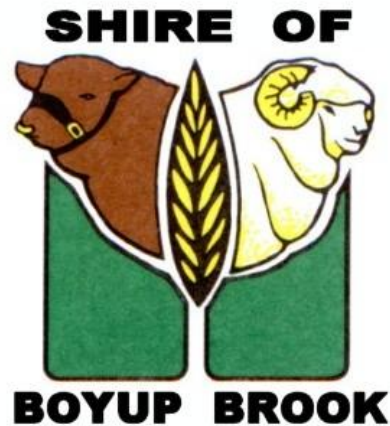


# Minutes



ORDINARY MEETING

held

THURSDAY 18 July 2019

Commenced AT 5.14PM

AT

SHIRE OF BOYUP BROOK  
CHAMBERS

ABEL STREET - BOYUP BROOK

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

**1.1 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 T Oversby  
Cr H O'Connell  
Cr E Rear

STAFF: Mr Stephen Carstairs (Acting/CEO)  
Mrs Maria Lane (Executive Assistant)  
PUBLIC: Mr Peter Forrest

**1.2 Apologies**

**1.3 Leave of Absence**

**2 PUBLIC QUESTION TIME**

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

**3 APPLICATIONS FOR LEAVE OF ABSENCE**

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

Cr Moir attended a meeting at the Wilga Progress Association.  
Cr Oversby attended a Lions Change Over Lunch - 23rd June 2019.  
Cr Oversby attended the Bunbury Geographe Tourism Association Tourism Forum & Sundowner on 5th July 2019.  
Cr Alexander attended the Sports Family Day on 6th July 2019.  
Cr Kaltenrieder attended the Biosecurity Committee meeting on 21st June 2019.  
Cr Kaltenrieder attended the Wise windup.  
Cr Kaltenrieder attended the Bunbury Geographe Tourism Association Tourism Forum & Sundowner on 5th July 2019.  
Cr Walker talked about the Wilga Hall renovations.  
Cr Rear attended the Wise windup.  
Cr Rear attended a meeting at St John Ambulance and informed Council that St John are offering local red 'P' plates a free first aid course and first aid kit.  
Cr O'Connell attended a meeting at the Community Resource Centre on 17th and 26th July 2019.  
Cr O'Connell attended a Boyup Brook Tourism Association meeting on 8th July 2019.

**5 DISCLOSURE OF INTEREST**

Cr O'Connell declared a financial interest in item 9.3.1.

Cr Alexander declared a proximity interest in item 9.3.6.

Cr Kaltenrieder declared a proximity interest in item 9.3.6.

Cr Rear declared an impartiality interest in item 9.3.7 and 12.1.1.

## **6 CONFIRMATION OF MINUTES**

<b>6.1 Ordinary Council Meeting - 20 June 2019</b>
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**COUNCIL DECISION & OFFICER RECOMMENDATION - Item 6.1**

**MOVED: Cr O'Connell**

**SECONDED: Cr Rear**

That the minutes of the Ordinary Council Meeting held on Thursday 20 June 2019 be confirmed as an accurate record.

**CARRIED 9/0**

**Res 155/19**

## **7 PRESIDENTIAL COMMUNICATIONS**

Attended a Lions Change Over Lunch - 23rd June 2019

Attended a RAC luncheon in Bridgetown - 24th June 2019

Attended a South West Zone meeting - 28th June 2019

Attended a Sport and Recreation meeting - 1st July 2019

Attended a Bunbury Geographe Tourism Association Tourism & Forum Sundowner - 5th July 2019.

Attended a Sport and Recreation event - 6th July 2019.

Attended a meeting with the Country Music Club - 12th July 2019.

## **8 COUNCILLORS QUESTIONS ON NOTICE**

## **9 REPORTS OF OFFICERS**

### **9.1 MANAGER WORKS & SERVICES**

Nil

### **9.3 ACTING CHIEF EXECUTIVE OFFICER**

**Change to Order of Business**

That the order of business in the agenda be changed to allow items 9.3.3 and 9.3.4 to be brought forward and dealt with at this time.

**9.3.3 Policy Review - P.07 Feedlots ( Intensive Stock Farming)**

<b>Location:</b>	<i>Shire of Boyup Brook</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>Policy</i>
<b>Disclosure of Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>08 July 2019</i>
<b>Author:</b>	<i>Adrian Nicholl - Planner and Stephen Carstairs - Acting CEO</i>
<b>Authorizing Officer:</b>	<i>Stephen Carstairs – Acting CEO</i>
<b>Attachments:</b>	<i>Yes: 1. Reviewed Policy – P.07 Feedlots (Animal Husbandry - Intensive). 2. Excerpts from Town Planning Scheme 2.</i>

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**PURPOSE**

Council is requested to consider adopting revised Planning policy *P.07 Feedlots (Animal Husbandry - Intensive)*, as attached.

**BACKGROUND**

At its 18 April 2019 ordinary meeting of Council, Cr Walker put a question on notice to the administration as follows:

Cr Walker put a question on notice to the administration as follows:

Does the Shire of Boyup Brook have a record of any livestock feedlots within the Shire and are these feedlots operating in accordance with local laws?

**Comment:**

Local Laws are there to protect community interests and manage development within our Shire and a proactive approach is beneficial to the community.

Subsequently, Council directed the administration to engage (Gazette, shire website, Face Book (FB), notice boards etc) with the community and urge operators of unapproved feedlots to contact the shire (by 4:30pm on Friday 31 May 2019) to commence the development approval process for their foodlots. At the time of writing this report the administration had received a number of

## MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 18 JULY 2019

queries from interest parties about the notice, but no development applications had been received.

Seems the public have a good appreciation of what a feedlot physically is (Angela Hales *pers comms*), but expressed uncertainty about what " ... *for the purpose of production* ... " as cited in Policy P.07, means.

At its May ordinary meeting Council appraised a revised Feedlot policy, and resolved (Res 122/19) as follows:

### COUNCIL DECISION & OFFICER RECOMMENDATION - Item 9.3.4

MOVED: Cr Kaltenrieder

SECONDED: Cr Walker

That Council:

1. Resolves to adopt revised Policy P.07 Feedlots (*Intensive Stock Farming*), as attached.

As amended by deleting paragraph 2 under the *Application* section.

2. Directs the Acting CEO to advertise till 30 June 2019 revised Policy P.07 Feedlots (*Intensive Stock Farming*) for public comment, and report submissions to Council at its July 2019 ordinary meeting.

CARRIED 8/0

Res 122/19

### COMMENT

At the conclusion of the public comment period (30 June 2019), the administration had received no submissions about revised Policy P.07.

In that time however, it became apparent to the administration that sections in revised Policy P.07 were inconsistent with Council's Town Planning Scheme 2 (the Scheme, and refer attached excerpts from the Scheme). Consequently Policy P.07 was revised once again (refer attachment showing proposed changes highlighted in blue *versus* highlights in yellow which refer to changes made in the May 2019 review), so that it might align with both the *Health Local Law 2004* and the Scheme.

### CONSULTATION

Cr Richard Walker and Angela Hales - Environmental Health Consultant

### STATUTORY ENVIRONMENT

*Animal Welfare Act 2002* and associated Regulations.

Council's *Health Local Law 2004*

Council's Town Planning Scheme 2, and refer relevant clauses in the excerpts attached.

### POLICY IMPLICATIONS - Nil

### FINANCIAL IMPLICATIONS - Nil

**STRATEGIC IMPLICATIONS** - Nil

**ENVIRONMENTAL AND ECONOMIC IMPLICATIONS**

The introduction of diseases would have an immediate and adverse affect on the farming sector.

**VOTING REQUIREMENT**

Simple Majority required.

**COUNCIL DECISION & OFFICER RECOMMENDATION - Item 9.3.3**

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr Alexander**

That having received no public submissions by 30 June 2019 about revised Policy P.07 *Feedlots (Intensive Stock Farming)*, Council resolves to adopt revised Policy P.07 *Feedlots (Animal Husbandry - Intensive)*, as attached.

**CARRIED 9/0**

**Res 156/19**



**9.3.4 Retrospective Development Application (Animal Husbandry – intensive) – Lot 12 North Boyup Road, Dinninup**

<b>Location:</b>	<i>Lot 12 North Boyup Road, Dinninup</i>
<b>Applicant:</b>	<i>P &amp; C Forrest</i>
<b>File:</b>	<i>A3180</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>18 July 2019</i>
<b>Author:</b>	<i>A. Nicoll, Town and Regional Planner</i>
<b>Authorizing Officer:</b>	<i>Stephen Carstairs (Acting Chief Executive Officer).</i>
<b>Attachments:</b>	<i>1. Development Application 2. Submissions 3. Waste Drainage Management Plan 4. Photo's</i>

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**SUMMARY**

Lot 12 North Boyup Road, Dinninup has been operating an intensive lamb husbandry operation (feedlot) for 12 years, without the approval of the Council.



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In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Shire has the option of considering a retrospective development application and may grant approval, refusal or temporary approval (e.g. 5 years).

In May 2019, a retrospective application was received seeking approval for the feedlot at Lot 12 North Boyup Road.

The application involves feedlotting approximately 3500 lambs during the months of December and April, on approximately 1.7ha of land. This equates to approximately 1 lamb/5m<sup>2</sup>, which is compliant with the following standards:

Rate	Reference Document
1 lamb/1m <sup>2</sup>	Department of Primary Industries and Regional Development advice note ' <i>Confined paddock feeding and feedlotting</i> '.
3 – 5m <sup>2</sup> per head	' <i>National procedures and guidelines for intensive sheep and lamb feeding systems</i> '

As per the Shire's scheme, the subject land is zoned 'Rural'. A feedlot is defined in the Shire's Scheme as an 'animal husbandry – intensive' land use. In accordance with the Shire's Scheme, the Council in exercising discretionary powers, may approve an 'animal husbandry – intensive' operation on a 'Rural' zone property.

The assessment of the application, which involved researching standards and referral to neighbours and government agencies, revealed a number of concerns, including:

- The feedlot is inconsistent with separation distances recommended by the Shire's Health Local Law 2004;
- Traffic safety concerns due to the temporary blocking of the main road, caused by truck movement (reversing to load and unload stock);
- The risk of disease spreading to neighbouring property; and
- Management of effluent in close proximity to a creek.

Shire staff discussed the matters of concern with the proponent. Subsequent to this, the proponent provided:

- An effluent management plan;
- Photos to indicate existing developed embankments for effluent management;

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 18 JULY 2019

- Agreement to position signage to warn oncoming vehicles of truck movements;
- Willingness to maintain fencing, stocking rates and the health of livestock in accordance with relevant standards.

In accordance with the Shire's Health Local Law 2004, sites unable to satisfy separation distances may be approved at the discretion of the local government if the local government is satisfied that approving the feedlot will not give rise to a health nuisance.

It is recommended that the Council agree to approve the *animal husbandry – intensive* use (Sheep), as staff believe that the feedlot at Lot 12 North Boyup Road:

1. Proposes to implement measures to ensure that the safety of on-road vehicles, the health of livestock and environmental issues are managed to reduce risk of incident; and
2. Is capable of meeting terms stipulated by the '*National procedures and guidelines for intensive sheep and lamb feeding systems*'.

To ensure compliance with relevant standards and to appease any concerns, it is recommended that Council conditionally approve the feedlot and advise the landholder that:

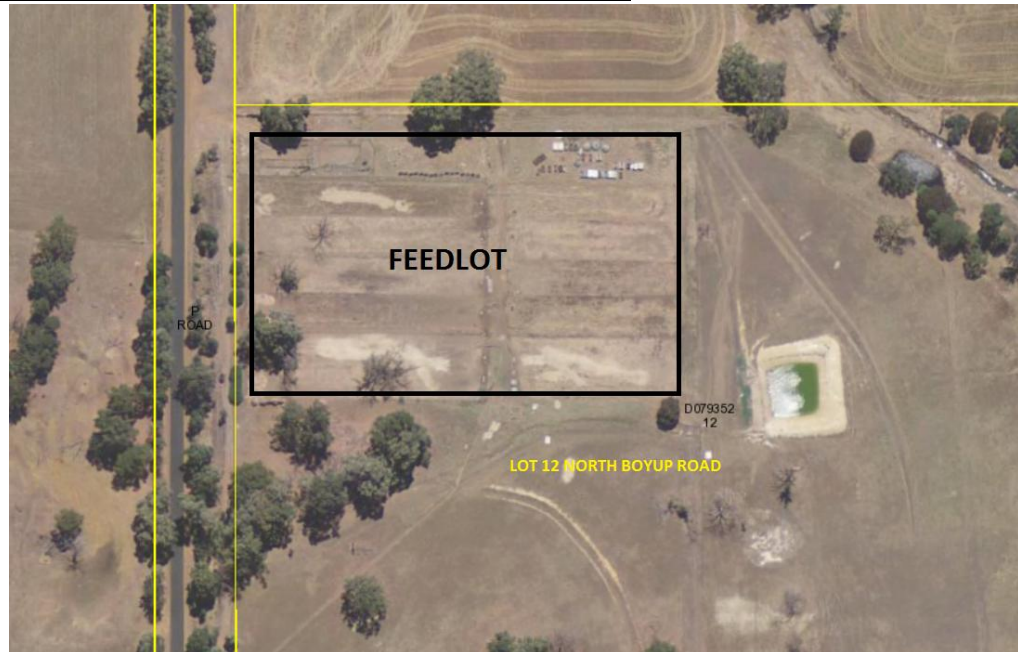
*In accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, Part 10, cl.79(2), an authorised officer may, for the purpose of monitoring whether the local planning scheme is being complied with, at any reasonable time and with any assistance reasonably required, enter Lot 12 North Boyup Road and inspect the feedlot.*

**BACKGROUND**

A question on notice was put to the administration whether the " ... Shire of Boyup Brook have a record of any livestock feedlots within the Shire and are these feedlots operating in accordance with local laws?" The Shire's policy defines a feedlot as, '*... a confined yard area with watering and feeding facilities where the raw material (the stock animals), is completely hand or mechanically fed for the purpose of production, i.e. to add muscle/meat to their frame and optimise fat cover in preparation for slaughter (finishing).*'

The Shire advertised the need for feedlots to seek development approval.

Subsequently, the Shire received a retrospective application for a feedlot operating at Lot 12 North Boyup Road.



The Shire advertised the feedlot application and received comments, including:

- Recommendation from the Department of Water and Environmental Regulation for:
  - The development and implementation of a Stormwater Management Plan; and
  - Compliance with *'Confined paddock feeding and feedlotting'* guide.
- Recommendation from the Department of Primary Industries and Regional Development for compliance with the *'National procedures and guidelines for intensive sheep and lamb feeding systems'*.
- Recommendation from the Department of Health that there are suitable management plans in place to reduce or prevent potential health hazards such as fly breeding, surface water contamination and odours.
- Recommendation from neighbouring landholders for:
  - Sufficient safety measures to address the movement of trucks to and from the subject property;
  - An inspection to ensure compliance with feedlotting standards to address drainage, water supply, biosecurity and pen densities.

### **COMMENT**

A feedlot is defined under Council's *Local Planning Scheme No 2* as an *'animal husbandry – intensive'* use and as such is an 'AA' use in the Rural Zone. This means that Council has discretionary powers to permit the use.

*'Animal husbandry – intensive'* means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots.

The animal husbandry operation (feedlot at Lot 12), the subject of this report item can be described as follows:

- Operational from December to April each year;
- Located on sloping land with sandy soils;
- Feedlot width 96m X depth 180m (Area 1.7ha);
- 12 feedlot pens (approximately 1200m<sup>2</sup>/pen);
- 33m from North Boyup Road;
- 33m from neighbour boundary;
- 99m from creek;
- Water troughs fed by gravity from tanks (50,000 litres);
- Self-feeder bins (4/pen); and
- Embankments located between the feedlot and a creek to manage erosion and pollutants from stormwater runoff.

The main hazards that feedlotting may inflict include:

- Contamination to surface and ground water;
- Odour and dust to sensitive premises (single dwelling);
- Visual impact to aesthetically pleasing landscapes;
- Poor animal welfare; and
- Spread of disease.

As discussed in various sections of this report item, neighbouring landholders and government agencies have highlighted potential issues, including:

- Contamination of waterway that may occur due to mismanagement of effluent. A water course is located in close proximity to the feedlot.
- Vehicular accident that may occur due to trucks reversing to a loading ramp and in-doing so, blocking the public road for a short period of time; and
- Risk of disease and spread of disease amongst livestock that may occur due to mismanagement.

Staff at the Shire discussed with the landholder, the various concerns raised by agencies and neighbours.

The landholder has indicated willingness to address issues as follows:

- The landholder is willing to position signs on the main road, for periods when trucks are loading or unloading stock.
- The landholder has developed embankments and a sediment basin (dam), and has submitted an effluent management plan to ensure pollutants do not enter the nearby water course. The landholder has commented that:

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*On 22nd & 23rd June 2019 our property received 41mm of rainfall which was very heavy in 2 events, a perfect situation for the waste management plan to work and see the eventual result in how it worked. Not a drop of water left our property boundary and was fully contained by the boundary embankment which also collected run off from 2 non feedlot grazing paddocks. This event would come under the B.O.M. 1 in10 annual exceedance probability event.*



Shire staff have assessed the proposed feedlotting operations (e.g. feeding, watering and stock rates) and believe that compliance with the '*National procedures and guidelines for intensive sheep and lamb feeding systems*' is achievable.

The '*National procedures and guidelines for intensive sheep and lamb feeding systems*' provides a set of national recommendations for intensive feeding of sheep and lambs as an initiative of the Australian Lamb Finishers Group and the Sheep meat Council of Australia.

Lambs finished outdoors or in sheds, as well as containment areas, are covered by the National guide and include environmental, nutritional, design, management, supply chain, animal health and welfare recommendations. Recommendations include:

1. Nutrients, salt, organic matter and water components of effluent and manure are to be effectively contained and sustainably utilised.

