

BRIEFING AGENDA

BEING HELD ON

Thursday 24 March 2022

Commencing at 6.00pm

Shire of Boyup Brook Council Chambers, Boyup Brook

Dale Putland
Chief Executive Officer

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

We acknowledge and pay our respects to the traditional custodians of the land on which we meet and work.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

PRESENT:	Shire President	Richard Walker
	Deputy Shire President	Helen O'Connell
	Councillor	Sarah Alexander
		Steele Alexander
		Philippe Kaltenrieder
		Darren E King
		Kevin J Moir
		Adrian Price
		Charles Caldwell
	Chief Executive Officer	Dale Putland
	Manager Works & Services	Wayne Butler
	Executive Assistant	Maria Lane

LEAVE OF ABSENCE:

APOLOGIES:

MEMBERS OF PUBLIC:

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

6. DISCLOSURE OF INTEREST

7. CONFIRMATION OF MINUTES

7.1 Ordinary Council Minutes – 10 February 2022
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OFFICER RECOMMENDATION – ITEM 7.1

That the minutes of the Ordinary Council Meeting held on Thursday 10 February 2022 be confirmed as an accurate record.

8. PRESIDENTIAL COMMUNICATIONS

9. COUNCILLOR QUESTIONS ON NOTICE

10. REPORTS OF OFFICERS

10.1 Manager Works and Services

Nil

10.2 FINANCE

10.2.1 List of Accounts Paid in January 2022

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>03/03/2022</i>
Author:	<i>Ben Robinson – Finance Manager</i>
Authorising Officer:	<i>Dale Putland – CEO</i>
Attachments:	<i>Yes – List of Accounts Paid in January</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in January 2022 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 January 2022.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 January 2022.

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 2021-22 Annual Budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 10.2.1

That at its March 2022 ordinary meeting Council receive as presented the list of accounts paid in January 2022, totalling \$755,507.09 from Municipal account, \$66,518.20 from Police Licensing account and \$6.86 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20547 - 20550	\$ 9,520.50
Municipal Electronic Payments	EFT11841 – EFT11972	\$ 526,523.48
Municipal Direct Payments		\$ 219,463.11
Police Licensing Payments		\$ 66,518.20
BBELC Payments		\$ 6.86

10.2.2 List of Accounts Paid in February 2022

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>17/03/2022</i>
Author:	<i>Ben Robinson – Finance Manager</i>
Authorising Officer:	<i>Dale Putland – CEO</i>
Attachments:	<i>Yes – List of Accounts Paid in February</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in February 2022 are presented to Council.

BACKGROUND

This report presents accounts/invoices received for the supply of goods and services, salaries and wages, and the like which were paid during the period 01 to 28 February 2022.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 28 February 2022.

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 2021-22 Annual Budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 10.2.2

That at its March 2022 ordinary meeting Council receive as presented the list of accounts paid in February 2022, totalling \$675,259.02 from Municipal account, \$47,000.00 from Police Licensing account and \$7.92 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20551 - 20554	\$ 36,159.29
Municipal Electronic Payments	EFT11973 – EFT12126	\$ 401,693.14
Municipal Direct Payments		\$ 237,406.59
Police Licensing Payments		\$ 47,000.00
BBELC Payments		\$ 7.92

10.2.3 31 January 2022 Statement of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>14 March 2022</i>
Authors:	<i>D Long – Finance Consultant</i>
Authorizing Officer:	<i>Dale Putland – Chief Executive Officer</i>
Attachments:	<i>Yes</i>

SUMMARY

The Monthly Financial Report for 31 January 2022 is presented for Council's consideration.

BACKGROUND

The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 require local governments to prepare monthly reports containing the information that is prescribed.

The Regulations require local governments to prepare annual budget estimates and month by month budget estimates so that comparatives can be made to Year to Date (YTD) Actual amounts of expenditure, revenue and income, and materials variances can be commented on.

COMMENT

The Shire prepares the monthly financial statements in the statutory format along with other supplementary financial reports consisting of:

- (a) Statement of Comprehensive Income by Function/Program;
- (b) Statement of Comprehensive Income by Nature/Type;
- (c) Statement of Financial Activity;
- (d) Summary of Net Current Asset Position;
- (e) Statement of Explanation of Material Variances;
- (f) Statement of Financial Position;
- (g) Statement of Cash Flows;
- (h) Detailed Operating and Non-Operating Schedules;
- (i) Statement of Cash Back Reserves; and
- (j) Loan Borrowings Statement.

At its budget meeting, Council adopted a material variance threshold of \$10,000 or 10%. For interpretation purposes, this means any variance at Function/Program level that is greater than 10% and exceeds \$10,000 in value is reported on and commentary is provided to explain the YTD budget estimate to YTD actual variance. The material variance is shown on the Statement of Financial Activity, in accordance with the *Local Government (Financial Management) Regulations 1996*.

The material variance commentary is now provided in a separate statement, called the Statement of Explanation of Material Variances. This statement categorises the variance commentary according to reporting Functions/Programs and groups the variances by Operating Revenue, Operating Expenditure, Non-Operating/Capital Revenue, and Capital Expenditure.

The Statement of Financial Activity as at 31 January shows a closing surplus of \$3,771,382.

CONSULTATION – Nil

STATUTORY OBLIGATIONS

Local Government Act 1995

Section 6.4—Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996:

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
 - (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5, and 6 prescribe further details of information to be included in the monthly statement of financial activity.

POLICY IMPLICATIONS – Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS – Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 10.2.3

That Council receive the Monthly Financial Report for 31 January 2022, as presented.

10.2.4 28 February 2022 Statement of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>16 March 2022</i>
Authors:	<i>D Long – Finance Consultant</i>
Authorizing Officer:	<i>Dale Putland – Chief Executive Officer</i>
Attachments:	<i>Yes</i>

SUMMARY

The Monthly Financial Report for 28 February 2022 is presented for Council's consideration.

BACKGROUND

The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 require local governments to prepare monthly reports containing the information that is prescribed.

The Regulations require local governments to prepare annual budget estimates and month by month budget estimates so that comparatives can be made to Year to Date (YTD) Actual amounts of expenditure, revenue and income, and materials variances can be commented on.

COMMENT

The Shire prepares the monthly financial statements in the statutory format along with other supplementary financial reports consisting of:

- (k) Statement of Comprehensive Income by Function/Program;
- (l) Statement of Comprehensive Income by Nature/Type;
- (m) Statement of Financial Activity;
- (n) Summary of Net Current Asset Position;
- (o) Statement of Explanation of Material Variances;
- (p) Statement of Financial Position;
- (q) Statement of Cash Flows;
- (r) Detailed Operating and Non-Operating Schedules;
- (s) Statement of Cash Back Reserves; and
- (t) Loan Borrowings Statement.

At its budget meeting, Council adopted a material variance threshold of \$10,000 or 10%. For interpretation purposes, this means any variance at Function/Program level that is greater than 10% and exceeds \$10,000 in value is reported on and commentary is provided to explain the YTD budget estimate to YTD actual variance. The material variance is shown on the Statement of Financial Activity, in accordance with the *Local Government (Financial Management) Regulations 1996*.

The material variance commentary is now provided in a separate statement, called the Statement of Explanation of Material Variances. This statement categorises the variance commentary according to reporting Functions/Programs and groups the variances by Operating Revenue, Operating Expenditure, Non-Operating/Capital Revenue, and Capital Expenditure.

The Statement of Financial Activity as at 28 February shows a closing surplus of \$3,390,562.

CONSULTATION – Nil

STATUTORY OBLIGATIONS

Local Government Act 1995

Section 6.4—Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996:

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
 - (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5, and 6 prescribe further details of information to be included in the monthly statement of financial activity.

POLICY IMPLICATIONS – Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS - Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 10.2.4

That Council receive the Monthly Financial Report for 28 February 2022, as presented.

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 Development (Advertisement X 1 – Pylon Sign) – 25 Cailes Street, Boyup Brook (Boyup Museum)

Location: 25 Cailes Street, Boyup Brook.
Applicant: John Imrie (Boyup Museum).
Disclosure of Officer Interest: None.
Date: 31 March 2022
Author: A. Nicoll, Town Planner
Authorizing Officer: Dale Putland, Chief Executive Officer.
Attachments: Nil

SUMMARY

The purpose of this report is to put before Council the request to develop a Pylon Sign (advertisement) at 25 Cailes Street, Boyup Brook.

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 advertisement (Pylon Sign), which complies with regulatory standards.

BACKGROUND

The property at 25 Cailes Street is owned by the Shire of Boyup Brook and is reserved in accordance with the Shire's scheme as 'Public Purpose'. The subject land is used as a museum, for the display of agricultural and social history in Boyup Brook.

The Shire of Boyup Brook received an application to develop a free standing sign (Pylon Sign), adjacent to the Cailes Street boundary.

