



## NOTICE OF AN ORDINARY MEETING OF COUNCIL

Dear Council Member

The next Ordinary Meeting of the Shire of Boyup Brook will be held on **Thursday, 28 April 2022** in Council Chambers commencing at 6.00pm

Dale Putland, CEO

Date:

22 April 2022

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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 and Services	Wayne Butler
	Executive Assistant	Maria Lane

LEAVE OF ABSENCE:

APOLOGIES:

MEMBERS OF PUBLIC:

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**3.1 Su Lamb**

Would like a sign at the top of Gale Road/Abel Rd to stipulate "Local Traffic Only" as there are too many trucks accessing this road.

**Response**

The Shire cannot restrict the use of this road to "Local Traffic Only" as this is a regularly used thoroughfare for all residents of the Boyup Brook Shire.

**4. PUBLIC QUESTION TIME**

**5. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS**

**6. DISCLOSURE OF INTEREST**

**7. CONFIRMATION OF MINUTES**

**7.1 Ordinary Council Minutes – 31 March 2022**

**OFFICER RECOMMENDATION – ITEM 7.1**

That the minutes of the Ordinary Council Meeting held on Thursday 31 March 2022 be confirmed as an accurate record.

**7.2 Special Council Minutes – 24 March 2022**

**OFFICER RECOMMENDATION – ITEM 7.2**

**That the minutes of the Ordinary Council Meeting held on Thursday 24 March 2022 be confirmed as an accurate record.**

**8. PRESIDENTIAL COMMUNICATIONS**

**9. COUNCILLOR QUESTIONS ON NOTICE**

**10. REPORTS OF OFFICERS**

**10.1 Manager Works and Services**

Nil

## 10.2 FINANCE

### 10.2.1 List of Accounts Paid in March 2022

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/1/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>14/04/2022</i>
<b>Author:</b>	<i>Ben Robinson – Finance Manager</i>
<b>Authorising Officer:</b>	<i>Dale Putland – CEO</i>
<b>Attachments:</b>	<i>Yes – List of Accounts Paid in March</i>

#### **SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in March 2022 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 March 2022.

#### **COMMENT**

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 March 2022.

#### **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 2021-22 Annual Budget

**STRATEGIC IMPLICATIONS** - Nil

**VOTING REQUIREMENTS** – Simple Majority

**OFFICER RECOMMENDATION – Item 10.2.1**

That at its April 2022 ordinary meeting Council receive as presented the list of accounts paid in March 2022, totalling \$843,457.73 from Municipal account, \$48,971.75 from Police Licensing account and \$0.00 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20555 - 20556	\$ 124.00
Municipal Electronic Payments	EFT12127– EFT12260	\$ 491,104.27
Municipal Direct Payments		\$ 352,229.46
Police Licensing Payments		\$ 48,971.75
BBELC Payments		\$ 0.00

**10.2.2 31 March 2022 Statement of Financial Activity**

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/10/003</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>13 April 2022</i>
<b>Authors:</b>	<i>D Long – Finance Consultant</i>
<b>Authorizing Officer:</b>	<i>Dale Putland – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes</i>

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**SUMMARY**

The Monthly Financial Report for 31 March 2022 is presented for Council's consideration.

**BACKGROUND**

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

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

**COMMENT**

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

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

At its budget meeting, Council adopted a material variance threshold of \$10,000 or 10%. For interpretation purposes, this means any variance at Function/Program level that is greater than 10% and exceeds \$10,000 in value is reported on and commentary is provided to

explain the YTD budget estimate to YTD actual variance. The material variance is shown on the Statement of Financial Activity, in accordance with the *Local Government (Financial Management) Regulations 1996*.

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

The Statement of Financial Activity as at 31 March shows a closing surplus of \$2,748,263.

**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 10.2.2**

**That Council receive the Monthly Financial Report for 31 March 2022, as presented.**

**10.2.3 Statutory Budget Review as at 28 February 2022 – Correction to Table of Budget Amendments**

<b>Location:</b>	Not applicable
<b>Applicant:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	13 April 2022
<b>Authors:</b>	D Long – Finance Consultant
<b>Authorizing Officer:</b>	Carolyn Mallett – D/CEO
<b>Attachments:</b>	Nil

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**SUMMARY**

The purpose of this report is for Council to consider and adopt one minor amendment to the Budget Review Report, for the period 1 July 2021 to 28 February 2022.

**BACKGROUND**

At its Ordinary Council Meeting on 31 March 2022, Council considered the Budget Review Report, which projected that the Shire would end the year with an estimated closing surplus of \$56,303.

The Agenda report also included a table of budget amendments for approval by Council as authorised expenditure.

Unfortunately due to some late amendments to the report, one item was missed from the table of amendments.

**COMMENT**

The item omitted by error from the table of amendments was:

ACCOUNT	DESCRIPTION	ORIGINAL BUDGET AMOUNT	REVISED BUDGET AMOUNT	POSITIVE OUTCOME	NEGATIVE OUTCOME
147450	Rylington Park Plant & Equipment – Increase in materials expense to purchase second hand truck for Rylington park.	\$60,000	\$116,400		\$56,400

There is no financial impact to the estimated closing surplus, as the amount was factored into the closing surplus calculations and the Budget Review workpapers.



**CONSULTATION**

Internal – Senior Executives

External - Nil

**STATUTORY OBLIGATIONS**

Local Government Act 1995 Section 6.2

Local Government (Financial Management) Regulations 1996, Regulation 33A.

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

No financial implications.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION – Item 10.2.3**

***That Council approve the following 2021-2022 budget amendments as authorised expenditure:***

ACCOUNT	DESCRIPTION	ORIGINAL BUDGET AMOUNT	REVISED BUDGET AMOUNT	POSITIVE OUTCOME	NEGATIVE OUTCOME
147450	Rylington Park Plant & Equipment – Increase in materials expense to purchase second hand truck for Rylington park.	\$60,000	\$116,400		\$56,400

## 10.3 PLANNING

### 10.3.1 Development (Advertisement x 1 Pylon sign) 25 Cailes Street Boyup Brook Museum

<b>Location:</b>	25 Cailes Street, Boyup Brook.
<b>Applicant:</b>	John Imrie (Boyup Museum).
<b>Disclosure of Officer Interest:</b>	None.
<b>Date:</b>	14 April 2022
<b>Author:</b>	A. Nicoll, Town Planner
<b>Authorizing Officer:</b>	Dale Putland, Chief Executive Officer.
<b>Attachments:</b>	Nil

#### **SUMMARY**

The purpose of this report is to put before Council the request to develop a Pylon Sign (advertisement) at 25 Cailes Street, Boyup Brook.

This report item recommends that the Council support the proposed advertisement (Pylon Sign), which complies with regulatory standards.

#### **BACKGROUND**

The property at 25 Cailes Street is owned by the Shire of Boyup Brook and is reserved in accordance with the Shire's scheme as 'Public Purpose'. The subject land is used as a museum, for the display of agricultural and social history in Boyup Brook.

The Shire of Boyup Brook received an application to develop a free-standing sign (Pylon Sign), adjacent to the Cailes Street boundary.

