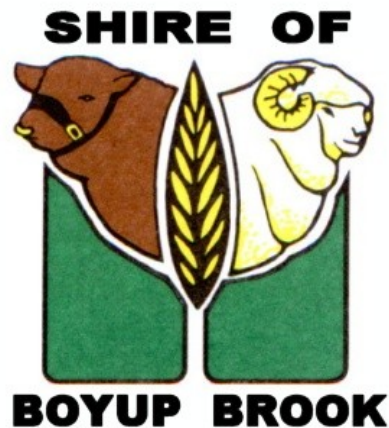


MINUTES



ORDINARY MEETING

HELD

THURSDAY 21 FEBRUARY 2013

COMMENCED AT 5.26PM

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 K Moir – Deputy Shire President
Cr G Aird
Cr E Biddle
Cr J Imrie
Cr P Kaltenrieder
Cr B O’Hare
Cr R Walker

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr Rob Staniforth-Smith (Manager of Works & Services)
Mrs Maria Lane (Executive Assistant)
Mr Geoffrey Lush (Planning Consultant)

PUBLIC:

1.2 Apologies

Cr T Oversby

1.3 Leave of Absence

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr O’Hare informed Council that the Community Resource Centre has published a book of short stories which has been written by Graham Calley.

Cr Biddle attended a meeting at the Boyup Brook District High School as the Council Representative and informed Council that the school has produced a master plan for their buildings and grounds.

Cr Aird attended a meeting on 1st February 2013 which was hosted by Terry Redman regarding Royalties for Regions.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 13 December 2012

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr O'Hare

SECONDED: Cr Kaltenrieder

That the minutes of the Ordinary Meeting of Council held on Thursday 13 December 2012 be confirmed as an accurate record.

CARRIED 8/0

Res 01/13

6 PRESIDENTIAL COMMUNICATIONS

1st February 2013 – Attended Funeral Service for Mr Roger Downing.

Visitors (Catherin Chua and Peter Kue) from Sandakan arrived for Roger Downing's funeral and thanked the Shire for organizing travel and accommodation.

The Country Music Festival went well and the numbers seemed to be up from previous years.

Cr Walker arrived at 5.30pm

7 COUNCILLORS QUESTIONS ON NOTICE

7.1 Councillor Biddle

QUESTIONS ON NOTICE: February Council Meeting

- Under what circumstances is it appropriate for Councillors to be involved in decisions regarding ex gratia payments for retiring/resigning staff.
- Is the vehicle allocated to the previous Manager of Finance still owned by Shire? If so:
 - is it currently allocated to another Staff member? as part of a salary package?
 - Is it used for other than Shire-related business?
 - Is it available for use by other staff ? Councillors? Under what circumstances?
- Will any action be taken on the suggestions made by Mrs E Blechynden in the letter she sent regarding recycling and the transfer station?

Responses from the Chief Executive Officer

In relation to dot point one, any payment made to an employee relates to their service and so it is not appropriate for Councillors to become involved in the reward for service of any member of staff other than the Chief Executive Officer. The 1995 Local Government Act separated the roles and responsibilities of elected members and staff. In essence, the Council employs the CEO and the CEO employs all other staff. Council controls the employment and reward of staff via the budget and policies. In the case of ex gratia payments to retiring or resigning staff, the Local Government Act imposes constraints on this and Council's policy provides for payments to be made within these constraints. The process has been for the CEO to seek Council approval, via a report to a meeting and seeking a Council resolution, for making an ex gratia payment.

In relation to dot point two, yes the vehicle is still owned by the Shire. In accordance with Council policy, it is currently allocated to a staff member as part of their package. Its use is in accordance with Council policy which provides, among other things, the following:

A vehicle used for private use must be made available for use for Local Government purposes during normal business hours and for Councillors' use for Local Government purposes at any time by prior arrangement with the Chief Executive Officer.

In relation to the third dot point, Mrs Blechynden's suggestions will be taken into account for any future planning. As Council will be aware, and as noted in a response to Mrs Blechynden, the fence and gate and restricted access to the transfer station were a requirement of the licence for that facility. Council had no choice other than to comply. Council is looking at the opportunity for a regional solution to waste management, including recyclables, and it is suggested that no significant changes be made to current operations until that opportunity has been evaluated.

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

8.1.1 Gravel Re-Sheet Roads for 2013-2014

Location: N/A
Applicant: N/A
File:
Disclosure of Interest: Nil
Date: 14th of January, 2013
Author: R Staniforth-Smith, Manager of Works and Services
Authorizing Officer: Alan Lamb – Chief Executive Officer
Appendices: Nil

SUMMARY

The purpose of this report is to recommend to Council, a list of roads that are to be included in the "Gravel Re-sheet" schedule of the 2013/2014 budget.

BACKGROUND

Every year the Works Department puts a list of gravel roads, deemed to be most critical, to be re-sheeted to Council for inclusion in their budget.

The list is created by the Manager of Works with consultation from the Works Supervisor, the Leading Hand Grader Driver and where budgetary constraints allow the 10 year plan.

.COMMENT

The list put forward this year are:

- Aegers Bridge Rd
- Camballan Road
- Meredith Road
- Terry Road
- Walshaws Road
- W Tree Gully Road

CONSULTATION

Tony Bogar, Joe Fenwick and the 10 year Road plan.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil, Budget Planning

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

MOVED: Cr Moir

SECONDED: Cr Biddle

That the Council adopts en bloc items 8.1.1, 8.1.2, 8.1.3 and 8.1.4

CARRIED 8/0

Res 02/13

COUNCIL DECISION & OFFICER RECOMMENDATION

That Council accept that Aegers Bridge Road, Camballan Road, Meredith Road, Terry Road, Walshaws Road and W Tree Gully Road be nominated for re-sheeting in the 2013-2014 budget.

CARRIED BY ENBLOC RESOLUTION

8.1.2 Form & Construct Roads for 2013-2014

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Interest:	Nil
Date:	14 th of January, 2013
Author:	R Staniforth-Smith, Manager of Works and Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Appendices:	Nil

SUMMARY

The purpose of this report is to recommend to Council, a list of roads that are to be included in the "Form and Construct" schedule of the 2013/2014 budget.

BACKGROUND

Many of Councils roads have never been formed and constructed and as such, whilst traffic can traverse them, the roads do not always perform well and in places the roads can be unsafe and dangerous to traverse.

Every year the Works and Services division puts up a list of roads that are deemed the most critical to be gravel re-sheeted and that will fall within budgetary constraints. The list is created by the Manager of Works with consultation from the Works Supervisor, the Leading Hand Grader Driver and where budgetary constraints allow the 10 year plan.

COMMENT

The list put forward this year are:

- Lodge Road
- Horley Road (providing the subdivision application WAPC 139315 proceeds – applicant to jointly fund Horley Road to 40%)

CONSULTATION

Tony Bogar, Joe Fenwick and the 10 year Road Plan.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil, Budget Planning

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

That Council accept that Lodge Road and Horley Road be nominated for forming and constructing in the 2013-2014 budget.

CARRIED BY ENBLOC RESOLUTION

8.1.3 Construct & Seal Roads for 2013-2014

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Interest:	Nil
Date:	14 th of January, 2013
Author:	R Staniforth-Smith, Manager of Works and Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Appendices:	Nil

SUMMARY

The purpose of this report is to recommend to Council, a list of roads that are to be included in the “Construct and Seal” schedule of the 2013/2014 budget.

BACKGROUND

Every year the Works Department puts a list of roads, deemed to be most critical, to be “Constructed and Sealed” to Council for inclusion in their budget.

The list is created by the Manager of works with consultation from the Works Supervisor, the Leading Hand Grader Driver and where budgetary constraints allow the 10 year plan.

COMMENT

The list put forward this year are:

- Boyup Brook – Arthur Road: 1.0km commencing from Town heading North. Road to be upgraded from 6.0m to 7.0m.
- Scotts Brook Road: 1.0km of road to be upgraded from 5.5m to 6.0m.
- Boyup Brook – Cranbrook Road: Shoulders and Edge Widening commencing from Tone Bridge.

CONSULTATION

Tony Bogar, Joe Fenwick and the 10 year Road Plan.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil, Budget Planning

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

That Council accept that the Boyup Brook – Arthur Road, Scotts Brook Road and the Boyup – Cranbrook Road be nominated for Constructing and Sealing in the 2013-2014 budget.

CARRIED BY ENBLOC RESOLUTION

8.1.4 2nd Coat Seal Roads for 2013-2014

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Interest:	Nil
Date:	14 th of January, 2013
Author:	R Staniforth-Smith, Manager of Works and Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Appendices:	Nil

SUMMARY

The purpose of this report is to recommend to Council, a list of roads that are to be included in the “2nd Coat Seal” schedule of the 2013/2014 budget.

BACKGROUND

Every year the Works Department puts a list of roads, deemed to be most critical, to be “2nd coat sealed” to Council for inclusion in their budget.

The list is created by the Manager of Works with consultation from the Works Supervisor, the Leading Hand Grader Driver and where budgetary constraints allow the 10 year plan.

COMMENT

The list put forward this year are:

- McAlinden Road

CONSULTATION

Tony Bogar, Joe Fenwick and the Gravel Roads 10 year Road plan.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil, Budget Planning

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

That Council accept that McAlinden Road be nominated for 2nd Coat Seal in the 2013-2014 budget.

CARRIED BY ENBLOC RESOLUTION

8.2 FINANCE

8.2.1 List of Accounts Paid

Location:	Not applicable
Applicant:	Not applicable
File:	FM/1/002
Disclosure of Officer Interest:	None
Date:	13 February 2013
Author:	Kay Raisin – Finance Officer
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – List of Accounts Paid

SUMMARY

In accordance with the Local Government (Financial Management) Regulations the list of accounts paid 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 7 December 2012 to 14 February 2013.

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 2012/13 or authorised by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Walker

SECONDED: Cr Biddle

That the list of accounts paid in December 2012 and January 2013 as presented totalling \$1,051,935.91 and as represented by cheque voucher numbers 19109 – 19181 totalling \$106,606.34 and accounts paid by direct electronic payments through the Municipal Account totalling \$945,329.57 be received.

CARRIED 8/0

Res 03/13

Item 8.2.2 was withdrawn by the CEO.

8.2.2 December 2012 Monthly Statements of Financial Activity

<i>Location:</i>	Not applicable
<i>Applicant:</i>	Not applicable
<i>File:</i>	FM/10/003
<i>Disclosure of Officer Interest:</i>	None
<i>Date:</i>	15 February 2013
<i>Author:</i>	K Raisin – Finance Officer
<i>Authorizing Officer:</i>	Alan Lamb – Chief Executive Officer
<i>Attachments:</i>	Yes – Financial Reports

Proximity Interest

Cr Kaltenrieder declared a proximity interest in item 8.3.1 and departed the Chambers the time being 5.52pm.

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Amendment No 14 – Rural Small Holdings Zone SPA4 Structure Plan

Location:	<i>Fern Valley Road</i>
Applicant:	<i>MPM Development Consultants</i>
File:	<i>LN/42/005</i>
Disclosure of Officer Interest:	<i>G.Lush has previously worked for some of the landowners</i>
Date:	<i>11th February 2013</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>1 Structure Plan Map 2 Submissions Schedule</i>

SUMMARY

Consideration of:

- Amendment No 14 to the Scheme which proposes include Lots 8 and 9 Boyup Brook - Kojonup Road in the Rural Small Holdings zone; and
- Final adoption of SPA4 Structure plan.

