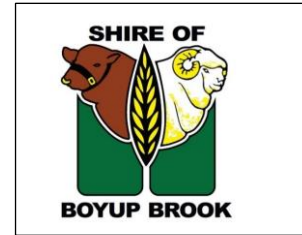


Date: 18 August 2023

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 24 August 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 31 August 2023 commencing at 6:00pm.

A handwritten signature in black ink, appearing to read "Long", written in a cursive style.

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 31 August 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

Deputy Shire President

Councillors

Cr Helen O'Connell (Chair)

Cr Sarah Alexander

Cr Steele Alexander

Cr Charles Caldwell

Cr Darren King

Cr Kevin Moir

Cr Adrian Price

Council Officers

Chief Executive Officer

Deputy Chief Executive Officer

Manager Finance

Executive Officer

Leonard Long

Carolyn Mallett

Ben Robinson

Maggie Le Grange

Observers / Public Members

2.2 APOLOGIES

Councillor

Manager Works and Services

Urban and Regional Planner

Cr Philippe Kaltenrieder

Jason Forsyth

Adrian Nicoll

2.3 REQUEST FOR LEAVE OF ABSENCE

3. DEPUTATIONS, PETITIONS AND PRESENTATIONS

3.1 DEPUTATIONS

3.2 PETITIONS

3.3 PRESENTATIONS

4. PUBLIC QUESTIONS TIME

Residents and Ratepayers are welcome to attend the Open Briefing Sessions which commences at 6.00pm in the Council Chambers. The Briefing Sessions are related to information only and no Public Question is afforded at these meetings.

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
Not applicable to the Open Briefing Session

4.2 PUBLIC QUESTION TIME
Not applicable to the Open Briefing Session

5. DECLARATIONS OF INTEREST

5.1 FINANCIAL AND / OR PROXIMITY INTEREST

5.2 DISCLOSURES OF IMPARTIALITY INTEREST THAT MAY CAUSE CONFLICT

6. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATIONS

6.1 ORDINARY COUNCIL MEETING MINUTES – 27 JULY 2023

OFFICER RECOMMENDATION 23/08/...

That the minutes of the Ordinary Council Meeting held on 27 July 2023 be confirmed as being a true and accurate record.

Moved:

Seconded:

.....

6.2 SPECIAL COUNCIL MEETING MINUTES – 11 AUGUST 2023

OFFICER RECOMMENDATION 23/08/...

That the minutes of the Special Council Meeting held on 11 August 2023 be confirmed as being a true and accurate record.

Moved:

Seconded:

.....

7. PRESIDENTIAL COMMUNICATIONS

TBC

8. COUNCILLOR QUESTIONS ON NOTICE

9. REPORTS OF OFFICERS

9.1 MANAGER WORKS AND SERVICES

Nil

9.2 MANAGER FINANCE

9.2.1 LIST OF ACCOUNTS PAID IN JULY 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:	9.2.1A – List of Accounts Paid in July 2023

OFFICER RECOMMENDATION 23/08/...

That Council:

1. Receive the list of accounts paid in July 2023, totalling \$641,300.28 from Municipal account, \$72,874.30 from Police Licensing account and \$0.00 from Boyup Brook Early Learning Centre account, as represented by:

Muni Cheques	20609 – 20621	\$ 6,454.86
Muni Electronic Payments	EFT14301 – EFT 14423	\$373,020.16
Muni Direct Payments		\$261,825.26
Police Licensing Payments		\$ 72,874.30
BBELC Payments		\$ 0,00
Grand Total		\$714,174.58

Moved:

Seconded:

.....

SUMMARY

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

REPORT DETAIL

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

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 risk 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 2023-24 annual budget.

Workforce

Nil

End

9.2.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 JULY 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:	9.2.2A – Monthly Financial Report 31 July 2023

OFFICER RECOMMENDATION 23/08/...

That Council:

- 1. Receive the Monthly Financial Report for 31 July 2023, as presented (Attachment 9.2.2A).**

Moved:

Seconded:

.....

SUMMARY

The Monthly Financial Report for 31 July 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:

- Statement of Comprehensive Income by Program.
- Statement of Comprehensive Income by Nature/Type.
- Statement of Financial Activity by Nature.
- Statement of Financial Activity by Program.
- Summary of Net Current Asset Position.
- Material Variances Report.
- Statement of Financial Position.
- Statement of Cash Flows.
- 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 of 31 July 2023 shows a closing surplus of \$2,958,346.

