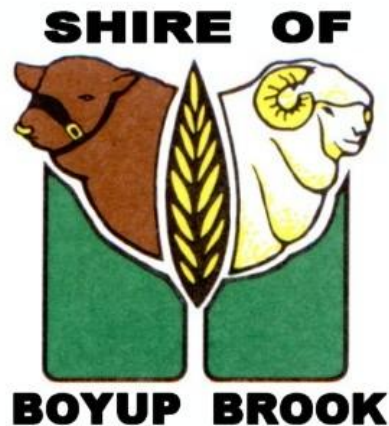


# Minutes



**ORDINARY MEETING**

held

**THURSDAY 16 November 2017**  
**Commenced AT 5.00PM**

**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 G Aird – Shire President  
Cr K Moir - Deputy Shire President  
Cr S Alexander  
Cr P Kaltenrieder  
Cr E Muncey  
Cr H O'Connell  
Cr T Oversby  
Cr E Rear  
Cr R Walker

STAFF: Mr Alan Lamb (Chief Executive Officer)  
Mr Stephen Carstairs (Director Corporate Services)  
Mr Rob Staniforth-Smith (Director of Works & Services)  
Mrs Maria Lane (Executive Assistant)

PUBLIC: Mr Roland Ritson

**1.2 Apologies**

**1.3 Leave of Absence**

**2 PUBLIC QUESTION TIME**

**Question:**

Mr Ritson informed Council that 6 people are interested in taking flying lessons at the airstrip.

The Bunbury Aero Club would require a briefing room/transportable which will include restrooms and be secured before flying lessons can be conducted.

**Response:**

A Planning and Building application will need to be submitted to Council with specific details in relation to the briefing room/transportable and what assistance is required from Council.

**2.1 Response to Previous Public Questions Taken on Notice**

**3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

#### **4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS**

Cr Rear attended a Funeral Service for the Late Mrs Rosalyn Alice Dickson of Boyup Brook on 26/10/2017.

Cr Rear attended a Funeral Service for the late Mr Anthony Joseph (Tony) Schreurs of Boyup Brook held in the Boyup Brook Town Hall on 10.11.2017.

Cr Rear attended the Dinninup Show.

Cr Rear attended a meeting with the Sporting Groups on 14th November 2017.

Cr Rear attended further training.

Cr Kaltenrieder attended a meeting at the Community Resource Centre.

Cr Kaltenrieder attended a Medal Presentation at the Fire Station on 27/9/17.

Cr Oversby attended the Dinninup Show.

Cr O'Connell & Cr Alexander attended a 2 day training seminar (Understanding Local Government, Conflicts of Interest, Serving on Council and Meeting procedures and debating) held in Busselton.

#### **5 CONFIRMATION OF MINUTES**

##### **5.1 Ordinary Meeting of Council - Thursday 19 October 2017**

##### **COUNCIL DECISION & OFFICER RECOMMENDATION - Item 5.1**

**MOVED: Cr Oversby**

**SECONDED: Cr Moir**

**That the minutes of the Ordinary Meeting of Council held on Thursday 19th October 2017 be confirmed as an accurate record.**

**CARRIED 9/0**

**Res 138/17**

## **6 PRESIDENTIAL COMMUNICATIONS**

- Attended a Funeral Service for the Late Mrs Rosalyn Alice Dickson of Boyup Brook on 26/10/2017.
- Met with the Craft Hut and spoke with the Country Women's Association in relation to relocating to the flax mill area.
- Attended Remembrance Day on 11/11/2017 at the Boyup Brook Ware Memorial.
- Attended a Funeral Service for the late Mr Anthony Joseph (Tony) Schreurs of Boyup Brook held in the Boyup Brook Town Hall on 10.11.2017.
- Attended the Dinninup Show.
- Department of Communities held an exercise which I attended in the Town Hall. They tested the Shire's Welfare arrangements as part of our Local Emergency Management Arrangements on 9/11/2017.
- Attended a presentation at the Henri Nouwen House on 14th November 2017. They thanked the Shire for their past contributions.
- Had a meeting with the Sporting Groups on 14th November 2017. A follow up meeting will be held on Tuesday 12th December 2017 to discuss future plans.

## **7 COUNCILLORS QUESTIONS ON NOTICE**

Nil

## **8 ELECTION OF PRESIDENT AND DEPUTY PRESIDENT, AND APPOINTMENT OF COMMITTEES AND DELEGATES**

<b>8.1 Election of Shire President and Deputy Shire President</b>
---

### **Election of President**

The Local Government Act provides that the Chief Executive Officer take the position of Presiding Person for the purposes of electing a Shire President.

Council is required by the Local Government Act 1995 to elect a Councillor as President at the first meeting after the Bi Annual Elections. The President's term of office begins after this election and continues until the next Ordinary Councillor Elections – usually (2) years.

Nominations for the position of President must be in writing and given to the Chief Executive Officer before the meeting or at the meeting itself after the Chief Executive Officer calls for nominations.

Councillors may nominate themselves or be nominated by another Councillor, however when being nominated by someone else the Councillor nominated must accept the nomination either in writing or orally at the meeting.

At the time the agenda was prepared one nominations had been received for the Position of Shire President. Councillor Graham Aird is the nominee.

If more than one nomination is received, ballot papers will be prepared and Councillors are to vote by secret ballot. The votes will be counted and the outcome will be decided on a first past the post system, in accordance with the Act. The Chief Executive Officer will advise those present of the result of the election and declare the successful Councillor elected.

The person elected will be required to make a declaration of office as President. As indicated at the last Council meeting, the plan is to ask Councillor Rear JP to witness the President's declaration of office.

The newly elected Shire President, once the declaration is made, will then take the chair for the next part of the proceedings and the remainder of the meeting.

#### **Amendments to reports/recommendations**

Item 8.1 Election of President and Deputy

<b>NOMINATION</b>
Councillor Graham Aird

The CEO called for further nominations and none were put forward

#### **DECLARATION OF ELECTION**

The CEO declared Cr Graham Aird elected unopposed as Shire President.

#### **DECLARATION OF OFFICE**

Councillor Aird made his declaration as Shire President before  
Cr Elizabeth Rear JP 29759.

#### **SHIRE PRESIDENT ASSUMES THE CHAIR**

Councillor Aird took the chair and conducted the meeting from this point.

## **Election of Deputy President**

Council is required by the Local Government Act 1995 to elect a Councillor as Deputy President at the first meeting after the Bi Annual Elections. The term of office for the Deputy President begins after this election and continues until the next Ordinary Councillor Elections – usually (2) years.

Nominations for the position of Deputy President must be in writing and given to the Chief Executive Officer before the meeting or at the meeting itself after the Shire President calls for nominations. Councillors may nominate themselves or be nominated by another Councillor, however when being nominated by someone else the Councillor nominated must accept the nomination either in writing or orally at the meeting.

At the time the agenda was prepared one nomination had been received for the position of Deputy President.

If more than one nomination is received, ballot papers will be prepared and Councillors are to vote by secret ballot.

The votes will be counted and the outcome will be decided on a first past the post system, in accordance with the Act. The Shire President will advise those present of the result of the election and declare the successful Councillor elected.

The person elected will be required to make a declaration of office as Deputy President.

Cr Kaltenrieder nominated prior to the meeting. The President called for further nominations and two were received.

<b>NOMINATIONS</b>
Councillor Philippe Kaltenrieder
Councillor Lizz Rear
Councillor Richard Walker

## **ELECTION**

Position on ballot paper determined by drawing of lots

<b>Ballot Paper - order of names</b>
Councillor Walker
Councillor Kaltenrieder
Councillor Rear

Secret ballot conducted by the CEO. Votes were counted and tallied as follows:

<b>Votes</b>	
<b>Name</b>	<b>Votes</b>
Councillor Walker	4
Councillor Kaltenrieder	1
Councillor Rear	4

There being an equality of votes between 2 candidates and no clear winner the President announced that a Special Meeting of Council would be held at the close of this meeting in order to conduct the election a second time.

Schedule 2.3 of the local Government Act provides

*9. Votes may be cast a second time*

- (1) If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.*
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.*
- (3) When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.*
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.*

<b>8.2 Appointment of Committees and Delegates</b>
--

Committees and Representatives

The local Government Act provides as follows:

**5.11. Tenure of committee membership**

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
  - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;
  - (b) the person resigns from membership of the committee;
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day,



whichever happens first.

In accordance with Section 5.11 the term of office for all committees and delegations ceased 21 October 2017 and so Council is now prompted to appoint Committees for the next two years. Council has also made a practice of dealing with delegates to other bodies at the same time and in a similar fashion to how it deals with committee membership. The recommendation

In dealing with the matter of committees, Council will need to determine if it requires committees, their role, responsibilities and delegation if any. Similarly, Council needs to consider what representatives are required for community organizations for the next two years. It is important that there is a clear understanding of the purpose and role of either committees or representatives.

Council is a decision making body and so any committee appointed by Council should be for the purpose of assisting Council to make a decision. The Local Government Act sets out the following:

*2.7. Role of council*

*(1) The council —*

- (a) governs the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

*(2) Without limiting subsection (1), the council is to —*

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies.*

*[Section 2.7 amended by No. 17 of 2009 s. 4.]*

*2.8. Role of mayor or president*

*(1) The mayor or president —*

- (a) presides at meetings in accordance with this Act; and*
- (b) provides leadership and guidance to the community in the district; and*
- (c) carries out civic and ceremonial duties on behalf of the local government; and*
- (d) speaks on behalf of the local government; and*
- (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and*
- (f) liaises with the CEO on the local government's affairs and the performance of its functions.*

*(2) Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.*

2.9. *Role of deputy mayor or deputy president*

*The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.*

2.10. *Role of councillors*

*A councillor —*

- (a) represents the interests of electors, ratepayers and residents of the district; and*
- (b) provides leadership and guidance to the community in the district; and*
- (c) facilitates communication between the community and the council; and*
- (d) participates in the local government's decision-making processes at council and committee meetings; and*
- (e) performs such other functions as are given to a councillor by this Act or any other written law.*

5.2. *Administration of local governments*

*The council of a local government is to ensure that there is an appropriate structure for administering the local government.*

There are several committees that Council is required by legislation to appoint or may appoint, these include:-

- \* Audit Committee (Local Government Act)
- \* LEMC Committee (Emergency Management Act)
- \* Bush Fire Advisory Committee (Bush Fires Act)

The following sections of the Local Government Act have relevance to the Audit committee

Division 1A — Audit committee
-------------------------------

*[Heading inserted by No. 49 of 2004 s. 5.]*

**7.1A. Audit committee**

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*
  - \* Absolute majority required.*
- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.*
- (4) An employee is not to be a member of an audit committee.*

*[Section 7.1A inserted by No. 49 of 2004 s. 5.]*

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

- (1) *Despite section 5.16, the only powers and duties that a local government may delegate\* to its audit committee are any of its powers and duties under this Part other than this power of delegation.*

*\* Absolute majority required.*

- (2) *A delegation to an audit committee is not subject to section 5.17.*

*[Section 7.1B inserted by No. 49 of 2004 s. 5.]*

### **7.1C. Decisions of audit committees**

*Despite section 5.20, a decision of an audit committee is to be made by a simple majority.*

The following section of the Emergency Management Act 2005 has relevance

## **38. Local emergency management committees**

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of —*
- (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*
  - (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*

## **39. Functions of local emergency management committees**

*The functions of a local emergency management committee are, in relation to its district or the area for which it is established —*

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district;*
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and*
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.*

## **13. State Emergency Management Committee**

- (1) *The State Emergency Management Committee is established.*
- (2) *The SEMC is to consist of —*
  - (a) *a chairman appointed by the Minister;*
  - (b) *a deputy chairman appointed by the Minister;*
  - (c) *an executive officer of the SEMC appointed by the Minister;*
  - (d) *a person who is representative of local government, appointed by the Minister; and*
  - (e) *such other members as are provided for, and appointed in accordance with, the regulations.*
- (3) *The Minister is to ensure that —*
  - (a) *the chairman has expertise or experience that, in the Minister's opinion, is relevant to the functions of the SEMC and the State Emergency Coordination Group; and*
  - (b) *each other member has expertise or experience that, in the Minister's opinion, is relevant to the functions of the SEMC.*
- (4) *The regulations may make provision as to the constitution and procedures of the SEMC.*
- (5) *Subject to the regulations the SEMC may determine its own procedures.*

#### **14. Functions of the SEMC**

*The SEMC has the following functions —*

- (a) *to advise the Minister on emergency management and the preparedness of the State to combat emergencies;*
- (b) *to provide direction, advice and support to public authorities, industry, commerce and the community in order to plan and prepare for an efficient emergency management capability for the State;*
- (c) *to provide a forum for whole of community coordination to ensure the minimisation of the effects of emergencies;*
- (d) *to provide a forum for the development of community wide information systems to improve communications during emergencies;*
- (e) *to develop and coordinate risk management strategies to assess community vulnerability to emergencies;*
- (f) *to perform other functions given to the SEMC under this Act;*
- (g) *to perform any other function prescribed by the regulations for the purposes of this section.*

#### **15. Powers of the SEMC**

- (1) *The SEMC may do all things necessary or convenient to be done for or in connection with the performance of its functions.*
- (2) *Without limiting subsection (1) and any other powers conferred on the SEMC by this Act, the SEMC may —*
  - (a) *produce and publish information on matters related to its functions; and*

- (b) *act in conjunction with another public authority or any other person.*

The following sections of the Bush Fires Act 1954 have relevance.

