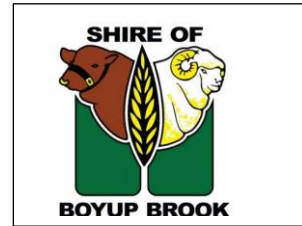

Date: 21 June 2023

**To: Shire President
Deputy Shire President
Councillors
Community**



NOTICE AND AGENDA – OPEN BRIEFING SESSION

An Open Briefing Session for the Ordinary Council Meeting of the Shire of Boyup Brook will be held in the Council Chambers on Thursday 22 June 2023 commencing at 6:00pm.

The Briefing Session provides Councillors the opportunity to ask questions and obtain clarification on the items to be presented to Council at its Ordinary Council Meeting.

However, this is not a decision-making forum, and no question may be taken from members of the public.

Members of the public who may have any questions or would like to make a statement regarding items on the agenda are encouraged to attend the Ordinary Council Meeting to be held in the Council Chambers on 29 June 2023 commencing at 6:00pm.

A handwritten signature in black ink, appearing to read "Leonard Long". The signature is written in a cursive style with a large, sweeping initial "L".

Leonard Long

Chief Executive Officer

PUBLIC QUESTION TIME

No questions may be taken from members of the public at an Open Briefing Session. Members of the public who may have any questions or would like to make a statement regarding items on the agenda are encouraged to attend the Ordinary Council Meeting to be held in the Council Chambers on 29 June 2023 commencing at 6:00pm.

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AGENDA

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at ___pm.

Acknowledgement of Traditional Custodians

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

Briefing Sessions are public meetings.

Briefing Sessions are not decision-making forums, they are for elected members to ask questions and seek clarification from staff on the Ordinary Council Meeting agenda reports for consideration at the next Ordinary Council Meeting.

2. RECORD OF ATTENDANCE

2.1 ATTENDANCE

Councillors

Shire President	Cr Richard F Walker
Deputy Shire President	Cr Helen C O'Connell
Councillors	Cr Sarah E G Alexander
	Cr Steele Alexander
	Cr Charles A D Caldwell
	Cr Philippe Kaltenrieder
	Cr Darren E King
	Cr Kevin J Moir
	Cr Adrian Price

Council Officers

Chief Executive Officer	Leonard Long
Deputy Chief Executive Officer	Carolyn Mallett
Urban & Regional Planner	Adrian Nicoll
Manager Finance	Ben Robinson
Executive Officer	Maggie Le Grange

Observers / Public Members

2.2 APOLOGIES

2.3 REQUEST FOR LEAVE OF ABSENCE

3. DEPUTATIONS, PETITIONS AND PRESENTATIONS

3.1 DEPUTATIONS

3.2 PETITIONS

3.3 PRESENTATIONS

4. DECLARATIONS OF INTEREST

4.1 FINANCIAL AND PROXIMITY INTEREST

4.2 DISCLOSURES OF IMPARTIALITY INTEREST THAT MAY CAUSE A CONFLICT

5. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATION

5.1 ORDINARY COUNCIL MEETING MINUTES – 25 May 2023

OFFICER RECOMMENDATION [REDACTED]

That the Minutes of the Ordinary Council Meeting held on 25 May 2023 be confirmed as being a true and accurate record.

Moved:

Seconded:

.....

5.2 ANNUAL ELECTORS MEETING MINUTES – 15 JUNE 2023

OFFICER RECOMMENDATION [REDACTED]

That the Minutes of the Annual Electors Meeting held on 15 June 2023 be confirmed as being a true and accurate record.

Moved:

Seconded:

.....

6. PRESIDENTIAL COMMUNICATIONS

June – TBC

7. COUNCILLOR QUESTIONS ON NOTICE

8. REPORTS OF OFFICERS

8.1 Manager Works and Services

Nil

8.2 Manager Finance

8.2.1 LIST OF ACCOUNTS PAID IN MAY 2023	
File Ref:	FM/1/002
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Ben Robinson, Manager Finance
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.2.1 – List of Accounts Paid in May 2023

<u>OFFICER RECOMMENDATION</u>	
That Council Resolves to:	
A. Receive the list of accounts paid throughout the month of May 2023:	
Municipal	
Cheques	20602–20603 \$ 3,942.09
EFT	EFT1400–EFT14167 \$558,767.10
Direct Debit	\$160,550.61
Police Licensing	\$ 53,553.40
BBELC	\$ 0
Grand Total	\$723,259.80
Moved:
Seconded:

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in May 2023 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 May 2023.

REPORT DETAIL

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 May 2023.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031

Key Imperatives	Governance and Organisation
Outcome	Demonstrate effective leadership, advocacy, and governance
Objective	Provide transparent decision making that meets our legal and regulatory obligations, reflects the level of associated risk, and is adequately explained to the community.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

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.*

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic – (Impact on the Economy of the Shire and Region)

Nil

Social – (Quality of life to community and / or affected landowners)

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Shire of Boyup Brook’s commitment to the identification and management of risks that may impact on the achievement of its business objectives.

Risk Level	Comment
Medium	The reporting of the monthly spending by a local government is required to be presented to Council in terms of the relevant legislation. Not presenting this information to Council would be a breach of the <i>Local Government Act 1995</i> .

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Funds used for account payments are included in the approved 2022/23 budget.

Workforce

Nil

end

8.2.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 MAY 2023	
File Ref:	FM/10/003
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Ben Robinson, Manager Finance Darren Long, Finance Consultant
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.2.2 – Monthly Financial Report 31 May 2023

OFFICER RECOMMENDATION

That Council Resolves to:

A. Receive the Monthly Financial Report for 31 May 2023, as presented.

Moved:

Seconded:

.....

