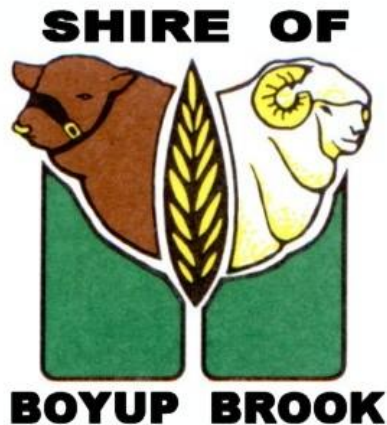


Minutes



ORDINARY MEETING

held

THURSDAY 18 September 2014
Commenced AT 5.34PM

AT

SHIRE OF BOYUP BROOK
CHAMBERS
ABEL STREET - BOYUP BROOK

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

1.1 Attendance

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

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

PUBLIC: Mr Tony Doust

1.2 Apologies

Cr K Moir

1.3 Leave of Absence

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

Tony Doust

2.2.1 Rates – Budget 2014/15

- a) Will the President please explain why the total rates to be raised have increased by \$162,004 above the amount in the 2013/14 adopted budget, which is 7.6% and not 5.765% as published in the Presidents message circulated with the rates notices?
- b) Contrary to the Presidents statement the total rates to be raised in 2014/15 are \$117,206 (5.6%) above the projections in the 2012/13 to 2022/23 ten year Long Term Financial Plan published on the Shire Web Site. Is there an updated plan and if so when will it be available to the public.

- c) Given the above will the President publish a statement in the Boyup Brook Gazette advising the public of the correct increase and level of rates to be raised is not in accordance with the Long Term Plan.

2.2.2 Loan – Budget 2014/15

The 2014/15 adopted budget included a Loan of \$1,600,000 for Aged Accommodation and no details of the project have been included. Will the Council give an undertaking to do the following prior to proceeding with the raising of the loan?

- a) Advise the public how the annual debt service of the total principal and interest (\$2,535,000), which equates to an annual amount of \$126,750, is to be repaid over the next twenty years, and is to be funded. The annual debt service cost equates to 5.527% of the total rates to be raised in the year 2014.15.
- b) Give an opportunity to the electors to determine if the project is to proceed if a request is made by over 50 electors for a referendum.
- c) Advise why the loan for this purpose has not been included in the 2014/15 year of the Long term financial plan.

2.2.3 Boyup Brook Medical Centre Operation

- a) Has the Council informed the public that the medical centre is now operating at a loss? The 2014/15 Budget projects a loss of \$98,955 and the actual loss in 2013/14 was \$87,327.
- b) If the Council has not advised the public will they agree to publish an article in the next issue of the Boyup Brook Gazette to ensure the public are aware of this?

2.2.4 Planning Services

On what financial basis does the Council utilize the services of Geoffrey Lush, TME and how does the arrangement comply with the requirement for services under the Local Government Act 1995 and regulations, as well as Council purchasing policy?

2.2.5 Swimming Pool

A capital expenditure, \$300,000 is proposed on the Boyup Brook Swimming Pool for heating. Have details of what work is proposed with this funding, including the impact on future annual operation costs and hours, been outlined in either a newsletter to the public and or Boyup Brook Gazette. If not will the Council agree to do this prior to proceeding with the project.

2.2.6 I would like the Council to outline the reasons why each of the following subdivisions undertaken in the special rural zone strategy area No 1, were not required to contribute to the upgrading of existing roads adjoining the properties developed:-

- a) Lot 1302 (at the time owned by CP & J Barron). New lots created adjoining Abel Road. Only a very small portion of Abel Road sealed. The portion of gravel road in question has recently been upgraded by the Shire at the ratepayers cost without any contribution from the landowners and is still not a bitumen surface road.
 - b) Lot 1044 (at the time owned by P Reid). New lots created adjoining Banks Road. A portion of gravel road in question has been upgraded to a bitumen standard by the Shire at the ratepayers cost without any contribution from the landowner. The remaining portion (270 metres) is gravel and will require substantial work at the ratepayer cost.
 - c) Part lots 1302 & 1073 (at the time owned by Bombara Family) New lots created adjoining Zig Zag and Abel Road. The portion of Abel Road in question has recently been upgraded by the Shire at the ratepayers cost without any contribution from the landowners and is still not a bitumen surface road. The Zig Zag Road is used as an access for over seven properties and the standard both alignment and gravel/natural surface is very poor.
 - d) Part lot 1957 (at the time owned by Blackburn). The western section of this property in the Special Rural Strategy Area No 1 was subdivided without rezoning and no contribution to the upgrading of the adjoining Banks Road. Again this cost will have to be met by the Ratepayers.
1. Given the substantial concessions afforded to the owners of properties outlined above in regard to the upgrading of Roads adjoining subdivisions in the special rural strategy area No 1, does the Council believe that I am being treated fairly with the cost I am required to make to upgrading the section of Banks Road adjoining my property Lot 734 which has recently received conditional approval to create five additional lots. The traffic generated subdivision is not greater than the subdivisions outlined in question one above.
 2. If the answer to question (1) is yes, I believe I am entitled to the reasons for this position to be recorded in the minutes of this meeting or as required by the Local Government Act 1995 when responding to questions raised by the public.

As a general comment I am quite prepared to make a contribution to the upgrading of Banks Road that adjoins my property however I would like to be treated with fairness and equality that has been afforded to others in the past. I guess the easy answer to this by the present day Council is to say the past Councils made the decisions in relation to the issues raised in item 1 above, however there are many issues that Council looks at from time to time that relate to the past and often have a bearing on the outcome/decision.

Tony Doust left the Chambers at 5.55pm

The Chief Executive Officer will answer the above questions which will be included into the next Council agenda.

Question on Notice - Mr Terry Ginnane

2.2.7 Item 8.3.1 - Heating of Swimming Pool

Is it Council's intention to elaborate for the community's benefit on:

the sustainability issues as listed in the officer's recommendation, the amount allocated to a) heating and b) improvements, the experiences that adjoining and nearby Council's have had with heated pools, the opinion of the majority of electors, in particular, rate-payers on the issue of heating the pool, has a business plan been presented?

ANSWER

Item 8.3.1 relates to an application for Department of Sport and recreation funding, under its Community Sports and Recreation Facilities Fund grants scheme, to make improvements to the Boyup Brook Swimming Pool. The improvements are primarily heating pool water for the existing facilities. The funding sought is to match community funding, specifically for heating the pool, and a Council contribution.

In relation to the project and in answer to the question, yes it is the intention that detailed information on the project be provided to the community prior to any commitments to works being undertaken. However, it should be noted that the notion of heating the existing pool facility has been in Council minutes and other public documents for some time, albeit perhaps not obvious to all who may have been interested.

In December 2013, Council dealt with the community group's aspirations to have a heated indoor lap pool built with the following resolution:

That the Heated Multi Purpose Therapeutic Pool Committee may build and operate a facility but Council will not contribute toward the up front or ongoing costs.

In February 2014 Council dealt with the groups application and resolved as follows, note the resolution includes the notion of the group assisting with funding of heating for the existing pool facilitate:

That

- 1. Council does not agree to the Heated Multi Purpose Therapeutic Pool Committee's request for approval to use a portion of the Boyup Brook Swimming Pool area for its proposed new facility.**
- 2. The Heated Multi Purpose Therapeutic Pool Committee be asked if it would consider partnering with Council to provide heating, and other associated improvements, for the existing pool facility, as an alternative to its new facility.**

In June 2004 Council accepted the groups' offer of funding and conditions put as follows:

- 1. That Council resolve to accept the Heated Multi Purpose Therapeutic Pool Committee's offer and conditions.**
- 2. That Council resolve to formally thank the Heated Multi Purpose Therapeutic Pool Committee for its generous offer of funding assistance to heat the existing Shire swimming pool, and ask the Shire President to write to the group, on behalf of Council, to advise of its decision and gratitude.**

The Long Term Financial Plan, on the Shire website, page 38 (grants and contributions to capital works) and page 100 (capital works expenditure) – solar and heat pumps 2013/14.

This question on notice is timely and it will serve to better inform residents and, as stated, the plan is to provide more detail at a later date. The grant application process requires that the application be supported by quotations, however as the works will exceed \$100,000, Council is required to call tenders. A quotation was obtained for the application and the detail of this is what one supplier recommended. It is intended that the required tender process include a call for expressions of interest, as the first step. This will allow various parties to put forward a range of potential heating solutions, Council will then select a number of firms to lodge a tender for the works. Once Council has evaluated the lodged expressions of interest it will be able to go to the community with detail of what is proposed, what it will cost up front, how this will be funded, what the ongoing costs will be, and how these will be funded. An alternative option would have been to engage a consultant to assess and design a heating system but the

expression of interest process will provide a similar function (in that it will establish the various options for heating with sufficient detail for Council to choose what it wants to see more detail on).

