



ORDINARY COUNCIL MEETING AGENDA

TO BE HELD ON

Thursday 25 May 2023

Commencing at 6.00pm

Shire of Boyup Brook Shire Council Chambers, Boyup Brook



Peter Clarke
Acting Chief Executive Officer



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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS AND DISCLAIMER

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

Council Meetings are public meetings.

The Council Chambers are not a parliament and Parliamentary Privilege does not apply.

Elected Members and staff risk being held personally liable if their comments are defamatory, or breach any duty of confidentiality.

Statements made during Council meetings are solely those of the person making them. Nothing expressed at a Council Meeting can be attributed to the Shire, unless it is adopted by a resolution of Council.

The Confirmed Minutes of a Council Meeting are the official record of that Council meeting. Verbatim Minutes are not required.

May I ask everyone here today, to make sure your mobiles are turned off or on silent for the duration of the Meeting.

2. RECORD OF ATTENDANCE

PRESENT:	Shire President	Richard F Walker
	Deputy Shire President	Helen C O'Connell
	Councillor	Sarah E G Alexander
		Steele Alexander
		Charles A D Caldwell
		Philippe Kaltenrieder
		Darren E King
		Kevin J Moir
		Adrian Price
	Acting Chief Executive Officer	Peter Clarke
	Urban and Regional Planner	Adrian Nicoll
	Executive Assistant	Maggie Le Grange

APOLOGIES: Deputy Chief Executive Officer Carolyn Mallett

LEAVE OF ABSENCE:
MEMBERS OF PUBLIC:

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question taken on notice at the Special Council Meeting held on 18 May 2023

Question from William Jackson

Mr Jackson advised that as a member of the Wilga Progress Association and speaking on behalf of residents in the Wilga townsite, residents were not happy with even an extension of the original 25 metre buffer to a 50 metre buffer as proposed by Council.

Mr Jackson referred to documentation from August 2012 where it stated that “a minimum of a 300 metre buffer should be applied to plantations adjoining townsites to avoid spray drift, dust, smoke and ash”.

Mr Jackson also referred to plantations on both sides of the Wilga townsite and Wilga East Road putting residents at potential risk in the event of fire.

Response from the Shire President

This question be taken on notice.

The Acting Chief Executive Officer and Town Planning Consultant will provide further information to Council in this matter prior to a formal response to Mr Jackson.

4. PUBLIC QUESTION TIME

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Belinda O'Brien from the Blackwood Basin Group will provide a PowerPoint presentation at the Ordinary Council Meeting on 25 May 2023 on the “Benefits of a Landcare Officer in Local Government” (15 minutes).

Jodi Nield from the Community Resources Centre will provide a PowerPoint presentation at the Ordinary Council Meeting on 25 May 2023 on the CRC Library and Funding (15 minutes).

6. DISCLOSURE OF INTEREST

The following Declarations of Interest were submitted:

Declarations of Interest (Proximity)

Officer/Elected Member	Order of Business/ Report No	Agenda Page No	Item Details	Nature of Association
Cr Walker	14.4	34	Development (Tree Farm-Pine Trees) Cunningham Rd Wilga	Farming property directly adjoining east end northern boundary of subject land
Cr Moir	14.4	34	Development – (Tree Farm-Pine Trees) Cunningham Rd Wilga	Properties separated by road and rail reserve

7. CONFIRMATION OF MINUTES

7.1 Ordinary Council Minutes – 27 April 2023

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.1

That the unconfirmed minutes of the Ordinary Council Meeting held on Thursday 27 April 2023 which commenced at 6.06pm be confirmed as an accurate record.

7.2 Special Council Minutes – 18 May 2023 – Development – Lots 1182, 2944, 2945, 3944 & 2, Cunningham Road, Wilga

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2

That the unconfirmed minutes of the Special Council Meeting held on Thursday 18 May 2023 which commenced at 6.00pm be confirmed as an accurate record.

8. PRESIDENTIAL COMMUNICATIONS

April 2023

Friday, 21 April 2023, 9am

Attended WALGA SW Zone meeting at Bridgetown Tennis Club

Presentation from Talison highlighted their need for workforce housing and their interest in providing some funding for current community projects

DFES presented on fire management and uniform national fire danger classification.

Tuesday, 25 April 2023

Attended ANZAC dawn service and spoke at the ceremony following.

May

Tuesday, 2 May 2023, 5pm

Attended WBAC Councils all members meeting in Bridgetown Repertory Club

Presented on Boyup Brook and local projects.

Wednesday, 3 May 2023, 10am

LEMC meeting

Relatively quiet fire season and plan to update fire map as well as utilise modern digital data and mapping

Decision made to reduce meetings from 4 to 3 per year.

Thursday, 4 May 2023, 6pm

Council workshop on Aged Housing with invited community invested participants

Results to inform Council budget and staff direction.

Tuesday, 9 May 2023, 7pm

Benjinup Bushfire Brigade AGM at Wilga Hall.

Wednesday 10 May 2023, 9am

Met with SW Timber Hub rep Anthony Wiseman (PF Olsen), ACEO Peter Clarke, Marc and Erlanda Deas at Rylington Park for an introductory test run of the “Decision Tree “ tool that should provide detailed information on selected potential Small Lot Pine Plantation sites on farm.

9. COUNCILLOR QUESTIONS ON NOTICE

Nil

10. REPORTS OF OFFICERS

10.1 MANAGER WORKS AND SERVICES

Nil

10.2 FINANCE

10.2.1 List of Accounts Paid in April 2023

Location:	Not applicable
Applicant:	Not applicable
File:	FM/1/002
Disclosure of Officer Interest:	None
Author:	Ben Robinson, Finance Manager
Authorising Officer:	Peter Clarke, Acting Chief Executive Officer
Attachments:	List of Accounts Paid in April 2023

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in April 2023 are presented to Council.

BACKGROUND

This report presents accounts/invoices received for the supply of goods and services, salaries and wages, and the like which were paid during the period 01 to 30 April 2023.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 30 April 2023.

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 2022-23 Annual Budget.

STRATEGIC IMPLICATIONS

Key outcome area: Governance and Organisation - improve financial sustainability.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 10.2.1

That Council receives the list of accounts paid in April 2023, totalling \$775,322.34 from Municipal account, \$37,615.10 from Police Licensing account and \$0.00 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20600-20601	\$ 25,337.72
Municipal Electronic Payments	EFT13894 – EFT14006	\$ 501,124.16
Municipal Direct Payments		\$ 248,860.46
Police Licensing Payments		\$ 37,615.10
BBELC Payments		\$ 0.00

10.2.2 30 April 2023 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Authors:	D Long, Finance Consultant
Authorising Officer:	Peter Clarke, Acting Chief Executive Officer
Attachments:	Monthly Financial Report 30 April 2023

SUMMARY

The Monthly Financial Report for 30 April 2023 is presented for Councils adoption.

