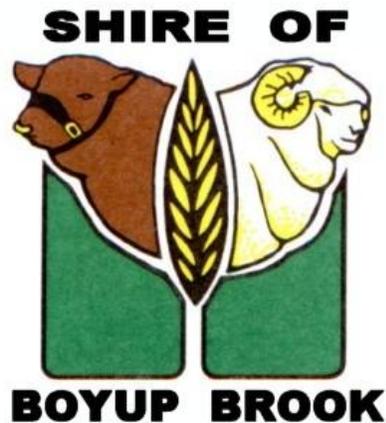


# Minutes



**ORDINARY MEETING**

held

**THURSDAY 15 February 2018**  
**Commenced AT 5.00PM**

**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 G Aird – Shire President  
Cr R Walker - Deputy Shire President  
Cr Moir  
Cr S Alexander  
Cr P Kaltenrieder  
Cr E Muncey  
Cr H O'Connell  
Cr T Oversby  
Cr E Rear

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

PUBLIC: Mrs Shirley Broadhurst  
Ms Mavis Sowry  
Mr John Imrie  
Mr Henry Mikolajczyk  
Mr Kial Mikolajczyk

**1.2 Apologies**

**1.3 Leave of Absence**

**2 PUBLIC QUESTION TIME**

2.1 Henry Mikolajczyk advised the Council that the Shire is not a Local Government Department and does not have authority to charge rates.

**Response**

The residents query relates to the constitution which is either a Federal Government or High Court matter.

2.2 Mrs Shirley Broadhurst provided Council with the following presentation on behalf of the Tourism Association.

**The Case for increased support from the Shire of Boyup Brook  
for the  
Tourism Association of Boyup Brook  
15.02.2018**

1. From 1987 When the Tourism Association formed, until 2013 the Boyup Brook Shire Council Supported the Tourism Association with a donation of \$5,000.00 per year.

2. Around 2005 The BBTA requested assistance with administration tasks and the services of Daly Winter for 6 hours a week was provided at Council expense
3. At the beginning of 2016 Daly was replaced with Natalie Spooner, still for 6 hours a week and still at Council expense.
4. In the 2013 (?) budget, a case was put that after 26 years the running costs had become unsustainable at \$5,000 per year and a successful request for \$15,000.00 was granted. It needs to be acknowledged here that local fund raising does not generate sufficient monies to meet this need and grants from other entities are very specific in how they can be spent and are a one off action.
5. (Cr) Helen O'Connell took on the role of Centre Manager early 2010 and inherited the positions of treasurer and secretary. Such was her dedication, enthusiasm and efficiency that she worked in the role on a voluntary basis until we deemed that it was unreasonable to expect the long hours spent without some remuneration. We decided to commit \$8,000.00 (later increased to \$10,000.00) of the \$15,000 to a Contract with her. The increased income generated by Helen's efforts gave us enough funds to just cover the decrease in operational support from the Shire grant.
6. Helen retired from the position of Centre Manager late in 2016. Lee Hendry subsequently took on the role early 2017 and is currently working in that capacity.
7. With the suggestion from the CEO that Council allocate sufficient funds for us to become the sole employer of any staff, we have reluctantly and with trepidation looked into becoming an employer. There are so many costs and additional bookwork involved in this change that we believe that an extra 6 hours a week, in addition to the current 12 hours as paid staff, will be necessary to meet the increased paperwork as well as the greater demands of continuing to run the successful business of the Visitor Centre. We are a group of volunteers, none of whom have financial background or experience and will need to seek guidance from experts.
8. At the December Council Meeting it was passed that the Tourism Association would receive \$25,000.00. In reality the extra \$10,000.00 has not increased the Council support. It has just swapped the services of an employee for the funds required to employ her. This increase of \$10,000.00 will meet only the employment of one person for one six hour day per week. We would respectfully request an increase in the original \$15,000.00 by \$5,000.00 to \$20,000.00 to bring the total commitment up to \$30,000.00 per year and truly believe that value to the community for money expended would be the result.
9. We provide an opportunity for nearly 40 households to earn supplementary income within our Centre on a commission basis and truly live by the "Buyup in Boyup" policy. We are constantly complimented on the uniqueness of our Centre and how great it is to have 'made locally' products instead of commercial 'made overseas' items which are

replicated in most other Visitor outlets. We therefore believe that we are an integral part of the economy of the Shire.

10. It is documented fact that persons kept busy and involved in the physical making of products that are pleasing to them are less likely to succumb to depression. If the Visitor Centre is not there as an outlet for these people then the district will be the poorer for it. In our opinion we can claim to contribute significantly to the mental wellbeing of the Shire.
11. Like the Shire which operates on a very small rate base, we too operate on a small business membership, not because people don't become members but because there just aren't enough of them operating full time in Tourism services. In fact we have only one business which relies solely on Tourism for its total income. A number of unrelated businesses have chosen to become members for which they gain little from belonging but recognise the importance of maintaining our presence. We have quite a few Associate members but they do not generate significant quantities of money.
12. We believe that the only funds we have requested are the \$5,000.00. The \$10,000.00 is a Shire decision made for its own convenience and not instigated by us. It is a direct replacement of paid personnel for money and therefore cancels out each other and its impact on Council funds is minimal if any. It is not an increase to the grant funding for the Boyup Brook Tourism Association.
13. We therefore #Request an increase in our annual grant by \$5,000.00 to \$20,000.00 in the 2018/19 budgetary deliberations and #Agree to accept \$10,000.00 in lieu of the services of a Shire paid employee, by June 30th 2018.

2.3 Mr John Imrie thanked all the Staff and Councillors whilst he was on Council and wishes the new Councillors all the best.

## **2.1 Response to Previous Public Questions Taken on Notice**

### **3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

#### **4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS**

Cr H O'Connell:

Attended the Community Resource Centre meeting  
Attended the Blackwood Basin Group meeting  
Attended the Art Awards

Cr S Alexander:

Attended the Australia Day Breakfast  
Attended a Webinar seminar

Cr Kaltenrieder:

Attended the Community Resource Centre meeting  
Attended the Australia Day Breakfast  
Attended the Blackwood Basin Group meeting  
Attended a Webinar seminar

Cr Walker:

Attended the Australia Day Breakfast  
Attended a Progress meeting for the Wilga Endurance Ride

Cr Rear:

Attended the Australia Day Breakfast  
Attended the Art Awards  
Attended a meeting at the Museum

#### **5 CONFIRMATION OF MINUTES**

##### **5.1 Ordinary Meeting of Council - Thursday 14 December 2017**

##### **COUNCIL DECISION & OFFICER RECOMMENDATION - Item 5.1**

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr Oversby**

**That the minutes of the Ordinary Council Meeting held on Thursday 14th December 2017 be confirmed as an accurate record with the following amendments:**

**Page 42 - remove \$0.30 and replace with \$360.00**

**Page 43 - remove \$463 and replace with \$4,423.00**

**CARRIED 9/0**

**Res 02/18**

#### **6 PRESIDENTIAL COMMUNICATIONS**

Attended the Councillors Christmas Party  
Attended 2 funerals  
Attended a Rylington Park function  
Attended a meeting with the South West Development Commission regarding Aged Accommodation.  
Attended the Australia Day Breakfast.

**7 COUNCILLORS QUESTIONS ON NOTICE**

**7.1 Questions from Councillor O'Connell**

1. Can the CEO advise on the process of requesting a white line down the centre of the Boyup Brook-Cranbrook Road from Mayanup?
2. Does this request need to be approved by Council?

**COMMENT:**

Traffic has increased on this road since the promotion of the Bunbury to Albany route through Boyup Brook. I believe a white line in the centre of the road will increase the driving safety of the road users.

**Reply from CEO**

1. A letter will be written to Main Roads requesting that they look at this road for a centreline. The road in question varies in width from 5.2m and the minimum for centreline marking is understood to be 5.5m. It is understood that Main Roads has other criteria for centreline marking in addition to the minimum width. Council has been widening this road as part of an ongoing program funded by the state government through Regional Road Group funding. 2.5 to 3 k of road is done each year and the current practice is to aim for a 7m wide running surface.
2. Requests for Main Roads to deal with statutory signing and marking do not need Council approval but may be instigated by a Council resolution.

**NOTE**

**Standing orders Local Law provides as follows:**

**8. QUESTIONS**

**8.1 Questions of Which Due Notice Has to be Given**

*8.1.1 Any Councillor seeking to ask a question at any meeting of the Council shall give written notice of the specific question to the Chief Executive Officer at least 24 hours before publication of the business paper.*

*8.1.2 All questions and answers shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.*

**8.2 Questions Not to Involve Argument or Opinion**

*In putting any question, no argument or expression of opinion shall be used or offered, nor any facts stated, except those necessary to explain the question.*

**8 REPORTS OF OFFICERS**

**8.1 MANAGER WORKS & SERVICES**

Nil

## 8.2 FINANCE

### 8.2.1 List of Accounts Paid in December 2017

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/1/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>12 December 2017</i>
<b>Author:</b>	<i>Carolyn Mallett - Acting Accountant and Kay Raisin – Acting Finance and HR Manager</i>
<b>Authorising Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes – List of Accounts Paid in December</i>

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#### **SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in December 2017 are presented to Council.

#### **BACKGROUND**

This report presents accounts/invoices received for the supply of goods and services, salaries and wages, and the like which were paid during the period 01 to 31 December 2017.

#### **COMMENT**

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 December 2017.

