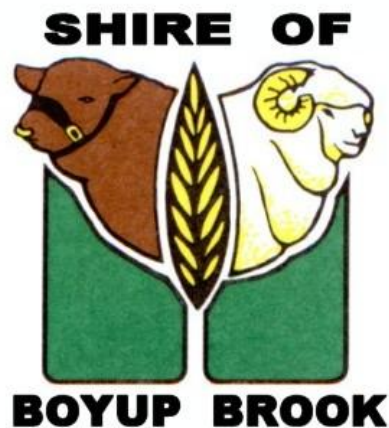


# Minutes



**ORDINARY MEETING**

held

**THURSDAY 15 AUGUST 2013**

**Commenced AT 5.13PM**

**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 K Moir – Deputy Shire President  
Cr G Aird  
Cr E Biddle  
Cr P Kaltenrieder  
Cr B O’Hare  
Cr T Oversby  
Cr R Walker

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

PUBLIC: Paul Drayton  
Brian Cailes

**1.2 Apologies**

Cr Giles – Shire President

**1.3 Leave of Absence**

Cr Imrie

**2 PUBLIC QUESTION TIME**

Mr. Drayton informed Council about his business in Boyup Brook at the Shire airfield. Mr. Drayton is a qualified aircraft repairer who is currently looking after 35 aircrafts and is looking forward to setting up his workshop facility.

Mr. Cailes informed Council that he is a certified welder who will be assisting Mr. Drayton with aircraft maintenance.

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

Nil

**2.2 Public Question Time**

**3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

Paul Drayton left the Chambers at 5.27pm  
Brian Cailes left the Chambers at 5.27pm

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

Cr O'Hare attended the opening of the Bridgetown Library.

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

Cr Walker met with Greg Holland from Cape Care, Cr Walker suggested that Greg Holland give a presentation at a Council meeting to provide further information about what the business entails.

## 5 CONFIRMATION OF MINUTES

### 5.1 Ordinary Meeting of Council - Thursday 18 July 2013

#### COUNCIL DECISION & OFFICER RECOMMENDATION

**MOVED:** Cr O'Hare

**SECONDED:** Cr Kaltenrieder

That the minutes of the Ordinary Meeting of Council held on Thursday 18 July 2013 be confirmed as an accurate record.

**CARRIED 7/0**

**Res 92/13**

## 6 PRESIDENTIAL COMMUNICATIONS

Nil

## 7 COUNCILLORS QUESTIONS ON NOTICE

Nil

## 8 REPORTS OF OFFICERS

### 8.1 MANAGER WORKS & SERVICES

<b>8.1.1 Policy – Revision to Policy W.08 – Crossovers</b>
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<b>Location:</b>	N/A
<b>Applicant:</b>	
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	07 <sup>th</sup> of August, 2013
<b>Author:</b>	Rob Staniforth-Smith
<b>Authorizing Officer:</b>	Alan Lamb
<b>Attachments:</b>	Draft: Revised Policy W.08

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#### SUMMARY

This item is to adopt the revisions to policy W08

#### BACKGROUND

The Shire of Boyup Brook's policy W.08 is currently out of date and needs minor revision to remove some of its ambiguity, to make it more useable and to include specific reference to a new "Crossover Application Form".

**COMMENT**

The Shire gets many queries regarding the construction of new crossovers, including requests for details of construction and Council's contribution to the construction of these crossovers.

In order to clarify the requirements of Council for ratepayers wishing to construct new crossovers, Council Officers are reviewing all of Councils crossover information from the Policy W08 through to the specification and guidelines.

**CONSULTATION**

CEO, Alan Lamb

**STATUTORY OBLIGATIONS**

*Nil*

**POLICY IMPLICATIONS**

This policy revision will bring Policy W.08 up to date and make it less ambiguous and easier to use.

**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**

**MOVED: Cr Biddle**

**SECONDED: Cr O'Hare**

**That the revised policy, W.08 "Crossovers", be adopted.**

**CARRIED 7/0**

**Res 93/13**

<b>8.1.2</b>	<b>Whitham Street – Proposed partial closure, Cemetery Reserve</b>
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**Location:** *Whitham Street, Boyup Brook*  
**Applicant:** *Shire of Boyup Brook*  
**File:**  
**Disclosure of Officer Interest:** *None*  
**Date:** *30 July 2013*  
**Author:** *Terry McCaughan/Robert Staniforth-Smith*  
**Authorizing Officer:** *Alan Lamb*  
**Attachments:** *Whitham Street Plan*

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**SUMMARY**

The purpose of this report is to bring to Council's attention the protection of assets in relation to the Boyup Brook Cemetery.

