

**MINUTES
ORDINARY COUNCIL MEETING**

held on

Thursday 25 November 2021

Commenced at 6.00pm

Shire of Boyup Brook Council Chambers, Boyup Brook

Dale Putland
Chief Executive Officer

TABLE OF CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	3
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED	3
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
4.	PUBLIC QUESTION TIME.....	4
5.	PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS	4
6.	DISCLOSURE OF INTEREST	4
7.	CONFIRMATION OF MINUTES	4
7.1	Special Council Minutes – 21 October 2021	4
7.2	Special Council Minutes – 27 October 2021	4
7.3	Ordinary Council Minutes – 28 October 2021	4
8.	PRESIDENTIAL COMMUNICATIONS	5
9.	COUNCILLOR QUESTIONS ON NOTICE	5
10.1	MANAGER WORKS AND SERVICES	6
10.2	FINANCE	6
10.2.1	List of Accounts paid in October 2021	6
10.2.2	31 October 2021 Statement of Financial Activity	9
10.3	PLANNING.....	12
10.3.1	Land Use - ‘Shop’ – 63 Abel Street Boyup Brook	12
10.4	CHIEF EXECUTIVE OFFICER	16
10.4.1	Council Meeting Dates for 2022	16
10.4.2	Rylington Park Charter for Adoption	20
11	COMMITTEE MINUTES.....	24
11.1	Audit and Finance Committee Minutes – 21 October 2021	24
11.2	Local Emergency Management Committee Minutes – 3 November 2021.....	24
12	MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	24
13	URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF	25
COUNCILLORS PRESENT		
13.1	Acquisition of Construction and Maintenance Materials Policy	25
13.2	CoMHAT Action Team Council Representation	28
14	CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS	31
14.1	Australia Day – Annual Awards	31
15	CLOSURE OF MEETING	31

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

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

PRESENT:	Shire President	Richard Walker
	Deputy Shire President	Helen O'Connell
	Councillor	Sarah Alexander
		Steele Alexander
		Charles Caldwell
		Philippe Kaltenrieder
		Darren E King
		Kevin J Moir arrived at 6.34pm
		Adrian Price
	Chief Executive Officer	Dale Putland
	Manager Works & Services	Wayne Butler
	Executive Assistant	Maria Lane

LEAVE OF ABSENCE: Nil

APOLOGIES: Nil

MEMBERS OF PUBLIC: Harold Wass
Helen Wass

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Harold Wass raised concerns about the Boyup Brook-Cranbrook Road and mentioned there are dead trees overhanging near Rylington Park.

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

6. DISCLOSURE OF INTEREST

7. CONFIRMATION OF MINUTES

COUNCIL DECISION

MOVED: Cr Sarah E G Alexander

SECONDED: Cr Helen C O'Connell

That the Council adopts enbloc 7.1, 7.2 and 7.3.

CARRIED BY ENBLOC 8/0

Res 21/11/163

7.1 Special Council Minutes – 21 October 2021

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.1

That the minutes of the Special Council Meeting held on Thursday 21 October 2021 be confirmed as an accurate record.

CARRIED BY ENBLOC 8/0

Res 21/11/164

7.2 Special Council Minutes – 27 October 2021

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2

That the minutes of the Special Council Meeting held on Wednesday 27 October 2021 be confirmed as an accurate record.

CARRIED BY ENBLOC 8/0

Res 21/11/165

7.3 Ordinary Council Minutes – 28 October 2021

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3

That the minutes of the Ordinary Council Meeting held on Thursday 28 October 2021 be confirmed as an accurate record.

CARRIED BY ENBLOC 8/0

Res 21/11/166

8. PRESIDENTIAL COMMUNICATIONS

29th October – Attended ECU Bunbury, signing the MOU.

3rd November – Attended LEMC meeting at St John Ambulance.

8th November – Attended Seniors Forum.

10th November – SWDC/WBAC – State Forestry decision.

11th November – Attended Remembrance Day.

12th November – Opening of the Boyup Brook Classic Cars.

18th November – Met with the SWDC, CEO, DSP - Pine Estate Expansion.

19th November – Attended the South West Zone meeting at Dardanup.

23rd November – Met with the Forest Products Commission, Water Corporation, Bushfire X-Ray team – Pine Estate Expansion.

25th November – Met with ECU, Rylington Park Inc, Council and Rylington Park staff at Rylington Park.