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 CONSIDERATION

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 risk 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

Nil

Workforce

Nil

End

9.2.3 DEFAULT RATEPAYERS LIST AS AT 1 AUGUST 2023	
File Ref:	FM/48/008
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Ben Robinson, Manager Finance
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	9.2.3A – Rates Debtors Outstanding 1 August 2023

<u>OFFICER RECOMMENDATION 23/08/...</u>	
That Council:	
1. Receive the information regarding the Outstanding Rate Debtors List as of 1 August 2023. (Attachment 9.2.3A).	
Moved:
Seconded:

SUMMARY

The purpose of this report is to submit to Council a report on Outstanding Rate Debtors. This report is for information only and no decision is required.

BACKGROUND

The CEO has requested an Outstanding Rates Debtors report to be presented to Council on a quarterly basis. The report provides financial details but excludes names and addresses of the default rate payers as well as the status / action plan to recover the unpaid rates.

REPORT DETAIL

As of 1 August 2023, there are 327 properties with outstanding rates equal to \$359,446.32, of which 89 properties owe less than \$5.00. There are 3 properties that have been outstanding in excess of 3 years totalling \$23,318.26, that are not currently on payment plans. These will be followed up as a priority.

	Properties	Rates	Interest	ESL	Waste	Legal	Total
.01 - \$5.00	89	\$ 8.26	\$ 213.24	\$ -	\$ -	\$ -	\$ 221.50
\$5.01 - \$500	87	\$ 5,208.24	\$ 2,375.33	\$ 118.25	\$ 24.00	\$ -	\$ 7,725.82
\$501 - \$5000	138	\$187,936.76	\$ 12,286.51	\$ 10,493.84	\$ 15,811.75	\$ 5,177.95	\$231,706.81
\$5001 - \$10,000	11	\$ 65,944.13	\$ 8,932.96	\$ 2,434.60	\$ 4,317.12	\$ 2,791.10	\$ 84,419.91
\$10,000 - \$15,000	1	\$ 8,856.38	\$ 537.63	\$ 339.37	\$ 1,668.20	\$ -	\$ 11,401.58
\$15,000 - \$20,000	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
\$20,000 - \$25,000	1	\$ 6,900.43	\$ 3,916.06	\$ 506.00	\$ 2,553.78	\$ 10,094.43	\$ 23,970.70
Total	327	\$274,854.20	\$ 28,261.73	\$ 13,892.06	\$ 24,374.85	\$ 18,063.48	\$359,446.32

There are currently 15 properties that are on payment plans or paying regular amounts.

A1520	\$23,970.70	Payment plan \$300 per month
A270	\$4,652.16	Payment plan \$100 per fortnight
A3084	\$2,379.65	Payment plan \$500 per month
A5900	\$9,988.10	Item to council/legal action
A947	\$1,577.52	Was sent to AMPAC last year - need to follow up
A1570	\$1,678.60	Was sent to AMPAC last year - need to follow up
A1878	\$1,848.03	Was sent to AMPAC last year - need to follow up
A7086	\$1,272.39	Was sent to AMPAC last year - need to follow up
A10825	\$2,814.12	Was sent to AMPAC last year - need to follow up
A40032	\$1,878.05	Was sent to AMPAC last year - need to follow up
A40121	\$2,070.38	Was sent to AMPAC last year - need to follow up
A40192	\$1,660.14	Was sent to AMPAC last year - need to follow up
A3080	\$3,788.64	Paying \$200 per month
A5410	\$4,580.44	No payment plan in place but paid \$3,080 in 22/23
A242	\$2,108.34	Was sent to AMPAC last year - need to follow up

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 Part 6 Division 6

6.56 (1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, in a court of competent jurisdiction.

SUSTAINABILITY AND RISK CONSIDERATION

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

The non-receival of the budgeted rates can have a negative effect on the budget by not receiving and not preventing the Shire from fulfilling all its budget commitments.

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

Not receiving the budgeted rate funds could prevent the Shire from performing items in the budget affecting the rate payers of the district.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

Risk Level	Comment
High	The failure of the Shire to recoup its outstanding rates debtors will lead to a long-term negative impact on the Shire’s financial capacity.

CONSULTATION

Internal staff discussions between CEO, Finance Manager and Rates Officer

RESOURCE IMPLICATIONS

Financial

Council currently use AMPAC for their Rates Debt Collection, as per 6.56 of the *Local Government Act 1995*, the cost of proceedings may be recovered from the ratepayer. Meaning costs associated with debt collection can be passed on to the property owner via the rates.

Workforce

Rates Officers time to maintain a list of Outstanding Rate Debtors, communicate with property owners and liaise with AMPAC.

End

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 REQUEST FROM THE TONEBRIDGE PROGRESS ASSOCIATION TO WAIVE APPLICATION FEES ASSOCIATED WITH A DEVELOPMENT APPLICATION FOR PUBLIC ABLUTIONS TO BE LOCATED AT RESERVE 32919, BOYUP BROOK – CRANBROOK ROAD, TONEBRIDGE	
File Ref:	R32919
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	9.3.1A – Request to waive application fee

OFFICER RECOMMENDATION 23/08/...

