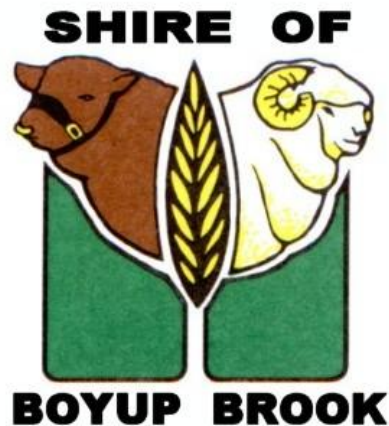


Minutes



ORDINARY MEETING

held

THURSDAY 11 December 2014
Commenced AT 5.10PM

AT

SHIRE OF BOYUP BROOK
CHAMBERS
ABEL STREET - BOYUP BROOK

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1 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

1.1 Attendance

Cr M Giles – Shire President
Cr G Aird – Deputy Shire President
Cr N Blackburn
Cr J Imrie
Cr P Kaltenrieder
Cr K Moir
Cr B O’Hare
Cr T Oversby
Cr R Walker

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr Stephen Carstairs (Director Corporate Services)
Mr Rob Staniforth-Smith (Director Works & Services)
Mrs Maria Lane (Executive Assistant)

PUBLIC: Nil

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

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Aird attended the Community Christmas Party on 5th December 2014.

Cr Imrie attended the Community Christmas Party on 5th December 2014.

Cr O’Hare attended the Annual Awards Committee meeting held on 4th December 2014 and attended the Community Christmas Party.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 20 November 2014

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Kaltenrieder

SECONDED: Cr Imrie

That the minutes of the Ordinary Meeting of Council held on Thursday 20 November 2014 be confirmed as an accurate record.

CARRIED 9/0

Res 142/14

6 PRESIDENTIAL COMMUNICATIONS

Cr Giles thanked Cr Aird for helping out with the Community Christmas Party.

Cr Giles attended the South West Zone meeting on 21st November 2014 at the Shire of Donnybrook.

Cr Giles attended the Local Emergency Management Advisory Committee meeting on 9th December 2014.

7 COUNCILLORS QUESTIONS ON NOTICE

Nil

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

Nil

8.2 FINANCE

8.2.1 List of Accounts Paid

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>05 December 2014</i>
Author:	<i>Stephen Carstairs – Director Corporate Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – List of Accounts Paid</i>

SUMMARY

In accordance with the Local Government (Financial Management) Regulations the list of accounts paid in November 2014 is presented to Council.

BACKGROUND

Invoices received for the supply of goods and services, salaries and wages and the like have been paid during the period.

COMMENT

The attached listing represents accounts paid by cheque and by electronic means during the period 1 November to 30 November 2014.

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 are in accordance with the adopted budget for 2014-15 or authorised by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.1

MOVED: Cr Moir

SECONDED: Cr O’Hare

That at its December 2014 ordinary meeting Council receive as presented the list of accounts paid in November 2014, and totalling \$850,880.58 and as represented by: cheque voucher numbers 19671-19692 totalling \$82,183.73; and accounts paid by direct electronic payments through the Municipal Account totalling \$768,696.85.

CARRIED 9/0

Res 143/14

8.2.2 31 October 2014 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	05 December 2014
Author:	Stephen Carstairs – Director Corporate Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Financial Reports

SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 31 October 2014.

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)).

Due to time constraints, presentation of the shire's 31 October 2014 statement of financial activity was deferred to the December 2014 ordinary meeting of Council.

CONSULTATION

Alan Lamb – Chief Executive Officer

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, Regulation 34.(1A)

Local Government (Financial Management) Regulations 1996, Regulation 34.(4)(a)

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.2

MOVED: Cr Blackburn

SECONDED: Cr Oversby

- 1. That the 31 October 2014 Statement of Financial Activity and Statement of Net Current Assets as presented, be received.**
- 2. That amounts listed as material variances be authorized.**

CARRIED 9/0

Res 144/14

8.2.3 30 November 2014 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	05 December 2014
Author:	Stephen Carstairs – Director Corporate Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Financial Reports

SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 30 November 2014.

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

Alan Lamb – Chief Executive Officer

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, Regulation 34.(1A)

Local Government (Financial Management) Regulations 1996, Regulation 34.(4)(a)

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.3

MOVED: Cr Imire

SECONDED: Cr Moir

- 1. That the 30 November 2014 Statement of Financial Activity and Statement of Net Current Assets as presented , be received.**
- 2. That amounts listed as material variances be authorized.**

CARRIED 9/0

Res 145/14

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Amended Outbuilding Policy – Endorse for Advertising

Location:	Shire Boyup Brook
Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	4 December 2014
Author:	Town Planner
Authorizing Officer:	Chief Executive Officer
Attachments:	Existing Outbuilding Policy Amended Outbuilding Policy

SUMMARY

Council's existing outbuilding policy sets maximum sizes to provide enough storage space incidental to a dwelling.

Council is requested to endorse an amended outbuilding policy for advertising.

Amendments are proposed to provide additional outbuilding space to enable intensified uses such as light industry, stables, transport depot and rural industry.

BACKGROUND

In November 2014, Council approved an outbuilding in excess of the floor area limit set by their policy.

Council deemed that additional floor space was necessary to enable a proposed light industrial activity to occur.

Council sighted their policy to be inept and recommended a review to cater for intensified uses.

COMMENT

Council's outbuilding policy does not provide sufficient guidance for the development of outbuildings necessary to accommodate uses beyond domestic storage needs.

Amendments proposed include:

- Consider outbuilding size relative to property size and land-use potential; and
- Consider protecting landscape characteristics and neighbour values.

CONSULTATION

If Council endorse the amended outbuilding policy for advertising, an advert is to be published once a week for two consecutive weeks in a local newspaper giving 21 days' notice.

