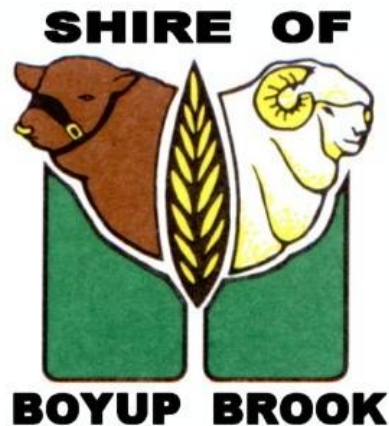


# Minutes



**ORDINARY MEETING**

held

**THURSDAY 19 October 2017**  
**Commenced AT 5.00PM**

**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 – Shire President  
Cr K Moir - Deputy Shire President  
Cr J Imrie  
Cr T Oversby  
Cr E Rear

STAFF: Mr Alan Lamb (Chief Executive Officer)  
Mr Stephen Carstairs (Director Corporate Services)  
Mr Rob Staniforth-Smith (Director of Works & Services)  
Mrs Maria Lane (Executive Assistant)

PUBLIC: Mrs Dorothy Ricetti ( President of the CWA)  
Ms Cheyenne Beagley  
Mr & Mrs Watters

**1.2 Apologies**

Cr E Muncey

**1.3 Leave of Absence**

Cr P Kaltenrieder

**2 PUBLIC QUESTION TIME**

**2.1 Response to Previous Public Questions Taken on Notice**

**3 APPLICATIONS FOR LEAVE OF ABSENCE**

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

- Dorothy Ricetti donated a book (Birds of WA) to the Boyup Brook Library on behalf of the CWA.
- Cr Imrie attended the Museum meeting. Cr Imrie informed Council the Museum has been working on the Blacksmith Shop.
- Cr Rear successfully completed the training course on CEO Performance Appraisals, Understanding Local Government and Conflicts of Interest.
- Cr Rear attended the Blackwood Basin Group AGM meeting on behalf of Cr Kaltenrieder.

Mr & Mrs Watters left the Chambers at 5.30pm

#### **5 CONFIRMATION OF MINUTES**

##### **5.1 Ordinary Meeting of Council - Thursday 21 September 2017**

##### **COUNCIL DECISION & OFFICER RECOMMENDATION - Item 5.1**

**MOVED: Cr Oversby**

**SECONDED: Cr Rear**

**That the minutes of the Ordinary Meeting of Council held on Thursday 21st September 2017 be confirmed as an accurate record.**

**CARRIED 5/0**

**Res 129/17**

#### **6 PRESIDENTIAL COMMUNICATIONS**

Had a meeting with The Hon. Dr Steve Thomas, MLC, Member for the South West on 4th October 2017. The following topics were discussed:

- STED Scheme
- Reservoir
- River frontage
- Airport/water bombers

Attended the CEO's Performance Review on 6th October 2017 with the Deputy Shire President and Natalie Lincolne. The Council appointed Ms Natalie Lincolne, Senior Consultant from Price Consulting Pty Ltd to support the appraisal process.

The Shire President thanked Cr Imrie for his input whilst on Council over the last 5 years and mentioned his presence will be missed by Councillors, staff and the general community of Boyup Brook.

#### **7 COUNCILLORS QUESTIONS ON NOTICE**

Nil

Dorothy Ricetti left the Chambers at 5.38pm  
Cheyenne Beagley left the Chambers at 5.38pm

#### **8 REPORTS OF OFFICERS**

## 8.1 MANAGER WORKS & SERVICES

<b>8.1.1 Plant Tender No 17-004 – Diesel Motor Grader</b>
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<b>Location:</b>	N/A
<b>Applicant:</b>	
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	12 <sup>th</sup> of October, 2017
<b>Author:</b>	Rob Staniforth-Smith - Director Works & Services
<b>Authorizing Officer:</b>	Alan Lamb
<b>Attachments:</b>	Qualitative Criteria Assessment and Grader Comparison Sheets (Confidential - Commercially sensitive)

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### SUMMARY

The 2017/2018 Plant Replacement Program allows for the replacement of a Diesel Motor Grader. Prices were requested for new machines via E Quotes.

