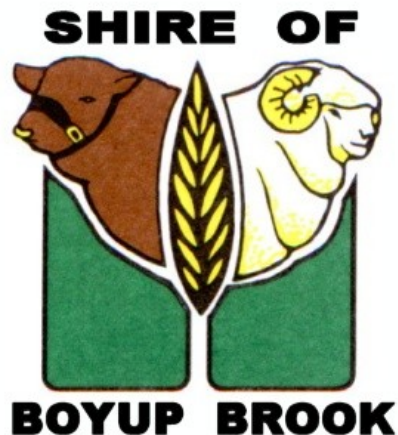


MINUTES



ORDINARY MEETING

TO BE HELD

THURSDAY 18 AUGUST 2011

COMMENCING AT 3.30PM

AT

SHIRE OF BOYUP BROOK CHAMBERS
ABEL STREET – BOYUP BROOK

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

1.1 Attendance

Cr M Giles – Deputy Shire President
Cr T Doust
Cr P Marshall
Cr E Muncey
Cr B O'Hare
Cr T Oversby

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr Keith Jones (Manager of Finance)
Mr John Eddy (Manager of Works & Services)
Mrs Maria Lane (Executive Assistant)

PUBLIC: Mr Norm Blackburn arrived at 3.30pm

1.2 Apologies

1.3 Leave of Absence

Cr Ginnane – Shire President
Cr Biddle

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Oversby – Attendance at the 2011 Local Government Week.

Cr Oversby gave an overview on the speakers at this year's Local Government Week. Generally the presentations were informative and the quality of the speakers was good.

Cr Oversby informed Councillors that there will be a Blackwood River Valley Marketing Association AGM meeting being held on 23rd August 2011 in Balingup.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 21 July 2011

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 5.1

MOVED: Cr O'Hare

SECONDED: Cr Muncey

That the minutes of the Ordinary Meeting of Council held on Thursday 21 July 2011 be confirmed as an accurate record.

CARRIED 6/0

Res 149/11

6 PRESIDENTIAL COMMUNICATIONS

Nil

7 REPORTS OF OFFICERS

Nil

7.1 MANAGER WORKS & SERVICES

Nil

7.2 **MANAGER – FINANCE**

7.2.1 Accounts for Payment

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 August 2011</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – List of Accounts Paid</i>

SUMMARY

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

BACKGROUND

Invoices have been received during the month of July 2011.

COMMENT

Accounts are presented for consideration (see appendix 7.2.1) or where paid by direct debit pursuant to the Council's "Authorisation to Make Payments" policy.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

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 "Authorization to Make Payments" policy.

BUDGET/FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2010/11 or authorized by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.1

MOVED: Cr Doust

SECONDED: Cr Oversby

That the payment of accounts for July 2011 as presented totalling \$480,085.53 and as represented by cheque voucher numbers 18618 – 18648 totalling \$41,465.80, and accounts paid by direct electronic payments through the Municipal Account totalling \$438,619.73 be endorsed.

CARRIED 6/0

Res 150/11

7.2.2 July 2011 Monthly Statements of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 August 2011</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Financial Reports</i>

SUMMARY

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended 31 July 2011 and Investment Schedule for the month ended 31 August 2011.

BACKGROUND

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

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

The regulations also prescribe the content of the report.

The reports are attached – see appendix 7.2.2

COMMENT

Nil

CONSULTATION

Nil

STATUTORY OBLIGATIONS

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

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.2

MOVED: Cr Oversby

SECONDED: Cr Doust

That the July 2011 Monthly Statements of Financial Activity as presented, be received.

CARRIED 6/0

Res 151/11

Change to Order of Business

MOVED: Cr Muncey

SECONDED: Cr O'Hare

That the order of business in the agenda be changed to allow item 7.3.5 to be brought forward and dealt with at this time.

CARRIED 6/0

Res 152/11

7.3.5 Subdivision application (WAPC Ref 1443360) Lot 1957 Banks Road

Location:	<i>Lot 1957 Banks Road</i>
Applicant:	<i>Thompson Mc Robert Edgeloe Group Ltd</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 August 2011</i>
Author:	<i>Alan lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Copy of agenda item as presented to the July 2011 meeting but withdrawn, attachments for that agenda item, a copy of TME's application to WAPC, consultants review of documents, application and officer recommendation, advice in relation the application of Council's Road Contribution Policy and revised recommendation.</i>

SUMMARY

The purpose of this report is to put before Council the subdivision application made to Western Australian Planning Commission (WAPC) together with the report included in the July 2011 agenda, details of a review and recommendations made. The recommendation is that, in summary, the subdivision process be preceded by a rezoning or, as an alternative, the subdivision be supported with conditions.

BACKGROUND

The attached item was on the July 2011 agenda but was withdrawn with the following note appearing in the minutes:

Item 7.3.1 withdrawn by the Chief Executive due to a potential/perceived conflict of interest with same firm being the applicant and assessor of this subdivision referral from WAPC.

Attachments include the attachments for the July agenda item, a copy of TME's application to WAPC (provided by TME), the report and recommendations from the consultant's review of the application recommendation etc and a further comment on the application of Council's Road Contribution policy and a resulting revised recommendation.

COMMENT

Council has used TME as its planning consultant for a number of years and in this instance the planner providing advice to Council was not the planner assisting with the application. However the matter of a potential or perceived conflict of interest was raised and the decision was made to withdraw the item at the July 2011 meeting, seek an extension from WAPC and refer the application, recommendation etc to another planner for review.

The recommendation on the July agenda item was:

That Council advises the Western Australian Planning Commission that it supports the application to subdivide Lot 1957 Banks Road as it is in accordance with the provisions it is Local Rural Strategy.

