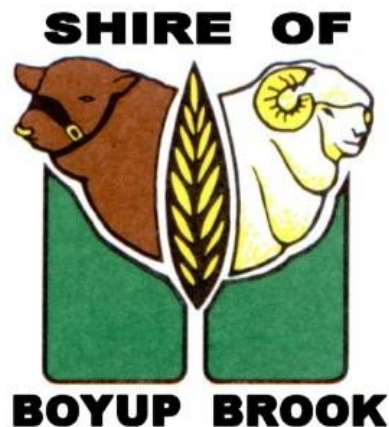


Agenda



ORDINARY MEETING

being held

THURSDAY 27 August 2020
Commencing AT 5.00PM

SHIRE OF BOYUP BROOK
CHAMBERS
ABEL STREET-BOYUP BROOK

NOTICE OF ORDINARY COUNCIL MEETING

To:-

Cr R Walker – Shire President

Cr K Moir

Cr S Alexander

Cr P Kaltenrieder

Cr H O'Connell

Cr T Oversby

Cr A Price

The next Ordinary Council Meeting of the Shire of Boyup Brook will be held on Thursday 27 August 2020 in the Council Chambers, Shire of Boyup Brook, Abel Street, Boyup Brook – commencing at 5.00pm.

Mr Peter Dittrich

Acting Chief Executive Officer

Date: 12 August 2020

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RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

1.1 Attendance

Cr R Walker - Shire President
Cr S Alexander
Cr P Kaltenrieder
Cr K Moir
Cr H O'Connell
Cr T Oversby
Cr A Price

STAFF: Mr Peter Dittrich (Acting Chief Executive Officer)
Ms Vanessa Crispe (Coordinator Works, Projects and Assets)
Mrs Maria Lane (Executive Assistant)

1.2 Apologies

1.3 Leave of Absence

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Reply to Mr Stephen Jackson.

Re: Renaming of Jayes Road

Further to your statement and questions at Council on the 16th July 2020 I wish to advise as follows:

- 1) *An item was brought to Council at its September 2019 meeting as it had been identified that properties along a section of Jayes Road within the Boyup Brook town site could not be assigned road numbers due to the arrangement of numbers already allocated along adjoining sections. This could have had an impact in relation to emergency services.*
- 2) *A further report was presented to Council at its November 2019 meeting.*
- 3) *After consultation with Shire of West Arthur, Landgate, and the Ambulance Service a further report was put to the February 2020 meeting.*
- 4) *A final proposal was put to Council at its March 2020 meeting.*
- 5) *The proposed names were as per council's adopted policy.*
- 6) *As part of the Council Corner in the March 2020 edition of the Gazette, it was reported that Council was considering renaming the road and that affected property owners would be canvassed for their views.*
- 7) *Letters were sent to the affected Property Owners on 30th March 2020 inviting questions and requesting feedback on the proposal.*
 - a. *One affected property owner was not contacted as their property address was not on Jayes Road, however after the renaming of the road Landgate insisted on an address change as the driveway of the property was on what was known as Jayes Road.*
- 8) *Following the closure of submissions, a letter was sent to the Geographic names committee and the following advice was received:
Landgate's preference was for road names to begin and end at logical points. With that in mind, and acknowledging that there is a townsite boundary, Landgate's preference was that the northern portion of road to be renamed will start from the intersection of Boyup Brook Road North and Boyup Brook-Arthur Road.*

This intersection is approximately 250m further north than the townsite boundary point. Whilst we acknowledge this may affect RSA measurements the amount is minimal. As most RSAs were rolled out 15-20 years ago many are not "spot on" any more due to road realignments and town bypasses that have happened over the years. As there are known numbers along this and other affected roads Landgate's suggestion for future allocations is to measure from known surrounding numbers.

Landgate renamed the southern portion of Jayes Road to the intersection with Knapp St and extend Bridgetown-Boyup Brook Road to the same intersection with Knapp St. This extension will not affect any RSA numbering as the numbering is coming from Bridgetown into Boyup Brook nor will it affect any current addressing.

By way of further information, a resident whose driveway is on Railway Parade, applied to get their address changed to Railway Parade. Landgate approved the change to Railway Parade.

Yours sincerely

*Peter Dittrich
Acting Chief Executive Officer*

4th August 2020

- 3 APPLICATIONS FOR LEAVE OF ABSENCE**
- 4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS**
- 5 DISCLOSURE OF INTEREST**

6 CONFIRMATION OF MINUTES

6.1 Ordinary Council Minutes - 16 July 2020
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OFFICER RECOMMENDATION - Item 6.1

That the minutes of the Ordinary Council Meeting held on Thursday 16 July 2020 be confirmed as an accurate record.

6.2 Special Council Minutes - 30 July 2020

OFFICER RECOMMENDATION - Item 6.2

That the minutes of the Special Council Meeting held on Thursday 30 July 2020 be confirmed as an accurate record.

7 PRESIDENTIAL COMMUNICATIONS

8 COUNCILLORS QUESTIONS ON NOTICE

9.1 MANAGER WORKS & SERVICES

9.1.1 Supply of Rural Road Verge Clearing and Pruning Services – Request for Tender

Location:	<i>Shire of Boyup Brook</i>
Owner:	<i>Shire of Boyup Brook</i>
File:	<i>Policy</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>12 August 2020</i>
Author:	<i>Vanessa Crispe – Coordinator Works, Projects and Assets</i>
Authorizing Officer:	<i>Peter Dittrich - Acting Chief Executive Officer</i>
Attachments:	<i>Yes: Attachment 1 RFT 020-001 Supply of Road Verge Clearing and Pruning</i>

SUMMARY

This report recommends that Council authorise the Acting Chief Executive Officer to call for tenders for supply of road verge clearing and pruning services.

BACKGROUND

Most of the Shire's 1059.16 kilometres of A, B and C class roads are in need of verge treatment and the value of this work over a three (3) year period will likely exceed the threshold that requires a tender to be called.

COMMENT

Proposed contracts for the supply of rural road verge clearing and pruning services will be for a three (3) year period reviewed annually with the choice of a one (1) year extension.

The non-weighted cost method will be used in the assessment of the tender as functional considerations including capacity, experience, plant and equipment and performance, are all crucial to the outcome of the contract. The evaluation panel will make a series of value judgments based on the capability of the Tenderer to complete the requirements and a number of factors will be considered including:

- the qualitative ranking of each Tenderer; and
- the pricing submitted by each Tenderer.

It has been determined by officers that the following assessment criteria (Tender Selection Criteria) be adopted.

Roadworks – Supply of rural road verge clearing and pruning services as follows:

- | | |
|-------------------------|-----|
| • Demonstrated Capacity | 25% |
| • Key Personnel | 25% |
| • Plant & Equipment | 25% |
| • Performance | 25% |

As the Principal is adopting a non-weighted cost method approach to this request, it means that although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender be ranked the highest on the qualitative criteria. A scoring system will be used as a part of the assessment of the qualitative criteria.

Once the Tenders have been ranked, the evaluation panel will make a value judgement as to the cost affordability, qualitative ranking, and risk of each Tender, in order to determine the Tender which is most advantageous to the Shire.

The Proposed price will be considered along with related factors affecting the total cost to the Shire e.g. the lifetime operating costs of services or the Shire Contract management costs may also be considered in assessing the best value for money outcome.

The extent to which a Tender demonstrates greater satisfaction of each of these criteria will result in a greater score. The aggregated score of each Tender will be used as one of the factors in the final assessment of the qualitative criteria and in the overall assessment of value for money.

The Tender may be awarded to the tenderer that best demonstrates the ability to provide quality services at a competitive price.

