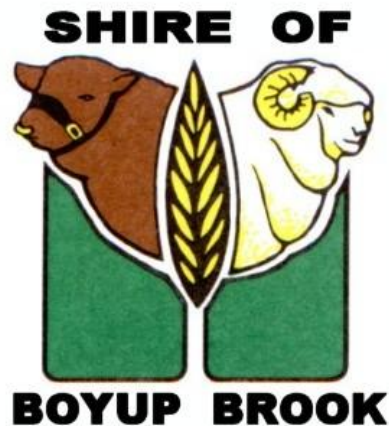


Minutes



ORDINARY MEETING

held

THURSDAY 16 July 2015
Commenced AT 5.24PM

AT

SHIRE OF BOYUP BROOK
CHAMBERS
ABEL STREET - BOYUP BROOK

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

1.1 Attendance

Cr G Aird – Deputy Shire President
Cr N Blackburn
Cr J Imrie
Cr P Kaltenrieder
Cr K Moir
Cr O’Hare
Cr T Oversby
Cr R Walker

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr Stephen Carstairs (Director Corporate Services)
Mrs Maria Lane (Executive Assistant)

PUBLIC: Kylie Bleechmore arrived at 5.00pm –
Boyup Brook Tourism Association
Eric Biddle arrived at 5.00pm–
Boyup Brook Tourism Association
Darren King arrived at 5pm
Adrian Nicoll

1.2 Apologies

Nil

1.3 Leave of Absence

Cr M Giles

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

- Kylie Bleechmore – Chairperson of the Boyup Brook Tourism Association and Mr Eric Biddle gave a Power Point presentation to Council.

The Tourism Association plans to seek funding for a consultant to conduct a feasibility study of several developments we propose and to develop an appropriate business plan.

The Tourism Association is not seeking financial assistance from the Shire for this purpose. We hope to gain Shire encouragement and support.

- Cr Imrie expresses his appreciation for the Shire cleaning up the block near the Museum.
- Cr Oversby attended the Upper Blackwood Agriculture Society meeting.
- Cr O’Hare informed Council that the Bendigo Bank will be meeting with the Community Resource Centre on 21st July to discuss options about CRC being an agency for the Bendigo Bank.
- Cr Kaltenrieder informed Council that he had been appointed as Chairperson for the Blackwood District Health Advisory Council.
- Cr Aird attended the South West Zone meeting in Nannup on the 26th June 2015. Cr Aird informed Council that the airport at Busselton received funding to extend the airstrip. Cr Aird informed Council about “Australian Standards” and how a license needs to be obtained.

Eric Biddle left the Chambers at 6.10pm
Kylie Bleechmore left the Chambers at 6.10pm

Adrian Nicoll arrived at 6.15pm

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 18 June 2015

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Oversby

SECONDED: Cr O’Hare

That the minutes of the Ordinary Meeting of Council held on Thursday 18 June 2015 be confirmed as an accurate record.

CARRIED 8/0

Res 62/15

6 PRESIDENTIAL COMMUNICATIONS

Nil

7 COUNCILLORS QUESTIONS ON NOTICE

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

Nil

8.2 FINANCE

8.2.1 List of Accounts Paid in June 2015

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10 July 2015</i>
Author:	<i>Stephen Carstairs – Director Corporate Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>No</i>

SUMMARY

This report recommends that Council defer to the August 2015 ordinary meeting of Council the receiving of the list of accounts paid in June 2015.

BACKGROUND

Section 6.4 of the Local Government Act 1995 places financial reporting obligations on local government operations.

Ordinarily, invoices received for the supply of goods and services, salaries and wages and the like which were paid in June 2015, would be reported to Council in July 2015.

COMMENT

Given Corporate Services human resource shortfalls generally, and further with a number of officers being on annual or personal leave, consequently presentation of the *List of Accounts Paid in June 2015* will be deferred to the August 2015 ordinary meeting.

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

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.1

MOVED: Cr O’Hare

SECONDED: Cr Imrie

That receipt by Council of the shire’s List of Accounts Paid in June 2015 be deferred to Council’s August 2015 ordinary meeting.

CARRIED 8/0

Res 63/15

8.2.2 31 May 2015 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	19 June 2015
Author:	Stephen Carstairs – Director Corporate Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Financial Reports

SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 31 May 2015.

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 *Statement of Financial Activity*.

The regulations also prescribe the content of the reports, and that details of items of Material Variances shall also listed.

COMMENT

It is a statutory requirement that the statement of financial activity be prepared each month (Regulation 34. (1A), and that it be presented at an ordinary meeting of the Council within 2 months after the end of the month to which the statement relates (Regulation 34. (4)(a).

CONSULTATION

Alan Lamb – Chief Executive Officer

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, Regulation 34. (1A)

Local Government (Financial Management) Regulations 1996, Regulation 34.
(4)(a)

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.2

MOVED: Cr Walker

SECONDED: Cr Kaltenrieder

That having regard for any material variances, Council receive the 31 May 2015 Statement of Financial Activity and Statement of Net Current Assets, as presented.

CARRIED 8/0

Res 64/15

8.2.3 Budget Amendment: 2014-15 Federal Assistance Grant – Advance Payment

Location:	Not applicable
Applicant:	Not applicable
File:	
Disclosure of Officer Interest:	None
Date:	10 July 2015
Author:	Stephen Carstairs – Director Corporate Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Correspondence from the WA Local Government Grants Commission

SUMMARY

In the course of a financial year events occur which impact on a budget. This matter is brought before Council to receive in 2014-15 a *circa* 50% advance payment (\$579,517) of its 2015-16 General Purpose and Local Roads Financial Assistance Grants, and amend the 2014-15 Annual Budget accordingly.

BACKGROUND

As per the *Local Government (Financial Assistance) Act 1995* (the Act), the Commonwealth provides financial assistance to the states for the purpose of improving, among other things, the financial capacity of local governments (LG's), to provide their residents with equitable levels of service.

The Commonwealth Government has communicated with the WA Local Government Grants Commission (the Commission) that in 2014-15 the Commission will be advancing to LG's some 50% of the 2015-16 Federal Assistance Grants (FAGs) pool (and see attachment). This advance payment is in keeping with advance payments made by the Commonwealth in 2011-12 and 2012-13. As control of the funds passes to the shire on receipt of the untied grant, received at bank on 30 June 2015, the advance is to be recognised as revenue for 2014-15, and as such may be expended in 2012-13 as well.

COMMENT

The advanced FAGs payment will have the effect of increasing in 2014-15 the flow of revenue (\$579,517) to the shire, and this will be reflected in the shire's 2014-15 surplus brought forward into 2015-16.

CONSULTATION

Alan Lamb – Chief Executive Officer

STATUTORY OBLIGATIONS

Section 3 of the Local Government (Financial Assistance) Act 1995 – Objects of the Act, and s.16 of the Local Government Grants Act 1978 – Distribution of Commonwealth funds.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

While the shire took control of the advance FAG payment, given there was no opportunity to utilize it, the FAG advance payment of \$579,517 will be reflected in the shire's 2014-15 surplus brought forward into 2015-16.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.3

MOVED: Cr Oversby

SECONDED: Cr Blackburn

That Council receives the Commonwealth Government's advance Financial Assistance Grant payment, comprising:

- **\$343,361 Local Road Assistance; and**
- **\$236,156 General Purpose Assistance, and**

Direct the CEO to amend the Shire of Boyup Brook 2014-15 Annual Budget by increasing operating revenue by \$579,517.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 65/15

8.2.4 Adoption of 2015-16 Schedule of Fees & Charges

Location:	Not applicable
File:	Not applicable
Disclosure of Interest:	
Date:	10 July 2015
Author:	Alan Lamb – Chief Executive Officer and Stephen Carstairs Director Corporate Services –
Authorising Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Draft 2015-16 Schedule of Fees & Charges

SUMMARY

This matter is put before Council for information, and for Council to consider and adopt a Schedule of Fees & Charges for 2015-16.

