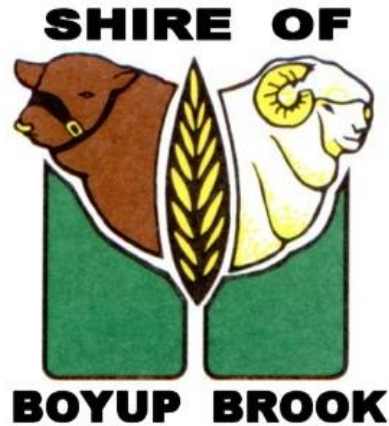


Agenda



ORDINARY MEETING

being held

THURSDAY 21 November 2019
Commencing AT 5.00PM

AT

SHIRE OF BOYUP BROOK
CHAMBERS
ABEL STREET - BOYUP BROOK

NOTICE OF ORDINARY COUNCIL MEETING

To:-

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

The next Ordinary Council Meeting of the Shire of Boyup Brook will be held on Thursday 21 November 2019 in the Council Chambers, Shire of Boyup Brook, Abel Street, Boyup Brook – commencing at 5.00pm.

Mr Stephen Carstairs
Acting Chief Executive Officer

Date: 13 November 2019

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RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

1.1 Attendance

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

STAFF: Mr Stephen Carstairs (Acting/CEO)
 Mr A Nicoll (Manager Development Services)
 Mrs Maria Lane (Executive Assistant)

Public: Mrs S White

1.2 Apologies

1.3 Leave of Absence

2 PUBLIC QUESTION TIME

Mrs S White

2.1 Response to Previous Public Questions Taken on Notice

3 APPLICATIONS FOR LEAVE OF ABSENCE

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

5 DISCLOSURE OF INTEREST

(Form attached)

6 CONFIRMATION OF MINUTES

6.1 Ordinary Council Minutes - 17 October 2019

OFFICER RECOMMENDATION - Item 6.2

That the minutes of the Ordinary Council Meeting held on Thursday 17 October 2019 be confirmed as an accurate record.

6.2 Special Council Minutes - 28 October 2019

OFFICER RECOMMENDATION - Item 6.2

That the minutes of the Special Council Meeting held on Monday 28 October 2019 be confirmed as an accurate record.

6.3 Special Council Minutes - 28 October 2019

OFFICER RECOMMENDATION - Item 6.3

That the minutes of the Special Council Meeting held on Monday 28 October 2019 which commenced at 8.30pm be confirmed as an accurate record.

7 PRESIDENTIAL COMMUNICATIONS

8 COUNCILLORS QUESTIONS ON NOTICE

Nil

9 REPORTS OF OFFICERS

9.1 MANAGER WORKS & SERVICES

9.1.1 Jayes Road Numbering & Renaming

Location:	<i>Boyup Brook Town Site</i>
Applicant:	<i>N/A</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11th November 2019</i>
Author:	<i>Steele Alexander - Manager Works & Services</i>
Authorizing Officer:	<i>Stephen Carstairs - Acting CEO</i>
Attachments:	<i>Policy P.08 Map of road section Shire of West Arthur correspondence Customer road name submission</i>

SUMMARY

As reported at the September 2019 ordinary meeting, it has been identified that properties along a section of Jayes Road within the Boyup Brook town site cannot be assigned road numbers due the arrangement of numbers already allocated along adjoining sections. Council deferred a decision on the matter pending additional information. With the requested information now presented in this report, council is requested to decide on a preferred solution from those offered so that community consultation can be undertaken prior to implementation.

BACKGROUND

As outlined in the September report, Jayes Road extends from the northern town site boundary (Just south of Boyup Brook Rd North), through to the south west town site boundary (Just past Knapp St). Numbering for town properties along this road begins at Forbes St with numbers increasing in a southerly direction. This arrangement means the location of number 1 Jayes road is actually 1.9 km south of the start of the road. This creates a situation whereby properties within this 1.9Km section cannot be allocated an urban number or a rural number. A map showing road numbering start locations is included as an attachment.

Proposed solutions to the problem were presented in the September report and are summarised in the table below:

Proposal	Pros	Cons
[1] Rename the section of road from Forbes St to Boyup Brook Rd North.	<ul style="list-style-type: none"> No existing address changes required. 	<ul style="list-style-type: none"> Requires renaming an existing section of road. Creates a confusing short section of Jayes Rd which may further complicate navigation.
[2] Rename the section of road from Abel St to Boyup Brook Rd North.	<ul style="list-style-type: none"> Minimal existing address changes. Creates a logical road starting at a major intersection which will improve navigation. 	<ul style="list-style-type: none"> Requires renaming an existing section of road. 6 town addresses changed.
[3] Start addresses from the current beginning of Jayes Road.	<ul style="list-style-type: none"> No changes to road names or lengths. 	<ul style="list-style-type: none"> 32 town addresses changed.
[4] Start the Boyup Brook – Arthur Road at the Abel St intersection.	<ul style="list-style-type: none"> This is the current official start of the road. Will simplify navigation since there will be just one road name from Boyup Brook to West Arthur. 	<ul style="list-style-type: none"> Requires renaming an existing section of road. 6 town addresses changed 58 rural addresses changed 30 addresses to change within the jurisdiction of another Shire.

At the September meeting, Council’s preference was (#4) to begin the Boyup Brook – Arthur Road at the Abel Street intersection (the BP service station), doing away with the Jayes road name to the north. This change would affect properties in the Shire of West Arthur so the Shire was approached seeking support for the proposal. Correspondence from the Shire of West Arthur declining support is included as an attachment.

COMMENT

It is apparent that any solution to the outlined addressing problem must involve renaming sections of road, re-addressing existing properties, or both. The solution chosen should also ultimately provide clear navigation to road users while minimising existing address changes. The proposal to rename the section of road from Abel St through to Boyup Brook Rd North (#2) is the one that best fits these criteria and is the recommended solution.

Usual practice when naming a new road would be to select a name according to policy P.08 however the naming convention discussed in the Shire of West Arthur correspondence could also be considered. Selecting Jayes Road North as a name may not be as clear for navigation as a new unique name and isn’t recommended.

Should Council choose a solution that requires a new road name, it is requested that three names be selected from policy P.08 in order of preference. Three names are required in case Landgate rejects a proposed name according to their policies and

standards for geographical naming. It should be noted when selecting names that Landgate policy states naming must commemorate an individual with a demonstrated record of achievement. Policy P.08 currently contains a number of entries for families so these names would not be approved if put forward. Additionally, Letchford Rd and Sinnott Rd are already used within the Shire so should not be selected. It should also be noted that evidence of community consultation is a mandatory part of the road name application process.

Since the September meeting, there has been a submission regarding use of the 'Bode' name which is included as an attachment.

CONSULTATION

Shire of West Arthur

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

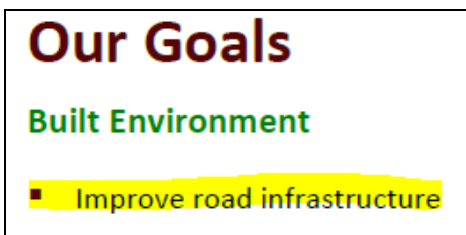
Nil

BUDGET/FINANCIAL IMPLICATIONS

- Cost of under \$1,000 for new street signs and installation.

