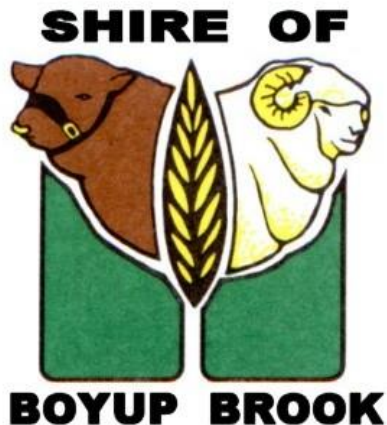


# Agenda



**ORDINARY MEETING**

being held

**THURSDAY 29 October 2020**  
**Commencing AT 5.00PM**

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

## **NOTICE OF ORDINARY COUNCIL MEETING**

To:-

Cr R Walker – Shire President

Cr K Moir

Cr S E G Alexander

Cr S Alexander

Cr P Kaltenrieder

Cr D King

Cr H O'Connell

Cr T Oversby

Cr A Price

The next Ordinary Council Meeting of the Shire of Boyup Brook will be held on Thursday 29 October 2020 in the Council Chambers, Shire of Boyup Brook, Abel Street, Boyup Brook – commencing at 5.00pm.

Mr Dale Putland

Chief Executive Officer

TABLE OF CONTENTS

1.1 Attendance .....	4
1.2 Apologies .....	4
1.3 Leave of Absence .....	4
2 PUBLIC QUESTION TIME.....	4
2.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE: .....	4
2.1.1 Reply to Stephen Jackson .....	4
2.1.2 Reply to Carina Wilson .....	5
2.2 PUBLIC QUESTION TIME.....	7
2.2.1 Carina Wilson .....	7
3 APPLICATIONS FOR LEAVE OF ABSENCE .....	9
4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS .....	9
5 DISCLOSURE OF INTEREST .....	9
6 CONFIRMATION OF MINUTES .....	9
6.1 Ordinary Council Minutes - 24 September 2020.....	9
7 PRESIDENTIAL COMMUNICATIONS .....	9
8 COUNCILLORS QUESTIONS ON NOTICE.....	9
9.1 MANAGER WORKS & SERVICES .....	10
9.1.1 Tender 0200-001 Supply of Rural Road Cleaning and pruning services .....	10
9.1.2 Tender No 020-002 – Provision of Waste Management and Bulk Waste Transfer .....	13
9.2 FINANCE .....	16
9.2.1 List of Accounts Paid in September 2020 .....	16
9.2.2 30 September 2020 Statement of Financial Activity .....	19
9.3 CHIEF EXECUTIVE OFFICER.....	21
9.3.1 Review of Local Laws.....	21
9.3.2 Insurance of Shire owned Bridges.....	25
9.3.3 Early Repayment of Loan 118 .....	28
9.3.4 Council Meeting Dates for 2021 and Structure .....	32
9.3.5 Land Use (Exhibition Centre) – Lot 1 (#61) Railway Parade, Boyup Brook. ....	37
10 COMMITTEE MINUTES.....	41
10.1 Rylington Park Transitional Committee .....	41
11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	41
12 URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT .....	41
13 CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS.....	41
14 CLOSURE OF MEETING .....	41

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

**1.1 Attendance**

Cr R Walker - Shire President  
Cr H O'Connell – Deputy Shire President  
Cr S E G Alexander  
Cr S Alexander  
Cr P Kaltenrieder  
Cr D King  
Cr K Moir  
Cr T Oversby  
Cr A Price

STAFF: Mr Dale Putland (Chief Executive Officer)  
Mr Aaron Bowman (Deputy Chief Executive Officer)  
Ms Vanessa Crispe (Coordinator Works & Services)  
Mrs Maria Lane (Executive Assistant)

**1.2 Apologies**

**1.3 Leave of Absence**

**2 PUBLIC QUESTION TIME**

**2.1 Response to previous public questions taken on notice:**

**2.1.1 Reply to Stephen Jackson**

**Questions**

Questions were raised at the previous Council meeting in relation to previous staff members by Stephen Jackson.

**Response**

These questions cannot be answered in this forum. Matters between the Shire and its employees, whether current or former employees, are confidential, including any factors that may have led to former staff leaving.

**Question**

Stephen Jackson asked Council if they were aware of the “West Australian Ratepayers and Residents Association Incorporated” (WARRA) . Stephen read out a letter from “WARRA” and provided Council with a copy.

**Response**

Council was not aware of this incorporation but has now been made aware.

**Question**

Why was the Bushfire Mitigation Funding report behind closed doors?

**Response**

The discussion included matters affecting Shire employees and volunteers.

Section of the LG Act 5.23

***Meetings generally open to public***

- (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

**Question**

The control burning on the Railway Dam Reserve – who authorised it?

**Response**

The Chief Bushfire Control Officer.

**2.1.2 Reply to Carina Wilson**

**Question**

2. Ask for access to scrap pile to be reinstated and why this has been disallowed when we have had access for 20 years: sign is still there.

**Response**

*Access to the scrap pile is not going to be reinstated until the Shire has considered management options for the transfer station.*

*Introduction of the container deposit scheme has required some changes to the way that the transfer station is operated, with the Lions Club taking on the container deposit operations. Previously, the Lions Club operated their recycling shop from the transfer station. However, on closure of the Recycling shop, the Shire was required to remove materials that it had stored on the site and the scrap metal was collected and sold. The Shire is currently assessing management options for the site, including where and how scrap metal will be disposed of.*

**Question**

2.(a) request a volunteer roster be set up to help site users to separate materials going into bulk trailer.

