



MINUTES

MEETING HELD ON

Thursday 25 August 2022

Commenced at 6.23pm

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 – joined via MS Teams
		Steele Alexander
		Charles Caldwell
		Philippe Kaltenrieder
		Darren E King
		Kevin J Moir
		Adrian Price
	Chief Executive Officer	Dale Putland
	Deputy Chief Executive Officer	Carolyn Mallett
	Executive Assistant	Maria Lane
LEAVE OF ABSENCE:		Nil
MEMBERS OF PUBLIC:		Paul and Patricia Harrison

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

6. DISCLOSURE OF INTEREST

Councillor	Item	Interest Type	Nature and if required extent of the Interest (Description)
Cr Phillippe Kaltenrieder	10.3.2	Proximity	Reside near the owner.

7. CONFIRMATION OF MINUTES

7.1 Ordinary Council Minutes – 27 July 2022

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.1

MOVED: Cr H O’Connell

SECONDED: Cr Philippe Kaltenrieder

That the minutes of the Ordinary Council Meeting held on Thursday 27 July 2022 be confirmed as an accurate record.

CARRIED 9/0

Res 22/8/99

8. PRESIDENTIAL COMMUNICATIONS

1st August

Attended the Boyup Brook Tourism Association AGM

2nd August

Met with Nannup CEO and President regarding Plantations

Met with WBAC on Native Forest Transition

Attended the WBAC meeting at the Shire of Bridgetown Greenbushes

12th August

Met with CEO and Cr Caldwell to review installation of sheep handler

9. COUNCILLOR QUESTIONS ON NOTICE

Nil

10. REPORTS OF OFFICERS

Nil

10.1 Manager Works and Services

Nil

10.2 Finance

10.2.1 List of Accounts Paid in July 2022

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>11/08/2022</i>
Author:	<i>Ben Robinson – Finance Manager</i>
Authorising Officer:	<i>Dale Putland – CEO</i>
Attachments:	<i>Yes – List of Accounts Paid in July</i>

SUMMARY

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

COMMENT

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

COUNCIL DECISION OFFICER RECOMMENDATION – Item 10.2.1

MOVED: Cr Sarah Alexander

SECONDED: Cr Helen O’Connell

That at its August 2022 ordinary meeting Council receive as presented the list of accounts paid in July 2022, totalling \$913,071.27 from Municipal account, \$56,000.25 from Police Licensing account and \$0.00 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20574-20577	\$ 1,237.30
Municipal Electronic Payments	EFT12692– EFT12819	\$ 678,914.30
Municipal Direct Payments		\$ 232,919.67
Police Licensing Payments		\$ 56,000.25
BBELC Payments		\$ 0.00

CARRIED 9/0

Res 22/8/100

10.3 Planning

10.3.1 Development Application (Single House and Chalet) – Lot 22 Wade Road, Benjinup.

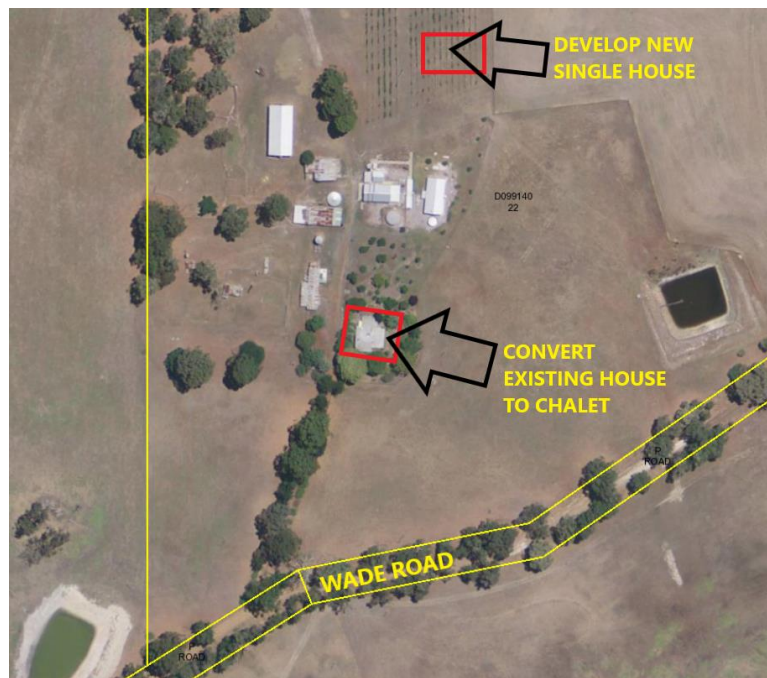
Location:	<i>Lot 22 Wade Road, Benjinup</i>
Applicant:	<i>J Tweedie</i>
File:	<i>A4492</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>25 August 2022</i>
Author:	<i>Town Planner (Adrian Nicoll)</i>
Authorizing Officer:	<i>Chief Executive Officer (Dale Putland)</i>
Attachments:	<i>Neighbours Comment</i>

