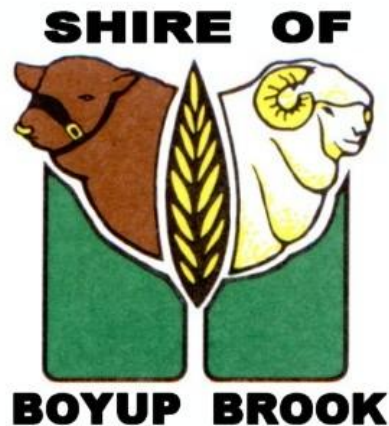


Minutes



ORDINARY MEETING

held

THURSDAY 31 August 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 G Aird – Shire President
Cr K Moir - Deputy Shire President
Cr J Imrie
Cr P Kaltenrieder
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: Babette Miller
Joeleen Green

1.2 Apologies

1.3 Leave of Absence

2 PUBLIC QUESTION TIME

Joeleen Green expressed her concern to Council about the demolition of the Flax Mill.

Question: Was the community informed about this and where was it advertised?

Answer: Council has been looking at this building over 10 years, information is provided in the minutes which is accessible on the Shire website. The building no longer gets used as it is not fit for purpose.

The Council are willing to work with the various Community Groups to build a cultural hub.

2.1 Response to Previous Public Questions Taken on Notice

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

Babette Miller left at 5.29pm
Joeleen Green left at 5.29pm

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Rear attended a meeting at the Boyup Brook District High School.
Cr Rear and Cr Muncey met with the Progress Group on 23rd August 2017.
Cr Muncey attended the COMHAT meeting.
Cr Kaltenrieder attended the Western Australian Local Government Convention.
Cr Kaltenrieder informed Council about the Perup Open Day which he will be attending.
Cr Imrie informed Council that the site in Wilga has been cleaned up.
Cr Oversby attended the Western Australian Local Government Convention.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 20 July 2017

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 5.1

MOVED: Cr Kaltenrieder

SECONDED: Cr Imrie

That the minutes of the Ordinary Meeting of Council held on Thursday 20 July 2017 be confirmed as an accurate record.

That the minutes of the Special Ordinary Meeting of Council held on Thursday 10 August 2017 be confirmed as an accurate record.

CARRIED 7/0

Res 103/17

6 PRESIDENTIAL COMMUNICATIONS

Attended the Western Australian Local Government Convention.
Attended the LEMC meeting on 23rd August 2017.
Attended the South West Zone meeting on 25th August 2017.
Attended a meeting at Rylington Park.
Attended the Sandakan service in Sandakan.
Attended a meeting with Hon Terry Redman.
Wrote a letter to Rick Wilson.

7 COUNCILLORS QUESTIONS ON NOTICE

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

Nil

COUNCIL DECISION

MOVED: Cr Moir

SECONDED: Cr Muncey

That the Council adopts enbloc 8.2.1 and 8.2.2.

CARRIED 7/0

Res 104/17

8.2 FINANCE

8.2.1 List of Accounts Paid in July 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>10 August 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 July</i>

SUMMARY

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

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 July 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 (draft) 2017-18 Annual Budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.1

That at its August 2017 ordinary meeting Council receive as presented the list of accounts paid in July 2017, totalling \$483,368.91 from Municipal account and \$795.18 from the Trust account as represented by:

Municipal Cheques	20101 - 20102	\$176.20
Municipal Electronic Payments	5657 - 5692	\$243,798.38
Municipal Direct Payments		\$239,394.33
Trust Cheques	2090 - 2094	\$795.18

CARRIED BY ENBLOC

Res 105/17

8.2.2 31 July 2017 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	10 August 2016
Author:	Kerry Fisher –Finance Manager
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	No

SUMMARY

This report recommends that Council defer to the September 2017 ordinary meeting of Council the receiving of the Statement of Financial Activities and the Net Current Assets for the month ended 31 July 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. Details of items of Material Variances are also listed.

COMMENT

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

The 2017-18 Budget timetable set 31 August 2017 as the date that Council would consider a draft 2017-18 Annual Budget for adoption. Presentation of the 31 July 2017 Statement of Financial Activity has been deferred to the September 2017 ordinary meeting, with the intent to negate confusion if changes to accounts occur in the budgeting process. As there are no July 2017 budget figures to compare actual incomes and expenditures these financials would not comply and need to be presented again at the September 2017 meeting.

CONSULTATION

Alan Lamb – Chief Executive Officer

STATUTORY OBLIGATIONS

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

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

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

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.2

That receipt by Council of the shire's 31 July 2017 Statement of Financial Activity and Statement of Net Current Assets be deferred to Council's September 2017 ordinary meeting.

CARRIED BY ENBLOC

Res 106/17

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Development (Advertisements x 2) – Perup Nature Reserve (R47879)

Location:	Perup Nature Reserve, Boyup Brook Cranbrook Road (Reserve 47879).
Applicant:	Department of Biodiversity, Conservation and Attractions, Manjimup
File:	R47879
Disclosure of Officer Interest:	None.
Date:	31 August 2017
Author:	A. Nicoll, Town and Regional 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 two (2) advertisements on the Boyup Brook Cranbrook Road, 500m either side of the turn off to the Perup Nature Reserve.



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

8.1.1 For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose in development within the definition of the Act requires, except as otherwise provided, the prior approval of the Council.

This report item recommends that the Council support the proposed advertisements.

BACKGROUND

Perup Nature's Guesthouse is proposed to reopen to guests in August 2017 under the management of the Blackwood Basin Group Inc.

The Shire of Boyup Brook received an application proposing to develop two advertisements near the entrance to the Perup Nature Reserve (47879).

Wording on the advertisements is proposed as follows:

'PERUP - NATURE'S GUESTHOUSE 500m ON LEFT/RIGHT'.

COMMENT

The purpose of the advertisements is to provide warning to visitors that they are nearing the turnoff to Perup – Nature's Guesthouse. The present signage is

inadequate and visitors are missing the turnoff and having to find somewhere to turn around.

The advertisements would be a Main Roads standard tourist sign, similar to the following:



The advertisements are proposed to be developed using aluminium sheeting at a height of 1.7m and a width of 900mm. The advertisements are proposed to be installed on two (2) steel posts.

The advertisements propose to direct tourists to the 'Perup Natures Guesthouse', located in the Perup Nature Reserve (47879), approximately 45 km south of the Boyup Townsite.

The reserve is one of the best places in the South West to see native wildlife including numbats, ring tail and brushtail possums, quenda, woylies and chuditch.