**BACKGROUND**

A recent survey of Whitham Street for a boundary location found that the present niche wall and rotunda and associated plant is located within the Whitham Street road reserve. See attachment 8.1.2

**COMMENT**

A site investigation by Staff confirming the recent boundary application by the adjoining land owner Mr. Clancy highlighted this anomaly.

Council is currently considering the matter of the resumption of Mr. Clancy's land (Lot 151) and the outcome would be that the land being ceded from Lot 151 be amalgamated with the Whitham Street Road Reserve.

The closure of the end portion of Whitham Street (including the newly ceded land) and the amalgamation into the Cemetery Reserve 11653 would be advantageous to reduce survey and administration costs and protect the future of the current structures.

**CONSULTATION**

Public consultation and an advertising period of thirty (35) five days would be required under Sec 56 of the Local Government Act 1997. At close of that period the matter is brought back to Council for consideration.

**STATUTORY OBLIGATIONS**

Compliance with the Land Administration Act 1997 and procedures.

**POLICY IMPLICATIONS**

“W.02 Preservation of Gazetted Roads” – the intent of this proposal complies with the policy.

**BUDGET/FINANCIAL IMPLICATIONS**

Costs to be provided in the 2013/14 Budget.

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Walker**

**SECONDED: Cr Biddle**

1. That Council agree to the proposed closure of a portion of Whitham Street and have that land incorporated within the Cemetery Reserve 11653; and
2. That Council advertise the proposal for public consultation.

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**Res 94/13**



<b>8.1.3</b>	<b>Whitham Street - Resumption</b>
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**Location:** *Whitham Street, Boyup Brook*  
**Applicant:** *Mr P Clancy*  
**File:**  
**Disclosure of Officer Interest:** *None*  
**Date:** *23 July 2013*  
**Author:** *Terry McCaughan/  
Robert Staniforth-Smith*  
**Authorizing Officer:** *Alan Lamb*  
**Attachments:** *Whitham Street plan*

---

**SUMMARY**

The purpose of this report is to bring to Council's attention a road boundary anomaly and the best method to Council of correcting the anomaly.

**BACKGROUND**

Mr. Clancy has lodged a letter of concern following a recent survey of a property he has acquired being Lot 151 Jayes Road, Boyup. The boundary on the north east corner of the property in Whitham Street (road leading to Cemetery) is actually located within the road surface of the cemetery internal access road within the Cemetery reserve. See attachment 8.1.3.

**COMMENT**

A site investigation by Staff confirms Mr. Clancy's claim and the land owner advised that he intends to fence the land. Placing a corner post at that location would restrict vehicle movements to the lower part of the cemetery.

Mr. Clancy has agreed to cede a portion of his land, as shown in the attached sketch, in lieu of appropriate compensation.

Compensation has been discussed and Mr. Clancy and he is seeking \$1000 - siting loss of land, additional fencing requirements and that Council meet all costs of survey.

The resumption would involve the taking of land and the joining of that portion into the Cemetery Reserve 11635.

Resumption of the land is the most appropriate action to relocate and reconstruct the access road would exceed the agreed costs of the resumption.

**CONSULTATION**

Staff and Mr. Clancy

**STATUTORY OBLIGATIONS**

Compliance with the Land Administration Act 1997 and procedures.

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Costs to compensate land owner and resumption cost.

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr O'Hare**

**SECONDED: Cr Oversby**

**That Council acknowledge the boundary anomaly on Lot 151 Jayes Road on the Whitham Street boundary and agree to compensate Mr. P Clancy to the sum of \$1000 and resume the portion of affected land, adding it to the Whitham St road reserve.**

- 1. That Staff proceed with administrative processes to complete the resumption.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**Res 95/13**

**8.1.4 Naming of New Road Reserve – Lot 1284 Banks Road  
(Kaufmann Close Subdivision)**

**Location:** N/A  
**Applicant:** N/A  
**File:**  
**Disclosure of Interest:** Nil  
**Date:** 05<sup>th</sup> of August, 2013  
**Author:** R Staniforth-Smith - Manager of Works and Services  
**Authorizing Officer:** Alan Lamb – Chief Executive Officer  
**Appendices:** Map of location.

**SUMMARY**

The purpose of this report is to recommend to the developer of Lot 1284 Banks Road, the name for a new road reserve being created as part of the subdivision of Lot 1284 Banks Road (Kaufmann Close) – WAPC development application 137819.

**BACKGROUND**

Whilst it is usually the responsibility of the developer to suggest the names of new road reserves, in this case EJ Civil have requested that Council do so as they have no history of Boyup Brook. The name once recommended by Council will go back to the developer for inclusion in their lodged plans.

