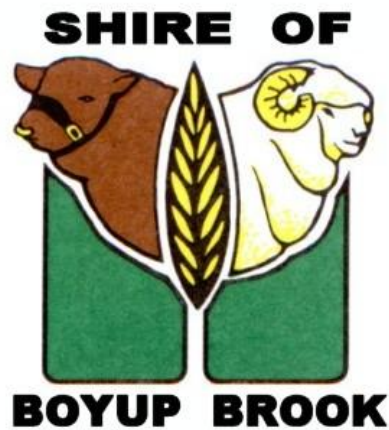


Minutes



ORDINARY MEETING

held

THURSDAY 16 MARCH 2017

Commenced AT 5.00PM

AT

SHIRE OF BOYUP BROOK

CHAMBERS

ABEL STREET - BOYUP BROOK

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

1.1 Attendance

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

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

PUBLIC: Mr Doug Corker

1.2 Apologies

1.3 Leave of Absence

2 PUBLIC QUESTION TIME

Nil

2.1 Response to Previous Public Questions Taken on Notice

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Kaltenrieder attended the Blackwood Basin Group meeting.

Cr Aird attended the Country Music Festival (VIP Tent) where he got the opportunity to meet Lee Kernigan, the festival turned out successful under trying circumstances.

Cr Imrie attended a meeting at the Museum and mentioned that they wish to build a disabled ramp.

Cr Imrie informed Council that a horse ride will be taking place this weekend in Wilga.

Cr Oversby attended a dinner in Bridgetown regarding Tourism.

Cr Oversby attended the Poets Breakfast.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 16 February 2017

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 5.1

MOVED: Cr Oversby

SECONDED: Cr Rear

That the minutes of the Ordinary Meeting of Council held on Thursday 16 February 2017 be confirmed as an accurate record.

CARRIED 8/0

Res 25/17

6 PRESIDENTIAL COMMUNICATIONS

Cr Giles attended the South West Zone meeting in Dardanup on 24th February 2017.

Cr Giles thanked Cr Aird for attending various functions whilst he was away.

7 COUNCILLORS QUESTIONS ON NOTICE

NOTE

Standing Orders Local Law provides the following in relation to questions on notice:

8. QUESTIONS

8.1 Questions of Which Due Notice Has to be Given

8.1.1 Any Councillor seeking to ask a question at any meeting of the Council shall give written notice of the specific question to the Chief Executive Officer at least 24 hours before publication of the business paper.

8.1.2 *All questions and answers shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.*

8.2 Questions Not to Involve Argument or Opinion

In putting any question, no argument or expression of opinion shall be used or offered, nor any facts stated, except those necessary to explain the question.

7.1 Cr Imrie

Question

How many grants did the shire apply for and how many were successful within the last 12 months?

CEO Response

Eight applications lodged, three successful, three unsuccessful and two yet to be determined. Details as follows:

- Regional Road Group: BB-Arthur (2017-2018): \$287,020 - successful
- Regional Road Group: BB-Cranbrook (2017-2018): \$109,400 - successful
- Commodity Root Funding : Scotts Brook Road (2017-2018): \$105,080 – not successful
- Black Spot: Boyup-Cranbrook Road (2017-2018): \$181,667 – not successful
- Community Pool Revitalisation Scheme: \$30,000- successful
- Esl funding application: \$54,0000 - To be advised
- Kidsport funding; \$15,000 - To be advised
- Southern Inland Health Initiative - \$1m - not successful

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

8.1.1. Area Road – Pavement failure

Location:	N/A
Applicant:	
File:	
Disclosure of Officer Interest:	None
Date:	8 th of March, 2017
Author:	Rob Staniforth-Smith
Authorizing Officer:	Alan Lamb
Attachments:	Nil

SUMMARY

This report recommends that Council approve a revision to its budget to include the repair of a 120 metre section of Area Road that has failed during the grain cartage season.

BACKGROUND

Council Officers submit a revised 10 year plan annually that is approved By Council and prepare an annual budget that is also approved by Council. Planned road works are included in both of these documents.

Occasionally the Shire has road failures and damage that has not been allowed for but must be repaired to keep the road network operational.

A 120 metre section of Area Road has failed from SLK (straight line kilometre) 11.10 to 11.220 during the harvest season, primarily due to a poor subbase course a wetter than average winter combined with seasonal heavy truck loading.

This section of Area Road needs repairing prior to winter and it is anticipated that it will cost in the order of \$36,000. It is proposed that the funds come from the RTR (Roads to Recovery) funds and is funded from a reduction in costs on other RTR projects by reducing the scope of works on these projects, primarily reducing the length of reconstruction work on Kulikup North Road.

COMMENT

Funding of unbudgeted road works causes a significant impact on Councils budget, however the repairs must be performed to keep the road network safe and operational.

In this instance the Area Road repairs will be funded by reducing the scope of other RTR projects so that there is no impact on Councils 2016/2017 budget

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil.

BUDGET/FINANCIAL IMPLICATIONS

Nil net affect. Redistribution of annual RTR funding between projects.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental** - nil
- **Economic** - nil
- **Social** – nil

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 8.1.1

MOVED: Cr Moir

SECONDED: Cr Rear

This report recommends that Council approve the repairs to Area Road in its 2016-2017 budget and that the work is funded from Councils annual Roads to Recovery Programme.

CARRIED 8/0

Res 26/17

COUNCIL DECISION

MOVED: Cr Oversby

SECONDED: Cr Imrie

That the Council adopts enbloc 8.2.1 and 8.2.2

CARRIED 8/0

Res 27/17

8.2 FINANCE

8.2.1 List of Accounts Paid in February 2017

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>9 March 2017</i>
Author:	<i>Kerry Fisher – Manager of Finance</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – List of Accounts Paid in February</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in February 2017 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 28 February 2017.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 28 February 2017.

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 a detailed 2016-17 Annual Budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.1

That at its March 2017 ordinary meeting Council receive as presented the list of accounts paid in February 2017, totalling \$538,807.44 from Municipal account and \$350 from the Trust account and as represented by:

Municipal Cheques	20037 - 20049	\$91,775.41
Municipal Electronic Payments	5004 - 5123	\$244,168.11
Municipal Direct Payments		\$202,863.92
Trust Fund Cheques	2080 - 2081	\$350.00

CARRIED BY ENBLOC

Res 28/17

8.2.2 28 February 2017 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	9 March 2017
Author:	Kerry Fisher – Manager of Finance
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Financial Reports

SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 28 February 2017.

BACKGROUND

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

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

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

COMMENT

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

CONSULTATION

Alan Lamb – Chief Executive Officer

STATUTORY OBLIGATIONS

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

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

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.2

That having regard for any material variances, Council receive the 28 February 2017 Statement of Financial Activity and Statement of Net Current Assets, as presented.

CARRIED BY ENBLOC

Res 29/17

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Extractive Industry Policy

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>N/A</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>9 March 2017</i>
Author:	<i>Adrian Nicoll, Town Planner</i>
Authorizing Officer:	<i>Alan Lamb, Chief Executive Officer</i>
Attachments:	<i>Extractive Industry Policy</i>

SUMMARY

This report item deals with two matters relating to extractive industries.

The first matter relates to, the advertising of a proposed extractive industry policy.

The second matter relates to, delegating authority to the Chief Executive Officer, to grant approval for extractive industries.

An absolute majority of the Council is required in-order for the above matters to be resolved.

Extractive Industry Policy

The extraction of materials such as sand, limestone, rock or gravel is administered by the Local Government through the granting of Development Approval under the *Shire's Local Planning Scheme No.2*.

The scheme is not explicit on standards applicable to extractive industry operations. The Shire has therefore developed an Extractive Industry Policy to provide guidance to landholders, earthmoving contractors and the Shire, on appropriate standards for extracting resources.

Council discretion on this matter is required in accordance with the *Planning and Development Regulations 2015*, which states:

4. Procedure for making local planning policy

(1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy

Delegation

Resources such as gravel are often required as a matter of urgency to repair storm damaged roads and bridges. In-order to expedite the approval process, the Shire proposes that the Council delegate authority to the Chief Executive Officer to deal with extractive industry approvals.

Council discretion on this matter is required in accordance with the Shire's *Local Planning Scheme No.2*, which states:

9.7.1 The Council may, either generally or in a particular case or cases, by resolution passed by an absolute majority of the Council, delegate to the following eligible persons the authority to deal with an application for Planning Approval made under this Scheme...Chief Executive Officer.

BACKGROUND

Main Roads Western Australia (MRWA) requested, as a matter of urgency, approval to extract gravel for the repair of a road/bridge within the Shire. MRWA also requested a copy of Shire guidelines in relation to the extraction of resources.

Shire officers reported that:

1. Development approval for an extractive industry is required in accordance with the Shire's *Local Planning Scheme No.2*;
2. Development approvals are subject to Council deliberation, which occur monthly; and
3. The Shire does not have a policy relating to the extraction of resources.

An extractive industry policy has therefore been developed to:

1. Minimise the operational impacts of extractive industries (e.g. noise and dust);
2. Protect and maintain existing landscape characteristics; and
3. Ensure road infrastructure is compatible and suitably maintained.

This report item requests that the Council accept the extractive industry policy for advertising and delegate authority to the Chief Executive Officer to expedite the approval of extractive industries in accordance with adopted policy.

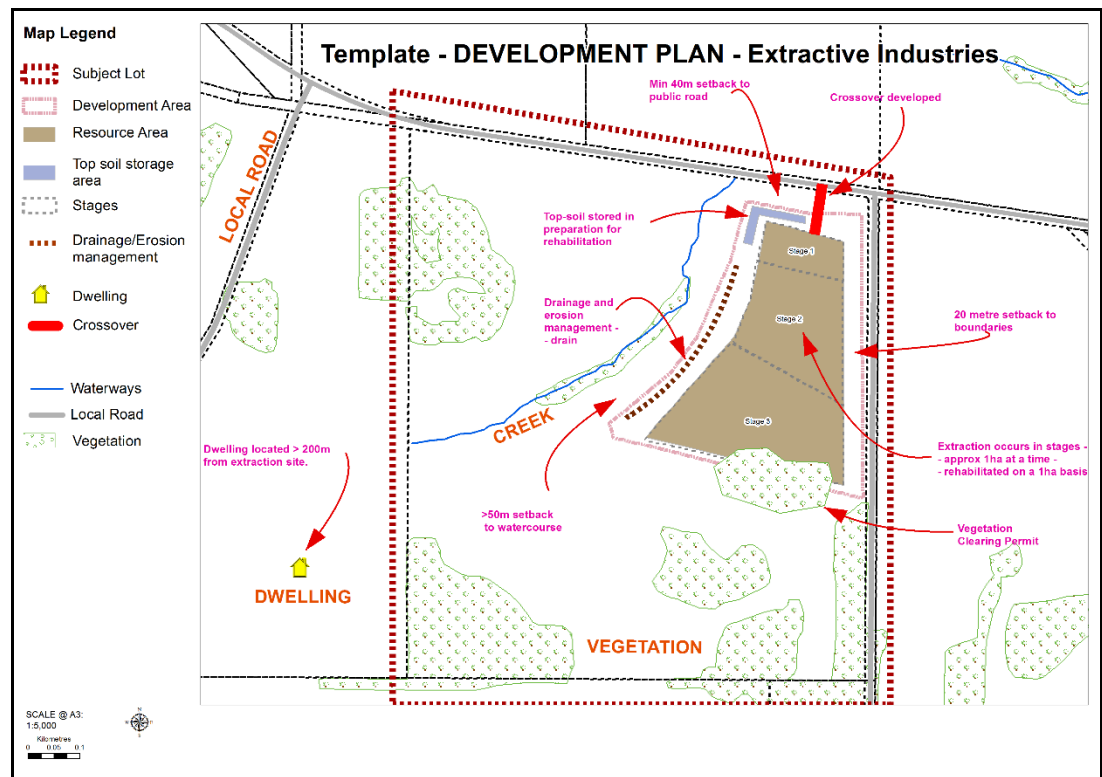
COMMENT

Extractive Industry Policy

Standards applicable to the proposed policy include:

- a) Staying within proposed development boundaries – as per an approved development plan;
- b) Extraction on a per hectare basis (1 hectare at a time);
- c) Measures taken to suppress and minimise erosion; and
- d) Progress of rehabilitation undertaken and completed per 1 hectare.

The following figure illustrates information expected of a Development Plan applicable to extractive industries.



Delegation

Delegating authority to officers to deal with approvals is customary practice amongst local government authorities in Western Australia. Delegating authority is particularly relevant for trivial matters and where policies have been adopted to guide decision making.

The Council is being requested to delegate authority to the Chief Executive Officer to expedite approval times in accordance with the proposed extractive industry policy. Resources are often required as a matter of urgency to repair storm damaged roads and bridges and to ultimately facilitate traffic movement.

In accordance with the Shire's scheme, a person who is or has been a delegate of the Council is not personally liable for anything done or omitted in good faith. Also, the Council may, at any time, pass a resolution to revoke or amend a delegation.

CONSULTATION

In accordance with the *Planning and Development Regulations 2015*;

- 1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy.*
- 2) *The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published...*

STATUTORY OBLIGATIONS

Local Planning Policy

In accordance with the *Planning and Development Regulations 2015* after the expiry of the period within which submissions may be made, the local government must review the proposed policy in the light of any submissions made and resolve to:

- a) Proceed with the policy without modification; or
- b) Proceed with the policy with modification; or
- c) Not to proceed with the policy.

If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.

A policy has effect on publication of a notice.

Delegation

In accordance with the *Shire's Local Planning Scheme No.2*:

9.7.1 The Council may, either generally or in a particular case or cases, by resolution passed by an absolute majority of the Council, delegate to the following eligible persons the authority to deal with an application for Planning Approval made under this Scheme...the Chief Executive Officer

POLICY IMPLICATIONS

There are no policy implications relating to this item.

BUDGET/FINANCIAL IMPLICATIONS

There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

The proposed extractive industry policy seeks to provide guidance to accommodate the extraction of resources considerate of the environment and infrastructure.