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

- 4.1 Cr Oversby attended the Blackwood River Valley Marketing Association meeting on 17th September 2014; they will be holding an event called "Ralley in the Valley next January.
- 4.2 Cr O'Hare attended the AGM meeting at the Community Resource Centre on 17th September 2014.
- 4.3 Cr Kaltenrieder accommodated the Sandakan Visitors whilst they visited Boyup Brook for the Sandakan Memorial Service which was held on 9th September 2014.
- 4.4 Cr Aird attended the South West Zone meeting held on 22nd August 2014 at the Shire of Dardanup.
 - A presentation was given by a representative of Access Housing who addressed the Zone on the provision of housing in Local Government.
- 4.5 Cr Aird attended a dinner at the Nelson's in Bridgetown along with Councillors and visitors from the Sandakan Municipal Council.
- 4.6 Cr Aird attended the official opening of the ablution block at the Recreation Precinct held on 13th September 2014.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 21st August 2014

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr O'Hare

SECONDED: Cr Oversby

That the minutes of the Ordinary Meeting of Council held on Thursday 21 August 2014 be confirmed as an accurate record.

CARRIED 8/0

Res 104/14

6 PRESIDENTIAL COMMUNICATIONS

Cr Giles accommodated the Sandakan Visitors whilst they visited Boyup Brook for the Sandakan Memorial Service which was held on 9th September 2014.

Cr Giles attended the Telstra Mobile Tower Launch which was held on 12th September 2014.

Cr Giles attended the official opening of the ablution block at the Recreation Precinct held on 13th September 2014.

7 COUNCILLORS QUESTIONS ON NOTICE

Nil

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

8.1.1. Road Inventory Review

Location:	<i>Wilga Road, Taylor Rd, Barron Road, Wilga South Road, Mill Road,</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>RD 0175, RD 0182, RD 0178, RD 0177, RD 0194</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 September 2014</i>
Author:	<i>R Staniforth-Smith/T McCaughan</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>Road Location Maps</i>

SUMMARY

The purpose of this report is to bring to Council's attention information about roads found to be in the Shires road inventory but no longer maintained by the Shire or there status of responsibility has changed.

BACKGROUND

Council is required to keep and maintain an inventory of roads within the local authority that are maintained, added (new roads) or upgraded to a classification above the previous levels (surface improved, road widening etc). In the past this work has been completed by Council Officers, other agencies or Consultants.

Main Roads WA has recently performed a review of the Shire of Boyup Brook's road inventory and has requested that we "show cause" as to why the roads listed below should be kept in the inventory.

COMMENT

Recently Council were advised by Main Roads of various anomalies found in our data that had not been rectified since 2008. Officers have now conducted a preliminary audit, both desktop and in the field and several roads were identified as needing amendment and are as follows;

Wilga Road 0175 – this road starts at the Wilga Townsite boundary (within the Townsite it is called Offer Road) and then heads south into the Donnybrook Balingup Shire and then back into Boyup Brook Shire for 720 metres, and then back into the Donnybrook Balingup Shire. Main Roads

advised that the road is listed as being maintained by Donnybrook Balingup and as such is shown in their inventory. Boyup Brook Shire officers confirm that the Shire of Boyup Brook does not grade the 720 metre section of road bounded by Donnybrook Shire LGA boundaries but we do maintain approximately 1.0km portion of Wilga Road that is within the Donnybrook Balingup Shire and is contained within their road inventory.

Taylor Road 0182 – this road theoretically starts at its intersection with Eulin Siding Road and heads east into the Kojonup Shire. The road while a gazetted thoroughfare has never been formed and constructed and is not currently maintained by Council (shown in the inventory as being 1.24km long).

Barron Road 0178 – this road starts at Mill Rd (Forestry) and ends at Moore Rd (Forestry) and is listed as 3.10km long in the Shires Road inventory. While a class 2 road exists (track) and it is within the gazetted road, only a 2.0km portion of the road should be included in our road inventory data the balance being within State Forest.

Wilga South Road 0177 – this road theoretically starts at the Wilga Townsite and ends at Shire LGA boundary. Staff cannot identify this road but believe it may be the portion of Wilga Rd that is within the Donnybrook Balingup Shire that is maintained by Council or it's the portion of road now known as Elder Road. The road is 1.05km long.

Mill Road 0194 - this road starts at Shire boundary and ends at a dead end and is 5.15km long. Field investigation shows that this road is within State Forest and is under their control and that the Shire of Boyup Brook does not maintain this road.

As information, roads have various classifications from a track to a divided and kerbed road. Provided the Council can show it is maintaining these roads and that they are within a gazetted thoroughfare the road can be included in the road inventory data.

Maps are included to show locations of these roads and further investigations may reveal other roads that need reviewing, these will be reported when found.

CONSULTATION

Main Roads of WA.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

There may be some decrease in road grants funding.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Aird

SECONDED: Cr Kaltenrieder

That Council agree to amend the road inventory data as follows;

1. Wilga Road 0175 – Council correspond with the Shire of Donnybrook Balingup to seek a resolution that either they commence maintaining the 1.0km portion of Wilga Road that Council currently maintains or that this section of road is added to the Shire of Boyup Brooks inventory and that the 0.72km section of the Shire of Boyup Brook’s road is removed from the Shires of Boyup Brooks inventory.

2. Taylor Road 0182 – be removed from the Shire of Boyup Brook’s Road Inventory

3. Barron Road 0178 – that a 2.0km portion of this road be maintained in the Shire of Boyup Brook’s Road Inventory and the balance removed.

4. Wilga South Road 0177 – be removed from the Shire of Boyup Brook’s Road Inventory.

5. Mill Road 0194 - be removed from the Shire of Boyup Brook’s Road Inventory.

CARRIED 8/0

Res 105/14

8.1.2 Transfer of 2014-2015 Budget Funds – Museum

Location:	<i>Boyup Brook Pioneers Museum, Jayes Road, Boyup Brook,</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 September 2014</i>
Author:	<i>R Staniforth-Smith</i>
Authorizing Officer:	<i>Alan Lamb/Steven Carstairs</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to request that Council reviews its 2015-2016 budget, specifically funds granted to do works at the Boyup Brook Pioneer Museum

BACKGROUND

On discussion with the Boyup Brook Pioneers Museum, 3 extra ordinary funding requests were put up for approval into the 2014-2015 budget, these were:

1. Waterproofing of the morgue building: \$2000
2. Lighting and exit sign upgrade:\$1400
3. Tree Removal from behind the museum exhibition sheds:\$1,500

Items 1 and 2 were approved, however item 3 was rejected due to insufficient funds. The museum has subsequently waterproofed the morgue themselves and would like to transfer the funds from the waterproofing to the tree removal.

COMMENT

The Museum works as an autonomous body and as such prioritises the works that it requires to keep both the buildings and the grounds and the exhibits that they contain in good condition. As they have carried out the waterproofing works themselves they would like to transfer the approved funds to carrying out the tree removal which is anticipated at improving the site in three ways:

1. Reduce the fire hazard
2. Reduce the maintenance costs and damage caused by the leaves

3. Reduce the chance of termite damage (the museum is endeavouring to remove all stacked and stored timber including tree stumps)

CONSULTATION

Main Roads of WA.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

None. Funds already budgeted to the museum. Change to use of funds.

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 8.1.2

MOVED: Cr Oversby

SECONDED: Cr O’Hare

That Council approves the transfer of 2014-2015 budget funds from the museum ‘morgue waterproofing’ to the museum ‘tree removal’.

CARRIED 8/0

Res 106/14

8.2 FINANCE

8.2.1 Material Variance levels in 2014-15 statements of financial activity

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/9/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>14 August 2008</i>
Author:	<i>Stephen Carstairs – Manager Corporate Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>None</i>

SUMMARY

This matter is brought before Council to consider and adopt those material variance levels that will be applicable in 2014-15 statements of financial activity reporting.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* require that in each financial year, a local government will adopt a percentage or value to be used in statements of financial activity for reporting material variances. The Australian Accounting Standards Board (AASB 1031) defines ‘material’ financial events as follows:

“Omissions or misstatements of items are material if they could, individually or collectively; influence the economic decisions of users taken on the basis of the financial statements. Materiality depends on the size and nature of the omission or misstatement judged in the surrounding circumstances. The size or nature of the item, or a combination of both, could be the determining factor.”

COMMENT

As not-for-profit entities (like local governments) primarily concern themselves with the achievement of objectives, such as service delivery, rather than the generation of profit, it may not be so much appropriate to assess materiality by reference to profit or loss. Rather, it may be more meaningful in a local government setting to consider business units, or even activity statements, as a whole and to seek to recognize those factors which indicate deviations from normal activities e.g. such as a reversal of a trend.

For a number of years the shire has set material variances such that any variation which exceeds 5% or \$1,000 shall be reported. No minimum budget amount has been recognized.

In 2014-15 it is proposed that for expense line items (jobs and/or accounts) material variances shall be recognized for amounts:

- in excess of 10%, or more than \$1,000, for budgets to the end of the month which are greater than \$5,000.

For income line items material variances shall be recognized for amounts:

- less than 90%, or less by more than \$1,000, for budgets to the end of the month which are greater than \$5,000.

The objective of the proposed approach is to cause officers to focus more so on substantial budgets (year-to-date of more than \$5,000) that are trending toward over expenditure, and equally as important – to focus on those areas that are trending toward under recovery of revenue.

CONSULTATION

Alan Lamb - Chief Executive Officer

STATUTORY OBLIGATIONS

AASB 1031 *Materiality*.

