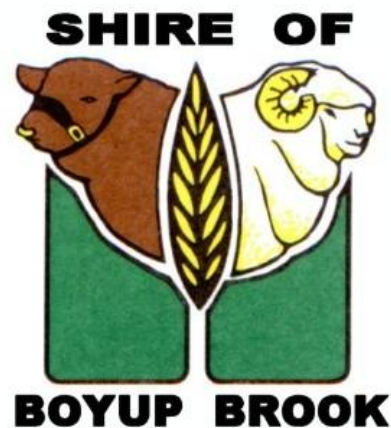


MINUTES



ORDINARY MEETING

held

THURSDAY 12 DECEMBER 2013
COMMENCED AT 5.05PM

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 E Biddle
Cr J Imrie
Cr P Kaltenrieder
Cr B O'Hare
Cr T Oversby
Cr R Walker

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

Public: Elizabeth Bagshaw
Lyn Baldwin
Shelley Bates
Marie Blackburn
Norm Blackburn
Shirley Broadhurst
Jackie Chambers
Sandy Chambers
Rae Douglas
Chris Gibbs
Hedley Giles
Margaret Giles
Leith Hales
Chris Hales
Peter Harvey
Carolyn Harvey
Genine Lloyd
Debbie Mader
Liz Parker
Lynne Schreurs
J Sprigg
Bob Sutcliffe
Mary Sutcliffe
Betty Watters
Dick White
Peta White
Sue White
Felicity Willett

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

3 APPLICATIONS FOR LEAVE OF ABSENCE

That Cr Giles and Cr O'Hare be granted leave of absence for the February 2014 ordinary meeting of Council.

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Aird informed Council that Rylington Park would like to discuss various matters with Council.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 21 November 2013

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Walker

SECONDED: Cr Aird

That the minutes of the Ordinary Meeting of Council held on Thursday 21 November 2013 be confirmed as an accurate record.

Carried 8/0

Res 166/13

5.2 Special Council Meeting – Thursday 30 October 2013

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Oversby

SECONDED: Cr Imrie

That the minutes of the Special Meeting of Council held on Thursday 30 October 2013 be confirmed as an accurate record.

Carried 8/0

Res 167/13

6 PRESIDENTIAL COMMUNICATIONS

Attended the Regional Road Group Elected Members meeting at Dardanup Council Chambers on 9th December 2013.

Attended the Bunbury Wellington Group of Councils meeting at the Shire of Capel on 9th December 2013.

7 COUNCILLORS QUESTIONS ON NOTICE

REPORTS OF OFFICERS

8.1 **MANAGER WORKS & SERVICES**

8.1.1 Policy – Revision to Policy P.08 – Naming New Roads
--

Location:	N/A
Applicant:	
Disclosure of Officer Interest:	None
Date:	12 th December, 2013
Author:	Rob Staniforth-Smith
Authorizing Officer:	Alan Lamb
Attachments:	Draft: Revised Policy P.08

SUMMARY

This item is to adopt the revisions to policy P08

BACKGROUND

The Shire of Boyup Brook's policy P.08 needs revising to include the name "Cailes" as being an acceptable name as approved by Council at its October 2008 meeting, item 7.1.1. Councillors also requested the deleting of the "ruling out" of names not acceptable to Landgate as per the August 2013 Council meeting – resolution 8.1.5

COMMENT

The Naming of New Roads comes up regularly as land is subdivided. Councils suggested list of "*initial suggestions*" in P.08 needs to be kept up to date to ensure that developers have a list of names that is current and suitable.

CONSULTATION

CEO, Alan Lamb

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

The policy revision will bring Policy P.08 up to date, revising Cailes as being acceptable as per item 7.1.1 of Councils October 2008 meeting.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.1.1

MOVED: Cr O’Hare

SECONDED: Cr Biddle

That the revised policy P.08 “Naming New Roads” be accepted.

Carried 8/0

Res 168/13

8.1.2 Proposed New Road Name

Location:	<i>Boyup Brook Shire</i>
Applicant:	<i>David Millington</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12th of December, 2013</i>
Author:	<i>Rob Staniforth-Smith</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>yes- Policy P08-Naming New Roads</i>

SUMMARY

The applicant Mr. David Millington, has requested that the surname of 'Millington' be considered by the Council as a future road/street name within the Shire of Boyup Brook and be added to the schedule of suggested names.

BACKGROUND

The applicant has forwarded a brief summary of the Millington family history and involvement in the Boyup Brook community: - see attachment 8.1.2.

COMMENT

The Millington name satisfies all of the criteria in the Shire of Boyup Brook Naming New Roads Policy and is considered suitable to be added to the schedule of suggested road names included in the policy.

(see agenda attachment 8.1.1- Policy P.08 Naming New Roads)

CONSULTATION

CEO, Alan Lamb

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Compliance with Shire of Boyup Brook Policy P.08

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.1.2

MOVED: Cr Oversby

SECONDED: Cr Aird

That the Council approve the inclusion of the Surname ‘Millington’ to the schedule of suggested names in the Shire of Boyup Brook Naming New Roads Policy – P08.

Carried 8/0

Res 169/13

8.1.3 Proposed New Policy W.11

Location:	<i>Boyup Brook Shire</i>
Applicant:	<i>N/A</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12th of December, 2013</i>
Author:	<i>Rob Staniforth-Smith</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>Proposed New Policy W11</i>

SUMMARY

The creation of 'New Policy W.11' is to provide a guideline for interested individuals, groups and organisations who wish to contribute to the control of weeds on and within road reserves within the Shire of Boyup Brook.

BACKGROUND

Individuals, groups and organisations have requested details as to how they can help control weeds on the Shire controlled reserves. Currently the Shire has no policy on this and with its limited resources openly encourages help from other sources. Organisations such as DEC have compiled a "Roadside Conservation Value" report showing a summary of weeds on the Shire controlled road reserves and it is envisaged that interested organisations and groups may wish to help eradicate these weeds.

COMMENT

The attached policy will give guidelines to interested parties wishing to conduct "Weed Control in and on Shire Controlled Reserves"

CONSULTATION

CEO, Alan Lamb

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

New Policy

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.1.3

MOVED: Cr Walker

SECONDED: Cr Imrie

That the Council approve the inclusion of the new Policy W11 to its Policy Manual.

Carried 8/0

Res 170/13

8.1.4 Whitham Street – Proposed Closure, Cemetery R11653

Location:	<i>Whitham Street, Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>R11653</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>4 December 2013</i>
Author:	<i>Terry McCaughan/ Robert Staniforth-Smith</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>Whitham Street Plan</i>

SUMMARY

Council at the August 2013 meeting, item 8.1.2, resolved;

"Moved Cr Walker Seconded Cr Biddle

- 1. That Council agree to the proposed closure of a portion of Whitham Street and have that land incorporated within the Cemetery Reserve 11653; and*
- 2. That Council advertise the proposal for public consultation.*

BACKGROUND

The proposal was advertised in the West Australian newspaper as required.

COMMENT

Under Section 58 of the Land Administration Act 1997 a formal advertising period of thirty five (35) days in a newspaper circulating within the State is required, this advert was placed and the closing period ended on 28 November 2013. No objections were received and there are no public utilities in the area under consideration.

Copy of plans attached as a reminder of action intended.

CONSULTATION

Public advertising period held.

STATUTORY OBLIGATIONS

Compliance with the Land Administration Act 1997 and procedures.

POLICY IMPLICATIONS

“W.02 Preservation of Gazetted Roads” – the intent of this proposal complies with the policy.

BUDGET/FINANCIAL IMPLICATIONS

Costs to be provided in the 2013/14 Budget.

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 8.1.4

MOVED: Cr Oversby

SECONDED: Cr O’Hare

That Council make a request to the Minister for Lands under Sec 56 of the Land Administration Act 1997 to cede a portion of Whitham Street; and

- 1. That Council advise the Minister for Lands under Sec 58 of the Land Administration Act 1997 it seeks to amalgamate that portion of road with Reserve 11653; and**
- 2. That Council indemnify the Minister under Sec 56 (4) of the Land Administration Act 1997.**

Carried by Absolute Majority 8/0

Res 171/13

8.1.5 Railway Parade – Reconstruction Layout

Location:	N/A
Applicant:	
Disclosure of Officer Interest:	None
Date:	12 th of December, 2013
Author:	John Eddy/Rob Staniforth-Smith
Authorizing Officer:	Alan Lamb
Attachments:	Railway Parade Proposed Layout

SUMMARY

This item is to accept the proposed concept plan for the Railway Parade re-construction.

BACKGROUND

The Shire of Boyup Brook is spending \$160,000 of its 2012-2013 CLGF allocation on the re-construction of Railway Parade. The work is required to repair the pavement where the stormwater drainage was constructed, repair existing old stormwater drainage, replace kerbing, reconstruct and seal (the primer seal of a two coat chip seal) the pavement and line mark and delineate parking bays including a caravan bay on the north side of Railway Parade and a Acrod bay outside of the Post Office. The full extent of Railway Parade will not be able to be reconstructed for the \$160,000; however we envisage doing from Dickson St through to Inglis St in Stage 1.

COMMENT

Railway Parade has been in need of a new pavement for many years and following the installation of the stormwater drainage and the availability of the CLGF funding, sufficient funds have been obtained to do this work.

CONSULTATION

CEO, Alan Lamb

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.1.5

MOVED: Cr Biddle

SECONDED: Cr Walker

That the proposed Railway Parade layout be accepted.

Carried 8/0

Res 172/13

8.2 FINANCE

8.2.1 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>5th December 2013</i>
Author:	<i>Carolyn Mallett – Finance Officer</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 15 November 2013 to 29 November 2013.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

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

12. Payments from municipal fund or trust fund

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

13. Lists of accounts

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

POLICY IMPLICATIONS

Council's Authority to Make Payments Policy has application.

BUDGET/FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2012/13 or authorised by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.1

MOVED: Cr Imrie

SECONDED: Cr Walker

That the list of accounts paid in November 2013 as presented totalling \$460,784.09 and as represented by cheque voucher numbers 19402-19425 totalling \$68,588.66 and accounts paid by direct electronic payments through the Municipal Account totalling \$392,195.43 be received.

