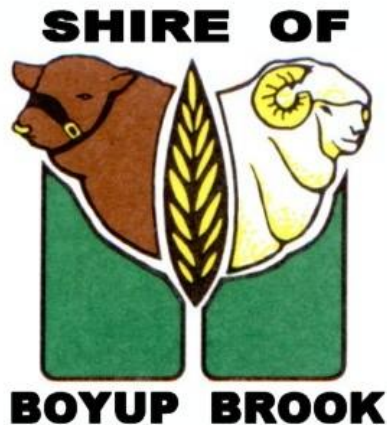


Minutes



ORDINARY MEETING

held

THURSDAY 21 August 2014
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 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 (Manager Corporate Services)
Mr Rob Staniforth-Smith (Manager of Works & Services)
Mrs Maria Lane (Executive Assistant)

PUBLIC: Nil

1.2 Apologies

Cr Blackburn
Cr J Imrie

1.3 Leave of Absence

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Oversby, Cr Kaltenrieder and Cr Aird attended the WALGA Convention; they gave an overview on the speakers at this year’s Local Government Week. Generally the presentations were informative and the quality of the speakers was very good.

Cr Kaltenrieder attended the Sandakan service in Malaysia and thanked Council for giving him the opportunity to attend.

Cr O’Hare attended the School Board meeting.

5 CONFIRMATION OF MINUTES

- 5.1 Ordinary Meeting of Council - Thursday 17th July 2014
Special Council Meeting – Thursday 31st July 2014**

OFFICER RECOMMENDATION

That the minutes of the Ordinary Meeting of Council held on Thursday 17 July 2014 and Special Council Meeting held on 31st July 2014 be confirmed as an accurate record.

COUNCIL DECISION

MOVED: Cr Kaltenrieder

SECONDED: Cr O'Hare

That the minutes of the Ordinary Meeting of Council held on Thursday 17 July 2014 be confirmed as an accurate record with the addition information included in item 8.3.2 to clarify the reason behind Council's decision.

Note

Council noted that there was a steady stream of complaints regarding dogs barking and attacks on farm animals, that the two dog limit set by the local law had been accepted and complied with by the majority of the town's residents for a number of years.

CARRIED 7/0

Res 87/14

6 PRESIDENTIAL COMMUNICATIONS

Attended the Sandakan Service in Malaysia.

7 COUNCILLORS QUESTIONS ON NOTICE

Nil

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

8.1.1 Renaming of Collie South East Road to McAlinden Road

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Interest:	Nil
Date:	5 th of August, 2014
Author:	R Staniforth-Smith, Manager of Works and Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Appendices:	Area Maps

SUMMARY

The purpose of this report is to seek to clarify one road name in the McAlinden Region of Boyup Brook so that Councils road name register matches that of Landgate and the new Rural Addresses.

BACKGROUND

Currently:

The Shire of Boyup Brook's road inventory calls the road that runs north from the McAlinden Road/Bowelling McAlinden Road/Wooding Road intersection – "Collie South East Road".

Landgate lists McAlinden Road as starting from the Boyup Donnybrook Road and running through to the McAlinden Road/Bowelling McAlinden Road/Wooding Road intersection and then turning left and running through to the Collie Preston Road.

This means that the rate payers in the Shire of Boyup Brook who have rural addresses on the portion of this road from the Bowelling McAlinden Road Intersection through to the Boyup Brook LGA boundary have addresses that read McAlinden Road but signage that says Collie South East Road.

Proposal

That the Shire of Boyup Brook's road inventory is changed so that Collie South East Roads name is changed to McAlinden Road to match Landgates road name.

These revisions will change the road names so that it matches Landgates road name and will minimise the confusion caused by one road having two different names.

COMMENT

The change will not affect Landgate or property addresses fronting this road, as the property addresses if they exist are taken from Landgates road names not the Shires

CONSULTATION

Alan Lamb, CEO

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.1

MOVED: Cr O’Hare

SECONDED: Cr Giles

That Council change the Shire of Boyup Brook’s road name inventory as follows:

- 1. Collie South East Road in the Shire of Boyup Brook to be changed to McAlinden Road to match Landgate.**
- 2. The new McAlinden Road is signed with both “McAlinden Road” and “formerly Collie South East Road” sign blades.**

CARRIED 7/0

Res 88/14

8.1.2 Proposed “New Name” to be added to Policy P08 “Naming New Roads”

Location:	<i>Boyup Brook Shire</i>
Applicant:	<i>E & L Willett</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12th of August, 2014</i>
Author:	<i>Rob Staniforth-Smith</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>Policy P08-Naming New Roads Letter from E&L Willett</i>

SUMMARY

The applicants, Mr and Mrs Willett, has requested that the surname of ‘Letchford’ be considered by the Council as a future road/street name within the Shire of Boyup Brook and be added to the schedule of suggested names in policy P08.

BACKGROUND

The applicant has forwarded a brief summary of the Letchford family history and involvement in the Boyup Brook community: - see attachment 8.1.2.

COMMENT

The Letchford name satisfies all of the criteria in the Shire of Boyup Brook’s Naming New Roads Policy and is considered suitable to be added to the schedule of suggested road names included in the policy.

(see agenda attachment 8.1.2- Policy P.08 Naming New Roads)

CONSULTATION

CEO, Alan Lamb

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Compliance with Shire of Boyup Brook Policy P.08

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 8.1.2

MOVED: Cr Oversby

SECONDED: Cr Aird

That the Council approve the inclusion of the Surname ‘Letchford’ to the schedule of suggested names in the Shire of Boyup Brook’s Naming New Roads Policy – P08.