BACKGROUND

As it was in 2014-15, Council's 2015-16 Schedule of Fees & Charges (the Schedule), is to be considered separately in the annual budget preparation and adoption process. This has its advantages in that it allows Council the time to consider its fees & charges in isolation, and second, as the budget will not be adopted until August, finalising the 2015-16 fees & charges early in July will enable them to take effect from 03 July 2015.

In 2013-14 fees and charges comprised 23.4% (\$985,749 and up \$33,886 from 2012-13) of the total operating revenue raised (\$4,214,878), and was second in order of importance to rates (50.5%). Operating grants ranked third with 22.4%.

Under Council's Long Term Financial Plan 2013-2023 (the LTFP), fees and charges were proposed to increase annually by some 3.0%. However, in drafting the proposed 2015-16 fees a 4% increase was factored in (subject to appropriate rounding), as this was more in keeping with the LTFP's factored annual rate increase (6%). The proposed 4% increase in fees comprises an inflationary (Perth CPI through to March 2015) increase of 2.3%, an increase in line with population growth (some 1.0%), and an additional regional component of 0.7%. Contrasting with this, it is proposed that Medical Centre fees will increase by 5%.

The Schedule attached shows the fees and charges that were imposed in 2014-15 and the charges recommended for 2015-16.

Proposed new fees in 2015-16 include:

- Airport Hanger Hire - \$40.00 (inc GST) per week;
- Portable Ablution Block (6 x pans + urinal) - \$55.00 (inc GST) per day
- Liquid Waste Disposal - \$55.00 (inc GST) per Cubic Metre.

Some changes will be made in 2015-16 regarding the receiving of waste. These include:

- receiving of commercial waste from outside of the district is to be by Council approval; and
- the transfer station will only accept loads up to 3 Cubic Meters. Loads greater than this are to go directly to landfill, by appointment with the Director of Works & Services.

For those fees that are statutory in nature (e.g. – development application fees, building fees, swimming pool inspection fees, FOI fees, etc), Council is without discretion to set fees higher than permitted by the applicable legislation. At the time of writing, officers had received verbal advice from the Building Commission that: there will be variations made to the Statutory Building Application Fees, and that the changes will apply from 01 July 2015.

It is proposed that Council will set its rubbish and recycling collection charges and waste collection rate at the time of budget adoption, as these fees and the rate are to be imposed on a cost recovery basis.

At Council's special meeting on 02 July, this item was laid on the table as there were inconsistencies around some of the proposed fees. Once adopted, as per Section 6.19 of the *Local Government Act 1995* a notice will be inserted in the Gazette advising of the newly adopted fees and commencement date.

COMMENT

All fees are reviewed annually. Often fees do not cover the cost of providing a service (the subject of the fee), with a proportion of the service costs being funded from other (General Purpose) revenues streams e.g. rates.

CONSULTATION

All sectors within the organisation have had an opportunity for input into the proposed 2015-16 fees and charges.

STATUTORY OBLIGATIONS

Section 6.16(1) and (2) of the Local Government Act states:

(1) A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

(2) A fee or charge may be imposed for the following —

(a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;

Section 6.17(1) of the Local Government Act states:

In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

(a) the cost to the local government of providing the service or goods;

(b) the importance of the service or goods to the community; and

(c) the price at which the service or goods could be provided by an alternative provider.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The draft 2015-16 Annual Budget will include income streams that will have been estimated using this draft Schedule of Fees & Charges.

STRATEGIC IMPLICATIONS

Every effort has been made to identify those appropriate areas where the user pays cost recovery principle might reasonably be applied.

SUSTAINABILITY IMPLICATIONS

The fees are determined having regard to the cost of providing the service, the scope of the service and the anticipated preparedness of a person to pay the fee.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.4

MOVED: Cr Walker

SECONDED: Cr Kaltenrieder

That Council adopt the 2015-16 Schedule of Fees & Charges as per the Attachment.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 66/15

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Subdivision Application (WAPC Ref 152014) Lots 720 & 721 Bridgetown Boyup Brook Road

Location:	<i>Lots 720 & 721 Bridgetown Boyup Brook Road</i>
Applicant:	<i>C Barron</i>
File:	<i>A3100</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>9 July 2015</i>
Author:	<i>A. Nicoll, Town Planner</i>
Authorizing Officer:	<i>Alan Lamb, Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

Council is requested to agree to advise the WAPC to conditionally support the proposed 'Special Rural' Lots 720 & 721 Bridgetown Boyup Brook Road, subdivision (2 lots into 27 lots).

BACKGROUND

In 2011, the Western Australian Planning Commission approved the subdivision of Lots 720 and 721 Bridgetown Boyup Brook Road into 53 Lots.

The subdivision approval has now lapsed (4 years) and the Western Australian Planning Commission has received a new application to subdivide Lots 720 & 721 Bridgetown Boyup Brook Road into 27 Lots.

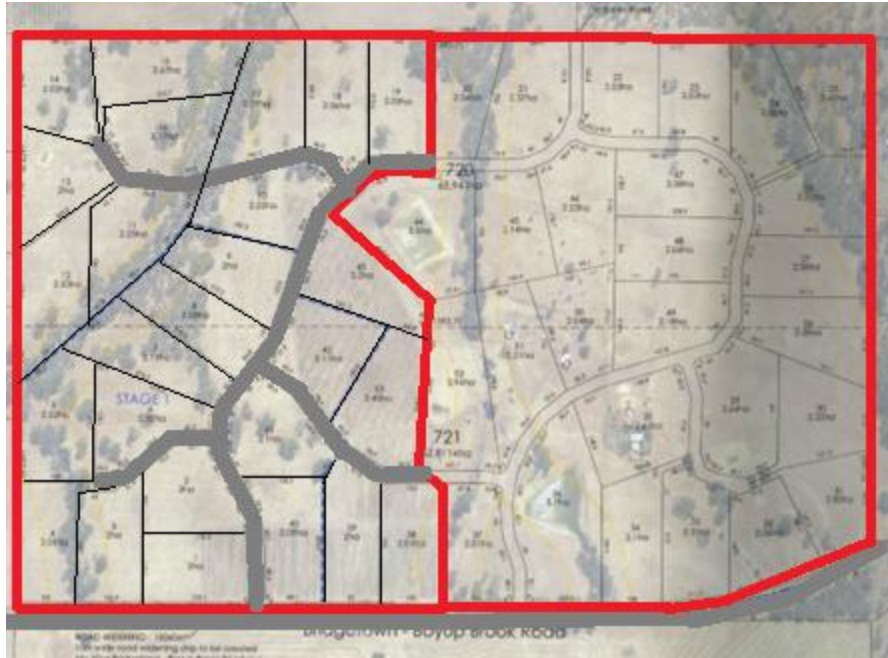
The land the subject of the application is located approximately 3km west of the Boyup Brook Townsite and is zoned Special Rural Area No 7.

Location



The plan is to subdivide the western portion of the subject area into 26 Lots and to leave the eastern portion as one super-lot.

Subdivision Plan



The subject land is currently used for livestock grazing purposes. Two dwellings exist on the proposed super-lot.

The Western Australian Planning Commission forwarded the application to the Shire of Boyup Brook requesting information, comment and/or recommended conditions.

COMMENT

Proposal

The subdivision application is proposing to create 27 new lots, 26 of which are approximately 2ha in area and the remaining super-lot being approximately 70ha in area.

All dams, soaks and structures are contained solely within the proposed lots.

Topography

The subject properties have gentle gradients with two gully areas running North-South.

Vegetation

Remnant vegetation on the properties is predominant around the gully areas, where water runs in the winter months.

The remnant vegetation is parkland cleared – no understorey exists.

The type of remnant vegetation includes 'Red Gums (Marri) and 'Flooded Gums'.

A landscape management plan will need to be developed to indicate appropriate protection, enhancement and management of remnant vegetation.

