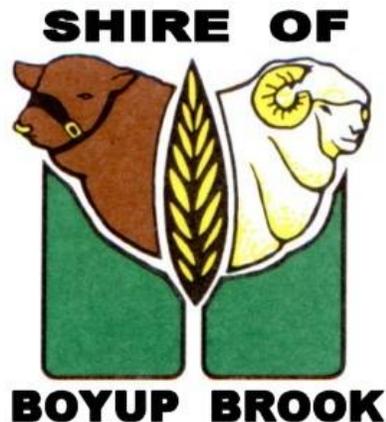


Minutes



ORDINARY MEETING

held

THURSDAY 16 April 2020
Commenced AT 5.00PM

SHIRE OF BOYUP BROOK
CHAMBERS
ABEL STREET-BOYUP BROOK

Meeting was closed to the Public
due to COVID-19 restrictions

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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)
Mrs Maria Lane (Executive Assistant)

1.2 Apologies

Nil

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

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Walker – zoom meeting farmer group.
Cr Kaltenrieder suggested that Council consider setting up a human services type group (that endures through and separate to COVID-19 response) for Boyup Brook to pull in all the service providers e.g. WACHS, Shire, Medical Practice, CRC, Silver Chain, Community Home Care (other service providers).
Cr Price had a phone hook up with CRC.
Cr Rear attended a Bushfire meeting with the Gibbs Road Brigade.
Cr O'Connell attended a Rylington Park Special meeting on 30 March 2020.
Cr O'Connell attended a Rylington Park Transitional Committee meeting on 14 April 2020.

5 DISCLOSURE OF INTEREST

Nil

6 CONFIRMATION OF MINUTES

6.1 Ordinary Council Minutes - 19 March 2020

COUNCIL DECISION

MOVED: Cr Kaltenrieder

SECONDED: Cr Rear

That the Council adopts enbloc 6.1 and 6.2

CARRIED BY ENBLOC 9/0

Res 45/20

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 6.1

That the minutes of the Ordinary Council Meeting held on Thursday 19 March 2020 be confirmed as an accurate record.

CARRIED BY ENBLOC 9/0

Res 46/20

6.2 Special Council Minutes - 2 April 2020

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 6.2

That the minutes of the Special Council Meeting held on Thursday 2 April 2020 be confirmed as an accurate record.

CARRIED BY ENBLOC 9/0

Res 47/90

6.3 Audit and Finance Committee Minutes – 19 March 2020

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 6.3

MOVED: Cr Alexander

SECONDED: Cr O’Connell

That the minutes of the Audit and Finance Committee Meeting held on Thursday 19 March 2020 be confirmed as an accurate record.

CARRIED 9/0

Res 48/20

7 PRESIDENTIAL COMMUNICATIONS

Meeting (weekly updates) held with Shire, Police, St John Ambulance and Hospital.
Attended the Rylington Park Transitional Committee meeting on 14th April 2020.
Attended a meeting in relation to the Sandakan Park grant application.

8 COUNCILLORS QUESTIONS ON NOTICE

Nil

9 REPORTS OF OFFICERS

9.1 MANAGER WORKS & SERVICES

Nil

COUNCIL DECISION

MOVED: Cr Walker

SECONDED: Cr O’Connell

That the Council adopts enbloc 9.2.1 and 9.2.2

CARRIED BY ENBLOC 9/0

Res 49/20

9.2 FINANCE

9.2.1 List of Accounts Paid in March 2020

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>07/04/20</i>
Author:	<i>Carolyn Mallett - Accountant</i>
Authorising Officer:	<i>Peter Dittrich – Manager Governance</i>
Attachments:	<i>Yes – List of Accounts Paid in March</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in March 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 31 March 2020.

