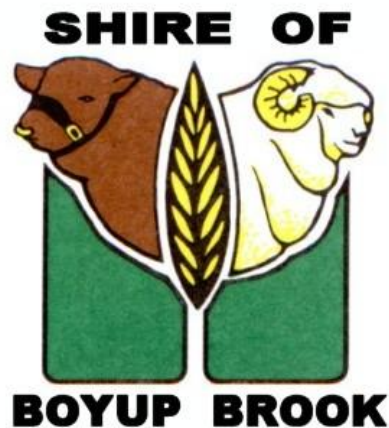


Minutes



ORDINARY MEETING

held

THURSDAY 19 September 2019
Commenced AT 5.15PM

AT

SHIRE OF BOYUP BROOK
CHAMBERS
ABEL STREET - BOYUP BROOK

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RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

1.1 Attendance

Cr G Aird – Shire President
Cr R Walker - Deputy Shire President
Cr S Alexander
Cr P Kaltenrieder
Cr K Moir
Cr H O'Connell
Cr T Oversby
Cr E Rear

STAFF: Mr Stephen Carstairs (Acting/CEO)
 Mr Adrian Nicoll (Manager Development Services)
 Mrs Maria Lane (Executive Assistant)

PUBLIC: Mr Adrian Price

1.2 Apologies

Cr E Muncey

1.3 Leave of Absence

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

Cr Oversby attended the Civic reception/Sandakan service on 10th September 2019.
Cr Oversby attended the Agricultural Society meeting.
Cr Kaltenrieder attended Civic reception/Sandakan service on 10th September 2019.
Cr Kaltenrieder attended an unofficial dinner with Catherin Chua.
Cr Walker put in his apologies for not being able to attend the Civic Reception/service.
Cr Walker attended a meeting at the Shire of Donnybrook-Balingup and informed Council about the rating/proportion of land within their shire.
Cr Rear attended an AGM at St John Ambulance with Angela Hales Chair & Nicki Jones Vice Chair on 26th August.
Cr Rear attended the Sandakan Service on 10th September 2019.
Cr Rear attended a Museum meeting on 11th September 2019, still searching for a secretary and treasurer.
Cr O'Connell attended a Boyup Brook Tourism Association meeting on 28 August 2019.
Cr O'Connell attended a Rylington Park Special Meeting on 28 August 2019.
Cr O'Connell attended a Cuppa with a Copper on 12 September 2019.
Cr O'Connell attended a CRC meeting on 18th September 2019.

5 DISCLOSURE OF INTEREST

Cr Rear declared a proximity interest in item 9.1.3.

Cr Alexander declared a financial interest in item 9.2.4.

Cr O'Connell declared an impartiality interest in item 13.1

Cr Oversby declared an impartiality interest in item 13.1

Cr Oversby declared an impartiality interest in item 13.3

COUNCIL DECISION

MOVED: Cr Rear

SECONDED: Cr Alexander

That the Council adopts enbloc 6.1, 6.2 and 6.3 with the following changes to item 6.1 & 6.2.

Item 6.1- Remove the word "Ordinary" from the front cover page of the Minutes.

Item 6.2- Ordinary Council Minutes - 22 August 2019. Correction made to page 4 under section 5 - Disclosure of Interest:

Cr Aird declared an impartiality interest in item 4.1.1 - remove "4.1.1" and replace with "13.1.1."

Cr Aird declared an impartiality interest in item 4.1.4 - remove "4.1.4" and replace with "13.4."

CARRIED 8/0

Res 202/19

6 CONFIRMATION OF MINUTES

6.1 Special Council Minutes - 5 August 2019

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 6.1

That the minutes of the Special Council Meeting held on Monday 5 August 2019 be confirmed as an accurate record.

CARRIED BY ENBLOC 8/0

Res 203/19

6.2 Ordinary Council Minutes - 22 August 2019

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 6.2

That the minutes of the Ordinary Council Meeting held on Thursday 22 August 2019 be confirmed as an accurate record.

CARRIED BY ENBLOC 8/0

Res 204/19

6.3 Special Council Minutes - 22 August 2019

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 6.3

That the minutes of the Special Council Meeting held on Thursday 22 August 2019 be confirmed as an accurate record.

CARRIED BY ENBLOC 8/0

Res 205/19

7 PRESIDENTIAL COMMUNICATIONS

Attended a Boyup Brook Sport & Recreation working group forum on 28th August 2019.

Attended St Mary's Catholic School on 5th September 2019 for the judging.

Attended a CoMHAT meeting on 5th September 2019.

Attended a Regional Road Group meeting at the Shire of Dardanup on 9th September 2019.

Attended the Civic Reception/Sandakan service on 10th September 2019.

8 COUNCILLORS QUESTIONS ON NOTICE

Nil

9 REPORTS OF OFFICERS

9.1 MANAGER WORKS & SERVICES

9.1.1 Intersection Design - Inglis, Cowley, Abel Streets

Location:	<i>Boyup Brook Town Site</i>
Applicant:	<i>N/A</i>
Disclosure of Officer	<i>None</i>
Interest:	
Date:	<i>10th September 2019</i>
Author:	<i>Steele Alexander - Manager Works and Services</i>
Authorizing Officer:	<i>Stephen Carstairs - Acting CEO</i>
Attachments:	<i>MRWA Approved Final Design</i>

SUMMARY

The intersection of Inglis Street, Cowley Street, and Abel Street has a number of design issues impacting traffic flow and safety. Main Roads WA (MRWA) has assessed the intersection and advised regulatory changes to address these issues. Council is requested to accept the final design so that community consultation can be undertaken prior to implementation.

BACKGROUND

The intersection of Inglis Street, Cowley Street, and Abel Street is quite complex and the current signage and road markings are inadequate to address the issues arising from this complexity. A Main Roads approved design has been produced to address these issues (see attachment). Figure 1 shows the current intersection with sites marked A - D. The current issues at these sites are:

A – The distance between the footpaths at this intersection is approximately 30m which is a hazard for pedestrians trying to cross. Construction of a refuge island as shown on the final design will create two crossing widths of no more than 14m which will greatly improve safety of pedestrians. An additional benefit is that the island will keep turning vehicles lane-correct which improves traffic flow and safety.

B – The intersection on Abel street is expansive with a number of median islands and no on-road markings, making traffic flow uncertain for drivers. Markings as shown on the final design will aid drivers in navigation which will improve traffic flow and safety.

C – Traffic heading east on Cowley street can only turn left or right at Inglis Street yet traffic heading north on Inglis Street is required to stop and give way to those turning vehicles. The final design removes the stop sign on Inglis Street to allow vehicles to continue along the road to the Abel Street intersection and adds give-way signs to what is in-effect the end of Cowley Street. This change of traffic flow is more logical and will reduce driver confusion at the intersection.

D – This section of Cowley street is one-way with traffic only able to head in a westerly direction. There have been numerous reported instances of vehicles entering this section heading east and then continuing on the wrong side of the road along Abel Street. The installation of a second no-entry sign and on road markings will make the one-way nature of the road clearer to drivers. The changes to location C whereby drivers must give way when heading east will prompt drivers to pause and consider the no-entry signage.

Other aspects of the final design include the installation of give-way signs and stopping lines for traffic entering Abel Street which will make vehicle movement clearer and safer.

FIGURE 1: Current intersection of Inglis Street, Cowley Street, and Abel Street



COMMENT

The final design has been reviewed and approved by Main Roads according to regulatory requirements applicable to the intersections. Once implemented by the Shire, Main Roads will be responsible for the ongoing maintenance (including all costs) of the regulatory signs and road markings. Implementation of the design by the Shire has been included in the budget. Before works can proceed, a period of community consultation needs to be undertaken. This is proposed to be an announcement of the project via the Shire website with a two-week period for submissions by the community to be accepted for consideration.

CONSULTATION

Main Roads WA

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

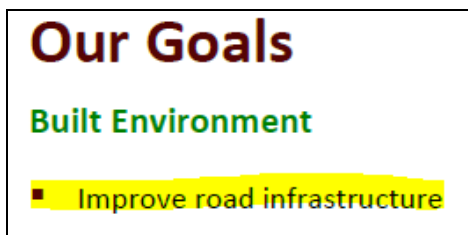
Nil

BUDGET/FINANCIAL IMPLICATIONS

- Funding to carryout the works according to the final design has been included in the 2019/20 budget.
- Ongoing maintenance costs of the regulatory signs and road markings will be met by MRWA.

