

MINUTES



ORDINARY MEETING

HELD

THURSDAY, 18 SEPTEMBER 2008

COMMENCED AT 3.30PM

AT

SHIRE OF BOYUP BROOK CHAMBERS

ABEL STREET – BOYUP BROOK

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5. CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting 21 August 2008.

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Muncey

SECONDED: Cr Piper

That the minutes of the Ordinary Meeting of Council held on Thursday 21 August 2008, be confirmed as an accurate record.

CARRIED 8/0

Res 164/08

6 PRESIDENTIAL COMMUNICATIONS

9th September 2008 – Attended Civic Reception and Sandakan Ceremony

15th September 2008 – Attended WALGA SSS 10 Year plan for the Future with Cr K Lamshed

7 REPORTS OF OFFICERS

7.1 MANAGER WORKS & SERVICES

7.1.1 Controlled Waste Disposal Service for Boyup Brook Shire

Location: Boyup Brook Shire

Applicant: Not applicable

File: WM/29/001

Disclosure of Officer Interest: None

Date: 10 September 2008

Author: John Eddy – Manager of Works & Services

Authorizing Officer: Alan Lamb – Chief Executive Officer

Attachments: Yes – Requirements for a Controlled Waste Carriers Licence (Bulk)

COUNCIL DECISION – MOVE INTO COMMITTEE

MOVED: Cr Giles

SECONDED: Cr Lamshed

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 165/08

4.40pm – Cr Giles left the meeting.

4.41pm – Cr Giles returned to the meeting.

COUNCIL DECISION – MOVE OUT OF COMMITTEE

MOVED: Cr Ginnane

SECONDED: Cr Piper

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

CARRIED 8/0

Res 166/08

SUMMARY

The Environmental Protection (Controlled Waste) Regulations 2004, require controlled waste carriers, disposal sites, collection tanks and drivers to be licensed by the Department of Environment and Conservation (DEC).

To meet the Environmental Protection Regulations, the Shire of Boyup Brook must upgrade the existing plant and equipment used for septic pump-outs and obtain the relevant licenses.

This report provides three options for the Council to consider when deciding whether to continue the septic pump-out service within the Shire of Boyup Brook.

- Option 1
Discontinue the existing septic pump-out service. Warren Blackwood Waste have expressed an interest in providing a bulk controlled waste disposal service to the Boyup Brook Shire.
- Option 2
The Shire comply with the Department of Environment and Conservation licensing requirements to become a bulk controlled waste carrier and upgrade the existing plant and equipment.
- Option 3
Discontinue the existing septic pump out service and retain the 2008/2009 budgeted funds in the Plant Reserve should the Council decide to progress the bulk controlled waste carrier licensing in the future.

BACKGROUND

Inspectors from the Department of Environment and Conservation met with the Shire Chief Executive Officer and Manager of Works and Services in August 2006 to discuss the requirements to obtain a controlled waste carriers licence.

During the meeting the Shire Chief Executive Officer indicated that the Shire would not apply for a bulk waste carriers licence until the existing disposal site was registered as a waste disposal facility with the D.E.C.

In November 2007 the D.E.C issued a licence for the Shire to operate a liquid waste disposal facility at Lot 201 Stanton Road, Boyup Brook.

To continue the collection and transport of controlled waste on public roads the Shire must now upgrade the existing septic truck and tank to meet the D.E.C requirements (***see appendix 7.1.1***) and obtain the following licenses:-

- a) Bulk Controlled Waste Carrier
\$225.00 licensing fee and \$165.00 per annum thereafter.
- b) Bulk Controlled Waste Tank
\$225.00 licensing fee and \$60.00 per annum thereafter.

- c) Bulk Controlled Waste Driver
\$225.00 licensing fee and \$60.00 per annum thereafter. The Shire will require four (4) licensed drivers.
- d) Controlled Waste Tracking Form
A controlled waste tracking form is used to record the transfer of waste from point of generation to point of disposal and is valid for one disposal only.
Fee - \$35.00 per form.

