# Minutes

SHIRE OF BOYUP BROOK

ORDINARY MEETING

held

THURSDAY 21 July 2016
Commenced AT 5.03PM

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 J Imrie
Cr P Kaltenrieder
Cr K Moir
Cr E Muncey
Cr T Oversby
Cr E Rear

| | |
|---|---|
| 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: | Nicky Bowers |
| | Doug Corker |

### 1.2 Apologies

### 1.3 Leave of Absence

Cr N Blackburn

## 2 PUBLIC QUESTION TIME

Nicky Bowers informed Council that Bridle Creeper is on the Agricultural list as being a noxious week.

Nicky Bowers would like Council to reconsider eradicating this weed near her property and the creek line.

### 2.1 Response to Previous Public Questions Taken on Notice

## 3 APPLICATIONS FOR LEAVE OF ABSENCE

Cr G Aird and Cr L Rear advised that they will be absent for the August 2016 ordinary meeting of Council.

## 4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Kaltenrieder attended the official opening of the Bendigo Bank at the Community Resource Centre.

Cr Kaltenrieder attended the Blackwood Basin Group.

Cr Kaltenrieder attended the Water Corporation (Boyup Brook Septic Tank Effluent Disposal Scheme) information session held at the Town Hall on 20th July 2016.

Cr Muncey attended the Water Corporation (Boyup Brook Septic Tank Effluent Disposal Scheme) information session held at the Town Hall on 19th July 2016.

Cr Muncey informed Council that he has resigned from the Boyup Brook Tourism Association as a Shire Representative.

Cr Rear attended the official opening of the Bendigo Bank at the Community Resource Centre.

Cr Rear attended the Water Corporation (Boyup Brook Septic Tank Effluent Disposal Scheme) information session held at the Town Hall on 20th July 2016.

Cr Rear advised Council that she is now a JP.

Cr Aird attended the South West Zone meeting held on 23rd June at the Shire of Capel.

Cr Aird attended the Water Corporation (Boyup Brook Septic Tank Effluent Disposal Scheme) information session held at the Town Hall on 19th July 2016.

Cr Moir attended the Water Corporation information session held at the Town Hall on 20th July 2016.

Cr Imrie attended Charlie Sumner's funeral.

Cr Imrie informed Council that the Museum will be selling raffle tickets at IGA for Father's Day, 5 prizes to be won.

Cr Oversby attended the Water Corporation information session held at the Town Hall on 19th July 2016.

## 5 CONFIRMATION OF MINUTES

### 5.1 Ordinary Meeting of Council - Thursday 16 June 2016

**COUNCIL DECISION & OFFICER RECOMMENDATION - Item 5.1**

**MOVED: Cr Aird** **SECONDED: Cr Imrie**

**That the minutes of the Ordinary Meeting of Council held on Thursday 16 June 2016 be confirmed as an accurate record subject to the deletion of Council decision on item 8.2.4, page 26, and replace with the following:**

***OFFICER RECOMMENDATION - Item 8.2.4***

***That Council:***

1. ***Retain in 2015-16 the annual attendance fee method of payment of Councillor and President meeting attendance fees, rather than the 'per meeting basis' method.***
2. ***Set in 2015-16 Councillor meeting attendance fees, the President's annual attendance fee and annual allowance, the Deputy President's annual allowance, and ICT allowances as follows:***
   - ***Annual Attendance Fee for Council Members is to be $7,205;***
   - ***Annual Attendance Fee for Shire President is to be $13,855;***
   - ***Annual President's Allowance is to be $7,210;***
   - ***Provision of an Annual Deputy President Allowance to an amount 25% of the amount determined for the Annual President's Allowance i.e. $1,802.50; and***
   - ***Annual Information and Communications Technology Allowance is to be $1,215.***

***COUNCIL DECISION - Item 8.2.4***

***MOVED: Cr Blackburn*** ***SECONDED: Cr Oversby***

***That Council:***

1. ***Retain in 2016-17 the annual attendance fee method of payment of Councillor and President meeting attendance fees, rather than the 'per meeting basis' method.***
2. ***Retain in 2016-17 Councillor meeting attendance fees, the President's annual attendance fee and annual allowance, the Deputy President's annual allowance, and ICT allowances as they were in 2015/16:***
   - ***Annual Attendance Fee for Council Members is to be $6,915;***
   - ***Annual Attendance Fee for Shire President is to be $13,295;***
   - ***Annual President's Allowance is to be $6,920;***
   - ***Provision of an Annual Deputy President Allowance to an amount 25% of the amount determined for the Annual President's Allowance i.e. $1,730; and***
   - ***Annual Information and Communications Technology Allowance is to be $1,165***

***CARRIED BY ABSOLUTE MAJORITY 6/0*** ***Res 62/16***

**CARRIED 8/0** **Res 70/16**

***Note: Councillors felt that the fees should not be increased in 2016/17.***

## 6 PRESIDENTIAL COMMUNICATIONS

Cr Giles thanked Cr Aird for attending the various meetings in his absence.

Cr Giles attended the Water Corporation (Boyup Brook Septic Tank Effluent Disposal Scheme) information session held at the Town Hall on 19th and 20th July 2016.

Cr Giles attended Charlie Sumner's funeral.

## 7 COUNCILLORS QUESTIONS ON NOTICE

## 8 REPORTS OF OFFICERS

### 8.1 MANAGER WORKS & SERVICES

### 8.1.1 Change to Road Hierarchy – Knapp St & Terry Road

| | |
|---|---|
| ***Location:*** | *N/A* |
| ***Applicant:*** | |
| ***File:*** | |
| ***Disclosure of Officer Interest:*** | *None* |
| ***Date:*** | *14th of July, 2016* |
| ***Author:*** | *Rob Staniforth-Smith* |
| ***Authorizing Officer:*** | *Alan Lamb* |
| ***Attachments:*** | *Yes* |

**SUMMARY**

This report recommends that Council approve the revision to the "Shire of Boyup Brook Road Hierarchy" to rename the end of Terry Road "Knapp Street"

**BACKGROUND**

During recent "heavy haulage route" planning work, it was found that the Shire of Boyup Brook's Road hierarchy has Terry Road (2180029) commencing at the Boyup Bridgetown Road (M006) and Knapp Street (2180118) commencing at the intersection of Terry Rd and Knapp St – see attached.

Landgate, Shire signage and common sense, have Knapp Street running between the Boyup Brook – Bridgetown Road and the Boyup Brook – Kojonup Road, and Terry Road commencing at the intersection of Terry Road and Knapp Street.

This resolution rectifies the anomaly so that both the Shire Road Hierarchy and Landgate are the same.

The only known affect will be that the Shire will need to change its Road Hierarchy and will need to advise Main Roads of the same.

**COMMENT**

Anomalies in road naming have often come about due to historical re-alignments. The rectification of these anomalies makes the use of these roads and the reporting on these roads simpler.

**CONSULTATION**

Nil

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 8.1.1**

**MOVED: Cr Oversby** **SECONDED: Cr Rear**

**That Council revises its Road Hierarchy to reflect Knapp Street running from the Boyup Brook – Bridgetown Road through to the Boyup Brook – Kojonup Road and to reflect Terry Road commencing at the intersection of Terry Road and Knapp Street.**

**CARRIED 8/0** **Res 71/16**

**COUNCIL DECISION**

**MOVED: Cr Moir** **SECONDED: Cr Kaltenrieder**

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

**CARRIED 8/0** **Res 72/16**

## 8.2 FINANCE

### 8.2.1 List of Accounts Paid in June 2016

| | |
|---|---|
| ***Location:*** | *Not applicable* |
| ***Applicant:*** | *Not applicable* |
| ***File:*** | *FM/1/002* |
| ***Disclosure of Officer Interest:*** | *None* |
| ***Date:*** | *14 July 2016* |
| ***Author:*** | *Kerry Fisher – Manager of Finance* |
| ***Authorizing Officer:*** | *Alan Lamb (Chief Executive Officer)* |
| ***Attachments:*** | *Yes – List of Accounts Paid in June* |

**SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in June 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 30 June 2016.

**COMMENT**

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 30 June 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 July 2016 ordinary meeting Council receive as presented the list of accounts paid in June 2016, totalling $813,681.88 and as represented by:**

| | | |
|---|---|---|
| **Municipal Cheques** | **19971-19981** | **$60,304.36** |
| **Municipal Electronic Payments** | **4183-4326** | **$436,503.44** |
| **Municipal Direct Payments** | **2388-2439 (BF131036)** | **$315,994.08** |
| **Trust Fund Cheques** | **2070-2073** | **$880.00** |

**CARRIED BY ENBLOC** **Res 73/16**

## 8.2.2 30 June 2016 Statement of Financial Activity

| | |
|---|---|
| ***Location:*** | Not applicable |
| ***Applicant:*** | Not applicable |
| ***File:*** | FM/10/003 |
| ***Disclosure of Officer Interest:*** | None |
| ***Date:*** | 14 July 2016 |
| ***Author:*** | Kerry Fisher – Manager of Finance |
| ***Authorizing Officer:*** | Alan Lamb<br>(Chief Executive Officer) |
| ***Attachments:*** | Yes – Financial Reports |

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**SUMMARY**

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 30 June 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 30 June 2016 Statement of Financial Activity and Statement of Net Current Assets, as presented.**

**CARRIED BY ENBLOC** **Res 74/16**

## 8.2.3 Finance Policies

| | |
|---|---|
| ***Location:*** | Shire Boyup Brook |
| ***Applicant:*** | N/A |
| ***File:*** | |
| ***Disclosure of Officer Interest:*** | None |
| ***Date:*** | 13 July 2016 |
| ***Author:*** | Stephen Carstairs (Director Corporate Services) and Kerry Fisher (Finance Manager) |
| ***Authorizing Officer:*** | Alan Lamb (Chief Executive Officer) |
| ***Attachments:*** | Yes: Material Variance in Financial Activity Statements Policy |

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**SUMMARY**

Council is requested to consider and adopt a newly drafted finance policy as follows:

- F.07 *Material Variance in Financial Activity Statements Policy*.