SUMMARY

The Monthly Financial Report for 31 May 2023 is presented for Councils adoption.

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.

REPORT DETAIL

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 Program.
- (b) Statement of Comprehensive Income by Nature/Type.
- (c) Statement of Financial Activity by Nature.
- (d) Statement of Financial Activity by Program.
- (e) Summary of Net Current Asset Position.
- (f) Material Variances Report.
- (g) Statement of Financial Position.
- (h) Statement of Cash Flows.
- (i) Report on Progress of Capital Expenditure Program.
- (j) Report on Major Business Units.

- (k) Statement of Cash Back Reserves.
- (l) Loan Borrowings Report; and
- (m) Detailed Operating and Non-Operating Schedules.

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 Material Variances Report. This statement categorises the variance commentary according to reporting Nature/Type and groups the variances by Operating Revenue, Operating Expenditure, Investing and Financing Activities.

The Statement of Financial Activity as at 31 May 2023 shows a closing surplus of \$1,509,191.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031

Key Imperatives	Governance and Organisation
Outcome	Demonstrate effective leadership, advocacy, and governance
Objective	Provide transparent decision making that meets our legal and regulatory obligations, reflects the level of associated risk, and is adequately explained to the community.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

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.

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic – (Impact on the Economy of the Shire and Region)

Nil

Social – (Quality of life to community and / or affected landowners)

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Shire of Boyup Brook’s commitment to the identification and management of risks that may impact on the achievement of its business objectives.

Risk Level	Comment
Medium	The reporting of the monthly spending by a local government is required to be presented to Council in terms of the relevant legislation. Not presenting this information to Council would be a breach of the <i>Local Government Act 1995</i> .

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Funds used for account payments are included in the approved 2022/23 budget.

Workforce

Nil

end

8.3 Chief Executive Officer

8.3.1 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION CONVENTION AND ANNUAL GENERAL MEETING 2023	
File Ref:	GR/31/002
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Maggie Le Grange, Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.3.1A – Information Brochure 8.3.1B – Policy M.01 – Seminars, Conferences and Training

OFFICER RECOMMENDATION [REDACTED]

That Council Resolves to:

- A. Approve Shire President, Cr(s) _____ and Chief Executive Officer to attend the 2023 Western Australian Local Government Convention to be held on 18 and 19 September 2023.**
- B. Authorise the Shire President _____ and Councillor _____ to be the voting delegates at the Western Australian Local Government Annual General Meeting.**
- C. Authorise Councillor _____ and Councillor _____ to be the proxy delegates should one of the Councillors in (B.) not be able to attend the Western Australian Local Government Annual General Meeting.**
- D. Request the Chief Executive Officer to arrange accommodation at [REDACTED].**
- E. Authorise the Chief Executive Officer to issue the necessary purchase orders for expenses incurred by the delegates, as per Council Policy M.01.**

Moved:

Seconded:

.....

SUMMARY

The 2023 WA Local Government Convention will be held at Crown Perth on Monday, 18 and Tuesday, 19 September 2023, with an invite only event for all Local Government Mayors and Presidents on 17 September 2023 (3:30pm – 5:00pm).

This report recommends Council be represented at both the convention and Annual General Meeting by nominating delegates and proxies accordingly.

BACKGROUND

The Local Government Convention is the premier event for Elected Members and Officers within Local Government.

Themed *Local Futures*, this year’s Convention will explore how Local Governments can enact and drive change for the benefit of their communities and the diversity of solutions that can emerge when you start local.

REPORT DETAIL

The Convention will feature panels on pressing issues such as active mobility, regional housing and diverse representation, where experts and insiders will share their thoughts on how to tackle some of the most important topics facing Local Governments today (Attachment 11.3.1(A)).

The Association’s Annual General Meeting forms part of the convention program and will be held on 18 September 2023 at 2:00pm – 5:00pm. A separate report will be presented to Council to provide Council direction regarding the agenda recommendations of Annual General Meeting, once the agenda has been provided.

In accordance with Western Australian Local Government’s constitution, member Councils are entitled to have two (2) voting delegates and up to two (2) proxies. Registration of the voting delegates and the proxies is required by 8 September 2023.

Member Local Governments are invited to submit motions for the following:

- Constitutional amendments, submission deadline 26 June 2023; and
- Motions for the Annual General Meeting, submission deadline 4 August 2023.

In previous years Boyup Brook has been well represented with at least three Councillors and the Chief Executive Officer attending.

The estimated cost per attendee is, depending on involvement with member development programs.

Whilst it is often hard to quantify the benefit of attending conferences, the convention get together does provide the opportunity to view a range of vendors wares, speak with various representatives.

It also provides a good opportunity for delegates to network with each other potentially over matters currently being experienced in their local government. This interaction is important in so many ways as it provides a forum for sharing ideas and experiences and as such is more akin to training.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031

Key Imperatives	Governance and Organisation
Outcome	Demonstrate effective leadership, advocacy, and governance
Objective	Strengthen leadership, advocacy and governance capabilities.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic – (Impact on the Economy of the Shire and Region)

Nil

Social – (Quality of life to community and / or affected landowners)

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Shire of Boyup Brook’s commitment to the identification and management of risks that may impact on the achievement of its business objectives.

Risk Level	Comment
Low	The Convention program will enable delegates to gain information that will benefit local government in Boyup Brook, as will interaction with elected members from throughout Western Australia.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

The cost of the convention is included in the approved 2022/23 budget.