This report recommends that the Council approve the quotation submitted by **Komatsu for the Komatsu GD 555-5**

### BACKGROUND

The Council's purchasing policy, F03, requires that for prices over \$150,000 that Council goes to public tender. WALGA's preferred supplier list allows for the tender process to be waived in lieu of seeking quotations from suppliers on WALGA's 'preferred supplier list'.

In this case WALGA's preferred Supplier list was used to seek quotations from Westrac (Caterpillar), CJD Equipment (Volvo), Hitachi Construction Equipment (John Deere) and Komatsu (Komatsu).

Quotations were received as follows:

- Komatsu – Komatsu GD555-5
- Hitachi Construction Equipment – John Deere 670G
- Westrac Equipment Pty Ltd – Caterpillar 12M

Prices were evaluated as per the confidential (commercially sensitive) attachment.

**COMMENT**

The machines offered by the 3 tenders were assessed by the Director of Engineering Services, the Works Supervisor, the Leading Hand Grader Driver and the Mechanic and were assessed with the Evaluation Assessment Criteria-confidential attachment (commercially sensitive)

Key Factors in the recommendation of the Komatsu GD 555-5 were:

- Price: Komatsu provided the lowest price with all options
- Longest Warranty for included price – 60months/60 hours
- Free travel of dealer mechanic during warranty period
- Free air compressor fittings for pumping up tyres
- Councils lead grader driver, who will be getting this machine, prefers a steering wheel over joy sticks for steering.
- Steering wheel controls means that any plant operator can drive without having to get used to the joy stick steering.

Council already own a Komatsu GD 555-5 (as well as a Caterpillar 12M), which will mean that we have common service spares and a common spare tyre.

Council has found that its current Komatsu GD 555-5 performs well and has had no down time due to component/machine failure.

**CONSULTATION**

CEO, Alan Lamb, Works Supervisor, Leading Hand Grader Operator and Mechanic

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Purchasing Policy F03

**BUDGET/FINANCIAL IMPLICATIONS**

The approved 10 Year plan and 2017/2018 budget.

The recommended machine comes in under 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**

Simple majority

**COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 8.1.1**

**MOVED: Cr Oversby**

**SECONDED: Cr Moir**

**That the quotation submitted by Komatsu for the supply and delivery of a Komatsu GD 555-5 Diesel Motor Grader be accepted.**

**CARRIED 5/0**

**Res 130/17**

**COUNCIL DECISION**

**MOVED: Cr Moir**

**SECONDED: Cr Rear**

**That the Council adopts enbloc 8.2.1 and 8.2.2**

**CARRIED 5/0**

**Res 131/17**

**8.2 FINANCE**

<b>8.2.1 List of Accounts Paid in September 2017</b>
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**Location:** *Not applicable*  
**Applicant:** *Not applicable*  
**File:** *FM/1/002*  
**Disclosure of Officer Interest:** *None*  
**Date:** *13 October 2017*  
**Author:** *Kay Raisin – A/Manager of Finance and HR*  
**Authorizing Officer:** *Alan Lamb – Chief Executive Officer*  
**Attachments:** *Yes – List of Accounts Paid in August*

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**SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in September 2017 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 2017.

**COMMENT**

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 30 September 2017.