#### **CONSULTATION**

Nil

#### **STATUTORY OBLIGATIONS**

Local Government (Financial Management) Regulations 1996, Regulations 12 and 13 apply and are as follows:

12. *Payments from municipal fund or trust fund*
  - (1) *A payment may only be made from the municipal fund or the trust fund —*
    - (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*

- (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

13. *Lists of accounts*

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
  - (a) *the payee's name;*
  - (b) *the amount of the payment;*
  - (c) *the date of the payment; and*
  - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
  - (a) *for each account which requires council authorisation in that month —*
    - (i) *the payee's name;*
    - (ii) *the amount of the payment; and*
    - (iii) *sufficient information to identify the transaction;*

*and*

  - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under sub regulation (1) or (2) is to be —*
  - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
  - (b) *recorded in the minutes of that meeting.*

**POLICY IMPLICATIONS**

Council's *Authority to Make Payments Policy* has application.

**BUDGET/FINANCIAL IMPLICATIONS**

Account payments accorded with a detailed 2017-18 Annual Budget

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.1**

**MOVED: Cr O'Connell**

**SECONDED: Cr Muncey**

That at its February 2018 ordinary meeting Council receive as presented the list of accounts paid in December 2017, totalling \$998,634.80 from Municipal account, \$44,310.50 from Police Licensing account, and \$664.45 from the Trust account as represented by:

<b>Municipal Cheques</b>	<b>20135 - 20148</b>	<b>\$104,524.59</b>
<b>Municipal Electronic Payments</b>	<b>EFT6104 - EFT6218</b>	<b>\$708,573.30</b>
<b>Municipal Direct Payments</b>		<b>\$185,536.91</b>
<b>Police Licensing Payments</b>		<b>\$44,310.50</b>
<b>Trust Cheques</b>	<b>2115 - 2116</b>	<b>\$664.45</b>

**CARRIED 9/0**

**Res 03/18**

**8.2.2 List of Accounts Paid in January 2018**

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/1/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>12 February 2018</i>
<b>Author:</b>	<i>Kay Raisin – Acting Finance and HR Manager</i>
<b>Authorising Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes – List of Accounts Paid in December</i>

---

**SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in January 2018 are presented to Council.

**BACKGROUND**

This report presents accounts/invoices received for the supply of goods and services, salaries and wages, and the like which were paid during the period 01 to January 2018.

**COMMENT**

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 January 2018.

**CONSULTATION**

Nil

**STATUTORY OBLIGATIONS**

Local Government (Financial Management) Regulations 1996, Regulations 12 and 13 apply and are as follows:

12. *Payments from municipal fund or trust fund*

- (1) A payment may only be made from the municipal fund or the trust fund —*
  - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
  - (b) otherwise, if the payment is authorised in advance by a resolution of the council.*

- (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

13. *Lists of accounts*

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*

- (a) the payee's name;*
- (b) the amount of the payment;*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*

- (a) for each account which requires council authorisation in that month —*

- (i) the payee's name;*
  - (ii) the amount of the payment; and*
  - (iii) sufficient information to identify the transaction;*
- and*

- (b) the date of the meeting of the council to which the list is to be presented.*

- (3) *A list prepared under sub regulation (1) or (2) is to be —*

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) recorded in the minutes of that meeting.*

**POLICY IMPLICATIONS**

Council's *Authority to Make Payments Policy* has application.

**BUDGET/FINANCIAL IMPLICATIONS**

Account payments accorded with a detailed 2017-18 Annual Budget

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.2**

**MOVED: Cr Oversby**

**SECONDED: Cr Kaltenrieder**

**That at its February 2018 ordinary meeting Council receive as presented the list of accounts paid in January 2018, totalling \$344,084.95 from Municipal account, \$50,565.90 from Police Licensing account, and \$3,028.72 from the Trust account as represented by:**

<b>Municipal Cheques</b>	<b>20149-20155</b>	<b>\$ 12,790.74</b>
<b>Municipal Electronic Payments</b>	<b>EFT6219 - EFT6290</b>	<b>\$ 140,148.94</b>
<b>Municipal Direct Payments</b>		<b>\$ 191,145.27</b>
<b>Police Licensing Payments</b>		<b>\$ 50,565.90</b>
<b>Trust Cheques</b>	<b>2117-2122</b>	<b>\$ 3,028.72</b>

**CARRIED 9/0**

**Res 04/18**

**8.2.3 31 December 2017 Statement of Financial Activity**

<b>Location:</b>	Not applicable
<b>Applicant:</b>	Not applicable
<b>File:</b>	FM/10/003
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	09 February 2018
<b>Authors:</b>	Kay Raisin - A/Finance and HR Manager and Stephen Carstairs - Director Corporate Services
<b>Authorizing Officer:</b>	Alan Lamb – Chief Executive Officer
<b>Attachments:</b>	Yes – 31 December 2017 Financial Reports

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**SUMMARY**

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 31 December 2017.

**BACKGROUND**

Section 6.4 of the Local Government Act 1995 places financial reporting obligations on local government operations.

Regulation 34.(1)–(4) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepare a *Statement of Financial Activity*.

The regulations also prescribe the content of the reports, and that details of items of Material Variances shall also listed.

**COMMENT**

It is a statutory requirement that the statement of financial activity be prepared each month (Regulation 34.(1A)), and that it be presented at an ordinary meeting of the Council within 2 months after the end of the month to which the statement relates (Regulation 34.(4)(a)).

**CONSULTATION**

Alan Lamb – Chief Executive Officer

**STATUTORY OBLIGATIONS**

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

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

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

As presented in the attached reports.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.3**

**MOVED: Cr Walker**

**SECONDED: Cr Muncey**

**That having had regard for any material variances, Council receive the 31 December 2017 Statement of Financial Activity and Statement of Net Current Assets, as presented.**

**CARRIED 9/0**

**Res 05/18**

Cr Alexander left the Chambers at 6.17pm

Cr Alexander returned to the Chambers at 6.19pm

**8.2.4 31 January 2018 Statement of Financial Activity**

<b>Location:</b>	Not applicable
<b>Applicant:</b>	Not applicable
<b>File:</b>	FM/10/003
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	09 February 2018
<b>Authors:</b>	Kay Raisin - A/Finance and HR Manager and Stephen Carstairs - Director Corporate Services
<b>Authorizing Officer:</b>	Alan Lamb – Chief Executive Officer
<b>Attachments:</b>	Nil

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**SUMMARY**

This report recommends that Council defer to March the Statement of Financial Activities and Net Current Assets for the month ended 31 December 2018.

**BACKGROUND**

Section 6.4 of the Local Government Act 1995 places financial reporting obligations on local government operations.

Regulation 34.(1)–(4) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepare a *Statement of Financial Activity*.

It is a statutory requirement that the statement of financial activity be prepared each month (Regulation 34.(1A)), and that it be presented at an ordinary meeting of the Council within 2 months after the end of the month to which the statement relates (Regulation 34.(4)(a)).

The regulations also prescribe the content of the reports, and that details of items of Material Variances shall also be listed.

Further, Regulation 33A.(1) prescribes that between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

**COMMENT**

As the January 2018 financial reports were being used as reference material in the shire's review of its 2017-18 annual budget, the reports will be presented with the review at Council's March 2018 ordinary meeting.

**CONSULTATION**

Alan Lamb – Chief Executive Officer

**STATUTORY OBLIGATIONS**

Local Government (Financial Management) Regulations 1996, Regulation 33A.(1)

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

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

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.4**

**MOVED: Cr Oversby**

**SECONDED: Cr Kaltenrieder**

**That Council defer to its March 2018 ordinary meeting the receiving of the 31 January 2018 Statement of Financial Activity and Statement of Net Current Assets, as these are being used to review the shire's 2017-18 annual budget.**

**CARRIED 9/0**

**Res 06/18**

### **8.3 CHIEF EXECUTIVE OFFICER**

#### **8.3.1 Resolution to SUPPORT Minister for Planning Modifications to Scheme Amendment 16 – Lot 1 Forrest Street, Boyup Brook and portion of Railway Parade**

<b>Location:</b>	<i>Lot 1 Forrest Street and portion of Railway Parade</i>
<b>Applicant:</b>	<i>Shire of Boyup Brook</i>
<b>File:</b>	<i>Lot 1 Forrest St</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>12 February 2018</i>
<b>Author:</b>	<i>A. Nicoll, Town &amp; Regional Planner</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb, Chief Executive Officer</i>
<b>Attachments:</b>	<i>Amendment 16 with Ministers modifications</i>

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#### **SUMMARY**

In 2016, a Council report, proposing to amend the Shire *Local Planning Scheme No.2*, for Lot 1 Forrest Street was withdrawn.

The report requested that Council agree to support ministerial modifications pertaining to the Amendment No.16. The amendment proposes to transfer the ‘Parks and Recreation’ reservation for Lot 1 Forrest Street, to the ‘Residential’ zone.

At the time, Council was undecided whether or not the scheme should be amended, as a means to enable residential density development at Lot 1 Forrest Street.

In early 2018, The South West Development Commission recommended that the Shire seek grant funding to develop Grouped Dwellings at Lot 1 Forrest Street.

In anticipation of receiving funding and progressing with housing development at Lot 1 Forrest Street, the Council is requested to agree to continue to progress the Amendment 16 by agreeing to support Ministerial modifications.

