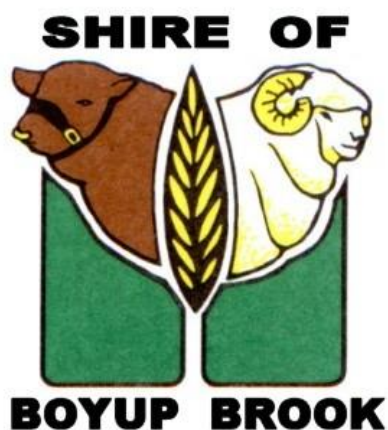


AGENDA



being held

THURSDAY 26 November 2020
Commencing AT 5.00PM

SHIRE OF BOYUP BROOK
CHAMBERS
ABEL STREET-BOYUP BROOK

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at

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

PRESENT:	Shire President	Richard F Walker
	Deputy Shire President	Helen C O'Connell
	Councillor	Sarah E G Alexander
		Steele Alexander
		Philippe Kaltenrieder
		Darren E King
		Kevin J Moir
		Thomas J Oversby
		Adrian Price
	Chief Executive Officer	Dale Putland
	Deputy Chief Executive Officer	Aaron Bowman
	Coordinator Works & Services	Vanessa Crispe
	Executive Assistant	Maria Lane

LEAVE OF ABSENCE:

APOLOGIES:

MEMBERS OF PUBLIC:

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1 Carina Wilson

Request - Carina Wilson

Would like an update on resolution 103/19.

At the Special Council meeting held on 8 May 2019 in relation to the Park Cabins at the Flax Mill Caravan Park - resolution 103/19 was passed unanimously.

MOTION –ITEM 6.1.3

- (a) That two (2) park cabins (not self-contained) will be installed at the Flax Mill Caravan Park.**
- (b) Direct the Acting CEO to bring a report back to Council's June 2019 ordinary meeting which separately costs (for budgetary purposes) each of the Short Stay Accommodation proposals identified in item 1 above.**

Response

The matter was brought back to Council and the decision was later revoked.

Request – Carina Wilson

Would like an update on resolution 154/19.

At the Ordinary Meeting of Council held on 20 June 2019 – Park Cabins at the Flax Mill Caravan Park- resolution 154/19 was passed unanimously.

COUNCIL DECISION – Item 13.1.2

That Council

1. Receive the costings for installing two (2) Park Cabins at the Flax Mill Caravan Park and direct the Acting CEO to allocate \$150,000 in the draft 2019-20 annual budget to fund this Tourism and Area Promotion project.
2. Determine to engage consultants in 2019-20 to produce a Flax Mill Caravan Park Business Plan and direct the Acting CEO to allocate \$3,500 in the draft 2019-20 annual budget to fund this Tourism and Area Promotion project.

Response

Revoked at the Ordinary Council meeting held on 18 June 2020.

Request – Carina Wilson

Would like an update on resolution 189/19.

COUNCIL DECISION – Item 11.2

That Council defer making decisions about the fate of the Caravan Park Cottage until the shire's Tourism, Area Promotion and Caravan Park Business Plan has been completed.

Response

Revoked at the Ordinary Council meeting held on 18 June 2020.

Question – Carina Wilson

If there is no Community Development Officer then where did the \$58,494 in 2019/20 go?

Response

This budget is not specific to any one officer. The budget allocation allows the CEO to allocate staff to support events such as the Community Christmas Celebrations, Australia Day and other events.

Request – Carina Wilson

1. Request to have a Flax Mill and Caravan Park Business Plan undertaken asap
With a Community Reference group set up to take part in the process from the beginning

Response

The above request was not answered as it was not a question.

2. Our Community Development Officer was paid: \$42,458 + \$1,817 super + \$14,219 fringe benefits tax totalling \$58,494 to June 2020

Our Community Development Officer will be paid: \$41,500 + \$2,320 super + \$11,430 fringe benefits tax totalling \$55,250

These figures are according to the draft budget for the year 2020/2021

Response

These funds are allocated to several officers to allow them to dedicate time to support community activities.

Question

What is the position description for the Community Development Officer?

Response

We do not have a position description as the Shire does not have a Community Development Officer.

Question

What specific projects have been implemented by our Community Development Officer in the last 5 years?

Response

As this position has not existed for several years, there is no current projects been implemented.

Question

3. Why is the shire not performing any community education on waste avoidance?

Response

The Shire currently does not have the budget to employ a Waste Education Officer however, Suez has been requested to update its recycling links.

Question

Why are the links to Suez on recycling still dysfunctional? I asked nicely at office at least 5 weeks ago if the broken links could be fixed?

Response

The links are working.

Someone was told "that it is part of SUEZ contract to perform community waste education" if that is the case they are not fulfilling their contract .. if it's not the case the shire is not fulfilling their responsibilities

The situation with lack of recycling and material separation since is utterly appalling

(pics taken at tip from 2 August to 6 October available on request)

4. Request a Community Reference Group for waste be set up

To carry out such things as:

- A town wide bin audit carried out by volunteers to improve our appalling rate of contamination in recycling bins of 18%
- An audit of what is being disposed of incorrectly into bulk waste trailer

NB. 10% needs improvement 5% is good less than 5% is excellent

Response

Point 4 was not answered as it is not a question.

5. Consider WASTENOT CONTAINER RECOVERY AND EDUCATION FACILITY for future grant funding

See attached document – **(documents supplied by Carina Wilson)**

Response

Point 5 was not answered as it is not a question.

Question

6. Where is our community consultation policy? as of 7 October, it is still not available on the website ... 5 weeks later

27 August 2020 Council adopted the newly drafted Community Consultation Policy

CARRIED 7/0 Res140/20

Response

The Community Consultation Policy O.14 has been placed on the website.

4. PUBLIC QUESTION TIME
5. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS
6. DISCLOSURE OF INTEREST
7. CONFIRMATION OF MINUTES

7.1 Ordinary Council Minutes – 29 October 2020

OFFICER RECOMMENDATION – ITEM 7.1

That the minutes of the Ordinary Council Meeting held on Thursday 29 October 2020 be confirmed as an accurate record.

8. PRESIDENTIAL COMMUNICATIONS
9. COUNCILLOR QUESTIONS ON NOTICE

10.1 FINANCE

10.1.1 List of Accounts Paid in October 2020

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12/11//20</i>
Author:	<i>Carolyn Mallett –Accountant</i>
Authorising Officer:	<i>Aaron Bowman – Acting Deputy CEO</i>
Attachments:	<i>Yes – List of Accounts Paid in October</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in October 2020 are presented to Council.

BACKGROUND

This report presents accounts/invoices received for the supply of goods and services, salaries and wages, and the like which were paid during the period 01 to 31 October 2020.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 October 2020.

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 2020-21 Annual Budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 10.1.1

That at its November 2020 ordinary meeting Council receive as presented the list of accounts paid in October 2020, totalling \$709,081.73 from Municipal account, \$44,259.15 from Police Licensing account and \$6.60 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20448 - 20461	\$ 15,064.09
Municipal Electronic Payments	EFT9871 – EFT10050	\$402,134.16
Municipal Direct Payments		\$291,883.48
Police Licensing Payments		\$ 44,259.15
BBELC Payments		\$ 6.60

10.1.2 31 October 2020 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 November 2020</i>
Authors:	<i>D Long – Finance Consultant</i>
Authorizing Officer:	<i>Dale Putland – Chief Executive Officer</i>
Attachments:	<i>Yes</i>

SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 31 October 2020.