COMMENT

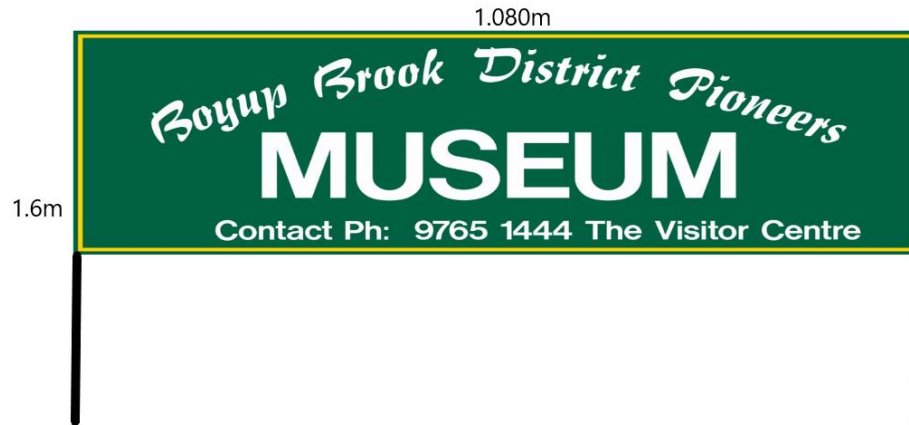
Design

The Pylon Sign is designed as follows:

- 1.6m high structure, with two posts cemented in the ground;
- The sign face is 1.08m long and 600mm high.

The sign is proposed to be located at the front boundary, within the boundaries of the subject Lot and near the entrance to the Museum.

The sign writing reads as follows:



Proposed Location of Sign



Council is requested to approve the development of the Pylon Sign, which is appealing in design, which is advertising an approved use at the subject property, and which complies with statutory and policy standards.

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

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

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

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

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

POLICY IMPLICATIONS

There are no policy implications relating to this item. The design of the proposed Pylon Sign complies with the *Local Government Model By-laws (Signs, Hoardings and Billposting), No. 13, Part II Signs*.

CONSULTATION

N/A

VOTING REQUIREMENTS

Simple majority.

SUMMARY

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

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

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

The advertisement is not expected to impact on the character of the area.

Approval of the advertisement should be on the condition that the advertisement is maintained to a reasonable standard.

OFFICER RECOMMENDATION – ITEM 10.4.1

That Council

Grants development approval for an advertisement (Pylon Sign) at 25 Cailles Street, 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: 25 Cailles Street, Boyup Brook (Museum)

Description of proposed development:

Advertisement X 1 – Pylon Sign

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

Conditions:

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

Advice

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

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

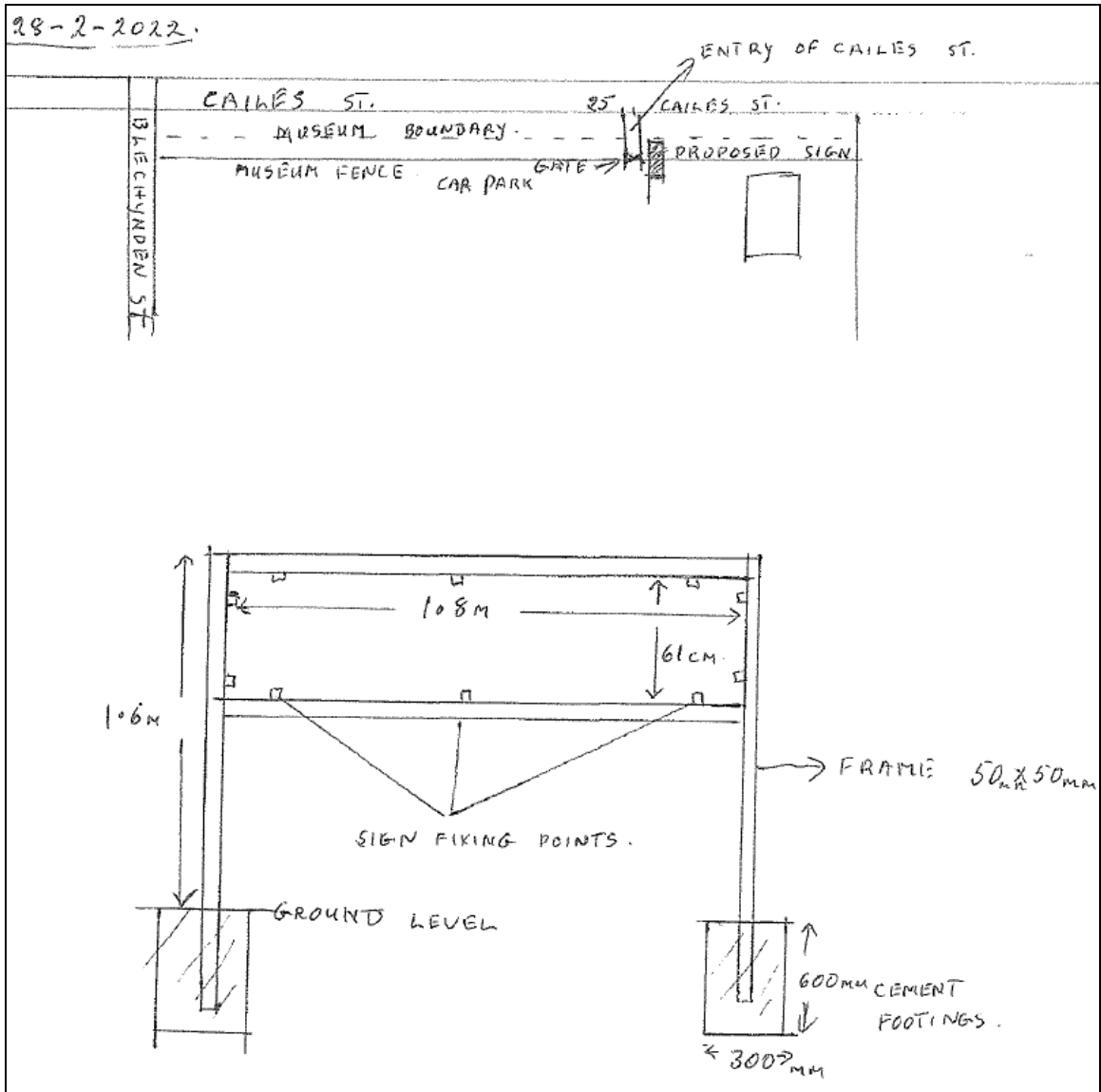
Date of determination: 31 March 2022

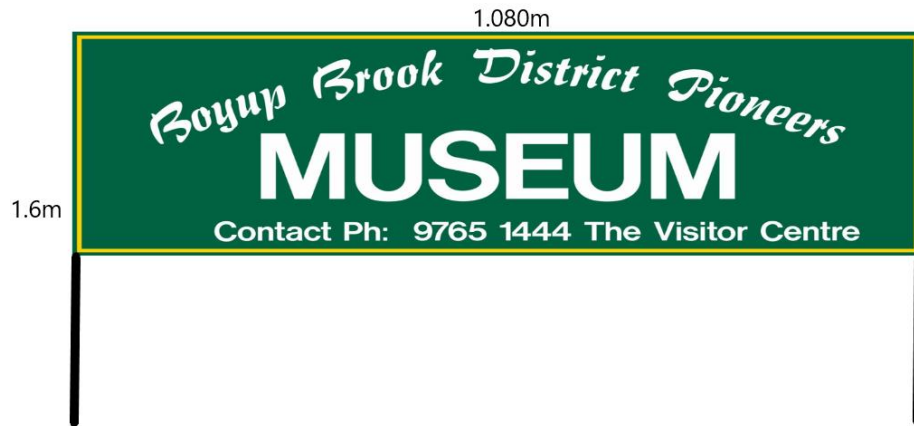
Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

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.

Approved Plans





10.4.2 Submission to Local Government Advisory Board for District Boundary Adjustment with Shire of Donnybrook

Location:	<i>Shire of Boyup Brook/Shire of Donnybrook Balingup</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>Property files</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>16 March 2022</i>
Authors:	<i>Dale Putland – Chief Executive Officer</i>
Authorizing Officer:	<i>Dale Putland – Chief Executive Officer</i>
Attachments:	<i>10.4.2(a) Guiding Principles</i> <i>10.4.2(b) Making a submission for a district boundary change</i> <i>10.4.29(c) proposed boundary maps</i>

SUMMARY

The purpose of this report is to seek a joint Council resolution between the Shire of Donnybrook and Shire of Boyup Brook to determine the preferred district boundary alignment for properties where the shire boundary bisects individual properties along the Shire of Donnybrook Balingup / Shire of Boyup Brook boundary. This determination is necessary to provide direction to officers to prepare the formal Local Government Advisory Board (Board) submission document.

The Board is the body established by the *Local Government Act 1995* (Act) to assess proposals for changes to local government district boundaries.

The proposed boundary change is to permanently resolve issues relating to the Shire of Donnybrook Balingup and Shire of Boyup Brook shared boundary bisecting individual lots. This anomaly results in landowners having a single lot of land located in two local government districts.

BACKGROUND

Seven individual lots have been identified as being bisected by the Shire of Donnybrook Balingup / Shire of Boyup Brook local government boundary.

