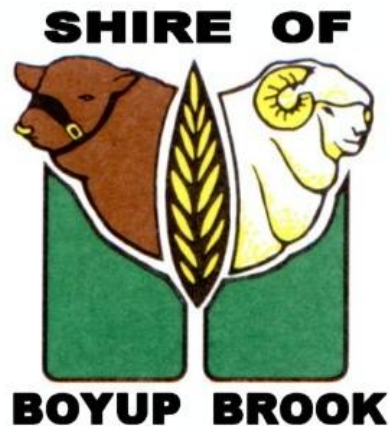


Minutes



ORDINARY MEETING

held

THURSDAY 21 April 2016

Commenced AT 5.00PM

AT

**SHIRE OF BOYUP BROOK
CHAMBERS**

ABEL STREET – BOYUP BROOK

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

1.1 Attendance

Cr M Giles – Shire President
Cr G Aird – Deputy Shire President
Cr N Blackburn
Cr J Imrie
Cr P Kaltenrieder
Cr K Moir
Cr E Muncey

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

PUBLIC: Mr Doug Corker

1.1.1 Cr Rear – Teleconference

MOTION

That Council approves Cr Rear attending this Council meeting by Teleconference, that the house she is in, in Perth is a suitable place and is more than 150 kilometres from the meeting place.

LAPSED FOR WANT OF A MOVER AND SECONDER

1.2 Apologies

Cr Oversby
Cr Rear

1.3 Leave of Absence

Nil

2 PUBLIC QUESTION TIME

2.1 Question:

Does the Shire have a responsibility to fund Sporting Clubs in Boyup Brook, can the money be spent on roads?

Response:

Yes the Shire does have a responsibility to fund Sporting Clubs as this is beneficial for the youth.

Question

2.2 Do I need to come to the Front Desk to put in a works request regarding roads as I do not want to jump the queue.

2.3 Response:

Yes you do need to put in a works request so the information gets recorded on the system and is assessed on merit.

2.4 Question:

We have many good Contractors in the Shire to assist with roads, why doesn't the Shire use them?

Response:

The Shire does use Contractors at certain times but it does depend on the budget.

2.1 Response to Previous Public Questions Taken on Notice

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Kaltenrieder attended the Bio Security meeting on 30th March 2016.

Cr Kaltenrieder attended the Annual Anzac Service at the School on 7th April 2016.

Cr Kaltenrieder attended Colin Rohrlach's funeral.

Cr Kaltenrieder attended the Community Resource Centre meeting.

Cr Aird attended the Official Opening of the Bridgetown Swimming Pool by the Honourable Minister for Regional Development, Terry Redman, MLA on 15th April 2016

Cr Imrie attended the Wilga AGM meeting.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 17 March 2016

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Imrie

SECONDED: Cr Muncey

That the minutes of the Ordinary Meeting of Council held on Thursday 17 March 2016 be confirmed as an accurate record with the following amendment:

"Cr Imrie mentioned the Endurance Ride and fish and chip night was successful with money raised".

CARRIED 7/0

Res 33/16

6 PRESIDENTIAL COMMUNICATIONS

Cr Giles thanked Cr Aird for attended the Official Opening of the Bridgetown Swimming Pool on his behalf.

Cr Giles attended the Annual Anzac Service at the School on 7th April 2016.

Cr Giles attended Colin Rohrlach's funeral.

Cr Giles attended the Regional Road Group meeting held on 21st March 2016.

Cr Giles attended a meeting on the 30th March 2016 with the Doctors Surgery.

7 COUNCILLORS QUESTIONS ON NOTICE

Nil

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

Nil

COUNCIL DECISION

MOVED: Cr Moir

SECONDED: Cr Blackburn

That the Council adopts enbloc 8.2.1 and 8.2.2.

CARRIED 7/0

Res 34/16

8.2

FINANCE

8.2.1 List of Accounts Paid in March 2016
--

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>13 April 2016</i>
Author:	<i>Kerry Fisher – Manager of Finance</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – List of Accounts Paid in March</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in March 2016 are presented to Council.

BACKGROUND

This report presents accounts/invoices received for the supply of goods and services, salaries and wages, and the like which were paid during the period 01 to 31 March 2016.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 March 2016.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

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

12. *Payments from municipal fund or trust fund*

(1) *A payment may only be made from the municipal fund or the trust fund —*

(a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*

(b) *otherwise, if the payment is authorised in advance by a resolution of the council.*

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

13. *Lists of accounts*

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

(a) *the payee's name;*

(b) *the amount of the payment;*

(c) *the date of the payment; and*

(d) *sufficient information to identify the transaction.*

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

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

(i) *the payee's name;*

(ii) *the amount of the payment; and*

(iii) *sufficient information to identify the transaction;*

and

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

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

(a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*

(b) *recorded in the minutes of that meeting.*

POLICY IMPLICATIONS

Council's Authority to Make Payments Policy has application.

BUDGET/FINANCIAL IMPLICATIONS

Account payments accorded with the 2015-16 Annual Budget.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.1

That at its April 2016 ordinary meeting Council receive as presented the list of accounts paid in March 2016, and totalling \$719,328.78 and as represented by: cheque voucher numbers 19946-19951 totalling \$100,169.98; and accounts paid by direct electronic payments through the Municipal Account totalling \$619,158.80 and the trust cheque voucher 2069 totalling \$200.00.

Kerry Fisher left at 5.36pm

8.2.2 31 March 2016 Statement of Financial Activity
--

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	13 April 2016
Author:	Kerry Fisher – Manager of Finance
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Financial Reports

SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 31 March 2016.

BACKGROUND

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

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

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

COMMENT

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

CONSULTATION

Alan Lamb – Chief Executive Officer

STATUTORY OBLIGATIONS

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

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

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.2

That having regard for any material variances, Council receive the 31 March 2016 Statement of Financial Activity and Statement of Net Current Assets, as presented.

Kerry Fisher returned at 5.42pm

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Education Establishment - Horse Park – Lot 6 Boyup Brook Kojonup Road, Boyup Brook

Location:	Lot 6 Boyup Brook Kojonup Road
Applicant:	Leonie Yun
File:	A7079
Disclosure of Officer Interest:	None
Date:	21 April 2016
Author:	A. Nicoll, Town Planner
Authorizing Officer:	Alan Lamb, Chief Executive Officer
Attachments:	Application

SUMMARY

The purpose of this report is to put before Council the request to develop a Horse Park at the 'Rural' property, Lot 6 Boyup Brook Kojonup Road.

With the approval of the Council, horse enthusiasts will be invited to bring their horse(s) for training and competitions within developed arenas and courses.

Appropriate access, parking, toilets and shelters are proposed to accommodate patrons, horses and horse floats.

The proposed use can be classed in accordance with the Shire's *Local Planning Scheme 2* - Table 1, as an 'Educational Establishment'.

Council discretion is required due to an 'Education Establishment' being categorised as an 'AA' use, which Council may approve under in the 'Rural' zone.

BACKGROUND

The owner of Lot 6 Boyup Brook Kojonup Road has applied to the Shire of Boyup Brook for approval to develop a horse park.

The following diagram illustrates the proposed location of development central to property boundaries and away from potential flooding of the Blackwood River:



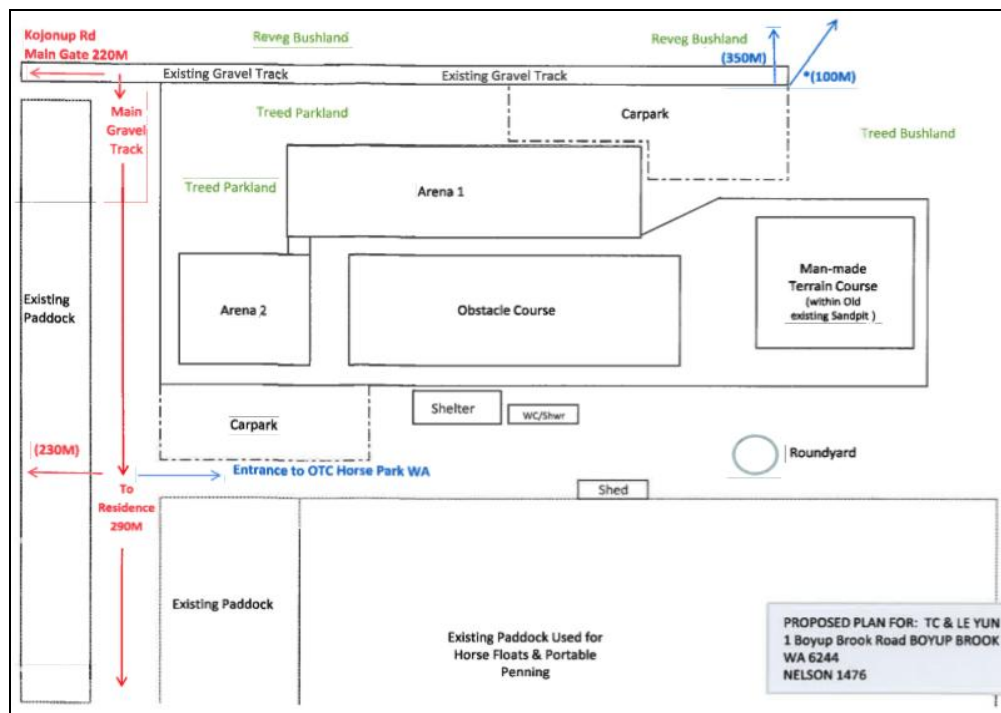
COMMENT

The subject property is zoned 'Rural' in accordance with the Shire's *Local Planning Scheme 2*. In considering applications for development in the Rural zone, Council shall have regard to evidence outlining the land's suitability and capability for further development.