**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 2017-18 Annual Budget

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.1**

That at its October 2017 ordinary meeting Council receive as presented the list of accounts paid in September 2017, totalling \$619,591.65 from Municipal account and \$1,050.30 from the Trust account as represented by:

Municipal Cheques	20115 - 20121	\$103,253.81
Municipal Electronic Payments	5799 - 5807, 5809 - 5902	\$314,423.86
Municipal Direct Payments		\$255,302.52
Medical Direct Payments		\$70.24
Police Licensing Payments		\$53,308.80
Trust Electronic Payments	5808	\$10.00
Trust Cheques	2102 - 2109	\$1,040.30

CARRIED BY ENBLOC

Res 132/17

**8.2.2 30 September 2017 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 2016</i>
<b>Author:</b>	<i>Kay Raisin –A/Manager of Finance &amp; HR, Stephen Carstairs-Director Corporate Services.</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>No</i>

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**SUMMARY**

This report recommends that Council defer to the November 2017 ordinary meeting of Council the receiving of the Statement of Financial Activities and the Net Current Assets for the month ended 30 September 2017.

**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. Details of items of Material Variances are 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)).

Due to staff being on annual leave, presentation of the 30 September 2017 Statement of Financial Activity has been deferred to the November 2017 ordinary meeting.

**CONSULTATION**

Alan Lamb – Chief Executive Officer

**STATUTORY OBLIGATIONS**

Local Government (Financial Management) Regulations 1996, Regulation 33(A)

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**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.2**

**That receipt by Council of the shire’s 30 September 2017 Statement of Financial Activity and Statement of Net Current Assets be deferred to Council’s November 2017 ordinary meeting.**

**CARRIED BY ENBLOC**

**Res 133/17**

### 8.3 CHIEF EXECUTIVE OFFICER

<b>8.3.1 Aged Accommodation</b>
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<b>Location:</b>	<i>To be determined</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>11 October 2017</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer</i>
<b>Attachments:</b>	<i>Nil</i>

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#### **SUMMARY**

The purpose of this item is to bring the matter before Council to establish the location for the proposed aged accommodation development, the model that is to be used, the number of sites/units to be included in stage 1, and any other relevant matters.

#### **BACKGROUND**

The matter has been before Council a number of times. Two sites have been looked at for development, one being Shire managed Reserve land on Hospital Road and the other owned by the Shire at Lot 1 Forrest Street. Feasibility studies were undertaken for both sites and the following schedule summarizes the estimated costs from these studies:

Details	Hospital Road		Forrest Street		Variance \$
	Units	Cost \$	Units	Cost \$k	
Civil works & General items	5	399,000	5	256,000	143,000
Headworks fees	5	127,000	5	138,000	- 11,000
Consultancy fees	5	36,000	5	30,000	6,000
Total	5	562,000	5	424,000	138,000
Per unit cost	1	112,400	1	84,800	27,600
Civil works & General items	11	726,000	8	365,000	
Headworks fees	11	198,000	8	157,000	
Consultancy fees	11	65,000	8	44,000	
Total	11	989,000	8	566,000	
Per unit cost	1	89,909	1	70,750	19,159

In June 2016 Council reviewed a business plan, developed in house and resolved as follows:

***That Council:***

1. ***Receive the attached business plan for an independent living aged accommodation development***
2. ***Call for expressions of interest from building firms to:***
  - 2.1 ***develop Lot 1 Forrest Street Boyup Brook for an independent living development***
  - 2.2 ***work with Council on an agreed range of options for accommodation units (homes)***
  - 2.3 ***offer the range of units to the community***
  - 2.4 ***sell and build units***
  - 2.5 ***recover and pay to Council its required upfront land lease change as part of the sales process***
  - 2.6 ***based on a Council evaluation of the interests lodged, call for tenders to provide the required services.***
3. ***That Council resolve to:***
  - 3.1 ***maintain its focus on a development in Boyup Brook to meet the need for small lot housing for senior members of the community who do not need care.***
  - 3.2 ***keep working on a development at lot 1 Forrest Street whilst still progressing the opportunity of a development on its land in Hospital Road.***
  - 3.3 ***limit work and costs associated with the latter to securing additional land, amalgamating the various lots held as***

- Crown Grants and Reserves into a single holding where Council may develop but does not have to purchase the land***
- 3.4 *base its further progress on the Lot 1 Forrest Street opportunity on the results of the expressions of interest and tendering processes.***

Whilst not specifically stated, it was understood that the development of Lot 1 was contingent on a sewerage scheme and so relevant parts of the resolution would not be actioned until a scheme was certain.

