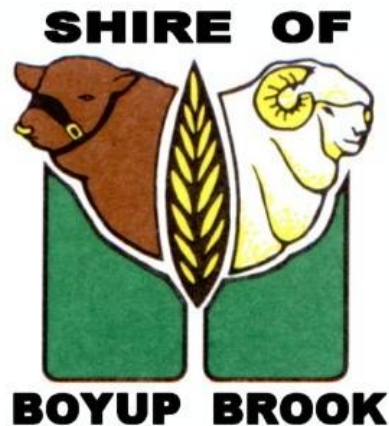


# Minutes



**ORDINARY MEETING**

held

**THURSDAY 17 March 2016**  
**Commenced AT 5.00PM**

**AT**

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

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

**1.1 Attendance**

Cr M Giles – Shire President  
Cr G Aird – Deputy Shire President  
Cr N Blackburn  
Cr J Imrie  
Cr K Moir  
Cr E Muncey  
Cr T Oversby  
Cr E Rear

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

PUBLIC: Mr Doug Corker

**1.2 Apologies**

Cr P Kaltenrieder

**1.3 Leave of Absence**

**2 PUBLIC QUESTION TIME**

Doug Corker gave a presentation to Council regarding “Avenues of Honour”. Treenet, a not-for-profit organization based in Adelaide launched “The Avenues of Honour 1915-2015 Project” in 9/2004 as part of the 5th National Street Tree Symposium. It is a national initiative aiming to honour with a tree the memory of every individual who has made the supreme sacrifice on behalf of all Australians, by documenting, preserving and reinstating the original and establishing new Avenues of Honour by the 2015 Gallipoli Centenary.

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

**3 APPLICATIONS FOR LEAVE OF ABSENCE**

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

Cr Aird informed Council about Rylington Park infrastructure and the removal of the asbestos.

Cr Aird attended the South West Zone meeting held in Bridgetown on 26<sup>th</sup> February 2016. Cr Aird informed Council that a Native Title Briefing was conducted on the recent Native Title Settlement for the South West and the implications for Local Governments. Cr Aird informed Council about the operating losses from the Bridgetown Swimming Pool, Recreation Centre and Library.

Cr Imrie mentioned the Endurance Ride was successful with money raised from the fish and chip night.

**5 CONFIRMATION OF MINUTES**

**5.1 Ordinary Meeting of Council - Thursday 18 February 2016**

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Muncey**

**SECONDED: Cr Rear**

**That the minutes of the Ordinary Meeting of Council held on Thursday 18 February 2016 be confirmed as an accurate record.**

**CARRIED 8/0**

**Res 18/16**

**6 PRESIDENTIAL COMMUNICATIONS**

Cr Giles thanked Cr Aird for attending the South West Zone meeting on his behalf.

Cr Moir arrived at 5.11pm

**7 COUNCILLORS QUESTIONS ON NOTICE**

## 8 REPORTS OF OFFICERS

### 8.1 MANAGER WORKS & SERVICES

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

<b>Location:</b>	<i>Shire of Boyup Brook</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>10<sup>th</sup> of March, 2016</i>
<b>Author:</b>	<i>Rob Staniforth-Smith - MWKS</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>10 year resheeting program, 10 year reseal program, 10 year maintenance program, 10 year footpath program, 10 year widening program, 10 year plant replacement program</i>

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#### **SUMMARY**

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

#### **BACKGROUND**

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

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

#### **COMMENT**

The 10 year Works Programs have been prepared for the 2016-2017 budget considerations and future years costing have been calculated in terms of current dollar values.

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

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

#### **CONSULTATION**

Chief Executive Officer

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

2013-2023 Strategic Community Plan

2014-2017 Corporate Business Plan

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.1.1**

**MOVED: Cr Blackburn**

**SECONDED: Cr Aird**

**That the Council adopt the 2016/2017 to 2025/2026 Ten Year Works Programs as presented for budget development and inclusion in the Strategic Plan.**

**CARRIED 8/0**

**Res 19/16**

**8.2 FINANCE**

**8.2.1 List of Accounts Paid in February 2016**

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/1/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>10 March 2016</i>
<b>Author:</b>	<i>Kerry Fisher – Manager of Finance</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes – List of Accounts Paid in February</i>

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**SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in February 2016 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 29 February 2016.

**COMMENT**

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 29 February 2016.

**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 the 2015-16 Annual Budget.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority



**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.1**

**MOVED: Cr Imrie**

**SECONDED: Cr Oversby**

**That at its March 2016 ordinary meeting Council receive as presented the list of accounts paid in February 2016, and totalling \$544,731.86 and as represented by: cheque voucher numbers 19936-19945 totalling \$16,282.45; and accounts paid by direct electronic payments through the Municipal Account totalling \$528,449.41.**

**CARRIED 8/0**

**Res 20/16**

**8.2.2 29 February 2016 Statement of Financial Activity**

<b>Location:</b>	Not applicable
<b>Applicant:</b>	Not applicable
<b>File:</b>	FM/10/003
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	10 March 2016
<b>Author:</b>	Kerry Fisher – Manager of Finance
<b>Authorizing Officer:</b>	Alan Lamb – Chief Executive Officer
<b>Attachments:</b>	Yes – Financial Reports

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**SUMMARY**

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 29 February 2016.

**BACKGROUND**

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

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

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

**COMMENT**

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

**CONSULTATION**

Alan Lamb – Chief Executive Officer

**STATUTORY OBLIGATIONS**

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

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

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

As presented in the attached reports.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.2**

**MOVED: Cr Oversby**

**SECONDED: Cr Muncey**

**That having regard for any material variances, Council receive the 29 February 2016 Statement of Financial Activity and Statement of Net Current Assets, as presented.**

**CARRIED 8/0**

**Res 21/16**

### **8.3 CHIEF EXECUTIVE OFFICER**

<b>8.3.1 Resolution to ADOPT Amendment to Scheme – Lot 1 Forrest Street, Boyup Brook and portion of Railway Parade.</b>
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<b>Location:</b>	Lot 1 Forrest Street and portion of Railway Parade
<b>Applicant:</b>	Shire Boyup Brook
<b>File:</b>	LN/42/001
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	March 2016
<b>Author:</b>	A. Nicoll, Town Planner
<b>Authorizing Officer:</b>	Alan Lamb, Chief Executive Officer
<b>Attachments:</b>	Scheme Amendment (16) Document

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#### **SUMMARY**

The purpose of this report is to put before Council the request to resolve to adopt an amendment to the Shire of Boyup Brook *District Planning Scheme 2*.

The amendment involves:

1. Transferring Lot 1 Forrest Street, Boyup Brook, from the 'Parks and Recreation' reserve to the 'Residential' zone, with a density of R15/30.

Note: The R15 density enables development without deep sewer (subject to Department of Health approval) at the average lot size of 666m <sup>2</sup> . The R30 density enables development subject to connecting to deep sewer at the average lot size of 300m <sup>2</sup> .
---

2. Transferring a portion of Railway Parade from the 'Parks and Recreation' reserve to the 'No Zone'.

Council discretion is required in accordance with regulations 35(1) and 35(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, which states:

*r.35 (1) A resolution of a local government to prepare or adopt an amendment to a local planning scheme must be in a form approved by the Commission.*

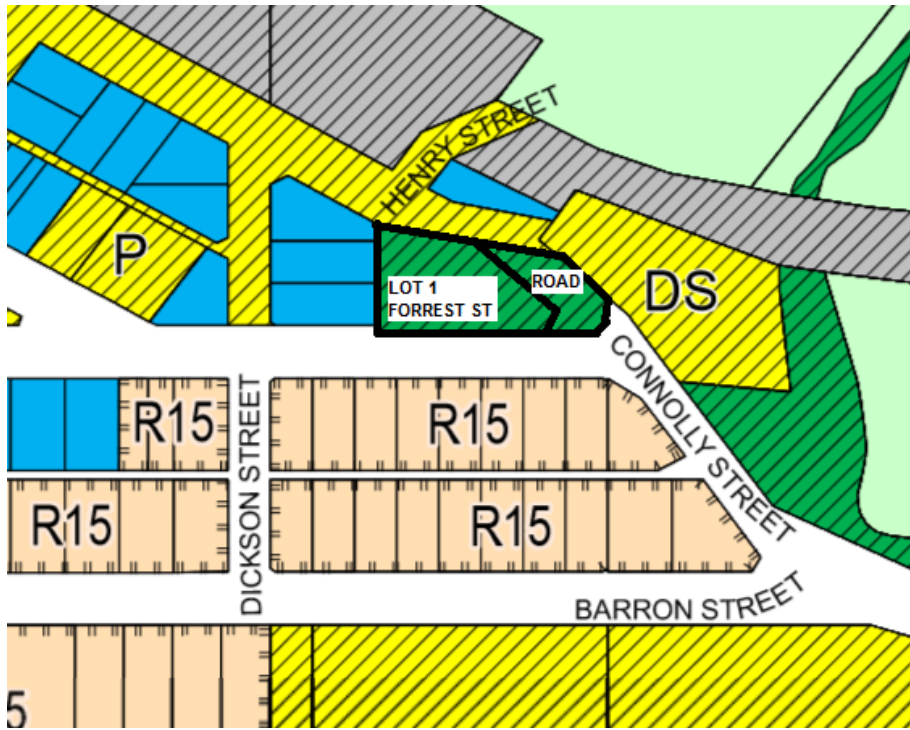
*r.35 (2) A resolution must —*

- (a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and*
- (b) include an explanation of the reason for the local government forming that opinion.*

