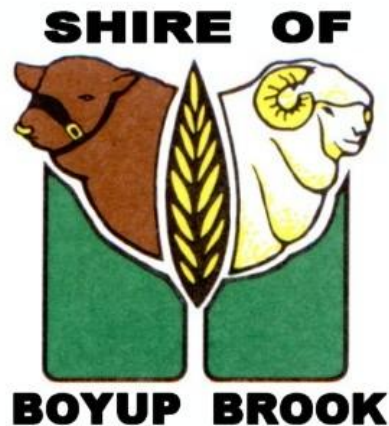


Minutes



ORDINARY MEETING

held

THURSDAY 19 April 2018

Commenced AT 5.06PM

AT

**SHIRE OF BOYUP BROOK
CHAMBERS**

ABEL STREET – BOYUP BROOK

TABLE OF CONTENTS

1	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED	3
1.1	Attendance.....	3
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	5
3	APPLICATIONS FOR LEAVE OF ABSENCE	5
4	PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS	5
5	CONFIRMATION OF MINUTES	6
6	PRESIDENTIAL COMMUNICATIONS	6
7	COUNCILLORS QUESTIONS ON NOTICE.....	6
8	REPORTS OF OFFICERS.....	6
8.1	MANAGER WORKS & SERVICES.....	7
8.1.1	10 Year Works Programs	7
8.1.2	Purchase of a Rake for Councils Front End Loaders	9
8.2	FINANCE	12
8.2.1	List of Accounts Paid in March 2018	12
8.2.2	31 March 2018 Statement of Financial Activity	15
8.3.10	Upper Blackwood Agricultural Society - casual hire permission request	17
8.3.11	Upper Blackwood Agricultural Society - commemorative pathway	21
8.3.14	Report on Pool Hours for 2018 – 2019 Pool Season.....	26
8.3	CHIEF EXECUTIVE OFFICER.....	29
8.3.1	Sandakan Day Memorial Service 2018 - Sandakan	29
8.3.2	Local Government Convention and Exhibition.....	35
8.3.3	Development (Advertisements x 5) – Shire of Boyup Brook	39
8.3.4	Development – Single Dwelling (Setback relaxation) - Lot 233 (#187) Ridgeview Avenue, Boyup Brook	46
8.3.5	Resolution to Prepare ‘Deemed’ Scheme Amendment (No.20) to Local Planning Scheme No.2 – Shire of Boyup Brook.	52
8.3.6	Blackwood Biosecurity - Proposal to implement declared pest rate	57
8.3.7	Boyup Brook Tourism Association Inc - Review of annual assistance	63
8.3.8	Reserve 33552 - Sale yards - Request to develop for industrial uses.....	68
8.3.9	Solar Project.....	82
8.3.12	Boyup Brook Citizens Lodge – Shire assistance with Health Department accommodation room improvements	89
8.3.13	2017-18 Long Term Financial Plan & Corporate Business Plan.....	93
8.3.15	Water Playground Project.....	95
9	COMMITTEE MINUTES.....	99
9.1.1	Minutes of the Water Playground Committee.....	99
9.1.2	Minutes of the Local Emergency Management Committee	99
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	100
11	URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT	100
12	CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS.....	100
13	CLOSURE OF MEETING	100

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 Rob Staniforth-Smith (Director Engineering Services)
Mrs Maria Lane (Executive Assistant)

PUBLIC: Mrs S White
Ms S Titchmarsh
Mr K Chambers

1.2 Apologies

Nil

1.3 Leave of Absence

Nil

2 PUBLIC QUESTION TIME

Sue White asked the following questions:

- 2.1 Can the President assure me (and the community) that at each of the next 5 Council Meetings he will expect a report from the Chief Executive Officer on progress of the repair of the heating system at the Pool.

Response from Shire President

No.

- 2.2 Can Council inform me as to what is the policy for putting Agenda attachments up on the website?

Response from Shire President

Some attachments include confidential matters, also some attachments are received after the Agenda has been placed on the website.

- 2.3 Report on Pool Hours for 2018-2019 Pool Season.

- (a) Can the Chief Executive Officer tell us why the draft timetable for the Pool Hours was not shown to the Pool Manager prior to presentation to this meeting?
- (b) If this draft timetable is accepted at this meeting with further alterations be made without the full Councils approval?

Response from Chief Executive Officer

- (a) The CEO replied that he was not aware of what the Pool Manager had or had not been provided prior to this Council meeting. That if the Pool Manager had an issue with information being provided to her, she was aware of the management structure and the need to work within it. That this enquiry appeared to be an industrial relations matter and as such could not be discussed and should be raised by the employee to her Manager.

Response from Shire President

- (b) The Swimming Pool Committee will discuss the timetable for the Pool Hours.

2.1 Response to Previous Public Questions Taken on Notice

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr O'Connell attended WALGA Training on 19th March 2018 – Understanding Financial Reports & Budgets.

Cr O'Connell attended WALGA Training on 20th March 2018 – Effective Community Leadership.

Cr O'Connell attended the Water Playground Committee meeting on 23rd March 2018.

Cr O'Connell attended meeting as CRC Secretary on 27th March 2018 with Shire CEO and Shire President and CRC Manager, Jodi Nield.

Cr O'Connell attended the Boyup Brook CRC Management Committee meeting on 28th March 2018.

Cr O'Connell attended Rylington Park AGM on 5th April 2018 – nominated as Secretary and Shire representative.

Cr O'Connell attended the Annual Awards Committee meeting on 12th April 2018.

Cr Rear attended the Water Playground Committee meeting on 23rd March.

Cr Rear attended the Annual Awards Committee meeting on 12th April where they updated the policy and procedures.

Cr Rear attended the Boyup Brook District Pioneer Museum meeting on 14th March 2018.

Cr Rear reminded Council that the "Blacksmith Open Day" will be held on 17th May 2018 at the Museum.

Cr Alexander attended the Water Playground Committee meeting on 23rd March.

Cr Walker emailed the CEO with a link regarding information to Biosecurity - Pest Plants Local Law 2016.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 15 March 2018

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 5.1

MOVED: Cr Kaltenrieder

SECONDED: Cr Muncey

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

CARRIED 9/0

Res 51/18

6 PRESIDENTIAL COMMUNICATIONS

Attended Rylington Park (Storm in a Teacup) on 16th March. Over 200 tickets were sold, growing by the year. They had very good speakers.

Attended a Rylington Park AGM meeting.

Attended a Community Resource Centre meeting on 27th March.

Attended WALGA training on 19th and 20th March - Understanding Financial Reports and Budgets and Effective Community Leadership.

Attended a Boyup Brook Sporting Club meeting on 5th April. The next meeting will be held on 3rd May 2018.

On 15th April Rylington Park Members began stage 2, dismantling the sheep yards at the Saleyards.

Attended a luncheon on 17th April - Agricultural Hall of Fame 2018 Induction.

7 COUNCILLORS QUESTIONS ON NOTICE

Nil

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

WITHDRAWN - ITEM 8.1.1

The CEO withdrew item 8.1.1 as the attachments were not received in time for Council to endorse.

This item will be brought back to the May Council meeting.

8.1.1 10 Year Works Programs

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Not applicable</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>7th of March, 2018</i>
Author:	<i>Rob Staniforth-Smith - MWKS</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>>10 year gravel re-sheeting program >10 year seal program >10 year maintenance program >10 year footpath program >10 year widening program >10 year plant replacement program >10 yr drainage replacement program >10 year bridge capital works.</i>

SUMMARY

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

BACKGROUND

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

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

COMMENT

The 10 year Works Programs have been prepared for the 2017-2018 budget considerations and future years costing have been calculated in terms of current dollar values.

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

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

CONSULTATION

Chief Executive Officer

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

2013-2023 Strategic Community Plan

2014-2017 Corporate Business Plan

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION - ITEM 8.1.1

That the Council endorse the 2018/2019 to 2027/2028 Ten Year Works Programs as presented, for budget development and inclusion in the Strategic Plan.

8.1.2 Purchase of a Rake for Councils Front End Loaders

Location: N/A
Applicant:
File:
Disclosure of Officer Interest: None
Date: 09th of April, 2018
Author: Rob Staniforth-Smith
Authorizing Officer: Alan Lamb
Attachments: Nil

SUMMARY

This report recommends that Council approve the purchase of a “rake” for Councils front end loaders from the 2017-2018 budget item – “Heavy Vehicle Replacement – Materials and Contracts – Loader”.

BACKGROUND

Council utilises its two front end loaders for a variety of tasks in the construction and maintenance of roads, to maintain its waste sites and in its parks and gardens.

Currently when cleaning up roadsides, gravel pits, green waste piles, log heaps and rubbish piles, Council uses a “bucket” attached to the front end loader, however when pushing these piles up, the operator pushes up large piles of dirt along with the desired material, increasing the volume of material that needs to be transported away from the site.

To minimise the pushing up of additional “dirt”, it is intended to purchase a “rake” which will fit both of the front end loaders, utilising their “Euro” style quick hitch tool carriers. The rake will be retained when the loaders are changed over as they will fit the new machines.

The purchase of this rake, \$9,500 exc GST, would be from savings that were realised when purchasing the new loader for less than the budgeted amount as follows:

- Budgeted Purchase price: \$198,450
Budgeted sale price of old loader: \$ 76,190
Budgeted Change over: \$122,260 ex GST
- Actual Purchase price: \$157,000
Actual Sale price of old loader: \$ 61,000
Actual change over: \$ 96,000 ex GST

Savings: Budgeted less actual: \$ 26,260 ex GST

COMMENT

When purchasing new “Heavy Plant”, the residual value of the old piece of plant is not known until the piece of plant is sold by public treaty, either by public auction or public tender. Changeovers with a value of more than \$75,000 cannot be traded in under the Local Government Regulations.

As it is important that Council keeps its purchases of more expensive pieces of plant at or below budget, attachments are often not included in the requested price until after the piece of plant has been purchased. This allows Council Officers to review the overall cost to Council to ensure that it falls below budget.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil budget implication as the “changeover” savings when purchasing the new loader, \$26,260 exc GST will cover the additional cost of the rake, \$9,500 exc GST.

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 8.1.2

MOVED: Cr Oversby

SECONDED: Cr Rear

This Council approves the purchase of a “rake” attachment for its front end loaders, and that the cost of the new rake comes from savings when purchasing the new front end loader.

CARRIED 9/0

Res 52/18

8.2 FINANCE

8.2.1 List of Accounts Paid in March 2018
--

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>11 April 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 March 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 31 March 2018.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 March 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

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.1

MOVED: Cr O'Connell

SECONDED: Cr Walker

That at its April 2018 ordinary meeting Council receive as presented the list of accounts paid in March 2018, totalling \$728,730.97 from Municipal account, \$54,507.85 from Police Licensing account as represented by:

Municipal Cheques	20162-20170	\$ 78,681.10
Municipal Electronic Payments	EFT6291 - EFT6347	\$ 443,867.03
Municipal Direct Payments		\$ 206,182.84
Police Licensing Payments		\$ 54,507.85

CARRIED 9/0

Res 53/18

8.2.2 31 March 2018 Statement of Financial Activity
--

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	11 April 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 March 2018 Financial Reports

SUMMARY

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

Nil

STATUTORY OBLIGATIONS

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

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

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.2

MOVED: Cr Walker

SECONDED: Cr Alexander

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

CARRIED 9/0

Res 54/18

Change to Order of Business

That the order of business in the agenda be changed to allow Items 8.3.10, 8.3.11 and 8.3.14 to be brought forward and dealt with at this time.

8.3.10 Upper Blackwood Agricultural Society - casual hire permission request

Location:	N/A
Applicant:	N/A
File:	UBAS
Disclosure of Officer Interest:	19 April 2018
Author:	Joanna Kaye (Research and Development Coordinator) & Alan Lamb (Chief Executive Officer)
Authorizing Officer:	Alan Lamb (Chief Executive Officer)
Attachments:	Letter from UBAS.

SUMMARY

This report recommends that Council approves the request of the Upper Blackwood Agricultural Society (UBAS) to offer the WA Working Sheep Dog Association the Dinninup Showgrounds on a Casual Hire Basis for the Sheep Dog Trial Event Wednesday 2 May - Sunday 6 May 2018.

BACKGROUND

Based on the lease, page 13 Section 16 Casual Hire (c) the Lessee may hire the premises on a casual basis only provided: the lessee obtains the Lessor's prior written consent for any hire arrangements, the UBAS has requested in writing permission to casually hire the premises for this event.