The application was submitted to the March Council meeting where Councillors questioned the need to change the proposed sign writing as follows:

<b>APPLICANT PROPOSED SIGN WRITING</b>	<b>COUNCIL PROPOSED SIGN WRITING</b>
Boyup Brook District Pioneers MUSEUM Contact Ph: 97651444 The Visitor Centre	Boyup Brook District Pioneers' MUSEUM Boyup Brook Visitor Centre Ph: 9765 1444

It was decided at the meeting that:

***That Council defer this item to the April 2022 Ordinary Council meeting and administration to establish the cost of the reprint of the sign.***

The Shire has established that the cost of the reprint of the sign is \$370.18.

## **COMMENT**

### Design

The Pylon Sign is designed as follows:

- 1.6m high structure, with two posts cemented in the ground;
- The sign face is 1.08m long and 600mm high.

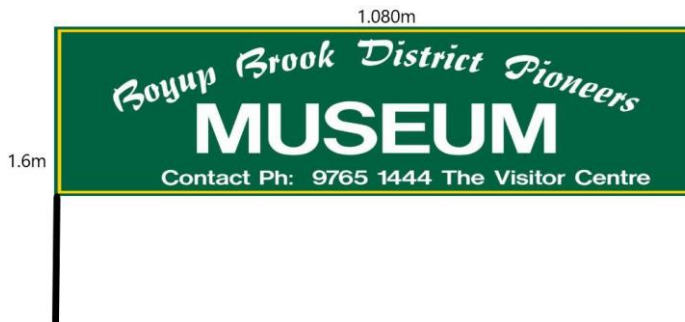
The sign is proposed to be located at the front boundary, within the boundaries of the subject Lot and near the entrance to the Museum.

The sign writing reads as follows:

New wording

Boyup Brook District Pioneers'  
MUSEUM  
Boyup Brook Visitor Centre Ph: 9765 1444

Layout



Proposed Location of Sign



Council is requested to approve the development of the Pylon Sign, which is appealing in design, which is advertising an approved use at the subject property, and which complies with statutory and policy standards.

#### **STATUTORY OBLIGATIONS**

In accordance with the Deemed Provisions for Local Planning Schemes, advertisement means:

*any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, that is used wholly or partly for the purposes of advertising, announcing, or directing, and includes —*

*(a) any hoarding or similar structure used, or adapted for use, for the display of advertisements; and*

*(b) any airborne device anchored to any land or building used for the display of advertising; and*

*(c) any vehicle or trailer or other similar object placed or located so as to serve the purpose of displaying advertising;*

In accordance with the Deemed Provisions for Local Planning Schemes:

*A person must not commence or carry out any works on, or use, land in the Scheme area unless —*

*(a) the person has obtained the development approval of the local government under Part 8; or*

*(b) development approval is not required for the development under clause 61.*

Note:

1. Development includes the erection, placement and display of advertisements.
2. An advertisement is not exempt under clause 61 of the Deemed Provisions.

### **POLICY IMPLICATIONS**

There are no policy implications relating to this item. The design of the proposed Pylon Sign complies with the *Local Government Model By-laws (Signs, Hoardings and Billposting), No. 13, Part II Signs*.

### **CONSULTATION**

N/A

### **VOTING REQUIREMENTS**

Simple majority.

### **SUMMARY**

In accordance with *Local Planning Scheme No.2*, development approval is required prior to developing an advertisement.

The advertisement is not expected to impact on the character of the area.

Approval of the advertisement should be on the condition that the advertisement is maintained to a reasonable standard.

**OFFICER RECOMMENDATION – 10.3.1**

**1. That Council**

Grants development approval for an advertisement (Pylon Sign) at 25 Cailles Street, Boyup Brook, subject to the following notice:

***Planning and Development Act 2005***

**Shire of Boyup Brook**

**NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL**

Location: 25 Cailles Street, Boyup Brook  
(Museum)

Description of proposed development:

**Advertisement X 1 – Pylon Sign**

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

1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Shire of Boyup Brook, all development shall occur in accordance with the approved plans.
2. The advertisement being maintained to the satisfaction of the Shire of Boyup Brook.

**Advice**

*Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may, by notice in writing, require the advertiser to:-*

- i) repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice, or*
- ii) remove the advertisement.*

Date of determination: 28 April 2022

- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

**2. That Council agree to the new wording of the sign as below and allocate funding from the Museum Operations (GL code B0645.134.3039).**

Boyup Brook District Pioneers'  
MUSEUM  
Boyup Brook Visitor Centre Ph: 9765 1444

### **10.3.2 Interpretive Signage at the Flax Mill Caravan Park**

<b>Location:</b>	<i>Flax Mill Caravan park</i>
<b>Applicant:</b>	<i>N/A</i>
<b>Disclosure of Officer Interest:</b>	<i>None.</i>
<b>Date:</b>	<i>4 April 2022</i>
<b>Author:</b>	<i>Maria Lane – Executive Assistant</i>
<b>Authorizing Officer:</b>	<i>Dale Putland, Chief Executive Officer.</i>
<b>Attachments:</b>	<i>Yes - quotes</i>

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#### **SUMMARY**

The purpose of this report is to put before Council the request to develop an interpretive sign at the Flax Mill Caravan Park, to depict the history of the Flax Industry in Boyup Brook.

‘Interpretive signage’ is often used in places to tell the stories of significant people, buildings and history. ‘Interpretive Signage’ helps to engage viewers, to encourage an emotive connection, to create a point of interest and to enhance the experience of a place. ‘Interpretive Signage’ also contributes to the cultural landscape and fosters a sense of identity and pride to the community.

It is recommended that the Council support the development of an Interpretive sign, which is expected to create a point of interest to tourists and a historical understanding of the Flax Mill.

#### **BACKGROUND**

The Caravan Park is situated on Lot 336 Jackson Street, Boyup Brook. Lot 336 is a 16Ha site which includes the former Boyup Brook Flax Mill complex which is heritage listed and included on the Shire’s Municipal Inventory 1995.

#### **COMMENT**

##### **Design**

It is proposed that the ‘Interpretive Sign’ be positioned on the wall of a shed, please refer to photo on the next page or could be mounted on a sign close to the entrance of the Caravan Park.

The design of the sign is as follows:

- Full colour digital print to ACM panel
- Size: 4500 x 1800mm

The Interpretive sign to include the following text:

1. *Farming*  
*Flax was grown around Boyup Brook district by most local farmers. Sown at the beginning of winter, harvested spring/early summer*
2. *Flax Carting*  
*Flax was carted in from the farms to the Flax Mill from all over the state.*
3. *Deseeding*  
*Flax was stacked into sheds or in outside stacks and deseeded.*
4. *Retting Process (rotting the straw)*  
*It was then sent to the retting tanks and soaked in hot water (75 ° F / 25°C) for the retting process. This process rots or dissolved the casein so that the fibres are easily separated from the woody core.*
5. *Stooking*  
*The wet flax was unloaded from the tanks onto trailers and brought out to the drying fields beside the mill. It was unloaded into rows. The strings were cut and each sheaves stooked upright to dry.*
6. *Tying Up*  
*After the flax had been drying in the field for 4-6 weeks, it was tied up and stored in the large sheds until the winter time process of scutching.*
7. *Scutching*  
*This process removes the shell from the fibre. It was then graded, weighed and compressed into large wool bale bags for transporting.*
8. *Loading the Mill Truck.*  
*The bales of flax fibre were then loaded onto the truck and taken to the railway station for transporting to the Spinning Mills in the Eastern States.*

Potential location of sign





### **STATUTORY OBLIGATIONS**

In accordance with the Deemed Provisions for Local Planning Schemes, advertisement means:

any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, that is used wholly or partly for the purposes of advertising, announcing or directing, and include –

- a) any hoarding or similar structure used, or adapted for use, for the display of advertising; and
- b) any airborne device anchored to any land or building used for the display of advertising; and
- c) any vehicle or trailer or other similar object placed or located so as to serve the purpose of displaying advertising;

In accordance with the Deemed Provisions for Local Planning Schemes:

A person must not commence or carry out any works on, or use, land in the Scheme area unless –

- a) the person has obtained the development approval of the local government under Part 8; or
- b) development approval is not required for the development under clause 61.