Carried 8/0

Res 173/13

8.2.2 Monthly Statements of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	5 December 2013
Author:	Consultant–Darren Long
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Financial Reports

SUMMARY

Report recommends Council receive the Statement of Financial Activities and the Net Current Assets for the month ended 30 November 2013.

BACKGROUND

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

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

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

The various data are included as separate attachments.

COMMENT

It is a statutory requirement that the Financial Activities Report be presented for every month.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, s34 (1) (a)

Local Government (Financial Management) Regulations 1996, s34 (2) (a)
(b)

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As listed on the attached reports

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.2

MOVED: Cr Oversby

SECONDED: Cr Walker

(a) That the November 2013 Monthly Statements of Financial Activity and Statement of Net Current Assets as presented, be received.

(b) That the amounts listed as material variances be authorised.

Carried 8/0

Res 174/13

Impartiality Interest

Cr Biddle declared an impartiality interest in the following item due to being a friend with the applicant, as ex-students and adults.

8.3 CHIEF EXECUTIVE OFFICER

8.3.1	Caretakers Dwelling Lot 214 Doust Street
--------------	---

Location:	<i>Lot 214 Doust Street</i>
Applicant:	<i>M Blechyndan & W Tuckett</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>3rd December 2013</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>1 Location Plan</i> <i>2 Site Plan</i>

SUMMARY

This report is to consider a planning application for a caretaker's dwelling on Lot 214 Doust Street Boyup Brook.

The application is supported subject to conditions.

BACKGROUND

The subject land is Lot 214 P153719 Doust Street. It has an area of 2 hectares and it is situated on the southern side of Doust Street near the intersection of Jayes Road. The subject land has been developed for industry having an old timber mill building which has been used for the past twenty years.

The application is to use part of the existing building as a caretaker's residence and the application states that:

Our portable sawmill has enabled us to cur large quantities of fallen timber from various locations throughout the Shire, and to store it in the shed. We plan to value-add to the timber by continuing to convert it into fine furniture.

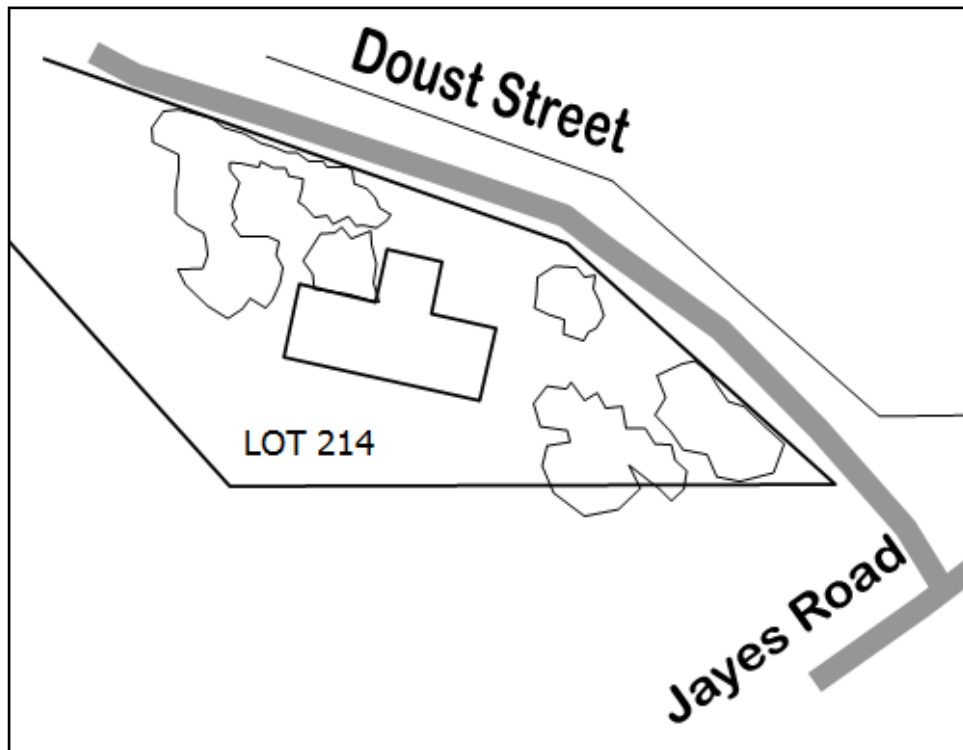
We believe this to be a win-win situation for us, and the Shire:

- We have both lived in Boyup Brook all of our lives, and plan to stay. This would help secure our future and it assures the community of a family*

- *We have plans to extend the business, and perhaps in the future, to apply to further modify the building to cater for a variety of other possible uses e.g. show-room for local products; trade area, this could well be an attraction for other families.*

An Application for Planning Approval is attached, as is a sketch showing the location of the proposed Caretaker's Lodging. We understand that, should our application be successful, we will then need to make a Building Application which needs to conform to the Shire's building code.

The existing building is situated on the eastern portion of the site and setback approximately 20m from Doust Street as shown below.



The proposed caretaker's residence will be in the front portion of the building. No detailed layout plans have been submitted.

CONSULTATION

None

STATUTORY OBLIGATIONS

Town Planning Scheme

The subject land is zoned 'Light Industrial' in Town Planning Scheme No.2.

A "caretaker's house" is an (IP) use in the Light Industrial zone. An (IP) use is a use that is not permitted unless such use is shown to be incidental to the predominant use of the land as may be determined by Council.

A "Caretakers House" means a building or part of a building used as a residence by the proprietor or manager of an industry, business, office or recreation area carried on or existing on the same site.

Clause 5.5.2 describes the Light Industrial Zone is intended primarily for a wide range of industrial activities that are not of a scale or intensity that would be regarded as General Industry. Light Industrial activities are those which would not be detrimental to the local amenity of the area and which would not cause nuisance by way of noise, smell, dust, vibration or unsightliness.

COMMENT

There can potentially be issues with caretaker's dwellings in industrial areas especially when they might be subject to noise, dust traffic etc which would not otherwise be acceptable in a residential area.

This is a single industrial property with special rural lots on the northern side of Doust Street. Hence the owner / occupier can control any likely issues. Conversely the proposal is likely to facilitate the development of a business in the town site and hence should be supported.

Potentially the main issue with the application will be the works required to make that part of the building which is intended to be occupied conform with the Building Code of Australia. Council has no discretion in relation to this and it will be determined through the Building Licence application.

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

Council's adopted fee for a Single Dwelling where Planning Approval is required is \$117.

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 8.3.1

MOVED: Cr Walker

SECONDED: Cr Oversby

That Council approve the use and development of a caretaker's dwelling on Lot 214 P153719 Doust Street subject to the following conditions:

- 1. Prior to construction commencing plans of the proposed dwelling and a site and internal layout plan drawn to scale and dimensioned shall be submitted to and approved by the Local Government.**
- 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. 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 175/13

8.3.2 NBN Facility Lot 1 Henry Street Boyup Brook
--

Location:	<i>Lot 1 D18968 Henry Street</i>
Applicant:	<i>NBN Co Ltd</i>
File:	<i>A10176</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>3rd December 2013</i>
Author:	<i>Geoffrey Lush (Council's Consultant Planner)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>1 – Site Plan</i>
	<i>2 – Elevation Plan</i>

SUMMARY

The application is for a NBN facility (new mobile phone base station) at Lot 1 Henry Street Boyup Brook.

The development will include a 60m high lattice tower and ancillary components at ground level within a 176m² security compound.

The subject land is within the defined flood plain and the development is being designed accordingly.

The Application is supported subject to conditions.

BACKGROUND

The subject land is Lot 1 D18968 Henry Street which is a freehold property owned by Council. The site is irregular in shape and has a total area of approximately 3.55 hectares. Access to the site is via a gravel track which leads off from Railway Parade.

The site abuts the Shire Depot and is currently occupied by the town drainage dam while the balance of catchment with some degraded vegetation.

The application is sought for the use and development of a telecommunications facility as shown on the plans contained in Attachment 1. The facility will be situated on the northern side of the dam, in proximity to the creek.

The facility will comprise of a 60m high lattice tower and ancillary components, including two outdoor units, enclosed within a secure compound which measures approximately 176m² in area.

The proposed facility will feature a headframe at the top of the lattice tower accommodating four (4) panel antennas. Three of which will measure approximately 1077mm x 300mm x 115mm and the fourth panel antenna will measure approximately 1180mm x 300mm x 115mm. In addition, one (1) parabolic dish antenna having a diameter of 600mm will be installed on the lattice tower at a height of approximately 40m.

This site will be linked via a parabolic antenna to equipment to be installed on the existing Telstra mast at Lot 5241 Stanton Road. The NBN Co equipment to be installed on the Telstra mast is then linked to a facility in Bridgetown which feeds into the wider network.

The Telstra mast itself however, is not located close enough to the town site in order to provide an adequate service for NBN purposes and as such this facility is required to provide coverage to the premises of Boyup Brook.

The NBN is a high speed broadband network that is intended to utilise a combination of optical fibre, fixed wireless and satellite technology to offer advanced broadband services to premises across Australia. As part of the progressive roll out, these improvements to broadband services will ultimately deliver benefits to various areas such as business, education, entertainment and health.

Fixed Wireless is like a fixed broadband service, but delivered over the air instead of through a fibre optic cable. It provides broadband services over the air from a radio network base station to an antenna and network equipment installed at your home or business.

In preparing the application a number of alternative sites were investigated. The application states that the reasons for selecting this site are as follows:

- The proposed site has been particularly targeted to provide the optimal required quality of service as required by NBN Co to the town site and immediate surrounds of Boyup Brook;
- In the absence of feasible co-location options the candidate was considered the most suitable from a town planning perspective. The site is located in a rural area surrounded by predominantly rural land uses;
- The site provides sufficient spatial separation from sensitive land uses with the nearest dwelling located approximately 260m southwest of the proposed site;
- The facility is well separated from any main roads in the area; and
- The existing vegetation on site and the high perimeter earth walls of the reservoir will provide effective screening of the base of the proposed facility.