Whilst the recommended name will not be lodged with the Geographic Names Committee by the Council, it will be by the developer of the land and as such we still need to adhere to Council Policy P.08 which states:

<b>POLICY NO.</b>	P.08
<b>POLICY SUBJECT</b>	Naming New Roads
<b>ADOPTION DATE</b>	17 June 2004
<b>VARIATION DATE</b>	21 December 2007

**Objective**

To determine the process for naming new roads.

**Statement**

- Name duplication with local governments or adjoining local governments shall be avoided. If possible, it should also be avoided within the State.
- Names of living individuals shall not be used.

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

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

*But: Use of the surname will normally have priority.*

*Particular attention will be paid to explanation of origins.*

*Honouring the same person more than once will be avoided.*

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

Hales	The 'Hales' name has been synonymous with the district for 100 years. Mr. Wally Hales was a major contributor to promoting Boyup Brook as a tourist destination for many decades. (Name added in November 2005)
Fuller	Harry Fuller took up 700 acres in the district in 1902. He was an excellent teamster and carted regularly by contract. His team of horses was commented on favourably for many years. He and his wife raised ten children.
Gregory	After AC Gregory – first white man to the District and Famous Explorer.
Lloyd	After JR Lloyd – Councillor 1961-67, 68-89, 91-93, Shire President 1976-1982
Moore	After CL Moore – Councillor 1974 – 1988 Shire President 1982-1987
Moulton	Matt Moulton took a position of Land Guide in the Scott's Brook area of the Upper Blackwood District in 1892. He took up land there and developed it. He was an excellent horseman and expert bushman and is credited with providing sound advice to new settlers.
Smith	Harry Smith and his family arrived in the district in 1909 and took up land at Scotts Brook. Before the land became productive he earned

a living carting and dam sinking with a bullock team. His daughter Amy married Charles Jennings and the family remains in the district today.

Sinnott William Sinnott came to the Upper Blackwood district in 1896 and settled near Mayanup. He was a public minded person, involved in sport, business associations and a member of the Roads Board from 1918-1934.

Wauchope Mr. Wauchope was one of the best known teachers at the Boyup Brook School in the early days. He taught there from 1903-1912 and again 1917-1925. He assisted Mr. Proctor put down the first tennis courts in town in 1904. Mrs. Wauchope ran the first unofficial post office in Boyup Brook from the school house.

Cailes

The Geographic Names Committee (Part of Landgate) has the following policy in relation to new road names:

### **Selection of Names**

**Suitable Names** - Preferred sources of names include names from Aboriginal languages currently or formerly identified with the general area, pioneers of the State or area, citizens who have made a significant community contribution, war casualty lists and thematic names (e.g. nautical, sporting etc). Ethnic and gender diversity is encouraged. Given/first and surname combinations are suitable only if the surname alone cannot be used because of duplication. All name proposals must clearly identify the origin of the name and provide relevant references to allow for the verification of the name.

**Unsuitable Names** - Names characterised as follows are to be avoided - given/first names, corrupted, unduly cumbersome or difficult to pronounce names, obscene, derogatory, racist or discriminating names, company or commercialised names (unless in an historical context).

**Name Duplication** - Name duplication within local governments or adjoining local governments shall be avoided. When a duplicated name is proposed elsewhere, it must not be duplicated more than 5 times in the metropolitan region, must be at least 10 km from the existing duplication and must have a different road type. These exclusions apply to similar sounding or written names, and also apply to those within similar sounding suburbs even if more than 10 km away. In rural areas the distance should be at least 50 km away.

**Names of Living Persons** - The names of living persons are not normally suitable for road names, and if proposed will be subject to a more rigorous selection process. The proposal must be accompanied by comprehensive biographical details including

details of community involvement, and also an indication of strong community support for the proposed name.

**COMMENT**

Currently the only acceptable name on the Shires Road Naming Policy is Sinnott (all other names have been rejected by the Geographic Names Committee or in the case of Mr Cailles – he is still a living -see attachment)

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Aird**

**SECONDED: Cr Biddle**

**In lieu of any other alternative acceptable names in the Councils policy P.08, Council recommend that Sinnott Road be recommended to the developers of 1284 Banks Road as the name for the unnamed “Road One”.**

**CARRIED 7/0**

**Res 96/13**

**8.1.5 Policy – Revision to Policy P.08 – Naming New Roads**

<b>Location:</b>	N/A
<b>Applicant:</b>	
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	05 <sup>th</sup> of August, 2013
<b>Author:</b>	Rob Staniforth-Smith
<b>Authorizing Officer:</b>	Alan Lamb
<b>Attachments:</b>	Draft: Revised Policy P.08

**SUMMARY**

This item is to adopt the revisions to policy P08

**BACKGROUND**

The Shire of Boyup Brook’s policy P.08 is currently out of date and needs revision to the list of “*suggestions as an initial schedule of suggestions*”

**COMMENT**

The Naming of New Roads comes up regularly as land is subdivided. Councils suggested list of “*initial suggestions*” in P.08 needs to be kept up to date to ensure that developers have a list of names that is current and suitable.