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 Program;
- (b) Statement of Comprehensive Income by Nature/Type;
- (c) Statement of Financial Activity by Nature;
- (d) Statement of Financial Activity by Program;
- (e) Summary of Net Current Asset Position;
- (f) Material Variances Report;
- (g) Statement of Financial Position;
- (h) Statement of Cash Flows;
- (i) Report on Progress of Capital Expenditure Program;
- (j) Report on Major Business Units;
- (k) Statement of Cash Back Reserves;
- (l) Loan Borrowings Report; and
- (m) Detailed Operating and Non-Operating Schedules.

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 Material Variances Report. This statement categorises the variance commentary according to reporting Nature/Type and groups the variances by Operating Revenue, Operating Expenditure, Investing and Financing Activities.

The Statement of Financial Activity as at 30 April shows a closing surplus of \$2,080,924.

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 report.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 10.2.2

That Council receives the Monthly Financial Report for 30 April 2023, as presented.

10.2.3 Annual Report & Annual Financial Report 2021/2022

Location:	Not applicable
Applicant:	Not applicable
File:	FM/9/004
Disclosure of Officer Interest:	None
Author:	Maria Lane, Governance Officer/Records
Authorising Officer:	Carolyn Mallett, Deputy Chief Executive Officer
Attachments:	1. Annual Report 2021/22 2. Financial Report 3. Independent Auditor's Report

SUMMARY

The purpose of this report is to accept the Shire of Boyup Brook 2021/2022 Annual Report and set the date for the Annual General Meeting of Electors.

The statutory Annual Report is prepared to advise the Community on the activities of the local government. It also contains the audited Annual Financial Report.

BACKGROUND

Section 5.53 of the Local Government Act 1995 (the "Act") requires a local government to prepare an Annual Report for each financial year and details what the Annual Report is to contain.

Section 5.54 of the Act requires a local government to accept the Annual Report for a financial year no later than 31 December in the year after that financial year, subject to the availability of the Auditor's Report.

Section 5.55 of the Act requires the Chief Executive Officer to give local public notice of the availability of the Annual Report as soon as practicable after the Annual Report has been accepted by the local government.

The CEO is required to provide sufficient public notice of the availability of the Auditor's Report and Annual Report, and the date of the Annual General Meeting of Electors.

Section 5.27 of the Local Government Act requires a general meeting to be held on a day selected by the local government not more than 56 days after the local government accepts the annual report.

COMMENT

The final audit Report was received on 17 April 2023. Section 5.54(2) of the Local Government Act requires a local government to accept the auditor's report by 31 December with the exception being if the report is not available in time for that date to be met, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

CONSULTATION

Moore Australia (WA) Pty Ltd
Office of the Auditor General

STATUTORY OBLIGATIONS

Local Government (Audit) Regulations 1996

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Council's 'Advertising of the Annual General Meeting of Electors'.

STRATEGIC IMPLICATIONS

The Shire to improve the governance and administration services.
The Shire to provide strong collaborative leadership and display a commitment to progress.

SUSTAINABILITY IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – Item 10.2.3

That Council:

1. Approves the Annual Report including the Annual Financial Report and Audit Report for the 2021/2022 financial year and gives local public notice of its availability.
2. Conducts 2021/22 the Annual General Meeting of Electors on **15 June 2023** in the Council Chambers, commencing at 6.00pm.

10.3 ACTING CHIEF EXECUTIVE OFFICER

10.3.1 Sandakan Day Memorial Service 2023 - Sandakan

Location:	Not applicable
Applicant:	Not applicable
File:	CR/26/006
Disclosure of Officer Interest:	None
Author:	Maria Lane, Governance Officer/Records
Authorising Officer:	Peter Clarke, Acting Chief Executive Officer
Attachments:	1. Policy M.09 – Sandakan Relationship 2. Memorandum of Understanding

SUMMARY

The purpose of this report is to put before Council the matter of the coming function for Council to consider nominating the Council Representative (usually the Shire President) and partner of the Shire of Boyup Brook to attend the Sandakan Memorial Day Service in Sandakan this year.

BACKGROUND

The Sandakan Day Memorial service is held annually in Sandakan Malaysia. Council has a Memorandum of Understanding with the Sandakan Municipal Council (*refer to attachment*).

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

COMMENT

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

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

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

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

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

Given the importance of the two Council relationship, recognition of the losses, and the opportunities that the MOU may bring, it is fitting that Council has a policy of sending its leader each year.

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

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

CONSULTATION

CEO

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Refer to Policy M.09

BUDGET/FINANCIAL IMPLICATIONS

The 2023/24 budget is in the drafting phase and so the financial implications of sending delegates will be included in the final draft.

STRATEGIC IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – Item 10.3.1

That Council delegate the Shire President and partner to attend the 2023 Sandakan Day Memorial Service in Sandakan.

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

10.3.2 Local Planning Strategy 2023-2038 – Extension of Advertising Period for Submissions

Location:	Not applicable
Applicant:	Not applicable
File:	LN/42/004
Disclosure of Officer Interest:	None
Author:	Peter Clarke, Acting Chief Executive Officer
Authorising Officer:	Peter Clarke, Acting Chief Executive Officer
Attachments:	Nil

SUMMARY

For Council to consider extending the advertising period for submissions to be presented on the Draft Local Planning Strategy.

BACKGROUND

Council first commenced advertising on 29 March 2023 that the Shire of Boyup Brook Draft Local Planning Strategy was adopted by Council and had been granted consent to advertise same by the Western Australian Planning Commission on 17 January 2023.

The above advertisement provided background to the purpose of the Strategy and its relevance to the Shire's Local Town Planning Scheme No.2. The advertisement also invited submissions could be lodged with the Shire on the Strategy's contents prior to the close of business on Wednesday, 10 May 2023.

COMMENT

At a meeting with the Shire President, Deputy Shire President and A/CEO in mid-April 2023, the Shire President and Deputy Shire President expressed concern that it had been relayed to them from members of the community that their knowledge of the Draft Strategy and its overall implications was not fully understood and that this had deterred them from providing a submission on the Strategy document.

As a means to disseminate relevant information, it was suggested that an Information Evening be conducted on Thursday, 11 May and that a representative from Taylor, Burrell and Barnett, the Consultancy firm engaged by Council to prepare the Strategy, be invited to present further information on the Strategy for interested community members.

The Information Evening was held on the above date with approximately 40 members of the community in attendance.

As the Information Evening was conducted after the closing date of submissions, it is now necessary for Council to extend the advertising period for a relevant period to allow those that attended the Information Evening to provide submissions on the Strategy's contents.

CONSULTATION

With general community.

STATUTORY OBLIGATIONS

Requirement to advertise the extension of the Submission period.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Boyup Brook Strategic Community Plan 2021 – 2031

Economic Development

1. Make land available for industry, housing, visitor accommodation and tourism infrastructure

Governance & Organisation

1. Demonstrates Effective Leadership, advocacy and governance

1.1 Strengthen leadership, advocacy and governance capabilities

1.2 Provide transparent decision making that meets our legal and regulatory obligations.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – Item 10.3.2

That Council extends Public Submission Period for the Draft Local Planning Strategy from Wednesday, 10 May 2023 to Friday, 30 June 2023 to allow the public additional time in which to lodge submissions to Council following the conduct of the Information Evening held on Thursday, 11 May 2023.

