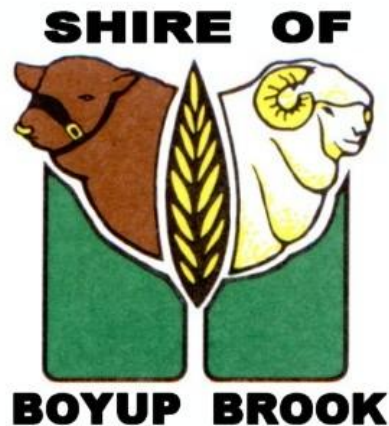


Minutes



ORDINARY MEETING

held

THURSDAY 18 June 2015

Commenced AT 5.18PM

AT

**SHIRE OF BOYUP BROOK
CHAMBERS**

ABEL STREET - BOYUP BROOK

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

1.1 Attendance

Cr G Aird – Deputy Shire President
Cr J Imrie
Cr P Kaltenrieder
Cr K Moir
Cr O’Hare
Cr T Oversby
Cr R Walker

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

PUBLIC: Mr Tony Doust arrived at 5.00pm

1.2 Apologies

Cr Giles – Shire President

1.3 Leave of Absence

Cr N Blackburn

2 PUBLIC QUESTION TIME

2.1 Question:

Mr Doust asked if the Strategic Community Plan for the period 2012-13 to 2022-23, adopted by Council on the 20th June 2013, been reviewed and updated. If the answer is yes when was this undertaken and was it advertised for public consultation?

Response:

The acting Shire Present advised that the Strategic Community Plan had not been reviewed as yet.

2.2 Question:

Mr Doust asked, given the Council is about to consider and adopt a budget for the year 2015/16, will the Council be limiting any rate increase to the Rating implications in the Long Term Financial Plan that is incorporated in the adopted Strategic Community Plan?

Response:

The acting Shire President advised that the intention was to follow the Long Term Financial Plan.

2.3 Question:

Mr Doust noted that this question is raised as the actual total of rates levied in 2014-15 was approx. \$30,000 greater than the amount included for that year in the Long Term Financial Plan 2012-13 to 2022-23 (LTFP) adopted following public consultation. Although this increase (1.3%) was only slightly above the projections in LTFP, given this position if the increases each year are slightly greater than the LTFP it won’t be many years before the rating objective in the Strategic Community Plan is irrelevant.

Response:

The acting Shire President advised that a differential rate for mining tenements being introduced in that year resulting in increased rate income from that sector.

2.4 Question:

Mr Doust asked when will the Council be considering the 2015/16 Budget and will a copy of the Agenda including the proposed budget be available for the public at the same time that it is provided to Councillors for consideration at the meeting it is to be adopted.

Response:

The acting Shire President advised that, at this stage, Council will be considering the 2015/16 Budget on 20th August 2015 and a copy of the Agenda including the proposed budget will be available for the public to view.

2.5 Question:

Mr Doust asked Council if there was a charge for meeting agendas.

Response:

The acting Shire President advised that the List of Fees and Charges provided for a charge of 30 cents per page for photocopying.

2.6 Question:

Mr Doust asked, I note that the Council has decided to proceed with the Swimming Pool Heating. Given the response to my question on operating costs at the Annual meeting of Electors on 19th February 2015, about the project, the CEO in his comments at the meeting state "it is highly unlikely that Council will go ahead with the heating initiative if the annual cost burden of the improvements is prohibitive. It is expected that Council would provide non confidential information on costs and the like that is used by it in its decision making process for the pool heating project". Has this information on the hours of operating and future costs been prepared and if so will it be available to the public?

Response:

The acting Shire President advised that usage of the Pool will dictate the extended Swimming Pool season and what it is going to cost which will be determined in the budget costs however no additional labour costs were envisaged.

2.7 Question:

Mr Doust asked, I was unable to locate the Budget Review in the Minutes, did this go to Council and if so when?

Response:

The acting Shire President advised that the review was conducted in February or March 2015.

Note: Subsequent to the meeting it was established that the Budget Review was adopted by Council on 19 March 2015 (item 11.1.1).

Cr Doust left the Chambers at 5.37pm.

2.1 Response to Previous Public Questions Taken on Notice

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

- 4.1 Cr Kaltenrieder attended the Blackwood Basin Group meeting and advised Council that training had been provided.
- 4.2 Cr Oversby attended the Blackwood River Valley Marketing Association meeting on 17th June 2015. The Group will revert back to meeting monthly. The Blackwood Valley Wine Association festival will be held in early August as well as the Nannup Flower Festival. The Group are currently in the process of organizing and promoting for the Balingup Small Farm Field Day.
- 4.3 Cr Aird attended the Rylington Park Committee meeting and advised Council they had a person resign from the Board which has now been refilled. The Committee have been funding to assist with sending people away to Agricultural College and this has also benefited back to the Community.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 21 May 2015

COUNCIL DECISION & OFFICER RECOMMENDATION

Moved: Cr Oversby

Seconded: Cr O'Hare

That the minutes of the Ordinary Meeting of Council held on Thursday 21 May 2015 be confirmed as an accurate record.

Carried 7/0

Res 50/15

6 PRESIDENTIAL COMMUNICATIONS

Nil

7 COUNCILLORS QUESTIONS ON NOTICE

Nil

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

Nil

COUNCIL DECISION

MOVED: Cr Aird

SECONDED: Cr Kaltenrieder

Council decided to change the Council meeting date being held on 20th August 2015 to the 27th August 2015 due to the Shire President and Deputy Shire President attending the Sandakan Memorial Service.

CARRIED 7/0

Res 51/15

COUNCIL DECISION

MOVED: Cr Moir

SECONDED: Cr Imrie

That the Council adopts enbloc items 8.2.1, 8.2.2 and 8.2.3.

CARRIED 7/0

Res 52/15

8.2 FINANCE

8.2.1 List of Accounts Paid in May 2015

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 June 2015</i>
Author:	<i>Stephen Carstairs – Director Corporate Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – List of Accounts Paid</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in May 2015 are 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 01 to 31 May 2015.

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 2014-15 Annual Budget (as amended), or authorised by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.1

MOVED: Cr Moir

SECONDED: Cr Imrie

That at its June 2015 ordinary meeting Council receive as presented the list of accounts paid in May 2015, and totalling \$473,389.28 and as represented by: cheque voucher numbers 19791-19809 totalling \$102,130.11; and accounts paid by direct electronic payments through the Municipal Account totalling \$371,259.17 plus trust cheque voucher number 2050 totalling \$300 paid through the Trust Account.

8.2.2 30 April 2015 Statement of Financial Activity
--

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10 June 2015</i>
Author:	<i>Stephen Carstairs – Director Corporate Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Financial Reports</i>

SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 30 April 2015.

BACKGROUND

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

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

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

COMMENT

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

CONSULTATION

Alan Lamb – Chief Executive Officer

STATUTORY OBLIGATIONS

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

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

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICE RECOMMENDATION – Item 8.2.2

That having regard for any material variances, Council receive the 30 April 2015 Statement of Financial Activity and Statement of Net Current Assets, as presented.

8.2.3 31 May 2015 Statement of Financial Activity
--

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	10 June 2015
Author:	Stephen Carstairs – Manager Corporate Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	No

SUMMARY

This report recommends that Council defer to the July 2015 ordinary meeting of Council the receiving of the Statement of Financial Activities and the Net Current Assets for the month ended 31 May 2015.

BACKGROUND

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

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

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

COMMENT

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

Corporate Services continues to experienced human resource shortfalls generally, and with officers being on sick leave as well. As a consequence of this, presentation of the 31 May 2015 Statement of Financial Activity has been deferred to the July 2015 ordinary meeting.

CONSULTATION

Alan Lamb – Chief Executive Officer

STATUTORY OBLIGATIONS

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

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

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

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.3

That receipt by Council of the shire's 31 May 2015 Statement of Financial Activity and Statement of Net Current Assets be deferred to Council's July 2015 ordinary meeting.

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Lot 362 Henderson Street – General Industrial (Shed)

Location:	<i>Lot 362 Henderson Street, Boyup Brook</i>
Applicant:	<i>A Ricetti</i>
File:	<i>A1561</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>June 2015</i>
Author:	<i>A. Nicoll, Town Planner</i>
Authorizing Officer:	<i>Alan Lamb, Chief Executive Officer</i>
Attachments:	<i>Planning Application</i> <i>Neighbours Comment</i>

SUMMARY

The purpose of this report is to put before Council the request to develop a shed at Lot 362 Henderson Street.

BACKGROUND

The Shire of Boyup Brook received an application to develop a shed at Lot 362 Henderson Street.

Staff at the Shire advised the applicant that the proposed setbacks to boundaries do not comply with Scheme standards. Staff advised the applicant that setback variations may be considered and that the neighbouring property will need to be consulted on the proposed setback variations.

The applicant contacted the neighbour and requested comment on proposed setback variations.

The neighbour provided comment in writing and essentially does not have any issues with the proposed setback variations.

COMMENT

Subject Property

The subject property:

- Is zoned 'General Industrial';
- Is 2446m² in area;
- Is flat and majority cleared;
- Has two roads fronting (Henderson and Forbes Streets);

- Has a gravel crossover/driveway to Henderson Street; and
- Has an existing shed, which:
 - Is approximately 180m² in area;
 - Constructed out of colourbond steel; and
 - Is setback approximately 15m from Forbes Street and 20m from Henderson Street.

Crossover

As mentioned above, the crossover to the subject property is constructed out of gravel. This means that:

- Vehicles and trucks accessing the property could easily wear away the bitumen edge of Henderson Street; and
- Vehicles exiting from the gravel crossover to the bitumen road could easily carry sediment onto the bitumen road leaving it looking tarnished.

Normally crossovers are sealed, especially at industrial properties, which are often accessed by trucks and trailers carrying heavy loads. Where there is no suitable crossover, the chances of damage to the main road is increased.

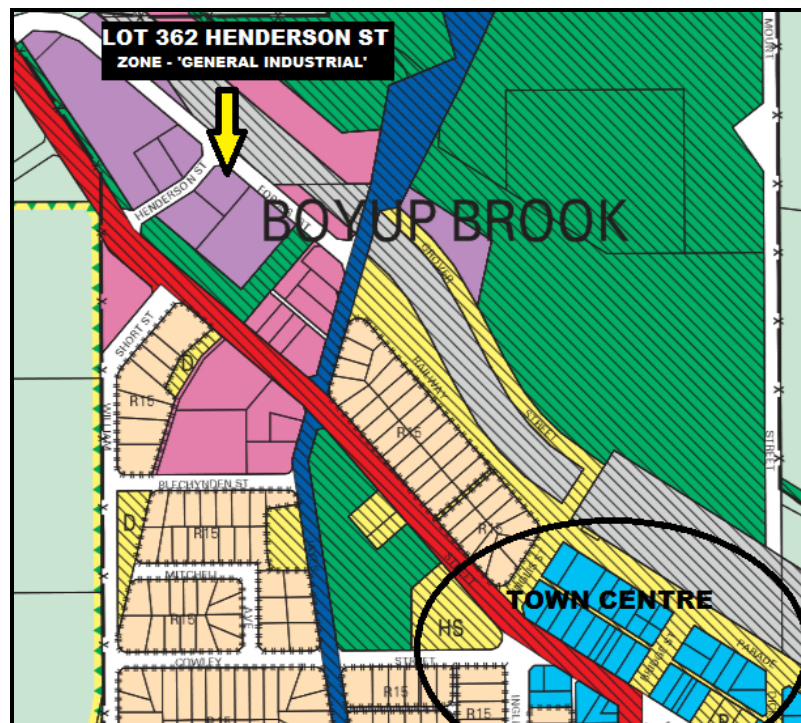
If Council approve the development of the shed, it is recommended that approval is conditional on the crossover being appropriately developed.

Proposal

The shed is proposed to:

- Be 20m in length and 10m in width (200m² in area);
- Have a 4.2m wall height;
- Be developed out of colourbond steel (Paperbark colour); and
- Be setback 5m from the south-western boundary, 10m from Henderson Street and approximately 15m from the existing shed.

