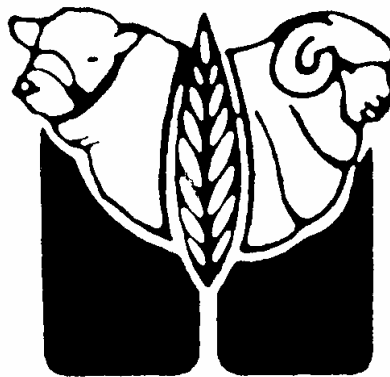


AGENDA



ORDINARY MEETING

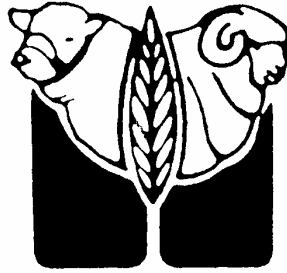
TO BE HELD

THURSDAY, 18 JUNE 2009

COMMENCING AT 3.30PM

AT

SHIRE OF BOYUP BROOK CHAMBERS
ABEL STREET – BOYUP BROOK



SHIRE OF BOYUP BROOK

NOTICE OF ORDINARY COUNCIL MEETING

To:-

Cr R Downing – Shire President
Cr P Marshall – Deputy Shire President
Cr S Broadhurst
Cr M Giles
Cr T Ginnane
Cr K Lamshed
Cr E Muncey
Cr B O’Hare
Cr A Piper

The next Ordinary Council Meeting of the Shire of Boyup Brook will be held on Thursday 18 June 2009 in the Council Chambers, Shire of Boyup Brook, Abel Street, Boyup Brook – commencing at 3.30pm.

Mr Alan Lamb
Chief Executive Officer

Date: 12 June 2009

TABLE OF CONTENTS

1	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED ..	4
1.1	Attendance.....	4
1.2	Apologies.....	4
1.3	Leave of Absence.....	4
2	PUBLIC QUESTION TIME	4
2.1	Response to Previous Public Questions Taken on Notice.....	4
2.2	Public Question Time	4
3	APPLICATIONS FOR LEAVE OF ABSENCE	4
4	PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS	4
5	CONFIRMATION OF MINUTES	5
6	PRESIDENTIAL COMMUNICATIONS.....	5
7	REPORTS OF OFFICERS	5
7.1	MANAGER WORKS & SERVICES.....	5
7.2	MANAGER – FINANCE.....	5
7.2.1	Accounts for Payment.....	5
7.3	CHIEF EXECUTIVE OFFICER	7
7.3.1	Asset Management Plan	7
7.3.2	Subdivision Application (WAPC Ref 137819) Lot 1284 Banks Road, Boyup Brook	9
7.3.3	Local Rural Strategy	11
7.3.4	Home Occupation Lot 15 Lee Steere Drive, Boyup Brook.....	14
7.3.5	Council Policy O.08 – Temporary Caravan Parks and Camping Grounds	17
7.3.6	Chief Executive Officer – Annual Performance Review	21
8	COMMITTEE REPORTS.....	24
8.1.1	Youth Advisory Committee Minutes	24
8.1.2	The Warren Blackwood Strategic Alliance Minutes.....	25
8.1.3	Minutes of the WA Local Government Association South West Zone	25
9	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	26
10	URGENT BUSINESS – BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT	26
11	CONFIDENTIAL MATTERS.....	26
12	CLOSURE OF MEETING	26

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

1.1 Attendance

Cr R Downing – Shire President
Cr P Marshall – Deputy Shire President
Cr S Broadhurst
Cr T Ginnane
Cr K Lamshed
Cr E Muncey
Cr B O’Hare
Cr A Piper

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr Keith Jones (Manager of Finance)
Mr John Eddy (Manager of Works and Services)
Mrs Maria Lane (Executive Assistant)

PUBLIC: Mr Norman Blackburn
Ms Wendy Mitchell

1.2 Apologies

Cr M Giles

1.3 Leave of Absence

Nil

2 PUBLIC QUESTION TIME

Nil

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Mr Norman Blackburn and Ms Wendy Mitchell from the Boyup Brook Bowling Club will be arriving at 4.00pm to give a presentation.