**Response**

*At present the Shire does not have the capacity or facilities to host volunteers at the transfer station as this was largely coordinated by the Lions Club. The potential for volunteers to be engaged on the site will be considered as a part of the assessment of options regarding future operations of the transfer station, including the options to introduce community education programs to decreasing what is going into landfill.*

**Question**

2. (b) Why are the tip attendants not currently performing duties such as : placement of loose drum muster containers into fenced area/collecting blown rubbish from perimeter fence/informing site users of material separation before placing items into bulk trailer/recyclables placed in bulk trailer/ensuring green waste is not contaminated with foreign materials i.e.: composite board furniture  
All these duties were carried out by previous attendants so what has changed?

**Response**

*Operations at the transfer station have undergone significant changes as a result of the container deposit scheme. As stated earlier, the Shire is currently assessing management options for the site.*

*The loose drums around the drum muster fenced area are drums that cannot be placed in the drum muster area as they do not contain the correct labelling. There are only certain drums that are allowed to go into the drum muster areas. Some drums have been stored around the fence area until any necessary changes to the transfer station site have been finalized.*

**Question**

2. (c) I can find no direct instruction from Council to compile the report authored by Vanessa Crispe to put tip out to tender. I would like to know who gave this instruction? CEO advised me to write the tender for council to endorse. Council approve the tender going out.

**Response**

*This report went to Council on 27 August 2020 – 9.1.2 – Provision of Waste Management and Bulk Waste Transfer – Request for Tender.*

*The Shire called a tender to identify the cost of outsourcing operations of the transfer station to a specialist waste management contractor. The Shire is also assessing other options for the site.*

## 2.2 Public Question Time

### 2.2.1 Carina Wilson

1. Request to have a Flax Mill and Caravan Park Business Plan undertaken asap  
With a Community Reference group set up to take part in the process from the beginning
2. Our Community Development Officer was paid: \$42,458 + \$1,817 super + \$14,219 fringe benefits tax totalling \$58,494 to June 2020  
Our Community Development Officer will be paid: \$41,500 + \$2,320 super + \$11,430 fringe benefits tax totalling \$55,250

These figures are according to the draft budget for the year 2020/2021

#### **Question**

What is the position description for the Community Development Officer?

#### **Response**

We do not have a Community Development Officer.

#### **Question**

What specific projects have been implemented by our Community Development Officer in the last 5 years?

#### **Response**

As this position has not existed for several years, there is no current projects been implemented.

#### **Question**

3. Why is the shire not performing any community education on waste avoidance?

#### **Response**

Suez is not contracted to do waste education.

#### **Question**

Why are the links to Suez on recycling still dysfunctional? I asked nicely at office at least 5 weeks ago if the broken links could be fixed?

#### **Response**

The link to Suez has been updated and is working.

Someone was told "that it is part of SUEZ contract to perform "community waste education" if that is the case they are not fulfilling their contract .. if it's not the case the shire is not fulfilling their responsibilities

The situation with lack of recycling and material separation since is utterly appalling

(pics taken at tip from 2 August to 6 October available on request)

4. Request a Community Reference Group for waste be set up

To carry out such things as:

- A town wide bin audit carried out by volunteers to improve our appalling rate of contamination in recycling bins of 18%
- An audit of what is being disposed of incorrectly into bulk waste trailer

NB. 10% needs improvement 5% is good less than 5% is excellent

5. Consider WASTENOT CONTAINER RECOVERY AND EDUCATION FACILITY for future grant funding

See attached document – **(documents supplied by Carina Wilson)**

**Question**

6. Where is our community consultation policy? as of 7 October, it is still not available on the website ... 5 weeks later

27 August 2020 Council adopted the newly drafted Community Consultation Policy

CARRIED 7/0 Res140/20

**Response**

The Community Consultation Policy O.14 has been placed on the website.



- 3 APPLICATIONS FOR LEAVE OF ABSENCE**
- 4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS**
- 5 DISCLOSURE OF INTEREST**
  
- 6 CONFIRMATION OF MINUTES**

<b>6.1 Ordinary Council Minutes - 24 September 2020</b>
---

**OFFICER RECOMMENDATION - Item 6.1**

**That the minutes of the Ordinary Council Meeting held on Thursday 24 September 2020 be confirmed as an accurate record**

- 7 PRESIDENTIAL COMMUNICATIONS**
  
- 8 COUNCILLORS QUESTIONS ON NOTICE**

## 9.1 MANAGER WORKS & SERVICES

### 9.1.1 Tender 0200-001 Supply of Rural Road Cleaning and pruning services

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>Tender</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>22 October 2020</i>
<b>Author:</b>	<i>Vanessa Crispe – Coordinator Works, Projects and Assets.</i>
<b>Authorising Officer:</b>	<i>Dale Putland – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Request for tender evaluation (report circulated to Council under separate confidential cover)</i>

---

#### **SUMMARY**

This tender is for the provision of verge clearing, and tree pruning within the Shire of Boyup Brook for a period of three (3) years.

#### **BACKGROUND**

Prior to this tender, the pruning of verges was undertaken in an adhoc way, with some being undertaken by way of quotes, and other by way of Shire staff. This was inefficient and not best value for Council, when compared to a tender for a period of three years.

#### **Submissions**

The request for tender, tender No 0200-001 Supply of Rural Road Cleaning and Pruning Services was advertised on 1<sup>st</sup> September 2020 and closed 2.30 pm on Tuesday 29<sup>th</sup> September 2020

The tender was advertised on WALGA's eQuotes.

2 submissions were received, and the submissions are summaries in confidential attachment 1.

All tender submissions comply with the request for tender guidelines and compliance criteria.

Tender submissions were received from the following companies

1. Thomas Contracting Services Pty Ltd
2. Twinkarri Pty Ltd

#### **Evaluation Panel**

An evaluation panel was convened and consisted of the following personnel:

- Dale Putland – Chief Executive Officer
- Vanessa Crispe – Coordinator Works, Projects and Assets

All members of the evaluation panel have made a conflict of interest declaration in writing confirming that they have no relationship with any of the tenders. Each member of the panel assessed the submissions separately.

