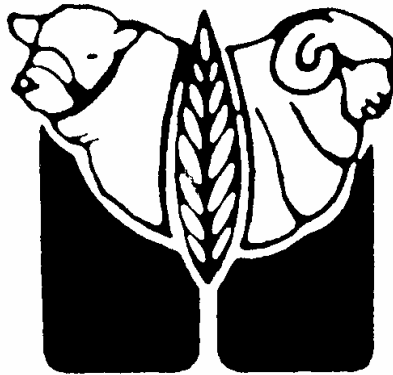


MINUTES



ORDINARY MEETING

HELD ON

THURSDAY, 19 June 2005

AT

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

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The acting Shire President Cr. Downing took the chair.

SWEARING IN OF NEW COUNCILLOR AND SHIRE PRESIDENT – T GINNANE

Affirmation/Oath conducted by Mr J Eddy, Justice of the Peace.

Shire President Cr Ginnane took the chair.

Suspension of Standing Orders

MOVED: Cr Oversby

SECONDED: Cr Downing

That the Order of Business for the Council Meeting, being Clause 5 of the Standing Orders, Local Law No 1 be suspended.

CARRIED: 9/0

**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 T Oversby
Cr A Piper

Mr W Pearce – Chief Executive Officer
Mr K Jones – Manager of Finance and Administration
Mr J Eddy – Manager of Works and Services
Mrs G Wallace – Minute Secretary (departed 6.36pm)

Mr B Anderson – Donnybrook/Bridgetown Mail
Mt A Flottmann – Manjimup Times
Mr D Barron (departed 3.42pm)
Mr N Soanes (departed 3.42pm)
Mr R Wittenoom – Consulting Engineer (entered 4.37pm/ departed 5.10pm)
Mr D Millington – Recreation Manager (entered 4.39pm/departed 5.30pm)

1.2 Apologies

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

Mr D Barron – Assistant Mill Manager Wilga Mill – Wilga Mill Matter of May 2005

Did the Shire Council take into consideration the financial impact their decision would have on the workers who would lose their jobs if the Mill doesn't go ahead?

The Shire President advised that the matter was considered along planning lines.

Mr D Barron – What plans do the Shire Council have for Area's 1 and 3 that you wish to remove from the Mill lease?

The CEO advised that there are no plans by the shire.

Mr D Barron - Do ALL the Councillors know the layout of the land at Wilga and the significant importance of areas 1, 3 and section of area 2 to our milling operations.

The CEO advised that, if a lease is granted by the Department of Planning and Infrastructure, the Council wishes to contain the Timber Mill operations in one area only, being area 2.

Mr D Barron - In the minutes from your last meeting on page 7 you have indicated that Mr Moyes does not own the sawdust located on area 2 as the land has never BEEN included in any lease. Our company does own all the sawdust located at the Wilga Mill, if we didn't it would already have been removed and we ask that in future Shire Councillors refrain from giving permission for anyone to remove anything from the Wilga Mill site. I have spoken to local Police Officer Chris Thompson on the matter and any further removal of sawdust will see the offenders prosecuted!

The CEO advised that there is no lease on the land and that the only information ever provided to the Council relating to the mill refers to Mr A Moyes as being the owner of only the buildings.

3 APPLICATIONS FOR LEAVE OF ABSENCE

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

4.1 Cr Broadhurst – BRVMA

M Tomlinson, S White and Cr Broadhurst put together a BRVMA submission for the Regional Achievers Award. If successful there is a prize of \$2000 and the BRVMA listed nine possible projects should they be awarded.

4.2 Cr Marshall – WA Community Foundation

Cr Downing and Cr Marshall attended the first state meeting recently. There were a number of Councils represented at this meeting and strong support by the state government.

Promotional brochures maybe a good option for distribution for Boyup Brook and asked Council to fund the printing of these brochures.

Cr Marshall gave an overview of the WA Community Foundation for the new Councillors.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 Minutes of the Ordinary Meeting of the Council held on 19 May 2005.

MOVED: Cr Downing

SECONDED: Cr Broadhurst

That the minutes of the previous Ordinary Meeting of the Council held on 19 May 2005 be confirmed as an accurate record subject to the following changes:-

Page 3 – Attendance list – that “Cr N Blackburn, Cr S Purse, Cr J Mondy” be deleted and replaced with “Cr J Florey, Cr M Martin & Cr A Piper.”

CARRIED 9/0

5.2 Minutes of the Special Meeting of the Council held 31 May 2005

MOVED: Cr Moir

SECONDED: Cr Oversby

That the minutes of the Special Meeting of the Council held on 31 May 2005, be confirmed as an accurate record.

CARRIED 9/0

6 PRESIDENTIAL COMMUNICATIONS

6.1 CEO Performance Review

The Shire President asked the Council to consider the findings of the CEO Performance Review Committee which met with the CEO on 14 June 2005.

MOVED: Cr Florey

SECONDED: Cr Martin

That in accordance with Section 5.23 (2) (b) of the Local Government Act 1995 the next part of the meeting be closed to members of the public to allow the Council to consider a matter dealing with the personal affairs of a person and the Council go into committee to allow members free discussion on the matter, the time being 3.52pm.

CARRIED 9/0

Mr Eddy, Mr Jones, Mrs Wallace, Mr Anderson and Mr Flottmann departed the Chambers, the time being 3.52pm.

MOVED: Cr Broadhurst

SECONDED: Cr Piper

In accordance with Section 5.23 (2) of the Local Government Act 1995 the next part of the meeting is open to the members of the public and the Council come out of committee, the time being 4.00pm.

CARRIED 9/0

Mr Eddy, Mr Jones, Mrs Wallace, Mr Anderson and Mr Flottmann returned to the Chambers, the time being 4.00pm.

MOVED: Cr Broadhurst

SECONDED: Cr Piper

That the Council receive the report of the Chief Executive Officer Performance Review Committee.

CARRIED 9/0

6.2 Sandakan Visit

Cr Ginnane briefed the Council on his recent to Sandakan. Cr Ginnane and his wife Carol were treated extremely well and provided with gifts of posters and DVD's for public use.

Cr Ginnane visited Kota Kinabulu and attended the ANZAC Dawn Service in Sandakan. He presented a wreath on behalf of the Shire of Boyup Brook.

Discussions on Boyup Brook and Sandakan on a potential 'Sister City' arrangement took place and the Council is required to formally apply to the Sandakan Municipal Council for approval.

Sandakan Council has invited Boyup Brook representatives to their Memorial Day held in August annually.

7 REPORTS OF OFFICERS AND COMMITTEES

7.1 WORKS AND SERVICES

Nil Reports

7.2 DEVELOPMENT AND COMMUNITY SERVICES

Cr Florey declared a financial interest in the following item and departed the Chambers, the time being 4.10pm.

7.2.1 Lot 199 Abel Street Boyup Brook – Planning Application for a Plant Nursery

Proponent: J Florey
Location: Lot 199 Abel Street, Boyup Brook
Reporting Officer: Will Pearce
Date Report Written: 02 June 2005
Enabling Legislation: Town Planning Scheme No 2
File: AS613
Appendices: -

BACKGROUND:

The proponent is seeking to establish a “Plant Nursery” on Lot 199 Abel Street, Boyup Brook.

