

# MINUTES



ORDINARY MEETING  
HELD

THURSDAY 18 April 2013  
Commenced AT 5.20PM

AT

SHIRE OF BOYUP BROOK CHAMBERS  
ABEL STREET – BOYUP BROOK

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**1 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**

**1.1 Attendance**

Cr M Giles – Shire President  
Cr 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: Mr & Mrs Price arrived at 5.18pm and left at 5.32pm  
Mrs Sue White arrived at 5.25pm and left at 7.02pm

**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**

Request by residents for the sealing of 750 metres of Six Mile Road Dinninup intersection with Boyup Brook-Arthur River Road due to safety concerns and dust nuisance.

Is Council willing to review its decision and appreciate that our four families living within 50 metres of the road and within 750 metres of Boyup Brook Road are disadvantaged by way of dust that is not replicated by the other locations referred to in the report to the March Council Meeting? We have visited the sites in order to make an objective comparison and they appear unlikely to carry the same volume, traffic diversity and safety issues.

Furthermore is Council willing to acknowledge that Six Mile Road has become a short cut for a wide range of vehicles from Road Trains, semi-trailers, fuel tankers, electricity grid service vehicles, agricultural equipment, local trades, people going to the Golf course and other places in the shire and beyond as far as Arthur River, Kojonup even Esperance?

Will Council also acknowledge that the problem is not whether it’s fifty or seventy a day, but the condition of the road and the impact it has on road safety and residents that live close to it? Does

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council really believe reduced speed – if permitted – will make a difference. Does Council really believe reduced speed signs – if permitted – will make a difference. Does Council realise that grading that section of the road makes the matter worse because then we have to eat brown talcum powder instead of brown dust?

Reference was made in the March report to creating a precedent. Will Council accept that the precedent has already been created by way of the 1.6km of bitumen from the southern end of Six Mile Road north to the Golf Course?

Why is Council considering a new policy, when it appears it may have the power to deal with our problem under W07 Construction Standards? Rural and Notes 3 subject to site conditions, slope etc. Also note 4 as determined by Council?

The supporting comment states in part that “with the increased desire by residents to have roads upgraded” Is this true? Because correspondence I have seen suggests that the only request in recent times is our request regarding Six Mile Road.

How can Council adopt a draft Policy without a requirement for advertising?

Does Council acknowledge that it has an important role to play, because it has the ability to alleviate the disadvantage, and isn't it better to say “How can we fix the problem” instead of “Sorry we can't help you”?

John & Phyllis Price – Lot 2 Six Mile Road Dinninup

**3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

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

Cr Oversby attended the Boyup Brook District Pioneers Museum AGM on 10/04/13

**5 CONFIRMATION OF MINUTES**

**5.1 Ordinary Meeting of Council - Thursday 21 March 2013**

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr Walker**

**That the minutes of the Ordinary Meeting of Council held on Thursday 21 March 2013 be confirmed as an accurate record.**

**CARRIED 9/0**

**Res 46/13**

**6 PRESIDENTIAL COMMUNICATIONS**

Attended Bunbury Wellington Group meeting held at the Shire of Capel on 25<sup>th</sup> March 2013.  
Attended meeting with John Wood regarding Lifestyle Villages on 3<sup>rd</sup> April 2013.

**7 COUNCILLORS QUESTIONS ON NOTICE**

Nil

**8.3 CHIEF EXECUTIVE OFFICER**

**Change to Order of Business**

**That the order of business in the agenda be changed to allow Item 8.3.6 to be brought forward and dealt with at this time.**

**8.3.6 Boyup Brook Town Hall – request for donation of hire costs**

<b>Location:</b>	<i>Boyup Brook Town Hall</i>
<b>Applicant:</b>	<i>Heated Multi Purpose Therapeutic Pool Committee</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>10 April 2013</i>
<b>Author:</b>	<i>Alan lamb</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Copy of letter</i>

**SUMMARY**

The purpose of this report is to put before Council the Heated Multi Purpose Therapeutic Pool Committee’s (HMPTPC) request for hall hire fees to be donated. The recommendation is that Council agree to this.

**BACKGROUND**

The HMPTPC is a subcommittee of the Boyup Brook Recreational Swimming Club incorporated which has been advocating and raising funds for a heated pool facility.

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The group has conducted fundraising activities in the Town Hall in the past and Council has donated the hall hire fees. The group generally limits its call to Council for free use of the hall to one major fund raising event per year and this is the group's event this year.

