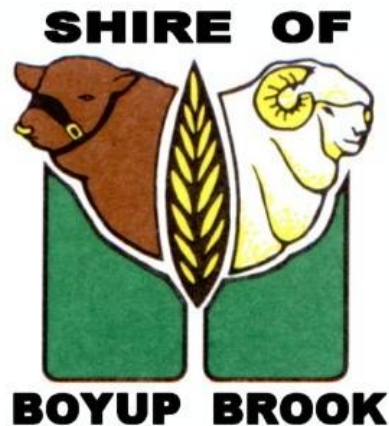


# Minutes



**ORDINARY MEETING**

held

**THURSDAY 19 February 2015**  
**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 B O’Hare  
Cr T Oversby  
Cr R Walker

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

PUBLIC: Mrs Dorothy Ricetti  
Mrs Sue White  
Mr Tony Doust

### **1.2 Apologies**

Nil

### **1.3 Leave of Absence**

Nil

## **2 PUBLIC QUESTION TIME**

The Shire President welcomed Mrs White, Mrs Ricetti and Tony Doust to the meeting.

Question: Mrs Ricetti asked if the NBN Mobile Tower is situated in the correct place.

Answer: The President noted that the location of the tower, being in a low point, had been questioned.

The CEO added that the tower, located behind the dam behind the Shire Depot, was a National Broadband Network initiative for that service and not the mobile phones. That the site was selected by an engineering firm engaged by the NBN, and appeared to have been assessed by them as the most suitable site. Council entered into a lease agreement with the company which will deliver rental income each year.

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

**3 APPLICATIONS FOR LEAVE OF ABSENCE**

**MOVED: Cr Blackburn**

**SECONDED: Cr Oversby**

**That Cr Blackburn be granted leave of absence for the May and June ordinary meeting of Council.**

**That Cr O'Hare be granted leave of absence for the March and April ordinary meeting of Council.**

**That Cr Oversby be granted leave of absence for the April ordinary meeting of Council.**

**CARRIED 9/0**

**Res 03/15**

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

Nil

**5 CONFIRMATION OF MINUTES**

**5.1 Ordinary Meeting of Council - Thursday 11 December 2014**

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr O'Hare**

**SECONDED: Cr Kaltenrieder**

**That the minutes of the Ordinary Meeting of Council held on Thursday 11 December 2014 be confirmed as an accurate record.**

**CARRIED 9/0**

**Res 04/15**

**6 PRESIDENTIAL COMMUNICATIONS**

The Country Music Festival went well and the numbers seemed to be up from previous years.

**7 COUNCILLORS QUESTIONS ON NOTICE**

Nil

## 8 REPORTS OF OFFICERS

### 8.1 MANAGER WORKS & SERVICES

8.1.1	<b>Adopting and naming a new road running off Howards Road, Boyup Brook</b>
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<b>Location:</b>	N/A
<b>Applicant:</b>	N/A
<b>File:</b>	
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	10 <sup>th</sup> of February, 2015
<b>Author:</b>	R Staniforth-Smith, Manager of Works and Services
<b>Authorizing Officer:</b>	Alan Lamb – Chief Executive Officer
<b>Appendices:</b>	Map showing location of proposed road

#### SUMMARY

The Shire of Bridgetown has requested that an unnamed road reserve running off Howards Road, in the Shire of Boyup Brook, be named so that Mr and Mrs K Letchford who access their Bridgetown property from this road reserve can gain a “rural number” and address for their property. It is proposed to name the road reserve that this road is constructed on “Letchford” Road in recognition of the pioneering Letchford Family who took up and still farm land in the area

#### BACKGROUND

Since the advent of the new “rural numbering” scheme whereby residents properties are addressed by the geographical location of their property, residents require the roads that they live on to be named so that a ‘rural number’ can be issued.

In this case Mr and Mrs K Letchford live immediately over the Shire of Boyup Brooks LGA boundary in the Bridgetown Shire. They have always historically used a portion of the road reserve that runs west off Howards Road to access their property. Historically this portion of road reserve was the alignment of the Boyup Brook – Bridgetown Road and as such has been formed and constructed to a 6.0 metre wide standard with 1.2metre shoulders. Their mail was serviced via a Road Side Mailbox (RMB) at the intersection of the road reserve and Howards Road, however this address is no longer useable as RMB’s have been replaced with rural numbers.

Now that RMB’s are no longer used for rural mailing addresses, the Letchfords have applied to the Bridgetown Shire to get a rural number. Common sense would see them having a “Howards” Road rural number, however as Howards Road is solely in the Shire of Boyup Brook and their property is solely in the Shire of Bridgetown, they cannot get a Howards Road address as it does not exist in the Shire of Bridgetown.

The resolution to this issue is for:

1. Council to adopt a road name for the un-named road reserve
2. Council to add the portion of the formed and constructed road (145metres) that sits wholly within this reserve to its road hierarchy. The section of road that runs through private land would be signed “private road” and Council would only perform a once per annum grade to the 145 meter section adopted into its road hierarchy.

**Item 1:** Adoption of a road name for this portion of road reserve, would be done by following the guidelines as set in Council Policy P08 below:

<b>POLICY NO.</b>	P.08
<b>POLICY SUBJECT</b>	Naming New Roads
<b>ADOPTION DATE</b>	17 June 2004
<b>VARIATION DATE</b>	21 December 2007, 15 August 2013, 12 December 2013, 21 August 2014

**Objective**

To determine the process for naming new roads.

**Statement**

- Name duplication with local governments or adjoining local governments shall be avoided. If possible, it should also be avoided within the State.
- Names of living individuals shall not be used.
- Names characterised as follows are to be avoided:-  
Incongruous; given/first names\*; given/first and surname combinations; double names; qualified names; corrupted, unduly cumbersome or difficult to pronounce names; obscene, derogatory, racist or discriminating names; company names; or, commercialised names.
- Preferred sources of names include:  
Aboriginal names; pioneers of the State or area; war casualty list; thematic names e.g. fauna, ships etc.
- Road names shall not be approved unless the origin of the name is clearly stated.

\*Use of given/first names may be acceptable in special circumstances, e.g. when to people with the same name are valid sources for a road name, or a surname is not appropriate for some reason.

But: Use of the surname will normally have priority.

Particular attention will be paid to explanation of origins.

Honouring the same person more than once will be avoided.

Further research into local history and identities has resulted in the following suggestions as an initial schedule of suggestions:-

That Council endeavours to add “suggested names” to its policy P.08 by advertising for submissions in the Boyup Brook Gazette and by survey of honour



- Sinnott William Sinnott came to the Upper Blackwood district in 1896 and settled near Mayanup. He was a public minded person, involved in sport, business associations and a member of the Roads Board from 1918-1934.
- Geographic Names approved the use of Sinnott to name the new road created by the Kaufmann Close Subdivision off Ridgeview Avenue.
- Wauchope Mr Wauchope was one of the best known teachers at the Boyup Brook School in the early days. He taught there from 1903-1912 and again 1917-1925. He assisted Mr Proctor put down the first tennis courts in town in 1904. Mrs Wauchope ran the first unofficial post office in Boyup Brook from the school house.
- Cailes Mr Albert Cailes, the grandfather of Clifford Cailes was an early settler to the Shire of Boyup Brook. The name Cailes was approved at the October 2008 Council Meeting.
- Millington Ray & Ivy Millington and their three children moved to Boyup Brook in 1948. Ray commenced employment with the Upper Blackwood Road Board as grader driver, relief engineer and mechanic. Their first home was situated in Bridge Street Boyup Brook.
- Letchford The Letchford family have been farming over 100 years in the Boyup Brook District.
- Henry George Letchford was a public minded person who was President of the Soccer Association and instigated the establishment of the Boronia Gully School for local children. Mr Letchford developed a top Jersey dairy herd and won several Champion trophies at local shows.