CONSULTATION

Internal: Stephen Carstairs (Director Corporate Services) and Angela Hales (Environmental Health Officer).

External: Kevan Chambers (President UBAS) and Susan Titchmarsh (Secretary UBAS).

STATUTORY OBLIGATIONS

16. Casual Hire of Premises

- (1) The Lessee may hire out the Premises or any part thereof on a casual basis only PROVIDED:
 - (a) such use is consistent at all times with the Permitted Purpose;
 - (b) the Lessee ensures any hirer complies strictly with the relevant terms of this Lease; and
 - (c) the Lessee obtains the Lessor's prior written consent for any hire arrangements, which consent may be withheld by the Lessor in its absolute discretion.
- (2) For the purposes of this Lease, "casual hire" means any hire of the Premises by the Lessee to a third party for a period of no more than 7 days in any calendar month and does not include any formal transfer, assignment or sublease of the Premises.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Relevant excerpts from the Adopted Boyup Brook Strategic Community Plan 2017 - 2027.

Our Goals

Built Environment

- Improve road infrastructure

Social

- Improve community safety.
- Promote outdoor activities, community participation, interactions and connections.
- Strengthen an active and vibrant community.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Nil.
- **Economic**

Economic Development: Maximise Business and Employment Opportunities

Our Vision:

Our economy will thrive through diversified business and employment opportunities, taking advantage of our local comparative advantages.

We will endeavour to attract industrial and commercial opportunities for our growing community.

We will actively support our local businesses.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Economic Growth	Support new and existing businesses.	<ul style="list-style-type: none">✦ Encourage new businesses through information, incentives and land-use provision.✦ Support existing businesses through advocating for a sewerage scheme, tailored parking controls and other initiatives
Increased Visitors and Residents	Develop tourism industry	<ul style="list-style-type: none">✦ Support initiatives for events, fairs, arts, and the like designed to attract visitors to the Shire .
	Attract permanent residents	<ul style="list-style-type: none">✦ Collaborate with others on developing short stay accommodation initiatives.✦ Continue to promote the family friendly lifestyle of Boyup Brook.✦ Provide incentives for cottage industries to develop in Special Rural/Commercial Zones.

➤ **Social**

Community Priorities against Key Areas

Social: Sense of Community

Our Vision:

Our place will be a safe, caring and secure community. Our place will be an active and vibrant community.

We will have access to services and facilities that meet our requirements.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Sustainable community	Ensure a safe, secure community with access to services and facilities as needed.	<ul style="list-style-type: none">+ Continue to work on retaining a Police Station in Boyup Brook.+ Continue to encourage initiatives that provide employment opportunities.+ Continue to provide and advocate for quality medical and ancillary services in Boyup Brook+ Continue to advocate for the retention of schools from K to year 10 in Boyup Brook.+ Continue to support development which provides diversity and opportunity for accommodation.
	Promote community participation, interactions and connections	<ul style="list-style-type: none">+ Continue to support Community groups and clubs+ Partner with key stakeholders on community needs driven projects.

VOTING REQUIREMENTS

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 8.3.10

MOVED: Cr O'Connell

SECONDED: Cr Muncey

That Council approve the request of the Upper Blackwood Agricultural Society (UBAS) to offer the WA Working Sheep Dog Association the Dinninup Showgrounds on a Casual Hire Basis for the Sheep Dog Trial Event Wednesday 2 May - Sunday 6 May 2018.

CARRIED 9/0

Res 55/18

8.3.11 Upper Blackwood Agricultural Society - commemorative pathway

Location:	N/A
Applicant:	N/A
File:	UBAS
Disclosure of Officer Interest:	19 April 2018
Author:	Joanna Kaye (Research and Development Coordinator) & Alan Lamb (Chief Executive Officer)
Authorizing Officer:	Alan Lamb (Chief Executive Officer)
Attachments:	Letter from UBAS

SUMMARY

This report is for Council to consider a request from the Upper Blackwood Agricultural Society (UBAS) to install a commemorative pathway between the Main Hall and Dining Hall at the Dinninup Showgrounds.

BACKGROUND

UBAS are hoping to have the commemorative pathway with Named Pavers professionally installed for the centenary of the Show, Tuesday 6 November 2018.

UBAS is proposing they will sell these Named Pavers to local families, individuals, community groups and businesses as a fundraiser to cover the cost of the pathway. UBAS is planning to source these Named Pavers through Signature Engravers.

Based on their lease, in final stages of negotiation, the Lessee must not make any alterations without obtaining prior written consent. The Shire received a letter from Susan Titchmarsh UBAS Secretary Tuesday, 3 April requesting permission.

CONSULTATION

Internal: Stephen Carstairs (Director Corporate Services) and Angela Hales (Environmental Health Officer).

External: Susan Titchmarsh (Secretary UBAS).

STATUTORY OBLIGATIONS

AS1428.1-2009 - Design for access and mobility – General requirements for access

– New building work

Building Code of Australia 2009

Except from the Lease page 9 and 10 Section 10 Alterations.

10. Alterations

(1) The Lessee must not –

- (a) make or allow to be made any alteration, addition or improvements to or demolish any part of the Premises;
- (b) erect or construct any building on the Premises;
- (c) remove any flora, trees or fauna, alter or cut down any flora, or sell, remove or otherwise dispose of any flora, sand, gravel, timber or other materials from the Premises,
- (d) unless the Lessee has obtained the prior written consent –
- (e) of the Lessor;
- (f) of any other person from whom consent is required under this Lease; and
- (g) of any other person as may be required under any statute in force from time to time.

(2) If the Lessor –

- (a) and any other person whose consent is required under this Lease or at law consents to any matter referred to in subclause (1) the Lessor may –
 - (i) consent subject to conditions;
 - (ii) require that work be carried out in accordance with plans and specifications approved by the Lessor or any other person giving consent; and
 - (iii) require that any alteration be carried out to the satisfaction of the Lessor under the supervision of an engineer or other consultant; and
- (b) consents to any matter referred to in subclause (1) –
 - (i) the Lessor gives no warranty that the Lessor will issue any consents, approvals, authorities or permits under any statute or policies for such matters; and
 - (ii) the Lessee must apply for and obtain all such consents, approvals, authorities or permits as are required at law before undertaking any alterations, additions, improvements or demolitions.

(3) All works undertaken under this clause will be carried out at the Lessee's expense.

(4) If any of the consents given by the Lessor or other persons whose consent is required under this Lease or at law require other works to be done by the Lessee as a condition of giving consent, then the Lessee must at the option of the Lessor either –

- (a) carry out those other works at the Lessee's expense; or

-
- (b) permit the Lessor to carry out those other works at the Lessee's expense,
in accordance with the Lessor's requirements.
-

POLICY IMPLICATIONS

Disability Access and Inclusion Plan and related policy.

Policy

BUDGET/FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Relevant excerpts from the Adopted Boyup Brook Strategic Community Plan 2017
- 2027.

Our Goals

Built Environment

- Improve road infrastructure

Social

- Improve community safety.
- Promote outdoor activities, community participation, interactions and connections.
- Strengthen an active and vibrant community.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Nil.
- **Economic**

Economic Development: Maximise Business and Employment Opportunities

Our Vision:

Our economy will thrive through diversified business and employment opportunities, taking advantage of our local comparative advantages.

We will endeavour to attract industrial and commercial opportunities for our growing community.

We will actively support our local businesses.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Economic Growth	Support new and existing businesses.	<ul style="list-style-type: none">✦ Encourage new businesses through information, incentives and land-use provision.✦ Support existing businesses through advocating for a sewerage scheme, tailored parking controls and other initiatives
Increased Visitors and Residents	Develop tourism industry	<ul style="list-style-type: none">✦ Support initiatives for events, fairs, arts, and the like designed to attract visitors to the Shire .
		<ul style="list-style-type: none">✦ Collaborate with others on developing short stay accommodation initiatives.
	Attract permanent residents	<ul style="list-style-type: none">✦ Continue to promote the family friendly lifestyle of Boyup Brook.✦ Provide incentives for cottage industries to develop in Special Rural/Commercial Zones.

➤ **Social**

Community Priorities against Key Areas

Social: Sense of Community

Our Vision:

Our place will be a safe, caring and secure community. Our place will be an active and vibrant community.

We will have access to services and facilities that meet our requirements.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Sustainable community	Ensure a safe, secure community with access to services and facilities as needed.	<ul style="list-style-type: none">+ Continue to work on retaining a Police Station in Boyup Brook.+ Continue to encourage initiatives that provide employment opportunities.+ Continue to provide and advocate for quality medical and ancillary services in Boyup Brook+ Continue to advocate for the retention of schools from K to year 10 in Boyup Brook.+ Continue to support development which provides diversity and opportunity for accommodation.
	Promote community participation, interactions and connections	<ul style="list-style-type: none">+ Continue to support Community groups and clubs+ Partner with key stakeholders on community needs driven projects.

VOTING REQUIREMENTS

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 8.3.11

MOVED: Cr Oversby

SECONDED: Cr Rear

That Council approve the request of the Upper Blackwood Agricultural Society (UBAS) to install a commemorative pathway provided that:

- the pathway is accessible to people with disability and complies with AS1428.1 and the Building Code of Australia 2009
- that any health and safety issues that arise from time to time regarding the pathway are resolved by UBAS.

CARRIED 9/0

Res 56/18

8.3.14 Report on Pool Hours for 2018 – 2019 Pool Season

Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	21 March 2018
Author:	Alan Lamb - Chief Executive Officer and Daly Winter – Manager Community and Regulatory Services
Authorizing Officer:	Alan Lamb - Chief Executive Officer
Attachments:	Copies of emails and documentation received from various Groups and Individuals attached. Copy of Draft Pool Times for 2018 – 2019.

SUMMARY

At the 14th of December 2017 Council meeting Council requested a report analysing the pool opening hours to find a solution to maximise community use of the pool whilst minimising the additional labour costs. Council Officers have consulted with the main community stakeholders involved with the use of the swimming pool. This has included the Boyup Brook Swimming Club, the Boyup Brook schools (St Mary's and the District High School). Also through the Pool Manager feed-back has been received from individuals associated with the Aerobics group and lap swimmers. The feedback received in this consultation has been used to compile the new hours for the 2018 – 2019 pool season. Not all requests received within the feedback are shown within these draft pool times, however, a provision has been made to accommodate other paid hours within the budget provision for a Relief Manager to accommodate these group requests. E.G. Provision of additional time for the Swim Club to conduct longer time trials.

BACKGROUND

At the 14th of December 2017 council meeting Council resolved to:

1. Council requests a report from the CEO analysing the pool opening hours to 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 the pool 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 2018/2019 budget.

COMMENT

Officers sought support information from an Industrial Relations Consultant regarding the Local Government Industrial Award requirements in dealing with the Swimming Pool Managers and their required breaks. It was determined that a Swimming Pool Manager could have a break onsite.

CONSULTATION

Council officer Daly Winter has sought and received feedback from the Principle at St Mary's School. Had meetings with the Swimming Pool Manager, Bernard Beattie and Steve Franklin from the High School and with Council officers regarding the Pool times, Human Resource obligations and community needs. Written feedback has also been received from individuals for the Aerobic Group and the Lap swimmers via the Pool Manager.

The proposed roster:

- Gives the pool manager the 1976 hours per year as required
- Gives the pool manager the breaks required
- Meets most of the expectations of the various groups and the schools
- Doesn't include the pool closing part way through the day on school holidays and weekends.

To achieve the outcomes detailed above and to manage associated wage costs within current arrangements in the best possible manner the Shire would need to employ a Relief Pool Manager. This will incur an increased wage cost going forward. It has been estimated that this cost will be approximately \$28,000.00.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Boyup Brook Strategic Community Plan states:

Growing our Community Together – Our Shire will be: "A place that nurtures its youth and aging population."

Social Goal – "Promote outdoor activities, community participation, interactions and connections."

SUSTAINABILITY IMPLICATIONS

- **Environmental**
N/A
- **Economic**
N/A
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority.

OFFICER RECOMMENDATION – ITEM 8.3.14

That Council:

- 1. Receives the report on pool hours.**
- 2. Refers the additional expenditure relating to better meeting the community expectations on pool hour, into the draft budget.**

MOTION

MOVED: Cr Aird

SECONDED: Cr Rear

That the matter be referred to the Swimming Pool Committee for evaluation and report back to Council in May 2018.

CARRIED 9/0

Res 57/18

Note:

That the Council wished the matter be dealt with by its recently formed Swimming Pool Committee.