At the December 2016 briefing session the CEO reported on progress etc and it was the general consensus that Lot 1 was no longer favoured for aged accommodation and that the alternative commercial use, as had been discussed previously, should be pursued.

The results of this were reported to the Audit and Finance Committee In April 2017. This committee made a recommendation to Council, that day, and Council resolved as follows:

**Aged Accommodation - Lot 1 Forrest Street**

- 1. That the Audit and Finance Committee recommend to Council that it take no further action in relation to Lot 1 Forrest Street until the fate of Water Corporation's sewerage scheme, for Boyup Brook, is known.**
- 2. Council as a matter of urgency pursue through political avenues a definitive decision as to the fate of the promised Sewage Scheme of the Water Corporation.**

The matter was later put before the Audit and Finance Committee again in June 2017 and the committee resolved as follows:

**That, in line with Council Resolution Res 60/17, the Audit and Finance Committee not seek to progress this matter until after the WA State Budget has been adopted or there is a clear indication of the fate of the planned sewerage scheme for Boyup Brook.**

The following comment was provided in a report to that meeting:

*At the last meeting it was indicated a report would be prepared to recommend that either the Lot 1 Forrest Street or the Hospital Road site be developed, as soon as practicable, for a four unit site (understood to the maximum size of a group dwelling on Lot 1 without a sewerage scheme). However on reflection the Council resolution from April 2017 may prevent any further action in relation to Lot 1 Forrest street.*

*Standing Orders (see Statutory Obligations) provide that no resolution may be rescinded once action in relation to it has occurred. It is important then to revisit this resolution to ensure it does not prevent progressing an aged accommodation development on Lot 1 Forrest Street at this time.*

*In June 2016, Council resolved that lot 1 Forrest Street be developed for independent living.*

*In April Council resolved to take no further action in relation to lot 1 Forrest Street until the fate of the sewerage scheme is known.*

*The position is therefore that Council has resolved that its proposed development will be at Lot 1 Forrest Street. The matter of an alternative commercial use was raised and reported to this committee. Then Council resolved to take no further action regarding Lot 1 until the fate of the sewerage scheme was certain. This was communicated to the entity who expressed interest in Lot 1 so it could be said that the April resolution has been actioned.*

*There are many ways to look at things and one could mount a strong argument either way on this matter. Clearly, but not specified in the resolution, the intention was to not further consider an alternative option for Lot 1 until the sewerage scheme was confirmed and assured. But it is difficult to see how making a decision now which involves the use of Lot 1 and may effectively counter the June 2016 decision, is in line with the April 2017 decision.*

*The fight for the sewerage scheme is to be taken up at the WALGA convention pre session forum. Letters have been sent to the Minister (no reply as yet) and so it may be premature to deal with the matter now. The state budget generally comes out later in the year and it is probably at that time that we will receive information on the scheme.*

*It is recommended that Council wait until it has confirmation on the fate of the scheme, as resolved in April, before looking at options.*

*If the committee and Council wished however to move promptly then the Hospital Road site is an option. The plan has been for Council to develop the land and then have builders deal directly with the clients. That is the Shire leases the land and the builder sells the house. There are a number of processes which will be required before any works could start but it may be possible to conduct an expressions of interest/tender process concurrently with the other processes. Essentially, the tender would be for the development of the site only (the cost is expected to exceed \$150,000). Builders who presented to Council indicated there would be savings if they did their own site works. There would need to be a separate process to select the builder, designs and any other constraints Council may put into its lease agreements (here no tender is required because Council is not purchasing the houses). We would need to have suitable lease agreements drawn up and set on the legislation the units would operate under etc.*



*We would also need to finalise the transfer and amalgamation of land. If nothing else, the tender process would establish costs*