The Tenderer shall lodge with the Shire a detailed Schedule of Prices and Rates that shall be used during the currency of the Contract for the valuation of work.

The specifications for the preparation work for this tender have been revised to ensure we have more accountability in managing the contract. The specifications are included as Attachment 1.

The evaluation panel consisting of the Chief Executive Officer and Works Manager Services will undertake the evaluation of each tender submitted and present back to Council for final approval.

CONSULTATION

Once approved by Council the Policy will be presented to the Shire of Boyup Brook's safety and health committee.

STATUTORY OBLIGATIONS

Local Government Act 1995

3.57. Tenders for providing goods or services

- (3) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (4) Regulations may make provision about tenders.

Local Government (Function and General) Regulations 1996 – Part 4 Provision of goods and services

13. When tenders have to be publicly invited

(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless sub regulation (2) states otherwise.

(2) Tenders do not have to be publicly invited according to the requirements of this Division if

(a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or

(b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or

(c) within the last 6 months —

(i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or

(ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer; or

(d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or

(e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or

(ea) the goods or services are to be supplied —

(i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and

(ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or

services to the local government of the district referred to in that subparagraph; or

(f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or

(g) the goods to be supplied under the contract are —

(i) petrol or oil; or

(ii) any other liquid, or any gas, used for internal combustion engines; or

(h) the following apply —

(i) the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the Small Business Development Corporation Act 1983; and

(ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and

(iii) the local government is satisfied that the contract represents value for money; or

(i) the goods or services are to be supplied by an Australian Disability Enterprise; or

(j) the contract is a renewal or extension of the term of a contract (the original contract) where —

(i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and

(ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and

(iii) the original contract contains an option to renew or extend its term; and

(iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised; or

(k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

14. Anti-avoidance provision for r. 11(1) (1) This regulation applies if a local government intends to enter into 2 or more contracts (the contracts) in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract.

POLICY IMPLICATIONS

NIL

BUDGET/FINANCIAL IMPLICATIONS

Each year various preparation works is estimated to cost between \$50,000 and \$100,000. Estimated costs are provided for within the annual works budget for each year.

STRATEGIC IMPLICATIONS

There are no known strategic issues.

With reference to the Strategic Community Plan 2017 - 2027

Our Goals

Built Environment

- Improve road infrastructure

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known environmental issues at this stage.
- **Economic**
There are no known economic issues.
- **Social**
None

Our Goals

Built Environment

- Improve road infrastructure

Social

- Improve community safety.
- Promote outdoor activities, community participation, interactions and connections.
- Strengthen an active and vibrant community.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION - ITEM 9.1.1

That Council:

- 1. Authorise the Acting Chief Executive Officer to call tenders for the supply of rural road verge clearing and pruning services;**
- 2. Endorse the preparation work specifications as provided in Attachment 1; and**
- 3. Endorse the selection criteria for supply of rural road verge clearing and pruning services as**

• Demonstrated Capacity and Experience	25%
• Key Personnel	25%
• Plant and Equipment	25%
• Performance	25%

9.1.2 Provision of Waste Management and Bulk Waste Transfer – Request for Tender

Location:	<i>Shire of Boyup Brook</i>
Owner:	<i>Shire of Boyup Brook</i>
File:	<i>Tender</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>17 August 2020</i>
Author:	<i>Vanessa Crispe – Coordinator Works, Projects and Assets</i>
Authorizing Officer:	<i>Peter Dittrich - Acting Chief Executive Officer</i>
Attachments:	<i>Yes: Attachment 1 RFT 020-002 Provision of Waste Management and Bulk Waste Transfer request for Tender</i>

SUMMARY

This report recommends that Council authorise the Acting Chief Executive Officer to call for tenders for provision of waste management and bulk waste transfer.

BACKGROUND

The Local Government Act 1995 outlines the services which the Shire must provide, including the provision of waste removal services to Shire residents.

Transfer stations play an important role in a community's total waste management system, serving as a link between a community's solid waste collection program and a final waste disposal facility.

Over the last 12 months, the transfer station has seen the closure of the Lions Club's recycle shop, increase in green waste, steel and white goods, and issues with the drum muster containers.

COMMENT

The current model of operation for the Transfer Station relies heavily on Shire staff, hampering programs and scheduled works. The function currently performed by the Shire could possibly be undertaken by a contracted operator of the Boyup Brook Waste Management Facility (Transfer Station) as a part of their normal operations.

Increasingly, transfer stations play an important role in the overall waste management infrastructure network by providing means of consolidating and managing recyclables and waste. This is particularly important in rural and regional areas where efficient transport logistics determine the overall feasibility of providing waste and recovery services.

In its simplest form, a transfer station is a facility with a designated receiving area where waste collection vehicles and/or small self-haul customers discharge their waste. The waste is then loaded into larger vehicles (e.g. transfer trailers) for long-haul transport to a final disposal site (typically a landfill, treatment facility, materials recovery facility (MRF), or reprocessing plant).

Ideally, there is no long-term storage of materials at a transfer station. Waste and recyclables are consolidated and loaded into larger vehicles for movement off site. The speed at which this is done largely depends on whether the facility is a rural or regional site, since the regional facilities are likely to be serviced more often than the rural facilities.

There are increasing regulatory and social pressures on local councils to meet more stringent environmental and social criteria. However, it is often not economically viable for rural Councils to upgrade existing landfills to meet these requirements. When Councils are faced with this situation a number of scenarios are common.

- Council closes smaller landfill sites but upgrades one landfill (normally the largest in the local area) to meet environmental requirements.
- Council may then also decide to build a transfer station at the remaining landfill site with the intention to keep small vehicles away from the active tipping area and to implement increased resource recovery activities.
- Council closes all existing landfills and constructs a new fully engineered landfill with required environmental controls.

As well as providing a service for solid waste disposal, transfer stations play an important role in improving the viability of recovering recyclable and reusable materials from rural and regional areas.

Prior to the tender process, a review was undertaken and it was determined that the Transfer Station service based on a fully integrated service through a single service provider contract would provide the best value for money to Council. The expected outcomes of the waste management service will ensure that the sanitation and the visual presentation of the Shire will not be adversely impacted.

The Shire is considering alternative service delivery models to meet the Western Australian Government's Towards Zero Waste Strategy. Alternative service delivery models which deliver up to a 10 percent saving in costs, recycling, and collection and transport of waste are not currently being undertaken.

There has been a significant shift in the global recycling economy resulting in increased processing costs and reduced demand for products.

A number of shires in Australia have changed their operations in outsourcing management of their waste management facilities. The proper delivery of this service will allow Council to continue to deliver best practice waste management and waste handling activities, and to meet its obligations associated with correct landfill management. Proper service delivery will enable Council to continue to comply with EPA regulations, and with the EPA requirements embodied in the Planning Permit issued for Council's Refuse Transfer Station.

The service is currently delivered by shire employees, with limited training or safety in dealing with waste management. Furthermore, the Shire does not have the equipment relevant for this operation to be efficient, and in many cases, works on roads is hampered as we have to pull machinery and staff off each week to address the various requirements of the transfer station.

Provision of Waste Management and Bulk Waste Transfer evaluation criteria as follows:

Evaluation Criteria	Weight %	Scoring Methodology
Non-Financial Criteria Total	20%	Community Education Waste Minimisation
	20%	Experience, Capability and Past Performance
	15%	Plan for proposed Services
	15%	Occupational Health and Safety Plan
	10%	Quality Assurance
	5%	Risk Management
	15%	Environmental Management
Total	100%	

As the Principal is adopting a non-weighted cost method approach to this request, it means that although price is considered, the Tender containing the lowest price will not necessarily be accepted, nor will the Tender be ranked the highest on the qualitative criteria. A scoring system will be used as a part of the assessment of the qualitative criteria.