The consultant who did the review (Edge Planning and Property) recommended as follows:

That Council advise the Western Australian Planning Commission that:

- 1. The application to subdivide Lot 1957 Banks Road, Boyup Brook (WAPC Reference 144336) is premature given the current Rural Zoning. The Council requests that the applicant either agrees to defer or withdraw the application until a portion of Lot 1957 Banks Road (proposed Lot 1) is rezoned from "Rural" to "Special Rural".*
- 2. Subject to the receipt of appropriate documentation and plans addressing land suitability and land capability, to the satisfaction of the Council, the Council will favourably consider adopting a scheme amendment to rezone a portion of Lot 1957 (proposed Lot 1) Banks Road, Boyup Brook from "Rural" to "Special Rural".*

Edge Planning and Property provided the following alternative recommendation should Council wish to support the subdivision application:

That Council advise the Western Australian Planning Commission that it supports the application to subdivide Lot 1957 Banks Road, Boyup Brook (WAPC Reference 144336) subject to the following conditions:

- 1. The subdivider preparing a notification for the title of proposed Lot 1 stating that the property is adjacent to an agricultural area where a range of agricultural practices and impacts may occur. (LG)*
- 2. A building envelope being identified for proposed Lot 1 to the satisfaction of the Council. (LG)*
- 3. A Bushfire Management Plan being prepared which is appropriately implemented to the satisfaction of the Council. (LG)*
- 4. The subdivider contributing to the upgrading of Banks Road to the satisfaction of the Council. (LG)*

Advice

Subject to the receipt of appropriate documentation and plans addressing land suitability and land capability, to the satisfaction of the Council, the Council will favourably consider adopting a scheme amendment to rezone a portion of Lot 1957 (proposed Lot 1) Banks Road, Boyup Brook from "Rural" to "Special Rural".

The foregoing recommendation includes reference to Council's Policy on road contributions.)

In summary both planning consultant's recommendations are for Council to support the subdivision however Edge Planning and Property recommend that this should be preceded by a rezoning ("Rural" to "Special Rural"). Edge Planning and Property's alternative recommendation provides appropriate conditions that they recommend Council seeks if it does not see sufficient merit in seeking a rezoning at this time.

The recommendation put forward in the report are those made by Edge Planning and Property and that the first is what the consultant sees as being the most appropriate.

CONSULTATION

The author has spoken with Council, Council's TME planning consultant, Shire of Bridgetown/Greenbushes Planner, and Edge Planning and Property planning consultant.

STATUTORY OBLIGATIONS

Please refer to attached reports.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.5

MOVED: Cr Doust

SECONDED: Cr Marshall

That Council advise the Western Australian Planning Commission that:

- 1. The application to subdivide Lot 1957 Banks Road, Boyup Brook (WAPC Reference 144336) is premature given the current Rural Zoning. The Council requests that the applicant either agrees to defer or withdraw the application until a portion of Lot 1957 Banks Road (proposed Lot 1) is rezoned from “Rural” to “Special Rural”.**
- 2. Subject to the receipt of appropriate documentation and plans addressing land suitability and land capability, to the satisfaction of the Council, the Council will favourably consider adopting a scheme amendment to rezone a portion of Lot 1957 (proposed Lot 1) Banks Road, Boyup Brook from “Rural” to “Special Rural”.**

CARRIED 5/1

Res 153/11

7.2.3 Financial Management Review

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	10 August 2011
Author:	Keith Jones – Manager of Finance
Authorizing Officer:	Not applicable
Attachments:	No

SUMMARY

Report recommends Council receive the Financial Management Review undertaken by AMD Chartered Accountants in June 2011.

BACKGROUND

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

The 2010/2011 Annual Budget provided the Council with funds for the review to be undertaken.

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

DETAIL

The review was carried out in late June 2011 by AMD Chartered Accountants.

The relevant regulation states:-

5. Financial management duties of the CEO

- (1) Efficient systems and procedures are to be established by the CEO of a local government -*
 - (a) for the proper collection of all money owing to the local government;*
 - (b) for the safe custody and security of all money collected or held by the local government;*
 - (c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process);*
 - (d) to ensure proper accounting for municipal or trust —*
 - (i) revenue received or receivable;*
 - (ii) expenses paid or payable; and*
 - (iii) assets and liabilities;*
 - (e) to ensure proper authorisation for the incurring of liabilities and the making of payments;*
 - (f) for the maintenance of payroll, stock control and costing records; and*
 - (g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.*

(2) *The CEO is to —*

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

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

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

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

1.0 STATUTORY NON-COMPLIANCE MATTERS

The following items represent non-compliance with the sections of the Act or Regulations as stated. Accordingly, these items will be reported as a statutory non-compliance matter within our 30 June 2011 audit report.

1.1 Budget Review

Risk Rating: Moderate

Council has prepared the mid-year review of the budget in accordance with Section 33A of the Local Government (Financial Management) Regulations 1996; however a copy of the review and Council resolution adopting the budget review was not forwarded to the Department within 30 days of the Council resolution as required by Section 33A (4).

Recommendation

We recommend the budget review and Council resolution be forwarded to the Department in accordance with the Regulation requirements.

Management Comment

This was an oversight and the review has been sent to the Department.

1.2 Annual Budget 2010/11

Risk Rating: Moderate

The 2010/11 annual budget was adopted by Council on the 15 July 2010; however a copy of the annual budget was not submitted to the Department within 30 days of its adoption in accordance with Section 33 of the Local Government (Financial Management) Regulation 1996.

We note however that the 2010/11 annual budget was subsequently sent to the Department on the 17 August 2010.

Recommendation

We recommend future annual budgets be forwarded to the Department in accordance with the Regulation requirements.

Management Comment

This has been noted and a corporate calendar has been created to ensure important tasks are carried out.

1.3 Annual Compliance Audit Return 2010

Risk Rating: Moderate

We noted the 2010 annual compliance audit return was not forwarded to the Department by the 31 March 2011 in accordance with Section 15 (1) of the Local Government (Audit) Regulation 1996.

We note however that the 2010 annual compliance audit return was subsequently sent to the Department on the 22 June 2011.

We also noted Council answered "yes" to Compliance Audit Question number 20 in respect to the annual report containing the number of those employees with an annual salary entitlement that falls within each band of \$10,000 and over \$100,000 as required by Section 5.53(2)(g) of the local Government Act 1995 and section 19B of the Local Government (Administration) Regulation, however the 2009/10 annual report in fact did not include this information.

Recommendation

We recommend future annual compliance audit returns be forwarded to the Department in accordance with the Regulation requirements and are independently reviewed prior to finalisation to ensure all questions are answered correctly.