STRATEGIC IMPLICATIONS

With reference to the Strategic Community Plan 2017 - 2027



SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known environmental issues.
- **Economic**
There are no known environmental issues.
- **Social**
With reference to the Strategic Community Plan 2017 - 2027

Our Goals

Built Environment

- Improve road infrastructure

Social

- Improve community safety.
- Promote outdoor activities, community participation, interactions and connections.
- Strengthen an active and vibrant community.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 9.1.1

MOVED: Cr Walker

SECONDED: Cr O'Connell

That Council:

- 1. Endorse the (final) Main Roads approved design for Inglis St, Abel St and Cowley St as attached.**
- 2. Directs the acting CEO to engage with the community in a three-week consultation period ending Monday 14 October 2019, with community submissions to be reported to council at the October 2019 ordinary meeting.**

CARRIED 8/0

Res 206/19

9.1.2 Forrest Street Parking

Location:	<i>Boyup Brook Town Site</i>
Applicant:	<i>N/A</i>
Disclosure of Officer	<i>None</i>
Interest:	
Date:	<i>10th September 2019</i>
Author:	<i>Steele Alexander</i>
Authorizing Officer:	<i>Stephen Carstairs</i>
Attachments:	<i>nil</i>

SUMMARY

Proposed designs for parking bays on Forrest Street were presented to Council at the September ordinary meeting in 2018 whereby Council agreed to the undertaking contingent on 50% contribution by the Boyup Brook Co-Op. Funds for the Shire 50% portion were included in the 2019/20 budget. A decision by Council on a final design and related matters is required so that community consultation can be undertaken prior to commencement of project works.

BACKGROUND

During the 2018 ordinary meeting, designs for 90° and 60° were presented. It was demonstrated that there was sufficient road width for each design to be implemented to Australian standards. The pros & cons of each design are:

Pros	Cons
90° Parking <ul style="list-style-type: none">• 12 Bays are possible.• Parking area will not extend past the existing parking line.	<ul style="list-style-type: none">• Vehicles approaching along the parking side have to move approx. 1m over the road centre to manoeuvre into a parking bay (standard allows up to 2.5m).
60° Parking <ul style="list-style-type: none">• Vehicles can manoeuvre into bays from any direction with minimal crossing of the road centre.	<ul style="list-style-type: none">• Only 10 bays are possible.• Parking area will extend (slightly) past the existing parking line.

Proposed designs with to-scale depictions of a tray-back utility are shown in figures 1 & 2. The hazard caused by the non-compliant bays on the opposite side

of the road is shown in figure 3. The project will require the removal of the tree shown in figure 4.

