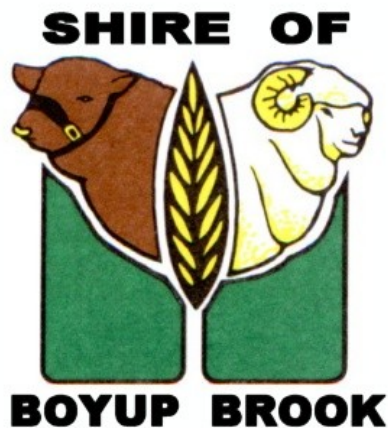


MINUTES



ORDINARY MEETING

HELD

THURSDAY 20 SEPTEMBER 2012

COMMENCED AT 3.30PM

AT

SHIRE OF BOYUP BROOK CHAMBERS
ABEL STREET – BOYUP BROOK

TABLE OF CONTENTS

1	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED	3
1.1	Attendance	3
1.3	Leave of Absence	3
2	PUBLIC QUESTION TIME	3
2.1	Response to Previous Public Questions Taken on Notice	3
2.2	Public Question Time	3
3	APPLICATIONS FOR LEAVE OF ABSENCE.....	3
4	PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS.....	4
5	CONFIRMATION OF MINUTES.....	4
6	PRESIDENTIAL COMMUNICATIONS.....	4
7	COUNCILLORS QUESTIONS ON NOTICE	5
8	REPORTS OF OFFICERS	5
8.1	MANAGER WORKS & SERVICES.....	5
	8.1.1. Naming of Road Reserve.....	5
	8.1.2 2012 – 2013 Surplus Regional Road Group Funds.....	7
8.2	FINANCE	9
	8.2.1 List of Accounts Paid.....	9
	8.2.2 July 2012 Monthly Statements of Financial Activity.....	11
	8.2.3 August 2012 Monthly Statements of Financial Activity.....	13
8.3	CHIEF EXECUTIVE OFFICER	15
	8.3.1 Lot 2 Six Mile Road Dinninup	15
	8.3.2 Inglis Street Boyup Brook – preliminary survey and design proposal.....	17
	8.3.3 Lot 1 Forrest Street Boyup Brook – site assessment	21
	8.3.4 Shire Website - Redesign	23
	8.3.5 Memorandum of Understanding – Emergency Management	27
9.1	COMMITTEE REPORTS	29
	9.1.1 Minutes of the WALGASW Zone.....	29
	9.1.2 Minutes of the Bunbury Wellington Group of Councils	29
	9.1.3 Minutes of the Forward Planning Committee	30
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	30
	10.1.1 Logo	30
	10.1.2 Independent Living Units.....	32
	10.1.3 Australia Day.....	35
11	URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT	43
	11.1.1 Blackwood River Valley Marketing Association.....	43
	11.1.2 Potential purchase of land for development	43
	11.1.3 Changing Boundaries.....	43
12	CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS.....	43
13	CLOSURE OF MEETING	44

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)

Apologies

Nil

1.3 Leave of Absence

Nil

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

The following question was put in writing to the meeting, distributed to all Members present and read out aloud at the meeting.

Question from Mr Terry Ginnane:

Item 10.1.1 Council Agenda for ordinary meeting Thursday 20th September 2012

As I need to address a question I ask –“Is it Council’s intention to support Councillor Oversby’s notice of motion item 10.1.1” I obviously do not expect a reply as the item will not have been dealt with at this time.

Council has always been supportive and appreciative of the Boyup Brook Country Music Club’s endeavours which most recently can be seen in Council’s formal and financial commitment to the proposed Country Music and Arts Centre of Excellence development.

However, Boyup Brook is more than just Country Music and the current theme of "Country Choice" embraces Country Music as part of the attraction of our wonderful Shire without losing its inherent historical identity: a history which is important to many within our community.

The Question was received.

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Kaltenrieder attended the Planning Institute of Australia Master Class and Annual State Conference held on 12th and 13th September 2012.

Cr Kaltenrieder attending the AGM at the Boyup Brook Club.

Cr Oversby attended the Blackwood River Valley Marketing Association meeting which was held on 28 August 2012

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 16 August 2012

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Biddle

SECONDED: Cr Oversby

That the minutes of the Ordinary Meeting of Council held on Thursday 16 August 2012 be confirmed as an accurate record with the following amendments and additions:-

Item 2 - Public Question Time – page 3 - Insert the word "not" between "for" and "following" in first sentence, second paragraph, and in the same sentence replace "Jays" with "Jayes".

Item 4 – Presentations – page 4 – add the following paragraph:-

"Cr Biddle informed Council that the Boyup Brook Tourism Association, after sending the draft plan to all Stakeholders has completed the Business Plan".

CARRIED 9/0

Res 116/12

ITEM 5.2 WITHDRAWN

5.2 Special Meeting of Council – Thursday 30 August 2012

Note: Corrections to be made.

6 PRESIDENTIAL COMMUNICATIONS

Cr Giles attended the McAlinden Hall where he unveiled the monument in memory of John McAlinden.

Cr Giles attended the Sandakan Memorial Service in Sandakan which was held on 15 August 2012, Cr Giles felt very privileged that he was able to attend and represent the Shire of Boyup Brook.

Cr Giles attended the Sandakan Memorial Service which was held on 11th September 2012 in Boyup Brook, he thanked Cr Biddle, Lions President Rose Dickson and the depot staff for their contribution to a very successful service. Cr Giles noted that number attending this years' service appeared to exceed past years and that the attendees included the Bunbury City Council Mayor and Shire Presidents from a number of Councils.

7 COUNCILLORS QUESTIONS ON NOTICE

Nil

REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

8.1.1. Naming of Road Reserve

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Interest:	Nil
Date:	11 th of September, 2012
Author:	R Staniforth-Smith, Manager of Works and Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Appendices:	Map

SUMMARY

The purpose of this report is to recommend the name for a road reserve to the Geographical Names committee, which is part of the Harley subdivision in McAlinden (of McAlinden Road)

BACKGROUND

WAPC application No 138000 was submitted on the 27th of October, 2008 and is due to expiry on the 27th of October 2012. The applicants, J&S Harley, have put forward two names which are associated with the area, after their initial request of Harley Rd was rejected to there already being a Harley Rd in the Shire.

The Geographical Locations Committee policy states:

Selection of Names

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

identify the origin of the name and provide relevant references to allow for the verification of the name.