Once the Tenders have been ranked, the evaluation panel will make a value judgement as to the cost affordability, qualitative ranking, and risk of each

Tender, in order to determine the Tender which is most advantageous to the Shire.

The Proposed price will be considered along with related factors affecting the total cost to the Shire e.g. the lifetime operating costs of services or the Shire Contract management costs may also be considered in assessing the best value for money outcome.

The extent to which a Tender demonstrates greater satisfaction of each of these criteria will result in a greater score. The aggregated score of each Tender will be used as one of the factors in the final assessment of the qualitative criteria and in the overall assessment of value for money.

The Tender may be awarded to the tenderer that best demonstrates the ability to provide quality services at a competitive price.

The Tenderer shall lodge with the Shire a detailed Schedule of Prices and Rates that shall be used during the currency of the Contract for the valuation of work.

The specifications for the preparation work for this tender have been revised to ensure we have more accountability in managing the contract. The specifications are included as Attachment 1.

The evaluation panel consisting of the Chief Executive Officer and Works Manager Services will undertake the evaluation of each tender submitted and present back to Council for final approval.

CONSULTATION

Shire of Donnybrook - discussion and research in their processes with the management of transfer station outsourced and contract issued. Lions Club manage the processing of portions of the Shire's recyclable material.

Acting Chief Executive officer – Peter Dittrich Shire of Boyup Brook.

WALGA – Waste Management, landfills and recycling

STATUTORY OBLIGATIONS

Local Government Act 1995

3.57. Tenders for providing goods or services

(3) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services. (4) Regulations may make provision about tenders.

Local Government (Function and General) Regulations 1996 – Part 4 Provision of goods and services

13. When tenders have to be publicly invited

(1) Tenders are to be publicly invited according to the requirements of this

Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless sub regulation (2) states otherwise. (2) Tenders do not have to be publicly invited according to the requirements of this Division if

- (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
- (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or
- (c) within the last 6 months —
 - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
 - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;
- or
- (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or
- (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
- (ea) the goods or services are to be supplied —
 - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
 - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph; or
- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
- (g) the goods to be supplied under the contract are —
 - (i) petrol or oil; or
 - (ii) any other liquid, or any gas, used for internal combustion engines; or
- (h) the following apply —
 - (i) the goods or services are to be supplied by a person registered on the Aboriginal Business Directory WA published by the Small Business Development Corporation established under the Small Business Development Corporation Act 1983; and
 - (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and

- (iii) the local government is satisfied that the contract represents value for money; or
- (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
- (j) the contract is a renewal or extension of the term of a contract (the original contract) where —
 - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
 - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
 - (iii) the original contract contains an option to renew or extend its term; and
 - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised; or
- (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.

14. Anti-avoidance provision for r. 11(1) (1) This regulation applies if a local government intends to enter into 2 or more contracts (the contracts) in circumstances such that the desire to avoid the requirements of regulation 11(1) is a significant reason for not dealing with the matter in a single contract.

POLICY IMPLICATIONS

NIL

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The local government's powers to impose rates, fees and charges in relation to waste services are set out in section 66 to 68 of the Waste Avoidance and Resource Recovery Act 2007 (WARR Act) and section 6.16 and 6.17 of the Local Government Act 1995.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known environmental issues at this stage.
- **Economic**
There are no known economic issues.
- **Social**
None

Our Goals

Built Environment

- Improve road infrastructure

Social

- Improve community safety.
- Promote outdoor activities, community participation, interactions and connections.
- Strengthen an active and vibrant community.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION - ITEM 9.1.2

That Council:

1. Authorise the Acting Chief Executive Officer to call tenders for the Provision of Waste Management and Bulk Waste Transfer;
2. Endorse the preparation work specifications as provided in Attachment 1; and
3. Endorse the selection criteria for Provision of Waste Management and Bulk Waste Transfer

20%	Community Education Waste Minimisation
20%	Experience, Capability and Past Performance
15%	Plan for proposed Services
15%	Occupational Health and Safety Plan
10%	Quality Assurance
5%	Risk Management
15%	Environmental Management

9.1.3 Proposed MOU – Plantation Heavy Haulage

Location:	<i>Shire of Boyup Brook</i>
Owner:	<i>Shire of Boyup Brook</i>
File:	<i>Policy</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>18 August 2020</i>
Author:	<i>Vanessa Crispe – Coordinator Works, Projects and Assets</i>
Authorizing Officer	<i>Peter Dittrich - Acting Chief Executive Officer</i>
Attachments:	<i>Yes: Attachment 1 MOU, Plantation heavy haulage.</i>

SUMMARY

The purpose of this report is to put before Council the draft Memorandum of Understanding (MOU) between the Shire Council and the Timber Companies with the recommendation that Council approve the document to be signed.

BACKGROUND

Restricted access vehicles are regulated by Main Roads WA under the Road Traffic (Vehicles) Act 2012 and subsidiary legislation. A vehicle is classed as a restricted access vehicle (RAV) if it exceeds certain mass, length, height, or width limits. RAV's can only be used on Main Roads approved roads, which collectively are known as the RAV network, under a permit or class order. RAV network roads often have usage conditions attached and one that applies to the majority the Shires roads is a requirement to obtain current written approval from the road owner (The Shire) endorsing use of the road.

The intention of this condition is to provide Local Governments with the means to manage heavy haulage vehicles on roads that were not designed for such vehicles. In particular, frequent RAV use of unsealed roads will cause deterioration which leads to more frequent maintenance and associated costs. This is most often the case with logging operations where unsealed roads are subject to multiple daily RAV journeys.

The Works Department issues permission letters to Timber Companies on a plantation by plantation basis. The letters specify the roads that may be used, and permission expires when harvest operations cease. The operator is held

accountable for the condition of the road and is expected to maintain it in original condition at their cost. In order to administer this, the Works Department assess the road condition prior to issuing the approval letter. Ongoing inspections are then undertaken to ensure the road is being maintained. When harvest operations have ceased, a final inspection is done to ensure the road has been returned to original condition. This process requires significant Shire resources involved with the management of this type of intensive RAV operation.

Council has been moving toward formalising arrangements with timber Company groups for use of Shire assets and this is another agreement that has been negotiated and so is ready for Council's endorsement.

COMMENT

The current permit in the form of a letter sent to Timber Companies is not being adhered to by a number of operators. This process is also causing considerable strain on the Shire who currently are undertaking maintenance and repairs to roads that have a RAV Heavy Haulage permit on.

Increased inspections are being undertaken and recently due to the weather roads have had to be closed with Logging Operators then choosing to undermine the Works & Infrastructure sector and seek approval to use the roads through various Shire Councillors and the Chief Executive Officer.

A number of the roads accessed by the Heavy Haulage permits are also accessed by the local School Bus operators. Implementing a MOU provides a framework, and an agreed understanding of each parties' obligations and agreed terms. The MOU provides an agreement signed and a contract for the term of the haulage dates. This puts the responsibility back on the Logging Operators to ensure that roads are maintained and becomes their responsibility with weather conditions, road closures and depending on the condition of the road at the end of haulage, resheeting and returning the road to the original condition.

The MOU is attached for Council's consideration and it is recommended that Council approve of the affixing of the Shire Council Seal, witnessed by the President and CEO.

CONSULTATION

Shire of Cranbrook – Jeff Alderton
Shire of Boyup Brook – Shire President Richard Walker
Acting Chief Executive officer – Peter Dittrich.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

NIL

BUDGET/FINANCIAL IMPLICATIONS

Nil – This will resolve the costs being born by the Shire to repair and maintain roads utilised by RAV Heavy Haulage Plantation operations.