5 CONFIRMATION OF MINUTES

5.1 Ordinary meeting of Council 21 May 2009.

OFFICER RECOMMENDATION – ITEM 5.1

That the minutes of the Ordinary Meeting of Council held on Thursday 21 May 2009, be confirmed as an accurate record.

6 PRESIDENTIAL COMMUNICATIONS

7 REPORTS OF OFFICERS

7.1 MANAGER WORKS & SERVICES

Nil

7.2 MANAGER – FINANCE

7.2.1 Accounts for Payment

<i>Location:</i>	<i>Not applicable</i>
<i>Applicant:</i>	<i>Not applicable</i>
<i>File:</i>	<i>FM/1/002</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>10th March 2009</i>
<i>Author:</i>	<i>Keith Jones – Manager of Finance</i>
<i>Authorizing Officer:</i>	<i>Not applicable</i>
<i>Attachments:</i>	<i>Yes – List of Accounts Paid</i>

SUMMARY

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

BACKGROUND

Invoices have been received during the month of May 2009.

COMMENT

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

CONSULTATION

Nil

STATUTORY OBLIGATIONS

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

POLICY IMPLICATIONS

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

BUDGET/FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 7.2.1

That the payment of accounts for June 2009 as presented totalling \$390,787.32 and as represented by cheque voucher numbers 17486 – 17521 totalling \$67,277.48, and accounts paid by direct electronic payments through the Municipal Account totalling \$323,509.84 be endorsed.

7.3 **CHIEF EXECUTIVE OFFICER**

7.3.1 Asset Management Plan

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>N/A</i>
File:	<i>CP/8/001</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>9 June 2009</i>
Author:	<i>Tony Doust - Consultant</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Asset Register Items to be written off</i>

SUMMARY

To provide Council with an update on the progress with the preparation of an Asset Management Plan and obtain approval to write off assets that has either been disposed of, no longer useable or missing.

BACKGROUND

Work commenced on this project on the 10th March 2009 with the initial task being to identify all the assets the Shire owns, controls and leases. These include all land (freehold, reserves under management orders or vested and leased), buildings located on land, roads, footpaths, longitudinal townsite drainage, bridges, furniture & equipment, plant & equipment and tools. The information collated has been cross referenced to Landgate registers for reserves, certificate of titles held, and road data available from the ROMAN register and Main Roads bridge records. Due to many variations in the information recorded and the identification/assessment/inspection of the actual assets, a significant amount of research and record searching has been necessary to verify the correct position and detail of assets. On completion of the preliminary work of identifying the Shires assets the information was then compared with what is recorded in the Shire asset register. A significant number of assets in the asset register have been recorded incorrectly e.g. a number either lumped together as shown as one asset, description very sparse and items sold or disposed previously. Again the time required to identify the assets and correct the information has been significant.

At this time it is anticipated that it will take to the end of June 2009 to undertake the amendments required to the asset register to ensure this is correct for future years and complete the data base required for the preparation of the asset management plan. It is very important that the data base used for this purpose is a correct assessment of the Shires assets. Subject to the completion of the asset register and data base it is expected that the asset management plan will be completed by the end of August 2009.

COMMENT

In view of the information provided in the background section of this report no action is required by the Council at this time other than the writing off of the assets presently recorded in the asset register that have been disposed of or sold previously, are missing and or have exceeded their useful life. A list of these assets is shown on the attachment to

this report. The total at cost value of these assets is \$89,505.78 and the written down value as at 7th April 2009, \$12,335.00

CONSULTATION

Chief Executive Officer, Manager Works & Services, Manager of Finance, Shire employees Michael Halligan and Calvin Brown, Braham Huisman and Kevin Henderson

STATUTORY OBLIGATIONS

Local Government Act 1995 requires that the Council dispose of property in accordance with the provisions of Section 3.58 unless the market value of the property is less than \$20,000 if it is not land and if it is land then the market value must be less than \$5,000. The assets to be written off all have a market value less than the requirements above and in view of this all that is required that Council resolve to write them off.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Writing of assets will have no impact on the cash position and will correct the position in the Shire Financial records for assets that are no longer held nor have no useful life.