STATUTORY OBLIGATIONS

Shire's Local Planning Scheme No. 2

The Shire's *Local Planning Scheme No.2* defines 'advertisement' as follows:

'any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising'

The Shire's *Local Planning Scheme No.2* states the following at clause 8.3:

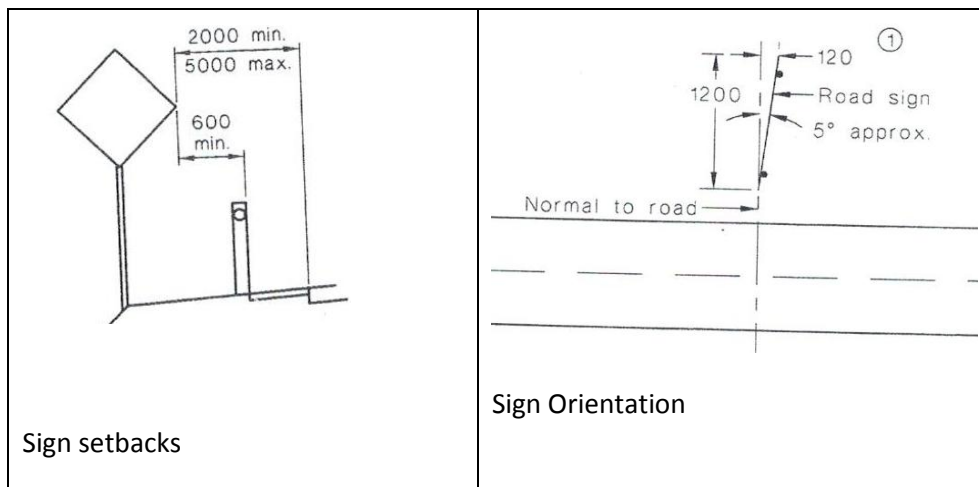
Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

The 'tourist standard' advertisements are of a colour (brown) that blends with the natural surrounds. Subject to developing and locating the advertisements in

accordance with Australian Standards, the advertisements are not expected to impact upon the amenity of the area or obstruct visual sightlines of vehicles or pedestrian movement.

The Australian Standard 1742.2 -2009 makes the following requirements:

- Signs to be orientated 5 degrees from 90 degrees so that the reflection is away from the road;
- 2m setback from the edge of the bitumen to the edge of the sign face (2.1m setback when orientated);
- Signs need to be mounted on “frangible (collapsible)” posts in accordance with the AS 1742.2 – 2009.



A condition should be included to ensure the advertisements are developed in accordance with Australian Standards.

The Shire's *Local Planning Scheme No.2* states the following at clause 8.6:

Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may, by notice in writing, require the advertiser to:-

i) repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice, or

ii) remove the advertisement.

As per the above clause 8.6, if approval is granted for the proposed advertisements, the following condition should be specified:

The advertisements being maintained to the satisfaction of the Shire of Boyup Brook.

POLICY IMPLICATIONS

There are no policy implications relating to this item.

CONSULTATION

N/A

VOTING REQUIREMENTS

Simple majority.

SUMMARY

In accordance with *Local Planning Scheme No.2*, in considering an application for an advertisement, Council is to consider any potential impact to the amenity of the area and the need to ensure that advertisements are properly maintained.

The advertisements are not expected to impact on the amenity of the area.

Approval should be on the condition that the advertisements are developed in accordance with Australian Standards and maintained to a reasonable standard.

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.1

MOVED: Cr Moir

SECONDED: Cr Kaltenrieder

That Council

Grants development approval for two advertisements on the Boyup Brook Cranbrook Road, near the entrance to the Perup Nature Reserve (47879), subject to the following notice:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: Boyup Brook Cranbrook Road, Perup Nature Reserve (47879)

Description of proposed development:

2 x Advertisements

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

Conditions:

1. The advertisements being developed in accordance with the Australian Standards 1742.2 -2009, to the satisfaction of the Shire of Boyup Brook.

2. The advertisements being maintained to the satisfaction of the Shire of Boyup Brook.

Advice

Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may, by notice in writing, require the advertiser to:-

i) repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice, or

ii) remove the advertisement.

Date of determination: 31 August 2017

Note 1: Dial before you dig. Information on the location of underground services may be obtained by contacting the Dial Before You Dig WA organisation. All work which is carried out within any urban, rural or regional road reserve in Western Australia needs to comply with the requirements of the Utilities Providers Code of Practice for Western Australia.

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

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

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

Signed:

Dated:

for and on behalf of the Shire of Boyup Brook.

CARRIED 7/0

Res 107/17

8.3.2 Development – Extractive Industry, Lots 676 and 677 Lodge Road, Mayanup

Location:	Lots 676 and 677 Lodge Road, Mayanup
Applicant:	R & M Maddams
File:	A7067
Disclosure of Officer Interest:	None
Date:	31 August 2017
Author:	A Nicoll, Town & Regional Planner
Authorizing Officer:	Alan Lamb, Chief Executive Officer
Attachments:	Nil

SUMMARY

The purpose of this report is to put before Council an application requesting development approval for an extractive industry at Lots 676 and 677 Lodge Road, Mayanup.



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

3.3.1... 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...

It is recommended that the Council agree to approve the extractive industry.

BACKGROUND

In May 2017, Council resolved to adopt an extractive industry policy, which states:

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

The extractive industry, currently operating to extract river stones at Lots 676 and 677 Lodge Road, does not have a development approval notice. Consequently the owner/operator of the extractive industry submitted an application for development approval.

STATUTORY OBLIGATIONS

The Shire's *Local Planning Scheme No.2*, sets the following applicable standards:

- a) An Extractive Industry is an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar materials from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry – mining;
- b) An extractive industry is a use that is not permitted unless the Council has granted planning approval after giving notice.

CONSULTATION

Considering the extractive industry is expected to generate truck movements on Lodge Road, properties fronting Lodge Road were consulted.

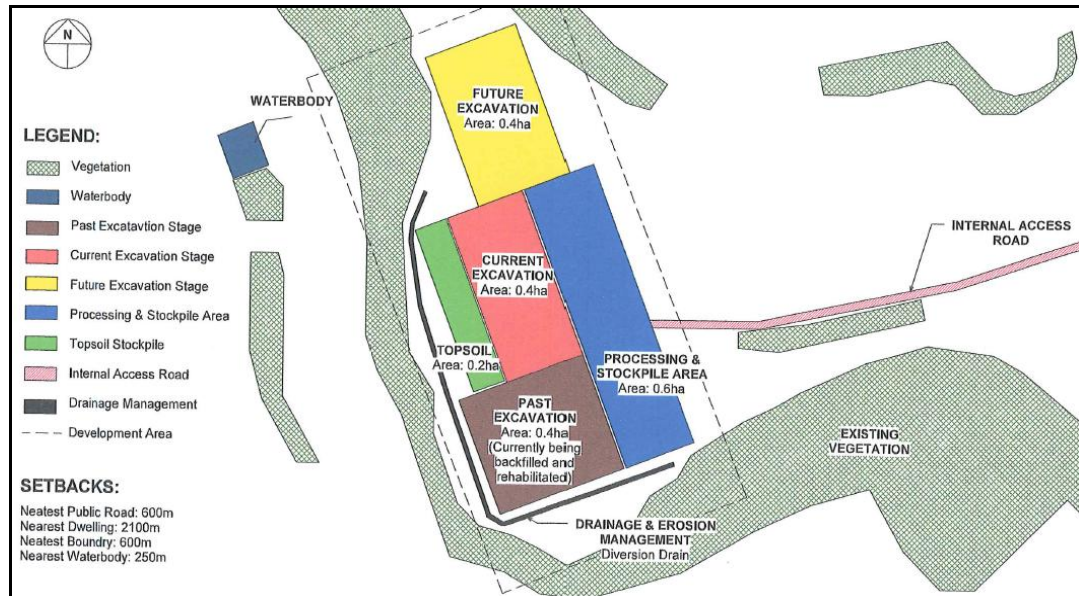
At the close of the consultation period, the Shire received zero submissions.

