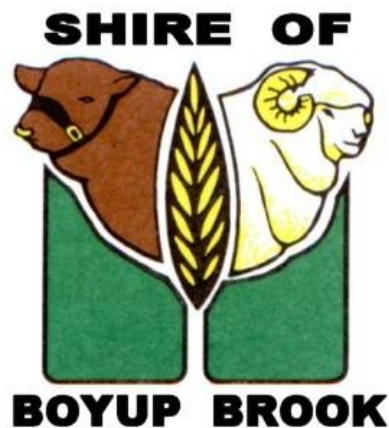


Minutes



ORDINARY MEETING

held

THURSDAY 17 NOVEMBER 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 P Kaltenrieder
Cr E Muncey
Cr E Rear

STAFF: 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

Mr Alan Lamb
Mr Stephen Carstairs
Cr Kevin Moir

1.3 Leave of Absence

Cr T Oversby

2 PUBLIC QUESTION TIME

Mr Corker gave a presentation to the CEO and Councillors in reference to the below:-

"In 1839 John Hassell brought sheep and cattle from the eastern states via Albany and acquired a lease of land along which was later named Scotts Brook.

The first permanent settlement in the Boyup Brook area was a 12,000 acre lease along what became known as Scotts Brook. This lease was granted to William Scott and his wife Mary who arrived in 1854. They named the property Norlup.

The area around Mayanup was opened for selection in the early 1900's. In 1904 the lands guide in the area asked the Lands Department to put space aside for a town site at Scotts Brook. The area was initially known as Scotts Brook and also as Gnowongerup, the Aboriginal name of a nearby brook.

It is clear that the brook flowing past Norlup to the Blackwood River at Jays was called Scotts Brook. Surveyor Matthew Frederick Moulton surveyed this Brook through his property as Scotts Brook. He took photographs of this brook in flood in 1935 referring to it as Scotts Brook. These photographs can be viewed at the Boyup Brook Museum or with Cr Graeme Aird as he has a copy.

The name change to Gnowongerup Brook is an embarrassing mistake and needs to be corrected for this reason. Because at this time we have a Scotts Brook winery with no Scotts Brook indeed we continue to have a Scotts Brook road with no Scotts Brook. My Father attended the Scotts Brook School which still stands but Scotts Brook has disappeared off the map. In our shire we have a Scotts Brook Ward but no Scotts Brook. We have two Scotts Brook Shire Councillors purporting to represent Scotts Brook residents, but there is no Scotts Brook. These Councillors have had their title taken away so technically they don't exist. That leaves the Council with two bogus Councillors who have no right to vote, having done so many times in the past, these decisions could be challenged.

It is apparent in the past no Scotts Brook Shire Councillor have stood up or indeed taken any action whatsoever to protect their title and their authority let alone our History and our Heritage."

Question:

To the two Councillors without a representative title will you stand up to get your title and authority back and put Scotts Brook signs back on the two bridges at Mayanup and on the maps? or will you say? Nahhh! too hard.

If you say 'Nahh to hard'. I believe it is appropriate that you stand down henceforth.

Answer:

The Shire President thanked Doug for his opinion & advised him that Scotts Brook is a designated ward and it is in reference to an area.

The Acting CEO advised Doug that the Shire is not in control of the names on the bridges or maps and suggested that he write to the Geographic Names Committee and ask them the question?

Note: Previously advised twice before with supporting documentation from the Geographic Names Committee.

2.1 Response to Previous Public Questions Taken on Notice

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Nil

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 20 October 2016

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 5.1

MOVED: Cr Muncey

SECONDED: Cr Kaltenrieder

That the minutes of the Ordinary Meeting of Council held on Thursday 20 October 2016 be confirmed as an accurate record.

CARRIED 7/0

Res 137/16

6 PRESIDENTIAL COMMUNICATIONS

Attended the Remembrance Service on 11th November 2016 at the Memorial.

7 COUNCILLORS QUESTIONS ON NOTICE

Nil

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

Nil

8.2 FINANCE

8.2.1 List of Accounts Paid in October 2016

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

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in October 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 31 October 2016.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 October 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 a detailed 2016-17 Annual Budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.1

MOVED: Cr Rear

SECONDED: Cr Kaltenrieder

That at its November 2016 ordinary meeting Council receive as presented the list of accounts paid in October 2016, totalling \$297,195.03 and as represented by:

Municipal Cheques	20004-20011	\$18,915.83
Municipal Electronic Payments	EFT 4603-EFT 4676	\$83,102.25
Municipal Direct Payments		\$195,176.95
Trust Fund Cheques	2075-2075	\$50.00

CARRIED 7/0

Res 138/16

8.2.2 30 September 2016 Statement of Financial Activity

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

SUMMARY

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

SECONDED: Cr Muncey

That having regard for any material variances, Council receive the 30 September 2016 Statement of Financial Activity and Statement of Net Current Assets, as presented.

CARRIED 7/0

Res 139/16

8.2.3 Amendment to Adopted Fees and Charges – Sale Yards Water Use Charge

Location:	N/A
Applicant:	N/A
Disclosure of Interest:	Nil
Date:	9 th of November, 2016
Author:	Kay Raisin, Senior Finance Officer and Stephen Carstairs, Director Corporate Services
Authorizing Officer:	Rob Staniforth-Smith, Acting Chief Executive Officer
Attachments:	Nil

SUMMARY

This report recommends that Council adopt an amended charge for water used at the Sale Yards.

BACKGROUND

At the time of adopting the 2016-17 Annual Budget (25th August 2016) it was recommended that Council impose Sale Yard Wash Down Facility Hire Charges as follows:

16. *Sale Yard Wash Down Facility Hire Charge*

To set the 2016-17 Wash Down Facility hire charge at the Sale Yards at \$625.00 (GST inclusive) per month. This equates to monthly water consumption rates approaching 90 KL.