CARRIED 7/0

Res 89/14

8.1.3 Proposed “Changing Wade Road to Letchford Road”

Location:	<i>Boyup Brook Shire</i>
Applicant:	<i>E & L Willett & R, H and M Gifford</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12th of August, 2014</i>
Author:	<i>Rob Staniforth-Smith</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>Letters requesting Change Map showing Wade Road Landgate correspondence on naming of Wade Road</i>

SUMMARY

The applicants Mr and Mrs Willett and R, H and M Gifford, have requested that Council consider changing “Wade Road” to “Letchford” Road.

BACKGROUND

Wade Road is on the south western end of the gazetted portion of the road reserve that runs from the Boyup Donnybrook Road through to the Boyup Bridgetown Road. The north eastern portion is called Abels Road and the middle portion is un-constructed. Wade Road was named after Thomas Wade, 1919-1920 Road Board Chairman of Boyup Brook.

Council requested the Changing of the south western portion of Abels Road to Wade Road on the 10/1/2007 after confusion from road users as the two portions of road were not connected by a constructed road in the middle. Landgate subsequently advised that this portion of road had never been named and agreed that Wade Road was suitable (GN001307).

Mr And Mrs E&L Willett requested that Letchford be added to P08 – Naming new Roads in December 2008.

Mr and Mrs Willett and R, H and M Gifford requested Wade Road be changed to Letchford Road on the 29th of June 2014 and the 30th of June respectively.

COMMENT

Whilst it is not customary practice to change road names in the Shire of Boyup Brook, it has been done previously to remove ambiguity and confusion associated with road names.

If Council resolves that Wade Road should be changed to Letchford, approval would have to be sought from Landgate and the Geographic Names Committee prior to any name change taking place.

CONSULTATION

CEO, Alan Lamb

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Compliance with Shire of Boyup Brook Policy P.08, subject to Council approving the name “Letchford” being added (refer item 8.1.2 of the August 2014 meeting)

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

OFFICER RECOMMENDATION – Item 8.1.3

That the Council request approval from Landgates Geographic Names Committee to rename ‘Wade’ Road ‘Letchford’ Road

Or

That Council rejects the request to rename ‘Wade’ Road ‘Letchford’ Road.

COUNCIL DECISION

MOVED: Cr Oversby

SECONDED: Cr O’Hare

That Council rejects the request to rename ‘Wade’ Road ‘Letchford’ Road.

Lost 4/3

Res 90/14

COUNCIL DECISION

Moved: Cr Walker

Seconded: Cr Kaltenrieder

That the Council request approval from Landgates Geographic Names Committee to rename 'Wade' Road 'Letchford' Road

AMENDMENT

Moved: Cr Giles

Seconded: Cr Walker

That the Council request approval from Landgates Geographic Names Committee to rename 'Wade' Road 'Letchford' Road and that Wade Road be re added to the list.

Carried 5/2

Res 91/14

COUNCIL DECISION

That the Council request approval from Landgates Geographic Names Committee to rename 'Wade' Road 'Letchford' Road and that Wade Road be re added to the list.

Carried 4/3

Res 92/14

Request for Vote to be recorded

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

For	Against
Cr Giles	Cr Oversby
Cr Moir	Cr Aird
Cr Walker	Cr O'Hare
Cr Kaltenrieder	

ITEM WITHDRAWN BY THE CEO

Note

The Chief Executive Officer to seek further clarification.

8.1.4 Transfer of 2014-2015 Budgeted Funds from Dinninup East Road to Banks Road

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	Nil
Date:	8 August 2014
Author:	Rob Staniforth-Smith - MWKS
Authorizing Officer:	N/A
Attachments:	Policy W07 – Road Contribution Policy Map showing proposed location of works

SUMMARY

This item recommends that Council approve the transfer of up to \$88,320, allocated to the widening and sealing of the Dinninup Township eastern entrance road (Dinninup East Road), to the correction of the gravel pavement and drainage on Banks Road to a level suitable for sealing, from Lee Steere Drive west for 1.2kilometres.

BACKGROUND

The 2014/2015 budget allowed \$88,320 for the widening and sealing of the eastern entrance to the Dinninup Township so that speed limits through the township can be reduced to 60kph, as approved in the 10 year plan (May 2014 Council item 8.1.2). Subsequent design and review has found that this work will be in excess of the \$88,000 allowed. Changes to the National and State Blackspot programmes are now allowing “road audit” projects to be eligible for funding and as such it has been decided to apply for funds under these programmes to fund the works and move the reconstruction into the 2015-2016 budget.

Banks Road has a subdivision development application lodged (WAPC ref 149976) which due to the development being in the “special rural zone” requires the current gravel road to be upgraded to a 6 metre wide 2 coat seal with 1.2 metres shoulders (Shire Policy W07 attached), with the

developer being liable to “50% contribution from landowners for the frontage on the southern side when subdivision occurs.”

The developer in this instance has indicated verbally that he would like an estimate (under Local Government Laws fixed quotes cannot be given as all costs associated with private works need to be recovered) to perform this work and as such Council believes that the work will go ahead

COMMENT

The subdivision application for Lot 734 Banks Road was dealt with in the June 2014 meeting, item 8.3.4. Item 8.3.4 dealt with compliance to Council policy W07 – Road Contribution.