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2. Feeding areas within outdoor pens are to be located on the high side of the pens.
3. Concrete aprons or compacted rubble should be constructed around high use areas such as feeding and watering points to a minimum width of 2.0 metres.
4. Sick pens should be constructed to accommodate sheep and lambs requiring treatment and allow animals to recover in a less competitive environment.
5. Shelters should be provided to minimise exposure to extremes of cold and hot weather, and reduce exposure to high midsummer solar radiation. Shade or shelter may be provided by securely fenced off straw bales or trees, galvanised sheeting, shade cloth or sheds.
6. Feeding and watering equipment should be designed to minimise spillage and the accumulation of waste, manure and urine beneath them.
7. The optimum stocking density for outdoor intensive feeding systems is yet to be determined. Current recommendations suggest 3 – 5 m<sup>2</sup> per head.
8. General carcass disposal should be conducted by composting within a suitable composting site, including, a composting bunker, manure stock pile or windrow. All runoff from the composting area must be controlled and managed.
9. Pests be controlled within intensive feeding systems.
10. Relevant information be recorded to satisfy authorities in the event of an official inquiry (e.g. medications used, environmental management measures, sheep numbers and waste management).
11. Sick and injured animals be appropriately treated at the first opportunity. A veterinarian or government official be notified in the event of death or illness due to a suspected notifiable disease.

It is recommended that the above national standards are listed as conditions of a planning approval notice for the subject feedlot.

As mentioned previously in this report item, the feedlot is inconsistent with separation distances recommended by the Shire's Health Local Law 2004: Rural dwellings - 1000m; Public roads - 100m; Neighbouring rural property boundaries - 50m; and Minor water courses - 100m.

The Shire's Health Local Law 2004 recommends a setback of 100m to minor water courses. The feedlot is setback 99m to a minor water course.

The subject land slopes toward a creek, which feeds into the Blackwood River. The potential exists for effluent to wash down the slope into the creek and to then pollute the Blackwood River. Shire staff consulted with the landholder on the matter of stormwater management and subsequently received information showing a series of developed embankments, which catch and distribute stormwater to a detention basin (dam). In addition, the landholder has provided the Shire with an effluent management plan to indicate ongoing commitment to ensure pollutants do not contaminate the creek. Photos and the effluent



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management plan are attached for review by Councillors. Considering the management of stormwater already developed to control pollutants, the 1m variation to the standard setback to creek is not expected to be a factor of concern.

It is recommended that effluent management is identified as a condition of a planning approval notice for the subject feedlot.

The Shire's Health Local Law 2004 recommends a setback of 5km to a Townsite, 1000m to a dwelling and 50m to neighbouring property boundaries. The feedlot is setback 3km from the Boyup Townsite, 33m to a neighbouring property boundary, 586m to a neighbouring property dwelling (Lot 208) and 408m to the landholders dwelling.

The purpose of identifying setbacks, is to limit the potential for visual impact and land use conflict arising from hazards such as odour, dust and disease.

Having considered proposed operational practices, including proposed stocking rates (1 lamb/5m<sup>2</sup>), staff believe that animal welfare, odour and dust can be satisfactorily managed. Neighbouring properties were consulted and did not raise any concerns in relation to odour or dust.

In relation to biosecurity, it is imperative that efforts are undertaken to ensure that animals are treated to ensure pests and diseases are controlled and appropriate fencing is developed and maintained to contain animals.

In relation to visual impact, the feedlot is located on land that slopes away from visually prominent areas such as the North Boyup Road and the Boyup Townsite. It is however recommended that a condition of approval is included to require tree planting between the feedlot and the North Boyup Road.

It is recommended that the Council grant retrospective development approval for the feedlot, subject to conditions to ensure:

- Compliance with the '*National procedures and guidelines for intensive sheep and lamb feeding systems*';
- Tree planting for screening;
- Containment of pollutants and dust;
- Safe management of loading and unloading of livestock;
- Ongoing compliance with stocking rate standards;
- Fencing developed and maintained to a standard that ensures containment of livestock.

As discussed previously in this report item, it is also recommended that the landholder is advised that:



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*In accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, Part 10, cl.79(2), an authorised officer may, for the purpose of monitoring whether the local planning scheme is being complied with, at any reasonable time and with any assistance reasonably required, enter Lot 12 North Boyup Road and inspect the feedlot.*

Should Council feel unconvinced on the ability of the feedlot to comply with standards, the Council has the option of granting temporary approval (e.g. 5 years). Once the temporary period has lapsed, the landholder would cease operations until such time that a new approval is granted.

### **CONSULTATION**

The application was referred to government agencies (including Dep't of Agriculture) and surrounding landholders. Six (6) submissions were received. The following summarizes comments made:

1. The safe movement of vehicles on the North Boyup Road was identified as a concern due to the blocking of the main road during loading and unloading of stock. The stock truck blocks the road for a short period of time whilst backing to a loading ramp.
2. An inspection needs to determine if all the Council by-laws are in place to operate such a feedlot (e.g. drainage, water supply, biosecurity, driveways and all boundaries, pen densities etc.).
3. The Department of Primary Industries and Regional Development requested compliance with the *National procedures and guidelines for intensive sheep and lamb feeding systems (MLA, 2011)*;
4. The Department of Water and Environmental Regulation commented that:
  - Stormwater flowing from the feedlot should be managed to prevent erosion and runoff of manure and associated turbidity from impacting the tributary. Contour banks, bunds, cut-off drains and if necessary detention basins should be used.
  - A 'Drainage Management Plan' (DMP) should be developed to manage up to a 2 hour, 1 in 10 (10 per cent) annual exceedance probability event.
  - Conditions of approval should reflect the DPIRD advice note '*Confined paddock feeding and feedlotting*' (last updated: Monday, 18 February 2019).
5. The Department of Health has no objection provided there are suitable management plans in place to reduce or prevent health hazards such as fly breeding, surface water contamination and odours.

### **STATUTORY OBLIGATIONS**

Shire's Local Planning Scheme No.2 (scheme)

The Shire's scheme defines 'animal husbandry – intensive' as:

*'premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots'.*

The subject Lot 12 North Boyup Road is zoned 'Rural' under the Shire's scheme. The proposed 'animal husbandry – intensive' is considered to be compatible with rural uses and is not expected to result in land use conflict.

Shire of Boyup Brook Health Local Laws 2004 (Division 5 – Feedlots)

The Shire of Boyup Brook Health Local Law 2004 states:

- (2) *Subject to subsection (3), no premises shall be approved as a feedlot by the local government unless every portion of such feedlot complies with the minimum separation distances listed in Table 1; and*
- (3) *Sites unable to satisfy the separation requirements may be approved at the discretion of the local government if the local government is satisfied that approving the feedlot will not give rise to a health nuisance.*

Table 1—Required Buffer Distances for Feedlots

<i>Buffer</i>	<i>Distances</i>
<i>Townsite boundaries .....</i>	<i>5000m</i>
<i>Isolated rural dwellings, dairies &amp; industries .....</i>	<i>1000m</i>
<i>Public roads and recreation areas .....</i>	<i>100m</i>
<i>Neighbouring rural property boundaries.....</i>	<i>50m</i>
<i>Major water course and water impoundments .....</i>	<i>300m</i>
<i>Bores, wells or soaks used for drinking, stock or irrigation</i>	<i>300m</i>
<i>Minor water courses .....</i>	<i>100m</i>

As mentioned in the discussion section of this report item, the feedlot does not comply with the Health Local Law 2004 standards for setbacks (Table 1), however, considering management practices developed (embankments) and proposed (management plan) and considering low stocking rates, staff are satisfied that approving the feedlot will not give rise to health or environmental nuisance.

The Shire of Boyup Brook Health Local Law 2004 states:

Site Conditions

5.5.3

- (1) *The owner or occupier of the approved feedlot shall ensure the premises—*
  - (a) *is sited on gently sloping land, no greater than 1:20 but not less than 1:100;*

- (b) *is sited on soils with sufficient filtration to avoid surface ponding and run-off;*
  - (c) *has a minimum groundwater clearance of 2 metres;*
  - (d) *drainage diverts all uncontaminated stormwater from the general waste stream;*
  - (e) *has solid and liquid waste disposal arrangements that are not offensive or injurious to health.*
- (2) *The owner or occupier of the approved feedlot shall take effective measures to prevent the discharge of dust which may involve—*
  - (a) *reducing the stocking rate immediately to a level that does not cause the discharge of dust; or*
  - (b) *stabilisation of the soil surface to a level that does not cause the discharge of dust; or*
  - (c) *provision of adequate windbreaks to effectively prevent the discharge of dust.*

As discussed in the development application submitted to the Shire and the discussion section of this report item, staff believe that the feedlot can comply with the Health Local Law condition 5.5.3 (specified above).

#### **POLICY IMPLICATIONS**

The Shire has adopted a 'Feedlot' policy (P.07) to guide the development, site selection and management of feedlots.

The policy defines a feedlot as, ' ... a confined yard area with watering and feeding facilities where the raw material (the stock animals), are is completely hand or mechanically fed for the purpose of production, i.e. to add muscle/meat to their frame and optimise fat cover in preparation for slaughter (finishing).'

It is recommended by the policy, that the Shire give notice of the application to landholders likely to be affected and the Department of Agriculture and publish a notice in a newspaper.

Regarding consultation, the Shire gave notice to neighbours, to the Department of Water and Environmental Regulation, to the Department of Primary Industries and Regional Development (Agriculture Department) and the Department of Health. The Shire did not place an advert in the local newspaper as this was considered unnecessary and is not a Local Planning Scheme requirement.

Regarding site selection, the feedlot complies with policy recommendations as it is located on gently sloping land, on permeable soils (sandy) and with 3m minimum clearance to groundwater. The feedlot does not comply with a 5km setback standard to the Boyup Townsite. Having considered proposed operational practices (effluent management), comments from government

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 18 JULY 2019

agencies, and the proposed stocking rates being within limits, staff believe that animal welfare, odour and dust can be satisfactorily managed to protect residents in the Boyup Townsite (3km away).

Regarding management of feedlots, the policy recommends:

- 1 *Establish trees and shrubs in dense belts so as to create a windbreak and general screen.*
- 2 *For cattle, the recommended stocking rate of area will be 9-25m<sup>2</sup> /head, dependent on soil types and rainfall.*
- 3 *Drainage should be designed to divert all uncontaminated stormwater from the general waste stream.*
- 4 *Solid and liquid waste shall be disposed of so as not to be detrimental to the environment.*
- 5 *Dependent on stock numbers the following methods of disposal may need to be incorporated.*
  - (a) *Liquids*
    - (i) *Evaporation ponds*
    - (ii) *Irrigation dependent on soil's ability to absorb nutrient, maximum infiltration rate in winter and nutrient loading the wastewater.*
    - (iii) *Disposal area to be rested at least 14 days after application.*

*It should be emphasised that liquid wastes produce considerable odour when aerated by spray irrigation which may limit some methods.*
  - b) *Solids:*
    - i) *Spread evenly by suitably designed machinery so as not to create a nuisance (flies, odours).*
    - ii) *Area to maintain vegetation cover and application rate not exceed 30 tonnes/ha/yr.*

Regarding the above management conditions, the feedlot has developed a water/effluent management system (embankments) to control pollutants. The applicant has also submitted an effluent management plan to indicate ongoing operational measures. It is recommended that tree planting is implemented on Lot 12 between the feedlot and the main road to provide visual screening.

**BUDGET/FINANCIAL IMPLICATIONS**

There are no financial implications directly relating to this item.

**VOTING REQUIREMENTS**

Simple majority

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

**MOVED: Cr Walker**

**SECONDED: Cr Rear**

**That Council**

Grants development approval for Lot 12 North Boyup Road, for the purpose of 'animal husbandry – intensive' subject to the following notice:

***Planning and Development Act 2005***

**Shire of Boyup Brook**

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

Location: Lot 12 North Boyup Road

Description of proposed development:

**'Animal husbandry – intensive'**

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

Conditions:

1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Shire of Boyup Brook, all development shall occur in accordance with the stamped, approved plans, which indicate the confines of the feedlot and the management of effluent via embankments and a sediment basin.
2. All runoff from the feedlot, being undertaken in accordance with the 'P & C Forrest Feedlot waste Drainage Management Plan' approved 18 July 2019. This includes ensuring effluent does not reach the creek and instead is contained via embankments and sediment basin (dam), to the satisfaction of the Shire of Boyup Brook.
3. The owner or occupier of the approved feedlot shall take effective measures to prevent the discharge of dust which may involve:
  - Reducing the stocking rate immediately to a level that does not cause the discharge of dust; or
  - Stabilisation of the soil surface to a level that does not cause the discharge of dust; or
  - Provision of adequate windbreaks to effectively prevent the discharge of dust.
4. The owner or occupier of the approved feedlot shall ensure ongoing compliance with the '*National procedures and guidelines for intensive sheep and lamb feeding systems*', in particular:
  - Nutrients, salt, organic matter and water components of effluent and manure are to be effectively contained and sustainably utilised.
  - Feeding areas are to be located on the high side of the pens.
  - Where erosion is occurring (e.g. around high use areas such as feeding and watering points), concrete aprons or compacted rubble should be constructed to a minimum width of 2.0 metres.
  - Sick pens should be constructed to accommodate sheep and lambs requiring treatment and

allow animals to recover in a less competitive environment.

- Shelters should be provided to minimise exposure to extremes of cold and hot weather, and reduce exposure to high midsummer solar radiation. Shade or shelter may be provided by securely fenced off straw bales or trees, galvanised sheeting, shade cloth or sheds.
- Feeding and watering equipment should be designed to minimise spillage and the accumulation of waste, manure and urine beneath them.
- Stocking density should not exceed 1 lamb/3m<sup>2</sup>.
- General carcass disposal being conducted by composting within a suitable composting site, including, a composting bunker, manure stock pile or windrow. All runoff from the composting area must be controlled and managed.
- Pests be controlled within the feedlot.
- Relevant information be recorded to satisfy authorities in the event of an official inquiry (e.g. medications used, environmental management measures, sheep numbers and waste management).
- Sick and injured animals be appropriately treated at the first opportunity. A veterinarian or government official be notified in the event of death or illness due to a suspected notifiable disease.

5. Tree planting being implemented to the satisfaction of the Shire of Boyup Brook between the feedlot and the North Boyup Road to provide suitable screening.
6. The loading and unloading of stock and all commodities/goods to and from the premises shall be carried out entirely within the Lot 12 North Boyup Road. During loading and unloading of stock, signs warning oncoming traffic of any imminent danger, are to be placed at a suitable distance either side of the entry to the premises.
7. The landholder is to ensure fencing is maintained to ensure livestock is contained.

Date of determination: 18 July 2019

Note 1: In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015, Part 10, cl.79(2)*, an authorised officer may, for the purpose of monitoring whether the local planning scheme is being complied with, at any reasonable time and with any assistance reasonably required, enter Lot 12 North Boyup Road and inspect the feedlot.

Note 2: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

Note 3: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 4: 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:

\_\_\_\_\_

\_\_\_\_\_

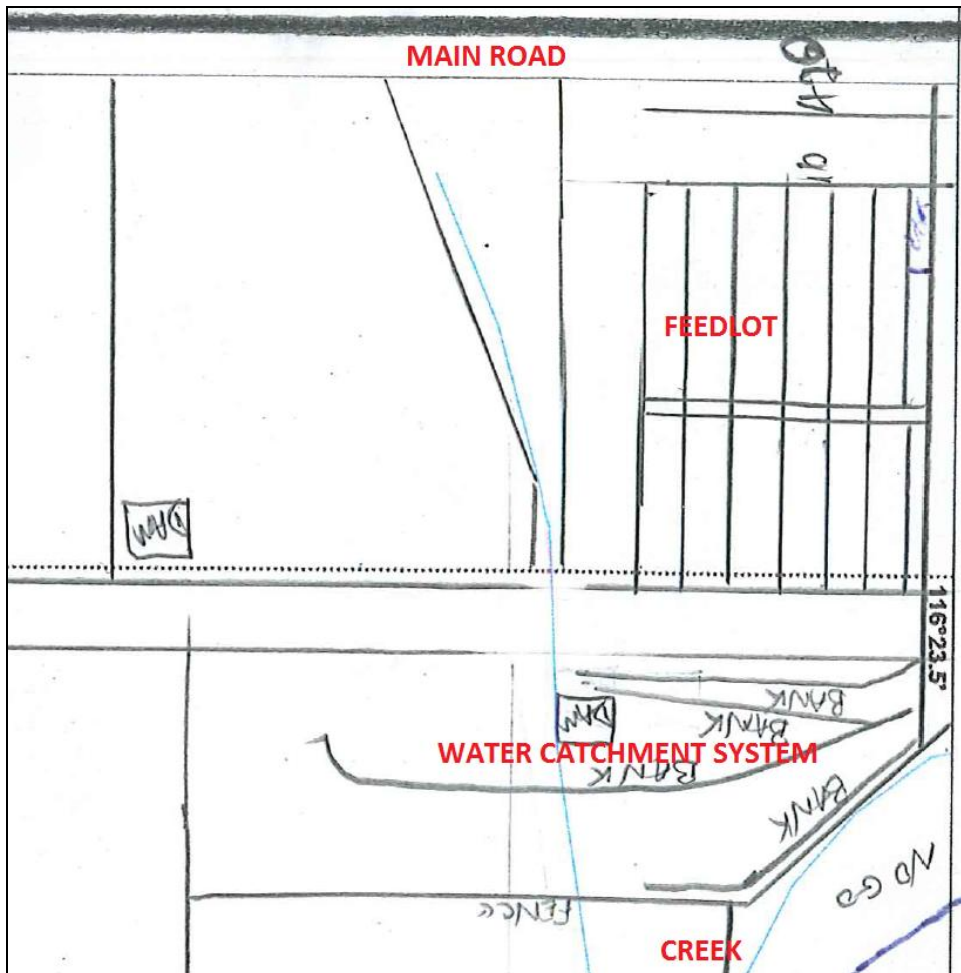
for and on behalf of the Shire of Boyup Brook.