STRATEGIC IMPLICATIONS

There are no known strategic issues

With reference to the Strategic Community Plan 2017 - 2027

Our Goals

Built Environment

- Improve road infrastructure

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known environmental issues at this stage.
- **Economic**
There are no known economic issues.
- **Social**
None

Our Goals

Built Environment

- Improve road infrastructure

Social

- Improve community safety.
- Promote outdoor activities, community participation, interactions and connections.
- Strengthen an active and vibrant community.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION - ITEM 9.1.3

That Council endorse the Memorandum of Understanding between the Shire Council and the various Timber Companies for the use of RAV Heavy Haulage Plantation and approve of the affixing of the Shire Council Seal.

9.1.4 Review of Crossover Policy – W.08

Location:	<i>Shire of Boyup Brook</i>
Owner:	<i>Shire of Boyup Brook</i>
File:	<i>Policy</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>19 August 2020</i>
Author:	<i>Vanessa Crispe – Coordinator Works, Projects and Assets</i>
Authorizing Officer:	<i>Peter Dittrich – Acting Chief Executive Officer</i>
Attachments:	<i>Yes: proposed new crossover policy W0.8 Original crossover policy W0.8 Example Drawings Crossovers</i>

SUMMARY

A crossover (also known as a driveway) is the access point from a property to the road edge. It is typically located within the road reserve and requires special conditions for construction and maintenance.

BACKGROUND

Crossovers need to be constructed to the Shire's approved standards, and the current policy does not supply compliance criteria for dimensions and materials and drawings.

COMMENT

Approval must be sought and obtained from the Shire for crossovers prior to the commencement of any construction. The current policy has limited details, drawings and construction requirements. It is proposed to amend the policy and include drawings for the various crossovers as follows:

- Urban – Residential.
- Industrial – Commercial.
- Rural.

The Policy should be signed by the Chief Executive Officer.

CONSULTATION

Once approved by Council the proposed crossovers will need to have certified engineered drawings drawn up for issue with each application.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Engineered drawings approx. \$1500

STRATEGIC IMPLICATIONS

There are no known strategic issues

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known environmental issues at this stage.
- **Economic**
There are no known economic issues.
- **Social**
None

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION - ITEM 9.1.4

That Council:

1. **Adopts the amended Crossover Policy W0.8, as presented, and**
2. **Endorse the undertaking of certified engineered drawings as follows;**
Urban – Residential
Industrial – Commercial
Rural.

9.2 FINANCE

9.2.1 List of Accounts Paid in July 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>06/08//20</i>
Author:	<i>Carolyn Mallett –Accountant</i>
Authorising Officer:	<i>Peter Dittrich – Acting CEO</i>
Attachments:	<i>Yes – List of Accounts Paid in July</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in July 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 July 2020.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 July 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 2019-20 Annual Budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 9.2.1

That at its August 2020 ordinary meeting Council receive as presented the list of accounts paid in July 2020, totalling \$884,183.82 from Municipal account, \$58,607.75 from Police Licensing account and \$0.00 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20420 - 20430	\$ 30,325.49
Municipal Electronic Payments	EFT9535 – EFT9701	\$524,290.03
Municipal Direct Payments		\$329,568.30
Police Licensing Payments		\$ 58,607.75
BBELC Payments		\$ 0.00

9.2.2 30 June 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>20 August 2020</i>
Authors:	<i>Peter Dittrich – A/CEO</i>
Authorizing Officer:	<i>Peter Dittrich – A/CEO</i>
Attachments:	<i>DRAFT 30 June 2020 Financial Reports</i>

SUMMARY

This report recommends that Council receive the DRAFT Statement of Financial Activities and Net Current Assets for the month ended 30 June 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

It is a statutory requirement that the statement of financial activity be prepared each month (Regulation 34.(1A)), and that it be presented at an ordinary meeting of the Council within 2 months after the end of the month to which the statement relates (Regulation 34.(4)(a)).

As it is the end of the Financial year the final adjustments and final depreciation and allocations are not reflected in the statements. Nor have the Rylington Park Assets being brought to account. This work is currently being undertaken by an external consultant.

CONSULTATION – Nil

STATUTORY OBLIGATIONS

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

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

POLICY IMPLICATIONS - Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS - Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 9.2.2

That having had regard for any material variances, Council receive the 30 June 2020 Statements of Financial Activity and Statements of Net Current Assets, as presented.

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 Apiary Site Application

Location:	<i>1400 (lot 11845) Gibbs Rd Dinninup 6244</i>
Owner:	<i>Mr Shane Grimminck</i>
File:	<i>A15157</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>11th Aug 2020</i>
Author:	<i>Angela Hales–Environmental Health Officer</i>
Authorizing Officer:	<i>Peter Dittrich – A/CEO</i>
Attachments:	<i>Apiary site approval (Beekeeping)</i>

SUMMARY

An application has been received from Shane Gimminck, 1400 (Lot 11845) Gibbs Road Dinninup to keep bees on his property.

The Health Local Laws 2003 refer to the requirements for the keeping of bees. Division 7 requires any application to be approved by the Local Government.

BACKGROUND

The *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013* require that all beekeepers in WA must be registered. Registration is through the Department of Primary Industries and Regional Development. The applicant has made application to the Department of Primary Industries and Regional Development for registration as a beekeeper. The applicant's property is 24 acres and is provided with a spring fed dam. The proposed hive will be located greater than 30m from any other property.

COMMENT

The applicant is aware that if in the opinion of the Environmental Health Officer the approved beehives are causing a nuisance, the local government may direct any bees or approved beehives to be removed.

CONSULTATION

Department of Health – Environmental Health Directorate

STATUTORY OBLIGATIONS

Local Health Laws 2003 – Division 7 – Keeping of Bees

POLICY IMPLICATIONS

NIL

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

There are no known strategic issues

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known environmental issues at this stage.
- **Economic**
There are no known economic issues.
- **Social**
Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 9.3.1

That Council approve Lot 11845 Gibbs Road Dinninup with the following conditions:

- A copy of DPIRD registration be provided to the Shire.
- Ensure an adequate supply of water is always provided within a reasonable distance.
- The operation is to remain a non-commercial hobby/activity which is ancillary to the predominant use of the property.
- Ensure the number of hives remains suitable for the surrounding environment and size of property.

9.3.2 Public Health Project Plan

Location:	N/A
Owner:	N/A
File:	
Disclosure of Officer Interest:	none
Date:	9 th Aug 2020
Author:	Angela Hales – Environmental Health Officer
Authorizing Officer:	Peter Dittrich – A/CEO
Attachments:	No

SUMMARY

The *Public Health Act 2016* (The Act) requires local governments to develop a Public Health Plan that is comprehensive and includes a set of proposed activities that informs the way in which public health is managed within a local government. It is also to provide an avenue of communication to the local community.

The development of a Public Health Plan is part of stage 5 of the implementation plan by the state government and due to be completed in the 2020-21 financial year.

The plan will take time to develop to ensure it meets community and organizational needs.

The timeline to develop the plan, as approved by council at the June meeting has been amended due to various delays with logistics and resourcing.

The planned roll out of local government workshops regarding developing a plan has not occurred due to CV19 and the additional workload placed on the department's officers.

The reviewed plan timeline will still meet the requirements of the Department of Health.

The purpose of this item is to advise Council of the need to amend the timeline.

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 Act provides a framework that promotes and manages current and emerging public health risks in WA. Under this new Act, all local governments are required to develop a Public Health Plan that addresses the requirements of Part 2 of the Act for implementation in the 2020-21 financial year.

