



MINUTES

MEETING HELD ON

**Thursday 27 October 2022**

Commenced at 6.00pm

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
		Charles Caldwell
		Philippe Kaltenrieder
		Kevin J Moir
		Adrian Price
	Chief Executive Officer	Dale Putland
	Deputy Chief Executive Officer	Carolyn Mallett
	Executive Assistant	Maria Lane

APOLOGIES: Cr Darren King

LEAVE OF ABSENCE: Cr Charles Caldwell advised Council that he will not be attending the Ordinary Council meeting being held on 24<sup>th</sup> November 2022 and 8<sup>th</sup> December 2022

MEMBERS OF PUBLIC: Marie Jasen  
Edward Jasen

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**4. PUBLIC QUESTION TIME**

**4.1 Edward Jasen**

**Question:**

Why did you, Dale override the ranger’s decision to impound the Rice’s dog without any enquiries as to why the dog was impounded?

**Response:**

Early release of the dog was a lawful administrative decision and came with strict conditions to ensure that the dog posed no danger to people or livestock. Mr and Mrs Jasen have previously stated during meetings with the CEO and Shire staff that they do not wish the dog to be euthanised.

**Question:**

Why do you think it’s not the Shires responsibility to help us recoup our money when you clearly admitted responsibility for the release of the dog?

**Response:**

On the matter of compensation for the sheep that were killed. This is a civil matter between Mr and Mrs Jasen and the dog owner. The Shire has no role in this matter which will need to be settled between the two parties. Notwithstanding this, the CEO and Shire ranger have attempted unsuccessfully to mediate between Mr and Mrs Jasen and the dog owners and organised for an independent valuation of the sheep.

Maria Jasen left the Chambers at 6.25pm  
Edward Jasen left the Chambers at 6.32pm

**5. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS**

**6. DISCLOSURE OF INTEREST**

<b>Councillor/CEO</b>	<b>Item</b>	<b>Interest Type</b>	<b>Nature and if required extent of the Interest (Description)</b>
Cr Helen O'Connell	10.3.1	Financial	Employee of the Blackwood Basin Group
Dale Putland	13.1	Impartiality	Employee

Cr Sarah Alexander left the Chambers at 6.35pm  
Cr Sarah Alexander returned to the Chambers at 8.39pm

**7. CONFIRMATION OF MINUTES**

**7.1 Ordinary Council Minutes – 29 September 2022**

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.1**

**MOVED: Cr Phillipe Kaltenrieder**

**SECONDED: Cr Adrian Price**

**That the minutes of the Ordinary Council Meeting held on Thursday 29 September 2022 be confirmed as an accurate record.**

**CARRIED 8/0**

**Res 22/10/144**

**8. PRESIDENTIAL COMMUNICATIONS**

October

2nd to 4th attended WALGA Local Government Convention at Crown Perth.

Tuesday 11th - Warren Blackwood Alliance of Councils in Manjimup

Wednesday 12<sup>th</sup> - Council site visit sporting grounds Boyup Brook

Thursday 13<sup>th</sup> - Rylington Committee followed by Native Title and Local Government reform workshop with Council.

Wednesday 26<sup>th</sup> - met at Darkan, Shire of West Arthur, with Dale, Helen, SoWA President and CEO to discuss opportunities for collaboration

**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 September 2022

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/1/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>11/10/2022</i>
<b>Author:</b>	<i>Ben Robinson – Finance Manager</i>
<b>Authorising Officer:</b>	<i>Dale Putland – CEO</i>
<b>Attachments:</b>	<i>Yes – List of Accounts Paid in September</i>

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#### **SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in September 2022 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 30 September 2022.

#### **COMMENT**

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 30 September 2022.

#### **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 accorded with a detailed 2022-23 Annual Budget

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 10.2.1**

**MOVED: Cr Helen O’Connell**

**SECONDED: Cr Sarah Alexander**

That at its October 2022 ordinary meeting Council receive as presented the list of accounts paid in September 2022, totalling \$896,689.68 from Municipal account, \$46,097.10 from Police Licensing account and \$0.00 from Boyup Brook Early Learning Centre account, as represented by:

<b>Municipal Cheques</b>	<b>20581-20585</b>	<b>\$ 3,304.47</b>
<b>Municipal Electronic Payments</b>	<b>EFT12962 – EFT13090</b>	<b>\$ 567,445.90</b>
<b>Municipal Direct Payments</b>		<b>\$ 325,939.31</b>
<b>Police Licensing Payments</b>		<b>\$ 46,097.10</b>
<b>BBELC Payments</b>		<b>\$ 0.00</b>

**CARRIED 8/0**

**Res 22/10/145**



**10.2.2 30 September 2022 Statement of Financial Activity**

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/10/003</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>13 October 2022</i>
<b>Authors:</b>	<i>D Long – Finance Consultant</i>
<b>Authorizing Officer:</b>	<i>Dale Putland – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes</i>

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**SUMMARY**

The Monthly Financial Report for 30 September 2022 is presented for Council's consideration.

