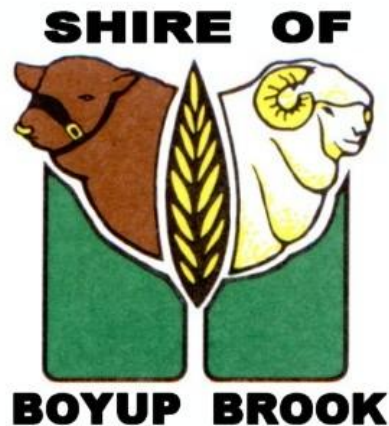


# Minutes



**ORDINARY MEETING**

held

**THURSDAY 20 April 2017**  
**Commenced AT 5.00PM**

**AT**

**SHIRE OF BOYUP BROOK**  
**CHAMBERS**  
**ABEL STREET - BOYUP BROOK**

## **TABLE OF CONTENTS**

<b>1</b>	<b>RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED .....</b>	<b>3</b>
<b>2</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>3</b>
<b>3</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>3</b>
<b>4</b>	<b>PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS .....</b>	<b>4</b>
<b>5</b>	<b>CONFIRMATION OF MINUTES .....</b>	<b>4</b>
<b>6</b>	<b>PRESIDENTIAL COMMUNICATIONS .....</b>	<b>4</b>
<b>7</b>	<b>COUNCILLORS QUESTIONS ON NOTICE.....</b>	<b>4</b>
<b>8.1</b>	<b>MANAGER WORKS &amp; SERVICES.....</b>	<b>5</b>
8.1.1	10 Year Works Programs.....	5
<b>8.2</b>	<b>FINANCE.....</b>	<b>7</b>
8.2.1	List of Accounts Paid in March 2017.....	7
8.2.2	31 March 2017 Statement of Financial Activity .....	10
<b>8.3</b>	<b>CHIEF EXECUTIVE OFFICER.....</b>	<b>12</b>
8.3.1	Local Government Convention and Exhibition.....	12
8.3.2	Development (Outbuilding and Patio's) – Lot 200 Winnejup Road, Mayanup .....	15
8.3.3	Development – Outbuilding (sea container) - 52 Jayes Road (Reserve 7065) .....	20
8.3.4	Subdivision Application (WAPC Ref 154996) - Lot 11112 Gibbs Road, Boyup Brook.....	25
8.3.5	Central Business District Parking Plan.....	30
<b>9</b>	<b>COMMITTEE MINUTES.....</b>	<b>32</b>
9.1.1	Minutes of the Local Emergency Management Committee .....	32
9.1.2	Minutes of the Audit & Finance Committee Meeting .....	33
<b>10</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>34</b>
10.1	Cr Kaltenrieder .....	34
<b>11</b>	<b>URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT.....</b>	<b>35</b>
11.1	Addendum to Pioneer Museum Lease .....	35
<b>12</b>	<b>CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS.....</b>	<b>37</b>
<b>13</b>	<b>CLOSURE OF MEETING.....</b>	<b>37</b>

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

**1.1 Attendance**

Cr G Aird – Deputy Shire President

Cr J Imrie

Cr P Kaltenrieder

Cr K Moir

Cr 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)

**1.2 Apologies**

Cr M Giles - Shire President

**1.3 Leave of Absence**

**2 PUBLIC QUESTION TIME**

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

**3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

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

Cr Imrie attended a Museum meeting.

Cr Imrie informed Council that the next Annual General Meeting will be held on 10th May 2017 at 3pm.

Cr Imrie, Cr Rear, Cr Muncey and Cr Kaltenrieder attended the Progress Association meeting.

Cr Oversby informed Council that the Southern Forrest & Valley Steering Committee is interested inviting Boyup Brook and Balingup to join their group.

Cr Kaltenrieder attended the following:

- Strategic Planning workshop.
- Anzac Service at the School.
- Blackwood Basin Group meeting
- CRC meeting and special meeting.

Cr Aird attended the Regional Road Group meeting on 27th March 2017.

#### **5 CONFIRMATION OF MINUTES**

##### **5.1 Ordinary Meeting of Council - Thursday 16 March 2017**

##### **COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Muncey**

**SECONDED: Cr Imrie**

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

**CARRIED 6/0**

**Res 46/17**

#### **6 PRESIDENTIAL COMMUNICATIONS**

Nil

#### **7 COUNCILLORS QUESTIONS ON NOTICE**

Nil

Cr Moir arrived in the Chambers at 5.20pm

## **8 REPORTS OF OFFICERS**

### **8.1 MANAGER WORKS & SERVICES**

<b>8.1.1 10 Year Works Programs</b>
-------------------------------------

<b>Location:</b>	<i>Shire of Boyup Brook</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>7<sup>th</sup> of April, 2017</i>
<b>Author:</b>	<i>Rob Staniforth-Smith - MWKS</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>10 year resheeting program, 10 year reseal program, 10 year maintenance program, 10 year footpath program, 10 year widening program, 10 year plant replacement program</i>

---

#### **SUMMARY**

The purpose of this report is to put the 10 year Works Programs to Council for endorsement as a basis for budget development and inclusion in the Integrated Planning Project.

#### **BACKGROUND**

As a requirement of the Integrated Planning program the 10 year Works Programs form an integral part of the budget preparation process.

The 10 year Works Programs are revised annually to accommodate changes to proposed works projects and budget considerations.

#### **COMMENT**

The 10 year Works Programs have been prepared for the 2017-2018 budget considerations and future years costing have been calculated in terms of current dollar values.

As previously noted the Works Programs will be revised annually so that budget estimates can be adjusted to current dollar values.

These plans are “anticipated projects” and may change throughout the year.

