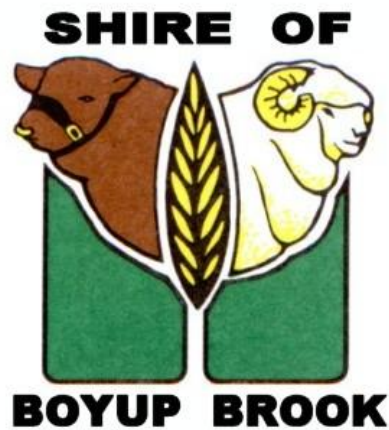


Minutes



ORDINARY MEETING

held

THURSDAY 15 DECEMBER 2016

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 M Giles - Shire President
Cr G Aird – Deputy Shire President
Cr N Blackburn
Cr J Imrie
Cr P Kaltenrieder
Cr K Moir
Cr E Muncey
Cr T Oversby
Cr E Rear

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

PUBLIC: Mr Tony Doust
Mr Doug Corker

1.2 Apologies

1.3 Leave of Absence

2 PUBLIC QUESTION TIME

2.1 The following questions were asked by Tony Doust.

Question 1

Does the Council believe that the existing (same) "rate in the \$" used for properties valued on Unimproved Valuation is fair and equitable for both Rural and Special Rural Zoned Land?

Question 2

If the answer to question 1 above is yes, please explain why, when the valuation determination process for Rural and Special Rural Land used by the Valuer General and takes into consideration different principles.

Question 3

If the answer to question 1 above is no, when will the Council consider the need for a change.

Question 4

Can the Council also explain why it is acceptable to Rate some Special Rural properties on Gross Rental and not have the same valuation basis for all properties zone Special Rural?

The argument that it is historical and the Townsite of Boyup Brook has been rated on Gross Rental Value for many years is no longer acceptable. Times have changed and Council has for the past twenty years encouraged the establishment of Special Rural as a part of its Planning process. The Rating of Special Rural on Gross Rental Values is much

more appropriate given the limited use under the Shires Town Planning scheme for this land which is in the main Residential and Lifestyle.

Response provided by the CEO

Questions 1 - 3 and the first part of 4

Council has not dealt with the question and so has not resolved a position or opinion.

Question 4

As previously advised, Council's administration has looked at alternative rating models for Special Rural Zoned areas and has mentioned this to Council. Administration's intention is to report on alternatives and make a recommendation to Council in the current financial year.

2.2 The following questions were asked by Mr Corker

Question 1

"First I would like to thank Rob-Staniforth-Smith for his special interest, time and effort in researching the early history of Scott's Brook.

However the only further information that has come to light is the naming of the river Scott River in an easterly direction upstream from the Norlup property supplied by Rob Staniforth-Smith. This map has obviously been printed since 1956 when the S was dropped off named places, by the Nomenclative Advisory Committee, in accordance with international naming practises.

What is being proposed now by the maps provided is that the Scott's Brook and Gnowongerup Brook are two separate Brooks and not one and the same brook which is contrary to some four generation families that lived along the Brook right down to the Blackwood River at Jayes.

Gnowongerup appears as a place name on the south side of the property known as Barn Hill just on the North side of Jayes Bridge. This may require further research because this area was once proposed as the town site for Boyup Brook. This appears on a map printed in 1968 in possession of Mr Leith Hales.

Mr Leith Hales also has in his possession, handed down to him a trophy from his grandfather. It is a spoon inscribed S.B.R.C standing for Scott's Brook Rifle Club which my father and some of his brothers also attended. I have also been told that there was a Scott's Brook tennis club. No one in the district called anything Gnowongerup. Even Wilfred Lee-Steere had never heard of the name."

To answer Rob's four points:

1. Gnowongerup Brook has not ever been known officially as Scott Brook (or Scott's Brook).

Then were the Scott's Brook signs on the two bridges at Mayanup for so many years unofficial.

2. Scott Brook (or Scott's Brook) is a separate brook named in 1892 and flows into Gnowergerup Brook.

This is not the belief of any of the four generational families that still live along that brook that I have spoken to. Are you saying that they are all wrong?

Response provided by the Director of Works & Services

As clearly set out in the letter to Mr Corker, these were not his points. He was merely providing information supplied by Landgate's Geographic Names Committee, no more and no less.