9. COUNCILLOR QUESTIONS ON NOTICE

10.1 Manager Works and Services

Nil

10.2 FINANCE

10.2.1 List of Accounts paid in October 2021

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>15/11/2021</i>
Author:	<i>Ben Robinson – Finance Manager</i>
Authorising Officer:	<i>Dale Putland – 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 2021 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 2021.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 October 2021.

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 October only be made from the municipal fund or the trust fund –*

- (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
 - (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

13. *Lists of accounts*

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
- (a) *the payee’s name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
- (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee’s name;*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction;**and*
 - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under sub regulation (1) or (2) is to be —*
- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

POLICY IMPLICATIONS

Council’s *Authority to Make Payments Policy* has application.

BUDGET/FINANCIAL IMPLICATIONS

Account payments accorded with a detailed 2021-22 Annual Budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 10.2.1

MOVED: Cr Helen C O’Connell

SECONDED: Cr Steele Alexander

That at its November 2021 ordinary meeting Council receive as presented the list of accounts paid in October 2021, totalling \$880,270.62 from Municipal account, \$37,281.15 from Police Licensing account and \$10.74 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20533 - 20540	\$ 3371.41
Municipal Electronic Payments	EFT11418 – EFT11541	\$ 676,711.93
Municipal Direct Payments		\$ 200,187.28
Police Licensing Payments		\$ 37,281.15
BBELC Payments		\$ 10.74

CARRIED 8/0

Res 21/11/167

10.2.2 31 October 2021 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>11 November 2021</i>
Authors:	<i>D Long – Finance Consultant</i>
Authorizing Officer:	<i>Dale Putland – Chief Executive Officer</i>
Attachments:	<i>Yes</i>

SUMMARY

The Monthly Financial Report for 31 October 2021 is presented for Council’s consideration.

BACKGROUND

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

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

COMMENT

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

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

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

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

The Statement of Financial Activity as at 31 October shows a closing surplus of \$4,492,744.

CONSULTATION – Nil

STATUTORY OBLIGATIONS

Local Government Act 1995

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

Local Government (Financial Management) Regulations 1996:

Regulation 34 states:

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

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

POLICY IMPLICATIONS – Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS – Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 10.2.2

MOVED: Cr Darren E King

SECONDED: Cr Adrian Price

That Council receive the Monthly Financial Report for 31 October 2021, as presented.

CARRIED 8/0

Res 21/11/168

10.3 PLANNING

10.3.1 Land Use - 'Shop' – 63 Abel Street Boyup Brook

Location:	<i>63 Abel Street, Boyup Brook.</i>
Applicant:	<i>T Hird</i>
File:	<i>A10826</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>25 November 2021</i>
Author:	<i>A. Nicoll, Town Planner</i>
Authorizing Officer:	<i>Dale Putland, Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

The Shire received an application to change the use of the building at 63 Abel Street from 'Office' to 'Shop'.

In accordance with the Shire's *Local Planning Scheme No.2*, a 'Shop' may-be considered for approval at the subject property, which is zoned 'Commercial'.

It is recommended that the Council approve the use of the building at 63 Abel Street for the purpose of a 'Shop'.

BACKGROUND

The Shire of Boyup Brook received an application to use the building at 63 Abel Street as a 'Shop'.

The landholder proposes to sell 'hair products', 'hair accessories' and electrical items such as hairdryers.

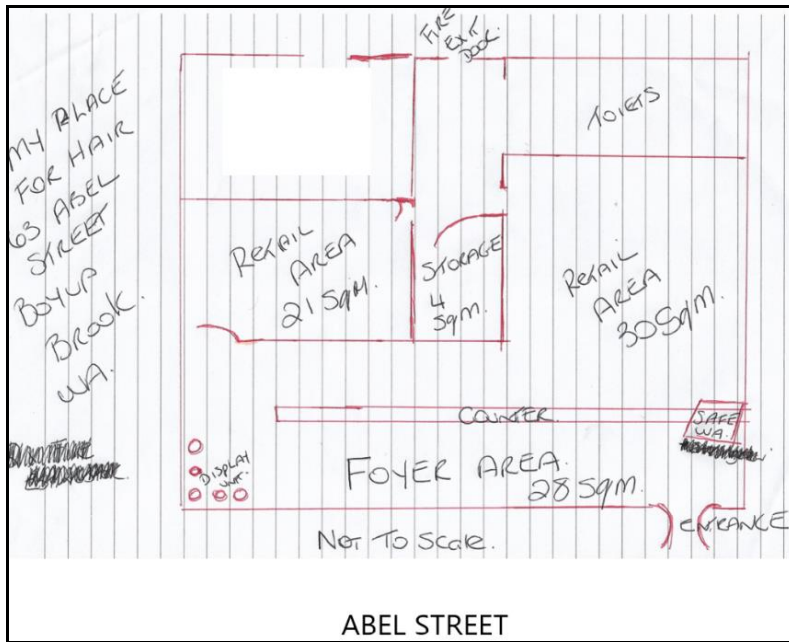
The subject building is currently vacant and was previously used as an 'Office' - Commonwealth Bank.