Regulation 34.(5) of the *Local Government (Financial Management) Regulations 1996*.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Not applicable

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Not applicable
- **Economic**
Nil
- **Social**
Not applicable

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.1

MOVED: Cr Walker

SECONDED: Cr Kaltenrieder

That for the purpose of reporting material variances in financial activity statements, when appraising expense line items (jobs and/or accounts) material variances shall be recognized and reported for year-to-date actual balances that are:

- **in excess of 10%, or more than \$1,000, of year-to-date budgets which are greater than \$5,000.**

For income line items material variances shall be recognized and reported for year-to-date actual balances that are:

- **less than 90%, or below by \$1,000 or more, of year-to-date budgets which are greater than \$5,000.**

CARRIED 8/0

Res 107/14

MOVED: Cr Walker

SECONDED: Cr Oversby

That the Council adopts enbloc items 8.2.2, 8.2.3 and 8.2.4

CARRIED 8/0

Res 108/14

8.2.2 List of Accounts Paid

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 September 2014</i>
Author:	<i>Stephen Carstairs – Manager Corporate Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – List of Accounts Paid</i>

SUMMARY

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

BACKGROUND

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

COMMENT

The attached listing represents accounts paid by cheque and by electronic means during the period 1 August to 31 August 2014.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

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

12. Payments from municipal fund or trust fund
- (1) *A payment may only be made from the municipal fund or the trust fund —*
 - (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
 - (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*
 - (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

13. Lists of accounts

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

POLICY IMPLICATIONS

Council's Authority to Make Payments Policy has application.

BUDGET/FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.2

That the list of accounts paid in August 2014 as presented totalling \$496,775.73 and as represented by cheque voucher numbers 19621.-19635 totalling \$76,338.87 and accounts paid by direct electronic payments through the Municipal Account totalling \$420,436.86

8.2.3 31 July 2014 Statement of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10 September 2014</i>
Author:	<i>Stephen Carstairs – Manager Corporate Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Separate attachment</i>

SUMMARY

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

BACKGROUND

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

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

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

COMMENT

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

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

CONSULTATION

Alan Lamb – Chief Executive Officer

STATUTORY OBLIGATIONS

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

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

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.3

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

8.2.4 31 August 2014 Statement of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10 September 2014</i>
Author:	<i>Stephen Carstairs – Manager Corporate Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>No</i>

SUMMARY

This report recommends that Council defer to the October 2014 ordinary meeting of Council the receiving of the Statement of Financial Activities and the Net Current Assets for the month ended 31 August 2014.

BACKGROUND

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

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

The regulations also prescribe the content of the reports. Details of items of Material Variances are 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).

At the time of writing Corporate Services officer time was fully committed to compiling, among other things, the 2014-15 Annual Budget report to the Department, the fair valuing in 2013-14 of the shire's bridges assets, and the various notes to the 2013-14 Annual Financial Statements. Due to time constraints and human resource shortfalls during the latter part of August 2014 and in early September, presentation of the shire's 31 August 2014 Statement of Financial Activity has been deferred to the October 2014 ordinary meeting.

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

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.4

That receipt by Council of the shire’s 31 August 2014 Statement of Financial Activity and Statement of Net Current Assets be deferred to Council’s October ordinary meeting.

8.3 **CHIEF EXECUTIVE OFFICER**

8.3.1 Heating of the Boyup Brook Swimming Pool

Location:	N/A
Applicant:	Daly Winter
File:	
Disclosure of Officer Interest:	None
Date:	1 September 2014
Author:	Daly Winter
Authorizing Officer:	Alan Lamb
Attachments:	CSRFF Small Grants Application for the Heating of the Boyup Brook Swimming Pool.

SUMMARY

The Shire of Boyup Brook has received the following grant applications for the Department of Sport and Recreation (DSR) - Community Sports and Recreation Facilities Fund (CSRFF) grants scheme.

- a) Heating and Improvements to the Boyup Brook Swimming Pool completed on behalf of the Shire.

All applications received are to be presented to Council and are required to be rate and ranked in order of priority. Once they are ranked in priority order they are lodged with DSR Regional offices by 4pm on the last working day of the month.

BACKGROUND

As part of the grant application process with the Department of Sport and Recreation - Community Sporting and Recreation Facilities Fund, applications are presented to a Council meeting where they are all rated and ranked in order of priority. Applications are then lodged with DSR Regional offices.

COMMENT

Only one application has been received as part of this DSR grants process for this period, Heating and Improvements to the Boyup Brook Swimming Pool. Therefore this project is our highest priority project for this period.

CONSULTATION

In consultation with the Chief Executive Officer.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Council has committed \$100,000.00 in the 2014/2015 budget to match funds from the Heated Multi Purpose Therapeutic Pool Committee of \$100,000.00 and the CSRFF funding of \$100,000.00.

STRATEGIC IMPLICATIONS

None

SUSTAINABILITY IMPLICATIONS

If this application for funding is approved by DSR for Heating and Improvements to the Swimming Pool, then Council will be responsible for the associated ongoing running, maintenance and replacement costs for the heating system and other improvements.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.1

MOVED: Cr Kaltenrieder

SECONDED: Cr Imrie

1. That Council receives the CSRFF grant application for Heating and Improvements to the Boyup Brook Swimming Pool for the Department of Sport and Recreation.
2. Council rates and ranks this application as number 1. Priority of the applications received.
3. Council approves the lodgement of this CSRFF grant application with the Department of Sport and Recreation.

CARRIED 7/1

Res 109/14

8.3.2 Thank a Volunteer Day Christmas Party

Location:	N/A
Applicant:	Daly Winter
File:	
Disclosure of Officer Interest:	None
Date:	7 August 2014
Author:	Daly Winter
Authorizing Officer:	Alan Lamb
Attachments:	Thank a Volunteer Day Grant Program 2014 Application.

SUMMARY

I seek support from Council to undertake a new annual activity called "Thank a Volunteer Day" Christmas Party. This new activity will form a new focus on Volunteering within our community. It will also support the Shire's Community Strategic objective of:

Foster community participation and collaboration.

- ✦ Support volunteers and encourage community involvement

A small amount of funding up to \$1,000.00 is available to support this activity. This year I have applied for \$850.00 in support of this event with the intention to ask for the full sum in 2015/2016.

BACKGROUND

The Department of Local Government and Communities offer an annual grant called "Thank a Volunteer Day." The aim of the "Thank a Volunteer Day" Celebration Grants Program is to support communities to celebrate "Thank a Volunteer Day" as a way of acknowledging and celebrating the role of volunteers in the community. Communities that receive a "Thank a Volunteer Day" Celebration Grant are required to hold their event or activity on Friday, 5 December 2014, as part of Western Australia's "Thank a Volunteer Day" and the International Day of Volunteers.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil – Will use existing funds allocated to similar activities.

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 8.3.2

MOVED: Cr Walker

SECONDED: Cr Giles

That Council support the establishment of “Thank a Volunteer Day” Christmas Party.

CARRIED 8/0

Res 110/14

WITHDRAWN

Item 8.3.3 was withdrawn by the Chief Executive Officer.

Note

The Chief Executive Officer to seek further clarification.

8.3.3 Bushfire Shed for the Chowerup Bush Fire Brigade

Location:	<i>N/A</i>
Applicant:	
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>1 September 2014</i>
Author:	<i>Daly Winter</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>Email dated 30 July 2014 from Tina Mead, State Land Officer.</i>

8.3.4 922 Asplin Siding Road – Home Occupation

Location:	<i>Lot 6664 DP82425 Asplin Siding Road</i>
Applicant:	<i>F Thomas</i>
File:	<i>A12001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10th September 2014</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>Letter attached</i>

SUMMARY

This report is to consider an application for a professional beauty room business.

This is considered to be a home occupation which is supported subject to conditions.

BACKGROUND

The subject land has an area of 49 hectares with an existing dwelling and garage. It is located on the corner of Asplin Siding Road and the Boyup Brook to Kojonup Road. The dwelling is setback from Boyup Brook to Kojonup Road with its driveway access from Asplin Siding Road.

The application states that:

I would like to apply for planning approval to operate my small business from my house in Boyup Brook. I am a Diploma Qualified beauty therapist with over 25 year's industry experience. I operate in a Professional ethical manner.

I would like to operate a professional beauty room Monday and Wednesdays most weeks taking appointments from 8am to 7pm from my house on Asplin Siding road 4km from Boyup Brook.

I have a large house that currently has two persons living in it and my husband is a FIFO basis on 2/1 roster so basically just me in house. The room that is vacant approx 5x5mt that has entry from side of house so clients not have to go through main part of house this side also has ablutions and facilities to wash hands etc. I run my business by strict sanitation and hygiene practises using no double

dip technique this room will be closed and not used for any other purpose when no clients strictly salon room.

Services I would offer are body and facial waxing, brow and lash tinting, spa pedi I have a brand new pedicute spa requiring no plumbing and uses disposable liners for hygiene so no cross contamination. Also facial and skin treatments.

CONSULTATION

None

STATUTORY OBLIGATIONS

The subject land is included in the Rural zone. A "home occupation" is an (AA) discretionary use in the zone and is defined as follows:

A "Home Occupation" means 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 occupier's 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.
- ii) the need to protect the area from uses which will reduce the amount of land available for agriculture;

- iii) the need to preserve the rural character and rural appearance of the area; and
- iv) where rural land is being subdivided for closer development, the proposal should be supported with evidence outlining the land's suitability and capability for further development.

