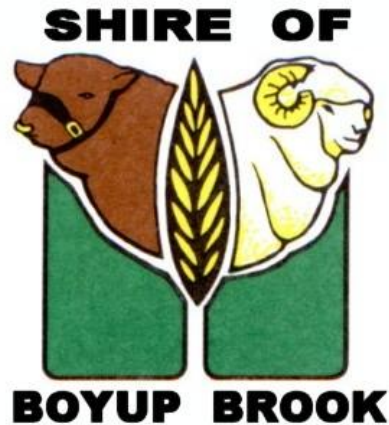


Agenda



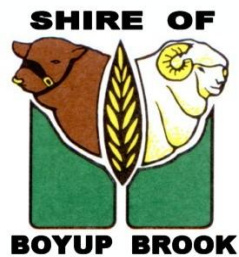
ORDINARY MEETING

being held

THURSDAY 20 June 2019
Commencing AT 5.00PM

AT

SHIRE OF BOYUP BROOK
CHAMBERS
ABEL STREET - BOYUP BROOK



NOTICE OF ORDINARY COUNCIL MEETING

To:-

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

The next Ordinary Council Meeting of the Shire of Boyup Brook will be held on Thursday 20 June 2019 in the Council Chambers, Shire of Boyup Brook, Abel Street, Boyup Brook – commencing at 5.00pm.

Mr Stephen Carstairs
Acting Chief Executive Officer

Date: 12 June 2019

TABLE OF CONTENTS

1	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED	4
1.1	Attendance.....	4
1.2	Apologies.....	4
1.3	Leave of Absence.....	4
2	PUBLIC QUESTION TIME.....	4
2.1	Response to Previous Public Questions Taken on Notice	4
3	APPLICATIONS FOR LEAVE OF ABSENCE	4
4	PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS	4
6	CONFIRMATION OF MINUTES	5
6.1.1	Special Council Meeting - 8 May 2019	5
6.1.2	Ordinary Council Meeting - 16 May 2019	5
7	PRESIDENTIAL COMMUNICATIONS	5
8	COUNCILLORS QUESTIONS ON NOTICE.....	5
9	REPORTS OF OFFICERS	5
9.1	MANAGER WORKS & SERVICES	5
9.2	FINANCE	6
9.2.1	List of Accounts Paid in May 2019	6
9.2.2	31 May 2019 Statement of Financial Activity	9
9.2.3	Review of Certain Finance Policies.....	11
9.2.4	Review of the Schedule of Fees & Charges.....	14
9.3	ACTING CHIEF EXECUTIVE OFFICER	17
9.3.1	ELC Service Delivery Plan.....	17
9.3.2	Elected Members 2019-20 Meeting Attendance Fees, Allowances and Expense Entitlements and 2019-20 (Councillor) Governance Budget	17
9.3.3	Tourism and Area Promotion: Funding and Policy O.03 <i>Tourism</i> Review	25
9.3.4	Shire of Boyup Brook Invited to Partner in the Warren Blackwood Alliance of Councils	28
9.3.5	Wilga Mill site – Management of land	30
10	COMMITTEE MINUTES.....	33
10.1.1	Minutes of the Swimming Pool Committee	33
10.1.2	Minutes of the Community Grants Committee.....	34
10.1.3	Minutes of the Bunbury Geopraphe Tourism Partnership Steering Committee.....	34
10.1.4	Minutes of the Bush Fire Advisory Committee	35
11	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	35
12	URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT.....	35
13	CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS.....	35
13.1.1	Suez: Request to increase their (recycling) sorting fee.....	35
13.1.2	Park Cabins at the Flax Mill Caravan Park.....	35
14	CLOSURE OF MEETING	35

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 S Alexander
Cr P Kaltenrieder
Cr K Moir
Cr E Muncey
Cr T Oversby
Cr H O'Connell
Cr E Rear

STAFF: Mr Stephen Carstairs (Acting/CEO)
Mrs Maria Lane (Executive Assistant)

PUBLIC:

1.2 Apologies

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

5 DISCLOSURE OF INTEREST

6 CONFIRMATION OF MINUTES

6.1.1 Special Council Meeting - 8 May 2019

OFFICER RECOMMENDATION - Item 6.1.1

That the minutes of the Special Council Meeting held on Wednesday 8 May 2019 be confirmed as an accurate record.

6.1.2 Ordinary Council Meeting - 16 May 2019

OFFICER RECOMMENDATION - Item 6.1.2

That the minutes of the Ordinary Council Meeting held on Thursday 16 May 2019 be confirmed as an accurate record.

