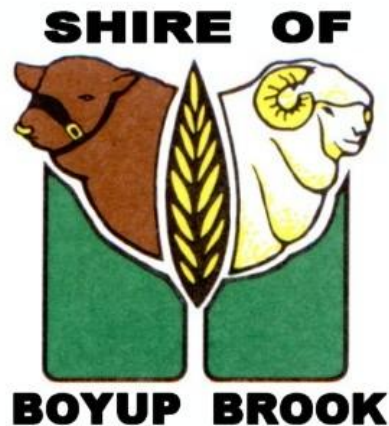


# Minutes



**ORDINARY MEETING**

held

**THURSDAY 14 December 2017**  
**Commenced AT 5.00PM**

**AT**

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

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

### **1.1 Attendance**

Cr G Aird – Shire President  
Cr K Moir - Deputy Shire President  
Cr S Alexander  
Cr P Kaltenrieder  
Cr E Muncey  
Cr H O'Connell  
Cr T Oversby  
Cr E Rear  
Cr R Walker

STAFF: Mr Alan Lamb (Chief Executive Officer)  
Mr Stephen Carstairs (Director Corporate Services)  
Mr Rob Staniforth-Smith (Director of Works & Services)

PUBLIC: Mr Michael Giles  
Mr Brian Luckhurst accompanied by Boyup Brook Pioneers  
Museum representatives:  
Ms Jan Corker  
Ms Janet Roney  
Mr John Walsh

### **1.2 Apologies**

Nil

### **1.3 Leave of Absence**

Nil

## **2 PUBLIC QUESTION TIME**

### **2.1 Questions on Notice - Mr Brian Luckhurst**

1. Does the Boyup Brook Shire council have a works program regarding the condition of the Boyup Brook cemetery.  
Regarding water runoff and the tilting and collapsing of the headstones.
2. Boyup Brook Pioneer Museum, I would like to discuss the ongoing commitment from the Boyup Brook shire towards this development, as I am interested to donate funds towards the new building.

#### **Response/further questions at the meeting**

1. In response to the first question, the terrain created drainage issues at the cemetery and that it was perhaps not the best location. Also that it was apparent that some of the headstones and grave surrounds were built over the uncompacted grave instead of its surrounds and that some constructions were not to a suitable standard. These factors contributed to some of the subsidence

issues. In response to Mr Luckhurst's call for improvements to drainage the President noted that Council had made a number of improvements to the cemetery over the years and this financial year a toilet is to be installed. Drainage has been looked at, some improvements made and that this matter will be monitored and dealt with as practicable within relevant constraints.

The Director of Works and Services noted that legislation put responsibility for maintenance of graves onto the holder of the Grant of Right of Burial.

2. In response to the second question the Shire President noted that Council had supported the Museum group, that it had purchased, then leased to them, the adjoining lot to allow for their expansion aspirations. That it was largely up to the group what they did but that they needed to have proper plans in place if they wished Shire support for their aspirations. In reply to Mr Walsh's display of plans for a shed and impassioned call for support, the CEO noted that he had sent an email setting out the steps the group would need to take to be in a position to move forward with any building. Also noting that the Shire and all other potential funding bodies will want to see all of the preliminary planning had been done and that there may be grants for some aspects of this.

### **3 APPLICATIONS FOR LEAVE OF ABSENCE**

**Nil**

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

##### **4.1 Councillors**

Cr Rear attended Museum meeting, Seniors Lunch and Community Christmas Tree  
Cr Walker attended Seniors Lunch  
Cr Kaltenrieder attended CRC meeting, Craft Group, CRC Presentation.  
Cr Alexander attended Community Christmas Tree, Graduation Ball.  
Cr Oversby attended Community Christmas Tree.  
Cr O'Connell attended First Aid Course, CRC meeting, Community Christmas Tree, Graduation Ball.

##### **4.2 Public**

Mr Giles spoke in support of the recommendation for item 8.3.7 noting that it was an underutilised asset.

**NOTE: all members of the public, except for Mr Giles, left the meeting.**

#### **5 CONFIRMATION OF MINUTES**

##### **5.1 Ordinary Meeting of Council - Thursday 16 November 2017**

###### **OFFICER RECOMMENDATION - Item 5.1**

**That the minutes of the Ordinary Meeting of Council held on Thursday 16th November 2017 be confirmed as an accurate record.**

###### **OFFICER RECOMMENDATION - Item 5.2**

**That the minutes of the Special Meeting held on Thursday 16th November 2017 be confirmed as an accurate record.**

###### **COUNCIL DECISION**

**MOVED: Cr Kaltenrieder**

**SECONDED Cr Oversby**

**That**

- 1. The minutes of the Ordinary Meeting of Council held on Thursday 16th November 2017 be confirmed as an accurate record subject to the following amendment:  
Page 5, Item 6 Presidential Communications, dot point three, second last word - delete "Ware" and insert "War"**
- 2. The minutes of the Special Meeting held on Thursday 16th November 2017 be confirmed as an accurate record.**

**CARRIED 9/0**

**Res 155/17**

## **6 PRESIDENTIAL COMMUNICATIONS**

### **The President reported he had attended**

- 24/11 - SW Zone of WALGA, Cr Tony Dean, President Shire of Nannup was elected as Zone President and Cr Murray Scott, President Shire of Capel, was re-elected as Deputy President.
- 26/11 - Swimming Club trials
- 28/11 - Inspection of new, wider bridge over the Tone River on the Cranbrook Road
- 29/11- Mayors and Presidents cocktail party Perth
- 5/12 - Primary School graduation
- 6/12 - Seniors Lunch, Progress Group meeting
- 8/12 - Community Christmas Tree
- 11/12 - Regional Road Group meeting
- 13/12 - Graduation Ball
- 14/12 - Craft Group re power up grade for hut.

## **7 COUNCILLORS QUESTIONS ON NOTICE**

Nil

## **8 REPORTS OF OFFICERS**

### **8.1 MANAGER WORKS & SERVICES**

Nil

**COUNCIL DECISION**

**MOVED:** Cr Moir

**SECONDED:** Cr Muncey

**That the Council adopts enbloc item 8.2.1 and 8.2.2.**

**CARRIED 9/0**

**Res 156/17**

**8.2 FINANCE**

<b>8.2.1 List of Accounts Paid in November 2017</b>
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<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>8 December 2017</i>
<b>Author:</b>	<i>Kay Raisin – A/Finance and HR Manager</i>
<b>Authorising Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes – List of Accounts Paid in October</i>

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**SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in November 2017 are presented to Council.

**BACKGROUND**

This report presents accounts/invoices received for the supply of goods and services, salaries and wages, and the like which were paid during the period 01 to 30 November 2017.

**COMMENT**

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 30 November 2017.

**CONSULTATION**

Nil

**STATUTORY OBLIGATIONS**

Local Government (Financial Management) Regulations 1996, Regulations 12 and 13 apply and are as follows:

*12. Payments from municipal fund or trust fund*

*(1) A payment may only be made from the municipal fund or the trust fund —*

- (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
- (b) otherwise, if the payment is authorised in advance by a resolution of the council.*

*(2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

*13. Lists of accounts*

*(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*

- (a) the payee's name;*
- (b) the amount of the payment;*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

*(2) A list of accounts for approval to be paid is to be prepared each month showing —*

*(a) for each account which requires council authorisation in that month —*

- (i) the payee's name;*
  - (ii) the amount of the payment; and*
  - (iii) sufficient information to identify the transaction;*
- and*

*(b) the date of the meeting of the council to which the list is to be presented.*

*(3) A list prepared under sub regulation (1) or (2) is to be —*

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) recorded in the minutes of that meeting.*

**POLICY IMPLICATIONS**

Council's Authority to Make Payments Policy has application.

**BUDGET/FINANCIAL IMPLICATIONS**

Account payments accorded with a detailed 2017-18 Annual Budget



**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

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

That at its December 2017 ordinary meeting Council receive as presented the list of accounts paid in November 2017, totalling \$683,336.65 from Municipal account, \$45,232.20 from Police Licensing account and \$4,798.95 from the Trust account as represented by:

Municipal Cheques	20128 - 20134	\$62,764.24
Municipal Electronic Payments	EFT5988 - EFT6103	\$349,653.54
Municipal Direct Payments		\$270,918.87
Police Licensing Payments		\$45,232.20
Trust Cheques	2111 - 2114	\$4,798.95

CARRIED BY ENBLOC

Res 156/17

<b>8.2.2 30 November 2017 Statement of Financial Activity</b>
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<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/10/003</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>07 December 2017</i>
<b>Authors:</b>	<i>Kay Raisin - A/Finance and HR Manager and Stephen Carstairs - Director Corporate Services</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes – Financial Reports</i>

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### **SUMMARY**

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 30 November 2017.

### **BACKGROUND**

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

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

The regulations also prescribe the content of the reports, 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**

**That having had regard for any material variances, Council receive the 30 November 2017 Statement of Financial Activity and Statement of Net Current Assets, as presented.**

**CARRIED BY ENBLOC**

**Res 156/17**

### **8.3 CHIEF EXECUTIVE OFFICER**

#### **Declare an Interest**

Cr O'Connell declared a financial interest, her husband would be involved in the shed construction.

Cr O'Connell left the meeting at 5.50pm prior to the matter being discussed and took no part in the discussion or decision.

#### **8.3.1 Development (Outbuilding: over-height) – Lot 8 Inglis Street, Boyup Brook**

<b><i>Location:</i></b>	<i>Lot 8 Inglis Street, Boyup Brook.</i>
<b><i>Applicant:</i></b>	<i>L Carlin.</i>
<b><i>File:</i></b>	<i>A170.</i>
<b><i>Disclosure of Officer Interest:</i></b>	<i>None.</i>
<b><i>Date:</i></b>	<i>14 December 2017.</i>
<b><i>Author:</i></b>	<i>A. Nicoll, Town Planner.</i>
<b><i>Authorizing Officer:</i></b>	<i>Alan Lamb, Chief Executive Officer.</i>
<b><i>Attachments:</i></b>	<i>Nil.</i>

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#### **SUMMARY**

The purpose of this report is to put before Council the request to develop an over-height outbuilding at Lot 8 (#30) Inglis Street, Boyup Brook.



Council discretion is required due to the height of the proposed outbuilding exceeding Policy requirements.

This report item recommends that the Council support a variation to Council Policy and approves the proposed outbuilding.

### **BACKGROUND**

An application requesting approval to develop an outbuilding was lodged with the Shire.

Staff reviewed the application and confirmed that the wall and roof heights of the proposed outbuilding exceed the maximum heights stipulated in Council Policy.

### **COMMENT**

The outbuilding is designed as follows:

- Ironstone colourbond cladding to match existing house;
- 5.3m roof height;
- 4m wall height; and
- 12m X 10m (120m<sup>2</sup>) dimensions.