COMMENT

The extractive industry operations are proposed to involve:

- a) An extraction area of 4000m²;
- b) A processing and stockpiling area of 6000m²;
- c) A topsoil storage area of 2000m²;
- d) A 4000m² area currently being rehabilitated; and
- e) A future extraction area of 4000m².

The following plan illustrates the proposed extractive industry operations.



POLICY IMPLICATIONS

The operations proposed are not expected to breach the Shire's Extractive Industry Policy.

The Shire's Extractive Industry Policy makes the following requirements:

- a) The extraction area being limited to one (1) hectare at a time. When one hectare of extraction area is completed, the area is to be rehabilitated, prior to opening up a new extraction area;
- b) Measures taken to suppress and minimise erosion;
- c) Min setback of 200m to dwelling(s) located on neighbouring properties;
- d) Min 40m setback to roads;
- e) Min 20m setback to neighbouring property boundaries;
- f) Min 50m setback to creeks/rivers/waterbodies/dams, unless a greater or lesser setback is determined in accordance with the Department of Water's Operational policy 4.3: Identifying and establishing waterways foreshore areas (DoW September 2012); and
- g) At the discretion of the Shire, the provision of a bond/bank guarantee, used to resolve environment and road impediments resulting from extractive industry operations.

The proposed extractive industry operations are expected to comply with the Shire's Extractive Industry Policy as follows:

- a) The extraction area is less than one (1) hectare (4000m²);
- b) The application is proposing to undertake rehabilitation of existing extraction areas, prior to moving onto a 'Future' 4000m² extraction area; and
- c) The extractive industry operations are sufficiently setback to neighbouring property owner boundaries (600m), dwellings (2.1km) and the Blackwood River (560m).

It is recommended that the Council forego the need to take a bond/bank guarantee. Road impediments are not expected due to a proposed low volume (1-2 trucks/week) of truck movements.

Considering the scale of extraction is well below the maximum 1 hectare and considering the substantial setbacks to watercourses and neighbouring dwellings, amenity and environmental impediments are not expected.

It is recommended that the following conditions of approval are implemented to ensure ongoing compliance with the Shire's Extractive Industry Policy:

- a) Operations occurring in accordance with the approved development plan, to the satisfaction of the Shire of Boyup Brook;
- b) Measures taken to suppress and minimise erosion of sediment, caused by stormwater, to the satisfaction of the Shire of Boyup Brook.

BUDGET/FINANCIAL IMPLICATIONS

There are no financial implications relating to the proposed extractive industry.

STRATEGIC IMPLICATIONS

There are no strategic implications relating to the proposed extractive industry.

SUSTAINABILITY IMPLICATIONS

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 the extractive industry.

Clearing of vegetation is not necessary to accommodate the proposed extractive industry.

VOTING REQUIREMENTS

Simple majority

CONCLUSION

The Extractive Industry proposes a set of procedures and standards in accordance with the Shire's Local Planning Scheme No.2 and Extractive Industry Policy.

The extractive industry is not expected to impact on the amenity or environmental attributes of the area or the rural lifestyle in which neighbouring landholders are accustomed to.

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.2

MOVED: Cr Imrie

SECONDED: Cr Oversby

That Council

Grants development approval for an extractive industry at Lots 676 and 677, Lodge Road, subject to the following notice:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: Lots 676 and 677

Description of proposed development:

Extractive Industry

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

Conditions:

1. The owner/applicant is to ensure that operations occur in accordance with the approved plan, which includes:
 - a) The extraction area being limited to a maximum one (1) hectare at a time. When one hectare of extraction area is completed, the area is to be rehabilitated, prior to opening up a new extraction area;
 - b) Top soil to a depth of 150mm (unless otherwise approved by the works manager) is to be removed in stages from the resource area, and stored for use in staged rehabilitation.
2. Measures taken to suppress and minimise erosion of sediment, caused by stormwater, to the satisfaction of the Shire of Boyup Brook.
3. Unless otherwise approved, any offsite fill, used to facilitate rehabilitation, must be clean fill, which includes material that will have no harmful effects on the environment.
4. At the completion of extraction, the site is to be rehabilitated to the satisfaction of the Shire of Boyup Brook.

Date of determination: 31 August 2017

Note 1: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Signed:

Dated:

for and on behalf of the Shire of Boyup Brook.

CARRIED 7/0

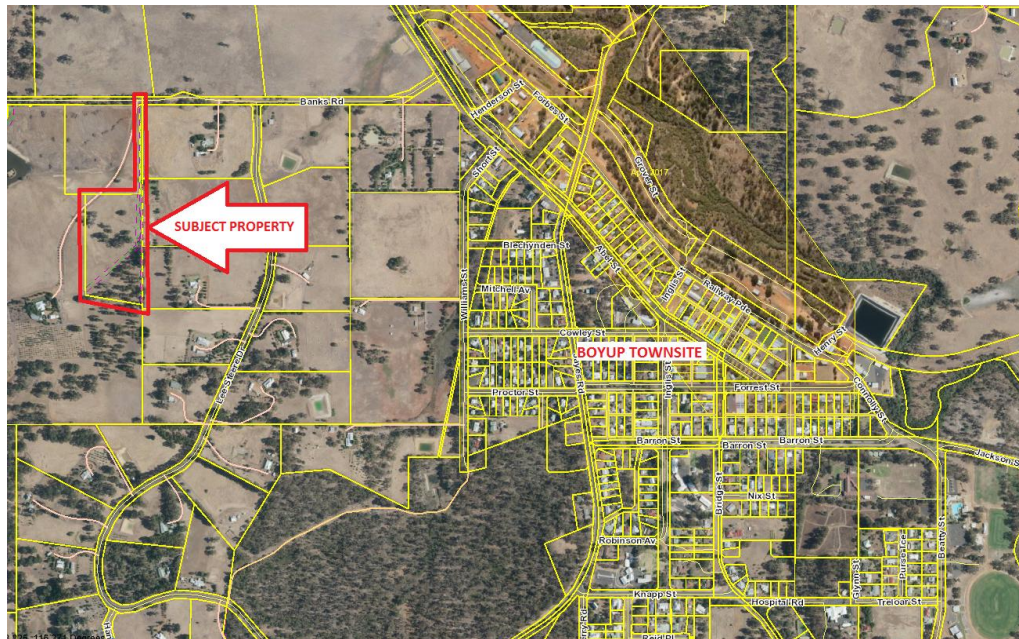
Res 108/17

8.3.3 Development (Variation to Size of Building Envelope) - Lot 140 Banks Road, Boyup Brook.

Location: Lot 140 Banks Road, Boyup Brook.
Applicant: L Smart
File: A40135
Disclosure of Officer Interest: None.
Date: 31 August 2017.
Author: A. Nicoll, Town & Regional Planner.
Authorizing Officer: Alan Lamb, Chief Executive Officer.
Attachments: Nil

