>Applicant:</i>	NA
<i>File:</i>	EM/51/001
<i>Disclosure of Interest:</i>	Nil
<i>Date:</i>	11 th June 2007
<i>Author:</i>	Keith Jones –Manager of Finance & Administration

SUMMARY

This report is presented as a result of a motion at the Bushfires Advisory Committee AGM recommending a change to clause 5 of the Firebreak Order under the heading Local Area Requirements requiring a mobile working fire fighting power unit during harvesting operations.

BACKGROUND

Nick Bagshaw (FCO Kenninup) suggested an amendment was needed on point 5 of Local Area Requirements in the Firebreak Order. He commented that 1 December is too late to enforce a need

for a fire fighting unit to be available when harvesting, particularly since the prohibited burning period commences around 21 November.

COMMENT

The Annual Meeting of the Bush Fire Advisory Committee considering this matter on 8th May 2007.

The meeting recommends to Council that the words "During the periods 1st December to 15th April" be changed to "During the period 15th November to 15th April"

The Local Area Requirements have been amended in the recommendation for this item.

CONSULTATION

All volunteer brigades in the Shire of Boyup Brook.
Annual General Meeting of Fire Advisory Committee

STATUTORY ENVIRONMENT

Bush Fires Act 1954 – Bush Fire Regulations 1954

POLICY IMPLICATIONS

Not Applicable

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The adoption of this amendment to the Local Area Requirements will ensure that a mobile working fire fighting unit is required to be in a paddock when harvesting at the most critical part of the fire season.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER and COMMITTEE RECOMMENDATION

MOVED: Cr Marshall

SECONDED: Cr Oversby

That Council adopt the following Local Area Requirements for the 2007/08 year:-

SHIRE OF BOYUP BROOK

Local Area Requirements

- 1a One adult is to be in attendance on the day following protective burning around a house, hayshed, etc, unless permission is given otherwise.
- b. Household protective burns are to consist of a minimum of two units between 4.00 pm and 6.00 pm, and after 6.00 pm one unit with a minimum of two people. This information is intended as a guide only. The Fire Control Officer in the brigade area concerned must issue a permit for any protective burning that is to be carried out.
2. Permits will not be issued for protective burning of bush before 1 April, in Zone 6, unless permitted by the Chief Fire Control Officer. No fires to be lit before 1.00 pm unless otherwise authorised by the Chief Fire Control Officer.

3. a) No clearing fire to be lit before 1.00 pm prior to 30 April , however the Chief Fire Control Officer has power to vary the time.
b) All hazardous bush adjacent to clearing fires to be burnt to a minimum of 100 metres in the previous spring or autumn. Where the bush is not hazardous a bulldozed track of 30 metres and a worked firebreak surrounding the clearing fire area must be provided. If these provisions are not observed, no burning permit for clearing will be issued before 21 March .
c) All pasture adjacent to clearing fires to be burnt to a width of 40 metres under conditions similar to clover burning unless permission to the contrary has been obtained from that brigade's Fire Control Officer.
d) All clearing fires to be notified to the Chief Fire Control Officer before being lit.
e) Observance of Clearing Burn Regulations are to be the responsibility of the land holder and not that of any contractor.
4. a) In the event of a ban being placed on the operation of combustion engines in paddocks, clover harvesting may still continue provided that the fire hazard in the area being harvested has been previously removed and also that no combustion engine is less than 20 metres from the firebreak. No vehicles may enter or leave a paddock except on a cleared roadway. This regulation is also pertinent to aircraft except in the instance of an emergency landing.
b) All holders of clover burning permits are to notify their base station on the day of the burn, unless the fire is being lit after 6pm.
5. A mobile working fire fighting power unit is to be in the paddock when harvesting (see definition of harvesting) is being carried out during the periods 15 November to 15 April. The responsibility to supply the unit being that of the land holder.
A person shall not operate any harvesting machine or header in any crop during the prohibited or restricted burning times unless a Fire Extinguisher is carried on the machine.
6. Protective burning is permitted around homesteads up to the 15 December, in each year, subject to final approval being granted by the Chief Fire Control Officer. Arrangements beyond that date need to be confirmed by the Chief Fire Control Officer.
7. A 3 metre firebreak, clear of all flammable materials is required around all grassed and stubble areas prior to burning. Permits for stubble burns will not be issued to allow the land holder to commence burning before 4.00 pm on any day, unless a specific permit is obtained from the Chief Fire Control Officer and if he approves, three mobile working fire fighting units will be required to be in attendance during the burn. This regulation is to be in force until 1 April, each year, after which time the Brigade Fire Control Officer be permitted to use his judgement on the conditions of issuing permits and burning.
8. No permits to burn on Sundays and Public Holidays will be issued unless authorised by the Chief Fire Control Officer. Saturday burning will ONLY be permitted from the beginning of the restricted burning period.
9. That no track chaining be permitted during prohibited burning times or on harvest ban days.
10. The only automatic harvesting and total movement ban in the Shire of Boyup Brook is **CHRISTMAS DAY.**
11. Land holders adjoining railway line reserves are not required to install firebreaks on the boundary with the railway line reserve, but are encouraged to ensure that the railway firebreak is adequate for their protection.
12. For additional fire protection, land holders are urged to clean up road-sides wherever possible. Removal of logs, grass, etc., will be considered following application for a permit. Burning on Road Sides requires a Permit all times of the year and there are other requirements. **IF IN DOUBT CONTACT Chief Bush Fire Control Officer or the SHIRE OFFICE on (08) 9765 1200.**

