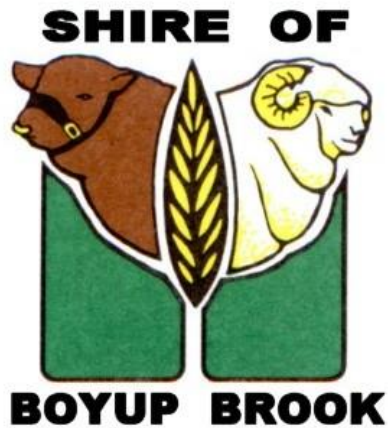


Minutes



ORDINARY MEETING

held

THURSDAY 24 September 2020
Commenced AT 5.00PM

SHIRE OF BOYUP BROOK
CHAMBERS
ABEL STREET-BOYUP BROOK

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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 Aaron Bowman (Acting Chief Executive Officer)
 Mrs Maria Lane (Executive Assistant)

PUBLIC: Mr David Goerling
 Mr Stephen Jackson
 Mr Darren King
 Mr Robert Reekie
 Ms Carina Wilson
 Mr Neil Derrick
 Ms Glenda Moroni

1.2 Apologies

1.3 Leave of Absence

2 PUBLIC QUESTION TIME

2.1 Stephen Jackson

My first question is to the Acting Chief Executive Officer – Aaron Bowman.

Thank you for your response to my email on 9th September.

Question

What do you have now in answer to your investigation, was (name withheld) fired?

Response

No

Question

Stephen Jackson asked Council if they were aware of the “West Australian Ratepayers and Residents Association Incorporated” (WARRA) . Stephen read out a letter from “WARRA” and provided Council with a copy.

Response

Council was not aware of this incorporation but has now been made aware.

Question

The resignation of Shire employees since the arrival of (name withheld) and (name withheld).

It is not only me that believe this warrants an investigation but none of you have asked why (names withheld) and the complete lack of respect or any form of appreciation from this Council for (name withheld) who provided 37 years of good service to this community and is a bloody disgrace and an indictment. You may say they left of their own accord but why was their job made uncomfortable and by whom?

Response

Taken on notice

Question

Why was the Bushfire Mitigation Activity Funding report behind closed doors?

Response

Taken on notice

Question

The control burning on the Railway Dam Reserve – who authorised it?

Response

Taken on notice.

2.2 Carina Wilson

Question

Nobody is inspecting the drums; recycling is going into the skip bin. Tip attendants are not paying attention. Why aren't they being trained?

Response

Taken on notice.

Question

The Community does not have access to the metal scrap pile. Why not?

Response

Taken on notice.

Question

Why were 2 items at the Ordinary Council meeting held on 20th June 2020 relating to Suez and Park Cabins at the Flax Mill Caravan Park behind closed doors.

Response

The Shire President advised it was due to commercial confidence.

2.3 Neil Derrick

Question

Why do staff have a GPS tracker.

Response

For safety reasons.

2.4 Response to Previous Public Questions Take on Notice

2.4.1 Reply to Carina Wilson

1. Which Councillors, if any, read and researched the information in the report contained in Item 9.1.2 on 27 August.

RESPONSE

All Councillors are fully informed before making a decision.

2. Why was no quantitative answer sought as to the several questionable statements made in the report and consideration given to the implications of those statements ?

- There has been an **increase in green waste, steel and white goods, and issues with the drum muster containers.**
- The current model of operation for the Transfer Station **relies heavily on Shire staff, hampering programs and scheduled works.**
- 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.

- 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.**

RESPONSE

It was determined that it was not required.

3. How many councillors actually read the information in section 6.2 Scope of work - Bulk Waste Transfer in the attachment - from page 44

RESPONSE

All Councillors are fully informed before making a decision.

4. Why were there no questions asked at the council meeting as to the contradictions in the tender document and the implications ? namely:

- Section 6.2 (a) (ii) contradicts section 8.1 (i)
- Section 8.1 (i) contradicts section 6.2 (a) (ii)
- Section 8.1 (j) glass and aluminium recyclables for the Containers For Change Scheme will be collected by the Lions Club, **this is not mentioned in the tender document**
- Section 8.1 (p) hands over all salvage rights to the contractor thereby cancelling out access to salvage by local community groups ie RFDS Op Shop
- Section 8.3 (f) this implies that contractor will provide a Tip Shop at the expense of the local community's wish to do so.

RESPONSE

Any minor adjustment required will be made before entering into a contract.

Stephen Jackson left the Chambers at 5.39pm.

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr O'Connell attended the following:

Meeting with Shire President & Hon Dr Steve Thomas MLC (Member for the South West; Shadow Minister for Finance; Agriculture and Food; Regional Development; Royalties for Regions. South West Liberal Party Member) on 1 September 2020.

Attended the Sandakan Service on 8 September 2020.

Attended the Mayanup Progress Association meeting on 8 September 2020.

Attended the South West Regional Waste Group project briefing (with A/CEO Aaron Bowman, Cr Price, Cr Kaltenrieder and Cr Oversby) on 9 September 2020.

Attended the Rylington Park Transitional Committee – informal discussion on 10 September 2020.

Attended the Boyup Brook Bush Fire Advisory Committee meeting on 10 September 2020.

Attended the CRC Management Committee meeting – CRC AGM 21 October at 5pm on 14 September 2020.

Attended the Workforce Plan workshop with Shire President, A/CEO Marg Hemsley on 16 September 2020.

Attended the Strategic Community Plan coffee and chat at CRC on 16 September 2020.

Attended the Council workshop – 20/21 Budget on 16 September 2020.

Attended the Strategic Community Plan Workshop – Town Hall 6.30pm on 16 September 2020.

Attended the Strategic Community Plan Workshop – Town Hall 10.30am on 17 September 2020.

Attended the Rylington Park Workshop on 17 September 2020.

Attended the Citizenship Ceremony - Gillian Steele on 17 September 2020.

Cr Price attending the following:

WALGA training session at the Boyup Brook Community Resource Centre on 28 August 2020.

Attended a meeting with potential CEO's on 31 August 2020.

Attended a farewell morning tea for Peter Dittrich on 3 September 2020.

Attended the Sandakan Memorial service on 8 September 2020.

Attended the South West Regional Waste forum, Bridgetown on 9 September 2020.

Coordinated a recycling and Cash for Containers display in the grounds of the Boyup Brook Anglican Church on 12 September.

Attended a Containers for Change meeting at Boyup Brook Community Resource Centre on 14 September 2020.

- Addressing years 1 and 2 at Boyup Brook District High School recycling.
- CRC Board meeting.

Attended the Strategic Community workshops on 16 September 2020.

Attended the Community workshop, Special Council meeting and Citizenship ceremony on 17 September 2020.

Attended the Boyup Brook Tourism Association as Council Representative on 21 September 2020.

Cr Alexander attended the following:

Attended the CEO interviews on 31 August 2020.

Attended Cuppa with a Councillor on 5 September 2020.

Attended a Council workshop on 16 September 2020.

Attended a Community Consultation workshop on 16 September 2020.

Attended the Rylington Park workshop on 17 September 2020.

Attended the Briefing meeting on 22 September 2020.

Cr Kaltenrieder attended the following:

Attended the Sandakan Memorial service on 8th September 2020.

Attended the CEO interviews on 31 August 2020.

Cr Oversby asked if the Lions would be able to remove 2 trees at the Transfer Station.

5 DISCLOSURE OF INTEREST

Cr Moir declared an impartiality interest in item 9.3.1.

Cr Walker declared an impartiality interest in item 9.3.1.

6 CONFIRMATION OF MINUTES

6.1 Ordinary Council Minutes - 27 August 2020

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 6.1

MOVED: Cr Alexander

SECONDED: Cr Kaltenrieder

That the minutes of the Ordinary Council Meeting held on Thursday 27 August 2020 be confirmed as an accurate record with the following amendment:

Page 63 – Behind Closed Doors – include the wording “Carried 7/0”.

CARRIED 7/0

Res 149/20

6.2 Special Council Minutes - 31 August 2020

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 6.2

MOVED: Cr O’Connell

SECONDED: Cr Oversby

That the minutes of the Special Council Meeting held on Monday 31 August 2020 be confirmed as an accurate record with the following amendment:

Page 7 in section number 3 – remove “Interviewee” and replace with “candidate”.

CARRIED 7/0

Res 150/20

7 PRESIDENTIAL COMMUNICATIONS

Attended a South West Zone meeting in Bridgetown on 28 August 2020.

Attended a meeting with Deputy Shire President, Acting CEO & Hon Dr Steve Thomas on community issues on 1 September 2020.

Attended the Sandakan Memorial Service on 8 September 2020.

Attended an informal meeting with the Rylington Park Transitional Committee on 10 September 2020.

Met with the Chief Executive Officer to sign documentation and view the house on 12 September 2020.

Met with Margaret Hemsley on 16 September 2020.

Attended the Community Resource Centre and Town Hall in relation to the Strategic Community Plan on 16 September 2020.

Attended the Strategic Community Plan workshop held in the Town Hall on 17 September 2020.

Attended a meeting with the Water Corporation on 22 September 2020.

Attended a meeting with the Acting CEO and Paul Reilly in relation to the football grounds maintenance on 23 September 2020.

8 COUNCILLORS QUESTIONS ON NOTICE

Nil

9.1 MANAGER WORKS & SERVICES

Nil

COUNCIL DECISION

MOVED: Cr O'Connell

SECONDED: Cr Oversby

That the Council adopts enbloc 9.2.1, 9.2.2 and 9.2.3.

CARRIED BY ENBLOC 7/0

Res 151/20

9.2 FINANCE

9.2.1 List of Accounts Paid in August 2020

| | |
|---|--|
| <i>Location:</i> | <i>Not applicable</i> |
| <i>Applicant:</i> | <i>Not applicable</i> |
| <i>File:</i> | <i>FM/1/002</i> |
| <i>Disclosure of Officer Interest:</i> | <i>None</i> |
| <i>Date:</i> | <i>17/06//20</i> |
| <i>Author:</i> | <i>Carolyn Mallett –Accountant</i> |
| <i>Authorising Officer:</i> | <i>Aaron Bowman – Acting Chief Executive Officer</i> |
| <i>Attachments:</i> | <i>Yes – List of Accounts Paid in August</i> |

SUMMARY

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

COMMENT

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

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.2.1

That at its September 2020 ordinary meeting Council receive as presented the list of accounts paid in August 2020, totalling \$526,616.06 from Municipal account, \$41,492.20 from Police Licensing account and \$0.00 from Boyup Brook Early Learning Centre account, as represented by:

| | | |
|-------------------------------|-------------------|--------------|
| Municipal Cheques | 20431 - 20440 | \$ 16,225.15 |
| Municipal Electronic Payments | EFT9702 – EFT9823 | \$293,130.15 |
| Municipal Direct Payments | | \$217,260.76 |
| Police Licensing Payments | | \$ 41,492.20 |
| BBELC Payments | | \$ 0.00 |

CARRIED BY ENBLOC 7/0

Res 151/20

9.2.2 31 July 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>18 September 2020</i> |
| Authors: | <i>D Long – Finance Consultant</i> |
| Authorizing Officer: | <i>Aaron Bowman – Acting Chief Executive Officer</i> |
| Attachments: | <i>Will be provided once completed</i> |

SUMMARY

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

Material Variance Commentary on Year to Date July 2020.

