



MINUTES

ORDINARY COUNCIL MEETING

HELD ON

Thursday 10 February 2022

Commenced at 6.03pm

Shire of Boyup Brook Council Chambers, Boyup Brook

Dale Putland
Chief Executive Officer

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

We acknowledge and pay our respects to the traditional custodians of the land on which we meet and work.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

PRESENT:	Shire President	Richard Walker
	Deputy Shire President	Helen O'Connell
	Councillor	Sarah Alexander
		Steele Alexander
		Philippe Kaltenrieder
		Darren E King
		Kevin J Moir
		Adrian Price
		Charles Caldwell
	Chief Executive Officer	Dale Putland
	Manager Works & Services	Wayne Butler
	Executive Assistant	Maria Lane

LEAVE OF ABSENCE: Nil

APOLOGIES: Nil

MEMBERS OF PUBLIC: Chris Sousa - Department of Fire and Emergency Services (DFES).

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Chris Sousa from DFES expressed his thanks and appreciation to the Boyup Brook Bush Fire Brigade who assisted with the fires in Bridgetown.

The Shire President and Councillors would like to thank all who volunteered and helped, including the Boyup Brook Bush Fire Brigades, Boyup Brook Volunteer Fire & Emergency Services, St John Ambulance Boyup Brook, and the Boyup Brook Shire depot workers with the fires in Bridgetown.

6. DISCLOSURE OF INTEREST

Item	Councillor/Officer	Description	Declaration
10.4.2	CEO	Proposed elements involve CEO requirements	Impartiality
10.4.2	Shire President	Council composition and remuneration process	Impartiality
10.4.2	Deputy Shire President	Council composition and remuneration process	Impartiality
10.4.2	Cr C Caldwell	Council composition and remuneration process	Impartiality
10.4.2	Cr D King	Council composition and remuneration process	Impartiality
10.4.2	Cr Sarah Alexander	Council composition and remuneration process	Impartiality
10.4.2	Cr Steele Alexander	Council composition and remuneration process	Impartiality
10.4.2	Cr P Kaltenrieder	Council composition and remuneration process	Impartiality
10.4.2	Cr A Price	Council composition and remuneration process	Impartiality
10.4.2	Cr K Moir	Council composition and remuneration process	Impartiality

7. CONFIRMATION OF MINUTES

7.1 Ordinary Council Minutes – 16 December 2021

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.1

MOVED: Cr Philippe Kaltenrieder

SECONDED: Cr Helen O’Connell

That the minutes of the Ordinary Council Meeting held on Thursday 16 December 2021 be confirmed as an accurate record.

CARRIED 9/0

Res 22/02/03

8. PRESIDENTIAL COMMUNICATIONS

24th January – Warren Blackwood Alliance of Councils at Nelsons Bridgetown and the South West Development Commission regarding Native Forest decision and effect of Pine Estate expansion.

25th January – Met with Sergeant Phil Huggins and the President from the Country Music Club in relation to the festival.

26th January – Attended the Australia Day breakfast and Community Awards.

27th January – Met in relation to Rylington Park – farm planning.

31st January – Met with the CMCA regarding the Flax Mill Caravan Park.

2nd February – Attended a LEMC meeting.

3rd February – Warren Blackwood Alliance of Council/Forestry Transition Group.

9. COUNCILLOR QUESTIONS ON NOTICE

Nil

10. REPORTS OF OFFICERS

10.1 Manager Works and Services

Nil

10.2 FINANCE

10.2.1 List of Accounts Paid in December 2021

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>27/01/2022</i>
Author:	<i>Ben Robinson – Finance Manager</i>
Authorising Officer:	<i>Dale Putland – CEO</i>
Attachments:	<i>Yes – List of Accounts Paid in December</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in December 2021 are presented to Council.

BACKGROUND

This report presents accounts/invoices received for the supply of goods and services, salaries and wages, and the like which were paid during the period 01 to 31 December 2021.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 December 2021.