That Council:

- Approve the request from the Tonebridge Progress Association to waive the application fee of \$147 associated with the Development Application for the ablutions (subject to planning approval) to be placed on Reserve 32919 Boyup Brook – Cranbrook Road, Tonebridge.**
- Fund the \$147 waiver referred to in (1.) above from GL041114 – Various Donations.**

Moved:
Seconded:

.....

SUMMARY

Council is requested to consider waiving the application fee of \$147 associated with a development application submitted by the Tonebridge Progress Association.

BACKGROUND

The Tonebridge Progress Association would like to replace the existing ablution block located at the Tonebridge Rest Area with a new disabled compliant ablution.

The existing ablution was placed on the site in 1988 and has served the travelling public well. However, the ablution is not disabled compliant.

REPORT DETAIL

Development Application fees are contained in the *Planning and Development Regulation 2009*, the fee applicable for the subject development is \$147.

The Tonebridge Progress Association is a community group and has taken the initiative to replace the aging non-compliant (disabled) ablution with a new ablution which provides for disabled access. The association will fund the materials and construction of the new ablution and have obtained the necessary engineering drawings from the Department of Biodiversity, Conservation and Attractions.

Generally, Officers do not support the waiving of fees as there is a real cost to the Shire to assess applications. However, in this instance the request is supported as the association being a community group are not only covering the cost of the material and construction of the new ablution, but also look after the maintenance of the rest area and the ablution.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 – 2031

Key Imperatives	Governance and Organisation
Outcome	Effectively communicate and engage the community
Objective	Partner with key stakeholders to deliver community projects

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Planning & Development Regulations 2009

SUSTAINABILITY AND RISK CONSIDERATION

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

The type of facility may not have a direct impact on the economy but does contribute through the provision of the facility to tourists traveling through the Boyup Brook area.

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 risk that may impact on the achievement of its business objectives.

Risk Level	Comment
Medium	Should Council resolved to not waive the application fee, there could be reputational damage to Council.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

The waiver of fees would result in a lower income for the business unit, although in a very small way.

Workforce

Nil

End

9.3.2 LIONS CANCER INSTITUTE (INC.) - SPECIAL CHILDREN'S CHRISTMAS BIG DAY OUT	
File Ref:	FM/25/008
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Nicola Jones, Community Development Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	Nil

OFFICER RECOMMENDATION 23/08/...

That Council:

- Sponsor six (6) children with special needs from the Boyup Brook community to attend the Lions Cancer Institute (Inc.) Special Children's Christmas Big Day Out as proposed by the Lions Cancer Institute (Inc.).**
- Fund the \$600 sponsorship referred to in (1.) above from GL 041114 – Various Donations.**

Moved:
Seconded:

.....

SUMMARY

Council to consider the request to sponsor six (6) children with special needs from the Boyup Brook community at a cost of \$600.00 to attend the Lions Cancer Institute (Inc.) 'Special Children's Christmas Big Day Out'.

BACKGROUND

The Lions Cancer Institute host an annual Special Children's Christmas Big Day Out event for local sick, special needs, and terminally ill children. The event is held in December with sponsorship covering two important community-based programs. The first being the event itself and the second the Mobile Cancer Screening Unit which is a free service run by Lions Club Members and volunteers. The unit travels around Western Australia diagnosing people for potential Cancer and was last in Boyup Brook on 22nd July 2022.

REPORT DETAIL

The Special Children's Big Day Out event is run annually in December and is specifically for children who are terminally ill, have special needs and are less fortunate than others. The Lions Cancer Institute (Inc.) are asking the Shire of Boyup Brook if they could sponsor six (6) children from the Boyup Brook community who have been identified as Special Needs Children at a total cost of \$600.00. The Lions Cancer Institute (Inc.) is a registered charity and carries Deductable Gift Recipient (DGR) Status making the contribution 100% tax

deductable. There is currently no government funding to assist in this worthwhile event.

The Special Children’s Big Day Out will be held in Bunbury and is classed as a ‘Red-Carpet Event’ at the local cinema and includes things like refreshments, show bags and a visit from Santa who will give out presents to each child.

By supporting this event, the Shire will also be supporting the Mobile Cancer Screening Unit which is a free cancer screening service run by Lions Club Members and volunteers. The Mobile Cancer Screening Unit travels around Western Australia and diagnoses people for potential cancer. The unit has visited Boyup Brook several times, with the last visit on the 22nd of July 2022. This service is offered for free to all residents meaning those who are not financially able to afford an appointment with a clinician don’t miss out on a potential life-saving skin cancer check.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 – 2031

Key Imperatives	Social and Community
Outcome	Support a healthy, active, vibrant community
Objective	Facilitate access to health facilities, services and programs to achieve good general and mental health wellbeing in the community
Objective	Promote quality education, health, childcare, aged care and youth services
Objective	Improve support for youth and youth activities

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY AND RISK CONSIDERATION

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

There is minimal economic impact on the Shire and the Region. The Shire will not have \$600.00 spent locally, however these funds will be spent in the region.