Figure 1: Parking at 90 Degrees

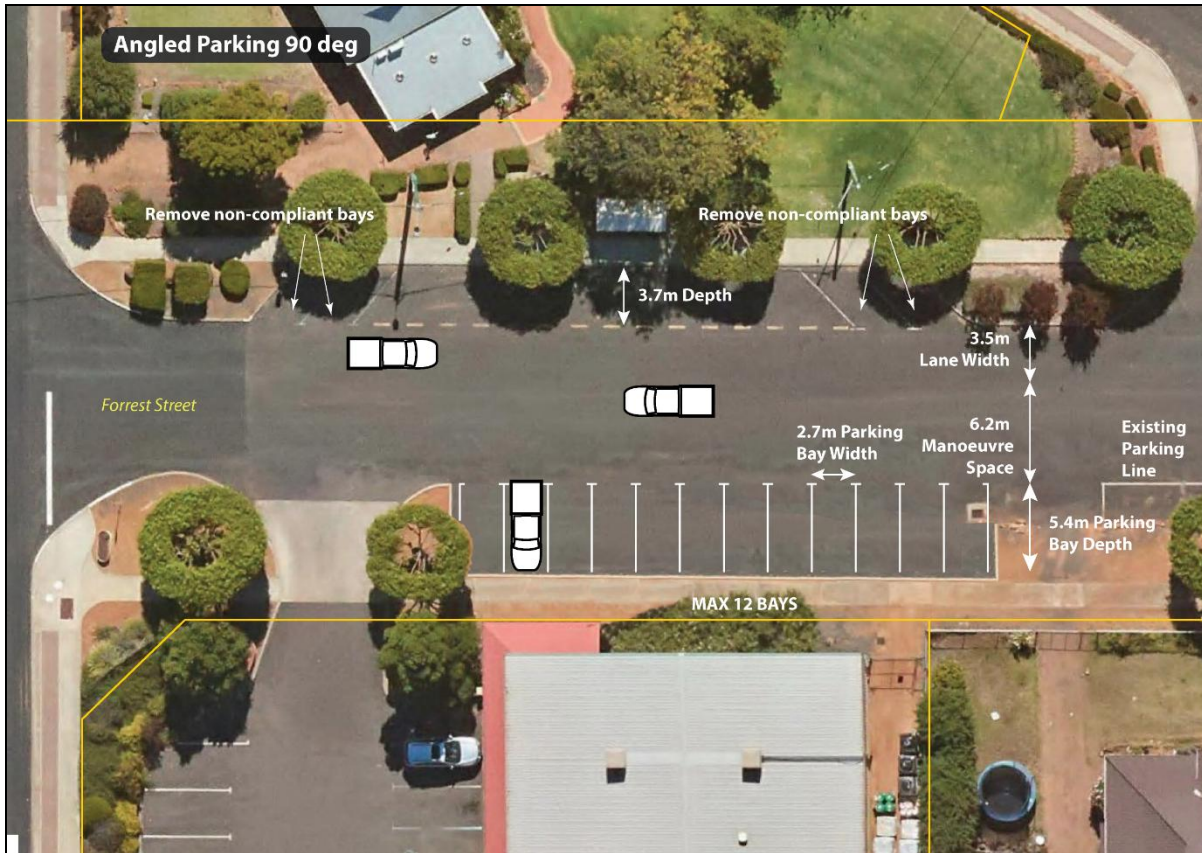


Figure 2: Parking at 60 Degrees

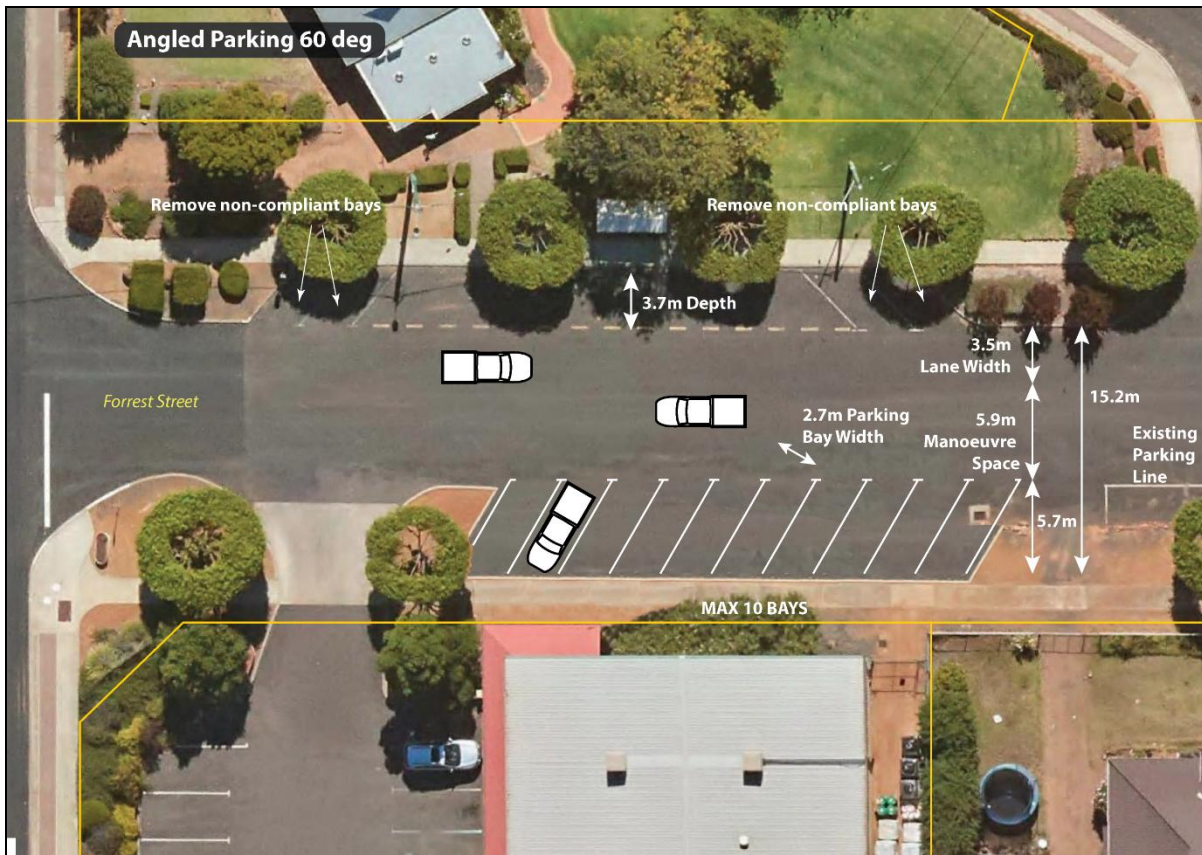


Figure 3: Non-Compliant Parking Bay Hazard



Figure 4: Tree Removal



COMMENT

Both proposed designs easily fit within the parameters of the Australian standard and there are pros and cons for both. However, the 90° design maximises the number of bays for the same cost and is the recommended option.

Removal of the 4 non-compliant parking bays must go ahead for safety reasons. The tree marked for removal could be retained however that would reduce the number of bays to 7 for the 60° option and 10 for the 90°. Given that a significant number of new trees have recently been planted through the centre of town, and to maximise the number of bays provided for the cost, removal of the tree would provide the greater benefit to the community.

CONSULTATION

Main Roads WA

Adrian Nicoll – Shire of Boyup Brook Town Planner

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

- Funding to carry out the works has been included in the 2019/20 budget.
- Ongoing maintenance costs of the regulatory signs and road markings will be met by MRWA.

STRATEGIC IMPLICATIONS

With reference to the Strategic Community Plan 2017 - 2027

Our Goals

Built Environment

- Improve road infrastructure

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known environmental issues.
- **Economic**

With reference to the Strategic Community Plan 2017 - 2027

Our Goals

Built Environment

- Improve road infrastructure

Social

- Improve community safety.
- Promote outdoor activities, community participation, interactions and connections.
- Strengthen an active and vibrant community.

Natural Environment

- Maintain and preserve the natural environment, enhancing the 'river and forest' experience of Boyup Brook.
- Sustain and promote the natural environment through actively pursuing reuse of waste materials and the use of green energy solutions.

Economic

- Build the economic base through diversification and actively supporting local businesses.

- **Social**

With reference to the Strategic Community Plan 2017 - 2027

Our Goals

Built Environment

- Improve road infrastructure

Social

- Improve community safety.
- Promote outdoor activities, community participation, interactions and connections.
- Strengthen an active and vibrant community.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION - ITEM 9.1.2

MOVED: Cr Oversby

SECONDED: Cr Alexander

That Council:

1. Select the:
 - 60° parking bay proposals,as its preferred design.
2. Directs the Acting CEO to engage with the community in a three-week consultation period ending 14 October 2019, with the community submissions being reported to council at the October 2019 ordinary meeting.

AMENDMENT

MOVED: Cr Rear

SECONDED: Cr O'Connell

That Council:

1. Select the:
 - 60° parking bay proposals,as its preferred design.
2. Directs the Acting CEO to engage with the community in a three-week consultation period to include the dollar cost incurred by the Shire ending 14 October 2019, with the community submissions being reported to council at the October 2019 ordinary meeting.

CARRIED 8/0

Res 207/19

MOTION

That Council:

- 1. Select the:**
 - 60° parking bay proposals,****as its preferred design.**
- 2. Directs the Acting CEO to engage with the community in a three-week consultation period to include the dollar cost incurred by the Shire ending 14 October 2019, with the community submissions being reported to council at the October 2019 ordinary meeting.**

CARRIED 8/0

Res 208/19

Proximity Interest

Cr Rear declared a proximity interest in item 9.1.3 and departed the Chambers the time being 6.01pm.

LAY ON THE TABLE - ITEM 9.1.3

MOVED: Cr Walker

SECONDED: Cr Moir

Council direct administration to seek more information associated with dot point 4 of number 1, specifically consulting with West Arthur Shire and determining the correct procedure to rename a section of Jayes Road the "Boyup Brook Arthur River Road" from the Abel Street intersection.

CARRIED 7/0

Res 209/19

9.1.3 Jayes Road Numbering & Renaming
--

Location:	<i>Boyup Brook Town Site</i>
Applicant:	<i>N/A</i>
File:	<i>Policy</i>
Disclosure of Officer	<i>None</i>
Interest:	
Date:	<i>11th September 2019</i>
Author:	<i>Steele Alexander - Manager Works & Services</i>
Authorizing Officer:	<i>Stephen Carstairs - Acting CEO</i>
Attachments:	<i>Policy P.08</i>

SUMMARY

It has been identified that properties along a section of Jayes Road within the Boyup Brook town site cannot be assigned road numbers due the arrangement of numbers already allocated along adjoining sections. Council is requested to decide on a preferred solution from those offered in this report so that community consultation can be undertaken prior to implementation.

BACKGROUND

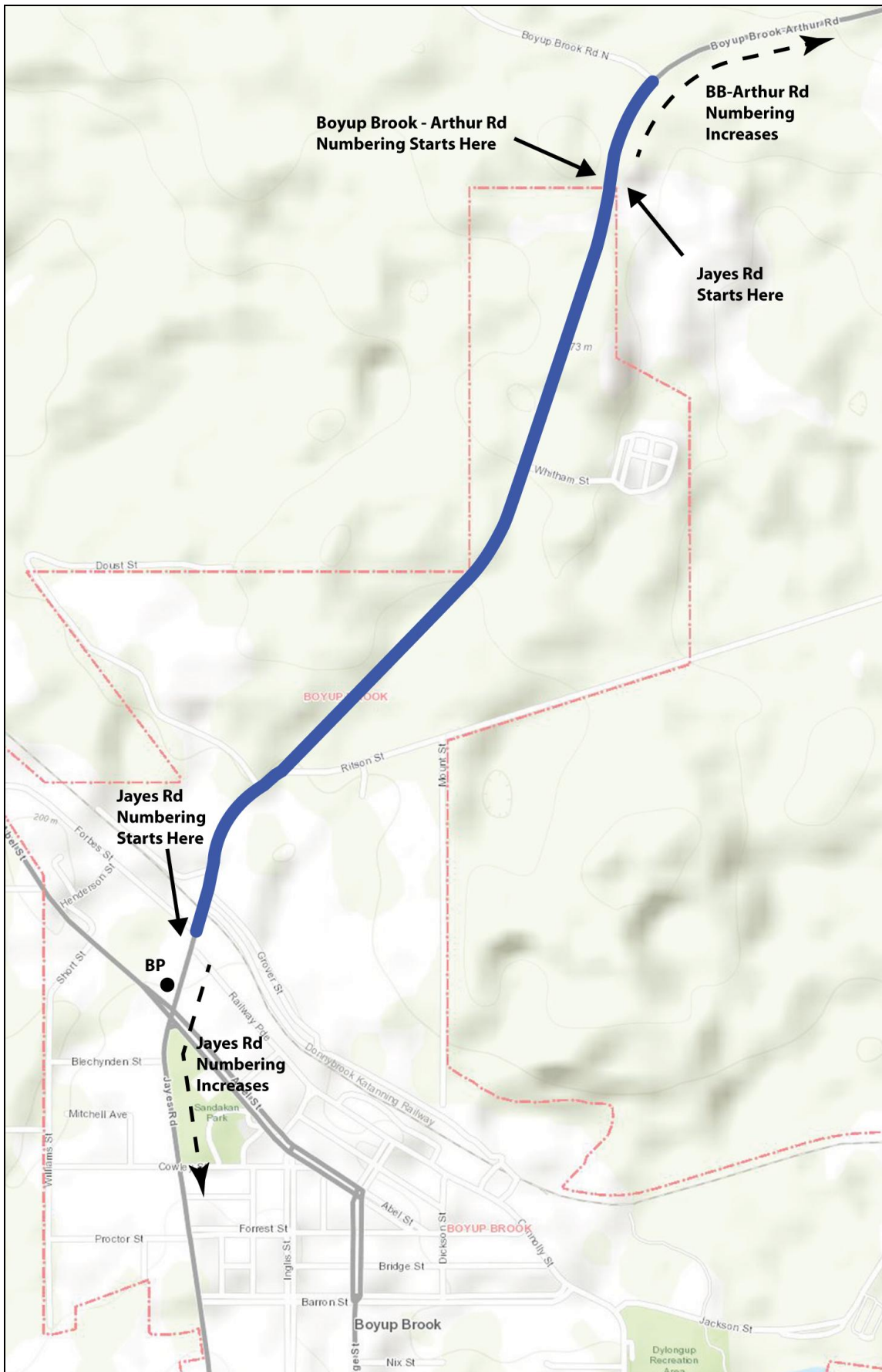
The rural property addressing scheme was implemented a number of years ago across Australia as a solution to problems with locating rural properties, particularly for emergency services. The system is distance based with property numbers being determined according to their distance from the designated start of the road. Most properties within the Shire have been allocated a new address under the scheme but requests for numbers continue to be received, mostly for new properties. A recent numbering request highlighted a problem on Jayes Road