The upgrading of Banks Road is beneficial to both the road users of Banks Road and Lee Steere Drive and as Council will have available funds due to the delaying of the Dinninup Township eastern access road whilst it seeks Government help in the form of grants, it is proposed that the Banks Road seal preparation works proceed in the 2014-2015 budget year.

CONSULTATION

Chief Executive Officer

Work Supervisor

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Council will be responsible for 50% of the cost of upgrading Banks Road in front of lot 734 and 100% of the cost for extending the existing seal from Lee Steere Drive to the eastern boundary of the lot 734.

It is proposed that the 1.2 km section of Banks Road be:

1. Upgraded to a level ready for seal to be placed in the 2014-2015 budget
2. That the 1st coat of the 2 coat seal be done in the 2015-2016 budget year
3. The 2nd coat seal to follow in the 2016-2017 budget year

STRATEGIC IMPLICATIONS

2008 – 2013 Strategic Plan

Action Plan 6.5 – 102

Maintain and enhance rural roads throughout the Shire of Boyup Brook

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 8.1.4

1. That on receipt of Mr Doust's written advice and commitment that he is going to proceed with his subdivision of Lot 734 Banks Road (WAPC application 149976), Council approve the transfer of up to \$88,320 from the 2014-2015 road budget originally allocated to the Dinninup Township access road to the re-construction of Banks Road from Lee Steere Drive west for 1.2 km, in preparation for sealing of this portion of road in the 2015-2016 financial year.
2. That the other landowners whose land fronts this portion of Banks Road be advised that if they subdivide their land such that the proposed new lots having access to this portion of Banks Road, then they will be liable for 50% of the cost that Council spent upgrading the portion of Banks Road that fronts their property, indexed at relevant CPI levels.

8.1.5 Recommendation to Australia Post, requesting that areas of Benjinup postcode (6255) area and areas of the McAlinden postcode (6225) area be changed to postcode 6244

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Interest:	<i>Nil</i>
Date:	<i>5th of August, 2014</i>
Author:	<i>R Staniforth-Smith, Manager of Works and Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Appendices:	<i>Scatter Map of responses Letter sent to affected residents</i>

SUMMARY

The purpose of this report is to seek a recommendation from Council that the Council writes to Australia Post requesting that areas of the current Benjinup post code area and areas of the current McAlinden postcode area be changed to the Boyup Brook postcode, 6244.

BACKGROUND

With the advent of the new “rural numbering” scheme which gives properties a geographical location instead of a RMB, rural residents in the Benjinup area are now post-coded 6255 (Bridgetown) and residents in the McAlinden Area of the Shire are now post-coded 6225 (Collie).

Post codes were historically assigned by Australia Post as the sorting location of a localities mail and were never intended to define a geographic location, however the new “rural numbering” scheme introduced by Landgate uses the postcodes to define a geographic location.

When the new “rural numbering” scheme was introduced by Landgate, the Shire of Boyup Brook received many complaints from affected residents who want their addresses associated with Boyup Brook and not Bridgetown or Collie. On discussing the situation with Australia Post, Australia Post indicated that there was probably nothing that they would do to change the postcodes, however if enough residents wanted the change then they *may* consider it. Currently residents with either the Bridgetown or Collie postcodes mail gets sent to Collie or Bridgetown where it is sorted and then sent onto Boyup Brook where the current Australia Post mail runs deliver it.

Due to the large number of complaints, the Shire sent a covering letter and survey to all affected residents (see attached) requesting the residents’ preference for their postcode. The responses from this survey were then collated and mapped on a scatter map for review.

COMMENT

The responses from the surveys are as follows:

Benjinup

74 letters were sent out with 55 responses received back. Of these responses, 42 want the postcode changed to 6244 with 13 responding that they wanted a Bridgetown postcode. On reviewing the scatter map showing the geographical location of the “no” responses, all but 1 were in the south western portion of the Shire on the Bridgetown boundary.

Recommendation

That Australia Post be requested to change the Benjinup postcode (6255) and the Benjinup postcode area boundaries, such that the “no” responses end up in the adjoining postcode localities (6255) and the “yes” responses end up with a Benjinup 6244 postcode.

McAlinden

33 letters were sent out with 22 responses received back. Of these responses 11 want the postcode changed to 6244 with 11 responding that they want a Collie postcode. On reviewing the scatter map and taking into account that large portions of the McAlinden area is native forest, all but 3 responses surrounding the McAlinden Hall wanted to keep a Collie postcode (6225). These 3 responses were all from the same farming enterprise.

Recommendation

That Australia Post be requested to change the eastern portion of the McAlinden postcode area such that residents each side of North Boyup Road and to the east of North Boyup Road end up with a 6244 postcode and that this be done by either creating a new postcode area with a 6244 postcode or by amalgamating this area into the adjoining 6244 postcode areas.

CONSULTATION

Alan Lamb, CEO

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.5

MOVED: Cr Oversby

SECONDED: Cr Aird

That Council write to Australia Post requesting that they review the current post code areas so that:

- 1. The south western boundary of the Benjinup Postcode area be relocated so that these residents are serviced by an adjoining Bridgetown post coded locality.**
- 2. The Benjinup postcode be changed to 6244.**
- 3. That the eastern boundary of the McAlinden postcode area be relocated so that the residents east of the new boundary are serviced by an adjoining Boyup Brook post coded locality.**

CARRIED 7/0

Res 93/14

8.2 FINANCE

8.2.1 List of Accounts Paid

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12 August 2014</i>
Author:	<i>Stephen Carstairs – Manager Corporate Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – List of Accounts Paid</i>

SUMMARY

In accordance with the Local Government (Financial Management) Regulations the list of accounts paid is 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 1 July to 31 July 2014.