Workforce

Nil

end

8.3.2 REVIEW OF BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007	
File Ref:	EN/45/002
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.3.2 – Discussion Paper

OFFICER RECOMMENDATION

That Council Resolves to:

A. Authorise the Chief Executive Officer to submit an on-line submission to the Department of Primary Industries and Regional Development on the *Biosecurity and Agriculture Management Act 2007* Review, detailing the following:

- 1. That Council opposes the proposed rating approach and broadening the revenue base of the Declared Pest Rate (DPR) Model through a uniform (where possible) progressive ad valorem (according to value) rating structure applied to land across WA that has significant land management requirements (including pest control) as outlined in “Opportunity 13” of the Discussion Paper.**
- 2. In opposing the proposed ad valorem rating structure, Council advises that landholders in the Shire of Boyup Brook will be adversely affected by this proposal as they currently pay a flat Declared Pest Rate and changing it to the ad valorem system of rating, would significantly increase landholders’ contributions.**

Moved:

Seconded:

.....

SUMMARY

For Council to consider providing a submission to the Department of Primary Industries and Regional Development (DPIRD) on the Review of the *Biosecurity and Agriculture Management (BAM) Act 2007*.

BACKGROUND

The BAM Act is WA’s primary biosecurity legislation. It provides the legal framework to manage biosecurity risks to WA in any situation, whether it is endangering WA’s primary industries, our unique environment, or our way of life. It also deals with agriculture management, contributing to the safety and integrity of our food and fibre produce and products.

The BAM Act's biosecurity provisions relate to organisms that can cause harm and the things that can carry those organisms.

The agriculture management provisions are treated quite separately. They primarily relate to agricultural and veterinary chemicals and other contaminants of soil, water, animals and agricultural products that can negatively impact the quality or safety of those products.

This dual focus of the BAM Act has created some confusion among stakeholders regarding the scope of 'biosecurity' under the Act.

The Discussion Paper draws on the information gathered from consultations and stakeholder engagement during Stages 1 and 2 of the review of the Biosecurity and Agriculture Management Act 2007 (BAM Act), as well as additional research, to present legislative and non-legislative reform opportunities.

The paper provides an overview of the BAM Act Review Panel's (panel) approach and is then divided into nine sections, each addressing an area for reform identified by the panel.

The nine reform areas describe the challenges stakeholders raised through the review process, outline the desired outcomes for each area, and present ways (specific opportunities) in which these outcomes might be achieved. Some of these opportunities are legislative, some are not.

This discussion paper has been prepared to assist people who might like to comment on the reform opportunities that the panel is investigating. Your views will help the panel finalise its recommendations to government.

The discussion paper does not address technical amendments¹ required to the BAM Act that have been raised with the panel through the consultation and engagement processes to date.

REPORT DETAIL

One of the major proposals in the Discussion Paper relates to "Opportunity 13" where it discusses simplifying the rating approach and broadening the revenue base of the Declared Pest Rate (DPR) Model through a uniform (where possible) progressive ad valorem (according to value) rating structure applied to land across WA that has significant land management requirements (including pest control).

Under this proposed simplification, a DPR would be applied across WA to freehold or leasehold rural land classes of sufficient size. In this context, this would include land of a minimum size (e.g., one, five or 10 hectares) with rural characteristics such as agricultural and pastoral properties, privately-owned conservation land, market gardens, vineyards, and rural lifestyle properties.

It is understood that landholders in the Shire of Boyup Brook currently pay a flat DPR and changing it to the ad valorem system of rating, it would significantly increase landholders' contributions.

The BAM Act Review has been advertised locally advising notifying residents that submissions are currently being sought. DPIRD also advertised same in the "Western Australian" newspaper on Saturday, 27 May 2023.

The A/CEO also circularised, via email, to Councillors on Tuesday, 30 May alerting them to the Review process and seeking comments for inclusion in the Shire of Boyup Brook's submission.

DPIRD are requesting that submissions be made on-line prior to 30 June 2023

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031

Key Imperatives	Natural Environment
Outcome	Manage Natural Resources Sustainability
Objective	Work with key stakeholders to manage land, fire, disease, pest animals and weeds.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Biosecurity and Agriculture Management Act 2007

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic – (Impact on the Economy of the Shire and Region)

The proposed simplifications would have a negative impact on the economy due to the higher contribution cost imposed on landowners.

Social – (Quality of life to community and / or affected landowners)

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Shire of Boyup Brook's commitment to the identification and management of risks that may impact on the achievement of its business objectives.

Risk Level	Comment
High	Although only a commenting authority it is important for Council to ensure the interests of the community are protected.

CONSULTATION

The BAM Act Review Discussion Paper was advertised throughout the district to alert landholders that submissions were being called.

RESOURCE IMPLICATIONS

Financial

An increase in the DPR would impact the Shire, being a rural landowner.

Workforce

Nil

end

8.3.3 BLACKWOOD BASIN GROUP – LANDCARE OFFICER PROPOSAL	
File Ref:	CR/31/004
Previous Items:	Nil
Applicant:	Blackwood Basin Group
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	Nil

OFFICER RECOMMENDATION

That Council Resolves to:

- A. Advise the Blackwood Basin Group it will give due consideration to the engagement of a Landcare Officer for the Shire of Boyup Brook in its 2023/2024 Budget deliberations.**
- B. Further advise the Blackwood Basin Group it supports the concept of a shared Landcare Officer with neighboring Local Governments as a means of ensuring a collaborative catchment scale approach to Landcare issues and requests the Blackwood Basin Group investigate this option prior to Council committing to the appointment of a Landcare Officer.**

Moved:

Seconded:

.....