**Evaluation Criteria**

The following evaluation criteria and weighting were used by the tender evaluation panel to assess tender submissions

Demonstrated capacity and experience	25%
Personnel skills and experience	25%
Plant and equipment	25%
Performance	25%

**COMMENT**

All tender submissions were assessed against the evaluation criteria and qualitative and quantitative results of this assessment and price are documented in confidential attachment 1.

Following the assessment of all tender submissions, against the selection criteria, the tender submitted by Twinkarri Pty Ltd was assessed as being best value for money that meets the shire’s requirements.

The tender evaluation panel therefore recommends that the tender submission made by Twinkarri Pty Ltd be accepted.

**CONSULTATION**

Deputy Chief Executive Officer

**STATUTORY OBLIGATIONS**

Sections 3.57(1) of the Local Government Act 1995 requires a local government to invite tenders before entering a contract of a prescribed kind under which another person is to supply the goods or services.

Tendering

2 Tender Exemption

The regulations make provision for certain circumstances where tendering is not required. Regulations 11(2) of the Local Government (Functions and General) Regulations 1996:

- The purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or a State Government Common Use Agreement.

**POLICY IMPLICATIONS**

Council Policy – Purchasing Policy F.03

**BUDGET/FINANCIAL IMPLICATIONS**

The funding for this tender is included in the 2020/2021 Annual Budget to undertake the works.

The allocated operational budget for the work is \$100,000 and staff will ensure the amount of pruning undertaking is kept within this amount.

**STRATEGIC IMPLICATIONS**

Alignment with our Strategic Community Plan

<b>BUILT ENVIRONMENT: ENHANCED LIFESTYLE CHOICES</b>	
Outcome 1.1	Sustainable Infrastructure
Objective 1.1.1	Strengthen road safety and local infrastructure

**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 9.1.1**

**That Council**

- 1. Awards tender 0200-001 Supply of Rural Road Cleaning and pruning services to Twinkarri Pty Ltd at the day rate of \$3,420 as contained within confidential attachment 1.**
- 2. Authorises the Chief Executive Officer to sign a contract on behalf of the Shire of Boyup Brook for tender 0200-001 Supply of Rural Road Cleaning and pruning services.**

**9.1.2 Tender No 020-002 – Provision of Waste Management and Bulk Waste Transfer**

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>Tender</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>22 October 2020</i>
<b>Author:</b>	<i>Vanessa Crispe – Coordinator Works, Projects and Assets.</i>
<b>Authorising Officer:</b>	<i>Dale Putland – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Request for tender evaluation report (provided under separate confidential cover)</i>

---

**SUMMARY**

This tender is for provision of waste management and Bulk waste transfer within the Shire of Boyup Brook for a period of three (3) years.

**BACKGROUND**

Prior to this tender, the management and transfer of bulk waste is by way of Shire staff. The tender has indicated that significant cost savings may be realised through redesigning the site and changes to the management of the Transfer Station.

**Submissions**

The request for tender, tender No 020-002 Provision of Waste Management and Bulk Waste Transfer was advertised on 1<sup>st</sup> September 2020 and closed 2.30 pm on Tuesday 29<sup>th</sup> September 2020.

The tender was advertised on WALGA's eQuotes.

One submission was received, and the submission is summarised in the confidential attachment 1.

All tender submissions comply with the request for tender guidelines and compliance criteria.

Tender submissions were received from the following company

- Hastie Waste Pty Ltd

**Evaluation Panel**

An evaluation panel was convened and consisted of the following personnel:

- Dale Putland – Chief Executive Officer
- Vanessa Crispe – Coordinator Works Projects and Assets

All members of the evaluation panel have made a conflict of interest declaration in writing confirming that they have no relationship with any of the tenders. Each member of the panel assessed the submissions separately.

**Evaluation Criteria**

The following evaluation criteria and weighting were used by the tender evaluation panel to assess tender submissions

Community Education Waste Minimisation	20%
Experience Capability Past Performance	20%
Plan for Proposed Services	15%
Occupational Health & Safety	15%
Quality Assurance	10%
Risk Management	5%
Environmental Management	15%

**COMMENT**

All tender submissions were assessed against the evaluation criteria and qualitative and quantitative results of this assessment and price are documented in confidential attachment 1.

There is currently insufficient budget allocation to proceed with the tender as shown in the commercial sensitive attachments. The cost of providing the service is significantly higher than anticipated due to operational inefficiencies on the site. The tender has indicated that significant cost savings may be realised through redesigning the site and these could not be achieved if the Shire has already entered into a contract for the waste management and bulk waste transfer.

**CONSULTATION**

Chief Executive Officer

Deputy Chief Executive Officer

**STATUTORY OBLIGATIONS**

Sections 3.57(1) of the Local Government Act 1995 requires a local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply the goods or services.

Tendering

2 Tender Exemption

The regulations make provision for certain circumstances where tendering is not required. Regulations 11(2) of the Local Government (Functions and General) Regulations 1996:

- The purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or a State Government Common Use Agreement.

**POLICY IMPLICATIONS**

Council Policy – Purchasing Policy

**BUDGET FINANCIAL/IMPLICATIONS**

The cost of adopting the tender will exceed the budget for waste transfer station operations in the current financial year.

Redesign of the transfer station has not been costed. The Shire will need to seek quotations for design of the transfer station, with a report presented to Council for budget reallocations before this proceeds.

**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 9.1.2**

**The Council;**

- 1. decline to accept the tender submitted by Hastie Waste for the provision of waste management and bulk waste transfer, due to budget restraints;**
- 2. undertake a review of operations and improvements to efficiencies that will reduce the costs in the short term;**
- 3. seek quotations for redesign of the Waste Transfer Station to improve the long-term financial viability of the operations.**

## 9.2 FINANCE

### 9.2.1 List of Accounts Paid in September 2020

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/1/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>16/10//20</i>
<b>Author:</b>	<i>Carolyn Mallett –Accountant</i>
<b>Authorising Officer:</b>	<i>Aaron Bowman – Acting Deputy CEO</i>
<b>Attachments:</b>	<i>Yes – List of Accounts Paid in September</i>

---

#### **SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in September 2020 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 September 2020.

