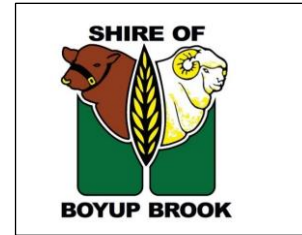


Date: 24 November 2023

To: Shire President
Deputy Shire President
Councillors
Community



NOTICE AND AGENDA – ORDINARY COUNCIL MEETING

An Ordinary Council Meeting of the Shire of Boyup Brook will be held in the Council Chambers on 30 November 2023 at 6:00pm to consider the matters set out in the attached agenda.

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

Leonard Long
Chief Executive Officer

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AGENDA

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at pm.

Acknowledgement of Traditional Custodians

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

Council Meetings are public meetings.

The Council Chambers are not a parliament and Parliamentary Privilege does 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

Shire President

Deputy Shire President

Councillors

Cr Richard Walker

Cr Helen O'Connell

Cr Sarah Alexander

Cr Charles Caldwell

Cr Philippe Kaltenrieder

Cr Michael Wright

Cr Darren King

Cr David Inglis

Council Officers

Chief Executive Officer

Executive Officer

Executive Manager Corporate

& Community Services

Executive Manager Operational Services

Leonard Long

Magdalena Le Grange

Carolyn Mallett

Jason Forsyth

Observers / Public Members

2.2 APOLOGIES

2.3 REQUEST FOR LEAVE OF ABSENCE

Not applicable to the Open Briefing Session

3. DEPUTATIONS, PETITIONS AND PRESENTATIONS

3.1 DEPUTATIONS

3.2 PETITIONS

3.3 PRESENTATIONS

3.3.1 Presentation by Colin Hales on the proposed MTB Track at CoMHAT.

3.3.2 Presentation by the Practice Manager on the recent accreditation achieved by the Medical Centre.

4. PUBLIC QUESTIONS TIME

- a. Public Question Time provides the public with an opportunity to put questions to the Council. Questions should only relate to the business of the Council and should not be a statement or personal opinion.
- b. During the Council meeting, after Public Question Time no member of the public may interrupt the meetings' proceedings or enter into conversation.
- c. Whenever possible questions should be submitted in writing at least 48 hours prior to the start of the meeting.
- d. All questions should be directed to the Presiding Member and only questions relating to matters affecting Council may be answered at an Ordinary Council Meeting and at a Special Council Meeting only questions that relate to the purpose of the meeting may be answered. Questions may be taken on notice and responded to after the meeting at the discretion of the Presiding Member.
- e. The Presiding Member will control Question Time and ensure each person wishing to ask a question states their name and address before asking the question. If the question relates to an item on the agenda the item number should also be stated. In general persons seeking to ask questions will be given two (2) minutes within which to address their question to Council. The Presiding Member may shorten or lengthen this time at their discretion.

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTION TIME

5. DECLARATIONS OF INTEREST

5.1 FINANCIAL AND / OR PROXIMITY INTEREST

5.2 DISCLOSURES OF IMPARTIALITY INTEREST THAT MAY CAUSE CONFLICT

6. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATIONS

6.1 ORDINARY COUNCIL MEETING MINUTES – 26 OCTOBER 2023

Moved:	Seconded:
<u>OFFICER RECOMMENDATION 23/11/...</u>	
That the minutes of the Ordinary Council Meeting held on 26 October 2023 be confirmed as being a true and accurate record.	
..... For: Against:	

7. PRESIDENTIAL COMMUNICATIONS

To be provided at the Ordinary Council Meeting.

8. COUNCILLOR QUESTIONS ON NOTICE

9. REPORTS OF OFFICERS

9.1 OPERATIONAL SERVICES

9.1.1 ALLOCATION OF LRCI PHASE 4 PART B FUNDING TOWARDS UPGRADE / REPAIR OF FOOTPATHS	
File Ref:	FM/25/002
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Celina Rath, Project Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	9.1.1A – Footpath Report

Moved:	Seconded:
<u>OFFICER RECOMMENDATION 23/11/...</u>	
That Council:	
<ol style="list-style-type: none"> 1. Approves the upgrade / repair of the following footpaths in order of priority noting that cost will determine the amount of upgrades / repairs. <ol style="list-style-type: none"> a) Bridge Street – New Footpath and Pram ramp linking existing footpath on Bridge Street adjacent to IGA. b) Inglis Street – between Railway Parade and Abel Street. c) Forrest Street – link the footpaths either side of the Lion’s Den between Cailles and Inglis Streets. d) Abel Street corner Inglis Street – adjacent to vacant site. e) Bridge Street – between Railway Parade and Abel Street. f) Dickson Street – link footpath either side of laneway between Forrest and Barron Streets. g) Beatty Street - between No 3 and 12. h) Barron Street – replacement of cracked / broken slabs and uneven surfaces. i) Cowley Street - replacement of cracked / broken slabs and uneven surfaces. j) Proctor Street - replacement of cracked / broken slabs and uneven surfaces. k) Railway Parade - replacement of cracked / broken slabs and uneven surfaces. l) Bridge Street – between Abel Street and Lodge replacement of cracked / broken slabs and uneven surfaces. m) New footpath Beatty Street to Caravan Park. n) New footpath Beatty Street to Hospital via Treloar Street. 	
..... For: Against:	

SUMMARY

Council is requested to consider approving the allocation of LRCI Phase 4 Funding – Part B to repair several footpaths throughout the Boyup Brook townsite to improve the path network accessibility and to create desirable streetscapes.

BACKGROUND

Funding received under Part B should be spent on eligible local rural and regional road projects.

Eligible Local Road Projects are projects that involve the construction or maintenance of roads managed by the Shire. This could include projects involving any of the following associated with a road:

- traffic signs.
- traffic calming/control equipment.
- street lighting equipment.
- a bridge or tunnel.
- a facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station).
- facilities off the road that support the visitor economy; and
- road and footpath maintenance, where additional to normal capital works schedules.

REPORT DETAIL

Officers prepared a report on the state of the Town's footpaths in June 2022 and reinspected the footpaths in October 2023. This has resulted in identifying the following footpaths in order of priority that are in desperate need of upgrade / repair:

- 1) Bridge Street – New Footpath and Pram ramp linking existing footpath on Bridge Street adjacent to IGA.
- 2) Inglis Street – between Railway Parade and Abel Street.
- 3) Forrest Street – link the footpaths either side of the Lion's Den between Cailles and Inglis Streets.
- 4) Abel Street corner Inglis Street – adjacent to vacant site.
- 5) Bridge Street – between Railway Parade and Abel Street.
- 6) Dickson Street – link footpath either side of laneway between Forrest and Barron Streets.
- 7) Beatty Street - between No 3 and 12.
- 8) Barron Street – replacement of cracked / broken slabs and uneven surfaces.
- 9) Cowley Street - replacement of cracked / broken slabs and uneven surfaces.
- 10) Proctor Street - replacement of cracked / broken slabs and uneven surfaces.
- 11) Railway Parade - replacement of cracked / broken slabs and uneven surfaces.

- 12) Bridge Street – between Abel Street and Lodge replacement of cracked / broken slabs and uneven surfaces.
- 13) New footpath Beatty Street to Caravan Park.
- 14) New footpath Beatty Street to Hospital via Treloar Street.

Should Council resolve to approve the recommendation, a “Work Schedule” will need to be submitted to the relevant department for approval. Only once the approval has been received can a tender be prepared and advertised.

In terms of the grant guidelines the approved funds must be expended no later than 30 June 2025.

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 – 2031

Key Imperatives	Built Environment
Outcome	Improvement of the built environment addressing the desire for new facilities as well as maintaining and upgrading current facilities and infrastructure.
Objective	Implement measures to maximise public health, safety and accessibility outcomes.

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)

Improved accessibility of essential services and social settings for the ageing population in town. Taking a pro-active approach to resolve issues identified by the community.

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	Many of the Shire’s footpaths are in a state of disrepair, if these are not repaired in due course it could lead to somebody getting injured.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

As part of the Phase 4B LRCI funding stream \$263,914 has been allocated to the Shire.

Workforce

Nil

End

9.2 CORPORATE AND COMMUNITY SERVICES

9.2.1 LIST OF ACCOUNTS PAID IN OCTOBER 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:	9.2.1A – List of Accounts Paid in October 2023

Moved:	Seconded:
<u>OFFICER RECOMMENDATION 23/11/...</u>	
That Council:	
<p>1. Receive the list of accounts paid in October 2023, totalling \$1,277,310.29 from Municipal account, \$59,959.80 from Police Licensing account and \$0.00 from Boyup Brook Early Learning Centre account, as represented by:</p>	
Municipal	Cheques 20618-20620 \$ 6935.40
	EFT EFT1471–EFT14874 \$995,939.01
	Direct Payments \$274,435.88
Police Licensing	\$ 59,959.80
BBELC	\$ 0
Grand Total	\$1,337,270.09
 For: Against:

SUMMARY

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

REPORT DETAIL

Attachment 9.2.1A lists accounts/invoices the Shire paid by cheque or electronic means during the period 01 to 31 October 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

Council's *Authority to Make Payments Policy* has application.

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

Account payments accorded with a detailed 2023-24 Annual Budget.

Workforce

Nil

End

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

Moved:	Seconded:
<u>OFFICER RECOMMENDATION 23/11/...</u>	
That Council:	
<ol style="list-style-type: none"> 1. Receive the Monthly Financial Report for 31 October 2023, as presented (Attachment 9.2.2A). 	
..... For: Against:	

SUMMARY

The Monthly Financial Report for 31 October 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 \$5,729,825.

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 PUBLIC TRANSPORT AUTHORITY LEASE L7034 BRIDLE TRAIL	
File Ref:	LS/62/002
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:	Seconded:
<u>OFFICER RECOMMENDATION 23/11/...</u>	
That Council:	
<ol style="list-style-type: none"> 1. Authorises the Chief Executive Officer to notify Burgess Rawson that the Council intends to renew Licence L7034 which expires 9 December 2024 for a further 10 years. 2. Authorises the Chief Executive Officer to sign all documentation relating to the renewal of Licence L7034. 	
..... For: Against:	

SUMMARY

The existing Licence to Occupy for the area known as the Bridle Trail is due to expire on 9 December 2024. Burgess Rawson have requested Council's intent to renew the licence so they can commence their internal approval procedure.

