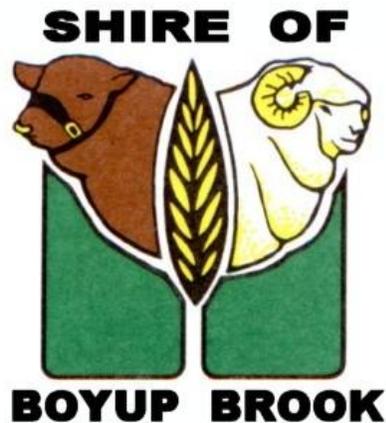


Minutes



ORDINARY MEETING

held

THURSDAY 21 May 2015

Commenced AT 5.15PM

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 J Imrie
Cr P Kaltenrieder
Cr K Moir
Cr 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: Mr Darren King

1.2 Apologies

1.3 Leave of Absence

Cr N Blackburn

2 PUBLIC QUESTION TIME

Nil

2.1 Response to Previous Public Questions Taken on Notice

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Kaltenrieder, Cr Imrie and Cr Blackburn attended WALGA training which was hosted by the Boyup Brook Shire.

Cr Kaltenrieder informed Council that 10 people attended from various Shires, as far as Albany. The trainers were very informative and it was worthwhile.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 16 April 2015

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Imrie

SECONDED: Cr Kaltenrieder

That the minutes of the Ordinary Meeting of Council held on Thursday 16 April 2015 be confirmed as an accurate record.

Carried 8/0

Res 37/15

6 PRESIDENTIAL COMMUNICATIONS

Cr Giles attended the South West Zone meeting in Manjimup on 23rd April 2015.

Cr Giles attended the Anzac Service on 27th April 2015. Work done on the monument was much appreciated.

Cr Giles attended the Bushfire Annual General meeting on 12th May 2015.

Cr Giles attended the Grain Group meeting in Perth.

7 COUNCILLORS QUESTIONS ON NOTICE

7.1 Councillor Aird

7.1.1 Heating of the Swimming Pool

QUESTION

In light of the current funding obligation by the Council coupled with the Heated Pool Committee contribution and the adding of the State Governments commitment of funds toward the proposed heating of the Swimming Pool, could we now proceed with the project by engaging the services of Subthermal Solutions to provide the cost effective Geothermal Solutions to the problem of heating the Pool with a system that lowers the operating 'costs of life' as the vision of the system promises to do?

CEO RESPONSE

There is an item on this month's Council agenda regarding this matter. The recommendation is in line with the Deputy Presidents question.

7.1.2 Accommodation Facility

QUESTION

To further the 'age in place' accommodation facility proposed development in proximity to the current aged persons lodge, can the Council now engage the services of an architect to look at providing the first building stage drawings and in so doing produce concept plans for the community to peruse therefore allowing interested parties to come forward with submissions to purchase off plans? Also can works commence on a structure plan for the whole site including proposed stage II and III (continuing on from current work) incorporating services and sewerage to align with the State Governments commitment to install a S.T.E.D scheme for the town?

CEO RESPONSE

With regard to architectural plans and purchasing off the plan, these are possible but Council has only resolved to continue to evaluate the project and this work is being done. Once this work is completed Council will have a reasonably accurate estimate of costs to develop the site (including utility services and sewerage). The estimated cost of the dwelling units is a relatively easy exercise because there are many examples to gather a reasonable estimate of this aspect. Once both areas of cost are available Council will be able to decide the rate it wishes to recover the sites costs at (i.e. as per dwelling unit rate) which will then produce a per unit price for marketing. It is possible that the resulting price per unit is too high for the market Council might then choose to go no further with the project.

With regard to the announced sewerage system for Boyup Brook, the advertised boundary of the area to be serviced does not include the land being looked at for an aged accommodation development. Efforts will be made to more clearly establish what the scheme will and will not cover, and to promote its importance in the listing of announced schemes for the coming state budget year. In the interim however, it is clear that it will be a STED scheme (where the septic tank is retained on the private property and then connected to a communal pipe system to deal with the partially treated liquid waste) and so it is now possible to design the on site sewerage system with permanent septic tanks and perhaps an interim liquid treatment system (that will become redundant when and if the scheme is extended to include the land in question).

7.1.3 Light Industrial / Saleyard Site

QUESTION

To initialize the development of the light industrial area at the currently underutilized saleyard site, can the Shire Council put forward a proposal for funds to allow for the removal of the rear section of infrastructure in the coming months as well as the provision of power and water to the site?

CEO RESPONSE

Yes, Council could set aside funds in the 2015/16 budget to commence works on the saleyard site. Feasibility work is progressing and we now have an indication of electrical upgrade and connection costs (that is Western Power's charge, provision of suitable power capacity for a 7 unit site is in the order of \$57,000). More costs have to be gathered to enable Council to make an informed decision on whether to move forward with this project or not.

MOVED: Cr Walker

SECONDED: Cr Kaltenrieder

That the Council adopts enbloc items 8.1.1 and 8.1.2.

CARRIED 8/0

Res 38/15

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

8.1.1 Jackson Street Road Reserve Re-Alignment

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Not applicable</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>1 April 2015</i>
Author:	<i>Rob Staniforth-Smith - MWKS</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Survey of Jackson Street Reserve at the bridge</i>

SUMMARY

The purpose of this report is to seek approval to re-align the Jackson Street Road Reserve adjacent to the Jackson Street Bridge to facilitate construction of the future 'new bridge'.

BACKGROUND

Main Roads WA has commenced design of the new single lane 4.4 metre wide Jackson Street bridge which crosses Boyup Brook at the Flax Mill. The new bridge can either be placed where the current bridge is or moved to the southern side of the road reserve. If replaced in its current location, the Flax Mill complex will lose power, water and telephone for the duration of the construction.

If moved to the southern side of the reserve, the new bridge will be too close to the existing bridge during construction. It is proposed to re-align the road reserve so that the eastern end of the southern reserve is moved south by 3.3 metres (see attached). The Shire of Boyup Brook has the “vested control” of both the road reserve and the adjacent Music Park Reserve (reserve R 1454) and as such the re-alignment will be a desk top process. Survey control has already been performed when doing other works in the area.

COMMENT

Main Roads WA has determined that the life of the existing Jackson Street Bridge is limited and has commenced designing a new structure. Once designed, Main Roads WA will seek funding from either Federal or State Sources.

In order to minimise disruption whilst constructing the new bridge. Main roads is seeking a further 3.3 metres of road reserve immediately South of the existing bridge.