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 budget for 2014/15 or authorised by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.1

MOVED: Cr Kaltenrieder

SECONDED: Cr Oversby

That the list of accounts paid in July 2014 as presented totalling \$633,410.58 and as represented by cheque voucher numbers 19598-19602 and 19604-19620 totalling \$75,668.88 and accounts paid by direct electronic payments through the Municipal Account totalling \$557,741.70.

CARRIED 7/0

Res 94/14

8.2.2 31 July 2014 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	14 August 2014
Author:	Stephen Carstairs– Manager Corporate Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	No

SUMMARY

This report recommends that Council defer to the September 2014 ordinary meeting of Council the receiving of the Statement of Financial Activities and the Net Current Assets for the month ended 31 July 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. Details of items of Material Variances are also to be 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 fully committed to compiling, among other things, the 2014-15 Annual Budget report to the Department, the fair valuing in 2013-14 of the shire's bridges assets, and the various notes to the 2013-14 Annual Financial Statements. Due to time constraints, presentation of the shire's 31 July 2014 statement of financial activity has been deferred to the September 2014 ordinary meeting.

CONSULTATION

Nil

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

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.2

MOVED: Cr Oversby

SECONDED: Cr Walker

That receipt by Council of the shire’s 31 July 2014 Statement of Financial Activity and Statement of Net Current Assets be deferred to Council’s September ordinary meeting.

CARRIED 7/0

Res 95/14

Declare an Interest

Cr Moir declared a financial interest in the following item and departed the Chambers, the time being 6.10pm.

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Subdivision Application (WAPC Ref 150291) Boyup Brook Road North

<i>Location:</i>	<i>Lot 16 Boyup Brook Road North</i>
<i>Applicant:</i>	<i>KJ Moir</i>
<i>File:</i>	<i>A4045</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>7th August 2014</i>
<i>Author:</i>	<i>Geoffrey Lush (Council Consultant)</i>
<i>Authorizing Officer:</i>	<i>A Lamb</i>
<i>Attachments:</i>	<i>1 Location Plan</i> <i>2 Subdivision Plan</i>

SUMMARY

This report is to consider a referral of a subdivision application from the Western Australian Planning Commission.

The subject land is Lot 16 DP50877 Boyup Brook Road North and is owned by AG Wardle.

The subject land has not been inspected in the preparation of this report.

The application is supported subject to conditions as it is considered to comply with the Scheme requirements in Clause 5.1 for subdivision within the Rural zone and with the Rural Strategy.

BACKGROUND

The subject land is located approximately 15 kms north of Boyup Brook townsite as shown in Attachment 1. It has an area of 193 hectares and there is an existing dwelling on the site.

The subject land is predominantly cleared general farming land with a drainage line located parallel to the southern boundary. Boyup Brook Road North is a sealed secondary rural road.

The site is located within the proclaimed public drinking water supply area for Wellington Dam.

The surrounding land predominantly has remnant vegetation. While zoned Rural in the Planning Scheme much of the surrounding land is designated in the Forest Management Plan to become a conservation reserve.

It is proposed to subdivide the land into two allotments having areas of 93 and 99 hectares as shown in Attachment 2.

CONSULTATION

None

STATUTORY OBLIGATIONS

Town Planning Scheme

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

Clause 5.1 of the Scheme states that in considering applications for subdivision, rezoning and planning consent in the Rural zone, Council shall have regard to:

- i) the need to protect the agricultural practices of the Rural zone in light of its importance to the District's economy;
- ii) the need to protect the area from uses which will reduce the amount of land available for agriculture;
- iii) the need to preserve the rural character and rural appearance of the area; and
- iv) where rural land is being subdivided for closer development, the proposal should be supported with evidence outlining the land's suitability and capability for further development.

Rural Strategy

Within the Local Rural Strategy the subject land is situated in the BBR1 Northern Policy Area.

The subdivision guidelines for this precinct are to encourage tree plantations and agro forestry due to generally beneficial effect on water quality compared to other uses of agricultural land.

Recommendation 1 requires that lots in the rural zone shall have a minimum area of 80 hectares. Recommendation 4 contains the matters that Council must consider for a subdivision application.

COMMENT

The application complies with the provisions of the Scheme and Rural Strategy and the design of the subdivision is considered to be appropriate. It will provide to suitable areas of arable land for continued farming operations.

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

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 O’Hare

SECONDED: Cr Walker

That Council advise the Western Australian Planning Commission that it has no objection to the proposed subdivision of Lot 16 DP50877 Boyup Brook Road North as shown in subdivision application ref No 150291.

CARRIED 7/0

Res 96/14

Cr Moir returned to the Chambers at 6.12pm

8.3.2 Disability Access & Inclusion Plan 2013-2018

Location:	N/A
Applicant:	
File:	
Disclosure of Officer Interest:	None
Date:	July 2014
Author:	Angela Hales
Authorizing Officer:	Alan Lamb
Attachments:	Draft- Disability Access & Inclusion Plan 2013-2018

SUMMARY

The purpose of this item is to present the draft of the Disability Access & Inclusion Plan 2013-2018 for adoption by Council.

