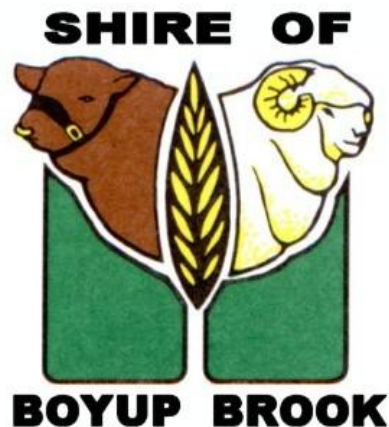


# Agenda



**ORDINARY MEETING**

being held

**THURSDAY 19 March 2020**  
**Commencing AT 5.15PM**

**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 H O'Connell  
Cr T Oversby  
Cr A Price  
Cr E Rear

The next Ordinary Council Meeting of the Shire of Boyup Brook will be held on Thursday 19 March 2020 in the Council Chambers, Shire of Boyup Brook, Abel Street, Boyup Brook – commencing at 5.15pm.

Mr Christopher Smith  
Chief Executive Officer

Date: 12 March 2020

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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 A Price  
Cr E Rear

STAFF:                      Mr Chris Smith (CEO)  
                                 Mr Peter Dittrich (Manager Governance)  
                                 Mr Steele Alexander (Manager Works & Services)  
                                 Ms Vanessa Crispe (Coordinator Works, Projects and Assets)  
                                 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 Ordinary Council Minutes - 20 February 2020**

#### **OFFICER RECOMMENDATION - Item 6.1**

That the minutes of the Ordinary Council Meeting held on Thursday 20 February 2020 be confirmed as an accurate record.

### **6.2 Annual Electors Meeting - 20 February 2020**

#### **OFFICER RECOMMENDATION - Item 6.1**

That the minutes of the Annual Electors Meeting held on Thursday 20 February 2020 be confirmed as an accurate record.

## **7 PRESIDENTIAL COMMUNICATIONS**

## **8 COUNCILLORS QUESTIONS ON NOTICE**

Nil

## **9 REPORTS OF OFFICERS**

### **9.1 MANAGER WORKS & SERVICES**

#### **9.1.1 Jayes Road Numbering & Renaming**

<b><i>Location:</i></b>	<b><i>Boyup Brook Town Site</i></b>
<b><i>Applicant:</i></b>	<b><i>N/A</i></b>
<b><i>File:</i></b>	<b><i>x/xx</i></b>
<b><i>Disclosure of Officer Interest:</i></b>	<b><i>None</i></b>
<b><i>Date:</i></b>	<b><i>11th March 2020</i></b>
<b><i>Author:</i></b>	<b><i>Steele Alexander - Manager Works &amp; Services</i></b>
<b><i>Authorizing Officer:</i></b>	<b><i>Chris Smith - CEO</i></b>
<b><i>Attachments:</i></b>	<b><i>Policy P.08</i></b>

---

### **SUMMARY**

The renaming of Jayes Road within the Boyup Brook town site in order to resolve a numbering issue and the issue of the duplicate Jayes Road name in the Shire was last brought to council at the 2020 February ordinary meeting. A single proposal on the matter is presented to Council for consideration.

