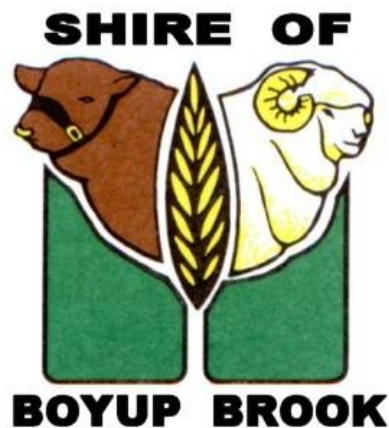


# Minutes



**ORDINARY MEETING**

held

**THURSDAY 25 August 2016**

**Commenced AT 5.05PM**

**AT**

**SHIRE OF BOYUP BROOK  
CHAMBERS**

**ABEL STREET – BOYUP BROOK**

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

**1.1 Attendance**

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

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: Sergeant Jodie Shuttleworth  
Daniel Simpson  
Sue White  
Margaret Giles  
Ted Willett  
Doug Corker

**Apologies**

Nil

**1.2 Leave of Absence**

Nil

Cr Moir arrived at 5.10pm

## **2 PUBLIC QUESTION TIME**

- 2.1 On behalf of the Heated Multi Purpose Therapeutic Pool Committee (HMPTPC), Sue White enquired about the community consultation into opening times, as the HMPTPC is not in favour of the proposed operating hours. Sue White also mentioned that this was not suitable for the Boyup Brook District High School and St Mary's Catholic School.

### **Response**

*The CEO will be working on the times and will advise the various Groups.*

- 2.2 Sue White questioned about the time frame of the Commissioning of the heating at the Swimming Pool.

### **Response**

*Pool will be commissioned in October and will open at the beginning of November.*

Ted Willett left the Chambers at 5.52pm.

- 2.3 Doug Corker enquired that the map which is situated in the Shire Chambers is illegible, should it be replaced?

### **Response**

*As this is a historical map, it will not be removed.*

- 2.4 Doug Corker enquired about the naming of Scotts Brook and Gnowongerup Brook.

### **Response**

*We have no mandate to rename incorrectly a correctly named feature.*

- 2.5 Doug Corker enquired about the Iron Artwork from the "Avenue of Honour" on the south end of Bridge Street is totally inappropriate to be in this reserved area and as originally intended, could they be placed at an entrance to our town or donated to Harvey Dickson's?

### **Response**

*The Townscape Committee agreed with the sculptures and its location.*

- 2.6 Doug Corker enquired about the trees which were removed and not replaced on Abels Street and if the Shire got permission to do this.?

## **Response**

As this occurred before my time as CEO and I speak on behalf of some of the Councillors who were not appointed at this time, I am unable to comment.

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

## **3 APPLICATIONS FOR LEAVE OF ABSENCE**

Cr Oversby advised that he will be absent for the September 2016 ordinary meeting of Council.

## **4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS**

- 4.1 Sergeant Jodie Shuttleworth was asked various questions from Council. Jodie informed Council that Daniel and herself have been out patrolling the roads, hence the reason why they have not always been available to man the Police Station. Jodie informed Council that a third Officer has been appointed.
- 4.2 Cr Oversby attended the WALGA Convention and advised Council that their were 4 good speakers at the venue and found it to be worthwhile.
- 4.3 Cr Moir attended a farm Biology course and spoke about the benefits it will have on the farming community.
- 4.4 Cr Aird attended the WALGA Convention which included the Annual General Meeting and training courses which was very beneficial.
- 4.5 Cr Kaltenrieder attended the Blackwood Basin Group meeting the CRC meeting and the WALGA Convention.

## **5 CONFIRMATION OF MINUTES**

### **5.1 Ordinary Meeting of Council - Thursday 21 July 2016**

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

**MOVED: Cr Oversby**

**SECONDED: Cr Kaltenrieder**

**That the minutes of the Ordinary Meeting of Council held on Thursday 21 July 2016 be confirmed as an accurate record.**

**CARRIED 9/0**

**Res 89/16**

### **5.2 Ordinary Meeting of Council - 11 December 2014 - Correction**

#### **COUNCIL DECISION & OFFICER RECOMMENDATION - Item 5.2**

**MOVED: Cr Aird**

**SECONDED: Cr Blackburn**

In preparing a report for this meeting it was noted that the adopted minutes for the 11 December 2014 meeting omitted to include declarations of impartiality and the Council resolution for item 12.1.1. Page 18 of the minutes included the following only:

**12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS**

**12.1.1 Purchase of Land**

Council's electronic files included a copy of the confidential report with what happened at the meeting (essentially the minutes for that item). The following recommendation uses wording from that record.

**OFFICER RECOMMENDATION - Item 5.2**

That the minutes for the Ordinary Meeting Of Council held 11 December 2014 be amended by adding declarations, motions and resolutions as follows and that the amendment be confirmed:

**12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS**

**Impartiality Interest**

Cr Oversby & Cr Imrie declared an impartiality interest in the following item due to being a Committee Member

**12.1.1 Purchase of Land**

**MOVED INTO COMMITTEE**

**MOVED: Cr Walker**

**SECONDED: Cr Oversby**

That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1. to allow members free discussion on the matter.

**CARRIED 9/0**

**MOVED OUT OF COMMITTEE**

**MOVED: Cr Oversby**

**SECONDED: Cr Aird**

That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.

**CARRIED 9/0**

**OFFICER RECOMMENDATION – ITEM 12.1.1**

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr Moir**

That Council authorize the Chief Executive Office to make an offer to purchase the land as recommended by the Boyup Brook & District Pioneer Museum Committee President.

**AMENDMENT**

**MOVED: Cr Blackburn**

**SECONDED: Cr Moir**

**That Council authorise the Chief Executive Office to make an offer to purchase the land as recommended by the Boyup Brook & District Pioneer Museum Committee President up to a maximum of \$45,000**

**CARRIED BY ABSOLUTE MAJORITY 5/4**

**SUBSTANTIVE MOTION WAS PUT**

**That Council authorise the Chief Executive Office to make an offer to purchase the land as recommended by the Boyup Brook & District Pioneer Museum Committee President up to a maximum of \$45,000**

**MOTION**

**That Council authorize the Chief Executive Office to make an offer to purchase the land as recommended by the Boyup Brook & District Pioneer Museum Committee President up to a maximum of \$45,000.**

**CARRIED BY ABSOLUTE MAJORITY 5/4**

**CARRIED 9/0**

**Res 90/16**

**6 PRESIDENTIAL COMMUNICATION**

Cr Giles attended the Sandakan Service and President's Dinner which was a well organized venue and was privileged to be able to attend.

Cr Giles attended the Local Emergency Management Committee meeting held on 24th August 2016.

Cr Giles advised Council that he will be attended the South West Zone meeting being held on Friday, 26th August 2016.

Cr Giles advised Council that he will be attending a Civic Reception in the Chambers in recognition of Colin Baron's 50 years of service to St John Ambulance Boyup Brook.

Cr Giles advised that John McKinnon from the Australian War Graves will be attending the Sandakan service in Boyup Brook.

**7 COUNCILLORS QUESTIONS ON NOTICE**

**7.1 Councillor Moir**

Councillor Moir put the following questions on behalf of the Wilga Progress Association.

**QUESTIONS**

What progress has been made with the transfer of land tenure to the Shire from State Lands for the old Wilga mill site?

When will the work be completed and the site cleaned up and made safe for the Community?

**RESPONSE FROM CEO**

The Wilga Mill site is Unallocated Crown Land. It is managed by the Department of Lands' State Land Services and so the questions were passed to that entity. The response was that staff from the Bunbury office would be visiting the site later that week (email dated 9th August 2016), that funding opportunities would be explored and that a response to the Wilga Progress Association's questions would be provided on receipt of a report from the site visit.

No further correspondence was received at the time of writing. the email to hand however provides that State Land Services have attempted to obtain a quotation to remove items from the site without success, they will look at the possibility of funds being allocated this financial year to undertake a further clean up.

Any further correspondence from State Land Services relating to the questions will be reported on at the Council meeting.

**8 REPORTS OF OFFICERS**

**8.1 MANAGER WORKS & SERVICES**

Nil



## 8.2 FINANCE

### 8.2.1 List of Accounts Paid in July 2016

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

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#### **SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in July 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 31 July 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**

**MOVED: Cr Oversby**

**SECONDED: Cr Rear**

**That at its August 2016 ordinary meeting Council receive as presented the list of accounts paid in July 2016, totalling \$359,568.40 and as represented by:**

<b>Municipal Cheques</b>	<b>19982-19987</b>	<b>\$60,856.69</b>
<b>Municipal Electronic Payments</b>	<b>4327-4403</b>	<b>\$119,136.86</b>
<b>Municipal Direct Payments</b>	<b>2499-2566</b>	<b>\$179,574.85</b>
	<b>(131037)</b>	
<b>Trust Fund Cheques</b>		<b>Nil</b>

**CARRIED 9/0**

**Res 91/16**

<b>8.2.2 31 July 2016 Statement of Financial Activity</b>
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<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/10/003</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>18 August 2016</i>
<b>Author:</b>	<i>Kerry Fisher –Finance Manager</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>No</i>

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### **SUMMARY**

This report recommends that Council defer to the September 2016 ordinary meeting of Council the receiving of the Statement of Financial Activities and the Net Current Assets for the month ended 31 July 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. Details of items of Material Variances are also listed.

### **COMMENT**

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

The 2016-17 Budget timetable set 25 August 2016 as the date that Council would consider a draft 2016-17 Annual Budget for adoption. Presentation of the 31 July 2016 Statement of Financial Activity has been deferred to the September 2016 ordinary meeting, with the intent to negate confusion if changes to accounts occur in the budgeting process. As there are no July 2016 budget figures to

compare actual incomes and expenditures these financials would not comply and need to be presented again at the September 2016 meeting.

**CONSULTATION**

Alan Lamb – Chief Executive Officer

**STATUTORY OBLIGATIONS**

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

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

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

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.2**

**MOVED: Cr Imrie**

**SECONDED: Cr Aird**

**That receipt by Council of the shire's 31 July 2016 Statement of Financial Activity and Statement of Net Current Assets be deferred to Council's September 2016 ordinary meeting.**

**CARRIED 9/0**

**Res 92/16**

### **8.3 CHIEF EXECUTIVE OFFICER**

**8.3.1 Development (Addition & Internal Alterations) – Lot 301 Bridge Street, Boyup Brook**

<b><i>Location:</i></b>	<i>Lot 301 Bridge Street</i>
<b><i>Applicant:</i></b>	<i>Boyup Co-operative</i>
<b><i>File:</i></b>	<i>A251</i>
<b><i>Disclosure of Officer Interest:</i></b>	<i>None</i>
<b><i>Date:</i></b>	<i>August 2016</i>
<b><i>Author:</i></b>	<i>A. Nicoll, Town Planner</i>
<b><i>Authorizing Officer:</i></b>	<i>Alan Lamb, Chief Executive Officer</i>
<b><i>Attachments:</i></b>	<i>Nil</i>

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#### **SUMMARY**

The purpose of this report is to put before Council the request to develop an extension and to undertake internal alterations to the Boyup Co-operative. The extension involves the development of an alfresco area for staff use and is proposed to be located at the eastern lot boundary. The internal alterations involve upgrades to develop office, boardroom and storeroom areas.

Refer to the following plan, which illustrates the locations for proposed developments.