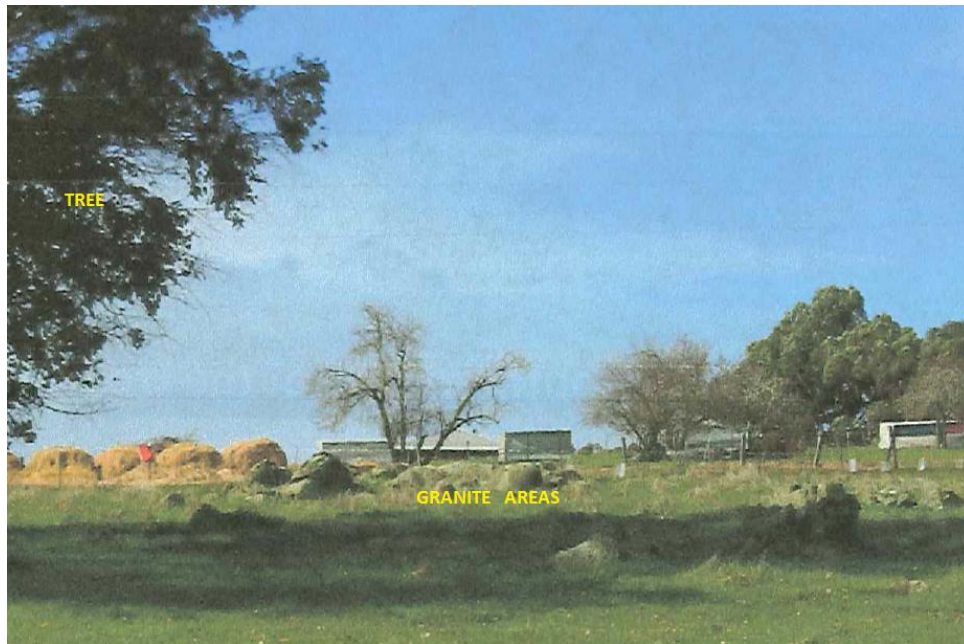
SUMMARY

The purpose of this report is to put before Council the request to increase the size of a building envelope designated for Lot 140 Banks Road, Boyup Brook.



A structure plan adopted to guide development at lots in the Special Rural area No.8, Banks Road, identifies appropriate size and positioning of building envelopes to protect landholder privacy and to maintain the rural landscape.

Granite rocks and a tree located within a building envelope designated for Lot 140 Banks Road pose considerable challenges to development.



The owner has requested permission to increase the size of the building envelope by 400m² to enable development whilst protecting existing landscape characteristics.

It is recommended that the Council agree to support the application to vary the size of the building envelope for Lot 140 Banks Road.

BACKGROUND

The landholder attempted to develop a plan to accommodate buildings within the Lot 140 designated building envelope.

The landholder determined that 400 square metres of additional usable building area is necessary to replace that which is taken up by the granite rocks and a tree.

STATUTORY OBLIGATIONS

The subject property is zoned “Special Rural No.8” in accordance with the Shire’s *Local Planning Scheme No.2* (scheme).

The scheme states the following for the location of buildings in the Special Rural zone No.8:

- a) *All buildings shall be located within the defined “building envelope”. Council may approve a variation to the building envelope plan for any particular lot subject to giving notice to adjoining landowners in accordance with Clause 3.5.*
- b) *Buildings and structures shall be located outside of the ‘Remnant Vegetation Protection’ areas marked on an approved Structure Plan.*
- c) *All buildings are to be setback a minimum of 15 metres from Banks Road and 30 metres from all other lot boundaries, unless depicted otherwise on an approved Structure Plan.*

POLICY IMPLICATIONS

There are no policy implications relating to this proposal.

COMMENT

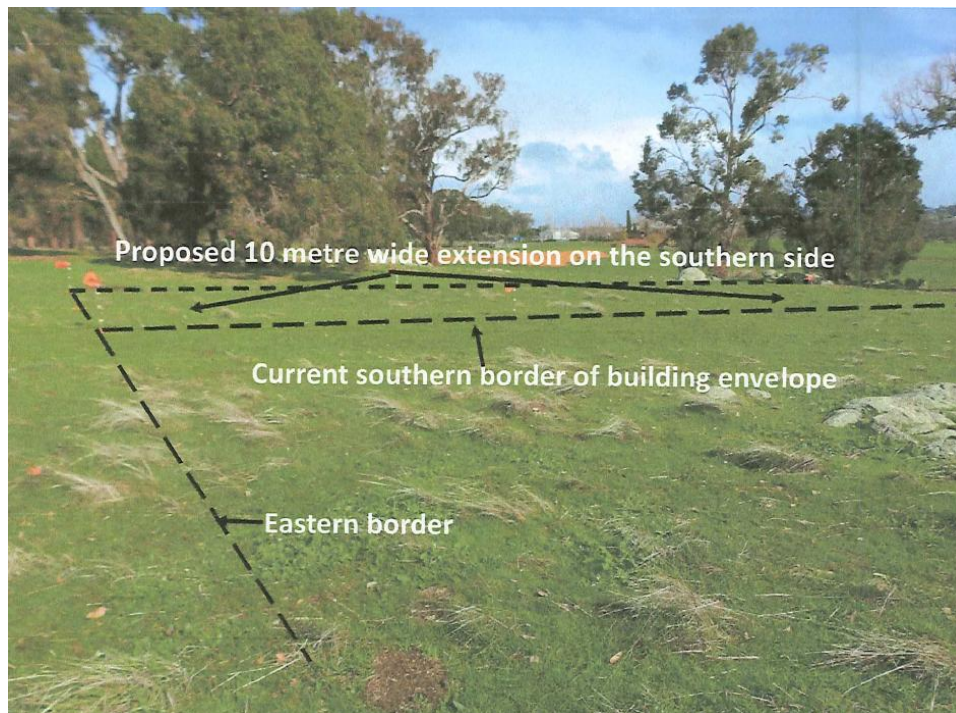
The proposal is requesting approval to extend the length of the building envelope by 10 metres in a southerly direction, from 50 to 60 metres while maintaining a current 40 metre width.



The building envelope is currently 2000m². The additional 10m length increases the building envelope size to 2,400m².

The proposal does not breach a 30m setback requirement to neighbouring property boundaries.

The proposal is not expected to impact on any existing remnant vegetation.



CONSULTATION

As mentioned previously in this report item, the Shire's scheme requires that consultation is undertaken with adjoining landowners prior to approving a variation to a building envelope.

In accordance with the *Local Planning (Local Planning Schemes) Regulations 2015 (Part 8, cl. 64(2))*, the local government may waive a requirement for an application to be advertised, if the local government is satisfied that the departure from the requirements is of a minor nature.

Considering the extension is for 10m (insignificant) and that the extension does not encroach closer to neighbouring property boundaries/dwellings, the local government is satisfied that the departure from the requirements is of a minor nature.

Consultation with neighbouring properties is therefore deemed unnecessary.

