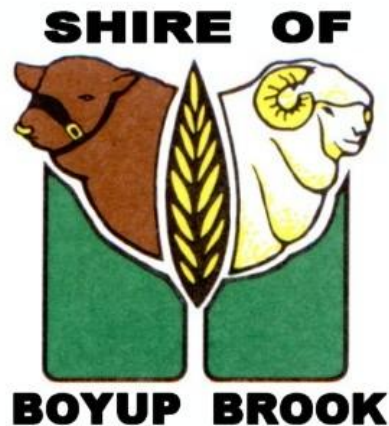


Agenda



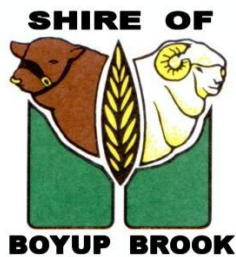
ORDINARY MEETING

held

THURSDAY 15 March 2018
Commencing AT 5.00PM

AT

SHIRE OF BOYUP BROOK
CHAMBERS
ABEL STREET - BOYUP BROOK



NOTICE OF ORDINARY COUNCIL MEETING

To:-

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

The next Ordinary Council Meeting of the Shire of Boyup Brook will be held on Thursday 15 March 2018 in the Council Chambers, Shire of Boyup Brook, Abel Street, Boyup Brook – commencing at 5.00pm.

Mr Alan Lamb
Chief Executive Officer

Date: 8 March 2018

TABLE OF CONTENTS

1	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED	4
1.1	Attendance.....	4
1.2	Apologies.....	4
1.3	Leave of Absence	4
2	PUBLIC QUESTION TIME.....	4
2.1	Response to Previous Public Questions Taken on Notice	4
3	APPLICATIONS FOR LEAVE OF ABSENCE	4
4	PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS	5
4.1	Petition Presented by Cr Kaltenrieder - Water Aerobics at the Boyup Brook Swimming Pool.....	5
5	CONFIRMATION OF MINUTES	5
6	PRESIDENTIAL COMMUNICATIONS	6
7	COUNCILLORS QUESTIONS ON NOTICE.....	6
8	REPORTS OF OFFICERS.....	6
8.1	MANAGER WORKS & SERVICES.....	6
8.2	FINANCE	6
8.2.1(A)	List of Accounts Paid in February 2018	6
8.2.1(B)	List of Accounts Paid in January 2018 - Addendum	9
8.2.2	31 January 2018 Statement of Financial Activity	11
8.2.3	28 February 2018 Statement of Financial Activity.....	13
8.2.4	Adoption of the 2017-18 Budget Review	15
8.3	CHIEF EXECUTIVE OFFICER.....	24
8.3.1	Minister for Planning Modifications to Scheme Amendment No. 16	24
	Lot 1 Forrest Street, Boyup Brook and portion of Railway Parade.	24
8.3.2	Delegation of Authority – Appointment of Authorised Officers under the Public Health Act 2016	29
8.3.3	Appointment of Authorised Officer Under the Food Act 2008	32
8.3.4	Review of Health Local Laws.....	35
8.3.5	Review of Delegation Register	38
9	COMMITTEE MINUTES.....	40
9.1.1	Minutes of the South West Zone Meeting	40
9.1.2	Minutes of the Water Playground Committee.....	40
9.1.3	Minutes of the Audit and Finance Committee Meeting Held 15 March 2018	42
11	URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT	44
11.1	Resolution to Prepare Amendment (No.19) to Local Planning Scheme No.2 – Lot 34 Blechynden Street and Lot 38 Mitchell Avenue, Boyup Brook.....	44
12	CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS.....	49
13	CLOSURE OF MEETING.....	49

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

1.1 Attendance

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

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr Stephen Carstairs (Director Corporate Services)

1.2 Apologies

Mr Rob Staniforth-Smith (Director of Works & Services)

1.3 Leave of Absence

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

3 APPLICATIONS FOR LEAVE OF ABSENCE

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

4.1 Petition Presented by Cr Kaltenrieder - Water Aerobics at the Boyup Brook Swimming Pool.

I, Councillor Kaltenrieder present the petition included as an attachment for this meeting's agenda. I believe that all signatories of the petition are electors of the Shire of Boyup Brook and have read the petition, meeting requirements of Local Laws (Standing Orders) 9.1 and 9.3.

The petition is from Fiona Cailes and is signed by 20 residents. The prayer is:
"We urge the Shire to reconsider extending water aerobics into March, one of our hottest months".

The petition notes:

"Water aerobics, currently held on Mondays at 9am, is being thoroughly enjoyed and well attended by a group of enthusiastic women and men.

The class provides participants with a low impact workout which can be varied according to the fitness level and medical needs of the individual.

We are very disappointed to hear that classes are to conclude at the end of February, a total of five sessions for 2018."

MOVED:

SECONDED:

That the petition be accepted and be dealt with by full Council.

MOVED:

SECONDED:

That the CEO arrange for the water aerobics to operate one day per week in March 2018 and that expenditure of \$1,000 be authorised.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 15 February 2018

OFFICER RECOMMENDATION - Item 5.1

That the minutes of the Ordinary Council Meeting held on Thursday 15th February 2018 be confirmed as an accurate record.

6 PRESIDENTIAL COMMUNICATIONS

7 COUNCILLORS QUESTIONS ON NOTICE

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

Nil

8.2 FINANCE

8.2.1(A) List of Accounts Paid in February 2018
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Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>08 March 2018</i>
Author:	<i>Carolyn Mallett - Acting Accountant and Kay Raisin – Acting Finance and HR Manager</i>
Authorising Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – List of Accounts Paid in February</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in February 2018 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 28 February 2018.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 28 February 2018.