within the Boyup Brook town site locality (not to be confused with rural Jayes Road south of the town).

Jayes Road extends from the northern town site boundary (Just south of Boyup Brook Rd North), through to the south west boundary (Just past Knapp St). Numbering for town properties along this road begins at Forbes St with numbers increasing in a southerly direction. The location of number 1 Jayes road is actually 1.9 km from the start of the road. This creates a situation whereby properties within this 1.9Km section cannot be allocated an urban number or a rural number.

The problem was outlined to the Landgate Location Data Maintenance team and their suggestion was to rename a section of road from Forbes St through to Boyup Brook Road North. This new road would incorporate the 1.9 Km of Jayes road in question and 250m of the Boyup Brook Arthur Road. The rationale behind including the 250m of the Boyup Brook Arthur Road is that roads should start and end at intersections to avoid confusion in locating addresses. Figure 1 shows this section and the current road numbering start locations.

Figure 1: Landgate Proposed Section of Road to be Renamed



The solution suggested by Landgate would not require any residential properties to change address. Landgate is aware that altering the start of the Boyup Brook – Arthur Road would make the current distance-based addresses on that road inaccurate by 250m however their opinion is that rural properties are very widely spaced so this minimal change would not impact locating properties. Given that the start of the Boyup Brook – Arthur Road is currently not at a logical point (for road users) it is likely that the Boyup Brook Road North intersection is already the assumed start.

A possible problem with this solution is that the short section of road from Abel St to Forbes St will still be called Jayes Rd which could be confusing for drivers. This is a major intersection and the intersection marking the start of the to-be-named road is a minor one. It would be less confusing for navigation to have the section to be renamed start at Abel St. This would involve 6 properties in town to change address.

An alternate solution would be to begin the address numbers from the actual start of Jayes road (see figure 1). This would require 32 buildings in town to change their address.

Another solution would be to begin the Boyup Brook – Arthur Road at the Abel Street intersection (the BP service station), doing away with the Jayes road name to the north. This would make logical sense because officially the Boyup Brook – Arthur Road (road # 2180210) begins at this location. The section called Jayes road is a local name and not officially a distinct road (this is not unusual). This solution would require 6 properties in town to change address and a further 58 rural properties to change address. 24 of those properties are in the Shire of West Arthur which adds a further complication.

The table below provides a summary of the proposed solutions.

Proposal	Pros	Cons
Rename the section of road from Forbes St to Boyup Brook Rd North.	<ul style="list-style-type: none"> No existing address changes required. 	<ul style="list-style-type: none"> Requires renaming an existing section of road. Creates a confusing short section of Jayes Rd.
Rename the section of road from Abel St to Boyup Brook Rd North.	<ul style="list-style-type: none"> Minimal existing address changes. Creates a logical road starting at a major intersection. 	<ul style="list-style-type: none"> Requires renaming an existing section of road. 6 town addresses changed.
Start addresses from the current beginning of Jayes Road.	<ul style="list-style-type: none"> No changes to road names or lengths. 	<ul style="list-style-type: none"> 32 town addresses changed.
Start the Boyup Brook – Arthur Road at the Abel St intersection.	<ul style="list-style-type: none"> This is the current official start of the road. Will simplify navigation since there will be just one road name from Boyup Brook to West Arthur. 	<ul style="list-style-type: none"> Requires renaming an existing section of road. 6 town addresses changed 58 rural addresses changed 24 addresses to change within the jurisdiction of another Shire.

COMMENT

It is apparent that any solution to the outlined addressing problem must involve renaming sections of road, re-addressing existing properties, or both. The solution chosen should also ultimately provide clear navigation to road users while minimising existing address changes. The proposal to rename the section of road from Abel St through to Boyup Brook Rd North is the one that best fits these criteria and is the recommended solution.

Should Council choose a solution that requires a new road name, it is requested that three names be selected from policy P.08 in order of preference. Three names are required in case Landgate rejects a proposed name according to their policies and standards for geographical naming. It should be noted when selecting names that Landgate policy states naming must commemorate an individual with a demonstrated record of achievement. Policy P.08 currently contains a number of entries for families so these names would not be approved if put forward. Additionally, Letchford Rd and Sinnott Rd are already used within the Shire so should not be selected. It should also be noted that evidence of community consultation is a mandatory part of the road name application process.

CONSULTATION

Landgate - Location Data Maintenance

Adrian Nicoll – Shire of Boyup Brook Town Planner

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Cost of under \$1,000 for new street signs and installation.

STRATEGIC IMPLICATIONS

With reference to the Strategic Community Plan 2017 - 2027

Our Goals

Built Environment

- Improve road infrastructure

SUSTAINABILITY IMPLICATIONS

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

With reference to the Strategic Community Plan 2017 - 2027

Our Goals

Built Environment

- Improve road infrastructure

Social

- Improve community safety.
- Promote outdoor activities, community participation, interactions and connections.
- Strengthen an active and vibrant community.

VOTING REQUIREMENTS

Simple majority

MOVED INTO COMMITTEE

MOVED: Cr Alexander

SECONDED: Cr Walker

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 7/0

Res 210/19

MOVED OUT OF COMMITTEE

MOVED: Cr Oversby

SECONDED: Cr Kaltenrieder

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

CARRIED 7/0

Res 211/19

OFFICER RECOMMENDATION - ITEM 9.1.3

That Council:

- 1. Select as its preferred solution:**
 - **Rename the section of road from Forbes St to Boyup Brook Rd North; or**
 - **Rename the section of road from Abel St to Boyup Brook Rd North; or**
 - **Start addresses from the current beginning of Jayes Road; or**
 - **Start the Boyup Brook – Arthur Road at the Abel St intersection,**

to the Jayes Road address number problem.

- 2. Directs the Acting CEO to engage the community in a three-week consultation period ending 07 October 2019, with the community submissions being reported to council at the October 2019 ordinary meeting.**

Cr Rear returned to the Chambers at 6.21pm.

COUNCIL DECISION

MOVED: Cr Rear

SECONDED: Cr Alexander

That the Council adopts enbloc 9.2.1, 9.2.2 and 9.2.3

CARRIED 8/0

Res 212/19

9.2 FINANCE

9.2.1 List of Accounts Paid in August 2019

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12/09/19</i>
Author:	<i>Kay Raisin – Acting Finance Manager</i>
Authorising Officer:	<i>Stephen Carstairs – Acting Chief Executive Officer</i>
Attachments:	<i>Yes – List of Accounts Paid in August</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in August 2019 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 31 August 2019.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 August 2019.