COMMENT

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

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.2.1

That at its April 2020 ordinary meeting Council receive as presented the list of accounts paid in March 2020, totalling \$636,206.58 from Municipal account, \$431.55 from Trust account, \$69,118.10 from Police Licensing account and \$5.78 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20370 - 20375	\$ 15,499.81
Municipal Electronic Payments	EFT9060 – EFT9174	\$ 427,660.03
Municipal Direct Payments		\$ 193,046.74
Trust Cheques	2219 - 2220	\$ 431.55
Police Licensing Payments		\$ 69,118.10
BBELC Payments		\$ 5.78

CARRIED BY ENBLOC 9/0

Res 50/20

9.2.2 30 March 2020 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	9 April 2020
Authors:	Peter Dittrich – Manager Governance
Authorizing Officer:	Chris Smith - CEO
Attachments:	30 March 2020 Financial Reports

SUMMARY

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

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.2.2

That having had regard for any material variances, Council receive the 30 March 2020 Statements of Financial Activity and Statements of Net Current Assets, as presented.

CARRIED BY ENBLOC 9/0

Res 51/20

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 Final Sport and Recreation Masterplan

Location:	<i>Beatty Street Sport and Recreation Precinct.</i>
Applicant:	<i>Shire Boyup Brook</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>16 April 2020</i>
Author:	<i>A. Nicoll, Town Planner</i>
Authorizing Officer:	<i>Chris Smith, Chief Executive Officer</i>
Attachments:	<i>1. Masterplan Main Report-FINAL; 2. Masterplan Consultation and Context Report Appendix 1-FINAL; 3. Masterplan Design Process Report Appendix 2-FINAL; 4. Masterplan Public Comment Report Appendix 3-FINAL.</i>

SUMMARY

The Shire previously agreed to advertise a draft Masterplan, which makes recommendations for Sport and Recreation at the Beatty Street precinct.

At the close of advertising, the Shire received the following:

- 52 votes for the Plan;
- 22 votes against the Plan (important to note the against votes were for the project not specifically the Plan); and
- 14 individual comments and questions on the Draft Plan.

Results culminating from the advertising process have been documented in a 'Public Consultation Masterplan Report' document (see attached).

Shire staff, the consultant working on the masterplan and the Boyup Brook Sport and Recreation Association have reviewed responses on the masterplan and now request that Council:

1. Agree to the recommended modifications, contained in the attached 'Public Consultation Masterplan Report' and summarized in the 'Comment' section of this report; and

2. Agree to endorse the Final Masterplan documents, which are attached, and which have been updated to include recommendations pertaining from the attached 'Public Consultation Masterplan Report'.

Ultimately, it is proposed that the documents are used to guide staff and Council on future financial planning (budget review and funding applications) and development of sport and recreation infrastructure within the Shire of Boyup Brook.

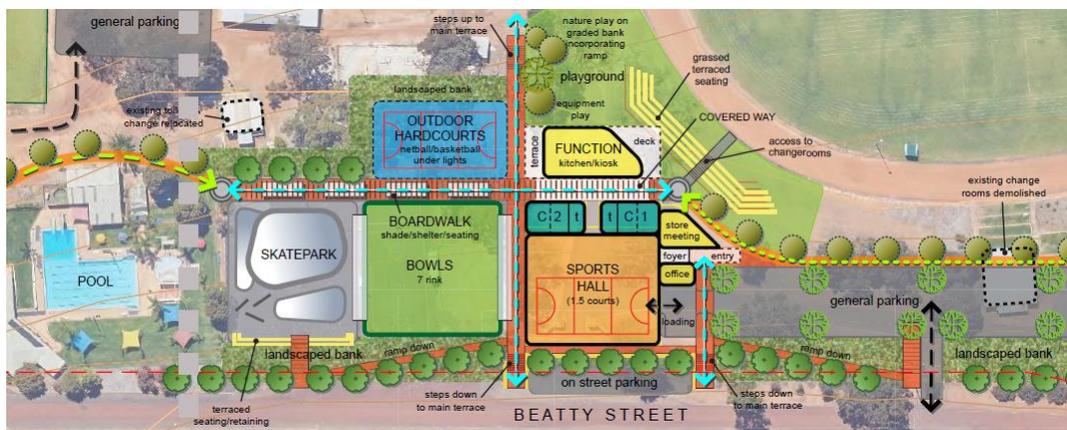
BACKGROUND

The Shire of Boyup Brook, in partnership with the Boyup Brook Sport and Recreation Association and the Department of Local Government, Sport and Cultural Industries formed a financial partnership and engaged a consultant to develop a draft Masterplan for sport and recreation relevant to the Boyup townsite.

