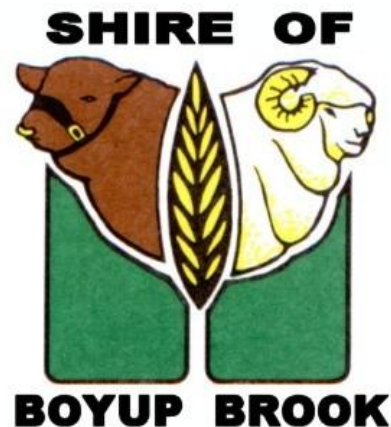


# Minutes



**ORDINARY MEETING**

held

**THURSDAY 13 December 2018**  
**Commencing AT 5.10PM**

**AT**

**SHIRE OF BOYUP BROOK**  
**CHAMBERS**  
**ABEL STREET - BOYUP BROOK**

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**1 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**

**1. Attendance**

Cr G Aird – Shire President  
Cr R Walker - Deputy Shire President  
Cr S Alexander  
Cr P Kaltenrieder  
Cr K Moir  
Cr E Muncey  
Cr H O'Connell  
Cr T Oversby  
Cr E Rear

STAFF: Mr Stephen Carstairs (Acting/CEO)  
Mrs Jo Kaye (Minute Taker)

PUBLIC: Bronwyn Lewis  
Anna Packer  
Neil Derrick  
Graham Calley  
Fiona Murray

**1.1 Apologies**

Nil.

**1.2 Leave of Absence**

Nil.

**2 PUBLIC QUESTION TIME**

2.1 Graham Calley requests permission to make a 30 minute presentation to Council about the use of the Saleyards.

**Response from Shire President**

Approves the request and suggests the presentation could be made to Council at its 7 February 2019 special meeting.

2.2 Neil Derrick expressed his concern regarding speeding truck drivers and loose rocks cracking windscreens near Harvey Dicksons.

**Response from Shire President**

Issues regarding speeding will need to be reported to the Police. It will be put to the Manager of Works to consider installing signage.

**2.1 Response to Previous Public Questions Taken on Notice**

Nil.

**3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS**

Presentation by Bronwyn Lewis in memory of Sandy Lewis including the donation to Council of a painting, plaque and plinth in his honour.

Cr Rear attended Annual Awards Committee meeting 19 November 2018.  
Cr Rear attended Special Council Meeting 21 November 2018.  
Cr Rear attended Community Christmas Celebrations in town 7 December 2018.  
Cr Rear attended Museum meeting 12 December 2018.  
Cr Rear attended the Seniors Christmas Lunch 13 December 2018.  
Cr Walker attended Special Council Meeting 21 November 2018.  
Cr Walker attended Wilga Progress Association Meeting 12 December 2018.  
Cr Walker attended Seniors Christmas Lunch 13 December 2018.  
Cr Kaltenrieder attended Special Council Meeting 21 November 2018  
Cr Kaltenrieder also advised he resigned as the CRC Chairperson, the BBG Shire Representative and from the Pool Committee.  
Cr Alexander attended Special Council Meeting 21 November 2018.  
Cr Oversby attended Special Council Meeting 21 November 2018.  
Cr Oversby attended the Primary School wind up celebrations 12 December 2018.  
Cr Moir attended Special Council Meeting 21 November 2018.  
Cr Muncey attended Special Council Meeting 21 November 2018.  
Cr Muncey attended Community Christmas Celebrations in town 7 December 2018  
Cr O'Connell attended Annual Awards Committee meeting 19 November 2018.  
Cr O'Connell attended Special Council Meeting 21 November 2018.  
Cr O'Connell attended BBTA Committee meeting 26 November 2018.  
Cr O'Connell attended Community earthquake meeting in Frankland 28 November 2018.  
Cr O'Connell attended Rylington Park Committee meeting 5 December 2018.  
Cr O'Connell attended Community Christmas Celebrations in town 7 December 2018  
Cr O'Connell attended BBG / Perup: Nature's Guesthouse Volunteer Christmas Celebration 8 December 2018.  
Cr O'Connell attended CRC Committee meeting 12 December 2018.  
Cr Muncey attended Special Council Meeting 21 November 2018.  
Cr Muncey attended Community Christmas Celebrations in town 7 December 2018

**5 DECLARATIONS OF INTEREST**

Cr Moir and Cr Walker declared a proximity interest to Agenda Item 9.3.4 Development 'Plantation' and Incidental Use - 'Bee-hives', Lots 2944, 2945, 3944, 2 and 11820, Cunningham Road, Wilga.

Cr O'Connell, Cr Alexander and Cr Rear declared an interest in common to Agenda Item 12.3 Finance Policy Regional Price Preference.

Stephen Carstairs declared a financial interest to Agenda Item 13.1 Engagement of Mr. Long and Mr. Carbone to undertake the Shire's Financial Management Review.

**6 CONFIRMATION OF MINUTES**

**6.1 Ordinary Council Meeting - 15 November 2018**

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Oversby**

**SECONDED: Cr Kaltenrieder**

**That the minutes of the Ordinary Council Meeting held on Thursday 15 November 2018 be confirmed as an accurate record.**

**CARRIED 9/0**

**Res 227/18**

**7 PRESIDENTIAL COMMUNICATIONS**

Hosted Sandakan memorial visit with special guest, RSL and Lions representatives 19 November 2018.

Attended Special Council Meeting 21 November 2018.

Attended Visitors Centre Movie Night 25 November 2018

Attended Community earthquake meeting in Frankland 28 November 2018.

Attended District High School Graduation Ball and Awards 6 December 2018.

Attended Community Christmas Celebrations in town 7 December 2018.

Attended Regional Road Group Meeting 10 December 2018.

Attended CoMHAT Committee Meeting 12 December 2018.

**8 COUNCILLORS QUESTIONS ON NOTICE**

Nil.

**9 REPORTS OF OFFICERS**

**9.1 MANAGER WORKS & SERVICES**

Nil.

**MOVED: Cr Walker**

**SECONDED: Cr Rear**

**That the Council adopts enbloc 9.2.1 & 9.2.2.**

**CARRIED 9/0**

**Res 228/18**

**9.2 FINANCE**

<b>9.2.1 List of Accounts Paid in November 2018</b>
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**Location:** *Not applicable*

**Applicant:** *Not Applicable*

**File:** *FM/1/002*

**Disclosure of Officer Interest:** *None*

**Date:** *5 December 2018*

**Author:** *Carolyn Mallett - Acting Accountant and  
Kay Raisin - Acting Finance and HR  
Manager*

**Authorizing Officer:** Stephen Carstairs (Acting Chief Executive Officer)

**Attachments:** Yes - List of Accounts Paid in November

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### **SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in November 2018 are presented to Council.

### **BACKGROUND**

This report presents accounts/invoices received for the supply of goods and services, salaries and wages, and the like which were paid during the period 01 to 30 November 2018.

### **COMMENT**

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 30 November 2018.

### **CONSULTATION**

Nil

### **STATUTORY OBLIGATIONS**

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.*

#### **POLICY IMPLICATIONS**

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

#### **BUDGET/FINANCIAL IMPLICATIONS**

Account payments accorded with a detailed 2018-19 Annual Budget

#### **STRATEGIC IMPLICATIONS**

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

#### **COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.2.1**

**MOVED: Cr Walker**

**SECONDED: Cr Rear**

That at its December 2018 ordinary meeting Council receive as presented the list of accounts paid in November 2018, totalling \$520,486.34 from Municipal account, \$2,269.24 from Trust account, \$47,156.35 from Police Licensing account and \$6.79 from Boyup Brook Early Learning Centre (BBELC) account, as represented by:

Municipal Cheques	20235-20243	\$ 14,697.77
Municipal Electronic Payments	EFT7324 – EFT7442	\$208,159.38
Municipal Direct Payments		\$ 297,629.19
Trust Cheques	2149 - 2156	\$ 2,269.24
Police Licensing Payments		\$ 47,156.35

BBELC Payments	\$	6.79
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CARRIED 9/0

Res 228/18

#### 9.2.2 30 November 2018 Statement of Financial Activity

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not Applicable</i>
<b>File:</b>	<i>FM/10/003</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>6 December 2018</i>
<b>Author:</b>	<i>Kay Raisin - Acting Finance and HR Manager and Stephen Carstairs - Acting Chief Executive Officer</i>
<b>Authorizing Officer:</b>	<i>Stephen Carstairs (Acting Chief Executive Officer)</i>
<b>Attachments:</b>	<i>Yes - 30 November 2018 Financial Reports</i>

#### SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 30 November 2018.

#### BACKGROUND

Section 6.4 of the Local Government Act 1995 places financial reporting obligations on local government operations.

Regulation 34.(1)–(4) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepare a *Statement of Financial Activity*.

The regulations also prescribe the content of the reports, and that details of items of Material Variances shall also listed.

#### COMMENT

It is a statutory requirement that the statement of financial activity be prepared each month (Regulation 34.(1A)), and that it be presented at an ordinary meeting of the Council within 2 months after the end of the month to which the statement relates (Regulation 34.(4)(a)).

#### CONSULTATION



Nil

**STATUTORY OBLIGATIONS**

Local Government (Financial Management) Regulations 1996, Regulation 34.(1A)

Local Government (Financial Management) Regulations 1996, Regulation 34.(4)(a)

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

As presented in the attached reports.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.2.2**

**MOVED:** Cr Walker

**SECONDED:** Cr Rear

That having had regard for any material variances, Council receive the 30 November 2018 Statement of Financial Activity and Statement of Net Current Assets, as presented.

**CARRIED** 9/0

**Res 228/18**

**9.3 CHIEF EXECUTIVE OFFICER**

<b>9.3.1 Lower South West Sporting and Recreation Facilities Plan</b>
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<b>Location:</b>	<i>Shire of Boyup Brook</i>
<b>Applicant:</b>	<i>Not Applicable</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>none</i>
<b>Date:</b>	<i>13 December 2018</i>
<b>Author:</b>	<i>Joanna Kaye (Research &amp; Development Coordinator)</i>
<b>Authorizing Officer:</b>	<i>Stephen Carstairs (Acting Chief Executive Officer)</i>
<b>Attachments:</b>	<i>Boyup Brook Sporting Precinct Concept Representation, and LSW Sporting and</i>

*Recreation Facilities Plan (tabled on the night)*

---

**SUMMARY**

The purpose of this report is for Council to receive the Lower South West (LSW) Sporting and Recreation Facilities Plan.

**BACKGROUND**

In late 2016 the (then) Department of Sport and Recreation led reference group was established to look at the development of a Lower South West Sports Facilities Plan. Daly Winter (then Community and Regulatory Services Manager) was the Boyup Brook representative on this reference group. The Reference Group was comprised of delegates from the Manjimup, Nannup, Bridgetown/Greenbushes and Boyup Brook Shires. In early 2017 Alan Lamb (CEO) and Daly Winter met with a consultant Dave Lanfear who visited each Shire and looked at the sporting facilities within each of the Local Governments.

Draft LSW Plan Milestones to date:

- 2 August 2018 - A draft plan was provided to LGAs for review.
- 13 August 2018 - The Reference group met again to discuss the draft plan. Both Daly Winter and Joanna Kaye (Research and Development Coordinator) attended this meeting.
- 22 August 2018 - Feedback from the meeting was considered and final comments were sent to the consultant with input from the CEO.
- 20 September 2018 - three architectural concept representations of a possible precinct layouts were provided to the LGAs.
- 25 September 2018 - Steele Alexander (then Technical Officer) met with Alan Lamb, Daly Winter and Joanna Kaye to discuss possible layouts and technical drawings.
- 22 October 2018 - Draft Plan was sent to the Boyup Brook Sports and Recreational Association (BBSRA) for feedback and review before meeting.
- 31 October 2018 - BBSRA hosted a meeting with Shire representatives (further information below).

At the ordinary meeting of Council held on 15 November the CEO included the following in the briefing session:

The CEO attended a meeting of the Boyup Brook Sports and Recreational Association in order to seek its assistance with the development of a master plan for the sporting precinct. DSR funding is available for such plans and we have been encouraged, by DRS officers over a number of years, to develop such a plan. A report will be going to Council to seek its support for an application in the funding round which closes early in 2019. The hope was that the Association could start to liaise with constituent clubs so that it would be on the front foot when the consultant commences the process. This should save time, and money, and better ensure wider ownership of the plan when developed.

The Association was also consulted about long term planning for buildings and other improvements at the precinct. We are working on asset management plans and the group's input will be invaluable.

---

The Boyup Brook Sport and Recreational Association (BBSRA) hosted a meeting October 31 at 6pm and invited the Shire CEO and Research and Development Coordinator (the BBSRA also invited the Shire President who was unable to attend). At this meeting the group was asked to review the Lower South West Sporting and Recreation Facilities Draft Plan and the draft Precinct Plan created by a consultant hired by the Department of Local Government, Sport and Cultural Industries (formerly Department of Sport and Recreation).

Excerpt from BBSRA meeting Minutes including feedback on the Plan:

### **3. VISITOR PRESENTATION**

The Department of Local Government, Sport and Cultural Industries are currently working with a consultant (David Lanfear) to develop the Lower South West Sporting and Recreation Facilities Plan across the Shires of Boyup Brook, Bridgetown, Manjimup and Nannup. This plan is currently in draft. Alan LAMB and Joanna KAYE attended the meeting to brief the Association on the regional plan, its importance and then to review the draft plan.

Floor opened to visitors Alan LAMB (Shire Boyup Brook CEO) and Joanna KAYE (Shire Boyup Brook Development and Research Coordinator).

Discussions held regarding:

#### **3.1 Review of the Sporting Precinct**

Draft plan and Master plan of a proposed Sporting Precinct tabled and given to all members present for consideration. Feedback from BBSRA on draft facility plan requested.

#### **3.2 Review of the Lower South West Sporting and Recreation Facilities Plan**

Discussions held regarding the draft strategy. Feedback requested from the BBSRA on the plan.