Mr K Chambers left the Chambers at 6.24pm
Ms S Titchmarsh left the Chambers at 6.24pm
Mrs S White left the Chambers at 6.24pm

Cr Kaltenrieder left the Chambers at 6.25pm
Cr Walker left the Chambers at 6.25pm
Cr Kaltenrieder returned to the Chambers at 6.26pm
Cr Walker returned to the Chambers at 6.28pm

8.3 CHIEF EXECUTIVE OFFICER

WITHDRAWN - ITEM 8.3.1

The CEO withdrew item 8.3.1 following discussions whilst in committee.

8.3.1 Sandakan Day Memorial Service 2018 - Sandakan
--

<i>Location:</i>	<i>N/a</i>
<i>Applicant:</i>	<i>N/a</i>
<i>File:</i>	<i>CR/26/006</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>13 April 2018</i>
<i>Author:</i>	<i>Alan lamb</i>
<i>Authorizing Officer:</i>	<i>Chief Executive Officer</i>
<i>Attachments:</i>	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council the matter of the coming function for Council to consider nominating additional delegates.

BACKGROUND

The Sandakan Day Memorial service is held annually in Sandakan Malaysia. Last year the service was held 15 August.

It is attended by many dignitaries. Last year the guest list included The British High Commissioner to Malaysia, the Australian High Commissioner to Malaysia, Chief Minister of Sabah, the Governor General of Australia, high ranking armed forces officers, politicians and the like. The occasion provides Shire delegates with the opportunity to meet and speak with a wide range of fellow leaders.

Council has a Memorandum of Understanding with the Sandakan Municipal Council as follows:

**MEMORANDUM OF UNDERSTANDING OF FRIENDSHIP BETWEEN
SHIRE OF BOYUP BROOK,
WESTERN AUSTRALIA
AND
MUNICIPAL COUNCIL OF SANDAKAN,
SABAH, MALAYSIA**

WHEREAS the Shire of Boyup Brook, Western Australia and the Municipal Council of Sandakan, Sabah, Malaysia (hereinafter referred to as 'the two Councils') have in pursuance of their declared desire to promote goodwill and understanding as well as favourable cooperation between the people of the two Municipalities.

AND WHEREAS recognizing the importance of the principals of equity and mutual benefits, the two Council's have agreed to enter into this Memorandum of Understanding of Friendship.

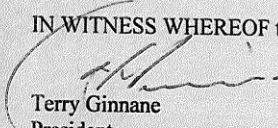
NOW THIS MEMORANDUM OF UNDERSTANDING WITNESSETH
as follows:

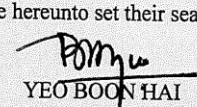
That the two Council's do hereby extend friendship and co-operation to one another in accordance with their prevailing laws and regulations in the following fields;

1. Exchange of experts in order to improve the management of the two Council's;
2. Commerce, trade and tourism
3. Administration and information;
4. Culture, arts and relic of the war;
5. Youth and sports.

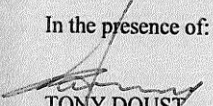
That this Memorandum of Understanding has been authorized by their respective authorities and shall come into force on the date of execution hereof.

IN WITNESS WHEREOF the two Council's have hereunto set their seals.

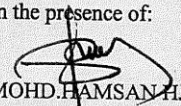

Terry Ginnane
President
Shire of Boyup Brook, Australia


YEO BOON HAI
President
Sandakan Municipal Council

In the presence of:


TONY DOUST
Chief Executive Officer
Shire of Boyup Brook

In the presence of:


MOHD. HAMSAN HJ. AG SUPAIN
Secretary,
Sandakan Municipal Council

Dated 22nd October 2007.

Council has made a practice of sending the President, and occasionally other Councillors, to Sandakan annually and has a policy to support this. It also invites the Sandakan Municipal Council President, and other dignitaries, to the annual service in Boyup Brook.

COMMENT

This relationship between the two Councils is that it has its roots in the tragedies of the Second World War and the pain and suffering of people from both Countries. But the MOU offers more than recognition of sacrifices people from both countries it also offers opportunity. The MOU provides as follows:

That the two Council's do hereby. extend friendship and co-operation to one another in accordance with their prevailing laws and regulations in the following fields;

- 1. Exchange of experts in order to improve the management of the two Council's;*
- 2. Commerce, trade and tourism*
- 3. Administration and information;*
- 4. Culture, arts and relic of the war;*
- 5. Youth and sports.*

Whilst the language, customs and predominant religion are not shared by both, the common bond of loss resulted in annual recognition services in both communities, and the pledge for the two Councils to work together.

It is suggested that the remembrance of those who died is sufficient cause to delegate the leader of this Council to attend services each year. And that the spirit of the MOU beckons delegates to stay on, or visit on other occasions, in order to pursue cooperation in the agreed fields.

Given the importance of the two Council relationship, recognition of the losses, and the opportunities that the MOU may bring, it is fitting that Council has a policy of sending its leader each year. It is suggested that there would be value in also sending the Deputy President each year as this would add to show of respect to the Sandakan people and those that were lost, and it would provide more opportunity to seek out and progress MOU aims.

In past years Council has also delegated other members of Council to attend and it is suggested that Council may wish to consider this opportunity.

It is noted that it is customary for attendees at the Sandakan Day Memorial Service to be accompanied by their partners. It is suggested that Shire delegates be encouraged to also take their partners, just as the Sandakan Council delegates do when they attend the Boyup Brook service, as this will better show respect and add to the overall opportunity to further ideals of the MOU.

CONSULTATION

The author has spoke with some members of Council.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council has the following policy:

<i>POLICY NO.</i>	M.10
<i>POLICY SUBJECT</i>	Sandakan Relationship
<i>ADOPTION DATE</i>	19 June 2008
<i>VARIATION DATE</i>	17 September 2009
<i>VARIATION DATE</i>	21 October 2010

Objective

To promote and develop the Memorandum of Friendship between the Sandakan Municipal Council and the Boyup Brook Shire Council.

Statement

The Memorandum of Friendship between the two Municipalities was signed in October 2007. The aims of the Memorandum are to improve the management of the two councils; to encourage commerce, trade and tourism; exchange of administration and information on culture, arts and relics of World War II; and exchange of youth and sport matters.

To uphold the memorandum-

- the Council Representative (usually the Shire President) and partner of the Shire of Boyup Brook attend either the Anzac Day Service or the Sandakan Memorial Day Service in Sandakan each calendar year.*
- Council offer financial assistance to the Boyup Brook Lions Club in their annual school scholarship programme to send a student to the Sandakan Anzac Day Ceremony.*
- the Boyup Brook Shire Council invite representatives from the Sandakan Municipal Council and two High School students, nominated by the Sandakan Municipal Council, to attend the Boyup Brook Sandakan Memorial service each year.*

It is Council policy that all reasonable and direct expenses incurred by the Shire Representative and partner are met by the Shire.

To assist Council and the Community to monitor the success of the relationship in respect to the aims of the Memorandum of Friendship the Council representative and the scholarship recipient provide a written report to Council outlining progress in the five key areas of the Memorandum of Friendship.

Implementation of this policy is subject to annual budget considerations.

BUDGET/FINANCIAL IMPLICATIONS

The 2017/18 budget is in the drafting phase and so the financial implications of sending delegates will be included in the final draft.

STRATEGIC IMPLICATIONS

The current Strategic Community Plan makes no reference to the Sandakan relationship. However it has been an important feature over a number of years and offers a range of economic and social opportunities.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
The interaction with significant dignitaries and pursuit of the MOU aims should lead to opportunities for both Council's.
- **Social**
The interaction with significant dignitaries and pursuit of the MOU aims will provide Council leaders with a very broad perspective and further the opportunity for cultural exchange.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION – Item 8.3.1

That Council delegate, in addition to the Shire President who is covered by policy M10, the Deputy Shire President and Councillor _____, and their partners, to attend the 2018 Sandakan Day Memorial Service in Sandakan with all reasonable and direct expenses incurred by the Shire Representative and partner are met by the Shire.

MOVED INTO COMMITTEE

MOVED: Cr Aird

SECONDED: Cr Kaltenrieder

That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.to allow members free discussion on the matter.

CARRIED 9/0

Res 58/18

MOVED OUT OF COMMITTEE

MOVED: Cr Walker

SECONDED: Cr Muncey

That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.

CARRIED 9/0

Res 59/18

Note:

The item was not moved or seconded following discussion by Council in committee about the memorandum of understanding and furthering its goals. The CEO withdrew the item.

Cr Muncey left the Chambers at 6.46pm

Cr Alexander left the Chambers at 6.46pm

Cr Muncey returned to the Chambers at 6.47pm

Cr Alexander returned to the Chambers at 6.49pm

8.3.2 Local Government Convention and Exhibition

Location:	<i>Perth Convention Exhibition Centre</i>
Applicant:	<i>Not applicable</i>
File:	<i>GR/31/002</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>13 April 2016</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Attachment:	<i>Yes - program has not yet been published</i>

SUMMARY

The 2018 Local Government Convention and Exhibition will be held 1st August to 3rd August 2018 inclusive . This report recommends that Council be represented at the convention and nominate delegates accordingly.

BACKGROUND

The Local Government Convention is the premier event for Elected Members and Officers within Local Government.

The Association's Annual General Meeting is part of the convention program.

In accordance with Western Australian Local Government's constitution, member Councils are entitled to have two voting delegates. Registration of the voting delegates is generally required by early July.

COMMENT

Convention Registration generally closes early in July each year.

In previous years Boyup Brook has been well represented with at least three Councillors and the Chief Executive Officer attending.

The estimated cost per attendee could be up to \$2,500, depending on accommodation requirements and involvement with member development programs.

Whilst it is often hard to quantify the benefit of attending conferences, this annual association get together does provide the opportunity to view a range of vendors wares (ranging from equipment such as graders, backhoes and the like to computer programs, lighting, park and street furniture) and to speak at length with representatives. It also provides the opportunity to speak with other like minded people who give of their own time to serve the community. This interaction is important in so many ways as it provides a forum for sharing ideas

and experiences and as such is more akin to training. The conference is generally attended by influential people in the state such as the Premier and the leader of the opposition. The President also has the opportunity to meet and greet other community, state and national leaders at a function hosted by the state Governor of Lord Mayor (these alternate each year).

Added to this is the teambuilding opportunity offered by the practice of all staying in the same hotel, incidentally where many other Council delegates also stay and so adding to the out of conference opportunity for interaction with other delegates.

CONSULTATION

Not applicable

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council's policy on conferences – attendances and expenses by Councillors is as follows:-

Objective

To determine the procedures for attendance at conferences and seminars by Councillors.

Statement

It is Council's policy to have the Shire of Boyup Brook represented at any conference or seminar where it is evident that some benefit will accrue to the Council and/or the district. Attendance at conferences and seminar, etc is to be determined by the Shire President in consultation with the Chief Executive Officer. All Councillors are to be given the opportunity to attend conferences and seminars etc when they are available.

It is Council policy that all reasonable and direct expenses incurred by delegates and partners attending conferences, seminars, etc are to be met by the Shire.

Funds are to be listed annually for Budget consideration to enable the Shire President together with up to 50% of Councillors to attend Local Government Week.

Where possible, attendance at Conferences is to be on a rotation basis.

BUDGET/FINANCIAL IMPLICATIONS

Expenditure will be incurred in 2018/19 and would be budgeted accordingly.

STRATEGIC IMPLICATIONS

The Convention program will enable delegates to gain information that will benefit local government in Boyup Brook, as will interaction with elected members from throughout Western Australia.

SUSTAINABILITY ISSUES

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.2

MOVED: Cr Kaltenrieder

SECONDED: Cr Oversby

That:-

- 1. The Shire President, Cr Muncey, Cr O'Connell and the CEO attend the 2018 Local Government Convention and Exhibition and expenses incurred be paid by the Shire, as per Council Policy M.01.**
- 2. The Shire President and Cr O'Connell be authorised voting delegates and that Councillor Muncey and CEO be authorised deputy voting delegates.**

CARRIED 7/2

Res 60/18

AMENDMENT

MOVED: Cr Walker

SECONDED: Cr Rear

That only the Shire President and CEO attend the Local Government Convention and Exhibition.

Lost 4/5

Res 61/18

Break for Afternoon Tea

That the meeting be adjourned for an afternoon tea break, the time being 7.17pm.

Resumption

That the meeting resume, the time being 7.36pm.