#### **Note:**

- 1. Development includes the erection, placement and display of advertisements.
- 2. An advertisement is not exempt under clause 61 of the Deemed Provisions.

### **POLICY IMPLICATIONS**

There are no policy implications relating to this item.

### **BUDGET/FINANCIAL IMPLICATIONS**

The estimated cost for signage (excluding stand) is \$7120.00 exc GST.

### **CONSULTATION**

Quotes obtained from Axiom and Wiseman Signs.

### **VOTING REQUIREMENTS**

Simple majority

### **SUMMARY**

In accordance with Local Planning Scheme No.2 development approval is required prior to developing an advertisement

The advertisement is not expected to impact on the character of the area.

Approval of the advertisement should be on the condition that the advertisement is maintained to a reasonable standard.

**OFFICER RECOMMENDATION – ITEM 10.3.2**

**That Council supports an Interpretive Sign to be constructed at Lot 336 Jackson Street, Boyup Brook and allocate funding from the Caravan Park Flax Mill Complex – Building Operation – Tourism (GL code 132108).**

## 10.4 Chief Executive Officer

### 10.4.1 Boyup Brook Flax Mill Caravan Park - CMCA Proposed Arrangements

<b>Location</b>	<i>Boyup Brook Flax Mill Caravan Park</i>
<b>Applicant</b>	<i>N/A</i>
<b>File</b>	<i>Flax Mill</i>
<b>Disclosure of Interest</b>	<i>Nil</i>
<b>Date</b>	<i>March 2022</i>
<b>Author</b>	<i>Dale Putland Chief Executive Officer</i>
<b>Authorising Officer</b>	<i>Dale Putland – Chief Executive Officer</i>
<b>Attachments</b>	<i>Yes – Confidential</i>

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#### **SUMMARY**

The Shire of Boyup Brook has been in discussions with the Caravan and Motorhome Club of Australia Limited (CMCA) regarding a shared management arrangement for the Boyup Brook Caravan Park since early to November 2021.

These negotiations have resulted in a draft management agreement and price schedule that is presented for Council's consideration.

#### **BACKGROUND**

The Flax Mill Caravan Park provides short stay visitor accommodation through 40 Powered Sites, 30 Unpowered Sites and 6 Ensuite Sites. Until 2022, the site was managed by a part time offsite caretakers who took payment for bookings, cleaned the toilet blocks and ensuites and organised maintenance works.

#### **CMCA Negotiations**

In November 2021, following a presentation to Council by a CMCA board member, the Shire commenced negotiations to enter a management arrangement with the Flax Mill Caravan park.

Under the proposed management agreement, the CMCA would be responsible for managing bookings for the park, promotion through its membership and supplying a live in caretaker who could undertake some general maintenance and ground duties. The Shire would be responsible for maintenance and cleaning of the ablutions and buildings, gardening works and of the park.

#### **Current Shire Arrangements**

In 2021, the Shire commenced renovations of the ablutions blocks, installed new reticulation systems and replaced the cladding on the scutching shed. Extensions and renovations to the caravan park camp kitchen have also recently been completed.

In 2021, following resignation of the caretakers resigned, the Shire adopted a system whereby payment for caravan park stays has been via the Shire office. Cleaning has been undertaken by an external contractor and maintenance has been via the Shire garden and building maintenance team.

This system, while largely successful, has necessitated caravan park customers having to visit the Shire offices to pay their site fees during Shire office hours, resulting in the loss of some income from the park. To improve customer service and ensure that park customers residents book in with the Shire, in March 2022 the Shire engaged a live in caretaker who occupies an ensuite site.

The CMCA proposes further improving this system using an online booking system, making bookings easier and resulting in a higher ratio of fees being collected.

A full statement of the proposed duties and fee structure is included in the draft MOU (Attachment 10.4.1).

### **COMMENT**

The CMCA is the largest Recreational Vehicle (RV) club in Australia, with more than 70,000 members. The CMCA currently operate RV “no frills” parks in all Australian states other than WA and promotes these parks through its online website and monthly magazine (distributed to CMCA members only).

The CMCA proposes to take responsibility for all bookings through an online booking system and install a live in caretaker for the Flax Mill Caravan Park. The Shire would receive 70% of the bookings, with 30% being retained by the CMCA. The booking fee breakdown is included in Attachment 10.4.1.

In return, CMCA members would receive discounted fees as identified in the price structure.

The benefits to the Shire include free nation wide advertising, introduction of an online booking system and an onsite caretaker for the caravan park

### **Shire Responsibilities**

The MOU (Attachment 10.4.1) lists the various responsibilities of both parties.

The purpose of the MOU outlines the key responsibilities of each party:

- *The Shire of Boyup Brook will enter a formal arrangement with CMCA to manage and operate The Park to the benefit of both parties as outlined in this agreement.*
- *The initial agreement period will be for 5 years with the option to extend for a further 2 x 5 years.*
- *CMCA will provide Shire of Boyup Brook with a copy of its \$20million public liability cover*
- *The Shire will maintain insurance cover for damage and replacement of infrastructure within The Park and inclusive of any future improvements or developments within The Park*
- *CMCA will manage the park to continue offering a similar or better product to what is offered by the Shire at present. This will include the provision for powered camping sites, ensuite camping sites and self-contained camping sites. Long term tenants will remain the responsibility of the Shire.*
- *CMCA acknowledges that there will be an agreed development plan for The Park which the Shire will be responsible for implementing and funding. CMCA will assist in this development through provision of support for any grant funding applications and data from The Park to support any business cases.*

It is important to note that the Shire would retain responsibility for cleaning, maintenance and gardening/grounds works for the site.

### **Additional Shire Infrastructure Requirements**

The proposed MOU contains a site plan identifying several additional improvements to the Flax Mill Caravan Park. These include:

- Installation of an additional 20 unpowered caravan bays adjacent to the Scutching Shed.
- Installation of a keypad locking system for ablution blocks
- Installation of several new toilet blocks (necessary to meet the requirements of the Western Australian Caravan Parks and Camping Ground Regulations 1997, but not a requirement of the CMCA)

During its budget review in March 2022, Council has allocated funds to develop detailed plans for the additional bays and infrastructure. It is proposed that these bays can be developed in the 2022/23 financial year.

Additional ablutions will alleviate the current requirement to hire in temporary ablutions for the Country Music Festival, resulting in annual savings of approximately \$7,000 (based on quoted prices for the Country Music 2022 festival) and will provide for additional major events to be held.

### **CONSULTATION**

CMCA representatives have briefed Council

Discussions have been held with South West Development Commission representatives

### **STATUTORY OBLIGATIONS**

The Shire will be obliged to install additional ablutions and camp kitchen facilities if it proceeds with the proposed additions to the Flax Mill Caravan Park to meet its statutory requirements under the Caravan Parks and Camping Ground Regulations 1997.