The following infrastructure is proposed to accommodate horses and their riders:

- 2 X open style arenas;
- An obstacle course;
- A terrain course;
- Designated paths between activity areas;
- A shelter for patrons to seek protection from the weather;
- Toilet and shower;
- A storage shed;
- Vehicle and horse float parking area;
- Water troughs;
- Trees planted; and
- A sign at the main entrance.

The following plan illustrates the various types and location of infrastructure proposed for the horse park:



Management of the horse park and the amenity of the area is proposed to include:

- Visitation by invite;
- Landscape enhancement with the planting and maintenance of trees and grassed areas;
- Appropriate setbacks to main roads, environmentally sensitive areas and neighbouring residential buildings;
- Regular collection and appropriate storage of horse manure; and
- Vehicle and pedestrian access, and parking, in designated areas.

STATUTORY OBLIGATIONS

Statutory Obligations	Recommendations
<p>In accordance with the Shire's <i>Local Planning Scheme 2</i>, "Education Establishment means –</p> <p><i>Premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre.</i></p> <p>The Shire's <i>Local Planning Scheme 2</i></p>	<p>Recommend approving the application for Education Establishment – Horse Park for the following reasons:</p> <ul style="list-style-type: none"> • The subject property is large enough (55ha) to accommodate intensification; • The proposed development is located with appropriate setbacks to neighbouring properties, the main road and the Blackwood River; • Measures are proposed to ensure the environment is not impacted and the

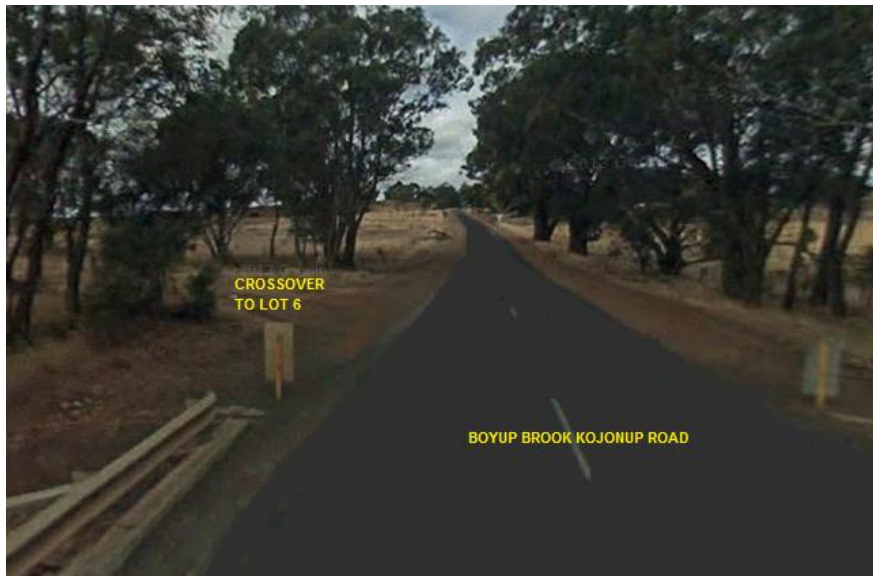
<p>Zoning Table 1, classifies an education establishment within the 'Rural' zone as 'AA'.</p> <p>The notation 'AA' means; Council, in exercising the discretionary powers available to it, <u>may approve</u> the use under the Scheme.</p>	<p>amenity of the area is enhanced with appropriate setbacks to the Blackwood River and the planting of trees.</p> <ul style="list-style-type: none">• Access from the site to the main road has suitable line of site to on road vehicles. <p>Recommend including the following condition to safeguard the natural environment:</p> <p><i>No processes being conducted on the properties that may cause a detriment to the amenity of that area by reason of chemical, noise, vibration, smell, fumes, dust or grit.</i></p>
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POLICY IMPLICATIONS

There are no Policy implications relating to this item.

CONSULTATION

Access between the Boyup Brook Kojonup Road and Lot 6 is via a crossover, which is located adjacent to a bridge over the Blackwood River and an incline section of the Boyup Brook Kojonup Road. There is adequate line of site for vehicles entering from Lot 6 onto the Boyup Brook Kojonup Road. Trucks frequently use the Boyup Brook Kojonup Road and rely on momentum to progress up the incline of the Boyup Brook Kojonup Road. A short slip-lane is constructed on the road verge, enabling vehicles to get off the main road as soon as possible prior to entering the crossover to Lot 6.



On consultation with the owner/applicant, it was decided that the gate/cattle-grid entry to Lot 6 be setback further from the Boyup Brook Kojonup Road to enable a suitable area for vehicles towing horse floats to turn off the Boyup Brook Kojonup Road.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

There are no strategic implications relating to this proposal.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
The horse park is proposed to be located keeping in mind flood potential of the adjacent Blackwood River and managed to minimise impact on the land and water resource quality.
- **Economic**
The development of a horse park is expected to create economic opportunities for local retail and tourist outlets.
- **Social**
The development of a park will improve opportunities for persons to interact, recreate and share knowledge.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.1

MOVED: Cr Kaltenrieder

SECONDED: Cr Muncey

That Council

Grants development approval for Lot 6 Boyup Brook Kojonup Road, for the purpose of 'Education Establishment - Horse Park' and subject to the following conditions:

Planning and Development Act 2005

Shire of Boyup Brook

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

Location: Lot 6 Boyup Brook Kojonup Road, Boyup Brook

Description of proposed development:

Education Establishment – Horse Park

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

Conditions:

1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Shire of Boyup Brook, all development shall occur in accordance with the approved plans.
2. No processes being conducted on the property that may cause a detriment to the amenity of that area by reason of chemical, noise, vibration, smell, fumes, dust or grit.
3. The entry gate/cattle-grid to Lot 6, being setback an appropriate distance to enable vehicles towing horse floats to turn off the Boyup Brook Kojonup Road and to enable on-road vehicles/trucks to pass.
4. Trees being planted and maintained in appropriate areas to improve the amenity of the horse park.
5. Car-parking and access areas being developed and maintained to the satisfaction of the Shire of Boyup Brook.
6. Horse effluent being collected, appropriately stored and disposed of the satisfaction of the Shire of Boyup Brook.
7. All stormwater shall be managed to the satisfaction of the Shire of Boyup Brook.

Date of determination: 21 April 2016

- Note 1: Development is more appealing when constructed of materials which blend with the natural landscape. Please note that unpainted zincalume, white and off white colours are discouraged.
- Note 2: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- Note 3: Building Permit(s) are required for the development of structures, including toilets and outbuildings. Environmental Health standards are to be met in relation to the provision of toilets- relative to the number of patrons.
- Note 4: Developmental should be considerate of the Water Quality Protection Guideline No 13 – “Environmental Guidelines for Horse Facilities and Activities.” Dec 2002.
- Note 5: Car-parking areas should be appropriately signposted and developed with a blue-metal or coarse gravel base. Pedestrian and horse access areas should be appropriately signposted and developed to avoid erosion (e.g. use of limestone). Vehicle access and carparking should be developed to enable suitable turning, reversing and passing areas. Disabled parking should be provided in accordance with Australian Standards.
- Note 6: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- Note 7: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Signed:

Dated:

for and on behalf of the Shire of Boyup Brook.