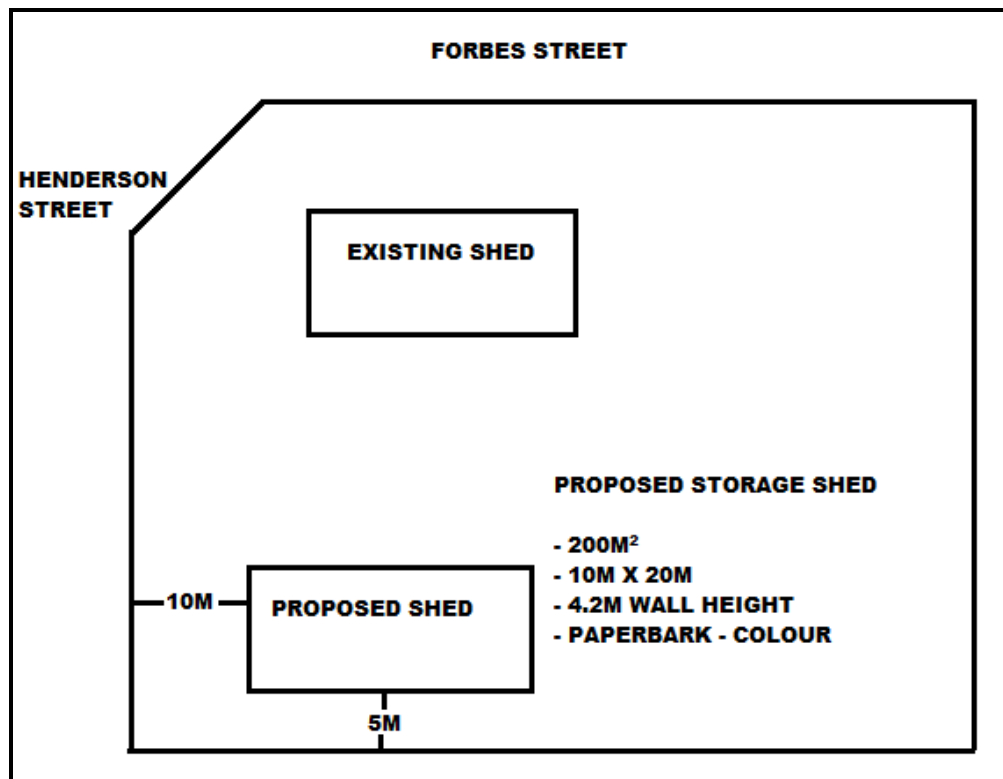
The following plan illustrates the subject property and zoning.



The following illustration shows access from Henderson Street and an existing shed located on the subject property.



The following plan shows the proposed location of the shed.



STATUTORY OBLIGATIONS

Zone

Lot 362 Henderson Street is zoned 'General Industrial' in accordance with District Planning Scheme 2.

The 'General Industrial' zone is intended primarily to provide for industrial development that does not create detriment to the amenity of the area.

Setbacks

The Scheme 2 requires development on General Industrial properties to be setback from boundaries as follows:

- Front setback 11m;
- Side Setback 10m;
- Rear setback 5m;

As already mentioned, the setbacks proposed for the shed are as follows:

- 10m from the front boundary; and
- 5m from the side boundary.

These proposed setbacks do not comply with the required setbacks defined by the Scheme. The applicant is requesting a relaxation of 1m for the front boundary setback and 5m for the side boundary setback.

The applicant asked the neighbour if they had any issues with the proposed variations. The neighbour believed that the shed would not impact on their operations or pleasantness of the area.

Car Parking

Generally, as a convenience to workers and customers, a car parking area or car parking bays are provided on-site.

A car parking area has not been developed and has not been proposed as a component of this development.

The scheme does not define a standard of parking for storage sheds. Common practice for this type of land use is to provide 1 car park for every 100m² of building area.

If we calculate the existing and proposed building areas, we have an approximate total of 380m². If we apply the ratio of 1 car park for every 100m² of building area, 4 car parking bays should be provided.

The Scheme states: *where development is not specified...the Council shall determine the parking standard.*

If Council approve the development of the shed, it is recommended that approval is conditional on the development of a car parking area, capable of accommodating 4 cars. Development is to involve, as a minimum standard, the following:

1. Marking out an appropriate area (approximately 10m x 6m) for cars to park;
2. Spreading blue metal rubble within the marked area; and
3. Rolling/compacting the blue metal to form a level parking area.

POLICY IMPLICATIONS

The following policies apply to the subject application:

- Crossover Policy W.08:
 - *All crossovers shall be constructed in accordance with the Shire of Boyup Brook specifications and guidelines.*

This report item has already addressed issues relating to crossovers.

- Outbuilding Policy P.04:
 - *Wall height shall not exceed 6m;*
 - *Ridge height shall not exceed 10m;*
 - *Floor area shall not exceed half the area of the property; and*
 - *Setbacks are as per the Scheme.*

The proposed shed complies with maximum height and floor area standards. This report item has already addressed issues relating to setbacks.

- Landscaping Policy P.01:
 - *Planning applications for development of commercial or industrial sites, shall provide landscaping at a ratio of 5% of the lot. Landscaping is to be in keeping with surrounding adjacent areas and developed within one year of completion of the building.*

There is currently no landscaping developed and no landscaping proposed as a component of the proposed shed. 5% of the lot area (2446m²) amounts to 122m². If Council approve the development of the shed, it is recommended that approval is conditional on trees, endemic to the area, being planted 10m apart, on the boundaries fronting the main roads (Henderson Street and Forbes Street).

- Materials Policy B.10
 - *The minimum standard of building materials to be used in the construction of roofs on buildings, workshops and any associated outbuildings in the 'General Industrial' and 'Light Industrial' zones shall be corrugated iron, zincalume or colorbond.*

The shed material proposed is colorbond and is therefore in accordance with Policy B.10.

CONSULTATION

The neighbour on the side boundary was consulted on the proposal to vary the side setbacks and has no concerns.

BUDGET/FINANCIAL IMPLICATIONS

The Shires Crossover Policy W.08 states:

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

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

OFFICER RECOMMENDATION – ITEM 8.3.1

That Council

Grants planning scheme consent for Lot 362, Henderson Street for the purpose of General Industrial (shed) and subject to the following conditions:

Conditions

1. Development is to be carried out in accordance with the approved plan dated June 2015.
2. If the shed is not substantially commenced within two years, a fresh approval must be obtained before commencing or continuing development.
3. All stormwater is to be managed and contained on-site, to the satisfaction of the Shire of Boyup Brook.
4. A crossover to the site being designed, developed and maintained to the satisfaction of the Shire of Boyup Brook.

Advice

The Shire will subsidise half the cost of a standard 3.0m wide crossover.

5. Trees endemic to the area, being planted 10m apart, on the boundaries fronting the main roads (Henderson Street and Forbes Street).

Advice

The trees are to be planted within one year of completion of the shed and maintained thereafter.

6. A car parking area being developed and maintained to the satisfaction of the Shire of Boyup Brook.

Advice

The car parking area is to have, as a minimum, blue metal stones rolled over an area of 60m².

Advice

1. A building permit is required prior to developing the shed (Please liaise with the Shire's Building Surveyor).
2. Sign(s) shall not be erected on the lot without the prior approval of the Shire of Boyup Brook.

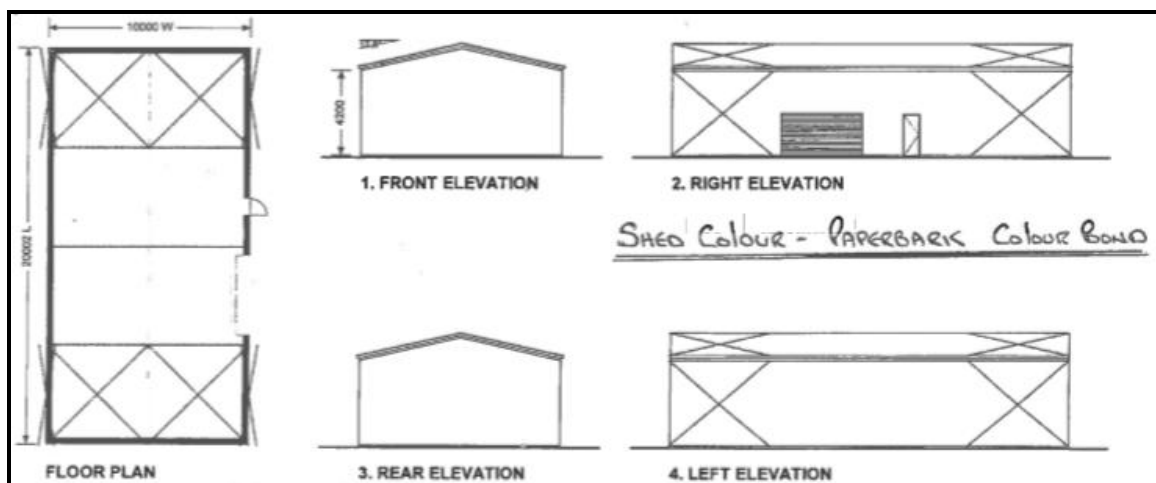
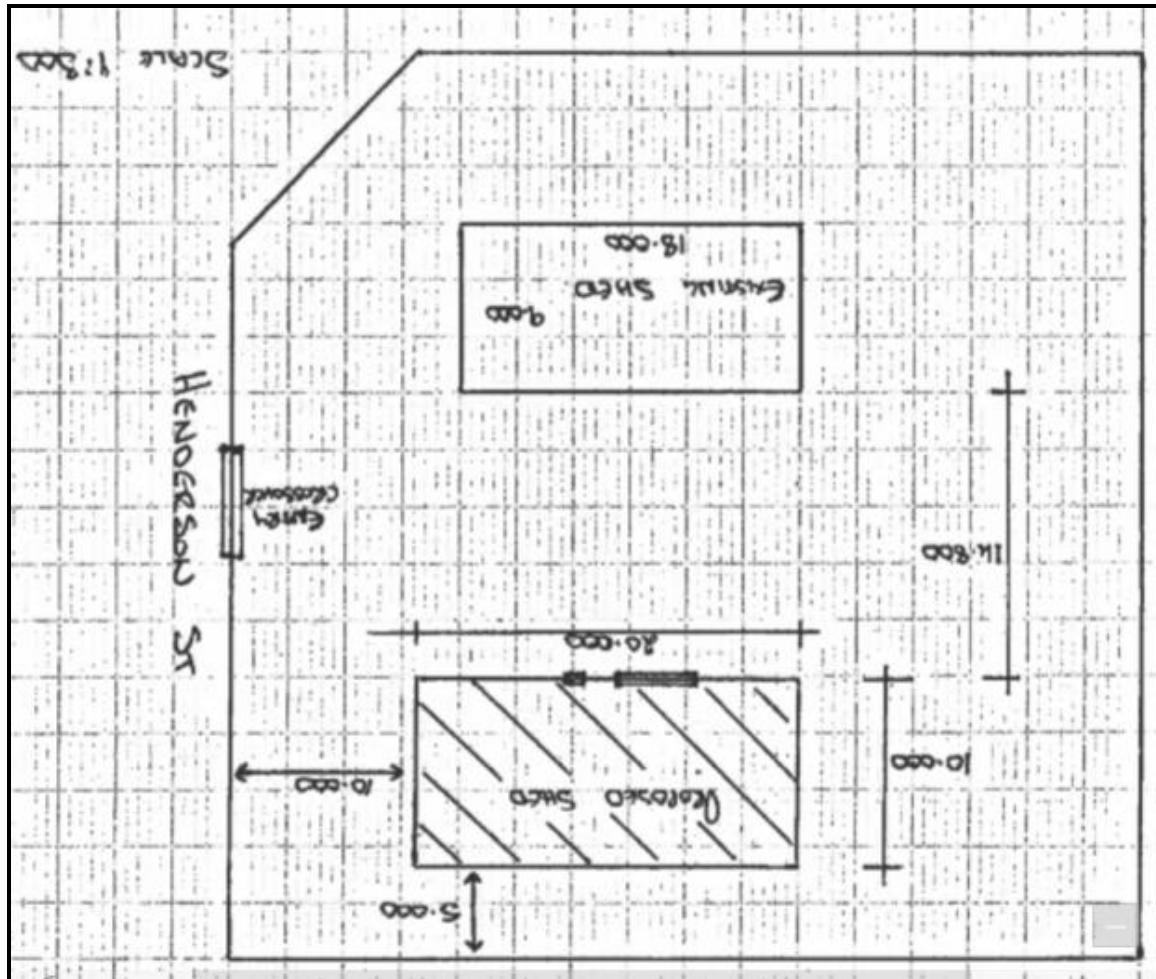
Notes

This Planning Scheme Consent contains 6 conditions.