#### **COMMENT**

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 30 September 2020.

#### **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 2020-21 Annual Budget

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION – Item 9.2.1**

That at its October 2020 ordinary meeting Council receive as presented the list of accounts paid in September 2020, totalling \$485,092.05 from Municipal account, \$38,609.90 from Police Licensing account and \$4.62 from Boyup Brook Early Learning Centre account, as represented by:

<b>Municipal Cheques</b>	<b>20441 - 20447</b>	<b>\$ 15,444.59</b>
<b>Municipal Electronic Payments</b>	<b>EFT9824 – EFT9870</b>	<b>\$251,462.57</b>
<b>Municipal Direct Payments</b>		<b>\$218,184.89</b>
<b>Police Licensing Payments</b>		<b>\$ 38,609.90</b>
<b>BBELC Payments</b>		<b>\$ 4.62</b>

**9.2.2 30 September 2020 Statement of Financial Activity**

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/10/003</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>23 October 2020</i>
<b>Authors:</b>	<i>D Long – Finance Consultant</i>
<b>Authorizing Officer:</b>	<i>Aaron Bowman – Acting Chief Executive Officer</i>
<b>Attachments:</b>	<i>Will be provided once completed</i>

**SUMMARY**

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 30 September 2020.

**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 be listed.

**COMMENT**

Material Variance Commentary on Year to Date July 2020.

Normally commentary is provided on material variances between Year to Date (YTD) Budget Estimates and YTD Actuals for the reporting period. As Council is yet to adopt its budget, this comparative analysis cannot be provided at this time. Once this budget is adopted, material variances and commentary will be provided.

**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

**OFFICER RECOMMENDATION – Item 9.2.2**

**That Council receive the Monthly Financial Report for 30 September 2020, as presented.**

**9.3 CHIEF EXECUTIVE OFFICER**

**9.3.1 Review of Local Laws**

<b>Location:</b>	<i>N/A</i>
<b>Applicant:</b>	<i>Nil</i>
<b>File:</b>	<i>Local Laws</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>26<sup>th</sup> August 2020</i>
<b>Author:</b>	<i>Aaron Bowman-Deputy Chief Executive Officer</i>
<b>Authorizing Officer:</b>	<i>Dale Putland – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Nil</i>

---

**SUMMARY**

Section 3.16 of the Local Government Act 1995 (the Act) requires Local Government to undertake a review of the local laws every eight years. The Shire Local Laws are due for review.

**BACKGROUND**

Based on records kept by the Shire and the WA Department of Local Government, Sporting and Cultural Industries the Shire has nine (9) local laws in place, some of which clearly require amendments due to changing circumstances and/or overlap other more recent legislation.

**COMMENT**

The table outlines the Shire of Boyup Brook current local laws, together with the recommended reviews that are required.

<b>Local Law</b>	<b>When gazetted and / or last amended</b>	<b>Comments</b>
Activities in Thoroughfares and Public Places and Trading	12/08/2005	Review with the view to be replaced with a single local law that deals with local government property and thoroughfares
Local Government Property	12/08/2005	Review with the view to be replaced with a single local law that deals with local government property and thoroughfares
Fencing	12/08/2005	This local law deals with what constitutes a "sufficient fence" in the district under the Dividing Fence Act 1961. Review and update if required to ensure correct terminology used (e.g. 'town planning scheme' is now referred to as a 'local planning scheme').
Health	3/02/2004	This local law requires amendment and/or replacement. The Public Health Act 2016 replaced many of the provisions of the Health Act 1911 under which this local law was originally made. Local Laws made in relation to health matters are now made under the Local Government Act 1995. This local law could be split into: A Waste Local Law (made under Waste Avoidance and Resource Recovery Act 2007); An Amenity type local law; and a residual health local law.
Parking and Parking facilities	12/08/2005	This local law is rarely used, no action required.
Dog	3/02/2004	This local law requires amendment and / or replacement. Extensive changes to the Dog Act 1976 and its associated regulations in 2013 means that there are few matters now dealt with by local laws - off leash dog exercise is now established by council resolution rather than via a local law
Cemetery	3/02/2004	This local law is rarely used, no action required.
Bush Fire Brigades	12/08/2005	Review to ensure local laws deals only with what is required by the Bush Fires Act.
Standing Orders	12/08/2005	Review to ensure the local law reflects current provisions of the Act and effectively deals with any issues that may arise in the conduct of council and committee meetings at the Shire

**CONSULTATION**

Section 3.16 of the Local Government Act 1995 requires a local government to give State-wide public notice for a period of at least 6 weeks advising that it is reviewing a local law and calling for submissions from the public, after which the local government may make amendments to local laws (which includes repealing local laws) using the process set out in s3.12 of the Local Government Act 1995.

Several local laws need to be amended. The Shire can make available the summary table to members of the public who may be considering making a comment which may assist in this regard.

**STATUTORY OBLIGATIONS**

Section 3.16 of the Local Government Act 1995 requires local governments to undertake a formal review of local laws every 8 years.

**POLICY IMPLICATIONS**

N/A

**BUDGET/FINANCIAL IMPLICATIONS**

There are costs associated with advertising the request for public comment under s3.16 Local Government Act 1995. If Council subsequently agrees to amend and/or repeal the various local laws, there are also costs associated with drafting, obtaining legal advice where necessary, advertising and eventual Gazettal of any new local laws or amendments to existing ones.

