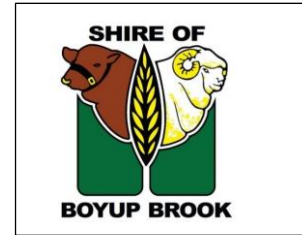


Date: 31 October 2023

To: Shire President
Deputy Shire President
Councillors
Community



MINUTES - ORDINARY COUNCIL MEETING

26 October 2023

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

Leonard Long
Chief Executive Officer

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AGENDA

1. DECLARATION OF OPENING

The Chief Executive Officer declared the meeting open at 6:00pm.

Acknowledgement of Traditional Custodians

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

Council Meetings are public meetings.

The Council Chambers are not a parliament and Parliamentary Privileges do not apply.

Elected Members and staff risk being held personally liable if their comments are defamatory, or breach any duty of confidentiality.

Statements made during Council meetings are solely those of the person making them. Nothing expressed at a Council Meeting can be attributed to the Shire, unless it is adopted by a resolution of Council.

The Confirmed Minutes of a Council Meeting are the official record of that Council meeting. Verbatim Minutes are not required.

May I ask everyone here today, to make sure your mobiles are turned off or on silent for the duration of the Meeting.

This meeting will be audio recorded for minute taking purposes.

2. RECORD OF ATTENDANCE

2.1 ATTENDANCE

Councillors

Councillors

Cr Richard Walker
Cr Helen O'Connell
Cr Sarah Alexander
Cr Charles Caldwell
Cr Philippe Kaltenrieder

Councillors Elect

Cr Michael Wright
Cr Darren King
Cr David Inglis

Council Officers

Chief Executive Officer
Executive Assistant
Deputy Chief Executive Officer

Leonard Long
Maggie Le Grange
Carolyn Mallett

Member of the WA Police

Sergeant Martin Baraiolo

Observers / Public Members

Nil

2.2 APOLOGIES

Manager Works and Services

Jason Forsyth

3. DECLARATION OF OFFICE TO BE TAKEN BY ELECTED COUNCILLORS

Sergeant Martin Baraiolo officiated the Declaration of Office for the Elected Members in the following order:

- Cr Elect Michael Wright Four (4) Year Term
- Cr Elect Darren King Four (4) Year Term
- Cr Elect David Inglis Four (4) Year Term

Declaration:

I, (Cr Elect name) of (Physical address) having been elected to the office of councillor of the Shire of Boyup Brook, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the code of conduct adopted by the Shire of Boyup Brook under section 5.104 of the Local Government Act 1995.

4. ELECTION OF SHIRE PRESIDENT

4.1 The Chief Executive Officer called for nominations for the position of Shire President.

One (1) nomination was received for Cr Walker.

Cr Walker accepted the nomination.

Moved:Cr King

Seconded:Cr O'Connell

COUNCIL DECISION 23/10/215

That Council:

- 1. Appoints Cr Walker as the Shire President of Council for a period of two years.**

Declaration:

I, (Deputy Shire President Elect name) of (Physical address) having been elected to the office of Deputy Shire President of the Shire of Boyup Brook, declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the code of conduct adopted by the Shire of Boyup Brook under section 5.104 of the Local Government Act 1995.

6. ALLOCATION OF SEATING

In accordance with Clause 11.2 of the Shire's Standing Orders Local Law,

11.2.1 At the first meeting attended by a Councillor after election, the Chief Executive Officer shall allot by random draw, a position at the Council table to each Councillor and the Councillor shall, until such time as there is a call by a majority of Councillors for a re-allotment of positions, occupy that position when present at meetings of the Council.

As per clause 11.2.1 a majority of Council agreed to retain their current seating.

7. REQUEST FOR LEAVE OF ABSENCE

Nil

8. DEPUTATIONS, PETITIONS AND PRESENTATIONS

8.1 DEPUTATIONS

Cr Caldwell presented a letter from Kulikup Hall Committee regarding paving.

8.2 PETITIONS

Nil

8.3 PRESENTATIONS

Nil

9. PUBLIC QUESTIONS TIME

9.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

9.2 PUBLIC QUESTION TIME

Nil

10. DECLARATIONS OF INTEREST

10.1 FINANCIAL AND / OR PROXIMITY INTEREST

Nil

10.2 DISCLOSURES OF IMPARTIALITY INTEREST THAT MAY CAUSE CONFLICT

- a) Cr Inglis declared an Impartiality Interest in Item 14.3.7 - proposed mountain bike park on reserve 11497 (old hot rod track) – due to Cr Inglis's wife being the Treasurer of Boyup Brook Community Mental Health Action Team Inc (CoMHAT).

11. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATIONS

11.1 ORDINARY COUNCIL MEETING MINUTES – 28 SEPTEMBER 2023

Moved: Cr Kaltenrieder

Seconded: Cr O'Connell

COUNCIL DECISION 23/10/198

That the minutes of the Ordinary Council Meeting held on 28 September 2023 be confirmed as being a true and accurate record.

CARRIED 8/0

**For: Cr Walker, Cr O'Connell, Cr Kaltenrieder, Cr King, Cr Alexander,
Cr Caldwell, Cr Inglis, Cr Wright**

Against: Nil

12. PRESIDENTIAL COMMUNICATIONS

October

Tues 3rd

4pm attended Boyup Brook Food Truck event at the Music Park which was very popular and well done to the organisers whom I believe snapped up the opportunity arising from another venue cancellation. These Food Trucks are generally booked up at least a year ahead.

Wed 4th

1pm Sandakan Service review with staff at Shire Office.

Mon 23rd

11am attended the new Councillor Elect induction and Agenda introduction.

Tues 24th

9am at Tonebridge Hall with CEO to meet with M. Della-Golla, R. Tuckett and D. Turner re proposed desalination plant and groundwater management along with potential uses for the potable water produced.

11.30am with CEO at Chowerup, met J. Guintoli to discuss issues affecting the Chowerup Mill.

1.30pm with CEO to meet with M. Lloyd re suitable industrial land.

2 - 4pm site visits around town with CEO including the Boyup Brook Reservoir, Cemetery, Flax Mill Caravan Park and the old Hot Rod Track.

Thurs 26th

10.30am attended the Boyup Brook Citizens Lodge Tea Party run by the Health Department and very well attended by the local community.

13. COUNCILLOR QUESTIONS ON NOTICE

Nil

14. REPORTS OF OFFICERS

14.1 OPERATIONS

Nil

14.2 CORPORATE AND COMMUNITY SERVICES

14.2.1 LIST OF ACCOUNTS PAID IN SEPTEMBER 2023	
File Ref:	FM/1/002
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Carolyn Mallett, Executive Manager Corporate and Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	14.2.1A – List of Accounts Paid in September 2023

Moved:Cr O'Connell

Seconded:Cr King

COUNCIL DECISION 23/10/199

That Council:

1. Receive the list of accounts paid in September 2023, totalling \$1,031,896.40 from Municipal account, \$43,994.95 from Police Licensing account and \$0.00 from Boyup Brook Early Learning Centre account, as represented by:

Municipal	Cheques 20617	\$ 62.00
	EFT 14573 – 14709	\$685,464.34
	Direct Payments	\$292,375.11
Police Licensing		\$ 43,994.95
BBELC Payments		\$ 0
Grand Total		\$1,021,896.40

CARRIED 8/0

**For: Cr Walker, Cr O'Connell, Cr Kaltenrieder, Cr King, Cr Alexander,
Cr Caldwell, Cr Inglis, Cr Wright**

Against: Nil

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in September 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 30 September 2023.