Table 1 Affected Properties

Land ID	VEN	Assess No	Cert of Title	Lot	Address
4522P162073/2	1076360	A2491	2215/767	Lot 4522	3853 Donnybrook-Boyup Brook Road, Noggerup
11P20750/1	1075849	A1732	2048/547	Lot 11	3851 Boyup Brook Road Noggerup
3804P153547/2	1076419	A2671	1897/282	Lot 3804	3905 Donnybrook-Boyup Brook Road, Noggerup
11859P157909/2	1630596	A4390	1245/290	Lot 11859	Lot 11859 Walker Road, Wilga West
12087P163478/2	1630597	A4389	1328/357	Lot 12087	199 Walker Road, Wilga West
10833P140931/2	1076069	A1393	1039/55	Lot 10833	118 Walker Road, Wilga West
11287P159733/2	1076069	A1393	1175/249	Lot 11287	118 Walker Road, Wilga West

At the Ordinary Council Meeting on 22 September 2021, the Council of the Shire of Donnybrook Balingup resolved unanimously to support a joint submission to change the boundary as follows (Res: 154/21):

“That Council:

- 1. Endorse support for a joint submission to the Local Government Advisory Board with the Shire of Boyup Brook for a district boundary adjustment on the following properties where the Shire of Donnybrook-Balingup /Shire of Boyup Brook boundary dissects the individual lot.*

Land ID	VEN	Assess No	Cert of Title	Lot	Address
4522P162073/2	1076360	A2491	2215/767	Lot 4522	3853 Donnybrook-Boyup Brook Road, Noggerup
11P20750/1	1075849	A1732	2048/547	Lot 11	3851 Boyup Brook Road Noggerup
3804P153547/2	1076419	A2671	1897/282	Lot 3804	3905 Donnybrook-Boyup Brook Road, Noggerup
11859P157909/2	1630596	A4390	1245/290	Lot 11859	Lot 11859 Walker Road, Wilga West
12087P163478/2	1630597	A4389	1328/357	Lot 12087	199 Walker Road, Wilga West
10833P140931/2	1076069	A1393	1039/55	Lot 10833	118 Walker Road, Wilga West
11287P159733/2	1076069	A1393	1175/249	Lot 11287	118 Walker Road, Wilga West

- 2. Subject to the Council of the Shire of Boyup Brook resolving to support a joint submission in accordance with resolution 1, endorse the Chief Executive Officer to undertake consultation with landowners resolved in Resolution 1 to determine the preferred district for each affected lot.*
- 3. That the Chief Executive Officer reports back to Council following the completion of landowner consultation undertaken in accordance with Resolution 2.”*

At the Ordinary Meeting of Council on 30 September 2021 Council of the Shire of Boyup Brook resolved unanimously to support a joint submission to change the boundary.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.4.1

MOVED: Cr Sarah E G Alexander

SECONDED: Cr Helen C O'Connell

That Council

1. **Endorse support for a joint submission to the Local Government Advisory Board with the Shire of Donnybrook Balingup for a district boundary adjustment on the following properties where the Shire of Donnybrook-Balingup / Shire of Boyup Brook boundary dissects the individual lot.**

Land ID	VEN	Assess No	Cert of Title	Lot	Address
4522P162073/2	1076360	A2491	2215/767	Lot 4522	3853 Donnybrook-Boyup Brook Road, Noggerup
11P20750/1	1075849	A1732	2048/547	Lot 11	3851 Boyup Brook Road Noggerup
3804P153547/2	1076419	A2671	1897/282	Lot 3804	3905 Donnybrook-Boyup Brook Road, Noggerup
11859P157909/2	1630596	A4390	1245/290	Lot 11859	Lot 11859 Walker Road, Wilga West
12087P163478/2	1630597	A4389	1328/357	Lot 12087	199 Walker Road, Wilga West
10833P140931/2	1076069	A1393	1039/55	Lot 10833	118 Walker Road, Wilga West
11287P159733/2	1076069	A1393	1175/249	Lot 11287	118 Walker Road, Wilga West

2. **Subject to the Council of the Shire of Donnybrook Balingup resolving to support a joint submission in accordance with resolution 1, endorse the Chief Executive officer to undertake consultation with landowners resolved in Resolution 1 to determine the preferred district for each affected lot.**
3. **That the Chief Executive Officer reports back to Council following the completion of landowner consultation undertaken in accordance with Resolution 2.**

CARRIED 6/0

Res 22/9/130

The following plan is guiding the joint submission to the Board with relevant completed sections shown..

The resolution that is the subject of this report relates to Stage 3 only (highlighted).

Table 1 Stages

Stages - Boundary Change		Council Decision Required	Landowner Consultation	Status
1	Joint Council resolution with Shire of Boyup Brook			Completed
	a. Endorse boundary change process	√		Completed
	b. Endorse initiating consultation with affected landowners	√		Completed
2	Letter to landowners advising process - Include a return form where landowner indicates preferred district for the affected lot		√	Completed
3	Joint Council resolution with Shire Donnybrook			
	a. Endorse proposed changes to boundary alignment			

	b. Authorise CEOs to prepare a submission for a district boundary change to Local Government Advisory Board			
4	Officers prepare Local Government Advisory Board submission report			
5	Joint Council resolution with Shire of Boyup Brook adopting the submission report for a district boundary change to Local Government Advisory Board	√		
6	Submit to Local Government Advisory Board			
7	Resolve matters raised from the Local Government Advisory Board assessment process			
8	Local Government Advisory Board considers proposal and makes recommendation to Minister for Local Government			
9	Minister makes determination on proposal and advises proponent via Local Government Advisory Board			

The subject properties are clustered in two distinct, geographically separated nodes. The two nodes are approximately 10km apart.

1. Northern Node (Noggerup) – 3 properties.
2. Southern Node (Wilga) – 4 properties.

Figure 1 – Geographic Overview

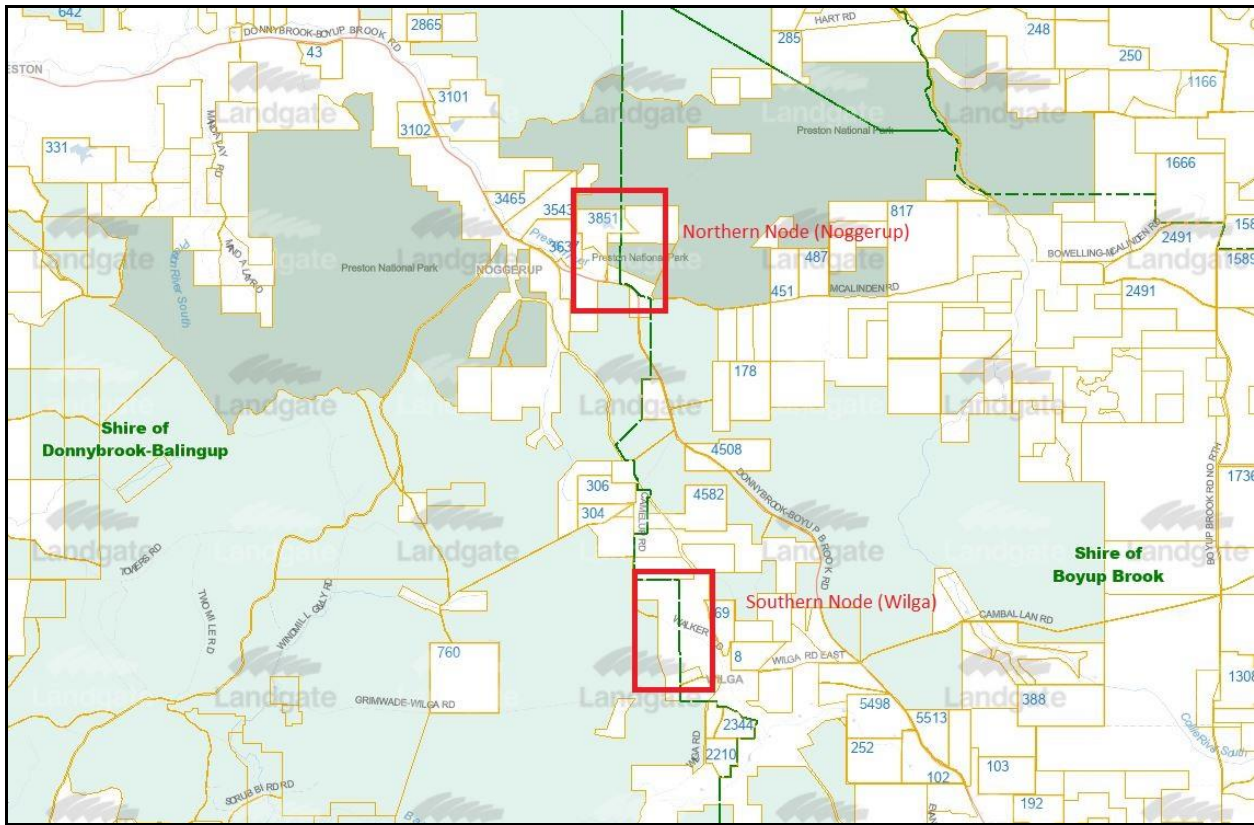
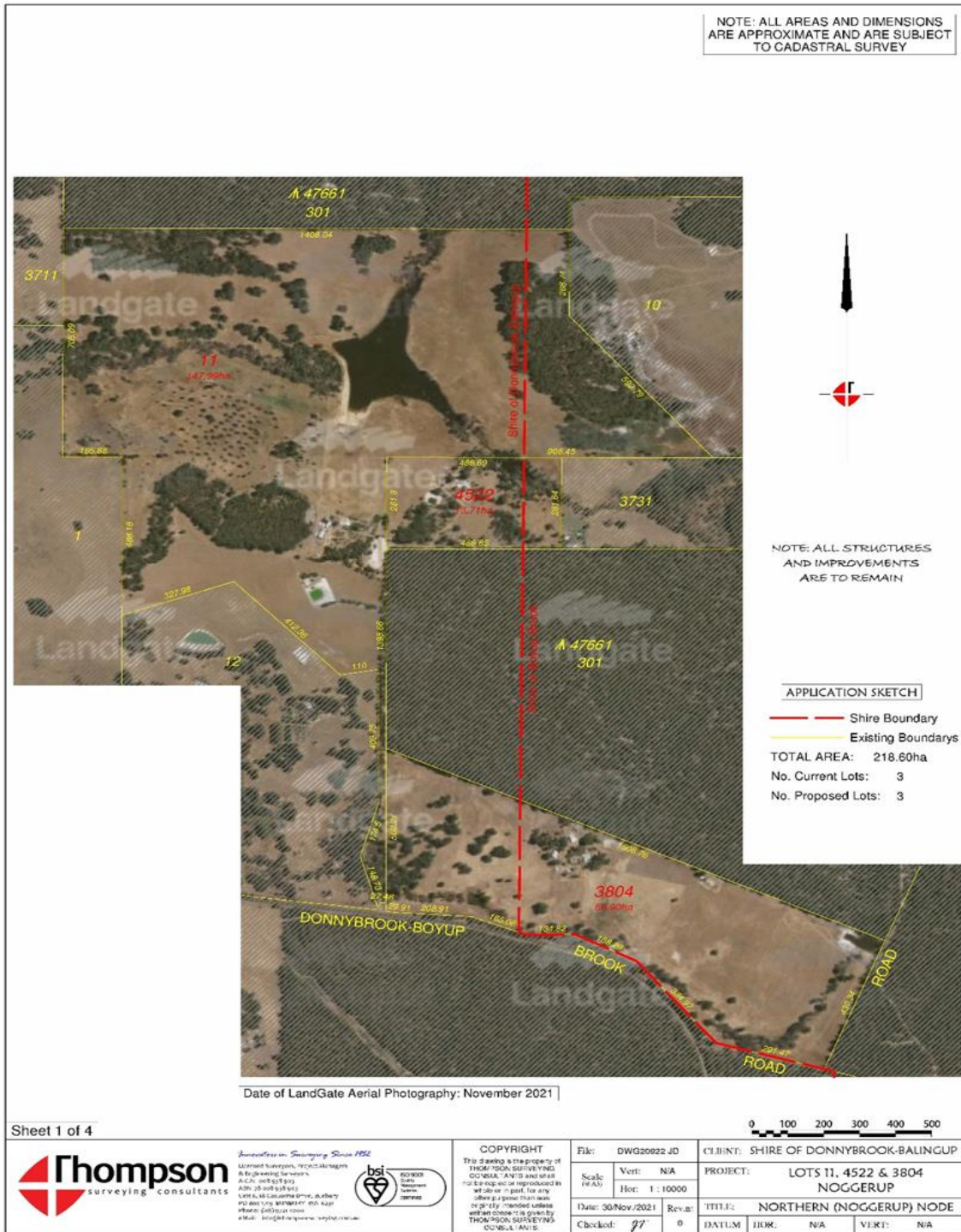