COMMENT

The concept to develop the plan remains unchanged. Work will continue to progress with the development of the plan.

CONSULTATION

Department of Health – Environmental Health Directorate

STATUTORY OBLIGATIONS

Public Health Act 2016, as amended

The Plan must align with the objectives of the State Public Health Plan 2019-2024, and be evidence based.

POLICY IMPLICATIONS

Public Health Policy to be developed as part of the plan

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

There are no known strategic issues

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known environmental issues at this stage.
- **Economic**
There are no known economic issues.
- **Social**
There are no known social issues.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 9.3.2

That Council endorse the Public Health Project Plan amended timeline as follows:

Overview	Timeframe 2020-21
Preplanning, data preliminary gathering, identify stakeholders	April – May (completed)
Commence draft plan	May (ongoing)
Convene internal working group	September
Community consultation and feedback	Sept – Nov
Progress draft public health plan	Concurrent
External engagement with stakeholders	Nov – Jan
Consolidate data	Feb – March
Develop final plan	April
Council endorsement	June meeting
Community advice	July

9.3.3 Review of Delegation Register

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>GO/15/004</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>11 April 2019</i>
Author:	<i>Peter Dittrich – Acting CEO</i>
Authorizing Officer:	<i>Peter Dittrich – Acting CEO</i>
Attachments:	<i>Yes – current Register of Delegations of Authority Manual</i>

SUMMARY

This item reviews the existing Delegation Register and recommends that the delegations, as set out in the *Register of Delegations of Authority Manual*, be adopted as presented.

BACKGROUND

Local Government Act 1995 section 5.42(1) states a local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43, as follows:

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

** Absolute majority required.*

5.43. Limits on delegations to CEO ²⁹

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;

- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

Local Government Act 1995 section 5.46(2) states that at least once every financial year, delegations made under this Division are to be reviewed by the delegator, as follows:

5.46. Register of, and records relevant to, delegations to CEO and employees

- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

COMMENT

The attached register is the current list of delegations as reviewed in April 2019, and the delegations are to be reviewed annually.

CONSULTATION - Nil

STATUTORY OBLIGATIONS

Local Government Act 1995

POLICY IMPLICATIONS - Nil

BUDGET/FINANCIAL IMPLICATIONS - Nil

STRATEGIC IMPLICATIONS

An intended outcome of delegating Council authority is to assist with the delivery of "best practice" within the local government industry.

SUSTAINABILITY IMPLICATIONS

- **Environmental:** Nil
- **Economic:**
Administrative efficiencies derive from these delegations.
- **Social:** Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – Item 9.3.3

That Council delegate to the Acting CEO the exercise of its powers, as per the delegations presented in the shire’s Delegation Register, and the same be implemented as from 27 August 2020 until further notice.

9.3.4 Proposed New Policy - Recruitment and Selection Policy

<i>Applicant:</i>	<i>N/A</i>
<i>File:</i>	<i>Policy</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>12 August 2020</i>
<i>Author:</i>	<i>Nicki Jones – Administration Officer</i>
<i>Authorizing Officer:</i>	<i>Peter Dittrich – Acting CEO</i>
<i>Attachments:</i>	<i>Recruitment and Selection Policy</i>

SUMMARY

The aim of a Recruitment and Selection Policy is to ensure a transparent and fair hiring process that can assist with the selection of the appropriate candidate on the basis of merit and relevance with the position.

BACKGROUND

It has been identified that the Shire does not have a Recruitment and Selection Policy. This policy will ensure that consistency, suitability, transparency and credibility are upheld in the recruitment process, along with complying with the relevant legislation.

COMMENT

Best practice is having a policy that has clear objectives and statements that demonstrate Local Government's commitment to comply with legislation. The policy objectives must align with the legislative requirements to achieve the outcomes stated.

CONSULTATION

Marg Hemsley, Principal Consultant - LG People

STATUTORY OBLIGATIONS

Anti-Discrimination Act 1991
Age Discrimination Act 2004 (Commonwealth)
Australian Human Rights Commission Act 1986 (Commonwealth)
Disability Discrimination Act 1992 (Commonwealth)
Information Privacy Act 2009
Local Government Act 2009
Local Government Regulation 2012
Racial Discrimination Act 1975 (Commonwealth)

Right to Information Act 2009
Sex Discrimination Act 1984 (Commonwealth)
Workplace Gender Equality Act 2012 (Commonwealth)
Code of Conduct
Equal Employment Opportunity
Industrial Instruments
Recruitment and Selection Procedure

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Boyup Brook Strategic Community Plan states:

Social: Sense of Community

Sustainable Community - Ensure a safe, secure community with access to services and facilities as needed – *Continue to encourage initiatives that provide employment opportunities.*

Economic Development: Maximise Business and Employment Opportunities

SUSTAINABILITY IMPLICATIONS

- **Environmental**
N/A
- **Economic**
Refer to the *Strategic Implications* section in this report.
- **Social**
Refer to the *Strategic Implications* section in this report.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – Item 9.3.4

That Council adopt the newly drafted Recruitment and Selection Policy, as presented.

9.3.5 Proposed New Policy – Community Consultation

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	<i>Policy</i>
Date:	<i>19/08/2020</i>
Disclosure of Officer Interest:	<i>Nil</i>
Author:	<i>Joanna Kaye- Research and Development Coordinator</i>
Authorizing Officer:	<i>Peter Dittrich (Acting CEO)</i>
Attachments:	<i>Community Consultation Policy</i>

SUMMARY

This report is for Council to consider and adopt a newly drafted Community Consultation Policy.

BACKGROUND

In 2010, the Integrated Planning and Reporting (IPR) Framework and Guidelines were introduced in Western Australia (WA) as part of the State Government's Local Government Reform Program. All local governments were required to have their first suite of IPR documents in place by 1 July 2013.

All local governments should meet the Achieving Standard, which encompasses the minimum regulatory requirements and other provisions that ensure an acceptable minimum standard of practice. The Integrated Planning and Reporting Advisory Standard, September 2016 from the Government of Western Australia Department of Local Government, Sport and Cultural Industries states:

2. Strategic Community Plan

Element	Regulatory requirements	Standards
Strategic Community Plan	A Strategic Community Plan:	Standard is NOT met: If a Council has not adopted a Strategic Community Plan that meets all of the regulatory requirements.
	(i) Is for a minimum 10-year timeframe.	
	(ii) States community vision, aspirations, and objectives.	Achieving Standard: Achieving Standard is met when:
	(iii) Was developed or modified through engagement with the community, and this is documented.	<ul style="list-style-type: none"> A Council has adopted a Strategic Community Plan that meets all of the regulatory requirements¹
	(iv) Has regard to current and future resource capacity, demographic trends and strategic performance measurement.	<ul style="list-style-type: none"> The local government has a community engagement policy or strategy Community engagement² involves at least 500 or 10% of community members, whichever is fewer, and is conducted by at least 2 documented mechanisms
	(v) Is adopted, or modifications to it are adopted, by an absolute majority of council.	
	(vi) is subject to a full review scheduled for 4 years from when it is adopted.	<ul style="list-style-type: none"> A Strategic Review is undertaken every two years, alternating between a Minor Strategic Review and a Major Strategic Review

COMMENT

The Community Consultation Policy has been prepared from a template provided by Margaret Hemsley, LG People and Culture, the consultant undertaking the development of the Strategic Community Plan and to meet the requirement for planning for the future under Section 5.56 (1) of the *Local Government Act 1995* and the regulations under Section 5.56 (2) of the Act that outline the minimum requirements to achieve this.