*An alternative decision could then be as follows:*

*that Council*

- 1. call for expressions of interest from entities who build aged accommodation homes to develop a portion of Shire managed land on Hospital Road for four aged accommodation.*
- 2. concurrently with one, seek information on design and other options the builders could offer.*

Council dealt with the minutes of that meeting at its June 2017 meeting and resolved as follows:

***That the minutes of the Audit and Finance Committee meeting be received.***

### **COMMENT**

It is now clear that the promised and planned state government funded, planned/designed and constructed sewerage scheme would not be going ahead now in 2017/18 as Council was lead to believe. As Councillors will be aware, it was reported that the latest cost estimates, used by the government, were \$10m more than the previous estimates. So whilst it may be possible to have the sewerage project put back on the government's agenda the cost, at a time when there are limited funds, will be an issue which may force a lengthy deferment.

### **The Site**

Based on there being no scheme on the immediate horizon Council is open to review its favour for Lot 1 Forrest Street as part of the reason for selecting this site was the development density opportunities a scheme would bring.

Based on previously obtained information, development of Lot 1 Forrest Street would be limited to 4 units as a group dwelling or 3 units if subdivided. Cost estimates, previously established by an independent engineering firm, show that the Forrest Street land would be cheaper to develop than the land managed by Council on Hospital Road. Also, the Forrest Street site is closer to the commercial area of town and there are good footpath linkages. But if there is no opportunity to expand the development there (past 4 group dwelling units) then Council may want to look at the Hospital Road site.

Hospital Road offers a larger piece of land and so it should be possible to gain approval to have far more units on that land. The land is not owned by the Shire, it is three Crown Reserves, and so cannot be sold, but it may be leased. The Forrest Street lot is owned by the Shire and so could be sold. Forrest Street is relatively flat but the Hospital Road site is undulating presenting more challenges resulting in higher site costs.

It has been established that the site may be expanded by taking over a portion of the Health Department managed reserve. This process stalled due to other pressures and the change of focus to Lot 1 Forrest Street. Moves to amalgamate the two Crown Grants and one reserve managed by the Shire with the transferred portion of the Health Department reserve were held up as a consequence. But these could be restarted and should be successful. Lot 1 Forrest Street is held freehold and so does not have any of these third party complications so was always the site that could be developed much quicker.

Footpath linkages from Hospital Road to the commercial area are not as good as for Forrest Street and truck and other traffic along Bridge Street can be noisy at the Hospital Road site. Both issues may be addressed in a number of different ways and the current works plan and budget provide for another foot path along Bridge Street that may go a long way toward resolving the issue

On balance then, whilst Lot 1 Forrest Street is the better site and location, and would be the quickest and less expensive site to develop, Hospital Road land offers expansion opportunities, and may be more visually appealing. There is no sewerage scheme on the horizon and so Council should now move its focus to that site and progress the development.

### **The Model**

Council has looked at a number of models of how the development might be achieved at no net cost to the wider community. One was developing the land, going through the required processes to select a builder, building units, then leasing to a defined group (over 55). This required the Shire to borrow and out lay both the development and building costs recouping this in part as an upfront payment then over time as a periodical lease payment. This model tied up a lot of funds and left the Council with marketing etc.

Two building companies that have experience in building suitable accommodation units made presentations to Councillors. Both floated the idea of them building a display home, conducting the marketing and sales/lease arrangements. The model that was put was that Council would select a preferred builder and a range of units, from their catalogue (one floated the idea of them having some designed especially for here and naming the designs after location names from within the Shire). Council would do the land development and they would then put the building (complete with gardens, carports, fences etc) ready to connect to the services (reticulated to sites as part of the Shire's development) and occupancy. Both would build the units elsewhere and transport them to site. The builder would sell the units and have the buyers sign Council's land lease agreement. The idea put was that the builder would put their price on the works they did and then add a component for part of the development costs. The latter portion then being paid to the Shire. The lease agreement would include an upfront amount and a periodic rent.

The beauty of this model is that Council needs to fund only the land development costs and so is tying up, and risking, only a portion of the whole of the cost to provide suitable aged accommodation.