\$625.00 for 90KL of water equates to \$6.94 (GST inclusive) per KL (kilolitre) of water. After some discussion Council decided to only charge for water used at the Sale Yards at \$6.90 (GST inclusive) per KL, however a typo meant it was subsequently resolved as follows:

16. *Sale Yard Wash Down Facility Hire Charge*

To set the 2016-17 Wash Down Facility hire charge at the Sale Yards at 6.9 cents per kilolitre (GST inclusive) on water use charge.

Carried 9/0

Res 107/16

So it was resolved that water use at the Sale Yards would be charged at 6.9 cents per KL, and not as Council intended at \$6.90 per KL.

COMMENT

This report recommends that amendments to the charge imposed for water used at the Sale Yards to bring it in line with what Council intended.

CONSULTATION

Rob Staniforth-Smith - Acting CEO

Department of Local Government and Communities

STATUTORY ENVIRONMENT

Section 6.16.(3)(b) of the Local Government Act 1995 applies to this report.

6.16. Imposition of fees and charges

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

(b) amended from time to time during a financial year.*

** Absolute majority required.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

At the time of writing, there had been no on-charging for water used at the Sale Yards.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.3

MOVED: Cr Imrie

SECONDED: Cr Aird

That Council amends the water use charges at the Sale Yards from the 6.9 cents (GST inclusive) per KL (kilolitre) that was imposed at the time of adopting the 2016-17 Annual Budget, to \$6.90 (GST inclusive) per KL (kilolitre) of water used.

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 140/16

8.2.4 Policy A.12 Dinninup Show

Location:	Shire Boyup Brook
Applicant:	N/A
Disclosure of Officer Interest:	None
Date:	07 November 2016
Author:	Stephen Carstairs (Director Corporate Services)
Authorizing Officer:	Rob Staniforth-Smith (Acting Chief Executive Officer)
Attachments:	Yes: Current and Reviewed administration policy A12 <i>Dinninup Show</i> , Fair Work Ombudsman Publication FWOF527.07 (Updated July 2015), and Public Sector Commissioner's Circular 2009-32 (Reviewed 1 December 2014)

SUMMARY

Council is requested to consider and adopt reviewed administration policy A.12 *Dinninup Show*. Amendments to policy A.12 are proposed so as to add clarity and contemporise the policy with legislative or other changes.

BACKGROUND

Council administration Policy A.12 *Dinninup Show* (Policy A.12) was adopted on 17 July 2004 (see current policy attached), and subsequently raised for discussion by Cr Aird at Council's 20th October 2016 Briefing Session. This is Policy A.12's first review (see reviewed policy attached).

In its current form Policy A.12 identifies *Personal Leave* as an option that employees might apply to take as a paid leave day to attend the Dinninup Show. Since its adoption date (17 July 2004), the Fair Work Ombudsman has provided guidance on when employees may take paid *Personal Leave* as follows:

- if they are unfit for work because of their own personal illness or injury (including pregnancy-related illness), or
- to provide care or support to a member of their immediate family or household, because of a personal illness, injury or unexpected emergency affecting the member. A member of the employee's immediate family means a spouse, de facto partner, child, parent, grandparent, grandchild

or sibling of an employee; or a child, parent, grandparent, grandchild or sibling of the employee's spouse or de facto partner,

and refer Fair Work Ombudsman publication FWOF527.07 attached. As the Ombudsman did not include attendance at a show as an option for employees to apply for a paid *Personal Leave* day, this option was removed in revised Policy A.12.

Currently council employees might fall into one of the two following groups:

- those employees that qualify for repealed Public Service Holidays 2nd January and Easter Tuesday, i.e. those employees who were employed in or before 1994, and employees whose employment contracts/agreements include the holidays; and
- those employees that do not qualify for the repealed holidays,

and refer to Public Sector Commissioner's Circular 2009-32 (Reviewed 1 December 2014) attached. Policy A.12 has been revised to include an unpaid leave day as an option for employees to apply to take leave (*in lieu* of repealed Public Service Holidays for some employees) to attend the Dinninup Show.

COMMENT

Reviewed administration policy A.12 seeks to contemporise, clarify, and also expand on the opportunities council employees might have to apply for leave to attend the Dinninup Show. Further, the reviewed policy provides officers with guidance about service provision on show day.

CONSULTATION

Robert Staniforth-Smith (Acting CEO)

STATUTORY OBLIGATIONS

The Local Government Act prescribes that the role of Council includes:

1.7 *The role of the council*

(2) *Without limiting subsection (1), the council is to –*

- (a) *oversee the allocation of the local government's finances and resources; and*
- (b) *determine the local government's policies.*

Local Government (Functions and General) Regulations 1996

POLICY IMPLICATIONS

This item impacts no other policies.

BUDGET/FINANCIAL IMPLICATIONS

There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

Reviewed administration policy A.12 seeks to expand on the leave opportunities staff might have to attend the Dinninup Show, and provide officers with guidance about service provision on show day. Not only is this a benefit to staff, but the wider community benefits as participation in this significant social and cultural event is increased.

SUSTAINABILITY IMPLICATIONS

- **Environmental** – Nil
- **Economic** – Nil
- **Social** – See the section on *Strategic Implications*.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 8.2.4

MOVED: Cr Aird

SECONDED: Cr Kaltenrieder

That Council adopts reviewed administration policy A.12 *Dinninup Show*, as presented.

CARRIED 7/0

Res 141/16

8.2.5 Asset Management Strategy and Plans

Location:	Shire Boyup Brook
Applicant:	N/A
Disclosure of Officer Interest:	None
Date:	11 November 2016
Author:	Stephen Carstairs – Director Corporate Services
Authorizing Officer:	Rob Staniforth-Smith – Acting CEO
Attachments:	Yes: (Draft) Shire of Boyup Brook Asset Management Strategy 2016

SUMMARY

Council is requested to endorse a newly drafted asset management strategy which aims to ensure the local government is kept informed of its capability to deliver the services and assets required by the community.