STRATEGIC IMPLICATIONS

With reference to the Strategic Community Plan 2017 - 2027



SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known environmental issues.
- **Economic**
There are no known environmental issues.
- **Social**
With reference to the 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.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION - Item 9.1.1

That Council:

1. Select as its preferred solution:

- Rename the section of road from Forbes St to Boyup Brook Rd North; or
- Rename the section of road from Abel St to Boyup Brook Rd North; or
- Start addresses from the current beginning of Jayes Road; or
- Start the Boyup Brook – Arthur Road at the Abel St intersection,

to the Jayes Road address number problem.

2. Directs the Acting CEO to engage the community in a three-week consultation period with submissions being reported to council at the February 2020 ordinary meeting.

9.1.2 Intersection Design - Inglis, Cowley, Abel Streets

Location:	<i>Boyup Brook Town Site</i>
Applicant:	<i>N/A</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11th November 2019</i>
Author:	<i>Steele Alexander - Manager Works and Services</i>
Authorizing Officer:	<i>Stephen Carstairs - Acting CEO</i>
Attachments:	<i>MRWA Approved Final Design MRWA Suggested Design</i>

SUMMARY

Council is requested to consider the amendment to the design presented at the September 2019 ordinary meeting and decide which design should be presented to the public for consultation.

BACKGROUND

At the September 2019 ordinary meeting, Council endorsed the attached “MRWA Approved Final Design” for the intersection of Inglis St, Abel St, and Cowley St and directed the Acting CEO to engage with the community in a three-week consultation period with submissions to be reported to council at the October 2019 ordinary meeting. One submission was received expressing concern that the design did not address the line-of-sight hazard for vehicles turning north onto Inglis St from Abel St. In response, council requested that the option of preventing this vehicle movement be investigated.

The proposal was presented to Main Roads WA (MRWA) along with a request for any other design solutions that could address the hazard. MRWA proposed changes to the traffic islands, shown shaded black in the attached “MRWA Suggested Design”. The changes consist of raised traffic islands that prevent any possible right turn from Abel St north onto Inglis St (movement 1) but also prevent right turns from Inglis St onto Abel St (movement 2). This prevention of vehicle movement 2 is required because the gap needed to allow it would also allow vehicles to perform the hazardous movement 1. MRWA had no other suggestions on how to address the line-of-sight hazard.

COMMENT

The MRWA suggested design would certainly eliminate a traffic hazard that has been present in the town for generations. It would also further simplify the intersection layout which was a motivation for the initiating the redesign process. Furthermore, the large traffic island created could be well utilised for gardens, tourism signage, improved pedestrian movement, etc. Conversely, the suggested change would of course, restrict vehicle movements at the site and the large pedestrian island would increase the cost of the project beyond the amount approved in the current 2019/20

budget. The additional cost would depend on the island design, for example if it were to be paved or made into a garden. At a minimum, approximately 100m of concrete curbing would be required at an estimated cost of \$3,000.

CONSULTATION

Main Roads WA

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

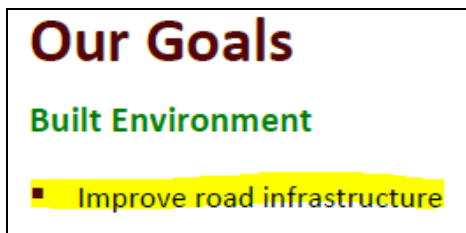
Nil

BUDGET/FINANCIAL IMPLICATIONS

- Funding to carry out the works according to the final design has been included in the 2019/20 budget. The amended design would result on costs of 50-100% above the budgeted amount of \$12,685.
- Ongoing maintenance costs of the regulatory signs and road markings will be met by MRWA.

STRATEGIC IMPLICATIONS

With reference to the Strategic Community Plan 2017 - 2027



SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known environmental issues.
- **Economic**
There are no known environmental issues.
- **Social**
With reference to the 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.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION - Item 9.1.2

That Council:

1. direct the A/CEO to proceed with implementing the MRWA design as endorsed at the September 2019 meeting.
or
2. amended design and direct the Acting CEO to engage the community in a three-week consultation period with submissions being reported to council at the February 2020 ordinary meeting.

9.2 FINANCE

9.2.1 List of Accounts Paid in October 2019

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>12/11/19</i>
Author:	<i>Peter Dittrich – Finance Manager</i>
Authorising Officer:	<i>Stephen Carstairs – Acting Chief Executive Officer</i>
Attachments:	<i>Yes – List of Accounts Paid in October</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in October 2019 are presented to Council.

BACKGROUND

This report presents accounts/invoices received for the supply of goods and services, salaries and wages, and the like which were paid during the period 01 to 31 October 2019.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 October 2019.

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 2019-20 Annual Budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 9.2.1

That at its November 2019 ordinary meeting Council receive as presented the list of accounts paid in October 2019, totalling \$479,688.83 from Municipal account, \$1591.00 from Trust account, \$52,360.55 from Police Licensing account and \$9.08 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20334 - 20341	\$ 28,295.96
Municipal Electronic Payments	EFT8534 – EFT8635	\$ 170,759.39
Municipal Direct Payments		\$ 280,633.48
Trust Cheques	2198 - 2203	\$ 1,591.00
Police Licensing Payments		\$ 52,360.55
BBELC Payments		\$ 9.08

9.2.2 31 October 2019 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	13 November 2019
Authors:	Peter Dittrich - (Relief) Finance and HR Manager
Authorizing Officer:	Stephen Carstairs - Acting CEO
Attachments:	Yes – 31 October 2019 Financial Reports

SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 31 October 2019.

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

OFFICER RECOMMENDATION – Item 9.2.2

That having had regard for any material variances, Council receive the 31 October 2019 Statement of Financial Activity and Statement of Net Current Assets, as presented.

9.2.3 Budget Review - 31 October 2019

Location:	Not applicable
Applicant:	Not applicable
File:	RD/45/001
Disclosure of Interest:	Nil
Date:	15 November 2019
Authors:	Peter Dittrich - (Relief) Finance and HR Manager and Stephen Carstairs - Acting CEO
Authorizing Officer:	Stephen Carstairs - Acting CEO
Attachments:	Yes. 1. The Hon Michael McCormack MP and Hon Scott Buchholz MP's communication, and 2. Allan Chisholm's communication.

PURPOSE

For Council to consider and adopt a review of the 2019-20 Adopted Annual Budget, taking in the period 1 July 2018 to 31 October 2019.

BACKGROUND

While Regulation 33A of the *Local Government (Financial Management) Regulations 1996*, requires that local governments will conduct a budget review between 1 January and 31 March in each financial year, the budget may be reviewed at any time, and proposed budget amendments adopted by Council.