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

Quality of life will be enhanced to both the children attending the Special Children’s Big Day Out event and the residents having skin cancer checks. The children attending the event will be positively impacted by enjoying a fun day out which they may not otherwise be able to attend. They will be able to form connections with other children who could have the same needs making their situation feel less overwhelming, thus promoting good mental health outcomes. Residents who have skin cancer checks will either have peace of mind that they don’t have skin cancer or could have a potential skin cancer diagnosed resulting in life-saving early intervention treatment.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

Risk Level	Comment
Low	There is a low perceived risk associated with the sponsorship of this event. The risk being the Special Children’s Big Day Out event may be cancelled due to unforeseen circumstances.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Minimal financial impact of a one-off sponsorship of \$600.00 in total.

Workforce

Nil

End

9.3.3 REQUEST TO WAIVE CARAVAN PARK FEES FOR MR ROBERT JAMIESON	
File Ref:	FM/25/008
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Nicola Jones, Community Development Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	Nil

OFFICER RECOMMENDATION 23/08/...

That Council:

- Waive the Shires portion of the Caravan Park fees for a powered site for Mr Robert Jamieson from 4 - 10 October 2023.**
- Fund the \$113.40 waiver referred to in (1.) above from GL 041114 – Various Donations.**

Moved:

Seconded:

.....

SUMMARY

Council to consider the request to waive their portion of the Caravan Park fees for a powered site Mr Robert Jamieson from 4th October 2023 – 10th October 2023 while he undertakes work on the Flax Mill models at the Caravan Park.

BACKGROUND

The Shire received an email from Maria and Guyla Bogar requesting the Shire to waive the fees for a powered site at the Caravan Park for Mr Robert Jamieson from 4th October 2023 – 10th October 2023, while he undertakes work on the Flax Mill models at the Caravan Park. Robert stays at the Caravan Park every year and whilst there works on the models of the Flax Mill that he built many years ago.

REPORT DETAIL

Robert grew up in Boyup Brook with his family and has dedicated many years to preserving the history of the Flax Mill. There are replica models of the Flax Mill housed in the scutching shed that are available for visitors and the public to view.

Robert has spent many years lovingly crafting these models by hand to show the history of the Flax Mill and the significance to the Boyup Brook area. Every year Robert spends a week in Boyup Brook to work on the models, making repairs and building new additions.

By waiving the fee for the week, this will enable him to continue his work on the historic models of the Flax Mill which he does at no cost. The Shire has received a request to provide Robert with a powered site for these dates for the contribution that he makes not only to the community of Boyup Brook but also visitors, who enjoy the models and learn about the history and significance that the Flax Mill played during WWII.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 – 2031

Key Imperatives	Built Environment
Outcome	Preserve the history and heritage of our built environment
Objective	Improve management and maintenance of community, heritage and historic sites and facilities in the Shire Restore, enhance and activate the Flax Mill buildings and caravan park

Key Imperatives	Social and Community
Outcome	Encourage the preservation of our culture, heritage and history
Objective	Partner with stakeholders to promote Boyup Brook, preserving our history for future generations and sharing the rich heritage of the Shire

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY AND RISK CONSIDERATION

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

There is minimal economic impact on the Shire and the Region. The cost to the Shire will be approximately \$113.40 however there is no labour or material fee charged by Robert for the work he undertakes. There is also the likelihood that he will shop local while staying in Boyup Brook, generating income for local businesses.

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

The repairs, maintenance and additions that will be made to the replica models will be enjoyed by the community for many years to come. The models not only play an important part in preserving the history of the Flax Mill, but they are also educational.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

Risk Level	Comment
Low	There are no known risks associated with waiving the fee for Mr Robert Jamieson to stay in the Caravan Park for the requested dates.

CONSULTATION

Mr Sean Constable – CMCA

The CMCA have been contacted regarding this request and have agreed to waive their portion of the fees for Robert and book him into a powered site for the requested dates.

RESOURCE IMPLICATIONS

Financial

Minimal financial impact of a one-off sponsorship of approximately \$113.40 as the Shire’s portion of the booking fee.