You may appeal against any condition contained in this consent provided it is lodged within twenty-eight (28) days of the date of issue. For further information

regarding this, refer to www.sat.justice.wa.gov.au, with reference to section 252 of the Planning and Development Act (2005) (as amended).

Approved Plan – June 2015



AMENDED RECOMMENDATION – ITEM 8.3.1

MOVED: Cr Oversby

SECONDED: Cr O'Hare

That Council

Grants planning scheme consent for Lot 362, Henderson Street for the purpose of General Industrial (shed) and subject to the following conditions:

Conditions

1. Development is to be carried out in accordance with the approved plan dated June 2015.
2. If the shed is not substantially commenced within two years, a fresh approval must be obtained before commencing or continuing development.
3. All stormwater is to be managed and contained on-site, to the satisfaction of the Shire of Boyup Brook.
4. A crossover to the site being designed, developed and maintained to the satisfaction of the Shire of Boyup Brook.

Advice

The Shire will subsidise half the cost of a standard 3.0m wide crossover.

5. A car parking area being developed and maintained to the satisfaction of the Shire of Boyup Brook.

Advice

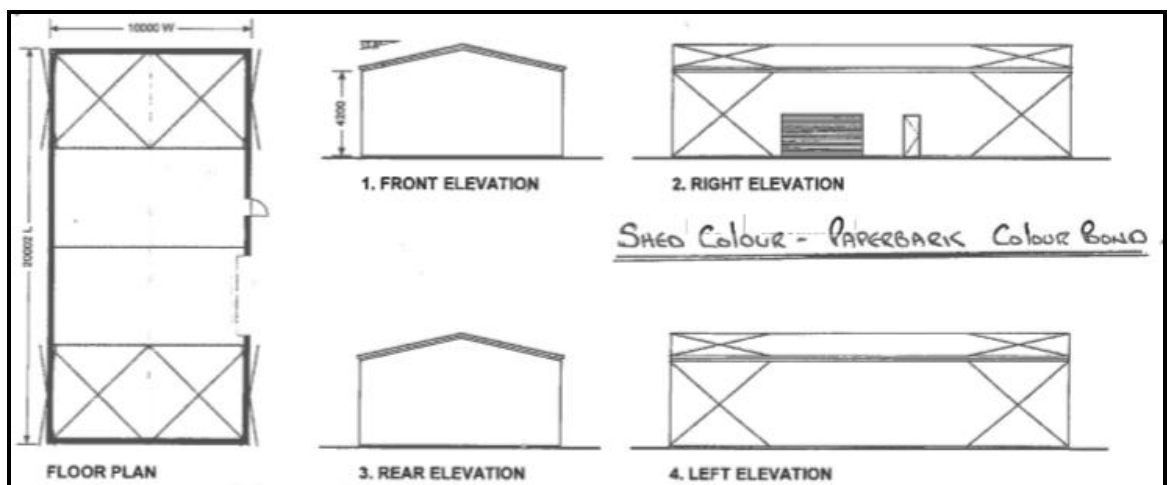
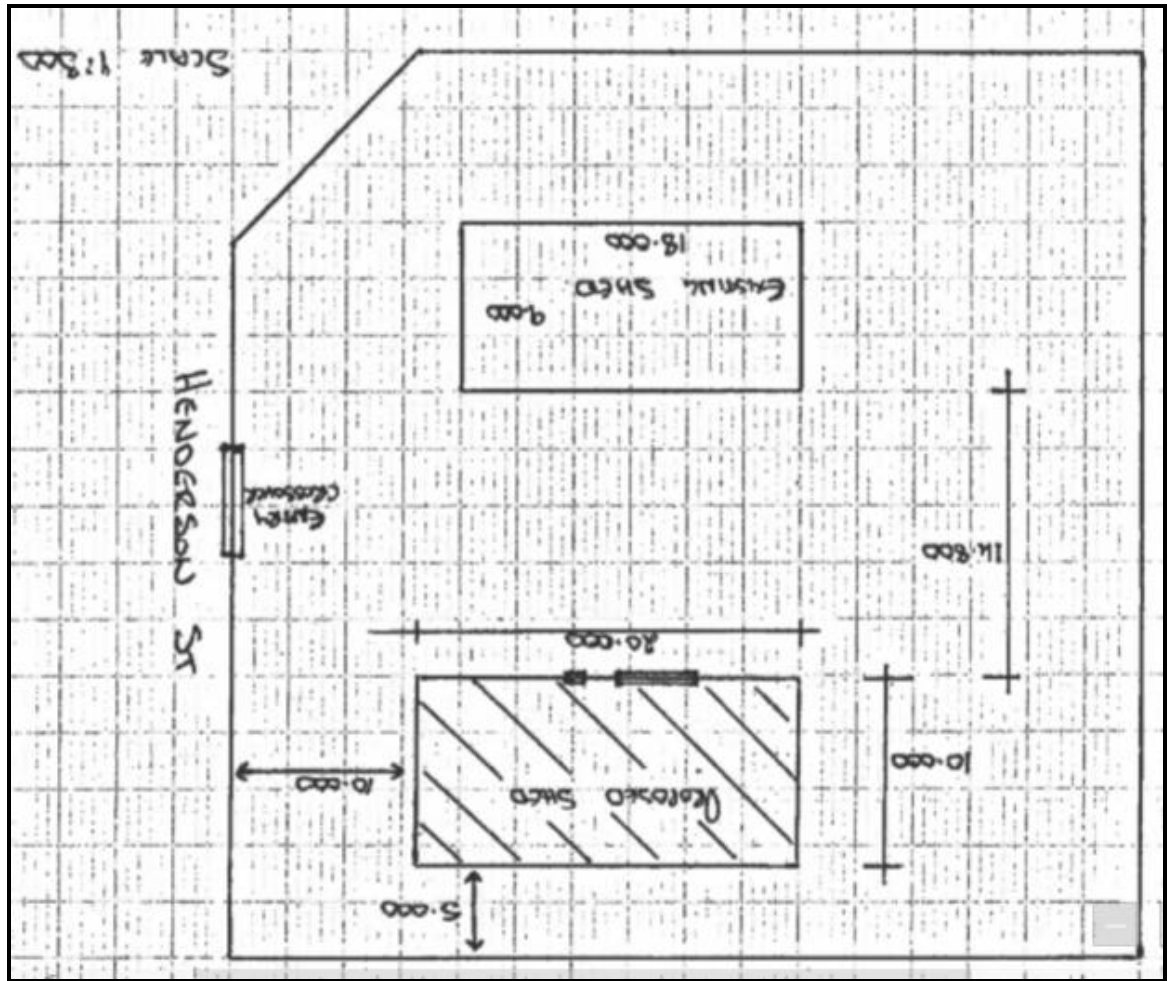
1. A building permit is required prior to developing the shed (Please liaise with the Shire's Building Surveyor).
2. Sign(s) shall not be erected on the lot without the prior approval of the Shire of Boyup Brook.

Notes

This Planning Scheme Consent contains 5 conditions.

You may appeal against any condition contained in this consent provided it is lodged within twenty-eight (28) days of the date of issue. For further information regarding this, refer to www.sat.justice.wa.gov.au, with reference to section 252 of the Planning and Development Act (2005) (as amended).

Approved Plan – June 2015



Carried 7/0

Res 53/15

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.1

That Council

Grants planning scheme consent for Lot 362, Henderson Street for the purpose of General Industrial (shed) and subject to the following conditions:

Conditions

1. Development is to be carried out in accordance with the approved plan dated June 2015.
2. If the shed is not substantially commenced within two years, a fresh approval must be obtained before commencing or continuing development.
3. All stormwater is to be managed and contained on-site, to the satisfaction of the Shire of Boyup Brook.
4. A crossover to the site being designed, developed and maintained to the satisfaction of the Shire of Boyup Brook.

Advice

The Shire will subsidise half the cost of a standard 3.0m wide crossover.

5. A car parking area being developed and maintained to the satisfaction of the Shire of Boyup Brook.

Advice

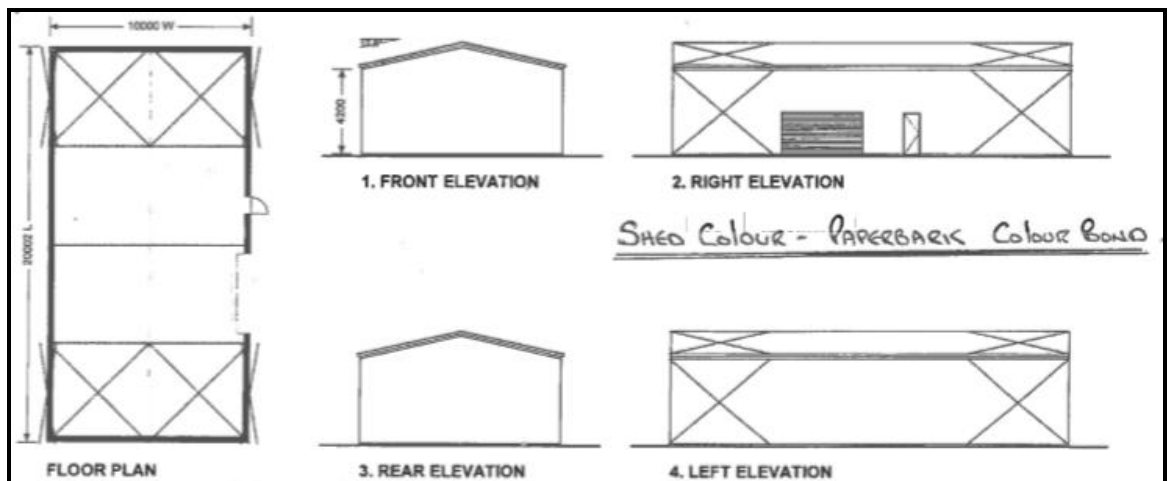
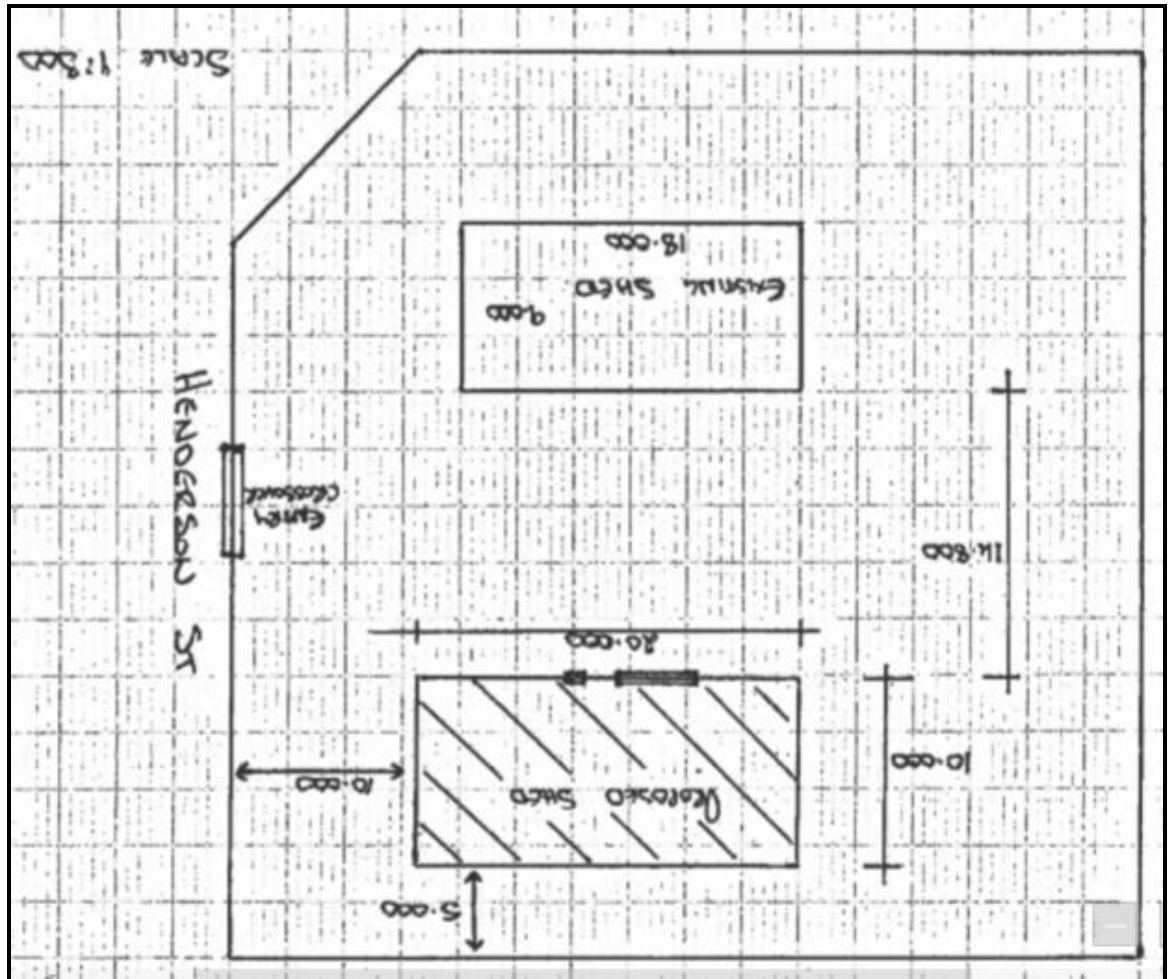
1. A building permit is required prior to developing the shed (Please liaise with the Shire's Building Surveyor).
2. Sign(s) shall not be erected on the lot without the prior approval of the Shire of Boyup Brook.

