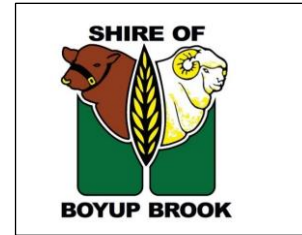


Date: 1 September 2023

To: Shire President
Deputy Shire President
Councillors
Community



MINUTES – ORDINARY COUNCIL MEETING

31 August 2023

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

Leonard Long
Chief Executive Officer

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AGENDA

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6:50pm.

2. RECORD OF ATTENDANCE

2.1 ATTENDANCE

Councillors

Shire President	Cr Richard Walker
Deputy Shire President	Cr Helen O'Connell
Councillors	Cr Sarah Alexander
	Cr Steele Alexander
	Cr Charles Caldwell
	Cr Darren King
	Cr Kevin Moir
	Cr Adrian Price

Council Officers

Chief Executive Officer	Leonard Long
Deputy Chief Executive Officer	Carolyn Mallett
Manager Finance	Ben Robinson

Observers / Public Members

2.2 APOLOGIES

Councillor	Cr Philippe Kaltenrieder
Manager Works and Services	Jason Forsyth
Urban and Regional Planner	Adrian Nicoll
Executive Officer	Maggie Le Grange

2.3 REQUEST FOR LEAVE OF ABSENCE

Nil

3. DEPUTATIONS, PETITIONS AND PRESENTATIONS

3.1 DEPUTATIONS

Nil

3.2 PETITIONS

Nil

3.3 PRESENTATIONS

3.3.1 Presentation by Cr Walker, Shire President – Sandakan Service

4. PUBLIC QUESTIONS TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTION TIME

Nil

5. DECLARATIONS OF INTEREST

5.1 FINANCIAL AND / OR PROXIMITY INTEREST

5.1.1 Cr Steele Alexander declared a Financial Interest on Item 12.2 Committee and Officer Recommendation 1, due to Cr Steele's wife being employed by the Blackwood Basin Group.

5.1.2 Cr Sarah Alexander declared a Financial Interest on Item 12.2 Committee and Officer Recommendation 1, being an employee of the Blackwood Basin Group.

5.1.3 Cr O'Connell declared a Financial Interest on Item 12.2 Committee and Officer Recommendation 1, being an employee of the Blackwood Basin Group.

5.1.4 Cr King declared a Financial Interest in Item 12.2 Committee and Officer Recommendation 7, due to Cr King's is wife writing the grant and both children being members of the Mayanup Horse and Pony Club.

5.2 DISCLOSURES OF IMPARTIALITY INTEREST THAT MAY CAUSE CONFLICT

5.2.1 Cr King declared an Impartiality Interest in Item 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, being a member of the Tonebridge Country Club.

5.2.2 Cr King declared an Impartiality Interest in Item 9.4.1, Development Application (Disabled Toilet) – Reserve 32919, Tonebridge Rest Area, Tonebridge, being a member of the Tonebridge Country Club.

5.2.3 Cr Price declared an Impartiality Interest on Item 12.2 Committee and Officer Recommendation 1, Being a Shire Representative on the Blackwood Basin Group.

5.2.4 Cr King declared an Impartiality Interest on Item 12.2 Committee and Officer Recommendation 1, being a committee member of the Blackwood Basin Group.