COMMENT

In accordance with the Shire's *Local Planning Scheme No.2*, the subject property (63 Abel Street) is zoned 'Commercial'. A 'Shop' is a 'permitted' use in the 'Commercial' zone. Sufficient car parking area (i.e. min 4 car parking spaces) is available at the rear of the subject property. Car parking is also available on Abel Street, directly adjacent to the subject building.



The following figure shows the intended floor plan layout, which includes a retail area of approximately 305m².



Signage is proposed to be developed inside of the front windows of the building.

Trading hours are proposed on the following days and times:

Sunday	12pm-5pm
Monday	9am-6pm
Tuesday	9am-5pm
Wednesday	9am-3pm

Shops in Boyup are restricted from operating on Sundays and Public Holidays. Hence the applicant has applied to the Department of Mines, Industry Regulation and Safety for a 'small retail shop certificate', in-order to legally operate on a Sunday.

The proposal complies with the Scheme's intent for the 'Commercial' zone, which is to ensure that the Town Centre continues to function effectively as the location of the District's commercial and civic activity, that the uses approved therein will be compatible with the objectives and function, and with enhancement of the Centre's activity, appearance and movement systems.

STATUTORY OBLIGATIONS

In accordance with the Shire's Local Planning Scheme No.2, "*shop*" means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser and beauty therapist) but does not include a showroom or fast food outlet.

In accordance with the Shire's Local Planning Scheme No.2, one (1) car parking space should be provided for every 25m² of retail floor area.

POLICY IMPLICATIONS

There are no Policy implications relating to the proposed use.

CONSULTATION

N/A

BUDGET/FINANCIAL IMPLICATIONS

There are no financial implications relating to this item.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.3.1

MOVED: Cr Steele Alexander

SECONDED: Cr Sarah E G Alexander

That Council

Grants development approval for 63 Abel Street, Boyup Brook, for the purpose of a Shop, subject to the following notice:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: 63 Abel Street, Boyup Brook.

Description of proposed development:

Shop

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

Conditions:

- 1) Vehicular parking and access areas shall be maintained, to the satisfaction of the Shire of Boyup Brook.
- 2) No goods or materials shall be stored, either temporarily or permanently, in the parking areas or in access driveways, unless otherwise agreed in writing by the Shire of Boyup Brook.

Date of determination: 25 November 2021

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.

CARRIED 8/0

Res 21/11/169

Cr Kevin Moir arrived in the Chambers at 6.34pm.

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 Council Meeting Dates for 2022

Location:	N/A
Applicant:	Nil
Disclosure of Officer Interest:	Nil
Date:	12 November 2021
Author:	Maria Lane – Executive Assistant
Authorizing Officer:	Dale Putland – Chief Executive Officer
Attachments:	Nil

SUMMARY

The purpose of the report is for Council to set the Council meeting dates and times for the 2022 calendar year.

BACKGROUND

The Local Government Act 1995 requires a local government, at least once a year, to give local public notice of the dates, times and places at which Ordinary meetings of Council are held within the next 12 months.

All Committee and Council meetings are currently held in the Council Chambers at the Shire of Boyup Brook Administration Building at 55 Abel Street Boyup Brook.

COMMENT

There are several options that Council can consider when deciding Council meeting dates and times for 2022. These include what day; what time; whether Council has briefings; the frequency of meetings; and which week of the month.