SUSTAINABILITY IMPLICATIONS

➤ Environmental

The policy proposes to protect and maintain, wherever reasonable, the existing landscape character, water resources, natural resources, general amenity of the Shire of Boyup Brook and productive agricultural land use by the appropriate location and operation of extractive industries.

VOTING REQUIREMENTS

Absolute majority

CONCLUSION

The proposed Extractive Industry Policy provides a set of procedures and standards applicable to the extraction of resources required for agriculture (lime and gypsum) and the development of roads, bridges and other associated infrastructure.

Approval authority is proposed to be delegated to the Chief Executive Officer, as a means to expedite the approval process for extractive industry applications.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.1

MOVED: Cr Kaltenrieder

SECONDED: Cr Aird

That Council

- 1. Agree to advertise the draft Extractive Industry Policy; and**
- 2. Agree to delegate to the Chief Executive Officer, the authority to deal with application(s) for Development Approval, made for an extractive industry, subject to complying with the following condition:**
 - a) The Chief Executive Officer exercising the power delegated pursuant to the granting of Development Approval for an application for an Extractive Industry, shall comply with the provisions of the Scheme and Extractive Industry Policy governing the exercise of the power by the Council, insofar as such provisions are reasonably applicable.**

Note: This delegation is valid until such time that the Council passes a resolution to revoke or amend the delegation.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 30/17

8.3.2 Development Assessment Panels – Nomination of Members

Location:	<i>N/A</i>
Applicant:	<i>Department of Planning</i>
File:	<i>N/A</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8 March 2017</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>No</i>

SUMMARY

The purpose of this report is to put the request for Council to nominate Elected Members to sit on the local Development Assessment Panel (DAP)

BACKGROUND

As will be seen from the excerpts of the legislation contained in this report (or from the full text of the Regulations on either the Department of Planning website or from the State Law Publisher site), Local Governments are to nominate two members and two alternate members. The term of office is no more than two years, there is an application form and CV required for each Councillor nominated, and all DAP members have to attend training.

The following Councillors are current nominees of Council and their term of office ends 26 April 2017: Cr Moir and Cr Kaltenrieder. Both Councillors have completed the required training. No Councillor from Boyup Brook has been called upon to sit on a panel since the inception of these panels (2011).

COMMENT

It is recommended that Council nominate Cr Moir and Cr Kaltenrieder.

CONSULTATION

The matter was reported on at the February Briefing Session and the author spoke with WA Planning.

STATUTORY OBLIGATIONS

The following sections of the Planning and Development (Development Assessment Panels) Regulations 2011 have relevance:

Part 2 — Development applications and determinations

4A. Development applications to which regulation 5 or 6 do not apply

- (1) Regulation 5 does not apply to a development application for approval of a development of a warehouse.*
- (2) Regulation 6 does not apply to a development application in respect of which the responsible authority has under regulation 19 delegated the power of determination.*
- (3) Regulations 5 and 6 do not apply to an excluded development application.*

[Regulation 4A inserted in Gazette 16 Dec 2016 p. 5710.]

5. Mandatory DAP applications (Act s. 171A(2)(a))

Subject to regulation 4A, a development application is of a class prescribed under section 171A(2)(a) of the Act if it is for the approval of —

- (a) development in the district of the City of Perth that has an estimated cost of \$20 million or more; or*
- (b) development in a district outside of the district of the City of Perth that has an estimated cost of \$10 million or more.*

[Regulation 5 inserted in Gazette 16 Dec 2016 p. 5710.]

6. Optional DAP applications (Act s. 171A(2)(ba))

Subject to regulation 4A, a development application is of a class prescribed under section 171A(2)(ba) of the Act if it is for the approval of any of the following —

- (a) development in the district of the City of Perth that has an estimated cost of \$2 million or more and less than \$20 million;*
- (b) development in a district outside of the district of the City of Perth that has an estimated cost of \$2 million or more and less than \$10 million;*
- (c) development of a warehouse in any district that has an estimated cost of \$2 million or more.*

[Regulation 6 inserted in Gazette 16 Dec 2016 p. 5710-11.]

7. Election in respect of r. 6 application

- (1) An applicant making a development application of a kind prescribed under regulation 6 may elect to have the application determined by a DAP.*
- (2) The election must be made by —*
 - (a) completing the notice of election in the form of Part A of Form 1 in Schedule 3; and*
 - (b) attaching it to the development application.*

8. *Applications to be determined by DAPs*

- (1) *Despite any other provision of the Act or a planning instrument, any DAP application for approval of development within a district for which a DAP is established —*
 - (a) *must be determined by the DAP as if the DAP were the responsible authority under the relevant planning instrument in relation to the development; and*
 - (b) *cannot be determined by the local government for the district or the Commission.*
- (2) *If a DAP application made under a region planning scheme or regional interim development order is for approval of development in more than one district for which a DAP is established, the application is to be determined by the DAP established for the district in which the greater land area of the development is proposed.*

9. *Making of applications and initial procedures unaffected*

These regulations do not affect —

- (a) *the manner and form in which a development application or an application for amendment or cancellation of a development approval must be made under a planning instrument; or*
- (b) *the requirements under a planning instrument as to notification, advertising and consultation procedures prior to determination of a development application or an application for amendment or cancellation of a development approval.*

10. *Making a DAP application: notice and fees*

- (1) *An applicant making a DAP application to a responsible authority for development approval under a planning instrument must, when lodging the application —*
 - (a) *give to the local government with which the application for development approval is lodged a completed notice in the form of Form 1 in Schedule 3; and*
 - (b) *pay to the local government the relevant fee in Schedule 1.*
- (2) *The form required under subregulation (1) is required in addition to any application form required under the planning instrument.*
- (3) *The fee payable under subregulation (1) is payable in addition to any fees, costs and expenses that are imposed by a local government in accordance with the Planning and Development Regulations 2009 in relation to the development application.*
- (4) *If a DAP application in respect of the same development is required to be made under both a local planning scheme and a region planning scheme, or under both*

a local interim development order and a regional interim development order, the fee referred to in subregulation (1)(b) is payable once only.

- (5) *The local government must, within 30 days after the date on which it receives the DAP application, remit to the department the fee paid under subregulation (1).*

11A. *Further information*

On receipt of a DAP application, a local government —

- (a) *must consider the application and all accompanying material; and*
- (b) *may, by written notice given to the applicant, require the applicant to give to the local government further specified information or documents.*

[Regulation 11A inserted in Gazette 17 Apr 2015 p. 1381.]

11. *Local government must notify DAP of DAP application*

- (1) *A local government must, within 7 days after the date on which it receives a DAP application, give the administrative officer of the DAP that will determine the application the following —*
- (a) *a copy of the DAP application;*
 - (b) *a copy of the notice given under regulation 10(1) and completed by the local government;*
 - (c) *confirmation that the applicant has paid the fee under regulation 10(1);*
 - (d) *a copy of any notice given to the applicant under regulation 11A.*
- (2) *A local government must, within 7 days after the date on which it receives further documents or information in relation to an application that has been provided in response to a notice given under regulation 11A, give the administrative officer of the DAP that will determine the application the further documents or information.*

[Regulation 11 amended in Gazette 17 Apr 2015 p. 1381-2.]

12. *Responsible authority must report to DAP*

- (1) *For the purposes of this regulation, a development application that is forwarded by a local government to the Commission in accordance with a region planning scheme is taken to have been made to the Commission.*
- (2) *A responsible authority to which a DAP application is made must give the presiding member of the DAP that will determine the application a report on the application in a form approved by the Director General.*
- (3) *The report must be given —*
- (a) *if the DAP application is made to the Commission or is not required to be advertised under a local planning scheme or local interim development order — within 48 days after the date on which the application was made;*
- or*

(b) *if —*

- (i) *the DAP application is required to be advertised under a local planning scheme or local interim development order; and*
- (ii) *the scheme or order provides that the application is deemed to be refused if it is not determined within a period of 90 days or more after the application is made,*

within the period that ends 12 days before the day on which the application would be deemed to be refused; or

(c) *otherwise — within 78 days after the date on which the application was made.*

(4A) *For the purposes of calculating the period within which the report on a DAP application must be given under subregulation (3)(a) or (c), any period after the applicant has been given a notice under regulation 11A and before the applicant complies with the notice is to be excluded.*

(4) *Despite subregulation (3), the presiding member of the DAP may, by notice in writing given to the responsible authority and with the consent of the applicant, extend the period within which the report on a DAP application must be given.*

(5) *The report must provide sufficient information to enable the DAP to determine the DAP application, including —*

- (a) *a recommendation as to how the application should be determined; and*
- (b) *copies of any advice received by the responsible authority from any other statutory or public authority consulted by the responsible authority in respect of the application; and*
- (c) *any other information that the responsible authority considers is relevant to determining the application.*

(6) *A DAP that receives a report under subregulation (2) must have regard to, but is not bound to give effect to, the recommendation included in the report.*

(7) *If a DAP is not given a report on a DAP application in accordance with this regulation, the DAP may determine the DAP application in the absence of the report.*

[Regulation 12 amended in Gazette 25 Jan 2013 p. 272-3; 17 Apr 2015 p. 1382 and 1386; 16 Dec 2016 p. 5711.]

13. *Further services from responsible authority*

(1) *The presiding member of a DAP may, at any time after the DAP is notified of a DAP application made to a responsible authority, direct the responsible authority to give to the DAP either or both of the following services in connection with the application —*

- (a) *technical advice and assistance;*

- (b) *information in writing.*
- (2) *The direction must be in writing and must specify —*
 - (a) *the services required; and*
 - (b) *the time within which the responsible authority must comply with the direction.*
- (3) *A responsible authority must comply with a direction given to it under this regulation.*

[Regulation 13 amended in Gazette 25 Jan 2013 p. 272.]

14. *Costs and expenses incurred by responsible authority*

The costs and expenses incurred by a responsible authority in giving a report under regulation 12, or advice, assistance or information in compliance with a direction under regulation 13, are, to the extent that they are not payable by an applicant under the Planning and Development Regulations 2009 regulation 49, to be borne by the responsible authority.

Part 4 — Development assessment panels

Division 1 — DAP members

23. *LDAP members*

- (1) *The members of a LDAP are —*
 - (a) *2 persons appointed to the LDAP as local government members; and*
 - (b) *3 persons appointed to the LDAP as specialist members.*
- (2) *The members must be appointed in writing by the Minister.*
- (3) *Regulation 24 applies to the appointment of local government members.*
- (4) *Regulation 37 applies to the appointment of specialist members.*

24. *Local government members of LDAP*

- (1) *Whenever it is necessary to make an appointment under regulation 23(1)(a), the Minister must —*
 - (a) *in writing, request the local government of the district for which the DAP is established to nominate a member of the council of the local government for appointment; and*
 - (b) *unless subregulation (2) applies, appoint the person so nominated.*
- (2) *If, within 40 days after the date on which the Minister makes a request to a local government under subregulation (1) or such longer period as the Minister may allow, the local government fails to nominate a person for appointment in accordance with the request, the Minister may appoint under regulation 23(1)(a) a person who is an eligible voter of the district for which the LDAP is established.*

- (3) *For the purposes of subregulation (2) a person is an eligible voter of a district if that person is eligible under the Local Government Act 1995 section 4.29 or 4.30 to be enrolled to vote at elections for the district.*

[Regulation 24 amended in Gazette 16 Dec 2016 p. 5712-13.]

25. *JDAP members*

- (1) *The members of a JDAP, at any meeting of the JDAP to determine or otherwise deal with a development application or an application to amend or cancel a determination of the JDAP, are —*
- (a) *the 2 local government members included on the local government register for the relevant local government in relation to the development application; and*
- (b) *3 persons appointed to the JDAP as specialist members.*

- (2) *In subregulation (1)(a) —*

relevant local government, in relation to a development application, means the local government of the district in which the land to which the development application relates is situated.

- (3) *The specialist members must be appointed in writing by the Minister.*
- (4) *Regulation 37 applies to the appointment of specialist members.*

[Regulation 25 amended in Gazette 16 Dec 2016 p. 5713.]

26. *JDAP local government member register*

- (1) *The Minister must cause to be established and maintained a register of local government members of JDAPs.*
- (2) *Subject to subregulation (4), the register must include, for each local government of a district for which a JDAP is established, the names of 2 members of the council of the local government.*
- (3) *Whenever it is necessary to include a member of a council of a local government on a local government register under subregulation (2), the Minister must —*
- (a) *in writing, request the local government to nominate a member of the council of the local government for inclusion on the register; and*
- (b) *unless subregulation (4) applies, include on the register the name of the person nominated.*
- (4) *If, within 40 days after the date on which the Minister makes a request under subregulation (3) or such longer period as the Minister may allow, the local government fails to nominate a person for inclusion on the local government register in accordance with the request, the Minister may instead include on the register a person who is an eligible voter of the district of the local government.*

- (5) *For the purposes of subregulation (4) a person is an eligible voter of a district if that person is eligible under the Local Government Act 1995 section 4.29 or 4.30 to be enrolled to vote at elections for the district.*

[Regulation 26 amended in Gazette 16 Dec 2016 p. 5713.]

27. *Presiding member and deputy presiding member*

- (1) *The Minister must appoint —*
- (a) *one of the specialist members of a DAP with experience and a tertiary qualification in planning as the presiding member of the DAP; and*
 - (b) *another of the specialist members with that experience and qualification as the deputy presiding member.*
- (2) *Subject to subregulation 3A, the deputy presiding member must act as presiding member when the presiding member is unable to do so by reason of illness, absence or other cause.*
- (3A) *If both the presiding member and the deputy presiding member of a DAP are unable to act as presiding member of the DAP by reason of illness, absence or other cause, the Director General may appoint the presiding member of another DAP to act as presiding member of the DAP.*
- (3) *No act or omission of the deputy presiding member acting as presiding member is to be questioned on the ground that the occasion for his or her so acting had not arisen or had ceased.*

[Regulation 27 amended in Gazette 17 Apr 2015 p. 1384.]