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple

**OFFICER RECOMMENDATION – Item 9.3.1**

**That Council**

**1. In accordance with s3.16 of the Local Government Act 1995, gives State-wide and local public notice stating that the Shire proposes to review the following local laws:**

- a) Activities in Thoroughfares and Public Places and Trading Local Law 2004**
- b) Local Government Property Local Law 2004**
- c) Local Law relating to Fencing 2004**
- d) Health Local Law 2003**
- e) Parking and Facilities Local law 2004**
- f) Dog Local Law 2004**
- g) Boyup Brook Cemetery Local Law 2003**
- h) Bush Fire Brigades’ Local Law 2004**
- i) Standing Orders Local Law 1997**

**2. Notes that:**

- a) A copy of the local laws may be inspected or obtained at the Shire office or from its website;**
- b) A copy of the table in the report to Council summarising each local law and comments about them will also be made available to interested persons;**
- c) Submissions about the local laws may be made to the Shire before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and**
- d) The results of the above advertising will be presented to Council for consideration of any submissions received.**



**9.3.2 Insurance of Shire owned Bridges**

<b>Location:</b>	<i>N/A</i>
<b>Applicant:</b>	<i>Nil</i>
<b>File:</b>	<i>Insurance</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>26<sup>th</sup> August 2020</i>
<b>Author:</b>	<i>Aaron Bowman-Deputy Chief Executive Officer</i>
<b>Authorizing Officer:</b>	<i>Dale Putland – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Nil</i>

---

**SUMMARY**

This report seeks Council approval for unbudgeted expenditure to enable the Shire to insure critical shire owned bridges.

**BACKGROUND**

It has recently been brought to the attention of the administration that no shire bridges are insured. This has been the situation for several years.

**COMMENT**

The total replacement value of all the shire owned bridges are \$49.384 million.

The written down value of all the shire owned bridges are \$18.560 million

Bridges are required to be insured at the replacement value. If the shire was to insure all bridges for a portion of the value (for example only 40% of the replacement cost) then in the situation of a claim, the Shire would only receive 40% of the insured value. In this example, a bridge with a replacement value of \$500,000 insured for 40% (\$200,000) if destroyed would result in a payment of \$80,000 (40% of \$200,000).

The cost to the Shire to insure all the shire owned bridges would be \$96,387 based on advice from the Shire’s insurers, it is recommended that the most critical 50% of bridges (in value) are insured.

The table (refer to attachment 9.3.2) shows all shire owned bridges. The bridges are listed in order of critical priority.

**CONSULTATION**

Local Government Insurance Services (LGIS)

**STATUTORY OBLIGATIONS**

S 6.8(1)(b) of the Local Government Act 1995 – A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance.

**POLICY IMPLICATIONS**

N/A

**BUDGET / FINANCIAL IMPLICATIONS**

The Shire has not budgeted any funds for the insurance of its bridges.

The cost to insure half of the bridges – the most critical 50% is \$48,193 per year.

The financial outlay for the remainder of the 2020/21 financial year will be \$28,113.

Included in the budget is an amount of \$100,000 for unknown medical centre expenses, of which approximately \$35,000 has been identified for expenditure in this financial year. It is recommended that \$30,000 from this account be reallocated to bridge insurance account.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION – Item 9.3.2**

That Council reallocate \$30,000 from 074115 Medical centre sundry expenses to 122105 Bridges to enable the most critical 50% of shire bridges to be insured.

That Council agree to the most critical 50% of bridges as follows:

Asset No.	Primary Location	Secondary Location	Secondary Description	Reinstatement with new	Comments
0268A	Tweed River	Boyup Brook Cranbrook Rd	Timber framed bridge with bitumen road	3,000,000	Includes steel crash barrier
0207A	Tone River	Boyup Brook Cranbrook Rd	Steel concrete bridge with bitumen road	10,000,000	Includes steel crash barrier
0740	Blackwood River	Boyup Brook Arthur Rd	Timber framed bridge with bitumen road	8,500,000	Includes steel crash barrier
0741	Boree Gully	Boyup Brook Arthur Rd	Timber framed bridge with bitumen road	1,600,000	Includes steel crash barrier
0742	Dinninup Brook	Boyup Brook Arthur Rd	Timber framed bridge with bitumen road	3,300,000	Includes steel crash barrier
0743	Blackwood River	Boyup Brook Arthur Rd	Timber framed bridge with bitumen road	8,000,000	Includes steel crash barrier
0744	Campbells Brook	Boyup Brook Arthur Rd	Timber framed bridge with bitumen road	1,600,000	Includes steel crash barrier
3304A	Tweed River	Winnejup Road	Timber framed bridge with bitumen road	1,500,000	Includes steel crash barrier

**9.3.3 Early Repayment of Loan 118**

<b>Location:</b>	<i>N/A</i>
<b>Applicant:</b>	<i>Nil</i>
<b>File:</b>	<i>Loan 118</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>26<sup>th</sup> August 2020</i>
<b>Author:</b>	<i>Aaron Bowman-Deputy Chief Executive Officer</i>
<b>Authorizing Officer:</b>	<i>Dale Putland – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Nil</i>

---

**SUMMARY**

This report recommends to Council to pay out loan 118, which was originally to be used for the purchase of land for land acquisition.

**BACKGROUND**

At the September 2012 meeting, council resolved to

MOVED: Cr Moir SECONDED: Cr Oversby

That Council instruct the Chief Executive Officer to further investigate various sources of funds for land acquisition and report back to the October Council meeting.

CARRIED 9/0 Res 133/12

At the October 2012 meeting, council resolved to

MOVED: Cr Moir SECONDED: Cr Walker

That Council proceed to advertise, in accordance with section 6.20 (2) of the Local Government Act, the intention to borrow an amount of \$400,000 in order to purchase suitable land for development.

CARRIED 9/0 Res 148/12

At the December 2012 meeting, Council resolved to

MOVED: Cr Oversby SECONDED: Cr O'Hare

That Council proceed to borrow \$400,000 for the potential purchase of land for development. CARRIED 7/2 Res 191/12

MOVED: Cr Walker SECONDED: Cr Biddle

That the CEO commence discussions with the Deputy President and the Planning Consultant and a potential partner for the purchase and development of land suitable for a park home development and that the CEO report back to the March Council meeting.