In setting times for meetings, consideration should be given to:

- Impact for Councillors – The majority of Shire of Boyup Brook Councillors work full time and have family responsibilities. They attend to Council obligations in addition to these roles. Councillors' duties are not limited to Council meetings and in many cases additional weeknights and weekends are occupied with Council obligations.
One of the principle roles of a Councillor is to participate in the decision-making process at Council meetings. Maximum Councillor attendance is important for rigorous debate and decision-making. Council's primary consideration in setting meeting times should be the availability of Councillors and the optimal time to ensure effective decision making.
- Public Attendance – meeting times of Council are after hours and should be optimised for all the community. It is considered that any one meeting time will not suit all sections of the community.

- Impact for Senior Staff – longer meetings, if started later will extend later into the evening. This may have impacts on Councillors and rostering of staff who attend meetings and potential Occupational Health and Safety impacts if meetings extend into the later part of the evening.
Councillors should consider the suitability of meetings that extend into the later part of the evenings, and how this impacts on them, members of the public and staff, and whether good decision making can still occur later in the night.

Options and Implications

- Day: Monday; Tuesday; Wednesday; Thursday; Friday
Council currently meets on a Thursday. Most local government meetings are on a Tuesday, Wednesday or Thursday.
- Start Times: Between the hours of 8.30am and 7pm
Council currently meets at 6pm. The surrounding local governments meet sometime between 3pm and 7pm.
- Agenda Briefings: yes or no; opened or closed; 1 week before Council or 2 days before.
Council currently has an agenda briefing 1 week before the Council meeting which is open to the public.

Council currently has one Council meeting a month. The majority of Country local governments meet once per month.

- Cycle: 1st Week, 2nd Week, 3rd Week, 4th Week, last week.
The 4th week is slightly more favoured than the 3rd week for local governments.
- Consideration also needs to be given to Council committees.

If Council meetings were the last Thursday of the month, with an agenda briefing session, the Thursday before the Council meeting, dates for 2022 would be:

	Council	Briefing
February	24 th	17 th
March	31 st	24 th
April	28 th	21 st
May	26 th	19 th
June	30 th	23 rd
July	28 th	21 st
August	25 th	18 th
September	29 th	22 nd
October	27 th	20 th
November	24 th	17 th
December	29 th	22 nd

Council has historically not had a January meeting, and has brought forward the December meeting to a week or more before Christmas. It is suggested that the December meeting would be on Thursday 15th December with the briefing to be held on the 8th.

Council may want to consider the amount of time between the December 2021 meeting, which is to be held Thursday December 15th, and the February meeting (assuming no January meeting) which is to be Thursday 24^h February. An option for Council is to have the February meeting earlier in the month. The suggested date is Thursday 10th February, with the briefing held on Thursday 3rd February. The March meeting would be held as per normal.

It is recommended

- That Council meets on the last Thursday of the Month
- That Council meetings commence at 6pm
- That Council has an open agenda briefing session on the Thursday before the Council meeting commencing at 6pm.
- That Council has closed strategic forums on the same Thursday as the Council briefings commencing at a time convenient to Council.

That the changes commence February 2022.

CONSULTATION

Surrounding Local Governments

Local Government	When	Time
Shire of Collie	Every 3 rd Thursday	7pm
Shire of Bridgetown - Greenbushes	Last Thursday of the month	5.30pm
Shire of Kojonup	3 rd Tuesday of the month	3pm
Shire of West Arthur	3 rd Tuesday of the month	6pm
Shire of Donnybrook - Balingup	4 th Wednesday of the month	5pm
Shire of Nannup	4 th Thursday of the month	5.30pm
Shire of Cranbrook	3 rd Wednesday of the Month	3pm
Shire of Manjimup	Every 3 rd Thursday	5.30pm

STATUTORY OBLIGATIONS

Section 5.25(1)(g) of the Local Government Act 1995 provides for the giving of public notices of the date and agenda for Council; or Committee meetings.

Regulation 12(1) of the Local Government (Administration) Regulations 1996 provides: -

- (1) At least once each year a local government is to give local public notice of the dates on which and time and place at which –
 - a. (a) The ordinary council meetings; and
 - b. The committee meetings that are required under the Act to be open to member of the public or that are proposed to be open to the members of the public, are to be held in the next 12 months.

In accordance with section 5.25(1)(g) of the Local Government Act 1995 and regulation 12 of the Local Government (Administration) Regulation 1996, Council is required to endorse

the proposed meeting dates and give local public notice of the purpose, date and time of Committee and Council meeting to be held over the following 12 month period.