We also recommend the 2010/11 financial report include information pertaining to those employees with an annual salary entitlement that falls within each band of \$10,000 and over \$100,000 in accordance with Act and Regulation requirements.

Management Comment

Future returns will be sent to the Department on time and in accordance with the regulations.

1.4 Rate Notice

Risk Rating: Minor

We noted the printed rate notice utilised by the Shire of Boyup Brook makes reference to the Valuation of Land Act 1976 instead of the Valuation of Land Act 1978 as stated within Section 56(3)(n) of the Local Government (Financial Management) Regulations 1996.

Recommendation

We recommend the Shire of Boyup Brook rate notices be updated to reflect the correct Valuation of Land Act.

Management Comment

When having rate notices reprinted this change will be made.

2.0 KEY MONTHLY RECONCILIATIONS

Risk Rating: Moderate

We noted sundry debtor, creditor, rates debtors and rateable value reconciliations are performed on a regularly basis by the Shire of Boyup Brook finance officer and subsequent to this are independently reviewed, however these key reconciliations are not signed as evidence of independent review.

In addition, at the time of our June audit, the latest sundry debtor and creditor reconciliations maintained within the reconciliation file were to 31 January 2011.

Recommendation

We recommend key account reconciliations be prepared on a timely basis and signed off as evidence of independent review by the Manager of Finance.

Management Comment

This has been noted and future reconciliations will be signed off as suggested.

3.0 PURCHASE ORDERS

Risk Rating: Minor

During our testing of payments, we noted various purchase orders which were dated after the invoice date. For example, AJ & DS Painting Contractor invoice dated 12 January 2011; purchase order dated 13 January 2011 and Mead Transport invoice dated 6 January 2011; purchase order dated 16 January 2011.

In addition, we noted various purchase orders which were not signed as evidence of authorisation to purchase the good or service. For example, B & B Street Sweeping to hire street sweeper for \$2,299 paid on the 5 April 2011.

Recommendation

We recommend purchase orders are generated and signed as authorisation prior to purchasing the good or service.

Management Comment

This has been noted and greater effort will be placed on the order dating and order system.

4.0 SALARY SACRIFICE DEDUCTIONS

Risk Rating: Minor

We noted there is no documentation evidencing details of the arrangement and employee authority in respect to various employees who have salary sacrifice deducted from their wages.

Recommendation

We recommend all deductions from employee wages be supported by an authorised deduction form.

Management Comment

This was done by a previous employee but no evidence is available. Current and future arrangements will have a deduction form created.

5.0 SHIRE OF BOYUP BROOK CARAVAN PARK RECEIPTS

Risk Rating: Minor

During our onsite visit to the Shire of Boyup Brook Caravan Park, we noted the following in respect to the collection of Caravan Park fees:

- Caravan park fees and charges can be paid by cash onsite or by cash / cheque / eftpos at the Shire offices. We noted that those wishing to pay at the Shire office pay in arrears increasing the risk that the resident may leave without paying the relevant fees and charges;
- Cash takings are taken home by the caretaker each night;
- There is no cash float set by Council, instead the caretaker determines the float retained in the cash bag at the time of banking; and
- There is no reconciliation performed between the receipts issued to residents and the cash banking.

We also noted that there is no formal management agreement between Council and the Shire of Boyup Brook Caravan Park caretaker.

Recommendation

We recommend the process for receiving Caravan Park receipts be reviewed with action taken to enhance controls over Council monies.

We also recommend the management of the Shire of Boyup Brook Caravan Park be formalised within a caretaker agreement outlining the scope, term, responsibilities and payment terms.

Management Comment

The process for receiving Caravan Park receipts will be reviewed and management arrangements will be dealt with once a decision is made in relation to development of the caravan park.

6.0 SHIRE OF BOYUP BROOK TRANSFER STATION

Risk Rating: Minor

During our onsite visit to the Shire of Boyup Brook Transfer Station, we noted the following in respect to the collection of tip charges:

- Cash takings are taken home by the Transfer Station manager each night; and
- There is no reconciliation performed between the "Daily Return Sheet" and the cash banking.

Recommendation

We recommend the process for receiving Transfer Station receipts be reviewed with action taken to enhance controls over Council monies.

Management Comment

The process for receiving Transfer Station receipts will be reviewed.

7.0 INFORMATION TECHNOLOGY

7.1 Information Technology Security

Finding Rating: Minor

Our inquiries regarding physical security and information technology access security indicated the following:

- Not all users are prompted to change their passwords on a regular basis (e.g. every 90 days); and
- Computers are not setup with automatic log off on individual workstations.

Recommendation

We recommend security over the Shire office building and access to information can be improved by:

- Systems used by the Shire of Boyup Brook be set up to prompt users to change their passwords on a regular basis (i.e. every 90 days); and
- Computers be set up to enable automatic log off on individual workstations.

Management Comment

The current computer systems will be reviewed.

7.2 Disaster Recovery Plan

Finding Rating: Minor

Our inquiries indicated that the Shire of Boyup Brook has no documented Disaster Recovery Plan in place in relation to information technology systems.

Recommendation

We suggest that a Disaster Recovery Plan be developed and documented to ensure that in the event of a disaster, the appropriate actions can be taken.

Management Comment

A documented disaster recovery plan will be created. We have already experienced this process successfully so what we did will be put in written form.

8.0 POLICIES & PROCEDURES REVIEW

Finding Rating: Minor

Our inquiries indicated there is no set policy review timetable and policies are therefore reviewed when time permits. Our review of the policy manual indicates that each policy states the initial formation date and a variation date (where applicable) however the next review date is not noted.

We also noted the Councilor Code of Conduct has no evidence of review (our inquiries indicated that the Code of Conduct has not been reviewed for the last three years).

Recommendation

We recommend policies, procedures and the Code of Conduct be reviewed and updated where necessary on an annual basis. Evidence of review should be noted within the policy.

Management Comment

The process for reviewing policies, procedures and the Code of Conduct will be attended to.

GUIDANCE AS TO RISK CLASSIFICATION

Our guidance to risk classification when performing the Shire of Boyup Brook's Financial Management Systems Review is based on the following:

Risk is the probability that an event or action may adversely effect Council operations. Risk is assessed based on the relationship between consequence and likelihood.

