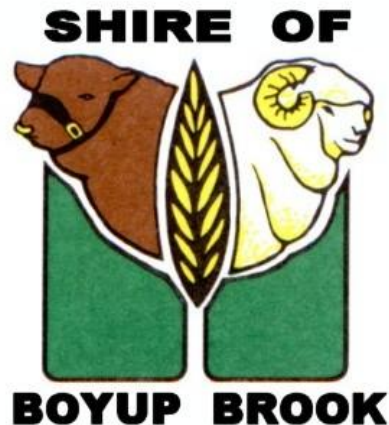


Minutes



ORDINARY MEETING

held

THURSDAY 12 December 2019
Commenced AT 5.12PM

AT

SHIRE OF BOYUP BROOK
CHAMBERS
ABEL STREET - BOYUP BROOK

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RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

1.1 Attendance

Cr G Aird – Shire President
Cr R Walker - Deputy Shire President
Cr S Alexander
Cr P Kaltenrieder
Cr K Moir
Cr H O'Connell
Cr A Price
Cr E Rear

STAFF: Mr Chris Smith (Chief Executive Officer)
Mr Steele Alexander (Manager Works & Services)
Mr A Nicoll (Manager Development Services)
Mrs Maria Lane (Executive Assistant)

Public: Mr Stephen Jackson
Ms Carina Wilson
Mr Neil Derrick
Ms Dorothy Ricetti

1.2 Apologies

Cr Oversby

1.3 Leave of Absence

2 PUBLIC QUESTION TIME

2.1 Stephen Jackson and Carina Wilson expressed their concern to Council in relation to the Public Transport Authority plan to demolish the Railway Barracks.

Stephen Jackson left the Chambers at 5.48pm
Carina Wilson left the Chambers at 5.48pm

Response

A letter will be sent out to the Public Transport Authority in relation to what their intentions will be.

2.2 Neil Derrick informed Council that the grading has been done well on Gibbs Road.

2.3 Dorothy Ricetti asked if the Community Hub will be going ahead in the near future.

Response

The Shire President informed Dorothy that he wishes to have further discussion with the Groups and a meeting will be rescheduled in early February.

2.1 Response to Previous Public Questions Taken on Notice

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Rear attended the Grant writing workshop on 25 November.
Cr Rear attended the Audit Committee on 27 November.
Cr Rear attended the Community Christmas celebration on 4 December.
Cr Rear attended the Seniors lunch on 5 December.
Cr Rear attended Volunteers afternoon tea and update with Silver Chain.
Cr Rear attended the Boyup Brook District High School Primary Awards on 10 December.
Cr Rear attended the Boyup Brook District High School Senior Graduation on 11 December.
Cr Rear attended the Museum Committee on 11 December.
Cr Price attended the Community Christmas Celebrations on 4 December.
Cr Price attended the Seniors Christmas lunch on 5 December.
Cr Price attended the Citizens Lodge on 12 December.
Cr O'Connell attended the Community Christmas Celebrations on 4 December.
Cr O'Connell attended the Rylington Park – meeting with Rylington Park Chairman, Managers & CEO on 5 December 2019
Cr Alexander attended the Boyup Brook School Board on 2 December.
Cr Alexander attended the Community Christmas Celebrations on 4 December.
Cr Alexander attended the Citizens Lodge on 12 December.
Cr Alexander attended the Boyup Brook District High School Senior Graduation on 11 December.
Cr Alexander attended the Seniors Christmas lunch on 5 December.
Cr Alexander attended the Annual Awards Committee on 3 December.
Cr Alexander attended the Audit Committee on 27 November.
Cr Walker attended the SW Zone meeting.
Cr Walker attended the Public Biosecurity meeting.
Cr Kaltenrieder attended the Citizens Lodge on 12 December.

5 DISCLOSURE OF INTEREST

Cr Aird declared a financial interest in item 9.3.3.
Cr Price declared an impartiality interest in item 9.3.3.

6 CONFIRMATION OF MINUTES

6.1 Ordinary Council Minutes - 21 November 2019
--

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 6.1

MOVED: Cr Kaltenrieder

SECONDED: Cr Alexander

That the minutes of the Ordinary Council Meeting held on Thursday 21 November 2019 be confirmed as an accurate record.

CARRIED 8/0

Res 301/19

7 PRESIDENTIAL COMMUNICATIONS

Thanked Cr Walker for attending the SW Zone meeting on his behalf.

Thanked Cr Rear for attended the Graduation Ball.

Attended a WALGA Cocktail reception. Will be meeting with the CEO from WALGA next year.

Attended the Community Christmas Celebration and thanked Council for assisting with the barbeque.

Attended a Regional Road Group meeting in Dardanup with the MWS on 9 December.

Attended the Public Biosecurity meeting held on 10 December.

8 COUNCILLORS QUESTIONS ON NOTICE

Nil

9 REPORTS OF OFFICERS

9.1 MANAGER WORKS & SERVICES

Nil

COUNCIL DECISION

MOVED: Cr Rear

SECONDED: Cr O'Connell

That the Council adopts enbloc 9.2.1 and 9.2.2.