The name Letchford complies with the Shires road naming policy P08 and is suitable name for this road reserve as it would service one of the Letchford descendants.

Item 2: That Council adds the 145 m portion of the road reserve to its road hierarchy.

Again the first 145 metres of the road reserve complies with the minimum conditions of new roads within the Shire in that it is 6.0m wide with 1.2 metre shoulders and has been formed and constructed to a suitable standard. The first 145metres sits wholly with in the road reserve.



**COMMENT**

- The addition of this 145 m portion of road reserve to Councils Hierarchy, will make no financial difference to the long term maintenance costs to the Shire as Howards Road is graded 2 to 3 times per year and the time taken to do the additional portion of road (145metres) is negligible.
- By adding the road to the hierarchy, Council will be able to add it to its road inventory, which will see it attract “Grants Commission” funding.
- The naming of this portion of road reserve will enable Mr & Mrs K Letchford to obtain a rural number so that their property can be geographically located.
- The naming of this portion of road reserve “Letchford” will honour the Letchford family who pioneered farm land in the area where the road is to be named.

**CONSULTATION**

Alan Lamb, CEO  
Geographical Names Committee

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

- Erection of 1 x nameplate, 1 x chevron and 1 x “private road” signs approximately \$500.00
- Grading of 145 metres of road reserve – approximately 30 minutes per annum which approximately costs \$80.00.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.1**

**MOVED:** Cr Aird

**SECONDED:** Cr Blackburn

***That Council:***

- 1. Supports the addition of 145 metres of road that runs in the road reserve in a westerly direction off Howards Road approximately 185 metres north of the Howards Road/Boyup Brook Greenbushes Road intersection, to Councils Road Hierarchy and road inventory.***
- 2. Supports the naming of the road reserve that runs in a westerly direction off Howards Road, approximately 185 metres north of the Howards Road/Boyup Brook Greenbushes road, LETCHFORD Road and directs the Chief Executive Officer to make application to Landgate’s Geographic Names Committee for this road reserve to be so named.***

**CARRIED 9/0**

**Res 05/15**

<b>8.1.2 Removal of “payment activated light switch from the Shire Squash Courts”</b>
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<b><i>Location:</i></b>	<i>N/A</i>
<b><i>Applicant:</i></b>	<i>N/A</i>
<b><i>File:</i></b>	
<b><i>Disclosure of Interest:</i></b>	<i>Nil</i>
<b><i>Date:</i></b>	<i>10<sup>th</sup> of February, 2015</i>
<b><i>Author:</i></b>	<i>R Staniforth-Smith, Manager of Works and Services</i>
<b><i>Authorizing Officer:</i></b>	<i>Alan Lamb – Chief Executive Officer</i>
<b><i>Appendices:</i></b>	<i>Nil</i>

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**SUMMARY**

The intention of this report is to seek approval to remove the “payment activated light switch from the Squash courts and to replace it with a timer light switch to encourage additional use of the facility.

**BACKGROUND**

Currently the squash courts have a coin activated timer switch to operate the lights in the squash courts. A \$2 coin supplies approximately 20 minutes of lighting.

The squash courts are not used often, however to encourage increased usage, particularly by an increasing number of young teenagers, it is proposed to remove the coin activated timer switch and replace it with a push button timer switch.

Due to low court usage this facility has only collected \$130.00 for the Shire in the last 2 years (January 2013 was the last time that money was emptied) and in previous years the facility and the coin activated switch have been broken into by thieves trying to get the money out.

**COMMENT**

By removing the coin activated switch, it is hoped to increase usage of the squash court, particularly by young adults and teenagers.

**CONSULTATION**

Alan Lamb, CEO

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The removal of the coin activated switch would reduce Councils revenue by approximately \$65.00 per annum and the changing of the light switch from Coin Operated to push button has been estimated at \$200.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.2**

**MOVED: Cr Walker**

**SECONDED: Cr Imrie**

**That Council supports the removal of the existing ‘coin activated’ light switch and the installation of a ‘push button timer’ light switch at the squash courts.**

**CARRIED 9/0**

**Res 06/15**

**8.1.3 Approval to seek un-budgeted funding to continue with resumption of private land which Waverley Road currently is constructed on**

**Location:** N/A  
**Applicant:** N/A  
**File:**  
**Disclosure of Interest:** Nil  
**Date:** 10<sup>th</sup> of February, 2015  
**Author:** R Staniforth-Smith, Manager of Works and Services  
**Authorizing Officer:** Alan Lamb – Chief Executive Officer  
**Appendices:** **Map showing location of proposed resumption**  
**Estimate Sheet**

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**SUMMARY**

The Manager of Works was requested to resolve any road issues where constructed roads on the Shires “Road Hierarchy and Inventory” ran “out of reserve” and are located on private land or land not controlled by Council. Waverley Road off Gibbs Road is one such road, however due to changes in the costs that Council must pay to record and make these changes, the manager of Works is requesting approval to spend an unbudgeted amount of approximately \$31,000, to be taken from general reserves.

**BACKGROUND**

During routine road inspections, the Manger of Works identified the fact that Waverley Road which runs in a westerly direction off Gibbs Road, approximately 16.35 kilometres from the intersection of Gibbs Road and the Boyup Brook-Arthur Road, was not constructed in its road reserve and had instead been re-directed at its eastern end south through Lot 12235 and lot 8253 (see attached).

During the discovery process, both of the landholders were contacted (Mitsui/Nippon Paper and M&P Chambers) to determine if Council could perform a non-hostile land resumption of the land that Waverley road runs on from the private landowners. In both cases, the landowners were not aware that Waverley Road ran on their property, however they both agreed that Council could acquire their land for the purpose of changing the Waverley road reserve to match the construction alignment. It was also discovered that Council changed the orientation of the road with consent of the landowners some 30 years ago, however during the process Council did not perform the necessary resumption process required to gain control of the land. Waverley Road orientation was modified to prevent motorists entering Gibbs Road at a very tight and dangerous corner (see attached).

If Council chooses not to supply the funds to resume the land, then it will need to look at returning the road to its original reserve and reconstructing a new road 254 metres long which will cost in the order of \$30,000 (based on \$120,000 per kilometre with no clearing required – if clearing required

will increase). This is not an ideal situation as vehicles will then enter Gibbs Road at a very tight and dangerous corner.

**COMMENT**

When resuming land for public use, whether hostile or by agreement, the due process must be undertaken to ensure that Council gains control of the road reserve that its road is constructed on. Failure to have legal control could result in the closure of the road by the landholder and liability issues should an accident occur on that portion of road.