## **67. Advisory committees**

- (1) *A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.*
- (2) *A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.*
- (3) *In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —*
  - (a) *make rules for the guidance of the committee;*
  - (b) *accept the resignation in writing of, or remove, any member of the committee; and*
  - (c) *where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.*
- (4) *A committee appointed under this section —*
  - (a) *may from time to time meet and adjourn as the committee thinks fit;*
  - (b) *shall not transact business at a meeting unless the quorum fixed by the local government is present;*
  - (c) *is answerable to the local government and shall, as and when required by the local government, report fully on its activities.*

Committees set up under the Local Government Act other than the Audit Committee are controlled by the following sections of the Local Government Act.

### *Subdivision 2 — Committees and their meetings*

#### **5.8. Establishment of committees**

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\* Absolute majority required.*

5.9. *Committees, types of*

(1) *In this section —*

***other person*** means a person who is not a council member or an employee.

(2) *A committee is to comprise —*

- (a) *council members only; or*
- (b) *council members and employees; or*
- (c) *council members, employees and other persons; or*
- (d) *council members and other persons; or*
- (e) *employees and other persons; or*
- (f) *other persons only.*

5.10. *Committee members, appointment of*

(1) *A committee is to have as its members —*

- (a) *persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
- (b) *persons who are appointed to be members of the committee under subsection (4) or (5).*

\* Absolute majority required.

- (2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*
- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
  - (a) *to be a member of the committee; or*

*(b) that a representative of the CEO be a member of the committee,  
the local government is to appoint the CEO or the CEO's representative, as the  
case may be, to be a member of the committee.*

*5.11A. Deputy committee members*

- (1) The local government may appoint\* a person to be a deputy of a member of a committee and may terminate such an appointment\* at any time.*

*\* Absolute majority required.*

- (2) A person who is appointed as a deputy of a member of a committee is to be —*
- (a) if the member of the committee is a council member — a council member;  
or*
  - (b) if the member of the committee is an employee — an employee; or*
  - (c) if the member of the committee is not a council member or an employee —  
a person who is not a council member or an employee; or*
  - (d) if the member of the committee is a person appointed under  
section 5.10(5) — a person nominated by the CEO.*
- (3) A deputy of a member of a committee may perform the functions of the member  
when the member is unable to do so by reason of illness, absence or other cause.*
- (4) A deputy of a member of a committee, while acting as a member, has all the  
functions of and all the protection given to a member.*

*[Section 5.11A inserted by No. 17 of 2009 s. 20.]*

*5.11. Committee membership, tenure of*

- (1) Where a person is appointed as a member of a committee under section 5.10(4)  
or (5), the person's membership of the committee continues until —*
- (a) the person no longer holds the office by virtue of which the person became  
a member, or is no longer the CEO, or the CEO's representative, as the  
case may be; or*
  - (b) the person resigns from membership of the committee; or*
  - (c) the committee is disbanded; or*
  - (d) the next ordinary elections day,*
- whichever happens first.*
- (2) Where a person is appointed as a member of a committee other than under  
section 5.10(4) or (5), the person's membership of the committee continues  
until —*
- (a) the term of the person's appointment as a committee member expires; or*

- (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
- (c) *the committee is disbanded; or*
- (d) *the next ordinary elections day,*

*whichever happens first.*

**5.12. *Presiding members and deputies, election of***

- (1) *The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —*
  - (a) *to “office” were references to “office of presiding member”; and*
  - (b) *to “council” were references to “committee”; and*
  - (c) *to “councillors” were references to “committee members”.*
- (2) *The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —*
  - (a) *to “office” were references to “office of deputy presiding member”; and*
  - (b) *to “council” were references to “committee”; and*
  - (c) *to “councillors” were references to “committee members”; and*
  - (d) *to “mayor or president” were references to “presiding member”.*

**5.13. *Deputy presiding members, functions of***

*If, in relation to the presiding member of a committee —*

- (a) *the office of presiding member is vacant; or*
- (b) *the presiding member is not available or is unable or unwilling to perform the functions of presiding member,*

*then the deputy presiding member, if any, may perform the functions of presiding member.*

**5.14. *Who acts if no presiding member***

*If, in relation to the presiding member of a committee —*

- (a) *the office of presiding member and the office of deputy presiding member are vacant; or*
- (b) *the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,*



*then the committee members present at the meeting are to choose one of themselves to preside at the meeting.*

**5.15. Reduction of quorum for committees**

*The local government may reduce\* the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.*

*\* Absolute majority required.*

**5.16. Delegation of some powers and duties to certain committees**

- (1) *Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation.*

*\* Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
- (a) *a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and*
- (b) *any decision to amend or revoke a delegation under this section is to be by an absolute majority.*
- (4) *Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

**5.17. Limits on delegation of powers and duties to certain committees**

- (1) *A local government can delegate —*
- (a) *to a committee comprising council members only, any of the council's powers or duties under this Act except —*
- (i) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and*
- (ii) *any other power or duty that is prescribed;*
- and*
- (b) *to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*
- (c) *to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —*
- (i) *the local government's property; or*

- (ii) *an event in which the local government is involved.*
- (2) *A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).*

*[Section 5.17 amended by No. 49 of 2004 s. 16(2).]*

**5.18. Register of delegations to committees**

*A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.*

**Subdivision 3 — Matters affecting council and committee meetings**

**5.19. Quorum for meetings**

*The quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.*

**5.20. Decisions of councils and committees**

- (1) *A decision of a council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.*
- (2) *A decision of a committee does not have effect unless it has been made by a simple majority or, if another kind of majority has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.*
- (3) *This section does not apply to elections —*
  - (a) *by a council of the local government's mayor or president under section 2.11; or*
  - (b) *by a council of the local government's deputy mayor or president under section 2.15; or*
  - (c) *by a committee of the committee's presiding member or deputy presiding member under section 5.12.*

**5.21. Voting**

- (1) *Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.*
- (2) *Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.*
- (3) *If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.*
- (4) *If a member of a council or a committee specifically requests that there be recorded —*
  - (a) *his or her vote; or*

(b) *the vote of all members present,*

*on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.*

(5) *A person who fails to comply with subsection (2) or (3) commits an offence.*

*[Section 5.21 amended by No. 49 of 2004 s. 43.]*

5.22. *Minutes of council and committee meetings*

(1) *The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.*

(2) *The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.*

(3) *The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.*

5.23. *Meetings generally open to public*

(1) *Subject to subsection (2), the following are to be open to members of the public —*

(a) *all council meetings; and*

(b) *all meetings of any committee to which a local government power or duty has been delegated.*

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

(a) *a matter affecting an employee or employees; and*

(b) *the personal affairs of any person; and*

(c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*

(d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*

(e) *a matter that if disclosed, would reveal —*

(i) *a trade secret; or*

(ii) *information that has a commercial value to a person; or*

(iii) *information about the business, professional, commercial or financial affairs of a person,*

*where the trade secret or information is held by, or is about, a person other than the local government; and*

- (f) a matter that if disclosed, could be reasonably expected to —
  - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
  - (ii) endanger the security of the local government's property; or*
  - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;**
- and*
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- (h) such other matters as may be prescribed.*

- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

5.24.

*Question time for public*

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at —
  - (a) every ordinary meeting of a council; and*
  - (b) such other meetings of councils or committees as may be prescribed.**
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.*

Council will also need to appoint (4) Councillors in accordance with the Annual Awards process policy, to consider nominations for Citizen of the Year, Young Achiever of the Year, Sports Person of the Year etc. The policy provides the panel with the authority to make the selection without any further reference to Council.

It will be noted that the officer recommendation includes the name and functions of each committee. Council should consider the need, if any, for committees, what it wants them to do and what, if any, powers it wants to give them. The following recommendation is based on the current position and it is important to note that this is a suggestion only for Council's consideration. There is no restriction on the timing of the appointment of committees or on the winding up of committees other than what Council sets (except that appointments to committee expire every two years unless Council sets an early expiry date). The following recommendation includes a similar provision.

It should be noted that Council may set the quorum for committee meetings as provided for in the local Government Act as follows;

### **5.15. Reduction of quorum for committees**

*The local government may reduce\* the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.*

However this option has been lost by the following clause in Council's Standing Orders Local Law;

#### **3.1 Quorum at Meetings**

*In accordance with the Act, the quorum at all meetings of Council and its committees shall be a minimum of 50% of the total number of places whether vacant or not.*

With respect to the Local Emergency Management Committee recommended membership that includes Council staff, it is noted that the Local Government Act (5.10) provides as follows;

- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
- (a) *to be a member of the committee; or*
  - (b) *that a representative of the CEO be a member of the committee,*

*the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

It should be noted that a similar provision exists for the President as is as follows (5.10);

- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*

There are several industry organisations that Council will need to appoint delegates for. These include:-

- \* South West Zone W A Local Government Association
- \* Main Roads Regional Road Group

**COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 8.1**

**MOVED: Cr Rear**

**SECONDED: Cr Muncey**

**That the following Committee/Representatives be appointed:-**

- 1. Audit and Finance Committee – (3) Councillors.**  
The function/role of the Audit and Finance Committee be as follows:-
  - a) to provide guidance and assistance to the Council-**
    - i. as to the carrying out of its functions in relation to audits;**
    - ii. as to the development of a process to be used to select and appoint a person to be the auditor; and**
  - b) may provide guidance and assistance to the Council as to-**
    - i. matters to be audited;**
    - ii. the scope of the audit;**
    - iii. its functions under Part 6 of the Local Government Act 1995 that relate to financial management; and**
    - iv. the carrying out of its functions relating to other audits and other matters related to financial management.**
  - c) is to conduct budget reviews and report to Council.**

**That Cr Aird, Cr Rear, Cr O'Connell, Cr Alexander and Cr Walker be appointed to Council's Audit and Finance Committee.**

- 2. Citizen of the Year, Young Achiever of the Year, Sports Person of the Year Committee and Promoting Boyup Brook – 4 Councillors, the function of the committee to be as set out in Council's Annual Awards process policy.**

**That Cr Rear, Cr Muncey, Cr O'Connell, Cr Moir and Cr Alexander be appointed to Council's Annual Awards Committee.**

- 3. Local Emergency Management Committee-**

**Comment**

**It should be noted that Council endorsed the current Emergency Management Plan in February 2010 as follows:**

***That Council endorse the amended Shire of Boyup Brook Recovery Plan 2008 as provided and that plan now be known as the Shire of Boyup Brook Recovery Plan 2010.***

**The Plan provides that "the Chairman appointed by the Shire Council is Shire President". Also at the membership of the committee is as set out in the Plan (factors such as individual's names and contact details change with staff changes but the agency representation remains static). As this committee is set up under legislation other than the Local Government Act, and so is not bound by its provisions.**

The Emergency Management Act provides that the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the LEMC.

It is recommended that, unless the Shire President does not want to be the Council representative and committee chairman, in which case we should amend the Plan, Council nominate the Shire President as its representative.

#### **OFFICER RECOMMENDATION**

The roles and responsibilities of this committee are to be as set out in the Emergency Management Act 2005

That Cr Aird the Councillor elected as Shire President) be appointed as the Council Representative on the LEMC Committee. That the Chief Executive Officer, Manager of Works and Community Development Officer be appointed as Council staff representatives.

#### **4. Bush Fire Advisory Committee-**

##### **Comment**

It is noted that the Bush Fires Act provides that the Local Government shall set a quorum and so it is recommended that this be 50% of the committee membership. The Act also does not appear to preclude the use of positions for appointment of committee membership (i.e. in the way the Local Government Act does) and the following recommendation is drafted accordingly.

**Officer Recommendation**

**That Cr Aird be appointed as the Council Representative on the Bush Fire Advisory Committee.**

**That the Bush Fire Advisory Committee consist of:**

- The Council representative
- Chief Bush Fire Control Officer
- Deputy Chief Bush Fire Control Officer
- Communications Officer
- Fire Weather Officer
- Deputy Fire Weather Officer
- Training Officer
- Two delegates from each Brigade

- 5 **That Cr Aird be appointed as the Council Representative and that the Deputy Shire President be appointed as the Deputy Delegate on the Main Road Regional Road Group.**
- 6 **That the Shire President be appointed as the Council Representative and that the Deputy Shire President be appointed as the Deputy Delegate for the South West Zone Western Australian Local Government Association.**
- 7 **That Cr Aird be appointed as the Council Representatives on the Rylington Park Management Committee (inc).**
- 8 **That Cr Oversby be appointed as the Council Representative on the Boyup Brook Tourism Association**
- 9 **That Cr Kaltenrieder be appointed as the Council Representative on the Boyup Brook Community Resource Centre Management Committee.**
- 10 **That Cr Rear be appointed as the Council Representative on the Boyup Brook Museum Committee**
- 11 **That Cr Kaltenrieder be appointed as the Council Representative on the Blackwood Basin Group.**
- 12 **That Cr Oversby be appointed as the Council Representative on the Boyup Brook District High School Board.**

That all delegations expire on the date of the Council meeting held following the ordinary election of Councillors where the election of President and Deputy President and appointment of committees is conducted or on resignation from Council which ever occurs first.