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

OFFICER RECOMMENDATION – ITEM 7.3.1

That the Assets listed in the attached schedule **7.3.1** with a total cost value of \$89,505.78 and written down value of \$12,335.80, be written off.

7.3.2 Subdivision Application (WAPC Ref 137819) Lot 1284 Banks Road, Boyup Brook

Location:	<i>Lot 1284 Banks Road</i>
Applicant:	<i>Civil Technology</i>
File:	<i>AS21666</i>
Disclosure of Officer Interest:	<i>Author acts for owner of adjoining property Lot 720 (C Barron) in relation to Amendment No 12.</i>
Date:	<i>9 June 2009</i>
Author:	<i>Geoffrey Lush (Council's Consultant Planner)</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

This report is to authorise the Chief Executive Officer to negotiate and act on Councils behalf at the State Administrative Tribunal.

Following a request for re-consideration, the WAPC approved the proposed subdivision of Lot 1284 Banks Road on the 24th March 2009. This approval did not include all of the conditions which had been requested by Council at its Meeting of the 19th February.

Subsequently the applicant has lodged an Appeal with the State Administrative Tribunal against a number of these conditions.

BACKGROUND

By letter dated 12 November 2008, the WAPC refused permission for the proposed subdivision of land. The grounds of refusal were:

1. The proposed subdivision does not comply with the endorsed Subdivision Guide Plan in respect to:
 - i. Lot Yield
 - ii. Road connectivity to Bank Road
 - iii. Road connectivity with adjoining Lot 735
2. The proposal does not comply with provision (i) of Schedule 3 of the Boyup Brook Local Planning Scheme No. 2 applicable to Special Rural Zone No 6, given that the proposal does not comply with the applicable Subdivision Guide Plan.

Council considered this matter at its Meeting of the 7th August 2008 (Resolution No 130/08) at which time it resolved that:-

That Council advise the Western Australian Planning Commission that it does not support the proposed subdivision of Lot 1284 Banks Road (Ref No 137819 because:

- 1 The proposed subdivision does not comply with the adopted subdivision guide plan for Special Rural Zone No 6; and

- 2 The proposed subdivision impinges onto the adjoining Lots 1957 and 735 and as such these lots should be part of the application, with the evidence of the consent of those landowners.

The applicant then lodged a re-consideration request which was considered by Council at its Meeting of the 19th February 2009. At this time the Council recommended to the Planning Commission that the application be approved subject to a number of conditions.

Subsequently the applicant has lodged an Appeal against the conditions of the Approval.

COMMENT

The respondent and lead agency for the Appeal is the Western Australian Planning Commission.

A Mediation Conference will be held on the 30th June and the Commission has requested that Council participate in the Hearing. This will be by phone conference rather than attending in person.

If an agreement cannot be reached at the Mediation Conference then the matter will proceed to a full hearing. If this occurs Council may need to have legal representation.

The outstanding issues relate to the upgrading of Banks Road, the emergency access way and layout of the subdivision.

To ensure the possible settlement of this matter the Chief Executive Officer should be authorized to negotiate on behalf of Council. Council's planning consultant will also be on 'standby' if needed to assist the Tribunal with background information.

CONSULTATION

Department for Planning and Infrastructure.

STATUTORY OBLIGATIONS

Compliance with Town Planning Scheme No 2.

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – ITEM 7.3.2

- 1 That the CEO be authorized to appear and negotiate on behalf of Council in relation to Appeal No DR 147 of 2009 being EJC Civil Pty Ltd v the Western Australian Planning Commission.
- 2 That Mr. Geoffrey Lush of Thompson McRobert Edgeloe be authorized to appear on behalf of Council if so required by the Planning Commission.