## **BACKGROUND**

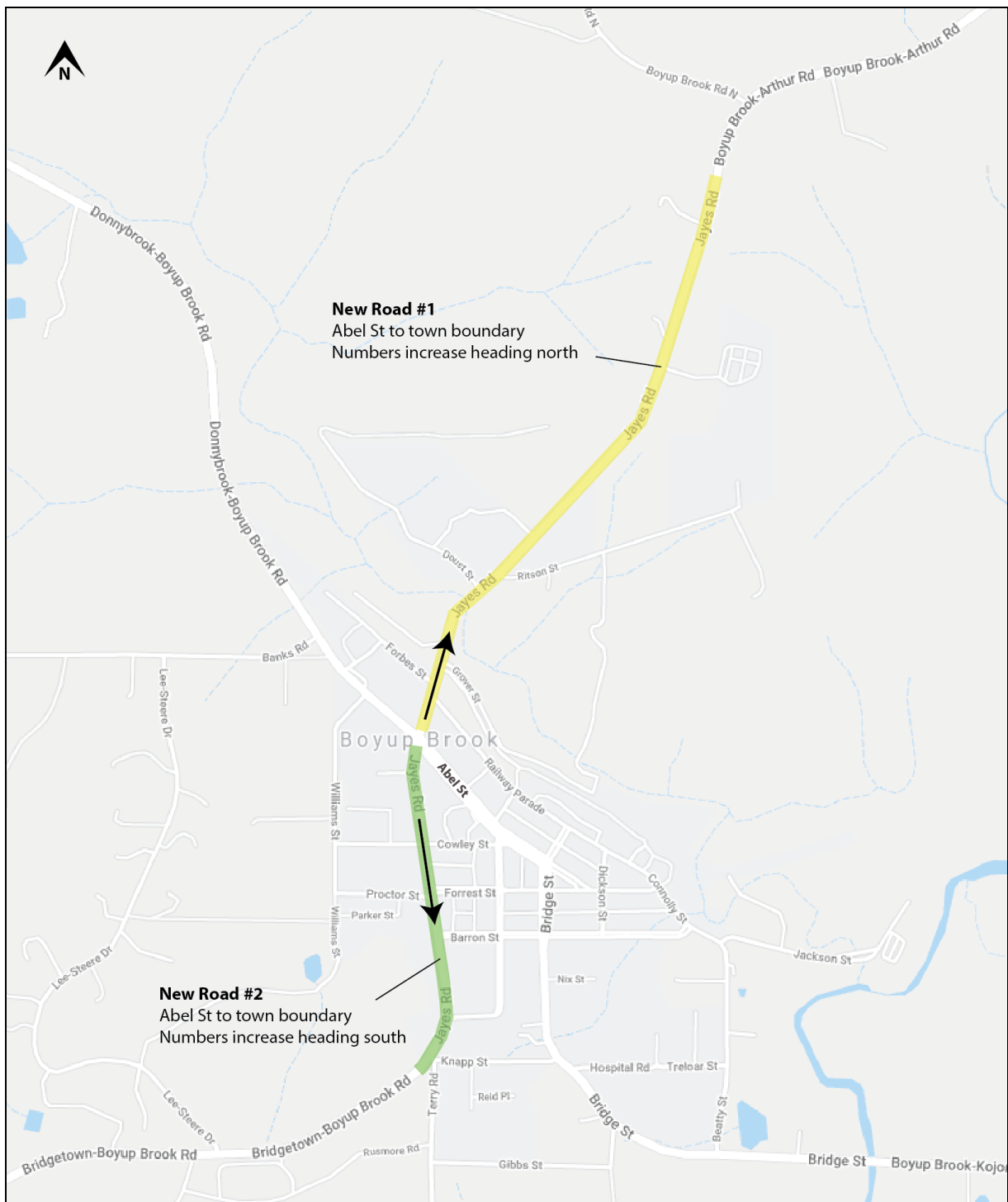
As previously reported, the renaming is required in order to address the following problems:

1. Properties on Jayes Rd north of Forbes St cannot be assigned a road number because numbering begins at Forbes St and increases heading south. Existing properties along this section of road use lot numbers for addressing which makes locating them difficult. This is particularly of concern for emergency services.
2. The Jayes Road name is used twice within the Shire; Jayes Road in the townsite and the rural Jayes-Bridgetown Road which is commonly just shortened to Jayes Rd. This duplication of names makes locating properties difficult and has caused emergency service delays in the past.

The proposed solution is to rename Jayes road within the town site and make a change to the numbering. The proposed changes are:

- Rename Jayes Road north from the Abel Street intersection (see New Road #1 on Figure 1). Property numbering would begin at the Abel St intersection and increase heading north.
- Rename Jayes Road south from the Abel Street intersection (see New Road #2 on Figure 1). Property numbering already increases heading south and would not be changed on this section of road. Addresses would change for road name only.

Figure 1: Proposed roads and numbering directions (indicated by arrows).