Workforce

Nil

End

9.3.4 WESTERN AUSTRALIAN LOCAL GOVERNMENT ANNUAL GENERAL MEETING - AGENDA	
File Ref:	GR/31/002
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	9.3.4A – Annual General Meeting Association Standing Orders 9.3.4B – Minutes of the 2022 WALGA Annual General Meeting 9.3.4C – Proposed WALGA Constitution

OFFICER RECOMMENDATION 23/08/...

That Council:

- 1. Authorise the voting delegates or the proxy to vote as follows on the agenda items contained in the Western Australian Local Government Association Annual General Meeting agenda:**
 - a) **Support** – 2. That the Annual General Meeting Association Standing Order be adopted. Attachment 9.3.4A.
 - b) **Support** – Item 3 That the Minutes of the 2022 WALGA Annual General Meeting be confirmed as a true and correct record of proceedings. Attachment 9.3.4B.
 - c) **Support** – Item 4 That the 2022-2023 Annual Report, including the 2022-2023 Audited Financial Statements, be received.
 - d) **Support** – Item 5.1 That WALGA lobby the State Government for legislative reform to enable Local Governments the automatic right to be a represented party at all State Administrative Tribunal hearings related to planning matters within its district.
 - e) **Support** – Item 5.2 That WALGA establish and promote policies to protect and prioritise the preservation of agricultural land against its displacement by non-agricultural activities that lead to a net reduction of the State's productive agricultural land.
 - f) **Support** – Item 5.3 That WALGA:
 - 1) **Advocates for Department of Planning, Lands and Heritage to consult and collaborate with Local Governments in reviewing and publishing its policies, decision making criteria, guidelines and procedures associated with the administration of management orders;**
 - 2) **Ensure the review recognises the cost burden on local governments in managing reserves and options for supporting local governments in meeting that responsibility; and**

3) Calls for proactive consultation and advice to Local Government management bodies.

g) Support – Item 5.4 That WALGA advocate to the WA State and Commonwealth Governments to address the dire shortage of affordable key worker family housing options in regional and remote towns. Social housing is addressed at both the State and Federal levels.

h) Support - Item 5.5 That a new WALGA Constitution giving effect to an alternate governance model be adopted, as per the attached.

2. Authorise the voting delegates or the proxy to decide on any items listed in (1.) above should any amendments be proposed at the Western Australian Local Government Association Annual General Meeting.

Moved:
Seconded:

.....

SUMMARY

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.

Council is requested to consider the Annual General Meeting agenda items and provide the voting delegates with direction.

BACKGROUND

The Western Australian Local Government Association Annual General Meeting (WALGA AGM) is to be held at the Crown Perth between 17 – 19 September 2023. Shire of Boyup Brook Council at its meeting of 29 June 2023 resolved to be represented by Cr Walker and Cr O’Connell along with the Chief Executive Officer (CEO).

In addition to attending the WALGA AGM the Councillors and CEO will be attending the convention as well. The convention provides the Councillors as well as the CEO an opportunity to network with other Councillors as well as viewing the latest offerings in the trade exhibition.

REPORT DETAIL

- Item 2 – Adoption of AGM Association Standing Orders

It is recommended that the motion be support the motion as the standing orders clearly outline the procedures and protocols to be followed during the meeting.

-
- Item 3 – Confirmation of Previous Minutes, see Attachment 9.3.4B.
 - Item 4 – Adoption of Annual Report.
 - Item 5.1 – Local Government’s representation at the State Administrative Tribunal relating to planning matters within its district.

It is recommended that the motion be supported. The Shire of York raises a very valid point.

Local governments have an intimate knowledge of their communities and relevant planning schemes hence it is considered appropriate that local governments should have the statutory right to ‘opt out’ of such representation, as opposed to having to make special request to the SAT for inclusion as an Intervener or Joinder under Section 36 of the State Administrative Tribunal Act 2004.

Making such an application under Section 36 to the SAT can be at considerable cost to the local government, and while larger local governments may have legal teams on staff, small local governments rarely have the skill set within the organisation. Adherence to procurement policies and working within budget constraints may prohibit smaller local governments from participating in the SAT process, which could be of significant detriment of their communities. This is particularly important where there may be a range of short and long term environmental, bushfire, social and safety risks applicable to the development proposal the SAT is determining. In some circumstances these risks may be considered unacceptable for the community and locality.

- Item 5.2 – Land Use Policy

It is recommended that the motion be support. In 2005/06, approximately 59% of Australia’s land was used for agriculture, covering around 456 million hectares. However, this proportion has been declining, with about a 4% reduction between 1992-93 and 2005-06. Recent data suggests that the decline has accelerated since 2006.

Changes in land use at regional and local levels can significantly impact the agriculture sector, such as displacing agriculture entirely, reducing net productivity, limiting farming practices, and risking essential natural resources like water. This situation is further exacerbated by land conversion to carbon sequestration areas and other non-agricultural uses.