**CARRIED 9/0**

**Res 139/17**



## 9 REPORTS OF OFFICERS

### 9.1 MANAGER WORKS & SERVICES

<b>9.1.1 Plant Tender No 17-005 – Diesel Front End Loader</b>
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<b>Location:</b>	<i>N/A</i>
<b>Applicant:</b>	
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>8<sup>th</sup> of November, 2017</i>
<b>Author:</b>	<i>Rob Staniforth-Smith</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb</i>
<b>Attachments:</b>	<i>Qualitative Criteria Assessment and Loader Comparison Sheets (Confidential - Commercially sensitive)</i>

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#### **SUMMARY**

The 2017/2018 Plant Replacement Program allows for the replacement of a 7000 to 8000kg front end wheel loader. Prices were requested for new machines via E Quotes.

This report recommends that the Council approve the quotation submitted by **Komatsu for the Komatsu WA150-5**

#### **BACKGROUND**

The Council's purchasing policy, F03, requires that for prices over \$150,000 that Council goes to public tender. WALGA's preferred supplier list allows for the tender process to be waived in lieu of seeking quotations from suppliers on WALGA's 'preferred supplier list'.

In this case WALGA's preferred Supplier list was used to seek quotations from Westrac (Caterpillar), CJD Equipment (Volvo), Hitachi Construction Equipment (Hitachi) and Komatsu (Komatsu) and JCB (JCB)

Quotations were received as follows:

- CJD – Volvo L50
- JCB – JCB 411H
- JCB – JCB 422ZX
- Westrac – Caterpillar 910M
- Komatsu – Komatsu WA150-5

- Hitachi – Hitachi ZW120

Prices were evaluated as per the confidential (commercially sensitive) attachment.

Westrac supplied a non-conforming 2<sup>nd</sup> hand (29 hour 2016 Cat. 910K) alternative 2 days after the tender closed. It was not considered for the following reasons:

- Offered after tenders closed. To be fair would need to offer all suppliers the chance to supply a low hour alternative
- 2<sup>nd</sup> hand machine – 2016 compliance
- Only 6 month warranty
- No details as to hitch type
- No details as to road speed
- Smaller tyres than requested
- No details as to number of hydraulic controls (requested 3)
- No details as per specification request matrix supplied.

#### **COMMENT**

The new machines offered by the 5 tenders were assessed by the Director of Engineering Services, the Works Supervisor, and the Mechanic and were assessed with the Evaluation Assessment Criteria - confidential attachment (commercially sensitive)

Key Factors in the recommendation of the Komatsu WA150-5 were:

- Price: Komatsu provided the lowest conforming price with all options. JCB offered a JCB422ZX that was marginally cheaper (\$886.50), however it has an operating mass of 11,900kg, which is 2900kg's over the specified weight of 7000kg to 8000kg. If the weight difference was negligible then it would have been considered, however the added weight does not suit our requirements. The JCB 422ZX is also an "agricultural" machine, which typically does not perform so well when performing the competitive loading operations expected of a purpose built "earthmoving" machine.
- The price of machines that did not have "Euro" hitch were increased to allow for the cost of purchasing new attachments as our existing attachments are "Euro" hitch.
- Komatsu had one of the longest warranty periods for the included price – 60months/6000 hours. All suppliers gave "extended warranty" options - the price of this was added to the base price to give the 'extended' warranty price.
- Komatsu had all of the mandatory product features that Council required.
- Komatsu had free travel of dealer mechanic during warranty period

- Some suppliers quotes had only 14 days validity, meaning that they expired on the 14<sup>th</sup> of November – 2 days prior to Council meeting and contrary to tender specification requirements.

Council has found that its current Komatsu WA150-5 performs well and has had no down time due to component/machine failure.

### **CONSULTATION**

CEO, Alan Lamb, Works Supervisor and Mechanic

### **STATUTORY OBLIGATIONS**

*Nil*

### **POLICY IMPLICATIONS**

Purchasing Policy F03

### **BUDGET/FINANCIAL IMPLICATIONS**

The approved 10 Year plan and 2017/2018 budget.

The recommended machine comes in under budget..

### **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 9.1.1**

**MOVED: Cr Moir**

**SECONDED: Cr Rear**

**That the quotation submitted by Komatsu for the supply and delivery of a Komatsu WA150-5 4 Wheel Drive Articulated Wheel Loader be accepted.**

**CARRIED 9/0**

**Res 140/17**

**9.1.2 Plant Tender No 17-006 – 2nd Hand Primemover Truck**

<b>Location:</b>	N/A
<b>Applicant:</b>	
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	9 <sup>th</sup> of November, 2017
<b>Author:</b>	Rob Staniforth-Smith
<b>Authorizing Officer:</b>	Alan Lamb
<b>Attachments:</b>	Qualitative Criteria Assessment and Loader Comparison Sheets (Confidential - Commercially sensitive)

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**SUMMARY**

The 2017/2018 Plant Replacement Program allows for the replacement of Councils aging “prime mover” with a newer 2<sup>nd</sup> hand “prime mover”. Prices were requested for new machines via E Quotes.

This report recommends that the Council approve the quotation submitted by **South West Isuzu – for a 2<sup>nd</sup> hand Isuzu Giga**

**BACKGROUND**

Council’s purchasing policy, F03, requires that for prices under \$150,000 the responsible officer is to obtain at least 3 written quotes. WALGA’s preferred supplier list allows for the tender process to be waived in lieu of seeking quotations from suppliers on WALGA’s ‘preferred supplier list’.

In this case WALGA’s preferred Supplier list was used to seek quotations from:

- Freightliner
- Fuso trucks
- Hino Trucks
- Isuzu trucks
- Iveco trucks
- Mack trucks
- MAN Trucks
- Mercedes Benz trucks
- Kenworth Trucks
- DAF Trucks
- Scania Trucks
- UD Trucks

- Volvo Trucks
- Western Star Trucks
- Westrac Trucks

Quotations were received as follows:

- Fuso, Bunbury Trucks
- Hino, Bunbury Trucks
- Isuzu, South West Isuzu
- Western Star Trucks, Penskeps
- UD Trucks, Truck centre

Prices were evaluated as per the confidential (commercially sensitive) attachment.

#### **COMMENT**

Of the 5 truck brands offered, only 2 were 2<sup>nd</sup> hand trucks – all the rest supplied prices for new trucks – all of these trucks quoted prices were higher than Councils budget.

Western Star provided a price for a “Demo” unit with 26,744km on the clock, however its base price without fitting required accessories was greater than our budget.

South West Isuzu supplied a conforming quotation for an 8.5 year old Isuzu Giga with 142000 kilometres on the odometer, that came in under budget, with the only real issues being its age and its short warranty period.

#### **CONSULTATION**

CEO, Alan Lamb, Works Supervisor and Mechanic

#### **STATUTORY OBLIGATIONS**

*Nil*

#### **POLICY IMPLICATIONS**

Purchasing Policy F03

#### **BUDGET/FINANCIAL IMPLICATIONS**

The approved 10 Year plan and 2017/2018 budget.

The recommended machine comes in under budget..

#### **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 9.1.2**

**MOVED: Cr Oversby**

**SECONDED: Cr Muncey**

**That the quotation submitted by South West Isuzu be accepted for the purchase of the 2<sup>nd</sup> hand 2008 prime mover Giga CXZ 455, but only after the Director of Engineering and the Mechanic are satisfied that:**

- **That the “operating hours” (not supplied) are not excessive.**
- **That a mechanical report finds no significant faults.**
- **That they inspect the vehicle.**

**CARRIED 9/0**

**Res 141/17**

**COUNCIL DECISION**

**MOVED: Cr Moir**

**SECONDED: Cr Rear**

**That the Council adopts enbloc 9.2.1, 9.2.2, 9.2.3 and 9.2.4.**

**CARRIED 9/0**

**Res 142/17**

**9.2 FINANCE**

<b>9.2.1 List of Accounts Paid in October 2017</b>
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<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/1/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>1 November 2017</i>
<b>Author:</b>	<i>Kay Raisin – A/Finance and HR Manager</i>
<b>Authorising Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes – List of Accounts Paid in October</i>

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**SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in October 2017 are presented to Council.

**BACKGROUND**

This report presents accounts/invoices received for the supply of goods and services, salaries and wages, and the like which were paid during the period 01 to 31 October 2017.

**COMMENT**

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 October 2017.

**CONSULTATION**

Nil

**STATUTORY OBLIGATIONS**

Local Government (Financial Management) Regulations 1996, Regulations 12 and 13 apply and are as follows:

12. *Payments from municipal fund or trust fund*

(1) *A payment may only be made from the municipal fund or the trust fund —*

- (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
- (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*

(2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

13. *Lists of accounts*

(1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*

- (a) *the payee's name;*
- (b) *the amount of the payment;*
- (c) *the date of the payment; and*
- (d) *sufficient information to identify the transaction.*

(2) *A list of accounts for approval to be paid is to be prepared each month showing —*

(a) *for each account which requires council authorisation in that month —*

- (i) *the payee's name;*
  - (ii) *the amount of the payment; and*
  - (iii) *sufficient information to identify the transaction;*
- and*

(b) *the date of the meeting of the council to which the list is to be presented.*

(3) *A list prepared under sub regulation (1) or (2) is to be —*

- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) *recorded in the minutes of that meeting.*

**POLICY IMPLICATIONS**

Council's *Authority to Make Payments Policy* has application.

**BUDGET/FINANCIAL IMPLICATIONS**

Account payments accorded with a detailed 2017-18 Annual Budget



**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION – Item 9.2.1**

That at its November 2017 ordinary meeting Council receive as presented the list of accounts paid in October 2017, totalling \$507,251.39 from Municipal account and \$2,500.00 from the Trust account as represented by:

Municipal Cheques	20122 - 20127	\$17,601.77
Municipal Electronic Payments	5903 - 5987	\$308,208.04
Municipal Direct Payments		\$181,441.58
Trust Cheques	2110 - 2110	\$2,500.00

**CARRIED BY ENBLOC**

**Res 143/17**

<b>9.2.2 30 September 2017 Statement of Financial Activity</b>
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<b>Location:</b>	Not applicable
<b>Applicant:</b>	Not applicable
<b>File:</b>	FM/10/003
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	10 November 2017
<b>Authors:</b>	Kay Raisin - A/Finance and HR Manager and Stephen Carstairs - Director Corporate Services
<b>Authorizing Officer:</b>	Alan Lamb – Chief Executive Officer
<b>Attachments:</b>	Yes – Financial Reports

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### **SUMMARY**

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 30 September 2017.

### **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 *Statement of Financial Activity*.

The regulations also prescribe the content of the reports, and that details of items of Material Variances shall also listed.

### **COMMENT**

It is a statutory requirement that the statement of financial activity be prepared each month (Regulation 34.(1A)), and that it be presented at an ordinary meeting of the Council within 2 months after the end of the month to which the statement relates (Regulation 34.(4)(a)).

### **CONSULTATION**

Alan Lamb – Chief Executive Officer

**STATUTORY OBLIGATIONS**

Local Government (Financial Management) Regulations 1996, Regulation 34.(1A)

Local Government (Financial Management) Regulations 1996, Regulation 34.(4)(a)

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

As presented in the attached reports.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION – Item 9.2.2**

That having had regard for any material variances, Council receive the 30 September 2017 Statement of Financial Activity and Statement of Net Current Assets, as presented.

**CARRIED BY ENBLOC**

**Res 144/17**

<b>9.2.3 31 October 2017 Statement of Financial Activity</b>
--

<b>Location:</b>	Not applicable
<b>Applicant:</b>	Not applicable
<b>File:</b>	FM/10/003
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	10 November 2017
<b>Authors:</b>	Kay Raisin - A/Finance and HR Manager and Stephen Carstairs - Director Corporate Services
<b>Authorizing Officer:</b>	Alan Lamb – Chief Executive Officer
<b>Attachments:</b>	Yes – Financial Reports

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#### **SUMMARY**

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 31 October 2017.

#### **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 *Statement of Financial Activity*.

The regulations also prescribe the content of the reports, and that details of items of Material Variances shall also listed.

#### **COMMENT**

It is a statutory requirement that the statement of financial activity be prepared each month (Regulation 34.(1A)), and that it be presented at an ordinary meeting of the Council within 2 months after the end of the month to which the statement relates (Regulation 34.(4)(a)).

#### **CONSULTATION**

Alan Lamb – Chief Executive Officer

#### **STATUTORY OBLIGATIONS**

Local Government (Financial Management) Regulations 1996, Regulation 34.(1A)

Local Government (Financial Management) Regulations 1996, Regulation 34.(4)(a)

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

As presented in the attached reports.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION – Item 9.2.3**

That having had regard for any material variances, Council receive the 31 October 2017 Statement of Financial Activity and Statement of Net Current Assets, as presented.

CARRIED BY ENBLOC

Res 145/17

<b>9.2.4 Policy F.01 Investments and Surplus Funds Policy</b>
---

<b>Location:</b>	Shire Boyup Brook
<b>Applicant:</b>	N/A
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	10 November 2017
<b>Authors:</b>	Stephen Carstairs (Director Corporate Services)
<b>Authorizing Officer:</b>	Alan Lamb (Chief Executive Officer)
<b>Attachments:</b>	Yes: Proposed Policy F.01 Investments and Surplus Funds Policy

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#### **SUMMARY**

Council is requested to consider and adopt reviewed finance policy F.01 *Investments and Surplus Funds Policy* (as attached).

#### **BACKGROUND**

In May 2017 Regulation 19C.(2)(b) of the *Local Government (Financial Management) Regulations 1996* was amended (Gazette 12 May 2017 p. 2469) so as to increase the time local governments might invest surplus fund in fixed term deposits from 12 months to three (3) years.