It is recommended that Council adopt

- Amendment 14 for final approval subject to modifications; and
- SPA4 Structure plan.

BACKGROUND

Amendment No 14 to Town Planning Scheme No 2 has two components:

1. It introduces Rural Small Holdings as a new zone into the Scheme with associated general provisions. In conjunction with this it also introduces provisions for the preparation and approval of structure plans; and
2. It proposes to include Lots 8 and 9 Boyup Brook - Kojonup Road in the Rural Small Holdings zone.

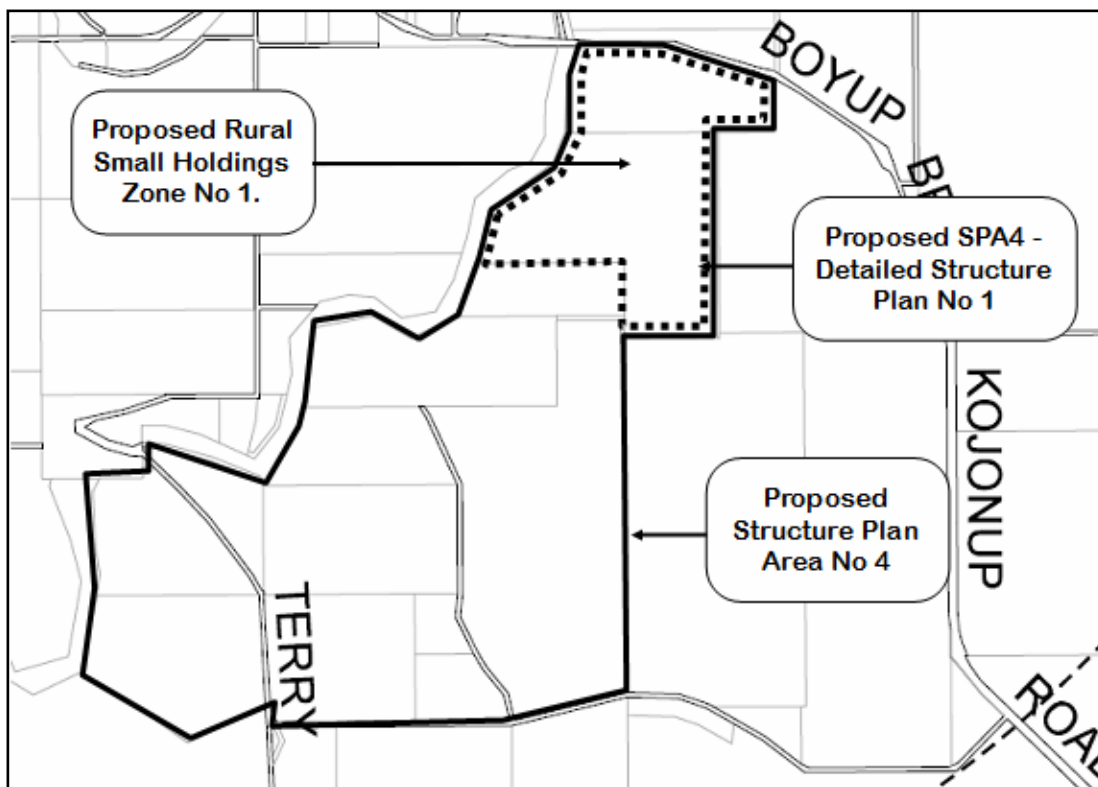
Amendment No 14 was adopted by Council at its Meeting of the 18th October 2012 for the purpose of referral to the EPA and for advertising.

Council at its Meeting of the 13th December also adopted the SPA Structure Plan and resolved to advise the applicant that prior to Council considering the structure plan for final adoption the following issues need to be clarified:

- a) Confirmation by site inspection of the proposed river access point;
- b) Inclusion of the river access point as a POS Reserve on the structure plan map;
- c) Clarify the proportional costs or method to determine these, by landowners to the Kojonup Road intersection;
- d) Inclusion of Option 1 in the revised road contributions plan;
- e) Clarification that the land use provisions for the Rural Small Holdings only apply once the land is rezoned;
- f) Inclusion of a section relating to low intensity tourist development as stipulated in the Rural Strategy. This can simply document that Amendment 15 is introducing a broader range of discretionary tourist uses within the Rural Small Holdings zone;
- g) Provision of a potential fire service access route on the structure plan map from Terry Road to the subdivision road on the western side of Fern Valley Road in the vicinity of Lot 913.
- h) Inclusion of all recommendations on the structure plan map;
- i) Inclusion of the endorsement statement on the structure plan map; and
- j) Other minor text corrections and modifications as directed.

The SPA4 Structure Plan covers all of the land shown below and a copy of this is included as Attachment 1. Amendment No 14 is then including Lots 8 & 9 in Rural Small Holdings Zone No 1.

Area No 4 in relation to the proposed Rural Small Holdings Zone No 1 and detailed structure plan are shown below. Prior to Lots 8 and 9 being subdivided a Detailed Structure Plan (subdivision guide plan) must be approved by Council.



CONSULTATION

The EPA by letter dated the 26th November 2012 advised

After consideration of the information provided by you, the EPA considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) and that it is not necessary to provide any advice or recommendations.

The Amendment and Structure Plan were advertised between the 19th December – 8th February 2013 by:-

- 1 Notice in the Manjimup Bridgetown Times;
- 2 Placing the Amendment and Structure Plan reports and advertising notice (Form 3) on the Council web page;
- 3 Displaying a copy of the Amendment and Structure Plan at the front Office counter;
- 4 Advising the landowners within the SPA4 area of the Amendment and Structure Plan; and
- 5 Referring the Amendment and Structure Plan notice, and summary to the following Government agencies.
 - Department of Environment and Conservation;
 - Department of Fire and Emergency Services;
 - Department of Indigenous Affairs;
 - Department of Agriculture and Food;
 - Western Power;
 - Department of Water;
 - Health Department; and
 - Main Roads Western Australia.

As a result of the advertising, seven submissions were received and these are documented in Attachment 2.

STATUTORY OBLIGATIONS

Provisions of the Planning and Development Act 2005, and Town Planning Regulations.

COMMENTS on SUBMISSIONS

Department of Indigenous Affairs

The Department has advised that the drainage lines on the subject land form part of Aboriginal Heritage site ID 20434 "Blackwood River." The concern is with road works where they cross the drainage lines.

It is understood that the revegetation of the drainage lines may also require consultation and approval.

The applicants are obliged to comply with the Cultural Heritage Due Diligence Guidelines. This includes a heritage survey and potentially a S18 submission to the Minister.

Section 2.4 the report references both the tributaries and the river being part of the heritage site. However the comments regarding this being restricted to UCL aren't correct.

Boyup Brook - Kojonup Road Intersection

Main Roads has not objected to the Amendment and has noted the requirements in the structure plan relating to the design of the Kojonup Road intersection.

It has requested that these provisions be reinforced by the addition of the following:

The intersection of the new subdivision access road with Boyup Brook - Kojonup Road will be required to be located, designed and constructed to the specification and satisfaction of Main Roads. Also, any road reserve widening which may be required for construction of the subdivision road intersection will be required to be ceded free of cost to the crown by the subdivider.

This condition can be included in the Schedule for RSH No 1 zone.

In relation to other landowners being required to make a contribution to the development of the intersection, it appears that the design will not alter be it for just the subdivision of Lots 8 and 9 or the whole of the SPA4 area. Hence the owners of Lots 8 and 9 have to provide the intersection for the development of their own land.

Lot 696

The owners have indicated that they are not supporting the rezoning and have no intention of subdividing their land.

Amendment 14 still retains the underlying Rural zone while identifying that a structure plan is required for the land. It must then be rezoned to Rural Small Holdings before it can be subdivided.

Lot 223

The owner has raised concerns with the proposed alignment of the subdivision road. There is flexibility to relocate this within the lot boundaries and this would be examined in more detail when he does the Detailed Structure Plan (subdivision guide plan) for this land.

Lot 223 has an area of 16.206 ha. As the subdivision road would be more than 4,000sqm in area the net developable land will be less than 16ha.

As there is a minimum lot size of 4ha only three lots could be created.

Foreshore Management

The Department of Water has requested that a biophysical assessment should be undertaken to identify an accurate foreshore protection area to the Blackwood River. This biophysical assessment should be undertaken prior to finalisation of any 'detailed Structure Plans (Step 3). It is at this stage in the planning process where there is a need to ensure sufficient land is being set aside for the protection and management of water resources because it has a bearing on the proposed subdivision design.

It will be at the subdivision/development stage that a Foreshore Management Plan will be sought over the identified foreshore protection area. The Foreshore Management Plan will address such matters as, but not limited to: weed management; erosion control and bank stability; revegetation; access, footpaths and parking; crossovers, vesting, fencing etc.

The Department does not support internal road networks within the foreshore protection area shown in the 'Overall Structure Plan and Detailed Structure Plan. Access within the foreshore protection area should be restricted to pedestrian movement.

Effluent Disposal

The Department's preference, when reticulated sewerage services area not available, is for ATU's in lieu of septic tank and leach drain systems for their nutrient stripping capacity.

The Health Department has not objected to the provision of septic tanks provided that a geotechnical report to demonstrate that the areas where septic tank systems are proposed to be used are capable of disposing of effluent within each lot.

Despite this consideration of effluent disposal systems in the Detailed Structure plan may result in ATU's being used on all lots.

COMMENT ON COUNCIL ISSUES

Council had previously resolved that considering the structure plan for final adoption the following issues need to be clarified. This is to address floodplain; vegetation; hydrology; soil types; topography; ecological linkages; biodiversity; community access and recreation expectations; function/uses; habitat; heritage.

- a) Confirmation by site inspection of the proposed river access point;
This is still to be confirmed while noting that the final location of this would be addressed in the Detailed Structure Plan (subdivision guide plan) for Lot 696. The owners of Lot 696 have indicated that they have no desire to subdivide their land and it is up to them when or if they proceed.
- b) Inclusion of the river access point as a POS Reserve on the structure plan map;
This will be shown as a highlighted area on the plan.
- c) Clarify the proportional costs or method to determine these, by landowners to the Kojonup Road intersection;
The applicant has indicated that there is no design threshold for the upgrading of the intersection and hence the owners of Lots 8 and 9 have to construct the full intersection when they subdivide.

- d) Inclusion of Option 1 in the revised road contributions plan;
This was done prior to the structure plan being advertised. However since then there has been further consultation with the applicant regarding road contributions which are addressed in the next section.
- e) Clarification that the land use provisions for the Rural Small Holdings only apply once the land is rezoned;
This has been clarified.
- f) Inclusion of a section relating to low intensity tourist development as stipulated in the Rural Strategy. This can simply document that Amendment 15 is introducing a broader range of discretionary tourist uses within the Rural Small Holdings zone;
A draft section has been prepared to address this.
- g) Provision of a potential fire service access route on the structure plan map from Terry Road to the subdivision road on the western side of Fern Valley Road in the vicinity of Lot 913.
This will be shown on the structure plan map.
- h) Inclusion of all recommendations on the structure plan map;
These will be shown on the structure plan map.
- i) Inclusion of the endorsement statement on the structure plan map;
This will be shown on the structure plan map.
- j) Other minor text corrections and modifications as directed.
These have been documented and supplied to the applicant.