Normally commentary is provided on material variances between Year to Date (YTD) Budget Estimates and YTD Actuals for the reporting period. As Council is yet to adopt its budget, this comparative analysis cannot be provided at this time. Once this budget is adopted, material variances and commentary will be provided.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.2.2

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

CARRIED BY ENBLOC 7/0

Res 151/20

9.2.3 31 August 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>18 September 2020</i> |
| Authors: | <i>D Long – Finance Consultant</i> |
| Authorizing Officer: | <i>Aaron Bowman – Acting Chief Executive Officer</i> |
| Attachments: | <i>Will be provided once completed</i> |

SUMMARY

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

Material Variance Commentary on Year to Date August 2020.

Normally commentary is provided on material variances between Year to Date (YTD) Budget Estimates and YTD Actuals for the reporting period. As Council is yet to adopt its budget, this comparative analysis cannot be provided at this time. Once this budget is adopted, material variances and commentary will be provided.

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

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.2.3

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

CARRIED BY ENBLOC 7/0

Res 151/20

9.2.4 Adoption of 2020-21 Annual Budget

| | |
|--|---|
| Location: | Not applicable |
| Applicant: | Not applicable |
| File: | FM/9/005 |
| Disclosure of Officer Interest: | None |
| Date: | 15 September 2020 |
| Authors: | D Long – Finance Consultant |
| Authorizing Officer: | Aaron Bowman – Acting Chief Executive Officer |
| Attachments: | Proposed 2020-2021 Annual Budget |

SUMMARY

The purpose of this report is for Council to consider and adopt the 2020-2021 Annual Budget.

BACKGROUND

The following draft Annual Budget is presented to Council, as a balanced budget, for consideration and adoption.

The 2020-2021 Annual Budget has been prepared in accordance with Section 6.2 of the Local Government Act 1995 and the Local Government (Financial Management) Regulations Part 3, Regulations 22 to 33.

COMMENT

The 2020-2021 Annual Budget comprises the following information-

1. Budget Statement of Comprehensive Income by Nature/Type for the Year Ending 30 June 2021
2. Budget Statement of Comprehensive Income by Program for the Year Ending 30 June 2021
3. Budget Statement of Cash Flows for the Year Ending 30 June 2021
4. Budget Rate Setting Statement by Program for the Year Ending 30 June 2021
5. Budget Statement of Financial Activity for the Year Ending 30 June 2021
6. Notes to the Budget
7. Detailed Operating & Non-Operating Statements.

Budget Highlights – Operating Activities

General Purpose Funding

The proposed budget is presented with the total amount raised in rates for 2020-21 having a very small increase over 2019-20.

The small increase in rates is due an increase GRV values as a result of improvement to land. The rate in the dollar is proposed to be kept at the same rate in the dollar as 2019-20, being 13.3700 cents.

UV property values for 2020-21 have increased by 5.59% from 2019-20. It is proposed in the budget to reduce the UV rate in the dollar by the same percentage, so that the same amount of UV rates are raised in 2020-21 that were raised in 2019-20. The proposed rate in the dollar for UV properties is 0.7409 cents.

Law, Order & Public Safety

An allocation of \$196,180 has been set aside for bushfire mitigation activities, with matching funding from DFES.

Health

An allocation of \$100,000 has been set aside for Medical Centre sundry expenses to meet unidentified expenses the Shire has committed to.

Recreation & Culture

An allocation of \$27,000 has been set aside as Council's contribution to construction of the UBAS toilets at Dinninup.

Other Property & Services

An allocation of \$82,000 has been set aside for consultant costs to assist with financial management functions including annual budget, annual financial report, monthly financial reporting, and other consultant costs throughout the year.

An allocation of \$27,500 has been set aside for review of Integrated Planning documents and Informing strategies.

An allocation of \$496,400 has been set aside for Rylington Park operations. These costs are offset by revenue generated from Rylington park operations of \$425,250.

Budget Highlights – Investing Activities

Furniture & Equipment

An allocation of \$30,000 has been set aside for IT Infrastructure renewal.

Buildings

An allocation of \$20,000 has been set aside for the installation of a shed at the Transfer Station.

An allocation of \$19,539 has been set aside for renovations to the Administration Centre.

An allocation of \$50,000 has been set aside for replacement of the roof and gutters to the house at Rylington Park.

An allocation of \$15,000 has been set aside for the installation of a new chemical shed at Rylington Park.

Plant & Equipment

An allocation of \$51,700 has been set aside for CCTV Infrastructure installation. This will be funded by a grant of \$31,700, and the remainder from General Funds.

An allocation of \$68,000 has been set aside for the replacement of parks and gardens plant.

An allocation of \$122,800 has been set aside for the replacement of light vehicles and small plant and equipment.

An allocation of \$160,000 has been set aside for the replacement of heavy plant and equipment.

The replacement of plant and equipment will be funded from \$127,714 in proceeds from the trade in of existing plant and equipment, with the remaining balance funded from general revenue.

Road Infrastructure

An allocation of \$502,285 has been set aside for Roads to Recovery projects, with matching funding from the Commonwealth Government.

An allocation of \$982,709 has been set aside for Regional Road Group Projects, with \$583,000 of grant funding coming from the Regional Road Group funding pool.

An allocation of \$828,371 has been set aside for Council's own road construction projects.

An allocation of \$949,290 has been set aside for special bridge projects that will be undertaken by Main Roads WA.

Footpath Infrastructure

An allocation of \$72,000 has been set aside for bike path construction, with \$36,000 grant funding coming from the State Government Bike Path Network.

Parks & Ovals Infrastructure

An allocation of \$80,000 has been set aside to connect the oval to the Old Water Corporation Reservoir water supply.

Other Infrastructure

An allocation of \$9,750 has been set aside for renewal works to the Medical Centre Car park.

An allocation of \$15,000 has been set aside for replacement of depot gates.

An allocation of \$32,979 has been set aside for the installation of an oil automation system at the depot.

An allocation of \$16,000 has been set aside for the installation of a rain water tank at Rylington park.

CONSULTATION

Internal – Senior Executives

External – Nil

STATUTORY OBLIGATIONS

Local Government Act (1995) s.6.2. (1) states that each Local Government is to prepare an annual budget prior to 31 August, unless an extension from the Minister is granted.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The 2020-21 budget is presented as a balanced budget.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 9.2.4

1. That Council Pursuant to Section 6.2 of the Local Government Act 1995 and the Local Government (Financial Management) Regulations Part 3, Regulations 22 to 22, adopt the 2020-21 Annual Budget (as contained in Attachment 1) for the Shire of Boyup Brook, including the following-

- (a) Budget Statement of Comprehensive Income by Nature/Type for the year ending 30 June 2021 showing a net result of (\$817,595)
- (b) Budget Statement of Comprehensive Income by Program for the year ending 30 June 2021 showing a net result of (\$817,595);
- (c) Budget Statement of Cash Flows for the year ending 30 June 2021;
- (d) Budget Rate Setting Statement by Program for the year ending 30 June 2021 showing an amount required to be raised from general rates of \$3,006,037;
- (e) Rates and Services Charges;
- (f) Net Current Assets;
- (g) Reconciliation of Cash;
- (h) Fixed Assets;
- (i) Asset Depreciation;
- (j) Borrowings;
- (k) Cash Backed Reserves;
- (l) Fees and Charges;
- (m) Grant Revenue;
- (n) Other Information;
- (o) Major Land Transactions;
- (p) Trust information;
- (q) Significant Accounting Policies;
- (r) Detailed Operating and Capital Budget papers;
- (s) Schedule of Fees and Charges for 2020-2021

COUNCIL DECISION – Item 9.2.4

MOVED: Cr O’Connell

SECONDED: Cr Oversby

1. That Council Pursuant to Section 6.2 of the Local Government Act 1995 and the Local Government (Financial Management) Regulations Part 3, Regulations 22 to 33, adopt the 2020-21 Annual Budget (as contained in Attachment 1) for the Shire of Boyup Brook, including the following-

- (a) Budget Statement of Comprehensive Income by Nature/Type for the year ending 30 June 2021 showing a net result of (\$817,595);
- (b) Budget Statement of Comprehensive Income by Program for the year ending 30 June 2021 showing a net result of (\$817,595);
- (c) Budget Statement of Cash Flows for the year ending 30 June 2021;
- (d) Budget Rate Setting Statement by Program for the year ending 30 June 2021 showing an amount required to be raised from general rates of \$3,006,037;
- (e) Rates and Services Charges;
- (f) Net Current Assets;
- (g) Reconciliation of Cash;
- (h) Fixed Assets;
- (i) Asset Depreciation;
- (j) Borrowings;
- (k) Cash Backed Reserves;
- (l) Fees and Charges;
- (m) Grant Revenue;
- (n) Other Information;
- (o) Major Land Transactions;
- (p) Trust information;
- (q) Significant Accounting Policies;
- (r) Detailed Operating and Capital Budget papers;
- (s) Schedule of Fees and Charges for 2020-2021 with the following amendments:

Boyup Brook Medical Services – Administration fee missed appointments after \$85 add the words “after the third missed appointment”.

Boyup Brook Medical Services - include “Room Hire – Nil charge – Allied Health Services only”.

Caravan Park – remove the wording “50% deposit” required for all bookings within 14 days of registration and replace with “Full payment” required for all bookings within 14 days of registration.

Caravan Park – delete the wording “Country Music Festival and other Major Events – In addition to the charges listed below a \$5.00 per person per night administration fee applies to all visitors”.

2. That Council note the Rylington Park funds are still required to be brought to account and are therefore not included in the budget.

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 152/20

Reason: A few minor amendments were made to the fees and charges.

9.2.5 Valuations and General Rates for 2020-2021 Annual Budget

| | |
|--|---|
| Location: | Not applicable |
| Applicant: | Not applicable |
| File: | FM/9/005 |
| Disclosure of Officer Interest: | None |
| Date: | 15 September 2020 |
| Authors: | D Long – Finance Consultant |
| Authorizing Officer: | Aaron Bowman – Acting Chief Executive Officer |
| Attachments: | Proposed 2020-2021 Annual Budget |

SUMMARY

The purpose of this report is for Council to give consideration to the adoption of applicable valuations and the imposition of general rates on rateable property.

BACKGROUND

Section 6.32 of the *Local Government Act 1995* states:

6.32. Rates and service charges-

- (1) *When adopting the annual budget, a local government*
 - (a) *in order to make up the budget deficiency, is to impose* a general rate on rateable land within its district, which rate may be imposed either:*
 - (i) *uniformly; or*
 - (ii) *differentially; and*
 - (b) *may impose* on rateable land within its district*
 - (i) *a specified area rate; or*
 - (ii) *a minimum payment; and*
 - (c) *may impose* a service charge on land within its district.*
- (2) *Where a local government resolves to impose a rate it is required to:*
 - (a) *set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and*
 - (b) *set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.*

** Absolute majority required.*

COMMENT

Every year, the unimproved value (UV) of each property is reassessed by the State's Valuer Generals Office. The gross rental valuation (GRV) of each property for country local governments is reassessed by the State's Valuer Generals Office every five (5) years.

The following valuations are currently recorded in Council's rate book-

- (a) Unimproved Valuations (UV) - \$320,209,789, of which \$27,192,733 are minimum values;
- (b) Gross Rental Valuations (GRV) - \$3,681,117, of which \$236,247 are minimum values.

The Shire bases the determination of annual property rates payable upon the unimproved values (UV) for rural properties and the gross rental values (GRV) for non-rural properties; with the values set by the Valuer General. The Shire applies a rate in the dollar charge for each valuation category, which is multiplied against a property's valuation.