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 December 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 accorded with a detailed 2021-22 Annual Budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION OFFICER RECOMMENDATION – Item 10.2.1

MOVED: Cr Helen O’Connell

SECONDED: Cr Darren King

That at its February 2022 ordinary meeting Council receive as presented the list of accounts paid in December 2021, totalling \$940,756.98 from Municipal account, \$40,504.05 from Police Licensing account and \$13.02 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20544 - 20546	\$ 10,021.79
Municipal Electronic Payments	EFT11687 – EFT11840	\$ 675,129.44
Municipal Direct Payments		\$ 255,605.75
Police Licensing Payments		\$ 40,504.05
BBELC Payments		\$ 13.02

CARRIED 9/0

Res 22/02/04

WITHDRAWN

Item 10.2.2 has been withdrawn. Waiting for the updated income reports from the Medical Centre.

10.2.2 31 December 2021 Statement of Financial Activity

10.3 PLANNING

Nil

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 Warren Blackwood Alliance of Councils Climate Change Impact Reference Group – Nomination of 2 Council representatives

<i>Location:</i>	<i>N/A</i>
<i>Applicant:</i>	<i>Nil</i>
<i>Disclosure of Officer Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>3 December 2022</i>
<i>Author:</i>	<i>Maria Lane – Executive Assistant</i>
<i>Authorizing Officer:</i>	<i>Dale Putland – Chief Executive Officer</i>
<i>Attachments:</i>	<i>N/A</i>

SUMMARY

At the ordinary Council Meeting held on 25 February 2021 Council resolved to join the Warren Blackwood Alliance of Councils Climate Change Impact Reference Group – Resolution # 21/2/19.

The Shire is committed to the WALGA Regional Climate Alliance Program for a minimum of two years and will, as per correspondence sent to the Blackwood Alliance of Councils on 18th June 2021:

1. Provide a financial contribution of up to \$5000 per year to support the implementation of identified projects;
2. Provide a venue for meetings of the Climate Change Impact Reference Group (approximately 3 half days per year);
3. Continue to provide 2 Councillors and 1 staff member on the Climate Change Impact Reference Group meetings;
4. Provide a hot desk within the Shire Administration Office for the appointed coordinator to utilise as needed; and
5. Provide in-kind support, such as staff time, to support the coordinators activities.

BACKGROUND

The Shire of Bridgetown Greenbushes has been a member of the WBAC for approximately 20 years along with the Shire of Manjimup and Nannup. The Shire of Donnybrook-Balingup has also recently joined this regional grouping of Councils.

The purpose of the Climate Change Working Group is to establish a subregional climate change policy that includes recommendations for practical and achievable adaption and mitigation strategies applicable to the WBAC and its member local governments.

The Working Group is further mandated to provide recommendations to WBAC on practical and achievable climate change mitigation and adaption strategies for incorporation into strategic plans. The Working Group is also mandated to provide recommendations to the Shire's on practical and achievable climate change mitigation and adaption strategies for future consideration in strategic planning processes.

We will be requesting that the purpose of the Working Group will be expanded to include the development of a climate change declaration for each participating Shire.

CONSULTATION

WBAC

STATUTORY OBLIGATIONS - Nil

POLICY IMPLICATIONS

Refer to O.03 Tourism.

BUDGET/FINANCIAL IMPLICATIONS

In-kind support

STRATEGIC IMPLICATIONS

Strategic Community Plan 2021-2031

Tourism: Strong desire to develop tourism in Boyup Brook and increase tourism promotion, develop tourist attractions, improve tourist information and signage.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
N/A
- **Economic**
Refer to the *Strategic Implications* section in this report.
- **Social**
N/A

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 10.4.1

MOVED: Cr Sarah Alexander

SECONDED: Cr Steele Alexander

That Council nominate Cr Price and Cr Kaltenrieder as members of the Warren Blackwood Alliance of Councils Climate Change Impact Reference Group.

CARRIED 9/0

Res 22/02/05

Impartiality Interest

The Chief Executive Officer declared an impartiality interest in item 10.4.2 as proposed elements involve the CEO.

The Shire President, Deputy Shire President, Cr Philippe Kaltenrieder, Cr Charles Caldwell, Cr Adrian Price, Cr Sarah Alexander, Cr Moir, Cr Steele Alexander and Cr Darren King declared an impartiality interest in item 10.4.2 due to council composition and remuneration process.