In accordance with Regulations 12 of the Local Government (Administration) Regulations 1996 an advertisement will be placed in the local community paper. In addition, this advertisement will be placed on the Shire's website and on the Shire's notice boards.

POLICY IMPLICATIONS - Nil

BUDGET /FINANCIAL IMPLICATIONS

Advertising Costs of approximately \$500

STRATEGIC IMPLICATIONS - Nil

VOTING REQUIREMENT

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 10.4.1

MOVED: Cr Helen C O'Connell

SECONDED: Cr Adrian Price

1. That Council meetings are held on a Thursday commencing at 6pm on the following dates:

10th February 2022

31st March 2022

28th April 2022

26th May 2022

30th June 2022

28th July 2022

25th August 2022

29th September 2022

27th October 2022

24th November 2022

15th December 2022

2. That open Agenda briefings be held 1 week before Council meetings on a Thursday commencing at 6pm.
3. That Closed strategic forums be on the same Thursday as the Agenda briefings commencing at a time convenient to Council.

CARRIED 9/0

Res 21/11/170

Note: The reason for changing the February meeting forward is to reduce the time between the last meeting of 2021 and the first meeting of 2022.

10.4.2 Rylington Park Charter for Adoption

Location:	Rylington Park
Applicant:	Not applicable
File:	LS/62/009
Disclosure of Interest:	Nil
Date:	16 March 2020
Author:	Dale Putland – Chief Executive Officer
Authorizing Officer:	Dale Putland– Chief Executive Officer
Attachments:	Attachment 1: Rylington Park Charter

PURPOSE

Council to consider adopting the Charter for Rylington Park and establish a Rylington Park Council Committee to assist the CEO to oversee the Rylington Park operations and future transition to new management arrangements.

BACKGROUND

When the Rylington Park Management Committee Inc relinquished the Rylington Park assets to the Shire of Boyup Brook, the Shire agreed to 15 conditions. One of these conditions was to develop a Charter for Rylington Park on the wishes of Eric Farleigh with submissions from the community. This Charter was to be approved by the Rylington Park / Shire Committee.

At the Ordinary Council Meeting on the August 26th, 2021, Council resolved to commence preparation of a charter using the submissions made in January 2020 and consult further with the community and the Rylington Park Management Committee Inc to ensure that the Charter accorded with Mr Farleigh’s wishes.

The draft charter was developed in consultation with the Rylington Park Management Committee Inc. and was advertised for public comment on the Shire website, Facebook page and via the Shire newsletter.

COMMENT

No submissions were received by the Shire objecting to the Charter. However, one submission requested that the amount of money that might be distributed by Rylington Park for community projects be capped at a set amount. The author stating the following “*I feel maybe a limit of 25% the final profit after all taxes, expenses, etc. may be a fair amount*”. It is recommended that a limit is not set in the Charter and that the amount to be allocated be determined on an annual basis.

Verbal comments to Councillors and Shire staff suggest that the charter has broad support and is viewed favourably by the community. Additionally, the draft charter was used as a basis for an MOU between the Shire and Edith Cowan University which was signed on 29th October 2021.

It is recommended that Council adopt the charter to guide future uses and management arrangements for Rylington Park.

It is further recommended that Council establish a formal Committee of Council to assist the CEO to oversee the Rylington Park operations and future transition to new management arrangements. This will assist the CEO in ensuring that farming operations are being managed effectively and efficiently, assist in developing a long-term financial plan for Rylington Park and provide Council with a reference group to guide transition to new management arrangements.

CONSULTATION

Shire Councillors
Rylington Park Management Committee Incorporated (RPMCI) Committee members
Edith Cowan University
Shire of Boyup Brook community

STATUTORY ENVIRONMENT

Local Government Act 1995 - Sections 5.8 to 5.10

5.8. *Establishment of committees*

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

** Absolute majority required.*

5.9. *Committees, types of*

(1) In this section —

other person means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or*
- (b) council members and employees; or*
- (c) council members, employees and other persons; or*
- (d) council members and other persons; or*
- (e) employees and other persons; or*
- (f) other persons only.*

5.10. *Committee members, appointment of*

(1) A committee is to have as its members —

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).*

** Absolute majority required.*

(2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*

(3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.*

(4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*

(5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*

- (a) *to be a member of the committee; or*
- (b) *that a representative of the CEO be a member of the committee,*
the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

[Section 5.10 amended: No. 16 of 2019 s. 18.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

It is recommended that the Shire develop a future management strategy and long term financial plan for Rylington Park Institute to ensure that sufficient funds are invested into the farm for its continued use as a high value training and research establishment.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Absolute Majority required: Yes.