BACKGROUND

The draft of the DAIP 2013-2018 required substantial amendments after being reviewed by the Commission's officers.

An additional "outcome", outcome seven was also added in July 2013 which has now been included in the plan.

People with disability have the same opportunities as other people do to obtain and maintain employment at the Shire of Boyup Brook.

The plan did not include a policy statement or implementation plan for the strategies and was not advertised as required by legislation.

COMMENT

In accordance with Regulation 10. Procedure for public consultation by authorities (s.28) of the Disability Services Regulations 2004, the re-draft 2013-2018 plan was put out for public consultation.

The redraft of the plan has since been assessed by officers from the commission and the feedback provided advises the plan is now compliant. Once accepted by Council the plan can be advertised in a local paper as required and made available on the website.

CONSULTATION

Disability Services Commission & SOBB Managers

STATUTORY OBLIGATIONS

Disability Services Act (1993) as amended Dec 2004 and Disability Services Regulations 2004.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
By adopting the plan it shows the Councils commitment to improving the standards of those challenged by living with a disability.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.2

MOVED: Cr Aird

SECONDED: Cr Walker

1. That "Council adopt the redrafted Disability Access and Inclusion Plan 2013-2018."
2. That the CEO advertise the shire's Disability Access and Inclusion Plan 2013-2018 in a local paper, and make it available on the shire's website.

CARRIED 7/0

Res 97/14

ITEM WITHDRAWN BY THE CEO

Note

The Chief Executive Officer to seek further clarification from the Community Development Officer and bring the item back to the next Council meeting.

8.3.3 The Warren Blackwood Alliance of Councils

Location:	N/A
Applicant:	Warren Blackwood alliance of Councils
File:	
Disclosure of Officer Interest:	I am currently the President of the Country Music Club of Boyup Brook.
Date:	11 August 2014
Author:	Daly Winter
Authorizing Officer:	Alan Lamb
Attachments:	Letter dated 16 June 2014

SUMMARY

The Shire received a letter from the Warren Blackwood Alliance of Councils offering them the opportunity to promote the next Boyup Brook Country Music Festival in the 2015 Warren Blackwood Events Calendar. The Boyup Brook Country Music Festival was listed in the 2014 Events calendar because of funding from the South West Development Commission and their insistence that the Boyup Brook Country Music Festival be listed as it is a major drawcard for the region.

BACKGROUND

The first issue of the Warren Blackwood Events calendar was published in 2014. 10,000 calendars were produced and distributed to residents (Manjimup/Bridgetown/Nannup), Visitor Centres (Manjimup/Bridgetown/Nannup), Australia's South West and business in the Region.

COMMENT

The calendar was well received in the Warren Blackwood area, but in Boyup Brook we were questioned why it was only the Country Music Festival listed for Boyup Brook and not other events such as the Rodeo. This was because Boyup Brook was not part of the Warren Blackwood Alliance at that time and South West Development Commission insisted that the CM Festival be listed. To amend this abnormality we would need to

include other events on the calendar as well as the Country Music Festival. I propose that these other events would be: Boyup Ute & Truck Muster, Sandakan Memorial, Harvey Dickson Rodeo and the Upper Blackwood Agricultural Show.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Funds would need to be allocated from the Community Development Budget allocation.

STRATEGIC IMPLICATIONS

As Community development Officer I am currently working with the Strategic Alliance as part of a working group, to discuss and formulate plans for the formation of a new Local Tourism Organisation. At a regional meeting held recently in Manjimup which included Boyup Brook representatives from the Blackwood River Valley Marketing Association a proposal was put to form a new single tourist region call "Southern Forests" which will bring the Blackwood River Valley and the Southern Forests Regions together. There was overwhelming support for this concept. I believe it is important for the Shire of Boyup Brook to remain at the table with these discussions or we face the distinct possibility we could be left on the outer. Boyup Brook has over time built up a reputation and image of being part of the Blackwood River Valley.

Supporting the Alliance with some monies with advertising for the events calendar will demonstrate a regional tourism focus which I believe is still required even if we are not a member of the Alliance.

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

OFFICER RECOMMENDATION – Item 8.3.3

That Council approve \$2,000.00 towards the Warren Blackwood Alliance of Councils to advertise the Boyup Brook event/events in the 2015 Warren Blackwood events calendar.

8.3.4 Wards & Representation - Review

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	12 August 2014
Author:	Alan lamb
Authorizing Officer:	Not applicable
Attachments:	Letter from Local Government Advisory Board, copies of agenda items/resolution from Council minutes

SUMMARY

The purpose of this report is to put before Council the Local Government Advisory Board's suggestion that Council reviews its wards and representation prior to the 2015 ordinary Council elections with the recommendation that Council advise that the *status quo* should remain.

BACKGROUND

In 2012, the Board wrote suggesting that Council conduct a review of its wards and representation. The Board advised that, based on the 2011 elections data, the Councillor to elector ratio for three of the four wards had a deviation of more than 10% from a balanced representation (the Board sees a 10% deviation as acceptable and that more than that is the trigger for review).