- Item 5.3 – Transparency – Management Order Determinations

It is recommended that the motion be supported. Most Local Governments across the State, have many reserves it manages on behalf of the State Government. The reserve is a form of tenure over Crown Land.

The reserve is usually created for the care of land that is used for community benefit or in the delivery of government services, and local governments have accepted management orders for reserves which comes with the responsibility for the care and control of the reserve, a responsibility that comes at a cost, sometimes a significant cost to the local government.

An extract from the Department of Planning, Lands and Heritage (DPLH) website states:

“Reserves are not usually granted for long-term economic development or for a commercial purpose or benefit.”

The use of the word “usually” is ambiguous and subject to interpretation. The question therefore becomes, in what circumstance are leases on reserved land appropriate for a management body to be the lessor.

There are numerous examples where local governments had an opportunity to recoup reserve management costs via a commercial leases, but not been able to be progressed due to the stipulation that the local government cannot enter into a commercial leases for a reserve; instead the Shire has been required to relinquish the reserve, or a portion of the reserve, so that the area can be leased direct by the State to the lessee so that the State benefits financially from the lease.

Local governments should where it identifies appropriate commercial leases be able to enter into such leases to assist in the cost to maintain reserves on behalf of the State.

- Item 5.4 – Regional and Remote Housing

It is recommended that the motion be supported. A lack of affordable key worker housing continues to limit small business expansion and attract key workers and their families to remote and regional areas of WA.

Government does a good job addressing the supply of social housing, but more investment is needed to provide housing for key workers in remote and regional areas.

Businesses and families should be encouraged to invest in our regional towns and a key part of the solution is addressing shortages in the cost of housing for workers.

- Item 5.5 - Proposed New WALGA Constitution

It is recommended that the motion be supported. Attachment 9.3.4C.

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 CONSIDERATION

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 risk that may impact on the achievement of its business objectives.

Risk Level	Comment
Medium	Not attending the WALGA AGM or convention could result in Council missing out on future opportunities due to not being able to network etc

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

The cost to attend the conference is included in the adopted 2023-2024 budget.

Workforce

Nil

End

9.4 PLANNING

9.4.1 DEVELOPMENT APPLICATION (DISABLED TOILET) – RESERVE 32919, TONEBRIDGE REST AREA, TONEBRIDGE	
File Ref:	R32919
Previous Items:	Nil
Applicant:	Tonebridge Progress Association
Author and Title:	A. Nicoll, Urban and Regional Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	Nil

OFFICER RECOMMENDATION 23/08/...

That Council:

- 1. Approve the Development Application for the proposed Disabled Toilet, at Reserve 32919, Tonebridge, subject to the following conditions and advice notes.**

Conditions:

- (a) 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.**
- (b) Stormwater being managed to the satisfaction of the Shire of Boyup Brook.**
- (c) The Toilet facility being maintained to the satisfaction of the Shire of Boyup Brook.**

Advice Notes:

- (a) Sign(s) shall not be erected on the lot without the prior approval of the Shire of Boyup Brook.**
- (b) 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.**
- (c) 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.**
- (d) 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, on behalf of the 'Tonebridge Progress Association', seeking approval to replace an existing toilet with a new disabled toilet, at Reserve 32919, Tonebridge.

The toilet is needed to support day visitors and campers that regularly use the site as a rest area.



In accordance with Landgate 'Tenure' data, the subject land is 'Reserved' for the purpose of 'Picnic Ground and Camping Area'.

The reserve is owned by the Crown and vested with the Shire of Boyup Brook.

In accordance with the Shire's *Local Planning Scheme No.2*, the subject land is zoned 'Rural'.

The proposal conforms to scheme standards and the purpose of the subject 'Reserve'.

Council is requested to agree to approve the development of the disabled toilet at the subject site.

BACKGROUND

The 'Tonebridge Progress Association' (TPA) submitted an application seeking approval to replace an existing toilet with a new disabled toilet, at the camping area adjacent to the Tone River, Tonebridge townsite.

The existing toilet was developed in 1988 by the TPA and has served the travelling public well. The toilet and rest area are maintained by the TPA. The existing toilet is not designed to accommodate disabled persons and is therefore in need of replacement.

The TPA confirmed that there will be no vegetation clearing and that the TPA will maintain the new toilet facility.

REPORT DETAIL

The new abluion will be developed to enable wheelchair access and will be funded by the TPA.

The subject property is a Reserve (No.32919) for the purpose of 'Picnic Ground and Camping Area'. The reserve is vested with the Shire of Boyup Brook, with the power to lease.

The disabled abluion facility is proposed to be developed to replace an existing abluion, meaning minimal earthworks is required and clearing of remnant vegetation is not necessary.