All work after that point was focused on site development only and so all costs presented have been restricted to that aspect and no allowance was made for building etc.

Another model, not yet considered by Council, is for Council to develop the land ready for buildings to be sited and then leases individual portions of the land to people who want to build a suitable home. Here the lease would set all of the conditions required to ensure the homes were occupied by people within the target group, the size was restricted (to say two bedroom, one bathroom, second toilet and a study) and the like. The lease could include an upfront amount and a periodical component designed to recoup 100% of Council's expenditure on the project over time and allow for future maintenance and upgrades (to the land development components).

Council could revisit the option of it building the homes and then leasing them and this would be the time to do so. There are always new opportunities that could be looked at and there is one, that has been mentioned, where the total cost of building is less than what has been looked at in the past. This option may be suggested soon and Council could either choose to buy and build or to specify these for lessees to buy and build.

At various times Councillors have suggested alternative sites be looked at (in addition to the two mentioned in this report) and some have spoken strongly against the project. So there needs to be some clarity on direction in order to move forward.

Aspects of the model impact on any legislative framework which may need to be considered and complied with.

For example, the site development costs may not trigger the need to comply with the Local Government Act requirements for a major land transaction. Adding buildings etc, to what Council will pay for, will almost certainly trigger the need to go through the process (not an issue but it has a time and cost impact, and so should be noted).

There are two pieces of legislation that retirement villages appear to operate under, one being the caravan and camping legislation. This appears to be favoured by most as it poses less problems/work in administering once the village is up and running. It does however set the requirement for units (caravans, tents, homes and the like) to be capable of being shifted within 24 hours). There is also a question over tenure as one operator Councillors visited did not offer a lease over the land and so residents had no long term rights to stay on the land. This act was being reviewed to better cater for retirement villages but the process is understood to have not been completed.

The second is the Retirement Villages Act which imposes a number of requirements which could make the long term management more expensive.

The option of using a lease document to provide both parties with protection, rights and responsibilities is yet to be fully explored but may well offer the degree of simplicity better suited to a small number of units. Also as the general plan was to address aged accommodation needs in different ways and in different locations in town, and given that it may not be appropriate to say have part of the Hospital Road land operated under the Caravan and Camping legislation or the Retirement Villages Act, whilst another is leased to the Health Department to operate the Lodge, a lease document may be best.

In any case, the model of development and operating may be best left till the site is determined as the tenure of various sites will offer different opportunities (that is free hold land may be subdivided, strata titled and the like where as reserve and some Crown Grants with opportunities to lease only.

### **The Way Forward**

At this time it is understood that one of the CEO's KPIs will be to progress the aged accommodation plan. If so then it is imperative that Council reach a firm decision on the site and model. As the model is to some extent dependant on the site then it is recommended that Council deal with the site now and the model at a subsequent meeting. Progressing any large project consumes resources (money, staff and Council time) and so it is also vital that Council holds to any decision it makes. Changes in direction will make the project take longer than it should.

### **CONSULTATION**

The matter has been before Council a number of times.

### **STATUTORY OBLIGATIONS**

The matter has been before Council a number of times and so the legislative constraints already report will not be repeated here.

### **POLICY IMPLICATIONS**

Nil at this time

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil at this time.

The current budget provides for \$27,270 for consultants, design and the like, and \$614,930 for head works and development costs. The funds are coming from the Aged Accommodation Reserve (\$376,610), and the Building Reserve (\$267,590). The previously estimated cost of developing the land for 5 units is \$562,000). These estimates will be out of date now, also there will be new alternatives for

aspects such as sewerage, which will now need to be designed as a more permanent solution as a sewerage scheme is no longer on the state's horizon.