The formation of the masterplan has been the result of an understanding of opportunities and constraints and extensive consultation with the community and sporting groups.

The Masterplan is a 'big picture' diagram which establishes the location and arrangement of the buildings, courts/fields, and other sport and recreation infrastructure within the Beatty Street precinct. Detailed design and costing of individual elements is expected to occur, as required within future implementation stages.

The underlying goal of the Masterplan is to have all the courts, greens and ovals closely nested together and centred around a change-rooms/sports hall/function complex.



The draft Masterplan was advertised, and comments were received pertaining to the following:

1. The proposed sports hall and change-room is isolated from existing swimming pool facility;
2. Requested possible addition of a driving range;
3. Close the southern end of Beatty Street and use the road and road verge next to the dam;
4. Consider using alternative access, on the Western side of the present football clubrooms;
5. Consider developing an internal cul-de-sac, running past the swimming pool, to the Football clubrooms;
6. Consider changing the location of the clubrooms so that they overlook the oval where exiting toilet block is.
7. Skate park not needed;
8. Suggestion to have outdoor courts where skatepark is to minimize earthworks.
9. Suggestions to keep football clubrooms, old toilets and entrance.
10. Not enough toilets;
11. Allow for cars to park around the oval;
12. Insufficient parking for football;
13. Skate park too noisy adjacent to bowls;
14. Additional netball/basketball courts required.

COMMENT

The following is a summary of recommendations culminating from the public consultation process, as contained in the 'Public Consultation Masterplan Report' (see attachment).

Location Comment

It was commented that the proposed sports hall and change-room is isolated from the existing swimming pool facility.

The 'Public Consultation Masterplan Report' recommends that there be no change regarding the location of the Sports Hall and changerooms.

The location of the sports hall/change-rooms is dictated by it being adjacent and central to the many sports that will use this facility and the adjoining function/kiosk/clubrooms. The swimming pool has its own facilities and therefore can operate in isolation of the sports hall.

Facility Addition

It was requested that a driving range be developed within the precinct.

The 'Public Consultation Masterplan Report' recommends that there be no change regarding the facility addition of a driving range.

A driving range option was included in the design options considered by stakeholders; however, there was no support for a driving range with a 3par/3-hole short golf course strongly preferred and indicated as an option on the west side of Jackson Street.

Spatial Suggestion

It was suggested that the area between Beatty St and the Dam be utilised.

The 'Public Consultation Masterplan Report' recommends that this be **noted in the Report**; however, no change to the design is recommended.

There is sufficient space between the football oval and the pool to fit all required facilities, without requiring the southern end of Beatty St to be included.

Access Suggestion - 1

It was suggested that access to the precinct could be obtained of Beatty Street at the western side of the present football clubrooms.

The 'Public Consultation Masterplan Report' recommends that there be no change regarding precinct access.

One entry of Beatty Street to the precinct (car park area) is considered sufficient.

Access Suggestion - 2

It was suggested that access to the precinct could be via an internal cul-de-sac running adjacent to the swimming pool.

The 'Public Consultation Masterplan Report' recommends that there be no change regarding precinct access.

The Beatty Street runs parallel to the precinct to provide access to the precinct, without having to develop an additional internal road.

Location Suggestion

It was commented that a better place for the clubrooms would be where the existing toilet block is – overlooking the football oval.

The 'Public Consultation Masterplan Report' recommends that there be no change to the location of the Function area.

The new clubrooms will overlook the oval and be in equivalent or closer proximity to the oval for spectator viewing as the existing. The new shared clubrooms are for the use of all sporting groups, not only football, and needs to be central to all courts/greens/ovals. There is insufficient available space to achieve this where the existing football changerooms is located.