#### **COMMENT**

The proposed changes are required to improve navigation and safety within the Shire and have been determined to be the best solution to address the problems while minimising the impact on residents. This solution has been developed as a result of

Council feedback from previous reports and after consultation with Landgate, emergency services, and the Shire of West Arthur.

**Name Selection:**

It is requested that at least 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.

Requests have been received to consider the names 'Bode', 'Cailes', and 'Hales' for the road.

**CONSULTATION**

Shire of West Arthur  
Landgate  
Ambulance Service

**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

#### OFFICER RECOMMENDATION - ITEM 9.1.1

That Council:

1. Approve the following road network and addressing changes:
  - Rename Jayes Road north from the Abel Street intersection. Property numbering to begin at the Abel St intersection and increase heading north.
  - Rename Jayes Road south from the Abel Street intersection. Property numbering to remain unchanged.
2. Select names for the new roads from Policy P.08 in order of preference.
3. Direct the CEO to engage the community in a three-week consultation period with direct consultation undertaken with any ratepayers requiring an address change. Submissions to be reported to council at the April 2020 ordinary meeting.

## 9.2 FINANCE

### 9.2.1 List of Accounts Paid in February 2020

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/1/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>03/03/20</i>
<b>Author:</b>	<i>Carolyn Mallett - Accountant</i>
<b>Authorising Officer:</b>	<i>Peter Dittrich – Manager Governance</i>
<b>Attachments:</b>	<i>Yes – List of Accounts Paid in February</i>

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#### **SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in February 2020 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 29 February 2020.

#### **COMMENT**

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 29 February 2020.

#### **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

**OFFICER RECOMMENDATION – Item 9.2.1**

That at its March 2020 ordinary meeting Council receive as presented the list of accounts paid in February 2020, totalling \$840,151.01 from Municipal account, \$123.30 from Trust account, \$61,326.10 from Police Licensing account and \$5.94 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20362 - 20369	\$ 44,289.04
Municipal Electronic Payments	EFT8956 – EFT9059	\$ 514,415.13
Municipal Direct Payments		\$ 281,446.84
Trust Cheques	2217 - 2218	\$ 123.30
Police Licensing Payments		\$ 61,326.10
BBELC Payments		\$ 5.94

**9.2.2 29 February 2020 Statement of Financial Activity**

<b>Location:</b>	Not applicable
<b>Applicant:</b>	Not applicable
<b>File:</b>	FM/10/003
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	11 March 2020
<b>Authors:</b>	Peter Dittrich – Manager Governance
<b>Authorizing Officer:</b>	Chris Smith - CEO
<b>Attachments:</b>	29 February 2020 Financial Reports

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**SUMMARY**

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 29 February 2020.

**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

**OFFICER RECOMMENDATION – Item 9.2.2**

That having had regard for any material variances, Council receive the 29 February 2020 Statements of Financial Activity and Statements of Net Current Assets, as presented.

### 9.2.3 Adoption of the 2019-20 Budget Review

<b>Location:</b>	Not applicable
<b>Applicant:</b>	Not applicable
<b>File:</b>	
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	11 March 2020
<b>Author:</b>	Peter Dittrich – Manager Governance
<b>Authorizing Officer:</b>	Christopher Smith – Chief Executive Officer
<b>Attachments:</b>	Yes – 2019-20 - Statement of Budget Review and Notes.

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#### **PURPOSE**

To consider and adopt the Budget Review as presented in the Statement of Financial Activity for the period 1 July 2019 to 29 February 2020.

#### **BACKGROUND**

A Statement of Budget Review incorporating year to date budget variations and forecasts to 30 June 2020 for the period ending 29 February 2020 is presented for council to consider. The *Local Government (Financial Management) Regulations 1996*, regulation 33A, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

#### **Comment**

The budget review was prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. This annual budget review was conducted at an account level and income/expenditure code level.