### **POLICY IMPLICATIONS**

There are currently no known policy implications

### **BUDGET/FINANCIAL IMPLICATIONS**

Based on the proposed fee structure that is included with the draft MOU, the new arrangements will be cost neutral to the Shire and may result in the Shire receiving a small financial benefit.

Installation of the additional caravan park bays and ablutions has not been costed as detailed plans have not yet been prepared. However, it is noted that the need for these bays had already been identified outside of the proposed MOU agreement.

The cost of installing keypad locks on the ablutions is less than \$500.

**STRATEGIC IMPLICATIONS**

Adoption of this MOU has potential to substantially increase visitation to Boyup Brook.

**SUSTAINABILITY IMPLICATIONS**

N/A

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 10.4.1**

That Council authorise the Shire President and CEO to enter into an MOU for 5 years with the option to extend for a further 2 x 5 years with the Caravan and Motorhome Club of Australia Limited and sign the attached MOU document on behalf of the Shire of Boyup Brook.

**10.4.2 Development (Tree Plantation – Pinus Radiata) – Lots, McAlinden Road, McAlinden**

<b>Location:</b>	<i>Lots 4491, 2515, 270, 2516, 2056, 2130, 164, 2381, 3655, 1455, 2038, 2367, 2368, 165, 2317, 2318.</i>
<b>Applicant:</b>	<i>Forest Products Commission (FPC).</i>
<b>File:</b>	<i>Property files</i>
<b>Disclosure of Officer Interest:</b>	<i>None.</i>
<b>Date:</b>	<i>31 March 2022.</i>
<b>Author:</b>	<i>A. Nicoll, Town Planner.</i>
<b>Authorizing Officer:</b>	<i>Dale Putland, Chief Executive Officer.</i>
<b>Attachments:</b>	<i>(a) Plantation Management Plan (includes Fire Management Plan)</i> <i>(b) Concept Fire Map</i> <i>(c) Western Australian Carbon Farming and Land Restoration Program</i> <i>(d) The Code of Practice for Timber Plantations in Western Australia</i> <i>(e) The Guidelines for Plantation Fire Protection</i> <i>(f) Submissions Combined</i>

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**SUMMARY**

The purpose of this report is to put before Council the request to develop a 'Plantation' of Pinus Radiata trees, on various 'Rural' zone Lots within the locality of McAlinden.

Most of the subject land has already been developed with Blue Gum trees (harvested late 2021 and early 2022).

The application is seeking to replace the areas previously planted in Blue Gum trees with Pine Trees and plant an additional 200 ha of pines on land that is currently used for stock grazing.

In accordance with the Shire's *Town Planning Scheme No.2 (TPS2)*, 'Plantation' development is a use which Council, in exercising the discretionary powers available to it, may approve on land zoned 'Rural'.

While tree plantations are an established agricultural activity and landscape feature in the Shire of Boyup Brook, TPS2 states that Council shall discourage the wholesale planting of broadacre rural holdings for plantations and shall instead, encourage the diversification of rural activities.

The applicant contends that their application will provide the following:

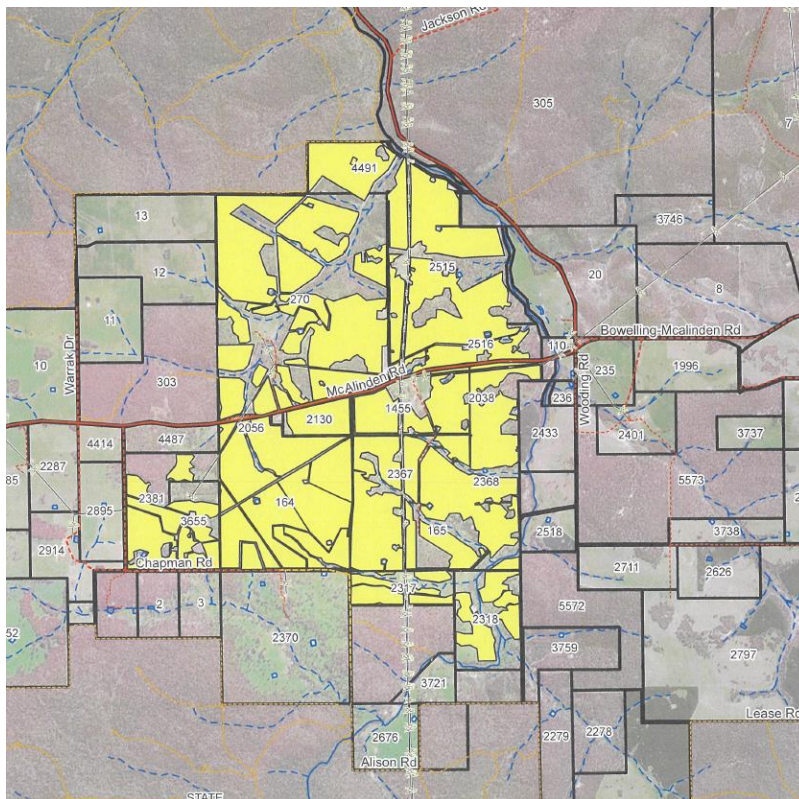
- An economically viable farming establishment is developed, that supports the production of softwood and carbon abatement.
- A diversification of rural activities (both timber production and grazing of livestock) can occur, as recommended by the Shire's scheme. and

- Trained fire personnel and firefighting equipment are available to respond to a fire in the plantation.

The landholder has suggested that they may lease the existing house and farming infrastructure to a farmer wishing to run livestock throughout the plantation, which includes some pastured areas adjacent to creeks. The applicant contends that this will enable a diversification of farming activities, enable surveillance of the property and help to sustain the social fabric of the locality.

The yellow colouring in the below figure, indicates areas proposed for *Pinus Radiata* plantings.

This report item recommends that the Council approve the development of *Pinus Radiata* Plantation subject to stringent fire management criteria.



## **BACKGROUND**

The Shire received a development application from the Forest Products Commission (FPC) on behalf of the land holder (Water Corporation), requesting approval to establish a 'Plantation' on land zone 'Rural'.

The application is seeking to plant Pine trees, on 1150ha of land that was established with Blue Gums, and on 200ha of broadacre farmland (total 1350ha).

The application includes a 'Plantation Management Plan' (*Attachment 10.4.3A*) that outlines the management arrangements for the plantation, including:

- Planting, harvesting, weed and soil management;



- Diversification of farming activities;
- Environmental safeguards; and
- Bushfire management.

As indicated in the 'Plantation Management Plan', the landholder proposes to make available the opportunity for the grazing of livestock throughout the Plantation area, which includes some cleared pastured areas.

There are 2 houses and associated sheds that the landholder states they intend to lease, claiming that this will provide the opportunity for a business to establish within the Shire, whether it's a new business or the expansion of an existing business. The applicant claims that this will maintain a presence on the property to help initial fire detection, deterrent to illegal entry and maintains/increases population levels within the Shire.

During the initial assessment of the application, it became apparent that there were several issues regarding the applicants proposed arrangements for managing fires in and around their plantation.

For example, the applicant proposed that no firefighting crews would be stationed on the property. Initial response to fires within the plantation would be via owners of neighbouring properties and the Shire's volunteer bushfire brigades to control the fire.