28. *Alternate members*

- (1) *The Minister may, in writing, appoint —*
- (a) *an alternate member for any person appointed under regulation 23(1)(a); and*
 - (b) *an alternate member for any person included on the local government register under regulation 26; and*
 - (c) *such number of persons eligible to be appointed as specialist members as the Minister considers necessary to form a pool of alternate members for specialist members.*
- (2) *Regulation 24 applies in relation to an appointment under subregulation (1)(a).*
- (3) *Regulation 26 applies in relation to an appointment under subregulation (1)(b).*
- (4) *An alternate member for a local government member of a DAP may act in the place of the local government member if the local government member is unable to perform the functions of the member by reason of illness, absence or other cause.*
- (5) *If a specialist member other than the presiding member is unable to perform the functions of the member by reason of illness, absence or other cause, an alternate*

member from the pool referred to in subregulation (1)(c) may, on the request of the presiding member, act in the place of the specialist member.

- (6) *A person cannot act in the place of a specialist member of a DAP if the person is —*
 - (a) *employed under the Local Government Act 1995 section 5.36 by the local government of a district for which the DAP is established; or*
 - (b) *a member of the council of the local government of a district for which the DAP is established.*
- (7) *An alternate member acting under this regulation may despite anything in these regulations, continue to act, after the occasion for so acting has ceased, for the purpose of completing any determination of a DAP application.*
- (8) *An alternate member, while acting in the place of a DAP member, has the same functions and protection from liability as a DAP member.*
- (9) *No act or omission of a person acting in place of another under this regulation is to be questioned on the ground that the occasion for so acting had not arisen or had ceased.*

29. Term of office

- (1) *A DAP member holds office for the term specified in the member's instrument of appointment.*
- (2) *The term of office specified in an instrument of appointment must not exceed 3 years.*
- (3) *A person's eligibility for reappointment as a DAP member or the term for which a person may be reappointed is not affected by an earlier appointment.*

[Regulation 29 amended in Gazette 16 Dec 2016 p. 5713.]

30. Training of DAP members

- (1) *A person who is appointed as a DAP member cannot perform any functions as a member of that DAP until the Director General is of the opinion that the member has satisfactorily completed the training for DAP members provided by the department.*
- (2) *Subject to subregulation (3), a DAP member who satisfactorily completes —*
 - (a) *the training for DAP members referred to in subregulation (1) is entitled to be paid the amount specified in Schedule 2 item 7; and*
 - (b) *a course of re-training for DAP members is entitled to be paid the amount specified in Schedule 2 item 8.*
- (3) *Unless the Minister has given written consent to the payment, the amount referred to in subregulation (2) is not payable to a DAP member who is —*
 - (a) *an employee as defined in the Public Sector Management Act 1994; or*

- (b) *an employee of a department or other agency of the Commonwealth; or*
- (c) *a local government employee; or*
- (d) *a judicial officer or retired judicial officer; or*
- (e) *an employee of a public academic institution.*

[Regulation 30 amended in Gazette 25 Jan 2013 p. 272-3; 17 Apr 2015 p. 1386; 16 Dec 2016 p. 5714.]

31. *Fees and allowances for DAP members*

- (1) *Subject to subregulation (6), a DAP member who attends a DAP meeting is entitled to be paid the fee set out in Schedule 2 item 1 or 2, as the case requires.*
- (2) *Subject to subregulation (6), a DAP member who attends a DAP meeting to determine an application under regulation 17 is entitled to be paid the relevant fee set out in Schedule 2 item 3 or 4 but is not entitled to be paid the fee set out in Schedule 2 item 1 or 2.*
- (3A) *A DAP member may be paid 50% of the fee to which the member would have been entitled under subregulation (1) or (2) for attending a DAP meeting if —*
 - (a) *the DAP meeting is cancelled after the agenda for the meeting was published in accordance with regulation 39(1); and*
 - (b) *the Director General approves the payment.*
- (3) *Subject to subregulation (6), a DAP member who, at the invitation or requirement of the State Administrative Tribunal, attends a proceeding in the Tribunal in relation to the review of a determination of the DAP is entitled to be paid the fee set out in Schedule 2 item 5 or 6, as the case requires.*
- (3B) *Subject to subregulation (6), the presiding member of a DAP who determines a dispute under regulation 16(2C) is entitled to be paid the fee set out in Schedule 2 item 9.*
- (4) *A DAP member is entitled to be reimbursed for motor vehicle and travel expenses at the rate decided from time to time by the Public Sector Commissioner for members of Government boards and committees.*
- (5) *Fees and allowances for DAP members are payable by the department.*
- (6) *Unless the Minister has given written consent to the payment, fees are not payable under this regulation to a DAP member who is —*
 - (a) *an employee as defined in the Public Sector Management Act 1994; or*
 - (b) *an employee of a department or other agency of the Commonwealth; or*
 - (c) *a local government employee; or*
 - (d) *a judicial officer or retired judicial officer; or*
 - (e) *an employee of a public academic institution.*

Division 3 — Meetings

39. Notice of meetings

- (1) The time, date and location of each DAP meeting, and the agenda for the meeting, must be published at least 7 days before the day of the meeting —
 - (a) on the DAP website; and*
 - (b) by each local government of a district in which development under a development application will be considered at the meeting —
 - (i) on its website; or*
 - (ii) if the local government does not have an operating website, by means approved by the Director General.***
- (1A) The local government must, at least 7 days before the day of the DAP meeting, give written notice of the time, date and location of the DAP meeting, and the agenda for the meeting, to each person who made a written submission to the local government in relation to a DAP application to be considered at the meeting.*
- (1B) However, the local government is not required to give a notice under subregulation (1A) if —
 - (a) the submission was received after the period for receipt of submissions specified in the notice advertising the DAP application; or*
 - (b) it is not reasonably practicable to do so; or*
 - (c) the DAP application was not advertised.**
- (1C) Notice under subregulation (1A) may be given by email or post.*
- (2) The administrative officer of the DAP must notify local governments of the details necessary to enable the local governments to comply with subregulations (1)(b) and (1A).*

[Regulation 39 amended in Gazette 25 Jan 2013 p. 272-3; 17 Apr 2015 p. 1386; 16 Dec 2016 p. 5715.]

40. General procedure concerning meetings

- (1) At a meeting of a DAP, the DAP may determine —
 - (a) one or more development applications; or*
 - (b) one or more applications under regulation 17.**
- (2) Any DAP meeting to determine a development application or, unless otherwise directed under subregulation (4), an application under regulation 17 is to be open to the public.*
- (3) The presiding member of a DAP may invite a person to advise or inform, or make a submission to, the DAP in respect of a development application.*

- (4) *The presiding member may direct that a DAP meeting to determine an application under regulation 17 —*
- (a) *is to be held by each other person at the meeting being in contact by telephone, or other means of electronic communication; and*
 - (b) *is not open to the public.*
- (5) *The Director General may issue practice notes about the practice and procedure of DAPs and each DAP must comply with those practice notes.*
- [Regulation 40 amended in Gazette 25 Jan 2013 p. 272-3; 17 Apr 2015 p. 1386; 16 Dec 2016 p. 5715.]*

41. *Quorum*

At a meeting of a DAP, 3 members of the DAP, including the presiding member, constitute a quorum.

[Regulation 41 inserted in Gazette 17 Apr 2015 p. 1386.]

42. *Voting*

- (1) *A DAP member at a DAP meeting, including the presiding member, has a single vote on a decision to be made by the DAP and, in the case of an equality of votes, the presiding member also has a casting vote.*
- (2) *A matter that is to be decided by a DAP at a meeting of a DAP must be decided by a majority of votes of the members present.*

43. *Attending meeting remotely*

If the presiding member of a DAP consents, the presence of a person at a meeting of the DAP need not be by attendance in person but may be by that person and each other person at the meeting being simultaneously in contact by telephone, or other means of instantaneous communication.

Division 4 — Conduct of DAP members

45. *Code of conduct*

- (1) *The Director General must make and maintain a written code of conduct in respect of DAPs.*
- (2) *Each person performing functions as a DAP member must comply with the code of conduct.*
- (3) *The Director General may amend the code of conduct from time to time.*
- [Regulation 45 amended in Gazette 25 Jan 2013 p. 272-3; 17 Apr 2015 p. 1386.]*

46. *Gifts*

- (1) *In this regulation —*

gift has the meaning given in the Local Government Act 1995 section 5.82(4) except that it does not include a gift from a relative as defined in section 5.74(1) of that Act;

notifiable gift, in relation to a DAP member, means —

- (a) a gift worth more than \$50 and less than \$300; or
- (b) a gift that is one of 2 or more gifts given to the member by the same person within a period of 6 months that are in total worth more than \$50 and less than \$300;

prohibited gift, in relation to a DAP member, means —

- (a) a gift worth \$300 or more; or
 - (b) a gift that is one of 2 or more gifts given to the member by the same person within a period of 6 months that are in total worth \$300 or more.
- (2) A person who is a DAP member must not accept a prohibited gift from a person who —
- (a) is undertaking development approved by the DAP; or
 - (b) is seeking to undertake development requiring approval by the DAP; or
 - (c) it is reasonable to believe is intending to undertake development requiring approval by the DAP.
- (3) A person who is a DAP member and who accepts a notifiable gift from a person who —
- (a) is undertaking development approved by the DAP; or
 - (b) is seeking to undertake development requiring approval by the DAP; or
 - (c) it is reasonable to believe is intending to undertake development requiring approval by the DAP,

must notify the Director General of the acceptance in accordance with subregulation (4) as soon as practicable after the member becomes aware that the person has made or is intending to make the application for approval.

- (4) Notification of the acceptance of a notifiable gift must be in writing and must include the following —
- (a) the name of the person who gave the gift;
 - (b) the date on which the gift was accepted;
 - (c) a description, and the estimated value, of the gift;
 - (d) the nature of the relationship between the DAP member and the person who gave the gift;

(e) *if the gift is a notifiable gift under paragraph (b) of the definition of **notifiable gift** in subregulation (1) (whether or not it is also a notifiable gift under paragraph (a) of that definition) —*

(i) a description; and

(ii) the estimated value; and

(iii) the date of acceptance,

of each other gift accepted within the 6 month period.

(5) *The Director General must maintain a register of gifts in which details of notices received under subregulation (4) are recorded.*

[Regulation 46 amended in Gazette 25 Jan 2013 p. 272-3; 17 Apr 2015 p. 1386.]

47. *Relations with local government and public sector employees*

A DAP member attending a DAP meeting must not, either orally, in writing or by any other means —

(a) make a statement that a local government or public sector employee is incompetent or dishonest; or

(b) use offensive or objectionable expressions in reference to a local government or public sector employee.

48. *Public comment*

(1) *A DAP member, other than the presiding member, must not publicly comment, either orally or in writing, on any action or determination of a DAP.*

(2) *Subregulation (1) does not apply to comments made at a meeting of a DAP.*

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil known

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 Muncey

SECONDED: Cr Imrie

That Council Nominate Cr Moir and Cr Kaltenrieder as members of the local Development Assessment Panel.

CARRIED 8/0

Res 31/17

Impartiality Interest

Cr Aird declared an impartiality interest in the following item due to being a member of the management committee.

8.3.3 Saleyard - relocation of steel yards to Rylington Park

Location:	Reserve 33552
Applicant:	Rylington Park Institute of Agriculture
File:	
Disclosure of Officer Interest:	None
Date:	8 March 2017
Author:	Alan Lamb
Authorizing Officer:	Chief Executive Officer
Attachments:	Copy of letter of request, copy of map setting out the area of yards proposed to be removed.

SUMMARY

The purpose of this report is to put the request to Council with a recommendation to agree to it.

BACKGROUND

This item was put to the February meeting of Council but withdrawn when it became apparent that Council needed to clarify the extent of the yards sought. The following was included in the previous report and is included again for reference:

The sale yards have not been used for sales for a number of years and do not meet current standards. The opportunity to upgrade the yards to meet current standards was looked at by Council for funding from the Country Local Government Fund (CLGF) in 2012 but the cost was prohibitive and the use/benefit low.

Council then looked at opportunities to make this area into an industrial park which would require removal of some of the yards.

Some of the yards have been used by local land owners and cartage contractors to aggregate small loads and Council applied a portion of the 2012/13 CLGF grant to improve the truck wash down area.

The Shire owns Rylington Park and leases it to a community group.

The CEO sought clarification from the group and provided an aerial photograph to facilitate this. He also sought similar advice from a stock cartage firm which uses the yards for load aggregation, to establish what area the local community may need to retain.

COMMENT

Responses were not to hand at the time of writing so will be presented at the meeting. The following was included in the previous report and is included again for reference:

Most of the existing yards have not been used much, if at all, for more than eight years. They do not meet the standards required for sales. Whilst no Council decisions have been made, Council has looked at removing most of the yards and clearing the site so that it might be used for commercial and/or light industrial purposes. This new use has stalled due to it not being compatible with the current Purpose of the Reserve (that is the purpose, as shown on the Management Order, for which the Shire may use it).

The current use of some yards (those closest to the wash down area) is of benefit to small landholders and others who may have relatively small numbers of sheep to move, and local transport contractors. Council has looked to retain some of the yards at the Reserve to allow this use to continue.

The existing sheep yards at Rylington Park are wood construction and in need of constant repair. These yards are well used.

Whilst there is no great urgency at this time to remove the yards, removing some at no cost to Council will be of benefit to progress the industrial site aspiration. It is noted also that the Shire owns Rylington Park and so it is transferring the yards from a Reserve it manages to a farm it owns and at no cost to Council. The intention is for the Institute to dispose of some of the yards that it does not use on the farm and this should offset its costs to remove and transport the yards.

It is recommended that Council agree to the Institutes request for approval to relocate some of the yards at the Boyup Brook Saleyards to Rylington Park and sell any material excess requirement to offset costs. That the Institute liaise with the CEO who will ensure some yards are retained on the Reserve for community use.