Remnant vegetation areas may be prone to fire. A Fire Management Plan will need to be developed to determine:

- Location of fire prone vegetation;
- Appropriate setbacks between buildings and fire prone vegetation (e.g.100m);
- Where a setback of 100m cannot be achieved to fire prone vegetation, the fire management plan will need to seek to protect as much vegetation as possible and identify an appropriate Bushfire Attack Level for dwellings (e.g. BAL19) in accordance with the Australian Standards 3959;
- The fire management plan may also need to identify appropriate management of fuel loads and the provision of water for firefighting purposes;
- Where the fire management plan seeks to put the onus on the local government to undertake work or development to reduce fire risk, a financial contribution is to be made to the satisfaction of the local government.

Access

One main internal access road is proposed to link the proposed lots with the Bridgetown Boyup Brook Road. Three additional roads feed off the main internal road.

The internal roads are for the interim, dead-end roads and therefore will need to have appropriate turn around areas.

There are some lots accessed via battle-axe access legs. Crossover portions of the battle-axe access legs will need to be sealed.

Water Supply

Reticulated (piped) water runs past the subject land. Subject to Water Corporation approval, reticulated water may be available to the proposed lots. Where reticulated water cannot be provided, water storage tanks of minimum capacity - 92,000 litres, will need to be constructed at the same time as a dwelling.

Effluent Disposal

On site effluent disposal systems are to be developed to local government and health department standards at the time of dwelling construction.

Effluent disposal systems will need to be setback an appropriate distance from watercourses (e.g. 50m) and be developed in accordance with recommendations of a geotechnical report.

Setbacks to boundaries

The Shire's District Planning Scheme 2 requires development in Special Rural areas to be setback 15 metres from a front boundary and 10 metres of any other boundary.

CONSULTATION

Consultation occurred between staff at the Shire of Boyup Brook, the Department of Water and the landholder of the subject application.

The Department of Water is seeking to protect vegetation and enhance the natural areas adjacent to the watercourses.

The landholder recognises the environmental, economic and social benefits in protecting and enhancing vegetation, including to:

- Improve fauna habitat;
- Assist in the sale of lots; and
- Improve the general amenity for future landholders.

STATUTORY OBLIGATIONS

District Planning Scheme 2

The subject land is zoned 'Special Rural Area 7' in the *District Planning Scheme 2*.

The Scheme requires subdivision to comply with the provisions applicable to Special Rural Area 7, as follows:

Scheme Provisions	Comments
<ul style="list-style-type: none"> • The minimum lot size shall be 2ha. • Building envelopes for each lot shall be shown on the proposed plan of subdivision to the satisfaction of Council. 	<ul style="list-style-type: none"> • The proposed lots are not less 2ha. • The proposed subdivision application does not show building envelopes. Prior to commencement of subdivisional works, a detailed plan identifying building and effluent exclusion areas on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, as required under relevant legislation.
<ul style="list-style-type: none"> • The landscaping areas shall be established, enhanced and managed in accordance with a Landscaping Plan approved by the Council and the Department of Water and Department of Environment. 	<ul style="list-style-type: none"> • Prior to commencement of subdivisional works, a Landscape Management Plan is to be prepared and implemented to the satisfaction of the Local Government, the Department of Water and the Department of Parks and Wildlife.
<ul style="list-style-type: none"> • A Fire Management Plan shall be prepared and implemented in accordance with 'Planning for Bush Fire Protection', to the satisfaction of the Council and Fire and Emergency Services of Western Australia. It shall include provision of, and access to, a strategic water supply for firefighting, and implementation of appropriate Building Protection zones. 	<ul style="list-style-type: none"> • Prior to commencement of subdivisional works, a Fire Management Plan is to be prepared, approved and relevant provisions implemented during subdivisional works, in accordance with WAPC Policy and to the specifications of the local government and the Fire and Emergency Services Authority.
<ul style="list-style-type: none"> • No subdivided lots shall be permitted to have direct vehicular access to the Bridgetown Boyup Brook Road. 	<ul style="list-style-type: none"> • All lots are proposed to have access to an internal road and not direct access to the Bridgetown Boyup Brook Road.
<ul style="list-style-type: none"> • Battle-axe access ways are to be constructed to the requirements and satisfaction of the Council. 	<ul style="list-style-type: none"> • Council's construction standard applicable to battle-axe access ways is for the crossover section to be sealed. Prior to settlement of titles, crossover sections of the battle-axe access legs is to be sealed.

POLICY IMPLICATIONS

There are no policy implications relating to this item.

BUDGET/FINANCIAL IMPLICATIONS

The Shire of Boyup Brook does not have sufficient resources to take on responsibility for fire and/or landscape management.

Any responsibilities in relation to fire and landscape management will need to be taken on by landholders.

STRATEGIC IMPLICATIONS

There are no strategic implications relating to this item.

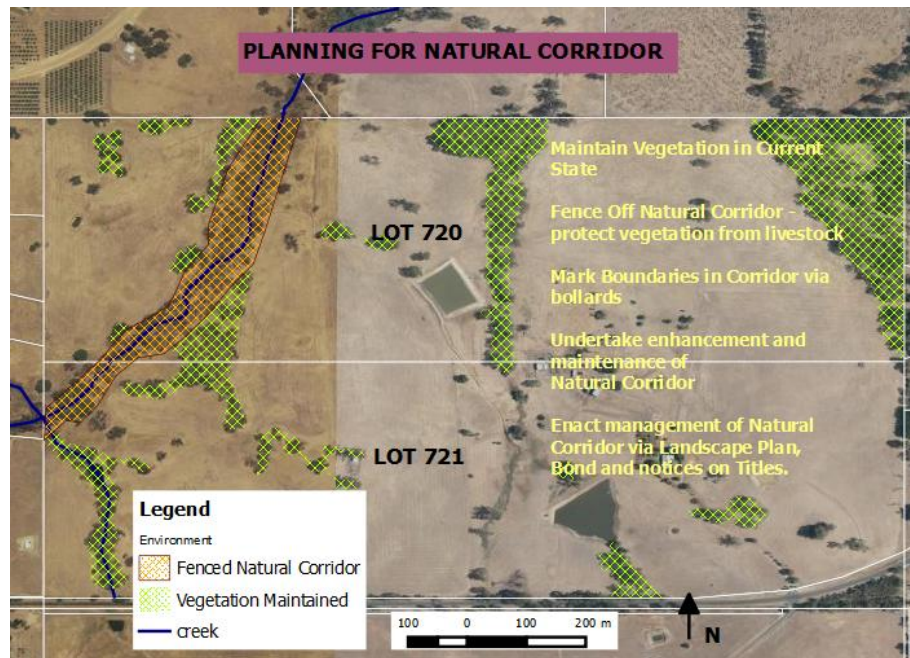
SUSTAINABILITY IMPLICATIONS

- **Environmental**
Lots 720 and 721 are traversed by perennial water courses. These watercourses have retained vegetation surrounding them.

Rear boundaries of the proposed lots are located along the centre line of one water course. Fencing of the proposed boundaries will hinder enhancement of the watercourse.

A condition needs to be included to restrict fencing within the watercourse. The landholder was consulted on this matter and is supportive of the idea of using bollards to demarcate lot boundaries so as not to hinder natural attributes.

The following illustrates possible vegetation protection areas and fenced natural corridor.



- **Economic**
There are no economic implications relating to the proposed subdivision.
- **Social**
There are no social implications relating to the proposed subdivision.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.1

MOVED: Cr Moir

SECONDED: Cr Imrie

That Council

Agree to advise the Western Australian Planning Commission to support the proposed 'Special Rural Area 7' subdivision, 2 lots into 27 lots, subject to the following conditions:

Fire Management

1. A Fire Management Plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the *WAPC's Guideline, Planning for Bushfire Protection* and to the specifications of the Local Government and the Fire and Emergency Services Authority.
2. Development of infrastructure for fire management, as may be recommended by the Fire Management Plan, is to be funded by the developer.