Features of the budget review include:

## Budget Review as at 29 February 2020

### Cash Increases

Increase in surplus b/f	(3,860)	
Increase of BBELC income	(20,000)	
Decrease in Medical Centre Expenses	(100,000)	
Increase in Roads to Recovery Grant	(10,715)	
Sale of Isuzu Truck	(92,000)	
Sale of Hino Truck	(90,000)	
Trade in of Grader	(160,000)	
Deferred Plant Acquisitions	(322,000)	(798,575)

### Decrease in Cash

Deferred Plant Trade-in	69,500	
Purchase of Side Tipper	40,000	
Purchase of Water Truck	140,000	
Purchase of Grader	450,000	
Purchase of 2nd Side tipper	50,000	
Purchase of Prime Mover	95,000	
Increase of R2R Expenditure	10,715	
Decrease in Medical Centre income	100,000	
Decrease in FAG General Purpose	5,380	
Increase in BBELC wages	15,000	
Boyup Brook Co-op Function	2,500	
Purchase of Street Trees	5,000	983,095

### Transfers from Reserves

Transfer from Plant reserve	(180,500)	(180,500)
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### Reallocations

Area Promotion	(65,000)	
Consultants - Recruitment	35,000	
Swimming Pool Employee Costs	47,000	
Reduction in Employee Provisions	(71,868)	
Bio Security	17,500	
Hire of Plant - capital works	33,348	(4,020)
		<u>0</u>

### Depreciation

Non-cash off set in Statement of Budget Review	260,795
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### **CONSULTATION**

Chris Smith – CEO, Steele Alexander – Manager Works & Services, and Daly Winter – Community Emergency & Regulation Services Manager.

### **STATUTORY ENVIRONMENT**

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires:

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Consideration and review is to be given to a local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year.
- (3) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (4) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*\*Absolute majority required.*

- (5) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

### **POLICY IMPLICATIONS**

The budget is based on the principles contained within the Community Strategic Plan and Plan for the Future.

### **FINANCIAL IMPLICATIONS**

Specific financial implications are as outlined in the above Table.

### **STRATEGIC IMPLICATIONS**

The Budget Review has been developed based on existing strategic planning documents adopted by council.

### **VOTING REQUIREMENT**

Absolute Majority required: Yes.

### **Economic Implications**

The budget has been reviewed based on tested financial management and accountability principles and is considered to deliver in 2017-18 a sustainable economic outcome for Council and the community.

### **Social Implications**

The budget has been reviewed to deliver social outcomes identified in various planning and community supporting strategies that have previously been adopted by the council.

### **Environmental Implications**

The budget has been reviewed so as to consider key environmental strategies and initiatives as supported by the council.

**OFFICER RECOMMENDATION- ITEM 9.2.3**

**That:**

**Council adopt the budget review for the period 1 July 2019 to 29 February 2020 (as attached) with variations as follows, and instruct the CEO to amend the budget accordingly:**

**Budget Review as at 29 February 2020**

**Cash Increases**

Increase in surplus b/f	(3,860)	
Increase of BBELC income	(20,000)	
Decrease in Medical Centre Expenses	(100,000)	
Increase in Roads to Recovery Grant	(10,715)	
Sale of Isuzu Truck	(92,000)	
Sale of Hino Truck	(90,000)	
Trade in of Grader	(160,000)	
Deferred Plant Acquisitions	(322,000)	(798,575)

**Decrease in Cash**

Deferred Plant Trade-in	69,500	
Purchase of Side Tipper	40,000	
Purchase of Water Truck	140,000	
Purchase of Grader	450,000	
Purchase of 2nd Side tipper	50,000	
Purchase of Prime Mover	95,000	
Increase of R2R Expenditure	10,715	
Decrease in Medical Centre income	100,000	
Decrease in FAG General Purpose	5,380	
Increase in BBELC wages	15,000	
Boyup Brook Co-op Function	2,500	
Purchase of Street Trees	5,000	983,095

**Transfers from Reserves**

Transfer from Plant reserve	(180,500)	(180,500)
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**Reallocations**

Area Promotion	(65,000)	
Consultants - Recruitment	35,000	
Swimming Pool Employee Costs	47,000	
Reduction in Employee Provisions	(71,868)	
Bio Security	17,500	
Hire of Plant - capital works	33,348	(4,020)

0

**Depreciation**

Non-cash off set in Statement of Budget Review	260,795
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### 9.3 CHIEF EXECUTIVE OFFICER

