



AGENDA

BEING HELD ON

Thursday 16 December 2021

Commencing at 6.00pm

Shire of Boyup Brook Council Chambers, Boyup Brook

Dale Putland
Chief Executive Officer

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

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

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

LEAVE OF ABSENCE:

APOLOGIES:

MEMBERS OF PUBLIC:

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

The Country Music Club of Boyup Brook will be giving a 10 minute power point presentation.

6. DISCLOSURE OF INTEREST

7. CONFIRMATION OF MINUTES

7.1 Ordinary Council Minutes – 25 November 2021

OFFICER RECOMMENDATION – ITEM 7.1

That the minutes of the Ordinary Council Meeting held on Thursday 25 November 2021 be confirmed as an accurate record.

8. PRESIDENTIAL COMMUNICATIONS

9. COUNCILLOR QUESTIONS ON NOTICE

10.1 Manager Works and Services

Nil

10.2 FINANCE

10.2.1 List of Accounts paid in November 2021

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>06/12/2021</i>
Author:	<i>Ben Robinson – Finance Manager</i>
Authorising Officer:	<i>Dale Putland – CEO</i>
Attachments:	<i>Yes – List of Accounts Paid in November</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in November 2021 are presented to Council.

BACKGROUND

This report presents accounts/invoices received for the supply of goods and services, salaries, and wages, and the like which were paid during the period 01 to 30 November 2021.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 30 November 2021.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, Regulations 12 and 13 apply and are as follows:

12. *Payments from municipal fund or trust fund*

- (1) *A payment November only be made from the municipal fund or the trust fund —*
 - (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*

- (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*
 - (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*
13. *Lists of accounts*
- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee’s name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
 - (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
 - (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee’s name;*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction;*
 - and*
 - (b) *the date of the meeting of the council to which the list is to be presented.*
 - (3) *A list prepared under sub regulation (1) or (2) is to be —*
 - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

POLICY IMPLICATIONS

Council’s Authority to Make Payments Policy has application.

BUDGET/FINANCIAL IMPLICATIONS

Account payments accorded with a detailed 2021-22 Annual Budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 10.2.1

That at its December 2021 ordinary meeting Council receive as presented the list of accounts paid in November 2021, totalling \$655,914.16 from Municipal account,

\$40,713.40 from Police Licensing account and \$11.62 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20541 - 20543	\$ 240.00
Municipal Electronic Payments	EFT11542 – EFT11686	\$ 438,745.44
Municipal Direct Payments		\$ 216,928.72
Police Licensing Payments		\$ 40,713.40
BBELC Payments		\$ 11.62

10.2.2 30 November 2021 Statement of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8 December 2021</i>
Authors:	<i>D Long – Finance Consultant</i>
Authorizing Officer:	<i>Dale Putland – Chief Executive Officer</i>
Attachments:	<i>Yes</i>

SUMMARY

The Monthly Financial Report for 30 November 2021 is presented for Council’s consideration.

BACKGROUND

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

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

COMMENT

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

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

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

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

The Statement of Financial Activity as at 30 November shows a closing surplus of \$4,447,437.

CONSULTATION – Nil

STATUTORY OBLIGATIONS

Local Government Act 1995

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

Local Government (Financial Management) Regulations 1996:

Regulation 34 states:

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

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

POLICY IMPLICATIONS – Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS – Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 10.1.2

That Council receive the Monthly Financial Report for 30 November 2021, as presented.

10.3 PLANNING

10.3.1 Local Planning Policy – Tree Plantations Shire of Boyup Brook

Location:	Shire of Boyup Brook.
Applicant:	Shire of Boyup Brook.
File:	CM/43/001
Disclosure of Officer Interest:	None.
Date:	13 December 2021
Author:	A. Nicoll, Town Planner.
Authorizing Officer:	Dale Putland, Chief Executive Officer.
Attachments:	Draft Local Planning Policy – Tree Plantation

SUMMARY

To request that Council adopt the attached Tree Plantation Policy for advertising for a period of 60 days prior to consideration for formal adoption by Council.

The purpose of the Tree Plantation Policy is to provide guidance to the Shire and applicants in determining the suitability of proposals for plantations in the Shire of Boyup Brook.

The objectives of the Tree Plantation Policy are to:

1. To ensure that Boyup Brook’s economic and social wellbeing are not jeopardised by loss of population caused by the introduction of large-scale plantations.
2. To ensure that plantations are suitably equipped and have adequate measures to respond to fire outbreaks to prevent harm to the Boyup Brook community.

The policy seeks to protect the use of land for broadacre agriculture, by promoting plantations that are planted in blocks of 20ha or less and that are integrated into broadacre farming operations.

BACKGROUND

The Federal and State Governments encourage plantations and tree planting generally for Carbon Reduction and for employment and environmental benefits. The Federal and State Governments plan to expand Australia's timber plantations by securing private agricultural land for broadacre plantations.

The Shire of Boyup Brook is genuinely concerned that the introduction of additional extensive tree plantations into the Shire or replacement of existing bluegum plantations will have predictable adverse social, environmental and economic impacts on the Boyup Brook community.