### **COMMENT**

The HMPTPC has used the Town Hall for its joint Boyanup Antiques Collectors Group Antiques, Collectables and Craft Fair in the past and it is understood that attendance was good. The event is held over two days and this year it will be 18<sup>th</sup> and 19<sup>th</sup> of May 2013. From recollection the set up was done on the Friday afternoon and the break down was on the Sunday afternoon.

Last year there were problems with the power supply to the Hall, something caused the pole fuse to blow on a number of occasions. The emergency generator was started each time and in the end it was left to run to save the cost and inconvenience of regular call outs. The power failures may have been attributable to a faulty piece of equipment or an over load from a piece of equipment. The first occurred on the Friday night when a kettle or the like was plugged in. In any event, work is scheduled to be done on the power and it is hoped that this will occur before the planned use. There were some hold-ups in getting the work done, a survey was required to establish the lot boundaries and now we are waiting for Western Power to do the required work.

There is a concern that the Hall use appears to include a number of people camping in the Hall over night and this is not a desirable use because the facilities are not set up for habitation. It is understood that the people camping there do so as a security measure for the goods etc that remain there overnight. It is possible that people selling things at the fair may factor in that there will be no accommodation costs and this may make the event more viable for them. Further, the added cost of alternative accommodation for a couple of nights might impact on their decision to have a stall at the fair.

After hour's problems and callouts, to power outages etc, are often difficult for the facility users and the Council staff involved, and these difficulties are amplified when the problems occur at night time. On balance then whilst there may be a need for some security presence at the Hall at night it is suggested that this should be limited and that the Hall should not be used as free accommodation.

### **CONSULTATION**

The author has spoken with other members of staff.

### **STATUTORY OBLIGATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

The budget for Hall hire income was based on previous year's income and as such the proposed donation of Hall hire is expected to have no impact. The practice has been to

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account for Hall hire donations via a journal crediting Hall hire income and debiting donation expenses to more correctly reflect Hall usage in accounts. It is proposed that any donation Council makes regarding this request be treated in the same manner.

The daily hire fee for the main hall is \$130 and the kitchen is \$40. The proposal is to hire the Hall for two days so the value of the requested donation is \$340. The HMPTPC provided a bond some time ago on the basis that Council holds it against any future usage of the Hall so in effect a bond has been paid and is held by the Shire for this planned usage.

**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 8.3.6**

**MOVED: Cr Biddle**

**SECONDED: Cr Oversby**

**That Council agree to the Heated Multi Purpose Therapeutic Pool Committee's request for a donation of the Boyup Brook Town Hall hire fees for its Antiques, Collectables and Craft fair fundraising function 18 and 19 May 2013, and that the donation be reflected in Council's accounts to show the income and the donation.**

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 47/13**

## 8 REPORTS OF OFFICERS

### 8.1 MANAGER WORKS & SERVICES

Item 8.1.1 was withdrawn by the CEO.

<b>8.1.1 Policy – Road Contribution – Other than situations covered in Policy W07</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>	11 <sup>th</sup> of April, 2013
<b>Author:</b>	Rob Staniforth-Smith
<b>Authorizing Officer:</b>	Alan Lamb - CEO
<b>Attachments:</b>	Draft Policy W10

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#### **SUMMARY**

This item is to adopt the proposed “Road Contribution Policy – Other than situations covered in Policy W07” as requested by Council at the March Meeting in response to resolution 27/13.

#### **BACKGROUND**

Council resolved in its March meeting, resolution 27/13, that administration put a draft policy to Councils April meeting for “road contributions other than those covered by policy W07”. This was requested after Council resolved not to seal a portion of Six Mile Road, but wanted to give ratepayers a clear direction as to their requirement to contribute to road upgrades requested by themselves.

#### **COMMENT**

With the increased desire by residents to have roads upgraded in situations where Council does not have the required funds and upgrades are not rated in the Council's 10 year plans, residents and ratepayers will have the ability to have the upgrade proceed by self-funding the full cost to perform the upgrade.

#### **CONSULTATION**

CEO, Alan Lamb

#### **STATUTORY OBLIGATIONS**

Nil



**POLICY IMPLICATIONS**

The policy will enhance the Shires administration process by giving a clear indication of the purpose and guidelines for staff to follow.

**BUDGET/FINANCIAL IMPLICATIONS**

Any upgrades to existing roads at a cost not borne by Council are a benefit to Council as a whole, however, “whole of life” maintenance costs may increase depending on the type of road upgrade.