Council discretion is required in accordance with the *Local Planning Scheme 2*, which states:

*3.3.1 In order to give full effect to the provisions and objectives of this Scheme, all development, including a change in the use of land, except as otherwise provided, requires the prior approval of the Council in each case. Accordingly, no person shall commence or carry out any development, including a change in the use of any land, without first having applied for and obtained the planning approval of the Council pursuant to the provisions of this Part.*

### **BACKGROUND**

The Boyup Brook Co-operative was established in 1919 by a group of farmers.

In 1988 the Co-operative was divided into a grocery division and a hardware and rural products division.

In 2002 a new building was opened for the hardware and rural products division and this has proved highly successful. A growth in business and the range of goods available has compelled the need for upgrades including:

- Additional amenities for staff;
- Additional storage and meeting areas;
- Upgrades to information technology (IT); and
- Private office space.

## **COMMENT**

Alfresco Area (Alfresco refers to an outdoor area established for eating).

An alfresco area is proposed to be developed at the rear of the Boyup Co-op building, adjacent to the eastern boundary.

The alfresco floor area amounts to approximately 21m<sup>2</sup> (6m X 3.5m) and is proposed to be used by staff for meal breaks.

Materials proposed to be used for the development of the alfresco area include:

- Colourbond - for roof, trimmings, gutters and downpipes;
- Mod-wood decking;
- Aluminium powder-coated screens; and
- North-facing polycarb wall sheeting.

## **Offices**

Office areas are proposed to be developed internal to the existing building using materials inclusive of:

- Red brickwork for lower walls;
- Rendered brickwork for face walls;
- Colorbond Classic Cream sheeting for upper walls;
- Painted concrete floor;
- Ceiling Plasterboard;
- Ceramic tiles for flashback areas;
- Timber Doors; and
- Overhead shelving.

## **Boardroom and Storerooms**

A boardroom and storerooms are proposed to be developed internal to the building.

The boardroom will provide an appropriate meeting place and the storerooms will provide areas for the storage of archived documents and products awaiting to be made available for sale.

## **Car Parking and Access**

22 car parking bays have been developed to adequately cater for customers.

Two crossovers to the site, one off Bridge Street and the other off Forrest Street provide end to end access.

The internal access areas are sealed with sufficient room for vehicles to pass each other and for turning.



### Landscaping

Landscaped areas have been developed as entry statements to the Co-operative building. The adjacent road reserves are also landscaped to compliment the built environment and to provide shade.

### STATUTORY OBLIGATIONS

Statutory Obligations	Recommendations
<p>Lot 301 Bridge Street is zoned 'Commercial' in accordance with the Shire's <i>Local Planning Scheme 2</i>.</p> <p>The proposed development complies with the following scheme standards, applicable to the 'Commercial' zone:</p> <ul style="list-style-type: none"> <li>• <i>5.5.1. The Commercial Zone is intended primarily to ensure that the Town Centre continues to function effectively as the location of the District's commercial and civic activity, that the uses approved therein will be compatible with the objectives and function, and with enhancement of the Centre's activity, appearance and movement systems.</i></li> <li>• In accordance with Table No.2 of the scheme, buildings may be developed up-to the front, side and rear boundaries.</li> <li>• In accordance with Table No.3 of the scheme: <ul style="list-style-type: none"> <li>○ 1 car park is to be developed for every 30m<sup>2</sup> of office area;</li> <li>○ 1 car park is to be developed for every 25m<sup>2</sup> of retail area;</li> <li>○ 1 car park is to be developed for every 100m<sup>2</sup> of warehouse area.</li> </ul> </li> </ul> <p>Note: the total floor area of the Co-operative building amounts</p>	<p>Recommend approving the application for development subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. All development shall occur in accordance with the approved plans.</li> <li>2. 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.</li> <li>3. The loading and unloading of goods shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.</li> <li>4. No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas or in access driveways, unless otherwise agreed in writing by the Shire of Boyup Brook.</li> <li>5. Any lighting device shall be positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries.</li> </ol>

<p>to approximately 1000m<sup>2</sup> (1 car park @ 100m<sup>2</sup> = 10 car parks).</p> <ul style="list-style-type: none"> <li>• <i>5.11 No building shall be so constructed, finished or left unfinished that its external appearance would, in the opinion of the Council, detract from the visual amenity of the locality or have the potential to depreciate the value of adjoining property. All land and buildings shall be used and maintained as to preserve the local amenity to the satisfaction of the Council.</i></li> <li>• <i>5.13 Landscaping shall be undertaken and maintained to Council's satisfaction for all development unless, in the opinion of the Council, such landscaping is considered unnecessary. Such landscaping shall generally be located in such positions on a site or sites so as to enhance the appearance of any development or screen from view any parking area, open storage area, drying areas and any other space which, by virtue of its use, is likely to detract from the visual amenity of the surrounding area.</i></li> </ul>	<ul style="list-style-type: none"> <li>6. All landscaped areas shall be maintained in good condition to the satisfaction of the Shire of Boyup Brook.</li> <li>7. Stormwater from the lot shall be managed to the satisfaction of the Shire of Boyup Brook.</li> <li>8. All parking spaces shall be marked out and maintained in good repair, to the satisfaction of the Shire of Boyup Brook.</li> <li>9. Sign(s) shall not be erected on the lot without the prior approval of the Shire of Boyup Brook.</li> </ul>
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### **POLICY IMPLICATIONS**

The Shire's Planning Policy P.01, requires 5% of the lot to be landscaped in keeping with surrounding adjacent areas, to the satisfaction of the Shire.

The subject lot is 2.7 hectares in area. 5% of 2.7ha equals 135m<sup>2</sup>. Approximately 235m<sup>2</sup> of landscaped area is currently provided on-site, meaning adequate landscaping has been provided (8%).

### **CONSULTATION**

N/A

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

There are no strategic implications relating to this proposal.

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple majority

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

**MOVED: Cr Rear**

**SECONDED: Cr Muncey**

**That Council**

Grants development approval for Lot 301 Bridge Street, for the purpose of Development (alfresco area and internal alterations):

***Planning and Development Act 2005***

**Shire of Boyup Brook**

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

Location: Lot 301 Bridge Street, Boyup Brook

Description of proposed development:

**Alfresco Area and Internal Alterations (Private Offices, Storeroom, Boardroom and Incidentals).**

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. 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.

3. The loading and unloading of goods shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
4. No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas or in access driveways, unless otherwise agreed in writing by the Shire of Boyup Brook.
5. Any lighting device shall be positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries.
6. All landscaped areas shall be maintained in good condition to the satisfaction of the Shire of Boyup Brook.
7. Stormwater from the lot shall be managed to the satisfaction of the Shire of Boyup Brook.
8. All parking spaces shall be marked out and maintained in good repair, to the satisfaction of the Shire of Boyup Brook.
9. Sign(s) shall not be erected on the lot without the prior approval of the Shire of Boyup Brook.

Date of determination: 25 August 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 9/0**

**Res 93/16**

**8.3.2 Development (Outbuilding and Patio) – 37- 41 Bridge Street, Boyup Brook**

**Location:** 37-41 Bridge Street.  
**Applicant:** Outdoor World (Wangara).  
**File:** A1440  
**Disclosure of Officer Interest:** None.  
**Date:** August 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 and a Patio at 37-41 Bridge Street, Boyup Brook.



Council discretion is required due to the height of the proposed outbuilding exceeding Policy requirements.

This report item recommends that the Council supports a variation to Council Policy and approves the development. The following reasons for approval are given:

- The subject property is exceptionally large (5224m<sup>2</sup>) for a residential property. The proposed outbuilding and patio are not expected to dominate the landscape due to the large lot size.

- The developments are proposed to be located well away from public roads and also neighbouring dwellings to the south.
- The owner of the lot to the north was consulted and has no issues with the proposed developments.
- The outbuilding is needed to house a caravan.

### **BACKGROUND**

An application requesting approval to develop an outbuilding and patio was lodged with the Shire.

Staff reviewed the application and confirmed that:

- The floor area of the proposed outbuilding, in addition to the floor area of an existing outbuilding, exceed Council Policy by approximately 100m<sup>2</sup>; and
- The wall and roof heights of the proposed outbuilding exceed maximum heights stipulated in Council Policy.

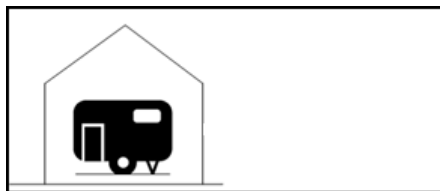
Staff contacted the owner of the subject property to question the need for excessive outbuilding space and heights.

The owner subsequently advised staff that an existing outbuilding is being demolished and that the proposed outbuilding was needed to house a caravan and vehicles.

By demolishing the existing outbuilding, the application will not be in breach of Council Policy for maximum floor area.

In considering the need to house a caravan within the proposed outbuilding, Council may support a variation in height in accordance with Council Policy (No.4, Provision 7):

*Where demonstrated proof of ownership of vehicle/vessel, a relaxation of the height of the wall and/or ridge may be supported.*



### **COMMENT**

#### Outbuilding

The outbuilding is designed as follows:

- Colourbond roof (red) and walls (cream) to match the house;
- Roller Doors (red);
- 4.1m wall height;
- 5.4m roof height; and
- 10m X 12m (120m<sup>2</sup>) dimensions.

The outbuilding is proposed to be located to the side of the existing house, approximately 80 from the public road (Bridge Street) and 2m from the northern (side) boundary.

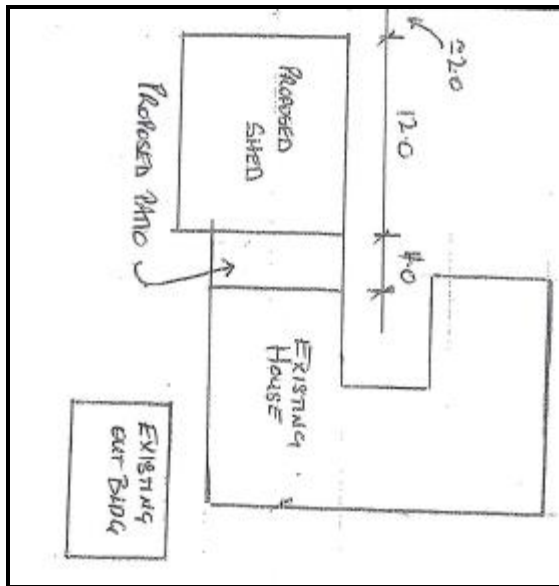


### Patio

The patio is designed as follows:

- Height to match eaves of the house; and
- 4m X 8m (32m<sup>2</sup>) dimensions.

The patio is proposed to be attached to the house and alongside the proposed outbuilding.



### **STATUTORY OBLIGATIONS**

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.*

The objective of the Shire's 'Outbuilding Policy' is; to minimise adverse impacts outbuildings may have on a locality.

### **POLICY IMPLICATIONS**

#### **Outbuilding Policy**

The heights of the proposed outbuilding exceed the maximums stipulated in the Council's Outbuilding Policy by 1.1m for the walls and 1.2m for the top-pitch of the roof.

The maximum outbuilding sizes permitted for the subject property are as follows:

- Wall height - 3m;
- Roof height – 4.2m;
- Individual floor area 120m<sup>2</sup>; and
- Total outbuilding area – 200m<sup>2</sup>.

### **CONSULTATION**

The owner of the subject lot, discussed with neighbours, the idea of locating the outbuilding on the south side of the existing dwelling, closer to Bridge Street and dwellings to the south.



The owner believed that the amenity to the properties to the south may be compromised due to the height of the proposed outbuilding. Subsequently, the owner decided to apply to locate the outbuilding on the north side of the dwelling, away from neighbouring dwellings.