Advice

- *Where a setback of 100m cannot be achieved to fire prone vegetation, the fire management plan will need to seek to protect as much vegetation as possible and identify an appropriate Bushfire Attack Level for dwellings (e.g. BAL19) in accordance with the Australian Standards 3959;*
- *The fire management plan may also need to identify appropriate management of fuel loads and the provision of water for firefighting purposes.*
- *Fuel loads are to be managed by landholders and each dwelling may need to make provision for water for firefighting purposes – depends on availability of reticulated water.*
- *Notices in relation to landholder responsibilities about fire management, may need to be recorded on titles.*

Landscape Management Plan

3. A Landscape Management Plan being prepared and implemented to the satisfaction of the Local Government, the Department of Water and the Department of Parks and Wildlife.
4. The subdivider shall enter into a bonding agreement with Council to ensure the maintenance of revegetation for a period of at least three years from the release of titles.

Advice

- *The purpose of the Landscape Management Plan is to identify how vegetation will be protected, enhanced and managed into the future.*
- *The landscape plan will need to indicate appropriate locations for fencing.*
- *Notices in relation to landholder responsibilities about vegetation protection, enhancement and management, may need to be recorded on titles.*

Notice to Prospective Purchasers

5. A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificates of title of the proposed lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
 - a. The lot(s) is/are subject to a Fire Management Plan.
 - b. The lot(s) is/are subject to a Landscape Management Plan.
 - c. At the time of development of a dwelling, a water tank of minimum capacity of 92,000 litres is to be constructed.
 - d. The lot(s) is/are contained in Special Rural Area 7 and the use and development of the land is restricted under provisions of the local governments District Planning Scheme.

Advice

- *If reticulated water is proposed to be provided to the lots, condition 4c above is to be removed as a condition.*

Development Exclusion Areas

6. Prior to commencement of subdivisional works, a detailed plan identifying building and effluent exclusion areas on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to

ensure the appropriate siting of development, as required under relevant legislation.

Advice

- *Development exclusion areas clearly define where development is not to occur. Where development exclusion areas are not evident, landholders are more inclined to attempt to modify building envelopes to suit their needs.*
 - *The Western Australian Planning Commission Planning for Bush Fire Protection Guidelines outlines development exclusion areas or hazard separation areas, for the purpose of protecting dwellings from fire prone vegetation.*
 - *The Shires District Planning Scheme 2 requires development exclusion areas between lot boundaries and development, for Special Rural zones, as follows:*
 - *15 metres from the front boundary; and*
 - *10 metres from any other boundary.*
 - *The Department of Water, Water Quality Protection Note 70, recommends a minimum 50m setback between conventional waste water treatments and damp land vegetation (watercourse).*
 - *The Western Australian Planning Commission Development Control Policy 2.3 recommends a foreshore reserve width of 30m for waterways.*
7. A restrictive covenant, to the benefit of the local government, pursuant to section 129BA of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:

“No development is to take place inside the defined development exclusion areas, unless otherwise approved by the local government.”

Geotechnical Report

8. Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and
9. In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report.

Access

10. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost, to the satisfaction of the Western Australian Planning Commission.
11. Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:
 - a. roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly;
 - b. temporary turning areas are provided to those subdivisional roads that are subject to future extension; and
 - c. truncations in accordance with appropriate Australian Standards are provided at the junction of access ways and lots; and access ways and road reserves to the satisfaction of the Western Australian Planning Commission
12. The landowner/applicant entering into an agreement with the local government to ensure reciprocal rights of access over adjoining battle-axe access ways.

Advice

- *The crossover portion of the battle-axe access legs is to be sealed.*

Fencing

13. Other than for boundaries located adjacent to the water course, uniform fencing is to be constructed along the boundaries of all of the proposed lots.
14. The natural corridor is to be fenced off to limit access (livestock), therefore protecting vegetation.

Advice

- *Bollards may be used to demark boundaries adjacent to the creek.*
- *Bollard development is not expected to impact on vegetation or the movement of fauna.*

Proposed Subdivision



CARRIED 8/0

Res 67/15

8.3.2 Subdivision Application (WAPC Ref 152015) - Lot 3 Abels Road & Lots 2030 & 2031 Knudsen Road, Benjinup.

Location:	<i>Lot 3 Abels Road & Lots 2030 & 2031 Knudsen Road, Benjinup</i>
Applicant:	<i>R Machin – Licensed Surveyor</i>
File:	<i>A3475</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>July 2015</i>
Author:	<i>A Nicoll, Town Planner</i>
Authorizing Officer:	<i>Alan Lamb, Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

Council is requested to agree to advise the WAPC to support the proposed ‘Rural’ Lot 3 Abels Road & Lots 2030 & 2031 Knudsen Road Benjinup, subdivision.

The subdivision is proposing to modify lot boundaries.

The subdivision is not proposing to create any additional lots.

BACKGROUND

The Western Australian Planning Commission received an application to adjust lot boundaries involving three lots (Lot 3, 2030 & 2031) located approximately 20km north east of the Boyup Brook Townsite.

The subject lots are currently used for livestock grazing purposes. Lot 2031 Knudsen Road has a dwelling and sheds.

The Western Australian Planning Commission forwarded the application to the Shire of Boyup Brook requesting information, comment and/or recommended conditions.

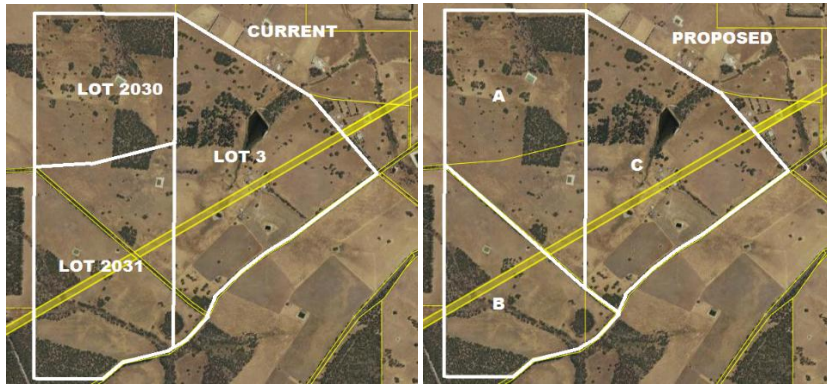
COMMENT

Proposal

At present day, Knudsen Road dissects Lot 2031 Knudsen Road and Lot 3 Abels Road.

The application involves keeping the same amount of lots (3 lots) and adjusting lot boundaries to coincide with road frontages (Knudsen Road).

Boundary adjustments are illustrated in the following diagrams:



Lot sizes are proposed to vary marginally as follows:

Existing Lots	Areas
Lot 3 Abels Road	112.72ha
Lot 2030 Knudsen Road	66.36ha
Lot 2031 Knudsen Road	95.04ha
TOTAL	274.14ha
Proposed Lots	Areas
Lot A	98.1ha
Lot B	66.15ha
Lot C	109.89ha
TOTAL	274.14ha

CONSULTATION

N/A

STATUTORY OBLIGATIONS

Town Planning Scheme 2

The subject land is zoned 'Rural' in the Town Planning Scheme 2.

As stated in the Scheme 2 (Section 5), the primary intent of the 'Rural' zone is for the preservation of agriculturally significant land for agricultural production. The Scheme states:

Council shall...seek to ensure that no action is taken to jeopardise that potential.

In considering applications for subdivision, the Scheme requires the Council to consider protecting agricultural practices in light of its importance to the District's economy.

The proposed subdivision involving adjusting boundaries does not significantly vary lot sizes and is therefore not expected to impact on current farming practices.

The Council is therefore recommended to support the proposed subdivision in line with their Scheme.

POLICY IMPLICATIONS

There are no policy implications relating to this item.

The Western Australian Planning Commission *Policy 3.4 Subdivision of Rural Land*, supports boundary adjustments (no additional lots) to improve the management of a farm, such as a realignment to follow a natural or constructed feature (road).