Question 2

President Michael Giles at the last meeting here - you told me that you represented the people of the Scott's Brook ward or the Scott's Brook area: Have you spoken to any of the decedents of the early settlers that still farm along this brook or any of the retired workers that worked in the area in the early days?

Response provided by the President Councillor Michael Giles

Advised that he has not received any phone calls or emails relating to this matter. That, as previously advised, the naming of geographic features was the province of the State Government, that Council could make no changes and that he should make representation to Landgate's Geographic Names Committee.

Response provided by the CEO

The CEO added that the naming of geographic features had always been done by the State Government and not the local Council.

Tony Doust left the Chambers at 5.25pm
Doug Corker left the Chambers at 5.25pm.

2.3 Response to Previous Public Questions Taken on Notice

Nil

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

4.1 Cr Kaltenrieder - Report on Blackwood Basin Group's contribution to the Boyup Brook community .
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- Cr Kaltenrieder provided the annual report of the Blackwood Basin Group for the 2015/16 financial year.
- Cr Blackburn informed Council that the awards for Citizenship, Young Achiever and Sports Person have been selected for the Australia Day celebrations.
- Cr Blackburn informed Council that he will be resigning from his position as Councillor for the Boyup Brook Ward.
- Cr Rear informed Council that the incorrect venue was placed in the December Gazette for the Australia Day Awards. Cr Rear informed Council that it is being held in the Sandakan Park.

Cr Rear asked that the correct venue be mentioned in the Gazette for the January 2017 edition.

- Cr Oversby attended the BRMVA meeting, he mentioned that the Association may fold.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 17 November 2016

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 5.1

MOVED: Cr Muncey

SECONDED: Cr Kaltenrieder

That the minutes of the Ordinary Meeting of Council held on Thursday 17 November 2016 be confirmed as an accurate record.

CARRIED 9/0

Res 150/16

6 PRESIDENTIAL COMMUNICATIONS

Attended the South West Zone meeting on 25th November 2016.

Attended the Regional Road Group meeting on 28th November 2016.

Cr Giles apologized for not being able to attend the Council Music Festival and Harvey Dickson's tribute.

7 COUNCILLORS QUESTIONS ON NOTICE

Nil

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

8.1.1 Town of Boyup Brook – CBD PARKING
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Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8th of December, 2016</i>
Author:	<i>Rob Staniforth-Smith</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>Proposed parking zones</i>

SUMMARY

This report recommends that Council approve the draft Central Business District Parking Layout for the Town of Boyup Brook.

BACKGROUND

Council has received and continues to receive many complaints about parking in the Central Business District (CBD), typically regarding people parking in front of businesses all day preventing through business from being able to stop.

This proposed plan takes into account comments from businesses, the public and the Shire Ranger.

At this stage the proposed parking plan will not be enforced as Council does not have the relevant parking bylaws in place. Main Roads will be resealing Abels St and Bridge St in February/March and as such Council will need to re-line mark the car parking bays which gives us a perfect opportunity to make adjustments and modifications.

Council will be sending the proposed CBD parking plan out to businesses for comment, however it is unlikely that any changes will be made as most businesses have a conflict of interest in the plan and as such their feedback is unlikely to be impartial.

Control will be in the form of signage and pavement markings for the 15 minute and no standing bays.

COMMENT

Parking is not a big issue in the Town of Boyup Brook as there is plenty of it and it is free. Long term parking in front of businesses that rely on “through custom” does impact on the businesses viability and the intention is to control this parking for the benefit of the businesses and the community at large.

CONSULTATION

Manager Community & Regulatory Services
Shire Ranger

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Pavement line marking nil as these need to occur once the reseal occurs.

Signage will cost in the order of \$4000 to erect.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Nil
- **Economic**
Short term parking in front of the service businesses will allow greater access to the public wishing to use these businesses.
- **Social**
Marking the parking bays as short term will help members of the public park directly in front of businesses which will help their access to the businesses.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 8.1.1

MOVED: Cr Moir

SECONDED: Cr Blackburn

This report recommends that Council approve the proposed Town of Boyup Brook Central Business District Parking Plan.

CARRIED 9/0

Res 151/16

COUNCIL DECISION

MOVED: Cr Moir

SECONDED: Cr Rear

That the Council adopts enbloc 8.2.1, 8.2.2 and 8.2.3.