**CONSULTATION**

Chief Executive Officer

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

2013-2023 Strategic Community Plan

2014-2017 Corporate Business Plan

**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 8.1.1**

**MOVED: Cr Oversby**

**SECONDED: Cr Kaltenrieder**

**That the Council endorse the 2017/2018 to 2026/2027 Ten Year Works Programs as presented, for budget development and inclusion in the Strategic Plan.**

**CARRIED 7/0**

**Res 47/17**

## **8.2 FINANCE**

### **8.2.1 List of Accounts Paid in March 2017**

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/1/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>10 April 2017</i>
<b>Author:</b>	<i>Kerry Fisher – Manager of Finance</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes – List of Accounts Paid in March</i>

---

#### **SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in March 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 31 March 2017.

#### **COMMENT**

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

**MOVED: Cr Rear**

**SECONDED: Cr Oversby**

**That at its April 2017 ordinary meeting Council receive as presented the list of accounts paid in March 2017, totalling \$630,118.86 from Municipal account and \$4,347.94 from the Trust account and as represented by:**

<b>Municipal Cheques</b>	<b>20050 - 20064</b>	<b>\$92,360.97</b>
<b>Municipal Electronic Payments</b>	<b>5124 - 5261</b>	<b>\$346,441.54</b>
<b>Municipal Direct Payments</b>		<b>\$191,316.35</b>
<b>Trust Fund Cheques</b>	<b>2082 - 2086</b>	<b>\$4,347.94</b>

**CARRIED 7/0**

**Res 48/17**

<b>8.2.2 31 March 2017 Statement of Financial Activity</b>
--

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

---

### **SUMMARY**

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

**MOVED: Cr Oversby**

**SECONDED: Cr Kaltenrieder**

**That having regard for any material variances, Council receive the 31 March 2017 Statement of Financial Activity and Statement of Net Current Assets, as presented.**

**CARRIED 7/0**

**Res 49/17**

### **8.3 CHIEF EXECUTIVE OFFICER**

<b>8.3.1 Local Government Convention and Exhibition</b>
---

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

---

#### **SUMMARY**

The 2017 Local Government Convention and Exhibition will be held 2nd August to 4th August 2017 inclusive . This report recommends that Council be represented at the convention and nominate delegates accordingly.

#### **BACKGROUND**

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

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

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

#### **COMMENT**

Convention Registration generally closes early in July each year.

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

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

Whilst it is often hard to quantify the benefit of attending conferences, this annual association get together does provide the opportunity to view a range of vendors wares (ranging from equipment such as graders, backhoes and the like to computer programs, lighting, park and street furniture) and to speak at length

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

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

### **CONSULTATION**

Not applicable

### **STATUTORY OBLIGATIONS**

Nil

### **POLICY IMPLICATIONS**

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

Objective

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

Statement

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

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

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

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

Cr Muncey left the Chambers at 5.30pm.

Cr Muncey returned to the Chambers at 5.33pm.

### **BUDGET/FINANCIAL IMPLICATIONS**

Expenditure will be incurred in 2017/18 and would be budgeted accordingly.

### **STRATEGIC IMPLICATIONS**

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

### **SUSTAINABILITY ISSUES**

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

### **VOTING REQUIREMENTS**

Simple Majority

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

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr Oversby**

**That:-**

- 1. Cr Aird, Cr Kaltenrieder, Cr Oversby and the CEO attend the 2017 Local Government convention and exhibition and expenses incurred be paid by the Shire, as per Council Policy M.01.**
- 2. Councillor Kaltenrieder and Cr Aird be authorised voting delegates and that Councillor Oversby and CEO be authorised deputy voting delegates.**

**CARRIED 5/2**

**Res 50/17**

### **Request for Votes to be recorded**

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

<b>FOR</b>	<b>AGAIN</b>
<b>Cr Aird</b>	<b>Cr Muncey</b>
<b>Cr Kaltenrieder</b>	<b>Cr Rear</b>
<b>Cr Moir</b>	
<b>Cr Oversby</b>	
<b>Cr Imrie</b>	

**8.3.2 Development (Outbuilding and Patio's) – Lot 200 Winnejup Road, Mayanup**

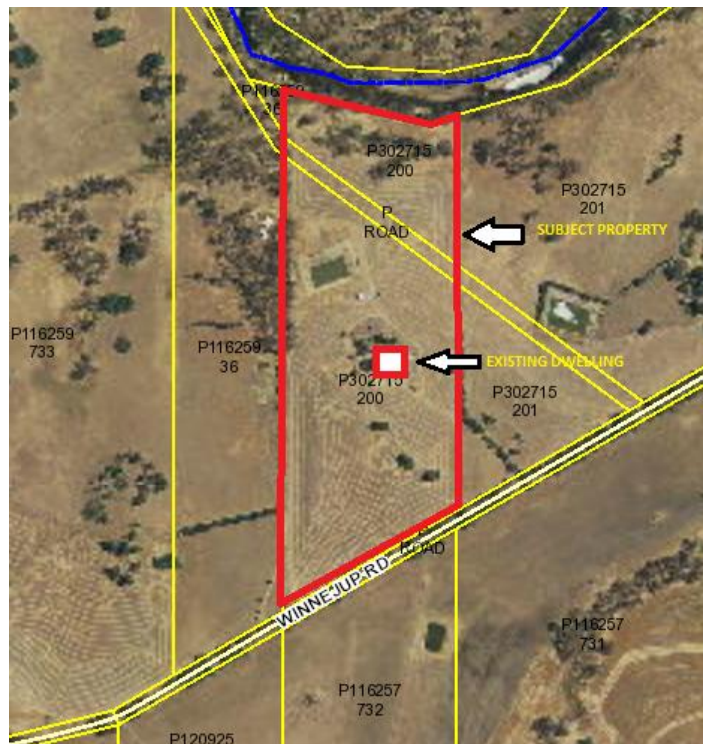
**Location:** Lot 200 Winnejup Road.  
**Applicant:** Outdoor World (Wangara).  
**File:** A13630  
**Disclosure of Officer Interest:** None  
**Date:** 20 April 2017  
**Author:** A. Nicoll, Town Planner  
**Authorizing Officer:** Alan Lamb, Chief Executive Officer  
**Attachments:** Nil

---

**SUMMARY**

The purpose of this report is to put before Council the request to develop an Outbuilding and 2 x Patio's at Lot 200 Winnejup Road, Mayanup.