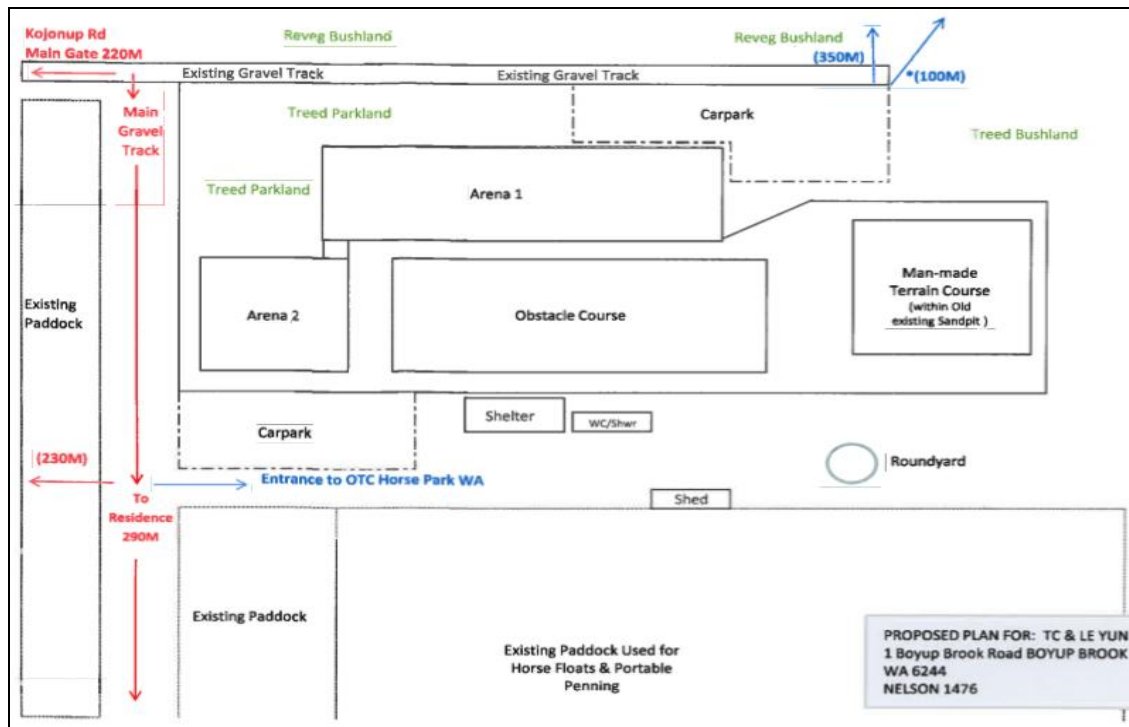
CARRIED 7/0

Res 35/16

Site Plan



Development Plan



Impartiality Interest

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

8.3.2 Community Purpose - Outbuilding – Lot 1 Jayes Road, Boyup Brook
--

Location:	Lot 1 Jayes Road, Boyup Brook
Applicant:	J. Walsh – Museum Chairman
File:	A906
Disclosure of Officer Interest:	None
Date:	21 April 2016
Author:	A. Nicoll, Town Planner
Authorizing Officer:	Alan Lamb, Chief Executive Officer
Attachments:	Nil

SUMMARY

The purpose of this report is to put before Council the request to develop an outbuilding at the Shire of Boyup Brook museum, Lot 1 Jayes Road Boyup Brook.

With the approval of the Council, an outbuilding is proposed to be developed at the museum, to store and display historic items.

The subject property is reserved by the Shire's *Local Planning Scheme 2* for 'Public Purpose'. The proposed development can be classed in accordance with the Shire's *Local Planning Scheme 2* - Table 1, as 'Community Purpose' – outbuilding.

'Community Purpose' means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.

Council discretion is required in accordance with the Scheme 2, cl. 2.1.3, which states:

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

BACKGROUND

The Shire of Boyup Brook Museum acquired a grant and submitted an application to the Shire to develop an outbuilding at Lot 1 Jayes Road.

COMMENT

The proposal involves the development of an outbuilding for storage and display of items of historic significance to the Shire of Boyup Brook. Storage items include historic tractors, which are currently sitting out in the open.

The outbuilding is to be developed using galvanised steel and finished with a gable cream colourband roof, short (300mm) cream colourbond sheeting on the top section of the walls and manor red trimmings. The roof and wall colour and trimming colour match existing developments.

The outbuilding is proposed to be 14.5m in length, 3m in width and 3m in Height.

The outbuilding is proposed to be located in a vacant area at the front of the property, close to the Jayes Road. Refer to the following plan for location details:



The outbuilding is proposed to be located such that existing access and car-parking is not compromised.

STATUTORY OBLIGATIONS

Statutory Obligations	Recommendations
Lot 1 Jayes Road is identified in the Shire's <i>Local Planning Scheme 2</i> as a 'Reserve' for 'Public Purpose'.	Recommend approving the application for 'Community Purpose' – outbuilding, for the following reasons:

<p>Clause 2.1.3 of the Shire's Scheme states:</p> <p><i>Except as otherwise provided in this Part, a person shall not carry out any development on land reserved under this Scheme other than the erection of a boundary fence, without first applying for, and obtaining, the written approval of the Council.</i></p>	<ul style="list-style-type: none">• The outbuilding will benefit the museum by protecting historic artefacts from inclement weather conditions;• The outbuilding is small in stature, open on all sides and finished using materials similar to existing developments;• Car-parking and access will not be impacted as a result of developing the outbuilding in the proposed location.
---	---

POLICY IMPLICATIONS

The Shire's Outbuilding Policy P.04 applies. This policy seeks to minimise adverse impacts outbuildings may have on a locality such as ensuring design features are incorporated to improve the street appeal.

The proposed outbuilding is not expected to impact on the street due to the small size and height, the open walls and the use of colours to match existing developments.

CONSULTATION

N/A

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

There are no strategic implications relating to this proposal.

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

Grants development approval for Lot 1 Jayes Road, Boyup Brook for the purpose of Community Purpose - Outbuilding and subject to the following conditions:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Lot: 1 Jayes Road Boyup Brook

Description of proposed development:

Outbuilding

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

Conditions:

1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Shire of Boyup Brook, all development shall occur in accordance with the approved plans.
2. Stormwater from the lot shall be managed to the satisfaction of the Shire of Boyup Brook.

Date of determination: 21 April 2016

Note 1: The development shall be constructed of materials which blend with the surrounds. Please note that unpainted zincalume, white and off white colours are discouraged.

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

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

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

Signed:

Dated:

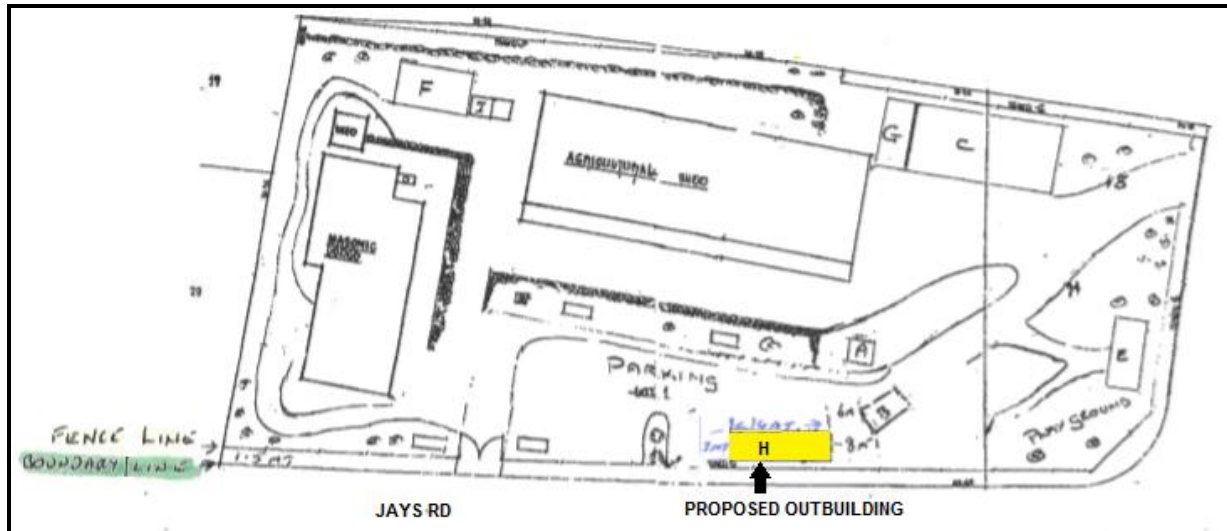
for and on behalf of the Shire of Boyup Brook.