A planning application has been submitted as required under the Shire’s Town Planning Scheme No. 2 (the ‘Scheme’). Due to a business currently operating from the site previously approved by the shire, plans and additional information were not required.

DETAIL:

The proponent wishes to establish a “Plant Nursery” on the subject property currently zoned “Light Industrial” with a total area of 6,000m².

“Plant Nursery” is defined under the Scheme as...*“land or a building or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden decor”* which is permitted at the discretion of the Council (“AA” use).

The proponent already has shire planning approval to propagate the plants on her rural property in Fern Valley Road.

The subject property will be used as the shop front for selling the products.

The existing building is currently used for commercial/light industrial purposes, that is the ‘Stagline’ business.

The property has an approved building and provides adequate gravel parking space (although under the current Scheme the Council could require construction to its standard eg. bitumen) and landscaping.

The existing boundary fencing does not comply with the shire’s current policy which states-

“Fencing of all property boundaries shall be required as a condition of planning approval for developments within the ‘Industrial’ and ‘Light Industrial’ zones.

The standard of this fencing shall be a 2.1 metre link mesh security fencing with three barbs on top of the mesh and galvanised posts and shall also comply with the shire’s Fencing Local Laws.

Any alteration to these requirements shall be subject to a planning application being forwarded to the Council for consideration.”

COMMENT:

The Council may deem it necessary to bring the property up to the standard that it would require if the proposal was for a new development. It may impose the construction of parking bays as per the Scheme and fencing of the property in compliance with its fencing policy above.

However, it would appear quite unnecessary and onerous to impose planning conditions on what is already an existing light industry operation, with shopfront, that does not require any further capital work.

It is suggested that the Council approves the planning application for a "Plant Nursery" at Lot 199 Abel Street, Boyup Brook, subject to compliance with the shire's Town Planning Scheme No 2.

MOVED: Cr Downing

SECONDED: Cr Oversby

That the Council approves a planning application for a Plant Nursery to operate from Lot 199 Abel Street, Boyup Brook, subject to compliance with the shire's Town Planning Scheme No 2.

CARRIED: 8/0

Cr Florey returned to the Chambers the time being 4.12pm.

7.2.2 Lot 22 Abels Road, Boyup Brook – Planning Application for a Winery

Proponent: *I Duncan*
Location: *Lot 22 Abels Road, Boyup Brook*
Reporting Officer: *Will Pearce*
Date Report Written: *02 June 2005*
Enabling Legislation: *Town Planning Scheme No 2*
File: *AS4492*
Appendices: *1.1 - Plans*

BACKGROUND:

The proponent is seeking approval to establish a winery at Lot 22 Abels Road, Boyup Brook, for the purpose of commercial production.

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

Plans are laid on the table and circulated (see appendix 1.2)

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 utilise a portion of the existing on-site shed, being 240m² in area at a height of 5.1 metres. The steel framed shed is constructed of zincalume roof and walls.

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

Wine production is described under the Town Planning Scheme No. 2 as a "Rural Pursuit", although a 'P' use, is defined as ... *"the use of land for any other purposes set out hereunder and shall include such buildings normally associated with:-"*

- a) *growing of vegetables, fruit, etc.....*
- e) *the sale of produce grown solely on the lot but does not include the following except as approved by the Council:*
 - i) *the processing, treatment or packing of produce.....”*

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

- **Setbacks**

Minimum of 10 metres from all boundaries 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.

Internal walls and ceiling will be constructed to partition the production area from the remainder of the shed. Building approval from the Council is required prior to commencing any building works.

The wine production area itself 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:

Due to the small volume of wine being produced from the premises, it is considered that the proposal will have a negligible effect on surrounding properties. The Department of Environmental Protection's own 'Guidelines for Wineries' acknowledges that wineries producing less than 350 kilolitres of wine per year are minor and do not require any form of environmental approval.

It is suggested that the Council approves the planning application for a winery to operate from Lot 22 Abels Road, Boyup Brook on the condition that the proponent complies with the:-

- 1 Town Planning Scheme No. 2;
- 2 Health (Food Hygiene) Regulations 1993;
- 3 Building Code of Australia;
- 4 Health Department of Western Australia's requirements for on-site effluent disposal systems;
- 5 Australian Drinking Water Guidelines to ensure a potable water supply.

MOVED: Cr Moir

SECONDED: Cr Martin

That the Council approves the planning application for a winery to operate from Lot 22 Abels Road, Boyup Brook on the condition that the proponent complies with the:-

- 1 Town Planning Scheme No. 2;**
- 2 Health (Food Hygiene) Regulations 1993;**
- 3 Building Code of Australia;**
- 4 Health Department of Western Australia's requirements for on-site effluent disposal systems;**
- 5 Australian Drinking Water Guidelines to ensure a potable water supply.**

CARRIED: 9/0

7.2.3 Lot 300 Cnr Bridge & Forrest Streets, Boyup Brook – Planning Application for a Warehouse Addition

<i>Proponent:</i>	<i>Boyup Brook Co-operative</i>
<i>Location:</i>	<i>Lot 300 Cnr Bridge & Forrest Streets, Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>07 June 2005</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>AS251</i>
<i>Appendices:</i>	<i>1.2 Plans</i>

BACKGROUND:

The proponent is seeking to expand the existing commercial premises on 300 Cnr Bridge & Forrest Streets, Boyup Brook by adding more warehouse space.

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

Floor, site and elevation plans are laid on the table (see appendix 1.2).

DETAIL:

Lot 300 Cnr Bridge & Forrest Streets, Boyup Brook, has an area of 2,530m² and is zoned 'Commercial'.

The Council will remember that the proponent received planning approval in July 2001 to rebuild the commercial entity from the ground up.

The area of the proposed new bay is 179.7m² with a building height of 6.0m. The steel framed structure will be clad with colorbond to match the existing.

General requirements under the Scheme include:-

- Setbacks – The Scheme allows nil setbacks in the 'Commercial' zone which is being proposed along the right-of-way on one side and 3.0m from the rear to follow the existing building line.

The proposed setbacks would appear to have little impact.

- Carparking –

The Scheme indicates that 2 bays should be provided for the proposed area unless the Council waives the provision.

The applicant currently provides 24 car parking bays. Their 2001 planning conditions only required 22 bays.

- Access – appropriate
- Stormwater Disposal – compliance with the Council's 'Building Stormwater Drainage' policy will be required.
- Landscaping – not required, was a previous planning condition.

The extension being a 'warehouse' is a 'permitted' use under the Scheme.

COMMENT:

Overall, it is considered that the proposed development is acceptable and appropriate for approval.

It is suggested that the Council approves the planning application for an addition to Lot 300 Cnr Bridge & Forrest Streets, Boyup Brook, subject to the following conditions:-

1. the proposal complies with the Town Planning Scheme No.2;
2. access being approved by the Manager of Works and Services;
3. all stormwater run off from impervious surfaces being disposed of to the satisfaction of the Manager of Works and Services;
4. the building complies with the Building Code of Australia;
5. setbacks as presented.