The heights of the proposed outbuilding exceed the maximums stipulated in the Council's Outbuilding Policy by 1m for the walls and 1.1m for the top-pitch of the roof.

It is recommended that the Council support a variation to Council Policy and approves the development for the following reasons:

- The wall and roof heights are needed to house a boat. In accordance with Council policy, where demonstrated proof of ownership of vehicle/vessel, a relaxation of the height of the wall and/or ridge may be supported.

Picture of boat provided by applicant/owner.



- The outbuilding is proposed to be located well away from public roads and also neighbouring dwellings. The outbuilding is proposed to be located at the rear of the subject lot behind an existing dwelling. The outbuilding is proposed to be setback a minimum 2m from side boundaries and 3m from the rear boundary.
- Consulted neighbours have no issues with the proposal.

#### **STATUTORY OBLIGATIONS**

The Shire's *Local Planning Scheme 2*, Clause 9.6.6 states:

*A Policy shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its decision.*

The objective of the Shire's 'Outbuilding Policy' is to minimise adverse impacts outbuildings may have on a locality.

#### **POLICY IMPLICATIONS**

Outbuilding Policy

The maximum outbuilding sizes permitted for the subject property are as follows:

- Wall height - 3m;
- Roof height – 4.2m;
- Individual floor area 120m<sup>2</sup>.

In considering the need to house a boat within the proposed outbuilding, Council may support a variation in height in accordance with Council Policy (No.4, Provision 7), which states:

*Where demonstrated proof of ownership of vehicle/vessel, a relaxation of the height of the wall and/or ridge may be supported.*

### **CONSULTATION**

The neighbours were consulted and have no issues with the proposed development.

### **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 8.3.1**

**MOVED: Cr Muncey**

**SECONDED Cr Oversby**

**That Council grants development approval for Lot 8 Inglis Street, for the purpose of Outbuilding, subject to the following notice:**

***Planning and Development Act 2005***

**Shire of Boyup Brook**

**NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL**

Location: Lot 8 Inglis Street, Boyup Brook

Description of proposed development:

**Outbuilding (Over-height)**

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.
3. No processes being conducted on the property that may cause a detriment to the amenity of that area by reason of contamination, noise, vibration, smell, fumes, dust or grit.

Date of determination: 14 December 2017

Note 1: Outbuildings are structures that are non-habitable and not attached to a dwelling and may include sheds, gazeboes, carports, sea-containers and shade houses.

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

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

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

Signed:

Dated:

\_\_\_\_\_

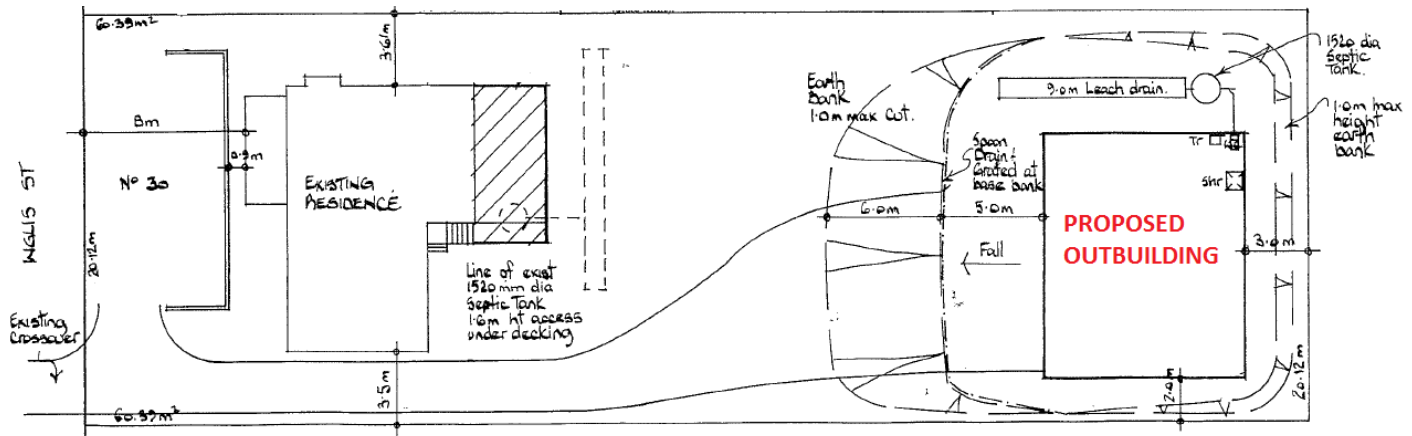
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for and on behalf of the Shire of Boyup Brook.

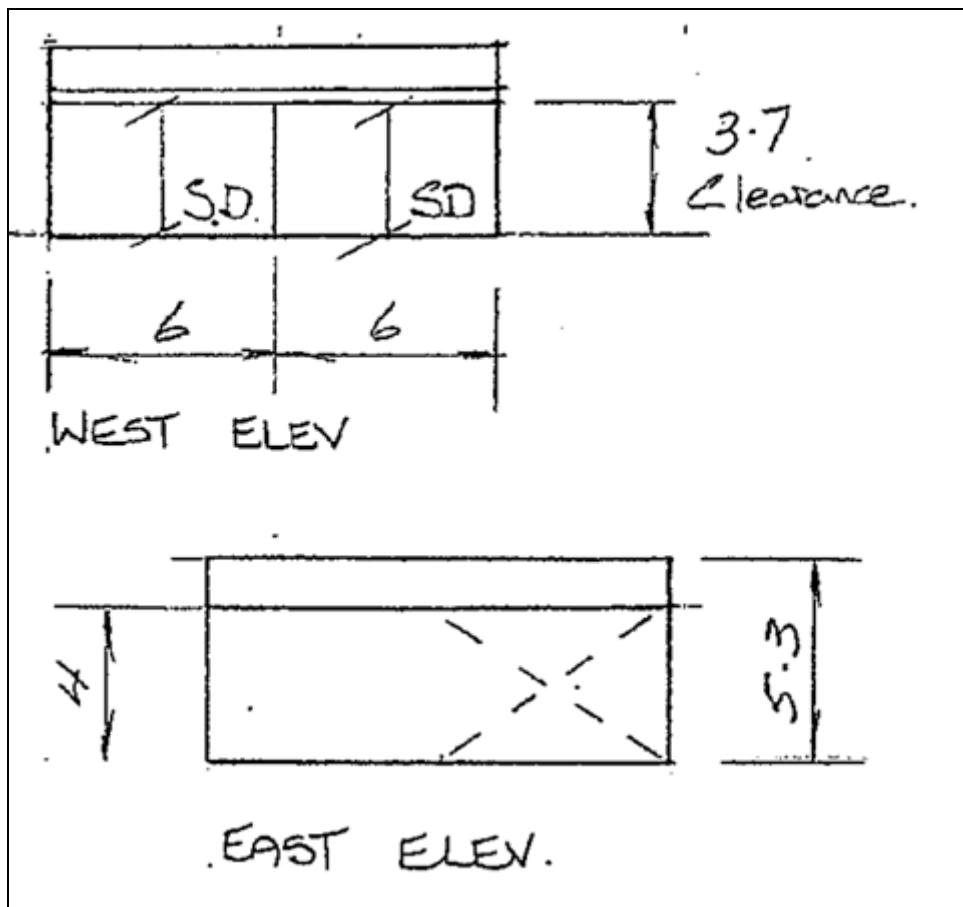


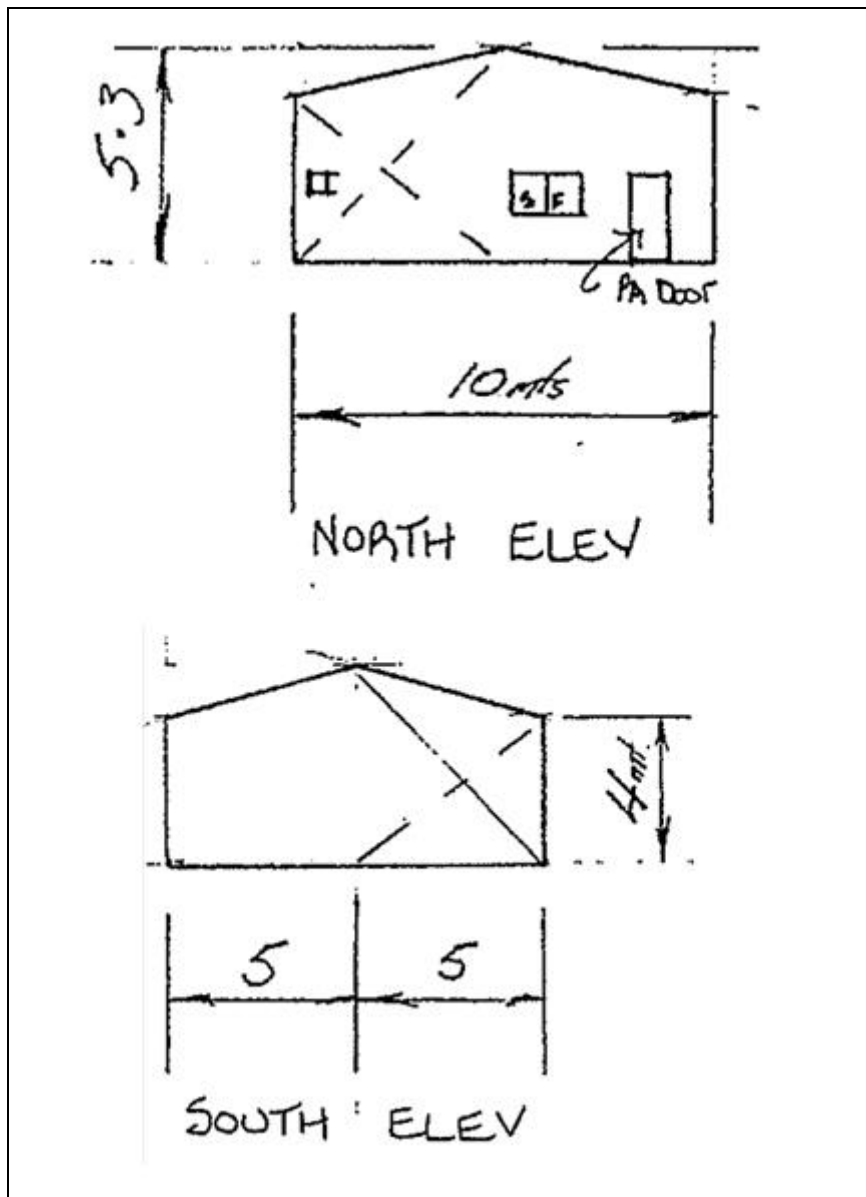
## Approved Plans

### Site Plan



### Elevations





**CARRIED 8/0**

**Res 157/17**

Cr O'Connell returned to the meeting at 5.53pm after the item had been discussed and voted on.