CARRIED 9/0

Res 152/16

8.2 FINANCE

8.2.1 List of Accounts Paid in November 2016

<i>Location:</i>	<i>Not applicable</i>
<i>Applicant:</i>	<i>Not applicable</i>
<i>File:</i>	<i>FM/1/002</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>10 November 2016</i>
<i>Author:</i>	<i>Kerry Fisher – Manager of Finance</i>
<i>Authorizing Officer:</i>	<i>Alan Lamb – Chief Executive Officer</i>
<i>Attachments:</i>	<i>Yes – List of Accounts Paid in October</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in November 2016 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 30 November 2016.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 30 November 2016.

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 2016-17 Annual Budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.1

That at its December 2016 ordinary meeting Council receive as presented the list of accounts paid in November 2016, totalling \$790,651.04 and as represented by:

Municipal Cheques	20012-20022	\$137,217.71
Municipal Electronic Payments	EFT 4677-4815	\$444,180.18
Municipal Direct Payments		\$209,253.15

CARRIED BY ENBLOC

8.2.2 31 October 2016 Statement of Financial Activity
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Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	8 December 2016
Author:	Kerry Fisher – Manager of Finance
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Financial Reports

SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 31 October 2016.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.2

That having regard for any material variances, Council receive the 31 October 2016 Statement of Financial Activity and Statement of Net Current Assets, as presented.

CARRIED BY ENBLOC

8.2.3 30 November 2016 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
Disclosure of Officer Interest:	None
Date:	12 December 2016
Author:	Kerry Fisher – Finance Manager
Authorizing Officer:	Rob Staniforth-Smith – Acting CEO
Attachments:	No

SUMMARY

This report recommends that Council defer to the February 2017 ordinary meeting of Council the receiving of the Statement of Financial Activities and the Net Current Assets for the month ended 30 November 2016.

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. Details of items of Material Variances are 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)).

Because of staffing shortfalls during November 2016, it is proposed that the 30 November 2016 Statement of Financial Activity be deferred to the February 2017 ordinary meeting.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, Regulation 33(A)

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

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.3

That receipt by Council of the shire's 30 November 2016 Statement of Financial Activity and Statement of Net Current Assets be deferred to Council's February 2017 ordinary meeting.

CARRIED BY ENBLOC

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Boyup Brook Airfield - Lease of a portion

Location:	<i>Boyup Brook Airfield</i>
Applicant:	<i>Mr Paul Drayton</i>
File:	<i>A9676</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8 December 2016</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Chief Executive Officer</i>
Attachments:	<i>Copy of report to April 2016 Council meeting</i>

SUMMARY

The purpose of this report is to update Council on the latest development in this matter, to put before Council Mr Drayton's requests and to recommend that Council cease negotiations and advise him to vacate.

BACKGROUND

The matter of the proposed lease has been before Council on and off since 2013.

In April 2016 Council resolved as follows:

That:

- 1. Council require the CEO to advise Mr Drayton that it is prepared to lease 3 portions of the Boyup Brook Airfield Lot 2 Diagram 43995, each 30m by 30m and abutting each other, so making a 90m by 30m area of the land, including the old hangar structure on a portion of that land, provided the terms that were advertised in 2014 are agreed to by him. To be clear, it's a three year lease of 2,700m² of the airfield lot for a rental of \$100 per month in the first year, \$150 per month in the second year and \$200 per month in the third year for the purpose of carrying out a business there.***
- 2. That the lease be conditional on a business being started within the first six months of the lease term.***
- 3. That the business be of a type that aligns with the airfield use, such as aircraft maintenance or the like.***
- 4. That Mr Drayton be advised that he will need to make application for town planning and building approvals.***
- 5. That a Draft lease be drawn up at Mr Drayton's cost and put before Council for approval***

6. That the arrangement being offered be withdrawn 1st July 2016 unless committed to before that date.

Mr Drayton was advised of Council's decision and elected to have the draft lease drawn up. He provided a letter, committing to a lease and commencing a business, prior to 1 July 2016.

A draft lease was provided to Administration and a number of changes were sought but no more was received following that.

Mr Drayton emailed Council's office 31 October 2016, to advise that his situation had changed, he indicated he could no longer commit to commencing a business within the first six months of the lease term, he still wanted to lease the land and hangar, that he wanted to rent it if Council would not agree to a lease.