#### **BACKGROUND**

In June 2016, the Shire of Boyup Brook Council resolved to support the *Town Planning Scheme No.2* Amendment 16, which included:

1. Rezoning Lot 1 Forrest Street, Boyup Brook from Parks and Recreation Reserve to Residential R15/R30 and amending the Scheme maps accordingly;
2. Rezoning portion of the Railway Parade road reserve, Boyup Brook from Parks and Recreation Reserve to No Zone and amending the Scheme maps accordingly;
3. Inserting a new sub clause to 5.1.2 Residential Planning Codes: Variations and Exclusions as follows:  
*5.1.2.2 Where a lot has a dual coding of R15/30, the local government may approve residential development at a higher code where development is connected to a Septic Tank Effluent Disposal (STED) scheme and where a Local Development Plan demonstrating appropriate design standards has been approved in accordance with Part 6 of the Deemed Provisions; and*
4. Re-numbering subsequent sub-clauses accordingly.

Following the above resolution of Council, the Amendment 16 was referred to the Western Australian Planning Commission seeking endorsement.

The Western Australian Planning Commission forwarded the proposed amendment to the Minister for Planning where it was resolved, to request the Shire of Boyup Brook Council, to modify the amendment document in accordance with the following schedule of modifications, before final endorsement is given.

<b>SCHEDULE OF MODIFICATIONS</b>	
<b>SHIRE OF BOYUP BROOK</b>	
<b>TOWN PLANNING SCHEME No.2 AMENDMENT NO 16</b>	
<b>NO.</b>	<b>PROPOSED MODIFICATION</b>
1	Moving pages 5 & 7 and the 'Adoption' page to the rear of the Amendment document and deleting page 6.
2	On page 5, modifying the wording of proposed clause 5.1.2.2 to state:  <i>"5.1.2.2 Where a lot has a dual density coding of R15/30, the local government may approve residential development at a higher code where development is connected to a Septic Tank Effluent Disposal (STED) community scheme."</i>
3	Modifying Page 5 as follows: <ul style="list-style-type: none"> <li>• Deleting "Minister for Planning" and "Proposal to Amend a District Planning Scheme" and replacing with "Planning and Development Act 2005"</li> <li>• Changing 'Description of District Planning Scheme' from "District Planning Scheme 2" to "Town Planning Scheme No.2"</li> </ul>

	<ul style="list-style-type: none"><li>• Deleting "Proposal" and replacing with "The Shire of Boyup Brook under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Town Planning Scheme by:"</li><li>• Changing points 1 and 2 to refer to 'Zoning' and not 'Rezoning'.</li><li>• Deleting the last paragraph and points a) and b) from the page.</li></ul>
4	Remove reference to the requirement for a Local Development Plan throughout the amendment document.
5	Modifying District Planning Scheme to Town Planning Scheme throughout the Amendment document.

In October 2016, a Council report proposing to accept the Ministers modifications on Amendment 16 was withdrawn.

Pursuant to a grant funding opportunity, Council is now requested to agree to progress the rezoning of the Lot 1 Forrest Street from the 'Parks and Recreation' reserve to the 'Residential' zone.

#### **COMMENT**

The Ministers modifications on the Amendment 16 have been recommended for the following reasons:

- Improve legibility and consistency of the Amendment;
- The word "density" was added to proposed clause 5.1.2.2 to ensure consistency with the remainder of the Scheme;
- The word "community" was added to proposed clause 5.1.2.2, such that it was clear what type of system was prerequisite in permitting development at the higher density code. Although the previous wording did state "scheme", interpretation of the wording had the potential to be confused;
- The need for a Local Development Plan was removed from the proposed clause 5.1.2.2, as this will be subject to the discretion of the Commission and will not apply over all dual density coded lots. In the circumstance of the current property, it is anticipated that suitable development controls of the R30 density code can be enforced through the development approval process.

The Ministers modifications are minor in nature and do not impact on the overall intent, which is to enable the opportunity for a developer to develop housing at the subject lot.

Pursuant to the Ministers decision, staff have modified the amendment document, which is attached for Council review.

If the Council agree to the Ministers modifications, the correspondence, including two sets of amending documents, is to be sent directly to the Department of Planning, Lands and Heritage, Bunbury Office to alleviate any delays in the processing of the amendment.

**STATUTORY OBLIGATIONS**

In accordance with section 56 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Minister has not directed the Council to advertise the modifications to the amendment.

**POLICY IMPLICATIONS**

There are no policy implications relating to this item.

**CONSULTATION**

N/A

**BUDGET/FINANCIAL IMPLICATIONS**

There are no financial implications relating to this item.

**STRATEGIC IMPLICATIONS**

There are no strategic implications relating to this item.

**VOTING REQUIREMENTS**

Simple majority

**CONCLUSION**

The proposed scheme Amendment No.16 involves transferring:

- The scheme classification for Lot 1 Forrest Street from the 'Parks and Recreation' reserve to the 'Residential' zone; and
- The scheme classification for portion of Railway Parade from 'Parks and Recreation' reserve to the 'No Zone'.

The Minister is prepared to support the proposed Amendment 16 subject to Council supporting minor modifications. The Ministers modifications do not impact on the overall intent of the Amendment 16.

**OFFICER RECOMMENDATION - Item 8.3.1**

**That Council**

1. Resolves to SUPPORT the Ministers modifications to Amendment 16, as follows:

<b>SCHEDULE OF MODIFICATIONS</b>	
<b>SHIRE OF BOYUP BROOK</b>	
<b>TOWN PLANNING SCHEME No.2 AMENDMENT NO 16</b>	
<b>NO.</b>	<b>PROPOSED MODIFICATION</b>
1	Moving pages 5 & 7 and the 'Adoption' page to the rear of the Amendment document and deleting page 6.
2	On page 5, modifying the wording of proposed clause 5.1.2.2 to state:  <i>"5.1.2.2 Where a lot has a dual density coding of R15/30, the local government may approve residential development at a higher code where development is connected to a Septic Tank Effluent Disposal (STED) community scheme."</i>
3	Modifying Page 5 as follows: <ul style="list-style-type: none"> <li>• Deleting "<i>Minister for Planning</i>" and "<i>Proposal to Amend a District Planning Scheme</i>" and replacing with "<i>Planning and Development Act 2005</i>"</li> <li>• Changing description of 'District Planning Scheme' from "District Planning Scheme 2" to "Town Planning Scheme No.2"</li> <li>• Deleting "Proposal" and replacing with " The Shire of Boyup Brook under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Town Planning Scheme by:"</li> <li>• Changing points 1 and 2 to refer to 'Zoning' and not 'Rezoning'.</li> <li>• Deleting the last paragraph and points a) and b) from the page.</li> </ul>
4	Remove reference to the requirement for a Local Development Plan throughout the amendment document.
5	Modifying District Planning Scheme to Town Planning Scheme throughout the Amendment document.

2. Agrees to forward Amendment 16, with Ministers modifications, to the Department of Planning, Lands and Heritage.

**AMENDMENT - Item 8.3.1**

**MOVED: Cr Moir**

**SECONDED: Cr Walker**

**That a classification to be sought to accommodate commercial and residential usage.**

**CARRIED 8/1**

**Res 07/18**

**MOTION - Item 8.3.1**

**That Council**

1. Resolves to SUPPORT the Ministers modifications to Amendment 16, as follows:

<b>SCHEDULE OF MODIFICATIONS</b> <b>SHIRE OF BOYUP BROOK</b> <b>TOWN PLANNING SCHEME No.2 AMENDMENT NO 16</b>	
<b>NO.</b>	<b>PROPOSED MODIFICATION</b>
1	Moving pages 5 & 7 and the 'Adoption' page to the rear of the Amendment document and deleting page 6.
2	<p>On page 5, modifying the wording of proposed clause 5.1.2.2 to state:</p> <p><i>"5.1.2.2 Where a lot has a dual density coding of R15/30, the local government may approve residential development at a higher code where development is connected to a Septic Tank Effluent Disposal (STED) community scheme."</i></p>
3	<p>Modifying Page 5 as follows:</p> <ul style="list-style-type: none"> <li>• Deleting <i>"Minister for Planning"</i> and <i>"Proposal to Amend a District Planning Scheme"</i> and replacing with <i>"Planning and Development Act 2005"</i></li> <li>• Changing description of 'District Planning Scheme' from "District Planning Scheme 2" to "Town Planning Scheme No.2"</li> <li>• Deleting "Proposal" and replacing with " The Shire of Boyup Brook under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005, hereby amends the above Town Planning Scheme by:"</li> <li>• Changing points 1 and 2 to refer to 'Zoning' and not 'Rezoning'.</li> <li>• Deleting the last paragraph and points a) and b) from the page.</li> </ul>
4	Remove reference to the requirement for a Local Development Plan throughout

	the amendment document.
5	Modifying District Planning Scheme to Town Planning Scheme throughout the Amendment document.

3. Agrees to forward Amendment 16, with Ministers modifications, to the Department of Planning, Lands and Heritage.
4. That a classification to be sought to accommodate commercial and residential usage.