#### **COMMENT**

The objective of the proposed changes (highlighted in yellow in the attachment to this report) to Policy F.01 aim to contemporise the policy with the current legislative environment.

#### **CONSULTATION**

AMD Chartered Accountants (shire's auditors)

#### **STATUTORY OBLIGATIONS**

The *Local Government Act 1995* prescribes that the role of Council includes:

*19C. Investment of money, restrictions on (Act s. 6.14(2)(a))*

*(2) When investing money under section 6.14(1), a local government may not do any of the following —*

- (a) deposit with an institution except an authorised institution;
- (b) deposit for a fixed term of more than 3 years;
- (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
- (d) invest in bonds with a term to maturity of more than 3 years;
- (e) invest in a foreign currency.

[Regulation 19C inserted in Gazette 20 Apr 2012 p. 1701; amended in Gazette 12 May 2017 p. 2469.]

#### **POLICY IMPLICATIONS**

Policy F.01 Investments and Surplus Funds should be read in conjunction with others of the finance policies.

#### **BUDGET/FINANCIAL IMPLICATIONS**

There are no financial implications relating to this item.

#### **STRATEGIC IMPLICATIONS**

Finance policy F.01 seeks to improve the management of risk as it relates to the investment of Council's surplus funds.

#### **SUSTAINABILITY IMPLICATIONS**

- **Environmental** – Nil
- **Economic** – See the section on *Strategic Implications*.
- **Social** – Nil

#### **VOTING REQUIREMENTS**

Simple majority

#### **OFFICER RECOMMENDATION - ITEM 9.2.4**

**That Council adopts reviewed finance policy F.01 *Investments and Surplus Funds Policy*, as presented.**

**CARRIED BY ENBLOC**

**Res 146/17**

### **9.3 CHIEF EXECUTIVE OFFICER**

<b>9.3.1 Council Meeting Dates for 2018</b>
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<b>Location:</b>	<i>Shire of Boyup Brook</i>
<b>Applicant:</b>	<i>Not Applicable</i>
<b>File:</b>	<i>N/A</i>
<b>Disclosure of Officer Interest:</b>	<i>none</i>
<b>Date:</b>	<i>7 November 2017</i>
<b>Author:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Authorizing Officer:</b>	<i>N/A</i>
<b>Attachments:</b>	<i>Nil</i>

---

#### **SUMMARY**

The purpose of this report is to put before Council proposed meeting times and dates for the Ordinary Council meetings for the 2018 year.

#### **BACKGROUND**

At the Chief Executive Officer's review last year it was recommended that regular briefing sessions be conducted before Ordinary Council Meetings.

#### **COMMENT**

Nil

#### **CONSULTATION**

Nil

#### **STATUTORY OBLIGATIONS**

The following sections of the Local Government Act have relevance:

##### **5.3. Ordinary and Special Council Meetings**

- 1) A council is to hold ordinary meetings and may hold special meetings.
- 2) Ordinary meetings are to be held not more than 3 months apart.
- 3) If a council fails to meet as required by subsection (2) the Chief Executive Officer is to notify the Minister of that failure.

##### **5.4. Calling Council Meetings**



An ordinary or a special meeting of a council is to be held –

- (a) if called for by either-
  - (i) the mayor or president; or
  - (ii) at least 1/3 of the councillors;  
in a notice to the Chief Executive Officer setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the council

#### **5.5. Convening Council Meetings**

- (1) The Chief Executive Officer is to convene an ordinary meeting by giving each Council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The Chief Executive Officer is to convene a special meeting by giving each Council member notice, before the meeting, of the date, time, place and purpose of the meeting.

The Local Government (Administration) Regulations provide:

#### **Public notice of Council or Committee Meetings – s. 5.25(1)(g)**

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
  - (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to sub regulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the Chief Executive Officer's opinion, it is not practicable to give local public notice of the matters referred to in sub regulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the Chief Executive Officer's opinion, is practicable.

The Local Government Act provides that local public notice is as follows;

#### **1.7. Local Public Notice**

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be –

- (a) published in a newspaper circulating generally throughout the district;
  - (b) exhibited to the public on a notice board at the local government's offices; and
  - (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is –
- (a) published under subsection (1) (a) on at least once occasion; and
  - (b) exhibited under subsection (1) (b) and (c) for a reasonable time, being not less than –
    - (i) the time prescribed for the purpose of this paragraph; or
    - (ii) if no time is prescribed, 7 days.

### **POLICY IMPLICATIONS**

Council Policy

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known environmental issues at this stage.
- **Economic**  
There are no known economic issues at this stage.
- **Social**  
There are no known social issues at this stage.

### **VOTING REQUIREMENTS**

Simple Majority

### **COUNCIL DECISION & OFFICER RECOMMENDATION –ITEM 9.3.1**

Cr Rear

Cr O'Connell

That the following meeting dates and times apply for the 2018 year:

#### **Council Meeting Dates 2018**

**Held at 5.00pm in the Boyup Brook Chambers**

<b>15 February 2018</b>	<b>23 August 2018</b>
<b>15 March 2018</b>	<b>20 September 2018</b>
<b>19 April 2018</b>	<b>18 October 2018</b>
<b>17 May 2018</b>	<b>15 November 2018</b>
<b>21 June 2018</b>	<b>13 December 2018</b>
<b>19 July 2018</b>	

**AMENDMENT**

**MOVED: Cr Moir**

**SECONDED: Cr Walker**

**Cr Moir put in a request to change the commencement time to 6.00pm for the Ordinary Council Meeting.**

**LOST 2/7**

**MOTION –ITEM 9.3.1**

**That the following meeting dates and times apply for the 2018 year:**

**Council Meeting Dates 2018**

**Held at 5.00pm in the Boyup Brook Chambers**

<b>15 February 2018</b>	<b>23 August 2018</b>
<b>15 March 2018</b>	<b>20 September 2018</b>
<b>19 April 2018</b>	<b>18 October 2018</b>
<b>17 May 2018</b>	<b>15 November 2018</b>
<b>21 June 2018</b>	<b>13 December 2018</b>
<b>19 July 2018</b>	

**CARRIED 9/0**

**Res 147/17**

### **Impartiality Interest**

Cr Kaltenrieder declared an impartiality interest in the following item due to being a Council Representative.

Cr O'Connell declared an impartiality interest in the following item due to being a Member.

<b>9.3.2 Development (Advertisement) – Lot 500 Abel Street, Boyup Brook</b>
---

<b>Location:</b>	<i>Lot 500, #84 Abel Street, Boyup Brook</i>
<b>Applicant:</b>	<i>Boyup Brook Community Resource Centre</i>
<b>File:</b>	<i>Abel St</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>16 November 2017</i>
<b>Author:</b>	<i>A. Nicoll, Town and Regional Planner</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb, Chief Executive Officer</i>
<b>Attachments:</b>	<i>Nil</i>

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### **SUMMARY**

The purpose of this report is to put before Council the request to develop a pylon sign at Lot 500, #84 Abel Street.

The sign is advertising 'Bendigo Bank'.

Council discretion is required in accordance with the Shire's *Local Planning Scheme No.2*, which states:

*8.1.1 For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose in development within the definition of the Act requires, except as otherwise provided, the prior approval of the Council.*

This report item recommends that the Council support the proposed advertisement (Pylon Sign).

### **BACKGROUND**

The Boyup Brook Community Resource Centre is a not-for-profit, community owned and managed organisation delivering a wide range of services to the community, from photocopying and internet access to training courses, wellness programs and providing government information. The Bendigo Bank agency also operates from the resource centre and hence has applied to develop a sign to advertise its location.

**COMMENT**

The sign is proposed to be designed similar to an existing 'Police' sign, which is located nearby at 90 Abel Street.

Design features include:

- 4 metres high
- Mono pole
- 800mm X 800mm sign face
- Illuminated sign writing
- 700mm setback from front boundary
- Facing inwards.

The following illustrates the proposed sign location.



Proposed  
placement of  
sign

On the inside  
of the fence

Wording on the advertisement is proposed as follows:



**STATUTORY OBLIGATIONS**

Shire's Local Planning Scheme No. 2

The Shire's *Local Planning Scheme No.2* defines 'advertisement' as follows:

*'any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising'*

The Shire's *Local Planning Scheme No.2* states the following at clause 8.3:

*Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.*

The proposed sign is in-keeping with the existing 'Police' sign and is therefore not expected to impact on the character and amenity of the area.

As per the above clause 8.3, if approval is granted for the proposed advertisement, the following condition of approval should be included to ensure the amenity of the area is not compromised:

*Illumination of the advertisement is restricted to the sign writing and is to be subdued.*

The Shire's *Local Planning Scheme No.2* states the following at clause 8.6:

*Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may, by notice in writing, require the advertiser to:-*

*i) repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice, or*

*ii) remove the advertisement.*

As per the above clause 8.6, if approval is granted for the proposed advertisement, the following condition should be specified:

*The advertisement being maintained to the satisfaction of the Shire of Boyup Brook.*

**POLICY IMPLICATIONS**

There are no policy implications relating to this item.

**CONSULTATION**

N/A

**VOTING REQUIREMENTS**

Simple majority.

**SUMMARY**

In accordance with *Local Planning Scheme No.2*, in considering an application for an advertisement, Council is to consider any potential impact to the amenity of the area and the need to ensure that advertisements are properly maintained.

The advertisement is not expected to impact on the amenity of the area.

Approval should be conditional and include:

1. *Illumination of the advertisement is restricted to the sign writing and is to be subdued.*
2. *The advertisement being maintained to the satisfaction of the Shire of Boyup Brook.*

**CEO COMMENT AND RECOMMENDATION**

Comment

The property in question is controlled by the Shire (the land is a Crown Reserve managed by the Shire and the improvements are owned by the Shire) and so the applicant requires Council approval, as the owner/manager, before the matter of planning approval could be dealt with. The applicant did not seek this approval until after the agenda had been completed. All applications for planning approval must be signed by the applicant and by the owner. In this case, it is understood that, the tenant signed the application as the owner. A lease agreement provides the tenant with a level of "ownership" within the terms of the lease. The requirement for approval is contained in the lease agreement.

The applicant subsequently sought Council approval and, in order to progress the matter, the owners approval step is now added to the agenda item for Council consideration. It was considered that whilst Council had not been presented with this approval in the agenda, as distributed, it was provided with all of the relevant facts about the planned works. As such it may be in a position to deal with this

application for approval at the same time as it deals with the planning application.

Council is not as restricted in its determination at this level as it is as the body responsible to administer the Town Planning Scheme. The planning consultant recommends planning approval and has set some of the conditions Council may wish to add to its approval of this request. But the approvals are separate and so the following recommendation includes some of these. The lease contains the following relevant clauses:

**14. Alterations**

**14.1 Restrictions**

- (a) (i) *The Lessee must not without prior written consent:*
  - (ii) *from any other person from whom consent is required under this Lease;*
  - (iii) *required under statute in force from time to time, including but not limited to the planning approval of the Lessee under a town planning scheme of the Lessee;*
- (b) *make or allow to be made any alteration, addition or improvements to or demolish any part of the Premises; or*
- (c) *subject to the performance of the Lessee's obligations in clause 11, remove any flora or fauna, alter or cut down any flora, or sell, remove or otherwise dispose of any flora, sand, gravel, timber or other materials from the Premises.*

**14.2 Consent**

- (1) *If the Lessor and any other person whose consent is required under this Lease or at low consents to any matter referred to in clause 14.1 the Lessor may:*
  - (a) *consent subject to conditions; and*
    - (i) *require that work be carried out in accordance with plans and specifications approved by the Lessor or any other person giving consent; and*
    - (ii) *require that any alteration be carried out to the satisfaction of the Lessor under the supervision of an engineer or other consultant; and*
  - (b) *if the Lessor consents to any matter referred to in clause 14.1:*



- (i) *the Lessor gives no warranty that the Lessor will issue any consents, approvals, authorities, permits or policies under any statute for such matters; and*
- (ii) *the Lessee must apply for and obtain all such consent approvals, authorities, permits or policies as are required at law before undertaking any alterations, additions, improvements or demolitions.*

#### **14.3 Cost of Works**

*All works undertaken under this clause 14 will be carried out at the Lessee's expense.*

#### **14.4 Conditions**

*If any of the consents given by the Lessor or other persons whose consent is required under this Lease or at law require other works to be done by the Lessee as a condition of given consent, then the Lessee must at the option of the Lessor either:*

- (a) *carry out those other works at the Lessee's expense; or*
- (b) *permit the Lessor to carry out those other works at the Lessee's expense, in accordance with the Lessor's requirements.*

#### **COUNCIL RECOMMENDATION**

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr Rear**

**That Council, in accordance with Clause 14 of the lease agreement, grant approval to the Boyup Brook CRC to erect a sign, as requested, subject to:**

- 1. All works to be undertaken at the lessee's expense.**
- 2. The advertisement being developed in accordance with the plans approved by Council in accordance with the Town Planning Scheme.**
- 3. Illumination of the advertisement is restricted to the sign writing and is to be subdued.**
- 4. The advertisement being maintained, at the lessee's expense, to the satisfaction of the Shire of Boyup Brook.**
- 5. The advertisement being removed, at the lessee's expense, when it is no longer maintained or required, or prior to the end of the lease, whichever comes first.**

**CARRIED 9/0**

**Res 148/17**

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.2**

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr Rear**

**That Council**

Grants development approval for an advertisement at Lot 500 Abel Street, subject to the following notice:

***Planning and Development Act 2005***

**Shire of Boyup Brook**

**NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL**

Location: Boyup Brook Community Resource Centre, Lot 500 Abel Street.