STRATEGIC IMPLICATIONS

There are no strategic implications relating to this application. A precedent, which involves supporting a variation to a designated building envelope is justified on the notion that the variation is minor and is not expected to impact on neighbours or the environmental and landscape attributes.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.3

MOVED: Cr Muncey

SECONDED: Cr Imrie

That Council

Grants development approval for Lot 140 Banks Road, for the purpose of 'Variation to Building Envelope' subject to the following notice:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: Lot 140 Banks Road, Boyup Brook

Description of proposed development:

Variation to Building Envelope

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

Condition:

1. All buildings shall occur within the building envelope, as defined by the stamped approved plan, to the satisfaction of the Shire of Boyup Brook.

Date of determination: 31 August 2017

Note 1: The following size restrictions apply for outbuildings within the Special Rural zone:

Zoning	Max. Wall Height	Max. Ridge Height	Maximum individual outbuilding area (m2)	Maximum total outbuilding area (m2)	Set-backs
Special Rural Zone (Lots < 2ha)	4.2m	4.8m	200	300	Per Scheme Requirements
Special Rural Zone (Lots 2ha and >)	4.2m	4.8m	200	400	Per Scheme Requirements

Note 2: With the exception of 'Rural' zone properties, outbuildings exceeding 80m² shall be constructed out of low-reflective materials that blend with the landscape (dark blue, green, brown or red). The following colours are to be avoided as they are deemed to detract from the landscape and are considered highly reflective: Zinalume' Galvabond, White, Off-white, and Surfmist.

Note 3: Vegetation in "Remnant Vegetation Protection" areas may be cleared where:

- The trees are dead, diseased or dangerous;
- The clearing is for the purpose of a firebreak or for fuel reduction purposes; and
- The clearing is for the purpose of a firebreak or for fuel reduction purposes.

Note 4: Dwellings within the subject area are to be constructed to withstand a Bushfire Attack Level rating of 12.5kW/m².

Note 5: A 20m asset protection zone (cleared area) is to be maintained around dwellings.

Note 6: Property owners are required to supply their own domestic water (minimum 92,000 litre tank).

Note 7: Each property shall at all times store a minimum of 10,000 litres of water in addition to the above 92000 litres, for fire fighting purposes.

Note 8: 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 109/17

8.3.4 Renaming of the Annual Citizenship Award/Volunteer Award

Location:	N/A
Applicant:	Daly Winter
File:	
Disclosure of Officer Interest:	None
Date:	14 August 2017
Author:	Daly Winter
Authorizing Officer:	Alan Lamb
Attachments:	Nil

SUMMARY

At the recent Bush Fire Advisory Committee (BFAC) AGM meeting held on the 24th of May 2017 the following motion was passed at the meeting:

"That a recommendation is put to Council to consider the renaming of the annual Citizenship Award or a Volunteer Award be named the Kevin Henderson Memorial (Citizenship or Volunteer) Award.

*Moved: David Inglis Seconded: Tristan Mead **CARRIED."***

This item will address the possibility of the Shire implementing an annual award named - The Kevin Henderson Memorial Award for a Community Emergency Services Volunteer. Nominations for this Award will be taken at the same time as the other annual Community Awards of Citizen of the Year, Sports Person and Young Achiever and will be presented on Australia Day.

BACKGROUND

At the recent Bush Fire Advisory Committee meeting held on the 24th of May 2017 the BFAC members voted on acknowledging the dedicated service of the late Mr Kevin Henderson with the recommendation to start an Award in some form in his name. Because of Kevin's notable and dedicated service with the Shire's Bush Fire Brigades it was seen logical and fit to implement an Award for a local Community Emergency Services Volunteer.

We have many Emergency Services Volunteers in our community and this group would be one if not the biggest section of volunteers in our community comprising our Bush Fire Brigades, St John Ambulance and Volunteer Fire and Rescue Service.

COMMENT

On more than one occasion an Award to recognise the services of a volunteer from the ranks of our Shire's Emergency Services has been mooted, but for whatever reason it has not been instigated. The community support to now implement an Award in recognition of the service provided by the late Kevin Henderson was very, very strong at the BFAC AGM meeting and it is seen as a fit form of acknowledgement for someone who had a passion to protect and serve his local community. Kevin gained the respect of his peers and the men and women who he commanded.

This proposed “Kevin Henderson Memorial Award” will be for:

A resident who has provided distinguished service for one or more local community emergency services organisations, during the preceding year, or consistently over a number of years in undertaking a lead role as a community emergency services volunteer.

CONSULTATION

The applicant has sought comment from the Shire President and the Chief Executive Officer and the Director Corporate Services in relation to this proposal.

STATUTORY OBLIGATIONS

Nil.

POLICY IMPLICATIONS

Awards Policy O.11 will need to be modified if this recommendation is accepted.

BUDGET/FINANCIAL IMPLICATIONS

It is anticipated that a similar Award plaque would be issued to the recipient of the “Kevin Henderson Memorial Award” as the awards issued under the other annual Award categories. The current cost for the annual Awards plaques is approximately \$350 each plus a new Honour Board estimated \$300 – Total cost \$650 approximately.

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 8.3.4

MOVED: Cr Rear

SECONDED: Cr Muncey

- 1. That Council receives the recommendation made by the Bushfire Advisory Committee.**
- 2 That a new award category be created, the award be named the" Kevin Henderson Memorial Award" in recognition of volunteers.**
- 3. That the award be in the form of a framed certificate and the recipients name gets placed on a perpetual shield.**

CARRIED 7/0

Res 110/17

8.3.5 Bushfire Risk Management Plan
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Location:	<i>N/A</i>
Applicant:	<i>Daly Winter</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>14 August 2017</i>
Author:	<i>Daly Winter</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>Shire of Boyup Brook Bushfire Risk Management Plan 2017 - 2021 & Asset Risk Summary</i>

SUMMARY

The Government of WA is implementing the Bushfire Risk Management Plan (BRMP) program and the Bushfire Risk Management System (BRMS) in 16 Local Governments. The Shires of Boyup Brook, Bridgetown-Greenbushes and Donnybrook-Balingup have agreed to participate in this program. Boyup Brook is hosting the employment of a contract Bushfire Risk Planning Coordinator (BRPC). Our BRPC works across the three Local Governments.

A BRM Plan has been prepared for the Shire and it lists assets across the entire Shire in four categories: Human Settlement, Economic, Environmental and Cultural. The BRPC has been working on recording, mapping and risk assessing these assets across the three shires. The BRM Plan has reached the stage that the plan can be accepted, with additional work still required on risk assessing all of the identified assets and recording this information on the BRMS. As you can appreciate this will be an ongoing process as the Shire of Boyup Brook grows and develops, assets will need to be added and deleted. E.g. new buildings and sub-divisions, new for old etc.

Under this BRM Plan the Shire of Boyup Brook will be responsible for:

As custodian of the BRM Plan, coordination of the development and ongoing review of the integrated BRM Plan.

- Negotiation of commitment from land owners to treat risks identified in the BRM Plan.
- As treatment manager, implementation of treatment strategies.
- As part of the approval process, submission of the final BRM Plan to Council for their endorsement and adoption.

The Shire of Boyup Brook Bushfire Risk Management Plan 2017 – 2021 is tabled herewith for endorsement and adoption.