- Consequence is the severity of the impact that would result if the event were to occur.
- Likelihood is the chance that the event may occur given knowledge of the organization and its environment.

Our risk rating for each audit issue was based on the following table:

Likelihood	Consequence		
	Insignificant	Significant	Highly Significant
Low	L	M	M
Medium	L	M	H
High	L	H	H

As a result of the above risk classifications, findings identified during the final audit have been weighted in accordance with the following scale:

Significant - Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly.

Moderate - Those findings which are of sufficient concern to warrant action being taken by the entity as soon as possible.

Minor - Those findings that are not of primary concern but still warrant action being taken.

COMMENT

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

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations Act 1996, Regulation 5 (2) (c)

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2010/11

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.3

MOVED: Cr O'Hare

SECONDED: Cr Doust

That the Financial Management Review undertaken by AMD Chartered Accountants in June 2011 be received.

CARRIED 6/0

Res 154/11

Impartiality Interest

John Eddy declared an impartiality interest in item 7.2.4 as he is a resident of Ridgeview Estate.

7.2.4 Provision for Waste Wheelie Bins in Ridge View Estate area

Location:	<i>Ridgeview Estate</i>
Applicant:	<i>N/A</i>
File:	<i>WM/31/001</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>10 August 2011</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>N/A</i>
Attachments:	<i>No</i>

SUMMARY

To advise Council that a wheelie bin service is to be provided in the Ridge View Estate precinct.

BACKGROUND

The 2011-2012 Budget provides for 20 extra wheelie bin collections both in the Income and Expenditure sections. The cost of the wheelie bin service is \$108.86 per annum via Warren Blackwood Waste Services. Income has been budgeted at \$176.00 per bin.

As the service has not yet commenced, the costs and income would be reduced proportionately. Once the service is in place the ratepayers will be charged a pro-rata rate.

It is proposed that prior to commencing; the ratepayers will be sent a letter advising them of the upcoming service.

The area to be serviced does not take the Waste Contractor out of their way and so no additional cost is required. Should this service be extended to the Wilga townsite, there would be an additional \$2.00 per kilometre charge to and from Wilga each week resulting in a total extra cost of around \$80.00 per week.

The Boyup Brook Shire Local Laws under Health states:

Division 2 - Disposal of Refuse

Interpretation

- 4.2.1 In this division, unless the context otherwise requires -
- "**collection day**" means the day of the week on which rubbish and refuse is collected and removed by the local government or its contractor;
 - "**collection time**" where used in connection with any premises, means the time of the day on which rubbish and refuse is collected and removed from the premises by the local government or its contractor;
 - "**commercial waste**" means refuse and other rubbish generated by or originating from commercial or industrial premises and includes trade refuse;

"domestic waste" means refuse and other rubbish generated by or emanating from residential premises and includes house refuse;

"public place" includes a street; way or place which the public are allowed to use, whether the street, way or place is or is not on private property;

"receptacle" where used in connection with any premises means –

(a) a polyethylene cart fitted with wheels, a handle and a lid and having a capacity of at least 120 litres; or

(b) a container provided by the local government or its contractor for the deposit, collection and recycling of specific materials and supplied to the premises by the local government or its contractor;

"refuse disposal site" means a waste treatment facility or depot licensed under Part V of the *Environmental Protection Act 1986* to store, treat, reuse or dispose of rubbish or refuse.

"rubbish or refuse" includes any filth, dirt, ashes, vegetation, garden refuse, waste material, waste food, sludge, offensive matter, cinders, wood or metal shavings and sawdust but does not include liquid waste or liquid refuse;

"street" has the same meaning as in the Act;

"street alignment" means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the *Local Government (Miscellaneous Provisions) Act 1960*, means the new street alignment so prescribed; and

"waste" means commercial or domestic waste or both as the context requires.

Receptacles

4.2.2 An owner or occupier of premises shall -

(a) ensure the premises are provided with a receptacle for the depositing of rubbish or refuse and maintain the receptacle in a serviceable condition;

(b) at all times keep the lid of the receptacle closed except when depositing rubbish or refuse or cleaning the receptacle;

(c) except for a reasonable period before and after collection time, keep the receptacle on the premises and located -

(i) behind the street alignment and so as not to be visible from a street or public place; or

(ii) in such other position as is approved by the local government;

(d) on each collection day at or prior to 6.00am, place the receptacle out in the street adjoining the premises, in a position prescribed by the local government, where it is visible from the carriageway and is positioned with the handle facing away from the kerb line, or placed in such other position as is approved by the Council.

Exemption

4.2.3

(1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of Section 4.2.2 (c) or (d).

(2) The local government or Principal Environmental Health Officer may grant or refuse, with or without conditions, an application for exemption from compliance under this Section.

(3) An exemption granted under this Section shall state -

(a) the premises to which the exemption applies;

(b) the period during which the exemption applies; and

(c) any conditions imposed by the local government.

- (4) The local government may rescind the exemption or from time to time vary conditions imposed by it under this Section by giving written notice of the variation to the person to whom the exemption was given.

Use of Receptacles

4.2.4 An owner or occupier of premises shall -

- (a) not deposit or permit to be deposited in a receptacle -
 - (i) more than 70 kilograms of rubbish or refuse;
 - (ii) hot or burning ash;
 - (iii) oil, motor spirit or other flammable liquid;
 - (iv) liquid paint, solvent or other liquid;
 - (v) bricks, concrete, building rubble, asbestos, earth or other like substances;
 - (vi) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;
 - (vii) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious and leak-proof container;
 - (viii) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects;
 - (ix) cytotoxics, radioactive substances and dangerous chemicals;
 - (x) sewage, manure, nightsoil, faeces or urine;
 - (xi) any object which is greater in length, width or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed;
 - (xii) rubbish or refuse which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container; or
 - (xiii) hazardous products including ammunition and flares;
- (b) at all times keep the receptacle in a clean condition;
- (c) whenever directed to do so by an Environmental Health Officer, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the receptacle;
- (d) take all reasonable steps to prevent -
 - (i) fly breeding and keep the receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease; and
 - (ii) the emission of offensive and noxious odours from the receptacle; and
- (e) ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.