SUMMARY

For Council to consider providing funding in its 2023/2024 Budget for the provision of appointing a part-time Landcare Officer.

BACKGROUND

At the May 2023 Ordinary Council Meeting Ms. Belinda O’Brien from the Blackwood Bason Group provided a presentation to Council on the benefits of Local Government’s employing Landcare Officers.

Ms O’Brien advised the Blackwood Basin Group is a non-profit, community-based organisation that coordinates environmental management within the Blackwood River Catchment. Whilst locals can come in anytime to receive information from Blackwood Basin Group expertise, a Landcare Officer employed locally would allow the Shire to have specific, tailored projects designed for the Shire focusing on local community needs.

The proposal presented to Council was to consider funding a Landcare Officer for up to 6 hours per week, through a Memorandum of Understanding (MOU) between the Shire of Boyup Brook and the Blackwood Basin Group.

REPORT DETAIL

Ms O’Brien advised the benefits of having a Landcare Officer working for the community of Boyup Brook is expansive and includes:

- **Funding Opportunities** - This role will allow someone to write funding applications for the Shire of Boyup Brook and bring in funding for the community to access.
- **Coordinate workshops in the local community** - Community engagement is critical in natural resource management and the communities can make some good grass roots decisions in their Shire with a Landcare Officer to run events and workshops that are engaging all ages in the community.
- **Bring in new ideas and innovation** – Having someone on the lookout on behalf of the Shire for new innovations in the agricultural community which will be beneficial for local farming systems.
- **Providing on ground advice and support for landholders** - This is invaluable, for a local Shire to have a Landcare Officer to provide support and advice to the community.

In the presentation provided, Ms O’Brien indicated a Landcare Officer could be employed for up to 6 hours per week for 50 weeks of the year which would cost Council in the vicinity of \$21,450/annum.

In Ms O’Brien’s correspondence to Council since the presentation, she has provided Council with three employment options as listed below:

Option 1:
6 hours per week for 50 weeks of the year @\$65.00 per hour, Total \$21,450

Option 2:
4 hours per week for 50 weeks of the year @\$65.00 per hour, Total \$14,300

Option 3:
2 hours per week for 50 weeks of the year @\$65.00 per hour, Total \$7,150

At the May OCM, Council queried whether a shared Landcare Officer arrangement could be considered with MS O’Brien advising in the above correspondence that there are many benefits to having one person working across two Shires, especially when those Shires have similar issues and challenges. In fact, it would help to determine a collaborative catchment scale approach.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031

Key Imperatives	Natural Environment
Outcome	Manage Natural Resources Sustainability
Objective	Work with key stakeholders to manage land, fire, disease, pest animals and weeds.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Biosecurity and Agriculture Management Act 2007

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic – (Impact on the Economy of the Shire and Region)

Nil

Social – (Quality of life to community and / or affected landowners)

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Shire of Boyup Brook’s commitment to the identification and management of risks that may impact on the achievement of its business objectives.

Risk Level	Comment
Medium	Not having a local Landcare Officer may impact on the Shires ability to conserve important environments.

CONSULTATION

A presentation by Ms O’Brien made to Council at its May 2023 Ordinary Council Meeting regarding the proposal.

RESOURCE IMPLICATIONS

Financial

Any financial commitment would place additional pressures on the budget.

Workforce

Nil

end

8.4 Planning

8.4.1 DEVELOPMENT APPLICATION (CHALET – SHORT STAY HOLIDAY ACCOMMODATION) – LOT 1829 BOYUP BROOK CRANBROOK ROAD	
File Ref:	A7050
Previous Items:	Nil
Applicant:	S & K Kay
Author and Title:	A. Nicoll, Urban and Regional Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	8.4.1A – Property Management Plan 8.4.1B – Bushfire Evacuation Plan 8.4.1C – Shires’ Farm Chalets Policy

OFFICER RECOMMENDATION

That Council Resolves to:

A. Approve the Development Application for the proposed Chalet (short term accommodation) on Lot 1829 Boyup Brook Cranbrook Road, subject to the following conditions and advice notes:

Conditions:

1. Management of the Chalet is to occur in accordance with the Property Management Plan (Dated 29 June 2023, Attachment 8.4.1A).
2. The owner/manager of the Chalet is to provide guests (on arrival) with a Bushfire Emergency Evacuation Procedure plan (Dated – 29 June 2023, Attachment 11.4.1(B)), which indicates (as a minimum):
 - a) Emergency contacts (e.g., DFES, Police).
 - b) Location of safety equipment.
 - c) Location of muster point; and
 - d) 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 and firefighting purposes, is to be made available at all times to the satisfaction of the Shire.
5. A car parking area is to be developed and maintained to a gravel standard, to the satisfaction of the Shire.
6. The operator or manager of the Chalet shall maintain a register and receipt book containing details of all people who stay on the premises throughout the year, to the satisfaction of the Shire of Boyup Brook.