COMMENT

To comply with the D.E.C licensing requirements the following items of plant/equipment would need to be upgraded / replaced :-

• Upgrade Septic truck	\$20,000
• Replace Septic waste tank	\$8,000
• Replace Septic pump motor	\$1,400
• Upgrade hoses and fittings	<u>\$1,500</u>
Total	\$30,900
• D.E.C Licensing requirements	<u>\$1,350</u>

Total to become a licensed waste carrier \$32,250

Septic Pump Outs

Several Shire outside staff have agreed to carry out after hours septic pump-outs for a 'call-out' fee. Under the current Workplace Agreement an after hours 'call-out' is a minimum of three (3) hours pay at overtime rates.

Assuming the septic pump out took no longer than three hours the cost of a pump out would be approximately \$415.00.(including overheads and plant costs)

Warren Blackwood Waste submitted a quotation to complete a septic pump out in Boyup Brook for \$350.00. Warren Blackwood Waste is a D.E.C licensed bulk controlled waste collector and provides a service to Manjimup, Bridgetown and Donnybrook.

The Shire of Boyup Brook costings for septic pump-outs in the 2007/2008 financial year were:-

Expenditure	\$7,489.00
Income	\$5,254.00

CONSULTATION

Manager of Finance
Department of Environment and Conservation
Warren Blackwood Waste

STATUTORY ENVIRONMENT

All licensing requirements to comply with the Department of Environment and Conservation regulations under the Environmental Protection (Controlled Waste) Regulations 2004.

POLICY IMPLICATIONS

Nil

7.2 MANAGER – FINANCE

7.2.1	Accounts for Payment
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Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12 September 2008</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – List of Accounts Paid</i>

SUMMARY

Report recommends the acceptance and approval of the Schedule of Accounts for Payment.

BACKGROUND

Invoices have been received during the month of August 2008.

COMMENT

Accounts are presented for consideration (see appendix 7.2.1) or where paid by direct debit pursuant to the Council's "Authorisation to Make Payments" policy.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations Act 1009, Regulation 12; and Regulations 13(3) (a) (b); 13(1); and 13(4).

POLICY IMPLICATIONS

Accounts are presented for consideration or where paid by direct debit pursuant to the Council's "Authorization to Make Payments" policy.

FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2008/09 or authorized by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Giles

SECONDED: Cr Lamshed

That the accounts for August 2008 as presented totaling \$291,440.63 as-

1. Cheque voucher numbers 17032 - 17073 totaling \$72,671.58 and
2. Accounts paid by direct electronic payments through the Municipal Account totaling \$218,769.05
be endorsed.

CARRIED 8/0

Res 168/08

7.2.2 July 2008 Monthly Statements of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	<i>NA</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>12 September 2008</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Financial Reports</i>

SUMMARY

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended 31 July 2008, and Investment Schedule for the month ended 31 August 2008.

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 'Monthly Statement of Financial Activity'.

The regulations also prescribe the content of the report.

The reports are attached – see appendix 7.2.2

COMMENT

Nil

CONSULTATION

Nil

BACKGROUND

Dr Mel's contract of employment is due to end 30 June 2009. Clause 2.2 of the agreement provides that whilst there is no compulsion on either party to agree to an extension, the employer is to invite the employee in writing not later than 6 months prior to the expiry of the term of the agreement to discuss the possibility of a new agreement for a further term.

Dr Mel's position has been determined by Council to be a Senior Position in accordance with the Local Government Act. Whilst Council does not appoint any employee other than the Chief Executive Officer that Act provides that before

appointments to Senior Positions are made, Council is to be given the opportunity to reject the proposed appointee.

COMMENT

It is noted that commencing the process to renew Dr Mel's contract is to some extent a commitment and so Council's approval is sought to commence this process. Council may wish to deal with this matter behind closed doors. Section 5.232(a) provides that Council may close a part of the meeting where it is to deal with a matter affecting an employee.

CONSULTATION

The author has spoken with the Senior Employee.

STATUTORY OBLIGATIONS

The following sections of the Local Government Act have relevance, especially Section 5.37(2):

5.37. Senior employees

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.
- (3) If the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

[Section 5.37 amended by No. 49 of 2004 s. 45 and 46(4).]