CONSULTATION

Chief Executive Officer

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.1.1

That Council approves and instructs Council Staff to proceed with the realignment of the southern side of the Jackson Street Road Reserve, at its eastern end, by 3.3metres in a southerly direction into reserve R1454 to allow for additional room in the road reserve to construct a new road bridge.

8.1.2 Disposal of Waste at the Shire of Boyup Brooks Waste Facilities

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Not applicable</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11th of May, 2015</i>
Author:	<i>Rob Staniforth-Smith - MWKS</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to seek to resolve that the Shire of Boyup Brook does not accept waste from sources outside of the Shire of Boyup Brook without firstly obtaining approval by Council.

BACKGROUND

With increased policing by the Department of Environmental Regulation, rubbish disposal sites throughout the state are being closed due to either non - compliance issues or the costs associated with ensuring that the disposal sites comply. This results in requests to dispose of waste, generated in surrounding Shires, into the Shire of Boyup Brooks disposal sites, causing compliance issues to be transferred to the Shire of Boyup Brook and resulting in reduced capacity for the disposal of Shire generated waste.

This intent of this proposal is not to stop waste from other Shires being dumped in the Shire of Boyup Brook, but to ensure that adequate control is in place so as to not compromise the Shire both financially and practically.

COMMENT

The running and management of waste disposal sites is an expensive task that the Shire of Boyup Brook undertakes for the benefit of its ratepayers and residents. Whilst extra income can be sourced from the disposal of waste from outside of the Shire, the full costs of disposal must be investigated prior to the acceptance of this waste so as not to cause a cost burden on the Shire and so as to not minimise the ability for people within the Shire to use the Shires facility.

CONSULTATION

Chief Executive Officer

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Will help to minimise environmental issues caused by excessive dumping within the Shire.
- **Economic**
Will help to minimise additional costs associated with excessive dumping of material in the Shire.
- **Social**
There are no known significant social issues

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.1.2

That “As of the 01/07/2015, the Shire of Boyup Brook does not knowingly accept waste from sources outside of the Shire of Boyup Brook without it being approved at a full Council meeting”.

8.1.3 Renaming of the Corbalup East Road to Lea Road

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Interest:	<i>Nil</i>
Date:	<i>14th of May, 2015</i>
Author:	<i>R Staniforth-Smith, Manager of Works and Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Appendices:	<i>Maps showing Proposed Road</i>

SUMMARY

It is proposed to change the name of the Shire’s “Corbalup East Road” to “LEA Road”, to match Landgate’s name and the Shire of Manjimup’s name for the same road.

BACKGROUND

The Shire of Boyup Brook’s road hierarchy, names road 214 0073 as Corbalup East Road, running from Simcock Road to the Manjimup Shire boundary where it continues on to Corbalup Road as Lea Road. Lea Road is signed on Corbalup Road.

By changing the name of Corbalup East Road to Lea Road in will avoid the confusion caused by the same road having different names and it will match Landgate and the Shire of Manjimup’s name plus it will match what is sign posted.

COMMENT

The Shire of Boyup Brook is currently rationalising its road names to remove any ambiguity that might prevent visitors and emergency services from finding properties. In this instance the Shire is proposing to change the Shires Road name to match that of Landgate and Manjimup Shires.

CONSULTATION

Alan Lamb, CEO
Geographical Names Committee

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.1.3

MOVED: Cr Oversby

SECONDED: Cr Imrie

That Council changes the name of Corbalup East Road to Lea Road within its 'Road Heirarchy'.

Carried 8/0

Res 39/15

MOVED: Cr Walker

SECONDED: Cr Aird

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

Carried 8/0

Res 40/15

8.2 FINANCE

8.2.1 List of Accounts Paid in April 2015

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>09 April 2015</i>
Author:	<i>Stephen Carstairs – Director 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 1996* the list of accounts paid in March 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 30 April 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 (as amended), or authorised by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.1

That at its May 2015 ordinary meeting Council receives as presented the list of accounts paid in April 2015, and totalling \$477,308.03 and as represented by: cheque voucher numbers 19769/19790 totalling \$12,996.29; and accounts paid by direct electronic payments through the Municipal Account totalling \$464,311.74.

8.2.2 31 March 2015 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	14 May 2015
Author:	Stephen Carstairs – Director Corporate Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Financial Reports

SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 31 March 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, and that details of items of Material Variances shall also listed.

COMMENT

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

CONSULTATION

Alan Lamb – Chief Executive Officer

STATUTORY OBLIGATIONS

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

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

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.2

That having regard for any material variances, Council receive the 31 March 2015 Statement of Financial Activity and Statement of Net Current Assets, as presented.

8.2.3 30 April 2015 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	14 May 2015
Author:	Stephen Carstairs – Manager Corporate Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	No

SUMMARY

This report recommends that Council defer to the June 2015 ordinary meeting of Council the receiving of the Statement of Financial Activities and the Net Current Assets for the month ended 30 April 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)).

During the latter part of March 2015 and in early April, Corporate Services has experienced human resource shortfalls with officers being on sick leave. As a consequence of this, presentation of the 30 April 2015 Statement of Financial Activity has been deferred to the June 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 30 April 2015 Statement of Financial Activity and Statement of Net Current Assets be deferred to Council’s June 2015 ordinary meeting.

8.2.4 Levying Property Rates in 2015-16 – Percentage Split

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>14 May 2015</i>
Author:	<i>Stephen Carstairs - DCS</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>No</i>

SUMMARY

This matter is brought before the Council for information, for Council to give staff direction as to how rates will be levied equitably in 2015-16 among and between Gross Rental Value (GRV) and Rural and Mining Unimproved Value (UV) services in the district.

BACKGROUND

The imposition of rates by a local government (LG) in any one year is a process comprising of two parts. In the first part a LG might determine how it is to draw rate revenue equitably from among the various classes of properties in its district. Council has established a rating structure which comprises the following elements:

- Gross Rental Value (GRV) @ \$0.129508 in the dollar in 2014-15;
- Rural Unimproved Value (UV) @ \$0.006446 in the dollar; and
- Mining UV @ \$0.124525 in the dollar in 2015-16.

Council may collect more or less rates from any one of these classes, by raising or lowering its rate in the dollar relative to the other classes i.e. adjust the % split of rates contributed to the pool by the three classes of rate payers.

Secondly the LG would determine by how much it needs to increase or decrease (i.e. the collective % increase/decrease) the overall amount of rates collected so as to make up its budget deficiency.

This report focuses on how in 2015-16 Council will distribute the rate load equitably among the three classes of properties in the shire.