The meeting resumed with the following persons in 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

Mr Alan Lamb (Chief Executive Officer)

Mr Rob Staniforth-Smith (Director Engineering Services)

Mrs Maria Lane (Executive Assistant)

MOTION

MOVED: Cr Kaltenrieder

SECONDED: Cr Oversby

That:-

- 1. The Shire President and Cr Muncey, Cr O'Connell and the CEO attend the 2018 Local Government Convention and Exhibition and expenses incurred be paid by the Shire, as per Council Policy M.01.**
- 2. The Shire President and Cr O'Connell be authorised voting delegates and that Councillor Muncey and CEO be authorised deputy voting delegates.**

CARRIED 7/2

Res 62/18

8.3.3 Development (Advertisements x 5) – Shire of Boyup Brook

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Department of Biodiversity, Conservation and Attractions, Manjimup</i>
File:	<i>RD/35/006</i>
Disclosure of Officer Interest:	<i>None.</i>
Date:	<i>19 April 2018</i>
Author:	<i>A. Nicoll, Town and Regional Planner</i>
Authorizing Officer:	<i>Alan Lamb, Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council the request to develop five (5) advertisements at various roadside locations in the Shire of Boyup Brook.

The principle objective of the advertisements is to promote the recognition of the Upper Warren area as a high priority conservation area.

The advertisements propose to display various types of Fauna, including Numbat, Woylie and Western Ringtail Possum.

The following is an example of advertisement (showing a Numbat).



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

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

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

BACKGROUND

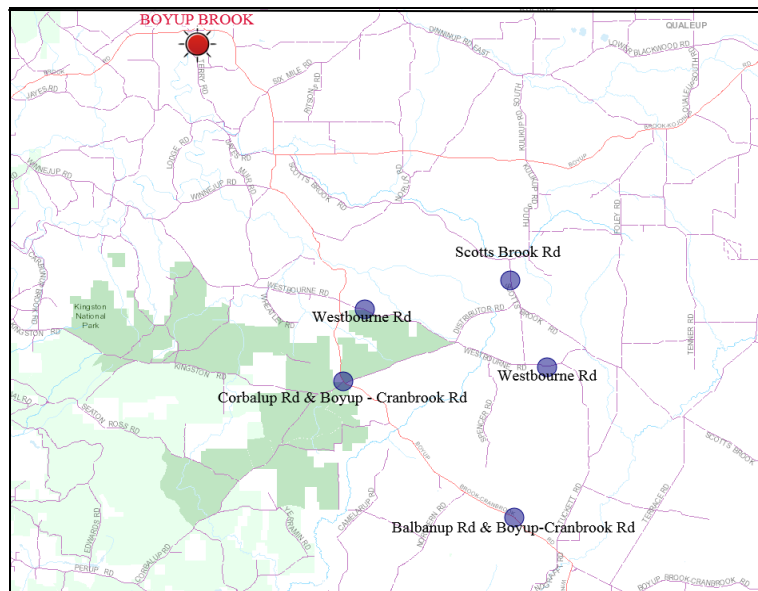
The Department of Biodiversity Conservation and Attractions wish to promote the recognition of the Upper Warren region as a high priority conservation area.

The Department of Biodiversity Conservation and Attractions propose to develop advertisements to encourage support for recovery of our native animals such as the Numbat, Woylie and Western Ringtail Possum. The Upper Warren region is one of two areas where Numbat populations still exist.

COMMENT

Five (5) advertisements are proposed to be located at different road-side locations in the Shire of Boyup Brook, including:

- Corbalup Road & Boyup Brook Cranbrook Road;
- Westbourne Road (X2 Advertisements);
- Scotts Brook Road; and
- Balbanup Road and Boyup Brook Cranbrook Road.



The advertisements propose to display fauna species and are meant to be attractive, eye catching, engaging and promoting an empathetic connection.

The advertisements are proposed to be approximately 1200mm high and 1800mm long.

STATUTORY OBLIGATIONS

Shire's Local Planning Scheme No. 2

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

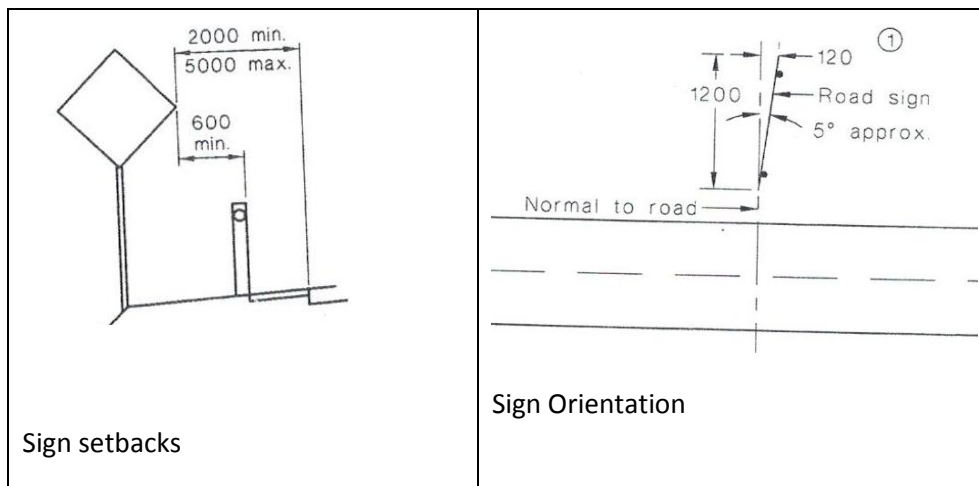
'any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the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

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

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

The Australian Standard 1742.2 -2009 makes the following requirements:

- Signs to be orientated 5 degrees from 90 degrees so that the reflection is away from the road;
- 2m setback from the edge of the bitumen to the edge of the sign face (2.1m setback when orientated);
- Signs need to be mounted on "frangible (collapsible)" posts in accordance with the AS 1742.2 – 2009.



A condition should be included to ensure the advertisements are developed in accordance with Australian Standards.

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

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

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

ii) remove the advertisement.

The Department of Biodiversity Conservation and Attractions office located in the Donnelly District, has a sign maintenance program where signs are checked/maintained annually and are entered into a sign register.

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

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

POLICY IMPLICATIONS

There are no policy implications relating to this item.

CONSULTATION

N/A

VOTING REQUIREMENTS

Simple majority.

SUMMARY

In accordance with *Local Planning Scheme No.2*, in considering an application for an advertisement, Council is to consider any potential impact to the amenity of the area and the need to ensure that advertisements are properly maintained.

The advertisements are not expected to impact on the amenity of the area. The advertisements propose to display fauna species and are meant to be attractive.

Approval should be on the condition that the advertisements are developed in accordance with Australian Standards and maintained to a reasonable standard.

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.3

MOVED: Cr Walker

SECONDED: Cr O'Connell

That Council

Grants development approval for five (5) advertisements, at various road-side locations, subject to the following notice:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location:

- Corbalup Road & Boyup Brook Cranbrook Road;
- Westbourne Road (X2 Advertisements);
- Scotts Brook Road; and
- Balbanup Road and Boyup Brook Cranbrook Road.

Description of proposed development:

5 X Fauna Advertisements

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

Conditions:

1. The advertisements being developed in accordance with the approved 'DBCA Advertisement Location Plan'.
2. The advertisements being developed in accordance with the Australian Standards 1742.2 -2009, to the satisfaction of the Shire of Boyup Brook.
3. The advertisements being maintained to the satisfaction of the Shire of Boyup Brook.
Advice

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

- a) *repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice, or*
- b) *remove the advertisement.*

Date of determination: 19 April 2018

Note 1: Dial before you dig. Information on the location of underground services may be obtained by contacting the Dial Before You Dig WA organisation. All work which is carried out within any urban, rural or regional road reserve in Western Australia needs to comply with the requirements of the *Utilities Providers Code of Practice for Western Australia*.

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:

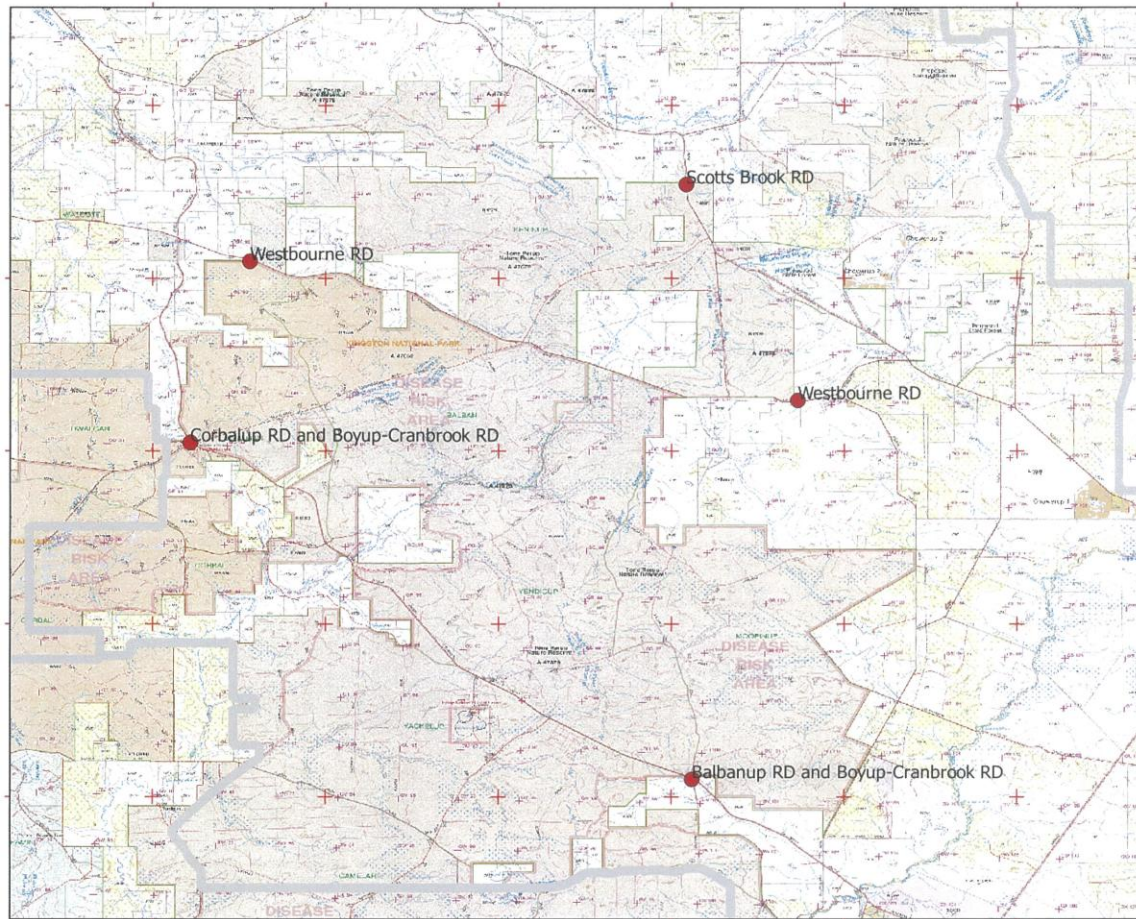
Dated:

for and on behalf of the Shire of Boyup Brook.

CARRIED 9/0

Res 63/18

DBCA Advertisement Location Plan



8.3.4 Development – Single Dwelling (Setback relaxation) - Lot 233 (#187) Ridgeview Avenue, Boyup Brook

Location:	<i>Lot 233 Ridgeview Avenue.</i>
Applicant:	<i>E & D Fletcher</i>
File:	<i>A15081</i>
Disclosure of Officer Interest:	<i>None.</i>
Date:	<i>19 April 2018.</i>
Author:	<i>A Nicoll, Town and Regional Planner.</i>
Authorizing Officer:	<i>Alan Lamb, Chief Executive Officer.</i>
Attachments:	<i>Covering Letter and Neighbours Comment.</i>

SUMMARY

The purpose of this report, is to request that Council agree to approve a single dwelling with a reduced boundary setback.

The Shire's *Local Planning Scheme No.2* requires development proposed in the 'Special Rural' area No.6 to be setback a minimum of 30m from lot boundaries fronting Ridgeview Avenue.

The landholder is seeking a relaxation to develop at 21.2m from the front boundary facing Ridgeview Avenue (a relaxation of 8.8m).