The budget provision was based on land development only and no provision was made to pay for buildings and the like. Provision was however made for renewal works at the Lodge (\$250,000) to be funded from a new loan. A further provision of \$80,000 was made for furniture at the Lodge. Council has already committed to assisting the Health Department to meet its obligation to maintain the Lodge by funding new furniture for the accommodation rooms (\$80,000) and so the way is clear now for the \$250,000 provision to be either deleted or transferred to another purpose. As this expenditure is supported by loan funds that were noted in the budget to be for "L119 Aged Accommodation - Lodge" Council will need to follow a process to allow it to change the purpose of the loan.

It is possible that any building construction, should Council choose that option, will not be possible till after 30 June 2018 (design and construction, of the land development, might be best lumped as one and tendered as such. The tender process should be completed this calendar year or early in 2018. Works is expected to take a relatively short amount of time but dealing with service providers for relevant up grades to their assets (for example, power supply to the land is expected to require an upgrade), connections to site, and all of the approvals etc are largely outside of our control and will take time. Lot 1 Forrest Street should take less time than Hospital Road where the process is complicated by reserves and grants which will require amendments by the relevant state government body.

#### **STRATEGIC IMPLICATIONS**

Aged accommodation has and is expected to be a community focus. Demand has been demonstrated by an independent entity.

#### **SUSTAINABILITY IMPLICATIONS**

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

#### **VOTING REQUIREMENTS**

Simple majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.1**

**MOVED: Cr Moir**

**SECONDED: Cr Rear**

**That Council resolve to:**

- 1. move its focus for an aged accommodation development from Lot 1 Forrest Street to Crown Reserve and Crown Grant land bounded by Hospital Road and Bridge Street.**
- 2. authorise the CEO to work with the relevant state government bodies to have a portion of the Health Department managed reserve, already agreed by the then minister of Health and Premier to be transferred to Shire management, combined with Crown Grants and Reserve land managed by the Shire into one reserve for a purpose suitable to use as aged accommodation.**
- 3. require monthly reports on the project to be presented to Council.**

**CARRIED 5/0**

**Res 134/17**

**8.3.2 Department of Communities - House required in Boyup Brook**

<b>Location:</b>	<i>N/a</i>
<b>Applicant:</b>	<i>Department of Communities</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None other than being tenant in the Shire owned property</i>
<b>Date:</b>	<i>12 October 2017</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer</i>
<b>Attachments:</b>	<i>Confidential Attachment</i>

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**SUMMARY**

The purpose of this report is to bring back the matter of a suitable site for Council to build a house, or an exiting Shire owner house, to lease to the Department of Communities (DC) with a recommendation that Council opt to lease lot and the CEO use this scenario to further discuss with Department of Communities.

**BACKGROUND**

The matter has been before Council previously and it was decided that Council would look to build a house for DC (was Department of Housing) to lease to that entity for a period of 9 years plus an option of 1 year.

The matter was last before Council in August this year where Council resolved:

- 1. That Council opts for the Shire owned lot on Map B.**
- 2. The CEO prepares the required detail and costs, based on the selected lot, for Department of Communities and brings the matter back to Council if the Department agrees to move forward with this opportunity.**

Since this decision was made a Shire owned house, not previously considered, has become available and Council may wish to review its decision.

**COMMENT**

Some aspects of this matter need to be kept confidential and so a separate report has been prepared to provide Council with financial aspects.

The house referred to is in need of an internal paint (it was due to be painted last year but this was deferred) and some minor maintenance is needed but

otherwise it would be a good prospect for leasing to DC. The plan is to attend to the painting and any maintenance once it is empty. This house should be available sometime in February 2018.

### **CONSULTATION**

The matter has been before Council a number of times. Discussions have been held with DC officers in relation to the matter of leasing a suitable house but this will be the first time that Council will deal with the current opportunity and this has not been proposed to DC as yet.

This opportunity would save Council the cost of embarking on a building project at a time when there may be other priorities Council would prefer to put all efforts into.

### **STATUTORY OBLIGATIONS**

#### 5.23. Meetings generally open to 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; and*
  - (b) *the personal affairs of any person; and*
  - (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; and*
  - (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; and*
  - (e) *a matter that if disclosed, would reveal —*
    - (i) *a trade secret; or*
    - (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; and*



- (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; or*
  - (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;*
- and*
- (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.*

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil at this time other than staff time which is budgeted for.