**CONSULTATION**

Alan Lamb, CEO  
Roger Machin Surveyors and BCE Surveys

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Expenditure of unbudgeted funds up to \$31,000.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.3**

**MOVED: Cr Walker**

**SECONDED: Cr O’Hare**

**That Council supports the spending of up to \$31,000 (exc GST) to complete the resumption/dedication of Waverley Road.**

**CARRIED 9/0**

**Res 07/15**

**MOVED: Cr Walker**

**SECONDED: Cr O'Hare**

**That the Council adopts enbloc items 8.2.1, 8.2.2 and 8.2.3.**

**CARRIED 9/0**

**Res 08/15**

**8.2 FINANCE**

**8.2.1 List of Accounts Paid in December 2014 and January 2015**

**Location:** *Not applicable*  
**Applicant:** *Not applicable*  
**File:** *FM/1/002*  
**Disclosure of Officer Interest:** *None*  
**Date:** *13 February 2015*  
**Author:** *Stephen Carstairs – Director  
Corporate Services*  
**Authorizing Officer:** *Alan Lamb – Chief Executive Officer*  
**Attachments:** *Yes – List of Accounts Paid*

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**SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in December 2014 and January 2015 are presented to Council.

**BACKGROUND**

Invoices received for the supply of goods and services, salaries and wages and the like have been paid during the period.

**COMMENT**

The attached listing represents accounts paid by cheque and by electronic means during the period 01 to 31 December 2014, and 01 to 31 January 2015.

**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 are in accordance with the adopted 2014-15 Annual Budget, or authorised by separate resolution.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.1**

1. That at its February 2015 ordinary meeting Council receive as presented the list of accounts paid in December 2014, and totalling \$668,559.00 and as represented by: cheque voucher numbers 19693-19711 totalling \$113,838.23; and accounts paid by direct electronic payments through the Municipal Account totalling \$554,720.77.

That at its 20 February 2015 ordinary meeting Council receive as presented the list of accounts paid in December 2014, and totalling \$400.00 from Trust Account represented by cheque voucher 2047-2048.

2. That at its February 2015 ordinary meeting Council receive as presented the list of accounts paid in January 2015, and totalling \$388,783.95 and as represented by: cheque voucher numbers 19712-19727 totalling \$41,119.19; and accounts paid by direct electronic payments through the Municipal Account totalling \$347,664.76.



**8.2.2 31 December 2014 Statement of Financial Activity**

<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>	13 February 2015
<b>Author:</b>	Stephen Carstairs – Director Corporate Services
<b>Authorizing Officer:</b>	Alan Lamb – Chief Executive Officer
<b>Attachments:</b>	Yes – Financial Reports

**SUMMARY**

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 31 December 2014.

**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**

1. That the 31 December 2014 Statement of Financial Activity and Statement of Net Current Assets be received, as presented.
2. That amounts listed as material variances be authorized.

**8.2.3 31 January 2015 Statement of Financial Activity**

<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>	13 February 2015
<b>Author:</b>	Stephen Carstairs – Manager Corporate Services
<b>Authorizing Officer:</b>	Alan Lamb – Chief Executive Officer
<b>Attachments:</b>	No

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**SUMMARY**

This report recommends that Council defer to the March 2015 ordinary meeting of Council the receiving of the Statement of Financial Activities and the Net Current Assets for the month ended 31 January 2015.

**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)).

At the time of writing Corporate Services officer time was committed to conducting a review of the shire's accounts and year to date budgets for the period ending 31 January 2015. In accord with Regulation 33A of the *Local Government (Financial) Regulations 1996*, the results of this review are to be submitted in the second week of March 2015 to the Audit and Finance Committee for their consideration. It is because the processes of reviewing the January 2015 accounts and budgets are in progress, that presentation of the 31 January 2015 Statement of Financial Activity has been deferred to the March 2015 ordinary meeting.

**CONSULTATION**

Alan Lamb – Chief Executive Officer

**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 31 January 2015 Statement of Financial Activity and Statement of Net Current Assets be deferred to Council’s March 2015 ordinary meeting.**

### 8.3 CHIEF EXECUTIVE OFFICER

#### 8.3.1 Lot 2689, 594 Brown Seymour Road – Single House and Holiday Cottage

<b>Location:</b>	Lot 2689, 594 Brown Seymour Road, Boyup Brook.
<b>Applicant:</b>	WA Country Builders.
<b>File:</b>	A15207.
<b>Disclosure of Officer Interest:</b>	None.
<b>Date:</b>	9 February 2015.
<b>Author:</b>	Adrian Nicoll, Town Planner.
<b>Authorizing Officer:</b>	Alan Lamb, Chief Executive Officer.
<b>Attachments:</b>	Plans (Location plan, floor plan, elevations plan and fire response plan).

#### SUMMARY

The purpose of this report is to put before Council an application for the development of a new single house and to change the use of an existing house to holiday cottage at Lot 2689, 594 Brown Seymour Road.

Location details



## **BACKGROUND**

A single house was developed many years ago at Lot 2689, 594 Brown Seymour Road, which is zoned rural in accordance with the Shire's scheme 2.

In late January 2015, WA Country Builders submitted an application to the Shire to build a second new house on the same Lot 2689.

On receipt of the application, the shire town planner advised the owner of Lot 2689, that:

1. A second house is defined as a 'Group Dwelling' (more than one house), which is not permitted under the Shire's scheme 2 for a rural zone property; and
2. An option may be to apply for a new single house by changing the use of the current house to holiday cottage.

The owner then decided to seek approval for a new single house and to change the use of the existing house to holiday cottage. Subsequently, the owner submitted a fire response plan (for the holiday cottage) as required by the Shire's farm chalet policy (P.06).

## **COMMENT**

### Single House

The new proposed single house is:

1. Single storey;
2. 3 bedroom/2 bathroom;
3. Brick veneer walls and colourbond roof; and
4. Setback approx. 140m from Brown Seymour Road and 300m from Jays Road.

An existing crossover at Lot 2689, Brown Seymour Road is to be utilised as access to the new single house.

An effluent leach drain system and water tank is proposed to accompany the development of the new single house.

Vegetation adjacent to the new proposed house is approximately 800m<sup>2</sup> in area and is therefore not a fire risk according to the Department of Fire and Emergency Services (2014), Bushfire-prone Area Mapping Standard WA, which defines bushfire-prone vegetation as being: parcels of vegetation that are greater than 1 hectare in area.

### Holiday Cottage

The existing dwelling is proposed to be let for short term holiday accommodation.

A functioning effluent treatment system, 100,000 litres of potable water, and two car parking spaces are currently available to service the proposed holiday cottage.

An existing crossover is to be utilised for both the new proposed single house and the holiday cottage.

A fire response plan has been provided for notification to short stay occupants of the holiday cottage. A fire extinguisher and fire blanket already exist within the building, as required by the fire response plan.

### **CONSULTATION**

Consultation in accordance with the Shire's scheme 2 and policy manual is not required for an application to build a single house or less than 2 holiday cottages.