Ownership of Receptacles

- 4.2.5** (1) A receptacle supplied by the local government or its contractor, remains the property of the local government or its contractor, as the case may be;
- (2) The owner or occupier of a premises supplied with a receptacle remains responsible for any rubbish or refuse placed or deposited in the receptacle until such time as it has been removed by the local government or its contractor.

COMMENT

The service has been directly requested by two ratepayers. Others may or may not wish the service however if it is provided all properties that have a building would be charged the rate. Currently the number of properties that would utilise the wheelie bin service in the Ridge View area is 15.

CONSULTATION

Chief Executive Officer
Finance Officer
Senior Administration Officer
Waste Management Contractor
Ratepayers

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations Act 1996, Regulation 5 (2) (c)

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2011/12

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 7.2.4

That the Waste Management Contractor, Warren Blackwood Waste, be engaged to provide the wheelie bin service in the Ridge View Estate area under the same conditions that are currently existing with the Boyup Brook townsite.

COUNCIL DECISION

MOVED: Cr Doust

SECONDED: Cr Oversby

The matter be deferred until there has been consultation with Ridgeview residents and consideration also be given to extend the service in Wilga and Dinninup Townsite.

CARRIED 6/0

Res 155/11

4.03pm – Norm Blackburn left the Chambers.

7.2.5 Emergency Services Levy 'OPTION B' Agreement

Location:	<i>Boyup Brook</i>
Applicant:	<i>N/A</i>
File:	<i>RS/23/004</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>10 August 2011</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>N/A</i>
Attachments:	<i>Yes Agreement for signature</i>

SUMMARY

This report is to request Council permission to use the Common Seal on the agreement between Shire of Boyup Brook and Fire & Emergency Services Authority (FESA).

DETAIL

The attached agreement is the same as what the Shire has been operating under since May 2007. The previous agreement was signed by the CEO at the time Mr Will Pearce and the Shire President Mr Terry Ginnane.

Over the last 3 years the Option B arrangement has worked well. Option B requires the ESL collected payments from ratepayers to be paid to FESA in four instalments. Payment to FESA of 30 % of the total ESL in September, December and March. The June instalment shall be the final 10%

The Agreement requires the CEO and Shire President to sign under common seal and because it is Policy that they can only do so when given approval by Council this report has been produced. The Council Policy states:

POLICY NO. A.10 ~ Use of Common Seal and the Signatories for Contract Execution

Objective

To set out the procedures to be followed when there is a requirement to use the common seal.

Statement

The following applies to the use of the common seal and signatures when a document requires this method of completion:-

- 1 is to be used only when Council has previously authorised the action contained within the document being signed;
- 2 be affixed in the presence of the Shire President and Chief Executive Officer.

The document is to be completed in the following manner:-

The common seal of Shire of Boyup Brook was hereunto affixed and signed by the authority of a resolution of the Council in the presence of:

_____ Shire President _____ Chief Executive Officer

COMMENT

85% of Councils administering the ESL do so under an Option B Agreement. It is now well accepted that the payment of ESL under Option B is a simpler and more efficient ESL administrative arrangement.

CONSULTATION

Chief Executive Officer

STATUTORY OBLIGATIONS

Fire and Emergency Services Act 1998

POLICY IMPLICATIONS

POLICY NO. A.10

BUDGET/FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2011/12

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.5

MOVED: Cr Marshall

SECONDED: Cr Muncey

That the Common Seal be used on the agreement between Boyup Brook Shire and Fire & Emergency Services Authority (FESA) to accept the 'OPTION B' choice which requires the Shire to make four payments throughout the financial year to FESA on Emergency Services Levy collections from ratepayers.

CARRIED 6/0

Res 156/11

7.3 CHIEF EXECUTIVE OFFICER

7.3.1 Approval to Create an Exhibit (Teddy Bear Cave)

Location:	<i>Lot 1, Cnr Inglis and Abel</i>
Applicant:	<i>Leila McCreery</i>
File:	<i>AS160</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>26 July 2011</i>
Author:	<i>Wayne Jolley (EHO/Building Officer)</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes</i>

SUMMARY

An application has been received to use an existing shed on the above lot to exhibit a collection of teddy bears.

This report recommends that approval be granted.

BACKGROUND

This site is a commercial zoned property of 572m², owned and residentially occupied by Leila McCreery and her husband. It has not been used in a commercial sense for many years.

Mrs. McCreery has a collection of several hundred teddy bears and intends to exhibit the collection to the general public for the purpose of raising funds for the Flying Doctor Service. The collection will be displayed in an existing brick, fibro cement and steel shed that is accessible from the driveway on Inglis Street.

COMMENT

The Shire's Town Planning Scheme No 2 (Zoning Table) does not specifically cover this use but the following categories might be applied:

- Art Gallery permitted use
- Museum permitted with Council approval
- Public Amusement permitted use

Whichever of the above is applied, only Council approval is required.

Patronage of this exhibit is likely to be casual and spasmodic, arising mainly from visiting tourists and interested locals. There is adequate street and public parking within easy walking distance (i.e. Abel and Inglis Street and the Town Hall parking area). Impact on the area should be negligible.

The building that will be used for the display enjoys:

- Easy and safe access from the street;
- Sufficient space for limited disabled access; and
- Adequate internal lighting.

However, the collection is informally exhibited and care needs be exercised to ensure that a clear access path is maintained around the exhibit.

The proposed enterprise is low key, it is an added, albeit minor tourist attraction for the town and is intended to raise funds for a worthy cause. The application is therefore supported

CONSULTATION

Inspection of premises and discussion with Mrs. McCreery.

STATUTORY OBLIGATIONS

Town Planning Scheme No 2.

POLICY IMPLICATIONS

Council does not have a policy on this matter.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
The exhibit may enhance the tourism position of the town.
- **Social**
The exhibit is intended to raise funds for the Flying Doctor Service.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 7.3.1

MOVED: Cr Muncey

SECONDED: Cr Oversby

That approval is granted for Mrs McCreery to exhibit her Teddy bear collection at the subject property, according to her application and the following conditions:

- **That a clear access path is maintained around the exhibition, within the building.**

CARRIED 6/0

Res 157/11

ITEM 7.3.2 withdrawn – duplication.