Proposed policy F.07 presents: materiality thresholds for use in monthly financial reporting as required by regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*; and a methodology for mathematically determining (i.e. calculating) these thresholds.

**BACKGROUND**

At its June 2016 ordinary meeting, Council determined to defer considering a *Material Variance* policy until its July 2016 ordinary meeting (Resolution 61/16).

Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996* (the FMR) requires local governments to adopt each year a percentage or value material variance, between year to date (YTD) budget and YTD actual values, calculated in accordance with the Australian Accounting Standards (AAS).

Both AASB 101 and AASB 108 have the following to say about materiality:

*"Material* – omissions or misstatements of items are material if they could, individually or collectively, influence the economic decisions that users make on the basis of the financial statements. Materiality depends on the size and nature of the omission or misstatement judged in the surrounding circumstances. The

size or nature of the item, or a combination of both, could be the determining factor."

Further, disclosure and provision of explanations for (material) variances presented in Financial Activity Statements is mandatory under FMR 34(2)(b).

**COMMENT**

Contrasting with AASB 101 and AASB 108 which require reporting entities to make an assessment (i.e. meaning to evaluate or estimate, or meaning to calculate) about materiality thresholds, FMR 34(5) requires that local governments calculate (i.e. determine mathematically) these thresholds.

**CONSULTATION**

Manager of Works & Services

Department of Local Government and Community

**STATUTORY OBLIGATIONS**

The Local Government Act prescribes that the role of Council includes:

***1.7 The role of the council***

*(2) Without limiting subsection (1), the council is to –*

*(a) oversee the allocation of the local government's finances and resources; and*
*(b) determine the local government's policies.*

*Local Government (Functions and General) Regulations 1996*

**POLICY IMPLICATIONS**

This item impacts no other policies.

**BUDGET/FINANCIAL IMPLICATIONS**

No financial implications derive from this item.

**STRATEGIC IMPLICATIONS**

The newly proposed policy seeks to provide officers with guidance on the reporting of the shire's financial affairs.

**SUSTAINABILITY IMPLICATIONS**

- **Environmental** – Nil
- **Economic** – Nil
- **Social** – Nil

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL DECISION & OFFICER RECOMMENDATION - Item 8.2.3**

**That Council adopts a newly proposed policy as follows:**

- **F.07 *Material Variance in Financial Activity Statements Policy*,**

**as presented.**

**CARRIED BY ENBLOC** **Res 75/16**

## 8.2.4 Levying Rates in 2016-17 - Differential Rating Submissions

| | |
|---|---|
| ***Location:*** | *N/A* |
| ***Application:*** | *N/A* |
| ***File:*** | |
| ***Disclosure of Interest:*** | |
| ***Date:*** | 14 July 2016 |
| ***Author:*** | Stephen Carstairs (Director Corporate Services) |
| ***Authorising Officer:*** | Alan Lamb ( Chief Executive Officer) |
| ***Attachments:*** | No |

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**PURPOSE**

This report seeks to have Council:

1. Acknowledge that no submissions were received by the Chief Executive Officer (CEO), as they relate to the proposed differential rates to be levied in 2016-17.
2. Direct the CEO to seek approval from the Minister to levy differential rates in 2016-17 where the Mining UV rate will be more than twice as much as the lowest (Rural UV) differential rate.

**BACKGROUND**

At its June 2016 ordinary meeting Council resolved (Resolution 63/16) as follows:

*1. Endorses for 2016-17 Annual Budget preparation purposes the following proposed general and differential rates and minimum payments to be applied from 1 July 2016 for the 2016-17 financial year:*

| *Rate Classes* | *2016-17 Rate in $* | *Minimum $* |
|---|---|---|
| *GRV* | *0.122440* | *851.00* |
| *UV - Rural* | *0.007125* | *790.00* |
| *UV – Mining* | *0.155393* | *530.00* |

*2. Adopt the objectives and reasons for proposed UV differential rates and minimum payments for the 2016-17 financial year as attached.*

*3. Advertise in the West Australian for submissions to the proposed UV differential and minimum rates for 2016-17.*

## COMMENT

The proposed differential rates were advertised for submissions in the West Australian on Saturday 18 June 2016, on shire notice boards, in the shire library, and in the Gazette. The closing time for submissions was 4:30pm on Monday 11 July. At the closing time, the CEO had not received any submissions. Further, at the time of writing this report no submissions had been received at the shire office.

## CONSULTATION

The general rates and general minimum payments proposed to be levied in 2016-17 were advertised in the West Australian, the Gazette, on public notice boards and in the shire's library.

## STATUTORY OBLIGATIONS

Local Government Act 1995
Part 6 Division 6 – Rates and service charges
s.6.33; s.6.35; and s.6.36

## POLICY IMPLICATIONS

Nil

## BUDGET/FINANCIAL IMPLICATIONS

The matter of this report has no implications for the shire's 2015-16 *Amended Budget*. Based on property valuations at the time of writing, the proposed general rates and minimum rates are expected to yield in 2016-17 total rates revenue of $2,532,664.

## STRATEGIC IMPLICATIONS

The financial principles and strategies identified on page 27 of the 2013-23 LTFP have been adhered to.

## SUSTAINABILITY IMPLICATIONS

The financial sustainability principles and strategies identified on page 25 of the 2013-23 LTFP have been adhered to.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION - Item 8.2.4**

**MOVED: Cr Oversby** **SECONDED: Cr Imrie**

**That Council:**

1. **Acknowledge that no submissions were received by the Chief Executive Officer (CEO), as they relate to the proposed differential rates to be levied in 2016-17.**

2. **Direct the CEO to seek approval from the Minister to levy differential rates and minimum charges in 2016-17 where the Mining UV rate will be more than twice as much as the lowest (Rural UV) differential rate as follows:**

| Rate Classes | 2016-17 Rate in $ | Minimum $ |
|---|---|---|
| GRV | 0.122440 | 851.00 |
| UV - Rural | 0.007125 | 790.00 |
| UV – Mining | 0.155393 | 530.00 |

**CARRIED 8/0** **Res 76/16**

## 8.2.5 Adoption of 2016-17 Schedule of Fees & Charges

| | |
|---|---|
| ***Location:*** | *Not applicable* |
| ***Applicant:*** | *Not applicable* |
| ***File:*** | |
| ***Disclosure of Officer Interest:*** | *None* |
| ***Date:*** | *14 July 2016* |
| ***Authors:*** | *Alan Lamb – Chief Executive Officer and Kerry Fisher – Manager of Finance* |
| ***Authorizing Officer:*** | *Alan Lamb – Chief Executive Officer* |
| ***Attachments:*** | *Draft 2016-17 Schedule of Fees & Charges* |

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**SUMMARY**

This matter is put before Council for information, and for Council to consider and adopt a Schedule of Fees & Charges for 2016-17.

**BACKGROUND**

As it was in 2015-16, Council's 2016-17 Schedule of Fees & Charges (the Schedule), is to be considered separately in the annual budget preparation and adoption process. This has its advantages in that it allows Council the time to consider its fees & charges in isolation, and second, as the budget will not be adopted until August, finalising the 2016-17 fees & charges in July will enable them to take effect from July 2016.

Under Council's Long Term Financial Plan 2013-2023 (the LTFP), fees and charges were proposed to increase annually by some 3.0%. However, in drafting the proposed 2016-17 fees a 2.5% increase was factored in (subject to appropriate rounding). The proposed 2.5% increase in fees comprises an inflationary increase of 1.5%, and an additional regional component of 1%.

The Schedule attached shows the fees and charges that were imposed in 2015-16 and the charges recommended for 2016-17.

Proposed new fees in 2016-17 include:

- EAS charge to include orders and requisition - $110 (incl GST)
- Book of 10 tip passes - $25 (incl GST)
- Backhoe - $130 (incl GST) and driver

No increases were made to medical centre charges as they were increased February 2016.

For those fees that are statutory in nature (e.g. – development application fees, building fees, swimming pool inspection fees, FOI fees, etc), Council is without discretion to set fees higher than permitted by the applicable legislation.

**COMMENT**

All fees are reviewed annually. Often fees do not cover the cost of providing a service (the subject of the fee), with a proportion of the service costs being funded from other (General Purpose) revenues streams e.g. rates.

**CONSULTATION**

All sectors within the organisation have had an opportunity for input into the proposed 2016-17 fees and charges.

**STATUTORY OBLIGATIONS**

Section 6.16(1) and (2) of the Local Government Act states:

*(1) A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

*(2) A fee or charge may be imposed for the following —*

*(a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*

Section 6.17(1) of the Local Government Act states:

*In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —*

*(a) the cost to the local government of providing the service or goods;*

*(b) the importance of the service or goods to the community; and*

*(c) the price at which the service or goods could be provided by an alternative provider.*

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

The draft 2016-17 Annual Budget will include income streams that will have been estimated using this draft Schedule of Fees & Charges.

**STRATEGIC IMPLICATIONS**

Every effort has been made to identify those appropriate areas where the user pays cost recovery principle might reasonably be applied.

**SUSTAINABILITY IMPLICATIONS**

The fees are determined having regard to the cost of providing the service, the scope of the service and the anticipated preparedness of a person to pay the fee.

**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.5**

**MOVED: Cr Aird** **SECONDED: Cr Kaltenrieder**

**That Council adopt the 2016-17 Schedule of Fees & Charges as per the Attachment.**

**CARRIED BY ABSOLUTE MAJORITY 8/0** **Res 77/16**

## Proximity Interest

Cr Muncey declared a proximity interest in item 8.3.1and departed the Chambers the time being 5.24pm.