CARRIED 7/0

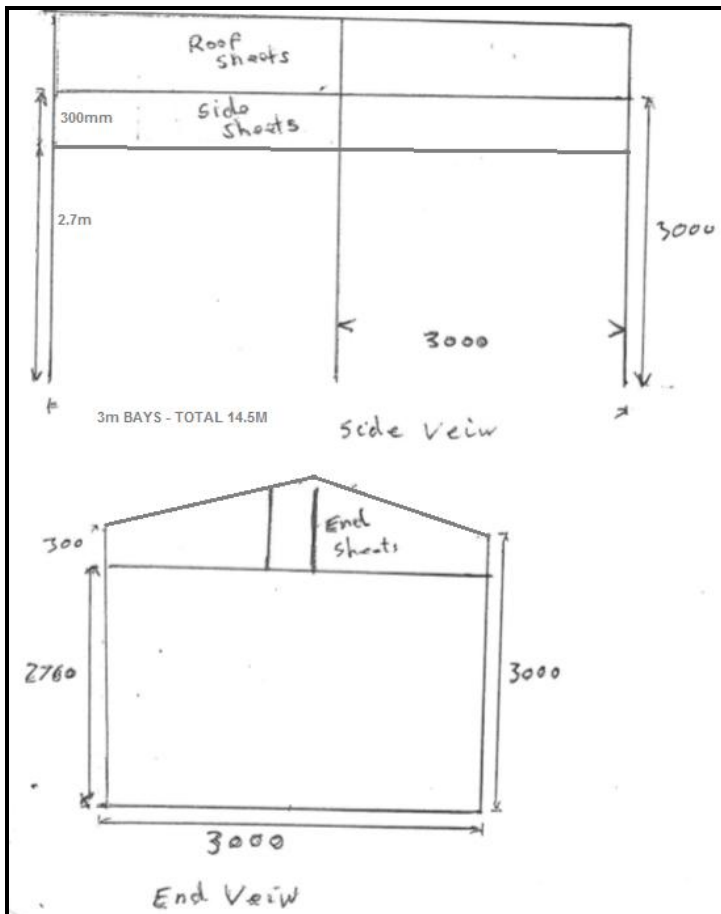
Res 36/16

APPROVED PLANS

SITE PLAN



ELEVATIONS



Impartiality Interest

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

8.3.3 Boyup Brook Pioneer Museum – Donation of planning fees

Location:	<i>Jayes Road Boyup Brook</i>
Applicant:	<i>Boyup Brook Pioneer's Museum Inc</i>
File:	<i>A906</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13 April 2016</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Chief Executive Officer</i>
Attachments:	<i>Copy of correspondence</i>

SUMMARY

The purpose of this report is to put before Council the group's donation request with a recommendation that it be agreed to

BACKGROUND

Council has a policy on donating building application fees to community groups but has no policy regarding planning fees. Community groups in the past have sought to have these fees donated and Council has generally agreed.

COMMENT

The Museum group is looking to make improvements and Council recently gave approval for the work as the property owner. At some point Council will deal with the planning application as the regulator but is being asked now for relief from paying the planning fee.

CONSULTATION

The matter of a roofed structure to protect museum displays has been before Council. The applicant has held discussions with Council's Building Surveyor.

STATUTORY OBLIGATIONS

The requirement to seek planning approval is laid down in the Shire's Town Planning Scheme and fees are set by the Department for Planning via regulations.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The potential fee is \$147 (based on the value as disclosed in the planning application). The planning fee budget was based solely on past annual fee income.

STRATEGIC IMPLICATIONS

The group manages a community asset and whilst Council provides assistance the group has been actively improving the facility over a number of years. This carport style of structure is designed to protect displays and so will enhance the value and longevity of the facility and its displays. It may be fitting therefore for Council to assist the group in the manner requested.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.3

MOVED: Cr Muncey

SECONDED: Cr Blackburn

That Council donate the town planning application fee associated with the Boyup Brook Pioneer's Museum Inc plan to build a carport style structure at the museum to protect displays.

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 37/16

8.3.4 Event Management Policy and Guidelines

Location:	N/A
Applicant:	N/A
File:	CM/43/001
Disclosure of Officer Interest:	None
Date:	March 2016
Author:	Alan Lamb and Angela Hales
Authorizing Officer:	Alan Lamb
Attachments:	New policy & application guidelines

SUMMARY

The purpose of this item is to present the new Event Management Policy and approval process to the Council for adoption.

BACKGROUND

Advice from Local Government Insurance Service (LGIS) is that all Local Government Authority's have a responsibility to ensure all event organizers have conducted a due diligence assessment on their event, with the aim to ensure a safe, secure and quality event.

As a result of the outcomes from the inquiry into the Ultra Marathon Race in the Kimberley, it was found that many small LGA may not have a formal approval process in place that allows a due diligent check of the standard of care being afforded to protect the LGA, the community's assets and interests, and reputation.

A clearly stated policy and approval process and checklist, will ensure event organizers approach their event with a level of assurance that benefits everyone and mitigates the Local Government.

COMMENT

The statutory framework that supports the event approval process is provided within the legislation listed below. The *Health (Public Buildings) Regulations 1992*, in particular requires any event over 5000 to have a risk management plan in place and for various approval certificates to be sited and signed by the Local Government.

The Event Approval Policy & approval process is based on the guidelines outlined in the Department of Health's "Guidelines for concerts, events, and organized

gatherings”, and is a standard management tool used to ensure an objective approach has been adopted to assess all events, no matter how large or small.

Adopting this process will also provide uniformity within LGAs when considering the conduct of an event within the shire, or across shire boundaries.

CONSULTATION

During the draft stages of the document and templates, event organizers have been consulted, encouraged to use the forms and provide feedback on the process. While additional instruction and some education will be needed for community group organizers, the process has been generally well received and adopted by most event organizers within the shire.

STATUTORY OBLIGATIONS

Health Act 1911

Please note the following definition of a public building as set out in the Health Act

public building means —

- (a) *a building or place or part of a building or place where persons may assemble for —*
 - (i) *civic, theatrical, social, political or religious purposes; and*
 - (ii) *educational purposes; and*
 - (iii) *entertainment, recreational or sporting purposes; and*
 - (iv) *business purposes;**and*
- (b) *any building, structure, tent, gallery, enclosure, platform or other place or any part of a building, structure, tent, gallery, enclosure, platform or other place in or on which numbers of persons are usually or occasionally assembled,*

but does not include a hospital;

Health (Public Buildings Regulations) 1992

Building Act 2011

Liquor Control Act 1988

Food Act 2008

Environmental Protection (Noise) Regulations 1997

Security and Related Activities (Control) Act 1996

Misuse of Drugs Act 1981

Caravan Parks and Camping Ground Act 1995 & Regulations

POLICY IMPLICATIONS

This matter relates to the making of a new policy.

BUDGET/FINANCIAL IMPLICATIONS

Dependant on whether the Council seeks to be reimbursed for officer's time providing advice and reviewing event plans.

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 – 8.3.4

MOVED: Cr Aird

SECONDED: Cr Kaltenrieder

That Council adopts the Policy – Event Management and Approval Process Guidelines as attached.

CARRIED 7/0

Res 38/16

8.3.5 Local Government Convention and Exhibition

Location:	<i>Perth Convention Exhibition Centre</i>
Applicant:	<i>Not applicable</i>
File:	<i>GR/31/002</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>13 April 2016</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Convention notice and forum notice</i>

SUMMARY

The 2016 Local Government Convention and Exhibition will be held 3rd August to 5th August 2016 inclusive. This report recommends that Council be represented at the convention and nominate delegates accordingly.

BACKGROUND

The Local Government Convention is the premier event for Elected Members and Officers within Local Government.

The Association's Annual General Meeting is part of the convention program.

In accordance with Western Australian Local Government's constitution, member Councils are entitled to have two voting delegates. Registration of the voting delegates is generally required by early July.

COMMENT

Convention Registration generally closes early in July each year.

In previous years Boyup Brook has been well represented with at least three Councillors and the Chief Executive Officer attending.

The estimated cost per attendee could be up to \$2,500, depending on accommodation requirements and involvement with member development programs.