**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 Giles**

**SECONDED: Cr O’Hare**

**That the draft policy, “Road Contribution – Other than situations covered in Policy W07” be adopted.**

**MOVED INTO COMMITTEE**

**MOVED: Cr Walker**

**SECONDED: Cr Biddle**

**That the Council move into 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 48/13**

**MOVED OUT OF COMMITTEE**

**MOVED: Cr Oversby**

**SECONDED: Cr Imrie**

**That the Council moves out of Committee Of The Whole under clause 15.6 of the Standing Orders, Local Law No.1 and that Standing Orders be resumed.**

**CARRIED 9/0**

**Res 49/13**

**ITEM WITHDRAWN**

Following discussion by Council, whilst in Committee of Whole, the CEO sought to withdraw the item in order for administration to include criteria in the draft policy as a basis for Council decision making and to review the recommended contribution percentage. The criteria discussed centred around the general basis for decision making (i.e. from highest to lowest, Safety, Asset Preservation, and Amenity). With the approval of the Mover and Seconder of the motion, the CEO withdrew the item and advised that the aim was to provide a revised draft to the May meeting of Council.

## 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>10 April 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 14 March to 11 April 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*

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*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 O'Hare**

**SECONDED: Cr Aird**

**That the list of accounts paid in March 2013 as presented totalling \$385,051.02 and as represented by cheque voucher numbers 19225 - 19248 totalling \$59,455.98 and accounts paid by direct electronic payments through the Municipal Account totalling \$325,595.04 be received.**

**CARRIED 9/0**

**Res 50/13**

**8.2.2 Monthly Statements of Financial Activity**

<b>Location:</b>	Not applicable
<b>Applicant:</b>	Not applicable
<b>File:</b>	FM/10/003
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	9 April 2013
<b>Author:</b>	Financial Consultant – Darren Long
<b>Authorizing Officer:</b>	Alan Lamb – Chief Executive Officer
<b>Attachments:</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 March 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 – ITEM 8.2.2**

**MOVED: Cr Walker**

**SECONDED: Cr Oversby**

**(a) That the March 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 9/0**

**Res 51/13**

**8.3 CHIEF EXECUTIVE OFFICER**

**8.3.1 Review of Delegations of Authority**

<b><i>Location:</i></b>	<i>Shire of Boyup Brook</i>
<b><i>Applicant:</i></b>	<i>Shire of Boyup Brook</i>
<b><i>File:</i></b>	<i>GO/15/004</i>
<b><i>Disclosure of Officer Interest:</i></b>	<i>Nil</i>
<b><i>Date:</i></b>	<i>9 April 2013</i>
<b><i>Author:</i></b>	<i>Alan Lamb – Chief Executive Officer</i>
<b><i>Authorizing Officer:</i></b>	<i>Not applicable</i>
<b><i>Attachments:</i></b>	<i>Yes – current Register of Delegations of Authority Manual &amp; Proposed New Delegation</i>

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**SUMMARY**

This item reviews the existing Delegations of Authority and recommends that the existing delegations continue without change.

**BACKGROUND**

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

Local Government Act 1995 section 5.46(2) states At least once every financial year, delegations made under this Division are to be reviewed by the delegator. Council last reviewed its delegations at the April 2012 Council meeting.

**COMMENT**

An extensive review of the Shire of Boyup Brook Delegations of Authority conducted in February 2009 and it is suggested that no further changes are needed at this time.

**CONSULTATION**

Manager of Works and Services

Health and Building Officer

**STATUTORY OBLIGATIONS**

Local Government Act 1995 (various sections)  
Local Government Act (Administration) Regulations 1996  
Local Government Act (Functions and General) Regulations 1996  
Occupational Safety and Health Act 1984 and Regulations 1986

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Local Government (Financial Management) Regulations 1996  
Local Government (Miscellaneous Provisions) Act 1960

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

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

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION – ITEM 8.3.1**

That Council adopt the Delegations of Authority as presented and the same be implemented as from 18 April 2013 until further notice.

**COUNCIL DECISION**

**MOVED: Cr Oversby**

**SECONDED: Cr Walker**

That Council adopt the Delegations of Authority as presented except for delegation P.4 and W.9 and the same be implemented until further notice.

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 52/13**

**NOTE**

Delegations P4 and W9 were to be reviewed and brought back to the May 2013 meeting of Council.