MOVED: Cr Oversby

SECONDED: Cr Florey

That the Council approves the planning application for a warehouse addition to Lot 300 Cnr Bridge & Forrest Streets, Boyup Brook, subject to the following conditions:-

- 1. the proposal complies with the Town Planning Scheme No.2;**
- 2. access being approved by the Manager of Works and Services;**
- 3. all stormwater run off from impervious surfaces being disposed of to the satisfaction of**
- 4. the Manager of Works and Services;**
- 5. the building complies with the Building Code of Australia;**
- 6. setbacks as presented.**

CARRIED: 9/0

7.2.4 Youth Advisory Committee Minutes

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Keith Jones
Date Report Written: 02 June 2005
Enabling Legislation: Local Government Act 1995
File: IM/37/004
Appendices: 1.3 - Minutes

BACKGROUND:

Meetings of the Youth Advisory Committee were held on the 17, 24 and 31 May and 7 June 2005.

Minutes of the meetings are laid on the table and circulated (refer to appendix 1.3).

MOVED: Cr Broadhurst

SECONDED: Cr Marshall

That the minutes of the Youth Advisory Committee on 17, 24 and 31 May and 7 June 2005 be received.

CARRIED: 9/0

7.2.5 Economic Development Committee Minutes

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Will Pearce
Date Report Written: 8 June 2005
Enabling Legislation: Local Government Act 1995
File: GO/37/005
Appendices: 1.4 Minutes

BACKGROUND:

A meeting of the Economic Development Committee was held on the 02 June 2005.

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

MOVED: Cr Downing

SECONDED: Cr Moir

That the minutes of the Economic Development Committee Meeting held on 02 June 2005, be received.

CARRIED: 9/0

MOVED: Cr Moir

SECONDED: Cr Oversby

That the 'Promotion' budget consideration for 2005/06 be increased from \$2,000 to \$10,000 to allow for the promotion of Boyup Brook via TV advertisements and direct marketing to tourist coach operators.

CARRIED: 9/0

Moved: Cr Oversby

Seconded: Cr Florey

That the order of business in the agenda be changed to allow Items 7.2.7 to be brought forward and dealt with at this time.

CARRIED 9/0

Cr Downing declared a proximity interest in item 7.2.7 and departed the Chambers the time being 4.15pm.

MOVED: Cr Oversby

SECONDED: Cr Florey

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

Adjournment

MOVED: Cr Oversby

SECONDED: Cr Florey

That the meeting be adjourned for an afternoon tea break, the time being 4.20pm.

CARRIED 8/0

Resumption

MOVED: Cr Moir

SECONDED: Cr Martin

That the meeting resumed, the time being 4.28pm.

CARRIED 9/0

The meeting resumed with the following persons in 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 T Oversby
Cr A Piper

Mr W Pearce – Chief Executive Officer
Mr K Jones – Manager of Finance and Administration
Mr J Eddy – Manager of Works and Services
Mrs G Wallace – Minute Secretary

Mr B Anderson – Donnybrook/Bridgetown Mail
Mt A Flottmann – Manjimup Times

MOVED: Cr Moir

SECONDED: Cr Oversby

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

CARRIED 9/0

MOVED: Cr Broadhurst

SECONDED: Cr Florey

That the order of business in the agenda be changed to allow Items 7.2.6 to be brought forward and dealt with at this time.

CARRIED 9/0

Mr R Wittenoom entered the Chambers the time being 4.37pm.

Chief Executive Officer departed the Chambers, the time being 4.37pm then entered the Chambers with Mr D Millington, the time being 4.39pm.

MOVED: Cr Oversby

SECONDED: Cr Florey

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 9/0

MOVED: Cr Piper

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 9/0

Mr R Wittenoom and Cr Piper departed the Chambers the time being 5.10pm.

Cr Piper entered the Chambers the time being 5.15pm.

7.2.6 Tender 001-05 - Refurbishment of Swimming Pool Bowl

<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>10 June 2005</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>EQ/57/001</i>
<i>Appendices:</i>	<i>1.5 - Report</i>

BACKGROUND:

Tenders were called in February 2005 for the refurbishment of the Boyup Brook Swimming Pool bowl.

The bowl appears to have become affected with concrete cancer and old steel water pipes are deteriorating causing leaks.

The Council at its 17 March 2005 meeting considered the single submission, received from WA Vinyl Systems, and resolved:-

"That the Council:-

- 1. not accept the tender from WA Vinyl Systems for the Swimming Pool Bowl refurbishment but delegates the authority to the Chief Executive Officer to negotiate with the tenderer with a further report to be submitted to the Council before entering into any binding contract;*
- 2. BY AN ABSOLUTE MAJORITY engage a structural engineer, up to a maximum cost of \$5,000, to-*
 - a. determine the integrity of the existing concrete pool bowl,*
 - b. advise the Council of its guaranteed minimum life expectancy based on core sampling, and*
 - c. provide a course of action should the bowl be found to be deteriorating requiring remedial works."*

A report from the structural engineer, Mr R Wittenoom, has been received.

DETAIL:

The following report in part was considered by the Council at its August 2004 meeting-

"BACKGROUND:

Suckling Civil & Structural Engineers were engaged in June to provide an assessment of the main swimming pool bowl due to potential deterioration.

DETAIL:

The engineer's report indicates two main areas of concern-

- The recovery gutter to each side of the pool is suffering a degradation of the original upper render coat and in some areas this is extending into a break down of the cementitious matrix of the underlying concrete.*

If allowed to continue this will progress to a stage that the structural integrity will be compromised, either due to loss of the cementious paste, or due to attack and corrosion of the reinforcement.

- The surface of the pool is beginning to break down. The paint finish has deteriorated under the action of wear and tear and UV exposure.*

This has allowed the upper surface of the concrete to bed exposed, and the break down of the cementious paste is beginning. This is occurring locally at this stage, but will be more widespread if not treated.

WA Vinyl Systems, the company who repaired the children's paddling pool, have given an indicative quote to repair the main swimming pool bowl as follows:

<i>Wet deck grating, remove diving blocks in shallow end and patch, retile steps</i>	<i>\$19,600</i>
<i>Sandblasting (approx)</i>	<i>\$ 8,000</i>
<i>New interior finish – coat pool with VM3 permaskin, apply black lane markings</i>	<i><u>\$58,000</u></i>
	<i>\$85,600</i>

Note all prices quoted above are GST exclusive.

Travel, freight and meals are included but the Shire is to provide accommodation for 4 persons for approximately 2 weeks.

The Council subsequently resolved:-

'That the Council approve by an ABSOLUTE MAJORITY to tender for the major repairs required on the main swimming pool bowl and replacement of the existing steel water piping servicing the poll bowl'."

The tender was advertised as follows and closed on 8 March 2005:-

1. TENDER SPECIFICATIONS TO SUPPLY

- Mandatory site inspection to be held by appointment before 28 February 2005.
- Core sampling of concrete to determine the structural integrity of pool bowl. Advise the Shire of the guaranteed minimum life expectancy, in years, of existing concrete pool bowl based on core sampling.
- Refurbishment/Upgrade of Pool bowl to ensure impervious surface and eradicate leakage.
- Sandblasting pool bowl, if required.
- Replace existing pool gutters and line with PVC grating as per toddlers' pool.
- Replace existing underground steel pipe work from the centre channels to the PVC pipe work that has previously been installed.
- Advise the Shire of the repair method and repair the existing concrete section in Diving Bowl where cracks have developed (structural engineer investigation required). Refurbish the aforementioned section to solve leakage problem.
- Replace all white waterline tiles where necessary.
- Refurbish current steps with non-slip tiles or appropriate non-slip surface.
- Remove existing starting blocks and supply portable blocks including appropriate securing fittings at deep end of pool.
- Replace steel pipe work with PVC from scum gutters to balance tank.
- All the above to be in compliance with State legislation and Australian Standards.