7.3.2 Financial Management Systems Review
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Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	<i>The author has an interest to the extent that the CEO has responsibility for financial management and this report deals with a review of systems.</i>
Date:	<i>August 10, 2011</i>
Author:	<i>Alan Iamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Copy of review report.</i>

7.3.3 Roadside vegetation survey and mapping – request for Council support

Location:	<i>Shire managed road reserves</i>
Applicant:	<i>J Wildy</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10 August 2011</i>
Author:	<i>Alan lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Roadside Conservation Committee information paper</i>

SUMMARY

The purpose of this report is to put before Council the request for Council support for a roadside conservation survey that is to be conducted on Shire managed road reserves with the recommendation that it not be supported.

BACKGROUND

A local ratepayer Jodie Wildy is in the process of organising a roadside conservation survey to be conducted on Shire managed road reserves and now seeks Council support. The survey is being supported by the Roadside Conservation Committee (RCC) and on completion the RCC will classify the roadsides as high, medium-high, medium-low, or low conservation value. Maps are then produced with a colour coding to depict the value category with overlays showing weed populations. There will also be a summary report. RCC notes that "Collecting information about the general condition of a road reserve helps target these activities and plan road works to avoid high conservation roadsides, so that regional vegetation linkages are protected." It also notes that "The Roadside Conservation Value map and accompanying information will ultimately assist the Shire to develop roadside vegetation management plans and the Roadside Vegetation Committee is able to assist Local Government with this.

A similar type of survey was done in 1992 as part of the push of the day to conserve roadside vegetation and to provide habitats for fauna and linkages between habitats. The program was called something like Ribbons of Green.

It is understood that RCC would like Shires to conduct Roadside Conservation Value surveys every ten years.

COMMENT

Jodie Wildy, local ratepayer and Botanist has worked with RCC developing this project and in an email RCC noted that "The shire would need to provide support, help recruit volunteers for the surveying and preferably provide assistance with fuel for volunteers. Shires may choose to seek a grant to provide this. The volunteers are enrolled as Department of Environment and Conservation volunteers for insurance purposes and depending on the hours they do, they may be eligible for benefits through the DEC volunteer program. RCC supplies all necessary equipment and training for volunteers and analyses the data, compiles the map and report. Jodie emailed Council's Regional

Environmental Officer at the end of March 2011 asking what the Shire could contribute toward a RCV survey. In conversation though it has been indicated that support in principal for a survey to be conducted is all that is being sought.

The RCC describes the survey as not being a flora survey and being targeted at conservation where the following things are looked at;

- The structure of native vegetation
- The extent of native vegetation
- The approximate number of different native plant species
- The degree of weed infestation
- The habitat value (e.g. connects to other bushland areas, provides habitat or food for reptiles, birds and other animals e.g. hollow logs, tree hollows and flowering shrubs, environmentally sensitive areas – DRF etc)
- Width of vegetated roadside
- Width of road reserve
- Vegetation type
- Tree decline
- Revegetation
- Clearing
- Rabbits
- Adjoining land use e.g. Agriculture, bushland, plantation, urban
- Presence of utilities/disturbances
- General comments
- Presence and percentage of 6 nominated weeds
- Presence and percentage of additional weeds

The 6 weeds are nominated by the shire or landcare/NRM group and are weeds that the shire is keen to target.

The suggested benefits to the Shire Council of having the survey conducted are;

- The information will assist with applications for roadside and NRM projects.
- Better information for weed control.
- Rehabilitation works
- Mapping assist with tourism opportunities
- Fire management.

The argument for support includes the fact that the survey project is being progressed and will go ahead regardless of Council support and so Council might as well be a party to it. Additionally, the project is being spearheaded by a local person who is a Botanist and so well qualified in the area of plant types etc.

The argument against includes the fact that there are already many constraints on Councils management of road reserves that impact on the ability to effectively construct and maintain roads and this may be or may lead to more constraints. Road safety should be the main focus of what is done with reserves set-aside for the purposes providing road access, all other matters should be secondary. The move in the early nineties to see roadsides as conservation areas, habitats and habitat linkages coupled with need for clearing permits and costly offset programs, has been a significant imposition on Local Governments.

On balance, and based on the notion that roads and road safety should be the main factors when dealing with road reserves it is recommended that Council not support the survey that is to be conducted.

CONSULTATION

The author has spoken with RCC, BBG and Jodie Wildy

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil if there is to be no contribution to the project.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues other than that the project is aimed at conserving flora and fauna.
- **Economic**
There are no known significant economic issues other than that additional impositions on management of road reserve will result in additional costs.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.3

MOVED: Cr Doust

SECONDED: Cr Marshall

That Council not support the planned roadside conservation survey to be conducted on road reserves managed by the Shire.

CARRIED 6/0

Res 158/11

7.3.4 Reserve 18217 – application for management by DEC

Location:	<i>Reserve 18217, Boyup Brook – Kojonup Road</i>
Applicant:	<i>DEC</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10 August 2011</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>DEC letter and Landgate information sheet.</i>

SUMMARY

The purpose of this report is to put before Council the Department of Environment and Conservation's (DEC) request for Council support for its application for management of Reserve 18217 with the recommendation that Council support the application.

BACKGROUND

There is no current management order for Reserve 18217 and so it is, by default, managed by of State Land Services. The Purpose is "Gravel and Timber for Settlers" and the proposed new Purpose is "Conservation of Flora and Fauna".

COMMENT

State Land Services does not have an operational arm and so all lands it manages are looked after in a physical sense by DEC. DEC seeks management of the Reserve so it can maintain and restore the natural environment. The proposed new purpose would provide for this and passive recreational activities such as bushwalking and nature appreciation.

The Reserve has an old gravel pit and access track but DEC report that these are becoming over grown and have not been used for some time.

The Reserve is next to a Shire managed gravel Reserve (Reserve 35290) and DEC advise it is not seeking to take over management of the Shire Reserve.

The Reserve was established in 1923, the area was reduced in 1953 and again in 1957, and, according to the Landgate record, the Purpose was given in 1972. It is possible that the gravel pit was established (probably by Main Roads) as part of works on the Boyup Brook – Kojonup Road and so may not have been used since the road was sealed.