**WITHDRAWN BY THE CEO**

Item 8.3.2 withdrawn by CEO due to a number of errors noted by Councillors indicating a need to proof read the document more carefully prior to it being re-presented. It was noted that a workshop would be held in February 2018 to re familiarise continuing and update new Councillors on the proposed zonings as shown on the Strategy map.

<b>8.3.2 Shire of Boyup Brook – Initiate Local Planning Strategy for advertising</b>
--

<b>Location:</b>	<i>Shire of Boyup Brook.</i>
<b>Applicant:</b>	<i>N/A.</i>
<b>File:</b>	<i>Local Planning Strategy</i>
<b>Disclosure of Officer Interest:</b>	<i>None.</i>
<b>Date:</b>	<i>14 December 2017.</i>
<b>Author:</b>	<i>A. Nicoll - Town Planner.</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb, Chief Executive Officer.</i>
<b>Attachments:</b>	<i>Shire of Boyup Brook Local Planning Strategy.</i>

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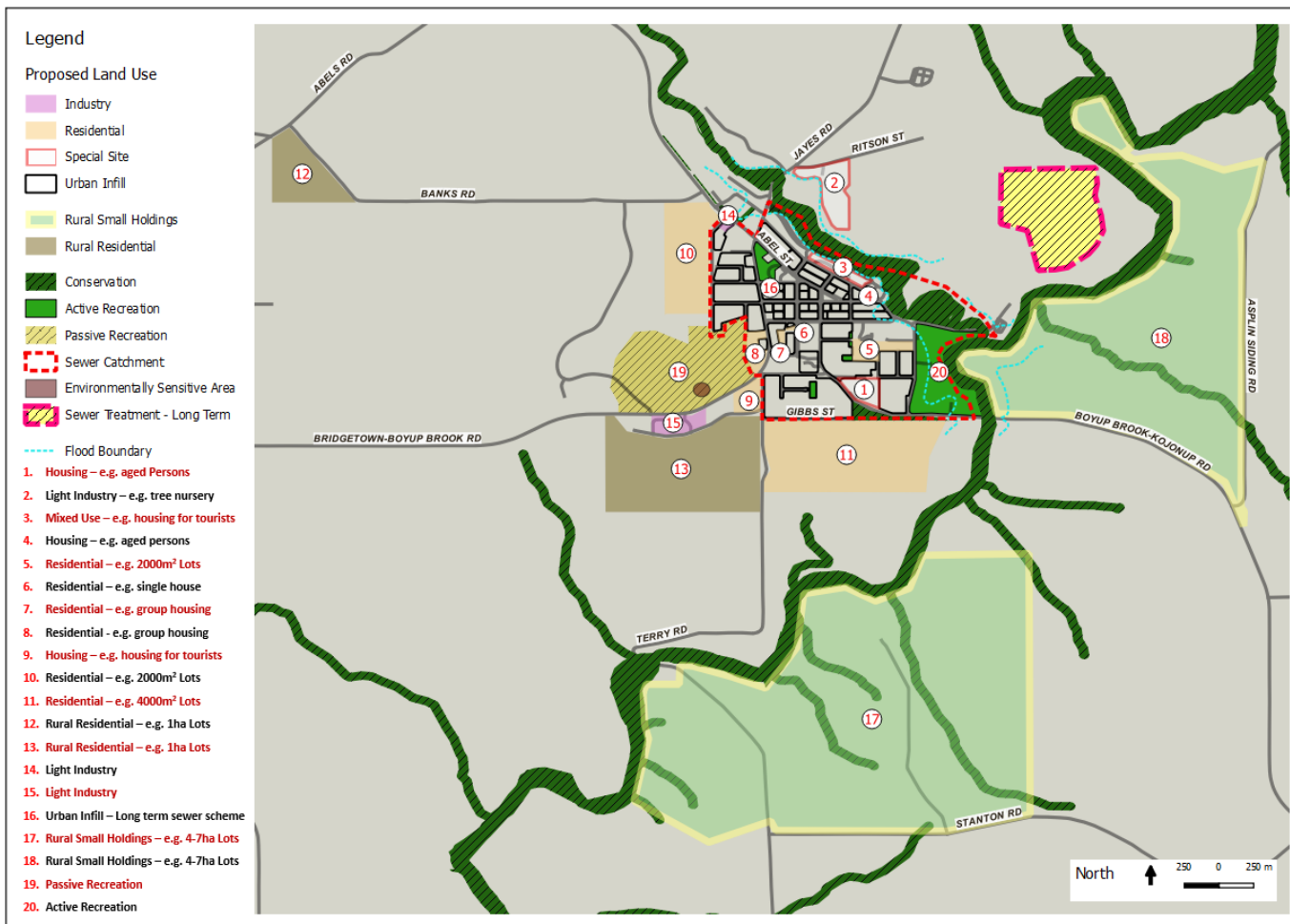
**SUMMARY**

The purpose of this report is to put before Council the request to initiate a Local Planning Strategy ('the strategy') for the Shire of Boyup Brook for the purpose of advertising.

Once initiated, the strategy is forwarded to the Department of Planning, Lands and Heritage with a request for approval to advertise.

Once advertising is completed, the strategy is brought back to the Council with a request to consider submissions and to agree to finally adopt the strategy with or without modifications.

The strategy recommends a number of actions to help the Shire prosper as a safe and vibrant commercial and employment centre and to achieve a range of living opportunities and services to support aged persons, tourists and families.



## BACKGROUND

In 2016 a draft strategy was developed in consultation with Shire Councillors.

The draft strategy made a number of planning recommendations, including identifying:

- New areas for rural living lots; and
- Subdivision potential of existing residential lots, the result of an impending sewerage scheme.

The draft strategy was then forwarded to the Department of Planning, Lands and Heritage (DPLH) with a request for approval to advertise. The DPLH, commented that the proposal for additional rural living lots is inappropriate because of an existing oversupply and low demand. The DPLH also commented that the portrayal for subdivision potential of existing residential lots be downgraded because of a state government decision to deny funding of a sewerage scheme.

It was recommended by the DPLH that an area of land adjacent to existing developed land (Gibbs Street) may be suitable for additional residential development. It was suggested that the area may be constructed with onsite sewer and range in lot size up to 5000m<sup>2</sup>.

It was also recommended that the subdivision of existing rural living lots into smaller lots (1ha) may be considered to facilitate better use of existing infrastructure and services.

Shire staff made changes to the draft strategy to support recommendations by the DPLH.

The updated strategy is hereby presented to Council with a request to agree to initiate for advertising.

### **COMMENT**

The Western Australian Planning Commission emphasizes a need for local planning strategies to provide an overarching framework to future development, land use and governance.

The strategy developed for the Shire recommends different land use and development scenarios for various land parcels in the townsite of Boyup Brook. Twenty (20) different land parcels have been identified for different land use and development, including:

- 1) Industrial development;
- 2) Accommodation for aged persons;
- 3) Accommodation for tourists;
- 4) Residential development; and
- 5) A hub for recreation and community activities.

The strategy sees a future whereby the townsite of Boyup Brook is a safe and vibrant commercial and employment centre with a range of living opportunities and services to support aged persons, tourists and families.

Once the strategy is finally endorsed by the Council and the Western Australian Planning Commission, the strategy will become the document driving private sector investment and promoting sustainable development. It will also form the framework for legislative controls affecting development.

### **CONSULTATION**

The Shire Councillors and the Department of Planning, Lands and Heritage have been consulted on the draft strategy.

Once approval has been granted for advertising, government agencies and the general public will be requested to make comment on the proposed strategy.

## **STATUTORY OBLIGATIONS**

The presiding statutory document, used to guide the development of a local planning strategy, is the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Part 3, cl.11 of the *Planning and Development (Local Planning Schemes) Regulations 2015* states:

- 1) *A local government must prepare a local planning strategy in accordance with this Part for each local planning scheme that is approved for land within the district of the local government.*
- 2) *A local planning strategy must:*
  - a. *set out the long-term planning directions for the local government; and*
  - b. *apply any State or regional planning policy that is relevant to the strategy; and*
  - c. *provide the rationale for any zoning or classification of land under the local planning scheme.*
- 3) *A local planning strategy may be prepared concurrently with the local planning scheme to which it relates.*

Part 3, cl.12 of the *Planning and Development (Local Planning Schemes) Regulations 2015* states:

- 1) *Before advertising a draft local planning strategy under regulation 13 the local government must provide a copy of the strategy to the Commission.*
- 2) *On receipt of a copy of a draft local planning strategy the Commission must, as soon as reasonably practicable, assess the strategy for compliance with regulation 11(2).*
- 3) *If the Commission is not satisfied that a draft local planning strategy complies with regulation 11(2) the Commission may, by notice in writing, require the local government to:*
  - a. *modify the draft strategy; and*
  - b. *provide a copy of the draft strategy as modified to the Commission for assessment under subregulation (2).*
- 4) *If the Commission is satisfied that a draft local planning strategy complies with regulation 11(2) it must certify the strategy accordingly and provide a copy of the certification to the local government for the purpose of proceeding to advertise the strategy.*

Part 3, cl.13 of the *Planning and Development (Local Planning Schemes) Regulations 2015* states:

- 1) *A local government must, as soon as reasonably practicable after being provided with certification that a local planning strategy complies with regulation 11(2), advertise the strategy as follows:*
  - a. *publish a notice of the local planning strategy in a newspaper circulating in the area to which the strategy relates, giving details of:*
    - i. *where the strategy may be inspected; and*
    - ii. *to whom, in what form and during what period submissions may be made;*
  - b. *display a copy of the notice in the offices of the local government for the period for making submissions set out in the notice;*
  - c. *give a copy of the notice to each public authority that the local government considers is likely to be affected by the strategy;*
  - d. *publish a copy of the notice and the strategy on the website of the local government;*
  - e. *advertise the strategy as directed by the Commission and in any other way the local government considers appropriate.*
- 2) *The local government must ensure that arrangements are in place for the local planning strategy to be made available for inspection by the public during office hours:*
  - a. *at the office of the local government; and*
  - b. *at the office of the Commission.*
- 3) *The period for making submissions in relation to a local planning strategy must not be less than a period of 21 days commencing on the day on which the notice of the strategy is published under subregulation (1)(a).*
- 4) *Notice of a local planning strategy as required under subregulation (1) may be given in conjunction with the notice to be given under regulation 20(1) for the scheme to which it relates.*

#### **POLICY IMPLICATIONS**

There are no policy implications. The Strategy draws together several Council policies, strategies and related studies into a single overarching land use planning framework.

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

There are no financial implications beyond what has already been budgeted.