The subject property is located 8.6km from the Mayanup Townsite, on the Winnejup Road.



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.*

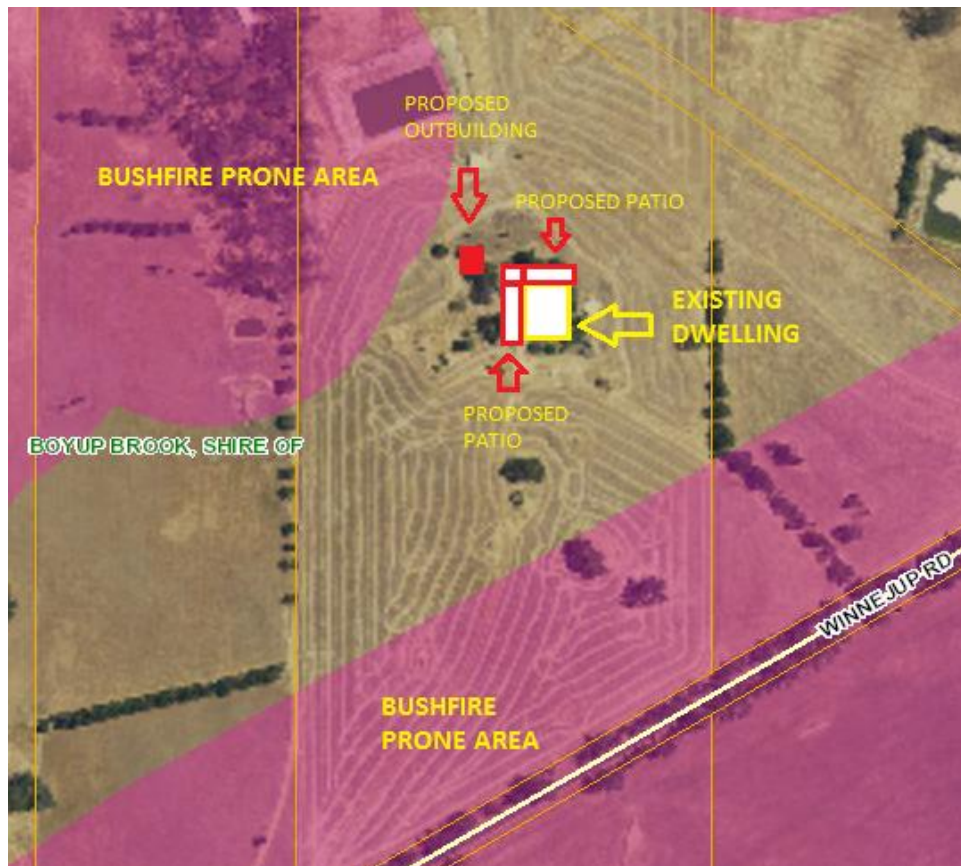
It is recommended that the Council agree to support the proposed outbuilding and patios.

### **BACKGROUND**

An application requesting approval to develop an outbuilding and 2 x patios was lodged with the Shire.

The proposed developments are not located within designated bushfire prone areas, which means a Bushfire Attack Level Assessment is not required to accompany planning or building assessment.

The following plan shows location of proposed development relative to bushfire prone areas.





## **COMMENT**

### **Patios**

The patios are proposed to be attached to the northern and western walls of the existing dwelling.

The patio on the western side has a flat roof and the patio on the northern side has a gable roof.

### **Outbuilding**

The outbuilding is proposed to be located approximately 12m to the north of the existing dwelling.

The outbuilding is 8.9m long x 5.9m wide, which amounts to a floor area of approximately 52m<sup>2</sup>. The wall and roof heights amount to 3m and 3.5m.

The walls are proposed to be developed out of colourbond material, and the gable roof out of zincalume.

## **STATUTORY OBLIGATIONS**

There are no statutory implications relating to the proposed developments.

The subject property is zoned 'Rural' in accordance with the Shire's *Local Planning Scheme 2*.

Clause 5.2.5 of the Shire's scheme states:

*No building development shall be located within 10 metres of any boundary of a lot in the Rural Zone.*

The proposed developments are setback in excess of the 10m minimum.

As previously stated, Bushfire Attack Level assessment is not necessary in this instance, as the proposed developments are not located within the designated Bushfire Prone Area.

## **POLICY IMPLICATIONS**

There are no policy implications relating to the proposed developments.

The proposed outbuilding complies with standards stipulated in the Shire's Outbuilding Policy.

## **VOTING REQUIREMENTS**

Simple majority

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

**MOVED: Cr Oversby**

**SECONDED: Cr Rear**

**That Council**

Grants development approval for Lot 200 Winnejup Road, Mayanup, for the purpose of Outbuilding and Patios (X2), subject to the following notice:

***Planning and Development Act 2005***

**Shire of Boyup Brook**

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

Location: Lot 200 Winnejup Road, Mayanup

Description of proposed development:

**Outbuilding and Patios (X2)**

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. The outbuilding hereby approved shall not be used for any commercial or industrial use, or for human habitation, unless otherwise agreed in writing by the Shire of Boyup Brook.
3. All stormwater is to be managed and contained on-site, to the satisfaction of the Shire of Boyup Brook.