In 2013-14 the WA Local Government Grants Commissions (WALGGC) reported rates data which indicated that the shire’s percentage split of rates levied was approaching the following:

Actual (3 yr Ave) % Split	WALGGC Assessed % Split
---------------------------	-------------------------

GRV	17.60	16.39
Rural UV	81.93	80.91*
Mining UV	0.47	2.69

* includes a very small % of Pastoral UV valuations

In 2014-15 the shire levied rates such that the percentage of rates levied approached that derived by the WALGGC as follows:

- 16.39% GRV : 80.91% Rural UV : 2.69% Mining UV.

COMMENT

Typically the number of GRV and Rural UV assessments (rateable properties) in the district, do not change appreciably from one year to the next. Contrasting with this, the mining sector might record substantial changes. At the time of writing this report, the number of mining tenements/licenses in the district fell by 11% from 18 to 16 assessments.

There are a number of options going forward, among them Council might determine:

1. to not change the percentage split of rates levied on GRV and UV properties in the district; or
2. to decrease contribution the Mining UV assessments makes to the total rates pool, and thereby increase the contributions made by the other classes.

CONSULTATION

Alan Lamb – Chief Executive Officer

STATUTORY OBLIGATIONS

Section 6.26 of the Act prescribes what is to be rateable land as follows:

6.26. Rateable land

(1) Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land —

(a) land which is the property of the Crown and —

(i) is being used or held for a public purpose; or

(ii) is unoccupied, except —

(l) where any person is, under paragraph (e) of the definition of owner in section 1.4, the owner of the land other than by reason of that

person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or

(II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of owner in section 1.4 occupies or makes use of the land; and

(b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and

(c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and

(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and

(e) land used exclusively by a religious body as a school for the religious instruction of children; and

(f) land used exclusively as a non-government school within the meaning of the School Education Act 1999; and

(g) land used exclusively for charitable purposes; and

(h) land vested in trustees for agricultural or horticultural show purposes; and

(i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and

(j) land which is exempt from rates under any other written law; and

(k) land which is declared by the Minister to be exempt from rates.

Section 6.32 of the Act prescribes types of rates that can be imposed and the form in which rates will be set, as follows:

6.32. Rates and service charges

(1) *When adopting the annual budget, a local government —*
(a) in order to make up the budget deficiency, is to impose a general rate on rateable land within its district, which rate may be imposed either —*

(i) uniformly; or

(ii) differentially; and

(b) may impose on rateable land within its district —*

(i) a specified area rate; or

(ii) a minimum payment; and

(c) may impose a service charge on land within its district.*

** Absolute majority required.*

(2) Where a local government resolves to impose a rate it is required to —

(a) set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and

(b) set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.

Section 6.33 of the Act prescribes the conditions whereby a local government might impose differential rates, as follows:

6.33. Differential general rates

(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —

(a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or

(b) a purpose for which the land is held or used as determined by the local government; or

(c) whether or not the land is vacant land; or

(d) any other characteristic or combination of characteristics prescribed.

(2) Regulations may —

(a) specify the characteristics under subsection (1) which a local government is to use; or

(b) limit the characteristics under subsection (1) which a local government is permitted to use.

(3) In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Some 31.7% of the revenue Council receives each year derives from rates.

STRATEGIC IMPLICATIONS

Striking the proper 'balance' (% split) between GRV, Rural UV and Mining UV will have the effect of distributing the rate burden equitably across residents in the Boyup Brook district.

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 8.2.4

Moved: Cr Walker

Seconded: Cr Kaltenrieder

1. That Council directs the CEO to levy rates such that the percentage split approaches that assessed by the WA Local Government Grants Commission (the Commission). In 2015-16 the percentage split would be as per the Commission's 2013-14 assessment as following:
 - 16.39% GRV : 80.91% Rural UV : 2.69% Mining UV, causing the Mining UV rate in the dollar to be more than twice that of the Rural UV rate.
2. That Council directs the CEO to accord with Section 6.33(3) of the Local Government Act 1995, and seek the approval of the Minister to impose a differential general rate (mining UV) which is more than twice the lowest differential general rate (Rural UV) imposed by it.

Carried 8/0

Res 41/15

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Local Government Convention and Exhibition

Location:	<i>Perth Convention Exhibition Centre</i>
Applicant:	<i>Not applicable</i>
File:	<i>GR/31/002</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>5 May 2015</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Convention Program</i>

SUMMARY

The 2015 Local Government Convention and Exhibition will be held on the 5th August to 7th August 2015. This report recommends that Council be represented at the convention and nominate delegates accordingly.

BACKGROUND

The Local Government Convention is the premier event for Elected Members and Officers within Local Government.

The Association's Annual General Meeting is part of the convention program.

In accordance with Western Australian Local Government's constitution, member Councils are entitled to have two voting delegates. Registration of the voting delegates is required prior to the 9th July 2015.

Elected member development program training is being offered during the lead up to the convention and also immediately afterwards.

COMMENT

Convention Registration deadline is 7th July 2015.

In previous years Boyup Brook has been well represented with at least three Councillors and the Chief Executive Officer attending.

The estimated cost per attendee could be up to \$2,500, depending on accommodation requirements and involvement with member development programs.

CONSULTATION

Not applicable

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council's policy on conferences – attendances and expenses by Councillors is as follows:-

Objective

To determine the procedures for attendance at conferences and seminars by Councillors.

Statement

It is Council's policy to have the Shire of Boyup Brook represented at any conference or seminar where it is evident that some benefit will accrue to the Council and/or the district. Attendance at conferences and seminar, etc is to be determined by the Shire President in consultation with the Chief Executive Officer. All Councillors are to be given the opportunity to attend conferences and seminars etc when they are available.

It is Council policy that all reasonable and direct expenses incurred by delegates and partners attending conferences, seminars, etc are to be met by the Shire.

Funds are to be listed annually for Budget consideration to enable the Shire President together with up to 50% of Councillors to attend Local Government Week.

Where possible, attendance at Conferences is to be on a rotation basis.

BUDGET/FINANCIAL IMPLICATIONS

Expenditure will be incurred in 2015/16 and would be budgeted accordingly.

STRATEGIC IMPLICATIONS

The Convention program will enable delegates to gain information that will benefit local government in Boyup Brook, as will interaction with elected members from throughout Western Australia.