7.3.3 Local Rural Strategy

Location:	<i>Boyup Brook</i>
Applicant:	<i>Council</i>
File:	<i>LN/42/004</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>8 June 2009</i>
Author:	<i>Geoffrey Lush – Council’s Consultant Planner</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>1 – BBR5 Policy Statement 2 – BBR5 Townsite Surrounds Plan</i>

SUMMARY

The Department for Planning and Infrastructure has now advised Council that the modifications to the Rural Strategy Report satisfy its instructions and that Council can proceed with the public advertising of the Strategy.

BACKGROUND

Council considered this issue at its Meeting of the 19th February 2009 at which time it resolved that:-

1. That Council receives and notes this report.

2. That the outcome of the examination of the revised BBR5 – Townsite Surrounds Policy Area statement by the Department be reported back to Council prior to submitting the final Draft Strategy for advertising.
3. That a report be prepared for Council's consideration on the issue of the Department's requirements for rural property boundary realignments.

The Department by letter dated the 11th May requested a number of minor alterations which are summarized as:-

- Include Volume 1 "Background" as separate Technical Appendix so that the Strategy primarily consists of just Volume 2 which contains the recommendations and policy statements;
- Minor numbering and terminology corrections; and
- Minor alterations to the BBR5 Policy statements.

The revised Strategy report (dated June 2009) has been circulated to Councillors.

COMMENT

The revised BBR5 Townsite Surrounds Policy Area statement and plan are contained as Attachment 1 and 2.

The only change in these is to clarify the designation of Areas 6 and 11 in relation to possible townsite expansion i.e. low density residential lots. The 'objective' for these areas is to be

Consider for townsite expansion as part of the preparation of the Townsite Expansion Strategy.

In addition both areas will be coloured 'red' the same as the existing townsite land.

The public advertising of the Strategy is prescribed in the Town Planning Regulations and this shall consist of:-

- 1 Publish a notice of the Local Planning Strategy once a week for 2 consecutive weeks in a newspaper circulating in the area, giving details of —
 - (i) where the Strategy may be inspected; and
 - (ii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made.
- 2 Forward a copy the Strategy to other persons and appropriate public authorities
- 3 Carry out other consultation as the Council considers appropriate.

In relation to 2 above the Planning Commission has directed that the Strategy to referred to the following agencies:-

- Water and Rivers Commission (now the Department of Water);
- Department of Conservation and Land Management (now the Department of Environment and Conservation);
- Fire and Emergency Services Authority;
- Department of Agriculture (now the Department of Agriculture and Food);

- Department of Industry and Resources (now the Departments of Mines and Petroleum and Department of Commerce and the Department of State Development);
- Department of Environmental Protection (now the Department of Environment and Conservation);
- Department of Indigenous Affairs;
- Main Roads Western Australia;
- Water Corporation; and
- Western Power

Given the protracted time taken to prepare the Strategy and subsequent modifications it is considered appropriate that the advertising period should be extended. Increasing this to 42 days would be consistent with the advertising period of Scheme Amendments.

STATUTORY OBLIGATIONS

Town Planning Regulations 1967

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

The advertising of the Rural Strategy is an important land mark point in the eventual review of the Planning Scheme. The Rural Strategy will provide the basic strategic framework for the development of the Shire.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 7.3.3

- 1 That Council adopt the modifications to the Local Rural Strategy (dated June 2009) as outlined in the Department's letter dated the 11th May 2009.
- 2 That the Local Rural Strategy be advertised for a period of 42 days by means of:-

- Making a copy available for inspection at the Council Office during business hours;
- Publishing a notice of the Local Planning Strategy once a week for 2 consecutive weeks in a newspaper circulating in the area; and
- Referring the Strategy to the following agencies for comment:-
 - Department of Water;
 - Department of Environment and Conservation;
 - Fire and Emergency Services Authority;
 - Department of Agriculture and Food;
 - Departments of Mines and Petroleum;
 - Department of Commerce;
 - Department of State Development;
 - Department of Indigenous Affairs;
 - Main Roads Western Australia;
 - Water Corporation; and
 - Western Power.