BACKGROUND

Section 6.4 of the Local Government Act 1995 places financial reporting obligations on local government operations.

Regulation 34.(1)–(4) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepare a *Statement of Financial Activity*.

The regulations also prescribe the content of the reports, and that details of items of Material Variances shall also be listed.

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;
- (j) Loan Borrowings Statement; and
- (k) Trust Fund Statement.

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* 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.

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 October shows a closing surplus of \$3,642,095.

CONSULTATION – Nil

STATUTORY OBLIGATIONS

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

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

POLICY IMPLICATIONS – Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS - Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 10.1.2

That Council receive the Monthly Financial Report for 31 October 2020, as presented.

10.1.3 Reallocation of Funds

Location	<i>NA</i>
Applicant	<i>NA</i>
File	<i>???</i>
Disclosure of Interest	<i>Nil</i>
Date	<i>19th November 2020</i>
Author	<i>Aaron Bowman – A/Deputy Chief Executive Officer</i>
Authorizing Officer	<i>Dale Putland – Chief Executive Officer</i>
Attachments	<i>Nil</i>

SUMMARY

To reallocate budgeted funds from the Jackson Street bike path project to consultancy, to enable for a Local Planning Strategy to be undertaken.

BACKGROUND

The Shires adopted budget included \$72,000 for the construction of the Jackson Street bike path project. This was offset in the budget by \$36,000 in grant funding from the Department of Transport for the project.

COMMENT

Further investigation undertaken has resulted in the planned Jackson Street bike path projects requiring significant modification, increased costs, and other factors not contemplated at the project planning stage for this project.

Council priorities since the adoption of the budget have since changed, and the \$36,000 allocated from the Shire muni funds for the Jackson Street bike path project are now considered better use of ratepayers' money for the much needed Local Planning Strategy.

CONSULTATION

Councilor Briefing
Department of Transport

STATUTORY COMPLIANCE

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or

- (b) is authorised in advance by resolution*; or
- (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

POLICY IMPLICATIONS

Nil

BUDGET FINANCIAL/IMPLICATIONS

There is a \$0 effect on the Shire budget.

STRATEGIC IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – ITEM 10.3.1

- 1) That Council reduce GL expense 121700 – footpath construction by \$72,000, reduce GL income 121004 – Capital Grant other by \$36,000 and increase GL expense 146105 – consultant by \$36,000, resulting in a \$0 effect on the Shire budget.
- 2) That Council advise the Dept of Transport that it is not proceeding with the Jackson Street bike path project.

10.2 PLANNING

10.2.1 Development Application (Farm Stay & Private Recreation) – Lot 4254 Donnybrook - Boyup Brook Road, Wilga
--

Location:	<i>Lot 4254 Donnybrook - Boyup Brook Road, Wilga.</i>
Applicant:	<i>J McGellin</i>
File:	<i>A3670</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>26 November 2020</i>
Author:	<i>Town Planner (Adrian Nicoll)</i>
Authorizing Officer:	<i>Chief Executive Officer (Dale Putland)</i>
Attachments:	<i>Planning Application Photo's</i>

SUMMARY

The Shire received an application seeking approval to let out existing and proposed new housing units, for 'Farm Stay' (holiday) accommodation and to entertain private functions (weddings), at Lot 4254 Donnybrook - Boyup Brook Road.



Council is requested to:

1. Retrospectively approve the development of existing housing units for 'Farm Stay' (holiday) accommodation, subject to a retrospective building permit and effluent disposal licence being granted;
2. Approve the development of a new housing unit and incidental facilities for 'Farm Stay' (holiday) accommodation, subject to conditions; and
3. Approve the use of the site for 'Private Recreation' (weddings).

BACKGROUND

The following development occurred at the Lot 4254, without the approval of the Shire:

1. A one bedroom with ensuite donga type building;
2. A six bedroom, two bathroom and three toilet donga type building; and
3. An effluent disposal system.

The Shire received a request for approval to:

1. Let out existing buildings for 'Farm Stay' (2 X donga type buildings – total of seven beds);

2. Develop a new structure for 'Farm Stay', designed to include:
 - a) Eight bedrooms with ensuites;
 - b) An ablution block;
 - c) Two disabled toilets; and
 - d) Dining/kitchen area.
3. Let out the premise for Private Recreation (weddings).

COMMENT

Lot 4254 – Subject Property

The subject property is an 80ha farming property, situated 28km north of the Boyup townsite, with frontage to the Donnybrook - Boyup Brook Road.

Application

The application for consideration involves development at Lot 4254 Donnybrook – Boyup Road, which is zoned 'Rural' in accordance with the Shire's *Local Planning Scheme No.2*.

The development application involves three different components, as follows:

1. Retrospective approval application for existing unapproved accommodation;
2. Development approval application for new proposed accommodation; and
3. Approval application for Private Recreation (weddings).

The area subject to the application is setback approximately 480m from the main road and comprises a footprint of 100m X 100m. The subject site is isolated from neighbouring premises and is located outside of any bushfire prone areas.

Retrospective Approval Application

The first component of discussion involves the two existing donga type structures proposed for accommodation.

As previously mentioned in this report, two accommodation structures were developed without the approval of the Shire. The first structure contains a single bedroom and ensuite. The second structure contains six bedrooms, two bathrooms and three toilets. structures have been renovated to include verandas, landscaping and certified electrical work and plumbing. Conventional effluent disposal systems have also been developed and plumbed to bathrooms and toilets.

The area pictured in the photograph below:



Where development has occurred without the necessary approvals, a retrospective application for planning, building or health, may be considered.

Should Council resolve to retrospectively approve the existing developments, it is recommended that an approval notice is subject to the following conditions:

- Prior to application for a Building Permit, a certified building permit is to be obtained, by a qualified practitioner, proving that the existing developments comply with the National Construction Codes.
- Prior to occupancy of use, an effluent disposal certificate is to be obtained, to the satisfaction of the Shire of Boyup Brook.

Proposed New Structure

The application is also proposing the development of a new structure to provide accommodation (eight beds), disabled toilets (X2) and a dining and kitchen area.

The new proposed structure/facilities will include a disabled toilet and a kitchen. These services are a requirement of the National Construction Codes and a health benefit to persons wishing to cook their own meals.

Should Council decide to approve the new proposed construction, it is recommended that the following condition is prescribed for an approval notice:

- Prior to the occupancy of use of the 'Farm Stay' and the 'Private Recreation', the disabled toilets are to be developed to the satisfaction of the Shire.

Private Recreation (Weddings)

It is proposed that the accommodation and various facilities are made available for general holiday accommodation and also wedding functions.

Private Recreation (weddings) may be considered for approval at a property zoned 'Rural'.

Should Council decide to approve the use of the site for weddings, it is recommended that the following advice is included in an approval notice:

- During a wedding function, it is recommended that the accommodation units are not rented out to persons who are not party to the wedding function.

Overall Operations

It is proposed that the 'Farm Stay' is open seven (7) days a week to cater for visitors to events in the Boyup Brook Shire and surrounding areas.

The existing accommodation units and the proposed accommodation units make available a total of 15 beds. These are double beds, meaning there is capacity for 30 persons.

