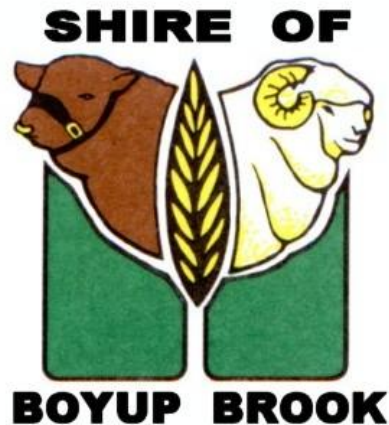


Minutes



ORDINARY MEETING

held

THURSDAY 19 SEPTEMBER 2013

Commenced AT 5.23PM

AT

SHIRE OF BOYUP BROOK

CHAMBERS

ABEL STREET - BOYUP BROOK

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RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

1.1 Attendance

Cr M Giles – Shire President
Cr K Moir – Deputy Shire President
Cr G Aird
Cr E Biddle
Cr J Imrie
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: Nil

1.2 Apologies

1.3 Leave of Absence

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

- 4.1 Cr Aird attended Land Use and Asset Management training at WALGA on 16th September 2013 and informed Council about the benefits from the training.
- 4.2 Cr Kaltenrieder attended the Boyup Brook Club AGM, Australia Day Award Committee and Town Ward Meeting.
- 4.3 Cr Oversby attended the BRVMA meeting and informed Council about the 5 Year Strategic Plan they are compiling.
- 4.4 Cr Biddle informed Council that 5 people attended the Town Ward meeting held on 11th September 2013 and what issues and concerns were raised.
- 4.5 Cr Biddle attended the Boyup Brook Tourism Association meeting.
- 4.6 Cr O’Hare informed Council that the Community Resource Centre have produced an Annual Report.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 15 August 2013

OFFICER RECOMMENDATION

That the minutes of the Ordinary Meeting of Council held on Thursday 15 August 2013 be confirmed as an accurate record.

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Biddle

SECONDED: Cr Walker

That the minutes of the Ordinary Meeting of Council held on Thursday 15 August 2013 be confirmed as an accurate record with the following amendment:

That Cr Biddle declared an impartiality interest in item 8.3.4 due to being a Member of the Country Music Club.

That Cr Biddle declared an impartiality interest in item 8.3.5 due to being a member of the Boyup Brook Club.

Carried 9/0

Res 109/13

6 PRESIDENTIAL COMMUNICATIONS

Attended the Sandakan Service in Malaysia.

Attended the South West Zone meeting held at Harvey Dickson's.

7 COUNCILLORS QUESTIONS ON NOTICE

Standing orders provide as follows:

8. *QUESTIONS*

8.1 *Questions of Which Due Notice Has to be Given*

8.1.1 Any Councillor seeking to ask a question at any meeting of the Council shall give written notice of the specific question to the Chief Executive Officer at least 24 hours before publication of the business paper.

8.1.2 All questions and answers shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.

8.2 *Questions Not to Involve Argument or Opinion*

In putting any question, no argument or expression of opinion shall be used or offered, nor any facts stated, except those necessary to explain the question.

7.1 Councillor Biddle

7.1.1 Election advertising

Question

- Why was there no advertisement re the call for nominations to the Shire Council placed in local media?

While this may not be a requirement, encouragement of interest and participation in local government is to the benefit of all

Answer

The usual practice is to discharge regulatory advertising requirements through the WALGA joint electoral advertising service. Also to place advertisements in the Boyup Brook Gazette and in other local papers however, due to an oversight, this was not done this year.

7.1.2 Acknowledgement of passing of long term citizens

Question

- Does Shire ever acknowledge passing of long-term citizens? If so, in what way? If not, could/should something be done?

Simple acknowledgment (e.g. a card or note) of a contribution– or simply of a life well-lived – is little enough respect for a community to offer a family

Answer

The tradition has been for administration to place a notice in the paper and/or send a card and/or send flowers as and when requested by the Shire President.

7.1.3 Repeal/amendment of poll provisions

Question

- A joint email to all Councillors from several local governments encouraged urgent lobbying of State politicians against repealing legislation which currently allows ratepayers to prevent compulsory amalgamation of their community with others. Will any action be taken?

While there may well be political impetus toward local government amalgamation, it is one thing to persuade communities of the advantages of doing so (as yet still to be spelled out) and another to allow communities no choice in the matter whatsoever

Answer

It is for Council to decide what if any action should be taken and there is an item in this agenda on the matter.

7.1.4 Shire Website

Question

- Is officer time still allocated to the maintenance of the current Shire website? If not, can the significant amount of inaccurate, incomplete, stale or out-of-date material on it be deleted, and temporarily replaced by a notice indicating that the section is currently under review, and will be replaced in the near future.

In its current state the website – a prime point of contact for intending visitors or residents - reflects negatively on the community

Answer

The existing site is still being maintained and the new site should be operational next month. In the interim a notice is on the existing site alerting users to the impending change.

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

8.1.1 Policy – Revision to Policy W.010 – Shire Equipment – Outside Use
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Location:	N/A
Applicant:	
File:	
Disclosure of Officer Interest:	None
Date:	07 th of September, 2013
Author:	Rob Staniforth-Smith
Authorizing Officer:	Alan Lamb
Attachments:	Draft: Revised Policy W.10

SUMMARY

This item is to adopt the revisions to policy W.10.

BACKGROUND

The Shire of Boyup Brook's policy W.10 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 "Shire Employee's Use"

COMMENT

Policy W10 is a policy that deals with the use of the Shire's Equipment for outside use. Typically outside use comes in 3 forms:

1. Use by clubs/not for profit organisations
2. Use by Shire Employees
3. Use by the General Public

The revisions to policy W10 will make the policy easier to use and will provide better guidelines for the use of Shire plant and equipment for "Outside Use". It will also recognise the contribution made by employees and allow them to use the Shire's plant for 'not for profit' projects on their own properties, at a rate that will recover all costs of the vehicle plus an additional percentage to cover administration costs.

CONSULTATION

CEO, Alan Lamb

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

This policy revision will bring Policy W.10 up to date and make it less ambiguous and easier to use. It will also cater for Employee use of Shire Equipment.

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

MOVED: Cr O’Hare

SECONDED: Cr Aird

That the revised policy, W.010 “Shire Equipment – Outside Use”, be adopted.

CARRIED 9/0

Res 110/13

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

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Interest:	<i>Nil</i>
Date:	<i>05th of September, 2013</i>
Author:	<i>R Staniforth-Smith - Manager of Works and Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Appendices:	<i>Item 7.1.1 of October 2008 Council Meeting</i>

SUMMARY

The purpose of this report is to revise Council item 8.1.4 of the August 2013 Council Meeting.

Item 8.1.4 of the August Council Meeting dealt with the recommendation of a new name for a new road on a subdivision at Lot 1284 Banks Road.

The recommendations made were based on existing Council Policy P08 which was not up to date at the time of the report being written.

BACKGROUND

Item 8.1.4 of the August 2013 Council meeting dealt with a request by the developer of 1284 Banks Road for Council to provide a recommendation for a name for the new road being constructed.

On reviewing policy W08, Cailles was thought to be unacceptable as it did not comply with the Geographic Names Committee guidelines, as the person the road was being named after was still living (at this stage it was believed that Cailles was being named after Clifford Cailles). Cailles was in fact added to Policy P.08's acceptable road names list at Councils Meeting on the 16th of October 2008, item 7.1.1 (attached) – as the road was being named after Clifford's Grandfather Albert Cailles.

The inclusion of Cailles as being acceptable brings the Policy P.08's list of eligible names to two, being Cailles and Sinnott.

COMMENT

As two names on the list provided in policy P.08, Cailles and Sinnott, were both acceptable, the information provided to Councillors in item 8.1.4 of the August 2013 meeting was incorrect.

This item is to recommend to Council that they recommend both Sinnott and Cailles to EJ Civil Pty Ltd as being acceptable names for the new road and then let EJ

Civil decide on which name they want for their first choice and which name they want for their 2nd choice.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 8.1.2

That Council recommend that the names Cailes and Sinnott be recommended to the developers of 1284 Banks Road, for them to use to choose one of as the name for the unnamed “Road One” and that the earlier Council recommendation 8.1.4 of the August 2013 Council meeting be rescinded.

COUNCIL DECISION

Moved: Cr Oversby

Seconded: Cr Kaltenrieder

That Council recommend that the names Cailes and Sinnott be recommended to the developers of 1284 Banks Road, for them to use to choose one of as the name for the unnamed “Road One”.

CARRIED 9/0

Res 111/13

Item 8.1.3 withdrawn by the Manager of Works & Services and to be brought back to the next Council meeting.