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

OFFICER RECOMMENDATION – Item 8.2.1(A)

That at its March 2018 ordinary meeting Council receive as presented the list of accounts paid in February 2018, totalling \$350,378.07 from Municipal account, \$54,994.85 from Police Licensing account, and \$582.02 from the Trust account as represented by:

Municipal Cheques	20156-20161	\$ 85,085.11
Municipal Electronic Payments	EFT6291 - EFT6347	\$ 66,785.12
Municipal Direct Payments		\$ 198,507.84
Police Licensing Payments		\$ 54,994.85
Trust Cheques	2123-2125	\$ 582.02

8.2.1(B)	List of Accounts Paid in January 2018 - Addendum
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Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>08 March 2018</i>
Author:	<i>Carolyn Mallett - Acting Accountant and Kay Raisin – Acting Finance and HR Manager</i>
Authorising Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – List of Accounts Paid in January</i>

SUMMARY

So as to be in accordance with the *Local Government (Financial Management) Regulations 1996* an addendum to the list of accounts paid in January 2018 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 excluded from those reported as being paid during the period 01 to 31 January 2018.

COMMENT

The attached listing represents accounts/invoices the shire paid by electronic means during the period 01 to 31 January 2018 which were excluded from those reported at the February Meeting.

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

OFFICER RECOMMENDATION – Item 8.2.1 (B)

That at its March 2018 ordinary meeting Council receive as presented the list of accounts paid in January 2018 and not reported at the February Meeting, totalling \$389.32 from Municipal account, as represented by:

Municipal Direct Payments	\$389.32
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8.2.2 31 January 2018 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	08 March 2018
Authors:	Kay Raisin - A/Finance and HR Manager and Stephen Carstairs - Director Corporate Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – 31 January 2018 Financial Reports

SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 31 January 2018.

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

OFFICER RECOMMENDATION – Item 8.2.2

That having had regard for any material variances, Council receive the 31 January 2018 Statement of Financial Activity and Statement of Net Current Assets, as presented.

8.2.3 28 February 2018 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	08 March 2018
Authors:	Kay Raisin - A/Finance and HR Manager and Stephen Carstairs - Director Corporate Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – 28 February 2018 Financial Reports

SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 28 February 2018.

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

OFFICER RECOMMENDATION – Item 8.2.3

That having had regard for any material variances, Council receive the 28 February 2018 Statement of Financial Activity and Statement of Net Current Assets, as presented.

8.2.4 Adoption of the 2017-18 Budget Review

Location:	Not applicable
Applicant:	Not applicable
File:	
Disclosure of Interest:	Nil
Date:	09 March 2018
Author:	Stephen Carstairs - Director Corporate Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
DOCUMENTS TABLED	Attachment 3.1 – 2017-18 Budget Review Statement of Financial Activity and Notes.

PURPOSE

To consider and adopt the Budget Review as presented in the Statement of Financial Activity for the period 1 July 2017 to 31 February 2018.

BACKGROUND

A Statement of Financial Activity incorporating year to date budget variations and forecasts to 30 June 2018 for the period ending 31 January 2018 is presented for council to consider. The *Local Government (Financial Management) Regulations 1996*, regulation 33A, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

DETAILS

The budget review was prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. This annual budget review was conducted at the I/E (Income/Expenditure) code level, specifically targeting actual to budget variances equal to or greater than \$5,000 (some smaller variances were included). A small surplus (\$1,655) was realised from the review, and this and an additional 2016-17 unbudgeted surplus of \$103,758 are proposed to be offset against the 2017-18 budgeted Lodge borrowings (\$250,000 reducing to \$144,587).

Features of the budget review include:

OPENING BALANCE		\$0
	2016-17 Surplus brought forward which was additional to that in the Adopted Budget	(103,758)
OPERATING		
03 General Purpose Funding	Add: Mining (Interim) Rates under-allocated	(12,000)
04 Governance	Add: Community Donation - Tourism Assoc	5,000
05 Law, Order and Public Safety	Add: Bushfire Risk Management (BRM) Program Grant	(124,355)
	Add: BRM Program Vehicle Hire Income	(10,750)
	Add: Bushfire Mitigation Activity Fund Grant	(108,000)
	Add: Ranger Vehicle - Reimbursement	(3,050)
	Add: BRM Program Expenses	120,955
	Add: Bushfire Mitigation Activity Fund Expenses	108,000
07 Health	Add: BB Early Learning Ctr (BBELC) May - Jun Income	(19,200)
	Add: BB Medical Ctr Income under-allocated	(19,575)
	Add: BBELC May - Jun Expenses	24,000
	Add: BBELC Start Up Expenses	30,000
	Add: BB Medical Ctr Expenses under-allocated	19,575
09 Housing	Add: 7 Knapp St GROH rental income	(7,800)
	Add: Trees @ 7 Knapp & Septics @ 1 Rogers	3,500
10 Community Amenities	Add: Cemetery Fees under-allocated	(2,000)
	Less: Landfill Site Expense over-allocated (Savings)	(3,000)
11 Recreation & Culture	Less: 2017-18 Kidsport Program not Funded through the Shire	6,000

11 Recreation & Culture	Add: RSL Contribution: RSL Memorial Upgrade	(10,000)
	Less: 2017-18 Kidsport Program over-allocated	(6,000)
12 Transport	Less: Engineering Systems Review Deferred	(12,000)
13 Economic Services	Less: Caravan Park income over-allocated	6,500
	Add: Flax Mill Shed lease income	(1,500)
	Less: Building Mtce Officer Savings	(10,000)
	Less: Waterwise @ the Flax Mill/Caravan Pk	(6,000)
	Add: Flax Mill Shed lease expense	3,000
	Add: Saleyards - Industrial Development	10,000
14 Other Property & Services	Less: Corp Services Wages - Savings	(57,400)
MOVEMENTS & NON-OPERATING GRANTS		
Accrued Expenses	Add: 2016-17 Tone Bridge expense paid 2017-18	309,000
Non-Op Grants	Less: Football Club contribution to Clubrooms	10,000
	Less: CSRFF Grant to Football Clubrooms	10,000
	Less: CSRFF Grant to Netball Courts	7,000
	Add: DFES Grant McAlinden 2.4 Fire Appliance	(335,000)
	Less: R2R Program Review, Grant over-allocated	92,365
CAPITAL PROGRAM		
Investment Properties	Add: Knapp St lease to GROH, paint & floor coverings	12,500
	Less: House Build for GROH	(450,000)
	Add: Flax Mill Shed Fence	10,000