**CONSULTATION**

CEO, Alan Lamb

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

The policy revision will bring Policy P.08 up to date after comments from Landgate’s Geographic Names Committee.

**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**

**MOVED: Cr O'Hare**

**SECONDED: Cr Walker**

1. That the revised policy P.08 "Naming New Roads" be accepted.
2. That Council endeavours to add "suggested names" to its policy P.08 by advertising for submissions in the Boyup Brook Gazette and by survey of honour boards and memorials in the Shire of Boyup Brook. The updated list is then to be submitted to Landgate for approval.

**CARRIED 7/0**

**Res 97/13**



## 8.2 FINANCE

<b>8.2.1 List of Accounts Paid</b>
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<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/1/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>8 August 2013</i>
<b>Author:</b>	<i>Kay Raisin – Finance Officer</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes – List of Accounts Paid</i>

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### **SUMMARY**

In accordance with the Local Government (Financial Management) Regulations the list of accounts paid is presented to Council.

### **BACKGROUND**

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

### **COMMENT**

The attached listing represents accounts paid by cheque and by electronic means during the period 13 July 2013 to 07 August 2013.

### **CONSULTATION**

Nil

### **STATUTORY OBLIGATIONS**

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

#### **12. Payments from municipal fund or trust fund**

- (1) A payment may only be made from the municipal fund or the trust fund —*
  - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
  - (b) otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

#### **13. Lists of accounts**

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
  - (a) *the payee's name;*
  - (b) *the amount of the payment;*
  - (c) *the date of the payment; and*
  - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
  - (a) *for each account which requires council authorisation in that month —*
    - (i) *the payee's name;*
    - (ii) *the amount of the payment; and*
    - (iii) *sufficient information to identify the transaction;*

*and*

  - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under sub regulation (1) or (2) is to be —*
  - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
  - (b) *recorded in the minutes of that meeting.*

### **POLICY IMPLICATIONS**

Council's Authority to Make Payments Policy has application.

### **BUDGET/FINANCIAL IMPLICATIONS**

Account payments are in accordance with the adopted budget for 2012/13 or authorised by separate resolution.

### **STRATEGIC IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Walker**

**SECONDED: Cr Oversby**

**That the list of accounts paid in July 2013 as presented totalling \$847,463.12 and as represented by cheque voucher numbers 19322-19335 totalling \$8471.24 and accounts paid by direct electronic payments through the Municipal Account totalling \$359,456.57 be received.**

**CARRIED 7/0**

**Res 98/13**

**8.2.2 Monthly Statements of Financial Activity**

<b><i>Location:</i></b>	Not applicable
<b><i>Applicant:</i></b>	Not applicable
<b><i>File:</i></b>	FM/10/003
<b><i>Disclosure of Officer Interest:</i></b>	None
<b><i>Date:</i></b>	9 August 2013
<b><i>Author:</i></b>	Consultant–Darren Long
<b><i>Authorizing Officer:</i></b>	Alan Lamb – Chief Executive Officer
<b><i>Attachments:</i></b>	Yes – Financial Reports

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**SUMMARY**

Report recommends Council receive the Statement of Financial Activities and the Net Current Assets for the month ended 31 July 2013.

**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 'Monthly Statement of Financial Activity'.

The regulations also prescribe the content of the reports. Details of items of Material Variances are also listed.

The various data are included as separate attachments.

**COMMENT**

It is a statutory requirement that the Financial Activities Report be presented for every month.

**CONSULTATION**

Nil

**STATUTORY OBLIGATIONS**

Local Government (Financial Management) Regulations 1996, s34 (1) (a)

Local Government (Financial Management) Regulations 1996, s34 (2) (a)  
(b)

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

As listed on the attached reports

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Walker**

**SECONDED: Cr Oversby**

**(a) That the July 2013 Monthly Statements of Financial Activity and Statement of Net Current Assets as presented, be received.**

**(b) That the amounts listed as material variances be authorised.**

**CARRIED 7/0**

**Res 99/13**

### **8.3 CHIEF EXECUTIVE OFFICER**

#### **ITEM WITHDRAWN BY THE CEO.**

##### **Note**

The Chief Executive Officer to seek further clarification from the Planning Consultant.