### **STATUTORY OBLIGATIONS**

Lot 2689, 594 Brown Seymour Road is approximately 60 hectares in area and zoned rural in accordance with the Shire's scheme 2.

The proposed new single house and holiday cottage are capable of complying with the following applicable scheme requirements:

1. No building development shall be located within 10 metres of any boundary of a lot in the Rural Zone;
2. A 'Single House' is a 'P' use in 'Rural' zone, meaning a use that is permitted subject to compliance with all requirements of this Scheme;
3. 'Holiday Cottage' is an 'AA' use in the 'Rural' zone, meaning a use which Council, in exercising the discretionary powers available to it, may approve under this Scheme;
4. 'Holiday Cottage(s)' means a detached dwelling on one lot, let for holiday purposes, which may not be occupied by the same tenant for a continuous period of more than four months.

### **POLICY IMPLICATIONS**

The Shire's 'Farm Chalet' Policy (P.06) applies to the application for holiday cottage.

The proposed holiday cottage is capable of complying with the following applicable policy requirements:

1. A farm chalet shall not be approved in a 'Rural' zone where that location/lot is less than ten hectares in area;
2. The proponent shall provide appropriate access and two car parking spaces for each chalet (gravel pavement finish);
3. The proponent shall provide a minimum of eighty thousand (80 000) litres per annum per chalet;
4. A 2.5 kg dry powder fire extinguisher and fire blanket shall be provided;
5. The provision of a waste water and effluent disposal system; and
6. A fire response plan being made available.

The proposed holiday cottage does not currently comply with the following applicable policy (P.06) requirement:

1. The landowner and all future landowners shall enter into a legal agreement with the Shire to ensure policy conditions are adhered to. A caveat, recognising this agreement, is to be lodged on the certificate of title.

The following Clause 9.6.6 of the Shire's scheme 2, enables the Council to vary from a policy, as long as the Council has due regard to the objectives which the policy is designed to achieve.

Clause 9.6.6 of the Shires scheme 2 states:

*A Policy shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its decision.*

This report item recommends that the Council does vary from its policy (P.06) by not requiring a caveat to be lodged on the certificate of title. A more convenient alternative being to issue planning consent with policy conditions and where a breach occurs the Shire then undertakes enforcement action. This course of action maintains due regard for the policy objective/intent.

Where the Council recommends otherwise, the following amended condition needs to be applied to planning consent:

1. Prior to use of the holiday accommodation, a caveat is to be lodged with the Shire and is to include wording to the effect:
  - a. The landowner and all future landowners are to ensure that the following conditions are adhered to:
    - i. The landholder is to ensure that the holiday cottage is not let to the same tenant for a continuous period of more than four months.
    - ii. The landholder shall provide and maintain appropriate access and two car parking spaces for the holiday cottage (gravel pavement finish);
    - iii. The landholder shall maintain a minimum of eighty thousand (80 000) litres of water per annum for the holiday chalet;
    - iv. A 2.5 kg dry powder fire extinguisher and fire blanket shall be provided and kept in the kitchen of the holiday cottage;
    - v. A fire response plan shall be provided and kept in the kitchen of the holiday cottage.

### **BUDGET/FINANCIAL IMPLICATIONS**

There are no known budget implications relating to this application.

### **STRATEGIC IMPLICATIONS**

There are no known strategic implications relating to this application.



**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 Walker**

**SECONDED: Cr Kaltenrieder**

**That Council**

**Hereby grants planning scheme consent for Lot 2689, Brown Seymour Road for the purpose of single house and holiday cottage (existing house) and carry out development and use in accordance with approved plans dated 9 February 2015 and subject to the following conditions:**

**If the single house is not substantially commenced within two years, a fresh approval must be obtained before commencing or continuing development.**

- 1. All stormwater is to be managed and contained on-site, to the satisfaction of the Shire of Boyup Brook, without causing damage to the environment, including erosion and contamination.**
- 2. The existing crossover to the lot is to be utilized for access to the single house and holiday cottage. Additional crossovers are not to be developed without the approval of the Shire of Boyup Brook.**
- 3. An appropriate effluent disposal system that is designed for long term usage shall be installed for the single house hereby approved, to the satisfaction of the Shire of Boyup Brook.**
- 4. A minimum of 2 vehicular parking bays shall be provided for the single house.**
- 5. A minimum of 2 car parking bays being maintained for the holiday cottage.**

- 6. The holiday cottage hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.**
  
- 7. The holiday accommodation hereby approved shall only be used for short stay accommodation, with any single tenant permitted to stay for no more than a continuous period of four months.**
  
- 8. The operator or manager of the holiday accommodation is to provide and maintain a fire response plan, fire extinguisher and fire blanket within the cottage for emergencies.**
  
- 9. Sign(s) shall not be erected on the lot without the prior approval of the Shire of Boyup Brook.**

**Advice**

- 1. Shire approval is required to develop an effluent treatment system (Please liaise with the Shire's Environmental Health Officer).**
- 2. A building permit is required prior to developing the single house (Please liaise with the Shire's Building Surveyor).**
- 3. A soil classification for the effluent and building may be required to determine if remediation work is necessary prior to development (Please liaise with the Shire's Environmental Health Officer and Building Surveyor on this matter).**
- 4. The holiday cottage may need to be fitted out with smoke alarms to the satisfaction of the Building Surveyor.**

**CARRIED 9/0**

**Res 09/15**

**8.3.2 Shire of Boyup Brook Swimming Pool – Heating – Expressions of Interest**

<b><i>Location:</i></b>	<i>Boyup Brook Swimming Pool</i>
<b><i>Applicant:</i></b>	<i>N/a</i>
<b><i>File:</i></b>	
<b><i>Disclosure of Officer Interest:</i></b>	<i>None</i>
<b><i>Date:</i></b>	<i>12 February, 2015</i>
<b><i>Author:</i></b>	
<b><i>Authorizing Officer:</i></b>	<i>Chief Executive Officer</i>
<b><i>Attachments:</i></b>	<i>Confidential summary of expressions lodged</i>

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**SUMMARY**

The purpose of this report is to put before Council expressions of interest received, in relation to the pool heating project, to put options to Council and to recommend that the process toward the calling of tenders be paused to allow further discussions with Subthermal Solutions, one of the five entities who lodge an expression of interest, on whole of life costs, and the like, leading up to a possible purchase of their system.

**BACKGROUND**

The matter of a heated pool facility has been before Council on and off for many years. In more recent times Council resolved that it would not put any funding toward another pool facility. Later, Council agreed to accept funding assistance from a community group, and work with that group, on heating for the current pool. Council lodged an application for funding assistance with the Department of Sport and Recreation last year, and the heating project is included in the current budget.

Expressions of interest were called last year, with advertisements, and the time for lodging these closed 5 February 2015. Five entities lodged an interest in this project.