2. TENDER TERM

Period of Tender: 11 April 2005 to 30 September 2005

3. GENERAL

Tenderer will be required to supply the following information on each of the products they wish to supply to Council

- List price at time of tender
- Itemised breakdown of costs as per the tender specifications list
- Rebates to Council
- Net price delivered to Council
- Any other delivery or packaging type cost associated with the products.
- Trading name
- Conditions affecting possible rise or fall in the quoted price
- Any other requirements to be specified.

- The supply of technical specifications and other information on the products.

The only tender received was from VM3 Pty Ltd (trading as WA Vinyl Systems) offering a total net price of \$167,630."

Mr Wittenoom has presented his report which is attached (see appendix 1.5). This report was received immediately prior to the finalising of the agenda.

Its contents have therefore not been assessed. Staff will assess the report fully prior to the Council meeting.

COMMENT:

The intention is to carry out the works prior to the 2006/07 pool season.

The downside of delaying the works is that the exposed piping installed as a diversion to the leaking steel water line in early January will not be able to be placed underground prior to next season. This pipe work is secured and has not been causing a safety problem for patrons since its installation.

It is suggested that Mr Wittenoom's report be considered.

MOVED: Cr Oversby

SECONDED: Cr Piper

That:-

1. **tender 001-50 be awarded to WA Vinyl Systems for the refurbishment and repairs of the Boyup Brook Swimming Pool as presented by R Wittenoom and Associates for the sum of \$155,000 (inc. GST) with a contingency of \$11,000 (inc. GST);**
2. **the Chief Executive Officer seek emergency funding of 50% of the total cost of the works from the Department of Sport and Recreation.**

CARRIED: 9/0

Mr J Eddy departed the Chambers the time being 5.25pm.

Cr Downing declared a proximity interest in the item 7.2.7 and departed the Chambers the time being 5.25pm.

MOVED: Cr Broadhurst

SECONDED: Cr Moir

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

Mr J Eddy returned to the Chambers the time being 5.27pm.

Mr D Millington departed the Chambers the time being 5.30pm.

MOVED: Cr Oversby

SECONDED: Cr Florey

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

Mr J Eddy departed the Chambers the time being 5.40pm.

Mr J Eddy returned to the Chambers the time being 5.45pm.

7.2.7 Planning Application for an Oversized Shed – Lot 5 Barron Court, Boyup Brook

Proponent: AJ & JA Casserly
Location: Lot 5 Barron Court, Boyup Brook
Reporting Officer: Will Pearce
Date Report Written: 15 June 2005
Enabling Legislation: Town Planning Scheme No 2
File: AS12312
Appendices: 1.10 - Plans

BACKGROUND:

The proponent is seeking approval for an oversized shed to be located at Lot 5 Barron Court, 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 (the 'Scheme').

A plan, elevation drawings and correspondence are provided (refer to appendices 1.10).

DETAIL:

Lot 5 is a vacant lot with a gross area of 11.6ha, currently zoned "Special Rural No.4".

The proposal involves the construction of a new 300m² steel framed/rammed earth shed with a maximum height of 6.0m.

The proponent advises that the purpose of the shed is for storage of plant and vehicles for his rammed earth business.

The proponent also wishes to use a portion of the shed as a temporary residence whilst constructing the main residence. This is allowed under Council's 'Temporary Accommodation – Owner /Builder' policy.

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

"MAXIMUM DIMENSIONS

Maximum permissible outbuilding area dimensions will be as follows: -

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

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

OVERSIZED OUTBUILDINGS

For the purpose of calculating total outbuilding floor space, the Council only takes freestanding structures such as garages or sheds into consideration; any structure attached to the main building such as a verandah or carport would be excluded.

In assessing your request, Council will require that:

- *The proposed outbuilding(s) are of masonry construction or clad in factory applied colour finished sheet metal;*
- *The height or any opening to the outbuilding(s) is less than 3.0 metres;*
- *The ridge/gable height is less than 4.0 metres;*
- *The outbuilding(s) must be totally or partially screened from the street by a dwelling and/or landscaping capable of reaching a height equivalent to the eave height of the outbuilding(s) upon maturity;*
- *Your proposal will not have a detrimental effect on your neighbours or on the street in general.*

For the Council to consider your application you must provide a written statement detailing why the additional outbuilding floor space is required and its intended use."

The size and height of the shed therefore does not comply with the Council's policy.

COMMENT:

The Scheme does allow the Council some discretion to relax its standards eg. as prescribed in its policy, under clause 3.6 of the Scheme 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 size of the shed and height are over and above the policy guidelines. However, the size of the lot is approximately 4-5 times the area of the standard special rural lots in other parts of the district eg Lee Steere Drive. There are many rural lots in the district that are of equivalent, if not smaller, area that under the policy would allow a shed of unlimited size and height.

The shed will have a visual impact on the adjoining neighbour on lot 4 Barron Court. Whether it will have a negative impact needs to be considered by Council. It is the officer's opinion that it may not have a negative impact.

It is recommended that:-

That the Council approves the planning application as presented for an oversized shed 300m² in area proposed for Lot 5 Barron Court, Boyup Brook subject to:-

- 1 the proposal complies with the Town Planning Scheme No.2;
- 2 the commercial activity does not entail the employment of any person not a member of the occupier's family

- 3 access being approved by the Manager of Works and Services;
- 4 all stormwater run off from impervious surfaces being disposed of to the satisfaction of the Manager of Works and Services;
- 5 the building complies with the Building Code of Australia.

MOVED: Cr Moir

SECONDED: Cr Martin

That item 7.2.7 be referred to the July 2005 Development Services Committee meeting for further consideration.

CARRIED: 8/0

Cr Downing returned to the Chambers the time being 5.42pm.

The Chief Executive Officer departed the Chambers the time being 5.45pm.

The Chief Executive Officer and Mr J Eddy returned to the Chambers the time being 5.48pm.

7.3 CORPORATE SERVICES

MOVED: Cr Downing

SECONDED: Cr Piper

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 9/0

MOVED: Cr Oversby

SECONDED: Cr Marshall

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

CARRIED 9/0

7.3.1 Review of Council Committees

<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>27 May 2005</i>
<i>Enabling Legislation:</i>	<i>-</i>
<i>File:</i>	<i>GO/51/001</i>
<i>Appendices:</i>	<i>-</i>

BACKGROUND:

The Council has historically established several advisory and formal committees to deal with specific matters. Generally, recommendations from the committees are then submitted to the next ordinary meeting of the Council for consideration.

The purpose of this report is to reaffirm continued support for such committees and consider new committees.

DETAIL:

Established committees of the Council are mentioned below.

Various organisations and incorporated associations of which elected members are Council representatives include Rylington Park, the Museum, Tourist Association and the Telecentre.