CARRIED 9/0

Res 157/19

# Approved Plans

## Site Plan



## An aerial photograph of a large, flat, open area, likely a feedlot or pasture. The ground is a mix of light brown and tan colors, with some darker patches and sparse vegetation. In the upper right corner, there are several small, dark structures, possibly buildings or sheds. The word "FEEDLOT" is overlaid in large, bold, black capital letters in the center of the image.





**P & C Forrest Feedlot waste Drainage Management Plan.**

The containment system for our feedlot is made up of a series of contour drains and an embankment which prevents any waste/water pollution from entering the nearby creek.

The feedlot is situated on a slightly curved piece of land. The lower points being on the NE end and the SE end with the slightly raised section being between these two points.

The run off from the feedlot mainly drains to these two points and enters the contoured drainage system.

Any waste run off from the centre section (between the NE & SE corners) runs over a non grazed lane way and into the first drain.

The **1<sup>st</sup> drain** collects from the SE corner of the feedlot and this drains away to the North along the bottom (East) face of the feedlot.

The NE corner flows into the **2<sup>nd</sup> drain** which drains away to the South and converges with the **1<sup>st</sup> drain**. At this convergence point the water/waste enters the **3<sup>rd</sup> drain**.

The **3<sup>rd</sup> drain** runs from just below the SE entry point of the **1<sup>st</sup> drain** all the way to the North to just below the entry point of the **2<sup>nd</sup> drain** on the NE corner. This drain is there for the purpose of collecting any overflow from drains 1 & 2 and directs the waste/water flow to the north where it then flows into the **4<sup>th</sup> drain**.

The **4<sup>th</sup> drain** flows to the South on a curve around the East side of a dam, it is a long drain and curves up hill at its South end point to slow and contain its contents.

The Dam is protected from any contaminated water and gets water flow from a separate gully water flow.

The **5<sup>th</sup> drain** runs from near the NE corner of the feedlot drainage point, collecting water which runs down the side of the feedlot fence. This drain flows in a SE direction and any over flow from that traverses another non grazed lane to where there is a series of embankments.

**Embankments** run from below the **5<sup>th</sup> drain** (at the embankments N start position) and continue along our East boundary. This embankment is going to be fenced and tree plantings will eventually be placed along it.

**COUNCIL DECISION**

**MOVED: Cr O'Connell**

**SECONDED: Cr Oversby**

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

**CARRIED 9/0**

**Res 158/19**

**9.2 FINANCE**

**9.2.1 List of Accounts Paid in June 2019**

<b><i>Location:</i></b>	<i>Not applicable</i>
<b><i>Applicant:</i></b>	<i>Not applicable</i>
<b><i>File:</i></b>	<i>FM/1/002</i>
<b><i>Disclosure of Officer Interest:</i></b>	<i>None</i>
<b><i>Date:</i></b>	<i>09/07/19</i>
<b><i>Author:</i></b>	<i>Kay Raisin - Acting Finance and HR Manager</i>
<b><i>Authorising Officer:</i></b>	<i>Stephen Carstairs – Acting CEO</i>
<b><i>Attachments:</i></b>	<i>Yes – List of Accounts Paid in June 2019</i>

**SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in June 2019 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 June 2019.

**COMMENT**

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 30 June 2019.

**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**

That at its July 2019 ordinary meeting Council receive as presented the list of accounts paid in June 2019 totalling: \$890,066.26 from Municipal account; \$2,492.68 from Trust account; \$52,674.90 from the Police Licensing Account; and \$7.42 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20298 - 20312	\$ 117,493.26
Municipal Electronic Payments	EFT8112 - EFT8251	\$ 581,516.57
Municipal Direct Payments		\$ 191,056.43
Trust Cheques	2184 - 2188	\$ 2,492.68
Police Licensing		\$ 52,674.90
BBELC Payments		\$ 7.42

**CARRIED BY ENBLOC 9/0**

**Res 159/19**

**9.2.2 30 June 2019 Statement of Financial Activity**

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	Not applicable
<b>File:</b>	FM/10/003
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	09 July 2019
<b>Authors:</b>	Kay Raisin - A/Finance and HR Manager and Stephen Carstairs Acting CEO
<b>Authorizing Officer:</b>	Stephen Carstairs - Acting CEO
<b>Attachments:</b>	Yes – 30 June 2019 Financial Reports

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**SUMMARY**

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 30 June 2019.

**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**

Stephen Carstairs - Acting CEO

**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**

That having had regard for any material variances, Council receive the 30 June 2019 Statement of Financial Activity and Statement of Net Current Assets, as presented.

**CARRIED BY ENBLOC 9/0**

**Res 160/19**

**9.2.3 Budget Amendment: 2019 - 20 Federal Assistance Grant – Advance Payment and 2019-20 ESL Operating Grant - Advance Payment**

<b>Location:</b>	Not applicable
<b>Applicant:</b>	Not applicable
<b>File:</b>	FM/9/005
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	03 July 2019
<b>Author:</b>	Kay Raisin - A/Finance and HR Manager and Stephen Carstairs – Acting CEO
<b>Authorizing Officer:</b>	Stephen Carstairs – Acting CEO
<b>Attachments:</b>	Yes –Department of Fire and Emergency Services (DFES)

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**SUMMARY**

In the course of a financial year events occur which impact on a budget. This matter is brought before Council to receive in 2018-19 both:

- a *circa* 57% advance payment (\$464,190 ex. GST) of its WALGGC 2019-20 General Purpose Federal Assistance Grant (FAGs);
- a *circa* 53% advance payment (\$368,140 ex. GST) of its WALGGC 2019-20 Local Roads FAGs; and
- a 25% advance payment (\$12,099 ex. GST) , of its DFES 2019-20 Bush Fire Brigades (BFB) Operating Grant (ESL).

**BACKGROUND**

As per the *Local Government (Financial Assistance) Act 1995* (the Act), the Commonwealth provides financial assistance to the states for the purpose of improving, among other things, the financial capacity of local governments (LG's), to provide their residents with equitable levels of service.

The Commonwealth Government has communicated with the WA Local Government Grants Commission (the Commission) that in 2018-19 the Commission will be advancing to LG's some 50% of the 2018-19 Federal Assistance Grants (FAGs) pool (and see attachment). This advance payment is in keeping with advance payments made by the Commonwealth in 2011-12, 2012-13, 2014-15, 2016-17, and 2017-18. As control of the funds passes to the shire on receipt of the untied funds received at bank on 18 June 2019, the advance is to be recognised as revenue for 2018-19, and as such might well have been expended in 2018-19 as well.

Received at bank on 27 June 2019 was DFES' first quarter 2019-20 ESL instalment, and refer attached DFES correspondence for an explanation of the early payment.

**COMMENT**

The advanced FAGs and BFB payments will have the effect of increasing in 2018-19 the flow of revenue (\$832,330) to the shire, and this will be reflected either in the shire's 2018-19 surplus carried forward into 2019-20 or restricted cash i.e. Reserves carried forward into 2019-20.

**CONSULTATION** - Nil

**STATUTORY OBLIGATIONS**

Section 3 of the Local Government (Financial Assistance) Act 1995 – Objects of the Act, and s.16 of the Local Government Grants Act 1978 – Distribution of Commonwealth funds.

**POLICY IMPLICATIONS** - Nil

**BUDGET/ FINANCIAL IMPLICATIONS**

While the shire took control of the advance FAG and BFB payments, there was no real opportunity to utilize it. The advance payments, therefore, can be treated in a number of ways with examples as follows:

- the combined advance payment (\$832,330) could be reflected in the shire's 2018-19 surplus carried forward into 2019-20; or
- the combined advance payment could be transferred i.e. quarantined, to the shire's *Unspent Grants Reserve*; or
- only the 'untied' (to specific projects) FAGs advance payment (\$832,330) could be quarantined in the reserve i.e. 'restricted', and the ESL 'tied' advance payment (\$12,099) could be recognized as restricted consolidated revenue.

**STRATEGIC IMPLICATIONS** - Nil

**VOTING REQUIREMENTS**

Absolute Majority



**COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 9.2.3**

**MOVED: Cr Walker**

**SECONDED: Cr Kaltenrieder**

1. That Council receives in the 2018-19 financial year:
  - the Commonwealth Government's advance Financial Assistance Grant payment, comprising: \$646,190 (ex. GST) General Purpose Assistance, and \$368,140 (ex. GST) Local Road Assistance; and
  - the Department of Fire and Emergency Services advance Bush Fire Brigades Operating Grant (ESL) payment of \$12,099 (ex. GST), and  
direct the Acting CEO to amend the Shire of Boyup Brook 2018-19 Annual Budget by increasing operating revenue by \$844,429.
2. That Council determines: to have the 'untied' 2019-20 advance Financial Assistance Grant payment (\$832,330) transferred in 2018-19 to the shire's *Unspent Grants Reserve*, and have the 'tied' 2019-20 advance ESL payment (\$12,099) recognized as restricted cash over which conditions apply.

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 161/19**

#### 9.2.4 Budget Review: 2018-19 Reserve Funds

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/9/005</i>
<b>Disclosure of Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>03 July 2019</i>
<b>Author:</b>	<i>Stephen Carstairs – Acting CEO</i>
<b>Authorising Officer:</b>	<i>Stephen Carstairs – Acting CEO</i>
<b>Attachments:</b>	<i>Yes</i>

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#### **PURPOSE**

Council is requested to consider and adopt, as presented, proposed 2018-19 reserve account budget amendments.

#### **BACKGROUND**

At its 10 July 2018 meeting Council resolved to: create an unspent grants reserve; and to transfer \$655,020 in forward Federal Assistance and DFES ESL grants (2018-19 funds received in June 2018), into the reserve for carrying over into 2018-19 (Res. 123:18).

In Council's 2018-19 Adopted Annual Budget it was forecast that:

- \$26,750 in annual interest revenue would derive from term deposits of reserve funds; and
- so as to fund a range of projects some \$1,069,475 would be transferred to reserves and \$2,879,535 would be transferred from reserves to derive a \$1,148,083 (in total) reserves balance as at 30 June 2019.

#### **DETAILS**

Relative to the 2018-19 budgeted interest revenue from Reserves (\$28,250), as it turns out \$38,845 was derived in 2018-19 from Reserves term deposits.

In the attachment (Reserves Note Detail) a side by side comparison is made of the 2018-19 budgets and "estimated" transfers to and from reserves, and an itemised account of proposed transfers to and from reserves is presented.

Notable reserve balance exceptions to budget include:

- (a) Leave Reserve: proposed that in 2018-19 \$50,000 will be moved into consolidated revenue so as to part fund a substantial 04 July 2019 employee

termination pay.

- (b) Plant Reserve: the substantial reduction in cash outflow was addressed in the 2018-19 budget review; and it is proposed to reduce the annual transfer to reserve (\$344,900) by \$100,000 to part fund the employee termination pay;
- (i) Commercial Reserve: notably the \$150,000 1 Forrest St headwork project did not take place;
- (p) Building Reserve: notably the Community Hub project was not progressed, the Admin toilets upgrade did not occur, solar at the depot did not occur, cemetery toilet did not occur, and the 1 Forrest Aged Housing project did not progress;
- (q) Aged Accommodation Reserve: again this initiative was not progressed in 2018-19;
- (s) IT/Office Equipment Reserve: notable the IT Server and its associated software was not upgraded in 2018-19; and
- (y) Unspent Grants Reserve: the shire received in 2018-19 a 2019-20 Federal Assistance Grant (FAGs) forward payment (\$832,330), and it is proposed that this be quarantined until the 2019-20 budget is adopted.

**CONSULTATION** - Nil

**STATUTORY ENVIRONMENT**

*Local Government Act 1995* and Regulations apply.

**POLICY IMPLICATIONS** - Nil

**FINANCIAL IMPLICATIONS**

Specific financial implications are as outlined in the Details section of this report.

**STRATEGIC IMPLICATIONS**

The Reserve Funds budget review was developed based on existing strategic planning documents adopted by council.

**VOTING REQUIREMENT**

Absolute Majority required: Yes.

**COMMENT**

The 2018-19 Reserve funds budget was reviewed so as to fund acquisitions and projects that are to be carried forward into 2019-20.

Relative to the adopted 2018-19 annual budget, transfers to reserve are to increase from \$1,069,475 to \$1,163,070, and transfers from reserve are to decrease from \$2,879,535 to \$1,203,420. The 2018-19 reserves balance is forecast to increase from \$1,148,083 (refer 2018-19 adopted budget) to \$2,917,795. The 2018-19 surplus of funds to be carried forward into 2018-19 (at the time of preparing this report) is forecast to be \$394,997, and refer page 5 (Current Assets) in the attached.

Mr Peter Forrest left the Chambers at 6.05pm.

**COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 9.2.4**

**MOVED: Cr Oversby**

**SECONDED: Cr Walker**

That Council:

1. Directs the Acting CEO to amend the 2018-19 annual budget transfers to and from reserves as follows:

	Transfer to	Transfer from	Closing Balance
	\$	\$	\$
(a) Leave Reserve	875	(50,000)	120
(b) Plant Reserve	248,795	(142,870)	325,625
(d) Community Housing Reserve	28,000	(42,685)	79,265
(e) Emergency Services Reserve	215	0	12,225
(g) Insurance Claims Reserve	260	0	14,900
(h) Other Recreation Reserve	1,220	(29,455)	49,530
(i) Commercial Reserve	8,280	(80,365)	442,415
(k) Bridge Maintenance Reserve	5	0	160
(m) Swimming Pool Reserve	1,110	(120,085)	0
(p) Building Reserve	13,135	(54,210)	699,515
(q) Aged Accommodation Reserve	6,645	(3,200)	378,020
(r) Road Contributions Reserve	490	0	28,030
(s) IT/Office Equipment Reserve	18,210	(17,530)	39,105
(x) Civic Receptions Reserve	3,360	0	16,435
(y) Unspent Grants Reserve	832,330	(655,020)	832,330
(x) Unspent Community Grants Reserve	140	(8,000)	120
			<b><u>2,917,795</u></b>

2. Receive, as presented, the 30 June 2018-19 Financial Activity Statements (attached and includes a *Reserves Note Detail*) that forecasts \$394,997 of surplus funds to be carried forward into 2019-20.

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 162/19**

**LAY ON THE TABLE**

Council decided that item 9.2.5 be discussed at a workshop and be brought back to a Council meeting.

**9.2.5 Levying Rates in 2019-20**

<b>Location:</b>	N/A
<b>Application:</b>	N/A
<b>File:</b>	Policy
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	15 July 2019
<b>Author:</b>	Kay Raisin - Acting Finance & HR Manager and Stephen Carstairs - Acting CEO
<b>Authorising Officer:</b>	Stephen Carstairs - Acting CEO
<b>Attachments:</b>	Yes: Rating Information - 2019-20 Financial Year

**PURPOSE**

This report seeks to have the Council consider and endorse proposed general rates and minimum payments for inclusion in the draft 2019-20 Annual Budget.

**BACKGROUND**

Rates revenue is a substantial source of general purpose (sometimes described as discretionary) revenue for the Shire of Boyup Brook, and in 2018-19 accounted for some 33.7% of operating expenses (Rates Coverage Ratio). Among other things, the *Local Government Act 1995* (the Act) empowers local governments to impose general rates and minimum payments on rateable land.

Local governments (LGs) impose rates on the properties in their districts to raise revenue to fund the services and facilities provided to residents and visitors. Subsection 2 of section 6.2 of the *Local Government Act 1995* (the Act) puts in perspective the importance of rates in preparing annual budgets:

***Local Government Act 1995***  
Financial management **Part 6**  
Annual budget **Division 2**  
**s. 6.2**

**Division 2 — Annual budget**

**6.2. Local government to prepare annual budget**

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —
  - (a) the expenditure by the local government; and
  - (b) the revenue and income, independent of general rates, of the local government; and
  - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

The amount of rates payable by rate payers is determined by the interplay of three factors: the method of valuation of the land i.e. unimproved value (UV) or gross rental value (GRV) as determined, effectively, by the Minister (and refer s.6.28 of the act); the valuation of the land and improvements as determined by the Valuer General in accordance with the provisions of the *Valuation of Land Act 1978*; and the rate in the dollar applied to that valuation by the local government.

An LG may impose a single general rate which applies to all of the properties in the UV or GRV categories. Alternatively, the shire can distinguish between land in either of the categories on the basis of its zoning, use, whether or not it is vacant, other criteria set by Regulation, or a combination of these factors, and rate them differently i.e. apply a differential rate to each sub-category. In 2018-19 the Shire of Boyup Brook did not impose any differential rating.

So after all the other sources of income and expenses have been recognised for a budget, the object of a rating model is to provide for the funding shortfall required to meet the needs (services, activities, financing costs and the current and future capital requirements) of the community. In 2018-19 Council budgeted to raise \$2,764,671 in rates (*ex gratia* rates not included).

For the 2019-20 financial year, Scenarios 3 in the shire's 2017-18 to 2026-27 Long Term Financial Plan (LTFP) indicated that the funds shortfalls would be \$2,877,741, requiring a 4.25% increase on the rates to be levied in 2018-19 (\$2760,430). Given that in 2018-19 the actual rates budgeted to be levied (before interims, back rates, write offs and *ex gratia* rates) was \$2,763,306, the it is reasonable to assume that target 2019-20 figure for rates modelling purposes would approach \$2,880,747.

Increasingly, the cost for assets management is being recognised as a significant challenge for LGs in Western Australia, and so any rating model must also support substantial transfers to and from Reserve Accounts (e.g. Plant Replacement Reserve) to fund asset renewal and replacement requirements in line with defined service levels.

The revaluation of UV properties by Landgate through May and early June of 2019 resulted in the following outcomes:

- the number of UV properties in the district remained relatively static at 958 relative to 954 for the 2018-19 year; and

- the rateable value of properties increased substantially by some \$18,902,875 (approximately 6.65%) from \$284,410,354 in 2018-19 to \$303,313,229 for 2019-20.