4. No processes being conducted on the property that may cause a detriment to the amenity of that area by reason of contamination, noise, vibration, smell, fumes, dust or grit.

Date of determination: 20 April 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.

**CARRIED 7/0**

**Res 51/17**

**8.3.3 Development – Outbuilding (sea container) - 52 Jayes Road (Reserve 7065)**

<b>Location:</b>	52 Jayes Road (Reserve 7065)
<b>Applicant:</b>	Boyup Brook Arts & Craft Club
<b>File:</b>	A1994
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	20 April 2017
<b>Author:</b>	A. Nicoll, Town Planner
<b>Authorizing Officer:</b>	Alan Lamb, Chief Executive Officer
<b>Attachments:</b>	Nil

---

**SUMMARY**

The purpose of this report is to put before Council the request to develop a sea container, alongside the existing Arts & Craft building, at 52 Jayes Road.

Council discretion is required in accordance with the Shire's *Local Planning Scheme 2*, clause 2.1.3, which states:

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

It is recommended that the Council agree to support the proposed sea container.

**BACKGROUND**

The Boyup Brook Arts and Craft Club submitted an application to develop a sea container at 52 Jayes Road.

The property the subject of the application is approximately 1000m<sup>2</sup> in area and is currently occupied by an existing building, which is used for the development of arts and craft.

**COMMENT**

The sea container is 6m long by 3m wide.

The sea container is proposed to be setback approximately 25m from Jayes Road and approximately 6m from a neighbouring side property boundary.

The sea container is proposed to clad in a cream colour, which is in-keeping with the colour of the existing craft shed.

The sea container is proposed to be used for the storage of craft moulds.

### **CONSULTATION**

N/A

### **STATUTORY OBLIGATIONS**

The subject property is identified in the Shire's *Local Planning Scheme 2* as a 'Reserve' (7065) for 'Public Purpose'.

Clause 2.1.3 of the Shire's Scheme states:

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

### **POLICY IMPLICATIONS**

As per the Shire's Outbuilding Policy P.04, Council discretion is required on assessment of:

- The appearance of sea containers in contrast to existing development; and
- The screening of sea containers to the street.

The application complies with the Shire's Outbuilding Policy on the following grounds: the Sea Container is proposed to be painted a cream colour, in-keeping with the existing building.

It is recommended that a condition of development be included requiring the planting of vegetation to enhance the appeal of the property to the street.

### **BUDGET/FINANCIAL IMPLICATIONS**

There are no financial implications in relation to the application.

### **VOTING REQUIREMENTS**

Simple majority

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

**MOVED: Cr Rear**

**SECONDED: Cr Kaltenrieder**

**That Council**

Grants development approval for 52 Jayes Road, Boyup Brook, for the purpose of Outbuilding (sea container) subject to the following notice:

**Planning and Development Act 2005**

**Shire of Boyup Brook**

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

Location: 52 Jayes Road, Boyup Brook

Description of proposed development:

**Outbuilding (Sea Container)**

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. The outbuilding (sea container) hereby approved shall not be used for human habitation, unless otherwise agreed in writing by the Shire of Boyup Brook.
3. The external colour of the outbuilding (sea container) is to be in-keeping with the colour of the existing Art and Craft building, located at 52 Jayes Road.
4. Vegetation for the purpose of screening is to be planted and maintained between the Outbuilding (Sea Container) and Jayes Road.
5. All stormwater is to be managed and contained on-site, to the satisfaction of the Shire of Boyup Brook.
6. No processes being conducted on the property that may cause a detriment to the amenity of that area by reason of contamination, noise, vibration, smell, fumes, dust or grit.

Date of determination: 20 April 2017

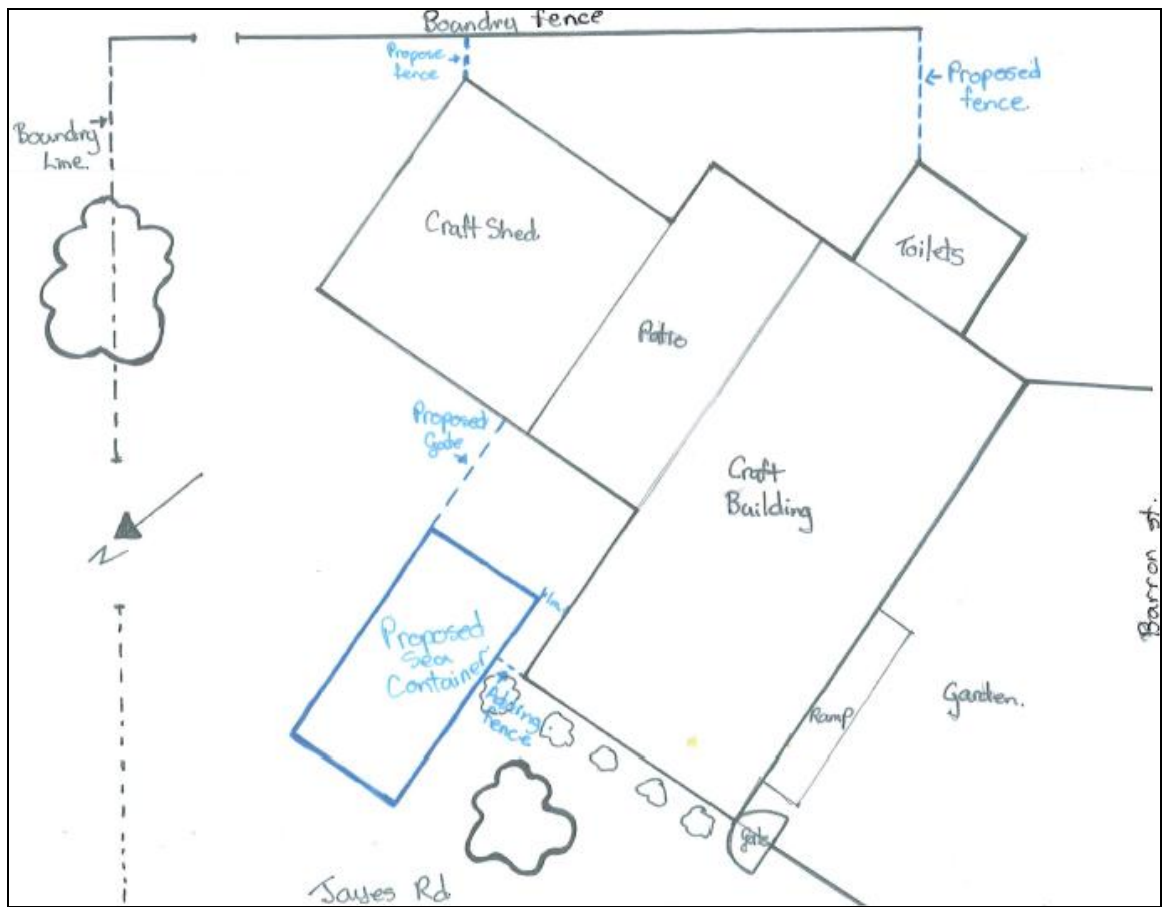
- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- Note 2: Where an approval has so lapsed, no development 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