Council discretion is required in accordance with the Shire's Local Planning Scheme No.2, clause 3.6.1, which states:

3.6 POWER TO RELAX DEVELOPMENT STANDARDS...3.6.1...if a development the subject of an application for Planning Consent does not comply with a standard prescribed by the Scheme with respect to...setbacks, ...,the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

BACKGROUND

The owner of Lot 233 Ridgeview Avenue submitted a building permit application proposing to develop a single dwelling with a setback of 21.2m from the lot boundary adjoining Ridgeview Avenue.

The owner was advised that a minimum setback to the boundary adjoining the road of 30m applies for development proposed within the 'Special Rural' area No.6 (Ridgeview estate).

The owner was advised that, an application for planning approval is required, should the owner wish to pursue a relaxation to scheme standards.

The owner was advised that, should a relaxation be sought, neighbours will need to be consulted and justification for a variation will need to be submitted.

The Shire subsequently received:

- a) An application for a single dwelling, seeking a setback relaxation of 8.8m to the boundary fronting Ridgeview Avenue;
- b) Justification for the variation; and
- c) Supporting comment from neighbouring landholders.

COMMENT

The subject property is zoned 'Special Rural' area No.6, is approximately 2ha in area and contains a large stand of remnant vegetation.

The proponent is seeking to position a dwelling on the Lot 233, whilst protecting remnant vegetation (Sheok trees) and ensuring there is an asset protection area (cleared area) between the trees and the proposed development.

Neighbours on either side of the proposed development provided supportive comment regarding the proposed setback variation.

Having used aerial imagery and a measuring tool, it is evident that development on other lots adjacent to Ridgeview Avenue, have been approved with setbacks less than the standard 30m. See figure below.

It is recommended that the Council grant approval to the single dwelling with a reduced setback for the following reasons:

- a) The setback variation is in-keeping with existing approved developments in the locality;
- b) The setback variation allows for the protection of remnant vegetation;
- c) By positioning the proposed dwelling away from remnant vegetation, an asset protection area (cleared area) can be maintained for protection against bushfire.

STATUTORY OBLIGATIONS

Schedule 3 of the Local Planning Scheme No.2 makes the following setback requirements for the Special Rural zone No.6 area:

vi) Buildings, structures and on-site effluent disposal systems may not be constructed within the 'building exclusion area' which is defined as being:

- 30m from road;
- 20m from side boundaries;
- 25m from rear boundaries;
- 30m from;
 - the centreline of water courses;
 - heavily vegetated areas as may be defined by Council; and
 - skylines.

vii) Where, for the purpose of retaining natural flora, sound environmental reasons or the physical constraints of a site dictate, Council may vary the 'building exclusion area' as defined in provision (vi) above.

The following Local Planning Scheme No.2 standards apply to development at Lot 233 Ridgeview Avenue (Special Rural zone No 6):

Clause 3.6.1:

...if a development the subject of an application for Planning Consent does not comply with a standard prescribed by the Scheme with respect to...setbacks, ...,the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

The power conferred by clause 3.6.1 may only be exercised (as required by clause 3.6.1) if the Council is satisfied that the amenity of the area is preserved.

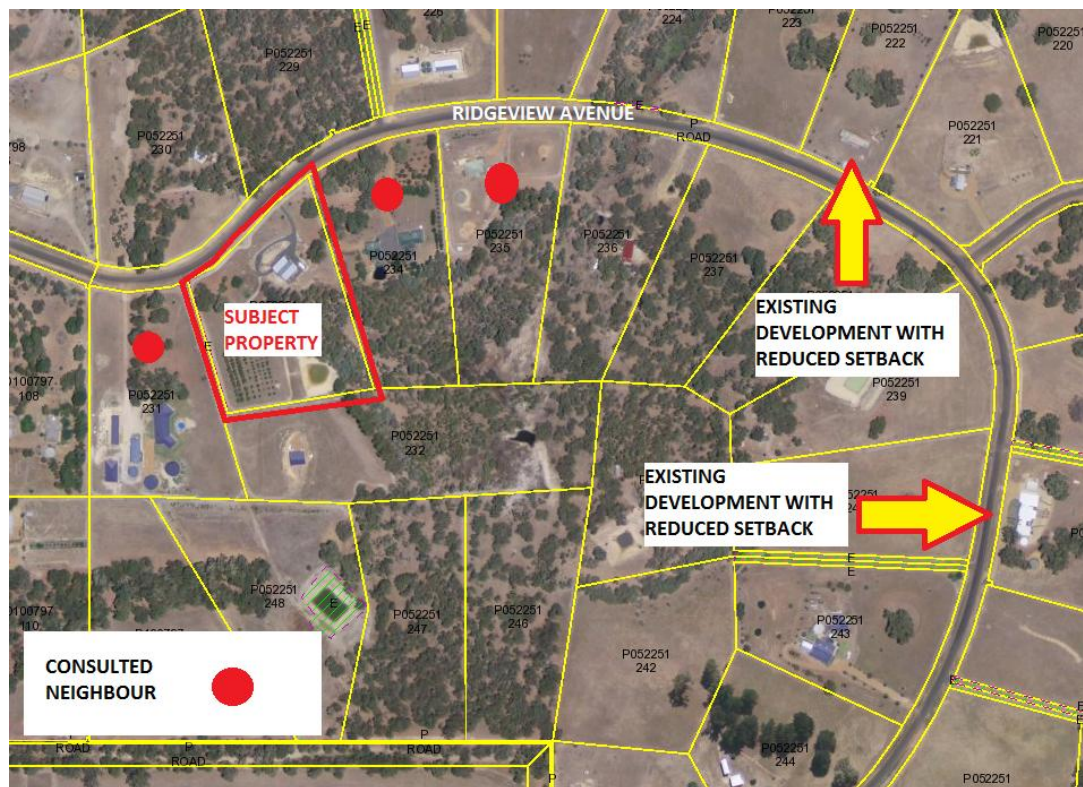
The proposal to vary the setback to the front boundary by 8.8m and to therefore protect remnant vegetation, is not expected to impact on the pleasantness (amenity) of the area.

POLICY IMPLICATIONS

There are no policy implications relating to this application.

CONSULTATION

Supporting comments were received from neighbours consulted at #157, #169 and #195. See figure below and letters attached.



BUDGET/FINANCIAL IMPLICATIONS

There are no known budget implications relating to this application.

STRATEGIC IMPLICATIONS

There are no known strategic implications relating to this application.

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 8.3.4

MOVED: Cr Muncey

SECONDED: Cr Kaltenrieder

That Council

Grants development approval for Lot 233 Ridgeview Avenue, Boyup Brook, for the purpose of 'Single Dwelling' with a front boundary setback relaxation from the standard 30m to 21.2m, subject to the following notice:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: Lot 233 Ridgeview Avenue, Boyup Brook

Description of proposed development:

Single Dwelling (setback relaxation from the standard 30m to 21.2m)

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: 19 April 2018

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

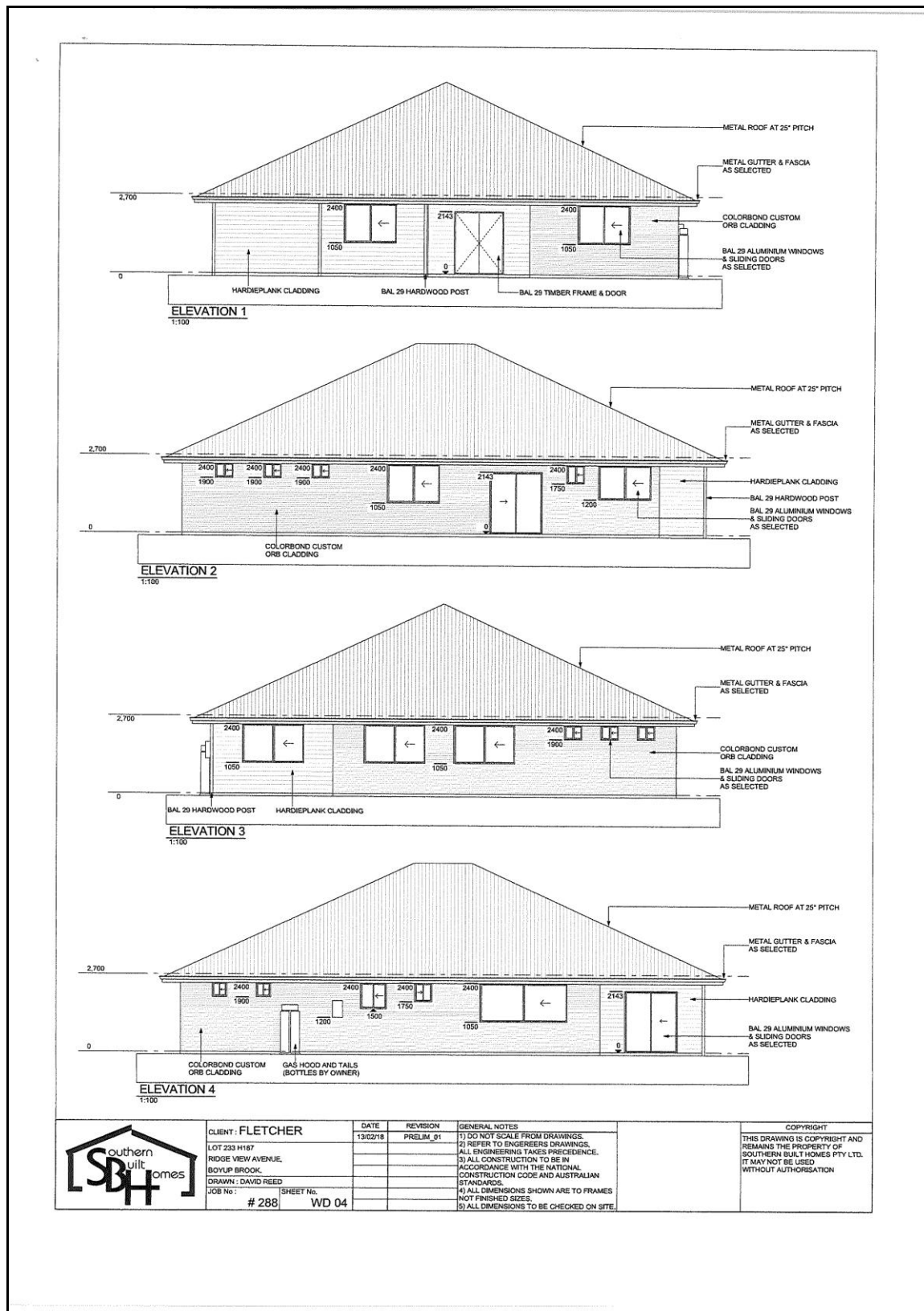
Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

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

Signed:

Dated:

for and on behalf of the Shire of Boyup Brook.



CARRIED 9/0

Res 64/18

8.3.5 Resolution to Prepare ‘Deemed’ Scheme Amendment (No.20) to Local Planning Scheme No.2 – Shire of Boyup Brook.

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire - Boyup Brook</i>
File:	<i>Amendment 20</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>19 April 2018</i>
Author:	<i>A. Nicoll, Town & Regional Planner</i>
Authorizing Officer:	<i>Alan Lamb, Chief Executive Officer</i>
Attachments:	<i>Western Australian Planning Commission’s – ‘Practitioners Frequently Asked Questions’</i>

SUMMARY

The purpose of this report is to put before Council the request to resolve to prepare an Amendment No.20 to the Shire of Boyup Brook *Local Planning Scheme No.2*.

The Amendment No. 20, once prepared, will propose to bring about consistency with ‘deemed’ provisions defined in the *Local Planning (Local Planning Schemes) Regulations 2015*.

‘Deemed’ provisions – introduce uniform processes and procedures to schemes, such as structure plan preparation, heritage assessment, policy review and development assessment. The deemed provisions apply automatically to all schemes and cannot be altered, varied or excluded.

The Shire’s *Local Planning Scheme No.2*, in its current form, is inconsistent with the ‘deemed’ provisions defined in the *Local Planning (Local Planning Schemes) Regulations 2015*.

Council discretion is required in accordance with regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which allows Council to prepare a standard scheme amendment.

Council is recommended to agree to prepare an Amendment No.20 to bring the Shire’s scheme in-line with ‘deemed’ provisions defined in the *Local Planning (Local Planning Schemes) Regulations 2015*.

BACKGROUND

The *Planning and Development (Local Planning Schemes) Regulations 2015* came into force on 25 August 2015 to introduce 'deemed' provisions.

The *Planning and Development (Local Planning Schemes) Regulations 2015*, is a key output of the Governments' planning reform agenda. Included in the reform agenda is the need to rationalise scheme text to:

- Remove any duplication of 'deemed' provisions; and
- Include any proposed supplemental deemed provisions within a 'Schedule A Supplemental provisions to the deemed provisions' and include this within the scheme text.