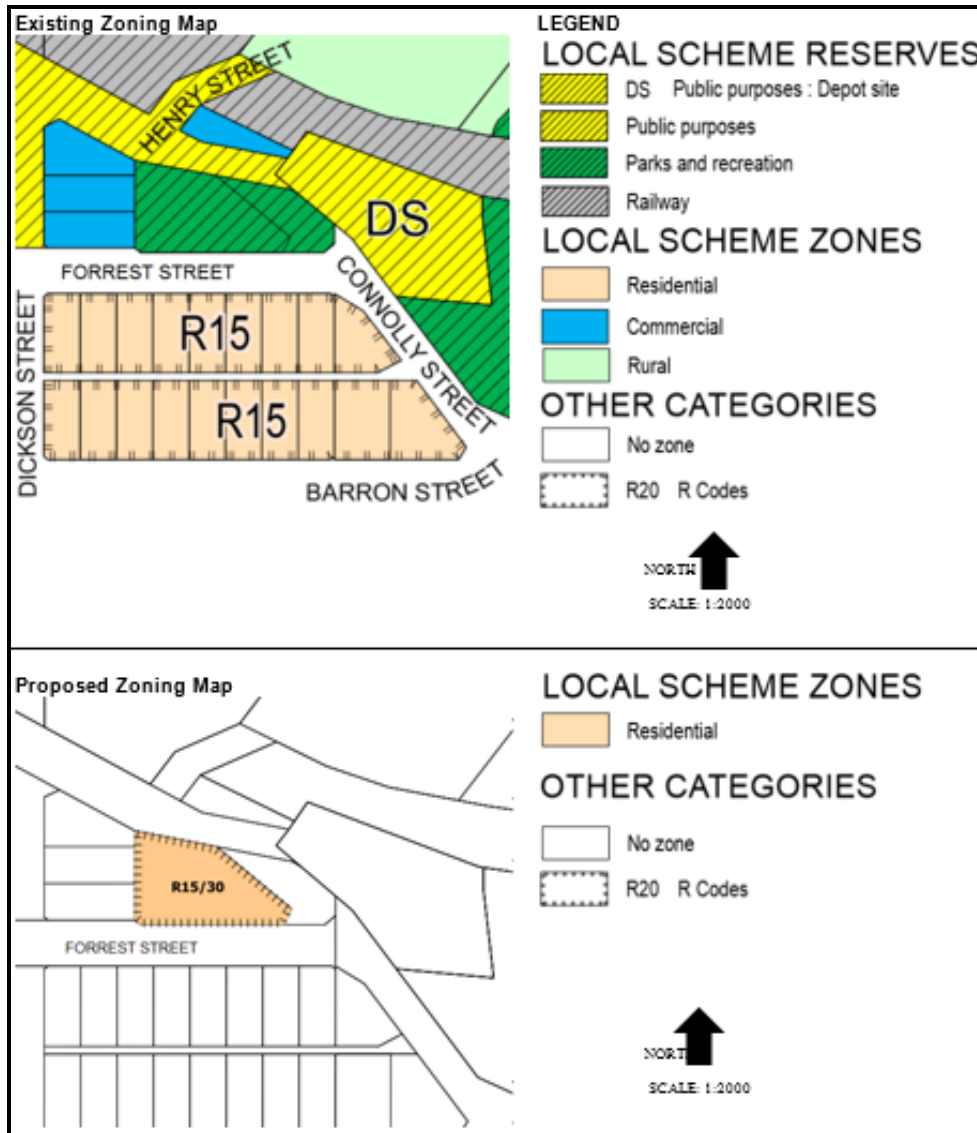
The following figure illustrates Lot 1 Forrest Street and the portion of Railway Parade.



The following figure illustrates the Parks and Recreation reservation (green shading) for the subject land – as per Scheme map.



The following figure illustrates the existing reservation and the proposed zoning.



**BACKGROUND**

Lot 1 Forrest Street has been tentatively earmarked as a site suitable for housing development, to accommodate aged persons.

The Shire of Boyup Brook Council resolved in February 2016, to prepare a Scheme amendment to transfer Lot 1 Forrest Street, from ‘Parks and Recreation’ reserve to ‘Residential’ zone, with a density of R15/30.

Detailed assessment revealed the need to include in the Scheme amendment the portion of Railway Parade, which adjoins Lot 1 Forrest Street and which is also reserved for Parks and Recreation. Ideally, the designation in the Scheme for a Road is ‘No Zone’.

The Department of Planning was consulted on the resolution to prepare a Scheme amendment and advised that the resolution should also include the need to prepare a Local Development Plan. The Local Development Plan can be prepared

at a later stage, prior to developing housing. The Local Development Plan will demonstrate that appropriate design standards have been undertaken in accordance with Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

A Scheme amendment document has subsequently been prepared to recommend the following:

1. *Rezoning Lot 1 Forrest Street, Boyup Brook from Parks and Recreation Reserve to Residential R15/R30 and amending the Scheme maps accordingly;*
2. *Rezoning portion of the Railway Parade road reserve, Boyup Brook from Parks and Recreation Reserve to No Zone and amending the Scheme maps accordingly;*
3. *Inserting a new sub clause to 5.1.2 Residential Planning Codes: Variations and Exclusions as follows:*

*5.1.2.2 Where a lot has a dual coding of R15/30, the local government may approve residential development at a higher code where development is connected to a Septic Tank Effluent Disposal (STED) scheme and where a Local Development Plan demonstrating appropriate design standards has been approved in accordance with Part 6 of the Deemed Provisions; and*

4. *Re-numbering subsequent sub-clauses accordingly.*

### **COMMENT**

Lot 1 Forrest Street and adjacent portion of Railway Parade (subject land) are reserved for 'Parks and Recreation' in accordance with the Shire of Boyup Brook *District Planning Scheme 2*.

The subject land is not needed for the purpose of parks and recreation. Passive (Abel Park – Tourist Centre) and active (Bowling Green – Boyup Brook Club) recreation facilities are located in close location to the subject land.

The Shire of Boyup Brook is in need of housing to accommodate aged persons. The subject land is well suited to accommodating housing:

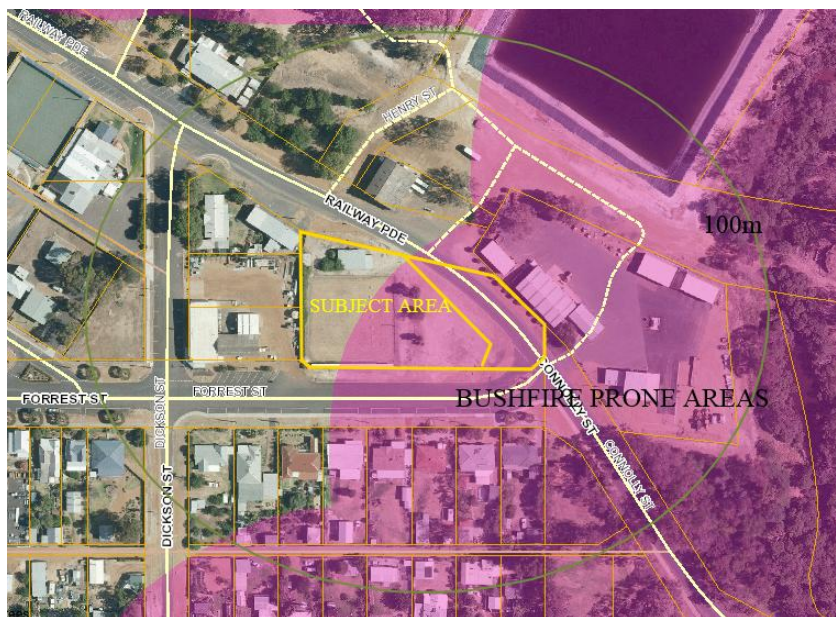
- The land is flat;
- Owned by the Shire;
- Has two road frontage. The roads are sealed, kerbed and developed with infrastructure to manage stormwater;
- The land is situated adjacent to residential development;
- The land is within walking distance (300m) to shops and recreational facilities.





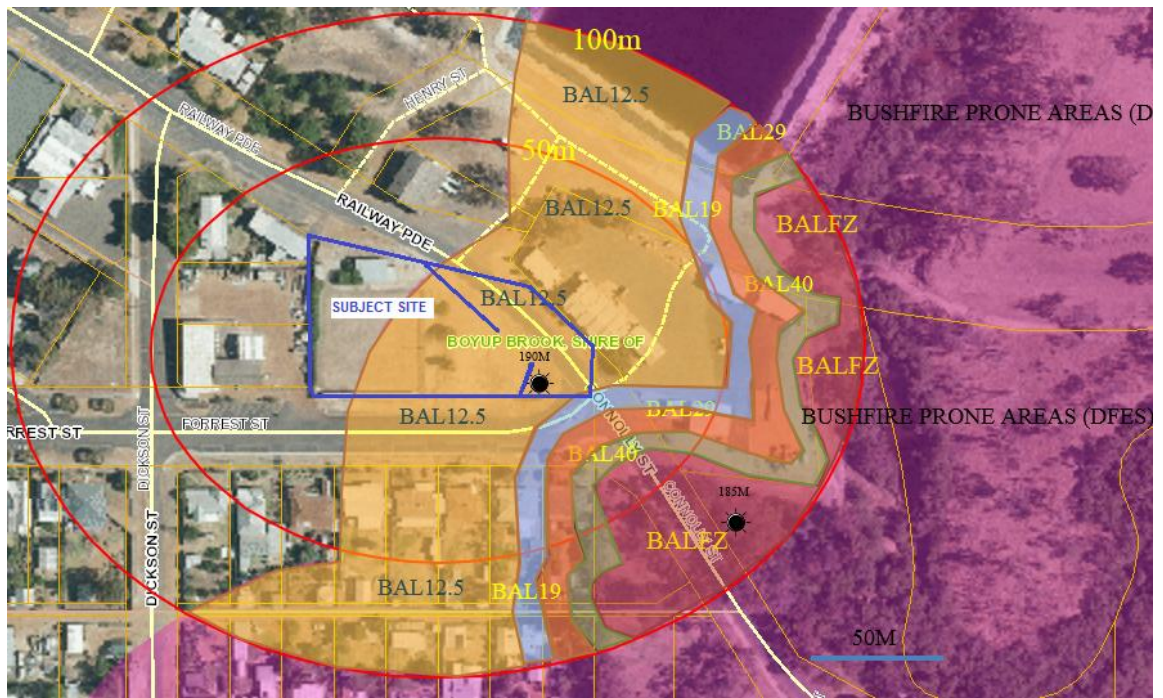
Subject land and adjacent services.

As illustrated in the following diagram, portion of the subject site has been designated within a Bushfire Prone Area.



As indicated by a bushfire hazard level assessment completed for the amendment document, the bushfire hazard level is low-moderate.

Using the Table 2.4.3 (FDI80) of the Australian Standards 3959, the portion of land shown as being bushfire prone (DFES Bushfire Mapping) has a Bushfire Attack Level rating of 12.5. This means that there is the potential for heat exposure and ember attack and that dwellings will need to be constructed to comply with construction standard 3 and 5 as per the Australian Standard 3959: Construction of Buildings in Bushfire Prone Areas.

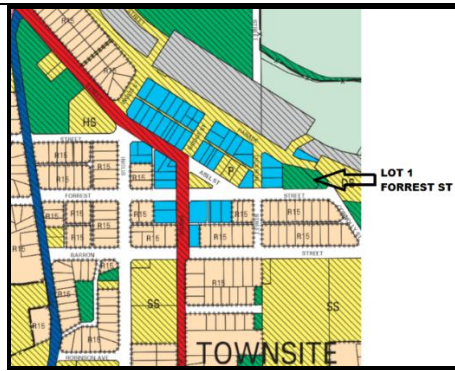


Mapped results for bushfire attack level assessment.

**STATUTORY OBLIGATIONS**

Statutory Obligations	Recommendations
<p><b><i>District Planning Scheme 2</i></b></p> <p>The subject site is reserved for 'Parks and Recreation'.</p> <p>The <i>District Planning Scheme 2</i> states at Part II-Reserved Land:</p> <p><i>2.1.2 Land set aside under this Scheme for the purpose of a reservation is deemed to be reserved for the purpose indicated on the Scheme Map.</i></p>	<p>A proposal to develop dwellings at Lot 1 Forrest Street is not in-keeping with the <i>District Planning Scheme 2</i> clause 2.1.2.</p> <p>The scheme reservation needs to be changed to a zoning that will support dwellings. The 'Residential' zone is the most appropriate. The supply of small lots with dwellings designed to accommodate aged persons is lacking in the Boyup Townsite. A medium density code of R30 (30 dwellings/hectare) enables the development of small lots - subject to connecting to a sewerage scheme.</p> <p>The subject site is not being used for the purpose indicated on the scheme map.</p>





Clause 3.2.2.1 *Boyup Brook Townsite - Central* states:

*Whereas this area contains the town centre and the majority of the older urban development, the following planning policy shall apply:*

- (i) The town centre shall be predominantly located within the bounds of, and including those properties fronting Inglis Street, Railway Parade, Dickson Street and Forrest Street.*
- (ii) Consolidation and enhancement of the town centre (as defined at paragraph (i) above) shall be promoted and Council shall not generally support proposals for commercial and/or office development within the Shire outside of that area except where it considers such proposals as appropriate within the Urban zone.*
- (iii) Residential and commercial development shall be the predominant uses associated with this Policy Area.*

Clause 5.1 *RESIDENTIAL ZONE* states:

Other parks (Sandakan Park and Beatty Park) within close proximity to the subject site provide generous recreation services to the surrounding community.