The applicant further proposed that if a fire was present in the plantation, the Boyup Brook Bushfire Brigades, Shire of Boyup Brook (for use of the Shire's graders and loader) and the Department of Biodiversity, Conservation and Attractions (DBCA) would be called upon to attend any fires within the plantation.

Following receipt of the application, the Shire consulted with the Boyup Brook Bushfire Brigade leadership team, the Department of Fire and Emergency Services (DFES) and the Department of Biodiversity, Conservation and Attractions (DBCA) on the matter of bushfire management and received the following responses:

- The Boyup Brook Bushfire Brigades are not equipped or trained in forest fire suppression and are prohibited from operating within plantations or other forested areas as they do not have adequate training or equipment to respond to these fires.
- The equipment owned by local landowners is not adequate to respond to plantation fires and attempting to utilise equipment in these situations could potentially lead to life threatening situations.
- The Shire graders and loaders are not equipped with in cab protection systems and Shire employees are prohibited from entering plantations to respond to fires.
- The DBCA advised that their assistance is not guaranteed and should not be considered part of any formal fire response planning.

The Shire advised the applicant of these concerns and requested that the plantation management plan be altered to address the issues raised. The applicant was advised that the *Bush Fires Act 1954* and the *State Hazard Plan – Fire* have provisions that require owners/occupiers of land to take all possible measures to extinguish a fire burning on their land, unless that fire is part of burning operations.

In particular, the Shire requested that the Fire Management Plan be modified to clearly indicate the landowner and/or occupier information such as identification of the Plantation

Company, and all relevant contact details including a 24-hour fire contact phone number, details of equipment and personnel that were property equipped to respond to plantation fires and could respond immediately after the owner was notified of the outbreak of a fire within or adjacent to the plantation.

Following this request the applicant submitted an amended Fire Management Plan (section 5 of the Plantation Management Plan) containing the following measures:

- *The FPC Duty Officer should...be notified on 9725 5288.*
- *The landowner and FPC will provide fire suppression equipment and infrastructure to meet an effective and sustained fire response.*
- *The Collie office holds 3 light units and 1 fully equipped heavy duty fire truck which are approximately 25 minutes travel from the Cootamundra property.*
- *The FPC has 3 fire trucks (2700Lt) and over 20 fire suppression units (fast attacks and trailer mounted fire appliances) that are staffed during the fire season within the southwest region. The following table provides a breakdown of the location of FPC fire equipment and fire staff.*

<i>FPC Office Location</i>	<i>Number of fire ready staff</i>	<i>Fire Equipment</i>
<i>Collie</i>	<i>3</i>	<i>1 Heavy Duty Tanker (3,000 litre) 3 Slip on 400 litre Light Units</i>
<i>Harvey</i>	<i>3</i>	<i>3 Slip on 400 litre light units</i>
<i>Nannup</i>	<i>8</i>	<i>1 Heavy Duty Tanker (3,000 litre) 8 Slip on 400 litre light units</i>
<i>Bunbury</i>	<i>6</i>	<i>3 Slip on 400 litre light units</i>
<i>Manjimup</i>	<i>9</i>	<i>1 Heavy Duty Tanker (3,000 litre) 3 Slip on 400 litre light units</i>
<i>Sandalwood Rd</i>		<i>Trailer mounted fire unit</i>

The applicant also stated that:

- In the instance of a bushfire, a direct contact number is available to the FPC and trained FPC fire personnel and heavy-duty fire trucks will be deployed, the closest heavy-duty truck being within a 25-minute travel time, at Collie.
- Collie has been identified as an optimal location, given its central proximity to plantation developments. Suitable provision is available in Collie to house and train staff in plantation and fire management. Time to arrival following detection of a bushfire will be minimised by ensuring the deployment of suppression resources is as rapid as possible.
- Upon detection of a fire on or threatening the subject property, the FPC Duty Officer at Collie will immediately dispatch rostered and otherwise available suppression resources. These resources will deploy under the direction of the controlling authority with the primary objectives of minimising the potential impact on the plantation and preventing the fire spreading onto adjoining land. The FPC Duty Officer will determine whether to request assistance from DBCA

and/or the Plantation Fire Response Group dependent upon the prevailing fire danger, ignition point and initial fire behaviour.

Staff had further discussions with the FPC to determine if a Heavy-Duty Fire Fighting Truck could be stored within the McAlinden locality, to potentially reduce the 'time to arrival'.

While one FPC employee indicated verbally that a Heavy-Duty Firefighting Unit could be provided within the McAlinden locality when fuel loads within the plantation reached a 'High Hazard' level (e.g. 6 years post planting period) in accordance with the State Governments 'Guidelines for Plantation Fire Protection', the Shire has not received written confirmation from FPC of this proposal.

The landholder has stated that they will make available a 600 litre trailer mounted unit on the property which will be available for immediate fire response for the first 6 years of plantation growth. The Plantation Management Plan states that the tenant at the subject property could be trained to maintain and to use the trailer or a fire truck.

### **COMMENT**

#### **Shire of Boyup Brook Town Planning Scheme No2 (TPS2)**

Under the "Scheme Objectives and Intentions" heading, TPS2 states that

*"Council's general objective is to ensure that the Scheme protects the existing agricultural base of the District whilst permitting, where appropriate, and subject to Council discretion, more intensive forms of agriculture, expansion of the economic base and increased settlement within certain parts of the District".*

And

*"Council's general intentions will be - ....*

*d) to protect the potential of agricultural land for primary production and to preserve the landscape and character of the area".*

Under the Rural Zone heading, TPS2 states that

*"The Rural Zone is intended primarily for the preservation of agriculturally significant land. Land within the Scheme Area is capable of high levels of agricultural production and is therefore a valuable resource worthy of protection. Council shall therefore seek to ensure that no action is taken to jeopardise that potential."*

*5.2.1 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; and*
- (b) the need to protect the area from uses which will reduce the amount of land available for agriculture;*

TPS2 also states that:

- A 'Plantation' is a use that can be considered by Council for approval on a property zoned 'Rural';
- Council shall, in considering applications for 'Plantations', have regard to the 'Code of Practice for Timber Plantations in Western Australia';

- Council shall, in considering applications for 'Plantations', have regard to the State Governments *'Guidelines for Plantation Fire Protection'*; and
- *With a view to protecting the agricultural base of the District, Council shall encourage the diversification of rural activities.*

### Plantations

The application notes that tree plantations have an important role in providing a sustainable resource of hardwood and softwood, for the supply of timber products to both domestic and international markets. Plantations may also provide environmental benefits such as removal of carbon dioxide from the atmosphere.