COMMENT

Mr Drayton has been very passionate about commencing an aircraft maintenance business in Boyup Brook and about securing land at the airfield for this purpose. A series of personal matters have prevented him from commencing the business and he appears unsure as to when and if he could commence the business now. He does however want to keep using the hangar and it is assumed, if there is to be a lease, he also wants the adjacent land.

If Council is prepared to lease the hangar and land with no immediate time constraints on him commencing a business, he seeks to pay \$1,000 for the first year, \$1,500 for the second and \$2,000 for the third.

If Council does not want to enter into a lease he requests that Council rent the current facility.

The following represents the lease payments Council set and the lease payments Mr Drayton seeks:

Year	Council		Mr Drayton	
	per month	per year	per month	per year
1	\$100	\$1,200	\$83.33	\$1,000
2	\$150	\$1,800	\$125.00	\$1,500
3	\$200	\$2,400	\$166.67	\$2,000

Council set a rental of \$40 per week (equates to \$2,080 per year or \$173.33 per month) in July 2015 for the existing hangar and that rental has been applied since then.

In looking to make a decision on this matter, Council may wish to go back to the original request and decision to commence the process. Both related to a new

business for Boyup Brook. It is clear that the opportunity to have a new business in the Shire has prompted all of Council's decisions on the matter. If there is now to guarantee of a new business, and, given the amount of time that has gone by where a new business might have been established, Council may wish to revert back to the original position in relation to the hangar. That is that it is not leased or rented. It is not clear if the hangar was used much in the past but it is thought it may have been used occasionally and temporarily by various people. In any case the following recommendation is based on the Shire asset not being leased, rented or used exclusively by any entity.

It is recommended that Council resolve to cease lease negotiations and rental arrangements with Mr Drayton for the hangar and land at the Shire airfield. That the CEO write to Mr Drayton to advise him of this giving him one month to vacate the hangar at the Shire airfield.

CONSULTATION

The matter has been before Council regularly since 2013

STATUTORY OBLIGATIONS

None if Council accepts the recommendation. There are legislative obligations if Council decides to lease or rent the facility.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The proposed resolution will see a reduction in rental income of approximately \$700 in the current year

STRATEGIC IMPLICATIONS

Nil as there is no guarantee of a business commencing

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 8.3.1

MOVED: Cr Aird

SECONDED: Cr Kaltenrieder

That:

- 1. Council cease lease negotiations and rental arrangements with Mr Drayton for the hangar and land at the Shire airfield.**
- 2. The CEO write to Mr Drayton to advise him of this giving him one month to vacate the hangar at the Shire airfield.**

CARRIED 8/1

Res 153/16

Request for Vote to be recorded

Cr Muncey requested that the names be recorded.

For	Against
Cr Giles	Cr Muncey
Cr Aird	
Cr Imrie	
Cr Kaltenrieder	
Cr Rear	
Cr Oversby	
Cr Blackburn	
Cr Moir	

Doug Corker returned to the Chambers at 5.49pm.

8.3.2 Ward Representation Review

Location:	<i>N/a</i>
Applicant:	<i>Department of Local Government and Communities</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>6 December 2016</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Chief Executive Officer</i>
Attachments:	<i>Local Government Advisory Board guide on ward and representation reviews.</i>

SUMMARY

The purpose of this report is to put before Council the Department of Local Government and Communities (DLGC), Local Government Advisory Board (LGAB) request for Council to conduct a ward and representation review. With the recommendation that the process be commenced.

BACKGROUND

The Local Government Act requires that Local Governments (LGs) review wards and representation at least every 8 years. It also requires a LG to conduct a review when called upon to do so by the LGAB.

The process is as follows:

- LG resolves to commence the review
- Public notice given calling for submissions allowing a six week submission period.
- LG to consider all submissions
- LG to make a decision
- LG to provide LGAB with a written report that provides conclusive argument and demonstrates it has considered submissions
- If a change is proposed the LGAB submits a recommendation to the Minister
- Any changes are put in place for the next ordinary election.