7 PRESIDENTIAL COMMUNICATIONS

8 COUNCILLORS QUESTIONS ON NOTICE

9 REPORTS OF OFFICERS

9.1 MANAGER WORKS & SERVICES

Nil

9.2 FINANCE

9.2.1 List of Accounts Paid in May 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>12/06/19</i>
Author:	<i>Carolyn Mallett - Acting Accountant</i>
Authorising Officer:	<i>Stephen Carstairs – Acting Chief Executive Officer</i>
Attachments:	<i>Yes – List of Accounts Paid in May2019</i>

SUMMARY

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

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 May 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 2018-19 Annual Budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 9.2.1

That at its June 2019 ordinary meeting Council receive advice of an additional account paid in April 2019 totalling \$59,492.15 from Police Licensing account, as represented by:

Police Licensing	\$ 59,492.15
------------------	--------------

That at its June 2019 ordinary meeting Council receive as presented the list of accounts paid in May 2019, totalling \$664,197.35 from Municipal account, \$5,627.55 from Trust account, \$42,403.70 from the Police Licensing Account and \$7.58 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20284 - 20297	\$ 18,947.11
Municipal Electronic Payments	EFT8003 – EFT8111	\$ 389,091.68
Municipal Direct Payments		\$ 256,158.56
Trust Cheques	2178 - 2183	\$ 5,627.55
Police Licensing		\$ 42,403.70
Boyup Brook Early Learning Centre		\$ 7.58

9.2.2 31 May 2019 Statement of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	14 June 2019
Authors:	Kay Raisin - A/Finance and HR Manager and Darren Long - Consultant
Authorizing Officer:	Stephen Carstairs - Acting CEO
Attachments:	Yes – 31 May 2019 Financial Reports

SUMMARY

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

Stephen Carstairs - Acting CEO

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

OFFICER RECOMMENDATION – Item 9.2.2

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

9.2.3 Review of Certain Finance Policies

Location:	Shire Boyup Brook
Applicant:	Mr Damian Stockton (property assessment A12300)
File:	A12300
Disclosure of Officer Interest:	None
Date:	13 June 2019
Author:	Kay Raisin – Acting Finance and HR Manager and Stephen Carstairs – Acting CEO
Authorizing Officer:	Stephen Carstairs – Acting CEO
Attachments:	Yes: 1. Reviewed policies F.05, F.07, and F.11. 2. A communication from Mr Damian Stockton (Assessment A12300). 3. A communication from Mr Ben Rose (CEO Shire of Donnybrook-Balingup).

SUMMARY

Council is requested to consider and adopt reviewed, finance policies as follows:

- F.05 Use of Credit Cards;
- F.07 Material Variance in Financial Activity Statement Policy; and
- F.11 Rating Strategy

At the time of writing this report, all three policies had reached their review by dates. Amendments to policies F.05 and F.07 are proposed so as to contemporize them, and Policy F.11 was reviewed so as to contemporize it and to address a fairness and equity matter that has been raised.

BACKGROUND

"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.

Given the above then, it would follow that onus is upon the administration to ensure that Council's policies are put to Council for review on or around the time designated in the policy.

COMMENT

Policies F.05 and F.07 have been revised so as to contemporise them, and Policy F.11 was reviewed so as to contemporize it and to address a fairness and equity matter that has been raised.

Land identified as Assessment A12300 in the shire's Synergy Soft Financial Management System straddles both the Shire of Boyup Brooks and Donnybrook-Balingup. In the period 2013 to the 2017-18 rating year, property A12300 was afforded a 50% concession from each of the shires. In the 2018-19 rating year the property was afforded no concessions. Policy F.11 was updated to include a clause that requires that properties that straddle other local governments are afforded a 50% concession.

CONSULTATION

McLeods Barristers and Solicitors, Cr Richard Walker, Cr Brian Piesse (Shire of Donnybrook-Balingup, and Mr Ben Rose (CEO Shire of Donnybrook-Balingup).

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

Review of policy F.11 Rating Strategy has implications for the 2019-20 financial year.

STRATEGIC IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION - Item 9.2.3

That Council adopts, as presented, reviewed and amended financial policies as follows:

- F.05 Use of Credit Cards;
- F.07 Material Variance in Financial Activity Statement Policy; and
- F.11 Rating Strategy.

9.2.4 Review of the Schedule of Fees & Charges

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>09 June 2019</i>
Authors:	<i>Kay Raisin – A/Finance & HR Manager and Stephen Carstairs – Acting CEO</i>
Authorizing Officer:	<i>Stephen Carstairs – Acting CEO</i>
Attachments:	<i>Draft 2019-20 Schedule of Fees & Charges</i>

SUMMARY

This matter is put before Council to undertake a review of the Schedule of Fees & Charges to come into effect in 2019-20.

BACKGROUND

As it was in 2018-19, Council's 2019-20 Schedule of Fees & Charges (the Schedule), is to be reviewed separately in the annual budget preparation process.