CARRIED 8/0

Res 302/19

9.2 FINANCE

9.2.1 List of Accounts Paid in November 2019

<i>Location:</i>	<i>Not applicable</i>
<i>Applicant:</i>	<i>Not applicable</i>
<i>File:</i>	<i>FM/1/002</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>03/12/19</i>
<i>Author:</i>	<i>Peter Dittrich – Finance Manager</i>
<i>Authorising Officer:</i>	<i>Chris Smith –Chief Executive Officer</i>
<i>Attachments:</i>	<i>Yes – List of Accounts Paid in November</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in November 2019 are presented to Council.

BACKGROUND

This report presents accounts/invoices received for the supply of goods and services, salaries and wages, and the like which were paid during the period 01 to 30 November 2019.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 30 November 2019.

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 2019-20 Annual Budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.2.1

That at its December 2019 ordinary meeting Council receive as presented the list of accounts paid in November 2019, totalling \$506,553.28 from Municipal account, \$523.65 from Trust account, \$32,970.75 from Police Licensing account and \$9.08 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20342 - 20348	\$ 21,362.83
Municipal Electronic Payments	EFT8636 – EFT8730	\$ 286,836.58
Municipal Direct Payments		\$ 198,353.87
Trust Cheques	2204 - 2211	\$ 523.65
Police Licensing Payments		\$ 32,970.75
BBELC Payments		\$ 9.08

CARRIED BY ENBLOC 8/0

Res 303/19

9.2.2 30 November 2019 Statement of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13 November 2019</i>
Authors:	<i>Peter Dittrich - (Relief) Finance and HR Manager</i>
Authorizing Officer:	<i>Chris Smith - Chief Executive Officer</i>
Attachments:	<i>Yes – 30 November 2019 Financial Reports</i>

SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 30 November 2019.

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 - Nil

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 9.2.2

MOVED: Cr Rear

SECONDED: Cr O'Connell

That having had regard for any material variances, Council receive the 30 November 2019 Statement of Financial Activity and Statement of Net Current Assets, as presented.

CARRIED BY ENBLOC 8/0

Res 304/19

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 Council Meeting Dates for 2020

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Not Applicable</i>
File:	<i>N/A</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>5 December 2019</i>
Author:	<i>Chris Smith – Chief Executive Officer</i>
Authorizing Officer:	<i>N/A</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council proposed meeting times and dates for the Ordinary Council meetings for the 2020 year.

BACKGROUND

At the Chief Executive Officer's review last year it was recommended that regular briefing sessions be conducted before Ordinary Council Meetings.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY OBLIGATIONS

The following sections of the Local Government Act have relevance:

5.3. Ordinary and Special Council Meetings

- 1) A council is to hold ordinary meetings and may hold special meetings.
- 2) Ordinary meetings are to be held not more than 3 months apart.
- 3) If a council fails to meet as required by subsection (2) the Chief Executive Officer is to notify the Minister of that failure.

5.4. Calling Council Meetings

An ordinary or a special meeting of a council is to be held –

- (a) if called for by either-
 - (i) the mayor or president; or
 - (ii) at least 1/3 of the councillors;
in a notice to the Chief Executive Officer setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the council

5.5. Convening Council Meetings

- (1) The Chief Executive Officer is to convene an ordinary meeting by giving each Council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The Chief Executive Officer is to convene a special meeting by giving each Council member notice, before the meeting, of the date, time, place and purpose of the meeting.

The Local Government (Administration) Regulations provide:

Public notice of Council or Committee Meetings – s. 5.25(1)(g)

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to sub regulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the Chief Executive Officer's opinion, it is not practicable to give local public notice of the matters referred to in sub regulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the Chief Executive Officer's opinion, is practicable.

The Local Government Act provides that local public notice is as follows;

1.7. Local Public Notice

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be –

- (a) published in a newspaper circulating generally throughout the district;
 - (b) exhibited to the public on a notice board at the local government's offices; and
 - (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is –
- (a) published under subsection (1) (a) on at least once occasion; and
 - (b) exhibited under subsection (1) (b) and (c) for a reasonable time, being not less than –
 - (i) the time prescribed for the purpose of this paragraph; or
 - (ii) if no time is prescribed, 7 days.

POLICY IMPLICATIONS

Council Policy

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION –ITEM 9.3.1

MOVED: Cr O'Connell

SECONDED: Cr Rear

That the following meeting dates and times apply for the 2020 year:

Council Meeting Dates 2020

Held at 5.00pm in the Boyup Brook Chambers

20 February 2020

20 August 2020

19 March 2020

17 September 2020

16 April 2020

15 October 2020

21 May 2020

19 November 2020

18 June 2020

17 December 2020

16 July 2020

CARRIED 8/0

Res 305/19

9.3.2 Development – Grouped Dwelling - Lot 1 (#30) Elder Road, Wilga

Location:	<i>Lot 1 Elder Road, Wilga.</i>
Applicant:	<i>BGC Residential</i>
Owner:	<i>J Howard</i>
File:	<i>A12005</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12 December 2019.</i>
Author:	<i>A Nicoll - Town and Regional Planner</i>
Authorizing Officer:	<i>Chris Smith - Chief Executive Officer</i>
Attachments:	<i>Bushfire Management Plan.</i> <i>DFES Homeowner's Bushfire Survival Manual.</i>

SUMMARY

The purpose of this report is to request that Council agree to approve a second dwelling (Grouped Dwelling) at Lot 1 (No.30) Elder Road, Wilga.