8.1.3 Policy – Revision to Policy P.08 – Naming New Roads

Location: N/A
Applicant:
Disclosure of Officer Interest: None
Date: 11th of September, 2013
Author: Rob Staniforth-Smith
Authorizing Officer: Alan Lamb
Attachments: Draft: Revised Policy P.08

8.2 FINANCE

8.2.1 List of Accounts Paid

Location: Not applicable
Applicant: Not applicable
File: FM/1/002
Disclosure of Officer Interest: None
Date: 12th September 2013
Author: Kay Raisin – Finance Officer
Authorizing Officer: Alan Lamb – Chief Executive Officer
Attachments: Yes – List of Accounts Paid

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 8 August 2013 to 12 September 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 – ITEM 8.2.1

MOVED: Cr Oversby

SECONDED: Cr O’Hare

That the list of accounts paid in August 2013 as presented totalling \$649,410.27 and as represented by cheque voucher numbers 19336-19360 totalling \$89,189.27 and accounts paid by direct electronic payments through the Municipal Account totalling \$560,221.00 be received.

CARRIED 9/0

Res 112/13

Item 8.2.2 deferred by the CEO and to be brought back to the next Council meeting.

8.2.2 Monthly Statements of Financial Activity

<i>Location:</i>	Not applicable
<i>Applicant:</i>	Not applicable
<i>File:</i>	FM/10/003
<i>Disclosure of Officer Interest:</i>	None
<i>Date:</i>	12 September 2013
<i>Author:</i>	Consultant–Darren Long
<i>Authorizing Officer:</i>	Alan Lamb – Chief Executive Officer
<i>Attachments:</i>	Yes – Financial Reports

8.3 CHIEF EXECUTIVE OFFICER

Item 8.3.1 withdrawn by the CEO.

Note: To discuss the matter further with the developer.

8.3.1 Subdivision Guide Plan Lot 734, Banks Road

Location: Lot 734 Banks Road
Applicant: Harley Global
File:
Disclosure of Officer Interest:
Date: 10th September 2013
Author: Geoffrey Lush (Council Consultant)
Authorizing Officer: A Lamb
Attachments: 1 Revised Subdivision Guide Plan

8.3.2 Caretakers Dwelling Lot 231 Ridgeview Avenue

Location: Lot 231 Ridgeview Ave, Boyup Brook
Applicant: L & K Clark
File:
Disclosure of Officer Interest: None
Date: 9 September 2013
Author: Geoffrey Lush (Council Consultant)
Authorizing Officer: A Lamb
Attachments: 1 Dwelling floor plan
2 Applicant's Letter

SUMMARY

This report is to consider a planning application for a second dwelling.

The subject land is Lot 231 Ridgeview Avenue which is owned by L & K Clark. The proposed dwelling will be 85 sqm in size and is intended for the applicant's parents.

Council's approval is required because it is proposed to reduce the setback from the side and rear boundaries. The application is supported subject to conditions.

BACKGROUND

This item was deferred from the last Council Meeting.

The subject land is Lot 231 P52251 Ridgeview Avenue Boyup Brook. The site is located approximately 4 kms west of the townsite and it has an area of 2.02 hectares.

There is an existing dwelling and outbuilding on the property.

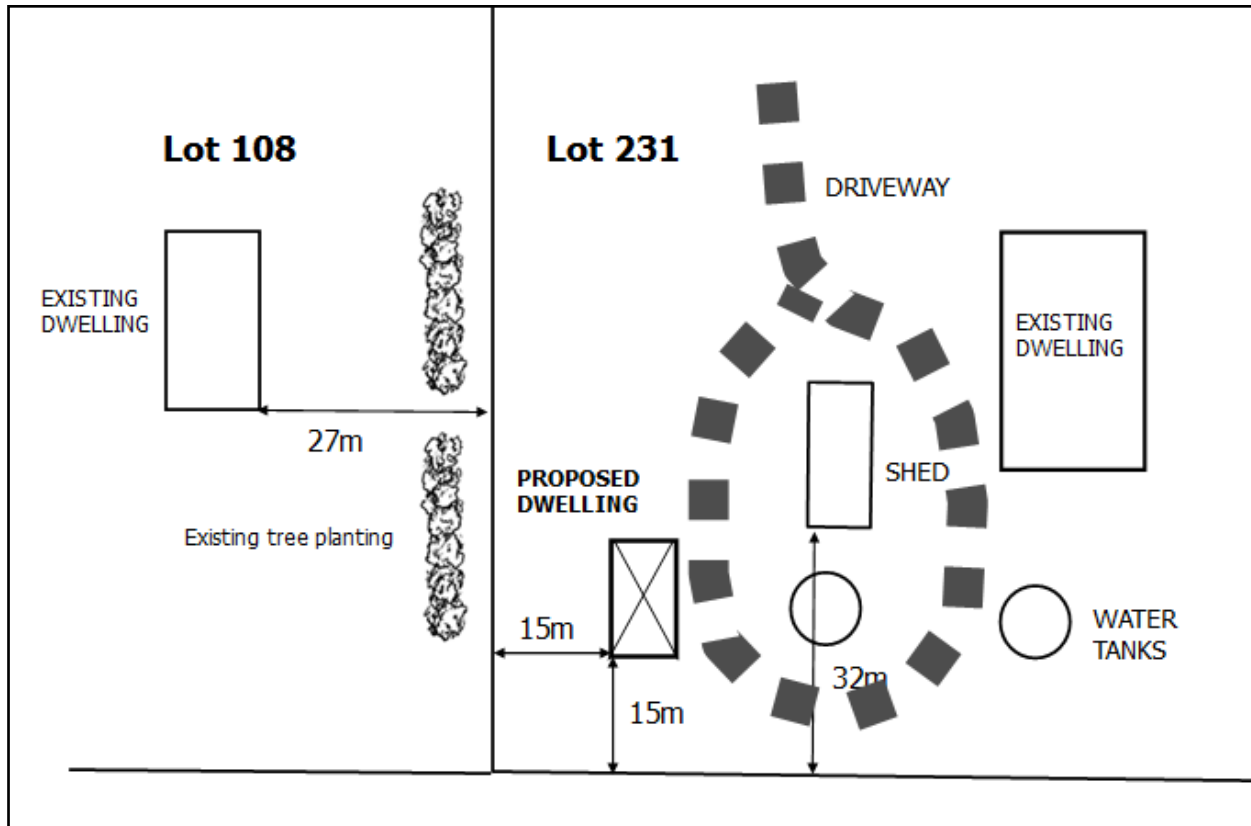
The application is to construct a dwelling for the owner's parents. The application is to construct a two room dwelling for the owner's parents. One of the parents requires care support.

A floor plan of the dwelling is contained as Attachment 1 and this will have an area of approximately 85 sqm. It will be located 15m from the side and rear boundaries of the property near existing infrastructure.

A letter from the applicant is contained as Attachment 2 which states that:

The reason we would like to take 5mtrs of each boundary building requirement, is so we can put the cottage close to our water tanks, power, and leach drains. As you can see on the map if we cannot get the extra 5mtrs then the cottage runs over our driveway. This has no impact on lot 108.

A plan of the site is shown below



CONSULTATION

The application was advertised to adjoining neighbors and no objections were received. One of the neighbors on the southern side has advised that they have no objection.

STATUTORY OBLIGATIONS

Town Planning Scheme No 2

The subject land is included in Special Rural Zone No 6.

A "caretaker's dwelling" is a (IP) use. This is a use that is not permitted unless such use is shown to be incidental to the predominant use of the land as may be determined by Council.

Buildings are to be setback 20m from the side boundary and 25m from the rear boundary.

Scheme Review – Amendment No 15

Amendment 15 relates to the Scheme Review and this was adopted by Council for final approval at its Meeting of the 21st February 2013.

The Amendment proposes to include “Ancillary Accommodation” in all Special Rural zones as a (P) permitted use.

Ancillary Accommodation is defined in the Residential Design Codes as meaning a self contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.

COMMENT

There are two issues with the application:

- The second dwelling for the parents; and
- The reduced boundary setbacks.

It could be argued as to whether the proposed dwelling technically complies with the definition of a caretaker’s residence. However it clearly complies with the definition of Ancillary Accommodation and Council’s policy direction.

The proposed setback reductions are explained by the position of the existing dwelling, shed, septic tank and power supply. As shown in the site plan a 20m boundary setback would impinge upon the location of the proposed driveway.

There is also an existing dwelling on the adjoining Lot 108. While this overlooks the site, there is existing tree planting which screens the location of the proposed dwelling. In this location a 15m or 20m setback will have little impact upon any privacy concerns. This issue can be further addressed by requiring landscaping and screen planting along the property boundary.

While there is plenty of room on the property to locate the dwelling more than 20m from the boundary, it will be more costly to connect it to the existing services.