BACKGROUND

The Shire of Boyup Brook has a historic lease of this area, locally known as the Bridle Trail. The trail is used by locals and visitors for recreation purposes.

REPORT DETAIL

Burgess Rawson on behalf of the Public Transport Authority (PTA) have requested Council's interest in renewing Licence L7034, locally known as the Bridle Trail for up to a term of 10 years. Given the historic significance of the Bridle Trail and its continued use by locals and visitors, it is recommended that Council submit an expression of interest to enter into a Licence to Occupy for a term of 10 years as requested by Burgess Rawson.

The PTA are currently considering their options with regards to gifting, selling or maintaining their railway corridors. It could be considered more favourable if Council entered in a Licence to Occupy, should they wish to gift or sell the land at a reduced price in the future.



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	Partner with stakeholders to promote Boyup Brook, preserving our history for future generations and sharing the rich heritage of the Shire
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	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)

Whilst the economic impact is seen to be negligible, visitors to town could generate income for local businesses.

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

The trail provides serene surroundings for the community to enjoy, providing a natural setting for not only mental wellbeing but also physical activity which promotes overall health benefits.

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 to no negative impact on the Shire or the community.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

The financial impact is deemed low due to the overall cost for a 10-year licence totalling approximately \$550.00.

Workforce

Nil

end

9.2.4 PUBLIC TRANSPORT AUTHORITY LEASE L3830 DINNINUP SHOW GROUNDS	
File Ref:	LS/62/021
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: **Seconded:**

OFFICER RECOMMENDATION 23/11/...

That Council:

- 1. Authorises the Chief Executive Officer to enter into a Licence to Occupy with Burgess Rawson on behalf of the Public Transport Authority (PTA) for a term of 10 years with ‘Peppercorn’ rent set at \$1.00 and a once off payment of \$550 for premises located on land located near Boyup Brook-Arthur Road near line 76 between the 94.7km and 95.1km rail markers, Dinninup, Western Australia (within rail corridor).**

.....
For:
Against:

SUMMARY

The existing Licence to Occupy for premises located on land located near Boyup Brook-Arthur Road near line 76 between the 94.7km and 95.1 rail markers, Dinninup, Western Australia expired on 30 September 2012. Whilst the Public Transport Authority (PTA) has held over the lease until now, Burgess Rawson who now manage the land have requested that the arrangement be formalised.

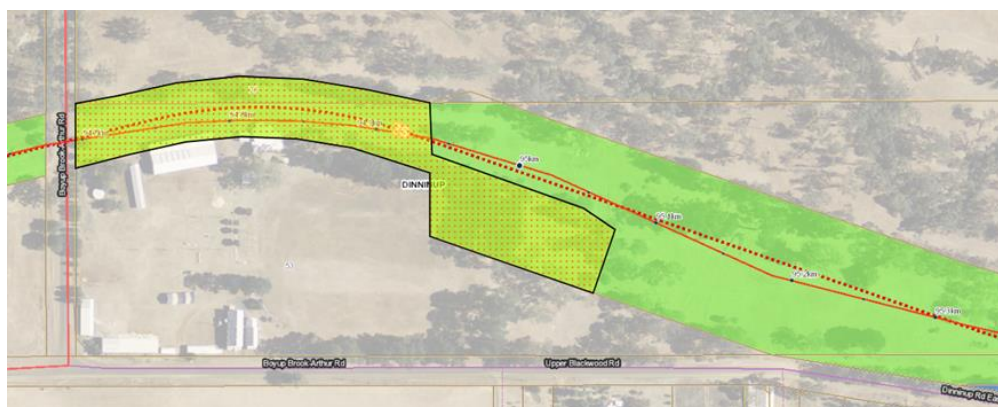
BACKGROUND

The Shire of Boyup Brook has a historic lease of an area of 13,706 sqm on Dinninup Road, Dinninup for ‘community purpose’. This part of the rail corridor forms a section of what is locally known as the Dinninup Show Grounds.

REPORT DETAIL

Burgess Rawson on behalf of the PTA have requested a Licence to Occupy for a term of 10 years with a ‘peppercorn’ rent set at \$1.00 plus a once off fee of \$550.00 Inc GST for a Leasing Preparation Fee – Lease - L3830-3. The area that the rail corridor is located borders what is locally known as the Dinninup Show Grounds or Reserve 23243 which is leased by the Shire to the Upper Blackwood Agricultural Society (UBAS). There are several buildings on Reserve 23243 that cross the boundary to the railway corridor. Given the historic

significance of the Showgrounds and its continued use, it is recommended that Council enter into a Licence to Occupy for a term of 10 years as requested by Burgess Rawson.



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	Partner with stakeholders to promote Boyup Brook, preserving our history for future generations and sharing the rich heritage of the Shire
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	Natural Environment
Outcome	Manage responsible growth with respect for Boyup Brook’s natural environmental heritage
Objective	Preserve significant places of interest

OTHER STRATEGIC LINKS

The PTA are currently considering their options with regards to gifting, selling or maintaining their railway corridors. It could be considered more favourable if Council entered in a Licence to Occupy, should they wish to gift or sell the land at a reduced price in the future.

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY AND RISK CONSIDERATIONS

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

The Upper Blackwood Agricultural Society would be able to continue their events, bringing visitors to town which in turn could generate income for local businesses.

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

The continuation of UBAS events, specifically Show Day held on the first Tuesday in November every year is an event for all community members to attend and enjoy. The day not only showcases our local area and region, but it also promotes a sense of belonging, connecting people of all ages 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 to no negative impact on the Shire or the community.

CONSULTATION

Burgess Rawson

RESOURCE IMPLICATIONS

Financial

The financial impact is deemed low due to the overall cost for a 10-year licence totalling approximately \$550.00.

Workforce

Nil

end

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 BUDGET AMENDMENT TO APPOINT AN ENGINEER TO CERTIFY THE INSTALLATION OF SOLAR PANELS ON THE COMMUNITY RESOURCE CENTRE ROOF	
File Ref:	A2018
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: Seconded:

OFFICER RECOMMENDATION 23/11/...

That Council:

- 1. Authorise the following amendment to the 2023/24 adopted budget, to facilitate Engineers Certification to install solar panels on the Community Resource Centre roof.**

Account	Description	Increase	Decrease
081400	Land & Buildings CRC Capital Renewal, Services internal painting		\$3,000
146106	Consultants	\$3,000	

Absolute req
For:
Against:

SUMMARY

Council is requested to consider the budget amendment to assist the Community Resource Centre to be able to appoint an Engineer to certify the installation of solar panels on the roof of the Community Resource Centre building.

BACKGROUND

The Community Resource Centre was successful in obtaining a grant to install solar panels. However, the grant does not include the cost for the submission of a building permit required prior to the installation of the solar panels.

REPORT DETAIL

As indicated, the Community Resource Centre was successful in obtaining a grant to install solar panels on the roof of the building. The building is a public

building and as such in terms of the *Building Act 2011* a building permit is required. Further, due to being owned by the Shire, the *Building Act 2011* requires a certified building permit be submitted.

As part of the submission of a certified building permit a site-specific assessment report from a Structural Engineer is required to verify the existing structure will be able to resist the additional load imposed by the installation of the proposed solar panels and mounting system.

It must be noted that earlier in the year the Community Resource Centre did bring to the Shire's attention that the timber posts and railing along the front of the building need the following maintenance:

- Remove old rail, drill out old posts, weld custom made bracket for the post.
- Sanding the old rail, fitting of repaired rail, painting.
- Sanding of the doors and door frames.

An inspection of the balustrades has indicated that they are loose and need repairs. Should Council approve the request to amend the 2023/24 budget, there will be sufficient funds remaining to undertake the work.

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

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	There is little to no risk to the Shire to proceed with the budget amendment. The funds will be taken from non-urgent maintenance works.

CONSULTATION

Nil

RESOURCE IMPLICATIONS**Financial**

During the preparation of the 2023/24 budget \$40,000 was allocated to capital renewals at the Community Resource Centre. This was for exterior, interior painting, decking, restumping, and balustrades.

At the October Ordinary Council Meeting Council approved the reallocation of \$20,000 for the preparation of a Building Assessment and Condition Report, resulting in a balance of \$20,000 for capital renewal.

The approval of the budget amendment will not impact the ability to repair the loose balustrades but will result in the external and internal painting having to be reassessed in the 2024/25 budget preparations.

Workforce

Nil

End

9.3.2 SALE OF LOT 355 (57) CAILES STREET, BOYUP BROOK	
File Ref:	A40320
Previous Items:	23/09/190
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number:	Nil

Moved:	Seconded:
<u>OFFICER RECOMMENDATION 23/11/...</u>	
That Council:	
<ol style="list-style-type: none"> 1. Accept the “Offer to Purchase” for the amount of \$57,000 by Matthew Beanland for Lot 355 (57) Cailes Street Boyup Brook. 2. Allocate the net income from the sale of the property in (1.) above to the Rylington Park Community Reserve. 	
	Absolute req
	For:
	Against:

SUMMARY

Council is requested to consider the sale of Lot 355 (57) Cailes Street Boyup Brook.

BACKGROUND

Council at its Ordinary Council Meeting of 28 September 2023 resolved as follows:

COUNCIL DECISION 23/09/190

That Council:

- 1. Acknowledges the “Offer to Purchase” from Matthew Beanland for Lot 355 (57) Cailes Street, Boyup Brook for \$57,000.*
- 2. Request the Chief Executive Officer to obtain a valuation of Lot 355 (57) Cailes Street, Boyup Brook, in accordance with s3.58(4)(c)(i).*
- 3 Requests the Chief Executive Officer to advertise the potential sale of Lot 355 (57) Cailes Street, Boyup Brook in accordance with s3.58(3) of the Local Government Act 1995.*
- 4. Following compliance with (2.) above formally consider the “Offer to Purchase” Lot 355 (57) Cailes Street, Boyup Brook.*

Moved: Cr O’Connell Seconded: Cr King

CARRIED BY ABSOLUTE MAJORITY 9/0

Council at its Ordinary Council Meeting of 25 August 2022 resolved as follows:

“MOTION

1. *That the CEO engage a local real estate agent to sell 55 Cailles Street, Boyup Brook (Lot 354 on Deposited Plan 184158) on the Shire’s behalf and that the net proceeds received from the sale of 55 Cailles Street, Boyup Brook be placed in a “Rylington Park Community Reserve”.*
2. *That the CEO engage a local real estate agent to sell 57 Cailles Street, Boyup Brook (Lot 355 on Deposited Plan 184158) on the Shire’s behalf and that the net proceeds received from the sale of 57 Cailles Street, Boyup Brook be placed in a “Rylington Park Community Reserve”.*

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 22/8/112”

REPORT DETAIL

As per Council resolution 23/09/190, an updated valuation was obtained for the property. The valuation was prepared by Acumentis (Certified Practising Valuers); the value of the property was determined to be \$55,000.