In accordance with the Shire's *Local Planning Scheme No.2* (the scheme), the subject property is zoned 'Urban'. Council discretion is required for a Grouped Dwelling application at an 'Urban' zone property.

The subject property is located adjacent to an expanse area of 'Forest' type vegetation and is therefore exposed to the threat of bushfire. There are a number of measures that need be undertaken to increase the protection of a dwelling in bushfire threat areas:

- a) A Building Protection Zone (cleared area around the dwelling) is essential in increasing the dwellings chance of survival under bushfire attack; and
- b) Constructing a dwelling to meet the *Australian Standard 3959 —Construction of buildings in bushfire-prone areas.*

This report recommends that the Council approve a second dwelling at Lot 1 Elder Road, subject to conditions to address issues associated with bushfire threat.

BACKGROUND

In November 2018, the Council resolved to support the development of a second dwelling at the subject Lot 1 Elder Road. A 'Bushfire Attack Level' assessment was completed to accompany the application. The bushfire assessment determined that, in the instance of a bushfire, the proposed dwelling may be exposed to a heat rating of 29kW/m².

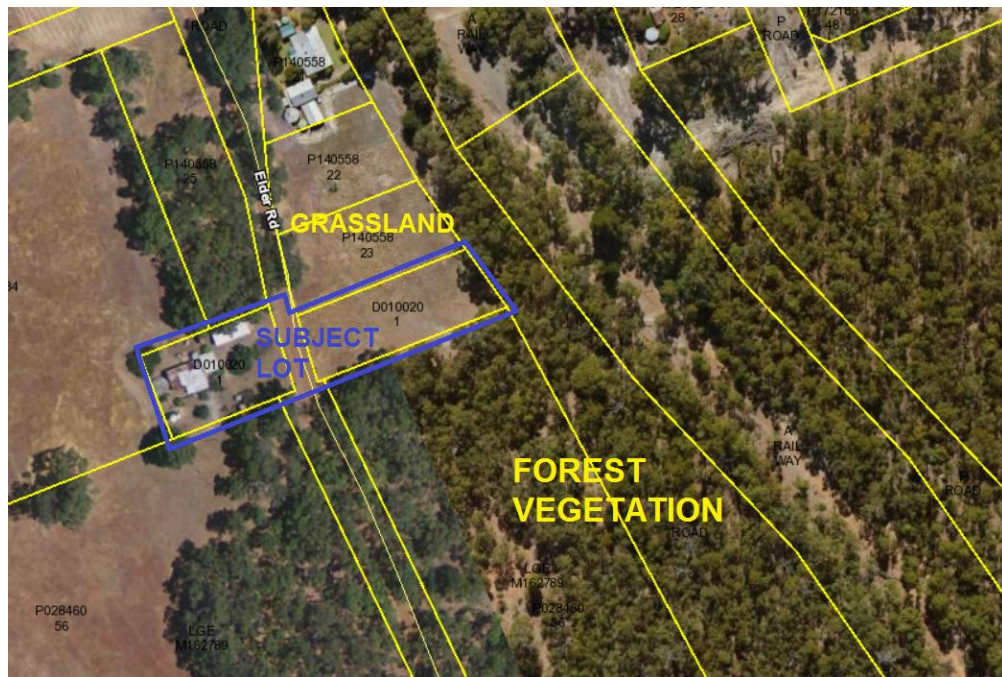
Bushfire Attack Level assessments have a live span of one year. It's been one year since the 2018 bushfire assessment was completed and a Building Permit has not been issued for the second dwelling. A new bushfire assessment and management plan have therefore been completed. The new bushfire assessment and management plan were undertaken by a Level 3 Accredited Bushfire Assessor (top accreditation), who determined that the proposed dwelling should be constructed to a higher standard than previously determined. The new assessor determined that the building should be constructed to withstand a heat rating of 40kW/m² and not the lower 29kW/m² rating. It was determined that a higher construction standard is necessary due to the proximity of an expanse area of forest (Wilga State Forrest) and due to the one entry/exit road to the Wilga Townsite.

COMMENT

The subject property is located on Elder Road, in the townsite of Wilga.

A dwelling is located on the western portion of the subject property. The proponent is seeking to position a second dwelling and a rain water tank (132kL), on the eastern portion of the subject property.

The following map indicates the location of roads, the configuration of Lot 1 Elder Road and the location of existing development and vegetation.



The dwelling is designed as a single storey, four bedroom, two bathroom, brick rendered and selected clad development. The dwelling is to be developed on a cement pad, which is raised approximately 500mm above the natural ground level.

The dwelling is proposed to be positioned 25.5m from the boundary fronting Elder Road, 5.1m between living areas (overlooking bedroom windows) and the northern neighbouring boundary, 13.5m from the southern boundary and 28.5m from the eastern boundary.

The subject lot is 4336m² in area, meaning the proposed Grouped Dwelling complies with an average minimum land area of 666m² per dwelling and that sufficient area should be available to accommodate a second effluent disposal system.

The one essential issue pertaining to the proposal is the threat of bushfire. Expansive areas of remnant vegetation (Wilga State Forest) have potential to exhibit landscape scale bushfire behaviour (under predominant bushfire weather conditions) to the subject area.