Whilst it is often hard to quantify the benefit of attending conferences, this annual association get together does provide the opportunity to view a range of vendors wares (ranging from equipment such as graders, backhoes and the like to computer programs, lighting, park and street furniture) and to speak at length with representatives. It also provides the opportunity to speak with other like minded people who give of their own time to serve the community.

This interaction is important in so many ways as it provides a forum for sharing ideas and experiences and as such is more akin to training. The conference is generally attended by influential people in the state such as the Premier and the leader of the opposition. The President also has the opportunity to meet and greet other community, state and national leaders at a function hosted by the state Governor or Lord Mayor (these alternate each year).

Added to this is the teambuilding opportunity offered by the practice of all staying in the same hotel, incidentally where many other Council delegates also stay and so adding to the out of conference opportunity for interaction with other delegates.

CONSULTATION

Not applicable

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council's policy on conferences – attendances and expenses by Councillors is as follows:-

Objective

To determine the procedures for attendance at conferences and seminars by Councillors.

Statement

It is Council's policy to have the Shire of Boyup Brook represented at any conference or seminar where it is evident that some benefit will accrue to the Council and/or the district. Attendance at conferences and seminar, etc is to be determined by the Shire President in consultation with the Chief Executive Officer. All Councillors are to be given the opportunity to attend conferences and seminars etc when they are available.

It is Council policy that all reasonable and direct expenses incurred by delegates and partners attending conferences, seminars, etc are to be met by the Shire.

Funds are to be listed annually for Budget consideration to enable the Shire President together with up to 50% of Councillors to attend Local Government Week.

Where possible, attendance at Conferences is to be on a rotation basis.

BUDGET/FINANCIAL IMPLICATIONS

Expenditure will be incurred in 2016/17 and would be budgeted accordingly.

STRATEGIC IMPLICATIONS

The Convention program will enable delegates to gain information that will benefit local government in Boyup Brook, as will interaction with elected members from throughout Western Australia.

SUSTAINABILITY ISSUES

- **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 – 8.3.5

MOVED: Cr Kaltenrieder

SECONDED: Cr Imrie

That Councillors Kaltenrieder, Cr Muncey, Cr Aird and the CEO attend the 2016 Local Government convention and exhibition and expenses incurred be paid by the Shire, as per Council Policy M.01.

CARRIED 7/0

Res 39/16

8.3.6 Aged Accommodation

Location:	<i>Not yet determined</i>
Applicant:	<i>N/A</i>
File:	<i>LN/42/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>14 April 2016</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put to Council the results of the feasibility study on developing Lot 1 Forrest Street for aged accommodation together with revised estimates for developing part of the Hospital Road land, for comparison purposes, with the recommendation that Council now commit to the Lot 1 Forrest Street site.

BACKGROUND

The following is an excerpt from the CEO's report to the December 2015 Council meeting:

Before looking at sites and the like perhaps it is important to differentiate between the various types of development. Before doing so though, it should be noted that aged accommodation is the general term used for over 55's accommodation where the residents are not in need or care.

One is the lifestyle village; these are generally operated under the caravan and camping legislation that requires units to be capable of being moved within 24 hours. This style of development is ideal in areas that may be subject to flooding and was popular at caravan parks and other developments in low lying areas. Councillors looked at two such developments, one at Serpentine, which was next to a caravan park, and another at Mandurah. The Mandurah development had no short stay accommodation. Both featured accommodation units that had wheels and so could be moved. Council also looked at a retirement village in Bridgetown. This operated under the Retirement Villages legislation and the units were not transportable.

1 Forrest Street

This lot is owned freehold by the Shire and it contains the old bowling green opposite the Shire Depot. The cost estimates done in 2012 were based on a 5 unit development. Subsequent work done with a potential developer indicated the site may accommodate 6 to 10 units. This site is less than 4,000m² and so, without sewerage scheme is limited to 3 units, if strata titling, or 4 units if developed as a group dwelling.

Landcorp is currently working with Council, together with SWDC, on maximising the potential for this site by pursuing a sewerage scheme for at least part of Boyup Brook. This partnership with Landcorp is vital to the town sewerage push and would be jeopardised if this lot was developed now (that is Landcorp's interest is in facilitating development of this site and the lack of a scheme is the barrier)

The cost indication for developing the site and erecting five units on it was \$1.320M.

Life style village

Council looked at a lifestyle village style of development and selected a potential site. No detail of a site is provided here because no site has been selected. However based on the cost estimates done for the site looked at in 2012, for a 30 lot development (with no accommodation units) was Just under \$3m.

At the same time Council looked at a similar development for the flax mill area (held by the Shire under a Crown Grant). This area would require fill to bring the area up above the 1 in 100 year flood level, and there would still be a potential for flooding given its proximity to the Blackwood River. The cost estimate for a 30 lot development on this site was just over \$2.5m. Again this did not include the cost of units.

Land near the lodge and hospital

This area was looked at in 2012 and recent talks with the Health Department indicate opportunities for a development there to use Lodge facilities. This area comprises three lots managed by the Shire (two Reserves and one Crown Grant). Talks with the Health Department have indicated an opportunity to have some of its Reserve transferred to Shire management, and so expanding the area available to Council.

A five lot development was estimated to cost in the order of \$1.6m in 2012.

It should be noted that these cost estimates resulted from a desktop exercise and based on average costs at that time. Design, geotechnical investigation and the like could have a significant impact on the costs. However, these cost indications are valid for the purpose of comparing opportunities prior to embarking on the, often costly, exercise of more detailed planning and costing.

In summary, lot 1 is the key to Landcorp support for a sewerage scheme and so, it is recommended, should not be considered at this time. This site may be an opportunity for partnering with a State agency, once the sewer is in, where Council provides the land and the agency provides the buildings. These units are then generally rented to people who qualify for housing assistance; it could still be an aged accommodation development.

The flax mill would be an ideal area for a lifestyle village type of development, once it is filled, and Council would not have to purchase any land to do the development. The site, to be purchased, may not be low lying, and so might be an option for a retirement village style of development, as an alternative to the lifestyle type previously considered. Both of these options exceed the \$2m Council budgeted for this project and do not include accommodation units, and so it is recommended that these be left as future options to be looked at later.

The area near the Lodge and Hospital looks to be within the budget to develop now, and so it is recommended that Council commence more in depth work on this site. If Council agrees to this, the process would be staged and reported on to Council so that there would be the opportunity to cease further work, and move to an alternative, if that was Council's direction.

Preliminary talks with State Land Services, indicate that it would be best to seek to have the whole of the land managed by the Shire, converted into one Crown Grant, as this would remove the leasing constraints, particular to Reserves, and allow whole of life leases direct between Council and the resident.

At this meeting, held 21 August 2014, Council resolved as follows:

- 1. That Council resolve to commence the process of further evaluating the development of the area of Shire controlled land, bounded by Bridge Street and Hospital Road, for the purpose of aged accommodation.***
- 2. That Administration develop a plan, that meets legislative requirements for the purposes of a major land transaction, and report back to Council prior to commencing the public consultation process.***
- 3. That Administration commences the process of having a portion of the Health Department's Hospital Reserve transferred to Council's control.***
- 4. That Administration commences the process of seeking to have the three lots managed by the Shire (lots 347, 367 and 381), plus any of the Health Department's Reserve that might be transferred to Shire control, amalgamated into a form that best facilitates 'lease for life' arrangements between two parties only, and does not involve the purchase of land.***

Council's decision of last August will have been influenced by restrictions on the number of units that Council may be built on Lot 1 Forrest Street with out a

sewerage scheme. Since that decision, it has been established that the Water Corporation is working on a STED sewerage scheme for Boyup Brook, that it is; likely it will service the whole of the town, that it is planned to be operational by 2018 and that Council could obtain a letter, from Water Corporation, advising the scheme was to be built and that the Health Department may then allow a more dense development to commence and allow a temporary on site disposal system.

In relation to 1 above, the process of further evaluating the Hospital Road site commenced and a preliminary layout and cost estimate, for the whole of the site and for stage one, was provided to Council. Based on this, Council agreed to engage Opus to detailed design for stage 1. This design work has been put on hold pending Council's confirmation that it wants to move forward with the Hospital Road project now or if it would prefer to engage opus to conduct a study and cost estimate (to the same level as it did for the Hospital Road site) for Lot 1 Forrest Street, so that it may better compare the two options.

2 above has been completed for the Hospital Road site. 3 is all but completed in that the Health Department has formally approved the transfer of a portion of its reserve and now the process is in the hands of State Land Services to finalise (could take 12 months). Further enquiries have been made with State Land Services regarding Crown Grant vs Crown Reserve.