Land & Buildings	Less: Football Clubroom Refurbishment	(30,000)
	Add: Town Hall leach drain replaced	5,750
Plant & Equipment	Add: Revised Plant Replacement as attached	179,780
Furniture & Equipment	Add: BBELC Start Up (ICT & other F&E)	10,000
Roads, Bridges etc	Less: Tone Bridge expense	(309,000)
	Less: R2R Program Review, over-allocated	(87,155)
	Add: CBD Parking Signage	5,800
Other Infrastructure	Less: Netball Courts Surface Refurbishment	(21,000)
	Add: RSL Memorial upgrade	20,000
	Add: BB Pool Splash Pad	40,750
Sale Proceeds	Less: Revised Plant Replacement as attached	133,655
New Borrowings	Less: GROH House Build	450,000
	Less: Lodge Borrowings	105,413
Transfers to Reserve	Less: Netball Court funds	(14,000)
	Less: Plant & Equipment movements as per attached	(88,635)
Transfers from Reserve	Less: Football Clubrooms	10,000
	Less: Netball Courts	14,000
	Less: Plant & Equipment movements as per attached	88,,635
	Overall Change (surplus)	\$0

Due to the above adjustments the closing funds as at 30 June 2018 are forecast to remain unchanged at \$0.

CONSULTATION

Alan Lamb - Chief Executive Officer, Robert Staniforth-Smith – Director Works & Services, Kay Raisin – Acting Finance and HR Manager, and Daly Winter – Community Emergency & Regulation Services Manager.

STATUTORY ENVIRONMENT

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires:

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Consideration and review is to be given to a local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year.
- (3) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (4) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Absolute majority required.*

- (5) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

POLICY IMPLICATIONS

The budget is based on the principles contained within the Community Strategic Plan and Plan for the Future.

FINANCIAL IMPLICATIONS

Specific financial implications are as outlined in the above Table.

STRATEGIC IMPLICATIONS

The Budget Review has been developed based on existing strategic planning documents adopted by council.

VOTING REQUIREMENT

Absolute Majority required: Yes.

TRIPLE BOTTOM LINE ASSESSMENT

Economic Implications

The budget has been reviewed based on tested financial management and accountability principles and is considered to deliver in 2017-18 a sustainable economic outcome for Council and the community.

Social Implications

The budget has been reviewed to deliver social outcomes identified in various planning and community supporting strategies that have previously been adopted by the council.

Environmental Implications

The budget has been reviewed so as to consider key environmental strategies and initiatives as supported by the council.

COMMENT

The budget has been reviewed to continue to deliver on other strategies adopted by the council and maintains a high level of service across all programs. The closing funds remain in parity (\$0) as a result of this budget review.

The surplus of funds brought forward from 2016-17 increased by \$103,758. At the conclusion of the review, that surplus and a further \$1,655 identified in the review were reduced to \$0, and these funds were offset against Lodge borrowings.

OFFICER RECOMMENDATION TO BE DEBATED AND RESOLVED BY COUNCIL

MOVED:

SECONDED:

That:

Council adopt the budget review with the following variations for the period 1 July 2017 to 31 January 2018, and amend the budget accordingly:

OPENING BALANCE		\$0
	2016-17 Surplus brought forward which was additional to that in the Adopted Budget	(103,758)
OPERATING		
03 General Purpose Funding	Add: Mining (Interim) Rates under-allocated	(12,000)
04 Governance	Add: Community Donation - Tourism Assoc	5,000
05 Law, Order and Public Safety	Add: Bushfire Risk Management (BRM) Program Grant	(124,355)
	Add: BRM Program Vehicle Hire Income	(10,750)
	Add: Bushfire Mitigation Activity Fund Grant	(108,000)

	Add: Ranger Vehicle - Reimbursement	(3,050)
	Add: BRM Program Expenses	120,955
	Add: Bushfire Mitigation Activity Fund Expenses	108,000
07 Health	Add: BB Early Learning Ctr (BBELC) May - Jun Income	(19,200)
	Add: BB Medical Ctr Income under-allocated	(19,575)
	Add: BBELC May - Jun Expenses	24,000
	Add: BBELC Start Up Expenses	30,000
	Add: BB Medical Ctr Expenses under-allocated	19,575
09 Housing	Add: 7 Knapp St GROH rental income	(7,800)
	Add: Trees @ 7 Knapp & Septics @ 1 Rogers	3,500
10 Community Amenities	Add: Cemetery Fees under-allocated	(2,000)
	Less: Landfill Site Expense over-allocated (Savings)	(3,000)
11 Recreation & Culture	Less: 2017-18 Kidsport Program not Funded through the Shire	6,000
11 Recreation & Culture	Add: RSL Contribution: RSL Memorial Upgrade	(10,000)
	Less: 2017-18 Kidsport Program over-allocated	(6,000)
12 Transport	Less: Engineering Systems Review Deferred	(12,000)
13 Economic Services	Less: Caravan Park income over-allocated	6,500
	Add: Flax Mill Shed lease income	(1,500)
	Less: Building Mtce Officer Savings	(10,000)
	Less: Waterwise @ the Flax Mill/Caravan Pk	(6,000)
	Add: Flax Mill Shed lease expense	3,000

	Add: Saleyards - Industrial Development	10,000
14 Other Property & Services	Less: Corp Services Wages - Savings	(57,400)
MOVEMENTS & NON-OPERATING GRANTS		
Accrued Expenses	Add: 2016-17 Tone Bridge expense paid 2017-18	309,000
Non-Op Grants	Less: Football Club contribution to Clubrooms	10,000
	Less: CSRFF Grant to Football Clubrooms	10,000
	Less: CSRFF Grant to Netball Courts	7,000
	Add: DFES Grant McAlinden 2.4 Fire Appliance	(335,000)
	Less: R2R Program Review, Grant over-allocated	92,365
CAPITAL PROGRAM		
Investment Properties	Add: Knapp St lease to GROH, paint & floor coverings	12,500
	Less: House Build for GROH	(450,000)
	Add: Flax Mill Shed Fence	10,000
Land & Buildings	Less: Football Clubroom Refurbishment	(30,000)
	Add: Town Hall leach drain replaced	5,750
Plant & Equipment	Add: Revised Plant Replacement as attached	179,780
Furniture & Equipment	Add: BBELC Start Up (ICT & other F&E)	10,000
Roads, Bridges etc	Less: Tone Bridge expense	(309,000)
	Less: R2R Program Review, over-allocated	(87,155)
	Add: CBD Parking Signage	5,800
Other Infrastructure	Less: Netball Courts Surface Refurbishment	(21,000)