In the instance of bushfire threat, bushfire protection criteria should include (as per *Guidelines for Planning in Bushfire Prone Areas 2017*):

- a) Development located in an area that is or will, on completion, be subject to either a moderate or low bushfire hazard level, or BAL-29 or below;
- b) Asset Protection zone (cleared area) around the development and contained solely within the boundaries of the lot on which the building is situated, except in instances where the neighbouring lot or lots will be managed in a low-fuel state on an ongoing basis, in perpetuity;

- c) Two different vehicular access routes are provided, both of which connect to the public road network, provide safe access and egress to two different destinations and are available to all residents/the public at all times and under all weather conditions;
- d) Single lots above 500 square metres need a dedicated static water supply on the lot that has the effective capacity of 10,000 litres.

In relation to the subject site and the above bushfire protection criteria, the following improprieties apply:

- a) The bushfire attack rating is greater than the maximum allowed 29kW/m²; and
- b) There is only one available access to the site, which restricts the ability for a safe evacuation being performed during a bushfire emergency.

Although the application does not fully comply with bushfire guidelines, the Level 3 Accredited Bushfire Practitioner has determined that the proposed development is in a residential built-out area and therefore, in accordance with the *State Planning Policy 3.7 – Planning in Bushfire Prone Areas*, is considered to be ‘minor development’, meaning full compliance with relevant policy measures is not required.

Due to the legacy nature of the Wilga townsite area (e.g. lot layout and adjacent vegetated), lots result in a BAL-40 rating with no scope to reduce the rating to a lower BAL or to provide secondary access. In the instance of a bushfire, potential does however exist to:

- a) Call upon volunteer fire brigades within the local area, including:
 - Boyup Brook Volunteer Fire and Rescue Service
 - Bridgetown Volunteer Fire and Rescue Service
 - Balingup Volunteer Fire Brigade
 - Bunbury Volunteer Bushfire Brigade and other regional brigades, which are likely to provide assistance during a significant bushfire event.
- b) Evacuate from the project area to the townsite of Boyup Brook, provided there is sufficient warning and access routes are not impeded by an approaching bushfire. The Shire of Boyup Brook Local Emergency Management Arrangements (LEMA) documents five potential welfare centres within Boyup Brook Town Hall and Lesser Hall, Boyup Brook Flax Mill and Caravan Park, Boyup Brook Club, Boyup Brook Golf Club and Boyup Brook Football Club. During early evacuation of the project area, the nominated welfare centres would be able to provide a suitable refuge for site occupants.

- c) Utilise (as a last resort) the proposed dwelling for shelter. The proposed building will be constructed to withstand direct exposure from a fire front as well a radiant heat flux up to 40 kW/m^2 and elevated levels of ember attack.
- d) Undertake fuel reduction operations within adjacent forest vegetation to the south and east. The maintenance of vegetation at these interfaces will act to reduce the effects of a bushfire occurring within the vegetation and to provide improved access for firefighters.
- e) Utilise water stored within a proposed water tank (132Kl) for firefighting purposes. Suction connections from the water tank can be configured to ensure that there is a 10kL minimum effective capacity dedicated for bushfire fighting purposes. The suction connections from the firewater tank can be located within 3m of a hardstand area to enable access by attending fire appliances.

It is recommended that the Council agree to support the proposed development, subject to conditions and advice notes to ensure:

- 1. The provision of water for firefighting;
- 2. Cleared areas surrounding the dwelling;
- 3. Building construction to withstand radiant heat of 40 kW/m^2 ;
- 4. The owner is aware of the need to prepare the property and an evacuation plan, in accordance with the *Department of Fire and Emergency Services Homeowner's Bushfire Survival Manual*.

STATUTORY OBLIGATIONS

Local Planning Scheme No.2

The subject property is zoned 'Urban' in accordance with the Shire's *Local Planning Scheme No.2*.

The prime objective of the 'Urban' zone is to 'encourage and foster development while protecting the residential environment from conflicting uses'.

Residential development within the 'Urban' zone shall be subject to the standards applicable to the R15 density code. The R15 density code enables one dwelling for every 666 m^2 .

Where a reticulated water supply is not available, nor in reasonable prospect to service proposed lots, Council shall require each dwelling to be provided with a

supply of potable water from an underground bore or a rainwater storage tank with a minimum capacity of 92,000 litres to Council's satisfaction.

POLICY IMPLICATIONS

There are no Local Planning Scheme Policy implications relating to the proposed development.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.2

MOVED: Cr Walker

SECONDED: Cr Alexander

That Council

Grants conditional development approval for Lot 1 Elder Road, Wilga for the purpose of 'Grouped Dwelling', subject to the following notice:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: Lot 1, Elder Road, Wilga.

Description of proposed development:

Grouped Dwelling

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

Conditions

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.