COMMENT ON ROAD CONTRIBUTIONS

The key principle for road contributions is that if an owner wants to subdivide then they will be required to fully upgrade the road length which physically adjoins their property. They can then recoup up to 50% of the costs for this from the owner on the opposite side when they subdivide. In reality this would only apply to Fern Valley Road. Where the subdivision occurs out of sequence, then Council may require a contribution to the upgrading of the intervening portion of the existing road. For example if Lot 913 was subdivided then Fern Valley Road may need to be upgraded back to Stanton Road. In this context the “upgrading” specification would have to be defined by Council.

For both Terry and Stanton Roads it has been accepted that the owners are only responsible for 50% of the road construction cost. The citation for Stanton Road needs to also include Lot 1777 as well as Lots 589 (not 598) & 10. For Terry Road as there are lots on both sides then the landowners are only contributing 25%.

So if Lot 6116 Terry Road was subdivided then:

- Council would expect that Terry Road would be fully constructed for the length abutting their development;
- Council would be liable for 50% of this cost; and
- The owner of Lot 7876 on the opposite side of the road would be liable for 25% of this cost.

The developer of Lot 6116 must undertake the works and can seek a contribution from the owner of Lot 7876 pursuant to the PD Act provisions

Council is unlikely to want to reimburse any costs but it may not be able to construct its 50% share straight away. It might as an alternative accept a payment from the developer for the joint landowners 50% contribution.

A simplified statement for road contributions is as follows:

The preparation of the Detailed Structure Plans is to address road contribution standards, road upgrading and contributions in accordance with the following principles:

- 1 Road reserve widths of 20m with a 6m sealed pavement and 1.2m shoulders;
- 2 The design and construction shall be in accordance with the Institution of Public Works Engineering Australia (WA Division) Subdivisional Guidelines;
- 3 Landowners within the structure plan area are to undertake the full construction of all roads internal to their development;
- 4 The owners of lots abutting Terry, Stanton and Fern Valley Roads are required as a condition of subdivision to undertake the full construction / upgrading for the portion of the road abutting their development. They may then recoup a percentage of this cost from the opposite landowner in accordance with the provisions of the Planning and Development Act 2005.
- 5 Council will be responsible for contributing 50% of the cost of upgrading the abutting sections of Terry and Fern Valley Roads.

POLICY IMPLICATIONS

The introduction of the Rural Small Holding zone is a major step forward for the planning of the municipality.

The approval of the structure plan will highlight a number of current policy issues, such as river management, which will require further consideration by Council.

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

The development of the structure plan area will require consideration in Council's forward planning and provision of services.

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

MOVED: Cr Giles

SECONDED: Cr Aird

1. That pursuant to Regulation 17 of the Town Planning Regulations 1967 Council determines the submissions in accordance with the Schedule contained in Attachment 2.
2. That pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 17 Council resolves to adopt Amendment No 14 for final approval subject to the following modifications:
 - 2.1 In Schedule 3A - Rural Small Holdings zones" add:
 - k) The intersection of the new subdivision access road with Boyup Brook - Kojonup Road will be required to be located, designed and constructed to the specification and satisfaction of Main Roads. Also, any road reserve widening which may be required for construction of the subdivision road intersection will be required to be ceded free of cost to the crown by the subdivider.
3. That in accordance with proposed Clause 10.1.5.7(a) Council resolve to adopt the SPA 4 Structure Plan subject to the following modifications:
 - 3.1 Modifying the structure plan map by:
 - (a) Inclusion of the river access point as a POS Reserve;
 - (b) Provision of a potential fire service access route on the structure plan map from Terry Road to the subdivision road on the western side of Fern Valley Road in the vicinity of Lot 913.
 - (c) Inclusion of the Council and WAPC endorsement statement citation;
 - (d) Inclusion of all recommendations.
 - 3.2 Replace Recommendation 2 with:

The rural small holdings subdivision, land use and development provisions do not apply until such time as the subject land is included in the Rural Small Holdings Zone.
 - 3.3 In Recommendation 3 (Matters for the Detailed Structure Plan) add:
 - External road construction standards, upgrading and contributions as outlined in the Road Contributions Plan;
 - A biophysical assessment to identify an accurate foreshore protection area to the Blackwood River.

- 3.4 Revise sections 2.6.3 and 3.5 the report needs to reflect the river access POS reserve. The second paragraph of Section 2.6.3 Foreshore could be replaced with:

The structure plan design indicates that a road reserve will be close to the foreshore area on Lot 696, provided that the road pavement is above the 1:100 year flood level. A public access point to the river is to be provided in this general location as determined in the Detailed Structure Plan. This will also provide a water supply point for fire fighting.

The site is to be designated as a POS reserve with a minimum size of 5,000sqm and be of sufficient size to provide car parking; a turnaround area for a heavy duty fire truck and a future 50,000L tank for fire fighting.

- 3.5 In Section 2.7.2 Water replace

“Therefore it is recommended that 120,000L capacity rainwater tanks be required to provide for additional water usage” with

“It is acknowledged that each lot will be required to have additional water supplies for rural pursuits and for fire fighting.”

- 3.6 Insert Section 2.8 Low Key Tourist Development as follows and renumber “Context and constraints analysis” as 2.9

2.8 Low Key Tourist Development

The physical setting of the site being adjacent to the Blackwood River with views over the valley is likely to be sought after for tourist accommodation particularly chalets bed and breakfast establishments etc.

Amendment No 15 will introduce a range of tourist uses into the Scheme. Proposed Clause 5.22 Tourist Accommodation and Facilities sets out the matters which Council must have regard to in considering an application for a tourist use.

This will provide sufficient statutory control to ensure that development complies with the proposed objective for RSH 1 zone to provide for residential development in a rural setting and secondly for rural pursuits, home based business and minor tourist uses.

- 3.7 In Section 3.5 Open Space/Recreation, insert at start of the second sentence.....

“Except for the river access point, formalised public open space for recreation will not be required....”

- 3.8 That the notes on the Road Contributions Plan be amended to read as follows:

The preparation of the Detailed Structure Plans is to address road contribution standards, road upgrading and contributions in accordance with the following principles:

- 1 Road reserve widths of 20m with a 6m sealed pavement and 1.2m shoulders;
 - 2 The design and construction shall be in accordance with the Institution of Public Works Engineering Australia (WA Division) Subdivisional Guidelines;
 - 3 Landowners within the structure plan area are to undertake the full construction of all roads internal to their development;
 - 4 The owners of lots abutting Terry, Stanton and Fern Valley Roads are required as a condition of subdivision to undertake the full construction / upgrading for the portion of the road abutting their development. They may then recoup a percentage of this cost from the opposite landowner in accordance with the provisions of the Planning and Development Act 2005.
 - 5 Council will be responsible for contributing 50% of the cost of upgrading the abutting sections of Terry and Fern Valley Roads.
4. That the Amendment and structure plan documents and a copy of the submissions be forwarded to the Western Australian Planning Commission for final approval.
 5. That all persons and agencies which made a submission be advised of the above.

CARRIED 7/0

Res 04/13

Cr Kaltenrieder returned at 5.55pm

8.3.2 Town Planning Scheme Review

Location:	N/A
Applicant:	
File:	LN/42/005
Disclosure of Officer Interest:	None
Date:	11 th February 2013
Author:	Geoffrey Lush (Council Consultant)
Authorizing Officer:	A Lamb
Attachments:	1 Amendment Summary 2 Submissions Schedule 3 Revised Zoning Table

SUMMARY

To consider final adoption of Amendment No 15 to the Scheme which proposes to update the Scheme Text in accordance with the recommendation of the Rural Strategy, Model Scheme Text and current Planning Commission policies.

A summary of the Amendment is contained in Attachment 1 and the submissions schedule is contained as Attachment 2.

It is recommended that Council adopt Amendment 15 for final approval subject to modifications.

BACKGROUND

Councillors at its Meeting on the 19th July 2012 Council adopted Amendment No 15 for the purpose of advertising and referral.

A detailed summary is included in Attachment 1. The amendment updates the Planning Scheme as follows:

- a) Implement the recommendations of Council's approved Rural Strategy;
- b) Reviewing the Land Use / Zoning Table and associated definitions in Schedule 1;
- c) Review provisions within the Scheme Text to bring it closer in alignment with the Model Scheme Text;
- e) Modifying Schedule 3 Special Rural zones to provide consistent land use designations and to include tourist and other ancillary uses
- d) Update references and terminology; and
- e) Revising the following Clauses

- 1.7 Definitions;
- 2.1.4 relating to Reserved Land;
- 3.2.2.2(iii) Boyup Brook Townsite – West Policy Area;
- Deleting Clause 3.2.2.4 Special Rural Policy Areas;
- 3.3.2 relating to Permitted Development;
- 3.4.3 Matters to be Considered;
- Inserting clauses 3.4.6 and 3.4.7 and renumber the existing clause 3.4.6 as 3.4.8;
- 5.1.2.1 relating to R10/15 development standards;
- 5.14 Land Liable to Flooding;
- 5.18 Plantations;
- Inserting Clause 5.21 Development of Land with No Access;
- Inserting Clause 5.22 Tourist Accommodation and Facilities;
- 6.2 Heritage Lists; and
- 7.3.1 relating to subdivision in the Guided Development Area;

CONSULTATION

The EPA by letter dated the 2nd October 2012 advised

After consideration of the information provided by you, the EPA considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act* 1986 (EP Act) and that it is not necessary to provide any advice or recommendations.

The amendment was advertised between the 21st November – 18th January 2013 by:-

- 1 Notice in the Manjimup Bridgetown Times;
- 2 Placing the Amendment report and advertising notice (Form 3) on the Council web page;
- 3 Displaying a copy of the Amendment at the front Office counter;
- 4 Advising 114 landowners in the Special Rural zones of the proposed changes to their respective zone; and
- 5 Referring the amendment notice, and summary to the following Government agencies.
 - Department of Environment and Conservation;
 - Department of Fire and Emergency Services;
 - Department of Indigenous Affairs;
 - Department of Agriculture and Food;
 - Western Power;
 - Department of Water;
 - Health Department;
 - Department of Mines and Petroleum;
 - Department of Regional Development and Lands;
 - Main Roads Western Australia; and
 - State Heritage Office.

As a result of the advertising thirteen submissions were received and these are documented in Attachment 2.

STATUTORY OBLIGATIONS

Provisions of the Planning and Development Act 2005, and Town Planning Regulations.

COMMENT

The amendment is primarily updating large sections of the Town Planning Scheme in accordance with Model Scheme Text (MST) as contained in the Town Planning Regulations (1967).

There has not been any significant objection to the amendment with only the Department of Environment and Conservation and the Health Department requesting any modifications.

Health Department

The first concern is that the Health Department should have applications with effluent disposal systems within flood prone land referred to it for comment. Clause 5.14.1 provides that Council may consult with the Department of Water. This can be extended to include the Health Department.

The second suggestion is that Council should consider incorporating Health Impact Assessment (HIA) and/or Public Health Assessment (PHA) principles into its decision making process.

These are both published guidelines:

- Health Impact Assessment (HIA) is a systematic process which aims to identify and examine both the positive and negative health impacts of an activity during its planning stages and provide decision makers with information about how the activity may affect the health of people.
- Public Health Assessment (PHA) is the process WA Health requires of developers to demonstrate that their proposals will not adversely affect the health of the surrounding community.

The general principles and methodology is based upon risk management planning. If Council wishes to promote these further then it can develop a policy for this rather than referencing it in the Planning Scheme.