**COMMENT**

Information provided by interested parties indicate that the project could be done for a total maximum cost of \$215,000. Also that the annualised whole of life cost of running, maintaining and replacing a solar and heat pump system, with pool blankets and equipment to roll them out and back again, for between \$21,000 and \$31,500 for the current pool season (November to March), between \$22,500 and \$37,000 for an additional month (October to March) and between \$26,000 and \$50,000 for 8 months of operation (between September and April). The information shows that electrical costs go up in the colder months (when the solar unit would be less effective, or not work), as would be expected. It is important to note that the annual cost is an indication and only. Also that other factors, such as chemical costs, water costs, electrical costs (other than for the pool heating) and labour costs would also increase with a longer season. It is expected though that adding an additional month to the season could be accommodated without increasing the labour component by adjusting opening times and days, especially in November and March when pool attendance numbers drop.

It is apparent then that the project could be completed within the budget, and that annual cost could increase by in the order of \$30,000, if the season is not changed. The community group however sought to have the season extended, as part of its contribution arrangement, and so annual costs could be more like \$37,000. It would appear, from the information, that further extensions of the season could put the ongoing costs too high.

The expressions of interest process delivered an alternative that Council should consider further. Up front costs, are from the expression of interest lodged, less than \$100,000, but this does not include pool blankets etc, which would be advantageous. Other lodgements indicate that the blankets and rollers would cost in the region of \$70,000. This supplier does not supply the blanket and rollers so these would have to be purchased from another firm. If so the anticipated costs for blankets etc would not trigger the need to call for tenders and Council could use the expressions of interest to meet its policy of obtaining quotations for purchases under \$100,000.

The option involves geothermal heating to reduce the electricity requirement and they say that the system would cost in the order of 50% of a standard heat pump operation. Because the ongoing cost is the most important factor to consider, this option is worth looking at further before making a firm decision. The firm advises that they would complete the project for the quoted price (less than \$100,000) but has provided no whole of life costings, or the information for this to be calculated.

Options for Council include:

1. Resolve that the anticipated ongoing costs are too high and not to proceed to tender, or;
2. Resolve to call tenders from all five entities who expressed an interest, or;
3. Pause the process to allow the geothermal option to be looked at in more detail, then either call tenders from all of the interested parties, or call tenders only from the 4 offering the standard type of heating solution, or, assuming the geothermal option is shown to be affordable in the long term, deal directly with that firm.

The legislation provides the opportunity for Council to make a purchase where the cost is over \$100,000, without the need to go to tender where it has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier. In this case expression of interest were called with state wide notice and only one entity, dealing with geothermal heating, put forward an interest. It could be assumed then that there may be no other suppliers or that, if there are, they were not interested. Also, if the total cost of the purchase is under \$100,000. The need for a tender is not triggered.

Geothermal heating is not at all new and, according to the supplier, can be achieved without tapping into artisan water (it is understood from past enquiries made that there is no artisan water in the vicinity of town). The Town of Claremont pool is heated via a heat exchange system using artesian water. The firm is not offering the same sort of system. Its process is patent pending so details are confidential, however it involves using under surface temperature. It offers the options of heating additional facilities in the future (should Council wish to do so) such as the entry and ablution building, the spa if Council wished to get it going again, or a future therapeutic pool (the latter operates at 32 degrees, from memory, and needs to be housed in a heated room. It's larger than a spa but might be accommodated in the existing spa room). The system is said to be capable of extending to these additional uses without significant modification.

This offers the Council the opportunity to look further into, and then hopefully use, an interesting and innovative method of heating the Shire pool facility. It is said to operate at a lower electricity consumption than other options, uses renewable energy (heat from the ground), and offers the opportunity to expand the facilities it heats without major change to the heating system, or duplication of it. Its uniqueness would also be an opportunity to better promote Boyup Brook.

The firm sees it as an opportunity to showcase its product and would want to use it as part of its promotional program (i.e. information and film of it and to bring clients here to see it in operation).

Because this provides the opportunity to look further at an innovative alternative, that is said to cost less to operate than a standard heating system, it is recommended that Council pause the process of going to tender, for the heating of the Shire swimming pool facility, and engage with Subthermal Solutions on finding out more about the system and asking them to establish the anticipated whole of life costs, before deciding what the next step in the purchase process will be.

### **CONSULTATION**

The matter of heating the pool has been before Council and within the community for a number of years. This is the culmination of a long process. The matter of the expression of interest, that were received has not been discussed with the community group at this stage, due to other pressures and because it appears that the decision process is coming down to an assessment of the likely annual cost to operate and keep the planned improvements and if this can be afforded. This is purely a business decision that Council will need to tackle. The community group will have been contacted before the Council meeting and advised of this report, and the options on offer. If Council agrees with the recommendation, the intention would be to include the community group in the next phase, if Council is approving of this approach. It should be noted that the expressions of interest and alternative heating system are confidential so it is not possible to distribute detail other than to Council and officers.

### **STATUTORY OBLIGATIONS**

The following section of the Local Government Act applies:

*3.57. Tenders for providing goods or services*

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) Regulations may make provision about tenders.*

The following part of the Local Government (Functions and General) Regulations apply:

*Division 2 — Tenders for providing goods or services (s. 3.57)*

*[Heading inserted in Gazette 2 Feb 2007 p. 245.]*

*11. When tenders have to be publicly invited*

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless subregulation (2) states otherwise.*

- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if —*
- (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*
  - (b) *the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA; or*
  - (ba) *the local government intends to enter into a contract arrangement for the supply of goods or services where —*
    - (i) *the supplier is either —*
      - (I) *an individual whose last employer was the local government; or*
      - (II) *a group, partnership or company comprising at least 75% of persons whose last employer was that local government;*
    - and*
    - (ii) *the contract —*
      - (I) *is the first contract of that nature with that individual or group; and*
      - (II) *is not to operate for more than 3 years;*
    - and*
    - (iii) *the goods or services are —*
      - (I) *goods or services of a type; or*
      - (II) *(in the opinion of the local government) substantially similar to, or closely related to, goods or services of a type,*  
*that were provided by the individual (or persons) whilst employed by the local government;*
- or*
- (c) *within the last 6 months —*
    - (i) *the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications; or*
    - (ii) *the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;*

*or*

- (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or*
- (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or*
- (ea) the goods or services are to be supplied —*
  - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and*
  - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;*

*or*

- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or*
- (g) the goods to be supplied under the contract are —*
  - (i) petrol or oil; or*
  - (ii) any other liquid, or any gas, used for internal combustion engines.*

*[Regulation 11 amended in Gazette 29 Apr 1997 p. 2145; 26 Jun 1998 p. 3447; 25 Feb 2000 p. 970-1; 29 Jun 2001 p. 3130; 31 Mar 2005 p. 1054-5; 2 Feb 2007 p. 245-6.]*

12. *Anti-avoidance provision for r. 11(1)*

*If a local government enters into 2 or more contracts in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract, tenders are to be publicly invited according to the requirements of this Division before entering into any of the contracts regardless of the consideration.*

*[Regulation 12 amended in Gazette 2 Feb 2007 p. 245-6.]*

13. *Requirements when local government invites tenders though not required to do so*

*If a local government, although not required by this Division to invite tenders before entering into a contract for another person to supply goods or services, decides to invite tenders, the tenders are to be publicly invited according to the requirements of this Division.*