COMMENT

The development of Telecommunications Infrastructure is governed by State Planning Policy 5.2 Telecommunications Infrastructure which states that

The importance of telecommunications services in Western Australia is recognised in the Western Australian Planning Commission's State Planning Strategy (1997), which advocates the provision of an effective state-wide telecommunications network in a manner consistent with the State's economic, environmental and social planning objectives.

Modern telecommunications are an essential and beneficial element in the life of communities and in the State and national economy. New communications technology is rapidly advancing and being developed to meet the growing demand for better communication at home, in business, health and welfare and in public services. For opportunities and benefits to be realised it is important that appropriate and adequate telecommunications infrastructure is provided and that it is available to all on a cost-competitive basis

The Policy sets out the matters to be submitted with an application and to be considered by Council. These primarily relates to ensuring a balanced approach between environmental (visual) issues and community need for the service.

The following principles from the Policy are considered to have been addressed in the application:

- The proposed facility will provide an effective and efficient mobile telephone network that has been located and designed to meet the communication needs of the community.
- The proposed facility has been located in a Rural location, away from residential dwellings.
- Telecommunications infrastructure has been strategically planned and co-ordinated, similar to planning for other essential services.
- The proposed facility has been designed and sited to minimise any potential adverse visual impact on the character and amenity of the surrounding area.
- The proposed facility has been designed to minimise adverse effects on the natural environment and the amenity of users or occupiers of adjacent property, and complies with the health and safety standards.

The proposed facility will comply with the Australian Communications and Media Authority regulatory arrangements with respect to electromagnetic energy (EME) exposure levels.

The proposal is not located within the vicinity of major residential areas or sensitive land uses, as the predominant land use in the locality is rural. Although the facility will be visible from the surrounding area, the site has been designed in a manner that takes into account the necessity of reducing any visual impact thereby minimising any adverse effect on the existing landscape of the surrounding area. The existing vegetation on site and high earth walls of the water reservoir will provide effective screening of the base of the proposed facility.

The proposal will have economic and social benefits to the town site. Access to high quality broadband is a necessary service in modern society. Initially, small to medium business customers accounted for a significant part of the demand for broadband technology, but broadband services have now been embraced by the general public. Usage of broadband services continues to widen as new technologies become progressively more affordable and accessible for the wider community.

The proposed development will provide significantly enhanced fixed wireless broadband coverage to the locality of Boyup Brook. This will be of particular benefit for business and residential properties in the locality.

Flood Prone Land

The only issue with the application is that the site is within the defined flood plain for the Blackwood River and Boyup Brook. The 1:100 year flood level is 187.46m AHD but the plans show the site elevation of 187m.

It can be argued that Clause 5.14 does not technically apply to the application as the facility does not have any buildings. If it did apply then the Council may not have the discretion to consider the application.

The flooding issue must still be addressed while noting the proposed alterations to Clause 5.14.

This has been discussed with the applicant and Council's Building Surveyor. There is no concern with the actual tower but the ancillary components are at ground level which includes the metering panel and outdoor cabinets (which house the electrical supply and hardware for the tower) could be adversely affected.

The proponent proposes that in order to provide a safe buffer from the flood level that the essential equipment will be raised a minimum of 300mm above the 1:100yr level to a height of 187.77 AHD. This will be located on an elevated platform which is less than 1m in height but it will allow for any water to pass through / under the supporting structure.

The design of this will be confirmed as part of the Building Licence application.

CONSULTATION

Applicant and Building Surveyor.

STATUTORY ENVIRONMENT

The Town Planning Regulations (Model Scheme Text) contains the following definition of telecommunications infrastructure.

Telecommunications infrastructure means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network.

This definition is not presently contained within Town Planning Scheme No 2, but Council is required to include it in any review of the Scheme. This is being done in Amendment No 15.

The closest definition which may be applicable for this application is a "Radio/T.V. Installation". This is defined as land and building used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.

The subject land is included in the Rural zone and a "Radio/T.V. Installation" is a discretionary (AA) use in the Rural zone.

Clause 5.1 of the Scheme states that in considering applications for subdivision, rezoning and planning consent in the Rural zone, Council shall have regard to:

- i) the need to protect the agricultural practices of the Rural zone in light of its importance to the District's economy;
- 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.

Clause 5.14 states that a building shall not be constructed on land defined by the Council as being liable to flooding or inundation.

Amendment No 15 (adopted 15th February 2013) proposes to replace Clause 5.14 with:

- 5.14.1 A person shall not carry out any development on land (or portion(s) thereof) identified as flood prone land, unless:

- (i) where no works have been carried out to protect the land from flooding, the floor of any dwelling or other habitable building is, or will be, raised a minimum of 50 centimetres above the 1 in 100 flood level, as determined by the local government, or where a 1 in 100 flood level has not been determined, above the maximum recorded flood level; or
- (ii) in any other case, the local government is satisfied that adequate measures have been taken to offset the likely effects of flooding on the development concerned.

5.14.2 In considering an application the local government shall have regard to:

- (i) the effect of the proposed development on the efficiency and capacity of the floodway to carry and discharge flood water;
- (ii) the safety of the proposed development in time of flood; and
- (iii) whether the proposed development involves any possible risk to life, human safety or private property in time of flood.

5.14.3 For the purposes of sub-clause 5.14.1 and 5.14.2, the local government may consult with, and take into consideration, the advice of the Department of Health or the Department of Water, in relation to the delineation of floodways and flood prone land, the effect of the development on a floodway, and any other measures to offset the effects of flooding.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

The provision of broadband services to the town site has significant strategic benefits for the local community.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.2

MOVED: Cr Kaltenrieder

SECONDED: Cr Biddle

That Council approve the use and development of Lot 1 D18968 Henry Street Boyup Brook for the purpose of Telecommunications Infrastructure subject to the following conditions:-

- 1. Prior to the commencement of the development hereby approved, the plan submitted with the application shall be modified by means of showing the ancillary components at ground level being raised above the 1:100 year flood level. These modifications shall be to the requirements and satisfaction of the Council and an endorsed copy of this plan shall form part of the approval.**
- 2. The facility compound shall be designed and maintained so as not to impede or restrict drainage or flood flows across the land.**
- 3. 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.**
- 4. Internal access within the site shall be to the requirements and satisfaction of Council.**
- 5. 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 176/13

Item 8.3.3 was withdrawn by the Chief Executive Officer as adjustments need to be made to the Draft following the consultant's workshop with Council .

8.3.3 Town Site Strategy

Location:	<i>Town site</i>
Applicant:	<i>Council</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12 November 2013</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>1 Strategic Community Plan</i> <i>2 Draft Strategy Recommendations</i>

SUMMARY

This report is to consider the preparation of the Boyup Brook Town Site Strategy.

A summary of the draft Strategy was distributed at the last Council Meeting.

It is recommended that Council adopt the Town Site Strategy with modifications and that it be submitted to the WAPC for consent to be advertised.

BACKGROUND

Under the provisions of the Planning and Development Act 2005, Council is required to review the Town Planning Scheme every five years. Town Planning Scheme No 2 was gazetted on the 7th November 1997 and no formal review of its operation has occurred.

In undertaking the review Council must submit a report to the Minister and either:

- Resolve to prepare a new Town Planning Scheme; or
- Consolidate the current Scheme.

Inherent in this process is the preparation of a Local Planning Strategy. The Local Planning Strategy for Boyup Brook will comprise of the approved Rural Strategy and the Town Site Strategy.

Councilors conducted a town site inspection in February last year which raised a number of issues that have been subsequently investigated. Progression of the Strategy has been delayed due to the need to complete the review of the Planning Scheme and preparation of Amendment No 15.

In addition significant time has been spent on the structure plan provisions and the introduction of the statutory provisions through Amendment 14 in association with the structure plan for Hilder's property.

CONSULTATION

- Department of Planning;
- Landowners;
- Council officers and other consultants; and
- Various government departments

STATUTORY OBLIGATIONS

Planning and Development Act 2005 and associated regulations.

The Regulations require that Council shall prepare a Scheme Report in the form of a Local Planning Strategy. A Local Planning Strategy shall:

- (a) set out the long-term planning directions for the local government;
- (b) apply State and regional planning policies; and
- (c) provide the rationale for the zones and other provisions of the Scheme.

The draft Strategy is to be forwarded to the Planning Commission which will examine in terms of the above and shall grant consent for it to be advertised for public comment. The advertising process is the same as for an amendment.

COMMENT

Council's Town Site Committee is meeting to examine the draft Strategy and recommendations.

- 1 Examine and apply the outcomes, objectives and priorities from Council's Strategic Community Plan 2013 – 2023.
- 2 Review the proposed Strategic Sites.
- 3 Articulate the vision for the two Town site Expansion Areas.
- 4 Review the Strategy Plan / Land Use Map.

1 Strategic Community Plan 2013 – 2023

The outcomes, objectives and priorities from the Strategic Community Plan are shown in Attachment 1. The task is to then complete the table by including the planning implications for the Town site Strategy. The previous recommendations for the Town site Strategy as contained in Attachment 2 also need to be allocated into the Outcomes Table.

In doing this it must be remembered “who” the recommendation is intended to target i.e. Council; landowners; government agencies; developers etc. The “how” will the recommendation be implemented will most likely be as a change to the planning scheme or the review or preparation of a Council policy.

The Strategic Community Plan identifies the following Key Challenges and Risks:

- Economic capacity;
- Community safety;
- Road Infrastructure safety;
- Preservation of essential community services; and
- Increasing number of people over 65.

The Vision is “Growing our Community Together” in order that the Shire will be:

- A place for people, with a sense of community, one that is active, vibrant, engaged and connected.
- A place that is safe and secure.
- A place that nurtures its youth and aging population; and retains its health and medical services.
- A place that grows and has employment opportunities, through commercial diversity, which is based on our local comparative advantage.