SUMMARY

The Shire received an application seeking approval to convert an existing 'Single House' to a 'Chalet', and to develop a new 'Single House'.

The 'Chalet' is proposed to accommodate persons for short periods of time.

The following figure illustrates the location of the proposed developments.



As required by the Shire's 'Chalet Policy', the application includes:

- An evacuation plan, which is proposed to be displayed within the chalet for information to chalet occupants;
- A carparking bay/area; and
- A tank for drinking water and firefighting.

Council is requested to agree to approve the development application, which is proposed to be located on a 52ha, 'Rural' zone property, and which complies with the Shire's statutory and policy standards.

BACKGROUND

The Shire received an application to convert an existing 'Single House' to a 'Chalet', and to develop a new 'Single House', at Lot 22 Wade Road, Benjinup.

The following figure illustrates the existing house, which is proposed to be used for holiday accommodation purposes (chalet).



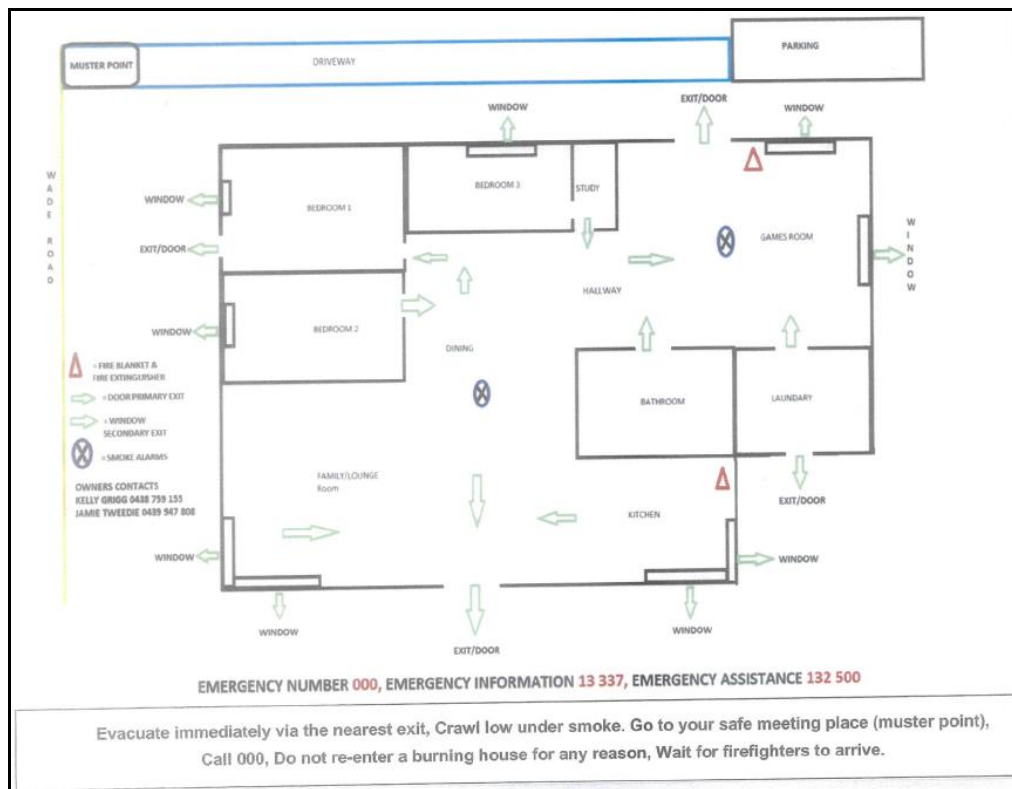
On receipt of the application, it was confirmed that:

- The subject property is zoned 'Rural' and is 52ha in area.
- In accordance with the Shire's Local Planning Scheme No.2, a 'Chalet' may be considered for approval at a property zoned 'Rural'.
- In accordance with the Shire's 'Farm Chalets' Policy (P.06), one chalet may be considered for every 2 hectares.

Shire officers requested that the applicant submit an emergency evacuation plan identifying procedures for evacuation in the event of an emergency. Subsequently, an evacuation plan was submitted to identify:

- Important emergency contacts;
- Necessary emergency equipment; and

- Evacuation procedure.



COMMENT

The subject property is located half-way between Boyup Brook and Bridgetown, approximately 1km north of the Bridgetown – Boyup Brook Road.

The subject property is approximately 52ha in land area and is currently developed with a single house and sheds.

The application for consideration involves converting an existing 'Single House' to a 'Chalet' and developing a new 'Single House'.

As required by the Shire's 'Chalet Policy', an evacuation plan, a carparking area and a water tank will accompany the chalet.

The Emergency Evacuation Plan has been submitted as a guide in the event of an emergency situation, primarily in that of a bushfire. In the event of an emergency situation, it is proposed that the owners of the property will contact the tenants of the unit either via phone or in person, alerting them of the emergency situation. Tenants of the unit are to evacuate the chalet upon receiving notification of an emergency situation.

The following equipment will be provided at the chalet to deal with emergency occurrences:

- Evacuation Layout and Important Contact Information clearly and prominently displayed within the chalet;
- Fire extinguisher;
- Fire blanket;
- 10,000l of water available in water tank behind the chalet.

Should Council decide to approve the Chalet, it is recommended that the following conditions are included in an approval notice:

- The owner/manager of the Chalet is to provide guests (on arrival) with an Emergency Evacuation Procedure plan, which indicates (as a minimum):
 - Emergency contacts (e.g. DFES, Police);
 - Location of safety equipment;
 - Location of muster point; and
 - Directions for safe (leave early) access/egress.
- The 'Chalet' shall be used for short stay accommodation only and shall not be occupied by the same person or persons for more than 3 months in any 12 month period.
- A sufficient amount of water for drinking, domestic and firefighting purposes, is to be made available at all times to the satisfaction of the Shire.
- The car parking area is to be developed and maintained to a gravel standard, to the satisfaction of the Shire.

CONSULTATION

In accordance with the Shire's scheme, a chalet (holiday accommodation), is a use which requires advertising. In this instance, the applicant consulted with the neighbours and has submitted signed comment forms (see attached). In summarising, the neighbours have no issues with the proposal to use the existing house as a chalet.

STATUTORY OBLIGATIONS

A 'Chalet' is identified in the Shire's *Local Planning Scheme No.2* as a use which Council, in exercising the discretionary powers available to it, may approve at a property zoned 'Rural'.

The Shire's *Local Planning Scheme No.2* defines 'Chalet' to mean:

chalet means a dwelling forming part of a tourist development or caravan park that is -

- (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and*
- (b) designed to provide short-term accommodation for guests.*

POLICY IMPLICATIONS

At the Building Permit stage in the development process, a Bushfire Attack Level assessment may be required for the development of the new 'Single House'.

The application complies with the Shire's 'Farm Chalets' Policy, which requires the following:

- A minimum of two (2) ha per chalet;
- Two car parking spaces being provided for each chalet and constructed to a gravel pavement finish and properly drained;
- A minimum of eighty thousand (80 000) litres of potable water per chalet;
- Bushfire safety precautions.