CONSULTATION

The author has spoken with the Rylington Park Institute of Agriculture Management Committee Chairman.

STATUTORY OBLIGATIONS

Nil. Whilst there are restrictions on the disposal of assets in this case the real value of the asset is not being transferred to another organisation, it

remains the Shire's (that is the value of the yards less the cost to remove transport and resite them).

The following section of the Local Government Act deals with the disposal of property:

3.58. Disposing of property

(1) *In this section —*

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

***property** includes the whole or any part of the interest of a local government in property, but does not include money.*

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

(a) *the names of all other parties concerned; and*

(b) *the consideration to be received by the local government for the disposition; and*

(c) *the market value of the disposition —*

- (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

The following Regulation from the Local Government (Functions and General) Regulations also has relevance:

30. Dispositions of property excluded from Act s. 3.58

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) *A disposition of land is an exempt disposition if —*
 - (a) *the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and —*
 - (i) *its market value is less than \$5 000; and*
 - (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*

or
 - (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;*

or

- (c) *the land is disposed of to —*
 - (i) *the Crown in right of the State or the Commonwealth; or*
 - (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
 - (iii) *another local government or a regional local government;**or*
 - (d) *it is the leasing of land to an employee of the local government for use as the employee's residence; or*
 - (e) *it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or*
 - (f) *it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or*
 - (g) *it is the leasing of residential property to a person.*
- (2a) *A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —*
- (a) *put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or*
 - (b) *the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or*
 - (c) *the subject of Statewide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —*
 - (i) *the names of all other parties concerned; and*
 - (ii) *the consideration to be received by the local government for the disposition; and*
 - (iii) *the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.*
- (2b) *Details (see section 3.58(4) of the Act) of a disposition of property under subregulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.*
- (3) *A disposition of property other than land is an exempt disposition if —*
- (a) *its market value is less than \$20 000; or*

- (b) *the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.*

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil. The asset value, if any, of the yards would be transferred from the Saleyards Reserve to Rylington Park (freehold).

STRATEGIC IMPLICATIONS

Whilst not specifically covered in the strategic plan, this proposal will result in an underutilised Shire asset moving from one Shire managed/owned property to another, where it will be fully utilised. It also progresses Council's desired changes to the use of the Saleyards Reserve and improves Rylington Park (a Shire owned asset used by an active and productive community group).

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 8.3.3

MOVED: Cr Moir

SECONDED: Cr Rear

That Council agree to the Rylington Park Institute of Agriculture's request for approval to:

- 1. relocate a portion of the sheep yards at the Saleyards Reserve, as shown on the attached map, to replace wooden yards at Rylington Park.**
- 2. sell excess yards materials to off set the cost of relocation.**

AMENDMENT

MOVED: Cr Giles

SECONDED: Cr Rear

That Council agree to the Rylington Park Institute of Agriculture's request for approval to:

- 1. relocate stage 1 and 2 as shown on the attached map, and to sell excess of stage 2 yards material to offset the cost of relocation.**

CARRIED 7/1

Res 32/17

MOTION

MOVED: Cr Giles

SECONDED: Cr Rear

That Council agree to the Rylington Park Institute of Agriculture's request for approval to:

- 1. relocate stage 1 and 2 as shown on the attached map, and to sell excess of stage 2 yards material to offset the cost of relocation.**

CARRIED 7/1

Res 33/17

8.3.4 Review of Delegation Register

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>GO/15/004</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>09 March 2017</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – current Register of Delegations of Authority Manual Showing proposed changes & Proposed New Delegation</i>

SUMMARY

This item reviews the existing Delegation Register and recommends that the draft delegation be adopted.

BACKGROUND

The *Local Government Act 1995* (the Act) section 5.42(1) states a local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

Further, section 5.46(2) of the Act states at least once every financial year, delegations made under this Division are to be reviewed by the delegator. Council last reviewed its delegations on 17 December 2015.

COMMENT

In the period April to June 2014 a consultant was engaged to conduct an extensive review of the Shire of Boyup Brook Delegation of Authority. Subsequently on 17 December 2015 Council adopted a review of the 2014 delegations, and the attached draft is the current list of delegations. Whilst the delegations are reviewed each financial year, the review is generally not extensive. The last extensive review was conducted in 2014, and previous to that the delegations were extensively reviewed in 2009.

CONSULTATION

Relevant staff.

STATUTORY OBLIGATIONS

Local Government Act 1995 (various sections)
Local Government Act (Administration) Regulations 1996
Local Government Act (Functions and General) Regulations 1996
Occupational Safety and Health Act 1984 and Regulations 1986
Local Government (Financial Management) Regulations 1996
Local Government (Miscellaneous Provisions) Act 1960

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The adoption and implementation of this Delegations Authority will not require any additional expenditure.

STRATEGIC IMPLICATIONS

The Delegations of Authority will assist with the delivery of “Best Practice” within the industry.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.4

MOVED: Cr Rear

SECONDED: Cr Muncey

That Council adopt the Delegation Register as presented and the same be implemented as from 17 March 2017 until further notice.

CARRIED BY ABSOLUTE MAJORITY

Res34/17

WITHDRAWN

Item 8.3.5 was withdrawn by the CEO, further details to be included in the report and brought back to Council.

**8.3.5 Scheme Amendment and Structure Plan – Lots 13129, 13503 and 13506
Bridgetown Boyup Brook Road, Boyup Brook.**

Location:	<i>Lots 13129, 13503 and 13506 Bridgetown Boyup Brook Road.</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>R48822, R33552, R16199</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>March 2017</i>
Author:	<i>A. Nicoll, Town Planner</i>
Authorizing Officer:	<i>Alan Lamb, Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council the request to:

1. Adopt Amendment No.18 to the Shire's *Local Planning Scheme No.2* for the purpose of advertising; and
2. Accept for advertising, the Local Structure Plan No.1.

The amendment is proposing to rezone land known as the Boyup Saleyards, to enable the development of light industrial activities.

The structure plan is proposing to act as a guide for the subdivision and development of the land known as the Boyup Saleyards.

Council discretion is required in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, which requires a local planning scheme amendment and structure plan, to be adopted by a resolution of Council prior to being advertising.

The following map illustrates lots that are the subject of this report item.



BACKGROUND

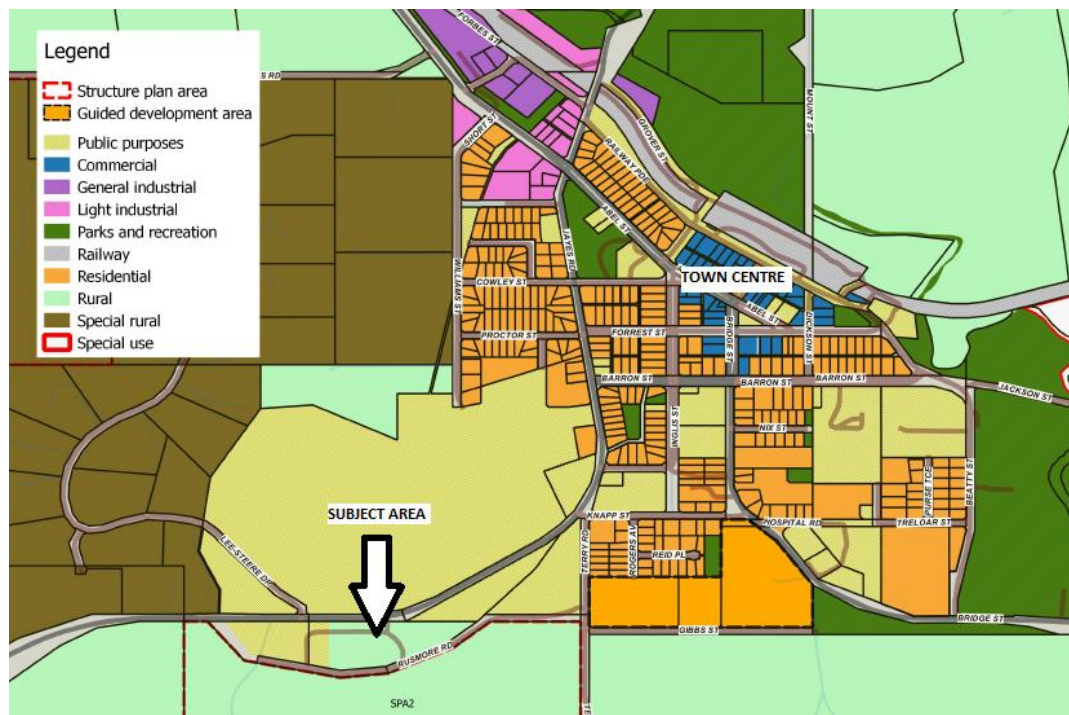
The land the subject of this application was previously used for the yarding and sale of sheep. Portion of the land is currently developed and used for the washing of trucks.

Council is currently deliberating selling the yards with the intent of making the land available for light industrial activities.

The land is currently either zoned 'Rural' or reserved for 'Public Use' (Water and Parkland). In order to accommodate light industrial activities, the zone and reservation needs to be changed to 'Light Industry' and a structure plan needs to be endorsed by the Western Australian Planning Commission.

COMMENT

The following illustrates the current scheme zone and reservation for the subject area.



The subject lots, zone or reservation, current land use and proposed land use include:

Lot/Reserve No.	Zone/Reservation	Current Use	Proposed Use
Lot 13503 R48822	'Public Purpose' (Water & Parkland)	<ul style="list-style-type: none"> Water storage (Tank) Access roads Remnant Vegetation (parkland cleared) 	<ul style="list-style-type: none"> Portion of the lot is proposed for access incidental to proposed industrial at the neighbouring Lot 13129. The remaining portion will remain for the purpose of water storage.
Lot 13129 R33552	Portion 'Rural' Portion 'Public Purpose' (Water & Parkland)	<ul style="list-style-type: none"> Sheep saleyards Outbuilding Truck wash facility Access roads Remnant vegetation (parkland cleared) 	<ul style="list-style-type: none"> Light industrial activities.
Lot 13506	'Public Purpose' (Water & Parkland)	<ul style="list-style-type: none"> Remnant Vegetation (parkland cleared) 	<ul style="list-style-type: none"> Remnant vegetated area acting as a buffer area to

R16199			residential.
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Lot 13129 was predominantly used for the holding and selling of sheep (saleyards). The subject site is now:

1. Used for washing trucks - designated area with effluent management system;
2. Used to temporarily store sheep – where remnants of yards remain;
3. Partly vacant – hardstand area and small building (old canteen) leftover from saleyards; and
4. Partly vegetated.

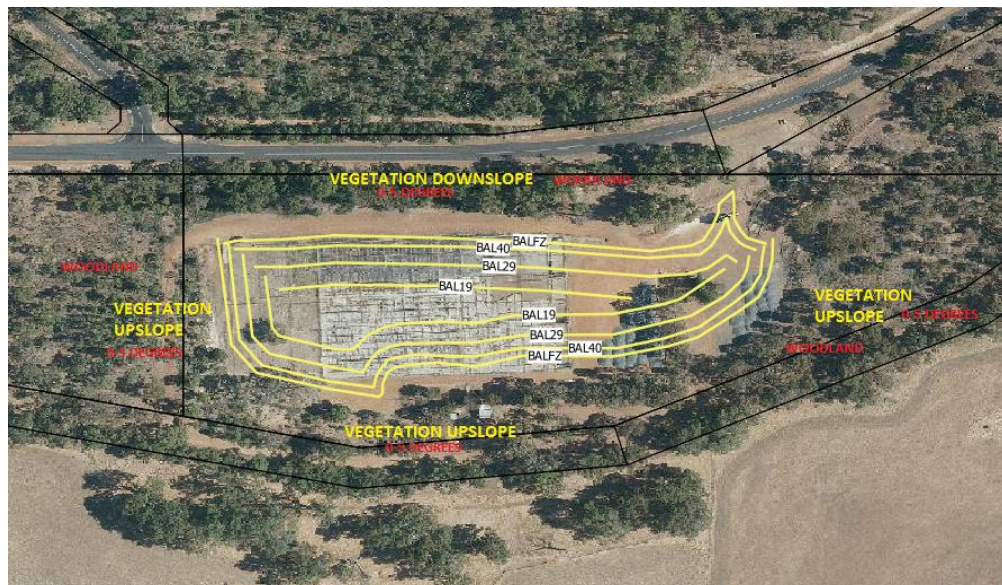
Lot 13503 is used for access incidental to the neighbouring Lot 13129 and for the storage of water via a holding tank.

A small portion of Lot 13506 is used to manage water overflowing from a wash-down bay located at Lot 13129. The remainder of the lot is occupied with remnant vegetation.

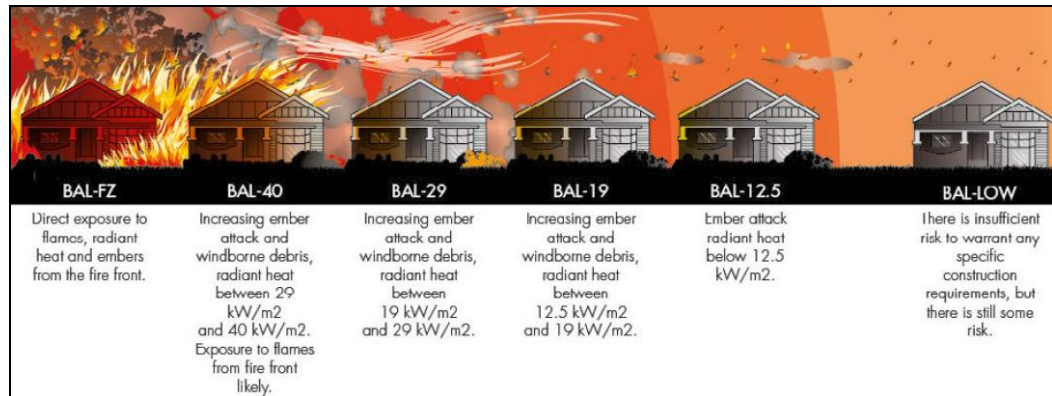
An access road located on Lot 13129, Lot 13503 and the Rusmore road reserve, provides a useful turning and access area for trucks and vehicles.