Notes

This Planning Scheme Consent contains 5 conditions.

You may appeal against any condition contained in this consent provided it is lodged within twenty-eight (28) days of the date of issue. For further information regarding this, refer to www.sat.justice.wa.gov.au, with reference to section 252 of the Planning and Development Act (2005) (as amended).

Approved Plan – June 2015



8.3.2 Fire Policy – Adopt for Advertising

Location:	<i>Shire Boyup Brook</i>
Applicant:	<i>N/A</i>
File:	<i>Nil</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>June 2015</i>
Author:	<i>A. Nicoll, Town Planner</i>
Authorizing Officer:	<i>Alan Lamb, Chief Executive Officer</i>
Attachments:	<i>New Draft Fire Policy</i>

SUMMARY

The purpose of this report is to put before Council the request to adopt a new draft Fire Policy for the purpose of advertising.

BACKGROUND

With loss of property, the result of bushfire events in the Perth Hills and Margaret River areas, the State Government, has asked local governments to take action to improve fire management, particularly in high bushfire risk areas.

The Western Australian Planning Commission is revising their policy to ensure that necessary bushfire protection measures are incorporated into development (*Draft State Planning Policy 3.7, Planning for Bushfire Risk Management*).

Evidence shows that cleared areas around buildings and superior constructions standards of homes can reduce the exposure to bushfire and thus assist in firefighting efforts (Department of the Premier and Cabinet (2015), Bushfire Reviews,)

A key issue of bushfire management is the impact to vegetation and wildlife, the result of clearing and burning to manage fuel loads.

The Shire has developed a new draft Fire Policy that seeks to achieve a balanced and consistent approach towards incorporation measures for bushfire protection considerate of:

- State Government Policy;
- Protecting environmental values; and
- Affordability in housing development.

COMMENT

Bushfire Protection Measures

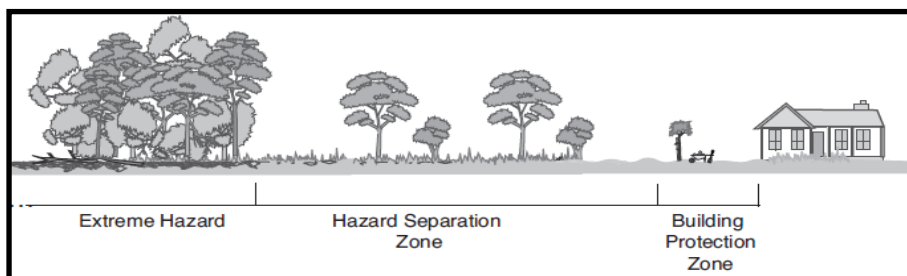
In accordance with the Shire's *District Planning Scheme 2*, the Council in considering an application for planning approval, is to have due regard to threat of bushfire (Clause 3.4.3).

The proposed new draft Fire Policy seeks to provide guidance on:

- Types of vegetation deemed to be of a high fire risk;
- Types of development that needs to be protected from fire;
- Standards applicable to developing a Fire Management Plan;
- Standards applicable to determining a Bushfire Attack Level; and
- Environmental values applicable when assessing fire risk.

The crux of the situation is; new dwellings and including additions to dwellings, and outbuildings and decks within 6m of a dwelling, on land within 100m of vegetation that's >1ha, will need to have due regard to the threat of bushfire, including:

- Locating development in cleared areas away (>100m) from vegetation; or
- Maintaining a 20m cleared building protection zone surrounding all development;
- Maintaining a hazard separation zone surrounding all development;
- For non-reticulated areas, developing a water tank designed to hold at least 30,000l for firefighting purposes; and
- Upgrading the construction standard of the dwelling in accordance with the Australian Standards 3959, Construction of Buildings in Bushfire-prone areas.



Vegetation Protection vs. Clearing to Reduce Fire Risk

The proposed new policy seeks to ensure that as much vegetation as possible is protected without compromising fire risk. The policy does this by enforcing the following principles:

1. Developers are to ensure that subdivisions and developments are designed keeping in mind a need to protect as much vegetation as possible.
 - a) Initially, developers are to seek to locate development in cleared areas, away from vegetation.
 - b) Where suitable setbacks from vegetation cannot be achieved, developers are to seek to apply a minimum construction standard, compliant with the Bushfire Attack Level standard 19 (BAL19), hence minimizing the extent of clearing to establish a hazard separation zone.

To put the above into perspective; if an application for a new dwelling was proposed on flat land, amongst 'woodland' type vegetation, the following standards would apply for BAL19:

- A 20m Building Protection Zone being maintained around the dwelling;
- An additional 5m Hazard Separation Zone (parkland clearing) being maintained around the building protection zone;
- A construction standard of '3-6' being applicable in accordance with the Australian Standards 3959; and
- Remaining vegetation being protected.

Vegetation classification	Bush fire Attack Levels (BALs)				
	BAL—FZ	BAL—40	BAL—29	BAL—19	BAL—12.5
	Distance (m) of the site from the predominant vegetation class				
	Vegetation is upslope and flat land (0 degrees)				
A. Forest	<16	16–<21	21–<31	31–<42	42–<100
B. Woodland	<10	10–<14	14–<20	20–<29	29–<100
C. Shrubland	<10	10–<13	13–<19	19–<27	27–<100
D. Scrub	<7	7–<9	9–<13	13–<19	19–<100
E. Mallee/Mulga	<6	6–<8	8–<12	12–<17	17–<100
F. Rainforest	<6	6–<9	9–<13	13–<19	19–<100
	Vegetation is downslope (building is upslope) >0 to 5 degrees				
A. Forest	<20	20–<27	27–<37	37–<50	50–<100
B. Woodland	<13	13–<17	17–<25	25–<35	35–<100
C. Shrubland	<11	11–<15	15–<22	22–<31	31–<100
D. Scrub	<7	7–<10	10–<15	15–<22	22–<100
E. Mallee/Mulga	<7	7–<9	9–<13	13–<20	20–<100
F. Rainforest	<8	8–<11	11–<17	17–<24	24–<100

The Shire of Swan developed the following table, which approximates the cost to develop housing capable of withstanding bushfire. An additional (approximate) \$11,535 would be required to develop a dwelling to a BAL -19 standard.

Estimated cost to comply with Australian Standard 3959		
Category of bushfire attack	Base house (estimated cost)	Large two storey (estimated cost)
BAL-Low	\$0	\$0
BAL-12.5	\$11,535	\$14,981
BAL-19	\$11,535	\$14,981
BAL-29	\$15,471	\$17,095
BAL-40	\$17,107	\$19,751
BAL-FZ	\$20,885	\$28,905
Source: City of Swan, WA		

CONSULTATION

In developing the new draft fire policy, staff referred to State and Australian legislation including:

- *State Planning Policy 3.7: Planning for Bushfire Risk Management (2010 and 2014);*
- *Planning for Bush Fire Protection Guidelines (2010 and 2014);*
- *Australian Standards 3959 – Construction of Buildings in Bushfire-prone-areas;*
- *State Emergency Management Policy 2.4 (SEMC, 2001);*
- *Bush Fires Act 1954,*
- *Fire Brigades Act 1942;*
- *Land Administration Act 1997; and*
- *Environmental Protection Act 1986.*

If Council initiate the new draft Fire Policy for advertising, an advert is to be published once a week for two consecutive weeks in a local newspaper giving 21 days' notice.

At the close of advertising, the Council will be informed of any comments or recommendations.

STATUTORY OBLIGATIONS

The Shire's scheme provides regulatory guidance on adopting policies. The scheme states:

A Policy shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its decision. Any policy prepared shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.

The new draft fire policy aims to deliver consistency between the scheme and policy provisions and objectives.

Prior to resolving to finally adopt the Fire Policy, the Shire's scheme requires submissions to be taken into consideration.

POLICY IMPLICATIONS

There are no policy implications relating to this item.

BUDGET/FINANCIAL IMPLICATIONS

There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

The Shire does not have any policy guidelines adopted to ensure development appropriately considers fire risk. The new draft Fire Policy seeks to assist the scheme in reducing the possibility and impact of fire.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.2

MOVED: Cr Moir

SECONDED: Cr Kaltenrieder

That Council

- 1. Agrees to endorse the new draft Fire Policy for advertising.**

Carried 7/0

Res 53/15

8.3.3 Amendment to Delegations Register – Allocation of Housing, Medical Centre Rooms and Abel St Commercial Premises
--

Location:	<i>Shire Boyup Brook</i>
Applicant:	<i>N/A</i>
File:	<i>GO/15/004</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10 June 2015</i>
Author:	<i>Stephen Carstairs – Director Corporate Services</i>
Authorising Officer:	<i>Chief Executive Officer</i>
Attachments:	<i>Community Housing Income and Assets Limits Policy 2013 (Department of Housing)</i> <i>Example of Form 1AA – Residential Tenancies Act 1987.</i>

SUMMARY

For Council to amend its Delegations Register to allow for the Chief Executive Officer to allocate Housing tenancies, and Boyup Brook Medical Centre Rooms and Abel Street Commercial Premises leases.

BACKGROUND

Council's existing Delegations Register does not contain a delegation to the Chief Executive Officer to allocate Housing tenancies, nor Boyup Brook Medical Centre Rooms and Abel Street Commercial Premises. It appears this may have been an oversight in prior Delegation Register reviews. It is standard practice in the local government industry that housing allocations are undertaken by the Chief Executive Officer as per any parameters set by Council, rather than each proposed tenancy coming to Council to be endorsed.