CARRIED 8/1 Res 192/12

On the 26<sup>th</sup> April 2013 Council took out the \$400,000 loan at a fixed interest rate of 4.8% through the Western Australian Treasury Corporation for a term of 20 years.

At the September 2013 meeting the following item was discussed

*Councillor Moir moved that Council commit to the development of a Park Home Style development in Boyup Brook during the 2013/2014 Financial Year by undertaking the following with the proposed timeline of project completion September 2015.*

- 1. Reallocate existing planning funding to this project as required.*
- 2. The CEO to engage an experienced independent local external Project Manager to undertake the following:*
  - Flush out Council's required scope addressing a concept plan to include but not limited to:*
  - Park home style accommodation for permanent residents*
  - Short stay self-catered units for tourists*
  - Independent aged care units.*
  - Appropriate support facilities*
  - Project feasibility*
  - Arrange to Purchase the land already identified as being the most appropriate for such a development with funds already borrowed and currently held in reserve*
  - Commission consultant to undertake detailed design*
  - Manage construction and commissioning*
- 3. Appoint a subcommittee to assist the CEO and the project manager with all aspects of the project from conception to completion where applicable.*

CEO Comment

*From a procedural perspective it is recommended that Council set the committee as the first step, if this is how it wants the process furthered. It is also suggested that Council not restrict the appointment of a project manager to someone who could be describe as "local".*

*In looking at various options in the past a person was noted who appears would be ideal for assisting Council to assess all aged accommodation operations, and then provide services such as concepts, designs and financial/operational modelling. I have been trying to find an opportune time for him to come and have a look around town and then put a proposal of what he could do for Council. If Council were agreeable and if it were to appoint a committee, then we could arrange for this person to meet with the committee soon. This would, if nothing else, help to establish the sum of money (a ballpark figure) required to meet the planning goals for this initiative in the current financial year.*

At the November 2013 meeting Council resolved to

MOVED: Cr Kaltenrieder SECONDED: Cr Moir

That Council authorise the Chief Executive Officer write to the owner of lot 35 Banks Road Boyup Brook seeking first right of refusal should he choose to sell.

Carried by Absolute Majority 8/0      Res 164/13

**COMMENT**

Normal practice would be for Council to have a contract of sale before taking out a loan for the purchase of land. The Shire did not have a contract of sale, and the administration had advised in previous reports to Council that

*“the owner has been contacted a number of times”*

*Council has had an interest in the lot for some years*

*“He was not keen on selling”*

*“He was not in a hurry to sell”*

The \$400,000 in funds obtained by the loan were placed in the “aged accommodation” reserve.

Some money has been utilised from this reserve to at times pay back part of the outstanding loan. The reserve currently has a balance of \$381,646.

The current loan balance is \$300,446.41.

The total repayments to date have been \$219,342.34 of which \$119,788.75 has been interest.

The benefit of a local government taking out loans with WATC is that the interest rate is fixed for a significant period. For this loan and other shire loans this has been for 20 years. This allows Local Governments to be confident of the cost of servicing the loan in future years and provides for easier financial analysis for business cases where required.

The disadvantage is, like any personal home loans that are fixed rates (albeit for a much shorter period) that there is significant financial penalty to pay the loan back early. This will be further magnified in situations when the borrowing rate falls below the interest rate of the loan, a situation the shire finds itself currently in.

Prudent and responsible financial management would suggest that Council should pay the loan out immediately as it is simply overstating the Shires reserves balances by way of a loan.

**CONSULTATION**

Department of Local Government

Western Australian Treasury Corporation

**STATUTORY OBLIGATIONS**

S6.11(2)(b) of the Local Government Act 1995 – A local government must give one month’s local public notice of the proposed change of purpose or propose use of money in a reserve account.

The paying of the loan is classified as a change of use.

**POLICY IMPLICATIONS**

Nil

**BUDGET / FINANCIAL IMPLICATIONS**

The Shire has an outstanding loan amount of \$300,446.41

The premium to pay this loan out early at the time of writing the report was quoted at \$71,942.

The amount of interest outstanding over the term of the loan is \$99,692.54

The payment of the outstanding loan amount and the premium from the aged accommodation reserve account would leave a balance of \$9,258.

If the Shire was not to pay out the loan, and instead used the money currently in the aged accommodation reserve each year to fund the repayments, based on the current term deposit return of 1% the shire would have -\$2,661 in reserve at the end of the loan (April 2033).

The payout premium would reduce if current interest rates increased.

Based on the current rates, and without taking into consideration net present values of money, the financial benefits to the shire of Boyup Brook is \$11,919.

**STRATEGIC IMPLICATIONS**

N/A

**SUSTAINABILITY IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Absolute Majority

**OFFICERS RECOMMENDATION – Item 9.3.3**

**That Council undertake local public advertising for a minimum of 1 month, of its intention to use the aged accommodation reserve to pay back loan 118.**

**9.3.4 Council Meeting Dates for 2021 and Structure**

<b>Location:</b>	<i>N/A</i>
<b>Applicant:</b>	<i>Nil</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>26<sup>th</sup> August 2020</i>
<b>Author:</b>	<i>Aaron Bowman-Deputy Chief Executive Officer</i>
<b>Authorizing Officer:</b>	<i>Dale Putland – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Calendar of proposed Council dates and Briefing dates</i>

---

**SUMMARY**

The purpose of the report is for Council to set the Council meeting structure, dates, times and schedule for the 2021 calendar year.

**BACKGROUND**

The Local Government Act 1995 requires a local government, at least once a year, to give local public notice of the dates, times and places at which Ordinary meetings of Council are held within the next 12 months.

Previous decisions

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

19 March 2020

16 April 2020

21 May 2020

18 June 2020

16 July 2020

20 August 2020

17 September 2020

15 October 2020

19 November 2020

17 December 2020

CARRIED 8/0 Res 305/19

MOVED: Cr O'Connell SECONDED: Cr Alexander

That the September, October and November 2020 Ordinary Council meeting be held on the last Thursday of September, October and November 2020 respectively.