Recently a number of matters have occurred to prompt this early review of the 2019-20 Annual Budget, as follows:

- Council's life of program *Roads to Recovery* (R2R) funding has increased from \$1,682,856 to \$2,103,570 i.e. R2R revenue in the 2019-20 budget may be increased from \$410,000 to \$420,715, and refer attachments;
- while Council's 2019-20 Annual Budget shows R2R revenue for the year at \$410,000, only \$335,670 in R2R expenditure was budgeted i.e. there is a \$74,330 shortfall in the 2019-20 Annual Budget;
- due to a number of 2018-19 year end adjustments occurring since the time of adopting the 2019-20 Annual Budget, the 2018-19 surplus carried forward needs to be increased from \$435,768 to \$448,178 i.e. there is a \$12,410 surplus in the 2019-20 Annual Budget; and
- while \$343,310 in Federal Assistance (General Purpose) funds were budgeted, actual receipts are forecast to be \$337,930 i.e. there is to be a \$5,380 shortfall in the 2019-20 Annual Budget.

DETAILS

The review has realised a small surplus of \$7,030.

Features of the budget review include:

OPENING BALANCE	(Surplus)/Deficit	0
	2018-19 surplus brought forward which will be \$12,410 more than that used in the 2019-20 Adopted Budget.	-12,410
OPERATING		
Operating Grants	Comprises:	
COA 032001	- FAGS General Purpose Grant decrease by \$5,380 from \$343,310 to \$337,930.	5,380
Non Operating Grants	Comprises:	
COA 121003	- R2R receipts increase by \$10,715 from \$410,000 to \$420,715.	-10,715
CAPITAL PROGRAM		
Roads, Bridges etc	Comprises:	
COA 121450	R2R Bridges (mtce) job increases by \$85,045 from \$0 to \$85,045	85,045
COA 121450	Council funded Bridge (mtce) jobs decrease by \$74,330 from \$187,500 to \$102,455.	-74,330
	Overall Change (surplus)	(7,030)

Due to the above proposed adjustments, the closing funds as at 30 June 2020 are forecast to increase to \$7,030.

CONSULTATION

Steele Alexander – Manager Works

STATUTORY ENVIRONMENT

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

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

**Absolute majority required.*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Specific financial implications are as outlined in the above Table.

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENT

Absolute Majority required: Yes.

TRIPLE BOTTOM LINE ASSESSMENT

Economic Implications

The budget has been reviewed based on tested financial management and accountability principles and is considered to deliver in 2019-20 a sustainable economic outcome for Council and the community.

Social Implications

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

Environmental Implications

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

COMMENT

The budget has been reviewed so as to continue to deliver on other strategies adopted by the council and maintains a high level of service across all programs. The closing funds will be in surplus (-\$7,030) as a result of this budget review.

OFFICER RECOMMENDATION - Item 9.2.3

That Council: adopts the budget review for the period 1 July 2018 to 31 October 2019 with proposed variations as follows; and instructs the Acting CEO to amend the 2019-20 Annual Budget accordingly:

OPENING BALANCE	(Surplus)/Deficit	0
	2018-19 surplus brought forward which will be \$12,410 more than was forecast at the time the 2019-20 Annual Budget was adopted.	-12,410
OPERATING		
Operating Grants	Comprises:	
COA 032001	- FAGS General Purpose Grant decrease by \$5,380 from \$343,310 to \$337,930.	5,380
Non Operating Grants	Comprises:	
COA 121003	- R2R receipts increase by \$10,715 from \$410,000 to \$420,715.	-10,715
CAPITAL PROGRAM		
Roads, Bridges etc	Comprises:	
COA 121450	R2R Bridges (mtce) job increases by \$85,045 from \$0 to \$85,045	85,045
COA 121450	Council funded Bridge (mtce) jobs decrease by \$74,330 from \$187,500 to \$102,455.	-74,330
	Overall Change (surplus)/deficit	(7,030)

9.3 ACTING CHIEF EXECUTIVE OFFICER

9.3.1 Agree to request Management of Reserves

Location:	1. Unallocated Crown Land – 54 Forbes Street (1.37ha); 2. Unallocated Crown Land – Lot 372 Donnybrook Road (4.68ha) 3. Reserve 101 Jayes Road – Reserve 24878 (1.17ha)
Applicant:	Shire Boyup Brook
Disclosure of Officer Interest:	None
Date:	21 November 2019
Author:	A. Nicoll, Town Planner
Authorizing Officer:	Stephen Carstairs, Acting Chief Executive Officer
Attachments:	Nil

SUMMARY

Request Council agreement to make application with the Department of Planning, Lands and Heritage, for the management of the following Crown land:

1. Unallocated Crown Land – 54 Forbes Street (1.37ha);
2. Unallocated Crown Land – Lot 372 Donnybrook Road (4.68ha); and
3. 101 Jays Road – Reserve 24878 (1.17ha)

BACKGROUND

Three parcels of land, owned by the Crown, have been questioned as to their potential for development.

Tourism - Lookout Tower

The Boyup Brook Co-op has requested that the Shire investigate the potential of developing a Lookout Tower at 101 Jayes Road – Reserve 24878.



Cemetery

Shire staff are looking at the potential of developing the Unallocated Crown Land – 54 Forbes Street, as a cemetery. This parcel of land is majority vegetated.



Special Purpose

Shire staff received a query as to the ownership and potential purchase and use of land for industrial purposes. The land is unallocated crown land and is located adjacent to the Donnybrook/Boyup Road and the Boyup Brook Agri Business.

Prior to responding to the query, Shire staff propose to request Council consideration as to the potential for the Shire to manage the land for 'Special Purpose Reserve' (Cottage Industry). Cottage industry – means a trade or light industry producing arts and crafts goods (tourism related activity) and may include incidental activities such as a café.



CONSULTATION

Shire staff interviewed a state lands officer from the Department of Planning, Lands and Heritage, regarding procedure for gaining management of Crown Land.

The state lands officer indicated that the Shire needs a formal agreement from the Council (Ordinary Council Decision), in-order to then make an application with the Department of Planning, Lands and Heritage, to take on management of Crown Land.

The state lands officer mentioned that, land within the State of WA that is defined as 'Unallocated Crown Land' (UCL) is under review for Aboriginal Heritage Settlement, meaning an application requesting management may be delayed until the middle of next year. The state lands officer also mentioned that the likelihood of land being registered for Aboriginal Heritage Settlement, is increased where the land is vegetated.

COMMENT

Site 1 - Reserve 24878 - Tourism (Lookout Tower)

Site 1 is 1.17ha in land area and is currently vested with the Water Corporation for the purpose of 'Water Catchment'.

The Shire received an informal request to develop a Lookout Tower at the subject site. The subject site overlooks the Boyup Townsite and Blackwood River.

The Shire sought comment from the Water Corporation and the Department of Planning, Lands and Heritage, on the idea of taking over management of the site, for the purpose of 'Tourism and Recreation' (Lookout Tower).