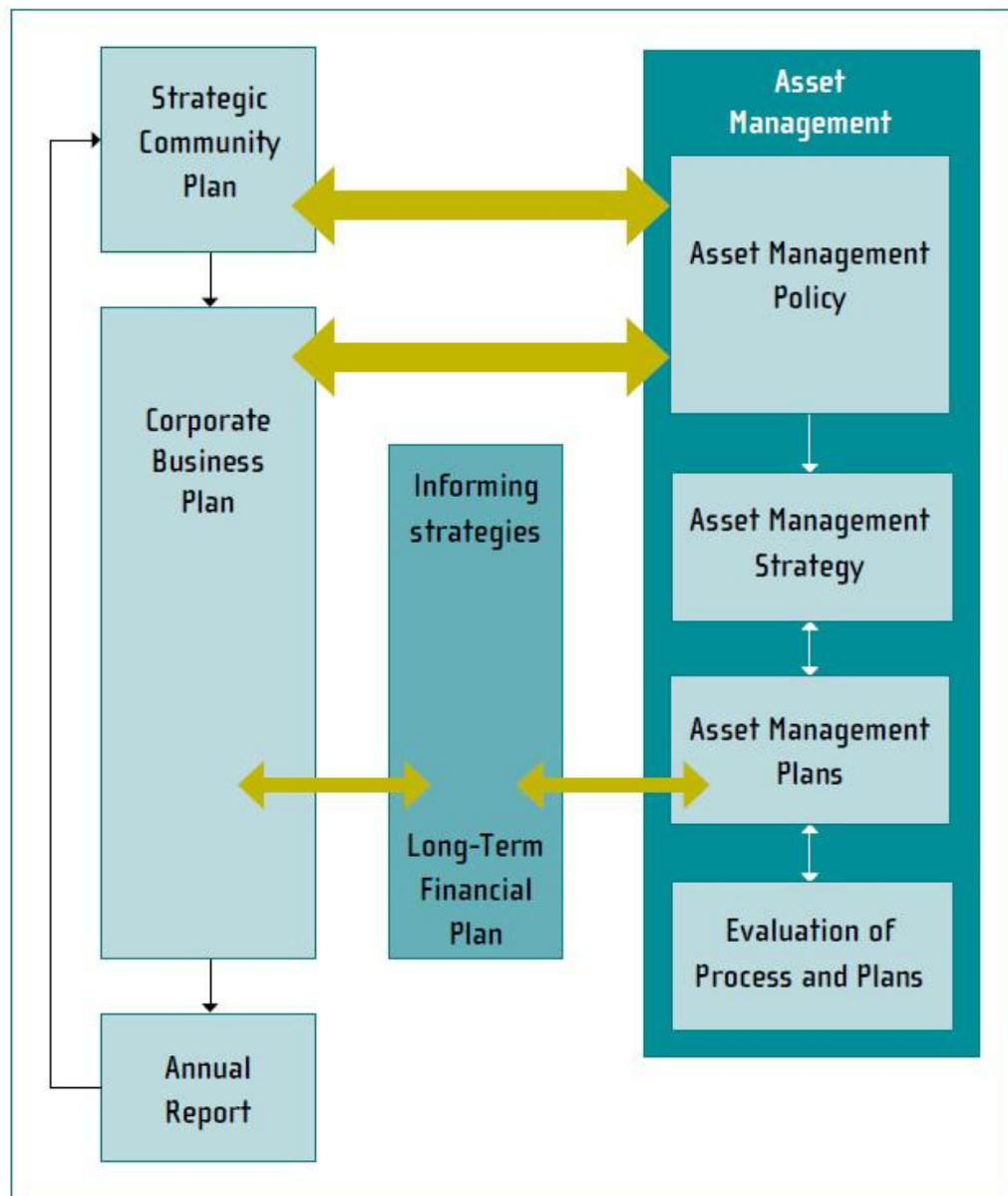
BACKGROUND

Regulation 19DA (3)(c) of the *Local Government (Administration) Regulations 1996* requires local governments to prepare and implement corporate business plans which develop and integrate matters relating to resources, and include:

- asset management;
- workforce planning; and
- long term financial planning.

The Asset Management Strategy (the Strategy) and Asset Management Plans (Roads and Bridges, and Buildings and Structures) are key documents in the Asset Management Framework (the Framework, and refer to Figure 1 below), which forms part of the Western Australian Government's Local Government wider Reform Programme.

FIG 1 ELEMENTS OF WA ASSET MANAGEMENT FRAMEWORK



COMMENT

Figure 1 illustrates the Strategy's linking position between Council's Asset Management Policy in one direction, and subsequently to the annual budget in the other direction via Council's asset management plans, Long Term Financial Plan, and Corporate Business Plan.

The Strategy seeks to communicate the Shire's ongoing commitment to improve asset management practices and to ensure that activities are undertaken in accordance with the guidance and requirements of the Framework. Council adopted its Asset Management Policy in October 2016, and the policy should be read in conjunction with this Strategy.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Section 19DA of the *Local Government (Administration) Regulations 1996* have application to this report.

19DA. Corporate business plans, requirements for (Act s. 5.56)

(3) A corporate business plan for a district is to —

(c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

POLICY IMPLICATIONS

Policy F.08 Asset Management should be read in conjunction with the Asset Management Strategy.

BUDGET/FINANCIAL IMPLICATIONS

There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

The Strategy presented here seeks to communicate the Shire's ongoing commitment to improve asset management practices and to ensure that activities are undertaken in accordance with the guidance and requirements of the Framework.