COMMENT

The establishment of a beauty / hairdresser business is suited to a domestic situation and the only potential impact would be from traffic. However this is the first property on Asplin Siding Road and so there is no potential impacts from traffic on neighbors. Nor would the overall numbers be expected to be very high.

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

There is a statutory application fee of \$222.

STRATEGIC IMPLICATIONS

None

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 8.3.4

MOVED: Cr O’Hare

SECONDED: Cr Imrie

That Council approve the use and development of Lot 6664 DP82425 Asplin Siding Road for the purpose of home occupation (beauty salon) subject to the following conditions;

- 1. 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.**
- 2. 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.**
- 3. The use shall comply with the definition of home occupation as contained in Town Planning Scheme No 2.**
- 4. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.**

CARRIED 8/0

Res 111/14

8.3.5 No 3 Purse Terrace – Home Occupation

Location:	<i>Lot 18 DP35939 Purse Terrace</i>
Applicant:	<i>MS Willis</i>
File:	<i>A81</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10th September 2014</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>Letter attached</i>

SUMMARY

This report is to consider an application for a lawn mowing and handyman business.

This is considered to be a home occupation which is supported subject to conditions.

BACKGROUND

The subject land has an area of 924sqm with an existing dwelling and garage.

The application is for a lawn mowing and handyman business and states that:

I intend to start a business providing lawn mowing and handyman services to residents of Boyup Brook. I will be storing machinery and tools relating to the business at my property. I will be a sole trader not employing any staff and there will be no customer visits to my property.

The operator will use a domestic vehicle and trailer.

CONSULTATION

None

STATUTORY OBLIGATIONS

The subject land is included in the Residential R15 zone. A “home occupation” is an (AA) discretionary use in the zone and is defined as follows:

A "Home Occupation" means 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 occupier's 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.
 - ii) the need to protect the area from uses which will reduce the amount of land available for agriculture;
 - iii) the need to preserve the rural character and rural appearance of the area; and
 - iv) where rural land is being subdivided for closer development, the proposal should be supported with evidence outlining the land's suitability and capability for further development.

COMMENT

The proposal is in effect simply garaging of the work vehicle as booking will be made via a mobile phone. There will be intermittent servicing of equipment which may potentially impact upon neighbors. This is simply a management issue depending upon how frequently it occurs and at what time.

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

There is a statutory application fee of \$222.

STRATEGIC IMPLICATIONS

None

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 8.3.5

MOVED: Cr Oversby

SECONDED: Cr Imrie

That Council approve the use and development of Lot 18 (No 3) Purse Terrace for the purpose of home occupation (lawn mowing and handyman business) subject to the following conditions;

- 1. 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.**
- 2. 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.**
- 3. Servicing of equipment used in the business shall be done so as not to unreasonably impact upon neighbours.**
- 4. The site shall be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.**
- 5. The use shall comply with the definition of home occupation as contained in Town Planning Scheme No 2.**
- 6. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.**

CARRIED 8/0

Res 112/14

8.3.6 Realignment of Unnamed Road off Scotts Brook Road

Location:	<i>Scotts Brook Road</i>
Applicant:	<i>Mr H Malet</i>
File:	<i>A7730</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 September 2014</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Landgate images.</i>

SUMMARY

The purpose of this report is to bring before Council the position in relation to an unnamed road, to seek Council approval to commence processes to have the road alignment amended to the alignment it was constructed on, gain access to the existing alignment in the interim, include the road in the Shire's road inventory and start the process of naming the road.

BACKGROUND

As part of the rural numbering process it was found that Mr Malet accessed his land holding from Scotts Brook Road. Whilst one of his lots, in his land holding, fronts Foley Road the farm access has been a track off Scotts Brook Road for many years (dating back to at least the 70's and based on a wooden culvert in the track, perhaps the 40's).

The Department for Lands (DL) issued a rural number, for Mr Malet, for Foley Road and Mr Malet sought to have the address changed to the access from Scotts Brook Road. Administration has worked with DL and a new number has been issued for Scotts Brook Road.

In looking at the track it was noted that it was not on the Shire's road inventory, and so was not attracting grant funding assistance. Also, it was not named and appeared to be a tack trough Unallocated Crown Land (UCL). Prompted by Mr Malet, further investigation was conducted and, according the State Land Services, DL road plans show the road was considered in 1930, but they could not locate a copy of the gazettal notice. Plans show a road number 3640 30. It is apparent then that there is a dedicated road linking lot 9268 with Scotts Brook Road. The road is not named and is not on the Shire inventory.

Investigation also revealed that the track appears to have been established by a road managing authority (probably the Roads Board) some time after 1930, but well before the 70's. It appears to have been constructed to a standard that is commensurate with the era i.e. wooden culverts. But the track is not on the road alignment for about half of its length.

In April 2011 Council resolved as follows:

That the Council receives the report and resolve the following:-

- 1. Council does not maintain tracks and formed roads on land it has no control over and where it has no obligation to do so.***
- 2. Council considers investigating the process of dedicating existing roads listed on the Shire Road Inventory.***
- 3. Council undertake to name existing tracks and formed roads within dedicated road reserves and add them to the Shire Road Inventory.***
- 4. Subject to budgetary considerations and within a staged program, advisory signage to be erected on sub-standard roads advising road users that the road is sub-standard and drivers must drive to the road conditions.***

COMMENT

It is suggested that this situation aligns with point three of the April 2011 decision with the exception that part of the track is on the road alignment and part is not. If Council agrees then the only aspect that is not authorised is the realignment and seeking access to maintain the track whilst the realignment process is taking place.

Working with State Land Services, it appears possible to amend the alignment but that the process is likely to take 12 months. It is not possible to maintain the portion of the track on UCL without State Land Services approval and it appears that approval would be given, as a temporary measure.

It is recommended that Council authorise the commencement of the road realignment process and application to maintain the track through UCL in the interim. Also that the road be entered on to the Shire's road inventory.

More than one entity uses this track on a regular basis to access farm land. It is recommended that all entities, that hold land that abuts the track, be asked for preferences for road names and that Council deal with the matter naming the road at a later date.

CONSULTATION

The author has spoken with Mr Malet, State land Services, Council and Council staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Council was maintaining this track/road over a number of years without funding, however once on the Shire Road Inventory, grant funding will be provided. The cost of closing the dedicated alignment and dedicating the constructed alignment is not expected to exceed \$1,000 and will be found from current budget provisions.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.6

MOVED: Cr Kaltenrieder

SECONDED: Cr Blackburn

That, in relation to the track leading from Scott’s Brook Road to lot 9268, Council authorise:

- 1. the commencement of the road realignment process.**
- 2. an application to State Land Services to maintain the track through Unallocated Crown Land until the realignment process is completed.**
- 3. the road being added to the Shire’s road inventory.**
- 4. administration to seek input into the naming of the track from the owners of land abutting the track, with the intention that Council deal with the naming at a later date.**

CARRIED BY ABSOLUTE MAJORITY 7/1

Res 113/14

Declare an Interest

Cr Giles declared a financial interest in the following item and departed the Chambers, the time being 6.47pm.

8.3.7 13 Purse Terrace – battleaxe

Location:	<i>13 Purse Terrace Boyup Brook</i>
Applicant:	<i>Mrs White</i>
File:	<i>A350</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 September 2014</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Letter from applicant, Landgate images.</i>

SUMMARY

The purpose of this report is to put before Council the request for the battleaxe leg to be transferred to Council and paved with the recommendation that Council defer a decision pending further investigation of problems and opportunities in the area.

BACKGROUND

The attached letter provides a lot of background information. Essentially, the property gains access to a public road, Purse Terrace, via a battleaxe leg. This is the only connection to a public road. Glynn Street a property that adjoins this lot but it terminates at the property boundary.

13 Purse Terrace is bounded by privately owned residential properties to the south and east and by Education Department managed Reserve land to the north and west.

The other property mentioned in the latter of application, 11 Purse Terrace, fronts Purse Terrace and the battleaxe leg for 13 Purse Terrace runs along its northern side.

The northern end of Purse Terrace adjoins the Education Department Reserve. The sealed part of Purse Terrace terminates before the Education Department Reserve Boundary, and before the battleaxe leg.

COMMENT

Generally when Council looks at expenditure, it looks to ensure there is fairly wide benefit. In this case two property owners would benefit from the proposal. Mention is made of the rubbish collection truck accessing the battleaxe leg to turn around. The collection truck reverses up some dead end streets in town now and so could do so here. The road reserve is 20m wide and, from Landgate images, it appears that the first 10 meters of the battleaxe leg is within the road reserve, and so accessible by the public.

The turnaround point at the end of Reid Place, is in the order of 17m wide indicating it may be possible to construct a turnaround point at the end of Purse Terrace if this was Council's desire (note design and other works would be required to properly assess the location and design of a turnaround suitable for a rubbish collection truck. It is understood that the turnaround point mentioned is used by the rubbish collection truck).

The request is for the owner of 13 Purse Terrace to gift the land comprising the battleaxe leg, to Council, with them meeting relevant costs to do so. Council would then create an undersized road (or laneway) and the arrangements calls for Council to pave the road. In order to ensure that the newly created road does not depots water adjoin land, it should be kerbed and drained. It is planned that an estimate of costs to do all necessary works will be available at the Council meeting.

The owners of 11 and 13 Purse Terrace have other options for joint use of the battleaxe leg and would not be bared from sealing the private portion of it. Council has a policy in relation to the crossover (the portion within the road reserve) where Council pays for half of the cost of a standard design and construction.

