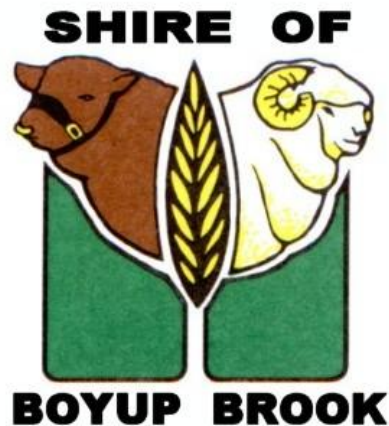


Minutes



ORDINARY MEETING

held

THURSDAY 19 July 2018
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 R Walker - Deputy Shire President
Cr Moir
Cr S Alexander
Cr P Kaltenrieder
Cr E Muncey
Cr H O'Connell
Cr T Oversby
Cr E Rear

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mrs Maria Lane (Executive Assistant)
Mr Adrian Nicoll (Planning Consultant)

PUBLIC: Mr Martin Bleechmore
Mrs Shirley Broadhurst
Mr Paul Omodei

1.2 Apologies

1.3 Leave of Absence

2 PUBLIC QUESTION TIME

Shirley Broadhurst expressed her disappointment to Council that report (*item 8.3.5 - Development-Advertising*) to council was not even considered at the June meeting and the Tourism Association was not made fully aware of what the issues and concerns were with the application.

Mr Bleechmore informed Council about the safety concerns and issues on the roads within Boyup Brook.

2.1 Response to Previous Public Questions Taken on Notice

3 APPLICATIONS FOR LEAVE OF ABSENCE

Cr Oversby advised Council that he will be absent for August 2018 ordinary meeting of Council

Cr Rear arrived at 5.31pm

Mrs Shirley Broadhurst left the Chambers at 5.42pm

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Adrian Nicoll - Town & Regional Planner provided a power point presentation to Council in relation to the *Planning and Development (Local Planning Scheme) Regulations 2015*.

Adrian Nicoll left the Chambers at 6.13pm.

Cr Rear attended a Museum meeting, a new volunteer has been appointed.

Cr Rear attended a St John Ambulance Annual General Meeting.

Cr Kaltenrieder attended the Community Resource Centre meeting

Cr Kaltenrieder had a meeting at the Tourism Association to discuss the proposed noticeboard sign.

Cr Kaltenrieder visited the Citizens Lodge to see how the development had been progressing.

Cr O'Connell attended the Swimming Pool Committee meeting on 26th June 2018

Cr O'Connell attended the Swimming Pool Committee meeting on 10th July 2018

Cr O'Connell attended the Special Council meeting on 10th July 2018.

Cr Alexander attended the Swimming Pool Committee meeting on 26th June 2018

Cr Alexander attended the Swimming Pool Committee meeting on 10th July 2018

Cr Alexander attended the Special Council meeting on 10th July 2018.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 21 June 2018

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Alexander

SECONDED: Cr Rear

That the minutes of the Ordinary Council Meeting held on Thursday 21st June 2018 be confirmed as an accurate record.

CARRIED 9/0

Res 131/18

5.2 Special Council Meeting of Council - Tuesday 26th June 2018

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Oversby

SECONDED: Cr Kaltenrieder

That the minutes of the Special Council Meeting held on Tuesday 26th June 2018 be confirmed as an accurate record.

CARRIED 9/0

Res 132/18

6 PRESIDENTIAL COMMUNICATIONS

22nd June - Attended the South West Zone meeting

26th June - Attended the Swimming Pool Committee

27th June - Attended a Storm & Flood workshop held in Nannup

28th June - Attended an ECU Network Event

1st July - Went on a bus trip to Woodanilling (Sport & Recreation)

7th July - Attended the Lions Club 37th Anniversary changeover

7 COUNCILLORS QUESTIONS ON NOTICE

7.1 Cr Muncey

Question

Is recycling actually being recycled?

Reply

Firstly it will be assumed that Cr Muncey's question refers to recycling as it relates to the Shire's contract with Suez Recycling & Recovery (Perth) Pty Ltd (formerly Perth Waste Pty Ltd) for the processing and sorting of recyclables.

By way of background, clause 42.1(e) *RECORDS, REPORTING AND AUDITS* of said contract requires that the Contractor (Suez) must:

"... maintain records of ... detailed information on the input Material received at the Receivable Facility, including the weight of all loads received each day and the registration number of the Collection Vehicle which delivered each load ..."

Further, clause 12.2(b)(ii) *QUALITY OF SERVICE* states as follows:

"... The Contractor warrants that the Contractor's Personnel engaged to perform the Services ... are able to ... perform the Services without the supervision of the Principal's Personnel ..."

Lastly, clause 16.1(a) *INSPECTION OF INFORMATION* states as follows:

"... The Contractor ... must supply on request ... progress reports on the performance of the Services and in such detail as will allow the Principal to ascertain whether such are in conformity with this contract ..."

A search of the Shire's records show that a progress report in accord with abovementioned clause 16.1(a) has not as yet been requested of Suez, nor supplied.

So while it may be that Suez maintain detailed information about the material it receives, warrants the abilities of its personnel, and can report back to the Shire on its performance against the contract, as at this time the Shire has not evidenced that what has been supplied to Suez for recycling has in fact been recycled.

7.2 Cr Muncey

Question

What is classed as recycling?

Reply

Firstly it will be assumed that Cr Muncey's question refers to recycling as it relates to the Shire's contract with Suez Recycling & Recovery (Perth) Pty Ltd (formerly Perth Waste Pty Ltd) for the processing and sorting of recyclables.