SUSTAINABILITY ISSUES

- **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:-

- 1 The Deputy Shire President, Cr Kaltenrieder, Cr Oversby and the CEO attend the 2015 Local Government convention and exhibition and expenses incurred be paid by the Shire, as per Council Policy M.01.**
- 2 The Deputy Shire President and Cr Oversby be appointed as voting delegates for the Western Australian Local Government Association Annual General Meeting.**

Carried 8/0

Res 42/15

8.3.2 Warren Blackwood Alliance of Councils

Location:	N/A
Applicant:	Warren Blackwood Alliance of Councils
File:	
Disclosure of Officer Interest:	<i>I am currently on the committee of the Boyup Brook Tourism Association and the Country Music Club of Boyup Brook.</i>
Date:	30 April 2015
Author:	Daly Winter
Authorizing Officer:	Alan Lamb
Attachments:	Letter dated 23 April 2015

SUMMARY

The Shire has received a letter from the Warren Blackwood Alliance of Councils offering the Boyup Brook Shire Council the opportunity to be involved in the development of an operational model for a Sub Regional Tourism Organisation (SRTO). The establishment of the SRTO will be the forerunner to the formation of a single Tourism Sub Region Incorporating both the Blackwood River Valley Tourism Region and Southern Forrest Tourism Region. The Shire has been asked to contribute \$8,000.00 (GST Exc.) towards the development of this operational model for the SRTO.

BACKGROUND

In February 2010 Council resolved to resign from the Warren Blackwood Strategic Alliance.

In December 2011 Council resolved to join the Bunbury Wellington Group of Councils and in the 2013/2014 Budget, Council supported a contribution of \$5,000 towards the development of a Tourism Strategy for the Bunbury, Wellington and Boyup Brook Region.

In July 2014 I attended a meeting in Manjimup on behalf of the Boyup Brook Tourism Association and the Country Music Club of Boyup Brook where they discussed the formation of a new tourism sub region and the development of a Sub Regional Tourism Organization. Representatives from Bridgetown, Nannup and Manjimup Shires, the Blackwood River Valley Marketing Association, South West Development Commission, Regional Development Australia, Boyup Brook Tourism Association and a number of local Tourism Industry stakeholders attended the meeting.

At that meeting it was agreed that representatives of the groups should further explore the formation of a new single tourism sub region and the development of the SRTO. A working group was formed and I was nominated onto that working group as a representative of Boyup Brook Tourism. The meeting was called by and hosted by the Warren Blackwood Alliance of Councils.

Historically Boyup Brook has strong business and tourism links to the Blackwood River Valley Region. E.g. The Boyup Brook Tourism Association has strong tourism links to the Nannup Shire, Bridgetown and Balingup Tourism through the Blackwood River Valley Marketing Association. The Country Music Club of Boyup Brook has strong links to the Manjimup Cheery Festival, Bridgetown Blues and the Nannup Music Festivals. The Blackwood Valley Wine Industry Association represents grape growers and wine producers within the Blackwood River Valley Region. Each of these relationships has been built up over more than a decade of cooperation and collaboration.

COMMENT

Council has funded the development of a tourism strategy for the Bunbury, Wellington and Boyup Brook Region. The draft report from this strategy has also recommended the formation of a new Sub Regional Tourism Organisation. The Interim report also intimated that operators participate and invest in the SRTO in parallel with LGA's revisiting current budgets and approach transitioning towards a regional tourism model (e.g. a regional approach to visitor servicing, regional maps, self-drive routes and events). Smaller, non accredited Visitors Centres will be replaced with information nodes (Information stands in local businesses) in the towns. The SRTO would concentrate on marketing and promotion (i.e. to develop a regional brand, maps, website, drive routes).

The Boyup Brook Shire sits on the outer edge of both of the Warren Blackwood and Southern Forrest regions and the Bunbury, Wellington and Boyup Brook region. We now have ties with both regions, so which way is the best if we are to progress towards a Sub Regional Tourism Group?

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Funds would need to be committed in the 2015/2016 budget.

STRATEGIC IMPLICATIONS

Council chose to align with the Bunbury Wellington Group of Councils in 2011.

Geographically Boyup Brook is part of the Blackwood River Valley and therefore we cannot be taken out of the valley in a physical sense. Council has been working with the Bunbury Wellington Group for approximately 4 years now. Over that period various groups and businesses within Boyup Brook have continued to relate and work with other organizations and businesses based in the Blackwood River Valley and this will not necessarily change if Boyup Brook were to align with a new Tourism region or a new Sub Regional Tourism Organization based in the Bunbury Wellington area.

As we sit on the edge of both tourism regions there could be benefits in developing and maintaining links with both SRTO's, however, this would possibly come at a greater cost as we would need to make a cash contribution to the two groups rather than just one. We also risk being perceived as a lesser partner as we would have a foot in both camps you could say. With our limited budget I don't believe trying to be a part of both SRTO's is really a viable option for us.

Therefore Council will need to choose which SRTO "Southern Forrest's and Blackwood River Valley" or Bunbury Wellington and Boyup Brook" will offer our community the best value and return on our invested tourism dollars.

The Bunbury Wellington Group of Councils, consisting of the City of Bunbury, Shires of Harvey, Collie, Dardanup, Capel and Donnybrook / Balingup. This group has a significantly greater annual income than the Shires of Manjimup, Nannup and Bridgetown. (In the Bunbury Wellington Group including Boyup Brook, the current amount spent on tourism is approximately \$858,500 p.a.*)

Based on the incomes of the two groups you would anticipate that the Tourism spending on Promotion and Marketing of the Bunbury Wellington Group would be significantly more than that of the Southern Forrest and Blackwood Valley group. Boyup Brook would therefore benefit from increased Marketing and Promotional exposure if they continue to be a part of the Bunbury Wellington Group as opposed to the Southern Forrest's and Blackwood River Valley group.

*Taken from Bunbury Wellington and Boyup Brook Tourism Development Strategy Interim Report, dated March 2015.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
We can only commit what we can afford with either SRT0 model going forward into the future.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.2

Moved: Cr Kaltenrieder

Seconded: Cr Moir

Council respectfully declines the request for funding from the Warren Blackwood Alliance of Councils (Inc) because of affordability and practicality issues in relation to our working alliance with the Bunbury, Wellington Group.

That the Warren Blackwood Alliance be advised of this decision noting:

- **In 2013 the Shire made a commitment to fund the development of a Regional Tourism Strategy for Bunbury, Wellington and Boyup Brook and that this report is currently being finalized.**
- **Although Council cannot support financially the current initiative of the Warren Blackwood Alliance of Council, this Council does acknowledge the merit in the formation of a new Tourism Sub Region incorporating both the Blackwood River Valley and Southern Forrest’s Regions.**

Carried 8/0

Res 43/15

8.3.3 Waste Management Contracts – Kerbside Collection Services, Recyclable Processing Services and the Provision of and Maintenance of Bins

Location:	<i>N/a</i>
Applicant:	<i>N/a</i>
File:	<i>WM/31/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13 May 2015</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Copy of draft contracts, copy of cost estimates</i>

SUMMARY

The purpose of this report is to put before Council draft contracts for endorsement.