#### **3.3 Forward planning**

Discussions held regarding how to move forward in regard to obtaining grants, budgeting, projects etc. Further discussions held regarding future town sustainability.

## **8.2 Lower South West Sporting Facility Draft Plan**

Discussions and comments open to the floor. Committee members given opportunity for comment.

The BBSRA appreciate the work that has gone into the structure of a plan that includes all of the sporting and recreational clubs.

It was understood that without all clubs being united that the availability of funds federal, state, or local cannot be obtained.

The primary areas for change is:

1. To remove the outdoor basketball/netball courts, perhaps leave a half court there and a skatepark. Committee collaborated if the new rec centre building would have indoor basketball courts there would be no need to outdoor nor would anyone would want to play on it during rain etc.
2. Include a skate part as per other draft plan
3. Tennis supports the plan however would be reluctant to move on to synthetic courts.
4. Lawn Bowls is happy with the draft location for the bowls location.
5. Pistol club fallout area could be managed alternatively with baffles etc if no sufficient back drop is available.

The BBSRA supports the multipurpose facility with all sporting groups within the same area and understand that this is the only way forward to receive grants for facilities.

---

### **COMMENT**

Based on the feedback from the BBSRA the shire's final feedback to the consultant for the Plan was:

- To include provision for a skate park
- To include provision for golf
- Include the opportunity for multi-use courts
- For the document to be adjusted to reflect the draft layout of the Plan provided.

The proposed change to remove the outdoor basketball courts as per the BBSRA was not included as it is easier to remove something from the concept plan rather than include it. At the meeting there was also general discussion about the multipurpose facility and as per the Minutes above the BBSRA supports this and understand that this is the only way forward to receive grants for facilities.

At the meeting it was stressed that the LSW Regional Plan focuses on the philosophy of co-locating facilities and identifies priorities for the purpose of future funding opportunities. The Plan also included a representation of the concept of a combined sport and recreation precinct (see attachment: *Boyup Brook Sporting Precinct Concept Representation - LSW Sporting and Recreation Facilities Plan*). It was emphasised that the Lower South West Plan is not a final layout. The Plan simply shows the option of a combined facility precinct for the purpose of the Plan and for applying for future funding.

**CONSULTATION**

Boyup Brook Sporting and Recreation Association

External leisure consultant

DLGSCI representatives

Internal consultation with Alan Lamb (CEO), Daly Winter (Community Emergency and Regulation Manager), Steele Alexander (Manager of Works and Services).

**STATUTORY OBLIGATIONS**

Nil.

**POLICY IMPLICATIONS**

Nil.

**BUDGET/FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Relevant excerpt from the Adopted Boyup Brook Strategic Community Plan 2017 - 2027

**Social: Sense of Community**

**Our Vision:**

Our place will be a safe, caring and secure community. Our place will be an active and vibrant community.

We will have access to services and facilities that meet our requirements.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Sustainable community	Ensure a safe, secure community with access to services and facilities as needed.	<ul style="list-style-type: none"><li>➤ Continue to work on retaining a Police Station in Boyup Brook.</li><li>➤ Continue to encourage initiatives that provide employment opportunities.</li><li>➤ Continue to provide and advocate for quality medical and ancillary services in Boyup Brook</li><li>➤ Continue to advocate for the retention of schools from K to year 10 in Boyup Brook.</li><li>➤ Continue to support development which provides diversity and opportunity for accommodation.</li></ul>
	Promote community participation, interactions and connections	<ul style="list-style-type: none"><li>➤ Continue to support Community groups and clubs</li><li>➤ Partner with key stakeholders on community needs driven projects.</li></ul>

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
Nil.
- **Economic**  
Nil.
- **Social**  
Nil.

**VOTING REQUIREMENTS**

Simple majority.

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.1**

**MOVED:** Cr Kaltenrieder

**SECONDED:** Cr O'Connell

1. That Council receive the Boyup Brook Sporting Precinct Concept Representation and Lower South West Sporting and Recreation Facilities Plan.

2. That Council instruct the CEO to: continue to liaise with the Boyup Brook Sports and Recreation Association (a key stakeholder) in the Sporting Precinct planning process; and at its March Briefing, brief Council on progress made.

**CARRIED 9/0**

**Res 229/18**

<b>9.3.2 CRSFF Funding Application Approval</b>
---

<b>Location:</b>	<i>Shire of Boyup Brook</i>
<b>Applicant:</b>	<i>Not Applicable</i>
<b>File:</b>	<i>FM/25/011</i>
<b>Disclosure of Officer Interest:</b>	<i>none</i>
<b>Date:</b>	<i>13 December 2018</i>
<b>Author:</b>	<i>Joanna Kaye (Research &amp; Development Coordinator)</i> <i>Stephen Carstairs (Acting Chief Executive Officer).</i>
<b>Authorizing Officer:</b>	<i>Stephen Carstairs (Acting Chief Executive Officer)</i>
<b>Attachments:</b>	<i>Nil</i>

---

**SUMMARY**

The purpose of this report is for Council to endorse the submitting of an application for the small grants Community Sporting and Recreation Facilities Fund (CSRFF) for a Master Plan for the Sporting and Recreation Precinct.

**BACKGROUND**

At the ordinary meeting of Council held on 15 November the CEO included the following in the briefing session:

The CEO attended a meeting of the Boyup Brook Sports and Recreational Association in order to seek its assistance with the development of a master plan for the sporting precinct. DSR funding is available for such plans and we have been encouraged, by DRS officers over a number of years, to develop such a plan. A report will be going to Council to seek its support for an application in the funding round which closes early in 2019. The hope was that the Association could start to liaise with constituent clubs so that it would be on the front foot when the consultant commences the process. This should save time, and money, and better ensure wider ownership of the plan when developed.

The Association was also consulted about long term planning for buildings and other improvements at the precinct. We are working on asset management plans and the group's input will be invaluable.

Also at the ordinary meeting of Council held on 15 November Council resolved:

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**That Council note concerns, expressed at the Special Electors Meeting, regarding the oval's playing surface, looks to improved maintenance and work with the Boyup Brook Sports and Recreational Association Inc on collective priorities, future improvements and funding opportunities.**

**CARRIED BY ENBLOC 9/0**

**Res 216/18**

Thus confirming that the BBSRA is a keystakeholder in all future discussions regarding the sporting precinct.

At its November briefing session Council requested that further information regarding the funding opportunities for the Sporting Precinct Master Plan be provided at the December meeting.

The need to develop a Master Plan for the Boyup Brook Sporting Precinct has been established with community and stakeholder input through:

- consultation with the Boyup Brook Sport and Recreation Association.
- consultation with DLGSCI. In April 2018 The Regional Manager and Officer of DLGSCI met with The Shire President, CEO and Community Sporting Groups to discuss funding opportunities and emphasised that there would no longer be funding for stand alone facilities. As per the CSRFF Guidelines "CSRFF can fund new or upgraded facilities which will maintain or increase physical activity, or result in a more rational use of facilities. Priority will be given to projects that lead to facility sharing and rationalisation. Multi-purpose facilities reduce infrastructure required to meet similar needs and increase sustainability".
- Lower South West Sporting and Recreation Facilities Plan. A key priority in the Plan (currently in draft) is the co-location of the sporting facilities through a considered master planning process:

Local Government	Key Facility Investment Commitments	Relative Regional Priority
Shire of Boyup Brook:	- The rationalization of the townships sporting precinct to enhance viability and secure long-term investment. This needs to be undertaken through a considered master planning process.	H

**COMMENT**



The Department of Local Government, Sport and Cultural Industries (formerly Department of Sport and Recreation) offer CSRFF small grants twice a year for:

## Grant categories

### CSRFF small grants

Small grants will be awarded to projects involving a basic level of planning. The total project cost for small grants must not exceed \$200,000. Grants given in this category must be claimed by 15 June in the relevant financial year. Please see page 11 for an overview of the small grants application process.

Examples of small grant projects:

- Cricket pitch and practice wickets.
- Storage upgrades.
- Changerooms refurbishments.
- Safety fences for sport and recreation facilities, i.e. ballistic sports
- Small floodlighting projects.
- Court surface conversion.
- Large scale dams, water collection systems and pipelines for distribution (maximum grant offered is \$60,000).
- Various planning studies to a maximum grant amount of \$25,000.

Value of total project	\$7,500–\$200,000 exclusive of GST.
Value of grant	Minimum Grant of \$2,500. Maximum Grant of \$66,666 Note the maximum grant may increase to 50% funding if a development bonus is approved.
Management	Generally, Small Grant projects will not require a facility manager to be assigned to the project.
Planning process	The skills required to plan a project supported by a Small Grant will be simple and generally readily accessible to the local community.
Impact on the community	Projects are generally local in scale.
Grant funds	Grant funds for Small Grant projects must be claimed by 15 June in the relevant financial year. Under the CSRFF Small Grants program applicants can receive an upfront payment of their grant. Payment will be made to an applicant upon the signing of a works contract (copy of signed contract to be provided to the department) or where no formal works contract exists, payment will be determined on a case by case basis in consultation with the applicant. Upon completion of a project the applicant will be required to acquit the grant by providing CSRFF claim forms and sufficient evidence of expenditure. If the project is delivered under budget, then grant monies not expended will need to be returned to the department.

The next funding round will be in February.

The grant funding application will be for 1/3 of the Master Plan cost. It is recommended that Council approve the grant application for \$15,000. It is important to note that Council must agree that they will absorb any additional costs associated with the Master Plan, as this is a CSRFF requirement. Once the funding is approved a specific brief will be provided and quotes will be sourced as per the Purchasing Policy.

It is important to note that the Master Plan will provide a high-level overview and is the starting point of the project. The Master Plan will then need to be developed further prior to consideration by the market for construction.

### CONSULTATION

Boyup Brook Sporting and Recreation Association

External leisure consultants

DLGSCI representatives

**STATUTORY OBLIGATIONS**

Nil.

**POLICY IMPLICATIONS**

The Purchasing Policy has been considered.

**BUDGET/FINANCIAL IMPLICATIONS**

It is anticipated that the grant funding would be available in the next Financial year and so provision of \$30,000 will need to be made in the 2019/20 budget to support this Master Plan.

**STRATEGIC IMPLICATIONS**

Relevant excerpt from the Adopted Boyup Brook Strategic Community Plan 2017 - 2027.

**Social: Sense of Community**

**Our Vision:**

Our place will be a safe, caring and secure community. Our place will be an active and vibrant community.

We will have access to services and facilities that meet our requirements.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Sustainable community	Ensure a safe, secure community with access to services and facilities as needed.	<ul style="list-style-type: none"><li>✦ Continue to work on retaining a Police Station in Boyup Brook.</li><li>✦ Continue to encourage initiatives that provide employment opportunities.</li><li>✦ Continue to provide and advocate for quality medical and ancillary services in Boyup Brook</li><li>✦ Continue to advocate for the retention of schools from K to year 10 in Boyup Brook.</li><li>✦ Continue to support development which provides diversity and opportunity for accommodation.</li></ul>
	Promote community participation, interactions and connections	<ul style="list-style-type: none"><li>✦ Continue to support Community groups and clubs</li><li>✦ Partner with key stakeholders on community needs driven projects.</li></ul>

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
Nil.
- **Economic**  
Nil.
- **Social**  
Nil.

**VOTING REQUIREMENTS**

Simple majority.

**MOVED INTO COMMITTEE**

**MOVED: Cr Walker**

**SECONDED: Cr Moir**

**That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1. to allow members free discussion of the matter.**

**CARRIED 9/0**

**Res 230/18**

**MOVED OUT OF COMMITTEE**

**MOVED: Cr Walker**

**SECONDED: Cr Moir**

**That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.**

**CARRIED 9/0**

**Res 231/18**

**OFFICER RECOMMENDATION – ITEM 9.3.2**

1. That Council support the Community Sporting and Recreation Facilities Fund (CSRFF) small grant application of \$15,000 and agree to absorb any additional costs associated with the Master Plan.
2. That Council approve the development of a Master Plan for the Boyup Brook Sporting and Recreation Precinct and, as required, provide provision for up to \$30,000 in the 2019/20 budget for this.

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.2**

**SUBSTANTIATIVE MOTION**

**MOVED: Cr Walker**

**SECONDED: Cr Muncey**

1. That Council support the Community Sporting and Recreation Facilities Fund (CSRFF) small grant application of \$15,000 subject to the Boyup Brook Sporting Recreation Association Inc also committing to contribute \$15,000 towards the Master Plan in writing by 31st January 2019.

2. That subject to a Community Sporting and Recreation Facilities Fund (CSRFF) small grant application of \$15,000 being successful, Council approve the development of a Master Plan for the Boyup Brook Sporting and Recreation Precinct and, as required, provide provision for \$15,000 in the 2019/20 budget for this and agree to absorb any additional costs associated with the Master Plan.

**CARRIED 9/0**

**Res 232/18**

<p><b>9.3.3 Resolution to Support Scheme Amendment No: 20 to Local Planning Scheme No: 2 - Shire of Boyup Brook</b></p>
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<b>Location:</b>	<i>Shire of Boyup Brook</i>
<b>Applicant:</b>	<i>Shire of Boyup Brook</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>none</i>
<b>Date:</b>	<i>13 December 2018</i>
<b>Author:</b>	<i>A. Nicoll. Town &amp; Regional Planner</i>
<b>Authorizing Officer:</b>	<i>Stephen Carstairs (Acting Chief Executive Officer)</i>
<b>Attachments:</b>	<i>1. Scheme Amendment No: 20 Report Document. 2. Schedule of Submissions. 3. Submissions</i>

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**SUMMARY**

In 2015, the State of Western Australia's planning regulations were amended to introduce uniform regulations and procedures pertaining to Local Planning Schemes. The new planning regulations are now referred to as the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).