Schedule 1 - Item 24 on page 26 of above said contract identifies Recyclables to include (but not limited to):

- Corrugated Card Board
- LDPE (Low-density polyethylene)
- Mixed Plastics
- Paper, newspaper, magazines, telephone books, pizza boxes, cardboard boxes, long life cartons, gable topped cartons.
- Glass - bottles and jars (whole and broken)
- Plastics (identification Numbers 1 to 6 as defined in the Plastics Industry Trade Association SPI Resin Identification Code at the date of contract (17th August 2015).
- Aluminium and steel cans.
- Any other items which are by normal standards of the municipal waste recycling industry in Australia recyclable or which become recyclable through industry changes.

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

Nil

COUNCIL DECISION

MOVED: Cr Walker

SECONDED: Cr Moir

That the Council adopts enbloc 8.2.1 and 8.2.2

CARRIED 9/0

Res 133/18

8.2 FINANCE

8.2.1 List of Accounts Paid in June 2018

<i>Location:</i>	<i>Not applicable</i>
<i>Applicant:</i>	<i>Not applicable</i>
<i>File:</i>	<i>FM/1/002</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>13/07/2018</i>
<i>Author:</i>	<i>Carolyn Mallett - Acting Accountant and Kay Raisin – Acting Finance and HR Manager</i>
<i>Authorising Officer:</i>	<i>Stephen Carstaris – Acting Chief Executive Officer</i>
<i>Attachments:</i>	<i>Yes – List of Accounts Paid in June</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in June 2018 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 June 2018.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 30 June 2018.

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 July 2018 ordinary meeting Council receive as presented the list of accounts paid in June 2018, totalling \$758,503.56 from Municipal account, \$3,344.95 from Trust account and \$76,051.40 from Police Licensing account as represented by:

Municipal Cheques	20190 - 20202	\$ 176,039.43
Municipal Electronic Payments	EFT6717 – EFT6841	\$213,846.33
Municipal Direct Payments		\$ 368,617.80
Trust Cheques	2132 - 2134	\$ 2,844.95
Trust EFT	EFT6842 – EFT6842	\$ 500.00
Police Licensing Payments		\$ 76,051.40

CARRIED BY ENBLOC

Res 134/18

8.2.2 30 June 2018 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	12 July 2018
Authors:	Kay Raisin - A/Finance and HR Manager and Stephen Carstairs - Director Corporate Services
Authorizing Officer:	Stephen Carstairs – Acting Chief Executive Officer
Attachments:	Yes – 30 June 2018 Financial Reports (will be emailed through on 16/7/18)

SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 30 June 2018.

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

Nil

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

That having had regard for any material variances, Council receive the 30 June 2018 Statement of Financial Activity and Statement of Net Current Assets, as presented.

CARRIED BY ENBLOC

Res 135/18

8.2.3 2017-18 Budget Amendments and Items Carried Forward to 2018-19

NOTE

Item 8.2.3 withdrawn by CEO

Relevant report and support material not to hand in time for presentation to the meeting. Item has relevance to annual budget process so matter deferred to budget workshop and subsequent special Council meeting to deal with the 2018/19 budget.

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Resolution to ADVERTISE Scheme Amendment (No.20) to Local Planning Scheme No.2 – Shire of Boyup Brook.

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>Amendment 20</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>19 July 2018</i>
Author:	<i>A. Nicoll, Town & Regional Planner</i>
Authorizing Officer:	<i>Stephen Carstairs, Acting Chief Executive Officer</i>
Attachments:	<i>Scheme Amendment No.20 Report Document Supplementary Provisions</i>

SUMMARY

In April 2018, Council agreed to prepare the Amendment No.20 to its *Local Planning Scheme No.2*.

Shire staff have completed the preparation of the Scheme Amendment No.20, which proposes to bring about consistency between the Shire's *Local Planning Scheme No.2* and the State of Western Australia's *Local Planning (Local Planning Schemes) Regulations 2015*.

The *Local Planning (Local Planning Schemes) Regulations 2015* were amended in 2015 to introduce uniform regulations and procedures to schemes, such as structure plan preparation, heritage assessment, policy review and development assessment. The regulations and procedures apply automatically to all schemes and cannot be altered, varied or excluded.

The Shire's *Local Planning Scheme No.2*, in its current form, is inconsistent with the *Local Planning (Local Planning Schemes) Regulations 2015*.

Council is recommended to agree to advertise the Amendment No.20, which proposes to bring the Shire's scheme in-line with the *Local Planning (Local Planning Schemes) Regulations 2015*.

The Scheme Amendment No.20 Report Document is provided as an attachment to this report item, for Council deliberation. Refer to the table of 'Corrections' listed in the Amendment No.20 Report Document.

BACKGROUND

The *Planning and Development (Local Planning Schemes) Regulations 2015* came into force on 25 August 2015 to introduce regulations and procedures, which automatically apply to all schemes.

To the extent that a local planning scheme is inconsistent with provisions contained within the *Planning and Development (Local Planning Schemes) Regulations 2015*, the provisions in the regulations are taken to prevail.

The State Governments' planning reform agenda is to ensure Local Governments rationalise their scheme text to:

- a) Remove any duplication with the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
- b) Include any supplemental provisions within a 'Schedule A'.

The Shire's Scheme is inconsistent with the *Planning and Development (Local Planning Schemes) Regulations 2015*. It is therefore expected that local government planners prepare their local planning scheme to align with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

COMMENT

The Amendment No.20, proposes to remove any duplication of provisions and procedures outlined in the *Local Planning (Local Planning Schemes) Regulations 2015*.

The Amendment No.20 also proposes to introduce text to improve the form and content of its local planning scheme, in line with 'Model' text contained in the *Local Planning (Local Planning Schemes) Regulations 2015*.

The Amendment No.20 also proposed to include supplemental provisions to the *Local Planning (Local Planning Schemes) Regulations 2015*.

The supplementary provisions seek to clarify any development works and land use, which the local government believe should or should not require the approval of the local government.