Advice Notes:

1. **Sign(s) shall not be placed on the lot without the prior approval of the Shire of Boyup Brook**

2. **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.**

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.**

Moved:
Seconded:

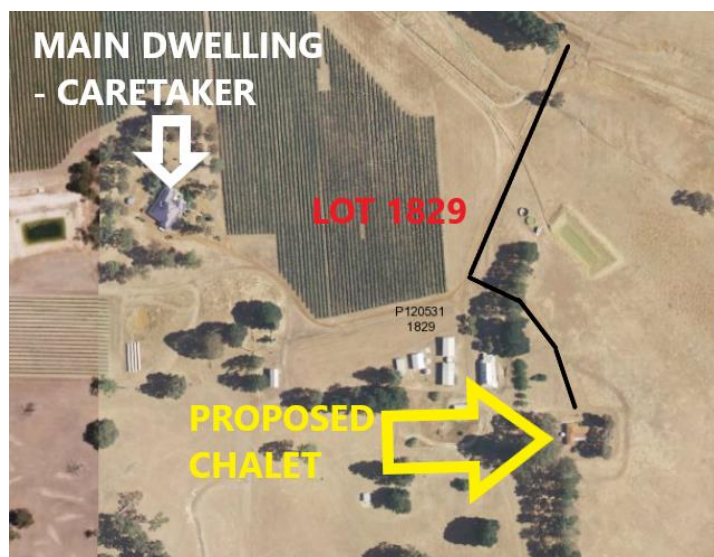
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SUMMARY

The Shire received an application seeking approval to operate an existing dwelling as a ‘Chalet’, for short term guest accommodation.

In accordance with the Shire’s scheme, ‘Chalet’ means, a dwelling forming part of a tourist development designed to provide short-term accommodation for guests. ‘Tourist development’ means a building used to provide short-term accommodation for guests.

The location of the proposed ‘Chalet’ is Lot 1829 Boyup Brook Cranbrook Road, which forms part of a ‘Rural’ (farming) enterprise (see below figure). Caretaking of the chalet is to be undertaken by the landholder, who resides in a dwelling at the Lot 1829, located approximately 300m from the chalet.



BACKGROUND

The owner of the 'Rural' property approached the Shire with the idea of converting a second dwelling into a 'Chalet', for the purpose of holiday accommodation.

The Shire confirmed:

1. In accordance with the Shire's 'Farm Chalets' Policy (P.06), one chalet may be considered for every 2 hectares.
2. Due to risks associated with bushfire, Shire officers requested the applicant submit a 'Bushfire Evacuation Plan' to identify procedures for evacuation in the event of a bushfire. Subsequently, an evacuation plan (Attachment 8.4.1B) was submitted, identifying:
 - Important emergency contacts;
 - Necessary emergency equipment; and
 - Evacuation procedure.
3. The applicant was also advised to provide a 'Property Management Plan' outlining operational procedures. Subsequently, a Property Management Plan (Attachment 8.4.1A) was submitted, identifying responsibilities of the caretaker and any tenants of the chalet.

REPORT DETAIL

The subject property is located 35km south of the Boyup townsite, approximately 81ha in area and zoned 'Rural'.

The property is currently developed with two houses and farm sheds.

The application for consideration involves using one of the dwellings for short term accommodation (chalet). The dwelling/chalet has suitable space for car parking and is provided with potable water and an effluent management system.

A caretaker will be on-site to manage tenants in accordance with a Property Management Plan and a Bushfire Evacuation Plan, which will be provided to tenants on entry.

Fire safety equipment will be made available in the chalet for use in the instance of a hazard.

Should Council decide to approve the use of the building as a Chalet, it is recommended the following conditions are included in an approval notice:

- Management of the Chalet is to occur in accordance with the Property Management Plan.
- 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 and firefighting purposes, is to be made available at all times to the satisfaction of the Shire.
- A car parking area is to be developed and maintained to a gravel standard, to the satisfaction of the Shire.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031

Key Imperatives	Economic Development
Outcome	Make land available for economic growth, development and improvement
Objective	Increase land availability for industry, housing, visitor accommodation and tourism.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, ‘tourist development’ means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide — (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development.

In accordance with the Shire’s *Local Planning Scheme No.2*, ‘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

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic – (Impact on the Economy of the Shire and Region)

The introduction of any ‘businesses would have a positive impact on the region and Shires’ economy.

Social – (Quality of life to community and / or affected landowners)

Nil

POLICY IMPLICATIONS

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

- A minimum of two (2) ha per chalet;

- Car parking spaces being provided to a gravel pavement finish and properly drained;
- A minimum of eighty thousand (80 000) litres of potable water per chalet;
- Bushfire safety precautions.

The Shire’s ‘Farm Chalets’ Policy is provided as Attachment 8.4.1C.

RISK MANAGEMENT IMPLICATIONS

Shire of Boyup Brook’s commitment to the identification and management of risks that may impact on the achievement of its business objectives.

Risk Level	Comment
Low	The Shire’s policy supports the type of use proposed, as such the approval would not hold any risk to the Shire.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

end

8.4.2 DEVELOPMENT APPLICATION (ANCILLARY ACCOMMODATION) – LOT 219 KAUFMANN CLOSE, BOYUP BROOK	
File Ref:	A15068
Previous Items:	Nil
Applicant:	G & C Ball
Author and Title:	A. Nicoll, Urban and Regional Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	Nil

OFFICER RECOMMENDATION

That Council Resolves to:

- A. Approve the Development Application for the proposed ‘Ancillary Accommodation’ on Lot 219 Kaufmann Close, Boyup Brook subject to the following conditions and advice notes:**

Conditions:

- 1. Development is to occur in accordance with the approved plans, to the satisfaction of the Shire of Boyup Brook.**
- 2. Stormwater from the lot shall be managed to the satisfaction of the Shire of Boyup Brook.**

Advice Notes

- 1. Approval is required for the development of an effluent disposal system.**
- 2. A Building Permit is required for a Class 1A structure.**
- 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.**
- 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.**
- 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.**

Moved:

Seconded:

.....