Council's Long Term Financial Plan 2017-2027 (the LTFP), 'assumes' that fees and charges will increase annually by 3.0%. In drafting the proposed 2019-20 fees the 3.0% increase was factored in (subject to appropriate rounding).

For reference purposes the attached Schedule shows the fees and charges that were imposed in 2018-19, and charges proposed for 2019-2020.

Proposed new fees in 2019-20 include:

- XXXX
- XXXX
- XXXX

For those fees that are statutory in nature (e.g. – development application fees, building fees, swimming pool inspection fees, FOI fees, etc), Council is without discretion to set fees other than that permitted by the applicable legislation.

COMMENT

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

CONSULTATION

Section managers and key personnel within the organisation were approached for input into the proposed 2019-20 fees and charges.

STATUTORY OBLIGATIONS

Regulation 5 (2)(b) of the *Local Government (Financial Management) Regulations 1996* states:

(2) The CEO is to –

(b) assist the Council to undertake reviews of fees and charges regularly (and not less than once in every financial year);

Section 6.16(1) and (2) of the *Local Government Act 1995* states:

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

** Absolute majority required.*

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

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

(b) supplying a service or carrying out work at the request of a person;

(c) subject to section 5.94, providing information from local government records;

(d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

(e) supplying goods;

(f) such other services as may be prescribed.

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

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

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

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

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

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The draft 2019-20 Annual Budget will include income streams that will have been derived using the attached draft Schedule of Fees & Charges.

STRATEGIC IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 9.2.4

That Council endorses for adoption at the time of adopting the 2018-20 Annual Budget, the 2019-20 Schedule of Fees & Charges as per the Attachment.

9.3 ACTING CHIEF EXECUTIVE OFFICER

9.3.1 ELC Service Delivery Plan

(This item will be provided to Council by its July 2019 ordinary meeting)

9.3.2 Elected Members 2019-20 Meeting Attendance Fees, Allowances and Expense Entitlements and 2019-20 (Councillor) Governance Budget

Location:	N/A
Application:	N/A
File:	
Disclosure of Interest:	Nil
Date:	07 June 2019
Author:	Stephen Carstairs - Acting CEO
Authorising Officer:	Stephen Carstairs - Acting CEO
Attachments:	1. excerpt from 09 April 2019 Determination of the Salaries and Allowances Tribunal for Local Government 2. Australian Bureau of Statistics: March 2019 CPI excerpts of publications

SUMMARY

For Council to:

- elect the method for determining Councillor meeting fees in 2019-20; and
- set Elected Member's meeting fees, allowances, and expense entitlements for inclusion in the 2019-20 draft budget.

BACKGROUND

Part 5, Division 8 (Sections 5.98, 5.98A, 5.99 and 5.99A) of the *Local Government Act 1995* (the Act) provides for council members to receive certain payments.

The Salaries and Allowances Tribunal (the Tribunal) completed its 2019 review of meeting attendance fees, allowances and expense entitlements for elected members of Local Governments throughout Western Australia, and on 09 April 2019 publicised its determination which comes into operation on 01 July 2019. In accordance with the Act and the *Local Government (Administration) Regulations 1996*, the determination establishes, among other things, the current scale of elected member fee and allowance payments, and provisions for reimbursement of expenses.

Meeting Fees or Annual Attendance Fees - Councillors

Pursuant to Section 5.98 of the Act a council member, mayor or president who attends a council or committee meeting is entitled to be paid a fee set by the Council within the range stipulated in the Tribunal's determination. Pursuant to Section 5.99 of the Act a Council may decide by absolute majority that instead of paying council members, mayors or presidents a meeting fee it will be pay an annual attendance fee within the range stipulated in the Tribunal's determination.

Band 4 Councils, like the Shire of Boyup Brook (and see Schedule 1 on page 29 of the attached determination), shall set Council meeting attendance fees in the range \$91 to \$238 per meeting for members other than the president (and refer Table 4 below and on page 19 of the determination).

Table 4: Council meeting fees per meeting – local governments

Band	For a council member other than the mayor or president		For a council member who holds the office of mayor or president	
	Minimum	Maximum	Minimum	Maximum
1	\$615	\$793	\$615	\$1,189
2	\$373	\$582	\$373	\$780
3	\$193	\$410	\$193	\$634
4	\$91	\$238	\$91	\$490

Further, Band 4 Councils shall set Committee meeting attendance fees in the range \$46 to \$119 per meeting (and refer Table 6 below and on page 20 of the determination).

Table 6: Committee meeting and prescribed meeting fees per meeting – local governments

For a council member (including the mayor or president)		
Band	Minimum	Maximum
1	\$308	\$396
2	\$186	\$291
3	\$97	\$205
4	\$46	\$119

Alternatively Council, by absolute majority, may pay Councillors an annual attendance fee within the range of \$3,589 to \$9,504 (and refer Table 8 below and on page 21 of the attached determination).