10.4 PLANNING

10.4.1 Development Application (Home Occupation – Remedial Massage Therapy) – 17 Inglis Street, Boyup Brook

Location:	17 Inglis Street, Boyup Brook
Applicant:	S Papasergio
File:	A243
Disclosure of Officer Interest:	None
Author:	A. Nicoll, Urban and Regional Planner
Authorising Officer:	Peter Clarke, Acting Chief Executive Officer
Attachments:	Nil

SUMMARY

Council is requested to approve a 'Home Occupation' involving massage therapy, at 17 Inglis Street, Boyup Brook.



BACKGROUND

The Shire received an application to undertake a Home Occupation activity (Remedial Massage Therapy), from the 'Residential' zone property located at 17 Inglis Street.

COMMENT

The proposal involves undertaking massage therapy on approximately 3 clients per day (within school hours), over a period of 4 week days (per week).

Appointments are proposed to be scheduled apart, to enable sufficient access and car parking.

In accordance with the Shire's Scheme, 'Home Occupation' is a use which may be considered for approval at a 'Residential' zone property.

In considering applications for a 'Home Occupation', it is imperative that operational procedures do not adversely affect the amenity of the neighbourhood.

Shire staff believe that the proposal will not impact on the amenity of the neighbourhood for the following reasons:

- The proposal has a low volume of clients per day;
- The massage therapy area does not occupy an area greater than 20m²;
- The proposal does not involve the retail sale of goods;
- Parking and access difficulties are not expected; and
- No essential services are necessary.

It is recommended that the Council approve the proposed, 'Home Occupation – Remedial Massage Therapy', as the proposed activity complies with standards prescribed for a 'Home Occupation' within a 'Residential' zone property.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

In accordance with the Shire's *Local Planning Scheme No.2*:

Home occupation means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that -

- (a) does not involve employing a person who is not a member of the occupier's household; and*
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and*
- (c) does not occupy an area greater than 20m²; and*
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2m²; and*
- (e) does not involve the retail sale, display or hire of any goods; unless the sale, display or hire is done only by means of the Internet; and*
- (f) does not -*
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or*
 - (ii) result in an increase in traffic volume in the neighbourhood; and*
- (g) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and*
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and*

- (i) *does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.*

POLICY IMPLICATIONS

There are no policy implications.

ALTERNATIVE RECOMMENDATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 10.4.1

That Council grants Development Approval for a ‘Home Occupation – Remedial Massage Therapy’ at 17 Inglis Street, Boyup Brook.

The approval, is subject to the following notice, which outlines development conditions and advice notes:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: 17 Inglis Street, Boyup Brook

Description of proposed development: **‘Home Occupation – Remedial Massage Therapy’**

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

Conditions:

1. Development/Use is to occur in accordance with the approved plans (attached).
2. The Home Occupation does not occupy an area greater than 20m².
3. The Home Occupation is not to involve employing a person who is not a member of the occupier’s household.
4. The Home Occupation does not involve the retail sale, display or hire of any goods; unless the sale, display or hire is done only by means of the Internet.

Date of determination: 25 May 2023

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.

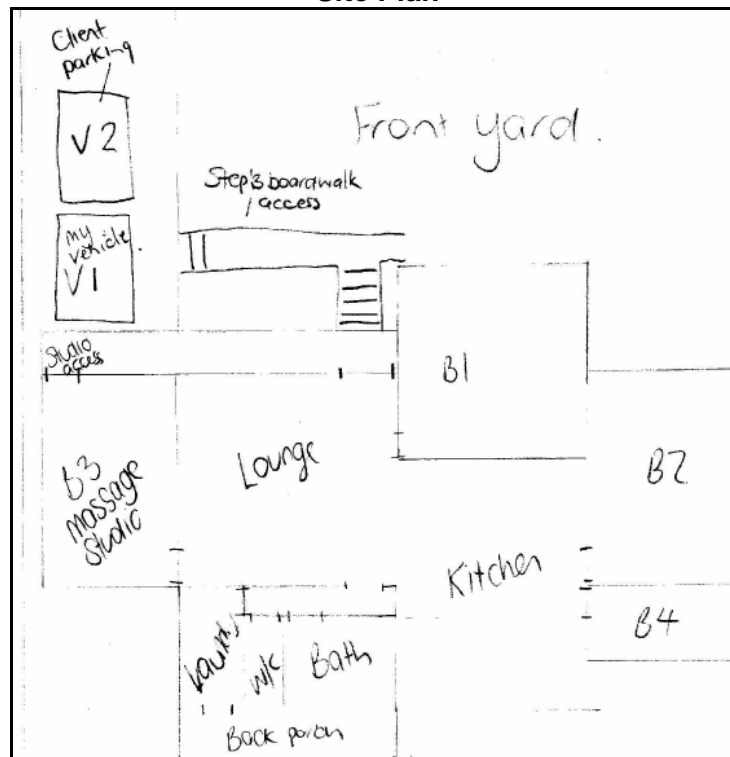
Signed:

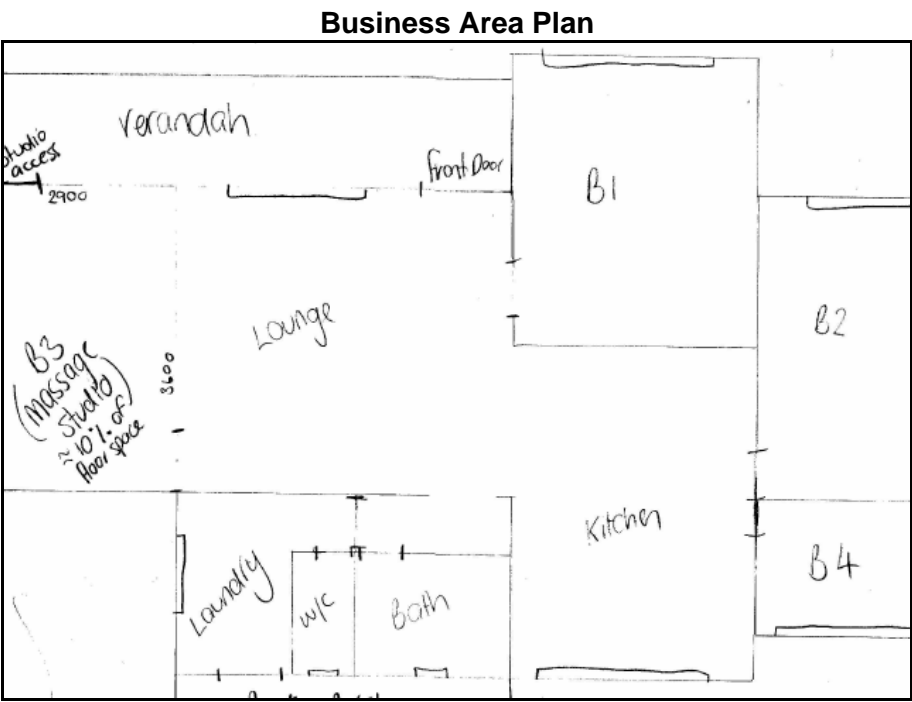
Dated:

for and on behalf of the Shire of Boyup Brook.