The Shire's strategic focus (draft Local Planning Strategy) is to concentrate investment towards the larger parks, which can accommodate a range of passive and sporting activities in the one location.

The Shire wishes to undertake the following procedure to achieve dwelling development at Lot 1 Forrest Street:

- Amend the scheme to enable development to be considered;
- Develop a Guide Plan in accordance with opportunities and constraints of the subject area;
- Grant development approval for grouped housing to accommodate aged persons; and
- Commence development, possibly with the aid of regional funding.

The following illustrates an idea for lot layout:

*The Residential Zone is intended primarily for residential development in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population. All other uses approved within this zone under the provisions of this Scheme shall be compatible with this basic objective.*



The scheme amendment request is considered consistent with LPS1 requirements including relating to the objectives of the Residential zone. In particular:

- Residential being the predominant use in the central policy area;
- Residential development located in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population.

Amending the zoning on Lot 1 Forrest Street will ensure there is a consistent approach to zoning in the area.

Statutory procedures following Council resolution to adopt an amendment include:

1. Advertise proposed amendment for minimum period of 42 days;
2. Consider submissions on amendment;
3. Consider finally supporting amendment with or without modifications;
4. Provide amendment to commission for Minister Endorsement.

**POLICY IMPLICATIONS**

There are no policy implications relating to this item.

**CONSULTATION**

The Department of Planning was consulted on the proposal to amend the Scheme and provided in-principle support.

**BUDGET/FINANCIAL IMPLICATIONS**

The extent of planning fees necessary to process the amendment can be catered for within the 2015/16 budget.

**STRATEGIC IMPLICATIONS**

There are no strategic implications relating to this item.

The request to amend the classification of the site to enable residential development is considerate of Liveable Neighbourhood principles, such as ensuring:

- Easy access to services such as local shops and parks;
- Development is connected to utilities including stormwater, roads, power and water; and
- Design of the development is considerate of streetscape amenity and solar efficiency.

Prior to development occurring on-site, a Local Development Plan is proposed to ensure residential design outcomes are appropriate.

Examples include:

- Designing out crime;
- Suitable car parking;
- Protection of privacy; and
- Streetscape appeal.

**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

## **CONCLUSION**

The proposal is to amend the Shire of Boyup Brook *District Planning Scheme 2* in order to enable the development of dwellings, for aged persons, at Lot 1 Forrest Street and to fix the reservation anomaly for a portion of Railway Parade.

Despite the fact that Lot 1 Forrest Street and the portion of Railway Parade are reserved for Parks and Recreation, Lot 1 Forrest Street has been vacant for 8 years and the portion of Railway Parade is being used as a road.

Lot 1 Forrest Street is better suited to accommodating dwellings for the following reasons:

- The site is flat;
- The site is within walking distance to services and other established recreation facilities;
- The site is adjacent to existing dwellings;
- The site is not subject to extreme bushfire hazard or flooding; and
- The site is connected to utilities including sealed roads, power and water.

The portion of Railway Parade land the subject of the amendment is to remain acting as a local distributor for vehicles and is therefore best reserved in the Scheme as 'No Zone'.

The proposed Amendment is justified on the following grounds:

1. The subject land is not used or intended to be used for the dedicated reservation;
2. The proposed residential zone will be appropriately serviced and developed;
3. The supply of housing for aged persons can be improved to accommodate the high demand.

This report confirms that the scheme amendment request is consistent with the planning framework and that Lot 1 Forrest Street Boyup Brook is considered to be both suitable and capable for accommodating residential use. The amendment provides a consistent approach to the zoning in the precinct.

The support of the Shire is requested to approve the scheme amendment to transfer the Lot 1 Forrest Street Boyup Brook from the reservation of 'Parks and Recreation' to the 'Residential' zone and the portion of Railway Parade from the reservation of 'Parks and Recreation' to the 'No Zone'.

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

**MOVED: Aird**

**SECONDED: Cr Rear**

**That Council**

Resolves to ADOPT the amendment to the *District Planning Scheme 2* in accordance with regulations 35(1) and 35(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, as follows:

*Planning and Development Act 2005*

**RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME**

District Planning Scheme 2

Amendment No 16

Resolved that the local government pursuant to section 72 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. *Rezoning Lot 1 Forrest Street, Boyup Brook from Parks and Recreation Reserve to Residential R15/R30 and amending the Scheme maps accordingly;*
2. *Rezoning portion of the Railway Parade road reserve, Boyup Brook from Parks and Recreation Reserve to No Zone and amending the Scheme maps accordingly;*
3. *Inserting a new sub clause to 5.1.2 Residential Planning Codes: Variations and Exclusions as follows:*

*5.1.2.2 Where a lot has a dual coding of R15/30, the local government may approve residential development at a higher code where development is connected to a Septic Tank Effluent Disposal (STED) scheme and where a Local Development Plan demonstrating appropriate design standards has been approved in accordance with Part 6 of the Deemed Provisions; and*

4. *Re-numbering subsequent sub-clauses accordingly.*

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

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

Dated this 17 day of March 2016

\_\_\_\_\_  
Alan Lamb  
Chief Executive Officer

**CARRIED 5/3**

**Res 22/16**

**8.3.2 Annual Compliance Audit Return 2015**

<b>Location:</b>	<i>Shire of Boyup Brook</i>
<b>Applicant:</b>	<i>Shire of Boyup Brook</i>
<b>File:</b>	<i>FM/9/004</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>03 March 2015</i>
<b>Author:</b>	<i>Alan Lamb (CEO) and Stephen Carstairs (Director Corporate Services)</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb (CEO)</i>
<b>Attachments:</b>	<i>Yes – Boyup Brook Compliance Audit Return 2015</i>

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**SUMMARY**

The purpose of this report is to present to Council the 2015 Annual Compliance Return for Council adoption.

**BACKGROUND**

The Local Government (Audit) Regulations 1996, Section (14) requires Local Governments to carry out a Compliance Audit for the period 1<sup>st</sup> January to 31<sup>st</sup> December in each year. Section (13) of the regulations outlines the sections of the Act & Regulations that are subject to audit.

The Department of Local Government and Regional Development has provided the compliance form approved by the Minister for completion and presentation to Council for adoption.

Section (15) of the Regulations require that a certified copy of the return presented and adopted by Council be sent to the Director General of Department of Local Government each year, together with a copy of the minutes referring to this matter. The report is to be certified by the Shire President and Chief Executive Officer.

**COMMENT**

A draft Compliance Return has been compiled and a copy is attached.

**CONSULTATION**

Staff and Dominic Carbone & Associates.



**STATUTORY OBLIGATIONS**

Local Government Act 1995 Section 7.13(1(i))

Local Government (Audit) Regulations 1996 Sections (13) (14) & (15)

**POLICY IMPLICATIONS**

There are no specific policies in relation to compliance as it is covered by legislation.

**BUDGET/FINANCIAL IMPLICATIONS**

The 2015-16 Annual Budget contained Consultant allocations for assisting to complete the 2015 Compliance Return.

**STRATEGIC IMPLICATIONS**

There are no Strategic implications relating to the Compliance Return.

**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

**COMMITTEE RECOMMENDATION FOR REFERRAL TO COUNCIL ITEM 8.3.2**

**MOVED: Cr Oversby**

**SECONDED: Cr Aird**

**That the Audit and Finance Committee:**

1. **Report to Council that it has reviewed the Compliance Audit Return for 2015, as attached, and reports that the Return includes three non compliance matters as follows:**
  - 1.1 **Section 7.9(1) of the Local Government Act requires the Auditors Report to be received by the Local Government by 31 December. The report for 2014/15 was received 6 January 2016. The CEO reported *the annual audit would normally have started much earlier and been completed in time for the audit report to go to December electors meeting. Boyup Brook, along with many Councils grappled with the introduction of fair value which delayed completion of the annual accounts.* The Committee accepts the explanation and notes the transgression resulted from extraordinary circumstances.**

**1.2** Section 3.57 of the Local Government Act and Regulation 11 of the Local Government Functions and General Regulations required that tenders be called where good or services would cost more than \$100,000. The Shire swimming pool painting project resulted in a payment to one service provider that was in excess of the \$100,000 (\$104,496) tender requirement trigger. The CEO reported *this procurement was done over two financial years and at the time of the changeover of Pool Managers. The previous Manager had obtained quotations for the repainting of the pool. In order to make the most out of the State Government's \$30,000 per year pool maintenance grants, a quantity of the special pool paint was purchased in 2014/15 and stored. It was my understanding at the time of authorizing the work that the particular firm was the only firm that specialized in the relevant pool paint, supply and application. That the work was limited to the main pool and so less than \$100,000 (the quote was \$92,000 for the main pool). The pool was emptied a number of times ready for painting and then it rained and so the work had to be rescheduled. When the contractor arrived to do the work it was discovered that he had understood both pools were to be done. The new Pool Manager confirmed that the second pool was in a state that required painting. As the second pool needed to be done and as the contractor was there expecting to do it the work was authorized.* The Committee accepts the explanation and notes the transgression resulted from extraordinary circumstances.

**1.3** Regulation 24 of the Local Government (Functions and General) Regulations provide that persons who submit an expression of interest in response to a Council call be given notice in writing. No written notice was provided in respect to the call for expressions of interest in the Shire swimming pool heating project. The CEO reported *It is understood that this is the case and so I take full responsibility for the transgression. The process became protracted and a purchase order was issued 31/8/2015, list of EOI's received first went before Council in February 2015.*

The Committee accepts the explanation and notes the transgression resulted from extraordinary circumstances.

**2** Recommend that Council adopt the attached Compliance and Audit Return for 2015.

**CARRIED 7/1**

**Res 23/16**

**Proximity Interest**

Cr Moir declared a proximity interest in the item 8.3.3 and departed the Chambers the time being 5.32pm.