Figure 2 - Northern (Noggerup) Node (3 properties) - Existing Boundary



COMMENT

The proposed boundary recommendations are based on officer assessment undertaken against the following prescribed guiding principles (Attachment 10.4.2(a) Guiding Principles. Proposal to create, change the boundaries of, or abolish a local government district). These guiding principles form the basis for The Board considering changes to local government boundaries.

1. Community Interests
2. Physical and Topographic Features
3. Demographic Trends
4. Economic Factors
5. History of the Area
6. Transport and Communication
7. Matters Affecting the Viability of Local Governments
8. The Effective Delivery of Local Government Services

Table 4 Summary of Assessment Under the Guiding Principles

	Northern (Noggerup) node	Southern (Wilga) node
Community of Interests	Donnybrook Balingup	Boyup Brook
Physical and Topographic Features	Donnybrook Balingup	Boyup Brook
Demographic Trends	Not Applicable	Not Applicable
Economic Factors	Donnybrook Balingup	Boyup Brook
History of the Area	Not Applicable	Not Applicable
Transport and Communication	Not Applicable	Not Applicable
Matters Affecting the Viability of Local Governments	Not Applicable	Not Applicable
The Effective Delivery of Local Government Services	Not Applicable	Not Applicable
Summary	Northern (Noggerup) node	Southern (Wilga) node
Shire of Donnybrook Balingup	3	0
Shire of Boyup Brook	0	3
Not Applicable	5	5

The assessment has informed the following proposed realignments which are reflected in the officer recommendation.

Table 5 Assessed Proposed District Boundary

Lot Number	Street Number	Road	Suburb	Postcode	Proposed district that the property to be wholly located	Landowner Preference
Lot 4522	3853	Donnybrook - Boyup Brook Road	Noggerup	6225	Shire of Donnybrook Balingup	Shire of Boyup Brook
Lot 11	3851	Donnybrook - Boyup Brook Road	Noggerup	6225	Shire of Donnybrook Balingup	Shire of Donnybrook Balingup
Lot 3804	3905	Donnybrook - Boyup Brook Road	Noggerup	6226	Shire of Donnybrook Balingup	Shire of Boyup Brook
Lot 11859	N/A	Walker Road	Wilga West	6243	Shire of Boyup Brook	Shire of Boyup Brook
Lot 12087	199	Walker Road	Wilga West	6243	Shire of Boyup Brook	Shire of Donnybrook Balingup
Lot 10833	118	Walker Road	Wilga West	6243	Shire of Boyup Brook	No Response Received
Lot 11287	118	Walker Road	Wilga West	6243	Shire of Boyup Brook	No Response Received

It is noted that three recommendations are at odds with individual landowner preference. Having taken in account landowner survey responses, it is considered that the officer assessment against the guiding principles provide a robust basis for a submission to the Board and therefore forms the basis of the recommendation.

CONSULTATION

In accordance with joint resolutions of the Shires of Donnybrook Balingup and Boyup Brook, consultation was undertaken with affected landowners.

Landowner consultation was undertaken for a period of 6 weeks, commencing on 1 December 2021, and concluding on 14 January 2022.

Consultation consisted of:

- a) advising landowners of the Shires' intention to submit a boundary change proposal.
- b) surveying respective landowners to obtain a preference for the alignment of a future.

Of the seven subject properties, five survey responses were received.

Table 2 Submissions

Support	Oppose	No Response	Total
5	0	2	7

The results of the consultation surveys are detailed as follows:

Table 3 Landowner consultation responses

Owner Last Name	Owner Initials	Lot Number	Street Number	Road	Suburb	Postcode	Support	Landowner Preferred District
Stockton	DJ	Lot 4522	3853	Donnybrook - Boyup Brook Road	Noggerup	6225	Yes	Shire of Boyup Brook
Scott	BF & RA	Lot 11	3851	Donnybrook - Boyup Brook Road	Noggerup	6225	Yes	Shire of Donnybrook Balingup
McAndrew	MA	Lot 3804	3905	Donnybrook - Boyup Brook Road	Noggerup	6226	Yes	Shire of Boyup Brook
Charteris	GW	Lot 11859	N/A	Walker Road	Wilga West	6243	Yes	Shire of Boyup Brook
Charteris	EN	Lot 12087	199	Walker Road	Wilga West	6243	Yes	Shire of Donnybrook Balingup
Moir	EMM & KJ	Lot 10833	118	Walker Road	Wilga West	6243	N/A	No Response Received
Moir	EMM & KJ	Lot 11287	118	Walker Road	Wilga West	6243	N/A	No Response Received

STATUTORY OBLIGATIONS

Schedule 2.1 of the *Local Government Act 1995* prescribes the requirements for changing boundaries of a local government district

2. *Making a proposal*

(1) *A proposal may be made to the Advisory Board by —*

- (a) *the Minister; or***
- (b) *an affected local government; or***
- (c) *2 or more affected local governments, jointly; or***
- (d) *affected electors who —***
 - (i) *are at least 250 in number; or***
 - (ii) *are at least 10% of the total number of affected electors.***

(2) *A proposal is to —*

- (a) *set out clearly the nature of the proposal, the reasons for making the proposal and the effects of the proposal on local governments; and***
- (b) *be accompanied by a plan illustrating any proposed changes to the boundaries of a district; and***
- (c) *comply with any regulations about proposals.***

POLICY IMPLICATIONS

Not Applicable

FINANCIAL IMPLICATIONS

Based on assessments, loss of rates would be \$2975.44 per financial year based on our current rate in the dollar. Area reduction on A3210, based on 21/22 valuation would be approximately \$656.00.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple

OFFICER RECOMMENDATION – 10.4.2

That Council:

1. Endorses a proposed district boundary adjustment for the following properties:

Land ID	VEN	Assess No	Cert of Title	Lot	Address	Proposed district that the property to be wholly located
4522P162073/2	1076360	A2491	2215/767	4522	3853 Donnybrook-Boyup brook Rd Noggerup	Shire of Donnybrook Balingup
11P20750/1	1075849	A1732	2048/547	11	3851 Boyup Brook Rd Noggerup	Shire of Donnybrook Balingup
3804P153547/2	1076419	A2671	1897/282	3804	3905 Donnybrook-Boyup Book Rd Noggerup	Shire of Donnybrook Balingup
11859P157909/2	1630596	A4390	1245/290	11859	Lot 11859 Walker Rd Wilga	Shire of Boyup Brook
12087P163478/2	1630597	A4389	1328/357	12087	199 Walker Rd Wilga West	Shire of Boyup Brook
10833P140931/2	1076069	A1393	1039/55	10833	118 Walker Rd, Wilga West	Shire of Boyup Brook
11287P159733/2	1076069	A1393	1175/249	11287	118 Walker Rd, Wilga West	Shire of Boyup Brook

2. Subject to the Council of the Shire of Donnybrook Balingup resolving to support the proposed boundary adjustment in accordance with Resolution 1, request the Chief Executive Officer to:

- a) Prepare a joint submission document to the Local Government Advisory Board in conjunction with the Shire of Donnybrook Balingup.
- b) Present the joint submission document to Council for endorsement.