### **STRATEGIC IMPLICATIONS**

The Shire currently does not have a Local Planning Strategy to guide developers and Councillors in making decisions and to provide direction for the Shire's *Local Planning Scheme No.2*.

### **SUSTAINABILITY IMPLICATIONS**

The strategy has been developed to suit local circumstances and to addresses social, environmental, resource management and economic factors that affect, and are in turn affected by, land use and development.

### **VOTING REQUIREMENTS**

Simple majority

### **OFFICER RECOMMENDATION – ITEM 8.3.2**

That Council:

1. Notes the draft updated Local Planning Strategy prepared under regulation 11(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. Under regulation 12(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forward a copy of the Council initiated draft updated Local Planning Strategy to the WAPC for its certification of the document for public advertising;
3. Under regulation 13(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, after being provided with certification that the draft updated Local Planning Strategy complies with regulation 11(2), advertise the draft updated Local Planning Strategy in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
4. A copy of the report to Council, in its entirety, is authorised to be forwarded to the WAPC.

### **NOTE:**

No decision made due to item 8.3.2 being withdrawn .



### 8.3.3 Subdivision Application (WAPC Ref 155971) - Lots 1 & 6 Boyup Brook Arthur River Road, Boyup Brook

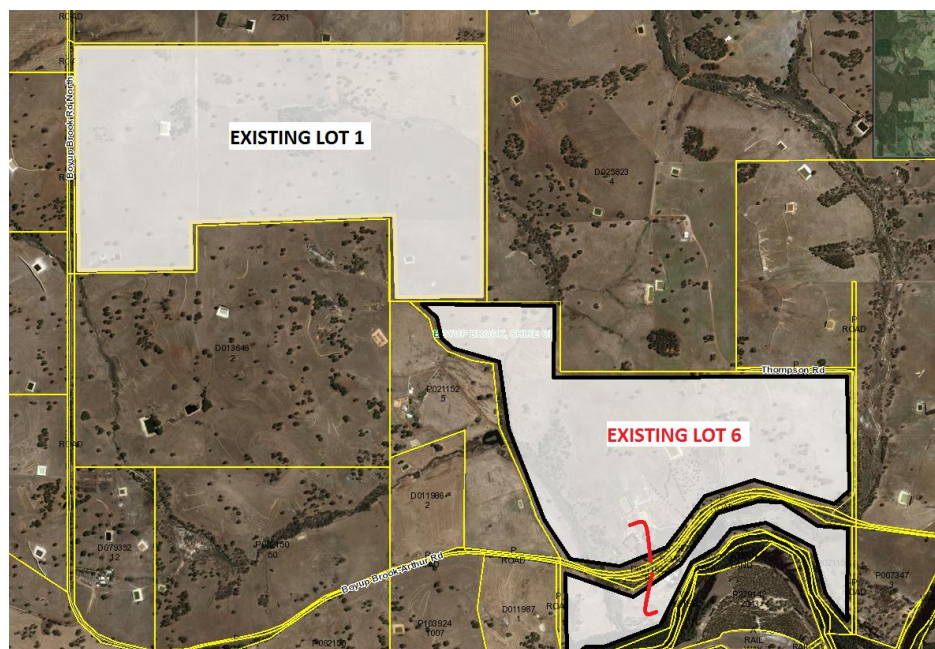
<b>Location:</b>	<i>Lots 1 &amp; 6 Boyup Brook Arthur River Road, Boyup Brook</i>
<b>Applicant:</b>	<i>R Machin</i>
<b>File:</b>	<i>WAPC 155971</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>14 December 2017</i>
<b>Author:</b>	<i>A. Nicoll, Town Planner</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb, Chief Executive Officer</i>
<b>Attachments:</b>	<i>Nil</i>

## SUMMARY

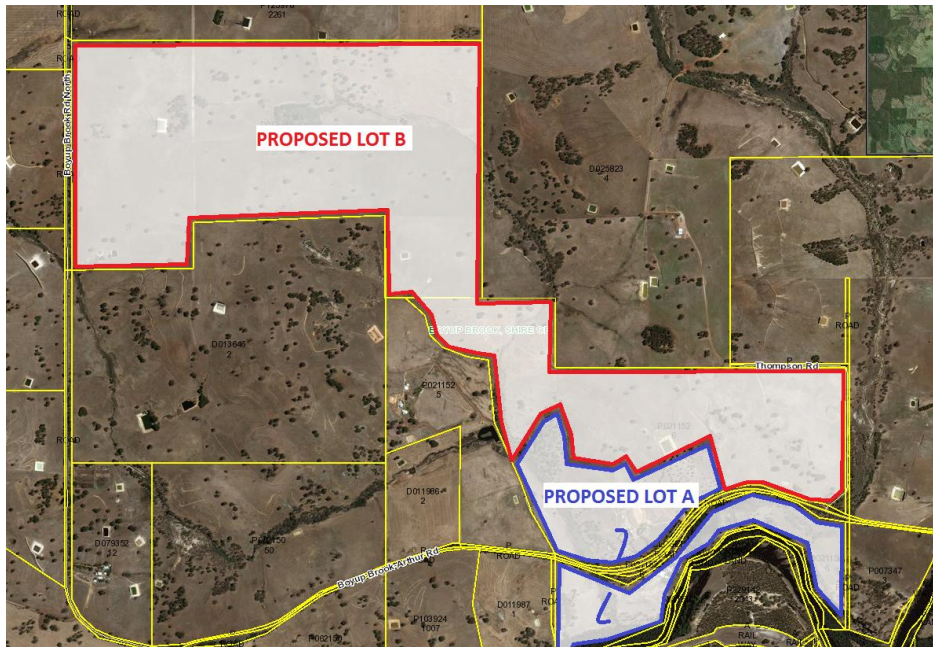
The purpose of this report is to put before Council the request to subdivide Lot 6 and to amalgamate a subdivided portion of Lot 6 with Lot 1. Lot 6 fronts the Boyup Brook Arthur River Road and Lot 1 fronts the Boyup Brook North Road. Portion of Lot 6 is currently used to host Country Music and Rodeo events.

The Shire's *Local Planning Scheme 2* has zoned the subject land - 'Rural'.

The following plan indicates the subject lots.



The following plan indicates the proposed subdivision.



Council is requested to agree to advise the WAPC to support the proposed subdivision, which complies with the Shire's scheme and state planning policy.

## BACKGROUND

The WAPC received an application to subdivide Lot 6 and to amalgamate a subdivided portion of Lot 6 with Lot 1.

The existing Lot 6 is approximately 198 hectares in area and the existing Lot 1 is approximately 222 hectares in area.

The WAPC forwarded the application to the Shire of Boyup Brook requesting information, comment or recommended conditions by the 5 January 2018.

## CONSULTATION

N/A

## STATUTORY OBLIGATIONS

The proposed subdivision does not inherently change or impact on the existing land uses which include agriculture and a Country Music entertainment centre.

Subdivision of the rural land, in the form proposed is in-keeping with the Shire's *Local Planning Scheme No.2*, clause 5.2.2, which states:

*Council shall encourage the continued use of land within the Rural Zone for the entire spectrum of broad-acre and intensive rural activities.*

**POLICY IMPLICATIONS**

There are no policy implications.

Subdivision of the rural land, in the form proposed, is in accordance with the Western Australian Planning Commissions *Development Control Policy 3.4 Subdivision of Rural Land*, which supports the adjustment of lot boundaries, whilst not creating additional lots and whilst not adversely affecting rural land uses.

**COMMENT**

This application seeks a boundary adjustment between the two existing lots of 222ha and 198ha.

The purpose of the new lots is to reduce the size of Lot 6 to 94ha as the main activity is the Harvey Dickson Music Centre and rodeo infrastructure (proposed Lot A). This development is existing and is not impacted by the proposed subdivision.

The new Lot B will create a more viable rural lot size (326ha) that will focus on rural production.

As stated previously, the proposed subdivision complies with statutory and policy standards for the rural zone.

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple majority

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

**MOVED: Cr Rear**

**SECONDED: Cr Muncey**

**That Council agree to advise the Western Australian Planning Commission to support the proposal to subdivide Lot 6 and amalgamate Lot 1, Boyup Brook Arthur River Road for the following reasons and with no conditions:**

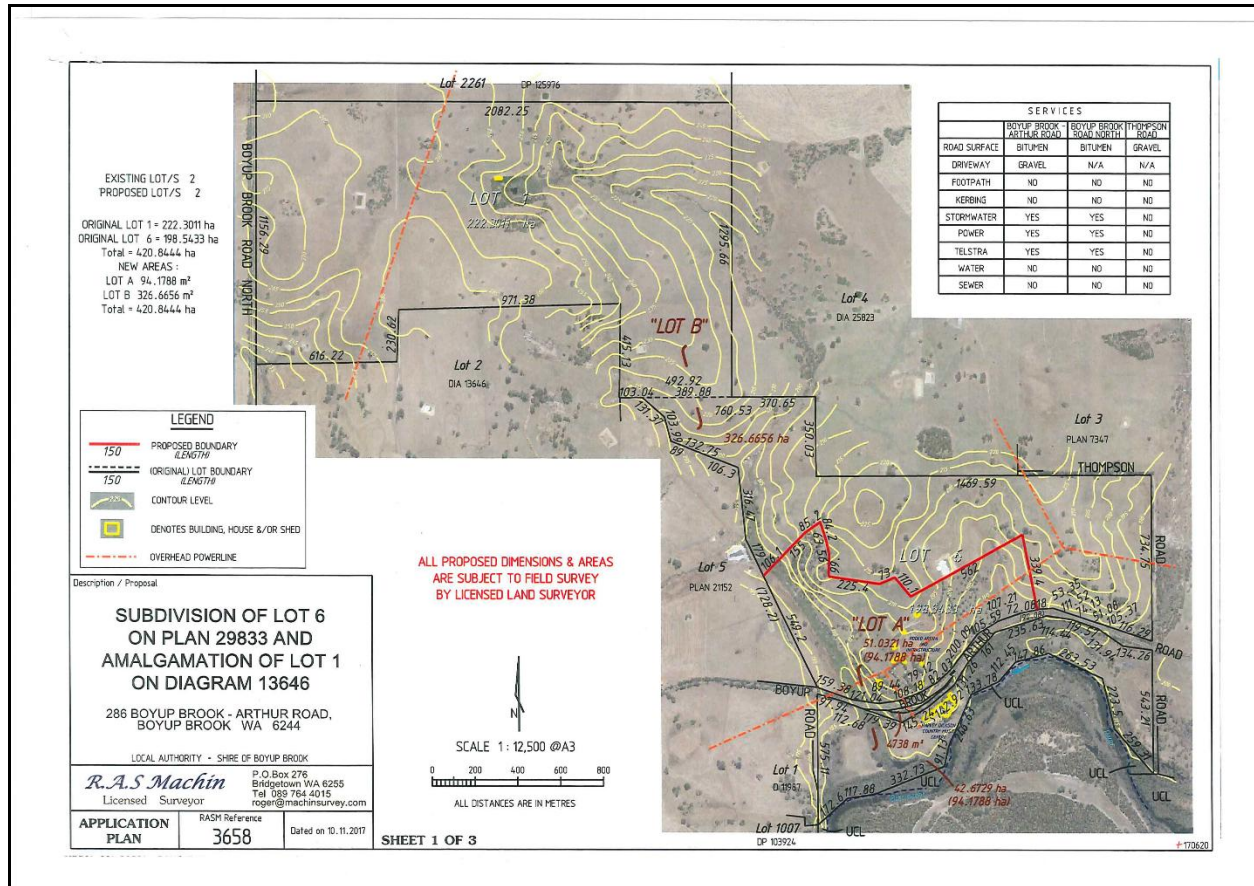
- 1) The subdivision does not impact on the Shire's *Local Planning Scheme 2*, clause 5.2.2, which states: *Council shall encourage the continued use of land within the Rural Zone for the entire spectrum of broad-acre and intensive rural activities.***