The neighbour adjoining the northern boundary was consulted and has no issue with the proposed development.

**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 - 8.3.2**

**MOVED: Cr Oversby**

**SECONDED: Cr Blackburn**

**That Council**

Grants development approval for 37-41 Bridge Street, for the purpose of Outbuilding and Patio, subject to the following notice:

***Planning and Development Act 2005***

**Shire of Boyup Brook**

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

Location: 37-41 Bridge Street, Boyup Brook

Description of proposed development:

**Outbuilding and Patio**

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: 25 August 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 9/0**

**Res 94/16**

### **Proximity Interest**

Cr Kaltenrieder declared a proximity interest in the item and departed the Chambers the time being 6.01pm.

**8.3.3 Resolution to ADOPT Amendment to Scheme – Lot 913 Fern Valley Road, Boyup Brook.**

<b>Location:</b>	<i>Lot 913 Fern Valley Road</i>
<b>Applicant:</b>	<i>MPM DEVELOPMENT CONSULTANTS</i>
<b>File:</b>	<i>A15036</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>August 2016</i>
<b>Author:</b>	<i>A. Nicoll, Town Planner</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb, Chief Executive Officer</i>
<b>Attachments:</b>	<i>Scheme Amendment (17) Document</i>

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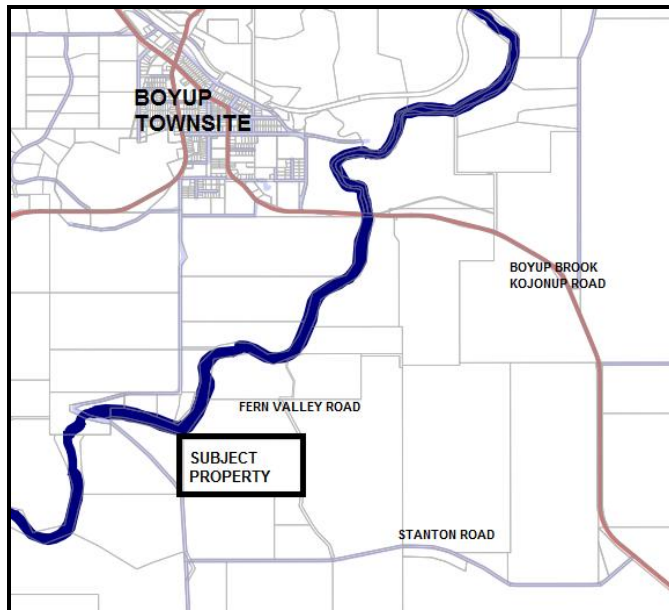
### **SUMMARY**

The purpose of this report is to put before Council the request to resolve to adopt an amendment to the Shire of Boyup Brook *Local Planning Scheme 2*.

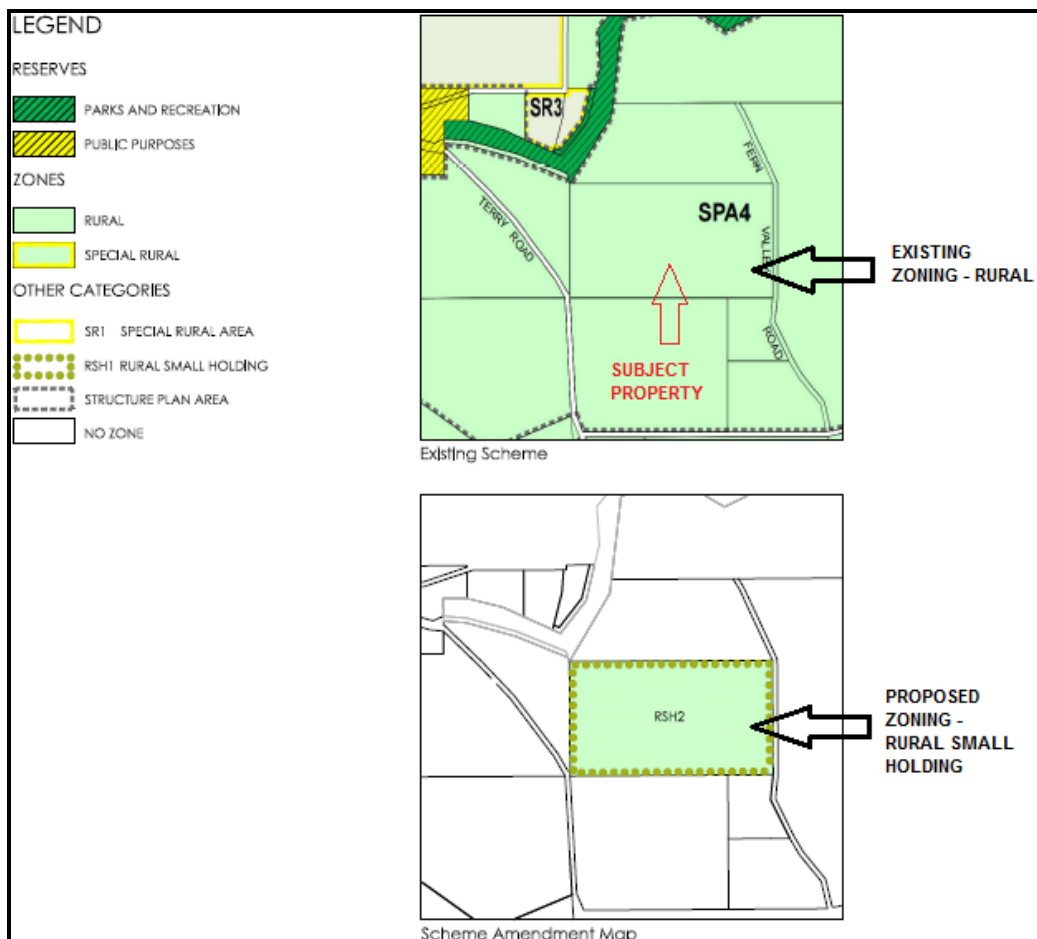
The amendment involves:

1. Rezoning Lot 913 Fern Valley Road, Boyup Brook from 'Rural' zone to 'Rural Small Holding' zone; and
2. Including appropriate special conditions relating to Lot 913 Fern Valley Road into the Shire's scheme at 'Schedule 12'.

The subject Lot 913 is 40.58ha in area and is located south east of the Boyup Brook town site.



The following figure illustrates the existing zoning (Rural) and the proposed zoning (Rural Small Holding).



Council discretion is required in accordance with regulations 35(1) and 35(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, which states:

*r.35 (1) A resolution of a local government to prepare or adopt an amendment to a local planning scheme must be in a form approved by the Commission.*

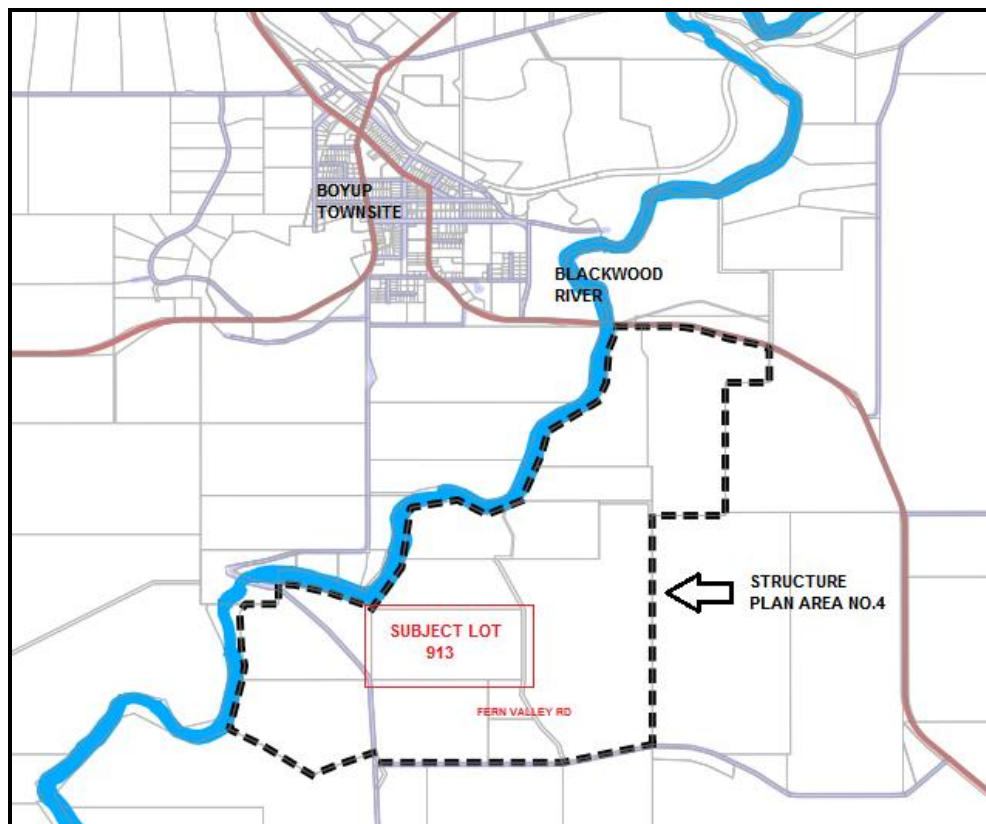
*r.35 (2) A resolution must —*

- (a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and*
- (b) include an explanation of the reason for the local government forming that opinion.*

### **BACKGROUND**

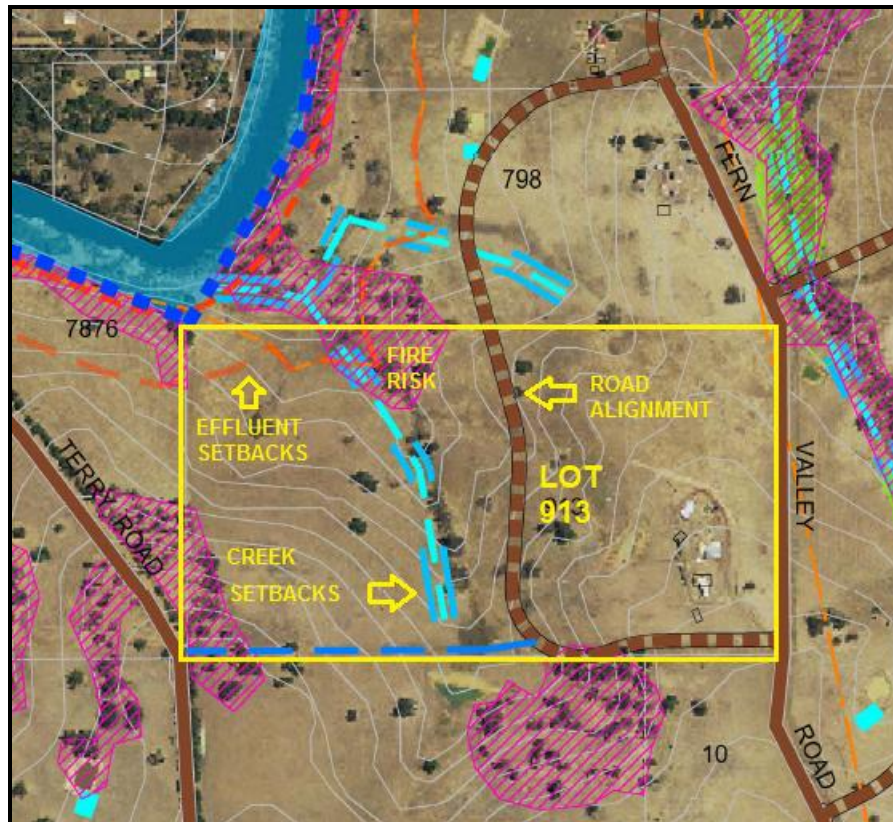
Lot 913 is currently zoned 'Rural' under the terms of the Shire of Boyup Brook Local Planning Scheme No 2.