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

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

Names of Living Persons - The names of living persons are not normally suitable for road names, and if proposed will be subject to a more rigorous selection process. The proposal must be accompanied by comprehensive biographical details including details of community involvement, and also an indication of strong community support for the proposed name.

COMMENT

The applicants have put forward the following two names which are named after the original farm name established by the applicant's grandfather in 1905:

1. Warrak Farm Estate (Preferred by applicant)
2. Warrak Drive

CONSULTATION

Janine and Stephen Harley

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

P.08 Followed

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.1

MOVED: Cr Moir

SECONDED: Cr Biddle

That Council recommend “Warrak Farm Estate” as the name of the road constructed as part of sub division WAPC Ref 138000

That if “Warrak Farm Estate” be declined then “Warrak Drive” be offered as alternate names.

CARRIED 9/0

Res 117/12

8.1.2 2012 – 2013 Surplus Regional Road Group Funds

Location: *Shire of Boyup Brook*
Applicant: *Not Applicable*
File:
Disclosure of Officer Interest: *None*
Date: *12th of September 2012*
Author: *Rob Staniforth-Smith*
Authorizing Officer: *Not applicable*
Attachments:

SUMMARY

The purpose of this report is to seek Council endorsement to apply for additional Regional Road Group RRG funds should the group have surplus funds for the 2012-2013 year

BACKGROUND

The Regional Road Group has indicated that there may be surplus funds available in the current year due to Augusta Margaret River Shire dropping one of their projects.

If the funds become available they distributed after seeking requests from Shires to increase spending this financial year on RRG projects at the normal 1/3 Council spend to 2/3 RRG spend

The additional amount we would request, if available, is \$30,000 from the RRG with an additional Council Spend of \$15,000 and the money would be spent on re-sealing (2nd coat seal) last years primer coat seal which is stripping (losing the stone from the matrix). This work will need to be done this year regardless of where the funds come from otherwise the pavement will deteriorate and fail.

COMMENT

Propose to apply for surplus funds if they become available to increase Council RRG spend in 2012/2013 by \$15,000 to increase RRG contribution by \$30,000.

Additional money to be spent on Boyup Brook – Arthur River Rd to 2nd coat last years primer seal which is failing.

Council would need to approve to amend the budget for the additional \$15,000.

CONSULTATION

Chief Executive Officer

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATION

Nil

BUDGET/FINANCIAL IMPLICATIONS

If application for surplus funds is successful, the budget would need to be amended by \$15,000

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 8.1.2

MOVED: Cr Moir

SECONDED: Cr Oversby

That the Councils endorses the application for additional funds from the Regional Road Group of \$30,000 for the 2012-2013 financial year, should surplus funds become available, by amending the 2012-2013 budget by \$15,000 and that the funds would be spent on the re-sealing of the Arthur River Rd.

CARRIED 9/0

Res 118/12

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:	8 September 2012
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 to 12 September 2012.

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 Aird

SECONDED: Cr O'Hare

That the list of accounts paid in August and September 2012 as presented totalling \$459,529.31 and as represented by cheque voucher numbers 77-100 & 19001-015 totalling \$88,835.38 and accounts paid by direct electronic payments through the Municipal Account totalling \$370,693.93 be received.

CARRIED 9/0

Res 119/12

8.2.2 July 2012 Monthly Statements of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	10 September 2012
Author:	Consultant
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Financial Reports

SUMMARY

Report recommends Council receive the Statement of Financial Activities and the Net Current Assets for the month ended 31 July 2012.

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 report.

The reports are attached.

COMMENT

At the time of preparing the statement the 2012/13 Budget had not yet been adopted, no Capital purchases or activities had occurred, and only normal operating activities occurred.

It is a statutory requirement that the Financial Activities Report be presented every month, but it provides little beneficial information at this time of year.

Obviously there have been no significant variations to report.

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

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.2

MOVED: Cr O'Hare

SECONDED: Cr Walker

That the July 2012 Monthly Statements of Financial Activity and Statement of Net Current Assets as presented, be received.

CARRIED 9/0

Res 120/12

8.2.3 August 2012 Monthly Statements of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	14 September 2012
Author:	Consultant
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Financial Reports

SUMMARY

Report recommends Council receive the Statement of Financial Activities and the Net Current Assets for the month ended 31 August 2012.

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.

The reports are attached.

COMMENT

As the 2012/13 Budget has only recently been adopted, then virtually no Capital purchases or activities have occurred, and only normal operating activities have mainly occurred.

It is a statutory requirement that the Financial Activities Report be presented for every month, but little variations to the adopted budget are projected to occur, at this time

As previously verbally advised, certain incomes and costs may be moved between the last financial year of 2011/12, and that of the 2012/13 year depending on the determinations by Council’s Auditor.

Obviously there have been no significant variations to report. The major variations will be reported for the September Quarter, in the October or November reports.

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 8.2.3

MOVED: Cr Oversby

SECONDED: Cr Biddle

That the August 2012 Monthly Statements of Financial Activity and Statement of Net Current Assets as presented, be received.

CARRIED 9/0

Res 121/12

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Lot 2 Six Mile Road Dinninup

Location:	<i>Lot 2 Six Mile Road Dinninup</i>
Applicant:	<i>P & J Price</i>
File:	<i>AS13153</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>3 September 2012</i>
Author:	<i>Wayne Jolley</i>
Authorizing Officer:	<i>A Lamb CEO</i>
Attachments:	<i>Application, Site Plan and letter from Barlee & Robyn Jones.</i>

SUMMARY

At its meeting on 18 November 2010, Council approved a reduction in setback from 10m to 9m, for a new house on the above property. The owners have now submitted building plans for the house but with a minimum setback on the north-west corner of the house, of 7.118m. They have submitted another application for planning approval, to reduce the setback to 7.2m, in accordance with a letter of support from the affected neighbour.

BACKGROUND

The subject land is Lot 2 Six Mile Road. It has an area of 2,478 square metres and is located near to the intersection of Six Mile Road and Boyup Brook – Arthur Road Dinninup. Council approved a setback reduction to 9m from the northern boundary for the proposed dwelling, at its meeting on 18 November 2012. A condition of approval stipulated that no modification would be allowed without the prior written approval of Council.