1. Prior to occupation of use, stormwater is to be managed on-site wherever possible either by containment or infiltration, as permitted by soil and other site conditions and which reduces the export of nutrients and sediments from the site, to the satisfaction of the Shire of Boyup Brook.
2. Prior to occupation of use, a dedicated static water supply of 10,000 litres is to be provided on the lot for firefighting purposes. Suction connections from the water tank are to be configured to ensure that there is a 10kL minimum effective capacity dedicated for bushfire fighting purposes. The suction connections from the firewater tank are to be located within 3m of a hardstand area to enable access by attending fire appliances.
3. Prior to occupation of use, the habitable building is to be surrounded by, an asset protection zone (APZ), which meets the following requirements:

- a) Width: Measured from any external wall or supporting post or column of the proposed building, and of sufficient size to ensure the potential radiant heat impact of a bushfire does not exceed 40kW/m² (BAL-40) in all circumstances;
 - b) Management: the APZ is managed in accordance with the requirements of '*Standards for Asset Protection Zones*' as defined by the *Guidelines for Planning in Bushfire Prone Areas*.
4. Construct the proposed building to the applicable BAL-40 building constructions standards of AS 3959.

Date of determination: 12 December 2019

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: It is recommended that the owner prepare the property and an evacuation plan in accordance with the DFES Homeowner's Bushfire Survival Manual.

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:

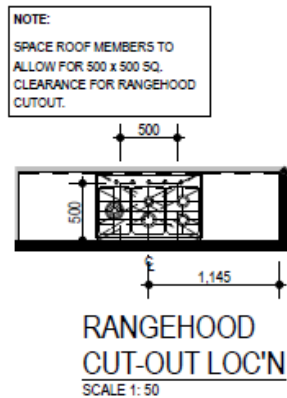
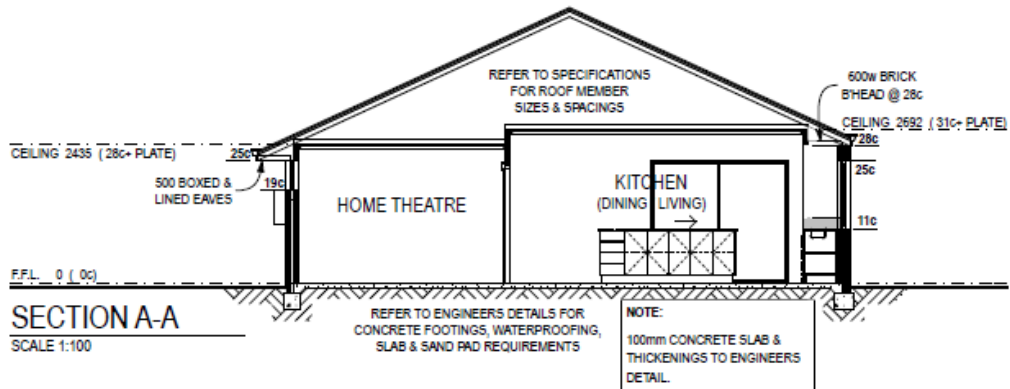
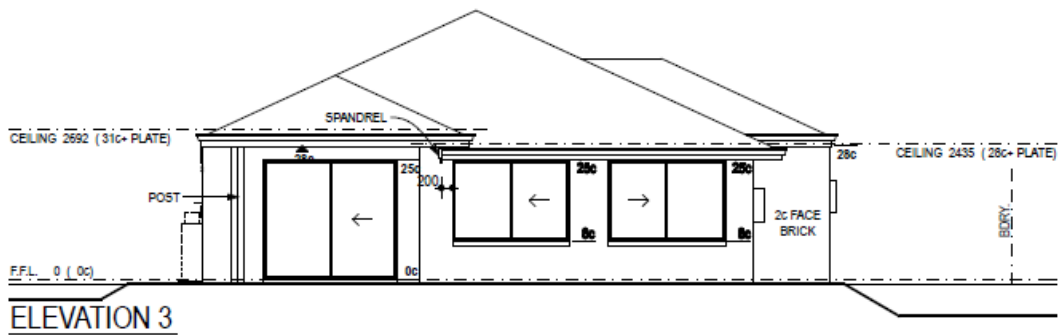
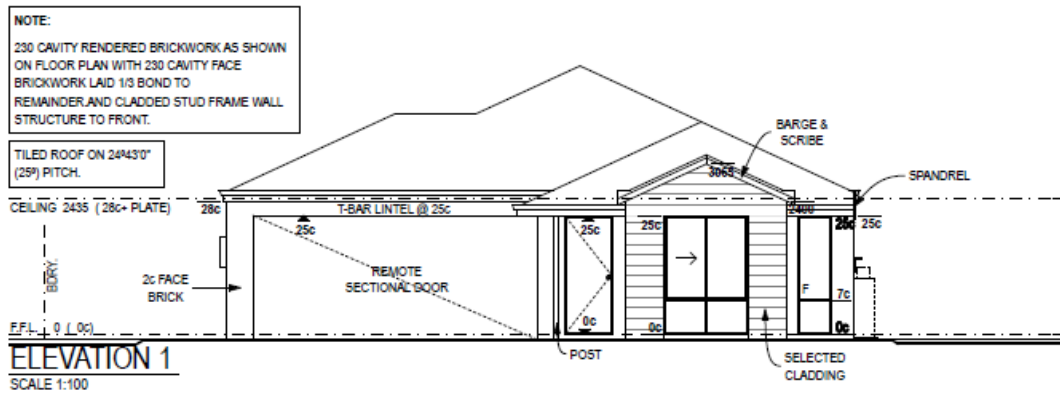
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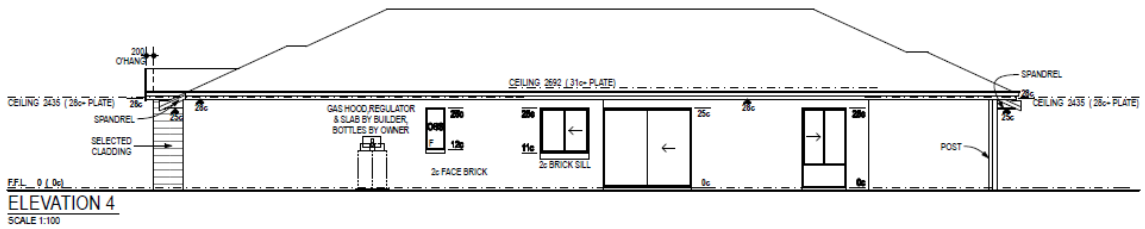
for and on behalf of the Shire of Boyup Brook.