SUMMARY

The Shire received an application proposing to develop ‘Ancillary Accommodation’ at a ‘Rural Residential’ zone property, located at Lot 219 Kaufmann Close, Boyup Brook (west of the Boyup townsite).



‘Ancillary Accommodation’ means a self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.

The proposal complies with the standards of the Shire’s Local Planning Scheme No.2.

It is recommended the Council approve the proposed Ancillary Accommodation.

BACKGROUND

The Shire received an enquiry, with a proposal to transport a building to Lot 219 Kaufmann Close, Boyup Brook for the purpose of a granny flat (Ancillary Accommodation).

Photo of building



The subject property is zoned 'Rural Residential', area No.6.

In accordance with the Shire's scheme, the following uses may be considered at the Rural Residential property:

- Ancillary Accommodation
- Bed & Breakfast
- Holiday accommodation
- Holiday Home
- Home Business
- Home Occupation
- Home Office
- Industry – Cottage
- Rural Pursuit
- Single House
- Veterinary Centre

The only appropriate use classification that aligns with the proposed development is 'ancillary accommodation'.

Shire staff requested the proponent submit an application for planning approval, in order to assess for compliance with scheme standards.

REPORT DETAIL

In accordance with the State Planning Policy 7.3 (Residential Design Codes), an ancillary dwelling is to be no greater than 70m².

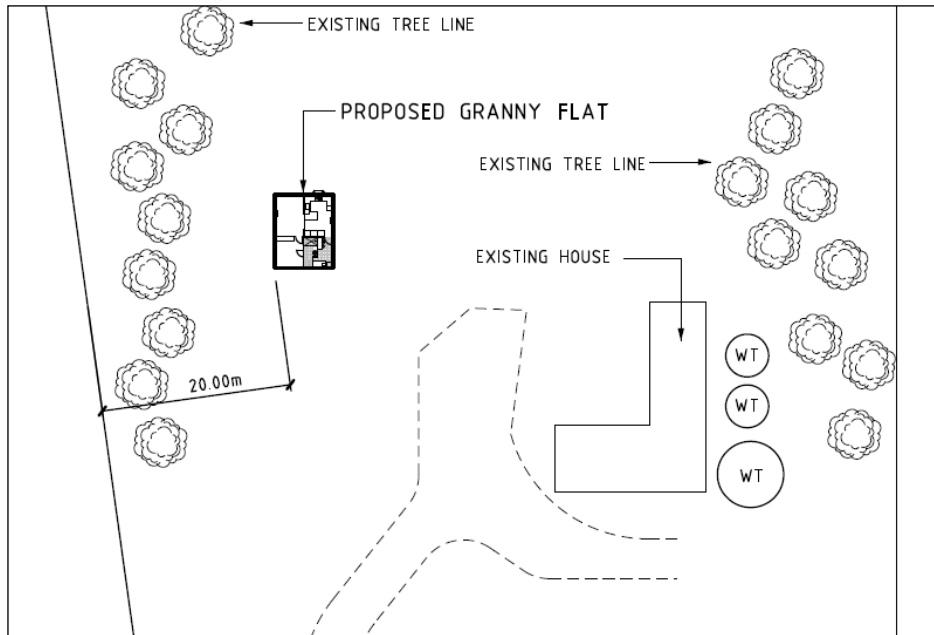
In accordance with the Shire's scheme, ancillary accommodation is to be co-located with the single house and to be constructed to a standard that ensures the visual amenity of the area is not adversely impacted.

The ancillary accommodation is proposed to be located adjacent to an existing single house and is less than the prescribed max 70m².

The proposed 'ancillary accommodation' is a single storey development comprising 1 bedroom, 1 bathroom with a floor area of 46m² (7.6m x 6.1m). The ancillary dwelling will be developed with weatherboard cladding on the walls and colourbond roofing (grey colour scheme).

The ancillary accommodation is proposed to be located outside of any bushfire prone areas and is setback from boundaries to comply with scheme standards.

Site Plan



The proposal complies with State Planning Policy and scheme standards. The proposal is not expected to impact on the amenity of the area.

It is recommended that the Council approve the proposed ‘Ancillary Accommodation’.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031

Key Imperatives	Economic Development
Outcome	Make land available for economic growth, development, and improvement
Objective	Increase land availability for industry, housing, visitor accommodation and tourism.

OTHER STRATEGIC LINKS

State Planning Policy 7.3 (Residential Design Codes).

STATUTORY ENVIRONMENT

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

The Council may permit a caretaker dwelling or ancillary accommodation where it is:

- a) *appropriately justified by the applicant and addresses relevant planning consideration; and*
- b) *located within a defined building envelope area or building exclusion area on a structure plan or the immediate curtilage of the primary dwelling where a building envelope is not defined and complies with the criteria applicable to an ‘Ancillary dwelling’ in the R-Codes and the local government’s Local Planning Policy.*

Approval however is not considered to be justification for subdivision of the land under the Act or the Strata Title Act 1985.

SUSTAINABILITY AND RISK CONSIDERATIONS

Economic – (Impact on the Economy of the Shire and Region)

The introduction of any additional accommodation types would have a positive impact on the region and Shires' economy.

Social – (Quality of life to community and / or affected landowners)

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Shire of Boyup Brook's commitment to the identification and management of risks that may impact on the achievement of its business objectives.