Economic Implications

Establishment of the Rylington Park Institute as centre for research with a Western Australian based university will likely lead to increased economic opportunities for farmers and associated industries in the Boyup Brook Shire.

Social Implications

Nil

Environmental Implications

Nil

MOVED INTO COMMITTEE

MOVED: Cr Helen C O’Connell

SECONDED: Cr Sarah E G Alexander

That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.1 to allow members free discussion on the matter.

CARRIED 9/0

Res 21/11/171

MOVED OUT OF COMMITTEE

MOVED: Cr Darren E King

SECONDED: Cr Philippe Kaltenrieder

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

CARRIED 9/0

Res 21/11/172

OFFICER RECOMMENDATION - ITEM 10.4.2

That Council resolve to:

1. Adopt the Charter of Rylington Park Institute for Agricultural Training and Research.
2. Establish the Rylington Park Committee and appoint interested Councillors to the Committee.
3. Appoint Councillors,, and to the Rylington Park Committee.

AMENDMENT – ITEM 10.4.2

MOVED: Cr Steele Alexander

SECONDED: Cr Darren King

That point 1. “Adopt the Charter of Rylington Park Institute for Agricultural Training and Research “ be dealt with as a separate item.

CARRIED 9/0

Res 21/11/173

MOTION

MOVED: Cr Kevin Moir

SECONDED: Cr Darren King

Adopt the Charter of Rylington Park Institute for Agricultural Training and Research with a minor change, remove the wording “*Provide a financial contribution to community based projects from profits resulting from the operation of the Rylington Park facility*” and replace with “*Contribute to community based projects and activities*”.

MOTION

MOVED: Cr Helen C O’Connell

SECONDED: Cr Darren King

- **Establish the Rylington Park Committee and appoint interested Councillors to the Committee.**
- **Appoint Cr Darren King, Cr Charles Caldwell, Cr Kevin Moir, Cr Helen C O’Connell and Cr Richard Walker to the Rylington Park Committee.**

CARRIED 9/0

Res 21/11/174

11 COMMITTEE MINUTES

11.1 Audit and Finance Committee Minutes – 21 October 2021

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 11.1

MOVED: Cr Steele Alexander

SECONDED: Cr S E G Alexander

That the unconfirmed minutes of the Audit and Finance Committee Meeting held on Thursday 21 October 2021 be received.

CARRIED 9/0

Res 21/11/175

11.2 Local Emergency Management Committee Minutes – 3 November 2021

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 11.2

MOVED: Cr S E G Alexander

SECONDED: Cr Helen C O’Connell

That the unconfirmed minutes of the Local Emergency Management Committee held on Wednesday 3 November 2021 be received.

CARRIED 9/0

Res 21/11/176

12 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

13.1 Acquisition of Construction and Maintenance Materials Policy

Location:	Shire Boyup Brook
Applicant:	N/A
File:	Policy
Disclosure of Officer Interest:	None
Date:	28 October 2021
Author:	Wayne Butler (Manager Works and Services)
Authorizing Officer:	Dale Putland (Chief Executive Officer)
Attachments:	Yes: Proposed Acquisition of Road Building Materials Policy

SUMMARY

Council is requested to consider and adopt a new Works policy as follows:

- *W.16 Acquisition of Construction and Maintenance Materials*

Policy W .16 is proposed to ensure that the Shire of Boyup Brook provides fair and equitable compensation to all landowners for the acquisition of road building materials and to formalize a procedure that has been in place for many years.

BACKGROUND

The Shire is experiencing some challenges in securing adequate gravel road building supplies from its own sources for the annual road construction and maintenance programs; this policy is a binding agreement that gives landowners confidence to work with the Shire for a mutual benefit.

COMMENT

Policy W.16 has been created so when sourcing materials for construction and maintenance purposes from private land the shire will do so in consultation with the landowner or his/her authorised representative as per Schedule 3.2 of the Local Government Act 1995.