SUSTAINABILITY IMPLICATIONS

- **Environmental** – Nil
- **Economic** – Refer to the *Strategic Implications* section.
- **Social** – Nil

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 8.2.5

MOVED: Cr Kaltenrieder

SECONDED: Cr Rear

- 1. That Council endorse the newly drafted *Shire of Boyup Brook Asset Management Strategy 2016*, as presented.**
- 2. That in the financial years ending 2024 - 2026 Council adopts the combined Road and Bridges, and Buildings and Structures (estimated) Renewal Demand (i.e. Planned Spend (\$)) as per Figure 3 in the *Shire of Boyup Brook Asset Management Strategy 2016* as follows:**

<u>Year</u>	<u>Renewal Demand (\$)</u>
2024	\$722,500
2025	\$1,220,806
2026	\$1,189,390

CARRIED 7/0

Res 142/16

8.2.6 31 October 2016 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
Disclosure of Officer Interest:	None
Date:	14 November 2016
Author:	Kerry Fisher – Finance Manager
Authorizing Officer:	Rob Staniforth-Smith – Acting CEO
Attachments:	No

SUMMARY

This report recommends that Council defer to the December 2016 ordinary meeting of Council the receiving of the Statement of Financial Activities and the Net Current Assets for the month ended 31 October 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. Details of items of Material Variances are also listed.

COMMENT

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

Because of staffing shortfalls during November 2016, it is proposed that the 31 October 2016 Statement of Financial Activity be deferred to the December 2016 ordinary meeting.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

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

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

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

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.6

MOVED: Cr Rear

SECONDED: Cr Kaltenrieder

That receipt by Council of the shire's 31 October 2016 Statement of Financial Activity and Statement of Net Current Assets be deferred to Council's December 2016 ordinary meeting.

CARRIED 7/0

Res 143/16

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Development – Relocated Dwelling - Lot 61 Parsons Swamp Road.

Location:	<i>Lot 61 Parsons Swamp Road</i>
Applicant:	<i>A & O Walker</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>November 2016</i>
Author:	<i>A. Nicoll, Town Planner</i>
Authorizing Officer:	<i>Rob Staniforth-Smith, Acting Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council the request to develop a relocated dwelling at Lot 61 Parsons Swamp Road.

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

5.17.1 A relocated dwelling may not be transported to and placed on a lot within the district and thereafter occupied as a residential dwelling (whether in whole or in part) except with the approval of Council and in accordance with any conditions contained in such an approval.

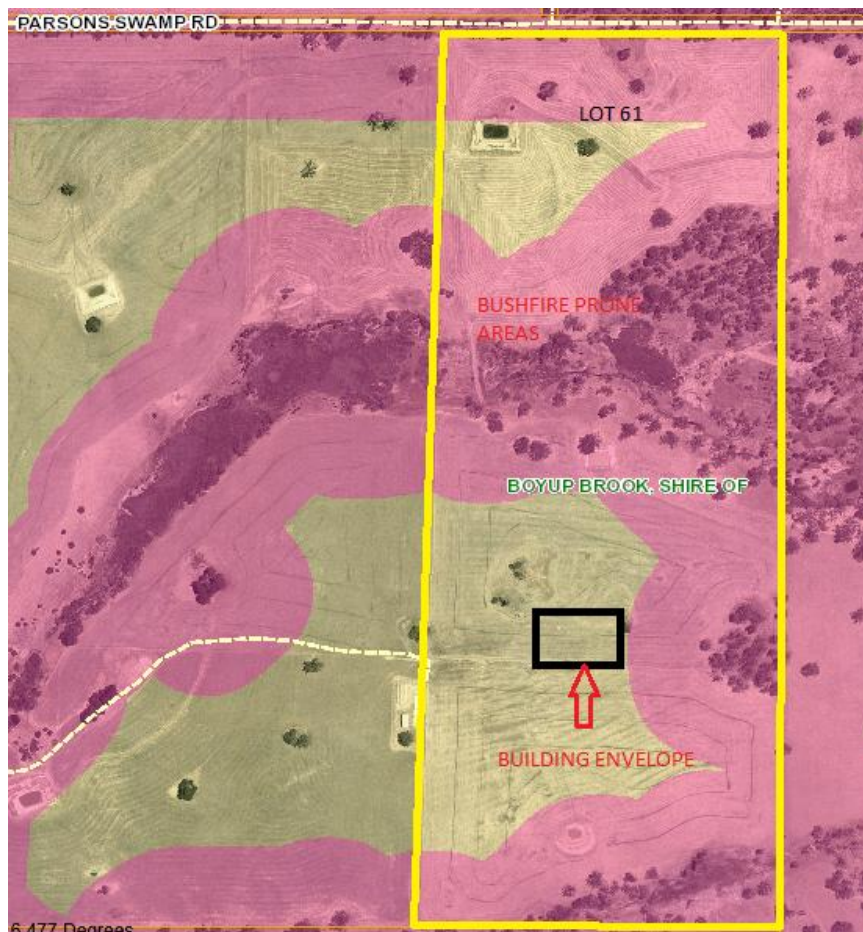
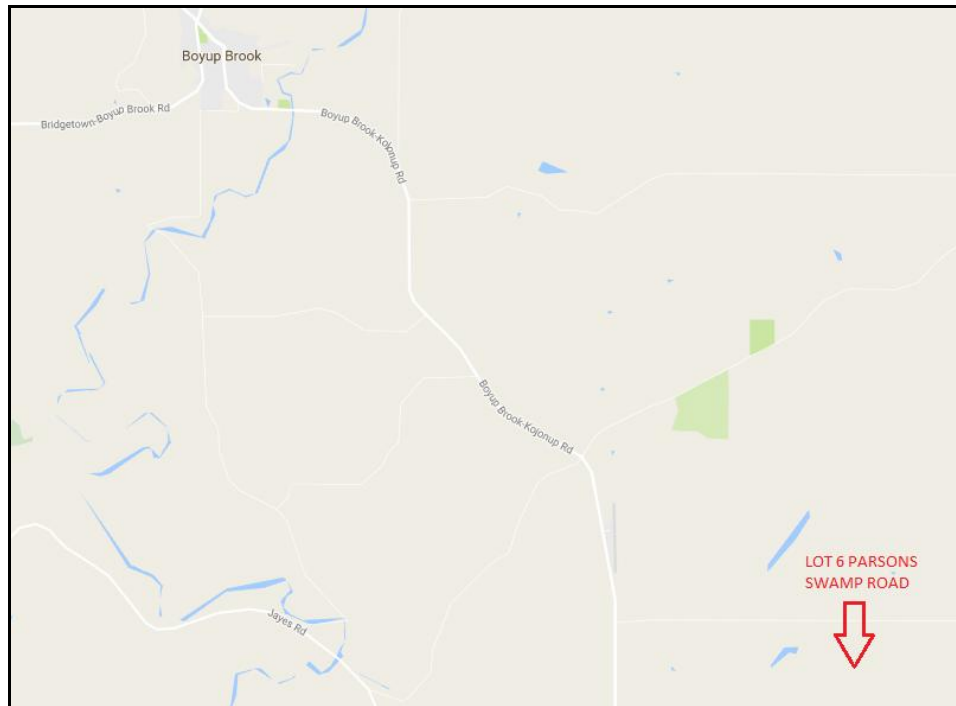
This report item recommends that the Council supports the proposed relocated dwelling.