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

There are no strategic implications relating to this item.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no environmental implications relating to this item. Remnant vegetation does not need to be cleared to accommodate the proposed boundary adjustments.
- **Economic**
On farm management and therefore economic conditions are potentially improved by adjusting boundaries to align with Knudsen Road.
- **Social**
There are no social implications relating to this item.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.2

MOVED: Cr Moir

SECONDED: Cr Walker

That Council

Agree to advise the WAPC to support the following proposed ‘Rural’ Lot 3 Abels Road & Lots 2030 & 2031 Knudsen Road Benjinup, subdivision (3 lots into 3 lots) with no Local Government conditions:

CARRIED 8/0

Res 68/15

8.3.3 Appoint Dual Fire Control Officers

Location: N/A
Applicant: Shire of West Arthur
File: RS/23/002
Disclosure of Officer Interest:
Date: 6 July 2015
Author: Daly Winter
Authorizing Officer: Alan Lamb
Attachments: Letter dated 10 June 2015

SUMMARY

The Shire of West Arthur has requested approval to appoint Dual Fire Control Officers with the Shire of Boyup Brook for the 2015/2016 fire season.

The appointment of dual Fire control Officers is permitted within the Bush Fire Act 1954. I have consulted with David Inglis Chief Bush Fire Control Officer for the Shire of Boyup Brook and David has approved/recommended the appointment of two officers being Kim Hales and David Mackie both from the Duranillin Brigade.

BACKGROUND

Extract from the BUSH FIRES ACT 1954.

- 40. Local governments may join in appointing and employing bush fire control officers**
- (1) Two or more local governments may by agreement join in appointing, employing and remunerating bush fire control officers for the purposes of this Act.
 - (2) Bush fire control officers so appointed may exercise their powers and authorities and shall perform their duties under this Act in each and every

one of the districts of the local governments which have joined in appointing them.

[Section 40 amended by No. 14 of 1996 s. 4.]

COMMENT

Nil

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Bush Fires Act 1954, Section 40(1) has application.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
The dual appointment will enable Fire Control Officers to combat wild fires in both Shires. This should reduce delays in response and result in reduced loss.
- **Social**
The dual appointment of Fire Control Officers fosters a good working relationship with neighbouring Shire's Brigades and their officers.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.3

MOVED: Cr Blackburn

SECONDED: Cr O’Hare

1. That the Council approve the appointment of the following officers as Dual Fire Control Officers with the Shire of Boyup Brook for the 2015/2016 fire season:

Kim Hales Ph: 9767 2043 Mob: 0427802793 (Duranillin Brigade – Call sign “Sandalwood 1”

David Mackie Ph: 98631060 (Duranillin Brigade – Call sign “Lightwoods 1”

2. That notice of these appointments, made under the provisions of section 40(1) of the Bush Fires Act 1954, to be published at least once in a newspaper circulating in its district.

CARRIED 8/0

Res 69/15

Adrian Nicoll left the Chambers at 7.12pm

8.3.4 Waste Management – Municipal waste collection, and bin supply services

Location: N/A

Applicant: N/A

File:

Disclosure of Officer Interest: None

Date: 10 July 2015

Author: Alan Lamb

Authorizing Officer: Not applicable

Attachments: Confidential attachments;

- Quotation summary
- Cost comparison Boyup Brook town
- Cost comparison satellite towns

SUMMARY

The purpose of this report is to put before Council the results of a quotation process, involving WALGA preferred suppliers and a Local Government, for the supply of municipal waste collection and bin supply services.

BACKGROUND

The following was reported to the 2 July 2015 special meeting of Council:

For some time now the BWGC has been working on the opportunity for each of the constituent Councils to employ the same contractor for the same term for various waste management services. The BWGC employed a consultant to assist with this process and then enlisted the services of WALGA to conduct a tender process to come up with one, or a number of, preferred supplier for each of the Councils.

The City of Bunbury entered the tender process because it has an operational collection service in-house; all of the other Councils used contractors. Each of the existing contracts ends 30 June this year, except for Boyup Brook where there has been no contract for some years. The original intention was to extend all existing agreements until 30 June 2014 and then move to the new contracts following that but, as we are informed, all of the Council's except the City of Bunbury, have accepted the new contracts to commence from 1 July 2013.

WALGA assisted with the tender process then the consultant prepared the attached report with the recommendation that scenario 2 be accepted. It is understood that all of the Councils, except for Bunbury, have accepted scenario 2.

In summary, scenario 2 is for Warren Blackwood Waste to provide a kerbside collection service once per week for household rubbish and once per fortnight for recyclables, also for that company to provide and maintain all of the bins. It included Perthwaste processing recyclables collected from households.

After comparing and evaluating each of the tenders, the consultant put forward three scenarios.

Scenario 1 was for Warren Blackwood Waste to do the bin collections, City of Bunbury to undertake the supply and maintenance of the bins and for Perthwaste to process recyclables.

Scenario 2 was for Warren Blackwood Waste to do the collections and supply and maintenance of bins and for Perthwaste to process recyclables.

Scenario 3 was for Perthwaste to do the lot.

Scenario 2 was not the cheapest for each Council but was considered the best because the collector was also responsible for maintaining the bin stock. Also it is noted that the report indicates that the price may be further lowered by changing the bin type.

Looking at the total service costs of each scenario 3 is cheapest for Boyup Brook but not the other Councils in the group. However, Council currently uses Warren Blackwood Waste; also it is unlikely that the prices quoted as a "job lot" could be obtained if only one Council went for Perthwaste, especially Boyup Brook which would benefit from economies of scale being, that is being able to be tied into service runs in Collie.

Council currently provides an in-house recyclables collection service where a Shire Staff member collects material from the kerb side using a Shire Ute and a Lions trailer. The staff member sorts the material and the Lions later sell the materials as a fundraiser. Council contributes \$2,000 per year to the Lions to assist with transport cost (essentially fuel) to get the material to Perth for sale. Council does not charge property owners/occupiers for this service.

The recycling service is very manual and there is the risk of staff who handles the waste being injured. It is a very antiquated and possibly unsafe method of dealing with waste collection.

The sale of recyclables is a major fundraiser for the Lions but there is not always a market for the material and so occasionally, materials get stacked up and there have been complaints about the state of the transfer station when this occurs. There is no market for glass at this time and so the Lions have a dilemma. The Lions do a very valuable job in the community and Council has strongly supported the group and its operations. It has been reported previously that it may well be cheaper for Council to provide the group with an annual grant in lieu of the recycling because the cost to Council and the relatively small amount of income they derive appears to make this an option worthy of consideration.

At that meeting Council resolved as follows:

That Council:

- 1. receive the Recommendation Report at the Attachment to this agenda item as provided by the Western Australian Local Government Association and endorse the recommendation for award of contracts, as detailed in Section 6.3 of the Recommendation Report, as Councils preferred option to:***
- 2. Enter into the following contracts with Jenesti Pty Ltd trading as Warren Blackwood Waste:***
 - For the Provision of a weekly Kerbside Collection Services (waste) at the rate of \$1.6 inc. GST per lift as quoted in the Recommendation Report; and***
 - For the Ad-hoc Provision and Maintenance of Bins at the rates as quoted in the Recommendation Report;***
 - Subject to verbal discussion with, and written agreement provided by, the contractor confirming their understanding and acceptance of***

- all the specifications detailed in the contracts for the above services, as provided by the Western Australian Local Government Association as part of the quotation process, prior to the signing of the contracts;*
3. *Commence the Contract 1 July 2013 and terminate it 30 June 2018;*
 4. *Authorise the Shire President and Chief executive Officer to execute the contract for the:*
 - *Provision of a weekly Kerbside Collection Services (waste); and*
 - *Ad-hoc Provision and Maintenance of Bins*
 5. *Conduct a community awareness campaign to advise residents of the town of Boyup Brook of the intention to provide a fortnightly recycling service, what it will cost them, what can be placed in the bins and what the benefits will be.*

6. *Advise the Bunbury Wellington Group of Councils of its intention to participate in the recycling services following and subject to community consultation on this new service. Also that Council will consider participating in the Organics Waste at a later time.*

Things have not moved on as quickly as planned and so the matter of the new collection and recycling services are now planned to commence in 2015/16.