Risk Level	Comment
Low	The proposal is in line with the relevant state planning policies as such the approval would not hold any risk to the Shire.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

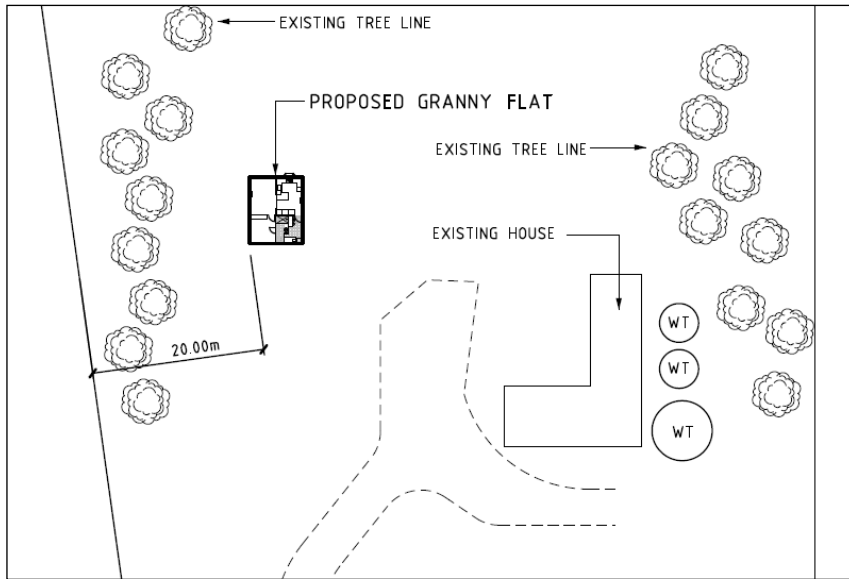
Financial

Nil

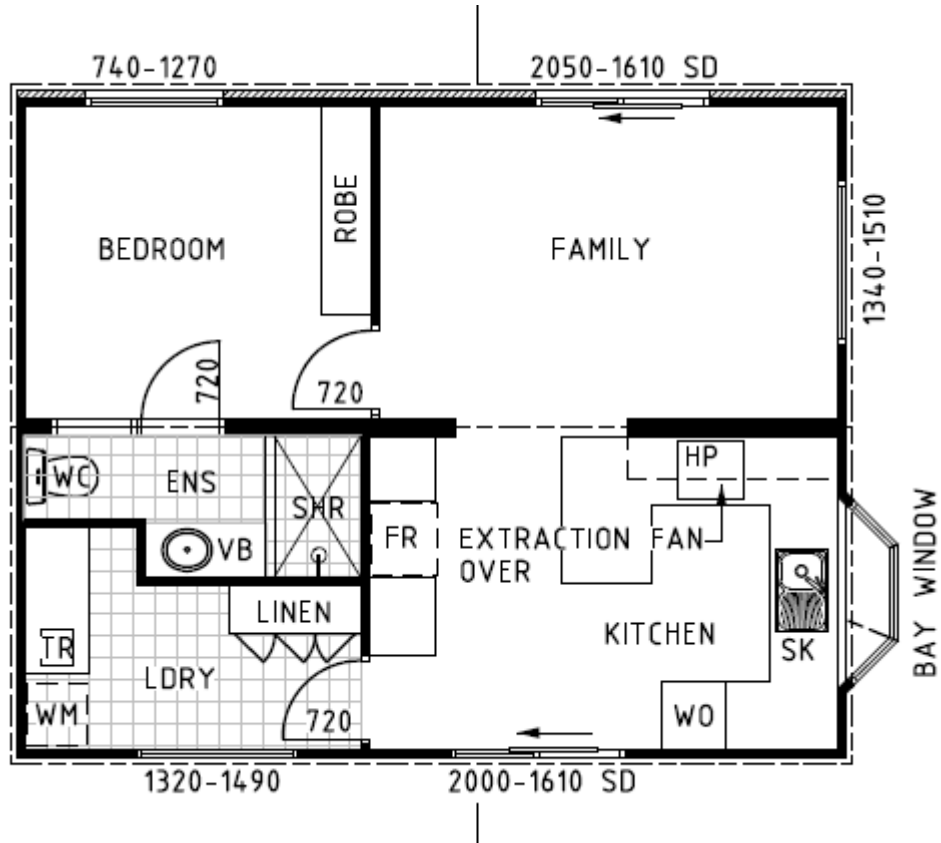
Workforce

Nil

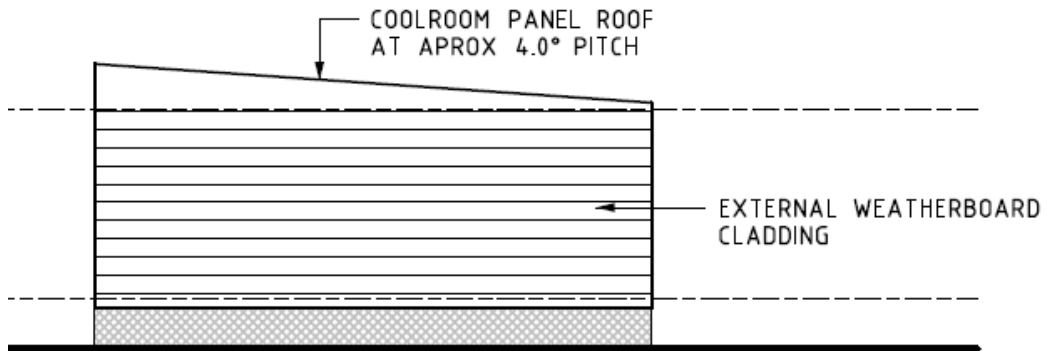
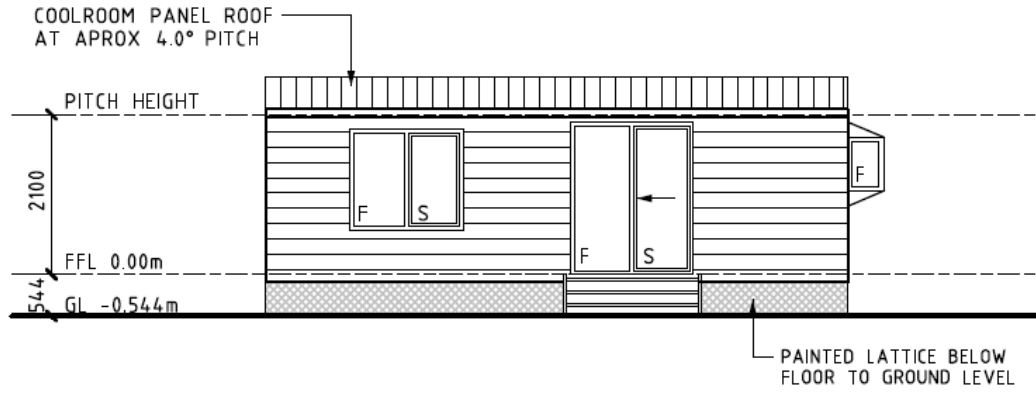
Approved Site Plan



Approved Floor Plan



Approved Elevations



end

9. COMMITTEE MINUTES OF COUNCIL FOR ADOPTION

9.1 Bushfire Advisory Committee Minutes – 23 May 2023

OFFICER RECOMMENDATION

A. That the unconfirmed Minutes of the Bushfire Advisory Committee Meeting held on 23 May 2023 be received.

B. That Council adopts the following recommendations made to Council by the Bushfire advisory Committee as per the unconfirmed minutes in (A.) above:

1. *That the following members be appointed as Officers as defined under Section 38 of the Bushfires Act 1954:*

- **Chief Bush Fire Control Officer: Ben Thompson**
- **1st Deputy Chief Fire Control Officer: Tristan Mead**
- **2nd Deputy Chief Fire Control Officer: Brad Skraha**
- **Communications Officer: David Fortune**
- **Fire Weather Officer: Brad Fairbrass**
- **Deputy Fire Weather Officer: Wayde Robertson**
- **Training Officer: Rosalyn Edwards**

Fire Control Officers from each Brigade

- **Benjinup Brigade: Delegates / Fire Control Officers
Rob Imrie and Clint Westphal**
- **Chowerup Brigade: Delegates / Fire Control Officers
Glenn Mead and Luke Harding**
- **Dinninup Brigade Delegates / Fire Control Officers
Tristan Mead and Wayne White**
- **East Boyup Brook Brigade Delegates / Fire Control Officers
John Ritson and Ken Holland**
- **Gibbs Brigade Delegates / Fire Control Officers
Ron Bingham and Michael Giles**
- **Kenninup Brigade Delegates / Fire Control Officers
Geoff Dalton and Nick Bagshaw**
- **Kulikup Brigade Delegates / Fire Control Officers
Brad Fairbrass and Hayden Bock**
- **Mayanup Brigade Delegates / Fire Control Officers
Ben Creek and Mat Franke**