Table 8: Annual attendance fees in lieu of council meeting, committee meeting and prescribed meeting attendance fees – local governments

Band	For a council member other than the mayor or president		For a council member who holds the office of mayor or president	
	Minimum	Maximum	Minimum	Maximum
1	\$24,604	\$31,678	\$24,604	\$47,516
2	\$14,865	\$23,230	\$14,865	\$31,149
3	\$7,688	\$16,367	\$7,688	\$25,342
4	\$3,589	\$9,504	\$3,589	\$19,534

In July 2017 Council resolved (Res 96/17) that in 2017-18 Councillors would receive an annual attendance fee of \$7,190 (representing a 4.0% increase on 2016-17), which was an amount within the fee range set by the Tribunal. In June 2018 Council resolved (Res 101/18) to increase by 3.0% to \$7,405 the 2018-19 annual sitting fee for Councillors.

Meeting Fees or Annual Attendance Fees – Shire President

The Shire President can be provided with a higher meeting or annual attendance fee in recognition of the greater workload and responsibility associated with presiding at council meetings.

Band 4 Councils are able to set council meeting attendance fees for the President in the range \$91 and \$490 per meeting (refer Table 4 above), and might receive the same committee meeting attendance fee as determined by Council for Councillors. Alternatively, Council, via absolute majority can determine that the President would receive an annual attendance fee in the range of \$3,589 to \$19,534.

In July 2017 Council resolved (Res 96/17) that in 2017-18 the President would receive an annual attendance fee of \$13,825 (representing a 4.0% increase on 2016-17), which was an amount in the range set by the Tribunal. In June 2018 Council resolved (Res 101/18) to increase by 3.0% to \$14,240 the 2018-19 annual sitting fee for the President.

Annual Allowance for President

Under Section 5.98 of the Act Council can set an annual allowance for the President (separate from meeting or annual attendance fees), and as per the Tribunal's 2019 Determination the allowance can be in the range \$513 to \$20,063 (see Table 10 below and on page 23 of the attached determination).

Table 10: Annual allowance for a mayor or president of a local government

For a mayor or president		
Band	Minimum	Maximum
1	\$51,258	\$89,753
2	\$15,377	\$63,354
3	\$1,025	\$36,957
4	\$513	\$20,063

In July 2017 Council resolved (Res 96/17) that the President's Allowance would be \$7,195 (representing a 4.0% increase on 2016-17). In 2018-19 Council resolved (Res 101/18) to increase the President's allowance by 39.0% to \$10,000.

Annual Allowance for Deputy President

Section 5.98A of the Act allows Council to provide a special allowance to the Deputy President, with the amount of the allowance being 25% of the President's allowance.

In 2017-18 Council resolved that the Deputy President would receive an allowance.

Meetings Fees or Annual Attendance Fee?

It is recommended that Council retain the "annual" method for determining Councillor meeting attendance allowances rather than changing to a "per meeting" fee. The advantages of the "annual" method include:

- A "per meeting" fee doesn't take into account all the work that a Councillor does in between Council or Committee meetings. A Councillor may perform a substantial amount of work between meetings but if for legitimate reasons a Councillor misses a meeting, then they would not receive any recompense payment towards that work.
- Under the Act only Council or committee meetings trigger payment of a meeting attendance fee. This Council uses the "briefing session" process on a regular basis, and those meetings, which can generate additional work for Councillors, would not provide a meeting fee to those participating Councillors.
- Whilst the annualising of meetings fees can result in Councillors receiving a fee when not attending meetings, as in the case of an apology or on leave of absence, it is a rare occurrence for a Councillor to take extended leave of absence.

Reimbursement of Expenses Including Annual Allowances *in Lieu of* Reimbursement

Under the *Local Government Act and Local Government (Administration) Regulations 1996* elected members are entitled to reimbursement of telecommunications, information technology, child care, travel and accommodation expenses. Policies M.05 (Councillors – Expenses Reimbursement and Loss of Earnings) and M.11 (Councillors Telecommunications and Information Technology) provides guidance on these entitlements.

Pursuant to Section 5.99A of the Act Council can decide by absolute majority that rather than reimburse Councillors for all of a particular type of expense, it would pay an annual allowance.

The Tribunal has amalgamated telecommunications and information technology allowances into a single Information and Communications Technology (ICT) Allowance, with a permissible range between \$500 and \$3,500 (refer page 28 of the attached determination).

COMMENT

In this report the author recommends that Council consider increasing in 2019-20 elected member annual meeting attendance fees, the President's annual meeting attendance fee and allowance, and the annual ICT allowance for elected council members by 2.8%, , the rounded up to the nearest \$5. The proposed 2.8% increase comprises an inflationary increase of 1.3% (the March 2019 CPI increase, and refer attached Australian Bureau of Statistics (ABS) publications), and an additional regional component of 1.5%.