As from 01 July 2019 Landgate revalued GRV properties in the district as well with the following outcomes:

- there was no change in the number of GRV properties in the district; however
- the rateable value of properties increased substantially by some \$216,740 (approximately 6.25%) from \$3,462,141 in 2018-19 to \$3,678,881 for 2019-20.

### **COMMENT**

#### **Rates Modelling**

In the development of the rating modelling methodology the following principles were applied:

1. Equity
2. Incentive
3. Administrative Efficiency
4. Compliance
5. Sustainability

The proposed rates to apply in 2018-19 were designed, as much as practicable, to ensure equity and contribution of rates according to land use, and approach as much as is practicable to the percentage split (GRV : Rural UV : Mining UV) as assessed in the WA Local Government Grants Commission's 2016-17 Balanced Budget.

Rates are calculated by multiplying the valuation (either GRV or UV) provided by Landgate (the Valuer-General), with a rate in the dollar imposed by the Council. When Landgate revalue properties, the Shire can adjust the rate in the dollar to offset significant fluctuations in valuation.

For the 2019-20 financial year, and to meet the outcomes of Scenario 3 (4.25% overall increase in rates) of the LTFP, Council might consider endorsing rate in the \$ and minimum rates increases across the two (2) broad rating classes as follows:

Rate Class Min S's	2018-19			2018-19
	Rate in \$	Min \$'s	% Increase <sup>1</sup>	Rate in \$
GRV 973	13.4150	925	4.25	13.1509
UV 900	0.7713	875	4.25	0.7482

1. These values refer to the % increase in revenue derived from the respective (proposed) 2019-20 rate in the \$ and minimums increases for each rate class.

While the above model was designed to cover costs and fund some assets replacement in 2019-20, 2 alternative models were appraised i.e. keeping the GRV % increase at 4.25% but increasing UV rates by 5.25% and 6.25%. Council might consider endorsing one of the following models:

Rate Class Min S's	2017-18			2018-19
	Rate in \$	Min \$'s	% Increase	Rate in \$
GRV 973	13.4150	925	4.25	13.1509
UV 911	0.7713	875	5.25	0.7551
UV <sup>2</sup> 920			6.25	0.7622

Increasing UV by 5.25% relative to 2018-19, and leaving GRV at a 4.25% increase, would have the effect of recovering \$22,991 in funds additional to requirement, and a 6.25% UV increase would recover an additional \$45,718.

Endorsing rates in the \$ and minimums at this stage, will not preclude Council from striking some other rates when adopting the 2019-20 Annual Budget. The proposed Scenario 3 general and minimum rate increases will generate in 2019-20 some \$2,880,747 (the rates pool), an increase of \$117,441 on 2018-19 (before interims, back rates, write offs and *ex gratia* rates), and refer attached to the Statement of Rating Information.

### **CONSULTATION**

Graham Aird - Shire President

### **STATUTORY OBLIGATIONS**

Local Government Act 1995  
Part 6 Division 6 – Rates and service charges  
s.6.33; s.6.35; and s.6.36



**POLICY IMPLICATIONS**

Policy F.9 *Rating Strategy* has relevance for this report.

**BUDGET/FINANCIAL IMPLICATIONS**

The matter of this report has no implications for the shire's 2018-19 *Annual Budget* as amended. Based on property valuations at the time of writing, the proposed general rates and minimum rates of Scenario 3 are expected to yield in 2019-20 total rates revenue of \$2,880,747 representing the total rates pool.

**STRATEGIC IMPLICATIONS**

Officers have had regard for the financial principles and strategies identified in Policy F.09 *Rating Strategy*.

**SUSTAINABILITY IMPLICATIONS**

The financial sustainability principles and strategies identified in the draft 2017-27 LTFP (presented elsewhere in this agenda) have been adhered to.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION - ITEM 9.2.5**

That Council endorses for 2019-20 *Annual Budget* preparation purposes the following proposed general rates and minimum payments to be applied from 1 July 2019 for the 2019-20 financial year:

Rate Classes	2019-20 Rate in \$	Min S's
GRV	13.1509	973
UV	0.7xxx	9xx

**Declare an Interest**

Cr O'Connell declared a financial interest in the following item and departed the Chambers, the time being 6.20pm.

**9.3 ACTING CHIEF EXECUTIVE OFFICER**

**9.3.1 Blackwood Basin Group Committee - Appointment of Representative**

<b>Location:</b>	<i>Boyup Brook</i>
<b>Applicant:</b>	<i>Blackwood Basin Group</i>
<b>File:</b>	<i>BBG</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil</i>
<b>Date:</b>	<i>06 July 2019</i>
<b>Author:</b>	<i>Maria Lane - Executive Assistant and Stephen Carstairs - Acting CEO</i>
<b>Authorizing Officer:</b>	<i>Stephen Carstairs - Acting CEO</i>
<b>Attachments:</b>	<i>Yes: Correspondence from the Blackwood Basin Group</i>

**SUMMARY**

This report is brought to Council to consider:

1. Appointing Cr Graham Aird to the Blackwood Basin Group Management Committee (the BBG Committee), should he so choose to nominate.
2. Appointing Councillor:
  - .....

to be Deputy to Cr Aird on the BBG Committee, should they so choose to nominate.

**BACKGROUND**

At its 16 November 2017 meeting Council resolved (Res 139/17) to appoint Cr Kaltenrieder to the BBG Committee, as follows:

**MOVED: Cr Rear**

**SECONDED: Cr Muncey**

**That the following Committee/Representatives be appointed:-**

- 11 That Cr Kaltenrieder be appointed as the Council Representative on the Blackwood Basin Group.

Subsequently Cr Kaltenrieder resigned from the BBG Committee, and now the Blackwood Basin Group (BBG) is inviting Council (refer communication attached) to " ... *nominate a representative for the middle catchment ...* " on the BBG Committee.

### **COMMENT**

The Blackwood Basin Group has a management committee consisting of representatives from local government, landcare groups, industry and government agencies across the 22,000 square-kilometre Blackwood Catchment. The BBG Committee meets every 2 months.

In accord with s.5.10.(1)(b) and (4) (refer *Statutory Obligations* section in this report), the administration is recommending that Cr Aird (the President) be appointed to the BBG Committee, should he so choose.

Further, in accord with s.5.11A(1) and (2), the administration is recommending that Council appoint a Deputy to Cr Aird on the BBG Committee.

### **CONSULTATION** - Nil

### **STATUTORY OBLIGATIONS**

Section 5.2 of the *Local Government Act 1995* (the Act), has application as follows:

#### ***5.2. Administration of local governments***

*The council of a local government is to ensure that there is an appropriate structure for administering the local government.*

Further, s.5.10.(1) and (4) of the Act have has application, as follows:

#### **5.10. Committee members, appointment of**

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

*\* Absolute majority required.*

- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

Finally, s.5.11A.(1) and (2) of the Act also have application, as follows:

**5.11A. Deputy committee members**

- (1) The local government may appoint\* a person to be a deputy of a member of a committee and may terminate such an appointment\* at any time.

*\* Absolute majority required.*

- (2) A person who is appointed as a deputy of a member of a committee is to be —
  - (a) if the member of the committee is a council member — a council member; or

**POLICY IMPLICATIONS** - NIL

**BUDGET/FINANCIAL IMPLICATIONS** - Nil

**STRATEGIC IMPLICATIONS** - NIL

**SUSTAINABILITY IMPLICATIONS** - NIL

**VOTING REQUIREMENTS**

Absolute majority

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

**MOVED: Cr Alexander**

**SECONDED: Cr Rear**

Council appointed:

1. Cr Graham Aird to the Blackwood Basin Group Management Committee, which he accepted.
2. Councillor Walker

to be Deputy to Cr Aird on the Blackwood Basin Group Committee, which he accepted.

**CARRIED BY ABSOLUTE MAJORITY 7/1**

**Res 163/19**

Cr O'Connell returned to the Chambers at 6.23pm.

**9.3.2 Policy Review - A.15 Hiring of Consulting Rooms For Visiting Professionals**

**Location:** *Shire of Boyup Brook*  
**Applicant:** *Not applicable*  
**File:** *Policy*  
**Disclosure of Interest:** *Nil*  
**Date:** *10 July 2019*

**Author:** *DR Andrew Luc - General Practitioner Boyup Brook Medical service and Stephen Carstairs - Acting CEO*

**Authorizing Officer:** *Stephen Carstairs – Acting CEO*

**Attachments:** *Yes: Revised Policy A.15 Boyup Brook Medical Service - Use of Consulting Rooms*

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**PURPOSE**

Council is requested to consider adopting revised facility hire policy A.15 *Boyup Brook Medical Service Room Hire* (Policy A.15), as attached.

**BACKGROUND**

At its 20 June 2019 Briefing of Council, and in the months leading up to this, Cr O'Connell put to the administration the question of their efficacy in administering Policy A.15, namely:

- Why haven't Medical Service facility (room) hire charges been set within the Shire's annual budget (and refer item 2 of the general conditions in Policy A.15)?
- Were hire charges being collected?
- Were the hirers providing evidence of public liability cover (and refer item 4 of the general conditions in Policy A.15)?

Given that it was recognised that inconsistencies might occur between Council Delegation 1014 *Disposition of property excluded from Local Government Act 1995 Section 3.58 - Boyup Brook Medical Centre Rooms* (and refer Delegation 1014 below) and Policy A.15, it was proposed that Policy A.15 be revised so as to align with the delegation.

**1000 ADMINISTRATION**

1014	Delegation Subject	Disposition of property excluded from Local Government Act 1995 Section 3.58
	Function to be performed:	

- Boyup Brook Medical Centre Rooms are for the purpose of Medical Practitioners servicing the community, with the Chief Executive Officer given the power to approve all Room allocations. When vacant, Rooms are to be offered for lease by advertisement at the current market rental value.

### **COMMENT**

As it turns out Policy A.15 does not align seamlessly with Delegation 1014 in that room hire in the policy is subject to the approval of the GP (refer Policy Implications section in this report), whereas in Delegation 1014 the Chief Executive Officer is '*... given the power to approve all Room allocations ...*'. So it's appropriate that Policy A.15 be reviewed (and refer proposed revised Policy A.14 attached).

Significant proposed changes to Policy A.15 occur in general condition 1 where it is changed to read as follows:

1. in accord with Council delegation 1014, room allocation is subject to the approval of the CEO

Further, and in keeping with the policy statement which reads as follows: '*The room has been provided for the purpose of encouraging the provision of health and medical services not currently available in the community ...*', it is proposed that general conditions 2 and 3 be removed from Policy A.15.

### **CONSULTATION**

Cr O'Connell

### **STATUTORY ENVIRONMENT**

Section 2.7.(2) of the *Local Government Act 1995* has relevance to this report as follows:

#### **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.

### **POLICY IMPLICATIONS**

Policy A.15 *Hiring of Consulting Rooms for Visiting Professional*, as follows:

POLICY NO.	A.15
POLICY SUBJECT	Hiring of Consulting Rooms for Visiting Professionals
ADOPTION DATE	16 November 2006
VARIATION DATE	21 December 2007

**Objective**

To provide guidelines for the use of the consulting room to be hired/used by visiting health professionals.

**Statement**

The room has been provided for the purpose of encouraging the provision of health and medical services not currently available within the community or are only available through the public health system.

Private practitioners have a limited number of facilities that can be used for consulting purposes. This room at the medical centre will provide them with an option of being able to hire a modern and pleasant environment for both practitioner and patient alike.

The general conditions of use are:-

1. room hire subject to the approval of the GP
2. hire fees set within the Shire's annual budget
3. fees may be reduced subject to Council approval
4. practitioners providing evidence of public liability insurance of not less than ten million dollars (\$10,000,000) for their activities prior to use of room .

Medical reception staff shall ensure that the use of the room is monitored via a register. Keys to the room shall not be given out by staff unless with prior arrangement. The room hire register shall detail each and every occasion that the key is obtained and returned.

has relevance to this report.

**FINANCIAL IMPLICATIONS**

Waiving of Medical Service room hire charges in 2019-20 are not forecast to have a material impact on the services substantial (\$875,212 in 2018-19) income.

**STRATEGIC IMPLICATIONS** - Nil

**ENVIRONMENTAL AND ECONOMIC IMPLICATIONS** - Nil

**VOTING REQUIREMENT**

Simple Majority required.

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

**MOVED:** Cr O'Connell

**SECONDED:** Cr Kaltenrieder

That Council resolves to adopt revised Policy A.15 *Boyup Brook Medical Service - Use of Consulting Rooms*, as attached.

**CARRIED 9/0**

**Res 164/19**

**9.3.5 Lot 4 Bridge Street – Land use application: ‘Shop’ - Beauty Salon**

<b>Location:</b>	<i>Lot 4 Bridge Street.</i>
<b>Applicant:</b>	<i>D &amp; M Inglis.</i>
<b>File:</b>	<i>A1330</i>
<b>Disclosure of Officer Interest:</b>	<i>None.</i>
<b>Date:</b>	<i>18 July 2019.</i>
<b>Author:</b>	<i>A. Nicoll, Town and Regional Planner.</i>
<b>Authorizing Officer:</b>	<i>Stephen Carstairs (Acting Chief Executive Officer).</i>
<b>Attachments:</b>	<i>Nil.</i>

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**SUMMARY**

The purpose of this report is to put before Council an application to use Lot 4 Bridge Street for the purpose of a Beauty Salon.

Location details





The subject property is zoned 'Commercial' in accordance with the Shire's *Local Planning Scheme No.2*. A beauty salon (shop) is permitted in the 'Commercial' zone subject to complying with standards for that zone.

In accordance with the Shire's scheme, a 'Shop' is required to provide 1 car parking space per 25m<sup>2</sup> of retail floor area. The proposed use is expected to comply with this car parking standard.

It is recommended that the Council approve the application to occupy a building at Lot 4 Bridge Street for the purpose of Beauty Salon ('Shop').

### **BACKGROUND**

The Shire received an application for a beauty salon, proposing to utilise an existing building at Lot 4 Bridge Street. The building was previously occupied by the 'Blackwood Basin Group', an organisation aimed at sustainably managing the Blackwood River.

### **COMMENT**

As per *Local Planning Scheme No.2*, Council's general objective is to provide for reasonable expansion of commercial uses within the Boyup Townsite.

The subject lot is located in a prime location adjacent to a main entry road to the Boyup Townsite.

There are three buildings developed at Lot 4 Bridge Street. There's a vacant cottage at the rear of the lot and an accounting service in the building located on the left hand side of the lot. The beauty salon is proposing to utilise an existing building located on the right hand side of the lot.

The beauty salon proposes to utilise one (1) employee. The accounting service (Hampton Partners) has 3 full-time and 4 part-time employees.

There is suitable access and capacity for the parking of seven (7) vehicles at the rear of the Lot 4 Bridge Street.

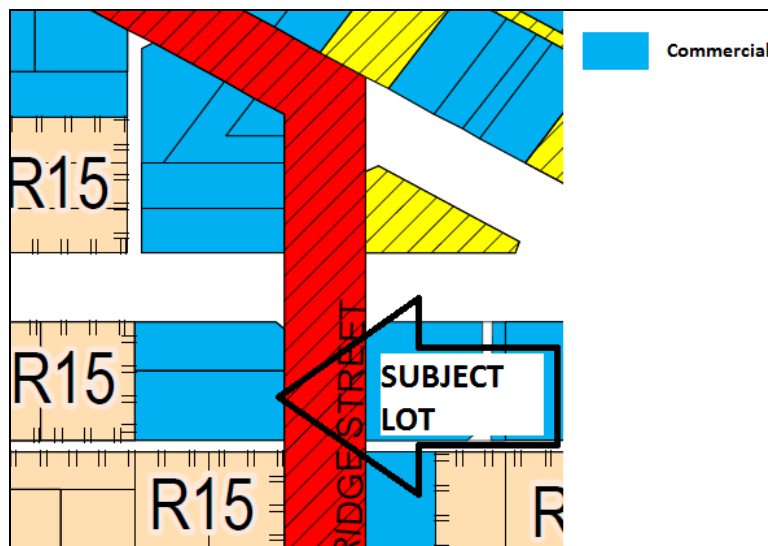
There is also capacity for customers to utilise car parking bays developed on Bridge Street.

In accordance with the Shire's scheme, the proposed beauty salon complies with car parking standards required for a 'Shop' (1 car park / 25m<sup>2</sup> building floor area) in a 'Commercial' zone.

It is recommended that Council agree to approve the beauty salon subject to a condition to ensure that a carparking area is made available for employee use.

### **STATUTORY OBLIGATIONS**

Lot 4 Bridge Street is zoned 'Commercial'.



The 'Commercial' zone is intended primarily to ensure that the Town Centre continues to function effectively as the location of the District's commercial and civic activity and that the uses approved therein will be compatible with the objectives and function of the Centre's activity, appearance and movement systems.

A beauty salon is defined as a 'Shop' in the Shire's *Local Planning Scheme No.2*. 'Shop' means - *premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser and beauty therapist) but does not include a showroom or fast food outlet.*

A 'Shop' is a permitted ('P') use in the 'Commercial' zone. Permitted subject to compliance with all requirements of this Scheme.

The existing and proposed land uses (beauty salon and accounting service), occupy approximately 250m<sup>2</sup> of building floor area. As per the scheme standard (1 car parking space per 25m<sup>2</sup> of retail floor area), 6 car parking bays should be provided to accommodate the uses.

#### **CONSULTATION**

N/A

#### **POLICY IMPLICATIONS**

There are no policy implications relating to this item.

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

There are no known budget implications relating to this application.

#### **VOTING REQUIREMENTS**

Simple majority

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

**MOVED: Cr Moir**

**SECONDED: Cr Alexander**

**That Council**

Grants development approval for Lot 4 Bridge Street, for the purpose of 'Shop' (Beauty Salon) subject to the following notice:

***Planning and Development Act 2005***

**Shire of Boyup Brook**

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

Location: Lot 4 Bridge Street

Description of proposed land use:

**'Shop' (Beauty Salon)**

The application for land use is approved subject to the following conditions:

Conditions:

1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Shire of Boyup Brook, all land use shall occur in accordance with the stamped, approved plans.
2. A vehicular parking area, as indicated on the approved plan, being made available for employees (X6).
3. All runoff from impervious surfaces being contained within the property and disposed of to the satisfaction of the Shire of Boyup Brook.