CARRIED 7/0

Res 52/17



**8.3.4 Subdivision Application (WAPC Ref 154996) - Lot 11112 Gibbs Road, Boyup Brook.**

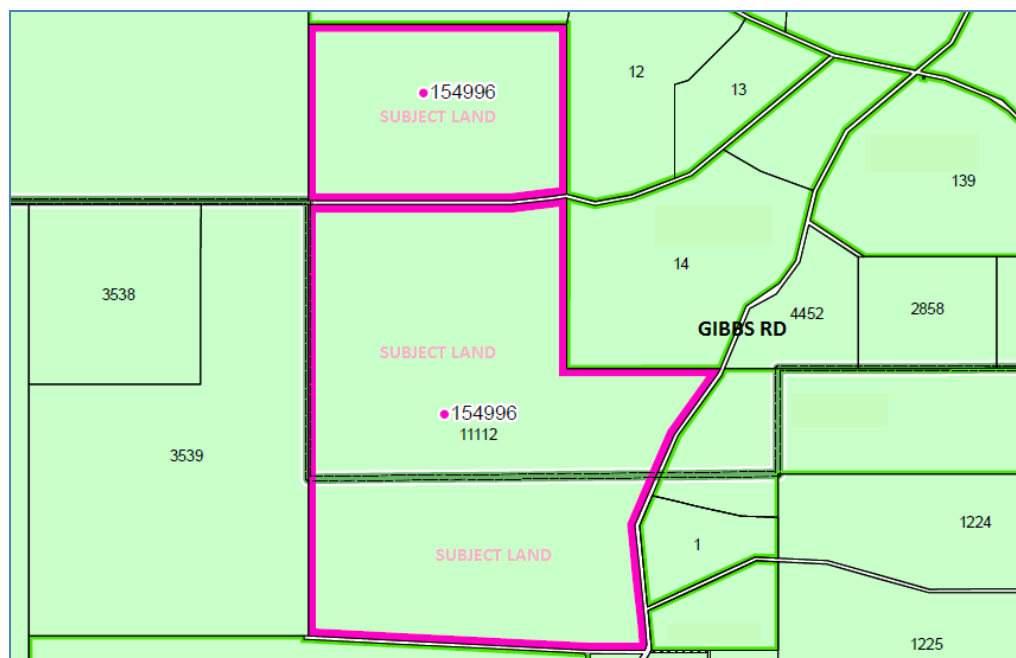
**Location:** Lot 11112 Gibbs Road, Boyup Brook  
**Applicant:** Thompson Surveying Consultants  
**File:** A5770  
**Disclosure of Officer Interest:** None  
**Date:** 20 April 2017  
**Author:** A. Nicoll, Town Planner  
**Authorizing Officer:** Alan Lamb, Chief Executive Officer  
**Attachments:** Nil

---

**SUMMARY**

The Shire's *Local Planning Scheme 2* has zoned the subject land - 'Rural'.

The following plan indicates the subject land (purple border) and the rural zone (green shading).



Council is requested to agree to advise the WAPC not to support the proposed 'Rural' Lot 11112 Gibbs Road, subdivision (1 lot into 4 lots) for the following reasons:

1. The subdivision is not in accordance with the Shire's *Local Planning Scheme 2*, clause 5.2.2, which states: *Council shall encourage the continued use of land within the Rural Zone for the entire spectrum of broad-acre and intensive rural activities.*

Note: Due to infertile soil and limited rainfall and groundwater resources in the subject area, intensive rural activities are not suitable and large landholdings are necessary to generate broad-acre agricultural activities.

And

2. The subdivision is not in accordance with the State's *Development Control Policy 3.4 Subdivision of Rural Land*, which limits subdivision potential to the following criteria:
  - a) To adjust boundaries, whilst not creating additional lots;
  - b) To protect and actively conserve places of cultural and natural heritage and significant environmental features and remnant vegetation;
  - c) To allow for the efficient provision of utilities and infrastructure and/or for access to natural resources; and
  - d) To allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operations and provided the homestead lot has an area between one and four hectares, or up to 20 hectares to respond to the landform and include features such as existing outbuildings, services or water sources.