An overall 'Structure Plan Area No.4' has been endorsed to guide land use, development and subdivision in the area defined by the dotted line in the following plan. The subject Lot 913 falls within the overall Structure Plan Area No.4.



The Lot 913 is proposed to be accessed by the Boyup Kojonup Road, Stanton Road and then Fern Valley Road.

The following map illustrates opportunities and constraints for the subject Lot 913, culminating from the overall Structure Plan Area No.4 process. Constraints include steep topography and buffers to bushfire prone vegetation, creeks and the Blackwood River. Opportunities include the potential for rural lots (min 4ha) with scenic views to the Blackwood River, a new road alignment and close proximity to the Boyup Townsite.



#### **COMMENT**

The subject land is currently used for farming purposes and is developed with a residence and associated outbuildings. The land is best described as predominately cleared and gently sloping from the south to the Blackwood River (north). A creek runs through the centre of the property.

The amendment proposes to change the zoning in the scheme from the 'Rural' zone, to 'Rural Small Holding' zone.

Once the new proposed zoning has been endorsed, a 'detailed' structure plan is to be endorsed and then an application can be made to subdivide the land into a minimum of 4ha lots.

The 'detailed' Structure Plan will need to consider the opportunities and constraints identified as part of the 'overall' structure planning process and also matters outlined in the Shire's scheme at 'Schedule 13'. The following is a list of key factors for consideration:

- Bushfire risk areas;
- Effluent buffers to the Blackwood River (100m);
- Public access to the Blackwood River;
- 30m setbacks to creeks;
- Lot design relative to land characteristics and accessibility;
- Building exclusion areas;
- Minimum building floor heights above flood levels;
- Future road alignments;
- Road and intersection design and construction contribution requirements;
- Landscape/revegetation management requirements; and
- Requirements for the provision of water for drinking and firefighting.

#### **STATUTORY OBLIGATIONS**

<b>Statutory Obligations</b>	<b>Recommendations</b>
<p><b><i>Local Planning Scheme No.2</i></b></p> <p>Lot 913 is currently zoned 'Rural' under the terms of the Shire of Boyup Brook <i>Local Planning Scheme No 2</i>.</p> <p>Clause 9.8.1 of the <i>Local Planning Scheme No 2</i> states:</p> <ul style="list-style-type: none"> <li>• <i>The Council shall keep the Scheme under constant review and where appropriate carry out investigations and study with a view to maintaining the Scheme as an up-to-date and efficient means for pursuing community objectives regarding development and land use.</i></li> </ul> <p>Clause 9.8.2 of the <i>Local Planning Scheme No 2</i> states:</p>	<p>Recommend adopting the scheme amendment proposal subject to including the following conditions stemming from Schedule 13 of the scheme and the endorsed 'Structure Plan Area No.4':</p> <p>a) The objective of the RSH2 zone is to primarily provide for residential development in a rural setting and secondly for rural pursuits, home based business and minor tourist uses.</p> <p>b) A 'Detailed Structure Plan' is to be prepared and approved in accordance with Schedule 13 of the Scheme and the following requirements stemming from overall Structure Planning on area No.4:</p> <p>1. External road construction</p>

<ul style="list-style-type: none"> <li>• <i>The Council may, from time to time, initiate an amendment to the Scheme in accordance with the Act and Regulations and shall give consideration to any application to have the Scheme amended.</i></li> </ul> <p>Clause 10.1.3.5 of the <i>Local Planning Scheme No 2</i> states:</p> <ul style="list-style-type: none"> <li>• <i>Where a Structure Plan exists, the subdivision and development of land is to generally be in accordance with the Structure Plan and any associated provisions contained in Schedules...12 as applicable and 13.</i></li> </ul> <p><b>Schedule 13 Structure Plan Areas</b></p> <p>Schedule 13 of the scheme states:</p> <p><i>Matters to be Addressed in Structure Plans</i></p> <ul style="list-style-type: none"> <li>• <i>Land capability.</i></li> <li>• <i>Suitability of the granite ridge areas for development.</i></li> <li>• <i>River flood levels.</i></li> <li>• <i>River corridor enhancement.</i></li> <li>• <i>Public access to the river.</i></li> <li>• <i>Storm water management.</i></li> <li>• <i>Servicing.</i></li> <li>• <i>Possible road connection from the Boyup Brook-Kojonup Road to Fern Valley Road.</i></li> <li>• <i>Landscape protection and viewsheds.</i></li> <li>• <i>Upgrading of the river crossing at Terry Road.</i></li> <li>• <i>Low key tourist uses.</i></li> <li>• <i>Intersection/access point to Boyup Brook-Kojonup Road.</i></li> </ul>	<p>standards, upgrading and contribution requirements being determined;</p> <ol style="list-style-type: none"> <li>2. A Landscape Management Plan being developed to indicate protection and enhancement measures, 30m either side of creeks;</li> <li>3. A lot layout being designed considerate of a 4ha minimum lot size, a 100m effluent buffer to the Blackwood River, public access to the Blackwood River, landscape features and internal road connectivity;</li> <li>4. Building and effluent exclusions areas being identified on a plan considerate of Bushfire risk, minimum building floor heights above flood levels and environmental impediments;</li> <li>5. A Fire Management Plan being prepared;</li> <li>6. The setback of effluent disposal systems from the river; and</li> <li>7. Landscaping and stream protection.</li> </ol> <p>c) Subdivision and Development shall generally be in accordance with the endorsed (detailed) Structure Plan. The minimum lot sizes shall be 4ha. Superlot subdivision will be supported if future lot layout can be demonstrated.</p> <p>d) Water management and drainage designs should incorporate the principles of water sensitive urban design.</p> <p>e) The onsite disposal of effluent shall be approved by Council</p>
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<ul style="list-style-type: none"> <li>• <i>Stream Protection Buffers, including rehabilitation works.</i></li> </ul> <p><b>Structure Plan Area No.4</b></p> <p>As depicted in the scheme maps, the subject Lot 913 is located within an endorsed 'Structure Plan Area (No.4)'.</p> <p>The endorsed overall structure plan states:</p> <ol style="list-style-type: none"> <li>1. <i>This Structure Plan is prepared, approved and operated pursuant to Section 10.1 of the Shire of Boyup Brook Town Planning Scheme No.2. As such, the 'Operation of Structure Plan' provisions pursuant to clause 10.1.7 apply including, but not limited to, any Reserves or Zones applied to the Structure Plan. Further, these standards and requirements form scheme provisions pursuant to clause 10.1.7.3 (e) of the Scheme.</i></li> <li>2. <i>The rural small holdings subdivision, land use and development provisions do not apply until such time as the subject land is included in the Rural Small Holdings Zone.</i></li> <li>3. <i>A 'Detailed Structure Plan' is to be prepared and approved for each individual Rural Small Holdings zone in accordance with the Structure Plan Area No. 4 and is to include the following:</i> <ul style="list-style-type: none"> <li>• <i>The standard of the intersection with Kojonup Road for the ultimate development in SPA4 and any associated land requirements for this;</i></li> <li>• <i>External road construction standards, upgrading and contributions as outlined in the Road Contributions Plan; and</i></li> <li>• <i>A biophysical assessment to identify an accurate foreshore protection area to the Blackwood River. Those lots fronting the river are also</i></li> </ul> </li> </ol>	<p>and the Health Department of WA. Effluent systems shall be designed and located to minimise nutrient export and or release into any waterway or groundwater.</p> <p>f) Prior to subdivision approval, a geotechnical report to demonstrate that the areas where septic tank systems are proposed to be used are capable of disposing of effluent within each lot.</p>
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<p><i>required to prepare and implement a Foreshore Management Plan</i></p> <p>4. <i>Design of any development should be compatible with rural landscape and adjacent agricultural areas.</i></p> <p>5. <i>All development of dwellings and associated effluent disposal or alternative sewerage systems adjoining the river are required to be east of the 'development setback line'.</i></p>	
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#### **POLICY IMPLICATIONS**

There are no policy implications relating to this item.

#### **CONSULTATION**

Statutory procedures following Council resolution to adopt a 'Basic' amendment include:

1. Referral to the Environmental Protection Authority to determine if environmental conditions need to be incorporated; and
2. Referral to the Western Australian Planning Commission requesting approval to adopt the 'Basic' amendment.

#### **BUDGET/FINANCIAL IMPLICATIONS**

N/A

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications relating to this item.

#### **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

**CONCLUSION**

The proposal is to amend the Shire of Boyup Brook *Local Planning Scheme 2* in order to enable the subdivision of Lot 913 Fern Valley Road to accommodate Rural Small Holding land uses.

The proposed amendment is in accordance with the Shire's *Local Planning Scheme No.2* and *Structure Plan Area No.4*, which identify the land as being appropriate for Rural Small Holding land uses.

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.3**

**MOVED: Cr Rear**

**SECONDED: Cr Oversby**

**That Council**

Resolves to ADOPT the amendment to the *Local Planning Scheme 2* in accordance with regulations 35(1) and 35(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, as follows:

*Planning and Development Act 2005*

**RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME**

*Local Planning Scheme No.2*

Amendment No 17

Resolved that the local government pursuant to section 72 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme No.2 by:

1. Rezoning Lot 913 Fern Valley Road, Boyup Brook from 'Rural' zone to 'Rural Small Holding' zone.
2. Including at Schedule 12 of Shire of Boyup Brook Town Planning Scheme No.2, Rural Small Holdings the following:

Location of Zone	Permitted Uses and Conditions of Development
'Rural Smallholdings Zone 2	a) The objective of the RSH2 zone is to primarily provide for residential

<p><b>(RSH2)</b></p> <p><b>Lot 913 Fern Valley Road, Boyup Brook</b></p>	<p>development in a rural setting and secondly for rural pursuits, home based business and minor tourist uses.</p> <p>b) A 'Detailed Structure Plan' is to be prepared and approved in accordance with Schedule 13 of the Scheme and the following requirements stemming from overall Structure Planning on area No.4:</p> <ol style="list-style-type: none"> <li>1. External road construction standards, upgrading and contribution requirements being determined;</li> <li>2. A Landscape Management Plan being developed to indicate protection and enhancement measures, 30m either side of creeks;</li> <li>3. A lot layout being designed considerate of a 4ha minimum lot size, a 100m effluent buffer to the Blackwood River, public access to the Blackwood River, landscape features and internal road connectivity;</li> <li>4. Building and effluent exclusions areas being identified on a plan considerate of Bushfire risk, minimum building floor heights above flood levels and environmental impediments;</li> <li>5. A Fire Management Plan being prepared;</li> <li>6. The setback of effluent disposal systems from the river; and</li> <li>7. Landscaping and stream protection.</li> </ol> <p>c) Subdivision and Development shall generally be in accordance with the endorsed (detailed) Structure Plan. The minimum lot sizes shall be 4ha. Superlot subdivision will be supported if future lot layout can be demonstrated.</p>
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	<p>d) Water management and drainage designs should incorporate the principles of water sensitive urban design.</p> <p>e) The onsite disposal of effluent shall be approved by Council and the Health Department of WA. Effluent systems shall be designed and located to minimise nutrient export and or release into any waterway or groundwater.</p> <p>f) Prior to subdivision approval, a geotechnical report to demonstrate that the areas where septic tank systems are proposed to be used are capable of disposing of effluent within each lot.</p>
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**3. Amending the scheme maps accordingly.**

The Amendment is a 'Basic' amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

*Planning and Development (Local Planning Schemes) Regulations 2015, Part 5, Division 1, r.34(g)*

**basic amendment** means any of the following amendments to a local planning scheme —

*(g) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme currently includes zones of all the types that are outlined in the plan*

Dated this 25 day of August 2016

\_\_\_\_\_  
Alan Lamb

Chief Executive Officer

**CARRIED 8/0**

**Res 95/16**

Cr Kaltenrieder returned to the Chambers at 6.04pm

**Proximity Interest**

Cr Muncey declared a proximity interest in item 8.3.4 as he resides across the road.