The 'deemed' provisions are taken to be built into every local planning scheme in the State. To the extent that a local planning scheme is inconsistent with the 'deemed' provisions, the 'deemed' provisions are taken to prevail.

It is expected that local government planners prepare their local planning scheme to align with the 'deemed' provisions.

COMMENT

The Amendment No.20, once prepared, will propose to remove any duplication of the 'deemed' provisions outlined in Schedule 2 of the *Local Planning (Local Planning Schemes) Regulations 2015*.

'Deemed' provisions – introduce uniform processes and procedures to schemes, such as structure plan preparation, heritage assessment and development assessment.

In effect, parts of the Shire's scheme text will be removed, as these parts are addressed by the 'deemed' provisions provided for by the *Local Planning (Local Planning Schemes) Regulations 2015*. For instance, the following parts of the scheme will be removed:

- a) Part 6 – Heritage
- b) Part 8 – Control of Advertisements
- c) Part 9 – Administration

The Amendment No.20, may include any proposed supplemental 'deemed' provisions within a 'Schedule A - Supplemental provisions to the 'deemed' provisions' and include this within the scheme text.

The Local planning scheme will comprise the following:

- a) the scheme map;
- b) the local planning scheme text;
- c) the deemed provisions as outlined in Schedule 2 of the Regulations (these do not need to be reproduced in individual schemes as they apply automatically);
- d) Schedule A supplemental provisions to the deemed provisions; and

- e) any supporting materials, plans, maps, diagrams, illustrations and other material required by the Western Australian Planning Commission.

For further clarification on the Governments' reform agenda and in-particular 'deemed' provisions, please refer to the attached 'Practitioners frequently asked questions'.

Council is recommended to agree to prepare an Amendment No.20 to bring the Shire's scheme in-line with 'deemed' provisions defined in the *Local Planning (Local Planning Schemes) Regulations 2015*.

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.

Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* identifies in what manner a scheme amendment must be prepared or adopted.

35. Resolution to prepare or adopt amendment to local planning scheme

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.*

Note: Section 75 of the Act provides for a local government to amend a local planning scheme or adopt an amendment to a local planning scheme proposed by all or any of the owners of land in the scheme area.

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.*

POLICY IMPLICATIONS

There are no policy implications relating to this item.

CONSULTATION

If Council agree to the preparation of the Amendment No.20, a schedule of scheme changes will be prepared for Council review. Council is then requested to agree to advertise proposed scheme changes.

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.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.5

MOVED: Cr Walker
That Council

SECONDED: Cr Rear

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 20

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. 20 to amend Shire of Boyup Brook *Local Planning Scheme No. 2* by:**

a) Removing provisions, terms and definitions from *Local Planning Scheme No.2* that are superseded by the 'Deemed' provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*; and

b) Introducing supplemental provisions to the 'Deemed' provisions.

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

Dated this 19 day of April 2018

Alan Lamb

Chief Executive Officer

CARRIED 9/0

Res 65/18

8.3.6	Blackwood Biosecurity - Proposal to implement declared pest rate
--------------	---

Location:	N/a
Applicant:	Office of State Revenue
File:	
Disclosure of Officer Interest:	The author is a land holder in the Shire of Boyup Brook who may be impacted.
Date:	11 April 2019
Author:	Alan Lamb
Authorizing Officer:	Chief Executive Officer
Attachments:	Letter from Office of State Revenue, Excerpt from Shire of Nannup's minutes 25 January 2018, Ratepayer feedback request - Shire of Nannup, letter to Minister - Shire of Nannup, State Council minutes March 2017 - WALGA, Position Paper - WALGA, recommendations to the State Government - WALGA, discussion paper - WALGA. Also attached is the Blackwood Biodiversity Group's draft operational plan for 2018/19, 2018/19 budget and a press release.

SUMMARY

The purpose of this report is to put the Commissioner of State Revenue request for up to date postal addresses of the affected ratepayers/landholders, with the recommendation that Council withhold the information until community support is clearly demonstrated or the Biosecurity and Agriculture Management Act (2007)(BAM) review has been completed, whichever occurs first.

BACKGROUND

Council passed the following resolution at its April 2016 meeting;

That Council direct the CEO to write to the Blackwood Biosecurity Inc. advising it that the Shire of Boyup Brook does not wish to be included in their proposed Regional Biosecurity Group. The DAFWA / Government designed system for dealing with pest plants and animals, as it stands, is unworkable and lacks clear detail.

The Bam Act came into force in 2007 but supporting Regulations did not come out until 2013 and 2014. Local Governments in the South West were generally not supportive of the model, seeing it as cost shifting and passing on of responsibilities. The South West Zone of WALGA meetings regularly featured discussions on the matter and motions to WALGA State Council to oppose the legislation. This added to a number of motions to annual state conferences, lead to State Council dealing with the matter in March 2017 and resolving to endorse the attached policy position.

Among other things, this position statement put that Local Government did not support Recognised Biosecurity Groups (RBG's), and called on the State to either reinstate the Agricultural Protection Board or develop a model similar to the NSW Land Services Act (2013) approach. Also that the BAM Act (2007), and Regulations, be reviewed.

The Act is being reviewed.

The Shire of Nannup dealt with e OSR request in January 2018. Relevant material is attached.

Also attached is information provided by the Blackwood Biosecurity Group.

COMMENT

Nannup's Shire President noted that the intention was to rate (tax) all landholders including those on residential sized lots in town sites. The plan it to charge owners of Gross Rental Valued land at \$40 per year and owners of Unimproved Valuation \$50. The equity of the charge on residential properties in town sites was questioned as, the general position is that, no income is derived from the land on these. Also there will undoubtedly be some on fixed incomes who will find it difficult to pay this new State Government tax. The model was also questioned as was the public consultation process etc.

There is not much to add to what is attached.

Nannup's idea of surveying ratepayers to inform Council is worth copying, as is a letter to the Minister (the BAM Act, and its operation, was put in place by the previous government and so the current Minister, and government, may not be wedded to it. If so, dramatic change may well result from the current review.

CONSULTATION

An Agriculture Department representative and a group of people presented the idea of an RBG in the region, to Council in 2016 (from memory). The matter of these groups and their operation have featured in the meetings, and so minutes of, WALGA Zone meetings. There has been discussion with Council at meetings and briefing sessions. The Author has spoken to Agriculture Department Officers, an OSR officer.

STATUTORY OBLIGATIONS

The following section of the BAM Act has relevance to the request for property owner details:

184. Information sharing

(1) In this section —

authorised officer means an officer designated under subsection (2);

guidelines means guidelines issued under subsection (7);

information sharing agency means any of the following —

- (a) the department principally assisting in the administration of this Act;
- (b) the department principally assisting in the administration of the Health (Miscellaneous Provisions) Act 1911;
- (c) the department principally assisting in the administration of the Animal Welfare Act 2002;
- (d) the department principally assisting in the administration of the Environmental Protection Act 1986;
- (e) the department principally assisting in the administration of the Fish Resources Management Act 1994;
- (fa) the department principally assisting in the administration of the Food Act 2008;
- (fb) the department principally assisting in the administration of the Public Health Act 2016;
- (f) the department principally assisting in the administration of the Wildlife Conservation Act 1950;
- (g) the department principally assisting in the administration of the Conservation and Land Management Act 1984;
- (h) the Police Force;
- (i) a public authority prescribed for the purposes of this definition;

officer, in relation to an information sharing agency, means —

- (a) an officer or employee in or of the agency; or
- (b) if the agency is the Police Force — a member of the Police Force;

relevant information means information relevant to the administration or enforcement of this Act.

(2) The Director General may designate an officer of the department as an authorised officer for the purposes of this section.

- (3) *An officer of the department may, in accordance with the guidelines, disclose relevant information to —*
 - (a) *another officer of the department; or*
 - (b) *an officer of another information sharing agency.*
- (4) *An authorised officer may, in accordance with the guidelines, request a public authority which or who holds relevant information to disclose the information to the authorised officer.*
- (5) *Information may be disclosed under subsection (3), or in compliance with a request under subsection (4), despite any law of the State relating to secrecy or confidentiality.*
- (6) *If information is disclosed, in good faith, under subsection (3), or in compliance with a request under subsection (4) —*
 - (a) *no civil or criminal liability is incurred in respect of the disclosure; and*
 - (b) *the disclosure is not to be regarded as a breach of any duty of confidentiality or secrecy imposed by law; and*
 - (c) *the disclosure is not to be regarded as a breach of professional ethics or standards or as unprofessional conduct.*
- (7) *The Director General must issue guidelines as to the disclosure of information under subsection (3) and the requesting of information under subsection (4).*
- (8) *The regulations may include provisions about —*
 - (a) *receiving and storing information disclosed for the purposes of this Act; and*
 - (b) *restricting access to such information.*

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This new State Government tax, passing State functions to a community group, and the like are not included in the Shire's Strategic Community Plan.

SUSTAINABILITY IMPLICATIONS

➤ **Environmental**

There are no known significant environmental issues.

- **Economic**
The new tax on land owners is expected to have an adverse affect on some.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.6

MOVED: Cr Rear

SECONDED: Cr Muncey

That:

1. The Shire President write to the Minister of Agriculture expressing concern over the model to deal with Declared Pests, the proposed rate arrangements and seek a hold on progressing arrangements for this Shire until the Biosecurity and Agriculture Act (2007) has been reviewed.
2. The CEO prepare a letter to be sent to ratepayers seeking feedback on support, or otherwise, for the Declared Pest Rate proposed for 2018/19
3. The CEO report the results of the ratepayer consultation back to Council.
4. No information of property ownership be provided, unless there is a clear legislative requirement to do so, to any entity for, for purposes relevant to the Biosecurity and Agriculture Act, until Council resolves to do so.

AMENDMENT

MOVED: Cr Walker

SECONDED: Cr Alexander

That:

1. Council does not support the current recognised Biosecurity Groups.
2. No information of property ownership be provided, unless there is a clear legislative requirement to do so, to any entity, for purposes relevant to the Biosecurity and Agriculture Management Act, until Council resolves to do so.

CARRIED 9/0

Res 66/18

MOTION

MOVED: Cr Rear

SECONDED: Cr Muncey

That:

- 1. Council does not support the current recognized Biosecurity Groups.**
- 2. No information of property ownership be provided, unless there is a clear legislative requirement to do so, to any entity, for purposes relevant to the Biosecurity and Agriculture Management Act, until Council resolves to do so.**

CARRIED 9/0

Res 67/18

Note:

Council does not support the current structure in line with WALGA's position policy.

Cr Rear left the Chambers at 8.24pm

Cr Rear returned to the Chambers at 8.27pm

8.3.7 Boyup Brook Tourism Association Inc - Review of annual assistance

Location:	<i>N/a</i>
Applicant:	<i>Boyup Brook Tourism Association</i>
File:	<i>BBTA</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>9 April 2018</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Chief Executive Officer</i>
Attachments:	<i>BBTA letter.</i>

SUMMARY

The purpose of this report is to put before Council the BBTA request for an additional \$5,000 per annum assistance to allow it to operate.

BACKGROUND

For some years the Shire has provided the Boyup Brook Tourism Association with premises, an operating subsidy (primarily to enable them to employ someone to assist them) 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 load on volunteers.

At its December 2017 meeting Council resolved as follows:

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.***

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

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.***

Whilst the matter of the Shire staff member was resolved at that meeting a review of the annual financial contribution was not addressed. Part 3 of the above resolution has not been actioned but will be attended to as soon as practicable.

It appears that the annual financial contribution has remained at \$15,000 since 2012/13.

Council reviewed the annual subsidy at its February 2018 meeting and resolved as follows;

That Council receive the Boyup Brook Tourism Association's request for additional annual funding assistance and asks that the Association demonstrate, with the assistance of annual audited financial statements, forward plans that include income and expenditure predictions, and the like, the need for annual funding assistance and the level of funding required in order for the Information Centre and Association to operate.

The report for that meeting noted the following:

The BBTA sought up to \$40,000 per annum to meet all known and anticipated costs of employing a person three days per week. In comparison Council's subsidy, like for like, was \$24,027.12 per annum. In December the decision to increase the cash donation by \$10,000, in lieu of providing a staff member, put that annual Council contribution at \$25,000.