	Add: RSL Memorial upgrade	20,000
	Add: BB Pool Splash Pad	40,750
Sale Proceeds	Less: Revised Plant Replacement as attached	133,655
New Borrowings	Less: GROH House Build	450,000
	Less: Lodge Borrowings	105,413
Transfers to Reserve	Less: Netball Court funds	(14,000)
	Less: Plant & Equipment movements as per attached	(88,635)
Transfers from Reserve	Less: Football Clubrooms	10,000
	Less: Netball Courts	14,000
	Less: Plant & Equipment movements as per attached	88,,635
	Overall Change (surplus)	\$0

8.3 CHIEF EXECUTIVE OFFICER

**8.3.1 Minister for Planning Modifications to Scheme Amendment No. 16
Lot 1 Forrest Street, Boyup Brook and portion of Railway Parade.**

Location:	<i>Lot 1 Forrest Street and portion of Railway Parade</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>Lot 1 Forrest Street</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>15 March 2018</i>
Author:	<i>A. Nicoll, Town & Regional Planner</i>
Authorizing Officer:	<i>Alan Lamb, Chief Executive Officer</i>
Attachments:	<i>Minister Modifications</i>

SUMMARY

At the February 2018 Council meeting, Council was requested (Item 8.3.1) to consider modifications made by the Minister for Planning to the Amendment No.16.

The Amendment No.16 is proposing to rezone Lot 1 Forrest Street to the 'Residential' zone.

At the February meeting, Council resolved:

'That a classification...be sought to accommodate commercial and residential usage.'

The Council did not essentially make a resolution pertaining to the Ministers modifications. This item is therefore being brought back to the Council and is requesting that the Council agree to receive the Ministers Modifications to the Amendment 16.

Should the Council wish to enable both commercial and residential use at the subject land, a new amendment will need to be prepared. The new amendment will need to be prepared, when the Amendment No.16 is finally gazetted. The new amendment will in essence propose to rezone Lot 1 Forrest Street, from the 'Residential' zone to the 'Commercial' zone. Both 'Grouped Dwelling' and 'Shop' may be considered in the 'Commercial' zone.

BACKGROUND

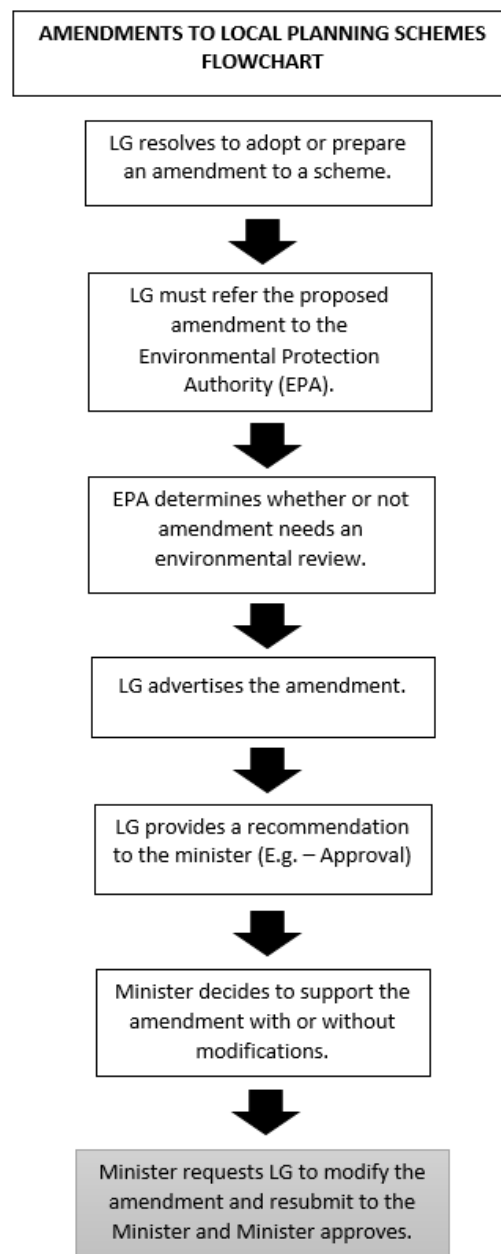
In 2016, the Council resolved to finally adopt a proposal to rezone Lot 1 Forrest Street from the 'Parks and Recreation' reserve to the 'Residential' zone.

The Council's final decision on the amendment was then forwarded to the Minister for Planning. On receipt of the proposed rezoning, the Minister for Planning resolved to adopt the proposal subject to modifications.

The Ministers modifications were then presented to the Council in February 2018.

COMMENT

When amending a Local Planning Scheme, the following 'Standard' process occurs:



As indicated above, the amendment process involves preparation, advertising, finally consideration by Council and then final consideration by the Minister for Planning.

The Amendment No.16 has reached its final stage. The role of the Local Government now is to modify the amendment and to return the modified amendment to the Minister for gazettal. This process is set out by Regulation 62 of the *Planning and Development (Local Planning Schemes) Regulation 2015*.

The item 8.3.1, that was presented to the February Council should not have recommended that the Council resolve to support the Ministers modifications to the Amendment No.16. Instead the item should have simply requested that the Council receive the Ministers Modifications to the Amendment No.16.

The Amendment No.16, was instigated on the notion of developing grouped dwellings at the Lot 1 Forrest Street.

Should the local government wish to pursue commercial and residential uses over the subject site, a new amendment document will need to be prepared and the above 'Standard' procedure undertaken.

The new amendment will propose to rezone Lot 1 Forrest Street from the Residential' zone' to the 'Commercial' zone.

This will enable a combination of land uses under the one zone, including 'Grouped Dwelling' and 'Shop'.