### **BACKGROUND**

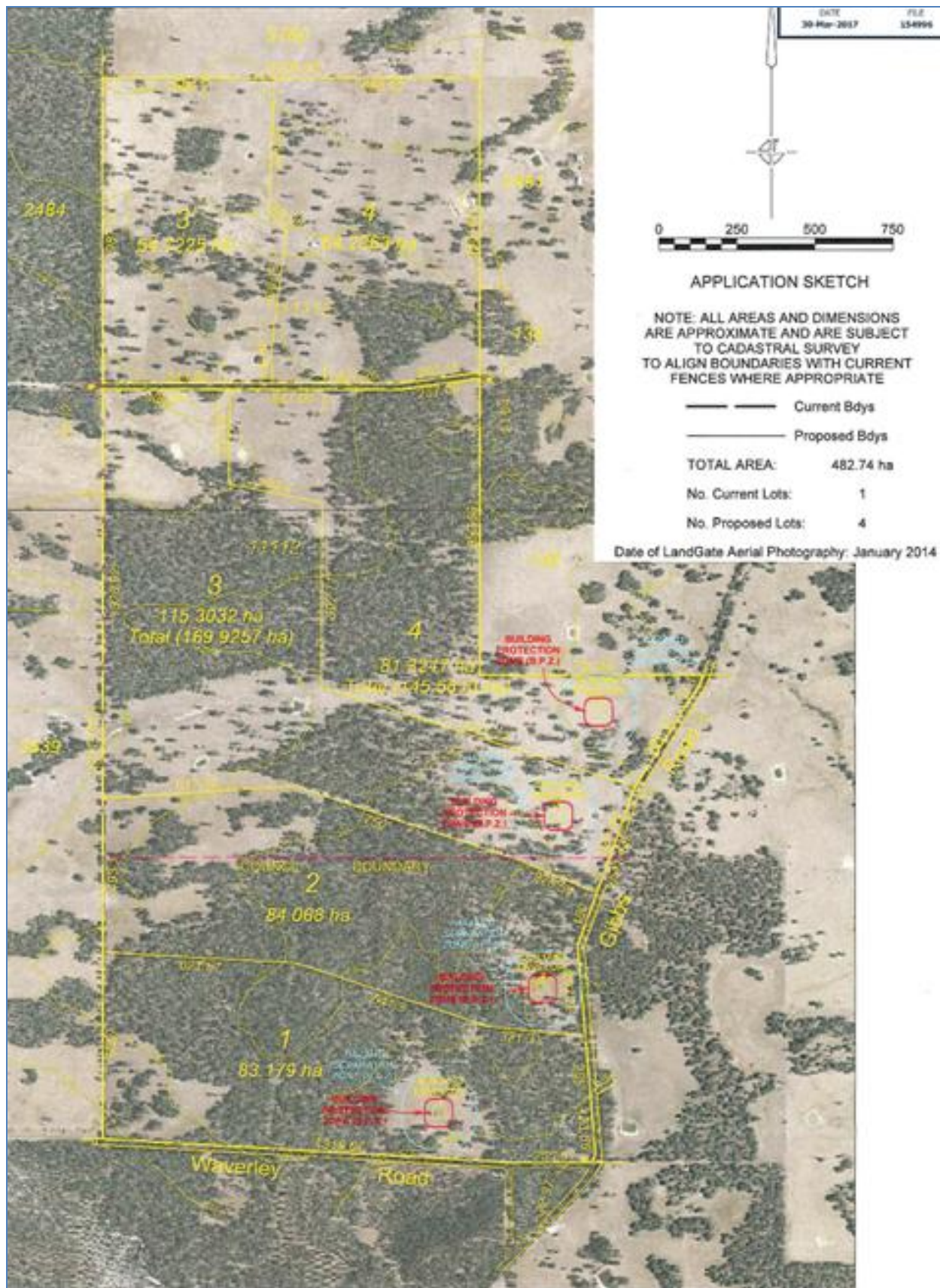
The WAPC received an application to subdivide Lot 11112 from one lot into four lots.

The existing lot is approximately 482 hectares in area and the proposed lots range from approximately 80 to 170 hectares.

A Bushfire Management Plan has been submitted, to justify in accordance with *State Planning Policy 3.7 Planning in Bushfire Prone Areas*, that development may be satisfactorily located on the proposed lots, to achieve a Bushfire Attack Level rating at 29kw/m<sup>2</sup> or below.

Note: Unless exceptional circumstances apply, there is a presumption against approving subdivision that will result in the introduction or intensification of development or land use in an area that has or will, on completion, have a Bushfire Attack Level rating of 40kw/m<sup>2</sup> or is within the flame zone.

The WAPC forwarded the application to the Shire of Boyup Brook requesting information, comment or recommended conditions by the 18 May 2017.



### CONSULTATION

N/A

### **STATUTORY OBLIGATIONS**

Subdivision of rural land, in the form proposed (1 lot into four lots) does not comply with the Shire's *Local Planning Scheme 2*.

As stated in the Scheme 2 (clause 5.2.2);

*Council shall encourage the continued use of land within the Rural Zone for the entire spectrum of broad-acre and intensive rural activities.*

### **POLICY IMPLICATIONS**

Subdivision of rural land, in the form proposed (1 lot into four lots) does not comply with the *Development Control Policy 3.4 Subdivision of Rural Land*.

The State's *Development Control Policy 3.4 Subdivision of Rural Land*, limits subdivision to the following criteria:

1. To adjust boundaries, whilst not creating additional lots;
2. To protect and actively conserve places of cultural and natural heritage and significant environmental features and remnant vegetation;
3. To allow for the efficient provision of utilities and infrastructure and/or for access to natural resources; and
4. To allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operations and provided the homestead lot has an area between one and four hectares, or up to 20 hectares to respond to the landform and include features such as existing outbuildings, services or water sources.