The rate in the dollar for the 2019-2020 financial year was set, for UV properties at 0.7900 cents, and for GRV properties at 13.3700 cents. This becomes the base rate in the dollar when determining the following year's rate in the dollar. When properties are revalued, the previous year's rate in the dollar is adjusted in consideration of the whether the valuation has increased or decreased. This allows for a revised base rate that would have generated the same amount of revenue using the revalued property valuations. The increase in UV valuations of 5.59% has necessitated an adjustment to the UV rate in the dollar.

The rates in the dollar proposed in the draft budget are as follows-

- (a) The GRV rate in the dollar for 2020-2021 will remain unchanged at 13.3700 cents to; and
- (b) UV rate in the dollar for 2020-2021 will remain reduce to 0.7409 cents due to the increase in UV valuations.

CONSULTATION

Internal – Senior Executives

External - Nil

STATUTORY OBLIGATIONS

Local Government Act (1995) s.6.2. (1) states that each Local Government is to prepare an annual budget prior to 31 August, unless an extension from the Minister is granted.

Local Government Act 1995 s.6.32.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The 2020-21 budget is presented as a balanced budget.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – Item 9.2.5

1. That Council adopt the valuations, as supplied by the Valuer General's Office and recorded in the Rate Book, for the 2020-2021 year-

| | |
|-------------------------|---------------|
| Gross Rental Valuations | \$ 3,681,117 |
| Unimproved Valuations | \$320,209,789 |

2. That Council, pursuant to Section 6.32 of the Local Government Act 1995, impose the following general rates for 2020-2021-

| | |
|----------------|-----------------------------|
| GRV properties | 13.3700 cents in the dollar |
| UV properties | 0.7409 cents in the dollar. |

COUNCIL DECISION – Item 9.2.5

MOVED: Cr O'Connell

SECONDED: Cr Alexander

1. That Council adopt the valuations, as supplied by the Valuer General's Office and recorded in the Rate Book, for the 2020-2021 year-

| | |
|-------------------------|---------------|
| Gross Rental Valuations | \$ 3,681,117 |
| Unimproved Valuations | \$320,209,789 |

2. That Council, pursuant to Section 6.32 of the Local Government Act 1995, impose the following general rates for 2020-2021-

| | |
|----------------|-----------------------------|
| GRV properties | 13.3700 cents in the dollar |
| UV properties | 0.7409 cents in the dollar. |

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 153/20

9.2.6 Materiality Threshold for 2020-2021 Annual Budget

| | |
|--|--|
| Location: | Not applicable |
| Applicant: | Not applicable |
| File: | FM/9/005 |
| Disclosure of Officer Interest: | None |
| Date: | 15 September 2020 |
| Authors: | D Long – Finance Consultant |
| Authorizing Officer: | Aaron Bowman – Acting Chief Executive Officer |
| Attachments: | Proposed 2020-2021 Annual Budget and Policy F.07 |

SUMMARY

The purpose of this report is for Council to give consideration to the adoption of the Materiality thresholds to apply when reporting material variances in the Statement of Financial Activity, in accordance with Financial Management Regulation 34(5).

BACKGROUND

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires Council to prepare a budget monthly Statement of Financial Activity.

Regulation 34 states-

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

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

- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

COMMENT

The suggested materiality threshold and percentage for reporting material variances in the Statement of Financial Activity for 2020-2021 are as follows-

10% or \$10,000, whichever is the greater.

CONSULTATION

Internal – Senior Executives

External - Nil

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, r34.

POLICY IMPLICATIONS

Policy attached

BUDGET/FINANCIAL IMPLICATIONS

The 2020-21 budget is presented as a balanced budget.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – Item 9.2.6

1. That Council Pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, adopts the following as the materiality threshold for 2020-2021 –
 - (a) \$10,000 or 10%, whichever is the greater.
2. That Council repeal policy F.07 – Material Variance in Financial Activity Statement Reporting.

COUNCIL DECISION – Item 9.2.6

MOVED: Cr Moir

SECONDED: Cr Kaltenrieder

1. That Council Pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, adopts the following as the materiality threshold for 2020-2021 –
 - (b) \$10,000 or 10%, whichever is the greater.
2. That Council repeal policy F.07 – Material Variance in Financial Activity Statement Reporting.

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 154/20

9.2.7 Minimum Rate Payment for 2020-2021 Annual Budget

| | |
|--|---|
| Location: | Not applicable |
| Applicant: | Not applicable |
| File: | FM/9/005 |
| Disclosure of Officer Interest: | None |
| Date: | 15 September 2020 |
| Authors: | D Long – Finance Consultant |
| Authorizing Officer: | Aaron Bowman – Acting Chief Executive Officer |
| Attachments: | Proposed 2020-2021 Annual Budget |

SUMMARY

The purpose of this report is for Council to give consideration to the adoption and imposition of the Minimum Payment on rateable property for 2020-2021.

BACKGROUND

Section 6.35 of the *Local Government Act 1995* states:

- (1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*
 - (a) *50% of the total number of separately rated properties in the district; or*
 - (b) *50% of the number of properties in each category referred to in subsection (6),*
on which a minimum payment is imposed.
- (4) *A minimum payment is not to be imposed on more than the prescribed percentage of —*
 - (a) *the number of separately rated properties in the district; or*
 - (b) *the number of properties in each category referred to in subsection (6),*
unless the general minimum does not exceed the prescribed amount.
- (5) *If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*
- (6) *For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —*
 - (a) *to land rated on gross rental value; and*
 - (b) *to land rated on unimproved value; and*

- (c) to each differential rating category where a differential general rate is imposed.

COMMENT

The following minimum payments are presented for Councils consideration.

The Minimum Payment for both UV and GRV properties is proposed to remain unchanged at \$900 for UV properties and \$995 for GRV properties.

The proposed 2020-2021 UV Minimum Payment will be imposed on 360 UV property assessments, being 37.7% of the total UV property assessments.

The proposed 2020-2021 GRV Minimum Payment will be imposed on 51 GRV property assessments, being 14.6% of the total GRV property assessments.

CONSULTATION

Internal – Senior Executives

External – Nil

STATUTORY OBLIGATIONS

Local Government Act 1995 s.6.35.

The imposition of the proposed Minimum Payment complies with the percentage requirements of subclause (3) of Section 6.35.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The 2020-21 budget is presented as a balanced budget.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – Item 9.2.7

That Council, pursuant to Sections 6.32 and 6.35 of the Local Government Act 1995, impose the following Minimum Payment for 2020-2021

| | |
|----------------|-------------------------------|
| GRV properties | \$995 per rateable assessment |
| UV properties | \$900 per rateable assessment |

COUNCIL DECISION – Item 9.2.7

MOVED: Cr Oversby

SECONDED: Cr O’Connell

That Council, pursuant to Sections 6.32 and 6.35 of the Local Government Act 1995, impose the following Minimum Payment for 2020-2021-

GRV properties

\$995 per rateable assessment

UV properties

\$900 per rateable assessment

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 155/20

9.2.8 Payment of Rates Options and Interest Charges for 2020-2021 Annual Budget

| | |
|--|---|
| Location: | Not applicable |
| Applicant: | Not applicable |
| File: | FM/9/005 |
| Disclosure of Officer Interest: | None |
| Date: | 15 September 2020 |
| Authors: | D Long – Finance Consultant |
| Authorizing Officer: | Aaron Bowman – Acting Chief Executive Officer |
| Attachments: | Proposed 2020-2021 Annual Budget |

SUMMARY

The purpose of this report is for Council to give consideration to the-

1. Setting of options for the payment of rates and service charges for the 2020-2021 financial year;
2. Imposition of an administration fee and instalment interest charge for payments made by instalments; and
3. Imposition of a rate of interest on overdue rates and service charges for the 2020-2021 financial year.

BACKGROUND

Section 6.45 requires a local government to set the options for the payment of rates or service charges; as well as the ability to impose an administration fee and an instalment interest charge applicable to those payment options.

Section 6.45 of the *Local Government Act 1995* states-

6.45. Options for payment of rates or service charges

- (1) *A rate or service charge is ordinarily payable to a local government by a single payment but the person liable for the payment of a rate or service charge may elect to make that payment to a local government, subject to subsection (3), by —*
 - (a) *4 equal or nearly equal instalments; or*
 - (b) *such other method of payment by instalments as is set forth in the local government's annual budget.*
- (2) *Where, during a financial year, a rate notice is given after a reassessment of rates under section 6.40 the person to whom the notice is given may pay the rate or service charge —*
 - (a) *by a single payment; or*
 - (b) *by such instalments as are remaining under subsection (1)(a) or (b) for the remainder of that financial year.*
- (3) *A local government may impose an additional charge (including an amount by way of interest) where payment of a rate or service charge is made by instalments and*

that additional charge is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.

- (4) *Regulations may —*
- (a) *provide for the manner of making an election to pay by instalments under subsection (1) or (2); and*
 - (b) *prescribe circumstances in which payments may or may not be made by instalments; and*
 - (c) *prohibit or regulate any matters relating to payments by instalments; and*
 - (d) *provide for the time when, and manner in which, instalments are to be paid; and*
 - (e) *prescribe the maximum amount (including the maximum interest component) which may be imposed under subsection (3) by way of an additional charge; and*
 - (f) *provide for any other matter relating to the payment of rates or service charges.*

Section 6.51 provides for a local government to impose an interest charge on a rate of service charge that remains unpaid after becoming due and payable.

6.51. Accrual of interest on overdue rates or service charges

- (1) *A local government may at the time of imposing a rate or service charge resolve* to impose interest (at the rate set in its annual budget) on —*
- (a) *a rate or service charge (or any instalment of a rate or service charge); and*
 - (b) *any costs of proceedings to recover any such charge, that remains unpaid after becoming due and payable.*

*** Absolute majority required.**

COMMENT

Payment options

The Shire has traditionally offered three payment options-

- Option 1 Payment in full by the due date.
- Option 2 Payment in four equal instalments, being-
- (a) Instalment 1 - 25% of the rates and service charges within 35 days of date of issue;
 - (b) Instalment 2 - 25% of the rates and service charges within 2 months of (a);
 - (c) Instalment 3 - 25% of the rates and service charges within 2 months of (b); and
 - (d) Instalment 4 - 25% of the rates and service charges within 2 months of (c).

It is suggested that these payment options continue.

Administration fee and instalment interest charge

Section 6.45 of the Act permits Council to impose an administration charge where a payment of rate or service charge is made by instalments.

Regulations 67 and 68 of the *Local Government (Financial Management) Regulations 1996* limit how much can be imposed as an administration charge and as an instalment interest charge.

Traditionally the Shire has imposed an administration fee of \$5 on the second, third and fourth instalment payments.

It is suggested that a \$5 administration fee continue to apply to the second, third and fourth instalment payments.

The Shire has also previously imposed an instalment interest charge of 5.5% when option 2 or option 3 is selected by ratepayers.

Regulation 68 of the *Local Government (Financial Management) Regulations 1996* limits the maximum interest component to be imposed as an instalment interest charge to 5.5%. However, the State Government passed the *Local Government Amendment (COVID-19 Response) Act 2020* on 16 April 2020. This Act provided the power to the Minister for Local Government, Heritage, Culture, and the Arts to modify or suspend provisions of the *Local Government Act 1995*. The Minister published an Order on 8 May 2020 that:

1. Limited the percentage of interest charged on rates instalments to 3.0%, unless the local government has a Financial Hardship Policy in place; and
2. Limited the percentage of interest charged on late payment of rates and charges to 8%, aligning it with the rate of interest charged by the Australian Taxation Office.