REPORT DETAIL

Attachment 9.2.1A lists accounts/invoices the Shire paid by cheque or electronic means during the period 01 to 30 September 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 adopted 2023-24 annual budget.

Workforce

Nil

End

14.2.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 30 SEPTEMBER 2023	
File Ref:	FM/10/003
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Darren Long, Finance Consultant -
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	14.2.2A – Monthly Financial Report 30 September 2023

Moved:Cr Alexander	Seconded:Cr King
<u>COUNCIL DECISION 23/10/200</u>	
That Council:	
1. Receive the Monthly Financial Report for 30 September 2023, as presented (Attachment 14.2.2A).	
CARRIED 8/0	
For: Cr Walker, Cr O’Connell, Cr Kaltenrieder, Cr King, Cr Alexander, Cr Caldwell, Cr Inglis, Cr Wright	
Against: Nil	

SUMMARY

The Monthly Financial Report for 30 September 2023 is presented for Council’s 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 30 September 2023 shows a closing surplus of \$6,088,680.

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

14.3 CHIEF EXECUTIVE OFFICER

14.3.1 COMMITTEES OF COUNCIL	
File Ref:	GO/51/001
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number:	Nil

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

COUNCIL DECISION - 23/10/201

That Council move into a Committee of the Whole as per clause 15.6 of the Standing Orders Local Law No.1 to allow free and open discussion on the matter.

CARRIED 8/0

**For: Cr Walker, Cr O'Connell, Cr Kaltenrieder, Cr King, Cr Alexander,
Cr Caldwell, Cr Inglis, Cr Wright
Against: Nil**

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

COUNCIL DECISION - 23/10/202

That Council move out of a Committee of the Whole as per clause 15.6 of the Standing Orders Local Law No.1.

CARRIED 8/0

**For: Cr Walker, Cr O'Connell, Cr Kaltenrieder, Cr King, Cr Alexander,
Cr Caldwell, Cr Inglis, Cr Wright
Against: Nil**

Moved:Cr Caldwell **Seconded:Cr Alexander**

COUNCIL DECISION 23/10/203

That Council:

1. Dissolve the following committees:

- a) Grants Committee.**
- b) Annual Awards Committee.**

2. Appoint the following Elected Members as a Delegate on the following external / internal committees / groups:

a) **Audit and Finance Committee**

All Councillors be appointed to the Audit and Finance Committee.

b) **Local Emergency Management Committee (LEMC)**

- i. Shire President Cr Walker be appointed to the LEMC, and Deputy Shire President Cr O'Connell as deputy.
- ii. The Chief Executive Officer, Ranger and / or Emergency Services Officer be appointed as Council staff representatives.

c) **Bush Fire Advisory Committee (BFAC)**

- i. Shire President Cr Walker be appointed to the BFAC, and Cr Caldwell as deputy.
- ii. The Chief Executive Officer, Manager Operations and Ranger be appointed as Council staff representatives.
- iii. The BFAC consists of:
 - Council delegate
 - Council staff representatives
 - Chief Bushfire Control Officer
 - Communications Officer
 - Fire Weather Officer
 - Deputy Fire Weather Officer
 - Training Officer
 - Two (2) delegates from each Brigade

d) **Main Roads – Regional Roads Group (RRG)**

Deputy Shire President Cr O'Connell be appointed to RRG, and Cr Caldwell as deputy.

e) **Southwest Zone Western Australian Local Government Association**

Shire President Cr Walker be appointed to the Southwest Zone Western Australian Local Government Association, and Deputy Shire President Cr O'Connell as deputy.

f) **Warren Blackwood Alliance of Councils (WBAC)**

Shire President Cr Walker be appointed to WBAC, and Deputy Shire President Cr O'Connell as deputy.

g) **Boyup Brook Tourism Association (BBTA)**

Deputy Shire President Cr O'Connell be appointed to BBTA, and Cr Wright as deputy.

h) **Boyup Brook Community Resource Centre Management Committee (CRCMC)**

Cr King be appointed to CRCMC, and Deputy Shire President Cr O'Connell as deputy.

i) **Boyup Brook Museum Committee (BBMC)**

Cr King be appointed to BBMC, and Deputy Shire President Cr O'Connell as deputy.

j) **Blackwood Basin Group Committee (BBGC)**

Cr King be appointed to BBGC, and Cr Wright as deputy.

k) **Rylington Park Committee (RPC)**

Cr Wright, Cr Caldwell, Cr King, Cr Inglis, Shire President Cr Walker and Deputy Shire President Cr O'Connell be appointed to the RPC.

l) **Boyup Brook Medical Services Committee (BBMSC)**

- i. Shire President Cr Walker, Cr Kaltenrieder, Cr King and Cr Alexander be appointed to the BBMSC.
- ii. Chief Executive Officer, Senior Medical Doctor and Doctor be appointed as staff representatives.

m) **Climate Change Action Plan Implementation Reference Group (CCAPIRG)**

- i. Cr Kaltenrieder and Cr Wright be appointed to the CCAPIRG.

n) Boyup Brook District High School Board (BBDHSB)

- i. Cr Caldwell and Cr King be appointed to the BBDHSB.

o) Development Assessment Panel

- i. Cr Kaltenrieder Member 1, Cr Wright Member 2.
- ii. Cr Alexander Alternate Member 1, Deputy Shire President
Cr O’Connell Alternate Member 2.

CARRIED BY ABSOLUTE MAJORITY 8/0

**For: Cr Walker, Cr O’Connell, Cr Kaltenrieder, Cr King, Cr Alexander,
Cr Caldwell, Cr Inglis, Cr Wright**

Against: Nil

SUMMARY

Council is requested to appoint Elected Members to the various committees / groups listed in the Officer’s Recommendation.

BACKGROUND

After each local government election, Council is required to appoint Elected Members on various committees / groups.

REPORT DETAIL

The committees recommended to be dissolved are no longer required as the purpose for which they were originally created no longer exists. The Annual Awards Committee and the Grants Committee consists of Elected Members only. This duplicates the process making it time consuming for both the Elected Members and staff.

Representation at the various committees / groups is important to ensure the Council remains up to date with matters that may arise in certain areas. Further, it provides the opportunity for the Council to become involved in potential initiatives that may have a positive outcome for the Town.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 – 2031

Key Imperatives	Governance and Organisation
Outcome	Effectively communicate and engage the community
Objective	Work with groups from across the community to address concerns regarding facilities and services.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

- *Local Government Act 1995*

5.8 Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

**Absolute majority required.*

5.9 Committees, types of

- (1) *In this section —*
other person means a person who is not a council member or an employee.
- (2) *A committee is to comprise —*
 - (a) *council members only; or*
 - (b) *council members and employees; or*
 - (c) *council members, employees, and other persons; or*
 - (d) *council members and other persons; or*
 - (e) *employees and other persons; or*
 - (f) *other persons only.*

5.10 Committee members, appointment of

- (1) *A committee is to have as its members —*
 - (a) *persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
 - (b) *persons who are appointed to be members of the committee under subsection (4) or (5).*

** Absolute majority required.*

- (2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.*

- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
- (a) to be a member of the committee; or*
 - (b) that a representative of the CEO be a member of the committee,*
- the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

5.11 Committee membership, tenure of

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
 - (b) the person resigns from membership of the committee; or*
 - (c) the committee is disbanded; or*
 - (d) the next ordinary elections day,*

whichever happens first.

- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) the term of the person's appointment as a committee member expires; or*
 - (b) the local government removes the person from the office of committee member, or the office of committee member otherwise becomes vacant; or*
 - (c) the committee is disbanded; or*
 - (d) the next ordinary election day,*

Whichever happens first.

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	Non-representation on the various committees / groups could result in the Council not being included in certain initiatives.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

End

14.3.2 RESCINDING OF VARIOUS POLICIES	
File Ref:	CM/43/001
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	14.3.2A – Policy A.06 Advertising – Statutory and General 14.3.2B – Policy A.08 Policy Manual – Maintenance of 14.3.2C – Policy A.11 Leave – Upper Blackwood Show 14.3.2D – Policy A.21 Staff Establishment Levels 14.3.2E – Policy B.01 Building Permit Fees 14.3.2F – Policy B.03 Building Approvals – Variations of “R” Codes 14.3.2G – Policy B.07 Sub-Standard Buildings 14.3.2H – Policy B.09 Buildings – Set out by Licenced Surveyor 14.3.2I – Policy B.10 Building Materials Standards in Industrial and Light Industrial Areas 14.3.2J – Policy B.11 Wood Encouragement Policy 14.3.2K – Policy M.06 Tape Recordings of Council 14.3.2L – Policy M.08 Meetings of Council – Guest Speakers 14.3.2M – Policy W.02 Preservation of Gazetted Roads 14.3.2N – Policy W.05 Grading 14.3.2O – Policy W.10 Shire Equipment

Moved:Cr King

Seconded:Cr Alexander

COUNCIL DECISION 23/10/204

That Council:

1. Rescind the following Policies:

- a) Policy A.06 Advertising – Statutory and General (Attachment 14.3.2A).
- b) Policy A.08 Policy Manual – Maintenance of (Attachment 14.3.2B).
- c) Policy A.11 Leave – Upper Blackwood Show (Attachment 14.3.2C).

- d) Policy A.21 Staff Establishment Levels (Attachment 14.3.2D).
- e) Policy B.01 Building Permit Fees (Attachment 14.3.2E).
- f) Policy B.03 Building Approvals – Variations of “R” Codes (Attachment 14.3.2F).
- g) Policy B.07 Sub-Standard Buildings (Attachment 14.3.2G).
- h) Policy B.09 Buildings – Set out by Licenced Surveyor (Attachment 14.3.2H).
- i) Policy B.10 Building Materials Standards in Industrial and Light Industrial Areas (Attachment 14.3.2I).
- j) Policy B.11 Wood Encouragement Policy (Attachment 14.3.2J).
- k) Policy M.06 Tape Recordings of Council (Attachment 14.3.2K).
- l) Policy M.08 Meetings of Council – Guest Speakers (Attachment 14.3.2L).
- m) Policy W.02 Preservation of Gazetted Roads (Attachment 14.3.2M).
- n) Policy W.05 Grading (Attachment 14.3.2N).
- o) Policy W.10 Shire Equipment (Attachment 14.3.2O).

CARRIED 8/0

**For: Cr Walker, Cr O’Connell, Cr Kaltenrieder, Cr King, Cr Alexander,
Cr Caldwell, Cr Inglis, Cr Wright**

Against: Nil

SUMMARY

Council is requested to consider rescinding the recommended policies, which have been determined to either duplicate legislation, or is a procedure rather than a policy or no longer applicable.

BACKGROUND

A policy and a procedure are both essential components but serve very different purposes.

Policies are required to be adopted by Council as they are high-level statements and a broad guideline for action, setting out what the local government intends to achieve. A policy is typically general and strategic in nature and designed to:

- Outline positions on matters.
- Provide consistency and equity in decision making.
- Provide promptness in responding to customer needs; and
- Support operational efficiency.

A procedure does not require Council approval and is generally developed to ensure consistency across the board.

REPORT DETAIL

The below table sets out reasons for the recommendation to rescind various policies.

Policy A.06 Advertising – Statutory and General	<p>The requirement to advertise from a statutory perspective is prescribed by the relevant legislation which supersedes a local policy.</p> <p>The general advertisement of Shire matters should not be dictated as many platforms exist to advertise.</p> <p>It is considered the policy is not required as it is either a statutory requirement or an operational matter on how and where advertising is done.</p>
Policy A.08 Policy Manual – Maintenance of	The review of the policy manual is considered an operational issue and is generally captured by the annual audit.
Policy A.11 Leave – Upper Blackwood Show	The provision of leave to staff is considered an operational matter.
Policy A.21 Staff Establishment Levels.	<p>The policy indicates that s5.2 of the <i>Local Government Act 1995</i>, puts the onus on Council to ensure there is an appropriate structure in place for administering the local government. This is achieved annually through the adoption of the budget which provides the CEO the ability to employ additional staff (if required).</p> <p>S5.41(g) notes the CEO is responsible for the employment, management, supervision, direction, and dismissal of employees (other than designated senior employees)</p> <p>The policy is an operational matter, as the Act precludes Council from getting involved with the day-to-day operations of the Shire.</p>
Policy B.01 Building Permit Fees.	<p>Building Fees are prescribed by the Building Regulations 2012.</p> <p>Fee exemption - the Shire incurs costs associated with the assessment of a building permit which is not refundable, as such fees should not be exempt, nor should fees be refundable after the assessment has been done.</p>

	This will negatively impact the Shire's budget.
Policy B.03 Building Approvals – Variations of "R" Codes	<p>The process to apply for an R-Code variation is guided by the <i>Planning and Development Act 2005</i> as well as State Planning Policy 7.3. and requires certain applications be circulated to neighbouring properties for comments / objections.</p> <p>It is considered that the policy is a duplication of the relevant Act and State Policy and is not required.</p>
Policy B.07 Sub-Standard Buildings	<p>The procedure to follow should a building be considered "sub-standard" is provided through the <i>Building Act 2012</i> as well as the <i>Health (Miscellaneous Provisions) Act 1911</i>.</p> <p>It is considered that the policy is a duplication of the above acts.</p>
Policy B.09 Buildings – Set out by Licenced Surveyor.	<p>The setting out of buildings prior to building works commencing is the responsibility of the individual property owner.</p> <p>Should there be an encroachment the <i>Building Act 2012</i> as well as the <i>Planning and Development Act 2005</i> provide avenues for a local government to follow. In an event where a building has straddled a boundary line this becomes a civil matter between the property owners.</p>
Policy B.10 Building Materials Standards in Industrial and Light Industrial Areas.	<p>The limiting of building materials is not considered necessary with the development of new innovative building methods.</p> <p>The construction of buildings is generally controlled via the <i>Building Act 2012</i>.</p>
Policy B.11 Wood Encouragement Policy.	The policy is considered antiquated and does not provide a concise direction of Council.
Policy M.06 Tape Recordings of Council.	The recording of a Band 4 local government will be prescribed by the <i>Local Government Act 1995</i> , although the exact guideline for the requirements has yet to be released by the State Government, as such the policy will be a duplication of legislation.
Policy M.08 Meetings of Council – Guest Speakers	This is not a policy, but a procedure as confirmed under the heading 'Objective'.
Policy W.02 Preservation of Gazetted Roads	The closure of a gazetted road is prescribed by the <i>Land Administration Act 1997</i> . One of the procedure steps is for the Shire to obtain a resolution from Council either refusing or supporting the request for closure.