- 5.2.5 Cr Price declared an Impartiality Interest in Item 12.2 Committee and Officer Recommendation 3, being the Church Representative on the CoMHAT committee.
- 5.2.6 Cr King declared an Impartiality Interest in Item 12.2 Committee and Officer Recommendation 6, being a club member of the Boyup Brook Pistol Club.
- 5.2.7 Cr Steele Alexander declared an Impartiality Interest in Item 12.2 Committee and Officer Recommendation 9, due to his wife being based at the Community Resource Centre.
- 5.2.8 Cr Sarah Alexander declared an Impartiality Interest in Item 12.2 Committee and Officer Recommendation 9, due to being based at the Community Resource Centre.
- 5.2.9 Cr O'Connell declared an Impartiality Interest in Item 12.2 Committee and Officer Recommendation 9, being a member of the Community Resource Centre committee.
- 5.2.10 Cr Price declared an Impartiality Interest in Item 12.2 Committee and Officer Recommendation 9, being the Shire Representative on the Community Resource Centre committee.
- 5.2.11 Cr King declared an Impartiality Interest in Item 12.2 Committee and Officer Recommendation 9, being a member of the Tonebridge Country Club.
- 5.2.12 Cr King declared an Impartiality Interest in Item 12.2 Committee and Officer Recommendation 9, being a committee member of the Community Resource Centre committee.
- 5.2.13 Cr Price declared an Impartiality Interest in Item 12.2 Committee and Officer Recommendation 9, being the Shire Representative on the Boyup Brook Tourism Association.

6. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATIONS

6.1 ORDINARY COUNCIL MEETING MINUTES – 27 JULY 2023

COUNCIL DECISION 23/08/138

That the minutes as amended to include Council Resolution 27/07/136 (confidential item) of the Ordinary Council Meeting held on 27 July 2023 be confirmed as being a true and accurate record.

**Moved: Cr O'Connell
Seconded: Cr Sarah Alexander**

CARRIED 8/0

6.2 SPECIAL COUNCIL MEETING MINUTES – 11 AUGUST 2023

COUNCIL DECISION 23/08/139

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

Moved: Cr Steele Alexander

Seconded: Cr Caldwell

CARRIED 8/0

7. PRESIDENTIAL COMMUNICATIONS

Wed 2nd

9am Visited the Early Learning Centre with CEO and Deputy President.

Tues 8th

5pm Warren Blackwood Alliance of Councils meeting in Manjimup.

Sun 13th

2.10am departure from Perth with Robyn to Kuala Lumpur then onto Sandakan arriving 12.30pm.

Mon 14th

9am all day tour of the city of Sandakan and War Memorials with Catherin Chua and guide Thorp 7pm Welcome Dinner for all Ceremony guests held at the Sabah Hotel with the Shire of Boyup Brook being the only Australian Local Government officially recognised.

Tues 15th

5.45am to the Sandakan Memorial Service where Robyn and I were part of the Official Party and named as guests of honour representing the Shire of Boyup Brook. There were many representatives from all States and Territories of Australia as well as Britain and Malaysia with several hundred people attending the service 8am, meet and mingle with attendees 9.30am return to Sabah Hotel to recoup 4.45pm out to dinner with Catherin and hosts Alex and Winnie Khoo in Sandakan then on to the Yacht Club where Alex is Life Member and Honorary Commodore for a late night. Extremely kind and generous hosts remembering the same from their visits to Boyup Brook.

Wed 16th

Morning with Thorp and Catherin to Labuk Bay to see Proboscis Monkeys Huge areas of Palm Oil Plantations - almost nothing else grown 2pm to Sun Bear Conservation Facility where animals are rehabilitated after being rescued from illegal trade/captivity 3pm to the Orangutan Centre where people are contained (as for Proboscis Monkeys) and the wild animals come in for some extra food 5pm to the Tree Canopy - Sky walk and Big tree forest 7pm Farewell dinner - seafood on the waterfront (restaurants on stilts) with Catherin, Alex, Winnie, Thorp, Johnny and the Sepilok Jungle crew.

Thurs 17th

8am Depart Sabah Hotel with a goodbye from Catherin and on the road with Thorp to Ranau. Endless Palm Oil Plantations and roads not built for the heavy traffic (mainly palm oil tankers), so they are a little rough. Spectacular vegetation, terrain, and rivers in the interior region of Sabah (State of Malaysian Borneo). We stopped at the Sabah Tea Resort near Mt Kinabalu for the night. Paid our respects at the Quailey's Hill

Memorial 5.10pm visited the No. 1 POW Camp at Ranau to pay our respects and on behalf of the Shire of Boyup Brook, on to the “Last Camp” Memorial at 5.30pm which is about 1km through jungle, across a river (Liwagu) from the actual camp and no access maintained so too late to attempt access to the actual camp site.