Facility Comment

It was commented that an additional skate rink is not necessary.

The 'Public Consultation Masterplan Report' recommends that the skatepark facility remain and that there is no change to the Masterplan design.

The new skatepark is to replace the existing, not in addition to it. The new skatepark location is integral to and complements the other youth and family activities proposed at the Beatty St precinct including the outdoor courts, playground and the existing pool. The design of the new skatepark will be significantly different to the existing and more inclusive - catering for a wider range of age groups, skill levels & equipment (bikes, skateboards, scooters etc).

Location Suggestion

It was suggested that outdoor courts should be developed where the skatepark is proposed.

The 'Public Consultation Masterplan Report' recommends that no changes are made to the Masterplan design for the location of courts and the skatepark.

The outdoor courts need to be adjacent to the indoor courts and the clubrooms/function/kiosk, but the skatepark does not.

Facility Suggestion

It was commented that the football clubrooms, old toilets and entrance remain as is.

The 'Public Consultation Masterplan Report' recommends that no changes are made to the Masterplan design; however, **the report could indicate, 'future use of existing clubrooms and toilets subject to demand and maintenance issues'**.

The masterplan is proposing the development of new central change rooms accessible to the majority of activities. The existing football club rooms and existing toilets may therefore be utilised by others depending on demand and maintenance requirements. The existing stone entry elements to the precinct could be reassembled at the Beatty St pedestrian access stairs to the sports hall or at the entry to the new proposed carpark.

Facility Comment

It was suggested that there needs to be more toilets developed throughout the precinct.

The 'Public Consultation Masterplan Report' recommends that no changes are made to the Masterplan design; however, **the report could indicate that toilets will be designed in future stages of the project.**

It is intended and expected that the final design be large enough and suitably flexible to cater for all users, spectators and the public with multiple points of access - externally and with the sports hall.

Facility Comment

It was suggested that there is insufficient car parking for football.

The 'Public Consultation Masterplan Report' recommends that no changes are made to the Masterplan design; however, **the report could indicate, 'Potential overflow parking areas'**.

The masterplan is recommending the development of a new car parking area with capacity to cater for existing demand. There is overflow space available adjacent to the existing football club rooms and adjacent to the Beatty Street.

Location Comment

It was commented that the location of the skatepark adjacent to the bowls would detrimentally impact bowls due to noise.

The 'Public Consultation Masterplan Report' recommends that no changes are made to the Masterplan design in relation to the location of the skatepark.

Skate parks do not necessarily generate excessive noise due to the individual nature of the activity. Unlike team sports which generate noise from players and spectators.

Facility Comment

It was commented that there are not enough outdoor courts.

The 'Public Consultation Masterplan Report' recommends that no changes are made to the Masterplan design; however, **the report could indicate, 'Potential for additional outdoor courts subject to demand'**.

The masterplan is designed such that an additional outdoor netball/basketball court could be added at some future point if demand dictates as such.

It is recommended that the Council

1. Agree to the recommended modifications, contained in the attached 'Public Consultation Masterplan Report' and summarized in the 'Comment' section of this report; and
2. Agree to endorse the Final Masterplan documents, which are attached, and which have been updated to include recommendations pertaining from the attached 'Public Consultation Masterplan Report'.

STATUTORY OBLIGATIONS

There are no statutory obligations relating to the adoption of a draft Sport and Recreation Masterplan.

POLICY IMPLICATIONS

There are no policy implications relating to this item.

CONSULTATION

Consultation of the Sport and Recreation Masterplan has so far included:

1. Benchmarking against similar sized Shires on facility provision;
2. Discussion and feedback collected from:
 - a. 13 sporting groups and school representatives;
 - b. Key stakeholders (Councillors, Shire staff, Department of Local Government, Sport and Cultural Industries and Boyup Brook Sport and Recreation Association) ;
 - c. Forums and scenario workshop.
3. Surveys including:
 - a. Online survey of sporting groups;
 - b. Online survey of community -110 responses; and
4. Public advertising.