The Shire's *Local Planning Scheme No.2*, in its current form, is inconsistent with the new Regulations.

In April 2018, Council agreed to prepare the Scheme Amendment No.20, in-order to bring about consistency between the Shire's *Local Planning Scheme No.2* and the new Regulations and to improve the form and content of its local planning scheme, in line with 'Model' text contained in the new Regulations.

In July 2018, Council agreed to advertise the Amendment No.20. At the close of advertising, four submissions were received from government agencies. The submissions are attached to this report item. Comments received have been

detailed in a 'Schedule of Submissions' which is also available as an attached to this report item.

The Council is now recommended to agree to finally support the Amendment No.20 subject to some additional changes culminating from submissions received and a comparative analysis undertaken with other Schemes, which have recently been amended to conform with the new Regulations.

The Scheme Amendment No.20 report document is provided as an attachment to this report item, for Council deliberation. Refer to the table of 'Corrections' listed in the Amendment No.20 report document. Refer also to the proposed additional changes listed in the 'Comment' section of this report item.

### **BACKGROUND**

The State Governments' planning reform agenda is to ensure Local Governments rationalise their scheme text to:

The State Governments' planning reform agenda is to ensure Local Governments rationalise their scheme text to:

- a) Remove any duplication with the new Regulations;
- b) Align with 'model' scheme text contained in the new Regulations; and
- c) Include additional provisions (to the new Regulations) within a 'Schedule A'.

In relation to points a) and b) above, the Amendment No.20 seeks to remove duplication with the Regulations and to introduce 'model' scheme text.

In relation to point c) above, the Amendment No.20 includes additional provisions to coincide with the Regulations. The additional provisions are proposed to be included in the Shire's Scheme, as a 'Schedule A', as follows:

Schedule A – Supplementary Provisions
<p>These provisions are to be read in conjunction with the deemed provisions contained in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>1. Development approval of the Local Government is not required in accordance with cl.61 of the Deemed provisions, with the exception of the following:</p> <ul style="list-style-type: none"><li>(a) The signage and advertisements contained in Schedule 4 of this Scheme, except in respect of a place included on the Heritage List or which in the opinion of Council will affect such a place.</li><li>(b) Development of a Re-sited/Transportable Dwelling.<ul style="list-style-type: none"><li>i) A relocated dwelling may not be transported to and placed on a lot within the district and thereafter occupied as a residential dwelling</li></ul></li></ul>

(whether in whole or in part) except with the approval of Council and in accordance with any conditions contained in such an approval.

ii) In considering whether or not to grant approval for a relocated dwelling the Council shall have special regard to:

- the appearance and external materials of the dwelling, and any proposed alterations thereto;
- the amenity of the locality;
- the visual prominence of the site;
- all applicable statutes, local laws and regulations relating to dwelling houses applicable to both the relocated dwelling and the lot upon which it is to be located following transportation.

iii) In granting an approval for a relocated dwelling the Council may impose conditions including conditions which:

- Require the applicant or owner to obtain a building license in accordance with Section 9 of the Building Act 2011; and/or
- require the applicant or owner to provide a bond or bank guarantee to Council as surety for the completion of the relocated dwelling to a standard of presentation acceptable to Council within a specified time frame. Should Council require the provision of a bond, such monies so received shall be deposited in an Interest Bearing Trusts Account and upon the satisfactory completion of the necessary works, such monies owing shall be refunded.

(c) The dwelling is in a Special Control Area.

(d) The dwelling is in the Special Rural or Rural Small Holdings zone.

(e) The development is located within a flood prone area.

(f) The development is less than the prescribed setbacks from a watercourse.

2. Development approval of the Local Government is not required in accordance with cl.61 of the Deemed provisions and including the following:

- (a) Any rural works/activity for example but not limited to ploughing, fencing, seeding, spraying, constructing a dam and harvesting undertaken as part of permitted agricultural/rural use.

The provisions in the 'Schedule A', seek to ensure certain developments obtain development approval and that minor developments be exempt from needing approval.

## **COMMENT**

The Regulations state:

*A person must not commence or carry out any works on, or use, land in the Scheme area unless:*

- a) the person has obtained the development approval of the local government under Part 8; or*
- b) the development is of a type referred to in clause 61.*

As referred to in b) above, clause 61 of the Regulations, exempt the need for development approval of certain works and uses including:

- Internal building work;
- Single houses that comply with the Commissions R-Codes;
- Incidental developments such as ancillary dwelling, outbuilding, boundary wall etc that comply with the Commissions R-Codes;
- Demolition of a development;
- Temporary works;
- Signs specified in a local planning policy;
- Home office.

The Regulations brought in exemptions, to allow development to progress, devoid of being held up by 'red-tape'.

At the Council meeting of July 2018, Council agreed to advertise the Amendment No.20, which includes some additional exemptions to those specified in the Regulations.

During the advertising process, Shire staff established that errors existed with the proposed exemptions and that additional exemptions should be included.

### **Error**

An error exists with the proposed 'Schedule A' provision 1a). The proposed provision 1a) suggests that signage listed in the Scheme needs development approval. This is contrary to the current Scheme standard, which exempts specified signs. This means that we need to move the proposed provision 1a) and place under the proposed provision 2 as 2b).

The provision 2 and 2b) will then read as follows:

- 2 Development approval of the Local Government is not required in accordance with cl.61 of the Deemed provisions and including the following:
  - (a) Any rural works/activity for example but not limited to ploughing, fencing, seeding, spraying, constructing a dam and harvesting undertaken as part of permitted agricultural/rural use.
  - (b) The signage and advertisements contained in Schedule 4 of this

Scheme, except in respect of a place included on the Heritage List or which in the opinion of Council will affect such a place.

#### Additional Exemptions

Having compared the exemptions in the 'Schedule A' with other schemes, which have recently been amended to conform to the Regulations, a shortfall in the Shire's proposed exemptions exists. It is proposed that we add provisions to exempt elementary developments from needing planning approval. This includes developments in the 'Special Rural' and 'Rural Small Holdings' zones.

It is proposed that the Council consider the following modifications to the 'Schedule A', located in the advertised Amendment No.20 document. See deleted sections as ~~scribed~~ and additions outlined in red.

#### **Schedule A – Supplementary Provisions**

1. Development approval of the Local Government is not required in accordance with cl.61 of the Deemed provisions, with the exception of the following:

- ~~(a) The signage and advertisements contained in Schedule 4 of this Scheme, except in respect of a place included on the Heritage List or which in the opinion of Council will affect such a place.~~
- (b) Development of a Re-sited/Transportable Dwelling.
  - i) A relocated dwelling may not be transported to and placed on a lot within the district and thereafter occupied as a residential dwelling (whether in whole or in part) except with the approval of Council and in accordance with any conditions contained in such an approval.
  - ii) In considering whether or not to grant approval for a relocated dwelling the Council shall have special regard to:
    - the appearance and external materials of the dwelling, and any proposed alterations thereto;
    - the amenity of the locality;
    - the visual prominence of the site;
    - all applicable statutes, local laws and regulations relating to dwelling houses applicable to both the relocated dwelling and the lot upon which it is to be located following transportation.
  - iii) In granting an approval for a relocated dwelling the Council may impose conditions including conditions which:
    - Require the applicant or owner to obtain a building license in accordance with Section 9 of the Building Act 2011; and/or
    - require the applicant or owner to provide a bond or bank guarantee to Council as surety for the completion of the



relocated dwelling to a standard of presentation acceptable to Council within a specified time frame. Should Council require the provision of a bond, such monies so received shall be deposited in an Interest Bearing Trusts Account and upon the satisfactory completion of the necessary works, such monies owing shall be refunded.

(c) The dwelling is in a Special Control Area.

~~(d) The dwelling is in the Special Rural or Rural Small Holdings zone.~~

(e) The development is located within a flood prone area.

(f) The development is less than the prescribed setbacks from a watercourse.

2. Development approval of the Local Government is not required in accordance with cl.61 of the Deemed provisions and including the following:

(a) Any rural works/activity for example but not limited to ploughing, fencing, seeding, spraying, constructing a dam and harvesting undertaken as part of permitted agricultural/rural use.

(b) The signage and advertisements contained in Schedule 4 of this Scheme, except in respect of a place included on the Heritage List or which in the opinion of Council will affect such a place.

(c) The erection or extension of a single house on a lot if a single house is a permitted ('P') use in the zone where the R-Codes do not apply except where the proposal:

- i. requires the exercise of a discretion by the local government under the scheme to vary a standard of a specific zone;
- ii. is within 100m of a watercourse;
- iii. has a BAL rating of 40 or FZ;
- iv. is on a lot or location which does not have access to a dedicated and/or constructed road.

(d) The erection or extension of an outbuilding, in a zone where the R-Codes do not apply except where the proposal:

- i. requires the exercise of a discretion by the local government under the scheme to vary a standard of a specific zone;
- ii. is within 100m of a watercourse;
- iii. has a BAL rating of 40 or FZ;
- iv. is on a lot or location which does not have access to a dedicated and/or constructed road.
- v. is inconsistent with an adopted Local Planning Policy.

(e) The construction, replacement, maintenance or repair by a Government agency or statutory undertaking, of any equipment necessary to provide and maintain a public service.

(f) The development on land within any zone or reserve by the local government or Government agency for the purposes of roads, stormwater drainage, recreation areas, landscaping, gardening, bushfire hazard reduction, parking, amenities building or river bank stabilisation. This includes the extraction of material by the local government for the purpose of public road construction.

(g) Incidental structures which include:

- i. a dog house, domestic animal enclosure, bird enclosure or a cubby house which does not exceed 3.0 metres in height above natural ground level and does not have any part of its structure

- located within 1.0 metre of the boundary with an adjacent lot;
  - ii. a tree house which as a structure that does not exceed 3.0 metres in height, does not have a floor area greater than 4.0m<sup>2</sup> and is constructed in a tree on a lot used for residential purposes;
  - iii. a flag pole which does not exceed 6.0 metres in height above natural ground level;
  - iv. any pole, tower or device used solely for the purpose of providing outdoor lighting which is constructed on a lot used for residential purposes and no more than 6.0 metres in height above natural ground level;
  - v. swimming pools;
  - vi. landscaping;
  - vii. letter boxes;
  - viii. clothes lines;
  - ix. unless the building is within a Heritage Area or included within the Heritage List of the Scheme, the installation of solar panels where such structures do not protrude above the surface of the roof by more than 500mm or above the ridge of the roof of any building.
- (h) The erection of a boundary fence except where otherwise required by the Scheme and where the fence is consistent with Local Planning Policies.
- (i) The carrying out of works urgently required for public safety or for the safety or security of plant or equipment used in the provision of essential services.
- (j) The use of land in a reserve, where such land is vested in the local government or vested in a Public Authority:
  - i. for the purpose for which the land is reserved under the Scheme; or
  - ii. in the case of land vested in a public authority, for any purpose for which land may be lawfully used by that authority.
- (k) Except for development to which the Residential Design Codes apply, the minor filling, excavation or re-contouring of land provided there is no more than 0.9 metres change to the natural ground level, it is not within flood risk land or except where otherwise required by the Scheme.
- (l) Except for development to which the Residential Design Codes apply, retaining walls less than 0.9 metres in height unless the site is located in or referred to in a Local Planning Policy which specifically addresses requirements for retaining walls.
- (m) Rainwater tanks.
- (n) Effluent disposal systems where they comply with Scheme requirements and relevant legislation, air conditioning systems and LPG gas tanks for domestic purposes where they comply with relevant legislation.
- (o) Satellite dishes and other domestic telecommunication installation unless it does not comply with any relevant adopted standards outlined in a Local Planning Policy or is located within a Heritage Area.
- (p) Telecommunication infrastructure which is listed as low impact in the Telecommunications Low Impact Facilities Determination 1997

and subsequent amendments to that Determination.

Should the Amendment No 20 be endorsed, the Shire's Scheme will in-effect comprise the following:

- a) A preliminary section (e.g. Scheme objectives);
- b) Provisions and procedures relating to land that is reserved;
- c) Provisions relating to the use of land within various zones;
- d) General development requirements;
- e) Provisions in addition to the Regulations ('Schedule A'); and
- f) The scheme map.

Council is recommended to agree to finally SUPPORT the Amendment No.20, which is proposing to bring the Shire's scheme in-line with the Regulations and other Schemes, which have recently been amended to conform to the Regulations.

### **CONSULTATION**

The Amendment No.20 was advertised for a period of 42 days. An advert was placed in the local newspaper and on the Shire's website. Selected local residents and government agencies were invited to make comment. A copy of the amendment was made available on the Shire's website and Shire offices.

At the close of advertising, four (4) submissions were received. The submissions are attached to this report item. Comments received have been detailed in a 'Schedule of Submissions' which is also available as an attached to this report item. Key comments raised included:

- a) The Amendment No.20 does not reference the Government Sewerage Policy;
- b) The Amendment No.20 should include mechanisms to allow alternative potable water supply;
- c) The Amendment No.20 should include an aim in relation to drainage management.

#### **Government Sewerage Policy**

The Department of Water and Environmental Regulation (DWER) requested that the Shire consider making reference within its Scheme, to the Government Sewerage Policy, via an aim and a provision.

In response to the comment from the DWER on sewerage, it is recommended that Council:

- a) Agree to include the following new aim in the Shire's Scheme under the new clause number and heading as follows:

#### ***1.7 AIMS OF SCHEME***

*The aims of the Scheme are:*

- h) To assist with the long term natural resource management of the Blackwood Basin and to improve ecological, social and economic values.*

- b) Dismiss the recommendation to include the following requirement within the Shire's Scheme:

*"Any development that is required to dispose of liquid domestic effluent shall be provided with an approved on-site effluent disposal system, in accordance with the Government Sewerage Policy".*

It is considered unnecessary to directly reference State Planning Policy(s) (e.g. Government Sewerage Policy) within a Scheme. Schedule 2, Part 9 (cl.67) of the new Regulations covers the need to consider state planning policies.