**and**

- 2) The subdivision is in accordance with the State's *Development Control Policy 3.4 Subdivision of Rural Land*, which limits subdivision potential to the following criteria:**
  - a) to realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect rural land uses;**

- b) to protect and actively conserve places of cultural and natural heritage;
- c) to allow for the efficient provision of utilities and infrastructure and/or for access to natural resources;
- d) in the Homestead lot policy area, to allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation; and
- e) for other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with this and other relevant policies.

### PROPOSED SUBDIVISION (WAPC 155971)



CARRIED 9/0

Res 158/17

#### 8.3.4 Administration Planning Workshop

<b>Location:</b>	<i>N/a</i>
<b>Applicant:</b>	<i>N/a</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>The author is employed by the Council and is responsible for the employment and management of all other Shire employees</i>
<b>Date:</b>	<i>5 December 2017</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer</i>
<b>Attachments:</b>	<i>Confidential attachment - consultants proposal.</i>

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#### **SUMMARY**

As part of the last CEO review the President sought to review the organisational structure, it is recommended that Council accept the consultants' proposal.

#### **BACKGROUND**

The CEO's performance is assessed annually, as required by legislation and the employment contract. This year Council resolved to use a consultant and the review was conducted.

The consultant was asked to provide a quote and methodology for conducting a review on the organisation structure, to ensure alignment of resources and capability to deliver the Strategic Community Plan and Corporate Business Plan. The quote was sent to the President who determined it to be in accordance with his wishes.

No provision was made in the 2017/18 budget for this project and so it is required to be brought to Council for approval.

#### **COMMENT**

The quote and methodology is attached.

It should be noted that whilst the project clearly encroaches into the province of the CEO, and the CEO has not been party to the consultant's instructions, he has agreed to the process being conducted.



## **CONSULTATION**

The author spoke with the President, Deputy President, and the consultant at the time of his performance review and agreed to the review..

## **STATUTORY OBLIGATIONS**

The following sections of the Local Government Act apply:

### **2.8. Role of mayor or president**

(1) *The mayor or president —*

- (a) *presides at meetings in accordance with this Act; and*
- (b) *provides leadership and guidance to the community in the district; and*
- (c) *carries out civic and ceremonial duties on behalf of the local government; and*
- (d) *speaks on behalf of the local government; and*
- (e) *performs such other functions as are given to the mayor or president by this Act or any other written law; and*
- (f) *liaises with the CEO on the local government's affairs and the performance of its functions.*

(2) *Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.*

### **2.9. Role of deputy mayor or deputy president**

*The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.*

### **2.10. Role of councillors**

*A councillor —*

- (a) *represents the interests of electors, ratepayers and residents of the district; and*
- (b) *provides leadership and guidance to the community in the district; and*

- (c) *facilitates communication between the community and the council; and*
- (d) *participates in the local government's decision-making processes at council and committee meetings; and*
- (e) *performs such other functions as are given to a councillor by this Act or any other written law.*

**5.41. Functions of CEO**

*The CEO's functions are to —*

- (a) *advise the council in relation to the functions of a local government under this Act and other written laws; and*
- (b) *ensure that advice and information is available to the council so that informed decisions can be made; and*
- (c) *cause council decisions to be implemented; and*
- (d) *manage the day to day operations of the local government; and*
- (e) *liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- (f) *speak on behalf of the local government if the mayor or president agrees; and*
- (g) *be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- (h) *ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) *perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

The following regulation in the Local Government (Rules of Conduct) Regulations apply:

**9. Prohibition against involvement in administration**

- (1) *A person who is a council member must not undertake a task that contributes to the administration of the local*

*government unless authorised by the council or by the CEO to undertake that task.*

- (2) *Subregulation (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.*

**10. Relations with local government employees**

- (1) *A person who is a council member must not —*
- (a) *direct or attempt to direct a person who is a local government employee to do or not to do anything in the person's capacity as a local government employee; or*
- (b) *attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is a local government employee in the person's capacity as a local government employee.*
- (2) *Subregulation (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.*
- (3) *If a person, in his or her capacity as a council member, is attending a council meeting, committee meeting or other organised event and members of the public are present, the person must not, either orally, in writing or by any other means —*
- (a) *make a statement that a local government employee is incompetent or dishonest; or*
- (b) *use offensive or objectionable expressions in reference to a local government employee.*
- (4) *Subregulation (3)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.*

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

The 2017/18 Budget provides for expenditure of \$44,935 in the area of Administration, on consultants.



This sum was earmarked for:

<b>Purpose</b>	<b>\$</b>
Regulation 17 review	9,000
Auditor various acquittals	5,000
Local Laws review	20,000
Staff salaries and wages packaging	5,000
Miscellaneous	5,935

Expenditure to date is as follows

<b>Purpose</b>	<b>\$</b>
CEO review	3,690
Review of fuel tax rebates	2,290

So this provision may not be an option.

\$5,000 was set aside in the budget (again under Administration) for asset management planning and these funds could be applied to the new item of expenditure.

Preparatory work, required to be done prior to the workshop, is considerable and will impact on staff resources at a time when leave is often taken and other tasks are already planned.

#### **STRATEGIC IMPLICATIONS**

The planned activity may provide assistance to implement the 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**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.4**

**MOVED: Cr Walker**

**SECONDED: Cr Kaltenrieder**

**That Council**

1. **approve the change of purpose for expenditure in the 2017/18 budget as follows**

<b>Account Number</b>	<b>Account name</b>	<b>Budget \$</b>	<b>Amended budget \$</b>
<b>146106</b>	<b>Consultants</b>	<b>44,935</b>	<b>49,935</b>
<b>146107</b>	<b>Asset Management</b>	<b>5,000</b>	<b>0</b>
	<b>Total</b>	<b>49,935</b>	<b>49,935</b>

2. **approve the appointment of Natalie Lincoln Price Consulting to conduct an Administration Planning Workshop as set out in her proposal.**

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 159/17**

**8.3.5 Boyup Brook Tourism Association Inc - Review of annual assistance**

<b>Location:</b>	<i>N/a</i>
<b>Applicant:</b>	<i>Boyup Brook Tourism Association</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>5 December 2017</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer</i>
<b>Attachments:</b>	<i>BBTA letter.</i>

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**SUMMARY**

The purpose of this report is to put before Council the current assistance arrangement and recommend a change.

**BACKGROUND**

For some years the Shire has provided the Boyup Brook Tourism Association with premises, an operating subsidy and a staff member one day per week.

The premises is provided under a lease agreement at nil rental, in a similar manner to how the Shire assists other community groups. A few years ago, BBTA sought the assistance of a Shire staff member on one day per week to enable it to open the visitors centre more often as they were experiencing issues with getting sufficient volunteers. Subsequently they sought funding assistance to pay an employee to operate the centre on some days per week in order to reduce the loan on volunteers.

The current position is that the Shire provides the premises, a staff member one day per week (current cost of this is \$9,027.12 per year) and an amount of \$15,000 annually. There is a lease for the premises but no agreement regarding the other subsidies.

On receiving a request to have the current subsidies formalised in an MOU, or the like, and noting that having to provide a staff member one day per week was impacting on the Shire operation, it was suggested that the BBTA president meet with the CEO, and Director of Corporate Services to discuss other options.

The agreed position to put before Council and the BBTA committee was that the BBTA be paid an annual subsidy and make their own staffing arrangements. That this then be put into a termed agreement.

Noting that the BBTA was not well set up to do its own payroll it was suggested that Council could provide a payroll service and if Council agreed this might be free of charge.

#### **COMMENT**

The current situation involves the Shire employee trying to serve two masters. The BBTA has no control over who is sent to help them.

The BBTA employs one person for two days per week and the Shire provides one person for one day. Putting this together, and making the job three days per week, should better suit their prospective employees and open the field of applicants (having recently lost their employee they will be recruiting soon).

The BBTA committee met to discuss this matter and the attached letter came as a result. They seek up to \$40,000 per annum to meet all known and anticipated costs of employing a person three days per week. Council's current subsidy, like for like, is \$24,027.12 per annum.

It should be noted that the current \$15,000 has not been increased for some time and so might well be expected to have not kept pace with salary increases.

The idea of a termed agreement (say 3 years like the St John Ambulance agreement) is good for both parties as it provides a firm basis for planning.

The issue appears to be the gulf between what BBTA wants (\$40,000) and what Council currently provides (\$24,000).

The Shire staff member spends 11.5 hours at the visitors centre each fortnight (just under 6 hours per day for one day per week). This compares with the BBTA's plans to employ a person 8 hours per day and so accounts for much of the variance of actual costs to what is being sought.

It is difficult to recommend that Council contribute \$40,000 per year when the cash cost now is \$15,000, that equates to an increase of \$25,000. If Council were to see value in allowing the BBTA to "cash out" the current staffing subsidy, Council would have to find another \$9,000 per year.

Based on the foregoing it is recommended that Council agree to cease providing a staff member one day per week and offer instead an additional \$10,000 per annum as a cash subsidy. If the BBTA agrees to this then the arrangements could commence immediately. If they did not the matter could be brought back to Council in February.

**CONSULTATION**

The author has spoken with the BBTA and other staff.

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

The additional expenditure was not budgeted for. One administration staff member, who resigned, has not been replaced as yet so there will be savings in Administration Salaries and on costs. If Council and the BBTA agree with an increase to the annual subsidy to \$25,000 the impact on 2017/18, given that half of the year has gone, would be in the order of \$5,000. So this is the amount recommended for the required budget amendment.