Taking a big picture perspective, the no through roads of Treloar, Purse and Glynn, pose a number of problems and perhaps Council should look at the whole picture.

Treloar Street has the Hospital entrance ways, and Glynn Street, at the western end to facilitate rubbish trucks, and other vehicles, turning around, but Glynn and Purse have no turnaround points.

Taking a town planning perspective, 13 Purse Terrace is over 5,000m², and so is a potential infill opportunity. The area of bush to the west (lot 308, north of the Hospital) is a Crown Reserve (not sure who manages it) and some of the Education Department Reserve land also appear to offer infill opportunities. Lot 308 may constitute a fire hazard for the Hospital, and residential properties in the area and so will be looked at as part of that exercise.

In summary, the request will assist two property owners and Council may deem this sufficient to agree to it. It is suggested however that it may be

better to take a broader perspective and develop a strategy to resolve a number of matters, instead of dealing with this matter at this time.

CONSULTATION

The author has spoken with the applicant and Shire staff. The matter was also mentioned to Council at the last briefing session.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

POLICY NO.	W.08
POLICY SUBJECT	Crossovers
ADOPTION DATE	17 June 2004
VARIATION DATE	15 August 2013 – (Council item 8.1.1 August 2013)
	21 December 2007

Objective

To determine standards for crossovers.

Statement

The following is the Council's policy in relation to crossovers.

Driveways and crossovers giving access to roads managed by the Shire of Boyup Brook will be controlled for the safety and efficiency of the network and all road users.

All crossovers shall be constructed in accordance with the Shire of Boyup Brook specifications and guidelines.

Owner/Builder shall arrange for the construction of the crossovers by the Shire of Boyup Brook or a nominated private contractor.

Urban

Urban crossovers shall comprise of three categories:-

CATEGORY	ROAD FRONTAGE	<u>CROSSOVER TYPE</u>
A -	Sealed Road Concrete Kerbing	Concrete or Brick/Block Paving
B -	Sealed Road – Stone Kerbing	2 Coat Seal or Asphalt
C -	Sealed Road – No Kerbing	2 Coat Seal or Asphalt

The Shire will subsidise half the cost of a standard 3.0m wide crossover (measured at boundary /6.0m at road edge) per property subject to the crossover conforming to the Shire of Boyup Brook specifications.

A standard residential crossover (for the purposes of the Local Government Act 1995) has the following dimensions:

Length (verge width):=7m

Width at boundary line = 3m

Width of Edge of road = 6m

Area= 31.5m²

The subsidy shall apply to residential, commercial and industrial properties.

In the case of Strata Titles, a subsidy will apply to each crossover required to service the number of dwellings.

Crossovers eligible for subsidy may be claimed for at the subsidy rate that applies in the financial year construction is completed, as determined in that financial year budget.

Reconstruction of one crossover to a property will attract second subsidy revenue when that crossover has exceeded its maximum life as determined by the Chief Executive Officer.

CROSSOVER TYPE

MAXIMUM LIFE OF CROSSOVER

<i>2 Coat Seal</i>	<i>10 Years</i>
<i>Asphalt</i>	<i>15 Years</i>
<i>Brick/Block Paving</i>	<i>20 Years</i>
<i>Concrete</i>	<i>25 Years</i>

Rural and Special Rural Areas

The Shire will contribute a maximum of 6 metres of stormwater pipes (if required) or deliver a maximum five m³ of gravel, as its half contribution towards the cost of first crossover off a gravel road to the property, upon approval from the Chief Executive Officer. Where a crossover is proposed off a sealed road, the crossover shall also be sealed and drained and the subsidy will be as per gravel crossovers. All special rural developments require a sealed crossover where a sealed road frontage exists.

No subsidy will be paid for the construction of crossovers on non-rateable properties.

General Conditions

- All applicants requesting a new crossover will need to fill out a "Crossover Application Form" available at the Shire Administration Office.*
- All crossovers need to be constructed to Shire of Boyup Brook specifications and guidelines.*
- No subsidy will be paid for the construction of crossovers on non-rateable properties.*
- The Shire will not be responsible for maintenance of crossovers.*

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time

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

Cr Giles declared a financial interest and left the chambers at 6.47pm.

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.7

MOVED: Cr Oversby

SECONDED: Cr Blackburn

That Council defer a decision in relation to the request to take control of the battleaxe leg to 13 Purse Terrace, and pave it, pending a study of the area and a report to Council.

CARRIED 7/0

Res 114/14

Cr Giles returned to the Chambers at 6.52pm.

8.3.8 Light Industrial Area

Location:	<i>Reserve 33552 Known and the Sale Yards</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Copy of State Land Services letter amending the purpose of the reserve, copy of survey plan for reserve, copy of Landgate image showing the saleyards on the reserve.</i>

SUMMARY

The purpose of this report is to put to Council that it agrees to the application of relevant funding, as provided in the 2014/15 budget, to commence the process of planning for the development of a portion of Reserve 33552 for industrial purposes.

BACKGROUND

Council provided \$10,000 in the 14/15 budget for New Projects – Light Industrial Area. This provision resulted from a workshop where two potential sites were highlighted.

Council members attended a site visit prior to the August Council meeting to see the Saleyards Reserve and the yards.

COMMENT

Last month Members inspected the Reserve and viewed a demonstration of how the earth floored yards might be removed. Prior to this, it was noted that whilst there were a number of options for a small industrial development in, or near the townsite, two appeared to be better. One site, just past Greenline and abutting the Boyup Brook Donnybrook Road, had been identified in two previous studies as being a site that should be looked at further. Both this and the Sale Yards Reserve, were identified in the draft Townsite Planning Strategy as potential sites.

It was noted, at the site inspection last month, that there was a power supply to the Reserve, but this appeared to be single phase only. It was also noted that whilst there was a water supply, it was not potable.

Further, it noted that the yards no longer met requirements, and the cost to bring them up to a standard for a sale would be significant. With the new sale yards in Katanning, the trend for inter district sales as opposed to intra district sales (to increase the gene pool), and the like, it was unlikely the yards would be greatly used for sales in the future. There was however a need for a facility for small producers and carters to aggregate loads to take stock elsewhere. The yards closest to town were currently used by two local caters, and the general comment was that they should remain.

There has long been a call for a suitable site for businesses to set up operation and, in answer to this, Council has looked at industrial site opportunities a number of times over the years. Two studies, part funded by SWDC, have been undertaken, by Council, to identify potential sites for industrial development. One was completed in 2003 and the other in December 2009.

Funding constraints and the lack of specific requests for sites, together with the provision in the Town Planning Scheme for small business to be established on rural land, have resulted in the development of an area not coming to fruition. In more recent times, with the new long term planning requirements, Council has taken a strategic look at industrial site opportunities and concentrated on areas that are under Council's control, or could be, that could be developed quickly and without great cost (including the cost to purchase).

The Saleyards Reserve is already managed by the Shire. Its purpose was changed from Stock Sale yards to Stock Sale and Holding Yards, in 2008, in recognition of the change in use moving from sales to holding stock for transport. The purpose could be further amended, by allocation to the Minister for Lands (State Land Services) to include the proposed industrial use, without cost to Council. The Management Order includes power to lease, and so, whilst there is a requirement for Minister for Lands agreement to a lease, there should be no great hurdles in this area.

So Council has a piece of underutilise land, that is flat and on a major road. It is close to town but appears to be sufficiently far enough away from dwellings to meet buffer zone requirements for a range of industrial uses. It may need a power supply upgrade to three phase) and will need a potable water service. On the face of things, development costs should not be as great as they might otherwise be, changes to the Management Order's "purpose", should take less than 12 months, and so this site appears to be worth spending funds on further evaluation, planning and some minor works.

It was noted, at the site visit, that stage one might be removing the yards at the western end of the area (that is the earthen floored yards), connecting services and developing that area. With further stages occurring as and when a need was demonstrated.

Council has been advised, by a local business, that there may be partnering options for a development. This may include Council getting the site developed, the business leasing that portion of the reserve, constructing units and then leasing these out. This would appear to be an ideal situation.

If Council agreed to the application of budgeted funds to progress this initiative, the first step would be to engage a consultant to more intensely evaluate the site from a town planning perspective, to obtain cost estimates for utility services, and prepare a concept plan of how the development might be laid out. This work would include the whole of the site but show it developed in stages and how stage one might fit into a bigger development. It would also include application to State Land Services to amend the purpose of the Management Order, administration would do this.

Once Council had a plan and other documents to show what was intended, it should engage the community and the local business (previously mentioned as being interested in being part of an initiative).

This step could also include the removal and sale of the metal yards, at the western end. The yards might be more easily extracted whilst the ground is wet and so this phase might be done soon or at another time during the wetter months.

The next phase would be to do more intense studies of the site such as surveying, geo technical assessments, detailed design and the like. This would include gaining any required approvals. Further, this would be the time to engage the business in the detailed planning and to secure an agreement about a path going forward.

It is envisaged that the first phase would cost less than the \$10,000 provision, and that this phase could be completed within the current Financial Year. If Council chose to do so, it is possible that there will be funds and time to tackle aspects of the second phase also within this year. In terms of a time line, it is suggested that this be the planning years and that Council aim to develop the site in 15/16.