Councillor Fees and Allowances Proposed in 2018-19

	2018-19	2019-20
Councillor annual attendance fees	\$7,405	\$7,615
President's annual attendance fee	\$14,240	\$14,640
President's annual allowance	\$10,000	\$10,280
Deputy President's annual allowance	\$2,500	\$2,570
Councillor ICT allowance	\$1,245	\$1,280

Currently meeting attendance fees, allowances and travel re-imbursements payments are made to Councillors in three x four monthly instalments, occurring in February, June and October of the year.

CONSULTATION

09 April 2019 Determination of the Salaries and Allowances Tribunal for Local Government, and ABS.

STATUTORY OBLIGATIONS – Local Government Act

5.98. Fees etc. for council members

(1) A council member who attends a council or committee meeting is entitled to be paid —

(a) the prescribed minimum fee for attending a council or committee meeting; or

(b) where the local government has set a fee within the prescribed range for council or committee meeting attendance fees, that fee.

(2A) A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —

(a) the prescribed minimum fee for attending a meeting of that type; or

(b) where the local government has set a fee within the prescribed range for meetings of that type, that fee.

(2) A council member who incurs an expense of a kind prescribed as being an expense —

(a) to be reimbursed by all local governments; or

(b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement, is entitled to be reimbursed for the expense in accordance with subsection (3).

(3) A council member to whom subsection (2) applies is to be reimbursed for the expense —

(a) where the minimum extent of reimbursement for the expense has been prescribed, to that extent; or

(b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the prescribed range (if any) of reimbursement, to that extent.

(4) If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.

(5) The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —

(a) the prescribed minimum annual local government allowance for mayors or presidents; or

(b) where the local government has set an annual local government allowance within the prescribed range for annual local government allowances for mayors or presidents, that allowance.

(6) A local government cannot —

(a) make any payment to; or

(b) reimburse an expense of, a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.

(7) A reference in this section to a committee meeting is a reference to a meeting of a committee comprising —

(a) council members only; or

(b) council members and employees.

[Section 5.98 amended by No. 64 of 1998 s. 36; No. 17 of 2009 s. 33.]

5.98A. Allowance for deputy mayor or deputy president

(1) A local government may decide to pay the deputy mayor or deputy president of the local government an allowance of up to the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).*

** Absolute majority required.*

(2) An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.

[Section 5.98A inserted by No. 64 of 1998 s. 37.]

5.99. Annual fee for council members in lieu of fees for attending meetings

A local government may decide that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —*

(a) the prescribed minimum annual fee; or

(b) where the local government has set an allowance within the prescribed range for annual allowances for that type of expense, an allowance of that amount and only reimburse the member for expenses of that type in excess of the amount of the allowance.

** Absolute majority required.*

POLICY IMPLICATIONS

Policy M.11 (Councillors Telecommunications and Information Technology) provides guidance on ICT entitlements, and Policy M.05 (Councillors – Expenses Reimbursement and Loss of Earnings) addresses other expenses e.g. child care & travel, not covered in this report.

BUDGET/FINANCIAL IMPLICATIONS

As part of the annual budget process Council is to set annual meeting attendance fees (or per meeting fees) for the President and Councillors, the President's annual attendance fees and allowance, and ITC allowances within the permissible range set by the Tribunal.

STRATEGIC IMPLICATIONS

Not Applicable

SUSTAINABILITY IMPLICATIONS

Not Applicable

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION - Item 9.3.2

That Council:

1. Retain in 2018-19 the annual attendance fee method of payment of Councillor and President meeting attendance fees, rather than the 'per meeting basis' method.
2. Set in 2018-19 Councillor meeting attendance fees, the President's annual attendance fee and annual allowance, the Deputy President's annual allowance, and ICT allowances as follows:
 - Annual Attendance Fee for Council Members is to be \$7,615;
 - Annual Attendance Fee for Shire President is to be \$14,640;
 - Annual President's Allowance is to be \$10,280;
 - Provision of an Annual Deputy President Allowance to an amount 25% of the amount determined for the Annual President's Allowance i.e. \$2,570; and
 - Annual Information and Communications Technology Allowance is to be \$1,280.

9.3.3 Tourism and Area Promotion: Funding and Policy O.03 *Tourism* Review

Location:	Shire Boyup Brook
Applicant:	N/A
File:	Policy
Disclosure of Officer Interest:	None
Date:	13 June 2019
Author:	Stephen Carstairs – Acting CEO
Authorizing Officer:	Stephen Carstairs – Acting CEO
Attachments:	Yes: 1. Reviewed policy O.03 <i>Tourism and Area Promotion</i> 2. 2017-18 and 2018-19 Revenue and Expenditure on Tourism and Area Promotion

SUMMARY

In accord with policy O.03 *Tourism*, Council is requested to consider funding to tourism and area promotion. Further, Policy O.03 has been reviewed for Council's consideration and adoption.