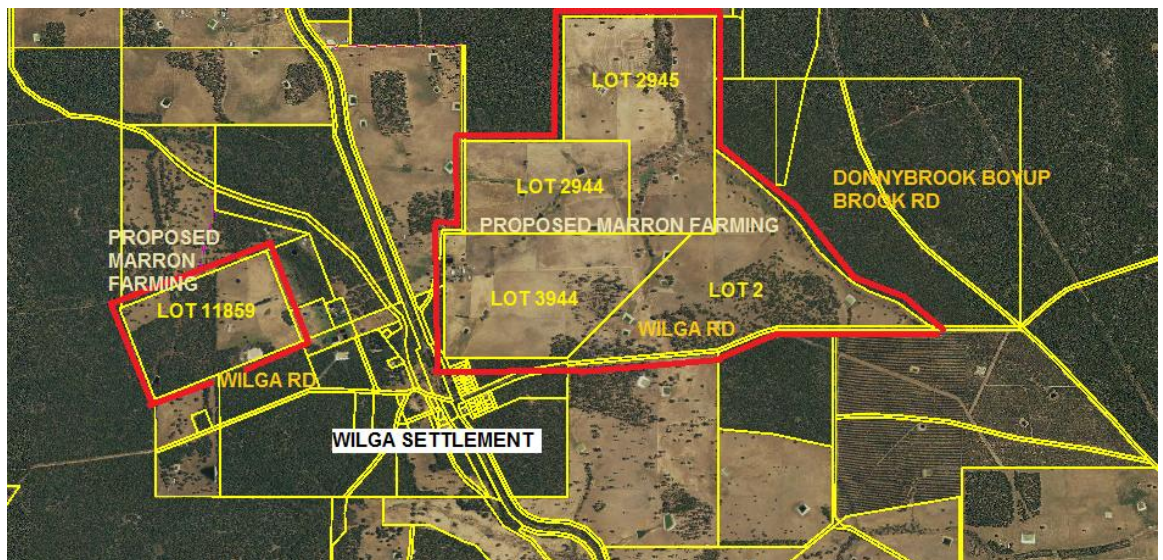
**8.3.3 Rural Industry (Marron Farm) – Lots 2945, 2944, 3944, 2 and 11859 Wilga Road, Boyup Brook**

<b>Location:</b>	Lots 2945, 2944, 3944, 2 and 11859 Wilga Road
<b>Applicant:</b>	G Charteris
<b>File:</b>	A15129 and A3200
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	March 2016
<b>Author:</b>	A. Nicoll, Town Planner
<b>Authorizing Officer:</b>	Alan Lamb, Chief Executive Officer
<b>Attachments:</b>	Nil

**SUMMARY**

The purpose of this report is to put before Council the request to use farming land adjacent to Wilga for the rearing and processing of Marron.

Existing dams on two different farming properties are proposed to be used to raise Marron for food produce. A packaging shed located at the farm-Lot 11859 will be used to prepare the Marron for wholesale to restaurants, clubs and pubs.



Aerial view – Marron farming properties

**BACKGROUND**

The owner of Lot 11859 Wilga Road sought approval from the Department of Fisheries to raise and sell Marron for human consumption.

The owner was advised by the Department of Fisheries that Local Government approval is necessary prior to the issue of a Fisheries licence.

**COMMENT**

The subject properties are zoned 'Rural' in accordance with the Shire's *District Planning Scheme 2*.

The proposal involves the rearing of Marron in existing farm dams, the packaging of the Marron and then the wholesale of the Marron for human consumption.

Research undertaken by the Department of Fisheries has determined that Marron can be stocked into a wide range of waterways as long as there is suitable water quality (marron can live in up to half the salinity level of seawater but do not breed in high salinity) and an ecosystem that provides food and shelter (Department of Fisheries – Brief 4).

Marron are an integral part of WA's natural waterway ecologies, as both scavengers and prey for native mammals and birds. Unlike gilgies and koonacs, marron can't survive drought by burrowing, so they are an excellent indicator species for the health of rivers and lakes as they are susceptible to low oxygen levels and high water temperatures (Department of Fisheries – Brief 4).

Marron farming has the most participants in the WA aquaculture industry, with 176 productive farms. Licences take two forms; a limited licence allows farmers to grow marron on their own property and sell marron at 76mm to a holder of an unlimited marron licence or a processor's licence with authorisation for marron (Department of Fisheries – Brief 4).

Both the value and production of marron have increased in recent years. Beef farmers, wineries and rural resorts are diversifying their farms and rearing marron for supply to local restaurants.

**STATUTORY OBLIGATIONS**

<b>Statutory Obligations</b>	<b>Recommendations</b>
In accordance with the Shire's <i>District Planning Scheme 2</i> , "industry – rural" means –  a) an industry handling, treating, processing or packing rural products; or	Recommend approving the application for 'Rural Industry' – Marron Farming as the use complies with the Scheme Zoning Table.

<p>b) a workshop servicing plant or equipment used for rural purposes.</p> <p>The Shire's <i>District Planning Scheme 2</i> Zoning Table, classifies a Rural Industry with the notation 'AA'.</p> <p>The notation 'AA' means; Council, in exercising the discretionary powers available to it, <u>may approve</u> the use under the Scheme.</p>	<p>Recommend including the following condition to safeguard the natural environment:</p> <p><i>No processes being conducted on the properties that may cause a detriment to the amenity of that area by reason of chemical, noise, vibration, smell, fumes, dust or grit.</i></p>
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**POLICY IMPLICATIONS**

There are no Policy implications relating to this item.

**CONSULTATION**

N/A

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

There are no strategic implications relating to this proposal.

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple majority

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

**MOVED: Cr Blackburn**

**SECONDED: Cr Oversby**

**That Council**

Grants development approval for Lots 2945, 2944, 3944, 2 and 11859 Wilga Road, Boyup Brook for the purpose of Rural Industry – Marron Farming and subject to the following condition:

**Conditions**

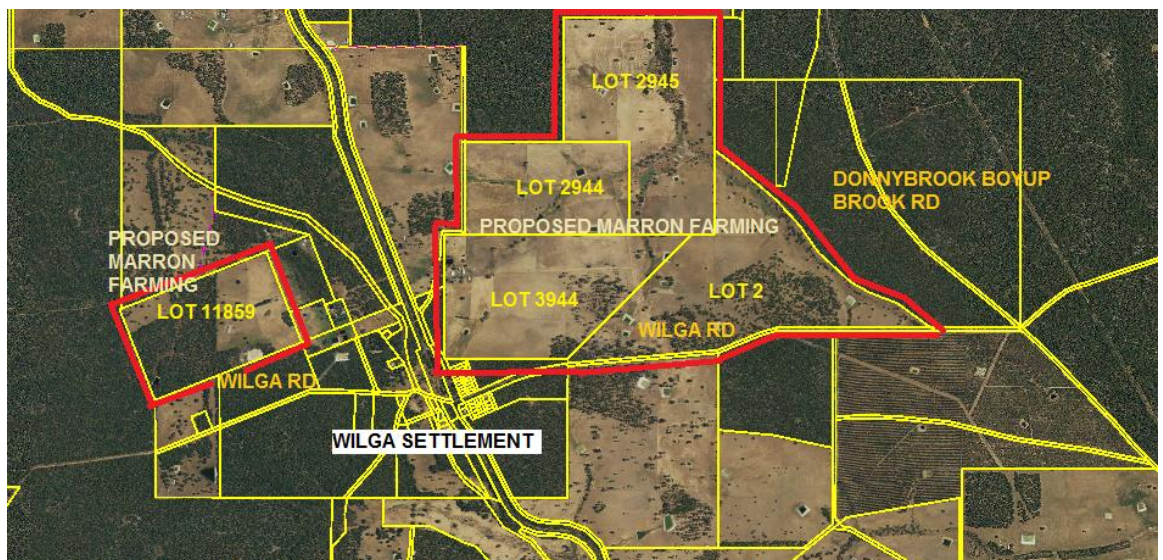
1. No processes being conducted on the above properties that may cause a detriment to the amenity of that area by reason of chemical, noise, vibration, smell, fumes, dust or grit.

**Notes**

This Planning Scheme Consent contains 1 condition.

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. For further information regarding this, refer to [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au), with reference to section 252 of the Planning and Development Act (2005) (as amended).

Marron Farming – Approved for Lots 2945, 2944, 3944, 2 and 11859 Wilga Road, Boyup Brook.



**CARRIED 7/0**

**Res 24/16**

Cr Moir returned at 5.34pm

**WITHDRAWN**

**Item 8.3.4 was withdrawn by the Chief Executive Officer. Further clarification to be provided to Council and brought back to the next Council meeting.**

**8.3.4 Event Management Policy and Guidelines**

<b>Location:</b>	<i>N/A</i>
<b>Applicant:</b>	<i>N/A</i>
<b>File:</b>	<i>CM/43/001</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>March 2016</i>
<b>Author:</b>	<i>Angela Hales</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb</i>
<b>Attachments:</b>	<i>New policy &amp; application guidelines</i>

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**SUMMARY**

The purpose of this item is to present the new Event Management Policy and approval process to the Council for discussion and adoption.

**BACKGROUND**

Advice from LGIS is that all Local Government Authority's have a responsibility to ensure all event organizers have conducted a due diligence assessment on their event, with the aim to ensure a safe, secure and quality event.

As a result of the outcomes from the inquiry into the Ultra Marathon Race in the Kimberley, it was found that many small LGA may not have a formal approval process in place that allows a due diligent check of the standard of care being afforded to protect the LGA, the community's assets and interests, and reputation.

A clearly stated policy and approval process and checklist, will ensure event organizers approach their event with a level of assurance that benefits everyone and mitigates the Local Government.

**COMMENT**

The statutory framework that supports the event approval process is provided within the legislation listed below. The *Health (Public Buildings) Regulations 1992*, in particular requires any event over 5000 to have a risk management plan in place and for various approval certificates to be sited and signed by the Local Government.



The Event Approval Policy & approval process is based on the guidelines outlined in the Department of Health's "Guidelines for concerts, events, and organized gatherings", and is a standard management tool used to ensure an objective approach has been adopted to assess all events, no matter how large or small.

Adopting this process will also provide uniformity within LGAs when considering the conduct of an event within the shire, or across shire boundaries.

### **CONSULTATION**

During the draft stages of the document and templates, event organizers have been consulted, encouraged to use the forms and provide feedback on the process. While additional instruction and some education will be needed for community group organizers, the process has been generally well received and adopted by most event organizers within the shire.

### **STATUTORY OBLIGATIONS**

Health Act 1911

Health (Public Buildings Regulations) 1992

Building Act 2011

Liquor Control Act 1988

Food Act 2008

Environmental Protection (Noise) Regulations 1997

Security and Related Activities (Control) Act 1996

Misuse of Drugs Act 1981

Caravan Parks and Camping Ground Act 1995 & Regulations

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Dependant on whether the Council seeks to be reimbursed for officer's time providing advice and reviewing event plans.

### **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 – 8.3.4**

**That Council adopt the Policy – Event Management & Approval Process Guidelines.**

**8.3.5 Boyup Brook Airfield – lease of a portion of the land**

<b>Location:</b>	<i>Lot 2 Boyup Brook Kojonup Road</i>
<b>Applicant:</b>	<i>Paul Drayton</i>
<b>File:</b>	<i>A9676</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>10 March 2016</i>
<b>Author:</b>	<i>Alan Lamb - CEO</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Confidential attachment - copy of emails to and from Mr Drayton. Copy of 2014 advertisement.</i>

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**SUMMARY**

The purpose of this report is to bring back before Council the matter of a lease over a portion of the airfield site with the recommendation that Council move toward a lease.

**BACKGROUND**

The matter of Mr Drayton's interest in starting up a business in Boyup Brook at the Shire airfield has been before Council a number of times.