POLICY IMPLICATIONS

Council’s Policy P9 relates to “Granny Flats” in the Special Rural zone. It states that the Council will allow the construction of second residence on a lot in the ‘Special Rural’ zones under the following conditions –

1. Subject to a planning application
2. Residence to comply with the Building Code of Australia
3. Residence to comply with the shire's town Planning Scheme No.2
4. Building license required prior to construction
5. Consist of a maximum of one bedroom, living room, kitchen, laundry, bathroom, WC and wheel chair access
6. Is located within 50 metres of the main residence
7. Confirmation in writing to the shire that it will be used for 'Granny Flat' purposes only, meaning that the residence will be occupied by persons 55 years or older who are relatives of one of the owner/occupiers of the main residence.
8. When the second residence (Granny Flat) is no longer occupied by persons under clause 7, the structure must be removed within 3 years.

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.2

MOVED: Cr Oversby

SECONDED: Cr Kaltenrieder

That Council approve the development of a dwelling on Lot 231 P52251 Ridgeview Avenue Boyup Brook subject to the following conditions.

- 1 Prior to construction commencing, plans of the proposed dwelling shall be submitted to and approved by the Council.**
- 2 Screen planting shall be undertaken along the western property boundary to the requirements and satisfaction of the Council.**
- 3 The development hereby approved shall occur generally in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Council.**
- 4 The site shall be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.**
- 5 This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.**

CARRIED 9/0

Res 113/13

8.3.3 Caretakers Dwelling Lot 108 Ridgeview Avenue

Location:	<i>Lot 108 Ridgeview Ave, Boyup Brook</i>
Applicant:	<i>N & M Hume</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>9 September 2013</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>1 Applicant's Letter</i>

SUMMARY

This report is to consider a planning application for a second dwelling.

The subject land is Lot 108 Ridgeview Avenue and this is being purchased by the applicants. The proposed dwelling will be 100 sqm in size and is intended for the applicant's adult disabled son.

The application is supported subject to conditions.

BACKGROUND

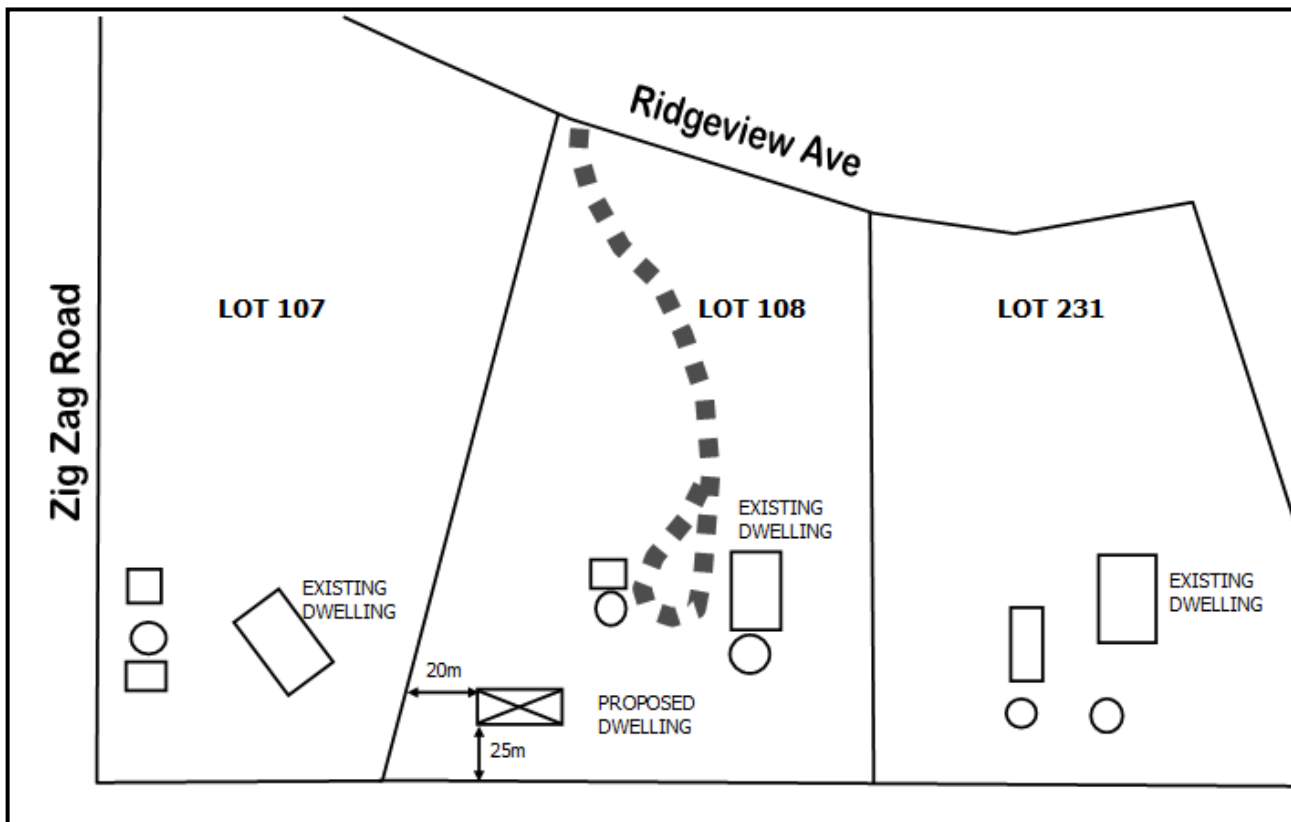
The subject land is Lot 108 D100797 Ridgeview Avenue Boyup Brook. The site is located approximately 4 kms west of the townsite and it has an area of 2.02 hectares. The site is located adjacent to Lot 231 which is subject of a similar application and report in this agenda.

There is an existing dwelling and outbuilding on the property.

A letter of explanation is enclosed as Attachment 1.

The proposed dwelling will be 100 sqm in size and located 20m from the side boundary and 25m from the rear boundary. It will have two bedrooms as their daughter, also acts as a carer/overseer and lives in the second bedroom.

It is noted that the dwelling on the adjoining Lot 107 is located in a similar position as shown on the following site plan.



CONSULTATION

None

STATUTORY OBLIGATIONS

Town Planning Scheme No 2

The subject land is included in Special Rural Zone No 6.

A “caretaker’s dwelling” is a (IP) use. This is a use that is not permitted unless such use is shown to be incidental to the predominant use of the land as may be determined by Council.

Buildings are to be setback 20m from the side boundary and 25m from the rear boundary.

Scheme Review – Amendment No 15

Amendment 15 relates to the Scheme Review and this was adopted by Council for final approval at its Meeting of the 21st February 2013.

The Amendment proposes to include “Ancillary Accommodation” in all Special Rural zones as a (P) permitted use.

Ancillary Accommodation is defined in the Residential Design Codes as meaning a self contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.

COMMENT

The primary issue with the application is the justification for the second dwelling.

It could be argued as to whether the proposed dwelling technically complies with the definition of a caretaker's residence. However it clearly complies with the definition of Ancillary Accommodation and Council's policy direction.

While the proposed site of the dwelling may be of concern to the adjoining neighbor on Lot 107, the location will comply with the setbacks within the Planning Scheme.

Any potential privacy concerns can be addressed by requiring landscaping and screen planting along the property boundary.

POLICY IMPLICATIONS

Council's Policy P9 relates to "Granny Flats" in the Special Rural zone. It states that the Council will allow the construction of second residence on a lot in the 'Special Rural' zones under the following conditions –

1. Subject to a planning application
2. Residence to comply with the Building Code of Australia
3. Residence to comply with the shire's town Planning Scheme No.2
4. Building license required prior to construction
5. Consist of a maximum of one bedroom, living room, kitchen, laundry, bathroom, WC and wheel chair access
6. Is located within 50 metres of the main residence
7. Confirmation in writing to the shire that it will be used for 'Granny Flat' purposes only, meaning that the residence will be occupied by persons 55 years or older who are relatives of one of the owner/occupiers of the main residence.
8. When the second residence (Granny Flat) is no longer occupied by persons under clause 7, the structure must be removed within 3 years.

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.3

MOVED: Cr Moir

SECONDED: Cr Imrie

That Council approve the development of a dwelling on Lot 108 D100797 Ridgeview Avenue Boyup Brook subject to the following conditions.