Hence the Shire's *Local Planning Scheme No.2* states:

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

Recently, tree farming corporations have made inquiries on the position of the Council on the scheme standard 5.2.4, which discourages the wholesale planting of broadacre rural holdings for plantations.

To provide additional clarity to applicants and assist Council in determining the suitability of proposals for tree plantations in the Shire of Boyup Brook, it is recommended that Council adopt a formal Tree Plantation Policy.

COMMENT

The draft Tree Plantation Policy has been prepared for the Council to adopt for final preparation and advertising. Post advertising, the policy will be presented to the Council for final review and adoption.

The draft Tree Plantation Policy reinforces the *Local Planning Scheme No.2* position, which is to discourage the wholesale planting of broadacre rural holdings for plantations and instead, encourage the diversification of rural activities.

The policy expands on the scheme position by outlining how the diversification of the rural activities should occur. The Policy recommends that trees are planted in areas of 20ha blocks or less and that sufficient area is maintained between the planted blocks for broadacre farming. The Policy also seeks to ensure that adequately trained and equipped firefighting personnel and equipment are stationed on site.

It is recommended that the Shire Council approve the preparation and advertising of the Tree Plantation Policy to provide guidance to developers on the intent of the scheme position (clause 5.2.4), and ensure that the social, environmental and economic attributes of the municipality are maintained.

STATUTORY OBLIGATIONS

The *Planning and Development (Local Planning Schemes) Regulations 2015, Division 2 — Local planning policies* states:

3. Local planning policies

(1) The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.

(2) A local planning policy —

(a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and

(b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy

(3) A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.

(5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.

The *Code of Practice for Timber Plantations in Western Australia* defines ‘plantation’ as follows:

Plantation: a stand of trees of ten hectares (or as defined by the Local Government Authority), or larger, that has been established by sowing or planting of either native or exotic tree species selected and managed intensively for their commercial and/or environmental benefits. A plantation includes roads, tracks, and firebreaks.

POLICY IMPLICATIONS

Local Planning Scheme No.2

The Shire’s *Local Planning Scheme No. 2*, states:

3.3.4 ‘Plantation’ is a use which Council, in exercising the discretionary powers available to it, may approve under this Scheme.

Schedule 1

plantation has the same meaning as in the Code of Practice for Timber Plantations in Western Australia (2006) published by the Department of Conservation and Land Management and the Australian Forest Growers.

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

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

5.18 PLANTATION

In addition to those other matters contained in Clause 5.2, Council shall, in considering applications for 'Plantations', have regard to –

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

State Planning Policy 2.5: Rural Planning

State Planning Policies provide the highest level of planning policy control and guidance in Western Australia. Prepared under Part 3 of the Planning and Development Act 2005. Relevant sections of *State Planning Policy 2.5: Rural Planning* are set out below:

4 POLICY OBJECTIVES

The objectives of this policy are to:

- (a) support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;*
- (b) provide investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses;*

5. POLICY MEASURES

The WAPC seeks to protect and preserve rural land for rural purposes including primary production, basic raw materials, regional facilities, and protection of biodiversity and landscape. Rural land accommodates a diverse range of land uses, primarily associated with primary production. There are also rural areas with suitable soils, climate, water (rain or irrigation) and access to services such that the land is considered to be high quality agricultural land. The intent of this policy is therefore to protect rural land and encourage a diversity of compatible rural land uses

5.1 Protection of rural land and land uses

The WAPC will seek to protect rural land as a State resource by:

- (a) requiring that land use change from rural to all other uses be planned and provided for in a planning strategy or scheme;*
- (b) retaining land identified as priority agricultural land in a planning strategy or scheme for that purpose;*
- (c) ensuring retention and protection of rural land for biodiversity protection, natural resource management and protection of valued landscapes and views;*
- (d) protecting land, resources and/or primary production activities through the State's land use planning framework*
- g) comprehensively planning for the introduction of sensitive land uses that may compromise existing, future and potential primary production on rural land; and*
- (h) accepting the impacts of well-managed primary production on rural amenity.*

5.6 Tree farming

- (a) tree farming is supported and encouraged on rural land as a means of diversifying rural economies and providing economic and environmental benefit;*
- (b) tree farming should generally not occur on priority agricultural land;*
- (c) tree farming should generally be a permitted use on rural land, except where development of a tree farm would create an extreme or unacceptable bushfire risk or when responding to specific local circumstances as identified in a strategy or scheme;*
- (d) local governments should manage the location, extent and application requirements for tree farming in their communities through local planning strategies, schemes and/or local planning policies;*
- (e) in planning for tree farming, local government considerations should include but are not limited to, potential bushfire risk, environmental and economic factors, water availability and recharge, visual landscape impacts, transport impacts of tree farming (where harvesting is proposed), planting thresholds, appropriate buffers, and location relative to conservation estates and sensitive land uses;*
- (f) where tree farm proposals are integrated with farm management for the purpose of natural resource management and occupy no more than 10 per cent of the farm, the proposal should not require local government development approval; and*
- (g) the establishment of tree farms does not warrant the creation of new or smaller rural lots*

CONSULTATION

Consultation has been undertaken with the Chief Bushfire Officer and one other member of the Shire Bushfire X-ray team.