**BACKGROUND**

The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 require local governments to prepare monthly reports containing the information that is prescribed.

The Regulations require local governments to prepare annual budget estimates and month by month budget estimates so that comparatives can be made to Year to Date (YTD) Actual amounts of expenditure, revenue and income, and materials variances can be commented on.

**COMMENT**

The Shire prepares the monthly financial statements in the statutory format along with other supplementary financial reports consisting of:

- (a) Statement of Comprehensive Income by Program;
- (b) Statement of Comprehensive Income by Nature/Type;
- (c) Statement of Financial Activity by Nature;
- (d) Statement of Financial Activity by Program;
- (e) Summary of Net Current Asset Position;
- (f) Material Variances Report;
- (g) Statement of Financial Position;
- (h) Statement of Cash Flows;
- (i) Report on Progress of Capital Expenditure Program;
- (j) Report on Major Business Units;
- (k) Statement of Cash Back Reserves;
- (l) Loan Borrowings Report; and
- (m) Detailed Operating and Non-Operating Schedules.

At its budget meeting, Council adopted a material variance threshold of \$10,000 or 10%. For interpretation purposes, this means any variance at Function/Program level that is greater than 10% and exceeds \$10,000 in value is reported on and commentary is provided to explain the YTD budget estimate to YTD actual variance. The material variance is shown on the Statement of Financial Activity, in accordance with the *Local Government (Financial Management) Regulations 1996*.

The material variance commentary is now provided in a separate statement, called the Material Variances Report. This statement categorises the variance commentary according to reporting Nature/Type and groups the variances by Operating Revenue, Operating Expenditure, Investing and Financing Activities.

The Statement of Financial Activity as at 30 September shows a closing surplus of \$5,205,920.

The Closing surplus figures brought forward from 30 June 2022 are interim only and are subject to change due to year-end adjustments and any audit adjustments.

**CONSULTATION** – Nil

**STATUTORY OBLIGATIONS**

Local Government Act 1995

Section 6.4—Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996:

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
  - (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5, and 6 prescribe further details of information to be included in the monthly statement of financial activity.

**POLICY IMPLICATIONS** – Nil

**BUDGET/FINANCIAL IMPLICATIONS**

As presented in the attached reports.

**STRATEGIC IMPLICATIONS** - Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 10.2.2**

**MOVED:**

**SECONDED:**

**That Council receive the Monthly Financial Report for 30 September 2022, as presented.**

**CARRIED 8/0**

**Res 22/10.146**

**Declared a Financial Interest**

Cr Helen O’Connell declared a financial interest in item 10.3.1 and left the Chambers at 6.54pm.

**10.3 CHIEF EXECUTIVE OFFICER**

**10.3.1 Blackwood Basin Group Committee Representative**

**MOTION TO RESCIND RESOLUTION**

We hereby give notice of the following motion of rescission:

That the Council resolution 22/9/134 – “That Cr Philippe Kaltenrieder be appointed as the Council Representative and that Cr Adrian Price be appointed as the Deputy Delegate on the Blackwood Basin Group Committee.”

**MOTION**

**MOVED: Cr Philippe Kaltenrieder**

**SECONDED: Cr Sarah Alexander**

That Council rescind the previous motion and resolves to continue the appointment of Cr Darren King as Council representative with Cr Adrian Price as proxy on the Blackwood Basin Group Committee.

**CARRIED 7/0**

**Res 22/10/147**

Cr Helen O’Connell returned to the Chambers at 7.00pm.