At the close of advertising, the Council will be informed of any comments or recommendations.

STATUTORY OBLIGATIONS

A Policy shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its decision.

Any policy prepared shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.

The amended outbuilding policy is consistent with provisions of Scheme 2.

POLICY IMPLICATIONS

There are no policy implications relating to this item.

BUDGET/FINANCIAL IMPLICATIONS

There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

The current outbuilding policy does not provide suitable guidance.

The amended outbuilding policy seeks to provide guidance to accommodate development of outbuilding(s) in all zones considerate of land use potential.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
The amended policy seeks to maintain natural characteristics by enforcing the development of landscaping to screen outbuildings and the use of colours that blend with the surrounds (dark tones).
- **Economic**
The amended policy enables the development of outbuildings to cater for intensified activities, which in-turn enhances the economy of the region.
- **Social**
Larger outbuildings required to accommodate intensified uses on land that's also used for living, has the potential to lower the tone of an area and inherit conflict between neighbours.

The amended outbuilding policy highlights a need to locate outbuildings away from neighbouring dwellings, to incorporate landscaping and to use colours that blend with surrounds.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.1

MOVED: Cr Moir

SECONDED: Cr O'Hare

That Council agrees to endorse the amended P.04 outbuilding policy for advertising.

CARRIED 9/0

Res 146/14

MOVED: Cr Blackburn

SECONDED: Cr Oversby

That the Council adopts enbloc items 9.1.1 and 9.1.2.

CARRIED 9/0

Res 147/14

9 COMMITTEE REPORTS

9.1.1 Minutes of the South West Zone meeting

Location: N/A
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 4 December 2014
Author: Alan Lamb - CEO
Attachments: Yes – Minutes

BACKGROUND

The South West Zone meeting was held on 21st November 2014.

Minutes of the meeting are laid on the table and circulated.

OFFICER RECOMMENDATION – Item 9.1.1

That the minutes of the South West Zone meeting be received.

9.1.2 Minutes of the Audit and Finance Committee

Location: Shire of Boyup Brook
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 5 December 2014
Author: Alan Lamb - CEO
Attachments: Yes – Minutes

BACKGROUND

The Audit and Finance Committee meeting was held on 24th July 2014, 31st July 2014 and 20th November 2014.

Minutes of the meeting are laid on the table and circulated.

OFFICER RECOMMENDATION – Item 9.1.2

That the minutes of the Audit and Finance Committee be received.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

The President noted the following late item to the meeting and, without dissent, agreed to deal with it.

**11.1.1 Caretakers House – House Number 66 - Lot 72 Abel Street
Boyup Brook**

<i>Location:</i>	<i>Lot 72 Abel Street, Boyup Brook</i>
<i>Applicant:</i>	<i>Peter Sanderson</i>
<i>File:</i>	<i>AS 220</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>8th December 2014</i>
<i>Author</i>	<i>Angela Hales – Environmental Health Officer A Nicoll – Town Planner</i>
<i>Authorizing Officer:</i>	<i>Alan Lamb - CEO</i>
<i>Attachments:</i>	<i>Letter of Application Site/Floor Plan</i>

SUMMARY

Council is requested to conditionally approve an application to use an existing building at Lot 72 Abel Street as a ‘Caretakers House’.

Caretaking is proposed for an existing, on-site ‘Shop’ and ‘Restaurant’.

BACKGROUND

The Shire of Boyup Brook received an application to use a portion of an existing building at Lot 72 Abel Street as a ‘Caretakers House’.

The subject property is currently licensed as a food business under the *Food Act 2008*, and complies as such.

COMMENT

Lot 72 Abel Street is zoned ‘Commercial’ in Scheme 2.

A ‘Caretakers House’ in the ‘Commercial’ zone is to be incidental to the predominant use of the land.

A 'Restaurant' and a 'Shop' are existing predominant uses at Lot 72 Abel Street.

A 'Caretakers House' means a building or part of a building used as a residence by the proprietor or manager of an industry, business, office or recreation area carried on or existing on the same site.

The proposed 'Caretakers House' is intended to be used by a manager of the existing predominant uses.

The proposed 'Caretakers House' requires exclusive access to bathroom and toilet facilities. An additional toilet is required in order for this requirement to be met. The applicant has been made aware of this necessity and has given in-principle commitment to fulfill the requirement.

The application presented complies with the Scheme 2 definition for 'Caretakers House' and standards set by the Scheme's zoning table.

It is recommended that Council conditionally approve the application for 'Caretakers House'.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Shire of Boyup Brook Town Planning Scheme No 2.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
The 'Caretakers House' will need to be brought into compliance with building and environmental standards deemed necessary on application for building and environmental health approval.
- **Economic**
Sustainability of the existing shop and restaurant uses may rely on approval to utilize a portion of the building as a 'Caretakers House'.
- **Social**
Mixed uses involving a combination of commercial and residential, help to lower crime and inherit a more socially interactive environment.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATIONS – ITEM 11.1.1

MOVED: Cr Moir

SECONDED: Cr Oversby

That Council

1. **Approve the use of portion of the existing building at Lot 72 Abel Street for ‘Caretakers Dwelling’ subject to the following conditions:**
 - a. **A toilet being developed to the satisfaction of the Shire;**
 - b. **One car-parking space being made available, on-site, for occupants of the ‘Caretakers House’.**

Advice

1. **A Building Permit is required for development of a toilet.**
2. **Environmental Health standards are to be met.**

CARRIED 9/0

Res 148/14

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

12.1.1 Purchase of Land

13 CLOSURE OF MEETING

There being no further business the Shire President, Cr Giles thanked all for attending and declared the meeting closed at 6.02pm.