**8.3.2 Annual Compliance Audit Return 2012**

<b>Location:</b>	<i>Shire of Boyup Brook</i>
<b>Applicant:</b>	<i>Shire of Boyup Brook</i>
<b>File:</b>	<i>FM/9/004</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>11 April 2013</i>
<b>Author:</b>	<i>Alan Lamb - CEO</i>
<b>Authorizing Officer:</b>	<i>N/A</i>
<b>Attachments:</b>	<i>Yes – Boyup Brook Compliance Audit Return 2012</i>

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**SUMMARY**

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

**BACKGROUND**

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

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

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

**COMMENT**

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

**CONSULTATION**

Chief Executive Officer – Alan Lamb  
Manager of Works and Services – Rob Staniforth-Smith  
Environmental Health/Building Officer – Wayne Jolley  
Finance Officer – Kay Raisin  
Administration Staff

**STATUTORY OBLIGATIONS**

Local Government Act 1995 Section 7.13(1(i)

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

**POLICY IMPLICATIONS**

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

**BUDGET/FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no Strategic implications relating to the Compliance Return.

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.2**

**MOVED: Cr Biddle**

**SECONDED: Cr Aird**

**That the Council adopts the Annual Compliance Report for 2012, and the Shire President and Chief Executive Officer certify the return for submission to the Department of Local Government and Regional Development.**

**CARRIED 9/0**

**Res 53/13**

**8.3.3 Blackwood Basin Group – Management Committee Vacancies**

<b>Location:</b>	<i>N/A</i>
<b>Applicant:</b>	<i>Blackwood Basin Group</i>
<b>File:</b>	<i>CR/31/004</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>11 April 2012</i>
<b>Author:</b>	<i>Alan Lamb - CEO</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>BBG Letter</i>

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**SUMMARY**

The purpose of this report is to put before Council the Blackwood Basin Group's (BBG) call for nominations for two positions on its management committee with the recommendation that support the nomination of the two retiring members.

**BACKGROUND**

BBG is a natural resource management group based in Boyup Brook.

Two members of its management committee terms of office expire 30 June 2013. Nominations for the two positions close 28 June 2013 and the two retiring members (Dr Per Christensen & Mr Derek Dilkes) have/are renominating.

**COMMENT**

It is recommended that Council support the nomination of Dr Per Christensen & Mr Derek Dilkes.

**CONSULTATION**

The author spoke with the BBG Executive Officer.

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple majority

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

**MOVED: Cr Biddle**

**SECONDED: Cr O'Hare**

**That Council support the nominations of Dr Per Christensen & Mr Derek Dilkes for another term of office with the Blackwood Basin Group's management committee.**

**CARRIED 9/0**

**Res 54/13**

**8.3.4 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>10<sup>th</sup> April 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**

The Shire of Boyup Brook has a requirement for various items of fully self-contained plant, equipment and services to deliver, or provide support for the delivery of a number of projects, along with the Council's annual works programs.

This report seeks the Council endorsement of the tender document and weighting criteria for the Request for Tender RFT 013-003 Supply of Various Services and Plant Hire – Panel Contract for a 2 year period.

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

**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 sometime 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**

It is expected that the plant and services will be able to commence no later than 1<sup>st</sup> July 2013 and be available for the full 2 year period is needed. Items will be selected on the basis of the most economically and efficient method of completing the task within the budget and timeframe.

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.

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- 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. Each component of this tender will be awarded to a Primary Tenderer and a Secondary Tenderer. This means that the Primary tenderer will be offered the works relevant to the tendered task first. If the Primary tenderer cannot carry out the works, the task(s) will then be offered to the secondary tenderer.

If the Primary tenderer cannot be contacted by all reasonable methods, the Shire may then approach the Secondary tenderer to complete the task.

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, and then the Shire of Boyup Brook will go to the industry market to source the appropriate item of plant or service.

Below is a list of plant and services required and the tasks these are likely to be undertaking during the term of the hire.

**Part A**

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

**Part B**

- IT support and consultancy including user support/helpdesk.
- Cleaning - Toilets, Public Buildings, Administration and Depot
- Roofing including Gutter cleaning
- Demolition works
- General Building Maintenance
- Glazing Works
- Painting
- Provision of Earth Moving equipment at a Fire
  - Grader
  - Loader
  - Dozer with Tree push bar

**Part C**

- Grader: 12H or similar
- Dozer D7 or similar
- Excavators
- 6 wheel end tipper
- Semi-Trailer tipper
- Multi tyred roller
- Bobcat / Side Steer Loader
- Backhoe Loader
- Traffic management
- Works Supervisor/Project Manager
- Surveyor (General and Licensed)
- Seal edge repairs – 300 wide/500 wide/700 wide
- Other Plant Services
- Plumber
- Electrician
- Fencing (Shire supplied materials):
  - 1800 chain link mesh
  - Rural farm fencing – 6 line plus plain/m
  - 1800 high Good Neighbour fencing
- Fencing (including all materials)
  - 1800 chain link mesh
  - Rural farm fencing – 6 line plus plain/m
  - 1800 high Good Neighbour fencing
- Reticulation repairs – labour rates and travel.
- Weed Spraying – labour rates and travel.
- Footpath Construction – per square meter (100mm thick concrete allow for formwork, expansion joints)
- Other concrete works, such as building pads, driveways, kerbing etc.