CARRIED 7/0 Res 145/20

All Committee and Council meetings are currently held in the Council Chambers at the Shire of Boyup Brook Administration Building at Abel Street Boyup Brook.

### **COMMENT**

There are several options that Council can consider when deciding Council meeting dates / structures for 2021. These include what day; what time; whether Council has briefings; the frequency of meetings; and which week of the month.

In setting times for meetings, consideration should be given to:

- Impact for Councillors – The majority of Shire of Boyup Brook Councillors work full time and have family responsibilities. They attend to Council obligations in addition to these roles. Councillors duties are not limited to Council meetings and in many cases additional weeknights and weekends are occupied with Council obligations. One of the principle roles of a Councillor is to participate in the decision-making process at Council meetings. Maximum Councillor attendance is important for rigorous debate and decision-making. Council's primary consideration in setting meeting times should be the availability of Councillors and the optimal time to ensure effective decision making.
- Public Attendance – meeting times of Council are after hours and should be optimised for all the community. It is considered that any one meeting time will not suit all sections of the community.
- Impact for Senior Staff – longer meetings, if started later will extend later into the evening. This may have impacts on Councillors and rostering of staff who attend meetings and potential Occupational Health and Safety impacts if meetings extend into the later part of the evening. Councillors should consider the suitability of meetings that extend into the later part of the evenings, and how this impacts on them, members of the public and staff, and whether good decision making can still occur later in the night.

### **Options and Implications**

- Day: Monday; Tuesday; Wednesday; Thursday; Friday  
Council currently meets on a Thursday. Most local government meetings are on a Tuesday, Wednesday or Thursday.
- Start Times: Between the hours of 8.30am and 7pm  
Council currently meets at 5pm. The surrounding local governments meet sometime between 3pm and 7pm.
- Agenda Briefings: yes or no; opened or closed; 1 week before Council or 2 days before.  
Council currently has an agenda briefing two days before the Council meeting which is open to the public. Local Governments are evenly split into those that have an agenda briefing and those that don't. The current two day between briefing and Council does not allow adequate time for any further research if required.
- Frequency: 1 a month; 2 a month; every 3 or 4 weeks.

Council currently has one Council meeting a month. The majority of Country local governments meet once per month.

- Cycle: 1<sup>st</sup> Week, 2<sup>nd</sup> Week, 3<sup>rd</sup> Week, 4<sup>th</sup> Week, last week.  
The 4th week is slightly more favoured than the 3<sup>rd</sup> week for local governments.
- Consideration also needs to be given to Council committees.

If Council meetings were the last Thursday of the month, with an agenda briefing session, the Thursday before the Council meeting, dates for 2021 would be:

	Council	Briefing
January	28th	21st
February	25th	18th
March	25th	18th
April	29th	22nd
May	27th	20th
June	24th	17th
July	29th	22nd
August	26th	19th
September	30th	23rd
October	28th	21st
November	25th	18th
December	30th	23rd

Council has historically not had a January meeting, and has brought forward the December meeting to a week or more before Christmas. It is suggested that the December meeting would be on Thursday 16<sup>th</sup> December with the briefing to be held on the 9<sup>th</sup>.

Council may want to consider the amount of time between the December 2019 meeting, which is to be held Thursday December 17<sup>th</sup>, and the February meeting (assuming no January meeting) which is to be Thursday 25<sup>th</sup> February. In both 2018 and 2019 Council were required to hold Special Council meetings in early February to deal with matters. An option for Council is to have the February meeting earlier in the month. The suggested date is Thursday 11<sup>th</sup> February, with the briefing held on Thursday 4<sup>th</sup> February. The March meeting would be held as per normal.

Council may also wish to implement the changes to the Council agenda briefing for the remaining 2019 meetings, and if so, the following suggested amendment is provided for Council consideration.

“That the November and December Council briefings be changed to be held on Thursday 19<sup>th</sup> November and Thursday 10<sup>th</sup> December commencing at 5pm”.

It is recommended

That Council meets on the last Thursday of the Month

That Council meetings commence at 5pm

That Council has an open agenda briefing session on the Thursday before the Council meeting commencing at 5pm.

That Council has closed strategic forums on the same Thursday as the Council briefings commencing at 3pm to allow Councillors to be briefed on contractual, financial and other confidential matters. Where strategic forums are proposed that do not deal with confidential matters, these may be opened to the general public.

That Council committee meetings be scheduled on the 2<sup>nd</sup> Thursday where practicable.

That the changes commence February 2021.

In addition, as 2021 is a Local Government Election year, it is recommended that a special Council meeting is held as soon as possible after the elections. Immediately before the meetings Councillors elect can be sworn in, and then the meeting can elect a Shire President, deputy and appointment to committees. The elections for 2021 are to be held on Saturday 16<sup>th</sup> October, and as such it is recommended that a special meeting of Council is held at 3pm on Thursday 21<sup>st</sup> October.

### **CONSULTATION**

Surrounding Local Governments

<b>Local Government</b>	<b>When</b>	<b>Time</b>
Shire of Collie	Every 3rd Thursday	7pm
Shire of Bridgetown - Greenbushes	Last Tuesday of the month	5.30pm
Shire of Kojonup	3rd Tuesday of the month	3pm
Shire of West Arthur	3rd Tuesday of the month	6pm
Shire of Donnybrook - Balingup	4th Wednesday of the month	5pm
Shire of Nannup	4th Thursday of the month	5.30pm
Shire of Cranbrook	3rd Wednesday of the Month	3pm
Shire of Manjimup	Every 3rd Thursday	5.30pm

### **STATUTORY OBLIGATIONS**

Section 5.25(1)(g) of the Local Government Act 1995 provides for the giving of public notices of the date and agenda for Council; or Committee meetings.