COMMENT

The parameters that would provide an effective delegation on these matters are as follows -

- Council Housing is primarily for the purposes of housing Council staff members (or specific Council supported programs such as Doctor provision) with the Chief Executive Officer given the power to approve all housing allocations. Should Council Staff not require housing assistance, then the vacant residence/s is to be offered for lease by advertisement at the current market rental value.
- All residential rentals/leases entered into following the adoption of this delegation are to be covered by a written agreement in accordance with the Residential Tenancies Act (Form 1AA) and will include a bond equivalent to 4 weeks rent to be held by the independent Bond Administrator.
- Rental amounts for housing are set by Council in the normal adoption of the Annual Schedule of Fees and Charges.
- Community Housing properties (24A and B Proctor Street and 16A and B Forrest Street) are for the purpose of providing affordable housing and a pathway to Keystart housing for eligible prospective tenants. The Chief Executive Officer is given the power to approve all Community Housing allocations, with rental amounts to be set by Council in accordance with the Community Housing Income and Assets Limits Policy 2013.
- Council employee tenants are to be given the option of paying the bond amount by installment deductions from their pay.
- Boyup Brook Medical Centre Rooms are for the purpose of Medical Practitioners servicing the community, with the Chief Executive Officer given the power to approve all Room allocations. When vacant, Rooms are to be offered for lease by advertisement at the current market rental value.
- Abel Street Commercial Premises (three shops adjacent to the Medical Centre) are for the purpose of providing services (e.g. personal grooming) or goods to the community, with the Chief Executive Officer given the power to approve all shop allocations. When vacant, the shops are to be offered for lease by advertisement at the current market rental value.

CONSULTATION

Shane Collie (Consultant), Chief Executive Officer and Department of Housing.

STATUTORY OBLIGATIONS

Residential Tenancies Act 1987, Section 27A sets out through Form 1AA the general requirements of a residential tenancy.

POLICY IMPLICATIONS

There are no policy implications relating to this item.

BUDGET/FINANCIAL IMPLICATIONS

There are no financial implications relating to this item. Tenancy rentals are set in accordance with Council's normal budget adoption process.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.3

Moved: Cr Oversby

Seconded: Cr Walker

That Council adopts the following delegation in respect of Housing Tenancies -

- *Council Housing is primarily for the purposes of housing Council staff members (or specific Council supported programs such as Doctor provision) with the Chief Executive Officer given the power to approve all housing allocations. Should Council Staff not require housing assistance, then the vacant residence/s is to be offered for lease by advertisement at the current market rental value.*
- *All residential rentals/leases entered into following the adoption of this delegation are to be covered by a written agreement in accordance with the Residential Tenancies Act (Form 1AA) and will include a bond equivalent to 4 weeks rent to be held by the independent Bond Administrator.*
- *Rental amounts for housing are set by Council in the normal adoption of the Annual Schedule of Fees and Charges.*
- *Community Housing properties (24A and B Proctor Street and 16A and B Forrest Street) are for the purpose of providing affordable housing and a pathway to Keystart housing for eligible prospective tenants. The Chief Executive Officer is given the power to approve all Community Housing allocations, with rental amounts to be set by Council in accordance with the Community Housing Income and Assets Limits Policy 2013.*
- *Council employee tenants are to be given the option of paying the bond amount by installment deductions from their pay.*

- *Boyup Brook Medical Centre Rooms are for the purpose of Medical Practitioners servicing the community, with the Chief Executive Officer given the power to approve all Room allocations. When vacant, Rooms are to be offered for lease by advertisement at the current market rental value.*
- *Abel Street Commercial Premises (three shops adjacent to the Medical Centre) are for the purpose of providing services (e.g. personal grooming) or goods to the community, with the Chief Executive Officer given the power to approve all shop allocations. When vacant, the shops are to be offered for lease by advertisement at the current market rental value.*

Carried 7/0

Res 54/15

COUNCIL DECISION

MOVED: Cr Walker

SECONDED: Cr Kaltenrieder

That the Council adopts enbloc item 8.3.4 and 8.3.5

Carried 7/0

Res 55/15

Impartiality Interest

Cr O'Hare declared an impartiality interest in the following item due to being on the Committee.

8.3.4 Community Resource Centre (CRC) Lease
--

Location:	84 Abel Street
Applicant:	Boyup Brook CRC
File:	LS/62/003
Disclosure of Officer Interest:	None
Date:	11 June 2015
Author:	Shane Collie - Consultant
Authorising Officer:	Chief Executive Officer
Attachments:	Community Resource Centre Lease including Annexure 1 Map and Copy of Management Order

SUMMARY

For Council to endorse the lease document for the Boyup Brook Community Resource Centre.

BACKGROUND

The Boyup Brook CRC has been operating from Council owned premises at 84 Abel Street for a lengthy period of time. A lease was drawn up in 2005 however it is understood that it had no effect due to Council not having the power to lease the land on which the CRC is located. The Management Order in place did not permit this. This first *non-operational* lease stated a 10 year term with an expiry date of 30 June 2015.

Hence it is an appropriate time to put in place an operational lease given that the Management Order has now been amended to give Council the power to lease, and the CRC are seeking to confirm their tenure at the premises. The Management Order is G328554, comprising Reserve 44608, on deposited plan 130069, Lot 63 (84) Abel Street, Boyup Brook. Under the Management Order, the Shire has the power to lease the Land for any term not exceeding 21 years, subject to the approval of the Minister for Lands being first obtained.

COMMENT

Discussions on the proposed new lease have occurred over the past few months and have not been difficult. The CRC had a few queries which have been

addressed to their satisfaction with their Management Committee meeting on 10 June 2015 and confirming satisfaction with the lease document.

The queries raised and action taken were as follows –

- Request for a 21 year term. This has been included in the draft lease.
- Request for annual Pest Control check to be included. This has been included in the draft lease and would be normal practice for Council owned premises.
- Clarification on the street number of the premises. The Management Order specifically states the premises are Lot 63 (84) Abel Street.
- Confirmation that any assignment or sub-letting of the premises does not include one off room hire.

CONSULTATION

Manager Corporate Services, Community Development Officer, Chief Executive Officer, Jodi Nield (CRC Manager).

STATUTORY OBLIGATIONS

The lease document becomes a legal document and is entered into pursuant to the Land Administration Act 1997. It would be intended to have the lease document run by Council's solicitors for a final check before it is submitted to the Department of Lands for their final approval. The Department of Lands operate a pre-approval process and the lease document being substantially completed can be submitted for that pre-approval now.

The final document would be registered with Landgate with original copies being held by the Shire of Boyup Brook, the Boyup Brook CRC and the Department of Lands.

POLICY IMPLICATIONS

There are no policy implications relating to this item.

BUDGET/FINANCIAL IMPLICATIONS

There are minor legal costs in finalising this matter. Council's solicitors would be providing a final checking, not a full document drafting, hence the cost would not be significant.

STRATEGIC IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.4

That Council endorse the lease document between the Shire of Boyup Brook and the Boyup Brook Community Resource Centre over Lot 63 (84) Abel Street Boyup Brook confirming the following actions –

- **Signing and sealing of the document by the Shire President and Chief Executive Officer.**
- **A final checking of the document by Council’s solicitors with any non-substantial changes incorporated into the lease document.**
- **Submission to the Department of Lands for approval.**
- **Submission to Landgate for Registration.**

Impartiality Interest

Cr Imrie declared an impartiality interest in the following item due to being on the Committee.

8.3.5 Pioneer Museum Lease

Location:	Lots 1 and 34 Jayes Road
Applicant:	Boyup Brook Pioneer Museum
File:	
Disclosure of Officer Interest:	None
Date:	11 June 2015
Author:	Shane Collie - Consultant
Authorising Officer:	Chief Executive Officer
Attachments:	Pioneer Museum Lease including Annexure 1 Plan

SUMMARY

For Council to endorse the lease document for the Boyup Brook Pioneer Museum.

BACKGROUND

The Boyup Brook Pioneer Museum operates from Council premises at Lots 1 and 34 Jayes Road. A lease to legitimise their tenure has been prepared.

Lot 1 on Diagram 73327 being the whole of the land in Certificate of Title Volume 2034 Folio 660 and Lot 34 on Diagram 52926 being the whole of the land in Certificate of Title Volume 1879 Folio 77 are held by the Lessor in trust for charitable and community purposes.

COMMENT

Discussions on the proposed new lease have occurred over the past few months and have assumed some priority as Council is required to acquit a grant relating to the premises which is subject to a formalised lease being in place.

A draft lease was prepared some time ago, has been updated, proofed and submitted to the organisation for comment. The organisation is satisfied with the terms and conditions of the lease and hence the document is submitted to Council for endorsement.

This land subject to the lease is not the subject of a Management Order requiring the Minister for Lands approval to lease.

CONSULTATION

Community Development Officer, Chief Executive Officer, Graham Wardell (former Chairman Pioneer Museum Committee) and John Walsh, current Chairman of the Pioneer Museum Committee.

STATUTORY OBLIGATIONS

The lease document becomes a legal document and is entered into pursuant to the Land Administration Act 1997. It is intended to have the lease document run by Council's solicitors for a final check.

The final document would be registered with Landgate with original copies being held by the Shire of Boyup Brook and the Boyup Brook Pioneer Museum Committee.

POLICY IMPLICATIONS

There are no policy implications relating to this item.

BUDGET/FINANCIAL IMPLICATIONS

There are minor legal costs in finalising this matter. Council's solicitors would be providing a final checking, not a full document drafting which occurred prior, hence the cost would not be significant.

STRATEGIC IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.5

That Council endorse the lease document between the Shire of Boyup Brook and the Boyup Brook Pioneer Museum Committee over that portion of Lots 1 and 34 Jayes Road as depicted on Annexure 1 of the draft Lease document confirming the following actions –

- Signing and sealing of the document by the Shire President and Chief Executive Officer.
- A final checking of the document by Council's solicitors with any non-substantial changes incorporated into the lease document.
- Submission to Landgate for Registration.

8.3.6 Ritson Street –change to Cailes Street

Location:	<i>Ritson Street Boyup Brook</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 June 2015</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Chief Executive Officer</i>
Attachments:	<i>Summary of comments received, copy of comments received, copy of plans showing Ritson Street, copy of a plan showing the unnamed road off Brown Seymour Road.</i>

SUMMARY

The purpose of this report is to bring before Council the results of the community consultation with a recommendation that Council not support the proposed road name change at this time.

BACKGROUND

In response to a notice of motion to the February 2015 Council meeting Council resolved as follows:

That Council makes application to the Geographic Names Committee to change the name of Ritson Street to Cailes Street.

One complaint was received 27 February 2015 (8 days after the Council meeting) and a second 10 March 2015. Due to other pressures, Administration had not actioned resolution 17/15. No specific priority was given by Council and so, based on the complaint, the matter is brought back before Council for confirmation.

The following was reported to Council, as CEO comment, in February and is reprinted as further background:

The State Government (Geographic Names Committee) controls the names of roads, parks and the like and so Council can only make a recommendation regarding any change it supports, it cannot make the change. There is generally a high level of reluctance, by the State, to changing existing names because of the cost and, inconvenience, of changing maps, addresses, and the like, so any recommendation for change needs to be supported by sound argument for the change.

Council may wish to seek public comment before it moves to recommend the road name change and the result of this could be used as evidence of community support.

It is recommended that Council resolve to seek public comment on the proposal to have the name of Ritson Street to Cailes Street with the results to come back to Council, by its April Ordinary Meeting, prior to making application to the Geographic Names Committee to effect the change.

If Council supported the move to seek to have the change made now the alternative resolution might be:

That Council makes application to the Geographic Names Committee to change the name of Ritson Street to Cailes Street.

Following the two letters of complaint, the matter was brought back to Council in March with the following as comment:

As will be seen from the complaints, they centre on the lack of consultation prior to the decision being made and the cost/inconvenience of changing addresses. One also mentions that there are other examples of duplicated names in the Shire noting Gibbs Road and Gibbs Street as an example.

Eleven lots are serviced by the constructed portion of Ritson Street (not including Shire managed Reserves) and a further two lots abut the unmade section.

Rate records show nine assessments for the made up section of Ritson Street and that there are six separate owners (that is some land holders own more than one lot.

It is recommended that Council resolve to hold action on its previous decision and seek community comment before proceeding. That owners of property abutting the made up section of Ritson Street, and abutting the unmade section of Ritson Street, be sent a letter seeking comment on the proposed name change. Also that the wider community be consulted by an advert in the Boyup Brook Gazette and on the Shire website. That a period of one month be allowed for comments to be received.

Council may also wish to seek comment from family members of the early community members honoured by the current road name.