*[Regulation 13 amended in Gazette 2 Feb 2007 p. 245-6.]*



14. *Publicly inviting tenders, requirements for*

- (1) *When regulation 11(1), 12 or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.*
- (2) *If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving Statewide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.*
- (2a) *If a local government —*
  - (a) *is required to invite a tender; or*
  - (b) *not being required to invite a tender, decides to invite a tender,*  
*the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.*
- (3) *The notice, whether under subregulation (1) or (2), is required to include —*
  - (a) *a brief description of the goods or services required; and*
  - (b) *particulars identifying a person from whom more detailed information as to tendering may be obtained; and*
  - (c) *information as to where and how tenders may be submitted; and*
  - (d) *the date and time after which tenders cannot be submitted.*
- (4) *In subregulation (3)(b) a reference to detailed information includes a reference to —*
  - (a) *such information as the local government decides should be disclosed to those interested in submitting a tender; and*
  - (b) *detailed specifications of the goods or services required; and*
  - (c) *the criteria for deciding which tender should be accepted; and*
  - (d) *whether or not the local government has decided to submit a tender; and*
  - (e) *whether or not the CEO has decided to allow tenders to be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.*
- (5) *After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.*

*[Regulation 14 amended in Gazette 29 Jun 2001 p. 3130.]*

15. *Minimum time to be allowed for submitting tenders*

- (1) *If the notice is published in the newspaper as part of giving Statewide public notice, the time specified in the notice as the time after which tenders cannot be*

*submitted has to be at least 14 days after the notice is first published in the newspaper as part of giving Statewide public notice.*

- (2) *If the notice is given to a person listed as an acceptable tenderer, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is given.*

16. *Receiving and opening tenders, procedure for*

- (1) *The CEO is responsible for keeping any tender submitted including a tender submitted by facsimile or other electronic means in safe custody, and for ensuring that it remains confidential.*
- (2) *Tenders are not to be opened, examined, or assessed until the time after which further tenders cannot be submitted.*
- (3) *When tenders are opened —*
  - (a) *at least one and, if practicable, more than one employee of the local government or one person authorised by the CEO to open tenders and, if practicable, one or more other persons, is required to be present; and*
  - (b) *members of the public are entitled to be present; and*
  - (c) *details of the tenders (other than the consideration sought in the tender) are to be immediately recorded in a register to be known as the tenders register.*

*[Regulation 16 amended in Gazette 29 Jun 2001 p. 3131; 31 Mar 2005 p. 1055.]*

17. *Tenders register*

- (1) *The CEO is responsible for keeping the tenders register and making it available for public inspection.*
- (2) *The tenders register is to include, for each invitation to tender —*
  - (a) *a brief description of the goods or services required; and*
  - (b) *particulars of the making of —*
    - (i) *the decision to invite tenders; and*
    - (ii) *if applicable, the decision to seek expressions of interest under regulation 21(1);*

*and*

  - (c) *particulars of —*
    - (i) *any notice by which expressions of interests from prospective tenderers was sought; and*
    - (ii) *any person who submitted an expression of interest; and*

(iii) *any list of acceptable tenderers that was prepared under regulation 23(4);*

*and*

(d) *a copy of the notice of the invitation to tender; and*

(e) *the name of each tenderer whose tender has been opened; and*

(f) *the name of any successful tenderer.*

(3) *The tenders register is to include for each invitation to tender the amount of the consideration or a summary of the amount of the consideration sought in the tender accepted by the local government.*

*[Regulation 17 amended in Gazette 29 Jun 2001 p. 3131.]*

18. *Rejecting and accepting tenders*

(1) *A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.*

(2) *A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.*

(3) *If, under regulation 23(4), the CEO has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.*

(4) *Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept.*

(4a) *To assist the local government in deciding which tender would be the most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.*

(5) *The local government may decline to accept any tender.*

(6) *If a local government has accepted a tender but acceptance of the tender does not create a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree not to enter into a contract in relation to the tender, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.*

(7) *If a local government has accepted a tender and acceptance of the tender creates a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree to terminate the contract, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.*

*[Regulation 18 amended in Gazette 29 Jun 2001 p. 3131-2.]*

19. *Tenderers to be notified of outcome*

*The CEO is to give each tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted.*

*[Regulation 19 amended in Gazette 29 Jun 2001 p. 3132.]*

20. *Variation of requirements before entry into contract*

(1) *If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.*

(2) *If —*

(a) *the chosen tenderer is unable or unwilling to enter into a contract to supply the varied requirement; or*

(b) *the local government and the chosen tenderer cannot agree on any other variation to be included in the contract as a result of the varied requirement,*

*that tenderer ceases to be the chosen tenderer and the local government may, instead of again inviting tenders, choose the tenderer, if any, whose tender the local government considered it would be the next most advantageous to it to accept.*

(3) *In subregulation (1) —*

***minor variation*** *means a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply.*

21. *Limiting who can tender, procedure for*

(1) *If a local government thinks that there is good reason to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services.*

(2) *There is good reason to make a preliminary selection if, because of —*

(a) *the nature of the goods or services required; or*

(b) *the cost of preparing plans, specifications or other information for the purpose of adequately describing the goods or services required,*

*it would be advantageous to the local government if tenders were invited only from persons it considers to be capable of satisfactorily supplying the goods or services.*

(3) *If a local government decides to seek expressions of interest before inviting tenders, Statewide public notice that expressions of interest are sought is to be given.*

(4) *The notice is required to include —*

(a) *a brief description of the goods or services required; and*

(b) *particulars identifying a person from whom more detailed information may be obtained; and*

(c) *information as to where and how expressions of interest may be submitted; and*

(d) *the date and time after which expressions of interest cannot be submitted.*

22. *Minimum time to be allowed for submitting expressions of interest*

*The time specified in the notice as the time after which expressions of interest cannot be submitted has to be at least 14 days after the notice is first published in the newspaper as part of giving Statewide public notice.*

23. *Rejecting and accepting expressions of interest to be acceptable tenderer*

(1) *An expression of interest is required to be rejected unless it is submitted at a place, and within the time, specified in the notice.*

(2) *An expression of interest that is submitted at a place, and within the time, specified in the notice but that fails to comply with any other requirement specified in the notice may be rejected without considering its merits.*

(3) *Expressions of interest that have not been rejected under subregulation (1) or (2) are to be considered by the local government and it is to decide which, if any, of those expressions of interest are from persons who it thinks would be capable of satisfactorily supplying the goods or services.*

(4) *The CEO is to list each of those persons as an acceptable tenderer.*

*[Regulation 23 amended in Gazette 29 Jun 2001 p. 3132.]*

24. *People who submitted expression of interest to be notified of outcome*

*The CEO is to give each person who submitted an expression of interest notice in writing —*

(a) *containing particulars of the persons the CEO has listed under regulation 23(4) as acceptable tenderers; or*

(b) *advising that the local government has decided not to invite tenders because no expression of interest that it considered was from a person who it thinks would be capable of satisfactorily supplying the goods or services; or*

(c) *informing the person of any other outcome if neither paragraph (a) nor (b) is appropriate.*

**POLICY IMPLICATIONS**

Council's Purchasing Policy applies. This policy is lengthy and so has not been repeated here but is available on the Shire website

**BUDGET/FINANCIAL IMPLICATIONS**

There is no impact at this time. The current budget includes expenditure of \$300,000 for heating and other to the pool facility. This relies on \$100,000 each from a community group and the Department of Sport and Recreation. Council's \$100,000 is \$35,930 from the Reserve Fund and \$64,070 from current year revenue.