**CARRIED 8/1**

**Res 08/18**

**8.3.2 Development (Grouped Dwelling x 5) – Lot 1 Forrest Street, Boyup Brook.**

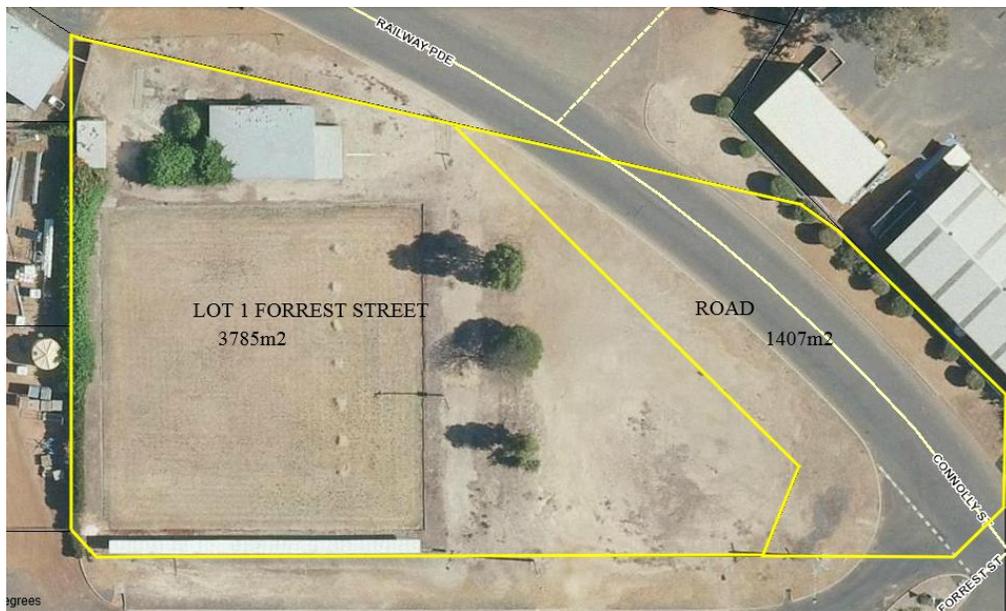
<b>Location:</b>	<b>Lot 1 Forrest Street, Boyup Brook.</b>
<b>Applicant:</b>	<b>Shire of Boyup Brook.</b>
<b>File:</b>	<b>Lot 1 Forrest St</b>
<b>Disclosure of Officer Interest:</b>	<b>None.</b>
<b>Date:</b>	<b>12 February 2018.</b>
<b>Author:</b>	<b>A. Nicoll, Town &amp; Regional Planner.</b>
<b>Authorizing Officer:</b>	<b>Alan Lamb, Chief Executive Officer.</b>
<b>Attachments:</b>	<b>Nil.</b>

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**SUMMARY**

The purpose of this report is to put before Council the request to develop five (5) dwellings ('Grouped Dwelling'), at Lot 1 Forrest Street, Boyup Brook.

Lot 1 Forrest Street is reserved for 'Parks and Recreation' in accordance with the Shire of Boyup Brook *Local Planning Scheme No.2*. The registered proprietor of Lot 1 Forrest Street is the Shire of Boyup Brook.



Council discretion is required in accordance with Part II, clauses 2.1.1 and 3.4.3 of the Shire's *Local Planning Scheme No.2*, which state:

*2.1.1 Except as otherwise provided in this Part, a person shall not carry out any development on land reserved under this Scheme other than the erection of a boundary fence, without first applying for, and obtaining, the written approval of the Council.*

*3.4.3 The Council in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application...(g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve.*

In accordance with the Shire's scheme (clauses 2.1.1 and 3.4.3), grouped dwelling development may be considered at a reserved property, subject to having due regard to the purpose of the reserve (parks and recreation).

It can be argued that due regard has been given to the purpose intended for the reserve (Lot 1 Forrest Street) via a scheme amendment (no.16) process.

The Amendment 16 proposes to transfer the 'Parks and Recreation' reservation for Lot 1 Forrest Street to the 'Residential' zone. The Shire Council supported this proposal. The Western Australian Planning Commission also supported the proposal, subject to minor modifications. It was argued that the land is not needed for recreation purposes and is better suited for residential development.

Council is therefore requested, to agree to support the development of five (5) Grouped Dwellings at Lot 1 Forrest Street.

### **BACKGROUND**

The South West Development Commission recommended that the Shire seek grant funding to develop Grouped Dwellings at Lot 1 Forrest Street.

In accordance with the Shires scheme and the Western Australian Planning Commission - Residential Density Codes, dwelling development within a 'Residential' zone, may be considered at a density of 1 dwelling for every 666m<sup>2</sup> (15 dwellings per hectare).

If the above scenario is applied to the Lot 1 Forrest Street (3785m<sup>2</sup>), five (5) dwellings may be considered.

In considering the above accepted density and the proposal to seek grant funding, the Shire decided to seek planning approval to develop Grouped Dwellings (X5) at the Lot 1 Forrest Street.

The following has been envisaged to occur:

- 3 (2 bedroom 1 bathroom) independent living dwellings;
- 1 duplex dwelling (2 units attached, each with 2 bedrooms and 1 bathroom);
- Each dwelling constructed out of brick, with a tin roof;
- All the dwellings are to front Forrest Street;

- Independent crossovers to the dwellings; and
- Connection to conventional effluent disposal systems.

### **COMMENT**

As noted by the Shire's scheme - clauses 2.1.1 and 3.4.3, in-order to develop on land that is reserved, development approval is to be obtained and due regard is to be given to the purpose of the reserved land.

It is argued that due regard has been given to the reserve purpose via the Shire's scheme Amendment No. 16.

This amendment proposes to rezone the Lot 1 Forrest Street to 'Residential'.

The amendment was advertised to neighbouring properties, to the general public and to government agencies. The amendment was supported subject to minor modifications, as requested by the Commission.

Lot 1 Forrest Street is not used or needed for the purpose of parks and recreation. Lot 1 Forrest Street, has been vacant for approximately 10 years. Previously the land was used as a bowling green.

The Western Australian Planning Commission has given in-principle support for the land to be rezoned to 'Residential' (*Local Planning Scheme No. 2 – Amendment 16*).

The following characteristics apply to the subject land:

- Lot 1 Forrest Street amounts to 3785m<sup>2</sup>. The site is flat.
- Lot 1 Forrest Street is 191m above the AHD and the Road is 190m above the AHD.
- A disused shed and shade structure remain on-site at Lot 1 Forrest Street.
- An overhead powerline runs along the southern boundary of Lot 1 Forrest Street.
- An underground reticulated water pipe runs along the western boundary of Lot 1 Forrest St. The site is connected to a reticulated water system operated by the Water Corporation.
- Lot 1 Forrest Street is triangular in shape with roads on two sides and a farm sales equipment store located on the third side (west).
- Lot 1 Forrest Street is cleared of native vegetation (three singular trees remain).
- Surface water discharges to the east. The site is connected to the Shires stormwater (drainage) network located within the road network.
- The site is not classified as a contaminated site. The soil is a sandy foam/clay (Soil Landscape Mapping of South-Western Australia (1987) - Department of Agriculture and Food Western Australia).

- There is currently no reticulated sewerage in Boyup Brook. Septic tanks with leach drains are the predominant method of effluent disposal.
- The Department of Aboriginal Affairs - Aboriginal Heritage Inquiry System shows no known sites of Aboriginal significance on the subject site. Additionally, the site does not contain any structure or place of heritage significance on the Shire's list of heritage places.
- The subject land is outside of a floodplain area recorded by the Department of Water.
- Portion of the subject site is within 100m of bushfire-prone vegetation located to the south east. As indicated by a bushfire hazard level assessment completed 2016, the bushfire hazard level is low-moderate. The proposal to accommodate development is therefore considered 'Acceptable' in accordance with the Commissions Guidelines for Planning in Bushfire Prone Areas. Using the Table 2.4.3 (FDI80) of the Australian Standards 3959, a portion of land at Lot 1 Forrest Street shown as being bushfire prone (DFES Bushfire Mapping), has a Bushfire Attack Level rating of 12.5. This means that there is the potential for heat exposure and ember attack and that dwellings may need to be constructed to comply with construction standard 3 and 5 as per the *Australian Standard 3959: Construction of Buildings in Bushfire Prone Areas*.

The site is physically suited to accommodating residential dwellings for the following key reasons:

- The site is flat, meaning extensive earthworks is not necessary to prepare the site for development.
- The site is clear of environmental impediments; - the site is not susceptible to extreme bushfire or flooding hazards, the site is clear of vegetation and the site is not contaminated.
- The site is connected to utilities including stormwater, sealed roads, power, telecommunications and water.

### **STATUTORY OBLIGATIONS**

The Shire's *Local Planning Scheme 2*, Clause 2.1.1 states:

*Except as otherwise provided in this Part, a person shall not carry out any development on land reserved under this Scheme other than the erection of a boundary fence, without first applying for, and obtaining, the written approval of the Council.*

The Shire's *Local Planning Scheme 2*, Clause 3.4.3 states:

*The Council in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application...(g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve.*

The Residential Design Codes apply to the development of housing and should be taken into consideration for this proposal.

The Residential Density Codes make requirements for building location, density and design, including:

- Min 3m street setback (average 6m);
- Min 1.5m secondary street setback;
- Min 3m setback to carports and 4m setback to garages;
- 2 car parking spaces per 2 bedroom units;
- 1 car parking space for aged persons units;
- 1 visitor bay per 4 units (may consider visitor bay on street verge);
- Front fences within the primary street setback area that are visually permeable above 1.2m;
- Outdoor living areas which provide spaces:
  - capable of use in conjunction with a habitable room of the dwelling;
  - open to winter sun and ventilation; and
  - optimise use of the northern aspect of the site.
- Landscaping that contributes to the streetscape;
- Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

### **POLICY IMPLICATIONS**

There are no policy implications relating to this item.