BACKGROUND

Under the State Hazard Plan for Fire (Westplan Fire) an integrated Bushfire Risk Management Plan (BRM Plan) is to be developed for local government areas with significant bushfire risk. This BRM Plan has been prepared for the Shire of Boyup Brook in accordance with the requirements of Westplan Fire and the Guidelines for preparing a Bushfire Risk Management Plan (Guidelines). The risk management processes used to develop this BRM Plan are aligned to the key principles of AS/NZS ISO 31000:2009 Risk management – Principles and guidelines (AS/NZS ISO 31000:2009), as described in the Second Edition of the National Emergency Risk Assessment Guidelines (NERAG 2015). This approach is consistent with the policies of the State Emergency Management Committee, specifically the State Emergency Management Policy 3.2 – Management of Emergency Risks.

This BRM Plan is a strategic document that identifies assets at risk from bushfire and their priority for treatment. The Treatment Schedule sets out a broad program of coordinated multi-agency treatments to address risks identified in the BRM Plan. Government agencies and other land managers responsible for implementing treatments participate in developing the BRM Plan to ensure treatment strategies are collaborative and efficient, regardless of land tenure.

The aim of the Bushfire Risk Management Plan (BRM Plan) is to document a coordinated and efficient approach toward the identification, assessment and treatment of assets exposed to bushfire risk within the Shire of Boyup Brook. The objective of the BRM Plan is to effectively manage bushfire risk within the Shire of Boyup Brook in order to protect people, assets and other things of local value. Specifically, the objectives of this BRM Plan are to:

- Guide and coordinate a tenure blind, multi-agency bushfire risk management program over a five-year period;
- Document the process used to identify, analyse and evaluate risk, determine priorities and develop a plan to systematically treat risk;
- Facilitate the effective use of the financial and physical resources available for bushfire risk management activities;
- Integrate bushfire risk management into the business processes of local government, land owners and other agencies;
- Ensure there is integration between land owners and bushfire risk management programs and activities;
- Monitor and review the implementation of treatments to ensure treatment plans are adaptable and risk is managed at an acceptable level.

COMMENT

Currently the development work for the BRM Plan is being undertaken by Ben Anderson our Bushfire Risk Management Coordinator (BRPC), but Ben's position is funded by a grant through the Department of Fire and Emergency Services (DFES). This funding is scheduled to finish on 30 September 2017 and after that, funding for this position or a similar position is uncertain.

The RRM Plan and also been reviewed by the Office of Emergency Management, Director Corporate Services, the Chief Executive Officer and the Manager Community and Regulatory Services.

Endorsement of this plan will necessitate further action by the Shire of Boyup Brook beyond the scope of works normally undertaken by us. A specialised position covering the following duties would need to be considered.

Complete the Treatment Schedule for Boyup Brook Shire Assets

Efforts are being made to finalise the Shire of Boyup Brook managed reserves Treatment Schedule within six months of this BRM Plan being endorsed by Council. This treatment schedule will exclude shire managed road reserves. The Treatment Schedule will be developed in broad consultation with land owners and other stakeholders.

Land owners are ultimately responsible for treatments implemented on their own land. This includes any costs associated with the treatment and obtaining the relevant approvals, permits or licences to undertake an activity. Where agreed, another agency may manage a treatment on behalf of a land owner. However, the onus is still on the land owner to ensure treatments detailed in this BRM Plan are completed.

Monitoring, Review and Reporting

Monitoring and review processes will need to be managed going forward to ensure that the BRM Plan remains current and valid. These processes are detailed below to ensure outcomes are achieved in accordance with the *Communication Strategy* and *Treatment Schedule*.

Review

A comprehensive review of this BRM Plan will be undertaken at least once every five years, from the date of council endorsement. Significant circumstances that may warrant an earlier review of the BRM Plan include:

- Changes to the BRM Plan area, organisational responsibilities or legislation;
- Changes to the bushfire risk profile of the area; or
- Following a major fire event.

Monitoring

The Bushfire Risk Planning Coordinator or a LG employee trained in the use of BRMS, will use BRMS to monitor the risk ratings for each asset identified in the BRM Plan and record the treatments implemented. Risk ratings are reviewed on a regular basis. New assets will be added to the *Asset Risk Register* when they are identified.

Reporting

The Bushfire Risk Planning Coordinator or LG employee trained in the use of BRMS, will use BRMS to produce reports that will be presented annually to the Bush Fire Advisory Committee (BFAC) on progress, hazard mitigation activities and budget. The BFAC will then make a recommendation to Council on the annual progress reports. Council will then consider the committee recommendations before submitting a report to OBRM.

The Boyup Brook Shire will submit an annual report to OBRM each year summarising progress made towards implementation of the BRM Plan.

CONSULTATION

The applicant has sought comment from Ben Anderson the Bushfire Risk Planning Coordinator and Stephen Carstairs the Director Corporate Services.

STATUTORY OBLIGATIONS

State Emergency Management Policy 3.2 – Management of Emergency Risks.

POLICY IMPLICATIONS

Council Policy A.05 Bushfire Control – Operational Issues. Policy to be modified if amendments are accepted to include something along the line of;

“BFAC to review BRMS Mitigation Report annually and then make a recommendation to Council on the annual progress.”

Council Policy W.03 Roadside Burning Policy to be modified if amendments are accepted to reflect mitigation actions required under the BRM Plan.

BUDGET/FINANCIAL IMPLICATIONS

Nil at this point – In September DFES will advise if they are going / or not going to fund the position of the Bushfire Risk Planning Coordinator past the end of September. The general feeling regarding the future funding of the BRPC's is optimistic and the State Government will see the merit of the current funding arrangement and approve the funding in the next State Budget.

If the Shire endorses this plan and DFES do not fund the continuation of the BRPC's positions, then the Shire will be obliged to continue to work on the BRM Plan and monitor and report on the plan as described previously. This will require additional staff resources or a reallocation of duties to enable Regulatory Services staff to achieve this.

STRATEGIC IMPLICATIONS

If the Shire endorses this plan it is envisaged that funding in some form could be available in the future (to Shire's who have completed their BRM Plan) to undertake mitigation works to reduce the risks on "Priority – Extreme Risk Assets" This may be through more of the Emergency Services Levy (ESL) funding being returned to local governments (LG's) in the future. LG's that haven't completed their BRMP will not be able to seek funding from this pool.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Managing Fuel levels on Shire owned and managed properties within and around our communities can have a very positive effect on the environment! E.g. Maintaining habitat for native animals, protecting rare and endangered flora and protecting valuable natural assets.
- **Economic**
We are obligated to complete a BRMP and mitigate risk on assets owned and controlled by the Shire. If we fail to take any action to show we are progressing our plans to work towards meeting these obligations it is not out of the question that we could possibly face some litigation should a third party be impacted due to a bushfire that started in or on land managed or vested within the Shire.
- **Social**
The Shire has a social responsibility to help protect our ratepayers and our communities from harm as a consequence of bush fire. This cannot be achieved without a plan and a solid commitment.