Date of determination: 18 July 2019

Note 1: No signs are to be erected on the lot without Council's approval or unless exempt in accordance with the Shire's Local Planning Scheme No.2 in accordance with the Shire of Boyup Brook's Sign Bylaws.

Note 2: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

Note 3: Where an approval has so lapsed, no development must be carried out without the

further approval of the local government having first been sought and obtained.

Note 4: 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 165/19**

**Proximity Interest**

Cr Alexander declared a proximity interest in item 9.3.6 and departed the Chambers the time being 6.32pm.

**MOVED: Cr Oversby**

**SECONDED: Cr O'Connell**

That Cr Kaltenrieder participate in the debate and the decision making.

**LOST 0/7**

**Res 166/19**

**Proximity Interest**

Cr Kaltenrieder declared a proximity interest in item 9.3.6 and departed the Chambers the time being 6.41pm.

<b>9.3.6 Resolution to ADOPT Amendment to Scheme – Lot 913 Fern Valley Road, Boyup Brook</b>
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<b><i>Location:</i></b>	<i>Lot 913 Fern Valley Road</i>
<b><i>Applicant:</i></b>	<i>McRobert Planning Pty Ltd</i>
<b><i>File:</i></b>	<i>Amendment 17</i>
<b><i>Disclosure of Officer Interest:</i></b>	<i>None</i>
<b><i>Date:</i></b>	<i>18 July 2019</i>
<b><i>Author:</i></b>	<i>A. Nicoll, Town &amp; Regional Planner</i>
<b><i>Authorizing Officer:</i></b>	<i>Stephen Carstairs (Acting Chief Executive Officer)</i>
<b><i>Attachments:</i></b>	<i>Scheme Amendment No.17 Document</i> <i>Schedule of Submissions</i> <i>Submissions</i>

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**SUMMARY**

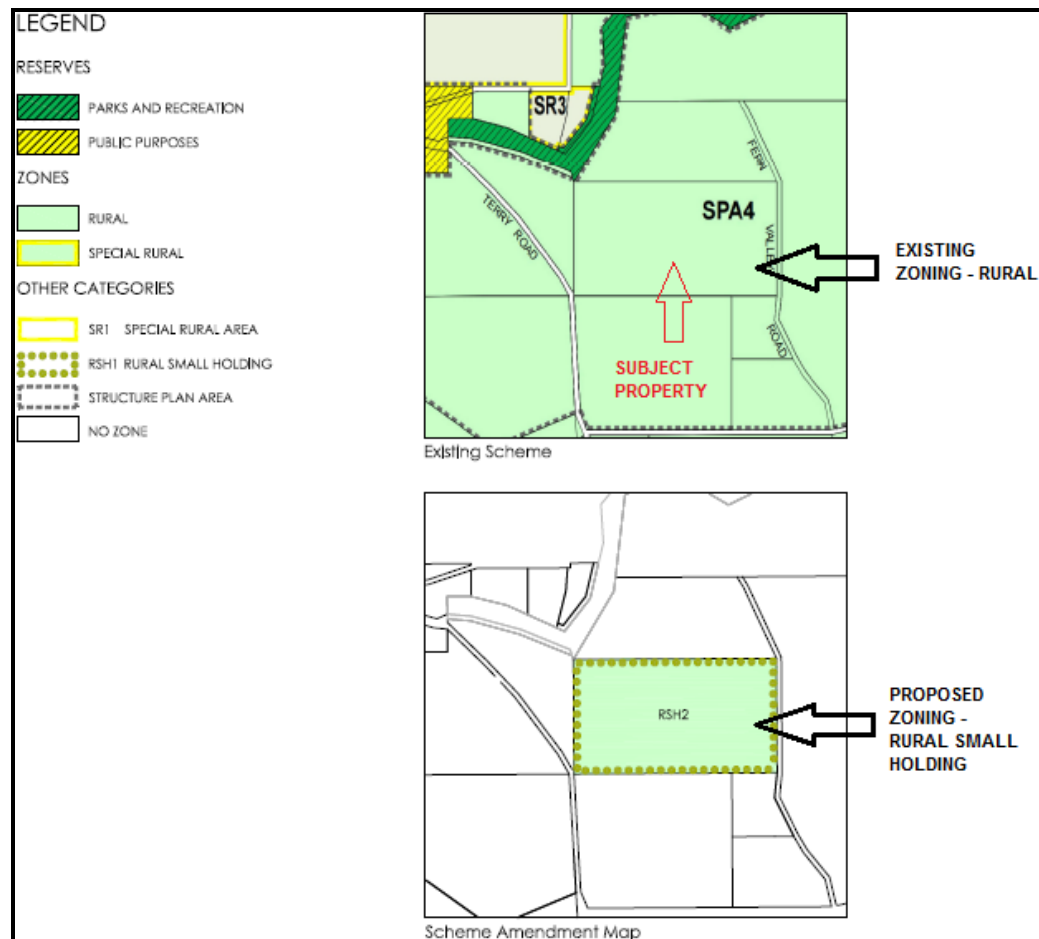
The purpose of this report is to put before Council the request to adopt the Amendment No.17, to the Shire of Boyup Brook *Local Planning Scheme 2*.

The amendment involves:

1. Rezoning Lot 913 Fern Valley Road, Boyup Brook from 'Rural' zone to 'Rural Small Holding' zone; and
2. Including appropriate special conditions relating to Lot 913 Fern Valley Road into the Shire's scheme at 'Schedule 12'.

The subject Lot 913 is 40.58ha in area and is located south east of the Boyup Brook town site.

The following figure illustrates the existing zoning (Rural) and the proposed zoning (Rural Small Holding).



Council discretion is required in accordance with regulations 35(1) and 35(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, which states:

*r.35 (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.*

*r.35 (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.*

The amendment is a 'Standard' scheme amendment and the following reasons apply:

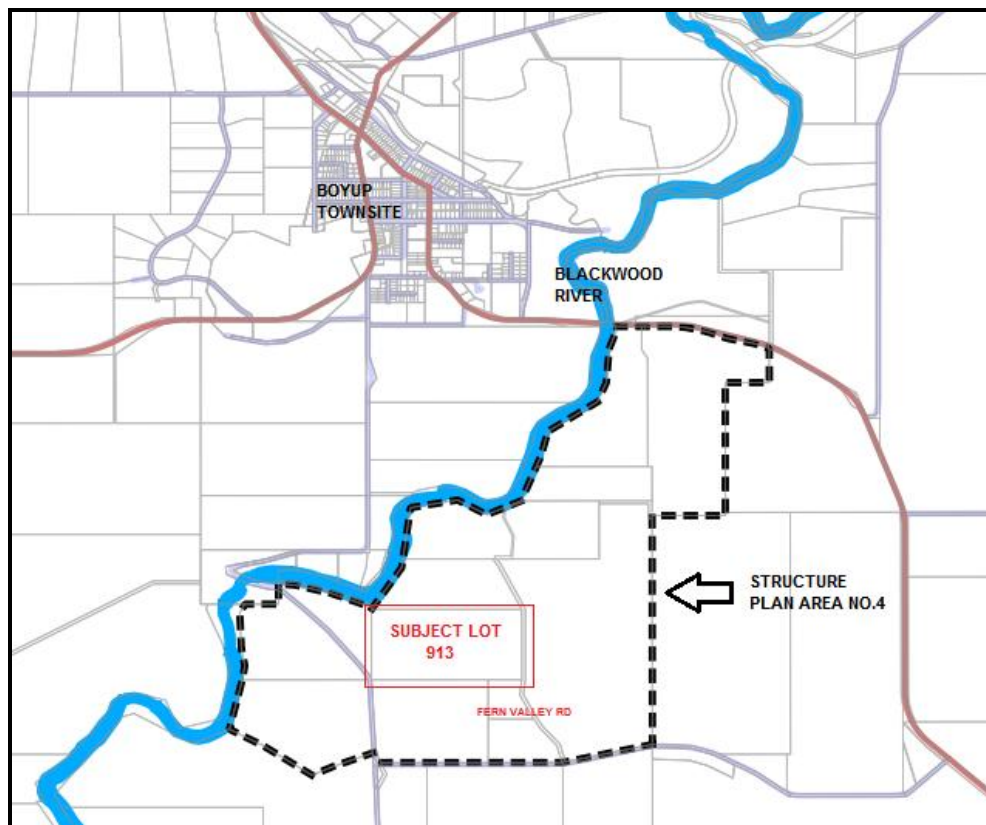
- (d) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;
- (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- (g) any other amendment that is not a complex or basic amendment.

It is recommended that the Council finally adopt the scheme amendment, subject to modifications, the result of government agency comments.

#### **BACKGROUND**

Lot 913 is currently zoned 'Rural' under the terms of the Shire of Boyup Brook *Local Planning Scheme No 2*.

An overall 'Structure Plan Area No.4' has been endorsed to guide land use, development and subdivision in the area defined by the dotted line in the following plan. The subject Lot 913 falls within the overall Structure Plan Area No.4.



Council resolved in March 2019 to advertise the proposal to amend the scheme zone pertaining to Lot 913 Fern Valley Road.

The proposal was referred to the Environmental Protection Authority, neighbouring landholders and government agencies and advertised in the local newspaper and Local Government website.

During the advertising process, the Shire received comment from the Department of Fire and Emergency Services, the Department of Health, the Department of Biodiversity, Conservation and Attractions, the Department of Water and Environmental Regulation and the Water Corporation.

#### **COMMENT**

The government agencies recommended modifications to subdivision and development conditions proposed by the scheme amendment, to ensure the following:

- Development is setback from the Blackwood River;
- Revegetation of the Blackwood River and creeks;
- Winter site soil evaluation to determine effluent capability;
- Compliance with the Government Sewerage Policy; and
- Suitable capacity of water is made available for drinking and firefighting purposes.



A schedule of submissions is attached to provide a summary of comments received.

It is recommended that the Council agree to adopt the following list of modifications, as recommended by government agencies:

1. Amend conditions (e) and (f) as follows:

~~*(e) The onsite disposal of effluent shall be approved by Council and the Health Department of WA. Effluent systems shall be designed and located to minimise nutrient export and or release into any waterway or groundwater.*~~

*(e) The onsite disposal of effluent shall be in accordance with the Government Sewerage Policy and approved by Council and the Health Department of WA. Effluent systems shall be designed and located to minimise nutrient export and or release into any waterway or groundwater.*

~~*(f) Prior to subdivision approval a geotechnical report to demonstrate that the areas where septic tank systems are proposed to be used are capable of disposing of effluent within each lot.*~~

*(f) Prior to subdivision approval a geotechnical report to demonstrate that the areas where wastewater disposal systems are proposed to be used are capable of disposing of effluent within each lot.*

2. Include the following requirement for a 50m development setback to the Blackwood River:

*g) Development shall be setback a minimum of 50m to the Blackwood River.*

3. Include the following requirement for a revegetation plan to be developed and implemented at the subdivision stage.

*h) Prior to subdivision approval, a revegetation plan, which utilises local native species, is to be developed and implemented for the Blackwood River and tributaries that are associated with the Lot 913.*

4. Include the following requirement to ensure winter site and soil testing.

*i) Prior to subdivision approval, a winter 'site-and-soil evaluation' is required to determine an appropriate treatment/onsite wastewater management system.*

5. Include the following requirement to deal with potable water and water for firefighting purposes.

*(j) No dwelling shall be considered fit for human habitation prior to having installed and operating a 120,000 litre rainwater tank, comprising of 92,000 litres for domestic supplies and 28,000 litres for firefighting and other uses.*

### **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:

- a) To support the amendment without modification; or
- b) To support the amendment with proposed modifications to address issues raised in the submissions; or
- c) Not to support the amendment.

After passing a resolution under regulation 50(3) the local government must provide the advertised amendment to the local planning scheme to the Commission together with the following:

- a) A schedule of submissions made on the amendment;
- b) The response of the local government in respect of the submissions;
- c) Particulars of each modification to the amendment proposed by the local government in response to the submissions;
- d) If any proposed modification to the amendment was advertised —
  - I. an explanation of the reasons for advertising the modification; and
  - II. particulars of how the modification was advertised; and
  - III. a schedule of submissions made on the proposed modifications; and
  - IV. the recommendation of the local government in accordance with regulation 51(7)(c) in respect of each submission;
- e) A copy of the resolution passed under regulation 50(3);
- f) If that resolution was a resolution under regulation 50(3)(c) — a summary of the reasons why the local government does not support the amendment;
- g) Details of any provision in the local planning scheme that varies or excludes a provision set out in Schedule 1;
- h) Details of any provision in the local planning scheme as it will be amended that supplements a provision set out in Schedule 2;
- i) Any relevant maps, plans, specifications and particulars required by the Commission.

Should the Council finally adopt the scheme amendment, the advertised amendment document, the submissions and schedule of responses to submissions and the Council resolution will be forwarded to the Commission with a request for endorsement.

### **POLICY IMPLICATIONS**

There are no policy implications relating to this item.

### **CONSULTATION**

The Scheme Amendment No 19 was advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The amendment was referred to government agencies and neighbouring properties, an advert was placed in the Manjimup Times and on the Shire's website.

At the close of the advertising period, six (6) submissions were received. Refer to submissions, the 'Discussion' section of this report and the schedule of submissions for further information on comments received and recommendations pertaining to comments.

### **BUDGET/FINANCIAL IMPLICATIONS**

N/A

### **VOTING REQUIREMENTS**

Simple majority

### **CONCLUSION**

The proposal is to amend the Shire of Boyup Brook *Local Planning Scheme 2* in order to enable the subdivision of Lot 913 Fern Valley Road to accommodate Rural Small Holding land uses.

The proposed amendment is in accordance with the Shire's *Local Planning Scheme No.2* and *Structure Plan Area No.4*, which identify the land as being appropriate for Rural Small Holding land uses.

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

**MOVED: Cr Moir**

**SECONDED: Cr Rear**

#### **That Council**

Resolves to finally support (with modifications) the amendment to the *Local Planning Scheme 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 17

**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. 17 to amend Shire of Boyup Brook Local Planning Scheme No. 2 by:**

1. Rezoning Lot 913 Fern Valley Road, Boyup Brook from 'Rural' zone to 'Rural Small Holding' zone.
2. Including at Schedule 12 of Shire of Boyup Brook Town Planning Scheme No.2, Rural Small Holdings the following:

Location of Zone	Permitted Uses and Conditions of Development
<p><b>'Rural Smallholdings Zone 2 (RSH2)</b></p> <p><b>Lot 913 Fern Valley Road,</b></p> <p><b>Boyup Brook</b></p>	<p>a) The objective of the RSH2 zone is to primarily provide for residential development in a rural setting and secondly for rural pursuits, home based business and minor tourist uses.</p> <p>b) A 'Detailed Structure Plan' is to be prepared and approved in accordance with Schedule 13 of the Scheme and the following requirements stemming from overall Structure Planning on area No.4:</p> <ol style="list-style-type: none"> <li>1. External road construction standards, upgrading and contribution requirements being determined;</li> <li>2. A Landscape Management Plan being developed to indicate protection and enhancement measures, 30m either side of creeks;</li> <li>3. A lot layout being designed considerate of a 4ha minimum lot size, a 100m effluent buffer to the Blackwood River, public access to the Blackwood River, landscape features and internal road connectivity;</li> <li>4. Building and effluent exclusions areas being identified on a plan</li> </ol>

	<p>considerate of Bushfire risk, minimum building floor heights above flood levels and environmental impediments;</p> <p>5. A Fire Management Plan being prepared;</p> <p>6. The setback of effluent disposal systems from the river; and</p> <p>7. Landscaping and stream protection.</p> <p>c) Subdivision and Development shall generally be in accordance with the endorsed (detailed) Structure Plan. The minimum lot sizes shall be 4ha. Superlot subdivision will be supported if future lot layout can be demonstrated.</p> <p>d) Water management and drainage designs should incorporate the principles of water sensitive urban design.</p> <p>e) The onsite disposal of effluent shall be approved by Council and the Health Department of WA. Effluent systems shall be designed and located to minimise nutrient export and or release into any waterway or groundwater.</p> <p>f) Prior to subdivision approval, a geotechnical report to demonstrate that the areas where septic tank systems are proposed to be used are capable of disposing of effluent within each lot.</p>
<p>2. Amending the scheme maps accordingly.</p> <p>3. Agree to make the following additional changes to the Schedule 12 of Shire of Boyup Brook Town Planning Scheme No.2, Rural Small Holdings. The changes are a result of comments received from government agencies.</p> <p>1. Amend conditions (e) and (f) as follows:</p> <p><del>(e) The onsite disposal of effluent shall be approved by Council and the</del></p>	

~~Health Department of WA. Effluent systems shall be designed and located to minimise nutrient export and or release into any waterway or groundwater.~~

(e) The onsite disposal of effluent shall be in accordance with the Government Sewerage Policy and approved by Council and the Health Department of WA. Effluent systems shall be designed and located to minimise nutrient export and or release into any waterway or groundwater.

~~(f) Prior to subdivision approval a geotechnical report to demonstrate that the areas where septic tank systems are proposed to be used are capable of disposing of effluent within each lot.~~

(f) Prior to subdivision approval a geotechnical report to demonstrate that the areas where wastewater disposal systems are proposed to be used are capable of disposing of effluent within each lot.

2. Include the following requirement for a 50m development setback to the Blackwood River:

g) Development shall be setback a minimum of 50m to the Blackwood River.

3. Include the following requirement for a revegetation plan to be developed and implemented at the subdivision stage.

h) Prior to subdivision approval, a revegetation plan, which utilises local native species, is to be developed and implemented for the Blackwood River and tributaries that are associated with the Lot 913.