7.3.4 Home Occupation Lot 15 Lee Steere Drive, Boyup Brook

Location:	<i>Lot 15 Lee Steere Drive</i>
Applicant:	<i>C & N Dalton</i>
File:	<i>AS975</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>8 June 2009</i>
Author:	<i>Geoffrey Lush (Council's Consultant Planner)</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – 1 Application</i>

SUMMARY

This report is to consider an application for Home Occupation at Lot 15 Lee Steere Drive.

The application is specifically to allow the owner to park a single prime mover and B-Train on the property for security reasons and ease of access to the vehicle.

The application should be advertised to residents in the area.

BACKGROUND

The application is to operate a transport business from an existing residence. The business comprises of a home office and a single B Double Road Train. The details of this are contained in Attachment 1.

The subject land is lot 15 and it has an area of 4.8 hectares. The property is located mid way along Lee Steere Drive. The dwelling is located in the centre of the property as shown in Attachment 1.

COMMENT

The proposal can only be considered as a Home Occupation as all other uses are prohibited in this zone. A home occupation, by definition, does not result in a loss of residential amenity.

Often approvals for Home Occupations are given on an annual basis. It is also possible to restrict the approval to the current operator which means that if the property is sold then the approval lapses.

The primary concern is to ensure that there is no conflict with the adjoining properties. This can be from the operating times and also traffic conflict on the local road. In this regard the acceptability of the proposal is dependent upon the management responsibility of the operator.

There is an obvious concern with large commercial vehicles being kept in residential areas. While it is preferable for them to be garaged in industrial properties, problems can arise when there is no designated industrial land. A Special Rural property is large enough to contain the vehicle but the dwellings are close enough that there may be noise issues if the vehicle is not operated in a responsible manner.

The neighbour's dwelling on the southern side of the site is located approximately 70 metres from the common boundary and driveway of Lot 15.

Similarly while the road may be physically able to accommodate such a vehicle, in this type of subdivision the local roads are also used for walking and riding (both bicycles and horses).

Council's Manager of Works and Services has advised that :-

- Lee Steere Drive is suitable for use by a B Double; and
- The crossovers to the property would need to be upgraded.

CONSULTATION

None, however the proposal should be advertised to the residents in Lee Steere Drive.

STATUTORY OBLIGATIONS

The subject land is contained in Special Rural zone No 5. Within this zone a Home occupation is an 'IP' use which means a use that is not permitted unless it incidental to the predominant use of the land as determined by Council.

Home Occupation is defined in the Scheme as:-

“...a business or activity carried on with the written permission of the Council within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that:

- a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise,

- vibration, electrical interferences, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products, or the unsightly appearance of the dwelling house or domestic outbuilding on the land on which the business is conducted;
- b) does not entail the employment of any person not a member of the occupiers family;
 - c) does not occupy an area greater than twenty square metres;
 - d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;
 - e) does not display a sign exceeding 0.2m² in area;
 - f) In the opinion of the Council it is compatible with the principle uses to which land in the zone in which it is located may be put and will not, in the opinion of the Council, generate a volume of traffic that would prejudice the amenity of the area;
 - g) does not entail the presence of more than one commercial vehicle and does not include provision for the fuelling or repairing of motor vehicles within the curtilage of the dwelling house or domestic out-building.

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 7.3.4

- 1 That the application be advertised to all landowners in Lee Steere Drive.
- 2 That provided no objections are received Council approve the application for a Home Occupation at Lot 15 Lee Steere Drive subject to the following conditions:-

- a) This approval shall lapse twelve months from the date hereof. At the expiry of this approval a new application shall be lodged with Council and Council will specifically assess the proposal in terms of any complaints which may have been received.
 - b) The crossovers to the property shall be upgraded to Councils requirements and satisfaction.
 - c) The development hereby approved shall occur generally in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Council.
 - d) Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.
 - e) The use hereby approved shall comply with the definition of Home Occupation as contained in Town Planning Scheme No 2.
 - f) The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
 - g) The site shall be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
 - h) In the event of any nuisance being created the Council may cancel this permit.
- 3 That subject to objections being received Council advice Main Roads that it has no objection to an extra mass permit being issued to Dalton Transport to use Lee Steere Drive and Banks Road.