## 8.3 CHIEF EXECUTIVE OFFICER

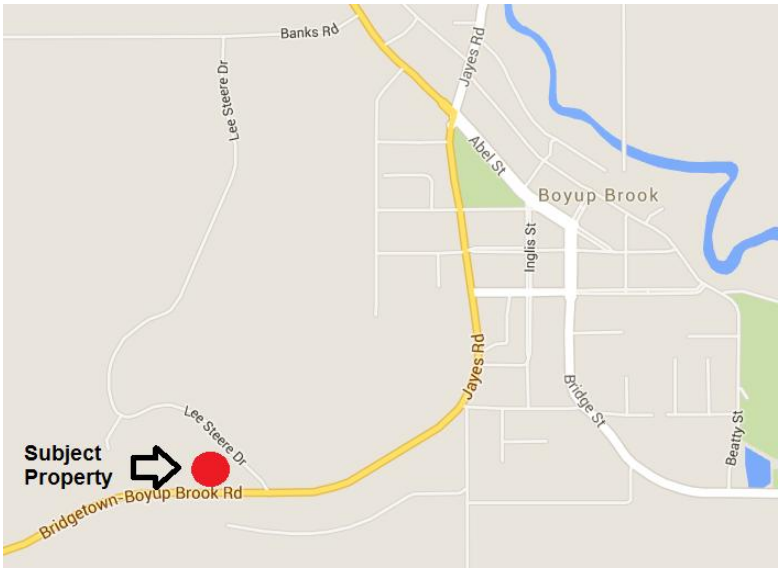
### 8.3.1 Home Business – 37 Lee-Steere Drive, Boyup Brook

| | |
|---|---|
| ***Location:*** | *37 Lee-Steere Drive, Boyup Brook* |
| ***Applicant:*** | *T & T Reid* |
| ***File:*** | *A4473* |
| ***Disclosure of Officer Interest:*** | *None* |
| ***Date:*** | *July 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 use an outbuilding, located on a 'Special Rural' zone property, #37 Lee-Steere Drive, for a 'Home Business' involving:

1. The processing and the selling of food produce; and
2. Fitness and wellbeing training.




The Shire's *Local Planning Scheme No.2*, definition of 'Home Business' allows the processing of food, and fitness and wellbeing training, however, not the selling of

food produce to customers visiting the property, unless the food is grown at the subject property.

'Home Business' means: *a business, service or profession carried out in a dwelling or on land or in buildings around a dwelling by an occupier of the dwelling which…does not involve the retail sale, display or hire of goods of any nature.*

In accordance with the scheme, the selling of the food produce, not grown at #37 Lee-Steere Drive, may only occur via delivery (offsite) to customers.

**BACKGROUND**

The Shire received a request for approval to undertake fitness and wellbeing training and to process and sell food from an outbuilding at the Special Rural zone property, #37 Lee-Steere Drive.

Shire staff analysed the different types of land uses that may be considered for approval in the 'Special Rural' zone; including:

1. Home Business;
2. Industry – Cottage; and
3. Rural Pursuit.

Shire staff then analysed the scheme definitions pertaining to the above land uses to determine if the processing and the selling of food produce, and fitness and wellbeing training could be considered for approval. It was revealed that the processing of food and the fitness and wellbeing training matched with the 'Home Business' definition. It was also revealed that the selling of produce may only be considered within the 'Special Rural' zone No.2, if the produce is food grown at the property ('Rural Pursuit'), if the produce is arts and crafts made at the property ('Industry Cottage') or if the produce is sourced from elsewhere and delivered offsite to customers.

Shire staff contacted the applicant and provided advice as to the above, including that; the sale of the food produce, which is not grown at the property, can only be sold via delivery to customers offsite.

**COMMENT**

Fitness and Wellbeing Training

The application is requesting approval to undertake fitness and wellbeing training from within an outbuilding located in the south eastern corner of #37 Lee-Steere Drive. The outbuilding is approximately $32m^2$.

The fitness and wellbeing training is proposed to occur between the hours of 6am and 7pm and for a maximum of 10 persons at a time. A car-parking area with suitable turning and reversing space is proposed to be located adjacent to the outbuilding.

Processing of Food Produce

The application is requesting approval to process food. Food will be sourced from various outlets in the region and then packaged from within the outbuilding from which the fitness and wellbeing training is proposed to be undertaken. Upon planning approval being granted, a licence for the processing of food is to be obtained from the Shire's Environmental Health Department.

Sale of Food Produce

The applicant is requesting approval to sell the packaged food, which is not grown at the subject property, to customers visiting the subject property. As already mentioned in this report item, the Shire's *Local Planning Scheme No.2* does not support the selling of products to customers visiting the Special Rural zone No.2 property, unless the product is grown (food) or made (arts and crafts) at the property.

The applicant has been advised that the sale of the food produce, which is sourced elsewhere, may only occur via delivery to customer's offsite.

*Local Planning Scheme No.2* – zones

The Shires *Local Planning Scheme No.2* divides areas up into different zones. Examples of zones include: 'Light Industry', 'Urban', Commercial', 'Residential' and 'Special Rural'.

The scheme then defines a purpose for each zone and also, different types of land uses that may or may not be considered within the different zones. Evidently, the scheme seeks to limit commercial activity from occurring within the living zones ('Residential' and 'Special Rural'), in-order to protect the amenity of the residents.

The scheme encourages the selling of products from within properties zoned 'Commercial' or 'Urban'. The 'Commercial' zone is located within the Boyup Towsite and the 'Urban' zone is located within the Kulikup, Wilga, Tonebridge and Dinninup Townsites.

**STATUTORY OBLIGATIONS**

| Statutory Obligations | Recommendations |
|---|---|
| In accordance with the Shire's *Local Planning Scheme 2*, 'Home Business' means –<br><br>*a business, service or profession carried out in a dwelling or on land or in buildings around a dwelling by an occupier of the dwelling which –*<br><br>*a) does not employ more than 2 people not members of the occupier's household;*<br><br>*b) will not cause injury to or adversely affect the amenity of the neighbourhood;*<br><br>*c) does not occupy an area greater than 50m2;*<br><br>*d) does not involve the retail sale, display or hire of goods of any nature;*<br><br>*e) in relation to vehicles and parking, will not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*<br><br>*f) does not involve the use of an essential service of greater capacity than normally required in the zone.* | Recommend approving the application for 'Home Business', which involves:<br><br>1. Processing of food produce;<br>2. Selling of food produce; and<br>3. Fitness and wellbeing training.<br><br>Recommend approving the application for 'Home Business' subject to the following conditions:<br><br>1. Does not employ more than 2 people not members of the occupier's household;<br><br>2. Does not cause injury to or adversely affect the amenity of the neighbourhood;<br><br>3. Does not occupy an area greater than $50m^2$;<br><br>4. The selling of food produce, unless grown at the property, is via delivery offsite only and not by customer pickup at #37 Lee-Steere Drive; and<br><br>5. Does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight.<br><br>Recommend approving the application |

| | |
|---|---|
| The Shire's *Local Planning Scheme No.2* Zoning Table, classifies a 'Home Business', located within the 'Special Rural' zone No.2, with the notation 'AA'.<br><br>The notation 'AA' means; Council, in exercising the discretionary powers available to it, may approve the use under the Scheme. | for 'Home Business' with the following advice:<br><br>1. Approval from the Shire's Environmental Health Department is required for the processing of food products.<br><br>2. The level of noise emanating from the premises not exceeding that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.<br><br>3. A proposal involving customer visitation may invoke the need for disabled access and disabled toilets in accordance with the federal legislation, 'Disability (Access to Premises – Buildings) Standards 2010. |

**POLICY IMPLICATIONS**

There are no Policy implications relating to this item.

**CONSULTATION**

The Shire's *Local Planning Scheme No.2* does not impose the need for consultation for a 'Home Business' type land use, proposing to locate in the 'Special Rural' zone No.2.

The proposal to undertake fitness and wellbeing training and the processing of food from within an outbuilding, is not expected to impact the neighbouring property due to the separation distance (110m) and the screening by remnant vegetation and a dwelling.

**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. New and increased sources of product provides the consumer with greater variety. New and increased sources of product also increases competition, which inherently drives prices down, ultimately benefiting the consumer.

- **Social**
  There are no known significant social issues. The fitness and wellbeing training is expected to improve social interaction.

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.1**

**MOVED: Cr Rear** **SECONDED: Cr Oversby**

**That Council**

Grants development approval for 37 Lee-Steere Drive, for the purpose of 'Home Business' (Processing of food produce, selling of food produce; and fitness and wellbeing training), subject to the following notice:

***Planning and Development Act 2005***

**Shire of Boyup Brook**

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

Location: 37 Lee-Steere Drive, Boyup Brook

Description of proposed development:

**'Home Business'** (Processing of food produce, selling of food produce; and fitness and wellbeing training)

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

Conditions:

1. Does not employ more than 2 people not members of the occupier's household;

2. Does not cause injury to or adversely affect the amenity of the neighbourhood;
3. Does not occupy an area greater than 50m2;
4. The selling of food produce, unless grown at the property, is via delivery offsite only and not by customer pickup at #37 Lee-Steere Drive; and
5. Does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight.