	It is considered unnecessary to have a policy as it does not serve any purpose.
Policy W.05 Grading	This is not a policy, but a procedure as confirmed under the heading 'Objective'.
Policy W.10 Shire Equipment.	It is no longer an acceptable practice to loan or hire Shire equipment as this may have serious implications regarding insurance and Work Health and Safety. Should a member of the community require use of equipment, it can be done through a private works request which is controlled by the Shire.

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

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
Low	Rescinding the policies as recommended will not have a negative impact on the operations of the Shire.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

End

14.3.3 TOWN TEAM MOVEMENT	
File Ref:	CR/31/007
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Nicola Jones, Community Development Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	14.3.3A Book of Doing

Moved:Cr Kaltenrieder	Seconded:Cr O'Connell
<u>COUNCIL DECISION 23/10/205</u>	
That Council:	
1. Support the Town Team Movement and request the Chief Executive Officer to work with the Town Team Movement to establish a Town Team in Boyup Brook.	
CARRIED 8/0	
For: Cr Walker, Cr O'Connell, Cr Kaltenrieder, Cr King, Cr Alexander, Cr Caldwell, Cr Inglis, Cr Wright	
Against: Nil	

SUMMARY

The Boyup Brook community can be greatly enhanced by establishing a Town Team. It will provide an avenue for the community to be involved in making our town a great place to live with projects such as re-vitalising unused spaces and small community events. Along with the visual aspect of such projects is the wellbeing that these connections bring to individuals. This is not only in the form of community connectedness when using the space or attending events, but also in the sense of pride and ownership when the project is achieved and completed by those who choose to call Boyup Brook home.

BACKGROUND

Town Teams can best be described as what is promoted on their website:

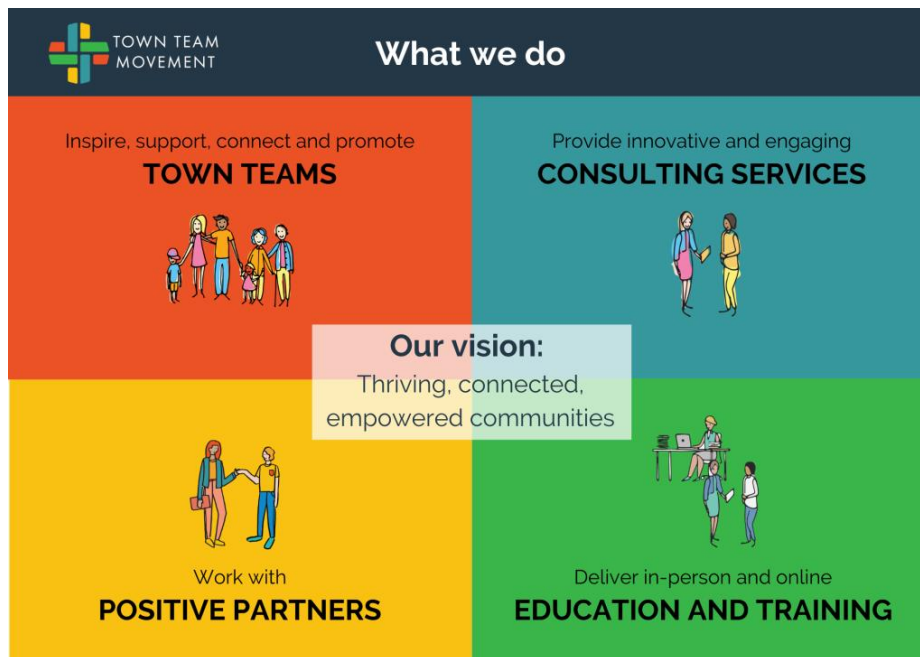
Town Teams are positive and proactive community groups that work collaboratively with their local government to improve a place or area. The Town Team approach is inclusive. It is open to businesses, landowners, residents, and anyone else who wants to improve their place.

The Town Team program is currently supported by the Department of Local Government, Sport and Cultural Industries who are providing free training for local government staff and Elected Members. The RAC is a major supporter

and provide grant opportunities for communities and shires who have a Town Team.

REPORT DETAIL

In the attached ‘Book of Doing by Town Teams’, you will note on page 30 that Donnybrook have a Town Team who had a project called ‘Donnybrook Dunny Do Over’. This project was supported by the Shire of Donnybrook-Balingup, Donnybrook CRC, and the RAC Connecting Communities Fund. This is one example out of hundreds of what a Town Team can do for the community. The book also explains more about what Town Teams do to help improve their local community.



Imagine what a Town Team could do for Boyup Brook. There are many spaces that could be transformed in and around our town. One example is the alley between the medical centre and the shops on Abel Street. A Town Team could easily revitalise that area by putting in a disability access walkway from the rear carpark to the path with seating and a mural along the wall of the shops. This would not only make the space look visually appealing but also provide a safe way for people to access the business on Abel Street from the carpark and provide seating for those waiting for others in the shops or medical centre.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031

Key Imperatives	Built Environment
Outcome	Provide sustainable infrastructure that serves the current and future needs of the community
Objective	Construct / redevelop community and sporting facilities in a manner that maximises their life span, capacity, and function
Key Imperatives	Built Environment
Outcome	Create a safe and inviting community for locals and visitors
Objective	<ol style="list-style-type: none"> 1. Partner with key stakeholders to improve streetscapes and revitalise the town centre. 2. Develop and activate nodes and precincts to support effective land management, town planning and asset management
Key Imperatives	Social and Community
Outcome	Support a healthy, active, vibrant community
Objective	Promote community participation, interactions, and connections
Key Imperatives	Social and Community
Outcome	Encourage the preservation of our culture, heritage, and history
Objective	Support and promote community events and activities
Key Imperatives	Economic Development
Outcome	Be a business-friendly Shire and create conditions for economic growth
Objective	<ol style="list-style-type: none"> 1. Reduce red tape and promote a supportive business friendly culture. 2. Partner with key stakeholders and support development of industry/business incubation, innovation and entrepreneurship using a planned approach. 3. Promote and support Buy Local Campaigns 4. Support current and new technologies
Key Imperatives	Economic Development
Outcome	Support a strong and inclusive economy
Objective	Promote the town as a great place to visit, stay and live
Key Imperatives	Natural Environment
Outcome	Manage natural resources sustainably
Objective	Manage and conserve the natural environment, lands, and water
Key Imperatives	Natural Environment
Outcome	Deliver a sustainable and progressive approach to waste management

Objective	Increase awareness and encourage sustainable waste management practices
Key Imperatives	Natural Environment
Outcome	Manage responsible growth with respect for Boyup Brook's natural environmental heritage
Objective	<ol style="list-style-type: none"> 1. Preserve significant places of interest. 2. Create attractive streetscapes, green spaces, and riverside trails
Key Imperatives	Governance and Organisation
Outcome	Effectively communicate and engage the community
Objective	<ol style="list-style-type: none"> 1. Provide the community with relevant, timely information and effective engagement. 2. Work with groups from across the community to address concerns regarding facilities and services. 3. Partner with key stakeholders to deliver community projects

OTHER STRATEGIC LINKS

Town Teams encourage the community to be an active part of projects which in the long term allows staff more time for larger projects. This not only enhances overall community wellbeing and needs, but it also promotes staff efficiencies.