It is expected that the successful supplier will submit all current licenses, insurance certificates and specifications of each type of plant they will be supplying.

It should be clearly understood that this is a 2 year period panel contract and some projects may be remote in location and only items of plant will be selected if all regulatory compliances are current and the items of plant are fit for purpose at the discretion of the Primary Contact person. Worksite safety is our highest priority.

**CONSULTATION**

Consultation has been held with:

- Chief Executive Officer
- Manager Works and Services
- Manager Administration and Assets.
- Shires of Menzies, Wiluna, and Broome who have recently awarded similar panel contracts.

**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 complies 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 – ITEM 8.3.4**

**MOVED: Cr Oversby**

**SECONDED: Cr Kaltenrieder**

1. That the Council endorses the Request for Tender 013-003 Supply of Various Services and Plant – 2 Year Panel Contract and for the Chief Executive Officer to advertise, assess submissions and bring a report back to the Council to endorse the successful tenderers.
  
2. That the Council endorses the weighting criteria for the Request for Tender 013-003 Supply of Various Services and Plant – 2 Year Panel Contract as:

<b>Description of Qualitative Criteria</b>	<b>Weighting</b> %
<b>A) Value for Money</b>  i. Price;	70%
<b>B) Relevant Experience in providing this service</b>  i. Provide details of similar services; ii. Demonstrate competency and proven track record of achievement in this field;	15%

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<b>Description of Qualitative Criteria</b>	<b>Weighting</b>
<b>C) Respondent's Resources</b>  Respondents should demonstrate their ability and sustain the necessary  i. Plant, equipment and materials necessary to supply and provide service; ii. Any contingency measures or back up of resources including personnel (where applicable).	15%

**CARRIED 9/0**

**Res 55/13**

**NOTE**

**Council wanted to see provision made in the forms for machine descriptions and specifications where required.**

**8.3.5 Unallocated Crown Land adjacent to Reserve 47025 Reservoir Road, Boyup Brook**

<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>10 April 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 provided plan.</i>

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**SUMMARY**

The purpose of this report is to bring the matter back to Council with a recommendation that Council give notice of the intention to close a portion of the road.

**BACKGROUND**

This matter was put before Council at its December meeting where Council resolved as follows:

**That Council agree to the Department of Regional Development and Land's request for it to have the section of Reservoir Road that deviates from its surveyed and dedicated alignment.**

State Land Services (SLS) subsequently advised that this resolution did not adequately cover the actions required under the Land Administration Act 1997 (LAA).

**COMMENT**

In a nut shell, the Water Corporation seeks to have a portion of Unallocated Crown Land (UCL) Reserved for its use and a hold-up has been that a portion of Reservoir Road is constructed through a portion of the UCL instead of being wholly contained within the road reserve boundary. This matter has been back and forth between DOLA, now called Department of Regional Development and Lands (RDL), and this organisation since 2001 and whilst it is apparent it was never a priority for this organisation, it is a matter that needs to be resolved.

To put it in context, many roads are constructed outside of their dedicated reserve boundaries and whilst it would be ideal for every Road management authority to identify all such occurrences, and work toward amending road reserves (or reconstruct the roads on the correct alignment) this has not been practical from a cost, time and need perspective. Alignment issues then generally only come up when there is a need to do something with the land, as in this case.

In bringing this matter to Council in December last year the approach taken was that RDL and Water Corporation wanted the matter resolved and so perhaps they should bear the cost and the Council resolution (which was also the officer recommendation) mirrored this. On reflection though, as it was this organisation that constructed the road outside of the road reserve boundary, perhaps it is more appropriate for Council to meet at least some of the costs. It is noted that State Lands (a section of RDL) is offering to do some of the advertising and so reduce the cost to Council of the process and it is suggested that Council now agrees to cover the other costs.

The process from here would be for Council to resolve to give notice of its intention to make a request to the Minister for Lands to dedicate a portion of UCL occupied by a portion of Reservoir Road, and to close the unmade portion of Reservoir Road in Reserve 47025 (note the notice regarding the dedication is not required but it is suggested that it be included in the notification regarding the closure). Also that Council accept the SLS offer to assist with the required consultation.

### **CONSULTATION**

This matter has been before Council previously.