Council could oppose DEC's application and seek a management order in an effort to secure any gravel that may be there. However because the gravel pit has not been used for years indicating there may be issues, the likelihood of a DEC application taking precedence, and the additional cost and problems of taking on another Reserve, it is recommended that Council not take this option and instead support the DEC application.

CONSULTATION

Nil other than with other staff

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues other than this DEC management will better ensure the conservation and restoration of the natural environment.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority

MOVED INTO COMMITTEE

MOVED:Cr Oversby

SECONDED:Cr Muncey

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 6/0

Res 159/11

4.14pm – Cr Muncey left the Chambers.

4.16PM – Cr Muncey returned to the Chambers

MOVED OUT OF COMMITTEE

MOVED: Cr Muncey

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 6/0

Res 160/11

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.4

MOVED: Cr Doust

SECONDED: Cr Muncey

That Council supports the Department of Environment and Conservation's application for management of Reserve 18217.

CARRIED 6/0

Res 161/11

4.17pm – John Eddy left the Chambers.

7.3.6 Second dwelling Lot 21 Westbourne Road Chowerup
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Location:	<i>Lot 21 Westbourne Rd Chowerup</i>
Applicant:	<i>GR & SL Mead</i>
File:	<i>AS15154</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11th August 2011</i>
Author:	<i>Geoffrey Lush (Council's Consultant Planner)</i>
Authorizing Officer:	
Attachments:	<i>1 – Location Plan</i>

SUMMARY

An application has been received to construct a second dwelling on Lot 21 Westbourne Road. The subject land is owned by GR & SL Mead.

The application is supported as it is seeking to maintain the land for farming purposes in accordance with the objectives of the Scheme and Rural Strategy.

BACKGROUND

Lot 21 has an area of 374 hectares and is situated on the corner of Westbourne and Pretty Gully Road being approximately 42 km south east of the Boyup Brook townsite. The site is cleared farming land with some minor areas of remnant vegetation. There is an existing dwelling on the property.

Council at its Meeting of the 17th December 2009 (Res 266/09) considered an application from GR and SL Mead to build a second dwelling on their property located on Westbourne Road. Council resolved to approve this application subject to the following conditions.

1. Compliance with Town Planning Scheme 2
2. The site being one of the two as shown on the plan attached to the planning application.
3. Planning approval being valid for two years from the date the applicant is notified of Council's decision.

The applicant's have now requested that Council extend this approval as work has not commenced on the dwelling.

The applicant's were advised of Council's decision by letter dated the 23rd December 2009. The effect of Condition 3 is that the dwelling must be completed by the 23rd December 2011.

COMMENT

As Condition 3 of the approval does not provide for any time extension it is necessary for a new application to be lodged with Council.

It is noted that the applicants own a number of lots adjoining the lot in question and others in the area and so could build on one of these where there are no other dwellings but it is their preference to have their and their farm workers accommodation on the one and so retaining the full use of other lots for agricultural purposes. The owners have explored the options of demolishing the existing house or relocating it but their first preference is to build on Lot 21 and retain the existing house there.

The dwelling is proposed to be setback more than 200m from the property boundaries.

CONSULTATION

None

STATUTORY ENVIRONMENT

The subject land is zoned 'Rural' in Town Planning Scheme No.2. The surrounding area is generally zoned 'Rural'.

Clause 5.2.6 states that:

Not more than one single dwelling house may be erected and occupied on a lot within the Rural Zone except where Council is satisfied that an additional house is necessary or desirable for the continuation of bona fide agricultural activity.

Council was previously satisfied that the application met this criteria as it was suggested that the additional dwelling will encourage the continued use of land as provided for, as this will free up accommodation to better enable the land holder to attract and keep people on the land.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 7.3.6

MOVED: Cr Oversby

SECONDED: Cr O'Hare

That Council waive the application fee for the proposed dwelling

That Council approve the development of Lot 21 Westbourne Road for a second dwelling subject to the following conditions.

- 1 Prior to construction commencing plans of the proposed dwelling, including a site plan, shall be submitted to and approved by the Shire.**
- 2 Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.**
- 3 The development shall comply with the relevant Health Regulations to the satisfaction of the Environmental Health Officer.**
- 4 Approval of the second dwelling shall not be construed as justification for any future subdivision of the land.**
- 5 This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.**

CARRIED 6/0

Res 162/11

7.3.7 Flax Mill - Baling Room Asbestos Works

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Interest:	Nil
Date:	11 August 2011
Author:	Geoff Carberry Senior Admin Officer
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Appendices:	Photos 1-10, Baling Room Quote

SUMMARY

The condition of the roof and associated fitting on building 7 of the Flax Mill plan also known as the Baling Room is at a point where it is a public safety concern. Either replacement or demolition must be considered immediately.

BACKGROUND

During previous considerations where Council resolved to carry out the demolition of adjacent buildings it was noted that this building should be considered for demolition.

Re -roofing the building had been previously placed in the budget but was left out pending a full concept plan being prepared.

The author has recently been deemed competent in asbestos identification as part of the requirement to have such a person prepare the Shires Asbestos Register. This qualification also allows for assessment of the condition of the materials.

Original quotes to replace the roof or demolish the building were in the range of twenty thousand dollars (\$20000)

COMMENT

As the condition of the majority of the asbestos containing material on this building is "Friable" it is important that the situation is address with urgency. The condition and amount of material requires an unrestricted licence holder to carry out ANY works on this building.

If the asbestos containing materials were replaced the entire building will still have to have ALL REMAINING structure vacuumed to ensure no fibres remain.

Due to its condition the materials can not be treated in any way that would deem it safe. Not carrying out remedial works would place the Shire in a vulnerable state being as the building is located in a public accommodation area.

There is evidence of Asbestos containing material around the building further indicating the poor state of the materials (Photo 4)

Council must consider if the building should remain as part of the Flax Mill precinct or be removed to allow longer term development of the area.

Should Council decide to proceed, the contractor, due to having all machinery available and in town, has offered a reduced cost to carry out the works being \$13610.40 excluding GST.