BUDGET/FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.3.1

MOVED: Cr Steele Alexander

SECONDED: Cr Darren King

That Council

Grants Development Approval for a new 'Single House' and to convert an existing house into a 'Chalet' at Lot 22 Wade Road, Benjinup, subject to the following notice, which outlines development conditions and advice notes.

Planning and Development Act 2005

Shire of Boyup Brook

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

Location: Lot 22 Wade Road, Benjinup.

Description of proposed development:

Single House and Chalet (short term accommodation)

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 owner/manager of the Chalet is to provide guests (on arrival) with an Emergency Evacuation Plan, which indicates (as a minimum):
 - Emergency contacts (e.g. DFES, Police);
 - Location of safety equipment;
 - Location of muster point; and
 - Directions for safe (leave early) access/egress.
3. The 'Chalet' shall be used for short stay accommodation only and shall not be occupied by the same person or persons for more than 3 months in any 12 month period.
4. A sufficient amount of water for drinking (80,000l) and firefighting purposes (min 10,000l), is to be made available at all times to the satisfaction of the Shire.
5. The car parking area is to be developed and maintained to the satisfaction of the Shire.
6. Stormwater being managed to the satisfaction of the Shire of Boyup Brook.

Date of determination: 25 August 2022

- Note 1: Effluent disposal systems require a permit prior to development. The Local Government may determine that the systems' nutrient removal capacity needs upgrading depending on filtration capability.
- Note 2: Sign(s) shall not be erected on the lot without the prior approval of the Shire of Boyup Brook.
- 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.

Proximity Interest

Cr Phillipe Kaltenrieder declared a proximity interest in item 10.3.2 and departed the Chambers the time being 6.34pm.

10.3.2 Scheme Amendment – Lot 7876 Terry Road, Boyup Brook.

<i>Location:</i>	<i>Lot 7876 Terry Road.</i>
<i>Applicant:</i>	<i>Edge Planning & Property</i>
<i>File:</i>	<i>A9370</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>25 August 2022</i>
<i>Author:</i>	<i>A. Nicoll, Town Planner</i>
<i>Authorizing Officer:</i>	<i>Dale Putland, Chief Executive Officer</i>
<i>Attachments:</i>	<i>Scheme Amendment 23</i>

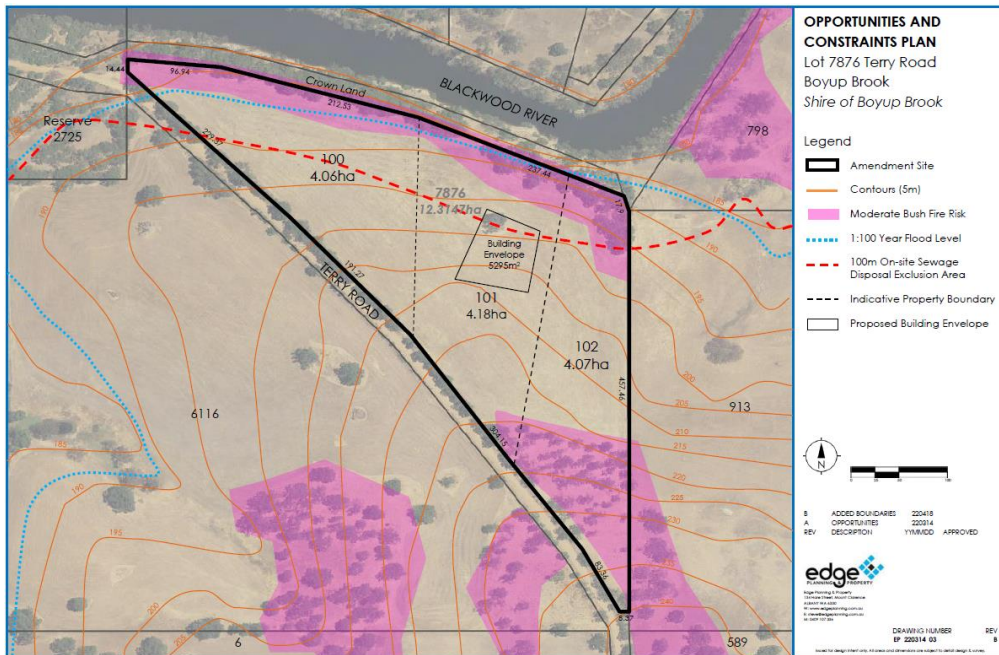
SUMMARY

The purpose of this report is to put before Council the request to adopt (for advertising), the local planning scheme Amendment No.23.