### **STATUTORY OBLIGATIONS**

The following sections of the Land Administration Act have relevance:

#### 56. Dedication of land as road

(1) *If in the district of a local government —*

(a) *land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government; or*

(b) *in the case of land comprising a private road constructed and maintained to the satisfaction of the local government —*

(i) *the holder of the freehold in that land applies to the local government, requesting it to do so; or*

(ii) *those holders of the freehold in rateable land abutting the private road, the aggregate of the rateable value of whose land is greater than one half of the rateable value of all the rateable land abutting the private road, apply to the local government, requesting it to do so;*

*or*

(c) *land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years,*

*and that land is described in a plan of survey, sketch plan or document; the local government may request the Minister to dedicate that land as a road.*

(2) *If a local government resolves to make a request under subsection (1), it must —*

(a) *in accordance with the regulations prepare and deliver the request to the Minister; and*

- (b) *provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*
- (3) *On receiving a request delivered to him or her under subsection (2), the Minister must consider the request and may then —*
  - (a) *subject to subsection (5), by order grant the request; or*
  - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
  - (c) *refuse the request.*
- (4) *On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.*
- (5) *To be dedicated under subsection (3)(a), land must immediately before the time of dedication be —*
  - (a) *unallocated Crown land or, in the case of a private road, alienated land; and*
  - (b) *designated in the relevant plan of survey, sketch plan or document as having the purpose of a road.*
- (6) *If land referred to in subsection (1)(b) or (c) is dedicated under subsection (3)(a), a person with an interest in that land (including a person who has the benefit of an easement created under section 167A of the TLA) is not entitled to compensation because of that dedication.*

*[Section 56 amended by No. 59 of 2000 s. 16.]*

**58. Closing roads**

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*
  - (a) *by order grant the request; or*
  - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
  - (c) *refuse the request.*

- (5) *If the Minister grants a request under subsection (4) —*
- (a) *the road concerned is closed on and from the day on which the relevant order is registered; and*
  - (b) *any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) *When a road is closed under this section, the land comprising the former road —*
- (a) *becomes unallocated Crown land; or*
  - (b) *if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.*

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Council will need to meet the costs of advertising and other related administrative costs but these should be covered by general provisions for advertising and administration.

**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 8.3.5**

**MOVED: Cr Moir**

**SECONDED: Cr Biddle**

**That Council give notice of its intention to make a request to the Minister for Lands to dedicate a portion of UCL occupied by a portion of Reservoir Road, and to close the unmade portion of Reservoir Road in Reserve 47025. Also that Council accept the offer made by State Land Services to assist with the notification process.**

**CARRIED 9/0**

**Res 56/13**

**Impartiality Interest**

Cr Oversby declared an impartiality interest in item 8.3.7 due to being a member of the Lions Club Boyup Brook.

**8.3.7 Lions Club Boyup Brook – Sandakan Scholarship Sponsorship request**

**Location:** N/a  
**Applicant:** Lions Club Boyup Brook  
**File:**  
**Disclosure of Officer Interest:** None  
**Date:** 11 April, 2013  
**Author:** Alan Lamb  
**Authorizing Officer:** Not applicable  
**Attachments:** Copy of letter

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**SUMMARY**

The purpose of this report is to put before Council a sponsorship request with the recommendation that it be agreed to.

**BACKGROUND**

Each year for a number of years Council has budgeted to financially assist the local Lions Club with its Sandakan Scholarship initiative on the basis of “if requested and approved”. The 2012/13 budget contains provision for a contribution of \$2,500 and the Club has requested this amount.

**COMMENT**

Council assist with local Lions Club with its Sandakan Day function each year and some time ago started the practice of also allowing for a cash contribution toward the annual scholarship. Until recent times the Club has not sought to access this funding opportunity but increasing costs and reducing sponsorships has resulted in their need to seek Council assistance last and this year. This being the case, and probable trend, it would perhaps be prudent to budget for a sponsorship contribution to be made without the previously applied caveats.

**CONSULTATION**

Nil other than with staff.

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil, provision was made in the current budget to make the requested payment.

**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 8.3.7**

**MOVED: Cr Biddle**

**SECONDED: Cr O'Hare**

**That Council agree to provide the Lions Club Boyup Brook with \$2,500 as sponsorship toward its Sandakan Scholarship initiative.**

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 57/13**



**8.3.8 Integrated Planning - Corporate Plan, Customer Satisfaction Survey – appointment of consultants**

<b>Location:</b>	<i>N/a</i>
<b>Applicant:</b>	<i>N/a</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>11 April 2013</i>
<b>Author:</b>	<i>Alan Lamb - CEO</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Nil</i>

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**SUMMARY**

The purpose of this report is to put before Council the recommendation that approval be given to allow anticipated excess provisions made for integrated planning to be used to appoint Dominic Carbone and Associates (DCA) to complete Council's Corporate Plan and JM Community Development Projects to complete a customer satisfaction survey.