In June 2013 Council passed the following resolution:

***That Council:***

- 1. Allow Mr. Drayton immediate access to the airfield, and to occupy and improve, as agreed by the Chief Executive Officer, the existing hangar facility.***
- 2. Allow Mr. Drayton to site his 40 foot x40 foot hangar at the airfield in a location as agreed by the Chief Executive Officer.***
- 3. Advise Mr. Drayton that Council intends to work toward a suitable lease where the first few years will be at minimal rental to allow the business to establish.***
- 4. Advise Mr. Drayton that Council intends to look at what improvements it may be able to make to the airfield, and how it might fund these, as part of the 2013/14 budget development.***
- 5. Approve of up to \$5,000 to employ an entity to develop and cost the project, establish funding opportunities and the like for the purposes of having the relevant information to put before Council as part of the budget process.***

In November 2013 Council resolved as follows:

***That Council:***

- 1. Advertise, in accordance with section 3.58 of the Local Government Act, its intention to lease a portion of the Boyup Brook Airfield to Mr Drayton.***
- 2. Approve the provision for the airstrip re-sheeting work to be applied to airfield improvements.***

The matter went before Council again in December 2013 and Council resolved as follows:

***That Council delegate to the Chief Executive Officer the authority to lease 3 portions of the Boyup Brook airfield being 30m x 30m plots, with one containing the old hangar, to a value of no more than \$5,000 per annum each for a three year lease, to Mr Drayton subject to the process set out in section 3.58(3) of the Local Government Act being followed.***

The commercial value of the proposed lease was determined by a suitably qualified valuer and the required advertising was done. Mr Drayton subsequently advised that, due to personal circumstances, he would not now be pursuing the business enterprise, at this time, but still wanted to lease parts of the airfield. The original request was to lease the hangar on a 30m by 30m portion of the land and another two 30m by 30m sections of land alongside this. Advertising was done with these details, the assessed value and the agreed rental.

Mr Drayton now wishes to lease two 30m by 30m sites, one with the hangar on it and another alongside this. He would like to pay a lower rental amount.

He also requested that he be given approval to install gates across the hangar to secure the place. Mr Drayton sited fuel being taken from his aircraft, that it had been tampered with etc. The CEO gave approval for this in accordance with part 1 of the June 2013 resolution on this matter.

Mr Drayton further requested that Council consider sealing the hangar floor of assisting with the cost of doing so. Also that Council consider installing gates across the entrance track and security cameras.

The following was reported to the April 2014 meeting of Council:

*Please note that all dollar amounts in this report are exclusive of GST.*

*Whilst the original agreement regarding a lease was advertised, in accordance with legislation, the proposed new agreement has not and the "deal" would need to be advertised for 14 days and any submissions assessed before a lease could be entered into. The valuations obtained were on the basis of an annual rental for the 30m by 30m site with the hangar and a valuation for a 30m by 30m site with no improvements. The second valuation applied to any of the vacant sites. Therefore the current valuation could be used for the advertising.*

*The valuation of the hangar site was \$2,475 per annum and \$900 for vacant sites. The original proposal for three sites was therefore valued at \$4,275 per annum and the negotiated rental was - \$100 per month for the first year \$150 per month for the second and \$200 per month for the third (i.e. \$1,200, \$1,800 and \$2,400 per annum).*

*The rental discussed with Mr Drayton was based on assisting a new business to commence operation and so was not at a commercial level (it is not uncommon for Council's to assist new businesses in this way). Whilst Mr Drayton's immediate plans have changed Council may wish to still view this as an opportunity to assist a new business that may start to operate sometime in the future. If so and using the assessed valuations as a guide but rounding 10 dollars, the monthly rental for two sites, including the one with the hangar, would be \$80 for the first year (\$960 per annum), \$120 for the second year (\$1,440 per annum) and \$160 for the third year (\$1,920 per annum).*

*With regard to the sealing of the hangar floor, this is needed for, among other things, to enable one person to physically move planes around in the hangar (the small wheels tend to bog when turning aircraft around). The floor area under the hangar roof is approximately 151.3 m2. Based on a rate of \$80 per m2, a concrete floor would cost in the order of \$12,104. Asphalt would be an option, the preparation rate is \$25 m2 and the asphalt rate is the same. Therefore the preparation cost would be in the order of \$3,783, and the asphalt would cost in the order of \$3,783 (note the rate for asphalt could be affected by oil prices and a small job premium), a total of \$7,566. Another option could be a stone seal (such as is used for roads). Here the preparation rate would be the same as for asphalt but the material and laying costs would be in the order of \$10 per M2, the total cost would then be in the order of \$5,296.*

*With regard to security, gates and cameras, Council has a number of security cameras that are put up at various locations from time to time and, as part of general operation, cameras will be located at the airfield. It would be advantageous to also put up signs advising of the use of cameras.*

*With respect to financial capacity and the budget. An amount of \$20,000 was set aside in the budget for planning for the airstrip. At the half year budget review this amount was reduced to \$5,000 because much of the planning work was done in house. The required valuation (for leasing purposes) cost \$1,364 and it is expected that employee costs will be allocated to consume the balance of this adjusted provision.*

*The original budget contained a \$60,160 provision for re-sheeting the airstrip. As previously discussed, the strip is adequate at this time and so some of these funds would be available for other capital works at the strip. All but \$35,000 of the provision relates to employee and plant costs. When all added together these costs equal the cost of employees and plant operation, so whilst the remaining \$25,160 may be available for other projects, it would only be so where this involved the relevant amounts for employee and plant costs. When looking at what Council might be able to do with regard to electrical power supply, ablutions, water supply and phone connection, that Mr Drayton needed for his planned business, it was noted that \$35,000 of the \$60,160 provision was available for external expenditure. In essence then, if Council wanted to do something at the airfield that involved the works crew and plant, then the \$25,160 could be applied to this. If Council wished to purchase materials, or the like, then the \$35,000 could be applied to this.*

*So, on the face of things, Council has the capacity to look at doing some works at the airfield. If Council were to agree to seal the area inside the hangar then consideration should also be given to sealing an area for aeroplanes to warm up and test their engines before going to the runway.*

*In terms of making decisions and progressing the matters. If Council wished to lease the hangar site plus one 30m by 30m vacant site to Mr Drayton, then it would have to come to an agreed rental, and other terms, with Mr Drayton. The next step would be to advertise the proposal for 14 days and the move to having an agreement drawn up and executed. Council could set parameters and then authorise the CEO to deal with these matters.*

*With regard to sealing the hangar floor, it has to be noted that the structure is old. In 2012, AVP Valuers assessed the building to be in fair condition, that it's estimated economic working life was 40 years and that the estimated remaining life was 18 years. It estimated that the gross current replacement cost would be \$28,000 and that the current (2/12) fair value (all buildings) was \$22,000. Unfortunately other than the estimated gross current replacement cost (GCRC), all of AVP's estimates were based on the hangar, wind sock and water storage tank. The GCRC for the hangar is \$28,000 and \$20,000 for the wind sock and water tank combined. It may be deduced that the current value of ten hangar is then in the order of \$10,000. Further, it can be taken from this that the hangar should be serviceable for in the order of 16 years (i.e. 18 years in 2012).*

*With regard to the security gate at the entrance and the cameras. Closing the airfield to the public at this stage, and without a plan for who can have access, on what basis, fee level for landing and other airfield uses, is not recommended. The other and significant consideration that needs to be tackled is use by fire brigades in emergencies (i.e. fire bombers). It is therefore recommended that no action be taken in regard to a gate at this time. The security cameras and an appropriate sign will be done as part of the normal operation.*

*It is recommended that Council deliberate this matter in sequence, with the first decision being to lease or not based on the current request. The recommendation here is that Council does seek to lease the two bays as requested.*

*The next is to determine the rental, who pays legal costs for the lease (generally this is the lessee but Council's often meet this cost for community groups and fledgling businesses). It is recommended that Council determine who pays the lease drafting costs and what the rental will be at the meeting.*

*The third is in relation to sealing the hangar floor. If the building is going to be serviceable for 16 more years then spending some funds on making it more fit for use is warranted. If Council is going to do seal work then it should also include a sealed pad for all aircraft to use (as there will be cost savings in doing two small jobs as one). Asphalt lasts longer than a stone seal and does not require the same level of preparatory work. It is thicker and so when laid can be laid level despite small irregularities in the ground surface). It is therefore recommended that Council opt for asphalt, that it require Mr Drayton to do all of the relevant preparatory work inside the hangar, to the Shire's required standard, and that it allow a sum of up to \$15,000, from the current capital provision of \$60,160, to pay for this work.*

Council considered the matter and resolved 17 April 2014 as follows:

***That Council:***

- 1) delegate to the Chief Executive Officer the authority to lease two 30m by 30m portions of the Boyup Brook Airfield (Part of Lot 2 on Diagram 43995), one of which contains the existing hangar building, to Mr Drayton provided that:***
  - a) the term of the lease does not exceed three years***
  - b) the Chief Executive Officer follows the process set out in section 3.58(3) of the Local Government Act, and no compelling objections are received.***
  - c) Mr Drayton agrees to an annual rental, for the two lots,***
    - i) of \$1000.00 for the first year, \$1500.00 for the second year and \$2000.00 for the third year.***
- 2) Approve of up to \$15,000 being spent on sealing the hangar floor and a pad, for the purpose of testing aircraft engines for all airstrip users, on the condition that Mr Drayton does, to the satisfaction of Council, or pays the cost of, all of the preparatory work for the hangar floor area. With the funds coming from the current provision for capital works at the airfield.***

Council's decision was conveyed to Mr Drayton via emailed letter 8 May 2014. Mr Drayton responded 30 June noting that the conditions on the table were different to what had been discussed and that he would come to Boyup Brook to discuss the matter. Mr Drayton and the CEO met 21 November 2014, Mr Drayton was advised that nothing had been done in relation to a lease as he had not agreed to the terms. Also that it was now a new financial year with a new budget and that provisions made in 13/14 were not automatically carried forward to 14/15. That the matter would need to go back to Council if he wanted to progress it now.

The CEO wrote to Mr Drayton on or about 13 May 2015 to ask that arrangements regarding his use of the hangar be firmed up or Council may need to open the hangar to other uses.