*Advice*

a) *Approval from the Shire's Environmental Health Department is required for the processing of food products.*
b) *The level of noise emanating from the premises not exceeding that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.*
c) *A proposal involving customer visitation may invoke the need for disabled access and disabled toilets in accordance with the federal legislation, 'Disability (Access to Premises – Buildings) Standards 2010.*

Date of determination: 21 July 2016

Note 1: 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 2: 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 3: 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 78/16**

Cr Muncey returned to the Chambers at 5.25pm

## 8.3.2 Rural Industry (Processing Kangaroo Meat) – Lot 3 Rogers Road, Boyup Brook

| | |
|---|---|
| ***Location:*** | *Lot 3 Rogers Road* |
| ***Applicant:*** | *J Brown* |
| ***File:*** | *A3170* |
| ***Disclosure of Officer Interest:*** | *None* |
| ***Date:*** | *July 2016* |
| ***Author:*** | *A. Nicoll, Town Planner* |
| ***Authorizing Officer:*** | *Alan Lamb, Chief Executive Officer* |
| ***Attachments:*** | *Nil* |

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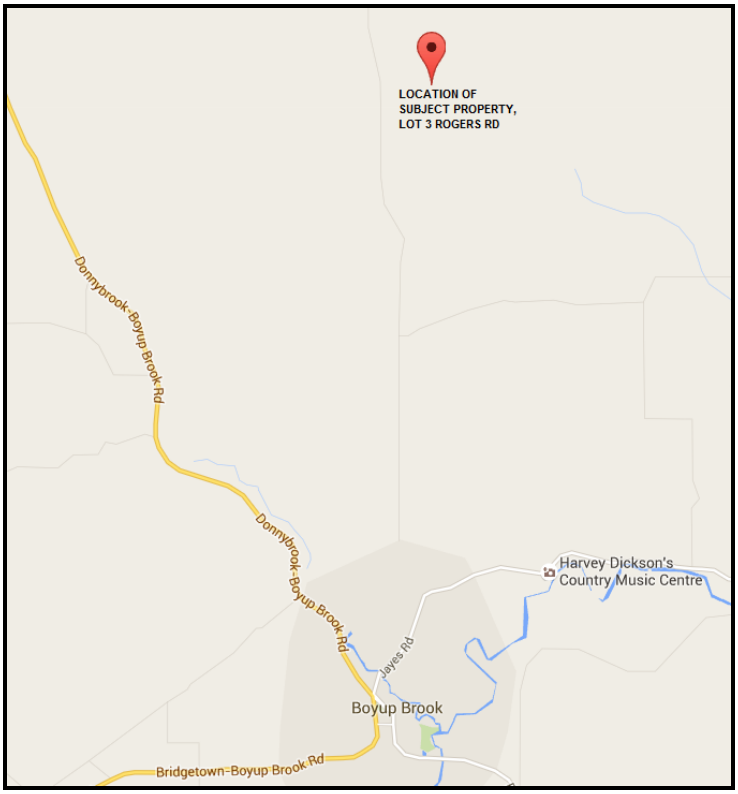
**SUMMARY**

The purpose of this report is to put before Council the request to use Lot 3 Rogers Road, Boyup Brook for a 'Rural Industry', involving the processing and wholesale of Kangaroo meat.

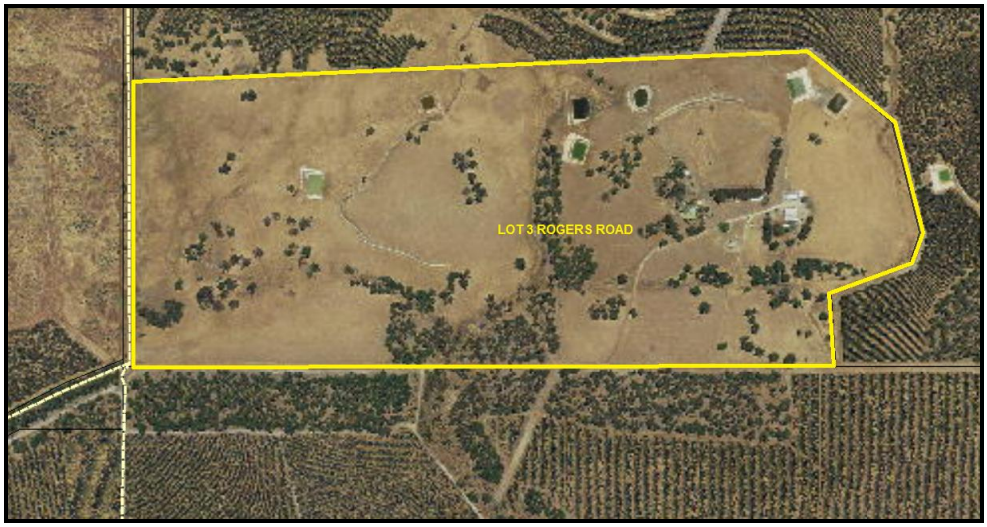



The Council, in exercising discretionary powers of the Shire's *Local Planning Scheme 2*, may approve a 'Rural Industry' in the 'Rural' zone.

The Shire's *Local Planning Scheme 2* defines a 'Rural Industry' as; *an industry handling, treating, processing or packing rural products…*

**BACKGROUND**

Lot 3 Rogers Road comprises farmland, remnant vegetation, a dwelling and sheds on approximately 87 hectares. The property is majority surrounded by remnant and plantation timber. At least 1000m separates the property from the nearest neighbouring dwelling.




The Shire received an application requesting approval to process Kangaroo meat (for pet food) from within a new proposed structure, designed with insulation panels, and fitted out with appliances to meet health standards (e.g. stainless steel benches and stainless steel wash basins).

**COMMENT**

The processing of Kangaroos for pet food involves two stages. The first stage occurs at the place of slaughter and is undertaken by the Kangaroo shooter and administered by the Department of Environment Conservation through the issue of royalty tags. Once the kangaroo shooter has slaughtered approximately five (5) kangaroos at a time, hocks, heads and internal organs are removed and disposed of in such a manner to limit the attraction for flies, cockroaches, rodents and other pests.

The partially processed kangaroo carcasses are then delivered to a secondary place for processing. The owner of Lot 3 Rogers Road is proposing to fit-out an existing shed with the necessary infrastructure to process kangaroo carcasses, delivered by kangaroo shooters. Infrastructure proposed includes a processing area comprising:

- A sealed concrete floor;
- Insulated panel walls and roof;

- Cool-room;
- Effluent traps;
- Stainless steel hand wash and utensil basins;
- First aid box;
- Fire extinguisher;
- Stainless steel bench(s);
- Mincer; and
- Conventional effluent disposal system.

The kangaroo carcasses will be cut and packaged into 1kg bags. The carcasses and packaged meat will be kept in the cool-room. Any liquid waste (blood) occurring the result of processing is proposed to be disposed of into a conventional effluent disposal system. Any effluent particles are proposed to be trapped and disposed of in rubbish receptacles. Remaining bones are proposed to be either buried onsite or on-sold for further processing. The kangaroo skins are proposed to be on-sold to a licensed skin dealer for tanning. The packaged kangaroo meat is then delivered off-site and sold at commercial outlets in townsites and cities.

The processing of Kangaroo meat is legislated under the *Food Act 2008* and Division 4 – pet meat, of the *Food Regulations 2009* and will be assessed upon planning approval, by the Environmental Health Section at the Shire of Boyup Brook.

**STATUTORY OBLIGATIONS**

| Statutory Obligations | Recommendations |
|---|---|
| In accordance with the Shire's *Local Planning Scheme 2*, "industry – rural" means –<br><br>a) an industry handling, treating, processing or packing rural products; or<br><br>b) a workshop servicing plant or equipment used for rural purposes.<br><br>The Shire's *Local Planning Scheme 2* Zoning Table, classifies a Rural Industry with the notation 'AA'.<br><br>The notation 'AA' means; Council, in | Recommend approving the application for 'Rural Industry' (Processing Kangaroo Meat) as the use complies with the Scheme Zoning Table.<br><br>Recommend including the following conditions to safeguard the natural environment:<br><br>*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.* |

| | |
|---|---|
| exercising the discretionary powers available to it, may approve the use under the Scheme. | *A concrete pad or hard-stand with perimeter bunds and effluent traps being used to capture effluent particles or bi-products. All effluent being managed to the satisfaction of the Shire of Boyup Brook.*<br><br>*No processes being conducted on the property that may cause a detriment to the amenity of that area by reason of contamination, noise, vibration, smell, fumes, dust or grit.*<br><br>Recommend including the following advice:<br><br>*Approval from the Shire's Environmental Health Department is required for the establishment of an offensive trade, comprising the processing of pet foods.* |

**POLICY IMPLICATIONS**

There are no Policy implications relating to this item.

**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. Environmental Health investigation, administered by the Shire, will ensure ongoing health standards are adhered to.

- **Economic**
  There are no known significant economic issues. The establishment of the proposed 'Rural Industry', will help boost employment and commercial trading in the region.

- **Social**
  There are no known significant social issues.

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.2**

**MOVED: Cr Oversby** **SECONDED: Cr Kaltenrieder**

**That Council**

Grants development approval for Lot 3 Rogers Road, for the purpose of 'Rural Industry' (Processing of Kangaroo meat), subject to the following notice:

***Planning and Development Act 2005***

**Shire of Boyup Brook**

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

Location: Lot 3 Rogers Road, Boyup Brook

Description of proposed development:

**'Rural Industry'** (Processing of Kangaroo Meat)

The application for development 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. A concrete pad or hard-stand with perimeter bunds and effluent traps being developed to capture effluent particles or bi-products.
3. All effluent being managed to the satisfaction of the Shire of Boyup Brook.
4. No processes being conducted on the property that may cause a detriment

to the amenity of that area by reason of contamination, noise, vibration, smell, fumes, dust or grit.

*Advice*

*Approval from the Shire's Environmental Health Department is required for the establishment of an offensive trade, comprising the processing of pet foods.*

Date of determination: 21 July 2016

Note 1: 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 2: 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 3: 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 8/0** **Res 79/16**

## 8.3.3 Outbuilding – 17 Forrest Street, Boyup Brook

| | |
|---|---|
| ***Location:*** | *17 Forrest Street.* |
| ***Applicant:*** | *C & J Brown.* |
| ***File:*** | *A40030* |
| ***Disclosure of Officer Interest:*** | *None.* |
| ***Date:*** | *July 2016* |
| ***Author:*** | *A. Nicoll, Town Planner* |
| ***Authorizing Officer:*** | *Alan Lamb, Chief Executive Officer* |
| ***Attachments:*** | *Nil* |

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**SUMMARY**

The purpose of this report is to put before Council the request to develop an Outbuilding at 17 Forrest Street, Boyup Brook. The outbuilding is proposed to be used to garage vehicles and to store general household items.