#### Potable Water

The Department of Water and Environmental Regulation (DWER) requested that the Shire consider including mechanisms within its Scheme, to allow alternative potable water supply within developments.

The Shire is currently serviced by the Water Corporations reticulated water infrastructure.

In response to the comment from the DWER on potable water; the Shire is developing a Local Planning Strategy, which seeks to encourage alternative water supply mechanisms, to the Water Corporations reticulated service (e.g. the development of suitably sized tanks on lots in rural residential areas). Should the Water Corporation and the Department of Planning, Lands and Heritage support this concept in a strategy, the Shire may then include a provision in their scheme to allow water tanks, instead of reticulated water, supplied by the Water Corporation.

#### Aims – Environmental and Drainage Management

The Department of Water and Environmental Regulation (DWER) requested that the Shire consider including an aim within its scheme, in relation to drainage management.

It is recommended that Council agree to include the following new aim in its Scheme under the new clause number and heading as follows:

##### **1.7 AIMS OF SCHEME**

*The aims of the Scheme are:*

- i) To provide for the proper drainage of all development areas including the provision of satisfactory connections to other drainage systems, in accordance with decision processes for stormwater management in Western Australia.*

#### **STATUTORY OBLIGATIONS**

Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to prepare a standard scheme amendment.

Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* identifies in what manner a scheme amendment must be prepared or adopted.

*35. Resolution to prepare or adopt amendment to local planning scheme*

1. *A resolution of a local government to prepare or adopt an amendment to a local planning scheme must be in a form approved by the Commission.*

*Note: Section 75 of the Act provides for a local government to amend a local planning scheme or adopt an amendment to a local planning scheme proposed by all or any of the owners of land in the scheme area.*

2. *A resolution must —*
  - a) *specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and*
  - b) *include an explanation of the reason for the local government forming that opinion.*

**POLICY IMPLICATIONS**

There are no policy implications relating to this item.

**BUDGET/FINANCIAL IMPLICATIONS**

There are no financial implications beyond what has been budgeted for (planning fees) in the 2017/18 budget.

**STRATEGIC IMPLICATIONS**

There are no strategic implications relating to this item.

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
There are no known significant social issues.

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.3**

**MOVED: Cr Moir**

**SECONDED: Cr O'Connell**

That Council

Resolves to finally SUPPORT the Amendment No.20 to the Shire of Boyup Brook *Local Planning Scheme No.2* in accordance with regulations 35(1) and 35(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, as follows:

***Planning and Development Act 2005***

**RESOLUTION TO SUPPORT AMENDMENT TO LOCAL PLANNING SCHEME**

**Local Planning Scheme No.2**

**Amendment No 20**

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

1. Finally SUPPORT Amendment No. 20 to amend Shire of Boyup Brook *Local Planning Scheme No. 2* by:

- a) Undertaking 'Corrections' as listed in the Amendment No.20 Report Document, which is attached to this Council report item; and
- b) Amending the Scheme maps accordingly.

Note: The amendment is a standard amendment in accordance with part (a), (b), (e) and (f) of the standard amendment definition contained in Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

2. Agree to make the following additional changes to new aims in the 'Corrections' as listed in the No.20 Report Document as follows (additions in red):

**1.7 AIMS OF SCHEME**

*The aims of the Scheme are:*

*h) To assist with the long term natural resource management of the Blackwood Basin and to improve ecological, social and economic values.*

*i) To provide for the proper drainage of all development areas including the provision of satisfactory connections to other drainage systems, in accordance with decision processes for stormwater management in Western Australia.*

3. Agree to make the following additional changes to the 'Corrections' as listed in the No.20 Report Document. The following additional changes refer specifically to works and uses which either do or do not require development approval. Deletions are ~~scribed~~ and additions are in red.

### **Schedule A – Supplementary Provisions**

1. Development approval of the Local Government is not required in accordance with cl.61 of the Deemed provisions, with the exception of the following:
  - ~~(a) The signage and advertisements contained in Schedule 4 of this Scheme, except in respect of a place included on the Heritage List or which in the opinion of Council will affect such a place.~~
  - (b) Development of a Re-sited/Transportable Dwelling.
    - i) A relocated dwelling may not be transported to and placed on a lot within the district and thereafter occupied as a residential dwelling (whether in whole or in part) except with the approval of Council and in accordance with any conditions contained in such an approval.
    - ii) In considering whether or not to grant approval for a relocated dwelling the Council shall have special regard to:
      - the appearance and external materials of the dwelling, and any proposed alterations thereto;
      - the amenity of the locality;
      - the visual prominence of the site;
      - all applicable statutes, local laws and regulations relating to dwelling houses applicable to both the relocated dwelling and the lot upon which it is to be located following transportation.
    - iii) In granting an approval for a relocated dwelling the Council may impose conditions including conditions which:
      - Require the applicant or owner to obtain a building license in accordance with Section 9 of the Building Act 2011; and/or
      - require the applicant or owner to provide a bond or bank guarantee to Council as surety for the completion of the relocated dwelling to a standard of presentation acceptable to Council within a specified time frame. Should Council require the provision of a bond, such monies so received shall be deposited in an Interest Bearing Trusts Account and upon the satisfactory completion of the necessary works, such monies owing shall be refunded.
  - (c) The dwelling is in a Special Control Area.
  - ~~(d) The dwelling is in the Special Rural or Rural Small Holdings zone.~~
  - (e) The development is located within a flood prone area.
  - (f) The development is less than the prescribed setbacks from a watercourse.
2. Development approval of the Local Government is not required in accordance with cl.61 of the Deemed provisions and including the following:
  - (a) Any rural works/activity for example but not limited to ploughing, fencing, seeding, spraying, constructing a dam and harvesting undertaken as part of permitted agricultural/rural use.

- (b) The signage and advertisements contained in Schedule 4 of this Scheme, except in respect of a place included on the Heritage List or which in the opinion of Council will affect such a place.
- (c) The erection or extension of a single house on a lot if a single house is a permitted ('P') use in the zone where the R-Codes do not apply except where the proposal:
  - i. requires the exercise of a discretion by the local government under the scheme to vary a standard of a specific zone;
  - ii. is within 100m of a watercourse;
  - iii. has a BAL rating of 40 or FZ;
  - iv. is on a lot or location which does not have access to a dedicated and/or constructed road.
- (d) The erection or extension of an outbuilding, in a zone where the R-Codes do not apply except where the proposal:
  - i. requires the exercise of a discretion by the local government under the scheme to vary a standard of a specific zone;
  - ii. is within 100m of a watercourse;
  - iii. has a BAL rating of 40 or FZ;
  - iv. is on a lot or location which does not have access to a dedicated and/or constructed road.
  - v. is inconsistent with an adopted Local Planning Policy.
- (e) The construction, replacement, maintenance or repair by a Government agency or statutory undertaking, of any equipment necessary to provide and maintain a public service.
- (f) The development on land within any zone or reserve by the local government or Government agency for the purposes of roads, stormwater drainage, recreation areas, landscaping, gardening, bushfire hazard reduction, parking, amenities building or river bank stabilisation. This includes the extraction of material by the local government for the purpose of public road construction.
- (g) Incidental structures which include:
  - i. a dog house, domestic animal enclosure, bird enclosure or a cubby house which does not exceed 3.0 metres in height above natural ground level and does not have any part of its structure located within 1.0 metre of the boundary with an adjacent lot;
  - ii. a tree house which as a structure that does not exceed 3.0 metres in height, does not have a floor area greater than 4.0m<sup>2</sup> and is constructed in a tree on a lot used for residential purposes;
  - iii. a flag pole which does not exceed 6.0 metres in height above natural ground level;
  - iv. any pole, tower or device used solely for the purpose of providing outdoor lighting which is constructed on a lot used for residential purposes and no more than 6.0 metres in height above natural ground level;
  - v. swimming pools;
  - vi. landscaping;
  - vii. letter boxes;
  - viii. clothes lines;
  - ix. unless the building is within a Heritage Area or included within the Heritage List of the Scheme, the installation of solar panels where such structures do not protrude above the surface of the roof by more than 500mm or above the ridge of the roof of any building.
- (h) The erection of a boundary fence except where otherwise required by the Scheme and where the fence is consistent with Local Planning Policies.



- (i) The carrying out of works urgently required for public safety or for the safety or security of plant or equipment used in the provision of essential services.
- (j) The use of land in a reserve, where such land is vested in the local government or vested in a Public Authority:
  - i. for the purpose for which the land is reserved under the Scheme; or
  - ii. in the case of land vested in a public authority, for any purpose for which land may be lawfully used by that authority.
- (k) Except for development to which the Residential Design Codes apply, the minor filling, excavation or re-contouring of land provided there is no more than 0.9 metres change to the natural ground level, it is not within flood risk land or except where otherwise required by the Scheme.
- (l) Except for development to which the Residential Design Codes apply, retaining walls less than 0.9 metres in height unless the site is located in or referred to in a Local Planning Policy which specifically addresses requirements for retaining walls.
- (m) Rainwater tanks.
- (n) Effluent disposal systems where they comply with Scheme requirements and relevant legislation, air conditioning systems and LPG gas tanks for domestic purposes where they comply with relevant legislation.
- (o) Satellite dishes and other domestic telecommunication installation unless it does not comply with any relevant adopted standards outlined in a Local Planning Policy or is located within a Heritage Area.
- (p) Telecommunication infrastructure which is listed as low impact in the Telecommunications Low Impact Facilities Determination 1997 and subsequent amendments to that Determination.

**4. Forward the Amendment No.20 to the Western Australian Planning Commission for final determination.**

**Dated this 13 day of December 2018**

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**Stephen Carstairs**

**Acting Chief Executive Officer**

Cr Moir and Cr Walker declared a proximity interest in the following item and departed the Chambers, time being 6.30pm.

**9.3.4 Development - 'Plantation' and Incidental Use - 'Bee-hives', Lots 2944, 2945, 3944, 2 and 11820, Cunningham Road, Wilga.**

<b>Location:</b>	<i>Lots 2944, 2945, 3944, 2 and 11820, Cunningham Road, Wilga</i>
<b>Applicant:</b>	<i>S. Mclinden</i>
<b>File:</b>	<i>A3200</i>
<b>Disclosure of Officer Interest:</b>	<i>none</i>
<b>Date:</b>	<i>13 December 2018</i>
<b>Author:</b>	<i>A. Nicoll. Town &amp; Regional Planner</i>
<b>Authorizing Officer:</b>	<i>Stephen Carstairs (Acting Chief Executive Officer)</i>
<b>Attachments:</b>	<i>Development Application - Honey for Life</i>

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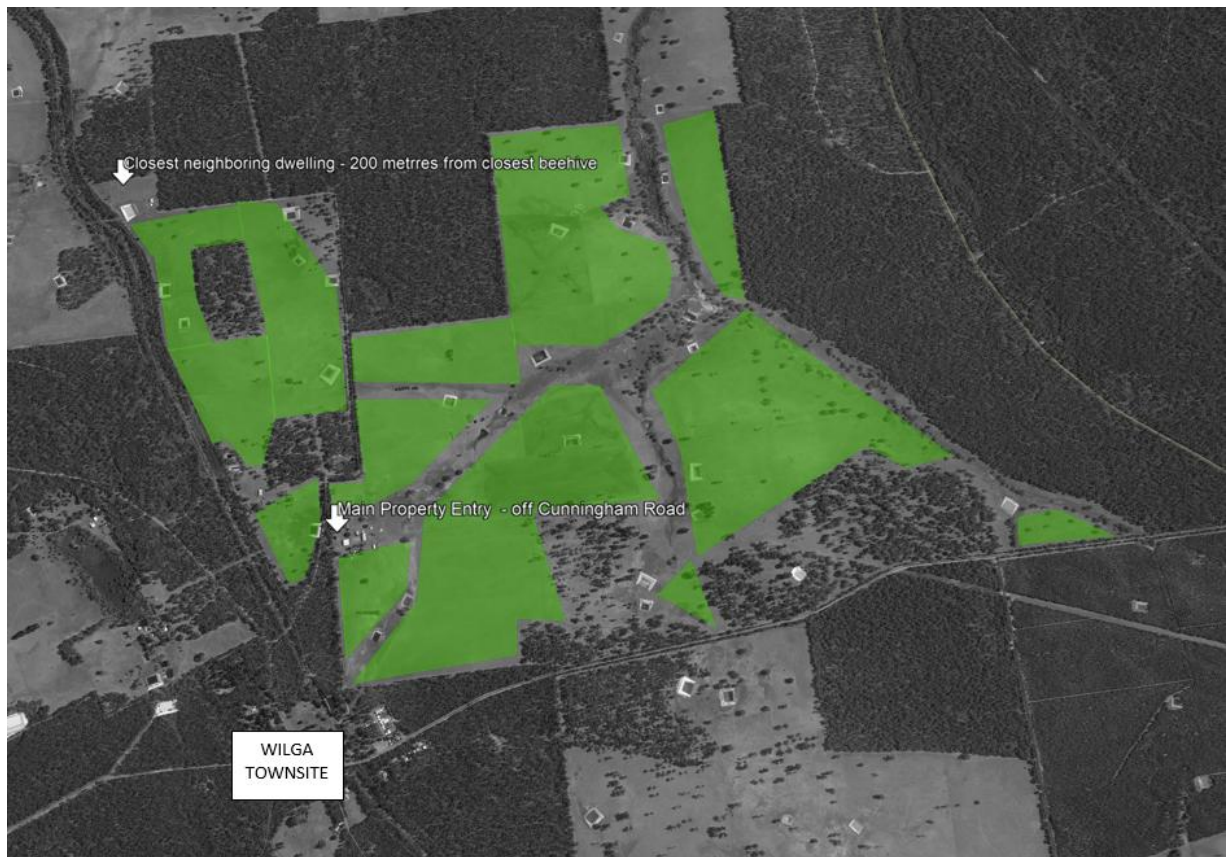
**SUMMARY**

The purpose of this report is to put before Council an application requesting approval to develop a 'Plantation' of Australian native shrubs, at Lots 2944, 2945, 3944, 2 and 11820, Wilga.