Section 5.8 of the Local Government Act 1995 (the 'Act') provides that a Council may establish committees of three or more persons to assist in its exercising of powers and discharging of duties that can be delegated to the committees. Committees can comprise of:-

- Council Members only
- Council Members and Employees
- Council Members, Employees and Other Persons
- Council Members and Other Persons (Audit committee only)
- Employees and Other Persons
- Other Persons only

Section 5.10 provides for the process of appointment for Committee members, generally requiring an absolute majority resolution of the Council. The Council determines the term of the appointment of Committee membership.

The existing committees are-

Bushfire Advisory Committee

Purpose

To provide advice and recommendations to the Council on matters pertaining to the management of the control of Bush Fires within the Shire of Boyup.

Membership

- One elected member of Council
- Two representatives from each of the Bush Fire Brigades
- Five persons nominated at the Annual General meeting of Bush Fire Brigades to accept the positions of :-
 - ◆ Chief Fire Control Officer
 - ◆ First and Second Chief Fire Control Officers,
 - ◆ Communications Officer (and deputy)
 - ◆ Training Officer (and deputy)
 - ◆ Weather Officer (and deputy)

Term of appointment

- Elected Members – 31 May annually.
- All other members annually, until the Annual General meeting of Bush Fire Brigades is held.

Townscape (Waters Edge) Advisory Committee

Purpose

To provide advice and recommendations to the Council on enhancing the environs of the townsites including:-

- Median Islands
- Footpaths and undeveloped road reserves
- Reserves, parks and gardens
- Entrance statements
- Signage

The extent of the townsite for the purposes of the Townscape Advisory Committee should incorporate all those areas included under the gross rental valuation system, and generally described as that area bounded by the Boyup Brook /Bridgetown Road (Saleyards), Boyup Brook/Donnybrook Road (Powertak), Boyup Brook / Kojonup Road (Bridge) and Dinninup Road (Bridge).

It is recommended that the purpose of the Committee be to provide advice and recommendations to the Council on enhancing the environs of the townsite including:-

- Median Islands
- Footpaths and undeveloped road reserves
- Reserves, parks and gardens
- Entrance statements
- Signage

Membership

- Three elected Members
- Up to four community members

Term of appointment

- 31 May annually

Recreation and Leisure Advisory Committee

Purpose

To provide advice and recommendations to the Council on Recreational and Leisure Activities and Recreational Opportunities for the Shire to the extent of:-

- Preparations of plans for enhancement of such opportunities.
- Applications for funding assistance from the Council or outside organisations resources, (Grant Applications).
- Development of Business/Management Plans for recreational and leisure facilities.

Membership

- Three Elected Members.
- Up to four community representatives.

Term of appointment

- 31 May annually

Development Services Committee

Purpose

- To submit recommendations to the Council in relation to development applications requiring a resolution of the Council.

Membership

- Four Elected Members.

Term of appointment

- 31 May annually

Strategic and Finance Occasional Committee

Purpose

To provide advice and recommendations to the Council on significant matters dealt with by the Chief Executive Officer to the extent of:-

- such strategic and significant matters as referred to the Committee for further investigation by Council resolution.
- financial management issues.

Membership

- Five Elected Members.

Term of appointment

- 31 May annually

Economic Development Committee

Purpose

As per Council's 'Economic Development Policy'

Membership

- (former) Cr Mondy
- Business/Farming Representative – Mr Paul Thompson
- Business/Farming Representative – Mr Anthony (Tony) Schreurs
- Business/Farming Representative – Mr Lee Duke
- Boyup Brook Tourism Association Representative
- Boyup Brook Country Music Club Representative
- Education Representative – Boyup Brook District High School Principal or his/her delegate
- Shire's Chief Executive Officer
- Shire's Community and Economic Development Officer
- Boyup Brook Rural Youth Representative
- Topoclimate/Farm Production Innovation Representative – Cr Kevin Moir

Term of appointment

- 31 May annually

COMMENT:

The establishment of committees follows the intention of the Act, viz. 'Greater Community participation in the decision in affairs of Local Governments'.

Provided the meetings are properly structured and members are committed to the task, committees can be a valuable source of feedback from the wider community including an indication of the services desired and the extent to which the community are prepared to pay for the services.

The committees can also act as a dissemination point for information, allowing community members to appreciate the complex issues which Local Governments face.

The Act was amended recently to require Councils to establish an Audit Committee. The Act states in summary-

s.7.1A Audit Committee

- Requirement to establish an audit committee
- Committee to be of three or more persons, including elected members and other persons
- Employees and CEO not to be member of Committee (can be observers)
- Absolute majority decision to appoint committee
- Operates from 7 May 2005

s.7.1B Delegation of some powers and duties to audit committees

- Council may delegate only powers and duties under Part 7 to audit committee (by absolute majority)
- Decisions of audit committee to be by simple majority (section 7.1C)
- Operates from 7 May 2005

s.7.3 Appointment of auditors

- Requires recommendation from audit committee for appointment of auditor by the council
- Operates from 7 May 2005

s.7.9 Audit to be conducted

- Requires any matters identified by an auditor to be detailed in the auditor's report
- New power for the Minister to refer a copy of the auditor's report to the CEO for action under section 7.12A
- Operates from 7 May 2005

s.7.12A Duties of local government with respect to audits

- Local government must:
 - Assist its auditor and ensure that audits are conducted successfully and in a timely way
 - Meet with the auditor at least once every year (can be by electronic communication) over/
 - Examine auditor's report and ensure action is taken where necessary
 - Prepare a report on any necessary action and forward a copy to the Minister
 - Operates from 7 May 2005 over/
 - Regulations prevent particular audit delegations to CEOs (includes s.7.12A(2), (3)(a), (4)) (See Reg.18G)
 - These cover matters relating to the Council or committee meeting with auditor, determining matters in report requiring action and adopting report on actions

s.7.13 Regulations as to audits

- Reg.16 Functions of audit committee:
 - Must provide guidance & assistance on matters under Part 7
 - Must develop a process for selection and appointment of auditor
- May assist in relation to:
 - Matters to be audited
 - Scope of audit
 - Functions under Part 6
 - Carrying out of any other functions relating to other audits (internal)
 - Other financial matters

It is recommended that the Council endorse the committee structures noted above.

MOVED: Cr Broadhurst

SECONDED: Cr Downing

That the Council endorse the following committees established in accordance with Sections 5.8, 5.18 of the Local Government Act 1995:-

1 Bushfire Advisory Committee

Purpose

To provide advice and recommendations to the Council on matters pertaining to the management of the control of Bush Fires within the Shire of Boyup.

Membership

- One elected member of the Council.
- Two representatives from each of the Bush Fire Brigades.
- Five persons nominated at the Annual General meeting of Bush Fire Brigades to accept the positions of: -
 - ♦ Chief Fire Control Officer
 - ♦ First and Second Chief Fire Control Officers,
 - ♦ Communications Officer (and deputy)
 - ♦ Training Officer (and deputy)
 - ♦ Weather Officer (and deputy)

Term of appointment

- Elected Member – 31 May annually
- All other members annually, until the Annual General meeting of Bush Fire Brigades is held.

2 Townscape (Waters Edge) Advisory Committee

Purpose

To provide advice and recommendations to the Council on enhancing the environs of the townsite including: -

- Median Islands.
- Footpaths and undeveloped road reserves.
- Reserves, parks, gardens and cemetery.
- Entrance statements.
- Signage.
- Cemeteries.