7.3.5 Council Policy O.08 – Temporary Caravan Parks and Camping Grounds

Location:	<i>Not Applicable</i>
Applicant:	<i>N/A</i>
File:	<i>Policy Manual</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>8 June 2009</i>
Author:	<i>Wayne Jolley – Environmental Health Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Draft amended Policy 0.08</i>

SUMMARY

In the wake of the 2009 Country Music Festival, review of the Shire Policy on Temporary Caravan Parks and Camping Grounds has been conducted in accordance with Council's resolution 210/08 of 20 November 2008.

Accordingly, a proposed amended Policy is submitted for Council approval.

BACKGROUND

The current Shire Policy O.08 deals with Shire approval of temporary caravan parks and camping grounds for short periods (e.g. 3-4 days or more). It sets standards for facilities to be provided. The current approval process is based on the Boyup Brook Town Planning Scheme and does not acknowledge an overriding requirement of the Caravan Parks and Camping Grounds Act and Regulations, that the Shire must license all caravan parks and camping grounds, including temporary facilities.

At its November 2008 meeting, Council resolved that:

- Temporary caravan parks and camping grounds operated during the 2009 Country Music Festival be licensed;
- The existing Policy be reviewed in the wake of the Festival; and
- An amended Policy be submitted to Council for approval in April or May.

Consequently, relevant community groups were advised of their obligations and required to submit appropriate applications to the Shire together with a fee of \$100.00.

Twelve (12) licenses were subsequently issued, including the overflow facility at the Flax Mill Caravan Park. All facilities except the Mayanup Progress Association camping ground were inspected by the author during the Festival. Except for a few minor issues, all operators generally abided by conditions of their licenses and the requirements of the Shire Policy.

Even prior to the Festival, relevant community groups and operators were made aware of proposed changes to the Policy. However, following the Festival, all such groups were:

- Asked to complete a brief survey about operations of the temporary facilities in the wake of the Festival (17th February). *[Several groups did respond but reported no significant problems. One emerging trend identified was that there is an increasing number of recreational vehicles/caravans that are independent in terms of toilet/ablutions, water and liquid waste];*
- Provided a copy of the proposed amended Policy and invited to comment by 11 May. *[No responses were received and it is therefore concluded that the groups concerned accept the proposed changes].*

COMMENT

Existing Shire Policy O.08 is out of step with the Caravan Parks and Camping legislation and needs to be changed. Accordingly, the following changes are proposed:

General

- The text under the headings “Objective”, “Statement” and “Application” has been re-written to reflect that the platform upon which the Policy is based is the Caravan Parks and Camping Grounds Act 1995 and its Regulations of 1997. Reference to the Shire’s Town Planning scheme is inappropriate and has been deleted; and
- The headings “Exemptions” and “License” and their respective texts, have been deleted. Both were based on licensing of facilities under the Town Planning Scheme and are inappropriate (e.g. There is no scope for exemptions in the Caravan Parks and Camping Ground Act.)