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO's and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- (1a) Despite subsection (1) —
 - (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
 - (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (2) A contract under this section —
 - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
 - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless —
 - (a) the expiry date is specified in the contract;
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
 - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A report made by the Salaries and Allowances Tribunal, under section 7A of the *Salaries and Allowances Act 1975*, containing recommendations as to the remuneration to be paid or provided to a CEO is to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

The following section of the Act relates to meetings being open to the public:

5.23. Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public-
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

- (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,
where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

There will be no budget or financial implications at this time. Any aspect of the proposed employment agreement that is not covered within current budget parameters will be brought to Council for approval (in the form of a budget amendment). It is probable though that there would be no impact on the current financial year and that relevant aspects of a new agreement would form part of deliberations for the 2009/10 budget.

STRATEGIC IMPLICATIONS

Action Plan 6.5 contains the following critical success factor: "Determination and implementation of agreed levels of services and service delivery." Action 123 under this is "Promote and encourage a holistic approach for the medical centre". It is suggested that the employment of quality staff aligns with this action.

SUSTAINABILITY IMPLICATIONS

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

BACKGROUND

GCMC has sought approval from DOIR to clear 7.38ha of native vegetation in State Forrest 29, Nelson Location 13274, Wilga.

GCMC has exploration licences (70/102, 70/231 and 70/2752) over portions of the State Forest and is seeking approval to clear sections of the forest to facilitate exploration drilling operations.

The Director of DOIR's Environment Division considers that Council may have a direct interest in the matter and invites comment within 21 days of the date of the letter.

The letter is dated 22 August 2008 and so the closing date for submissions is 12 September however Council's CEO has secured an extension of time in which to respond and the closing date is now 26 September 2008.

COMMENT

It is noted that whilst there could be some community concerns about clearing a small section of the State Forest as this may well lead to the establishment of a mine and more clearing. On the other side is the possible beneficial impact of a mining enterprise within the Shire's boundary and impact this may have on population and the local economy.

It is recommended that Council express its concerns over the possible impact on the State Forrest of the proposed clearing of 7.38ha of land and recommend that a detailed and effective revegetation plan be required, that drill holes, and other aspects of the

exploration activity, be made safe for native animals, but that Council not oppose the proposal. It is suggested that the proposed clearing is not significant considering total area of forest (State Forest 29 covers 3326.0 ha of land and so the proposed clearing represents 0.2% of this) and whilst the exploration may lead to further clearing of land in the future Council will no doubt have the opportunity to consider the impact of this when and if an application is made.

CONSULTATION

Nil at this time.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

It is suggested that the recommendation aligns with the Plan's mission "To enhance sustainable growth, economic vitality and diversity". It is noted that Action Plan 7.2C is to "Achieve appropriate status and protection for towns, precincts and areas within the

Shire considered historically significant". Also that Wilga is a historically significant town site but does not appear to be directly affected by the proposed clearing.

SUSTAINABILITY ISSUES

- **Environmental**
The impact of the proposed clearing is suggested to be minor and the recommendation includes making aspects of the exploration process safe for native animals (this includes capping drill holes etc) and an effective revegetation plan (that should address issues such as erosion).
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Piper

SECONDED: Cr Muncey

That in relation to Griffin Coal Mining Company Pty Ltd's application to the Department of Industry and Resources for approval to clear 7.38ha of land in State Forest 29, administration write to the Department of Industry and Resources:

1. Expressing Council's concerns over the impact the clearing may have on the State Forest and recommending that a detailed and effective revegetation plan be required and that drill holes and other aspects of the exploration activity be made safe for native animals.
2. Advising that Council does not oppose the proposed clearing of land, subject to the foregoing, and anticipates it will be consulted if any further applications to clear land in the Forest are being considered.