Mr Drayton emailed the following proposal 1 June 2015:

*To Boyup Brook Shire Council*

*Re: Existing request for Council Involvement, and Approval to open and establish an Aircraft Maintenance facility at the Boyup Brook Shire Aerodrome.*

- 1) I currently have access to the existing Hangar at the Airstrip, and wish to enter into a Lease Agreement for that structure and land*
  - a) as well as a Lease Agreement for the following Proposal:*
- 2) I seek permission to erect a 13 meter by 16 meter Aircraft Maintenance Facility on the southern side of the existing hangar.*
  - a) 10 meter wall distance between the 2 hangars*
  - b) a cyclone style proof fence to be erected between the back wall corners of the 2 Hangars, with wire gates  
to be erected at the front between the 2 hangars*
  - c) this 10 meter distance is to facilitate Secure sheltered Aircraft parking for Customer Aircraft*
- 3) I seek permission to personally start cleaning up, in my own time, and my expense - in and around the existing hangar of, old metal objects, old tree limbs, including nuisance tree limbs etc.*
- 4) If favourable consideration is give to the above, I request consideration for the following:*
  - a) that power be connected to the Airfield, and that I will pay Power accounts as would be for a normal House Hold, or Industrial area accommodation.*
  - b) A water tank be considered for Hangar roof run off*
  - c) Current Hangar floor to be sealed with Hot Mix*
  - d) A Hot Mix hard stand area be considered in front of existing Hangar*
  - e) A Hot Mix Aircraft parking area, and Aircraft serviceability "Run Up" bay (to minimize Propeller damage size to be determined*
  - f) Installation of a Toilet facility (also for use by other Airstrip users)*

*Respectfully forwarded for Consideration*

*Paul Drayton*

This was followed up with a lease rental proposal as follows:

*I am agreeable to enter into the original proposal of \$1000.00 for the first year, \$1500.00 for the second year, and \$2000.00 for the third year, but as I outlined in my new application, the area between the existing hangar and new hangar for reasons outlined, I request that, that portion of land may be free of charge, or at best, at a much reduced rate.*

Council passed the following resolution in June 2015:

***That Council defers Mr Drayton's proposal regarding a lease of a portion of the Boyup Brook Airfield to its 2015/16 Budget deliberations before considering it further.***

***Mr Drayton be asked to vacate the hangar or pay a hire fee for the hangar \$40.00 per week effective 2<sup>nd</sup> July 2015.***

Council dealt with this matter again at its 15 October 2015 meeting where the following recommendation was moved and seconded but lost:

- 1. Tenders for a three year lease of the aircraft hangar, the 30m x 30m area it sits on, and the adjoining 30m x 30m area, be called.*
- 2. The tender evaluation criteria put a higher value on community benefit than on rental income.*
- 3. The tender process timetables allow more than the required time in which to lodge a tender.*
- 4. Tenders come back to Council for final evaluation and determination.*
- 5. Council envisages it would be determining the tender at its February 2016 meeting.*

The relevant note, regarding this item, in the minutes advised that Council wanted to revisit the previously advertised rental arrangements with conditions.

The position was advised to Mr Drayton by email, because that was the mode of communication he used, 26/10/2015. This was followed up by a letter to him dated 17/11/2015. This was further followed up by a letter dated 3/2/2016. Mr Drayton spoke with a Council officer 5/2/2016 and then an email was forwarded to him 8/2/16 noting that the matter would be on the March Council meeting agenda. Mr Drayton responded by email 9 February 2016 seeking to lease the three sites and paying \$1,000 in the first year, \$1,500 in the second and \$2,000 in the third.

#### **COMMENT**

The following was reported to Council in October 2015:

*This matter has dragged on for some time now and personal circumstances got in the way of Mr Drayton's aim of starting an aircraft maintenance business in Boyup Brook.*



*Council would need to budget for electrical power supply, an onsite water supply sealing the hangar floor and apron and an aircraft parking area, and a toilet facility. Administration had done a fair bit of work in 2013 and early in 2014 on these requests and so costs estimates may be available for budgeting proposes however there will be a cost in locating and checking these so it has not been done pending indication from Council as to its intentions.*

*The opportunity that appeared to be offered to Boyup Brook by the new business enterprise was attractive to Council at the time. But Council may wish to now see some surety that a business would be established before it went down the path of establishing costs of upgrade work and budgeting for this.*

*Whilst we have all had our challenges that get in the way of great ideas, opportunities and plans, Council needs to ensure that public assets are used to their best purpose.*

*It is apparent that other users of the airfield, who may have used the existing hangar in the past, have been denied its use for quite some time. Whilst the free use was a prelude to a business commencing it may have been seen to be reasonable but as the business did not eventuate, the community value of the free use has been limited.*

*Whilst the draft budget is still being developed, it is expected there will be no significant opportunities for additional expenditure. From an administration perspective, we are stretched to the limit now and this will not improve into 2015/16 with the additional R2R funding for road works limiting opportunities to use Shire staff and equipment for additional works. Also current projects such as aged accommodation and the need to pressure/assist Water Corp over the announced sewerage scheme will consume resources. The requested works have not been costed but a ball park figure is \$50,000, when compared to the offered rental of \$4,500 over three years this would not be a sound investment unless there was another benefit (such as might accrue from a new business in the Shire). Also, it is expected that increased use of the airstrip would result in increased demands for improvements and will increase maintenance costs.*

*On the other hand, a new business, such as what Mr Drayton seeks to establish, should have wide beneficial impact on the local economy (increased numbers using eateries, accommodation, retail, and the like). And if so Council may see value in investing community resources in helping to establish the business, as it did in 2013 and again in 2014.*

*Mr Drayton appears to be keen to get moving on his business aspirations here in Boyup Brook.*

*Council may deal with this matter on economic grounds and so it is recommended that Council defer consideration till it has completed the 2015/16 Budget, that it considers the expenditure requests as part of the budget deliberations.*

*Budget considerations did not include additional works at the airfield and the adopted 2015/16 budget provides for general maintenance only. Mr Drayton is aware of this and seeks to lease the hangar, and the land it sits on and an adjacent 30m x 30m area in order to establish an aircraft maintenance business there.*

*Council has a number of options including the following:*

- Move to leave the portions of land sought*
- Resolve to not lease the portions of land sought.*

*Regarding the first option listed, here Council has to comply with the Local Government Act which requires a tender or auction process unless certain conditions prevail. Alternatively Council could establish the commercial value of what is to be leased and then advertise, for public comment, the value, the price to be paid and the entity who will receive the lease.*

*Regarding dot point two above, here Council could ask that Mr Drayton vacate the area within a reasonable time period.*

*Council obtained a valuation and advertised the relevant lease details early in 2014. The comment period closed 27<sup>th</sup> February 2014. The legislation does not appear to set a time limit for the lease to be entered into after advertising and so it may have been possible to rely on this, rather than to do it all again. However Mr Drayton's current offer is not the same as what was advertised and, unless an agreement was reached that aligned with what was advertised (3 parcels each being 30m x 30m for \$100 per month for the first year, \$150 per month for the second and \$200 per month for the third) Council would have to start this process over again.*

*If Council wishes to move down the path of leasing a portion of the land and the hangar, it may be better to put the matter to public tender so that any other interested parties could have the opportunity. Given the relatively low rental income that might be derived from a lease, Council may wish to include community benefit into the criteria and perhaps give this a higher prominence than the rent income. A commercial operation is likely to result in more use of the facility and so Council may be required to spend more on maintenance and upgrades. It is unlikely that the income would ever meet the required expenditure and so it may be seen as a minor consideration.*

*It is recommended that:*

- 1. Tenders for a three year lease of the aircraft hangar, the 30m x 30m area it sits on, and the adjoining 30m x 30m area, be called.*
- 2. The tender evaluation criteria put a higher value on community benefit than on rental income.*
- 3. The tender process timetable allow more than the required time in which to lodge a tender.*
- 4. Tenders come back to Council for final evaluation and determination.*
- 5. Council envisages it would be determining the tender at its February 2016 meeting.*

**New Comment**

The advertised lease proposal (advertised in the West Australian 14/2/2014) was for 30m by 30m portions of the airfield land, one of which contained the old hangar structure, a total land area of 2,700m<sup>2</sup> (that is 3 portions of 30m by 30m each). The advertisement noted that the rental was set low in order to encourage a new business in the area. The rental was to be \$100 per month (\$1,200 per annum) in the first year, \$150 per month (\$1,800 per annum) in the second year and \$200 per month (\$2,400 per annum) in the third year. The valuation obtained for proposed lease was \$2,475 per annum for the 30m by 30m site with the hangar and \$900 per annum for each of the other two sites, a total assessed annual rental value of \$4,275.

As previously reported, legislation does not appear to provide a time limit for Council to deal with a proposed lease after advertising the planned arrangement. There are however the complaints/enquiries about use of the hangar which indicates there may be other community needs for it and the business purpose that was included in the advertisement.

It appears then that provided the advertised “deal” for three plots of land, including one with the hangar, for the advertised rental and provided the use was commercial, Council could deal directly with Mr Drayton in relation to a lease.

Council may however wish to put the community complaints/enquiries to the test by advertising the opportunity to lease as recommended in October 2015.

Issues that are envisaged include the difficulty in monitoring whether or not a business is being conducted, if this were to be a requirement. Council may recollect the issues relating to proving that a person is, in that case, living on a property. Mr Drayton’s should result in increased use of the airfield and with that will come increased need for maintenance and calls for upgrades. On the other side of this however there is the opportunity to set up a range of fees for aircraft landing and the like and there will be a stream of income from the lease.

Council has a number of options and these include:

1. Do nothing and continue with the current month by month rental arrangement (currently paying \$40 per week or \$2,080 per annum)
2. Move forward with a lease agreement in accordance with the 2014 advertisement. This is contingent on Mr Drayton agreeing to the rentals amounts which are higher than his offer.
3. Call for tenders as recommended in October 2015

Council’s decision may be guided by the level and strength of opposition they have encountered to Mr Drayton’s occupation of the hangar. As none of these came to this office so it is difficult to make a recommendation that takes these into account.

The last time Council dealt with this matter (October 2015), the sentiment was in favour of dealing directly with Mr Drayton, in accordance with what was advertised and so the recommendation is that Council:

1. Require the CEO to advise Mr Drayton that it is prepared to lease 3 portions of the Boyup Brook Airfield Lot 2 Diagram 43995, each 30m by 30m and abutting each other, so making a 90m by 30m area of the land, including the old hangar structure on a portion of that land, provided the terms that were advertised in 2014 are agreed to by him. To be clear, it's a three year lease of 2,700m<sup>2</sup> of the airfield lot for a rental of \$100 per week in the first year, \$150 per week in the second year and \$200 per week in the third year for the purpose of carrying out a business there.
2. That the lease be conditional on a business being started within the first twelve months of the lease term.
3. That the business be of a type that aligns with the airfield use, such as aircraft maintenance or the like.
4. That Mr Drayton be advised that he will need to make application for town planning and building approvals.
5. That a Draft lease be drawn up at Mr Drayton's cost and put before Council for approval
6. That the arrangement being offered be withdrawn 1st July 2016 unless committed to before that date.

### **CONSULTATION**

The matter has been before Council a number of times and the author has spoken with Mr Drayton.

### **STATUTORY OBLIGATIONS**

Council may wish to deal with some aspects of this matter behind closed doors, if so the following section of the Local Government Act has relevance:

#### **5.23. *Meetings generally open to public***

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
  - (a) *all council meetings; and*
  - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
  - (a) *a matter affecting an employee or employees; and*
  - (b) *the personal affairs of any person; and*
  - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*

- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
  - (e) *a matter that if disclosed, would reveal —*
    - (i) *a trade secret; or*
    - (ii) *information that has a commercial value to a person; or*
    - (iii) *information about the business, professional, commercial or financial affairs of a person,*  
*where the trade secret or information is held by, or is about, a person other than the local government; and*
  - (f) *a matter that if disclosed, could be reasonably expected to —*
    - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
    - (ii) *endanger the security of the local government’s property; or*
    - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*

*and*
  - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
  - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

The following section of the Local Government Act has relevance

### **3.58. *Disposing of property***

- (1) *In this section —*
- dispose*** *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
- property*** *includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) *Except as stated in this section, a local government can only dispose of property to —*
- (a) *the highest bidder at public auction; or*
  - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
    - (i) *describing the property concerned; and*
    - (ii) *giving details of the proposed disposition; and*
    - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- and*
- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
  - (b) *the consideration to be received by the local government for the disposition; and*
  - (c) *the market value of the disposition —*
    - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
    - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
  - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
  - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
  - (d) *any other disposition that is excluded by regulations from the application of this section.*

*[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]*

The following section applies to delegations:

**5.43. *Limits on delegations to CEO***

*A local government cannot delegate to a CEO any of the following powers or duties —*

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) any power or duty that requires the approval of the Minister or the Governor;*
- (i) such other powers or duties as may be prescribed.*

*[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]*

The Local Government Act provides for Council to make the requested delegation as follows:

5.43. *Limits on delegations to CEO*

*A local government cannot delegate to a CEO any of the following powers or duties —*

- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

It is clear that the rental income will not be significant and may not cover additional works that the lessee may request.