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY AND RISK CONSIDERATIONS

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

Projects are for the community, by the community, generating income for local businesses.

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

Wellbeing is enhanced as a vibrant and connected community is developed.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

Risk Level	Comment
Low	The risk is deemed low due to positive community engagement.

CONSULTATION

Town Team

RESOURCE IMPLICATIONS

Financial

There will be minimal financial impact by the way of staff time to assist in the establishment of the Town Team. It is important to note that the time spent by staff is already part of their role.

Workforce

Nil

end

14.3.4 COMMUNITY CHRISTMAS CELEBRATIONS PRIZES	
File Ref:	RE/22/001
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Nicola Jones, Community Development Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	Nil

Moved:Cr Alexander	Seconded:Cr Caldwell
<u>COUNCIL DECISION 23/10/206</u>	
That Council:	
<ol style="list-style-type: none"> 1. Authorises the Chief Executive Officer to provide four (4) prizes for ‘Best Dressed’ to the value of \$20 each at the Community Christmas Celebrations with the funds being taken from GL041114 Members Donations. 2. Authorises the Chief Executive Officer to provide two (2) Swimming Pool Season Passes as prizes for a free raffle. Winner must be present at the time of the draw at the Community Christmas Celebrations. A re-draw to occur until a winner is determined, the cost of the passes to be offset against GL041114 Members Donations. 	
CARRIED 8/0	
For: Cr Walker, Cr O’Connell, Cr Kaltenrieder, Cr King, Cr Alexander, Cr Caldwell, Cr Inglis, Cr Wright	
Against: Nil	

SUMMARY

Council to consider providing funds for four (4) prizes for ‘Best Dressed’ to the value of \$20 each at the Community Christmas Celebrations and two (2) Swimming Pool Season Passes as prizes for a free raffle.

BACKGROUND

Last year the Shire trialed a ‘Best Dressed’ competition with a \$20 voucher from IGA as the prize. There were four categories – Best Junior Boy, Best Junior Girl, Best Senior Male, Best Senior Female. This created a great atmosphere and was enjoyed by all.

A free raffle with the prize being season passes to the swimming pool was also introduced. To claim your prize, you had to attend the time of the draw. The prizes were awarded by the Shire President. This was also a great success.

REPORT DETAIL

Awarding prizes would add to the vibrancy and enjoyment of the Community Christmas Celebrations for those who attend. Prizes generally encourage community participation and give a sense of joy to those who win them. Pool passes will also provide an avenue for outdoor exercise promoting general wellbeing.

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	Social and Community
Outcome	Encourage the preservation of our culture, heritage, and history
Objective	Support and promote community events and activities

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY AND RISK CONSIDERATIONS

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

The Shire will shop local as practicable, generating income for local businesses.

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

The Community Christmas Celebrations is a free event for all community members to attend and enjoy. They promote a sense of belonging, connecting people together in a friendly and relaxed atmosphere.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

Risk Level	Comment
Low	The risk is deemed low due to previous years having little negative impact on the Shire or the community.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

The financial impact would be minimal and will be included in the adopted 2023-24 annual budget.

Workforce

Nil

end

14.3.5 DUAL NAMING OF THE BLACKWOOD RIVER	
File Ref:	RESERVE 5132
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Nicola Jones, Community Development Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	14.3.5A Expression of Interest and Community Responses

Moved:Cr Kaltenrieder

Seconded:Cr King

COUNCIL DECISION 23/10/207

That Council:

- a) **Following community consultation resolve not to support the request from the Shire of Bridgetown-Greenbushes to support the dual naming of the Blackwood River to include its aboriginal name – Goorbilyup.**

CARRIED 6/2

For: Cr Walker, Cr Kaltenrieder, Cr King, Cr Caldwell, Cr Inglis, Cr Wright

Against: Cr Alexander, Cr O'Connell

SUMMARY

Council to consider the request from the Shire of Bridgetown-Greenbushes for “In-principle” support for the dual naming of the Blackwood River to include its Aboriginal name Goorbilyup.

BACKGROUND

The Shire received a letter from the Shire of Bridgetown on 19 December 2022 requesting Council’s in-principal support for the dual naming of the Blackwood River to include its Aboriginal name Goorbilyup.

REPORT DETAIL

The Shire of Bridgetown-Greenbushes formed a Cultural Inclusion Advisory Committee. This committee identified the dual naming of the Blackwood River as a priority project. However, Landgate does not support dual naming a geographical feature from one Shire boundary to another. It is up to each local government to individually support and request Landgate to approve the dual naming of the section of the Blackwood River traversing through their local government boundary.

The request to consider the dual naming of the Blackwood River was put out for public consultation to gauge the community's thoughts.

In total 16 submissions were received with 10 against the dual naming of the Blackwood River.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031

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
Key Imperatives	Natural Environment
Outcome	Manage responsible growth with respect for Boyup Brook's natural environmental heritage
Objective	Preserve significant places of interest

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY AND RISK CONSIDERATIONS

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

Nil

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

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

Risk Level	Comment
High	Whilst a small response resulted from the community consultation, the majority did not support the request. It is considered a relatively high risk for Council not to take the communities opinion into consideration for such a sensitive matter.

CONSULTATION

The Shire advertised for public comment on the Shire social media channels and website from 8th September 2023 to 6th October 2023. Whilst this generated a considerable amount of comment on social media, the Shire received 16 submissions. Comments vary across the 16 submissions, however, can be split into Against - 10, For - 6.

RESOURCE IMPLICATIONS

Financial

Should Council support the request there may be a cost involved to replace signage within the Shire, if not covered by an alternative income.

Workforce

Nil

end

14.3.6 BUDGET AMENDMENT TO FUND THE PURCHASE OF CHRISTMAS LIGHTS IN THE TOWN CENTRE	
File Ref:	FM/1/002
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number:	Nil

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

COUNCIL DECISION 23/10/208

That Council:

- 1. Authorise the following amendment to the 2023/24 adopted budget, to facilitate the purchase of Christmas lights in the town centre:**

Account	Description	Increase	Decrease
041105	Members Conferences / Seminar Costs		-\$10,000
135102	Economic Development Expenses	\$10,000	

CARRIED BY ABSOLUTE MAJORITY 8/0

For: Cr Walker, Cr O'Connell, Cr Kaltenrieder, Cr King, Cr Alexander, Cr Caldwell, Cr Inglis, Cr Wright

Against: Nil

SUMMARY

Council to consider the amendment of the adopted 2023/24 budget to allow the purchase of Christmas lights to be installed in the town centre.

BACKGROUND

Installing Christmas lights in the town centre serves multiple purposes, including fostering community spirit, attract visitors, boosting the local economy and creating a festive atmosphere that enhances the holiday experience for residents and tourists alike.

REPORT DETAIL

The installation of Christmas lights has several positive attributes and is generally embraced by the community. The primary reason for installing Christmas lights is to create a festive atmosphere in the town centre. Lights often bring a sense of joy to the community during the holiday season.

The project could foster community spirit by encouraging residents to participate by decorating their own properties strengthening social bonds and enhancing the sense of belonging within the community.

Installing Christmas lights may also have a positive economic impact on the town centre, the presence of Christmas lights attracts tourists to town who are likely to spend time and money in the town with a festive ambience.