10.4.3 Development (Tree Plantation – Pinus Radiata) – Lots, McAlinden Road, McAlinden

Location:	<i>Lots 4491, 2515, 270, 2516, 2056, 2130, 164, 2381, 3655, 1455, 2038, 2367, 2368, 165, 2317, 2318.</i>
Applicant:	<i>Forest Products Commission (FPC).</i>
File:	<i>Property files</i>
Disclosure of Officer Interest:	<i>None.</i>
Date:	<i>31 March 2022.</i>
Author:	<i>A. Nicoll, Town Planner.</i>
Authorizing Officer:	<i>Dale Putland, Chief Executive Officer.</i>
Attachments:	<i>(a) Plantation Management Plan (includes Fire Management Plan)</i> <i>(b) Concept Fire Map</i> <i>(c) Western Australian Carbon Farming and Land Restoration Program</i> <i>(d) The Code of Practice for Timber Plantations in Western Australia</i> <i>(e) The Guidelines for Plantation Fire Protection</i> <i>(f) Submissions Combined</i>

SUMMARY

The purpose of this report is to put before Council the request to develop a 'Plantation' of Pinus Radiata trees, on various 'Rural' zone Lots within the locality of McAlinden.

Most of the subject land has already been developed with Blue Gum trees (harvested late 2021 and early 2022).

The application is seeking to replace the areas previously planted in Blue Gum trees with Pine Trees and plant an additional 200 ha of pines on land that is currently used for stock grazing.

In accordance with the Shire's *Town Planning Scheme No.2 (TPS2)*, 'Plantation' development is a use which Council, in exercising the discretionary powers available to it, may approve on land zoned 'Rural'.

While tree plantations are an established agricultural activity and landscape feature in the Shire of Boyup Brook, TPS2 states that Council shall discourage the wholesale planting of broadacre rural holdings for plantations and shall instead, encourage the diversification of rural activities.

The applicant contends that their application will provide the following:

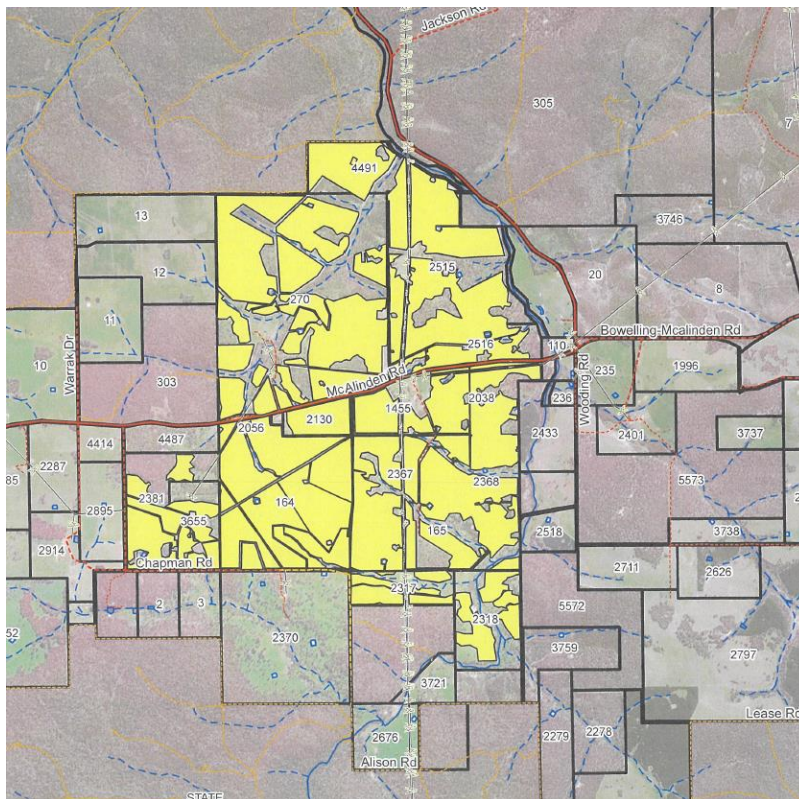
- An economically viable farming establishment is developed, that supports the production of softwood and carbon abatement.
- A diversification of rural activities (both timber production and grazing of livestock) can occur, as recommended by the Shire's scheme. and

- Trained fire personnel and firefighting equipment are available to respond to a fire in the plantation.

The landholder has suggested that they may lease the existing house and farming infrastructure to a farmer wishing to run livestock throughout the plantation, which includes some pastured areas adjacent to creeks. The applicant contends that this will enable a diversification of farming activities, enable surveillance of the property and help to sustain the social fabric of the locality.

The yellow colouring in the below figure, indicates areas proposed for *Pinus Radiata* plantings.

This report item recommends that the Council approve the development of *Pinus Radiata* Plantation subject to stringent fire management criteria.



BACKGROUND

The Shire received a development application from the Forest Products Commission (FPC) on behalf of the land holder (Water Corporation), requesting approval to establish a 'Plantation' on land zone 'Rural'.

The application is seeking to plant Pine trees, on 1150ha of land that was established with Blue Gums, and on 200ha of broadacre farmland (total 1350ha).

The application includes a 'Plantation Management Plan' (*Attachment 10.4.3A*) that outlines the management arrangements for the plantation, including:

- Planting, harvesting, weed and soil management;

- Diversification of farming activities;
- Environmental safeguards; and
- Bushfire management.

As indicated in the 'Plantation Management Plan', the landholder proposes to make available the opportunity for the grazing of livestock throughout the Plantation area, which includes some cleared pastured areas.

There are 2 houses and associated sheds that the landholder states they intend to lease, claiming that this will provide the opportunity for a business to establish within the Shire, whether it's a new business or the expansion of an existing business. The applicant claims that this will maintain a presence on the property to help initial fire detection, deterrent to illegal entry and maintains/increases population levels within the Shire.

During the initial assessment of the application, it became apparent that there were several issues regarding the applicants proposed arrangements for managing fires in and around their plantation.

For example, the applicant proposed that no firefighting crews would be stationed on the property. Initial response to fires within the plantation would be via owners of neighbouring properties and the Shire's volunteer bushfire brigades to control the fire.

The applicant further proposed that if a fire was present in the plantation, the Boyup Brook Bushfire Brigades, Shire of Boyup Brook (for use of the Shire's graders and loader) and the Department of Biodiversity, Conservation and Attractions (DBCA) would be called upon to attend any fires within the plantation.

Following receipt of the application, the Shire consulted with the Boyup Brook Bushfire Brigade leadership team, the Department of Fire and Emergency Services (DFES) and the Department of Biodiversity, Conservation and Attractions (DBCA) on the matter of bushfire management and received the following responses:

- The Boyup Brook Bushfire Brigades are not equipped or trained in forest fire suppression and are prohibited from operating within plantations or other forested areas as they do not have adequate training or equipment to respond to these fires.
- The equipment owned by local landowners is not adequate to respond to plantation fires and attempting to utilise equipment in these situations could potentially lead to life threatening situations.
- The Shire graders and loaders are not equipped with in cab protection systems and Shire employees are prohibited from entering plantations to respond to fires.
- The DBCA advised that their assistance is not guaranteed and should not be considered part of any formal fire response planning.

The Shire advised the applicant of these concerns and requested that the plantation management plan be altered to address the issues raised. The applicant was advised that the *Bush Fires Act 1954* and the *State Hazard Plan – Fire* have provisions that require owners/occupiers of land to take all possible measures to extinguish a fire burning on their land, unless that fire is part of burning operations.

In particular, the Shire requested that the Fire Management Plan be modified to clearly indicate the landowner and/or occupier information such as identification of the Plantation

Company, and all relevant contact details including a 24-hour fire contact phone number, details of equipment and personnel that were property equipped to respond to plantation fires and could respond immediately after the owner was notified of the outbreak of a fire within or adjacent to the plantation.