**STRATEGIC IMPLICATIONS**

The heated pool facility, especially if it is innovative, should aid in attracting visitors and permanent resident to Boyup Brook. It also offers the opportunity to work collaboratively with a community group, and with its financial assistance, on meeting a strongly expressed community need (albeit with a compromise, but also with an opportunity of future and relevant improvements that might be achievable with the innovative heating option)

The 2013/ Strategic Community Plan includes relevant objectives as follows:

OUTCOMES	OBJECTIVES	PRIORITIES
Sustainable community	Build community participation, interactions and connections.	<ul style="list-style-type: none"> <li>✦ Engagement with community in promotion of Boyup Brook.</li> <li>✦ Increase volunteer support.</li> </ul>
Community needs for services and facilities are met	Ensure access to services and facilities as needs change within the community.	<ul style="list-style-type: none"> <li>✦ Develop and implement service plans that detail aim of service, level and frequency of service, and partnerships required to deliver services.</li> </ul>
Increased Visitors and Residents	Attract permanent residents	<ul style="list-style-type: none"> <li>✦ Promote the family friendly lifestyle of Boyup Brook.</li> </ul>
Council and Community Leadership	Provide leadership on behalf of the community.	<ul style="list-style-type: none"> <li>✦ Lobby and advocate for improved services, infrastructure, and access to.</li> <li>✦ Develop partnerships with stakeholders to enhance community services and infrastructure.</li> </ul>
	Foster community participation and collaboration.	<ul style="list-style-type: none"> <li>✦ Develop a community engagement strategy and provide opportunities for community participation.</li> <li>✦ Support volunteers and encourage community involvement.</li> </ul>

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
As with most assets or asset improvements, the capital cost is generally not the deciding factor. The cost to keep and operate it can be prohibitive. In this case, the recurring cost could be more affordable with an innovative option on offer. On the income side, pool patronage should increase but the pool income is not significant now and so any impact is expected to be small. The improved facility should however add well to the town's attraction and may encourage more people to live here. A heated pool will be an advantage to any aged person development and should increase the interest in such a facility in this town.
- **Social**  
A heated swimming pool usage should provide a community benefit and, if the innovative option is taken, an even greater attraction for visitors.

**VOTING REQUIREMENTS**

Absolute majority

**OFFICER RECOMMENDATION – ITEM 8.3.2**

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr Oversby**

**That Council pause the process of going to tender, for the heating of the Shire swimming pool facility, and engage with Subthermal Solutions on finding out more about the system and asking them to establish the anticipated whole of life costs, before deciding what the next step in the purchase process will be.**

**Amendment**

**Moved: Cr Walker**

**Seconded: Cr Kaltenrieder**

**That the following be added:**

**That the item to be brought back to the March meeting.**

**Carried by Absolute Majority 9/0**

**Res 10/15**

**Amended Motion**

**That Council pause the process of going to tender, for the heating of the Shire swimming pool facility, and engage with Subthermal Solutions on finding out more about the system and asking them to establish the anticipated whole of life costs, before deciding what the next step in the purchase process will be and that the item be brought back to the March meeting.**

**Carried by Absolute Majority 9/0**

**Res 11/15**



**8.3.3 Request for advice on licence application DIR 134 from International Flower Developments Pty. Ltd. - Commercial import and distribution of GM carnations with altered flower colour**

<b>Location:</b>	<i>N/a</i>
<b>Applicant:</b>	<i>Gene Technology Regulator</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>29 January 2015</i>
<b>Author:</b>	<i>Jodi Wildy</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer</i>
<b>Attachments:</b>	<i>Letter from Gene Technology Regulator</i>

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**SUMMARY**

The purpose of this report is in response to a blanket call for advice for the licence application of the Australia-wide import and distribution of three GM carnation varieties as cut flowers.

The Gene Technology Regulator requires submissions from experts, government agencies and local authorities if there are any known risks related to the import and distribution of this GMO in the Shire of Boyup Brook.

GMO carnations are grown in Australia and distributed as cut flowers nation-wide. To date, there is little known direct risk associated with the distribution of this GMO in the Shire.

A Draft Risk Assessment and Risk Management Plan will be distributed for comment in due course. No comment required at this stage.

**BACKGROUND**

The Gene Technology Regulator has received a licence application (DIR 134) from International Flower Developments Pty. Ltd. for the commercial import and distribution of genetically modified (GM) carnation cut flowers. Under the Gene Technology Act 2000, the Gene Technology Regulator must seek advice from a broad range of experts, agencies and authorities prior to the production of a Risk Assessment and Risk Management Plan (RARMP). In this case, this includes all local councils in Australia.

The licence application is for the Australia-wide import and distribution of three GM carnation varieties: Moonaqua, Moonberry and Moonvelvet, all of which were developed by introducing genetic elements that give altered flower colour and a herbicide tolerance marker gene. The flowers will not be grown in Australia.

The introduction of the genetic elements that provide altered flower colour are blue pigments from other species such as *Petunia* and *Viola*. Along with other genetic manipulations, the introduction of the blue pigments will produce novel flower colours for Carnations (mauve, purple and violet).

The marker gene *SurB* from tobacco confers resistance to sulphonylurea type herbicides (e.g. Accent) in order to select the GM plants in the laboratory. If the Carnation was known to have weedy tendencies (which it does not), this would present a problem in terms of weed control within the Shire.

Similar GM carnation lines with altered flower colour have been authorised in Australia and to date there have been no reports of adverse effects on human health and safety or the environment resulting from any of these releases in Australia or from extensive cultivation and distribution overseas.

### **COMMENT**

According to the Agricultural Biotechnology Institute of Australia, GM carnations have been grown, sold and distributed as plants and cut flowers throughout Australia since 2007. Because the Gene Technology Regulator has listed these GM carnations on the GM register with no conditions as they are not considered to be harmful to human health and safety or the environment.

Again, according to the ABIA, GM carnations pose no greater risk to the environment than conventionally bred varieties in Australia because:

- they are not related to any significant weed species;
- some varieties are infertile;
- seed set cannot occur because the flowers are removed from the plant as tight flowers for shipment;
- carnation pollen is spread by wind and bee access to pollen is limited because pollen is heavy, sticky and buried deep in the flower and picked as tight flowers to restrict access further;
- carnations propagate by cuttings, not vegetatively (by roots, tubers, bulbs or runners) so the risk of them spreading from dumped rubbish is limited.

At the Shire level, there are no significant weed species related to the carnation that could potentially reproduce with pollen from the GM cut flowers. Additionally, the carnation is not known as a weed species in Boyup Brook. Introduction of this particular GM Carnation as a cut flower should not present any risks or issues within the Shire of Boyup Brook.

**CONSULTATION**

Comments related to the preparation of the RARMP need to be sent to the Office of the Gene Technology Regulator by 19<sup>th</sup> March 2015. The RARMP will be distributed for comment.

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

The Shire of Boyup Brook does not have a policy pertaining to Genetically Modified Organisms.