BACKGROUND

"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.

Given the above then, it would follow that onus is upon the administration to ensure that Council's policies are adhered to, and in the case of policy O.03 *Tourism* bring to Council some 'informing' information about funding to tourism and area promotion during the annual budgetary process, so that Council might " ... *ensure funds are allocated fairly and in the best interest of tourism and ratepayers* ..." (excerpt from policy O.03).

Informing Information about Funding to Tourism

In the spreadsheet attachment to this report the administration has collated 2017-18 and (forecast) 2018-19 tourism and area promotion funding (income and expenditure) information from across three financial reporting programs as follows: Governance; Recreation and Culture; and Economic Development. Interestingly the cost to ratepayers of tourism and area promotion forecast for 2018-19 (\$290,960) is very much the same as it was in 2017-18 (audited financials show \$290,889).

Review of Policy O.03 *Tourism*

Policy O.03 was reviewed so as to contemporise it, and to establish a percentage share of the annual Community Grants pool (2.0% of rates) to tourism and area promotion. In establishing that 70% of the pool should go to tourism, the administration calculated the actual percent of the pool for 2017-18 and 2018-19 that funded tourism, and took the average (rounded).

Tourism in Western Australia

Tourism Western Australia publications (state government publications not attached) propose that of the order 15% of tourism visitations (inc FIFO) occur in the South Western and Great Southern regions (combined) compared to 85% to the Perth Metro region. Further, that tourism state wide accounts for some 7.7% of jobs (about 5.2% direct and 2.5% indirect).

COMMENT

Agriculture is by a long shot Boyup Brook's economic driver, and with it the range of employment opportunities here would be few relative to the Perth Metro region. If Council wishes to create employment opportunities in the tourism industry, then investing some 10.5% (\$290,960) of rates in the industry, and 70% of the Community Grant pool, might be a way of doing it.

The question then remains as to whether or not Council has got its focus for that investment right?

CONSULTATION

Cr Helen O'Connell

STATUTORY OBLIGATIONS

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

1.8 *The role of the council*

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

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

Local Government (Functions and General) Regulations 1996

POLICY IMPLICATIONS

This report impacts policy F.02 Guidelines for Community Grants.

BUDGET/FINANCIAL IMPLICATIONS

Review of policy O.03 Tourism and Area Promotion has implications for the 2019-20 financial year.

STRATEGIC IMPLICATIONS

A goal in the shire's 2017-27 Community Strategic Plan is:

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

SUSTAINABILITY IMPLICATIONS

- **Environmental** – Nil
- **Economic** – Refer Strategic Implications section in this report.
- **Social** – Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION - Item 9.3.3

1. **That Council receives the *Funding to Tourism and Area Promotion Report*, as attached.**
2. **That Council adopts revised policy O.03 Tourism and Area Promotion, as attached.**

9.3.4 Shire of Boyup Brook Invited to Partner in the Warren Blackwood Alliance of Councils

Location:	South Western region
Applicant:	Warren Blackwood Alliance of Councils
File:	WBAC
Disclosure of Officer Interest:	None
Date:	14 June 2019
Author:	Stephen Carstairs – Acting CEO
Authorizing Officer:	Stephen Carstairs – Acting CEO
Attachments:	Yes: 1. Warren Blackwood Alliance of Councils proposal 2. Bunbury Geograph Tourism Partnership (proposed) Funding Program 2020-21 to 2023-24.

SUMMARY

Warren Blackwood Alliance of Councils (WBAC) has extended an invitation to the Shire of Boyup Brook to partner in their alliance (refer attachment), and this report is for Council to consider their invitation.

BACKGROUND

At the time of extending their invitation, the Alliance comprised of the Shire of Bridgetown-Greenbushes, the Shire of Manjimup, and the Shire of Nannup. According to the Alliance, there's is a *Voluntary Regional Organisation* which highlights and progresses key issues impacting the region. Apparently WBAC:

" ... lead the way in partnership development, relationship building and project progression ...",

and they have become:

" ... a 'go to' for government departments when dealing with regional issues ..."

In their proposal WBAC outlines its achievements and the operations framework of the organisation. NB: WBAC is an incorporated association with a part time Executive Officer.

With a 50% concession, the cost to the shire to partner with WBAC is either \$4,756 (if the Shire of Donnybrook-Balingup (SD-B) doesn't join WBAC as well) or \$4,197 if SD-B joins WBAC. It is understood that in 2019-20 SD-B will partner with WBAC.