If Council sought to bring the \$15,000 contribution to a today dollar equivalent then we could look at cost increases over the years. CPI is one measure but it does not translate well to actual costs in all cases. Taking a very broad perspective, we could assume that employment costs increased by in the order of 2 to 3% over each of the past five years. Taking the sum of the higher value, a 15% increase might be applicable (\$2,250). An increase of \$5,000 was discussed with the

group and aligns with their indication that a minimum of \$30,000 is required to enable them to operate. If Council was agreeable to a total cash subsidy to \$30,000 per year it is still somewhat short of the \$40,000 requested but it may be sufficient.

Based on the foregoing it is recommended that Council agree to an annual donation to the BBTA of \$30,000, commencing as soon as a letter of acceptance is received. If the letter of acceptance is received the donation increase to be paid prorate for 2017/18.

It was further reported at that meeting that financial reports provided by BBTA, as a copy of its annual accounts or in support of donation applications, showed the following information on its bank balance/cash holdings:

<u>Source</u>	<u>Date</u>	<u>Balance \$</u>
Audited accounts	30/6/2013	8,851
Trial Balance	31/3/2014	14,031
Balance Sheet	30/4/2017	23,096

COMMENT

The information available at the February meeting indicated the BBTA was in a position to grow its bank balance over the past 5 years.

Subsequent financial information provided shows that the BBTA recorded a profit of \$8199 in 2016/17, budgeted to make a loss of \$7,350 in 2017/18 but recorded a profit of \$4,079 to 28 February 2018.

Also that Centre Manager costs amounted to \$9,950 in 2016/17 and were budgeted to be \$8,000 in 2017/18. Further that employment of a new Centre Manager was expected to cost \$28,622 per annum, indicating that the Shire's new annual subsidy of \$25,000 would meet the shortfall between their existing labour costs and the Shire subsidy (expected costs \$28,622 less current anticipated costs \$8,000, resulting in a gap of \$20,622).

It should be noted that the BBTA does not profess to have finance expertises and so is at a disadvantage in trying to mount a finance based argument for additional funds, so has relied on showing the need for a Centre Manager, what they would do and the like.

It is recommended that Council agree to increase the annual subsidy to \$30,000, an additional \$5,000, seek copies of audited annual accounts and monitor the position.

CONSULTATION

The author has spoken with the BBTA and other staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The additional expenditure was budgeted for as part of the annual budget review

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 8.3.7

MOVED: Cr Oversby

SECONDED: Cr Kaltenrieder

That Council increase the annual donation to the Boyup Brook Tourism Association from \$25,000 per annum to \$30,000 effective from when the Association accepts the amended funding level. The additional \$5,000 to be paid pro rata in 2017/18 and the Boyup Brook Tourism Association be required to submit, to the Shire Council, annual audited accounts.

LOST 4/5

Res 68/18

Request for Vote to be recorded

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

FOR

Cr Muncey
Cr Oversby
Cr Alexander
Cr Kaltenrieder

AGAINST

Cr Aird
Cr Walker
Cr O'Connell
Cr Moir
Cr Rear

8.3.8 Reserve 33552 - Sale yards - Request to develop for industrial uses

Location:	<i>Bridgetown Boyup Brook Road</i>
Applicant:	<i>Boyup Brook Cooperative Co Ltd</i>
File:	<i>Reserve 33552</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>9 April 2018</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council Department of Planning, Lands and Heritage (DPLH) indications on values, for sale and rental, with the recommendation that Council seek to purchase the land.

BACKGROUND

The following was provided to the December 2017 Council meeting under 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.

The following was provided to the December 2017 Council meeting under 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 to 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.*

Council passed the following resolution at that meeting:

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*
1. ***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.***
2. ***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.

Council Resolution Status Report for February 2018, to the Briefing Session, contained a progress update as did the Report for March.

DPLH provided the following market valuations, to assist with the decision making process. They are yet to be approved as well as any actual proposal from Council:

- Market value - \$140,000 ex GST
- Annual market Rental Value - \$5,000 ex GST

COMMENT

As will be seen, the valuations are not as high as may have been expected. To put the purchase price into perspective, the lease option would amount to the purchase price in 28 years (less really as the cost of the rental is bound to have an inflation factor). Purchasing would make the process of developing and leasing (or later subdividing, or strata titling, and selling) etc easier as there would be no need to include the Minister for Lands as a co approver/signatory.

What ever is the decision it is expected to take six months before the title or lease is in place.

It is recommended that Council take the purchase option and plan to pay for the land in 2018/19.

CONSULTATION

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

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. However if approved, Council will need to budget for expenditure on \$140,000 in 2018/19

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 Oversby

SECONDED: Cr Alexander

That Council resolve:

- 1. to purchase Reserve 33552, Saleyards,**
- 2. that the CEO advise the Department of Planning, Lands and Heritage of this decision.**
- 3. that the CEO include the cost to purchase in the draft 2018/19 budget and other relevant planning documents.**

CARRIED BY ABSOLUTE MAJORITY 8/1

Res 69/18

8.3.9 Solar Project

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	19 April 2018
Author:	Joanna Kaye (Research and Development Coordinator) and Alan Lamb (Chief Executive Officer)
Authorizing Officer:	Alan Lamb (Chief Executive Officer)
Attachments:	Solar Report Scenario 1, 2 and 3 analysis

SUMMARY

This report is for Council to consider installing solar collectors on buildings where a saving in electrical costs could be demonstrated.

BACKGROUND

At the ordinary meeting of Council held on 15 June 2017, the Council decided to support the inclusion of funding to install solar collectors, for the generation of electricity, in the 2017/18 draft budget.

CEO COMMENT

With funding provided in the current budget a study was conducted on electricity usage at Shire owned buildings some facilities. The purpose of this study was to ascertain if solar energy collectors would be a cost effective way of reducing electricity charges. The study was completed recently and it will provide the level of detail required to make an informed decision on this opportunity.

As requested by a Shire Councillor, an allowance has been made in the draft budget to purchase and install solar collectors in 2017/18. It is envisaged that the total cost will dictate a stage program and so provision has also been made in the draft Long Term Financial Plan.

It is recommended that rather than nominate the Shire Office now, for solar collectors it would be better to wait for the report and then decide which building or facility should be done first.

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 15 JUNE 2017

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 10.1

MOVED: Cr Muncey

SECONDED: Cr Kaltenrieder

That Council support the inclusion of funding to install solar collectors, for the generation of electricity, in the 2017/18 draft budget.

CARRIED 7/0

Res 81/17

In February 2017, David McFadyean, a local solar provider was engaged to assess the various buildings/facilities for suitability, cost of solar units and expected savings to be derived (see Attachment 1).

Based on this report, and assuming the information is still contemporary, the order of priority for the buildings/facilities:

1. Swimming Pool On Peak
2. Communication Hut
3. Admin
4. Shire Depot
5. Medical Centre
6. Family Stop
7. Doctor's House
8. Transfer Station
9. Museum

The total cost of the above works is estimated at \$101,311. Once all buildings/facilities have operational solar collectors the potential average solar saving for 365 days is \$21,094.32.

There is \$25,000 in the current budget as it was envisaged that the total cost would dictate a staged program.

There are three scenarios on how to proceed with this project based on the report. All options will provide the benefit of long term cost saving:

1. Staged approach over four years
2. Complete all works in 2018/19
3. Complete all works over two years starting in 2018/19.

Scenario 1

Stage the funding over four years, \$25,000 in the first three years and \$30,000 in the remaining year. This would mean works on the swimming pool and communication hut would commence this year.

After Year	Financial year	Cost of Solar System	Total Savings
1	17/18	\$ 24,401.00	\$ 6,332.37
2	18/19	\$ 24,740.00	\$ 11,159.99
3	19/20	\$ 22,330.00	\$ 15,183.01
4	20/21	\$ 29,840.00	\$ 21,094.32

Maximum annual savings of \$21,094.32 would be reached at the end of the fourth year. The full cost of the Solar System (\$101,311) would be recouped after seven years.

This is a low risk approach; however, this would not take advantage of economies of scale and the cost benefit would be realised slower and therefore to a lesser extent. The Shire would effectively reduce its savings

Scenario 2

Reserve the 2017/18 (\$25,000) funding, add it to the \$25,000 for next year and do all of the works in 2018/19.

After Year	Financial year	Cost of Solar System	Total Savings
1	18/19	\$ 101,311.00	\$ 21,094.32
2	19/20		\$ 42,188.64
3	20/21		\$ 63,282.96
4	21/22		\$ 84,377.28

This option requires a large initial investment (approximately 4% of rates); however, the savings mean quicker cost recovery than Scenario 1.

Maximum annual savings of \$21,094.32 would be reached at the end of the first year. The full cost of the Solar System (\$101,311) would be recouped after five years.

This option takes maximum advantage of economies of scale and delivers high cost savings in the shortest time frame.

Scenario 3

Reserve the \$25,000 from this year and spend \$50,000 in the first year 2018/19 and complete the balance in the second year.

After Year	Financial year	Cost of Solar System	Total Savings
1	18/19	\$ 49,141.00	\$ 11,159.99
2	19/20	\$ 52,170.00	\$ 21,094.32
3	20/21		\$ 42,188.64
4	21/22		\$ 63,282.96

As with Scenario 2, this option requires significant upfront investment (approximately 2% of rates in each of the years) with the benefit of savings over time. Maximum annual savings of \$21,094.32 would be reached at the end of the second year. The full cost of the Solar System (\$101,311) would be recouped at the beginning of the sixth year of operation.

This option will also benefit from economies of scale, albeit at a lesser extent than Scenario 2.

CONSULTATION

Internal: Stephen Carstairs (Director Corporate Services)

External: David McFadyean (Solar Equip)

STATUTORY OBLIGATIONS

Section 6.8 of *The Local Government Act 1995* page 227

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

POLICY IMPLICATIONS

Nil.

BUDGET/FINANCIAL IMPLICATIONS

The recommendation incurs budget implications in relation to the unbudgeted expenditure for the solar panels including reserving the \$25,000 from this year to add it to next years budget.

The budget will need to be allocated accordingly depending on whether the project will be completed within 2018/19 or if it will have a staged approach.

Preliminary research into grant funding options shows that there is currently very limited available funding support.

Council will benefits from the installation solar panels in the reduction of energy costs. The extent of the cost saving depends on how the project is structured.

The Department for Local Government and Communities Rating Policy 2016 includes the following:

Fairness and Equity

- The Council of the local government has reviewed its expenditure and considered efficiency measures as part of its budget deliberations. This is to be reflected in the council minutes when it adopts the budget strategy and endorses objects and reasons for each differential rating category and each minimum payment.

It is suggested that expenditure on solar pannels is an efficeincy/cost saving measure, and that bringing the planned staged project into one will deliver further efficeincies/cost saving measures.

STRATEGIC IMPLICATIONS

Relevant excerpts from the Adopted Boyup Brook Strategic Community Plan 2017 - 2027.

Natural Environment: Preserve and Sustain our Natural Environment

Our Vision:

Our environment will be preserved, enhanced and we will retain our 'river and forest' identity.

We will value our natural resources, managing our use of water and energy. Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Preserved and enhanced natural environment	Maintain the natural environment.	<ul style="list-style-type: none">✦ Beautification of parklands and gardens, utilising native species.✦ Showcase the Blackwood River foreshore as a natural asset.
Sustainable resources	Support the use of sustainable and renewable resources.	<ul style="list-style-type: none">✦ Support the use of renewable energy resources and recycling.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Improving the efficiency of energy use is one of the fastest and most cost effective ways to reduce emissions and the key to improving energy efficiency is local action.
- **Economic**
The recommendation will achieve the economic benefit by allowing Council to reduced costs associated with energy consumption.
- **Social**
It is anticipated that involvement in this program will be well received within the community especially given sustainable resources is one of the outcomes in Council's Adopted Strategic Community Plan and doing so will assist in minimising utility costs associated with operating the buildings/facilities.

VOTING REQUIREMENTS

Absolute majority.

OFFICER RECOMMENDATION - Item 8.3.9

As per Scenario _____, Council install solar collectors on buildings to maximise the economies of scale benefits and efficiencies as well as short and long term cost savings.