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.3**

**MOVED: Cr Imrie**

**SECONDED: Cr Giles**

**That Council provide the Gene Technology Regulator with the following comment:**

**At the Shire level, there are no significant weed species related to the carnation that could potentially reproduce with pollen from the GM cut flowers. Additionally, the carnation is not known as a weed species in Boyup Brook. Introduction of this particular GM Carnation as a cut flower should not present any risks or issues within the Shire of Boyup Brook.**

**LOST6/3**

**Res 12/15**



## **COUNCILLOR COMMENT**

I feel that the project is moving too slowly at the moment and a committee will inject some enthusiasm to get some action happening.

I also think it is very important to get community involvement so that we build the village that the community wants.

## **CEO COMMENT**

The legislation provides that Council may establish a committee and appoint its members as follows:

Extract 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.*

It is not clear precisely what the committee would do at this stage. The role of Council and so any committees it may form is akin to a board of directors who make decision and employ the CEO to operate the business. The board or Council is the decision making body and the administration is the doing body. The Act sets out the role of Council as follows:

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.*

The aged person's accommodation project has been looked at over a number of years and various options have been evaluated for further investigation. In August last year this process culminated in Council resolving ***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***

This resolution was actioned last year and is still being worked on. It has not as yet delivered any matters requiring a decision.

The process will include a survey of the site to pick up features, establish the current and new boundaries of land the Shire manages etc as a basis for testing layout options/alternatives, establishing the maximum number of units that could be developed, with a sewerage scheme and the maximum number with on site disposal etc. It will also include a geotechnical study to assess the lands ability to deal with on site disposal of sewerage, where the system should be located and what design options that then may be available. This will also assess the sites suitability for building. If the survey and site evaluation indicates difficulties the project will be brought back to Council for a decision on going further with the project. If not the work will move to concept and options stage and, at the same time work will have been continuing on securing part of the Hospital Reserve. Once the design work has been completed to assess what options there may be for the layout etc, the intention was to bring this before Council, at a workshop, to get guidance on the options to pursue further. Later there will be building design, construction type, options to offer clients (in terms of internal and external layouts), landscaping etc, where Council's guidance will be required. Once completed, the draft planning would be put to Council for formal acceptance prior to moving forward.

Council could opt to form a committee, without any delegated power, to undertake the preliminary guidance as described above, or handle it at Council level.

Any meetings of Council or committees require an agenda and reports to be developed with recommendations for a decision. The meetings have to be supported by staff and minutes taken etc. The impact of meetings is not insignificant but is a part of our (administration) prime function, necessary and vital to the operation. This point is made purely to put into context that more meetings result in less time for other things or additional cost.

It is suggested that it is too early in the piece to form a committee to assist Council with its decision making process and, if community members are to be on the committee they will have an expectation of being called to meet soon after being appointed. This may lead to frustration.

If Council sees merit in having a committee, instead of dealing with the guidance along the way itself, and intends to do so when the project is at the stage where there is a need for making initial choices, then it may wish to resolve as follows:

That the establishment of a committee for the aged person's housing project be left until the need arises.

If however Council does wish to establish a committee now of Councilors only, but does not want to delegate any powers to it (an advisory committee) the resolution might be as follows:

That Council establishes a committee to provide advice in relation to the aged person's housing project appoints Councilors \_\_\_\_\_ to that Committee. That the committee be disbanded following the \_\_\_\_\_ (perhaps logical point in the process).

If however Council does wish to establish a committee now of Councilors and community members as put forward, but does not want to delegate any powers to it (an advisory committee) the resolution might be as follows:

That Council establishes a committee to provide advice in relation to the aged person's housing project appoints Councilors \_\_\_\_\_ and \_\_\_\_\_ (names of person appointed to that Committee). That the committee be disbanded following the \_\_\_\_\_ (perhaps logical point in the process).

NOTE the Council has the power to appoint people to a committee and cannot delegate this power. So Council would have to appoint all members if the committee.

*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.*

If Council wishes to delegate any of its powers or functions to the committee it would need to list these in any resolution. If Community members are to be appointed, Council may wish to consider the extent of what it delegates to a body that may include a minority of Elected Members. It is not known what Council may wish to delegate and so no recommendation has been made. However the resolution may be as follows:

That Council establishes a committee to \_\_\_\_\_ in relation to the aged person's housing project appoints Councilors \_\_\_\_\_ and \_\_\_\_\_ (names of person appointed to that Committee). That Council delegates the following powers and duties to this committee \_\_\_\_\_. That the committee be disbanded following the \_\_\_\_\_ (perhaps logical point in the process).

Council may also wish to leave the formation of any committee to its bi annual meeting, following the elections where committees are established and memberships decided.

**MOVED INTO COMMITTEE**

**MOVED: Cr Blackburn**

**SECONDED: Cr O'Hare**

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

**CARRIED 7/2**

**Res 14/15**

**MOVED OUT OF COMMITTEE**

**MOVED: Cr Moir**

**SECONDED: Cr Kaltenrieder**

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

**CARRIED 9/0**

**Res 15/15**

**COUNCIL DECISION**

**MOVED: Cr Blackburn**

**SECONDED: Cr Moir**

**That the Council establishes a committee to manage the new aged homes project in Boyup Brook and that the committee be made up of 3 Councillors. That the committee be tasked with recommending to Council the appointment of 4 community members to that committee.**

**LOST 7/2**

**Res 16/15**

Cr Giles left the Chamber at 6.21pm and Cr Aird took the Chair.

**10.1.2 Ritson Street – proposed name change to Cailes Street**

**MOTION**

**COUNCILLOR COMMENT**

[a] there is currently 2 roads named Ritson St i.e. Ritson St and Ritson Rd.

[b] the Cailes family first settled on the land near Ritson St.

[c] It is confusing for emergency services to have more than one road with the same name.

[d] The Cailes family were pioneers in the Boyup Brook district.

**CEO COMMENT**

The State Government (Geographic Names Committee) controls the names of roads, parks and the like and so Council can only make a recommendation regarding any change it supports, it cannot make the change. There is generally a high level of reluctance, by the State, to changing existing names because of the cost and, inconvenience, of

changing maps, addresses, and the like, so any recommendation for change needs to be supported by sound argument for the change.

Council may wish to seek public comment before it moves to recommend the road name change and the result of this could be used as evidence of community support.

It is recommended that Council resolve to seek public comment on the proposal to have the name of Ritson Street to Cailes Street with the results to come back to Council, by its April Ordinary Meeting, prior to making application to the Geographic Names Committee to effect the change.

If Council supported the move to seek to have the change made now the alternative resolution might be:

That Council makes application to the Geographic Names Committee to change the name of Ritson Street to Cailes Street.

**COUNCIL DECISION**

**MOVED: Cr Oversby**

**SECONDED: Cr Blackburn**

**That Council makes application to the Geographic Names Committee to change the name of Ritson Street to Cailes Street**

**CARRIED 7/1**

**Res 17/15**

Cr Giles returned to the Chambers at 6.32pm.

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

Nil

**12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS**

**13 CLOSURE OF MEETING**

There being no further business the Chairman thanked all for attending and declared the meeting closed at 6.34pm.