CARRIED 8/0

Res 306/19

[illegible]





Financial Interest

Cr Aird declared a financial interest in item 9.3.3 and left the Chambers at 6.06pm.

Impartiality Interest

Cr Price declared an impartiality interest in item 9.3.3 and left the Chambers at 6.06pm.

Cr Aird resumed from the Chair.

Cr Walker took the Chair due to the Chairman departing the Chambers.

9.3.3 Land Use – Motor Vehicle Repair - Lot 1 (#61) Railway Parade, Boyup Brook
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Location:	<i>Lot 1 (#61) Railway Parade, Boyup Brook</i>
Applicant:	<i>R Miller</i>
Owner:	<i>G Aird</i>
File:	<i>A20</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12 December 2019.</i>
Author:	<i>A Nicoll - Town and Regional Planner</i>
Authorizing Officer:	<i>Chris Smith - Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to request that Council agree to approve the use of Lot 1 (#61) Railway Parade, for 'Motor Vehicle Repair'.

The subject property is zoned 'Commercial' in accordance with the Shire's *Local Planning Scheme No.2* (scheme).

In accordance with the Shire's scheme, the 'Motor Vehicle Repair' land use can be considered at a property zoned 'Commercial'.

This report recommends that the Council approve the use of the subject property for 'Motor Vehicle Repair', subject to conditions to address issues associated with noise, car parking and access and general amenity (visual).

BACKGROUND

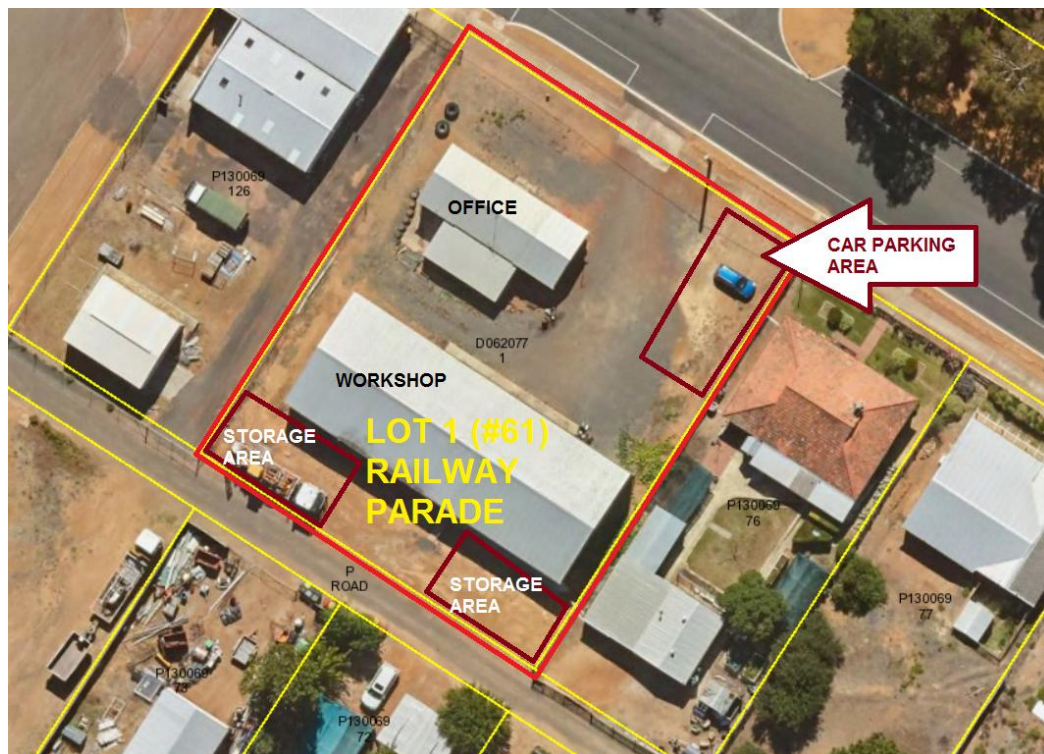
Lot 1 Railway Parade was previously used to repair/maintain farm machinery in association with an agricultural contracting business (farm chemical spraying, hay baling and grain harvesting).

The subject property has been sitting vacant for a number of years.