Clause 3.2.2.1 Boyup Brook Townsite - Central states:

*Whereas this area contains the town centre and the majority of the older urban development, the following planning policy shall apply:...(iii) Residential and commercial development shall be the predominant uses associated with this Policy Area.*

### **CONSULTATION**

Extensive consultation was undertaken to accompany the Shire's scheme Amendment No.16, which proposes to transfer the subject land from the 'Parks and Recreation' reserve, to the 'Residential' zone in-order to facilitate residential development. No major issues were raised as a result of this process.

### **BUDGET/FINANCIAL IMPLICATIONS**

Development of Grouped Dwellings at the subject site is dependent on being able to obtain grant funding.

### **STRATEGIC IMPLICATIONS**

The request to develop the site for grouped housing is considerate of principles contained in the Western Australian Planning Commission's Liveable Neighbourhood document, including:

- Providing easy access to services such as local shops and parks;
- Providing development that's connected to utilities including effluent disposal systems, stormwater, roads, power and water; and
- Ensuring development is designed (Local Development Plan) considerate of:
  - Streetscape amenity;
  - Solar efficiency;
  - Designing out crime;
  - Suitable access and car parking; and
  - Protection of privacy.

### **VOTING REQUIREMENTS**

Simple majority

### **CONCLUSION**

The proposed Grouped Dwelling development consists of:

- Five (5) single story, two bedroom, one bathroom dwellings fronting Forrest Street;
- Each dwelling connected to a conventional effluent system;
- Minimum front setback to Forrest Street of 3m;
- Brick walls and tin roof construction.

The Lot 1 Forrest Street is suited to accommodating dwellings for the following reasons:

- The site is flat;
- The site is within walking distance to services and other established recreation facilities;
- The site is adjacent to existing dwellings;
- The site is not subject to extreme bushfire hazard or flooding; and
- The site is connected to utilities including sealed roads, power and water.

The purpose of the reservation for Lot 1 Forest Street is no-longer applicable. The property has not been used for recreation (10 years) and is not needed for recreation. It is therefore concluded that the land should be developed for residential purposes.

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.2**

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr Muncey**

**That Council**

Grants development approval for Lot 1 Forrest Street, for the purpose of Grouped Dwellings (X5), subject to the following notice:

***Planning and Development Act 2005***

**Shire of Boyup Brook**

**NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT  
APPROVAL**

Location: Lot 1 Forrest Street, Boyup Brook

Description of proposed development:

**Grouped Dwellings (X5)**

The application for development is approved subject to the following conditions.

Conditions:

1. Development to occur in-accordance with the Residential Design Codes for the R15 density, including:
  - Min 3m street setback (average 6m);
  - Min 1.5m secondary street setback;
  - Min 3m setback to carports and 4m setback to garages;
  - 2 car parking spaces per 2 bedroom units;
  - 1 car parking space for aged persons units;
  - 1 visitor bay per 4 units (may consider visitor bay on street verge);
  - Front fences within the primary street setback area that are visually permeable above 1.2m.
  - Outdoor living areas which provide spaces:
    - capable of use in conjunction with a habitable room of the dwelling;
    - open to winter sun and ventilation; and
    - optimise use of the northern aspect of the site.
  - Landscaping that contributes to the streetscape
  - Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

2. Development being designed and located considerate of:
  - Streetscape amenity;
  - Solar efficiency;
  - Designing out crime;
  - Suitable access and car parking; and
  - Protection of privacy.
3. Dwelling units are to be connected to an approved conventional effluent disposal system.
4. All stormwater is to be managed to the satisfaction of the Shire of Boyup Brook.
5. Crossovers being developed to the satisfaction of the Shire of Boyup Brook.
6. No processes being conducted on the property that may cause a detriment to the amenity of that area by reason of contamination, noise, vibration, smell, fumes, dust or grit.

Date of determination: 12 February 2018

Note 1: A Bushfire Attack Level (BAL) Assessment may need to be undertaken to accompany a Building Permit. Dwellings may need to be constructed to a higher standard in accordance with the determined BAL assessment and Australian Standards 3959.

Note 2: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

Note 3: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 4: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Signed:

Dated:

\_\_\_\_\_  
for and on behalf of the Shire of Boyup Brook.

**CARRIED 7/2**

**Res 09/18**

**Request for Votes to be recorded**

**Cr Moir requested that the vote of all Councillors be recorded.**

<b>For</b>	<b>Against</b>
<b>Cr Aird</b>	<b>Cr Moir</b>
<b>Cr Muncey</b>	<b>Cr Walker</b>
<b>Cr Rear</b>	
<b>Cr O'Connell</b>	
<b>Cr Alexander</b>	
<b>Cr Kaltenrieder</b>	
<b>Cr Oversby</b>	

**8.3.3 Aged Accommodation**

<b>Location:</b>	<i>Lot 1 Forrest Street</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>8 February 2018</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer</i>
<b>Attachments:</b>	<i>Nil</i>

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**SUMMARY**

The purpose of this item is to bring the matter before of an opportunity for grant funding with the recommendation that Council endorse the project and support a funding application.

**BACKGROUND**

A funding opportunity was raised with Council staff in January 2018 by SWDC.

The Regional Aged Accommodation Program, funded from Royalties for Regions, is targeted at suitable aged care or aged accommodation projects in regional areas. There is no general call for applications and Regional Development Commissions were soliciting proposals within their regions. SWDC is well aware of this Shire's aged accommodation needs and Council's endeavours to meet them, and so Boyup Brook has been asked to apply for funding.

The SWDC representative noted that the Hospital Road site was a combination of Crown Grant and Crown Reserve land. Also that the Shire was seeking a portion of the Health Department Reserve. Whilst these land issues were progressing the freehold title of Lot 1 Forrest Street made this site more shovel ready than the Hospital Road site (project planning was advanced for both sites) and so it was recommended that funding be applied for Lot 1.

Grant conditions include the need for all accommodation units to be for over 65s and to be affordable housing (applicants means tested). It was suggested that there be a mix of units where applicants who would qualify for Department of Housing accommodation could live and others who's means exceeded the Departments limits but still required lower than market cost housing.

A great deal of work has been done on updating land development costs and building construction costs (a high level of local content is required and job creation is important so imported buildings may not be suitable for this project).

Preliminary estimates put the total value of the project in the order of \$2m for one 2x1 duplex and three 2x1 separate units including a notional cost of the land and the grant would exceed 50% of this.

**COMMENT**

Whilst Council has favoured the Hospital Road option and resolved to apply for commonwealth funding to assist with a project there, this new funding opportunity appears to favour Lot 1 and is too good to pass up.

As will have been explained at the briefing session preceding this meeting, the SWDC is assisting, in terms of advise not with the actual work, with the application and business case and so these are not available at the time of writing and may not be available by the meeting date.

**CONSULTATION**

Aged accommodation has been before Council a number of times.

**STATUTORY OBLIGATIONS**

Provided in previous reports

**POLICY IMPLICATIONS**

Nil at this time

**BUDGET/FINANCIAL IMPLICATIONS**

Nil at this time. Funding for the project would become available 2018/19 or 2019/20

**STRATEGIC IMPLICATIONS**

Aged accommodation has and is a community focus. Demand has been demonstrated by an independent entity.

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
Providing the opportunity for more aged persons to either remain in or come to Boyup Brook will have a beneficial impact on the local economy
- **Social**  
Providing the opportunity for more aged persons to either remain in or come to Boyup Brook will have a beneficial impact on the various community groups as they will provide the opportunity for the groups to grow membership numbers.

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL DECISION & OFFICER RECOMMENDATION - Item 8.3.3**

**MOVED: Cr Moir**

**SECONDED: Cr Rear**

**That Council support an application being made through the South West Development Commission for a Regional Aged Accommodation Program grant for site and building development of suitable dwellings at Lot 1 Forrest Street Boyup Brook.**

**CARRIED 7/2**

**Res 10/18**

**Request for Votes to be recorded**

**Cr Moir requested that the vote of all Councillors be recorded.**

<b>For</b>	<b>Against</b>
<b>Cr Aird</b>	<b>Cr Moir</b>
<b>Cr Muncey</b>	<b>Cr Walker</b>
<b>Cr Rear</b>	
<b>Cr O'Connell</b>	
<b>Cr Alexander</b>	
<b>Cr Kaltenrieder</b>	
<b>Cr Oversby</b>	

**8.3.4 Boyup Brook Tourism Association Inc - Review of annual assistance**

<b>Location:</b>	<i>N/a</i>
<b>Applicant:</b>	<i>Boyup Brook Tourism Association</i>
<b>File:</b>	<i>BBTA</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>8 February 2018</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer</i>
<b>Attachments:</b>	<i>BBTA letter.</i>

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**SUMMARY**

The purpose of this report is to put before Council the current assistance arrangement and recommend a change.

**BACKGROUND**

For some years the Shire has provided the Boyup Brook Tourism Association with premises, an operating subsidy (primarily to enable them to employ someone to assist them) and a staff member one day per week.

The premises is provided under a lease agreement at nil rental, in a similar manner to how the Shire assists other community groups. A few years ago, BBTA sought the assistance of a Shire staff member on one day per week to enable it to open the visitors centre more often as they were experiencing issues with getting sufficient volunteers. Subsequently they sought funding assistance to pay an employee to operate the centre on some days per week in order to reduce the load on volunteers.