The Local Government Act provides that that Local Governments are to review wards/representations every eight years. In response to a call from the Board (made in December 2007) Council conducted a review in 2008 and resolved as follows:

In accordance with schedule 2.2 (9) of the Local Government Act 1995 it is recommended to the Local Government Advisory Board that given the existing ward boundaries satisfy the assessment factors and the minimal number of

electors influencing the Councillor/Elector ratio deviation, the existing Shire of Boyup Brook Ward Boundaries and representation be retained.

Based on this, the next full review is due in 2016.

In May 2014, the Board again wrote to Council asking for a review of its wards and representation. Phone enquiries indicated that this was not a requirement to conduct a full and formal review, as set out in the attachment, and that a desktop style of review, as had been conducted in 2012 would be sufficient.

COMMENT

The Board's letter contained the following schedules:

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	1,161	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	1,199	133	

It will be noted, from the foregoing, that in 2011 the representation ratios for three wards deviate by more than 10% from a balanced representation. And that in 2013 only two wards deviated by more than 10%. Also, whilst the deviation in the Benjinup Ward increased slightly from +3.88% to +5.80%, the deviation in the other three wards had reduced.

Looking at the Councillor to elector ratios, it is apparent that the Boyup Brook Ward Members represent more electors per Member than is the case in other wards, and that this has been the case for some time. In 2011 Dinninup had the smallest representation ratio and in 2013 it was Scotts Brook.

The following table shows that adding another Boyup Brook Ward member would bring all ward representations within accepted limits.

Shire of Boyup Brook Table 1

Ward Name	No. Electors	No. Councillors	Councillor: Elector Ratio	% Ratio Deviation
Benjinup	251	2	126	-8.48%
Boyup Brook	471	4	118	-1.78%
Dinninup	217	2	109	6.21%
Scotts Brook	222	2	111	4.05%
Totals	1161	10	116	

Similarly, reducing the representation for all wards by one would, as will be seen from the following, address Boards concerns but does not meet legislative requirements for a minimum of 6 members where the President is elected by Council, so could not be considered unless Council was to pursue the option of having the President elected by the electors (the Local Government Act provides that the minimum number of offices is 5 where the President is elected by the electors, resulting in a Council of 6 with 5 representing wards and the President representing the Shire as a whole).

Shire of Boyup Brook Table 2

Ward Name	No. Electors	No. Councillors	Councillor: Elector Ratio	% Ratio Deviation
Benjinup	251	1	251	-4.20%
Boyup Brook	471	2	236	2.23%
Dinninup	241	1	241	-0.05%
Scotts Brook	236	1	236	2.02%
Totals	1199	5	240.9	

The following table shows the movement in the Councillor to elector ratio and % deviation for the 2007, 2011 and 2013 election years. It will be noted that the ratios for the Benjinup Ward improved in 2011 but slipped in 2013. However the variance is within the 10% tolerance considered, by the Board, to be acceptable. The Boyup Brook Ward ratio remained fairly static, due to a low change in elector numbers, but the ration of deviation has improved each year due to an overall increase in elector numbers. The

Dinninup Ward ratio increased in 2013 bringing the deviation to less than 10%, and Scotts Brook wards show a increase in deviation.

Shire of Boyup Brook

Table 3

Ward Name	Councillor: Elector Ratio 2007	Councillor: Elector Ratio 2011	Councillor: Elector Ratio 2013	% Ratio Deviation 2007	% Ratio Deviation 2011	% Ratio Deviation 2013
Benjinup	116	124	126	10.23%	3.88%	5.80%
Boyup Brook	159	158	157	-23.83%	-22.48%	-17.85%
Dinninup	110	109	121	14.51%	15.89%	9.55%
Scotts Brook	115	111	118	11.01%	13.95%	11.43%

The following table compares the number of voters in each ward as at the October 2007, October 2011 and 2013 elections:

Shire of Boyup Brook Table 4

Ward Name	2007	2011	Change		2013	Change	
	No. Electors	No. Electors	No.	%	No. Electors	No.	%
Benjinup	231	248	17	7.4	251	3	1.21
Boyup Brook	478	474	-4	-1	471	-3	-0.6
Dinninup	220	217	-3	-1	241	24	11.1
Scotts Brook	229	222	-7	-3	236	14	6.31
Totals	1158	1161	3	0.3	1199	38	3.3

As will be seen, the number of electors overall has increased by 38 (or 3.3%) from 2011 to 2013. Also that the Boyup Brook Ward saw a small decrease and that all other wards experienced an increase over the same period. The most significant change was in the Dinninup Ward which recorded 24 addition voters (a 11.1% increase over 2011).

It is suggested that the changes in electors in each ward, and so the resulting changes in representation ratios, since the 2011 review is not significant enough to prompt an extensive review at this time.

If Council did however wish to conduct an extensive review it could consider increasing the number of positions in the Boyup Brook ward, doing away with wards or adjusting ward boundaries. Each option has its costs, problems and opportunities. The process, to be complete, should include details of each option including what boundary changes would be needed to better even up the number of electors in each ward.

The information provided is in essence a mini review concentrating on Councilor position numbers. The option of doing away with wards is available but it is suggested there would have to be a compelling need, other than the Boards current suggestion, to prompt consideration. The option of amending ward boundaries would require a fair bit of time (cost) and it may well be that you would be looking at further changes in 2016 (when the review is due) if there is any significant changes to elector numbers.

It is recommended that it is too early to be looking at making dramatic changes at this time, that the scheduled review in 2016 may well reveal different movements in elector numbers that might sway Council in a different direction to what it might choose now based on current information, that the Board is not requiring a review at this time, and so that Council advises the Board that it wishes the *status quo* to remain.