COMMENT

Seems the main focus of WBAC is tourism and region promotion (refer key projects in their proposal). In the report on *Funding to Tourism and Area Promotion*, appearing elsewhere in this agenda, 2018-19 shire investment (cost after revenue, and including depreciation) in this industry is forecast to be considerable (\$290,860).

Additionally, the shire is currently partnering in the Bunbury Geograph Tourism Partnership (BGTP), contributing \$2,000 in 2018-19 towards funding that partnership, and \$2,000 committed in 2019-20 under an MOU. The MOU is due to conclude in December 2019. Member Councils to the MOU include: City of Bunbury; and Shires of Capel, Harvey, Collie, Dardanup, Donnybrook-Balingup, and Boyup Brook.

With the BGTP MOU due to conclude soon, some of the larger \$ contributing Councils have targeted \$ contributions for major over-hall (I believe this was first mooted by Bunbury at a Steering Committee meeting in February 2019, and refer BGTP 4 Year CALCS attached) in any replacement MOU, and would have Boyup Brook's contribution increasing to as much as \$7,395 in 2023-24 if the total pool of contributions is \$260,000. The same player(s) are proposing to dismantle the management framework for the partnership, and would have: the seven CEO member Steering Committee removed in the replacement MOU; and also have Councillor representation (apparently some Councillors, which hold high office in some of the member Councils, have substantial interests in tourism) on the four seat Executive Committee.

CONSULTATION

WBAC and BGTP.

STATUTORY OBLIGATIONS - Nil

POLICY IMPLICATIONS

Policy O.03 *Tourism* has implications for this report.

BUDGET/FINANCIAL IMPLICATIONS

This report has implications for the 2019-20 financial year.

STRATEGIC IMPLICATIONS

A goal in the shire's 2017-27 Community Strategic Plan (the Plan) is:

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

An objective of the Plan is to: " ... Develop tourism industry ... "

SUSTAINABILITY IMPLICATIONS

- **Environmental** – Nil
- **Economic** – Refer Strategic Implications section in this report.
- **Social** – Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION - Item 9.3.4

That upon considering the Warren Blackwood Alliance of Council's invitation to partner with them (Boyup Brook's 2019-20 contribution is assumed to be \$4,197), Council determines that the Shire of Boyup Brook will/ will not join with the four member Councils as follows: Bridgetown, Manjimup, Nannup, and Donnybrook-Balingup.

9.3.5 Wilga Mill site – Management of land

Location:	<i>Lots 302-305 on Deposited Plan 47950</i>
Applicant:	<i>N/a</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>14 June 2019</i>
Author:	<i>Maria Lane - Executive Assistant and Stephen Carstairs - Acting CEO</i>
Authorizing Officer:	<i>Stephen Carstairs - Acting CEO</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council the proposal that it: accept the notion of a licence to use the land as an interim measure leading to a more secure management/ownership arrangement; designate both the Shire of Boyup Brook and Wilga Progress Association as the licence holder; and authorise the Acting CEO to work with State Land Services on the development of a draft license.

BACKGROUND

The old mill at Wilga (since removed) was a community and Council concern for many years. Matters relating to it appear in Council minutes regularly through the years from at least 2002.

At its September 2014 ordinary meeting, Council resolved (Res 117/14) as follows:

10.1.1 Notice of Motion from Cr Walker

MOVED: Cr Walker

SECONDED: Cr Imrie

MOTION

That Council exerts all pressure it is able to on all relevant parties, including the local Member of Parliament, in order to have the old timber mill site in Wilga cleaned up and made safe. That in addition, Council seeks to have the land transferred to Council's management.

CARRIED 8/0

Res 117/14

The arrangement between the previous licensee and the State Government ended 31 July 2015, and subsequently Council is being offered a licence to occupy the site as an interim measure whilst a more permanent arrangement is made.

The land is Unallocated Crown Land and so may be subject to native title claim, which may make the process to reserve or freehold it protracted.

At its August 2015 ordinary meeting, Council resolved (Res 83/15) as follows:

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.6

MOVED: Cr Walker

SECONDED: Cr O'Hare

That Council;

- 1. accept the notion of a licence to use lots 302 to 305, on Deposited Plan 47950, inclusive as an interim measure leading to a more secure management/ownership arrangement,**
- 2. that it authorise the Chief Executive Officer to work with State Land Services on the development of a draft license,**
- 3. seek to have the following included in the license**
 - 3.1. Retention of 3 phase power.**
- 4. Require that the final draft of the license be brought back to Council for final consideration.**
- 5. Seek to have State Land Services remove the water tank and tank stand on lot 305 removed as part of its site clean up.**

CARRIED 9/0

Res 83/15

The cleanup of the site is completed, and now State Land Services (SLS) wish that Council confirm:

- that proposed S91 Licence under the *Land Administration Act 1997* is still required; and
- the name(s) of those who will hold the Licence.