CONSULTATION

Shire Staff
Keybrook Holdings
LGIS Staff

STATUTORY ENVIRONMENT

The following Acts regulations and notes pertain to Asbestos
Occupational Safety and Health Act 1984
Occupational Safety and Health Regulations 1996
Health (Asbestos) Regulations 1992
Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];
Code of Practice for the Management and Control of Asbestos in Workplaces
[NOHSC:2018 (2005)]
Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres
2nd Edition [NOHSC:3003 (2005)]

FINANCIAL IMPLICATIONS

Nil funds have been allocated in the 2011/2012 budget for these works, hence funding would need to come from reserves or from the unallocated surplus from the 2010/2011 financial year.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

MOVED INTO COMMITTEE

MOVED: Cr Muncey

SECONDED: Cr O'Hare

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 6/0

Res 163/11

MOVED OUT OF COMMITTEE

MOVED: Cr Marshall

SECONDED: Cr Doust

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

CARRIED 6/0

Res 164/11

4.40pm – John Eddy returned to the Chambers.

OFFICER RECOMMENDATION – ITEM 7.3.7

MOVED: Cr Marshall

SECONDED: Cr Muncey

1. That Council resolve to carry out the demolition of building 7 (Baling Room) as indicated on the Flax Mill Plan.
2. Funds be allocated from the 2010/2011 financial year surplus to carry out such works.

Motion Withdrawn

Cr Marshall withdrew the motion with the agreement of the seconder.

COUNCIL DECISION – ITEM 7.3.7

MOVED: Cr Marshall

SECONDED: Cr O'Hare

That the matter be deferred to the September Council Meeting.

CARRIED 6/0

Res 165/11

8.1 COMMITTEE REPORTS

MOVED: Cr Doust

SECONDED: Cr Muncey

That the Council adopts en bloc Items 8.1.1 and 8.1.2 and receive the minutes of the BRVMA held on 12th July 2011 and the minutes of the South West Zone held on 29th July 2011.

CARRIED 6/0

Res 166/11

8.1.1 Minutes of the Blackwood River Valley Marketing Association
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Location:	<i>Boyup Brook</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>12 July 2011</i>
Author:	<i>N/A</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND:

A Blackwood River Valley Marketing Association meeting was held on 12th July 2011. Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.1*)

OFFICER RECOMMENDATION – ITEM 8.1.1

That the minutes of the Blackwood River Valley Marketing Association was held on 12th July 2011 be received.

CARRIED BE ENBLOC

8.1.2 Minutes of the South West Zone

Location:	<i>Shire of Busselton</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>8 August 2011</i>
Author:	<i>N/A</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND:

A South West Zone – WA Local Government Association meeting was held on 29th July 2011.

Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.2*)

OFFICER RECOMMENDATION – ITEM 8.1.2

That the minutes of the South West Zone – WA Local Government Association meeting was held on 29th July 2011 be received.

CARRIED BY ENBLOC

8.1.3 Minutes of the Townsite Strategy Steering Committee

Location: Boyup Brook
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 8 August 2011
Author: N/A
Authorizing Officer: Alan Lamb – Chief Executive Officer
Attachments: Yes – Minutes

BACKGROUND:

A Townsite Strategy Steering Committee meeting was held on 19th May 2011
Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.3*)

OFFICER RECOMMENDATION – ITEM 8.1.3

That the minutes of the Townsite Strategy Steering Committee meeting was held on 19th May 2011 be received.

COMMITTEE RECOMMENDATION

That Council appoints a fourth Council Member to the Townsite Strategy Steering Committee.

COUNCIL DECISION – ITEM 8.1.3

MOVED: Cr Doust

SECONDED: Cr Oversby

That Council appoints Cr Oversby as a member of the Townsite Strategy Steering Committee.

CARRIED 6/0

Res 167/11

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

MOVED: Cr Doust

SECONDED: Cr Oversby

That Council deal with the following late items:-

CARRIED 6/0

Res 168/11

10.1.1 Donation Request – WA Police – Blue Light Disco

Location: Boyup Brook
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 18 August 2011
Author: N/A
Authorizing Officer: Alan Lamb – Chief Executive Officer
Attachments: Nil

SUMMARY

The purpose of this report is to put the request before Council with the recommendation that it be agreed to.

BACKGROUND

The local Police will be conducting a Blue Light Disco in the Town Hall 3 September 2011 as part of an ongoing program for children and youths in the Shire and seek a donation of the hire charges.

Council set its fees and charges for 2011/12 and the relevant fees set for the Hall are:

Boyup Brook Hall Hire (Inclusive of GST)

Type of function

All Users

Bond	Council	GST Free	\$220.00
Deposit	Council	GST Charged	\$110.00
Hire Charge	Council	GST Charged	\$242.00

COMMENT

The Hall has been used for Blue Light Discos in the past and no hire fee appears to have been charged.

The Police run Blue Light Discos are very popular with children and youths and help to instil a good relationship with Police. The functions are run on skinny budgets relying on volunteers and donations.

It is recommended that Council support the initiative with a donation of \$242.00 to cover the hire fee.

CONSULTATION

The author has spoken with the applicant and Council staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

There is specific provision in the 2011/12 budget for this donation however there is provision for unspecified donations of \$500. The Budget provides for Hall Hire Fee income of \$1,500 for the year and the estimate is generally conservative. The forecast income for 2010/11 was \$3,220.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

OFFICER RECOMMENDATION – ITEM 10.1.1

That Council donate \$242.00 to the WA Police as a contribution toward the function and to cover hall hire fees for a Blue Light Disco to be held in September 2011.

COUNCIL DECISION – ITEM 10.1.1

MOVED: Cr Oversby

SECONDED: Cr Doust

That Council donate \$242.00 to the WA Police as a contribution toward the function to cover hall hire fees for a Blue Light Disco to be held in September 2011.

CARRIED 6/0

Res 169/11

10.1.2 Minutes of the Forward Planning Committee meeting

Location:	<i>Boyup Brook</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>18 August 2011</i>
Author:	<i>N/A</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND:

A Forward Planning Committee meeting was held on 21st July 2011
Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.4*)

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.1.2

MOVED: Cr Muncey

SECONDED: Cr Doust

That the minutes of the Forward Planning Committee meeting was held on 21st July 2011 be received.

CARRIED 6/0

Res 170/11

11 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

Nil

12 CLOSURE OF MEETING

There being no further business the Chairman thanked Councillors and Staff for their attendance and declared the meeting closed at 5.11pm.