BACKGROUND

The Bunbury Wellington Group of Council's (BWGC) works on the opportunity for each of the constituent Councils to employ the same contractor for the same term for various waste management services. The BWGC employed a consultant to assist with this process and then enlisted the services of WALGA to conduct a tender process to come up with one, or a number of, preferred supplier for each of the Councils.

The City of Bunbury entered the tender process because it has an operational collection service in-house; all of the other Councils used contractors. Each of the existing contracts ended 30 June 2013, except for Boyup Brook where there has been no contract for some years. The original intention was to extend all existing agreements until 30 June 2014 and then move to the new contracts following that but all of the Council's, except the City of Bunbury, accepted that the new contracts commence from 1 July 2013.

WALGA assisted with the tender process then the consultant prepared a report that was distributed to each Council in the Group.

The Consultant's recommendation was for Warren Blackwood Waste to provide a kerbside collection service once per week for household rubbish and once per fortnight for recyclables. Also for that company to provide and maintain all of the bins. That Perthwaste Pty Ltd process recyclables collected from households (scenario 2).

After comparing and evaluating each of the tenders, the consultant put forward three scenarios.

Scenario 1 was for Warren Blackwood Waste to do the bin collections, City of Bunbury to undertake the supply and maintenance of the bins and for Perthwaste Pty Ltd to process recyclables.

Scenario 2 was for Warren Blackwood Waste to do the collections and supply and maintenance of bins and for Perthwaste Pty Ltd to process recyclables.

Scenario 3 was for Perthwaste Pty Ltd to do the lot.

Scenario 2 was not the cheapest for each Council but was considered by the consultant to be the best because the collector was also responsible for maintaining the bin stock. Also it is noted that the report indicates that the price may be further lowered by changing the bin type.

In May 2013 it was reported that:

Looking at the total service costs of each scenario 3 is cheapest for Boyup Brook but not the other Councils in the group. However, Council currently uses Warren Blackwood Waste, also it is unlikely that the prices quoted as a "job lot" could be obtained if only one Council went for Perth Waste. Especially Boyup Brook which would benefit from economies of scale being, that is being able to be tied into service runs in Collie.

Council currently provides an in-house recyclables collection service where a Shire Staff member collects material from the kerb side using a Shire ute and a Lions trailer. The staff member sorts the material and the Lions later sell the materials as a fundraiser. Council contributes \$2,000 per year to the Lions to assist with transport cost (essentially fuel) to get the material to Perth for sale. Council does not charge property owners/occupiers for this service.

The recycling service is very manual and there is the risk of staff who handle the waste being injured. It is a very antiquated and possibly unsafe method of dealing with waste collection.

The sale of recyclables is a major fundraiser for the Lions but there is not always a market for the material and so occasionally, materials get stacked up and there have been complaints about the state of the transfer station when this occurs. There is no market for glass at this time and so the Lions have a dilemma. The Lions do a very valuable job in the community and Council has strongly supported the group and its operations. It has been reported previously that it may well be cheaper for Council to provide the group with an annual grant in lieu of the recycling because the cost to Council and the relatively small amount of income they derive appears to make this an option worthy of consideration.

The May 2013 officer report to Council also contained the following under the heading of Comment:

Scenario 2 results in a total cost per bin per service for refuse of \$1.827 (inc GST) and is based on new bins being required. As there is already a stock of bins, owned by Warren Blackwood Waste, at properties in town and so it is probable that the contractor would not provide any new bins and so the cost per bin per service would reduce to \$1,641. This compares very favourably with the current charges of \$2.288 (inc GST) per bin per service.

Based on the greatly reduced charges for bin supply and maintenance, and kerbside refuse collection services it is recommended that Council accept the tender from Warren Blackwood Waste as the other Councils in the group have done.

The fortnightly collection and processing of recyclables will cost \$2.441 (inc GST) per bin per service. This includes the provision of new bins and the \$35 per ton that Council will need to pay Perth Recycling to take the recyclables.

The total annual cost of the services provided under scenario 2 to this Shire is \$60,579, according to the consultant and this includes a once per fortnight recycling service. This compares to the current cost (using the 12/13 budget) of \$49,578 for the contractor, \$2,700 for the monthly recycling service, plus the portion of the transfer station costs attributable to the recycling collections estimated \$5,000, a total of \$57,000. Therefore, for a slight increase in total costs, Council could provide a fortnightly recycling bin service to all households in town.

The tender was based only on the area currently serviced by the contractor and there is the opportunity to look to extend this service to rural properties and satellite towns, especially properties on the Donnybrook road and Wilga, which are on the route from or to another Shire being serviced.

The local Lions club has been aware that there may be a change of operation that may impact on their recycling activities and they are keen to see the whole picture. Council would need to raise an additional charge for the recycling service and this would be a new imposition on rate payers. The rubbish collection service featured as being very important but with a low level of satisfaction in the community survey conducted as part of the strategic planning project and so the community may be expecting a change/improvement, but it is felt that there would not be sufficient time between now, when the budget is adopted and the rate notices go out to mount an effective public awareness campaign. Also, there are a great number of projects under way at this time and so it would be difficult to find the resources to adequately mount an information campaign now. For all of these reasons it is recommended that it be planned that the recycling bin service be introduced part way through the 2013/14 financial year.

Looking further into the future, Council is working with the BWGC on a joint waste disposal facility. When and if this eventuates it will be possible for the waste collection trucks to dump at the joint facility and so reduce the need for a disposal site in the Shire (note, there will always be a need for a transfer station but the

land fill site on North Boyup Brook Road might, and hopefully would, become redundant) so saving escalating costs of operating a tip site. Being a part of this joint contract arrangement will better facilitate this future opportunity.