4. Include the following requirement to ensure winter site and soil testing.

i) Prior to subdivision approval, a winter 'site-and-soil evaluation' is required to determine an appropriate treatment/onsite wastewater management system.

5. Include the following requirement to deal with potable water and water for firefighting purposes.

(j) No dwelling shall be considered fit for human habitation prior to having installed and operating a 120,000 litre rainwater tank, comprising of 92,000 litres for domestic supplies and 28,000 litres for firefighting and other uses.

**4. Forward the Amendment No.17 to the Commission for final determination.**

Note: The Amendment 17 is a standard amendment in accordance with part (d), (e), (f) and (g) of the standard amendment definition contained in Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015.

- (d) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;
- (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- (g) any other amendment that is not a complex or basic amendment.

Dated this 18 day of July 2019.

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Stephen Carstairs  
Acting Chief Executive Officer

**CARRIED 7/0**

**Res 167/19**

Cr Kaltenrieder and Cr Alexander returned to the Chambers at 6.47pm.

**Impartiality Interest**

Cr Rear declared an impartiality interest in the following item due to being a member of the Boyup Brook RSL Club.

**LAY ON THE TABLE**

To determine the relationship between the Boyup Brook RSL Club and the Boyup Brook Men's Association and be brought back to Council.

**9.3.7 Boyup Brook Men's Association (Inc) Draft Lease**

<b>Location:</b>	<i>Lot 336 (No.12) Jackson Street Boyup Brook</i>
<b>Applicant:</b>	<i>N/A</i>
<b>File:</b>	<i>BBMA</i>
<b>Disclosure of Officer Interest:</b>	
<b>Author:</b>	<i>Joanna Kaye (Research and Development Coordinator)</i>
<b>Authorizing Officer:</b>	<i>Stephen Carstairs (Acting Chief Executive Officer)</i>
<b>Attachments:</b>	<i>Mens Association (Inc)draft lease F.12 Guidelines for Community and Commercial Lease Negotiation Policy A.9 Use of Common Seal and the Signatories for Contract Execution Policy Policy excerpt attached</i>

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**SUMMARY**

The purpose of this report is for Council to endorse the lease document for the Boyup Brook Mens Association (Inc) (known as the Menshed) for the ongoing use of the portion of Lot 336 (No.12) Jackson Street, Boyup Brook.

**BACKGROUND**

Lease negotiations have been ongoing this year. The Community Group was required to formalise their constitution; and organise their public liability insurance.

The lease states:

***Background***

- A The Lessor is registered as the proprietor in fee simple of the Land,***
- B The Lessor has agreed to grant to the Lessee a lease of the Premises on the terms and condition contained within this Lease.***



The Council's solicitor has advised that this land is freehold land which means that the consent of the Minister for Lands approval to lease is not required.

### **COMMENT**

The *F.12 Guidelines for Community and Commercial Lease Negotiations Policy* outlines who is responsible for payment of charges.

Please refer to **attachment 9.3.7** for further information

In the case of the Mens Association Lease the Shire would pay for electricity and water. (This is a proposed deviation from Policy F.12).

An important inclusion in the Mens Association Lease is the information under 9.6 about Safety and testing obligations.

Draft lease excerpt:

#### **9.6 Safety and testing obligations**

- (1) The Lessee acknowledges and agrees that it is fully responsible at its cost for ensuring that the Premises and any fixtures or fittings are regularly tested, maintained and inspected to ensure that the Premises and such fixtures and fittings comply with all statutory requirements and are safe for use.
- (2) To comply with its obligation pursuant to clause 9.6(1) above, the Lessee acknowledges that it will be required to, amongst other things:
  - (a) comply with the requirements of the Occupational Safety and Health Act 1984, including without limitation the requirement for all portable plug-in electrical equipment and residual

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current devices to be safe and appropriately inspected, tested and maintained by a competent person. The Lessee must ensure that such inspection and testing occurs every six months from the Commencement Date;

- (b) comply with all relevant requirements of the Department of Fire & Emergency Services (DFES), including without limitation the requirement to ensure that all fire protection and firefighting equipment located, or installed at the Premises, is tested regularly for compliance with Australian Standards and DFES' requirements; and
- (c) ensure that the emergency/exit lighting systems in the Premises are adequately maintained in accordance with the requirements of the Building Code of Australia and Australian Standards.

The lease has been prepared by Council's solicitor and has been updated over recent months taking into account contemporary practices recommended by Council's solicitor.

**CONSULTATION**

Men's Association

McLeods Barristers and Solicitors

**STATUTORY OBLIGATIONS**

The lease document becomes a legal document and is entered into pursuant to the Land Administration Act 1997.

**POLICY IMPLICATIONS**

The lease negotiations have been conducted in accord with to the *F.12 Guidelines for Community and Commercial Lease Negotiations Policy*.

Policy A.9 *Use of Common Seal and the Signatories for Contract Execution* also has implications for this report.

**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**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
There are no known significant social issues any adverse impact on the UBAS would be detrimental to the whole community.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION - ITEM 9.3.7**

That Council endorse the lease document between the Shire of Boyup Brook and the Men's Association, as attached, confirming the following actions:

- Approval with any non-substantial changes incorporated in the lease document.
- In accord with Policy A.9 *Use of Common Seal and the Signatories for Contract Execution*, the lease document is to be signed and sealed in the presence of the Shire President and Chief Executive Officer.

**9.3.8 Appointment of Bush Fire Advisory Committee Members and Bush Fire Control Officers**

<b><i>Applicant:</i></b>	<i>N/A</i>
<b><i>File:</i></b>	<i>BFAC</i>
<b><i>Disclosure of Officer Interest:</i></b>	<i>Daly Winter</i>
<b><i>Date:</i></b>	<i>08 July 2019</i>
<b><i>Author:</i></b>	<i>Daly Winter – Community Emergency and Regulation Manager and Stephen Carstairs - Acting CEO</i>
<b><i>Authorizing Officer:</i></b>	<i>Stephen Carstairs – Acting CEO</i>
<b><i>Attachments:</i></b>	<i>No</i>

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**SUMMARY**

This report is for Council to review the nominations to positions on the Bush Fire Advisory Committee (BFAC), and to ratify the appointment:

- of officers to various of the Bush Fire Advisory Committee positions; and
- of Brigade delegates to the Bush fire Advisory Committee.

Further, this report is for Council to appoint Fire Control Officers for the 2019 - 2020 fire season.

**BACKGROUND**

At its November 2017 ordinary meeting Council resolved (Res 139/17) as follows:

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 16 NOVEMBER 2017

**COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 8.1**

**MOVED:** Cr Rear

**SECONDED:** Cr Muncey

**That the following Committee/Representatives be appointed:-**

#### **4. Bush Fire Advisory Committee-**

##### **Comment**

It is noted that the Bush Fires Act provides that the Local Government shall set a quorum and so it is recommended that this be 50% of the committee membership. The Act also does not appear to preclude the use of positions for appointment of committee membership (i.e. in the way the Local Government Act does) and the following recommendation is drafted accordingly.

##### **Officer Recommendation**

That Cr Aird be appointed as the Council Representative on the Bush Fire Advisory Committee.

That the Bush Fire Advisory Committee consist of:

- The Council representative
- Chief Bush Fire Control Officer
- Deputy Chief Bush Fire Control Officer
- Communications Officer
- Fire Weather Officer
- Deputy Fire Weather Officer
- Training Officer
- Two delegates from each Brigade

At its 28 May 2019 AGM the Bush Fire Advisory Committee determined as follows:

##### **2.1 ELECTION OF PRESIDING MEMBER**

The Committee called for nominations

**MOVED: David Inglis**

**SECONDED: Michael Giles**

**Cr Aird was declared elected Presiding Member.**

**CARRIED**

##### **2.2 ELECTION OF DEPUTY PRESIDING MEMBER**

The Committee calls for nominations

**MOVED: Michael Giles**

**SECONDED: David Inglis**

**Cr Walker was declared elected Deputy Presiding Member.**

**CARRIED**

### **3 ELECTION OF OFFICERS/MEMBERS**

**Chief Fire Control Officer**

**MOVED: David Inglis**

**SECONDED: Michael Giles**

**Tristan Mead was declared elected Chief Fire Control Officer.**

**CARRIED**

**1st Deputy Chief Fire Control Officer ( X-Ray 1)**

**MOVED: Tristan Mead**

**SECONDED: David Inglis**

**Ben Thompson was declared elected 1st Deputy Chief Fire Control.**

**CARRIED**

**2nd Deputy Chief Fire Control Officer ( X-Ray 2)**

**MOVED: David Inglis**

**SECONDED: Tristan Mead**

**Ron Bingham was declared elected 2nd Deputy Chief Fire Control Officer.**

**CARRIED**

**Communications Officer ( X-Ray 3)**

**MOVED: Tristan Mead**

**SECONDED: Ron Bingham**

**David Fortune was declared elected as Communications Officer.**

**CARRIED**

**Fire Weather Officer (X-Ray 4)**

**MOVED: Tristan Mead**

**SECONDED: David Inglis**

**Brad Fairbrass was declared elected as Fire Weather Officer.**

**Deputy Fire Weather Officer**

**MOVED: Tristan Mead**

**SECONDED: Ben Thompson**

**James Johnson was declared elected as Deputy Fire Weather Officer.**

**CARRIED**

**Training Officer**

**MOVED: Ron Bingham**

**SECONDED: Tristan Mead**

**Carly Muir was declared elected as Training Officer.**

**CARRIED**

**Two delegates from each Brigade**

**Darren Guazzelli and David Inglis** were declared elected as delegates from the Benjinup Brigade.

**Brooks Evans and Anthony Hallett** were declared elected as delegates from the Chowerup Brigade.

**Tristan Mead and James Johnson** were declared elected as delegates from the Dinninup Brigade.

**John Ritson and James Fortune** were declared elected as delegates from the East Boyup Brook Brigade.

**Michael Giles and Paul Goerling** were declared elected as delegates from the Gibbs Brigade.

**Brad Skraha and N Bagshaw** were declared elected as delegates from the Kenninup Brigade.

**Brad Fairbrass and H Bock** were declared elected as delegates from the Kulikup Brigade.

**Ben Creek and Chris Coole** were declared elected as delegates from the Mayanup Brigade.

**David Fortune and Laurie Shine** were declared elected as delegates from the McAlinden Brigade.

**Darren Chapman and Jamie Forbes** were declared elected as delegates from the Mickalarup/Dwalganup Brigade.

**Marcus Gifford and Rob Introvigne** were declared elected as delegates from the Nollajup Brigade.

**Charles Caldwell and Wayne Robertson** were declared elected as delegates from the Scotts Brook Brigade.

**David Turner and Ron Tuckett** were declared elected as delegates from the Tonebridge Brigade.



**Colin Connop** and **David Muir** were declared elected as delegates from the **Tweed Brigade**.

**Brian Cailles** and **Ross Parker** were declared elected as delegates from the **West Boyup Brigade**.

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**MOTION**

**MOVED: David Inglis**

**SECONDED: Tristan Mead**

**That the request from the Shire of West Arthur to appoint Kim Hales and David Mackie as dual fire control officers in the Shire of Boyup Brook is supported by the BFAC representatives present.**

**CARRIED**

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**BACKGROUND**

Pursuant to the following Acts and Regulations, a local government shall in writing appoint persons to exercise on behalf of the local government the powers conferred on a Chief Fire Control Officer / Deputy Chief Fire Control Officer/Fire Control Officer by the Act, Regulations and Local Law:

*Bush Fires Act 1954*

*Bush Fires Regulations 1954*

*Shire of Boyup Brook - Bush Fire Brigades Local Law*

**COMMENT**

Notwithstanding Council Res 139/17 which prescribes that the Bush Fire Advisory Committee will comprise as follows:

- The Council Representative
- Chief Bush Fire Control Officer
- Deputy Chief Bush Fire Control Officer (X-ray 1)
- Communications Officer
- Fire Weather Officer
- Deputy Fire Weather Officer
- Training Officer
- Two Delegates from each Brigade

This report recommends that in accord with the Bush Fire Advisory Committee minutes, Council designates the above positions to the committee and also designates:

- a second Council representative to deputise for the President, should he/she so nominate; and
- a second Deputy Chief Bush Fire Control Officer (X-ray 2).

Tristan Mead has been the Deputy Chief Bush Fire Control Officer for four years prior to his nomination as the Chief Bush Fire Control Officer for this coming fire season. During that period Tristan has acted in the CBFCO's role when the Chief has been unavailable. This has included being the Incident Controller for a number of local fires.

### **CONSULTATION**

Bush Fire Advisory Committee

### **STATUTORY OBLIGATIONS**

*Authorisation for Fire Control Officers is required under:*

*Bush Fires Act 1954*

#### **Bush Fire Advisory Committee - Extract from the Bush Fires Act 1954**

*"67. Advisory committees*

*(1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection."*

#### **Bush Fire Control Officer - Extracts taken from the Bush Fires Act 1954**

*"38. Local government may appoint bush fire control officer*

*(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.*

*(2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.*

*(4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —*

- (a) *carrying out normal brigade activities;*
- [(b), (c) deleted]*
- (d) *exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;*
- (e) *procuring the due observance by all persons of the provisions of Part III.*

*(5A) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.*

*40. Local governments may join in appointing and employing bush fire control officers*

- (1) Two or more local governments may by agreement join in appointing, employing and remunerating bush fire control officers for the purposes of this Act.*
- (2) Bush fire control officers so appointed may exercise their powers and authorities and shall perform their duties under this Act in each and every one of the districts of the local governments which have joined in appointing them.*

*[Section 40 amended: No. 14 of 1996 s. 4.]*

#### **Bush Fire Control Officer - Extract taken from the Bush Fires Regulations 1954**

*"15A. Bush fire control officer issuing permits to burn to comply with directions of local government*

*Where a local government issues directions to a bush fire control officer as to the manner in which or the conditions under which permits to burn shall be issued by that officer, he shall comply with those directions.*

*[Regulation 15A inserted: Gazette 21 Jan 1957 p. 88; amended: Gazette 22 Dec 1998 p. 6858.]*

**POLICY IMPLICATIONS** - Nil.

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

It is not expected that the 2019-20 Fire Control budget will be materially different from the 2018 - 2019 budget.

#### **STRATEGIC IMPLICATIONS**

Shire of Boyup Brook Strategic Community Plan states:

Outcome: Growing Our Community Together – A place that is safe and secure.

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
N/A
- **Economic**  
N/A
- **Social**  
Refer to the *Strategic Implications* section in this report.

**VOTING REQUIREMENTS**

Simple majority.

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.8**

**MOVED: Cr Rear**

**SECONDED: Cr Muncey**

That:

1. In accordance with determinations made by the Bush Fire Advisory Committee (refer minutes of the Committees 28 May 2019 AGM), Council ratifies the appointment of officers to Bush Fire Advisory Committee positions as follows:

Chief Fire Control Officer	Tristan Mead
1st Deputy Chief Fire Control Officer ( X-Ray 1)	Ben Thompson
2nd Deputy Chief Fire Control Officer ( X-Ray 2)	Ron Bingham
Communications Officer ( X-Ray 3)	David Fortune
Fire Weather Officer (X-Ray 4)	Brad Fairbrass
Deputy Fire Weather Officer	James Johnston
Training Officer	Carly Muir

such that the Chief Fire Control Officer, or a Deputy Chief Fire Control Officer, might exercise on behalf of Council responsibilities and powers conferred upon a Chief Fire Control Officer as prescribes by legislation as follows:

*Bush Fires Act 1954*

*Bush Fires Regulations 1954*

*Shire of Boyup Brook Bush Fires Brigade Local Law*

2. In addition to Cr Aird being appointed Council representative on the Bush Fire Advisory Committee, in accord with the Bush Fire Advisory minutes of their 28 May 2019 AGM, Council appoint Cr Walker to be a representative also, should he so nominate.

3. In accordance with determinations made by the Bush Fire Advisory Committee minutes of their 28 May 2019 AGM, Council ratifies the appointment of persons to be Bush Fire Advisory Committee delegates as follows:

Bush Fire Advisory Committee Delegates:

David Inglis and Darren Guazzelli	Benjinup BFB;
Brooks Evans and Anthony Hallett	Chowerup BFB;
Tristan Mead and James Johnstone	Dinninup BFB;
John Ritson and James Fortune	East Boyup Brook BFB;
Michael Giles and Paul Goerling	Gibbs BFB;
Brad Skraha and Nick Bagshaw	Kenninup BFB;
Brad Fairbrass and Hayden Bock	Kulikup BFB;
Ben Creek and Chris Coole	Mayanup BFB;
David Fortune and Laurie Shine	McAlinden BFB;
Darren Chapman and Richard A (Jamie) Forbes	Mickalarup/Dwalganup BFB;
Marcus Gifford and Rob Introvigne	Nollajup BFB;
Charles Caldwell and Wayne Robertson	Scotts Brook BFB;
David Turner and Ronald Tuckett	Tonebridge BFB;
Colin Connop and David Muir	Tweed BFB;
Brian Cailes and Ross Parker	West Boyup BFB.

4. For the 2019-20 fire season Council appoints persons to be Fire Control Officers in the Shire of Boyup Brook, as follows:

Fire Control Officers:

David Inglis and Darren Guazzelli	Benjinup BFB;
Brooks Evans and Anthony Hallett	Chowerup BFB;
Gyula Bogar	Boyup Brook (DFES) - Town;
Tristan Mead and Wayne Girando	Dinninup BFB;
John Ritson and James Johnstone	East Boyup Brook BFB;

Ron Bingham and Paul Goerling	Gibbs BFB;
Brad Skraha and Nick Bagshaw	Kenninup BFB;
Brad Fairbrass and Hayden Bock	Kulikup BFB;
Ben Creek and Chris Coole	Mayanup BFB;
David Fortune and Laurie Shine	McAlinden BFB;
Darren Chapman and Richard A (Jamie) Forbes	Mickalarup/Dwalganup BFB;
Marcus Gifford and Rob Introvigne	Nollajup BFB;
Charles Caldwell and Wayne Robertson	Scotts Brook BFB;
David Turner and Ronald Tuckett	Tonebridge BFB;
Colin Connop and David Muir	Tweed BFB;
Brian Cailes and Ross Parker	West Boyup BFB,

in accord with Brigade and Bush Fire Advisory minutes, or written communications available to the administration.