CONSULTATION

The author has spoken with Department of Local Government Officer.

STATUTORY OBLIGATIONS

Schedule 2.2 of the Local Government Act 1995 provides as follows (please note Section 6):

Schedule 2.2 — Provisions about names, wards and representation

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

[Section 2.2(3)]

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;*
- (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;*
- (d) *physical and topographic features;*
- (e) *demographic trends;*
- (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

Nil if Council agrees with the recommendation.

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

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.4

MOVED: Cr Aird

SECONDED: Cr Walker

That the Chief Executive Officer advises the Local Government Advisory Board that Council has conducted a desktop review of its ward representation, as suggested by the Board, and that in doing so it has considered the options of changing the number of positions on Council, changing ward boundaries, doing away with wards and, based on the relatively small change in representation ratios from 2011 to 2013, Council recommends making no changes at this time.

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 98/14

8.3.5 Review of Delegations of Authority

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>GO/15/004</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>13 August 2014</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – current Register of Delegations of Authority Manual Showing proposed changes & Proposed New Delegation</i>

SUMMARY

This item reviews the existing Delegations of Authority and recommends that the draft delegations be adopted.

BACKGROUND

Local Government Act 1995 section 5.42(1) states a local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

Local Government Act 1995 section 5.46(2) states At least once every financial year, delegations made under this Division are to be reviewed by the delegator. Council last reviewed its delegations at the April and May 2013 Council meetings.

COMMENT

A consultant was engaged to conduct an extensive review of the Shire of Boyup Brook Delegations of Authority and this was conducted over the period April, May and June 2014. The attached draft is the result of this consultancy. Whilst the delegations are review annually, the review is generally not extensive. The last extensive review was conducted in 2009 and a number of changes were made.

The draft listing before Council now represents the review of current delegations, the relevant legislation and includes influence of what is happening elsewhere.

CONSULTATION

The consultant consulted with all relevant staff.

STATUTORY OBLIGATIONS

Local Government Act 1995 (various sections)
Local Government Act (Administration) Regulations 1996
Local Government Act (Functions and General) Regulations 1996
Occupational Safety and Health Act 1984 and Regulations 1986
Local Government (Financial Management) Regulations 1996
Local Government (Miscellaneous Provisions) Act 1960

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The adoption and implementation of this Delegations Authority will not require any additional expenditure.

STRATEGIC IMPLICATIONS

The Delegations of Authority will assist with the delivery of “Best Practice” within the industry.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.5

MOVED: Cr O’Hare

SECONDED: Cr Kaltenrieder

That Council adopt the Delegations of Authority as presented and the same be implemented as from 21 August 2014 until further notice.

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 99/14

8.3.6 Aged Accommodation

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>14 August 2014</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Preliminary cost indication for relevant projects as prepared in 2012</i>

SUMMARY

The purpose of this report is to put before Council three options for aged accommodation that it had previously investigated, with the recommendation that it selects one project to move forward with in 2014/15.

BACKGROUND

Council has been working on identifying, and doing preliminary evaluation for, a number of aged accommodation initiatives it might pursue. Leading up to the 14/15 budget, and at a workshop held for the purpose of forward planning, Councillors indicated that the 14/15 budget should contain provision for a significant aged accommodation project.

As part of the budget process, a \$2m provision was made to conduct all of the preliminary planning and make a start on an initiative.

COMMENT

The attachments provide detailed information on broad cost estimates for three options Council has been working on. One is for a development at lot 1 Forrest Street, another is a life style village on land to be purchased, and the third is land near the lodge and hospital.

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

One is the lifestyle village; these are generally operated under the caravan and camping legislation that requires units to be capable of being moved within 24 hours. This style of development is ideal in areas that may be

subject to flooding and was popular at caravan parks and other developments in low lying areas. Councillors looked two such developments, one at Serpentine, which was next to a caravan park, and another at Mandurah. The Mandurah development had no short stay accommodation. Both featured accommodation units that had wheels and so could be moved. Council also looked at a retirement village in Bridgetown. This operated under the Retirement Villages legislation and the units were not transportable.

1 Forrest Street

This lot is owned freehold by the Shire and it contains the old bowling green opposite the Shire Depot. The cost estimates done in 2012 were based on a 5 unit development. Subsequent work done with a potential developer indicated the site may accommodate 6 to 10 units. This site is less than 4,000m² and so, without sewerage scheme is limited to 3 units, if strata titling, or 4 units if developed as a group dwelling.

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

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

Life style village

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

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

Land near the lodge and hospital

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

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

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

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

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

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

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

CONSULTATION

The matter of aged accommodation has been before Council a number of times over the past five years or so.

STATUTORY OBLIGATIONS

The Local Government Act requires a plan to be developed and advertised for any major land transaction. This process will give the community a structured opportunity to comment.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Council's 2014/15 budget makes provision for a \$2m project with the funds coming from loans (an existing loan of \$400,000 plus additional borrowings of \$1,600,000).

STRATEGIC IMPLICATIONS

The Plan provides as follows:

OUTCOMES	OBJECTIVES	PRIORITIES
Planned development	Create land use capacity for industry	<input type="checkbox"/> Review land-use planning to ensure commercial and industrial opportunities are maximised. <input type="checkbox"/> Advocate for provision of sewerage solutions to permit more intensive land use in town.
Housing needs are met	Facilitate affordable and diverse housing options	<input type="checkbox"/> Review land-use planning to provide housing and land size choices. <input type="checkbox"/> Advocate for the State to develop residential land for release. <input type="checkbox"/> Develop a range of aged accommodation opportunities.