APPROVED PLANS

Site Plan





11. COMMITTEE MINUTES OF COUNCIL FOR ADOPTION

11.1 Local Emergency Management Committee Minutes – 9 February 2023

OFFICER RECOMMENDATION – ITEM 11.1

That the confirmed minutes of the Local Emergency Management Committee Meeting held on Thursday, 9 February 2023 be received.

11.2 Rylington Park Committee Minutes – 9 March 2023

OFFICER RECOMMENDATION – ITEM 11.2

That the confirmed minutes of the Rylington Park Committee Meeting held on Thursday, 9 March 2023 be received.

11.3 Audit and Finance Committee Minutes – 23 March 2023

OFFICER RECOMMENDATION – ITEM 11.3

That the unconfirmed minutes of the Audit and Finance Committee Meeting held on Thursday, 23 March 2023 be received.

11.4 Local Emergency Management Committee Minutes – 3 May 2023

OFFICER RECOMMENDATION – ITEM 11.4

That the unconfirmed minutes of the Local Emergency Management Committee Meeting held on Wednesday, 3 May 2023 be received.

11.5 Rylington Park Committee Minutes – 17 May 2023

OFFICER RECOMMENDATION – ITEM 11.5

That the unconfirmed minutes of the Rylington Park Committee Meeting held on Thursday, 17 May 2023 be received and the recommendations listed below be adopted.

RYLINGTON PARK COMMITTEE RECOMMENDATION – Item 5.3

That it be recommended to Council that it provides in-principle support to ECU for a research project to be undertaken at Rylington Park under the WA Agricultural Collaboration (WAAC) funding allocation within the Program of Climate Resilience. To assist ECU in its funding application, a letter of support from the Rylington Park Committee and Council be provided.

MOVED: Cr Moir

SECONDED: Mr McElroy

CARRIED 5/0

Res 23/05/071

RYLINGTON PARK COMMITTEE RECOMMENDATION – Item 6.1

That it be recommended to Council that Professor Kerry Brown be formally appointed as a Committee Member on the Rylington Park Committee as a representative of Edith Cowan University.

MOVED: Cr O’Connell

SECONDED: Cr King

CARRIED 5/0

Res 23/05/073

12. COUNCIL INDUSTRY REPRESENTATIVE ORGANISATIONS

- South West Country Zone Meeting held on Friday, 25 November 2022
- South West Country Zone Meeting held on Friday, 15 February 2023
- South West Country Zone Meeting held on Friday, 21 April 2023

OFFICER RECOMMENDATION – ITEM 12

That the above minutes be received.

13. MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14. LATE ITEM/URGENT BUSINESS MATTERS

14.1 Waterwise Council Program

Location:	Whole of Shire
Applicant:	In conjunction with the Department of Water and Environmental Regulation
File:	EN/31/002
Disclosure of Officer Interest:	None
Author:	Peter Clarke, Acting Chief Executive Officer
Authorising Officer:	Peter Clarke, Acting Chief Executive Officer
Attachments:	1. Memorandum of Understanding 2. Waterwise Council Action Plan

SUMMARY

For Council to consider becoming a participant in the Waterwise Council Program.

BACKGROUND

The above Program, run jointly with the Department of Water and Environmental Regulation, supports councils in improving water efficiency and adopting waterwise practices in their operations and practices. In conjunction with building waterwise communities. It recognises the work of councils leading by example and inspiring residents to save water. The Program It is free for local governments in Western Australia.

Currently there are 64 local governments across Western Australia participating in the Waterwise Program, including 32 Regional Local Governments.

A waterwise community is a cool, liveable, green and sustainable place where people want to live, work and spend their time. It is where communities care about and value water while making the best use of its various resources (groundwater, surface water, stormwater, seawater and wastewater).

At 30 March 2023 Ordinary Meeting of Council the following motion was put to Council by Cr Kaltenrieder:-

“That the Chief Executive Officer investigate the Shire joining the Waterwise Councils Program, and prepare a report to Council for its consideration”.

MOVED: Cr Philippe Kaltenrieder

SECONDED: Cr Adrian Price

CARRIED 9/0

Res 23/03/050

Cr Kaltenrieder in submitting the above motion, advised that consideration of the Shire of Boyup Brook joining the Waterwise Councils Program is also a recommendation of the Warren Blackwood Alliance of Councils Climate Change Action Plan.

COMMENT

Councils that are endorsed receive several benefits, including:

- Free waterwise training for staff
- Waterwise materials to promote water conservation in the community
- Access to up to \$10,000 of waterwise greening scheme funding
- Data loggers to assist with leak detection
- Opportunity to participate in liveability projects and trials.

To join the Waterwise Program, Council is required to undertake the following steps:-

Step 1 – Council commitment

- Nominate a program champion or team
- Sign a [Memorandum of Understanding](#) and email it to wepartnerships@watercorporation.com.au.

Step 2 – Create an action plan

- Create an [action plan](#) to track water use, set waterwise goals and opportunities for your council facilities and within your community to improve water management.

Step 3 – Complete free waterwise training

- Encourage your team members to complete our free waterwise training modules today, which includes helpful topics such as landscaping and irrigation, water auditing and cooling towers.

Step 4 – Be a waterwise leader

- Our water is precious so make sure your council leads by example by sticking to your watering days and following water restrictions such as the winter sprinkler ban.
- Water Corporation and the Department of Water and Environmental Regulation and Water Corporation will verify each council has received no license or water use breaches as part of the ongoing endorsement assessment process.

Step 5 - Apply for recognition award (optional)

- The recognition scheme celebrates councils who have done valuable work in creating waterwise communities. To apply for recognition you will need to complete the Recognition Scheme criteria application as part of your [action plan](#).

Joining the Waterwise Program is initially a 5 year commitment as part of the Action Plan to be developed.

One of the major commitments to becoming involved in the Program is the development of the Action Plan, having staff be responsible for the implementation of the Plans, associated training and annual reporting on same. Council needs to consider the imposition on exiting staff to manage the Program.

CONSULTATION

Warren Blackwood Alliance of Councils Climate Change Action Plan.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Through water saving initiatives it will ultimately have financial benefits for the Shire of Boyup Brook.

STRATEGIC IMPLICATIONS

Shire of Boyup Brook Strategic Community Plan 2021 – 2031

Natural Environment

1. Manage Natural Resources Sustainability
 - 1.1 Manage and conserve the natural environment, lands and water.
 - 1.3 Improve water security and drought proofing measures.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 14.1

Whilst Council acknowledges the benefits of being a participant in the Waterwise Program, the commitment to establishing an Action Plan, ongoing monitoring, training and annual reporting of the Actions contained within the Plan does place a significant imposition on existing employees and therefore, Council opts not to join the Scheme at this stage, however,

As a way in which to evaluate the benefits of being a participant in the Waterwise Program in the longer term, the Chief Executive Officer conducts an in-house Action Plan as a trial to ascertain its effectiveness to achieve water reduction methods and other water related initiatives.