**STRATEGIC IMPLICATIONS**

State Government services and their staff are important to the fabric of the community, so, whilst not being responsible, Shires generally assist the State Government to meet its responsibilities by going to the effort, expense and risk of building accommodation for State employees.

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – 8.3.2**

**MOVED: Cr Aird**

**SECONDED: Cr Rear**

- 1. That the CEO hold actioning resolution 113/17.**
- 2. That Council authorises the CEO to offer to lease the Shire owned house at lot 17 to the Department of Communities.**
- 3. The CEO brings the matter back to Council when the Department has made a decision on this offer.**

**CARRIED BY ABSOLUTE MAJORITY 5/0**

**Res 135/17**

**9 COMMITTEE MINUTES**

**9.1.1 Minutes of the Local Emergency Management Committee**

<b>Location:</b>	<i>N/A</i>
<b>Applicant:</b>	<i>N/A</i>
<b>File:</b>	<i>n/a</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>13 October 2017</i>
<b>Author:</b>	<i>Daly Winter - Director of</i>
<b>Attachments:</b>	<i>Yes – Minutes</i>

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**BACKGROUND**

The Local Emergency Management Committee (LEMC) was held on 23rd August 2017.

Minutes of the meeting are attached.

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.1**

**MOVED:** Cr Imrie

**SECONDED:** Cr Oversby

**That the minutes of the LEMC meeting be received.**

**CARRIED 5/0**

**Res 136/17**

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

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

Rob Staniforth-Smith and Stephen Carstairs left the Chambers at 6.07pm due to Council dealing with a confidential matter.

**12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS**

**12.1 Chief Executive Officer Review**

**COUNCIL RECOMMENDATION - Item 12.1**

**MOVED: Cr Moir**

**SECONDED: Cr Imrie**

**That Council:**

- 1. Notes that the appraisal of Mr Alan Lamb, Chief Executive Officer, has been undertaken for the period of August 2016 to August 2017.**
- 2. Accepts the outcome of 'Meets Expectations' and thanks Mr Lamb for his efforts.**
- 3. Endorses that the CEO's Performance Criteria for the 2017-2018 period are amended. A set of draft performance criteria have been developed and it is anticipated that the performance criteria will be finalised and provided to Council in the October 2017 meeting for endorsement.**
- 4. Seeks a 6-month update against agreed KPI's from the CEO in February 2018.**
- 5. Notes that the annual remuneration review was undertaken, and that no increase will apply during the next review period. The CEO did not seek an increase to the CEO's Total Reward Package (TRP) for the period.**
- 6. Notes that the CEO may amend the structure of the TRP, as long as the total value equals the current Council approval TRP.**
- 7. Council sets the following KPI's for the ensuing years.**
  - 7.1 Ensure progress of projects identified in the Strategic Community Plan and Corporate Business Plan, particularly:
    - Work with the Department of Health to facilitate the development of the Lodge refurbishment is progressed, with 2 units progress in the first year, and provide a report to Council by 18 February 2018.
    - Aged accommodation development.
    - Pool and sporting precinct development.
  - 7.2 Reconciliation of Special Rural Area rates and condition.
  - 7.3 Work with the Council to scope priority future projects and secure funding, to sustain and build the development capability of the Shire.
  - 7.4 Progress the future employment of the General Practitioner for intake prior to the departure of the current General Practitioner, and provide an update with potential options to Council no later

than July 2018, to ensure continuity of medical services in the Shire.

- 7.5 Undertake a review of the organisational structure to ensure alignment of resources and capability to deliver the Strategic Community Plan and Corporate Business Plan by March 2018.

**CARRIED 5/0**

**Res 137/17**

**13 CLOSURE OF MEETING**

There be no further business the Shire President, Cr Aird thanked all for attending and declared the meeting closed at 6.25pm.