A building permit application for a dwelling was submitted on 8 August 2012 but with a minimum setback of 7.118m (north-west corner of dwelling) from the northern boundary. Consequently the owners have submitted a further Application for Planning Approval, to have the minimum setback from the northern boundary, reduced to 7.2m. The application, site plan and letter of support are attached.

COMMENT

As reported to Council on 18 November 2010, by Consultant Planner Geoffrey Lush, “the subject land is an anomaly in the Rural zone due to its size. As it is located in proximity to the Dinninup townsite it is not unreasonable to expect it to be developed for residential purposes.

There is no objection to the proposed setbacks which are consistent to those which would apply to a similar sized lot in the Residential or Urban zone.” Mr. Lush has further

indicated that reduction of the minimum setback as requested, as opposed to 9m as already approved is insignificant. In addition, the affected neighbours, Barlee and Robyn Jones support the reduction to the extent of 7.2m (letter 11 August 2012).

CONSULTATION

Mr. Geoffrey Lush, (Consultant Planner) has indicated that a reduction of setback to 7.2m as opposed to 9m is of no significance and would have been supported had it been asked for in November 2010.

STATUTORY ENVIRONMENT

The subject land is zoned Rural under Town Planning Scheme No 2.

Clause 5.2.5 of the Scheme states that no building development shall be located within 10 metres of any boundary of a lot in the Rural Zone.

Clause 3.6.1 of the Scheme allows Council to relax these setbacks where Council is satisfied that:

- i) approval of the proposed development would be consistent with the orderly and proper planning of the district and the preservation of the amenity of the district.
- ii) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the general population of the district, and
- iii) the spirit and purpose of the standard or requirement will not be unreasonably departed from.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.1

MOVED: Cr Oversby

SECONDED: Cr Imrie

That in addition to the approval of the 18 November 2010, Council approves a reduction of the minimum setback to the northern boundary, to 7.2m.

CARRIED 9/0

Res 122/12

8.3.2 Inglis Street Boyup Brook – preliminary survey and design proposal

Location:	<i>Inglis Street Boyup Brook</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13 September 2012</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>No</i>

SUMMARY

The purpose of this report is to seek approval from Council to provide funding to conduct preliminary survey and design work for Inglis Street and a portion of Barron Street.

BACKGROUND

There are a number of issues with Inglis Street and one of these also includes a section of Baron Street.

One issue relates to an encroachment into the unmade section of Inglis Street between Knapp and Robinson. This encroachment appears to have occurred many years ago and may have increased in more recent times. The matter was the subject of a report to Council in May 2008. The matter was also discussed at briefing sessions and more recently a resident posed a question to Council at a meeting regarding the encroachment and what Council was going to do about it.

Prior to the latest approach to Council, the plan was to liaise with the adjoining land owner over options to resolve the matter and that this was not a particularly high priority. More recently a representative of the owner made an approach seeking to move the matter along and so this, and the previously mentioned resident's question, has prompted this report.

In looking at this matter though it was noted that the built section of Inglis Street at the intersection with Robinson Avenue might need redesigning to improve access to properties serviced by this section, and so perhaps this intersection should be included in any design work.

In looking further its was noted that the footpath and verge on the section of Inglis Street between Robinson and Barron was in need of work to improve safety, especially near the school, and so it made sense to also include this in any study. Further it appeared reasonable to include the section of Barron Street between Inglis and Bridge in the study as this offered potential opportunity to take some traffic, and associated pedestrian, movements from Inglis Street.

One option that Council may need to look at is to seek to close all or a portion of the section of Ingles Street between Knapp and Robinson. Whilst the Local Government Act provides Council with power to temporarily close a road and this closure could extend for a number of years, this would not be appropriate in this situation where a permanent solution may be required. The Land Administration Act provides for a Local Government to apply to have road permanently closed. Essentially the process involves the closure of the road reserve and the land being transferred either into a reserve with a different purpose or made available for purchase by an adjoining owner.

COMMENT

As noted, in looking initially at the need to something about the section of Inglis Street between Knapp and Robinson, it was noted that it might be a more complete exercise to extend the study to the other section of Inglis, as mentioned previously, and Barron Street.

Whilst there may be a number of opinions and ideas of options that could be explored it is suggested that the first place to start is with an engineering assessment of what is possible and practical. In order to do this we would need to do establish boundaries and levels and have at least preliminary design work done and it is recommended that Council approve provision of \$15,000 for this purpose.

There will be a need to consult with the two primary schools, the Education Department, other owners of property adjacent to the sections or roads mentioned, and the community generally but it is suggested that the biggest constraints will be what is possible from an engineering perspective and practical from a cost perspective and so the proposed preliminary work is required and a prelude to any meaningful consultation.

CONSULTATION

The author has spoken with the St Mary's School Principal, Education Department, consultant and staff.

STATUTORY OBLIGATIONS

The following Section of the Land Administration Act deals with permanent road closures:

58. Closure of 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;
 - (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.

The following Section of the Local Government Act deals with temporary road closures:

3.50. Closing certain thoroughfares to vehicles

- (1) A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.
- (1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.
- (2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.
- [(3) deleted]
- (4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —
 - (a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and
 - (b) give written notice to each person who —
 - (i) is prescribed for the purposes of this section; or
 - (ii) owns land that is prescribed for the purposes of this section;and
 - (c) allow a reasonable time for submissions to be made and consider any submissions made.

- (5) The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).
- (6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.
- [(7) deleted]
- (8) If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.
- (9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

No provision was made in the budget for the proposed works but \$200,000 was set aside for planning projects.

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 8.3.2

MOVED: Cr Biddle

SECONDED: Cr Kaltenrieder

That Council authorise expenditure of \$15,000 on survey and design work for Inglis Street between Knapp and Barron and Barron Street between Inglis and Bridge.

CARRIED BY ABSOLUTE MAJORITY 7/2

Res 123/12

8.3.3 Lot 1 Forrest Street Boyup Brook – site assessment

Location:	<i>Lot 1 Forrest Street</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12 September 2012</i>
Author:	<i>Alan lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>copy of Deposited Plan</i>

SUMMARY

The purpose of this report is to put before Council a proposal to approve funding allocation to conduct a site assessment at Lot 1 Forrest Street.

BACKGROUND

Last year Council purchased the State Government's residual interest in Lot 1 (the old bowling green bounded by Forrest Street and Railway Parade) so now has full freehold title to this property.