Following receipt of the valuation the proposed sale of Lot 355 (57) Cailles Street was advertised in accordance with s3.58 of the *Local Government Act 1995* calling for submissions relating to the proposed sale, with no submissions being received.

The proposed sale of the property is now presented to Council for final consideration.

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 infrastructure.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

The statutory requirements for the disposal of local government property are found in s3.58 of the *Local Government Act 1995*. Unless the sale is exempt, the Shire can dispose of the land on one (1) of the following three (3) ways:

- Public Auction.
- Public Tender.
- By ‘private treaty’ (i.e., a sale to an individual privately).

Public Auction – If the sale is conducted by auction, the land must be sold to the highest bidder. The *Auction Sales Act 1973* deals with the legalities of a sale by auction.

Public Tender – If the sale is conducted by public tender, the Shire may determine what is the ‘most acceptable tender, whether or not it is the highest tender’. In the sale of land, generally, the highest tender would be the most acceptable, although there may be cases where the tender is conditional, and the Shire may consider that the terms of the condition(s) mean the tender is not the most acceptable. Part four (4) of the *Local Government (Functions and General) Regulations* deals with the requirements for public tenders where the local government calls for tender for the supply of goods or services under s3.57 of the Act.

Private Treaty – It requires (in summary):

- Ascertaining the market value of the property through a valuation carried out not more than 6 months before the proposed disposition.
- Reaching a conditional agreement with a proposed purchaser (which may or may not reflect the market valuation).
- Giving two (2) week’s local public notice of the proposed disposition, describing the property concerned and the details of the proposed disposition (which must include the other party’s details, the market valuation and the amount at which the Shire proposes to sell).

SUSTAINABILITY AND RISK CONSIDERATIONS

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

Proceeding with the sale of land surplus to the Shire’s needs will reduce the ‘holding’ cost of such land. The sale of the land will also contribute to funding other projects within the Shire.

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

Funds received through the sale of the property will be put towards the development of Independent Living Units. The provision of these units will improve the quality of life for the community by potentially allowing family members to remain in the Shire.

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 proceeding with the potential sale would result in continued unnecessary holding cost for land surplus to the shires needs.

CONSULTATION

As per the Local Government Act 1995 (s3.58) the proposed sale of the property was advertised on 9 October 2023 in the West Australian Newspaper. The ad called for submission on the proposed sale to be submitted no later than 23 October 2023, no submissions were received.

RESOURCE IMPLICATIONS

Financial

There will be some costs associated with the sale of the property but will be absorbed in the adopted 2023/24 budget.

The funds received through the sale of the property will be placed in the Rylington Community Reserve as requested by Council through its resolution Res 22/8/112.

Workforce

Nil

end

9.3.3 ORDINARY COUNCIL MEETING DATES FOR 2024	
File Ref:	CM/52/002
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Magdalena Le Grange, Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	Nil

Moved: Seconded:

OFFICER RECOMMENDATION 23/11/...

That Council:

1. Endorses the Ordinary Council Meeting dates in the table below which will commence at 6:00pm in the Shire Chambers at 55 Abel Street, Boyup Brook.

Meetings	Date	Week
Ordinary Council Meeting	29 Feb 2024	5 th Thursday
Ordinary Council Meeting	28 Mar 2024	4 th Thursday
Ordinary Council Meeting	18 Apr 2024	3 rd Thursday
Ordinary Council Meeting	30 May 2024	5 th Thursday
Ordinary Council Meeting	27 Jun 2024	4 th Thursday
Ordinary Council Meeting	25 Jul 2024	4 th Thursday
Ordinary Council Meeting	29 Aug 2024	5 th Thursday
Ordinary Council Meeting	26 Sept 2024	4 th Thursday
Ordinary Council Meeting	31 Oct 2024	5 th Thursday
Ordinary Council Meeting	28 Nov 2024	4 th Thursday
Ordinary Council Meeting	19 Dec 2024	3 rd Thursday

.....
For:
Against:

SUMMARY

The purpose of this report is to set the Ordinary Council Meeting dates and times for the 2024 calendar year.

BACKGROUND

The *Local Government Act 1995* requires a local government, at least once a year, to give local public notice of the dates, times and places at which Ordinary Council Meetings are held within the next 12 months.

REPORT DETAIL

Council has historically not had a January meeting and has brought forward the December meeting to a week or more before Christmas. The meeting in April has been brought forward due to the 25th of April being a public holiday.

It is proposed to impose a six (6) month trial to change the current system of having a Briefing Session a week before the Ordinary Council Meeting to having a closed forum starting at 4pm on the same day as the Ordinary Council Meeting which will commence at 6pm.

The existing system, while intended to foster transparency and engagement, has imposed significant pressures on staff and incurred additional costs without demonstrably enhancing the decision-making process.

Staff are under constant pressure to prepare comprehensive reports almost a month in advance of the meeting. This demand often leads to rushed late report items, potentially impacting the quality of information presented. Questions raised during the Open Briefing Sessions are typically addressed satisfactorily at the meetings and have not resulted in reports needing to be materially amended.

At the Closed Forum before the Ordinary Council Meeting, Councillors will be briefed on current and proposed projects as well as upcoming issues they may need to know about. The agendas will be provided to Councillors the Friday prior to the meeting thereby allowing time to go through the agenda. Councillors can email any questions to the Chief Executive Officer and Executive Officer and will have the opportunity at the closed forum to seek clarifications related to the agenda, ensuring they are well-prepared for the OCM.

The proposal will reduce the preparatory workload on staff, eliminate the need for overtime, and cut down on costs (overtime wages and catering). It will also save the Councillors significant time in not needing to attend two meetings per month to work through essentially the same agenda.

The proposal is aimed at enhancing operational efficiency and reducing expenditure. This approach will still ensure Councillors receive timely, relevant, and comprehensive information, enabling them to make well-informed decisions during the Ordinary Council Meetings. This proposal respects the balance between transparency, fiscal responsibility, and the practical needs of the Council's operation.

Meetings	Date	Week
Ordinary Council Meeting	29 Feb 2024	5 th Thursday
Ordinary Council Meeting	28 Mar 2024	4 th Thursday
Ordinary Council Meeting	18 Apr 2024	3 rd Thursday
Ordinary Council Meeting	30 May 2024	5 th Thursday
Ordinary Council Meeting	27 Jun 2024	4 th Thursday
Ordinary Council Meeting	25 Jul 2024	4 th Thursday
Ordinary Council Meeting	29 Aug 2024	5 th Thursday
Ordinary Council Meeting	26 Sept 2024	4 th Thursday

Ordinary Council Meeting	31 Oct 2024	5th Thursday
Ordinary Council Meeting	28 Nov 2024	4th Thursday
Ordinary Council Meeting	19 Dec 2024	3 rd Thursday

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

Section 5.25(1)(g) of the *Local Government Act 1995* provides for giving public notices of the date and agenda for council or committee meetings.

Regulation 12 of the *Local Government (Administration) Regulations 1996* provides:

- (2) The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held –
 - (a) ordinary council meetings; and
 - (b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.

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	The determining of Ordinary Council Meeting dates is a requirement of the Act. Further, it provides the administration with certainty on when items requiring Council approval can be presented, this ensures timely discission making.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

end

9.3.4 DELEGATION OF AUTHORITY REGISTER	
File Ref:	GO/37/001
Previous Items:	Res 22/8/105
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number	9.3.4A Current Delegations Register 9.3.4B Proposed Delegation of Authority Register

Moved: **Seconded:**

OFFICER RECOMMENDATION 23/11/...

That Council:

1) **As Delegator, approves the annual statutory review of the Delegations of Authority Register (Attachment 9.3.4B) for 2023, in accordance with sections 5.18 and 5.46 of the *Local Government Act 1995*, section 47(2) of the *Cat Act 2011* and section 10AB of the *Dog Act 1976*.**

Absolute Required
For:
Against:

SUMMARY

Each year Council must review the Delegation of Authority Register. This year a major review of the delegations has been undertaken to ensure the delegation register is up to date. Council is requested to consider the attached revised Delegation Register (Attachment 9.3.4B).

BACKGROUND

The *Local Government Act 1995* requires local governments to review their delegation of powers and authority to the Chief Executive Officer at least once in every twelve months, and for the Chief Executive Officer to review their delegation of authority within the same review period. The last review of the Delegation of Authority Register was endorsed at the Ordinary Council Meeting held in August 2022 (Res22/8/105). The aim and purpose of delegated authority is to assist with the efficiency of the local government activities by way of quicker decisions.

Under the *Local Government Act 1995* and other legislation, Council may delegate its functions, duties, and powers to the Chief Executive Officer to assist with efficient and timely decision making. The Chief Executive Officer may then sub delegate functions, duties and powers to other staff and sub-delegated functions are also reviewed annually as a separate process. Delegations are a

proven effective organisational tool that enhances productivity and supports effective customer service and timely decision making.

REPORT DETAIL

The amended Delegation of Authority is based on the template provided by the Western Australian Local Government Association (WALGA), with modifications to suit the Shire.

Existing Delegation Register	Proposed Delegation Register	Status / Amendment Detail
1.1 Liquor Licensing	2.7.1 Enforcement of Liquor Control Act 1988 and Liquor Licensing Act 1988	Format and minor wording changes.
1.2 Enforcement of Laws	deleted	The enforcement of local laws will be dealt with through Council.
1.3 Inviting Tenders – Selection criteria	2.8.27 Inviting Tenders – Selection Criteria	Format and minor wording changes.
1.4 Local Laws Administration	removed	The administration of the local laws is now incorporated into several proposed delegations. 2.11 Public Health Act 2016 2.4 Dog Act 1976
1.5 Functions Outside Own District	2.8.1 Performing Functions Outside the District	Format and minor wording changes.
1.6 Notices to Owners & Occupiers Land and Powers of Entry	2.8.2 Notice Requiring Certain things to be done by Owner or Occupier of Land and Additional Powers when Notice is given. 2.8.3 Powers of Entry	Delegation split - format and minor wording changes.
1.7 Emergency Entry to Land	2.8.3 Powers on Entry	Format and minor wording changes.
1.8 Remove and Impound Goods	2.8.4 Power to Remove and Impound	Format and minor wording changes.
1.9 Sale of Impounded Goods	removed	Will be dealt with through Council.
1.10 Impounding Periods	removed	Will be dealt with through Council.
1.11 Impounding Goods – Cost Recovery	removed	Will be dealt with through Council.
1.12 Variation of Requirements	2.8.28 Variation of Requirements Before Entry into Contract	Format and minor wording changes.