BACKGROUND

The Shire of Boyup Brook received an application to relocate a used dwelling to Lot 61 Parsons Swamp Road.

Lot 61 Parsons Swamp Road is located approximately 14km south east of the Boyup Townsite.

Portions of the subject property are designated as being at risk from bushfire. The proposed building site is not however in a designated bushfire risk area. The following maps illustrate the location of the property, bushfire risk areas and the proposed building site.



COMMENT

Subject Property

The subject property is:

- Zoned 'Rural';
- Accessed via the Parsons Swamp Road;
- Currently vacant; and
- 50ha in area.

Proposal

The proposal is to relocate a second-hand house to Lot 61 Parsons Swamp Road.

The house is 23m long by 8.5m wide with 2.4m wide verandas. The house is of a framed construction with fibro cement walls and has been certified by an engineer as being structurally adequate. New steel stumps are to be cemented in the ground to support the relocated house.

Likely Impact of the development on the locality

The proposal is unlikely to impact on the locality for the following reasons:

- The subject property is isolated from neighbouring farms;
- The proposed house is well setback (750m) from the main road; and
- It is proposed that the house is re-developed with a colourbond roof and weatherboards running horizontal on the walls.

STATUTORY OBLIGATIONS

Lot 61 Parsons Swamp Road is zoned 'Rural' in accordance with *Local Planning Scheme No.2*. A Single House in the 'Rural' zone is a use that is permitted subject to compliance with all requirements of the *Local Planning Scheme No.2*.

The proposal complies with the *Local Planning Scheme No.2* clause 5.2.5, which states:

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

The proposal is expected to comply with the scheme clause 5.17.2, which states:

In considering whether or not to grant approval for a relocated dwelling the Council shall have special regard to:

- the appearance and external materials of the dwelling, and any proposed alterations thereto;*
- the amenity of the locality;*
- the visual prominence of the site; and*

- iv. *all applicable statutes, local laws and regulations relating to dwelling houses applicable to both the relocated dwelling and the lot upon which it is to be located following transportation.*

The *Local Planning Scheme No.2* clause 5.17.3 states:

In granting an approval for a relocated dwelling the Council may impose conditions including conditions which:

- i. *Require the applicant or owner to obtain a building license in accordance with Section 9 of the Building Act 2011; and*
- ii. *require the applicant or owner to provide a bond or bank guarantee to Council as surety for the completion of the relocated dwelling to a standard of presentation acceptable to Council within a specified time frame. Should Council require the provision of a bond, such monies so received shall be deposited in an Interest Bearing Trusts Account and upon the satisfactory completion of the necessary works, such monies owing shall be refunded.*

As illustrated in the following photo, the house is good condition. Unless Council decides otherwise, it is recommended that the Council does not require the provision of a bond as surety for the completion of the relocated dwelling.



The following photo illustrates the type of finish the proponent is seeking to achieve.



POLICY IMPLICATIONS

The following policy applies to the subject application:

‘POLICY NO. B.08 Transportable Residences’

The following Policy B.08 provisions are applicable to the application at hand:

- *Relocated houses may not be brought into the shire until a building permit is issued.*
- *Houses clad with asbestos cement sheeting will be permitted, provided the cladding is undamaged and the relocation complies with the Health (Asbestos) Regulations.*
- *The visual amenity of the building shall be brought up to the required standard within three (3) months of being placed on the lot.*
- *The building application shall include a Structural Engineers Report with the following:*
 - *A statement that the proposed dwelling is in a sound structural condition and can be transported and relocated on a stump floor system. The report must also detail any defects in relation to cladding, roofing, etc and repairs necessary to bring the house up to the required standard;*
 - *Photographs of each elevation;*
 - *Building plans of the dwelling as per the building regulations;*
 - *Septic tank application form and plans;*
 - *Building permit fee and bond (cash or bank guarantee) must be paid prior to the issuing of a building permit.*
- *Stumps may be of timber, steel or concrete. All timber stumps and sole plates to be of new jarrah or other hardwood approved by the Building Surveyor. No second-hand wood stumps or sole plates to be used.*
- *All damaged sections of external wall cladding and roof sheeting shall be replaced with new material to match existing.*
- *If more than 10% of roofing sheets, gutters, ridgecaps or flashings are affected by rust then those sheets or materials must be replaced with new roofing materials to match existing.*
- *Any damaged or rusted gutters or downpipes are to be replaced with new materials to match existing.*
- *Any damaged tiles to be replaced with new tiles of the same colour and design as the existing tiles.*