Department of Environment and Conservation

The Department has requested that Clause 3.4.3 "Matters to be Considered in Determining an Application" be modified so as to more clearly reference:

- The EPA vegetation clearing regulations;
- Site contamination; and
- Retention of significant vegetation.

As the clause contains a number of general provisions relating to Government Environmental Policy it can be argued that the changes are not absolutely necessary. Conversely including them does not impose any greater burden on either Council or applicants.

Lee Steere Drive

Several submissions have expressed qualified concern with heavy haulage vehicles and the keeping of livestock. A precedent regarding this has already been set by Council when it refused an application for the parking of a 'commercial vehicle'.

The sites are located in Special Rural zones 2 and 5 respectively.

The amendment provides for a "rural pursuit" in both zones but the "parking - heavy haulage vehicles" remains a prohibited use.

Rural Small Holdings

Amendment 14 is introducing the general provisions for the Rural Small Holdings zone.

This includes the Land use / Zoning table but as Amendment 14 precedes Amendment 15 it refers to the existing zoning table. As Amendment 15 reviews the zoning table it must also include the provisions for the Rural Small Holdings zone.

The following table reflects Councils previous consideration of this issue and it also shows the consolidated land uses for the Special Rural zones. The Rural Small Holdings zone is similar to the Special Rural zone but contains some additional rural uses which reflect the larger lot sizes.

Land Use	SR1	SR2	SR3	SR4	SR5	SR6	SR7	SR8	RSH1
Agriculture - extensive	-	-	-	-	-	-	-	-	AA
Agriculture - intensive	-	-	-	-	-	-	-	-	SA
Agroforestry	-	-	-	-	-	-	-	-	AA
Alley Farming	-	-	-	-	-	-	-	-	AA
Ancillary Accommodation	P	P	P	P	P	P	P	P	P
Bed & Breakfast	AA	AA	AA	AA	AA	AA	AA	AA	AA
Cabin	AA	AA	AA	AA	AA	AA	AA	AA	AA
Caretaker's House	-	-	-	-	IP	IP	-	-	-
Chalet	SA	SA	SA	SA	SA	SA	SA	SA	AA
Farmstay	-	-	-	-	-	-	-	-	AA
Grouped Dwelling	-	-	-	-	-	-	-	-	AA
Guesthouse	SA	SA	SA	SA	SA	SA	SA	SA	SA
Holiday Home	P	P	P	P	P	P	P	P	P

Home Business	AA	AA	AA	AA	AA	AA	AA	AA	AA
Home Occupation	AA	AA	AA	AA	IP	IP	P	P	P
Home Office	P	P	P	P	P	P	P	P	P
Industry- Cottage	AA	AA	AA	AA	AA	AA	AA	AA	AA
Industry - Light	SA	-	-	-	-	-	-	-	-
Industry - Rural	SA	-	-	-	-	-	-	-	AA
Intensive Agriculture	-	-	-	-	-	-	SA	-	-
Market Gardens	-	-	-	-	AA	AA	-	-	-
Office	-	-	-	-	-	-	-	-	IP
Parking – Commercial Vehicles	-	-	-	-	-	-	-	-	AA
Parking – Heavy Haulage Vehicles	-	-	-	-	-	-	-	-	SA
Public Recreation	P	P	P	P	-	-	-	-	-
Restaurant	-	-	-	-	-	-	-	-	AA
Rural Home Business	-	-	-	-	-	-	-	-	SA
Rural Pursuit	AA	AA	AA	AA	AA	AA	SA	SA	SA
Single House	P	P	P	P	P	P	P	P	P
Telecommunications Infrastructure	-	-	-	-	-	-	-	-	AA
Transport Depot	SA	-	-	-	-	-	-	-	SA
Veterinary Clinic	-	-	-	-	SA	SA	-	-	-
Wayside Stall	-	-	-	-	-	-	-	-	AA
Woodyard	SA	-	-	-	-	-	-	-	AA

In relation to the above table the symbols mean

‘P’ A use that is permitted subject to compliance with all requirements of this Scheme.

‘AA’ A use which Council, in exercising the discretionary powers available to it, may approve under this Scheme.

- 'SA' A use that is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 3.5.
- 'IP' A use that is not permitted unless such use is shown to be incidental to the predominant use of the land as may be determined by Council.
- '-' A use that is not permitted under this Scheme.

There has been some confusion regarding the inclusion of the revised Rural Small Holdings land use provisions in Amendment No 15. In consultation with the Department of Planning it has been agreed that to clarify this Council should formally include these provisions as a modification to the amendment.

This will only affect Lots 8 and 9 Kojonup Road which are being included in the Rural Small Holdings zone in Amendment 14.

POLICY IMPLICATIONS

The review of the Scheme will have significant policy implications and require the revision and introduction of new policies.

BUDGET/FINANCIAL IMPLICATIONS

The advertising and publication of approved amendment in the Government Gazette may cost in the order of \$3,000. This is likely to be in the 2013/2014 financial year.

STRATEGIC IMPLICATIONS

The preparation of the amendment is an important update and consolidation of the Scheme provisions and review of the Planning Scheme. It incorporates the recommendations of the Rural Strategy which provides the basic strategic framework for the development of the Shire.

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

MOVED: Cr O'Hare

SECONDED: Cr Imrie

1. That pursuant to Regulation 17 of the Town Planning Regulations 1967 Council determines the submissions in accordance with the Schedule contained in Attachment 2.
2. That pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 17 Council resolves to adopt Amendment No 15 for final approval subject to the following modifications (shown in bold)
 - 2.1 Revise Table 1 (Zoning Table) as shown in Attachment 3.
 - 2.1 Revise Clause 5.14.3 as follows

“For the purposes of sub-clause 5.14.1 and 5.14.2, the local government may consult with, and take into consideration, the advice of the **Department of Health or the Department of Water**, in relation to the delineation of flood ways and flood prone land, the effect of the development on a floodway, and any other measures to offset the effects of flooding.”
 - 2.2 Revise Clause 3.4.3(d) as follows

Any approved environmental protection policy under the Environmental Protection Act 1986; 'the provisions of the Environmental Protection Act 1986 and its associated Regulations, including the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, as well as any approved environmental protection policies made under that Act;
 - 2.3 Revise Clause 3.4.3(m) as follows

Whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire, **site contamination, acid sulphate soils and possibly salinity** or any other risk;
 - 2.4 Revise Clause 3.4.3(v) as follows

Whether adequate provision for the protection of any significant **remnant vegetation, as well as landscape values and other valuable environmental attributes** has been made for the land to which the application relates and whether any trees or other vegetation on the land should be preserved;'
 - 2.5 That in Special Rural Zones No's 5 and 6 in Special Provision (iv) replace Veterinary Clinic with “**Veterinary Centre.**”
3. That the Amendment documents and a copy of the submissions be forwarded to the Western Australian Planning Commission for final approval.
- 4 That all persons and agencies which made a submission be advised of the above.

CARRIED 8/0

Res 05/13

Geoffrey Lush left the Chambers at 6pm

8.3.3 Reallocation of Budget Funds

Location:	N/A
Applicant:	
File:	
Disclosure of Officer Interest:	None
Date:	1 February 2013
Author:	Geoff Carberry
Authorizing Officer:	Alan Lamb
Attachments:	Chair detail

SUMMARY

The purpose of this item is to change the purpose of funds allocated in the 2012/2013 Shire budget. Currently \$31800 is allocated under E174010 for Town Hall underpinning. This allocation was subject to a grant being received from Lotteries West for the remaining portion of the works. This grant application was unsuccessful for the current year. It is requested that Council reallocate part of these funds for the provision of new seating and tables in the town hall.

BACKGROUND

Whilst the grant for this year was declined verbal indications from Lotteries West are that it will be looked at in a favourable light next year. The allocation of \$31800 was for the Shires portion towards this project. In recent times there have been numerous complaints regarding the standard of seating in the town hall along with the lack of modern light weight tables.

The current seating and tables were purchased around 10 years ago. The tables are starting to show their age with an increasing level of maintenance. The Chairs and tables were targeted for replacement in the 2013/2014 budget so in effect this will bring the works forward so that the underpinning works can be carried out next year.

COMMENT

The proposed seating is a very commonly used type of modern construction with padded seat and back rest. The frame is steel tubing refer attachment. They are stackable and have a 5 year guarantee. The current stock of chairs could be placed into storage and used for outdoor activities such as the Sandakan Memorial Service, UBAS show and similar events.

The new tables will be a combination of light weight moulded tables and round tables suitable for meals giving a greater flexibility of use for the premises.

During a recent "Fit for Purpose" inspection of the facility it was deemed that the stage and general facilities were of the required standard but seating and sound systems should be improved.

The suggested new seating was agreed to be appropriate but an additional slide out tiered section of seating should also be incorporated at the rear of the hall to increase the seating capacity to 400. This seating would reduce the area of hall available to users even when in the stored position. Approval would also be required to increase the licensed capacity of the hall which may lead to further costs.

CONSULTATION

City of Cockburn - users of the same chairs
McLeanons Office Furniture - supplier
Access Office Furniture - supplier
Supre Office furniture - office furniture supplier not this type

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Not all of the original allocation will be required therefore the remaining amount can be returned to reserves.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute majority required

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Biddle

SECONDED: Cr Aird

That "Eleven thousand (\$11,000) of the funds allocated to underpinning of the Town Hall (E174010) be reallocated to replacement seating and tables for use in the Town Hall. The remaining funds be returned to reserves."

That "Council approves the purchase of 200 chairs and various tables as required with the reallocated funds."

That "If increased Licensed Seating Capacity can be achieved, then further 'slide away tiered seating' be considered as part of the 2013/2014 budget process."

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 06/13

8.3.4 Policy - Surveillance Cameras

Location:	N/A
Applicant:	
File:	
Disclosure of Officer Interest:	None
Date:	5 February 2013
Author:	Geoff Carberry
Authorizing Officer:	Alan Lamb
Attachments:	Policy - Surveillance Cameras

SUMMARY

This item is to adopt the proposed Surveillance Camera policy as part of the Shires ongoing administration process.

BACKGROUND

Over a number of years there has been illegal access to the swimming pool area and now that the Transfer Station has been ordered to be locked whilst staff are not in attendance several incidents of littering outside of the gates have occurred. The use of cameras has been proven to deter such anti social behaviour.

COMMENT

With the intended use of the surveillance cameras it is best practice to have a policy that governs their operation

CONSULTATION

Shire of Donnybrook -Balingup

STATUTORY OBLIGATIONS

Freedom of Information Act 1992

Surveillance Devices Act 1998

Telecommunications (Interception) Western Australia Act 1996

POLICY IMPLICATIONS

The policy will enhance the Shires administration process by giving a clear indication of the purpose and guidelines for staff to follow.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Walker

SECONDED: Cr Imrie

"That the Surveillance Camera policy be adopted and that it then forms part of the Shires policy documentation"

CARRIED 8/0

Res 07/13

8.3.5 Development Assessment Panels – Nomination of Members

Location:	N/a
Applicant:	Department of Planning
File:	
Disclosure of Officer Interest:	None
Date:	14 February 2013
Author:	Alan lamb
Authorizing Officer:	Not applicable
Attachments:	Copy of DAP letter

SUMMARY

The purpose of this report is to put the request for Council to nominate four Elected Members to sit on the local Development Assessment Panel (DAP)

BACKGROUND

As will be seen from the excerpts of the legislation contained in this report (or from the full text of the Regulations on either the Department of Planning website or from the State Law Publisher site), Local Governments are to nominate two members and two alternate members. The term of office is no more than two years, there is an application form and CV required for each Councillor nominated, and all DAP members have to attend training.