14.2 Climate Council's Cities Power Partnership (CPP)

Location:	Whole of Shire
Applicant:	Not Applicable
File:	EN/31/002
Disclosure of Officer Interest:	None
Author:	Peter Clarke, Acting Chief Executive Officer
Authorising Officer:	Peter Clarke, Acting Chief Executive Officer
Attachments:	Cities Power Partnership – Information for Councils

SUMMARY

For Council to consider becoming a participant/member in the Climate Council's Cities Power Partnership Program.

BACKGROUND

The Climate Council's Cities Power Partnership (CPP) is Australia's largest network of local councils delivering on climate action. It currently comprises over 165 councils from across the country, representing almost 65 percent of the Australian population.

The CPP engages with towns and cities, via local councils, throughout Australia and incentivises councils to increase renewable energy and energy efficiency, improve transport and engage in advocacy. Members are also given access to a national knowledge hub and a project assessment and tracking tool. They can connect with cities across the country to knowledge share, access hundreds of resources and are and celebrated at events with other local leaders.

Importantly, the CPP provides Shire elected members and staff with contemporary climate change information, news and case studies, thereby assisting in building the capacity of the Shire and its community in meeting the challenges of climate change. Membership of the Cities Power Partnership is free of charge.

At 30 March 2023 Ordinary Meeting of Council the following motion was put to Council by Cr Kaltenrieder:-

“Motion That the Chief Executive Officer investigate the Shire joining the Cities Power Partnership and prepare a report to Council for its consideration”.

MOVED: Cr Philippe Kaltenrieder

SECONDED: Cr Adrian Price

CARRIED 7/2

Res 23/03/051

Cr Kaltenrieder in submitting the above motion, advised that consideration in joining the Cities Power Partnership is also a recommendation of the Warren Blackwood Alliance of Councils Climate Change Action Plan.

COMMENT

The CPP program connects local councils with shared emissions reduction project interests across the pledge areas of renewable energy, energy efficiency, sustainable transport and community advocacy.

The program connects councils throughout Australia to share knowledge and best practice on climate and clean energy solutions. It also helps councils to promote and celebrate their successes through media and events, including an annual national awards program.

Councils who join the program are required to make five action pledges across the areas of renewable energy, energy efficiency, sustainable transport, collaboration and advocacy. To become a member, CPP requires a letter from the Shire President to CPP's, CEO confirming participation.

If Council decides to join, the above correspondence needs to acknowledge that in the Cities Power Partnership the Shire of Boyup Brook will:

1. Within 6 months, identify 5 items included in the Cities Power Partnership pledge list that Council will commit to achieve. (Noting that some projects already in the council pipeline could be included towards a council's pledge) **See attachment detailing examples of Partnership Action Pledges.**
2. Complete an online survey annually that provides the Climate Council with basic information on how you are progressing on the 5 pledge items that Council has selected.
3. Nominate a point of contact within Council that the Climate Council can liaise with on CPP matters, including contact details.
4. Confirm that the Shire of Boyup Brook is willing to connect and collaborate with other local councils to share knowledge.

The CPP's website indicates that there are 33 Local Governments in Western Australia who are members of the CPP Program. Of the 33, 27 are metropolitan or major regional Local Governments. Only 6 are rural LGA's.

One of the major commitments to becoming involved in the Program is the development of the Pledge List and having staff be responsible for the annual reporting on same. Council needs to consider the imposition on exiting staff to manage the actions of Council in meeting its obligations in respect to the Pledge List.

It is apparent that larger LGA's are more suited to the CPP as they have the necessary staff resources to monitor and meet ensure the Program's objectives. It could be argued that Council could achieve similar results through its Community Strategic Plan rather than duplicating same via the CPP.

CONSULTATION

Warren Blackwood Alliance of Councils Climate Change Action Plan.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

There would be Budget considerations associated with the implementation of the CPP Pledge List.

STRATEGIC IMPLICATIONS

Shire of Boyup Brook Strategic Community Plan 2021 – 2031

Natural Environment

1. Manage Natural Resources Sustainability
 - 1.2 Mitigate climate change and natural disaster risk
 - 2.1 Adopt and encourage renewable energy and sustainable practices

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 14.2

That at this stage, Council defers joining the Climate Council’s Cities Power Partnership Program until it can be demonstrated that participation would be totally beneficial for a Council the size of Shire of Boyup Brook.

14.3 Signing the WALGA Climate Change Declaration

Location:	Whole of Shire
Applicant:	Not Applicable
File:	EN/31/002
Disclosure of Officer Interest:	None
Author:	Peter Clarke, Acting Chief Executive Officer
Authorising Officer:	Peter Clarke, Acting Chief Executive Officer
Attachments:	1. WALGA Climate Change Declaration Template 2. Introduction to WALGA Climate Change Templates and Guidelines

SUMMARY

For Council to consider becoming a signatory to the Western Australian Local Government's Climate Change Declaration.

BACKGROUND

A Climate Change Declaration may be used as a first step in addressing climate change in Local Government. The Declaration is taken to Councils for endorsement and should connect to priorities in the Local Government's Strategic Community Plan or Corporate Business Plan.

The Declaration provides a clear statement that the Local Government:

- Accepts the science behind climate change;
- Commits to adopting climate change adaptation and mitigation strategies; and
- Identifies a clear objective for signing a Climate Change Declaration.

WALGA encourages Local Governments to become signatories of the Climate Change Declaration, which will support WALGA to advocate for the appropriate funding and development of legislative mechanisms to support Local Government climate change management. The Climate Change Declaration template can be modified to suit each Local Government, and WALGA will professionally print the certificate for signing and display.

At 30 March 2023 Ordinary Meeting of Council the following motion was put to Council by Cr Kaltenrieder:-

“That the Chief Executive Officer investigate the Shire signing the WALGA Climate Change Declaration, and prepare a report to Council for its consideration”.

MOVED: Cr Philippe Kaltenrieder

SECONDED: Cr Adrian Price

CARRIED 6/3

Res 23/03/052

Cr Kaltenrieder in submitting the above motion, advised that the Warren Blackwood Alliance of Councils committed to sign the WALGA Climate Change Declaration at its March 2023 meeting.

It was noted however that the Alliance of Councils is not a member of WALGA. Individual member Shire consideration of signing the WALGA Climate Change Declaration is also a recommendation of the Warren Blackwood Alliance of Councils Climate Change Action Plan.

Cr Kaltenrieder further advised that the Shire of Boyup Brook signing the WALGA Climate Change Declaration would further support WALGA's advocacy efforts in relation to climate change. The WALGA Declaration wording can also be contextualised to suit the Shire of Boyup Brook context.

COMMENT

Local Governments from across Western Australia have committed to WALGA's Climate Change Declaration, that demonstrates their acknowledgment of the impacts of climate change and their commitment to developing locally appropriate mitigation and adaptation strategies to manage climate change.

To date, 51 Local Governments have signed the Climate Change Declaration, representing over 85% of Western Australia's population. WALGA encourages all Local Governments to become signatories of the Declaration, which will further support WALGA to advocate for the appropriate funding and development of legislative mechanisms to support Local Government climate change management.