COMMENT

The following shows the councillor representation position for each of the last three general election years (2011, 2013 and 2015):

BOYUP BROOK WARD AND REPRESENTATION REVIEW 2016/17

2011

WARD	NUMBER OF COUNCILLORS	NUMBER OF ELECTORS	COUNCILLOR TO ELECTOR RATIO	% RATIO DEVIATION
Benjinup	2	248	124	3.88
Boyup Brook	3	474	158	-22.48
Dinninup	2	217	109	15.89
Scotts Brook	2	222	111	13.95
Total	9	1161	129	

2013

WARD	NUMBER OF COUNCILLORS	NUMBER OF ELECTORS	COUNCILLOR TO ELECTOR RATIO	% RATIO DEVIATION
Benjinup	2	251	126	5.80
Boyup Brook	3	471	157	-17.85
Dinninup	2	241	121	9.55
Scotts Brook	2	236	118	11.43
Total	9	1199	133	

2015

WARD	NUMBER OF COUNCILLORS	NUMBER OF ELECTORS	COUNCILLOR TO ELECTOR RATIO	% RATIO DEVIATION
Benjinup	2	259	130	-0.13
Boyup Brook	3	453	151	-16.75
Dinninup	2	236	118	8.76
Scotts Brook	2	216	108	16.49
Total	9	1164	129	

There is little point in analysing the foregoing data now, and it is included for information only, because we need to see what the community opinion is, look at more current elector numbers, and perhaps at past numbers. We also need to drill down to establish the cause of changes in elector numbers in each ward and look to factors which will drive further change.

It is apparent though that the representative to elector numbers in two wards is worthy of investigation and consideration of change. Each Councillor for the Boyup Brook Ward represents 22, or 16.75%, more electors (151 in 2015) than the average (129 in 2015) and each Councillor for the Scotts Brook Ward represents 21, or 16.49%, less electors than the average.

CONSULTATION

The author has spoken to the DLGC and Council about the review.

STATUTORY OBLIGATIONS

Schedule 202 of the Local Government Act has relevance.

Schedule 2.2 — Provisions about names, wards and representation

[Section 2.2(3)]

[Heading amended by No. 64 of 1998 s. 53.]

1. Terms used

In this Schedule, unless the contrary intention appears —

affected electors, in relation to a submission, means electors whose eligibility as electors comes from residence, or ownership or occupation of property, in the area directly affected by the submission;

review means a review required by clause 4(4) or 6 or authorised by clause 5(a);

submission means a submission under clause 3 that an order be made to do any or all of the things referred to in section 2.2(1), 2.3(3) or 2.18(3).

2. Advisory Board to make recommendations relating to new district

(1) *When a local government is newly established, the Advisory Board —*

(a) *at the direction of the Minister; or*

(b) *after receiving a report made by a commissioner appointed under section 2.6(4) after carrying out a review,*

is, in a written report to the Minister, to recommend the making of an order to do all or any of the things referred to in section 2.2(1)(a), 2.3(2) or 2.18(1).

(2) *In making its recommendations under subclause (1) the Advisory Board is to take into account the matters referred to in clause 8(c) to (g) so far as they are applicable.*

3. Who may make submissions about ward changes etc.

(1) *A submission may be made to a local government by affected electors who —*

(a) *are at least 250 in number; or*

(b) *are at least 10% of the total number of affected electors.*

(2) *A submission is to comply with any regulations about the making of submissions.*

4. Dealing with submissions

(1) *The local government is to consider any submission made under clause 3.*

(2) *If, in the council's opinion, a submission is —*

(a) *one of a minor nature; and*

(b) *not one about which public submissions need be invited,*

the local government may either propose to the Advisory Board that the submission be rejected or deal with it under clause 5(b).*

** Absolute majority required.*

(3) *If, in the council's opinion —*

(a) *a submission is substantially similar in effect to a submission about which the local government has made a decision (whether an approval or otherwise) within the period of 2 years immediately before the submission is made; or*

(b) *the majority of effected electors who made the submission no longer support the submission,*

the local government may reject the submission.

- (4) *Unless, under subclause (2) or (3), the local government rejects, or proposes to reject, the submission or decides to deal with it under clause 5(b), the local government is to carry out a review of whether or not the order sought should, in the council's opinion, be made.*

[Clause 4 amended by No. 49 of 2004 s. 68(2)-(4).]