The following table indicates supplementary provisions, which are proposed to be included in the Shires Scheme. These are in addition to provisions contained in the *Local Planning (Local Planning Schemes) Regulations 2015*.

1. Development approval of the Local Government is not required in accordance with cl.61 of the Deemed provisions, with the exception of the following:

- a) The signage and advertisements contained in Schedule 4 of this Scheme, except in respect of a place included on the Heritage List or which in the opinion of Council will affect such a place.
 - b) Development of a Re-sited/Transportable Dwelling.
 - i) A relocated dwelling may not be transported to and placed on a lot within the district and thereafter occupied as a residential dwelling (whether in whole or in part) except with the approval of Council and in accordance with any conditions contained in such an approval.
 - ii) In considering whether or not to grant approval for a relocated dwelling the Council shall have special regard to:
 - the appearance and external materials of the dwelling, and any proposed alterations thereto;
 - the amenity of the locality;
 - the visual prominence of the site;
 - all applicable statutes, local laws and regulations relating to dwelling houses applicable to both the relocated dwelling and the lot upon which it is to be located following transportation.
 - iii) In granting an approval for a relocated dwelling the Council may impose conditions including conditions which:
 - Require the applicant or owner to obtain a building license in accordance with Section 9 of the Building Act 2011; and/or
 - require the applicant or owner to provide a bond or bank guarantee to Council as surety for the completion of the relocated dwelling to a standard of presentation acceptable to Council within a specified time frame. Should Council require the provision of a bond, such monies so received shall be deposited in an Interest Bearing Trusts Account and upon the satisfactory completion of the necessary works, such monies owing shall be refunded.
 - c) The dwelling is in a Special Control Area.
 - d) The dwelling is in the Special Rural or Rural Small Holdings zone.
 - e) The development is located within a flood prone area.
 - f) The development is less than the prescribed setbacks from a watercourse.
2. Development approval of the Local Government is not required in accordance with cl.61 of the Deemed provisions and including the following:
- a) Any rural works/activity for example but not limited to ploughing, fencing, seeding, spraying, constructing a dam and harvesting undertaken as part of permitted agricultural/rural use.

The Council may recommend it necessary to include additional provisions to those listed in the above table.

An attachment to this report item provides additional clarification around supplementary provisions. The attachment indicates:

- a) Provisions of the *Local Planning (Local Planning Schemes) Regulations 2015*;
- b) Provisions proposed for the Shire of Boyup Brook, which are in addition to provisions contained in the *Local Planning (Local Planning Schemes) Regulations 2015*; and
- c) Example provisions contained in the City of Wanneroo Scheme, which has been updated to comply with the *Local Planning (Local Planning Schemes) Regulations 2015*.

Should the Amendment No 20 be endorsed, the Shire's Scheme will in-effect comprise the following:

- a) A preliminary section (e.g. Scheme objectives);
- b) Provisions and procedures relating to land that is reserved;
- c) Provisions relating to the use of land within various zones;
- d) General development requirements; and
- e) The scheme map.

Council is recommended to agree to ADVERTISE the Amendment No.20, which is proposing to bring the Shire's scheme in-line with the *Local Planning (Local Planning Schemes) Regulations 2015*.

STATUTORY OBLIGATIONS

Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to prepare a standard scheme amendment.

Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* identifies in what manner a scheme amendment must be prepared or adopted.

35. Resolution to prepare or adopt amendment to local planning scheme

1. *A resolution of a local government to prepare or adopt an amendment to a local planning scheme must be in a form approved by the Commission.*

Note: Section 75 of the Act provides for a local government to amend a local planning scheme or adopt an amendment to a local planning scheme proposed by all or any of the owners of land in the scheme area.

2. *A resolution must —*

- a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and
- b) include an explanation of the reason for the local government forming that opinion.

POLICY IMPLICATIONS

There are no policy implications relating to this item.

CONSULTATION

Should Council agree to advertise the Amendment No.20, members of the public and government agencies will be invited to make comment.

The Scheme Amendment No.20 is then brought back to Council to review any submissions and to recommend approval or refusal.

BUDGET/FINANCIAL IMPLICATIONS

There are no financial implications beyond what has been budgeted for (planning fees) in the 2017/18 budget.

STRATEGIC IMPLICATIONS

There are no strategic implications relating to this item.

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 Kaltenrieder

SECONDED: Cr Muncey

That Council resolves to **ADVERTISE** the Amendment No.20 to the Shire of Boyup Brook *Local Planning Scheme No.2* in accordance with regulations 35(1) and 35(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, as follows:

Planning and Development Act 2005

RESOLUTION TO ADVERTISE AMENDMENT TO LOCAL PLANNING SCHEME

Local Planning Scheme No.2

Amendment No 20

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

- 1. ADVERTISE Amendment No. 20 to amend the Shire of Boyup Brook *Local Planning Scheme No. 2*, as indicated by the table of 'Corrections' listed in the Amendment No.20 Report Document, which is attached to this Council report item.**

Dated this 19 day of July 2018

Alan Lamb

Chief Executive Officer

CARRIED 9/0

Res 136/18

8.3.2 Donation Policy update

Location:	N/A
Applicant:	N/A
File:	Policy
Disclosure of Officer Interest:	
Author:	Joanna Kaye (Research and Development Coordinator) and Kay Raisin (Finance Manager).
Authorizing Officer:	Stephen Carstairs (A/Chief Executive Officer)
Attachments:	F.02 Donations Policy

SUMMARY

This report recommends that Council approves the updated F.02 Donations Policy as presented.

BACKGROUND

Since 2004 Council have adopted an F.02 Donations Policy. This has been previously updated, December 2007 and May 2017.