- *All windows and openings are to comply with the Building Code of Australia. All broken glass in the dwelling is to be replaced, all windows and doors to open freely and locks and catches are to be easily operable.*
- *The building is not to be occupied prior to final inspection by the Building Surveyor.*

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.1

MOVED: Cr Imrie

SECONDED: Cr Blackburn

That Council

Grants development approval for relocated dwelling at Lot 61 Parsons Swamp Road, subject to the following notice:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: Lot 61 Parsons Swamp Road

Description of proposed development:

Relocated Dwelling

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

Conditions:

1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Shire of Boyup Brook, all development shall occur in accordance with the approved plans.
2. All stormwater is to be managed and contained on-site, to the satisfaction of the Shire of Boyup Brook.

Date of determination: 17 November 2016

- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Signed:

Dated:

for and on behalf of the Shire of Boyup Brook.

CARRIED 7/0

Res 144/16

8.3.2 Revised Policy A17 – Occupational Safety & Health Policy

Location: N/A
Applicant: N/A
Disclosure of Officer Interest: None
Date: 7 November 2016
Author: Angela Hales
Authorizing Officer: Rob Staniforth-Smith, Acting CEO
Attachments: Existing Policy A17

SUMMARY

This report recommends that Council adopt the revised Council Policy A17 – Occupational Health and Safety Policy

BACKGROUND

Policies are regularly reviewed to ensure that they comply with current requirements. A review of Policy A17 has been undertaken and policy A17 has been revised as presented below.

COMMENT

Amended Policy A17:

POLICY NO.	A.17
POLICY SUBJECT	Occupational Safety & Health Policy
ADOPTION DATE	15 October 2009
VARIATION DATE	17 March 2011, 21 November 2013, 17 November 2016

Objective

To formalise the Council's commitment to ensuring and improving the safety and health of all Shire employees, contractors, volunteers and visitors.

Statement

The Shire of Boyup Brook is committed to working together with all stakeholders to prevent accidents and personal injury by maintaining a high standard of job safety awareness.

As part of this process the shire has established measurable objectives and targets as part of their safety management system, to ensure continued improvement & review.

As Chief Executive Officer, I am responsible for the management of occupational safety and health, and it is my desire to promote a safety culture within the organisation based on:

- ☐ Safe work practices & systems of work,
- ☐ Safe plant and machinery
- ☐ Identification, assessment & control of hazards
- ☐ Information, training and supervision
- ☐ Competent & knowledgeable sub-contractors
- ☐ Consultation on all matters affecting personal safety.
- ☐ Monitoring and control of environmental factors in the workplace
- ☐ Implementation of wellness programs
- ☐ Facilities for first aid treatment

To assist achieve our objectives, managers and supervisors are expected to support the policy by providing instruction to employees under their control & enforcing safe work procedures. All staff are expected to have a positive commitment and attitude towards safety in the workplace.

Employees are expected to contribute to this process by utilising the mechanisms in place that allow them as individuals to provide input where changes are likely to affect their safety at work. Employees are also expected to be directly involved by reporting workplace hazards and where practical, taking action to remove any risk.

This policy will take effect as of the date of adoption and will be reviewed on an annual basis to ensure currency and compliance regulatory requirements.

Chief Executive Officer

Safety & Health Representative

Date:

Date:

CONSULTATION

Acting Chief Executive Officer, Rob Staniforth-Smith

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council Policy A.17 to be modified if amendments are accepted.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 8.3.2

MOVED: Cr Muncey

SECONDED: Cr Rear

That Council accepts the amended policy A17 Occupational Safety & Health Policy.

CARRIED 7/0

Res 145/16

8.3.3 Revised Policy A.05 Bushfire Control – Operational Issues

Location:	N/A
Applicant:	Daly Winter
Disclosure of Officer Interest:	None
Date:	7 November 2016
Author:	Daly Winter
Authorizing Officer:	Rob Staniforth-Smith
Attachments:	Nil

SUMMARY

A review of Policy A.05 has been completed and recommended changes to the Policy are detailed below.

BACKGROUND

At the October Council meeting, Cr Aird requested a review of Policy A.05. Subsequent to that request a review of the policy has been undertaken with minor amendments recommended.

COMMENT

Amendments detailed below:

POLICY NO. A.05
POLICY SUBJECT Bushfire Control – Operational Issues
ADOPTION DATE 17 June 2004
VARIATION DATE 17 November 2016

Objective

To determine procedures and practices relating to bush fire control matters.

Statement

It is Council's policy that:-

A telephone is to be provided in the principal place of residence for both the Chief Bush Fire Control Officer and the Communications Officer. The telephone is to have a silent number and all costs of rental and calls made are to be paid by the Shire;

- an annual aerial firebreak inspection is to be undertaken, followed up with a ground inspection by the Ranger with the date of the inspection determined by the CEO in consultation with the Chief Bush Fire Control Officer;

- the Chief Bushfire Control Officer shall be reimbursed the same rate of reimbursement for use of a private vehicle as Councillors, to a maximum value of \$500 annually;
- a minimum of 10 drums of fire fighting foam is to be maintained in stock, funded by the Shire, with the use of the foam being approved by the Chief Bush Fire Control Officer or his deputy;
- subject to approval by the Chief Executive Officer or the Manager of Works and Services, the Chief Bushfire Control Officer is empowered to utilise Shire owned plant and equipment for the purpose of suppressing Bushfires.