The scheme amendment is proposing to rezone Lot 7876 Terry Road, Boyup Brook from the 'Rural' zone to the 'Rural Small Holdings' zone.

Council discretion is required in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, which requires a local planning scheme amendment, to be adopted by a resolution of Council prior to being advertised.

The following map illustrates the Lot, subject to the scheme amendment proposal.



From a spatial perspective, the rezoning of the site provides a logical location to provide rural living lots near Boyup Brook without causing adverse amenity impacts to the locality.

It is recommended that the Council agree to initiate the scheme amendment for advertising purposes. The proposal complies with the Shire's scheme, which recommends the area be used for rural smallholdings. Post advertising, the amendment is then brought back to Council for consideration of landholder and agency submissions.

STATUTORY OBLIGATIONS

Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

Section 75 of the *Planning and Development Act 2005* authorises a local government authority to amend its local planning scheme with the approval of the Minister for Planning.

Section 35A of the Planning and Development (Local Planning Schemes) Regulations 2015 makes the following requirement:

35A. Amendment to local planning scheme affecting area to which structure plan relates

If an amendment to a local planning scheme affects the area to which a structure plan approved under the scheme relates, the amendment must include a statement that, when the amendment takes effect —

- (a) the approval of the structure plan is to be revoked; or
(b) the structure plan is to be amended in accordance with the statement; or
(c) the approval of the structure plan is not affected.

POLICY IMPLICATIONS

There are no policy implications directly relating to this item.

CONSULTATION

The *Planning and Development (Local Planning Schemes) Regulations 2015* require that a local planning scheme amendment be adopted by a resolution of Council prior to the proposal being advertised for public comment.

BUDGET/FINANCIAL IMPLICATIONS

There are no financial implications outside of the Shire's budget, relating to the proposal to amend the *Local Planning Scheme No.2*.

STRATEGIC IMPLICATIONS

There are no strategic implications directly relating to this item.

SUSTAINABILITY IMPLICATIONS

➤ **Environmental**

The proposal to amend the zoning is to be referred to the Environmental Protection Authority to determine if any environmental implications apply.

➤ **Economic and social**

The vision is the creation rural living lots on the fringe of the Boyup townsite.

VOTING REQUIREMENTS

Simple majority

SUMMARY CONCLUSION

It is recommended that the Council agree to adopt the Local Planning Scheme Amendment No. 23 for the following reasons:

- 1) The proposal is consistent with the current strategic direction set by the Shire's Local Planning Scheme No.2 (structure plan area recommending rural small holdings);
- 2) The site is physically suited to accommodating rural living and is located alongside land already zoned for 'Rural Small Holdings'.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.3.2

MOVED: Cr Kevin Moir

SECONDED: Cr Steele Alexander

THAT Council AGREE to:

- 1. Adopt Amendment No. 23 to amend Shire of Boyup Brook *Local Planning Scheme No. 2* by:**
 - a) Rezoning Lot 7876 Terry Road, Boyup Brook from the ‘Rural’ zone to the ‘Rural Small Holdings’ zone.**
 - b) Inserting ‘and Lot 7876 Terry Road’ into Schedule 3 - Rural Small Holdings Zones after ‘Road’ for Rural Small Holdings Zone 2 (RSH2).**
 - c) Amending the Scheme Map accordingly.**
- 2. Determines Amendment No. 23 is a standard amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:**
 - a) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.**
 - b) The amendment is not a basic or complex amendment.**
- 3. Determines that, when the amendment takes effect, the approval of the structure plan, pertaining to the subject area, is not affected.**

CARRIED 8/0

Res 22/8/102

Cr Philippe Kaltenrieder returned to the Chambers at 6.34pm.