Following this request the applicant submitted an amended Fire Management Plan (section 5 of the Plantation Management Plan) containing the following measures:

- *The FPC Duty Officer should...be notified on 9725 5288.*
- *The landowner and FPC will provide fire suppression equipment and infrastructure to meet an effective and sustained fire response.*
- *The Collie office holds 3 light units and 1 fully equipped heavy duty fire truck which are approximately 25 minutes travel from the Cootamundra property.*
- *The FPC has 3 fire trucks (2700Lt) and over 20 fire suppression units (fast attacks and trailer mounted fire appliances) that are staffed during the fire season within the southwest region. The following table provides a breakdown of the location of FPC fire equipment and fire staff.*

<i>FPC Office Location</i>	<i>Number of fire ready staff</i>	<i>Fire Equipment</i>
<i>Collie</i>	<i>3</i>	<i>1 Heavy Duty Tanker (3,000 litre) 3 Slip on 400 litre Light Units</i>
<i>Harvey</i>	<i>3</i>	<i>3 Slip on 400 litre light units</i>
<i>Nannup</i>	<i>8</i>	<i>1 Heavy Duty Tanker (3,000 litre) 8 Slip on 400 litre light units</i>
<i>Bunbury</i>	<i>6</i>	<i>3 Slip on 400 litre light units</i>
<i>Manjimup</i>	<i>9</i>	<i>1 Heavy Duty Tanker (3,000 litre) 3 Slip on 400 litre light units</i>
<i>Sandalwood Rd</i>		<i>Trailer mounted fire unit</i>

The applicant also stated that:

- In the instance of a bushfire, a direct contact number is available to the FPC and trained FPC fire personnel and heavy-duty fire trucks will be deployed, the closest heavy-duty truck being within a 25-minute travel time, at Collie.
- Collie has been identified as an optimal location, given its central proximity to plantation developments. Suitable provision is available in Collie to house and train staff in plantation and fire management. Time to arrival following detection of a bushfire will be minimised by ensuring the deployment of suppression resources is as rapid as possible.
- Upon detection of a fire on or threatening the subject property, the FPC Duty Officer at Collie will immediately dispatch rostered and otherwise available suppression resources. These resources will deploy under the direction of the controlling authority with the primary objectives of minimising the potential impact on the plantation and preventing the fire spreading onto adjoining land. The FPC Duty Officer will determine whether to request assistance from DBCA

and/or the Plantation Fire Response Group dependent upon the prevailing fire danger, ignition point and initial fire behaviour.

Staff had further discussions with the FPC to determine if a Heavy-Duty Fire Fighting Truck could be stored within the McAlinden locality, to potentially reduce the 'time to arrival'.

While one FPC employee indicated verbally that a Heavy-Duty Firefighting Unit could be provided within the McAlinden locality when fuel loads within the plantation reached a 'High Hazard' level (e.g. 6 years post planting period) in accordance with the State Governments 'Guidelines for Plantation Fire Protection', the Shire has not received written confirmation from FPC of this proposal.

The landholder has stated that they will make available a 600 litre trailer mounted unit on the property which will be available for immediate fire response for the first 6 years of plantation growth. The Plantation Management Plan states that the tenant at the subject property could be trained to maintain and to use the trailer or a fire truck.

COMMENT

Shire of Boyup Brook Town Planning Scheme No2 (TPS2)

Under the "Scheme Objectives and Intentions" heading, TPS2 states that

"Council's general objective is to ensure that the Scheme protects the existing agricultural base of the District whilst permitting, where appropriate, and subject to Council discretion, more intensive forms of agriculture, expansion of the economic base and increased settlement within certain parts of the District".

And

"Council's general intentions will be -

d) to protect the potential of agricultural land for primary production and to preserve the landscape and character of the area".

Under the Rural Zone heading, TPS2 states that

"The Rural Zone is intended primarily for the preservation of agriculturally significant land. Land within the Scheme Area is capable of high levels of agricultural production and is therefore a valuable resource worthy of protection. Council shall therefore seek to ensure that no action is taken to jeopardise that potential."

5.2.1 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; and*
- (b) the need to protect the area from uses which will reduce the amount of land available for agriculture;*

TPS2 also states that:

- A 'Plantation' is a use that can be considered by Council for approval on a property zoned 'Rural';
- Council shall, in considering applications for 'Plantations', have regard to the 'Code of Practice for Timber Plantations in Western Australia';

- Council shall, in considering applications for 'Plantations', have regard to the State Governments *'Guidelines for Plantation Fire Protection'*; and
- *With a view to protecting the agricultural base of the District, Council shall encourage the diversification of rural activities.*

Plantations

The application notes that tree plantations have an important role in providing a sustainable resource of hardwood and softwood, for the supply of timber products to both domestic and international markets. Plantations may also provide environmental benefits such as removal of carbon dioxide from the atmosphere.

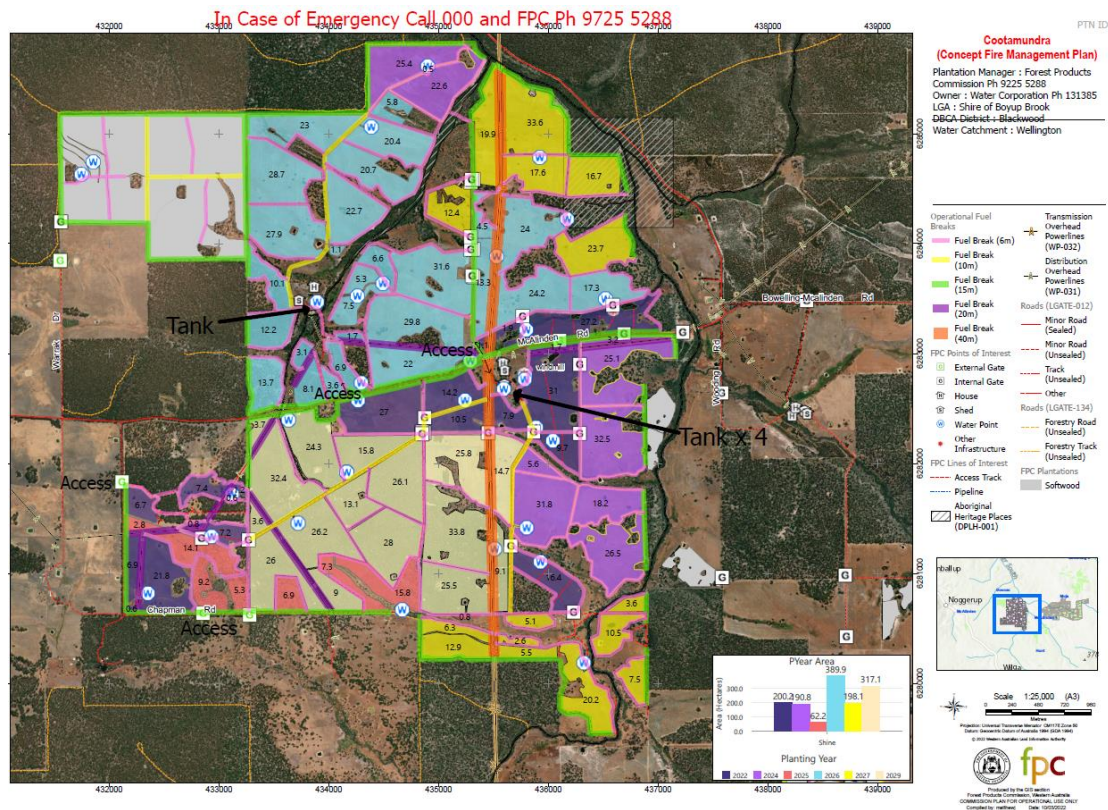
The land is owned by the Water Corporation and the plantation is proposed to be managed by the Forest Products Commission (FPC) under a timber share farming agreement. The application involves the planting of pine trees for the purpose of timber production and carbon abatement.

The planting area totals approximately 1350 hectares and is located within the locality of McAlinden.

The property is zoned "Rural" under the Shire of Boyup Brook *Local Planning Scheme No.2*, with the majority of the area currently used for blue-gum plantation, with some areas of remnant vegetation. 15% of the property is currently used for cropping and grazing.

The application proposes that natural areas (e.g. remnant vegetation and watercourse areas) are to be protected and the planting, harvesting and operational practices (e.g. weed management) of the plantation is to occur in accordance with best practice standards identified by the *Code of Practice for Timber Plantations in Western Australia*.

A plantation map has been included to show the plantation compartments and the staging of planting between the years of 2022 and 2029. The map shows creek areas for protection and strategic access through the centre of the plantation area via the McAlinden Road and a power line easement. The map also indicates the emergency contact numbers, being 000 and Forest Products Commission – 97255288.



Code of Practice for Timber Plantations in Western Australia (2006)

As mentioned previously, the applicant states that the proposed plantation development is to occur in accordance with the *Code of Practice for Timber Plantations in Western Australia (2006)*.

The purpose of the *Code of Practice for Timber Plantations in Western Australia* is and industry-based code that was developed by the timber plantation industry to provide a consistent set of goals and guidelines for plantation managers and approval agencies. The Code of Practice is intended to ensure that operations in plantations in Western Australia are economically competitive and sustainable and are consistent with the State's resource management objectives.