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 2019-20 Annual Budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.2.1

That at its September 2019 ordinary meeting Council receive as presented the list of accounts paid in August 2019, totalling \$661,158.81 from Municipal account, \$441.55 from Trust account, \$34,115.45 from Police Licensing account and \$8.53 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20317 - 20323	\$ 12,965.47
Municipal Electronic Payments	EFT8291 – EFT8393	\$ 465,123.20
Municipal Direct Payments		\$ 183,070.14
Trust Cheques	2191 - 2194	\$ 441.55
Police Licensing Payments		\$ 34,115.45
BBELC Payments		\$ 8.53

CARRIED BY ENBLOC 8/0

Res 213/19

9.2.2 31 July 2019 Statement of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	13 September 2019
Authors:	Kay Raisin - A/Finance and HR Manager and Stephen Carstairs Acting CEO
Authorizing Officer:	Stephen Carstairs - Acting CEO
Attachments:	Yes – 31 July 2019 Financial Reports

SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 31 July 2019.

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 9.2.2

That having had regard for any material variances, Council receive the 31 July 2019 Statement of Financial Activity and Statement of Net Current Assets, as presented.

CARRIED BY ENBLOC 8/0

Res 214/19

9.2.3 31 August 2019 Statement of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	13 September 2019
Authors:	Kay Raisin - A/Finance and HR Manager and Stephen Carstairs Acting CEO
Authorizing Officer:	Stephen Carstairs - Acting CEO
Attachments:	Yes – 31 August 2019 Financial Reports

SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 31 August 2019.

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 9.2.3

That having had regard for any material variances, Council receive the 31 August 2019 Statement of Financial Activity and Statement of Net Current Assets, as presented.

CARRIED BY ENBLOC 8/0

Res 215/19

Declare an Interest

Cr Alexander declared a financial interest in item 9.2.4 and left the Chambers at 6.23pm.

9.2.4 Draft Policy F.14 Vetting Policy

<i>Location:</i>	Shire Boyup Brook
<i>Applicant:</i>	N/A
<i>File:</i>	Policy
<i>Disclosure of Officer Interest:</i>	None
<i>Date:</i>	13 September 2019
<i>Author:</i>	Kay Raisin - Acting Finance and HR Manager and Stephen Carstairs – Acting CEO
<i>Authorizing Officer:</i>	Stephen Carstairs – Acting CEO
<i>Attachments:</i>	Yes: Draft Policy F.14 Vetting Policy

SUMMARY

Council is requested to consider and adopt the newly drafted F.14 Vetting Policy.

BACKGROUND

In May this year the Office of the Auditor General (OAG) concluded its Focus Audit - *Verifying employee identity and credentials*, in which the Shire of Boyup Brook was one (1) of 8 participating councils.

Outcomes of the audit for the shire are as follows:

SHIRE OF BOYUP BROOK

FINDINGS IDENTIFIED DURING THE FOCUS AUDIT

INDEX OF FINDINGS	RATING		
	Significant	Moderate	Minor
1. Vetting policy	✓		
2. Police clearance	✓		
3. Evidence of right to work in Australia	✓		
4. 100 point ID check		✓	
5. Reference checks		✓	

KEY TO RATINGS

The Ratings in this management letter are based on the audit team's assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. We give consideration to these potential adverse outcomes in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

- Significant** - Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly.
- Moderate** - Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.
- Minor** - Those findings that are not of primary concern but still warrant action being taken.

The object of this report is to address matter 1 (Vetting Policy) of the outcomes, and matters 2 to 4 have largely been addressed by the administration.

"Having due regard to relevant policies is ... an administrative law requirement ...", and refer to an excerpt from a McLeods Local Government Update as follows:



Local Government Update

The Role of Policy in Local Government Decision-making - Lessons from the *Save Beeliar Wetlands* case

Conclusion

Having due regard to relevant policies is however an administrative law requirement, related to the obligation of decision-makers to have regard to considerations that are relevant to the matter before them, and not to have regard to irrelevant considerations.

The above excerpt from a McLeod's report on the role of policy gives relevance to the legislative importance of Council policies for staff and community.

COMMENT

When Policy F.14 is implemented and adhered to, the risk of matters like those raised by the OAG re-occurring will be diminished.

CONSULTATION

McLeods Barristers and Solicitors and the OAG.

STATUTORY OBLIGATIONS

The Local Government Act prescribes that the role of Council includes:

1.7 *The role of the council*

(2) *Without limiting subsection (1), the council is to –*

- (a) *oversee the allocation of the local government's finances and resources; and*
- (b) *determine the local government's policies.*

Local Government (Functions and General) Regulations 1996

POLICY IMPLICATIONS

This report impacts no other policies.

BUDGET/FINANCIAL IMPLICATIONS- Nil

STRATEGIC IMPLICATIONS

The new and reviewed policies seek to provide officers with guidance on the management of the shire's human resources.

SUSTAINABILITY IMPLICATIONS

- **Environmental** – Nil
- **Economic** – Nil
- **Social** – Nil

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 9.2.4

MOVED: Cr Kaltenrieder

SECONDED: Cr Moir

That Council adopts policy F.14 *Vetting Policy*, as presented.

CARRIED 7/0

Res 216/19

Cr Alexander returned to the Chambers at 6.24pm.

9.3 ACTING CHIEF EXECUTIVE OFFICER

9.3.1 Advertisement of 'Container Deposit Scheme Infrastructure Policy'.

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13 September 2019</i>
Author:	<i>A. Nicoll, Town Planner</i>
Authorizing Officer:	<i>Stephen Carstairs, Acting Chief Executive Officer</i>
Attachments:	<i>Proposed Policy P.11 Container Deposit Scheme Infrastructure Policy</i>

SUMMARY

The purpose of this report is to request Council to endorse a Container Deposit Scheme Infrastructure Policy for the purpose of advertising. After advertising, the Policy is brought back to Council to seek final endorsement.

The Western Australian Government is planning to implement a Container Deposit Scheme in early 2020.

The purpose of the scheme is to help facilitate the recycling of containers (e.g. cans, plastic and glass bottles). The Container Deposit Scheme will operate via container collection points. The idea is that containers can be returned to a collection cage and/or a refund point. At the refund point, containers are exchanged for cash (10c).

The purpose of the Container Deposit Scheme Infrastructure Policy, is to ensure that the infrastructure (collection cages and refund centre), required to facilitate a Container Deposit Scheme, can be established in appropriate locations and without having to seek planning approval.

This report requests that the Council adopt the attached Container Deposit Scheme Infrastructure Policy (for advertising), which is proposed to guide the development of infrastructure associated with collection and refund points. The Policy is in-line with the State's template Container Deposit Scheme Infrastructure Policy.

BACKGROUND

In May 2019, the Department of Planning Lands and Heritage (DPLH) released a position statement for the rollout of the Container Deposit Scheme in Western Australia. The scheme has benefits including reducing litter, increasing recycling, protecting the environment and providing opportunities for social enterprise participation.

Local governments were encouraged by the State Government (Position Statement – May 2019) to adopt a local planning policy to ensure that specified infrastructure associated with depositing containers (for recycling purposes) are exempt from the requirement to obtain development approval.

There are two types of infrastructure, relevant to Boyup, to facilitate the return of containers. These are:

1. Container collection cages: - donation points associated with schools etc; and
2. Container deposit refund points.

The Container Deposit Scheme allows consumers to take empty beverage containers covered by the scheme to a refund point to receive a refund of 10 cents.

COMMENT

The Department of Planning, Lands and Heritage provided the following position statement for the Container Deposit Scheme infrastructure:

- Ensure a coordinated approach to the provision of Container Deposit Scheme infrastructure throughout WA;
- Ensure that appropriate locations are chosen for the installation of Container Deposit Scheme infrastructure;
- Ensure the timely rollout of infrastructure in support of the scheme's establishment and ongoing operational needs; and
- Establish minimum development requirements to exempt certain Container Deposit Scheme infrastructure from requiring planning approval, for adoption by local governments.

It is considered that by adopting the proposed policy prior to the formal commencement of the Container Deposit Scheme, it will put the Shire in a position to be able to deal with proposals for the associated infrastructure in a pragmatic and consistent manner.

By adopting an early policy position on the matter, the Shire will be able to provide guidance of development Container Deposit Scheme infrastructure prior to the full rollout of the Scheme.

STATUTORY OBLIGATIONS

There are no statutory implications relating to endorsing the proposed policy for advertising.