In-order to safely manage persons staying at the subject site, should Council decide to approve the use of the site for holiday accommodation and weddings, it is recommended that the following conditions are included in an approval notice:

- Approval is to be in accordance with an up-to-date overall management plan, which is to include, as a minimum, factors such as:
 - Method for accommodation booking;
 - Emergency contacts;
 - Rules for occupation; and
 - Management of rubbish.
- The 'Farm Stay' shall be used for short stay accommodation only and shall not be occupied by the same person or persons for more than 3 months in any 12 month period.
- An Evacuation Plan, a muster point and fire safety equipment (Fire extinguishers, fire blankets and smoke alarms) is to be implemented and maintained to the satisfaction of the Shire.
- A sufficient amount of water for drinking, domestic and firefighting purposes, is to be made available at all times to the satisfaction of the Shire.
- The car parking area is to be developed and maintained to a gravel standard, to the satisfaction of the Shire.

CONSULTATION

Consultation was undertaken with the Shire's Building Surveyor, Environmental Health Surveyor and a Private Building Surveyor.

Consultation determined that a Building Permit and a Health Certificate, is required for the existing donga type structures (includes effluent disposal system), which were developed without prior Council approval.

Consultation with a private Building Surveyor confirmed that disabled toilets need to be developed, prior to occupancy of use.

STATUTORY OBLIGATIONS

‘Farm Stay’ and ‘Private Recreation’ are identified in the Shire’s *Local Planning Scheme No.2* as uses which Council, in exercising the discretionary powers available to it, may approve at a property zoned ‘Rural’.

The Shire’s *Local Planning Scheme No.2* defines ‘Farm Stay’ and ‘Private Recreation’ to mean:

farm stay - a residential building, bed and breakfast, chalet or similar accommodation unit used to accommodate short-stay guests on a farm or rural property and where occupation by any person is limited to a maximum of three months in any 12-month period

private recreation - means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge.

POLICY IMPLICATIONS

The proposed building area is located outside of a bushfire prone area and is therefore not subject to State Planning Policy 3.7.

The application complies with the Shire’s ‘Farm Chalets’ Policy, which requires the following:

- A minimum of two (2) ha per chalet;
- Two car parking spaces being provided for each chalet and constructed to a gravel pavement finish and properly drained;
- A minimum of eighty thousand (80 000) litres of potable water per chalet;
- A 2.5 kg dry powder fire extinguisher and fire blanket shall be provided in each individual kitchen;
- A waste water and effluent disposal system in compliance with the Health Department of Western Australia’s regulations and policies;
- Buildings compliant with the Building Code of Australia;
- A Fire Management Plan;
- The following minimum facilities shall be provided in each chalet:-
 - Toilet
 - Bathroom (may be combined with toilet)
 - Kitchen
 - Living area
 - Laundry facilities.
- Chalets located at least 100m from neighbouring rural property boundaries.

BUDGET/FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 10.2.1

That Council

1. Grants **Retrospective** Development Approval for Lot 4254 Donnybrook - Boyup Brook Road, Wilga, for the purpose of 'Farm Stay', which includes:
 - a) 1 X Donga (1 bedroom and 1 ensuite);
 - b) 1 x Donga (6 bedroom with laundry, shower, toilet).
2. Grants Development approval for Lot 4254 Donnybrook - Boyup Brook Road, Wilga, for the purpose of 'Farm Stay', which includes:
 - a) Eight bedrooms with ensuites;
 - b) An ablution block;
 - c) Two disabled toilets; and
 - d) Dining/kitchen area.
3. Grants Development Approval for Lot 4254 Donnybrook - Boyup Brook Road, Wilga, for the purpose 'Private Recreation'.
4. The approvals, as listed above, are 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: Lot 4254 Donnybrook - Boyup Brook Road,
Wilga

Description of proposed development:

Farm Stay and Private Recreation (weddings/functions)

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. Regarding the two (2) existing dongas, a certified building permit is to be obtained, by a qualified practitioner, proving that the existing

developments comply with the National Construction Codes.

3. Regarding the existing effluent disposal system(s) servicing the existing dongas, a health certificate approval is to be obtained, to the satisfaction of the Shire of Boyup Brook.
4. Prior to occupancy of use, the two (2) existing dongas and effluent system(s) being developed to comply with their relevant retrospective approvals.
5. The 'Farm Stay' shall be used for short stay accommodation only and shall not be occupied by the same person or persons for more than 3 months in any 12 month period.
6. Prior to the occupancy of use of the 'Farm Stay' and the 'Private Recreation', 2 X disabled toilets being developed to the satisfaction of the Shire.
7. An Evacuation Plan, a muster point and fire safety equipment (Fire extinguishers, fire blankets and smoke alarms) is to be implemented and maintained to the satisfaction of the Shire.
8. A sufficient amount of water for drinking, domestic and firefighting purposes, is to be made available at all times to the satisfaction of the Shire.
9. The car parking area is to be developed and maintained to a gravel standard, to the satisfaction of the Shire.
10. Approval is to be in accordance with an up-to-date overall management plan, which is to include, as a minimum, factors such as:
 - Method for accommodation booking;
 - Emergency contacts;
 - Rules for occupation; and
 - Management of rubbish.
11. The operator or manager of the Farm Stay shall maintain a register and receipt book containing details of all people who stay on the premises throughout the year, to the satisfaction of the Shire of Boyup Brook.
12. Stormwater being managed to the satisfaction of the Shire of Boyup Brook.
13. A minimum 20 metre low fuel zone is to be maintained around the development site to the satisfaction of the Shire of Boyup Brook.
14. No processes being conducted on the property that may cause a detriment to the amenity of that area by reason of contamination, noise, vibration, smell, fumes, dust or grit.

Date of determination: 26 November 2020

Note 1: During a wedding function, it is recommended that the accommodation units are not rented out to persons, who are not party to the wedding function.

Note 2: Prior to providing any food for sale, a licence is to be obtained in accordance with the Food Act 2008.

Note 2: Sign(s) shall not be erected on the lot without the prior approval of the Shire of Boyup Brook.

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.

10.2.2 Development (Public Amusement – Viewing Tower) – Lot 500, R24878, Cailes Street, Boyup Brook.

Location:	<i>Lot 500, R24878, Cailes Street, Boyup Brook.</i>
Applicant:	<i>Shire of Boyup Brook.</i>
File:	<i>Reserve 24878</i>
Disclosure of Officer Interest:	<i>Planning Officer (A. Nicoll)</i> <i>1. Applicant on-behalf of the Shire;</i> <i>2. Editor - ‘Development Application Report’; and</i> <i>3. Editor - Council Report Item and ‘Schedule of Submissions and Recommendations’.</i>
Date:	<i>26 November 2020.</i>
Author:	<i>A. Nicoll, Town Planner.</i>
Authorizing Officer:	<i>Dale Putland, Chief Executive Officer.</i>
Attachments:	<i>Development Application Report.</i> <i>1. Submissions (X11).</i> <i>2. Schedule of Submissions and Recommendations.</i>

SUMMARY

The purpose of this report is to put before Council the request to develop a Viewing Tower (Public Amusement facility), at Lot 500, Reserve 24878, Cailes Street, Boyup Brook.

The subject reserve (R24878) is vested, for management purposes, with the Shire of Boyup Brook. The vested purpose is for ‘Tourism and Recreation’.

The proposed Viewing Tower will be 28m high, with viewing decks at 13m and at 26m on the highest point in town, enabling views in excess of 20 kilometres in every direction. Development includes construction of accessways, car parking, landscaping, ablution facility and stormwater management.

All development is proposed to occur in existing cleared areas.

The application was advertised and comments were received pertaining to matters including, privacy, environment, car-parking, tourism, safety, amenity, landscaping and design.