5. *Local government may propose ward changes or make minor proposals*

A local government may, whether or not it has received a submission —

- (a) *carry out a review of whether or not an order under section 2.2, 2.3(3) or 2.18 should, in the council's opinion, be made; or*
 - (b) *propose* to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3) if, in the opinion of the council, the proposal is —*
 - (i) *one of a minor nature; and*
 - (ii) *not one about which public submissions need be invited;*
- or*
- (c) *propose* to the Minister the making of an order changing the name of the district or a ward.*

** Absolute majority required.*

6. *Local government with wards to review periodically*

- (1) *A local government the district of which is divided into wards is to carry out reviews of —*
- (a) *its ward boundaries; and*
 - (b) *the number of offices of councillor for each ward,*
- from time to time so that not more than 8 years elapse between successive reviews.*
- (2) *A local government the district of which is not divided into wards may carry out reviews as to —*
- (a) *whether or not the district should be divided into wards; and*
 - (b) *if so —*
 - (i) *what the ward boundaries should be; and*
 - (ii) *the number of offices of councillor there should be for each ward,*
- from time to time so that not more than 8 years elapse between successive reviews.*
- (3) *A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.*

[Clause 6 amended by No. 49 of 2004 s. 68(5) and (6).]

7. *Reviews*

- (1) *Before carrying out a review a local government has to give local public notice advising —*
- (a) *that the review is to be carried out; and*
 - (b) *that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.*

- (2) *In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.*

8. *Matters to be considered in respect of wards*

Before a local government proposes that an order be made —

- (a) *to do any of the matters in section 2.2(1), other than discontinuing a ward system; or*
- (b) *to specify or change the number of offices of councillor for a ward,*

or proposes under clause 4(2) that a submission be rejected, its council is to have regard, where applicable, to —

- (c) *community of interests; and*
- (d) *physical and topographic features; and*
- (e) *demographic trends; and*
- (f) *economic factors; and*
- (g) *the ratio of councillors to electors in the various wards.*

[Clause 8 amended by No. 49 of 2004 s. 68(7).]

9. *Proposal by local government*

On completing a review, the local government is to make a report in writing to the Advisory Board and may propose to the Board the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit.*

** Absolute majority required.*

10. *Recommendation by Advisory Board*

- (1) *Where under clause 5(b) a local government proposes to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3), and the Board is of the opinion that the proposal is —*
 - (a) *one of a minor nature; and*
 - (b) *not one about which public submissions need be invited,**the Board, in a written report to the Minister, is to recommend the making of the order but otherwise is to inform the local government accordingly and the local government is to carry out a review.*
- (2) *Where under clause 9 a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8 that, in the Board's opinion, correctly takes into account the matters referred to in clause 8(c) to (g), the Board, in a written report to the Minister, is to recommend the making of the order.*
- (3) *Where a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8, or that a submission under clause 4(2) be rejected, that, in the Board's opinion, does not correctly take into account the matters referred to in that clause —*
 - (a) *the Board may inform the local government accordingly and notify the local government that a proposal that does correctly take those matters into account is to be made within such time as is set out in the notice; and*
 - (b) *if the local government does not make a proposal as required by a notice under paragraph (a), the Board may, in a written report to the Minister, recommend**

the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account those matters.

** Absolute majority required.*

- (4) *Where a local government fails to carry out a review as required by clause 6, the Advisory Board, in a written report to the Minister, may recommend* the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account the matters referred to in clause 8.*

** Absolute majority required.*

[Clause 10 amended by No. 49 of 2004 s. 68(8).]

11. *Inquiry by Advisory Board*

- (1) *For the purposes of deciding on the recommendation, if any, it is to make under clause 10(3)(b) or (4), the Advisory Board may carry out any inquiry it thinks necessary.*
- (2) *The Advisory Board may recover the amount of the costs connected with an inquiry under subclause (1) from the local government concerned as if it were for a debt due.*

12. *Minister may accept or reject recommendation*

- (1) *The Minister may accept or reject a recommendation of the Advisory Board made under clause 10.*
- (2) *If the recommendation is accepted the Minister can make a recommendation to the Governor for the making of the appropriate order.*

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The review process will incur administration costs for advertising and staff time but this will be within current budget provisions.

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 8.3.2

MOVED: Cr Blackburn

SECONDED: Cr Kaltenrieder

That, in accordance with Schedule 2.2 of The Local Government Act 1995:

- 1. Council commence a review of wards and representation.**
- 2. The CEO advertise as soon as practicable calling for submissions.**
- 3. The submission period is to be at least six weeks.**
- 4. The CEO report to Council at the end of the submission period on submissions received, options, a recommended decision and a draft report to the Minister.**

CARRIED 9/0

Res 154/16

Declare an Interest

Cr Giles declared a financial interest in the following item and departed the Chambers, the time being 5.55pm.