STATUTORY OBLIGATIONS

Regulation 62(2) of the *Planning and Development (Local Planning Schemes) Regulation 2015* states:

- 2) *Within 42 days, or such longer period as allowed by the Commission, of being notified that, under section 87(2)(b) of the Act, the Minister requires the local government to modify the amendment to the local planning scheme, the local government must —*
 - (a) modify the amendment as required; and*
 - (b) execute the modified amendment; and*
 - (c) submit to the Minister a copy of the executed documents.*
- 3) *If a local government is notified that the Minister has, under section 87(2)(a) of the Act, approved the amendment to the local planning scheme, the local government must provide to the Commission for endorsement copies of the amendment as required by the Commission, including not less than 2 copies of the amendment documents that have been executed by the local government.*

VOTING REQUIREMENTS

Simple majority

CONCLUSION

The Minister is prepared to support the proposed Amendment 16 subject to minor modifications.

The Council is requested to agree to receive the Ministers Modifications to the Amendment 16. The modifications are presented as an attachment to this report item.

The Local Government must then execute the modified amendment and submit to the Minister, a copy of the executed documents.

Should the local government wish to pursue a combination of commercial and residential uses over the site, the Council has the option of resolving to prepare a scheme amendment to rezone Lot 1 Forrest Street from the 'Residential' zone to the 'Commercial' zone. Ideally this should occur after gazettal of the Amendment No.16.

OFFICER RECOMMENDATION - Item 8.3.1

That Council

- 1. Resolves to agree to receive the Ministers Modifications to the Amendment No.16.**

8.3.2 Delegation of Authority – Appointment of Authorised Officers under the Public Health Act 2016

Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	2 March 2018
Author:	Alan Lamb - Chief Executive Officer
Authorizing Officer:	Alan Lamb - Chief Executive Officer
Attachments:	Nil

SUMMARY

The purpose of this report is to request that Council delegates to the Chief Executive Officer, the authority to appoint and/or designate Authorised Officers under the provisions of Section 21 of the *Public Health Act 2016*.

BACKGROUND

The new *Public Health Act 2016* provides modern legislation to regulate public health in Western Australia. The Act repeals much of the outdated *Health Act 1911* and is designed to better protect and promote the health of all Western Australians.

The *Public Health Act 2016* provides a flexible and proactive framework for the regulation of public health. Key features of the Act include:

- Promoting public health and wellbeing in the community.
- Helping prevent disease, injury, disability and premature death.
- Informing individuals and communities about public health risks.
- Encouraging individuals and their communities to plan for, create and maintain a healthy environment.
- Supporting programs and campaigns intended to improve public health.
- Collecting information about the incidence and prevalence of diseases and other public health risks for research purposes.
- Reducing the health inequalities in public health of disadvantaged communities.

Council is being requested to delegate to the Chief Executive Officer the authority to appoint and/or designate Authorised Officers under the provisions of Section 21 of the *Public Health Act 2016*.

The *Public Health Act 2016* received Royal Assent of 25th July 2016. The *Health Act 1911*, renamed *Health (Miscellaneous Provisions) Act 1911*, will be phased out over a period of 3-5 years through a staged process and be replaced by the *Public*

Health Act 2016. Stage 3 of the Public Health Act roll-out, which included provisions for the designation and appointment of Authorised Officers, occurred on 24th January 2017.

COMMENT

Local governments will enforce the *Public Health Act 2016*. Authorised officers (previously known as Environmental Health Officers) are responsible for investigating any public health matter within their local government boundaries.

Traditionally, under the provisions of the *Health Act 1911*, all Environmental Health Officers were “Approved” by the Executive Director Public Health to perform specified functions of the Act. The Executive Director Public Health was a specified role within the *Health Act 1911* and the person assigned to that role was an employee of the Department of Health WA.

Under the *Public Health Act 2016*, existing Environmental Health Officers will be automatically designated as Authorised Officers. However, the authority cards need to be signed off by the local government or the appointed delegate to authorise the officers to undertake duties under *the Public Health Act 2016*. New employees to the Shire will need to be both, designated and authorised. Under Section 21(1)(b)(i) of the *Public Health Act 2016*, local government may delegate the function of designating and authorising officers to the Chief Executive Officer.

The delegation would ensure that the administrative process for designating and appointing authorised officers can be expedited and that Environmental Health Officers employed by the Shire can be given authority to perform their functions almost immediately.

Section 30 of the *Public Health Act 2016* specifies that an authorised officer must be issued a certificate of authority card by the Local Government. It is envisaged that this certificate of authority would be signed or approved by Council’s delegate. The Chief Executive Officer has been recommended for this delegation.

This report informs the Council of the commencement of the *Public Health Act 2016*, and recommends that the Chief Executive receive delegated authority from Council to designate and appoint Authorised Officers under the new Act. This will ensure that Environmental Health Officers are able to enforce provisions of the *Public Health Act 2016* and *Health (Miscellaneous Provisions) Act 1911* from 24th January onwards.

CONSULTATION

The author has spoken with the Director of Corporate Services and other staff in relation to this item.

STATUTORY OBLIGATIONS

The Public Health Act 2016, the Health (Miscellaneous Provisions) Act 1911 and the Local Government Act 1995.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority.

OFFICER RECOMMENDATION – ITEM 8.3.2

That Council delegates to the Chief Executive Officer, the authority to appoint and/or designate Authorised Officers under the provisions of Section 21 of the *Public Health Act 2016*.

8.3.3 Appointment of Authorised Officer Under the Food Act 2008

Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	2 March 2018
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Alan Lamb - Chief Executive Officer
Attachments:	Nil

SUMMARY

The purpose of this report is to approve the update of its list of officers that have been appointed as Authorised Officers under the Food Act 2008.

- The Shire on occasions carries out a Food Safety Program under the Authority of the *Food Act 2008*.
- Some of the functions within this program require an officer to be an 'Authorised Officer' for the purposes of this Act.
- Council has the authority under Section 122 (1) of the *Food Act 2008* to appoint officers as 'Authorised Officers.'
- The Shire is required under the Section 122 (2) of the *Food Act 2008* to prepare and maintain a list of authorised officers that have been appointed.
- The Shire is seeking to update its list of Authorised Officers

It is recommended that the Council appoint the Shire's Environmental Health Officer as an 'Authorised Officer' (with conditions) under the Food Act to ensure all current staff have the appropriate authorisation.