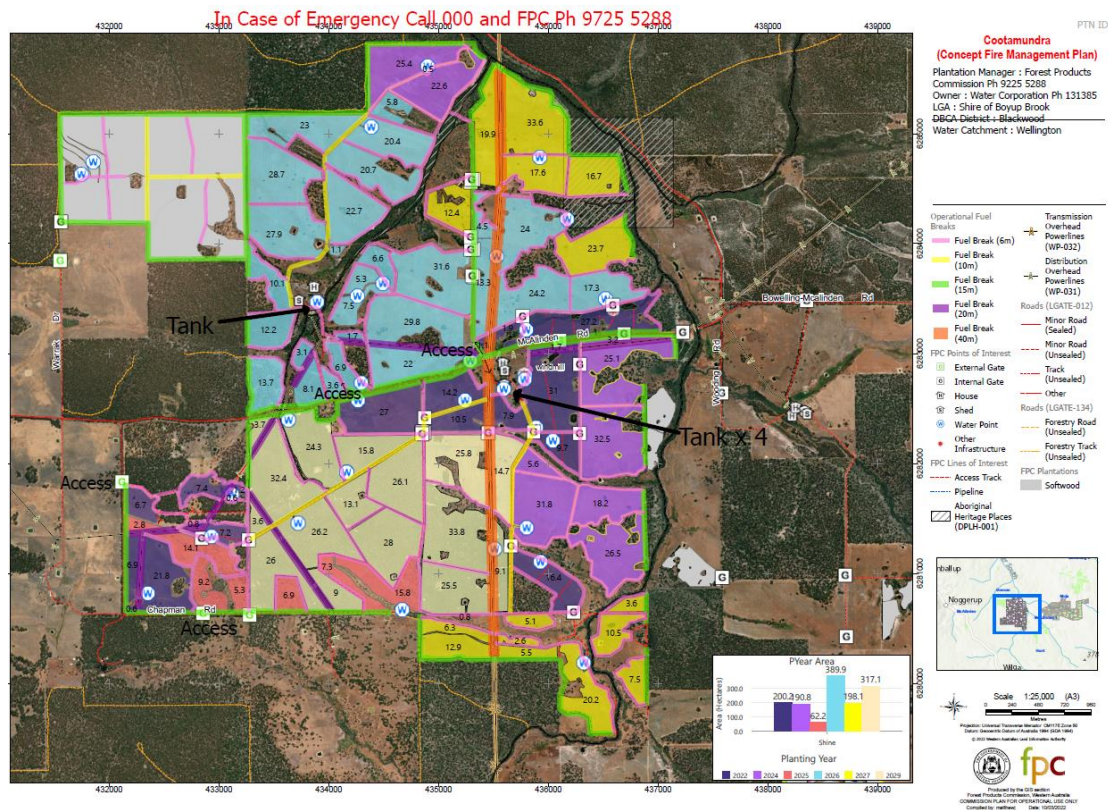
The land is owned by the Water Corporation and the plantation is proposed to be managed by the Forest Products Commission (FPC) under a timber share farming agreement. The application involves the planting of pine trees for the purpose of timber production and carbon abatement.

The planting area totals approximately 1350 hectares and is located within the locality of McAlinden.

The property is zoned "Rural" under the Shire of Boyup Brook *Local Planning Scheme No.2*, with the majority of the area currently used for blue-gum plantation, with some areas of remnant vegetation. 15% of the property is currently used for cropping and grazing.

The application proposes that natural areas (e.g. remnant vegetation and watercourse areas) are to be protected and the planting, harvesting and operational practices (e.g. weed management) of the plantation is to occur in accordance with best practice standards identified by the *Code of Practice for Timber Plantations in Western Australia*.

A plantation map has been included to show the plantation compartments and the staging of planting between the years of 2022 and 2029. The map shows creek areas for protection and strategic access through the centre of the plantation area via the McAlinden Road and a power line easement. The map also indicates the emergency contact numbers, being 000 and Forest Products Commission – 97255288.



### Code of Practice for Timber Plantations in Western Australia (2006)

As mentioned previously, the applicant states that the proposed plantation development is to occur in accordance with the *Code of Practice for Timber Plantations in Western Australia (2006)*.

The purpose of the *Code of Practice for Timber Plantations in Western Australia* is and industry-based code that was developed by the timber plantation industry to provide a consistent set of goals and guidelines for plantation managers and approval agencies. The Code of Practice is intended to ensure that operations in plantations in Western Australia are economically competitive and sustainable and are consistent with the State's resource management objectives.

While the Code of Practice states that plantations established for wood production should be treated in the same way as any other agricultural production, the Shire of Boyup Brook TPS2 clearly differentiates this land use from agricultural production. Specifically, TPS2 states identifies "plantation" as a land use that is distinct from "agriculture" or "intensive agriculture" and classifies it as a use for which Council approval is required.

The *Code of Practice for Timber Plantations in Western Australia* is a valuable resource as a guide for the development of Plantation Management Plans that form the basis of plantation management activities including, tending, fire management and harvesting operations.

The application presented to the Shire includes a Plantation Management Plan that the applicant contends has been developed to comply with the *Code of Practice for Timber Plantations in Western Australia*. Proposed plantation management measures include protecting sensitive areas, developing the trees in compartments, developing access roads

and firebreaks, weed and vermin control, a livestock grazing strategy, a harvesting plan and a fire management plan.

*Guidelines for Plantation Fire Protection 2011*

The *Guidelines for Plantation Fire Protection 2011* were developed by the State Government to assist in ensuring that fire considerations are incorporated into the design, planning and operations of plantations in Western Australia.

The Guidelines state that while the competing needs of protecting the community and of the plantations have been considered in development of the guidelines, protection of local communities from bushfires is the most important consideration.

The Guidelines note that they were developed as minimum standards that can be tailored, responding to local risk and local government requirements and establish a set of requirements for fire management plans.

The Guidelines also state that every plantation manager, owner and occupier has legal responsibility to try and prevent fire from escaping their land in line with the *Bush Fires Act 1954*, and state:

- that it must be possible for them to attend a fire on their own plantation.
- That plantation managers have a responsibility to provide adequately trained personnel for safe and effective operation of firefighting equipment, and a capability to carry out onsite fire suppression as determined by the LG.
- Fire fighting equipment must be in good working order and well maintained and
- Fire suppression activities must meet the requirements of the *Bush Fires Act 1954*

The Guidelines include the following table which indicates the increasing rate of fire hazard as plantations mature, with pine plantation posing a high to very high hazard after year 6. It should be noted that these hazard levels are higher than those identified for blue-gum plantations.

**Pinus species<sup>19</sup> – long term crop**

Lifecycle situation	Fuel Description	Fire Danger Hazard
Young plantations Up to 4 years after planting.	Grassy fuels dominate	Low hazard
	Fuel load: <5 tonnes per hectare	
	Vulnerable to grass fires	
Developing plantations shrubs and seedlings 3 to 6 years after planting	Discontinuous fuel cover	Moderate hazard
	Fuel rates depend on site location	
	Fuel load: <5 tonnes per hectare	
	Pruning undertaken	
Plantations 7 to 8 years after planting	Increase in forest litter, bark and needles	High Hazard
	Continuous fuel cover	
	Canopy closure will reduce persistence of grassy fuels and wind inside plantation	
	Fuel load: up to 8 tonnes per hectare.	
Prescribed needle bed burning	Increase in heavy fuels (>6 millimetre)	High Hazard
	Needle beds in P pinaster (only) are generally burnt at year 15 to 18 to reduce litter fuels to <12 tonne per hectare	
First Thinning 12 to 18 year old	Fuel loading and arrangement will depend on thinning method: Assuming removal of 900 stems/ha of P. radiata fuel loads; • 5.1 tonnes per hectare aerial needles • 1.2 tonnes per hectare branch wood • 11–20 litter	Very High hazard dependant on; 1. Fuel loading level produced at time of harvest. 2. Fuel reduction program outcome. 3. rate of fuel decomposition
Second Thinning 18 to 22 year old	600 stems per hectare will be reduced to < 200 stems per hectare with: • 6 to 7 tonnes per hectare aerial needles • 2 to 3 tonne per hectare branch wood • 25 to 30 tonne per hectare litter	
Harvested plantations 25 to 30 years	Retaining surface mulch from logging residue are significant factors in reducing the level of weed competition in second rotation plantations	

This guideline recommends that plantations are designed, developed and managed to reduce the fire risk. Measures include:

- Ensure the development of tree plantations in compartments;
- Incorporate appropriate setbacks and firebreaks;
- Ensure fuel reduction is undertaken;
- Provide water supplies for firefighting purposes; and
- Ensure personnel are appropriately trained to fight fires.