This report item recommends that the Council approve the development application subject to amendments and conditions.

BACKGROUND

The Shire of Boyup Brook, in conjunction with the Boyup Brook Co-Op, prepared a Development Application, which proposes development of a Public Viewing Tower, at reserve land (Lot 500 Cailles St), which is vested with the Shire for 'Tourism and Recreation' purposes.

The development application was referred to surrounding landholders and relevant government agencies for comment. For further information on comments received, refer to the 'Discussion' and 'Consultation' section of this report item and the attached 'Submissions' and 'Schedule of Submissions and Recommendations'.

COMMENT

Proposed Viewing Tower

The Viewing Tower will be 28m high, with viewing decks at 13m and at 26m on the highest point in town, enabling views in excess of 20 kilometres in every direction.

The construction material proposed for the tower is galvanised steel and is intended to be long lasting with minimal maintenance. Development is to occur in accordance with Australian Standards.

Development is proposed to occur within existing cleared areas to minimize impact to the environment.



Access

Access is proposed off Cailles Street utilising an existing crossover.

Main Roads WA was consulted on the matter of an existing crossover to the subject site. Main Roads WA commented that:

- *The existing access/crossover does not meet current driveway specifications and is not considered suitable for use to access the proposed public facility; and*

- *The existing crossover/access way is to be upgraded to Main Roads specifications, including, but not limited to, provision of a sealed crossover, kerbing and management of drainage/stormwater discharge from the development. A detailed design is to be prepared and submitted to Main Roads for approval, prior to commencement of any works. The works is to be undertaken at the full cost of the applicant.*

Should the Council resolve to approve the proposed development, a condition is to be included to ensure the crossover is upgraded to Main Roads WA specifications.

Parking

Sixteen car parking bays and two bus/caravan parking areas are proposed to be developed on-site, directly adjacent to the tower.

It was commented via public submission that the amount of parking proposed is excessive. This may-be the case and therefore it is recommended that parking is developed in stages, considerate of demand. Due to the environmental attributes of the site, it may also be appropriate to leave car-parking areas in their natural state (gravel standard).

It was also commented via public submission that car-parking should be considered in areas adjacent to the road reserve. This proposal/idea is not supported by Main Roads WA.

Stormwater Management

Swales with rock base are proposed to manage any stormwater runoff and to ultimately limit erosion to neighbouring land.

Signage

The project will include the erection of directional signage to the tower and signage on site containing tourism information and a directional link to a Bicentennial trail.

It was commented via public submission that signage should include information of environmental attributes and the location of amenity facilities (toilets) in the townsite. This comment is supported and should be included as a condition of approval.

Toilet

A composting toilet is proposed to be developed on site for the convenience of visitors. The toilet is proposed to be developed in accordance with Department of Health standards and will be required to obtain environmental health approval.

It was commented via public submission that an on-site toilet is not necessary due to public toilets developed in the townsite, within a reasonable distance. This comment is supported. It is recommended the toilet is not required as a condition of development.

Bushfire

Due to the ongoing management of fuel loads of vegetated reserves in the locality and the low frequency of use of the proposed lookout tower, the chance of a bushfire igniting, spreading and causing damage to people, property and infrastructure is not considered serious.

Privacy

It was commented via public submission that the viewing tower may impact on the privacy of neighbouring residential and public uses.

The following photo shows the view across to the school and adjacent housing, depicted from the subject site, 30m high. In the opinion of staff the potential for direct viewing to privacy areas is limited due to the distance away from residents and obstructions (trees and buildings).



Landscaping

It was commented via public submission that native species should be used for any proposed landscape areas.

This comment is supported and it is recommended that an advice note is included in an approval notice, bringing to the attention of the developer, the need to use endemic species.

Conclusion

This report item and the attached 'Schedule of Submissions and Recommendations' has considered the application in accordance with the Shire's *Local Planning Scheme No.2*, the vested purpose of the Reserve 24878 and matters raised via public and agency submissions.

The proposed development is expected to add value to tourism within the Shire/townsite and is not expected to create any outstanding issues or impact to surrounding land uses.

It is recommended that the Council consider the application and submissions and resolve to approve the proposed development subject to conditions and advice notes.

STATUTORY OBLIGATIONS

Shire of Boyup Brook Local Planning Scheme No. 2

In accordance with the Shire's Local Planning Scheme No.2, the subject Lot 500, is reserved (R24878) for the purpose of 'Public Purposes - Tourism and Recreation'. The application for the lookout tower (tourism related), complies with 'Part 2' of the scheme (Reserved Land), which requires the development to match the reserve purpose.

The proposal aligns with the Shire's land use definition of "public amusement", which means:

land and buildings used for the amusement or entertainment of the public, with or without charge.

The proposed development complies with the scheme standards 5.8 and 5.10, which seek to ensure appropriate access and carparking is provided.

The proposed development complies with the scheme standard 5.11, which seeks to ensure that development does not detract from the visual amenity of the area. The lookout tower is proposed to be developed in accordance with Australian Standards and in an area, which is partially screened from view by vegetation.

The proposed development complies with the scheme standard 5.12, which seeks to ensure nuisance is not caused to inhabitants in the area or to traffic. The use is proposed to be located in an area well setback from residential areas (150-200m). Access off Cailles Street is not expected to impact vehicle movement.

The proposed development complies with the scheme standard 5.13, which seeks to ensure development is suitably landscaped. Landscaping is proposed around the base of the lookout tower.

The proposed development does not comply with the scheme standard 5.15, which seeks to ensure that a site is not developed to exceed 10 metres in height. In accordance with the scheme, it is requested that a variation is granted as the development:

- a) Is sympathetic to scale of surrounding trees; and
- b) Is not expected to impact on the amenity enjoyed by developed areas.

The proposed development complies with the scheme standard 5.16, which seeks to ensure the privacy of neighbouring development is not impacted. Based on photo images taken from the subject site (30m high), privacy impact is not expected. The subject site / viewing area is located far enough away from residences, not to be an impact.

The proposed development seeks to comply with the scheme standard 5.22, which seeks to ensure tourism developments take into consideration a range of matters.

POLICY IMPLICATIONS

The States Planning Policy 3.7 (Planning in Bushfire Prone Areas) seeks to ensure effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. The proposed development has considered the potential impact to property and life, considerate of the State Planning Policy 3.7:

- The construction material (galvanised steel) proposed for the lookout tower is expected to withstand a medium heat intensity from a bushfire.
- The low expected visitor rate, visiting time (1-2hr/visit – no overnight stay), ease of evacuation and on-the-ground management of fuel loads, lessens the chance of a bushfire igniting, spreading and causing damage to people, property and infrastructure.

CONSULTATION

Shire staff consulted with surrounding landholders, Main Roads WA, the Department of Water and Environmental Regulation and the Department of Planning, Lands and Heritage.

Landholders are generally in support of the proposed development; however some landholders believe that money could be better spent. Specific comment was made to the effect of:

- Low potential tourism benefit;
- Potential of privacy impact;
- Ensure the protection of environmental attributes;
- Ensure appropriate landscaping (i.e. use of endemic species), seating, fencing, signage and management of rubbish;
- Ensure safe use of the development;
- Consider deleting the ablution facility and developing less car parking.

Main Roads WA commented that:

The existing crossover/access way is to be upgraded to Main Roads specifications, including, but not limited to, provision of a sealed crossover, kerbing and management of drainage/stormwater discharge from the development. A detailed design is to be prepared and submitted to Main Roads for approval, prior to commencement of any works. The works is to be undertaken at the full cost of the applicant.