BUDGET/FINANCIAL IMPLICATIONS

Should the Council agree to finally adopting the Sport and Recreation Masterplan, at future stages, the Shire needs to establish funding capacity and commitment to undertake development.

The Shire may wish to develop a funding schedule for the next 10 years, which may include a loan.

STRATEGIC IMPLICATIONS

There are no strategic implications relating to this item.

The Shire's draft Local Planning Strategy has recommended that the Council, plans for the redevelopment of the Beatty Street Sporting and Recreation precinct.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Development at the Beatty Street sport and recreation precinct is expected to improve environmental outcomes with additional landscaping (tree planting).

- **Economic**
There are no known significant economic issues. Implementation of a Sport and Recreation Masterplan predominantly relies on the community raising significant funds.

Historically, the community in Boyup have displayed a strong culture of volunteering.

- **Social**
Co-location and redevelopment of sport and recreation at the Beatty Street precinct is expected to improve social wellbeing of the general community.

VOTING REQUIREMENTS

Simple majority

MOVED INTO COMMITTEE

MOVED: Cr Moir

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 discussions on the matter.

CARRIED 9/0

Res 52/20

MOVED OUT OF COMMITTEE

MOVED: Cr O'Connell

SECONDED: Cr Rear

That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.1

CARRIED 9/0

Res 53/20

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.1

MOVED: Cr Kaltenrieder

SECONDED: Cr Alexander

That Council resolves to AGREE to:

- 1. Recommended modifications, as per the attached ‘Masterplan Public Comment Report Appendix 3-FINAL’;**
- 2. Endorse the Final Masterplan documents, which are attached, and which have been updated to include recommendations pertaining from the attached ‘Masterplan Public Comment Report Appendix 3-FINAL’;**
- 3. Forward the masterplan (for information purposes) to the Boyup Brook Sport and Recreation Association and the Department of Local Government, Sport and Cultural Industries.**

CARRIED 8/1

Res 54/20

9.3.2 Sale of Land

MOTION

Pursuant to *Section 5.38 of the Local Government Act 1995* I seek Council permission to sell the following properties by public tender. Reserves will be set based on advice from a competent valuer. In the event that the properties are not sold in this time frame they will be listed for sale with a local real estate agent.

Properties	Area	Est Value
Lot 26 cnr Banks & Abel St	4182	\$60,000
Lot 44 6 Nix St with house	925	\$120,000
Lot 10 22 Proctor St	1092	\$30,000
Lot 12 Hospital Rd	838	\$30,000
6 Small lots Saleyard	2000	\$40,000
1 large lot Saleyard	7000	\$70,000

AMENDMENT

MOVED: Cr Walker

SECONDED: Cr Oversby

Pursuant to *Section 5.38 of the Local Government Act 1995* I seek Council permission to sell the following properties by public tender. Reserves will be set based on advice from a competent valuer. In the event that the properties are not sold in this time frame they will be listed for sale with a local real estate agent subject to a suitable economic evaluation.

Properties	Area	Est Value
Lot 26 cnr Banks & Abel St	4182	\$60,000
Lot 44 6 Nix St with house	925	\$120,000
Lot 10 22 Proctor St	1092	\$30,000
Lot 12 Hospital Rd	838	\$30,000
6 Small lots Saleyard	2000	\$40,000
1 large lot Saleyard	7000	\$70,000

MOTION

Pursuant to *Section 5.38 of the Local Government Act 1995* I seek Council permission to sell the following properties by public tender. Reserves will be set based on advice from a competent valuer. In the event that the properties are not sold in this time frame they will be listed for sale with a local real estate agent subject to a suitable economic evaluation.