**BACKGROUND**

The Corporate Plan is required to be completed before 1 July 2013. The customer satisfaction survey is included in the draft Community Strategic Plan and the CEO's performance measures for this year provide that the survey be conducted before the 2013/14 budget is adopted.

**COMMENT**

The Corporate Plan cost has been estimated to be \$20,000 and the survey \$5,000. As will be seen under the heading Budget/Financial Implications, there is sufficient funds provided, in the area of consultants assisting with the integrated planning process, in the budget to meet these costs and the recommendation is that approval be given for some of these funds to be applied to these two projects.

It is likely that some of the unspent strategic planning grant could be applied to these projects and this would reduce the amount Council would need to use from its own resources. It has been argued with The Department for Local Government that the Corporate Plan is an extension of the strategic plan because it shows in detail how Council will deliver the communities expressed requirements over the next four years. Similarly, it has been argued that the community survey questions may have been leading and so there is a need to do customer satisfaction survey in order to make sure that the directions indicated by the survey results are clearly what the community wants before the integrated planning is finalised and the 13/14 budget adopted. The Department has not rejected these arguments and administration is now seeking a formal agreement to a grant budget amendment.

**CONSULTATION**

The matter of the Corporate Plan has been before Council a number of times primarily in workshops. The matter of a customer satisfaction survey is included in the draft Community Strategic Plan and the recently adopted CEO's performance criteria.

**STATUTORY OBLIGATIONS**

The following Part of the Local Government (Administration) Regulations applies;

*Part 5 — Annual reports and planning*

*[Heading inserted in Gazette 26 Aug 2011 p. 3482.]*

**Division 1 — Preliminary**

*[Heading inserted in Gazette 26 Aug 2011 p. 3482.]*

**19BA. Terms used**

*In this Part —*

*corporate business plan means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with section 5.56;*

*strategic community plan means a plan made under regulation 19C that, together with a corporate business plan, forms a plan for the future of a district made in accordance with section 5.56.*

*[Regulation 19BA inserted in Gazette 26 Aug 2011 p. 3482-3.]*

**Division 2 — Annual reports**

*[Heading inserted in Gazette 26 Aug 2011 p. 3483.]*

**19B. Information about numbers of certain employees to be included  
(Act s. 5.53(2)(g))**

*For the purposes of section 5.53(2)(g) the annual report of a local government for a financial year is to contain the following information —*

- (a) the number of employees of the local government entitled to an annual salary of \$100 000 or more;*
- (b) the number of those employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000.*

*[Regulation 19B inserted in Gazette 31 Mar 2005 p. 1032.]*

**19CA. Information about modifications to certain plans to be included  
(Act s. 5.53(2)(i))**

- (1) This regulation has effect for the purposes of section 5.53(2)(i).*

- (2) *If a modification is made during a financial year to a local government's strategic community plan, the annual report of the local government for the financial year is to contain information about that modification.*
- (3) *If a significant modification is made during a financial year to a local government's corporate business plan, the annual report of the local government for the financial year is to contain information about that significant modification.*

*[Regulation 19CA inserted in Gazette 26 Aug 2011 p. 3483.]*

**Division 3 — Planning for the future**

*[Heading inserted in Gazette 26 Aug 2011 p. 3483.]*

**19C. Strategic community plans, requirements for (Act s. 5.56)**

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
  - (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
  - (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
  - (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
  - (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
    - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
    - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
    - (c) *demographic trends.*
  - (6) *Subject to sub regulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
  - (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*
- \*Absolute majority required.*
- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
  - (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
  - (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

*[Regulation 19C inserted in Gazette 26 Aug 2011 p. 3483-4.]*

**19DA. Corporate business plans, requirements for (Act s. 5.56)**

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
  - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and*
  - (b) *govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and*
  - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*

*\*Absolute majority required.*

- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

*[Regulation 19DA inserted in Gazette 26 Aug 2011 p. 3484-5.]*

**19DB. Transitional provisions for plans for the future until 30 June 2013**

- (1) *In this regulation —*

**former regulation 19C** means regulation 19C as in force immediately before 26 August 2011 and continued under sub regulation (2);