An application has been received requesting permission to use the property for 'Motor Vehicle Repairs'. The following explanation and plan was submitted:

I would like to express my interest in the lease of 61 Railway Parade. I currently have a business repairing cars in Bunbury. I wish to move my business to Boyup Brook. We are very conscious of noise emissions and have never had a complaint.

The style of the business would be vehicle repairs including electrical repairs and rebuilding components. Services to vehicle requirements. No tyres, or exhaust work.



COMMENT

The subject property fronts Railway Parade and is currently occupied by a large shed at the rear of the property and a brick (office) building toward the front of the property.

The applicant has indicated on a site plan, the intent to undertake motor vehicle repairs within the enclosure of a large shed situated at the rear of the property. The applicant has also indicated areas for access, car parking and the storage of materials.

In accordance with the Shire's scheme, the 'Motor Vehicle Repair' land use can be considered at the subject property, which is zoned 'Commercial'.

The proposed use is not expected to conflict with the 'Commercial' zone objective (see statutory obligations below) and is in-keeping with the previous land use (maintaining agriculture machinery).

There is suitable vacant space available on the property for access and the parking of vehicles. The proposal to carry out the repair of vehicles within an existing shed is expected to keep potential land use conflict (e.g. noise and dust) with adjacent residential land-uses, to a minimum.

It is recommended that Council approve the use of the subject property for 'Motor Vehicle Repair', subject to conditions to address issues associated with storage of materials, car parking and amenity (e.g. visual, noise and dust).

STATUTORY OBLIGATIONS

Local Planning Scheme No.2

The subject property is zoned 'Commercial' in accordance with the Shire's *Local Planning Scheme No.2*.

The prime objective of the 'Commercial' zone is as follows:

The Commercial Zone is intended primarily to ensure that the Town Centre continues to function effectively as the location of the District's commercial and civic activity, that the uses approved therein will be compatible with the objectives and function, and with enhancement of the Centre's activity, appearance and movement systems.

Motor Vehicle Repair: *Means premises used for or in connection with –*

a) electrical and mechanical repairs, or overhauls to vehicles;

b) repairs to tyres;

but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping.

POLICY IMPLICATIONS

There are no Policy implications relating to the proposed land use.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.3

MOVED: Cr Moir

SECONDED: Cr Alexander

That Council

Grants conditional development approval for Lot 1 (#61) Railway Parade, for the purpose of 'Motor Vehicle Repair', subject to the following notice and advising the neighbouring residential land users of council decision, and in particular the condition (6) that limits operations:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: Lot 1 (#61), Railway Parade, Boyup Brook.

Description of proposed development:

Motor Vehicle Repair

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 site plan.
2. Prior to occupation of use, stormwater is to be managed on-site wherever possible either by containment or infiltration, as permitted by soil and other site conditions and which reduces the export of nutrients and sediments from the site, to the satisfaction of the Shire of Boyup Brook.

3. No goods or materials shall be stored, either temporarily or permanently, in the parking areas or in access driveways. Goods or materials should be stored inside of buildings and/or at the rear of the large shed located at the property.
4. Any lighting device shall be positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries.
5. All vehicular parking and access areas shall be maintained to the satisfaction of the Shire of Boyup Brook.
6. The land use hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust. In relation to the potential effect on the amenity of the neighbourhood (neighbouring residents), activities associated with noise, vibration, smell, smoke or dust are not to be undertaken before 9am and after 5pm on weekdays and as per the noise regulations on weekends and public holidays. Please note, the level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997.
7. The discharge of any petrol, benzene or other inflammable or explosive substances or grease, oil or greasy/oily matter shall be exposed of to the satisfaction of the Shire of Boyup Brook.

Date of determination: 12 December 2019

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 6/0

Res 307/19

Cr Aird returned to the Chambers at 6.13pm and took the Chair.

Cr Price returned to the Chambers at 6.13pm.

Neil Derrick left the Chambers at 6.14pm.

Dorothy Ricetti left the Chambers at 6.14pm.

10 COMMITTEE MINUTES

10.1.1 Annual Awards Committee

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	<i>n/a</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>5 December 2019</i>
Author:	<i>Chris Smith - CEO</i>
Attachments:	<i>Confidential Minutes</i>

BACKGROUND

The Minutes of the Annual Awards Committee meeting was held on 3rd December 2019.

Minutes of the meeting are attached in an envelope marked Confidential.

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 10.1.1

MOVED: Cr Alexander

SECONDED: Cr Price

That the minutes of the Annual Awards Committee meeting held on 3rd December 2019 be received.

CARRIED 8/0

Res 308/19

10.1.2 Audit & Finance Committee

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	<i>Minutes</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>03 December 2019</i>
Author:	<i>Peter Dittrich (Manager Governance)</i>
Authorizing Officer:	<i>Christopher Smith (Chief Executive Officer)</i>
Attachments:	<i>Unconfirmed Minutes of Shire of Boyup Brook Audit & Finance Committee meeting 27 November 2019</i>

SUMMARY

Council to receive the minutes of the Shire of Boyup Brook Audit & Finance Committee meeting of 27 November 2019.

BACKGROUND

The Shire's Audit & Finance Committee met on 27 November 2019 to consider the Interim Management Letter issued by the Office of the Auditor General dated 3 July 2019.