While the Code of Practice states that plantations established for wood production should be treated in the same way as any other agricultural production, the Shire of Boyup Brook TPS2 clearly differentiates this land use from agricultural production. Specifically, TPS2 states identifies "plantation" as a land use that is distinct from "agriculture" or "intensive agriculture" and classifies it as a use for which Council approval is required.

The *Code of Practice for Timber Plantations in Western Australia* is a valuable resource as a guide for the development of Plantation Management Plans that form the basis of plantation management activities including, tending, fire management and harvesting operations.

The application presented to the Shire includes a Plantation Management Plan that the applicant contends has been developed to comply with the *Code of Practice for Timber Plantations in Western Australia*. Proposed plantation management measures include protecting sensitive areas, developing the trees in compartments, developing access roads

and firebreaks, weed and vermin control, a livestock grazing strategy, a harvesting plan and a fire management plan.

Guidelines for Plantation Fire Protection 2011

The *Guidelines for Plantation Fire Protection 2011* were developed by the State Government to assist in ensuring that fire considerations are incorporated into the design, planning and operations of plantations in Western Australia.

The Guidelines state that while the competing needs of protecting the community and of the plantations have been considered in development of the guidelines, protection of local communities from bushfires is the most important consideration.

The Guidelines note that they were developed as minimum standards that can be tailored, responding to local risk and local government requirements and establish a set of requirements for fire management plans.

The Guidelines also state that every plantation manager, owner and occupier has legal responsibility to try and prevent fire from escaping their land in line with the *Bush Fires Act 1954*, and state:

- that it must be possible for them to attend a fire on their own plantation.
- That plantation managers have a responsibility to provide adequately trained personnel for safe and effective operation of firefighting equipment, and a capability to carry out onsite fire suppression as determined by the LG.
- Fire fighting equipment must be in good working order and well maintained and
- Fire suppression activities must meet the requirements of the Bush Fires Act 1954

The Guidelines include the following table which indicates the increasing rate of fire hazard as plantations mature, with pine plantation posing a high to very high hazard after year 6. It should be noted that these hazard levels are higher than those identified for blue-gum plantations.

Pinus species¹⁹ – long term crop

Lifecycle situation	Fuel Description	Fire Danger Hazard
Young plantations Up to 4 years after planting.	Grassy fuels dominate	Low hazard
	Fuel load: <5 tonnes per hectare	
	Vulnerable to grass fires	
Developing plantations shrubs and seedlings 3 to 6 years after planting	Discontinuous fuel cover	Moderate hazard
	Fuel rates depend on site location	
	Fuel load: <5 tonnes per hectare	
	Pruning undertaken	
	Increase in forest litter, bark and needles	
Plantations 7 to 8 years after planting	Continuous fuel cover	High Hazard
	Canopy closure will reduce persistence of grassy fuels and wind inside plantation	
	Fuel load: up to 8 tonnes per hectare.	
	Increase in heavy fuels (>6 millimetre)	
Prescribed needle bed burning	Needle beds in P pinaster (only) are generally burnt at year 15 to 18 to reduce litter fuels to <12 tonne per hectare	High Hazard
First Thinning 12 to 18 year old	Fuel loading and arrangement will depend on thinning method: Assuming removal of 900 stems/ha of P. radiata fuel loads; • 5.1 tonnes per hectare aerial needles • 1.2 tonnes per hectare branch wood • 11–20 litter	Very High hazard dependant on; 1. Fuel loading level produced at time of harvest. 2. Fuel reduction program outcome. 3. rate of fuel decomposition
Second Thinning 18 to 22 year old	600 stems per hectare will be reduced to < 200 stems per hectare with: • 6 to 7 tonnes per hectare aerial needles • 2 to 3 tonne per hectare branch wood • 25 to 30 tonne per hectare litter	
Harvested plantations 25 to 30 years	Retaining surface mulch from logging residue are significant factors in reducing the level of weed competition in second rotation plantations	
		Moderate – High Post thinning residue until removal / mitigation of litter fuel

This guideline recommends that plantations are designed, developed and managed to reduce the fire risk. Measures include:

- Ensure the development of tree plantations in compartments;
- Incorporate appropriate setbacks and firebreaks;
- Ensure fuel reduction is undertaken;
- Provide water supplies for firefighting purposes; and
- Ensure personnel are appropriately trained to fight fires.

The application proposes the following measures with regards to:

- A 100m buffer between an existing dwelling and tree plantings;
- The provision of trained personnel;
- The provision of firefighting facilities; and
- The provision of water and suitable access and firebreaks.

A Fire Management Plan and concept map has been included to show:

- Landowner and/or occupier information such as identification of the Plantation Company; and all relevant contact details including a 24-hour fire contact phone number on FMP and Plantation Area Map(s);

- Designated access routes within and around the proposed plantation areas on the plantation area maps;
- Layout of fire breaks/fire access track;
- Dedicated firefighting water resources (water tank - min 50,000 litres) as a reliable all year-round water supply.

While in some areas the application complies with the State Governments *Guidelines for Plantation Fire Protection*, the proposed measures proposed by the applicant for initial response to fires on the plantation are inadequate and are likely to be insufficient to prevent escalation of the fire and spread of fire into adjoining properties. The Shire's volunteer fire brigade leadership team have expressed concern that the proposed measures are inadequate, and that the plantation owner is relying on surrounding property owners who are not equipped to respond to plantation fires.

In particular, the applicant has not included provision of a fire unit that is adequately equipped for plantation fires be supplied on this plantation or in the McAlinden locality, nor are details supplied of where any employees who trained to operate this equipment are to be located other than those who will be stationed in Collie or other more distant locations.

The applicant proposes that the nearest units are based in Collie, stating that these units will have a 25-minute travel time to the plantation. However, the actual time for these crews to arrive on site will almost certainly be longer as there must be time for FPC crews to reach and man the unit at their Collie base and must account for road conditions and the speed at which the units can safely travel.

Other units that are identified in the application located in Harvey, Nannup, Manjimup and Bunbury will experience significantly longer time to arrival times.

Of note, during the weekend of the 12th and 13th March 2022, although FPC was contacted on several occasions by members of the Boyup Brook volunteer fire brigades, FPC was unable to supply any units to respond to a fire on this property throughout the weekend.

The Shire has advised FPC on several occasions that the Shire's Volunteer Bushfire Brigades are not equipped or trained to respond to plantation fires and are prohibited from entering plantations to respond to fires. Additionally, FPC has been advised that if the Shire's volunteers did enter a plantation to respond to a fire without adequate training and equipment and suffered fatal injuries or burns, the Shire CEO may face criminal charges and up to 14 years imprisonment.

The Shire has consistently advised FPC that they provide adequately trained and equipped personnel to respond to fires on their property and prevent any fires in the plantation from escalating and risking the lives and properties of neighbouring landowners and the broader community.

Diversification of Rural Activities

As noted earlier TPS2 states that the Scheme's general objective is to ensure that the Scheme protects the existing agricultural base of the District whilst permitting, where appropriate, and subject to Council discretion, more intensive forms of agriculture, expansion of the economic base and increased settlement within certain parts of the

District. To do this, it encourages the diversification of agricultural activities on land zoned “rural”.

During discussions with the applicant, shire staff have stated concern that unless diversification of agricultural activities are maintained on the property, there will be resultant loss of jobs and employment opportunities for the Boyup Brook community, ultimately leading to an impact to the social and economic wellbeing of the community as a whole.

The application has indicated the potential for the grazing of livestock (diversification of rural activities), via a lease opportunity to a farming family wishing to run livestock throughout the plantation areas and utilising an existing homestead(s) and shearing shed. The applicant has stated that grazing of livestock will be available throughout the entire plantation area when trees are at a height to enable grazing and in non-established areas such as granite outcrops, endemic vegetation, stream buffers, power line easements, firebreaks and laneways.

Recommendation

It is recommended that the Shire approve the proposed Pine Plantation development, the majority of which is already established as Blue Gums and which supports the leasing of land and infrastructure to enable the diversification of rural activity (grazing of livestock) to continue to occur.

While the applicant has made changes to their Fire Management Plan in an attempt to place less reliance on bushfire brigades and to firm up commitment to provide trained fire response crews and heavy duty firefighting equipment within a 30 minute ‘time to arrival’, it is recommended that the approval is conditioned to ensure that the plantation is provided with adequate resources to respond to fires on the property within 15 or 20 minutes of a fire being detected.

Further to this, it is recommended that the Council include conditions to ensure a heavy fire fighting vehicle that is equipped for plantation fires is stationed on or near to the plantation during the high fire season and that the applicant provide such additional resources as may be required to respond to plantation fires on the property when bushfire hazard levels within the plantation reach a ‘high’ level (i.e. within seven years of growth – as per DFES Guidelines)...(see planning conditions at the end of this report item).

STATUTORY OBLIGATIONS

Local Planning Scheme No.2.

The Shire’s *Local Planning Scheme 2*, Clause 5.2 states:

5.2.3 Council, in considering the granting of approval to plantations in the Rural Zone will take into account the landscape and amenity of the area, and may refuse to grant approval for the planting of tree species which it does not consider to be appropriate for the area.