As Council does not have a Financial Hardship Policy, the maximum instalment interest charge that can be applied is 3.0%.

Accrual of interest on overdue rates or service charges

Section 6.51 of the Act permits Council to impose an interest charge on overdue rates or service charges.

Regulation 70 of *Local Government (Financial Management) Regulations 1996* limits the maximum rate of interest that can be imposed on overdue rates or service charges to 11%. However, the State Government passed the *Local Government Amendment (COVID-19 Response) Act 2020* on 16 April 2020. This Act provided the power to the Minister for Local Government, Heritage, Culture, and the Arts to modify or suspend provisions of the *Local Government Act 1995*. The Minister published an Order on 8 May 2020 that:

1. Limited the percentage of interest charged on rates instalments to 3.0%, unless the local government has a Financial Hardship Policy in place; and
2. Limited the percentage of interest charged on late payment of rates and charges to 8%, aligning it with the rate of interest charged by the Australian Taxation Office.

The Shire has previously imposed a late payment interest charge of 10% on overdue rates or service charges not paid by the due date.

As a result of the Ministerial Order, Council can only impose an interest charge of 8.0% on overdue rates or service charges not paid by the due date.

CONSULTATION

Internal – Senior Executives

External - Nil

STATUTORY OBLIGATIONS

Local Government Act 1995 s.6.45, 6.50, 6.51.

Local Government (Financial Management) Regulations 1996, Regulations 67, 68, 70 and 71.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The 2020-21 budget is presented as a balanced budget.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION - 9.2.8

That Council:

1. Pursuant to Section 6.45 of the Local Government Act 1995, offer two payment options for rates and service charges for the 2020-21 financial year, being-
 - (a.) Option 1 – Payment in full by a single instalment by the due date, being 35 days from the date of issue of the rate notice;
 - (b.) Option 2 - Payment in four equal instalments, being
 - (i) Instalment 1 - 25% of the rates and service charges within 35 days of date of issue of the rate notice;
 - (ii) Instalment 2 - 25% of the rates and service charges within 2 months of (i);
 - (iii) Instalment 3 - 25% of the rates and service charges within 2 months of (ii); and
 - (iv) Instalment 4 - 25% of the rates and service charges within 2 months of (iii).
2. Pursuant to Section 6.45 of the Local Government Act 1995, impose an instalment administration charge of \$0 (GST Free), which is to apply to Instalment 2 under payment option 2; and Instalment 2, 3 and 4 under payment option 3.
3. Pursuant to Section 6.45 of the Local Government Act 1995, impose an instalment interest charge of 3.0%, which is to apply to payment option 2; Instalments 2, 3 and 4.
4. Pursuant to Section 6.51 of the Local Government Act 1995, impose an 8.0% rate of penalty interest on overdue rates and service charges that remain unpaid after the due date.

COUNCIL DECISION - 9.2.8

MOVED: Cr Kaltenrieder

SECONDED: Cr Alexander

That Council:

- 1. Pursuant to Section 6.45 of the Local Government Act 1995, offer two payment options for rates and service charges for the 2020-21 financial year, being-**
 - (a.) Option 1 – Payment in full by a single instalment by the due date, being 35 days from the date of issue of the rate notice;**
 - (b.) Option 2 - Payment in four equal instalments, being**
 - (i) Instalment 1 - 25% of the rates and service charges within 35 days of date of issue of the rate notice;**
 - (ii) Instalment 2 - 25% of the rates and service charges within 2 months of (i);**
 - (iii) Instalment 3 - 25% of the rates and service charges within 2 months of (ii); and**
 - (iv) Instalment 4 - 25% of the rates and service charges within 2 months of (iii).**
- 2. Pursuant to Section 6.45 of the Local Government Act 1995, impose an instalment administration charge of \$0 (GST Free), which is to apply to Instalment 2 under payment option 2; and Instalment 2, 3 and 4 under payment option 3.**
- 3. Pursuant to Section 6.45 of the Local Government Act 1995, impose an instalment interest charge of 3.0%, which is to apply to payment option 2; Instalments 2, 3 and 4.**
- 4. Pursuant to Section 6.51 of the Local Government Act 1995, impose an 8.0% rate of penalty interest on overdue rates and service charges that remain unpaid after the due date.**

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 156/20

9.2.9 Review of the Schedule of Fees & Charges

| | |
|--|---|
| Location: | <i>Not applicable</i> |
| Applicant: | <i>Not applicable</i> |
| File: | <i>FM/10/011</i> |
| Disclosure of Officer Interest: | <i>None</i> |
| Date: | <i>17 September 2020</i> |
| Authors: | <i>Carolyn Mallett – Accountant and Aaron Bowman – Acting CEO</i> |
| Authorizing Officer: | <i>Aaron Bowman – Acting CEO</i> |
| Attachments: | <i>Draft 2020-21 Schedule of Fees & Charges</i> |

SUMMARY

This matter is put before Council to undertake a review of the Schedule of Fees & Charges to come into effect in 2020-21.

BACKGROUND

As it was in 2019-20, Council's 2020-21 Schedule of Fees & Charges (the Schedule), is to be reviewed separately in the annual budget preparation process.

Council's Long Term Financial Plan 2017-2027 (the LTFP), 'assumes' that fees and charges will increase annually by 3.0%. At Special Council Meeting 02 April 2020 it was resolved (Res 44/20) that there be a 0% increase in Fees & Charges for the 2020-21 financial year.

For reference purposes the attached Schedule shows the Fees & Charges that were imposed in 2019-20, and charges proposed for 2020-21. The proposed charges represent the 2019-20 imposed charges with no increase, plus newly proposed charges.

Proposed new Fees & Charges in 2020-21 include:

- Statutory Fee for Infringement Enforcement Final Demand \$24.10
- Statutory Fee for Infringement Enforcement Registry Certificate \$20.50
- Statutory Fee for Infringement Enforcement Registry Registration Fee \$77.00
- Note that Dog Registrations after 31 May in any year, for that registration year be ½ of the Registration Fee
- Reinstate previously imposed Application fee to keep more than two dogs, reduced to \$80.00
- Annual Food Notification & Registration fee (local business) discounted to \$100 to cover all local events
- Grave preparation/excavation At Cost + 30% Admin Fee + GST

- Reinstate full fee and Admin fee for accessing water from shire standpipes (previously reduced to cost for dry season 2019/20)
- New Plant & Machinery Tray Top Truck (4 tonne) \$160.70/hour
- New Plant & Machinery Water Cart \$260.00/hour
- Rylington Park Accommodation per night \$33 per person, children under 12 free
- Rylington Park Sheep Camp Facility Hire \$1,100 per camp
- Rylington Park Shearing School Facility Hire (per 5 days) \$19,063

For those fees that are statutory in nature (e.g. – development application fees, building fees, swimming pool inspection fees, FOI fees, etc), Council is without discretion to set fees other than that permitted by the applicable legislation. However, at this point there have been no increases to those Fees & Charges.

COMMENT

All fees are reviewed annually. Often the fee will not cover the cost of providing a service (the subject of the fee), with a portion of the service costs being funded from other (General Purpose) revenues streams e.g. rates.

CONSULTATION

Section managers and key personnel within the organisation were approached for input into the proposed 2020-21 Fees & Charges.

STATUTORY OBLIGATIONS

Regulation 5 (2)(b) of the *Local Government (Financial Management) Regulations 1996* states:

(2) The CEO is to –

(b) assist the Council to undertake reviews of fees and charges regularly (and not less than once in every financial year);

Section 6.16(1) and (2) of the *Local Government Act 1995* states:

(1) A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

(2) A fee or charge may be imposed for the following –

(a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;

(b) supplying a service or carrying out work at the request of a person;

(c) subject to section 5.94, providing information from local government records;

(d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

(e) supplying goods;

(f) such other services as may be prescribed.

Section 6.17(1) of the Local Government Act states:

In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

(a) the cost to the local government of providing the service or goods;

(b) the importance of the service or goods to the community; and

(c) the price at which the service or goods could be provided by an alternative provider.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The draft 2020-21 Annual Budget will include income streams that will have been derived using the attached draft Schedule of Fees & Charges.

STRATEGIC IMPLICATIONS

Every effort has been made to identify those appropriate areas where the user pays cost recovery principle might reasonably be applied.

SUSTAINABILITY IMPLICATIONS

The fees are determined having regard to the cost of providing the service, the scope of the service and the anticipated preparedness of a person to pay the fee.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – 9.2.9

That Council endorses for the adoption at the time of adopting the 2020-21 Annual Budget, the 2020-21 Schedule of Fees and Charges as per the attachment.

COUNCIL DECISION – 9.2.9

MOVED: Cr O’Connell

SECONDED: Cr Alexander

That Council endorses for adoption at the time of adopting the 2020-21 Annual Budget, the 2020-21 Schedule of Fees & Charges as per the Attachment with the following amendments:

Boyup Brook Medical Services – Administration fee missed appointments after \$85 add the words “after the third missed appointment”.

Boyup Brook Medical Services - include “Room Hire – Nil charge – Allied Health Services only”.

Caravan Park – remove the wording “50% deposit” required for all bookings within 14 days of registration and replace with the wording “Full payment” required for all bookings within 14 days of registration.

Caravan Park - delete the wording “Country Music Festival – In addition to the charged listed below a \$5.00 per person per night administration fee applies to all visitors”

CARRIED 7/0

Res 157/20

Reasons: A few minor amendments were made to the fees and charges.

Impartiality Interest

Cr Moir and Cr Walker declared an impartiality interest in the following item due to being on the Wilga Progress Association committee.

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 Old Wilga Mill Site

| | |
|--|--|
| Location: | <i>Lots 302 – 305 on Deposited Plan 47950</i> |
| Applicant: | <i>Nil</i> |
| File: | <i>CR/31/011</i> |
| Disclosure of Officer Interest: | <i>Nil</i> |
| Date: | <i>25th August 2020</i> |
| Author: | <i>Aaron Bowman Acting Chief Executive Officer</i> |
| Authorizing Officer: | <i>Aaron Bowman – Acting Chief Executive Officer</i> |
| Attachments: | <i>Section 91 Licence</i> |

SUMMARY

The purpose of this report is for Council to determine what course of action to take regarding Lots 302 – 305 (Old Wilga Mill Site)

BACKGROUND

Shire records indicate that the land parcels in question have been the subject of much debate, complaints and correspondence over the last 15 years. Two major themes were reoccurring during this time that being: safety and amenity.

In 2014 Council resolved

“that Council exerts all pressure it is able to on all relevant parties including the local member of Parliament, in order to have the old timber mill site in Wilga cleaned up and made safe. That in addition, Council seeks to have the land transferred to Council’s management”

The Previous leasee was required to clean up the site by 30th April 2015

The Shire cleaned up the site (February 2017) and charged Dept of Lands \$20,000 to undertake this.