The Water Corporation provided written confirmation that the site is no-longer needed for water catchment and that the Water Corporation is willing to relinquish management subject to the following conditions:

- 1. The Jays Rd road reserve being widened by 20 m along the frontage of Reserve 24878 so that water mains that are presently inside the boundary of the reserve are included in the road reserve.*
- 2. All costs associated with the transfer of the reserve and widening of Jays Rd and to be met by the Shire of Boyup Brook.*

The Department of Planning, Lands and Heritage has recommended that the Shire seek application to take on management of the site for 'Tourism and Recreation'.

Site 2 - Cemetery

Site 2 is 1.37ha in land area and is currently identified as unallocated crown land. This means the land is not vested with any authority for any particular purpose. The land is majority vegetated.

The subject unallocated crown land is located alongside land vested with the Shire for the purpose of 'Cemetery'. The existing Cemetery site has issues regarding capacity and erosion of grave sites, due to steep topography.

Subject to a soil classification, the unallocated crown land may be suitable as a new grave site.

The Shire sought initial comment from the Department of Planning, Lands and Heritage on the idea of seeking management of the site for the purpose of 'Cemetery'.

The Department of Planning, Lands and Heritage advised that unallocated crown land is being assessed in relation to a South West Native Title Settlement (the Settlement). The Settlement will affect an estimated 30,000 Noongar People and encompasses approximately 200,000 square kilometres in the South West. The Settlement will resolve the Noongar native title claims in the South West of

Western Australia in exchange for a package of benefits that includes access to Crown land.

Vegetated, unallocated crown land is of special interest for settlement.

The Department of Planning, Lands and Heritage advised that the Shire may apply for management of the unallocated crown land, however, a determination may be some time away due to the Settlement process.

Site 3 – Special Purpose (cottage industry)

Site 3 is 4.68ha in land area and is currently identified as unallocated crown land.

The Shire received a request from a private enterprise, requesting to purchase and utilise the site for an industrial type activity. The Shire has also received interest for land to develop boutique tourism type activities (e.g. arts and crafts, brewery, community garden and café).

The site is cleared and therefore unlikely suited for Native Title Settlement.

The site is located at the entrance to the Boyup Townsite is currently underutilised (vacant Crown land).

A private enterprise may apply to the Department of Planning, Lands and Heritage to purchase the land. The Department of Planning, Lands and Heritage may involve the Shire to ascertain whether or not the Shire has any interest in the land.

The Shire may resolve to recommend that the land is sold to a private enterprise or recommend that the land is vested with the Shire for a particular purpose.

This report item recommends that the Shire seek application to take on management of the site for the purpose of 'Special Purpose Reserve' and then lease the site to a third party for tourist/industrial type activities (e.g. cottage industry – means a trade or light industry producing arts and crafts goods).

Should the land not be taken up for lease, then, with the consent of the Shire, the Minister may decide to sell the land to a private enterprise.

STATUTORY OBLIGATIONS

Section 41 of the *Land Administration Act 1997* allows the Minister to reserve Crown land for one or more purposes in the public interest, while section 46 allows the Minister to place the care, control and management of a reserve for that same purpose which is deemed beneficial or ancillary to that public purpose.

Section 18 of the *Land Administration Act 1997* states that a person shall not assign, sell, transfer or otherwise deal with interests on Crown land without the prior approval in writing of the Minister for Planning, Lands and Heritage.

POLICY IMPLICATIONS

There are no policy implications relating to this item.

CONSULTATION

The Shire consulted with the Department of Planning, Lands and Heritage on the notion of taking on management of three different parcels of land.

The Shire consulted with the Water Corporation regarding taking over management of Reserve 24878.

BUDGET/FINANCIAL IMPLICATIONS

The land parcels would be managed by the Shire. Given the good condition of the reserves, costs would be limited to weed and fire control, and surveillance, which may be included in the Reserves Maintenance budget.

As part of the assessment process the Department of Planning Land and Heritage will determine the status of the land in relation to Native Title. The extinguishment of Native Title may incur future costs. Council may be asked to provide the department with an indemnity against those costs before they issue a management order.

Minor costs may occur in relation site surveys, boundary adjustments, setting up management orders and leasing arrangements.

STRATEGIC IMPLICATIONS

There are no strategic implications relating to this item.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – Item 9.3.1

That Council resolves to:

AGREE to apply for management of the following parcels of land, for the following purposes:

**Unallocated Crown Land – 54 Forbes Street (1.37ha) – Purpose ‘Cemetery’;
Unallocated Crown Land – Lot 372 Donnybrook Boyup Road (4.68ha) – Purpose ‘Special Purpose Reserve’ (e.g. cottage industry); and
101 Jayes Road – Reserve 24878 (1.17ha) – Purpose ‘Tourism and Recreation’.**

9.3.2 Request for nominations to the Development Assessment Panel

Location:	<i>N/A</i>
Applicant:	<i>Department of Planning, Lands and Heritage</i>
File:	<i>DAP</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>21 November 2019</i>
Author:	<i>A. Nicoll (Town Planner)</i>
Authorizing Officer:	<i>Stephen Carstairs (Acting Chief Executive Officer)</i>
Attachments:	<i>Development Assessment Panel – Procedures Manual</i>

SUMMARY

The purpose of this report is to put before Council the opportunity to nominate four local government members for appointment to the South West Development Assessment Panel (DAP).

BACKGROUND

Development Assessment Panels (DAPs) are decision making bodies. They determine applications for development approvals in replace of the relevant decision making authority (i.e. Western Australian Planning Commission or local government).

The Regulations provide that Local Governments are to nominate two members and two alternate members.

The Shire of Boyup Brook currently has nominated Philippe Kaltenrieder and Kevin Moir for the 2018 to Jan 2020 term. 'Alternative Members' were not previously nominated.

The Shire needs to nominate two DAP local government members and two DAP 'Alternative' local government members for the 2020-2022 term.

COMMENT

The DAP is an independent decision making body comprised of three technical experts and two local government elected members.

The DAP considers development applications made under local planning schemes valued at \$10m and above.

Four members are nominated, however only two members represent the panel. Two of the members are identified as 'Alternative Members', and are available if a DAP member cannot make a DAP meeting. Nominations may be identified as follows:

DAP Members (2020-2022)	DAP Members (2020 – 2022)

When considering this matter, it's important to note that Council nominates Councillors to sit on a DAP and the Minister either accepts or rejects that person. That person is required to undertake training (provided by the Department) before they can sit in a panel. It's a three hour training course (\$400/person) that can be conducted via teleconference.

CONSULTATION

The author spoke with DAPs Secretariat officers.

STATUTORY OBLIGATIONS

Under regulation 24 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, your local council is requested to nominate, as soon as possible following elections.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

\$400 DAP training fee for each local government representative.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION - Item 9.3.2

That Council nominate Local Government member _____ and _____ to be members of the Development Assessment Panel and Local Government member _____ and _____ as alternate members.