## 10.4 PLANNING

### 10.4.1 Development Application – (Unisex Toilet and Shower Facility) – 41 Boyup Brook-Cranbrook Road, Mayanup

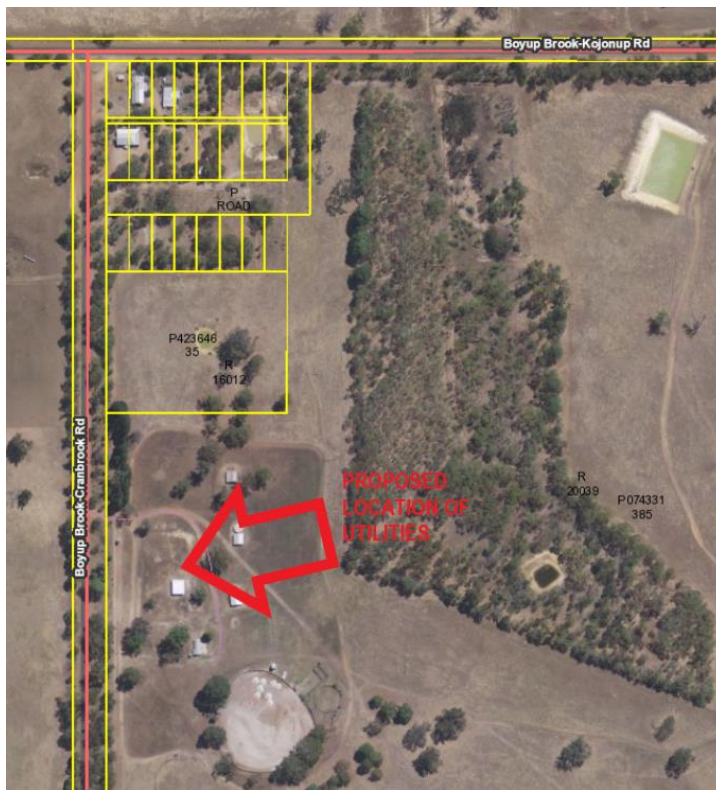
<b>Location:</b>	<i>41 Boyup Brook-Cranbrook Road, MAYANUP, Reserve 20039</i>
<b>Applicant:</b>	<i>Mayanup Progress Association</i>
<b>File:</b>	<i>Reserve 20039</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>27 October 2022</i>
<b>Author:</b>	<i>Town Planner (Adrian Nicoll)</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer (Dale Putland)</i>
<b>Attachments:</b>	<i>Nil</i>

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#### **SUMMARY**

The Shire received an application, on behalf of the 'Mayanup Progress Association', seeking approval to develop a Unisex toilet and shower facility, at 41 Boyup Brook-Cranbrook Road, MAYANUP, Reserve 20039.

The facility is proposed to support sporting events (Horse and Pony Club and Camp-draft) undertaken at the Reserve 20039.



In accordance with the Shire’s *Local Planning Scheme No.2*, the subject land is zoned ‘Rural’.

In accordance with Landgate Tenure data, the subject land is ‘Reserved’ for the purpose of Recreation (vesting – Shire of Boyup Brook). The proposal conforms with the purpose of the subject ‘Reserve’ (Recreation).

Council is requested to agree to approve the development of the Unisex toilet and shower facility at the subject site.

**BACKGROUND**

The ‘Mayanup Progress Association’ submitted an application seeking approval to develop a unisex facility comprising a toilet and shower.

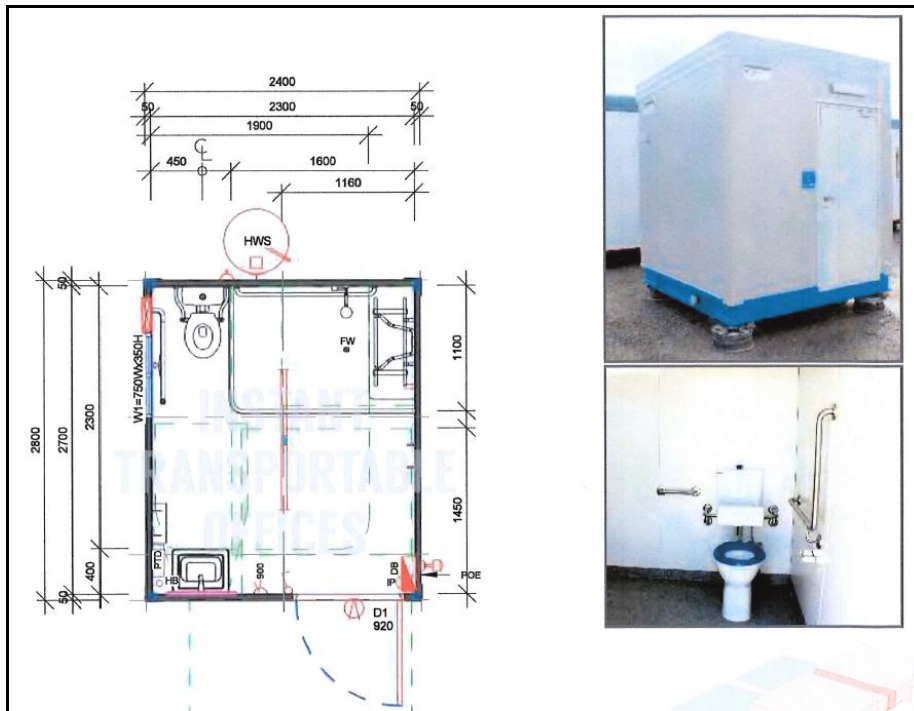
**COMMENT**

The subject property is a Reserve (No.20039) for the purpose of Recreation. The reserve is vested with the Shire of Boyup Brook, with the power to lease.