#### 9.3.1 Review of Occupational Safety and Health Policy

<b>Location:</b>	N/A
<b>Owner:</b>	N/A
<b>File:</b>	Policy
<b>Disclosure of Officer Interest:</b>	none
<b>Date:</b>	10 <sup>th</sup> March 2020
<b>Author:</b>	Angela Hales – Safety and Health Officer
<b>Authorizing Officer:</b>	Chris Smith - CEO
<b>Attachments:</b>	Yes Amended Occupational Health and Safety policy A.16 Amended Smoke-free Workplace Policy Amended Children in the Workplace Policy

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#### **SUMMARY**

As part of the Shire of Boyup Brook's safety audit process, all policies are required to be reviewed to ensure compliance with Occupational, Safety and Health legislation, and consistency with AS4801 - Occupational Health and Safety Management Systems, that sets out best practice standards for safety management.

#### **BACKGROUND**

The Occupational Safety and Health Manual was reviewed in 2018, and all staff inducted to ensure an understanding of their legal responsibilities. Continuous improvement is part of the review process and includes amendments to establish a consistent template to be used for all policies in the manual.

#### **COMMENT**

Best practice includes having a policy that starts with a clear statement that demonstrates the Local Government's commitment to comply with legislation. It should also identify a senior manager who is responsible for the implementation showing clear line management roles and responsibilities. The policy objectives must align with the legislative requirements to achieve the outcomes stated. Mechanisms for consultation should also be identified.

The Policy should be signed by the Chief Executive Officer.

**CONSULTATION**

Once approved by Council the Policies will be presented to the Shire of Boyup Brook's safety and health committee and placed in the safety and health manual.

**STATUTORY OBLIGATIONS**

*Occupational Health and Safety Act 1984, as amended*

**POLICY IMPLICATIONS**

NIL

**BUDGET/FINANCIAL IMPLICATIONS**

NIL

**STRATEGIC IMPLICATIONS**

There are no known strategic issues

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known environmental issues at this stage.
- **Economic**  
There are no known economic issues.
- **Social**  
None

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION - ITEM 9.3.1**

**That Council adopt amended:**

- 1. Occupational Health and Safety Policy A.16, as presented.**
- 2. Smoke Free Workplace Policy, as presented**
- 3. Children in the Workplace Policy, as amended**

**9.3.2 CRT Trial at Rylington Park**

<b>Location:</b>	<i>N/a</i>
<b>Applicant:</b>	<i>CRT Boyup Brook</i>
<b>File:</b>	<i>N/A</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>20 February 2020</i>
<b>Author:</b>	<i>Maria Lane</i>
<b>Authorizing Officer:</b>	<i>Christopher Smith - CEO</i>
<b>Attachments:</b>	<i>Letter from CRT Boyup Brook.</i>

---

**SUMMARY**

The purpose of this report is for Council to consider supporting CRT Boyup Brook pasture trials at Rylington Park.

**BACKGROUND**

A letter was received from CRT Boyup Brook dated 18th February 2020 requesting that CRT Boyup Brook be granted access to 6 areas of 90mx45m to undertake pasture trials.

**COMMENT**

CRT has advised that there would be no cost to Council in the undertaking of the trials.

As the trials have previously been undertaken on the land it would seem that the support of the trials would not interfere with the usual operation of Rylington Park.

Council will need to consider this application in light of the current state of the review of the future operation of Rylington Park.

**CONSULTATION**

Nil

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Good Governance

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Absolute majority

**OFFICER RECOMMENDATION – ITEM 9.3.2**

That Council support the access to 6 areas of 90mx45m to undertake pasture trials by CRT Boyup Brook subject to the requirements of Section 3.38 and Local Government (Functions & General) Regulations 1996 regulation 30.