CONSULTATION

Margaret Hemsley, LG People and Culture

STATUTORY OBLIGATIONS

Local Government Act (1995) – Regulation S5.56(2)

POLICY IMPLICATIONS

DLGSCI WA Integrated Planning and Reporting Framework and Guidelines

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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.

Governance: Strengthen Local Leadership

Our Vision:

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

We will engage and listen to our community, advocate on their behalf, be accountable and manage within our governance and legislative framework.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Council and Community Leadership	Provide leadership on behalf of the community.	<ul style="list-style-type: none"> + Lobby and advocate for improved services, infrastructure, and access to. + Advocate for the strengthening of health and education services. + Develop partnerships with stakeholders to enhance community services and infrastructure.
	Foster community participation and collaboration.	<ul style="list-style-type: none"> + Support volunteers and encourage community involvement in community groups and organisations. + Partner in specific projects including community contributions.
Sustainable Governance	Manage resources effectively.	<ul style="list-style-type: none"> + Continue to maintain strategic financial and asset management plans to inform decisions. + Strive to deliver services to the level needed/wanted by the community funding dependant. + Ensure governance and legislative requirements are met. + Maintain an adequate workforce to meet service levels and legislative

SUSTAINABILITY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION - Item 9.3.5

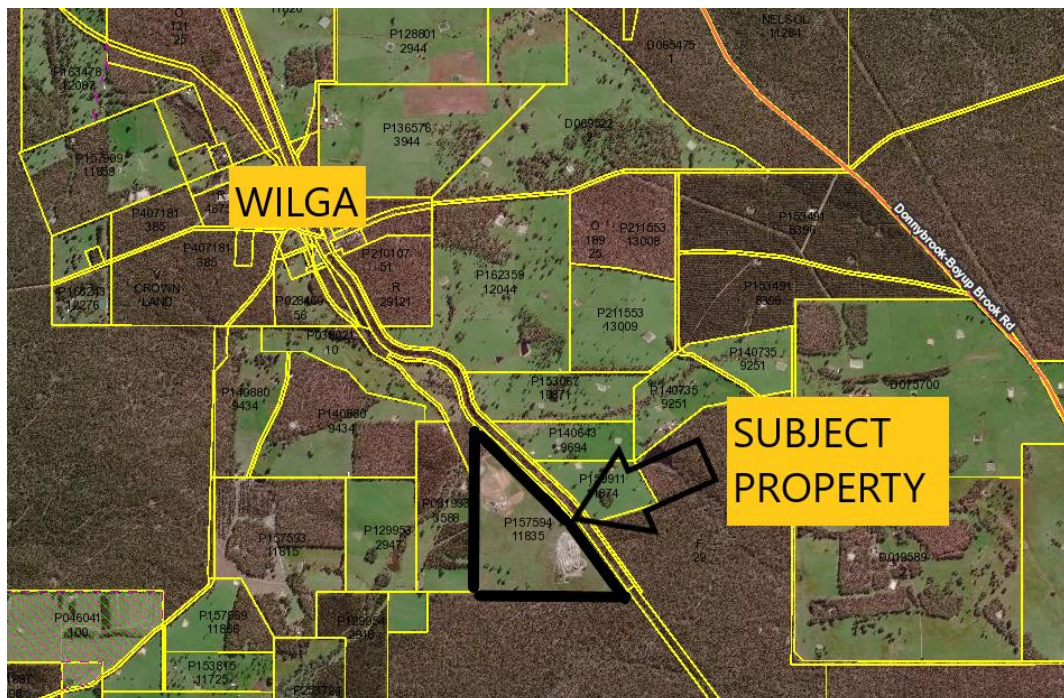
That Council adopt the newly drafted Community Consultation Policy, as presented.

9.3.6 Development (Plantation – Bluegum trees) – 207 Elder Road, Wilga

Location:	207 Elder Road, Wilga
Applicant:	M & E Roney
File:	A4280
Disclosure of Officer Interest:	None
Date:	20 August 2020
Author:	A. Nicoll, Town Planner
Authorizing Officer:	Peter Dittrich, Acting Chief Executive Officer
Attachments:	Application and Landholder Letter – Use of Elder Road

SUMMARY

The purpose of this report is to put before Council the request to develop a small (20ha) bluegum ‘Plantation’ (Bluegum trees), at 207 Elder Road, Wilga.



A ‘Code of Practice for Timber Plantations in Western Australia’ (Code of Practice) has been established to ensure Plantations are managed appropriately, which includes:

- Environmental care;
- Safe access;

- Plantation maintenance; and
- Safe timber harvesting.

The application at hand is proposing to comply with the Code of Practice.

The main access road to the subject site (Elder Road) is developed to a gravel standard with suitable width and clearance to enable large machinery to access the subject property for harvesting and the transport of timber.

This report item recommends that the Council agree to support the development application ('Plantation'), subject to conditions to ensure compliance with the 'Code of Practice' and to ensure the landholder/developer is responsible for the repair of any undue damage to Elder Road, caused by harvesting or other operations associated with the tree plantation.

BACKGROUND

The Shire received a development application, requesting approval to establish a small 20ha bluegum 'Plantation', at a property just south of the Wilga townsite.

COMMENT

As mentioned in the summary section of this report, a 'Code of Practice for Timber Plantations in Western Australia' has been established to ensure good plantation management across all plantations.

As per the Code of Practice, general goals for plantations include:

- Locate and design plantations, where possible, to meet desirable environmental outcomes including water quality maintenance and landscape protection;
- Ensure that access within plantations is of an adequate standard to ensure that plantation establishment, tending, fire management and harvesting can be carried out efficiently and safely, without adverse offsite impacts;
- Maintain the integrity of the public road system used for the haulage of wood products whilst ensuring public safety;
- Use appropriate site preparation procedures to achieve desired establishment standards whilst taking due consideration for protection of soil and water qualities;
- Apply nutrients and trace elements to correct deficiencies and to stimulate growth to ensure plantation productivity and economic viability are maintained. The use of fertilisers should avoid adverse offsite impacts;
- Ensure that any plantation species that have the potential to become weeds are prevented from spreading outside the plantation;
- Use pesticides with due consideration for neighbouring activities that may be sensitive to pesticides;
- Provide local governments with information, in advance, relating to the harvest and planned use and management of local roads;
- Prevent bushfires entering or escaping from plantations consistent with State and local government requirements.

A site plan has been submitted, showing the location of the proposed plantation, which includes:

- Appropriate setback to neighbouring property boundaries (15m);
- Suitable access for firefighting vehicles; and
- Suitable clearance to a dwelling and power infrastructure.

It is recommended that the Shire Council agree to approve the development application subject to conditions ensuring that the 'Code of Practice' is complied with and that any undue damage to Elder Road, caused by the harvesting operation, is the responsibility of the landholder to maintain.

STATUTORY OBLIGATIONS

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

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

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

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

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

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

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

POLICY IMPLICATIONS

The application complies with the following provisions extracted from the State Government, 'Guidelines for Plantation Fire Protection':

- *Between the plantation and an existing or approved habitable building must be a minimum of 100m, unless the building has been constructed to an appropriate higher standard;*
- *Between the plantation and an existing or approved non-habitable structure (i.e. sheds and enclosed storage areas) must be a minimum of 50m;*
- *Fire breaks must be maintained in line with the Annual Fire Break Notice developed by the LG;*
- *The planting layout must ensure vehicle access is maintained at appropriate intervals, depending on local conditions;*
- *Tracks should be aligned to provide straight through access at junctions, where possible;*

- *50,000l of water must be permanently available for initial use during fire response.*

CONSULTATION

Shire staff consulted with the landholder to ascertain access requirements associated with the tree plantation.