**former regulation 19D** means regulation 19D as in force immediately before 26 August 2011;

**plan for the future** means a plan for the future of its district made by a local government in accordance with former regulation 19C.
- (2) *Except as stated in this regulation, former regulation 19C continues to have effect on and after 26 August 2011 until this regulation expires under sub regulation (7).*
- (3) *A local government is to ensure that a plan for the future applies in respect of each financial year before the financial year ending 30 June 2014.*
- (4) *A local government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.*

- (5) *If, for the purposes of complying with sub regulation (3), a local government makes a new plan for the future, local public notice of the adoption of the plan is to be given in accordance with former regulation 19D.*
- (6) *If a local government modifies a plan for the future under former regulation 19C(4), whether for the purposes of complying with sub regulation (3) or otherwise —*
  - (a) *the local government is not required to comply with former regulation 19C(7) or (8) in relation to the modifications of the plan; and*
  - (b) *local public notice of the adoption of the modifications of the plan is to be given in accordance with former regulation 19D.*
- (7) *This regulation expires at the end of 30 June 2013.*  
*[Regulation 19DB inserted in Gazette 26 Aug 2011 p. 3485-6.]*

### **19D. Adoption of plan, public notice of to be given**

- (1) *After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with sub regulation (2).*
- (2) *The local public notice is to contain —*
  - (a) *notification that —*
    - (i) *a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and*
    - (ii) *details of where and when the plan may be inspected;*
  - or*
  - (b) *where a strategic community plan for the district has been modified —*
    - (i) *notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and*
    - (ii) *details of where and when the modified plan may be inspected.*

*[Regulation 19D inserted in Gazette 31 Mar 2005 p. 1033-4; amended in Gazette 26 Aug 2011 p. 3486.]*

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

The following schedule sets out the current budget, expenditure to date and the grant aspect for integrated planning:

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 18 APRIL 2013

<b>Integrated plan</b>	<b>Budget</b>	<b>Expenditure to date</b>	<b>forecast additional expenditure</b>	<b>forecast 30/6/2013</b>	<b>Balance of funds available</b>
Financial Plan	23,243	9,730		9,730	13,513
Strategic Plan	31,514	9,495	4,300	13,795	17,719
Asset Management Plan	36,000	8,442		8,442	27,558
<b>Total</b>					<b>58,790</b>
	Balance of grant carried forward	estimated expenditure to 30/6/2013	Balance of grant funding		
Integrated plan					
Financial Plan	7,750	9,730	-		
Strategic Plan	33,214	13,795	19,419		
Asset Management Plan	-	8,442	-		

As will be seen, unless we can use the balance of the Strategic Planning funding for the two projects we will have to return nearly twenty thousand dollars. There are some transfers of costs that we could legitimately do but this would still result in a significant underspend.

In terms of total funds available, as will be seen from the schedule, we are looking at spending less than budgeted for overall integrated planning, especially on the asset management planning, so Council could look to use this expected surplus to meet the cost of the two projects if it is not possible to use the grant funding.

**STRATEGIC IMPLICATIONS**

The draft Community Strategic plan provides:

***Performance Measures***

<b>INDEX</b>	<b>LAG INDICATORS</b>	<b>LEAD INDICATORS</b>
<i>Customer index</i>	<i>Customer Perception Survey.</i>	<ul style="list-style-type: none"> <li>✦ <i>Customer complaints.</i></li> <li>✦ <i>Customer requests.</i></li> <li>✦ <i>Survey satisfaction levels.</i></li> </ul>

Note, customer satisfaction survey and Customer Perception Survey is the same thing.

**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 Imrie**

**That Council approve the expenditure \$25,000 to appoint Dominic Carbone and Associates (DCA), to complete Council’s Corporate Plan, and JM Community Development Projects, to complete a customer satisfaction survey, both being a part of the strategic planning process, with the funds coming from the anticipated excess provided for integrated planning processes.**

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 58/13**

9 COMMITTEE REPORTS

**9.1.1 Minutes of the Bunbury Wellington Group of Councils**

**Location:** Shire of Capel  
**Applicant:** N/A  
**File:**  
**Disclosure of Officer Interest:** Nil  
**Date:** 10 April 2013  
**Author:** Alan Lamb - CEO  
**Attachments:** Yes – Minutes

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**BACKGROUND**

A Bunbury Wellington Group of Councils meeting was held on 25 March 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 O'Hare**

**That the minutes of the Bunbury Wellington Group meeting held on 25 March 2013 be received.**

**CARRIED 9/0**

**Res 59/13**

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

Nil

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

Nil

**12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS**

Nil

**13 CLOSURE OF MEETING**

There being no further business the Shire President, Cr Giles thanked all for attending and declared the meeting closed at 7.09pm