DEFINITIONS

"MOBILE WORKING FIRE FIGHTING UNIT", where referred to in these clauses, means: the tank must be filled at all times with at least 450 litres of water. If a trailer type unit, it must be attached at all times to a suitable towing vehicle, during burning or harvesting operations. The pump on the unit must be efficient and in working condition.

"HARVESTING" means mechanical cutting of all crops or pasture for seed, grain and or hay including mowing and baling of straw.

CAMPING/COOKING FIRES

Camping and cooking fires in the open are banned from 30 October to 1 April each year. An exception is the use of a wood fire in a properly constructed barbecue at a domestic dwelling with ALL flammable material removed for a distance of 3 metres.

PROTECTIVE CLOTHING

It is recommended that all firefighters wear adequate protective clothing when fighting fires. It is pointed out that flammable synthetic clothing is not considered sufficiently protective.

CARRIED 8/0

7.3.7 **Western Australian Local Government Association – AGM - Convention**

Location: Shire of Boyup Brook
Applicant: Shire of Boyup Brook
File: GR/31/002
Disclosure of Interest: Nil
Date: 7th June 2007
Author: Tony Doust –Chief Executive Officer

SUMMARY

To appoint delegates to attend the AGM of the Western Australian Local Government Association and Local Government convention in August 2007.

BACKGROUND

The 2007 Annual General Meeting for the WA Local Government Association will be held at the Local Government Convention on Sunday 5 August.

Pursuant to the WALGA Constitution, all Member Councils are entitled to be represented by two (2) voting delegates. Voting delegates may be either elected members or serving officers.

Member Councils seeking to exercise their voting entitlements must ensure that their voting delegates are appropriately registered.

Proxy voting is available for Councils that are unable to be represented by two (2) delegates. To exercise voting entitlements via proxy, Councils must have registered valid proxies with the CEO of the Association. Proxy authorizations should nominate the person in whose favour the proxy is to be given, and be signed by the delegate or by the CEO of the Member Council. All authorizations must be received by the Association before Friday 27 July 2007.

The Local Government Convention and exhibition will commence on 9.00am August 2007 and concludes at 5.00pm on Monday 6th August 2007.

The format for Monday 6th August 2007 is a Five Focus Group that will run concurrently.

Professional development (training) Modules will be available on Thursday 2nd, Friday 3rd, Tuesday 7th, Wednesday 8th and Thursday 9th August.

COMMENT

In the past the Shire has sent at least (3) Councillors and the Chief Executive Officer to the Local Government Convention and Exhibition.

The estimated cost per person to attend the convention including registration, accommodation and meals is approximately \$2000.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Council Policy on Conference – Attendance and Expenses by Councillors is as follows:-

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

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

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

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

FINANCIAL IMPLICATIONS

Funding has been included in the 2007/08 draft budget under Members for \$10000 and administration \$2000 for attendance at the Annual Local Government Convention.

STRATEGIC IMPLICATIONS

Councillors will benefit by attending the Local Government Convention from the knowledge gained through interaction with other Local Government Councillors, Staff and Industry personal as well as the information provided by speakers addressing the Convention sessions.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Marshall

SECONDED: Cr Broadhurst

- 1. That the Shire President, Chief Executive Officer and Councillors Downing, Florey and Piper attend the Local Government Convention during the period 4th August 2007 to 6th August 2007, and expenses incurred as per Council Policy be paid by the Shire.**
- 2. That the Shire President and Councillor Downing be appointed as voting delegates for the Western Australian Local Government Association AGM.**

CARRIED 8/0

7.3.8 **Housing 3 Rogers Avenue Boyup Brook**

Location: 3 Rogers Ave Boyup Brook
Applicant: Shire of Boyup Brook
File: Ass 2012
Disclosure of Interest: Nil
Date: 7th June 2007
Author: Tony Doust –Chief Executive Officer

SUMMARY

To consider an offer received for the purchase of the Shire house at (3) Rogers Avenue Boyup Brook, which was advertised for sale by tender.