COUNCIL DECISION

MOVED: Cr Darren King

SECONDED: Cr Sarah Alexander

That the Council adopts enbloc 10.4.1, 10.4.2, 10.4.3 and 10.4.4.

CARRIED BY ENBLOC 9/0

Res 22/8/103

10.4 Chief Executive Officer

10.4.1 Deputy Chief Executive Officer - Authority to Act Policy A.02

Location:	<i>N/a</i>
Applicant:	<i>N/a</i>
File:	<i>Policy</i>
Disclosure of Officer Interest:	<i>This matter deals with the appointment of a Council officer to act as the CEO.</i>
Date:	<i>2 August 2022</i>
Author:	<i>Dale Putland – Chief Executive Officer</i>
Authorizing Officer:	<i>Chief Executive Officer</i>
Attachments:	<i>Yes – Policy A.02</i>

SUMMARY

The purpose of this report is for Council to consider the amended version of the proposed Policy A.02 - Appointment of a Deputy Chief Executive Officer.

The Chief Executive Officer wishes to take annual leave in September and appoint the Deputy Chief Executive Officer to carry out this role.

BACKGROUND

The Shire is currently reviewing its policy manual to ensure that all Council policies are relevant, useful and up to date. Council policies are required to assist with the efficient running of the local government and to address and provide guidance on matters within the district.

COMMENT

It is for Council to be satisfied that the person who is employed in the position of CEO is suitably qualified for the position. Under the Act, it is for the CEO to determine that any other employee of the local government is suitably qualified for their position.

CONSULTATION

Deputy Chief Executive Officer

STATUTORY OBLIGATIONS

The Local Government Act applies;

Division 4 — Local government employees

5.36. Local government employees

- (1) *A local government is to employ —*
 - (a) *a person to be the CEO of the local government; and*
 - (b) *such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*
- (2) *A person is not to be employed in the position of CEO unless the council —*
 - (a) *believes that the person is suitably qualified for the position; and*
 - (b) *is satisfied* with the provisions of the proposed employment contract.*

** Absolute majority required.*

- (3) *A person is not to be employed by a local government in any other position unless the CEO —*
 - (a) *believes that the person is suitably qualified for the position; and*
 - (b) *is satisfied with the proposed arrangements relating to the person's employment.*
- (4) *Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
- (5A) *Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
- (5) *For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.*

[Section 5.36 amended by No. 49 of 2004 s. 44; No. 17 of 2009 s. 21.]

5.40. *Principles affecting employment by local governments*

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and*
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and*
- (c) employees are to be treated fairly and consistently; and*
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and*
- (e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and*
- (f) such other principles, not inconsistent with this Division, as may be prescribed.*

5.41. *Functions of CEO*

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and*
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and*
- (c) cause council decisions to be implemented; and*
- (d) manage the day to day operations of the local government; and*
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and*
- (f) speak on behalf of the local government if the mayor or president agrees; and*
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and*
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

The Local Government (Administration) Regulations apply as follows;

18A. *Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))*

(1) *If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government is to advertise the position in a newspaper circulating generally throughout the State unless it is proposed that the position be filled by —*

- (a) *a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or*
- (b) *a person who will be acting in the position for a term not exceeding one year.*

POLICY IMPLICATIONS

Please refer to attachment.

BUDGET/FINANCIAL IMPLICATIONS

Nil, current budget provisions are adequate, at this time, to cover relevant costs.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.4.1

That Council adopts the revised Policy A.02 - Appointment of a Deputy Chief Executive Officer as per the attachment 10.4.1 (a).

CARRIED ENBLOC 9/0

Res 22/8/104

10.4.2 Review of Delegations of Authority

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>GO/15/004</i>
Disclosure of Interest:	<i>Nil</i>
Date:	<i>3 August 2022</i>
Author:	<i>Dale Putland – Chief Executive Officer</i>
Authorizing Officer:	<i>Dale Putland – Chief Executive Officer</i>
Attachments:	<i>Delegations Register</i>

SUMMARY

This item reviews the existing Delegations of Authority and recommends that the existing delegations be updated to include “*Waiving and Grants of Concessions and Write-Off of Debts other than Rates and Service Charges*” and the “*Disposal of Property*”.