- 1 Prior to construction commencing, plans of the proposed dwelling shall be submitted to and approved by the Council.**
- 2 Screen planting shall be undertaken along the western and southern property boundaries to the requirements and satisfaction of the Council.**
- 3 The development hereby approved shall occur generally in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Council.**
- 4 The site shall be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.**
- 5 This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.**

CARRIED 9/0

Res 114/13

8.3.4 Telecommunications Facility Lot 1 Wilga East Road Wilga

Location:	<i>Lot 1 D65475 Wilga East Road</i>
Applicant:	<i>Planning Solutions on behalf of Telstra</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>9th September 2013</i>
Author:	<i>Geoffrey Lush (Council's Consultant Planner)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>1 – Tower</i> <i>2 – Site Plan</i>

SUMMARY

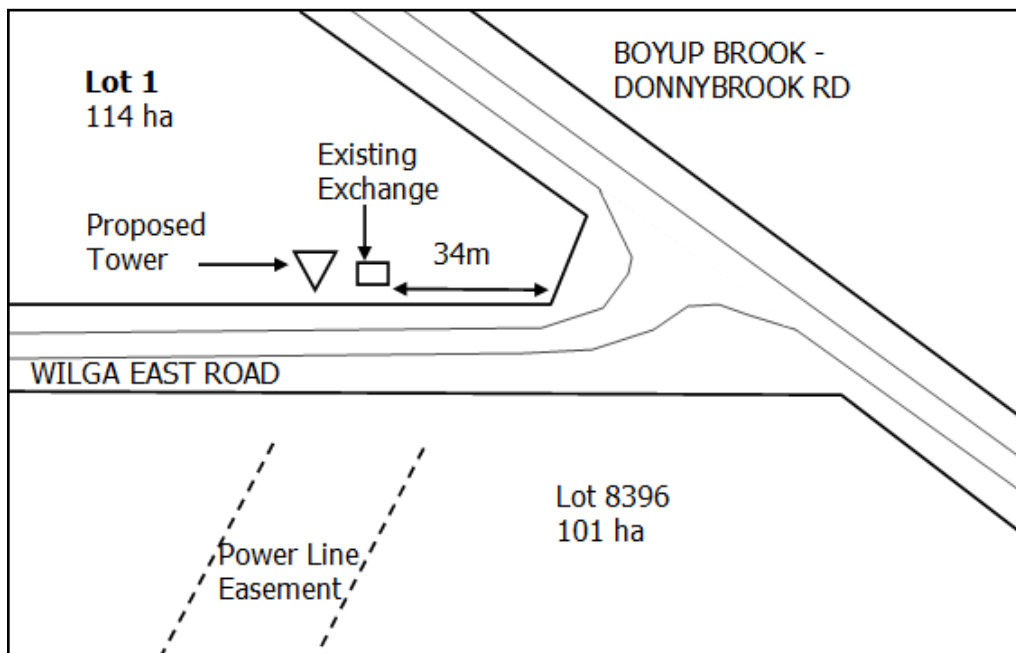
The application is for a telecommunications facility (new mobile phone base station) on Lot 1 D65475 Wilga East Road, Wilga.

The facility will comprise of a 60m high tower with a ground based equipment shelter. The application is supported subject to conditions.

BACKGROUND

The subject land is Lot 1 on Diagram 65475 which is located on the north western corner of Wilga East Road and the Boyup Brook – Donnybrook Road. The subject land is owned by the Department of Water.

The proposed tower will be located adjacent to the existing telephone exchange shown below.



The subject land is predominantly uncleared and there is an existing telecommunications facility, being a telephone exchange, located on the site.

The tower will have a height of 60m and will be a lattice self supporting structure as shown in Attachment 1. It will be situated within a 210 sqm compound as shown in Attachment 2.

The facility also includes an outdoor equipment shelter at ground level, and installation of ancillary cabling, access and safety equipment. Specifically, it is proposed to accommodate two (2) new Telstra omni-directional antennas and two (2) remote radio units mounted on the proposed lattice tower, with provision for future Western Australian State Government communications infrastructure to be co-located on the facility.

The proposed telecommunications infrastructure will facilitate the State Government's Regional Mobile Communications Project network, which has been established to deliver terrestrial mobile, voice and high speed wireless data broadband to improve highway and town to town coverage in regional, rural and remote communities of the State. The project is being administered by the Department of Commerce in consultation with the Department of Regional Development and Lands.

COMMENT

The development of Telecommunications Infrastructure is governed by State Planning Policy 5.2 Telecommunications Infrastructure which states that

The importance of telecommunications services in Western Australia is recognised in the Western Australian Planning

Commission's State Planning Strategy (1997), which advocates the provision of an effective state-wide telecommunications network in a manner consistent with the State's economic, environmental and social planning objectives.

Modern telecommunications are an essential and beneficial element in the life of communities and in the State and national economy. New communications technology is rapidly advancing and being developed to meet the growing demand for better communication at home, in business, health and welfare and in public services. For opportunities and benefits to be realised it is important that appropriate and adequate telecommunications infrastructure is provided and that it is available to all on a cost-competitive basis

The Policy sets out the matters to be submitted with an application and to be considered by Council. These primarily relate to ensuring a balanced approach between environmental (visual) issues and community need for the service.

The self supporting lattice structure is proposed to be used rather than a tower with supporting guys. This is in order to reduce the need for potential clearing of remnant vegetation. However this will make the tower more visible.

The existing exchange is setback approximately 40m from the intersection with the Boyup Brook – Donnybrook Road. As the intersection is splayed the tower, at ground level, will not be visible to vehicles turning the corner.

The facility will be visible as vehicles pass its location on the Wilga East Road.

It may also be necessary to trim or remove several trees on the road reserve where their canopies over hang the compound boundary.

The facility accords with the State Planning Policy in that:

- The proposed facility will provide an effective and efficient mobile telephone network that has been located and designed to meet the communication needs of the community.
- The proposed facility has been located in a Rural location, away from residential dwellings.
- Telecommunications infrastructure has been strategically planned and co-ordinated, similar to planning for other essential services.

However the Policy also requires that the proposed facility be designed and sited to minimise any potential adverse visual impact on the character and amenity of the surrounding area.

Given the proximity of the facility to the boundary and the absence of roadside vegetation, the ground level development will be visible to passing traffic. Any impact from this can be lessened by requiring some low level planting along the road reserve i.e. less than 3m height.

The proposed facility will comply with the Australian Communications and Media Authority regulatory arrangements with respect to electromagnetic energy (EME) exposure levels.

CONSULTATION

None

STATUTORY ENVIRONMENT

The subject land is included in the Rural zone and a "Radio/T.V. Installation" is a discretionary (AA) use in the Rural zone.

Council at its Meeting of the 21st February 2013 adopted Amendment No 15 for final approval. This is an omnibus text amendment which inserts a definition of "telecommunications infrastructure" and this will be an 'AA' use in the Rural zone.

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.

The application does not conflict with any of the above factors.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

The provision of mobile phone services to the townsite has significant strategic benefits for the local community.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 8.3.4

That Council approve the use and development of a portion of Lot 1 D65475 Wilga East Road, Wilga for the purpose of Telecommunications Infrastructure subject to the following conditions:-

1. The development hereby approved shall occur generally in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Council.
2. Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.
3. Access to the site shall be to the requirements and satisfaction of Council.
4. Screen planting shall be undertaken and maintained within the road reserve along the frontage of the facility. This planting shall be to the requirements and satisfaction of Council and the purpose of the planting is to partially screen the ground level infrastructure from passing traffic.
5. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.

COUNCIL DECISION – ITEM 8.3.4

MOVED: Cr Imrie

SECONDED: Cr Walker

That Council approve the use and development of a portion of Lot 1 D65475 Wilga East Road, Wilga for the purpose of Telecommunications Infrastructure subject to the following conditions:-

- 1. The development hereby approved shall occur generally in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Council.**
- 2. Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.**
- 3. Access to the site shall be to the requirements and satisfaction of 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 9/0

Res 115/13

8.3.5 Flax Mill Recovered Materials
--

Location:	<i>N/A</i>
Applicant:	
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 September 2013</i>
Author:	<i>Geoff Carberry</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this item is to inform Council as to the tenders received for the disposal of the Flax Mill recovered Materials and to allow Council to make a determination in accordance with resolution 71/13 of the May Council meeting.

BACKGROUND (in Brief)

Following the decision by Council to carry out the demolition works at the Flax Mill it was decided to award the sorting out and processing of the materials to the Future Boyup Brook Group. At the time of the works taking place that group were not in a position to carry out the work therefore the contractor was forced to hurriedly place the materials at the rear of the Flax Mill area. At this point in time several requests were made to purchase the timber but due to Councils motion to store the material until a use for it was decided these requests were denied.

Council has since decided to have the materials sorted and the remaining non useable materials sold off.

Several groups and contractors have been approached including Councils own works staff to sort the materials. Keybrook were issued a purchase order but have been unable to complete the task in a timely manner. They have however had several people in the industry of second hand timber attend the site to determine any possible value. To date no one has shown any interest in purchasing the materials either in part or as a total lot.

Some interest has been shown in the trusses but these can not be sold as such due to the requirement for them to be structurally certified, they are just more timber.

At the May 2013 meeting the disposal of the items was discussed with the following being recorded

OFFICER RECOMMENDATION – 8.3.1

MOVED: Cr Walker

SECONDED: Cr Imrie

That Council resolves to advertise for the disposal of all recovered wooden materials as one job lot on a where is as is basis.