The following Councillors are current nominees of Council and their term of office ends 26 April 2013: Cr Moir, Cr O'Hare and Cr Kaltenrieder.

COMMENT

It is recommended that Council nominate four Councillors and that they be asked to complete the application forms and then the relevant training.

CONSULTATION

Nil other than with WA Planning.

STATUTORY OBLIGATIONS

The following sections of the Planning and Development (Development Assessment Panels) Regulations 2011 have relevance:

Part 2 — Development applications and determinations

5. *Mandatory DAP applications (Act s. 171A(2)(a))*

Any development application that —

- (a) is not an excluded development application; and*

- (b) *in the case of an application for development in the district of the City of Perth — is for the approval of development that has an estimated cost of \$15 million or more; and*
- (c) *in the case of an application for development in a district outside of the district of the City of Perth — is for the approval of development that has an estimated cost of \$7 million or more,*

is of a class prescribed under section 171A(2)(a) of the Act.

6. *Optional DAP applications (Act s. 171A(2)(ba))*

Any development application that —

- (a) *is not —*
 - (i) *an excluded development application; or*
 - (ii) *a development application in respect of which the responsible authority has under regulation 19 delegated the power of determination;*

and

- (b) *in the case of an application for development in the district of the City of Perth — is for the approval of development that has an estimated cost of \$10 million or more and less than \$15 million; and*
- (c) *in the case of an application for development in a district outside of the district of the City of Perth — is for the approval of development that has an estimated cost of \$3 million or more and less than \$7 million,*

is of a class prescribed under section 171A(2)(ba) of the Act.

7. *Election in respect of r. 6 application*

- (1) *An applicant making a development application of a kind prescribed under regulation 6 may elect to have the application determined by a DAP.*
- (2) *The election must be made by —*
 - (a) *completing the notice of election in the form of Part A of Form 1 in Schedule 3; and*
 - (b) *attaching it to the development application.*

8. *Applications to be determined by DAPs*

- (1) *Despite any other provision of the Act or a planning instrument, any DAP application for approval of development within a district for which a DAP is established —*
 - (a) *must be determined by the DAP as if the DAP were the responsible authority under the relevant planning instrument in relation to the development; and*
 - (b) *cannot be determined by the local government for the district or the Commission.*
- (2) *If a DAP application made under a region planning scheme or regional interim development order is for approval of development in more than one district for which a DAP is established, the*

application is to be determined by the DAP established for the district in which the greater land area of the development is proposed.

Part 4 — Development assessment panels

Division 1 — DAP members

23. LDAP members

- (1) *The members of a LDAP are —*
 - (a) *2 persons appointed to the LDAP as local government members; and*
 - (b) *3 persons appointed to the LDAP as specialist members.*
- (2) *The members must be appointed in writing by the Minister.*
- (3) *Regulation 24 applies to the appointment of local government members.*
- (4) *Regulation 37 applies to the appointment of specialist members.*

24. Local government members of LDAP

- (1) *Whenever it is necessary to make an appointment under regulation 23(1)(a), the Minister must —*
 - (a) *in writing, request the local government of the district for which the DAP is established to nominate a member of the council of the local government for appointment; and*
 - (b) *unless subregulation (2) applies, appoint the person so nominated.*
- (2) *If, within 40 days after the date on which the Minister makes a request to a local government under subregulation (1) or such longer period as the Minister may allow, the local government fails to nominate a person for appointment in accordance with the request, the Minister may appoint under regulation 23(1)(a) a person who —*
 - (a) *is an eligible voter of the district for which the LDAP is established; and*
 - (b) *the Minister considers has relevant knowledge or experience that will enable that person to represent the interests of the local community of that district.*
- (3) *For the purposes of subregulation (2)(a) a person is an eligible voter of a district if that person is eligible under the Local Government Act 1995 section 4.29 or 4.30 to be enrolled to vote at elections for the district.*

25. JDAP members

- (1) *The members of a JDAP, at any meeting of the JDAP to determine or otherwise deal with a development application or an application to amend or cancel a determination of the JDAP, are —*
 - (a) *the 2 local government members included on the local government register as representatives of the relevant local government in relation to the development application; and*
 - (b) *3 persons appointed to the JDAP as specialist members.*

(2) *In subregulation (1)(a) —*

relevant local government, in relation to a development application, means the local government of the district in which the land to which the development application relates is situated.

(3) *The specialist members must be appointed in writing by the Minister.*

(4) *Regulation 37 applies to the appointment of specialist members.*

26. JDAP local government member register

(1) *The Minister must cause to be established and maintained a register of local government members of JDAPs.*

(2) *Subject to subregulation (4), the register must include the names of 2 members of the council of each local government of a district for which a JDAP is established.*

(3) *Whenever it is necessary to include a member of a council of a local government on a local government register under subregulation (2), the Minister must —*

(a) *in writing, request the local government to nominate a member of the council of the local government for inclusion on the register; and*

(b) *unless subregulation (4) applies, include on the register the name of the person nominated.*

(4) *If, within 40 days after the date on which the Minister makes a request under subregulation (3) or such longer period as the Minister may allow, the local government fails to nominate a person for inclusion on the local government register in accordance with the request, the Minister may include on the register as a representative of the local government a person who —*

(a) *is an eligible voter of the district of the local government; and*

(b) *the Minister considers has relevant knowledge or experience that will enable that person to represent the interests of the local community of that district.*

(5) *For the purposes of subregulation (4)(a) a person is an eligible voter of a district if that person is eligible under the Local Government Act 1995 section 4.29 or 4.30 to be enrolled to vote at elections for the district.*

27. Presiding member and deputy presiding member

(1) *The Minister must appoint —*

(a) *one of the specialist members of a DAP with experience and a tertiary qualification in planning as the presiding member of the DAP; and*

(b) *another of the specialist members with that experience and qualification as the deputy presiding member.*

(2) *The deputy presiding member must act as presiding member when the presiding member is unable to do so by reason of illness, absence or other cause.*

(3) *No act or omission of the deputy presiding member acting as presiding member is to be questioned on the ground that the occasion for his or her so acting had not arisen or had ceased.*

28. *Alternate members*

- (1) *The Minister may, in writing, appoint —*
 - (a) *an alternate member for any person appointed under regulation 23(1)(a); and*
 - (b) *an alternate member for any person included on the local government register under regulation 26; and*
 - (c) *such number of persons eligible to be appointed as specialist members as the Minister considers necessary to form a pool of alternate members for specialist members.*
- (2) *Regulation 24 applies in relation to an appointment under subregulation (1)(a).*
- (3) *Regulation 26 applies in relation to an appointment under subregulation (1)(b).*
- (4) *An alternate member for a local government member of a DAP may act in the place of the local government member if the local government member is unable to perform the functions of the member by reason of illness, absence or other cause.*
- (5) *If a specialist member other than the presiding member is unable to perform the functions of the member by reason of illness, absence or other cause, an alternate member from the pool referred to in subregulation (1)(c) may, on the request of the presiding member, act in the place of the specialist member.*
- (6) *A person cannot act in the place of a specialist member of a DAP if the person is —*
 - (a) *employed under the Local Government Act 1995 section 5.36 by the local government of a district for which the DAP is established; or*
 - (b) *a member of the council of the local government of a district for which the DAP is established.*
- (7) *An alternate member acting under this regulation may despite anything in these regulations, continue to act, after the occasion for so acting has ceased, for the purpose of completing any determination of a DAP application.*
- (8) *An alternate member, while acting in the place of a DAP member, has the same functions and protection from liability as a DAP member.*
- (9) *No act or omission of a person acting in place of another under this regulation is to be questioned on the ground that the occasion for so acting had not arisen or had ceased.*

29. *Term of office*

- (1) *A DAP member holds office for the term specified in the member's instrument of appointment.*
- (2) *The term of office specified in an instrument of appointment must not exceed 2 years.*
- (3) *A person's eligibility for reappointment as a DAP member or the term for which a person may be reappointed is not affected by an earlier appointment.*

30. Training of DAP members

- (1) *A person who is appointed as a DAP member cannot perform any functions as a member of that DAP until the Planning CEO is of the opinion that the member has satisfactorily completed the training for DAP members provided by the department.*
- (2) *Subject to subregulation (3), a DAP member who satisfactorily completes training for DAP members provided by the department is entitled to be paid the amount specified in Schedule 2 item 7.*
- (3) *Unless the Minister has given written consent to the payment, the amount referred to in subregulation (2) is not payable to a DAP member who is —*
 - (a) *an employee as defined in the Public Sector Management Act 1994; or*
 - (b) *an employee of a department or other agency of the Commonwealth; or*
 - (c) *a local government employee; or*
 - (d) *a judicial officer or retired judicial officer; or*
 - (e) *an employee of a public academic institution.*

[Regulation 30 amended in Gazette 25 Jan 2013 p. 272-3.]

31. Fees and allowances for DAP members

- (1) *Subject to subregulation (6), a DAP member who attends a DAP meeting is entitled to be paid the fee set out in Schedule 2 item 1 or 2, as the case requires.*
- (2) *Subject to subregulation (6), a DAP member who attends a DAP meeting to determine an application under regulation 17 is entitled to be paid the relevant fee set out in Schedule 2 item 3 or 4 but is not entitled to be paid the fee set out in Schedule 2 item 1 or 2.*
- (3) *Subject to subregulation (6), a DAP member who, at the invitation or requirement of the State Administrative Tribunal, attends a proceeding in the Tribunal in relation to the review of a determination of the DAP is entitled to be paid the fee set out in Schedule 2 item 5 or 6, as the case requires.*
- (4) *A DAP member is entitled to be reimbursed for motor vehicle and travel expenses at the rate decided from time to time by the Public Sector Commissioner for members of Government boards and committees.*
- (5) *Fees and allowances for DAP members are payable by the department.*
- (6) *Unless the Minister has given written consent to the payment, fees are not payable under this regulation to a DAP member who is —*
 - (a) *an employee as defined in the Public Sector Management Act 1994; or*
 - (b) *an employee of a department or other agency of the Commonwealth; or*
 - (c) *a local government employee; or*
 - (d) *a judicial officer or retired judicial officer; or*

- (e) *an employee of a public academic institution.*

Division 3 — Meetings

39. Notice of meetings

- (1) *The time, date and location of each DAP meeting, and the agenda for the meeting, must be published at least 5 days before the meeting —*
- (a) *on the DAP website; and*
 - (b) *by each local government of a district in which development under a development application will be considered at the meeting —*
 - (i) *on its website; or*
 - (ii) *if the local government does not have an operating website, by means approved by the Planning CEO.*
- (2) *The administrative officer of the DAP must notify local governments of the details necessary to enable the local governments to comply with subregulation (1)(b).*

[Regulation 39 amended in Gazette 25 Jan 2013 p. 272-3.]

40. General procedure concerning meetings

- (1) *At a meeting of a DAP, the DAP may determine —*
- (a) *one or more development applications; or*
 - (b) *one or more applications under regulation 17.*
- (2) *Any DAP meeting to determine a development application is to be open to the public.*
- (3) *The presiding member of a DAP may invite a person to advise or inform, or make a submission to, the DAP in respect of a development application.*
- (4) *Unless the presiding member otherwise directs, a DAP meeting to determine an application under regulation 17 —*
- (a) *is to be held by each other person at the meeting being simultaneously in contact by telephone, or other means of instantaneous communication; and*
 - (b) *is not open to the public.*
- (5) *The Planning CEO may issue practice notes about the practice and procedure of DAPs and each DAP must comply with those practice notes.*

[Regulation 40 amended in Gazette 25 Jan 2013 p. 272-3.]