It is recommended that Council approve the application of relevant funding, as provided in the 2014/15 budget, to commence the process of planning for the development of a portion of Reserve 33552 for industrial purposes.

CONSULTATION

The matter of developing an industrial site has been before Council a number of times over a number of years. The consideration of the specific site has been the subject of a number of discussions and a site visit.

STATUTORY OBLIGATIONS

The Local Government Act provides as follows for commercial enterprises by Local Governments. In terms of a major land transaction, the proposed

matter does not entail the purchase of land but it does entail the development of land. Regulations set the trigger value for a major land transaction at \$2m or 10% of operating expenditure. The 2014/15 budget shows a forecast operating expenditure of \$4,260,632 (this compares to a budget of \$5,224,048 for 13/14 and \$5,857,560 for 14/15), 10% of this is \$426,063. It is expected that the development costs would not exceed this amount.

3.59. *Commercial enterprises by local governments*

(1) *In this section —*

acquire *has a meaning that accords with the meaning of* ***dispose***;

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

land transaction *means an agreement, or several agreements for a common purpose, under which a local government is to —*

(a) *acquire or dispose of an interest in land; or*

(b) *develop land;*

major land transaction *means a land transaction other than an exempt land transaction if the total value of —*

(a) *the consideration under the transaction; and*

(b) *anything done by the local government for achieving the purpose of the transaction,*

is more, or is worth more, than the amount prescribed for the purposes of this definition;

major trading undertaking *means a trading undertaking that —*

(a) *in the last completed financial year, involved; or*

(b) *in the current financial year or the financial year after the current financial year, is likely to involve,*

expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

trading undertaking *means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of* ***land transaction***.

(2) *Before it —*

(a) *commences a major trading undertaking; or*

(b) *enters into a major land transaction; or*

- (c) *enters into a land transaction that is preparatory to entry into a major land transaction,*

a local government is to prepare a business plan.

- (3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*
 - (a) *its expected effect on the provision of facilities and services by the local government; and*
 - (b) *its expected effect on other persons providing facilities and services in the district; and*
 - (c) *its expected financial effect on the local government; and*
 - (d) *its expected effect on matters referred to in the local government’s current plan prepared under section 5.56; and*
 - (e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*
 - (f) *any other matter prescribed for the purposes of this subsection.*

- (4) *The local government is to —*

- (a) *give Statewide public notice stating that —*
 - (i) *the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and*
 - (ii) *a copy of the business plan may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

and

- (b) *make a copy of the business plan available for public inspection in accordance with the notice.*

- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

** Absolute majority required.*

- (5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*

- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
- (10) *For the purposes of this section, regulations may —*
 - (a) *prescribe any land transaction to be an exempt land transaction;*
 - (b) *prescribe any trading undertaking to be an exempt trading undertaking.*

[Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]

3.60. *No capacity to form or acquire control of body corporate*

A local government cannot form or take part in forming, or acquire an interest giving it the control of, an incorporated company or any other body corporate except a regional local government unless it is permitted to do so by regulations.

Local Government (Functions and General) Regulations provide the following for major land transactions and joint ventures, however neither apply to this matter:

Part 3 — Commercial enterprises by local governments (s. 3.59)

7. *Term used: major regional centre*

(1) *In this Part —*

major regional centre *means a local government the district of which —*

- (a) *is not in the metropolitan area; and*
 - (b) *has more than 20 000 inhabitants.*
- (2) *Section 2.4(6) of the Act applies to determine the number of inhabitants of a district for the purposes of the definition of **major regional centre**.*

[Regulation 7 inserted in Gazette 27 Sep 2011 p. 3843-4.]

8A. *Amount prescribed for major land transactions; exempt land transactions prescribed (Act s. 3.59)*

- (1) *The amount prescribed for the purposes of the definition of **major land transaction** in section 3.59(1) of the Act is —*
 - (a) *if the land transaction is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —*
 - (i) *\$10 000 000; or*
 - (ii) *10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;*
 - or*
 - (b) *if the land transaction is entered into by any other local government, the amount that is the lesser of —*
 - (i) *\$2 000 000; or*
 - (ii) *10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.*
- (2) *A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if —*
 - (a) *the total value of —*
 - (i) *the consideration under the transaction; and*
 - (ii) *anything done by the local government for achieving the purpose of the transaction,*

is more, or is worth more, than the amount prescribed under subregulation (1); and
 - (b) *the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which the total value exceeds the amount prescribed under subregulation (1) is not significant taking into account —*
 - (i) *the total value of the transaction; or*
 - (ii) *variations throughout the State in the value of land.*

[Regulation 8A inserted in Gazette 27 Sep 2011 p. 3844.]

8. *Exempt land transactions prescribed (Act s. 3.59)*

- (1) *A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if the local government enters into it —*
 - (a) *without intending to produce profit to itself; and*

- (b) *without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.*
- (2) *For the purposes of subregulation (1)(b) a person is given joint use of land if the land is to be jointly used for a common purpose by the local government and that person (whether or not other persons are also given joint use of the land).*
- (3) *A transaction under which a local government disposes of a leasehold interest in land is an exempt land transaction for the purposes of section 3.59 of the Act if —*
 - (a) *all or any of the consideration to be received by the local government under the transaction is by way of an increase in the value of the land due to improvements that are to be made without cost to the local government; and*
 - (b) *although the total value referred to in the definition of **major land transaction** in that section is more, or is worth more, than the amount prescribed for the purposes of that definition, it would not be if the consideration were reduced by the amount of the increase in value mentioned in paragraph (a).*

[Regulation 8 amended in Gazette 29 Aug 1997 p. 4867-8.]

9. *Amount prescribed for major trading undertakings; exempt trading undertakings prescribed (Act s. 3.59)*

- (1) *The amount prescribed for the purposes of the definition of **major trading undertaking** in section 3.59(1) of the Act is —*
 - (a) *if the trading undertaking is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —*
 - (i) *\$5 000 000; or*
 - (ii) *10% of the lowest operating expenditure described in subregulation (2);*
 - or*
 - (b) *if the trading undertaking is entered into by any other local government, the amount that is the lesser of —*
 - (i) *\$2 000 000; or*
 - (ii) *10% of the lowest operating expenditure described in subregulation (2).*
- (2) *The lowest operating expenditure referred to in subregulation (1) is the lowest of —*
 - (a) *the operating expenditure incurred by the local government from its municipal fund in the last completed financial year; and*

- (b) *the operating expenditure likely to be incurred by the local government from its municipal fund in the current financial year; and*
 - (c) *the operating expenditure likely to be incurred by the local government from its municipal fund in the financial year after the current financial year.*
- (3) *A trading undertaking is an exempt trading undertaking for the purposes of section 3.59 of the Act if —*
- (a) *the undertaking —*
 - (i) *in the last completed financial year, involved; or*
 - (ii) *in the current financial year or the financial year after the current financial year, is likely to involve,*
expenditure by the local government of more than the amount prescribed under subregulation (1); and
 - (b) *the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which expenditure is, or is likely to be, more than the amount prescribed under subregulation (1) is not significant taking into account —*
 - (i) *the total value of the undertaking; or*
 - (ii) *variations throughout the State in the value of land.*

[Regulation 9 amended in Gazette 31 Mar 2005 p. 1054; 27 Sep 2011 p. 3845.]

10. *Business plans for major trading undertaking and major land transaction, content of*

- (1) *If a local government is required to prepare a business plan because of a major trading undertaking or major land transaction that it is to carry on or enter into jointly with another person —*
- (a) *the business plan is to include details of the whole undertaking or transaction, even though the local government is not the only joint venturer; and*
 - (b) *the business plan is to include details of —*
 - (i) *the identity of each joint venturer other than the local government; and*
 - (ii) *the ownership of, and any other interests in, property that is involved in, or acquired in the course of, the joint venture; and*
 - (iii) *any benefit to which a joint venturer other than the local government may become entitled under or as a result of the joint venture; and*
 - (iv) *anything to which the local government may become liable under or as a result of the joint venture.*

(2) *In subregulation (1) —*

joint venture means the major trading undertaking or major land transaction that is to be jointly carried on or entered into;

joint venturer means the local government or another person with whom the local government is to carry on or enter into the joint venture.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil. The proposal is to utilise budgeted funds for the purpose they were set-aside for.

STRATEGIC IMPLICATIONS

The Strategic Community Plan provides as follows:

Built Environment: Enhanced Lifestyle Choices

Our Vision:

Our land-use and assets, including local roads, parks, reserves and facilities will meet the future needs of our growing community.

Our town will be enhanced through improved streetscaping and infrastructure.

We will provide commercial and industrial land-use to create employment opportunities.

Our objectives and priorities are built from our outcomes.

This vision relates to land-use and so town planning, to facilitate the provision and not the physical provision. However the matter before Council aligns with the community goal of creating an opportunity for businesses to set up in the Shire.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
The proposal will entail expenditure, some of which will involve local entities. When and if new businesses are established they should create job opportunities that might be filled by local residents. Regardless of the local of domicile of employees, the business and staff are likely to spend some of their income locally.
- **Social**

The initiative being considered may lead to an increase in population. It is possible that new residents might have school aged children and so there would be a beneficial impact on the local schools and clubs.