The Department of Water and Environmental Regulation commented that:

Plants of...Threatened species...and...Priority 2...have been previously recorded within Reserve 24878...A section 40 ministerial authorisation...under the Biodiversity Conservation Act 2016 may be required.

The proposed development is contained within existing cleared areas and is therefore not expected to impact on Priority or Threatened species.

The Department of Planning, Lands and Heritage commented that:

As this proposal is consistent to the reserve's purpose, the Shire of Boyup Brook has the authority to endorse.

For detailed comment and recommendations, refer to the attached 'Submissions' and 'Schedule of Submissions and Recommendations'.

BUDGET/FINANCIAL IMPLICATIONS

The Shire has been requested to provide a \$50,000 contribution to the project.

Cost to the Shire for maintenance/repairs over the first 10 years of the structure is expected to be around \$18,400 or \$1,840 per year.

STRATEGIC IMPLICATIONS

The Viewing Tower is expected to deliver a tourism asset in Boyup Brook that attracts visitors, provides additional activities and amenities for the local community and is a stepping stone to increase the economic contribution of tourism to the town and the wider region.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 10.2.2

That Council

Grants development approval for Lot 500, R24878, Cailes Street, Boyup Brook, for the purpose of Development (Public Amusement – Viewing Tower), subject to the following notice:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: Lot 500, R24878, Cailes Street, Boyup Brook.

Description of proposed development:

Development (Public Amusement – Viewing Tower)

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

Conditions:

1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Shire of Boyup Brook, all development

shall occur in accordance with the approved plans.

2.All development is to occur within existing cleared areas.

3.Access and car parking areas being developed to the satisfaction of the Shire of Boyup Brook.

4.Stormwater being managed to the satisfaction of the Shire of Boyup Brook.

5.The existing crossover/access way is to be upgraded to Main Roads specifications, including, but not limited to, provision of a sealed crossover, kerbing and management of drainage/stormwater discharge from the development. A detailed design is to be prepared and submitted to Main Roads for approval, prior to commencement of any works. The works is to be undertaken at the full cost of the applicant.

6.All landscaped areas shall be developed and maintained to the satisfaction of the Shire of Boyup Brook. Plants endemic to the area should be planted in landscaped areas.

7.Fencing is to be developed on the site, to ensure protection of native vegetation from pedestrians, to the satisfaction of the Shire. The minimum standard of fencing shall be 1.4 metre post and 4 strand wire or such similar materials.

8.Signage is to be developed on-site, advising visitors of the environmental attributes of the area.

9.The proposal is to comply with any details and/or amendments marked in red on the stamped, approved plans.

10.Any lighting device shall be positioned and shielded so as not to cause any direct or reflected light beyond the property boundaries.

10.No processes being conducted on the property that may cause a detriment to the amenity of that area by reason of contamination, noise, vibration, smell, fumes, dust or grit.

Date of determination: 26 November 2020

Advice 1:A section 40 ministerial authorisation is required prior to taking or disturbing a threatened species under the Biodiversity Conservation Act 2016.

Advice 2:It is recommended that a notice board is developed to accompany the viewing tower. The notice board should include information on other opportunities for visitors (e.g. museum, environmental attributes and public amenities).

Advice 3:A rubbish disposal bin should be provided on site and managed appropriately.

Advice 4:Regarding the proposal to develop on-site car parking, it may be

appropriate to develop car parking in stages and to leave the carparking areas as a gravel standard (not bitumen sealed). Consider developing five (5) bays and a bus and a caravan bay for Stage 1. Should demand for car parking exceed the current supply, consider developing additional parking as required (Stage 2).

Advice 5: Seating should be provided on site.

Advice 6: The design, materials and colour of the lookout tower shall match or harmonise with the surrounds.

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.

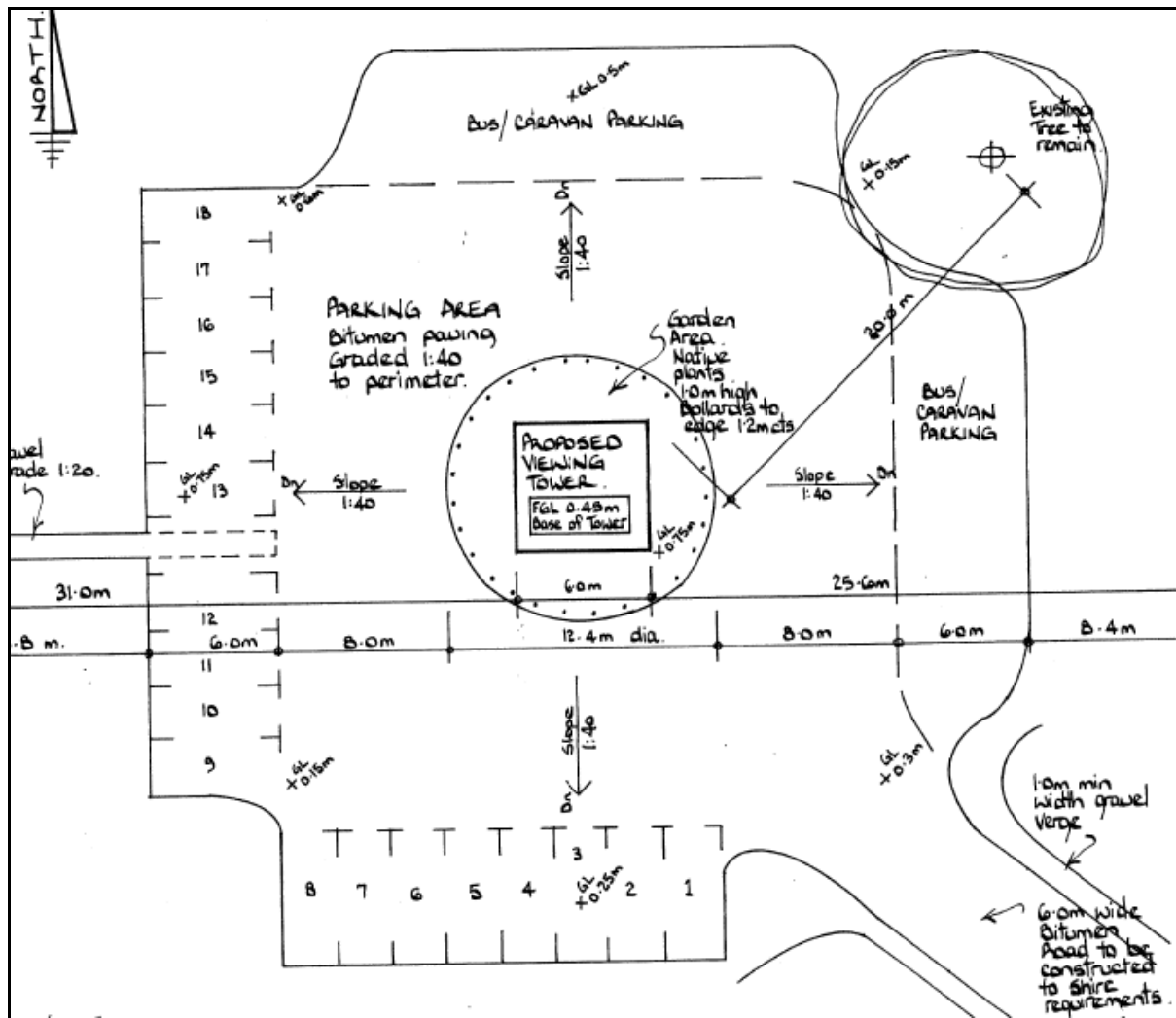
Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

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.