Council dealt with the results of the tender process, the consultants report and recommendation, and with the Council officer recommendation, and resolved as follows:

That Council:

- 1. receive the Recommendation Report at the Attachment to this agenda item as provided by the Western Australian Local Government Association and endorse the recommendation for award of contracts, as detailed in Section 6.3 of the Recommendation Report, as Councils preferred option to:***
- 2. Enter into the following contracts with Jenesti Pty Ltd trading as Warren Blackwood Waste:***
 - For the Provision of a weekly Kerbside Collection Services (waste) at the rate of \$1.6 inc. GST per lift as quoted in the Recommendation Report; and***
 - For the Ad-hoc Provision and Maintenance of Bins at the rates as quoted in the Recommendation Report;***
 - Subject to verbal discussion with, and written agreement provided by, the contractor confirming their understanding and acceptance of all the specifications detailed in the contracts for the above services, as provided by the Western Australian Local Government Association as part of the quotation process, prior to the signing of the contracts;***
- 3. Commence the Contract 1 July 2013 and terminate it 30 June 2018;***
- 4. Authorise the Shire President and Chief executive Officer to execute the contract for the:***
 - Provision of a weekly Kerbside Collection Services (waste); and***
 - Ad-hoc Provision and Maintenance of Bins.***
- 5. Conduct a community awareness campaign to advise residents of the town of Boyup Brook of the intention to provide a fortnightly recycling service, what it will cost them, what can be placed in the bins and what the benefits will be.***
- 6. Advise the Bunbury Wellington Group of Councils of its intention to participate in the recycling services following and subject to community***

consultation on this new service. Also that Council will consider participating in the Organics Waste at a later time.

CARRIED BY ABSOLUTE MAJORITY 8/0

COMMENT

Whilst Council resolved to enter into the negotiated agreements in May 2013, the first drafts of the agreements needed further work. The BWGC engaged a Bunbury legal firm to review and amend the standard contract then each Council had that firm prepare drafts, using the standard contract as a base, for their use. It is understood that all Council's in the Group, other than Boyup Brook, are now working under the contractual arrangements for collection of general household waste and recycling waste, and the processing of recyclables. Some have also moved to the third bin service (organics).

Whilst the May 2013 resolution included approval to formalise the agreements this has not been actioned as yet. Council has not, to date, been presented with drafts of the contracts and so they are now attached for scrutiny. The Perthwaste Pty Ltd agreement has been updated for the commencement date and prices (increased by CPI, in accordance with the base agreement, each year). The two Warren Blackwood Waste agreements are yet to be similarly up dated but will be before signing. The intent is to seek approval from Council to sign these providing the execution draft is not materially different from the attachment except for the updating of start date and prices.

The intention was to opt in for the recycling services if and when the Lions ceased its recycling activities. Pressures of rising costs and reducing income forced the Lions to cease its recycling activities earlier this year. Administration has been gearing up for the new recycling service, contacting the contractors, getting agreements finalised, and community consultation.

The proposal is that Council approve contracts being signed under seal, the general waste collection and recycling waste collection, and associated recycling waste disposal, arrangements commence as from 1st July 2015. That the 2015/16 rate notices, for the area of the Shire currently receiving a weekly bin service, include a fortnightly recycling bin service charge which will be in the order of half of the charge for the weekly bin service. That Council authorise the purchase of Warren Blackwood Waste's current bin stock being used by Boyup Brook residents serviced by the weekly bin collection service, and that Council authorise the purchase of a stock of new bins for the recycling collection service (estimated cost \$30,000).

Why move to a recycling service? The answer is two pronged, Council has little choice but to move to a recycling service to divert waste from land fill (and may have to consider an organics service in the future, the current agreements provide a 5 year opt in option and this runs out in 2018). The Western Australian Waste Strategy "Creating the right Environment" imposes targets on Local Government

for specific levels of waste recovery within certain timeframes. This includes 30% diversion of waste from landfill by 2015, and 50% by 2020, for regional areas. The second reason is community demand for recycling in Boyup Brook.

CONSULTATION

The matter has been before Council, discussed within the BWGC, the author has spoken at length with Lions representatives and relevant Shire staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The following was included in the May 2013 report:

As previously reported, total waste management income is in the order of \$100,000 per year and costs run at \$195,000. The shortfall of \$90,000 odd it met from general rates and the like so the services are subsidised. The aim generally would be to make waste services self-sufficient. The new collection service arrangement for general rubbish will save the Shire money but this is unlikely to translate into a collection service charge reduction, but it will help to close the subsidised gap. The recycling service will result in additional costs to rate payers, in terms of an additional charge, but it will also provide a vastly improved service.

It is expected that if Council resolves to accept the new weekly service and then the fortnightly recyclables service, the gap between costs and income for refuse will reduce. Council may eventually want to look at a waste management charge (essentially a rate on all rateable properties) to make the overall service self-sufficient. Whilst many Councils raise this additional charge, it is recommended that Council work through at least the next budget to see the overall impact of the new service arrangements and also to see where the joint waste disposal site proposal goes as these will have a beneficial impact on the shortfall, and reduce the amount that might be needed to close the gap.

There is no provision in the current budget for the purchase of bins and, in order to commence the services in 2015/16 it will be necessary to commit to, and possibly pay for, bins in 2014/15. The expected cost of new and used bins is \$30,000 and this will be met by the end of year position (that is effectively the impact will be carried forward to the 2015/16 budget as part of the position at the start of that year).

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There is a significant push for reduction to the amount of waste that goes into landfill and the proposed recycling service will address this.
- **Economic**
There are no known significant economic issues.
- **Social**
Whilst the areas serviced by the periodic recycling service conducted by Shire staff were not at all well used, there is a demonstrated community demand for recycling.

VOTING REQUIREMENTS

Absolute majority

Cr Oversby left the Chambers at 5.51pm

Cr Oversby returned to the Chambers at 5.52pm

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.3

MOVED: Cr Aird

SECONDED: Cr Kaltenrieder

That Council:

- 1. Enter into the following contracts with Jenesti Pty Ltd trading as Warren Blackwood Waste:**
 - **Provision of a weekly Kerbside Collection Services (waste excepting recyclables)**
 - **Provision of a fortnightly Kerbside Collection Services (recyclables); and**
 - **Ad-hoc Provision and Maintenance of Bins**
- 2. Enter into the contract with Perthwaste Pty Ltd for the processing of recyclables.**
- 3. Commence the three Contracts 1 July 2015 and terminate 30 June 2023;**
- 4. Authorise the Shire President and Chief Executive Officer to execute the contracts, provided the drafts that are executed are not materially different from the drafts circulated to Council with the agenda papers for this meeting, for the:**
 - **Provision of a Kerbside Collection Services**
 - **Ad-hoc Provision and Maintenance of Bins**
 - **Processing of Recyclables**
- 5. Authorise unbudgeted expenditure of \$30,000 for the purchase of bins for the collection services.**
- 6. Will consider participating in the Organics Waste collection/disposal agreements prior to the opt in option expires in 2018.**

Carried by Absolute Majority 8/0

Res 44/15

8.3.4 Shire of Boyup Brook Swimming Pool – Heating

Location:	<i>Boyup Brook Swimming Pool</i>
Applicant:	<i>N/a</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12 March, 2015</i>
Author:	
Authorizing Officer:	<i>Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council a proposal to engage the services of Subthermal Solutions to provide a cost effective geothermal solution to heat the Shire swimming pool facilities.