<b>8.3.4 Land Use (Industrial) – Lot 108 Ridge View Avenue, Boyup Brook</b>
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<b>Location:</b>	<i>Lot 108 Ridge View Avenue, Boyup Brook.</i>
<b>Applicant:</b>	<i>Joanne Harding.</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None.</i>
<b>Date:</b>	<i>August 2016</i>
<b>Author:</b>	<i>A. Nicoll, Town Planner</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb, Chief Executive Officer</i>
<b>Attachments:</b>	<i>Nil</i>

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**SUMMARY**

The purpose of this report is to put before Council the request to fabricate steel products (e.g. trailers), from within an existing outbuilding (63m<sup>2</sup>), located at the 'Special Rural No.6' zone property (Lot 108 Ridge View Avenue).



The proposed activity aligns with the scheme definition of 'Industrial'. As per the Shires scheme, the 'Industrial' land use is not permitted in the 'Special Rural No.6' zone.

A decision to approve the use 'Industrial' would exceed the scope and power given by the Shire's scheme.

This report item recommends that the Council refuse the application proposing to undertake an 'Industrial' land use activity at Lot 108 Ridge View Avenue.

### **BACKGROUND**

The Shire received an application for approval to fabricate steel products (e.g. trailers) at the 'Special Rural No.6' zone property.

Staff at the Shire advised the applicant that:

- The proposal falls under the use category of 'Industrial';
- The subject property is zoned 'Special Rural No.6';
- The 'Industrial' land use category is not permitted on properties zoned 'Special Rural No.6'; and
- 'Industrial' land uses may be considered for approval at properties zoned 'Light Industrial', 'General Industrial', 'Rural' or 'Special Rural Area No.1' (Ritson Street).

### **COMMENT**

'Special Rural' zones are intended primarily to accommodate residential purposes in a rural setting (*Local Planning Scheme No.2* - Clause 5.3.1).

In accordance with the Shire's scheme, 'Industrial' means the manufacturing, dismantling, processing, assembly, servicing, maintenance and repairing of goods, products, articles, materials or substances and includes the storage of goods and the selling of goods by wholesale or retail.

An 'Industrial' land use may impact the amenity of the rural setting by way of noise, the coming and going of machinery and the storage of materials and products in open areas.

The opportunities exists in accordance with the Shire's scheme, for industrial activities to operate in commercial areas (townsites) and on large rural properties where the potential for land-use conflict is reduced.

### **STATUTORY OBLIGATIONS**

The Shire's scheme states the following at clause *iv*) for the 'Special Rural No.6' zone:

*iv) Uses permitted within the zone are:- Ancillary Accommodation (P), Bed & Breakfast (AA), Cabin (AA), Caretaker's House (IP), Chalet (SA), Guesthouse (SA), Holiday Home (P), Home Business (AA), Home, Occupation (IP), Home Office (P), Industry – Cottage (AA), Market Gardens (AA), Rural Pursuit (AA), Single House (P), Veterinary Centre (SA), **All other uses are not permitted.***

The uses, 'Industrial', 'Light Industrial' or 'General Industrial' are not listed under clause *iv)* and are therefore not permitted. Alternatively, 'Home Business' and 'Industry Cottage' are listed under clause *iv)* and therefore may be considered for approval subject to conditions.

'Home Business' means: 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 employ more than 2 people not members of the occupier's household;
- will not cause injury to or adversely affect the amenity of the neighbourhood;
- does not occupy an area greater than 50m<sup>2</sup>;
- does not involve the retail sale, display or hire of goods of any nature;
- 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
- does not involve the use of an essential service of greater capacity than normally required in the zone.

'Industry Cottage' means: a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which:

- does not cause injury to or adversely affect the amenity of the neighbourhood;
- where operated in a residential zone, does not employ any person other than a member of the occupier's household;
- is conducted in an out-building which is compatible within the principle uses to which land in the zone in which it is located may be put;
- does not occupy an area in excess of 50m<sup>2</sup>; and
- does not display a sign exceeding 0.2m<sup>2</sup> in area;

### **POLICY IMPLICATIONS**

There are no policy implications relating to this item.

### **VOTING REQUIREMENTS**

Simple majority



**MOVED INTO COMMITTEE**

**MOVED: Cr Moir**

**SECONDED: Cr Blackburn**

**That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.to allow members free discussion on the matter.**

**CARRIED 9/0**

**Res 96/16**

**MOVED OUT OF COMMITTEE**

**MOVED: Cr Oversby**

**SECONDED: Cr Kaltenrieder**

**That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.**

**CARRIED 9/0**

**Res 97/16**

**OFFICER RECOMMENDATION – ITEM 8.3.4**

**That Council**

Grants REFUSAL, for the proposed ‘Industrial’ land use, subject to the following notice.

***Planning and Development Act 2005***

**Shire of Boyup Brook**

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

Location: Lot 108 Ridge View Avenue, Boyup Brook

Description of proposed development:

**Industrial**

The application for development is REFUSED in accordance with the *Local Planning Scheme No.2*, which states the following for the Special Rural No.6 zone - at clause iv):

*iv) Uses permitted within the zone are:- Ancillary Accommodation (P), Bed & Breakfast (AA), Cabin (AA), Caretaker’s House (IP), Chalet (SA), Guesthouse (SA), Holiday Home (P), Home Business (AA), Home, Occupation (IP), Home*

*Office (P), Industry – Cottage (AA), Market Gardens (AA), Rural Pursuit (AA), Single House (P), Veterinary Centre (SA), **All other uses are not permitted.***

Date of determination: 25 August 2016

Note 1: 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.

#### **CEO COMMENT**

**Information provided by the applicant indicated the planned use was not in accordance with Scheme provisions and so, as officers, we are duty bound to recommend refusal.**

**Council may however have a different view and may approve the application. If it does wish to approve the use then conditions should be considered and the following provides an alternative motion with relevant conditions.**

**COUNCIL RESOLUTION**

**MOVED: Cr Aird**

**SECONDED: Cr Kaltenrieder**

**That Council approves the proposed Home Business Land use subject to the following notice:**

<b><i>Planning and Development Act 2005</i></b>	
<b>Shire of Boyup Brook</b>	
<b>NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL</b>	
Location:	Lot 108 Ridge View Avenue, Boyup Brook
Description of proposed development:	
<b>Home Business</b>	
On provision by the applicant of written comment from the owners/occupiers of neighbouring properties to Council's administration office and provided there is no significant opposition, as assessed by the Chief Executive Officer, expressed by those neighbours the application for development is approved subject to the following conditions.	
Conditions:	
<ol style="list-style-type: none"><li>1. Does not employ more than 2 people not members of the occupier's household;</li><li>2. Will not cause injury to or adversely affect the amenity of the neighbourhood;</li><li>3. Does not occupy an area greater than 50m<sup>2</sup>;</li><li>4. Does not involve the retail sale, display or hire of goods of any nature;</li><li>5. 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</li><li>6. Does not involve the use of an essential service of greater capacity than normally required in the zone.</li></ol>	
Date of determination: 25 August 2016	
Note 1: 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 <i>Planning and Development Act 2005</i> 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 8/1**

**RES 98/16**

**WITHDRAWN**

**Item 8.3.5 was withdrawn by the CEO.**

<b>8.3.5 Operational Hours - Swimming Pool</b>
--

<b>Location:</b>	<i>Swimming Pool</i>
<b>Applicant:</b>	<i>Daly Winter</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>19 July 2016</i>
<b>Author:</b>	<i>Daly Winter</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb</i>
<b>Attachments:</b>	<i>Nil</i>

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**SUMMARY**

This agenda item is intended to inform Council of the proposed changes to the operational hours of the Boyup Brook swimming pool for the 2016/2017 season.

It is proposed that the following standard timeframes for the pool operations will be:

Public Opening times: Open on Monday, Wednesday, Thursday, Friday, Saturday and Sunday between 11.00 a.m. to 6.00 p.m.

Closed on Tuesdays.

**BACKGROUND**

Through a series of Council resolutions Council resolved to support the project to heat the existing swimming pool. This project will be completed in October 2016 with an official opening of the swimming pool with the new heating system. The exact date of the "Official Opening" is yet to be confirmed.

The purpose of the heating system was to extend the swimming season of the Boyup Brook Swimming Pool for an additional two months by adding a month onto either side of the regular pool season. It is proposed that the Pool will now open in October and close towards the end of April.

As we are extending the swimming season we need to make some changes to the pool days and hours to manage the wages component of the operational costs. (Wages are the single biggest budget item in the pools operational budget.) This is in line with the aims of Council Res 179/13.

**COMMENT**

Over the years the swimming pool opening times and hours of operation have varied depending upon operational constraints. This will continue into the future as your Council officers work to find the best fit between consumer wants/need and operational efficiencies for the facility.

The Shire's Chief Executive Officer is responsible for overseeing the administration and management of all Shire staff and facilities under the Local Government Act.

**CONSULTATION**

The Applicant has discussed the new pool times and hours arrangements with the Pool Manager and the Chief Executive Officer and both parties have been receptive to the proposal and the hours as stated.

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple majority.

**OFFICER RECOMMENDATION - Item 8.3.5**

1. That Council receives this report regarding the amendments to the operational season and hours for the Boyup Brook Swimming Pool.
2. That Council notes the pool season will be extended to include October and April, that the daily operational hours have been amended to allow for the extended season and that the Pool will be closed on Tuesdays for the coming season.

**Note:** *Administration will consult with community groups and determine if any changes to proposed hours can be accommodated.*

Cr Muncey left the Chambers at 6.31pm.

Cr Muncey returned to the Chambers at 6.32pm.

<b>8.3.6 Pool Revitalization Fund – Children’s Water Playground</b>
---

<b>Location:</b>	<i>Swimming Pool</i>
<b>Applicant:</b>	<i>Daly Winter</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>17 August 2016</i>
<b>Author:</b>	<i>Daly Winter</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb</i>
<b>Attachments:</b>	<i>Nil</i>

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**SUMMARY**

This agenda item is intended to inform Council of the proposal to use unallocated Department of Sport and Recreation grant funds from the Community Pool Revitalisation Grants Program for the 2016/2017 and 2017/2018 financial years toward the planning and development of a new children’s water play facility at the Boyup Brook swimming pool. The proposed new children’s water play facility will further enhance and revitalise the swimming pool precinct with the intention to increase patronage to the facility.

To meet grant application guidelines (Submission close 30 August 2016) we seek Council’s approval to setup of a new specified reserves account “Pool Revitalisation Fund – Children’s Water Play facilities” and authorise the planning and development of the project due for completion by the 30 June 2018.

**BACKGROUND**

In regional towns and cities public pools are a central point for recreation, learning, exercise and rehabilitation. They are an important piece of infrastructure. In addition to the recreation opportunities, public pools play host to swimming lessons, including in-term and vacation swimming classes, school carnivals, teaching children and adults about water safety and survival techniques.