COMMENTS

The policy has been updated again to include:

- The updated *Associations Incorporation Act 2015*
- A definition for a Memorandum of Understanding (MOU)
- Updated government department name: Department of Local Government, Sport and Cultural Industries.
- Additional accountability requirement to sign Funding Agreement (for once off donations) or MOU (for ongoing contributions).

CONSULTATION

Cr Rear advised the Shire that the *Associations Incorporation Act 1987* had been superseded.

Stephen Carstairs - Director of Corporate Services.

STATUTORY OBLIGATIONS

Nil.

POLICY IMPLICATIONS

Nil.

BUDGET/FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Relevant exert from the shire's *Community Strategic Plan 2017 – 2027*:

Governance: Strengthen Local Leadership

Sustainable Governance	Manage resources effectively.	<ul style="list-style-type: none"> ✦ Continue to maintain strategic financial and asset management plans to inform decisions. ✦ Strive to deliver services to the level needed/wanted by the community funding dependant. ✦ Ensure governance and legislative requirements are met. ✦ Maintain an adequate workforce to meet service levels and legislative
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SUSTAINABILITY IMPLICATIONS

- **Environmental**
Nil.
- **Economic**
Nil.
- **Social**
Nil.

VOTING REQUIREMENTS

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 8.3.2

MOVED: Cr Walker

SECONDED: Cr O'Connell

That Council adopt the F.02 Donations Policy, as presented.

CARRIED 9/0

Res 137/18

Impartiality Interest

Cr Oversby declared an impartiality interest in the following item due to being on the Committee.

8.3.3 Upper Blackwood Agricultural Society Draft Lease

Location: *Dinninup Recreation Grounds*
Applicant: *N/A*
File: *Lease*
Disclosure of Officer Interest:
Author: *Joanna Kaye (Research and Development Coordinator) and Alan Lamb (Chief Executive Officer)*
Authorizing Officer: *Stephen Carstairs (Acting Chief Executive Officer)*
Attachments: *UBAS lease*

SUMMARY

The purpose of this report is for Council to endorse the lease document for the Upper Blackwood Agricultural Society for the ongoing use of the Dinninup Recreation Grounds.

BACKGROUND

In February 2016 Council resolved:

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.4

MOVED: Cr Muncey

SECONDED: Cr Rear

That Council endorse the lease document between the Shire of Boyup Brook and the Upper Blackwood Agricultural Society over that portion of Lot 53 Boyup Brook Arthur Road as depicted on Annexure 1 of the draft Lease document confirming the following actions –

- **Signing and sealing of the document by the Shire President and Chief Executive Officer.**
- **A final checking of the document by Council’s solicitors with any non-substantial changes incorporated into the lease document.**
- **Submission to Landgate for Registration.**

CARRIED 9/0

Res 14/16

The Group then wanted to make some changes regarding casual hire (see Section 16 of the lease) and further negotiation ensued. The lease was not executed at this time. Negotiations reopened in February this year.

It was then brought to the Council's attention that the UBAS occupy part of an adjacent rail corridor; however, in May 2018 the recommendation was lost and Council resolved:

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 17 MAY 2018

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.4

MOVED: Cr Walker

SECONDED: Cr Oversby

That the CEO advise ARC Infrastructure that:

- 1. the parcel of land is still used and required by the Shire.**
- 2. the parcel is used by the Upper Blackwood Agricultural Show group as an integral part of its annual show and for other related activities during the year.**
- 3. the lease area indicated on the diagram appears to be accurate.**
- 4. the preference is for a long term lease but a license would be acceptable.**

LOST 0/9

Res 83/18

UBAS will use the buildings and importantly the entry and exit points on this rail corridor for the Dinninup Show. The attached lease is for Lot 53 as per the Schedule on page 19 of the attached lease (see Attachment 1).

Schedule

Item 1 Land and Premises

Land

Lot 53 on Deposited Plan 191384 and being the whole of the land in Qualified Certificate of Crown Land Title Volume 3102 Folio 470.

Premises

The whole of the Land together with all buildings, structures, alterations, additions and improvements on the Land or erected on the Land during the term.

COMMENT

The lease has been prepared by Council's solicitor and has been updated over recent months taking into account contemporary practices recommended by Council's solicitor. The main amendment, similar to other leases approved by

Council over recent times, is a clear indemnification for the Minister for Lands which is now a standard requirement.

This land subject to the lease is the subject of a Management Order requiring the Minister for Lands approval to lease.

The commencement date for the lease will be inserted following the anticipated approval from the Department of Lands. The commencement date cannot be a date prior to that approval.

The Lessee has requested a change to Clause 16(1)(c) from:

16. Casual Hire of Premises

- (1) The Lessee may hire out the Premises or any part thereof on a casual basis only PROVIDED:
 - (a) such use is consistent at all times with the Permitted Purpose;
 - (b) the Lessee ensures any hirer complies strictly with the relevant terms of this Lease; and
 - (c) the Lessee obtains the Lessor's prior written consent for any hire arrangements, which consent may be withheld by the Lessor in its absolute discretion.

to:

16. Casual Hire of Premises

- (1) The Lessee may hire out the Premises or any part thereof on a casual basis only PROVIDED:
 - (a) such use is consistent at all times with the Permitted Purpose;
 - (b) the Lessee ensures any hirer complies strictly with the relevant terms of this Lease; and
 - (c) the Lessee informs the Lessor of its hire arrangements.
- (2) For the purposes of this Lease, "casual hire" means any hire of the Premises by the Lessee to a third party for a period of no more than 7 days in any calendar month and does not include any formal transfer, assignment or sublease of the Premises.

With regard to the Lessee being required to have approvals for the event, clause 16(1)(b) requires the Lessee to ensure that the hirer complies strictly with the relevant terms of this Lease which would include clause 13(1)(b) requiring all consents approvals etc to be obtained and maintained.

The Lessor is the Shire of Boyup Brook so Administration will initially receive the correspondence informing of the casual hire arrangements. The CEO may on behalf of Council make decisions in regards to the casual hire arrangements of the lease.