At its December 2017 meeting Council resolved as follows:

***That Council***

- 1. Authorise the CEO to offer the Boyup Brook Tourism Association an additional \$10,000 per year in lieu of providing a Shire staff member one part day per week.***
- 2. approve the following amendment to the 2017/18 budget to facilitate the change in arrangements.***

<b>Account Number</b>	<b>Account name</b>	<b>Budget \$</b>	<b>Amended budget \$</b>
<b>146105</b>	<b>Administration employee costs</b>	<b>752,950</b>	<b>747,950</b>
<b>041114</b>	<b>Donations</b>	<b>50,080</b>	<b>55,080</b>
	<b>TOTAL</b>	<b>803,030</b>	<b>803,030</b>

3. **require the CEO to prepare a draft Memorandum of Understanding between the Shire and the Boyup Brook Tourism Association, assuming the Association accepts the change, and report back to Council by its February 2018 meeting.**

Whilst the matter of the Shire staff member was resolved at that meeting a review of the annual financial contribution was not addressed. Part 3 of the above resolution has not been actioned but will be attended to as soon as practicable.

It appears that the annual financial contribution has remained at \$15,000 since 2012/13.

**COMMENT**

The BBTA sought up to \$40,000 per annum to meet all known and anticipated costs of employing a person three days per week. In comparison Council's subsidy, like for like, was \$24,027.12 per annum. In December the decision to increase the cash donation by \$10,000, in lieu of providing a staff member, put that annual Council contribution at \$25,000.

If Council sought to bring the \$15,000 contribution to a today dollar equivalent then we could look at cost increases over the years. CPI is one measure but it does not translate well to actual costs in all cases. Taking a very broad perspective, we could assume that employment costs increased by in the order of 2 to 3% over each of the past five years. Taking the sum of the higher value, a 15% increase might be applicable (\$2,250). An increase of \$5,000 was discussed with the group and aligns with their indication that a minimum of \$30,000 is required to enable them to operate. If Council was agreeable to a total cash subsidy to \$30,000 per year it is still somewhat short of the \$40,000 requested but it may be sufficient.

Based on the foregoing it is recommended that Council agree to an annual donation to the BBTA of \$30,000, commencing as soon as a letter of acceptance is received. If the letter of acceptance is received the donation increase to be paid prorate for 2017/18.

**CONSULTATION**

The author has spoken with the BBTA and other staff.

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

The additional expenditure was not budgeted for. The impact in 2017/18 is expected to be in the order of \$1,500.

This change in donation value is expected to have minimal additional impact on staff time.

**STRATEGIC IMPLICATIONS**

The BBTA is long standing community group

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Absolute majority

**OFFICER RECOMMENDATION**

**That Council increase the annual donation to the Boyup Brook Tourism Association from \$25,000 per annum to \$30,000 effective from when the Association accepts the amended funding level.**

**Adjournment**

**That the meeting be adjourned for an afternoon tea break, the time being 7.00pm.**

**Resumption**

**That the meeting resume, the time being 7.13pm.**

**REVISED RECOMMENDATION – 8.3.4**

**MOVED:** Cr Kaltenrieder

**SECONDED:** Cr O'Connell

**That Council receive the Boyup Brook Tourism Association's request for additional annual funding assistance and asks that the Association demonstrate, with the assistance of annual audited financial statements, forward plans that include income and expenditure predictions, and the like, the need for annual funding assistance and the level of funding required in order for the Information Centre and Association to operate.**

**CARRIED 8/1**

**Res 11/18**

**Declare an Interest**

**Cr Rear declared a potential financial interest in the following item and departed the Chambers, the time being 7.19pm.**

<p><b>8.3.5 Craft Hut - Boyup Brook Arts and Crafts Group Request for Approval to Upgrade Power Supply</b></p>
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<b><i>Location:</i></b>	<i>Craft Hut Jayes Road Boyup Brook</i>
<b><i>Applicant:</i></b>	<i>Boyup Brook Arts and Craft Group</i>
<b><i>File:</i></b>	<i>Craft Hut</i>
<b><i>Disclosure of Officer Interest:</i></b>	<i>None</i>
<b><i>Date:</i></b>	<i>9 February 2018</i>
<b><i>Author:</i></b>	<i>Alan Lamb</i>
<b><i>Authorizing Officer:</i></b>	<i>Chief Executive Officer</i>
<b><i>Attachments:</i></b>	<i>Two letters from the Group and copy of Shire letter to the Group.</i>

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**SUMMARY**

The purpose of this report is to put the request before Council with the recommendation that it be approved.

**BACKGROUND**

The Boyup Brook Arts and Craft Group (BBACG) leases the Craft hut from the Shire and has occupied this facility for a number of years.

The Group wishes to upgrade electrical power supply to the facility to enable them to use their kiln. They will fund the project and seek no financial assistance from Council.

As part of bigger picture planning the Shire President and CEO met with the Group executive to discuss options for new premises, to be shared with other similar groups, elsewhere in town. At this meeting the Group mentioned that the power upgrade was required and the President noted that they should not go to this expense as they may be moving within a few years.

In accordance with lease provisions, the Group now seeks approval to upgrade the power connection.

They need the upgrade to enable them to use a larger kiln and to cater for the growing demand for ceramics.

The request was put to Council at its December 2017 meeting, the recommendation was as follows:

***That Council approve the Boyup Brook Art and Craft Group's application for approval to upgrade power supply to the Craft Hut subject to the work being done by a licensed electrical contractor and a copy of the required electrical safety certificate being provided to Council for its records.***

and Council resolved as follows:

***Resolved that the matter lay on the table until the Craft Hut Group has the opportunity to consider a generator rather than a Western Power Connection upgrade.***

Council's resolution was prompted by the desire to ensure that the group considered other options.

The group was notified of this decision (letter attached) and its response is attached. The group advised it would reluctantly, conditionally accept the Shire's offer to share a 3 phase generator to power its 3 phase kiln as follows:

Reluctantly, after consulting an electrician, the members of the Craft Club have come to the decision that we will conditionally accept the Shire's offer to share a 3 phase generator to power our 3 phase kiln

- We need it available whenever it is not being used at the medical centre during a blackout.
- We require documented agreement for the procedure of refueling, maintenance, use and movement of the generator. Please note: the Craft Club cannot take responsibility for moving it.
- We need a time frame for when we will get the generator as we are getting desperate to use the kiln.
- Size of the generator MUST be 15kva or more and be capable of running continuously for 10-12 hours.
- We are willing to contribute a maximum of \$3000 towards the purchase of the generator.

As the generator is only a temporary measure until the proposed "Cultural Centre" becomes a reality we would also require a timeline for US to move into the new premises.

If we are not moved into the new premises by the projected date we would require the Shire to connect 3 phase power to the Craft Shed on the corner of Jayes Rd and Barron St at no cost to the Craft Club. In return we will relinquish all interests in the generator.

#### **COMMENT**

The following was contained in the December meeting report:

*The Group is well aware of the situation and has funding to move ahead with the power upgrade.*

*As its is a Council building it is recommended that Council approve the upgrade subject to them using a licensed electrical contractor and that a copy of the required electrical safety certificate be provided to Council for its records.*

Dealing with the Group's letter of response date 31 January 2018. In paragraph 2 there is mention of a Shire offer to share a 3 phase generator, the author is not aware of any such offer. Taking each condition as listed by the Group:

<b>Condition</b>	<b>Comment</b>
Generator to be available when ever it is not being used at the medical centre during a blackout	The author is not aware of any mention of the generator being used at any other locations. Whilst the idea of moving a generator around to meet the needs of a variety of sites is good, the impact on Shire works would make this impractical. The need, or not for electrical power backup at the medical centre is a separate matter. Before looking to a solution the need

	<p>should be established and then a suitable solution found. The centre has a small refrigerator to store pharmaceuticals. Whilst it would be ideal for power supply to be guaranteed the cost/ benefit/need should be assessed. If the need is justified there will be a variety of solutions to consider. Factors such as the upgrades to the power supply network aimed at reducing blackouts is almost complete and so there should be less blackouts moving forward. What happens when the power goes out after hours. Generally this occurs at a time when any staff we can muster for a callout are fully engaged in other more pressing matters.</p>
<p>A documented agreement for the procedure of refuelling, maintenance, use and movement . The Group cannot take reasonability for moving the generator.</p>	<p>It is not clear who would refuel and maintain the generator and at who's cost. It is suspected that the Group would have difficulties with these tasks and that the operating costs may be in line with the charges if the power supply was used. If the Shire was to take on the tasks then it is not clear how this could be accomplished without impact on other works. The Group pays its own electricity costs now.</p>
<p>A timeframe required for when the generator would be operational.</p>	<p>This cannot be addressed until Council makes a decision to purchase the generator or advises that they should, which is inline with Council's December 2017 decision.</p>
<p>The generator must be 15kva or more and capable of running for 10 to 12 hours</p>	<p>This could not be addressed until the decision was made to purchase the generator.</p>
<p>The Group offers \$3,000 toward the cost of a generator.</p>	<p>This could not be addressed until the decision was made to purchase the generator. Indicative costs were obtained and based on these the generator would cost in the range of \$9,000 to more than \$22,000</p>
<p>Timeframe required for the move to the proposed "Cultural Centre"</p>	<p>This could not be addressed until the decision was made to build the centre.</p>
<p>If the Group is not moved by the proposed date it would require the Shire to connect 3</p>	<p>This could not be addressed until the decision was made to build the centre.</p>

phase power to the Craft Shed at no cost to the Group. It would relinquish all interests in the generator	
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It is not clear how the suggestion that the group consider opting for a generator instead of a power connection up grade moved to the Shire providing a generator and the like but it is clear now that the Group has considered this option. Their request for Council approval, as required by the lease, did not include any up front or ongoing cost to Council. Nor any impact on the Shire's employee and plant resources. It appears that the generator option may include an upfront and ongoing cost to Council and impact on employee and plant resources.