That Council resolve to dispose of the recovered metal materials at the same time and in the same manner as the metals from the transfer station.

AMENDMENT

***MOVED: Cr Giles
O’Hare***

SECONDED: Cr

- 1. That Council resolves to advertise for the disposal of all recovered wooden materials as one job lot on a where is as is basis.***

2. ***That Council resolve to dispose of the recovered metal materials at the same time and in the same manner as the metals from the transfer station.***
3. ***That 4 of the retting tank doors and 2 complete wooden trusses be retained by Council***

CARRIED 7/1

Res 70/13

MOTION

1. ***That Council resolves to advertise for the disposal of all recovered wooden materials as one job lot on a where is as is basis.***
2. ***That Council resolve to dispose of the recovered metal materials at the same time and in the same manner as the metals from the transfer station.***
3. ***That 4 of the retting tank doors and 2 complete wooden trusses be retained by Council***

CARRIED 5/3

Res 71/13

Request for Vote to be recorded.

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

For: Cr Kaltenrieder, Cr O'Hare, Cr Walker, Cr Imrie, Cr Giles

Against: Cr Aird, Cr Biddle & Cr Oversby

NOTE

Council felt that the doors and trusses should be retained, and stored appropriately, for later use as part of a display. The intention was to not prevent people from bidding for only part of the material and that all bids be put to Council with a recommendation as to the most favourable not necessarily the highest bid/ bids.

COMMENT

Following this resolution council staff contacted the contractor to make arrangements for the pick up of the recovered metal materials. The contractor decided that they didn't want to collect the loose sheets of iron but would take the other large unit. At the same time two local contacts requested access to the iron materials. To act in line with Councils resolution to advertise the wooden materials the iron materials were also put to tender.

Two tenders were received for each of the types of materials.

Metal Materials 13-004

Boyup Brook Men's Association \$100

Possible use "workshop benches, assist in repairs around town"

Pat Harris \$200

Materials to be made available to Boyup Brook residents free of charge

Wooden Materials 13-005
Boyup Brook Men's Association \$100

Possible use "workshop benches, assist in repairs around town"

Pat Harris \$300

Materials to be made available to Boyup Brook residents free of charge

Additional Officer Comments
Neither tender would result in the immediate removal of the materials -

Undesirable

Neither tender guarantees the Shire wont be left with a clean up cost

Undesirable

Acceptance of P Harris tender may result in arguments over certain materials in a free for all situation.

Undesirable

Acceptance of P Harris Tender may result in Men's Association getting access to materials if removed in a timely manner

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Acceptance of P Harris tenders will slightly benefit the Shire financially

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 – 8.3.5

MOVED: Cr Walker

SECONDED: Cr Aird

As the officer does not know Councils feelings towards either tender or the possible outcomes the recommendation is left open.

- 1. That Council resolves to award tender 13-004 for the Recovered Metal Materials from the Flax Mill to the Men In Sheds.**
- 2. That Council resolves to award tender 13-005 for the Recovered Wooden Materials from the Flax Mill to the Men In Sheds.**
- 3. On the provision that materials and area is cleaned up by 1st February 2014.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 116/13

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

Location:	Shire wide
Applicant:	Shire of Boyup Brook
File:	
Disclosure of Officer Interest:	none
Date:	11 September 2013
Author:	Rob Staniforth-Smith – Manager of Works and Alan Lamb – Chief Executive Officer
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes

SUMMARY

The purpose of this report is to:

1. reconsider one tender received for Tender RFT 013-003 for the Supply of Electrician Services – 2 year Period Panel Contract, and recommend that Hales Electrical be a joint primary service provider.
2. add “Tree Services” to the Panel Contract as tendered under RFT 013-003 for the supply of Various Plant and Services and as approved by Council at its August 2013 meeting, item 8.3.6.

BACKGROUND

This matter went before Council in August 2013 and Council resolved as follows:

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

A subsequent review of the process indicated that an error had been made in the assessment of the Electrician Services tenders.

Also, tree services were taken off the tender summary in error.

COMMENT

With regard to Electrician Services, Council’s August motion resulted in a primary and secondary tenderer being appointed and a third tenderer not being successful.

It is clear now that the third tenderer, Hales Electrical, should have been at least a joint primary tenderer and so it is recommended that Council approve having two primary tenderers and one secondary tenderer as set out in the confidential attachment.

With regard to the Tree Services, item 26 in the tender was “Other Plant Item” for various services not specifically listed. Various submissions were received covering items not specifically listed in the tender, including one tender for Tree Services for the pruning and trimming of trees at height.

Shire staff are not equipped to perform pruning at height and it is preferable to use properly qualified and equipped service providers for this type of work due to the high risk associated with working at height. Inadvertently the service provider assisting with the tender process thought that the Shire staff did this work and so the recommendation did not include Tree Services.

It is recommended that Council award the panel contract under item 26: other works “Tree Services” to Adam Jenkins Tree Services as the Primary Contractor with no Secondary Contractor being recommended as no other tenders were received for this item.

As reported in August:

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 Boyup Brook 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 invite 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

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.6

MOVED: Cr O’Hare

SECONDED: Cr Oversby

That, in relation to Tender 013-003 Supply of Various Services and Plant – 2 Year Panel Contract, Council:

- 1. Appoint Hales Electrical as a joint Primary Service Provider for Electrician Services; and**
- 2. Appoint Adam Jenkins Tree Services as the Primary Service Provider for Tree Services.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 117/13

8.3.7 Local Government Act – Proposed amendment to Schedule 2.1

Location:	<i>N/a</i>
Applicant:	<i>N/a</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13 September 2013</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council the position put by the Western Suburbs Councils on the Government's proposed changes to the poll provisions with the recommendation that Council actively support their stance.

BACKGROUND

The State Government has announced that it will seek to amend Schedule 2.1 of the Act. The following is a copy of the letter sent to our Shire President and distributed to all Councillors:

Cr Michael Giles
PO Box 2
BOYUP BROOK WA 6244

Dear Cr Giles,

LOCAL GOVERNMENT REFORM AGENDA

We write seeking your support and that of your councillors and your Council, in encouraging you and your local voters to **urgently** lobby local members of State Parliament (particularly Legislative Council members) to oppose proposed amendments to the *Local Government Act 1995* insofar as they will affect existing poll provisions which preserve the rights of your local voters to decide as to whether or not to proceed with any proposal to amalgamate your Council with any other councils.

This right to self-determination is embodied in schedule 2.1 of the Act which entitles 250 voters or 10% of all voters in a local government district (whichever is the lesser) to call for a poll to be held on a proposed merger of their Council. As you may know, if half of all eligible voters participate in the poll and the majority vote against the amalgamation, then the Minister is unable to proceed with amalgamation.

The poll provisions effectively protect voters in every local council from an amalgamation being forced upon them.

The State Government recently announced that in September 2013 it intends introducing legislation to remove the poll provisions so as to strip voters of their existing entitlements and force amalgamations in the metropolitan area. At some later date they may well use the same legislation to force amalgamations of rural and remote councils on the basis that the precedent has been set in the metropolitan area.

It is our strong belief that to now vote in favour of the proposed amendments to the poll provisions would be a breach of the election undertakings made by State parliamentarians (whether they be Liberal, National, Labor or Green) at the 9 March State Election to not support any forced amalgamations of local governments in WA.

The poll provisions are sacrosanct and they should not be stripped from local voters in any part of WA.

We urge you, your councillors and Council to immediately lobby your local State parliamentarians (particularly Liberals or Nationals in the Legislative Council) and alert your local voters to do likewise.

We acknowledge that each council and each elected member may have differing views on the benefits or otherwise of rationalisation of council numbers in our State. We nevertheless believe that all councils and each elected member share the view that their own and neighbouring democracies must decide for themselves whether rationalisation of their own council would be the best thing to do or not.

Unless these legislative changes to the poll provisions are stopped we all face forced amalgamations.

Even if changes are initially confined to metropolitan councils they may well extend to all rural and remote councils in the fullness of time.

Each of the signatories to this letter is putting similar proposals to their own councils.

If you do not share our views, we would nevertheless be extremely grateful if you would present this correspondence to your Council.

Any feedback is welcomed and can be directed by email to cfid@mosmanpark.wa.gov.au

Yours sincerely

This letter was signed by the Mayors of Town of Claremont, Town of Cottesloe, Town of Mosman Park, City of Nedlands, City of Subiaco and the President of the Shire of Peppermint Grove.

COMMENT

The poll provisions in Schedule 2.1 essentially provides the community with a degree of power over what the State Government does with their Local Government.

Section 2 sets out that 250 or 10% of the electors in any Local Government area have the same power as their Local Government and the Minister for Local Government to make a proposal to the Advisory Board to change boundaries of their Local Government.