The landholder/applicant stated that the next-door neighbor has a tree plantation. Apparently, their plantation is almost due for a second harvest and apparently, they have been using Elder Road with no issues to transport logs. Apparently, fuel trucks with two trailers and their own oversized trucks with heavy machinery use Elder Road with no issues.

The landholder/applicant has submitted a letter indicating current use of Elder Road. (See attachment.)

The above gives staff confidence that Elder Road is capable of accommodating heavy vehicle access.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – Item 9.3.6

That Council

Grants development approval for 207 Elder Road, for the purpose of Development (Plantation - bluegum), subject to the following notice:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: 207 Elder Road, Wilga.

Description of proposed development:

Plantation (Bluegum – 20ha)

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

Conditions:

1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Shire of Boyup Brook, all development shall occur in accordance with the approved plans.
2. The Shire of Boyup Brook shall be notified in writing of future harvesting at least 3 months prior to harvesting commencing.

Note: traffic management measures may need to be implemented following consultation with the local government to minimise damage to the road and to ensure safety requirements are met. Following the completion of harvest a joint inspection (landholder and Local Government) of the relevant local roads, used as a haulage route, should be conducted.

3. The applicant will be responsible for the repair of any undue damage to Elder Road caused by harvesting operations and/or movement of machinery associated with the plantation.
4. The design, planting, maintenance, harvesting and post-harvesting land management of the tree farm shall be carried out in accordance with the *Code of Practice for Timber Plantations in Western Australia* and the 2011 *FESA Guidelines for Plantation Fire Protection*, or any documents superseding them, to the satisfaction of the Shire of Boyup Brook.
5. 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: 20 August 2020

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

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

Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

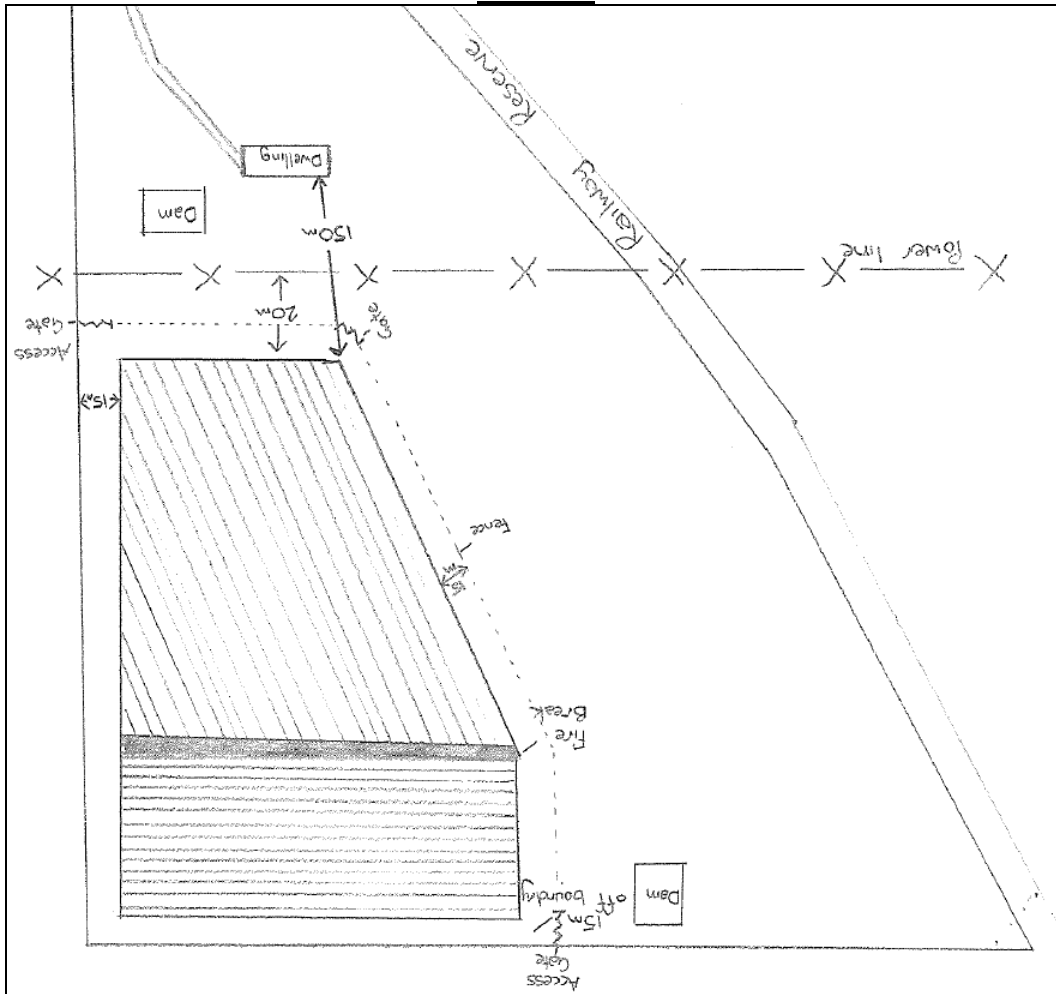
Signed:

Dated:

for and on behalf of the Shire of Boyup Brook.

Approved Plans

Site Plan



9.3.7 Appointment of CERM and Shire Ranger as Bush Fire Control Officers

Applicant:	N/A
Disclosure of Officer Interest:	None
Date:	10 August 2020
Author:	Daly Winter – Community Emergency and Regulation Manager
Authorizing Officer:	Peter Dittrich – Acting CEO
Attachments:	Nil

SUMMARY

This report is for Council to approve the appointment of the Community Emergency and Regulation Manager and the Shire Ranger as Fire Control Officers (FCO's) for the Shire of Boyup Brook.

BACKGROUND

Bush Fire Control Officer - Extracts taken from the Bush Fires Act 1954

"38. Local government may appoint bush fire control officer

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.*
- (2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.*
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —*
- (a) carrying out normal brigade activities;*
- [(b), (c) deleted]*
- (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;*
- (e) procuring the due observance by all persons of the provisions of Part III.*
- (5A) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the*

local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.

Bush Fire Control Officer - Extract taken from the Bush Fires Regulations 1954

"15A. Bush fire control officer issuing permits to burn to comply with directions of local government

Where a local government issues directions to a bush fire control officer as to the manner in which or the conditions under which permits to burn shall be issued by that officer, he shall comply with those directions.

[Regulation 15A inserted: Gazette 21 Jan 1957 p. 88; amended: Gazette 22 Dec 1998 p. 6858.]

Pursuant to the following Acts and Regulations, a local government shall, in writing appoint persons to exercise on behalf of the local government the powers conferred on a Chief Fire Control Officer / Deputy Chief Fire Control Officer/Fire Control Officer by the Act, Regulations and Local Law:

Bush Fires Act 1954

Bush Fires Regulations 1954

Shire of Boyup Brook - Bush Fire Brigades Local Law

COMMENT

The Community Emergency Regulation Manager and the Shire Ranger require appointment as Fire Control Officers to exercise an authority or carry out various duties in relation to bush fire mitigation and fire control activities within the shire.

CONSULTATION

Peter Dittrich – Acting Chief Executive Officer and Roslyn Edwards – Ranger were consulted.

STATUTORY OBLIGATIONS

Authorisation for Fire Control Officers is required under:

Bush Fires Act 1954

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Boyup Brook Strategic Community Plan states:

Outcome: Growing Our Community Together – A place that is safe and secure.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
N/A
- **Economic**
N/A
- **Social**
Refer to the *Strategic Implications* section in this report.

VOTING REQUIREMENTS

Simple majority.