Description of proposed development:

**Advertisement (Pylon Sign)**

The application for development is approved subject to the following conditions.

Conditions:

6. The advertisement being developed in accordance with the approved plans.
7. Illumination of the advertisement is restricted to the sign writing and is to be subdued.
8. The advertisement being maintained to the satisfaction of the Shire of Boyup Brook.

**Advice**

*Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may, by notice in writing, require the advertiser to:-*

- i. repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice, or*
- ii. remove the advertisement.*

Date of determination: 16 November 2017

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the

determination.

Signed:

Dated:

\_\_\_\_\_  
for and on behalf of the Shire of Boyup Brook.

**CARRIED 9/0**

**Res 149/17**

**APPROVED PLANS**

**Site Plan**



**Elevation Plans**



### 9.3.3 Local Emergency Management Arrangements

<b>Location:</b>	N/A
<b>Applicant:</b>	Daly Winter
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	3 November 2017
<b>Author:</b>	Daly Winter
<b>Authorizing Officer:</b>	Alan Lamb
<b>Attachments:</b>	1. Shire of Boyup Brook Local Emergency Management Arrangements (Emailed electronically) 2. Shire of Boyup Brook LEMA Amendments.

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#### **SUMMARY**

Under the EM Act, local governments are required to have Local Emergency Management Arrangements (LEMA) and establish an effective and collaborative Local Emergency Management Committee (LEMC). Local Governments are the closest level of government to their communities and have access to specialised knowledge about the local environment and demographic features of their communities. The development and management of effective local emergency management arrangements and LEMC enhance the community's resilience and preparedness for emergencies through strategies that apply prevention/mitigation, preparedness, response and recovery measures.

The Shire of Boyup Brook Local Emergency Management Arrangements were endorsed by the Shire of Boyup Brooks Local Emergency Management Committee on the 23<sup>rd</sup> of August 2017.

Since the adoption of the LEMA by the Local Emergency Management Committee a couple of minor amendment have been proposed. Refer to attachment 2.

#### **BACKGROUND**

The purpose of these emergency management arrangements is to set out:

Any Shire policies relating to emergency management;  
Roles and responsibilities of public authorities and key agencies;  
Emergency related plans, protocols or procedures;  
Details about coordination of emergency operations or activities;  
A description of hazards that are considered most likely to occur in the district;  
Emergency related strategies and priorities and other matters that give substance to the document that the local government considers appropriate.

### **COMMENT**

The Local Emergency Management Arrangements (LEMA) shall be reviewed in accordance with State EM Policy Section 2.5 and amended or replaced whenever the local government considers it appropriate (s.42 of the EM Act). According to State EM Policy Section 2.5, the LEMA (including recovery plans) are to be reviewed and amended as follows:  
an entire review is undertaken every five (5) years, as risks might vary due to climate, environment and population changes; and  
circumstances may require more frequent reviews.

Our last arrangements were completed in January 2010 and therefore full review was required.

### **CONSULTATION**

The applicant has sought comment and input from the Local Emergency Management Committee with representation on the committee from, the Department of Fire and Emergency Services, Office of Emergency Management, St John Ambulance- Boyup Brook, Health Services Blackwood Region, Department of Communities and the Department of Regional Development - Primary Industries, Agriculture and Food.

### **STATUTORY OBLIGATIONS**

This State Emergency Management Policy (SEMP) is prepared under the authority of section 17 of the EM Act. This policy applies to all local governments, LEMCs and Emergency Management Agencies (EMAs) participating in the development of Local Emergency Management Arrangements (LEMA) and other emergency management activities.

### **POLICY IMPLICATIONS**

Nil.

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil.



**STRATEGIC IMPLICATIONS**

Nil.

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
Nil.
- **Economic**  
Nil.
- **Social**  
The Shire has a social responsibility to help protect and support our ratepayers and our communities as a consequence of an emergency. This cannot be achieved without a plan and a solid commitment from all parties concerned.

**VOTING REQUIREMENTS**

Simple majority.

**COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 9.3.3**

**MOVED: Cr Walker**

**SECONDED: Cr Rear**

1. **That Council receives the updated version of the Shire of Boyup Brook Local Emergency Management Arrangements.**
2. **That Council endorses the Local Emergency Management Arrangements as tabled with the minor amendments included.**

**CARRIED 9/0**

**Res 150/17**

#### 9.3.4 Boyup Brook Shire Website

<b>Location:</b>	N/A
<b>Applicant:</b>	N/A
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	16 November 2017
<b>Author:</b>	Joanna Kaye (Community Emergency and Regulatory Services Admin) and Daly Winter (Community Emergency and Regulatory Services Manager)
<b>Authorizing Officer:</b>	Alan Lamb (Chief Executive Officer)
<b>Attachments:</b>	Nil

#### **SUMMARY**

This report recommends that Council approves the update and migration of the Boyup Brook Shire website to the WALGA Council Connect Market Creations platform.

#### **BACKGROUND**

Market Creations has hosted the Shire's website for four and a half years and the current website no longer meets the Shire's requirements:

- the current website is on an outdated Content Management System (CMS) platform and may start to experience vulnerabilities;
- it is currently exceeding the storage capacity and is using 109% of the hosting allocation of 500MB;
- it is not compatible with new technologies such as website browsers and it is not mobile device responsive;
- the website does not meet the legislated Disability Access and Inclusion Plan requirements in regards to font size and contrast; and
- the current contract with Market Creations will expire 4 November 2017 and the current, outdated CMS platform will cease to be supported.

Market Creations is the delivery partner for WALGA offering website design, development and hosting solution for WALGA Council Connect members. The Market Creations update and migration to Council Connect proposal includes:

1. Full design refresh including menu structure and site map.
2. No hosting fees until the new Council Connect subscription period (July 1, 2018). This means the website will be hosted free of charge until 30 June, 2018 (value: \$1,778.33).

3. Deferred payment of the new website until the next financial year (July 1, 2018).
4. Council Connect annual subscription includes CMS upgrades on release and two hours website training and procedure manual.
5. Free modules including:
  - Mega Menu – this will greatly assist with site navigation (value \$600)
  - Quick links – this assists with navigation – defines most popular information users are looking for (value \$300)
  - Disability Access and Inclusion Plan – assists the end user in changing font size and colour contrast (value \$500)
  - Advanced Events – enables your community groups to post events to the Shire website via a validation and verification process – engages with your community (value \$900).

### **CONSULTATION**

Maria Lane (Executive Assistant), Angela Hales (Environmental Health Service Provider) and Stephen Carstairs (Director Corporate Services).

### **STATUTORY OBLIGATIONS**

Nil.

### **POLICY IMPLICATIONS**

Purchasing Policy F.03

Extract from the Policy follows:

#### **Policy**

Where the value of procurement (excluding GST) for the value of the contract over the full contract period\* (including options to extend) is, or is expected to be:-

<b>Amount of Purchase</b>	<b>Model Policy</b>
Up to \$5,000	Quotations not required.
\$5,001 - \$39,999	By reference to WALGA's Preferred Supply Panels or obtain at least two written quotations.
\$40,000 - \$150,000	By reference to WALGA's Preferred Supply Panels or obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
More than \$150,000	By reference to WALGA's Preferred Supply Panels or Conduct a public tender process.

### **BUDGET/FINANCIAL IMPLICATIONS**

This report proposes to commit funds in the 2018-19 Annual Budget. In the 2017-18 annual budget there would be officer time committed to this project and a incidental fee for photography.

### **STRATEGIC IMPLICATIONS**

The shire's *Community Strategic Plan 2013 – 2023*, in the section under “*Council and Community Leadership*”, reads to: “*Foster community participation and collaboration through the “Development of a website to communicate information more easily to residents.”*”

### **SUSTAINABILITY IMPLICATIONS**

➤ **Environmental**

Nil.

➤ **Economic**

Once off cost \$7,326 to transfer the website to the WALGA Council Connect platform inclusive of website design refresh and Spark V4 Content Management System.

Ongoing annual fee \$2,595 for web hosting to be met in Shire’s annual budget.

Market Creations' quote for this service was not dissimilar to quotes provided by two other service providers.

➤ **Social**

These proposed improvements will meet with the Shire’s social responsibility to provide our community with an accessible source of information regarding the operations of the Council, and with technological advancements a good website meets the majority of our communities' expectations at this point in time.

The Shire of Boyup Brook has developed a Disability Access and Inclusion Plan (DAIP) to assist the Council comply with the legislative requirements of the WA Disability Services Act 1993, and embrace the principles that work to assist in creating a more accessible and inclusive community.

The purpose of the DAIP implementation is to ensure people with disabilities can access all information, services and facilities provided by local governments. The new website on the WALGA Council Connect platform facilitates this requirement and would increase font size and improve colour contrasts.

**VOTING REQUIREMENTS**

Absolute majority.

**OFFICER RECOMMENDATION - ITEM 9.3.4**

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr Muncey**

- 1. That Council authorise the CEO to proceed in 2017-18 to update and migrate the Boyup Brook Shire website to the WALGA Council Connect Market Creations platform.**
- 2. That the cost (\$7,326) for the migration to this new platform with our service provider Market Creations be included in the 2018-2019 Annual Budget.**

**AMENDMENT**

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr Alexander**

**That Council direct the CEO to develop a draft social media policy.**

**CARRIED 8/1**

**Res**

**SUBSTANTIVE MOTION**

- 1. That Council authorise the CEO to proceed in 2017-18 to update and migrate the Boyup Brook Shire website to the WALGA Council Connect Market Creations platform.**
- 2. That the cost (\$7,326) for the migration to this new platform with our service provider Market Creations be included in the 2018-2019 Annual Budget.**
- 3. That Council direct the CEO to develop a draft social media policy.**

**CARRIED 9/0**

**Res 151/17**

### 9.3.5 Aged Accommodation

<b>Location:</b>	<i>Hospital Road</i>
<b>File:</b>	<i>CR/45/003</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>8 November 2017</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer</i>
<b>Attachments:</b>	<b><i>(emailed electronically)</i></b>

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#### **SUMMARY**

The purpose of this item is to bring the matter before Council to establish the number of independent living unit lots should be included in stage 1 of the project.

#### **BACKGROUND**

The following background is included to assist new Councillors and is taken directly from past reports to Council as contained in the minutes of meetings.

- ❖ The following comes from the Background to a report to the April 2016 Council meeting:

*The following is an excerpt from the CEO's report to the December 2015 Council meeting:*

*Before looking at sites and the like perhaps it is important to differentiate between the various types of development. Before doing so though, it should be noted that aged accommodation is the general term used for over 55's accommodation where the residents are not in need or care.*

*One is the lifestyle village; these are generally operated under the caravan and camping legislation that requires units to be capable of being moved within 24 hours. This style of development is ideal in areas that may be subject to flooding and was popular at caravan parks and other developments in low lying areas. Councillors looked at two such developments, one at Serpentine, which was next to a caravan park, and another at Mandurah. The Mandurah development had no short stay accommodation. Both featured accommodation units that had wheels and so could be moved. Council also looked at a retirement village in Bridgetown. This operated under the Retirement Villages legislation and the units were not transportable.*

### **1 Forrest Street**

*This lot is owned freehold by the Shire and it contains the old bowling green opposite the Shire Depot. The cost estimates done in 2012 were based on a 5 unit development. Subsequent work done with a potential developer indicated the site may accommodate 6 to 10 units. This site is less than 4,000m<sup>2</sup> and so, without sewerage scheme is limited to 3 units, if strata titling, or 4 units if developed as a group dwelling.*

*Landcorp is currently working with Council, together with SWDC, on maximising the potential for this site by pursuing a sewerage scheme for at least part of Boyup Brook. This partnership with Landcorp is vital to the town sewerage push and would be jeopardised if this lot was developed now (that is Landcorp's interest is in facilitating development of this site and the lack of a scheme is the barrier)*

*The cost indication for developing the site and erecting five units on it was \$1.320M.*

### **Life style village**

*Council looked at a lifestyle village style of development and selected a potential site. No detail of a site is provided here because no site has been selected. However based on the cost estimates done for the site looked at in 2012, for a 30 lot development (with no accommodation units) was Just under \$3m.*

*At the same time Council looked at a similar development for the flax mill area (held by the Shire under a Crown Grant). This area would require fill to bring the area up above the 1 in 100 year flood level, and there would still be a potential for flooding given its proximity to the Blackwood River. The cost estimate for a 30 lot development on this site was just over \$2.5m. Again this did not include the cost of units.*

### **Land near the lodge and hospital**

*This area was looked at in 2012 and recent talks with the Health Department indicate opportunities for a development there to use Lodge facilities. This area comprises three lots managed by the Shire (two Reserves and one Crown Grant). Talks with the Health Department have indicated an opportunity to have some of its Reserve transferred to Shire management, and so expanding the area available to Council.*

*A five lot development was estimated to cost in the order of \$1.6m in 2012.*

*It should be noted that these cost estimates resulted from a desktop exercise and based on average costs at that time. Design, geotechnical investigation and the like could have a significant impact on the costs. However, these cost indications are valid for the purpose of comparing opportunities prior to embarking on the, often costly, exercise of more detailed planning and costing.*