The Lions announcement of its closure of recycling operations, on economic grounds, prompted the need to look toward the BWGC's tendered agreements.

The Perthwaste agreement, as attached is the same agreement as entered into by other Council's in the group with an updated, for CPI increases, fee structure for Boyup Brook.

As reported to Council at a briefing session, Warren Blackwood Waste collection service charges have increased and so other opportunities are being explored. Prices have been sought from the City of Bunbury and Perthwaste (Council could contract with either because the City is a Local Government, and so there is an exemption from the need to tender, and both Perthwaste and Warren Blackwood Waste are WALGA preferred suppliers). The City of Bunbury price is the same as Warren Blackwood Wastes indicating it is reasonable. The plan is to wait until Perthwaste comes back with prices or until Monday 6 July, and then, using the authority of the May 2013 resolution, and the WALGA preferred supplier process, sign the Warren Blackwood Waste agreements.

As previously reported, to a briefing session, the cost of providing waste collection services to Dinninup and Wilga are prohibitive and so, in the context of the budget process, the plan is to put that these services be ceased.

Council dealt with processing of recyclables and resolved as follows:

That Council enter into a contract with Perthwaste Pty Ltd for the provision of a recyclables processing service and authorise the Shire President and Chief executive Officer to execute the contract as attached to the meeting agenda.

COMMENT

The recommendation is that Council enters into a seven year agreement with Perthwaste for waste collection and the supply of bins. That, new bins be purchased for both general and recycling services. Also that collection services to Wilga and Dinninup be ceased on economic grounds.

The plan is to use 240 litre and 360 litre bins at the transfer station to hold recyclables taken there by community members. That these then be cleared weekly or fortnightly as a backload for the collection truck to the Perthwaste depot near Bunbury. This should reduce the cost of dealing with recyclables however it is possible that other arrangements may have to be made, from time to time, to store then transport material (perhaps skip bins or the like).

The City of Bunbury quoted only on the collection of waste and would not supply bins. Looking at cost projections for the life of the agreement (7 years) the Perthwaste offer is marginally cheaper.

Whilst purchasing the current Warren Blackwood Waste stock of bins in Boyup Brook is a cheaper option up front, it is expected that the old stock would require a higher incidence of replacement during the term of the agreement. Further, the new bins will have colour coded lids, as used throughout the state, that more clearly indicate what type of waste should be put in them (Red for general waste, yellow for recycling and green is for organics). Also, the new bins could be expected to last at least double the term of the proposed agreement where the current stock may well not last the term of the agreement. Taking all costs over the term of the agreement, the total cost difference for all new bins is only marginally more expensive than the mix of new and old.

Wilga and Dinninup are currently serviced by the Shire workforce. The process is manual and may pose a risk to employees. The services are conducted fortnightly and the Ratepayers, for the properties serviced, are charged half of the annual collection service fee. According to the crew that collects the waste, they service 10 Properties in Wilga and 7 in Dinninup. Accounts show that annual charges are made for 7 properties in Wilga and 4 in Dinninup. The budgeted cost of servicing both towns (fortnightly) for 2014/15 was \$5,315 and the annual charge was \$104. Based on this, the annual income was to be \$1,144 against an annual collection cost of \$5,315. If Council were to charge all properties serviced

then the income would have been \$1,768, still dramatically less than the cost of collection. It should be noted that collections costs are only one aspect of the total cost of dealing with waste.

If Council were to purchase wheelie bins and use the contractor to service say Wilga, then the per bin rate for a weekly general waste collection could come down to \$260 per bin per year and a fortnightly recycling service could come down to \$130 per bin per year. The proposed annual bin charge for general waste is \$218.40 and \$109.20 for recycling. So the income would not even cover the basic collection cost (noting that this cost does not include bin purchase, waste disposal etc)

Whilst Council could look to charge a higher price for these services it is expected that a jump from \$104 per year to \$218.40 plus \$109.20 (\$327.60), plus a premium to meet costs would be prohibitive.

It is clearly not economical to continue to service these towns for waste collection.

Council has discussed the opportunity of providing all Ratepayers with a card, or the like to gain free use of the transfer station in Boyup Brook. This matter is dealt with by a notice of motion so will not be explored further here.

If Council accepts the recommendation to engage Perthwaste then the plan is to modify the agreement that went to Council in June 2015 (for processing of recyclables) to include the new services. If Council opts for the Warren Blackwood Waste offer then the plan is to use the draft agreement that was developed by WALGA, and the legal firm appointed by the BWGC. Both agreements provide for annual CPI increases and would run for seven years from 2015/16 to 2022/23.

CONSULTATION

The matter has been before Council, discussed within the BWGC, the author has spoken at length with Lions representatives, the entities who provided quotations, WALGA and relevant Shire staff.

STATUTORY OBLIGATIONS

It is recommended that the meeting be closed to the public for this item as the matter deals with "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting - Section 5.23(27)(c) of the Local Government Act.

Regulations 11(2)(b) and (e) of the Local Government (Functions and General) Regulations have relevance in that they provide for exemption

from the need to call tenders where the supplier is a WALGA Preferred Supplier or a Local Government.

11. *When tenders have to be publicly invited*

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless subregulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if—*
- (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*
 - (b) *the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA; or*
 - (ba) *the local government intends to enter into a contract arrangement for the supply of goods or services where —*
 - (i) *the supplier is either —*
 - (I) *an individual whose last employer was the local government; or*
 - (II) *a group, partnership or company comprising at least 75% of persons whose last employer was that local government;*
- and*
- (ii) *the contract —*
 - (I) *is the first contract of that nature with that individual or group; and*
 - (II) *is not to operate for more than 3 years;*
- and*
- (iii) *the goods or services are —*
 - (I) *goods or services of a type; or*
 - (II) *(in the opinion of the local government) substantially similar to, or closely related to, goods or services of a type,*
that were provided by the individual (or persons) whilst employed by the local government;

or

- (c) *within the last 6 months —*
- (i) *the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications; or*
 - (ii) *the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;*
- or*
- (d) *the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or*
- (e) *the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or*
- (ea) *the goods or services are to be supplied —*
- (i) *in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and*
 - (ii) *by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;*
- or*
- (f) *the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or*
- (g) *the goods to be supplied under the contract are —*
- (i) *petrol or oil; or*
 - (ii) *any other liquid, or any gas, used for internal combustion engines.*

[Regulation 11 amended in Gazette 29 Apr 1997 p. 2145; 26 Jun 1998 p. 3447; 25 Feb 2000 p. 970-1; 29 Jun 2001 p. 3130; 31 Mar 2005 p. 1054-5; 2 Feb 2007 p. 245-6.]

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil, the income and expenditure will be included in the 2015/16 budget.

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

Adrian Nicoll returned at 7.16pm

OFFICER RECOMMENDATION – ITEM 8.3.4

That Council:

Enter into a contract with Perthwaste Pty Ltd for the provision of waste collection and bin supply services and authorise the Shire President and Chief Executive Officer to execute the contract as endorsed by Council resolution Res 66/15 , 2 July 2015, and as modified to include the waste collection and bin supply services.