BACKGROUND

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

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

COMMENT

Local governments have responsibility for decision making under a number of legislative provisions. It is recognized as unreasonable and unrealistic for every legislative power or duty to be exercised by Council, and as such, delegations of authority exist to allow for the conferral of the ability to exercise that power or duty to, in most cases to the CEO, or an employee. The adoption of delegations for more routine decisions provides for more effective and efficient local government.

Delegations are made in relation to express powers and express duties given to the local government under legislation. A delegation does not restrict the delegator from exercising the power or duty once delegated and it also does not remove responsibility for the power. For a delegation to be considered valid, it must be in writing and in the form prescribed by legislation.

CONSULTATION

Deputy Chief Executive Officer

STATUTORY OBLIGATIONS

Local Government Act 1995, Section 5.42.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The adoption and implementation of this Delegations Authority will not require any additional expenditure.

STRATEGIC IMPLICATIONS

The Delegations of Authority will assist with the delivery of “Best Practice” within the industry.

VOTING REQUIREMENTS

Delegations under the Local Government Act requires absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATIONS – ITEM 10.4.2

1. That Council adopts the revised Delegation of Authority which incorporates the Waiving and Granting of Concessions and Write-Off of Debts other than Rates and Service Charges as per number 3.9 in the register.
2. That Council adopts the revised Delegation of Authority which incorporates the Disposing of Property as per number 3.10 in the register.

CARRIED BY ENBLOC 9/0

Res 22/8/105

10.4.3 Disposal of Property Policy F.16

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>Policy</i>
Disclosure of Interest:	<i>Nil</i>
Date:	<i>3 August 2022</i>
Author:	<i>Dale Putland – Chief Executive Officer</i>
Authorizing Officer:	<i>Dale Putland – Chief Executive Officer</i>
Attachments:	<i>Policy F.16</i>

SUMMARY

This policy is intended to provide guidelines for the disposal of Shire of Boyup Brook owned property deemed surplus to the Shires requirements.

The Shires Disposal of Property Policy sets the direction for disposition of all property, including the conditions relating to plant and vehicles trade-ins, machinery furniture, equipment, miscellaneous items, abandoned vehicles, building/construction materials, animals and land or buildings.

BACKGROUND

The Shire of Boyup Brook currently does not have a policy in place. This policy is designed to be an efficient means of asset disposal.

COMMENT

The purpose of this policy is to clearly set out the manner in which Shire of Boyup Brook property will be disposed of when it is no longer required and sold or needing to be traded to obtain a new asset.

CONSULTATION

N/A

STATUTORY OBLIGATIONS

Section 3.58 of the *Local Government Act 1995* requires Council to dispose (sell, lease or otherwise dispose) of property assets by public auction, public tender or local public notice in accordance with the legislated requirements. Sections 3.589(d) allows for certain dispositions to be exempted from these requirements through regulation.

This disposition of which shall be an exempt disposition pursuant to Regulation 30(2) and (3) of the Local Government (Functions and General) Regulations 1996.

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Plan and provide direction through policy and practices.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATIONS – ITEM 10.4.3

That Council adopt the proposed Policy F.16 - Disposal of Property in accordance with Attachment 10.4.3.

CARRIED BY ENBLOC 9/0

Res 22/8/106

10.4.4 Review of Records Management Policy A.13

Applicant:	N/A
File:	CM/43/001
Disclosure of Officer Interest:	None
Date:	21 June 2022
Author:	Nicki Jones – Administration Officer
Authorizing Officer:	Dale Putland - CEO
Attachments:	Records Management Policy

SUMMARY

The purpose of this report is to review and change the name of the current Recordkeeping Policy to a Records Management Policy. A Records Management Policy ensures the Shire meets its statutory obligations consistent with the *State Records Act 2000*.

BACKGROUND

It is a requirement of the State Records Office (SRO) that every five years the Shire submits a Recordkeeping Plan to ensure they remain up to date with current practices and legislation. Prior to submitting the plan, the Shire must complete and submit a review of the existing plan to the SRO. The SRO will then determine if we are required to write a new plan or make amendments to the existing plan.