As indicated by a Bushfire Attack Level Assessment, the subject site is at extreme to medium risk of bushfire attack. It is proposed that vegetation clearing maybe necessary on the fringes of the existing developed area and within the confines of the existing Lot 13129 to ensure that bushfire risk can be managed at a moderate or low risk (max BAL29).

Map illustrating Bushfire Attack Contours



Map referencing the different meanings for Bushfire Attack Levels.

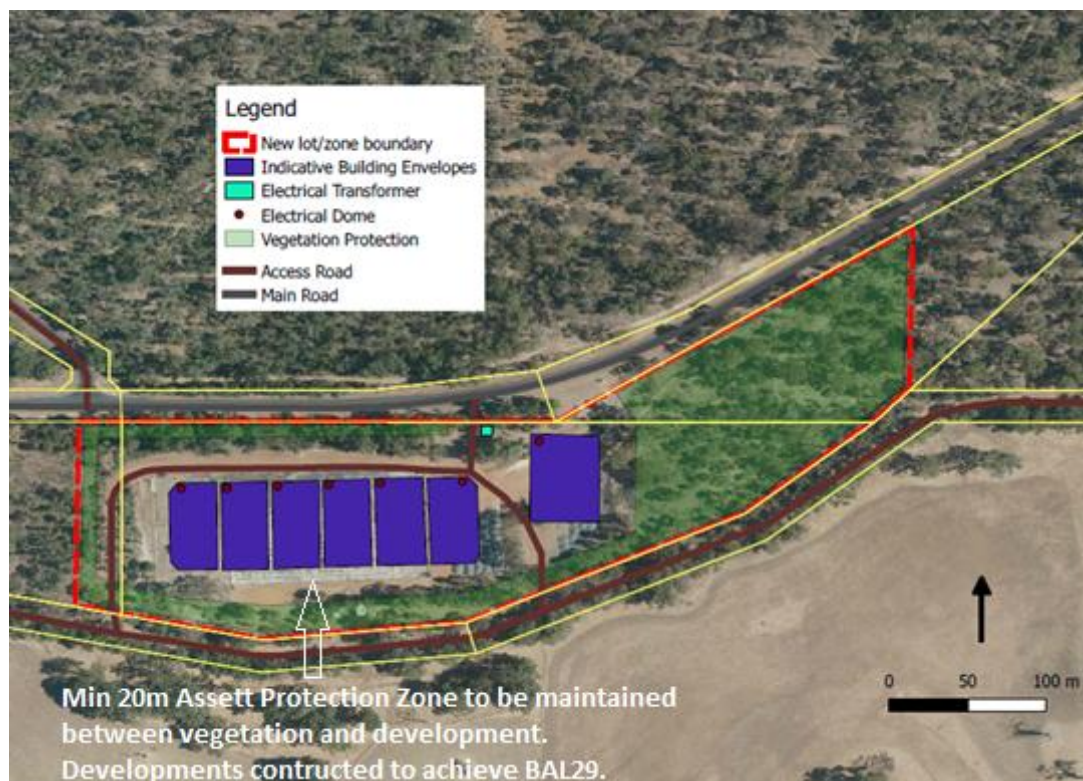


Subdivision may need to precede development to enable suitable connection to power and water and upgrading of the sites stormwater infrastructure and access. Subdivision and development is proposed to occur in accordance with an endorsed structure plan.

Once the scheme has been amended, the site may be:

1. Subdivided and developed by the Shire. Each lot is then leased or sold as a:
 - a) vacant lot ready for an industrial building; or
 - b) as a lot with an industrial building already developed; or
2. Sold to a developer who may then subdivide and develop for industrial uses.

The following is the Local Structure Plan No.1, proposed to guide subdivision and development of industrial uses on the subject land.



STATUTORY OBLIGATIONS

Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

Section 75 of the *Planning and Development Act 2005* authorises a local government authority to amend its local planning scheme with the approval of the Minister for Planning.

In accordance with Part 4, cl18 of the *Planning and Development Regulations 2015*:

A structure plan in respect of an area of land in the Scheme area may be prepared if —

- a) *the area is —*
 - i. *all or part of a zone identified in this Scheme as an area suitable for urban or industrial development; and*
 - ii. *identified in this Scheme as an area requiring a structure plan to be prepared before any future subdivision or development is undertaken; or*
- b) *a State planning policy requires a structure plan to be prepared for the area; or*
- c) *the Commission considers that a structure plan for the area is required for the purposes of orderly and proper planning.*

POLICY IMPLICATIONS

There are no policy implications directly relating to this item.

CONSULTATION

The *Planning and Development (Local Planning Schemes) Regulations 2015* require that a local planning scheme amendment be adopted by a resolution of Council prior to the proposal being advertised for public comment.

The local government must, within 28 days of preparing a structure plan or accepting an application for a structure plan to be assessed and advertised:

- a) advertise the proposed structure plan; and
- b) seek comments in relation to the proposed structure plan from any public authority or utility service provider that the local government considers appropriate; and
- c) provide to the Commission a copy of the proposed structure plan and all accompanying material and details of the advertising and consultation arrangements for the plan.

BUDGET/FINANCIAL IMPLICATIONS

There are no financial implications outside of the Shire's budget, relating to the proposal to amend the *Local Planning Scheme No.2* and to accept for advertising, the Local Structure Plan No.1.

In-order to accommodate future development, vegetation clearing on the fringes of the existing developed saleyards may-be necessary in-order to comply with bushfire standards. Vegetation clearing may instigate the need for an environmental assessment, which would come at a cost to the Shire.

STRATEGIC IMPLICATIONS

There are no strategic implications directly relating to this item.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
The proposal to amend the zoning and reservation is to be referred to the Environmental Protection Authority to determine if any environmental implications apply.
- **Economic and social**
The vision is the creation of 7 individual lots to be development for light industrial uses operating to provide services and employment opportunities to the community of Boyup Brook.

VOTING REQUIREMENTS

Simple majority

SUMMARY CONCLUSION

It is recommended that the Council adopt the Local Planning Scheme Amendment No. 18 and accept the application for the Local Structure Plan No.1 for the following reasons:

- 1) The proposals are consistent with the current strategic direction set within the draft Shire of Boyup Brook draft Local Planning Strategy; and
- 2) The site is physically suited to accommodating light industrial activities for the following reasons:
 - a) The site is currently utilised for industrial type activities (sale yards and truck wash-down facility).
 - b) The site is flat, meaning extensive earthworks is not necessary to prepare the site for development;
 - c) The site is clear of environmental impediments; - the site is not susceptible to flooding, the site is majority clear of vegetation and the site is not contaminated.
 - d) The site is connected to utilities including sealed roads, power, telecommunications and water.

OFFICER RECOMMENDATION – ITEM 8.3.5

THAT Council AGREE to:

1. Accept the Local Structure Plan No.1 for advertising; and
2. Adopt Amendment No. 18 to amend Shire of Boyup Brook *Local Planning Scheme No. 2* by:
 1. Rezoning Lot 13129 Bridgetown Boyup Brook Road, from ‘Rural’ zone to ‘Light Industry’ zone;
 2. Rezoning portion of Lot 13503 (Reserve 48822) and portion of Lot 13506 (Reserve 16199), Bridgetown Boyup Brook Road from ‘Public Purpose’ (WP) reserve to ‘Light Industry’ zone;
 3. Inserting within Table of Contents and within scheme text after SCHEDULE 3 – SPECIAL RURAL ZONES, ‘SCHEDULE 4 – INDUSTRY’;
 4. Re- numbering schedules within scheme to coincide with new inserted Schedule 4; and
 5. Inserting the following table with conditions after new heading ‘SCHEDULE 4 – INDUSTRY’:

Industrial Area 1 (IA1)	Special Conditions applying to Industrial Area
Original Lot 13129. Light Industrial Area, Bridgetown Boyup Brook Road.	<p>1. Subdivision and Development</p> <p>1.1 Subdivision and development of the land is to occur in accordance with an endorsed Local Structure Plan and the following provisions:</p> <p><u>Density</u></p> <p>a) A maximum of 7 independent light industries may be subdivided and/or developed at the subject lot.</p> <p><u>Earthworks</u></p> <p>b) Earthworks being undertaken to the satisfaction of the Local Government.</p> <ul style="list-style-type: none"> • Development approval required for any retaining walls over 0.5m from natural ground level. • Retaining walls exceeding 1m in height require structural certification. • Retaining walls shall be entirely contained within the boundaries of a single lot. <p><u>Power</u></p> <p>c) A Transformer being developed to service the subject land, to the satisfaction of Western Power.</p> <p>d) One green dome being developed per lot to the satisfaction of Western Power.</p> <p><u>Drainage</u></p> <p>e) Stormwater disposal plans, details and calculations shall be submitted for approval and constructed to the satisfaction of the</p>

Industrial Area 1 (IA1)	Special Conditions applying to Industrial Area
	<p data-bbox="748 214 959 239">Local Government.</p> <p data-bbox="748 310 824 336">Advice</p> <ul data-bbox="760 373 1463 632" style="list-style-type: none"> <li data-bbox="760 373 1463 531">• The Local Government will require stormwater disposal measures to be implemented to ensure that maximum retention and infiltration occurs on site through the use of individual soakwells, retention basins or other measures as deemed necessary. <li data-bbox="760 537 1393 632">• Post-development flow rates are to be attenuated to pre-development flow rates through the provision of adequate temporary detention storage. <p data-bbox="703 651 1458 743">f) Oil and grease traps are to be provided within each building site to the satisfaction of the Local Government to ensure that nutrient export off the site is kept to a minimum.</p> <p data-bbox="690 814 878 840"><u>Effluent Disposal</u></p> <p data-bbox="703 877 1451 934">g) Each lot is to provide sanitary facilities to the satisfaction of the Local Government.</p> <p data-bbox="703 957 1468 1144">h) On-site effluent disposal shall utilise alternative treatment effluent disposal systems unless the applicant can provide advice to the Local Government that soil conditions are conducive to the operation of septic tanks and leach drains and will not result in unacceptable loss of nutrients to surrounding waterways, or create a risk to public health.</p> <p data-bbox="690 1215 764 1241"><u>Access</u></p> <p data-bbox="703 1278 1419 1371">i) All internal roads and crossovers are to be developed to the satisfaction of the Local Government, including turning treatments to accommodate trucks (e.g.15m turning radius).</p> <p data-bbox="703 1394 1393 1451">j) The minimum road width for the internal road(s) is to be 6 metres.</p> <p data-bbox="690 1522 886 1547"><u>Fire Management</u></p> <p data-bbox="703 1585 1430 1642">k) Development and implementation of a fire management plan including and not limited to the following:</p> <ul data-bbox="760 1648 1446 1969" style="list-style-type: none"> <li data-bbox="760 1648 1446 1705">• Development and maintenance of Fire-fighting apparatus (connected to reticulated water). <li data-bbox="760 1711 1425 1768">• Management of asset protection zones, which meet the following requirements: <li data-bbox="760 1774 1446 1932">• Width: Measured from any external wall or supporting post or column of the proposed building, and of sufficient size to ensure the potential radiant heat impact of a bushfire does not exceed 29kW/m² (BAL-29) in all circumstances. <li data-bbox="816 1938 1430 1969">• Location: the APZ should be contained solely within

Industrial Area 1 (IA1)	Special Conditions applying to Industrial Area
	<p>the boundaries of the lot on which the building is situated, except in instances where the neighbouring lot or lots will be managed in a low-fuel state on an ongoing basis, in perpetuity.</p> <ul style="list-style-type: none"> • Management: the APZ is managed in accordance with the requirements of 'Standards for Asset Protection Zones'. (Guidelines for Planning in Bushfire Prone Areas – Appendices - Schedule 1). <p>l) A BAL assessment is also required under SPP 3.7 before commencing subdivision or development. Subdivision and development is to be located in an area where the BAL is 29 or below, and the risk can be managed.</p> <p><u>Land Use Definition</u></p> <p>m) Land use and development is to comply with the schemes definition for light industry, which means:</p> <ul style="list-style-type: none"> • An industry in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, ash, dust, waste water or other waste products; and • the establishment of which will not, or the conduct of which does not impose undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services. <p><u>Site and Building Requirements</u></p> <p>n) All buildings and structures are to be located as follows:</p> <ul style="list-style-type: none"> • Within nominated building envelope (refer to structure plan); • Shared boundary setbacks: Min 3 metres or zero (0) metres for fire rated walls; and • Other boundary setbacks: Min zero (0) metres. <p><u>Parking</u></p> <p>o) Car parking for each lot is required at a rate of 1/100m² GFA.</p> <p><u>Amenity</u></p> <p>p) No building shall be constructed, finished or left unfinished that its external appearance would, in the opinion of the local Government, detract from the visual amenity of the locality or have the potential to depreciate the value of adjoining property.</p> <p>q) All land and buildings shall be used and maintained as to preserve the local amenity to the satisfaction of the Council.</p>

Industrial Area 1 (IA1)	Special Conditions applying to Industrial Area
	<p><u>Nuisance</u></p> <p>r) No land, building or appliance shall be used in such a manner as to permit the escape there from of smoke, dust, fumes, odour, noise, vibration or waste products in such quantity or extent, or in such a manner as, in the opinion of the Council, will create, or be a nuisance to, any inhabitant or to traffic or persons using roads in the vicinity.</p> <p><u>Landscaping</u></p> <p>s) 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.</p> <p><u>Maximum Building Height</u></p> <p>t) No site shall be developed or building constructed to contain more than two storeys or exceed 10 metres in height measured to the highest proportion of the building from mean natural ground level, or such other ground level, as may be determined by Council.</p> <p><u>Plot Ratio</u></p> <p>u) Maximum Plot Ratio of 0.75 per strata lot.</p>

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

- a) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- b) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Dated this 26 day of March 2017