Before Entry into Contract		
1.13 Vehicles, Use of	removed	Considered an operational matter and forms part of employment conditions.
1.14 Disposition of property excluded from Local Government Act 1995 Section 3.58	removed	Will be dealt with through Council.
2.1 Regulatory Signs, i.e., Stop, Give-Way, Speed, etc	removed	Considered an operational matter and forms part of employment conditions.
2.2 Temporary Road Closures	2.8.8 Close Thoroughfares to Vehicles	Format and minor wording changes.
2.3 Disposal of Surplus Equipment, Materials, Tools	remove	Will be dealt with through Council.
2.4 Events on Roads	2.8.8 Close Thoroughfares to Vehicles	Incorporated, format and minor wording changes.
2.5 Permits, Heavy Haulage Vehicles	remove	Considered an operational matter and forms part of employment conditions.
2.6 Gates and Pipes Across Thoroughfares	2.8.11 Gates Across Public Thoroughfares	Format and minor wording changes.
2.7 Dangerous Excavation	2.8.12 Public Thoroughfares – Dangerous Excavations	Format and minor wording changes.
2.8 Crossing from Public Thoroughfare to Private Land or Private Thoroughfare	2.8.13 Crossing – Construction, Repair and Removal	Format and minor wording changes.
2.9 Requirement to Construct and Repair Crossing	2.8.13 Crossing – Construction, Repair and Removal	Incorporated, format and minor wording changes.
2.10 Private Works on, Over or Under Public Places	2.8.14 Private Works on, over or under Public Places	Format and minor wording changes.
3.1 Payment of Accounts	2.8.18 Payments from the Municipal or Trust Funds	Format and minor wording changes.
3.2 Rate Book	2.8.21 Rate Record Amendment 2.8.24 Recovery of Rates or service charges	Delegation split - format and minor wording changes.

	2.8.25 Recovery of Rates - Require Lessee to Pay Rent	
3.3 Investment of Surplus Funds	2.8.20 Power to Invest and Manage Investments	Format and minor wording changes.
3.4 Rates payments by agreement	2.8.22 Agreement as to Payment of Rates and Service Charges	Format and minor wording changes.
3.5 Outstanding Rates Recovery	2.8.24 Recovery of Rates or Service Charges	Format and minor wording changes.
3.6 Rate Record Objection – Time Extension	2.8.26 Rate Record Objection	Format and minor wording changes.
3.7 Consideration of Rate Objection	2.8.26 Rate Record - Objections	Format and minor wording changes.
3.8 Payments (Financial Management) Regs	2.8.18 Payments from the Municipal or Trust Accounts	Incorporated, format and minor wording changes.
3.9 Waiving and Granting of Concessions and Write-off of Debts other than Rates & Services Charges	2.8.19 Defer, Grant Discounts, Waive or Write Off Debts	Format and minor wording changes.
3.10 Disposing of Property	removed	Will be dealt with through Council.
4.1 Firebreak Order, Variation to and Enforcement	2.2.7 Firebreaks	Format and minor wording changes.
4.2 Burning of Roadsides	Removed	Will be dealt with through Council
4.3 Burning, Prohibited Times (Variations)	2.2.2 Prohibited Burning Times - Vary	Format and minor wording changes.
4.4 Offences for Non-Compliance with Bush Fires Act, Bush Fire Regulations and Firebreak Order / Requirements	2.2.11 Prosecution of Offences	Format and minor wording changes.
4.5 Use of Shire Resource for Wildfire Control	Delete	To be dealt with via a policy
5.1 Responding to Appeals and Requests for Reconsideration	2.10.1 Planning Approvals and Associated Decisions	Modified with conditions. 1) Decisions relating to Local Planning Policies, Structure Plans, Activity Centre Plans and Local Area Plans are to be made by the Council.

		<p>2) Decisions to proceed with a Local Planning Policy are to be made by the Council.</p> <p>3) Where a public objection has been received after the application has been advertised for comment the application may only be determined by Council.</p> <p>4) Where a Councillor has requested in writing that a particular matter be referred to Council for determination then that matter is to be determined by the Council.</p>
5.2 Land Subdivision / Amalgamations	delete	Will be dealt with through Council
5.3 Town Planning Scheme Development Approvals	2.10.1 Planning Approvals and Associated Decisions	<p>Modified with conditions.</p> <p>1) Decisions relating to Local Planning Policies, Structure Plans, Activity Centre Plans and Local Area Plans are to be made by the Council.</p> <p>2) Decisions to proceed with a Local Planning Policy are to be made by the Council.</p> <p>3) Where a public objection has been received after the application has been advertised for comment the application may only be determined by Council.</p> <p>4) Where a Councillor has requested in writing that a particular matter be referred to Council for determination then that matter is to be determined by the Council.</p>
5.4 Land Administration Act 1997 and the Native Title Act 1993	delete	Will be dealt with through Council
5.5 Strate Titles Act 1985	delete	Will be dealt with through Council
6.1 Powers of the Local Government pursuant to the Building Act 2011	2.1 Building Act 2011	Split into multiple delegation as per attachment.

6.2 Powers of the Local Government pursuant to the Health Act 1911	2.11.3 Designated Authorised Officer	Format and minor wording changes.
6.3 Powers of the Local Government pursuant to the Caravan Parks & Camping Grounds Act 1995	removed	Act has been amended to allow the Chief Executive Officer to appoint an Authorised Person directly.
7.1 Enforcement of Dog Act and Local Laws	2.4 Dog Act 1976	Split into multiple delegation as per attachment.
7.2 Enforcement of Cat Act	2.3 Cat Act 2011	Split into multiple delegation as per attachment.

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

s.5.16 – Delegation of some powers and duties to certain committees

- 1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.

* Absolute majority required.

- 2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- 3) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* –
 - a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
 - b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.

- 4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

s.5.17 – Limits on delegation of powers and duties to certain committees

- 1) A local government can delegate —
 - a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
 - i. any power or duty that requires a decision of an absolute majority of the council; and
 - ii. any other power or duty that is prescribed; and
 - b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
 - c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
 - i. the local government's property; or
 - ii. an event in which the local government is involved.
- 2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

s.5.18 – Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

s.5.42 – Delegation of some powers and duties to CEO

- 1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - a) this Act other than those referred to in section 5.43; or
 - b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* Absolute majority required.

- 2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

s.5.43 – Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- a) any power or duty that requires a decision of an absolute majority of the council.
- b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph.
- c) appointing an auditor.

- d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph.
- e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100.
- f) borrowing money on behalf of the local government.
- g) hearing or determining an objection of a kind referred to in section 9.5.
- h) any power or duty that requires the approval of the Minister or the Governor.
- i) such other powers or duties as may be prescribed.

s.5.44 – CEO may delegate powers and duties to other employees

- 1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- 2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- 3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.
- 4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- 5) In subsections (3) and (4) — conditions include qualifications, limitations or exceptions.

s.5.45 – Other matters relevant to delegations under this Division

- 1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
 - a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- 2) Nothing in this Division is to be read as preventing —
 - a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - b) a CEO from performing any of his or her functions by acting through another person.

s.5.46 – Register of, and records relevant to, delegations to CEO and employees

- 1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- 2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- 3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Local Government (Administration) Regulations 1996

r.18G – Delegations to CEOs, limits on (Act s.5.43)

Powers and duties of a local government exercised under the following provisions are prescribed under section 5.43(i) as powers and duties that a local government cannot delegate to a CEO —

- a) section 7.12A(2), (3)(a) or (4); and
- b) regulations 18C and 18D.

r.19 – Delegates to keep certain records (Act s.5.46(3))

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- a) how the person exercised the power or discharged the duty; and
- b) when the person exercised the power or discharged the duty; and
- c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

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)

Delegated functions improve the Shire’s ability to react to community request by enabling more effective decision making.

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	Not reviewing and endorsing the Delegation of Authority Register annual will result in non-compliance with the <i>Local Government Act 1995</i> .

CONSULTATION

- Chief Bush Fire Control Officer
- Executive Manager Operational Services
- Executive Manager Corporate & Community Services
- Ranger

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

end

9.3.5 PROPOSED SALE OF LOT 13129 BRIDGETOWN-BOYUP BROOK ROAD (SALEYARDS) AND LOT 1 FORREST STREET (OLD BOWLING GREENS) BOYUP BROOK	
File Ref:	Reserve 33552, A2009
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: Seconded:

OFFICER RECOMMENDATION 23/11/...

That Council:

- 1) Approve the listing of the following lot for sale:
 - a) Lot 13129 Bridgetown-Boyup Brook Road (Saleyards).
- 2) Request the Chief Executive Officer to engage a Real Estate Agent to list the properties in (1.) above for sale.

Absolute Required
For:
Against:

Moved: Seconded:

OFFICER RECOMMENDATION 23/11/...

That Council:

- 1) Approve the listing of the following lot for sale:
 - a) Lot 1 Forrest Street (old bowling green)
- 2) Request the Chief Executive Officer to engage a Real Estate Agent to list the properties in (1.) above for sale.

Absolute Required
For:
Against:

SUMMARY

Council is requested to consider the potential sale of the subject lots.

BACKGROUND

Both Lot 13129 Bridgetown-Boyup Brook Road and Lot 1 Forrest Street are not required by the Shire and have been rezoned to “Industry – Light” and “Commercial” respectively. The uses and their permissibility are listed in Table 3 – Zoning Table below.

The sale of the lots is supported by the Strategic Community Plan, and if sold has the potential to encourage new business and increase employment opportunities in the Shire.