Membership

- Three Elected Members
- Up to four community members.

Term of appointment

- 31 May annually.

3 Recreation and Leisure Advisory Committee

Purpose

To provide advice and recommendations to the Council on Recreational and Leisure Activities and Recreational Opportunities for the Shire to the extent of:-

- Preparations of plans for enhancement of such opportunities.
- Applications for funding assistance from the Council or outside resources, (Grant Applications).
- Development of Business/Management Plans for recreational and leisure facilities.

Membership

- Three Elected Members.
- Up to four community representatives.

Term of appointment

- 31 May annually

4 Development Services Committee

Purpose

To submit recommendations to the Council in relation to development applications requiring a resolution of the Council.

Membership

- Four Elected Members.

Term of appointment

- 31 May annually

5 Strategic and Financial Occasional Committee

Purpose

To provide advice and recommendations to the Council on significant matters dealt with by the Chief Executive Officer to the extent of:-

- such strategic and significant matters as referred to the Committee for further investigation by Council resolution.
- financial management issues.

Membership

- Three Elected Members.

Term of appointment

- 31 May annually

6 Economic Development Committee

Purpose

As per Council's 'Economic Development Policy'

Membership

- 2 x Cr _____
- 3 x Business/Farming Representative
- Boyup Brook Tourism Association Representative
- Boyup Brook Country Music Club Representative
- Education Representative – Boyup Brook District High School Principal or his/her delegate
- Shire's Chief Executive Officer
- Shire's Community and Economic Development Officer
- Boyup Brook Rural Youth Representative

Term of appointment

- 31 May annually

7 Audit Committee

Purpose

To provide advice and recommendations to the Council on the Local Government Act 1995 audit requirements.

Membership

- **Three Elected Members.**

Term of appointment

- **31 May annually**

8 Medical Centre Working Group

Purpose

To provide advice and recommendations to the Council on the medical centre.

Membership

- **Three elected members**

Term of appointment

- **31 May annually**

CARRIED: 9/0

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 9/0

Mr K Jones departed the Chambers the time being 5.57pm.

Mr K Jones returned to the Chambers the time being 6.00pm.

MOVED: Cr Marshall

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 9/0

7.3.2 Vacancies – Council Committees and Community Groups

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>General</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>01 June 2005</i>
<i>Enabling Legislation:</i>	<i>-</i>
<i>File:</i>	<i>GO/51/001</i>
<i>Appendices:</i>	<i>-</i>

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.

DETAIL:

In June 2004, appointments were made as per the below listing:-

- Development Services Committee
Crs. Blackburn, Moir, Downing, Mondy (Deputy Cr. Ginnane)
- Townscape Advisory Committee
Crs. Marshall, Broadhurst, Purse (Deputy Cr. Downing)

Community Delegates: R Halligan, E Muncey, E Biddle
- Bush Fire Advisory Committee
Cr. Oversby (Deputy Cr. Blackburn)
- Recreation and Leisure Advisory Committee
Crs. Broadhurst, Purse, Oversby (Deputy Cr. Mondy)

Community Delegates: K Bleechmore, R Douglas, G Downing
- Rylington Park
Cr. Blackburn (Deputy Cr. Purse)
- Conservation/ Environment
Cr. Mondy
- WA Local Government Association (South West Zone), WALGA,
Cr. Ginnane (Deputy Cr. Downing has voting rights at WALGA AGMs)
- Warren Blackwood Economic Alliance
Cr. Ginnane (Deputy Cr. Broadhurst)
- Road Matters
Cr. Moir (Deputy Cr. Oversby)
- Health Matters
Cr. Downing (Deputy Cr. Marshall)
- Telecentre
Cr. Oversby (Deputy Cr. Downing)
- Flax Mill Matters
Cr. Marshall (Deputy Cr. Broadhurst)
- Tourism Matters
Cr. Broadhurst (Deputy Cr. Oversby)
- Waste Management Matters
Cr. Blackburn (Deputy Cr. Oversby)

- Strategic and Finance Support Occasional Committee
Crs. Ginnane, Downing, Mondy, Moir, Marshall
- Local Emergency Management Committee
Cr Ginnane
- Agricultural Protection Board – Manjimup Zone
Cr Blackburn

In October 2003, the Council appointed the following to the Economic Development Committee-

- Cr Mondy
- Business/Farming Representative – Mr Paul Thompson
- Business/Farming Representative – Mr Anthony (Tony) Schreurs
- Business/Farming Representative – Mr Lee Duke
- Boyup Brook Tourism Association Representative
- Boyup Brook Country Music Club Representative
- Education Representative – Boyup Brook District High School Principal or his/her delegate
- Shire's Chief Executive Officer
- Shire's Community and Economic Development Officer
- Shire's Manager of Finance and Administration (ex-officio)
- Boyup Brook Rural Youth Representative
- Topoclimate/Farm Production Innovation Representative – Cr Kevin Moir

COMMENT:

It is recommended that the Council consider appointments as follows:-

Shire President

WA Local Government Association (South West Zone) and WALGA AGM
Warren Blackwood Economic Alliance
Strategic and Finance Occasional Committee
Health Matters (Deputy)
Audit

Cr Broadhurst

Townscape Advisory Committee
Tourism
Telecentre

Cr Downing

Health Matters
Townscape Advisory Committee
Strategic and Finance Occasional Committee
WA Local Government Association (South West Zone) - (Deputy)
and WALGA AGM
Warren Blackwood Economic Alliance (Deputy)
Audit

Cr Florey

Development Services
Strategic and Finance Occasional Committee
Townscape Advisory Committee (Deputy)
Rylington Park (Deputy)

Cr Marshall

Development Services
Townscape Advisory Committee
Recreation & Leisure Advisory Committee
Strategic and Finance Occasional Committee
Roads Representative (Deputy)
Audit

Cr Martin

Development Services
Recreation & Leisure Advisory Committee
Conservation/Blackwood Basin Group (Deputy)

Cr Moir

Development Services Committee
Roads Representative
Rylington Park
Economic Development
Strategic and Finance Occasional Committee

Cr Oversby

Bushfire Advisory Committee
Recreation & Leisure Advisory Committee (Deputy)
Waste Management Matters (Deputy)
Conservation/Blackwood Basin Group
Telecentre (Deputy)
Tourism (Deputy)

Cr Piper

Bushfire Advisory Committee (Deputy)
Recreation and Leisure Advisory Committee
Waste Management Matters
Development (Deputy)

The Council also needs to endorse community representatives on the Recreation and Leisure Advisory, Economic Development and Townscape Advisory Committees.
Nominations for recreation and townscape committee positions were invited in the May 2005 edition of the Boyup Gazette.

Written and verbal nominations were received and with many current members willing to continue for a further 12 months. These include E Muncy, E Biddle, G Raynor who wish to remain on the Townscape Committee and K Bleechmore and K Martin on the Recreation and Leisure Committee.

E Biddle has also nominated for the Recreation and Leisure Committee.

The membership for the Economic Development Committee is by direct appointment.

The Boyup Brook Country Music Club has formally requested representation on their committee. Cr Oversby is currently an 'unofficial' shire representative and attends their meetings regularly (he is a club member).

It is suggested that the Council considers the appointments as noted in the recommendation above.