<b>8.3.1 Caretakers Dwelling Lot 231 Ridgeview Avenue</b>
---

<b>Location:</b>	<i>Lot 231 Ridgeview Ave, Boyup Brook</i>
<b>Applicant:</b>	<i>L &amp; K Clark</i>
<b>File:</b>	<i>AS15079</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>5 August 2013</i>
<b>Author:</b>	<i>Geoffrey Lush (Council Consultant)</i>
<b>Authorizing Officer:</b>	<i>A Lamb</i>
<b>Attachments:</b>	<i>1 Site plan</i>

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<b>8.3.2 Caretaker's Dwelling</b>
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<b>Location:</b>	<i>Lot 1 Westbourne Road Mayanup</i>
<b>Applicant:</b>	<i>J Potter</i>
<b>File:</b>	<i>AS8130</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>5<sup>th</sup> August 2013</i>
<b>Author:</b>	<i>Geoffrey Lush (Council Consultant)</i>
<b>Authorizing Officer:</b>	<i>A Lamb</i>
<b>Attachments:</b>	<i>1 Location Plan</i>

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#### **SUMMARY**

This report is to consider a planning application for a second dwelling at Lot 1 Westbourne Road Mayanup.

The application is supported subject to conditions.

## **BACKGROUND**

The subject land is Lot 1 D90208 Westbourne Road Mayanup. It has an area of 133 hectares. It is situated approximately 22kms south of Boyup Brook as shown in Attachment 1.

The subject land is cleared and used for farming. There is an existing dwelling and improvements on the site.

The existing residence is used by a farm manager. The proposed second residence is intended to be used by the owner who is returning to the property.

The existing dwelling is located at the rear of the property, approximately 800m from the road frontage. The new residence will be setback a similar distance and about 300m west of the existing dwelling.

## **CONSULTATION**

None

## **STATUTORY OBLIGATIONS**

### Town Planning Scheme

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

The application could fall under a number of definitions within the Scheme and it is noted that within the Rural zone a

- “single dwelling” is a Permitted (P) use;
- “grouped dwellings” are a Prohibited (-) use;
- “holiday cottage” is a Discretionary (AA) use; and
- “caretaker’s dwelling” is a Discretionary (AA) use.

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

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

### Rural Strategy

The Rural Strategy actively promotes the development of farming land. Recommendation 16 states that the development of a second dwelling on rural land should comply with the following:

- a) accommodation for workers employed for agricultural and intensive agricultural activities on that holding;
- b) the dwellings should generally be clustered in one location, to avoid future subdivision pressure and minimise constraints on adjoining uses; and
- c) all services to the dwellings from the lot boundary (including access roads) are shared where practicable.

### **COMMENT**

Based upon the objectives in the Planning Scheme and Rural Strategy there is no objection to the proposal.

It is noted that Amendment 15 (Scheme Review) is introducing “farm workers accommodation” into the Scheme as a Discretionary (AA) use in the Rural zone.

While the proposal could be approved as holiday accommodation / chalet, that limits the occupation by a single person to a maximum period of three months. Approval of the proposal as a dwelling is consistent with how the Building and Health Regulations will deal with the application and it will also remove any issues with periods of occupation.

### **POLICY IMPLICATIONS**

None

### **BUDGET/FINANCIAL IMPLICATIONS**

None

### **STRATEGIC IMPLICATIONS**

None

### **SUSTAINABILITY IMPLICATIONS**

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

### **VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Oversby**

**SECONDED: Cr O'Hare**

**That Council approve the use and development of Lot 1 D90208 Westbourne Road Mayanup for the purpose of a Second Dwelling subject to the following conditions:**

- 1. Prior to construction commencing, plans of the proposed dwelling shall be submitted to and approved by the Shire.**
- 2. The existing dwelling shall be used to accommodate farm workers.**
- 3. The development hereby approved shall occur in accordance with the application submitted to Council and this shall not be altered or modified without the prior written approval of the Council.**
- 4. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.**

**CARRIED 7/0**

**Res 100/13**



**8.3.3 Reservoir Road – Partial Closure / Re-alignment**

<b>Location:</b>	<i>Reservoir Road, Boyup Brook</i>
<b>Applicant:</b>	<i>State Land Services</i>
<b>File:</b>	<i>RD045</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>23 July 2013</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Copy of SLS letter, SLS plan</i>

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**SUMMARY**

The matter was presented at the April 2013 meeting of Council item 8.3.5. Advertising of proposed closure has been completed.

**BACKGROUND**

The matter has previously been before Council and a requirement to advertise the proposed closure had not previously proceeded.

The Land Administration Act 1997 under section 56 & 58 requires the road to be dedicated (sec 56) and closed (sec 58). The portion of road reserve to be closed has never been constructed and runs adjacent to the reservoir site, the portion of the current road is on land not within a formal road reserve.

Land on which the current road is located is unallocated crown land Res 47025.

**COMMENT**

Under Section 58 of the Land Administration Act 1997 a formal advertising period of thirty five (35) days in a newspaper circulating within the State is required, this advert was placed and the closing period ended on 22 July 2013. No objections were received and there are no public utilities in the area under consideration.