10.3 WORKS

10.3.1 Review - Boyup Brook Transfer Station

Location:	<i>Boyup Brook townsite</i>
Applicant:	<i>N/A</i>
File:	<i>P/F</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 November 2020</i>
Author:	<i>Vanessa Crispe – Coordinator Works, Projects and Assets</i>
Authorizing Officer:	<i>Dale Putland – Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is for Council to consider new operational hours for the Boyup Brook Transfer Station.

BACKGROUND

The mission of the Boyup Brook Transfer Station is to receive conforming recyclable and non-recyclable waste materials from residents and ratepayers within the Shire of Boyup Brook and to distribute it to sources that minimise landfill and are beneficial to the environment.

The Shire of Boyup Brook requested that LGIS (shire's insurer) conduct a public liability review of its Waste Transfer Station Facility, and this took place during January 2019. The shire is responsible for the waste management at the shire, and the Boyup Brook Lions Club at that time was responsible for the running of the recycling shop.

The Boyup Brook Lions recycling shop was closed during the COVID-19 restrictions with the facility now being used by the Boyup Brook Lions for their new program cash for containers raising money for the community.

At the ordinary Council meeting on the 29 October 2020 Council approved

- a. to undertake a review of operations and improvements to efficiencies that will reduce the costs in the short term;*
- b. and seek quotations for redesign of the Waste Transfer Station to improve the long term financial viability of the operations.*

Addressing part (a) of the recommendation approved by Council, reviews have been undertaken to identify options for manning of the Boyup Brook Transfer Station, namely:

- Boyup Brook Lions option to man the Transfer Station, in conjunction with the cash for containers program; (The Lions Club have advised that they are unwilling to man the transfer station).
- Outsourcing the Transfer Station operations.
- Shire staff rostered to man the Transfer Station maintaining current hours.
- Shire staff to man the Transfer Station with reduced opening hours.

The current opening hours over the weekend create a financial burden to the Shire of Boyup Brook. Reducing these hours will allow the Shire to achieve some cost saving while still supporting the local community. Opening hours for the Transfer Station can also be coordinated with the Lions Club to allow both to be opened at the same time.

The Boyup Brook Lions club have indicated their preference for reduced opening hours based on their operational requirements, for the cash for containers.

COMMENT

Recommend reducing operational hours in line with discussions to meet cash for container requirements and Transfer Station operations as follows;

Thursday from 10.00am to 2.00pm proposed new hours 1.00pm to 3.00pm.

Saturday from 10.00am to 2.00pm proposed new hours 9.00am to 4.00pm.

Sunday from 11.00am to 2.00pm proposed Closed.

CONSULTATION -

Local Government Insurance Services (LGIS, the shire's insurer).
Boyup Brook Lions Club
Chief Executive Officer

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS - Nil

BUDGET/FINANCIAL IMPLICATIONS

Reducing the number of opening hours will reduce the cost of Transfer Station operations. The action amount will be dependent on the staff being rescheduled to work on gate duties.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
This needs to be assessed.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION – ITEM 10.3.1

That Council approve the recommended operational hours for the Boyup Brook Transfer Station as follows:

Thursday from 10.00pm to 2.00pm
Saturday from 10.00am to 2.00pm
Sunday from 11.00am to 2.00pm

10.3.2 6 Nix Street Boyup Brook

Location	<i>6 Nix Street, Boyup Brook (Volume 1553, Folio 189)</i>
Applicant	<i>NA</i>
File	<i>A1997</i>
Disclosure of Interest	<i>Nil</i>
Date	<i>19th November 2020</i>
Author	<i>Aaron Bowman – A/Deputy Chief Executive Officer</i>
Authorizing Officer	<i>Dale Putland</i>
Attachments	<i>Attachment 1 -confidential memo</i> <i>Attachment 2 – residential home sales</i>

SUMMARY

To consider disposing of 6 Nix St Boyup Brook.

BACKGROUND

Council resolved at its 16 April 2020 ordinary Council meeting to dispose of (sell) a number of properties, which included 6 Nix Street, Boyup Brook.

Res 55/20

At the 27th August 2020 ordinary Council meeting council resolved to:

3. Rescind Motion 55/20 in its entirety.

CARRIED 6/1 Res 147/20

Reason To allow Council to develop a strategy in relation to Shire owned land.

COMMENT

Although the strategy in relation to Shire owned land has not been completed, it has been identified that 6 Nix Street does not meet the current requirements of the Shire, and it would be better for the Shire to dispose of (sell) this property and use the funds to build new Shire staff accommodation.

Shire of Boyup Brook Freehold Land and Reserve

Property Address	6 Nix Street, Boyup Brook WA 6244		
Known As	6 Nix Street, Boyup Brook WA 6244		
Assessment Number	A1997	Reserve Number	N/A
Certificate of Title	Volume 1553, Folio 189	Title Description	Lot 44 on Plan 35446
Zoning	Residential (R15) LPS No.2		
Encumbrances	None known		
Freehold or Reserve	Freehold	Vesting Order/Use	N/A
Site Area	926 square metres		
Leased	No current lease	To Whom	N/A
Lease Details	N/A		
Heritage Listed	No	State or Federal	N/A
Estimated Valuation		Date	17 June 2020
Valued by	Acumentis, 10 Victoria Street, Bunbury WA 6230		
Description / Purpose of Land or Reserve	Residential House - 3 bed, 1 bath, single garage, constructed mainly of fibrous cement, asbestos, timber and plasterboard. Year built circa 1970.		



CONSULTATION

Local Real Estate Agent for preliminary property valuation based on recent property sales in Boyup Brook.

STATUTORY COMPLIANCE

Section 3.58 of the Local Government Act 1995

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
 - and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The net funds received from the sale of 6 Nix street should be placed in a “shire housing reserve” to be used to fund future shire staff housing requirements.

STRATEGIC IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – ITEM 10.3.2

- 1) That the CEO engage a local real estate agent to sell 6 Nix St, Boyup Brook (Volume 153, Folio 189) on the Shire's behalf.
- 2) That Council delegate to the Chief Executive Officer to accept any offer on its behalf that meets the price requirement as outlined in attachment 1.
- 3) That the net proceeds received from the sale of 6 Nix Street, Boyup Brook be placed in a "shire staff housing reserve".

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 Change of Purpose for 20-21 Community Grant for Wilga Progress Association

Location:	N/A
Applicant:	N/A
File:	FM/25/008
Disclosure of Officer Interest:	N/A
Author:	Joanna Kaye (Research and Development Coordinator)
Authorizing Officer:	Dale Putland (Chief Executive Officer)
Attachments:	F.02 Guidelines for Community Grants Policy

SUMMARY

The purpose of this report is for Council to consider the change of purpose for the Wilga Progress Association's 20-21 Community Grant.

BACKGROUND

The Wilga Progress Association was successful in receiving a community grant for the purpose of event support – Old time dance event Friday 14 November 2020.

The Shire received an email from the Wilga Progress Association Secretary 6 November advising that the Old-time dance would be postponed until 2021. The Progress Association has written to request a change of purpose for the grant to use the funds for the Wilga Endurance Ride that will be held 20 March 2021.