Section 8 gives the electors the power to demand a poll on a recommendation of amalgamation and this is done by a request in writing to the Minister signed by at least 250 or at least 10% of the electors of one of the districts, asking for a poll of electors of that district.

Section 10 provides that if at least 50% of electors of one district vote and the majority of those that voted, voted against the recommendation of amalgamation, then the Minister is bound to reject the recommendation. So if there are say three Councils involved and the electors of one of these do not want their Council affected then they can effectively veto the proposal.

As will be seen from the foregoing, Schedule 2.1 effectively gives the electors power over the fate of their Local Government.

It is understood that the State Government wishes to amend these provisions to effectively water down this power that the community has over the process of amalgamation. The mechanics are understood to be that needing at least 50% of the electors in a district voting and more than half of these voting against, will be changed to the requirement for 50% of the electors of the total are affected (that is 50% of all of the electors in say the three Local Government districts to be amalgamated) to vote.

This would allow predatory and more populous neighbours to take over less populous Councils and deny the communities of the latter the say that they now have.

It is recommended that the Shire President writes to the Local Member, Hon Terry Redman, the Minister for Local Government, the Premier, the leader of the Opposition and all major political parties protesting about any moves to water down the poll provisions to reduce the community's power in determining the fate of their Local Government.

CONSULTATION

The matter has been in the public and Council arena for some time.

STATUTORY OBLIGATIONS

Schedule 2.1 is as follows:

Schedule 2.1 — Provisions about creating, changing the boundaries of, and abolishing districts

[Section 2.1(2)]

1. Terms used

In this Schedule, unless the contrary intention appears —

affected electors, in relation to a proposal, means —

- (a) electors whose eligibility as electors comes from residence, or ownership or occupation of property, in the area directly affected by the proposal; or*
- (b) where an area of the State is not within or is not declared to be a district, people who could be electors if it were because of residence, or ownership or occupation of property, in the area directly affected by the proposal;*

affected local government means a local government directly affected by a proposal;

notice means notice given or published in such manner as the Advisory Board considers appropriate in the circumstances;

proposal means a proposal made under clause 2 that an order be made as to any or all of the matters referred to in section 2.1.

2. Making a proposal

(1) A proposal may be made to the Advisory Board by —

- (a) the Minister; or*
- (b) an affected local government; or*
- (c) 2 or more affected local governments, jointly; or*
- (d) affected electors who —*
 - (i) are at least 250 in number; or*
 - (ii) are at least 10% of the total number of affected electors.*

(2) A proposal is to —

- (a) set out clearly the nature of the proposal, the reasons for making the proposal and the effects of the proposal on local governments; and*
- (b) be accompanied by a plan illustrating any proposed changes to the boundaries of a district; and*
- (c) comply with any regulations about proposals.*

[Clause 2 amended by No. 49 of 2004 s. 67(2).]

3. Dealing with proposals

(1) *The Advisory Board is to consider any proposal.*

(2) *The Advisory Board may, in a written report to the Minister, recommend* that the Minister reject a proposal if, in the Board's opinion —*

(a) *the proposal is substantially similar in effect to a proposal on which the Board has made a recommendation to the Minister within the period of 2 years immediately before the proposal is made; or*

(aa) *where the proposal was made by affected electors under clause 2(1)(d), that the majority of those electors no longer support the proposal; or*

(b) *the proposal is frivolous or otherwise not in the interests of good government.*

** Absolute majority required.*

(3) *If, in the Advisory Board's opinion, the proposal is —*

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

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

the Board may, in a written report to the Minister, recommend that the Minister reject the proposal or that an order be made in accordance with the proposal.*

** Absolute majority required.*

(4) *Unless it makes a recommendation under subclause (2) or (3), the Advisory Board is to formally inquire into the proposal.*

[Clause 3 amended by No. 64 of 1998 s. 52(2); No. 49 of 2004 s. 67(3).]

4. Notice of inquiry

(1) *Where a formal inquiry is required the Advisory Board is to give —*

(a) *notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and*

(b) *a report to the Minister.*

(2) *The notice and report under subclause (1) are to —*

(a) *advise that there will be a formal inquiry into the proposal; and*

(b) *set out details of the inquiry and its proposed scope; and*

- (c) *advise that submissions may be made to the Board not later than 6 weeks after the date the notice is first given about —*
 - (i) *the proposal; or*
 - (ii) *the scope of the inquiry.*
- (3) *If, after considering submissions made under subclause (2)(c), the Advisory Board decides* that the scope of the formal inquiry is to be significantly different from that set out in the notice and report under subclause (1), it is to give —*
 - (a) *another notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and*
 - (b) *another report to the Minister.*
- (4) *The notice and report under subclause (3) are to —*
 - (a) *set out the revised scope of the inquiry; and*
 - (b) *advise that further submissions about the proposal, or submissions about matters relevant to the revised scope of the inquiry, may be made to the Board within the time set out in the notice.*

** Absolute majority required.*

5. *Conduct of inquiry*

- (1) *A formal inquiry is to be carried out, and any hearing for the purposes of the inquiry is to be conducted, in a way that makes it as easy as possible for interested parties to participate fully.*
- (2) *In carrying out a formal inquiry the Advisory Board is to consider submissions made to it under clause 4(2)(c) and (4)(b) and have regard, where applicable, to —*
 - (a) *community of interests; and*
 - (b) *physical and topographic features; and*
 - (c) *demographic trends; and*
 - (d) *economic factors; and*
 - (e) *the history of the area; and*
 - (f) *transport and communication; and*
 - (g) *matters affecting the viability of local governments; and*
 - (h) *the effective delivery of local government services,*

but this does not limit the matters that it may take into consideration.

6. Recommendation by Advisory Board

- (1) *After formally inquiring into a proposal, the Advisory Board, in a written report to the Minister, is to recommend* —*
- (a) *that the Minister reject the proposal; or*
- (b) *that an order be made in accordance with the proposal; or*
- (c) *if it thinks fit after complying with subclause (2), the making of some other order that may be made under section 2.1.*

** Absolute majority required.*

- (2) *The Advisory Board is not to recommend to the Minister the making of an order that is significantly different from the proposal into which it formally inquired unless the Board has —*
- (a) *given* notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation of its intention to do so; and*
- (b) *afforded adequate opportunity for submissions to be made about the intended order; and*
- (c) *considered any submissions made.*

** Absolute majority required.*

7. Minister may require a poll of electors

In order to assist in deciding whether or not to accept a recommendation of the Advisory Board made under clause 6, the Minister may require that the Board's recommendation be put to a poll of the electors of districts directly affected by the recommendation.

8. Electors may demand poll on a recommended amalgamation

- (1) *Where the Advisory Board recommends to the Minister the making of an order to abolish 2 or more districts (the **districts**) and amalgamate them into one or more districts, the Board is to give notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation about the recommendation.*
- (2) *The notice to affected electors has to notify them of their right to request a poll about the recommendation under subclause (3).*
- (3) *If, within one month after the notice is given, the Minister receives a request made in accordance with regulations and signed by at least 250,*

or at least 10%, of the electors of one of the districts asking for the recommendation to be put to a poll of electors of that district, the Minister is to require that the Board's recommendation be put to a poll accordingly.

- (4) *This clause does not limit the Minister's power under clause 7 to require a recommendation to be put to a poll in any case.*

[Clause 8 amended by No. 64 of 1998 s. 52(3).]

9. Procedure for holding poll

- (1) *Where, under clause 7 or 8, the Minister requires that a recommendation be put to a poll —*

(a) *the Advisory Board is to —*

- (i) *determine the question or questions to be answered by electors; and*
(ii) *prepare a summary of the case for each way of answering the question or questions;*

and

(b) *any local government directed by the Minister to do so is to —*

- (i) *in accordance with directions by the Minister, make the summary available to the electors before the poll is conducted; and*
(ii) *subject to subclause (2), declare* the Electoral Commissioner, or a person approved by the Electoral Commissioner, to be responsible for the conduct of the poll under Part 4, and return the results to the Minister.*

** Absolute majority required.*

- (2) *Before making a declaration under subclause (1)(b)(ii), the local government is to obtain the written agreement of the Electoral Commissioner.*

[Clause 9 amended by No. 49 of 2004 s. 67(4) and (5).]

10. Minister may accept or reject recommendation

- (1) *Subject to subclause (2), the Minister may accept or reject a recommendation of the Advisory Board made under clause 3 or 6.*

(2) *If at a poll held as required by clause 8 —*

- (a) *at least 50% of the electors of one of the districts vote; and*
(b) *of those electors of that district who vote, a majority vote against the recommendation,*

the Minister is to reject the recommendation.