### **COMMENT**

As stated previously, the proposed subdivision does not comply with statutory and policy standards for the rural zone.

The subject land is considered to have poor soil fertility and low rainfall and groundwater storage capacity, which limits the potential for intensive rural activities (e.g. horticulture).

The potential to undertake agricultural activities on the subject land is therefore limited to broad-acre agricultural, which needs large landholdings in-order to be economically viable.

Opportunities for the creation of additional small holdings exist in appropriately zoned areas around the Boyup Townsite, where greater accessibility to services (e.g. shopping, medical and employment) exist.

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple majority

**MOVED INTO COMMITTEE**

**MOVED: Cr Oversby**

**SECONDED: Cr Kaltenrieder**

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

**CARRIED 7/0**

**Res 53/17**

**MOVED OUT OF COMMITTEE**

**MOVED: Cr Oversby**

**SECONDED: Cr Imie**

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

**CARRIED 7/0**

**Res 54/17**

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.4**

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr Muncey**

**That Council**

**1. Agree to advise the WAPC that it does support the proposed rural lot 11112 Gibbs Road, subdivision (1 lot into 4 lots) and seeks the following condition.**

- a) Suitable arrangements being made with the Shire Boyup Brook for the provision of vehicular crossover(s) to service the lots shown on the approved plan of subdivision.**

**NOTE:**

**It is considered that the lot is unviable in its current form.**

**CARRIED 7/0**

**Res 55/17**

<b>8.3.5 Central Business District Parking Plan</b>
---

<b>Location:</b>	N/A
<b>Applicant:</b>	Daly Winter - Manager Community & Regulatory Services
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	11 April 2017
<b>Author:</b>	Daly Winter - Manager Community & Regulatory Services
<b>Authorizing Officer:</b>	Alan Lamb - Chief Executive Officer
<b>Attachments:</b>	Yes – Updated Parking Plan 2017

---

#### **SUMMARY**

This report recommends that Council approve this new draft Central Business District Parking Plan for the Town of Boyup Brook. The revised plan will then be put out for public comment and consultation.

Officers will then reviewed and if necessary amend the plan and then a final plan will be brought back to Council for adoption.

#### **BACKGROUND**

Council has received and continues to receive complaints about parking in the Central Business District (CBD), typically regarding people parking in front of businesses all day preventing through business from being able to stop. This proposed plan takes into account comments from businesses, the public and the Shire Ranger.

Main Roads have resealed Abel and Bridge Streets and as such Council will need to re-line mark the car parking bays which gives us a perfect opportunity to make adjustments and modifications.

The intention is to put the draft CBD parking plan out for public comment. Officers will then review and if necessary amend the plan and then a final draft plan will be brought back to Council for adoption.

Control will be in the form of signage and no standing bays.

#### **COMMENT**

Parking is not a big issue in the town of Boyup Brook but there is a need to address the concerns expressed by business owners and other community

members. Long term parking in front of businesses that rely on “through custom” does impact on the businesses viability as does short term parking in front of businesses that rely on “longer appointment and service times”. A balance is required between both short and long term parking which also needs to be easily identified and supported by the community at large.

### **CONSULTATION**

Chief Executive Officer, Director of Works and Services, Manager Community & Regulatory Services, Shire Ranger, local Businesses and public comment.

### **STATUTORY OBLIGATIONS**

Nil.

### **POLICY IMPLICATIONS**

Nil.

### **BUDGET/FINANCIAL IMPLICATIONS**

Line marking nil, as this needs to occur following the reseal of the road. Signage will cost in the order of \$4000 to erect. it is intended that this work be done in 2017/18 and so there will be no impact on the current budget.

### **STRATEGIC IMPLICATIONS**

Nil.

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
Nil.
- **Economic**  
Short term parking in front of the service businesses will allow greater access to the public wishing to use these businesses.
- **Social**  
Marking the parking bays as short term will help members of the public park directly in front of businesses which will help their access to the businesses.

### **VOTING REQUIREMENTS**

Simple majority.

### **MOVED INTO COMMITTEE**

**MOVED: Cr Oversby**

**SECONDED: Cr Moir**

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

**CARRIED 7/0**

**Res 56/17**

**MOVED OUT OF COMMITTEE**

**MOVED: Cr Moir**

**SECONDED: Cr Oversby**

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

**CARRIED 7/0**

**Res 57/17**

**COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 8.3.5**

**MOVED: Cr Moir**

**SECONDED: Cr Rear**

**That Council:**

- 1. approve the attached draft Central Business District Parking Plan, with the addition of a designated truck bay be in Abel Street, North of the bank for the Town of Boyup Brook, for the purpose of publicizing it for community comment.**
- 2. direct that the community comment period be at least four weeks.**
- 3. direct that the Plan, together with any comments received, be brought back to Council by its June 2017 ordinary meeting.**

**CARRIED 7/0**

**Res 58/17**

Cr Muncey left the Chambers at 6.45pm  
Cr Muncey returned to the Chambers at 6.47pm.

**9 COMMITTEE MINUTES**

<b>9.1.1 Minutes of the Local Emergency Management Committee</b>
--

<b>Location:</b>	<i>N/A</i>
<b>Applicant:</b>	<i>N/A</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>10 April 2017</i>
<b>Author:</b>	<i>Alan Lamb - CEO</i>
<b>Attachments:</b>	<i>Yes – Minutes</i>

---

**BACKGROUND**

The Local Emergency Management Committee meeting (LEMC) was held on 24 August 2016, 1 November 2016 and 1st February 2017.