As per F.02 Guidelines for Community Grants Policy (see attached) any change to the purpose of the funding cannot proceed with a formal resolution from Council.

The Association has submitted an invoice without a Funding Agreement, the grant has not yet been paid.

CONSULTATION

Wilga Progress Association

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

F.02 Guidelines for Community Grants Policy

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Community Priorities against Key Areas

Social: **Sense of Community**

Our Vision:

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

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

Our objectives and priorities are built from our outcomes.

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

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – Item 10.4.1

That Council approve the change of purpose for the Wilga Progress Association 20-21 Community Grant from event support for Old time dance to event support for Wilga Endurance Ride.

10.4.2 Local Government (Administration) Amendment Regulations (No.2) 2020

Location	NA
Applicant	NA
File	Regulations
Disclosure of Interest	Nil
Date	13th November 2020
Author	Aaron Bowman – A/Deputy Chief Executive Officer
Authorizing Officer	Dale Putland – Chief Executive Officer
Attachments	Attachment 1 -draft submission Attachment 2 – Local Government (Administration) Amendment Regulations (No. 2) 2020

SUMMARY

To consider the Shire of Boyup Brook response to a request for feedback on the draft *Local Government (Administration) Amendment Regulations (No. 2) 2020*.

BACKGROUND

The *Local Government Legislation Amendment Act 2019* was passed on the 27th June 2019, which included legislative amendments requiring model standards covering the recruitment and selection, performance review and early termination of local government Chief Executive Officers.

The Amendment inserts the following provisions into the *Local Government Act 1995* which have yet to be proclaimed:-

“5.39A. *Model standards for CEO recruitment, performance and termination*

(1) *Regulations must prescribe model standards for local governments in relation to the following —*

- (a) *the recruitment of CEOs;*
- (b) *the review of the performance of CEOs;*
- (c) *the termination of the employment of CEOs.*

(2) *Regulations may amend the model standards.”*

5.39B. *Adoption of model standards*

(1) *In this section — model standards means the model standards prescribed under section 5.39A(1).*

(2) *Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt* standards to be observed by the local government that incorporate the model standards.*

** Absolute majority required.*

- (3) *Within 3 months after the day on which regulations amending the model standards come into operation, the local government must amend* the adopted standards to incorporate the amendments made to the model standards.*

** Absolute majority required.*

- (4) *A local government may include in the adopted standards provisions that are in addition to the model standards, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.*
- (5) *The model standards are taken to be a local government's adopted standards until the local government adopts standards under this section.*
- (6) *The CEO must publish an up-to-date version of the adopted standards on the local government's official website.*
- (7) *Regulations may provide for — (a) the monitoring of compliance with adopted standards; and (b) the way in which contraventions of adopted standards are to be dealt with.*

COMMENT

One of the primary roles of the Council is the employment of the local government's Chief Executive Officer.

The draft *Local Government (Administration) Amendment Regulations (No. 2) 2020 (Attachment 10.3.4)* adds and deletes provisions in the Local Government (Administration) Regulations 1996 relating to the recruitment and selection, performance review and termination of the Chief Executive Officer as well as introducing Model Standards.

It is further proposed that guidelines to support the Regulations will be available once Regulations are enacted. The guidelines will assist local governments in meeting the standards but will not form part of any legislative framework.

Council is to consider the proposed submission as per **Attachment 2**.

It is important for Council to be aware that the Shire's CEO, Dale Putland has not been involved in preparing or advising on the proposed submission as it could be considered he has an interest by virtue of the position he holds as the Chief Executive Officer.

CONSULTATION

The Department previously sought feedback on a draft CEO Standards and accompanying guidelines in November 2019, although over 400 responses were received during the consultation period, which has informed the development of the Regulations, the Shire of Boyup Brook did not develop and submit a specific response to the discussion paper circulated in November 2019.

STATUTORY OBLIGATIONS

There are no current legislative compliance obligations regarding the matter detailed in this report until such time as the Regulations are enacted.

POLICY IMPLICATIONS

The requirement under the Amendment Act to adopt a policy for the temporary employment or appointment of a Chief Executive Officer is yet to be proclaimed.

BUDGET/FINANCIAL IMPLICATIONS

Any changes in process as a result of legislative changes may result in a future financial cost to the Shire.

STRATEGIC IMPLICATIONS

Nil

VOTING IMPLICATIONS

Simple Majority

OFFICER RECOMMENDATION – ITEM 10.4.2

That Council **ENDORSES** the submission as per attachment 1 in response to the request for feedback on the draft Local Government (Administration) Amendment Regulations (No. 2) 2020; and forwards this to the Department of Local Government, Sport and Cultural Industries.

10.4.3 Policy for Council Agenda Briefings and Strategic/Concept Forums

Location	<i>N/A</i>
Applicant	<i>N/A</i>
File	<i>Policy</i>
Disclosure of Interest	<i>Nil</i>
Date	<i>13 November 2020</i>
Author	<i>Aaron Bowman – A/Deputy Chief Executive Officer</i>
Authorising Officer	<i>Dale Putland – Chief Executive Officer</i>
Attachments	<i>Attachment 1 – Draft policy Attachment 2 – Local Government Operational Guideline 5 – Council forums</i>

SUMMARY

To adopt a policy for Council Agenda Briefings and Strategic / Concept forums

BACKGROUND

Elected members have recently adopted a change to the agenda briefing structure and introduced strategic / concept forums as a way of reinforcing transparency and accountability in the decision-making process.

The policy recommended is to set rules for Councillors, Staff and the public that attend the briefings and forums.

COMMENT

Council currently has open agenda briefings that is open to the public in the interest of being accountable, transparent and involving the community in the decision-making process.

The Department of Local Government, Sport and Cultural Industries provides guidelines for opening Council forums to the public – see attachment 2

The intent of agenda briefings is to allow opportunity for elected members to ask the CEO and officers questions in relation to agenda items, to seek clarification and or ask for further information.

There is no debate on the officer reports, only enquiry for clarification. On occasions a question may generate the need for officers to review reports and provide further information in time for the Council meeting.

The agenda briefings are presided by the Shire President, to provide facilitation of the process. This is largely an informal process however the briefing session is to be conducted in an orderly fashion.

Agenda Briefings are automatically open to the public as a rule (except for confidential items) and the Strategic / Concept forum is subject to the approval from the Shire President.

Confidential briefings are required from time to time and these will be managed outside of the schedule agenda briefings.

The draft policy includes inviting the public to ask questions at the agenda briefing. Questions are only limited to items on the agenda.

CONSULTATION

WALGA

Department of Local government

STATUTORY OBLIGATIONS

Local Government Act 1995 S1.3; S2.7 and S2.10.

POLICY IMPLICATIONS

There is currently no policy to manage Council agenda briefings and strategic / concept forums.

BUDGET FINANCIAL/IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Concept forums provide a forum for Council to be kept informed on Strategic matters.

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION – ITEM 10.4.3

That Council adopt the draft policy as per attachment 1.

10.4.4 Ward Boundary Review

Location	N/A
Applicant	N/A
File	GO/11/001
Disclosure of Interest	Nil
Date	18 th November 2020
Author	Aaron Bowman A/Deputy Chief Executive Officer
Authorising Officer	Dale Putland – Chief Executive Officer
Attachments	Attachment 1 - Discussion Paper Attachment 2- How to Conduct a review of ward and representation Guide

SUMMARY

To consider a discussion paper on a review of the Shire of Boyup Brook ward boundaries and Councillor representation for the purpose of public consultation in accordance with clause 7 of Schedule 2.2 of the Local Government Act 1995.