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.

Council dealt with the matter of the expression of interest at its February meeting and resolved as follows:

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.

Council further dealt with Subthermal Solutions proposal at its March meeting and resolved as follows:

That the Geothermal Solutions for Swimming Pool heating be investigated further and reported back to the May Council Meeting.

Mr John Houdalakis, of Subthermal Solutions, provided Council with detail of his firms heating solution to the briefing session preceding the April 2015 Council. At this time he noted that his heating system was unique, offered many spin off opportunities (these included heating and cooling of water and air) and that the operating costs of the system were lower than for standard options where the ambient temperature was impacted by weather and seasons.

At this meeting the Chief Executive Officer indicated he would report to the May 2015 Council meeting recommending that Council engage Subthermal Solutions to provide it with a suitable heating system for the Shire swimming pool complex.

Council dealt with the following question at the Annual Electors meeting held in February 2015:

Mr Tony Doust

QUESTION

“Boyup Brook Swimming Pool – Proposed heating:-

I would like the Council to provide the electors of the Boyup Brook Shire with the following information prior to making any final decision to proceed with any proposal to heat the Boyup Brook Swimming Pool.

- *A comparison between the total number of hours that the Pool is currently open to the public during the current financial year and the total number of hours for a full financial year that is proposed under the new arrangement if the heating of the Pool proceeds. A breakdown of these hours on a week by week basis to also be included.*
- *A detailed budget for the operation of the Swimming Pool including all costs and income as per the formal detailed schedule in the 2014/15 adopted budget (together with any approved changes) and a detailed comparison of these costs and income for a full year operation of any new proposal to heat the facility.”*

The following response was given at that meeting:

RESPONSE

Council is working its way through expressions of interest regarding heating for the existing pool facility. The next step may be to call tenders. The call for expressions of interest will provide Council with the heating options available and an indication of cost to purchase and, more importantly, some information on the whole of life costs. The next phase will provide more firm costs to purchase and keep a heating system.

There is no intention to significantly change the current pool open season (November to March). Part of the funding arrangement with a community group is that the pool season is extended at a management level, to make the most of the heating and weather conditions, but the plan is that this would be achieved by closures at appropriate times during the cooler months of the normal season. There is no anticipation of increased labour costs to achieve the earlier opening and later closing.

The project is funded a third by the community group, a third by Council and a third by the Department of Sport and Recreation. The first two sources of funds have been confirmed and the latter is subject to a successful application.

It is highly unlikely that Council will go ahead with the heating initiative if the annual cost burden of the improvements is prohibitive. It is expected that Council would provide non confidential information on costs and the like, that is used by it in its decision making process for the pool heating project.

COMMENT

Mr Houdalakis provided Council, and members of the community group that pledged funding toward the cost of heating the Shire swimming pool, a great deal of detail and information about his firms offer. It was noted that, if Council took this option, this would be a fairly unique heating solution that may, in itself, prove to be an attraction. He noted that part of the cost of providing the required service was for design work to be done and that the cost of this would depend on its purpose. For example, if his firm were to be engaged to just design a heating solution for use by Council then preliminary testing would be required and the level of documentation would be high, as would the cost. If however the testing were to be done concurrently with the works and design was done only to the level required to achieve the project this aspect would be cheaper. His offer was based on the latter and so he could not provide accurate whole of life costs such as for electricity, because this would depend on the design of the in ground heat collection system and the average temperatures it would achieve. But he did reinforce the claim made in his submission that his systems delivered in the order of 50% savings in electricity usage (because the starting temperature to heat from was higher than the ambient temperature as used by other systems).

It is noted that Subthermal Solution's offer is less than the \$100,000 trigger for the need for a tender process and so Council may deal directly with that firm without now going to tender for the supply. However it may be more advantageous to work with the company on a solution that will offer the opportunity to heat additional pool (or other) facilities if and when they are constructed, rather than limit the opportunity provided now (essentially, the capacity of the solution will be determined by factors such as the in ground and associated collectors/exchangers and it appears it would be cheaper to enhance capacity at this stage, to better ensure the system achieves the required results, than to design and build to the minimum requirement, than to add to it at a later date). The costs therefore may be greater than the \$100,000 tender requirement trigger.

The Local Government Act (Functions and General) Regulations offer an opportunity for Council to deal directly with Subthermal Solutions even if the cost exceeds the \$100,000 mark. Regulation 11 provides direction on when tenders have to be publicly invited as follows:

(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.

Subregulation (2)(f) provides:

(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

The position is that Council called for expressions of interest in providing heating solutions for the Shire swimming pools. This was done as the lead up to calling tenders from a selected group of interested parties who offered solutions that Council wanted to pursue. This process showed that there was only one firm that was interested and provided a geothermal solution. Council looked at this opportunity further and was advised, by Mr Houdalakis, the solution was unique. It is therefore not unreasonable for Council to believe that the service offered by Subthermal Solutions is unique and that it is unlikely there is more than one supplier of it. Based on this Council may deal directly with Subthermal Solutions.

In relation to the question raised at the Annual Electors meeting, the response was that Council is working through the process, would provide non confidential information on costs and the like, that is used by it in its decision making process for the pool heating project. Relevant information is included in this agenda, a public document, and will be included in the minutes for this meeting, also a public document (both available at the Shire office and on the Shire website). Council may see this as sufficient to meet the aims of providing relevant information. Alternatively, Council could do a range of things, including putting the matter to public comment before proceeding further. Based on information provided, and calculations done, the additional annual cost of the Subthermal Solutions heating would be in the order of \$10,100 for the current 5 month pool open season, \$11,200 for a 6 month season and \$14,000 for an 8 month season (see Budget/Financial Implication for detail). It should be noted that whilst the intention is to seek to extend the pool season with the heating, the extension is not expected to be extensive, that the intention is to contain labour costs by closing at other times, the matter before Council now is not the season extension but the matter of heating, or not, the current facilities.

If Council wanted to notify the community of its plans, provide costs information and the like, it may wish to resolve that the CEO advertise in the Boyup Brook Gazette, details of the proposed pool heating and invite public comment. That the matter be brought back to Council by the July 2015 Council meeting.