**CONSULTATION**

The matter has been before Council previously and correspondence from State Land Services has been received.

**STATUTORY OBLIGATIONS**

Land Administration Act 1997 sec 56 & sec 58 apply.

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Water Corporation had previously agreed to meet all costs involved with the land transaction.

**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**

**MOVED: Cr Walker**

**SECONDED: Cr Biddle**

1. **That Council make a request to the Minister for Lands under Sec 56 of the Land Administration Act 1997 to cede and dedicate a portion of Reservoir Road within UCL Reserve 47025; and**
2. **That Council advise the Minister for Lands under Sec 58 of the Land Administration Act 1997 it seeks to close the unconstructed portion of Reservoir Road and amalgamate that portion into Reserve 47025; and**
3. **That Council indemnify the Minister under Sec 56 (4) of the Land Administration Act 1997.**

**CARRIED 7/0**

**Res 101/13**

**Impartiality Interest**

Cr Oversby and Rob Staniforth-Smith declared an impartiality interest in the following item due to being a Member of the Country Music Club.

**Impartiality Interest**

Cr Aird declared an impartiality interest in the following item due to being a Shire representative on Rylington Park Committee.

<b>8.3.4 Donations</b>
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**Location:** N/A  
**Applicant:** Various  
**File:**  
**Disclosure of Officer Interest:** *The author is a member of the Boyup Brook Country Music Club and makes a declaration of impartiality.*  
**Date:** 6 August 2013  
**Author:** Alan Lamb  
**Authorizing Officer:** Not applicable  
**Attachments:** Confidential attachment – summary of donation applications.

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**SUMMARY**

The purpose of this report is to put before Council applications for donations with the recommendation that the recommended donations be included in the draft budget for Council consideration.

**BACKGROUND**

Each year Council calls for donations. Staff assess and summarise the applications and the Council decision is made a budget adoption time.

The budget compilation process has been delayed this year due to the introduction of the new computer system and so the donation requests are put to Council now for review to save time during the draft budget workshops that are to come.

**COMMENT**

It will be noted that all but one request for a donation has been recommended. One request duplicated Councils planning for facility upgrading in 2014/15 and a second request was for far more than Council had previously contributed.

**CONSULTATION**

The author consulted with some applicants.

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Council's Donations Policy applies.

**BUDGET/FINANCIAL IMPLICATIONS**

Nil at this stage as the recommendation deals with inclusion in the draft budget only and so is not a commitment of funds.

**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**

**MOVED: Cr O'Hare**

**SECONDED: Cr Aird**

**That administration includes the donations as recommended in the confidential attachment, in the draft budget for 2013/14.**

**CARRIED 7/0**

**Res 102/13**

**Impartiality Interest**

Cr Oversby and Rob Staniforth-Smith declared an impartiality interest in the following item due to being a Member of the Club.

<b>8.3.5 Boyup Brook Club – Rate cost reduction</b>
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<b>Location:</b>	<i>Boyup Brook</i>
<b>Applicant:</b>	<i>Boyup Brook Club</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>The author is a member of the Boyup Brook Club and so makes a declaration of impartiality.</i>
<b>Date:</b>	<i>6 August 2013</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>letter from Club</i>

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**SUMMARY**

The purpose of this report is to put before Council the Boyup Brook Club's (BBC) request for Council to reduce its rate charge or provide a grant, sponsorship or donation, with a recommendation that the matter be determined as part of the budget process.

**BACKGROUND**

The BBC has asked that Council consider reducing the annual rates or make a financial contribution. The BBC has openly advised members and the community generally, that it is having difficulties at this time and is seeking Councils assistance.

**COMMENT**

At the start it should be noted that the author understands that he is still a member of the Boyup Brook Club and so has made a declaration of impartiality. Many members of the community are members of this club.

A reduced, in terms of numbers, and more mobile community, combined with the enforcement of drink driving legislation etc, has impacted on many clubs, hotels and the like in country towns. As Councillors will be aware, community clubs and organisations generally operate only to provide benefits and services to their members and so operate on limited funds. The BBC has been very successful in the past and so owns and operates its own facilities and has, as far as can be ascertained, not had assistance from Council in the recent past (except for the Council contribution to its subsidiary the Bowling Club). Most clubs and organisations use Council owned or managed land and buildings and receive some sort of subsidy or assistance.

It could be viewed that the BBC is at the beginning of the end or, alternatively, it could be viewed as being in a momentary dip in its life. It is suggested that the latter may be more applicable given the number of opportunities on the horizon that should increase population.

Factors such as such as the sewerage scheme, which should stimulate infill development and allow for aged accommodation developments, together with other initiatives that Council is exploring, and potential subdivisions close to town, will result in more people living in or near to town. In addition, Council is working on a forward plan for the sporting area that may result in an opportunity for the BBC to relocate and reinvent itself.