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.8

MOVED: Cr Aird

SECONDED: Cr Walker

That Council approve the application of \$10,000, as provided in the 2014/15 budget for New Projects – Light Industrial Area, to commence the process of planning for the development of a portion of Reserve 33552 for industrial purposes.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 115/14

9 COMMITTEE REPORTS

MOVED: Cr Kaltenrieder

SECONDED: Cr Blackburn

That the Council adopts enbloc items 9.1.1, 9.1.2, 9.1.3 and 9.1.4

CARRIED 8/0

Res 116/14

9.1.1 Minutes of the Blackwood River Valley Marketing

Location: N/A
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 10 September 2014
Author: Alan Lamb - CEO
Attachments: Yes – Minutes

BACKGROUND

The Blackwood River Valley Marketing Association meeting was held on 13th August 2014.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.1

That the minutes of the Blackwood River Valley Marketing Association be received.

9.1.2 Minutes of the Bunbury Wellington Group of Councils

Location: N/A
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 10 September 2014
Author: Alan Lamb - CEO
Attachments: Yes – Minutes

BACKGROUND

The Bunbury Wellington Group of Councils meeting was held on 18th August 2014.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.2

That the minutes of the Bunbury Wellington Group of Councils be received.

9.1.3 Minutes of the South West Zone

Location: *Shire Dardanup*
Applicant: *N/A*
File:
Disclosure of Officer Interest: *Nil*
Date: *10 September 2014*
Author: *Alan Lamb - CEO*
Attachments: *Yes – Minutes*

BACKGROUND

The South West Zone meeting was held on 22nd August 2014.

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

OFFICER RECOMMENDATION – Item 9.1.3

That the minutes of the South West Zone be received.

9.1.4 Minutes of the Audit & Finance Committee

Location: *Shire Dardanup*
Applicant: *N/A*
File:
Disclosure of Officer Interest: *Nil*
Date: *10 September 2014*
Author: *Alan Lamb - CEO*
Attachments: *Yes – Minutes*

BACKGROUND

The Audit & Finance meeting was held on 31st July 2014.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.4

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

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1.1 Notice of Motion from Cr Walker

MOVED: Cr Walker

SECONDED: Cr Imrie

MOTION

That Council exerts all pressure it is able to on all relevant parties, including the local Member of Parliament, in order to have the old timber mill site in Wilga cleaned up and made safe. That in addition, Council seeks to have the land transferred to Council's management.

CARRIED 8/0

Res 117/14

COMMENT

For many years now, the old timber mill in Wilga has been a dangerous eyesore and it is high time the site was cleared, made safe and presentable. Wilga residents have been patiently waiting for years for the required demolition works to be completed and the area made safe. The unfenced and partially demolished structure is a real hazard to all who may enter, especially inquisitive children. Whilst it has no direct control of the site, Council needs to act now and strongly to do all that it can to remedy the situation. This action should include putting pressure on the entity that holds the land under a license and the State Government, who manages the land. It is understood that a demolition license was issued by the Shire and Administration should pursue compliance with this as vigorously as possible. Further, Administration should pressure Worksafe to inspect and take action in relation to an unsafe site.

Council's actions should include a letter from the President to the Hon Terry Redman, seeking assistance at a political level. It should also include seeking to gain control of the site so that it may be managed at a local level.

CEO COMMENT

It has come to light that Council may have avenues to put pressure on the licence holder and State Land Services via a demolition licence, issued in 2012 and via complaints to Worksafe about the site not being fenced and kept safe. By the time of the Council meeting, Administration will have commenced work on ensuring the demolition licence requirements are being met. Worksafe also issued a demolition licence for the site and Administration will have made representation to that body about concerns as to the site not being fenced and left in an unsafe state.

It is recommended that Council support this motion, for which notice has been given by Cr Walker.

10.1.2 Notice of Motion from Cr Walker

MOVED: Cr Walker

SECONDED: Cr Oversby

MOTION

“That the CEO organise a date and time and invite Bridgetown Shire President, Councillors and CEO to Boyup Brook Council Chambers for an informal meeting and discussion about common issues.”

CARRIED 7/1

Res 118/14

COMMENT

If supported perhaps our Council could nominate matters of interest and invite Bridgetown Council to do the same.

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

11.1.1 The Warren Blackwood Alliance of Councils - Events Calendar

Location: N/A
Applicant: Warren Blackwood alliance of Councils
File:
Disclosure of Officer Interest: Mr Winter is the current President of the Country Music Club of Boyup Brook.
Date: 15 September 2014
Author: Daly Winter CDO, Alan Lamb CEO
Authorizing Officer: Alan Lamb
Attachments: Letter dated 16 June 2014

SUMMARY

The purpose of this report is to put before Council the opportunity to contribute toward the Warren Blackwood Alliance of Council's (WBAoC) 2015 Warren Blackwood Events Calendar, with the recommendation that Council does not contribute.

BACKGROUND

The Shire received a letter from the Warren Blackwood Alliance of Councils (formerly Warren Blackwood Strategic Alliance) offering the opportunity to promote the next Boyup Brook Country Music Festival in the 2015 Warren Blackwood Events Calendar. The Boyup Brook Country Music Festival was listed in the 2014 Events calendar because of funding from the South West Development Commission and their insistence that the Boyup Brook Country Music Festival be listed as it is a major drawcard for the region.

The first issue of the Warren Blackwood Events calendar was published in 2014. 10,000 calendars were produced and distributed to residents (Manjimup/Bridgetown/Nannup), Visitor Centres, Australia's South West and business in the Region.

The Community Development Officer is currently working with the WBAoC as part of a working group, to discuss and formulate plans for the formation of a new Local Tourism Organisation. At a regional meeting held recently in Manjimup which included Boyup Brook representatives from the Blackwood River Valley Marketing Association a proposal was put to form a new single tourist region call "Southern Forests" which will bring the Blackwood River Valley and the Southern Forests Regions together. There was overwhelming support for this concept. It is suggested that it is important for the Shire of Boyup Brook to remain at the table with these discussions. Boyup Brook has over time built up a reputation and image of being part of the Blackwood River Valley.

COMMENT

It is understood that the calendar was well received in the Warren Blackwood area, but in Boyup Brook people questioned why only the Country Music Festival was listed for Boyup Brook and not other events such as the Rodeo.

The Shire of Boyup Brook was not part of the WBAoC at that time the calendar was developed and it was at the instigation of the South West Development Commission that the CM Festival was listed. WBAoC is asking if Council wants to have the Country Music Festival included in its 2015 calendar, and if so seeks a contribution of \$2,000. The estimated cost of producing the calendar is \$18,500.

Whilst the importance of the Country Music Festival is undeniable, it is questionable if the Shire should pay for this advertising opportunity. It may be different if other events, such as the Sandakan Memorial, Harvey Dickson Rodeo, the Upper Blackwood Agricultural Show and the like were included. Council's CDO sought to include other events, via an email to WBAoC, but has received no response. It is noted that the WBAoC offer related to the Country Music Festival only and did not mention other opportunities.

The State is sectioned up by a variety of Government Departments and the Electoral Commission and the Shire of Boyup Brook is bundled in with different Councils depending on the Government entity. SWDC appears to have this Shire bundled in with the Warren Blackwood sub-region. Some years ago, Council severed ties with the WBAoC and joined in with the Bunbury Wellington Group of Councils. Council has directed its regional efforts, and funding, to the BWGoC and is making headway on a regional waste facility/ waste to energy project and is involved with the regional tourism initiative.

Whilst it would be ideal to pay for advertising in a variety of publications, the WBAoC offer is for the music festival, it is expensive, of unknown value to the Shire as a whole, and perhaps \$2,000 may be better spent on direct promotion of Boyup Brook generally, not just the one, albeit very important, event.

There is no specific funding to put toward the WBAoC's calendar but some of the provision for Promotion Activities could be used if Council wished to fund this opportunity.

As Council is no longer a part of the WBAoC, or its activities, has not budgeted for the calendar promotion, and as it appears to be for one community activity only, it is recommended that Council does not contribute toward the 2015 calendar of events.

CONSULTATION

The authors have communicated with the WBAoC, SWDC, and the matter was before Council in August.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

There is no specific budget provision for the requested \$2,000, however some of the provision for Promotion Activities (Economic Services, Tourism and Area Promotion) could be applied.

STRATEGIC IMPLICATIONS

Supporting the Alliance with some monies with advertising for the events calendar will demonstrate a regional tourism focus which I believe is still required even if we are not a member of the Alliance.

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 11.1.1

MOVED: Cr Oversby

SECONDED: Cr Blackburn

That Council does not support the payment of \$2,000.00 to the Warren Blackwood Alliance of Councils to advertise the Boyup Brook event/events in the 2015 Warren Blackwood events calendar.

CARRIED 8/0

Res 119/14

Proximity Interest

Cr Blackburn declared a proximity interest in item 11.1.2 and departed the Chambers the time being 7.00pm.

<p>11.1.2 Transfer of 2014-2015 Budgeted Funds from Dinninup East Road to Banks Road</p>

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>15 September 2014</i>
Author:	<i>Rob Staniforth-Smith – MWKS/Alan Lamb CEO</i>
Authorizing Officer:	<i>Alan Lamb CEO</i>
Attachments:	<i>Policy W07 – Road Contribution Policy</i> <i>Map showing proposed location of works</i>

SUMMARY

This item recommends that Council approve the transfer of up to \$88,320, allocated to the widening and sealing of the Dinninup Township eastern entrance road (Dinninup East Road), to the correction of the gravel pavement and drainage on Banks Road to a level suitable for sealing, from Lee Steere Drive west for 1.2 kilometres.