Dual Fire Control Officers - Shire of West Arthur

Kim Hales (McAlinden) and David Mackie (Dinninup and Gibbs Brigades).

such that they might exercise on behalf of Council responsibilities and powers conferred upon a Fire Control Officer as prescribes by legislation as follows:

*Bush Fires Act 1954*

*Bush Fires Regulations 1954*

*Shire of Boyup Brook Bush Fires Brigade Local Law*

5. Directs the Acting CEO to have a notice of appointment published in a local newspaper of the Chief Fire Control Officer, Deputy Chief Fire Control Officers, and Fire Control Officers for the Shire of Boyup Brook, and to issue each of these Officers with written confirmation of their appointment in writing.

**CARRIED 9/0**

**Res 168/19**

**9.3.9 Boyup Brook Early Learning Centre - Service Delivery Plan**

<b>Location:</b>	84 Abel Street Boyup Brook
<b>Applicant:</b>	N/A
<b>File:</b>	LS/62/011
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	15 July 2019
<b>Author:</b>	Jimina Shaw-Sloan - Director Early Learning Centre and Stephen Carstairs - A/CEO
<b>Authorizing Officer:</b>	Stephen Carstairs - Acting CEO
<b>Attachments:</b>	Yes. Early Learning Centre Service Delivery Plan - this is an internal document

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**SUMMARY**

The purpose of this report is to bring to Council for information and to be received, the Boyup Brook Early Learning Centre's Service Delivery Plan.

**BACKGROUND**

Prior to the shire operating the BBELC, it had been operated by at least two other entities over a number of years out of the shire property on Abel Street.

At its 16 November 2017 meeting Council resolved (Res 153/17) as follows:

**That Council**

1. agree to take on the Boyup Brook Early Learning Centre service.
2. allow the CEO up to twelve months in which to make it work more sustainably.
3. review the viability of the service after twelve months.

**CARRIED BY ABSOLUTE MAJORITY**

**Res 153/17**

The shire operated BBELC (open Tuesdays to Fridays) had its first intake of early learners in July 2018. Initially the centre was licenced to take up to 19 x 0 - 5 year old children a day, and in recent months the age range was increased to include 6 and 7 year olds. At the time of writing this report, the centre was averaging 9 - 10 children a day (i.e. about 50% occupancy).

The centre's 2018-19 adopted operating budget forecast a \$44,170 loss for the year, and the mid-year (February figures) budget review forecast a \$34,180 loss. Revenue in 2018-19 is tracking with that shown in the adopted budget, and the forecast savings are mostly from non-salaried operating expenses.

At Council's April 2019 Briefing, the centre's Director advised as follows:

### **12 month probationary Period - notification requirements for families**

Shire Council approved the operation of the Early Learning Centre for the duration of a 12 month probationary period. June 2019 will be the month that probationary period will end and I'm aware that council will need to make a decision if we continue to operate or not.

In conjunction with this decision, it will need to be brought to Council's attention that there is a legal obligation that if the Service is to close at the end of the probationary period:

Ceasing to operate an approved childcare service, requires, at least 42 days notification before the service ceases to operate.

Based on our current last day of operation being the 28<sup>th</sup> of June, families would need to be notified by the 17<sup>th</sup> of May (working on 42 days) or more preferable, the 10<sup>th</sup> of May (if utilizing business day).

At its 08 May 2019 special meeting Council considered the matter of continuing to provide early learning services to the community, and resolved (Res 99/19) as follows:

#### SPECIAL COUNCIL MEETING - 8 MAY 2019

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### **COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 6.1.1**

**MOVED: Cr Rear**

**SECONDED: Cr Oversby**

That Council resolves to:

1. Include in the draft 2019-20 annual budget, an annual (July 2019 to June 2020) budget for the Boyup Brook Early Learning Centre.
2. Direct the Acting CEO to bring a Boyup Brook Early Learning Centre *Service Plan* back to Council by its July 2019 ordinary meeting.

**CARRIED 6/0**

**Res 99/19**

Given there were time constraints in preparing this BBELC Service Delivery Plan report, its presentation to Council was deferred to this July 2019 meeting.

### **COMMENT**

Subject to the principle of *competitive neutrality*, a local government may run an Early Learning Centre (ELC). Essentially competitive neutrality means that government businesses should not enjoy a net competitive advantage simply as a result of their public sector ownership. Having said that, this should not be at the expense of social welfare and equity, economic and regional development considerations or the interests of consumers.

The strategic function of the ELC service involves supporting the next generation to develop, explore and learn through play, naturally. The service has a



commitment to provide high quality childcare, premised on research and evidence based practices from leading education and care philosophies.

Currently staffing levels at the service require 1.85 FTE's (full time equivalents), and before depreciation on assets (the facility and its furniture and equipment) the service ran at a \$9,405 loss. The loss over the next four years is forecast to decrease to \$2,439 in 2022-23 which is encouraging.

**CONSULTATION** - Nil

**STATUTORY OBLIGATIONS**

*Education and Care Services National Law Act 2010* and its associated regulations.

**POLICY IMPLICATIONS**

Policy F.10 Related Parties Disclosures should be read in conjunction with this report, notably:

2. Related Party Transactions

2.1 Ordinary Citizen Transaction

For the purpose of this Policy, an Ordinary Citizen Transaction is one that occurs between Council and KMP and/or related parties which satisfy the following criteria. The transaction would:

- occur during the normal course of Council delivering its public service goals;
- be under the same terms that would be available to a member of the community; and
- belong to a class of transaction that an ordinary member of the community would normally transact with Council.

This includes for example facility hire, and the payment of rates and dog registrations.

There is no obligation to disclose Ordinary Citizen Transactions.

Transactions between Council and Related Parties that would normally be considered Ordinary Citizen Transactions but where the terms and conditions differ from normal practice however, will be disclosed.

2.2 Non-ordinary Citizen Transactions

All related party transactions that do not satisfy the definition of an Ordinary Citizen Transaction (as per 2.1) will be disclosed in accordance with AASB 124.

**BUDGET/FINANCIAL IMPLICATIONS**

Notwithstanding that in 2018-19 the service will run at an (operating) loss of some \$9,405 before depreciation, the compelling business case for continuing to provide this service to the Shire is that it meets a necessary community need.

**STRATEGIC IMPLICATIONS**

Continuing to provide an education and care service in town might induce some people to settle in Boyup Brook.

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
The service is expected to run at a net cost to Council, but then it may enable parents to otherwise take up employment or an enterprise.
- **Social**  
It is to be expected that social and educational benefits accrue to those who attend the early learning centre.

**VOTING REQUIREMENTS**

Simple majority.

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.9**

**MOVED: Cr O'Connell**

**SECONDED: Cr Rear**

That Council resolves to receive for: information; strategic; and budgeting purposes, the Boyup Brook Early Learning Service Delivery Plan (an internal document only) as presented.

**CARRIED 9/0**

**Res 169/19**

**9.3.10 Holiday Housing on 1 Forrest Street Boyup Brook**

<b>Location:</b>	<i>Boyup Brook</i>
<b>Applicant:</b>	<i>N/A</i>
<b>File:</b>	<i>1 Forrest St</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>15 July 2019</i>
<b>Author:</b>	<i>Stephen Carstairs - Acting CEO</i>
<b>Authorizing Officer:</b>	<i>Stephen Carstairs - Acting CEO</i>
<b>Attachments:</b>	<i>Yes: 1. Site Plan 1 Forrest St 2. Draft Concept plan 3. OPUS' Aged Accommodation Feasibility Plan 4. Floor Plan 5. Structerre Geotechnical Investigation 6. Department of Health communication</i>

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**SUMMARY**

The purpose of this report is for Council to consider for 2019-20 budgetary purposes, costings involved in the development of Lot 1 Forrest St Boyup Brook for 'holiday homes'.

**BACKGROUND**

At its 08 May 2019 meeting Council resolved (Res 103/19) as follows:

*SPECIAL COUNCIL MEETING - 8 MAY 2019*

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**MOTION - ITEM 6.1.3**

- 1 (a) That two (2) park cabins (not self contained) will be installed at the Flax Mill Caravan Park.
- 1 (b) Direct the Acting CEO to bring a report back to Council's June 2019 ordinary meeting which separately costs (for budgetary purposes) each of the Short Stay Accommodation proposals identified in item 1 above.
- 2 (a) Lot 1 Forrest Street will be developed for Short Stay Accommodation commencing with the construction of 2 living units.
- 2 (b) Direct the Acting CEO to bring a report back to Council's June 2019 ordinary meeting which separately costs (for budgetary purposes) each of the Short Stay Accommodation proposals identified in item 1 above.

CARRIED 8/0

Res 103/19

Given there were time constraints in preparing this Lot 1 Forrest St report, its presentation to Council was deferred to this July 2019 meeting.

The shire's Town Planning scheme allows (exercising its discretionary powers, Council may allow) for development for holiday homes (i.e. short stay) within the townsite of Boyup Brook, as follows:

**TABLE 1**  
**Zoning Table**

<b><u>ZONES:</u></b>	1. Residential	6. Urban
	2. Commercial	7. Special Rural
	3. Light Industrial	8. Special Use
	4. General Industrial	9. Additional Use
	5. Rural	10. Rural Small Holdings

		ZONES									
	LAND USE	1	2	3	4	5	6	7	8	9	10
34	Fast Food Outlet	-	AA	AA	-	-	AA				-
35	Fuel Depot	-	-	AA	AA	-	-				SA
36	Funeral Parlour	-	AA	AA	-	-	AA				P
37	Grouped Dwelling	AA	AA	-	-	-	AA				AA
38	Guesthouse	SA	AA	-	-	AA	SA				P
39	Holiday Home	AA	-	-	-	AA	AA				P

## **PART 3 - ZONING TABLE & PLANNING CONSENT PROCEDURE**

### **3.1 ZONES**

3.1.1 The Scheme Area is classified and divided into 10 zones set out hereunder:

1. Residential
2. Commercial
3. Light Industrial
4. General Industrial
5. Rural
6. Urban
7. Special Rural
8. Additional Use
9. Special Use
10. Rural Small Holdings

3.3.3 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the various zones with such uses being determined by cross reference between the use classes on the left hand side of the table and the zones at the top of the table.

3.3.4 The symbols used in the Zoning Table have the following meanings:-

- 'P' A use that is permitted subject to compliance with all requirements of this Scheme.
- 'AA' A use which Council, in exercising the discretionary powers available to it, may approve under this Scheme.
- 'SA' A use that is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 3.5.
- 'IP' A use that is not permitted unless such use is shown to be incidental to the predominant use of the land as may be determined by Council.
- '-' A use that is not permitted under this Scheme.

While 1 Forrest St may be developed for holiday homes, the reserved land at the intersections of Jayes Rd & Knapp, back from Terry Rd and to the right might also be considered by Council for holiday homes (Adrian Nicoll, pers comms). A constraint with the Jayes Rd – Knapp reserve site is that the time it would take Council to obtain control of the land would be considerable.

The site plan for Lot 1 Forrest St (refer attachment) identifies the lot size to be 3785sqm, and it is zoned R15/30 meaning it could be subdivided into smaller lot sizes as follows:

**Table 1: General site requirements for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R30**

1 R-Code	2 Dwelling type	3 Minimum site area per dwelling (m <sup>2</sup> ) ♦	4 Minimum lot area/rear battleaxe (m <sup>2</sup> ) ▼	5 Minimum frontage (m) ▼	6 Open space		7 Minimum setbacks (m)		
					min total (% of site)	min outdoor living (m <sup>2</sup> )	primary street	secondary street •	other/rear
R2	Single house or grouped dwelling	Min 5000	-	50	80	-	20	10	10
R2.5	Single house or grouped dwelling	Min 4000	-	40	80	-	15	7.5	7.5
R5	Single house or grouped dwelling	Min 2000	-	30	70	-	12	6	*6
R10	Single house or grouped dwelling	Min 875 Av 1000	925	20	60	-	7.5	3	*6
	Multiple dwelling	1000	-	20	-	-	7.5	3	*6
R12.5	Single house or grouped dwelling	Min 700 Av 800	762.5	17	55	-	7.5	2	*6
	Multiple dwelling	800	-	20	-	-	7.5	2	*6
R15	Single house or grouped dwelling	Min 580 Av 666	655	12	50	-	6	1.5	*6
	Multiple dwelling	666	-	20	-	-	6	1.5	*
R17.5	Single house or grouped dwelling	Min 500 Av 571	587.5	12	50	36	6	1.5	*
	Multiple dwelling	571	-	20	-	-	6	1.5	*
R20	Single house or grouped dwelling	Min 350 Av 450	450	10	50	30	6	1.5	*
	Multiple dwelling	450	-	20	-	-	6	1.5	*
R25	Single house or grouped dwelling	Min 300 Av 350	425	8	50	30	6	1.5	*
	Multiple dwelling	350	-	20	-	-	6	1.5	*
R30	Single house or grouped dwelling	Min 260 Av 300	410	-	45	24	4	1.5	*

When it was proposed that Lot 1 Forrest could be developed for 'aged accommodation', one of the concepts was that the land would be developed for 8 x 300sqm lots with a communal leach drain area, and refer attached for a schematic of that concept.

Based on the 8 x 300 sqm Aged Accommodation concept for Lot 1 Forrest the administration a number of OPUS feasibility studies were conducted, and refer attached (Shire of Boyup Brook Aged Accommodation Feasibility Study) for the latest of those studies. Floor plans of houses were also drawn up, and refer example as per attachment.

Potentially a problem for the 8 x 300 sqm Aged accommodation concept was Strutterre's geotechnical report (refer attachment) which followed the above preliminary work. Lot 1 Forrest is not situated on a sandy coastal plain, so effluent disposal is the problem. Strutterre concluded as follows:

## **5. CONCLUSIONS**

A site investigation has been carried out at the site of the proposed residential development to assess the geotechnical conditions. Parameter and design recommendations are incorporated in the body of the report. The following conclusions have been drawn from the site investigation:

- The average subsurface soil profile encountered comprised topsoil to 0.5m, gravelly sand FILL to 0.4m, underlain by Sandy CLAY/CLAY to the investigated depth of 2.5m. Locally SAND was encountered in BH01 between 1.7 and 2.3m below ground level.
- Groundwater or perched water was not encountered across the site to the depth of 2.5m.
- It is considered that the site is not suitable for on-site drainage.
- The site can be classified as Class "S" in accordance with AS 2870-2011 due to presence of moderately reactive Sandy CLAY deposits within the building site, provided that the recommended earthworks are undertaken.
- On-site effluent disposal can be achieved with the satisfaction of the following recommendations:
  - Stripping of topsoil and vegetation
  - Fill placement within disposal area
- The full scope of the recommended earthworks is presented in Section 4.4, but generally comprises:
  - Stripping of topsoil and unsuitable materials
  - Proof compaction of the base
  - Placement of sand fill to required level
  - Compaction to final level

The Department of Health (DoH) too expressed concerns about the 8 x 300sqm planning proposal, and refer attached communication. As it turns out, under the current Government Sewerage Policy (GSP) no more than four (4) housing 'units' could be developed on Lot 1 Forrest, and this would require the shire to make a submission the DoH addressing a number of matters as follows:

- the development does not exceed the R12.5 residential equivalent
- the site allows for the effective on site disposal of effluent,
- demonstrate a community need for the accommodation in that location
- an approved waste water system is capable of complying with the requirements of their Appendix 2 of the GSP,
- the system is owned and operated (maintained) by a responsible person such as the Shire of body corporate, and
- the system includes the provisions to connect to sewer when available.

## **COMMENT**

For grant application purposes the administration prepared a budget for the proposed 8 x 300sqm Aged Accommodation concept as follows:

Feasibility Study	\$30,555
Town Planning Approvals	\$8,352
Building Approvals	\$17,101
Civil Works	\$291,714
Headworks	\$111,818

Construction	<u>\$1,379,988</u>
<b>Total</b>	<b>\$1,839,528</b>

A budget for a 4 x grouped holiday homes Shire of Boyup Brook owned and managed concept for Lot 1 Forrest therefore might look like:

Feasibility Study/Plan	\$7,500	
Town Planning Approval (up to)	\$8,352	
Building Approvals (up to)	\$17,101	
Civil Works	\$291,714	
Headworks	\$111,818	
Construction	<u>\$900,000</u>	for 4 x fully fitted holiday homes
<b>Total</b>	<b>\$1,336,485</b>	

### **CONSULTATION**

Adrian Nicoll – Planner, Angela Hales – Environmental Health and Julie Phelps – Department of Health

### **STATUTORY OBLIGATIONS** - Nil

### **POLICY IMPLICATIONS**

P.11 *Wood Encouragement Policy* should be read in conjunction with this report as follows:

#### **Statement**

It is Council policy that:

- the use of wood will be considered for all new Shire buildings as part of the normal process of planning, designing and construction.
  - the use of wood in all new buildings be encouraged
- 

### **BUDGET/FINANCIAL IMPLICATIONS**

This report has implications for the 2019-20 annual budget.

### **STRATEGIC IMPLICATIONS**

The shire's Community Strategic Plan 2017-2027 identifies developing the tourism industry as an objective of the shire's Economic Development, and identifies:

*"Collaborating with others on developing short stay accommodation initiative."*

as a priority.



**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
Refer to the Policy Implications section in this report.
- **Economic**  
This needs to be assessed.
- **Social**  
There are no known significant social issues.