**STRATEGIC IMPLICATIONS**

The BBTA is long standing community group

**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 8.3.5**

**MOVED: Cr Kaltenrieder**

**SECONDED Cr Muncey**

**That Council**

- 1. Authorise the CEO to offer the Boyup Brook Tourism Association an additional \$10,000 per year in lieu of providing a Shire staff member one part day per week.**
- 2. approve the following amendment to the 2017/18 budget to facilitate the change in arrangements.**

<b>Account Number</b>	<b>Account name</b>	<b>Budget \$</b>	<b>Amended budget \$</b>
<b>146105</b>	<b>Administration employee costs</b>	<b>752,950</b>	<b>747,950</b>
<b>041114</b>	<b>Donations</b>	<b>50,080</b>	<b>55,080</b>
	<b>TOTAL</b>	<b>803,030</b>	<b>803,030</b>

3. require the CEO to prepare a draft Memorandum of Understanding between the Shire and the Boyup Brook Tourism Association, assuming the Association accepts the change, and report back to Council by its February 2018 meeting.

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 160/17**

**LAY ON THE TABLE**

<b>8.3.6 Craft Hut - Boyup Brook Arts and Crafts Group Request for Approval to Upgrade Power Supply</b>
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<b>Location:</b>	<i>Craft Hut Jayes Road Boyup Brook</i>
<b>Applicant:</b>	<i>Boyup Brook Arts and Craft Group</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>5 December 2017</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer</i>
<b>Attachments:</b>	<i>Letter from the Group</i>

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**SUMMARY**

The purpose of this report is to put the request before Council with the recommendation that it be approved.

**BACKGROUND**

The Boyup Brook Arts and Craft Group (BBACG) leases the Craft hut from the Shire and has occupied this facility for a number of years.

The Group wishes to upgrade electrical power supply to the facility to enable them to use their kiln. They will fund the project and seek no financial assistance from Council.

As part of bigger picture planning the Shire President and CEO met with the Group executive to discuss options for new premises, to be shared with other similar groups, elsewhere in town. At this meeting the Group mentioned that the power upgrade was required and the President noted that they should not go to this expense as they may be moving within a few years.

In accordance with lease provisions, the Group now seeks approval to upgrade the power connection.

They need the upgrade to enable them to use a larger kiln and to cater for the growing demand for ceramics.

**COMMENT**

The Group is well aware of the situation and has funding to move ahead with the power upgrade.

As its is a Council building it is recommended that Council approve the upgrade subject to them using a licensed electrical contractor and that a copy of the required electrical safety certificate be provided to Council for its records..

**CONSULTATION**

The author has spoken with the Group and Shire President.

**STATUTORY OBLIGATIONS**

Nil other than Council should ensure that the electrical work is done by a suitably licensed person and that a copy of the required certificate is put on Shire records.

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

The Group offers a range of opportunities for the community to pursue interests. The Craft Hut appears to be well used with cars parked there almost every day of the week. The new kiln is expected, by the group, to increase patronage.

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
This group is a significant part of the community with many active members. Its caters for a range of craft and art pursuits. .

**VOTING REQUIREMENTS**

Simple majority



**OFFICER RECOMMENDATION – ITEM 8.3.6**

That Council approve the Boyup Brook Art and Craft Group's application for approval to upgrade power supply to the Craft Hut subject to the work being done by a licensed electrical contractor and a copy of the required electrical safety certificate being provided to Council for its records.

**COUNCIL DECISION**

**MOVED: Cr Moir**

**SECONDED: Cr Oversby**

Resolved that the matter lay on the table until the Craft Hut Group has the opportunity to consider a generator rather than a Western Power Connection up grade.

**CARRIED 8/1**

**Res 161/17**

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

**FOR**

**AGAINST**

**Cr Aird**

**Cr Kaltenrieder**

**Cr Moir**

**Cr Alexander**

**Cr Muncey**

**Cr O'Connell**

**Cr Oversby**

**Cr Rear**

**Cr Walker**

**8.3.7 Flax Mill Storage - Request to Lease shed**

<b>Location:</b>	Lot 336 Jackson Street Boyup Brook
<b>Applicant:</b>	Chris Pratico
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	7 December 2017
<b>Author:</b>	Alan Lamb
<b>Authorizing Officer:</b>	Chief Executive Officer
<b>Attachments:</b>	letter of request, copy of marked Landgate images

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**SUMMARY**

The purpose of this report is to put the request to lease a shed with a recommendation that it be considered following the required public consultation.

**BACKGROUND**

The shed sought is the building marked A on the attached Landgate images. It is understood that this shed was constructed some years ago as a rain storage facility. It has a number of power points situated on support posts and is used annually for caravans at the country music festival. It is rarely used at other times.

Council looked at it some years ago as an opportunity to house an engineering business but saw that use as incompatible with other uses on that lot. Some time later an enquiry was received about using it for storage, in a similar manner to the adjoining, larger shed. As a result of this Council resolved that it could be hired out as part of the adjoining storage facility. Whilst it has been used a number of times no one has rented space there and no agreements are in place at this time.

The Shed is metal framed and metal clad on the roof and north eastern side. All other sides are open and so storage is not a secure. It has a concrete floor. It appears to have had bracings on the outer posts but these are no longer there. The shed is approximately 40m long and 30m wide, a floor space of approximately 1,200m<sup>2</sup>. It sits on land held by the Shire in free hold title. The land is suspected to lay below the 1 and 100 flood zone and so may well be subject to flooding.

Council's fees and charges schedule provides the following:

- Administration charge - Annual or for each hire period - \$103
- Rental per m<sup>2</sup> per month - \$0.30.

- Minimum monthly charge - \$42.00

Based on this the maximum annual income, if the whole of the space was rented, would be \$4423.00.

The applicant offers to lease the whole of the shed for \$6,000 per year for a 5 year term, and seeks for Council to enclose the shed with fencing and gates. The fencing is expected to cost in the order of \$100 per lineal metre including gates. The two sides and one end would need to be fenced, a total 110 lineal metres and so the cost is expected to be \$11,000.

### **COMMENT**

It will be noted that Council cannot lease the Shire asset unless it offers the lease at a tender or auction. There is provision however to allow Council to lease without these where the, suitably detailed, proposal to do so is advertised.

Commercial leases generally require the lessee to meet legal costs of drawing up the lease (generally around \$2,000) however given the size of the income opportunity Council may wish to bear this cost.

The fencing should act as a brace and so be beneficial to the structural integrity of the shed and would remain there after the lease period. The fencing should be durable and may later allow the shed to be used as a secure storage facility, just as the adjoining shed is now.

There is no provision in the current budget for the fencing or the legal costs so a budget amendment will be required.

It is recommended that Council advertise that it is looking to lease the facility to the applicant and that the matter come back to the February Council meeting for determination.

### **CONSULTATION**

The author has spoken with the Shire President and other staff,

### **STATUTORY OBLIGATIONS**

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.*

#### **POLICY IMPLICATIONS**

Nil

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

No provision was made in the 2017/18 budget for this project or the income it may derive.

If Council were to agree, after advertising the lease it would take a few weeks to have the agreement drawn up and a similar amount of time to procure the fence. All things being equal then Council could agree to the lease at its February 2018 meeting. The draft lease should be ready for the March meeting and the fence installed either March or April 2018.

Council could move earlier on the lease agreement and fencing but risks the lease not being signed and so missing out on the indicated income.

In the first year the costs would be in the order of \$13,000 and income say \$1,500. Over the 5 years and assuming there will be no need for maintenance, no increase in insurance etc the total income would be \$30,000 against direct costs of \$13,000. Taking the longer view this represents an opportunity to assist a local resident and landholder, improve an underutilised asset and benefit from additional income.

#### **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. If Council decided to spend money on this project at this meeting then a budget amendment would be required and the motion to authorise this supported by absolute majority.

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

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr O'Connell**

**That in accordance with section 3.58(3) of the Local Government Act, Council resolve to advertise it as looking to lease the shed on lot 336 with the matter coming back to the February 2018 meeting of Council for a determination.**

**CARRIED 9/0**

**Res 162/17**

<b>8.3.8 Reserve 33552 - Saleyards - Request to develop for industrial uses</b>
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<b>Location:</b>	<i>Bridgetown Boyup Brook Road</i>
<b>Applicant:</b>	<i>Boyup Brook Cooperative Co Ltd</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>6 December 2017</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer</i>
<b>Attachments:</b>	<i>Letter from Cooperatives and Landgate image marked with references</i>

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**SUMMARY**

The purpose of this report is to put the request before Council with options and time lines to meet the request

**BACKGROUND**

The saleyard reserve has not been used for sheep sales for a number of years. In 2008 Council leased the area to a local cartage contractor as a short term storage facility for relatively small lots of sheep, from various owners, to make up truck loads to cart to market. And a truck wash down facility.

It is understood that the yards were used for perhaps one sale during the term of the lease and on two other occasions, making three sales since 2008.

After the lease terminated (2012) Council looked at using grant funds, available at the time, to upgrade the yards which had been assessed to be unsafe to use for sales. The cost was prohibitive so Council decided to keep the yards for aggregating loads and truck wash down, as there was a demand for this use at the time. Grant funding was used to upgrade the wash down facility to bring it up to required standards.

Some of the yards and the wash down facility are used now by one local cartage operator.

Council agreed to the Rylington Park Management Committee's request to remove some of the yards, primarily, for use at Rylington Park (a Shire owned property). The removal works is a staged affair with some of the yards having been moved already and others to be removed later in stages.

Council has looked at a number of sites over a number of years for the purpose of establishing a light industrial/commercial area. The site that was selected as being most suitable is the saleyards. It has a good buffer but still close to town. On a main road, large enough etc. In order to share the risk of a site not being leased, the Cooperative and Council talked about partnering on an initiative. Council would provide and develop the land and the Cooperative would build and lease the premises. No commitments were made.

In October 2015 Council resolved as follows:

***That Council apply to the Minister for Lands to amend the Purpose of Reserve 33552 to include light industrial/commercial use.***

This request was communicated to State Land Services. In January 2016 the reply was that the light industry/commercial purpose could not be applied over the reserve. Options offered were for the State to cancel the reserve and have a direct lease with the Shire and Department of Lands or a development lease with an option to purchase under section 85 of the Land Administration Act. There was also the option to seek to purchase.

The Boyup Brook Cooperative (BBC) wrote to Council seeking to have the saleyard area fast tracked to enable them to lease an area and establish a premises for a local person wanting to set up a business in Boyup Brook.

#### **COMMENT**

Almost all of the process relating to the saleyards land rests with the State Government as the "owner" so Council could not speed the process up. It is recommended however that the matter be progressed to a point where Council will be in a position to move on a lease, when ever it wants to, regardless of what eventuates with the current enquiry.