**STRATEGIC IMPLICATIONS**

OUTCOMES	OBJECTIVES	PRIORITIES
Economic Growth	Build and support new businesses.	<ul style="list-style-type: none"> <li>✦ Encourage new businesses through information, incentives and land-use provision.</li> <li>✦ Advocate for new business start-up support.</li> <li>✦ Encourage business diversity through promotion of local comparative advantages.</li> <li>✦ Examine potential for buy local campaign supported by local price preference policy.</li> </ul>
	Promote commercial centre	<ul style="list-style-type: none"> <li>✦ Investigate development of the music park.</li> <li>✦ Develop and implement streetscaping/landscaping plan.</li> <li>✦ Investigate options to encourage owners of business houses to renovate shop frontages.</li> </ul>
Increased Visitors and Residents	Develop tourism industry	<ul style="list-style-type: none"> <li>✦ Investigate development of cultural register.</li> <li>✦ Support tourism capability through events, fairs, arts, produce, history and cultural experiences.</li> </ul>
	Attract permanent residents	<ul style="list-style-type: none"> <li>✦ Promote the family friendly lifestyle of Boyup Brook.</li> </ul>



**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
The new business that may eventually be created by the proposed lease of land has the potential to bring more customers to food, retail and accommodation business in town.
- **Social**  
The new business, if it commences, may foster off shoots and the like that may increase the town's population, resulting in more members for clubs and community organisations.

**VOTING REQUIREMENTS**

Absolute majority

**OFFICER RECOMMENDATION – ITEM 8.3.5**

That:

1. Council require the CEO to advise Mr Drayton that it is prepared to lease 3 portions of the Boyup Brook Airfield Lot 2 Diagram 43995, each 30m by 30m and abutting each other, so making a 90m by 30m area of the land, including the old hangar structure on a portion of that land, provided the terms that were advertised in 2014 are agreed to by him. To be clear, it's a three year lease of 2,700m<sup>2</sup> of the airfield lot for a rental of \$100 per week in the first year, \$150 per week in the second year and \$200 per week in the third year for the purpose of carrying out a business there.
2. That the lease be conditional on a business being started within the first twelve months of the lease term.
3. That the business be of a type that aligns with the airfield use, such as aircraft maintenance or the like.
4. That Mr Drayton be advised that he will need to make application for town planning and building approvals.
5. That a Draft lease be drawn up at Mr Drayton's cost and put before Council for approval
6. That the arrangement being offered be withdrawn 1st July 2016 unless committed to before that date.

**NOTE:**

It was noted that the recommendation included, in item 1, a rental rate "per week" when this should have been "per month". The CEO amended the recommendation.

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

**MOVED: Cr Oversby**

**SECONDED: Cr Blackburn**

**That:**

- 1. Council require the CEO to advise Mr Drayton that it is prepared to lease 3 portions of the Boyup Brook Airfield Lot 2 Diagram 43995, each 30m by 30m and abutting each other, so making a 90m by 30m area of the land, including the old hangar structure on a portion of that land, provided the terms that were advertised in 2014 are agreed to by him. To be clear, it's a three year lease of 2,700m<sup>2</sup> of the airfield lot for a rental of \$100 per month in the first year, \$150 per month in the second year and \$200 per month in the third year for the purpose of carrying out a business there.**
- 2. That the lease be conditional on a business being started within the first six months of the lease term.**
- 3. That the business be of a type that aligns with the airfield use, such as aircraft maintenance or the like.**
- 4. That Mr Drayton be advised that he will need to make application for town planning and building approvals.**
- 5. That a Draft lease be drawn up at Mr Drayton's cost and put before Council for approval**
- 6. That the arrangement being offered be withdrawn 1st July 2016 unless committed to before that date.**

**CARRIED BY ABSOLUTE MAJORITY 7/1**

**Res 25/16**

**8.3.6 Boyup Brook Oval – Memorial Bench**

<b>Location:</b>	<i>Boyup Brook oval</i>
<b>Applicant:</b>	<i>Boyup Brook Football and Sporting Club Inc</i>
<b>File:</b>	<i>RE/45/003</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>10 March 2016</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer</i>
<b>Attachments:</b>	<i>Letter from Club</i>

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**SUMMARY**

The purpose of this report is to put before Council the Football Club's request for approval, and the Reserve manager, to place a memorial bench between the clubhouse and change rooms.

**BACKGROUND**

The Boyup Brook Football and Sporting Club Inc is a long standing community organisation that wishes to recognise the contribution of Mr B Whitton by placing a memorial bench on the grounds.

**COMMENT**

The bench is to be made by a local identity who has already shown his woodwork skills in the bench he made for the Men's Shed group to donate to the Shire.

It is recommended that the Club's request be agreed to

**CONSULTATION**

The author has spoken with Council officers.

**STATUTORY OBLIGATIONS**

Nil applicable

**POLICY IMPLICATIONS**

Nil applicable

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

The bench will help to recognise a significant contribution to the Club

**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

Cr Blackburn left at 5.58pm

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.6**

**MOVED: Cr Oversby**

**SECONDED: Cr Muncey**

**That Council agree to the Boyup Brook Football and Sporting Club’s request for approval, as the Reserve manager, to place a memorial bench, recognising the contributions of a long term volunteer Mr B Whitton, between the club house and change rooms near the oval and the Shire sports grounds, Beatty Street Boyup Brook.**

**CARRIED 7/0**

**Res 26/16**

**Impartiality Interest**

Cr Imrie declared an impartiality interest in the following item due to being on the Committee.

<b>8.3.7 Lot 38 Mitchell Street Boyup Brook</b>
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<b>Location:</b>	<i>Lot 38 Mitchell Street</i>
<b>Applicant:</b>	<i>Boyup Brook District Pioneers' Museum Inc</i>
<b>File:</b>	<i>A906</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>10 March 2016</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer</i>
<b>Attachments:</b>	<i>Letter from group</i>

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**SUMMARY**

The purpose of this report is to put before Council the Boyup Brook District Pioneers' Museum Inc (BBDPM) request for the use of lot 38 to extend the museum facility, with the recommendation that Council agree subject to costs and constraints.

**BACKGROUND**

Council purchased this lot some years ago.

The BBDPM has a lease with Council for 21 years from 1 July 2015 to 30 June 2036, for lots 1 and 34 on Jayes Road. The lease rental is \$1 per year as and when requested (pepper corn type lease).

Lot 1 is zoned Public Purpose and Lots 34 and 38 are zoned Residential.

**COMMENT**

Council was prompted to purchase lot 38 by the then President of the BBDPM committee as it had been on the market for some time and represented the only real opportunity to facilitate any future expansion of the museum. At the time of purchase Council gave no commitment to the BBDPM to provide the lot for its use.

The zoning of lot 34 was noted and a matter requiring future attention some time ago and, if Council is agreeable, both this and lot 38 will be referred to Council's Town Planning consultant for review and recommendations.

The other matter to note is that lot 38 is lower than lots 1 and 34 and so there may be some costs that the BBDPM has not identified, in preparing the land for the shed they speak of and marrying in the current and new facilities in terms of access. It is also possible that the BBDPM might seek funding from Council to assist with its project.

In terms of BBDPM use of lot 38, the current lease could be amended to include this parcel of land.

### **CONSULTATION**

BBDPM use of this lot has been under discussion, on and off for some time.

### **STATUTORY OBLIGATIONS**

Nil at this time other than the zoning matter referred to.

### **POLICY IMPLICATIONS**

Nil at this time

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil at this time.

### **STRATEGIC IMPLICATIONS**

The BBDPM makes an undoubted contribution to the community and manages a facility that attracts visitors. The expansion they propose, new displays and the like will only enhance the facilities attraction.

### **SUSTAINABILITY IMPLICATIONS**

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

### **VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.7**

**MOVED: Cr Aird**

**SECONDED: Cr Rear**

**That the CEO:**

- 1. advise the Boyup Brook District Pioneers' Museum Inc that it is not closed to the idea of including lot 38 Mitchell Street in the current lease**
- 2. work with the Boyup Brook District Pioneers' Museum Inc on detail of what it plans to do with the lot in order to establish any costs that Council may have to meet.**
- 3. Refer the current zoning of lots 34 and 38, along with current and proposed uses, to the Planning Consultant for advice.**
- 4. Report back to Council before the 2016/17 budget is finalised or 30 June 2016, whichever comes first, on costs and constraints that may impact on Council.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**Res 27/16**

**8.3.8 New House construction – Housing Authority lease**

<b>Location:</b>	<i>Not known at this time but in Boyup Brook townsite</i>
<b>Applicant:</b>	<i>Housing Authority</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>11 March 2016</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer</i>
<b>Attachments:</b>	<i>CONFIDENTIAL Email exchanges between GROH and CEO, spreadsheet used for business case and business case</i>

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**SUMMARY**

The purpose of this report is to put before Council the proposal to build a new house in Boyup Brook to lease to the Housing Authority with the recommendation that Council agree in principal to this project and authorise the CEO to commence the first stages of the process and expend funds on this.

**BACKGROUND**

Council has a long and strong record of being proactive in the retention of services in town. Contributions to the Hospital up grade, building and maintaining the Lodge, providing good quality accommodation for education and police staff and attracting and retaining quality GP services.

The Housing Authority's government officers housing arm (GROH) now seeks to lease a high quality house to house the OIC of the Police station.