- (3) *If the recommendation is that an order be made and it is accepted, the Minister can make an appropriate recommendation to the Governor under section 2.1.*

10A. Recommendations regarding names, wards and representation

- (1) *The Advisory Board may —*

(a) *when it makes its recommendations under clause 3 or 6; or*

(b) *after the Minister has accepted its recommendations under clause 10,*

in a written report to the Minister, recommend the making of an order to do any of the things referred to in section 2.2(1), 2.3(1) or (2) or 2.18(1) or (3) that the Board considers appropriate.

- (2) *In making its recommendations under subclause (1) the Advisory Board —*

(a) *may consult with the public and interested parties to such extent as it considers appropriate; and*

(b) *is to take into account the matters referred to in clause 8(c) to (g) of Schedule 2.2 so far as they are applicable.*

[Clause 10A inserted by No. 64 of 1998 s. 52(4).]

11. Transitional arrangements for orders about districts

- (1) *Regulations may provide for matters to give effect to orders made under section 2.1 including —*

(a) *the vesting, transfer, assumption or adjustment of property, rights and liabilities of a local government;*

(b) *the extinguishment of rights of a local government;*

(c) *the winding up of the affairs of a local government;*

(d) *the continuation of actions and other proceedings brought by or against a local government before the taking effect of an order under section 2.1;*

(e) *the bringing of actions and other proceedings that could have been brought by or against a local government before the taking effect of an order under section 2.1;*

(f) *if the effect of an order under section 2.1 is to unite 2 or more districts, the determination of the persons who are to be the first mayor or president, and deputy mayor or deputy president, of the new local government;*

- (g) *the continuation of any act, matter or thing being done under another written law by, or involving, a local government.*
- (2) *Subject to regulations referred to in subclause (1), where an order is made under section 2.1 any local governments affected by the order (including any new local government created as a result of the order) are to negotiate as to any adjustment or transfer between them of property, rights and liabilities.*
- (3) *Where an order is made under section 2.1 the Governor may, by order under section 9.62(1), give directions as to any of the matters set out in subclause (1) if, and to the extent that, those matters are not resolved by regulations referred to in that subclause or by negotiation under subclause (2).*
- (4) *A contract of employment that a person has with a local government is not to be terminated or varied as a result (wholly or partly) of an order under section 2.1 so as to make it less favourable to that person unless —*
 - (a) *compensation acceptable to the person is made; or*
 - (b) *a period of at least 2 years has elapsed since the order had effect.*
- (5) *The rights and entitlements of a person whose contract of employment is transferred from one local government to another, whether arising under the contract or by reason of it, are to be no less favourable to that person after the transfer than they would have been had the person's employment been continuous with the first local government.*
- (6) *If land ceases to be in a particular district as a result of an order under section 2.1, any written law that would have applied in respect of it if the order had not been made continues to apply in respect of the land to the extent that its continued application would be consistent with —*
 - (a) *any written law made after the order was made; and*
 - (b) *any order made by the Governor under subclause (8).*
- (7) *Regulations may make provision as to whether or not, or the modifications subject to which, a written law continues to apply in respect of land under subclause (6).*
- (8) *The Governor may, in a particular case, by order, vary the effect of subclause (6) and regulations made in accordance with subclause (7).*

[Clause 11 amended by No. 64 of 1998 s. 52(5).]

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 8.3.7

MOVED: Cr Moir

SECONDED: Cr Walker

That the Shire President writes to the Local Member, Hon Terry Redman, the Minister for Local Government, the Premier, the leader of the Opposition and all major political parties protesting about any moves to water down the poll provisions to reduce the community's power in determining the fate of their Local Government.

CARRIED 9/0

Res 118/13

8.3.8 Medical Centre future expansion opportunities

Location:	Lot 80 Abel Street
Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	11 September 2013
Author:	Alan Lamb
Authorizing Officer:	Not applicable
Attachments:	Nil

SUMMARY

The purpose of this report is to bring the matter of purchase of Lot 80 Abel Street back before Council with the recommendation that the offer of \$250,000 be endorsed and that the transfer from the Commercial Reserve fund of this amount be approved.

BACKGROUND

Council passed the following resolution at its November 2012 meeting:

- 1. That Council take steps toward the future expansion to the current medical service by authorizing the CEO to ascertain a firm price without making a formal offer to purchase the vacant premises adjoining the medical centre and report back to the December meeting.**
- 2. That the Chief Executive Officer confirms capacity of the current facility.**

The matter came back to Council's December meeting where the following resolution was made:

That Council authorise expenditure of up to \$10,000 to prepare a business plan for the future expansion of the Medical Centre.

It was reported to the March 2013 meeting as follows:

The confidential attachment shows a number of options for future expansion and the estimated impact on the Medical Centre's finances for each. It will be seen that each option relies to some extent on lot 80 being available. It will also be seen that the estimated net cost of holding the property until the extension is done is \$14,770 per year. It will be noted that the estimates are based on a borrowing cost of 5.5% and we would be looking at using reserve funds where the interest rate obtainable is less than 4%. Taking 4% as the interest income foregone rate the net cost is reduced to \$11,020. Annual maintenance costs are based on the building

being fully depreciated (i.e. purchasing for block value) so look a bit high and it is expected that other tenants could be encouraged to take up shop space. Also that the sheds could be used as storage or rented for this purpose. In a nutshell then the independently estimated net cost, adjusted for interest income foregone as opposed to a loan rate (which is in the order of .07% higher than Council could borrow at) is \$11,000.

It is suggested that this annual cost is warranted in the short term as the property may not be available in the future and expansion of the current premises on the current lot is not seen as an option.

It is recommended that Council approve of an offer being made for the purchase of Lot 80 Abel Street. The offer would be made subject to a building inspection, termite inspection and other such standard caveats.

It was also reported that:

Section 5.23 of the Local Government Act has application because it is expected that publicising Council's potential interest in the lot, the discussion regarding price and the like, could prompt speculators to move in with an offer before Council has the opportunity to do so.

No provision has been made in the budget for the purchase of this lot and it is recommended that the funds come from the Commercial Reserve Fund.

Council resolved as follows:

That Council approve of an offer being made for the purchase of Lot 80 Abel Street.

COMMENT

While the offer of \$250,000 was discussed at the March meeting, and at other times, and the report noted that the funds should come from the Commercial Reserve fund the March Resolution did not specify this.

The offer was made and accepted and the property titles transferred. Funding was covered by a transfer from the Commercial Reserve Fund to the Municipal fund.

Clearly the price and transfer required a resolution of Council and this was not done at the time and whilst Council was alerted to this at the budget deliberation time the matter was not dealt with.

Council is now asked to endorse the offer of \$250,000 for Lot 80 Abel Street and that the transfer from the Commercial Reserve fund of this amount be approved.

CONSULTATION

The matter has been before Council previously.

STATUTORY OBLIGATIONS

Section 5.23 of the Local Government Act may have application.

5.23. Meetings generally open to the public

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
- (a) *all council meetings; and*
 - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (a) *a matter affecting an employee or employees;*
 - (b) *the personal affairs of any person;*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret;*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*
where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
 - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) *such other matters as may be prescribed.*

- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The recommendation has no impact on then current budget. The purchase was made in 2012/13 and funded via a transfer from the Commercial Reserve Fund.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.8

MOVED: Cr Aird

SECONDED: Cr Oversby

That Council endorse the offer of \$250,000 for Lot 80 Abel Street and that the transfer from the Commercial Reserve fund of this amount be approved.

CARRIED BY ABSOLUTE MAJORITY 7/2

Res 119/13

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: *12 September 2013*
Author: *Alan Lamb - CEO*
Attachments: *Yes – Minutes*

BACKGROUND

A South West Zone meeting was held on 23 August 2013.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.1

MOVED: Cr O’Hare

SECONDED: Cr Imrie

That the minutes of the South West Zone meeting held on 23 August 2013 be received.

CARRIED 9/0

Res 120/13

Item 9.1.2 withdrawn by the CEO.

9.1.2 Minutes of the Annual Awards Committee
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Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>12 September 2013</i>
Author:	<i>Alan Lamb - CEO</i>
Attachments:	<i>Yes – Minutes</i>

Item 9.1.3 withdrawn by the CEO.

9.1.3 Minutes of the Audit & Finance Committee
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Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>12 September 2013</i>
Author:	<i>Alan Lamb - CEO</i>
Attachments:	<i>Yes – Minutes</i>

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Notices of Motion from Cr Biddle

10.1.1	Display of Council Information
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MOVED: Cr Biddle

SECONDED: Cr Kaltenrieder

That administration conducts the preliminary work to establish the costs for a **lockable, glass-fronted cabinet**, for display of Council information and announcements, sited in a town location heavily frequented by residents, and report back to the February 2014 meeting of Council.

CARRIED 9/0

Res 121/13

Cr E Biddle

Rationale:

- Accurate and timely information is in the interests of the Council and of the community
- Though a (restricted) range of print media is currently used for such purposes, a cabinet such as that proposed will increase the likelihood of even more residents becoming aware of important issues, etc, A display cabinet has been suggested by residents as a useful point of contact.