The Unisex facility is proposed to be developed in a cleared area, adjacent to an existing shed and within walking distance to recreation facilities.

The floor area of the facility amounts to 6.72m<sup>2</sup> and is featured in the following figure.

**Unisex Disabled Facility**



The proposed development is not expected to impact the amenity of the area and complies with the purpose of the subject 'Reserve'.

Council is recommended to approve the proposed Unisex facility at the subject location.

**CONSULTATION**

N/A

**STATUTORY OBLIGATIONS**

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, the objective of a 'Recreational' reserve is for:

*Public Purposes which specifically provide for a range of public recreational facilities.*

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.4.1**

**MOVED: Cr Sarah Alexander**

**SECONDED: Cr Kevin Moir**

That Council grants Development Approval for 41 Boyup Brook-Cranbrook Road, MAYANUP, Reserve 20039, for the purpose Unisex toilet and shower, subject to the following notice:

<b><i>Planning and Development Act 2005</i></b>	
<b>Shire of Boyup Brook</b>	
<b>NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL</b>	
Location:	41 Boyup Brook-Cranbrook Road, MAYANUP, Reserve 20039
Description of proposed development:	
<b>Unisex Toilet and Shower</b>	
The application for development is approved subject to the following conditions.	
Conditions:	
<ol style="list-style-type: none"><li>1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Shire of Boyup Brook, all development shall occur in accordance with the approved plans.</li><li>2. Stormwater being managed to the satisfaction of the Shire of Boyup Brook.</li></ol>	
Date of determination: 27 October 2022	
Note 1: Sign(s) shall not be erected on the lot without the prior approval of the Shire of Boyup Brook.	
Note 2: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.	
Note 3: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.	
Note 4: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the <i>Planning and Development Act 2005</i> Part 14. An application must be made within 28 days of the determination.	

**CARRIED 8/0**

**Res 22/10/148**

**11 COMMITTEE MINUTES**

**11.1 Audit and Finance Committee Minutes**

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 11.1**

**MOVED: Cr Sarah Alexander**

**SECONDED: Cr Charles Caldwell**

**That the confirmed minutes of the Audit and Finance Committee held on Wednesday, 21 September 2022 be received.**

**CARRIED 8/0**

**Res 22/10/149**

**11.2 Rylington Park Committee Minutes**

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 11.2**

**MOVED: Cr Helen O’Connell**

**SECONDED: Cr Sarah Alexander**

**That the confirmed minutes of the Rylington Park Committee held on Thursday, 1 September 2022 be received.**

**CARRIED 8/0**

**Res 22/10/150**

**12 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil



**Behind Closed Doors**

**MOVED: Cr Sarah Alexander**

**SECONDED: Cr Helen O'Connell**

That pursuant to Section 5.23 (2) (b) of the *Local Government Act 1995*, Council move Behind Closed Doors.

**CARRIED 8/0**

**Res 22/10/151**

**Impartiality Interest**

Dale Putland declared an impartiality interest in item 13.1

**13 URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT/CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS**

**13.1 Chief Executive Officer Performance Review Process**

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 13.1**

**MOVED: Cr Kevin Moir**

**SECONDED: Cr Steele Alexander**

That Council endorse the appointment of Price Consulting Group Pty Ltd to facilitate the performance review process of the Chief Executive Officer.

**CARRIED 8/0**

**Res 22/10/152**

**MOVED OUT FROM BEHIND CLOSED DOORS**

**MOVED: Cr Philippe Kaltenrieder**

**SECONDED: Cr Helen O'Connell**

That in accordance with Section 5.23(1) (a) of the *Local Government Act 1995*, Council come out from Behind Closed Doors.

**CARRIED 8/0**

**Res 22/10/153**

**14 CLOSURE OF MEETING**

There being no further business the Shire President, Cr Walker thanked all for attending and declared the meeting closed at 7.05pm.