In 2015 Council resolved

- 1) ***Accept the motion of a licence to use lots 302 to 305, on Deposited Plan 47950, inclusive as an interim measure leading to a more secure management / ownership arrangement***
- 2) ***That it authorise the Chief Executive Officer to work with State Land services on the development of a draft licence***
- 3) ***Seek to have the following included in the licence***
 - a. ***Retention of 3 phase power***
- 4) ***Require that the final draft of the license be brought back to Council for final consideration***
- 5) ***Seek to have State Land services remove the water tank and tank stand on lot 305 removed as part of the clean-up.***

In 2019 Council resolved

- 1) ***Confirms with State Land services that the (proposed) S91 Licence for lots 302-305 on Deposited Plan 3=47950, under the Land Administration Act 1997, is still required***
- 2) ***Designates both the Shire of Boyup Brook and the Wilga Progress association, subject to the Association agreeance in writing, as those who will hold the proposed S91 license for lots 302-305 on Deposited Plan 47950***
- 3) ***Authorise the Acting CEO to work with the State Land services on the development of the draft licence***

A license was provided to the Shire in May 2020,(attachment 1) records indicate no further action has however been taken. It should be noted that a licence was also provided in 2015, updated in 2018 and for unknown reason was also not actioned. The incorporation status of the Wilga progress association was however referenced in correspondence received from the Department of Planning and may have been a possible issue that needed addressing. It should be noted that the licence provided is only between the Minister for Lands and the Shire of Boyup Brook and excludes the Wilga progress association which is contrary to Councils previous resolution.

COMMENT

Lots 302 – 305 are unallocated crown land. There appears to be a desire by the Shire / community to have a more longer-term access to this land. In correspondence from the Department of Planning they state that “it is my understanding that it is the long-term intention for this land to be reserved with a management order”.

In previous reports the administration have stated “Lot 302, 303 and 304 is suited to commercial use (retail, offices etc) 305 although close to residential development might lend itself to industrial that are low noise, smell and the like” IN other advice provided by the administration to Council the reference of getting freehold title was also suggested.

The Shire was advised by Dept of Lands “the granting of permanent tenure will be considered following completion of the planning for the town. Permanent tenure (reserves) will be subject to implications under the native title act”

Council needs to determine whether there is a likely potential future use / benefit of having control of these parcels of land. If there is then entering into a licence for 5 years, would allow time for the Shire to undertake planning of the Wilga town and surrounding area, and commence gaining permanent control, whether by reserve vesting or potential freehold ownership. This would also allow the Shire to ensure the area is kept maintained and safe which would be a positive outcome for those that live in close proximity. In addition, a licence with the Shire would prevent the Minister for lands granting a lease or licence to a 3rd party whose usage of the area conflicted with the expectations of shire ratepayers and residents.

If there is no likely potential future use / benefit, then Council must consider why it would take on the responsibility of these four parcels of land, which although only a small cost, is a cost albeit, which currently is the responsibility of state government.

It is recommended that Council consult with the WILGA progress association prior to making a decision.

CONSULTATION

LGIS

Department of Planning

STATUTORY OBLIGATIONS

Part 6 of the Land Administration Act 1997 allows for the minister to grant a lease over any crown land for any purpose – includes light industrial A lease allows for exclusive rights. The minister for Lands can grant a license under section 48 or 91 of the LAA A license does not provide exclusive rights. Members of the public cannot be excluded from the land

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

There is a cost of \$1.10 for the Licence.

The Shire is required as a condition of the license to have public liability of \$20 million. The Shires insurers LGIS have advised “Automatically covered under the Public Liability protection and no additional cost”.

There will be some maintenance costs of the land to ensure that it is appropriately maintained.

STRATEGIC IMPLICATIONS - Nil

SUSTAINABILITY IMPLICATIONS - Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 9.3.1

- 1) That the Chief Executive Officer consult with the Wilga progress association in reference to the Shire having control of lots 302 – 305 by way of a licence.
- 2) That Council authorise the Shire President and Acting CEO to sign the Licence to Occupy Lots 302 – 305 (attachment 1) subject to a favourable outcome from the consultation with the Wilga progress association.

COUNCIL DECISION – Item 9.3.1

MOVED: Cr Oversby

SECONDED: Cr Price

- 1) That the Chief Executive Officer consult with the Wilga progress association in reference to the Shire having control of lots 302 – 305 by way of a licence.
- 2) That Council authorise the Shire President and Acting CEO to sign the Licence to Occupy Lots 302 – 305 (attachment 1) subject to a favourable outcome from the consultation with the Wilga progress association.

CARRIED 7/0

Res 158/20

9.3.2 Elected Member Continuing Professional Development Policy

| | |
|--|--|
| Location: | <i>N/A</i> |
| Applicant: | <i>Nil</i> |
| File: | <i>Policy</i> |
| Disclosure of Officer Interest: | <i>Nil</i> |
| Date: | <i>26th August 2020</i> |
| Author: | <i>Aaron Bowman - Acting Chief Executive Officer</i> |
| Authorizing Officer: | <i>Aaron Bowman – Acting Chief Executive Officer</i> |
| Attachments: | <i>Draft Elected Member Continuing Professional Development policy</i> |

SUMMARY

This report recommends that Council adopts an Elected Member Continuing Professional Development Policy to satisfy the requirements of section 5.128(1) of the Local Government Act 1995.

BACKGROUND

The Local Government Legislation Amendment Act 1995 received the Governors assent on 5 July 2019. Section 5.128 of the Act requires Council to adopt a policy in relation to the continuing professional development of Elected Members with a requirement for the Policy to be published on the local governments website.

The Department of Local Government, Sport and Cultural Industries (DLGSC) have previously advised that all Council Members will need to complete the Council Members Essentials training course, within 12 months of being elected. The course has been developed to provide Council members with the skills and knowledge to perform their roles as leaders of the community.

All Council members are required to complete the Council Member Essentials course unless, in the previous five years, they have passed the Diploma of Local Government 52756WA (Elected Member) or the course titled LGASS0002 Elected member skill set.

The Council Member Essential course comprises the following five units:

- Understanding Local Government
- Serving on Council
- Meeting Procedures
- Conflicts of Interest
- Understanding financial reports and budgets

COMMENT

The Shire does not currently have a policy for Elected Member Continuing Professional Development and is therefore in breach of section 5.128 of the Act.

Council currently has a Seminar, Conference and Training policy - M01, which could be amended to include Elected Members Continuing Professional Development, however it is recommended that this course of action is not taken at this point in time.

It is recommended in the policy that eLearning be the Councils preference given that this represents a cost saving to the Shire. However, the policy also acknowledges that there may be Elected Members who prefer to receive training face-to-face and/or opportunities to attend training which is being delivered in the region. Individual training requirements can be discussed with the Shire President or the Chief Executive Officer

It should be noted that any elected member elected (includes re-elected) at the October 2019 election, whom is not exempt is required to have completed the above 5 units before the 19th October 2020. Although the regulations do not prescribe any \$ fine at this stage, advice from the Department of Local Government Sport and Cultural Industries have advised that failure to comply by any required elected member will be captured in the Local Government's statutory compliance audit return.

CONSULTATION

Department of Local Government, Sport and Cultural Industries

WALGA

STATUTORY OBLIGATIONS

5.126. Training for council members

- (1) Each council member must complete training in accordance with regulations.
- (2) Regulations may —
 - (a) prescribe a course of training; and
 - (b) prescribe the period within which training must be completed; and
 - (c) prescribe circumstances in which a council member is exempt from the requirement in subsection (1); and
 - (d) provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5 000 for the offence.

5.127. Report on training

- (1) A local government must prepare a report for each financial year on the training completed by council members in the financial year.
- (2) The CEO must publish the report on the local government's official website within 1 month after the end of the financial year to which the report relates.

[Section 5.127 inserted: No. 16 of 2019 s. 61.]

5.128. Policy for continuing professional development

- (1) A local government must prepare and adopt* a policy in relation to the continuing professional development of council members.
** Absolute majority required.*
- (2) A local government may amend* the policy.
** Absolute majority required.*
- (3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- (4) The CEO must publish an up-to-date version of the policy on the local government's official website.
- (5) A local government —
 - (a) must review the policy after each ordinary election; and
 - (b) may review the policy at any other time.

Local Government (Administration) Regulations 1996

35. Training for council members (Act s. 5.126(1))

- (1) A council member completes training for the purposes of section 5.126(1) if the council member passes the course of training specified in subregulation (2) within the period specified in subregulation (3).
- (2) The course of training is the course titled *Council Member Essentials* that —
 - (a) consists of the following modules —
 - (i) Understanding Local Government;
 - (ii) Serving on Council;
 - (iii) Meeting Procedures;
 - (iv) Conflicts of Interest;
 - (v) Understanding Financial Reports and Budgets;and
 - (b) is provided by any of the following bodies —
 - (i) North Metropolitan TAFE;
 - (ii) South Metropolitan TAFE;
 - (iii) WALGA.
- (3) The period within which the course of training must be passed is the period of 12 months beginning on the day on which the council member is elected.

[Regulation 35 inserted: Gazette 9 Aug 2019 p. 3022-3.]

POLICY IMPLICATIONS

The draft policy with respect to Elected Member continuing professional development is attached .

Elected members attendance at Seminars, Conferences and other training is dealt with separately in accordance with policy M01 Seminar, Conference and Training

BUDGET/FINANCIAL IMPLICATIONS

Elected Members Conference - \$15,850

Elected Members Training - \$15,850

STRATEGIC IMPLICATIONS

Not Applicable

SUSTAINABILITY IMPLICATIONS - Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – Item 9.3.2

That Council

- 1) Adopt the draft Elected Member Continuing Professional Development Policy.
- 2) Utilise the Western Australian Local Government Associate (WALGA) for delivery of Council Member Essentials training via online delivery where practical.

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.3.2

MOVED: Cr Price

SECONDED: Cr Moir

That Council

- 3) Adopt the draft Elected Member Continuing Professional Development Policy.**
- 4) Utilise the Western Australian Local Government Associate (WALGA) for delivery of Council Member Essentials training via online delivery where practical.**

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 159/20

9.3.3 Subdivision Application (WAPC Ref 159772) – Lots 3966 and 3967 Kulikup Road, Scotts Brook

| | |
|--|--|
| Location: | <i>Lots 3966 and 3967 Kulikup Road, Scotts Brook</i> |
| Applicant: | <i>Thompson Surveying Consultants</i> |
| File: | <i>S159772</i> |
| Disclosure of Officer Interest: | <i>None</i> |
| Date: | <i>24 September 2020</i> |
| Author: | <i>Town Planner – Adrian Nicoll</i> |
| Authorizing Officer: | <i>Aaron Bowman – Acting Chief Executive Officer</i> |
| Attachments: | <i>Nil</i> |

SUMMARY

Council is requested to agree to advise the Western Australian Planning Commission (WAPC) to support the proposed 'Rural' Lots 3966 and 3967 Kulikup Road, Scotts Brook, subdivision (2 lot into 2 lots) with no conditions.

BACKGROUND

The WAPC received an application to modify lot boundaries and lot sizes for existing Lots 3966 and 3967 Kulikup Road.

The justification provided by the applicant includes:

- Subdivision into two lots will allow better farm management and future expansion in land use and therefore increased agriculture potential.

The WAPC forwarded the application to the Shire of Boyup Brook requesting information, comment or recommended conditions.