SUSTAINABILITY IMPLICATIONS

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

Any significant development in town will provide a beneficial economic impact during the construction phase. The addition of a small lot development for over 55's should enable existing residents to stay in Boyup Brook longer and should also attract others to the district.

➤ **Social**

The addition of a well aged accommodation opportunity should meet the needs of some people in the local, and wider, community.

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.6

MOVED: Cr Oversby

SECONDED: Cr Walker

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

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 100/14

8.3.7 NBN Facility Lot 1 Henry Street Boyup Brook - Lease

Location:	<i>Part of Lot 1 Henry Street</i>
Applicant:	<i>NBN Co Limited</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13 August 2014</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Copy of draft lease</i>

SUMMARY

The purpose of this report is to put before Council the draft lease between the Shire and NBN Co Limited, for a portion of lot 1 Henry Street, with the recommendation that the terms be agreed to and that the President and Chief Executive Officer be authorised to affix and witness the seal.

BACKGROUND

The matter of the planned NBN tower has been before Council a number of times over the past two years.

In July 2013 Council dealt with the financial terms of the proposed lease and resolved as follows:

That, ahead of a lease agreement being drawn up by the lessee, Council gives its agreement in principal to leasing a portion of Lot 1 on Diagram 18968 (volume: 1837 Folio: 536) to NBN Co Limited for a term of 20 years, for an annual rental of \$8,000, with rental reviews being a fixed 2.5% uplift per annum compounding.

In December 2013, Council dealt with a planning application regarding the facility and resolved as follows:

That Council approve the use and development of Lot 1 D18968 Henry Street Boyup Brook for the purpose of Telecommunications Infrastructure subject to the following conditions:-

- 1. Prior to the commencement of the development hereby approved, the plan submitted with the application shall be modified by means of showing the ancillary components at ground level being raised above the 1:100 year flood level. These modifications shall be to the requirements and satisfaction of the Council and an endorsed copy of this plan shall form part of the approval.**
- 2. The facility compound shall be designed and maintained so as not to impede or restrict drainage or flood flows across the land.**

3. Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.
4. Internal access within the site shall be to the requirements and satisfaction of Council.
5. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.

COMMENT

The draft lease was drawn up by NBN's legal representative and has been vetted by Council's Lawyer. It is now put to Council for adoption.

CONSULTATION

This matter has been the subject of a number of reports to Council.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The lease provides for income of \$8,000 per year for 20 years (indexed)

STRATEGIC IMPLICATIONS

The Strategic Community Plan includes the following, relevant, goal;

OUTCOMES

Council and Community Leadership

OBJECTIVES

Provide leadership on behalf of the community.

PRIORITIES

Lobby and advocate for improved services, infrastructure, and access to.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
Access to the NBN should allow better and faster electronic communication which should enhance current businesses. In selling the NBN to the electors, the Federal Government made much of the economic opportunities it should provide.
- **Social**
Access to the NBN should allow better and faster electronic communication.

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.7

MOVED: Cr Kaltenrieder

SECONDED: Cr Aird

That Council accept the draft lease, between the Shire of Boyup Brook and NBN Co Limited, for a portion of Lot 1 Henry Street Boyup Brook, for a term of 20 years, at an annual rental of \$8,000 (indexed) and as presented, and authorise the President and Chief Executive Officer to affix and witness the Shire Seal.

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 101/14

MOVED: Cr Moir

SECONDED: Cr Oversby

That the Council adopts enbloc items. 9.1.1 and 9.1.2.

CARRIED 7/0

Res 102/14

9 COMMITTEE REPORTS

9.1.1 Minutes of the Bunbury Wellington Group of Councils
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<i>Location:</i>	<i>Shire of Boyup Brook</i>
<i>Applicant:</i>	<i>N/A</i>
<i>File:</i>	
<i>Disclosure of Officer Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>12 August 2014</i>
<i>Author:</i>	<i>Alan Lamb - CEO</i>
<i>Attachments:</i>	<i>Yes – Minutes</i>

BACKGROUND

The Bunbury Wellington Group of Councils meeting was held on 21st July 2014.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.1

That the minutes of the Bunbury Wellington Group of Councils for 21st July 2014 be received.

9.1.2 Minutes of the Bushfire Advisory Committee

Location: Shire of Boyup Brook
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 12 August 2014
Author: Alan Lamb - CEO
Attachments: Yes – Minutes

BACKGROUND

The Bushfire Advisory Committee meeting was held on 13th May 2014.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.2

That the minutes of the Bushfire Advisory Committee for 13th May 2014 be received.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1.1 Notice of Motion from Cr Walker

MOTION

MOVED: Cr Walker

SECONDED: Cr Aird

That the CEO report on the 4 yearly review of the financial management systems and procedures (FM Reg 5(2)(c), being conducted this calendar year by consultants DCA, together with a confidential operational report and recommendations to the November council meeting.

CARRIED 6/1

Res 103/14

CEO COMMENT

Administration is working on this project with the aim of reporting to the November meeting.

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

Nil

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

Nil

13 CLOSURE OF MEETING

There being no further business the Shire President, Cr Giles thanked all for attending and declared the meeting closed at 6.45pm