Properties	Area	Est Value
Lot 44 6 Nix St with house	925	\$120,000
Lot 10 22 Proctor St	1092	\$30,000
Lot 26 cnr Banks & Abel St	4182	\$60,000
Lot 12 Hospital Rd	838	\$30,000
6 Small lots Saleyard	2000	\$40,000
1 large lot Saleyard	7000	\$70,000

CARRIED 9/0

Res 55/20

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed

disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

9.3.3 Rylington Park

MOVED INTO COMMITTEE

MOVED: Cr Walker

SECONDED: Cr Alexander

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 9/0

Res 56/20

MOVED OUT OF COMMITTEE

MOVED: Cr Kaltenrieder

SECONDED: Cr Walker

That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.1

CARRIED 9/0

Res 57/20

SUMMARY

Rylington Park Agreement to assume agricultural operations.

To review the Agreement to Resume Agricultural Operations as recommended by the Rylington Park Transitional Committee.

MOTION

MOVED: Cr Rear

SECONDED: Cr Alexander

- That the President and Chief Executive Officer are authorised to sign the agreement under seal.
- Following the recommendation by the Rylington Park Transitional Committee, approval is sought for the following capital items:
 1. Build one 196k litre rainwater tank at a cost of \$16,000

CARRIED 8/1

Res 58/20

Note

The Rylington Park Transitional Committee met on 14th April 2020 and it was decided that the Rylington Park Management Committee to assume operations needs to go to Council for approval.

The Rylington Park Transitional Committee voted to recommend to Council to authorize the President and Chief Executive Officer to sign the amended agreement (as per above).

That the capital for the rainwater tank being \$16,000 be approved.

9.3.4 Reserve 24878 - Subdivision

Location:	101 Jayes Road – Reserve 24878
Applicant:	Shire Boyup Brook
File:	Reserve 24878
Disclosure of Officer Interest:	None
Date:	16 April 2020
Author:	A. Nicoll, Town Planner
Authorizing Officer:	Chris Smith, Chief Executive Officer
Attachments:	3 Survey quotes

SUMMARY

The Reserve 24878 is Crown land located on the fringe of the Boyup townsite and vested with the Water Corporation for the purpose of ‘Water Supply’.



At the 2019 November Council meeting, it was agreed that the Shire apply to take on management of the Reserve 24878, for the purpose ‘Tourism and Recreation’.

The Department of Planning, Lands and Heritage and the Water Corporation (current vesting), have given in-principle support for the transfer of vesting subject to Council agreeing to:

- 1) *The Jayes Rd road reserve being widened by 20 m along the frontage of Reserve 24878 so that water mains that are presently inside the boundary of the reserve are included in the road reserve.*
- 2) *All costs associated with the transfer of the reserve and widening of Jays Rd are to be met by the Shire of Boyup Brook.*

This item requests that Council agree to:

- 1) Indemnify the Minister of Lands of any costs associated with transferring management of the R24878;
- 2) Nominate and pay 'Survey South' (Sum of \$3,022) to undertake necessary work associated with widening the Jayes Road, road reserve so that water mains that are presently inside the boundary of the reserve are included in the road reserve.

BACKGROUND

The Boyup Brook Co-op requested that the Shire investigate the potential of developing a Lookout Tower at 101 Jayes Road – Reserve 24878.

A quote was acquired from GRID CONSTRUCTION, to supply and install the Lookout Tower - \$342,780.

The Boyup Brook Co-op has agreed in-principle to pay \$100,000, associated with the development of the Lookout Tower. It is proposed that the balance (\$192,780) is sought via Shire (\$50,000) and State and/or Federal government funding.

Prior to processing a development application for a Lookout Tower on the R24878, the Shire has been advised to seek to transfer the management of the Reserve and to change to reserve purpose from 'Water Supply' to 'Tourism and Recreation'.

The Shire has made an application to take on management and to change the purpose of the reserve. Prior to assessing the application, the Department of Planning, Lands and Heritage has requested that the Shire agree to pay any costs associated with the transfer of management of the reserve. Incidentally the Department of Planning, Lands and Heritage have confirmed that:

- 1) *There are no costs associated with Native Title and the transfer of management; but*
- 2) *There are... costs for the subdivision of the land.*

COMMENT

As mentioned, the Water Corporation has agreed to relinquish management of the reserve, and has requested that the Shire agree to pay costs associated with widened the Jayes Road reserve, by 20 m along the frontage of Reserve 24878, so

that water mains that are presently inside the boundary of the reserve are included in the road reserve.