Council discretion is required for the following reasons:

- The application is proposing to locate the outbuilding closer to the front and side boundaries than what is stipulated by the Residential Design Codes; and
- The proposed height of the outbuilding, exceeds the maximum roof height stipulated by the Shire's Outbuilding Policy.

This report item recommends that the Council supports the proposal, which varies from deemed requirements, as the proposal meets community expectations (neighbours provided a letter of support) and is in keeping with setbacks, bulk and scale of other buildings in the local area.

**BACKGROUND**

The Shire received an application, requesting approval to develop an outbuilding.

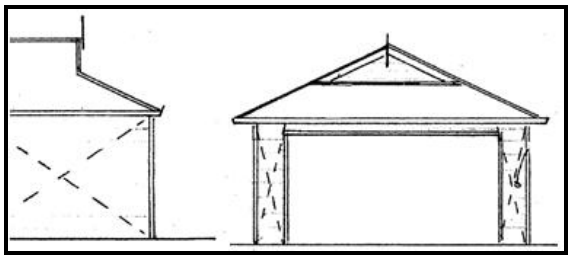
Because the application is seeking a variation to prescribed legislation and policy, the applicant was advised, that neighbours and the Shire Council will need to be consulted.

**COMMENT**

The proposal is for an outbuilding, designed as follows:

- Custom orb roof sheeting;
- Cedar wall cladding;
- 2.7m wall height;
- 4.3m roof height; and
- 14m X 6.8m (95.2m$^2$) wall lengths.

The design of the gable roof, as illustrated below, is elaborate and is expected to look appealing from the street.



The following illustration shows the building footprint relative to neighbouring structures. As illustrated, the land drops away relative to the neighbouring property.

Residential Design Codes

The subject property is zoned 'Residential', with a density code of 'R15'.

The 'Residential Design Codes' are used to legislate subdivision and development in 'Residential' zone areas of the State of Western Australia.

The Tables 1 and 2a of the Residential Design Codes deem a front building setback of 6m and a side boundary building setback of 1.5m.

The application at hand is requesting:

- A 700mm relaxation to locate the outbuilding 800mm from the side boundary; and
- A 3m relaxation to locate the outbuilding 3m from the front boundary.

Table 1: General site requirements for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R40

| 1 R-Code | 2 Dwelling type | 3 Minimum site area per dwelling ($m^2$) ◆ | 4 Minimum lot area/rear battleaxe ($m^2$) ▼ | 5 Minimum frontage (m) ▼ | 6 Open space | | 7 Minimum setbacks (m) | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | min total (% of site) | min outdoor living ($m^2$) | primary street | secondary street ● | other/rear |
| R15 | Single house or grouped dwelling | Min 580<br>Av 666 | 655 | 12 | 50 | - | 6 | 1.5 | */6 |
| | Multiple dwelling | 666 | - | - | 50 | - | 6 | 1.5 | * |

Front Setback requirement

Table 2a: Boundary setbacks - Walls with no major openings

| | Wall length (m) | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 9 or less | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 25 | Over 25 |
| Wall height (m) | | | | | | | | | | | | | | |
| 3.5 or less* | 1 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 |
| 4.0 | 1.1 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.6 | 1.6 | 1.6 | 1.6 | 1.7 | 1.7 | 1.8 |
| 4.5 | 1.1 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.6 | 1.7 | 1.7 | 1.7 | 1.7 | 1.7 | 1.8 | 2.0 |
| 5.0 | 1.1 | 1.5 | 1.5 | 1.5 | 1.5 | 1.6 | 1.7 | 1.8 | 1.8 | 1.8 | 1.8 | 1.9 | 2.0 | 2.3 |

Setback required for 14m long building

The deemed design criteria of the Residential Design Codes may be varied subject to complying with performance standards, including designing buildings to:

- Limit overshadowing;
- Limit the blocking out of sunlight;
- Limit bulk; and
- Manifest existing streetscapes.

The design of the outbuilding is expected to meet the performance standards of the codes for the following reasons:

- The setbacks proposed are in keeping with neighbouring developments (neighbours have provided written comment with no objection);
- The outbuilding is not expected to impact on the neighbouring property in regards to overshadowing or blocking of sunlight, due to the drop in gradient; and
- The design of the outbuilding is elaborate (not just a flat roof or rectangular box) and will therefore add value to the streetscape.

Outbuilding Policy

The Shires Outbuilding Policy limits the ridge height of outbuildings proposed for development within 'Residential' zone properties (>1000m$^2$) to 4.2m.

The application is proposing a ridge height of 4.3m, 100mm higher than the prescribed limit. The proposed variation is minimal and is not expected to:

- Vary too much from the established buildings in the locality; or
- Create overshadowing or block direct sunlight to the neighbouring property.

**STATUTORY OBLIGATIONS**

In accordance with the Residential Design Codes, the decision-maker is to exercise its judgement to consider the merits of proposals having regard to objectives, such as achieving community expectations and balancing these with the consideration of design principles provided in the R-Codes, such as limiting building bulk.

The Shire's *Local Planning Scheme 2*, Clause 9.6.6 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.*

**POLICY IMPLICATIONS**

#17 Forrest Street is 1950m$^2$ in land area. As indicated previously in this report item, the application does not comply with the Shires Outbuilding Policy (Table 1), for ridge height.

| TABLE 1: OUTBUILDING SPECIFICATIONS | | | | |
|---|---|---|---|---|
| **Zoning** | **Max. Wall Height** | **Max. Ridge Height** | **Maximum individual outbuilding area (m$^2$)** | **Maximum total outbuilding area (m$^2$)** |
| Residential and Urban Zone (Lots 1000m$^2$ or >) | 3m | 4.2m | 120 | 200 |

The steep and elaborate gable roof design is expected to compliment the streetscape. The 100mm height variation is considered negligible when considered in contrast to the adjacent developments which will be higher.

**CONSULTATION**

Neighbours were consulted and have no objections to the proposal. The following letter has been provided by the neighbour:

To Whom it May Concern

We, Chris and Jan Mead, of **15 Forrest Street** Boyup Brook. Are writing to inform you that we have no objection to Calvin Brown of **17 Forrest Street**, erecting a shed of 14 Metres Long x 6 metres wide x **2.7** metres high, within 800mm of our shared west side boundary fence.

Sincerely

– FELICITY MEAD SIGNING ON BEHALF OF CHRIS MEAD

Chris Mead

**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 8.3.3**

**MOVED: Cr Moir** **SECONDED: Cr Imrie**

**That Council**

Grants development approval for #17 Forrest Street, for the purpose of Outbuilding, subject to the following notice:

***Planning and Development Act 2005***

**Shire of Boyup Brook**

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

Location: #17 Forrest Street, Boyup Brook

Description of proposed development:

**Outbuilding**

The application for development 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. All stormwater is to be managed and contained on-site, to the satisfaction of the Shire of Boyup Brook.
3. No processes being conducted on the property that may cause a detriment to the amenity of that area by reason of contamination, noise, vibration, smell, fumes, dust or grit.

Date of determination: 21 July 2016

Note 1: 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 2: 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 3: 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 8/0** **Res 80/16**

## 8.3.4 Lower South West Sports Facilities Plan

| | |
|---|---|
| ***Location:*** | *Lower South West* |
| ***Applicant:*** | *Department of Sport and Recreation* |
| ***File:*** | |
| ***Disclosure of Officer Interest:*** | *The author is a member of the Boyup Brook Golf Club and the Boyup Brook Club. The author makes a declaration of impartiality.* |
| ***Date:*** | *13 June 2016* |
| ***Author:*** | *Daly Winter* |
| ***Authorizing Officer:*** | *Alan Lamb - Chief Executive Officer* |
| ***Attachments:*** | *Letter from Troy Jones - Regional Manager, Peel/South West, Department of Sport and Recreation dated 12 April 2016.* |

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**SUMMARY**

The Department of Sport and Recreation is seeking to facilitate regional plans that consider potential sport and recreation facility needs within the Lower South West Region, whilst ensuring that duplication of facilities does not occur.

Whilst the Department has budgeted monies towards this plan, financial support from each of the Local Government is also being sought in order to progress the Plan.

Based on similar planning studies it is envisaged that the Lower South West Sports and Recreation Facility Plan (LSW - Sports Facility Plan) would require a budget of $35,000 – $40,000. The Department has committed to allocating $25,000 within the 2016/17 financial year and the balance of funding ($11,000) is being sought from local government on a sliding scale based on population. Boyup Brook's requested contribution is $2,000.

**BACKGROUND**

Sport and recreation facilities play a critical role in enhancing both the vibrancy, development and connectivity of communities across Western Australia. The Department of Sport and Recreation seek the support from the four Local Government (Shires of Manjimup, Bridgetown–Greenbushes, Boyup Brook and Nannup) in the development of a LSW - Sports Facility Plan.

The Department of Sport and Recreation is seeking to facilitate regional plans that consider potential sport and recreation facility needs within a region, whilst ensuring that duplication of facilities does not occur. With the South West, this plan is broken into sub-regional plans, with Bunbury-Wellington undertaken in 2014, the Lower South West scheduled for 2016, followed by Vass-Geographe in 2017.

A Coordinated approach across the South West Local Government area that considers a sub–regional approach to their location and delivery of facilities should enhance funding success when seeking the support of State and Federal funding programs.

Whilst the Department has budgeted monies towards this plan, financial support from each of the Local Government is also being sought in order to progress the LSW - Sports Facility Plan.