TABLE 3 - ZONING TABLE

LAND USE	ZONES							
	Residential	Commercial	Light Industry	General Industry	Rural	Rural townsite	Rural Residential	Rural Small Holdings
Agriculture – extensive	X	X	X	X	P	X	REFER TO SCHEDULE 2	D
Agriculture – intensive	X	X	X	X	D	X		A
Amusement Parlour	X	D	X	X	X	X		X
Ancillary dwelling	P	D	X	X	P	P		P
Animal Establishment	X	X	A	X	A	X		X
Animal Husbandry Intensive	X	X	X	X	D	X		X
Art Gallery	D	P	X	X	I	D		X
Bed and Breakfast	A	D	X	X	D	D		D
Betting Agency	X	D	X	X	X	X		X
Bulky goods showroom	X	D	D	X	X	D		X
Camping Ground	X	X	X	X	D	D		X
Caravan Park	X	X	X	X	D	D		X
Caretaker's Dwelling	X	D	D	D	D	D		X
Carpark	X	D	D	D	D	D		X
Child care premises	A	D	D	X	A	D		X
Cinema/theatre	X	D	X	X	X	X		X
Civic Use	D	P	X	X	D	P		X
Club Premises	X	P	D	X	D	D		X
Commercial vehicle parking	A	I	P	P	I	D		D
Community Purpose	D	D	X	X	D	X		X
Consulting Rooms	A	D	D	X	I	D		X
Convenience Store	X	P	X	X	X	X		X
Corrective Institution	X	X	X	X	A	X		X
Educational Establishment	D	D	D	X	D	D		X
Exhibition Centre	X	D	X	X	D	D		X
Family Day Care	A	X	X	X	D	X		X

LAND USE	ZONES							
	Residential	Commercial	Light Industry	General Industry	Rural	Rural townsite	Rural Residential	Rural Small Holdings
Fast Food Outlet/lunch bar	X	D	D	X	X	D	REFER TO SCHEDULE 2	X
Fuel Depot	X	X	D	D	X	X		A
Funeral Parlour	X	D	D	X	X	D		P
Garden centre	X	D	D	X	D	D		X
Grouped Dwelling	D	D	X	X	X	D		D
Holiday house	D	X	X	X	D	D		P
Holiday accommodation	A	D	X	X	D	D		D
Home Business	D	D	X	X	D	A		D
Home Occupation	P	P	X	X	P	P		P
Home Office	P	P	X	X	P	P		P
Home Store	D	D	X	X	D	D		D
Hospital	A	X	X	X	D	D		X
Hotel	X	A	X	X	A	D		X
Independent living complex	A	A	X	X	X	A		X
Industry	X	X	D	D	X	X		X
Industry – cottage	D	D	P	X	D	D		X
Industry – extractive	X	X	X	X	A	X		X
Industry – light	X	X	P	P	X	D		X
Industry – rural	X	X	D	D	D	X		X
Industry – service	X	D	P	X	A	A		X
Liquor Store	X	D	D	X	X	D	X	
Market	X	D	D	X	A	A	X	
Medical Centre	A	D	X	X	D	D	X	
Motel	X	D	X	X	X	D	X	
Motor Vehicle Boat or Caravan Sales	X	D	D	X	X	D	X	

LAND USE	ZONES								
	Residential	Commercial	Light Industrial	General Industry	Rural	Rural Townsite	Rural Residential	Special Use	Rural Small Holdings
Motor Vehicle Repair	X	D	D	D	D	D	REFER TO SCHEDULE 2		X
Motor Vehicle Wash	X	A	D	D	X	X			X
Multiple Dwelling	A	X	X	X	X	X			X
Nature based park	X	X	X	X	D	X			X
Night Club	X	A	X	X	X	X			X
Office	X	P	I	I	X	D			I
Park Home Park	X	X	X	X	D	X			X
Place of Worship	D	D	X	X	D	D			X
Reception Centre	X	D	X	X	A	X			X
Recreation – Private	X	D	D	X	D	D			X
Repurposed dwelling	D	D	X	X	D	D			D
Residential aged care facility	A	A	X	X	X	A			X
Residential Building	A	D	X	X	D	D			X
Restaurant/cafe	X	P	X	X	D	D			D
Restricted Premises	X	X	A	X	X	X			X
Rural Home Business	X	X	X	X	D	X			A
Rural Pursuit/hobby farm	X	X	X	X	P	X			A
Second-hand dwelling	D	D	X	X	D	D			D
Serviced Apartment	A	D	X	X	A	X			X
Service Station	X	D	A	X	A	D			X
Shop	X	P	X	X	X	D			X
Single House	P	D	X	X	P	P			P
Tavern	X	P	A	X	X	D			X
Telecommunications Infrastructure	D	D	D	D	D	D			D
Trade Display	X	D	D	I	X	D			X
Trade Supplies AMD 22 GG 16/6/2023	X	D	P	X	X	D			X
Transport Depot	X	X	D	D	P	D			A
Tree Farm	X	X	X	X	A	X			A
Veterinary Centre	X	D	D	X	D	D			A
Warehouse/storage	X	P	P	P	D	D			X
Wayside Stall	X	D	X	X	D	D		D	
Winery	X	X	D	D	D	X		X	
Workforce accommodation	A	X	X	X	D	A		X	

REPORT DETAIL

Lot 1 (60) Forrest Street, Boyup Brook

Lot 1 (60) Forrest Street, Boyup Brook was the location of the bowling greens prior to its relocation to the existing site. Since the bowling club has relocated the land has remained undeveloped and unused.

The property is 3,785m² in size, and in terms of the Boyup Brook Town Planning Scheme No. 2 zoned “Commercial” (Scheme Amendment 22). The Objective of this zoning is:

- To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.

- To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, material, street alignment and design of facades.
- To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.

The draft Local Planning Strategy also identifies the property for “Commercial” purposes.

In June 2021 the property was valued by Acumentis (Certified Practising Valuers) at \$70,000. This valuation was based on the property being zoned “Commercial”.

The Shire has received enquiries as to the potential sale of the property for both “Commercial” and “Residential” uses. It is noted that only certain “Residential” uses could be considered on the property and would be subject to Council approval.

There is also the possibility of subdividing the property into three (3) separate lots, however, this may not be what is required in the market at the current time. Should the property not sell as a whole then Council could consider marketing them as subdivided lots to test the market prior to subdividing.

Lot 13129 Bridgetown-Boyup Brook Road, Boyup Brook

Lot 13129 Bridgetown-Boyup Brook Road, Boyup Brook is the location of the saleyards. There is currently an arrangement in place with a local trucking company to utilise the washdown bay located on the property.

The property is 4,0753ha in size, and in terms of the Boyup Brook Town Planning Scheme No. 2 zoned “Industry – Light” (Scheme Amendment 21). The Objective of this zoning is:

- To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones.
- To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.

In terms of the Boyup Brook Town Planning Scheme No. 2, Table No 6, all development on the lot including fire mitigation is to be contained within the existing cleared area.

The Draft Local Planning Strategy identifies the following Issues / opportunities for the property:

- Subdivision of the property into a minimum lot size of 1,000m².
- Management of stormwater and effluent disposal.
- Suitable access including establishing a suitable intersection treatment with Bridgetown-Boyup Brook Road for intensification of land.
- Setbacks to boundaries to achieve suitable buffers to sensitive land uses.

- Visual landscape protection to Bridgetown-Boyup Brook Road.

In 2020 the Shire had the property valued; however, the valuation was based on the lot being subdivide into seven (7) individual lots. The valuations associated with the indicative subdivision plan were as follows:

Lot 1 = \$105,000

Lot 2 – 7 = \$50,000

Proposed seven lot Subdivision Plan



The proposal is to create six 2,000 m² lots and one 7,000 m² lot.

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 infrastructure.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

The statutory requirements for the disposal of local government property are found in s3.58 of the *Local Government Act 1995*. Unless the sale is exempt, the Shire can dispose of the land on one (1) of the following three (3) ways:

- Public Auction.
- Public Tender.
- By 'private treaty' (i.e., a sale to an individual privately).

Public Auction – If the sale is conducted by auction, the land must be sold to the highest bidder. The Auction Sales Act 1973 deals with the legalities of a sale by auction.

Public Tender – If the sale is conducted by public tender, the Shire may determine what is the ‘most acceptable tender, whether or not it is the highest tender’. In the sale of land, generally, the highest tender would be the most acceptable, although there may be cases where the tender is conditional, and the Shire may consider that the terms of the condition(s) mean the tender is not the most acceptable. Part four (4) of the *Local Government (Functions and General) Regulations* deals with the requirements for public tenders where the local government calls for tender for the supply of goods or services under s3.57 of the Act.

Private Treaty – It requires (in summary):

- Ascertaining the market value of the property through a valuation carried out not more than 6 months before the proposed disposition.
- Reaching a conditional agreement with a proposed purchaser (which may or may not reflect the market valuation).
- Giving two (2) week’s local public notice of the proposed disposition, describing the property concerned and the details of the proposed disposition (which must include the other party’s details, the market valuation and the amount at which the Shire proposes to sell).

SUSTAINABILITY AND RISK CONSIDERATIONS

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

The sale of the property will result in a positive impact on the local economy because of potential development. Any potential development will also provide employment opportunities for the Boyup Brook community.

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

Nil

POLICY IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

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

Risk Level	Comment
Medium	Not putting the properties up for sale would have a financial impact on the Shire due to holding costs

CONSULTATION

Nil

RESOURCE IMPLICATIONS**Financial**

Should an “Offer to Purchase” be received there will be a cost involved in obtaining a valuation of the property as well as the legislatively required advertising process. This cost will be absorbed within the 2023/24 budget.

Workforce

Nil

end

9.3.6 VACANCY – SOUTH WEST DEVELOPMENT COMMISSION BOARD	
File Ref:	GR/31/003
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: **Seconded:**

OFFICER RECOMMENDATION 23/11/...

That Council:

- Endorses Cr to submit a nomination to the South West Development Commission to join the South West Development Commissions Board.**

Or

- Acknowledges due to current Councillor commitments Councillors are not able to submit a nomination to the South West Development Commission to join the South West Development Commissions Board.**

.....
For:
Against:

SUMMARY

A vacancy currently exists for a local government representative on the South West Development Commissions Board. The South West Development Commission is seeking nominations from South West local governments to provide one nomination from elected members to fill the vacancy.

BACKGROUND

The Commission’s role is to co-ordinate and promote regional and economic development in the South West Region. Its aims include maximising job creation, broadening local economies, identifying the need for infrastructure services, providing information and advice to business and ensuring access to government services.