Regulation 12(1) of the Local Government (Administration) Regulations 1996 provides: -

- (1) At least once each year a local government is to give local public notice of the dates on which and time and place at which –
  - a. (a) The ordinary council meetings; and
  - b. The committee meetings that are required under the Act to be open to member of the public or that are proposed to be open to the members of the public, are to be held in the next 12 months.

In accordance with section 5.25(1)(g) of the Local Government Act 1995 and regulation 12 of the Local Government (Administration) Regulation 1996, Council is required to endorse the proposed meeting dates and give local public notice of the purpose, date

and time of Committee and Council meeting sot be held over the following 12 month period.

In accordance with Regulations 12 of the Local Government (Administration) Regulations 1996 an advertisement will be placed in the local community paper. In addition, this advertisement will be placed on the Shire’s website and on the Shire’s notice boards.

**POLICY IMPLICATIONS**

Nil

**BUDGET /FINANCIAL IMPLICATIONS**

Advertising Costs of approximately \$500

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION – Item 9.3.4**

1. That Council meetings are held on a Thursday commencing at 5pm on the following dates:
  - 25<sup>th</sup> February 2021
  - 25<sup>th</sup> March 2021
  - 29<sup>th</sup> April 2021
  - 27<sup>th</sup> May 2021
  - 24<sup>th</sup> June 2021
  - 29<sup>th</sup> July 2021
  - 26<sup>th</sup> August 2021
  - 30<sup>th</sup> September 2021
  - 28<sup>th</sup> October 2021
  - 25<sup>th</sup> November 2021
  - 16<sup>th</sup> December 2021
2. That a Special Council meeting be held on Thursday 21<sup>st</sup> October commencing at 3pm.
3. That open Agenda briefings be held 1 week before Council meetings on a Thursday commencing at 5pm.
4. That Closed strategic forums be on the same Thursday as the Agenda briefings commencing at 3pm.
5. That Council committee meetings be scheduled on the 2<sup>nd</sup> Thursday where practicable.

**9.3.5 Land Use (Exhibition Centre) – Lot 1 (#61) Railway Parade, Boyup Brook.**

<b>Location:</b>	<i>Lot 1 (#61) Railway Parade, Boyup Brook.</i>
<b>Applicant:</b>	<i>B. Hayes.</i>
<b>File:</b>	<i>A20</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil.</i>
<b>Date:</b>	<i>29 October 2020.</i>
<b>Author:</b>	<i>A. Nicoll, Town Planner.</i>
<b>Authorizing Officer:</b>	<i>Dale Putland, Chief Executive Officer.</i>
<b>Attachments:</b>	<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 'Exhibition Centre'.

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

An 'Exhibition Centre' is an 'AA' use meaning Council, in exercising the discretionary powers available to it, may approve under the Scheme.

'Exhibition Centre' means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery.

This report recommends that the Council approve the use of the subject property for 'Exhibition Centre', subject to conditions.

**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).

Approval was then granted for the use of the property as a mechanical repair workshop.

The property has since changed ownership and the new landholder has applied to exhibit a collection of classic cars, in the existing buildings and other memorabilia.

**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 and two toilets) building toward the front of the property.

The applicant has indicated the intent to utilise existing buildings to exhibit a collection of classic cars and associated memorabilia. Fencing is proposed to be constructed on the boundaries of the Lot to provide security. Paths and landscaping is proposed internal to the property, to improve the amenity and to accommodate pedestrian access.

The proposed use is not expected to conflict with the 'Commercial' zone objective, which is:

*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.*

The applicant requests use of the parking areas developed on either side of the Railway Parade.



Considering the low expected visitor numbers to the exhibition centre and the amount (ample) of car parking in the street, the provision for on-site car parking is not considered to be an issue for this form of development.

It is recommended that Council approve the use of the subject property for 'Exhibition Centre', subject to conditions.

#### **STATUTORY OBLIGATIONS**

Local Planning Scheme No.2

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

'Exhibition Centre' means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery.

In accordance with the Shire's scheme, the 'Exhibition Centre' land use, can be considered at the subject property.

Clause 5.10.1 of the Shire's scheme states

*The number of car parking spaces to be provided for specific development shall be in accordance with Table 3. Where development is not specified in Table 3 the Council shall determine the parking standard.*

The Table 3 in the Shire's scheme does not stipulate car parking for an 'Exhibition Centre'. The provision of car parking is therefore at the discretion of the Council.

**POLICY IMPLICATIONS**

There are no policy implications relating to this application.

**CONSULTATION**

Nil

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION – ITEM 9.3.5**

**That Council**

Grants conditional development approval for Lot 1 (#61) Railway Parade, for the purpose of 'Exhibition Centre', subject to the following notice:

<b><i>Planning and Development Act 2005</i></b>	
<b>Shire of Boyup Brook</b>	
<b>NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL</b>	
Location:	Lot 1 (#61), Railway Parade, Boyup Brook.
Description of proposed development:	
<b>Land Use (Exhibition Centre)</b>	
The application for land use is approved subject to the following conditions.	
Conditions:	
1. Any lighting device shall be positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries.	
2. 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.	
Advice	
a) 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.	
b) Fencing is to occur in accordance with the 'Shire of Boyup Brook – Local Laws Relating Fencing'.	
Date of determination: 29 October 2020	
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 <i>Planning and Development Act 2005</i> Part 14. An application must be made within 28 days of the determination.	
Signed:	Dated:
for and on behalf of the Shire of Boyup Brook.	



**10 COMMITTEE MINUTES**

**10.1 Rylington Park Transitional Committee**

**OFFICER RECOMMENDATION - Item 10.1**

**That the unconfirmed minutes of the Rylington Park Transitional Committee Meeting held on Wednesday 30 September 2020 be received by Council.**

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

Nil

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

Nil

**13 CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS**

**14 CLOSURE OF MEETING**

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