CONSULTATION

UBAS

Council's solicitor

STATUTORY OBLIGATIONS

The lease document becomes a legal document and is entered into pursuant to the Land Administration Act 1997.

The final document would be registered with Landgate with original copies being held by the Shire of Boyup Brook, the Upper Blackwood Agricultural Society and the Department of Lands.

POLICY IMPLICATIONS

There are no policy implications relating to this item.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Relevant excerpt from the Adopted Boyup Brook Strategic Community Plan 2017 - 2027.

Social: Sense of Community

Our Vision:

Our place will be a safe, caring and secure community. Our place will be an active and vibrant community.

We will have access to services and facilities that meet our requirements.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Sustainable community	Ensure a safe, secure community with access to services and facilities as needed.	<ul style="list-style-type: none"> + Continue to work on retaining a Police Station in Boyup Brook. + Continue to encourage initiatives that provide employment opportunities. + Continue to provide and advocate for quality medical and ancillary services in Boyup Brook + Continue to advocate for the retention of schools from K to year 10 in Boyup Brook. + Continue to support development which provides diversity and opportunity for accommodation.
	Promote community participation, interactions and connections	<ul style="list-style-type: none"> + Continue to support Community groups and clubs + Partner with key stakeholders on community needs driven projects.

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 any adverse impact on the UBAS would be detrimental to the whole community.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION- Item 8.3.3

MOVED: Cr O'Connell

SECONDED: Cr Alexander

That Council endorse the lease document between the Shire of Boyup Brook and the Upper Blackwood Agricultural Society confirming the following actions:

- **Signing and sealing of the document by the Shire President and Chief Executive Officer.**
- **Submission to the Department of Lands for approval with any non-substantial changes incorporated into the lease document.**
- **Submission to Landgate for Registration.**

CARRIED 9/0

Res 138/18

Impartiality Interest

Cr Rear declared an impartiality interest in the following item due to being a St John Ambulance volunteer.

8.3.4 St John Ambulance Boyup Brook Sub-Centre - Memorandum of Understanding

Location:	<i>N/a</i>
Applicant:	<i>St John Boyup Brook Sub-Centre</i>
File:	<i>St John Ambulance</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>19 July 2018</i>
Author:	<i>Joanna Kaye Research and Development Officer and Alan Lamb CEO.</i>
Authorizing Officer:	<i>Stephen Carstairs A/Chief Executive Officer</i>
Attachments:	<i>Letter from St John Boyup Brook Sub-Centre requesting additional funds Minutes from Sub-Centre meeting endorsing MOU St John Ambulance Boyup Brook Sub-Centre draft MOU</i>

SUMMARY

The purpose of this report is to put before Council the draft Memorandum of Understanding between the Shire of Boyup Brook and the St John Ambulance Boyup Brook Sub-Centre (Sub-Centre) for the annual contribution towards emergency ambulance service for the permanent residents of the Shire of Boyup Brook.

BACKGROUND

For many years the Shire has provided a contribution to the Sub-Centre and provided the residents of Boyup Brook with this service.

The first comments about creating a more formal agreement in regards to emergency ambulance services were discussed at the Council briefing session held on the 19 October 2006; however, minutes from 9 October 2007 advise that there was no record of any actions from this meeting see below:

7.2.3 **Boyup Brook St John Ambulance Association - Service and Financial Assistance**

Location: Shire of Boyup Brook
Applicant: Boyup Brook St John Ambulance Association
File: CR/31/007
Disclosure of Interest: Nil
Date: 9th October 2007
Author: Tony Doust, Chief Executive Officer

SUMMARY

To consider the existing arrangements with the Boyup Brook St John Ambulance Association, including the cover provided for the Shire residents, financial contribution by the Shire and the accountability requirements. The report recommends that the condition of Shire funding be reviewed to require greater accountability.

BACKGROUND

The matter of the existing arrangement was discussed with representatives of the Boyup Brook St John's Ambulance (BBSJAA) at the Council briefing session held on 19th October 2006. There is no record of any action arising from this meeting/discussion.

At the October meeting, 2007 Council resolved as follows:

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Florey SECONDED: Cr Piper

That the Chief Executive Officer advise the Boyup Brook St John Ambulance Association, that Council will continue the existing arrangement for 2007/08, however intends to review the arrangement for future years including the following requirements:-

1. A formal agreement with the association for the provision of service i.e. fixed period.
2. The actual contribution to the service on a population basis.
3. Details of the services available for the annual contribution.
4. Satisfactory arrangements for the accountability and acquittal of the Shire funding.

MOVED: Cr Marshall SECONDED: Cr Moir

That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1. to allow members free discussion on the matter.

CARRIED 6/0

MOVED: Cr Piper SECONDED: Cr Moir

That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law no.1.

CARRIED 6/0

COUNCIL DECISION AND OFFICER RECOMMENDATION – PUT AND CARRIED 5/1

At the April meeting, 2008 Council agreed to enter into a three year arrangement and resolved as follows:

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Ginnane

SECONDED: Cr Muncey

The 2007/08 budgeted amount of \$16,800 plus GST for residents ambulance cover be paid to the St John Ambulance Boyup Brook Sub Branch.

1. A three year arrangement, that is 2008/09, 2009/10 and 2010/2011 be entered into by way of a memorandum of understanding with the Boyup Brook sub branch of the St John Ambulance Association, for the payment by the Shire of Boyup Brook, of a contribution for Ambulance services cover for the ratepayers and residents of the Shire of Boyup Brook.