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, interaction, and connection

Key Imperatives	Economic Development
Outcome	Support a strong and inclusive economy
Objective	Promote the town as a great place to visit, stay and live

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY AND RISK CONSIDERATIONS

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

Christmas lights can attract tourists to the Shire resulting in additional spending in town.

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

The social benefits of installing Christmas lights in the town centre fosters community spirit, bringing people together, promoting inclusivity, supporting mental well-being, and encouraging civic pride. These benefits contribute to a stronger, more connected, and happier community during the holiday season.

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

Risk Level	Comment
Medium	Not installing Christmas lights can lead to missed economic, social, cultural, and community-building opportunities. The decision to install Christmas lights should be considered in the context of the community's values, traditions, and goals, as well as its potential impact on the overall well-being and vitality of the community.

CONSULTATION

Nil

RESOURCE IMPLICATIONS**Financial**

The amendment will provide the ability to purchase Christmas lights while ensuring the adopted budget remains a balanced budget.

Workforce

Nil

end

- a) Cr Inglis declared an Impartiality Interest in Item 14.3.7 - proposed mountain bike park on reserve 11497 (old hot rod track) – due to Cr Inglis’s wife being the Treasurer of Boyup Brook Community Mental Health Action Team Inc (CoMHAT).

14.3.7 PROPOSED MOUNTAIN BIKE PARK ON RESERVE 11497 (OLD HOT ROD TRACK)	
File Ref:	RESERVE 11497
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	Nil

Moved:Cr King

Seconded:Cr Kaltenrieder

COUNCIL DECISION 23/10/209

That Council:

- 1. Provide CoMHAT with in-principal support to investigate the development of a Mountain Bike Park on Reserve 11497 (42 Ritson Street, Boyup Brook), subject to the following conditions:

 - a) Prior to accessing Reserve 11497 for investigative purposes CoMHAT provide the Shire with the relevant Public Liability Insurance.
 - b) On conclusion of investigations CoMHAT present their findings to Council for final consideration of the proposed use.
 - c) Prior to any earthworks CoMHAT will be required to submit a Development Application for consideration by Council**
- 2. Request the Chief Executive Officer to advise CoMHAT of (1.) above, and to reiterate this is “in-principal” approval only and that prior to any physical works taking place on the Reserve Council’s final approval will be required.**

CARRIED 8/0

**For: Cr Walker, Cr O’Connell, Cr Kaltenrieder, Cr King, Cr Alexander,
Cr Caldwell, Cr Inglis, Cr Wright**

Against: Nil

SUMMARY

Council to consider a request from CoMHAT to develop a Mountain Bike Park on Reserve 11497.

BACKGROUND

The old “Hot Rod Track” at 42 Ritson Street boasts the perfect conditions for an inclusive and exhilarating riding experience. The natural terrain offers potential to create a blend of winding trails, thrilling descents, and technical features that will captivate and test riders of all skill levels. With its varied topography, including rocky outcrops, gentle slopes, and thrilling berms, the site provides a dynamic canvas for the creation of diverse trails catering to different ages and skills. The site's natural beauty further enhances the overall experience, with views over Boyup Brook and close proximity to cafes and other amenities. With its exceptional terrain, stunning landscapes, and potential for multiple trail developments, this site presents an ideal opportunity to create a bike park of regional significance.

REPORT DETAIL

A mountain bike park will attract both local and out-of-town enthusiasts, boosting tourism and increasing foot traffic in town. This will lead to increased revenue for local businesses. A proposed mountain bike park could have flow on effects and potentially create business opportunities in town such as bike rental shops.

Mountain biking is a popular recreational activity that promotes physical fitness, mental well-being, and a sense of adventure. By providing a dedicated space for mountain biking, an active, healthy lifestyle among our residents of all ages will be encouraged.

The mountain bike park will serve as a gathering place for outdoor enthusiasts, fostering a sense of community and camaraderie. It will provide opportunities for residents to connect, socialize, and participate in events and competitions.

Our town boasts stunning natural landscapes, and the mountain bike park will provide an opportunity to showcase and preserve these natural assets. By promoting responsible outdoor recreation, we can attract ecotourists who appreciate and support our commitment to environmental conservation.

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 sport and recreation services and programs.

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 infrastructure

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

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

The proposal of a mountain bike park if found to be feasible would have a positive impact on the economy of the town.

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

As noted in the report, a mountain bike park would have numerous benefits to 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
Medium	Not supporting community initiatives can lead to a negative perception of the Council's commitment to the well-being and development of the community. In addition, it may affect the Council's reputation and future community engagement efforts.

CONSULTATION

Nil

RESOURCE IMPLICATIONS**Financial**

Nil

Workforce

Nil

end

14.4 PLANNING

14.4.1 SUBDIVISION APPLICATION (WAPC REF - 164088) – LOTS 2560 & 2561 OLD MAIL ROAD, BOYUP BROOK	
File Ref:	S164088
Previous Items:	Nil
Applicant:	Harley Dykstra Pty Ltd
Author and Title:	A. Nicoll, Urban and Regional Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	Nil

Moved:Cr King

Seconded:Cr Alexander

COUNCIL DECISION 23/10/210

That Council:

- 1. Supports the proposal (WAPC Ref 164088) to subdivide Lots 2560 and 2561 (Boundary Adjustment) with no conditions for the following reasons:**
 - a) The proposal is for one boundary to be realigned between two existing lots. No additional lots are proposed.**
 - b) The proposal is consistent with Shire of Boyup Brook’s Local Planning Scheme No. 2.**
 - c) The proposed subdivision will not result in any loss of agricultural land but will allow existing rural uses to continue.**
- 2. Request the Chief Executive Officer to advise the Western Australian Planning Commission of (1.) above.**

CARRIED 8/0

**For: Cr Walker, Cr O’Connell, Cr Kaltenrieder, Cr King, Cr Alexander,
Cr Caldwell, Cr Inglis, Cr Wright**

Against: Nil

SUMMARY

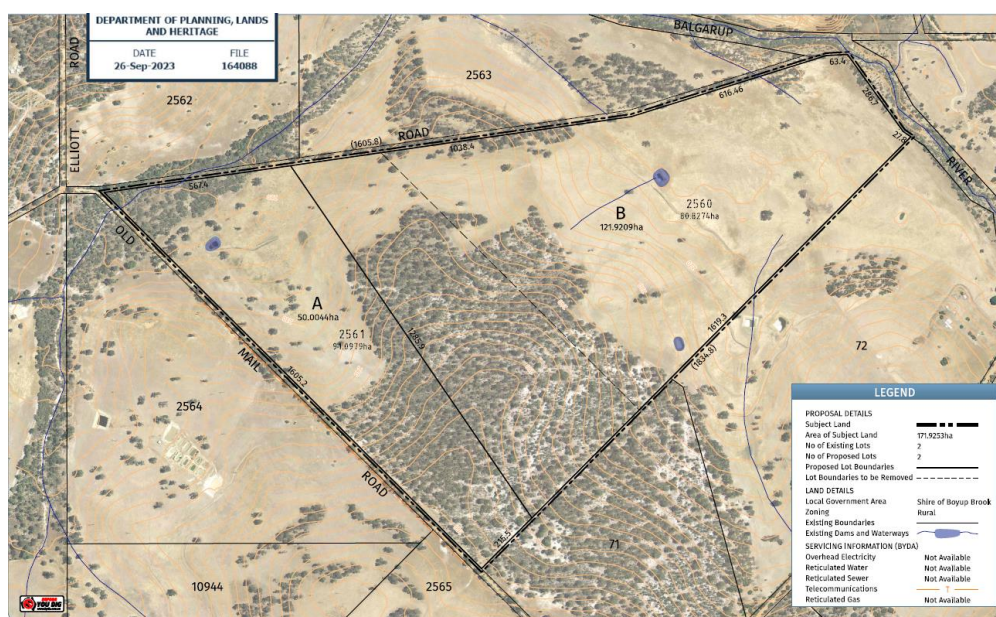
Council is requested to support the proposed boundary adjustment for ‘Rural’ Lots 2560 and 2561.