The 'Plantation' amounts to a total area of approximately 400 hectares.

The application also involves the use of approximately 400 bee hives, trucked onto site at different times of the year and placed in and around the native shrubs for the purpose of producing honey. The bee hives are trucked offsite for the processing of honey.

The following map illustrates the location of plantings (relative to the Wilga Townsite), the main entry to the subject land and the nearest neighbouring property dwelling (200m).



The Shire's Scheme defines a 'Plantation' as an 'AA' use, meaning Council discretion is required.

It is recommended that the Council agree to approve the proposed development - 'Plantation' and the incidental use of the land involving the positioning of bee-hives for honey production.

### **BACKGROUND**

The subject property known as "Epping" – 8 Cunningham Road, was purchased by Apis Assets Pty Ltd, which is a subsidiary of Honey For Life Pty Ltd.

In 2018, 70ha of shrubs were planted for the purpose of extracting nectar (via bees) during flowering.

Honey For Life Pty Ltd consulted with the Shire in November 2018, on the proposal to plant an additional 330 hectares of shrubs. Because of the scale of operation, Shire staff advised the proponent to submit an application for development approval.

### **COMMENT**

Honey For Life Pty Ltd has submitted an application outlining development and operational details around the planting of 400 hectares of native shrubs and the use of bees in bee-hives to extract nectar from flowering shrubs, to produce honey.

Details of the application are provided as an attachment and include:

- a) A Plantation Establishment Plan;
- b) A Plantation Maintenance Plan;
- c) A Fire Management Plan; and
- d) An Apiary Operations Plan.

#### Plantation Establishment Plan

The currently cleared portions of the subject land will be planted with Australian native *Leptospermum* species - mostly *Leptospermum nitens* and *Leptospermum roei*. *Leptospermum Scoparium* will also be cultivated on some parts of the property. This species is widely cultivated throughout the south west for amenity horticultural purposes. Small scale plantings of *Hakea* species (e.g. the small shrub *Hakea lissocarpa*) and other strategic nectar producing natives (mainly eucalypts) will also occur. All shrubs will be cultivated for their flowers (Floriculture) and managed accordingly. The plants are planted in rows 4 metres apart and at 1.7 metre spacings along the rows. The plants grow to about 4m in height.

During flowering (October-December) of the planted native shrubs, beehives will be positioned amongst the shrubs at a rate of 1 hive per hectare which is similar to the rate used in orchards.

During the flowering (January-March) of Marri trees, which are remnant in the locality, hives will be placed around the boundary at 100 metre intervals.

#### Plantation Maintenance Plan

Following establishment, it is proposed to use sheep to graze between the rows to keep ground fuel loads to a minimum.

Pests and weeds will be controlled as required using licenced pesticides and operators abiding with all specifications as required by the relevant authorities.

#### Fire Management Plan

The landowner proposes to install 2 fire fighting units on standby at all times. These will be located in the machinery sheds and will be accessible at all times.

The landowner proposes to spray firebreaks and access roads in September /October to maintain an appropriate width of bare mineral earth. Where required, grading will also be undertaken to maintain smooth access and provide bare earth.

Shire staff note that the application proposes plantings within 10 metres of property boundaries and yet the 2018-19 Boyup Brook Firebreak Notice requires a 15m wide bare earth firebreak immediately inside all external boundaries to plantations.

It is recommended that a condition is included in an approval notice, requiring the appropriate setback of plantings to boundaries and the development of firebreaks around boundaries, to the satisfaction of the Shire of Boyup Brook. If necessary and appropriately justified, the owner/operator may apply for an exemption to the Shire's firebreak notice.

#### Apiary Operation Plan

Hives will be delivered by truck. Four truck movements will be required to get all hives onto the site for each flowering event. Four truck movements will also be required to move all the hives off the site. Hives will be unloaded/loaded and moved into position by use of forklift.

During the flowering events, staff will attend to the hives. There is likely to be no more than 2 people on site at these times.

Honey extraction will be undertaken at another location.

#### Conclusion

Subject to conditions of approval, the plantation and operations are not expected to impact on neighbouring residents or the amenity of the area.

The closest resident is located 200m from where the nearest bee-hive is expected to be located and the subject property is somewhat screened from view due to its flat gradient and the surrounding Marri trees.

It is recommended that the Council approve the 'Plantation' and the incidental use of Bee-hives, subject to conditions, including ensuring that the owner/operator comply with and endorsed:

- a) Plantation Establishment Plan;
- b) Plantation Maintenance Plan;
- c) Fire Management Plan; and
- d) Apiary Operations Plan.

#### CONSULTATION

N/A

#### STATUTORY OBLIGATIONS

In accordance with the *Code of Practice for Timber Plantations in Western Australia (Second Edition 2014)*, Shire staff believe that the proposed use falls under the definition of a 'Plantation'.

The Code of Practice for Timber Plantations in Western Australia (Second Edition 2014) states:

*Plantation: a stand of trees of ten hectares (or as defined by the Local Government Authority), or larger, that has been established by sowing or planting of either native or exotic tree species selected and managed intensively for their commercial and/or environmental benefits. A plantation includes roads, tracks, and firebreaks.*

The subject land is zoned 'Rural' in accordance with the Shire's Local Planning Scheme No.2. A 'Plantation' is defined in the Shire's Scheme as follows:

*"plantation" has the same meaning as in the Code of Practice for Timber Plantations in Western Australia (2006) published by the Department of Conservation and Land Management and the Australian Forest Growers;*

The Shire's Scheme classifies a 'Plantation' as an 'AA' use, meaning:

*A use which Council, in exercising the discretionary powers available to it, may approve under this Scheme.*

In considering applications for development in the 'Rural' zone, Council shall have regard to the need to:

- a) Protect the agricultural practices of the Rural zone in light of its importance to the District's economy;
- b) Preserve the rural character and rural appearance of the area.

As per the above criteria, the proposed development (plantation) and incidental use (honey production) are considered to be agricultural practices, which provide an economic contribution to Western Australia's Gross Domestic Product and which are not expected to detrimentally impact on the rural character and appearance of the area.

#### **POLICY IMPLICATIONS**

There are no policy implications relating to the proposed 'Plantation' and incidental use (bee-hives).

#### **BUDGET/FINANCIAL IMPLICATIONS**

There are no financial implications relating to the proposed 'Plantation' and incidental use (bee-hives).

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications relating to the proposed 'Plantation' and incidental use (bee-hives).

#### **VOTING REQUIREMENTS**

Simple majority.

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.4**

**MOVED: Cr Muncey**

**SECONDED: Cr Kaltenrider**

**That the report be laid on the table for want of more information as follows:**

- 1. That the proponent prepare an Environmental Impact Statement (Plan) addressing the question of how 400 bee hives would not significantly impact native pollinator (insect, bird & marsupial) species of Jarrah, White Gum, Red Gum and other state forest plant species when in flower.**
- 2. That the proponent prepare an Economic Impact Statement (Plan) addressing the question of how 400 bee hives would not significantly impact the economic viability of static apiaries and apiarists holding state forest licences within a 5 km radius of Lots 2944, 2945, 3944, 2 and 11820, Cunningham Road, Wilga.**
- 3. That the CEO seek support or otherwise comment from the owners of adjoining properties and residents in the Wilga town site.**

**(the substantive motion) That Council**

Grants development approval for a 'Plantation' and the incidental use of 'Bee-hives', at Lots 2944, 2945, 3944, 2 and 11820, Wilga, subject to the following notice

***Planning and Development Act 2005***

**Shire of Boyup Brook**

**NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL**

Location: Lots 2944, 2945, 3944, 2 and 11820, Wilga

Description of proposed development:

**'Plantation' and incidental use – 'Bee-hives'**

The application for development is approved subject to the following conditions.

Conditions:

1. Development is to occur in accordance with the approved (attached):
  - a) Plantation Establishment Plan;
  - b) Plantation Maintenance Plan;
  - c) Fire Management Plan; and
  - d) Apiary Operations Plan.
2. The approved Fire Management Plan shall be maintained on-site in a red PVC tube located at the main entry point to the subject land, to the satisfaction of the Shire of Boyup Brook.

3. Plantings are to be setback from property boundaries and from water courses, to the satisfaction of the Shire of Boyup Brook.

Advice

*The 2018-19 Boyup Brook Firebreak Notice requires a 15m wide bare earth firebreak immediately inside all external boundaries to plantations. Should the owner/operator wish to develop plants closer than 15m to property boundaries, approval will need to be sought to vary from the Shire's firebreak notice.*

*Setbacks to watercourses are to be achieved so as not to cause environmental damage, which may include soil erosion or degradation to riparian vegetation.*

4. The owner/operator shall be responsible for any undue damage to roads and verge areas caused by the development ('Plantation') and use (transporting bee-hives) of the subject land.

Date of determination: 13 December 2018

Note 1: 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.

Signed:

Dated:

\_\_\_\_\_

\_\_\_\_\_

for and on behalf of the Shire of Boyup Brook.

**CARRIED 9/0**

**Res 234/18**



Cr Walker and Cr Moir returned to the Chambers, the time being 6.40pm.

## Appendix 1:

### Approved Plantation Establishment Plan



#### Existing

There exists many dead trees lying in parkland areas. These will be removed. Other than for access roads, no clearing is proposed.

#### Species

The currently cleared portion of the property will be planted with Australian native *Leptospermum* species - mostly *Leptospermum nitens* and *Leptospermum roei*. *Leptospermum Scoparium* will also be cultivated on some parts of the property. This species is widely cultivated throughout the south west for amenity horticultural purposes. Small scale plantings of *Hakea* species (e.g. the small shrub *Hakea lissocarpha*) and other strategic nectar producing natives (mainly eucalypts) will also occur. All shrubs will be cultivated for their flowers (Floriculture) and managed accordingly.

The property will look aesthetically pleasing to those passing by the property due to the abundance of flowers of different species over several months over the year. Furthermore, interrow cropping of Autumn and winter flowering annual plants may also occur.

The leptospermum species will be planted in rows 4 metres apart and at 1.7 metre spacings along the rows.

Every 10<sup>th</sup> row ( or at 40 metres spacings ) there will be a row of mixed eucalypts and hakeas.

Planting will be done in compartments which vary in size and are separated by access roads as shown on the attached plan.

The shrubs are expected to grow to a height of 3-4 metres.

### **Layout**

The planting area consists generally of sandy/loamy/gravels and are relatively free draining.

Where the land gradient is not too great, the planting rows will be in a north south orientation.

Where the gradient exceeds 8% then the planting rows will be approximately perpendicular to the fall.

### **Site Preparation and Weed Control**

The site has been checked for the presence of declared weeds and found to be clear.

Prior to planting, annual grasses and broad leafed weed control will be undertaken by spraying each hectare with 1 litre of glyphosate, 3 litres of simazine and 0,2 litres of Pulse in 100 litres of water.

There are no waterways on the property that are designated as sensitive areas.

Applications will be done by licenced operators.

Access roads will then be graded.

The planting rows will then be scalped to achieve a 1 metre wide furrow.

Shrubs will be hand planted to achieve a stocking rate of between 1,500- 2,000 seedlings per hectare.

## **Appendix 2:**

### **Approved Plantation Maintenance Plan**

#### **Grazing**

Following establishment, and once the shrubs are of a sufficient height, it is proposed to use sheep to graze between the rows. Sheep will be introduced annually in July and removed from site when the fodder level is low.

#### **Pruning and Thinning**

At this stage, it is not proposed to thin or grade the shrubs.

### **Fertilising**

It is not proposed to fertilise the shrubs at this stage. Their condition will be monitored and if found to be deficient then some remedial strategies may need to be developed.

### **Weed Management**

Weeds will be monitored in the first couple of years and addressed as necessary. As mentioned above, as the shrubs mature, weed control is by sheep grazing.

### **Pests and Diseases**

In the first year after planting, shrubs will be monitored on a fortnightly basis during the September to January period and then periodically after that. Pests will be controlled as required using licenced pesticides and operators abiding with all specifications as required by the relevant authorities.

### **Access Roads and Fire Breaks**

All roads and firebreaks will be maintained by the landowner to the specification agreed with Boyup Brook Shire.