The Memorandum of Understanding to include:-

- Three year term.
 - Service provided by St John Ambulance.
 - An escape clause for both parties with six months notice.
 - A requirement for the Association to justify the level of contribution requested. Such justification to be provided to the Chief Executive Officer by the 30th June in 2008 and 30th April in subsequent years.
2. The community be advised of the details in the memorandum of understanding via the Boyup Brook Gazette.
 3. Council support the transfer of the vesting of reserve 29739 from the Shire of Boyup Brook to the St John Ambulance Association. The Association be responsible to progress the transfer.

CARRIED 7/0

Res 41/08

That agreement expired and at the May meeting 2011 Council resolved as follows:

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.8

MOVED: Cr Giles

SECONDED: Cr Biddle

That Council extend the current Memorandum of Understanding with the Boyup Brook St John Ambulance Association, for an annual contribution, to include the 2011/12 financial year and that the amount of the contribution be determined through the budget process.

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 85/11

At the March meeting, 2015 Council agreed to enter into another three year arrangement and resolved as follows:

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.4

MOVED: Cr Walker

SECONDED: Cr Imrie

That Council Authorise the Chief Executive Officer to sign the attached Memorandum of Understanding with the Boyup Brook Sub Centre of the St John Ambulance Association.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 22/15

In February 2018 St John Ambulance Boyup Brook Sub-centre wrote to the Shire expressing their desire to renew the MOU (see attachment 1). They also requested a meeting to discuss the funding agreement as the cost increase of fuel, tyres and maintenance costs are rising at a greater rate than the CPI.

Excerpt from letter:

I am pleased to advise that our committee would like to renew the MOU with the Shire of Boyup Brook and continue providing the following service.

Free emergency ambulance pickup and transport to the nearest public hospital anywhere in Australia (where a reciprocal agreement is in place) including,

- a. Initial assessment of patient injury pickup site, and*
- b. Provision of first aid and other pre-hospital treatment at site and in transit but not including transport between hospitals, either private or public.*

As discussed previously, the costs to provide this service have increased significantly, and at a greater rate than the CPI. The increases in fuel, tyres and maintenance costs of vehicles continue to rise, which all impact on the running of the sub-centre and the provision of the service to residents.

COMMENT

Representatives of the Sub-Centre met with Shire representatives 29 May 2018 to discuss the new MOU and funding structure.

At the meeting, representatives of the Sub-Centre and the Shire discussed that a recommendation would be put forward to Council to:

- increase the starting amount for the MOU.
- approve a new arrangement for the annual increase, as the CPI was no longer appropriate.

This financial year the Shire nearly exceeded the 2017/18 budgeted contribution of \$21,300. It was estimated that one emergency ambulance service costs approximately \$405 and it was suggested that the new MOU starting figure would include an additional five emergency pick ups. The recommended 2018/19 payment would commence with \$23,325 and would be increased in line with the

March WALGA Economic Briefing Local Government cost index percentage annually.

Based on this meeting a draft MOU was developed and sent to McLeods (the shire's Solicitors) for comment. McLeods suggested that the instrument for the agreement could be a Deed instead of an MOU. See excerpt from email below:

From: Nicola Gannon [<mailto:NGannon@mcleods.com.au>]
Sent: Thursday, 14 June 2018 3:06 PM
To: Joanna Kaye
Subject: RE: Please provide feedback for the Draft MOU for the contribution for emergency ambulance service for the permanent residents of Boyup Brook thank you

Hi Joanna,

Thank you for your instructions below.

I have conducted an initial review of the document and we would initially advise the Shire that an MOU is not the appropriate document to document this transaction. MOUs are notoriously difficult to enforce and are generally treated as preliminary agreements. Given that the Shire is providing money to St John Ambulance we recommend a Deed be prepared which is enforceable.

This information was passed on to the Sub-Centre who then discussed these options of: a Deed; MOU written by lawyers; or, accepting the draft that the Shire Officer had developed. At their meeting the Sub-Centre approved the Shire written draft MOU see Minutes from the meeting below (see attachment 2):

Committee Meeting St John Ambulance Boyup Brook Sub Centre Held Monday 18 th June 2018 at 7.00PM				
Distribution: Louise Charteris, Fred Doust, Nicki Jones, Libby Marshall, Sue Miliuskas, Lizz Rear, Sharon Winter, Lynne Schreurs, Shelley Bates, Darren King Chair: A Hales				
1	Present	A Hales, Libby Marshall, Lizz Rear, Lynne Schreurs, Shelley Bates, Darren King, Louise Charteris		
2	Meeting opened	7pm		
3	Apologies	Fred Doust, Nicki Jones, Sue Miliuskas, Sharon Winter		
4	Previous Minutes (May)	Moved: L Marshall Signed:	Seconded: A Hales Signed:	
5	Conflict of Interest	NIL		
	Item	Action	Raised By	Actioned By
6	Business Arising from Minutes			
6.1	MOU	Outcome of Meeting 29 th May. Angela and Nicki met with Alan Lamb Stephen Carstairs and Joanna Kaye. New MOU drafted with improvements to layout and format. The contribution will be graded based on WALGA economic briefing of local Govt. cost index – It will start at a higher base rate if approved by Council and will be for a three year period. Email received from Shire indicates their lawyers recommend the agreement should be a deed with contractual enforceable conditions. Committee agreed that the Chairperson would be advised not to sign a contractual agreement on behalf of a group of volunteers, and that an MOU better represents the "best endeavour" model. The Committee delegates Chair and Vice Chair to sign an MOU as produced in draft form from the Shire. Angela to follow up with Shire.	Angela	Angela/Nicki

The Draft MOU (see attachment 3) has now been developed.

CONSULTATION

The author has spoken with representatives of the St John Boyup Brook Sub-Centre and liaised with McLeods.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

An amount of \$21,300 was provided for in the 2017/18 budget. There would be an impact on the 2018/19 budget (of the order \$23,325) and budgets going forward if another three year agreement was entered into.