#### **OPTIONS/CONSTRAINTS**

Before moving on it may be best to review the various ways in which the Shire may have control over the land.

Crown Reserves - these are parcels of Crown Land set aside for a specific purpose. The state government controls these and may issue management orders to entities such as the Shire. Where the Shire has management it cannot sell but may lease if the management order permits this. The State remains the "owner" and so has to be a party to any lease, so there are three parties, the State, the lessor (the Shire) and the lessee. Leases are limited to a maximum of 21 years. The State may divest a Reserve to allow it to be held by the Crown (the State Government) in fee simple to allow it to be sold.

Crown land leases - the state may lease Crown land. There does not appear to be a restriction on the term or the conditions which may apply. The legislation mentions sub-leases and so that is clearly possible but it is not clear if the State



has to be a party to any sub-leases. This option has been put forward, by a Lands Department (DL) officer, with regard to the saleyards.

Conditional purchase leases - the State may agree a purchase price, or not as the case may be, up front then lease to an entity till the entity makes the purchase. Whilst this option was not put forward for the sale yards it was for the Hospital Road land.

Purchase - once the State holds the land in fee simple it may sell it to the Shire but this would be a market price, as determined by the Valuer General.

If the intention is for the Shire to lease to the Cooperative with the power for the Cooperative to sub-lease then adding the State into the equation could be messy. Lessors almost always retain the right to vet who their lessees sub-lease to so if there would be the State, then the Shire, then the Cooperative then their lessee in a chain of approvals, which may be complicated with input, and may protract the process.

At this point we have no financial information on what the purchase price might be, what the annual lease rental would be and what the development costs might be. The DL would use market values for the first two and so based on previous dealings it is suggested that the purchase price might be in the order of \$200,000 and that annual rental between \$5,000 and \$10,000 per annum. Development costs will depend on what is to be done to the site, the size of the development etc. A cost in excess of \$100,000 is expected. No provision was made in the current budget for this project. Based on DL time estimates, experience working with DL, the recent staff downsizing exercises etc, it is expected that Council would not get to the point of having to pay rent or purchase price in the current financial year.

It is apparent from the attached image that the saleyards development has encroached into the adjoining Water Corporation managed Reserve. It is understood that for the light industry/commercial site to work it needs semi trailer configuration right around the site and it is not clear if this could be achieved within the boundaries of the site so a feature survey will be required (around \$2,000).

Similarly, part of the saleyards wash down facility appear to encroach onto the adjoining portion of Reserve 16199 also managed by the Shire. It may be necessary and perhaps wise to seek to have this portion of Reserve 16199 amalgamated into Reserve 33552. Whilst it would make sense to do this ahead of any changes, or as part of them, to the tenure of 33552, it should not be seen as a high priority in case it protracts the process (there are a number of things that might come up such as the class of the reserve, rare and endangered species and the like).

It is vital the survey company engaged has electronic plan capability so that the plan they create, with contours features, boundaries etc can be used as the basis

for all other planning. Then the required ring road, using the relevant vehicle configuration templates, drawn on the plan. This would result in a plan showing the available space for business operations. At this point Council and the Cooperative should confirm if the area is sufficient and how any shed, or other, structures should be configured so that these could be included on a concept plan (essentially an overlay on the survey plan with the road shown. The road design and concept plan together with indicative cost estimates will cost in the order of \$5,000 to \$8,000). This expenditure would occur in the current financial year and here is no funding in the current budget for associated costs..

When trying to move forward promptly with projects the understandably constraining purchasing policy requirements protract the process. The recommendation will include nominating a consultant in order to negate the need for quotations. The consultant named is one the Shire has been using for the Aged Accommodation studies and planning. The firm is Opus and the contact is Dr Danny Burkett. Opus is in the process of being purchased by a larger organisation and so will have increased and broader capability.

### **Way Forward**

In an ideal world, the survey, road and concept design would be completed before any further work/cost was incurred. But here Council has a golden opportunity to partner with another important local organisation and have a business up and running as soon as construction is completed. So at the same time we will need to make application to DL so that the relevant, and lengthy, processes of that department, can commence ASAP. The following recommendation is crafted to capture relevant needs, allow the matter to progress without constant reference back to Council.

It is recommended that Council:

1. Authorise the CEO to engage a suitable survey firm to conduct a feature survey of Reserve 33552 and engage Dr Danny Burkett of Opus International Consulting (Australia), for concept options and indicative costs, with the cost (estimated to be \$10,000) to be included in the upcoming budget review with a view to offsetting this with identified savings.
2. Apply to have Reserve 33552 cancelled and a title created
3. Set its preference for options to lease or own the land in the following order:
  - 3.1 Outright purchase
  - 3.2 Lease with an option to purchase
  - 3.3 Lease

4. Authorise the CEO to make application to the Minister for Lands to cancel Reserve 33552 and for the Shire to acquire the land in a manner appropriate to order of preference set in point 3 of this resolution.
5. The CEO to report back to Council in February 2018 on the progress of this matter.

### **CONSULTATION**

This matter has been before Council in the past. The author spoke with the Cooperative management committee Chairperson and the Shire President.

### **STATUTORY OBLIGATIONS**

Then following sections of the Land Administration Act have relevance:

#### **79. Minister's powers as to lease of Crown land**

- (1) *Subject to Part 7, the Minister may grant leases of Crown land for any purpose and may, without limiting the generality of that power —*
  - (a) *grant leases of Crown land by public auction, public tender or private treaty; and*
  - (b) *fix the duration of any such lease; and*
  - (c) *determine rentals, premiums, conditions and penalties in respect of any such lease; and*
  - (d) *require a performance bond in respect of any such lease.*
- (2) *The Minister may pay a commission to a person acting on behalf of the Minister in the granting of leases of Crown land.*
- (3) *Without limiting the generality of conditions referred to in subsection (1)(c), those conditions include —*
  - (a) *options for renewal of leases granted; and*
  - (b) *options to purchase the fee simple of the Crown land leased, under subsection (1), and conditions for the variation of those conditions.*
- (4) *The Minister may at any time extend the term of a lease, other than a pastoral lease, having effect under this Act or vary the provisions of such a lease.*
- (5) *Any sublease or other interest granted under a lease —*
  - (a) *the term of which is extended; or*

- (b) *the provisions of which are varied, under subsection (4) continues to have effect insofar as it is permitted to do so by that extension or variation.*

**80. Conditional purchase leases**

- (1) *In this section —*

***conditional purchase lease*** means conditional purchase lease granted under subsection (2).

- (2) *The Minister may grant to an applicant a conditional purchase lease of any Crown land.*
- (3) *A conditional purchase lease may be granted —*
  - (a) *for such term and subject to the payment of such rental, instalments and interest as the Minister thinks fit; and*
  - (b) *on condition that improvements specified in the conditional purchase lease are made within the period so specified; and*
  - (c) *on such other conditions and subject to such covenants, reservations or exemptions as the Minister thinks fit or as are prescribed.*
- (4) *When the Minister is satisfied that the lessee under a conditional purchase lease —*
  - (a) *has made improvements specified in the conditional purchase lease under subsection (3)(b); and*
  - (b) *has complied with all conditions, covenants, reservations and exemptions to which the conditional purchase lease is subject, the Minister must transfer that Crown land in fee simple to that lessee —*
  - (c) *if a purchase price was fixed when the conditional purchase lease was granted, on payment to him or her of the full purchase price, whether or not paid by rental that the conditional purchase lease provides or the Minister agrees may be offset against the purchase price, together with any other outstanding rental or outstanding interest as the Minister may require the lessee to pay before the Crown land is transferred to the lessee; or*
  - (d) *if a purchase price was not fixed when the conditional purchase lease was granted, on payment to him or her of the full purchase price, which price is to be fixed by the Minister or calculated in accordance with the terms of the conditional purchase lease, together with any other outstanding rental or outstanding interest as the Minister may require the lessee to pay before the Crown land is transferred to the lessee.*
- (5) *In determining whether under subsection (4)(c) or (d) the full purchase price has been paid, the Minister is to offset against the price fixed by him or her or calculated in accordance with the terms*

*of the conditional purchase lease any rental payment that the conditional purchase lease provides or the Minister agrees may be offset against the purchase price.*

- (6) *If the lease is mortgaged, is affected by another interest or is subject to a caveat and the lessee, during the continuance of the mortgage, other interest or caveat, becomes entitled under subsection (4), the mortgage, other interest or caveat is by operation of this subsection transferred to the fee simple and applies to the fee simple when transferred in all respects as if the fee simple had been referred to in the mortgage, other interest or caveat and has the same effect in respect of the fee simple as if it were a mortgage, other interest or caveat under the TLA.*

*[Section 80 amended by No. 59 of 2000 s. 20.]*

**81. Surrender of lease of Crown land**

- (1) *The Minister may accept the surrender of a lease from the lessee of the relevant Crown land in respect of the whole or any part of the area to which the lease applies.*
- (2) *On the acceptance of the surrender of a lease of Crown land under subsection (1), any sublease under that lease, and any interest or caveat dependent on such a sublease, continue to subsist unless that sublease is forfeited under section 35 or otherwise terminates according to law.*
- (3) *The Minister may by order, with the consent of the relevant sublessee, vary the conditions to which a sublease which continues to subsist by virtue of subsection (2) is subject.*

**Division 4 — Provisions not restricted to either sale or leasing of Crown land**

**82. Revesting land held by Crown in fee simple in Crown**

- (1) *The Minister may by order revest in the Crown, with or without existing encumbrances, land held by the Crown in fee simple.*
- (2) *Land revested under subsection (1) is Crown land and may be dealt with accordingly by the Minister under this Act.*

**83. Transfer etc. of Crown land to advance Aboriginal people**

- (1) *The Minister may for the purposes of advancing the interests of any Aboriginal person or persons —*
- (a) *transfer Crown land in fee simple; or*
- (b) *grant a lease of Crown land, whether for a fixed term or in perpetuity, to that person or those persons, or to an approved body corporate, on such conditions as the Minister thinks fit in the best interests of the person or persons concerned.*

- (2) *Subsection (1) does not limit the right of any Aboriginal person, or a body corporate, to apply for and acquire an interest in or the fee simple of Crown land under any other provision of this Act.*
- (3) *In subsection (1) —*
  - approved body corporate*** *means a body corporate that the Minister is satisfied —*
  - (a) *is to hold the land or the lease in trust for the Aboriginal persons concerned; or*
  - (b) *has a membership that comprises only the Aboriginal persons concerned.*