BACKGROUND

The 2014/2015 budget allowed \$88,320 for the widening and sealing of the eastern entrance to the Dinninup Township so that speed limits through the township can be reduced to 60kph, as approved in the 10 year plan (May 2014 Council item 8.1.2). Subsequent design and review has found that this work will be in excess of the \$88,000 allowed. Changes to the National and State Blackspot programmes are now allowing “road audit” projects to be eligible for funding and as such it has been decided to apply for funds under these programmes to fund the works and move the reconstruction into the 2015-2016 budget.

Banks Road has a subdivision development application lodged (WAPC ref 149976, Lot 734 Banks Road, dealt with in the June 2014 Council meeting,

item 8.3.4.) which, due to the development being in the “special rural zone”, requires the current gravel road to be upgraded to a 6 metre wide 2 coat seal with 1.2 metres shoulders (Shire Policy W07 attached). The policy provides for a “50% contribution from landowners for the frontage on the southern side when subdivision occurs.”

The developer has indicated verbally that he would like an estimate of costs for the required road works, detailing the portion he would be required to pay, so that he can pay in advance.

COMMENT

At the time of writing this report, the estimated cost of works for Banks Road had not been established. However, it is suggested that the amount of funds, being requested to be transferred from the Dinninup East Road job (\$88,320 and funded in the 2014/15 budget), would be within the ballpark of Council’s portion of the Banks Road works. The purpose of this report is then to transfer the budget provision so the works on banks Road may commence once the developer has paid the required portion of costs.

It should be noted that the developer will pay 50% of the costs of works associated with the lot 734 frontage only. In addition, Council will need to improve construction, drainage and seal the section of Banks Road between the end of the existing seal, at the Lee Steere Drive intersection, and the eastern boundary of lot 734. It is also expected that Council may have to improve and seal for a distance (to be determined in the design work) past the western boundary of lot 734 in order to ensure that the required speed limit can be attained.

Works on Banks road would commence in the current financial year with formation, drainage and other improvements. It is possible that the sealing work may not be done until 2015/16, if so it is intended that funds be carried forward to allow the completion of the works. The following timetable is envisaged;

1. Upgraded to a level ready for seal to be placed in 2014-2015
2. 1st coat of the 2 coat seal be done in 2015-2016
3. 2nd coat seal to follow in 2016-2017

Council could seek to gain contributions toward past road improvements, from future developers by a specific planning policy for that purpose. That is, in this case, Council could seek to impose a charge on subdividers of other parcels of land, adjoining the section of Banks Road that is to be upgraded, provided it has a planning policy in place that sets this course. Planning policies go through a different process to other Council policies (see Statutory Obligations), but are otherwise similar (i.e. Council is not bound by a policy). It is understood that other Council’s have such polices but they have been the subject of challenge through the State Administrative Tribunal, so care would need to be taken in the drafting to

limit the opportunity of successful challenge. It is recommended that Administration investigate the matter of a policy and report back to Council if it appears to be practical and workable.

The upgrading of Banks Road is beneficial to both the road users of Banks Road and Lee Steere Drive. Funds could be made available for these works by delaying the Dinninup Township eastern access road, whilst Government grant assistance is sought, and so it is recommended that Council approve of the transfer of funding and the inclusion of the proposed works on Banks Road.

CONSULTATION

Chief Executive Officer
Work Supervisor
Developer
Main Roads
Consultant

STATUTORY OBLIGATIONS

The following is taken from the Shire Town Planning Scheme number 2

9.6 PLANNING POLICIES

9.6.1 The Council may prepare a planning policy (hereinafter called "a Policy") which may make a provision for any matter related to the planning or development of the Scheme Area and which may be prepared so as to apply:

- a) generally or in a particular class of matter or in particular classes of matters; and*
 - b) throughout the Scheme Area or in one or more parts of the Scheme Area*
- and may amend or add to or rescind a Policy so prepared.*

9.6.2 A Policy shall become operative only after the following procedures have been completed:

- a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.*
- b) Policies which the Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice. Shire of Boyup Brook TPS 2 Page No. 43*
- c) The Council shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.*
- d) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.*

9.6.3 *The Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.*

9.6.4 *An amendment or addition to a Policy may be made after the Policy has become operative and shall be made in the same manner as provided for the making of a Policy in sub-clause 9.6.2.*

9.6.5 *A Policy may be rescinded by:*

a) preparation or final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing Policy; and

b) publication of a formal notice of rescission by the Council twice in a local newspaper circulating in the district.

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

9.6.7 *Any policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.*

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Council will be responsible for 50% of the cost of upgrading Banks Road in front of lot 734 and 100% of the cost for extending the existing seal from Lee Steere Drive to the eastern boundary of the lot 734. and for works done on Banks Road past the western boundary of Lot 734.

No provision was made in the 2014/15 budget for the proposed works and so a budget amendment is required to transfer \$88,320 from planned works on Dinninup East Road to fund works on Banks Road.

STRATEGIC IMPLICATIONS

2008 – 2013 Strategic Plan

Action Plan 6.5 – 102

Maintain and enhance rural roads throughout the Shire of Boyup Brook

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 11.1.2

MOVED: Cr Oversby

SECONDED: Cr Aird

- 1. Council approve the transfer of up to \$88,320 from the 2014-2015 road budget, provided for the Dinninup Township access road, to**

re-construction and seal Banks Road from Lee Steere Drive to an appropriate distance past the western boundary of lot 734 to facilitate a speed limit past lot 734 which supports the proposed location of access points to lot 734 as subdivided.

- 2. That Administration investigate the matter of a policy to require future developers to contribute toward the cost of road improvement works, done as part of a previous subdivision of land abutting the road, abutting land they are subdividing.**

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 120/14

Cr Blackburn returned to the Chambers at 7.14pm

BEHIND CLOSED DOORS

Alan Lamb, Stephen Carstairs and Rob Staniforth-Smith left the Chambers, the time being 7.18pm due to confidential matters.

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

12.1.1 CEO Annual Review

MOVED: Cr Aird

SECONDED: Cr Kaltenrieder

That Council:

- 1. Assess the performance of the Chief Executive Officer as Highly Satisfactory.**
- 2. Approve a remuneration package increase of 3.5%**
- 3. Agree to the following performance criteria for the coming year:**
 - Provide accurate and timely advice to the Council.**
 - Annual review of all relevant long term plans, as part of the budget preparation process and to add the new tenth year, to Council for adoption by 30 June each year.**
 - Draft budget to Council for adoption by 31st July each year.**
 - Maintain a high level of financial control and reporting as assessed by periodic audits and financial systems reviews.**
 - Ensure progress of projects identified in the Corporate Business plan i.e. achievement of specific milestones as they appear in the Strategic, Business and Long Term Financial Plans.**

AMENDMENT

MOVED: Cr Blackburn

SECONDED: Cr Walker

That Council:

- 1. Assess the performance of the Chief Executive Officer as Highly Satisfactory.**
- 2. Approve a remuneration package increase of 2.5%**
- 3. Agree to the following performance criteria for the coming year:**
 - Provide accurate and timely advice to the Council.**
 - Annual review of all relevant long term plans, as part of the budget preparation process and to add the new tenth year, to Council for adoption by 30 June each year.**
 - Draft budget to Council for adoption by 31st July each year.**
 - Maintain a high level of financial control and reporting as assessed by periodic audits and financial systems reviews.**
 - Ensure progress of projects identified in the Corporate Business plan i.e. achievement of specific milestones as they appear in the Strategic, Business and Long Term Financial Plans.**

LOST 2/6

COUNCIL DECISION

That Council:

- 1. Assess the performance of the Chief Executive Officer as Highly Satisfactory.**
- 2. Approve a remuneration package increase of 3.5%**
- 3. Agree to the following performance criteria for the coming year:**
 - Provide accurate and timely advice to the Council.**

Annual review of all relevant long term plans, as part of the budget preparation process and to add the new tenth year, to Council for adoption by 30 June each year.

Draft budget to Council for adoption by 31st July each year.

Maintain a high level of financial control and reporting as assessed by periodic audits and financial systems reviews.

Ensure progress of projects identified in the Corporate Business plan i.e. achievement of specific milestones as they appear in the Strategic, Business and Long Term Financial Plans.

CARRIED 6/2

Res 121/14

Alan Lamb, Stephen Carstairs and Rob Staniforth-Smith returned to the Chambers, the time being 7.26pm.

12.1.2 Regional Waste facility – Bunbury Wellington Group of Councils – proposal to purchase site from Shire of Dardanup

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 12.1.2

MOVED: Cr Aird

SECONDED: Cr Walker

That Council:

- 1. support the appointment of a shared regional project officer to progress regional waste issues and investigate a waste to energy plant for the SW region;**
- 2. commit up to \$1,700 towards the appointment of a regional project officer and advise that Council's contribution is to come from funds held in trust by BWGC in the first instance.**
- 3. advise the BWGC's that it does not support submitting an expression of interest or tender for the purchase of the Banksia Road site from the Shire of Dardanup.**

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 122/14

13 CLOSURE OF MEETING

There being no further business the Shire President, Cr Giles thanked all for attending and declared the meeting closed at 7.37pm.