STRATEGIC IMPLICATIONS

Relevant excerpts from the Strategic Community Plan 2017 - 2027:

••

Our Vision

Growing our Community Together

Our Shire will be:

A place for people, with a sense of community, one that is active, vibrant, engaged and connected.

A place that is safe and secure.

A place that nurtures its youth and aging population; and retains its health and medical services.

A place that grows and has employment opportunities, through commercial diversity, which is based on our local comparative advantage.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Sustainable community	Ensure a safe, secure community with access to services and facilities as needed.	<ul style="list-style-type: none"> ✦ Continue to work on retaining a Police Station in Boyup Brook. ✦ Continue to encourage initiatives that provide employment opportunities. ✦ Continue to provide and advocate for quality medical and ancillary services in Boyup Brook ✦ Continue to advocate for the retention of schools from K to year 10 in Boyup Brook. ✦ Continue to support development which provides diversity and opportunity for accommodation.
	Promote community participation, interactions and connections	<ul style="list-style-type: none"> ✦ Continue to support Community groups and clubs ✦ Partner with key stakeholders on community needs driven projects.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Council and Community Leadership	Provide leadership on behalf of the community.	<ul style="list-style-type: none"> ✦ Lobby and advocate for improved services, infrastructure, and access to. ✦ Advocate for the strengthening of health and education services. ✦ Develop partnerships with stakeholders to enhance community services and infrastructure.
	Foster community participation and collaboration.	<ul style="list-style-type: none"> ✦ Support volunteers and encourage community involvement in community groups and organisations. ✦ Partner in specific projects including community contributions.
Sustainable Governance	Manage resources effectively.	<ul style="list-style-type: none"> ✦ Continue to maintain strategic financial and asset management plans to inform decisions. ✦ Strive to deliver services to the level needed/wanted by the community funding dependant. ✦ Ensure governance and legislative requirements are met. ✦ Maintain an adequate workforce to meet service levels and legislative

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
This subsidy is a significant benefit to residents of the Shire.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 8.3.4

MOVED: Cr Walker

SECONDED: Cr Kaltenrieder

- 1. That Council adopt the Draft, MOU with the St John Ambulance Boyup Brook Sub-Centre subject to agreement and with any minor changes.**
- 2. That Council direct the CEO to include \$23,325 in the 2018/19 Draft Budget to support the MOU.**

CARRIED 9/0

Res 139/18

8.3.5 Flax Mill Commercial Draft Lease

Location:	<i>Lot 336 Jackson Street Boyup Brook</i>
Applicant:	<i>Chris Pratico</i>
File:	<i>Flax Mill</i>
Disclosure of Officer Interest:	<i>Nil</i>
Author:	<i>Joanna Kaye (Research and (Community) Development Coordinator) and Stephen Carstairs (Acting Chief Executive Officer)</i>
Authorising Officer:	<i>Stephen Carstairs (Acting Chief Executive Officer)</i>
Attachments:	<i>Proposed Flax Mill Commercial lease</i>

SUMMARY

The purpose of this report is for Council to endorse the commercial lease document for the storage shed at the Flax Mill Lot 336 Jackson Street Boyup Brook.

BACKGROUND

At the meeting, 15 February 2018 Council resolved:

COUNCIL DECISION & OFFICER RECOMMENDATION – 8.3.6

MOVED: Cr Moir

SECONDED: Cr Alexander

- 1. That following the required advertising and there being no submissions, Council agree to lease a portion of Lot 336, known as the Boyup Brook Flax Mill, for a term of 5 years with an annual rental of \$6,000.**
- 2. That Council meet the cost of drawing up a lease agreement and authorise this expenditure.**
- 3. That the CEO negotiate the terms, other than those set by Council in this resolution, and have a draft lease drawn up for Council's consideration.**
- 4. That the CEO procure supply and services to install suitable fencing and gates around the shed in question and that expenditure be authorised.**
- 5. That the CEO include additional expenditure of \$13,000 and income of \$1,500 in the upcoming budget review.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 13/18

COMMENT

There were no submissions after the required advertising and the fencing has been installed.

John Rich from the local Real Estate Office has been engaged to manage the property and develop the draft commercial lease for consideration see attachment 1.

CONSULTATION

John Rich Real Estate - Potential managing agent

Chris Pratico - potential lessee

Stephen Carstairs - A/CEO

STATUTORY OBLIGATIONS

The lease document becomes a legal document and is entered into pursuant to the Land Administration Act 1997.

The final document would be registered with Landgate with original copies being held by the Shire of Boyup Brook, the Managing Agent and the Lessee.

POLICY IMPLICATIONS

There are no policy implications relating to this item.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 8.3.5

MOVED: Cr Rear

SECONDED: Cr Oversby

That Council endorse the commercial lease document between the Shire of Boyup Brook and Chris Pratico confirming the following actions:

- **Signing and sealing of the document by the Shire President and Chief Executive Officer.**
- **Submission to the Department of Lands for approval with any non-substantial changes incorporated into the lease document.**
- **Submission to Landgate for Registration.**

CARRIED 9/0

Res 140/18

8.3.6 CEO - Annual Review

Location:	<i>N/a</i>
Applicant:	<i>N/a</i>
File:	<i>P/F</i>
Disclosure of Officer Interest:	<i>This item relates to commencing the process of the author's annual performance review</i>
Date:	<i>16 July 2018</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

Council is required to annually review the performance of the CEO. The purpose of this report is to bring the matter to notice and commence the annual process.

BACKGROUND

The employment contract provides as follows:

- 1. Performance Criteria and review**
 - 1.1 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.
 - 1.2 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.

1.3 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 authorised by the Council to conduct the performance review.

1.4 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 180 of the Local Government (Administration) Regulations 1996, the Council is to accept the report with or without modifications, or is to reject the report.

1.5 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.