**9.3.3 Approval request for demolition works at the Wilga Town Hall**

<b>Location:</b>	<i>N/A</i>
<b>Applicant:</b>	<i>N/A</i>
<b>Disclosure of Officer Interest:</b>	
<b>Author:</b>	<i>Daly Winter (Community Emergency and Regulation Manager and Chris Smith (Chief Executive Officer)</i>
<b>Authorizing Officer:</b>	<i>Chris Smith (Chief Executive Officer)</i>
<b>Attachments:</b>	<i>Pictures of Old Wilga Hall Kitchen</i>

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**SUMMARY**

This report is for Council to consider a request from Mr Bill Miliauskas, President of the Wilga Progress Association (WPA) to allow the demolition of the old Wilga Hall kitchen area. The old kitchen is situated at the rear of the building. In recent years this area has acted as a store room for the hall. The floor sits close to ground level with little clearance. White ants have previously infested the rear wall, base plate and wall timbers. Evidence of active white ants were found in the building timbers and these need to be treated. It has been recommended by the building contractor that this old addition be removed to facilitate the white ant treatment and protect the rest of the hall structure from future infestations. This demolition is supported by the WPA.

**BACKGROUND**

In October 2018 Council approved a request by the WPA to allow the re-cladding of the hall with jarrah weather boards. Work commenced on the renovation on the 4th of March 2020 and this is when the white ant damage to the back kitchen area was discovered.

Based on their lease, the WPC (the Lessee) must not make any alterations without obtaining prior written consent.

**CONSULTATION**

Bill Miliauskas, President WPA.

**STATUTORY OBLIGATIONS**

Building Code of Australia 2009

Excerpt from the Lease Section 10 Alterations.



## 10. Alterations

(1) The Lessee must not –

- (a) make or allow to be made any alteration, addition or improvements to or demolish any part of the Premises;
- (b) erect or construct any building on the Premises;
- (c) remove any flora, trees or fauna, alter or cut down any flora, or sell, remove or otherwise dispose of any flora, sand, gravel, timber or other materials from the Premises,

unless the Lessee has obtained the prior written consent –

- (d) of the Lessor;
- (e) of any other person from whom consent is required under this Lease; and
- (f) of any other person as may be required under any statute in force from time to time.

(2) If the Lessor –

- (a) and any other person whose consent is required under this Lease or at law consents to any matter referred to in **subclause (1)** the Lessor may –

- (i) consent subject to conditions;
- (ii) require that work be carried out in accordance with plans and specifications approved by the Lessor or any other person giving consent; and
- (iii) require that any alteration be carried out to the satisfaction of the Lessor under the supervision of an engineer or other consultant; and

- (b) consents to any matter referred to in **subclause (1)** –

- (i) the Lessor gives no warranty that the Lessor will issue any consents, approvals, authorities or permits under any statute or policies for such matters; and
- (ii) the Lessee must apply for and obtain all such consents, approvals, authorities or permits as are required at law before undertaking any alterations, additions, improvements or demolitions.

(3) All works undertaken under this clause will be carried out at the Lessee's expense.

(4) If any of the consents given by the Lessor or other persons whose consent is required under this Lease or at law require other works to be done by the Lessee as a condition of giving consent, then the Lessee must at the option of the Lessor either –

- (a) carry out those other works at the Lessee's expense; or

- (b) permit the Lessor to carry out those other works at the Lessee's expense,

in accordance with the Lessor's requirements.

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Relevant excerpts from the Adopted Boyup Brook 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.

**SUSTAINABILITY IMPLICATIONS**

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

## Community Priorities against Key Areas

### Social: Sense of Community

#### Our Vision:

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

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

Our objectives and priorities are built from our outcomes.

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

### VOTING REQUIREMENTS

Simple majority.

### OFFICER RECOMMENDATION - Item 9.3.3

1. That Council approve the request of the Wilga Progress Association Inc to allow the demolition of the kitchen area at the rear of the Wilga Hall:
  - all works to comply with any relevant Standards;
  - works are carried out by a licensed builder.

**9.3.4 Audit Committee – Compliance Audit Return 2019**

<b>Location:</b>	Not applicable
<b>Applicant:</b>	Not applicable
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	13 March 2020
<b>Author:</b>	Peter Dittrich – Manager Governance
<b>Authorizing Officer:</b>	Christopher Smith – Chief Executive Officer
<b>Attachments:</b>	Yes – Shire of Boyup Brook Compliance Audit Return 2019

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**PURPOSE**

To consider and adopt the Compliance Audit Return for the year ended 31 December 2019.