POLICY IMPLICATIONS

The proposed local planning policy is in accordance with the model (State) local planning policy and will provide the following objectives;

- To ensure the location, design and siting of Container Deposit Scheme infrastructure is complementary to the character, functionality and amenity of urban localities.
- To prevent negative impacts on local amenity from the operation of Container Deposit Scheme infrastructure.
- To enable the timely, cost effective delivery of essential Container Deposit Scheme infrastructure.
- To provide conveniently located infrastructure to ensure the Container Deposit Scheme' effective reduction of litter, increased recycling and protection of the environment.

CONSULTATION

If the Council resolves to support the Container Deposit Scheme Infrastructure Policy for formal advertising, a notice of the proposed policy will be placed in the local gazette circulating in the area, giving details of:

- Where the draft policy can be inspected;
- The subject and nature of the draft policy; and
- In what form and during what period (being not less than 21 days from the day that the first notice is published) submissions may be made.

After expiry of the period within which submissions may be made, the Shire will be required to:

- Review the policy in light of any submissions made; and
- Resolve to adopt the policy with or without modification, or not to proceed with the policy.

BUDGET/FINANCIAL IMPLICATIONS

There are no budget or financial implications relating to resolving to advertise a draft Local Planning Policy.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.1

MOVED: Cr Kaltenrieder

SECONDED: Cr O'Connell

That Council, in accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*,

RESOLVES to:

- 1. MAKE a Container Deposit Scheme Infrastructure Policy (as Attachment).**
- 2. APPROVE (direct the Acting CEO) giving three-weeks notice ending 14 October 2019, through the placement of a notice of the proposed policy in the local gazette, circulating in the Scheme area, in order to seek public comment, and bring community submissions back to the October 2019 ordinary meeting of Council time permitting.**

CARRIED 8/0

Res 217/19

9.3.2 Container Deposit Scheme - Promotion

Location:	<i>N/A</i>
Applicant:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 September 2019</i>
Author:	<i>Angela Hales</i>
Authorizing Officer:	<i>Stephen Carstairs</i>
Attachments:	<i>WALGA CDS Policy Statement</i>

SUMMARY

The purpose of this item is to present the opportunities for the Local Government to increase awareness and promote the implementation of the pending Container Deposit Scheme. (CDS)

BACKGROUND

The *Waste Avoidance and Resource Recovery Act (2007)* (WA) was amended earlier this year (July 2019) to provide for the introduction of a state wide Container Deposit Scheme (CDS) which will commence in June 2020.

The concept of the scheme is to provide a network of collection points to refund ten cents for certain beverage containers returned by the public. These will be identified by a refund mark, identifying eligible containers.

As part of the program, the State Government have appointed a Scheme Coordinator to establish refund points, facilitate payments, increase scheme awareness and ensure the process is efficient and effective. A not for profit group, WA Return Renew Limited, which is a consortium from the beverage industry has been appointed as Scheme Coordinator.

Councils are being requested to support the concept and commit to engaging with the community to facilitate local involvement.

Likely drop-off points may include established waste management facilities, (Transfer Station) reverse vending machines in approved locations, charitable organisations, shop front drop-offs, and sporting club or school collection points.

COMMENT

The current logical opportunity for the Shire to operate a CDS is within the Transfer Station. This may require some additional financial expenditure, on infrastructure improvements to meet the security standards of the scheme, as well as additional staffing hours for sorting. Prior to agreeing to develop and operate a refund point at the Transfer Station, it is recommended that the Council agree to:

- 1) Support a community trial at a local event, to increase community awareness of the introduction of the scheme.
- 2) Undertake a business case to determine reward for effort; and
- 3) Survey local residents and businesses to ascertain interest for a privately operated refund point.

The Shire currently provides various opportunities for residents to recycle, being kerb side pickup and depositing/drop off at the transfer station.

The CDS will decrease kerbside volume by placing a value on recycled products.

Local Government has an important role in waste management education. Without the support of community groups, and that of our younger generation new programs will not be embraced. The facilitation of refund points in schools will have a direct impact on those who will be responsible for the environment in the future.

Waste Local Laws will also need to be amended to prohibit the removal of material from bins in public places and at kerbside.

CONSULTATION

WALGA Manager, Waste and Recycling.

STATUTORY OBLIGATIONS

Waste Avoidance and Resource Recovery Amendment (Container Deposit) Act (2019)

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

To be determined based on approach adopted by Council

STRATEGIC IMPLICATIONS

In carrying out its functions, Local Government is required, under the amendments to the Local Government Act, to “use its best endeavours” to meet the Sustainability Principles. The state defines this as “meeting

the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity”.

This scheme will increase recycling and reduce litter in accordance with the Shire’s Strategic Community Plan.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Achieving adequate protection of the environment through prudent use of natural resources
- Economic**
Contributing to economic prosperity through growth and employment
- **Social**
Social advancement and progress with current world standards and expectations

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 9.3.2

MOVED: Cr Rear

SECONDED: Cr Alexander

That the Council resolve to:

- 1) Support a community trial at a local event, to increase community awareness of the introduction of the scheme.**
- 2) Conduct a business case review to determine if the shire is in a financially viable position to operate the scheme at the transfer station.**
- 3) Amend Waste Local Laws to prohibit removal of material from bins, both public and kerb side.**
- 4) Call for expression of interest from local community and/or business groups to operate a refund point.**

.

AMENDMENT

MOVED: Cr Rear

SECONDED: Cr Alexander

That the Council resolve to:

- 1) Support a community trial at a local event, to increase community awareness of the introduction of the scheme.**
- 2) Conduct a business case review to determine if it is financially viable proposition for the shire to operate the scheme at the transfer station.**
- 3) Amend Waste Local Laws to prohibit removal of material from bins, both public and kerb side.**
- 4) Call for expression of interest from local community and/or business groups to operate a refund point.**

CARRIED 7/1

Res 218/19

MOTION

That the Council resolve to:

- 1) Support a community trial at a local event, to increase community awareness of the introduction of the scheme.**
- 2) Conduct a business case review to determine if it is financially viable proposition for the shire to operate the scheme at the transfer station and bring back to the October 2019 Council meeting as a confidential item.**
- 3) Amend Waste Local Laws to prohibit removal of material from bins, both public and kerb side.**
- 4) Call for expression of interest from local community and/or business groups to operate a refund point.**

CARRIED 8/0

Res 219/19

9.3.3 Memorandum of Understanding: Warren Blackwood Sub-Regional Growth Plan

Location:	<i>Warren-Blackwood Region</i>
Applicant:	<i>South West Development Commission</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13 September 2019</i>
Author:	<i>Joanna Kaye - Research and Development Coordinator and Stephen Carstairs - Acting CEO</i>
Authorizing Officer:	<i>Stephen Carstairs - Acting CEO</i>
Attachments:	<i>1. Warren Blackwood Sub-Regional Growth Plan 2. Proposed Memorandum of Understanding: Warren Blackwood Sub-Regional Growth Plan</i>

SUMMARY

The purpose of this report is to put the Warren Blackwood Sub-Regional Growth Plan Memorandum of Understanding (MOU) before Council, and for Council to designate both a Shire of Boyup Brook signatory and Shire of Boyup Brook *point of contact* (POC) to the MOU.

BACKGROUND

During the latter part of 2018 the President, shire administration and Billy Wellstead (Regional Development Coordinator-South West Development Commission (SWDC)) engaged in the development of the Warren Blackwood Sub-Regional Growth Plan (the Growth Plan). The Growth Plan was developed to provide a strategic overview of sub-regional economic and social priorities. It will be utilized to leverage current and future socio-economic opportunities and pursue funding to facilitate growth.

The purpose of the MOU is to define the services and key project parameters to be provided by the shires and SWDC.

COMMENT

The MOU has merit as it establishes:

- responsibility for maintaining content and sharing content;
- responsibility for supporting the actions and projects identified;

- responsibility to review the Growth Plan every 12 months and provide feedback on the current projects and activities;
- responsible parties in each institution i.e. the *point of contact* (POC); and
- a mechanism for modifying, extending, or terminating (with 90 days notice) the MOU.

CONSULTATION

Cr Graham Air - Shire President and Billy Wellstead - Regional Development Coordinator (South West Development Commission)

STATUTORY OBLIGATIONS - Nil

POLICY IMPLICATIONS - Nil

BUDGET/FINANCIAL IMPLICATIONS

The MOU requires that a shire POC will be identified to implement the MOU, and so a minimal annual officer time cost will be incurred in addition to any printing costs.