The bowling green has not been used by the Bowling Club for a number of years now and is not subject to any current commitments to community groups.

This lot was highlighted as a possible site for an aged accommodation type development and staff has done some research into constraints on such a development. Enquiries made to the Health Department, the relevant authority for approvals for onsite disposal systems, initially indicated that the maximum number of separate accommodation units would be limited to 3. That is one per 1,000M2 and the lot is just less than 4,000m2 (3,785m2). Further research done by Council's planning consultant indicated that it is probable that the limit may be 4.7 units but that a soil report would be required to establish the capacity of the site to deal with onsite disposal.

COMMENT

It is apparent that any development of the site would require or benefit from an assessment being made of the soil for onsite disposals purposes and that this might be the first stage of any investigation into potential uses.

If ultimately Council wanted to pursue an aged unit type development on this site, this information would be necessary to establish the total number of units that the site could accommodate in terms of onsite disposal. Looking at the site, and envisioning separate two bedroom units, staff had previously established that six could be accommodated within the area with ample space for the common areas generally associated with this type of development. So the aim might be to seek to gain approval for five or six units if the soil testing process indicated the site was capable of dealing with this number.

It is estimated that the cost of soil sampling would be in the order of \$3,000 plus a machine to dig holes (backhoe or the like). Also that it would be prudent to allow \$5,000 for the project to cover any related and unforeseen activities.

It is recommended that as the proposed soil sampling would be one of the first stages in determining opportunities for development of the site, that Council approve the provision of \$5,000 for this work.

CONSULTATION

Various uses for Lot 1 have been discussed at Council and committee meetings and workshops.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

No funds were set aside in the budget specifically for this purpose however Council did set aside funds (\$200,000) to develop potential projects.

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 8.3.3

MOVED: Cr Oversby

SECONDED: Cr Aird

That Council approve expenditure of \$5,000 on assessment of the capability of Lot 1 Forrest Street Boyup Brook to deal with onsite disposal.

CARRIED BY ABSOLUTE MAJORITY 8/1

Res 124/12

8.3.4 Shire Website - Redesign

Location:	N/a
Applicant:	N/a
File:	
Disclosure of Officer Interest:	None
Date:	12 September 2012
Author:	Alan lamb
Authorizing Officer:	Not applicable
Attachments:	Market Creations revised quotation (marked by administration to show total costs)

SUMMARY

The purpose of this report is to bring a previously reported matter back to Council with additional information and a recommendation that Market Creations be appointed to redesign the Shire's website.

BACKGROUND

The matter has been the subject of two previous reports to Council and rather than repeat these here Council's attention is drawn to item 8.3.2 in the minutes from Council's August 2012 meeting.

The following is an excerpt from the June 2012 Council meeting dealing with the decision:

That the minutes of the Website Renovations Advisory Committee meeting that was held on 17 April 2012 be received and Council endorse the recommendation and that costs and proposals be sought and bought back to Council.

NOTE

The Committee recommendation was as follows:

That the Shire Council provides the resources to restructure the website and make provision for an ongoing maintenance and update programme.

The following is an excerpt from the August meeting dealing with the decision:

That funds be made available in the 2012/13 budget to allow F Mead to provide a new "Home Page" along with rationalisation of the current website to ensure all information is correct and external links are valid.

CARRIED 4/3 – Absolute Majority not obtained.

Note: This item dealt with unbudgeted expenditure of funds and so required an absolute majority vote which for a Council of 9 Members is 5.

Note: It was apparent that there was insufficient information on this matter to enable Council to make an informed decision and so the matter will be brought back to the next meeting of Council with additional information.

Council adopted the 2012/13 Budget 30 August and it included a \$10,000 provision for website design and establishment and \$1,000 for ongoing costs. It should be noted that the provision was not tied to the August meeting's lost motion and merely a provision for further pursuing the opportunity of an improved website.

Following the August Council meeting staff contacted Market creations to further clarify their quotation and services offered. It was established that there were some inaccuracies in the previous quote which added to the confusion over what was required and what it would cost. It is now apparent that the total set up and training costs for a new and improved website will be \$7,700 and the ongoing costs will be \$1,500.

COMMENT

From an officer perspective, the current website is reasonably adequate to provide key information about the organisation (i.e. minutes, agenda and the like). At the same time it is appreciated that there is a desire for it to be more appealing and move to a more promotional tool. The current website has served the organisation well but, as assessed by Council's appointed committee, and as subsequently endorsed by Council, it is time to move to a more modern and up-graded model.

The detailed quotation from Market Creations sets the once off/up-front cost in the order of \$7,700 which is lower than the provision made in the budget. The ongoing annual costs would be in the order of \$1,500 which includes website hosting with 1gigabyte of storage and 1 gigabyte of usage (we have been advised that this capacity should be adequate and is in line with other Councils of a similar size), SQL hosting (required for sites using an image gallery as would be needed to make the site as dynamic as Council has required), and submission to search engines (needed to ensure that the Shire's site is recognised by Google, Yahoo and the like and comes up as the result of a general, but related, search). Whilst this is more than what was set aside in the budget and more than the current cost using the current host (\$550 per year), it is apparent that this is the level of cost associated with an improved site.

If Council adopts the officer recommendation the intention is to refer the overall look of the site (pictures, colours and the like) to Councillor's Aird and Biddle, who represented Council on the committee set up to review the current site, and for Administration to deal with matters such as core information content.

It is noted that the August resolution that was lost was for provision to be made in the budget for specific services and it assessed that the recommendation now being made is not bringing the same matter back before Council. If Councillors disagree with this interpretation, and they are very much open to do so because it is only the officer's interpretation, the Act, and Council's Standing Orders provide that in order for the matter to be brought back to Council the motion needs to be supported by three Councillors (a mover and two seconders).

CONSULTATION

The author has spoken with Councillors, staff and the potential service provider.

STATUTORY OBLIGATIONS

Section 5.25(1)e of the Local Government Act may have relevance:

5.25. Regulations about council and committee meetings and committees

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to —*

(e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made); and

Regulation 10 of the Local Government (Administration) Regulations may have relevance:

10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) *If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*

(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or

(b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee,

inclusive of the mover.

- (1a) *Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*

- (2) *If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —*

(a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or

(b) in any other case, by an absolute majority.