As indicated in the Climate Change Declaration attached, and being a signatory to same, Council needs to respond to the impacts of climate change and indicate that it has taken appropriate action to develop certain Plans and Strategies on climate change and provide commitments as there is a clear expectation that these commitments will be followed through.

WALGA has a number of Climate Action Plan Templates that can be utilised which can be tailored to suit the needs of Council and to align with any existing work already undertaken or underway.

The WALGA Climate Change Action Plan templates have been structured in such a way that Local Governments can choose to only include specific aspects within their climate action planning. For example, a Local Government may prefer to focus on developing a corporate mitigation action plan and corporate adaptation action plan at first, and then expand upon this at a later date to develop a community mitigation action plan, and a community adaptation action plan.

One of the major commitments to becoming involved in becoming a signatory to WALGA's Climate Change Declaration is the development of Action Plans (although Templates are provided) and having staff be responsible for the annual reporting on same. Council needs to consider the imposition on exiting staff to manage the actions of Council in meeting its obligations in respect to the Action Plans.

The benefit of Council becoming a signatory to WALGA's Climate Change Declaration is that WALGA is the peak body of Local Government in Western Australia and does provide appropriate support to its members. WALGA has a dedicated Environment Team who would assist staff members in the preparation of Plans and associated reporting of same.

CONSULTATION

Warren Blackwood Alliance of Councils Climate Change Action Plan.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

There would be Budget considerations associated with the implementation of the Climate Change Action Plans.

STRATEGIC IMPLICATIONS

Shire of Boyup Brook Strategic Community Plan 2021 – 2031

Natural Environment

1. Manage Natural Resources Sustainability
 - 1.2 Mitigate climate change and natural disaster risk
- 2.1 Adopt and encourage renewable energy and sustainable practices

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 14.3

1. That Council nominates Councillors _____, _____ and _____ to assist the CEO in preparing appropriate Climate Change/Mitigation Action Plans for the Shire of Boyup Brook that can be identified in a Draft WALGA Climate Change Declaration, and once these Action Plans have been approved by Council;
2. Council then formally resolves to become a signatory to the Western Australian Local Government Association's Climate Change Declaration and authorises the Shire President to sign the prepared Declaration for co-signing by the President of WALGA.

14.4 Development (Tree Farm – Pine Trees) – Lots 1182, 2944, 2945, 3944 and 2, Cunningham Road, Wilga

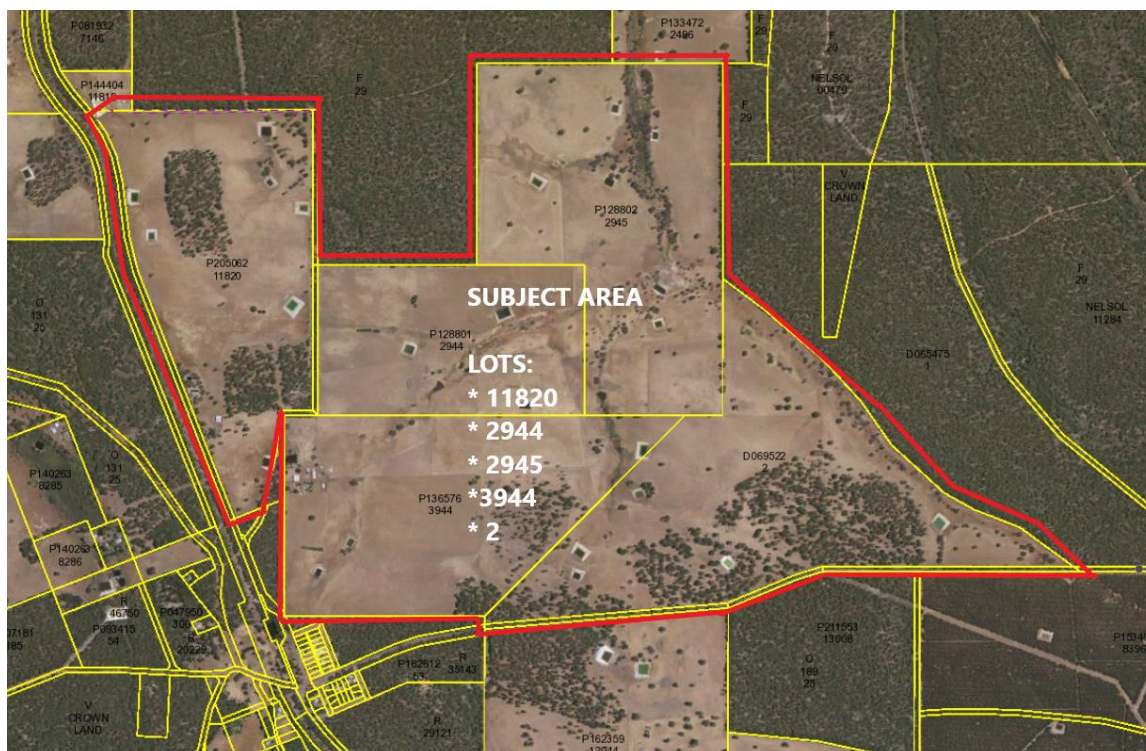
Location:	Lots 1182, 2944, 2945, 3944 and 2, Cunningham Road, Wilga
Applicant:	Forest Product Commission
File:	A3200
Disclosure of Officer Interest:	None
Author:	A. Nicoll, Urban and Regional Planner
Authorising Officer:	Peter Clarke, Acting Chief Executive Officer
Attachments:	Plantation Management Plan

SUMMARY

This Development Approval is re-submitted to Council for consideration having been previously considered at the April 2023 Ordinary Council Meeting and the Special Meeting held on 18 May 2023.

The purpose of this report is to put before Council the request to develop a 'Tree Farm' of pine trees, on land zoned 'Rural', in the Wilga area.

The following map indicates the plantation area, which has previously been utilised as a manuka honey enterprise with the majority of the originally cleared area planted to *Leptospermum* species (Tea tree).



The proposal to develop this property as a pine plantation development, represents part of the State Government commitment to expand the State's softwood estate, thereby ensuring

sawmills and associated manufacturing businesses have security of resource well into the future. Planting of this property to pine would also generate approximately 16,000 Australian Carbon Credit Units (ACCU's) assisting in progress towards Australia's target of net zero emissions by 2050.