The format of having a Fire Advisory Annual General meeting and Brigades Annual General meeting on the same date be replaced by having a Fire Advisory Annual General meeting in May. This meeting will be open to all Brigade members and will conduct all business of an Annual General meeting. Each Brigade will only be entitled to have two voting delegates at this meeting.

The Shire is responsible for the maintenance of the Bush Fire Tower, Receiver/Transmitter, base sets operated by the Chief Fire Control Officer, Deputies and Fire Weather Officer. Repairs to any of these items are to be undertaken at Shire cost following an assessment by the Communications Officer. All other sets are to be maintained by the brigades or individual owners;

Prosecutions and infringements for firebreak contraventions are to be instigated by the CEO or his delegated officer.

No track chaining will be permitted during prohibited burning times and on harvest ban days.

Where there is any conflict between this policy and the Bushfire Brigade Local Laws, the local law shall apply.

Council shall make every endeavour to, where possible, keep all incidents under the control of local volunteers and staff.

CONSULTATION

The applicant has sought comment from the Chief Bush Fire Control Officer. The policy has also been reviewed by the Acting Chief Executive Officer and the applicant.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council Policy A.05 to be modified if amendments are accepted.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 8.3.3

MOVED: Cr Blackburn

SECONDED: Cr Imrie

1. That Council receives this amended policy and considers the amendments.
2. That Council accepts the amended policy.

CARRIED 7/0

Res 146/16

8.3.4 Development (Advertisement X 2) – Boyup Brook

Location:	<i>Boyup Brook</i>
Applicant:	<i>D McFadyean</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>November 2016</i>
Author:	<i>A. Nicoll, Town Planner</i>
Authorizing Officer:	<i>Rob Staniforth-Smith, Acting CEO</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council the request to develop two (2) advertisements. The advertisements are located on different private properties. One property is in the townsite of Mayanup and the other property is south of the townsite of Wilga. The advertisements are advertising a business, which is not carried out or associated with the properties.

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

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

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

BACKGROUND

The Shire of Boyup Brook received an application proposing to develop advertisements.

COMMENT

Design

The advertisements are designed as follows:

- Two (2) posts developed in the ground to hold a sheet of metal;
- The sheet of metal is 2.4m in length and 1.2m in height; and
- The total height of each advertisement is 2.7m, measured from the ground.

The sign writing on the advertisements is as follows:



Locations

One advertisement is proposed to be located south of Wilga, on private property, at the corner of Meredith Road and the Boyup Donnybrook Road (Lot 1), as follows:



The second advertisement is proposed to be located in the Mayanup Townsite, on private property, at the corner of the Boyup Kojonup Road and the Boyup Cranbrook Road (Lot 1253), as follows:



Type

The proposed advertisements are advertising a business, which is not carried out or associated with the premises where the advertisements are proposed to be located. This type of advertisement is commonly referred to as - 'third party' advertising.

Rural Character

The appearance of the rural areas can be described as:

- Cleared areas with remnant stands of vegetation, tree farms, grazing livestock and crops; and
- Dams, fences, shearing sheds and yards and homesteads.

Very few advertisements exist throughout the rural areas. The majority of advertisements are located in the Boyup Townsite and are associated with the business being advertised.

Instances have occurred in different municipalities, whereby businesses seeking to capture clients and outdo competitors, have developed advertisements alongside major roads. More and more and bigger and bigger advertisements got developed to the detriment of the rural character. For this reason, some municipalities do not support 'third party' advertising.

Sign Policy

The proliferation of 'third party' advertisements in the Shire of Boyup Brook is not expected, however, Council may consider a cautionary approach by developing and adopting a 'Sign Policy' to control the location, design and amount of advertisements and to ultimately '*preserve the rural character and rural appearance of the area*'.

Alternative Motion

Alternatively, the Shire may resolve to:

- Refuse to support any 'third party' advertisements; or
- Support 'third party' advertisements at strategic sites only (e.g. at designated roadside parking bays and tourist information sites).

STATUTORY OBLIGATIONS

Shire's Local Planning Scheme No. 2

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

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

The Shire's *Local Planning Scheme No.2* states the following at clause 8.1.1:

For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose in development within the definition of the Act requires, except as otherwise provided, the prior approval of the Council. Such planning consent is required in addition to any licence pursuant to Council's Signs, Hoarding and Bill Posting Bylaws.

It appears that the Shire has not adopted a 'Signs, Hoarding and Bill Posting Bylaw'. The Shire does have an 'Activities in Thoroughfares and Public Places and Trading Local Law', which contains provisions dealing with advertisements on road-side verges (not related to private land).

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

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

The advertisements are proposed to be located on properties zoned 'Rural'. The Shire's *Local Planning Scheme No.2* states the following at clause 5.2.1:

In considering applications for subdivision, rezoning and planning consent in the Rural zone, Council shall have regard to:

...iii) the need to preserve the rural character and rural appearance of the area.

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

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

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

ii) remove the advertisement.

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

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

POLICY IMPLICATIONS

There are no policy implications relating to this item.

CONSULTATION

The applicant has sought consent from the landowners of the lots where the advertisements are proposed for development.

VOTING REQUIREMENTS

Simple majority

SUMMARY

In accordance with *Local Planning Scheme No.2*:

- Development approval is required prior to developing an advertisement; and

- In considering an application for an advertisement, Council is to consider any potential impact to the rural character and the need to ensure that advertisements are properly maintained.

Because there are few advertisements in the rural areas, the two proposed advertisements are not expected to impact on the rural character. Approval of the advertisements should be on the condition that the advertisements are maintained to a reasonable standard.