*In summary, lot 1 is the key to Landcorp support for a sewerage scheme and so, it is recommended, should not be considered at this time. This site may be an opportunity for partnering with a State agency, once the sewer is in, where Council provides the land and the agency provides the buildings. These units are then generally rented to people who qualify for housing assistance; it could still be an aged accommodation development.*

*The flax mill would be an ideal area for a lifestyle village type of development, once it is filled, and Council would not have to purchase any land to do the development. The site, to be purchased, may not be low lying, and so might be an option for a retirement village style of development, as an alternative to the lifestyle type previously considered. Both of these options exceed the \$2m Council budgeted for this project and do not include accommodation units, and so it is recommended that these be left as future options to be looked at later.*

*The area near the Lodge and Hospital looks to be within the budget to develop now, and so it is recommended that Council commence more in depth work on this site. If Council agrees to this, the process would be staged and reported on to Council so that there would be the opportunity to cease further work, and move to an alternative, if that was Council's direction.*

*Preliminary talks with State Land Services, indicate that it would be best to seek to have the whole of the land managed by the Shire, converted into one Crown Grant, as this would remove the leasing constraints, particular to Reserves, and allow whole of life leases direct between Council and the resident.*

*At this meeting, held 21 August 2014, Council resolved as follows:*

- 1. That Council resolve to commence the process of further evaluating the development of the area of Shire controlled land, bounded by Bridge Street and Hospital Road, for the purpose of aged accommodation.***
- 2. That Administration develop a plan, that meets legislative requirements for the purposes of a major land transaction, and report back to Council prior to commencing the public consultation process.***
- 3. That Administration commences the process of having a portion of the Health Department's Hospital Reserve transferred to Council's control.***
- 4. That Administration commences the process of seeking to have the three lots managed by the Shire (lots 347, 367 and 381), plus any of the Health Department's Reserve that might be transferred to Shire control, amalgamated into a form that best facilitates 'lease for life' arrangements between two parties only, and does not involve the purchase of land.***

*Council's decision of last August will have been influenced by restrictions on the number of units that Council may be built on Lot 1 Forrest Street with out a*



sewerage scheme. Since that decision, it has been established that the Water Corporation is working on a STED sewerage scheme for Boyup Brook, that it is; likely it will service the whole of the town, that it is planned to be operational by 2018 and that Council could obtain a letter, from Water Corporation, advising the scheme was to be built and that the Health Department may then allow a more dense development to commence and allow a temporary on site disposal system.

In relation to 1 above, the process of further evaluating the Hospital Road site commenced and a preliminary layout and cost estimate, for the whole of the site and for stage one, was provided to Council. Based on this, Council agreed to engage Opus to detailed design for stage 1. This design work has been put on hold pending Council's confirmation that it wants to move forward with the Hospital Road project now or if it would prefer to engage opus to conduct a study and cost estimate (to the same level as it did for the Hospital Road site) for Lot 1 Forrest Street, so that it may better compare the two options.

2 above has been completed for the Hospital Road site. 3 is all but completed in that the Health Department has formally approved the transfer of a portion of its reserve and now the process is in the hands of State Land Services to finalise (could take 12 months). Further enquiries have been made with State Land Services regarding Crown Grant vs Crown Reserve.

❖ Council passed the following resolution at its December 2016 meeting:

1. ***That Council engage Opus International Consultants to prepare a feasibility study on developing Lot 1 Forrest Street, to the same level it did for the Hospital Road site, for an aged accommodation development.***
2. ***That, following receipt of the feasibility study, Council reviews the two development options with a view to then committing to and moving forward with the development of one site.***

❖ The following comes from the Comment section of that report (to the April 2016 Council meeting);

*The following table was provided to the December 2015 meeting.*

<b><u>Site</u></b>	<b><u>For</u></b>	<b><u>Against</u></b>
<i>Hospital Road</i>	<i>Crown Grant or Reserve managed by the Shire so no need to purchase</i>	<i>Can never be sold, Minster for lands approval for every lease.</i>
<i>Hospital Road</i>	<i>May be able to access site before process completed</i>	<i>Amalgamation of Grant/Reserve will take around 12 months</i>
<i>Hospital Road</i>	<i>Close to Lodge /Hospital and so residents may have access</i>	<i>Some see this close proximity as</i>

	<i>to Lodge facilities, panic button and meals (for a fee). Some see this close proximity as desirable.</i>	<i>undesirable</i>
<i>Hospital Road</i>		<i>Typography, need to clear and relocate croquet field make the site works cost relatively high.</i>
<i>Hospital Road</i>		<i>DFES bushfire prone areas mapping shows the whole of this site is potentially Bushfire Prone. A Bushfire Attack Level assessment will be required and may lead to the need for upgrades to building material/design.</i>

<b><u>Site</u></b>	<b><u>For</u></b>	<b><u>Against</u></b>
<i>Lot 1 Forrest Street</i>	<i>Freehold land so could be sold as one lot or subdivided or leased without the need for Minister for lands approval</i>	
<i>Lot 1 Forrest Street</i>	<i>WAPC has advised that assistance would be provided which may reduce the time taken for the rezoning..</i>	<i>Zoned for recreation so rezoning required. Process is likely to cost \$2,500 for the Planner and Council may be asked to do a land capability study, perhaps a similar amount, plus advertising etc, say \$6,000 in total. The rezoning may take 12 months.</i>
<i>Lot 1 Forrest Street</i>	<i>Relatively flat site with very limited clearing and so development costs will be lower per lot for the Hospital Road site</i>	

Lot 1 Forrest Street		DFES bushfire prone areas mapping shows part of this site is potentially Bushfire Prone. A Bushfire Attack Level assessment will be required and may lead to the need for upgrades to building material/design.
Lot 1 Forrest Street	Depending on expected development costs, may require a Major Land Transaction Plan to be developed, advertised and adopted by Council.	Depending on expected development costs, may not require a Major Land Transaction Plan to be developed, advertised and adopted by Council.

*At the December 2015 Council meeting it was reported that:*

*Council now has a reasonable cost estimate for stage 1 of the Hospital Road site (\$679,000 ex GST, for 11 lots, \$62,000 per lot)*

*When working with the Consultant on the new feasibility study it was noted that site works (to create level sites for houses) was not included in the Hospital Road cost estimates and so that study was up dated so that more accurate comparisons could be made.*

*The position now is that all four parts of the August 2014 resolution have now been completed. Similarly, the December 2015 resolution's two parts have been completed. Council may now be in a good position to make an informed decision as to which project to move forward with.*

*Councilors will have been provided with a copy of the consultants report and the following table is taken from this. Please note that the consultant has allowed a 30% contingency on civil works as no geotechnical work or final design work has been completed as yet. Also please note that all costs are net of GST, the Forrest Street site may have room for 11 units but the best fit appears to be 8 totally and so stage 1 might be 5 units. Hospital Road has more capacity but 11 units were envisaged as stage 1, costs for 5 units have been calculated to compare with the Forrest street option.*

	<b>Hospital Road</b>		<b>Forrest Street</b>		
<b>Details</b>	<b>Units</b>	<b>Cost \$</b>	<b>Units</b>	<b>Cost \$k</b>	<b>Variance \$</b>
Civil works & General items	5	399,000	5	256,000	143,000
Headworks fees	5	127,000	5	138,000	- 11,000
Consultancy fees	5	36,000	5	30,000	6,000
Total	5	562,000	5	424,000	138,000
Per unit cost	1	112,400	1	84,800	27,600
Civil works & General items	11	726,000	8	365,000	
Headworks fees	11	198,000	8	157,000	
Consultancy fees	11	65,000	8	44,000	
Total	11	989,000	8	566,000	
Per unit cost	1	89,909	1	70,750	19,159

*The foregoing shows that civil works costs will be lower for the Forrest Street option and that headworks cost will be higher. The per unit cost for Forrest Street (for 5 units) is \$27,600 less than the comparable costs for Hospital road. On the face of things then the Forrest Street option is cheaper.*

*The following schedule show approximate walking distances to town facilities from each option being considered. Note the distances are approximate only and were taken from Landgate Imagery using the Landgate measuring tool, measuring the distance from the South West boundary of Lot 1 Forrest Street and the North West boundary of the Hospital road lots.*

<b><u>Town Facility</u></b>	<b><u>Hospital Rd meters</u></b>	<b><u>Forrest St metres</u></b>
Medical Centre	730	239
CRC	803	169
Pharmacy	766	210
IGA	712	321
Hotel	781	287
Post Office	823	276
Club	930	163

*Allowing for inaccuracies of measurement, the foregoing demonstrates that the Forrest Street option is closer to the town's amenities.*

*Based on the results of the feasibility study it is recommended that Council opt for the Forrest Street lot.*

*A number of processes would then have to follow and these include:*

<b><u>Action/Task</u></b>	<b><u>Status</u></b>
Rezoning	<i>This process has commenced and is being moved forward as a matter of priority.</i>
Bushfire risk	<i>Much of the lot is within the bushfire prone area according to DFES mapping and so the builder would need to be aware of this.</i>
Major Land Transaction Plan	<i>See notes under Statutory Obligations.</i>
Development layout	<i>Preliminary work has been done on a 8 unit development and a possible layout. The next step would be to decide on the total number of units that Council would like to see there, how they might be configured etc. Much of this ties in to the following 3 points and so perhaps they should be seen as one phase of the project.</i>
Lot development	<i>Council now has budget costs for developing the site for 5 and for 8 units. The next phase is to decide whether or not to develop the site for 8 units and then release 4 or 5 as stage one or to develop only for the number to be released in stage 1</i>
Number of units for stage 1	<i>From previous work done for this lot, it was established that a 4 unit group dwelling should be approved by the Health Department (on site disposal). That this may be expanded with a letter from the Water Authority advising of the pending sewerage system. Planning done for the development showed that 5 units could fit along the Forrest Street frontage and 3, or more, on the Railway Parade frontage. Consultants costing were based on 4 units on Forrest Street with the space for the 5<sup>th</sup> being used for the leach drain until the sewerage scheme is in place. This would allow for a full gravity system and avoid the need for pumps but more work is required to see if other options may be available, how much these would costs and how practical they are.</i>
Business planning	<i>Whilst this project should avoid the need for a Major Land Transaction Plan, a business is still needed in order to make the decision to develop, what to develop, etc. It was intended that a basic plan be prepared for this Council meeting but there are many variables and it was hoped that Council could select a project site at this meeting to avoid the work having to be done for both sites.</i>
Subdivide and sell lots, or lease lots.	<i>Whilst much of the work so far has been based on a lease for life arrangement this has not been put to Council for determination. It is possible that Council would need the business plan, completed to at least a basic level, in order to decide.</i>
<i>If Lease, lease for life or periodic tenancy, and if the former, under what legislation would the development operate.</i>	<i>Lease for life could be the developed land only or that and a home, and this is the next item on the list. Periodic tenancy would require Council to also provide the homes.</i>
<i>Build homes or merely lease sell the lots.</i>	<i>Council would need in the order of \$200,000 per home, in addition to the site costs, if it were to build. The site development costs, according to the consultant would be in the order of \$424,000 for a lot development and \$566,000 for 8 lots. If building also, Council would need \$1.424m for 5 and \$2.166m for 8. There is obviously less risk and less money to be found if Council did not build the homes but this a decision yet to be made.</i>
<i>Building quality/design control if lease or sell lots</i>	<i>Council has some control over what is built via the town planning scheme and it could include conditions in the sale process. Last year two builders introduced the idea of them selling the homes to Council's lessees and Council restricting who could do the building, designs and the like. No decision has been made on this as yet.</i>
<i>Final design of development and site development</i>	<i>There are a number options available including appointing the current consultant to do the final design, tendering and works management, getting another entity to do this, tendering for an entity (could be the builder chosen to be the supplier of the houses) to do the design and works as a job lot.</i>

*There will be other actions/tasks but the foregoing shows that there is a fair bit more to be done.*

*In June 2016 Council reviewed a business plan, developed in house and resolved as follows:*

**That Council:**

- 1. Receive the attached business plan for an independent living aged accommodation development**
- 2. Call for expressions of interest from building firms to:**
  - 2.1 develop Lot 1 Forrest Street Boyup Brook for an independent living development**
  - 2.2 work with Council on an agreed range of options for accommodation units (homes)**
  - 2.3 offer the range of units to the community**
  - 2.4 sell and build units**
  - 2.5 recover and pay to Council its required upfront land lease change as part of the sales process**
  - 2.6 based on a Council evaluation of the interests lodged, call for tenders to provide the required services.**
- 3. That Council resolve to:**
  - 3.1 maintain its focus on a development in Boyup Brook to meet the need for small lot housing for senior members of the community who do not need care.**
  - 3.2 keep working on a development at lot 1 Forrest Street whilst still progressing the opportunity of a development on its land in Hospital Road.**
  - 3.3 limit work and costs associated with the latter to securing additional land, amalgamating the various lots held as Crown Grants and Reserves into a single holding where Council may develop but does not have to purchase the land**
  - 3.4 base its further progress on the Lot 1 Forrest Street opportunity on the results of the expressions of interest and tendering processes.**

*Whilst not specifically stated, it was understood that the development of Lot 1 was contingent on a sewerage scheme and so relevant parts of the resolution would not be actioned until a scheme was certain.*

*At the December 2016 briefing session the CEO reported on progress etc and it was the general consensus that Lot 1 was no longer favoured for aged accommodation and that the alternative commercial use, as had been discussed previously, should be pursued.*

*The results of this were reported to the Audit and Finance Committee In April 2017. This committee made a recommendation to Council, that day, and Council resolved as follows:*

**Aged Accommodation - Lot 1 Forrest Street**

- 1. That the Audit and Finance Committee recommend to Council that it take no further action in relation to Lot 1 Forrest Street until the fate of Water Corporation's sewerage scheme, for Boyup Brook, is known.**

**2. Council as a matter of urgency pursue through political avenues a definitive decision as to the fate of the promised Sewage Scheme of the Water Corporation.**

*The matter was later put before the Audit and Finance Committee again in June 2017 and the committee resolved as follows:*

***That, in line with Council Resolution Res 60/17, the Audit and Finance Committee not seek to progress this matter until after the WA State Budget has been adopted or there is a clear indication of the fate of the planned sewerage scheme for Boyup Brook.***

*The following comment was provided in a report to that meeting:*

At the last meeting it was indicated a report would be prepared to recommend that either the Lot 1 Forrest Street or the Hospital Road site be developed, as soon as practicable, for a four unit site (understood to the maximum size of a group dwelling on Lot 1 without a sewerage scheme). However on reflection the Council resolution from April 2017 may prevent any further action in relation to Lot 1 Forrest street.