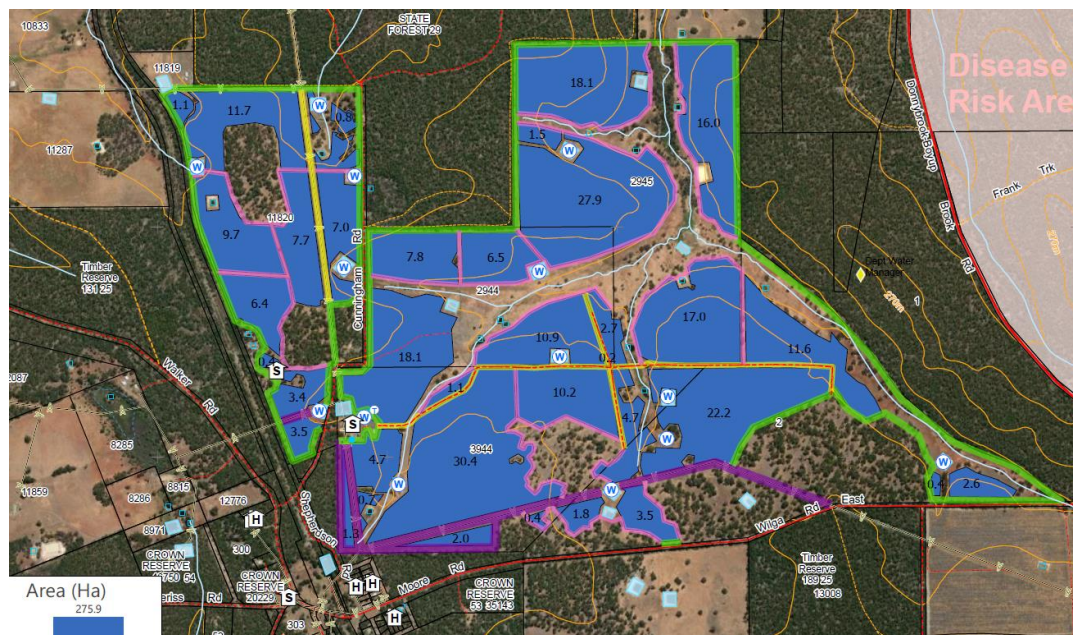
In accordance with the Shire's *Local Planning Scheme No.2 (LPS2)*, 'Tree Farm' development is a use which Council, in exercising the discretionary powers available to it, may approve on land zoned 'Rural'.

As required by the '*Code of Practice for Timber Plantations in Western Australia*', a 'Plantation Management Plan' has been provided as part of the Tree Farm proposal.

The 'Plantation Management Plan' includes the following:

1. Plantation Establishment Plan
2. Plantation Tending Plan
3. Fire Management Plan
4. Timber Harvesting Plan

The below figure illustrates (in blue) the areas proposed for pine tree planting (275.9ha).



It is recommended that the Council supports the application subject to conditions. The proposal is a continuation of an existing plantation use, which will be appropriately managed in accordance with a Plantation Management Plan.

BACKGROUND

The Shire received a tree farm application involving converting an existing Tea-tree plantation to a Pine plantation.

The application was referred to landholders in the Wilga townsite, to the Department of Fire and Emergency Services (DFES), to the Department of Biodiversity, Conservation and Attractions (DBCA) and to the Department of Planning, Lands and Heritage (Aboriginal).

No comments were received from landholders.

The DBCA commented that:

If grazing is proposed within the site, then good quality fencing would be required to prevent grazing stock from entering adjacent DBCA-managed land. If the proponent considers improving/upgrading any existing fencing that adjoins DBCA-managed land, the proponent should liaise with the DBCA District Manager (blackwood@dbca.wa.gov.au) prior to any fencing construction works being undertaken to check whether there are any requirements.

The DFES commented that:

DFES does have an active mitigation program that covers the Wilga townsite on UCL/UMR land and supports the Shire of Boyup Brook through the combined employment of a Bushfire Risk Management Coordinator and, access to the Mitigation Activity Funding grant process...recommend that as additional risks are identified in a local government area that the local government can review the associated risk to resources process as part of their Local Government Grant Scheme (LGGs) application, that may provide direction for possible future resource requests.

COMMENT

The application involves the planting, maintenance and harvesting of pine trees encompassing an area of 275.9ha, located just north of the Wilga townsite.

The following key measures are proposed regarding the Tree Farm application:

- **Buffers** - A buffer of a minimum 6 metres is proposed adjacent to waterways. External firebreaks are proposed at 15 metres to comply with the Shire's Firebreak notice. A firebreak of 25m will be left unplanted and maintained as a low fuel buffer to the Wilga townsite. 6-10 metre wide internal firebreaks will be provided in accordance with the *Guidelines for Plantation Fire Protection (FESA 2011)*.
- **Weeds and Pests** - Weeds and pests will be managed on a regular basis.
- **Native Vegetation** - Existing native vegetation is proposed to be protected.
- **Livestock** - Grazing of the property will be encouraged in the future to reduce grass fuel loads in unfenced remnant areas.
- **Bushfire Safety** - The areas proposed for tree planting have a min 100m setback to dwellings. The proposed tree farm compartment sizes comply with the *Guidelines for Plantation Fire Protection (FESA 2011)* and the local shire Firebreak Notice. A daily fire management notification system is proposed for plantation harvesting operations. In the event of a bushfire, notification is made to the DFES, local fire brigade and Forest Products Commission officer(s). The Forest Products Commission can deploy in excess of 6 fast attacks and up to 3 fully equipped heavy duty fire trucks heavy units to this area in a relatively short period of time. These appliances come with fully trained staff. The closest manned Forest Products Commission units are located in Collie (3 light units in Collie and 1 fully equipped heavy duty fire truck is located in McAlinden which is approximately 15 minutes travel from the Wilga property. Fire management maps will be stored in waterproof tubes at property access points and will be made available to the Fire Control Officer. Water points will be maintained to provide permanent water within a maximum 20 minute turnaround time for fire within the plantation (20 dams and 3 tanks onsite).

- Road Maintenance - The Forest Products Commission has offered to enter into a road use agreement with the Shire including coverage of harvesting traffic management measures and a commitment to rectification of any undue damage to public roads caused by harvesting operations and or movement of machinery associated with the plantation (based on pre and post operation road condition inspections).

The details submitted in the application comply with the:

- *Guidelines for Plantation Fire Protection (FESA 2011)*
- *Code of Practice for Timber Plantations in Western Australia'*
- *Boyup Brook Firebreak Notice*

It is recommended that the Shire conditionally approve the proposed Pine Tree Farm application, as it is not expected to impact on landscape characteristics and it is expected to be managed to ensure compliance with regulatory standards, particularly bushfire.

The proposal includes a comprehensive 'Plantation Management Plan', which has been developed to comply with relevant legislative standards. It has been shown that the proposed development will be managed by a fire cooperative, which includes fire equipment in the locality and trained personnel.

FURTHER COMMENT

This Development Applicant was presented to the Ordinary Meeting of Council held on Thursday, 27 April 2023 for consideration. At this meeting an Amendment to the Officers Recommendation was put which considered including an additional condition as follows:-

INCLUSION OF ADDITIONAL CONDITION

Prior to commencement of development, the plantation management plan and plantation map are modified to indicate a 50m firebreak on the southern side of the plantation (adjacent to the Wilga Settlement), to the satisfaction of the Shire of Boyup Brook.

The inclusion of the above condition in the Amended Motion was Lost and no further action/consideration of the DA was taken at this meeting.

Following the April 2023 OCM there was some concern raised as to whether Council had followed correct meeting procedure in relation to this matter and in consideration of this uncertainty, the A/CEO, in consultation with Council's Town Planning Consultant, did not issue formal advice to the Applicant of Council's decision.