CARRIED 8/0

Res 171/08

7.3.3 Extensions to Wilga Hall

Location:	<i>Lot 300 Walker and Charteriss Roads, Wilga</i>
Applicant:	<i>Wilga Progress Association</i>
File:	<i>CR/26/007</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>10th September 2008</i>
Author:	<i>Wayne Jolley, Building Officer</i>
Authorizing Officer:	<i>Alan Lamb, Chief Executive Officer</i>
Attachments:	<i>Yes – letter of request, Plan View & Elevations</i>

SUMMARY

The Wilga Progress Association has written to Council, seeking approval to extend the Wilga Hall by way of a transportable kitchen attached to the Hall by a new enclosed servery area and an adjoining porch (see attached plan). An application for building license has also been submitted.

BACKGROUND

Wilga Hall is located on Lot 300, corner of Walker and Charteriss Roads, Wilga. The reserve is vested in the Shire, and Council has previously resolved to create a management agreement with the Wilga Progress Association for the care and management of the reserve, (including infrastructure), although that agreement is yet to be finalised. There are three buildings on the reserve, two timber frame, weatherboard houses that are arguably beyond repair and the Wilga Hall, which is also in disrepair.

Some time ago, the Wilga Progress Association determined to extend and renovate the Wilga Hall through a member self-help program. Subsequently, after inspection and a favorable report from the Shire Building Officer it acquired a second hand transportable kitchen unit. Work has proceeded and at this point, the installation of the kitchen, with connecting (to the Hall) servery and porch areas, is almost complete.

In terms of Hall renovations, the Association plans to source some of the materials (e.g. weatherboards, timber etc.) from the 2 dilapidated houses on the same reserve.

COMMENT

The Wilga Progress Association initially submitted plans several months ago and has been in consultation with the Shire Building Officer. Plans have been examined and a Building License can now be issued subject to Council formally endorsing the works. The Building Officer recently inspected the construction and found it to be satisfactory although in terms of the overall renovation of the Hall, a number of other issues will ultimately need to be addressed, including:

- Replacement of damaged weatherboards;
- Repair or removal of the old rear kitchen area;
- Repair of exit doors including replacement of barrel bolts with strap bolts; and
- Installation of complying Exit Signs.

It is estimated that the material costs of repairing exit doors and of installing complying Exit Signs would be in the order of \$1,500. It is noted that the signs and door bolts are required to meet Health (Public Buildings) Regulations 1992 and so should be attended to as a matter of priority.

With regard to the building licence, the building licence fee is \$85.00 and the group will also have to pay a \$39.00 fee that is then transferred to the Builders Registration Board. Council's generally waive the building fee (which goes to Council) in circumstances such as this.

CONSULTATION

On-going with the Wilga Progress Association

STATUTORY OBLIGATIONS

Health (Public Buildings) Regulations 1992.

POLICY IMPLICATIONS

Council resolved some time ago to create a management agreement with Wilga Progress Association for the care and maintenance of the Reserve.

BUDGET/FINANCIAL IMPLICATIONS

Provision was made in the 2008/9 Budget for expenditure of \$250 for materials and contractors for maintenance works at the hall. It is expected that exit signs and strap bolts for two exit doors would cost in the order of \$1500 (installed). The budget provision of \$250 has not been earmarked for any specific purpose and so could be applied to this expenditure need. It is recommended that Council amend the budget to increase the provision to \$1500.

STRATEGIC IMPLICATIONS

The proposed works are in line with the Vision statement (Acknowledging our heritage while developing our future).

SUSTAINABILITY ISSUES

- **Environmental**
There are no known environmental issues at this stage.
- **Economic**
There are no known economic issues at this stage.
- **Social**
There are no known social issues at this stage.

VOTING REQUIREMENTS

Absolute Majority

Impartiality Interest

Cr O'Hare declared an impartiality interest in the following item due to being a member of the Wilga Progress Association.