**COMMENT**

GROH seeks to work with Council on the provision of a suitable house for it to lease. The following is in the stages process used by GROH:

***Stage 1*** - *If GROH has a requirement for this type of housing then the owner will be required to supply the terms, conditions and the proposed address. If these are satisfactory then a floor plan is required.*

*The floor plan will be assessed for compliance with room sizes, the GROH design brief and specification. The location (address) rental information and any variance*



*from GROH standards will be referred to the departments for their consideration and approval.*

**Stage 2** - *When GROH and the client department are satisfied with the floor plan, term, conditions and the location of the proposed house then agreement in principle will be provided by GROH. This is only an agreement in principle and is conditional upon the owner supplying the following to the satisfaction of GROH before an "Agreement to Lease" will be drawn up:*

- 1. The site plan for the selected lot.*
- 2. External elevation drawings showing all four sides of the house.*
- 3. Internal elevations for the kitchen, bathroom, ensuite and laundry.*
- 4. Floor plan.*
- 5. Electrical plan.*
- 6. Wardrobe, linen and broom cupboard details.*
- 7. GROH specification and design brief, current at that particular time will be included in the documentation.*
- 8. Any agreed variations from the design brief / specification will be documented*

*If GROH and the owner cannot reach agreement with this proposal at this point, then there will be no obligation on either party to proceed and the proposal will lapse.*

**Stage 3** - *Once the owner has supplied the required details and they are approved by GROH then an "Agreement to Lease" document will be signed by GROH and the owner. The following documentation will be included in this agreement:*

- 1. Finalised site plan for the selected lot*
- 2. Finalised external elevation drawings showing all four sides of the house.*
- 3. Finalised internal elevations for the kitchen, bathroom, ensuite and laundry.*
- 4. Finalised floor plan.*
- 5. Finalised electrical plan.*
- 6. Finalised wardrobe, linen and broom cupboard details.*
- 7. The GROH specification and design brief upon which the agreement is based will be included in the documentation.*
- 8. Any agreed variations from the GROH design brief / specification.*

**Stage 4** - Upon completion of the dwelling a representative of GROH will be required to inspect the property to verify that it is complete and meets the specified requirements. If this is the case the property will be accepted and the lease will commence from this date.

Authority, and relevant funding, is sought for the CEO to work through stages 1 and 2 above with GROH and the Police on the basis that progress be reported to Council, Council has the final say in the lot to be used and the floor plan.

#### **CONSULTATION**

The author has spoken with GROH and Police representatives and has briefed Council on the matter.

#### **STATUTORY OBLIGATIONS**

Nil at this time.

#### **POLICY IMPLICATIONS**

Nil at this time

#### **BUDGET/FINANCIAL IMPLICATIONS**

There is no provision in the current budget for the preliminaries that may be required for this project. Preliminaries that will be required include a feature survey picking up boundaries, site cost estimates and the first stage of the design process. This is expected to cost no more than \$20,000 and may need to be spent in the current financial year.

#### **STRATEGIC IMPLICATIONS**

The Plan includes the objective of “Develop a safe, secure community” with the priority to “Advocate for increased access to police services”. Whilst this project does not align directly with this, or any other part of the Plan, it may be necessary in order to retain a police station in town.

#### **SUSTAINABILITY IMPLICATIONS**

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

**Social**

There are no known significant social issues.

**VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.8**

**MOVED: Cr Aird**

**SECONDED: Cr Rear**

**That Council:**

- 1. Agree in principal to work with the Housing Authority on the provision of a house in Boyup Brook for a long term lease arrangement.**
- 2. That the CEO be authorised to work with the Authority on the first two stages of its staged approach to such arrangements.**
- 3. That unbudgeted funding to \$20,000 be authorised to facilitate the two stages.**
- 4. That the CEO report back to Council on progress and put to Council decisions relating to the lot to be used and the floor plan of the house.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**Res 28/16**

**8.3.9 Strategic Community Plan – desktop review**

<b>Location:</b>	<i>N/A</i>
<b>Applicant:</b>	<i>N/A</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>11 March 2016</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer</i>
<b>Attachments:</b>	<i>Copy of the current plan with notations as to completed or progressed matters</i>

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**SUMMARY**

The purpose of this report is to put before Council the current Strategic Community Plan, following a Councillor workshop held to review it with the recommendation that no changes be made.

**BACKGROUND**

Whilst the legislation requires a review every 4 years, guidelines call for a desktop review every two years. (except the years where the major review is conducted)

**COMMENT**

The Plan was reviewed at a workshop held in the Chambers 10 March 2016 where the consensus was that potential changes, that were identified, be left until the full review when community input would be sought.

**CONSULTATION**

The author spoke with Departmental officers and Councillors

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

The Plan calls for a desktop review every 2 years and a full review every 4.

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.9**

**MOVED: Cr Muncey**

**SECONDED: Cr Imrie**

**That Council review the Strategic Community Plan and resolve to make no changes to it.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**Res 29/16**

**MOVED: Cr Aird**

**SECONDED: Cr Moir**

**That the Council adopts enbloc items 9.1.1 and 9.1.2.**

**CARRIED 7/0**

**Res 30/16**

**9 COMMITTEE REPORTS**

**9.1.1 Minutes of the South West Zone Meeting**

**Location:** N/A  
**Applicant:** N/A  
**File:**  
**Disclosure of Officer Interest:** Nil  
**Date:** 10 March 2016  
**Author:** Alan Lamb - CEO  
**Attachments:** Yes – Minutes

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**BACKGROUND**

The South West Zone meeting was held on 26 February 2016. Minutes of the meeting are laid on the table and circulated.

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

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

**9.1.2 Minutes of the Annual Electors Meeting**

**Location:** N/A  
**Applicant:** N/A  
**File:**  
**Disclosure of Officer Interest:** Nil  
**Date:** 10 March 2016  
**Author:** Alan Lamb - CEO  
**Attachments:** Yes – Minutes

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**BACKGROUND**

The Annual Electors meeting was held on 18<sup>th</sup> February 2016. Minutes of the meeting are laid on the table and circulated.

As will be noted, there are no resolutions for Council to deal with at this meeting but there are a number of matters to be noted.

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

**That the minutes of the Annual Electors meeting be received.**

Cr Blackburn returned at 6.16pm

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

<b>10.1 Cr Muncey</b>
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**MOTION**

**To investigate cost and viability of solar power for Shire office and chambers and any other Shire building that would benefit from solar power**

**CEO COMMENT**

The Strategic Community Plan provides for the objective of supporting the use of sustainable and renewable resources and the priority is to support the use of renewable energy resources.

The Corporate Business Plan provides for an energy efficiency audit to be conducted on Council operational areas that are major electricity consumers to identify practical energy efficiency measures for implementation in 2014/15. However this was not separately funded in the budget of that year and could not be accommodated in house, due to other pressures, as was originally envisaged. It was not carried forward as an action. Council will be reviewing both plans in a workshop being held 10<sup>th</sup> March 2016 and this will lead to a formal review/possible change to these plans at the March, or April, Council meeting.

There is no specific funding in the current budget for this task and it is doubted that it could be accommodated in-house due to other workloads. It is recommended that Council either:

- defer this to the plan review process,
- or make it a priority inclusion in the 16/17 budget,
- or resolve to provide funding in the current year and have it done externally now.

**NOTE:**

**Cr Muncey amended his draft motion, prior to moving it, to include funding and timing considerations.**

**COUNCIL DECISION**

**MOVED: Cr Muncey**

**SECONDED: Cr Oversby**

**That the CEO investigate cost and viability of solar power for Shire office and chambers, and any other Shire building that would benefit from solar power, and that provision be made in the 2016/17 budget for this to be done.**

**CARRIED 8/0**

**Res 31/16**

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

**11.1.1 New Bridge 270 Construction over the Tone River on the Boyup Brook-Cranbrook Road**

<b>Location:</b>	N/A
<b>Applicant:</b>	
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	14 <sup>th</sup> of March, 2016
<b>Author:</b>	Rob Staniforth-Smith – Director Corporate Services
<b>Authorizing Officer:</b>	Alan Lamb – Chief Executive Officer
<b>Attachments:</b>	Nil

**SUMMARY**

This report recommends that Council endorse the construction of a new road bridge over the Tone River on the Boyup Brook-Cranbrook Road.

**BACKGROUND**

Bridge 270 over the Tone River on the Boyup Brook–Cranbrook Road is a narrow single-lane bridge that was constructed in 1924. Due to its age and the increased traffic on the Boyup Brook-Cranbrook Road, Council, at its November 2012 meeting, item 8.1.1 resolved:

***“That Council approve an amount of up to \$10,000 be used, from the funds set aside for planning, on having a feasibility study done on the Tone Bridge, for the purpose of obtaining preliminary costing’s to duplicate the bridge to a 2 way traffic bridge from a single lane bridge.”***

On putting the above motion to Main Roads, Western Australia, they investigated the condition of Bridge 270 and the traffic conditions and flows and subsequently sort funding under the Federal Governments Roads to Recovery “Special Bridges Funding Programme” to seek funds to perform the due diligence and design required to construct a new two lane bridge where the Boyup Brook-Cranbrook Road crosses the Tone River.



On the 9<sup>th</sup> of April 2015, Council was advised that it was successful in obtaining \$309,000 from the Federal Government which would allow the Council to engage Main Roads, Western Australia to carry out these works which includes all preconstruction activities to replace the bridge with a two lane bridge.

Work was scheduled for the 2015-2016 Financial year. These preconstruction activities are scheduled to be completed in June 2016.

On the 30<sup>th</sup> of June 2015, the Commonwealth Government announced its "Commonwealth Government Bridges Renewal Programme – Round 2" which Peter Newhouse from Main Roads WA strongly recommended that Council apply for – the only downside being that of the \$4,900,000 required, Council would be required to come up with 50% of the funds. Both WALGA and Main Roads indicated that they would help source these funds if the grant application was successful.

On the 18<sup>th</sup> of March 2016, The Hon Warren Truss MP and the "Bridges Renewal Team" advised that the Shire of Boyup Brook had been successful in being granted \$2,450,000 towards the renewal of bridge 270 over the Tone River on the Boyup Brook-Cranbrook Road.

The final 50% of the funding, \$2,450,000 was sourced by Main Roads Western Australia, and the Shire was advised of this on the 11<sup>th</sup> of March, 2016

Council now needs to endorse the final acceptance of the Bridges Renewal Programme - Round Two funding amount of \$2,450,000 by the 18<sup>th</sup> of March, 2016. A letter of acceptance will be sent on Tuesday the 14<sup>th</sup> of March, however endorsement from Council is required to be sent through on Friday the 18<sup>th</sup>.

### **COMMENT**

Our road and bridge network is ageing and deteriorating at a rate faster than Council can maintain it. Additional sources of funds are always welcomed (and needed) in order to help keep our network in a useable condition. Various funding is sourced from many locations and it always helps to have a project "ready to go" or in a stage of pre-construction where the project can be submitted for "construction funding" if funding becomes available. Bridge 270 renewal fits this bill.

The chance of obtaining a new \$4,900,000 bridge funded jointly from Federal and State funds without it costing the Council, is not something that comes up regularly – Council needs to endorse this worthwhile construction project that will ultimately save Council millions of dollars in the future and will provide a better and safer road network for the users of the Boyup Brook-Cranbrook road.

**CONSULTATION**

Alan Lamb, CEO

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil. The new bridge 270 will be fully funded: 50% by the Commonwealth Government and 50% by Main Roads, Western Australia.

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 11.1.1**

**MOVED: Cr Imrie**

**SECONDED: Cr Rear**

**This report recommends that Council endorse and approve the acceptance of the Federal Governments “Bridges Renewal Programme – Round Two” offer of \$2,450,000 being 50% of the funds required to renew bridge 270 and that it accepts Main Roads Western Australia’s offer of \$2,450,000 being the remaining 50% of the required funds to renew bridge 270.**

**CARRIED 8/0**

**Res 32/16**

**12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS**

Nil

**13 CLOSURE OF MEETING**

There being no further business the Shire President, Cr Giles thanked all for attending and declared the meeting closed at 6.20pm.