41. Quorum

- (1) *At a meeting of a LDAP, 3 members of the LDAP including —*
- (a) *the presiding member; and*

(b) *another specialist member; and*

(c) *a local government member,*

constitute a quorum.

(2) *At a meeting of a JDAP, 3 members of the JDAP including —*

(a) *the presiding member; and*

(b) *another specialist member; and*

(c) *one of the local government members referred to in regulation 25(1)(a),*

constitute a quorum.

42. Voting

(1) *A DAP member at a DAP meeting, including the presiding member, has a single vote on a decision to be made by the DAP and, in the case of an equality of votes, the presiding member also has a casting vote.*

(2) *A matter that is to be decided by a DAP at a meeting of a DAP must be decided by a majority of votes of the members present.*

43. Attending meeting remotely

If the presiding member of a DAP consents, the presence of a person at a meeting of the DAP need not be by attendance in person but may be by that person and each other person at the meeting being simultaneously in contact by telephone, or other means of instantaneous communication.

44. Minutes

(1) *Accurate minutes of a meeting of a DAP must be kept, in a form approved by the Planning CEO, by —*

(a) *an officer of the local government at whose offices the DAP meeting is held; or*

(b) *another person approved by the Planning CEO.*

(2) *The local government at whose offices a meeting of a DAP is held, or the person who takes the minutes, must give the administrative officer of the DAP a copy of the minutes of the meeting within 5 days after the date of the meeting.*

(3) *The minutes of a meeting given under subregulation (2) must be confirmed and signed by the person who was the presiding member at the meeting.*

(4) *The minutes that are confirmed and signed under subregulation (3) must be published on the DAP website within 10 days after the date of the meeting.*

(5) *If —*

(a) *the presiding member is not available to confirm and sign the minutes of a meeting; and*

(b) *the deputy presiding member was present at that meeting,*

the deputy presiding member may confirm and sign the minutes.

- (6) *The administrative officer of the DAP must give the local government a copy of the signed minutes.*
- (7) *The local government must publish a copy of the signed minutes —*
 - (a) *on its website; or*
 - (b) *if the local government does not have an operating website, by means approved by the Planning CEO.*

[Regulation 44 amended in Gazette 25 Jan 2013 p. 272-3.]

Division 4 — Conduct of DAP members

45. Code of conduct

- (1) *The Planning CEO must make and maintain a written code of conduct in respect of DAPs.*
- (2) *Each person performing functions as a DAP member must comply with the code of conduct.*
- (3) *The Planning CEO may amend the code of conduct from time to time.*

[Regulation 45 amended in Gazette 25 Jan 2013 p. 272-3.]

46. Gifts

- (1) *In this regulation —*

gift *has the meaning given in the Local Government Act 1995 section 5.82(4) except that it does not include a gift from a relative as defined in section 5.74(1) of that Act;*

notifiable gift, *in relation to a DAP member, means —*

- (a) *a gift worth more than \$50 and less than \$300; or*
- (b) *a gift that is one of 2 or more gifts given to the member by the same person within a period of 6 months that are in total worth more than \$50 and less than \$300;*

prohibited gift, *in relation to a DAP member, means —*

- (a) *a gift worth \$300 or more; or*
 - (b) *a gift that is one of 2 or more gifts given to the member by the same person within a period of 6 months that are in total worth \$300 or more.*
- (2) *A person who is a DAP member must not accept a prohibited gift from a person who —*
 - (a) *is undertaking development approved by the DAP; or*
 - (b) *is seeking to undertake development requiring approval by the DAP; or*
 - (c) *it is reasonable to believe is intending to undertake development requiring approval by the DAP.*
 - (3) *A person who is a DAP member and who accepts a notifiable gift from a person who —*

- (a) *is undertaking development approved by the DAP; or*
- (b) *is seeking to undertake development requiring approval by the DAP; or*
- (c) *it is reasonable to believe is intending to undertake development requiring approval by the DAP,*

must notify the Planning CEO of the acceptance in accordance with subregulation (4) as soon as practicable after the member becomes aware that the person has made or is intending to make the application for approval.

- (4) *Notification of the acceptance of a notifiable gift must be in writing and must include the following —*
 - (a) *the name of the person who gave the gift;*
 - (b) *the date on which the gift was accepted;*
 - (c) *a description, and the estimated value, of the gift;*
 - (d) *the nature of the relationship between the DAP member and the person who gave the gift;*
 - (e) *if the gift is a notifiable gift under paragraph (b) of the definition of **notifiable gift** in subregulation (1) (whether or not it is also a notifiable gift under paragraph (a) of that definition) —*
 - (i) *a description; and*
 - (ii) *the estimated value; and*
 - (iii) *the date of acceptance,**of each other gift accepted within the 6 month period.*
- (5) *The Planning CEO must maintain a register of gifts in which details of notices received under subregulation (4) are recorded.*

[Regulation 46 amended in Gazette 25 Jan 2013 p. 272-3.]

47. Relations with local government and public sector employees

A DAP member attending a DAP meeting must not, either orally, in writing or by any other means —

- (a) *make a statement that a local government or public sector employee is incompetent or dishonest; or*
- (b) *use offensive or objectionable expressions in reference to a local government or public sector employee.*

48. Public comment

- (1) *A DAP member, other than the presiding member, must not publicly comment, either orally or in writing, on any action or determination of a DAP.*
- (2) *Subregulation (1) does not apply to comments made at a meeting of a DAP.*

Schedule 2 — Fees for DAP members

[r. 30, 31]

1. *Fee for presiding member per meeting to determine development applications* \$500
2. *Fee for any other member per meeting to determine development applications* \$400
3. *Fee per meeting for presiding member to determine applications to amend or cancel determination* \$100
4. *Fee per meeting for any other member to determine applications to amend or cancel determination* \$50
5. *Fee for presiding member attending proceeding in State Administrative Tribunal* \$500
6. *Fee for any other member attending proceeding in State Administrative Tribunal* \$400
7. *Fee for training* \$400

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil known

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Moir

SECONDED: Cr Biddle

That Council Nominate Cr 'Hare and Cr Kaltenrieder as members of the local Development Assessment Panel and Cr Moir and Cr Walker as alternate members.

CARRIED 8/0

Res 08/13

8.3.6 South West Settlement of Native Title Claims – Lot 329 William Street Boyup Brook

Location:	<i>Lot 329 William Street</i>
Applicant:	<i>Department of Regional Development and Lands</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>15 February 2013</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>RDL correspondence</i>

SUMMARY

The purpose of this report is to put before Council the opportunity to comment on the Department of Regional Development and Lands (RDL) consideration of a transfer of Lot 329 as part of the benefits package to the six claimant groups represented by the South West Aboriginal Land and Sea Council (SWALSC).

BACKGROUND

In an effort to resolve the matter of claims in the region the State has been negotiating a settlement with SWALSC. Part of this is the identification of Crown Land that could be considered as part of the benefits package offered to the claimant groups.

COMMENT

Lot 329 is a Crown Reserve (27148) managed by the Minister for Native Welfare and the purpose is Native Housing. The land is zoned residential in Council's Town Planning Scheme. So any future use would be restricted to uses permissible under that zoning.

RDL requests comments, in relation to this lot, as to:

- Any future proposal for the land and if so in what timeframe
- Any proposed planning scheme amendments and if so in what timeframe
- Any future proposals for either the creation or amendments to reserves and if so in what timeframe
- Any land management issues such as contamination etc

Whilst a request such as this might be best handled administratively because the requested information relates to things already in place and obtainable from Council's records. However, this is the first enquiry of this nature and whilst there may be no future proposals for the land in question, and the like, at this time, Council may wish the opportunity to review this position.

As a comment, the resolution of Native Title Claims will be a significant benefit in terms of development of land. The lot in question was held by the Government for indigenous

housing and, so long as the purpose does not change, noting that Council would retain planning powers, it is probably immaterial who holds the land in the future.

It is recommended that Administration respond the RDL request based on current records.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Moir

SECONDED: Cr Biddle

That Council note the Department of Regional Development and Land's proposal and enquiry regarding Lot 329 William Street.

CARRIED 8/0

Res 09/13

8.3.7 Strategic Community Plan

Location:	<i>N/a</i>
Applicant:	<i>N/a</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13th February 2013</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Copy of draft Strategic Community Plan and copy of Community Plan</i>

SUMMARY

The purpose of this report is to put before Council the draft Strategic Community Plan with the recommendation that it adopts the Plan for advertising.

BACKGROUND

As Council is aware, it has been working with its consultants for some time on meeting the requirements of Integrated Planning. With respect to the Strategic Community Plan, the normal process that the consultant would have followed was to do the community consultation then provide a Community Plan, essentially a summary of the community consultation process with results, for Council to release if it wanted to. Then to prepare a draft Strategic Community Plan (SCP) for Council to consider and then put out for public comment.

Due to factors beyond Council's control, this process was not followed so Council is now dealing with both the preliminary document and the statutory document.

COMMENT

The recommended process is for Council to;

- consider and adopt the draft Strategic Community Plan for advertising
- invite public comment on the Plan
- consider submissions, if any,
- adopts Plan with or without changes
- then compile glossy version for publication.

In more detail, the Plan once adopted for advertising, would be put out for public comment. Advertisements in the Boyup Brook Gazette, another local paper, on the Shire website and on notice boards would be the usual practice. In order to meet the requirement to have the Plan in place for the commencement of the 13/14 year, we would have had to have completed all processes by the end of June 2013.

With this in mind it is recommended that the submission period close 4th April 2013 to allow the consultant time to review any submissions and prepare a report to Council for its April meeting.

The intention is for the draft Plan to be put on the website and for copies to be available, free of charge, at the Shire offices.

In addition, the intention is to put the Community Plan on the website, with a suitable introduction as to what it is, and at the front counter to provide the community with background on how the Plan was developed.

Whilst not a consideration with regard to matter to hand, Council still needs to produce a Corporate Business Plan (CBP) by the end of June 2013 and, at this stage, no funding has been provided for this. It is anticipated though that there will be sufficient of Council's funds budgeted for the Integrated Planning process to have the consultant pull the required 4 year plan together for Council to consider.

One step along the way to preparing the CBP is to complete an action plan that relates to the SCP and sets out specific actions to achieve its aims. It is apparent that the Department for Local Government will want to see an action plan as part of the SCP and so the funding Council received from the Department for the SCP can be used to produce the action plan. The consultant has been asked to commence work on the action plan and whilst this may have to change for any changes to the SCP, it is hoped that this could be presented to the March Council meeting along with the Financial and Asset plans.

CONSULTATION

The matter has been the subject of community consultation and a number of reports and discussion with Council.

STATUTORY OBLIGATIONS

The following sections of the Local Government (Administration) Regulations have relevance;

19BA. Terms used

In this Part —

corporate business plan means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with section 5.56;

strategic community plan means a plan made under regulation 19C that, together with a corporate business plan, forms a plan for the future of a district made in accordance with section 5.56.

[Regulation 19BA inserted in Gazette 26 Aug 2011 p. 3482-3.]

Division 3 — Planning for the future

[Heading inserted in Gazette 26 Aug 2011 p. 3483.]