In remote communities there is evidence that regular visits to the town pool has contributed to reduced chronic disease and improved educational and social outcomes for residents. Local government meets the cost of ensuring

communities can access the health and leisure benefits of a local swimming pool.

Two years ago the Department of Sport and Recreation introduced the Community Pool Revitalisation Program. This program will run until 30 June 2018. In the past funding from this program has been used to paint the swimming pool and this year part of the funds will be used for replacement of existing pool equipment - Main pool pump and an underwater pool cleaner.

The Minister has updated the guidelines this year in relation to this grants program “the Minister will allow eligible Regional Local Governments to apply for a Future Capital Project. This grant must be placed in a specified reserves account to be budgeted towards a Future Capital Project, which will occur in 2017/18”.

Around the same time a further \$10,000 per annum grant opportunity was added specifically for water playgrounds. Unfortunately this opportunity was not noted last year but it is available this year and appears to be available next year also. This additional \$20,000 (\$10,000 each year for two years) added to some of the pool subsidy for this year and the subsidy for next year would provide Council with \$74,000, grant funding, toward a water playground project.

#### **COMMENT**

These changes now allow Regional Local Governments to utilise CPRP funding from multiple years on an identified future capital upgrade, capital maintenance items or major equipment project which will significantly revitalise a regional aquatic facility.

The project must be identified in a Council Budget or Forward Works Program and must be acquitted by June 2018.

We seek approval from Council to bank the balance of the unallocated funds from the CPRP funding for 2016/2017 into a new reserves account for the planning and development of a new children’s water playground. This is in line with the guideline of the program.

Funding opportunities which allow you to bank grant funds over a period for identified future capital upgrades do not come about very often! This is an opportunity for Council to initiate a new project utilising grant funding that are not necessarily always available for projects of this nature.

At this point we anticipate the total project cost for stage 1 will be in the vicinity of \$110,000.00 (GST Exc) with grant funding of approximately \$74,000.00 and a contribution from the Shire of around \$36,000.00.

#### **CONSULTATION**

The author has discussed the concept plan with the Pool Manager and the Chief Executive Officer and both parties have been receptive to the proposal to develop a new Children’s Water Play facilities at the swimming pool.

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

The proposal is to establish a Reserve account for the unused portion of the grant funding (Estimated to be \$32,000 representing \$32,000 for the main pool facility and \$10,000 for water playground facilities, less planned expenditure on the pool of \$10,000). The proposal includes a commitment of next years grant funding (\$32,000 for the pool plus \$10,000 for the water playground) and approximately \$36,000.00, from Council's own resources, in the 2017/2018 budget, and the inclusion of this project in long term planning

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
The pool complex is a very well used feature of the town. The main pool and kiddies pool have served the community well for many years and the recent heating project should further enhance the community benefit of this facility. The kiddies pool is a great opportunity to introduce the communities growing number of children to swimming. It however lacks colour/brightness and requires work. Adding water play facilities at the pool will provide a bright, interesting and interactive adventure opportunity for a broad age range of children. It is envisaged that the existing kiddies pool, either refurbished or replaced, would be integrated into the water play area and perhaps connected by a man made stream/waterfall, or the like. Young people in the community are the main users of the pool facility and the proposed play area will enhance their experience and should increase the, already well used, facilities appeal.

**VOTING REQUIREMENTS**

Simple majority



**OFFICER RECOMMENDATION - Item 8.3.6**

**That Council;**

- 1. Authorise the planning and development of a water play facility at the Shire swimming pool complex. The plan be to complete the project by the 30 June 2018, and to amend forward plans to specifically include this project. The funding plan be to apply in the order of \$32,000, from the 2016/17 Community Pool Revitalisation Grants Program, and \$42,000 from 2017/18, plus in the order of \$36,000 from Shire funds in 17/18 to fund the project.**
- 2. Approve an application being lodged with the Department of Sport and Recreation, for funding under its Community Pool Revitalisation Grants Program for \$10,000, from its water play facilities funding, and a portion of the \$32,000 grant, available for pool facilities, from the 2016/17 funding round, for a water play facility planned for 2017/18.**
- 3. Authorise a Swimming Pool Facility Revitalisation Reserve Fund being established in 16/17 with relevant grant funding for the planned water play facilities.**

**AMENDMENT TO OFFICER RECOMMENDATION - Item 8.3.6**

Following discussions with the funding officers from the Department of Sport and Recreation this week, we have been advised that we are not eligible for the \$10,000.00 water playground funding! This is only available for Shires where the water playground is the primary aquatic facility in a town. As a result of receiving this information we have had to amend the agenda item recommendation accordingly.

**That Council;**

- 1. Authorise the planning and development of a water play facility at the Shire swimming pool complex. The plan be to complete the project by the 30 June 2018, and to amend forward plans to specifically include this project. The funding plan be to apply in the order of \$22,000, from the 2016/17 Community Pool Revitalisation Grants Program, and \$32,000 from 2017/18, plus in the order of \$36,000 from Shire funds in 17/18 to fund the project (\$90,000).**
- 2. Approve an application being lodged with the Department of Sport and Recreation, for funding under its Community Pool Revitalisation Grants Program for a portion of the \$32,000 grant (\$22,000), available for pool facilities, from the 2016/17 funding round, for a water play facility planned for 2017/18.**
- 3. Authorise a Swimming Pool Facility Revitalisation Reserve Fund being established in 16/17 with relevant grant funding for the planned water play facilities.**

**MOTION**

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr Muncey**

**That Council;**

- 1. Authorise the planning and development of a water play facility at the Shire swimming pool complex. The plan be to complete the project by the 30 June 2018, and to amend forward plans to specifically include this project. The funding plan be to apply in the order of \$22,000, from the 2016/17 Community Pool Revitalisation Grants Program, and \$32,000 from 2017/18, plus in the order of \$36,000 from Shire funds in 17/18 to fund the project (\$90,000).**
- 2. Approve an application being lodged with the Department of Sport and Recreation, for funding under its Community Pool Revitalisation Grants Program for a portion of the \$32,000 grant (\$22,000), available for pool facilities, from the 2016/17 funding round, for a water play facility planned for 2017/18.**
- 3. Authorise a Swimming Pool Facility Revitalisation Reserve Fund being established in 16/17 with relevant grant funding for the planned water play facilities.**

**CARRIED 8/1**

**Res 99/16**

Sue White left the Chambers at 6.33pm

Margaret Giles left the Chambers at 6.33pm

### **Impartiality Interest**

Cr Rear declared an impartiality interest in the following item due to being closely association with the applicant.

<b>8.3.7 Approval for a Non- complying Boundary Fence</b>
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<b>Location:</b>	<i>Lot 50 Stewart Street, Kulikup</i>
<b>Applicant:</b>	<i>Mr Patrick McNamara</i>
<b>File:</b>	<i>A15229</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>3 August 2016</i>
<b>Author:</b>	<i>Wayne Jolley –Building Surveyor</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>1. Aerial photograph of property</i> <i>2. Letter - WA Country Health Service</i> <i>3. Letter from neighbour Tony Paterson</i>

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### **SUMMARY**

Patrick McNamara seeks Council's approval to erect a 2.4m high, non-complying steel mesh fence around his property in Kulikup, for the purpose of restraining his autistic grandchild.

The Building Surveyor recommends that the proposed fence be approved by Council.

### **BACKGROUND**

Patrick McNamara resides on his 300m<sup>2</sup> property at Lot 50 Stewart Street (corner Clifton Street) in Kulikup (see attachment 1). His daughter and her two children have recently moved into the house with him for the long term.

One of the children, 5½ year old Sam is autistic. Sam:

- has a history of wandering and is unpredictable;
- does not perceive danger:
- often does not respond to verbal prompts; and
- is limited in his communications.

(see attachment 2)

Mr. McNamara proposes to build an open "deer" wire mesh fence, 2.4m high around the perimeter of his property., using steel tube poles at 4m centres and suitable wire runners between the poles. The stated purpose of the fence is to confine Sam on his Grand-fathers property, which will allow enough security for the boy to go outside the house without constant supervision.

#### **COMMENT**

Lot 50 Stewart Street is an amalgamation of 3 x 1000m<sup>2</sup> blocks and is zoned urban. Under the Shire's Local Laws Relating to Fencing, an urban block (defined as Residential) must comply with the First Schedule of the Regulations (reg 6(2)(a), which stipulates that fences on residential lots must be constructed of fibro cement or steel sheeting, brick, stone, concrete or a composite of those materials. It also stipulates a maximum height of 1.8m.

Under regulation 10, the local government is empowered to consent to the construction of a fence that does not comply with the Local Laws. In which case, the local government must amongst other things, consider if the erection of the fence "would have an adverse effect on:

- (a) the safe or convenient use of any land; or
- (b) the safety or convenience of any person."

In terms of both of the above considerations, the safety and convenience of the owner and residents of property elect to construct the proposed fence, which they estimate will have a positive effect on their safety and convenience, especially as those matters relate to the child Sam. With respect to other residents of Kulikup, safety and convenience should not be an issue. In terms of sighting, the fence is open (wire mesh) and while it may look somewhat like a compound, it will be similar to but lower than most tennis court fences. This is a small community in a very rural setting and such a fence is not likely to have a great visual impact.

With respect to the fence not being constructed of fibro cement or steel sheeting or other solid type construction (First Schedule):

- Many of the existing boundary fences in Kulikup do not comply, being like open farm type fencing;
- In many senses, open type fencing is more in keeping with the rural setting, albeit this fence is much higher than ordinary farm fencing.
- At the junction of Stewart and Clifton Streets, the open nature of the proposed fence and the existing truncation should provide no visual impediment for minimal local traffic.

The only private adjoining neighbour, Tony Paterson has provided a letter, giving his consent for the fence (see attachment 3). The southern boundary abuts a laneway, presumably in the control of the Shire of Boyup Brook, the northern (front) and western boundaries are verges of Stewart and Clifton Streets respectively.

Senior Occupational Therapist, Coralie Peet from the WA Country Health Services explains the value to Sam and his family of the proposed fence and supports its installation.

### **CONSULTATION**

The proponent has consulted with the only private adjoining neighbour (Tony Paterson) who formally supports the proposal. No other consultation has occurred.

### **STATUTORY OBLIGATIONS**

*Shire of Boyup Brook - Local Laws Relating to Fencing*

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental:**  
None anticipated
- **Economic:**  
None anticipated
- **Social:**  
The safety and security of the child Sam

### **VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.7**

**MOVED: Cr Moir**

**SECONDED: Cr Oversby**

**It is recommended that Council consent to the construction of a 2.4m high open steel mesh fence on the perimeter of Mr. McNamara's property at Lot 50 Stewart Street, Kulikup.**

**CARRIED 8/0**

**Res 100/16**

<b>8.3.8 Acting Chief Executive Officer - Authority to Act Policy</b>
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<b>Location:</b>	<i>N/a</i>
<b>Applicant:</b>	<i>N/a</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>This matter deals with the appointment of a Council officer to act as the CEO.</i>
<b>Date:</b>	<i>16 August 2016</i>
<b>Author:</b>	
<b>Authorizing Officer:</b>	<i>Chief Executive Officer</i>
<b>Attachments:</b>	<i>Nil</i>

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**SUMMARY**

The purpose of this report is to bring before Council recommended amendments to the current policy

**BACKGROUND**

The policy was adopted by Council in 2004 and then amended in 2007.

The purpose of the Policy is to determine which Council Officer is to act as the CEO when that officer is absent (on leave etc).

Legislation prescribes that Council is to appoint the CEO and that it may appoint an Acting CEO without advertising the position where the term of office is less than one year.