BACKGROUND

The WAPC received an application to modify the Lot boundary between Lots 2560 and 2561 Old Mail Road, to allow for better farm management.

The WAPC forwarded the application to the Shire of Boyup Brook requesting information, comment, or recommended conditions.

This subdivision application aims to realign the existing boundary between Lots 2560 and 2561 to result in proposed Lot A (50ha in area) and proposed Lot B (121ha in area). A copy of the Plan of Subdivision follows:



REPORT DETAIL

The property is currently zoned 'Rural' by Shire of Boyup Brook's Local Planning Scheme No. 2.

The property is located approximately 25km northeast of the Boyup Brook townsite and is situated in a rural area with all adjoining land being similarly zoned 'Rural'.

The objectives of the Rural Zone applicable to this subdivision application include the following:

- To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use; and
- To maintain and enhance the environmental qualities of the landscape, vegetation, soils, and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.

The proposed subdivision meets the intent of the rural zone by rationalising the boundary between two existing lots for continued agricultural purposes.

The proposed subdivision represents a logical rationalisation of Lots 2560 and 2561 Old Mail Road, Kulikup and is justified on the following grounds:

1. The proposal is for one boundary to be realigned between two existing lots. No additional lots are proposed.

2. The proposal is consistent with Shire of Boyup Brook's Local Planning Scheme No. 2.
3. The proposed subdivision will not result in any loss of agricultural land but will allow existing rural uses to continue.

Therefore, it is respectfully requested that the Council unconditionally support the proposed subdivision of Lots 2560 and 2561 Old Mail Road, Kulikup.

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

The Development Control Policy 3.4 - Rural Subdivision outlines the requirements for rural subdivision within Western Australia. Specifically, section 6 of DCP3.4 outlines the following for which rural subdivision may be considered:

In considering applications under section 6, the WAPC will consider rural subdivision in the following exceptional circumstances:

- a) To realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect the rural land uses.
- b) To protect and actively conserve place of cultural and natural heritage.
- c) To allow for the efficient provision of utilities and infrastructure and/or for access to natural resources.
- d) In the Homestead lot policy (Appendix 2)¹ allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation: and
- e) For other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with this and other relevant policies and are necessary to the public interest.

Subdivision of the rural land, in the form proposed, is in accordance with the Western Australian Planning Commissions Development Control Policy 3.4 Subdivision of Rural Land, which supports the realignment of boundaries.

STATUTORY ENVIRONMENT

Pursuant to clause 25 of the Shire of Boyup Brook Local Planning Scheme No. 2 the following is outlined in respect to subdivision:

1. In considering applications for subdivision, rezoning and planning consent in the Rural zone, Council shall have regard to:

- a) the need to protect the agricultural practices of the Rural zone considering its importance to the district's economy.
- b) the need to protect the area from uses which will reduce the amount of land available for agriculture.
- c) bushfire risk to the locality and adequacy of fire suppression measures.
- d) the need to preserve the rural character and rural appearance of the area; and
- e) where rural land is being subdivided for closer development, the proposal should be supported with evidence outlining the land's suitability and capability for further development.

The proposed subdivision does not inherently change or impact on existing land uses or the rural character of the area.

SUSTAINABILITY AND RISK CONSIDERATIONS

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

Nil

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

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

Risk Level	Comment
Low	The proposal complies with scheme standards.

CONSULTATION

N/A

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

end

15. MINUTES OF COMMITTEES

Nil

16. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17. LATE ITEMS / URGENT BUSINESS MATTERS**17.1 Consideration of late items****Moved:Cr Caldwell****Seconded:Cr Kaltenrieder****COUNCIL DECISION 23/10/211****That Council:**

- 1. Allow the consideration of the following late items:**
 - a) Item 17.2 Late Item – Support the Shire of Wandering to Request Additional Administrative Funding for Smaller Local Governments.**
 - b) Item 17.3 Late Item – Objection to the Proposal by the Department of Mines, Industry Regulation and Safety to Impose a Fee to Object to a Mining Tenement.**
 - c) Item 17.4 Late Item – Budget Amendment to fund the preparation of the building asset and condition report required to inform the long-term Financial Plan.**

CARRIED 8/0**For: Cr Walker, Cr O'Connell, Cr Kaltenrieder, Cr King, Cr Alexander,
Cr Caldwell, Cr Inglis, Cr Wright****Against: Nil**

17.2 LATE ITEM – SUPPORT THE SHIRE OF WANDERING TO REQUEST ADDITIONAL ADMINISTRATIVE FUNDING FOR SMALLER LOCAL GOVERNMENTS	
File Ref:	GR/31/009
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	Nil

Moved:Cr Alexander

Seconded:Cr O'Connell

COUNCIL DECISION 23/10/212

That Council:

- 1. Request the Chief Executive Officer to write to the Shire President of the Shire of Wandering expressing the Councils support in requesting the State Government look at additional funding support for smaller local governments because of the ever-increasing operating cost.**

CARRIED 8/0

**For: Cr Walker, Cr O'Connell, Cr Kaltenrieder, Cr King, Cr Alexander,
Cr Caldwell, Cr Inglis, Cr Wright**

Against: Nil

SUMMARY

This report addresses and supports the concerns of the Wandering Shire regarding the escalating costs and increasing complexity of operations faced by smaller local governments in Western Australia (WA). The report highlights the burden of statutory compliance, particularly under the *Local Government Act*, as a significant cost to smaller councils.

BACKGROUND

Like the Shire of Wandering, the Shire of Boyup Brook is one of several smaller shires in Western Australia, and the concerns raised in this report likely resonate with many others in a similar position.

An issue confronting smaller shire's is the financial burden associated with statutory compliance, particularly compliance with the *Local Government Act*. Whilst it is acknowledged there must be a degree of compliance, compliance should be tiered to suit the different tiered local governments.

One of the major factors smaller local government must deal with that large local governments don't is the provision of medical services as well as childcare

services. These two services form the backbone of smaller communities and more than often are run by the local government generally at a financial loss, leaving limited funds available to meet the growing community obligations.

The question remains as to whether the new *Local Government Act* has alleviated these financial burdens for councils of our size. While a definitive answer is yet to emerge, the former Minister's expressed goal of creating a one-size-fits-all Act raises concerns. Initial data from our CEO suggests that we may struggle to keep our rate increases in line with those of city councils.

REPORT DETAIL

Smaller local governments require financial assistance to ensure its continued growth and ability to support the community effectively. While we remain optimistic about our future and the potential for growth in our region, there appears to be a minimum administrative size required to meet the demands of State and possibly Federal governments. However, councils of our size struggle to self-fund adequately. Therefore, we should urge the State Government to consider providing an ongoing administration grant in addition to the general-purpose allocation from the Financial Assistance Grants (FAGS). This is crucial as the current grant does not keep pace with rising costs, particularly those associated with statutory compliance.