BACKGROUND

Local Governments with ward representation are required to carry out review of:

- Ward boundaries; and
 - The officers of councillor for each ward
- From time to time, but so that not more than eight years elapse between successive reviews.

The purpose of the review is to evaluate the current arrangements and consider other options to find the system of representation that best reflects the characteristics of the district and its people.

Any of the following may be considered:

- Creating new wards in a district already divided into wards;
- Changing the boundaries of a ward;
- Abolishing any or all of the wards into which a district is divided;
- Changing the name of a district or ward;
- Changing the number of offices of councillors on a council; and
- Specificity or changing the number of offices of councillors for a ward.

The Local Government Advisory Board (the Board) encourage Councils to complete their reviews so that any changes can take place within the eight-year period. It is appropriate for Councils to undertake reviews on a more frequent basis when the district is outside the required +/-10% deviation factor.

Council had been requested almost yearly by the Local Government Advisory Board since 2011 to undertake a review of the wards due to the inequity between elector ratios between wards. Council did conduct a review in 2017, which although was

“received” by the Local Government Advisory Board, was deficient in some areas and the Shire now requires another review given that all wards except the Benjinup ward are outside the required +/- 10% deviation.

In carrying out the review, the Council must develop options and assess those options against the following five factors:

- Community of interest
- Physical and topographical features
- Demographic
- Economic Factors
- The ratio of Councillors to electors in the various wards

The board considers that the ratio of Councillors to Electors is the most significant of the above factors. It is expected that Councils will have similar ratios of Electors to Councillors across the wards of its district. To that end, only under very exceptional circumstance will the Board consider deviations to this ratio greater than plus or minimums 10%.

COMMENT

The Shire of Boyup Brook comprises of Nine Elected Members, and is divided into four wards; Boyup Brook, Benjinup, Dinninup, and Scotts Brook ward.

The Boyup Brook ward has three elected members and the other wards each have two elected members.

Wards	Number of Electors	Number of Elected Members	Elected Member / Elected Ratio	Ratio Deviation %
Boyup Brook	504	3	168	-25.48%
Benjinup	248	2	124	7.39%
Dinninup	236	2	118	11.87%
Scotts Brook	217	2	108	18.96%
Shire	1205	9	134	

Table 1: Shire of Boyup Brook elector to Elected Member ratios – situation as at 30 September 2020.

It can be easily seen in the above table that there is currently an in-balance in ward representation, with the Boyup Brook ward being underrepresented and the Dinninup and Scotts Brooks ward being overrepresented.

The current ward boundaries are shown below:

Map of current wards to be provided.

A review of ward boundaries takes several months to complete. To meet the Board's timeline, the review must be completed and lodged with the Board by the end of January 2021 if it is to be implemented for the October 2021 elections. Approval has been granted for Council to lodge the completed review by Friday 12th February (day after first Council meeting for 2021).

The review process (as explained in the Boards guide on How to conduct a review of Ward and Representation) involves a number of steps:

- Council must first resolve to undertake a review of its ward's representation (i.e. purpose of this report)
- Before conducting / determining the review, a council is to give local public notice that a review is to be carried out. The notice must also advise that submissions may be made to the Council by a date at least 42 days (six weeks) from the date of the first public notice.
- The purpose of the public notice is to inform the community that the Council intends to conduct a review – it is not to try to “sell” the Councils preferred option. A range of alternatives to the current ward structure will be developed so that all options can be considered. Whilst Council may have a preferred option, the public notice must not limit the possible responses and suggestions from the community.
- In addition to giving public notice, Council may undertake other initiative to promote community discussion including public meetings, media articles, sending information to ratepayers or progress association
- A discussion or information paper will be prepared to outline the various options and explain the five factors against which the options will be assessed. The availability of the discussion paper will be included in the public notice. Maps clearly showing the current ward boundaries and possible options are essential.
- Council must consider all submissions it receives and record this in the minutes of its meeting.
- All options must be assessed against the following five factors –
 - Community of interest
 - Physical and topographical features
 - Demographic trends
 - Economic factors
 - The ratio of Councillors to Electors in the various wards.
- In reaching a Council decision, it needs to be clear from the consideration of submissions and the assessment of options against the factors why an option has been chosen as the best option for the district.
- Council cannot propose to maintain the status quo given the current elector deviation numbers. The changes that Council does make is required to be made by an absolute majority, and the resolutions of Council must propose that making of an order under S2.2(1), S2.3(3) and / or S2.18(3) and schedule 2.2 of the Local Government Act 1995.
- Once Council has completed its review, it must provide a written report about the review to the board. The report must outline the processes and outcome of the review and include any recommendations for change.
- The board will consider the review report submitted by Council and assesses it against the requirements of the Local Government Act. If the Board determines that some part of a review does not meet the requirements of the Act, then Council may be requested to undertake another review (or part of a review) that does meet the requirements.
- The Board makes recommendations to the Minister, who has the final decision and may accept or reject the Boards Recommendations.

- If the minister accepts the Board's recommendations, then several other processes follow. Changes to wards and representation are subject to an order to be signed by the Governor and then publish in the Government Gazette. The order will include the date of implementation of changes, which may be the date of gazettal or the next ordinary Election Day, and any resulting elections arising from the changes. Where there are changes to boundaries, the order will also include a new technical description of the ward boundaries (prepared by Landgate, at Council's expense).
- If a boundary change affects electors, then the WA Electoral Commission will prepare new rolls for those affected wards.

A proposed project plane / timetable, to assist in the management of the required process for the review is as follows

November 26, 2020	Council Meeting – Council decision to undertake a Ward Review.
December 10, 2020	Public notice period commences inviting sub mission – 6-week minimum statutory advertising.
January 28, 2021	Public Notice period finishes – Officers finalise accessing public submissions and prepare report and recommendation
February 11, 2021	Council meeting – Council to resolve preferred Ward representation option for forwarding to the Local Government Advisory Board.

CONSULTATION

Elected Member via a Councillor workshop

Department of Local Government

Local Government Advisory Board

Western Australian Electoral Commission

STATUTORY OBLIGATIONS

Local Government act 1995

- Section 2.2 – district may be divided into wards
- Section 2.3 – name of districts and wards
- Section 2.18 – fixing and changing the numbers of councillors
- Schedule 2.2 – provisions about names, wards and representation.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

A review into the Shire's ward boundaries and Council representation will require research and public consultation. The majority of the costs to undertake the review will be in staff resource time which is provided for in the budget adopted by Council. Other administrative costs of a minor nature including advertising and printing costs will be absorbed as a part of normal operating costs from the administration budget.

STRATEGIC IMPLICATIONS

The review of the wards may result in changes to the number of wards and or Councillors.

SUSTAINABILITY IMPLICATIONS

N/A

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 10.4.4

1. That Council, pursuant to schedule 2.2 of the Local Government Act 1995, undertakes a review of its current ward representation.
2. That Council endorses the discussion paper, as per attachment 1.
3. That Council resolves to advertise the discussion paper in December 2020 to allow any proposed changes to be submitted to the Local Government Advisory Board in February 2021.

11 COMMITTEE MINUTES

11.1 Rylington Park Transitional Committee

OFFICER RECOMMENDATION - Item 10.1

That the unconfirmed minutes of the Rylington Park Transitional Committee Meeting held on Wednesday 4 November 2020 be received by Council.

12 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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