Based on similar planning studies being undertaken in the Great Southern, it is envisaged that the Lower South West Sports Facility Plan would require a budget of $35,000 – $40,000 to undertake the project. The Department has committed to allocating $25,000 within the 2016/17 financial year as its contribution towards the initiative as well has overseeing the project, including the advertising and appointment of a suitable consultant.

The balance of funding is being sought from local government on a sliding scale based on population.

| Local Government Authority | Contribution Requested (Ex GST) |
|---|---|
| **Shire of Manjimup** | **$ 4,000** |
| **Shire of Bridgetown Greenbushes** | **$ 3,000** |
| **Shire of Boyup Brook** | **$ $2,000** |
| **Shire of Nannup** | **$ $2,000** |
| **Total LGA Contribution Sought** | **$ 11,000** |

It is the intent of the Department to manage the project with support from the Project Reference Group which will consist of representation from each of the four Local Government's and Department of Sport and Recreation. The purpose of the PRG is to bring strategic advice, support and expertise to the project and advocate on the outcomes of the study with their respective Local Governments.

**COMMENT**

In my past dealings with the Department of Sport and Recreation Bunbury office they have always been supportive of projects submitted from this Shire. I support this Regional planning, provided they do objectively consider the advocacy and strategic advice provided by the respective Local Governments. I believe our Shire's involvement in this project will be seen favourably by the Department and this will hold us in good stead for future funding requests.

**CONSULTATION**

Nil

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil at this stage as the recommendation deals with inclusion in the draft budget only and so is not a commitment of funds.

**STRATEGIC IMPLICATIONS**

In the future the Shire of Boyup Brook will need to look at a new combined Sports Centre/Complex for our community. This project will provide the heads up to the Department to include this facility into it's forward planning.

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL DECISION & OFFICER RECOMMENDATION - Item 8.3.4**

**MOVED: Cr Kaltenrieder** **SECONDED: Cr Rear**

**That Council:**

1. **List for consideration for funding in its 2016/17 draft budget an allocation of $2,000 towards the development of a Lower South West Sports and Recreation Facilities Plan.**
2. **In the event that the other participating Councils do not wish to contribute towards the development of the Lower South West Sports and Recreation Facilities Plan or contribute at a lower level, then Council's commitment to the development of the Plan may be reassessed.**

**CARRIED 7/1** **Res 81/16**

Nicky Bowers left the Chambers at 5.31pm

## 8.3.5 Sandakan Day Memorial Service 2016 - Sandakan

| | |
|---|---|
| ***Location:*** | *N/a* |
| ***Applicant:*** | *N/a* |
| ***File:*** | |
| ***Disclosure of Officer Interest:*** | *None* |
| ***Date:*** | *8 July 2016* |
| ***Author:*** | *Alan lamb* |
| ***Authorizing Officer:*** | *Chief Executive Officer* |
| ***Attachments:*** | *Nil* |

**SUMMARY**

The purpose of this report is to put before Council the matter of the coming function for Council to consider nominating additional delegates.

**BACKGROUND**

The Sandakan Day Memorial service is held annually in Sandakan Malaysia. Last year the service was held 15 August.

It is attended by many dignitaries. Last year the guest list included The British High Commissioner to Malaysia, the Australian High Commissioner to Malaysia, Chief Minister of Sabah, the Governor General of Australia, high ranking armed forces officers, politicians and the like. The occasion provides Shire delegates with the opportunity to meet and speak with a wide range of fellow leaders.

Council has a Memorandum of Understanding with the Sandakan Municipal Council as follows:

**MEMORANDUM OF UNDERSTANDING OF FRIENDSHIP BETWEEN**
**SHIRE OF BOYUP BROOK,**
**WESTERN AUSTRALIA**
**AND**
**MUNICIPAL COUNCIL OF SANDAKAN,**
**SABAH, MALAYSIA**

WHEREAS the Shire of Boyup Brook, Western Australia and the Municipal Council of Sandakan, Sabah, Malaysia (hereinafter referred to as 'the two Councils') have in pursuance of their declared desire to promote goodwill and understanding as well as favourable cooperation between the people of the two Municipalities.

AND WHEREAS recognizing the importance of the principals of equity and mutual benefits, the two Council's have agreed to enter into this Memorandum of Understanding of Friendship.

NOW THIS MEMORANDUM OF UNDERSTANDING WITNESSETH
as follows:

That the two Council's do hereby extend friendship and co-operation to one another in accordance with their prevailing laws and regulations in the following fields;

1. Exchange of experts in order to improve the management of the two Council's;
2. Commerce, trade and tourism
3. Administration and information;
4. Culture, arts and relic of the war;
5. Youth and sports.

That this Memorandum of Understanding has been authorized by their respective authorities and shall come into force on the date of execution hereof.

IN WITNESS WHEREOF the two Council's have hereunto set their seals.

Terry Ginnane
President
Shire of Boyup Brook, Australia

YEO BOON HAI
President
Sandakan Municipal Council

In the presence of:

TONY DOUST
Chief Executive Officer
Shire of Boyup Brook

In the presence of:

MOHD.HAMSAN HJ.AG SUPAIN
Secretary,
Sandakan Municipal Council

Dated 22nd October 2004.

Council has made a practice of sending the President, and occasionally other Councillors, to Sandakan annually and has a policy to support this. It also invites the Sandakan Municipal Council President, and other dignitaries, to the annual service in Boyup Brook.

**COMMENT**

This relationship between the two Councils is that it has its roots in the tragedies of the Second World War and the pain and suffering of people from both Countries. But the MOU offers more than recognition of sacrifices people from both countries it also offers opportunity. The MOU provides as follows:

*That the two Council's do hereby. extend friendship and co-operation to one another in accordance with their prevailing laws and regulations in the following fields;*

1. *Exchange of experts in order to improve the management of the two Council's;*
2. *Commerce, trade and tourism*
3. *Administration and information;*
4. *Culture, arts and relic of the war;*
5. *Youth and sports.*

Whilst the language, customs and predominant religion are not shared by both, the common bond of loss resulted in annual recognition services in both communities, and the pledge for the two Councils to work together.

It is suggested that the remembrance of those who died is sufficient cause to delegate the leader of this Council to attend services each year. And that the spirit of the MOU beckons delegates to stay on, or visit on other occasions, in order to pursue cooperation in the agreed fields.

Given the importance of the two Council relationship, recognition of the losses, and the opportunities that the MOU may bring, it is fitting that Council has a policy of sending its leader each year. It is suggested that there would be value in also sending the Deputy President each year as this would add to show of respect to the Sandakan people and those that were lost, and it would provide more opportunity to seek out and progress MOU aims.

In past years Council has also delegated other members of Council to attend and it is suggested that Council may wish to consider this opportunity.

It is noted that it is customary for attendees at the Sandakan Day Memorial Service to be accompanied by their partners. It is suggested that Shire delegates be encouraged to also take their partners, just as the Sandakan Council delegates do when they attend the Boyup Brook service, as this will better show respect and add to the overall opportunity to further ideals of the MOU.

**CONSULTATION**

The author has spoke with some members of Council.

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Council has the following policy:

| | |
|---|---|
| ***POLICY NO.*** | *M.10* |
| ***POLICY SUBJECT*** | ***Sandakan Relationship*** |
| ***ADOPTION DATE*** | *19 June 2008* |
| ***VARIATION DATE*** | *17 September 2009* |
| ***VARIATION DATE*** | *21 October 2010* |

***Objective***

*To promote and develop the Memorandum of Friendship between the Sandakan Municipal Council and the Boyup Brook Shire Council.*

***Statement***

*The Memorandum of Friendship between the two Municipalities was signed in October 2007. The aims of the Memorandum are to improve the management of the two councils; to encourage commerce, trade and tourism; exchange of administration and information on culture, arts and relics of World War II; and exchange of youth and sport matters.*

*To uphold the memorandum-*

- *the Council Representative (usually the Shire President) and partner of the Shire of Boyup Brook attend either the Anzac Day Service or the Sandakan Memorial Day Service in Sandakan each calendar year.*
- *Council offer financial assistance to the Boyup Brook Lions Club in their annual school scholarship programme to send a student to the Sandakan Anzac Day Ceremony.*
- *the Boyup Brook Shire Council invite representatives from the Sandakan Municipal Council and two High School students, nominated by the Sandakan Municipal Council, to attend the Boyup Brook Sandakan Memorial service each year.*

*It is Council policy that all reasonable and direct expenses incurred by the Shire Representative and partner are met by the Shire.*

*To assist Council and the Community to monitor the success of the relationship in respect to the aims of the Memorandum of Friendship the Council representative and the scholarship recipient provide a written report to Council outlining progress in the five key areas of the Memorandum of Friendship.*

*Implementation of this policy is subject to annual budget considerations.*

**BUDGET/FINANCIAL IMPLICATIONS**

The 2016/17 budget is in the drafting phase and so the financial implications of sending delegates will be included in the final draft.

**STRATEGIC IMPLICATIONS**

The current Strategic Community Plan makes no reference to the Sandakan relationship. However it has been an important feature over a number of years and offers a range of economic and social opportunities.

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**
  There are no known significant environmental issues.

- **Economic**
  The interaction with significant dignitaries and pursuit of the MOU aims should lead to opportunities for both Council's.

- **Socia**l
  The interaction with significant dignitaries and pursuit of the MOU aims will provide Council leaders with a very broad perspective and further the opportunity for cultural exchange.