2. Remuneration Package

2.1 Remuneration Package - general provisions

- (1) The Shire must pay to You each year a Remuneration Package of the amount specified in item 9 of Schedule 2.
 - (2) The Remuneration Package takes into account-
 - (a) the requirements to attend Shire meetings and perform other Functions that require work outside standard working hours;
 - (b) any additional annual leave to which You are entitled under clause 9; and
 - (c) that You are not entitled to any annual leaving loading, penalty rates or payment for additional hours or overtime.
3. In accordance with either-
- (a) the terms of a Policy; or
 - (b) the approval of the Council,
- You may vary the individual component amounts of the Remuneration Package provided that the total value of the Remuneration Package remains the same.

4. Subclause (3) does not affect the rights of the parties to amend, by agreement, the total value of the Remuneration Package.
5. In accordance with either-
 - (a) the terms of a Policy; or
 - (b) the approval of the Council,
You may salary sacrifice any part of the Salary if-
 - (c) it complies with the relevant taxation legislation and Australian Taxation Office rulings; and
 - (d) there is no additional cost to the Shire

COMMENT

As in past years, the task is for Council to nominate a reviewer. This could be a consultant, appointed Councillors, the whole of Council etc. The cost of employing a consultant is expected to be in the order of \$4,000.

It is recommended that;

- Council appoint the reviewer,
- that the minutes of this Council meeting constitute notice to the CEO of the review of performance, performance criteria and remuneration.
- the CEO be required to prepare a self assessment to be reviewed by the reviewer
- that the CEO and reviewer meet to conduct the review on the day of the ordinary Council meeting in September
- that the reviewers recommendations on performance, performance criteria and remuneration amendments be put to the ordinary Council meeting in September 2018.

CONSULTATION

This is an established and required process which all Council members have been involved in previously. The Shire currently uses Mike Fitz Gerald of Fitz Gerald Strategies for award and some human resource matters. Mr Fitz Gerald is well experienced in matters such as CEO performance reviews and so it is recommended that Council uses his services to assist in the process this year.

STATUTORY OBLIGATIONS

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time

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

OFFICER RECOMMENDATION – Item 8.3.6

That;

- Council Appoint Mr Mike Fitz Gerald as the reviewer.
- The minutes of this Council meeting constitute notice to the CEO of the review of performance, performance criteria and remuneration.
- The reviewers recommendations on performance, performance criteria and remuneration amendments be put to Council by its ordinary meeting in September 2018.

MOTION

MOVED: Cr Muncey

SECONDED: Cr Kaltenrieder

- 1a. That Council consider Mike Fitz Gerald or Gary Clark as the reviewer for the CEO performance review and seek a submission from both.
- b. That Council seek to appoint one of the above at a Special Council meeting to be held for the budget adoption.
2. The minutes of this Council meeting constitute notice to the CEO of the review of performance, performance criteria and remuneration.
3. The reviewers recommendations on performance, performance criteria and remuneration amendments be put to Council by its ordinary meeting in September 2018.

CARRIED 8/1

Res 141/18

9 COMMITTEE MINUTES

9.1.1 Minutes of the South West Zone Meeting

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	<i>n/a</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>22 June 2018</i>
Author:	<i>Alan Lamb</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND

The South West Zone meeting was held on 22 June 2018

Minutes of the meeting are attached.

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.1

MOVED: Cr O'Connell

SECONDED: Cr Oversby

That the minutes of the South West Zone meeting held 22 June 2018 be received.

CARRIED 9/0

Res 142/18

Cr Kaltenrieder left the Chambers at 7.17pm

Cr Kaltenrieder returned to the Chambers at 7.19pm

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Cr Kaltenrieder

MOTION

MOVED: Cr Kaltenrieder

SECONDED: Cr Alexander

That Council request the *Development (Advertising) - Lot 59 Forrest Street, Boyup Brook* report (item 8.3.5 in Council's 21 June 2018 agenda) to be reconsidered.

CARRIED 9/0

Res 143/18

MOTION

MOVED: Cr Kaltenrieder

SECONDED: Cr Alexander

The CEO be directed to report on the location of the proposed sign focusing on the safety aspect and report back to the next Council meeting.

CARRIED 9/0

Res 144/18

COMMENT

Nil

Acting CEO Comment

Order 16.20.2(b) *Revoking Decisions - When this Can Occur*, as follows:

"If a decision has been made at a Council or a committee meeting then any motion to revoke or change the decision must be supported - ... by at least one third of the number of officers (whether vacant or not) of members of the Council or committee, inclusive of the mover."

enables a Councillor to have a decision of Council (in this instance to not move the Planner's development (advertising) motion) reconsidered. If reconsidered, then Order 16.20.3(b) would have the *Lot 59 Forrest Street Development (Advertising)* motion supported by absolute majority.

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

Nil

Behind Closed Doors

That in accordance with Section 5.23 (2) (b) of the Local Government Act 1995 the next part of the meeting be closed to members of the public to allow the Council to consider a matter dealing with the personal affairs of a person.

Mr Paul Omodei left the Chambers at 7.17pm

Mr Martin Bleechmore left the Chambers at 7.17pm

12 CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS

12.1 Building Maintenance Officer Engagement

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 12.1

MOVED: Cr O'Connell

SECONDED: Cr Alexander

That Council endorse the signing of a contract document between the Shire of Boyup Brook and the Trustee of the Sanderson Family Trust confirming the following action(s):

- **Signing of the document by the Chief Executive Officer, subject to any non-substantial changes being incorporated into the contract.**

CARRIED 9/0

Res 145/18

Cr Muncey left the Chambers at 7.43pm

Cr Muncey returned to the Chambers at 7.49pm

Mr Paul Omodei returned to the Chambers at 7.55pm

13 CLOSURE OF MEETING

There be no further business the Shire President, Cr Aird thanked all for attending and declared the meeting closed at 8.00pm.