Council resolved as follows:

- 1. That Council instructs the Chief Executive Officer to hold action on Resolution 17/15 (That Council makes application to the Geographic Names Committee to change the name of Ritson Street to Cailes Street) and that community comment before proceeding.***

- 2. That owners of property abutting the made up section of Ritson Street, and abutting the unmade section of Ritson Street, be sent a letter seeking comment on the proposed name change. Also that the wider community be consulted by an advertisement in the Boyup Brook Gazette and on the Shire website. That a period of no less than one month be allowed for comments to be received.**
- 3. That the CEO come back to Council with a review of the naming new road policy.**

Mrs. Cailes addressed the April meeting of Council noting the reasons behind seeking to change Ritson Street to Cailes Street.

She explained the “Cailes” families were among the early settlers who were the foundation to the history of the district and asked that her request be considered in the immediate future so that Mr Clifford Cailes may witness this long overdue gesture.

Parts 1 and 2 of the March resolution have been actioned and part 3 is yet to be completed.

Letters were sent to all owners of property abutting Ritson Street. The letters dated 13 April were sent out, on or about that date, to the owners at addresses listed in the Shire records for the purposes of Shire Rate notices. Comments were requested to be in writing (included email) by 11 May 2015. Shire records show there are 13 lots abutting Ritson Street west of the Blackwood River, all but two abut the made up portion. Some owners own more than one lot and so there are 8 landholders.

Council’s records show a different address, to that of the Ritson Road lots, for the serving of rate notices for all of the owners however 1 indicated, in their response, they now live on their Ritson Road lot. One lot is occupied by another party and other lots appear to be in the process of development.

An article was placed in the May Edition of the Boyup Brook Gazette, and put on the Shire notice board, advising of the proposed road name change and calling for comment. The comment period closed 29 May 2015. Two comments were received.

COMMENT

Whilst closing dates for submissions were shown in letters and advertisements, these were not adhered to by Administration and so the attached summary of comments represent all that were received to the time of writing this report (11 June 2015).

It is clear that the majority of the 8 groups of people who own lots abutting Ritson Street are against the name change. It appears that two properties are occupied and the comments show both lots of occupiers are against a name change.

Two community comments received showing one being for and the other against the name change.

It is recommended that Council not support the proposed road name change at this time. Whilst it is clear that there could be confusion regarding the names of Ritsons Road and Ritson Street these thoroughfares have held those names for some time and so there may be historical considerations (as pointed out in one of the submissions). Also, it is obvious that there are many examples of similar opportunities for confusion both within this Shire and across the State, nation and world. Whilst the Shire Council is a significant entity in the process of naming roads, it is not the responsible authority and so perhaps any, or all, naming shortcomings should be left to the responsible authority to resolve, with input from Local Government.

As reported to the May Council briefing session, there is an unnamed road off Brown Seymour Road that could be looked at as an opportunity for using the Cailles name. This road is known by some in the community as Brown road but it has no official name, and it is doubted that the name Brown would be approved given its proximity to Brown Seymour. If council wanted to pursue this opportunity, it could resolve to instruct the CEO to write to owners of land abutting this road seeking comment on the proposal prior to making a recommendation to the Geographic Names Committee.

CONSULTATION

This matter has been before Council a number of times and has the subject of a consultation process.

STATUTORY OBLIGATIONS

Council's Standing Orders Local Law provides as follows:

16.20 Revoking Decisions - When This Can Occur

16.20.1 A substantive motion may be revoked at any time provided that no action in relation to the resolution being rescinded has already occurred;

16.20.2 If a decision has been made at a Council or a committee meeting then any motion to revoke or change the decision must be supported-

- (a) in the case where an attempt to revoke or change the decision has been made within the previous three months but had failed, by an absolute majority; or*

- (b) *in any other case, by at least one third of the number of offices (whether vacant or not) of members of the Council or committee, inclusive of the mover.*

16.20.3 If a decision has been made at a Council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made

- (a) *in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
- (b) *in any other case, by an absolute majority.*

16.20.4 This clause does not apply to the change to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

It should be noted that the recommendation does not include revoking the previous decision at this time. Also that as no action has been taken Council has the power to revoke the previous decision at any time up until some action has been taken to effect the decision. The recommendation includes putting a hold on actioning the decision.

POLICY IMPLICATIONS

Council has a Naming New Roads Policy but has no policy on the renaming of roads. The Naming New Roads Policy is as follows:

<i>POLICY NO.</i>	<i>P.08</i>
<i>POLICY SUBJECT</i>	<i>Naming New Roads</i>
<i>ADOPTION DATE</i>	<i>17 June 2004</i>
<i>VARIATION DATE</i>	<i>21 December 2007, 15 August 2013, 12 December 2013, 21 August 2014</i>

Objective

To determine the process for naming new roads.

Statement

- *Name duplication with local governments or adjoining local governments shall be avoided. If possible, it should also be avoided within the State.*
- *Names of living individuals shall not be used.*
- *Names characterised as follows are to be avoided:-*

Incongruous; given/first names; given/first and surname combinations; double names; qualified names; corrupted, unduly cumbersome or difficult to pronounce names; obscene, derogatory, racist or discriminating names; company names; or, commercialised names.*

- *Preferred sources of names include:*
Aboriginal names; pioneers of the State or area; war casualty list; thematic names e.g. fauna, ships etc.
- *Road names shall not be approved unless the origin of the name is clearly stated.*

**Use of given/first names may be acceptable in special circumstances, e.g. when to people with the same name are valid sources for a road name, or a surname is not appropriate for some reason.*

But: Use of the surname will normally have priority.
Particular attention will be paid to explanation of origins.
Honouring the same person more than once will be avoided.

Further research into local history and identities has resulted in the following suggestions as an initial schedule of suggestions:-

That Council endeavours to add “suggested names” to its policy P.08 by advertising for submissions in the Boyup Brook Gazette and by survey of honour boards and memorials in the Shire of Boyup Brook. The updated list is then to be submitted to Landgate for approval.

Hales The ‘Hales’ name has been synonymous with the district for 100 years. Mr Wally Hales was a major contributor to promoting Boyup Brook as a tourist destination for many decades. (Name added in November 2005)

Fuller Harry Fuller took up 700 acres in the district in 1902. He was an excellent teamster and carted regularly by contract. His team of horses was commented on favourably for many years. He and his wife raised ten children.

Geographic names may not accept the use of Fuller Road due to the proximity of Fullerton Road, Catterick – previous request to approve denied by Geographic Names.

Gregory After AC Gregory – first white man to the District and Famous Explorer.

Geographic Names may not accept the use of Gregory Road due to the proximity of Gregory Street in Dinninup – previous request to approve denied by Geographic Names.

*Lloyd After JR Lloyd – Councillor 1961-67, 68-89, 91-93,
Shire President 1976-1982*

Geographic Names may not accept the use of Lloyd Road due to the proximity of Lloyd Road in Darkan – previous request to approve denied by Geographic Names

*Moore After CL Moore – Councillor 1974 – 1988
Shire President 1982-1987*

Geographic Names may not accept the use of Moore Road due to the proximity of Moore Street in Wilga – previous request to approve denied by Geographic Names

Moulton Matt Moulton took a position of Land Guide in the Scott's Brook area of the Upper Blackwood District in 1892. He took up land there and developed it. He was an excellent horseman and expert bushman and is credited with providing sound advice to new settlers.

Geographic Names may not accept the use of Moulton due to the proximity of Moulton Road in Bridgetown – previous request to approve denied by Geographic Names.

Smith Harry Smith and his family arrived in the district in 1909 and took up land at Scotts Brook. Before the land became productive he earned a living carting and dam sinking with a bullock team. His daughter Amy married Charles Jennings and the family remain in the district today.

Geographic Names may not accept the use of Smith due to the proximity of 12 other uses in adjoining Shires – previous request to approve denied by Geographic Names.

Sinnott William Sinnott came to the Upper Blackwood district in 1896 and settled near Mayanup. He was a public minded person, involved in sport, business associations and a member of the Roads Board from 1918-1934.

Wauchope Mr Wauchope was one of the best known teachers at the Boyup Brook School in the early days. He taught there from 1903-1912 and again 1917-1925. He assisted Mr Proctor put down the first tennis courts in town in 1904. Mrs Wauchope ran the first unofficial post office in Boyup Brook from the school house.

Cailes Mr Albert Cailes, the grandfather of Clifford Cailes was an early settler to the Shire of Boyup Brook. The name Cailes was approved at the October 2008 Council Meeting.

Millington Ray & Ivy Millington and their three children moved to Boyup Brook in 1948. Ray commenced employment with the Upper Blackwood Road Board as grader driver, relief engineer and mechanic. Their first home was situated in Bridge Street Boyup Brook.

Letchford The Letchford family have been farming over 100 years in the Boyup Brook District.

Henry George Letchford was a public minded person who was President of the Soccer Association and instigated the establishment of the Boronia Gully School for local children. Mr Letchford developed a top Jersey dairy herd and won several Champion trophies at local shows.

BUDGET/FINANCIAL IMPLICATIONS

Nil. All relevant costs associated with a consolation process will be covered from the existing Administration budget.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
The processes of changing addresses can be time consuming and has a cost. The process of changing a road name (that is amending all maps, titles and the like) is similarly time consuming and has a cost. At the same time however, there is an adverse economic impact of confusion for emergency services. Similarly, whilst it is possible there would be no legal liability for Council or the State resulting from confusing names delaying emergency services action, there is no doubt the economic impact of any loss or damage/injury may be greater where emergency response is delayed.
- **Social**
Most of the people directly impacted by the proposed name change had an issue with it.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.6

MOVED: Cr Moir

SECONDED: Cr Kaltenrieder

Council does not support the proposal to change the name of Ritson Street to Cailes Street at this time.

Carried 7/0

Res 56/15

8.3.7 Proposed winding up of the Boyup Brook Land Conservation District Committee (LCDC)

Location: *N/a*
Applicant: *Department of Agriculture and Food*
File:
Disclosure of Officer Interest: *None*
Date: *12 June 2015*
Author: *Alan Lamb*
Authorizing Officer: *Chief Executive Officer*
Attachments: *Copy of letter*

SUMMARY

The purpose of this report is to put before Council the Department of Agriculture and Food's request for support for its proposed winding up of the Boyup Brook LCDC, with the recommendation that no objection be raised.

BACKGROUND

The Department of Agriculture and Food established LCDCs in the early eighties as part of its program. The Department no longer works with/trough these groups and so it wants to wind them up.

The Boyup Brook LCDC, as with others in the State, was set up in 1984 under Sections 22 and 23 of the Soil and Land Conservation Act 1945.

According to the Department, the LCDC ceased to exist when the term of the members expired 20 September 2001, and there is now a lack of interest in continuing the LCDC.

Council's support is sought prior to the matter being put to the Minister.

COMMENT

It appears that the Department, along with other government agencies, is conducting "house keeping" and now seeks to formally wind up non-functioning committees and the like. It is suspected that this is prompted by, at least in part, the need to reduce exposure to liability.

As the LCDCs were set up by the Department for its programs and as the Boyup Brook LCDC has not been operating since 2001, it is recommended that Council does not oppose the proposed winding up of the Boyup Brook LCDC.

CONSULTATION

The author has spoken with the Office of the Commissioner of Soil and Land Conservation.

STATUTORY OBLIGATIONS

Nil for Council

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 8.3.7

MOVED: Cr Walker

SECONDED: Cr Imrie

That the Commissioner of Soil and Land Conservation, Department of Agriculture and Food, be advised that Council does not oppose the proposed winding up of the Boyup Brook LCDC.

Carried 7/0

Res 57/15

8.3.8 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>11 June 2015</i>
Author:	<i>Alan Lamb - CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Confidential attachment - copy of emails to and from Mr Drayton</i>

SUMMARY

The purpose of this report is to bring back before Council the matter of a lease over a portion of the airfield site with the recommendation that Council defer this matter to its 2015/16 Budget deliberations before considering it further.

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.**

The matter went before Council again in December 2013 and Council resolved as follows:

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.

The commercial value of the proposed lease was determined by a suitably qualified valuer and the required advertising was done. Mr Drayton subsequently advised that, due to personal circumstances, he would not now be pursuing the business enterprise, at this time, but still wanted to lease parts of the airfield. The original request was to lease the hangar on a 30m by 30m portion of the land and another two 30m by 30m sections of land alongside this. Advertising was done with these details, the assessed value and the agreed rental.