**VOTING REQUIREMENTS**

Absolute majority

**OFFICER RECOMMENDATION – Item 8.3.5**

**That Council delegate, in addition to the Shire President who is covered by policy M10, the Deputy Shire President and Councillor _____, _____, _____, and their partners, to attend the 2016 Sandakan Day Memorial Service in Sandakan with all reasonable and direct expenses incurred by the Shire Representative and partner are met by the Shire.**

**COUNCIL DECISION - Item 8.3.5**

**MOVED: Cr Kaltenrieder** **SECONDED: Cr Oversby**

**That Council delegate, in addition to the Shire President who is covered by policy M10, Councillor Kaltenrieder and their partner, to attend the 2016 Sandakan Day Memorial Service in Sandakan with all reasonable and direct expenses incurred by the Shire Representative and partner are met by the Shire.**

**LOST 3/5** **Res 82/16**

## 8.3.6 Chief Executive Officer – Annual Performance and Remuneration Review

| | |
|---|---|
| ***Location:*** | *Boyup Brook District* |
| ***Applicant:*** | *N/A* |
| ***File:*** | *N/A* |
| ***Disclosure of Officer Interest:*** | *The author has an interest in the matter in that it deals with his employment.* |
| ***Date:*** | *6 July 2016* |
| ***Author:*** | *Alan Lamb – Chief Executive Officer* |
| ***Authorizing Officer:*** | *Alan Lamb* |
| ***Attachments:*** | *Nil* |

**SUMMARY**

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

**BACKGROUND**

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

# 4. Performance Criteria and review

## 4.1 Performance Criteria

(1) Within 3 months of the Commencement Date, the Council and You must negotiate and determine the Performance Criteria.

(2) The Performance Criteria must be reasonably achievable by You.

(3) You must use every reasonable endeavour to comply with the Performance Criteria.

## 4.2 Performance Criteria and review

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

(a) by reference to the Performance Criteria;

(b) at least annually; and

(c) more frequently if the Council or You perceives there is a need to do so and, in that case, gives to the other party a Review Notice.

## 4.3 Selection of Reviewer

(1) The Council, in consultation with You, is to determine, in respect of each review under clause 4.2 and 4.5 -

(a) who the Reviewer is to be; and

(b) whether the Reviewer is to be accompanied or assisted by any other person and, if so, the identity of that person.

(2) For example, the Reviewer may be –

(a) the Council;

(b) a committee to which the conduct of the performance review has been delegated by the Council under section 5.16 of the Act; or

(c) a person or body who has been authorised by the Council to conduct the performance review.

### 4.4 Procedure

(1) Subject to any alternative procedure agreed between the Council and You, a performance review under this clause must include the following procedures -

(a) You must give the Council at least one month's written notice of when Your performance review is required;

(b) the Council must decide, under clause 4.3, who is to conduct the performance review and must give You at least 10 working days' notice in writing of when the performance review is to be conducted and who is to conduct it;

(c) within 14 days after being given notice under paragraph (b), You must prepare a report assessing Your performance against the Performance Criteria, and give that report to the Reviewer;

(d) You and the Reviewer will discuss the process and timing of the performance review, which must include at least one interview session that provides for mutual discussion and feedback;

(e) You must ensure that You are available for the performance review as reasonably required by the Reviewer;

(f) You may be accompanied at an interview session by any other person nominated by You;

(g) within one month of the conclusion of the performance review, the Reviewer must prepare a report, in consultation with You, to be signed by both the Reviewer and You, that includes -

(i) conclusions about Your performance during the period covered by the performance review;

(ii) any proposal by either party to amend the Performance Criteria as a consequence of the performance review;

(iii) any directions or recommendations made to You in relation to the future performance by You; and

(iv) details of the extent, if any, to which You disagree with any statement in the report;

(h) if the Reviewer is not the Council, that report must then be submitted to the Council for consideration; and

(i) under regulation 18D of the *Local Government (Administration) Regulations 1996*, the Council is to accept the report with or without modifications, or is to reject the report.

(2) Reports and other documentation prepared under, or for the purposes of, this clause are to be treated by the parties as confidential.

**4.5 Review and amendment**

The Performance Criteria –

(a) must be reviewed annually by the parties; and

(b) may be amended, from time to time, by agreement in writing between the parties.

## 7. Annual Review of Remuneration Package

(1) Your Remuneration Package must be reviewed by the Reviewer annually –

(a) at a time that is no later than 3 months after the anniversary of the Commencement Date; or

(b) if otherwise determined by the Council, at a time that enables the review to coincide with other remuneration reviews conducted by the Shire.

(2) The Council is to determine and notify You, in respect of each Remuneration Package review under this clause –

(a) who the Reviewer is to be; and

(b) whether the Reviewer is to be accompanied or assisted by any other person and, if so, the identity of that person.

(3) In reviewing Your Remuneration Package and Your Performance Bonus, the Reviewer must have regard to –

(a) Your performance;

(b) any changes to the work value or responsibilities of the Position;

(c) the hours worked by You, including hours in addition to normal working hours;

(d) the condition of the market and the economy generally; and

(e) the capacity of the Shire to pay an increase.

(4) As a result of a review of Your Remuneration Package under this clause, the Shire

(a) is not obliged to increase the amount of the Remuneration Package;

(b) may increase the amount of the Remuneration Package;

(c) must not reduce the amount of the Remuneration Package; and

(d) will give due regard to the general adjustment to the remuneration of Local Government CEOs that the Salaries and Allowances Tribunal determines each year.

Council resolved at its July 2015 meeting as follows:

**That Council:**

1. **Commence the process of the Chief Executive Officer's Annual Performance Review by requesting that the Shire President write to the officer notifying of the review in accordance with the employment contract.**
2. **Appoint a committee to conduct the Chief Executive's annual performance and remuneration review;**
3. **Appoint all current Council members to the Chief Executive's Annual Performance and Remuneration Review Committee.**
4. **Chief Executive's Annual Performance and Remuneration Review Committee Meet with the Chief Executive Officer, to discuss the process and timing of the review at a time and date to be determined by the Shire President.**

At its December 2015 meeting Council resolved as follows;

1. **Assess the performance of the Chief Executive Officer as Satisfactory.**
2. **Approve a remuneration package increase of 1.8%.**
3. **Allow the officer to take more of the remuneration package as a superannuation component that the 12% provided for in the contract provided that the amount is in keeping with current superannuation legislation.**
4. **Agree to the following performance criteria for the coming year:**
    - **Provide accurate and timely advice to the Council.**
    - **Annual review of all relevant long term plans, as part of the budget preparation process and to add the new tenth year, to Council for adoption by 30 June each year.**
    - **Draft budget to Council for adoption by 31st July each year.**
    - **Maintain a high level of financial control and reporting as assessed by periodic audits and financial systems reviews.**
    - **Ensure progress of projects approved by Council in the Corporate Business Plan i.e. achievements of specific milestones as they appear in the Strategic, Business and Long Term Financial Plans.**
    - **Strategic Community Plan review completed and before Council by 30 April 2016.**

**COMMENT**

The Local Government Act provides that meetings are to be open to the public also that some matters may be dealt with behind closed doors (see Statutory Obligations). Council may close to members of the public a part of a meeting dealing with matters affecting employees. This matter is not about the actual performance of the officer instead its about the review process and so there may be no need to deal with confidential matters, and so no need to close the meeting to the public.

The following schedule sets out the relevant contract reference, what is to be done and the officer's comment:

| Contract Clause | Action | Comment |
|---|---|---|
| **4.4(1)(a)** | **NOTICE**<br><br>**CEO to give at least one month's written notice of when the review is required.** | **This report meets this requirement.** |
| **4.3** | **REVIEWER**<br><br>**Council in consultation with the CEO, determines who the reviewer is to be and whether the reviewer is to be accompanied or assisted by any other person and if so the identity of that person. In terms of who is to conduct the review process, this could be Council as a whole, a committee, or a person or body** | **In the past, Council has generally opted to deal with the matter as a whole, on one occasion it opted to employ a consultant (WALGA). It is the author's experience, of each of the options listed, is that they all work reasonably well. Council may wish to discuss the options with the officer at the meeting, and then decide on who is to conduct the process.** |
| **4.4(1)(b)** | **NOTICE**<br><br>**Council is to give the CEO at least 10 working days notice in writing of when the performance review is to be conducted and who is to conduct it.** | **In the past, this requirement has been met by the CEO preparing a letter for the President to sign. It is suggested though that the CEO is in attendance at the meeting and so is aware of the determination. The officer may then take a copy of the relevant page of the minutes for the file to evidence the advice.** |
| **4.4(1)(c)** | **SELF ASSESSMENT**<br><br>**CEO to, within 14 days, prepare a report assessing his performance against the performance criteria** | **In the past the CEO has used a schedule which list the agree criteria, self assessed performance and a level of performance. this schedule includes a summary, other comments and an overall score.** |

| | | |
|---|---|---|
| **4.4(1)(d)** | **TIMELINE/MUTUAL DISCUSSION**<br><br>**Reviewer to discuss the process and timing of the performance review, which must include at least one interview session that provides for mutual discussion and feedback** | **Council may wish to discuss this with the CEO at this meeting or, alternatively, agree to the recommended timeline (included in the officer recommendation.** |
| **4.4(1)(e)** | **CEO TO BE AVAILABLE**<br><br>**CEO to make himself available, for the performance review, as reasonably required by the reviewer.** | **This may be met by agreement over the timeline.** |
| **Contract Clause** | **Action** | **Comment** |
| **4.4(1)(f)** | **INTERVIEW ATTENDEES**<br><br>**The CEO may be accompanied at an interview session by any other person he nominates** | **Nil** |
| **4.4(1)(g)** | **REPORT**<br><br>**Within 1 month of the conclusion of the review the reviewer must prepare a report, in consultation with the CEO, to be signed by the reviewer and CEO. The report to include:**<br><br>**(i) Conclusions about the performance review during the period covered by the review**<br><br>**(ii) Any proposal by either** | **Nil** |

| | | |
|---|---|---|
| | **party to amend the performance criteria a consequence of the review**<br><br>**(iii) Any directions or recommendations made to the CEO in relation to future performance**<br><br>**(iv) Details of the extent, if any, to which the CEO disagrees with any statement in the report.** | |
| **4.4(1)(h)** | **REPORT TO COUNCIL**<br><br>**If the reviewer is not the Council then the report must be submitted to the Council for consideration.** | **Nil** |
| **4.4(1)(i)** | **COUNCIL TO DEAL WITH REPORT**<br><br>**In accordance with Regulation 18D of the Local Government (Administration) Regulations the Council is to accept the report with or without modifications, or reject it** | **Nil** |

The next step, which could be done concurrently with the review as has been the practice, is the remuneration package review. Clause 7 of the contract provides that:

(1) the remuneration package must be reviewed annually

(2) Council is to determine and notify the CEO of each remuneration review, who the reviewer is, whether they will be accompanied by any other person and if so who

(3) in reviewing the remuneration package the reviewer must have regard to the CEO's performance and any changes to the work value or responsibilities, the hours worked, conditions of the market and economy generally and capacity of the Shire to pay an increase.