The *Planning and Development (Local Planning Schemes) Regulations 2015, Division 2 — Local planning policies* states:

(1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —

(a) publish in accordance with clause 87 the proposed policy and a notice giving details of —

(i) the subject and nature of the proposed policy; and

(ii) the objectives of the proposed policy; and

(iii) how the proposed policy is made available to the public in accordance with clause 87; and

(iv) the manner and form in which submissions may be made; and

(v) the period for making submissions and the last day of that period;

(b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;

(c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.

(2) The period for making submissions specified in a notice under subclause (1)(a)(v) must not be less than the period of 21 days after the day on which the notice is first published under subclause (1)(a).

(3) After the expiry of the period within which submissions may be made, the local government must —

(a) review the proposed policy in the light of any submissions made; and (b) resolve to —

(i) proceed with the policy without modification; or

(ii) proceed with the policy with modification; or

(iii) not to proceed with the policy.

4. *Procedure for making local planning policy*

(4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in accordance with clause 87.

(5) A policy has effect on publication of a notice under subclause (4).

(6) The local government must ensure that an up-to-date copy of each local planning policy made under this Scheme that is in effect is published in accordance with clause 87.

(7) Subclause (6) is an ongoing publication requirement for the purposes of clause 87(5)(a).

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM – 10.3.1

1. That Council in accordance with Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:
 - a) Prepare the Tree Plantation Policy (as set out as an attachment to this item);
and
 - b) Advertise the Tree Plantation Policy, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, clause 87 for a period of 60 days to allow sufficient time for consultation with the local community and other key stakeholders.

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 Development Assessment Panels – Local Government Nominations

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

SUMMARY

Correspondence has been received from the Director General, Development Assessments Panels requesting nominations of Councillors to become Development Assessment Panel (DAP) Members and Alternate (Deputy) Members.

Nominations were to be received by the Minister for Planning by 19 November 2021, however the Shire has been granted an extension to the end of December.

BACKGROUND

A Development Assessment Panel (DAP) is an independent decision-making body comprised of technical experts and elected local government members. These panels determine development applications made under local and region planning schemes, in the place of the original decision maker.

The DAP system came in to operation on 1 July 2011 in order to determine development applications that meet a certain threshold value. Each DAP comprises five members – three specialist members, one of which is the presiding member and two local government members.

Under Regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011, the Shire of Boyup Brook is requested to nominate four elected members, comprising two 'Local Members' and two 'Alternative Local Members'. Appointments of current local government DAP members expire on 26 January 2022 and members whose term will be expiring will be eligible for re-consideration at this time.

Following receipt of all local government nominations, the Minister for Planning will consider and appoint all nominees for a two-year term, expiring on 26 January 2024. All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It should be noted that training is a mandatory requirement before members can sit on a DAP and determine applications. Local

government representatives who have previously been appointed to a DAP and have received training are not required to attend further training.

Local government elections may result in a change to local DAP membership if current Councillors, who are DAP members, are not re-elected. In this instance the local government will need to re-nominate for the Minister's consideration and appointment.

COMMENT

Nil

STATUTORY OBLIGATIONS

Section 26 of the Planning and Development (Development Assessment Panels) Regulations 2011 state the following:

1. The Minister must cause to be established and maintained a register of local government members of DAPs.
2. Subject to sub regulations (4), the register must include the names of 2 members of the council of each local government of a district for which a DAP is established.
3. Whenever it is necessary to include a member of a council of a local government on a local government register under sub regulation (2), the Minister must –
 - a) in writing, request the local government to nominate a member of the council of the local government for inclusion of the register; and
 - b) unless sub regulation (4) applies, include on the register the name of the person nominated.
4. If, within 40 days after the date on which the Minister makes a request under sub regulation (3) or such longer period as the Minister may allow, the local government fails to nominate a person for inclusion on the local government register in accordance with the request, the Minister may include on the register as representative of the local government a person who –
 - (a) is an eligible voter of the district of the local government; and
 - (b) the Minister considers has relevant knowledge or experience that will enable that person to represent the interests of the local community of that district.
5. For the purposes of sub regulation (4) (a) a person is an eligible voter of a district if that person is eligible under the *Local Government Act 1995* section 4.29 or 4.30 to be enrolled to vote at elections for the district.

POLICY IMPLICATIONS - Nil

BUDGET /FINANCIAL IMPLICATIONS

There are no budget implications for the Shire of Boyup Brook as DAP members are paid by the Development Assessment Panels for meeting attendance and training.

STRATEGIC IMPLICATIONS - Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION – Item 10.4.1

That Council nominate two (2) Councillors as members and two (2) Councillors as Alternate Members for the Development Assessment Panel (DAP) representing the Shire of Boyup Brook.

11 COMMITTEE MINUTES

Nil

12 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

14 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

15 CLOSURE OF MEETING

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