- (3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

A \$10,000 provision was made in the budget for website design and other relevant costs. A \$1,000 provision was made for website operating costs. If Council accepts the officer recommendation the actual operating costs will be \$500 more than the provision. In researching this report it was established that My South West had not billed the Shire for website hosting for some time and that the charge for 2012/13 would be \$550. It is likely then that Council will be billed for, and be obliged to pay, at least a portion of the 2012/13 charge. This will also increase the actual expenditure by up to \$550 and so the total operating expenditure may well be 100% (or \$1,000) more than the budget provision. This overrun will be covered by the expected saving (\$2,300) in up front costs.

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 8.3.4

MOVED: Cr Biddle

SECONDED: Cr O'Hare

That Council approve the appointment of Market Creations to design and create a new website for the Shire Council and authorise additional expenditure of \$500 toward the annual hosting and associated costs.

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 125/12

8.3.5 Memorandum of Understanding – Emergency Management

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	12 September 2012
Author:	Alan lamb
Authorizing Officer:	Not applicable
Attachments:	Copy of current MOU

SUMMARY

The purpose of this report is to put before Council the Emergency Management MOU with the recommendation that Council affirms its commitment to it

BACKGROUND

The following resolution was passed at the South West Zone WALGA meeting held 24 August 2012:

Member Councils of the South West Zone of WALGA affirm their commitment to the Memorandum of Understanding for the provision of mutual aid during emergencies and post incident recovery in support of other zone members in the event of a major emergency incident occurring within the zone for a further period of three years.

Member Councils have been asked to deal with this matter and affirm their commitment to the MOU.

The Zone resolved in 2010 to instigate the MOU. The agreement was for mutual assistance in times of community distress due to an emergency. Each Council, where possible was to provide whatever resources that it may have available if requested at the time of the incident and to similarly assist with post incident recovery.

The MOU was for an initial period of one year and then, by agreement of all parties, run for a further term of three years or until it is terminated. The agreement was signed by constituent Council's CEOs in 2011 and so it is now brought to Council for endorsement to run for a further period of at least three years.

COMMENT

In practice, Councils have always assisted each other in times of need whether these needs be small or great. Much of this is done at officer level.

The MOU formalises, and provides executive level support, for support to be provided for significant events as requested and as available. It is noted that the Local Government Act empowers the President to authorise emergency expenditure where no budget provision has been made, and to report to the next Council meeting on any such action taken. This Presidential power coupled with the MOU, if endorsed by Council, will enable support to be provided quickly and without the specific need to wait for a Council meeting or call a special meeting. In practice, it is imagined that Councillors would be informed as soon as practicable of any significant assistance provided.

It is recommended that Council affirm its commitment to the MOU for a further three years.

CONSULTATION

The matter was on the SW Zone meeting agenda on at least two occasions.

STATUTORY OBLIGATIONS

Nil other than provisions relating to the Presidents power to authorise emergency expenditure.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Not know. It is expected that, apart from the general and in kind assistance that Councils provide each other as a matter of course, the likely hood of a significant event requiring substantial expenditure would be remote.

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 Walker

SECONDED: Cr Kaltenrieder

That Council affirm its commitment to the Memorandum of Understanding – Emergency Management, as attached to the agenda, for a further three years.

CARRIED 9/0

Res 126/12

MOVED Cr Biddle

SECONDED: Cr Moir

That the Council adopts en bloc Items 9.1.1, 9.1.2 and 9.1.3.

CARRIED 9/0

Res 127/12

9.1 COMMITTEE REPORTS

9.1.1 Minutes of the WALGASW Zone

Location:

Applicant: N/A

File:

Disclosure of Officer Interest: Nil

Date: 12 September 2012

Author: WALGASW

Authorizing Officer: Alan Lamb – Chief Executive Officer

Attachments: Yes – Minutes

BACKGROUND

A WALGASW Zone meeting was held on 24 August 2012

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

OFFICER RECOMMENDATION – ITEM 9.1.1

That the minutes of WALGASW Zone meeting held on 24 August 2012 be received.

CARRIED BY ENBLOC RESOLUTION

9.1.2 Minutes of the Bunbury Wellington Group of Councils

Location:

Applicant: N/A

File:

Disclosure of Officer Interest: Nil

Date: 12 September 2012

Author: Alan Lamb - CEO

Attachments: Yes – Minutes

BACKGROUND

A Bunbury Wellington Group of Councils meeting was held on 2 July 2012

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

OFFICER RECOMMENDATION – ITEM 9.1.2

That the minutes of Bunbury Wellington Group of Councils meeting held on 2 July 2012 be received.

CARRIED BY ENBLOC RESOLUTION

9.1.3 Minutes of the Forward Planning Committee

Location:

Applicant: N/A

File:

Disclosure of Officer Interest: Nil

Date: 12 September 2012

Author: Alan Lamb - CEO

Attachments: Yes – Minutes

BACKGROUND

A Forward Planning Committee meeting was held on 15 August 2012

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

OFFICER RECOMMENDATION – ITEM 9.1.3

That the minutes of the Forward Planning Committee meeting held on 15 August 2012 be received.

CARRIED BY ENBLOC RESOLUTION

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1.1 Logo

Cr Oversby – 04/12

Motion

That Council amend the promotional logo from “Boyup Brook – Country Choice” to “Boyup Brook – Country Music Capital of Western Australia”

Background

Council adopted the Country Choice slogan 17 February 2002 and at that time there was some support for “Country Music Capital of Western Australia”. It is believed that the latter is more representative and more appropriate.

The following is an excerpt from the February 2002 Council Minutes.

RECOMMENDATION:

That the term “Boyup Brook – Country Choice” and the logo comprising of four distinct panels be used as a basis for promotional literature emanating from the Council.

BACKGROUND:

The Townscape Concept Plan which was adopted by the Council in late 1999, identified that a graphic image and slogan for the town should be developed with such image being suitable for reproduction in the manner of different forms.

The term “Boyup Brook – Country Choice” and development of a four panel logo is a direct result of the recommendation. It is considered appropriate for the Council to formally adopt the same.

DETAILS:

The Townscape Concept Plan identified that the town lacks a clear identity and indicated if it was to project a positive image, agreement must be reached on how to present itself. The Consultant indicated that this would go beyond such items as entry statements and that the identity should be reinforced at every opportunity both within and beyond the town boundaries.

The Consultant also indicated that the adoption of a colour scheme was also an important component to accompany the slogan. This colour scheme could be incorporated in signage, street furniture and form a basis of promotional literature issued by the Council.