COMMENT

The Audit & Finance Committee of Council considered the points raised in the Interim Audit Management letter and noted the progress made in relation to the points raised. The summary of those points is as follows:

- 1) The non-compliance has been noted and Departmental guidance notes reviewed.
- 2) Shire process requires review of banking summaries prior to banking.
- 3) A register of items is to be established and progress to be reported to the Audit and Finance Committee on an ongoing basis.
- 4) The fixed asset register has been updated.

CONSULTATION

Shire of Boyup Brook Audit & Finance Committee

STATUTORY OBLIGATIONS

Local Government Act (1995)

5.22. Minutes of council and committee meetings

(2) The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 10.1.2

MOVED: Cr O'Connell

SECONDED: Cr Rear

- 1. That Council receive the unconfirmed minutes of the Audit & Finance Committee of 27 November 2019.**

CARRIED 8/0

Res 309/19

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Cr O'Connell

COUNCIL DECISION

MOVED: Cr O'Connell

SECONDED: Cr Kaltenrieder

Council consider writing a letter of congratulations to each nominee post the award ceremony.

Council approves the 2020 Awards winners to be notified prior to the Ceremony in order that they can prepare a suitable response/speech.

CARRIED 8/0

Res 310/19

11.2 Cr Price

MOTION

MOVED: Cr Price

SECONDED: Cr Alexander

That Council seek an expression of interest to conduct a study by a suitably qualified person or organisation to construct and operate a solar power generating unit on privately held land adjacent to the Saleyard with the object of supplying power. This proposal is on the condition of there being no cost to Council.

CARRIED 7/1

Res 311/19

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

12.1 Appointment of a Bush Fire Control Officer

Location:	<i>Shire of Boyup Brook</i>
Applicant:	
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11th December 2019</i>
Author:	<i>Steele Alexander - Manager Works and Services</i>
Authorizing Officer:	<i>Chris Smith - CEO</i>
Attachments:	<i>nil</i>

SUMMARY

It is requested that Council approve the appointment of the Shire Ranger, Heather Blechynden as a Bush Fire Control Officer as prescribed under the Bush Fires Act 1954. This is required so that the Ranger is empowered under the Act to carry out the full scope of duties for fire hazard compliance in the community.

BACKGROUND

An important part of the Ranger's role is to assist with ensuring community compliance with the Shires annual firebreak notice. This includes entering private land to inspect firebreaks and fire hazards. The landowner's obligations outlined in the notice are enforceable under the Bush Fires Act 1954 and Bush Fires Regulations 1954.

Under the Bush Fires Act 1954 Section 14, only certain persons may enter land for purposes of the Act. The relevant excerpt from the Act is shown below:

14. Certain persons may enter land or building for purposes of Act

1. A person employed in the Department who is authorised by the FES Commissioner so to do, a bush fire liaison officer and a bush fire control officer, designated or appointed in accordance with the provisions of this Act, and, subject to subsection (1A), a member of the Police Force, is empowered to enter any land or building at any time to —

- a. examine a fire which he has reason to believe has been lit, or maintained, or used in contravention of this Act;
- b. examine a fire which he believes is not under proper control;
- c. examine fire breaks on the land;
- d. examine anything which he considers to be a fire hazard existing on the land;
- e. investigate the cause and origin of a fire which has been burning on the land or building;
- f. inspect fire precaution measures taken on the land;
- g. investigate and examine the equipment of a bush fire brigade;
- h. do all things necessary for the purpose of giving effect to this Act.

Section 38 of the Act also states that:

38. Local government may appoint bush fire control officer

1. A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act,

COMMENT

As outlined, the Ranger cannot lawfully enter private property for fire hazard investigation purposes without being appointed as a Bush Fire Control Officer. This is an urgent requirement given the fire risk at this time of year. It should be noted that the appointment will only be to enable the Ranger to perform compliance duties described. The Ranger's role does not include any bushfire brigade activities such as prescribed burns or emergency fire response.

CONSULTATION

Shire Ranger

STATUTORY OBLIGATIONS - Nil

POLICY IMPLICATIONS - Nil

BUDGET/FINANCIAL IMPLICATIONS - Nil

STRATEGIC IMPLICATIONS

With reference to the Strategic Community Plan 2017 - 2027

Our Goals

Built Environment

- Improve road infrastructure

Social

- Improve community safety.
- Promote outdoor activities, community participation, interactions and connections.
- Strengthen an active and vibrant community.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 12.1

MOVED: Cr Walker

SECONDED: Cr Kaltenrieder

That Council approve the appointment of Heather Blechynden, the Shire Ranger as a Bush Fire Control Officer as prescribed under the Bush Fires Act 1954, to carry out the full scope of duties for fire hazard compliance in the community.

CARRIED 8/0

Res 312/19

12.2 Biosecurity

MOVED: Cr Aird

SECONDED: Cr Walker

That the CEO begin the process of taking the Shire's Biosecurity issues to the State Administrative Tribunal for determination and report back the status as soon as informed.

CARRIED 8/0

Res 313/19

13 CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS

14 CLOSURE OF MEETING

There being no further business the Shire President, Cr Aird thanked all for attending and declared the meeting closed at 7.12pm.