In accordance with the *Local Government Act 1995* and the Shire's 'Purchasing Policy', the following three quotes, to subdivide the road reserve, have been provided:

- 1) \$3,022 – Survey South;
- 2) \$6,513 – LPD Surveys;
- 3) \$4,996 – Thompson Surveying.

In accordance with the Shire's 'Purchasing Policy', it is recommended that the Council agree to nominate 'Survey South' to undertake the work necessary (prepare Deposited Plan of survey) to widen the Jayes Road, road reserve. 'Survey South' has provided the Shire with the most cost beneficial offer to undertake the necessary survey work.

Should the Council agree to subdividing the Reserve and to paying costs associated with subdivision, the Department of Planning, Lands and Heritage will be notified and again requested to grant approval to transfer management of the Reserve to the Shire, for the purpose of 'Tourism and Recreation'.

Once management of the Reserve has been granted, the Shire can proceed to deal with an application to develop a Lookout Tower at the Reserve and to seek State and/or Federal government funding.

STATUTORY OBLIGATIONS

Section 41 of the *Land Administration Act 1997* allows the Minister to reserve Crown land for one or more purposes in the public interest, while section 46 allows the Minister to place the care, control and management of a reserve for that same purpose which is deemed beneficial or ancillary to that public purpose.

Section 18 of the *Land Administration Act 1997* states that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land without the prior approval in writing of the Minister for Planning, Lands and Heritage.

POLICY IMPLICATIONS

In accordance with the *Local Government Act 1995*:

A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

The Shire has adopted a Purchasing Policy (F.03) to oversee the tender process and ultimately the allocation of finances. The following policy principles apply:

- 1) Where the value of procurement is expected to be between \$5,001 and \$39,999, the Shire is expected to obtain at least two written quotations.
- 2) An assessment of the best value for money outcome for any purchasing should consider:
 - a) Cost benefit;

- b) Merits of the services being offered;
 - c) Capacity to supply without risk of default.
- 3) Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:
- a) The name of the successful tenderer; and
 - b) The total value of consideration of the winning offer.

CONSULTATION

The Shire consulted with the Department of Planning, Lands and Heritage and the Water Corporation regarding taking over management of Reserve 24878.

BUDGET/FINANCIAL IMPLICATIONS

The Boyup Co-op has agreed in-principle to financially contribute (\$100,000) to the development of a Lookout Tower at the Reserve 24878. The Shire is expected to contribute \$50,000, with the remainder (\$192,780) being sought via State or Federal government.

The Shire may need to set aside finance for the general maintenance of the reserve and Lookout Tower.

STRATEGIC IMPLICATIONS

There are no strategic implications relating to this item.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.4

MOVED: Cr Oversby

SECONDED: Cr Walker

That Council agrees to:

Indemnify the Minister of Lands of any costs associated with transferring management of the R24878.

CARRIED 9/0

Res 59/20

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 Dr M Fadzayi Chiwara – Employment Contract

MOTION

MOVED: Cr Walker

SECONDED: Cr O’Connell

The CEO is permitted to enter into a contract to appoint Dr Mildred Fadzayi Chiwara.

CARRIED 9/0

Res 60/20

13 CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS

13.1 Chief Executive Officer Leave Approval Arrangements

MOTION

MOVED: Cr Rear

SECONDED: Cr O’Connell

That, in accordance with Clause 9.1 of the CEO’s contract of employment, Council authorise the Shire President to approve with the CEO’s leave applications for the term of the current agreement.

CARRIED 9/0

Res 61/20

14 CLOSURE OF MEETING

There being no further business the Shire President, Cr Aird thanked all for attending and declared the meeting closed at 7.38pm.