STRATEGIC IMPLICATIONS

The Warren Blackwood Sub-Regional Growth Plan was developed to provide:

- a strategic overview of sub-regional economic and social priorities; and
- alignment with regional and State development documents, including the SW Regional Blueprint.

SUSTAINABILITY IMPLICATIONS

➤ **Environmental** - Nil

➤ **Economic**
There are no known adverse economic issues.

➤ **Social**
Refer above to the *Strategic Implications* section in this report.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 9.3.3

MOVED: Cr Kaltenrieder

SECONDED: Cr Alexander

That Council:

- 1. Receives the Warren Blackwood Sub-Regional Growth Plan as attached.**
- 2. Approve the Warren Blackwood Sub-Regional Growth Plan Memorandum of Understanding (MOU) as attached for signing.**
- 3. Designate the Shire President as the shire signatory to the Warren Blackwood Sub-Regional Growth Plan MOU, and direct the Acting CEO to designate a shire point of contact (POC) to implement the plan.**

CARRIED 5/3

Res 220/19

10 COMMITTEE MINUTES

10.1 Minutes of the South West Zone

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	<i>n/a</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>13 September 2019</i>
Author:	<i>Stephen Carstairs-Acting CEO</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND

The Minutes of the South West Zone was held on 30 August 2019.

Minutes of the meeting are attached.

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 10.1

MOVED: Cr O'Connell

SECONDED: Cr Rear

That the minutes of the South West Zone meeting held 30 August 2019 be received.

CARRIED 8/0

Res 221/19

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Cr Walker - Notice of Motions

MOVED INTO COMMITTEE

MOVED: Cr Walker

SECONDED: Cr Oversby

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 8/0

Res 222/19

MOVED OUT OF COMMITTEE

MOVED: Cr Moir

SECONDED: Cr Kaltenrieder

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

CARRIED 8/0

Res 223/19

MOTION

MOVED: Cr Walker

SECONDED: Cr Kaltenreider

(11.1.1) "That Council endorse the WALGA climate change policy, declare a climate emergency and take this into account when reviewing policies, carrying out operations and planning projects."

CARRIED 6/2

Res 224/19

MOVED INTO COMMITTEE

MOVED: Cr Walker

SECONDED: Cr O'Connell

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 8/0

Res 225/19

MOVED OUT OF COMMITTEE

MOVED: Cr Oversby

SECONDED: Cr Kaltenrieder

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

CARRIED 8/0

Res 226/19

MOTION

MOVED: Cr Walker

SECONDED: Cr Oversby

(11.1.2) "That council, in consultation with the Acting CEO, restructure the meeting calendar for a trial period of 6 months commencing 1st of October 2019."

AMENDMENT

MOVED: Cr Walker

SECONDED: Cr O'Connell

(11.1.2) "That council, in consultation with the Acting CEO, restructure the meeting calendar for a trial period of 6 months commencing in February 2020."

CARRIED 7/1

Res 227/19

MOTION

(11.1.2) "That council, in consultation with the Acting CEO, restructure the meeting calendar for a trial period of 6 months commencing in February 2020."

CARRIED 7/1

Res 228/19

MOTION

MOVED: Cr Walker

SECONDED: Cr Alexander

(11.1.3) "That Council restructure its committees into two broad based ongoing committees titled "Finance and Infrastructure " and "Humanities " commencing 1st meeting of November 2019."

CARRIED 7/1

Res 229/19

11.2 Cr Rear - Notice of Motion
--

MOTION

MOVED: Cr Rear

SECONDED: Cr O'Connell

That all meeting papers including attachments be emailed out to ALL councillors and send out hard copies only upon request.

CARRIED 8/0

Res 230/19

Councillor Comment:

ALL Councillors are entitled upon election to a laptop and mobile phone. Councillors also receive an ICT allowance that is payable each quarter. If councillors wish to have hard copy of any papers they have the capacity to print these out for themselves, utilising funds that are paid to them by the rate payers of the shire and the wards in which they were elected.

This motion serves 4 purposes:

- a) To stop the senseless paper wastage that is occurring as a result of out dated practices
- b) Shire Council has adopted a single use plastics policy, and yet the simplest policy to introduce was neglected, yes by myself
- c) The time and money taken to print out and deliver these papers is also an unnecessary wastage of time for the shire workers involved
- d) Cost savings to the Shire and its ratepayers would be enormous

Acting CEO's Comment:

CONSULTATION

*Mr Carmichael - Senior Project Officer
Department of Local Government, Sport and Cultural Industries*

The Act and Administration Regulations use of terms “give notice”, “make available”, public can inspect”, etc. So if the documents are held and made available electronically, that would be acceptable. However note that anything that can be inspected, can be requested in hard copy. Additionally, there may be access issues if someone who is unable to use a keyboard or mouse wants to access agendas or minutes.

The Shire has a Disability Access and Inclusion Plan, so any changes need also to remain compliant with the plan and its underlying legislation.

Below are some extracts from the Act and Administration which are relevant to the issue:-

Local Government Act 1995

5.5. Convening council meetings

(1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.

5.25. Regulations about council and committee meetings and committees

(g) the giving of public notice of the date and agenda for

council or committee meetings; and

(j) the circumstances and time in which notice papers and

agenda relating to any council or committee meeting and

reports and other documents which could be —

(i) tabled at a council or committee meeting; or

(ii) produced by the local government or a

committee for presentation at a council or

committee meeting,

are to be made available for inspection by members of

the public.

5.94. Public can inspect certain local government information

(p) any notice papers and agenda relating to any council or

committee meeting and reports and other documents that

have been —

(i) tabled at a council or committee meeting; or

(ii) produced by the local government or a

committee for presentation at a council or

committee meeting and which have been

presented at the meeting;

5.96A. Information published on official website

(h) notice papers and agenda relating to council or

committee meetings and reports and other documents

that have been —

(i) tabled at a council or committee meeting; or

(ii) produced by the local government or a

committee for presentation at a council or

committee meeting and that have been presented

at the meeting;

Local Government (Administration) Regulations 1996

13. Unconfirmed minutes, public inspection of (Act s. 5.25(1)(i))

A local government is to ensure that unconfirmed minutes of each council and committee meeting are available for inspection by members of the public —

(a) in the case of a council meeting, within 10 business days after the meeting; and

(b) in the case of a committee meeting, within 5 business days after the meeting.

14. Notice papers, agenda etc., public inspection of

(Act s. 5.25(1)(j))

(1) A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which —

(a) are to be tabled at the meeting; or

(b) have been produced by the local government or a committee for presentation at the meeting,

and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public from the time the notice papers, agenda or documents were made available to the members of the council or committee.

29. Information to be available for public inspection

(Act s. 5.94)

(d) notice papers and agenda relating to any council or committee meeting and reports and other documents which —

(i) are to be tabled at the meeting; or

(ii) have been produced by the local government or a

committee for presentation at the meeting,

and which have been made available to members of the

council or committee for the meeting;

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

12.1 Mayanup Progress Association Inc

OFFICER RECOMMENDATION - ITEM 12.1

MOVED: Cr Moir

SECONDED: Cr Kaltenrieder

1. That Council determines not to relinquish its interest in Lot 385 on Deposited Plan 74331 (being the Mayanup Recreation Ground) and Lots 15 and 16 on Plan 120096 (being the Mayanup Hall) which is held in Trust by the Shire of Boyup Brook.
2. That Council directs the Acting CEO to: advise the Mayanup Progress Association (MPA) that it will be retaining its interest in the land; and to progress entering into a lease arrangement with the MPA over the Mayanup Hall.

AMENDMENT

MOVED: Cr Rear

SECONDED: Cr Oversby

1. That Council determines not to relinquish its interest in Lot 385 on Deposited Plan 74331 (being the Mayanup Recreation Ground) and Lots 15 and 16 on Plan 120096 (being the Mayanup Hall) which is held in Trust by the Shire of Boyup Brook.
2. That Council directs the Acting CEO to: advise the Mayanup Progress Association (MPA) that it will be retaining its interest in the land; and to progress entering into a lease arrangement with the MPA over the Mayanup Hall and the Mayanup Recreation Ground.