VOTING REQUIREMENTS

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 8.3.5

MOVED: Cr Kaltenrieder

SECONDED: Cr Rear

1. **That Council receives this updated version of the Shire of Boyup Brook Bushfire Risk Management Plan 2017 – 2021.**
2. **That Council endorses and adopts the plan subject to ongoing funding from the State Government.**

CARRIED 7/0

Res 111/17

8.3.6 Busselton Margaret River Regional Airport - Future Airport Marketing Fund
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Location:	<i>Busselton</i>
Applicant:	<i>City of Busselton</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>24/08/2017</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Chief Executive Officer</i>
Attachments:	<i>Letter from City of Busselton</i>

SUMMARY

The purpose of this report is to put the City of Busselton's request before Council with the recommendation that Council agrees to contribute \$1,000 per year, for 5 years, toward marketing of the regional airport.

BACKGROUND

The City of Busselton requests financial assistance, over a five year period, toward the future Airport Marketing Fund. The request is for \$10,000, being \$2,000 per year for the five years.

It is proposed that the Marketing Fund will assist in the attraction and retention of airlines to service the East Coast to the South West airline route.

COMMENT

The funding request relates to tourism and the Shire's annual expenditure on tourism is already significant, it includes a commitment to contribute \$1,000 per year, for three years (commencing 2016/17) to the Bunbury Wellington and Boyup Brook Regional Tourism Development Strategy.

It is noted that the airport is a regional facility and that, in addition to the regional tourism initiative mentioned, Council also contributes toward a regional waste facility study and makes annual contributions to the Bunbury Wellington Group of Councils.

Council has also provided letters of support for the regional airport project.

It could be argued that Council already invests more than enough in tourism and that it plays a sufficiently significant role in regional matters so should make no new commitments.

On the other hand, contributing something may result in improved travel opportunities for residents, some increase in tourist numbers and may pave the way for other, yet to be identified, benefits.

Whilst perhaps not directly related, the opportunity to cater for freighters will offer many existing and new entities to freight perishable goods, and the like. It may offer Boyup Brook primary produces the opportunity to send produce to other countries (China is an enormous market and the opportunity for direct flights from the south west may be the catalyst for enterprising producers).

The request is for \$10,000 over 5 years, \$2,000 pre year, and this is the same amount as requested from all other BWGC members, no other Councils were contacted, except for Bunbury where the request was for \$50,000. It appears that most have either agreed to the request or the recommendation is to agree. Given Boyup Brook's size, in terms of rate revenue (the figure usually used to compare Councils), it is suggested that \$5,000 over five years would be more equitable.

CONSULTATION

BWGC CEO's have discussed, via email, this request.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil in this year

STRATEGIC IMPLICATIONS

Continuing to partner or contribute in relation to regional initiatives should provide direct and indirect benefits to Council and its community.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
Direct flights to the east to and from Busselton will improve travel, both private and business, times. This may lead to more tourists and, more importantly, increases to the Shires population (FIFO workers etc) . . .

- **Social**
More residents would be good for the various clubs and community organisations, shops and the like.

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.6

MOVED: Cr Rear

SECONDED: Cr Kaltenrieder

That Council;

- 1. commit to contribute \$2,000 per year for five years commencing in 2018/19 to the City of Busselton for its Busselton Margaret River Regional Airport - Future Airport Marketing Fund**
- 2. that this commitment be subject to the annual budget process and there being sufficient funds.**

CARRIED BY ABSOLUTE MAJORITY 6/1

Res 112/17

8.3.7 Department of Communities - House required in Boyup Brook

Location:	<i>N/a</i>
Applicant:	<i>Department of Communities</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>24/8/2017</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Chief Executive Officer</i>
Attachments:	<i>Confidential Attachment</i>

SUMMARY

The purpose of this report is to bring the matter of a suitable site for Council to build a house to lease to the Department of Communities (DC) with a recommendation that Council opt to purchase a lot and the CEO use this scenario to further discuss with Department of Communities.

BACKGROUND

The matter has been before Council previously and it was decided that Council would look to build a house for DC (was Department of Housing) to lease to that entity for a period of 9 years plus an option of 1 year.

Provided separately is a copy of the email correspondence back and forth on this matter and some relevant, marked maps. These attachments contain confidential matters which may later affect the availability and/or purchase price of a property.

COMMENT

Given the decision may lead to the purchase of a vacant lot in Boyup Brook, and so requires a degree of commercial confidentiality at this stage, references to lots will be the map reference.

The DC's preferred sites are on maps A and B. The vacant lot on A is privately owned as is one of the vacant lots on map B. Map B contains the Shire owned lot and a Shire owned house.

Looking at all of the options it is recommended that either of the two vacant lots on map B represent an opportunity to resolve tree issues for an adjoining Shire owned building and are located in good proximity to schools shops and the like.

The recommendation is that Council opts for the privately owned lot on Map B. The CEO then prepares the required detail and costs for DC and brings the matter back to Council if DC agrees to move forward with this opportunity.

It should be noted that it is not the role of local government to provide housing for State Government employees but Council's are often prompted to take the risks and work involved in order to ensure State services and staff remain in their town. There is a lot involved in preparing the business case and other preliminaries required by DC. Then purchasing land, organising earthworks, connections etc. Tendering for builders, managing the building process etc etc. There is also a risk for Council in that the maximum lease term on offer is 9 years, plus an option for one more year. The project will require a new loan to be taken out to cover all of the acquisition, build and other costs and the loan could not be paid out with rental income over the lease term. So Council should expect to have to meet these costs and find an alternative use for the house within 9 years of hand over to DC.

CONSULTATION

The matter has been before Council a number of times. Discussions have been held with DC officers.

STATUTORY OBLIGATIONS

5.23. Meetings generally open to public

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

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

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

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person; and*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal —*

- (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*
where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;**and*
 - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time other than staff time which is budgeted for.

STRATEGIC IMPLICATIONS

State Government services and their staff are important to the fabric of the community, so, whilst not being responsible, Shires generally assist the State Government to meet its responsibilities by going to the effort, expense and risk of building accommodation for State employees.

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 8.3.7

MOVED: Cr Aird

SECONDED: Cr Kaltenrieder

1. That Council opts for the privately owned lot on Map B.
2. The CEO prepares the required detail and costs, based on the selected lot, for Department of Communities and brings the matter back to Council if the Department agrees to move forward with this opportunity.

AMENDMENT

MOVED: Cr Moir

SECONDED: Cr Imrie

That Council opts for the Shire owned lot on Map B.

Carried 5/2

Res 113/17

MOTION

1. That Council opts for the Shire owned lot on Map B
2. The CEO prepares the required detail and costs, based on the selected lot, for Department of Communities and brings the matter back to Council if the Department agrees to move forward with this opportunity.

CARRIED 6/1

Res 114/17

8.3.8 CEO - Annual Review

Location:	<i>N/a</i>
Applicant:	<i>Department of Communities</i>
File:	<i>P/F</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>24/8/2017</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

Council is required to annual review the performance of the CEO. The purpose of this report is to bring the matter to notice and commence the annual process.

BACKGROUND

The employment contract provides as follows:

1. Performance Criteria and review

1.1 Performance Criteria

- (1) Within 3 months of the Commencement Date, the Council and You must negotiate and determine the Performance Criteria.
- (2) The Performance Criteria must be reasonably achievable by You.
- (3) You must use every reasonable endeavour to comply with the Performance Criteria.