In looking at the request Council may see this as an opportunity to assist the organisation to ride out the current storm until other factors come into play to allow it to go forward.

Whilst it would be good for the Club to have a definitive answer now and it is possible for Council to make a commitment at this time, it is recommended that the final decision on the matter be left to the budget adoption process where Council will be in a better position to assess its ability to assist. Based on this it is recommended that Council receive the request and defer its determination to the 2013/14 budget process.

### **CONSULTATION**

The author has spoken with a BBC representative.

### **STATUTORY OBLIGATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil unless Council makes a determination at this meeting. The 2012/13 rates for the BBC were \$4072.93.

### **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**

**MOVED: Cr Biddle**

**SECONDED: Cr Kaltenrieder**

**That Council receive the Boyup Brook Club's request and defer its determination to the 2013/14 budget process.**

**CARRIED 7/0**

**Res 103/13**

**8.3.6 RFT 013-003 Supply of Various Services and Plant Hire**

<b>Location:</b>	<i>Shire wide</i>
<b>Applicant:</b>	<i>Shire of Boyup Brook</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>none</i>
<b>Date:</b>	<i>1<sup>st</sup> August 2013</i>
<b>Author:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes</i>

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**SUMMARY**

This report considers the tenders received for Tender RFT 013-003 for the Supply of Various Services and Plant – 2 year Period Panel Contract, and seeks adoptions of the recommendations contained in the confidential tender evaluation report.

**BACKGROUND**

During a financial year, Shire staff has a number of requirements for external services to assist with delivery of the Council annual budget and other community projects. In many cases seasonal or approval processes may delay the request for quote or tendered prices.

The requirement for obtaining quotations and tendered prices for some of these services sometimes is very restrictive and may result in delays, or complete deferral of a task. The advertising and award of a panel type contract gives the Shire staff greater flexibility to engage contractors and services and comply with all current Local Government purchasing regulations.

**COMMENT**

The Shire of Boyup Brook released a Request for Tender (RFT) number 013-003, for the Supply of Various Services and Plant Hire on a 2 Year Panel Contract.

The RFT closed at 2:00pm on Tuesday 28<sup>th</sup> of May 2013. A total of Twenty Six (26) submissions were received. The key services required from the tenders included the following:

- A list of fully self-contained plant and equipment; and
- Related Services.

The Shire desires to appoint a Primary Contractor and a Secondary Contractor for each of the tendered plant items. The tendered items are as follows:



**Part A**

- Item 1 - Community and economic development consultancy services
- Item 2 - Accounting services.
- Item 3 - Tax and general financial advice (must be CPA or CA)
- Item 4 - Engineering, technical and asset management services.

**Part B**

- Item 5 - IT support and consultancy
- Item 6 - Cleaning - Toilets, Public Buildings, Administration and Depot
- Item 7 - Roofing repairs
- Item 8 - Demolition works
- Item 9 - General Building Maintenance
- Item 10 - Glazing Works
- Item 11 - Painting
- Item 12 - Provision of Earth Moving equipment at a Fire

**Part C**

- Item 13 - Grader: 12H or similar
- Item 14 - Dozer D7 or similar
- Item 15 - Excavator (1.5t – 10t Small)
- Item 16 - Excavator (11t to 30t Large)
- Item 17 - 6 Wheel End Tipper
- Item 18 - Semi Tipper (incl. prime mover)
- Item 19 - Multi-tyre roller
- Item 20 - Bobcat / Skid steer loader
- Item 21 - Backhoe Loader
- Item 22 - Seal edge repairs – 300 wide/500 wide/700 wide
- Item 23 - Traffic Management
- Item 24 - Works Supervisor / Project Management
- Item 25 - Surveying Services
- Item 26 - Other Plant Item:
- Item 27 - Plumber
- Item 28 - Electrician
- Item 29 - Fencing (Shire supplied materials)
- Item 30 - Fencing (including all materials)
- Item 31 - Reticulation repairs
- Item 32 - Weed Spraying
- Item 33 - Footpath Construction
- Item 34 - Other Concrete Works

The Shire of Boyup Brook assessed the tenders received. The attached confidential report details the findings of that evaluation process.

Each item of plant and equipment shall be fully self-contained, which means:

- Provided with a suitably qualified and experienced operator, with a minimum of 5 years' experience on the specific item of plant.
- Must be able to provide sufficient fuels and oils for the terms of its use.
- Must be responsible for own maintenance and servicing.
- Must include full accommodation cost for operator(s) and any service staff.
- Must be fully insured to indemnify the Shire of Boyup Brook from loss or damage.