MOVED: Cr Oversby

SECONDED: Cr Martin

That the following delegates be appointed to the various Council Committees and external organisations:-

- **Development Services Committee**
Crs. Florey, Downing, Martin, Moir (Deputy Cr. Piper)
- **Townscape Advisory Committee**
Crs. Broadhurst, Downing, Marshall (Deputy Cr. Florey)

Community Delegates: E Biddle, R Campbell, E Muncey, G Raynor
- **Bush Fire Advisory Committee**
Cr. Oversby (Deputy Cr. Piper)
- **Recreation and Leisure Advisory Committee**
Crs. Florey, Martin, Piper (Deputy Cr. Oversby)

Community Delegates: E Biddle, K Bleechmore, K Martin
- **Rylington Park**
Cr. Florey (Deputy Cr. Piper)
- **Conservation/ Blackwood Basin Group**
Cr. Oversby (Deputy Cr. Martin)
- **WA Local Government Association (South West Zone)**
Cr. Ginnane (Deputy Cr. Downing)
- **WALGA AGM**
Crs Downing and Oversby
- **Warren Blackwood Economic Alliance**
Cr. Ginnane (Deputy Cr. Downing)

Community Delegate: Cr Broadhurst (Deputy Cr Downing)
- **Road Matters**
Cr. Moir (Deputy Cr. Marshall)
- **Health Matters**
Cr. Downing (Deputy Cr. Ginnane)
- **Telecentre**
Cr. Oversby (Deputy Cr. Ginnane)
- **Tourism Matters**
Cr. Broadhurst (Deputy Cr. Oversby)
- **Waste Management Matters**
Cr. Martin (Deputy Cr. Oversby)
- **Strategic and Finance Support Occasional Committee**
Crs. Ginnane, Downing, Piper (Deputy Cr. Marshall)

- **Country Music Club of Boyup Brook**
Cr Oversby (Deputy Cr.Piper)
- **Audit Committee**
Crs. Ginnane, Downing, Marshall
- **Economic Development Committee**
Crs Ginnane and Moir (Deputy Cr Martin)

Community/Staff Delegates:

- **Business/Farming Representative – Mrs Linda Coote**
- **Business/Farming Representative – Mr Anthony (Tony) Schreurs**
- **Business/Farming Representative – Mr Lee Duke**
- **Boyup Brook Tourism Association Representative**
- **Boyup Brook Country Music Club Representative**
- **Education Representative – Boyup Brook District High School Principal or his/her delegate**
- **Shire's Chief Executive Officer**
- **Shire's Community and Economic Development Officer**
- **Boyup Brook Rural Youth Representative**
- **Medical Centre Working Group**
Crs Downing, Ginnane and Marshall.

CARRIED: 9/0

MOVED: Cr Martin

SECONDED: Cr Downing

That:-

1. the Economic Development Committee be restructured to:-
 - a) delete reference under "Membership" to 'Education Representative – Boyup Brook District High School Principal or his/her delegate';
 - b) add new member 'Farm Production Innovation Representative'
- 2 Mr Michael Giles be appointed as the 'Farm Production Innovation Representative'.

CARRIED: 9/0

Mrs G Wallace departed the Chambers the time being 6.36pm.

7.3.3 Making of Local Laws – Amendment of Existing Local Laws

Proponent: *Shire of Boyup Brook*
Location: *-*
Reporting Officer: *Will Pearce*
Date Report Written: *7 June 2005*
Enabling Legislation: *Local Government Act 1995*
File: *CM/29/002*
Appendices: *1.6 - Draft Local Law*

BACKGROUND:

At its 17 February 2005 meeting the Council resolved to amend various local laws.

A copy of the draft law is attached (see appendix 1.6)

A public comment period inviting submissions closed on 22 April 2005.

It is necessary to consider adopting a local law that will make these changes.

DETAIL:

The Council at its 17 February 2005 meeting resolved:-

“That the Chief Executive Officer gives public notice under section 3.12 of the Local Government Act 1995 of the intention to make an Amendment Local Law to include:-

Activities in Thoroughfares and Public Places and Trading Local Law, published in the *Government Gazette* of 3 February 2004

clause 2.1(a) reference to ‘6m’ to read ‘6 metres’,
clause 10.1 reference to ‘loc.l government’ to read ‘local government’

Local Government Property Local Law, published in the *Government Gazette* of 3 February 2004

clause 8.4(2) be deleted, change clause ‘8.4(3)’ to ‘8.4(2)’

Local Laws Relating to Fencing, published in the *Government Gazette* of 3 February 2004

clause 4 ‘notice of breach’ definition reference to ‘clause 15(1)’ to read ‘clause 16(1)’

Parking and Parking Facilities Local Law, published in the *Government Gazette* of 3 February 2004

clause 1.3 reference to ‘1742.11-1989’ to read ‘1742.11-1999’
clause 3.7(2) be replaced with ‘*a person shall not remove a mark or deface or alter a mark made by an Authorised Person so that the purpose of the affixing of such a mark is defeated or likely to be defeated*’
clause 3.5(2) the opening words “*a person shall not park a vehicle so that any portion of that vehicle is:*” to be replaced with the words “*Subject to any laws relating to intersections with traffic control signals a person shall not park a vehicle so that any portion of the vehicle is:*”
clause 8.2 – be deleted, change clause 8.3 to 8.2

Bush Fire Brigades Local Laws, published in the *Government Gazette* of 3 February 2004

clause 3.6 of the main body to read ‘*Holding of annual general meeting - A bush fire brigade is to hold its annual general meeting during the month of March or April each year.*’

Standing Orders, published in the *Government Gazette* of 19 November 1997

clause 2.2 after the word ‘facsimile’ add the words ‘or email’
clauses 4.2 and 5.1 be amended as resolved at the Council’s 18 November 2004 meeting”

These amendments are required for various reasons including making minor corrections, improving the local law or removing ultra vires laws (laws that do not comply with a higher head of power) eg. the Parking local law clause 3.5(2).

No submissions on the proposal were made by the public.

COMMENT:

It is suggested that the draft local law as presented be approved.

MOVED: Cr Moir

SECONDED: Cr Broadhurst

That the Council, under Section 3.12 (4) of the Local Government Act 1995, makes a local law as presented BY A SPECIAL MAJORITY.

CARRIED: 9/0

7.3.4 Western Australian Local Government Association – 2005 Annual General Meeting

Proponent: *Western Australian Local Government Association (WALGA)*
Location: *-*
Reporting Officer: *Will Pearce*
Date Report Written: *08 June 2005*
Enabling Legislation: *Local Government Act 1995*
File: *GR/31/002*
Appendices: *-*

BACKGROUND:

The AGM for the Western Australian Local Government Association (WALGA) will take place on Sunday 07 August 2005.

Members of Local Governments are invited to submit motions for inclusion on the agenda for consideration at the 2005 AGM.

DETAIL:

The following guidelines should be followed by members in the formulation of motions:-

- Motions should focus on policy matters rather than issues which could be dealt with by the State Council with minimal delay.
- Due regard should be given to the relevance of the motion to the total membership and to Local Government in general. Some motions are of a localised or regional interest and might be better handled through other forums.
- Due regard should be given to the timeliness of the motion – will it still be relevant come Local Government Week or would it be better handled immediately by the Association through the State Council?
- The likely political impact of the motion should be carefully considered.
- Due regard should be given to the educational value to Members – ie does awareness need to be raised

COMMENT:

It is suggested that the Council considers submitting agenda items for the 2005 Annual General Meeting of the Western Australian Local Government Association.