The adoption of a 'Sign Policy' may help to guide future decision making on the amount, location and design of advertisements.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.4

MOVED: Cr Muncey

SECONDED: Cr Rear

That Council

Grants development approval for advertisements at:

- Lot 1253, Boyup Kojonup Road, Mayanup; and
 - Lot 1 Boyup Brook Donnybrook Road, Wilga;
- subject to the following notice:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: Lot 1253, Boyup Kojonup Road, Mayanup; and
Lot 1 Boyup Brook Donnybrook Road, Wilga

Description of proposed development:

Advertisements X 2

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

Conditions:

1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Shire of Boyup Brook, all development shall occur in accordance with the approved plans.
2. The advertisements being maintained to the satisfaction of the Shire of Boyup Brook.

Advice

Where, in the opinion of the Council, an advertisement has been permitted to

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

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

ii) remove the advertisement.

Date of determination: 17 November 2016

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

Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Signed:

Dated:

for and on behalf of the Shire of Boyup Brook.

CARRIED 6/1

Res 147/16

8.3.5 Revision to Advertised Fees and Charges – Swimming Pool Fees and Charges

Location: N/A
Applicant: N/A
File:
Disclosure of Interest: Nil
Date: 7th of November, 2016
Author: Kerry Fisher, Finance Manager & Rob Staniforth-Smith, Acting Chief Executive Officer
Authorizing Officer: Stephen Carstairs
Appendices: Existing Swimming Pool Fees and Charges as adopted during the budget process in August 2016

SUMMARY

This report recommends that Council adopt the revised Swimming Pool Fees and Charges as presented below.

BACKGROUND

The swimming pool fees and charges pages in the adopted budget have been reviewed to clarify various entry and season pass categories, to remove ambiguity and to accurately portray Councils intent. The proposed revised swimming pool fees and charges are below:

	Statutory or Council	GST Included	Adopted 2016-17
<u>Swimming Pool Entry Fees</u>			
Adult entry	Council	Yes	\$5.00
Spectator entry	Council	Yes	\$2.00
Pensioner Concession Card	Council	Yes	\$3.00
Child entry - under 1 year, up to 5 years - Free	Council		Free
Child entry – Attending school	Council	Yes	\$3.00
Adult 10 Day Pass	Council	Yes	\$40.00
Child entry -10 Day Pass– Attending school	Council	Yes	\$20.00
Pensioner -10 Day Pass	Council	Yes	\$20.00
School Group - Entry fee for accompanying parents	Council	Yes	\$2.00
Local School swimming carnivals - supervising teachers	Council		Free
Australia Day - Free Entry all day	Council		Free

Swimming Pool Season Tickets

Adult only	Council	Yes	\$130.00
Family, Single - Adult and 1 Child (Attending school)	Council	Yes	\$135.00
Family (includes 2 adults and all children attending school)	Council	Yes	\$245.00
Family - Pension / Senior Card Holder - 1 Adult & all children attending school	Council	Yes	\$125.00
Child only - (Over 10 years of age and attending school)	Council	Yes	\$70.00
Single Pensioner / Senior	Council	Yes	\$70.00
Pensioner Couple - with Pension / Senior Cards	Council	Yes	\$130.00

Vacation Swimming Lessons

Parent/Carer entry 10 Day pass	Council	Yes	\$15.00
Child (6 - 17 yrs) 10 Day Pass	Council	Yes	\$15.00

Other

Private Hire - Available upon prior arrangements made with Swimming Pool Manager	Council	Yes	\$83.00
Mat Hire [maximum period = 1 hour]	Council	Yes	\$2.00
Gym Equipment use	Council	Yes	\$3.00
Gym Equipment use - per season	Council	Yes	\$70.00
Use of Showers and no other swimming pool facilities	Council	Yes	\$3.00
Water Aerobics (entry not included)	Council	Yes	\$6 per session
Private Lessons (entry not included)	Council	Yes	\$15 per lesson

Concession will be given to holders of pension and senior cards (not health care cards)

The Education Departments revised school commencement dates, means that 50% of year 12 students will turn 18 in their final year of School. The intent of the fees and charges was that "school age" children are charged as a "child", not children 17 years and under. (Note: that vacation swimming class passes still cover children to age 17 as the education Department limits Vacation Swimming to children 17 years and under)

The "Concession" notation 'Concession will be given to holders of pension and senior cards (not health care cards)' has been moved to the bottom of the page so that it covers all of the categories above it and not just the season passes.

COMMENT

Councils 'Fees and Charges' are adopted by Council along with the annual budget. Revision of these 'Fees a Charges' are done to clarify and remedy any issues with these fees and charges and must be passed by Council. This report recommends changes to the 'fees and charges' that clarify "concessions" and "school age children"

CONSULTATION

Rob Staniforth-Smith, Acting CEO
Kerry Fisher, Manager of Finance
Jo North, Swimming Pool Manager
Daly winter, Manager Community and Regulatory Services

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There may be a small lowering of pool revenue as 50% of year 12 students attending school will now be charged as a child and not as an adult.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.5

MOVED: Cr Rear

SECONDED: Cr Blackburn

That Council approves the revised 'Swimming Pool Fees and Charges'.

CARRIED 7/0

Res 148/16

9 COMMITTEE MINUTES

9.1.1 Minutes of the Blackwood River Valley Marketing Association

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>10 November 2016</i>
Author:	<i>Alan Lamb - CEO</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND

The Blackwood River Valley Marketing Association meeting was held on 12th October 2016.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.1

MOVED: Cr Imrie

SECONDED: Cr Blackburn

That the minutes of the Blackwood River Valley Marketing Association meeting be received.

CARRIED 7/0

Res 149/16

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
Nil

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

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS
Nil

13 CLOSURE OF MEETING

There be no further business the Shire President, Cr Giles thanked all for attending and declared the meeting closed at 5.46pm.