(4) Council is not obliged to provide an increase, may make an increase, must not reduce the amount and will give due regard to the general adjustments to the remuneration of Local Government CEOs that the Salaries and Allowance Tribunal determines each year.

The following suggested timeline for the process includes the relevant contract clause number as a reference:

| Contract Clause | Action | How/what | When |
|---|---|---|---|
| **4.4(1)(a)** | **CEO notice of review** | **This agenda item** | **21/7/16** |
| **4.3** | **Appointment of Reviewer** | **Council's determination re this agenda item** | **21/7/16** |
| **4.4(1)(d)** | **Discussion re timing of review and interview session** | **July Council meeting** | **21/7/16** |
| **4.4(1)(b)** | **Council notice to CEO of review, when and who** | **July Council minutes** | **26/7/16** |
| **4.4(1)(c)** | **CEO's self assessment report** | **Previously used report format** | **10/8/2016** |
| **4.4(1)(d)** | **Mutual discussion and feedback session** | **CEO and reviewer to meet prior to August Council briefing session** | **18/8/16** |
| **4.4(1)(g)**<br>**4.2**<br>**7** | **Review report**<br>**Performance criteria review**<br>**Remuneration review** | **CEO, or another person nominated by the reviewer, prepare the report recommending performance assessment for the period under review, setting criteria for the coming year and reviewing the remuneration, at September Council meeting** | **15/9/16** |

There is the option to appoint an external facilitator. The cost of using a facilitator tends to be in the order of $4,000 to $5,000 depending on the extent of travel and time involvement. It is suggested that there may be no need for a facilitator, at least initially, unless Council felt the need for independent assistance/advice. The Executive Assistant would be able to assist with the clerical aspects of the review process if Council chose to conduct it “in house”, that is via a Committee of Council or Council as a whole, and is well practiced in dealing with confidential matters.

From the officer perspective, I am more than happy to deal directly with Council but, at the same time, will respect whatever decision is made in this regard.

The recommendation does not include the engagement of a consultant to assist it with these matters but if the decision was to take this option Council may wish to add the following;

That _____ of _____ be appointed to conduct the Chief Executive Officer's annual review and that the officer be advised accordingly.

**STATUTORY OBLIGATIONS**

The following sections of the Local Government Act deal with delegations;

*5.16. Delegation of some powers and duties to certain committees*

*(1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.*

** Absolute majority required.*

*(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

*(3) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*

*(a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and*

*(b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.*

*(4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

*5.17. Limits on delegation of powers and duties to certain committees*

*(1) A local government can delegate —*

*(a) to a committee comprising council members only, any of the council's powers or duties under this Act except —*

*(i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and*

*(ii) any other power or duty that is prescribed;*

*and*

*(b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*

*(c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —*

*(i) the local government's property; or*

*(ii) an event in which the local government is involved.*

*(2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).*

*[Section 5.17 amended by No. 49 of 2004 s. 16(2).]*

*5.18. Register of delegations to committees*

*A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.*

Section 5.23 of the Local Government Act has application.

## *5.23. Meetings generally open to the public*

*(1) Subject to subsection (2), the following are to be open to members of the public —*

*(a) all council meetings; and*

*(b) all meetings of any committee to which a local government power or duty has been delegated.*

*(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

*(a) a matter affecting an employee or employees;*

*(b) the personal affairs of any person;*

*(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*

*(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*

*(e) a matter that if disclosed, would reveal —*

*(i) a trade secret;*

*(ii) information that has a commercial value to a person; or*

*(iii) information about the business, professional, commercial or financial affairs of a person,*

*where the trade secret or information is held by, or is about, a person other than the local government;*

*(f) a matter that if disclosed, could be reasonably expected to —*

*(i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*

*(ii) endanger the security of the local government's property; or*

*(iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*

*(g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*

*(h) such other matters as may be prescribed.*

*(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

The following Regulation, from the Local Government (Administration) Regulations, has relevance:

*18D. Performance review of CEO, local government's duties as to*

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

*[Regulation 18D inserted in Gazette 31 Mar 2005 p. 1038.]*

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

The review process will be conducted in the 2016/17 financial year, and so there is the opportunity for Council to commit to the provision of funds, to employ a consultant, in the 2016/17 Budget.

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple Majority unless there is a resolution to engage a consultant. Absolute majority if Council opts to engage a consultant and commit to expenditure in 2016/17

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.6**

**MOVED: Cr Kaltenrieder** **SECONDED: Cr Aird**

**That Council:**

1. **adopt the following timeline for the Chief Executive Officer's annual review;**

| Contract Clause | Action | How/what | When |
|---|---|---|---|
| 4.4(1)(a) | CEO notice of review | This agenda item | 21/7/16 |
| 4.3 | Appointment of Reviewer | Council's determination re this agenda item | 21/7/16 |
| 4.4(1)(d) | Discussion re timing of review and interview session | July Council meeting | 21/7/16 |
| 4.4(1)(b) | Council notice to CEO of review, when and who | July Council minutes | 26/7/16 |
| 4.4(1)(c) | CEO's self assessment report | Previously used report format | 10/8/2016 |
| 4.4(1)(d) | Mutual discussion and feedback session | CEO and reviewer to meet prior to August Council briefing session | 15/9/16 |
| 4.4(1)(g)<br>4.2<br>7 | Review report<br>Performance criteria review<br>Remuneration review | CEO, or another person nominated by the reviewer, prepare the report recommending performance assessment for the period under review, setting criteria for the coming year and reviewing the remuneration, at September Council meeting | 20/10/16 |

2. **Accept this agenda item as the CEO's notice to Council that the annual review is due to be conducted - Clause 4.4(1)(a).**
3. **Appoint the Council as the reviewer - Clause 4.3)**
4. **Agree with the CEO that the minutes this meeting, including Council resolutions on this matter, serve as notice to the CEO of when the review is to be conducted and who the reviewer is - Clause 4.4(1)(b)**
5. **Hold a CEO review discussion, behind closed doors, in the Council chambers on Thursday 18 August 2016 commencing at 1pm**
6. **Set the mutual discussion and feedback session (between the Council and the CEO) for 18 August 2016 in the Council chambers and commencing at 2pm - Clause4.4(1)(d)**

**CARRIED 8/0** **Res 83/16**

**COUNCIL DECISION**

**MOVED: Cr Moir** **SECONDED: Cr mUNCEY**

**That the Council adopts enbloc 9.1.1, 9.1.2 and 9.1.3.**

**CARRIED 8/0** **Res 84/16**

## 9 COMMITTEE MINUTES

### 9.1.1 Minutes of the Bushfire Advisory Committee

| | |
|---|---|
| ***Location:*** | *N/A* |
| ***Applicant:*** | *N/A* |
| ***File:*** | |
| ***Disclosure of Officer Interest:*** | *Nil* |
| ***Date:*** | *30 June 2016* |
| ***Author:*** | *Alan Lamb - CEO* |
| ***Attachments:*** | *Yes – Minutes* |

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**BACKGROUND**

The Annual General meeting of the Bushfire Advisory Committee was held on 31st May 2016.

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

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.1**

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

**CARRIED BY ENBLOC** **Res 85/16**

## 9.1.2 Minutes of the South West Zone Meeting

| | |
|---|---|
| ***Location:*** | *N/A* |
| ***Applicant:*** | *N/A* |
| ***File:*** | |
| ***Disclosure of Officer Interest:*** | *Nil* |
| ***Date:*** | *30 June 2016* |
| ***Author:*** | *Alan Lamb - CEO* |
| ***Attachments:*** | *Yes – Minutes* |

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**BACKGROUND**

The South West Zone meeting was held on 23rd June 2016.

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

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.2**

**That the minutes of the South West Zone meeting be received.**

**CARRIED BY ENBLOC** **Res 86/16**

## 9.1.3 Minutes of the Blackwood River Valley Marketing Association

| | |
|---|---|
| ***Location:*** | *N/A* |
| ***Applicant:*** | *N/A* |
| ***File:*** | |
| ***Disclosure of Officer Interest:*** | *Nil* |
| ***Date:*** | *30 June 2016* |
| ***Author:*** | *Alan Lamb - CEO* |
| ***Attachments:*** | *Yes – Minutes* |

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**BACKGROUND**

The BRVMA meeting was held on 8th June 2016.

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

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.2**

**That the minutes of the BRVMA meeting be received.**

**CARRIED BY ENBLOC** **Res 87/16**

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

**The President decided to deal with the following late item.**

**Impartiality Interest**

That Cr Rear declared an impartiality interest in the following item due to being a member of the St John Ambulance Committee.

**11.1.1 Airfield Grant**

**Council Decision**

**MOVED: Cr Rear** **SECONDED: Cr Muncey**

**That Council apply for grant funding to get lighting, a wind sock, a covered patient transfer shed and a generator at the Airfield.**

**LOST 2/6** **Res 88/16**

**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 6.23pm.