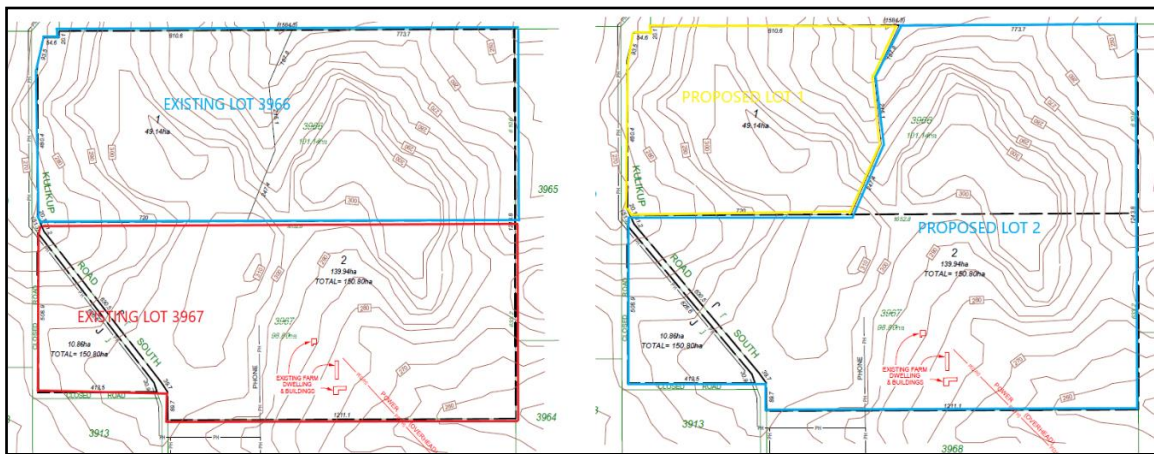
COMMENT

The subject Lots are located approximately 24km south east of the Boyup Brook Townsite. The subject Lots are used for extensive farming practices (livestock grazing and cropping).

A dwelling and outbuilding is located on the Lot 3967.

Surrounding land uses include livestock grazing, broad acre cropping and tree plantations.

Figure. Existing Situation and Proposed New Subdivision Layout



Lot 3966 is 101.14ha in area and Lot 3967 is 98.8ha in area.

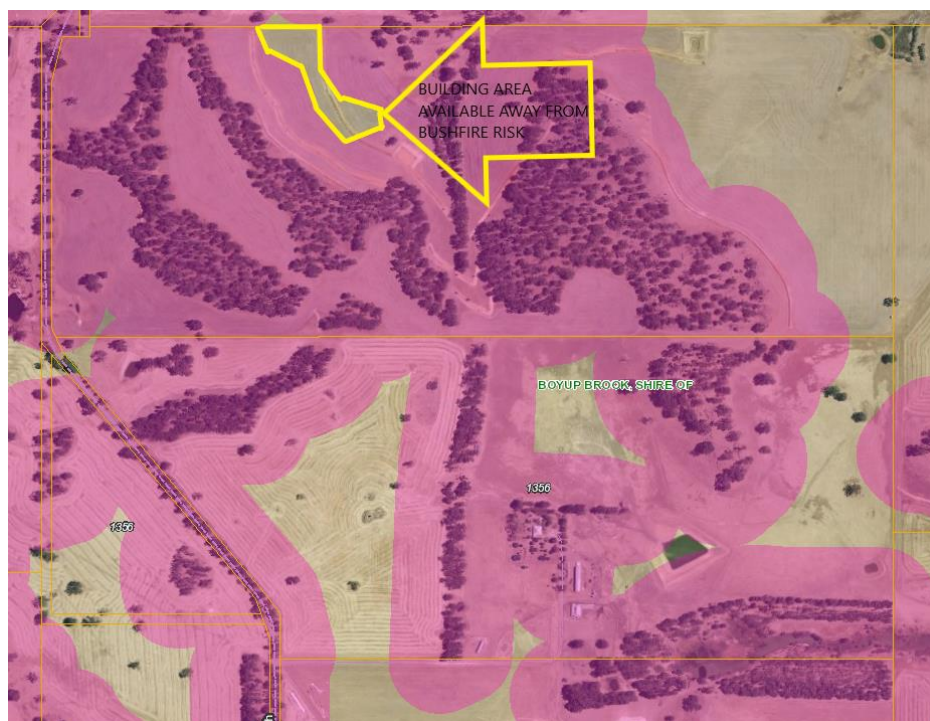
The application proposes to reduce the size of the Lot 3966 and to increase the size of the Lot 3967.

Proposed Lot sizes are:

- Lot 1 = 49.14ha; and
- Lot 2 = 150.8ha.

Subdivision is proposed to allow better farm management by increasing the size of the Lot 3967, which is majority cleared and thereby increasing agriculture potential.

As shown on mapping of the state's bushfire prone areas (pink areas), low risk areas exist to accommodate development. As indicated by the Western Australian Planning Commission *Guidelines for Planning in Bushfire Prone Areas*, if all of the proposed lots have low risk areas indicated, a Bushfire Management Plan is not required.



It is recommended that the Shire Council agree to advise the Western Australian Planning Commission to support the proposed subdivision as it complies with the Commissions Development Control Policy 3.4. The Development Control Policy 3.4 supports the subdivision of 'Rural' zone land, which proposes to realign boundaries and which does not propose additional lots.

CONSULTATION

N/A

STATUTORY OBLIGATIONS

Shire of Boyup Brook Local Planning Scheme No.2

Pursuant to clause 5.2.1 of the Shire of Boyup Brook *Local Planning Scheme No. 2* the following is outlined in respect to subdivision:

In considering applications for subdivision, rezoning and planning consent in the Rural zone, Council shall have regard to:

- a) the need to protect the agricultural practices of the Rural zone in light of its importance to the District's economy;*
- b) the need to protect the area from uses which will reduce the amount of land available for agriculture;*
- c) the need to preserve the rural character and rural appearance of the area;*
- d) where rural land is being subdivided for closer development, the proposal should be supported with evidence outlining the land's suitability and capability for further development.*

The proposed subdivision does not inherently change or impact on existing land uses or the rural character of the area.

Guidelines for Planning in Bushfire Prone Areas

The Commissions *Guidelines for Planning in Bushfire Prone Areas* states:

All subdivision applications in bushfire prone areas are to be lodged with a Western Australian Planning Commission Application Form 1A that ticks the box 'bushfire prone area' and is to be accompanied by a BAL Contour Map that indicates the likely Bal's for the proposed lots.

'Likely BALs' (likely bushfire attack levels) have not been provided and are not necessary considering there are low risk building potential areas within each of the proposed lots.

POLICY IMPLICATIONS

The Development Control Policy 3.4 - Rural Subdivision outlines the requirements for rural subdivision within Western Australia. Specifically, section 6 of DCP3.4 outlines the following for which rural subdivision may be considered:

In considering applications under section 6, the WAPC will consider rural subdivision in the following exceptional circumstances:

- a) To realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect the rural land uses;*
- b) To protect and actively conserve place of cultural and natural heritage;*
- c) To allow for the efficient provision of utilities and infrastructure and/or for access to natural resources;*
- d) In the Homestead lot policy (Appendix 2)1 allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation: and*
- e) For other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with this and other relevant policies and are necessary to the public interest.*

Subdivision of the rural land, in the form proposed, is in accordance with the Western Australian Planning Commissions *Development Control Policy 3.4 Subdivision of Rural Land*, which supports the realignment of boundaries.

BUDGET/FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – ITEM 9.3.3

That Council

Agree to advise the Western Australian Planning Commission to support the proposal to subdivide Lots 3966 and 3967 Kulikup Road, for the following reason and with no conditions.

Reason for support

- 1) The subdivision is in accordance with the State's *Development Control Policy 3.4 Subdivision of Rural Land*, which limits subdivision potential to the following criteria:
 - a) To realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect the rural land uses.*

The boundary realignment is not expected to impact on existing land uses or the rural character of the area.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.3

MOVED: Cr Alexander

SECONDED: Cr Kaltenrieder

That Council

Agree to advise the Western Australian Planning Commission to support the proposal to subdivide Lots 3966 and 3967 Kulikup Road, for the following reason and with no conditions.

Reason for support

- 2) The subdivision is in accordance with the State's *Development Control Policy 3.4 Subdivision of Rural Land*, which limits subdivision potential to the following criteria:**

- b) To realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect the rural land uses.***

The boundary realignment is not expected to impact on existing land uses or the rural character of the area.

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 160/20

9.3.4 Draft MOU; minutes of the Bunbury BGTP Steering Committee and TAWG Special Structure Meeting

| | |
|--|--|
| Location: | <i>N/A</i> |
| Applicant: | <i>Thompson Surveying Consultants</i> |
| File: | <i>GR/31/011</i> |
| Disclosure of Officer Interest: | <i>None</i> |
| Date: | <i>15 September 2020</i> |
| Author: | <i>Aaron Bowman – Acting Chief Executive Officer</i> |
| Authorizing Officer: | <i>Acting CEO - Aaron Bowman</i> |
| Attachments: | <i>Draft MOU and previous minutes</i> |

BACKGROUND

In 2016, a Memorandum of Understanding (MOU) was entered into between the Shire of Dardanup, Collie, Harvey, Capel, Donnybrook – Balingup and Boyup Brook as well as the City of Bunbury to deliver outcomes listed within the Regional Tourism Development Strategy.

During the December 2019 round of Council meetings the member local governments passed resolutions to endorse an extension of the Bunbury Geopraphe Tourism Partnership Memorandum of Understanding from 12 December 2019 to 30 June 2020. This would allow for a review of the MOU to be undertaken and for all member Councils to consider and confirm their position post 30 June 2020. There is no evidence that this item was presented to the Shire of Boyup Brook Council meeting, and it appears the then CEO provided a verbal approval of the extension without reference to Council.

The anticipated return of the draft MOU had unfortunately not been able to be met due to other impacts and the increased attention being required to be focused due to COVID-19. On 3 August 2020 a meeting of the Bunbury Geopraphe Tourism Steering Committee was held to allow for consultation on a draft MOU and structure moving forward. As a result of this meeting, Members reviewed and progressed the development of a draft MOU for the period 1 July 2020 to 30 June 2024. A Copy of the MOU is attached at attachment 1.

With the events surrounding COVID-19 and the state border closures, the Regional Tourism Strategy stakeholder group considered now more than ever, the benefit of a further four (4) year MOU. This would establish a further operational and governance model, allow continued regional buy in and the development and implementation of a continued stronger regional brand. For this reason, the group considered the continued employment of the Tourism Marketing and Development Manager, or the delivery of the action plan by a third party, to be beneficial in order to continue the delivery of high priority areas for destination marketing.

It was felt that the renewed commitment to the Bunbury Geopraphe Tourism Strategy will continue to strengthen the regions tourism profile and partnerships. It is considered that the continuation of the MOU will provide a coordinated approach to the development of tourism and marketing of the region that would see a reduced competition between towns and pooling of resources that will increase reach and effectiveness of tourism marketing campaigns.

The previous MOU was successfully implemented, as a result of the verbal notification by the then CEO in December 2019 and a comprehensive review of the MOU and structure has been undertaken. The governance model that has been proposed under the proposed four (4) year MOU will ensure an ongoing commitment to prioritisation, implementation and review of Bunbury – Geopraphe Regional Tourism and Marketing. This was developed in cooperation with the member Councils of the Steering Committee along with members of the TAWG, ASW and the SWDC, to create a unified approach to the management of tourism development, marketing and infrastructure.

COMMENT

A meeting was held 3 August 2020 where members of the Steering Committee and TAWG agreed to approach each member Council for support in entering a new memorandum of understanding for a continue four (4) year period. This will establish a further operational and governance model, continued regional buy-in and develop and implement a continued and stronger regional brand. For this reason, the group considers the continued employment of the Tourism Marketing and Development Manager, or the delivery of the action plan by a third party, to be beneficial in order to continue with the delivery of high priority areas of destination marketing.