OFFICER RECOMMENDATION – Item 9.3.7

That Council:

1. **Authorises Daly Winter and Roslyn Edwards to be Fire Control Officers in the Shire of Boyup Brook and to exercise on behalf of the local government the powers conferred on them in their authorised roles by the following Act, Regulations and Shire of Boyup Brook Local Laws as follows:**

Bush Fires Act 1954

Bush Fires Regulations 1954

Shire of Boyup Brook Bush Fires Brigade Local Law

2. **Directs the Acting CEO to have a notice of appointment published in a local newspaper for the Fire Control Officers for the Shire of Boyup Brook and to issue each Fire Control Officer with a confirmation of the appointment in writing.**

9.3.8 CoMHAT Action Team Council Representation

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
Disclosure of Officer Interest:	<i>None</i>
Author:	<i>Joanna Kaye (Research and Development Coordinator)</i>
Authorizing Officer:	<i>Peter Dittrich (Acting Chief Executive Officer)</i>
Attachments:	<i>Boyup Brook Community Wellbeing Plan</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

Monday 3rd August, the Acting CEO received an email from Renee Knapp, Chair of the Boyup Brook Mental Health Action Team (CoMHAT), requesting representation from the Shire to attend their action team meetings.

The first meeting was held on the 10th August and Environmental Health Officer, Angela Hales attended with Shire President Councillor Richard Walker.

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 (see attached).

CONSULTATION

CoMHAT

Environmental Health Officer

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 2017 - 2027.

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.

Governance: Strengthen Local Leadership

Our Vision:

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

We will engage and listen to our community, advocate on their behalf, be accountable and manage within our governance and legislative framework.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Council and Community Leadership	Provide leadership on behalf of the community.	<ul style="list-style-type: none">+ Lobby and advocate for improved services, infrastructure, and access to.+ Advocate for the strengthening of health and education services.+ Develop partnerships with stakeholders to enhance community services and infrastructure.
	Foster community participation and collaboration.	<ul style="list-style-type: none">+ Support volunteers and encourage community involvement in community groups and organisations.+ Partner in specific projects including community contributions.
Sustainable Governance	Manage resources effectively.	<ul style="list-style-type: none">+ Continue to maintain strategic financial and asset management plans to inform decisions.+ Strive to deliver services to the level needed/wanted by the community funding dependant.+ Ensure governance and legislative requirements are met.+ Maintain an adequate workforce to meet service levels and legislative

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – Item 9.3.8

That Council nominate a Council representative to be on the CoMHAT Action Team.

9.3.9 Biosecurity

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>EN/45/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>20 August 2020</i>
Authors:	<i>Peter Dittrich – A/CEO</i>
Authorizing Officer:	<i>Peter Dittrich – A/CEO</i>
Attachments:	<i>Reports and plans</i>

SUMMARY

This report recommends that Council receive the draft Shire of Boyup Brook Weed and Pest Animal Action Plan.

BACKGROUND

Council has been considering the management of weeds and pest animals within the Shire for a number of years. The following motions have been passed in relation to this matter:

21 April 2016

COUNCIL DECISION

MOVED: Cr Moir

SECONDED: Cr Imrie

That Council direct the CEO to write to the Blackwood Biosecurity Inc. advising it that the Shire of Boyup Brook does not wish to be included in their proposed Regional Biosecurity Group. The DAFWA / Government designed system for dealing with pest plants and animals, as it stands, is unworkable and lacks clear detail.

CARRIED 7/0

Res 45/16

19 April 2018

That:

- 1. Council does not support the current recognised Biosecurity Groups.*
- 2. No information of property ownership be provided, unless there is a clear legislative requirement to do so, to any entity, for purposes relevant to the Biosecurity and Agriculture Management Act, until Council resolves to do so.*

CARRIED 9/0

Res 66/18

That:

1. *Council does not support the current recognized Biosecurity Groups.*
2. *No information of property ownership be provided, unless there is a clear legislative requirement to do so, to any entity, for purposes relevant to the Biosecurity and Agriculture Management Act, until Council resolves to do so.*

CARRIED 9/0

Res 67/18

Note:

Council does not support the current structure in line with WALGA's position policy.

21 March 2019

"That Council establish a Biosecurity Committee comprising of Cr Aird, Cr O'Connell, Cr Alexander, Cr Rear, Cr Moir, Cr Kaltenrieder, Cr Oversby and Cr Walker to advise Council on matters of plant and animal pests.

That Council develop a policy for Biosecurity in consultation with the committee."

CARRIED 8/0

Res 56/19

18 April 2019

That the minutes of the Biosecurity Committee meeting held 18 April 2019 be received, and the recommendations be adopted as follows:

That after giving due consideration, Council determines to:

- *not legitimise the activities of Blackwood Biosecurity Inc. within the Shire of Boyup Brook; nor forward the shire's rate record to the Office of State Revenue.*
- *allocate \$62,500 to be placed in the 2019-20 draft budget to go towards ranger services/pest and weed control.*

CARRIED 8/0

Res 91/19

16 May 2019

1. *That Council does not legitimise the activities of Blackwood Biosecurity Inc. within the Shire of Boyup Brook; nor forward the shire's rate record to the Office of State Revenue.*

2. *The President and Acting CEO inform the Minister for the Department of Primary Industries and Regional Development of the Council's decision.*

CARRIED 8/0

Res 128/19

18 July 2019

1. *That the minutes of the Biosecurity Committee meeting held 21 June 2019 be received.*
2. *That Council direct the A/CEO to forward the endorsed Minutes of the 21 June 2019 Biosecurity Committee meeting to the DPIRD Minister.*

CARRIED 9/0

Res 173/19

12 December 2019

That the CEO begin the process of taking the Shire's Biosecurity issues to the State Administrative Tribunal for determination and report back the status as soon as informed.

CARRIED 8/0

Res 313/19

COMMENT

Council has been working toward the development of a strategy to have the BAM Act rate overturned and that the management of weeds and pest animals be returned to the people of the Shire. As part of this strategy the Shire appointed the Blackwood Basin Group to develop a Weed and Pest Animal Action Plan. The draft plan is attached for Councils consideration.

The plan is still in draft form as there are still changes to be made for example:

At 2.4.5 the annual Fox control program is dated June 2021

At 2.5 only 2 of the 5 declared weeds are nominated

Page 8 of the background information refers to Cotton Bush being declared as a weed by Blackwood Biosecurity Incorporated.

CONSULTATION - Blackwood Basin Group

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS - Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil – this item relates to receiving the plan and not the adoption of the plan.

STRATEGIC IMPLICATIONS – Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 9.3.9

That Council:

- 1) Receive the draft Weed and Pest Animal Action Plan as prepared by the Blackwood Basin Group.**
- 2) The plan be revised, the actions costed, and the plan then be returned to Council for further consideration.**

10 COMMITTEE MINUTES

10.1 Rylington Park Transitional Committee – 30 July 2020

OFFICER RECOMMENDATION - Item 10.1

That the unconfirmed minutes of the Rylington Park Transitional Committee Meeting held on Thursday 30 July 2020 be received by Council.

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Cr O'Connell - Notice of Motion

That the October and November 2020 Ordinary Council meeting be held on the last Thursday of October and November 2020 respectively.

COMMENT:

In discussion with the A/CEO it was suggested that delaying the monthly Ordinary Council meeting to the last Thursday of the month would be beneficial to Shire administration for the preparation of the List of Accounts Paid and Statement of Financial Activity reports that are presented to Council each month.

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

Nil

13 CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS

13.1 Sale of Land

(Please refer to separate attachment)

14 CLOSURE OF MEETING

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