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Ginnane

SECONDED: Cr Muncey

That Council:

1. Approve the works to the extent described, being undertaken by the Wilga Progress Association.
2. Amend the 2008/9 Budget to increase the operating expenditure provision for materials and contractors for the Wilga Hall from \$250.00 to \$1500.00.
3. Arrange and pay for exit signage and strap bolts to be installed at the Wilga Hall to meet legislative requirements.
4. Waive the building licence fee of \$85.00 which is payable by the Wilga Progress Association.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 172/08

7.3.4 Planning Application – Lot 16 Giles Street Wilga

Location: Lot 16, House 13, Giles Street Wilga
Applicant: Avalon Sheds & Stables
File: AS15151
Disclosure of Officer Interest: none
Date: 12th September 2008
Author: Alan Lamb, Chief Executive Officer
Authorizing Officer: Not Applicable
Attachments: Yes – Copy of application

SUMMARY

The planning application is for an outbuilding that exceeds the maximum dimensions set out in Council's policy. The recommendation is for approval.

BACKGROUND

Avalon Sheds & Stables have applied for planning approval, on behalf of the property owner Mr Peter Jose, to build an out building at lot 16 Giles Street Wilga. The owner also owns two adjoining lots (lots 15 and 14) and plans submitted show the future residence being located on lot 14. Each lot is 1011.03m² and so the combined area is 3033.09M².

The plan shows a side setback of 3m and a rear setback of 6m. Council's policy calls for a 1m set back for both and so the application complies with the policy in this regard.

The proposed development exceeds Council's policy in terms of height and dimension and so a planning application is required and has been lodged. The following table sets out the relevant detail of Council policy and where the proposed development would exceed this:

Zone	Policy			Application		
	Maximum individual out building area (m2)	Maximum total outbuilding area (m2)	Maximum Height (m)	Individual outbuilding	Total outbuilding	Height
Residential/ Urban Blocks 1012M ² or less	80	100	3.0	121.6	121.6	3.91
Residential/ Urban Blocks greater than 1012M ²	100	120	4.5	121.6	121.6	3.91

Council's policy provides that for the purpose of calculating total outbuilding floor space, the Shire only takes freestanding structures such as garages or sheds into consideration, any structure attached to the main building such as a verandah or carport would be excluded. It is noted that the total roofed area of the proposed out building is 152m² and that this includes a verandah of 30.4m², and so, for the purposes of assessment of the dimension of the proposed building is 121.6m².

The policy also calls for:

- Proposed buildings to be masonry construction or clad in factory applied colorbond or zincalume.
- The outbuilding (s) to be totally or partially screened from the streets by a dwelling and/or landscaping.
- The proposed building will not have a detrimental effect on neighbours or on the street in general

COMMENT

It is suggested that whilst the building exceeds the dimensions set out in Council's policy for a residential lot of less than 1012m² (80m² for individual and 100m² total) the application relates to a significantly larger parcel of land (taking the three lots together) and so perhaps Council should look to its maximum allowable dimensions for a lot exceeding 1012m² when considering this application. Based on this, the proposed building meets height limitations but exceeds area limitations by 21.6m². It is suggested that given the overall size of the combined lots the application should be approved subject to the following conditions:

1. Proposed building to be masonry construction or clad in factory applied colorbond or zincalume.
2. The proposed outbuilding to be totally or partially screened from the street by a dwelling and/or landscaping.
3. The proposed outbuilding to be totally or partially screened from the neighbouring properties (to the north and west) by landscaping to reduce the potential for a detrimental effect on neighbours.

The application was also for a building licence and plans have been assessed by Council's Building Surveyor as meeting conditions for approval.

CONSULTATION

The author has communicated only with the Health Building Officer, it is understood that this officer has consulted with the applicant and owner.

STATUTORY OBLIGATIONS

The applicant and Council are bound by Council's Town Planning Scheme 2.

POLICY IMPLICATIONS

Council's Planning Policy P4 "Outbuildings" applies

BUDGET/FINANCIAL IMPLICATIONS

The planning application fee for this application is \$123.00.

STRATEGIC IMPLICATIONS

It is suggested that the plan's mission has application:
"To enhance sustainable growth, economic vitality and diversity".
The proposed development will add to the growing community at Wilga.