REPORT DETAIL

The six-member board comprises representatives of local government and community, and meets bi-monthly to set policy and make decisions about a broad range of economic and regional development projects.

Prospective board members should possess interest and knowledge of regional communities. Relevant fields of involvement could include business and industry, employment, education and training, tourism, and recreation.

Applicants will be assessed on their ability to make a significant contribution to a board, together with a demonstrated involvement in either the economic or social development of the region. The terms of appointment are for one, two or three years. It is important to note Board Members are required to represent the interests of the South West and not a particular locality.

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 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	There is no risk to Council should no endorsement be made.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

end

9.4 PLANNING

9.4.1 DEVELOPMENT APPLICATION (ANCILLARY DWELLING) -LOT 2947 ELDER ROAD WILGA	
File Ref:	A948
Previous Items:	Nil
Applicant:	Allan Gray
Author and Title:	A. Nicoll, Urban and Regional Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	Nil

Moved: Seconded:

OFFICER RECOMMENDATION 23/11/...

That Council:

1. Approves the Development Application for the proposed Ancillary Dwelling, on Lot 2947 Elder Road, Wilga, subject to the following conditions and advise notes:

Conditions:

- a) Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Chief Executive Officer, the development shall be in accordance with the approved plans.
- b) Stormwater management shall be to the satisfaction of the Chief Executive Officer.

Advice Notes:

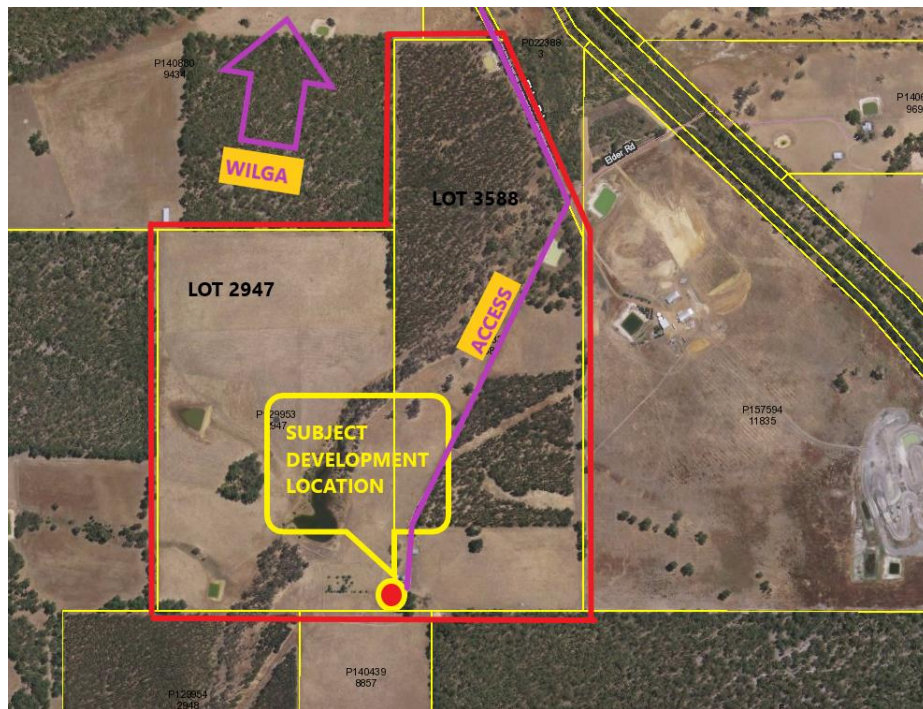
- a) If the development is not commenced within a period of two (2) years from the date of this approval, the approval will lapse and be of no further effect.
- b) If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

.....
For:
Against:

SUMMARY

Council is requested to approve the use of an existing dwelling at Lot 2947 Elder Road, Wilga, for the purpose of ‘Ancillary Dwelling’.

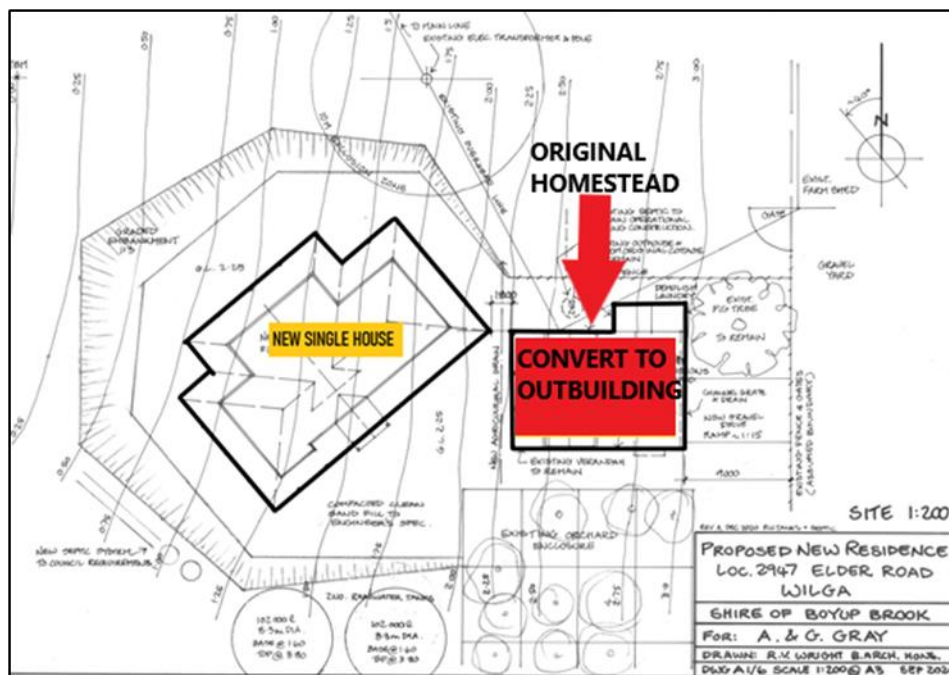
Location Plan



The proposed use/development complies with the Shire’s Local Planning Scheme No.2.

BACKGROUND

In 2021, the Shire Council approved a new dwelling at Lot 2947, subject to converting the original homestead into an outbuilding (garage/shed).



The landholder is requesting Council support the conversion of the original homestead into ‘Ancillary Dwelling’.

‘Ancillary Dwelling’ is defined as:

Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.

REPORT DETAIL

The subject property is zoned ‘Rural’ in accordance with the Shire’s Local Planning Scheme No.2.

Ancillary Dwelling is permitted in the ‘Rural’ zone’, subject to complying with all relevant development standards and requirements of the scheme.

The scheme states:

An ancillary dwelling in the Rural zone is to be no greater than 100m², be co-located with the single house, allow for the continued use of the lot for rural purposes and to be constructed to a standard that ensures the visual amenity of the area is not adversely impacted.

The floor area of the proposed Ancillary Dwelling is 95m², not including storage areas, garage and veranda.

The proposal complies with the Shire’s scheme standards. The proposal is not expected to impact on the continued use of the lot for rural purposes and is expected to be re-developed to a standard that ensures the visual amenity of the area (see ‘floor plan and elevations’).

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

The application complies with the statutory obligations prescribed by the Shire’s Local Planning Scheme No.2.

Clause 25 of the Shire’s scheme states:

An ancillary dwelling in the ‘Rural’ zone is to be no greater than 100m², be co-located with the single house, allow for the continued use of the lot for rural

purposes and to be constructed to a standard that ensures the visual amenity of the area is not adversely impacted.

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

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

end

10. MINUTES OF COMMITTEES

10.1 COMMUNITY GRANTS COMMITTEE MINUTES – 24 AUGUST 2023

Moved:	Seconded:
<u>OFFICER RECOMMENDATION 23/11/...</u>	
That Council:	
1. Receive the <u>confirmed</u> minutes of the Community Grants Committee Meeting held on 24 August 2023 (Attachment 10.1A).	
..... For: Against:	

10.2 COMMUNITY GRANTS COMMITTEE MINUTES – 31 AUGUST 2023

Moved:	Seconded:
<u>OFFICER RECOMMENDATION 23/11/...</u>	
That Council:	
1. Receive the <u>unconfirmed</u> minutes of the Community Grants Committee Meeting held on 31 August 2023 (Attachment 10.2A).	
..... For: Against:	

10.3 RYLINGTON PARK COMMITTEE MINUTES – 10 OCTOBER 2023

Moved:	Seconded:
<u>OFFICER RECOMMENDATION 23/11/...</u>	
That Council:	
1. Receive the <u>confirmed</u> minutes of the Rylington Park Committee Meeting held on 10 October 2023 (Attachment 10.3A).	
..... For: Against:	

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. LATE ITEMS / URGENT BUSINESS MATTERS

12.1.2 REQUEST FOR SPONSORSHIP FROM BLACKWOOD RIVER ARTS TRAIL	
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:	Seconded:
<u>OFFICER RECOMMENDATION 23/11/...</u>	
That Council:	
<ol style="list-style-type: none"> 1. Approves the sponsorship of \$1,000 towards the Blackwood River Arts Trail. 2. Authorises the Chief Executive Officer to utilise GL 041114 Members Donations for the approved sponsorship in (1.) above. 	
..... For: Against:	

SUMMARY

The Blackwood River Arts Trail is an annual event that provides an avenue for local artists to showcase their talents to locals and visitors to the region. The volunteer run organisation receives income to produce the event from three main streams – grants, participant fees and advertising/sponsorship. The Blackwood River Arts Trail are requesting sponsorship of \$1000.00 to assist with the costs of the event.

BACKGROUND

The Blackwood River Arts Trail attracts artists from multiple disciplines including painting, photography, ceramics, mosaics, textiles, sculpture, jewellery, illustration, creative writing, music, theatre, dance and film. Artists and artisans from any creative discipline are invited to participate.

The trail has grown over the last few years with 2023 increasing to 30 venues across the shires of Boyup Brook, Nannup, Bridgetown-Greenbushes, and Donnybrook/Balingup. There were over 60 artists showcasing their works to over

6000 visitors and locals. All Shires involved have a history of supporting this event.

REPORT DETAIL

The trail is a collaboration between the towns of Boyup Brook, Nannup, Bridgetown/Greenbushes and Donnybrook/Balingup, running for 16 days over three weekends, 23rd March 2024 – 7th April 2024. The arts trail brings numerous benefits and adds significant value to our community. It is an avenue for cultural enrichment, showcasing local artists' work and offering residents and visitors exposure to diverse artistic expressions.