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
 - (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
 - (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
 - (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
 - (5) *In making or reviewing a strategic community plan, a local government is to have regard to —*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
 - (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
 - (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
- *Absolute majority required.*
- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
 - (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
 - (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

[Regulation 19C inserted in Gazette 26 Aug 2011 p. 3483-4.]

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*

- (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
 - (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
 - (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

[Regulation 19DA inserted in Gazette 26 Aug 2011 p. 3484-5.]

19DB. Transitional provisions for plans for the future until 30 June 2013

- (1) *In this regulation —*

former regulation 19C means regulation 19C as in force immediately before 26 August 2011 and continued under subregulation (2);

former regulation 19D means regulation 19D as in force immediately before 26 August 2011;

plan for the future means a plan for the future of its district made by a local government in accordance with former regulation 19C.

- (2) *Except as stated in this regulation, former regulation 19C continues to have effect on and after 26 August 2011 until this regulation expires under subregulation (7).*
- (3) *A local government is to ensure that a plan for the future applies in respect of each financial year before the financial year ending 30 June 2014.*
- (4) *A local government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.*
- (5) *If, for the purposes of complying with subregulation (3), a local government makes a new plan for the future, local public notice of the adoption of the plan is to be given in accordance with former regulation 19D.*
- (6) *If a local government modifies a plan for the future under former regulation 19C(4), whether for the purposes of complying with subregulation (3) or otherwise —*

- (a) *the local government is not required to comply with former regulation 19C(7) or (8) in relation to the modifications of the plan; and*
 - (b) *local public notice of the adoption of the modifications of the plan is to be given in accordance with former regulation 19D.*
- (7) *This regulation expires at the end of 30 June 2013.*

[Regulation 19DB inserted in Gazette 26 Aug 2011 p. 3485-6.]

19D. Adoption of plan, public notice of to be given

- (1) *After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).*
- (2) *The local public notice is to contain —*
 - (a) *notification that —*
 - (i) *a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and*
 - (ii) *details of where and when the plan may be inspected;*
 - or*
 - (b) *where a strategic community plan for the district has been modified —*
 - (i) *notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and*
 - (ii) *details of where and when the modified plan may be inspected.*

[Regulation 19D inserted in Gazette 31 Mar 2005 p. 1033-4; amended in Gazette 26 Aug 2011 p. 3486.]

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Legislation provides that the SCP is to be adopted by Absolute majority, but in this case the recommendation is to adopt it for the purposes of advertising only so it is not clear what the voting requirements are. To be on the safe side though it is recommended that it be assumed that an Absolute Majority vote is required.

OFFICER RECOMMENDATION

That Council adopt the draft Strategic Community Plan, as presented, for advertising prior to coming back to Council, no later than the April 2013 ordinary meeting, for consideration of any submissions and adoption.

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Walker

SECONDED: Cr Kaltenrieder

That Council release the survey results and request the consultant to present, at a workshop, the Strategic Community Plan, the Long Term Financial Plan and the Asset Management Plan at their earliest convenience and before the March Council meeting.

CARRIED 8/0

Res 10/13

Note: The draft strategic community plan was not at a sufficiently complete stage for Council to adopt.

8.3.8 WA Grants Commission – Public Hearing – Boyup Brook

Location:	<i>N/a</i>
Applicant:	<i>N/a</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>14 February 2013</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Copy of letter</i>

SUMMARY

The purpose of this report is to alert Council to the WA Grants Commission (WAGC) hearing and to plan for Council Members to attend the hearing.

BACKGROUND

WAGC distributes the Federal Assistance Grants (FAGS) to Local Governments in WA. These untied grants come in two parts, one is in respect of roads and the other general operations other than roads.

93% of the total roads grant pool is distributed based on an asset preservation model and 7% is distributed for special projects (2/3 of this is allocated for bridges – Boyup Brook has regularly benefited from this component - and 1/3 for roads servicing remote Indigenous communities). The asset preservation model is the WAGC’s assessment of average annual cost of maintaining each Local Government’s road network. It takes into account the annual and recurrent maintenance costs and the cost of reconstruction at the end of the road’s useful life. The model assessed the annual expenditure need for Boyup Brook for 2012/13 as \$4.394m. There are not sufficient funds in the pool each year to meet 100% of the expenditure needs and so the model was scaled down to 13.9% this year. Boyup Brook received \$597,106. The total pool allocated to WA appears to be in the order of 15% of the total (in 2010/11 it was 15.29%)

The general purpose grant is calculated using a “balanced budget” where the WAGC calculates what income it assesses the Council could raise, then calculates the standard expenditure, modifies this with disability factors and comes up with an assessed expenditure. The difference between income and expenditure is then used as a basis for distributing the grant. The total pool of funds to distribute is never the same as the total demonstrated needs. Legislation requires that the FAGS are distributed on a horizontal equalisation basis, which is every Local Government in the State should have the ability to function, by reasonable effort, at a standard not lower than the standard of other Local Governments in the State. In short then every Local Government should receive some general purpose grant funding regardless of whether the balanced budget calculation results in a nil shortfall.

To achieve this, the grant provided to each Local Government cannot be less than what they would have received if 30% of the total grant was calculated on a per capita basis. Many of the larger Local Governments receive funding on a per capita basis (in 2012/13 the minimum grant was \$20.40 per head of population). The national pool is adjusted annually by CPI and population growth then distributed to each State on a population basis.

COMMENT

Looking at the general purpose grant and without going into too much more detail, the calculation of the balanced budget and the disability factors changed from this year resulting in an assessed general purposes grant for Boyup Brook of \$668,146. This compared to last year's grant of \$310,942 represents a 114.88% increase. Naturally where some receive an increase others have to suffer a decrease and in order to modify the impact of the changes in grant funding the WAGC has capped increases at 11.87% and capped decreases at 9.31% (Boyup Brook's actual grant for 2012/13 increased by 11.87%)

It is suggested that Council could look at mounting a submission that the rate of change of the grant should be greater however it is unlikely that there would be any changes made.

Last time the Commission visited Boyup Brook, it held its hearing in the Chambers and Members of Council that were available attended.

CONSULTATION

The Author has spoken with Commission staff

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil in the current year

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr O'Hare

SECONDED: Cr Kaltenrieder

That Council note that the Western Australian Grants Commission will be holding a public hearing in the Council Chambers, Thursday 14 March 2013 commencing at 9.30am.

CARRIED 8/0

Res 11/13

8.3.9 Workforce Planning Grant

Location:	<i>N/a</i>
Applicant:	<i>N/a</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>14 February 2013</i>
Author:	<i>Alan lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>copy of DLG correspondence</i>

SUMMARY

The purpose of this report is to determine how Council would like to proceed with the appointment of a consultant to assist with the preparation of a Workforce Plan.

BACKGROUND

Council has been fortunate enough to receive grant funding from the Department of Local Government (DLG) to assist it with its integrated planning requirements. At the time that the first lot of funding was announced Council opted to appoint the consultant of its choice. The process followed was that the CEO obtained submission from a group of consultants from a panel that DLG had compiled for the purpose.

In January the DLG made an offer of \$25,000 grant funding for the purpose of meeting Council's obligation to prepare a Workforce Plan. The offer had to be accepted before the end of the month and so this was done without reference to Council. The grant is for the employment of a consultant for the project, temporary staff appointments for the project, temporary staff appointments to replace staff working on the project, intrastate travel relevant to the project, and audit of grant funds.

Where a consultant is to be used the Local Government is restricted to a DLG approved panel.

COMMENT

In the normal course of operation Administration does all of the purchasing including the engagement of consultants. Council controls this via its policies and the budget. The process is also controlled by legislation which requires that a formal and advertised process be employed for purchases over \$100,000.

The Workforce Plan has to be completed by the end of this Financial Year, but other aspects of the project can continue after that date and the funding condition is that the whole project is to be completed by 31 December 2013.

To meet the need to have the plan in place for 1/7/2013 we would need to appoint a consultant as soon as possible.

It is suggested that the appointment by Administration is a less protracted process and so should be employed. Nothing has been done in relation to the appointment as yet in order to give Council the opportunity to make the choice but it is noted that the panel list contains eleven firms and many councils will have already progressed their engagement processes.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The grant funding should be more than sufficient to cover the cost of employing a consultant to assist with the project but there will be staff time component that the grant will not cover. The staff time will be met from current budget provisions.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Biddle

SECONDED: Cr Giles

That Council endorse the actions of the Chief Executive Officer in accepting the offer from the Department of Local Government of a grant of \$25,000 to assist with the preparation of a Workforce Plan, and note that the Chief Executive Officer will, in accordance with Council's Purchasing Policy, appoint a consultant from the Department of Local Government's panel of approved consultants as soon as practicable, with the aim of having the Plan before Council for adoption before 30 June 2013.

CARRIED 8/0

Res 12/13

8.3.10 Bunbury Wellington Group of Councils – CLGF Regional portion 5 year plan

Location:	<i>N/a</i>
Applicant:	<i>N/a</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>14 February 2013</i>
Author:	<i>Alan lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Copy of previous submission to BWGC</i>

SUMMARY

The purpose of this report is to put before Council a listing of projects it considers to be regional and so should be included in the Bunbury Wellington Group of Council's (BWGC) Country Local Government Fund (CLGF) five year plan.

BACKGROUND

Council has been part of the BWGC for some time now and each year the group meets to deal with the matter of the regional portion of the CLGF. Each year there is a protracted debate and so in order to streamline the process, the BWGC decided to look at a five year plan rather than just the 2013/14 grant funding.

It should be noted that 2013/14 is the last year of the current CLGF arrangement and that, it is understood, that in future years, if the Royalties for Regions program continues, and if it includes a CLGF, all of the funds will be contestable and that there will be no direct allocation.

The BWGC will meet in March 2013 to set the five year plan and each member Council has been asked to lodge a listing of no more than four projects by 28 February 2013.

COMMENT

In broad terms, Council's notional contribution to the BWGC has been in the order of \$320,000 each year for the past two years. By 2013/14 then this Council will have "contributed" just under \$1m to the group funding. Council was not successful with a bit for a project it put forward to the group for 2011/12. For the 2012/13 round, Council supported the plan to use the regional portion of the CLGF to purchase a regional tip facility with the idea of moving toward using that facility as a long term solution to waste disposal, including recycling and other initiatives, and the establishment of a Regional Animal Pound.

The pool of funding was \$4.3M and the allocation was \$4.1M to the waste site and \$200K to the pound.

The guidelines for the regional portion of the CLGF very clearly set out that the allocation made to each Local Government to, notionally, put into the pool is not to be used as a determining factor when considering regional projects for funding. So when looking at what

projects Council might want to have funded in 2013/14 and beyond there should be no consideration given to the notional contribution and the contribution received for its projects.

Attached is a listing of projects that was previously put to the BWGC. At the meeting of that group, held toward the end of last year, it was clear that the group supported the sewerage scheme project and the aged accommodation projects and considered them to be regional. There was little support for the medical Centre project though and so it is recommended that Council support the following projects to be put to the BWGC for CLGF funding over the next five years;

Project	Year of works	Year of BWGC funding
Boyup Brook Town Sewerage Scheme/Waste Water Reuse – Stage 1	2013/14	2013/14
Aged Accommodation – Independent Living – 6X2 bedroom units on land already owned by Council.	2013/14 to 2014/15	2013/14 or 2014/15
Aged Accommodation – Independent Living – Park home style of development on land to be purchased by Council.	2014/15	2014/15
Aged Accommodation – Residential Care Facility - Refurbish/upgrade exiting 14 room facilities and extend to a 22 room facility.	2015/16 to 2016/17	2015/16 or 2016/17

It has recently been advised that Council’s Regional Development Australia (RDA) grant application for the sewerage project has been accepted to go into the next phase. This will require that detailed planning be done. The CEO is working with SWDC, Water Corp and a consultant and it is planned that more information be provided as soon as it is available which may not be until the meeting day. It is possible that the recommendation will change based on new information that becomes available.