As the Group has considered a generator, as requested, it is recommended that Council now approve its request for approval to upgrade the electrical power connection.

#### **CONSULTATION**

The author had spoken with the Group and Shire President regarding the December Report.

#### **STATUTORY OBLIGATIONS**

Council should ensure that the electrical work is done by a suitably licensed person and that a copy of the required certificate is put on Shire records.

Standing orders provide as follows:

#### **14. PROCEDURAL MOTIONS**

##### **14.1 Permissible Procedural Motions**

*In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a Councillor to move the following procedural motions:*

- (i) *That the motion lie on the table;*

#### **15. EFFECT OF PROCEDURAL MOTIONS**

##### **15.9 That the Motion Lie on the Table - Effect of Motion**

*15.9.1 This motion, having been carried, will cause debate on the substantive motion and any amendment to cease immediately and for the meeting to proceed to the next business.*

*15.9.2 Any Councillor may raise the motion from the table, by giving appropriate notice of motion for any meeting in the future.*

*15.9.3 When a motion is raised from the table, the mover of the original substantive motion, or in the absence of the original mover, the person moving this procedural motion, is given the opportunity to re-introduce the matter after which debate shall continue according to these standing orders.*

It is put that whilst the resolution made in December includes the words "matter lay on the table" the intention was for the matter to be deferred to give the Group an opportunity to consider an alternative. There was no motion being debated and so no motion to lay on the table.

#### **POLICY IMPLICATIONS**

Nil

#### **BUDGET/FINANCIAL IMPLICATIONS**

Nil if Council supports the recommendation. No provision was made in the budget for the purchase or maintenance of a generator.

#### **STRATEGIC IMPLICATIONS**

The Group offers a range of opportunities for the community to pursue interests. The Craft Hut appears to be well used with cars parked there almost every day of the week. The new kiln is expected, by the group, to increase patronage.

#### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
This group is a significant part of the community with many active members. Its caters for a range of craft and art pursuits. .

#### **VOTING REQUIREMENTS**

Simple majority if the recommendation is supported, Absolute Majority if any Shire funds are to be expended in the current financial year.

#### **COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.5**

**MOVED: Cr Moir**

**SECONDED: Cr Kaltenrieder**

**That Council approve the Boyup Brook Art and Craft Group's application for approval to upgrade power supply to the Craft Hut subject to the work being done by a licensed electrical contractor and a copy of the required electrical safety certificate being provided to Council for its records.**

**CARRIED 8/0**

**Res 12/18**

**Cr Rear returned to the Chambers at 7.21pm**

**8.3.6 Flax Mill Storage - Request to Lease shed**

<b>Location:</b>	Lot 336 Jackson Street Boyup Brook
<b>Applicant:</b>	Chris Pratico
<b>File:</b>	Flax Mill
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	8 February 2018
<b>Author:</b>	Alan Lamb
<b>Authorizing Officer:</b>	Chief Executive Officer
<b>Attachments:</b>	letter of request, copy of marked Landgate images, copy of advertisement.

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**SUMMARY**

The purpose of this report is to put the request to lease a shed back to Council, following required advertising, with a recommendation that it be agreed to.

**BACKGROUND**

The shed sought is the building marked A on the attached Landgate images. It is understood that this shed was constructed some years ago as a rain storage facility. It has a number of power points situated on support posts and is used annually for caravans at the country music festival. It is rarely used at other times.

Council looked at it some years ago as an opportunity to house an engineering business but saw that use as incompatible with other uses on that lot. Some time later an enquiry was received about using it for storage, in a similar manner to the adjoining, larger shed. As a result of this Council resolved that it could be hired out as part of the adjoining storage facility. Whilst it has been used a number of times no one has rented space there and no agreements are in place at this time.

The Shed is metal framed and metal clad on the roof and north eastern side. All other sides are open and so storage is not as secure. It has a concrete floor. It appears to have had bracings on the outer posts but these are no longer there. The shed is approximately 40m long and 30m wide, a floor space of approximately 1,200m<sup>2</sup>. It sits on land held by the Shire in free hold title. The land is suspected to lay below the 1 and 100 flood zone and so may well be subject to flooding.

Council's fees and charges schedule provides the following:

- Administration charge - Annual or for each hire period - \$103
- Rental per m<sup>2</sup> per month - \$0.30
- Minimum monthly charge - \$42.00

Based on this the maximum annual income, if the whole of the space was rented, would be \$4,423.

The applicant offers to lease the whole of the shed for \$6,000 per year for a 5 year term, and seeks for Council to enclose the shed with fencing and gates. The fencing is expected to cost in the order of \$100 per lineal metre including gates. The two sides and one end would need to be fenced, a total 110 lineal metres and so the cost is expected to be \$11,000.

The application was presented to the December 2017 Council meeting and the following resolution was made:

***That in accordance with section 3.58(3) of the Local Government Act, Council resolve to advertise it as looking to lease the shed on lot 336 with the matter coming back to the February 2018 meeting of Council for a determination.***

The attached advertisement was placed in the Donnybrook Bridgetown Times 16 January 2018 and repeated weekly till 2 February. It was placed on the Shire Noticeboard on 17 January and remained there till after 2 February. It was advertised in the Manjimup Bridgetown Times and the West Australian on 17 January and repeated weekly till 2 February.

No submissions were received by the closing date (2/2/18) or by the date of writing this report.

#### **COMMENT**

Now that the way is open for Council to lease the shed to Mr Pratico it is recommended that Council agree to do this. There are other factors which need to be considered.

Commercial leases generally require the lessee to meet legal costs of drawing up the lease (generally around \$2,000) however given the size of the income opportunity Council may wish to bear this cost.

The fencing should act as a brace and so be beneficial to the structural integrity of the shed and would remain there after the lease period. The fencing should be durable and may later allow the shed to be used as a secure storage facility, just as the adjoining shed is now.

There is no provision in the current budget for the fencing or the legal costs so a budget amendment will be required.

#### **CONSULTATION**

The author has spoken with the Shire President and other staff.

**STATUTORY OBLIGATIONS**

The following section of the Local Government Act has relevance:

**3.58. Disposing of property**

(1) *In this section —*

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

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

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

(a) *the highest bidder at public auction; or*

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

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

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

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

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

*and*

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

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

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

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

(c) *the market value of the disposition —*

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

- (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
- (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
- (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
- (d) *any other disposition that is excluded by regulations from the application of this section.*

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

No provision was made in the 2017/18 budget for this project or the income it may derive.

In the first year the costs would be in the order of \$13,000 and income say \$1,500. Over the 5 years, assuming there will be no need for maintenance, no increase in insurance etc the total income would be \$30,000 against direct costs of \$13,000. Taking the longer view this represents an opportunity to assist a local resident and landholder, improve an underutilised asset and benefit from additional income.

This lease is expected to require staff time as follows:

- Lease preparation- 5 hours (once off)
- Fencing, quotations and supervision - 4 hours (once off)
- lease management - 2 hours per annum
- Fencing maintenance - Nil per annum as once installed it should require no inspection or maintenance for a number of years

The draft lease should be ready for the March meeting and the fence installed either March or April 2018.

**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

**COUNCIL DECISION & OFFICER RECOMMENDATION – 8.3.6**

**MOVED: Cr Moir**

**SECONDED: Cr Alexander**

- 1. That following the required advertising and there being no submissions, Council agree to lease a portion of Lot 336, known as the Boyup Brook Flax Mill, for a term of 5 years with an annual rental of \$6,000.**
- 2. That Council meet the cost of drawing up a lease agreement and authorise this expenditure.**
- 3. That the CEO negotiate the terms, other than those set by Council in this resolution, and have a draft lease drawn up for Council's consideration.**
- 4. That the CEO procure supply and services to install suitable fencing and gates around the shed in question and that expenditure be authorised.**
- 5. That the CEO include additional expenditure of \$13,000 and income of \$1,500 in the up coming budget review.**

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 13/18**

**8.3.7 Use of Common Seal - Australia Day Awards - President's Award**

<b>Location:</b>	<i>N/a</i>
<b>Applicant:</b>	<i>N/a</i>
<b>File:</b>	<i>Australia Day</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>8 February, 2018</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer</i>
<b>Attachments:</b>	<i>Copy of award</i>

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**SUMMARY**

The purpose of this report is to seek Council approval for the seal to be affixed to the President's Award.

**BACKGROUND**

Australia Day awards have been a significant feature of Australia Day events in the Shire for many years. The Presidents Award was introduced some years ago to allow the President and Council to recognise people who may not fit within the other award categories but should be recognised for their contribution.

The decision was taken to recognise the late Mr Tony Schreurs at the 2018 Australia Day ceremony and the intent was for the award to include the Shire seal. The legislation provides that the Local Government (interpreted to be Council and so by resolution at a meeting) has to approve the seal to be affixed to a document in the presence of the President and CEO, each of whom is to sign the document to attest that the common seal was so affixed.

Council's policy on the matter largely duplicates the legislation.