Without additional funding smaller shires may be forced to cut back on services, infrastructure projects, or community programs due to financial constraints. This can negatively impact the quality of life for residents and hinder the growth and development of the community.

Further smaller shires might find it increasingly difficult to meet the statutory compliance requirements, leading to potential legal issues or penalties. Non-compliance could result in audits, investigations, and legal actions that drain limited resources and damage the council's reputation.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031

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)

Inability to support and facilitate economic development initiatives can hinder the growth of the region. This can deter potential investors and businesses, leading to missed opportunities for job creation and economic prosperity.

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

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

Risk Level	Comment
High	Without additional financial support, smaller local governments may struggle to meet their financial obligations and provide essential services to their communities. This could lead to budget shortfalls, reduced service quality, or the need for significant rate increases, which may burden residents and businesses.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

end

17.3 LATE ITEM – OBJECTION TO THE PROPOSAL BY THE DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY TO IMPOSE A FEE TO OBJECT TO A MINING TENEMENT	
File Ref:	LN/42/001
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	Nil

Moved:Cr Kaltenrieder

Seconded:Cr Caldwell

COUNCIL DECISION 23/10/213

That Council:

- 1. Request the Chief Executive Officer to write to the Department of Mines, Industry Regulation and Safety advising of Councils objection to imposing a fee to object to a mining tenement.**

CARRIED 8/0

**For: Cr Walker, Cr O’Connell, Cr Kaltenrieder, Cr King, Cr Alexander,
Cr Caldwell, Cr Inglis, Cr Wright
Against: Nil**

SUMMARY

This report outlines the Shire’s objections to the Department of Mines' proposal to introduce a prescribed fee for the lodgement of objections under the *Mining Act of 1978*. It is believed that imposing such a fee would hinder public participation, discourage legitimate objections, and undermine the principles of transparency and accountability in mining activities.

BACKGROUND

The *Mining Act of 1978* has long provided a mechanism for concerned stakeholders, including local communities and environmental organisations, to voice their objections to mining activities that may have adverse effects on their interests. This mechanism has been a critical tool in ensuring that mining operations are conducted responsibly and in accordance with the law.

However, the Department of Mines is currently considering the introduction of a prescribed fee for lodging objections under this Act. The rationale behind this proposal, as stated by the department, is to cover administrative costs and deter frivolous objections. While these objectives may seem reasonable on the surface, we believe that this move would have far-reaching negative consequences that outweigh any potential benefits.

REPORT DETAIL

One of the fundamental principles of a democratic society is that individuals and communities should have access to justice. Charging a prescribed fee for lodging objections effectively creates a financial barrier that may prevent many individuals and organisations from participating in the process. This could disproportionately impact marginalized communities and smaller environmental organisations, limiting their ability to hold mining companies accountable.

The *Mining Act of 1978* is intended to ensure that mining activities are carried out in a transparent and accountable manner. Public objections are a vital part of this process, as they help identify potential issues, risks, and non-compliance with regulations. Imposing a fee could deter legitimate objections, leading to less scrutiny of mining operations and potentially putting the environment and public interests at risk.

Individuals and organisations with valid objections may think twice before submitting them due to the financial burden. This would undermine the integrity of the objection process and may lead to less thorough scrutiny of mining proposals.

Instead of imposing a fee, the Department of Mines should explore alternative ways to cover administrative costs and prevent frivolous objections. These alternatives could include setting guidelines for objections, requiring a reasonable level of detail in objections, or offering fee waivers for individuals and organisations with limited financial means. Or simply increase the application fee.

Mining operations often require the removal of topsoil and vegetation, which are essential components of fertile farming land. The disturbance caused by mining activities can result in soil erosion, compaction, and contamination, making it difficult for farmers to grow crops or pasture effectively.

The noise, dust, and vibration generated by mining activities can disrupt normal farming operations. These disturbances can stress livestock, damage crops, and reduce the overall productivity of farming land.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031

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)

Mining and agriculture often compete for access to land and resources. Conflicts can arise when mining activities encroach upon productive farming areas, leading to disputes over land use and resource allocation.

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

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

Risk Level	Comment
High	The proposed introduction of a prescribed fee for lodging objections under the <i>Mining Act of 1978</i> poses significant risks to the principles of transparency, and accountability in mining activities.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

end

17.4 LATE ITEM – BUDGET AMENDMENT TO FUND THE PREPARATION OF THE BUILDING ASSET AND CONDITION REPORT REQUIRED TO INFORM THE LONG-TERM FINANCIAL PLAN	
File Ref:	FM/9/005
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number:	Nil

Moved:Cr Alexander

Seconded:Cr O'Connell

COUNCIL DECISION 23/10/214

That Council:

- 1. Authorise the following amendment to the 2023/24 adopted budget, to facilitate the preparation of the Building Asset and Condition Report required to inform the Long-Term Financial Plan:**

Account	Description	Increase	Decrease
081104	Early Learning Centre – Materials general Maintenance & replacement items.		-\$5,000
132104	Tourist Centre – Services clean and paint bus shelter		-\$8,000
112100	Swimming & Gymnasium General Operations – Services pool leak detection		-\$20,000
081400	Land & Buildings CRC Capital Renewal Services External Painting/balustrades/ decking/ stumping		-\$20,000
146106	Consultants	\$53,000	

CARRIED BY ABSOLUTE MAJORITY 8/0
For: Cr Walker, Cr O'Connell, Cr Kaltenrieder, Cr King, Cr Alexander, Cr Caldwell, Cr Inglis, Cr Wright
Against: Nil

SUMMARY

This report outlines the Shire's request to amend the adopted budget to allow the preparation of the Building Asset and Condition report required to inform the Long-Term Financial Plan.

BACKGROUND

A Long-Term Financial Plan (LTFP) is required to be prepared as part of the Integrated Planning and Reporting Documents by all local governments. To prepare a LTFP it is required to prepare a Building Asset and Condition Report.

REPORT DETAIL

Two of the most important documents required as part of the Integrated Planning and Reporting framework, is the Long-Term Financial Plan as well as the Corporate Business Plan. These two documents form a fundamental part of preparing the annual budget.

To develop a comprehensive and useful LTFP it is necessary to prepare several informing documents, one being the Building Asset and Condition Report. This report will assess all the Shires building conditions and provide estimated maintenance costs as well as lifespan of the individual building. Without this information the LTFP will not be able to estimate the long-term cost to the Shire to maintain the buildings nor will the LTFP be able to estimate the required rate rises to fund the annual budget.

The funds requested to be reallocated are required for the purpose which they have initially been allocated, however, these can be postponed until the upcoming financial year without significant impact on the respective building. Should for whatever reason the works for which the funds were initially allocated for be urgently required the Shire does have the ability to utilise funds in the Building Maintenance Reserve.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031

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)

Nil

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

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

Risk Level	Comment
Extreme	Without a LTFP the Shire will not be compliant with the <i>Local Government Act 1995</i> and may result in the Shire being reported by the Department of Local Government to Parliament for an explanation.

CONSULTATION

Nil

RESOURCE IMPLICATIONS**Financial**

Nil

Workforce

Nil

end

18. CONFIDENTIAL ITEMS OF BUSINESS

Nil

19. CLOSURE

There being no further business the meeting closed at 6:55pm.

Presiding Member

Date