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

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

**Moved: Cr Rear**

**SECONDED: Cr Oversby**

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

**CARRIED 7/0**

**Res 59/17**

<b>9.1.2 Minutes of the Audit &amp; Finance Committee Meeting</b>
---

**Location:** N/A

**Applicant:** N/A

**File:**

**Disclosure of Officer Interest:** Nil

**Date:** 10 April 2017

**Author:** Alan Lamb - CEO

**Attachments:** Yes – Minutes

---

**BACKGROUND**

The Audit and Finance Committee will meet at 1pm 20 April 2017 in order to review the Annual Budget.

Minutes of the meeting will be laid on the table and circulated.

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

**MOVED: Cr Oversby**

**SECONDED: Cr Kaltenrieder**

**That the minutes of the Audit and Finance Committee meeting be received and the following recommendations be adopted.**

**That the Audit and Finance Committee report on its review of the 2016/17 Budget, based on actuals to 28 February 2017, and recommend that Council adopt the reviewed budget as presented.**

**Aged Accommodation - Lot 1 Forrest Street**

- 1. That the Audit and Finance Committee recommend to Council that it take no further action in relation to Lot 1 Forrest Street until the fate of Water Corporation's sewerage scheme, for Boyup Brook, is known.**
- 2. Council as a matter of urgency pursue through political avenues a definitive decision as to the fate of the promised Sewage Scheme of the Water Corporation.**

**CARRIED 6/1**

**Res 60/17**

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

<b>10.1 Cr Kaltenrieder</b>
-----------------------------

**MOTION**

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr Imrie**

**That Council directs the Boyup Brook Shire CEO to contact the Commonwealth Bank administration and make a case to keep the Commonwealth Bank, Boyup Brook agency open for business including the ATM machine.**

**CARRIED 7/0**

**Res 61/17**

**COMMENT**

**Nil**

**CEO Comment**

**Whilst there has been no official correspondence from the Commonwealth Bank, at this time, there is rumour of the Boyup Brook office's pending closure. It is recommended that it would be appropriate for a letter to be sent to the Bank noting the rumours and highlighting the need for the office to remain open.**

**NOTE: The CEO reported that he received a letter from the Commonwealth Bank on the 31st March 2017 informing they would close their agency on 23rd June 2017.**

The Deputy Shire President noted the following late item to the meeting and, with dissent, agreed to deal with it.

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

<b>11.1 Addendum to Pioneer Museum Lease</b>
--

<b>Location:</b>	Lot 38 Mitchell Street, BOYUP BROOK
<b>Applicant:</b>	Boyup Brook District Pioneers Museum Inc
<b>File:</b>	A906
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	19 April 2017
<b>Authors:</b>	Stephen Carstairs – Director Corporate Services and Alan Lamb – Chief Executive Officer
<b>Authorising Officer:</b>	Alan Lamb - Chief Executive Officer
<b>Attachments:</b>	1. Excerpt Pioneer Museum Lease including Annexure A Plan. 2. Addendum to Pioneer Museum Lease, and aerial highlighting Lot 38 Mitchell Street

---

**SUMMARY**

For Council to endorse an addendum to the lease for the Boyup Brook Pioneer Museum precinct (Lots 1 and 34 Jayes Road), so as to include Lot 38 Mitchell Street into the precinct.

**BACKGROUND**

The Boyup Brook Pioneer Museum operates from Council premises at Lots 1 and 34 Jayes Road. A lease to legitimise their tenure there was executed on 27<sup>th</sup> August 2015.

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

At its 5 August 2016 ordinary meeting, Council resolved as follows:

1. *Agree to lease Lot 38 Mitchell Street, Boyup Brook, to the Boyup Brook District Pioneer's Museum.*

2. *That the Chief Executive Officer be authorised to commence the process of amending the existing lease to add this property.*
3. *That the Chief Executive Officer report back to Council with the documentation to amend the lease for Council agreement to it being execute.*

Res 105/16

Lot 38 on Diagram 5296 being the whole of the land in Certificate of Title Volume 1565 Folio 75 is held free hold by the Lessor.

### **COMMENT**

Discussions on the proposed variation to the 27<sup>th</sup> August 2015 lease, to include Lot 38 Mitchell Street, have occurred over some months and have assumed priority as the Pioneer's Museum Inc. now wish to commence plans to develop Lot 38 which is subject to a formalised lease being in place.

A draft addendum to the 27<sup>th</sup> August 2015 lease has been prepared and proofed, and is submitted to Council for endorsement.

This land, Lot 38 Mitchell Street, subject to the addendum to the lease is not the subject of a Management Order requiring the Minister for Lands to approve the lease addendum.

### **CONSULTATION**

Robert Staniforth-Smith (Director Works and Services), Adrian Nicoll (Consultant Planner), Vicki Roberts (Vice President Pioneer Museum), and John Walsh (Chairman of the Pioneer Museum Committee).

### **STATUTORY OBLIGATIONS**

The addendum to the lease document becomes a legal document and is entered into pursuant to the Land Administration Act 1997.

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

### **POLICY IMPLICATIONS**

There are no policy implications relating to this item.

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 11.1**

**MOVED: Cr Moir**

**SECONDED: Cr Rear**

**That Council endorse the addendum to the 27th August 2015 lease document between the Shire of Boyup Brook and the Boyup Brook District Pioneer Museum Inc. over the whole of the land being Lot 38 Mitchell Street, and confirming the following actions –**

- 1. Signing and sealing of the addendum document by the Shire President and Chief Executive Officer.**
- 2. A final checking of the document by both shire officers and the Boyup Brook District Pioneer Museum Inc. with any non-substantial changes incorporated into the lease addendum document.**
- 3. As required, submission to Landgate for Registration.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**Res 62/17**

**12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS**

Nil

**13 CLOSURE OF MEETING**

There being no further business the Chairman declared the meeting closed at 7.30pm.