Council passed the following resolution at its December 2016 meeting:

- 1. That Council engage Opus International Consultants to prepare a feasibility study on developing Lot 1 Forrest Street, to the same level it did for the Hospital Road site, for an aged accommodation development.**
- 2. That, following receipt of the feasibility study, Council reviews the two development options with a view to then committing to and moving forward with the development of one site.**

COMMENT

The following table was provided to the December 2015 meeting.

<u>Site</u>	<u>For</u>	<u>Against</u>
Hospital Road	Crown Grant or Reserve managed by the Shire so no need to purchase	Can never be sold, Minster for lands approval for every lease.
Hospital Road	May be able to access site before process completed	Amalgamation of Grant/Reserve will take around 12 months
Hospital Road	Close to Lodge /Hospital and so residents may have access to Lodge facilities, panic	Some see this close proximity as undesirable

	button and meals (for a fee). Some see this close proximity as desirable.	
Hospital Road		Typography, need to clear and relocate croquet field make the site works cost relatively high.
Hospital Road		DFES bushfire prone areas mapping shows the whole of this site is potentially Bushfire Prone. A Bushfire Attack Level assessment will be required and may lead to the need for upgrades to building material/design.

<u>Site</u>	<u>For</u>	<u>Against</u>
Lot 1 Forrest Street	Freehold land so could be sold as one lot or subdivided or leased without the need for Minister for lands approval	
Lot 1 Forrest Street	WAPC has advised that assistance would be provided which may reduce the time taken for the rezoning..	Zoned for recreation so rezoning required. Process is likely to cost \$2,500 for the Planner and Council may be asked to do a land capability study, perhaps a similar amount, plus advertising etc, say \$6,000 in total. The rezoning may take 12 months.
Lot 1 Forrest Street	Relatively flat site with very limited clearing and so development costs will be lower per lot for the Hospital Road site	
Lot 1 Forrest Street		DFES bushfire prone

		areas mapping shows part of this site is potentially Bushfire Prone. A Bushfire Attack Level assessment will be required and may lead to the need for upgrades to building material/design.
Lot 1 Forrest Street	Depending on expected development costs, may require a Major Land Transaction Plan to be developed, advertised and adopted by Council.	Depending on expected development costs, may not require a Major Land Transaction Plan to be developed, advertised and adopted by Council.

At the December 2015 Council meeting it was reported that:

Council now has a reasonable cost estimate for stage 1 of the Hospital Road site (\$679,000 ex GST, for 11 lots, \$62,000 per lot)

When working with the Consultant on the new feasibility study it was noted that site works (to create level sites for houses) was not included in the Hospital Road cost estimates and so that study was up dated so that more accurate comparisons could be made.

The position now is that all four parts of the August 2014 resolution have now been completed. Similarly, the December 2015 resolution's two parts have been completed. Council may now be in a good position to make an informed decision as to which project to move forward with.

Councilors will have been provided with a copy of the consultants report and the following table is taken from this. Please note that the consultant has allowed a 30% contingency on civil works as no geotechnical work or final design work has been completed as yet. Also please note that all costs are net of GST, the Forrest Street site may have room for 11 units but the best fit appears to be 8 totally and so stage 1 might be 5 units. Hospital Road has more capacity but 11 units were envisaged as stage 1, costs for 5 units have been calculated to compare with the Forrest street option.

	Hospital Road		Forrest Street		
Details	Units	Cost \$	Units	Cost \$k	Variance \$
Civil works & General items	5	399,000	5	256,000	143,000
Headworks fees	5	127,000	5	138,000	- 11,000
Consultancy fees	5	36,000	5	30,000	6,000
Total	5	562,000	5	424,000	138,000
Per unit cost	1	112,400	1	84,800	27,600
Civil works & General items	11	726,000	8	365,000	
Headworks fees	11	198,000	8	157,000	
Consultancy fees	11	65,000	8	44,000	
Total	11	989,000	8	566,000	
Per unit cost	1	89,909	1	70,750	19,159

The foregoing shows that civil works costs will be lower for the Forrest Street option and that headworks cost will be higher. The per unit cost for Forrest Street (for 5 units) is \$27,600 less than the comparable costs for Hospital road. On the face of things then the Forrest Street option is cheaper.

The following schedule show approximate walking distances to town facilities from each option being considered. Note the distances are approximate only and were taken from Landgate Imagery using the Landgate measuring tool, measuring the distance from the South West boundary of Lot 1 Forrest Street and the North West boundary of the Hospital road lots.

<u>Town Facility</u>	<u>Hospital Rd meters</u>	<u>Forrest St metres</u>
Medical Centre	730	239
CRC	803	169
Pharmacy	766	210
IGA	712	321
Hotel	781	287
Post Office	823	276
Club	930	163

Allowing for inaccuracies of measurement, the foregoing demonstrates that the Forrest Street option is closer to the town's amenities.

Based on the results of the feasibility study it is recommended that Council opt for the Forrest Street lot.

A number of processes would then have to follow and these include:

<u>Action/Task</u>	<u>Status</u>
Rezoning	This process has commenced and is being moved forward as a matter of priority.
Bushfire risk	Much of the lot is within the bushfire prone area according to DFES mapping and so the builder would need to be aware of this.
Major Land Transaction Plan	See notes under Statutory Obligations.
Development layout	Preliminary work has been done on a 8 unit development and a possible layout. The next step would be to decide on the total number of units that Council would like to see there, how they might be configured etc. Much of this ties in to the following 3 points and so perhaps they should be seen as one phase of the project.
Lot development	Council now has budget costs for developing the site for 5 and for 8 units. The next phase is to decide whether or not to develop the site for 8 units and then release 4 or 5 as stage one or to develop only for the number to be released in stage 1
Number of units for stage 1	From previous work done for this lot, it was established that a 4 unit group dwelling should be approved by the Health Department (on site disposal). That this may be expanded with a letter from the Water Authority advising of the pending sewerage system. Planning done for the development showed that 5 units could fit along the Forrest Street frontage and 3, or more, on the Railway Parade frontage. Consultants costing were based on 4 units on Forrest Street with the space for the 5 th being used for the leach drain until the sewerage scheme is in place. This would allow for a full gravity system and avoid the need for pumps but more work is required to see if other options may be available, how much these would costs and how practical they are.
Business planning	Whilst this project should avoid the need for a Major Land Transaction Plan, a business is still needed in order to make the decision to develop, what to develop, etc. It was intended that a basic plan be prepared for this Council meeting but there are many variables and it was hoped that Council could select a project site at this meeting to avoid the work having to be done for both sites.
Subdivide and sell lots, or lease lots.	Whilst much of the work so far has been based on a lease for life arrangement this has not been put to Council for determination. It is possible that Council would need the business plan, completed to at least a basic level, in order to decide.
If Lease, lease for life or periodic tenancy, and if the former, under what legislation would the development operate.	Lease for life could be the developed land only or that and a home, and this is the next item on the list. Periodic tenancy would require Council to also provide the homes.
Build homes or merely lease sell the lots.	Council would need in the order of \$200,000 per home, in addition to the site costs, if it were to build. The site development costs, according to the consultant would be in the order of \$424,000 for a lot development and \$566,000 for 8 lots. If building also, Council would need \$1.424m for 5 and \$2.166m for 8. There is obviously less risk and less money to be found if Council did not build the homes but this a decision yet to be made.
Building quality/design control if lease or sell lots	Council has some control over what is built via the town planning scheme and it could include conditions in the sale process. Last year two builders introduced the idea of them selling the homes to Council's lessees and Council restricting who could do the building, designs and the like. No decision has been made on this as yet.
Final design of development and site development	There are a number options available including appointing the current consultant to do the final design, tendering and works management, getting another entity to do this, tendering for an entity (could be the builder chosen to be the supplier of the houses) to do the design and works as a job lot.

There will be other actions/tasks but the foregoing shows that there is a fair bit more to be done.

CONSULTATION

The matter has been before Council a number of times and the author has spoken with the town planning consultant, Opus and other staff

STATUTORY OBLIGATIONS

The Local Government Act provides as follows for commercial enterprises by Local Governments. In terms of a major land transaction, the proposed matter does not entail the purchase of land but it does entail the development of land. Regulations set the trigger value for a major land transaction at \$2m or 10% of operating expenditure in the last financial year.