The Council’s Townscape Advisory Committee subsequently identified the three base colours being of shades beige, green and orange.

COMMENT:

A number of ideas and suggestions have been put forward in relation to a town theme. The concept of “Country Choice” will provide for a multitude of marketing opportunities. The theme will not replace Boyup Brook’s reputation as the “Country Music Capital of WA” but rather compliment such.

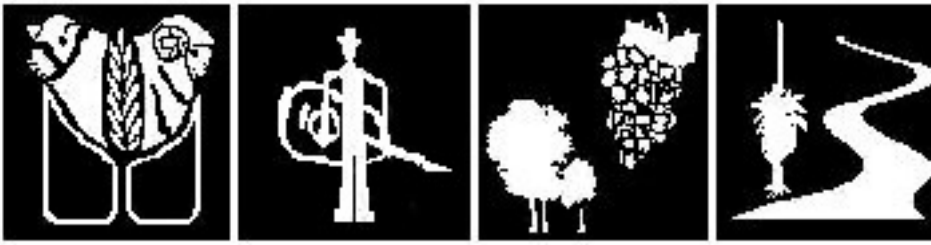
It is recommended that the Council formally endorse the term “Boyup Brook – Country Choice” and the logo comprising of four distinct panels be used as a basis for all promotional literature emanating from the Council.

7.12 Adoption of Promotional Logo

That the term “Boyup Brook – Country Choice” and the logo comprising of four distinct panels be used as a basis for promotional literature emanating from the Council.

Chief Executive Officer’s Comment:

In practice the wording Boyup Brook – Country Choice and the logo comprising of four distinct panels have been incorporated into Council’s letter head paper and the following appears as a watermark on letterheads:



country choice

It is noted that the original Shire logo (the bull, wheat and sheep) is at the top of the letterhead stationery and repeated in the panels. If Council chooses to change its promotional logo then it would be time to review the letterhead also. There is currently in the order of six months' supply in stock and so it would be proposed that the letter head changes apply to new stock only.

MOTION

MOVED: Cr Oversby

SECONDED: Cr Walker

That Council amend the promotional logo from "Boyup Brook – Country Choice" to "Boyup Brook – Country Music Capital of Western Australia".

LOST 3/6

Res 128/12

Cr Oversby asked for votes to be recorded

Against	For
Cr Biddle	Cr Oversby
Cr Imrie	Cr Walker
Cr O'Hare	Cr Aird
Cr Giles	
Cr Moir	
Cr Kaltenrieder	

10.1.2 Independent Living Units

Cr Biddle – 05/12

Notice of motion by Cr Biddle – 05/12

MOTION

That the old bowling green (lot 1 Forrest Street) be designated as a site to be used for the construction of independent living units, and that a thorough feasibility study of such a project be conducted as a matter of high priority

Comment/Rationale

- The need for such a development has already been identified
- The site is thought to be suitable

- The need for fully developed projects to take advantage of funding opportunities has already been demonstrated
- The Boyup Brook Lions Club has offered significant financial support for such a project.

Chief Executive Officer's Comment:

Staff have been working on this project, somewhat behind the scenes, for more than three years and Council took the first step to doing some sort of development on the lot a year or so ago when it purchased the Government's 5% interest in the land. So the Shire now has freehold title to the whole of the lot. The stumbling block has always been constraints on the size of a development brought about by the need to dispose of sewerage on site. Elsewhere in this agenda there is an item seeking funding to conduct soil testing to mount an argument for a higher than might otherwise be permitted number of units on the site. It is suggested that this is a very important first step in any planning for development of the site. There is also the matter of an encroachment which needs to be quantified by a survey and resolved.

Last year Council budgeted to establish what aged persons needed and this project was supported by SWDC grant funding. The project was carried forward into the current budget and is now underway, and should be completed by the end of September or soon after that. This project will, among other things, provide information, that will be necessary for any grant funding to implement any plans that Council may devise, on what types of accommodation people need and where the catchment is.

Based on the foregoing it is recommended that Council support the notice of motion but on the basis that the soil testing and previously mentioned study are the first stages of this and that the next stage of any feasibility study (or business plan as appears to be the current popular term) will not continue until the preliminary work has been completed and Council approves of the type of development, if any, that it wishes to explore.

Council might consider adding to the motion so that it reads as follows:

OFFICER RECOMMENDATION AND COUNCIL MOTION

MOVED: Cr Biddle

SECONDED: Cr Oversby

- 1. That the old bowling green (lot 1 Forrest Street) be designated as a site to be used for the construction of independent living units and that a thorough feasibility study of such a project be conducted as a matter of high priority**
- 2. That the first stage of the study be related activities that are currently in train (site evaluation for on site disposal purposes to determine the maximum number of units that may be built, and accommodation demand study) and that the next stage be commences following a report back to Council on the completion of these activities.**
- 3. That Council approve expenditure of \$20,000 on the second stage of the study conditional on stage one.**

Please note, whilst \$200,000 was put aside to get selected projects ready for the funding stage, there is no provision for this particular project so Council would need to pass this motion with an Absolute Majority (that is 5 votes for the motion to spend money on planning for Lot 1 Forrest Street)

AMENDMENT

MOVED: Cr Walker

SECONDED: Cr Aird

1. That the old bowling green (lot 1 Forrest Street) be designated as a site to be used for the construction of independent living units subject to a thorough feasibility study of such a project being favourable as a matter of high priority.
2. That the first stage of the study be related activities that are currently in train (site evaluation for on site disposal purposes to determine the maximum number of units that may be built, and an accommodation demand study) and that the next stage be commenced following a report back to Council on the completion of these activities.
3. That Council approve expenditure of \$20,000 on the second stage of the study conditional on stage one.

CARRIED 8/1

Res 129/12

Cr Oversby left at 4.56pm

Cr Oversby returned at 4.57pm

SUBSTANTIVE MOTION WAS PUT

1. That the old bowling green (lot 1 Forrest Street) be designated as a site to be used for the construction of independent living units subject to a thorough feasibility study of such a project being favourable as a matter of high priority.
2. That the first stage of the study be related activities that are currently in train (site evaluation for on site disposal purposes to determine the maximum number of units that may be built, and an accommodation demand study) and that the next stage be commenced following a report back to Council on the completion of these activities.
3. That Council approve expenditure of \$20,000 on the second stage of the study conditional on stage one.