1.2 Performance Criteria and review

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

- (a) by reference to the Performance Criteria;
- (b) at least annually; and
- (c) more frequently if the Council or You perceives there is a need to do so and, in that case, gives to the other party a Review Notice.

1.3 Selection of Reviewer

- (1) The Council, in consultation with You, is to determine, in respect of each review under clause 4.2 and 4.5 -
 - (a) who the Reviewer is to be; and
 - (b) whether the Reviewer is to be accompanied or assisted by any other person, and if so, the identity of that person.
- (2) For example, the Reviewer may be-
 - (a) the Council;
 - (b) a committee to which the conduct of the performance review has been delegated by the Council under section 5.16 of the Act; or
 - (c) a person or body who has been authorised by the Council to conduct the performance review.

1.4 Procedure

- (1) Subject to any alternative procedure agreed between the Council and You, a performance review under this clause must include the following procedures -
 - (a) You must give the Council at least one month's written notice of when Your performance review is required;
 - (b) the Council must decide, under clause 4.3, who is to conduct the performance review and must give You at least 10 working days' notice in writing of when the performance review is to be conducted and who is to conduct it;
 - (c) within 14 days after being given notice under paragraph (b), You must prepare a report assessing Your performance against the Performance Criteria, and give that report to the Reviewer;
 - (d) You and the Reviewer will discuss the process and timing of the performance review, which must include at least one interview session that provides for mutual discussion and feedback;
 - (e) You must ensure that You are available for the performance review as reasonably required by the Reviewer;

- (f) You may be accompanied at an interview session by any other person nominated by You;
- (g) within one month of the conclusion of the performance review, the Reviewer must prepare a report, in consultation with You, to be signed by both the Reviewer and You, that includes -
 - (i) conclusions about Your performance during the period covered by the performance review;
 - (ii) any proposal by either party to amend the Performance Criteria as a consequence of the performance review;
 - (iii) any directions or recommendations made to You in relation to the future performance by You; and
 - (iv) details of the extent, if any, to which You disagree with any statement in the report;
- (h) if the Reviewer is not the Council, that report must then be submitted to the Council for consideration; and
- (i) under regulation 180 of the Local Government (Administration) Regulations 1996, the Council is to accept the report with or without modifications, or is to reject the report.

1.5 Review and amendment

The Performance Criteria-

- (a) must be reviewed annually by the parties; and
- (b) may be amended, from time to time, by agreement in writing between the parties.

2. Remuneration Package

2.1 Remuneration Package - general provisions

- (1) The Shire must pay to You each year a Remuneration Package of the amount specified in item 9 of Schedule 2.
- (2) The Remuneration Package takes into account-
 - (a) the requirements to attend Shire meetings and perform other Functions that require work outside standard working hours;
 - (b) any additional annual leave to which You are entitled under clause 9; and

- (c) that You are not entitled to any annual leaving loading, penalty rates or payment for additional hours or overtime.
- 3. In accordance with either-
 - (a) the terms of a Policy; or
 - (b) the approval of the Council,

You may vary the individual component amounts of the Remuneration Package provided that the total value of the Remuneration Package remains the same.
- 4. Subclause (3) does not affect the rights of the parties to amend, by agreement, the total value of the Remuneration Package.
- 5. In accordance with either-
 - (a) the terms of a Policy; or
 - (b) the approval of the Council,

You may salary sacrifice any part of the Salary if-

 - (c) it complies with the relevant taxation legislation and Australian Taxation Office rulings; and
 - (d) there is no additional cost to the Shire

COMMENT

As in past years, the task is for Council to nominate a reviewer. This could be a consultant, appointed Councillors, the whole of Council etc. It has been some years since a consultant was used but the cost is expected to be in the order of \$4,000.

It is recommended that;

- Council appoint the reviewer,
- that the minutes of this Council meeting constitute notice to the CEO of the review of performance, performance criteria and remuneration.
- the CEO be required to prepare a self assessment to be reviewed by the reviewer
- that the CEO and reviewer meet to conduct the review on the day of the ordinary Council meeting in September
- that the reviewers recommendations on performance, performance criteria and remuneration amendments be put to the ordinary Council meeting in September 2017.

CONSULTATION

This is an established and required process which all Council members have been involved in previously.

STATUTORY OBLIGATIONS

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – Item 8.3.8

MOVED: Cr Kaltenrieder

SECONDED: Cr Oversby

That;

- **Council Appoint the Councillors as the reviewer.**
- **The minutes of this Council meeting constitute notice to the CEO of the review of performance, performance criteria and remuneration.**
- **The CEO be required to prepare a self assessment to be reviewed by the reviewer.**
- **The CEO and reviewer meet to conduct the review on the day of the ordinary Council meeting in September.**
- **The reviewers recommendations on performance, performance criteria and remuneration amendments be put to the ordinary Council meeting in September 2017.**

Rob Staniforth-Smith left at 7.10pm

Rob Staniforth-Smith returned at 7.18pm

AMENDMENT

MOVED: Cr Moir

SECONDED: Cr Muncey

That the Council appoint an Independent Reviewer.

CARRIED 5/2

Res 115/17

Request for Vote to be recorded

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

For	Against
Cr Aird	Cr Kaltenrieder
Cr Moir	Cr Oversby
Cr Rear	
Cr Imrie	
Cr Muncey	

AMENDMENT

MOVED: Cr Muncey

SECONDED: Cr Kaltenrieder

That the President and Deputy President be delegated to select the Reviewer based on information supplied by the CEO that the Reviewer meet to conduct the review in order to have the process completed by the day of the Ordinary Council meeting in October 2017.

CARRIED 7/0

Res 116/17

MOTION

- **That the Council appoint an Independent Reviewer.**
- **The minutes of this Council meeting constitute notice to the CEO of the review of performance, performance criteria and remuneration.**
- **The CEO be required to prepare a self assessment to be reviewed by the reviewer.**
- **That the President and Deputy President be delegated to select the Reviewer**
- **The CEO and the Reviewer meet to conduct the review in order to have the process completed by the day of the Ordinary Council meeting in October 2017.**
- **The reviewers recommendations on performance, performance criteria and remuneration amendments be put to the ordinary Council meeting in October 2017.**

CARRIED 7/0

Res 117/17

9 COMMITTEE MINUTES

9.1.1 Minutes of Bunbury Wellington Group of Councils
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Location:	N/A
Applicant:	N/A
File:	n/a
Disclosure of Officer Interest:	Nil
Date:	9 May 2017
Author:	Alan Lamb - CEO
Attachments:	Yes – Minutes

BACKGROUND

The Bunbury Wellington Group of Councils meeting was held on 26 July 2017. Minutes of the meeting are attached.

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.1

MOVED: Cr Moir

SECONDED: Cr Rear

That the minutes of the Bunbury Wellington Group of Councils meeting be received.

CARRIED 7/0

Res 118/17

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

Nil

13 CLOSURE OF MEETING

There be no further business the Shire President, Cr Aird thanked all for attending and declared the meeting closed at 7.40pm.