Cr Aird took the Chair.

8.3.3 Wood encouragement policy

Location:	<i>N/a</i>
Applicant:	<i>N/a</i>
File:	<i>CM/43/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>6 December 2016</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Chief Executive Officer</i>
Attachments:	<i>East Gippsland Shire Council agenda item and draft policy. Wood encouragement policies fact sheet</i>

SUMMARY

The purpose of this report is to put before Council a draft policy with the recommendation that Council adopt it.

BACKGROUND

There is growing support for considering reasonably sourced wood for buildings as it is a recognised and often used material for structural and cladding aspects. The attached literature suggests that timber:

- stores carbon and, in most cases, there are less carbon emissions associated with its production than other building materials such as concrete and steel.
- may increase speed of construction,
- has good thermal insulation properties and so buildings should consume less energy.

Timber production is, and has been for some time, a popular commercial land use alternative in the Shire.

COMMENT

The purpose of this policy is to ensure that the use of timber is at least considered for any new Shire buildings and that its use by others be encouraged.

DRAFT POLICY

POLICY NO.	B11
POLICY SUBJECT	Wood Encouragement Policy
ADOPTION DATE	15 December 2016
REVIEW DATE	December 2019

Objective

To ensure that wood is considered as a building material for all new Shire buildings and encourage its use within the Shire.

The aim is to ensure that the use of wood is considered, not that its use be mandated as economic and other factors may dictate the use of other materials.

Statement

It is Council policy that:

- the use of wood will be considered for all new Shire buildings as part of the normal process of planning, designing and construction.
- the use of wood in all new buildings be encouraged

The foregoing draft policy is brief and not binding but it does set a direction and could be amended, over time, if Council sees the need to do so.

CONSULTATION

The matter of a draft wood encouragement policy was raised, by the CEO, at a briefing session some time ago

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

This would be a new policy.

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Increased use of wood, instead of alternative materials, is reported to help meet climate change targets.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 8.3.3

MOVED: Cr Moir

SECONDED: Cr Kaltenrieder

That Council adopt the Draft Wood Encouragement Policy as follows:

POLICY NO.	B11
POLICY SUBJECT	Wood Encouragement Policy
ADOPTION DATE	15 December 2016
REVIEW DATE	December 2019

Objective

To ensure that wood is considered as a building material for all new Shire buildings and encourage its use within the Shire.

The aim is to ensure that the use of wood is considered, not that its use be mandated as economic and other factors may dictate the use of other materials.

Statement

It is Council policy that:

- the use of wood will be considered for all new Shire buildings as part of the normal process of planning, designing and construction.
- the use of wood in all new buildings be encouraged

AMENDMENT

MOVED: Cr Oversby

SECONDED: Cr Muncey

To include the word "sustainable" into the Officer Recommendation.

LOST 2/6

COUNCIL DECISION

MOVED: Cr Moir

SECONDED: Cr Kaltenrieder

That Council adopt the Draft Wood Encouragement Policy as follows:

POLICY NO.	B11
POLICY SUBJECT	Wood Encouragement Policy
ADOPTION DATE	15 December 2016
REVIEW DATE	December 2019

Objective

To ensure that wood is considered as a building material for all new Shire buildings and encourage its use within the Shire.

The aim is to ensure that the use of wood is considered, not that its use be mandated as economic and other factors may dictate the use of other materials.

Statement

It is Council policy that:

- the use of wood will be considered for all new Shire buildings as part of the normal process of planning, designing and construction.
- the use of wood in all new buildings be encouraged

CARRIED 8/0

Res 155/16

Cr Giles returned to the Chambers at 6.09pm and took the Chair.

8.3.4 Appointment of Ranger as Authorized Persons under various Acts & Regulations

Location:	<i>SHIRE OF BOYUP BROOK</i>
Applicants:	<i>SHIRE OF BOYUP BROOK</i>
Author:	<i>Daly Winter – Manager Community & Regulatory Services</i>
Authorizing Officer:	<i>Alan Lamb - Chief Executive Officer</i>
Report Date:	<i>7 December 2016</i>
Attachments:	<i>Nil</i>

BACKGROUND

Pursuant to the following Acts and Regulations, a local government shall, in writing appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by those Acts and Regulations:

Local Government Act 1995, Part 9, Division 2 - issuing of infringement notices

Local Government Act 1995, Sections 9.13 and 9.15 – vehicle offences

Local Government Act 1995, Section 3.39 – power to remove and impound

Local Government (Miscellaneous Provisions) Act 1960, Part XX, Section 449 - Pound Keeper and Ranger

Dog Act 1976, Sections 29 (1) and 33E (1) – for the purposes of registering, seizing, impounding, detaining and destroying of dogs

Cat Act 2011 Section 48

Control of Vehicles (Off Road Area) Act 1978, Section 38

Litter Act 1979, Section 26

Bush Fires Act 1954

Caravan Parks and Camping Grounds Act 1995, Section 17

Local Government (Parking for People with Disabilities) Regulations 2014

Shire of Boyup Brook Local Laws and Regulations

COMMENT

Jessie Cooper has been appointed Shared Ranger (between the Shires of Donnybrook-Balingup and Boyup Brook) as of September 2016. Jessie needs to be appointed by Council as authorised person under these Acts and Regulations.

CONSULTATION

N/A

POLICY IMPLICATIONS

N/A

STATUTORY IMPLICATIONS

Authorisation is required under:

Local Government Act 1995, Part 9, Division 2

Local Government Act 1995, Sections 9.13 and 9.15

Local Government Act 1995, Section 3.39

Local Government (Miscellaneous Provisions) Act 1960, Part XX, Section 449

Dog Act 1976, Section 33E (1)

Cat Act 2011, Section 48

Control of Vehicles (Off Road Area) Act 1978, Section 38

Litter Act 1979, Section 26

Bush Fires Act 1954

Caravan Parks and Camping Grounds Act 1995, Section 17

Caravan Parks and Camping Grounds Regulations 1997, Regulation 6

Shire of Boyup Brook Local Laws and Regulations

VOTING IMPLICATIONS

Simple majority

FINANCIAL IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

Shire of Boyup Brook Strategic Community Plan states:

Outcome Growing Our Community Together – A place that is safe and secure.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.4

MOVED: Cr Oversby

SECONDED: Cr Rear

- 1 That Jessie Rose Cooper be appointed as authorized person for the Shire of Boyup Brook, to administer the following Acts, Regulations and Local Laws -

Local Government Act 1995, Part 9, Division 2

Local Government Act 1995, Sections 9.13 and 9.15

Local Government Act 1995, Section 3.39

Local Government (Miscellaneous Provisions) Act 1960, Part XX, Section 449 - Pound Keeper and Ranger

Dog Act 1976, Section 33E (1) – for the purposes of registering, seizing, impounding, detaining and destroying of dogs

Cat Act 2011, Section 48- for the purposes of registering, seizing, impounding, detaining and destroying of cats

Control of Vehicles (Off Road Area) Act 1978, Section 38

Litter Act 1979, Section 26

Bush Fires Act 1954

Caravan Parks and Camping Grounds Act 1995, Section 17

Caravan Parks and Camping Grounds Regulations 1997, Regulation 6

Shire of Boyup Brook Local Laws and Regulations
- 2 That this appointment is published in the State Government Gazette.

CARRIED 9/0

Res 156/16

9 COMMITTEE MINUTES

9.1.1 Minutes of the South West Zone meeting

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>8 December 2016</i>
Author:	<i>Alan Lamb - CEO</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND

The South West Zone meeting was held on 25th November 2016.

Minutes of the meeting are laid on the table and circulated.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.1

MOVED: Cr Imrie

SECONDED: Cr Blackburn

That the minutes of the South West Zone meeting be received.

CARRIED 9/0

Res 157/16

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

- 11 URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT**
Nil

Rob Staniforth-Smith left the Chambers at 6.14pm
Stephen Carstairs left the Chambers at 6.14pm
Doug Corker left the Chambers at 6.14pm.

- 12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS**

12.1.1 CEO Reviewer Report

REVIEWERS RECOMMENDATION - ITEM 12.1.1

MOVED: Cr Oversby

SECONDED: Cr Kaltenrieder

That Council:

- 1. Increase the CEO's Total Rewards Package by 1.5%.**
- 2. Permit the CEO to participate in the Shire's 19 day month arrangement with inside staff.**
- 3. Reduce the CEO's annual leave entitlements by one week.**

CARRIED 9/0

Res 158/16

- 13 CLOSURE OF MEETING**

There be no further business the Shire President, Cr Giles thanked all for attending and declared the meeting closed at 6.15pm.