7.3.5 Warren Blackwood Economic Alliance Minutes

Proponent: Warren Blackwood Economic Alliance
Location: -
Reporting Officer: Will Pearce
Date Report Written: 08 June 2005
Enabling Legislation: Local Government Act 1995
File: GR/31/006
Appendices: 1.7 - Minutes

BACKGROUND:

A meeting of the Warren Blackwood Economic Alliance was held on 24 May 2005.

Minutes of the meeting are laid on the table and circulated (refer to appendix 1.7).

MOVED: Cr Ginnane

SECONDED: Cr Downing

That the minutes of the Warren Blackwood Economic Alliance held on 24 May 2005 be received.

CARRIED: 9/0

7.3.6 Review of Delegations of Authority

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Will Pearce
Date Report Written: 08 June 2005
Enabling Legislation: Section 5.42 Local Government Act 1995
File: GO/15/004
Appendices: 1.8 – Delegations Register

BACKGROUND:

The Local Government Act 1995 requires local governments to review their delegations of authority on an annual basis.

The purpose of this report is to review all previous delegations to officers.

DETAIL:

A local government may delegate by an absolute majority to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties other than those mentioned by Section 5.43 of the Local Government Act 1995.

Section 5.43 provides that a local government cannot delegate any of the following powers or duties:-

- Any power or duty that requires a decision of an absolute majority or a 75% majority of the local authority.
- Accepting a tender which exceeds an amount determined by the local authority for the purpose of the delegation
- Acquiring or disposing of any property valued at an amount exceeding an amount by the local authority for the purpose of the delegation
- Any of the local government powers under the sections relating to payment for attending meetings.

- Borrowing money on behalf of the local authority
- Hearing or determining an objection of pursuant to Section 9.5 of the Local Government Act
- Any power or duty that requires the approval of the Minister or Governor

The purpose of permitting a local authority to delegate powers and duties is in recognition of how the efficiency of an organisation and hence its service to the public could be improved by delegation.

The Council can only delegate powers and duties to the Chief Executive Officer (Section 5.42) not to other employees, except under other legislation. The Chief Executive Officer can however delegate powers and duties to other employees (Section 5.44). In all cases, delegations are to be made in writing, with records being kept in accordance with regulations in relation to the exercise of the power or discharge of the duty.

Following an extensive review in July 2002 the Council approved the 'Shire of Boyup Brook Register of Delegations of Authority' as presented (see appendix 1.8). This register has been reviewed annually since 2002.

COMMENT:

A further review of the register by the CEO finds that the document in the main remains appropriate to continue the timely and effective management of the Council's operations. However, Delegation 122 requires amending. It currently reads:—

LEGISLATIVE POWER	- Various
DELEGATION SUBJECT	- Ranger Duties
DELEGATE	- Ranger

The contract Ranger has delegated authority to carry out various local government functions under the following Acts, Regulations and Local Laws:-

- Bush Fires Act and Regulations
- Dog Act, Regulations and Local Laws
- Litter Act and Regulations
- Local Government Act 1996 (9.11, 9.13, 9.15 and 9.16)

It is appropriate to amend the delegation to the CEO who can then delegate the authority to appropriate staff.

There is also an error with the date of the Act. It should be 1995.

This delegation should also include the new local laws adopted in 2004 to ensure that they can be enforced. These include-

Local Government Property Local Law;
Activities In Thoroughfares And Public Places And Trading Local Law;
Boyup Brook Cemetery Local Law 2003;
Bush Fire Brigades Local Law;
Parking and Parking Facilities Local Law;
Fencing Local Laws
Health Local Laws 2003

It is suggested that the Council endorses the recommendation above.

MOVED: Cr Florey

SECONDED: Cr Martin

That the Council endorses the review of the 'Shire of Boyup Brook Register of Delegations of Authority', subject to Delegation 122 being amended to read:-

LEGISLATIVE POWER	- Various
DELEGATION SUBJECT	- Various/Ranger Duties
DELEGATE	- Chief Executive Officer

The Chief Executive Officer has delegated authority to carry out various local government functions under the following Acts, Regulations and Local Laws:-

- **Bush Fires Act, Regulations and Local Laws**
- **Dog Act, Regulations and Local Laws**
- **Litter Act and Regulations**
- **Local Government Act 1995 (sec. 9.11, 9.13, 9.15 and 9.16)**
- **Local Government Property Local Law;**
- **Activities In Thoroughfares And Public Places And Trading Local Law;**
- **Boyup Brook Cemetery Local Law 2003;**
- **Bush Fire Brigades Local Law;**
- **Parking and Parking Facilities Local Law;**
- **Fencing Local Laws**
- **Health Local Laws 2003**

CARRIED: 9/0

7.3.7 **Accounts for Payment and Financial Status**

Proponent: *Shire of Boyup Brook*
Location: *-*
Reporting Officer: *Keith Jones*
Date Report Written: *08 June 2005*
Enabling Legislation: *Local Government Act 1995*
File: *FM/10/003*
Appendices: *1.9 - Payments*

BACKGROUND:

A monthly report is presented for consideration.

DETAIL:

The accounts for payment up to 28 February 2005 are attached (see appendix 1.9).

The payments made directly through the Municipal Account are as follows:-

• Salaries for the month of Feb 05	\$	67501.28
• Lease of Photocopier	\$	415.06
• Lease of Roller	\$	1,197.61
• Internet Access Fee	\$	40.00
• FlexiRent Computer	\$	2088.00
• Rent MFA	\$	160.00

The Account Balances for the various accounts as at 28 February 2005 are as follows:-

• Municipal Account	\$ 353756.03
• Shire Clerk Advance	\$ 6221.33
• Shire Medical Account	\$ 18166.98
• Trust Account	\$ 59597.18
•	

Investments secured with the Commonwealth Bank maturing March 2005 are as follows:-

• Reserves Account Term Deposit	\$ 649078.64	@5.12%
• Investment	\$ 600,000.00	@5.12%

As at 28 February 2005 the following amount of rates were outstanding:-

Boyup Brook Ward	\$ 58400.05
Benjinup Ward	\$ 37084.97
Dinninup Ward	\$ 19953.38
Scotts Brook Ward	\$ 26144.15

<u>TOTAL</u>	\$ 141582.55
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Sundry Debtors at 10 March 2005	\$ 78473.65
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Sundry Creditors at 10 March 2005	\$ NIL
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MOVED: Cr Downing

SECONDED: Cr Florey

That the accounts as:-

- 1 presented totalling \$238186.63 voucher numbers for payment; 13015-13016, 13018-13029, 13034-13117, 1891, 1893, 1895, 1750**
- 2 paid by direct payments through the Municipal Account, the Chief Executive Officer's Advance Account and Trust,**

be endorsed for payment.

CARRIED: 9/0

9 PETITIONS AND MEMORIALS

Nil

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

12 CLOSURE OF MEETING

There being no further business the Chairman declared the meeting closed at 6.44pm.

These Minutes and Schedule of Accounts were confirmed by the Council at the Council Meeting held on the 21 July 2005.

Cr Terry Ginnane, Shire President