CARRIED BY ABSOLUTE MAJORITY 8/1

Res 130/12

10.1.3 Australia Day

Council passed the following resolution at its August meeting.

RESOLUTION

That the matter of the review of the local Australia Day celebration be raised from the table at the September Council meeting, and that Councillors be provided with the review findings and recommendations before the meeting.

This matter we put before the July 2011 meeting of Council, and at that meeting Council resolved as follows:

That item 7.3.7 lay on the table.

Standing orders provides the following in relation to this procedural motion:

14. **PROCEDURAL MOTIONS**

14.1 **Permissible Procedural Motions**

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a Councillor to move the following procedural motions:

- (a) *That the Council proceed to the next business;*
- (b) *That the question be adjourned;*
- (c) *That the Council do now adjourn;*
- (d) *That the question be now put;*
- (e) *That the question be not now put;*
- (f) *That the Council moves into a committee of the whole;*
- (g) *That the Councillor be no longer heard;*
- (h) *That the ruling of the President (or person chairing the meeting) be disagreed with;*
- (i) *That the motion lie on the table;*
- (j) *That the Council meet behind closed doors.*

14.5 **Procedural Motions - Closing Debate - Who May Move**

No person who has moved, seconded, or spoken for or against the substantive motion, may move any procedural motion which, once moved, would deny others the right to speak or, if carried, would close the debate on the substantive motion or amendment.

14.6 **Procedural Motions - Right of Reply**

There shall be no right of reply on any procedural motion.

14.7 **Procedural Motions - Right of Reply on Substantive Motion**

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment will not deny the right of reply, to the mover of the substantive motion.

15.9 **That the Motion Lie on the Table - Effect of Motion**

15.9.1 *This motion, having been carried, will cause debate on the substantive motion and any amendment to cease immediately and for the meeting to proceed to the next business.*

15.9.2 *Any Councillor may raise the motion from the table, by giving appropriate notice of motion for any meeting in the future.*

15.9.3 *When a motion is raised from the table, the mover of the original substantive motion, or in the absence of the original mover, the person moving this procedural motion, is given the opportunity to re-introduce the matter after which debate shall continue according to these standing orders.*

The position is that Standing Orders provide that a notice of motion is required to raise a matter that has been laid on the table from the table. It is suggested that Council's August Resolution serves a similar purpose to a notice of motion and so the matter is brought back before Council in this area of the agenda. Standing orders also provide that the original mover of the motion is given the opportunity to reintroduce the matter then debate continues (that is if a Councillor has already spoken on the matter at the previous meeting that Councillor cannot speak again etc.). In this case though the recommendation was not moved or seconded and so there was no debate on matter. On reflection the procedural motion was not appropriate as there was no motion being dealt with at the time. Further the resolution does not refer to a motion, only an item on the agenda so perhaps it was not a procedural motion. In any case the clear intention is that the matter be put back on the agenda for this Council meeting and perhaps this area of the agenda is as good a place as any to do this.

The item from the July 2011 Minutes is inserted below without amendment, except for the correction of non-vital typographical errors, for consideration at this meeting.

7.3.7 Annual Awards – Process Policy - Review

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	14 July 2011
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Not applicable
Attachments:	Current policy, survey form and results

SUMMARY

The purpose of this report is to bring the matter of the policy review back before Council with recommendations on amendments.

BACKGROUND

Council passed the following resolution at its March 2011 meeting:

That Administration review Council's Annual Award – Process Policy, that the review includes a process to obtain residents opinions and recommendations on the number and nature of the awards, and that the results with recommendations be put to the July meeting of Council.

Councillor Biddle provided the attached survey form which was distributed via an inclusion in the Boyup Brook Gazette, placed on notice boards, at the front counter and on the web site.

COMMENT

The current policy sets:

- the makeup of the selection panel (four Councillors and the CEO)
- award categories and selection criteria – Citizen of the Year, Young Achiever of the Year and Sports Person of the Year
- announcement and presentation arrangements – announcement made certificate and gift given (to a value of no more than \$100) at the Australia Day Breakfast function.
- Closing date for nominations – 4pm on the last Friday in November.

The Local Government Act provides that Council may delegate to a committee that it appoints or to the CEO but it does not provide for delegation to a section panel. In appointing committees and delegates following the 2009 general elections it was recommended and Council accepted that the panel become a committee of Council. At the relevant Council meeting Council did not want the CEO to be a member of the committee and so the policy amendments need to include a change from a panel to a committee and deletion of the CEO as a member. It has been the practice that in order to keep the names of awardees confidential to limit the number of people who know who they are and so the policy should also require that the minutes of the committee are put to the February meeting or Council, that is after Australia Day, each year.

“Referring to the survey summary as attached there is no overwhelming call for award categories to be increased. Whilst more respondents thought that it should be possible for more than one person to receive an award in the same category (12 for 7 against) three who favoured this did so with riders (one being that “if it can’t be split and both are worthy candidates”, “one boy and one girl” and “two or more for the same contribution eg couple, family not two separate individuals”). It is noted that one person against added the rider “unless recognising a partnership” and a person who was undecided added a similar comment that only “if it’s a married couple who have both worked for the community even in different fields”.

Based on the survey it is recommended that no change be made to the number of award categories except as set out in the next paragraph also that the policy be amended to allow the committee some discretion with respect to the awarding recognition to more than one person where they are in a partnership or the same family.

The survey dealt with the matter of Young Achievers residing outside Boyup Brook (the current policy restricts nominations to residents of Boyup Brook only) but the results were inconclusive. Residency is relatively easy to establish (address on drivers licence, address nominated for elections, addresses used by banks and other institutions, statutory declaration etc) and as the awards are common thought the various municipalities of the state it is logical that achievements made in any particular location be recognised in that location. However there may be need to recognise a past resident who has made a significant achievement. Examples might be of a person who was born of spent most of their formative years in the Shire and go to win gold at the Olympic or become Prime Minister. So perhaps, whilst there was no great call for an additional category, perhaps one could be added to recognise the achievements made outside the district by non-residents who have a distinct tie to Boyup Brook.

On the matter of awardees receiving the same award in a later year the survey result was 12 for and 8 against. Also the question on awardees receiving awards in more than one category was 19 for and 1 against. It is not noted that the current policy does not prevent an awardee being renominated and the selection panel is not restricted on this matter nor

is there any restriction on awards in different categories. It is recommended that no change be made to the policy in this regard to retain the current flexibility.