**COMMENT**

The common seal akin to the signature of the organisation (the legal entity) and then its affixing is witnessed by prescribed people associated with the organisation. Council's policy sets how the document is to be completed as follows:

*The common seal of Shire of Boyup Brook was hereunto affixed and signed by the authority of a resolution of the Council in the presence of:*

---

*Shire President*

---

Chief Executive Officer

The seal imprint is placed adjacent to the two signatures.

Approval is sought for the seal to be affixed to the Australia Day Presidents Award in order to better signify that the award is from the Shire.

**CONSULTATION**

The author has spoken with the President and Shire staff

**STATUTORY OBLIGATIONS**

The Local Government Act provides as follows:

9.49A. *Execution of documents*

- (1) *A document is duly executed by a local government if —*
  - (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
  - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
  - (a) *the mayor or president; and*
  - (b) *the chief executive officer or a senior employee authorised by the chief executive officer,*

*each of whom is to sign the document to attest that the common seal was so affixed.*
- (4) *A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) *A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
- (6) *A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*

- (7) *When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.*

*[Section 9.49A inserted by No. 17 of 2009 s. 43.]*

9.49B. *Contract formalities*

- (1) *Insofar as the formalities of making, varying or discharging a contract are concerned, a person acting under the authority of a local government may make, vary or discharge a contract in the name of or on behalf of the local government in the same manner as if that contract was made, varied or discharged by a natural person.*
- (2) *The making, variation or discharge of a contract in accordance with subsection (1) is effectual in law and binds the local government concerned and other parties to the contract.*
- (3) *Subsection (1) does not prevent a local government from making, varying or discharging a contract under its common seal.*

*[Section 9.49B inserted by No. 17 of 2009 s. 43.]*

9.49. *Documents, how authenticated*

*A document, is, unless this Act requires otherwise, sufficiently authenticated by a local government without its common seal if signed by the CEO or an employee of the local government who purports to be authorised by the CEO to so sign.*

5.43. *Limits on delegations to CEO*<sup>29</sup>

*A local government cannot delegate to a CEO any of the following powers or duties —*

- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*

**POLICY IMPLICATIONS**

The following policy has application:

<b>POLICY NO.</b>	A.10
<b>POLICY SUBJECT</b>	Use of Common Seal and the Signatories for Contract Execution
<b>ADOPTION DATE</b>	17 June 2004
<b>VARIATION DATE</b>	22 December 2007

**Objective**

To set out the procedures to be followed when there is a requirement to use the common seal.

**Statement**

The following applies to the use of the common seal and signatures when a document requires this method of completion:-

- 1 is to be used only when Council has previously authorised the action contained within the document being signed;
- 2 be affixed in the presence of the Shire President and Chief Executive Officer.

The document is to be completed in the following manner:-

The common seal of Shire of Boyup Brook was hereunto affixed and signed by the authority of a resolution of the Council in the presence of:

\_\_\_\_\_

Shire President

\_\_\_\_\_

Chief Executive Officer

**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 – Item - 8.3.7**

**MOVED: Cr Aird**

**SECONDED: Cr Walker**

**That Council approve the Shire of Boyup Brook common seal being affixed to the 2018 Australia Day Presidents Award in accordance with legislation and Council Policy.**

**CARRIED 9/0**

**Res 14/18**

**WITHDRAWN - Item 8.3.8**

**Item 8.3.8 was withdrawn by the CEO, further information to be sought and bought back to Council.**

**8.3.8 Social Media Policy**

<b><i>Location:</i></b>	<i>N/A</i>
<b><i>Applicant:</i></b>	<i>N/A</i>
<b><i>File:</i></b>	<i>Policy</i>
<b><i>Disclosure of Officer Interest:</i></b>	<i>Nil</i>
<b><i>Date</i></b>	<i>15 February 2018</i>
<b><i>Author:</i></b>	<i>Joanna Kaye (Research and Development Coordinator) and Alan Lamb (Chief Executive Officer)</i>
<b><i>Authorizing Officer:</i></b>	<i>Alan Lamb (Chief Executive Officer)</i>
<b><i>Attachments:</i></b>	<i>Nil</i>

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**SUMMARY**

This report recommends that Council endorse a draft Social Media Policy.

**BACKGROUND**

16 November 2017 Council resolved (Res. 151/17) as follows: That Council direct the CEO to develop a draft social media policy.

Prior to implementing a formal Shire of Boyup Brook social media presence, hopefully in conjunction with the Shire's newly developing web site, a social media policy would need to be in place to guide elected members and officers.

The policy requirements have been drafted based on:

- Policy objective
- Policy Guidelines:
- Who shall contribute to content
- Authorised accounts
- Adherence to Shire Policies
- Postable information
- Monitoring/Moderating/Responding

- Record Keeping
- Draft Usage Guidelines to be included on the Social Media site.

### **COMMENT**

Social media is considered a necessary tool for Local Government to effectively interact with a population that is increasingly technology literate and reliant on social media as a means of accessing information and for communication. There are risks to organisations associated with uncontrolled use of social media. These risks are primarily associated around content control and ensuring the organisation's message is accurately disseminated in a controlled manner. The Social Media policy content will help to mitigate those risks.

### **CONSULTATION**

A variety of Social Media policies were researched and sourced:

- Shire of Dardanup
- Shire of Goomalling
- Shire of Denmark
- City of Vincent
- Shire of Ravensthorpe was also consulted; however, they do not have a Social Media policy at this time.

Stephen Carstairs (Director Corporate Services), Daly Winter (Manager of Community and Regulatory Services), Kay Raisin (Acting Finance Manager) and Maria Lane (Executive Officer).

### **STATUTORY OBLIGATIONS**

The requirement to govern and control social media use by elected members and staff, in their capacity as representatives of the Shire of Boyup Brook is considered necessary in order to minimise any risk associated with publically published content.

### **POLICY IMPLICATIONS**

The Social Media Policy is to be read in conjunction with the shire's Records Keeping Policy

### **BUDGET/FINANCIAL IMPLICATIONS**

It is estimated that, combined, delegated and other officers will dedicate in excess of four hours per week to maintain official shire social media platforms.

### **STRATEGIC IMPLICATIONS**

The shire's *Community Strategic Plan 2013 – 2023*, in the section under “*Council and Community Leadership*”, reads to: “*Foster community participation and collaboration through the “Development of a website to communicate information more easily to residents.”*”

This also applies to social media.

### **SUSTAINABILITY IMPLICATIONS**

➤ **Environmental**

Nil.

➤ **Economic**

Nil

➤ **Social**

These proposed improvements will meet with the Shire's social responsibility to provide our community with an accessible source of information regarding the operations of the Council, and with technological advancements a good website supported by social media will meet the majority of our communities' expectations at this point in time.

### **VOTING REQUIREMENTS**

Absolute majority.

### **OFFICER RECOMMENDATION - Item 8.3.8**

1. **That Council endorses the Social Media Policy as presented.**
2. **That Council directs the CEO to have the endorsed Social Media Policy appraised by the Shire's solicitors for shortcoming, if present, and then brought back to Council.**

9 **COMMITTEE MINUTES**

Nil

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

**10.1 Cr O'Connell**

**MOTION**

**MOVED: Cr O'Connell**

**SECONDED: Cr Rear**

**The Boyup Brook Shire Council hold an Ordinary Meeting in January every year.**

**LOST 3/6**

**Res 15/18**

**COMMENT:**

I believe that it is necessary to hold an Ordinary Meeting in January to deal with the ongoing business of the Shire. I understand that certain Government Departments and businesses close down for the Christmas/ New Year holiday period which may cause a delay in any information required for Council decisions, but everyone is back to work by the end of January, which is sufficient time to obtain information for presentation at the February meeting.

**CEO COMMENT**

Not scheduling a January Council meeting has been a tradition here and in other Councils throughout the state. The Local Government Act provides that ordinary Council meetings must be no more than 3 months apart and that the President and Councillors may call meetings when needed. January offers the opportunity to catch up on outstanding matters such as annual leave, projects, annual budget review, and the like. The reporting, meeting and minutes have a significant impact on employee resources. The break also gives Council members an opportunity to take a break with out impacting on scheduled meetings. The officer recommendation is to not hold a January meeting.

*5.3. Ordinary and special council meetings*

- (1) A council is to hold ordinary meetings and may hold special meetings.*
- (2) Ordinary meetings are to be held not more than 3 months apart.*
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

*5.4. Calling council meetings*

*An ordinary or a special meeting of a council is to be held —*

(a) *if called for by either —*

(i) *the mayor or president; or*

(ii) *at least  $\frac{1}{3}$  of the councillors,*

*in a notice to the CEO setting out the date and purpose of the proposed meeting; or*

(b) *if so decided by the council.*

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

Nil

**12 CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS**

Rob Staniforth-Smith, Stephen Carstairs and John Imrie left the Chambers at 7.43pm.

**12.1 CEO Report on Progress made on KPI's**

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 12.1**

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr O'Connell**

**That Council receive the CEO's report.**

**CARRIED 9/0**

**Res 16/18**

**12.2 Water Playground Project**

**MOTION**

**MOVED: Cr Moir**

**SECONDED: Cr Oversby**

**That Council appoint a Water Playground Committee comprising of the Shire President, Deputy Shire President, Cr Alexander, Cr O'Connell and Cr Rear with the authority to purchase.**

**The meeting will commence on Thursday, 22nd February 2018 at 6.00pm.**

**CARRIED 9/0**

**Res 17/18**

**13 CLOSURE OF MEETING**

There being no further business the Shire President, Cr Aird thanked all for their attendance and declared the meeting closed at 8.15pm.