This contract will be a panel type contract for a period of 2 years, with possible extension into the third year whilst the next panel tender is being developed, advertised and awarded.

The Shire is under no obligation to use either the primary tenderer or the secondary tenderer, and may use their own plant and workforce, and/or an alternative contractor/supplier to complete tasks. The actual selection of a contractor will be solely at the Chief Executive Officer's discretion, based on a project by project basis and provide the best suitable outcome for the Shire of Boyup Brook.

The successful primary and secondary tenderer will have no claim against the Shire of Boyup Brook should they not be awarded any particular task or services.

Should neither the primary and secondary tender not be able to carry out the works or supply satisfactory items of plant or services, then the Shire of Boyup Brook will go to the industry market to source the appropriate item of plant or service.

### **CONSULTATION**

Consultation has been held with:

- Chief Executive Officer
- Manager Works and Services
- Manager Administration and Assets.

### **STATUTORY OBLIGATIONS**

Legally a Local Government, as a public body, has the responsibility to follow the appropriate processes and to treat all tenderers fairly. The terms and conditions set out in this contract is the standard WALGA contract document and imply that the Shire of Menzies has acted legally and fairly to all tenderers in this case.

Section 3.57(1) of the Local Government Act 1995 requires a Local Government to invites tenders before it enters into a contract for a purchase of a prescribed kind, however Part 4 (Provision of Goods and Services) of the Local Government (Functions and General) Regulations 1996, Regulation 11 states this is only required for purchases worth more than \$100,000 unless Council have delegated otherwise.

The preparation, assessment and award of this tender comply with Part 4 (Provision of Goods and Services) of the Local Government (Functions and General) Regulations 1996 Division 2 – Tendering for Goods and Services.

### **POLICY IMPLICATIONS**

This contract requires the successful contractors to comply with all of the council's policy. However the Shire's Regional Price Preference will be relevant to the assessment and weighting criteria.

### **BUDGET/FINANCIAL IMPLICATIONS**

There are no known budget impacts with this item. This contract provides Shire Staff with the unit rates to be able to prepare budget and project estimates.

### **STRATEGIC IMPLICATIONS**

2008-2013 Strategic Plan – Planning for the Future

Critical Success Factor:

*Establishment of sound management practices and a structure which will enable the delivery of the Strategic Plan*

Action:

*Review required Council services and service delivery (managerial priorities) of current and future strategic major works.*

Action 102: Maintain and enhance rural roads through the Shire.

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
This contract provides purchasing advantages to act immediately for environmental and seasonal work tasks.
- **Economic**  
This contract allows Shire Staff to develop estimates and budgets knowing the unit rates for items beforehand.
- **Social**  
There are no known social issues for this item.

### **VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Walker**

**SECONDED: Cr O’Hare**

1. That the Council adopts the recommendations as contained in the confidential tender evaluation report for Request for Tender 013-003 Supply of Various Services and Plant – 2 Year Panel Contract.

**CARRIED 7/0**

**Res 104/13**

**9 COMMITTEE REPORTS**

9.1.1 Minutes of the South West Zone

**Location:** *Shire of Boyup Brook*  
**Applicant:** *N/A*  
**File:**  
**Disclosure of Officer Interest:** *Nil*  
**Date:** *7 August 2013*  
**Author:** *Alan Lamb - CEO*  
**Attachments:** *Yes – Minutes*

**BACKGROUND**

A South West Zone meeting was held on 21 June 2013.

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

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.1**

**MOVED: Cr Oversby**

**SECONDED: Cr Walker**

That the minutes of the South West Zone meeting held on 21 June 2013 be received.

**CARRIED 7/0**

**Res 105/13**

9.1.2 Minutes of the BRVMA

**Location:** *Shire of Boyup Brook*  
**Applicant:** *N/A*  
**File:**  
**Disclosure of Officer Interest:** *Nil*  
**Date:** *7 August 2013*  
**Author:** *Alan Lamb - CEO*  
**Attachments:** *Yes – Minutes*

**BACKGROUND**

An Annual General meeting and Special General meeting was held on 30 July 2013.

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

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.2**

**MOVED: Cr Oversby**

**SECONDED: Cr Walker**

That the minutes of the BRVMA meeting held on 30 July 2013 be received.

**CARRIED 7/0**

**Res 106/13**

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

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

**12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS**

<b>12.1.1 Chief Executive Officer – Annual Performance Review</b>
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**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Walker**

**SECONDED: Cr Kaltenrieder**

That Council commence the process of the Chief Executive Officer's Annual Performance Review by requesting that the Shire President write to the officer notifying of the review in accordance with the employment contract.

**CARRIED 7/0**

**Res 107/13**

**13 CLOSURE OF MEETING**

There being no further business the Deputy Shire President, Cr Moir declared the meeting closed at 6.50pm.