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 9.3.10**

**MOVED: Cr Oversby**

**SECONDED: Cr Alexander**

That Council:

1. Receive preliminary costings for developing Lot 1 Forrest St Boyup Brook for 'holiday homes' as follows:

Feasibility Study/Plan	\$7,500	
Town Planning Approval (up to)	\$8,352	
Building Approvals (up to)	\$17,101	
Civil Works	\$291,714	
Headworks	\$111,818	
Construction	<u>\$900,000</u>	for 4 x fully fitted holiday homes
<b>Total</b>	<b>\$1,336,485</b>	

2. Allocate in the draft 2019-20 annual budget, \$32,955 to fund the Feasibility Study/Plan, and Town Planning and Building Approvals of this 'holiday homes' Tourism and Area Promotion project.

**CARRIED 5/4**

**Res 170/19**

**COUNCIL DECISION**

**MOVED: Cr Rear**

**SECONDED: Cr O'Connell**

**That the Council adopts enbloc 10.1.1, 10.1.2 and 10.1.3**

**CARRIED 9/0**

**Res 171/19**

**10 COMMITTEE MINUTES**

**10.1.1 Minutes of the Biosecurity Committee**

<i>Location:</i>	<i>N/A</i>
<i>Applicant:</i>	<i>N/A</i>
<i>File:</i>	<i>n/a</i>
<i>Disclosure of Officer Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>6 May 2019</i>
<i>Author:</i>	<i>Stephen Carstairs-Acting CEO</i>
<i>Attachments:</i>	<i>Yes – Minutes</i>

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**BACKGROUND**

The Minutes of the Biosecurity Committee was held on 21 June 2019.  
Minutes of the meeting are attached.

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 10.1.1**

**MOVED: Cr Rear**

**SECONDED: Cr O'Connell**

**That the minutes of the Biosecurity Committee meeting held 21 June 2019 be received.**

**AMENDMENT**

**MOVED: Cr Aird**

**SECONDED: Cr Rear**

**That Council direct the A/CEO to forward the endorsed Minutes of the 21 June 2019 Biosecurity Committee meeting to the DPIRD Minister.**

**CARRIED 9/0**

**Res 172/19**

**MOTION**

1. That the minutes of the Biosecurity Committee meeting held 21 June 2019 be received.
2. That Council direct the A/CEO to forward the endorsed Minutes of the 21 June 2019 Biosecurity Committee meeting to the DPIRD Minister.

**CARRIED 9/0**

**Res 173/19**

**10.1.2 Minutes of the South West Zone meeting**

<i>Location:</i>	<i>N/A</i>
<i>Applicant:</i>	<i>N/A</i>
<i>File:</i>	<i>n/a</i>
<i>Disclosure of Officer Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>8 July 2019</i>
<i>Author:</i>	<i>Stephen Carstairs-Acting CEO</i>
<i>Attachments:</i>	<i>Yes – Minutes</i>

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**BACKGROUND**

The Minutes of the South West Zone meeting was held on 28 June 2019.  
Minutes of the meeting are attached.

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 10.1.2**

That the minutes of the Community Grants Committee meeting held 28 June 2019 be received.

**CARRIED BY ENBLOC 9/0**

**Res 174/19**

**10.1.3 Minutes of the South West Emergency Management Alliance**

<i>Location:</i>	<i>N/A</i>
<i>Applicant:</i>	<i>N/A</i>
<i>File:</i>	<i>n/a</i>
<i>Disclosure of Officer Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>8 July 2019</i>
<i>Author:</i>	<i>Stephen Carstairs-Acting CEO</i>
<i>Attachments:</i>	<i>Yes – Minutes</i>

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**BACKGROUND**

The Minutes of the South West Emergency Management Alliance meeting was held on 21 J May 2019.

Minutes of the meeting are attached.

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 10.1.3**

**That the minutes of the South West Emergency Management Alliance meeting held 21 May 2019 be received.**

**CARRIED BY ENBLOC 9/0**

**Res 175/19**

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

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

**Impartiality Interest**

Cr Rear declared an impartiality interest in item 12.1.1 due to being a volunteer and Committee Member of the St John Ambulance.

**12.1.1 Local Government Mid-Band to WAERN Concept - Stakeholder Engagement**

***Location:*** *Shire of Boyup Brook*

***Applicant:*** *Not applicable*

***File:*** *DFES*

***Disclosure of Interest:*** *Nil*

***Date:*** *16 July 2019*

***Author:*** *Daly Winter – Community Emergency & Regulatory Services Manager*

***Authorizing Officer:*** *Stephen Carstairs – Acting CEO*

***Attachments:*** *Yes*

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**PURPOSE**

To provide the Council with Background information which has lead the DFES LSW to commence this community engagement process.

## **BACKGROUND**

The Lower South West Regional Operations Advisory Committee (LSW ROAC) initiated a request to link Local Government West Australian Emergency Radio Network (WAERN) repeaters in several Local Government areas. This followed a Department of Fire and Emergency Services (DFES) Lower South West internal concept paper produced following the Esperance Fires Coronial Inquest. DFES' concept paper submission presented opportunities to link repeaters and provide overall improvements in capacity across the regional WAERN network to support improving bushfire incident communications.

One proposed solution in some locations, would be to utilise the space taken currently by the Mid-Band radio network on towers. In this option it would mean that the Mid-Band network would no longer be available.

Given that this proposal may impact bushfire operations within a number of south western local governments, DFES issued a survey (refer attached) to attendees at a recent LSW ROAC meeting requesting some feedback from those representatives present. DFES wish to determine the extent of the current use of these Mid-Band channels, and this may require a radio audit of soughts with the support of the local governments.

This feed back was requested to be provided to DFES by 1st of August 2019.

## **COMMENT**

Indications are from DFES is that in time the use of these Mid-Band channels will be switch off as the technology and equipment currently being used to maintain these communications reaches the end of its useful life.

Dropping these Mid-Band channels would/could allow a channel swap to a WAERN channel without major equipment and infrastructure upgrades or costs. In some instances there could be substantial cost savings in purchasing, say, a half dozen WAERN radio's for a shire instead of a major equipment/infrastructure upgrade or the installation of a new repeater tower.

DFES indicated in a personal communication with the author of this report, that formal advice may subsequently be issued to Local Governments regarding this matter.

## **CONSULTATION**

T Mead - Chief Bush Fire Control Officer, -R Bingham - Deputy CBFCO, and Phil Brandrette Superintendent - LSW DFES.

## **STATUTORY ENVIRONMENT** - Nil

## **POLICY IMPLICATIONS** - Nil

## **FINANCIAL IMPLICATIONS** - Nil

**STRATEGIC IMPLICATIONS**

The shire's 2017-27 Community Strategic Plan comments on a "Sustainable community":

Ensure a safe, secure community with access to services and facilities as needed.

**ENVIRONMENTAL AND ECONOMIC IMPLICATIONS** -Nil

**VOTING REQUIREMENT**

Simple Majority required.

**OFFICER RECOMMENDATION - ITEM 12.1.1**

**MOVED:** Cr Kaltenrieder

**SECONDED:** Cr O'Connell

That Council:

1. Directs the Acting Chief Executive Officer to engage with Bushfire Brigades in the Shire of Boyup Brook, detailing the proposed draft responses to DFES' Mid-Band to WAERN Concept survey, as prepared by Tristan Mead (Chief Fire Control Officer) and Ron Bingham (Deputy Chief Fire Control Officer), as follows:

1. In what capacity do you currently use the mid band VHF bushfire radio network within your Local Government?

Proposed draft response: *The majority of our brigade radios are mid-band VHF.*

2. What is your current gap between WAERN radio allocation and mid-band VHF radio allocation?

Proposed draft response: *Estimate our total network of radios approximately 150 radio's. Approximately 65% Mid-Band, 35% WAERN.*

3. How many WAERN radios would be required to cover this gap, should mid band radio infrastructure be removed from service?

Proposed draft response: *90 to 100 approximately.*

4. Would you be supportive of removal of the mid-band radio infrastructure in your Local Government, if DFES provided replacement WAERN radios to cover the gap?

Proposed draft response: *Yes - If WAERN radios provided to cover the gap.*

5. Are there any radio communication issues that the DFES lower south west region office would not be aware of, in the context of WAERN/Bushfire radio/mid- band radio network?

Proposed draft response: *None, it seems to operate fine at present.*

2. Directs the Acting CEO to forward the local governments Mid-Band to WAERN Concept survey responses to DFES.

#### **AMENDMENT**

**MOVED: Cr Kaltenrieder**

**SECONDED: Cr Oversby**

The A/CEO correspond with St John Ambulance about the MID-Band to WAERN Concept that DFES are proposing.

#### **Adjournment**

That the meeting be adjourned for an afternoon tea break, the time being 7.41pm.

#### **Resumption**

That the meeting resume, the time being 8.02pm.

The meeting resumed with the following persons in 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 T Oversby

Cr H O'Connell

Cr E Rear

Mr Stephen Carstairs (Acting/CEO)

Mrs Maria Lane (Executive Assistant)

#### **MOTION**

That Council:

1. Directs the Acting Chief Executive Officer to engage with Bushfire Brigades in the Shire of Boyup Brook, detailing the proposed draft responses to DFES' Mid-Band to WAERN Concept survey, as prepared by Tristan Mead (Chief Fire Control Officer) and Ron Bingham (Deputy Chief Fire Control Officer), as follows:

1. In what capacity do you currently use the mid band VHF bushfire radio network within your Local Government?

Proposed draft response: *The majority of our brigade radios are mid-band VHF.*

2. What is your current gap between WAERN radio allocation and mid-band VHF radio allocation?

Proposed draft response: *Estimate our total network of radios approximately 150 radio's. Approximately 65% Mid-Band, 35% WAERN.*

3. How many WAERN radios would be required to cover this gap, should mid band radio infrastructure be removed from service?

Proposed draft response: *90 to 100 approximately.*

4. Would you be supportive of removal of the mid-band radio infrastructure in your Local Government, if DFES provided replacement WAERN radios to cover the gap?

Proposed draft response: *Yes - If WAERN radios provided to cover the gap.*

5. Are there any radio communication issues that the DFES lower south west region office would not be aware of, in the context of WAERN/Bushfire radio/mid- band radio network?

Proposed draft response: *None, it seems to operate fine at present.*

2. Directs the Acting CEO to forward the local governments Mid-Band to WAERN Concept survey responses to DFES.
3. The A/CEO correspond with St John Ambulance about the MID-Band to WAERN Concept that DFES are proposing.

**CARRIED 9/0**

**Res 176/19**



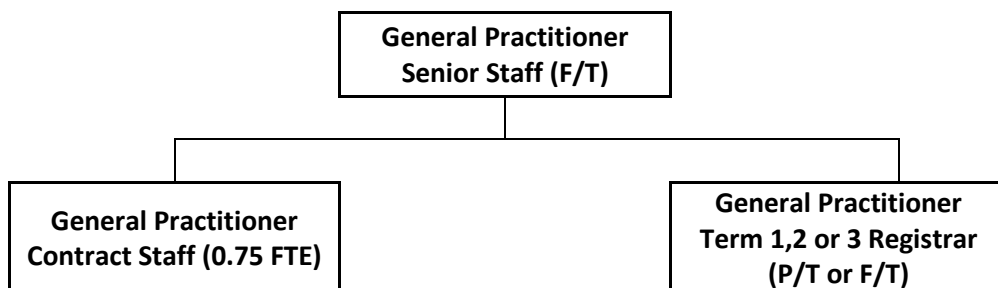
**12.1.2 Medical Service Recruitment and (Draft) 2019-20 Operating Budget**

<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>18 July 2019</i>
<b>Author:</b>	<i>Dinh Hai Yen Pham - Medical Service Manager and Stephen Carstairs – Acting CEO</i>
<b>Authorizing Officer:</b>	<i>Stephen Carstairs – Acting CEO</i>
<b>Attachments:</b>	<i>Yes: 1. Medical Service Business Case - Recruitment 2. Draft 2019-20 Medical Service Operating Budget</i>

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**SUMMARY**

During 2018-19, as in earlier financial years, the Boyup Brook Medical Service (the Service) operated with professional staff as follows:



With Dr Mel's contract with the shire concluding early in December 2018, the Service has been operating without a Registrar. Compounding this shortage of professional staff at the Service, on Tuesday 16 July 2019 the shire's part time General Practitioner (GP) Contract Staff member tendered her resignation, effective 20 January 2020.

This report is for Council to consider:

- directing the Acting CEO to commence recruitment of a part or full time GP, and a full or part time GP Registrar; and
- endorsing for inclusion in the 2019-20 (Draft) Annual Budget, a draft 2019-20 Operating Budget for the Medical Service.

### **BACKGROUND**

During 2017-18, and from 01 June 2018 to December 2018, the Service professional staff included a GP Term 3 (GPT3) Registrar practicing four (4) x 10 hr days a week, while being available for hospital call outs. Term 3 means the Registrar is approaching their final stages of becoming a GP.

GPT1 and GPT2 Registrars are at earlier stages to becoming GP's, and refer attached Business Case which presents both the Practice Support Payments and the In-practice education payments the Service would receive if it was to engage a full or part time Term 1 or 2 Registrar.

A term for a registrar is typically 6 months i.e. a GPT1 registrar would commence their employ in either January or July, and at the end of the 6 month term would graduate to the next 'Term' i.e. be a GPT2.

### **COMMENT**

There is considerable urgency about commencing the process of engaging a Registrar at the Service as follows:

- July is the window for engaging a prospective Registrar who will become a GPT1 or GPT2 in January 2020, at which time they might commence working at the Service; and
- 20 January is the termination date of the shire's 0.75 FTE Contract GP.

Further, there is considerable urgency about commencing the process of engaging a replacement for the shire's outgoing part time GP, as:

- this market place is always highly competitive; and
- it is anticipated that it will take some months to find the right motivational fit to replace the shire's outgoing part time GP.

Finally, a proposed 2019-20 Operating Budget for the Service is presented for Council's consideration (refer attached). Notably the proposed deficit in 2019-20 (\$249,890 including Depreciation) is forecast to be less than that in 2018-19 (\$317,299), as:

- Surgery Turnover (revenue) is forecast to increase by 3.0% in keeping with the uplift in the shire's (proposed) 2019-20 Fees and Charges; and
- there are a number of operating expenses e.g. notably: GP's vehicle; FBT; and Loss on Sale of asset, that do not feature in 2019-20's budget.

### **CONSULTATION**

Dr Luc - General Practitioner Boyup Brook Medical Service and Kay Raisin - Acting Finance & HR Manager

### **STATUTORY OBLIGATIONS** - Nil

### **POLICY IMPLICATIONS**

Policy A.20 *Staff Establishment Levels* has relevance to this report, as follows:

<b>POLICY NO.</b>	A.20
<b>POLICY SUBJECT</b>	<b>Staff Establishment Levels</b>
<b>ADOPTION DATE</b>	18 April 2019
<b>VARIATION DATE</b>	

#### **Preamble**

Section 5.2 of the Local Government Act 1995, puts the onus on Council to ensure there is an appropriate structure in place for administering the local government, as follows:

##### **5.2. Administration of local governments**

The council of a local government is to ensure that there is an appropriate structure for administering the local government.

#### **Rationale**

To ensure that adequate resources are available to undertake the day-to-day tasks of the Shire in an efficient manner.

The proposed staff establishment policy aims to fulfil a number of functions as follows:

1. It will ensure a transparent approach to:
  - (a) structuring the organisation into a hierarchy appropriate for the day-to-day management of the business of the shire; and
  - (b) ancillary staff recruitment.
2. It will ensure that staffing levels are adequately funded through the budgetary process.

#### **Policy**

Responsibility of the Council

To ensure that adequate resources are available for the shire to undertake its day-to-day tasks.

#### Responsibility of the CEO

To ensure that the day-to-day tasks of the shire are undertaken in an efficient manner.

To report staff establishment levels to Council annually as part of the budgetary process.

To ensure proposed ancillary staff recruitments are reported to Council prior to the staff being engaged.

### **BUDGET/ FINANCIAL IMPLICATIONS**

Refer to content on the 2019-20 (Draft) Annual Budget which appears in the *Comments* section in this report.

### **STRATEGIC IMPLICATIONS**

The shire's 2017-27 *Community Strategic Plan* has relevance for this report, and refer dot point 3 in the excerpt from the Plan, as follows:

**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></ul>

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 12.1.2**

**MOVED: Cr Walker**

**SECONDED: Cr Oversby**

That Council:

1. Receives the Boyup Brook Medical Services Recruitment Business Case, as presented.
2. Endorse for inclusion in the Draft 2019-20 Annual Budget, the Medical Service Draft 2019-20 Operating Budget, as presented.
3. So as to fill the vacant Registrar's position at the Boyup Brook Medical Service, directs the Acting CEO to commence the process of engaging in January 2020 at the Service, in order of preference:
  - a full time General Practitioner Term 1 (GPT1) or full time GPT2 Registrar; or
  - a part time GPT1 or part time GPT 2 Registrar; or
  - a full or part time GPT3 Registrar.
4. So as to fill a pending (effective 20 January 2020) 0.75 FTE GP vacancy at the Boyup Brook Medical Service, directs the Acting CEO to commence the process of engaging as soon as practicable at the Service, in order of preference:
  - a full time GP; or
  - a part time GP.

5. Directs the Acting CEO to bring to Council's September 2019 ordinary meeting a report on the administration's progress in recruiting both a GP Registrar and GP.

**CARRIED 9/0**

**Res 177/19**

### **13 CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS**

#### **13.1.1 Confidential – 2018-19 (Bush Fire) Mitigation Activity Funding (MAF) Works**

##### **MOVE INTO COMMITTEE**

**MOVED: Aird**

**Lapsed for want of a seconder.**

##### **COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 13.1.1**

**MOVED: Cr Walker**

**SECONDED: Cr Rear**

That Council receive this report with accompanying (attached) table, which gives a detailed account of the shire's 2018-19 Mitigation Activity Funding program.

**CARRIED 7/2**

**Res 178/19**

### **14 CLOSURE OF MEETING**

There being no further business the Shire President, Cr Aird thanked all for attending and declared the meeting closed at 8.52pm.