The recommendation is that Council authorise the CEO negotiate an agreement with Subthermal Solutions, Engage that firm provided the cost does not exceed \$150,000, and then for the CEO to purchase the pool blanket etc. The matter of electrical costs cannot be determined until the expected additional load is

determined. It is understood that the draw on the supply is at or near to the supply capacity and so a new transformer (or the like may be required). Also, it is expected that the cost of increasing the heating capacity of the system may entail additional in ground installations etc. And so it would be prudent to impose a ceiling on the expenditure but to limit that ceiling to allow the project to progress without the need for further referral to Council, and so a \$150,000 limit is recommended.

CONSULTATION

The matter of heating the pool has been before Council and within the community for a number of years.

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.

Based on calculations done by Administration using information provided by Subthermal Solutions, the annualized whole of life cost of operating their heating solution would be \$6,200 (not including electricity). The annual electricity costs are expected to range from \$16,000 per year for 12 months of operation to \$3,900 for the current 5 months of operation. The former is a fixed annual cost and the latter variable to the level of use so the expected additional annual cost of the heating is expected to be \$10,100 if the pool open season is not extended. If the season were to be extended to 6 months the annual cost would then be in the order of \$11,200 and \$14,000 for 8 months. It should be noted that the foregoing estimates do not include any other relevant costs such as labour, electrical usage other than by the heating equipment, water and the like for an extended season.

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)

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

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.4

MOVED: Cr Walker

SECONDED: Cr Oversby

1. That Council authorizes the Chief Executive Officer to work with Subthermal Solutions on the detail of an agreement for it to supply a geothermal heating solution for the Shire swimming pool complex.
2. That the Chief executive Officer be authorised to engage Subthermal Solutions to provide a geothermal heating solution provided the cost of this does not exceed \$150,000.
3. That the Chief Executive Officer be authorised to engage a firm, to supply and fit pool blankets, and relevant storage and deployment apparatus, within the current budget constants, in line with costs provided as part of the call for expressions of interest, and within the limit set by legislation for purchasing without the need to call for tenders (\$100,000).

Carried by Absolute Majority 8/0

Res 45/15

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

11.1.1 Annual Compliance Audit Return 2014

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>FM/9/004</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>18 May 2014</i>
Author:	<i>Alan Lamb - CEO</i>
Authorizing Officer:	<i>N/A</i>
Attachments:	<i>Yes – Boyup Brook Compliance Audit Return 2014</i>

SUMMARY

The purpose of this report is to present to Council the Annual Compliance Return for Council adoption.

BACKGROUND

The Local Government (Audit) Regulations 1996, Section (14) requires Local Governments to carry out a Compliance Audit for the period 1st January to 31st December in each year. Section (13) of the regulations outlines the sections of the Act & Regulations that are subject to audit.

The Department of Local Government and Regional Development has provided the compliance form approved by the Minister for completion and presentation to Council for adoption.

Section (15) of the Regulations require that a certified copy of the return presented and adopted by Council be sent to the Director General of Department of Local Government each year, together with a copy of the minutes referring to this matter. The report is to be certified by the Shire President and Chief Executive Officer.

COMMENT

A draft Compliance Return has been compiled and a copy is attached.

CONSULTATION

Administration Staff

STATUTORY OBLIGATIONS

Local Government Act 1995 Section 7.13(1(i)

Local Government (Audit) Regulations 1996 Sections (13) (14) & (15)

POLICY IMPLICATIONS

No specific policy in relation to compliance as it is covered by legislation

BUDGET/FINANCIAL IMPLICATIONS

There were no separate costs incurred for completing the Compliance Return.

STRATEGIC IMPLICATIONS

There are no Strategic implications relating to the Compliance Return.

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 11.1.1

MOVED: Cr O'Hare

SECONDED: Cr Kaltenrieder

That the Council adopts the Annual Compliance Report for 2014, and the Shire President and Chief Executive Officer certify the return for submission to the Department of Local Government.

Carried 8/0

Res 47/15

11.1.2	Gravel Resheeting changes 2014-2015 budget
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Location:	N/A
Applicant:	N/A
File:	
Disclosure of Interest:	Nil
Date:	19th of May, 2015
Author:	R Staniforth-Smith, Manager of Works and Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Appendices:	No

SUMMARY

It is proposed to change the gravel re-sheeting project “Walshaws Road” to Flax Road, Brown Seymour Road, Asplin Siding Road and Six Mile Road.

BACKGROUND

In the 2014-2015 Shire of Boyup Brook budget, a sum of \$54,395 was budgeted to re-sheet 1.5km of Walshaws Road and a sum of \$37,000 was put to re-sheeting Flax Road. Due to road failures more urgent than Walshaws, it is proposed to not do any additional work to Walshaws and to split the \$54,395 dollars to:

1. Flax Road: increase the length of re-sheeting to 1.7km.
2. Brown Seymour Road: Re-sheet 0.5km of clay.
3. Asplin Siding Road: Re-sheet 0.5km from BB-Kojonup Road to the first culvert.
4. Six Mile Road: Re-sheet a 0.5km section of road at the intersection with Reservoir Road.

The works will be carried out so that the net re-sheeting costs to the Shire will be as per the adopted 2014-2015 budget

COMMENT

The gravel re-sheeting programme is done up to 18 months prior to the work being carried out. During these 18 months, roads that have not been programmed to be re-sheeted will often fail worse than the roads that have been programmed, resulting in the requirement to shift the funds to the more needy roads. The overall expenditure on gravel re-sheeting of Shire Roads in 2014-2015 will not change from the budgeted amount.

CONSULTATION

Alan Lamb, CEO
Geographical Names Committee

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil. Shifting of Municipal funds from one project to another.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 11.1.2

MOVED: Cr Moir

SECONDED: Cr Imrie

That Council approves the shifting of gravel road re-sheeting funds in the 2014-2015 budget from Walshaws Road to Flax, Brown Seymour, Asplin Siding and Six Mile Roads.

Carried 8/0

Res 48/15

Darren King left the Chambers at 6.10pm

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

12.1.1 Disposal of Shire vehicle to an employee

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Oversby

SECONDED: Cr Imrie

That in accordance with Section 3.58 (3) of the Local Government Act 1995 notice be given of the intention to sell the Shire Ford Territory to Dr Mel.

Carried By Absolute Majority 8/0

Res 49/15

13 CLOSURE OF MEETING

There being no further business the Shire President thanked all for attending and declared the meeting closed at 6.15pm