CONSULTATION

The matter of the regional portion of the CLGF has been before Council previously.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time however the planning may result in significant funding over the five year period of the BWGC's plan.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Biddle

SECONDED: Cr Walker

That Council endorse the following projects to be put to the Bunbury Wellington Group of Councils for consideration for inclusion in its five year plan for funding under the Country Local Government Fund:

- **Boyup Brook Town Sewerage Scheme/Waste Water Reuse – Stage 1.**
- **Aged Accommodation – Independent Living – 6x2 bedroom units on land already owned by Council.**
- **Aged Accommodation – Independent Living – Park home style of development on land to be purchased by Council.**
- **Aged Accommodation – Residential Care Facility - Refurbish/upgrade existing 14 room facility and extend to a 22 room facility.**

CARRIED 8/0

Res 13/13

MOVED: Cr Biddle

SECONDED: Cr Aird

That the Council adopts en bloc items 9.1.1, 9.1.2, 9.1.3 and 9.1.4.

CARRIED 8/0

Res 14/13

9 COMMITTEE REPORTS

9.1.1 Minutes of the Bunbury Wellington Group of Councils

Location: *Shire of Capel*
Applicant: *N/A*
File:
Disclosure of Officer Interest: *Nil*
Date: *14 February 2013*
Author: *Alan Lamb - CEO*
Attachments: *Yes – Minutes*

BACKGROUND

A Bunbury Wellington Group of Councils meeting was held on 26 November 2012. Minutes of the meeting are laid on the table and circulated.

COUNCIL DECISION & OFFICER RECOMMENDATION

That the minutes of Bunbury Wellington Group of Councils meeting held on 26 November 2012 be received.

CARRIED BY ENBLOC RESOLUTION

9.1.2 Minutes of the Blackwood River Valley Marketing Association

Location: *Bridgetown Shire*
Applicant: *N/A*
File:
Disclosure of Officer Interest: *Nil*
Date: *14 February 2013*
Author: *Alan Lamb - CEO*
Attachments: *Yes – Minutes*

BACKGROUND

A Blackwood River Valley Marketing Association meeting was held on 20 November 2012. Minutes of the meeting are laid on the table and circulated.

COUNCIL DECISION & OFFICER RECOMMENDATION

That the minutes of the Blackwood River Valley Marketing Association meeting held on 20 November 2012 be received.

CARRIED BY ENBLOC RESOLUTION

9.1.3 Minutes of the Annual Electors Meeting

Location: *Bridgetown Shire*
Applicant: *N/A*
File:
Disclosure of Officer Interest: *Nil*
Date: *14 February 2013*
Author: *Alan Lamb - CEO*
Attachments: *Yes – Minutes*

BACKGROUND

Minutes of the Audit & Finance Committee meeting was held on 13 December 2013
Minutes of the meeting are laid on the table and circulated.

COUNCIL DECISION & OFFICER RECOMMENDATION

That the minutes of the Audit & Finance Committee meeting held on 13 December 2013 be received.

No recommendations were made to Council.

CARRIED BY ENBLOC RESOLUTION

9.1.4 Minutes of the Audit & Finance Committee

Location: *Bridgetown Shire*
Applicant: *N/A*
File:
Disclosure of Officer Interest: *Nil*
Date: *14 February 2013*
Author: *Alan Lamb - CEO*
Attachments: *Yes – Minutes*

BACKGROUND

Minutes of the Audit & Finance Committee meeting was held on 13 December 2013
Minutes of the meeting are laid on the table and circulated.

COUNCIL DECISION & OFFICER RECOMMENDATION

That the minutes of the Audit & Finance Committee meeting held on 13 December 2013 be received.

CARRIED BY ENBLOC RESOLUTION

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTIONS FROM CR BIDDLE

NOTICE of MOTIONS

THAT:

- Residents are informed of any changes to staff whose employment depends on funds to which their rates contribute
- Councillors be provided with a suitably-labelled ring file for storage of reference documents such as the Code of Conduct, Standing Orders, and Policies, and that, if necessary, fresh copies of each (checked for accuracy and currency) are made available to Councillors before June 30, 2013 to ensure that all Councillors have common references
- every effort be made to ensure that Council Meeting agendas, Minutes, Gazette articles and other documents available to the public have a spell-check conducted on them before publication, and have all proper nouns spelled correctly
- Rule 11.4 of Standing Orders, with specific reference to use of “offensive and objectionable expressions”, be enforced
- A costing be obtained for purchase and installation of solar power panels on all Shire-owned and maintained buildings

10.1.1 Notification of staff changes

MOTION 01/13

Residents are informed of any changes to staff who are employed on a permanent basis whose employment depends on funds to which their rates contribute.

Chief Executive Officer’s Comment

It appears that in 2010/11, 7 staff members were employed and 11 terminated, in 2011/12, 11 were employed and 7 terminated and in 2012/13 to date 14 have been employed and 8 have left. Staff members are employed on either a permanent full time, permanent part time or casual basis and in a variety of areas of the Shire’s operation. If Council were to make a decision to inform residents of staff changes then it should specify if it is to be all staff or just a class of staff. Council should also specify how residents are to be informed. It is noted that the Boyup Brook Gazette is a very good vehicle but we do receive complaints that not everyone gets the Gazette and so its use alone may not be sufficient. Another vehicle is the website.

If the purpose of notifying residents is so that they will know who to contact regarding matters, then Council should note that we employ a reasonable customer request system now that relies on requests, complaints and the like coming through the Customer Services Officer. This request/complaint is recorded with some detail and passed on to the relevant officer. This system results in a record of the customer approach and the action taken. The new computer system being installed this year will have a much better electronic system that will also rely on most representations being made to the CSO. Direct contact with staff tends to take them away from main duties, is disruptive and is not always effective.

MOTION

MOVED: Cr Biddle

SECONDED: Cr Moir

Residents are informed of any changes to staff who are employed on a permanent basis whose employment depends on funds to which their rates contribute.

AMENDMENT

MOVED: Cr Moir

SECONDED: Cr Walker

That residents be informed of any changes to permanent staff via the Boyup Brook Gazette.

CARRIED 8/0

Res 15/13

COUNCIL DECISION

That residents be informed of any changes to permanent staff via the Boyup Brook Gazette.

CARRIED 8/0

Res 16/13

10.1.2 Provision of information for Councillors

MOTION – 02/13

That Councillors be provided with a suitably-labelled ring file for storage of reference documents such as the Code of Conduct, Standing Orders, and Policies, and that, if necessary, fresh copies of each (checked for accuracy and currency) are made available to Councillors before June 30, 2013 to ensure that all Councillors have common references

Chief Executive Officer’s Comment

The importance of providing Councillors with accurate and up to date information is well appreciated. In the past Councillors were provided with hard copies of a variety of material and in more recent times, with the introduction of the portable computers, there has been a move to providing this electronically. The information was loaded onto computers as they were supplied and the intention was that the information be up dated periodically via the use of thumb drives (some were also supplied with the computers for this purpose). But just as the hard copy system fell down in terms of up dated versions being distributed the electronic system appears to have similarly failed. Ultimately this is the CEO’s responsibility and I am naturally concerned that Councillors may not be using the latest version of relevant documents.

Many people like to use electronic versions of material because it is easy to search for things, flick through and does not take up the space that hard copy does. Equally, many prefer hard copies because it is easier to look at more than one document at the same time, making margin notes is easy etc.

In dealing with this matter Council may wish to consider using the website as the reference source. That is all public documents would be on the site so that they and the public could access them.

It is recommended that Council support the idea behind this motion as it is important that Councillors have good information to hand. Also that updates are provided every time there is a change or at least once per year. It is also recommended that the mode of how this to be achieved be considered to ensure that the most preferred option is adopted. Looking at costs, the cost of the website option would probably be cheapest and, it is suggested, should be done anyway. Storing and updating the documents on the computer should be relatively cheap and the hard copy system will be the most expensive, but it is important to ensure that Councillors have correct and up to date information and that it is in a format that suits their needs and so, it is suggested that, cost not be a determining factor.

COUNCIL DECISION

MOVED: Cr Biddle

SECONDED: Cr Moir

That Councillors be provided with a suitably-labelled ring file for storage of reference documents such as the Code of Conduct, Standing Orders, and Policies, and that, if necessary, fresh copies of each (checked for accuracy and currency) are made available to Councillors before June 30, 2013 to ensure that all Councillors have common references

3/5 LOST

Res 17/13

10.1.3 Proofing of public documents

MOTION – 03/13

That every effort be made to ensure that Council Meeting agendas, Minutes, Gazette articles and other documents available to the public have a spell-check conducted on them before publication, and have all proper nouns spelled correctly.

Chief Executive Officer's Comment

The importance of ensuring that all documents are checked is fully appreciated and efforts are made in an attempt to ensure spelling, punctuation, grammar, presentation and the like are up to the standard expected of public documents. It is noted however that our efforts in this area have not met the standard expected and so more attention will be given.

COUNCIL DECISION

MOVED: Cr Biddle

SECONDED: Cr Moir

That every effort be made to ensure that Council Meeting agendas, Minutes, Gazette articles and other documents available to the public have a spell-check conducted on them before publication, and have all proper nouns spelled correctly.

CARRIED 8/0

Res 18/13

10.1.4 Enforcement of Standing Order 11.4

MOTION – 04/13

That Rule 11.4 of Standing Orders, with specific reference to use of “offensive and objectionable expressions”, be enforced

Chief Executive Officer's Comment

Standing Orders are a Local Law made by Council under the Local Government Act. Standing Order 11.4 is as follows:

11.4 Debate - Maintenance of Order - Imputations - Offensive Expressions

No member of Council may impute motives or use offensive or objectionable expressions in reference to any member, officer of the Council, or any other person.

The following Standing Orders also have application:

1.1 Proceedings Conducted According to Standing Orders

The proceedings and business of the Council shall be conducted in accordance with the Act, and where not specifically prescribed, according to this local law, the clauses of which shall be referred to as "the Standing Orders".

1.2 All Meetings Governed by Standing Orders

The proceedings of all Council meetings, committee meetings and other meetings of the Council as described in the Act shall be governed by these standing orders except where specific exceptions apply either in the Act, its regulations or in the standing orders.

MOTION

MOVED: Cr Biddle

SECONDED: Cr Imrie

That Rule 11.4 of Standing Orders, with specific reference to use of “offensive and objectionable expressions”, be enforced

AMENDMENT

MOVED: Cr Moir

SECONDED: Cr Imrie

The use of offensive and coarse language is not allowed in the Shire Chambers.

CARRIED 5/3

Res 19/13

COUNCIL DECISION

The use of offensive and coarse language is not allowed in the Shire Chambers.

CARRIED 6/2

Res 20/13

Item 10.1.5 was withdrawn by Cr Biddle

10.1.5 Solar Power Panels

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

Nil

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

Nil

13 CLOSURE OF MEETING

There being no further business the Shire President, Cr Giles declared the meeting closed at 7.25pm.