The application proposes the following measures with regards to:

- A 100m buffer between an existing dwelling and tree plantings;
- The provision of trained personnel;
- The provision of firefighting facilities; and
- The provision of water and suitable access and firebreaks.

A Fire Management Plan and concept map has been included to show:

- Landowner and/or occupier information such as identification of the Plantation Company; and all relevant contact details including a 24-hour fire contact phone number on FMP and Plantation Area Map(s);

- Designated access routes within and around the proposed plantation areas on the plantation area maps;
- Layout of fire breaks/fire access track;
- Dedicated firefighting water resources (water tank - min 50,000 litres) as a reliable all year-round water supply.

While in some areas the application complies with the State Governments *Guidelines for Plantation Fire Protection*, the proposed measures proposed by the applicant for initial response to fires on the plantation are inadequate and are likely to be insufficient to prevent escalation of the fire and spread of fire into adjoining properties. The Shire's volunteer fire brigade leadership team have expressed concern that the proposed measures are inadequate, and that the plantation owner is relying on surrounding property owners who are not equipped to respond to plantation fires.

In particular, the applicant has not included provision of a fire unit that is adequately equipped for plantation fires be supplied on this plantation or in the McAlinden locality, nor are details supplied of where any employees who trained to operate this equipment are to be located other than those who will be stationed in Collie or other more distant locations.

The applicant proposes that the nearest units are based in Collie, stating that these units will have a 25-minute travel time to the plantation. However, the actual time for these crews to arrive on site will almost certainly be longer as there must be time for FPC crews to reach and man the unit at their Collie base and must account for road conditions and the speed at which the units can safely travel.

Other units that are identified in the application located in Harvey, Nannup, Manjimup and Bunbury will experience significantly longer time to arrival times.

Of note, during the weekend of the 12<sup>th</sup> and 13<sup>th</sup> March 2022, although FPC was contacted on several occasions by members of the Boyup Brook volunteer fire brigades, FPC was unable to supply any units to respond to a fire on this property throughout the weekend.

The Shire has advised FPC on several occasions that the Shire's Volunteer Bushfire Brigades are not equipped or trained to respond to plantation fires and are prohibited from entering plantations to respond to fires. Additionally, FPC has been advised that if the Shire's volunteers did enter a plantation to respond to a fire without adequate training and equipment and suffered fatal injuries or burns, the Shire CEO may face criminal charges and up to 14 years imprisonment.

The Shire has consistently advised FPC that they provide adequately trained and equipped personnel to respond to fires on their property and prevent any fires in the plantation from escalating and risking the lives and properties of neighbouring landowners and the broader community.

#### Diversification of Rural Activities

As noted earlier TPS2 states that the Scheme's general objective is to ensure that the Scheme protects the existing agricultural base of the District whilst permitting, where appropriate, and subject to Council discretion, more intensive forms of agriculture, expansion of the economic base and increased settlement within certain parts of the



District. To do this, it encourages the diversification of agricultural activities on land zoned “rural”.

During discussions with the applicant, shire staff have stated concern that unless diversification of agricultural activities are maintained on the property, there will be resultant loss of jobs and employment opportunities for the Boyup Brook community, ultimately leading to an impact to the social and economic wellbeing of the community as a whole.

The application has indicated the potential for the grazing of livestock (diversification of rural activities), via a lease opportunity to a farming family wishing to run livestock throughout the plantation areas and utilising an existing homestead(s) and shearing shed. The applicant has stated that grazing of livestock will be available throughout the entire plantation area when trees are at a height to enable grazing and in non-established areas such as granite outcrops, endemic vegetation, stream buffers, power line easements, firebreaks and laneways.

### Recommendation

It is recommended that the Shire approve the proposed Pine Plantation development, the majority of which is already established as Blue Gums and which supports the leasing of land and infrastructure to enable the diversification of rural activity (grazing of livestock) to continue to occur.

While the applicant has made changes to their Fire Management Plan in an attempt to place less reliance on bushfire brigades and to firm up commitment to provide trained fire response crews and heavy duty firefighting equipment within a 30 minute ‘time to arrival’, it is recommended that the approval is conditioned to ensure that the plantation is provided with adequate resources to respond to fires on the property within 15 or 20 minutes of a fire being detected.

Further to this, it is recommended that the Council include conditions to ensure a heavy fire fighting vehicle that is equipped for plantation fires is stationed on or near to the plantation during the high fire season and that the applicant provide such additional resources as may be required to respond to plantation fires on the property when bushfire hazard levels within the plantation reach a ‘high’ level (i.e. within seven years of growth – as per DFES Guidelines)...(see planning conditions at the end of this report item).

### **STATUTORY OBLIGATIONS**

#### Local Planning Scheme No.2.

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

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

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

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

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

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

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

Bush Fires Act 1954

The *Bush Fires Act 1954* states (*Part III, Division 6, Reg 28*):

(1) *Where a bush fire is burning on any land —*

- (a) at any time in any year during the restricted burning times; or*
- (b) during the prohibited burning times,*

*and the bush fire is not part of the burning operations being carried on upon the land in accordance with the provisions of this Act, the occupier of the land shall forthwith, upon becoming aware of the bush fire, whether he has lit or caused the same to be lit or not, take all possible measures at his own expense to extinguish the fire.*

**POLICY IMPLICATIONS**

There are no policy implications.

The Shire is in the process of preparing a Tree Plantation Policy, to provide additional guidance to the Council and applicants in determining the suitability of proposals for tree plantations in the Shire of Boyup Brook.

The draft policy has been developed in response to the Shire's scheme, which encourages the diversification of rural activities within rural holdings.

The policy identifies a maximum planting ratio per rural holding.

It has been considered that because the Tree Plantation Policy has not been finalised, it is not appropriate to apply the policy position, to the current plantation application.

**CONSULTATION**

The application was referred to the Department of Biodiversity, Conservation and Attractions, the Department of Water and Environmental Regulation, the Department of Planning, Lands and Heritage and the Department of Fire and Emergency Services.

- The Department of Water and Environmental Regulation had no concerning comment.
- The Department of Planning, Lands and Heritage had no comment.
- The Department of Biodiversity and Attractions (DBCA) indicated that fire management on the private landholding is the responsibility of the landholder.
- The Department of Fire and Emergency Services (DFES) indicated that it is the responsibility of the landholder to comply with relevant policies where necessary.

## **VOTING REQUIREMENTS**

Simple majority

## **ALTERNATIVE RECOMMENDATIONS**

Council may approve the application with or without conditions or may refuse the application.

Please note that if the local government does not make a determination, on this application, the applicant may have the right to commence SAT review proceedings. SAT review proceedings are generally available to the person who applied for the relevant planning decision in the following circumstances:

- Where an application was refused;
- Where an application was approved subject to conditions which are not satisfactory to the applicant; or
- Where the decision-maker has failed to make a decision within the prescribed time period (90 days for advertised application), and the relevant scheme states that such a failure amounts to a deemed refusal.