Whilst periods of leave are worked such that the Director of Works and Services (DWS) and the CEO are not away from work, for extended periods, at the same time, a position has arisen where booked and planned leave clashes with an unavoidable need for leave. The result being both officers will be away from work for a fortnight (25th August to 9th September inclusive).

In practice, both officers maintain contact with the workplace whilst on periods of leave (both sick and holidays) via email and mobile phone. Also there are times when both officers are away from the workplace on Council business and similarly maintain contact and management via email and phone.

Because of the size of the organisation, and officers collective aversion to expenditure that is not absolutely necessary, positions are rarely covered 100% when staff take leave resulting in an inevitable, but generally accepted, back log

of work that could wait until their return. So the burden on the officers who cover other positions, during periods of leave etc, is not as great as otherwise may be expected. Also, other officers provide assistance with the resulting in no reduction to the level of services provided.

### **COMMENT**

The alternative to a Council policy on the matter is for Council make separate resolutions every time the CEO is going on leave.

The Policy needs a tidy up in order to update the position title of the officer selected to act. More urgently however a situation has arisen where the Manager of Works and Services (new position title is Director of Works and Services) will not be available to act as the CEO. Here Council has the option of dealing with this matter as a once off or amending the policy, which requires amendment anyway, to allow for an alternative officer to act as the CEO in certain circumstances.

In terms of a suitably qualified officer to act as Council's CEO during periods of the officer's absence, it is recommended that the DWS and the Director of Corporate Services (DCS) are, it is recommended, both experienced and capable.

The following draft motion may be suitable if Council wished to deal with the current position and only amend the policy to correct the DWS position title:

1. That the Acting Chief Executive Office - Authority to Act Policy be amended by deleting the word "Manager" in the first line under the heading "Statement", and replacing it with "Director".
2. That Council appoint Mr Stephen Carstairs, Director of Corporate Services, as Acting Chief Executive Officer during the Chief Executive Officer's absence on leave from 26th August 2016 to 9th September 2016.

Absolute Majority required.

If Council wishes to deal with the matter as a policy amendment, so providing for future, however unlikely, similar situations the following draft motion may be suitable;

That the Acting Chief Executive Office - Authority to Act Policy be amended by;

1. deleting the word "Manager" in the first line under the heading "Statement", and replacing it with "Director".
2. adding the following as the second sentence under the heading "Statement";

In the event the Director of Works and Services is unable or unwilling to act as the Chief Executive Officer, the Director of Corporate Services act in the capacity of Chief Executive Officer when the Chief Executive Officer is absent for a period in excess of 5 days.



Again Absolute Majority required.

It is noted to Council that the DWS and CEO will not be back at work until the Council meeting week and so are unlikely to be able to contribute to the agenda which will be distributed Friday 9th September. This may not be an issue but the purpose of noting it is to allow Council the opportunity to review the scheduled Council meeting date if it wished to do so. It is recommended that changing Council meeting dates should not be done lightly but there are unavoidable situations that come up every few years where the date has to be changed to meet a requirement. An example being the need to defer the August Council meeting in order to hold an Audit and Finance Committee meeting to review the 2016/17 draft budget prior to the Council dealing with it, and the inability to achieve a quorum for the scheduled August Council meeting date.

### **CONSULTATION**

Consultation at the time of writing was limited to Council officers.

### **STATUTORY OBLIGATIONS**

The Local Government Act applies;

#### *Division 4 — Local government employees*

##### *5.36. Local government employees*

*(1) A local government is to employ —*

- (a) a person to be the CEO of the local government; and*
- (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*

*(2) A person is not to be employed in the position of CEO unless the council —*

- (a) believes that the person is suitably qualified for the position; and*
- (b) is satisfied\* with the provisions of the proposed employment contract.*

*\* Absolute majority required.*

*(3) A person is not to be employed by a local government in any other position unless the CEO —*

- (a) believes that the person is suitably qualified for the position; and*
- (b) is satisfied with the proposed arrangements relating to the person's employment.*

*(4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner*

*prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*

- (5A) *Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
- (5) *For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.*

*[Section 5.36 amended by No. 49 of 2004 s. 44; No. 17 of 2009 s. 21.]*

**5.40. Principles affecting employment by local governments**

*The following principles apply to a local government in respect of its employees —*

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and*
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and*
- (c) employees are to be treated fairly and consistently; and*
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and*
- (e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and*
- (f) such other principles, not inconsistent with this Division, as may be prescribed.*

**5.41. Functions of CEO**

*The CEO's functions are to —*

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and*
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and*
- (c) cause council decisions to be implemented; and*
- (d) manage the day to day operations of the local government; and*
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- (f) speak on behalf of the local government if the mayor or president agrees; and*

- (g) *be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- (h) *ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) *perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

The Local Government (Administration) Regulations apply as follows;

**18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))**

- (1) *If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government is to advertise the position in a newspaper circulating generally throughout the State unless it is proposed that the position be filled by —*
  - (a) *a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or*
  - (b) *a person who will be acting in the position for a term not exceeding one year.*

**POLICY IMPLICATIONS**

<b>NO.</b>	<b>POLICY</b>	A.02
<b>POLICY SUBJECT</b>		Acting Chief Executive Officer – Authority to Act
<b>ADOPTION DATE</b>		17 June 2004
<b>VARIATION DATE</b>		21 December 2007

**Objective**

To determine which officer will act as CEO when the Chief Executive Officer is absent.

**Statement**

It is Council policy that the Manager of Works and Services act in the capacity of Chief Executive Officer at all times when the Chief Executive Officer is absent for a period in excess of 5 days.

**BUDGET/FINANCIAL IMPLICATIONS**

Nil, current budget provisions are adequate, at this time, to cover relevant costs.

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.8**

**MOVED: Cr Blackburn**

**SECONDED: Cr Kaltenrieder**

**That the Acting Chief Executive Office - Authority to Act Policy be amended by;**

- 1. deleting the word "Manager" in the first line under the heading "Statement", and replacing it with "Director".**
- 2. adding the following as the second sentence under the heading "Statement";**  
**In the event the Director of Works and Services is unable or unwilling to act as the Chief Executive Officer, the Director of Corporate Services act in the capacity of Chief Executive Officer when the Chief Executive Officer is absent for a period in excess of 5 days.**

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 101/16**

Kerry Fisher left the Chambers at 6.37pm.

<b>8.3.9 Boyup Brook Pistol Club - Approval to Add a Patio</b>
--

<b>Location:</b>	<i>Portion of Lot 336</i>
<b>Applicant:</b>	<i>Boyup Brook Pistol Club</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>17th August 2016</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer</i>
<b>Attachments:</b>	<i>Letter of request</i>

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#### **SUMMARY**

The purpose of this report is to put the Boyup Brook Pistol Club's (BBPC) request before Council with the recommendation that it be approved.

#### **BACKGROUND**

The BBPC seeks Council's approval, as the Manager of Shire owned land, and in accordance with Clause 10 of the, yet to be signed, lease agreement, to extend the existing building with the addition of a patio.

Council's administration is processing a Building Approval application but cannot complete this until the owner/manager of the land has agreed to allow the work to be done (the Building Approval application form requires the signature of the owner, or the owners agent, and the CEO does not have delegated authority to approve works on Council land)

#### **COMMENT**

Council has dealt with a number of similar applications from community groups who occupy Shire owned or managed land. Aspects such as the requirement for planning approval, or not, and the building approval are being processed by administration. These will detail the impact of the planned development (via the assessment of the need for planning approval and a report will be prepared for Council if approval is required) and the structure.

As a general description, the 7,000 by 11,250 patio will have a concrete floor, Zincalume Trimdeck roofing with the roof line matching the existing building. Some walls will be clad using Colorbond Trimdeck Wall Cladding.

It is recommended that Council approve the planned work.

**CONSULTATION**

Council officers have worked with Club officials in relation to the planned extension.

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
The BBPC is well patronised by the community..

**VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.9**

**MOVED: Cr Oversby**

**SECONDED: Cr Rear**

**That Council allow the Boyup Brook Pistol Club to erect a patio style extension to the club building at Lot 336 as requested.**

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 102/16**

Kerry Fisher returned to the Chambers at 6.41pm

Cr Blackburn left the Chambers at 6.41pm

**8.3.10 Lot 336, Jackson Street - Lease of a Portion to Boyup Brook Pistol Club**

<b>Location:</b>	<i>Lot 336, Jackson Street</i>
<b>Applicant:</b>	<i>Boyup Brook Pistol Club</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>17th August 2016</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer</i>
<b>Attachments:</b>	<i>Draft lease</i>

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**SUMMARY**

The purpose of this report is to put before Council a lease document with the recommendation that Council approve it being executed.

**BACKGROUND**

Along with many other community groups, the Boyup Brook Pistol Club (BBPC), occupies a portion of Shire owned land without any formal agreement. Some years ago Council commenced the process of working with the community groups to formalise existing arrangements, into a lease, in order to provide the groups with security, in terms of a legal right to occupy the land, and protection, in terms of a legal document to enshrine the existing arrangements.

The process has been for Council's legal adviser to draw up lease agreements where the bulk of the clauses are the same for all, at the same time to personalise each with relevant factors. The instructions for every lease has been to act equally for both parties (that is the Shire and the group) to provide a robust, and at the same time equitable, lease agreement.

The BBPC has worked diligently on moving the lease document forward with its membership and now is in position to sign. Council staff have similarly worked on the document with the group and it is now recommended to Council.

**COMMENT**

The lease agreement document, before Council for endorsement, is similar to all other community group leases put forward over the past few years. If Council agrees with the recommendation, the document will go back to the lawyer to produce the execution copies. At that time it is possible that some final changes may need to be made (including adding the signing page) however these are not

expected to be material (if they were the document would have to come back to Council and the group).

### **CONSULTATION**

The matter of leases has been before Council, the BBPC was consulted.

### **STATUTORY OBLIGATIONS**

The Local Government Act provides restrictions on how assets may be disposed of (as lease is a form of disposal) but community groups such as sporting clubs are exempt as provided for in Regulation 30(2)(b) of the Local Government (Functions and General) Regulations:

(2)A disposition of land is an exempt disposition if —

- (b) the land is disposed of to a body, whether incorporated or not —
  - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
  - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
The BBPC is a well patronised and active sports club in Boyup Brook. The Club has a track record of self reliance, getting on with regular maintenance and improvements, hosting events for other shooters and the like. It is apparent that the Club meets the sporting and social needs of many community members.



**VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.10**

**MOVED: Cr Oversby**

**SECONDED: Cr Rear**

**That Council endorse the lease document between the Shire of Boyup Brook and the Boyup Brook Pistol Club for a portion of Lot 336 on Diagram 11985 being the whole of the land in Certificate of Title Volume 1337 Folio 838, and as depicted on Annexure A of the draft Lease document confirming the following actions subject to there being no substantial changes to the draft as presented –**

- **Signing and sealing of the document by the Shire President and Chief Executive Officer.**
- **Submission to Landgate for Registration.**

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 103/16**

Cr Blackburn returned to the Chambers at 6.42pm

<b>8.3.11 Council Delegates - Blackwood Basin Group, Boyup Brook Tourism Association</b>
--

<b>Location:</b>	<i>N/a</i>
<b>Applicant:</b>	<i>Blackwood Basin Group, Boyup Brook Tourism Association</i>
<b>File:</b>	<i>CR/31/004</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>17th August 2016</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer</i>
<b>Attachments:</b>	<i>Letter from BBG</i>

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**SUMMARY**

The purpose of this report is to put before Council the need for Council delegates and to recommend that delegates be appointed.