Fri 18th

6am Robyn and I walked in and around the Sabah Tea Resort 8am Breakfast and check out 9.15am on to Last Camp Memorial again where we acquired the services of a local young boy as a guide. Thorp, our local guide, and I set off to visit the site of the Last Camp where no visitors had been for a number of years - very overgrown and infrastructure including suspension bridges and buildings falling apart Upon reaching Liwagu River we crossed in water below our knees and up the bank to the Last Camp site. Return was via a course that included decaying relics of earlier tourist shelters 11.30am Kinabalu War Memorial Garden at Kundasang. There were separate memorial gardens for each of Australia, Britain and Borneo with the main War Memorial up steps to the top with a view over Kundasang and the names of all POW s listed on a wall 1pm Local markets and sites on the road to Kota Kinabalu where we checked in to the Ibis hotel 7.30pm we hosted farewell dinner for Thorp and thanked him for the outstanding job he did for us.

Sat 19th

9.30am pick up by Datuk Andrew Sim (and business acquaintance Stephen Sun) - local breakfast followed by tour of KK 10.15am Australian RSL Armed Forces Memorial 10.40am Petagas Memorial Garden for local people:

“In perpetual memory of those gallant men of all races who, loyal to the cause of freedom, were murdered and buried at this place on 21st January 1944 and also those who met their death in the same cause at Labuan and were later buried here”.

12.10 lunch and continued tour of Kota Kinabalu 2pm Datuk Andrew Sim’s Office of Australian Consulate, held by Andrew for over 20yrs 6.30pm dinner with Andrew, his family, and Stephen Sun.

Sun 20th

Breakfast with Andrew and Stephen with a tour of less visited areas of KK then on to the International Airport for departure.

8. COUNCILLOR QUESTIONS ON NOTICE

Nil

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

COUNCIL DECISION 23/08/140

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: Cr O'Connell
Seconded: Cr King

CARRIED 8/0

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

COUNCIL DECISION 23/08/141

That Council:

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

Moved: Cr Moir

Seconded: Cr Sarah Alexander

CARRIED 8/0

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:

- (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 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

COUNCIL DECISION 23/08/142

That Council:

- 1. Receive the information regarding the Outstanding Rate Debtors List as of 1 August 2023. (Attachment 9.2.3A).**

Moved: Cr O'Connell
Seconded: Cr Steele Alexander

CARRIED 8/0

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

- Cr King declared an Impartiality Interest in Item 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, being a member of the Tonebridge Country Club.

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

COUNCIL DECISION 23/08/143

That Council:

- 1. 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.**
- 2. Fund the \$147 waiver referred to in (1.) above from GL041114 – Various Donations.**

Moved: Cr Steele Alexander

Seconded: Cr O'Connell

CARRIED 8/0

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 abluion block located at the Tonebridge Rest Area with a new disabled compliant abluion.

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

That Council:

- 1. 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.).**
- 2. Fund the \$600 sponsorship referred to in (1.) above from GL 041114 – Various Donations.**

ALTERNATIVE RECOMMENDATION / COUNCIL DECISION 23/08/144

That Council

- 1. Including the Chief Executive Officer agree to individually contribute \$60 in their private capacity to fund the 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.**
- 2. Requests the Chief Executive Officer to arrange payment by the Shire of the required \$600 to the Lions Cancer Institute (Inc.) and invoice the individual Councillors and Chief Executive Officer to recoup the money.**

Moved: Cr King
Seconded: Cr Sarah Alexander

CARRIED 8/0

Reason: Councillors consider this to be a worthy cause, they would like to contribute to in a private capacity instead of utilising rate payers' funds.