9.3.3 Subdivision Application (WAPC Ref 158537) - Lot 2289 & 2593 Eulin Siding Road, Kulikup

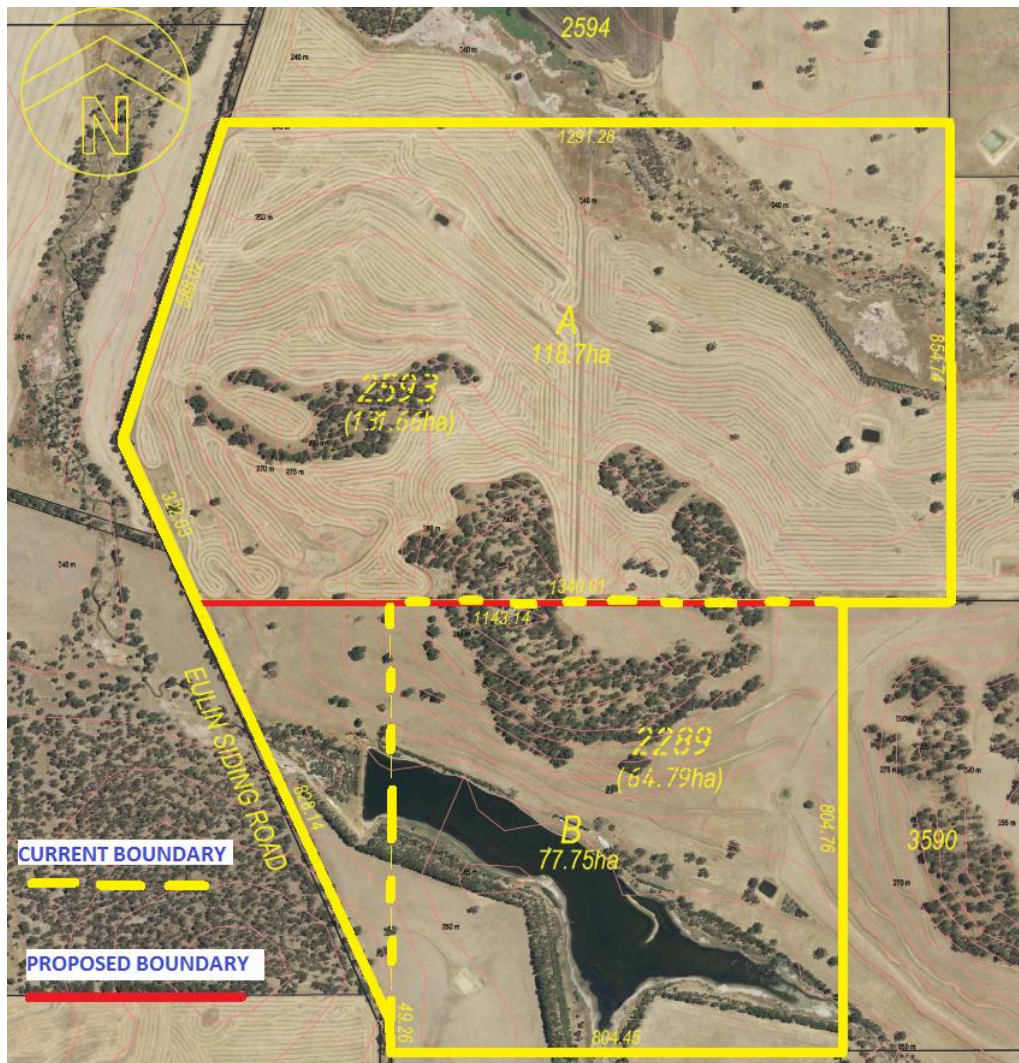
Location:	<i>Lot 2289 & 2593 Eulin Siding Road, Kulikup.</i>
Applicant:	<i>John Kinnear and Associates</i>
File:	<i>WAPC 158537</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>21 November 2019</i>
Author:	<i>A. Nicoll, Town Planner</i>
Authorizing Officer:	<i>Stephen Carstairs, Acting Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council a proposal to realign a property boundary between Lots 2289 & 2593 Eulin Siding Road, Kulikup.

The Shire's *Local Planning Scheme No.2* has zoned the subject land - 'Rural'.

The following plan indicates the proposed boundary realignment. The yellow dotted line is the current boundary and the red line is the proposed boundary.



Council is requested to agree to advise the Western Australian Planning Commission to support the proposed subdivision (boundary realignment), which complies with the Shire's scheme and the Commission's Development Control Policy 3.4.

BACKGROUND

The Western Australian Planning Commission received the subdivision application (Ref 158537), which proposes to realign the boundary between Lots 2289 & 2593 Eulin Siding Road, Kulikup, such that the boundary avoids crossing a dam.

The Western Australian Planning Commission forwarded the application to the Shire of Boyup Brook requesting information, comment or recommended conditions by the end of November 2019.

COMMENT

The subdivision, or boundary adjustment, involves portion of Lot 2593 being added to Lot 2289.

The new boundaries achieve improved environmental and land management practices, coinciding with the established land use (farming).

The proposed boundary adjustment is in-keeping with the Western Australian Planning Commission – Development Control Policy 3.4, which supports property rationalisation to:

1. Improve land management; and
2. Include an existing dam wholly within property boundaries.

Size of the proposed lots are suitable for the intended use and are similar in size to surrounding properties.

The proposed subdivision creates the same number of lots as currently exist and will not prevent the land or the potential of the land to be used for agricultural purposes and hence has no adverse effect on the rural amenity of the area.

CONSULTATION

N/A

STATUTORY OBLIGATIONS

Pursuant to clause 5.2.1 of the Shire of Boyup Brook *Local Planning Scheme No. 2* the following is outlined in respect to subdivision:

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

- a) the need to protect the agricultural practices of the Rural zone in light of its importance to the District's economy;*
- b) the need to protect the area from uses which will reduce the amount of land available for agriculture;*
- c) the need to preserve the rural character and rural appearance of the area;*
- d) where rural land is being subdivided for closer development, the proposal should be supported with evidence outlining the land's suitability and capability for further development.*

The proposed subdivision does not inherently change or impact on existing land uses or the rural character of the area.

POLICY IMPLICATIONS

Development Control Policy 3.4

The Development Control Policy 3.4 - Rural Subdivision outlines the requirements for rural subdivision within Western Australia. Specifically, section 6 of DCP3.4 outlines the following for which rural subdivision may be considered:

In considering applications under section 6, the WAPC will consider rural subdivision in the following exceptional circumstances:

- a) To realign lot boundaries with no increase in the number of lots , where the resultant lots will not adversely affect the rural land uses;*
- b) To protect and activity conserve place of cultural and natural heritage;*
- c) To allow for the efficient provision of utilities and infrastructure and/or for access to natural resources;*
- d) In the Homestead lot policy (Appendix 2)1 allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation: and*
- e) For other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with this and other relevant policies and are necessary to the public interest.*

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

BUDGET/FINANCIAL IMPLICATIONS

There are no financial implications expected as a result of subdivision approval.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – Item 9.3.3

That Council

Agree to advise the Western Australian Planning Commission to support the proposal to subdivide Lots 2289 & 2593 Eulin Siding Road, Kulikup, for the following reasons and subject to no conditions:

Reasons for Support

- 1) The subdivision does not impact on the Shire's *Local Planning Scheme No.2*, clause 5.2.2, which states: *Council shall encourage the continued use of land within the Rural Zone for the entire spectrum of broad-acre and intensive rural activities.*

and

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

9.3.4 Single House and Farm Workers Accommodation - Lot 1896 Scotts Brook Road, Boyup Brook

Location:	<i>Lot 1896 Scotts Brook Road, Boyup Brook</i>
Applicant:	<i>Plunkett Homes</i>
File:	<i>A7240</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>21 November 2019</i>
Author:	<i>A. Nicoll, Town Planner</i>
Authorizing Officer:	<i>Stephen Carstairs, Acting Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

Council is requested to agree to approve the development of a new 'Single House' and to change of use of an existing house, to 'Farm Workers Accommodation'.