5.2.4 With a view to protecting the agricultural base of the District, Council shall discourage the wholesale planting of broadacre rural holdings for plantations and shall instead, encourage the diversification of rural activities.

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

The Shire's *Local Planning Scheme 2*, Clause 5.18 states:

Council shall, in considering applications for 'Plantations', have regard to:

- a) The Code of Practice for Timber Plantations in Western Australia;*
- b) Council's Firebreak Order; and*
- c) State Governments 'Guidelines for Plantation Fire Protection'*

Bush Fires Act 1954

The *Bush Fires Act 1954* states (*Part III, Division 6, Reg 28*):

(1) *Where a bush fire is burning on any land —*

- (a) at any time in any year during the restricted burning times; or*
- (b) during the prohibited burning times,*

and the bush fire is not part of the burning operations being carried on upon the land in accordance with the provisions of this Act, the occupier of the land shall forthwith, upon becoming aware of the bush fire, whether he has lit or caused the same to be lit or not, take all possible measures at his own expense to extinguish the fire.

POLICY IMPLICATIONS

There are no policy implications.

The Shire is in the process of preparing a Tree Plantation Policy, to provide additional guidance to the Council and applicants in determining the suitability of proposals for tree plantations in the Shire of Boyup Brook.

The draft policy has been developed in response to the Shire's scheme, which encourages the diversification of rural activities within rural holdings.

The policy identifies a maximum planting ratio per rural holding.

It has been considered that because the Tree Plantation Policy has not been finalised, it is not appropriate to apply the policy position, to the current plantation application.

CONSULTATION

The application was referred to the Department of Biodiversity, Conservation and Attractions, the Department of Water and Environmental Regulation, the Department of Planning, Lands and Heritage and the Department of Fire and Emergency Services.

- The Department of Water and Environmental Regulation had no concerning comment.
- The Department of Planning, Lands and Heritage had no comment.
- The Department of Biodiversity and Attractions (DBCA) indicated that fire management on the private landholding is the responsibility of the landholder.
- The Department of Fire and Emergency Services (DFES) indicated that it is the responsibility of the landholder to comply with relevant policies where necessary.

VOTING REQUIREMENTS

Simple majority

ALTERNATIVE RECOMMENDATIONS

Council may approve the application with or without conditions or may refuse the application.

Please note that if the local government does not make a determination, on this application, the applicant may have the right to commence SAT review proceedings. SAT review proceedings are generally available to the person who applied for the relevant planning decision in the following circumstances:

- Where an application was refused;
- Where an application was approved subject to conditions which are not satisfactory to the applicant; or
- Where the decision-maker has failed to make a decision within the prescribed time period (90 days for advertised application), and the relevant scheme states that such a failure amounts to a deemed refusal.

OFFICER RECOMMENDATION – ITEM 10.4.3

That Council

Grants development approval for Lots 4491, 2515, 270, 2516, 2056, 2130, 164, 2381, 3655, 1455, 2038, 2367, 2368, 165, 2317, 2318 McAlinden Road, for the purpose of Development (Plantation - Pinus), subject to the following conditions:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: Lots 4491, 2515, 270, 2516, 2056, 2130, 164, 2381, 3655,
1455, 2038, 2367, 2368, 165, 2317, 2318 McAlinden Road, McAlinden.

Description of proposed development:

Plantation (Pinus Radiata – 1350ha)

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

Conditions:

- 1) All development shall occur in accordance with the approved Plantation Management Plan (Dated 31 March 2022), unless varied by a condition of approval or a minor amendment, to the satisfaction of the Shire of Boyup Brook.
- 2) Management of the tree plantation is to be carried out in accordance with the *Code of*

Practice for Timber Plantations in Western Australia, to the satisfaction of the Shire of Boyup Brook.

- 3) Management of the plantation is to be undertaken to ensure compliance with the *FESA Guidelines for Plantation Fire Protection* (as updated from time to time), to the satisfaction of the Shire of Boyup Brook.

Advice on conditions 1, 2 and 3

As a minimum, the following actions are to be complied with:

- Remove all large vegetation and windrows before planting.
 - Where appropriate, conduct regular prescribed burning of adjacent remnant vegetation.
 - Introduce grazing once trees are large enough.
 - Manage weeds with herbicide or removal.
 - Maintain full canopy cover to reduce grass competition.
 - High prune trees near critical infrastructure where required to allow access for vehicles such as fire trucks.
 - Plantations must be setback at least 50 m from sheds and 100 m from houses.
 - External firebreaks must be 15 m wide and pruned to 4 m high for clear access.
 - Internal firebreaks must be pruned at least 6 m wide and 4 m high to allow for vehicle access.
 - Powerline easements 10-30 m clear each side.
 - Underground cables 10 m clear each side.
- 4) Prior to commencement of development, a Fire Management Plan Map is to be developed to comply with the *FESA Guidelines for Plantation Fire Protection* and the Plantation Management Plan (Dated March 2022) and shall be maintained on-site in red PVC tubes located at each access point.

Advice on condition 4.

- The Fire Management Plan Map is to detail the following as a minimum:
 - Landowner/manager's details and a 24 hour contact number (FPC contact 9725 5288);
 - Details of the fire suppression equipment and operational arrangements;
 - Details of the plantation species and plantation layout including cell size;
 - Water sources;
 - Firebreaks and access routes.
- 5) Prior to commencement of development, the applicant is to make suitable arrangements to ensure that adequate arrangements are made to respond to fires originating from or entering into the plantation. At a minimum, a heavy duty fire appliance fitted with in cab protection systems and manned by a crew trained in plantation fire suppression is to be stationed on site or within 30 minutes "time to arrival" response time from the subject property during the high risk fire season.

Advice on condition 5.

Neither Shire staff nor the Shire's Volunteer Bushfire Brigades are equipped or trained to respond to plantation fires and are consequentially prohibited from entering plantations to

respond to fires within the plantation area. While the Shire volunteer fire brigades will make every effort to contain fires within the boundaries of the plantation, the plantation owner is responsible for control and suppression of fires within the plantation boundaries.

It is essential upon detecting a fire in or near a plantation that suppression action is as fast as possible and safe, determined and thorough with the primary objective of controlling the fire in the shortest time possible to minimise loss and environmental damage.

- 6) As an ongoing condition, suitably trained fire personnel are to be available to attend a fire at the subject land, within a 30 min time to arrival to property. These fire personnel must be trained in plantation fire prevention and response and equipped with all necessary equipment suitable for this use.
- 7) Prior to the commencement of development, a min 50,000L water tank is to be established as a dedicated firefighting water supply adjacent to the McAlinden Rd and outside of the plantation area, in a location and of a design, to the satisfaction of the Shire of Boyup Brook. Appropriate signage should identify this usage and provide ease of access.

Advice on Condition 7.

The DFES Guidelines for Plantation Fire Protection 2011 is on page 9, 4.3 Water Supplies.

- “The Strategic water supply should be no further than **five kilometres or a 20-minute turnaround** from the plantation, whichever is most efficient.”
- 8) The owner/operator is responsible for the repair of any undue damage to public roads caused by harvesting operations and or movement of machinery associated with the plantation operation.

Advice

- Prior to commencement of harvesting, the developer is to provide a road condition report, to the satisfaction of the Shire of Boyup Brook.
- Council is to be notified in writing of future harvesting at least 3 months prior to harvesting commencing.
- Traffic management measures may need to be implemented following consultation with the local government to minimise damage to the road and to ensure safety requirements are met.
- Prior to commencement and following the completion of harvesting, a joint inspection (landholder and Local Government) of the relevant local roads, used as a haulage route, should be conducted.

Date of determination: 31 March 2022

Note 1: In accordance with the Shire of Boyup Brook Firebreak Notice:

- a) clear a 15m wide bare earth firebreak immediately inside all external boundaries of the land by removing all inflammable matter and vegetation to a height of 5m;
- b) where a plantation is divided into compartments –

- (i) if the compartments do not exceed 30ha, a 6m wide bare earth firebreak between compartments must be cleared by removing all inflammable matter and vegetation within the 6m firebreak between the ground and 5m above the ground;
- (ii) if compartments exceed 30ha, a 10m wide bare earth firebreak between compartments must be cleared by removing all inflammable matter and vegetation within the 10m wide firebreak between the ground and 5m above the ground;
- c) clear a 50m wide bare earth firebreak around all buildings and fuel storage areas by removing all inflammable matter and vegetation within the 50m firebreak between the ground and 5m above the ground;
- d) where power lines pass through the plantation, clear firebreaks in accordance with Western Power specifications (consult Western Power – phone 13 10 87).

Note 2: The removal of any native vegetation will require the approval of the Department of Water and Environmental Regulation.

Note 3: 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 4: 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 5: 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.

11 COMMITTEE MINUTES

11.1 Local Emergency Management Committee Minutes

OFFICER RECOMMENDATION – ITEM 11.1

That the unconfirmed minutes of the Local Emergency Management Committee held on Tuesday, 2 February 2022 be received.

11.2 Rylington Park Committee Minutes

OFFICER RECOMMENDATION – ITEM 11.2

That the unconfirmed minutes of the Rylington Park Committee held on Wednesday, 23 February 2022 be received.

12 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

14 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

15 CLOSURE OF MEETING

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