*Standing Orders (see Statutory Obligations) provide that no resolution may be rescinded once action in relation to it has occurred. It is important then to revisit this resolution to ensure it does not prevent progressing an aged accommodation development on Lot 1 Forrest Street at this time.*

*In June 2016, Council resolved that lot 1 Forrest Street be developed for independent living.*

*In April Council resolved to take no further action in relation to lot 1 Forrest Street until the fate of the sewerage scheme is known.*

*The position is therefore that Council has resolved that its proposed development will be at Lot 1 Forrest Street. The matter of an alternative commercial use was raised and reported to this committee. Then Council resolved to take no further action regarding Lot 1 until the fate of the sewerage scheme was certain. This was communicated to the entity who expressed interest in Lot 1 so it could be said that the April resolution has been actioned.*

*There are many ways to look at things and one could mount a strong argument either way on this matter. Clearly, but not specified in the resolution, the intention was to not further consider an alternative option for Lot 1 until the sewerage scheme was confirmed and assured. But it is difficult to see how making a decision now which involves the use of Lot 1 and may effectively counter the June 2016 decision, is in line with the April 2017 decision.*

*The fight for the sewerage scheme is to be taken up at the WALGA convention pre session forum. Letters have been sent to the Minister (no reply as yet) and so it may be premature to deal with the matter now. The state budget generally comes out later in the year and it is probably at that time that we will receive information on the scheme.*

*It is recommended that Council wait until it has confirmation on the fate of the scheme, as resolved in April, before looking at options.*

*If the committee and Council wished however to move promptly then the Hospital Road site is an option. The plan has been for Council to develop the land and then have builders deal directly with the clients. That is the Shire leases the land and the builder sells the house. There are a number of processes which will be required before any works could start but it may be possible to conduct an expressions of interest/tender process concurrently with the other processes. Essentially, the tender would be for the development of the site only (the cost is expected to exceed \$150,000). Builders who presented to Council indicated there would be savings if they did their own site works. There would need to be a separate process to select the builder, designs and any other constraints Council may put into its lease agreements (here no tender is required because Council is not purchasing the houses). We would need to have suitable lease agreements drawn up and set on the legislation the units would operate under etc.*

*We would also need to finalise the transfer and amalgamation of land. If nothing else, the tender process would establish costs*

*An alternative decision could then be as follows:*

*that Council*

- 1. call for expressions of interest from entities who build aged accommodation homes to develop a portion of Shire managed land on Hospital Road for four aged accommodation.*
- 2. concurrently with one, seek information on design and other options the builders could offer.*

*Council dealt with the minutes of that meeting at its June 2017 meeting and resolved as follows:*

***That the minutes of the Audit and Finance Committee meeting be received.***

❖ *At its October 2017 meeting Council resolved as follows:*

***That Council resolve to:***

- 1. move its focus for an aged accommodation development from Lot 1 Forrest Street to Crown Reserve and Crown Grant land bounded by Hospital Road and Bridge Street.***



- 2. authorise the CEO to work with the relevant state government bodies to have a portion of the Health Department managed reserve, already agreed by the then minister of Health and Premier to be transferred to Shire management, combined with Crown Grants and Reserve land managed by the Shire into one reserve for a purpose suitable to use as aged accommodation.**
- 3. require monthly reports on the project to be presented to Council.**

Please refer to the October 2017 minutes for detail of the reason etc for the foregoing decision.

The position with part 2 of the forgoing is covered in another report to Council however, and in summary, the process to transfer a portion of the Health Department managed reserve to a Shire managed parcel of land has been restarted where it previously stalled. The process of amalgamating this with adjacent Shire managed land is also underway subject to Council's decision on another report to this meeting.

#### **COMMENT**

Now that Council has set the focus on the Hospital Road land, and the process of securing relevant land (part 2 of the October 2017 resolution) is underway, the next step is to decide on what stage one of the project will be. Also to decide to either review or confirm the direction of partnering with a builder to avoid the Shire having to pay for the cost of the homes. The latter could be left till later because the land development phase will take some time to complete and this time will be extended if Council opts to seek grant funding to assist it.

A number of relevant reports have been provided previously and so will now be provided electronically (Councillors may request another hard copy). One is the AEC Group report which provides economic impact predictions, aimed at a sewerage scheme but are useful for aged accommodation), another preliminary cost indications for an aged accommodation development, the Aged Housing Plan is, among other things, market research for aged accommodation. The Business Plan was developed to assist Council to move forward, the survey drawing was obtained to set the proposed new boundary between Shire and Health Department land and to pick up features on the land (as a base for planning the development). Two consultant's reports are included, one shows cost estimates for a 7 site development and the other includes costs for 11 sites in stage one. This second report includes a plan showing the overall development concept with 11 lots in stage 1.

The consultant's estimates did not include site costs and there were other matters that required an amendment to them. They will also need to be adjusted for cost escalation.

A Federal Government grant funding opportunity may be suitable for this project. the grant round opens 7 November and closes 19 December 2017. Funded

projects have to commence within 12 weeks of execution of grant agreement (so need to be "shovel ready"). It is understood that the grant funds would become available (to successful applicants) in 2018/19. The grant may be 50%, or more depending on set factors, of the project cost.

### OPTIONS

We have cost estimates for stage one based on 5,7 and 11 lots being in that stage. Referring to the map provided, it may be seen that the 11 lots shown on this for stage one do not require the croquet field to be shifted and so this is a logical limit to what may be done up front. Moving the field will add to the cost of developing future lots if there is sufficient demand for these. Development of the seven lots backing onto Hospital Road would be a better as they are not impacted in anyway by the location of the field. Both the 11 and 7 lot options require that the Health Department Reserve boundary is changed before the project could be commenced. A 5 lot development (with two lots backing onto Hospital Road, and three facing the new internal road) could be moved toward the west and so would be wholly contain within land currently managed by Council. The cost of developing the 5 lots would be less than \$600,000 and so the grant request would be for less than \$300,000, which may enhance the opportunity for approval. It is recommended that stage one of the project be to develop 5 lots.

The other aspect to consider is should Council pay for and own the buildings or should it partner with a builder and provide only the developed land for lease. The first will increase the total stage cost by more than \$1m and increase the level of risk to Council, in the event homes are not taken up and so "paid for" by tenants. The second reduces the costs and risk to Council and is in line with what Council has already evaluated via consultant produced feasibility studies. It is recommended that Council limit stage one to developing the sites only.

This would allow Council to again engage in discussions with relevant builders and when and if these discussions are not favourable Council could look at other opportunities to avoid the cost of building and owning the homes or build one or two on speculation etc.

### CONSULTATION

The matter has been before Council a number of times.

### STATUTORY OBLIGATIONS

The Local Government Act provides as follows for commercial enterprises by Local Governments. In terms of a major land transaction, the proposed matter does not entail the purchase of land but it does entail the development of land. Regulations set the trigger value for a major land transaction at \$2m or 10% of operating expenditure in the last financial year.

The Rate Setting Statement contained in the audited annual accounts for 2015/16 show the operating expenditure for that year to be \$7,292,269. 10% of this is \$729,270.

3.59. *Commercial enterprises by local governments*

(1) *In this section —*

**acquire** has a meaning that accords with the meaning of **dispose**;

**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;

**land transaction** means an agreement, or several agreements for a common purpose, under which a local government is to —

(a) *acquire or dispose of an interest in land; or*

(b) *develop land;*

**major land transaction** means a land transaction other than an exempt land transaction if the total value of —

(a) *the consideration under the transaction; and*

(b) *anything done by the local government for achieving the purpose of the transaction,*

*is more, or is worth more, than the amount prescribed for the purposes of this definition;*

**major trading undertaking** means a trading undertaking that —

(a) *in the last completed financial year, involved; or*

(b) *in the current financial year or the financial year after the current financial year, is likely to involve,*

*expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;*

**trading undertaking** means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of **land transaction**.

(2) *Before it —*

(a) *commences a major trading undertaking; or*

(b) *enters into a major land transaction; or*

(c) *enters into a land transaction that is preparatory to entry into a major land transaction,*

*a local government is to prepare a business plan.*

- (3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*
- (a) *its expected effect on the provision of facilities and services by the local government; and*
  - (b) *its expected effect on other persons providing facilities and services in the district; and*
  - (c) *its expected financial effect on the local government; and*
  - (d) *its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and*
  - (e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*
  - (f) *any other matter prescribed for the purposes of this subsection.*
- (4) *The local government is to —*
- (a) *give Statewide public notice stating that —*
    - (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and*
    - (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
    - (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

*and*
  - (b) *make a copy of the business plan available for public inspection in accordance with the notice.*
- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide\* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*
- \* Absolute majority required.*
- (5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*
- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*

- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
- (10) *For the purposes of this section, regulations may —*
  - (a) *prescribe any land transaction to be an exempt land transaction;*
  - (b) *prescribe any trading undertaking to be an exempt trading undertaking.*

*[Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]*

3.60. *No capacity to form or acquire control of body corporate*

*A local government cannot form or take part in forming, or acquire an interest giving it the control of, an incorporated company or any other body corporate except a regional local government unless it is permitted to do so by regulations.*

Local Government (Functions and General) Regulations provide the following for major land transactions and joint ventures, however neither apply to this matter:

Part 3 — Commercial enterprises by local governments (s. 3.59)

7. *Term used: major regional centre*

(1) *In this Part —*

***major regional centre*** *means a local government the district of which —*

- (a) *is not in the metropolitan area; and*
  - (b) *has more than 20 000 inhabitants.*
- (2) *Section 2.4(6) of the Act applies to determine the number of inhabitants of a district for the purposes of the definition of **major regional centre**.*

*[Regulation 7 inserted in Gazette 27 Sep 2011 p. 3843-4.]*

8A. *Amount prescribed for major land transactions; exempt land transactions prescribed (Act s. 3.59)*

(1) *The amount prescribed for the purposes of the definition of **major land transaction** in section 3.59(1) of the Act is —*

(a) *if the land transaction is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —*

(i) *\$10 000 000; or*

(ii) *10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;*

*or*

(b) *if the land transaction is entered into by any other local government, the amount that is the lesser of —*

(i) *\$2 000 000; or*

(ii) *10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.*

(2) *A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if —*

(a) *the total value of —*

(i) *the consideration under the transaction; and*

(ii) *anything done by the local government for achieving the purpose of the transaction,*

*is more, or is worth more, than the amount prescribed under subregulation (1); and*

(b) *the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which the total value exceeds the amount prescribed under subregulation (1) is not significant taking into account —*

(i) *the total value of the transaction; or*

(ii) *variations throughout the State in the value of land.*

*[Regulation 8A inserted in Gazette 27 Sep 2011 p. 3844.]*

8. *Exempt land transactions prescribed (Act s. 3.59)*

(1) *A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if the local government enters into it —*

(a) *without intending to produce profit to itself; and*

- (b) *without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.*
- (2) *For the purposes of subregulation (1)(b) a person is given joint use of land if the land is to be jointly used for a common purpose by the local government and that person (whether or not other persons are also given joint use of the land).*
- (3) *A transaction under which a local government disposes of a leasehold interest in land is an exempt land transaction for the purposes of section 3.59 of the Act if —*
  - (a) *all or any of the consideration to be received by the local government under the transaction is by way of an increase in the value of the land due to improvements that are to be made without cost to the local government; and*
  - (b) *although the total value referred to in the definition of **major land transaction** in that section is more, or is worth more, than the amount prescribed for the purposes of that definition, it would not be if the consideration were reduced by the amount of the increase in value mentioned in paragraph (a).*

*[Regulation 8 amended in Gazette 29 Aug 1997 p. 4867-8.]*

9. *Amount prescribed for major trading undertakings; exempt trading undertakings prescribed (Act s. 3.59)*

- (1) *The amount prescribed for the purposes of the definition of **major trading undertaking** in section 3.59(1) of the Act is —*
  - (a) *if the trading undertaking is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —*
    - (i) *\$5 000 000; or*
    - (ii) *10% of the lowest operating expenditure described in subregulation (2);*
  - or*
  - (b) *if the trading undertaking is entered into by any other local government, the amount that is the lesser of —*
    - (i) *\$2 000 000; or*
    - (ii) *10% of the lowest operating expenditure described in subregulation (2).*
- (2) *The lowest operating expenditure referred to in subregulation (1) is the lowest of —*
  - (a) *the operating expenditure incurred by the local government from its municipal fund in the last completed financial year; and*

- (b) *the operating expenditure likely to be incurred by the local government from its municipal fund in the current financial year; and*
  - (c) *the operating expenditure likely to be incurred by the local government from its municipal fund in the financial year after the current financial year.*
- (3) *A trading undertaking is an exempt trading undertaking for the purposes of section 3.59 of the Act if —*
  - (a) *the undertaking —*
    - (i) *in the last completed financial year, involved; or*
    - (ii) *in the current financial year or the financial year after the current financial year, is likely to involve,*  
*expenditure by the local government of more than the amount prescribed under subregulation (1); and*
  - (b) *the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which expenditure is, or is likely to be, more than the amount prescribed under subregulation (1) is not significant taking into account —*
    - (i) *the total value of the undertaking; or*
    - (ii) *variations throughout the State in the value of land.*

*[Regulation 9 amended in Gazette 31 Mar 2005 p. 1054; 27 Sep 2011 p. 3845.]*

10. *Business plans for major trading undertaking and major land transaction, content of*

- (1) *If a local government is required to prepare a business plan because of a major trading undertaking or major land transaction that it is to carry on or enter into jointly with another person —*
  - (a) *the business plan is to include details of the whole undertaking or transaction, even though the local government is not the only joint venturer; and*
  - (b) *the business plan is to include details of —*
    - (i) *the identity of each joint venturer other than the local government; and*
    - (ii) *the ownership of, and any other interests in, property that is involved in, or acquired in the course of, the joint venture; and*
    - (iii) *any benefit to which a joint venturer other than the local government may become entitled under or as a result of the joint venture; and*
    - (iv) *anything to which the local government may become liable under or as a result of the joint venture.*



(2) *In subregulation (1) —*

***joint venture*** means the major trading undertaking or major land transaction that is to be jointly carried on or entered into;

***joint venturer*** means the local government or another person with whom the local government is to carry on or enter into the joint venture.