BACKGROUND

Council at its meeting on 19th April 2007 considered the following report:-

“The existing house was constructed in 1987 for the person occupying the position of (Shire Clerk) Chief Executive Officer. As the Shire Clerk at the time had his own home the Deputy Shire Clerk occupied the residence. This position continued with the residence being occupied by the Deputy up to the time Mr Will Pearce was appointed as Chief Executive Officer. The residence was vacated by Mr Pearce on his resignation from the position of CEO in November 2006. The house is presently unoccupied given that the Chief Executive Officer Mr Doust resides in his own residence.

During the process of appointing a new Chief Executive Officer the house was offered as a residence for the person in this position. Councillors will recall that the applicant chosen as the preferred candidate in December 2006, declined to accept the position on the basis that the residence was not acceptable. The interview committee inspected the residence at 3 Rogers Avenue Boyup Brook and felt it may be desirable to sell the house and use the proceeds to build a new house for the Chief Executive Officer.

Given the present position and that the Shire will not require a house for some time for a Chief Executive Officer it would seem to be appropriate to sell the house and place the proceeds in Reserve for “Housing Chief Executive Officer”. When considering this matter the availability of the Shire House at 1 Rogers Avenue Boyup Brook, after the lease to GEHA expires in April 2008, needs to be borne in mind.

The other option is to rent the residence on a long term basis, say two to three years. The rental based on current market rates would be a maximum \$11,500 per annum. Outgoings such as insurance, water rates, rates and repairs/maintenance would need to be deducted from this amount.

If the residence is sold and the price is \$300,000 the return on the funds invested at 6% = \$18,000 with no outgoings to be deducted.

The options available to Council to sell the residence are by:-

- Auction (Highest Bidder)*
- Tender (to the person who in Council’s opinion makes the most acceptable tender whether or not the highest)*
- Private Treaty (subject to prior public notice of the disposition. Consideration or any submissions and reasons for decision. Market valuation to be obtained)*

The tender process will provide the opportunity to any person interested to put in a proposal. Sale by auction may result in a limited number of prospective buyers/interest on the date of the auction. Private treaty should only be considered when it is evident that the interest is minimal and the tender or auction options have been unsuccessful.

It is recommended that the residence is sold by tender.”

Council resolved on the 19th April 2007 as follows:-

“That the Council approves the proposal to sell the residence/property 3 Rogers Avenue, Boyup Brook, by tender and the Chief Executive Officer be authorized to initiate the arrangements required to achieve this.”

COMMENT

The tender for the sale of the property was advertised in the West Australian on 25th April 2007 and Manjimup Bridgetown Times on 2nd May 2007. Tenders closed on 25th May 2007. One offer was received from GH & MM White 118 Cooper Street Mandurah for \$305,000 which is subject to selling their house within (60) days and certification on pest treatment.

The price offered is well below the estimated value provided by a local real estate agent in December 2006 i.e \$375,000 to \$390,000, however the demand for housing has also decreased. It is recommended that the offer be declined.

It is also recommended that the property now be listed for sale with the local real estate agents in the range of \$325,000 to \$345,000 (net of commission). As the Council has called tenders as required by the Local Government Act 1995, and if no tender is received or any tenders received rejected, the property can now be sold by private treaty/negotiation without any further advertising or approval.

To allow the matter to progress it is recommended that the Chief Executive Officer in consultation with the Shire President be delegated authority to accept a tender within the price range shown above.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 3.58 Disposal of Property

- Sections 5.42 & 5.43 Delegations to the CEO and Limits on delegations.

Section 3.58(5) (d) Provides for disposition (sale) that is excluded by regulation. The Local Government (Function and General) Regulations 1996 Section (30) (2a) states:-

- (2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been –
- (a) put out to the highest bidder at public auction, in accordance with section 3.58(2) (a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government;
 - (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or
 - (c) the subject of Statewide public notice under section 3.59(4), and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including –
 - (i) the names of all other parties concerned;
 - (ii) the consideration to be received by the local government for the disposition; and
 - (iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.

(2b) Details (see section 3.58(4) of the Act) of a disposition of property under subregulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As the residence is not requires at this time and the need to upgrade, the sale of the residence will provide the Shire with funds to build a residence for the CEO at a future date. This will also result in a reduction in outgoings for the existing residence etc insurance, rates, water rates, maintenance.

STRATEGIC IMPLICATIONS

The sale and upgrade of the residence will assist with attracting suitable applications for the position of Chief Executive Officer in the future.