The Rate Setting Statement contained in the audited annual accounts for 2014/15 show the operating expenditure for that year to be \$6,340,411. 10% of this is \$634,041. If Council opted for the Forrest Street site, opted to have the homes provided by another entity and opted for a maximum of 8 units, there would be no need to go through this process. Whilst a 5 unit development at hospital Road would cost less than the trigger point it is clearly part of a bigger development there and so Council should prepare a plan (already done but Council may need to revisit the details and may have to go through the process again). If Council decided to pay for the homes to be built, regardless of any later income generation, it would need to prepare and advertise a Plan.

3.59. Commercial enterprises by local governments

(1) *In this section —*

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

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

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

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

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

- (a) *the consideration under the transaction; and*
- (b) *anything done by the local government for achieving the purpose of the transaction,*

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

major trading undertaking *means a trading undertaking that —*

- (a) *in the last completed financial year, involved; or*
- (b) *in the current financial year or the financial year after the current financial year, is likely to involve,*

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

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

(2) *Before it —*

- (a) *commences a major trading undertaking; or*
- (b) *enters into a major land transaction; or*
- (c) *enters into a land transaction that is preparatory to entry into a major land transaction,*

a local government is to prepare a business plan.

(3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*

- (a) *its expected effect on the provision of facilities and services by the local government; and*
- (b) *its expected effect on other persons providing facilities and services in the district; and*
- (c) *its expected financial effect on the local government; and*
- (d) *its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and*
- (e) *the ability of the local government to manage the undertaking or the performance of the transaction; and*
- (f) *any other matter prescribed for the purposes of this subsection.*

(4) *The local government is to —*

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

and

- (b) *make a copy of the business plan available for public inspection in accordance with the notice.*
- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*
- * Absolute majority required.*
- (5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*
- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
- (10) *For the purposes of this section, regulations may —*
- (a) *prescribe any land transaction to be an exempt land transaction;*
- (b) *prescribe any trading undertaking to be an exempt trading undertaking.*

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

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

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

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

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

7. *Term used: major regional centre*

(1) *In this Part —*

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

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

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

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

(1) *The amount prescribed for the purposes of the definition of **major land transaction** in section 3.59(1) of the Act is —*

- (a) *if the land transaction is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —*

- (i) *\$10 000 000; or*
 - (ii) *10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;*

or

- (b) *if the land transaction is entered into by any other local government, the amount that is the lesser of —*

- (i) *\$2 000 000; or*
 - (ii) *10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.*

(2) *A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if —*

- (a) *the total value of —*
 - (i) *the consideration under the transaction; and*
 - (ii) *anything done by the local government for achieving the purpose of the transaction,*

is more, or is worth more, than the amount prescribed under subregulation (1); and

(b) *the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which the total value exceeds the amount prescribed under subregulation (1) is not significant taking into account —*

(i) *the total value of the transaction; or*

(ii) *variations throughout the State in the value of land.*

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

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

(1) *A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if the local government enters into it —*

(a) *without intending to produce profit to itself; and*

(b) *without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.*

(2) *For the purposes of subregulation (1)(b) a person is given joint use of land if the land is to be jointly used for a common purpose by the local government and that person (whether or not other persons are also given joint use of the land).*

(3) *A transaction under which a local government disposes of a leasehold interest in land is an exempt land transaction for the purposes of section 3.59 of the Act if —*

(a) *all or any of the consideration to be received by the local government under the transaction is by way of an increase in the value of the land due to improvements that are to be made without cost to the local government; and*

(b) *although the total value referred to in the definition of **major land transaction** in that section is more, or is worth more, than the amount prescribed for the purposes of that definition, it would not be if the consideration were reduced by the amount of the increase in value mentioned in paragraph (a).*

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

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

(1) *The amount prescribed for the purposes of the definition of **major trading undertaking** in section 3.59(1) of the Act is —*

(a) *if the trading undertaking is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of—*

(i) *\$5 000 000; or*

(ii) *10% of the lowest operating expenditure described in subregulation (2);*

or

- (b) *if the trading undertaking is entered into by any other local government, the amount that is the lesser of —*
 - (i) *\$2 000 000; or*
 - (ii) *10% of the lowest operating expenditure described in subregulation (2).*
- (2) *The lowest operating expenditure referred to in subregulation (1) is the lowest of —*
 - (a) *the operating expenditure incurred by the local government from its municipal fund in the last completed financial year; and*
 - (b) *the operating expenditure likely to be incurred by the local government from its municipal fund in the current financial year; and*
 - (c) *the operating expenditure likely to be incurred by the local government from its municipal fund in the financial year after the current financial year.*
- (3) *A trading undertaking is an exempt trading undertaking for the purposes of section 3.59 of the Act if —*
 - (a) *the undertaking —*
 - (i) *in the last completed financial year, involved; or*
 - (ii) *in the current financial year or the financial year after the current financial year, is likely to involve,*
expenditure by the local government of more than the amount prescribed under subregulation (1); and
 - (b) *the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which expenditure is, or is likely to be, more than the amount prescribed under subregulation (1) is not significant taking into account —*
 - (i) *the total value of the undertaking; or*
 - (ii) *variations throughout the State in the value of land.*

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

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

- (1) *If a local government is required to prepare a business plan because of a major trading undertaking or major land transaction that it is to carry on or enter into jointly with another person —*
 - (a) *the business plan is to include details of the whole undertaking or transaction, even though the local government is not the only joint venturer; and*

(b) *the business plan is to include details of—*

- (i) *the identity of each joint venturer other than the local government; and*
- (ii) *the ownership of, and any other interests in, property that is involved in, or acquired in the course of, the joint venture; and*
- (iii) *any benefit to which a joint venturer other than the local government may become entitled under or as a result of the joint venture; and*
- (iv) *anything to which the local government may become liable under or as a result of the joint venture.*

(2) *In subregulation (1) —*

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

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

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The financial implications will depend on what Council decides to do next. The current budget contains provision for expenditure on this project.

STRATEGIC IMPLICATIONS

OUTCOMES

OBJECTIVES

PRIORITIES

Planned development

Create land use capacity for industry

- ☐ Review land-use planning to ensure commercial and industrial opportunities are maximised.
- ☐ Advocate for provision of sewerage solutions to permit more intensive land use in town.

Housing needs are met

Facilitate affordable and diverse

- ☐ Review land-use planning to provide housing and land

housing
options

size choices.

☐ Advocate for the State to develop residential land for release.

☐ Develop a range of aged accommodation opportunities.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.6

MOVED: Cr Muncey

SECONDED: Cr Kaltenrieder

1. That, based on information provided, Council move forward with a plan to develop Lot 1 Forrest Street, for aged accommodation.
2. That the CEO be directed to investigate and report on:
 - 2.1 Development layout options.
 - 2.2 The number of unit sites to be included and staging options.
 - 2.3 Options to subdivide and sell or lease home sites.
 - 2.4 Options available for leasing.
 - 2.5 Options to build homes or just develop the land.
3. That the CEO be directed to commence work on a business plan to a sufficient level to allow Council to make informed decisions as it progresses through the foregoing.
4. That the CEO report back to Council by the June 2016 Council meeting.

CARRIED BY ABSOLUTE MAJORITY 5/2

Res 40/16

9 COMMITTEE REPORTS

9.1.1 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: 10 March 2016
Author: Alan Lamb - CEO
Attachments: Yes – Minutes

BACKGROUND

The BRVMA meeting was held on 9th March 2016.
Minutes of the meeting are laid on the table and circulated.

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.1

MOVED: Cr Imrie **SECONDED:** Cr Blackburn

That the minutes of the BRVMA be received.

CARRIED 7/0 **Res 41/16**

ADJOURNMENT

That the meeting be adjourned for a 10 minute break, the time being 6.20pm.

RESUMPTION

That the meeting resume, the time being 6.30pm.

9.1.2 Minutes of the Audit & Finance Committee – 21 April 2016

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	
Disclosure of Interest:	<i>Nil</i>
Date:	<i>16 April 2016</i>
Author:	<i>Stephen Carstairs - Director Corporate Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Documents Tabled:	<i>Attachment 3.1 – 2015-2016 Budget Review Statement of Financial Activity, Budget Amendments, detailed operating statements by program and capital program.</i>

BACKGROUND

The Audit & Finance Committee meeting was held on 21st April 2016.

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Muncey

SECONDED: Cr Aird

That the Audit and Finance Committee meeting minutes be received.