A LAMB
CHIEF EXECUTIVE OFFICER

8.3.6 Development (Warehouse) – Lot 42 Forrest Street, Boyup Brook

Location:	<i>Lot 42 Forrest Street, Boyup Brook</i>
Applicant:	<i>Boyup Co-operative</i>
File:	<i>A251</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>March 2017</i>
Author:	<i>A. Nicoll, Town Planner</i>
Authorizing Officer:	<i>Alan Lamb, Chief Executive Officer</i>
Attachments:	<i>Nil</i>

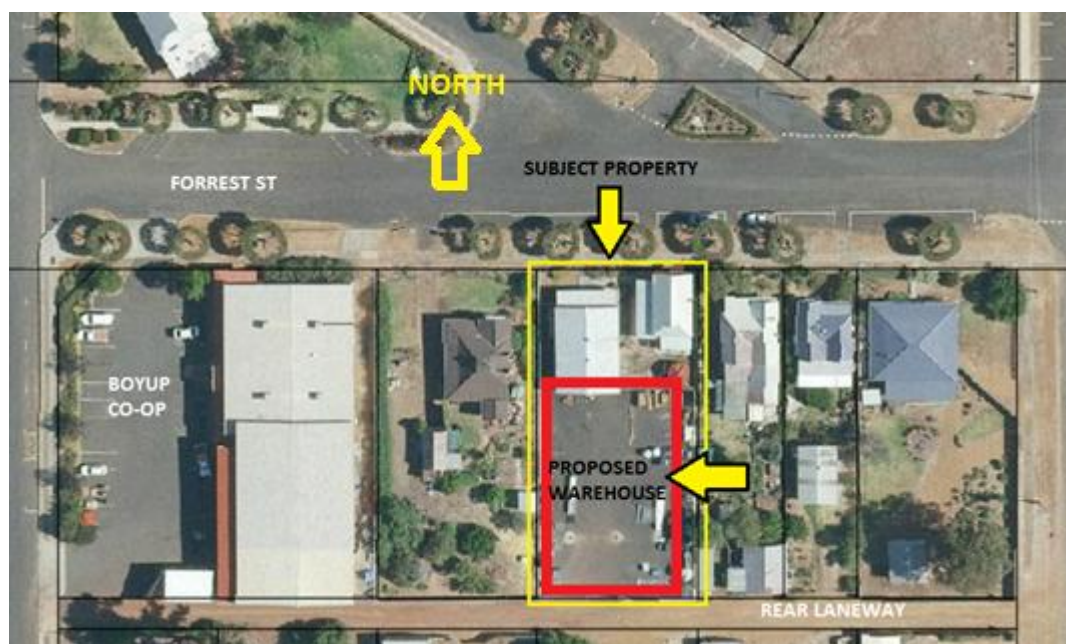
SUMMARY

The purpose of this report is to put before Council the request to develop a warehouse at No.27 Forrest Street.

“Warehouse” means premises used to store or display goods and may include sale by wholesale.

The warehouse is proposed to store produce associated with the Boyup Cooperative (e.g. fencing wire, posts and tanks).

Refer to the following plan, which illustrates the proposed location of the warehouse.



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.

It is recommended that the Council agree to support the proposed warehouse.

BACKGROUND

Two small outbuildings and a sealed and drained outdoor storage area have been developed at the subject Lot 42 Forrest Street.

Materials are currently stored in the outdoor environment at the subject lot, for use by the Boyup Co-op.

The Co-op has applied to develop a warehouse to protect the materials from inclement weather.

COMMENT

The warehouse is designed as follows:

- Gable structure;
- Open on the south end facing a rear laneway and open on the east facing a dwelling;
- 33m long X 25m wide (825m²);
- 6m wall height; and
- Cream colourbond walls and grey colourbond roof.

The colours of the warehouse match the colours of the storage shed at the Boyup Co-op site (Lot 103 Bridge Street).

The warehouse is proposed to be developed up-to the western and southern boundaries, adjacent to an existing outbuilding on the northern boundary and three (3) metres from the eastern boundary.

Where a commercial development is proposed to be located closer than 3m to a neighbouring boundary, fire protection measures such as fire-rated walls, need to be incorporated into the design of the development. The purpose of the fire rated walls is to stop the spread of a fire to neighbouring properties or buildings.

Once planning approval is granted, engineered design drawings will need to be developed to accompany an application for a building permit. The drawings will show construction requirements for fire protection measures.

Access to the warehouse is proposed via a rear laneway (gravel), which fronts on to Bridge Street. Staff at the Boyup Co-op propose to operate a forklift to transfer materials, up the laneway, to the storage shed at the Boyup Co-op.

STATUTORY OBLIGATIONS

Lot 42 Forrest Street is zoned 'Commercial' in accordance with the Shire's *Local Planning Scheme 2*.

Table No.2 of the Shire's scheme, supports nil setbacks to boundaries for commercial properties.

Table No.3 of the Shire's scheme requires 1 car park for every 100m² of warehouse floor area. The total floor area of buildings at Lot 42, amounts to 1129m², which calculates to a requirement of 11 car parking bays.

Customers are proposed to be received at the Boyup Co-op site, which has ample car parking and which is located one property away fronting Bridge Street. Customers are not expected at the subject Lot 42. The Council is therefore requested to agree to discount the requirement for car parking bays associated with the proposed development.

POLICY IMPLICATIONS

The Council is also requested to agree to discount the need for landscaping (5% scheme requirement). The frontage of the property is well landscaped and the rear of the property is hidden from view behind existing developments.

CONSULTATION

N/A

BUDGET/FINANCIAL IMPLICATIONS

There are no financial implications relating to this proposal.

STRATEGIC IMPLICATIONS

There are no strategic implications relating to this proposal.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.6

MOVED: Cr Oversby

SECONDED: Cr Rear

That Council

Grants development approval for Lot 42 Forrest Street, for the purpose of Development (warehouse), subject to the following notice:

Planning and Development Act 2005

Shire of Boyup Brook

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

Location: Lot 42 Forrest Street, Boyup Brook

Description of proposed development:

Warehouse

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 access driveway, 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. Stormwater from the lot shall be managed to the satisfaction of the Shire of Boyup Brook.
7. Sign(s) shall not be erected on the lot without the prior approval of the Shire of Boyup Brook.

Date of determination: 16 March 2017

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.

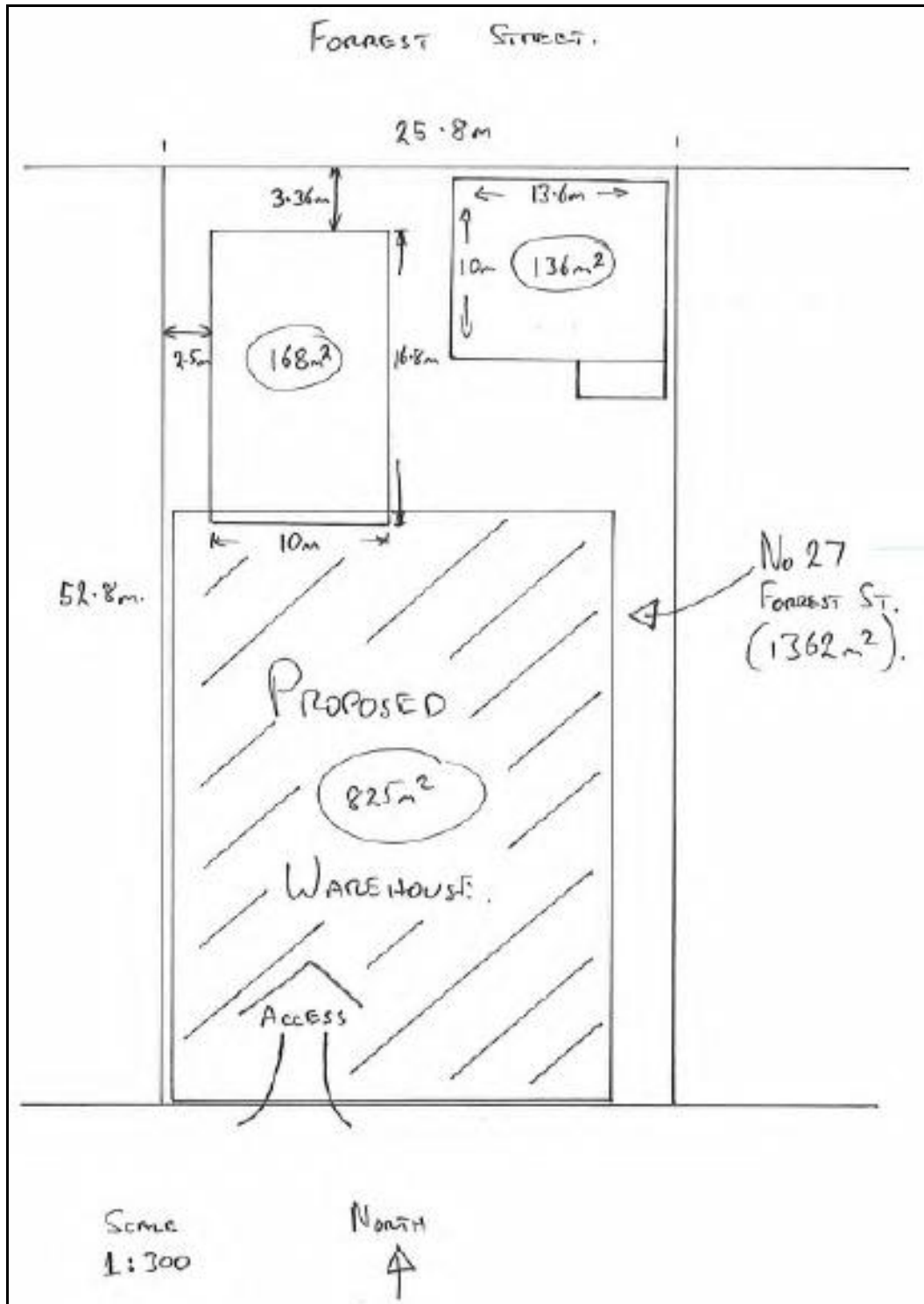
Signed:

Dated:

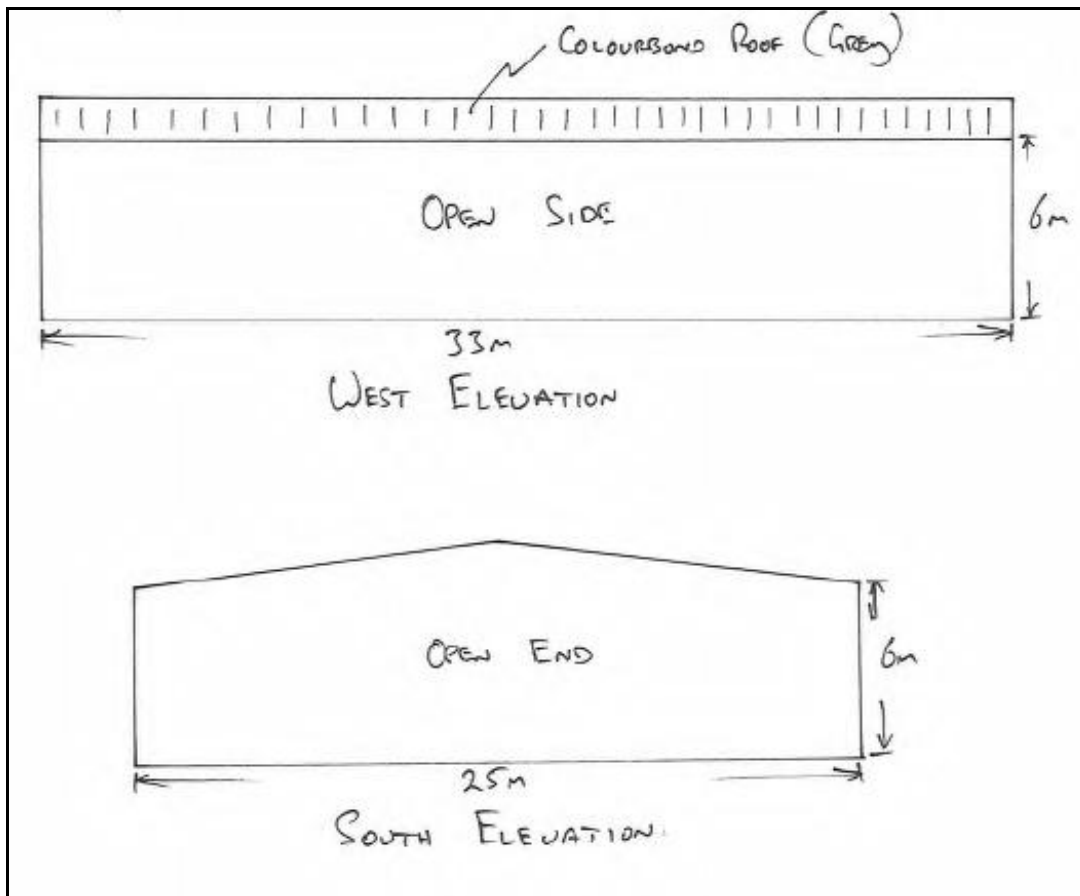
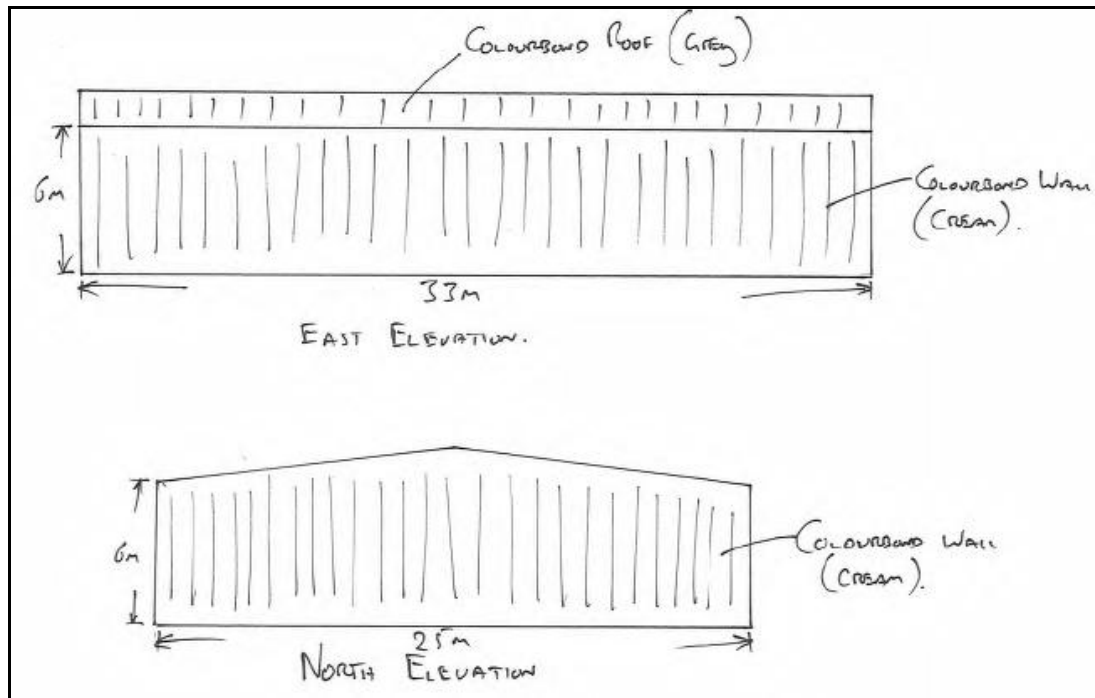
for and on behalf of the Shire of Boyup Brook.