CEO Comment

It is recommended that Council supports this motion as it will set in place a process to look at the noticeboard position. It is noted that the official Shire notice board at the Chambers/office building is also less than adequate and, with Council's indulgence, we will also look at what can be done to improve this.

10.1.2 Fitness Equipment

MOVED: Cr Biddle

SECONDED: Cr Aird

That the Shire-owned **fitness equipment** currently located in the Music Park be distributed along existing walk trails as a means of increasing the likelihood of its use by residents

Rationale:

- Providing equipment to facilitate healthy exercise is an excellent idea
- The equipment currently appears to receive minimal (any?) use, and its location is possibly a main reason for this

Amendment

MOVED: Cr Biddle

SECONDED: Cr Aird

The CEO to investigate the cost of moving the equipment and come back to Council.

CARRIED 9/0

Res 122/13

MOTION

MOVED: Cr Biddle

SECONDED: Cr Aird

The CEO to investigate the cost of moving the equipment and come back to Council.

CARRIED 9/0

Res 123/13

CEO Comment

The equipment referred to was funded by a SWDC grant and part of the agreement related to the location of the equipment. It is however some time since the equipment was provided and so it may not be unreasonable to shift it based on usage and opportunities to improve usage.

It should be noted that it is apparent that some parts of the walk trails that have been established are not on land owned or managed by the Shire, and so there is some question about the legal ability for Council to do things on these bits of land. Also, one large reserve that the Shire does manage has a native title claim over it and this might complicate doing additional works there.

The equipment is attached by fasteners to concrete blocks in the ground and it is possible to relocate the equipment.

On balance, it is recommended that Council consider resolving that Administration research the opportunities to shift the Shire owned fitness equipment, currently located at the Music Park, and potential alternative locations, on existing walking trails, and report back to Council with options.

Adjournment

That the meeting be adjourned for an afternoon tea break, the time being 7.12pm.

10.1.3 Timelines and procedures

MOVED: Cr Biddle

SECONDED: Cr Kaltenrieder

MOVED: in future, that mutually understood and agreed timelines and procedures be established for implementation of key annual operational tasks, and any tasks of a strategic nature identified by Council,

Rationale:

Such an arrangement has advantages for Councillors and staff in that:

- procedures will be known and predictable
- It will assist Councillors to adequately prepare for considering issues
- It will facilitate improved understanding of process, and encourage teamwork
- It will facilitate more even paced consideration
- It will facilitate accountability

CEO Comment

There are a number of different ways in which Council can set the timing and process for business and achievements. Matters such as the goals for budget adoption have been a feature of the CEO's performance criteria and, it is suggested, should remain there. Keeping with the budget example, and noting that this could apply to other processes, in past years the date by which time the CEO is required to have the budget before Council for adoption was set early in the new financial year. The goals set for the CEO's performance for 2012/13 included the following:

- **The 2013/14 draft budget, using the new chart of accounts, for the new computer system, to be to Council by 23 August 2013 to enable adoption by 30 August 2013, assuming that the new computer system is operational by 31 July 2013. (Note: this will entail holding budget workshops and having long term plans before Council for review and adoption before 23 August 2013).**

Long term plans (10 year plans that had 2013/14 as the commencement date) for Plant and Asset Replacement and Asset Maintenance went before Council in March 2013 and were adopted. As reported and planned, these plans were the basis for the 2013/14 budget drafting. The draft budget went to Councillors before 23 August and the budget was adopted before 30 August. The inordinately late timeline for the budget, as set by Council, was set in the knowledge that Administration would have the extra challenges this year of a new Computer system and other factors. In dealing with goal setting for the

CEO going forward, and as set out elsewhere in this agenda, Councillors will see that there is a much more acceptable deadline is recommended.

Staying with the budget example, there are a number of ways in which Council could set the process leading up to adoption. On reflection it might be best if Council were to set a policy on this. In some years there have been a series of workshops for administration to go through the detail of the draft budget and in others the Audit and Finance Committee has met for this phase.

If Council saw merit in the foregoing, and again remaining with the budget example, then it might consider retaining the CEO performance criteria as the method of setting the end date for the budget process, and requiring Administration to prepare a draft policy that calls for the Audit and Finance Committee to oversee the budget process (that is, as opposed to the Council workshops, and noting that all Councillors may attend Committee meetings). This would allow Council and the CEO to work together on tweaking the end dates, at performance review times, in order to take account of changing factors (that is, in some years there may be a real need to bring the process forward and in others push it back), and the policy would set the process based on the end date confirmed annually.

AMENDMENT

MOVED: Cr Moir

SECONDED: Cr Walker

That the CEO prepare a calendar of events that impact on Council.

LOST 4/5

Res 124/13

MOTION

MOVED: Cr Moir

SECONDED: Cr Walker

That the CEO prepare a calendar of events that impact on Council.

LOST 4/5

Res 125/13

10.2 Notices of Motions From Cr Moir

10.2.1 Annual Budget Process

MOVED: Cr Moir

SECONDED: Cr Walker

Councillor Moir has moved that Council approve the preparation of the annual budget to be NO LATER than the following dates.

- First draft 15th May
- Second draft 30th June
- Final 15 July
- Adoption 30th July

Comment

This motion is put forward to enable the budget to be prepared in an accurate and timely manner allowing sufficient time for appropriate consideration and amendment.

CEO Comment

Comments under item 10.1.3 also relate to this item, and it is suggested that Council employ the CEO performance and a new policy options.

Amendment

Moved: Cr Giles

SECONDED: Cr Oversby

The CEO be instructed to research and prepare a budget preparation policy outlining critical timelines and procedure and report back to Council by the December meeting.

Carried 7/2

Res 126/13

MOTION

Moved: Cr Giles

SECONDED: Cr Oversby

The CEO be instructed to research and prepare a budget preparation policy outlining critical timelines and procedure and report back to Council by the December meeting.

Carried 8/1

Res 127/13

Resumption

That the meeting resume, the time being 7.34pm.

The meeting resumed with the following persons in attendance.

Cr M Giles – Shire President
Cr K Moir – Deputy Shire President
Cr G Aird
Cr E Biddle
Cr J Imrie
Cr P Kaltenrieder
Cr B O'Hare
Cr T Oversby
Cr R Walker
Alan Lamb
Rob Staniforth-Smith
Maria Lane

Motion 10.2.2 was withdrawn by Cr Moir.

10.2.2	Park Home Style Development
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MOVED INTO COMMITTEE

MOVED: Cr Walker

SECONDED: Cr Kaltenrieder

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

CARRIED 9/0

Res 128/13

MOVED OUT OF COMMITTEE

MOVED: Cr Oversby

SECONDED: Cr Aird

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

CARRIED 9/0

Res 129/13

Councillor Moir moved that Council commit to the development of a Park Home Style development in Boyup Brook during the 2013/2014 Financial Year by undertaking the following with the proposed timeline of project completion September 2015.

1. Reallocate existing planning funding to this project as required.
2. The CEO to engage an experienced independent local external Project Manager to undertake the following

- Flush out Council's required scope addressing a concept plan to include but not limited to:-
 - Park home style accommodation for permanent residents
 - Short stay self-catered units for tourists
 - Independent aged care units.
 - Appropriate support facilities
 - Project feasibility
 - Arrange to Purchase the land already identified as being the most appropriate for such a development with funds already borrowed and currently held in reserve
 - Commission consultant to undertake detailed design
 - Manage construction and commissioning
3. Appoint a subcommittee to assist the CEO and the project manager with all aspects of the project from conception to completion where applicable.

CEO Comment

From a procedural perspective it is recommended that Council set the committee as the first step, if this is how it wants the process furthered. It is also suggested that Council not restrict the appointment of a project manager to someone who could be describe as "local".

In looking at various options in the past a person was noted who appears would be ideal for assisting Council to assess all aged accommodation operations, and then provide services such as concepts, designs and financial/operational modeling. I have been trying to find an opportune time for him to come and have a look around town and then put a proposal of what he could do for Council. If Council were agreeable and if it were to appoint a committee, then we could arrange for this person to meet with the committee soon. This would, if nothing else, help to establish the sum of money (a ball park figure) required to meet the planning goals for this initiative in the current financial year.

Cr Kaltenrieder left the Chambers at 8.23pm

Cr Kaltenrieder returned at 8.24pm

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

Nil

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

12.1.1 Confidential Item – Chief Executive Officer – Performance Criteria

COUNCIL DECISION

MOVED: Cr Kaltenrieder

SECONDED: Cr Aird

Item 12.1.1 deferred and to come back to the next Council meeting.

CARRIED 9/0

Res 130/13

13 CLOSURE OF MEETING

There being no further business the Shire President declared the meeting closed at 8.50pm.