10.4.2 Local Government Act Review

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>N/A</i>
Disclose of Interest:	<i>CEO - Some elements may relate to contractual arrangements. Councillors – Some elements may result in the number of Councillors being elected to Council being reduced, changes to the electoral process and abolishment of Wards in the Shire.</i>
Date:	<i>28 January 2022</i>
Author:	<i>Dale Putland – Chief Executive Officer</i>
Authorizing Officer:	<i>Dale Putland – Chief Executive Officer</i>
Attachments:	<i>Local Government Act Review Summary of Changes and proposed response.</i>

PURPOSE

The State Government have recently advised of a consultation period, which is due to close on 25 February 2022 on the proposed Local Government Act legislative reforms. Some of the proposed reforms have potential to impact significantly on the Shire of Boyup Brook.

WALGA has prepared a submission on the Local Government Act Reforms. Attachment 1 lists elements of these reforms with an explanation of the rationale behind them and the WALGA response. While many of the WALGA recommendations accord with the Shire of Boyup Brook position, some do not, particularly in relation to abolition of wards and reduction in the number of Councillors. It is therefore recommended that Council make their own submission on the Local Government Act reforms.

COMMENT

The Department of Local Government, Sport and Cultural Industries notes the following:

“Local government benefits all Western Australians. It is critical that local government works with:

- a culture of openness to innovation and change*
- continuous focus on the effective delivery of services*
- respectful and constructive policy debate and democratic decision-making*

- *an environment of transparency and accountability to ensure effective public engagement on important community decisions.*

Since first coming to office in 2017, the McGowan Government has already progressed reforms to improve specific aspects of local government performance. This includes new laws that work to improve transparency, cut red tape, and support jobs growth and economic development - ensuring that local government works for the benefit of local communities.

Based on the significant volume of research and consultation undertaken over the past five years, the Minister for Local Government has now announced the most significant package of major reforms to local government in Western Australia since the Local Government Act 1995 was passed more than 25 years ago. The package is based on six major themes:

1. Earlier intervention, effective regulation and stronger penalties;
2. Reducing red tape, increasing consistency and simplicity;
3. Greater transparency and accountability;
4. Stronger local democracy and community engagement;
5. Clear roles and responsibilities; and
6. Improved financial management and reporting.

As a general comment, several of the proposed reforms seem to duplicate existing local government processes and are expected to cost local governments substantial amounts of money to carry out in order to be compliant.

Others, such as the introduction of independent persons onto Audit Committees, seem to insinuate a distrust of local governments at a State level to be able to govern their own affairs appropriately, and in accordance with legislative requirements.

While responses to most of the proposed changes are adequately addressed through the WALGA submission, Council should make a separate submission addressing elements where the Shire's position may differ. In particular, it is recommended that Council make a submission regarding the proposed removal of wards and reduction in the number of Shire Councillors. Council has recently considered a ward review, retaining wards and a 9 member Council. Recommended a submission to retain wards and a 9 member Council using the ward review as evidence.

CONSULTATION

Councillors and the CEO attended a briefing by WALGA with Councillors from the Warren Blackwood Alliance of Councils.

Consultation has also occurred with elected members and CEOs from Local Government Members of the Warren Blackwood Alliance of Councils and other Local Governments in the WALGA South West Country Zone.

STATUTORY OBLIGATIONS

The reforms relate to the Local Government Act 1995, an Act of State Parliament that has now been substantially in place since 1996, some 25 years. If enacted, all Western Australian Local Governments will be required to amend their policies, procedures and practices to accord with the amended Act.

POLICY IMPLICATIONS

Prospective amendments to the Local Government Act 1995 may require reconsideration of several strategic and policy positions of the Shire of Boyup Brook.

BUDGET/FINANCIAL IMPLICATIONS

Should aspects with financial implications be included in the new Act, the cost of those aspects will need to be factored into the local governments operational budget.

The cost to carry out these proposed reforms is expected to be financially severe to the local government.

Therefore, it is in Council's interest to advocate that the cost of the proposed reforms be borne by the State Government.

A recommendation to this effect will be included in the Officer recommendation and included with the submission to DLGSC.

VOTING REQUIREMENT

Absolute Majority required: Yes.

MOVED INTO COMMITTEE

MOVED: Cr Sarah Alexander

SECONDED: Cr Darren King

That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.1 to allow members free discussion on the matter.