The trail encourages interaction amongst local community members, artists and visitors, providing opportunities for learning and inspiring creativity. It is a great platform for local artists to showcase their work, fostering a sense of pride within our community.

It has been long known that engaging with art and cultural activities is linked to improved mental health and well-being. Arts trails provide opportunities for relaxation, reflection, and enjoyment, contributing to the overall wellness of individuals within the community.

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	Partner with stakeholders to promote Boyup Brook, preserving our history for future generations and sharing the rich heritage of the Shire

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)

Artists will have the opportunity for increased sales and visitors to town could generate additional income for local businesses.

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

The arts trail will play a vital role in enhancing the social, economic, cultural, and emotional fabric of our community, making it more vibrant, attractive, and connected.

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 a positive impact on the Shire and community.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

The sponsorship is not a budgeted item and would need to be addressed at the time of undertaking the budget amendment.

Workforce

Nil

end

12.1.3 BOYUP BROOK EARLY LEARNING CENTRE MONTHLY ACTIVITY REPORT FOR THE MONTH OF OCTOBER 2023	
File Ref:	A190
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Jimina Shaw-Sloan, Director Early Learning Centre
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	Nil

Moved:	Seconded:
<u>OFFICER RECOMMENDATION 23/11/...</u>	
That Council:	
<ol style="list-style-type: none"> 1. Receives the monthly activity report for the Boyup Brook Early Learning Centre for the month of October 2023. 	
 For: Against:

SUMMARY

The monthly report is to provide Council with an update on the operations at the Boyup Brook Early Learning Centre.

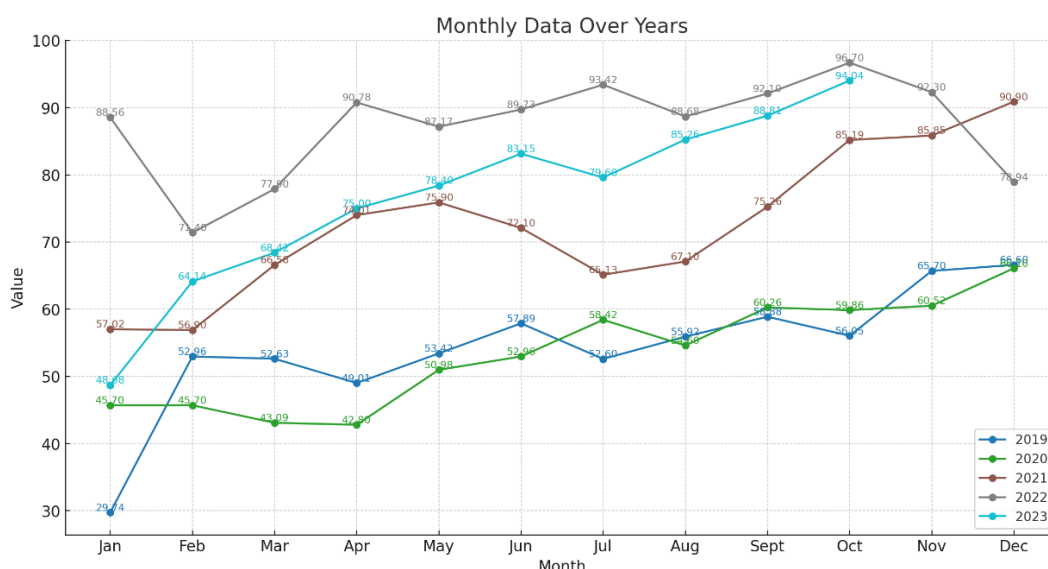
BACKGROUND

Boyup Brook Early Learning Centre is a multi-aged single space facility catering for children aged 0 – 7 years of age, and operating Tuesday to Friday from 8.15am to 5.15pm.

The centre offers a play-based program, with an emphasis on child led experiences within a natural environment and real-world resources.

REPORT DETAIL

Average monthly utilisation tracker.



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

Nil

SUSTAINABILITY AND RISK CONSIDERATIONS

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

The Boyup Brook Early Learning Centre holds significant importance for the local economy, it provides a critical service for working parents, enabling them to continue their employment or education without the burden of childcare. This support is particularly crucial in rural areas, where access to childcare facilities might be limited. By ensuring that parents can work, the centre directly contributes to the economic activity and productivity of the town.

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

The Boyup Brook Early Learning Centre brings significant social benefits to the community. The centre offers a safe and nurturing environment for children,

allowing parents to pursue employment or education opportunities that were previously inaccessible due to childcare responsibilities.

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
Moderate	The availability of early learning centres can be a factor in attracting and retaining young families in the area. Without such facilities, the Shire might experience a decline in population growth or struggle to attract new residents, which can have broader economic implications

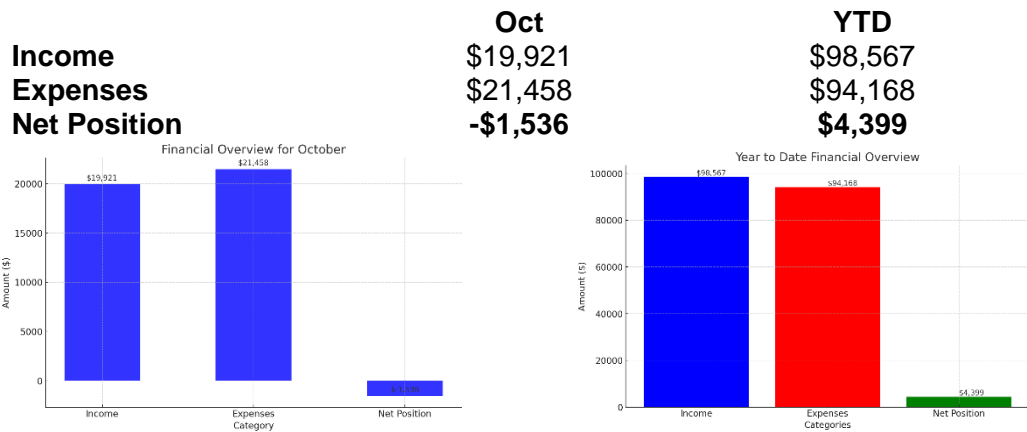
CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

October Financials:



Current employee agreements providing use of the centre during working hours relate to an additional indicative income of approximately \$5,385 p/a. This figure is likely to reduce in the future due to staff movements.

Workforce

As a result of difficulties in securing appropriately qualified educators, the centre will be reducing intake numbers for 2024, to 14 children (4 x 0–3-year-olds and 10 x 3–7-year-olds).

end

12.1.4 BOYUP BROOK MEDICAL SERVICES MONTHLY ACTIVITY REPORT FOR THE MONTH OF OCTOBER 2023	
File Ref:	A1270
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Janette Kuypers, Practice Manager
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	Nil

Moved:	Seconded:
<u>OFFICER RECOMMENDATION 23/11/...</u>	
That Council:	
<ol style="list-style-type: none"> 1. Receives the monthly activity report for the Boyup Brook Medical Services for the month of October 2023. 	
 For: Against:

SUMMARY

The monthly report is to provide Council with an update on the operations at the Boyup Brook Medical Services.

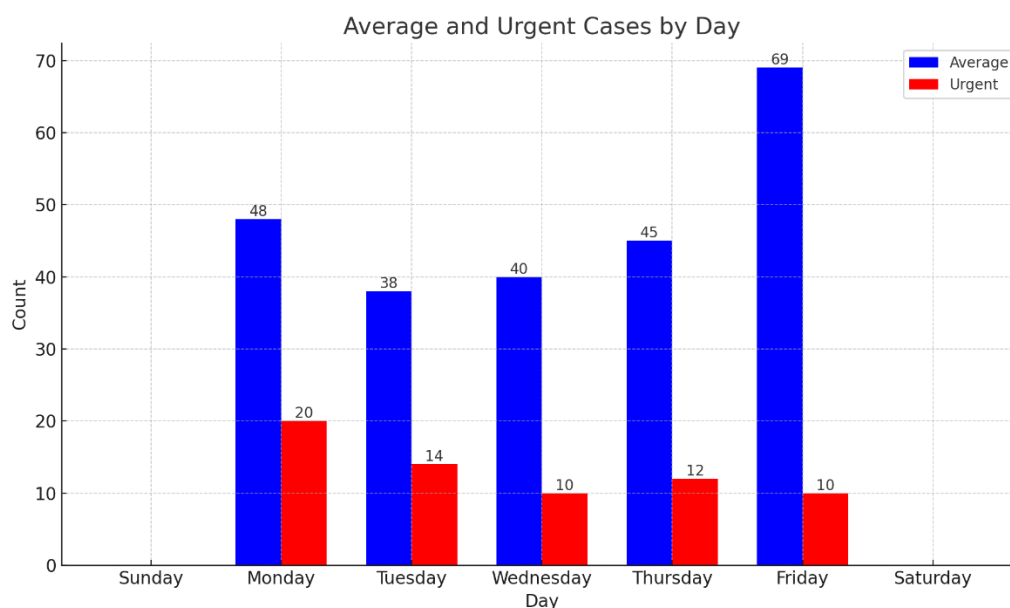
BACKGROUND

Boyup Brook Medical Services is an AGPAL (RACGP Standards) accredited practice. It provides general practice and nursing services to the community, operating Monday to Friday from 8.00am to 4:30pm.

It is a mixed billing practice. Concession card holders and children under 16 are bulk billed. Appointment times are in 15-minute slots, however longer appointments can be requested. The practice also provides a room for visiting allied health practitioners (physio, osteo, podiatrist, dietician, psychologist, OT and audiologist).

REPORT DETAIL

Monthly appointments.



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.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY AND RISK CONSIDERATIONS

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

The Medical Centre offers several economic benefits to the community. It provides local access to healthcare, which can improve overall community health and productivity. It creates jobs, from medical staff to administrative roles. Employees and patients may spend locally, supporting other businesses.

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

The social benefits of having a medical centre in the community include enhanced access to health services which can lead to earlier detection and treatment of diseases, improving overall community health. Local access to medical care is more convenient, especially for elderly, disabled, or those without

transportation. These social benefits contribute to the well-being and quality of life in Boyup Brook.