REVISED OFFICER RECOMMENDATION – ITEM 8.3.4

That Council:

- 1. Rescind resolution 44/15**
- 2. Enter into a contract with Perthwaste Pty Ltd for the provision of waste collection and bin supply services and authorize the Shire President and Chief Executive Officer to execute the contract as endorsed by Council resolution Res 66/15, and as modified to include the waste collection and bin supply services.**
- 3. Purchase a new stock of wheelie bins for recycling and general waste collection services and that expenditure of \$44,000 be authorized.**

NOTE

The Chief Executive Officer reported to the meeting that a previous Council resolution (44/15), that had not been auctioned, needed to be rescinded if Council wished to accept the recommendation.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.4

MOVED: Cr Oversby

SECONDED: Cr Kaltenrieder

That Council:

- 1. Rescind resolution 44/15**
- 2. Enter into a contract with Perthwaste Pty Ltd for the provision of waste collection and bin supply services and authorize the Shire President and Chief Executive Officer to execute the contract as endorsed by Council resolution Res 66/15, and as modified to include the waste collection and bin supply services.**
- 3. Purchase a new stock of wheelie bins for recycling and general waste collection services and that expenditure of \$44,000 be authorized.**

CARRIED BY ABSOLUTE MAJORITY 6/2

Res 70/15

Cr Blackburn left the Chambers at 7.36pm

Cr Blackburn returned to the Chambers at 7.38pm

COUNCIL DECISION

MOVED: Cr Moir

SECONDED: Cr Imrie

That the Council adopts enbloc 9.1.1 and 9.1.2

CARRIED 8/0

Res 71/15

9 COMMITTEE REPORTS

9.1.1 Minutes of the Blackwood River Valley Marketing Association

Location: N/A
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 11 July 2015
Author: Alan Lamb - CEO
Attachments: Yes – Minutes

BACKGROUND

The Blackwood River Valley Marketing Association meeting was held on 17th June 2015 and 8th July 2015.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.1

That the minutes of the Blackwood River Valley Marketing Association meeting be received.

9.1.2 Minutes of the South West Zone

Location: N/A
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 11 July 2015
Author: Alan Lamb - CEO
Attachments: Yes – Minutes

BACKGROUND

The South West Zone meeting was held on 26th June 2015.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.2

That the minutes of the South West Zone meeting be received.

Cr Kaltenrieder left the Chamber at 7.51pm

Cr Kaltenrieder returned to the Chambers at 7.52pm

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1.1 Notice of Motion from Cr Imrie – Free Transfer Station passes

MOTION

That Council allows four (4) free passes to the tip per year for rural properties. These passes to be sent out with the rates notices.

Reason:

To encourage farms to dispose rubbish in a more acceptable manner. As the rural people already contribute towards waste removal, but have no service, they would have to take it to the tip themselves. Thus no cost to the Shire except the extra at the tip.

CEO COMMENT

The matter of tip passes has been discussed at Council level a number of times and this notice of motion puts the matter on the table for Council to either deal with ahead of the budget adoption or leave the matter to the budget process.

It will be noted that the agenda item, to this meeting, dealing with waste collections and bin supplies, recommends that the current collection services for Wilga and Dinninup be discontinued. This recommendation was based on the high cost of services and low level of cost recovery.

Council will need to look at a transfer station pass system that provides the Wilga and Dinninup residents with at least a part replacement for the collection service.

Council is also looking to include a rubbish rate in the 2015/16 budget to, at least in part, fill the current gap between waste management expenditure and income (2014/15 budget provided for expenditure of \$187,520 and income of \$113,040, a net cost of \$74,480) that has to date come from general revenue (rates, fees and charges and unties grants).

One aim of administration is to reduce the amount of cash handling at the transfer station and a transfer station pass system is one way to achieve this.

Boyup Brook town property owners may be receiving two new charges in 15/16, one being the recycling collection charge and the other the rubbish rate.

The current system for transfer station passes is a laminated card with 20 spaces (each space representing 240Lt of general waste that may be dumped at the transfer station, basically, 20 X 240Lt wheelie bins) and the charge is \$38.50. The cards are produced in house and the system works well and the community is used to it.

So there are a number of drivers, a number of options and Council may wish to employ more than one.

It is recommended that Council take to opportunity afforded by this notice of motion to work through options and opportunities. One option is for Council to include one card free with every rate notice. All Ratepayers will receive a new charge on their rate accounts and it will be simpler to provide all with the same free access to the transfer station than to have different arrangements for some. If Council took this option every Ratepayer would receive a 20 X 240Lt pass card to the Shire transfer station free of additional charge.

COUNCIL DECISION

MOVED: Cr Imrie

SECONDED: Cr Walker

That Council allows twenty (20) free passes to the Transfer Station per year for properties not being serviced by a kerbside bin collection service. These passes to be sent out with the rates notices.

CARRIED 8/0

Res 72/15

NOTE

The matter was discussed by Council and Councilor Imrie amended his motion prior to moving it.

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

11.1.1 Reserve 29911 – relinquishing a portion to enlarge Reserve 29739

Location:	<i>Lots 341 and 342 Abel Street Sandakan Park</i>
Applicant:	<i>Boyup Brook Sub Branch St John</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10 July 2015</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Chief Executive Officer</i>
Attachments:	<i>Copy of letter of request</i>

SUMMARY

The purpose of this report is to put before Council the Boyup Brook St John request with the recommendation that Council support in principal the proposal to a portion of Reserve 29911 Lot 342 being transferred to Reserve 29739 Lot 341.

BACKGROUND

The Boyup Brook Sub Branch seeks to enlarge the Reserve it manages to allow for future building extensions.

COMMENT

The Sub Branch notes that the adjoining DFES establishment on Reserve 24011 increased its land holding at some time, from 1012 sqm to 1766 sqm, a 35.12 m frontage.

The additional land sought will enable the Sub Branch to better plan for future improvements to its facility.

At some point a survey or the like will be required to clearly establish what part of Reserve 29911 they seek but in the interim it is recommended that Council agree to the request.

CONSULTATION

The author has spoke with the applicant and Council staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The local St John service is vital to the district and the request should pose no difficulties or loss to Council.

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 11.1.1

MOVED: Cr O’Hare

SECONDED: Cr Moir

That Council support in principle transferring a portion of Reserve 29911, managed by the Shire, to Reserve 29739, managed by the Boyup Brook St John Ambulance.

CARRIED 8/0

Res 73/15

11.1.2 Chief Executive Officer – Annual Performance and Remuneration Review

Location:	<i>Boyup Brook district</i>
Applicant:	<i>N/A</i>
File:	<i>N/A</i>
Disclosure of Officer Interest:	<i>The author has an interest in the matter in that it deals with his employment.</i>
Date:	<i>10 July 2015</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this item is to bring the matter of the Chief Executive Officer's (CEO) Annual Performance and Remuneration Review (APRR) before Council in order to commence the process.

BACKGROUND

The CEO commenced service 18 August 2008 and the current contract of employment provides for annual reviews as follows;

4.) Performance Criteria and review

4.1 Performance Criteria

- (1) Within 3 months of the Commencement Date, the Council and You must negotiate and determine the Performance Criteria.
- (2) The Performance Criteria must be reasonably achievable by You.
- (3) You must use every reasonable endeavour to comply with the Performance Criteria.

4.2 Performance Criteria and review

Your performance under this Contract, must be reviewed and determined by the Reviewer –

- (a) By reference to the Performance Criteria;
- (b) At least annually; and
- (c) More frequently if the Council or You perceives there is a need to do so and, in that case, gives to the other party a Review Notice.

4.3 Selection of Reviewer

- (1) The Council, in consultation with You, is to determine, in respect of each review under clause 4.2 and 4.5-
 - (a) who the Reviewer is to be; and
 - (b) whether the Reviewer is to be accompanied or assisted by any other person and, if so, the identity of that person.
- (2) For example, the Reviewer may be-
 - (a) the Council;
 - (b) a committee to which the conduct of the performance review has been delegated by the Council under section 5.16 of the Act; or
 - (c) a person or body who has been authorized by the Council to conduct the performance review.