It is intended that the steering committee, which is comprised of the CEOs of the member LGA's , will determine how the implementation of the Tourism Action Plan is delivered into the future. That is, the decision to have the implementation delivered by an employee (as it is currently) or by a third party, which is the preferred model at this point in time.

The Councils in the Bunbury Geopraphe Region have the continued opportunity to take a regional approach to Tourism and Marketing and lift the profile of the region on both a State, National and once the COVID -19 restrictions ease, international stage. The purpose of the MOU is to create a unified approach to the management of tourism

development, marketing and infrastructure and continue the relationship with the members and identify and promote key areas of focus including:

- Identifying tourism opportunities, priorities and gaps
- Developing a unified tourism brand for the region
- Marketing, governance and product development
- Identifying infrastructure development priorities.

To achieve this there needs to be a regional approach to tourism and marketing, and this has proven effective when lobbying for funding. Whilst these often crossed local government boundaries, there should not be conflicting positions when there is a true regional outcome. This was particularly evident with, for example, the Bunbury Outer Ring Road which crossed local government boundaries.

Council needs to determine the value in the Bunbury Geopraphe Tourism Partnership.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The new MOU contains provision for an operation / marketing budget each year over the four years. The budget will incorporate capacity to fund the engagement and implementation of the Destination Tourism marketing Campaign.

It is proposed that each Local government will provide the following cash contributions (via the city of Bunbury) annually for the term of the MOU

| LGA | 20/21 | 21/22 | 22/23 | 23/24 |
|-------------|-----------|-----------|-----------|-----------|
| Bunbury | \$165,000 | \$135,000 | \$110,000 | \$100,000 |
| Dardanup | \$20,000 | \$20,000 | \$20,000 | \$20,000 |
| Collie | \$6,000 | \$10,000 | \$15,000 | \$20,000 |
| Donnybrook | \$10,000 | \$10,000 | \$15,000 | \$20,000 |
| Harvey | \$10,000 | \$20,000 | \$25,000 | \$30,000 |
| Boyup Brook | \$2,000 | \$2,000 | \$3,500 | \$5,000 |
| Capel | \$10,000 | \$10,000 | \$15,000 | \$20,000 |

The proposed new MOU proposes that the City of Bunbury's contribution will reduce proportionately each year. This has been agreed to in principle by members as the City has contributed a significantly higher contribution than the other local governments from the inception of the first MOU.

Council may resolve to maintain the current \$2,000 allocation, alternatively review the allocation on an annual basis, acknowledging the MOU is a guide and ongoing funding is subject to review.

The allocation of \$2,000 is included in the draft budget.

STRATEGIC IMPLICATIONS

Our economy will thrive through diversified business and employment opportunities, taking advantage of our local comparative advantages.

We will endeavour to attract industrial and commercial opportunities for our growing community.

We will actively support our local businesses.

Our objectives and priorities are built from our outcomes.

| OUTCOMES | OBJECTIVES | PRIORITIES |
|----------------------------------|--------------------------------------|--|
| Economic Growth | Support new and existing businesses. | <ul style="list-style-type: none">✦ Encourage new businesses through information, incentives and land-use provision.✦ Support existing businesses through advocating for a sewerage scheme, tailored parking controls and other initiatives |
| Increased Visitors and Residents | Develop tourism industry | <ul style="list-style-type: none">✦ Support initiatives for events, fairs, arts, and the like designed to attract visitors to the Shire .✦ Collaborate with others on developing short stay accommodation initiatives. |
| | Attract permanent residents | <ul style="list-style-type: none">✦ Continue to promote the family friendly lifestyle of Boyup Brook.✦ Provide incentives for cottage industries to develop in Special Rural/Commercial Zones. |

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.4

That Council reaffirms the Shire of Boyup Brook commitment to Regional tourism by:

1. Authorising the CEO to execute the Bunbury Geographe Tourism Partnership (BGTP) Memorandum of Understanding for the period 1 July to 30 June 2024.
2. Requesting the CEO include appropriate funding in Council's budget for the four (4) year term of the MOU; and
3. Acknowledging that ongoing participation may be reviewed each year.
4. Ensure all minutes of the BGTP Steering committee and TAWG meetings are provided to the Tourism Association.
5. Investigate alternative members on this committee representing Boyup Brook.

COUNCIL DECISION – ITEM 9.3.4

MOVED: Cr Oversby

SECONDED: Cr Kaltenrieder

That Council reaffirms the Shire of Boyup Brook commitment to Regional tourism by:

- 1. Authorising the CEO to execute the Bunbury Geographe Tourism Partnership (BGTP) Memorandum of Understanding for the period 1 July to 30 June 2024.**
- 2. Requesting the CEO include appropriate funding in Council's budget for the four (4) year term of the MOU; and**
- 3. Acknowledging that ongoing participation may be reviewed each year.**
- 4. Ensure all minutes of the BGTP Steering committee and TAWG meetings are provided to the Tourism Association.**
- 5. Investigate alternative members on this committee representing Boyup Brook.**

CARRIED 6/1

Res 161/20

Reason: To ensure the Boyup Brook Tourism Association is kept informed.

Cr Alexander requested her vote be recorded against the motion.

David Goerling and Carina Wilson left the Chambers at 6.03pm.

9.3.5 Concession on Split Local Government Boundaries

| | |
|--|---|
| Location: | N/A |
| Applicant: | N/A |
| File: | GO/11/001 |
| Disclosure of Officer Interest: | None |
| Date: | 15 September 2020 |
| Author: | Aaron Bowman – Acting Chief Executive Officer |
| Authorizing Officer: | Aaron Bowman – Acting Chief Executive Officer |
| Attachments: | Nil |

SUMMARY

The purpose of this report is for Council to consider a concession on rates and charges for properties dissected by the boundary of the Shire of Boyup Brook and the Shire of Donnybrook-Balingup.

BACKGROUND

Council has previously considered the issue of properties that are split by the boundary of the Shire of Boyup Brook and the Shire of Donnybrook-Balingup.

At the ordinary meeting of Council December 2012 Council resolved

“that Council request the CEO to contact the Donnybrook CEO to negotiate a resolution for boundary adjustments for Crown grants 11859, 12087 and 4522. That the CEO also write to effected land holders to seek their agreement or otherwise and views on possible boundary adjustments to be brought back to the March Council meeting 2013.

The Shire of Donnybrook-Balingup then advised the Shire of Boyup Brook that it had resolved:

That the CEO write to the Shire of Boyup Brook advising that it would not be in favour of a Shire boundary adjustment but would be prepared to offer a 50% rating concessions and a 50% concession on any waste management charges current levied on the affected properties, specifically crown grants 11859 (A15129), 12087 (A4389), and 4522 (A13860). The provision of these concessions is subject to the Shire of Boyup Brook providing a 50% concession to the affected landowners for land situated with the Boyup Brook Shire.

At the ordinary meeting of Council May 2013 Council resolved

1. *That the CEO write to the Shire of Donnybrook-Balingup advising that it is in favour of offering a 50% rating concession to the owners of Crown Grants 11859(A15129), 12087 (A3270) and 4522 (A12300).*

2. *That this letter include advice that this Shire does not impose a waste management charge at this time but that if it were to do in the future it would extend the 50% concession to this charge as well*
3. *That the provision of these concessions be subject to the Shire of Donnybrook-Balingup providing a 50% concession to the affected landowners*
4. *That the concessions be included in the draft budget calculations and in the recommended Council resolution to adopt the budget and raise rate.*

A 50% concession on Rates was applied to the affected properties for the 2013/14 – 2017/18 financial year until the Shire of Donnybrook Balingup at its April 2018 meeting reviewed and adopted a new rating strategy and the concession was discontinued effective 1 July 2018. Due to the Shire of Donnybrook-Balingup not continuing with the concession the Shire of Boyup Brook also ceased providing a concession in accordance to resolution 3 above.

In April 2019 one of the affected landowners wrote to the Shire with concerns that he is now again paying full rates in both Shires, and requested a permanent change, that being a boundary adjustment.

The Shire of Donnybrook-Balingup at its August meeting resolved to grant concessions to the affected owners based on the percentage of land that was not within their Shires, which was 41%, 53% and 79%. These concessions were effective from 1 July 2020, i.e. the 20/21 rating year.

COMMENT

The Valuer General has recognised the problem of the shire boundary dissecting a land parcel by appointing the total property valuation pro rata, based on the portion of land in each respective Shire.

This results in each Shire only raising rate and charges on the valuation of that portion of the land in each respective shires. Essentially the property is treated as two separate smaller lots of land for rating purposes rather than the one single lot that it is.

A13860, Lot 4522, 3853 Donnybrook-Boyup Brook Road, Noggerup

According to Landgate the land area of the assessments is divided per the following:

| | Shire of Boyup Brook | Shire of Donnybrook-Balingup | Total |
|-------------------|----------------------|------------------------------|-----------|
| Land Area (ha) | 5.6ha | 8.1ha | 13.7ha |
| Land Area (%) | 41% | 59% | 100% |
| Valuation 2019/20 | \$46,500 | \$62,500 | \$109,000 |



The Shire boundary runs along a North/South alignment through lot 4522.

A15129, Lot 11859 Walker Road, Wilga West

According to Landgate the land area of the assessments is divided per the following:

| | Shire of Boyup Brook | Shire of Donnybrook-Balingup | Total |
|-------------------|----------------------|------------------------------|-----------|
| Land Area (ha) | 34.4ha | 30.8ha | 65.2ha |
| Land Area (%) | 53% | 47% | 100% |
| Valuation 2019/20 | \$76,000 | \$58,500 | \$134,500 |

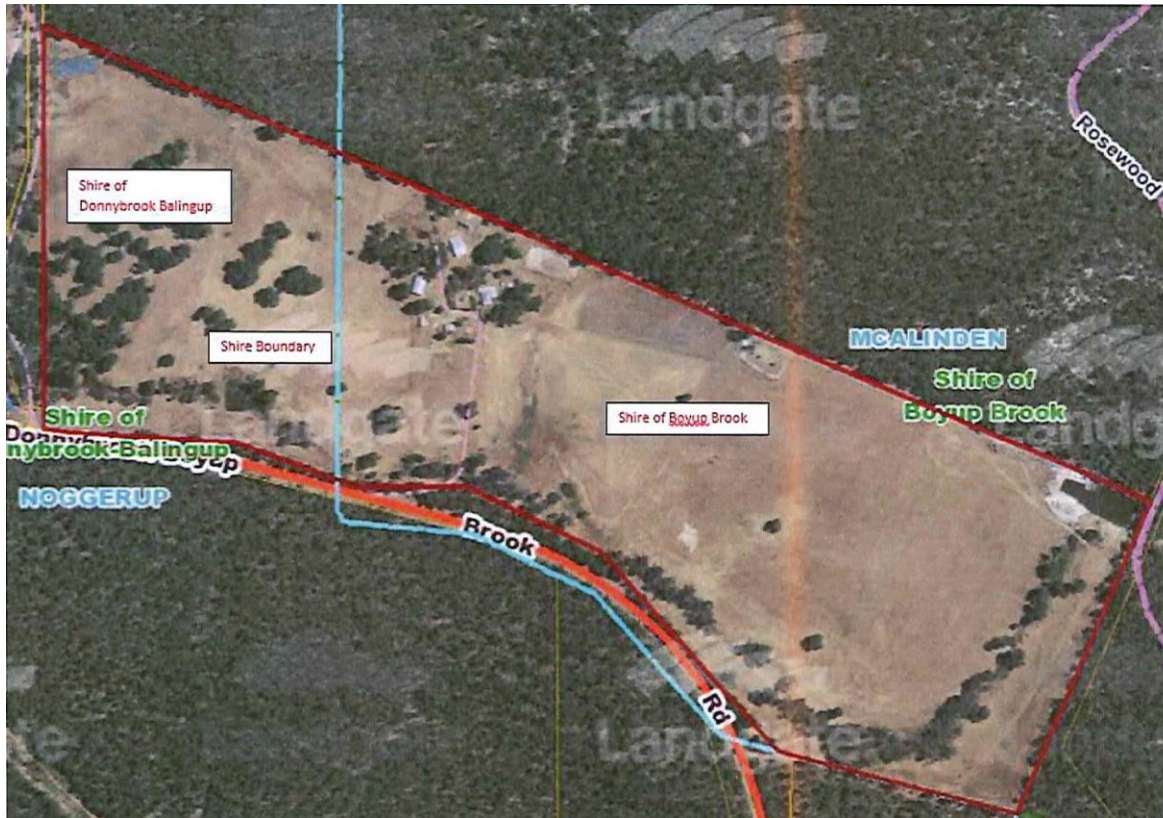


The Shire boundary runs along a North / South alignment through lot 11859

A13860, Lot 3804, 3905 Donnybrook – Boyup Brook Road, Noggerup

According to Landgate the land area of the assessments is divided per the following:

| | Shire of Boyup Brook | Shire of Donnybrook-Balingup | Total |
|-------------------|----------------------|------------------------------|-----------|
| Land Area (ha) | 44.8ha | 12.1ha | 56.9ha |
| Land Area (%) | 79% | 21% | 100% |
| Valuation 2019/20 | \$146,000 | \$45,000 | \$191,000 |