The floor area of the facility amounts to approximately 10m² (4.4 X 2.27) and features one abluion. The external cladding is colourbond.

The proposed development is not expected to impact the amenity of the area and complies with the purpose of the subject 'Reserve'.

Council is recommended to approve the proposed disabled abluion facility at the subject location.

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*, the objective of a 'Recreational' reserve is for:

Public Purposes which specifically provide for a range of public recreational facilities.

SUSTAINABILITY AND RISK CONSIDERATION**Economic** – (Impact on the Economy of the Shire and Region)

Supports tourism.

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

The Reserve is well buffered to adjacent land uses.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

Risk Level	Comment
Low	The proposal replaces an existing facility.

CONSULTATION

Nil

RESOURCE IMPLICATIONS**Financial**

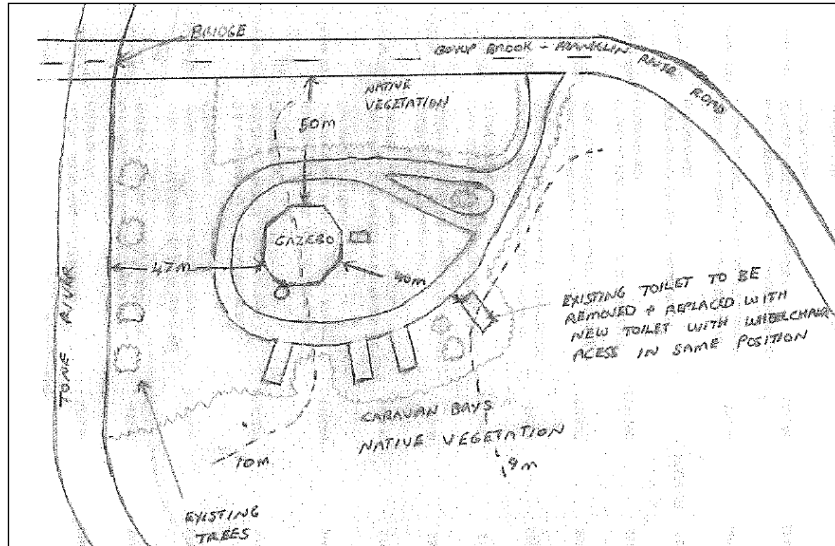
Nil

Workforce

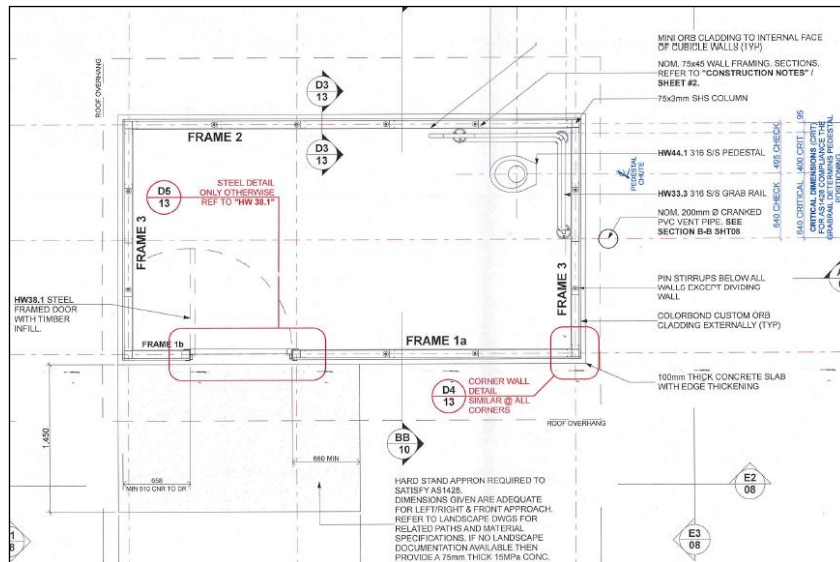
Nil

Approved Plans

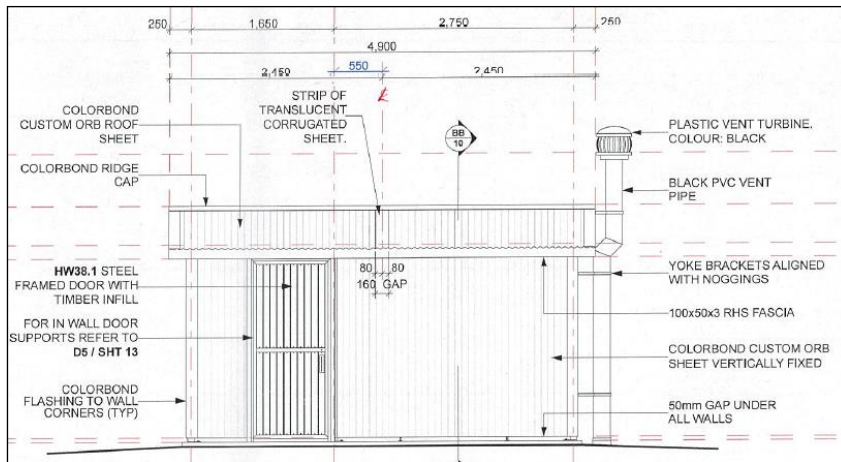
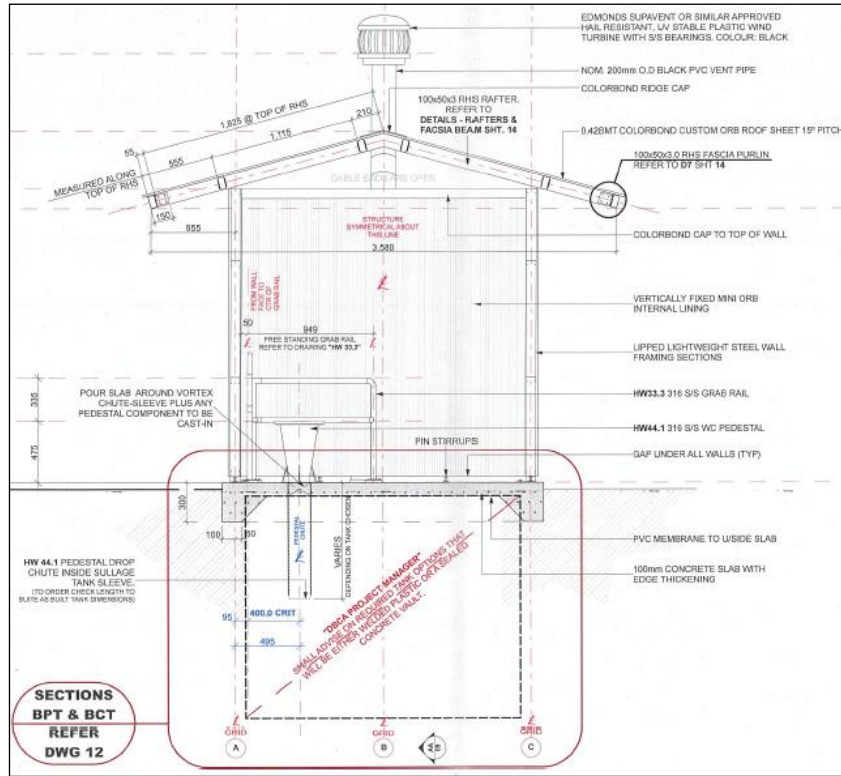
Site Plan



Floor Plan



Elevations



End

10. MINUTES OF COMMITTEES

10.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MINUTES – 19 JULY 2023

OFFICER RECOMMENDATION 23/08/...

That Council:

- 1. Receive the unconfirmed minutes of the Local Emergency Management Committee Meeting held on 19 July 2023 (Attachment 10.1A).**