4.4 Procedure

- (1) Subject to any alternative procedure agreed between the Council and You, a performance review under this clause must include the following procedures-
 - (a) You must give the Council at least one month's written notice of when Your performance review is required;
 - (b) the Council must decide, under clause 4.3, who is to conduct the performance review and must give You at least 10 working days' notice in writing of when the performance review is to be conducted and who is to conduct it;
 - (c) within 14 days after being given notice under paragraph (b), You must prepare a report assessing Your performance against the Performance Criteria, and give that report to the Reviewer;
 - (d) You and the Reviewer will discuss the process and timing of the performance review, which must include at least one interview session that provides for mutual discussion and feedback;
 - (e) You must ensure that You are available for the performance review as reasonably required by the Reviewer;
 - (f) You may be accompanied at an interview session by any other person nominated by You;
 - (g) within one month of the conclusion of the performance review; the Reviewer must prepare a report, in consultation with You, to be signed by both the Reviewer and You, that includes-

- (i) conclusions about Your performance during the period covered by the performance review;
 - (ii) any proposal by either party to amend the Performance Criteria as a consequence of the performance review;
 - (iii) any directions or recommendations made to You in relation to the future performance by You; and
 - (iv) details of the extent, if any, to which You disagree with any statement in the report;
 - (h) if the Reviewer is not the Council, that report must then be submitted to the Council for consideration; and
 - (i) under regulation 18D of the Local Government (Administration) Regulations 1996, the Council is to accept the report with or without modifications, or is to reject the report.
- (2) Reports and other documentation prepared under, or for the purposes of, this clause are to be treated by the parties as confidential.

4.5 Review and amendment

The Performance Criteria-

- (a) Must be reviewed annually by the parties; and
 - (b) May be amended, from time to time, by agreement in writing between the parties.
5. Annual Review of Remuneration Package
- (1) Your Remuneration Package must be reviewed by the Reviewer annually –
 - (a) at a time that is no later than 3 months after the anniversary of the Commencement Date; or
 - (b) if otherwise determined by the Council, at a time that enables the review to coincide with other remuneration reviews conducted by the Shire.
 - (2) The Council is to determine and notify You, in respect of each Remuneration Package review under this clause-
 - (a) who the Reviewer is to be; and

- (b) whether the Reviewer is to be accompanied or assisted by any other person and, if so, the identity of that person.
- (3) In reviewing Your Remuneration Package and Your Performance Bonus, the Reviewer must have regard to-
 - (a) Your performance
 - (b) any changes to the work value or responsibility of the Position;
 - (c) the hours worked by You, including hours in addition to normal working hours;
 - (d) the condition of the market and the economy generally; and
 - (e) the capacity of the Shire to pay an increase.
- (4) As a result of a review of Your Remuneration Package under this clause, the Shire
 - (a) is not obliged to increase the amount of the Remuneration Package;
 - (b) may increase the amount of the Remuneration Package;
 - (c) must not reduce the amount of the Remuneration Package; and
 - (d) will give due regard to the general adjustment to the remuneration of Local Government CEO's that the Salaries and Allowances Tribunal determines each year.

Council resolved at its June 2014 meeting as follows:

That the Committee constitute all members of Council to the Chief Executive's Annual Performance and Remuneration Review Committee.

At its September 2014 meeting Council resolved as follows;

- 1. Assess the performance of the Chief Executive Officer as Highly Satisfactory.**
- 2. Approve a remuneration package increase of 3.5%**
- 3. Agree to the following performance criteria for the coming year:**
 - Provide accurate and timely advice to the Council.**

Annual review of all relevant long term plans, as part of the budget preparation process and to add the new tenth year, to Council for adoption by 30 June each year.

Draft budget to Council for adoption by 31st July each year.

Maintain a high level of financial control and reporting as assessed by periodic audits and financial systems reviews.

Ensure progress of projects identified in the Corporate Business plan i.e. achievement of specific milestones as they appear in the Strategic, Business and Long Term Financial Plans.

COMMENT

The Local Government Act provides that meetings are to be open to the public also that some matters may be dealt with behind closed doors (see Statutory Obligations). Council may close to members of the public a part of a meeting dealing with matters affecting employees.

It will be noted that the review process is started by the CEO giving at least one month's written notice of when the review is required. This report meets this requirement.

The next step is for Council to decide who is to conduct the review and then give the CEO at least 10 working days' notice in writing of when the review is to be conducted and who is to conduct it.

In terms of who is to conduct the review process, this could be Council as a whole, a committee, or a person or body. In the past, Council has generally opted to deal with the matter as a whole, on one occasion it opted to employ a consultant (WALGA). It is the author's experience, of each of the options listed, is that they all work reasonably well. Council may wish to discuss the options with the officer at the meeting, and then decide on who is to conduct the process. The next step is for Council to give the CEO notice of when the review is to be conducted and who is to conduct it. In the past, this process has entailed Council resolving that the President write to the officer, the CEO preparing a draft for the President and the President then providing that notice.

If Council intends to conduct the review as a whole, it may wish to discuss the process and timing, with the CEO, at the meeting (satisfying clause 4.4(1)(d) of the agreement).

The terms of the agreement provides the option of an external facilitator to be used. The cost of using a facilitator tends to be in the order of \$3,000 to \$4,000 depending on the extent of travel and time involvement. It is suggested that there may be no need for a facilitator, at least initially, unless Council felt the need for independent assistance/advice. The Executive Assistant would be able to assist with the clerical aspects of the review process if Council chose to conduct it "in house", that is via a Committee of Council or Council as a whole, and is well practiced in dealing with confidential matters.

From the officer perspective, I am more than happy to deal directly with Council but, at the same time, will respect whatever decision is made in this regard.

The recommendation does not include the engagement of a consultant to assist it with these matters but if the decision was to take this option Council may wish to add the following;

That _____ of _____ be appointed to conduct the Chief Executive Officer's annual review and that the officer be advised accordingly.

STATUTORY OBLIGATIONS

The following sections of the Local Government Act deal with delegations;

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;*

and

- (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.

Section 5.23 of the Local Government Act has application.

5.23. Meetings generally open to the public

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
 - (a) *all council meetings; and*
 - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (a) *a matter affecting an employee or employees;*
 - (b) *the personal affairs of any person;*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret;*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*
where the trade secret or information is held by, or is about, a person other than the local government;

- (f) *a matter that if disclosed, could be reasonably expected to —*
- (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

The following Regulation, from the Local Government (Administration) Regulations, has relevance:

18D. *Performance review of CEO, local government's duties as to*

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

[Regulation 18D inserted in Gazette 31 Mar 2005 p. 1038.]

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Provision was made in the 2013/14 Budget to cover the estimated cost of a consultant to assist Council with the process. However this provision was removed at the half year budget review. It is anticipated that the review process will be conducted in the 2014/15 financial year, and so there is the opportunity for Council to commit to the provision of funds, to employ a consultant, in the 2014/15 Budget.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority unless there is a resolution to engage a consultant. Absolute majority if Council opts to engage a consultant and commit to expenditure in 2014/15

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 11.1.2

MOVED: Cr Moir

SECONDED: Cr Blackburn

That Council:

- 1. Commence the process of the Chief Executive Officer’s Annual Performance Review by requesting that the Shire President write to the officer notifying of the review in accordance with the employment contract.**
- 2. Appoint a committee to conduct the Chief Executive’s annual performance and remuneration review;**
- 3. Appoint all current Council members to the Chief Executive’s Annual Performance and Remuneration Review Committee.**
- 4. Chief Executive’s Annual Performance and Remuneration Review Committee Meet with the Chief Executive Officer, to discuss the process and timing of the review at a time and date to be determined by the Shire President.**

CARRIED 8/0

Res 74/15

WITHDRAWN

Item 11.1.3 was withdrawn by the CEO in order to clarify some matters and intended to represent it to the August meeting of Council.

11.1.3 Minutes of the Audit & Finance Committee
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Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>11 July 2015</i>
Author:	<i>Alan Lamb - CEO</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND

The Audit & Finance Committee meeting was held on 21st May 2015 and 18th June 2015.

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

OFFICER RECOMMENDATION – Item 11.1.3

That the minutes of the Audit & Finance Committee meeting be received.

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

Nil

13 CLOSURE OF MEETING

There being no further business the Deputy Shire President thanked all for attending and declared the meeting closed at 8.17pm