VOTING REQUIREMENTS

Simple Majority – Items (1) and (2)

Absolute Majority – Item (3)

MOVED: Cr Piper

SECONDED: Cr Marshall

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.

LOST

Amendment:

MOVED: Cr Downing

- 1. That the offer received from GH & MM White, 118 Cooper Street Mandurah, to purchase 3 Rogers Avenue Boyup Brook, of \$305,000 (Subject to conditions) not be accepted.**
- 2. That the Chief Executive Officer arrange to have 3 Rogers Avenue Boyup Brook listed for sale through the local real estate representatives, for a net price (after agents commission) of not less then \$325,000.**
- 3. The Council delegate authority to the Chief Executive Officer in consultation with the Shire President to accept an offer for 3 Rogers Avenue Boyup Brook of not less then \$325,000 (net of agents commission).**

MOTION LAPSED FOR THE WANT OF SECONDER

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Moir

SECONDED: Cr Florey

- 1. That the offer received from GH & MM White, 118 Cooper Street Mandurah, to purchase 3 Rogers Avenue Boyup Brook, of \$305,000 (Subject to conditions) not be accepted.**
- 2. That the Chief Executive Officer arrange to have 3 Rogers Avenue Boyup Brook listed for sale through the local real estate representatives, for a net price (after agents commission) of between \$325,000 and \$345,000.**
- 3. The Council delegate authority to the Chief Executive Officer in consultation with the Shire President to accept an offer for 3 Rogers Avenue Boyup Brook within the range of \$325,000 and \$345,000 (net of agents commission).**

CARRIED BY ABSOLUTE MAJORITY 5/3

8. PETITIONS AND MEMORIALS

9. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

10.1 **Audit Services – Period 01/07/2007 to 30/06/2010**

Location: Shire of Boyup Brook
Applicant: Shire of Boyup Brook Audit Committee
File: FM/9/001
Disclosure of Interest: Nil
Date: 19th June 2007
Author: Tony Doust – Chief Executive Officer

SUMMARY

To consider the tenders received for the provision of Audit Services by external Auditors for the period 01/07/2007 to 30/06/2010 inclusive and make an appointment.

BACKGROUND

The present contract for external audit services with Haines Norton expires on 30th June 2007. Given the need to ensure openness and accountability when appointing auditors the Chief Executive Officer decided to call tenders for the audit services for the period 01/07/2007 to 30/06/2010.

The Audit Tender was advertised in the “West Australian” newspaper on the 30th May 2007 and closed on 15th June 2007 at 4.00pm.

Two tenders have been received and both comply with the Audit Tender Specifications:-

UHY Haines Norton – Osborne Park (Nominated Auditors DJ Tomasi RB Swarbreck)	Year 2007/08 2008/09 2009/10	Fee (Not including GST) \$8,100 \$8,650 \$9,200
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Pitcher Partners – Perth (Nominated Auditors N Hollens J Mitchell)	2007/08 2008/09 2009/10	\$17,000 \$17,728 \$19,091
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COMMENT

Whilst both firms are very capable of undertaking the audit for the Shire, given the fee comparisons and that UHY Haines Norton are our existing auditors and Council, it is recommended that they be appointed for the period 01/07/2007 to 30/06/2010 inclusive.

CONSULTATION

Audit Committee

STATUTORY ENVIRONMENT

Local Government Act 1995 – Part (7) Division (2) Section 7.3 Appointment of Auditors

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The funding required to undertake the Audit will be provided in the annual budget estimates for 2007/08, 2008/09, 2009/10.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION AND COMMITTEE RECOMMENDATION

MOVED: Cr Florey

SECONDED: Cr Broadhurst

That the Council appoint Mr DJ Tomasi and Mr RB Swarbreck, UHY Haines Norton Osborne Park WA, as the Shire of Boyup Brook Auditors in the period 01/07/2007 to 30/06/2010 (inclusive) and the annual fee (excluding GST) for each year be as follows:-

2007/08	\$8,100
2008/09	\$8,650
2009/10	\$9,200

CARRIED BY ABSOLUTE MAJORITY 8/0

10.2 **Closure Of Country Police Stations**

MOVED: Cr Moir

SECONDED: Cr Oversby

That Council is concerned about recent speculation of the likely closure of 2 man Police Stations in Country areas and Council express their concern to the Commissioner of Police and copy to the Minister for Police.

CARRIED 8/0

11. CONFIDENTIAL MATTERS

12.. CLOSURE OF MEETING

There being no further business the Chairman declared the meeting closed at 4.53pm.

These Minutes and Schedule of Accounts were confirmed by the Council at the Council Meeting held on the 2007.

Cr Terry Ginnane, Shire President