Survey questions relating to the nomination process dealt with things outside of the current policy and so may be best dealt with by the committee/administration.

The survey dealt with awards and it was clear that laser engraved jarrah plaques were favoured as was a letter from the Shire regarding the award. It is recommended that the policy include these clear indications of community preference. In order to ensure that the laser engraved jarrah plaques can be ordered and received in time the committee decision is required by the end of November each year and so it is recommended that the committee be required to have its decision by the end of November and, in turn, the closing date for nominations be brought forward from the last Friday in November to 21 November.

The current policy does not restrict the committee to requiring more than one nomination before making an award and the survey indicated that no restriction should be made.

The policy makes no reference to recognition of nominees but the survey indicated this should be done and so it is recommended that the policy be amended accordingly.

It is recommended that it amends its Annual Awards - Process Policy to read as follows

POLICY NO.	O.11
POLICY SUBJECT	Annual Award - Process
ADOPTION DATE	17 June 2004
VARIATION DATE	20 September 2012
REVIEW BY DATE	21 July 2013

Objective

To determine guidelines for awarding distinguished performance and/or positive contributions to the community by current and past residents.

Statement

The Shire will invite nominations marked confidential for the following Awards annually:-

- Citizen of the Year
- Young Achiever of the Year
- Sports Person of the Year
- Customer Service

Council will establish an Annual Awards Committee following the general elections every two years and the Committee shall comprise of four (4) Councillors. The Committee shall meet at least once following the close of award nominations each year. It should meet in camera to review nominations and make its awards and the nominations and awardees are to remain confidential until awards are made. To this end the minutes of this Committee are to be reported to Council at its February meeting each year following the presentation of awards. The following selection criteria shall be used by the Committee to determine the most suitable nominee. The committee may award recognition to more than one person where they are in a partnership or the same family:-

Citizen of the Year

- a resident who has achieved the most distinguished performance and/or made the most positive contribution to the community, during the preceding year or over a period of years.

Young Achiever of the Year

- a resident no older than 25 years of age on 26 January, who has achieved the most distinguished performance and/or made the most positive contribution to the community, during the preceding year
- a resident no older than 25 years of age on 26 January who has achieved and/or contributed to the community consistently over a period of years.

Sports Person of the Year

- a resident which/who has achieved the most distinguished performance during the year. Performance may include active participation, coaching, promotion and/or leadership and sportsmanship
- resident which/who has achieved the most distinguished performance during the year. Performance may include active participation, coaching, promotion and/or leadership and sportsmanship consistently over a period of years.

Past Resident Achiever of the Year

- a former resident of the Shire who resided in the Shire for a substantial amount of time, made a significant contribution whilst they were a resident, or for some other compelling reason strongly identifies with the Shire and who has made a significant achievement in any field and in any location.

General

The successful nominee(s), if any, shall be announced and presented with an appropriate plaque (laser engraved jarrah plaques that have been available in past years are considered to be the most appropriate plaque subject to availability) a letter from the Shire President evidencing the award, at the Australia Day Breakfast function hosted annually by the Shire.
Nominations must be made by 4.00pm on the 21st day of November of each year.

CONSULTATION

The process included a community survey

STATUTORY OBLIGATIONS

The following sections of the Local Government Act apply:

5.16. Delegation of some powers and duties to certain committees

(1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.

* Absolute majority required.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

- (3) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
 - (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

5.17. Limits on delegation of powers and duties to certain committees

- (1) A local government can delegate —
 - (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
 - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
 - (ii) any other power or duty that is prescribed;
 - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
 - (c) to a committee referred to in section 5.9(2) (c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
 - (i) the local government's property; or
 - (ii) an event in which the local government is involved.
 - (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2) (f).
- [Section 5.17 amended by No. 49 of 2004 s. 16(2).]

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).
- * Absolute majority required.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;

- (g) hearing or determining an objection of a kind referred to in section 9.5;
 - (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
 - (h) any power or duty that requires the approval of the Minister or the Governor;
 - (i) such other powers or duties as may be prescribed.
- [Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
 - (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
 - (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.
 - (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
 - (5) In subsections (3) and (4) —
conditions includes qualifications, limitations or exceptions.
- [Section 5.44 amended by No. 1 of 1998 s. 14(1).]

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

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

Absolute majority

OFFICER RECOMMENDATION – ITEM 7.3.7

That Council adopts the revised Annual Award – Process policy as presented.

COUNCIL DECISION – LAY ON THE TABLE

MOVED: Cr Doust

SECONDED: Cr Biddle

That item 7.3.7 lay on the table.

CARRIED 6/0

Res 137/11

COUNCIL DECISION - SEPTEMBER 2012

MOVED: Cr Biddle

SECONDED: Cr Kaltenrieder

The Council refer the policy to the annual awards committee for review and return to the next Council meeting.

CARRIED 9/0

Res 131/12

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

The Shire President approved of the following items being dealt with as urgent business:

11.1.1 Blackwood River Valley Marketing Association

MOTION

MOVED: Cr Oversby

SECONDED: Cr Kaltenrieder

That Council contribute \$2,000 to the Blackwood River Valley Marketing Association for 2012/13 contingent on a full committee being formed.

CARRIED BY ABSOLUTE MAJORITY 6/3

Res 132/12

Cr Kaltenrieder left at 6.01pm
Cr Kaltenrieder returned at 6.03pm

Adjournment

That the meeting be adjourned for a 10 minute break, the time being 6.05pm

Resumption

That the meeting resume, the time being 6.15pm.

11.1.2 Potential purchase of land for development

MOTION

MOVED: Cr Moir

SECONDED: Cr Oversby

That Council instruct the Chief Executive Officer to further investigate various sources of funds for land acquisition and report back to the October Council meeting.

CARRIED 9/0

Res 133/12

11.1.3 Changing Boundaries

MOTION

MOVED: Cr Walker

SECONDED: Cr Kaltenrieder

That the Chief Executive Officer investigate the number of lots divided by the Shire boundaries and minimum rated by Boyup Brook and the neighbouring Shires.

CARRIED 8/1

Res 134/12

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

Nil

13 CLOSURE OF MEETING

There being no further business the Shire President, Cr Giles declared the meeting closed at 6.44pm.