Mr Drayton now wishes to lease two 30m by 30m sites, one with the hangar on it and another alongside this. He would like to pay a lower rental amount.

He also requested that he be given approval to install gates across the hangar to secure the place. Mr Drayton sited fuel being taken from his aircraft, that it had been tampered with etc. The CEO gave approval for this in accordance with part 1 of the June 2013 resolution on this matter.

Mr Drayton further requested that Council consider sealing the hangar floor of assisting with the cost of doing so. Also that Council consider installing gates across the entrance track and security cameras.

The following was reported to the April 2014 meeting of Council:

Please note that all dollar amounts in this report are exclusive of GST.

Whilst the original agreement regarding a lease was advertised, in accordance with legislation, the proposed new agreement has not and the "deal" would need to be advertised for 14 days and any submissions assessed before a lease could be entered into. The valuations obtained were on the basis of an annual rental for the 30m by 30m site with the hangar and a valuation for a 30m by 30m site with no improvements. The second valuation applied to any of the vacant sites. Therefore the current valuation could be used for the advertising.

The valuation of the hangar site was \$2,475 per annum and \$900 for vacant sites. The original proposal for three sites was therefore valued at \$4,275 per annum and the negotiated rental was - \$100 per month for the first year \$150 per month

for the second and \$200 per month for the third (i.e. \$1,200, \$1,800 and \$2,400 per annum).

The rental discussed with Mr Drayton was based on assisting a new business to commence operation and so was not at a commercial level (it is not uncommon for Council's to assist new businesses in this way). Whilst Mr Drayton's immediate plans have changed Council may wish to still view this as an opportunity to assist a new business that may start to operate sometime in the future. If so and using the assessed valuations as a guide but rounding 10 dollars, the monthly rental for two sites, including the one with the hangar, would be \$80 for the first year (\$960 per annum), \$120 for the second year (\$1,440 per annum) and \$160 for the third year (\$1,920 per annum).

With regard to the sealing of the hangar floor, this is needed for, among other things, to enable one person to physically move planes around in the hangar (the small wheels tend to bog when turning aircraft around). The floor area under the hangar roof is approximately 151.3 m². Based on a rate of \$80 per m², a concrete floor would cost in the order of \$12,104. Asphalt would be an option, the preparation rate is \$25 m² and the asphalt rate is the same. Therefore the preparation cost would be in the order of \$3,783, and the asphalt would cost in the order of \$3,783 (note the rate for asphalt could be affected by oil prices and a small job premium), a total of \$7,566. Another option could be a stone seal (such as is used for roads). Here the preparation rate would be the same as for asphalt but the material and laying costs would be in the order of \$10 per M², the total cost would then be in the order of \$5,296.

With regard to security, gates and cameras, Council has a number of security cameras that are put up at various locations from time to time and, as part of general operation, cameras will be located at the airfield. It would be advantageous to also put up signs advising of the use of cameras.

With respect to financial capacity and the budget. An amount of \$20,000 was set aside in the budget for planning for the airstrip. At the half year budget review this amount was reduced to \$5,000 because much of the planning work was done in house. The required valuation (for leasing purposes) cost \$1,364 and it is expected that employee costs will be allocated to consume the balance of this adjusted provision.

The original budget contained a \$60,160 provision for re-sheeting the airstrip. As previously discussed, the strip is adequate at this time and so some of these funds would be available for other capital works at the strip. All but \$35,000 of the provision relates to employee and plant costs. When all added together these costs equal the cost of employees and plant operation, so whilst the remaining \$25,160 may be available for other projects, it would only be so where this involved the relevant amounts for employee and plant costs. When looking at what Council might be able to do with regard to electrical power supply, ablutions, water supply and phone connection, that Mr Drayton needed for his planned

business, it was noted that \$35,000 of the \$60,160 provision was available for external expenditure. In essence then, if Council wanted to do something at the airfield that involved the works crew and plant, then the \$25,160 could be applied to this. If Council wished to purchase materials, or the like, then the \$35,000 could be applied to this.

So, on the face of things, Council has the capacity to look at doing some works at the airfield. If Council were to agree to seal the area inside the hangar then consideration should also be given to sealing an area for aeroplanes to warm up and test their engines before going to the runway.

In terms of making decisions and progressing the matters. If Council wished to lease the hangar site plus one 30m by 30m vacant site to Mr Drayton, then it would have to come to an agreed rental, and other terms, with Mr Drayton. The next step would be to advertise the proposal for 14 days and the move to having an agreement drawn up and executed. Council could set parameters and then authorise the CEO to deal with these matters.

With regard to sealing the hangar floor, it has to be noted that the structure is old. In 2012, AVP Valuers assessed the building to be in fair condition, that it's estimated economic working life was 40 years and that the estimated remaining life was 18 years. It estimated that the gross current replacement cost would be \$28,000 and that the current (2/12) fair value (all buildings) was \$22,000. Unfortunately other than the estimated gross current replacement cost (GCRC), all of AVP's estimates were based on the hangar, wind sock and water storage tank. The GCRC for the hangar is \$28,000 and \$20,000 for the wind sock and water tank combined. It may be deduced that the current value of the hangar is then in the order of \$10,000. Further, it can be taken from this that the hangar should be serviceable for in the order of 16 years (i.e. 18 years in 2012).

With regard to the security gate at the entrance and the cameras. Closing the airfield to the public at this stage, and without a plan for who can have access, on what basis, fee level for landing and other airfield uses, is not recommended. The other and significant consideration that needs to be tackled is use by fire brigades in emergencies (i.e. fire bombers). It is therefore recommended that no action be taken in regard to a gate at this time. The security cameras and an appropriate sign will be done as part of the normal operation.

It is recommended that Council deliberate this matter in sequence, with the first decision being to lease or not based on the current request. The recommendation here is that Council does seek to lease the two bays as requested.

The next is to determine the rental, who pays legal costs for the lease (generally this is the lessee but Council's often meet this cost for community groups and fledgling businesses). It is recommended that Council determine who pays the lease drafting costs and what the rental will be at the meeting.

The third is in relation to sealing the hangar floor. If the building is going to be serviceable for 16 more years then spending some funds on making it more fit for use is warranted. If Council is going to do seal work then it should also include a sealed pad for all aircraft to use (as there will be cost savings in doing two small jobs as one). Asphalt lasts longer than a stone seal and does not require the same level of preparatory work. It is thicker and so when laid can be laid level despite small irregularities in the ground surface). It is therefore recommended that Council opt for asphalt, that it require Mr Drayton to do all of the relevant preparatory work inside the hangar, to the Shire's required standard, and that it allow a sum of up to \$15,000, from the current capital provision of \$60,160, to pay for this work.

Council considered the matter and resolved 17 April 2014 as follows:

That Council:

- 1) delegate to the Chief Executive Officer the authority to lease two 30m by 30m portions of the Boyup Brook Airfield (Part of Lot 2 on Diagram 43995), one of which contains the existing hangar building, to Mr Drayton provided that:***
 - a) the term of the lease does not exceed three years***
 - b) the Chief Executive Officer follows the process set out in section 3.58(3) of the Local Government Act, and no compelling objections are received.***
 - c) Mr Drayton agrees to an annual rental, for the two lots,***
 - i) of \$1000.00 for the first year, \$1500.00 for the second year and \$2000.00 for the third year.***
- 2) Approve of up to \$15,000 being spent on sealing the hangar floor and a pad, for the purpose of testing aircraft engines for all airstrip users, on the condition that Mr Drayton does, to the satisfaction of Council, or pays the cost of, all of the preparatory work for the hangar floor area. With the funds coming from the current provision for capital works at the airfield***

Council's decision was conveyed to Mr Drayton via emailed letter 8 May 2014. Mr Drayton responded 30 June noting that the conditions on the table were different to what had been discussed and that he would come to Boyup Brook to discuss the matter. Mr Drayton and the CEO met 21 November 2014, Mr Drayton was advised that nothing had been done in relation to a lease as he had not agreed to the terms. Also that it was now a new financial year with a new budget and that provisions made in 13/14 were not automatically carried forward to 14/15. That the matter would need to go back to Council if he wanted to progress it now.

The CEO wrote to Mr Drayton on or about 13 May 2015 to ask that arrangements regarding his use of the hangar be firmed up or Council may need to open the hangar to other uses.

Mr Drayton emailed the following proposal 1 June 2015:

To Boyup Brook Shire Council

Re: Existing request for Council Involvement, and Approval to open and establish an Aircraft Maintenance facility at the Boyup Brook Shire Aerodrome.

- 1) I currently have access to the existing Hangar at the Airstrip, and wish to enter into a Lease Agreement for that structure and land
 - a) as well as a Lease Agreement for the following Proposal:
- 2) I seek permission to erect a 13 meter by 16 meter Aircraft Maintenance Facility on the southern side of the existing hangar.
 - a) 10 meter wall distance between the 2 hangars
 - b) a cyclone style proof fence to be erected between the back wall corners of the 2 Hangars, with wire gates
to be erected at the front between the 2 hangars
 - c) this 10 meter distance is to facilitate Secure sheltered Aircraft parking for Customer Aircraft
- 3) I seek permission to personally start cleaning up, in my own time, and my expense - in and around the existing hangar of, old metal objects, old tree limbs, including nuisance tree limbs etc.
- 4) If favourable consideration is give to the above, I request consideration for the following:
 - a) that power be connected to the Airfield, and that I will pay Power accounts as would be for a normal House Hold, or Industrial area accommodation.
 - b) A water tank be considered for Hangar roof run off
 - c) Current Hangar floor to be sealed with Hot Mix
 - d) A Hot Mix hard stand area be considered in front of existing Hangar
 - e) A Hot Mix Aircraft parking area, and Aircraft serviceability "Run Up" bay (to minimize Propeller damage size to be determined
 - f) Installation of a Toilet facility (also for use by other Airstrip users)

Respectfully forwarded for Consideration

Paul Drayton

This was followed up with a lease rental proposal as follows:

I am agreeable to enter into the original proposal of \$1000.00 for the first year, \$1500.00 for the second year, and \$2000.00 for the third year, but as I outlined in my new application, the area between the existing hangar and new hangar for reasons outlined, I request that, that portion of land may be free of charge, or at best, at a much reduced rate.

COMMENT

This matter has dragged on for some time now and personal circumstances got in the way of Mr Drayton's aim of starting an aircraft maintenance business in Boyup Brook.

Council would need to budget for electrical power supply, an onsite water supply sealing the hangar floor and apron and an aircraft parking area, and a toilet facility. Administration had done a fair bit of work in 2013 and early in 2014 on these requests and so costs estimates may be available for budgeting proposes however there will be a cost in locating and checking these so it has not been done pending indication from Council as to its intentions.

The opportunity that appeared to be offered to Boyup Brook by the new business enterprise was attractive to Council at the time. But Council may wish to now see some surety that a business would be established before it went down the path of establishing costs of upgrade work and budgeting for this.

Whilst we have all had our challenges that get in the way of great ideas, opportunities and plans, Council needs to ensure that public assets are used to their best purpose.

It is apparent that other users of the airfield, who may have used the existing hangar in the past, have been denied its use for quite some time. Whilst the free use was a prelude to a business commencing it may have been seen to be reasonable but as the business did not eventuate, the community value of the free use has been limited.

Whilst the draft budget is still being developed, it is expected there will be no significant opportunities for additional expenditure. From an administration perspective, we are stretched to the limit now and this will not improve into 2015/16 with the additional R2R funding for road works limiting opportunities to use Shire staff and equipment for additional works. Also current projects such as aged accommodation and the need to pressure/assist Water Corp over the announced sewerage scheme will consume resources. The requested works have not been costed but a ball park figure is \$50,000, when compared to the offered rental of \$4,500 over three years this would not be a sound investment unless there was another benefit (such as might accrue from a new business in the Shire). Also, it is expected that increased use of the airstrip would result in increased demands for improvements and will increase maintenance costs.

On the other hand, a new business, such as what Mr Drayton seeks to establish, should have wide beneficial impact on the local economy (increased numbers using eateries, accommodation, retail, and the like). And if so Council may see value in investing community resources in helping to establish the business, as it did in 2013 and again in 2014.