Since the April 2023 Ordinary Meeting of Council, the A/CEO had sought advice from WALGA's Governance Team in relation to the processes undertaken by Council at the April meeting relating to this DA. Based on the advice sought, which is detailed in the Agenda documents associated with the Special Meeting of Council held on Thursday, 18 May 2023. The purpose of the Special Meeting of Council was to consider a Recission Motion of the decision made by Council at its April 2023 OCM.

The above Recission Motion was passed at the 18 May Special Meeting as follows:-

MOTION TO RESCIND COUNCIL RESOLUTION 23/04/060

That Council Rescinds Council Resolution 23/04/060 of the Ordinary Council Meeting held on 27 April 2023 to allow for further consideration on the Development Application to develop a 'Tree Farm' of pine trees, on land zoned 'Rural', in the Wilga area.

MOVED: Cr Steele Alexander

SECONDED: Cr King

CARRIED BY ABSOLUTE MAJORITY 6/0 Res 23/05/074

CONSULTATION

Consultation was undertaken and submissions considered.

STATUTORY OBLIGATIONS

Local Planning Scheme No.2

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

50. Land use terms used

Tree farm means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the Carbon Rights Act 2003 section 5

42 TREE FARMING

Tree farm as defined in Part 6 – 'Terms referred to in Scheme' is a permissible use in the 'Rural' zone subject to compliance with all requirements of this Scheme.

In addition to those other matters contained in clause 25, 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) FESA's Guidelines for Plantation Fire Protection.*

25 RURAL ZONE

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;*
- (b) the need to protect the area from uses which will reduce the amount of land available for agriculture;*
- (c) bushfire risk to the locality and adequacy of fire suppression measures;*
- (d) the need to preserve the rural character and rural appearance of the area; and*
- (e) 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.*

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 and is not supported by adequate bushfire suppression measures.

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.

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.

BUDGET/FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

ORIGINAL OFFICER RECOMMENDATION AS PRESENTED AT THE APRIL 2023 OCM FOR RE-CONSIDERATION BY COUNCIL – Item 14.4

That Council grants development approval for Lots 1182, 2944, 2945, 3944 and 2, Cunningham Road, Wilga, for the purpose of Development (Tree Farm - Pinus), subject to the following Notice:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: Lots 1182, 2944, 2945, 3944 and 2, Cunningham Road, Wilga

Description of proposed development:

Tree Farm (Pinus Radiata – 275.9ha)

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, unless varied by a condition of approval or a minor amendment, to the satisfaction of the Shire of Boyup Brook.
- 2) As an ongoing condition, the plantation map, which shows the location of tanks, access and planting areas, is to be maintained on-site in red PVC tubes located at each access point.
- 3) 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:

- 1) If grazing is proposed within the site, then good quality fencing would be required to prevent grazing stock from entering adjacent DBCA-managed land. If the proponent considers improving/upgrading any existing fencing that adjoins DBCA-managed land, the proponent should liaise with the DBCA District Manager (blackwood@dbca.wa.gov.au) prior to any fencing construction works being undertaken to check whether there are any requirements.

Date of determination: 27 April 2023

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.

Signed:

Dated:

for and on behalf of the Shire of Boyup Brook.

14.5 Variation of Scope of Works from Reservoir Pipeline Project to Upgrade Reticulation to Sporting Precinct for Water Efficiency

Location:	Not Applicable
Applicant:	Not Applicable
File:	FM/25/071
Disclosure of Officer Interest:	None
Author:	Nicki Jones, Community Development Officer
Authorising Officer:	Peter Clarke, Acting Chief Executive Officer
Attachments:	Nil

SUMMARY

The purpose of this item is to provide a variation to the current Reservoir Pipeline Project that is partially funded through Department of Water and Environmental Regulation (DWER) to Upgrade Reticulation to Sporting Precinct for Water Efficiency.

BACKGROUND

The Reservoir Pipeline Project Deed of Agreement was signed on 27 October 2021 with funding of \$100,000 for a \$155,000 project to construct a pipeline from Water Corporations decommissioned town reservoir which is 5km north east of town to the non-potable community water storage dam. The non-potable water was intended to be used to irrigate the ovals, tennis courts, Flax Mill Caravan Park, recreation area, gardens and parks, reducing reliance on scheme water.

A draft plan of the pipeline locations was developed and surveyed, and landholders were approached seeking approval to access their properties as the pipeline would need to run through privately owned property. One landholder has continued to refuse access to their property and there are no alternative routes available. The design also crosses Blackwood River tributaries which have been identified as being registered with Aboriginal heritage significance. Whilst trying to identify the families to consult with for potential to approve crossing these water ways, staff were met with challenges resulting in the project being unable to progress. It also became evident that the costs would continue to escalate beyond the grant agreement.

The Shire approached DWER with these concerns and the Shire was granted an extension to the project in late February 2022. The project was then put on hold due to staff movements. DWER have since been in contact to discuss the project and have suggested the Shire apply for a variation as it has become evident that other projects of a similar nature have faced similar issues.

The main area for concern being that the pipeline runs through private property and future owners of these properties are not bound by an agreement with the original owner to allow workers to repair and or maintain the pipeline.

DWER suggested installing a standpipe at the reservoir and funding a water truck to cart the water as required. This option would be labour intensive and require ongoing maintenance and a replacement plan for the water truck making it overall costly. Other options included additional

water tanks or an upgrade to the current aging and inefficient reticulation system at the sporting precinct.

After discussions with DWER they have indicated that they support this project in principle and have requested the Shire submit a variation to the current project to reflect this.

COMMENT

There are future rounds of funding that the Shire can apply for to install additional water tanks, therefore this is the best opportunity to improve the current inefficient and aging reticulation system. Quotes for this system also come within the grant value.

CONSULTATION

DWER

STATUTORY OBLIGATIONS

N/A

POLICY IMPLICATIONS

N/A

BUDGET/FINANCIAL IMPLICATIONS

The variation to change the scope of works to Upgrade Reticulation to Sporting Precinct for Water Efficiency will not have any budgetary or financial implications however to proceed with the pipeline will require further funds to be injected into the project by Council. The project area will need to be re-surveyed before any further planning can commence.

STRATEGIC IMPLICATIONS

Natural Environment

- 1 Manage natural resources sustainably
 - 1.3 Improve water security and drought proofing measures

SUSTAINABILITY IMPLICATIONS

Environmental

The new reticulation system will increase efficiencies in electricity and water usage.

Economic

The increased efficiencies in electricity and water usage will result in a reduction in electricity and water costs. The new system can also be monitored remotely enabling staff to be more time efficient.

Social

Due to the efficiencies of the new reticulation system, the grounds will be healthier resulting in a better playing field all year round. This in turn will encourage more of our community to use the facility and bring about a sense of connectedness. Exercise has also shown to have a positive influence on mental wellbeing with participation in regular exercise reducing anxiety and increasing self-esteem.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 14.5

That Council supports a variation of scope of works from the Reservoir Pipeline Project to Upgrade Reticulation to Sporting Precinct for Water Efficiency as supported by the funding body, Department of Water and Environmental Regulations.

15. CLOSURE OF MEETING

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