Minimum Standards/Conditions

- Item 2 “Maximum Number of Sites”, which currently limits a facility to 100 sites, has been deleted. This is an unnecessary limitation which if imposed would limit the Flaxmill Caravan Park overflow facility to around half of the capacity it has run at for the past few years at least. It is within the scope of the Shire to impose a limit on a license if it sees the need;
- Existing item 3 (*new item 2*) - the clause limiting the distance between a caravan, annex or camp on the site and the lot boundary to 6m, has been retained but in a discretionary sense. While often a 6m buffer is unnecessarily restrictive, (e.g. the Fire Station would need to locate caravans 6m from the western boundary even though there is no impact), there may be instances where a buffer would be desirable to reduce impact on neighbors. Therefore a discretionary provision has been retained;
- Existing item 6 (*new item 5*) - has been expanded to allow *alternative arrangements for fire fighting purposes*, in addition to “adequate water on site”;
- Existing item 7 (*new item 6*) “Ablution and Toilet Facilities” - has not been changed in terms of the numbers of fixtures (i.e. toilets, basins etc.). However, the following changes are proposed:
 - That the table of fixtures applies to a facility licensed for 3 nights or less (no current provision); *The current table of fixtures is clearly derived from the Regulations under the requirements for Nature Based Parks, which allows stays for 3 nights or less. To allow a licensed facility based on the table of fixtures in the Policy, to operate for more than 3 consecutive nights would be inconsistent with the Regulations. It is therefore proposed that licenses issued under the Policy using the table of fixtures in the Policy be for 3 nights or less. This should still accommodate temporary facilities for the Country Music Festival and other events.*
 - That for licenses for 4 nights or more, the table to be applied is derived from Schedule 7 of the Caravan Parks and Camping Grounds Regulations; *To maintain consistency with the legislation, temporary facilities to operate for more than 3 nights would need to comply with the greater requirements under Schedule 7 of the Regulations.*
 - That discretion can be applied to take account of independently equipped recreational vehicles and caravans. *Recreational vehicles and caravans independently equipped with sanitation facilities make little or no demand on community toilet/ablution facilities. The following clause should accommodate such vehicles, while ensuring that the concession is not abused: “Caravans or Recreational Vehicles containing independent toilet and ablution fixtures, with sufficient water and waste-water storage capabilities can be excluded from calculations based on the above table. However, such vehicles shall be generally accommodated in a dedicated area and the supervisor must record the vehicle type and registration number.”*
 - That the requirement for hot and cold running water to all ablution facilities is reduced to “running water”. *The requirement for hot and cold running water is often not achieved and is often not required. While desirable it is not essential given that temporary facilities are generally used in summer and for 3 nights or less. This is generally understood and accepted by users.*
- Existing item 8 (*new item 7*) “Rubbish” – has been enhanced by adding: “Bins will be emptied as necessary to prevent overflow of refuse or a nuisance being created.”

- Existing item 9 (new item 8) “Waste Water Disposal” – has been enhanced with the qualification: “Having regard to the temporary nature of the Facility.
- A new section 9 has been added to ensure that adequate supervision is provided by the operator in terms of personal direction while clients are booking-in and a contact number prominently posted, which can be accessed by clients in the event of an emergency, when no supervisor is on-site.

CONSULTATION

- Country Music Club;
- Relevant community groups;
- Department of Local Government.

STATUTORY OBLIGATIONS

- Caravan Parks and Camping Grounds Act 1995
- Caravan Parks and Camping Grounds Regulations 1997

POLICY IMPLICATIONS

Policy O.08 – Temporary Caravan Parks and Camping Grounds.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

There are no known strategic issues.

SUSTAINABILITY IMPLICATIONS

- **Environmental:**
There are no known environmental issues at this stage.
- **Economic:**
There are no known economic issues at this stage.
- **Social:**
The approval of temporary caravan parks and camping grounds is an important issue in terms of supporting major community event/s. The proposals set out will ensure that Council can continue its support in this regard while observing statutory requirements.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 7.3.5

- That Council approves amendment of its Policy O.08 – Temporary Caravan Parks and Camping Grounds as proposed in the attached Draft amended Policy O.08 – Temporary Caravan Parks and Camping Grounds.

7.3.6 Chief Executive Officer – Annual Performance Review

Location:	<i>Boyup Brook district</i>
Applicant:	<i>N/A</i>
File:	<i>P/F</i>
Disclosure of Officer Interest:	<i>The author has an interest in the matter in that it deals with his employment.</i>
Date:	<i>10 June 2009</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>N/A</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this item is to bring the matter of the Chief Executive Officer's (CEO) Annual Performance Review (APR) before Council in order to commence the process.

BACKGROUND

The CEO commenced service 18 August 2008 and the contract of employment provides for annual reviews as follows:

8. PERFORMANCE REVIEWS

- (1) The Council shall ensure that a review of the CEO's performance is conducted annually or more frequently if the Council or the CEO perceives there is a need to do so.
- (2) The Council shall give the CEO a minimum of ten working days notice in writing that a performance review is to be conducted to enable the CEO sufficient time to prepare.
- (3) Where an external facilitator is to be used, both parties shall agree to the nominated facilitator.
- (4) The CEO shall prepare and submit to the council and/or facilitator an assessment of his/her own performance prior to the assessment by the council.
- (5) The final report on the performance of the CEO is to be forwarded to the Council for it to consider and decide whether to accept or reject the report.