Mr Drayton appears to be keen to get moving on his business aspirations here in Boyup Brook.

Council may deal with this matter on economic grounds and so it is recommended that Council defer consideration till it has completed the 2015/16 Budget, that it considers the expenditure requests as part of the budget deliberations.

CONSULTATION

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

STATUTORY OBLIGATIONS

Council may wish to deal with some aspects of this matter behind closed doors, 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.]

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;*

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

There is no impact at this time however there will be a cost in reviewing and costing the requested works and lease, and in doing the works. The 2015/16 budget is still being developed and has not been to Council as yet so these costs could be included. It is clear that the rental income will not cover the anticipated cost of requested works over the term of the proposed lease.

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 may eventually 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, if it commences, 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

OFFICER RECOMMENDATION – ITEM 8.3.8

That Council defers Mr Drayton's proposal regarding a lease of a portion of the Boyup Brook Airfield to its 2015/16 Budget deliberations before considering it further.

COUNCIL DECISION – ITEM 8.3.8

MOVED: Cr Walker

SECONDED: Cr Imrie

That Council defers Mr Drayton's proposal regarding a lease of a portion of the Boyup Brook Airfield to its 2015/16 Budget deliberations before considering it further.

Mr Drayton be asked to vacate the hangar or pay a hire fee for the hangar \$40.00 per week effective 2nd July 2015.

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 58/15

8.3.9 Plant Tender No 15-003 – Diesel Motor Grader

Location:	N/A
Applicant:	
File:	
Disclosure of Officer Interest:	None
Date:	12 th of June, 2015
Author:	Alan Lamb
Authorizing Officer:	Alan Lamb
Attachments:	Qualitative Criteria Assessment and Grader Comparison Sheet

SUMMARY

The 2014/2015 Plant Replacement Program allows for the replacement of a Diesel Motor Grader. The new grader will become the Shires Construction Grader, operated by our finishing grader driver Joe Fenwick.

Prices were requested for new machines via WALGA's E Quotes and simultaneously WALGA ran a tender for the disposal of the Council's Caterpillar 120H grader.

Council, on the recommendation of the Works Supervisor (Tony Bogar) and the Leading Hand Grader Driver (Joe Fenwick), has also decided that the 12 foot mould board with the 17.5 x 25 tyres is the most suitable configuration for grading Council's gravel roads.

This report recommends that the Council approve the quotation submitted by MA Trevenen and Komatsu.

BACKGROUND

The Council's purchasing policy, F03, requires that for prices over \$100,000 that Council goes to public tender. WALGA's preferred supplier list allows for the tender process to be waived in lieu of seeking quotations from suppliers on WALGA's 'preferred supplier list'.

In this case WALGA's preferred Supplier list was used to seek quotations from Westrac (Caterpillar), CJD Equipment (Volvo), Hitachi Construction Equipment (John Deere) and Komatsu (Komatsu).

Quotations for new machines were received as follows:

- CJD Equipment – Volvo G930
- Komatsu – Komatsu GD555-5
- Hitachi Construction Equipment – John Deere 670G/GP

- Westrac Equipment Pty Ltd – Caterpillar 12M

Quotations for 'Offer to Purchase' the Caterpillar 120H were received from the above plus:

- Smith & Broughton
- MA Trevenen
- Canning Vale Earthworks

DISPOSAL

Prices submitted to purchase Councils 2000 Caterpillar 120H grader are as follows.

Company	Price (exc GST)
CJD	52,000
Komatsu	6,000 see note below
Hitachi	47,000
Westrac	45,000
Smith & Broughton	42,770
MA Trevenen	55,500
Canning Vale Earthmoving	47,000

Note:

1. Komatsu's submitted purchase price of \$60,000 is only if Council trades in its Caterpillar 120H on a Komatsu grader – it is not an offer to purchase Councils machine without Council purchasing a new machine from them.
2. If Council purchases a new grader from Komatsu, Komatsu will offer a \$15,000 rebate to Council if they do not trade the Caterpillar grader –this means that using Trevenen's price will be equivalent to a \$55,000 + \$15,000 = \$70,000.

PURCHASE

This is for a grader with a 12 foot mould board, 17.5 x 25 tyres. No Grade Pro fitted

Company	Grader	Net Power kW	Full Warranty	Power Train Warranty	Free Servicing	Fuel Consumption	Change Over (exc GST)	\$Ranking
CJD	Volvo 930	115 low 145 high	12 month 2500 hour	60 month 10000 hour	1 st service	No given	See confidential report	Cheapest
Komatsu	GD 555-5	120 low 146 high	36 month 6000 hr	36 month 6000 hr	3yr/ 2000 hr	12.5l/hr	See confidential report	2 nd Cheapest
Hitachi	JD 670G	116 low 145 high	36 month 6000 hr	48 month 8000 hr	No	12.1 l/hr	See confidential report	Most expensive
Westrac	Caterpillar 12M	118 low 144 high	60 month 6000 hr	60 month 6000 hour	no	12.5 l/h Ave Medium Use	See confidential report	2 nd most expensive

COMMENT

1. The Works Supervisor, the mechanic and the leading hand grader driver (the new machine will be operated by the leading hand grader driver) have previously reviewed all machines when undertaking research for the purchase of the last new grader.
 - i. The Shire currently has a Caterpillar 12M grader that is driven by the 'leading hand grader driver'.
 - ii. The leading hand grader driver wants to go back to a steering wheel machine.
 - iii. The leading hand grader driver (the operator of the new machine) prefers the Komatsu
 - iv. The leading hand grader driver prefers the cabin layout of the Komatsu
2. All of the 4 graders have similar power ratings
3. All of the 4 graders have power shift style gear boxes.
4. The base model Volvo, Komatsu and John Deere graders all have a steering wheel and use the standard control lever configuration. The Caterpillar grader has no steering wheel and utilized joy stick controls.
5. Council Budget changeover price is \$263,000, all but the John Deere grader fit within budget (12 foot blade/17.5 x R25 tyres no grade pro)
6. Both the Caterpillar and Komatsu have a 60 month/6000 hours drive chain warranty, Volvo has a 60 month/10000 hours drive train warranty.
7. Komatsu offer a 3 year/2000 hour free servicing (no travel charged)
8. The Caterpillar machines generally have a better re-sale value but they are also more expensive to purchase at the beginning (the gap has closed significantly since the last purchase)

CONSULTATION

Director of Engineering Services, Works Supervisor, Leading Hand Grader Operator and Mechanic

STATUTORY OBLIGATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Purchasing Policy F03

BUDGET/FINANCIAL IMPLICATIONS

The approved 10 Year plan had a changeover price of \$263,000 (excluding GST) for the new grader.

The recommended purchase of the new grader and disposal of the old grader come in under the budget price.

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 8.3.9

MOVED: Cr Moir

SECONDED: Cr Kaltenrieder

- 1. That the quotation submitted by MA Trevens for \$55,500 plus GST is accepted for the outright purchase of Councils 2000 Caterpillar 120H grader.**
- 2. That the quotation submitted by Komatsu for a new Komatsu 555-5 grader is accepted.**

CARRIED 7/0

Res 59/15

9 COMMITTEE REPORTS

COUNCIL DECISION

MOVED: Cr Walker

SECONDED: Cr Moir

That the Council adopts enbloc 9.1.1, 9.1.2 and 9.1.3

Carried 7/0

Res 60/15

9.1.1 AGM Minutes of the Bushfire Advisory Committee

Location: N/A

Applicant: N/A

File:

Disclosure of Officer Interest: Nil

Date: 11 June 2015

Author: Alan Lamb - CEO

Attachments: Yes – Minutes

BACKGROUND

The Annual General Meeting of the Bushfire Advisory Committee meeting was held on 12th May 2015.

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

OFFICER RECOMMENDATION – Item 9.1.1

That the minutes of the Bushfire Advisory Committee meeting be received.

AMENDED RECOMMENDATION

- 1. That the minutes of the Annual General Meeting of the Bushfire Advisory Committee meeting held on 12 May 2015 be received.**
- 2. That Council appoints the following persons to the following posts:**

Position	Appointee
Chief Fire Control Officer	D. Inglis
1st Deputy Chief Fire Control Officer	T Mead
2nd Deputy Chief Fire Control Officer	R. Bingham
Communications Officer	Vacant
Fire Weather Officer	G Potter
Deputy Fire Weather Officer	M. Wright
Training Officer	M Waller

3. That Council appoints the following brigade representatives to the Bushfire Advisory Committee.

Brigade	Member	Deputy
Benjinup	D. Inglis	D. Guazzelli
Chowerup	B Evans	A. Hallett
Dinninup	T Mead	M Wright
East Boyup Brook	J Ritson	J. Johansen
Gibbs Road	R. Bingham	P Goerling
Kenninup	B Skraha	N Bagshaw
Kulikup	B. Fairbrass	H. Bock
Mayanup	C Coole	B. Creek
McAlinden	D. Fortune	D. Wildy
Mickalarup/Dwalganup	R. Forbes	K. Lloyd
Nollajup	M. Gifford	R. Introvigne
Scotts Brook	B Thompson	C. Caldwell
Tonebridge	D. Turner	R. Tuckett
Tweed	C. Connop	D Muir
West Boyup Brook	B. Cailles	G Hales

4. That in accordance with the Bushfire Advisory Committee annual general meeting recommendation to Council:
 “That the Bush Fire Advisory Committee recommends to Council that a trailer for roadside burning signage be included in this year’s budget”
 Council directs that such a trailer be included in the draft 2015/16 budget for consideration by Council.

COUNCIL DECISION – ITEM 9.1.1

- That the minutes of the Annual General Meeting of the Bushfire Advisory Committee meeting held on 12 May 2015 be received.
- That Council appoints the following persons to the following posts:

Position	Appointee
Chief Fire Control Officer	D. Inglis
1st Deputy Chief Fire Control Officer	T Mead
2nd Deputy Chief Fire Control Officer	R. Bingham
Communications Officer	Vacant
Fire Weather Officer	G Potter
Deputy Fire Weather Officer	M. Wright
Training Officer	M Waller
- That Council appoints the following brigade representatives to the Bushfire Advisory Committee.

Brigade	Member	Deputy
Benjinup	D. Inglis	D. Guazzelli
Chowerup	B Evans	A. Hallett
Dinninup	T Mead	M Wright
East Boyup Brook	J Ritson	J. Johansen
Gibbs Road	R. Bingham	P Goerling
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Mayanup	C Coole	B. Creek
McAlinden	D. Fortune	D. Wildy
Mickalarup/Dwal ganup	R. Forbes	K. Lloyd
Nollajup	M. Gifford	R. Introvigne
Scotts Brook	B Thompson	C. Caldwell
Tonebridge	D. Turner	R. Tuckett
Tweed	C. Connop	D Muir
West Boyup Brook	B. Cailes	G Hales

4. That in accordance with the Bushfire Advisory Committee annual general meeting recommendation to Council:
 “That the Bush Fire Advisory Committee recommends to Council that a trailer for roadside burning signage be included in this year’s budget”
 Council directs that such a trailer be included in the draft 2015/16 budget for consideration by Council.

9.1.2 Minutes of the Bunbury Wellington Group of Councils
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Location: N/A
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 11 June 2015
Author: Alan Lamb - CEO
Attachments: Yes – Minutes

BACKGROUND

The Bunbury Wellington Group of Councils Committee meeting was held on 9th May 2015.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.2

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

9.1.3 Minutes of the Blackwood River Valley Marketing Association
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Location: N/A
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 11 June 2015
Author: Alan Lamb - CEO
Attachments: Yes – Minutes

BACKGROUND

The Blackwood River Valley Marketing Association meeting was held on 8th April 2015.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.3

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

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

12.1.1 Disposal of Shire vehicle to an employee
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COUNCIL DECISION – ITEM 12.1.1

MOVED: Cr Walker

SECONDED: Cr Imrie

That Council sells the Shire Ford Territory, plant number 179, to Dr Mel for \$25,000.

Carried by Absolute Majority 7/0

Res 61/15

13 CLOSURE OF MEETING

There being no further business the Deputy Shire President thanked all for attending and declared the meeting closed at 7.08pm