The Aim is “To build a safe, caring and secure community, and grow the population through lifestyle choices, commercial and employment diversity.”

Goals and Visions have then been developed for:

- Social Development;
- Natural Environment;
- Built Environment; and
- Economic Development.

2 Review the proposed Strategic Sites.

The draft Strategy Plan identified the following strategic sites which need to be reviewed and confirmed or deleted or new ones included.

1 Jayes Road UCL

This land is UCL but included in Special Rural Zone No 1. It has areas of remnant vegetation and forms the entrance to the town site from the north. Parts of this land may also be required for extensions to the adjoining cemetery.

2 Lot 35 Banks Road

This land was identified in the Industrial Sites Study as a potential location for a small light/service industrial estate. However given the site's location on the entrance to the town it may also be suitable for other development and in particular tourist accommodation facilities.

3 Railway Parade

The old railway station site has an area of approximately 4 hectares and is a formal Railway Reserve. Approximately half of the site is within the 1:100 yr flood plain. The area immediately adjacent to Railway Parade could potentially be used for a variety of purposes including parking for large vehicles and tourists with caravans.

4 Lot 1 Forest Street

This land is owned by Council as a freehold lot with an area of 0.3785ha. It has been identified as a potential site for aged accommodation units. It is also the largest vacant lot within the main town centre and is also flat. As such it has potential for other commercial and town centre uses and should be zoned as a special use site.

5 Lot 42 Connelly St

This land is privately owned but is land locked as it is situated between the rail line reserve and the creek. Its current "rural" is an anomaly. As it is flood prone it has no development potential and could be included in the adjoining recreation reserve.

6 Lot 336 Jackson St

This land is owned by Council and contains the Flax Mill and caravan park. The majority of land is within the flood plain. The Special Use zoning could be expanded to provide more flexibility.

7 Lot 186 Gibbs Street

This land is part of the Guided development Area and is predominantly cleared. The current Guide Plan shows access to Bridge Street but this does not extend to the south or connects with Lot 710. The location of the site opposite the nursing home may create opportunities for mixed housing densities subject to suitable effluent disposal. It may also be suitable for tourist facilities.

3 Town site Expansion Areas

The Strategy needs to identify the specific types of development for each expansion area i.e.

- TEA (1) is identified for long term residential growth which would be connected to reticulated sewerage;
- TEA (2) is identified for rural residential development. The gross density for TEA (2) should reflect the capability of the site to accommodate on site effluent while smaller lots may be acceptable where the average density is maintained.

4 Strategy Plan / Land Use Map.

The Strategy Plan illustrates the primary land uses which are intended for different areas of the town site. The Plan is intended to be an indicative representation of the issues and policies that are described within the report and to provide an overview of land uses.

The Strategy Plan is not a “zoning” plan but it is expected that individual components provide some justification to rezoning that land under the Scheme.

A plan will be distributed at the meeting showing the differences between the Strategy Plan and the current zoning plan.

POLICY IMPLICATIONS

The Town Site Strategy will provide the guiding framework for the review of Council’s policies.

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

The preparation of the Town Site Strategy is an important review of Council’s policies and development issues within the town site. It will provide the strategic framework and justification for further amendments to the Scheme and proposed developments.

SUSTAINABILITY IMPLICATIONS

The Town Site Strategy must address sustainability issues.

Various State Planning Policies contain the sustainability principles and considerations which apply to planning for urban growth and settlement in Western Australia. The overall aim of the policy is to facilitate sustainable patterns of urban growth and settlement by setting out the requirements of sustainable settlements and communities and the broad policy in accommodating growth and change.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 8.3.3

- 1 That Council adopts the Town Site Strategy with the following modifications:

- 2 That the Town Site Strategy be referred to the West Australian Planning Commission for consent to be advertised.

8.3.4 Inglis Street Assessment – Boyup Brook Primary School
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Location:	<i>Shire wide</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	
Disclosure of Officer Interest:	<i>The author lives in a Shire owned house in Knapp Street and his granddaughter attends the Primary School</i>
Date:	<i>3rd December 2013</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Copy of engineer's report</i>

SUMMARY

The Council requested Chief Executive Officer to investigate and provide a report for the safety concerns and standards of Inglis and Barron Streets, in the area adjoining the Boyup Brook Primary School.

A report has been completed and this agenda item seeks the Council's endorsement of the recommendations.

BACKGROUND

HOWSON Management was engaged by the Shire of Boyup Brook to undertake an assessment to report on possible improvements for school traffic (both vehicles and pedestrian) for Boyup Brook Primary school, on Barron and Inglis Streets in Boyup Brook Townsite.

The basis of this report is to determine the immediate remedial works to improve the current situation, and the longer term works for the Council to consider for future planning.

Also included in the scope is to investigate the possible extension of Inglis Street through to the unmade road reserve to intersect with Knapp Street.

COMMENT

The report has a number of recommendations for the Council to consider. After completing the report, the consultant met with the CEO and it was agreed that the recommendation, relating to access to lots facing the unconstructed portion of Inglis Street, should be modified by extending the proposed access construction to the large lot, that also faces Bridge Street.

This would facilitate the subdivision of this lot without adding to the number of crossovers in Bridge Street (a traffic and safety factor). It would also encourage the subdivision of this lot, which is desirable from a planning perspective in that infill development is less expensive for service providers. The lot is over 5000m² and so should be capable of division into 5 lots. It is close to the two primary schools, the business area, medical facilities and the like and so may offer an opportunity to attract new residents to town.

With regard to foot path improvements in Inglis Street near the Primary School, officers have lodged an application for dual use path funding. The Long Term Financial Plan includes expenditure of \$50,000 on this section of path in 2014/15.

CONSULTATION

Consultation has been held with:

- Chief Executive Officer
- Manager Works and Services

STATUTORY OBLIGATIONS

The Local Government Act 1995 states that the Local Authority has care, control and maintenance over the road reserves within its Shire. In regards to Inglis Street Assessment Report, the 2 items which the Shire of Boyup Brook needs to address, or obtain legal advice for, are:

1. The access (stairs and ramps) to Boyup Brook primary school being within the road reserve on Inglis Street.
2. St Mary's Primary School oval and other assets encroaching into the Inglis Street Road Reserve.

POLICY IMPLICATIONS

There are no known policy implications at the time of the report.

BUDGET/FINANCIAL IMPLICATIONS

Estimates have been prepared and listed in the report. It is recommended the Chief Executive Officer make budget allowance for these issues in the 2014/15 budget for the Council to consider.

STRATEGIC IMPLICATIONS

2008-2013 Strategic Plan – Planning for the Future

Critical Success Factor:

Establishment of sound management practices and a structure which will enable the delivery of the Strategic Plan

Action:

Review required Council services and service delivery (managerial priorities) of current and future strategic major works.

Action 102: Maintain and enhance rural roads through the Shire.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 8.3.4

1. That the Council endorses the following recommendation from the Inglis Street School Assessment Report:

Issue 1

That the footpath be widened to 2.1m on Inglis Street in front of the School. This will include consideration for handrails and new steps to the school entrance.

Issue 2

Inglis Street is too narrow to have a formal bus stop in front of the Primary School. The Shire should not allowing school bus parking on Inglis Street.

Issue 3

No kerbing on Inglis Street - this should be addressed when replacing the footpath.

Issue 4

When replacing the footpath, the Chief Executive Officer should approach the primary school to construct the correct turning radii to the entrance to the School Carpark. Also one way signage should be installed opposite the Carpark entrance.

Issue 5

The Lemon Scented Gum trees on Barron Street should be removed.

Issue 6.

The Shire should consider constructing a bus set down and collection bay on Barron Street.

- 2. That the Council endorses the following recommendation from the Inglis Street School Assessment Report, in regards to the extension of Inglis Street to Knapp Street:**

To construct access way and close part of the road reserve. The access way should provide sealed access to Inglis Street for lots 5, 6, 7, 8 and 211.

- 3. That the Chief Executive Officer prepares final costing estimates for the recommendations above and include long term planning review as part of the 2014/2015 budget development.**

AMENDED OFFICER RECOMMENDATION – Item 8.3.4

MOVED: Cr Biddle

SECONDED: Cr Walker

The Chief Executive Officer put the following amended recommendation to Council in recognition of the need to consult with the two primary schools:

That:

- 1. Council receive the attached report, and**
- 2. The Chief Executive Officer seek comment from the two primary schools and report back to Council**

Carried 8/0

Res 177/13

Council Decision

MOVED: Cr Biddle

SECONDED: Cr Walker

That:

- 1. Council receive the attached report, and**
- 2. The Chief Executive Officer seek comment from the two primary schools and report back to Council**

Carried 8/0

Res 178/13

8.3.5 Heated Multi-Purpose Therapeutic Pool – estimates of costs and impact on rates

Location:	<i>Shire Swimming Pool Complex</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>5 December 2013</i>
Author:	<i>Alan lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Copy of letter from the community committee, past reports to Council on the matter of a heated lap pool, spread sheet setting out calculations of capital and ongoing costs (all less GST) plus support material, Shire of Bridgetown/Greenbushes draft report on its proposed pool facility.</i>

SUMMARY

The purpose of this report is to bring the matter back before Council with the results of the “in-house” cost and rate impact estimates to seek clarification on the next step to meet the requirements of Council’s June 2013 resolution.

BACKGROUND

The following recommendation was put to the April 2009 Council meeting and Council resolved as follows:

That Council:

Rejects the Boyup Brook Swimming Club’s proposal to build a heated lap pool at the Boyup Brook Swimming Pool Complex.

OR

Agrees to look further at the Boyup Brook Swimming Club’s proposal to build a heated lap pool at the Boyup Brook Swimming Pool Complex and manages and meets the cost (estimated to be \$10,000) of doing this.

COUNCIL DECISION – ITEM 7.3.6

That Council agrees to look further at the Boyup Brook Swimming Club's proposal to build a heated lap pool at the Boyup Brook Swimming Pool Complex and manages and meets the cost (estimated to be \$10,000) of doing this subject to budgetary considerations for 2009/2010 year.