'Farm workers accommodation' means accommodation for persons involved in the operation of an agricultural enterprise.

The subject property (Lot 1896 Scotts Brook Road, Boyup Brook) is zoned 'Rural' in accordance with the Shire's *Local Planning Scheme No.2*, and is currently used for farming purposes.

'Farm Workers Accommodation' is classified in the Shire's scheme as an 'AA' use within the 'Rural' zone. Council, in exercising the discretionary powers available to it, may approve an 'AA' use.

BACKGROUND

Lot 1896 Scotts Brook Road is used for farming purposes and has a dwelling and sheds constructed at the subject property.

The Shire received a request proposing a new dwelling at the 'Rural' zone property.

In accordance with the Shire's scheme, the proponent was advised that:

Not more than one dwelling may be erected and occupied on a lot within the 'Rural' Zone.

The proponent was advised that, Council may consider the development of a new single house, subject to the existing house being approved for 'Farm Workers Accommodation'. This may enable the existing house to be preserved, while allowing for a contemporary dwelling to be developed.

Subsequently, the proponent has applied for approval to develop a new 'Single House' and to change the use of the existing house to 'Farm Workers Accommodation'.

COMMENT

The application to change the use of the existing house for 'Farm Workers Accommodation' (use by seasonal shearers and other farm hands), coincides with the application for a new 'Single House'.

The proposed uses may be considered for approval on a 'Rural' zone property and will contribute to the on-going farming operations.

It is recommended that approval is granted for the new 'Single House', and the change of use from an existing house to 'Farm Workers Accommodation'.

STATUTORY OBLIGATIONS

The scheme states the following at clause 5.2.6:

Not more than one single dwelling house may be erected and occupied on a lot within the Rural Zone except where Council is satisfied that an additional house is necessary or desirable for the continuation of bona fide agricultural activity.

The subject site will continue to facilitate agricultural activities. The proposed development will not adversely impact upon agricultural operations in any way. A new 'Farm Workers Accommodation' will enhance such operations by allowing for workers to reside on-site.

The scheme states the following at clause 5.2.5:

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

The proposed dwelling is located more than 85m from the nearest lot boundary.

POLICY IMPLICATIONS

There are no policy implications that relate to the proposal.

CONSULTATION

N/A

BUDGET/FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – Item 9.3.4

That Council

Grants development approval for a ‘Single House’ and the change of use from an existing house to ‘Farm Workers Accommodation’ at Lot 1896 Scotts Brook Road, Boyup Brook, subject to the following notice:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: Lot 1896 Scotts Brook Road, Boyup Brook.

Description of proposed development:

New ‘Single House’ and change of use from existing ‘Single House’ to ‘Farm Workers Accommodation’

The application for development and use is approved subject to the following conditions:

Conditions:

1. Development is to be carried out in accordance with the approved plans dated November 2019.
2. The prime purpose of the ‘Farm Workers Accommodation’ is use by persons involved in the operation of the agricultural enterprise.
3. All stormwater is to be managed and contained on-site, to the satisfaction of the Shire of Boyup Brook.

Date of determination: 21 November 2019

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.

9.3.5 UBAS Regional Agricultural Show Development Grants Program Proposal

Location:	Dinninup Show Grounds
Applicant:	Upper Blackwood Agriculture Society
Disclosure of Officer Interest:	None
Date:	13 November 2019
Authors:	Joanna Kaye - Research and Development Coordinator
Authorizing Officer:	Stephen Carstairs - Acting CEO
Attachments:	Yes. 1. quote for project 1 2. quote for project 2

SUMMARY

This report recommends that Council endorses Upper Blackwood Agricultural Society's (UBAS) Regional Agricultural Show Development Grant proposal projects:

1. Supports UBAS' application for two separate grants under the Regional Agricultural Show Development grant for the constructions of:
 - a) small grant for a transportable office block and undercover area
 - b) a large grant for an ablution block
2. If the grant application is successful, gives permission for UBAS to make the required alterations to the leased property.
3. If the grant for the ablution block is successful support the project through a budget amendment of \$40,000.

BACKGROUND

At the ordinary meeting of Council 17 October 2019, Council resolved:

COUNCIL DECISION & OFFICER RECOMMENDATION- ITEM 9.4.4

MOVED: Cr O'Connell

SECONDED: Cr Alexander

That Council:

1. Endorses the Upper Blackwood Agriculture Society (UBAS) proposed AgShow grant projects as follows:
 - A toilet block which includes wheelchair access.
 - A safety fence to surround the arena.
 - Extension to the Main Hall for office and storage
2. Endorses UBAS' preparation of application(s) for the Regional Agricultural Show Development Grant, and support the process through providing officer time on the *proviso* that full project details are provided to Council for approval at the November meeting and before the grant application(s) is submitted.

CARRIED 7/0

Res 256/19

On further assessment of the grant opportunity and the immediate needs of the UBAS group David Corker has decided that due to white ant damage and deterioration, the office building is of immediate priority and therefore would like to request support for the projects of:

- a) a small grant for a transportable office block and patio area
- b) a large grant for an ablution block

The AgShows program is designed to provide funding for the maintenance and upgrade of existing infrastructure and the building, purchasing and construction of new infrastructure related to the running of an agricultural show on regional showground. Grants are available to regional agricultural show societies and it is possible to submit an application for one small grant under \$124,999 (with no direct contribution) and one big grant over \$125,000 - \$500,000 (which requires a 4:1 contribution).

COMMENT

Project 1 - new office building

Application one is for a small show small grant, total grant application is \$124,999. Nil co-contribution is required for small grants. Originally the projects identified for this included an extension to the main hall and a safety fence; however on further investigation due to termites and asbestos, the proposal is for a new size (10.8 x 6m) transportable office block with a undercover (BBQ, entertaining, picnic stop) area attached (see quote attached).

The project will provide a new transportable office space that will be used by UBAS but that could also be used for the Dinninup Volunteer Fire Brigade meetings and as a northern base for the Blackwood Basin Group.

The existing office is 46 years old and is made from timber and asbestos. The space has become too small for the community group and has the additional safety concern of termites despite being continuously treated and its precarious position under a very large, old pine tree.

The proposed transportable structure and outdoor patio will be paid for by the grant. UBAS will pay for any cost over runs associated with the grant and to further develop the undercover area that will be used as an outdoor entertaining area that can be used as a picnic stop by the general public. Dinninup showgrounds is accessed as a rest stop especially for trucks on the increasingly busy Boyup Brook Arthur River Road. Access to a shaded rest stop would deliver a benefit to the broader community as well as UBAS and community groups that would use the office building and shaded, outdoor entertaining area.