The Shire boundary runs along a North/south alignment through lot 3804.

STATUTORY OBLIGATIONS

Council rates the properties in accordance with s 6.28(4) of the Local Government act 1995, where it is required to apply the valuations supplied by the Valuer General.

6.28. Basis of rates

- (1) The Minister is to —
 - (a) determine the method of valuation of land to be used by a local government as the basis for a rate; and
 - (b) publish a notice of the determination in the *Government Gazette*.
- (2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —

- (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and
 - (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.
- (3) The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.
- (4) Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the *Valuation of Land Act 1978* as at 1 July in each financial year.
- (5) Where during a financial year —
- (a) an interim valuation is made under the *Valuation of Land Act 1978*; or
 - (b) a valuation comes into force under the *Valuation of Land Act 1978* as a result of the amendment of a valuation under that Act; or
 - (c) a new valuation is made under the *Valuation of Land Act 1978* in the course of completing a general valuation that has previously come into force, the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.

Also provided in the act is the ability for Council to grant discounts or concession to rates and charges.

6.47. Concessions

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

* Absolute majority required.

FINANCIAL IMPLICATIONS

The recommendation would result in an estimated reduction in rate revenue of \$1196.

| | Valuation | Rates Levied | Rate Concession % | Rates Concession \$ |
|--------|-----------|--------------|-------------------|---------------------|
| A13860 | 46,500 | 900 | 59% | 531 |
| A15129 | 76,000 | 900 | 47% | 423 |
| A13860 | 146,000 | 1153.4 | 21% | 242 |
| | | | | 1196 |

STRATEGIC IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – ITEM 9.3.5

That Council

1. Grant a concession of 59% on rates on A13860, Lot 4522, 3853 Donnybrook-Boyup Road, Noggerup due to 59% of the land parcel is located in the Shire of Donnybrook - Balingup.
2. Grant a concession of 47% on rates on A15129, Lot 11859, Walker Road, Wilga West due to 47% of the land parcel located in the Shire of Donnybrook-Balingup.
3. Grant a concession of 21% on rates on A13860, Lot 3804, 3905 Donnybrook-Boyup Road, McAlinden due to 21% of the land parcel located in the Shire of Donnybrook-Balingup.
4. Apply Waste Management Levy Exemptions for properties approved within resolution 1 -3 above.
5. Apply an effective commencement date of 1 July 2020 for all concession approved within resolutions 1 – 4 above.
6. Direct the CEO to provide a report outlining a more permanent solution to properties dissected by shire boundaries by March 2021 Ordinary meeting of Council.

COUNCIL DECISION– ITEM 9.3.5

MOVED: Cr Alexander

SECONDED: Cr O’Connell

That Council

1. **Grant a concession of 59% on rates on A13860, Lot 4522, 3853 Donnybrook-Boyup Road, Noggerup due to 59% of the land parcel is located in the Shire of Donnybrook - Balingup.**
2. **Grant a concession of 47% on rates on A15129, Lot 11859, Walker Road, Wilga West due to 47% of the land parcel located in the Shire of Donnybrook-Balingup.**
3. **Grant a concession of 21% on rates on A13860, Lot 3804, 3905 Donnybrook-Boyup Road, McAlinden due to 21% of the land parcel located in the Shire of Donnybrook-Balingup.**
4. **Apply Waste Management Levy Exemptions for properties approved within resolution 1 -3 above.**
5. **Apply an effective commencement date of 1 July 2020 for all concession approved within resolutions 1 – 4 above.**
6. **Direct the CEO to provide a report outlining a more permanent solution to properties dissected by shire boundaries by March 2021 Ordinary meeting of Council.**

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 162/20

Reason: To include a due date in point 6.

9.3.6 Bush Fire Advisory Committee

| | |
|--|--|
| Location: | N/A |
| Applicant: | N/A |
| File: | RS/37/001 |
| Disclosure of Officer Interest: | None |
| Date: | 15 September 2020 |
| Author: | Aaron Bowman – Acting Chief Executive Officer |
| Authorizing Officer: | Aaron Bowman – Acting Chief Executive Officer |
| Attachments: | Bush Fire Advisory minutes; Shire of Boyup Brook Bush Fire local law; Bush Fire Control – operational issue policy; draft fire notice; memo (circulated to councillors under confidential cover) |

BACKGROUND

A Bush Fire Advisory Committee was held on Thursday 10th September 2020.

The following motions were carried at the meeting:

- 1) *Authorises Roslyn Edwards to be a Fire Control Officer in the Shire of Boyup Brook and to exercise on behalf of the local government the powers conferred on her in her authorised role 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) *Shire of Boyup Brook BFAC recommends to Council to Gazette the legal points of the current Fire Notice.

The notice to be published in the Government Gazette and in a newspaper circulated in the area.*
- 3) *Bush Fire Brigade Local Law be reviewed with full consultation with Fire Advisory and a draft to be presented to BFAC before it is presented to Council.*
- 4) *Bush Fire Control – Operational Issues Policy be reviewed with full consultation with Fire Advisory and a draft to be presented to BFAC before it is presented to Council.*
- 5) *That the Bush Fire Advisory Committee request council direct the Chief Executive Officer to undertake an urgent review of the Community Emergency and Regulation's position and the structure of that position due to concerns raised.*

COMMENT

Resolution 1 was the result of an item that was presented to council at its August ordinary meeting, without first being presented to the Bush Fire Advisory Committee. The recommendation was for both the Ranger and Community Emergency and Regulation Manager positions to both be authorised as a Fire Control Officer. Previously only the Ranger position was authorised, however due to the Shire currently only having a casual Ranger two days per week it was suggested the addition of the Community Emergency and Regulations Manager be also authorised. The Bush Fire Advisory Committee strongly views that it remains as per previous years.

There are no operational impacts on only having the Ranger authorised and should be supported by Council.

Resolution 2 – was because the last time the legal points of the current fire notice were gazetted was in 2010. The fire notice has undertaken a few changes since 2010, and the legal points should be gazetted to avoid any potential issues with anyone that does not receive a fire notice via their rates.

This item was a late item that was placed on the agenda without any advance notification to the members. Although the meeting did resolve to recommend to Council to gazette the legal points of the current fire notice, it is recommended that this not be undertaken at this point in time and is re-presented to the Bush Fire Advisory Committee with sufficient time to properly review before their next meeting.

Resolution 3 is fully supported and supports the review of the Shire of Boyup Brook Local law item also included in this Council meeting agenda. In that report it advises Council that the local law is due for a review. Any review of the local law must first be workshopped with the Bush Fire Advisory Committee for feedback and comments before it is presented to Council for consideration. There are some changes that will be required to this local law due to terminology changes in other legislation and as a result of the current direction coming from the joint standing committee on delegated legislation.

Resolution 4 is fully supported and supports the requirement for all Council policies to undertake a full and proper review. The current policy is lacking details and is insufficient in areas. Any review of the policy must first be workshopped with the Bush Fire Advisory Committee for feedback and comments before it is presented to Council for consideration.

Resolution 5 is supported as it is part of a greater review that is currently underway.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Section 38 Bush Fires Act 1954

BUDGET/FINANCIAL IMPLICATIONS

There will be cost associated with the review of the local law. Estimated cost of assistance with drafting, advertising costs and gazettal costs will be approximately \$5,000.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.3.6

That Council:

- 1) receives the minutes of the Bush Fire Advisory committee held on Thursday 10th September 2020.
- 2) Authorises Roslyn Edwards to be a Fire Control Officer in the Shire of Boyup Brook and to exercise on behalf of the local government the powers conferred on her in her authorised role 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
- 3) does not gazette the legal points of the current fire notice and request the item to be represented to the bush fire advisory committee to allow for a thorough review.
- 4) requests that the Bush Fire Advisory Committee be fully consulted during the review of the Bush Fire Brigade local law and any draft changes are provided to the committee for feedback prior to being presented to council.
- 5) requests that a review of the Bushfire Control – Operational Issue Policy A.04 be undertaken and the Bush Fire Advisory Committee be fully consulted during the review and any draft changes are provide to the committee for feedback prior to being presented to Council.
- 6) note that a review of the shire staffing structure is currently underway, which includes the position of Community Emergency & Regulations Manager.

COUNCIL DECISION – ITEM 9.3.6

MOVED: Cr Alexander

SECONDED: Cr Kaltenrieder

That Council:

- 1) receives the minutes of the Bush Fire Advisory committee held on Thursday 10th September 2020.**
- 2) Authorises Roslyn Edwards to be a Fire Control Officer in the Shire of Boyup Brook and to exercise on behalf of the local government the powers conferred on her in her authorised role 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**
- 3) does not gazette the legal points of the current fire notice and request the item to be represented to the bush fire advisory committee to allow for a thorough review.**
- 4) requests that the Bush Fire Advisory Committee be fully consulted during the review of the Bush Fire Brigade local law and any draft changes are provided to the committee for feedback prior to being presented to council.**
- 5) requests that a review of the Bushfire Control – Operational Issue Policy A.04 be undertaken and the Bush Fire Advisory Committee be fully consulted during the review and any draft changes are provide to the committee for feedback prior to being presented to Council.**
- 6) note that a review of the shire staffing structure is currently underway, which includes the position of Community Emergency & Regulations Manager.**

CARRIED 7/0

Res 163/20

10 COMMITTEE MINUTES

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|---|
| 10.1 Rylington Park Transitional Committee |
|---|

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 10.1

MOVED: Cr O'Connell

SECONDED: Cr Price

That the unconfirmed minutes of the Rylington Park Transitional Committee Meeting held on Thursday 13 August 2020 be received by Council.

CARRIED 7/0

Res 164/20

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

13 CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS

Nil

14 CLOSURE OF MEETING

There being no further business the Shire President, Cr Walker thanked all for attending and declared the meeting closed at 6.10pm.