REVISED RECOMMENDATION - Item 8.3.9

That Council approve:

1. \$25,000, provided for in the 2017/18 budget for the installation of solar energy systems on Shire buildings, being transferred to the Building Reserve Fund.
2. The sum of \$101,311 being included in the draft 2018/19 budget for installation of solar energy systems for the following Shire facilities:
 - Swimming pool
 - Communication hut
 - Administration building
 - Depot
 - Medical Centre
 - Family stop
 - 5 Rogers avenue
 - Transfer Station
 - Museum

MOTION

MOVED: Cr Rear

SECONDED: Cr Muncey

That:

1. Reaffirm its plan to budget \$25,000 per year to install solar energy systems on Hire owned buildings, where there is an expectation of reduced electricity costs by doing so.
2. That the following schedule of buildings and financial years be the program going forward:

YEAR	BUILDING	EXPECTED COST	EXPECTED ANNUAL SAVING
2017/18	Shire Administration/Chambers	\$24,740	\$4,828
2018/19	Shire Depot	\$22,330	\$4,023
	Shire Communications Hut	\$2,751	\$201
2019/20	Shire Swimming Pool	\$21,650	\$6,131
	Shire Museum	\$3,980	\$483
2020/21	Shire Medical Centre	\$9,787	\$2,414
	Shire Family Stop	\$6,583	\$1,408
	Shire Transfer Station	\$3,040	\$201
	Shire House - 5 Rogers	\$6,450	\$1,406

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 70/18

8.3.12 Boyup Brook Citizens Lodge – Shire assistance with Health Department accommodation room improvements

Location:	<i>Citizens Lodge, Bridge Street</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12 April, 2018</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Chief Executive Officer</i>
Attachments:	<i>Confidential attachments as provided by the Health Department</i>

SUMMARY

The purpose of this report is to put before Council the proposition that it increase its pledged contribution, to the Health Department to assist with its Lodge accommodation room works, of \$80,000 to \$104,000 with payment being direct to the service provider.

BACKGROUND

Accommodation room upgrades have been in the Shire's planning for some time and the cost, and operational matters prevented works from commencing.

More recently the Health Department has taken on the task but did not have the project in current or forward planning. As part of the budget determinations, Council allowed an amount of \$80,000 in its 2017/18 budget to help move this project forward with the aim of having some of the rooms completed this financial year.

In discussions with the Health Department it was established that it had the people and opportunity, because it also runs the operation there, to manage the project better than the Shire could, but it does not have the funding to move the project along now. Whilst Council's funding assistance was significant it would not achieve the aim and so Council is now being asked to increase the funding to meet the cabinetry costs and deal directly with the supplier, as its contribution.

COMMENT

The Health Department obtained quotations for the supply of relevant goods and services to replace the kitchenettes, robes (with built in robes), chairs, desks and bedside draws. Also to repaint and upgrade lighting. The total cost being in the order of \$141,000, including cabinetry costs of \$104,000. This does not include

the cost of project management, supervision or any works which may be done by the Health Department staff.

It is understood that without this level of assistance, the project may not get started for some time (years?) and its progress could be protracted. With this assistance the project would commence and a number of rooms would be completed before 30 June 2018.

The cabinet maker would make cabinets for a number of the rooms, transport and then fix them as directed by the Health Department. This and the time left in the current year means it will be relatively easy to structure the work, and so payments, over two financial years.

In terms of commitment to a payment, then the purchase order would be raised in the current year for the full amount. So from an accrual perspective, the cost to 2017/18 would be \$104,000. From a cash perspective though, some of the money would be paid before 30 June and some after

CONSULTATION

The matter has been before Council a number of times. The author has spoke at length with Health Department staff.

STATUTORY OBLIGATIONS

The amount is below the threshold (\$150,000 ex GST) to trigger the need to call for tenders.

POLICY IMPLICATIONS

Council's purchasing policy has relevance.

BUDGET/FINANCIAL IMPLICATIONS

The current budget, as emended, includes provision of \$80,000. No provision was made for the additional \$24,000 as recommended.

STRATEGIC IMPLICATIONS

OUTCOMES	OBJECTIVES	PRIORITIES
Housing needs are met	Facilitate affordable and diverse housing options	<ul style="list-style-type: none"> ✦ Progress Local Planning Strategy to provide housing and land size choices. <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <ul style="list-style-type: none"> ✦ Continue to progress work done on the development of a range of aged accommodation opportunities to implementation. </div> <ul style="list-style-type: none"> ✦ Rationalise Shire owned/managed land and buildings to maximise opportunity for Shire initiatives ✦ Partner with others on short stay accommodation initiatives.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
The Lodge is, and has been for many years, a vital part of the community to allow residents to remain in town when they no longer need/want to remain in their homes. The rooms need to be brightened up and cabinetry replaced. The Health Department's planned works will go a long way toward making the rooms into much better homes for our seniors. The Department conducted consulted with existing residents to come up with their planned works and so Council's assistance to fast track the works will no doubt be welcomed by current residents.

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.12

MOVED: Cr Kaltenrieder

SECONDED: Cr O'Connell

That Council:

- 1. approve additional expenditure of \$24,000, noting that part of the total expenditure, of \$104,000, will be paid in 2018/19, to assist the Health Department with works to improve the Boyup Brook Citizen Lodge accommodation rooms.**
- 2. appoint Acorn Projects to supply and install kitchenette and built in robe units to each (16 in total) accommodation room at the Boyup Brook Citizens Lodge.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 71/18

WITHDRAWN

The CEO withdrew item 8.3.13 as the attachments were not received in time for Council to endorse.

This item will be brought back to the May Council meeting.

8.3.13 2017-18 Long Term Financial Plan & Corporate Business Plan
--

Location:	<i>N/A</i>
Applicant:	
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>19 April 2018</i>
Author:	<i>Stephen Carstairs -Director Corporate Services & Alan Lamb - CEO</i>
Authorizing Officer:	<i>Alan Lamb - CEO</i>
Attachments:	<i>Yes: Endorsed 2017-2027 Plant Replacement and Works & Services 10 Year Programs, 2017-27 Long Term Financial Plan, Excerpt 2017 Corporate Business Plan</i>

SUMMARY

The purpose of this report is for Council to appraise and receive the Shire of Boyup Brook 2017-2027 Long Term Financial Plan (LTFP).

BACKGROUND

In keeping with the Department of local Government & Communities' (DLGC) integrated planning principles, local governments (LG) will produce LTFP's which integrate operating and their various asset management plans into a ten (10) year financial management plan. LTFP's are to align with a LG's Community Strategic Plan, and are an informing document for a LG's Corporate Business Plan (usually the next 4 years).

COMMENT

The 2017- 2027 Long Term Financial Plan integrates the outcomes of workshops held by Council during 2017, 10 year operating budgets and 10 Year Plant and

Works Programs which were endorsed by Council (Res 47/17). The financial KPI's (ratios) generated by the plan confirm that the Shire of Boyup Brook is sustainable while supported by federal operating and state and Federal infrastructure grants.

CONSULTATION

Council
Rob Staniforth-Smith (Director Corporate Services)
Kay Raisin (A/ Finance & HR Manager)

STATUTORY OBLIGATIONS

As identified in DLGC Policies & Guidelines

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The 2017-2027 LTFP is an informing document for the Corporate Business Plan (to be completed) and is the basis for generating future annual budgets.

STRATEGIC IMPLICATIONS

The 2017-2027 LTFP fully aligns with the shire's Community Strategic Plan

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
The financial KPI's (ratios) generated by the plan confirm that that the Shire of Boyup Brook is sustainable while supported by federal operating and state and Federal infrastructure grants.
- **Social**
The LTFP aligns with the Community Strategic plan.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council receives the Shire of Boyup Brook Long Term Financial Plan 2017-2027.

8.3.15 Water Playground Project

Location:	<i>Swimming Pool</i>
Applicant:	<i>Daly Winter</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13 April 2018</i>
Author:	<i>Daly Winter</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>Quote from Wetdeck Pool for Water Playground with a retaining wall.</i>

SUMMARY

This agenda item is intended to inform Council of the progress to date on the development of a water playground at the swimming pool.

A revised quote has been received from the supplier incorporating the additional retaining walls, upgraded filtration system and additional playground features.

BACKGROUND

At the 25 August 2016 Council Meeting, Council resolved to support the development of a water play facility at the Boyup Brook Swimming Pool.

At the 15 February 2018 Council Meeting, Council resolved to appoint a Water Playground Committee with the authority to purchase.

At the February Meeting of the Water Playground Committee the Committee resolve to:

- 1 engage Wetdeck Pools to construct a water playground facility at the Shire swimming pool complex to a maximum cost of \$130,650 excluding GST.
2. require that the supplier:
 - to have the project completed and operational no later than 31st May 2018
 - use stainless steel fittings
 - make the water features (spraying units and the like) interchangeable so that the playground may be reconfigured from time to time
 - construct the deck and associated plumbing such that additional features could be added at a later date.

3. Committee meet with the supplier and further scope the project as soon as practicable.

Following the meeting between the Water Playground Committee and representatives from Wetdeck Pools a new location was selected as the preferred site. This location incorporated a retaining wall feature and was positioned in a more suitable location for monitoring by the Swimming Pool Manager as it was immediately behind the small frog pool.

The inclusion of a new retaining wall has pushed the costs beyond the figures initially presented to Council. A new project budget is detailed below.

Project Budget –

Boyup Brook Splash Pad Budget			
Expenditure	Unit	Total	
Works	\$		
Water Playground plus retaining wall works.		\$ 149,750	
Subtotal		\$ 149,750	
In-kind Work			
Shire Labour (130 hours)	\$ 55	\$ 7,150	
Shire Plant		\$ 3,000	
Subtotal		\$ 10,150	
Promotion and Advertising			
Promotion		\$ 500	
Materials and Contractors			
*Concrete		16,600	
*Electrical		10,000	
*Plumbing		3,000	
Subtotal		\$ 30,100	
Total Expenditure (A)		\$ 190,000.00	
• ESTIMATES Only			

Income	Unit	Total	c/ nc
Grants and Other Income	\$		
Department Sport and Recreation		\$ 32,000	c
Department Sport and Recreation		\$ 32,000	c
Shire of Boyup Brook		\$ 36,000	c
Lotterywest		\$ 20,000	c
Subtotal		\$ 120,000	
In-kind Contributions			
Shire Labour (130 hours)	\$ 55	\$ 7,150	c
Shire Plant		\$ 3,000	c
Subtotal		\$ 10,150	
Promotion and Advertising			
Promotion		\$ 500	c
Materials and Contractors			
Concrete		16,600	
Electrical		10,000	
Plumbing		3,000	
Subtotal		\$ 30,100	
Total Income (B)		\$ 190,000.00	

Time Constraints –

As there are significant time constraints on the completion date for this project in consultation with the Shire President and Chief Executive Officer, the CEO authorised a purchase order to be placed with the selected supplier.

COMMENT

Nil

CONSULTATION

The author has discussed the Water Playground concept designs, plans and features with the Water Playground Committee and a revised quote including the cost of the retaining wall was requested. See copy of Quote attached.

STATUTORY OBLIGATIONS

Nil.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Refer to Officer recommendation below.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
The pool complex is a very well used feature of the town. The main pool and kiddies pool have served the community well for many years and the recent heating project has enhance the community benefit of this facility. The water playground will add to amenity of the pool area and encourage increased usage.

VOTING REQUIREMENTS

Absolute majority.

Cr Muncey left the Chambers at 9.24pm

Cr Muncey returned to the Chambers at 9.27pm

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 8.3.15

MOVED: Cr Moir

SECONDED: Cr Alexander

That Council;

- 1. Authorises the additional expenditure of \$59,350.00 for the Water Playground Project.**
- 2. Endorses the Committees selection of Wetdeck Pools as the preferred supplier and the Chief Executives Officers actions in placing the Purchase Order to meet project deadlines.**

LOST 2/7

Res 72/18

Request for Vote to be recorded

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

FOR

Cr Aird

Cr Kaltenrieder

AGAINST

Cr Rear

Cr Moir

Cr Muncey

Cr Oversby

Cr O'Connell

Cr Alexander

Cr Walker

COUNCIL DECISION

MOVED: Cr Moir

SECONDED: Cr Muncey

That the Council adopts enbloc 9.1.1 and 9.1.2.

CARRIED 9/0

Res 73/18

9 COMMITTEE MINUTES

9.1.1 Minutes of the Water Playground Committee

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

BACKGROUND

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

Minutes of the meeting are attached.

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.1

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

CARRIED BY ENBLOC

9.1.2 Minutes of the Local Emergency Management Committee

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

BACKGROUND

The Local Emergency Management Committee meeting was held on 7th February 2018.

Minutes of the meeting are attached.

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.2

That the minutes of the Local Emergency Management Committee meeting be received.

CARRIED BY ENBLOC

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

12 CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS

13 CLOSURE OF MEETING

There be no further business the Shire President, Cr Aird thanked all for attending and declared the meeting closed at 9.42pm.