CARRIED 8/0

Res 231/19

MOTION

1. That Council determines not to relinquish its interest in Lot 385 on Deposited Plan 74331 (being the Mayanup Recreation Ground) and Lots 15 and 16 on Plan 120096 (being the Mayanup Hall) which is held in Trust by the Shire of Boyup Brook.
2. That Council directs the Acting CEO to: advise the Mayanup Progress Association (MPA) that it will be retaining its interest in the land; and to progress entering into a lease arrangement with the MPA over the Mayanup Hall and the Mayanup Recreation Ground.

CARRIED 8/0

Res 232/19

13 CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS

Impartiality Interest

Cr Oversby declared an impartiality interest in item 13.1 & left the Chambers at 8.00pm.

Impartiality Interest

Cr O'Connell declared an impartiality interest in item 13.1.

13.1 2018-19 Community Grants acquittal report

COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 13.1

MOVED: Cr O'Connell

SECONDED: Cr Kaltenrieder

1. That Council receives the 2018-19 Community Grant Acquittals for the Boyup Brook Tourism Association and directs the Acting CEO to process the Tourism Association's 2019-20 contribution as per the MOU.
2. That Council receives the 2018-19 Community Grant Acquittal for the Upper Blackwood Agricultural Society.

CARRIED 7/0

Res 233/19

Cr Oversby returned to the Chambers at 8.04pm

13.2 Boyup Brook Co-Operative extraordinary request for shire support

COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 13.2

MOVED: Cr Kaltenrieder

SECONDED: Cr Walker

That Council:

1. Approve a budget expense allocation of \$2,500 to support the Boyup Brook Co-Operative's 100th anniversary event on 16 November 2019, and amend the 2019-20 Budget at the time of the budget's review commencing January 2020.
2. Directs the Acting CEO to execute a funding agreement with the Boyup Brook Co-Operative which addresses the following:
 1. Provide permission to make this event a BYO alcohol event
 2. Provide permission to sell food at the event
 3. Provide permission to set up a marquee
 4. Council to waive the fee of disposal of waste at the liquid waste facility.
 5. Advise the Co-Operative to arrange for the transport of the portable ablution block.
 6. Advise the Co-Operative to liaise with the Boyup Brook Country Music Club for the provision of 15 x rubbish bins for the event.
 7. Waive the Music park hire fees for the Co-Operatives anniversary event.
 8. That the shire undertake the responsibility for the anniversary event Traffic Management including paying for the Traffic Management Plan (if a required) and staff to implement the Plan.
 9. That the Shire of Boyup Brook's contribution be recognised by Shire banners or flags being displayed on the grounds at the anniversary event; the Shire logo used on media platforms associated with the event; and Councillor representation at the event.

CARRIED 8/0

Res 234/19

Impartiality Interest

Cr Oversby declared an impartiality interest in item 13.3 & left the Chambers at 8.06pm.

13.3 Upper Blackwood Agricultural Society - request for support for the Dinninup Show

MOVED INTO COMMITTEE

MOVED: Cr Walker

SECONDED: Cr Kaltenrieder

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 7/0

Res 235/19

MOVED OUT OF COMMITTEE

MOVED: Cr Walker

SECONDED: Cr Rear

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

CARRIED 7/0

Res 236/19

OFFICER RECOMMENDATION - ITEM 13.3

MOVED: Cr Kaltenrieder

SECONDED: Cr Alexander

That Council:

- 1a. Approve a budget expense allocation of \$5,015 to support the Upper Blackwood Agricultural Society's (UBAS) 2019 Dinninup Show 05 November 2019, and amend the 2019-20 Budget at the time of the budget's review commencing January 2020.
- 1b. The Shire contribute up to \$250.00 in-kind towards the patio roof to the toilet.
 - (a) That the shire undertakes responsibility for Traffic Management including paying for the Traffic Management Plan (if a new plan is required) and staff to implement the Plan.
 - (b) Makes arrangements for maintenance to the (patio) roof to the toilet block adjacent to the hall.
 - (c) Permits UBAS to install a pedestrian access gate and remove a tree on condition:

- (a) that an appropriate Shire officer investigates the matter and provides a recommendation to the Acting CEO; and
- (b) that the Acting CEO agrees with the recommendation, given the shire will incur no cost.
- (d) Allows the Acting CEO to advise UBAS in writing that Council permits them to trim, at UBAS's cost, the lower branches of the Poplars.
- (e) Allows the Acting CEO to arrange extra rubbish bins and the removal of rubbish after the show.
- (f) Allows the Acting CEO to advise UBAS that in order to hire chairs or borrow the line marker they must follow the miscellaneous hire agreement.
- (g) Allows the Acting CEO to arrange for grounds preparation in readiness for the show.
- 3. Direct the Acting CEO to advise UBAS to submit a separate letter requesting any additional showgrounds support, so that Council might consider this at a meeting in October 2019.

AMENDMENT

MOVED: Cr Moir

SECONDED: Cr Alexander

That Council:

- 1. The Shire contribute up to \$250.00 in-kind towards the patio roof to the toilet.
- 2. That the shire undertakes responsibility for Traffic Management including paying for the Traffic Management Plan (if a new plan is required) and staff to implement the Plan.
- 3. Makes arrangements for maintenance to the (patio) roof to the toilet block adjacent to the hall.
- 4. Permits UBAS to install a pedestrian access gate and remove a tree on condition:
 - (a) that an appropriate Shire officer investigates the matter and provides a recommendation to the Acting CEO; and
 - (b) that the Acting CEO agrees with the recommendation, given the shire will incur no cost.
- 5. Allows the Acting CEO to advise UBAS in writing that Council permits them to trim, at UBAS's cost, the lower branches of the Poplars.

6. In accordance with the lease, the Shire will empty the rubbish bins at the conclusion of the event. The Shire will not supply the bins.
7. Allows the Acting CEO to advise UBAS that in order to use the chairs and the line marker they must pay a bond and pick up and return these items.
8. Allows the Acting CEO to arrange for grounds mowing only in readiness for the show.

CARRIED 6/1

Res 237/19

MOTION

That Council:

1. The Shire contribute up to \$250.00 in-kind towards the patio roof to the toilet.
2. That the shire undertakes responsibility for Traffic Management including paying for the Traffic Management Plan (if a new plan is required) and staff to implement the Plan.
3. Makes arrangements for maintenance to the (patio) roof to the toilet block adjacent to the hall.
4. Permits UBAS to install a pedestrian access gate and remove a tree on condition:
 - (a) that an appropriate Shire officer investigates the matter and provides a recommendation to the Acting CEO; and
 - (b) that the Acting CEO agrees with the recommendation, given the shire will incur no cost.
5. Allows the Acting CEO to advise UBAS in writing that Council permits them to trim, at UBAS's cost, the lower branches of the Poplars.
6. In accordance with the lease, the Shire will empty the rubbish bins at the conclusion of the event. The Shire will not supply the bins.
7. Allows the Acting CEO to advise UBAS that in order to use the chairs and the line marker they must pay a bond and pick up and return these items.
8. Allows the Acting CEO to arrange for grounds mowing only in readiness for the show.

CARRIED 7/0

Res 238/19

Cr Oversby returned to the Chambers at 9.14pm.

Cr Alexander left the Chambers at 9.14pm

Cr Alexander returned to the Chambers at 9.16pm

13.4 Physiotherapy Office Draft Lease

COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 13.4

MOVED: Cr O'Connell

SECONDED: Cr Alexander

That Council:

1. Resolves that Landgate's *Desktop Assessments* of indicative rental values satisfy the provisions of s.3.58 of the *Local Government Act 1995*.
2. Directs the Acting CEO to negotiate with the current incumbent, an annual lease value for the physiotherapy space at 78 Abel Street Boyup Brook which is in keeping with Landgate's Desktop assessment of its annual rental value.
3. Directs the Acting CEO to advertise the proposed disposition by lease of the physiotherapy space at the Medical Centre for three-weeks ending 14 October 2019, and bring submissions from the community back to Council's October 2019 meeting.

CARRIED 8/0

Res 239/19

14 CLOSURE OF MEETING

There being no further business the Shire President, Cr Aird thanked all for attending and declared the meeting closed at 9.29pm.