## **Appendix 3:**

### **Approved Fire Management Plan**

<b>NAME</b>	<b>APIS ASSETS PTY LTD; SHANE MCLINDEN ( DIRECTOR)</b>	
<b>ADDRESS</b>	<b>2/98 STIRLING HIGHWAY , NORTH FREMANTLE, WA, 6159</b>	
<b>PHONE NUMBER</b>	<b>0419 927 058</b>	
<b>LOCATION NUMBERS</b>	<b>LOT NO</b>	<b>DIAGRAM/DP OR PLAN NO.</b>
	<b>2944</b>	<b>128801</b>
	<b>2945</b>	<b>128802</b>

	3944	136576	
	2	69522	
	11820	205062	
SPECIES PLANTED	LEPTOSPERMUM NITENS, LEPTOSPERMUM ROEI, LEPTOSPERMUM SCOPARIUM, MIXED NATIVE EUCALYPTS AND HAKEAS.		
AREA PLANTED	400 HA		
PREVIOUS LAND USE	PASTURE /GRAZING		

**Details of Adjoining Properties**

<b>ADDRESSES</b>	<b>NAME</b>	<b>PHONE NUMBER</b>
<b>WILGA TOWNSHIP</b>	<b>NUMEROUS</b>	
<b>199 WALKER ROAD</b>	<b>ERNEST NEIL CHARTERIS</b>	<b>9766 1030</b>
<b>171 CUNNINGHAM ROAD</b>	<b>ALAN STANDISH PARAHI SONYA JENNIFER BARRETT</b>	<b>0476 251 566 (0457 059 226)</b>
<b>4974 DONNYBROOK-BOYUP BROOK RD</b>	<b>RICHARD FIRTH WALKER</b>	<b>0429 661 051</b>
<b>118 WALKER ROAD</b>	<b>ELIZABETH MAGDALENA MARIE MOIR KEVIN JAMES MOIR</b>	<b>0429 619 029</b>
<b>69 WALKER ROAD</b>	<b>JARRED PETER HAYDN-SMITH</b>	<b>0407 424 553</b>

	<b>JANELLE MARIE DE GARIS</b>	
<b>P162359 12044</b>	<b>STEPHEN NORTH</b>	<b>0429 661 015</b>
<b>111 WALKER ROAD</b>	<b>KRISTEN ALAINE MAPPIN</b>	<b>0429 811 411</b>
<b>WESTERN BOUNDARY – DONNYBROOK – BOYUP BROOK ROAD</b>	<b>DEPT OF BIOSECURITY, CONSERVATION AND ATTRACTIONS; DEPT OF WATER RESOURCES – GRAHAM BLAKE</b>	<b>6364 7802</b>

#### **Local Fire Agency**

<b>AGENCY</b>	<b>CONTACT PERSON</b>	<b>PHONE NUMBER</b>
<b>BOYUP BROOK CHIEF FIRE CONTROL OFFICER (CFCO)</b>	<b>D INGLISS</b>	<b>0418 651 088</b>
<b>1<sup>ST</sup> DEPUTY</b>	<b>T MEAD</b>	<b>0497 671 340</b>

#### **Risk of Ignition**

Potential ignition sources are mainly restricted to lightning strikes and escapes from burning operations on surrounding land.

#### **Detection of Fires**

The landowner (via caretaker), neighbours and the local fire brigade will provide fire detection.

In the event of a fire, the Shire Chief Fire Control Officer (CFCO) must be notified immediately.

#### **Location of Fire Control Equipment**

The landowner will have 2 fire fighting units on standby at all times. These will be located in the machinery sheds and will be accessible at all times.

Fire fighting units are to be test started weekly over summer and serviced annually.

#### **Initial Attacks on Fires**

First response to fires will be by the landowner and the local fire brigade, coordinated by the CFCO.

The initial attack will depend on fire head rates of spread and intensity. Fires will be assessed in response to the following values (in order of priority – 1 is highest):

1. Human Life
2. Community assets, property, or special values
3. Cost off suppression in relation to values threatened

With fire behaviours and values in mind response strategies should follow this order of priority as a guide:

1. Direct attack on head fire
2. Indirect attack on head fire by extinguishing flank fire working towards the head fire
3. Limit fire spreads to pre-determined internal strategic firebreaks
4. Limit fire spread to compartment breaks
5. Limit fire spread to property boundary firebreaks where property is block planted
6. Fall back to neighbouring properties, roads, or where the fire can be safely extinguished.

### **Firebreak Philosophy**

Subject to getting approval from the Shire to vary from the 2018-19 Boyup Brook Firebreak Notice, plantings will be no closer than 10 metres from property boundaries. This area will be grazed.

The 2018-19 Boyup Brook Firebreak Notice requires a 15m wide bare earth firebreak immediately inside all external boundaries to plantations.

Within this area, a 4 metre bare earth road will be maintained.

Between compartments, plantings will be 6 metres apart. The area will be grazed and a 4 metre bare earth road will be maintained.

### **Maintenance**

The landowner will spray firebreaks and access roads in September /October to maintain an appropriate width of bare mineral earth. Where required, grading will also be undertaken to maintain smooth access and provide bare earth.

### **Water Supplies**

Access roads have been positioned so that they run past many of the 25 or so dams that exist on the property providing multiple filling points and reduced turnaround times.

### **Direction indicators and other features**

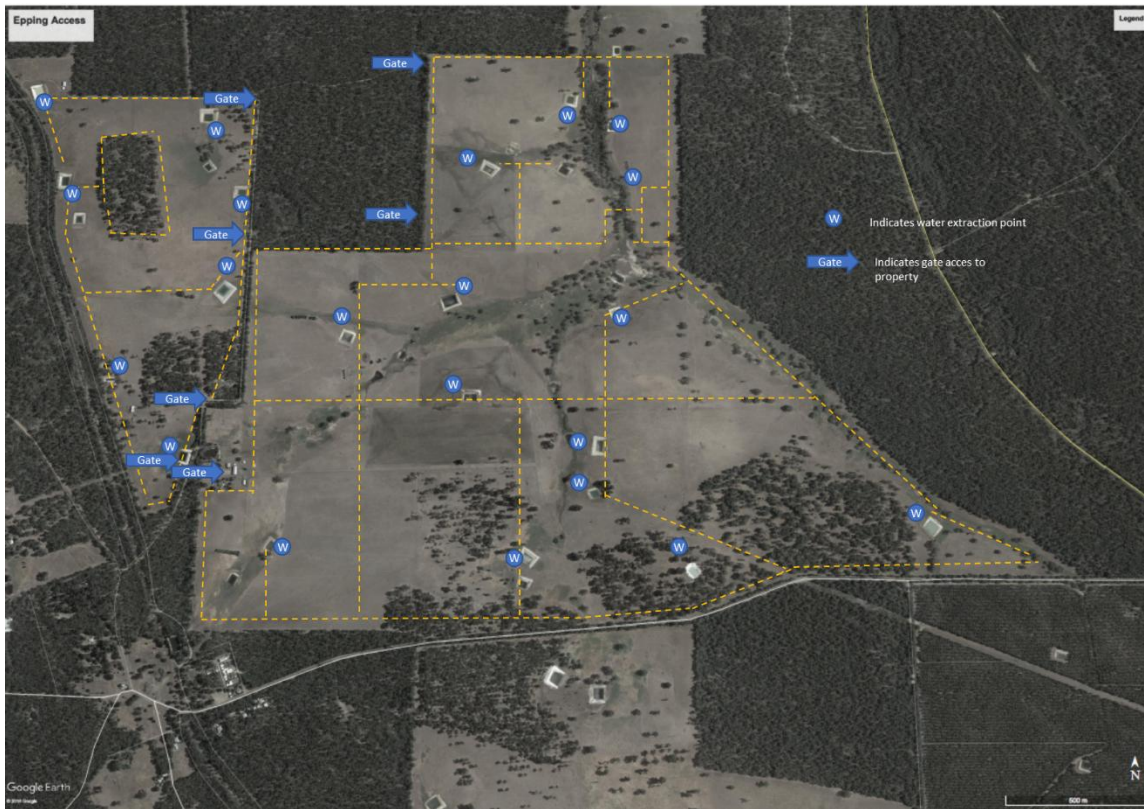
All dams suitable for water extraction in the event of fire are marked on the Fire protection plan. These dams will be signposted with directional markers.

### **Measures to protect powerlines**

All Western Power requirements for clearance and access will be adhered to.

### **Surrounding Fuels**

Forrest floor litter is the main source of fuel surrounding the site, having not been burnt for over 20 years in many areas. The landowner has requested that a prescribed burn be undertaken immediately and has been advised that such a burn is programmed for 2019.





## Appendix 4:

### Approved Apiary Operations Plan

Bee hives will be moved onto the site during the following events:

- When the leptospermum sp. shrubs are flowering in October – December
- When Marri trees are flowering in January – March

During leptospermum flowering, beehives will be positioned amongst the shrubs at a rate of 1 hive per hectare which is similar to the rate used in orchards.

When the Marri is flowering, the hives will be placed around the boundary at 100 metre intervals.

In times other than the above, there will be a small number of hives left at the site.

Hives will be delivered by truck. Four truck movements will be required to get all hives onto the site for each flowering event. Four truck movements will also be required to move all the hives off the site. Hives will be unloaded/loaded and moved into position by use of forklift.

During the flowering events, staff will attend to the hives. There is likely to be no more than 2 people on site at these times.

Honey extraction will be undertaken at another location.

Cr Moir and Cr Walker returned to the Chambers time being 6.40pm.

<b>9.3.5 Stronger Communities Program Grant - ELC Shade Sails</b>
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<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>none</i>
<b>Date:</b>	<i>7 December 2018</i>
<b>Author:</b>	<i>Joanna Kaye - Research and Development Coordinator and Stephen Carstairs - (Acting Chief Executive Officer)</i>
<b>Authorizing Officer:</b>	<i>Stephen Carstairs (Acting Chief Executive Officer)</i>
<b>Attachments:</b>	<i>Letter from Playgroup</i>



## **SUMMARY**

The purpose of this report is for Council to receive the Stronger Communities Program Grant.

## **BACKGROUND**

Friday 7 December the Shire of Boyup Brook received confirmation that the Stronger Communities Program grant application was successful.

The grant is for the installation of shade sails for the Nature Playground at the Early Learning Centre.

The estimated cost for installing the shade sails is \$15,500 and the grant is for 50% a total amount of \$7,750 (plus GST where applicable).

Through the Community Donation Process 2018/19 Playgroup have already been awarded \$2,000 to contribute towards shade sails.

## **COMMENT**

The remaining \$7,750 will be split between Playgroup (\$3,875) and the Shire (\$3,875). The \$2,000 donated to the Playgroup through the Community Donation process will be part of the Shire contribution. Therefore the Shire will need to contribute an additional \$1,875 to the project and invoice the Playgroup (\$5,875).

There is the possibility that costs for the project will be higher (\$16,500 ex GST) than the budgeted install amount, and it is recommended that the Shire covers those additional costs (\$1,500).

Attached is a letter from Playgroup advising that they will pay 1/4 of the project costs to value of \$5,875.

Jimina Shaw (Boyup Brook Early Learning Centre Director) also supports the installation of shade sails advises that under the Education and Care regulations the centre is required to provide shade for outdoor areas:

The placement of the Nature Playground, which now covers a once barren grass area, does receive full, direct sun for the whole of the day. Being a rightfully regulated industry, entrusted with the education and care of our communities smallest members, sun safety is of the utmost importance to us. The Education and Care Regulations specifically mention the requirements for shade in outdoor spaces, in Regulation 114, and includes penalties for non-compliance.

*"must ensure that outdoor spaces provided at the education and care service premises include adequate shaded areas to protect children from overexposure to ultraviolet [UV] radiation from the sun".*

Our Early Learning Centre also utilised the Cancer Council endorsed practise of checking the UV rating daily, as Australia has some of the highest ultraviolet exposure levels for the majority of the year. Keeping this in mind we would be limited to use this space, when the UV rating is over 3 without additional sun protection measures, include shade sails.

**CONSULTATION**

Playgroup

Boyup Brook Early Learning Centre Director

**STATUTORY OBLIGATIONS**

The Nature Playground has been completed but there is no adequate shade.

The Shire is obliged under Child Care Services Regulations to provide adequate Shade.

**114. Outdoor space — shade**

The approved provider of a centre-based service must ensure that outdoor spaces provided at the education and care service premises include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.

Penalty: \$1000.

Note for this regulation:

A compliance direction may be issued for failure to comply with this regulation.

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**POLICY IMPLICATIONS**

Nil.

**BUDGET/FINANCIAL IMPLICATIONS**

This item was budgeted for (\$2,000) through the 2018-19 Community Donations process. If Council decide to make the additional (\$3,375) contribution to the project, this can be funded out of Early Learning Centre operating savings.

**STRATEGIC IMPLICATIONS**

Relevant excerpt from the Adopted Boyup Brook Strategic Community Plan 2017 - 2027.

**Social: Sense of Community**

**Our Vision:**

Our place will be a safe, caring and secure

community. Our place will be an active and vibrant

community.

We will have access to services and facilities that meet our requirements.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Sustainable community	Ensure a safe, secure community with access to services and facilities as needed.	<ul style="list-style-type: none"><li>➤ Continue to work on retaining a Police Station in Boyup Brook.</li><li>➤ Continue to encourage initiatives that provide employment opportunities.</li><li>➤ Continue to provide and advocate for quality medical and ancillary services in Boyup Brook</li><li>➤ Continue to advocate for the retention of schools from K to year 10 in Boyup Brook.</li><li>➤ Continue to support development which provides diversity and opportunity for accommodation.</li></ul>
	Promote community participation, interactions and connections	<ul style="list-style-type: none"><li>➤ Continue to support Community groups and clubs</li><li>➤ Partner with key stakeholders on community needs driven projects.</li></ul>

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
Nil.
- **Economic**  
Nil.
- **Social**  
Nil.

**VOTING REQUIREMENTS**

Absolute majority.

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.5**

**MOVED: Cr Muncey**

**SECONDED: Cr Rear**

1. That Council receive the Stronger Communities Program Grant for \$7,750.
2. That Council agree to pay 1/4 of the project costs (\$3,875) and provide budget for the outstanding amount of \$1,875, and \$1,500 contingency.

3. That Council accept Playgroups contribution of \$5,875 (1/4 cost \$3,875 + \$2,000 donated as a community donation 2018/19).

**CARRIED 9/0**

**Res 235/18**

<b>9.3.6 Policy Review - M.14 Social Media</b>
--

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not Applicable</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>7 December 2018</i>
<b>Author:</b>	<i>Joanna Kaye (Research and Development Officer) and Stephen Carstairs (Acting Chief Executive Officer)</i>
<b>Authorizing Officer:</b>	<i>Stephen Carstairs (Acting Chief Executive Officer)</i>
<b>Attachments:</b>	<i>Yes - Revised Social Media Guideline</i>

### **SUMMARY**

This report recommends that Council adopts a revised Social Media Policy. This policy has been adapted from the WALGA Social Media Policy template released in March 2018.

### **BACKGROUND**

16 November 2017 Council resolved (Res. 151/17) as follows: That Council direct the CEO to develop a draft social media policy.