SLS will provide an updated version of the S91 licence once they receive notification that the licence is required.

COMMENT

The land in question comprises four lots in Wilga, lots 302 to 305 inclusive. Each lot is separated by one or more roads and they vary in size and shape. Lot 302 appears to be 2,382M2, 303 to be 22,767M2, 304 to be 2,502M2 and 304 to be 35,969M2.

Looking to future use opportunities, lots 302, 303 and 304 look to be well suited to commercial use (retail, offices etc) and 305, whilst close to residential development might lend itself to industrial uses that are low noise, smell and the like (tyre shop, mechanical workshop etc). But all of this is somewhat in the future at this time and will no doubt become the feature of future debates when Council gets to planning the community's vision for Wilga's future.

CONSULTATION

The matter of the mill has been a feature of a number of Council meetings over the years, there have been at least two petitions and numerous prices of correspondence. Council wrote to the Hon Terry Redman and SLS seeking a quick and final resolution to the previous arrangements for the mill site and for the Shire to have long term management of it. Mr Redman wrote in support of these aims and SLS have worked through the issues and now is in apposition to offer the Shire a license ahead of more permanent arrangements.

STATUTORY OBLIGATIONS

Land Administration Act 1997

POLICY IMPLICATIONS -Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time however management of the area will be a net cost (representing public liability insurance, fire protection measures, and general management. At this stage it appears there will be no costs to obtain the license and that the annual fee will be \$1.

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 9.3.5

That Council:

1. Confirms with State Land Services that the (proposed) S91 Licence for Lots 302-305 on Deposited Plan 47950, under the *Land Administration Act 1997*, is still required.
2. Designates both the Shire of Boyup Brook and the Wilga Progress Association, subject to the Associations agreeance in writing, as those who will hold the (proposed) S91 licence for Lots 302-305 on Deposited Plan 47950.
3. Authorise the Acting CEO to work with State Land Services on the development of the draft license.

10 COMMITTEE MINUTES

10.1.1 Minutes of the Swimming Pool Committee

<i>Location:</i>	<i>N/A</i>
<i>Applicant:</i>	<i>N/A</i>
<i>File:</i>	<i>n/a</i>
<i>Disclosure of Officer Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>6 May 2019</i>
<i>Author:</i>	<i>Stephen Carstairs-Acting CEO</i>
<i>Attachments:</i>	<i>Yes – Minutes</i>

BACKGROUND

The Minutes of the Swimming Pool Committee was held on 16 May 2019.

Minutes of the meeting are attached.

OFFICER RECOMMENDATION – Item 10.1.1

That the minutes of the Swimming Pool Committee meeting held 16 May 2019 be received.

10.1.2 Minutes of the Community Grants Committee

Location: N/A
Applicant: N/A
File: n/a
Disclosure of Officer Interest: Nil
Date: 6 May 2019
Author: Stephen Carstairs-Acting CEO
Attachments: Yes – Minutes

BACKGROUND

The Minutes of the Community Grants Committee was held on 23 May 2019. Minutes of the meeting are attached.

OFFICER RECOMMENDATION – Item 10.1.2

That the minutes of the Community Grants Committee meeting held 23 May 2019 be received.

10.1.3 Minutes of the Bunbury Geographe Tourism Partnership Steering Committee

Location: N/A
Applicant: N/A
File: n/a
Disclosure of Officer Interest: Nil
Date: 6 May 2019
Author: Stephen Carstairs-Acting CEO
Attachments: Yes – Minutes

BACKGROUND

The Minutes of the Bunbury Geographe Tourism Partnership Steering Committee was held on 10 December 2018 and 8 April 2019.

Minutes of the meeting are attached.

OFFICER RECOMMENDATION – Item 10.1.3

That the minutes of the Bunbury Geographe Tourism Partnership Steering Committee meeting held on 10 December 2018 and 8 April 2019 be received.

10.1.4 Minutes of the Bush Fire Advisory Committee

Location: N/A
Applicant: N/A
File: n/a
Disclosure of Officer Interest: Nil
Date: 19 June 2019
Author: Stephen Carstairs-Acting CEO
Attachments: Yes – Minutes

BACKGROUND

The Minutes of the Bush Fire Advisory Committee was held on 28 May 2019.

Minutes of the meeting are attached.

OFFICER RECOMMENDATION – Item 10.1.4

That the minutes of the Bush Fire Advisory Committee meeting held on 28 May 2019 be received.

- 11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 12 URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT**
- 13 CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS**

13.1.1 Suez: Request to increase their (recycling) sorting fee

(Refer to separate attachment)

13.1.2 Park Cabins at the Flax Mill Caravan Park

(Refer to separate attachment)

14 CLOSURE OF MEETING

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