BACKGROUND

Community and Regulatory Services wishes to update its list of officers that have been appointed as Authorised Officers under the *Food Act 2008*. This report seeks that Council appoints these officers as 'Authorised Officers' under the *Food Act 2008*.

COMMENT

The Shire's Community and Regulatory Services carry out a Food Safety Program. Part of this program involves Environmental Health Officers carrying out routine risk assessments on food businesses within the Shire.

A foundation of this program is the ability of the officers involved to exercise the powers of an 'Authorised Officer' under the *Food Act*. The powers of an 'Authorised Officer' include; powers of entry, issuing 'Improvement' and 'Infringement Notices', collection of evidence and the power to sample or seize food.

Therefore the act of being appointed as an 'Authorised Officer' is fundamental to the Community and Regulatory Services staff's ability to carry out their role as required by the Shire.

In addition *S. 48 of the Food Act states that 'a person must not resist, obstruct or attempt to obstruct an authorised officer in the performance of the authorised officer's functions under this Act.'* (Penalty \$10 000). This section of the Food Act supports the role of Health Services, but only once the officers are 'authorised'.

The Shire must provide each Authorised Officers appointed with a certificate of authority as prescribed under S.123 of the *Food Act 2008*.

CONSULTATION

The author has spoken with the Director of Corporate Services and other staff in relation to this item.

STATUTORY OBLIGATIONS

Food Act 2008 S. 122

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Organisational Capability - Build organisational capability through our People

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority.

OFFICER RECOMMENDATION – Item 8.3.3

That the Council resolve to:

- 1) Appoint the following Environmental Health Officers as 'Authorised Officers' under S.122 of the *Food Act, 2008*.**

Angela Hales

Wayne Jolley

Dean Guja

8.3.4 Review of Health Local Laws

File:	<i>Local Laws</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>26th Feb 2018</i>
Author:	<i>Angela Hales – Environmental Health Officer</i>
Authorizing Officer:	<i>N/A</i>
Attachments:	<i>yes –Appendix 1& 2 - Local Government Operational Guidelines</i>

SUMMARY

The *Local Government Act 1995* (the Act) provides the Shire with the power to make local laws. The Shire has a number of local laws, which provide governance, help manage, regulate and carry out its functions throughout the district.

Section 3.16 of the Act requires the Shire's local laws to be reviewed within an eight year period after their commencement in order to determine if the local laws should remain unchanged, be repealed or amended.

The Health Local Laws are overdue for review. The review will allow for the adoption, amendment and possible repeal of local laws that are no longer relevant, or require up dating to bring them in line with modern living within the Shire of Boyup Brook.

BACKGROUND

With the proclamation of the amendments to the *Health Act 1911*, and the staged introduction of the *Public Health Act 2016*, the Shire of Boyup Brook Health Local Laws require reviewing to ensure they were current and applicable to the needs to protect the health, safety and harmony of our community.

Were it is found that any aspect of a local law or that the subsidiary legislation has become defunct or obsolete, the Shire must then commence the process outlined in section 3.12 of the Act to implement any changes.

COMMENT

- The review is a statutory requirement that has not been conducted for many years.
- The *Health Local Laws 2004*, were made pursuant to powers under the *Health Act 1911*.

- The *Health Act 1911* has been repealed and is now amended as the *Health (Miscellaneous Provisions) Act 1911*.
- Local Health laws are now made under the provisions in the *Local Government Act 1995*.
- The above changes in legislation has also resulted in some designation changes such as Executive Director of Public Health to Chief Health Officer, and Environmental Health Officer to Authorised Person, which required updating.
- Separation of the local laws relating to waste will reflect current operational management strategies.
- Duplicate laws covered by state legislation will be removed.

CONSULTATION

The review will be conducted by Dean Guja from Environmental Health Services in consultation with Angela Hales, and Stephen Carstairs.

Local and Statewide Public notices will be posted of the proposed laws inviting submissions from the public in accordance with section 3.12(3)(a)(i)-(iii)

STATUTORY OBLIGATIONS

Section 3.16 of the *Local Government Act 1995* as follows:

3.16. Periodic review of local laws

(1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

(2) The local government is to give Statewide public notice stating that —

(a) the local government proposes to review the local law; and

(b) a copy of the local law may be inspected or obtained at any place specified in the notice; and

(c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.

(2a) A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.

(3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.

(4) When its council has considered the report, the local government may determine whether or not it considers that the local law should be repealed or amended.*

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

There are no known strategic issues

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION - Item 8.3.4

1. Council endorse the review of the *Health Local Laws 2004*.
2. As required by section 3.16, council give local and statewide notice of the proposed review of its Health Local Laws including all the requirements set out at section 3.16 of the *Local Government Act 1995*.

8.3.5 Review of Delegation Register

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>GO/15/004</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>10 December 2015</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – current Register of Delegations of Authority Manual Showing proposed changes & Proposed New Delegation</i>

SUMMARY

This item reviews the existing Delegation Register and recommends that the draft delegation be adopted.

BACKGROUND

Local Government Act 1995 section 5.42(1) states a local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

Local Government Act 1995 section 5.46(2) states At least once every financial year, delegations made under this Division are to be reviewed by the delegator. Council last reviewed its delegations 16 March 2017.

COMMENT

The attached draft is the current list of delegations as adopted in March 2017 and the delegations are reviewed annually

CONSULTATION

The consultant consulted with all relevant staff.

STATUTORY OBLIGATIONS

Local Government Act 1995 (various sections)
Local Government Act (Administration) Regulations 1996
Local Government Act (Functions and General) Regulations 1996
Occupational Safety and Health Act 1984 and Regulations 1986
Local Government (Financial Management) Regulations 1996
Local Government (Miscellaneous Provisions) Act 1960

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The adoption and implementation of this Delegations Authority will not require any additional expenditure.