CONSULTATION

Chief Executive Officer

Deputy Chief Executive Officer

Manager Works and Services

STATUTORY OBLIGATIONS

The Local Government Act prescribes that the role of Council includes:

A. Section 3.27 of the Local Government Act 1995 states:

Particular things a Local Government can do on land that is not Local Government Property-

1. *A Local Government may, in performing its general functions, do any of the things prescribed in Schedule 3.2 even though the land in which it is done is not Local Government property and Local Government does not have consent to do it;*
2. *Schedule 3.2 may be amended by Regulation; and*
3. *If Schedule 3.2 expressly states that this subsection applies, subsection (1) does not authorise anything to be done on land that is being used as a site or curtilage of a building or has been developed in any other way or is cultivated.*

B. Schedule 3.2 of the Local Government Act 1995 states:

Take from land any native growing or dead timber, earth, stone, sand or gravel that, in its opinion, the Local Government requires for making or repairing a thoroughfare, bridge, culvert, fence or gate.

C. Schedule 3.6 of the Local Government Act 1995 states:

The Local Government may] Deposit and leave on land adjoining the thoroughfare any timber, earth, stone, sand, gravel and other material that persons engaged in making or repairing a thoroughfare, bridge, culvert, fence or gate do not, in the Local Government's opinion, require.

D. Schedule 3.22 of the Local Government Act 1995 stipulates that an owner or occupier of land is to be compensated by the Local Government for any damages sustained through the performance of its functions under this Act.

POLICY IMPLICATIONS

This item impacts no other policies.

BUDGET/FINANCIAL IMPLICATIONS

Landowners will be compensated for road building materials extracted from there land as listed in the prevalent Shire of Boyup Brook fee and charges listing. Costs will be included as part of the road construction or maintenance project budget.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

N/A

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 13.1

MOVED: Cr Kevin Moir

SECONDED: Cr Charles Caldwell

That Council adopt the new *Acquisition of Construction and Maintenance Materials Policy W.16*, as presented.

CARRIED 9/0

Res 21/11/177

13.2 CoMHAT Action Team Council Representation

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
Disclosure of Officer Interest:	<i>None</i>
Author:	<i>Maria Lane – Executive Assistant</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 the nomination of a Council member to represent the Shire on the CoMHAT Action Team. The team meet on a bi-monthly basis at 1330h at the Country Women’s Association Hall on Forrest St, Boyup Brook.

BACKGROUND

In 2016, the Public Health Act 2016 was introduced to provide a modern more flexible and risk-based approach to public health regulation. Part 2, division 2 stipulates that a local government must initiate, support and manage public health planning for its district. The Shire can achieve this by partnering with key agencies and community groups who are already working to influence the health and wellbeing of the local community.

CoMHAT have been working with the Mental Health Commission and South West Community Alcohol & Drug Service to create a Community Wellbeing Plan.

CONSULTATION

CoMHAT

STATUTORY OBLIGATIONS

Public Health Act, 2016

Section 5.2 of the *Local Government Act 1995* (the Act), has application as follows:

5.2. Administration of local governments

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

Further, s.5.10.(1) and (4) of the Act have has application, as follows:

5.10. Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

Finally, s.5.11A.(1) and (2) of the Act also have application, as follows:

5.11A. Deputy committee members

- (1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.

** Absolute majority required.*

- (2) A person who is appointed as a deputy of a member of a committee is to be —
 - (a) if the member of the committee is a council member — a council member; or

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Councillor and/or Administration staff's time to attend the meetings.

STRATEGIC IMPLICATIONS

Relevant excerpt from the Adopted Boyup Brook Strategic Community Plan 2021 - 2031.

1

Support a healthy, active, vibrant community

- 1.1 Facilitate access to health facilities, services and programs to achieve good general and mental health wellbeing in the community
- 1.2 Provide access to community, sport and recreation facilities
- 1.3 Facilitate access to sport and recreation services and programs
- 1.4 Promote community participation, interactions and connections
- 1.5 Retain and grow population

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 13.2

MOVED: Cr Darren King

SECONDED: Cr Helen C O’Connell

That Council nominate Cr Adrian Price as a Council representative and Cr Darren E King as a proxy to be on the CoMHAT Action Team.

CARRIED 9/0

Res 21/11/178

14 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

14.1 Australia Day – Annual Awards

(confidential matter was dealt with 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 8.00pm.