The office will "house" the treasurer and clerk of UBAS and could also be used as a hot desk, northern post for the Blackwood Basin Group who service the area but who are based over 1 hour 15 minutes away in Perup.

The project will impact on the local economic activity and employment during construction by using local builders and tradespeople where appropriate. The office and outdoor space is also likely to have a positive economic benefit of increased groups hiring the facilities at the Dinninup Showground. The new office will have a ramp, for increased safety and improved accessibility.

The project will increase the value of the shire owned asset and reduce the ongoing operational, repair and maintenance costs for both UBAS and the Shire. It will mitigate the risk of the aging, increasingly deteriorating, existing building under the large, potentially dangerous tree, as well as provide a building that can be accessed by other community groups.

No financial contribution is required for project 1. UBAS are seeking permission under the lease to undertake these alterations and require the Council's resolution for the grant application.

Project 2 - new ablution block

Application two is for a small show large grant, total project cost is \$258,207 with a grant application of \$206,000 with a requested financial support component from the shire of \$40,000 and an additional financial contribution from UBAS of \$12,207. The project will provide a new ablution block including showers, toilets and wheel chair accessible facilities in the same brick exterior and roof pitch to complement the aesthetics of the traditional hall (see quote attached).

The current toilet facility is no longer coping with the growth and usage of the ground and there are no wheel chair facilities. UBAS have a wheel chair bound member who unfortunately is unable to comfortably participate in events. Last year for the Centenary event the show attracted over 1700 people and portables were bought in to cope with the extra load.

The existing toilet facilities are many years old and plumbing problems are a constant drain on UBAS and shire resources. UBAS spent \$2,600 on plumbing before the Dinninup Show in 2019 and the septic tank and leech drain caused problems at the show both this year and last year. This project has been identified by UBAS as a key facility project and is likely to require replacement in the next 3 - 5 years. As per the Grant Guidelines below this funding is not ongoing. This grant provides the opportunity to replace the increasingly dangerous, in terms of health and safety, aging facility for under 16% of the project cost due to the substantial grant.

5. Is the funding on-going?

No, funding is not ongoing. This is the only funding round anticipated under the program and funding will not be available after 30 June 2021.

Improved ablutions with showers and wheelchair access would enable the venue to be hired out to a variety of groups for different events. The toilets would be used for a rest stop for the general public on the increasingly busy Boyup Brook Arthur River Road. There is also the opportunity to accommodate grey nomads as well as other overnight events. The Dinninup Showgrounds are considered to be excellent facilities; however, the existing toilet facilities are holding back the growth opportunities for the Grounds.

The project will impact on the local economic activity and employment during construction by using local builders and tradespeople where appropriate. The new ablution block is also likely to have a positive economic benefit of increased groups hiring the facilities at the Dinninup Showground. The project will increase the value of the shire owned asset and reduce the ongoing operational, repair and maintenance costs for both UBAS and the shire. It will mitigate the risk of the aging, increasingly deteriorating, existing building and provide attractive, modern, accessible facilities that will be accessed by the community and general public on a regular basis.

The project will have a direct impact on the sustainability and ongoing viability of the show, by improving showground amenities including accessibility and increasing visitor safety and the user experience. It will also increase the range of activities and events able to be undertaken at the showground and increase the usability for events, camping, and attract a variety of users.

Both of the above projects will improve shire owned infrastructure and provide benefits to the community. With the Council's permission UBAS will submit two separate applications that will be assessed separately.

CONSULTATION

David Corker - President UBAS and Stephen Carstairs - Acting CEO.

Steele Alexander - Manager of Works

STATUTORY OBLIGATIONS

Permission to alter the premises as per the lease:

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 - Nil

BUDGET/FINANCIAL IMPLICATIONS

There is no co-contribution required for small grants to small shows grants.

Small Grant - Office building and patio

Contribution	% of co-contribution of total
Australian Government grant funding requested \$ (GST exclusive)	0% Co-contribution required Nil; however, UBAS to cover any additional costs.

For large grants to small shows the minimum co-contribution is 25% of the grant amount you are applying for, or 20% of the project total.

Large Grant - Ablution block

Contribution	Amount	% of co-contribution of total
Australian Government grant funding requested \$(GST exclusive)	\$206,000.00	79.78%
Shire contribution requested	\$40,000.00	15.5%
UBAS contribution	\$ 12,207.00	4.72%
Total project Cost	\$258,207.00	100.00%

If both grant applications are successful, project 2 for the new ablution block would require a budget variation of \$40,000. All amounts ex GST.

STRATEGIC IMPLICATIONS - Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION - Item 9.3.5

That Council:

1. Endorses the Upper Blackwood Agriculture Society (UBAS) proposed AgShow grant projects and support the grant application for:
 - a) A new transportable office building and outdoor patio area
 - b) A new ablution block
2. Direct the acting CEO to provide UBAS with written consent to undertake alterations and associated works to Dinninup Showgrounds, as per the lease, for the above projects upon successful receipt of the Regional Agricultural Show Development Grants.
3. Direct the Acting CEO to amend the 2019-20 budget to include a budget variation of \$40,000 to contribute to the ablution block upon successful receipt of the large grant for the Regional Agricultural Show Development Grant.
4. Direct the Acting CEO to advise UBAS in writing
 - a) That all building and works are to be carried out in accordance with the lease and all associated regulations.
 - b) That the project management, construction and reporting requirements including the acquittal are the responsibility of UBAS.
and
 - c) That the Shire must be acknowledged as a sponsor of the project in all project promotion.

9.3.6 Boyup Brook Weighbridge – Public Consultation

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	13 November 2019
Author:	Peter Dittrich (Manager Governance)
Authorizing Officer:	Stephen Carstairs (Acting Chief Executive Officer)
Attachments:	(Lease - confidential)

SUMMARY

The purpose of this report is to put before Council the opportunity direct the Acting CEO to advertise for public comment on the operation of a weighbridge at Forbes Street.

BACKGROUND

The Shire has been working with Co-operative Bulk Handling to obtain a licence to operate the weighbridge at Forbes Street. The weighbridge would not be a certified weighbridge.

COMMENT

An operation weighbridge is an important part of our community's infrastructure, used by local businesses.

The Shire has been made aware through informal channels that a local business intends establishing a certified weighbridge within Boyup Brook. At the time of writing this report the details could not be confirmed. Council's Community Strategic Plan has an economic objective to maximise business and employment opportunities within the Shire. In particular, the objective is to "*Support new and existing businesses*".

The operation of a community weighbridge by the Shire would potentially place the shire in direct competition with a private business. It is submitted that the Shire should undertake a period of public consultation to determine if there is any objection to the Shire's operation of a weighbridge.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION - Item 9.3.6

That Council direct the Acting CEO to advertise the Shire's intention to enter into a licence to operate a weighbridge and report to the February 2020 meeting.