STRATEGIC IMPLICATIONS

The Delegations of Authority will assist with the delivery of “Best Practice” within the industry.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – Item 8.3.5

That Council adopt the Delegation Register as presented and the same be implemented as from 15 March 2018 until further notice.

9 COMMITTEE MINUTES

9.1.1 Minutes of the South West Zone Meeting

Location: N/A
Applicant: N/A
File: n/a
Disclosure of Officer Interest: Nil
Date: 9 May 2017
Author: Alan Lamb - CEO
Attachments: Yes – Minutes

BACKGROUND

The South West Zone meeting was held on 23rd February 2018.

Minutes of the meeting are attached.

OFFICER RECOMMENDATION – Item 9.1.1

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

9.1.2 Minutes of the Water Playground Committee

Location: N/A
Applicant: N/A
File: n/a
Disclosure of Officer Interest: Nil
Date: 9 May 2017
Author: Alan Lamb
Attachments: Yes – Minutes

BACKGROUND

The Water Playground Committee meeting was held on 22nd February 2018 and 7th March 2018.

Minutes of the meeting are attached.

OFFICER RECOMMENDATION – Item 9.1.2

That the minutes of the Water Playground Committee meeting be received.

COMMITTEE RECOMMENDATION - Item 9.1.2

That the Water Playground Committee recommend to Council at the March Ordinary Council meeting, that it formulate a Swimming Pool Committee to address the broader issues around the swimming pool usage and availability.

CEO NOTE

Council appoints committees, sets their purpose and term of operation so the foregoing should read:

That the Water Playground Committee recommend to Council at the March Ordinary Council meeting:

- 1. That Council appoints Cr _____, Cr _____
Cr _____ and Cr _____ to a Swimming Pool Committee with the
purpose being to address the broader issues around the swimming pool
usage and availability.**
- 2. That Council disbands the existing Water Playground Committee**

9.1.3 Minutes of the Audit and Finance Committee Meeting Held 15 March 2018

Location: N/A
Applicant: N/A
File: n/a
Disclosure of Officer Interest: Nil
Date: 9 March 2018
Author: Alan Lamb
Attachments: Yes – Minutes

BACKGROUND

The Audit and Finance Committee meeting was held on 15th March 2018.

Minutes of the meeting are attached.

OFFICER RECOMMENDATION – Item 9.1.3

That the minutes of the Audit and Finance Committee meeting be received.

COMMITTEE RECOMMENDATION - Item 9.1.3.1

That the Audit and Finance Committee recommend that Council:

1. Receives the 30 June 2017 Financial Statements and auditor's report, and the auditor's 30 June 2017 Management Report.
2. Direct the CEO to incorporate the shire's endorsed (Res. 47/17) 2017-18 to 2026-27 Ten Year Works Programs (including a Ten Year Plant Replacement Program) into the shire's Asset Management Plans as addenda.
3. Direct the CEO to continue to develop each year, rolling ten year works and plant replacement programs for presentation to Council in the second quarter of the calendar year, and as required incorporate these programs into the shire's asset management plans as addenda.
4. Direct the CEO to have a copy of this report forwarded to the Minister, and to also publish it on the shire website.

COMMITTEE RECOMMENDATION - Item 9.1.3.2

1. That the Audit and Finance Committee report to Council that its review of the 2017 Compliance Audit Return has determined as follows:
 - (a) The 2017 Compliance Audit was conducted in-house by the shire's Corporate Services business unit, and took place during February and March 2018.
 - (b) The compliance audit provides both the Council and Chief Executive Officer (CEO) with an additional element of accountability through an arm's length check of internal management systems, procedures and record keeping.
 - (c) The 2017 Compliance Audit Return was prepared in a form (secure electronic return system) approved by the Minister.
 - (d) The Corporate Services audit involved an examination of the records of the shire and the provision of information and advice from relevant shire employees. Further, it consisted of an inspection, on a test basis, of evidence supporting the status of compliance. The process consisted of a comprehensive audit test check of items such as: the various Council meeting minutes; primary and annual return registers; financial interest disclosures; and tender and other statutory registers. Other items in the Return were the subject of examination based upon a detailed check of relevant records.
 - (e) The Audit and Finance Committee added additional scrutiny, including local first hand knowledge of some of the matters.
 - (f) NOTE wording for (f) to come from committee agenda and discussions at that meeting.
2. That the Audit and Finance Committee recommends Council adopts the 2017 Annual Compliance Return, and that the Shire President and CEO certify the return for submission to the Executive Director (*Department of Local Government and Community*) by 31 March 2018.
- 10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

11.1 Resolution to Prepare Amendment (No.19) to Local Planning Scheme No.2 – Lot 34 Blechynden Street and Lot 38 Mitchell Avenue, Boyup Brook

Location: Lot 34 Blechynden Street and Lot 38 Mitchell Avenue, Boyup Brook

Applicant: Shire Boyup Brook

File:

Disclosure of Officer Interest: None

Date: March 2018

Author: A. Nicoll, Town & Regional Planner

Authorizing Officer: Alan Lamb, Chief Executive Officer

Attachments: Nil

SUMMARY

The purpose of this report is to put before Council the request to resolve to prepare an amendment to the Shire of Boyup Brook *Local Planning Scheme No.2*.

The amendment involves rezoning Lot 34 Blechynden Street and Lot 38 Mitchell Avenue, Boyup Brook from the 'Residential' zone to the 'Public Purpose' reservation.

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

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

r.35 (2) A resolution must —

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

The amendment is a 'standard' amendment in accordance with part (e), (f) and (g) of the standard amendment definition contained in Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

- (e) *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- (f) *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;*
- (g) *any other amendment that is not a complex or basic amendment.*

BACKGROUND

The Boyup Brook Museum currently operates at Lot 1 Jays Road and Lot 34 Blechynden Street.



The Shire of Boyup Brook recently purchased the neighbouring Lot 38 Mitchell Avenue.

COMMENT

Lot 34 Blechynden Street and Lot 38 Mitchell Avenue are zoned 'Residential'.

These lots are owned by the Shire and proposed to be utilised as a museum.

The Lot 34 Blechynden Street, is currently developed and used as a museum, along with the neighbouring Lot 1 Jays Road, which is reserved for 'Public Purpose'.