CARRIED 9/0

Res 22/02/06

MOVED OUT OF COMMITTEE

MOVED: Cr Helen O'Connell

SECONDED: Cr Philippe Kaltenrieder

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 22/02/07

COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 10.4.2

MOVED: Cr Adrian Price

SECONDED: Cr Philippe Kaltenrieder

That Council:

- 1. Make a formal submission on the proposed local government reforms outlining the key areas of Council concern as identified in Attachment 1 as amended.**
- 2. Request that the cost of implementing the proposed reforms if adopted are borne by the State Government to prevent an additional financial burden being placed on Shire ratepayers.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 22/02/08

11 COMMITTEE MINUTES

11.1 Annual Awards Committee Minutes

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 11.1

MOVED: Cr Steele Alexander

SECONDED: Cr Helen C O’Connell

That the unconfirmed minutes of the Annual Awards Committee held on Thursday, 18 November 2021 be received.

CARRIED 9/0

Res 22/02/09

12 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

13.1 Designated Area Migration Agreement (DAMA)

<i>Location</i>	<i>N/A</i>
<i>Applicant</i>	<i>N/A</i>
<i>File</i>	<i>DAMA</i>
<i>Disclosure of Interest</i>	<i>Nil</i>
<i>Date</i>	<i>March 2020</i>
<i>Author</i>	<i>Dale Putland Chief Executive Officer</i>
<i>Authorising Officer</i>	<i>Dale Putland – Chief Executive Officer</i>
<i>Attachments</i>	<i>Attachment 1 – DAMA documents including original MOU, Business Case and proposed contributions</i> <i>Attachment 2 – Currently proposed MOU</i> <i>Attachment 3 – Currently proposed list of financial contributions</i> <i>Attachment 4 – DAMA Frequently asked questions including list of included professions.</i>

SUMMARY

In late 2019, the Shire of Boyup Brook was requested to enter into an arrangement for establishment of a Designated Area Migration Agreement (DAMA) with the Commonwealth Government to allow for specific visas aimed to address skill shortages in the South West region. The DAMA was an initiative of the Shire of Dardanup.

The Shire was requested to contribute \$5,000 per year to support the DAMA, but after the issue was discussed with Council, the Shire advised the Shire of Dardanup that it was not able to assist with funding of the DAMA.

The South West DAMA has now been signed off by the relevant minister and the Shire of Dardanup is now requesting that the Shire of Boyup Brook participate in an MOU agreement for establishment of the DAMA as a non-financial partner.

BACKGROUND / COMMENT

The DAMA was an initiative of the Shire of Dardanup. The business case prepared by the Shire of Dardanup is included in Attachment 1 with the initial MOU that was proposed.

The Shire of Dardanup proposed that all Local Governments contributed equally to the DAMA. After discussions with between the CEO, former Deputy CEO and Council, the CEO advised the Shire of Dardanup that the Shire of Boyup Brook considered that a rate-based contribution was more appropriate. This proposal was rejected by the Shire of Dardanup and consequentially, the Shire of Boyup Brook declined to contribute financially to the agreement.

The Shire of Dardanup has recently employed an officer to administer the DAMA and the MOU establishes the number of visits to contributing local governments, dependant on the value of their contribution.

In late 2021, the Shire of Dardanup requested that all 12 local governments sign the MOU acknowledging that not all 12 are contributing financially. The proposed MOU and contributions list are included as Attachments 2 and 3 respectively.

Participating as a non-financial member will allow the Shire of Boyup Brook to monitor the success of the DAMA and if a benefit is identified, allow the Shire to become a financial participant in future. It is therefore recommended that the Shire participate in the DAMA as a non-financial member

CONSULTATION

The DAMA has been discussed on several occasions at the Bunbury Geographe Alliance of Councils while the CEO and Shire President were present.

The DAMA was discussed informally with Council in early 2020, however, no formal consultation has been undertaken and Council has not considered a formal report on the matter.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 13.1

MOVED: Cr Philippe Kaltenrieder

SECONDED: Cr Charles Caldwell

That Council resolve to participate in the South West Designated Area Migration Agreement as a non-financial member and authorise the CEO to sign the MOU on the Shire's behalf.

CARRIED 9/0

Res 22/02/10

14 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

Nil

15 CLOSURE OF MEETING

There being no further business the Shire President, Cr Walker thanked all for attending and declared the meeting closed at 6.59pm.