9.3.7 Establishment of Committees - Annual Awards Committee

Location:	N/A
Applicant:	N/A
File:	AAC
Disclosure of Officer Interest:	None
Date:	15 November 2019
Author:	Stephen Carstairs - Acting CEO
Authorizing Officer:	Stephen Carstairs - Acting CEO
Attachments:	No

SUMMARY

This report is brought to Council to consider appointing a fourth Councillor to Council's Annual Awards Committee.

BACKGROUND

Sections of the Local Government Act 1995 (the Act) which are relevant to this report include:

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required*

At its 28 October 2019 special meeting Council resolved (Res 263/19) to appoint three (3) Councillors to the Annual Awards Committee as follows:

4.2 Appointment of Committees and Delegates

Committees and Representatives

That the Council adopts enbloc 4.2 which includes numbers 1 to 17.

CARRIED 9/0

Res 263/19

2. **Annual Awards Committee – 3 Councillors, the function of the committee to be as set out in Council’s Annual Awards process policy.**

That Cr O'Connell, Cr Moir and Cr Alexander be appointed to Council’s Annual Awards Committee, and this appointment continues until the start of the first meeting of the council after the local government's next ordinary election.

CARRIED BY ENBLOC 9/0

Subsequent to appointing 3 Councillors to the Annual Awards Committee, it was recognised that policy O.11 *Annual Award - Process* policy requires that there will be 4 Councillors on the committee as follows:

Committee

Following the general elections every two years, Council will establish an Annual Awards Committee and the Committee shall comprise a minimum of four (4) Councillors.

COMMENT

While Policy O.11 technically compels Council to appoint 4 Councillors to the Annual Awards Committee, in reality Council can appoint only 3 - having had regard for Policy O.11.

CONSULTATION - Nil

STATUTORY OBLIGATIONS

Refer to the *Comments* section in this report, and s. 5.2 of the Act as follows:

5.2. Administration of local governments

The council of a local government is to ensure that there is an appropriate structure for administering the local government.

has application.

POLICY IMPLICATIONS

Council policy O.11 *Annual Awards - Process* policy should be read in association with this report.

BUDGET/FINANCIAL IMPLICATIONS - Nil

STRATEGIC IMPLICATIONS

The shire's 2017-27 Strategic Community Plan has relevance to this report as follows:

Governance: Strengthen Local Leadership

Our Vision:

We will ensure our sustainability through our leadership, our regional partnerships and ensure we make informed resource decisions for the good of our community.

SUSTAINABILITY IMPLICATIONS - NIL

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION - Item 9.3.7

That in accord with s. 5.11 *Committee membership, tenure of the Local Government Act 1995* and O.11 *Annual Awards - Process policy*, Council:

(a) appoints a fourth Councillor to the Annual Awards Committee as follows:

Cr _____; or

(b) determines that there will be 3 Councillors on the Annual Awards Committee, having had regard for Policy O.11 *Annual Awards - process policy*.

10 COMMITTEE MINUTES

Nil

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Cr Price

That consideration be given to Boyup Brook entering the Tidy Towns-Sustainable Communities Awards.

20 years ago, Boyup Brook won some of the categories of this Award and many improvements around town have occurred since. At the time, Boyup Brook had a Tidy Towns Committee comprising a blend of Councillors, Shire outdoor staff, community representatives. They met 3 or 4 times a year.

It is not a requirement that Council nominate Boyup Brook for the Awards, it can be done by a community group such as CRC, Visitor Centre etc. Council support is a definite advantage.

The Awards help to highlight the care given to the town by Shire workers, community organisations and individuals.

There is no cost involved and a report is provided of positive observations and suggestions.

The regional winner becomes a finalist for the WA Award and then a finalist for the National Award.

(I have judged most of the WA regions, the last being in 2013. I spent seven years judging 330 towns annually in Queensland.)

Comment

That the Shire of Boyup Brook support the nomination by a Community Committee of Boyup Brook entering the Tidy Towns-Sustainable Communities Awards.

11.2 Cr Moir

That the Acting CEO, be directed to instruct the Planning Officer, to prepare a Draft Plan of subdivision for the old sale yard site, indicating the number, size and dimensions of the proposed industrial lots.

The Draft Plan to be presented to Council at the December Council Meeting for discussion and amendment if required.

Indicative costing's for the implementation of the Draft Plan as amended, to be obtained for Council consideration, by the February Council Meeting, to include but not be limited to;

Roads, Drainage and Access.

Power requirements for the proposed lots and existing infrastructure.

Water services for the proposed Lots and fire mitigation.

Development expenses including subdivision, fencing, legal fees and advertising.

Existing remnant sale yard maintenance and wash down facilities.

Existing flora and fauna.

Communication pits.

Work already undertaken in yard removal and site levelling.

Comment

There has been a number of proposed developments suggested over recent years, that have placed, "the cart before the horse", wasting both council time and money.

The above Motion, is an attempt to ascertain the real value for one of those proposals, in order that we can do further investigative work or shelve the idea for the time being.

The above work should have been carried out, before any purchase of the sale yards was even considered.

Comment

The Manager of Planning has indicated that should Council pass the above motion he will be able to provide a draft plan to the December meeting.

11.3 Cr O'Connell

Motion

1. That a report be provided to Council at the December 2019 Council meeting for the options on the renewal of the Rylington Park lease that expires on 14 March 2020.

Officer Comment

1. That Council direct the A/CEO to undertake public consultation to the future administration to consult with the community.

Motion

2. That all Shire of Boyup Brook bank accounts be transferred to the Bendigo Bank Agency in Boyup Brook.

Proponent Comment

Banking with the Boyup Brook Bendigo Bank Agency directly benefits the community by supporting a local business, supporting local employment, increasing the grant pool for Boyup Brook Community Groups and maintaining a sustainable banking option in Boyup Brook.

Support for this motion is reflected in the Shire of Boyup Brook STRATEGIC COMMUNITY PLAN 2017 – 2027

Governance: Strengthen Local Leadership

Our Vision:

We will ensure our sustainability through our leadership, our regional partnerships and ensure we make informed resource decisions for the good of our community.

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.

Officer Comment

The bank fee charges have exceeded \$5000 per annum for the past 2 years. Shire purchasing policy F.03 requires that at least 2 quotes be obtained when purchasing services in excess of \$5000. In addition, shire policy F.04 authority to make payment will need to be amended to change the nominated banking institution. It is suggested that the A/CEO be directed to obtain quotes for the provision of banking services and identify the costs of changeover and report to the February meeting.

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

12.1 DPIRD requests Boyup Brook landholder contact details

Late item to be distributed once advice has been received.

13 CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS

13.1 Revoking Resolution 268/19 - The appointment of an Acting Chief Executive Officer

(Report attached in separate envelope)

13.2 Contract for appointment of a new Chief Executive Officer

(Report attached in separate envelope)

13.3 Memorandum of Understanding: Short Stay (24 –72 hrs) Crisis Accommodation

(Report attached in separate envelope)

14 CLOSURE OF MEETING

There being no further business the Shire President, Cr Aird thanked all for attending and declared the meeting closed at