The Shire's last Recordkeeping Plan was approved by the SRO in 2016 with a review submitted as required in late 2021. Feedback from the SRO review has stated that the Shire does not need to submit a new plan only an amended plan. Amendments include that the Shire update the current Recordkeeping Policy to be in line with current requirements. The Shire is required to submit the amended Recordkeeping Plan in December 2022.

COMMENT

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

CONSULTATION

State Records Office

STATUTORY OBLIGATIONS

Legislation and standards applicable:

State Records Act 2000

Local Government Act 1995

Freedom of Information Act 1992

Electronic Transactions Act 2011

Evidence Act 1906

Corruption and Crime Commission Act 2003

Financial Management Act 2006

State Records Commission: Principles and Standards

Australian Standards on Records Management: AS ISO 15489

SRO Records Management Advice Working Remotely ('Work from Home')

POLICY IMPLICATIONS

Change of name from Recordkeeping Policy to Records Management Policy.

BUDGET/FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The updated policy will ensure compliance and integrity are upheld with record keeping.

Shire of Boyup Brook Strategic Community Plan states:

GOVERNANCE AND ORGANISATION

1. Demonstrate effective leadership, advocacy and governance
- 1.2 Provide transparent decision making that meets our legal and regulatory obligations, reflects the level of associated risk, and is adequately explained to the community
- 1.3 Improve our business and asset management systems and processes to meet our audit compliance and the needs of the community.

SUSTAINABILITY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.4.4

That Council adopt the revised Records Management Policy A.13 in accordance with attachment 10.4.4.

CARRIED BY ENBLOC 9/0

Res 22/8/107

11 COMMITTEE MINUTES

11.1 Rylington Park Committee Minutes

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 11.1

MOVED: Cr Helen O’Connell

SECONDED: Cr Kevin Moir

That the confirmed minutes of the Rylington Park Committee held on Thursday, 9 June 2022 be received.

CARRIED 9/0

Res 22/8/108

12 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

Behind Closed Doors

MOVED: Cr Steele Alexander

SECONDED: Cr Phillipe Kaltenrieder

That pursuant to Section 5.23 (2) (b) of the *Local Government Act 1995*, Council move Behind Closed Doors.

CARRIED 9/0

Res 22/8/109

Mr & Mrs Harris left the Chambers at 6.37pm.

13 URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT/CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

13.1 80 Abel Street Boyup Brook

(Confidential Report)

13.2 55 and 57 Cailes Street Boyup brook

(Confidential Report)

Change to Order of Business

That the order of business in the agenda be changed to allow Item 13.4 to be brought forward and dealt with at this time.

13.4 Chief Executive Officer Performance Review Process

(Confidential Report)

13.3 31 July 2022 Statement of Financial Activity

<i>Location:</i>	<i>Not applicable</i>
<i>Applicant:</i>	<i>Not applicable</i>
<i>File:</i>	<i>FM/10/003</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>18 August 2022</i>
<i>Authors:</i>	<i>D Long – Finance Consultant</i>
<i>Authorizing Officer:</i>	<i>Dale Putland – Chief Executive Officer</i>
<i>Attachments:</i>	<i>Yes – refer to 10.2.2</i>

SUMMARY

The Monthly Financial Report for 31 July 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.

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.

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.

As the 2022-23 budget has not yet been adopted, no comparatives are provided for this month's reporting.

The Statement of Financial Activity as at 31 July shows a closing surplus of \$2,254,357.

CONSULTATION – Nil

STATUTORY OBLIGATIONS

Local Government Act 1995

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

Local Government (Financial Management) Regulations 1996:

Regulation 34 states:

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

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

POLICY IMPLICATIONS – Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS – Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 13.3

MOVED: Cr Philippe Kaltenrieder

SECONDED: Cr Sarah Alexander

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

CARRIED 9/0

Res 22/8/115

14 CLOSURE OF MEETING

There being no further business the Shire President, Cr Walker thanked all for attending and declared the meeting closed at 7.10pm.