- 2. Endorse the Local Emergency Welfare Plan (LEWP) February 2023, as recommended by the Local Emergency Management Committee as per Attachment 10.1B.**

Moved:
Seconded:

.....

10.2 RYLINGTON PARK COMMITTEE MINUTES – 7 AUGUST 2023

OFFICER RECOMMENDATION 23/08/...

That Council:

- 1. Receive the unconfirmed minutes of the Rylington Park Committee Meeting held on 7 August 2023 (Attachment 10.2A).**
- 2. Approve the appointment of Cr Walker, Cr Caldwell and Mr McElroy to a sub-committee of the Rylington Park Committee as per Rylington Park Committee Resolution RP 23/08/008.**
- 3. Approve the Rylington Park Sub-committee Terms of Reference as per Attachment 10.2B.**

Moved:
Seconded:

.....

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
 Nil

12. LATE ITEMS / URGENT BUSINESS MATTERS
 Nil

13. CONFIDENTIAL ITEMS OF BUSINESS

13.1 CLOSURE OF MEETING TO THE PUBLIC

OFFICER RECOMMENDATION 23/08/...

That Council:

1. Proceed behind closed doors as per Section 5.23(2) of the *Local Government Act 1995*, to consider item 13.1, the time beingpm.

Moved:
Seconded:

.....

13.1.2 RYLINGTON PARK OPERATIONAL MODEL	
File Ref:	RP/01/002
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	Nil

13.2 PROCEED WITH THE MEETING IN PUBLIC

OFFICER RECOMMENDATION 23/08/...

That Council:

1. Proceed with the meeting in public, the time beingpm.

Moved:
Seconded:

.....

14. CLOSURE

There being no further business the meeting closed at ... pm

 Presiding Member

 Date