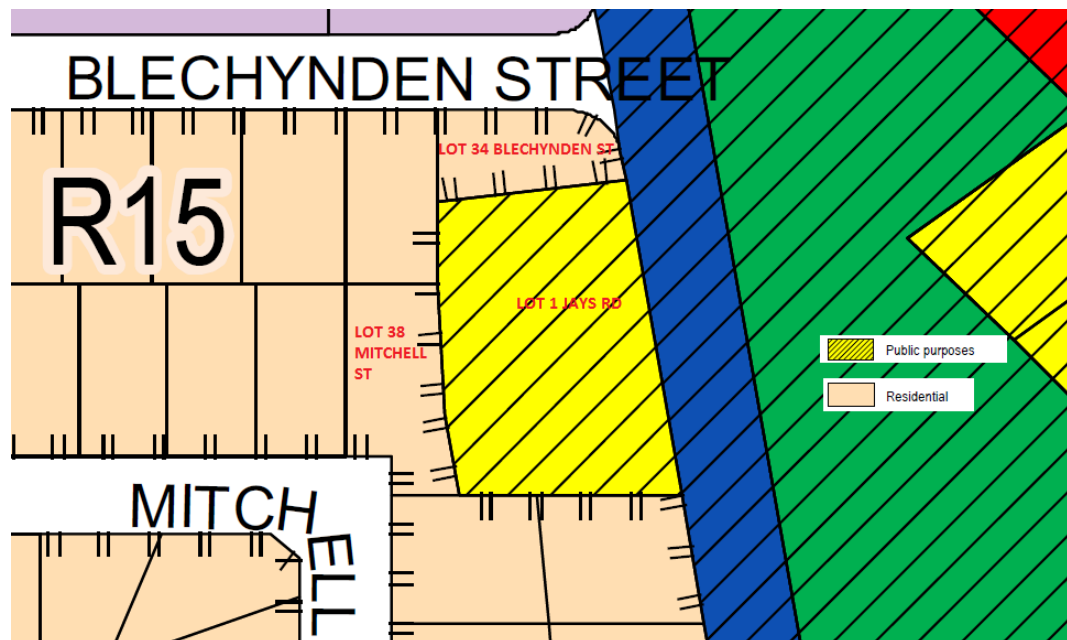
The Lot 38 Mitchell Avenue is currently vacant. The museum proposes to seek grant funding to develop amenity facilities (toilets) and a 'Storage' shed at the Lot 38 Mitchell Avenue.

The Lot 38 Mitchell Avenue and the Lot 34 Blechynden Street should ideally be reserved for 'Public Purposes', similar to the reserve purpose designated for the Lot 1 Jays Road.

The proposed use 'Storage' is a use that is not permitted in the 'Residential' zone, in accordance with the Shire's scheme (Table No.1 – zoning table).

The use 'Storage' may be considered at a 'Public Purpose' reservation.

See following diagram, which indicates subject lots and current scheme zone or reservation.



The Lot 38 Mitchell Avenue is 1104.34m² in area. The property is reasonably flat and vacant of vegetation or development.

Should the development of a building be proposed at the subject Lot 38 Mitchell Avenue, minimal earthworks, retaining and stormwater management (water tank(s) and attenuation basin(s)) may be necessary.

Lot 38 Mitchell Avenue is surrounded on two sides by residential housing. Development approval at the subject site should consider appropriate setbacks to neighbouring housing (e.g. 3m) and limit the height of development and use of materials - in keeping with existing neighbouring developments.

STATUTORY OBLIGATIONS

Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to prepare a standard scheme amendment for advertising and referral to relevant public authorities.

POLICY IMPLICATIONS

There are no policy implications relating to this item.

CONSULTATION

If a local government resolves under regulation 35(1) to prepare an amendment to a local planning scheme, the local government must advertise the amendment.

Section 81 of the Act requires a local government to refer an amendment to the Environmental Protection Authority to determine if it should be formally assessed.

BUDGET/FINANCIAL IMPLICATIONS

There are no financial implications beyond what has been budgeted for (planning fees) in the 2017/18 budget.

Additional financial outlay, beyond the rezoning of the subject land, may include:

1. Design and development of a storage shed, toilets, earthworks, and stormwater infrastructure.
2. Financial contribution (50%) toward grant funding.

Part 11 of the *Planning and Development Act 2005 (WA)* (PD Act) sets out the circumstances in which compensation may be paid arising from an adverse planning decision or scheme amendment.

In particular, section 173 of the PD Act provides that any person whose land is injuriously affected by the making or amendment of a planning scheme is entitled to obtain compensation in respect of the injurious affection from the responsible authority.

Clause 174 also provides that land is injuriously affected by reason of the making or amendment of a planning scheme, if among other things:

- that land is reserved under the planning scheme for a public purpose; or
- the scheme permits development on that land for no purpose other than a public purpose.

If there is a question as to whether land is injuriously affected, an application may be made to the State Administrative Tribunal (SAT) for a determination of the question under s.176 of the PD Act.

The subject lots are owned solely by the Shire of Boyup Brook and therefore an application for injurious is not expected.

STRATEGIC IMPLICATIONS

There are no strategic implications relating to this item.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 11.1

That Council

Resolves to prepare an amendment to the Shire of Boyup Brook *Local Planning Scheme No.2* in accordance with regulations 35(1) and 35(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, as follows:

Planning and Development Act 2005

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

Local Planning Scheme No.2

Amendment No 19

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

- 1. PREPARE Amendment No. 19 to amend Shire of Boyup Brook *Local Planning Scheme No. 2* by:**
 - 1. Rezoning Lot 34 Blechynden Street and Lot 38 Mitchell Avenue, Boyup Brook from the 'Residential' zone to the 'Public Purpose' reservation and amending the Scheme maps accordingly.**

Note: The amendment is a standard amendment in accordance with part (e), (f) and (g) of the standard amendment definition contained in Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

2. ADVERTISE the Amendment No. 19 in accordance with Part 5, r.47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Dated this 15 day of March 2018

Alan Lamb

Chief Executive Officer

12 CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS

13 CLOSURE OF MEETING