Council passed the following resolution at its June 2013 meeting:

That the CEO be directed to clarify exactly what's being requested by the HMTLP committee, and then to provide a report to the December, 2013 meeting of Council in which:

- ***information on alternative configurations and methods of heating is provided***
- ***cost estimates of the capital and operational costs of each are stated***
- ***possible methods of funding are explored and provided***

That the report be made available to ratepayers.

That ratepayers' are given an opportunity to express their opinion on the matter before Council deals any further with it.

COMMENT

As will be seen from the attached letter from the Heated Multipurpose Therapeutic Pool Committee (HMTPC), was prompted by the Council resolution to put forward its request. In so doing the first part of the resolution, that is "the CEO be directed to clarify exactly what's being requested by the HMTLP committee", was met.

Council and the HMTPC jointly funded (\$10,000 in total) a Feasibility Assessment and Business Case which was completed in March 2009. In many ways the June resolution set the same task to be conducted but without providing the funding for external assistance with it. Instead Council allowed six months for the task to be completed in-house.

The March 2009 report was based on a year round operation and so included estimates of additional income for the months where the facility might otherwise be closed. It will be noted that the HMTPC has now specified that the new facility would be open only during the normal pool season. It is expected that the new facility, open only during the pool season, might attract new customers to the pool but that their number would be relatively low, and so no estimate has been made for additional income. The 2013/14 budget projected income of \$17,200 for daily admissions and \$21,100 for season tickets, a total of \$38,300. To put things into perspective, a 25% increase in patronage would amount to in the order of less than \$10,000, which is not significant compared to the costs, and it could be argued that additional income from new customers might be less than 25% on the current projections.

The March 2009 report figures have been incorporated into the cost estimates with a deduction of additional labour and other costs for the winter operation, plus an allowance for inflation to match the new cost estimates which are in 2013 dollars (and do not include GST).

It has been established that the main funding body for sporting facilities, Department of Sport and Recreation, would not fund an additional pool facility, also that the expected capital cost, based on experience of other municipal pool constructions, was in the order of \$1m. In the absence of significant grant funding Council would need to look to loan funding. The ball park construction cost figure also puts the March 2009 report's construction cost estimate, of \$540,000 for the total construction costs, including the enclosure, into doubt.

The entity that provided the consultant with pool construction costs for the 2009 report was purchased by another company and this company was approached for revised quotes. The quotes are as follows:

- \$813,913 for a 25M by 7.5M by 1.2 to 2m concrete construction
- \$457,393 for a 25m by 5m by 1.5m fibreglass construction (using a stock mould)
- \$653,399 for a 25m by 7.5m by 1.2 to 2m (using a purpose made mould with the cost of the mould spread between this and other jobs they do)

It should be noted that these prices do not include all of the necessary costs but are comparable with the \$97,700 contained in the 2009 report, further adding to the doubt about the earlier costings.

Taking the current Shire of Bridgetown/Greenbushes new pool costs for comparison, it is noted that a 25m by 8 lane pool (2.5m lanes) is expected to cost \$1,121,000 including filtration (\$643,200 for the bowl and \$400,000 for the filtration equipment) but excluding heating and auto chemical dispensing. This compares to a 50m by 6 lane pool (2.2m lanes) at \$1,368,200. No detail of depth was provided but based on a depth of 1.5M the cost per square meter of swimming space is \$1,495 for the 25 m pool and \$1,382 for the 50 metre pool, indicating that a pool half the size would not be half the cost (which is logical because some of the costs will not be unit sensitive, such as mobilisation, accommodation and the like). But using the Bridgetown estimates it would be reasonable to assume that a 25m by 3 lane concrete pool would cost at least \$420,375 further casting doubt on the 2009 cost estimate of less than \$100,000.

Cost estimates include an allowance to meet disability access and inclusion requirements that are expected to be triggered by the proposed new work.

Loan cost estimates are based on quotations from Treasury Corporation.

With regard to “alternative configurations and methods of heating”. It was assumed that this referred to the heating only however, the quotation for the pool includes different materials (concrete and fibreglass) and slightly different sizes. No work was done on alternative enclosures because of time constraints and the fact that the HMTPC appeared to favour the dome construction because it appeared to require little maintenance. Also, we already had a quote for this (an updated quote was requested in October 2014 but it has not been supplied as yet).

There appear to be a number of different heating options. The consultant engaged a firm to compare the running costs of heat pumps, electric heaters, domestic oil heaters and gas, and included the results in the 2009 report. Based on this the consultant recommended heat pumps as being the most economical. Solar heating was discounted because the brief was to heat the water all year round. The capital cost for the heat pumps, as shown in the report, was less than \$30,000 and it has been suggested that these would be domestic units at this price, and that commercial quality units would cost more in the region of \$100,000. In looking at the best type of heating for summer use, solar units, because of their minimal electrical draw (limited to a pump) became a practical option. The solar heaters looked at are similar to the solar hot water systems to look at. They are sealed systems that heat the pool water via heat exchangers (in a similar manner to the way that fresh water cooled marine engines work). These would cost between \$75,000 and \$99,000 and so the capital cost is comparable with commercial heat pumps.

Addressing “possible methods of funding are explored and provided”, as stated, the main State Government funding provider has advised there would be no grant funding for an additional pool. This leaves only loan funding, using reserve funds and community contributions. The cost work done has been based on 100% loan funding using current Treasury Corporation rates. Using reserve funds could be an option but the cost of doing this will be comparable with the loan rate (i.e. interest income foregone). Treasury Corp loans are for a maximum of 20 years but the loans can be structured over a longer period with a balloon payment at the end of the 20 years. There is the option of renegotiating a new loan, for the remaining debt, at the end of the 20 years. It was noted that some of the assets to be acquired may not last more than 20 years and so any loans should be over 20 years or less. Also it was noted that there was not a significant difference between the annual repayment costs (Treasury quoted different rates for the same amount over different terms despite the common repayment period, possibly due to rate fluctuations at the time the indicative repayment schedules were drawn up, and this accounts for some of the variation in the total interest cost) the following is given as an example and is based on the concrete pool option:

loan	loan term	annual repayments	balloon payment	interest cost over 20 years
1,491,426	20	123,859	-	967,859
1,491,426	30	105,666	761,696	1,385,161
1,491,426	35	100,961	944,213	1,493,347
1,491,426	40	97,755	1,069,544	1,568,204

It is possible that the amount required to be borrowed would be less as the result of any community contribution but, using the cheapest construction costs option (construction cost \$1,108,504 and an annual cost of \$220,984) where the loan repayment would be in the order of \$92,000 per year, even if half the cost was donated (i.e. \$554,000) the annual cost would be still in the region of \$175,000 and require a rate increase of 8% per annum.

The following schedule sets out the loan impact, of each option looked at, on rates:

impact on rates	annual cost	% rate increase	\$ rate increase
2009 report	95,275	4%	95,275
option 1 Concrete pool	230,063	11%	230,063
option 2 Fibreglass pool 25mx5mx1.5m	220,984	10%	220,984
option 3 Fibreglass pool 25mx7.5mx1.2m to 2m	245,689	12%	245,689

In summary then, it is assessed that it would not be possible to build a concrete pool for the price indicated in the 2009 report so this scenario has been discounted. The cheapest up front and ongoing appears to be the smaller fibreglass pool.

It is expected that some will dispute some of the assumptions made and look to cheaper options but it is clear that without any external funding, other than loan funds, Council will be looking at \$200,000 plus per year to keep the proposed new facility, that is a 9% rate increase. This could be reduced by cash and in-kind contributions reducing the upfront costs, and so then the amount to be borrowed and serviced, but it is difficult to see how the annual cost could be brought below \$175,000 (8% rate increase).

The rate increase would impact dramatically in the first year and, looking at experiences of Manjimup and Donnybrook, Council may have to look as another rate hike further down the track or winding back pool operating hours.

Council set that “the report be made available to ratepayers”. And “That rate payers are given an opportunity to express their opinion on the matter before Council deals any further with it.”

The first part of this could be satisfied by the fact that the agenda and then the minutes are publically available, or Council could mail the material out to all rate payers, and there are a number of other options.

If Council wants to limit the feedback to ratepayers only then the only practical way of achieving this is a direct mail out to all ratepayers, with a survey and reply paid envelope. This would be followed by an analysis of the results and a report back to Council. This process could be done soon but there would be criticism if it were done over the holiday period so, practically, we are looking at February 2014 as the earliest start date. As reported previously the organisation lacks the capacity to keep on taking on new tasks and with the integrated planning, budget, town site strategy and the like there is no capacity to absorb this task, and so we would need to look to outsourcing it. Based on previous surveys, the cost would be in the order of \$5,000. There is no funding set aside for this task so Council would need to either look to identifying savings or allow the amount to be absorbed by the deficit or surplus at the end of the year.

It should be noted that the attached spread sheet contains a mix of quotes assumptions and calculations based on quotes. No one is infallible and so there may be errors in the sheet, however it should be noted that the quotations do set a reasonable ball park, the assumptions are made with more than thirty years' experience in building and managing municipal facilities and the calculations, based on hard data, are available for scrutiny. It is recommended that rather than waste time engaging in defending or debating the detail of the calculations Council accept and promote the information as a ball park assessment. The information can be made available to anyone who wishes to analyse it but, from an officer perspective, there will be no benefit in dealing further with this sort of preliminary planning. A defendable construction cost has been calculated and a considered and calculated ongoing cost has been arrived at. Together they clearly set the sort of costs Council would be looking at and should be enough to either move forward with the project or shelve it. The next stage, if moving forward would be to engage a suitably qualified and experienced person or firm to design and then accurately cost the work (both up front and ongoing). Then, if Council is agreeable, prepare tender or expression of interest details and then go through the tender or expressions phase to firm up costs and construction timelines.

It is recommended that Council:

- note that the cost to build will be in excess of \$1m that there will be no opportunity for significant grant funding for the project within the foreseeable future.
- that current finance forecasts are not conducive to the project commencing in the foreseeable future
- that the ballpark figure for a rate increase is too high to impose at this time.
- the project is not in any of the forward plans, including the Strategic Community Plan.