*[Section 83 inserted by No. 61 of 1998 s. 5.]*

**84. Auctioneers of Crown land, functions of**

- (1) *If Crown land is to be sold in fee simple or leased by public auction on behalf of the Minister by —*
  - (a) *an employee, the employee may so sell or lease without being the holder of a licence under the Auction Sales Act 1973; or*
  - (b) *a person who is not an employee, that person must be the holder of a licence under the Auction Sales Act 1973 and may so sell or lease on a commission basis.*
- (2) *A person acting as auctioneer for the purposes of the sale in fee simple or lease of any Crown land on behalf of the Minister may —*
  - (a) *set the monetary levels at which bids may be made; and*
  - (b) *negotiate that sale or lease with the highest bidder if the bidding does not reach the reserve price for the fee simple or lease of that Crown land.*

**85. Sale etc. of Crown land subject to condition etc. it be subdivided**

- (1) *The Minister may —*
- (a) *sell the fee simple in; or*
  - (b) *lease with option to purchase, Crown land subject to conditions, or to any regulations, requiring the purchaser to subdivide and develop the land concerned.*
- (2) *If the relevant conditions or regulations referred to in subsection (1) have been complied with or, in the case of those conditions, security has been given to the satisfaction of the Minister for the purpose of ensuring compliance with those conditions, the Minister may, with the approval of the Planning Commission, permit the staged transfer in fee simple of Crown land sold under that subsection.*

**86. Sale etc. of Crown land by private treaty to Commonwealth etc.**

*The Minister may sell by private treaty the fee simple in, or lease, Crown land —*

- (a) *to the Commonwealth or to another State or to a Territory; and*
- (b) *to any instrumentality of the Commonwealth or of a State or Territory empowered to purchase land; and*
- (c) *subject to the Local Government Act 1995, to any local government.*

**87. Sale etc. of Crown land for amalgamation with adjoining land**

- (1) *In this section —*

***adjoining land*** *means the land referred to in subsection (2)(b) or (3)(b), as the case requires.*

- (2) *Whenever the Minister considers that a parcel of Crown land is —*
- (a) *unsuitable for retention as a separate location or lot, or for subdivision and retention as separate locations or lots, because of its geographical location, potential use, size, shape or any other reason based on good land use planning principles; but*

- (b) *suitable for —*
  - (i) *conveyance in fee simple to the holder of the fee simple; or*
  - (ii) *disposal by way of lease to the holder of a lease granted by the Minister under this Act, of land adjoining that parcel, the Minister may, with the consent of that holder and on payment to the Minister of the price, or of the initial instalment of rent, as the case requires, agreed with that holder, by order convey that parcel in fee simple or lease that parcel to that holder and amalgamate that parcel with the adjoining land.*
- (3) *If—*
  - (a) *a parcel of land comprised in a road that is closed, whether under this Act or the repealed Act, is Crown land; and*
  - (b) *part of the land through which that closed road passes or which it adjoins is taken under Part 9 for the purpose of a road to replace that closed road; and*
  - (c) *as a result of that taking, the person holding the fee simple of, or a lease granted by the Minister under this Act in respect of, the adjoining land (the **landholder**) is entitled to compensation under that Part from the person who took that part (the **taker**), the Minister may, with the consent of the landholder and the taker and on payment to the Minister of any price, or of any initial instalment of rent, as the case requires, agreed with the landholder, by order —*
  - (d) *convey to the landholder in fee simple or lease to the landholder, as the case requires, by way of satisfaction or part satisfaction of the compensation payable to the landholder, so much of that parcel as is, in the opinion of the Minister, equivalent in value to the whole or the relevant part of that compensation; and*
  - (e) *amalgamate the land so conveyed or leased with the adjoining land.*
- (4) *When land has been conveyed or leased under subsection (3)(d), the taker must, if required by the Minister to do so, pay to the Minister forthwith the amount of the compensation in satisfaction of which that land has been so conveyed or leased.*
- (5) *On the amalgamation under subsection (2) or (3) of the whole or part of a parcel of Crown land with the adjoining land —*
  - (a) *that parcel or part becomes, if the adjoining land is —*
    - (i) *land held in freehold, part of the adjoining land and held in the same freehold; or*



- (ii) *Crown land held under lease, part of the adjoining land and held under the same lease, and, if the adjoining land is subject to any encumbrance, that parcel or part becomes subject to that encumbrance as if it had been part of the adjoining land when that encumbrance was created; and*
- (b) *the Registrar must alter the certificate of title or the certificate of Crown land title and the Register so as to show that that parcel or part forms part of the adjoining land.*
- (6) *If the freehold or lease of the adjoining land is, at the time of the amalgamation of the adjoining land with the whole or part of a parcel of Crown land under subsection (2) or (3), in the course of being sold under a contract of sale and the purchaser under that contract consents —*
  - (a) *the purchase price or consideration set out in that contract is to be taken to be increased by an amount equal to the unimproved value of that whole or part; and*
  - (b) *the conditions of that contract are taken to apply to that whole or part as if that whole or part had been part of the adjoining land when that contract was entered into.*
- (7) *Despite anything in subsection (6), that subsection does not affect the rights of any person in respect of a claim that has before the amalgamation referred to in that subsection been settled or decided.*

**88. Option to purchase or lease Crown land, grant of**

- (1) *The Minister may —*
  - (a) *grant an option to purchase the fee simple in, or lease, any Crown land; and*
  - (b) *fix the consideration to be paid for any such option; and*
  - (c) *impose conditions on the exercise of any such option.*
- (2) *A purchaser or lessee under an option granted under subsection (1) may, with the permission of the Minister, offset the whole or any portion of the relevant consideration fixed under that subsection against the purchase price or rent payable in respect of the land concerned.*

**89. Certain lessees of Crown land may purchase, or purchase options to purchase, the land**

- (1) *The holder of a lease, other than a pastoral lease, of any Crown land may apply to the Minister to purchase —*
  - (a) *the fee simple of the Crown land; or*
  - (b) *an option to purchase that fee simple.*

- (2) *The Minister may grant or refuse to grant an application made under subsection (1).*
- (3) *If the Minister grants an application under subsection (1), the applicant is entitled, on payment of a price fixed by the Minister for the sale of—*
  - (a) *the fee simple and on compliance with such conditions, if any, as are prescribed, to obtain in lieu of the lease the fee simple of the relevant Crown land; or*
  - (b) *the option and on compliance with such conditions, if any, as are prescribed, to obtain an option to purchase the fee simple of the relevant Crown land.*
- (4) *If the lease is mortgaged, is affected by another interest or is subject to a caveat and the lessee, during the continuance of the mortgage, other interest or caveat, becomes entitled under subsection (3), the mortgage, other interest or caveat is by operation of this subsection transferred to and applies to the fee simple when purchased in all respects as if the fee simple had been referred to in the mortgage, other interest or caveat and has the same effect in respect of the fee simple as if it were a mortgage, other interest or caveat under the TLA.*

*[Section 89 amended by No. 59 of 2000 s. 21.]*

#### **POLICY IMPLICATIONS**

Nil

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

There is no provision in the current budget for this project. Expenditure in the current year is expected to be no more than \$10,000, plus administration time, and it is recommended that this amount be offset, to the extent possible, by savings identified in the upcoming budget review.

#### **STRATEGIC IMPLICATIONS**

This project will better provide for small business ventures which might be classed a light industry or commercial.

#### **SUSTAINABILITY IMPLICATIONS**

##### **➤ Environmental**

There are no known significant environmental issues.

##### **➤ Economic**

Any new business in is likely to spend at least a portion of its annual expenditure in Boyup Brook as will the owner and any employees. It is expected that some of the businesses trade would come from Boyup Brook residents keeping more fund within the community.

- **Social**  
Any new business is expected bring with it opportunities for the schools clubs and the like..

**VOTING REQUIREMENTS**

Absolute majority

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

**MOVED: Cr Aird**

**SECONDED: Cr Kaltenrieder**

**That Council:**

- 1. Apply to have Reserve 33552 cancelled and a title created**
- 2. Set its preference for options to lease or own the land in the following order:**
  - 3.1 Lease**
  - 3.2 Lease with an option to purchase**
  - 3.3 Outright purchase**
- 3. Authorise the CEO to make application to the Minister for Lands to cancel Reserve 33552 and for the Shire to acquire the land in a manner appropriate to order of preference set in point 3 of this resolution.**
- 4. Authorise the CEO to engage a suitable survey firm to conduct a feature survey of Reserve 33552 and engage Dr Danny Burkett of Opus International Consulting (Australia), for concept options and indicative costs, with the cost (estimated to be \$10,000) to be included in the upcoming budget review with a view to offsetting this with identified savings**

**That the CEO report back to Council in February 2018 on the progress of this matter.**

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 163/17**

- 9 COMMITTEE MINUTES**  
Nil

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

<b>10.1 Councillor Alexander</b>
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**MOTION**

1. Council requests a report on the pool opening hours and find a solution to maximise community use of the pool whilst minimising the additional labour costs to the shire so that the pool doesn't need to close during the middle of the day for a lunch break on School holidays or weekends.
2. The report to be put to Council by its April 2018 meeting to allow any impact of changes to be incorporated into the 2018/19 budget

**SUMMARY**

During the 2016/2017 season the pool didn't close for a lunch break. This season it is required for occupational health and safety reasons that the pool manager has a lunch break, however for many people within the shire who live out of town this means they have to leave the premises for an hour and many patrons have too far to drive home and then back again - quite an inconvenience.

**COMMENT**

In reference to our Community Strategic Plan, our social Goals include;

\* Promote outdoor activities, community participation, interactions and connections.

\* Strengthen an active and vibrant community.

I believe that removing patrons from the pool for an hour does not fit in with this goal, hence the need to split the day into two shifts so a lunch break is not required whilst minimising a need to have two managers on duty at the same time.

**CEO COMMENT**

The motion is supported and recommended to Council.

**COUNCIL DECISION**

**MOVED: Cr Alexander**

**SECONDED: Cr Kaltenrieder**

1. Council requests a report from the CEO analysing pool opening hours and find a solution to maximise community use of the pool whilst minimising the additional labour costs to the shire so that the pool doesn't need to close during the middle of the day for a lunch break on School holidays or weekends.
2. The report be put to Council by its April 2018 meeting to allow any impact of changes to be incorporated into the 2018/19 budget

**CARRIED 9/0**

**Res 164/17**

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

Nil

**12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS**

**NOTE** Mr Giles and all staff except for the CEO left the meeting prior to this matter being dealt with and did not return before the meeting was closed.

<b>12.1 Chief Executive Officer Leave Approval Arrangements</b>
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**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 12.1**

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr Alexander**

**That, in accordance with Clause 9.1 of the CEO's contract of employment, Council authorise the Shire President to deal with the CEO's leave applications for the term of the current agreement**

**CARRIED 9/0**

**Res 165/17**

**13 CLOSURE OF MEETING**

There being no further business the Shire President, Cr Aird thanked all for their attendance and declared the meeting closed at 7.30pm.