APPROVED PLANS

Site Plan



Elevations



8.3.7 Ward Representation Review

Location:	N/a
Applicant:	Department of Local Government and Communities
File:	
Disclosure of Officer Interest:	None
Date:	8 March 2017
Author:	Alan Lamb
Authorizing Officer:	Chief Executive Officer
Attachments:	Local Government Advisory Board guide on ward and representation reviews.

SUMMARY

The purpose of this report bring back to Council the Department of Local Government and Communities (DLGC), Local Government Advisory Board (LGAB) request for Council to conduct a ward and representation review with the recommendation that Council seek no change to wards or representation at this time.

BACKGROUND

The Local Government Act requires that Local Governments (LGs) review wards and representation at least every 8 years. It also requires a LG to conduct a review when called upon to do so by the LGAB.

The process is as follows:

- LG resolves to commence the review
- Public notice given calling for submissions allowing a six week submission period.
- LG to consider all submissions
- LG to make a decision
- LG to provide LGAB with a written report that provides conclusive argument and demonstrates it has considered submissions
- If a change is proposed the LGAB submits a recommendation to the Minister
- Any changes are put in place for the next ordinary election.

In December 21016 Council resolved as follows:

That, in accordance with Schedule 2.2 of The Local Government Act 1995:

- 1. Council commence a review of wards and representation.**
- 2. The CEO advertise as soon as practicable calling for submissions.**
- 3. The submission period is to be at least six weeks.**
- 4. The CEO report to Council at the end of the submission period on submissions received, options, a recommended decision and a draft report to the Minister.**

The call for submissions was conducted as follows:

- Updated on the Website.
- Displayed on the Shire noticeboard.
- Advertised in the West Australian on 21/1/17, advertised in the Donnybrook Bridgetown Mail on 24/1/17 and advertised in the Manjimup Bridgetown Times on 25/1/17.
- Advertised in the Boyup Brook Gazette in the February and March edition.

The comment period closed 7 March 2017 and no comments were received

COMMENT

The following was prepared as a discussion paper for the community consultation period. It contains relevant information for Council and so is repeated here:

Shire of Boyup Brook

Review of Wards and Representation Discussion Paper

Background

The Shire of Boyup Brook has resolved to undertake a review of its ward system to comply with the requirements of the Local Government Act 1995 (the Act). Schedule 2.2 of the Act requires local governments with wards to carry out reviews of the ward boundaries and the number of councillors for each ward from time to time so that no more than eight years elapse between successive reviews. A desktop review is conducted by Council following each Local Government election but the last full review of wards in the Shire of Boyup Brook was undertaken some time ago. It is now appropriate to carry out another full review.

Current situation

Currently the Shire of Boyup Brook has nine (9) councillors elected from four (4) wards. The position at the 2015 ordinary Local Government elections was as follows:

WARD	NUMBER OF COUNCILLORS	NUMBER OF ELECTORS	COUNCILLOR TO ELECTOR RATIO	% RATIO DEVIATION
Benjinup	2	259	130	-0.13
Boyup Brook	3	453	151	-16.75
Dinninup	2	236	118	8.76
Scotts Brook	2	216	108	16.49
Total	9	1164	129	

It can be seen that the average number of electors to each councillor is 129. The Benjinup Ward in 2015 was close to the average, Boyup Brook Ward with 151 electors to each Councillor was under represented and the Dinninup and Scotts Brook Wards were over represented. Looking at the percentage ratio deviation column and noting that a deviation between plus or minus 10% is considered to be sufficiently balanced, it is apparent that Boyup Brook and Scotts Brook Ward representation levels need to be addressed.

It is important to also look at prior years to establish any trends. Imbalances trending toward or away from a balance may require further analysis to determine the reasons. The following schedules are from 2011, 2013 and 2015 election years:

2011				
WARD	NUMBER OF COUNCILLORS	NUMBER OF ELECTORS	COUNCILLOR TO ELECTOR RATIO	% RATIO DEVIATION
Benjinup	2	248	124	3.88
Boyup Brook	3	474	158	-22.48
Dinninup	2	217	109	15.89
Scotts Brook	2	222	111	13.95
Total	9	1161	129	

2013				
WARD	NUMBER OF COUNCILLORS	NUMBER OF ELECTORS	COUNCILLOR TO ELECTOR RATIO	% RATIO DEVIATION
Benjinup	2	251	126	5.80
Boyup Brook	3	471	157	-17.85
Dinninup	2	241	121	9.55
Scotts Brook	2	236	118	11.43
Total	9	1199	133	

2015				
WARD	NUMBER OF COUNCILLORS	NUMBER OF ELECTORS	COUNCILLOR TO ELECTOR RATIO	% RATIO DEVIATION
Benjinup	2	259	130	-0.13
Boyup Brook	3	453	151	-16.75
Dinninup	2	236	118	8.76
Scotts Brook	2	216	108	16.49
Total	9	1164	129	

The foregoing show that elector numbers in the Benjinup Ward have fluctuated but the variances in number terms are small and in percentage of deviation, within tolerances.

The Boyup Brook Ward elector numbers have trended down. Whilst the numbers are small the percentage continues to exceed plus/minus 10%.

Dinninup Ward elector numbers have fluctuated and whilst the percentage of deviation showed an unacceptable over representation in 2011, years 2013 and 2015 were within tolerances.

Scotts Brook Ward continued to be over represented with a percentage outside of tolerances.

Review Process

The review process contains a number of steps:

- *The council resolves to undertake the review;*
- *Public submission period opens;*
- *Information provided to the community for discussion;*
- *Public submission period closes;*
- *The Council considers all submissions and relevant factors and makes a decision;*
- *The Council submits a report to the Local Government Advisory Board (the Board) for its consideration; and*
- *If a change is proposed, the Board submits a recommendation to the Minister for Local Government (the Minister).*

Any changes approved by the Minister will be in place for the next ordinary election where possible.

Factors to be Considered

When considering changes to wards and representation, Schedule 2.2 of the Act specifies factors that must be taken into account by a local government as part of the review process:

1. *Community of interest;*

2. *Physical and topographic features;*
3. *Demographic trends;*
4. *Economic factors; and*
5. *Ratio of Councillors to Electors in the various wards. The Board offers the following interpretation of these factors.*

1. Community of interest

The term community of interest has a number of elements. These include a sense of community identity and belonging, similarities in the characteristics of the residents of a community and similarities in the economic activities. It can also include dependence on the shared facilities in an area as reflected in catchment areas of local schools and sporting teams, or the circulation areas of local newspapers. Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.

2. Physical and topographic features

These may be natural or man-made features that will vary from area to area. Water features such as rivers and catchment boundaries may be relevant considerations. Coastal plain and foothills regions, parks and reserves may be relevant as may other man made features such as railway lines and freeways.

3. Demographic trends

Several measurements of the characteristics of human populations, such as population size, and its distribution by age, sex, occupation and location provide important demographic information. Current and projected population characteristics will be relevant as well as similarities and differences between areas within the local government.

4. Economic factors

Economic factors can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area. This may include the industries that occur in a local government area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.

5. Ratio of Councillors to Electors in the various wards

It is expected that each local government will have similar ratios of electors to councillors across the wards of its district.

Options to Consider

The Council will consider all options and members of the community may suggest others. Obvious options include:

Option 1 - *Maintain the current ward system*

Option 2 - *Create two wards (Boyup Brook Town and Boyup Brook Rural) using the areas of economic activity (commerce, education and other town type activities for Town and agriculture for Rural) as the boundary (essentially the town site boundary).*

Option 3 - *Create three wards (perhaps the current town ward and divide the rural area into two) using main roads and the town site the boundaries*

Option 4 - *No wards*

Public Submissions

Members of the community are invited to make a written submission about any aspect of ward boundaries and representation and lodge it :

- *In person to Shire of Boyup Brook Chambers/Administration building
Abel Street Boyup Brook*
- *By post to Shire of Boyup Brook
PO Box 2 Boyup Brook WA 6244*
- *By fax to 9765 1592*
- *By email: shire @boyupbrook.wa.gov.au*

All submissions must be received by 5pm on 7th March 2017

Epilogue

Thank you for your interest and involvement in this review. Council welcomes your comments on any matters that may assist it to make informed and responsible decisions for the benefit of the people of the Shire of Boyup Brook

*Councillor Michael Giies
PRESIDENT*

*Mr Alan Lamb
CHIEF EXECUTIVE OFFICER*

No submissions were received.

As noted in the discussion paper, when considering changes to wards and representation, Schedule 2.2 of the Act specifies factors that must be taken into account by a local government as part of the review process:

1. Community of interest;
2. Physical and topographic features;
3. Demographic trends;
4. Economic factors; and
5. Ratio of Councillors to Electors in the various wards.

1. Community of interest

There is a strong sense of community in rural areas and Boyup Brook is no exception. There is a sense of a whole of Shire community, ward communities and areas within wards.

Scotts Brook Ward is an example of a tight community. It has three town sites within its borders where schools and the like serviced the surrounding farms. There are still three community halls and well used sporting grounds in this ward. There is also a cemetery, run by a board of community members who want to retain and operate this service in their community. Voter numbers in this ward are low in comparison with the other wards and they have fluctuated over the years. One factor affecting voter numbers was the trend to move to trees and away from more traditional crop or animal farming. This reduced numbers but there is now a trend to move back to more traditional farming as trees are being harvested. This will not only increase the number of voters in that ward it will also bolster numbers generally and further strengthen the community.

Each rural ward has its main town site and at least one other. Community halls, residential development and the like are a feature of many. Each ward has a significant and regular

event or program. Scotts Brook ward has a significant and well run horse facility, Dinninup Ward has the annual agricultural show at its show grounds, and there is an annual horse event in Wilga (Benjinup ward). Each ward and sub community has community group (progress associations, show committee, cemetery board and the like.

Bush fire is an ever present risk and so the community has come together to form a number of bush fire brigades. The brigade system is vital, its also well run and very effective. Most of the volunteers have first hand experience of fighting bush fires, this together with their strong sense of community which drives them to drop everything and attend to incidences, results in most fires being put out before they become a significant issue.

The sense of community within wards is strong, there is a high level of ownership of their community assets (community halls and the like), and people identify with the current ward setup.

2. Physical and topographic features

The boundaries of wards include the Blackwood River and major roads. The Benjinup Ward is more undulating than say most of the Dinninup Ward. Scotts Brook is further south than the other wards and had a higher rain fall hence the past move to trees. Whilst not dramatically different, each of the rural wards sufficiently different to lend them better for varying farming pursuits. The Boyup Brook Ward is essentially the town.

3. Demographic trends

As noted above the Scotts Brook Ward has less voter numbers than any other ward and so shows a ratio deviation of 16.49%, 6.49% more than the accepted plus, minus 10% but in terms of voter numbers this is just 10 less than the Dinninup Ward which is within tolerances. The move away from tree farming to more traditional farming should result in more people moving to this area, over the next few years, which should address much of the imbalance.

Benjinup Ward has the small town of Wilga and a number of rural residential subdivisions. There is a well documented, high quality coal deposit in the Wilga area. When and if this is mined it will lead to increased numbers in this ward. Plans for a rural residential subdivision are progressing and this should attract people to this ward.

Voter numbers in the Dinninup Ward have been up and down over the years. There is some aggregation of landholdings, as has been a trend in most rural areas for a number of years, but the attraction of lots on the Blackwood River, smaller hobby farm type lots and the like is expected to lead to an increase in voter numbers in this ward.

Voter numbers in the Boyup Brook Ward have declined in recent years. This may be a result of the aging population and the tendency for people in their eighties to move to bigger centers. It is thought that some of this, albeit minor, migration might be stemmed by Councils planned aged person accommodation development which will be in the Boyup Brook Ward. The under representation in this ward is, to some extent, overcome by the fact that the community lives in a relatively compact area making it easier for Councillors and electors to communicate face to face more often.

Whilst it is noted that trends need to be monitored, it is put that on numbers alone there is no need to change wards or representation at this time

4. Economic factors

Farming is the most significant commercial activity and all others exist to support it. Areas to the west have higher rain fall than they do to the east. The Shire is relatively long north to south resulting in further variation to rainfall etc. There are variations in the amount of water available for agriculture. There are also variations in soil types so some areas will be more productive than others and whilst these could be tied to ward areas there is no significant differences between wards.