Officers are currently planning the implementation of a formal Shire of Boyup Brook social media presence to assist Council's communication and engagement with its residents. Officers intend launching the social media presence in conjunction with the Shire's new web site that is currently being developed. The policy is to govern and provide guidelines for the social media use by both elected members and staff.

15 February 2018 Council Minutes stated:

**OFFICER RECOMMENDATION - Item 8.3.8**

- 1. That Council endorses the Social Media Policy as presented.**
- 2. That Council directs the CEO to have the endorsed Social Media Policy appraised by the Shire's solicitors for shortcoming, if present, and then brought back to Council.**

**9 COMMITTEE MINUTES**

Nil

The CEO requested that the Social Media Policy be redrafted based on the WALGA Social Media Policy template released in March 2018, and at its June 2018 ordinary meeting Council resolved as follows:

***That Council adopt the Social Media Policy, as presented.***

***CARRIED BY ABSOLUTE MAJORITY 8/0                      Res 103/18***

Only very recently has the shire opened a Facebook account.

**COMMENT**

In the short time that the shire's account has been active, there's only been one post from the community. Council's Social Media policy has been amended so that the medium for communicating with the community can be trialled as a one-way vehicle and not interactively.

The benefits of this include:

- being able to gather data on the effectiveness of the media for the shire; and
- not having to fund resources needed to 'screen' posts.

**CONSULTATION**

Nil

**STATUTORY OBLIGATIONS**

The requirement to govern and control social media use by elected members and staff, in their capacity as representatives of the Shire of Boyup Brook is considered necessary in order to minimise any risk associated with publically published content.

Elected Member behaviour and activity, including when using social media for professional or personal purposes is governed by:

- *Local Government Act 1995*
- *Code of Conduct*

- *Local Government (Rules of Conduct) Regulations 2008*
- *Local Government (Elections) Regulations 1996*
- *State Records Act 2000*
- *Freedom of Information Act 1988*

#### **POLICY IMPLICATIONS**

It is important that the Social Media policy is also read in conjunction with existing Shire policies such as (but not limited to) Public Relations - Press Releases and Record Keeping Policy.

#### **BUDGET/FINANCIAL IMPLICATIONS**

Nil.

#### **STRATEGIC IMPLICATIONS**

The shire's *Community Strategic Plan 2013 – 2023*, in the section under “*Council and Community Leadership*”, reads to: “*Foster community participation and collaboration through the “Development of a website to communicate information more easily to residents.”*”

This also applies to social media.

#### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
Nil.
- **Economic**  
It is estimated that delegated officials will dedicate four hours per week to update social media platforms.
- **Social**  
These proposed improvements will meet with the Shire's social responsibility to provide our community with an accessible source of information regarding the operations of the Council, and with technological advancements a good website supported by social media will meet the majority of our communities' expectations at this point in time.

#### **VOTING REQUIREMENTS**

Simple majority.

#### **COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 9.3.6**

**MOVED: Cr O'Connell**

**SECONDED: Cr Alexander**

**That Council adopt the revised Social Media Policy, as presented.**

**CARRIED 9/0**

**Res 236/18**

## **10 COMMITTEE MINUTES**

**MOVED: Cr Oversby**

**SECONDED: Cr O'Connell**

### **10.1 MINUTES OF THE AUDIT AND FINANCE COMMITTEE**

That Council receive and adopt the minutes of the 13 December meeting of the Audit & Finance Meeting as follows:

#### **COMMITTEE RECOMMENDATIONS - Item 3.1**

That the Audit and Finance Committee recommend that Council:

**MOVED: Cr Alexander**

**SECONDED: Cr O'Connell**

1. Receives the 30 June 2018 Financial Statements and auditor's report, and the auditor's 30 June 2018 Management Report.
2. Direct the CEO to have a copy of the shire's 30 June 2018 audited Annual Financial Statements and Mr Timothy Partridge's (Partner, AMD Chartered Accountants) 30 June 2018 Management Report forwarded to the Minister, and to also publish the statements on the shire website.

**CARRIED 5/0**

**Res 225/18**

#### **COMMITTEE RECOMMENDATION – Item 3.2**

**MOVED: Cr Walker**

**SECONDED: Cr Alexander**

That the Audit and Finance Committee:

1. Report to Council the results of the December 2017 Regulation 17 Review as follows:

Ref	Issue	Risk Rating
<b><i>Risk management</i></b>		
	<b>Risk Management Framework</b>	
2.2.1	Currently no organisational-wide risk register in place which identifies risks, assesses the impact of the risks and controls to mitigate risk.	<b>Significant</b>
	<b>Business Continuity Plan</b>	
2.2.2	Current Business Continuity Plan dated 15 June 2009 and states "Draft" and no dedicated IT Disaster Recovery Plan in place. Neither plan(s) have been tested for effectiveness.	<b>Moderate</b>
	<b>Emergency Risk Management</b>	
2.2.3	The current Local Recovery Plan was last reviewed January 2010 and has not been tested for effectiveness.	<b>Moderate</b>
	<b>Tenders and Procurement</b>	
2.2.4	Suggestions for further enhancement in respect to risk management relating to tendering process.	<b>Moderate</b>
	<b>Lease Management</b>	
2.2.5	No formal procedure in place to monitors lessee compliance with terms of the Council leased properties.	<b>Minor</b>

Ref	Issue	Risk Rating
	<b>Risk Management Policies and Procedures</b>	
2.2.6	We noted that the Shire does not currently have a litigation / claims policy, social media policy and whistle-blower / public interest disclosure policy in place.	Minor
	<b>Risk Management Plan</b>	
2.2.7	Suggestions for further enhancement of the Risk Management Plan template and associated practices used to manage project risks.	Minor
<b>Internal controls</b>		
	<b>Contract Management</b>	
3.2.1	Currently no contract management framework in place (outside of the Purchasing Policy).	Moderate
	<b>ATO Reporting Requirements</b>	
3.2.2	The Shire was late lodging a sample of BAS returns and the March 2017 return with the ATO.	Moderate
	<b>Grant Funding Plan</b>	
3.2.3	Currently no grant funding plan in place which sets out the Shire's plan in managing funds.	Minor
<b>Legislative compliance</b>		
	<b>Overarching Compliance Timeline</b>	
4.2.1	Currently the Shire does not have a documented legislative compliance timeline in place.	Moderate
	<b>Integrated Strategy Planning</b>	
4.2.2	Key integrated strategy planning documents are due for review.	Moderate
	<b>Audit &amp; Finance Committee Charter</b>	
4.2.3	Currently no detailed Audit & Finance Committee Charter in place.	Moderate
	<b>Complaints Handling</b>	
4.2.4	No Complaints Handling procedure in place and the current register captures complaints made against Councillors only.	Moderate
	<b>Conflicts of Interest Register</b>	
4.2.5	Although required to be disclosed there is currently no centralised register which records conflicts of interest disclosures.	Minor
	<b>Internal Audit Function</b>	
4.2.6	Currently no formal internal audit function in place.	Minor

2. Give a copy of the CEO's (AMD Chartered Accountant's December 2017 Regulation 17 Review) report to Council, as attached.

**CARRIED 8/1**

**Res 237/18**

# **11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

# **12 URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT**

## **12.1 Budget Amendment: Senior's Activation Project Grant**

**Location:** N/A

**Applicant:** N/A

**File:**

**Disclosure of Officer Interest:**

**Author:** Joanna Kaye (Research and Development Coordinator) and



*Stephen Carstairs (Acting Chief Executive Officer).*

**Authorizing Officer:**

*Stephen Carstairs (Acting Chief Executive Officer)*

**Attachments:**

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### **SUMMARY**

The purpose of this report is for Council to endorse the execution of the Senior's Activation Project Grant.

### **BACKGROUND**

At the ordinary meeting of Council held on 15 November the CEO included the following in the briefing session:

#### **3.3.7 Seniors Activation Project - DSR grant funded project**

Attached is a copy of a grant application for which sets out the purpose of the grant, who will be participating, funding arrangements and the like.

Small grant opportunities come up from time to time. All grants tend to have the same level of cost to prepare the application, manage the grant funds and program, and the acquit the funds. So small grants can cost more than the grant amount to apply and administer. In this case though there is an opportunity to use Shire medical centre staff and the CRC manager to deliver a program which complements another already being run by the CRC. Some of the grant can be used for equipment which will enable the program to continue if it proves to be self funding. The beneficiaries of the project will be mature citizens and it has been recognised that keeping people in town, as they age, creates employment opportunities.

---

### **COMMENT**

Thursday 12 December the Shire of Boyup Brook received confirmation that the Grant application for \$3,000 (ex GST) has been successful.

The WI&SE (Weekly Information and Seniors Exercise) Program is a joint venture with the Medical Centre Nurse and CRC largely funded by the Department of Local Government, Sport and Cultural Industries.

The WI&SE Program will start with a launch information/meet the facilitators session 29 January and then run every Tuesday 10am - 11am, February - June 2019 (a total of 20 sessions). Every first and third Tuesday of the month will be movement and activity based with Jodi (a total of 10 sessions). These sessions will include circuit classes, stretching, Nordic Walking and group games and activities. Every second and fourth Tuesday of the month will be nurse-led information/wellness sessions that will also feature visiting allied health professionals (a total of 10 sessions). These sessions will focus on a holistic approach to developing and maintaining a healthy lifestyle.

Participants will pay a \$5 fee to attend each class and it is anticipated that approximately 8 people will attend each week. The attendance fees together with the grant will subsidize the facilitator fees. See final budget for full details.

It is now necessary to sign the contract and send the invoice to the DLGSCI by COB Friday 14 December to ensure the payment of the grant is processed before the Christmas shut down period.

**CONSULTATION**

DLGSCI representatives

**STATUTORY OBLIGATIONS**

Nil.

**POLICY IMPLICATIONS**

Nil.

**BUDGET/FINANCIAL IMPLICATIONS**

Budgeted revenue to the shire amounts to \$3,800 excluding GST, and expenditure is budgeted at \$4,300, and refer to the below table for the program's detailed budget. Within the Boyup Brook Medical Service subprogram new income and expense accounts will be created to administer and report on the financial transactions of this program. The shortfall in revenue (\$500) to cover the program's costs will be absorbed in the Medical Service wider budget, and this wider budget will be reviewed as part of the January - February annual budget review process.

	<b>Proposed Amount</b>
<b>Revenue Item <u>excluding</u> GST</b>	
Requested from DLGSC	<b>3000</b>
Supplied by your organisation	500
From any other organisations (please specify)	
Participant fees (if relevant) (\$5 fee x 8 participants x 20 sessions)	800
Other revenue items	
<b>TOTAL REVENUE - <u>excluding</u> GST</b>	<b>4300</b>

<b>Expenditure Item* <u>excluding</u> GST (e.g. venue hire, instructor's fees, equipment hire/purchase, administration costs)</b>	
Professional Development and training	160
Venue Hire \$17 x 20 sessions (\$340 in-kind Shire not paid through the grant)	340
Instructor fees (\$1300, only \$500 will be paid through the grant). Jodi \$50 per hour x 10 = \$500 (\$500 paid by grant) Jess \$40 per hour x 10 = \$400 (paid for by participant fees)	1300
Administration costs (in-kind \$160) \$40 (grant)	200
Equipment (maximum 30% of funding requested)	900
Marketing (maximum 10% of funding requested)	300
Catering (maximum 10% of funding requested)	300
Other: eg. Subsidise participant fees (\$5 fee x 8 participants x 20 sessions)	800
<b>TOTAL COST</b>	<b>4300</b>
<b>TOTAL EXPENDITURE OF DSR GRANT AMOUNT</b>	<b>3000</b>

### STRATEGIC IMPLICATIONS

Relevant excerpt from the Adopted Boyup Brook Strategic Community Plan 2017 - 2027.

## **Our Vision**

### **Growing our Community Together**

#### **Our Shire will be:**

A place for people, with a sense of community, one that is active, vibrant, engaged and connected.

A place that is safe and secure.

A place that nurtures its youth and aging population; and retains its health and medical services.

A place that grows and has employment opportunities, through commercial diversity, which is based on our local comparative advantage.

**Social: Sense of Community**

**Our Vision:**

Our place will be a safe, caring and secure community. Our place will be an active and vibrant community.

We will have access to services and facilities that meet our requirements.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Sustainable community	Ensure a safe, secure community with access to services and facilities as needed.	<ul style="list-style-type: none"> <li>Continue to work on retaining a Police Station in Boyup Brook.</li> <li>Continue to encourage initiatives that provide employment opportunities.</li> <li>Continue to provide and advocate for quality medical and ancillary services in Boyup Brook</li> <li>Continue to advocate for the retention of schools from K to year 10 in Boyup Brook.</li> <li>Continue to support development which provides diversity and opportunity for accommodation.</li> </ul>
	Promote community participation, interactions and connections	<ul style="list-style-type: none"> <li>Continue to support Community groups and clubs</li> <li>Partner with key stakeholders on community needs driven projects.</li> </ul>

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
Nil.
- **Economic**  
Nil.
- **Social**  
Nil.

**VOTING REQUIREMENTS**

Absolute majority.

**COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 12.1**

**MOVED: Cr O'Connell**

**SECONDED: Cr Rear**

That Council:

1. Approve the Senior's Activation Project budget as follows:

	Proposed Amount
Revenue Item <u>excluding</u> GST	

Requested from DLGSC	<b>3000</b>
Supplied by your organisation	500
From any other organisations (please specify)	
Participant fees (if relevant) (\$5 fee x 8 participants x 20 sessions)	800
Other revenue items	
<b>TOTAL REVENUE - <u>excluding</u> GST</b>	<b>4300</b>
<b>Expenditure Item* <u>excluding</u> GST (e.g. venue hire, instructor's fees, equipment hire/purchase, administration costs)</b>	
Professional Development and training	160
Venue Hire \$17 x 20 sessions (\$340 in-kind Shire not paid through the grant)	340
Instructor fees (\$1300, only \$500 will be paid through the grant). Jodi \$50 per hour x 10 = \$500 (\$500 paid by grant) Jess \$40 per hour x 10 = \$400 (paid for by participant fees)	1300
Administration costs (in-kind \$160) \$40 (grant)	200
Equipment (maximum 30% of funding requested)	900
Marketing (maximum 10% of funding requested)	300
Catering (maximum 10% of funding requested)	300
Other: eg. Subsidise participant fees (\$5 fee x 8 participants x 20 sessions)	800
<b>TOTAL COST</b>	<b>4300</b>
<b>TOTAL EXPENDITURE OF DSR GRANT AMOUNT</b>	<b>3000</b>

and amend the 2018-19 Annual Budget accordingly.