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 Deductible Gift Recipient (DGR) Status making the contribution 100% tax deductible. 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

COUNCIL DECISION 23/08/145

That Council:

- Approves a lifetime waiver of the Shires portion of the fees associated with a one (1) week stay at the Caravan Park on a powered site for Mr Robert Jamieson.**

Moved: Cr O'Connell
Seconded: Cr Steele Alexander

CARRIED 8/0

SUMMARY

Mr Robert Jamieson has been travelling to and staying at the Boyup Brook Caravan Park to undertake repairs / maintenance of the Flax Mill models at no cost to the Shire.

Although the request received is for the waiver of the caravan park fees for a particular period being from 4 October to 10 October, Council is requested to consider a lifetime waiver in recognition of the work done annually for the past several years by Mr Jamieson on maintaining and repairing 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 – 2022-2023 Annual Report 9.3.4D – Proposed WALGA Constitution 9.3.4E – Amended Existing WALGA Constitution

COUNCIL DECISION 23/08/146

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** – Item 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, (Attachment 9.3.4C.)
- 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**

<p>criteria, guidelines and procedures associated with the administration of management orders;</p> <p>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</p> <p>3) Calls for proactive consultation and advice to Local Government management bodies.</p> <p>g) Support – Item 5.4 That WALGA requests the Salaries and Allowances Tribunal to review travel allowances for Councillors in Shires in remote Local Government Areas.</p> <p>h) Support – Item 5.5 That WALGA advocates to the WA State and Commonwealth Governments to address the dire shortage of affordable key worker family housing options in regional and remote towns to encourage families to live and work in regional and remote towns. Social housing is addressed at both the State and Federal levels.</p> <p>i) Support - Item 5.6 That a new WALGA Constitution giving effect to an alternate governance model be adopted, as per the attached, (Attachment 9.3.4D – Proposed WALGA Constitution.)</p> <p>j) If Item 5.6 does not receive support, - Support - Item 5.7 That the WALGA Constitution be amended to retain the current governance model but with necessary changes, as per the Attachment 9.3.4E.</p> <p>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.</p> <p>Moved: Cr O'Connell Seconded: Cr Sarah Alexander</p> <p style="text-align: right;">CARRIED 8/0</p>

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, see Attachment 9.3.4C
- 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 such leases to assist in the cost to maintain reserves on behalf of the State.

- Item 5.4 – Review of Salaries and Allowances Tribunal determination on Travel Allowances

The Shire of East Pilbara undertook a review of its policy relating to insurance cover for Council Members. The review was undertaken in the context of section 5.98(6) of the *Local Government Act WA* (1995), which states:

*“A Local Government cannot:
(a) make any payment to; or
(b) reimburse an expense of a person who is a council member or a mayor or president in that person’s capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.”*

In addition to insurance coverage for corporate travel and management liability of elected members, Council considered the payment of any out-of-pocket excess amount or ‘shortfall’ incurred by a Council Member for insurance claims made for repairs and services to a private motor vehicle used for the purposes of Council business. Given the size and isolation of the District, Council Members regularly travel many thousands of kilometres each year in private vehicles over unsealed roads on Council business and sustain higher than average levels of damage as a result.

Clause 8.2(5) of the Salaries and Allowances Tribunal *Local Government Chief Executive Officers and Elected Members Determination No 1 of 2023* has determined the extent to which reimbursements may be made with respect to travel costs associated with the use of a private motor vehicle “are to be calculated at the same rate contained in Section 30.6 of the *Local Government Officers’ (Western Australia) Award 2021* as at the date of this determination”, and makes no provision for any other out of the ordinary additional costs.

Windscreen breakages and damage to tyres occur frequently, with costs of insurance and repairs to be met by Council Members from the fixed rate of reimbursement. Council Members are concerned that the frequency of damage has not been considered by the Salaries and Allowances Tribunal in its determinations.