And resolve to maintain the status quo. Which is, as has been stated by past Shire Presidents, that the community group may build and operate a facility but Council will not contribute toward the up front or ongoing costs. It is suggested that this stance is in line with what clubs and other community organisations have done. That is using Shire land or an existing facility, and building and operating their desired facilities (examples are the pistol club, football club, tennis club craft group, etc. Council, in recent times, has provided some assistance to some groups but is not meeting 100% of the upfront and ongoing costs of their operations.)

Alternatively Council may wish to continue along the path set in June and put the matter out to ratepayers for their input. In any case some clear direction is needed. If Council wanted to defer the matter it could use the next year's rate assessment mail out to survey ratepayers, this would save on some of the costs.

CONSULTATION

This matter has been before Council numerous times over the past five years.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

No provision was made in the current budget for the required task or the consultations process to come. There is no provision in the long term asset or financial management plans to build an enclosed, heated lap pool.

The long term financial plan forecasts a deficit of \$74,738 this year and a deficit of \$53,217 in 14/15. The picture improves from 15/16 onward with a surplus of \$18,584 in that year, a surplus of \$234,738 in 17/18, a leap to \$492,339 in 20/2, and \$711,428 in 22/23. It clear then that it would be a struggle to introduce any new and big projects that did not stand alone financially, in the next few years but that there should be capacity later in the 10 years of the plan.

As the project will almost certainly entail some loan funds Council should be aware of its additional borrowing capacity (using the Treasury Corporation's calculator with details from Council's Long Term Financial Plan).

	PROPOSED ESTIMATES									
	2013/14 %	2014/15 %	2015/16 %	2016/17 %	2017/18 %	2018/19 %	2019/20 %	2020/21 %	2021/22 %	2022/23 %
INDICATIVE ADDITIONAL BORROWING CAPACITY										
Individual year's capacity without breaching NDR	\$2,295,635	\$2,419,192	\$2,400,140	\$2,441,200	\$2,871,840	\$2,778,670	\$2,854,975	\$3,086,618	\$3,370,161	\$3,506,523
Individual year's capacity without breaching DSC	\$1,688,256	\$1,575,448	\$2,117,057	\$2,098,482	\$3,312,259	\$3,789,813	\$3,070,242	\$3,457,820	\$4,837,703	\$5,162,887
Without breaching NDR during life of loan	\$2,295,635	\$2,400,140	\$2,400,140	\$2,441,200	\$2,778,670	\$2,778,670	\$2,854,975	\$3,086,618	\$3,370,161	\$3,506,523
Without breaching DSCR during life of loan	1,575,448	1,575,448	2,098,482	2,098,482	3,070,242	3,070,242	3,070,242	3,457,820	4,837,703	5,162,887
Indicative Additional Borrowing Capacity	1,575,448	1,575,448	2,098,482	2,098,482	2,778,670	2,778,670	2,854,975	3,086,618	3,370,161	3,506,523

It should be noted that the borrowing capacity is not cumulative so if Council takes out a \$1,575,448 loan out this year it would be limited to a loan of \$523,034 in 15/16.

It is strongly recommended that Council resist embarking on a project that is not in any of its forward plans especially where it will reduce the borrowing opportunities for planned projects and may impact on its operating viability. The proper course, if the project were to be favoured, would be to amend the forward plans so that the services and costs could be put into perspective.

STRATEGIC IMPLICATIONS

At the time Council made the resolution to call for this report the 2008 to 2013 Strategic plan was still in force and it provided as follows:

	DETAILS OF ACTIONS REQUIRED		TIME REQ'D	TARGET DATE	EST'D COST	RESP'BL PERSON
B L	PART B = Long Term – 2009 + PRIORITY = Low					
6 0 1	Action: Reason: Expected Outcome:	Installation of a 3-lane heated lap pool at the swimming complex Ref 202	To be estimated	Oct 2010	\$500,000	CEO Council

At the same meeting however Council adopted a new Strategic Community Plan 2013-2023 and received a Long Term Asset Management and Financial Management plan for the same period. There is no mention of a heated, indoor lap pool facility in the Strategic Community Plan or any provision for it in the other long term plans. In hindsight, Council should have been made aware of this.

SUSTAINABILITY IMPLICATIONS

The following relate to the recommendation but may not relate to a decision other than that.

- **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 unless authorising out of budget expenditure

OFFICER RECOMMENDATION – 8.3.5

That Council:

1. receive the report and
2. give direction as to its required course of action.

COUNCIL DECISION

MOVED: Cr Kaltenrieder

SECONDED: Cr Giles

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.

CARRIED 5/4 WITH SHIRE PRESIDENT'S CASTING VOTE FOR THE MOTION

Res 179/13

Cr Giles requested the votes be recorded.

For	Against
Cr Kaltenrieder	Cr Biddle
Cr O'Hare	Cr Walker
Cr Giles	Cr Imrie
Cr Oversby	Cr Aird

8.3.6 Boyup Brook Airfield – lease of a portion of the land
--

Location:	<i>Lot 2 Boyup Brook Kojonup Road</i>
Applicant:	<i>Paul Drayton</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>5 December 2013</i>
Author:	<i>Alan Lamb - CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>nil</i>

SUMMARY

The purpose of this report is to bring before Council the matter of a lease over a portion of the airfield site with the recommendation that Council delegate to the Chief Executive Officer, in accordance with section 5.43 of the Local Government Act, the power to lease a portion of the Boyup Brook Airfield to Mr Drayton.

BACKGROUND

The matter of Mr Drayton's interest in starting up a business in Boyup Brook at the Shire airfield has been before Council a number of times.

In June 2013 Council passed the following resolution:

That Council:

- 1. Allow Mr. Drayton immediate access to the airfield, and to occupy and improve, as agreed by the Chief Executive Officer, the existing hangar facility.***
- 2. Allow Mr. Drayton to site his 40 foot x40 foot hangar at the airfield in a location as agreed by the Chief Executive Officer.***

- 3. Advise Mr. Drayton that Council intends to work toward a suitable lease where the first few years will be at minimal rental to allow the business to establish.**
- 4. Advise Mr. Drayton that Council intends to look at what improvements it may be able to make to the airfield, and how it might fund these, as part of the 2013/14 budget development.**
- 5. Approve of up to \$5,000 to employ an entity to develop and cost the project, establish funding opportunities and the like for the purposes of having the relevant information to put before Council as part of the budget process.**

In November 2013 Council resolved as follows:

That Council:

- 1. Advertise, in accordance with section 3.58 of the Local Government Act, its intention to lease a portion of the Boyup Brook Airfield to Mr Drayton.**
- 2. Approve the provision for the airstrip re-sheeting work to be applied to airfield improvements.**

COMMENT

It was not possible to obtain a valuation, for the portions of land to be leased, in time for the intent to be advertised, for the prescribed 14 days, and then have the matter back before Council for this meeting. A firm has been engaged to provide valuations and it is hoped we will have them before the end of the month. However as there is no meeting until the February 2014 meeting, and Mr Drayton is keen to move faster than that, it is recommended that Council delegate to the CEO the authority lease 3 portions of the Boyup Brook airfield being 30m x 30m plots, with one containing the old hangar, to a value of no more than \$5,000 per annum each for a three year lease, to Mr Drayton subject to the process set out in section 3.58(3) of the Local Government Act being followed.

The Local Government Act provides for Council to make the requested delegation as follows:

5.43. *Limits on delegations to CEO*

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

- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*

It is expected that a three years lease for each 30m x 30m lot will not have a value exceeding \$5,000 per annum.

CONSULTATION

The matter has been before Council a number of times and the author has spoken with Mr Drayton.

STATUTORY OBLIGATIONS

Council may wish the details of negotiations and the like to remain confidential if so the following section of the Local Government Act has relevance:

5.23. *Meetings generally open to public*

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
 - (a) *all council meetings; and*
 - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (a) *a matter affecting an employee or employees; and*
 - (b) *the personal affairs of any person; and*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*
where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
and
 - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) *such other matters as may be prescribed.*
 - (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

The following section of the Local Government Act has relevance

3.58. *Disposing of property*

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
- (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;**and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*

- (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
- (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
- (d) *any other disposition that is excluded by regulations from the application of this section.*

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

The following section applies to delegations:

5.43. *Limits on delegations to CEO*

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

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

No provision was made in the current budget for lease income. Provision was made for \$23,317 for works associated with the proposed lease and \$60,160 was set aside for re-sheeting the runway.

STRATEGIC IMPLICATIONS

OUTCOMES	OBJECTIVES	PRIORITIES
Economic Growth	Build and support new businesses.	<ul style="list-style-type: none"> ✦ Encourage new businesses through information, incentives and land-use provision. ✦ Advocate for new business start-up support. ✦ Encourage business diversity through promotion of local comparative advantages. ✦ Examine potential for buy local campaign supported by local price preference policy.
	Promote commercial centre	<ul style="list-style-type: none"> ✦ Investigate development of the music park. ✦ Develop and implement streetscaping/landscaping plan. ✦ Investigate options to encourage owners of business houses to renovate shop frontages.
Increased Visitors and Residents	Develop tourism industry	<ul style="list-style-type: none"> ✦ Investigate development of cultural register. ✦ Support tourism capability through events, fairs, arts, produce, history and cultural experiences.
	Attract permanent residents	<ul style="list-style-type: none"> ✦ Promote the family friendly lifestyle of Boyup Brook.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
The new business that will be created by the proposed lease of land has the potential to bring more customers to food, retail and accommodation business in town.
- **Social**
The new business may foster off shoots and the like that may increase the town's population, resulting in more members for clubs and community organisations.

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.6

MOVED: Cr Walker

SECONDED: Cr Biddle

That Council delegate to the Chief Executive Officer the authority to lease 3 portions of the Boyup Brook airfield being 30m x 30m plots, with one containing the old hangar, to a value of no more than \$5,000 per annum each for a three year lease, to Mr Drayton subject to the process set out in section 3.58(3) of the Local Government Act being followed.