**BACKGROUND**

The Shire of Boyup Brook Audit Committee met on 19 March 2020 to review the 2019 compliance audit return (CAR), as attached and in the form approved by the Minister.

**COMMENT**

Section 14 of the Local Government (Audit) Regulations 1996 (the Regulations), requires local governments to carry out a compliance audit for the period 1st January to 31st December in each year (refer attached). Section 13 of the Regulations outlines the sections of the Act & Regulations that are subject to audit. Further, Section 14 requires local government audit committees to review the CAR prepared by the local government and report the findings to Council.

The Department of Local Government Sport Cultural Industries provided the electronic compliance form, approved by the Minister, for completion and presentation to Council for adoption. An important objective of the CAR process is to assist the shire with developing and enhancing its internal control processes.

The Audit and Finance Committee has discussed the 2019 Compliance Audit Return and has noted non-compliance or partial non-compliance matters identified by the Chief executive Officer.

**CONSULTATION**

The Shire President, Administration, Corporate Services and Works and Services staff.

**STATUTORY ENVIRONMENT**

Local Government (Audit) Regulations 1996 - Sections 13, 14 and 15

**13. Prescribed statutory requirements for which compliance audit needed (Act s. 7.13(1)(i))**

For the purposes of section 7.13(1)(i) the statutory requirements set forth in the Table to this regulation are prescribed.

**Table**

<b>Local Government Act 1995</b>		
s. 3.57	s. 3.58(3) and (4)	s. 3.59(2), (4) and (5)
s. 5.16	s. 5.17	s. 5.18
s. 5.36(4)	s. 5.37(2) and (3)	s. 5.42
s. 5.43	s. 5.44(2)	s. 5.45(1)(b)
s. 5.46	s. 5.67	s. 5.68(2)
s. 5.69(5)	s. 5.70	s. 5.71B(5) and (7)
s. 5.73	s. 5.75	s. 5.76
s. 5.77	s. 5.88	s. 5.89A
s. 5.103	s. 5.120	s. 5.121
s. 7.1A	s. 7.1B	s. 7.3
s. 7.6(3)	s. 7.9(1)	s. 7.12A
<b>Local Government (Administration) Regulations 1996</b>		
r. 18A	r. 18C	r. 18E
r. 18F	r. 18G	r. 19
r. 19C	r. 19DA	r. 22
r. 23	r. 28	r. 34B
r. 34C		
<b>Local Government (Audit) Regulations 1996</b>		
r. 7	r. 10	
<b>Local Government (Elections) Regulations 1997</b>		
r. 30G		
<b>Local Government (Functions and General) Regulations 1996</b>		
r. 7	r. 9	r. 10
r. 11A	r. 11	r. 12

<i>r. 14(1), (3) and (5)</i>	<i>r. 15</i>	<i>r. 16</i>
<i>r. 17</i>	<i>r. 18(1) and (4)</i>	<i>r. 19</i>
<i>r. 21</i>	<i>r. 22</i>	<i>r. 23</i>
<i>r. 24</i>	<i>r. 24AD(2), (4) and (6)</i>	<i>r. 24AE</i>
<i>r. 24AF</i>	<i>r. 24AG</i>	<i>r. 24AH(1) and (3)</i>
<i>r. 24AI</i>	<i>r. 24E</i>	<i>r. 24F</i>
<b>Local Government (Rules of Conduct) Regulations 2007</b>		
<i>r. 11</i>		

*[Regulation 13 inserted: Gazette 23 Apr 1999 p. 1722-4; amended: Gazette 1 Jun 2004 p. 1917; 31 Mar 2005 p. 1042-3; 30 Sep 2005 p. 4418-20; 21 Dec 2010 p. 6758-61; 30 Dec 2011 p. 5579-80; 18 Sep 2015 p. 3813; 26 Jun 2018 p. 2386; Gazette 18 Oct 2019 p. 3683.]*

**14. Compliance audits by local governments**

*(1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*

*(2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*

*(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.*

*(3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —*

- (a) presented to the council at a meeting of the council; and*
- (b) adopted by the council; and*
- (c) recorded in the minutes of the meeting at which it is adopted.*

*[Regulation 14 inserted: Gazette 23 Apr 1999 p. 1724-5; amended: Gazette 30 Dec 2011 p. 5580-1.]*

**15. Certified copy of compliance audit return and other documents to be given to Departmental CEO**

*(1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*

- (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
- (b) any additional information explaining or qualifying the compliance audit,*

*is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.*

*(2) In this regulation —*

***certified*** in relation to a compliance audit return means signed by —

- (a) the mayor or president; and
- (b) the CEO.