- **McAlinden Brigade Delegates / Fire Control Officers
David Fortune and Kieren Power**
- **Mickalarup/Dwalganup Brigade Delegates / Fire Control Officers
Darren Chapman and Jamie Forbes**
- **Nollajup Brigade Delegates / Fire Control Officers
Marcus Gifford and Rob Introvigne**
- **Scotts Brook Brigade Delegates / Fire Control Officers
Charles Caldwell and Wayde Robertson**

- **Tonebridge Brigade Delegates / Fire Control Officers
Matt Della-Golla and David Turner**
- **Tweed Brigade Delegates / Fire Control Officers
David Muir and Scott Nix**
- **West Boyup Brigade Delegates / Fire Control Officers
Brian Cailles and Ross Parker**
- **Boyup Brook Townsite Delegates / Fire Control Officers
Clinton Wawilow and Gyula Bogar.**

Fire Control Officers for the Shire of Boyup Brook as part of *Section 33, 58 and 59 of the Bush Fires Act 1954* compliance, powers of entry and enforcement of the Act.

Rosalyn Edwards and Donna Forsyth

- 2. No changes be made to the 2023/24 Fire Information and Firebreak Notice, and that the notice be reviewed next season.**
- 3. That in consultation with the X-Ray team an alternative servicing provider be sourced for the fire units and trailers.**
- 4. *The Bushfire Advisory Committee is to be provided a minimum one (1) months’ notice of a Bushfire Advisory Committee meeting date.***
- 5. *Information for Brigades to address and review must be sent at the beginning of April and include any recommended changes.***

Moved:

Seconded:

.....

9.2 Rylington Park Committee Minutes – 14 June 2023

OFFICER RECOMMENDATION

A. That the unconfirmed Minutes of the Rylington Park Committee Meeting held on 14 June 2023 be received.

B. That Council adopts the following recommendations made to Council by the Rylington Park Committee as per the unconfirmed minutes in (A.) above:

1.

Moved:

Seconded:

..... /

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
Nil

11. LATE ITEMS / URGENT BUSINESS MATTERS
Nil

12. CONFIDENTIAL ITEMS OF BUSINESS
Nil

13. CLOSURE

There being no further business the meeting closed at

Presiding Member

Date