Carried by Absolute Majority 8/0

Res 180/13

8.3.7 Chief Executive Officer – Annual Performance Review
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Location:	<i>N/A</i>
Applicant:	<i>Chief Executive Officer</i>
File:	<i>P/F</i>
Disclosure of Officer Interest:	<i>The author has an interest in the matter in that it deals with his employment.</i>
Date:	<i>5 December 2013</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Nil</i>

SUMMARY

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

BACKGROUND

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

4. Performance Criteria and review

4.1 Performance Criteria

- (1) Within 3 months of the Commencement Date, the Council and You must negotiate and determine the Performance Criteria.
- (2) The Performance Criteria must be reasonably achievable by You.
- (3) You must use every reasonable endeavour to comply with the Performance Criteria.

4.2 Performance Criteria and review

Your performance under this Contract, must be reviewed and determined by the Reviewer –

- (a) by reference to the Performance Criteria;
- (b) at least annually; and
- (c) more frequently if the Council or You perceives there is a need to do so and, in that case, gives to the other party a Review Notice.

4.3 Selection of Reviewer

- (1) The Council, in consultation with You, is to determine, in respect of each review under clause 4.2 and 4.5 -
 - (a) who the Reviewer is to be; and
 - (b) whether the Reviewer is to be accompanied or assisted by any other person and, if so, the identity of that person.
- (2) For example, the Reviewer may be –
 - (a) the Council;

- (b) a committee to which the conduct of the performance review has been delegated by the Council under section 5.16 of the Act; or
- (c) a person or body who has been authorised by the Council to conduct the performance review.

4.4 Procedure

- (1) Subject to any alternative procedure agreed between the Council and You, a performance review under this clause must include the following procedures -
 - (a) You must give the Council at least one month's written notice of when Your performance review is required;
 - (b) the Council must decide, under clause 4.3, who is to conduct the performance review and must give You at least 10 working days' notice in writing of when the performance review is to be conducted and who is to conduct it;
 - (c) within 14 days after being given notice under paragraph (b), You must prepare a report assessing Your performance against the Performance Criteria, and give that report to the Reviewer;
 - (d) You and the Reviewer will discuss the process and timing of the performance review, which must include at least one interview session that provides for mutual discussion and feedback;
 - (e) You must ensure that You are available for the performance review as reasonably required by the Reviewer;
 - (f) You may be accompanied at an interview session by any other person nominated by You;
 - (g) within one month of the conclusion of the performance review, the Reviewer must prepare a report, in consultation with You, to be signed by both the Reviewer and You, that includes -
 - (i) conclusions about Your performance during the period covered by the performance review;
 - (ii) any proposal by either party to amend the Performance Criteria as a consequence of the performance review;
 - (iii) any directions or recommendations made to You in relation to the future performance by You; and
 - (iv) details of the extent, if any, to which You disagree with any statement in the report;
 - (h) if the Reviewer is not the Council, that report must then be submitted to the Council for consideration; and

- (c) it complies with the relevant taxation legislation and Australian Taxation Office rulings; and
- (d) there is no additional cost to the Shire.

Councillors met, behind closed doors, before the November 2013 briefing session to deal with the matter of the review and the Shire President provide the officer with a summary of the informal determination.

The determination now needs to go to a Council meeting for Council to accept the report with or without modifications or reject the report.

COMMENT

The report showed that the officer had performed to a satisfactory level.

CONSULTATION

The process included a self-assessment and Councillor Assessment.

STATUTORY OBLIGATIONS

Section 5.23 of the Local Government Act has application.

5.23. Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —

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

Section 5.38 of the Local Government Act provides as follows:

5.38. Annual review of certain employees' performances

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

Regulation 18D of the Local Government (Administration) Regulations provides as follows;

18D. Local government to consider performance review on CEO

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil, there was no review of salary because the new contract commenced and it included a higher remuneration level to that previously paid.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – 8.3.7

MOVED: Cr Walker

SECONDED: Cr O'Hare

That Council accepts the assessment of the CEO's performance as being satisfactory.

Carried by Absolute Majority 8/0

Res 181/13

8.3.8 Annual Report – 2012/13

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>FM/9/002</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>5 December 2012</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Draft Annual Report 2012/13</i>

SUMMARY

The purpose of this report is to present to Council the Annual Report for the year 2012/13 for acceptance.

BACKGROUND

The Local Government Act 1995 sets out the requirement for the preparation of Annual Reports and the information to be included:

- A report from the mayor or president;
- A report from the CEO;
- An overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
- The financial report for the financial year;
- Such information as may be prescribed in relation to the payments made to employees;
 - i) the number of employees of the local government entitled to an annual salary of \$100 000 or more;
 - ii) the number of employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000;
- the auditor's report for the financial year;
- a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
- such other information as may be prescribed.

Council is required to accept the Annual Report when presented with or without modification:-

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

** Absolute Majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

Local Government Act 1995 Section 5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

Local Government Act 1995 Section 5.29. Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving —
 - (a) at least 14 days' local public notice; and
 - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

CONSULTATION

Shire President, Auditor, consultant and staff.

STATUTORY OBLIGATIONS

Local Government Act 1995 Sections 5.53 & 5.54 Annual Report, Sections 5.27 & 5.29 Electors Meeting

Local Government (Administration) Regulations 1996 Section 19B

The following sections are included for information:

5.29. Convening electors' meetings

- (1) *The CEO is to convene an electors' meeting by giving —*
 - (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice,*

of the date, time, place and purpose of the meeting.

- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.*

5.30. Who presides at electors' meetings

- (1) *The mayor or president is to preside at electors' meetings.*
- (2) *If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors' meeting in accordance with that section.*
- (3) *If the circumstances mentioned in section 5.34(a) or (b) apply and —*
- (a) *the office of deputy mayor or deputy president is vacant; or*
 - (b) *the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,*

then the electors present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside.

COMMENT

The report presented has been prepared as it has in past formats and also in accordance with statutory requirements.

The first part of the Annual Report provides descriptive information on various operational activities as well as on various major capital works that occurred in the past financial year

The Annual Financial Report involves the statutory financial data, including the summary Statements, as well as more detailed Notes, and these are at the back of the Annual Report.

The Audit report was received late 5 December 2013 and so other reports that hang off this are being prepared. It is hoped that the full report will be sent out with the agenda this Friday however we may need to send some aspects next week.

As Council will be aware, the time lines for planning and reporting were pushed back this calendar year due to the introduction of the new computer system and the development of the required integrated planning. These large projects, together with other additional loads, including those associated with the CLGF, and other major grants, management, periodic reports and then acquittals, there has been no lull in which to catch up. The budget, integrated plans, and now the annuals, have and will meet the statutory deadlines they were finalised later than in past years. Before continuing, it should be noted that we still have the Corporate Plan to

finalise and get adopted but we not alone in this. Also there is some argument, put by others, that the legislation does not prescribe that this plan is completed by a certain date, it sets that:

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

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*

There is no suggestion that we should hold back on preparing and adopting the plan, on the contrary, it has been a priority and will remain so, but this is mentioned to put it into perspective. Getting back to the explanation, Council staff and our consultant are to be congratulated for putting the extra effort to meet statutory deadlines despite the heavy load. Council's auditor, Mr Tim Partridge and his AMD team, headed by Maria Cavallo, also prioritised the audit in order to have it completed in time for this agenda and the electors meeting later this month. Naturally they did so without compromising the rigour of the audit they just put a high priority on our audit and I thank them for this. In a nutshell then, the audit was completed and we received the report in time for this agenda and to prepare the annual report but not early enough to present it to Council then hold the electors meeting on the Council meeting night.

It is recommended that Council accept the report as presented without modifications. Due to the tight time line the official advertisement/public notice was given on 4 December 2013, and the Annual Electors meeting is scheduled for the Chambers, 19 December 2013 commencing at 7.30pm.

POLICY IMPLICATIONS

There are no specific policy items in relation to the Annual Report and or the Annual Electors Meetings.

BUDGET/FINANCIAL IMPLICATIONS

The costs associated with producing the Annual Report and holding Annual Electors meeting are provided for in the current year's budget.

STRATEGIC IMPLICATIONS

The Annual Report provides information about activities which occurred in the Shire for 2012/13, and the pursuit of items contained in the Council's adopted Plan for the Future.

SUSTAINABILITY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority Item 1

Simple Majority Item 2

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.8

MOVED: Cr Aird

SECONDED: Cr Oversby

1. That Council accepts the Annual Report as presented for the 2012/13 financial year with some minor changes.
2. That the Annual meeting of Electors relating to the year 2012/13 be held in the Council Chambers on Thursday 19th December 2013 at 7.30pm.

Carried 7/1

Res 182/13

Cr Biddle requested for the votes to be recorded.

FOR

AGAINST

Cr Aird

Cr Biddle

Cr Oversby

Cr Walker

Cr Giles

Cr Imrie

Cr Kaltenrieder

Cr O'Hare

Item 8.3.9 was withdrawn by the CEO as amendments need to be made and brought back to the next Council meeting in February.

8.3.9 Integrated planning – Corporate Plan

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	
Author:	Alan Lamb - CEO
Authorizing Officer:	Not applicable
Attachments:	Copy of final draft Corporate Plan.

SUMMARY

The purpose of this report is to put the draft Corporate Plan before Council for adoption.

BACKGROUND

In summary, Council commenced asset management planning some years ago and then the Minister for Local Government brought amendments to the Local Government Act and regulations requiring Councils to adopt a Strategic Community Plan and a Corporate Plan. The Department for Local Government provided funding for the Strategic Community Plan and for long term plans for asset management, finance and workforce that were used to compile a Corporate Plan, which was not funded.

Council engaged a consultant to assist with its planning processes and has worked with the consultant for more than twelve months.

The final draft of the Strategic Community Plan was put to the March 2013 meeting of Council where the following resolution was passed:

Council receive the draft Strategic Community Plan and put it out for public comment before adopting it at the May Council meeting.