12.7 Annual review

- (1) The Remuneration Package shall be reviewed annually by the Council.
- (2) In a review under sub-clause (1):
 - (a) there is no obligation on the Local Government to increase the salary or amount of the Remuneration Package; and
 - (b) the Local Government shall not reduce the salary or the Remuneration Package.

The Local Government Act provides that meetings are to be open to the public also that some matters may be dealt with behind closed doors (see Statutory Obligations). Council may close to members of the public a part of a meeting dealing with matters affecting employees.

COMMENT

It will be noted that the review process is started by the Council giving the employee notice in writing that a performance review is to be conducted. Whilst this is included in the terms of the agreement, it is more often than not that the officer prepares a report to Council, similar to this report, to start the process because Council, quite rightly, relies on its administration to bring matters before it. Council may wish to commence the process by resolving that the Shire President writes to the CEO.

The terms of the agreement provides the option of an external facilitator to be used subject to agreement by both parties as to whom this is. The cost of using a facilitator tends to be in the order of \$3,000 depending on the extent of travel and time involvement. It is suggested that there may be no need for a facilitator, at least initially, unless Council felt the need for independent assistance/advice.

Council, has in the past appointed a review committee. When Council appointed Committees in November 2007 following the elections it did not appoint a committee for this purpose but could do so now it wanted to. There is no recommendation either way on this aspect as it is, from this officer's perspective, entirely a matter for Council to decide. There are arguments for and against having a committee conduct the review and, from experience, both systems work.

STATUTORY OBLIGATIONS

Section 5.23 of the Local Government Act has application.

5.23. Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or

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

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil in the current financial year. It is anticipated that any impact of the review process, including payments to a facilitator, should this option be taken, would be in 2009/10.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 7.3.6

That Council commence the process of the Chief Executive Officer's Annual Performance Review by requesting that the Shire President write to the officer notifying of the review in accordance with the employment contract.

8 COMMITTEE REPORTS

8.1.1 Youth Advisory Committee Minutes

Location:	N/A
Applicant:	N/A
File:	IM/37/004
Disclosure of Officer Interest:	Nil
Date:	8 th June 2009
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Not Applicable
Attachments:	Yes - Minutes

BACKGROUND:

A meeting of the Youth Advisory Committee was held on 19th May and 26th May 2009.

Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.1*)

OFFICER RECOMMENDATION – ITEM 8.1.1

That the minutes of the Youth Advisory Committee held on 19th May and 26th May 2009 be received.

8.1.2 The Warren Blackwood Strategic Alliance Minutes

Location:	N/A
Applicant:	N/A
File:	GR/31/006
Disclosure of Officer Interest:	Nil
Date:	10 th June 2009
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Not Applicable
Attachments:	Yes - Minutes

BACKGROUND:

A meeting of the Warren Blackwood Strategic Alliance was held on 2nd June 2009.

Minutes of the meetings are laid on the table and circulated (*refer to appendix 8.1.2*)

OFFICER RECOMMENDATION – ITEM 8.1.2

That the minutes of the Warren Blackwood Strategic Alliance held on 2nd June 2009 be received.

8.1.3 Minutes of the WA Local Government Association South West Zone

Location:	Boyup Brook Chambers
Applicant:	N/A
File:	IM/37/003
Disclosure of Officer Interest:	Nil
Date:	11 th June 2009
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Not Applicable
Attachments:	Yes - Minutes

BACKGROUND:

Meeting of the WA Local Government Association South West Zone was held on 22nd May 2009

Minutes of the meetings are laid on the table and circulated (*refer to appendix 8.1.3*)

OFFICER RECOMMENDATION – ITEM 8.1.3

That the minutes of the WA Local Government Association South West Zone held on 22nd May 2009 be received.

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

11 CONFIDENTIAL MATTERS

Nil

12 CLOSURE OF MEETING

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