- Item 5.5 – 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 5.6 - Proposed New WALGA Constitution

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

This item (recommending a new Constitution to give effect to the alternate model) will be presented first, as only one version of the Constitution can be endorsed. If this item does not receive 75 percent approval from Members, the next item (recommending amendments to the *current* Constitution but otherwise maintaining the current governance model) will be presented.

If this item (for a new Constitution) is successfully passed by a special majority of Members, the second item will not be put to the vote.

Amendments to the Constitution require endorsement by a special (75 percent) majority at State Council, as well as a 75 percent majority of Members at a General Meeting.

Assistance was provided by legal firm, Jackson McDonald, in preparing the new constitution for the alternate model.

The following provides a summary of the governance structure under the alternate model, as established by the proposed new WALGA Constitution:

Body	Composition and Term	Role
Board	<p>Minimum of 8 up to a maximum of 11 Board members:</p> <ul style="list-style-type: none"> • President of State Council • Deputy President of State Council • 6 members elected from and by State Council members (3 from Metropolitan; 3 from Country) • Up to 3 ‘independent’ members appointed by the Board for their skills which can include Elected Members. State Council members are not eligible. <p>Board members elected for a 2 year term; maximum Board Tenure Limit is 8 years (4 terms). The President and Deputy President is limited to 2 terms, maximum limit of 4 years. Thus maximum is in</p>	<p>The President is the Chair and the Deputy President is the Deputy Chair. The Board is responsible for the overall governance of WALGA, strategic direction, financial oversight, approving the annual budget, appointing the CEO etc. The Board must consult with State Council before changing boundaries of the Constituencies and/or allocating Ordinary Members to Zones and Constituencies. All Board members have a deliberative vote and it makes decisions by simple majority vote, except to change the powers of the Association, or representation or voting rights on State Council or the number of Zones, which requires an Absolute Majority decision of both the</p>

addition to the Board Tenure Limit, which means a person serving as President or Deputy President (or both) could be a Board member for up to 16 Years.

Board and State Council. Amending the Constitution requires a Special Majority decision of the Board, before being put to Members. The Board will meet at least 6 times per year.

State Council

26 State Council members:

- The President elected from and by the 24 State Council Representative (Ex officio).
- 12 Elected by and from Metropolitan Zones.
- 12 elected by and from Country Zones
- The President of Local Government Professionals Australia WA (Ex-officio) – does not have a right to vote.

The Deputy President is elected from amongst and by the 24 State Council members from the alternative constituency to the President. (That is, if the President is from a Metropolitan Zone, the Deputy will be elected from the 12 Country Zone representatives).

Once the President is elected, the Zone that they were elected to represent, appoints a replacement to State Council.

The primary State Council members elected by the Zones are the primary State Council members, the deputies may attend the State Council meetings and vote if the primary representative is unable to attend.

Only primary State Council members are eligible to be elected to the Board.

The President chairs State Council meetings but does not have a deliberative vote (has a casting vote).

State Council elects the President, Deputy President and members to the Board.

State Council considers matters referred to it by the Board for consultation or approval.

State Council decisions are made by voting as per the current process.

State Council will meet at least 3 times per year.

State Council and the Board composition is based upon the principle that there should be equal representation from both Constituencies.

State Council members are not eligible to be appointed as an independent Board member.

State Council members are elected for a two year term. There is no tenure limit for State Council members.

Zones

There are:

- 5 Metropolitan Zones; and
- 12 Country Zones.

The boundaries of the Zones (i.e. Metropolitan v Country) are determined by the Board (in consultation with State Council) and documented in the Corporate Governance Charter.

The Zones comprise of representatives from Ordinary Members as determined by the Board (in consultation with State Council).

The number of Zones and the number of representatives that may be elected by a Zone to State Council are determined by an Absolute Majority decision of both the Board and State Council.