**POLICY IMPLICATIONS**

Nil at this time

**BUDGET/FINANCIAL IMPLICATIONS**

Nil at this time.

The current budget provides for \$27,270 for consultants, design and the like, and \$614,930 for head works and development costs. The funds are coming from the Aged Accommodation Reserve (\$376,610), and the Building Reserve (\$267,590). The previously estimated cost of developing the land for 5 units is \$562,000. These estimates will be out of date now, also there will be new alternatives for aspects such as sewerage, which will now need to be designed as a more permanent solution as a sewerage scheme is no longer on the state's horizon.

The budget provision was based on land development only and no provision was made to pay for buildings and the like. Provision was however made for renewal works at the Lodge (\$250,000) to be funded from a new loan. A further provision of \$80,000 was made for furniture at the Lodge. Council has already committed to assisting the Health Department to meet its obligation to maintain the Lodge by funding new furniture for the accommodation rooms (\$80,000) and so the way is clear now for the \$250,000 provision to be either deleted or transferred to another purpose. As this expenditure is supported by loan funds that were noted in the budget to be for "L119 Aged Accommodation - Lodge" Council will need to follow a process to allow it to change the purpose of the loan.

It is possible that any building construction, should Council choose that option, will not be possible till after 30 June 2018 (design and construction, of the land development, might be best lumped as one and tendered as such. Works are expected to take a relatively short amount of time but dealing with service providers for relevant up grades to their assets (for example, power supply to the land is expected to require an upgrade), connections to site, and all of the approvals etc are largely outside of our control and will take time.

Council's direction on aged accommodation was that it should be done at no net cost to the community. The total cost for developing 5 sites at Hospital Road requires each lessee to contribute more than \$110,000, to achieve Council's aims, but this is expected to move the total cost of each unit to more than \$300,000 (building \$200,000 plus and land \$110,000 plus). This is at the upper limit of what

might attract people. Adding the grant funding, will reduce what Council needs to recoup from tenants by half.

**STRATEGIC IMPLICATIONS**

Aged accommodation has and is a community focus. Demand has been demonstrated by an independent entity.

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
Providing the opportunity for more aged persons to either remain in or come to Boyup Brook will have a beneficial impact on the local economy
- **Social**  
Providing the opportunity for more aged persons to either remain in or come to Boyup Brook will have a beneficial impact on the various community groups as they will provide the opportunity for the groups to grow membership numbers.

**VOTING REQUIREMENTS**

Simple majority

Cr Rear left the Chambers at 7.42pm

Cr Rear returned to the Chambers at 7.47pm

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.5**

**MOVED: Cr Rear**

**SECONDED: Cr Kaltenrieder**

**That Council resolve that:**

- 1. stage one of the independent living aged accommodation project planned for Shire managed land on Hospital Road, be limited to 5 lots and associated infrastructure.**
- 2. stage one be land development including homes.**
- 3. the CEO make an application to the Department of Infrastructure and Regional Development for funding under round two of its Building Better Regions Fund initiative to meet part of the cost of stage one.**
- 4. Major land transaction business plan be developed for this project.**

**CARRIED 8/1**

**Res 152/17**

Cr Kaltenrieder left the Chambers at 8.08pm

Cr Kaltenrieder returned to the Chambers at 8.10pm

**Request for Vote to be recorded**

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

**FOR**

Cr Oversby

Cr Rear

Cr Alexander

Cr O'Connell

Cr Moir

Cr Walker

Cr Kaltenrieder

Cr Aird

**AGAINST**

Cr Muncey

**Declare an Interest**

Cr Alexander declared a financial interest in the following item as a client of the Early Learning Centre.

The President advised that he considered this to be an Interest In Common because it was a service open to be used by the general public.

<b>9.3.6 Boyup Brook Early Learning Centre - pending closure</b>
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<b><i>Location:</i></b>	<i>84 Abel Street Boyup Brook</i>
<b><i>Applicant:</i></b>	<i>N/A</i>
<b><i>File:</i></b>	<i>LS/62/011</i>
<b><i>Disclosure of Officer Interest:</i></b>	<i>None</i>
<b><i>Date:</i></b>	<i>9 November 2017</i>
<b><i>Author:</i></b>	<i>Alan Lamb</i>
<b><i>Authorizing Officer:</i></b>	<i>Chief Executive Officer</i>
<b><i>Attachments:</i></b>	<i>Confidential attachment - detail of current costs and income for the Centre</i>

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**SUMMARY**

The purpose of this report is to bring to Council the matter of the pending closure of the Boyup Brook Early Learning Centre (BBELC) and recommend that Council move to take on the service for a trial period of at least one year.

## **BACKGROUND**

The BBELC has been operated by at least two entities, over a number of years, out of a Shire property in Abel Street.

The YMCA is the current service provider and its lease on the Shire property ends 20 December 2017. The YMCA has advised that it will not seek to renew the lease and that it will close its operation 6 December 2017.

The YMCA advised its clients 19 October of the cessation of the service as from 6 December.

The BBELC currently operates Monday, Tuesday and Wednesday, it caters for children 0 to 5, it closes annually between Christmas and New Years Day but is otherwise open. It does not cater for before school and after school and it is understood there has been little demand for this.

Current numbers of children being cared for are:

Monday	3
Tuesday	10 to 12
Wednesday	15

The optimum number is 12 to 18 children per day and the YMCA budgeted on 15 per day. On that budget assumption the service would have operated at a loss of \$2,500 however with the significantly lower number, and so reduced revenue but no significant change to costs, the actual loss will have been greater.

## **COMMENT**

It is obvious that the YMCA could not continue the service whilst sustaining a loss.

Council already subsidises medical services, tourism, community groups and the like and so the financial wisdom of taking on a failing business/service has to be questioned. No doubt there will be opportunities to increase utilisation/income by things like opening more days per week and the like but it is clear that the service is likely to continue to operate at a net loss. Certainly that is the experience of Councils contacted (who operate such centres).

But Council's don't look just to the bottom line and include community service as a factor. Here it is clear that the service is not at all popular on a Monday and so the figures indicate closing that day and opening only Tuesday and Wednesday but there are always underlying factors and the days of operation are best left to administration to analyse, amend and the like in an effort to reduce losses.

Whilst there is no business case for Council to take over the service, and there has been minimal call from the community following the YMCA communicating its decision to close, it is still recommended that Council agree to take on the service

and allow the CEO twelve months in which to make it work more sustainably. Council could then assess the position following a number of changes to the service and a concerted effort to increase patronage (opportunities the YMCA would not have had). It is not easy to make the recommendation and it will be equally hard for Council to decide what to do as there is clearly little or no compelling argument for adding the BBELC to Council's non viable (financially) services.

Current services in this category include the swimming pool where there is relatively low demand for much of the season (2017/18 budget operating income from season passes, gate takings etc \$27,000 and expenditure of \$270,000). The general community, some who may never use the pool, meet the net cost of such services and whilst there is little question about continuing to operate the pool, there may be a question about taking on another net cost operation. On the other side, Council is trying to attract more people to town and facilities such as day care may educe those with preschoolers to settle here.

The mechanics of the situation are that the service ceases 6/12/17, YMCA lease ends 20/12/17, Council would need to be licensed and the centre and its operation approved. The latter aspects will take some time to work through, even though we have already commenced the processes in anticipation of Council's agreement. It is understood that the relevant approval process may take three months.

So the service will not operate for up to three months. This is likely to push parents into making other arrangements which they may see as better when and if the Council does commence the service. Numbers are down now and might be expected to be even lower later. Whilst not wanting to paint a gloomy picture, it would be wrong to indicate a more favourable outlook for the service for at least the first few months of operation.

#### **CONSULTATION**

The matter was communicated to Councillors previously and the author has spoken with the YMCA people and staff members.

#### **STATUTORY OBLIGATIONS**

Nil at this time however a number of Shire staff will have to obtain police clearance and working with children certification. There will also be Commonwealth legislation to abide by.

#### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

It is likely that Council will make a loss if it takes the service on. It is not possible to indicate the level of loss at this time and this level of risk may be too high for Council to agree to take the service on. There is no good business case for adding this service to the Shire's burden unless Council can see a compelling community need.

### **STRATEGIC IMPLICATIONS**

Having a child minding service in town may induce some people to settle in Boyup Brook.

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
The service is expected to run at a net cost to Council but may enable parents to take up.
- **Social**  
There are no known significant social issues.

### **VOTING REQUIREMENTS**

Absolute majority

### **OFFICER RECOMMENDATION – ITEM 9.3.6**

That Council

1. agree to take on the Boyup Brook Early Learning Centre service.
2. allow the CEO up to twelve months in which to make it work more sustainably.
3. require the CEO to review the service at least quarterly and report back to Council with a recommendation as to continuing the service for another three months or terminating it.
4. review the viability of the service after twelve months if it remains operating that long .

### **AMENDMENT**

**MOVED: Cr Rear**

**SECONDED: Cr Kaltenrieder**

That Council

1. agree to take on the Boyup Brook Early Learning Centre service.
2. allow the CEO up to twelve months in which to make it work more sustainably.
3. review the viability of the service after twelve months.

**MOTION**

**That Council**

- 1. agree to take on the Boyup Brook Early Learning Centre service.**
- 2. allow the CEO up to twelve months in which to make it work more sustainably.**
- 3. review the viability of the service after twelve months.**

**CARRIED BY ABSOLUTE MAJORITY**

**Res 153/17**

**WITHDRAWN BY THE CEO**

**Item 9.3.7 was withdrawn by the CEO due to lack of information.**

<b>9.3.7 Private Swimming Lessons</b>
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<b>Location:</b>	<i>N/A</i>
<b>Applicant:</b>	<i>N/A</i>
<b>File:</b>	<i>RE/45/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>3 October 2017</i>
<b>Author:</b>	<i>Daly Winter, Community and Regulatory Services Manager</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb</i>
<b>Attachments:</b>	<i>Nil</i>

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**SUMMARY**

This report recommends that Council raise a fee to cover the cost of Private Lessons (entry not included) which was included in previous budgets, but not in the 2017-2018 budget.

**BACKGROUND**

A primary objective of private swimming lessons is to afford small children and others the opportunity to overcome their fear of the water in a safe and supportive environment in small groups.

**COMMENT**

Providing this option to the community will fulfil a need that has in the past seen many children succeed in overcoming their fear of water and learning to swim. This is a skill that will endure with them for the rest of their life.

**CONSULTATION**

Jo North (Pool Manager) and Stephen Carstairs (Director Corporate Services).

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil



**BUDGET/FINANCIAL IMPLICATIONS**

Nil as a minimum class number will be set to cover staff wages and overheads.

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
Nil.
- **Economic**  
Nil.
- **Social**  
There are no significant Social issues.

**VOTING REQUIREMENTS**

Absolute majority.

**OFFICER RECOMMENDATION - ITEM 9.3.7**

That Council raise a fee of \$16.00 per lesson (Pool entry not included) and that this new fee be advertised in accordance with legislation.

**10 COMMITTEE MINUTES**

Nil

**11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

<b>12.1 Change Ordinary Council Meeting date</b>
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**COUNCIL DECISION**

**MOVED: Cr O'Connell**

**SECONDED: Cr Kaltenrieder**

**That the Ordinary Council Meeting be brought forward to Thursday, 14th December 2017.**

**CARRIED 9/0**

**Res 154/17**

**13 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS**

Nil

**14 CLOSURE OF MEETING**

There be no further business the Shire President, Cr Aird thanked all for attending and declared the meeting closed at 8.37pm.