SUSTAINABILITY ISSUES

- **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

OFFICER RECOMMENDATION

That Council approve Avalon Sheds & Stables application for planning approval, on behalf of the property owner Mr Peter Jose, to build an outbuilding at lot 16 Giles Street Wilga subject to the following conditions:

1. Proposed building to be masonry construction or clad in factory applied colorbond or zincalume.
2. The proposed outbuilding to be totally or partially screened from the street by a dwelling and/or landscaping.
3. The proposed outbuilding to be totally or partially screened from the neighbouring properties (to the north and west) by landscaping to reduce the potential for a detrimental effect on neighbours.

COUNCIL DECISION

MOVED: Cr Ginnane

SECONDED: Cr Muncey

That Council approve Avalon Sheds & Stables application for planning approval, on behalf of the property owner Mr Peter Jose, to build an outbuilding at lot 16 Giles Street Wilga subject to the following conditions:

1. Proposed building to be masonry construction or clad in factory applied colorbond or zincalume.
2. The proposed outbuilding to be partially screened from the street by a dwelling and/or landscaping.
3. The proposed outbuilding to be totally or partially screened from the neighbouring properties (to the north and west) by landscaping to reduce the potential for a detrimental effect on neighbours.

CARRIED 6/2

Res 173/08

7.3.5 Child Care Facility Lease

Location:	<i>Lot 64 Able Street, Boyup Brook</i>
Applicant:	<i>Nest Family Resource Centre Inc</i>
File:	<i>LS/62/011</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>11th September 2008</i>
Author:	<i>Alan Lamb, Chief Executive Officer</i>
Authorizing Officer:	<i>Not Applicable</i>
Attachments:	<i>Yes – Letter from Nest Family Resource Centre</i>

SUMMARY

The Nest Family Resource Centre Inc has amalgamated with the YMCA Perth and so seeks to have the lease it has over the Family Stop Centre transferred to the YMCA.

BACKGROUND

Council entered into a lease agreement with the Nest Family Resource Centre Inc for it to use Council's premises at Lot 64 Able Street. The lease agreement commenced 1 November 2006 and ends 31 October 2011. The Lessee wrote to Council in August to advise that Nest Family Resource Centre Inc had amalgamated with the YMCA, that the amalgamation is to take affect 6 October 2008 and that the lease should be reassigned.

Clause 2(20) of the agreement provides that the Lessee cannot assign the lease without first obtaining the consent of Council and the consent of the Minister for Lands.

COMMENT

The current Lessee is in the process of amalgamating with the YMCA and seeks to have the lease assigned to that entity. There appears to be no reasonable reason to refuse the request and so it is recommended that Council agree to it.

CONSULTATION

The Author has consulted with the CEO of the Nest Family Resource Centre Inc.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil, there may be some legal costs however whilst the lease appears to be silent on this matter it is usual for the lessee to pay such costs.

STRATEGIC IMPLICATIONS

Key Action 6 is "Determination and implementation of agreed levels of services and service delivery." It is assumed that the need for a child care facility has already been well established and so Council has leased out a community owned facility to assist

with meeting this need. Reassigning the lease will have no detrimental affect on meeting this action.

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

Absolute Majority

OFFICER RECOMMENDATION

That Council:

1. Agree to reassign the lease it has with Nest Family Resource Centre Inc over lot 64 Abel Street to the Young Men's Christian Association Perth Western Australia.
2. Authorise the Shire President and the Chief Executive Officer to affix the seal of Council to a document that achieves the purpose of reassigning the lease but makes no other change to the current lease provisions.

COUNCIL DECISION

MOVED: Cr Broadhurst

SECONDED: Cr Piper

1. Agree to reassign the lease it has with Nest Family Resource Centre Inc over lot 64 Abel Street to the Young Men's Christian Association Perth Western Australia subject to the Young Men's Christian Association giving assurance that it has the required licence to operate a Child Care Facility.
2. Authorise the Shire President and the Chief Executive Officer to affix the seal of Council to a document that achieves the purpose of reassigning the lease but makes no other change to the current lease provisions.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 174/08

8 COMMITTEE REPORTS

Nil

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

11 CONFIDENTIAL MATTERS

Nil

12 CLOSURE OF MEETING

There being no further business the Shire President, Cr Roger Downing, thanked Councillors and Staff for their attendance and declared the meeting closed at 5.18pm