The item was not put to the May meeting of Council because it was thought that it would be better to provide Council with copies of other relevant plans at the same time and these were not completed at that time. Council received a number of integrated plans at its June 2013 meeting and resolved as follows:

That Council adopt the Strategic Community Plan as presented, and receive the Long Term Financial and Asset Management Plans as presented.

COMMENT

Legislation also requires that the Corporate Plan be in place for the 13/14 year. This plan links to all other plans and sets how the strategic plan will

be implemented over the next 4 years. Whilst we are required to have a 4 year plan we have, as previously reported, opted for a 5 year plan.

The attached plan should be achievable and should address community needs/aspirations as expressed in the strategic plan but within the constraints of finance and maintaining viability.

CONSULTATION

The Corporate Plan has been developed as the result of the strategic plan and budget adopted by Council and links to the underlying long-term plans that Council has previously received.

STATUTORY OBLIGATIONS

The following Part of the Local Government (Administration) Regulations applies;
Part 5 — Annual reports and planning

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

Division 1 — Preliminary

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

19BA. Terms used

In this Part —

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

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

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

Division 2 — Annual reports

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

19B. Information about numbers of certain employees to be included (Act s. 5.53(2)(g))

For the purposes of section 5.53(2)(g) the annual report of a local government for a financial year is to contain the following information —

- (a) the number of employees of the local government entitled to an annual salary of \$100 000 or more;*
- (b) the number of those employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000.*

[Regulation 19B inserted in Gazette 31 Mar 2005 p. 1032.]

19CA. Information about modifications to certain plans to be included (Act s. 5.53(2)(i))

- (1) *This regulation has effect for the purposes of section 5.53(2)(i).*
- (2) *If a modification is made during a financial year to a local government's strategic community plan, the annual report of the local government for the financial year is to contain information about that modification.*
- (3) *If a significant modification is made during a financial year to a local government's corporate business plan, the annual report of the local government for the financial year is to contain information about that significant modification.*

[Regulation 19CA inserted in Gazette 26 Aug 2011 p. 3483.]

Division 3 — Planning for the future

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

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

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

**Absolute majority required.*

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

- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

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

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

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

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

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

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

- (1) *In this regulation —*
former regulation 19C means regulation 19C as in force immediately before 26 August 2011 and continued under sub regulation (2);

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

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

- (2) Except as stated in this regulation, former regulation 19C continues to have effect on and after 26 August 2011 until this regulation expires under sub regulation (7).
- (3) A local government is to ensure that a plan for the future applies in respect of each financial year before the financial year ending 30 June 2014.
- (4) A local government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.
- (5) If, for the purposes of complying with sub regulation (3), a local government makes a new plan for the future, local public notice of the adoption of the plan is to be given in accordance with former regulation 19D.
- (6) If a local government modifies a plan for the future under former regulation 19C(4), whether for the purposes of complying with sub regulation (3) or otherwise —
 - (a) the local government is not required to comply with former regulation 19C(7) or (8) in relation to the modifications of the plan; and
 - (b) local public notice of the adoption of the modifications of the plan is to be given in accordance with former regulation 19D.
- (7) This regulation expires at the end of 30 June 2013.

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

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

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

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

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil in the current year.

STRATEGIC IMPLICATIONS

The draft plan implements the Strategic Community Plan

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION – ITEM 8.3.9

That Council adopt the Corporate Plan as presented.

8.3.10 Council Meeting Dates for 2014
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Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Not Applicable</i>
File:	<i>N/A</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>5 December 2013</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>N/A</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council proposed meeting times and dates for the Ordinary Council meetings for the 2014 year.

BACKGROUND

At the Chief Executive Officer's review last year it was recommended that regular Council briefing sessions be conducted before Ordinary Council Meetings.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY OBLIGATIONS

The following sections of the Local Government Act have relevance:

5.3. Ordinary and Special Council Meetings

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

5.4. Calling Council Meetings

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

- (a) if called for by either-
 - (i) the mayor or president; or
 - (ii) at least 1/3 of the councillors;
in a notice to the Chief Executive Officer setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the council

5.5. Convening Council Meetings

- (1) The Chief Executive Officer is to convene an ordinary meeting by giving each Council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The Chief Executive Officer is to convene a special meeting by giving each Council member notice, before the meeting, of the date, time, place and purpose of the meeting.

The Local Government (Administration) Regulations provide:

Public notice of Council or Committee Meetings – s. 5.25(1)(g)

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to sub regulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the Chief Executive Officer's opinion, it is not practicable to give local public notice of the matters referred to in sub regulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the Chief Executive Officer's opinion, is practicable.

The Local Government Act provides that local public notice is as follows;

1.7. Local Public Notice

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be –
 - (a) published in a newspaper circulating generally throughout the district;

- (b) exhibited to the public on a notice board at the local government's offices; and
- (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is –
 - (a) published under subsection (1) (a) on at least once occasion; and
 - (b) exhibited under subsection (1) (b) and (c) for a reasonable time, being not less than –
 - (i) the time prescribed for the purpose of this paragraph; or
 - (ii) if no time is prescribed, 7 days.

POLICY IMPLICATIONS

Council Policy

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – 8.3.10

That the following meeting dates and times apply for the 2014 year:

Council Meeting Dates 2014

Held at 5.00pm in the Boyup Brook Chambers

20 February 2014	21 August 2014
20 March 2014	18 September 2014
17 April 2014	16 October 2014
15 May 2014	20 November 2014
19 June 2014	18 December 2014
17 July 2014	

Amendment

MOVED: Cr Oversby

SECONDED: Cr Aird

That the following meeting dates and times apply for the 2014 year:

Council Meeting Dates 2014

Held at 5.00pm in the Boyup Brook Chambers

20 February 2014	21 August 2014
20 March 2014	18 September 2014
17 April 2014	16 October 2014
15 May 2014	20 November 2014
19 June 2014	11 December 2014
17 July 2014	

Carried 6/2

Res 183/13

COUNCIL DECISION

MOVED: Cr Oversby

SECONDED: Cr Aird

That the following meeting dates and times apply for the 2014 year:

Council Meeting Dates 2014

Held at 5.00pm in the Boyup Brook Chambers

20 February 2014	21 August 2014
20 March 2014	18 September 2014
17 April 2014	16 October 2014
15 May 2014	20 November 2014
19 June 2014	11 December 2014
17 July 2014	

Carried 6/2

Res 184/13

9 COMMITTEE REPORTS

9.1.1 Minutes of the South West Zone

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>5 December 2013</i>
Author:	<i>Alan Lamb - CEO</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND

The South West Zone meeting was held on 22 November 2013.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.1

MOVED: Cr Imrie

SECONDED: Cr O'Hare

That the minutes of the South West Zone meeting held on 22 November 2013 be received.

Carried 8/0

Res 185/13

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

11.1.1 Boyup Brook Hotel – Sewerage disposal
--

Location:	<i>Corner of Bridge and Abel Streets</i>
Applicant:	<i>A and K Frichot</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>6 December 2013</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>copy of correspondence attached</i>

SUMMARY

The purpose of this report is to seek authority to deal with Mr Frichot's request and make a determination.

BACKGROUND

The hotels sewerage disposal has been before Council a number of times over the years and in more recent times an order was placed on the hotel to bring the system up to a better standard. The order has not been doggedly pursued by officers because Council looked like obtaining funding this year (2013/14) to put in a sewerage scheme. The owner resumed his quest for an on suite solution when it became clear that there would be no funding for a town scheme.

It is apparent that the system being looked at cannot be fully accommodated on the hotel property and so the owner is now looking for an opportunity to dispose of the partially treated waste water.

There is not sufficient information on which to determine the matter at this time, and there will be no Council meeting until February 2014.

COMMENT

The position is that, on the face of it, the request appears as if it could provide some benefit to Council but more work needs to be done on what the Health Department will approve, how we would get the waste water to areas that we need reticulated, who would be responsible for the piping and any excess liquid, etc.

The owner is under pressure to close the lagoon on railway land and so cannot wait until February next year for a response. We heard of the request earlier this week and received the correspondence on it 4 December. There has been no time to research the matter or work on any of the necessary detail. It is therefore recommended that the CEO be authorised to deal with the request and make a determination (whilst it is probable that the officer has this authority anyway, it was thought best to bring the matter before Council to remove any doubt).

On the face of things, reticulating the Bridge Street islands between Abel and Railway is not likely to provide any benefit to Council, because the islands contain box trees and no other plantings. Sending the liquid to planted out islands in Bridge and/or Abel would reduce reliance on scheme water (these are reticulated from the scheme) but we may have issues with smell and the like. There is just too much work to be done on this matter to make a recommendation at this time but it looks to be worth pursuing rather than rejecting it out of hand.

CONSULTATION

The author has spoken with the Manager of Works.

STATUTORY OBLIGATIONS

The Health Act has relevance but insufficient work has been done as yet to determine its impact/constraints

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time. It will be noted that the approval requested does not include any Council funding. It is expected that there would be no financial contribution from Council, to the solution to the hotel's problem, other than any minor amounts which could come from the maintenance provision. It is possible that this proposal could result in less scheme water being used and if so this would represent a cost saving.

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 11.1.1

Moved: Cr Walker

Seconded: Cr Biddle

That, in relation to the Boyup Brook Hotel owner's request to be permitted to discharge partially treated waste water into a Council managed road island, the Chief Executive Officer be authorised to deal with the request and make a determination.

Carried by Absolute Majority 8/0

Res 186/13

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

12.1.1 Staff House 5 Rogers Avenue – proposed works

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 12.1.1

Moved: Cr Walker

Seconded: Cr Kaltenrieder

That Council approve the unbudgeted expenditure of \$90,000 to carry out maintenance and some improvements to 5 Rogers Avenue Boyup Brook.

Carried by Absolute Majority 7/1

Res 187/13

13 CLOSURE OF MEETING

There being no further business the Shire President, Cr Giles thanked all for attending and declared the meeting closed at 6.36pm