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
Moderate	Not having a medical centre would result in residents having to travel significant distances for medical care. In emergencies, the lack of a local medical centre could lead to delayed treatment and potentially poorer health outcomes. Without local healthcare services, residents might leave for areas with better access, impacting local businesses and overall economy.

CONSULTATION

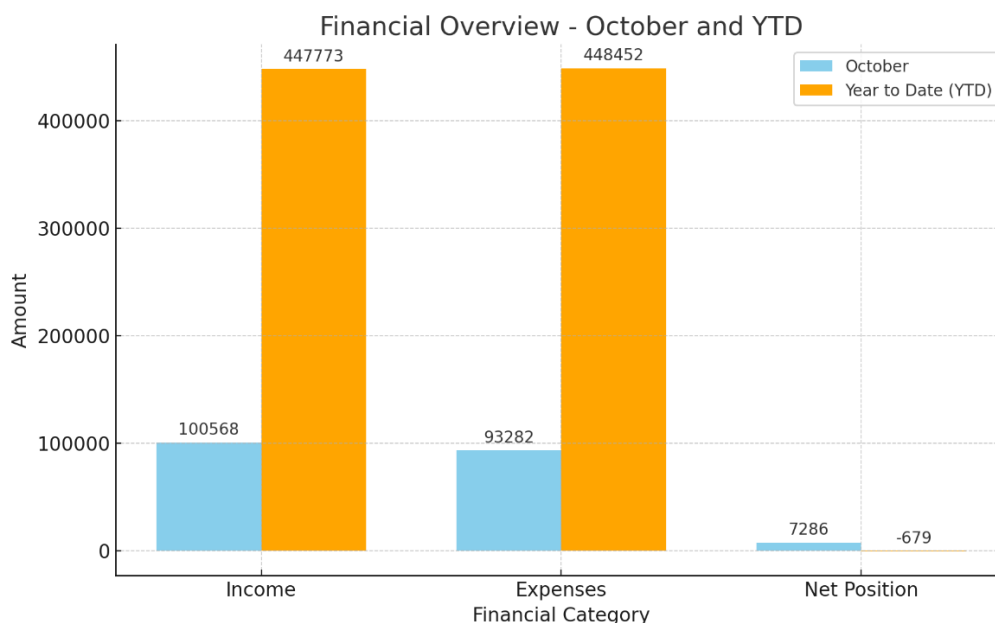
Nil

RESOURCE IMPLICATIONS

Financial

October Financials:

	Oct	YTD
Income	\$100,568	\$447,773
Expenses	\$93,282	\$448,452
Net Position	\$7,286	-\$679



Workforce

The centre employs two (2) Doctors (1 x 3 days/week, 1 x 4 days/week at the practice), 3 part-time receptionists, 1 nurse and a practice manager.

end

12.1.5 RYLINGTON PARK MONTHLY ACTIVITY REPORT FOR THE MONTH OF OCTOBER 2023	
File Ref:	RP/01/002
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Erlanda Deas, Farm Coordinator
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	Nil

Moved:	Seconded:
<u>OFFICER RECOMMENDATION 23/11/...</u>	
That Council:	
<ol style="list-style-type: none"> 1. Receives the monthly activity report for the Rylington Park Farm for the month of October 2023. 	
 For: Against:

SUMMARY

The monthly report is to provide Council with an update on the operations at the Rylington Park Farm.

BACKGROUND

The Rylington Park Institute for Agricultural Training and Research, known as Rylington Park, is a key agricultural asset located 27km from Boyup Brook, in Mayanup.

This 650-hectare property was donated to the Shire of Boyup Brook in 1985 by Mr. Eric Farleigh for agricultural research and training, aimed at the betterment of the Boyup Brook community. Managed by the Shire, the property runs various agricultural programs, including shearing schools and fertiliser and seed trials.

It also offers scholarships to youth in agriculture and has a strategic relationship with Edith Cowan University for research and education, with the intent to share findings with the local farming community. Rylington Park is committed to supporting the agricultural industry and the regional community through its various initiatives.

REPORT DETAIL

Weed Control

- Boomspray, motorbike spray, and weed wipers for controlling thistles.

Infrastructure and Equipment Maintenance

- Secured under gates for newly weaned lambs.
- Installed and cleaned fire breaks around all paddocks.
- Conducted repairs on the tractor (head gasket), water pumps, ablution door latches, ute reverse camera, and chain fastenings in yards.
- Mowing of lawns throughout the farm.

Crop Management

- Developing a cropping plan for the upcoming season after thorough crop inspections.
- Sprayed fungicide on the Barley crop.
- Crops to be harvested:
 - 92ha of Canola
 - 62.5ha of Barley.
- Harvested Crop
 - 20.5ha of Hay yielding 526 rolls.

Livestock Sales

- Sales Transactions:
 - Sold 80 wethers at \$40 each.
 - Sold 300 XB lambs at an average price of \$92.92 each.

Livestock Handling and Management

- Crutching and Health Management: Crutched 29 Merino and 18 White Suffolk rams; drenched and vaccinated. Also crutched 910 Hoggets.
- Treatment and Feeding: Addressed fly problems and managed feeding routines for the sheep.
- Shearing and Wool Management
 - Activities: Assisted in shearing all rams and participated in shearing schools
 - Managed the wool from crutchings, ensuring it was spread out to dry.

Weaning and Drafting

- Merino Lambs: Weaned 1607 Merino lambs; conducted drenching, vaccinating, and jetting.
- XB Lambs: Weighed and drafted 1170 XB lambs with the stock agent. Also crutched XB lambs.
- Hogget Management: Classified 909 hoggets into two groups for keeping or selling. Tagged unshorn cull hoggets and cut horns on 2 wethers.

Livestock Inventory as of October

- White Suffolk: 18
 - XB Lambs: 870
-

- Merino: 4854

SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031

Key Imperatives	Social and Community
Outcome	Promote quality education, health, childcare, aged care and youth services
Objective	Develop and maintain partnerships with schools and police
Key Imperatives	Economic Development
Outcome	Be a business-friendly shire and create conditions for economic growth
Objective	Partner with key stakeholders and support development of industry / business incubation, innovation and entrepreneurship using a planned approach.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY AND RISK CONSIDERATIONS

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

Rylington Park Farm contributes economically to both the Shire and Region by providing education and skill development in agriculture which can enhance the workforce, leading to more efficient and innovative farming practices.

Conducting agricultural research can lead to better farming techniques and increased productivity, positively impacting the local economy. The farm also hosting field days, and the events draw visitors locally and regionally which can stimulate local spending.

Offering scholarships encourages local youth to pursue careers in agriculture, potentially leading to a more skilled labour pool. Shearing schools support the sheep industry, vital for the local economy. These activities can lead to job creation, increased productivity, and the overall growth of Boyup Brook's agricultural sector.

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

Rylington Park Farm can impact the quality of life in the Boyup Brook community by enhancing access to agricultural training and education, boosting local economy through job creation and agricultural advancements.

The farm also brings community members together during events and field days, and through its training encourages young people to consider futures in agriculture, aiding in community retention.

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
Moderate	<p>The Shire's risks regarding Rylington Park Farm include costs of operating the farm and funding programs may not always be covered by revenue or grants. Fluctuations in agricultural markets can affect the farm's economic viability.</p> <p>Extreme weather events could impact farm operations and ensuring all farming practices meet regulatory standards.</p>

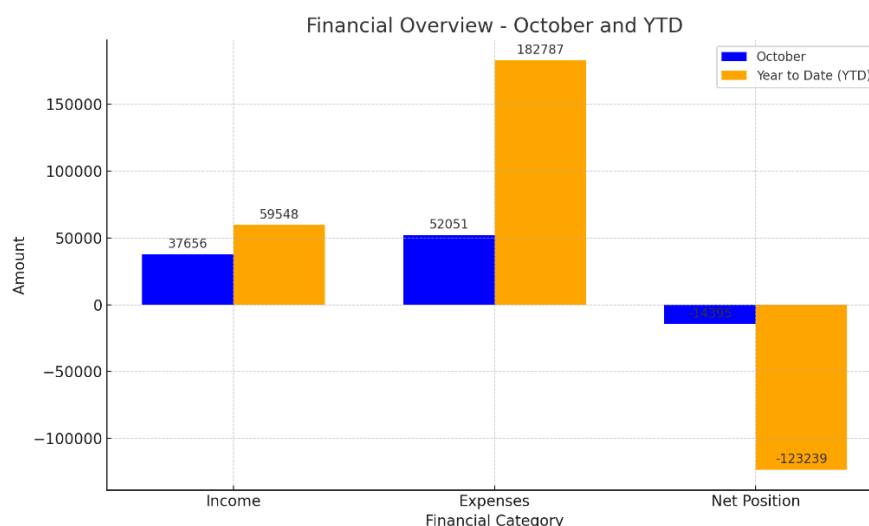
CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

	Oct	YTD
Income	\$37,656	\$59,548
Expenses	\$52,051	\$182,787
Net Position	-\$14,395	-\$123,239



NB: It should be noted that expenses have been incurred to date for crops yet to be harvested and stock sales yet to happen for the year.

Workforce

Nil

end

13. CONFIDENTIAL ITEMS OF BUSINESS

13.1. CLOSURE OF MEETING TO THE PUBLIC

Moved:	Seconded:
<u>OFFICER RECOMMENDATION 23/11/...</u>	
1. Proceed behind closed doors as per Section 5.23(2) of the <i>Local Government Act 1995</i> , to consider item 13.1.1, the time beingpm.	
..... For: Against:	

13.1.1 CONFIDENTIAL ANNUAL AWARDS 2024	
File Ref:	CR/26/004
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Nicola Jones, Community Development Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	13.1.1A Nomination Forms 13.1.1B Certificates

13.1.2 CONFIDENTIAL: RYLINGTON PARK ANNUAL SCHOLARSHIP AWARD 2023	
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:	13.1.2A – E Student submissions

Note: Council Resolution for item 13.1.1 (Council Resolution 23/11/...) and item and 13.1.2 (Council Resolution 23/11/...) remains confidential in accordance with Regulation 14(2) of the *Local Government (Administration) Regulations 1996*. The minutes will not reflect any names.

13.2 PROCEED WITH THE MEETING IN PUBLIC

Moved:	Seconded:
<u>OFFICER RECOMMENDATION 23/11/...</u>	
That Council:	
1. Proceed with the meeting in public, the time beingpm.	
.....	
For:	
Against:	

14. CLOSURE

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

Presiding Member

Date