The Zones elect members to State Council, as follows:

- Each Country Zone elects one primary representative and one deputy representative to State Council.
- In the Metropolitan constituency:
 - The North Zone elects 3 primary representatives and a deputy for each to State Council.
 - The South Zone elects 3 primary representatives and a deputy for each to State Council.
 - The other 3 Zones each elect 2 primary representatives and a deputy for each to State Council

- Item 5.7 - Proposed Amendments to WALGA's Constitution

This item (recommending amendments to the *current* Constitution but otherwise maintaining the current governance model) will only be presented to Members if the first item (recommending a new Constitution to give effect to the alternate model) does not receive 75 percent approval from Members.

If the first item (for a new Constitution) is successfully passed by a special majority of Members, this item will not be put to the vote.

Amendments to the Constitution require endorsement by a special (75 percent) majority at State Council, as well as a 75 percent majority of Members at a General Meeting.

The proposed amendments to the Constitution under this item will provide necessary changes, but otherwise retain the current governance model. The proposed changes are intended to fix inconsistencies that have emerged after several rounds of amendments since the Constitution was first adopted in 2001, as well as to address some potential issues that have been raised by State Council.

- There are several proposed amendments to the definitions contained in clause 2 Interpretation. In particular:
 - The inclusion of new definitions for “General Meeting”, “Ordinary Meeting” and “Special Meeting”; and
 - The refinement of the current definitions for “Constituency”, “Country Constituency” and “Metropolitan Constituency” to move away from defining boundaries by way of the Metropolitan Region Planning Scheme.”
- The deletion of clause 9(2) in light of clause 12(2)(b), which empowers State Council to decide the “allocation or change in allocation of any representation or voting rights on the State Council”, rather than Members. Similarly, clause 14(3) to be amended to again empower State Council to decide the numbers of Zones, rather than the Members at a General Meeting.
- A new reason for disqualification has been included in clause 22(k) that refers to a State Councillor, Deputy State Councillor, President or Deputy President vacating their office once they become a candidate for election to a State or Federal Parliament “on or after the date the election writ is issued”. This addition was prompted by State Council discussions in September 2021 which resulted in a similar changes to the Corporate Governance Charter.
- The deletion of clause 33(1)(c) as it deals with a non-Constitutional topic.
- In schedule One, the meaning of subclause (f) was unclear and so has been deleted.
- The Register of Delegate Powers, Authorities, Discretions and Duties in Schedule Two has been amended to only include those powers as referred to in the Constitution, with those other powers to be captured in the Corporate Governance Charter.
- Finally, there has been a general tidy up of defined terms throughout the Constitution (that is, terms that are defined in clause 2 and require capitalisation).

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

- Cr King declared an Impartiality Interest in Item 9.4.1, Development Application (Disabled Toilet) – Reserve 32919, Tonebridge Rest Area, Tonebridge, being a member of the Tonebridge Country Club

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

COUNCIL DECISION 23/08/147

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: Cr Sarah Alexander
Seconded: Cr Steele Alexander**

CARRIED 8/0

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 ablution 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 ablution facility is proposed to be developed to replace an existing ablution, 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 ablution. 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 ablution 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