2. Authorise the execution of the Senior's Activation Project Grant contract.

**CARRIED 9/0**

**Res 238/18**

Cr Rear declared an impartiality interest in the following item.

**12.2 Use of Common Seal - Local Planning Scheme No. 2 Amendment No.19 Museum**

<b>Location:</b>	<i>N/a</i>
<b>Applicant:</b>	<i>N/a</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>11 December 2018</i>
<b>Author:</b>	<i>Adrian Nicoll (Shire Planner) and Stephen Carstairs (Acting CEO)</i>
<b>Authorizing Officer:</b>	<i>Stephen Carstairs (Acting CEO)</i>
<b>Attachments:</b>	<i>Excerpt Local Planning Scheme No. 2 Amendment No. 19 Museum - signing page Form 6A</i>

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**SUMMARY**

The Shire's Policy No.A10 prescribes the format for affixing a common seal to a document.

A common seal is a stamp that organisations use to execute documents.

The Planning Department of the Shire requires a common seal to be affixed to a document, which proposes to amend the Shire's Local Planning Scheme (Amendment No.19).

Because the Scheme amendment requires the approval of the Minister for Planning, the Department of Planning, Lands and Heritage prescribes the wording to be used in the common seal. The wording is different to that prescribed in the Shire's Policy No.A10.

The purpose of this report is to seek Council approval for the shire's Common Seal to be affixed to the *Local Planning Scheme No. 2 Amendment No. 19 Museum* in accordance with the *Local Government Act 1995* and the Department of Planning, Lands and Heritage's Form 6A as attached.

**BACKGROUND**

At its 21 June 2018 ordinary meeting, Council resolved as follows:

*That Council*

*Resolves to adopt the Amendment No.19 to the Shire of Boyup Brook Local Planning Scheme No.2 in accordance with regulations 35(1) and 35(2) of the Planning and Development (Local Planning Scheme) Regulations 2015, as follows:*

***Planning and Development Act 2005***

**RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME**

***Local Planning Scheme No.2***

**Amendment No 19**

THAT Council, pursuant to section 75 of the *Planning and Development Act 2005* and Part 5, r.35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:

5. **ADOPT Amendment No. 19 to amend Shire of Boyup Brook *Local Planning Scheme No. 2* by:**
  - a) **Rezoning Lot 34 Blechynden Street and Lot 38 Mitchell Avenue, Boyup Brook from the 'Residential' zone to the 'Public Purpose' reservation and amending the Scheme maps accordingly.**

**Note:** The amendment is a standard amendment in accordance with part (e), (f) and (g) of the standard amendment definition contained in Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
6. **Include the following within the amendment document to address comments from the Department of Fire and Emergency Services:**
  - a) **Photo's illustrating the parkland cleared reserve located to the east of the subject sites.**
  - b) **Photo's illustrating surrounding lots that are greater than 2023m<sup>2</sup>.**
  - c) **Photo and map showing location of fire hydrant.**
  - d) **Bushfire Attack Level Contour Plan.**
  - e) **Tables indicating landholder, developer and local government responsibilities.**
  - f) **Additional information to accompany the Emergency Evacuation Plan.**
7. **Forward the Amendment No.19 to the Western Australian Planning Commission for final determination.**

Dated this 21 June 2018

---

Alan Lamb

Chief Executive Officer

**CARRIED 9/0**

**Res 107/18**

On 30 November 2018 the Department of Planning, Lands and Heritage corresponded with the shire seeking for Amendment 19 to be executed (signed and sealed) as per the Department's Form 6A (refer attached).

The *Local Government Act 1995* provides that the local government (interpreted to be Council and so by resolution at a meeting) has to approve the seal to be affixed to a document in the presence of the President and CEO, each of whom is to sign the document to attest that the common seal was so affixed.

Council's Policy A.10 on the matter largely duplicates the legislation.

**COMMENT**

A common seal is like the signature of the organisation (the legal entity), and so the affixing of it to a document is to be witnessed by prescribed people associated with the organisation.

Council's Policy A.10 sets out how the document is to be completed as follows:

*The common seal of Shire of Boyup Brook was hereunto affixed and signed by the authority of a resolution of the Council in the presence of:*

\_\_\_\_\_  
*Shire President*

\_\_\_\_\_  
*Chief Executive Officer*

The seal imprint is placed adjacent to the two signatures.

The wording used in the Shire's policy is different to that used by the Department of Planning, Lands and Heritage as follows:

*This Amendment is recommended for support by resolution of the Shire of Boyup Brook at the Ordinary Meeting of the Council held on the 21 day of June, 2018 and the Common Seal of the Shire of Boyup Brook was hereunto affixed by the authority of a resolution of the Council in the presence of:*

\_\_\_\_\_  
*Mayor/Shire President*

\_\_\_\_\_  
*Chief Executive Officer*



Approval is sought for the seal to be affixed to Local Planning Scheme No. 2 Amendment 19 Museum in the manner prescribed in Form 6A of the Department of Planning, Lands and Heritage.

### **CONSULTATION**

Nil

### **STATUTORY OBLIGATIONS**

The Local Government Act provides as follows:

#### *9.49A. Execution of documents*

- (1) *A document is duly executed by a local government if —
  - a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
  - b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.**
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —
  - a) *the mayor or president; and*
  - b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.**
- (6) *A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) *When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.*

*[Section 9.49A inserted by No. 17 of 2009 s. 43.]*

#### *9.49B. Contract formalities*

- (1) *Insofar as the formalities of making, varying or discharging a contract are concerned, a person acting under the authority of a local government may make, vary or discharge a contract in the name of or on behalf of the local government in the same manner as if that contract was made, varied or discharged by a natural person.*
- (2) *The making, variation or discharge of a contract in accordance with subsection (1) is effectual in law and binds the local government concerned and other parties to the contract.*
- (3) *Subsection (1) does not prevent a local government from making, varying or discharging a contract under its common seal.*

*[Section 9.49B inserted by No. 17 of 2009 s. 43.]*

**9.49. Documents, how authenticated**

*A document, is, unless this Act requires otherwise, sufficiently authenticated by a local government without its common seal if signed by the CEO or an employee of the local government who purports to be authorised by the CEO to so sign.*

**5.43. Limits on delegations to CEO <sup>29</sup>**

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

- a) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*

**POLICY IMPLICATIONS**

The following policy has application:

<b>POLICY NO.</b>	<b>A.10</b>
<b>POLICY SUBJECT</b>	<b>Use of Common Seal and the Signatories for Contract Execution</b>
<b>ADOPTION DATE</b>	<b>17 June 2004</b>
<b>VARIATION DATE</b>	<b>22 December 2007</b>

**Objective**

To set out the procedures to be followed when there is a requirement to use the common seal.

**Statement**

The following applies to the use of the common seal and signatures when a document requires this method of completion:-

- 1) is to be used only when Council has previously authorised the action contained within the document being signed;
- 2) be affixed in the presence of the Shire President and Chief Executive Officer.

The document is to be completed in the following manner:-

*The common seal of Shire of Boyup Brook was hereunto affixed and signed by the authority of a resolution of the Council in the presence of:*

---

*Shire President*

---

*Chief Executive Officer*

**BUDGET/FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
There are no known significant social issues.

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 12.2**

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr Walker**

That Council approve the Shire of Boyup Brook common seal being affixed to *Local Planning Scheme No. 2 Amendment No. 19* Museum in accordance with the *Local Government Act 1995* and as prescribed in the Department of Planning, Lands and Heritage's Form 6A as attached.

**CARRIED 9/0**

**Res 239/18**

Cr O'Connell, Cr Alexander and Cr Rear declared a financial interest in common to the following agenda item.

<b>12.3 Urgent Business Finance Policy – Regional Price Preference</b>
--

**Location:** Shire Boyup Brook

**Applicant:** N/A

**File:**

**Disclosure of Officer Interest:** None

**Date:** 12 December 20186  
**Author:** Stephen Carstairs (Acting CEO)  
**Authorizing Officer:** Stephen Carstairs (Acting CEO)  
**Attachments:** Yes: Newly Proposed Finance Policy – F.13  
*Regional Price Preference*

---

### **SUMMARY**

Council is requested to consider and adopt newly drafted finance policy F.13 *Regional Price Preference*.

### **BACKGROUND**

The responsibility for good governance including: proper control and operation of a local government's affairs; the allocation of resources; and determination of policies, rests with Council. Proper policies and procedures provide for the smooth running of the organisation, whilst providing for the stewardship function of the public moneys under the control of the local government.

The *Local Government Act 1995* (the Act) identifies the role of Council to include:

#### ***2.7 Role of council***

*(2) Without limiting subsection (1), the council is to –*

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies.*

### **COMMENT**

The objective of this policy is to promote local business partnerships within the Shire of Boyup Brook by recognising that the overheads of regional (local) suppliers (i.e. those suppliers operating a business continuously for 6 months or more out of premises located in the district of Boyup Brook) might be higher than some non-regional suppliers.

### **CONSULTATION**

Graham Aird (Shire President)

### **STATUTORY OBLIGATIONS**

The Local Government Act prescribes that the role of Council includes:

#### ***2.7 The role of the council***

*(2) Without limiting subsection (1), the council is to –*

- (c) oversee the allocation of the local government's finances and resources; and*
- (d) determine the local government's policies.*

*Local Government (Functions and General) Regulations 1996*

**POLICY IMPLICATIONS**

Policy F.03 Procurement Policy should be read with this policy.

**BUDGET/FINANCIAL IMPLICATIONS**

There are no financial implications relating to this item.

**STRATEGIC IMPLICATIONS**

The new and reviewed policies seek to provide officers with guidance on the management of the shire's financial affairs.

**SUSTAINABILITY IMPLICATIONS**

- **Environmental** – Nil
- **Economic** – Nil
- **Social** – Nil

**VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 12.3**

**MOVED: Cr Walker**

**SECONDED: Cr Kaltenrieder**

That Council adopts newly drafted finance policy F0.12 Regional Price Preference, as presented.

**CARRIED 9/0**

**Res 240/18**

<b>12.4 Urgent Business - Extend TransWA Trial Period Bus Service to Boyup Brook</b>
--

**COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 12.4**

**MOVED: Cr Aird**

**SECONDED: Cr Alexander**

1. That the Shire President on behalf of the Council communicate with the Administration at TransWA encouraging them to extend the current trial period of the bus service to Boyup Brook for an additional six months, allowing for further promotion and consultation with the community.
2. That Council direct the CEO to advise the community of the application for the extension of the TransWA service currently in place on a trial period and promote its usage and timetable through social media, website, notice board and Gazette.

**CARRIED 9/0**

**Res 241/18**

Neil Derrick left the Chambers, time being 6.55pm.

**13 CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS**

The Acting Chief Executive Officer declared a financial interest in the following item and departed the Chambers the time being 7.15pm.

<p><b>13.1.1 Confidential - Engagement of Mr. Long and Mr. Carbone to undertake the Shire's Financial Management Review</b></p>
---

**MOVED INTO COMMITTEE**

**MOVED: Cr Moir**

**SECONDED: Cr O'Connell**

**That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1. to allow members free discussion of the matter.**

**CARRIED 9/0**

**Res 242/18**

Cr Rear left Chambers 7.25pm and returned 7.26pm.

Acting CEO was asked to return to Chambers 7.35pm (whilst Council was still in Committee).

**MOVED OUT OF COMMITTEE**

**MOVED: Cr Oversby**

**SECONDED: Cr Walker**

**That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.**

**CARRIED 9/0**

**Res 243/18**

Acting CEO left Chambers at 7.45pm.

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 13.1.1**

**MOVED: Cr Oversby**

**SECONDED: Cr Kaltenrieder**

That Council endorse the engagement of Mr Darren Long and Mr Dominic Carbone to undertake the 2018-19 review of the efficiency and effectiveness of the financial systems and processes of the Shire of Boyup Brook.

**CARRIED 9/0**

**Res 244/18**

Acting CEO returned to the Chambers at 7.48pm.

**13.1.2 Confidential - Contract for Appointment of a New Principal GP**

**MOVED INTO COMMITTEE**

**MOVED: Cr Walker**

**SECONDED: Cr Kaltenrieder**

That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1. to allow members free discussion of the matter.

**CARRIED 9/0**

**Res 245/18**

**MOVED OUT OF COMMITTEE**

**MOVED: Cr Walker**

**SECONDED: Cr Alexander**

That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.

**CARRIED 9/0**

**Res 246/18**

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 13.1.2**

**MOVED: Cr Rear**

**SECONDED: Cr Oversby**

1. That in accord with s.5.2 of the *Local Government Act 1995*, Council endorses an organisation structure at the Boyup Brook Medical Centre which includes a part time Practice Manager or similar role.
2. That having regard for s.5.40 of the *Local Government Act 1995*, Council authorises: the actions contained in the *Employment Contract General Practitioner* Shire of Boyup Brook and Doctor Luc; and the affixing of the Shire of Boyup Brook common seal to the contract.

**CARRIED 9/0**

**Res 247/18**

**14 CLOSURE OF MEETING**

There being no further business the Shire President, Cr Aird thanked all for attending and declared the meeting closed at 8.57pm.