**BACKGROUND**

Council appoints committees and delegates at the first opportunity following the ordinary elections, held every two years. Appointments are generally made for two years.

Council appointed the following delegates in November 2015:

- 6 That Cr Muncey be appointed as the Council Delegate/Representative on the Boyup Brook Tourism Association**
- 7 That Cr Kaltenrieder be appointed as the Council Delegate/Representative on the Boyup Brook Community Resource Centre Management Committee.**

In the case of the Blackwood Basin Group (BBG), its Management Committee membership cycle is not in line with the Shire election, and so Council appointments, cycle. And so Council's current delegate, Cr Kaltenrieder, is Council's delegate until after the next ordinary election in 2017. But his term, of office on the BBG Management Committee ends in 2016.

In the case of the case of the Boyup Brook Tourism Association (BBTA), Council's delegated Member, Cr Muncey, advised of his resignation from the delegation at the July meeting of Council and so Council has no delegate at this time.

### **COMMENT**

In relation to the BBG, Council's resolution to delegate Cr Kaltenrieder as its delegate is current until after the ordinary election in 2017. Here then, unless Council wished to review its delegation, Cr Kaltenrieder remains the Shire delegate and the CEO merely has to advise the BBG of the position (that is Cr Kaltenrieder is Council's delegate till after the elections in 2017).

In relation to the BBTA, with the resignation of Cr Muncey there is no Council appointed delegate on that group's management committee. It is recommended therefore that Council delegate a Member to represent it on the BBTA committee until the Council meeting is held to appoint committees and delegates following the ordinary Council elections to be held in 2017, or the Councillor ceases to be willing to be the delegate, or the Councillor ceases to be a Councillor.

### **CONSULTATION**

The matter of both delegations has been discussed with Council members.

### **STATUTORY OBLIGATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
Having Council representation on community group management committees is important to both the groups and Council. The groups have a direct link to Council and Council receives reports from its delegates on group activities, issues and the like. It is therefore considered to be an important function that Council should continue.

**VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.11**

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr Rear**

**That Council appoint Cr Oversby as its delegate on the Boyup Brook Tourism Association's management committee until the Council meeting is held to appoint committees and delegates following the ordinary Council elections to be held in 2017, or the Councillor ceases to be willing to be the delegate, or the Councillor ceases to be a Councillor whichever is sooner.**

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 104/16**

### **Impartiality Interest**

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

<b>8.3.12 Lot 38 Mitchell Avenue - request to lease</b>
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<b>Location:</b>	<i>Lot 38 Mitchell Avenue Boyup Brook</i>
<b>Applicant:</b>	<i>Boyup Brook District Pioneers' Museum</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>18th August 2016</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer</i>
<b>Attachments:</b>	<i>Copy of letter</i>

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### **SUMMARY**

The purpose of this report is to put before Council the Boyup Brook District Pioneers' Museum committee's (BBDPMC) request to lease lot 38 Mitchell avenue with the recommendation that the request be agreed to.

### **BACKGROUND**

in December 2014 Council passed the following Resolution:

**That Council authorise the Chief Executive Office to make an offer to purchase the land as recommended by the Boyup Brook & District Pioneer Museum Committee President up to a maximum of \$45,000.**

The property subsequently purchased and the Shire now owns the lot. Council has maintained the lot since purchase by managing vegetation

### **COMMENT**

At the time of resolving to purchase the land, Council gave no commitment to the BBDPMC that it could use the lot and so it was not included in the lease, for lots 1 and 34 Jayes Road when it was developed and agreed to.

The BBDPMC has been raising funds to build a large shed type structure on Lot 38 in order to better house its expanding display items. It now formally seeks to lease the land so that it may progress its planning and fundraising.

This community group has functioned well for a number of years and provides the town with an important drawcard to bring people to town and get them to stay for a while. The group was suffering from a lack of volunteer numbers a few years

ago but it appears to have built a very proactive team that is regularly achieving results in terms of fund raising, keeping the doors open, adding to the collection of display items and improving/adding structures to house them.

### **CONSULTATION**

The author has spoken with BBDPMC office holders.

### **STATUTORY OBLIGATIONS**

The Local Government Act provides restrictions on how assets may be disposed of (as lease is a form of disposal) but community are exempt as provided for in Regulation 30(2)(b) of the Local Government (Functions and General) Regulations:

- (2) A disposition of land is an exempt disposition if —
  - (b) the land is disposed of to a body, whether incorporated or not —
    - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
    - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
The BBDPMC provides community members, with an interest in history and conservation, an opportunity to work collectively to provide the town with an important attraction.

### **VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.12**

**MOVED: Cr Moir**

**SECONDED: Cr Rear**

**That Council;**

- 1. Agree to lease Lot 38 Mitchell Street, Boyup Brook, to the Boyup Brook District Pioneers' Museum.**
- 2. That the Chief Executive Officer be authorised to commence the process of amending the existing lease to add this property.**
- 3. That the Chief Executive Officer report back to Council with the documentation to amend the lease for Council agreement to it being executed.**

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 105/16**

**9 COMMITTEE MINUTES**

<b>9.1.1 Minutes of the AGM - Perth Convention Exhibition Centre</b>
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<b><i>Location:</i></b>	<i>N/A</i>
<b><i>Applicant:</i></b>	<i>N/A</i>
<b><i>File:</i></b>	
<b><i>Disclosure of Officer Interest:</i></b>	<i>Nil</i>
<b><i>Date:</i></b>	<i>12 August 2016</i>
<b><i>Author:</i></b>	<i>Alan Lamb - CEO</i>
<b><i>Attachments:</i></b>	<i>Yes – Minutes</i>

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**BACKGROUND**

The Annual General meeting was held on 3rd August 2016.

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

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

**MOVED: Cr Aird**

**SECONDED: Cr Kaltenrieder**

**That the minutes of the Annual General meeting be received.**

**CARRIED 9/0**

**Res 106/16**

**9.1.2 Minutes of the Audit and Finance Committee meeting held 25th August 2016 and adoption of the Shire's Budget for 2016/17**

**OFFICER RECOMMENDATION – Item 9.1.2**

That the minutes of the Audit and Finance Committee meeting held 25th August 2016 be received.

**COMMITTEE RECOMMENDATIONS - Item 9.1.2**

**MOVED: Cr Rear**

**SECONDED: Cr Aird**

A copy of the Audit and Finance Committee meeting agenda, including the draft budget and other relevant papers was circulated to all Councillors. The draft budget was developed based on the Corporate Business Plan and other long term plans already approved by Council, and was workshopped with Council members. The draft Budget for 2016/17 was reviewed by Council's Audit and Finance Committee and the committee recommendation is as follows:

**That Council adopt the 2016-17 Budget as set out in the papers attached.**

**1. Minimum Rates Payment**

**That in 2016-17 Council sets the Minimum Rates Payment at:**

- Gross Rental Value (GRV) Rate - \$851.00
- Unimproved Value (UV) Rural and Urban Rural - \$790.00
- Unimproved Value (UV) Mining - \$530.00.

**2. Rates in the Dollar**

**That in 2016-17 Council sets the Rates in the dollar at:**

- Gross Rental Value (GRV) Rate – 0.122440 cents
- Unimproved Value (UV) Rural and Urban Rural Rate – 0.007125 cents
- Unimproved Value (UV) Mining Rate – 0.155393 cents.

**3. Waste Collection Rate and Kerbside Waste and Recycling Receptacle Charge**

**That in 2016-17 Council sets Waste Rates and Receptacle Charges as follows:**

- Waste Collection Rate per property in the district – 0.0003 cents;
- Minimum Waste Collection Rates Payment per property - \$20.50;
- the 1 x 240 litre Waste Receptacle (bin) per week, commercial and residential, collection charge - \$212.00 per annum;
- additional 240 litre Waste Receptacles (bin) per week, commercial and residential, collection charge - \$212.00 per annum each;
- the 1 x 240 litre Recycling Receptacle (bin) per fortnight, commercial and residential, collection charge - \$106.00 per annum; and
- additional 240 litre Recycling Receptacle (bin) per fortnight, commercial and residential, collection charge - \$106.00 per annum.



4. **Due Date for Payment of Rates & Charges**  
That Council in accordance with the Local Government Financial Management Regulations 1996 – Clause 64 (1) set the due date for the single payment of a rate and charges for the 2016-17 financial year to be 05 October 2016.
5. **Due Date for Payments of Rate Installments**  
That Council in accordance with the Local Government Financial Management Regulations 1996 – Clause 64 (2) set the due date for the payment of rate installments for the 2016-17 financial year as follows:

First Instalment	05 October 2016
Second Instalment	05 December 2016
Third Instalment	06 February 2017
Fourth Instalment	05 April 2017.
6. **Administration Charge on Instalments**  
That Council in accordance with Section 6.45 (3) of the Local Government Act 1995 and the Local Government Financial Management Regulations 1996 – Clause 67 set an administration charge of \$13.00 per rate instalment notice for the 2016-17 financial year where the instalment plan is selected.
7. **Interest on Rate Instalments**  
That Council in accordance with Section 6.45 (3) of the Local Government Act 1995 and the Local Government Financial Management Regulations 1996 – Clause 68 sets an additional charge by the way of Interest where the instalment plan is selected, an interest rate of 5.5% for the 2016-17 financial year.
8. **Late Payment Interest Charge**  
That Council in accordance with Sections 6.13 and 6.51 (1) of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996, set an interest rate of 11% for the 2016-17 financial year as penalty interest for the late payment of:
  - property rates;
  - waste collection rates; and
  - waste and recycling receptable (bin) charges.
9. **Reserve Funds**  
That Council in accordance with Section 6.11 of the Local Government Act 1995 allocate funds to and from the Reserve Funds for the financial year ending 30 June 2017 as specified in the 2016-17 budget document.
10. **Trust Fund Budget**  
That Council adopt the Trust Fund Budget for the financial year ending 30 June 2017 as per the budget document.
11. That the Significant Accounting Policies, as presented in the statutory Budget document, be adopted for the 2016-17 year.

**12. Rate Concessions**

That in 2016-17 Council provide a 50% Rate concession to the owners of Crown Grants 11859 (A15129), 12087 (A3270) and 4522 (A12300) subject to the Shire of Donnybrook-Balingup also providing these landowners with a 50% Rate concession.

**13. Administration Charge on Special Payment Agreements**

That Council set a \$33.00 (GST inclusive) administration set up fee for rate payers entering into special payment agreements.

**15. Variance Thresholds in Financial Activity Statements**

As per Council Policy, variance thresholds in Financial Activity Statements above which explanations from the administration will be required are as follows:

- (a) For YTD budgets up to \$30,000, the (material) variance value will be \$3,600.
- (b) For YTD budgets in the range \$30,001 to \$100,000, the (material) variance value will be 12% or \$10,000, whichever is the lesser amount.
- (c) For YTD budgets in the range \$100,001 to \$500,000, the (material) variance value will be 10% or \$33,675, whichever is the lesser amount.
- (d) For YTD budgets greater than \$500,000, the (material) variance value will be 6.75% or \$54,580, whichever is the lesser amount.

**16. Sale Yard Wash Down Facility Hire Charge**

To set the 2016-17 Wash Down Facility hire charge at the Sale Yards at 6.9 cents per kilolitre (GST inclusive) on water use charge.

**CARRIED 9/0**

**Res 107/16**

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

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

**12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS  
Nil**

**13 CLOSURE OF MEETING**

There being no further business the Shire President, Cr Giles thanked all for attending and declared the meeting closed at 7.10pm.