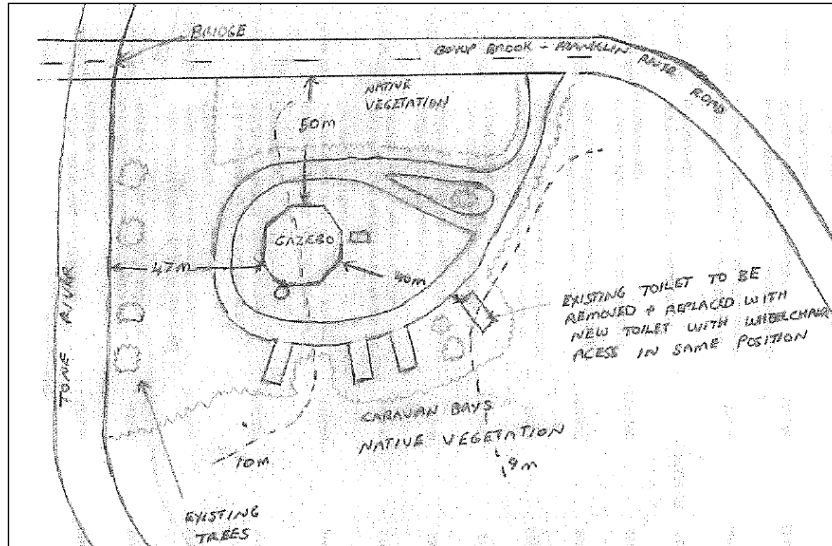
Nil

Workforce

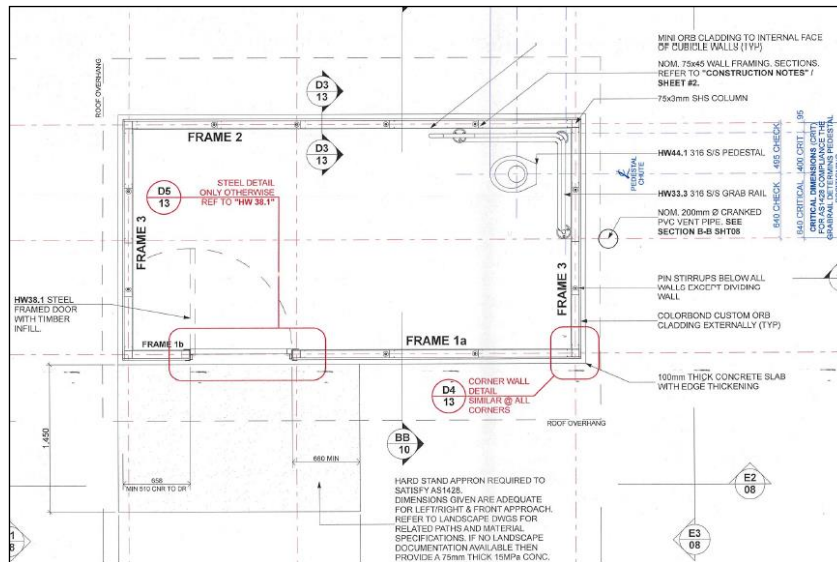
Nil

Approved Plans

Site Plan



Floor Plan



Elevations

10. MINUTES OF COMMITTEES

10.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MINUTES – 19 JULY 2023

OFFICER RECOMMENDATION

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 amended to reflect the up-to-date contact details of all parties relevant to Boyup Brook, as required by the Department of Communities Attachment 10.1B.

ALTERNATIVE RECOMMENDATION / COUNCIL DECISION 23/08/148

That Council:

1. Adjourn the motion and that it be brought back to Council for consideration once all the contact details contained in the LEWP pertaining to Boyup Brook have been confirmed as correct and the date of the document is confirmed to be correct.

Moved: Cr O'Connell
Seconded: Cr Sarah Alexander

CARRIED 8/0

10.2 RYLINGTON PARK COMMITTEE MINUTES – 7 AUGUST 2023**COUNCIL DECISION 23/08/149****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: Cr Moir
Seconded: Cr O'Connell**

CARRIED 8/0**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

12. LATE ITEMS / URGENT BUSINESS MATTERS**12.1 CONSIDERATION OF LATE ITEM****OFFICER RECOMMENDATION****That Council:**

- 1. Allow the consideration of the following late item:
 - a) Item 12.2 – Consideration of Community Grants 2023-2024.****

ALTERNATIVE RECOMMENDATION / COUNCIL DECISION 23/08/150**That Council:**

- 1. Adjourn to the motion and that it be brought back to Council for consideration at the September Ordinary Council Meeting.**

**Moved: Cr Steele Alexander
Seconded: Cr O'Connell**

CARRIED 8/0

13. CONFIDENTIAL ITEMS OF BUSINESS

13.1 CLOSURE OF MEETING TO THE PUBLIC

COUNCIL DECISION 23/08/151

That Council:

1. Proceed behind closed doors as per Section 5.23(2) of the *Local Government Act 1995*, to consider item 13.1.2, the time being 7:24pm.