[Regulation 15 inserted: Gazette 23 Apr 1999 p. 1725; amended: Gazette 26 Jun 2018 p. 2386.]

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENT**

Absolute Majority required: Yes.

**Economic Implications**

Nil

**Social Implications**

Nil

**Environmental Implications**

Nil

**OFFICER RECOMMENDATION - Item 9.3.4**

That:

1. Council note that the Audit and Finance Committee has reviewed the 2019 Compliance Audit Return and has noted non-compliance or partial non-compliance matters identified by the Chief executive Officer.
2. Council adopts the 2019 Annual Compliance Return, and that the Shire President and CEO certify the return for submission to the Executive Director (Department of Local Government Sport and Cultural Industries) by 31 March 2020.

**10 COMMITTEE MINUTES**

Nil

**11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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

**12.1 Rylington Park Transitional Committee**

<b>Location:</b>	Not applicable
<b>Applicant:</b>	Not applicable
<b>File:</b>	
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	16 March 2020
<b>Author:</b>	Peter Dittrich – Manager Governance
<b>Authorizing Officer:</b>	Christopher Smith – Chief Executive Officer
<b>Attachments:</b>	Nil

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**PURPOSE**

Council to consider the establishment of the Rylington Park Transitional Committee.

**BACKGROUND**

The Shire of Boyup Brook met with members of the Rylington Park Management Committee Inc. on Thursday 12 March 2020 to discuss the transfer of the management of Rylington Park to the Shire.

**COMMENT**

At the meeting of the 12 March 2020 it was agreed that the establishment of the Rylington Park Transitional Committee would be put to Council, for its consideration, at its March 2020 Ordinary Meeting.

The purpose of the committee is to manage the transition of Rylington Park operations from the Rylington Park Management Committee Inc. to management of the facility by the Shire.

The proposed membership of the committee is Cr G Aird, Cr H O'Connell, Mr H Wass, Mr M Chambers and Mr R Turner.

**CONSULTATION**

The Shire Council, Rylington Park Management Committee Inc., and the CEO.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 - Sections 5.8 to 5.10



**5.8. Establishment of committees**

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\* Absolute majority required.*

**5.9. Committees, types of**

*(1) In this section —*

***other person*** means a person who is not a council member or an employee.

*(2) A committee is to comprise —*

- (a) council members only; or*
- (b) council members and employees; or*
- (c) council members, employees and other persons; or*
- (d) council members and other persons; or*
- (e) employees and other persons; or*
- (f) other persons only.*

**5.10. Committee members, appointment of**

*(1) A committee is to have as its members —*

- (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).*

*\* Absolute majority required.*

*(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*

*(3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.*

*(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee,*

*the local government is to appoint the mayor or president to be a member of the committee.*

*(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*

- (a) to be a member of the committee; or*
- (b) that a representative of the CEO be a member of the committee,*

*the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

*[Section 5.10 amended: No. 16 of 2019 s. 18.]*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENT**

Absolute Majority required: Yes.

**Economic Implications**

Nil

**Social Implications**

Nil

**Environmental Implications**

Nil

**OFFICER RECOMMENDATION - ITEM 12.1**

**That:**

- 1. Council establish the Rylington Park Transitional Committee to manage the transition of Rylington Park operations from the Rylington Park Management Committee Inc. to management of the facility by the Shire.**
- 2. Council appoints the following persons to the Rylington Park Transitional Committee:**
  - a. Cr G Aird**
  - b. Cr H O'Connell**
  - c. Mr H Wass**
  - d. Mr M Chambers**
  - e. Mr R Turner**

**13 CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS**

**14 CLOSURE OF MEETING**

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