5. Ratio of Councillors to Electors in the various wards

It is clear that the Benjinup and Dinninup Ward elector numbers to Councillors are within tolerances and that Boyup Brook and Scotts Brook numbers are not. The underrepresentation of the Boyup Brook Ward is almost matched by the over representation in the Scotts Brook Ward indicating a ward boundary adjustment might be considered. However Boyup Broom Ward numbers are tending down and Scotts Brook Ward numbers are expected to increase. Further these words do not share a boundary so there would need to be a number of boundary changes to address the imbalance. The lack of community comment on the process may be seen as indifference but this is far from the case. Any move to change the wards or representation is expected to be met with strong opposition.

There can be no doubt that statistical analysis of voter numbers versus Councillor numbers is an important measure but it is not the only measure. There has been no call from the community for change. Further, the Council does not support change, at this time, but will continue to monitor the position and seek to implement any changes it sees as being required, or the community calls for, as appropriate.

CONSULTATION

The author has spoken to the DLGC and Council about the review. The matter has been before Council and put out for community comment.

STATUTORY OBLIGATIONS

Schedule 202 of the Local Government Act has relevance.

Schedule 2.2 — Provisions about names, wards and representation

[Section 2.2(3)]

[Heading amended by No. 64 of 1998 s. 53.]

1. Terms used

In this Schedule, unless the contrary intention appears —

affected electors, in relation to a submission, means electors whose eligibility as electors comes from residence, or ownership or occupation of property, in the area directly affected by the submission;

review means a review required by clause 4(4) or 6 or authorised by clause 5(a);

submission means a submission under clause 3 that an order be made to do any or all of the things referred to in section 2.2(1), 2.3(3) or 2.18(3).

2. Advisory Board to make recommendations relating to new district

(1) *When a local government is newly established, the Advisory Board —*

- (a) *at the direction of the Minister; or*
- (b) *after receiving a report made by a commissioner appointed under section 2.6(4) after carrying out a review,*

is, in a written report to the Minister, to recommend the making of an order to do all or any of the things referred to in section 2.2(1)(a), 2.3(2) or 2.18(1).

(2) *In making its recommendations under subclause (1) the Advisory Board is to take into account the matters referred to in clause 8(c) to (g) so far as they are applicable.*

3. Who may make submissions about ward changes etc.

(1) *A submission may be made to a local government by affected electors who —*

- (a) *are at least 250 in number; or*
- (b) *are at least 10% of the total number of affected electors.*

(2) *A submission is to comply with any regulations about the making of submissions.*

4. Dealing with submissions

(1) *The local government is to consider any submission made under clause 3.*

(2) *If, in the council's opinion, a submission is —*

- (a) *one of a minor nature; and*
- (b) *not one about which public submissions need be invited,*

the local government may either propose to the Advisory Board that the submission be rejected or deal with it under clause 5(b).*

** Absolute majority required.*

(3) *If, in the council's opinion —*

- (a) *a submission is substantially similar in effect to a submission about which the local government has made a decision (whether an approval or otherwise) within the period of 2 years immediately before the submission is made; or*
- (b) *the majority of effected electors who made the submission no longer support the submission,*

the local government may reject the submission.

- (4) *Unless, under subclause (2) or (3), the local government rejects, or proposes to reject, the submission or decides to deal with it under clause 5(b), the local government is to carry out a review of whether or not the order sought should, in the council's opinion, be made.*

[Clause 4 amended by No. 49 of 2004 s. 68(2)-(4).]

5. *Local government may propose ward changes or make minor proposals*

A local government may, whether or not it has received a submission —

- (a) *carry out a review of whether or not an order under section 2.2, 2.3(3) or 2.18 should, in the council's opinion, be made; or*
 - (b) *propose* to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3) if, in the opinion of the council, the proposal is —*
 - (i) *one of a minor nature; and*
 - (ii) *not one about which public submissions need be invited;*
- or*
- (c) *propose* to the Minister the making of an order changing the name of the district or a ward.*

** Absolute majority required.*

6. *Local government with wards to review periodically*

- (1) *A local government the district of which is divided into wards is to carry out reviews of —*
- (a) *its ward boundaries; and*
 - (b) *the number of offices of councillor for each ward,*
- from time to time so that not more than 8 years elapse between successive reviews.*
- (2) *A local government the district of which is not divided into wards may carry out reviews as to —*
- (a) *whether or not the district should be divided into wards; and*
 - (b) *if so —*
 - (i) *what the ward boundaries should be; and*
 - (ii) *the number of offices of councillor there should be for each ward,*
- from time to time so that not more than 8 years elapse between successive reviews.*
- (3) *A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.*

[Clause 6 amended by No. 49 of 2004 s. 68(5) and (6).]

7. *Reviews*

- (1) *Before carrying out a review a local government has to give local public notice advising —*
- (a) *that the review is to be carried out; and*
 - (b) *that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.*

- (2) *In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.*

8. *Matters to be considered in respect of wards*

Before a local government proposes that an order be made —

- (a) *to do any of the matters in section 2.2(1), other than discontinuing a ward system; or*
- (b) *to specify or change the number of offices of councillor for a ward,*

or proposes under clause 4(2) that a submission be rejected, its council is to have regard, where applicable, to —

- (c) *community of interests; and*
- (d) *physical and topographic features; and*
- (e) *demographic trends; and*
- (f) *economic factors; and*
- (g) *the ratio of councillors to electors in the various wards.*

[Clause 8 amended by No. 49 of 2004 s. 68(7).]

9. *Proposal by local government*

On completing a review, the local government is to make a report in writing to the Advisory Board and may propose to the Board the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit.*

** Absolute majority required.*

10. *Recommendation by Advisory Board*

- (1) *Where under clause 5(b) a local government proposes to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3), and the Board is of the opinion that the proposal is —*
 - (a) *one of a minor nature; and*
 - (b) *not one about which public submissions need be invited,**the Board, in a written report to the Minister, is to recommend the making of the order but otherwise is to inform the local government accordingly and the local government is to carry out a review.*
- (2) *Where under clause 9 a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8 that, in the Board's opinion, correctly takes into account the matters referred to in clause 8(c) to (g), the Board, in a written report to the Minister, is to recommend the making of the order.*
- (3) *Where a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8, or that a submission under clause 4(2) be rejected, that, in the Board's opinion, does not correctly take into account the matters referred to in that clause —*
 - (a) *the Board may inform the local government accordingly and notify the local government that a proposal that does correctly take those matters into account is to be made within such time as is set out in the notice; and*
 - (b) *if the local government does not make a proposal as required by a notice under paragraph (a), the Board may, in a written report to the Minister, recommend**

the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account those matters.

** Absolute majority required.*

- (4) *Where a local government fails to carry out a review as required by clause 6, the Advisory Board, in a written report to the Minister, may recommend* the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account the matters referred to in clause 8.*

** Absolute majority required.*

[Clause 10 amended by No. 49 of 2004 s. 68(8).]

11. *Inquiry by Advisory Board*

- (1) *For the purposes of deciding on the recommendation, if any, it is to make under clause 10(3)(b) or (4), the Advisory Board may carry out any inquiry it thinks necessary.*
- (2) *The Advisory Board may recover the amount of the costs connected with an inquiry under subclause (1) from the local government concerned as if it were for a debt due.*

12. *Minister may accept or reject recommendation*

- (1) *The Minister may accept or reject a recommendation of the Advisory Board made under clause 10.*
- (2) *If the recommendation is accepted the Minister can make a recommendation to the Governor for the making of the appropriate order.*

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The review process will incur administration costs for advertising and staff time but this will be within current budget provisions.

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 8.3.7

MOVED: Cr Kaltenrieder

SECONDED: Cr Aird

That following:

- A review of wards and representation.
- A call for submissions.

Council not seek to make any changes to wards or representation at this time.

That the CEO write to the Advisory Board to report that Council:

- Reviewed wards and representation
- Sought submissions but received none
- Council does not seek to make any changes to wards or representation at this time but will continually monitor the position.
- Took the five factors prescribed in the Schedule 2.2 of the Local Government Act into account in the review and include the relevant text as contained in this report.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 36/17

9 COMMITTEE MINUTES

9.1.1 Minutes of the South West Zone Meeting

Location: N/A

Applicant: N/A

File:

Disclosure of Officer Interest: Nil

Date: 9 March 2017

Author: Alan Lamb - CEO

Attachments: Yes – Minutes

BACKGROUND

The South West Zone meeting was held on 24 February 2017.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.1

MOVED: Cr Oversby

SECONDED: Cr Muncey

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

CARRIED 8/0

Res 37/17

9.1.2 Minutes of the South West Regional Waste Group

Location: N/A
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 9 March 2017
Author: Alan Lamb - CEO
Attachments: Yes – Minutes

BACKGROUND

The South West Regional Waste Group meeting was held on 23 February 2017. Minutes of the meeting are laid on the table and circulated.

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.2

MOVED: Cr Oversby

SECONDED: Cr Muncey

That the minutes of the South West Regional Waste Group meeting be received.

CARRIED 8/0

Res 38/17

9.1.3 Minutes of the Audit and Finance Committee

Location: N/A
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 9 March 2017
Author: Alan Lamb - CEO
Attachments: Minutes to be tabled

BACKGROUND

The Audit and Finance Committee met at 2pm 16 March 2017 in order to review the 2016 Annual Compliance Return and then recommend it to Council for adoption.

The following is the Officer recommendation for consideration and resolution by the Committee:

That the Audit and Finance Committee report that its review of the 2016 Compliance Audit Return has determined as follows:

(a) The 2016 Compliance Audit was conducted in-house by the shire's Corporate Services business unit, and took place during 01 - 09 March 2017.

(b) The compliance audit provides both the Council and Chief Executive Officer (CEO) with an additional element of accountability through an arm's length check of internal management systems, procedures and record keeping.

(c) The 2016 Compliance Audit Return was prepared in a form (secure electronic return system) approved by the Minister, and comprised eighty seven (87) items in nine (9) categories.

(d) The Corporate Services audit involved an examination of the records of the shire and the provision of information and advice from relevant shire employees. Further, it consisted of an inspection, on a test basis, of evidence supporting the status of compliance. The process consisted of a comprehensive audit test check of items such as: the various Council meeting minutes; primary and annual return registers; financial interest disclosures; and tender and other statutory registers. Other items in the Return were the subject of examination based upon a detailed check of relevant records.

(e) The Audit and Finance Committee added additional scrutiny, including local first hand knowledge of some of the matters.

(f) As in 2015, The standard of compliance in 2016 was very high. For contextual purposes, in 2015 non-compliance or partial non-compliance related to 3 of the 87 items included in the return, and in 2016 there was one instance of non-compliance or partial non-compliance (and see item 6 of the Finance category in the completed 2016 Compliance Audit Return attached). The non-compliance is in relation to s. 7.9(1) of the *Local Government Act 1995* which requires the shire's auditor, by the 31 December 2016, to examine the accounts and annual financial report submitted for audit and, to prepare a report thereon and forward a copy of that report to: the president; the CEO; and the Minister. The receiving of the auditor's report was delayed as the bringing of revaluations of assets to account in 2015-16 caused the audit process to be deferred from late in October 2016 to the first week in December. When meeting with Council on 16 February 2016, the auditor indicated that revaluations of assets had been an issue for local governments generally. Notwithstanding that practical completion of the 2015-16 Annual Financial Statements occurred on 21 December 2016, as the auditors closed for holidays on 23 December 2016, it occurred that some matters remained unresolved and their report was not received until 12 January 2017.

2. That the Audit and Finance Committee recommends that Council adopts the 2016 Annual Compliance Return, and that the Shire President and CEO certify the return for submission to the Executive Director (*Department of Local Government and Community*) by 31 March 2017.

COUNCIL DECISION AND COMMITTEE RECOMMENDATION – Item 9.1.3

MOVED: Cr Kaltenrieder

SECONDED: Cr Imrie

That Council adopts the 2016 Annual Compliance Return, and that the Shire President and CEO certify the return for submission to the Executive Director (*Department of Local Government and Community*) by 31 March 2017.

CARRIED 8/0

Res 39/17

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Review Annual Awards policy

Notice of motion from Cr Imrie

MOTION

MOVED: Cr Imrie

SECONDED: Cr Oversby

That Council review its policy on Annual Awards for Australia Day.

CEO COMMENT

The Annual Awards for Australia Day Policy has been the subject of review a number of times over the past few years. There was a call from past Councillor Norm Blackburn for the policy to be reviewed again, in particular with regard to announcing the names of all nominees at the awards ceremony on Australia Day.

Traditionally there has been a high level of confidentiality regarding nominations and award recipients. This practice was common to many Council's. In recent times however Councillors and other community members have questioned the need for such confidentiality. Issues with keeping award recipient's names secret included occasions where recipients were not at the function. More lately the idea of announcing the names of nominees has been raised. The argument for has included public recognition of what people do in the community.

It is recommended that Council conducts the review as moved by Councillor Imrie. It is an important function of the Council to conduct Australia Day ceremonies and to make awards to recognise significant community contributions. Whilst the need for policies is not questioned, there is also a need for the policies to be in line with Council and community thinking. The current policy has been brought into question and it is fitting then to review it.

CARRIED 8/0

Res 40/17

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

Nil

Behind Closed Doors

The next part of the meeting be closed to staff and members of the public to allow the Council to consider item 12.1.1.

The following public and staff members left the Chambers at 6.07pm.

Mr Alan Lamb

Mr Stephen Carstairs

Mr Rob Staniforth-Smith

Ms Kerry Fisher

Mr Doug Corker

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

12.1.1 CEO - renewal of contract

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 12.1.1

MOVED: Cr Kaltenrieder

SECONDED: Cr Oversby

That Council Resolve to renew the CEO, Alan Lamb's, contract for a further five years commencing from 18 August 2017.

CARRIED 5/3

Res 41/17

Request for Vote to be recorded

Cr Moir requested that the vote of all Councillors be recorded.

For

Cr Giles

Cr Oversby

Cr Rear

Cr Aird

Cr Kaltenrieder

Against

Cr Moir

Cr Imrie

Cr Muncey

13 CLOSURE OF MEETING

There being no further business the Chairman declared the meeting closed at 6.57pm.