Moved: Cr Sarah Alexander

Seconded: Cr Caldwell

CARRIED 8/0

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:	13.1.2 – BBSRA proposal

COUNCIL DECISION 23/08/152

That Council:

1. Acknowledge the proposal submitted by the Boyup Brook Sports & Recreation Association Inc.
2. Create a Rylington Park Working Group, consisting of Cr Caldwell, Cr King, Cr O’Connell, Cr Walker, Cr Kaltenrieder and the Chief Executive Officer, to investigate various long term operational models for Rylington Park.

Moved: Cr Steele Alexander

Seconded: Cr Price

CARRIED 8/0

SUMMARY

Following the request of a community group Council is requested to consider investigating the current operational model of Rylington Park from a financially sustainable perspective.

BACKGROUND

Rylington Park was gifted to the Shire in 1985 by the late Eric Farleigh. In November 2021 Council adopted the current charter which states the following Objectives and Activities:

Objectives:

- Demonstrate good governance and leadership by behaving with integrity and being open and accountable.
- Be recognised as a leader in technology use, training, and sustainable practices.
- Develop, trials and demonstrate the latest agricultural practices and technologies.
- Develop and demonstrate sustainable farming practices to sustainably manage the farm for future generations.
- Deliver industry relevant training.
- Deliver enhanced skills development for the farming community.

Activities:

- Develop and maintain active partnerships with educational, training and research institutions to conduct training and research in all aspects of agriculture and facilitate these learning to be shared with the Boyup Brook Community.
- Collaborate with local farmers, businesses, and organisations to participate in trails and demonstrations.
- Host industry workshops and training days.
- Host rehabilitation and regeneration trials for disused gravel pits and other degraded land.
- Encourage the use of the Rylington Park facilities for broad community participation and involvement.
- Invest in maintenance and ongoing improvements to the farm and facilities to ensure continued use and relevance for future generations.
- Engage the community in annual field days.
- Provide support to the youth of Boyup Brook with agricultural scholarships.
- Contribute to community-based projects and activities.
- Provide regular updates on Rylington Park activities to the Boyup Brook community.

REPORT DETAIL

The Boyup Brook Sports & Recreation Association Inc (BBSRA) have submitted a proposal to lease 200 hectares of Rylington Farm for community cropping purposes (Attachment 13.1A).

The concept of community cropping is not new and is currently being done in the Shires of Corrigin, Gnowangerup and Kent. Should Council resolve to investigate this option it is recommended that the working group take a trip out to each of these Shire's and meet with Councillors and staff to discuss any pros and cons associated with this operational model.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031

Key Imperatives	Social and Community
Outcome	Support a healthy, active, vibrant community
Objective	Promote community participation, interactions and connections

Key Imperatives	Governance and organisation
Outcome	Improve financial sustainability
Objective	Improve short and long term financial management planning

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

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

Should Rylington Park farm continue to operate at a deficit, the deficit will need to be funded through the Shire budget, effectively rate payers.

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

The concept of community cropping does seem to have its benefits to the community through the ability to fund community projects which effectively improve the quality of life for the community.

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	The current operational model is in danger of failing and will result in the ratepayer having to subsidise the farm.

CONSULTATION

CEO – Corrigin, CEO – Gnowangerup, A/CEO - Kent

RESOURCE IMPLICATIONS

Financial

The initial investigation phase will have no financial implications.

Workforce

Nil

End

13.2 PROCEED WITH THE MEETING IN PUBLIC

COUNCIL DECISION 23/08/153

That Council:

1. Proceed with the meeting in public, the time being 7:46pm.

Moved: Cr Sarah Alexander

Seconded: Cr Caldwell

CARRIED 8/0

14. CLOSURE

There being no further business the meeting closed at 7:46pm

Presiding Member

Date