## **OFFICER RECOMMENDATION – ITEM 10.4.2**

### **That Council**

Grants development approval for Lots 4491, 2515, 270, 2516, 2056, 2130, 164, 2381, 3655, 1455, 2038, 2367, 2368, 165, 2317, 2318 McAlinden Road, for the purpose of Development (Plantation - Pinus), subject to the following conditions:

### ***Planning and Development Act 2005***

### **Shire of Boyup Brook**

## **NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL**

Location: Lots 4491, 2515, 270, 2516, 2056, 2130, 164, 2381, 3655,  
1455, 2038, 2367, 2368, 165, 2317, 2318 McAlinden Road, McAlinden.

Description of proposed development:

### **Plantation (Pinus Radiata – 1350ha)**

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

Conditions:

- 1) All development shall occur in accordance with the approved Plantation Management Plan (Dated 31 March 2022), unless varied by a condition of approval or a minor amendment, to the satisfaction of the Shire of Boyup Brook.
- 2) Management of the tree plantation is to be carried out in accordance with the *Code of*

*Practice for Timber Plantations in Western Australia*, to the satisfaction of the Shire of Boyup Brook.

- 3) Management of the plantation is to be undertaken to ensure compliance with the *FESA Guidelines for Plantation Fire Protection* (as updated from time to time), to the satisfaction of the Shire of Boyup Brook.

Advice on conditions 1, 2 and 3

As a minimum, the following actions are to be complied with:

- Remove all large vegetation and windrows before planting.
  - Where appropriate, conduct regular prescribed burning of adjacent remnant vegetation.
  - Introduce grazing once trees are large enough.
  - Manage weeds with herbicide or removal.
  - Maintain full canopy cover to reduce grass competition.
  - High prune trees near critical infrastructure where required to allow access for vehicles such as fire trucks.
  - Plantations must be setback at least 50 m from sheds and 100 m from houses.
  - External firebreaks must be 15 m wide and pruned to 4 m high for clear access.
  - Internal firebreaks must be pruned at least 6 m wide and 4 m high to allow for vehicle access.
  - Powerline easements 10-30 m clear each side.
  - Underground cables 10 m clear each side.
- 4) Prior to commencement of development, a Fire Management Plan Map is to be developed to comply with the *FESA Guidelines for Plantation Fire Protection* and the Plantation Management Plan (Dated March 2022) and shall be maintained on-site in red PVC tubes located at each access point.

Advice on condition 4.

- The Fire Management Plan Map is to detail the following as a minimum:
    - Landowner/manager's details and a 24 hour contact number (FPC contact 9725 5288);
    - Details of the fire suppression equipment and operational arrangements;
    - Details of the plantation species and plantation layout including cell size;
    - Water sources;
    - Firebreaks and access routes.
- 5) Prior to commencement of development, the applicant is to ensure that adequate arrangements are made to respond to fires originating from or entering into the plantation. A heavy duty fire appliance fitted with in cab protection systems is to be stationed on site during the high risk fire season. The FPC will advise the Shire's Chief Bushfire Officer that the equipment is unavailable to allow alternative arrangements to be made.

**Advice on condition 5**

Neither Shire staff nor the Shire's Volunteer Bushfire Brigades are equipped or trained to respond to plantation fires and are consequentially prohibited from entering plantations to respond to fires within the plantation area. While the Shire volunteer fire brigades will make every effort to contain fires within the boundaries of the plantation, the plantation owner is responsible for control and suppression of fires within the plantation boundaries.

It is essential upon detecting a fire in or near a plantation that suppression action is as fast as possible and safe, determined and thorough with the primary objective of controlling the fire in the shortest time possible to minimise loss and environmental damage.

The Shire acknowledges that the subject equipment and fire crews may be required to attend outbreaks of fire in other locations within or outside of the Shire and may not be available to respond to fire outbreaks on this plantation while diverted to these duties. When this occurs, the FPC will advise the Shire's Chief Bushfire Officer when the equipment is unavailable to allow alternative arrangements to be made.

- 6) As an ongoing condition, suitably trained fire personnel are to be available to attend a fire at the subject land. These fire personnel must be trained in plantation fire prevention and response and equipped with all necessary equipment suitable for this use.
- 7) Prior to the commencement of development, a min 50,000L water tank is to be established as a dedicated firefighting water supply adjacent to the McAlinden Rd and outside of the plantation area, in a location and of a design, to the satisfaction of the Shire of Boyup Brook. Appropriate signage should identify this usage and provide ease of access.

**Advice on Condition 7.**

The DFES Guidelines for Plantation Fire Protection 2011 is on page 9, 4.3 Water Supplies.

- "The Strategic water supply should be no further than **five kilometres or a 20-minute turnaround** from the plantation, whichever is most efficient."
- 8) The owner/operator is responsible for the repair of any undue damage to public roads caused by harvesting operations and or movement of machinery associated with the plantation operation.

**Advice**

- Prior to commencement of harvesting, the developer is to provide a road condition report, to the satisfaction of the Shire of Boyup Brook.
- Council is to be notified in writing of future harvesting at least 3 months prior to harvesting commencing.
- Traffic management measures may need to be implemented following consultation with the local government to minimise damage to the road and to ensure safety requirements are met.
- Prior to commencement and following the completion of harvesting, a joint inspection (landholder and Local Government) of the relevant local roads, used as a haulage route, should be conducted.

Date of determination: 28 April 2022

Note 1: In accordance with the Shire of Boyup Brook Firebreak Notice:

- a) clear a 15m wide bare earth firebreak immediately inside all external boundaries of the land by removing all inflammable matter and vegetation to a height of 5m;
- b) where a plantation is divided into compartments –
  - (i) if the compartments do not exceed 30ha, a 6m wide bare earth firebreak between compartments must be cleared by removing all inflammable matter and vegetation within the 6m firebreak between the ground and 5m above the ground;
  - (ii) if compartments exceed 30ha, a 10m wide bare earth firebreak between compartments must be cleared by removing all inflammable matter and vegetation within the 10m wide firebreak between the ground and 5m above the ground;
- c) clear a 50m wide bare earth firebreak around all buildings and fuel storage areas by removing all inflammable matter and vegetation within the 50m firebreak between the ground and 5m above the ground;
- d) where power lines pass through the plantation, clear firebreaks in accordance with Western Power specifications (consult Western Power – phone 13 10 87).

Note 2: The removal of any native vegetation will require the approval of the Department of Water and Environmental Regulation.

Note 3: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

Note 4: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 5: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

**10.4.3 Rylington Park Committee**

The Rylington Park Committee met on 7<sup>th</sup> April 2022. *(please refer to attachment 11.1)*

**OFFICER RECOMMENDATION – ITEM 10.4.3**

The Rylington Park Committee recommend that Council considers expanding membership of the Rylington Park Committee to include three additional full voting members from the Rylington Park Management Inc and nominate Tristan Mead, Joshua Stretch and James Johnston.

**11 COMMITTEE MINUTES**

**11.1 Rylington Park Committee Minutes**

**OFFICER RECOMMENDATION – ITEM 11.1**

That the unconfirmed minutes of the Rylington Park Committee held on Wednesday, 7 April 2022 be received.

**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 ....