CARRIED 7/0

Res 42/16

COUNCIL DECISION & COMMITTEE RECOMMENDATION

MOVED: Cr Muncey

SECONDED: Cr Aird

That Council adopt the budget review with the following variations for the period 1 July 2015 to 29 February 2016, and amend the budget accordingly:

OPERATING		
03 General Purpose Funding	Decrease in interim rates due to revaluations & mining tenement terminations.	\$5,730
	Decrease in general purpose interest revenue due, among other things, to reduced interest rates not recognised when adopting the annual budget.	\$15,000
	Net of (savings)/losses at below review materiality level.	(\$6,710)
04 Governance	Net of (savings)/losses at below review materiality level.	(\$5,555)
05 Law, Order and Public Safety	Bush Fire Risk Management Co-ordinator (BFRMC) Operating Grant from DFES successful.	(\$143,615)
	2014-15 DFES funded ESL operating budget over-expenditure & re-coupable fire management expenses reimbursed in 2016-17.	(\$25,950)
	BFRMC vehicle lease income.	(\$13,045)
	ESL funded volunteer bush fire fighter insurance underfunded. DFES may reimburse in 2016-17.	\$5,065
	BFRMC operating expenses.	\$139,250
	Shire Ranger service levels reduced from July 2015 through March 2016 - saving realised.	(\$8,000)
	Net of (savings)/losses at below review materiality level.	(\$3,125)
07 Health	Health Administrations Services expenses (Environmental Health Officer) for May & June 2014-15 brought forward.	\$10,000
	Medical Centre Surgery turnover was over-allocated in the annual budget. Forecast is that it will be down by 1% on 2014-15.	\$16,000
	Medical Centre wages was over-allocated in the annual budget.	(\$6,570)
	Medical Centre workers compensation insurance was over-allocated in the annual budget.	(\$10,345)
	Net of (savings)/losses at below review materiality level.	\$7,796
08 Education & Welfare	Net of (savings)/losses at below review materiality level.	(\$7,054)
09 Housing	Net of (savings)/losses at below review materiality level.	\$13,460
10 Community Amenities	Town Recycling Collection maintenance cost over-allocated in the annual budget.	(\$11,225)
	Town Transfer Station maintenance & other cost over-allocated in the annual budget.	(\$22,549)
	Landfill Site maintenance cost over-allocated in the annual budget.	(\$5,793)
	Transfer Station employee costs under-allocated in the annual budget.	\$5,470
	Town Planning administration cost over-allocated in the annual budget.	(\$5,500)
	Net of (savings)/losses at below review materiality level.	(\$9,073)

11 Recreation & Culture	Other Public Halls maintenance under-allocated in the annual budget – includes the demolition of a hall \$5,000.	\$8,830
	Swimming Pool Season Tickets were over-allocated in the annual budget. In 2016-17 pool entry fees were substantially subsidised.	\$9,900
	Swimming Pool employee costs were over-allocated in the annual budget.	(\$12,870)
	Town Site maintenance costs were over-allocated in the annual budget.	(\$9,435)
	Reserves and Parks & Gardens maintenance costs were over-allocated in the annual budget – includes reducing a Reserves study cost by \$5,000.	(\$6,154)
	Cost of the Kidsport Program was under-allocated in the annual budget – includes previous year Admin costs not allocated of \$5,850.	\$9,955
	Net of (savings)/losses at below review materiality level.	(\$12,270)
12 Transport	In July 2015 the 5 year Roads to Recovery (R2R) program was overhauled to include additional funding.	(\$177,740)
	Storm damage recovery costs earlier this year will be WA Natural Disaster Recovery (WANDRA) funded.	(\$45,785)
	Maintenance Grading costs were over-allocated in the annual Budget.	(\$28,056)
	ROMAN Data Pickup cost was over-allocated in the annual budget – cost to fair value land, buildings and furniture & equipment was transferred to Consultant costs in Administration in Program 14.	(\$12,350)
	Town Site Verge Spraying cost under-allocated in the annual budget.	\$5,500
	Storm Damage was under-allocated in the annual budget – this is in part WANDRA funded \$45,785.	\$75,478
	Loss on Sale of the CAT Grader was under-allocated in the annual budget.	\$15,000.
	Administration costs were over-allocated in the annual budget	(\$19,399)
	Net of (savings)/losses at below review materiality level.	\$2,654
13 Economic Services	Contributions to the Music Park extensions brought to account.	(\$175,300)
	Community Development Officer employee cost under-allocated in the annual budget.	\$7,450
	Building Control cost over-allocated in the annual budget – some of which was offset by under-allocations to Health.	(\$10,000)
	Net of (savings)/losses at below review materiality level.	\$6,993
14 Other Property & Services	Revenue from Private works was over-allocated in the annual budget.	\$11,900
	Private Works cost was over-allocated in the annual budget.	(\$9,615)
	Consultants cost was over-allocated in the annual budget -	(\$50,000)

	\$35,000 used for Waverly Rd land acquisition in Capital.	
	Training cost over-allocated in the annual budget.	(\$12,660)
	OSH costs were over-allocated in the annual budget.	(\$8,330)
	Fuel & Oil were over-allocated in the annual budget – diesel currently costs a little over a \$ a litre.	(\$9,220)
	Parts & Repairs were over-allocated in the annual budget.	(\$7,715)
	Administration Reimbursements were under-allocated in the annual budget – LGIS OSH credit.	(\$6,000)
	Employee Costs were over-allocated in the annual budget.	(\$54,910)
	Consultant cost was under-allocated in the annual budget.	\$5,000
	Insurance was under-allocated in the annual budget.	\$7,575
	Admin equipment maintenance cost was over-allocated in the annual budget.	(\$5,000)
	Local Planning Strategy cost was under-allocated in the annual budget.	\$35,000
	Net of (savings)/losses at below review materiality level.	\$36,130
CAPITAL		
Land & Buildings - Houses	Aircon for 1 Rogers included.	\$2,500
Land & Buildings - Houses	Medical Ctr gate deferred.	(\$2,500)
	Land acquisition included.	\$35,000
	Net of (savings)/losses at below review materiality level.	\$3,195
Plant & Equipment	Perth Waste rubbish/recycle bins under-allocated.	\$9,325
	Swimming Pool Chlorine controller replacement.	\$15,500
	Backhoe under-allocated in the annual budget.	\$11,000
	Replacement of DCS vehicle deferred – now leased to the BFRM program.	(\$41,750)
	Net of (savings)/losses at below review materiality level.	(\$875)
Furniture & Equipment	Office furniture & Equipment purchases deferred.	(\$6,000)
	BFRMC ICT purchases included.	\$4,800
	Admin ICT purchases under-allocated in the annual budget – 2 x Firewalls & a tape drive replacement.	\$7,000
Roads, Bridges etc	Cranbrook Rd included.	\$25,700
	Railway Pde under-allocated in the annual budget.	\$8,740
	Abel St over-allocated in the annual budget.	(\$45,380)
	Dinninup Rd included – R2R funded.	\$30,000
	Town Site Drainage under-allocated in the annual budget.	\$6,550
	Various drainage work included – R2R funded.	\$187,000
	Net of (savings)/losses at below review materiality level.	(\$8,710)

Other Infrastructure	Music Park extensions includes work funded from contributions.	\$177,040
	Painting of the pools underallocated in the annual budget.	\$19,000
	Net of (savings)/losses at below review materiality level.	(\$1,720)
	Proceeds from the sale of DCS vehicle & other plant not realised.	\$11,810
	Reduction in Citizens' Lodge loan.	\$107,555

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 43/16

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Impartiality Interest

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

10.1 Cr Aird

COUNCIL DECISION

MOVED: Cr Aird

SECONDED: Cr Muncey

- 1. That the Council approve the allocation of an amount of \$6,844.00 to the Rylington Park Committee towards the removal of asbestos in the Managers house to kitchen, bathroom and garage**
- 2. That the unbudgeted expenditure be approved.**

The amount is quoted by a registered demolition licence holder.

CARRIED 7/0

Res 44/16

10.2 Cr Moir

COUNCIL DECISION

MOVED: Cr Moir

SECONDED: Cr Imrie

That Council direct the CEO to write to the Blackwood Biosecurity Inc. advising it that the Shire of Boyup Brook does not wish to be included in their proposed Regional Biosecurity Group. The DAFWA / Government designed system for dealing with pest plants and animals, as it stands, is unworkable and lacks clear detail.

CARRIED 7/0

Res 45/16

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

Nil

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

Nil

13 CLOSURE OF MEETING

There being no further business the Shire President, Cr Giles thanked all for attending and declared the meeting closed at 6.50pm.